CONGRESSIONAL RECORD:

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CONTAINING

THE PROCEEDINGS AND DEBATES

OF THE

FIFTY-FOURTH CONGRESS, SECOND SESSION.

VOLUME XXIX.

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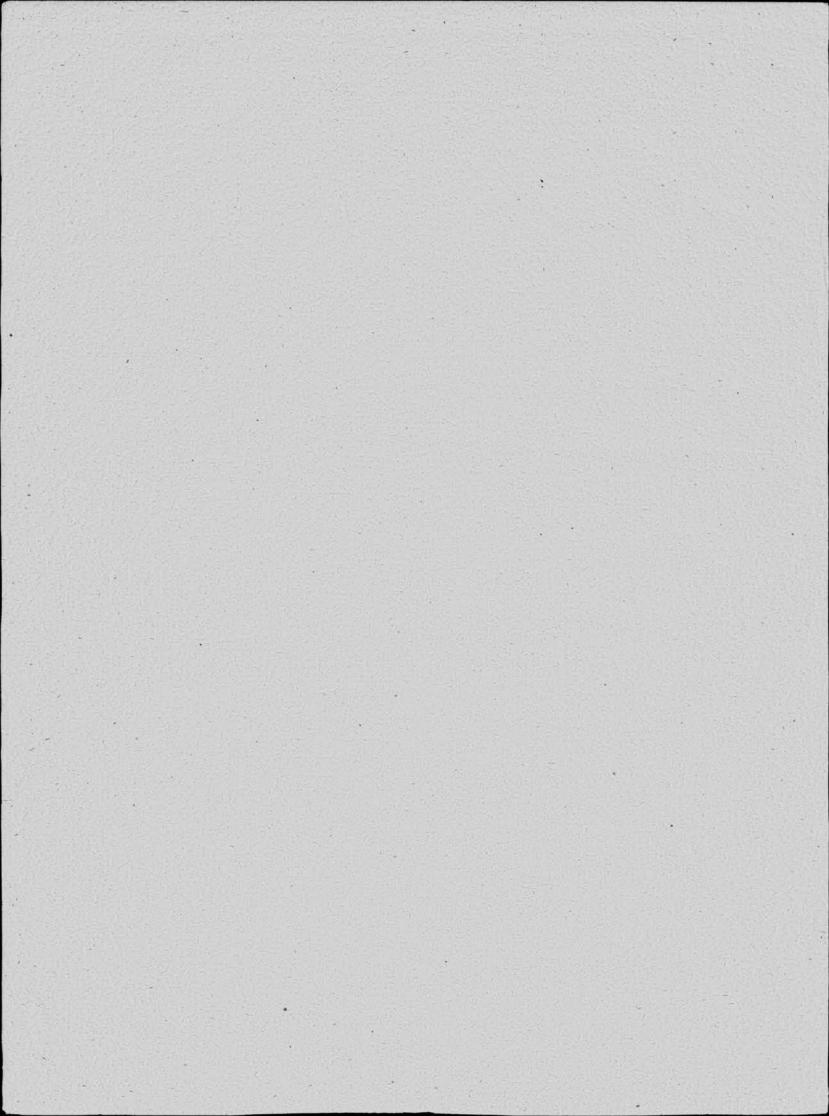


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VOLUME XXIX, PART I.

CONGRESSIONAL RECORD,

FIFTY-FOURTH CONGRESS, SECOND SESSION.



CONGRESSIONAL RECORD.

PROCEEDINGS AND DEBATES OF THE FIFTY-FOURTH CONGRESS.

SECOND SESSION.

SENATE.

MONDAY, December 7, 1896.

The first Monday of December being the day prescribed by the Constitution of the United States for the annual meeting of Congress, the second session of the Fifty-fourth Congress commenced this day.

The Senate assembled in its Chamber at the Capitol.
The VICE-PRESIDENT of the United States (Hon. Adlai E. Stevenson, of the State of Illinois) called the Senate to order at

12 o'clock meridian.

Rev. W. H. MILBURN, D. D., Chaplain to the Senate, offered the

following prayer:

O Thou whose eyes are upon Thy people and whose ears are open unto their prayer, most heartily we thank Thee that since last we met in this place the angel of death has touched no man whose seat is upon the floor. We bless Thee that so many of the members of the Senate are here again, in health and strength, ready for their responsible and arduous labors. Guard them during the session, and their households, from harm and evil of every kind. Guide them in their counsels, and bring them to the best and harniest result.

happiest result.

Most humbly and earnestly we pray that Thy blessing may rest upon Thine honored servant, our beloved friend, the senior Senator from Iowa. Restore him to perfect health and soundness, and bring him speedily to his seat upon this floor in his accustomed

power.

We offer to Thee our hearty thanksgivings, O God, the Ruler of the world and the affairs of men, that after an energetic and exciting canvass, free from much of the personal rancor, vituperation, and scandal mongering of earlier years, the land is quiet and at rest, accepting the ballot of the nation and returning into ways of orderly living.

We pray, O Lord, that Thy blessing may rest upon all our people. Keep us in peace with all nations. Prosper us in our industries, and grant that all sorts and conditions of men, our rulers and their constituents, the farmers and merchants, the owners of mills and mines, the captains of industry, the workmen, the conductors and the writers for the press, the teachers and the students in our institutions, the white and the black, the native born and the adopted, may be knitted more and more closely together in the grand brotherhood of American citizenship.

May the flame of patriotism burn more brightly and gloriously in the breast of the nation, and may we rise by Thy guidance and support to higher levels of civilization, and own ourselves the subjects of Him, the first begotten from the dead, the Prince of the kings of the earth, in whose hallowed name we humbly pray.

kings of the earth, in whose hallowed name we humbly pray.

SENATORS PRESENT.

The VICE-PRESIDENT. The roll of Senators will be called

by the Secretary.

The Secretary (Mr. WILLIAM R. Cox) called the roll, and the following Senators answered to their names: From the State of—

From the State of—
Alabama—John T. Morgan and James L. Pugh.
Arkansas—James H. Berry and James K. Jones.
California—George C. Perkins.
Colorado—Edward O. Wolcott.
Connecticut—Joseph R. Hawley and Orville H. Platt.
Delaware—George Gray.
Florida—Wilkinson Call and Samuel Pasco.
Georgia—Augustus O. Bacon and John B. Gordon,
Idaho—Fred T. Dubois and George L. Shoup.
Illinois—Shelby M. Cullom and John M. Palmer.
Indiana—David Turpie and Daniel W. Voorhees.
Iowa—John H. Gear.

Iowa-John H. Gear.

Kansas-Lucien Baker and William A. Peffer.

Kansas—Lucien Baker and William R. Feller.

Kentucky—Joseph C. S. Blackburn.

Maine—William P. Frye and Eugene Hale.

Maryland—Charles H. Gibson and Arthur P. Gorman.

Massachusetts—George F. Hoar and Henry Cabot Lodge.

Michigan—Julius C. Burrows and James McMillan.

Missacky—Cuchman K. Davis and Knute Nelson.

Michigan—Julius C. Burrows and James McMillan.
Minnesota—Cushman K. Davis and Knute Nelson.
Mississippi—Edward C. Walthall.
Missouri—Francis M. Cockrell and George G. Vest.
Montana—Thomas H. Carter and Lee Mantle.
Nebraska—William V. Allen and John M. Thurston.
New Hampshire—William E. Chandler and Jacob H. Gallinger.
New Jersey—William J. Sewell and James Smith, jr.
New York—David B. Hill and Edward Murphy, jr.
North Carolina—Jeter C. Pritchard.
North Dakota—Henry C. Hansbrough and William N. Roach.
Ohio—Calvin S. Brice and John Sherman.
Oregon—John H. Mitchell.

Oregon-John H. Mitchell.

Pennsylvania—James Donald Cameron and Matthew S. Quay. Rhode Island—Nelson W. Aldrich and George P. Wetmore. South Carolina—Benjamin R. Tillman. South Dakota—James H. Kyle and R. F. Pettigrew. Tennessee—William B. Bate and Isham G. Harris.

Texas—Horace Chilton and Roger Q. Mills. Utah—Frank J. Cannon.

Utah—Frank J. Cannon.

Vermont—Justin S. Morrill and Redfield Proctor.

Virginia—John W. Daniel and Thomas S. Martin.

Washington—Watson C. Squire and John L. Wilson.

West Virginia—Stephen B. Elkins and Charles J. Faulkner.

Wisconsin—John L. Mitchell and William F. Vilas.

Wyoming—Clarence D. Clark.

The VICE-PRESIDENT. Seventy-five Senators have answered

to their names. A quorum is present.

Mr. WALTHALL. I desire to state that my colleague [Mr. George] is absent on account of sickness. I ask that he be granted an indefinite leave of absence.

The VICE-PRESIDENT. Is there objection? The Chair hears none, and an indefinite leave of absence is granted to the senior Senator from Mississippi.

NOTIFICATION TO THE HOUSE.

Mr. CULLOM submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Secretary inform the House of Representatives that a quorum of the Senate is assembled, and that the Senate is ready to proceed to business.

HOUR OF MEETING.

On motion of Mr. HALE, it was

Ordered. That the hour of the daily meeting of the Senate be 12 o'clock m. until otherwise ordered.

NOTIFICATION TO THE PRESIDENT.

Mr. SHERMAN submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That a committee consisting of two Senators be appointed, to join such committee as may be appointed by the House of Representatives, to wait upon the President of the United States and inform him that a quorum of each House is assembled, and that Congress is ready to receive any communication he may be pleased to make.

By unanimous consent, the Vice-President was authorized to appoint the committee on the part of the Senate; and Mr. SHERMAN and Mr. SMITH were appointed.

RECESS.

Mr. HOAR (at 12 o'clock and 16 minutes p. m.). I move that the Senate take a recess until 1 o'clock.

The motion was agreed to; and at the expiration of the recess (at 1 o'clock p. m.), the Senate reassembled.

MESSAGE FROM THE HOUSE.

At 1 o'clock and 1 minute p. m. Mr. WILLIAM J. Browning, the Chief Clerk of the House of Representatives, appeared below the bar of the Senate and delivered the following message:

Mr. President, I am directed by the House of Representatives to inform the Senate that a quorum of the House of Representatives has appeared, and that the House is ready to proceed to business.

I am further directed to inform the Senate that the House has passed the following resolution:

passed the following resolution:

Resolved. That a committee of three members be appointed on the part of the House, to join such committee as may be appointed by the Senate, to wait upon the President of the United States and inform him that a quorum of the two Houses has assembled, and that Congress is ready to receive any communication he may have to make.

I am also directed to inform the Senate that the Speaker has appointed Mr. Cannon, Mr. Payne, and Mr. Turner of Georgia as the committee on the part of the House.

RECESS.

Mr. MORRILL (at 1 o'clock and 2 minutes p.m.). I move that

the Senate take a further recess of thirty minutes.

The motion was agreed to; and at the expiration of the recess (at 1 o'clock and 32 minutes p. m.) the Senate reassembled, when, on motion of Mr. Aldrich, a further recess was taken until 1 o'clock and 45 minutes p. m.

NOTIFICATION TO THE PRESIDENT.

Mr. Sherman and Mr. Smith, the committee appointed in conjunction with a similar committee of the House of Representatives to wait upon the President of the United States, appeared below the bar, and

Mr. SHERMAN said: Mr. President, the committee appointed to wait upon the President of the United States and inform him that a quorum of each House has assembled and that Congress is ready to receive any communication he may be pleased to make, have performed that duty, and the President replied that he would immediately communicate to each House a message in writing.

PRESIDENT'S ANNUAL MESSAGE.

At 1 o'clock and 47 minutes p. m. Mr. O. L. PRUDEN, one of the secretaries of the President of the United States, appeared below

the bar, and said:

Mr. President, I am directed by the President of the United States to deliver to the Senate a message in writing.

The message was received from the secretary and handed to the

Vice-President The VICE-PRESIDENT. The Chair lays before the Senate the message of the President of the United States, which the Secretary

will read. The Secretary read the message, as follows:

To the Congress of the United States:

As representatives of the people in the legislative branch of their Government, you have assembled at a time when the strength and excellence of our free institutions and the fitness of our citizens to

enjoy popular rule have been again made manifest. A political contest involving momentous consequences, fraught with feverish apprehension, and creating aggressiveness so intense as to approach bitterness and passion, has been waged throughout our land, and determined by the decree of free and independent suffrage, with-out disturbance of our tranquillity or the least sign of weakness in our national structure.

When we consider these incidents and contemplate the peaceful obedience and manly submission which have succeeded a heated clash of political opinions, we discover abundant evidence of a determination on the part of our countrymen to abide by every verdict of the popular will, and to be controlled at all times by an abiding faith in the agencies established for the direction of the affairs of their Government.

Thus our people exhibit a patriotic disposition which entitles them to demand of those who undertake to make and execute their laws such faithful and unselfish service in their behalf as can only be prompted by a serious appreciation of the trust and

confidence which the acceptance of public duty invites.

In obedience to a constitutional requirement, I herein submit to the Congress certain information concerning national affairs, with the suggestion of such legislation as in my judgment is necessary and expedient. To secure brevity and avoid tiresome narration, I shall omit many details concerning matters within federal control, which, though by no means unimportant, are more profitably discussed in departmental reports. I shall also further curtail this communication by omitting a minute recital of many minor incidents connected with our foreign relations which have heretofore found a place in Executive messages, but are now contained in a report of the Secretary of State, which is hopewith submitted. herewith submitted.

At the outset of a reference to the more important matters affecting our relations with foreign powers, it would afford me satisfaction if I could assure the Congress that the disturbed condition in Asiatic Turkey had during the past year assumed a less hideous and bloody aspect, and that either as a consequence of the awakening of the Turkish Government to the demands of humane civilization, or as the result of decisive action on the part of the great nations having the right by treaty to interfere for the protection of those exposed to the rage of mad bigotry and cruel fanaticism, the shocking features of the situation had been mitigated. Instead, however, of welcoming a softened disposition or protective intervention, we have been afflicted by continued and not unfrequent reports of the wanton destruction of homes and the bloody butchery of men, women, and children, made martyrs to their profession of Christian faith.

While none of our citizens in Turkey have thus far been killed or wounded, though often in the midst of dreadful scenes of danger, their safety in the future is by no means assured. ernment at home and our minister at Constantinople have left nothing undone to protect our missionaries in Ottoman territory, who constitute nearly all the individuals residing there who have a right to claim our protection on the score of American citizen-ship. Our efforts in this direction will not be relaxed; but the deep feeling and sympathy that have been aroused among our people ought not to so far blind their reason and judgment as to lead them to demand impossible things. The outbreaks of blind fury which lead to murder and pillage in Turkey occur suddenly and without notice, and an attempt on our part to force such a hostile presence there as might be effective for prevention or protection would not only be resisted by the Ottoman Government, but would be regarded as an interruption of their plans by the great nations who assert their exclusive right to intervene in their own time and method for the security of life and property in Turkey.

Several naval vessels are stationed in the Mediterranean as a measure of caution and to furnish all possible relief and refuge in ase of emergency

we have made claims against the Turkish Government for the pillage and destruction of missionary property at Harpoot and Marash during uprisings at those places. Thus far the validity of these demands has not been admitted, though our minister, prior to such outrages and in anticipation of danger, demanded protecto such outrages and in anticipation of danger, demanded proce-tion for the persons and property of our missionary citizens in the localities mentioned, and notwithstanding that strong evidence exists of actual complicity of Turkish soldiers in the work of destruction and robbery.

The facts as they now appear do not permit us to doubt the jus-tice of these claims, and nothing will be omitted to bring about

their prompt settlement. A number of Armenian refugees having arrived at our ports, an order has lately been obtained from the Turkish Government permitting the wives and children of such refugees to join them here. It is hoped that hereafter no obstacle will be interposed to prevent the escape of all those who seek to avoid the perils which threaten them in Turkish dominOur recently appointed consul to Erzerum is at his post and discharging the duties of his office, though for some unaccountable reason his formal exequatur from the Sultan has not been issued.

I do not believe that the present somber prospect in Turkey will be long permitted to offend the sight of Christendom. It so mars

be long permitted to offend the sight of Christendom. It so mars the humane and enlightened civilization that belongs to the close of the nineteenth century that it seems hardly possible that the earnest demand of good people throughout the Christian world for its corrective treatment will remain unanswered.

The insurrection in Cuba still continues with all its perplexities. It is difficult to perceive that any progress has thus far been made toward the pacification of the island or that the situation of affairs as depicted in my last annual message has in the least improved. If Spain still holds Habana and the seaports and all the considerable towns, the insurgents still roam at will over at least two-thirds of the inland country. If the determination of Spain to put down the insurrection seems but to strengthen with the lapse of time, and is evinced by her unhesitating devotion of largely increased military and naval forces to the task, there is much reason to believe that the insurgents have gained in point of numbers, and character, and resources, and are none the less inflexible in their resolve not to succumb, without practically securing the great objects for which they took up arms. If Spain has not yet reestablished her authority, neither have the insurgents yet made good their title to be regarded as an independent state. Indeed, as the contest has gone on, the pretense that civil government exists on the island, except so far as Spain is able to maintain it, has been practically abandoned. Spain does keep on foot such a government, more or less imperfectly, in the large towns and their immediate suburbs. But, that exception being made, the entire country is either given over to anarchy or is subject to the military occupation of one or the other party. It is reported, indeed, on reliable authority that, at the demand of the commander in chief of the insurgent army, the putative Cuban government has now given up all attempt to exercise its functions, leaving that government confessedly (what there is the best reason for supposing it always to have been in fact) a government merely

on paper.

Were the Spanish armies able to meet their antagonists in the open, or in pitched battle, prompt and decisive results might be looked for, and the immense superiority of the Spanish forces in numbers, discipline, and equipment could hardly fail to tell' greatly to their advantage. But they are called upon to face a foe that shuns general engagements, that can choose and does choose its own ground, that from the nature of the country is visible or invisible at pleasure, and that fights only from ambuscade and when all the advantages of position and numbers are on its side. In a country where all that is indispensable to life in the way of food, clothing, and shelter is so easily obtainable, especially by those born and bred on the soil, it is obvious that there is hardly a limit to the time during which hostilities of this sort may be prolonged.

Meanwhile, as in all cases of protracted civil strife, the passions of the combatants grow more and more inflamed and excesses on both sides become more frequent and more deplorable. also participated in by bands of marauders, who, now in the name of one party and now in the name of the other, as may best suit the occasion, harry the country at will and plunder its wretched the occasion, harry the country at will and plunder its wretched inhabitants for their own advantage. Such a condition of things would inevitably entail immense destruction of property even if it were the policy of both parties to prevent it as far as practicable. But while such seemed to be the original policy of the Spanish Government, it has now apparently abandoned it and is acting upon the same theory as the insurgents, namely, that the exigencies of the contest require the wholesale annihilation of property, that it may not prove of use and advantage to the great. that it may not prove of use and advantage to the enemy

It is to the same end that in pursuance of general Spanish garrisons are now being withdrawn from plantations and the rural population required to concentrate itself in the towns. The sure result would seem to be that the industrial value of the island is fast diminishing, and that unless there is a speedy and radical change in existing conditions it will soon disappear altogether. That value consists very largely, of course, in its capacity to produce sugar—a capacity already much reduced by the interruptions to tillage which have taken place during the It is reliably asserted that should these interruptions continue during the current year and practically extend, as is now threatened, to the entire sugar-producing territory of the island, so much time and so much money will be required to restore the land to its normal productiveness that it is extremely

doubtful if capital can be induced to even make the attempt.

The spectacle of the utter ruin of an adjoining country, by nature one of the most fertile and charming on the globe, would engage the serious attention of the Government and people of the United States in any circumstances. In point of fact, they have a concern with it which is by no means of a wholly sentimental or philanthropic character. It lies so near to us as to be hardly separated from our territory. Our actual pecuniary interest in it is second only to that of the people and Government of Spain. It is reasonably estimated that at least from \$30,000,000 to \$50,000,000 of American capital are invested in plantations and in railroad, mining, and other business enterprises on the island. The vol-ume of trade between the United States and Cuba, which in 1889 amounted to about \$64,000,000, rose in 1893 to about \$103,000,000, and in 1894, the year before the present insurrection broke out, amounted to nearly \$96,000,000. Besides this large pecuniary stake in the fortunes of Cuba, the United States finds itself inextricably involved in the present contest in other ways both vex-

atious and costly.

Many Cubans reside in this country and indirectly promote the insurrection through the press, by public meetings, by the purchase and shipment of arms, by the raising of funds, and by other means, which the spirit of our institutions and the tenor of our laws do not permit to be made the subject of criminal prosecutions. Some of them, though Cubans at heart and in all their feelings and interests, have taken out papers as naturalized citizens of the United States, a proceeding resorted to with a view to possible protection by this Government, and not unnaturally regarded with much indignation by the country of their origin. The insurgents are undoubtedly encouraged and supported by the widespread sympathy the people of this country always and instinctively feel for every struggle for better and freer government, and which, in the case of the more adventurous and restless elements of our population, leads in only too many instances to active and personal par-ticipation in the contest. The result is that this Government is constantly called upon to protect American citizens, to claim damages for injuries to persons and property, now estimated at many millions of dollars, and to ask explanations and apologies for the acts of Spanish officials, whose zeal for the repression of rebellion sometimes blinds them to the immunities belonging to the unof-fending citizens of a friendly power. It follows from the same causes that the United States is compelled to actively police a long line of seacoast against unlawful expeditions, the escape of which

the utmost vigilance will not always suffice to prevent.

These inevitable entanglements of the United States with the rebellion in Cuba, the large American property interests affected, and considerations of philanthropy and humanity in general, have led to a vehement demand in various quarters for some sort of positive intervention on the part of the United States. It was at first proposed that belligerent rights should be accorded to the insurgents—a proposition no longer urged because untimely and in practical operation clearly perilous and injurious to our own interests. It has since been and is now sometimes contended that the independence of the insurgents should be recognized. the independence of the insurgents should be recognized. But imperfect and restricted as the Spanish government of the island may be, no other exists there—unless the will of the military officer in temporary command of a particular district can be dignified as a species of government. It is now also suggested that the United States should buy the island—a suggestion possibly worthy of consideration if there were any evidence of a desire or willingness on the part of Spain to entertain such a proposal. is urged, finally, that, all other methods failing, the existing internecine strife in Cuba should be terminated by our intervention, even at the cost of a war between the United States and Spain—a war which its advocates confidently prophesy could be neither large in its proportions nor doubtful in its issue.

The correctness of this forecast need be neither affirmed nor denied. The United States has nevertheless a character to maintain as a nation, which plainly dictates that right and not might should be the rule of its conduct. Further, though the United States is not a nation to which peace is a necessity, it is in truth the most pacific of powers, and desires nothing so much as to live in amity with all the world. Its own ample and diversified domains satisfy all possible longings for territory, preclude all dreams of conquest, and prevent any casting of covetous eyes upon neighboring regions, however attractive. That our conduct neighboring regions, however attractive. That our conduct toward Spain and her dominions has constituted no exception to this national disposition is made manifest by the course of our Government, not only thus far during the present insurrection, but during the ten years that followed the rising at Yara in 1868. No other great power, it may safely be said, under circumstances of similar perplexity, would have manifested the same restraint and the same patient endurance. It may also be said that this persistent attitude of the United States toward Spain in connection with Cuba unquestionably evinces no slight respect and regard for Spain on the part of the American people. They in truth do not forget her connection with the discovery of the Western Hemisphere, nor do they underestimate the great qualities of the Spanish people, nor fail to fully recognize their splendid patriotism and their chivalrous devotion to the national honor.

They view with wonder and admiration the cheerful resolution with which vast bodies of men are sent across thousands of miles of ocean, and an enormous debt accumulated, that the costly possession of the Gem of the Antilles may still hold its place in the Spanish Crown. And yet neither the Government nor the people

of the United States have shut their eyes to the course of events in Cuba, nor have failed to realize the existence of conceded grievances, which have led to the present revolt from the authority of Spain—grievances recognized by the Queen Regent and by the Cortes, voiced by the most patriotic and enlightened of Spanish statesmen, without regard to party, and demonstrated by reforms proposed by the executive and approved by the legislative branch of the Spanish Government. It is in the assumed temper and discretized the Spanish Government to remode the proposed by the executive and approved by the legislative branch of the Spanish Government. position of the Spanish Government to remedy these grievances, fortified by indications of influential public opinion in Spain, that this Government has hoped to discover the most promising and effective means of composing the present strife, with honor and advantage to Spain and with the achievement of all the reasonable objects of the insurrection.

It would seem that if Spain should offer to Cuba genuine autonomy—a measure of home rule which, while preserving the sover-eignty of Spain, would satisfy all rational requirements of her Spanish subjects—there should be no just reason why the pacifi-cation of the island might not be effected on that basis. Such a result would appear to be in the true interest of all concerned. result would appear to be in the true interest of all concerned. It would at once stop the conflict which is now consuming the resources of the island and making it worthless for whichever party may ultimately prevail. It would keep intact the possessions of Spain without touching her honor, which will be consulted rather than impugned by the adequate redress of admitted grievances. It would put the prosperity of the island and the fortunes of its inhabitants within their own control, without severing the natural and ancient ties which bind them to the mother country, and would yet enable them to test their capacity for self-government under the most favorable conditions. It has been objected on the one side that Spain should not promise autonomy objected on the one side that Spain should not promise autonomy

objected on the one side that Spain should not promise autonomy until her insurgent subjects lay down their arms; on the other side, that promised autonomy, however liberal, is insufficient, because without assurance of the promise being fulfilled.

But the reasonableness of a requirement by Spain, of unconditional surrender on the part of the insurgent Cubans before their autonomy is conceded, is not altogether apparent. It ignores important features of the situation—the stability two years' duration has given to the insurrection; the feasibility of its indefinite prolongation in the nature of things, and as shown by past experience; the utter and imminent ruin of the island, unless the present strife is speedily composed; above all, the rank abuses which all parties in Spain, all branches of her Government, and all her leading public men concede to exist and profess a desire to remove. Facing such circumstances, to withhold the proffer of needed reforms until the parties demanding them put themselves at mercy by throwing down their arms, has the appearance of neglecting the gravest of perils and inviting suspicion as to the sincerity of any professed willingness to grant reforms. The objection on behalf of the insurgents—that promised reforms can not be relied upon—must of course be considered, though we not be relied upon—must of course be considered, though we have no right to assume, and no reason for assuming, that anything Spain undertakes to do for the relief of Cuba will not be done according to both the spirit and the letter of the undertaking.

Nevertheless, realizing that suspicions and precautions on the part of the weaker of two combatants are always natural and not always unjustifiable—being sincerely desirous in the interest of both as well as on its own account that the Cuban problem should be solved with the least possible delay—it was intimated by this Government to the Government of Spain some months ago that, if a satisfactory measure of home rule were tendered the Cuban insurgents, and would be accepted by them upon a guaranty of its execution, the United States would endeavor to find a way not objectionable to Spain of furnishing such guaranty. While no definite response to this intimation has yet been received from the Spanish Government, it is believed to be not altogether unwelcome, while, as already suggested, no reason is perceived why it should not be approved by the insurgents. Neither party can fail to see the importance of early action and both must realize that to prolong the present state of things for even a short period will add enormously to the time and labor and even a short period will add enormously to the time and labor and expenditure necessary to bring about the industrial recuperation of the island. It is therefore fervently hoped on all grounds that earnest efforts for healing the breach between Spain and the insurgent Cubans, upon the lines above indicated, may be at once inaugurated and pushed to an immediate and successful issue. The friendly offices of the United States, either in the manner above outlined or in any other way consistent with our Constitution and laws, will always be at the disposal of either party.

Whatever circumstances may arise, our policy and our interests

Whatever circumstances may arise, our policy and our interests would constrain us to object to the acquisition of the island or an interference with its control by any other power.

It should be added that it can not be reasonably assumed that the hitherto expectant attitude of the United States will be indefinitely maintained. While we are anxious to accord all due respect to the expectant attitude of the united States will be indefinitely maintained. to the sovereignty of Spain, we can not view the pending conflict

in all its features and properly apprehend our inevitably close re-lations to it and its possible results without considering that by the course of events we may be drawn into such an unusual and unprecedented condition as will fix a limit to our patient waiting for Spain to end the contest, either alone and in her own way or with our friendly cooperation.

When the inability of Spain to deal successfully with the insurrection has become manifest and it is demonstrated that her sovereignty is extinct in Cuba for all purposes of its rightful existence and when a hopeless struggle for its reestablishment has degenerated into a strife which means nothing more than the useless sacrifice of human life and the utter destruction of the very subject-matter of the conflict, a situation will be presented in which our obligations to the sovereignty of Spain will be superseded by higher obligations, which we can hardly hesitate to recognize and discharge. Deferring the choice of ways and methods until the time for action arrives, we should make them depend upon the precise conditions then existing; and they should not be determined upon without giving careful heed to every consideration involving our honor and interest or the international duty we owe to Spain. Until we face the contingencies suggested, or the situation is by other incidents imperatively changed, we should continue in the line of conduct heretofore pursued, thus in all circumstances ex-hibiting our obedience to the requirements of public law and our regard for the duty enjoined upon us by the position we occupy in the family of nations.

A contemplation of emergencies that may arise should plainly lead us to avoid their creation, either through a careless disregard of present duty or even an undue stimulation and ill-timed expression of feeling. But I have deemed it not amiss to remind the Congress that a time may arrive when a correct policy and care for our interests, as well as a regard for the interests of other nations and their citizens, joined by considerations of humanity and a desire to see a rich and fertile country, intimately related to us, saved from complete devastation, will constrain our Government to such action as will subserve the interests thus involved and at the same time promise to Cuba and its inhabitants an opportunity to enjoy the blessings of peace.

The Venezuelan boundary question has ceased to be a matter of difference between Great Britain and the United States, their respective Governments having agreed upon the substantial provisions of a treaty between Great Britain and Venezuela submitting the whole controversy to arbitration. The provisions of the lead us to avoid their creation, either through a careless disregard

tring the whole controversy to arbitration. The provisions of the treaty are so eminently just and fair that the assent of Venezuela thereto may confidently be anticipated.

Negotiations for a treaty of general arbitration for all differences between Great Britain and the United States are far advanced and promise to reach a successful consummation at an early date.

The scheme of examining applicants for certain consular positions, to test their competency and fitness, adopted under an Executive order issued on the 20th of September, 1895, has fully demonstrated the usefulness of this innovation. In connection with this plan of examination, promotions and transfers of deserving incumbents have been quite extensively made, with excellent

During the past year 35 appointments have been made in the consular service, 27 of which were made to fill vacancies caused by death or resignation or to supply newly created posts, 2 to succeed incumbents removed for cause, 2 for the purpose of displacing alien consular officials by American citizens, and 4 merely changing the official title of incumbent from commercial agent to consul. Twelve of these appointments were transfers or promotions from other positions under the Department of State, 4 of those appointed had rendered previous service under the Department, 8 were made of persons who passed a satisfactory examination, 7 were appointed to places not included in the order of September 20, 1895, and 4 appointments, as above stated, involved no change of incum-

The inspection of consular offices provided for by an appropriation for that purpose at the last session of the Congress has been productive of such wholesome effects that I hope this important work will in the future be continued. I know of nothing that can

work will in the ruture be continued. I know of nothing that can be done with the same slight expense so improving to the service. I desire to repeat the recommendation contained in my last annual message, in favor of providing at public expense official residences for our ambassadors and ministers at foreign capitals. The reasons supporting this recommendation are strongly stated in the report of the Secretary of State, and the subject seems of such importance that I hope it may receive the early attention of the Congress

We have during the last year labored faithfully and against unfavorable conditions to secure better preservation of seal life in the Bering Sea. Both the United States and Great Britain have lately dispatched commissioners to these waters to study the habits and condition of the seal herd and the causes of their rapid

decrease. Upon the reports of these commissioners, soon to be submitted, and with the exercise of patience and good sense on the part of all interested parties, it is earnestly hoped that hearty cooperation may be secured for the protection against threatened extinction of seal life in the northern Pacific and Bering Sea.

extinction of seal life in the northern Pacific and Bering Sea.

The Secretary of the Treasury reports that during the fiscal year ended June 30, 1896, the receipts of the Government from all sources amounted to \$409,475,408.78. During the same period its expenditures were \$434,678,654.48, the excess of expenditures over receipts thus amounting to \$25,203,245.70. The ordinary expenditures during the year were \$4,015,852.21 less than during the preceding fiscal year. Of the receipts mentioned there was derived from customs the sum of \$160,021,751.67 and from internal revenue \$146,830,615.66. The receipts from customs show an increase of \$7,863,134.22 over those from the same source for the fiscal year ended June 30, 1895, and the receipts from internal revenue an increase of \$3,584,537.91.

The value of our imported dutiable merchandise during the last

The value of our imported dutiable merchandise during the last fiscal year was \$369,757,470, and the value of free goods imported \$409,967,470, being an increase of \$6,523,675 in the value of dutiable goods and \$41,231,034 in the value of free goods over the preceding year. Our exports of merchandise, foreign and domestic, ceding year. Our exports of merchandise, foreign and domestic, amounted in value to \$882,606,938, being an increase over the preceding year of \$75,068,773. The average ad valorem duty paid on dutiable goods imported during the year was 39.94 per cent and on free and dutiable goods taken together 20.55 per cent.

The cost of collecting our internal revenue was 2.78 per cent, as against 2.81 per cent for the fiscal year ended June 30,1895. The total production of distilled spirits, exclusive of fruit brandies, was \$6.588,703 tayable callons, being an increase of 6.639,108 gal-

total production of distilled spirits, exclusive of fruit brandies, was 86,588,703 taxable gallons, being an increase of 6,639,108 gallons over the preceding year. There was also an increase of 1,443,676 gallons of spirits produced from fruit, as compared with the preceding year. The number of barrels of beer produced was 35,859,250, as against 33,589,784 produced in the preceding fiscal year, being an increase of 2,269,466 barrels.

The total amount of gald expected during the last fiscal year.

year, being an increase of 2,269,466 barrels.

The total amount of gold exported during the last fiscal year was \$112,409,947 and of silver \$60,541,670, being an increase of \$45,941,466 of gold and \$13,246,384 of silver over the exportations of the preceding fiscal year. The imports of gold were \$33,525,-065 and of silver \$28,777,186, being \$2,859,695 less of gold and \$8,566,007 more of silver than during the preceding year.

The total stock of metallic money in the United States at the close of the last fiscal year ended on the 30th day of June, 1896, was \$1,228,326,035, of which \$599,597,964 was in gold and \$628,728,-071 in silver.

On the 1st day of November, 1896, the total stock of money of all kinds in the country was \$2,285,410,590, and the amount in circulation, not including that in the Treasury holdings, was \$1,627,055,641, being \$22.63 per capita upon an estimated population of 71,902,000.

The production of 51,002,000.

tion of 71,902,000.

The production of the precious metals in the United States during the calendar year 1895 is estimated to have been 2,254,760 fine ounces of gold, of the value of \$46,610,000, and 55,727,000 fine ounces of silver, of the commercial value of \$36,445,000 and the coinage value of \$72,051,000. The estimated production of these metals throughout the world during the same period was 9,688,821 fine ounces of gold, amounting to \$200,285,700 in value, and 169,189,249 fine ounces of silver, of the commercial value of \$110,654,000 and of the coinage value of \$218,738,100 according to our ratio.

The coinage of these metals in the various countries of the world during the same calendar year amounted to \$232,701,438 in gold and \$121,996,219 in silver.

gold and \$121,996,219 in silver.

The total coinage at the mints of the United States during the fiscal year ended June 30, 1896, amounted to \$71,188,468.52, of which \$58,878,490 was in gold coins and \$12,309,978.52 in standard silver dollars, subsidiary coins, and minor coins.

The number of national banks organized from the time the law authorizing their creation was passed, up to October 31, 1896, was 5,051, and of this number 3,769 were at the date last mentioned in the control of the control

active operation, having authorized capital stock of \$650,014,895, held by 288,902 shareholders, and circulating notes amounting to \$211,412,620.

\$211,412,620.

The total outstanding circulating notes of all national banks on the 31st day of October, 1896, amounted to \$234,553,807, including unredeemed but fully secured notes of banks insolvent and in process of liquidation. The increase in national-bank circulation during the year ending on that day was \$21,099,429. On October 6, 1896, when the condition of national banks was last reported, the total resources of the 3,679 active institutions was \$3,263,685,313.83, which included \$1,893,268,839.31 in loans and discounts and \$369,165,723,85 in money of all kinds on hand. Of their liabilities \$362,165,783.85 in money of all kinds on hand. Of their liabilities \$1,597,891,058.73 was due to individual depositors, and \$209,944,019

consisted of outstanding circulating notes.

There were organized during the year preceding the date last mentioned 28 national banks, located in 15 States, of which 12 were organized in the Eastern States, with a capital of \$1,180,000;

6 in the Western States, with a capital of \$875,000, and 10 in the Southern States, with a capital of \$1,190,000. During the year, however, 37 banks voluntarily abandoned their franchises under the national law, and in the case of 27 others it was found necessary to appoint receivers. Therefore, as compared with the year preceding, there was a decrease of 36 in the number of active banks. The number of existing banks organized under State laws is 5,708. The number of immigrants arriving in the United States during

the fiscal year was 343,267, of whom 340,468 were permitted to land, and 2,799 were debarred, on various grounds prescribed by law, and returned to the countries whence they came, at the expense of the steamship companies by which they were brought in. The increase in immigration over the preceding year amounted to 84,731. It is reported that with some exceptions the immigrants of the past year were of a hardy laboring class, accustomed and able to earn a support for themselves, and it is estimated that the money brought with them amounted to at least \$5,000,000, though it was probably much in excess of that sum, since only those having less than \$30 are required to disclose the exact amount, and it is known that many brought considerable sums of money to buy land and build homes. Including all the immigrants arriving who were over 14 years of age, 28.63 per cent were illiterate, as against 20.87 per cent of those of that age arriving during the preceding fiscal year. The number of immigrants over 14 years old, the countries from which they came, and the percentage of illiterates among them, were as follows: Italy, 57.515, with 54.59 per cent; Ireland, 37,496, with 7 per cent; Russia, 35,188, with 41.14 per cent; Austria-Hungary and provinces, 57,053, with 38.92 per cent; Germany, 25,334, with 2.96 per cent; Sweden, 18,821, with 1.16 per cent, while from Portugal there came 2,067, of whom 77.69 per cent were illiterate. There arrived from Japan during the year only 1,110 immigrants, and it is the opinion of the immigration authorities that the apprehension heretofore existing to some extent of a large land and build homes. Including all the immigrants arriving who that the apprehension heretofore existing to some extent of a large immigration from Japan to the United States is without any substantial foundation.

From the Life-Saving Service it is reported that the number of disasters to documented vessels within the limits of its operations during the year was 437. These vessels had on board 4,608 perduring the year was 437. These vessels had on board 4,608 persons, of whom 4,595 were saved and 13 lost. The value of such vessels is estimated at \$8,880,140 and of their cargoes \$3,846,880, making the total value of property imperiled \$12,726,520. Of this amount \$11,292,707 was saved and \$1,432,750 was lost. Sixty-seven of the vessels were totally wrecked. There were besides 243 casualties to small undocumented craft, on board of which there were 594 persons, of whom 597 were saved and 7 were lost. The value of the property involved in these latter casualties is estimated at \$119,265 of which \$114,915 was saved and \$4,850 was lost. The \$119,265, of which \$114,915 was saved and \$4,350 was lost. life-saving crews during the year also rescued or assisted numerous other vessels and warned many from danger by signals, both by day and night. The number of disasters during the year exceeded that of any previous year in the history of the service, but the saving of both life and property was greater than ever before in proportion to the value of the property involved and to the number of persons imperiled.

The operations of the Marine-Hospital Service, the Revenue-Cutter Service, the Steamboat-Inspection Service, the Light-House Service, the Bureau of Navigation, and other branches of public Service, the Bureau of Navigation, and other branches of public work attached to the Treasury Department, together with various recommendations concerning their support and improvement, are fully stated in the report of the Secretary of the Treasury, to which the attention of the Congress is especially invited.

The report of the Secretary of War exhibits satisfactory conditions in the several branches of the public service intrusted to his charge.

his charge.

The limit of our military force, as fixed by law, is constantly and readily maintained. The present discipline and morale of our Army are excellent, and marked progress and efficiency are appar-

Army are excellent, and marked progress and efficiency are apparent throughout its entire organization.

With the exception of delicate duties in the suppression of slight Indian disturbances along our southwestern boundary, in which the Mexican troops cooperated, and the compulsory but peaceful return, with the consent of Great Britain, of a band of Cree Indians from Montana to the British Possessions, no active operations have been required of the Army during the year past.

Changes in methods of administration, the abandonment of unnecessary posts and consequent concentration of troops, and the exercise of care and vigilance by the various officers charged with the responsibility, in the expenditure of the appropriations.

with the responsibility, in the expenditure of the appropriations, have resulted in reducing to a minimum the cost of maintenance

of our military establishment.

During the past year the work of constructing permanent infantry and cavalry posts has been continued at the places here-tofore designated. The Secretary of War repeats his recommendation that appropriations for barracks and quarters should more strictly conform to the needs of the service as judged by the De-partment rather than respond to the wishes and importunities of localities. It is imperative that much of the money provided for

such construction should now be allotted to the erection of necessary quarters for the garrisons assigned to the coast defenses, where many men will be needed to properly care for and operate modern guns. It is essential, too, that early provision be made to supply the necessary force of artillery to meet the demands of this service.

The entire Army has now been equipped with the new magazine arms, and wise policy demands that all available public and private resources should be so employed as to provide within a reasonable time a sufficient number to supply the State militia with these modern weapons and provide an ample reserve for any

emergency.

The organized militia numbers 112,879 men. The appropriations for its support by the several States approximate \$2,800,000 annually, and \$400,000 is contributed by the General Government. Investigation shows these troops to be usually well drilled and inspired with much military interest, but in many instances they are so deficient in proper arms and equipment that a sudden call to active duty would find them inadequately prepared for field service. I therefore recommend that prompt measures be taken to remedy this condition, and that every encouragement be given to this deserving body of unpaid and voluntary citizen soldiers, upon whose assistance we must largely rely in time of trouble. upon whose assistance we must largely rely in time of trouble.

During the past year rapid progress has been made toward the completion of the scheme adopted for the erection and armament of fortifications along our seacoast, while equal progress has been made in providing the material for submarine defense in connection with these works.

It is peculiarly gratifying at this time to note the great advance that has been made in this important undertaking since the date of my annual message to the Fifty-third Congress at the opening of its second session, in December, 1893. At that time I informed the Congress of the approaching completion of nine 12-inch, twenty 10-inch, and thirty-four 8-inch high-power steel guns, and seventyfive 12-inch rifled mortars

This total then seemed insignificant when compared with the great work remaining to be done. Yet it was none the less a source of satisfaction to every citizen when he reflected that it represented the first installment of the new ordnance of American design and American manufacture, and demonstrated our ability to supply from our own resources guns of unexcelled power and

At that date, however, there were practically no carriages upon which to mount these guns, and only 31 emplacements for guns and 64 for mortars. Nor were all these emplacements in condition to receive their armament. Only one high-power gun was at that time in position for the defense of the entire coast.

Since that time the number of guns actually completed has been increased to a total of twenty-one 12-inch, fifty-six 10-inch, sixty-one 8-inch high-power breech-loading steel guns, ten rapid-fire guns, and eighty 12-inch rifled mortars. In addition, there are in process of construction one 16-inch-type gun, fifty 12-inch fifty. process of construction one 16-inch-type gun, fifty 12-inch, fifty-six 10-inch, twenty-seven 8-inch high-power guns, and sixty-six

six 10-inch, twenty-seven 8-inch high-power guns, and sixty-six 12-inch rifled mortars; in all, 428 guns and mortars.

During the same year, immediately preceding the message referred to, the first modern gun carriage had been completed and eleven more were in process of construction. All but one were of the nondisappearing type. These, however, were not such as to secure necessary cover for the artillery gunners against the intense fire of modern machine rapid-fire and high-power guns.

The inventive genius of ordnance and civilian experts has been taxed in designing carriages that would obviate this fault, resulting, it is believed, in the solution of this difficult problem. Since 1893 the number of gun carriages constructed or building has been raised to a total of 129, of which 90 are on the disappearing principle. ciple, and the number of mortar carriages to 152, while the 95

emplacements which were provided for prior to that time have been increased to 280 built and building.

This improved situation is largely due to the recent generous response of Congress to the recommendations of the War Depart-

Thus we shall soon have complete about one-fifth of the comprehensive system, the first step in which was noted in my mes-

sage to the Congress of December 4, 1893.

When it is understood that a masonry emplacement not only furnishes a platform for the heavy modern high-power gun, but also in every particular serves the purpose and takes the place of the fort of former days, the importance of the work accomplished

is better comprehended. In the hope that the work will be prosecuted with no less vigor in the future, the Secretary of War has submitted an estimate by which, if allowed, there will be provided and either built or building by the end of the next fiscal year such additional guns, mortars, gun carriages, and emplacements as will represent not far from one-third of the total work to be done under the plan adopted for our coast defenses, thus affording a prospect that the entire work will be substantially completed within six years. In less

time than that, however, we shall have attained a marked degree of security.

The experience and results of the past year demonstrate that with a continuation of present careful methods the cost of the remaining work will be much less than the original estimate

maining work will be much less than the original estimate.

We should always keep in mind that of all forms of military preparation coast defense alone is essentially pacific in its nature. While it gives the sense of security due to a consciousness of strength, it is neither the purpose nor the effect of such permanent fortification to involve us in foreign complications, but rather to guarantee us against them. They are not temptation to war, but security against it. Thus they are thoroughly in accord with all the traditions of our national diplomacy.

The Attorney-General presents a detailed and interesting statement of the important work done under his supervision during the last fiscal year.

last fiscal year.

The ownership and management by the Government of penitentiaries for the confinement of those convicted in United States courts of violations of Federal laws, which for many years has been a subject of Executive recommendation, has at last to a slight extent been realized by the utilization of the abandoned military prison at Fort Leavenworth as a United States penitentiary.

This is certainly a movement in the right direction; but it ought to be at once supplemented by the rebuilding or extensive enlargement of this improvised prison, and the construction of at least

ment of this improvised prison, and the construction of at least one more, to be located in the Southern States. The capacity of the Leavenworth penitentiary is so limited that the expense of its maintenance, calculated at a per capita rate upon the number of prisoners it can accommodate, does not make as economical an exhibit as it would if it were larger and better adapted to prison purposes; but I am thoroughly convinced that economy, humanity, and a proper sense of responsibility and duty toward those whom we punish for violations of Federal law dictate that the Federal Government should have the entire control and management of the penitentiaries where convicted violators are confined.

It appears that since the transfer of the Fort Leavenworth military prison to its new uses the work previously done by prisoners confined there, and for which expensive machinery has been provided, has been discontinued. This work consisted of the manufacture of articles for army use, now done elsewhere. On all grounds, it is exceedingly desirable that the convicts confined in this penitentiary be allowed to resume work of this description.

It is most gratifying to note the satisfactory results that have followed the inauguration of the new system provided for by the act of May 28, 1896, under which certain Federal officers are compensated by salaries instead of fees. The new plan was put in operation on the 1st day of July, 1896, and already the great economy it enforces, its prevention of abuses, and its tendency to a better enforcement of the laws, are strikingly apparent. Detailed evidence of the usefulness of this long delayed but now happily accomplished reform will be found clearly set forth in the Attorney-General's report.

Our Post-Office Department is in good condition, and the exhibit made of its operations during the fiscal year ended June 30, 1896, if allowance is made for imperfections in the laws applicable to it, is very satisfactory. The total receipts during the year were \$82,499,208.40. The total expenditures were \$90,626,296.84, exclusive of \$1,559,898.27 which was earned by the Pacific railroads for transportation and credited on their debt to the Government. There was an increase of receipts over the previous year of \$5,516,080.21, or 7.1 per cent, and an increase of expenditures of \$3,836,124.02, or 4.42 per cent. The deficit was \$1,679,956.19 less than that of the preceding year. The chief expenditures of the postal service are regulated by law and are not in the control of the Postmaster-General. All that he can accomplish by the most watchful administration and economy is to enforce prompt and watchful administration and economy is to enforce prompt and thorough collection and accounting for public moneys and such minor savings in small expenditures and in letting those contracts, for post-office supplies and star service, which are not regulated

An effective cooperation between the Auditor's Office and the Post-Office Department, and the making and enforcement of orders by the Department requiring immediate notification to their sureties of all delinquencies on the part of postmasters, and compelling such postmasters to make more frequent deposits of postal funds. have resulted in a prompter auditing of their accounts and much less default to the Government than heretofore.

The year's report shows large extensions of both star-route service and railway-mail service, with increased postal facilities. Much higher accuracy in handling mails has also been reached, as appears by the decrease of errors in the Railway Mail Service and the reduction of mail matter returned to the Dead-Letter Office.

The deficit for the last year, although much less than that of the last and preceding years, emphasizes the necessity for legislation to correct the growing abuse of second-class rates, to which the deficiency is mainly attributable. The transmission at the rate

of 1 cent a pound of serial libraries, advertising sheets, "house organs" (periodicals advertising some particular "house" or institution), sample copies, and the like ought certainly to be discon-A glance at the revenues received for the work done last year will show more plainly than any other statement the gross abuse of the postal service and the growing waste of its earnings. The free matter carried in the mails for the Departments, offices,

etc., of the Government, and for Congress, in pounds, amounted

to 94,480,189.

If this is offset against buildings for post-offices and stations, the rental of which would more than compensate for such free postal service, we have this exhibit:

Weight of mail matter (other than above) transmitted through the mail for the year ending June 30, 1896.

Class.	Weight.	Revenue.
Domestic and foreign letters and postal cards, etc Newspapers and periodicals, 1 cent per pound Books, seeds, etc., 8 cents a pound Parcels, etc., 16 cents a pound	Pounds. 65, 337, 343 348, 988, 648 78, 701, 148 19, 950, 187	\$60, 624, 464 2, 996, 403 10, 324, 069 3, 129, 321
Total	512, 977, 326	77,044,257

The remainder of our postal revenue, amounting to something more than \$5,000,000, was derived from box rents, registry fees, money-order business, and other similar items.

The entire expenditures of the Department, including pay for transportation credited to the Pacific railroads, was \$92,186,195.11, which may be considered as the cost of receiving, carrying, and delivering the above mail matter. It thus appears that though the second-class matter constituted more than two-thirds of the total that was carried, the revenue derived from it was less than one-thirtieth of the total expense.

The average revenue from each pound of first-class

93 cents matter was From each pound of second class. 8½ mills (Of the second class 52,348,297 was county-free matter.) From each pound of third class 13.1 cents From each pound of fourth class.... 15.6 cents

The growth in weight of second-class matter has been from 299,000,000 pounds in 1894 to 312,000,000 in 1895, and to almost 349,000,000 in 1896, and it is quite evident this increasing draw-

back is far outstripping any possible growth of postal revenues.

Our mail service should of course be such as to meet the wants and even the conveniences of our people, at a direct charge upon them so light as perhaps to exclude the idea of our Post-Office Department being a money-making concern; but in the face of a constantly recurring deficiency in its revenues, and in view of the fact that we supply the best mail service in the world, it seems to me it is quite time to correct the abuses that swell enormously our annual deficit. If we concede the public policy of carrying weekly newspapers free in the county of publication, and even the policy of carrying at less than one-tenth of their cost other bona fide newspapers and periodicals, there can be no excuse for subjecting the service to the further immense and increasing loss involved in carrying at the nominal rate of 1 cent a pound the serial libraries, sometimes including trashy and even harmful literature, and other matter which, under the loose interpretation of a loose statute, has been gradually given second-class rates, thus absorbing all profitable returns derived from first-class matter, which pays three or four times more than its cost, and producing a large annual loss to be paid by general taxation. If such second-class matter paid merely the cost of its handling our deficit would disappear and a surplus result which might be used to give the people still better mail facilities or cheaper rates of letter postage. I recommend that legislation be at once enacted to correct these abuses and introduce better business ideas in the regulation of our postal rates.

Experience and observation have demonstrated that certain improvements in the organization of the Post-Office Department must be secured before we can gain the full benefit of the immense sums expended in its administration. This involves the mense sums expended in its administration.

following reforms, which I earnestly recommend:

There should be a small addition to the existing inspector service, to be employed in the supervision of the carrier force, which now numbers 13,000 men, and performs its service practically without the surveillance exercised over all other branches of the without the surveillance exercised over all other branches of the postal or public service. Of course such a lack of supervision and freedom from wholesome disciplinary restraints must inevitably lead to imperfect service. There should also be appointed a few inspectors who could assist the central office in necessary investigation concerning matters of post-office leases, post-office sites, allowances for rent, fuel, and lights, and in organizing and securing the best results from the work of the 14,000 clerks now employed in first and second clear efficient. ployed in first and second class offices.

I am convinced that the small expense attending the inaugura-tion of these reforms would actually be a profitable investment.

I especially recommend such a recasting of the appropriations by Congress, for the Post-Office Department, as will permit the Postmaster-General to proceed with the work of consolidating post-offices. This work has already been entered upon sufficiently to fully demonstrate, by experiment and experience, that such consolidation is productive of better service, larger revenues, and

less expenditures, to say nothing of the further advantage of gradually withdrawing post-offices from the spoils system.

The Universal Postal Union, which now embraces all the civilized world, and whose delegates will represent 1,000,000,000 people, will hold its fifth congress in the city of Washington in May, 1897. The United States may be said to have taken the initiative which led to the first meeting of this congress at Berne in 1874, and the formation of the Universal Postal Union, which brings the postal service of all countries to every man's neighborhood and has wrought marvels in cheapening postal rates and secur-ing absolutely safe mail communication throughout the world. Previous congresses have met in Berne, Paris, Lisbon, and enna, and the respective countries in which they have assembled have made generous provision for their accommodation and for the reception and entertainment of the delegates.

In view of the importance of this assemblage and of its deliberations, and of the honors and hospitalities accorded to our representatives by other countries on similar occasions, I earnestly hope that such an appropriation will be made for the expenses necessarily attendant upon the coming meeting in our capital city as will be worthy of our national hospitality and indicative of our

appreciation of the event.

The work of the Navy Department and its present condition

are fully exhibited in the report of the Secretary.

The construction of vessels for our new Navy has been energetically prosecuted by the present Administration upon the general lines previously adopted, the Department having seen no necessity for radical changes in prior methods under which the work was for radical changes in prior methods under which the work was found to be progressing in a manner highly satisfactory. It has been decided, however, to provide in every shipbuilding contract that the builder should pay all trial expenses, and it has also been determined to pay no speed premiums in future contracts. The premiums recently earned and some yet to be decided are features of the contracts made before this conclusion was reached.

On March 4, 1893, there were in commission but 2 armored vessels, the double-turreted monitors Miantonomoh and Monterey. Since that date, of vessels theretofore authorized, there have been placed in their first commission 3 first-class and 2 secondclass battle ships, 2 armored cruisers, 1 harbor-defense ram, and 5 double-turreted monitors, including the *Maine* and the *Puritan*, just completed. Eight new unarmored cruisers and 2 new gunboats have also been commissioned. The *Iowa*, another battle ship, will be completed about March 1, and at least 4

more gunboats will be ready for sea in the early spring.

It is gratifying to state that our ships and their outfits are believed to be equal to the best that can be manufactured elsewhere, and that such notable reductions have been made in their cost as to justify the statement that quite a number of vessels are now being constructed at rates as low as those that prevail in European

shipyards.

shipyards.

Our manufacturing facilities are at this time ample for all possible naval contingencies. Three of our Government navy-yards, those at Mare Island, Cal., Norfolk, Va., and Brooklyn, N. Y., are equipped for shipbuilding, our ordnance plant in Washington is equal to any in the world, and at the torpedo station we are successfully making the highest grades of smokeless powder. Three first-class private shipyards, at Newport News, Philadelphia, and San Francisco, are building battle ships; 11 contractors, situated in the States of Maine, Rhode Island, Pennsylvania, New Jersey Maryland Virginia and the State of Washington are Jersey, Maryland, Virginia, and the State of Washington, are constructing gunboats or torpedo boats; 2 plants are manufac-turing large quantities of first-class armor, and American facto-ries are producing automobile torpedoes, powder, projectiles, rapid-fire guns, and everything else necessary for the complete outfit of naval vessels.

There have been authorized by Congress since March, 1893, 5 battle ships, 6 light-draft gunboats, 16 torpedo boats, and 1 subbattle snips, 6 light-draft gunboats, 16 torpedo boats, and I submarine torpedo boat. Contracts for the building of all of them have been let. The Secretary expresses the opinion that we have for the present a sufficient supply of cruisers and gunboats, and that hereafter the construction of battle ships and torpedo boats

will supply our needs.

will supply our needs.

Much attention has been given to the methods of carrying on departmental business. Important modifications in the regulations have been made, tending to unify the control of shipbuilding, as far as may be, under the Bureau of Construction and Repair, and also to improve the mode of purchasing supplies for the Navy by the Bureau of Supplies and Accounts. The establishment, under recent acts of Congress, of a supply fund, with

which to purchase these supplies in large quantities, and other modifications of methods, have tended materially to their cheap-

ening and better quality.

The War College has developed into an institution which it is The War College has developed into an institution which it is believed will be of great value to the Navy in teaching the science of war, as well as in stimulating professional zeal in the Navy; and it will be especially useful in the devising of plans for the utilization, in case of necessity, of all the naval resources of the United States.

The Secretary has persistently adhered to the plan he found in operation for securing labor at navy-yards, through boards of labor employment, and has done much to make it more complete and efficient. The naval officers who are familiar with this system and its operation express the decided opinion that its results have been to vastly improve the character of the work done at our yards and greatly reduce its cost.

Discipline among the officers and men of the Navy has been maintained to a high standard, and the percentage of American citizens

enlisted has been very much increased.

The Secretary is considering, and will formulate during the coming winter, a plan for laying up ships in reserve, thereby largely reducing the cost of maintaining our vessels afloat. This plan contemplates that battle ships, torpedo boats, and such of the cruisers as are not needed for active service at sea shall be kept in reserve, with skeleton crews on board to keep them in condition, cruising only enough to insure the efficiency of the ships and their crews in time of activity.

The economy to result from this system is too obvious to need

comment.

The Naval Militia, which was authorized a few years ago as an experiment, has now developed into a body of enterprising young men, active and energetic in the discharge of their duties and promising great usefulness. This establishment has nearly the same relation to our Navy as the National Guard in the different States bears to our Army; and it constitutes a source of supply for our naval forces the importance of which is immediately apparent.

The report of the Secretary of the Interior presents a comprehensive and interesting exhibit of the numerous and important affairs committed to his supervision. It is impossible in this communication to do more than briefly refer to a few of the subjects concerning which the Secretary gives full and instructive infor-

mation.

The money appropriated on account of this Department and for its disbursement for the fiscal year ended June 30, 1896, amounted to more than \$157,000,000, or a greater sum than was appropriated for the entire maintenance of the Government for the two fiscal years ended June 30, 1861.

Our public lands, originally amounting to 1,840,000,000 acres, have been so reduced that only about 600,000,000 acres still remain in Government control, excluding Alaska. The balance, have been so reduced that only about 600,000,000 acres still remain in Government control, excluding Alaska. The balance, being by far the most valuable portion, has been given away to settlers, to new States, and to railroads, or sold at a comparatively nominal sum. The patenting of land in execution of railroad grants has progressed rapidly during the year, and since the 4th day of March, 1893, about 25,000,000 acres have thus been con-

veyed to these corporations.

I agree with the Secretary that the remainder of our public lands should be more carefully dealt with and their alienation guarded by better economy and greater prudence.

The commission appointed from the membership of the National

Academy of Sciences, provided for by an act of Congress, to formulate plans for a national forestry system, will, it is hoped, soon be prepared to present the result of thorough and intelligent exami-

nation of this important subject.

The total Indian population of the United States is 177,235, according to a census made in 1895, exclusive of those within the State of New York and those comprising the Five Civilized Tribes. Of this number there are approximately 38,000 children of school age. During the year 23,393 of these were enrolled in schools. The progress which has attended recent efforts to extend Indian school facilities, and the anticipation of continued liberal appropriations to that end, can not fail to afford the utmost satisfaction to those who believe that the education of Indian children is a prime factor in the accomplishment of Indian civilization.

It may be said in general terms that in every particular the improvement of the Indians under Government care has been

most marked and encouraging.

The Secretary, the Commissioner of Indian Affairs, and the agents having charge of Indians to whom allotments have been made strongly urge the passage of a law prohibiting the sale of liquor to allottees who have taken their lands in severalty. I earnestly join in this recommendation, and venture to express the

hope that the Indian may be speedily protected against this greatest of all obstacles to his well-being and advancement.

The condition of affairs among the Five Civilized Tribes, who occupy large tracts of land in the Indian Territory and who have governments of their own, has assumed such an aspect as to ren-

der it almost indispensable that there should be an entire change in the relations of these Indians to the General Government. This seems to be necessary in furtherance of their own interests, as well as for the protection of non-Indian residents in their territory. A commission organized and empowered under several recent laws is now negotiating with these Indians for the relinquishment of their courts and the division of their common lands quishment of their courts and the division of their common lands in severalty, and are aiding in the settlement of the troublesome question of tribal membership. The reception of their first proffers of negotiation was not encouraging; but through patience and such conduct on their part as demonstrated that their intentions were friendly and in the interest of the tribes, the prospect of success has become more promising. The effort should be to save these Indians from the consequences of their own mistakes and improvidence, and to secure to the real Indian his rights as against intruders and professed friends who profit by his retrogression. A change is also needed to protect life and property through the operation of courts conducted according to strict justice and strong enough to enforce their mandates

As a sincere friend of the Indian, I am exceedingly anxious that these reforms should be accomplished with the consent and aid of the tribes, and that no necessity may be presented for radical or drastic legislation. I hope, therefore, that the Commission now conducting negotiations will soon be able to report that progress has been made toward a friendly adjustment of existing

difficulties.

It appears that a very valuable deposit of gilsonite or asphaltum has been found on the reservation in Utah occupied by the Uncompalgre Ute Indians. Every consideration of care for the public interest and every sensible business reason dictate such management or disposal of this important source of public revenue as will except it from the general rules and incidents attending the ordinary disposition of public lands, and secure to the Government a fair share at least of its advantages in place of its transfer for a nominal sum to interested individuals.

I indorse the recommendation made by the present Secretary of the Interior, as well as his predecessor, that a permanent commission, consisting of three members, one of whom shall be an army officer, be created to perform the duties now devolving upon the Commissioner and Assistant Commissioner of Indian Affairs. The management of the Bureau involves such numerous and diverse details, and the advantages of an uninterrupted policy are so apparent, that I hope the change suggested will meet the approval

of the Congres

The diminution of our enormous pension roll and the decrease of pension expenditure, which have been so often confidently fore-told, still fail in material realization. The number of pensioners on the rolls at the close of the fiscal year ended June 30,1896, was 970,678. This is the largest number ever reported. The amount paid exclusively for pensions during the year was \$138,214,761.94a slight decrease from that of the preceding year, while the totat expenditures on account of pensions, including the cost of main, taining the Department and expenses attending pension distribution, amounted to \$142,203,550.59, or within a very small fraction of one-third of the entire expense of supporting the Government during the same year. The number of new pension certificates issued was 90,640. Of these, 40,374 represent original allowances

issued was 49,640. Of these, 40,374 represent original allowances of claims, and 15,878 increases of existing pensions.

The number of persons receiving pensions from the United States but residing in foreign countries at the close of the last fiscal year was 3,781, and the amount paid to them during the year

was \$582,735,38.

The sum appropriated for the payment of pensions for the current fiscal year, ending June 30, 1897, is \$140,000,000, and for the succeeding year it is estimated that the same amount will be nec-

The Commissioner of Pensions reports that during the last fiscal

year 339 indictments were found against violators of the pension laws. Upon these indictments 167 convictions resulted.

In my opinion, based upon such statements as these and much other information and observation, the abuses which have been allowed to creep into our pension system have done incalculable harm in demoralizing our people and undermining good citizen-ship. I have endeavored within my sphere of official duty to protect our pension roll and make it what it should be, a roll of honor, containing the names of those disabled in their country's service and worthy of their country's affectionate remembrance. When I have seen those who pose as the soldiers' friends active and alert in urging greater laxity and more reckless pension expenditure, while nursing selfish schemes, I have deprecated the approach of a situation when necessary retrenchment and enforced economy may lead to an attack upon pension abuses so determined as to over-look the discrimination due to those who, worthy of a nation's care, ought to live and die under the protection of a nation's

The Secretary calls attention to the public interests involved in an adjustment of the obligations of the Pacific railroads to the

Government. I deem it to be an important duty to especially pre-

sent this subject to the consideration of the Congres

On January 1, 1897, with the amount already matured, more than \$13,000,000 of the principal of the subsidy bonds issued by the United States in aid of the construction of the Union Pacific Railway, including its Kansas line, and more than \$6,000,000 of like bonds, issued in aid of the Central Pacific Railroad, including those issued to the Western Pacific Railroad Company, will have fallen due and been paid or must on that day be paid by the Government. Without any reference to the application of the sinking fund now in the Treasury, this will create such a default on the part of these companies to the Government as will give it the right part of these companies to the Government as will give it the right to at once institute proceedings to foreclose its mortgage lien. In addition to this indebtedness, which will be due January 1, 1897, there will mature between that date and January 1, 1899, the remaining principal of such subsidy bonds, which must also be met by the Government. These amount to more than \$20,000,000 on account of Union Pacific lines, and exceed \$21,000,000 on account of the Central Pacific lines

The situation of these roads and the condition of their indebtedness to the Government have been fully set forth in the reports of various committees to the present and prior Congresses, and as early as 1887 they were thoroughly examined by a special commission appointed pursuant to an act of Congress. The considerations sion appointed pursuant to an act of Congress. The considerations requiring an adjustment of the Government's relations to the companies have been clearly presented, and the conclusion reached with practical uniformity, that if these relations are not terminated they should be revised upon a basis securing their safe continuous.

Under section 4 of the act of Congress passed March 3, 1887, the President is charged with the duty, in the event that any mortgage or other incumbrance paramount to the interest of the United States in the property of the Pacific railroads shall exist and be lawfully liable to be enforced, to direct the action of the Departments of Treasury and of Justice in the protection of the interest of the United States by redemption or through judicial proceedings, including foreclosures of the Government liens.

In view of the fact that the Congress has for a number of years almost constantly had under consideration various plans for dealing with the conditions existing between these roads and the Government, I have thus far felt justified in withholding action under the statute above mentioned.

the statute above mentioned.

In the case of the Union Pacific Company, however, the situation has become especially and immediately urgent. Proceedings have been instituted to foreclose a first mortgage upon those aided parts of the main lines upon which the Government holds a secparts of the main lines upon which the Government holds a second and subordinate mortgage lien. In consequence of those proceedings and increasing complications, added to the default occurring on the 1st day of January, 1897, a condition will be presented at that date, so far as this company is concerned, that must emphasize the mandate of the act of 1887 and give to Executive duty under its provisions a more imperative aspect. Therefore, unless Congress shall otherwise direct or shall have previous ously determined upon a different solution of the problem, there will hardly appear to exist any reason for delaying beyond the date of the default above mentioned such Executive action as will promise to subserve the public interests and save the Government from the loss threatened by further inaction.

The Department of Agriculture is so intimately related to the

welfare of our people and the prosperity of our nation that it should constantly receive the care and encouragement of the Government. From small beginnings it has grown to be the center of agricultural intelligence and the source of aid and encouragement to agricultural efforts. Large sums of money are annually appropropriated for the maintenance of this Department, and it must be confessed that the legislation relating to it has not always been directly in the interest of practical farming, or properly guarded against waste and extravagance. So far, however, as public money has been appropriated fairly and sensibly to help those who actually till the soil, no expenditure has been more profitably made

or more generally approved by the people.

Under the present management of the Department its usefulness has been enhanced in every direction, and at the same time strict economy has been enforced to the utmost extent permitted by Congressional action. From the report of the Secretary it appears that through careful and prudent financial management he has annually saved a large sum from his appropriations, aggregating during his incumbency and up to the close of the present fiscal year nearly one-fifth of the entire amount appropriated. These results have been accomplished by a conscientious study of the real needs of the farmer and such a regard for economy as the genuine farmer ought to appreciate, supplemented by a rigid adherence to civil-service methods in a Department which should be con-

ducted in the interest of agriculture instead of partisan politics.

The Secretary reports that the value of our exports of farm products during the last fiscal year amounted to \$570,000,000, an increase of \$17,000,000 over those of the year immediately preceding. This statement is not the less welcome because of the fact

that, notwithstanding such increase, the proportion of exported agricultural products to our total exports of all descriptions fell off during the year. The benefits of an increase in agricultural exports being assured, the decrease in its proportion to our total exports is The benefits of an increase in agricultural exports the more gratifying when we consider that it is owing to the fact that such total exports for the year increased more than \$75,000,000.

The large and increasing exportation of our agricultural products suggests the great usefulness of the organization lately established in the Department for the purpose of giving to those engaged in farming pursuits reliable information concerning the condition, needs, and advantages of different foreign markets. Inasmuch as heeds, and advantages of different foreign markets. Inasmuch as the success of the farmer depends upon the advantageous sale of his products, and inasmuch as foreign markets must largely be the destination of such products, it is quite apparent that a knowledge of the conditions and wants that affect those markets ought to result in sowing more intelligently and reaping with a better promise of profit. Such information points out the way to a prudent foresight in the selection and cultivation of crops and to a release from the bondage of unreasoning monotony of production, a glutted and depressed market, and constantly recurring unprofitable toil.

In my opinion the gratuitous distribution of seeds by the Department as at present conducted ought to be discontinued. No one can read the statement of the Secretary on this subject and doubt the extravagance and questionable results of this practice. The professed friends of the farmer, and certainly the farmers themselves, are naturally expected to be willing to rid a Department devoted to the promotion of farming interests of a feature which tends so much to its discredit

tends so much to its discredit.

The Weather Bureau, now attached to the Department of Agriculture, has continued to extend its sphere of usefulness, and by an uninterrupted improvement in the accuracy of its forecasts has greatly increased its efficiency as an aid and protection to all whose

occupations are related to weather conditions.

Omitting further reference to the operations of the Department, I commend the Secretary's report and the suggestions it contains to the careful consideration of the Congress.

The progress made in civil-service reform furnishes a cause for the utmost congratulation. It has survived the doubts of its friends as well as the rancor of its enemies and has gained a permanent place among the agencies destined to cleanse our politics

manent place among the agencies destined to cleanse our politics and to improve, economize, and elevate the public service.

There are now in the competitive classified service upward of eighty-four thousand places. More than half of these have been included from time to time since March 4, 1893. A most radical and sweeping extension was made by Executive order dated the 6th day of May, 1896, and if fourth-class postmasterships are not included in the statement it may be said that practically all positions contemplated by the civil-service law are now classified. Abundant reasons exist for including these postmasterships, based upon economy, improved service, and the peace and quiet of neighborhoods. If, however, obstacles prevent such action at present, I earnestly hope that Congress will, without increasing post-office appropriations, so adjust them as to permit in proper cases a consolidation of these post-offices, to the end that through this process the result desired may to a limited extent be accomplished.

The civil-service rules as amended during the last year provide

The civil-service rules as amended during the last year provide for a sensible and uniform method of promotion, basing eligibility to better positions upon demonstrated efficiency and faithfulness. The absence of fixed rules on this subject has been an infirmity in the system more and more apparent as its other bene-

fits have been better appreciated.

The advantages of civil-service methods in their business aspects are too well understood to require argument. has become a necessity to the executive work of the Government. But those who gain positions through the operation of these methods should be made to understand that the nonpartisan scheme through which they receive their appointments demands from them, by way of reciprocity, nonpartisan and faithful performance of duty under every Administration, and cheerful fidelity to every chief. While they should be encouraged to decently exercise their rights of citizenship and to support through their suffrages the political beliefs they honestly profess, the noisy, pestilent, and partisan employee, who loves political turmoil and contention, or who renders lax and grudging service to an Administration not representing his political views, should be promptly and fearlessly dealt with in such a way as to furnish a warning to others who may be likewise disposed.

The annual report of the Commissioners will be duly transmitted, and I commend the important matter they have in charge to the careful consideration of the Congress.

The Interstate Commerce Commission has, during the last year, has become a necessity to the executive work of the Government.

The Interstate Commerce Commission has, during the last year, supplied abundant evidence of its usefulness and the importance

of the work committed to its charge.

Public transportation is a universal necessity, and the question of just and reasonable charges therefor has become of vital importance not only to shippers and carriers, but also to the vast

multitude of producers and consumers. The justice and equity of the principles embodied in the existing law passed for the pur-

of the principles embodied in the existing law passed for the purpose of regulating these charges are everywhere conceded, and there appears to be no question that the policy thus entered upon has a permanent place in our legislation.

As the present statute when enacted was, in the nature of the case, more or less tentative and experimental, it was hardly expected to supply a complete and adequate system. While its wholesome effects are manifest and have amply justified its enactment, it is evident that all desired reforms in transportation methods have not been fully accomplished. In view of the judicial interpretation which some provisions of this statute have received and the defects disclosed by the efforts made for its enforcement, its revision and amendment appear to be essential to the end that its revision and amendment appear to be essential to the end that it may more effectually reach the evils designed to be corrected. I hope the recommendations of the Commission upon this subject will be promptly and favorably considered by the Congress.

I desire to recur to the statements elsewhere made concerning

the Government's receipts and expenditures for the purpose of venturing upon some suggestions touching our present tariff law

This statute took effect on the 28th day of August, 1894. What-ever may be its shortcomings as a complete measure of tariff re-form, it must be conceded that it has opened the way to a freer and greater exchange of commodities between us and other countries, and thus furnished a wider market for our products and

The only entire fiscal year during which this law has been in force ended on the 30th day of June, 1896. In that year our imports increased over those of the previous year more than \$6,500,000, while the value of the domestic products we exported, and which found markets abroad, was nearly \$70,000,000 more

than during the preceding year.

Those who insist that the cost to our people of articles coming to them from abroad for their needful use should only be increased through tariff charges to an extent necessary to meet the expenses of the Government, as well as those who claim that tariff charges may be laid upon such articles beyond the necessities of Government. ment revenue, and with the additional purpose of so increasing ment revenue, and with the additional purpose of so increasing their price in our markets as to give American manufacturers and producers better and more profitable opportunities, must agree that our tariff laws are only primarily justified as sources of revenue to enable the Government to meet the necessary expenses of its maintenance. Considered as to its sufficiency in this aspect, the present law can by no means fall under just condemnation. During the only complete fiscal year of its operation it has yielded as the condemnation of the condemnation of the condemnation. nearly \$8,000,000 more revenue than was received from tariff duties in the preceding year. There was, nevertheless, a deficit between our receipts and expenditures of a little more than \$25,000,000. This, however, was not unexpected.

The situation was such in December last, seven months before

The situation was such in December last, seven months before the close of the fiscal year, that the Secretary of the Treasury fore-told a deficiency of \$17,000,000. The great and increasing appre-hension and timidity in business circles and the depression in all activities intervening since that time, resulting from causes per-fectly well understood and entirely disconnected with our tariff law or its operation, seriously checked the imports we would have otherwise received, and readily account for the difference between this estimate of the Secretary and the actual deficiency, as well as for a continued deficit. Indeed, it must be confessed that we could hardly have had a more unfavorable period than the last two years for the collection of tariff revenue. We can not reasonably hope that our recuperation from this business depression will be sudden, but it has already set in with a promise of acceleration and continuance.

I believe our present tariff law, if allowed a fair opportunity, will in the near future yield a revenue which, with reasonably economical expenditures, will overcome all deficiencies. In the meantime no deficit that has occurred or may occur need excite or meantime no deficit that has occurred or may occur need excite or disturb us. To meet any such deficit we have in the Treasury, in addition to a gold reserve of one hundred millions, a surplus of more than \$128,000,000 applicable to the payment of the expenses of the Government, and which must, unless expended for that purpose, remain a useless hoard, or, if not extravagantly wasted, must in any event be perverted from the purpose of its exaction from our people. The payment, therefore, of any deficiency in the revenue from this fund is nothing more than its proper and legitimate use. The Government, thus applying a surplus fortunately in its Treasury to the payment of expenses not met by its current revenues, is not at all to be likened to a man living beyond his income and thus incurring debt or encroaching on his principal. his income and thus incurring debt or encroaching on his principal.

It is not one of the functions of our Government to accumulate and make additions to a fund not needed for immediate expenditure. With individuals it is the chief object of struggle and effort. The application of an accumulated fund by the Government to the payment of its running expenses is a duty. An individual living beyond his income and embarrassing himself with debt, or drawing upon his accumulated fund of principal, is either unformake certain the rewards of labor and industry.

tunate or improvident. The distinction is between a government charged with the duty of expending for the benefit of the people and for proper purposes all the money it receives from any source, and the individual who is expected to manifest a natural desire to avoid debt or to accumulate as much as possible and to live within the income derived from such accumulations, to the end that they may be increased or at least remain unimpaired for the future use and enjoyment of himself or the objects of his love

and affection who may survive him.

It is immeasurably better to appropriate our surplus to the pay-

ment of justifiable expenses than to allow it to become an invita-tion to reckless appropriations and extravagant expenditures. I suppose it will not be denied that under the present law our people obtain the necessaries of a comfortable existence at a cheaper people obtain the necessaries of a comfortable existence at a cheaper rate than formerly. This is a matter of supreme importance, since it is the palpable duty of every just government to make the burdens of taxation as light as possible. The people should not be required to relinquish this privilege of cheaper living except under the stress of their Government's necessity made plainly manifest. This reference to the condition and prospects of our revenues naturally suggests an allusion to the weakness and vices of our financial methods. They have been frequently pressed upon the attention of Congress in previous Executive communications and

financial methods. They have been frequently pressed upon the attention of Congress in previous Executive communications and the inevitable danger of their continued toleration pointed out. Without now repeating these details, I can not refrain from again earnestly presenting the necessity of the prompt reform of a system opposed to every rule of sound finance and shown by experience to be fraught with the gravest peril and perplexity. The terrible civil war which shook the foundations of our Government more than thirty years ago brought in its train the destruction of property, the wasting of our country's substance, and the estrangement of brethren. These are now past and forgotten. Even the distressing loss of life the conflict entailed is but a sacred memory, which fosters patriotic sentiment and keeps alive a tender regard for those who nobly died. And yet there remains with us to-day. for those who nobly died. And yet there remains with us to-day, in full strength and activity, as an incident of that tremendous struggle, a feature of its financial necessities not only unsuited to our present circumstances, but manifestly a disturbing menace to business security and an ever-present agent of monetary distress.

Because we may be enjoying a temporary relief from its depressing influence, this should not lull us into a false security nor lead us to forget the suddenness of past visitations.

I am more convinced than ever that we can have no assured financial peace and safety until the Government currency obligations upon which gold may be demanded from the Treasury are withdrawn from circulation and canceled. This might be done, as has been heretofore recommended, by their exchange for longterm bonds bearing a low rate of interest or by their redemption with the proceeds of such bonds. Even if only the United States notes known as greenbacks were thus retired, it is probable that notes known as greenbacks were thus retired, it is probable that the Treasury notes issued in payment of silver purchases under the act of July 14, 1890, now paid in gold when demanded, would not create much disturbance, as they might, from time to time, when received in the Treasury by redemption in gold or otherwise, be gradually and prudently replaced by silver coin.

This plan of issuing bonds for the purpose of redemption certainly appears to be the most effective and direct path to the needed reform. In default of this, however, it would be a step in the right direction if currency obligations redeemable in gold.

needed reform. In default of this, however, it would be a step in the right direction if currency obligations redeemable in gold, whenever so redeemed, should be canceled instead of being reissued. This operation would be a slow remedy, but it would improve present conditions.

National banks should redeem their own notes. They should be allowed to issue circulation to the par value of bonds deposited as

be reduced to one-fourth of 1 per cent.

In considering projects for the retirement of United States notes and Treasury notes issued under the law of 1890, I am of the opinion that we have placed too much stress upon the danger of contracting the currency, and have calculated too little upon the gold that would be added to our circulation if invited to us by better and safer financial methods. It is not so much a contraction of our currency that should be avoided as its unequal distribution.

This might be obviated, and any fear of harmful contraction at

the same time removed, by allowing the organization of smaller banks and in less populous communities than are now permitted, and also authorizing existing banks to establish branches in small

communities under proper restrictions.

The entire case may be presented by the statement that the day of sensible and sound financial methods will not dawn upon us until our Government abandons the banking business and the accumulation of funds, and confines its monetary operations to the receipt of the money contributed by the people for its support, and to the expenditure of such money for the people's benefit.

Our business interests and all good citizens long for rest from

Another topic in which our people rightfully take a deep interest may be here briefly considered. I refer to the existence of trusts and other huge aggregations of capital, the object of which is to secure the monopoly of some particular branch of trade, industry, or commerce and to stifle wholesome competition. When these are defended it is usually on the ground that though they increase profits they also reduce prices and thus may benefit the public. It must be remembered, however, that a reduction of prices to the people is not one of the real objects of these organizations, nor is their tendency necessarily in that direction. If it prices to the people is not one of the real objects of these organiza-tions, nor is their tendency necessarily in that direction. If it occurs in a particular case it is only because it accords with the purposes or interests of those managing the scheme.

Such occasional results fall far short of compensating the palpa-

ble evils charged to the account of trusts and monopolies. Their tendency is to crush out individual independence and to hinder or tendency is to crush out individual independence and to hinder or prevent the free use of human faculties and the full development of human character. Through them the farmer, the artisan, and the small trader is in danger of dislodgment from the proud position of being his own master, watchful of all that touches his country's prosperity, in which he has an individual lot, and interested in all that affects the advantages of business of which he is a factor, to be relegated to the level of a mere appurtenance to a great machine, with little free will, with no duty but that of passive obedience, and with little hope or opportunity of rising in the scale of responsible and helpful citizenship.

To the instinctive belief that such is the inevitable trend of trusts

To the instinctive belief that such is the inevitable trend of trusts and monopolies is due the widespread and deep-seated popular aversion in which they are held and the not unreasonable insistence that, whatever may be their incidental economic advantages, their expectations are reported from the control of the contro their general effect upon personal character, prospects, and usefulness can not be otherwise than injurious.

Though Congress has attempted to deal with this matter by legislation, the laws passed for that purpose thus far have proved ineffective, not because of any lack of disposition or attempt to emforce them, but simply because the laws themselves as interpreted by the courts do not reach the difficulty. If the insufficiencies of existing laws can be remedied by further legislation it should be done. The fact must be recognized, however, that all Federal legislation on this subject may fall short of its purpose because of inherent obstacles, and also because of the complex character of our governmental system, which, while making the Federal authority supreme within its sphere, has carefully limited that sphere by metes and bounds which can not be transgressed. The decision of our highest court on this precise question renders it quite doubtful whether the evils of trusts and monopolies can be adequately treated through Federal action, unless they seek directly and purposely to include in their objects transportation or intercourse between States or between the United States and foreign countries. Though Congress has attempted to deal with this matter by United States and foreign countries

It does not follow, however, that this is the limit of the remedy that may be applied. Even though it may be found that Federal authority is not broad enough to fully reach the case, there can be no doubt of the power of the several States to act effectively in the premises, and there should be no reason to doubt their willing-

ness to judiciously exercise such power.

In concluding this communication, its last words shall be an appeal to the Congress for the most rigid economy in the expenditure of the money it holds in trust for the people. The way to perplexing extravagance is easy, but a return to frugality is difficult. When, however, it is considered that those who bear the burdens of taxation have no guaranty of honest care save in the fidelity of their public servants, the duty of all possible retrench-

ment is plainly manifest.

When our differences are forgotten, and our contests of political opinion are no longer remembered, nothing in the retrospect of our public service will be as fortunate and comforting as the recollection of official duty well performed and the memory of a constant devotion to the interests of our confiding fellow-country-

men.

GROVER CLEVELAND.

EXECUTIVE MANSION, December 7, 1896.

Mr. HOAR. I move that the message lie on the table and be printed.

The motion was agreed to.

Mr. HALE. I move that the Senate adjourn.

Mr. CALL. I ask the Senator from Maine to allow me to offer a resolution

Mr. CULLOM. Oh, no; let us start in with routine business in the morning

Mr. HALE. I think it is proper the Senate should take an adjournment after the message.

The VICE-PRESIDENT. The question is on the motion of the

Senator from Maine.

The motion was agreed to; and (at 3 o'clock and 35 minutes m.) the Senate adjourned until to-morrow, Tuesday, December 8, 1896, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

Monday, December 7, 1896.

This being the day fixed by the Constitution for the annual meeting of Congress, the House of Representatives of the Fiftyfourth Congress assembled in their Hall for their second session The Chaplain of the House, Rev. H. N. Couden, offered the

following prayer:

Almighty God, our heavenly Father, we approach Thee in the attitude of prayer and devotion because we believe in Thee as not only the creator and upholder of all things but that Thou dost preside over the destiny of men and of nations. Hitherto Thou hast shaped the progress of our Union and made it strong and great. snaped the progress of our Union and made it strong and great. Continue, we beseech Thee, to guide our destiny, that the genius of our Republic may more and more obtain. May the harmony which prevails throughout our borders continue. Keep us ever in peace with all the world.

Bless our President and all others in authority, that they may be guided by Thy wisdom to a faithful performance of all their duties. Bless the Congress now convened. Make it an instrument in Thy

hands to the promotion of great good.

Be graciously near to the friends and families of those who have departed this life since we last met. Comfort them with the blessed hope of immortality; and let Thy kingdom come in the hearts of men that Thy will may be done in all the earth, through Jesus Christ our Lord. Amen.

The SPEAKER The Clock will proceed to call the roll of more

The SPEAKER. The Clerk will proceed to call the roll of mem-

bers by States.

The roll was called, showing the presence of the following-named Members and Delegates:

William F. Aldrich. Albert T. Goodwyn. John H. Bankhead.

Philip D. McCulloch, John S. Little. Thomas C. McRae.

John A. Barham. Grove L. Johnson, Samuel G. Hilborn.

John F. Shafroth.

E. Stevens Henry. Nehemiah D. Sperry.

Stephen M. Sparkman.

Rufus E. Lester. Leonidas F. Livingston. Charles L. Bartlett. John W. Maddox.

J. Frank Aldrich.
William Lorimer.
Hugh R. Belknap.
Charles W. Woodman.
George E. White.
Edward D. Cooke.
George E. Foss.
Albert J. Hopkins.
Robert R. Hitt.
George W. Prince.

James A. Hemenway, Alexander M. Hardy, Jesse Overstreet. Henry U. Johnson. Charles L. Henry.

Samuel M. Clark. David B. Henderson. Thomas Updegraff. Robert G. Cousins. John F. Lacey.

Richard W. Blue. Case Broderick. O. L. Miller. S. S. Kirkpatrick.

John D. Clardy. W. Godfrey Hunter. Walter Evans. Albert S. Berry.

Adolph Mever.

Thomas B. Reed. Nelson Dingley, jr.

ALABAMA Milford W. Howard. Joseph Wheeler. Truman H. Aldrich.

ARKANSAS. William L. Terry. Hugh A. Dinsmore. Robert Neill.

CALIFORNIA.

James G. Maguire. Eugene F. Loud.

COLORADO. John C. Bell. CONNECTICUT.

Ebenezer J. Hill.

FLORIDA

Charles M. Cooper. GEORGIA

Thomas G. Lawson. Farish Carter Taté. J. C. C. Black. Henry G. Turner.

ILLINOIS

Walter Reeves.
Joseph G. Cannon.
Joseph V. Graff.
John I. Rinaker.
James A. Connolly.
Benson Wood.
Orlando Burrell.
Everett J. Murphy.
George W. Smith.

INDIANA.

George W. Faris. J. Frank Hanly. Jethro A. Hatch. George W. Steele. J. D. Leighty.

TOWA

John A. T. Hull. William P. Hepburn. Alva L. Hager. Jonathan P. Dolliver. George D. Perkins.

Charles Curtis. W. A. Calderhead. William Baker. Chester I. Long.

KENTUCKY.

William C. Owens, James B. McCreary. Samuel J. Pugh. Joseph M. Kendall.

LOUISIANA.

Charles F. Buck.

Seth L. Milliken. Charles A. Boutelle.

MARYLAND.

Joshua W. Miles. William B. Baker. Harry W. Rusk.

Ashley B. Wright. Frederick H. Gillett. Joseph Henry Walker. Lewis Dewart Apsley. William S. Knox. W. H. Moody.

John B. Corliss. George Spalding. Alfred Milnes. Henry F. Thomas. William Alden Smith.

James A. Tawney. Joel P. Heatwole.

John M. Allen. John C. Kyle.

Charles N. Clark. Uriel S. Hall. Alexander M. Dockery. George C. Crowther. Robert T. Van Horn. David A. De Armond J John P. Tracey.

Jesse B. Strode. David H. Mercer.

Cyrus A. Sulloway.

Henry C. Loudenslager. John J. Gardner. Benjamin F. Howell. Mahlon Pitney.

Richard C. McCormick.
Israel F. Fischer.
Charles G. Bennett.
James R. Howe.
Franklin Bartlett.
John M. Mitchell.
Henry C. Miner.
Amos J. Cummings.
William Sulzer.
George B. McClellan.
Richard C. Shannon.
Lemuel E. Quigg.
Philip B. Low.
Ben L. Fairchild.
Benjamin B. Odell, jr.
Jacob Lefever.

Harry Skinner. Fred. A. Woodard. John G. Shaw. William F. Strowd.

Charles P. Taft. Jacob H. Bromwell. Paul J. Sorg. Fernando C. Layton. Francis B. De Witt. Lucien J. Fenton. Charles H. Grosvenor.

Binger Hermann.

Galusha A. Grow.
George F. Huff.
Henry H. Bingham.
Robert Adams, jr.
Frederick Halterman.
John E. Reyburn.
Alfred C. Harmer.
John B. Robinson.
Irving P. Wanger.
Joseph J. Hart.
Constantine J. Erdman.
Marriott Brosius.
Joseph A. Seranton.
John Leisenring.

W. Jasper Talbert. Asbury C. Latimer.

John K. Cowen. George L. Wellington.

MASSACHUSETTS.

William E. Barrett. Samuel W. McCall. John F. Fitzgerald. William F. Draper. Elijah A. Morse. John Simpkins. MICHIGAN.

David D. Aitken. Roswell P. Bishop. John Avery. Samuel M. Stephenson.

MINNESOTA.

Andrew R. Kiefer. Loren Fletcher.

MISSISSIPPI.

Thomas C. Catchings. Walter M. Denny.

MISSOURI.

Joel D. Hubbard.
William M. Treloar.
Richard G. Bartholdt.
Seth W. Cobb.
John H. Raney.
Norman A. Mozley.
Charles G. Burton.

MONTANA. Charles S. Hartman. NEBRASKA.

William E. Andrews.

NEVADA. Francis G. Newlands.

NEW HAMPSHIRE.

Henry M. Baker.

NEW JERSEY.

James F. Stewart. Richard Wayne Parker. Thomas McEwan, jr. Charles Newell Fowler.

NEW YORK.

Frank S. Black.
George N. Southwick.
David F. Wilber.
Newton M. Curtis.
Vallace T. Foote, jr.
Charles A. Chickering.
James S. Sherman.
George W. Ray.
Theodore L. Poole.
Sereno E. Payne.
Charles W. Gillet.
James W. Wadsworth.
Henry C. Brewster.
Rowland B. Mahany.
Charles Daniels.
Warren B. Hooker.

NORTH CAROLINA.

A. C. Shuford. Romulus Z. Linney. Richmond Pearson.

NORTH DAKOTA. Martin N. Johnson.

оню.

David K. Watson. Winfield S. Kerr. Henry C. Van Voorhis. Addison S. McClure. Robert W. Tayler. Stephen A. Northway. Theo. E. Burton.

OREGON.

William R. Ellis.

PENNSYLVANIA.

ANIA.
Charles N. Brumm.
Ephraim M. Woomer.
James H. Codding.
Monroe H. Kulp.
Thaddeus M. Mahon.
James A. Stahle.
Josiah D. Hicks.
Daniel B. Heiner.
John Dalzell.
William A. Stone.
Thomas W. Phillips.
Charles W. Stone.
William C. Arnold.

SOUTH CAROLINA.

Stanyarne Wilson. John L. McLaurin.

SOUTH DAKOTA. John A. Pickler.

TENNESSEE

W. C. Anderson. Henry R. Gibson. Benton McMillin. James D. Richardson.

Sam. Bronson Cooper. Charles H. Yoakum. David B. Culberson. Joseph W. Bailey. Jo Abbott.

Nicholas N. Cox. John E. McCall. James C. McDearmon. Josiah Patterson. TEXAS. George C. Pendleton. Charles K. Bell. Joseph D. Sayers. Miles Crowley. George H. Noonan.

UTAH. Clarence E. Allen. VERMONT. H. Henry Powers.

VIRGINIA.

William A. Jones. Robert T. Thorp. Claude A. Swanson. Peter J. Otey.

Smith S. Turner. Elisha E. Meredith, Henry St. G. Tucker.

WASHINGTON. William H. Doolittle.

WEST VIRGINIA.

Blackburn B. Dovener. Alston G. Dayton.

Henry A. Cooper. Joseph W. Babcock. Theobold Otjen. Samuel A. Cook.

James H. Huling. Warren Miller.

WISCONSIN. Michael Griffin. Edward S. Minor. John J. Jenkins.

WYOMING. Frank W. Mondell. ARIZONA. Nathan O. Murphy. NEW MEXICO. Thomas B. Catron. OKLAHOMA.

Dennis T. Flynn.

The SPEAKER. The Clerk announces that 287 members have responded to their names. A quorum being present, the House is now ready to proceed to business.

MESSAGE FROM THE SENATE.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Cox, its Secretary, announced that the Senate had passed the following resolutions:

Resolved, That the Secretary inform the House of Representatives that a quorum of the Senate is assembled, and the Senate is ready to proceed to business.

Resolved, That a committee consisting of two Senators be appointed, to join such committee as may be appointed by the House of Representatives, to wait upon the President of the United States and inform him that a quorum of each House is assembled, and that Congress is ready to receive any communication he may be pleased to make.

The message further announced that

The message further announced that, in compliance with the last-recited resolution, the Vice-President had appointed as said committee Mr. Sherman and Mr. Smith.

SWEARING IN OF A MEMBER.

The SPEAKER. The Chair understands that there are some members-elect whose credentials are at the desk and who should

The credentials of Hon. J. William Stokes, as Representative-elect from the Seventh district of South Carolina, were read. The SPEAKER. If there be no objection to the certificate, the member-elect will be sworn in.

Mr. Stokes (having been escorted to the Clerk's desk by Mr. LATIMER) was duly qualified by taking the oath prescribed by

The Clerk read the credentials of Hon. Charles J. Boatner as member-elect from the Fifth district of Louisiana.

Mr. MEYER. Mr. Speaker, my colleague, Mr. Boatner, is unavoidably detained from the House to-day. He is expected here in two or three days, when I trust he may be sworn in.

NOTIFICATION TO THE PRESIDENT.

Mr. CANNON offered the following resolution; which was read, considered, and adopted:

Resolved, That a committee of three members be appointed on the part of the House, to join the committee already appointed by the Senate, to wait upon the President and inform him that a quorum of the two Houses has assembled, and that Congress is ready to receive any communication he may have to

The SPEAKER announced the appointment of Mr. Cannon, Mr. Payne, and Mr. Turner of Georgia as the committee on the part of the House under the resolution just adopted.

NOTIFICATION TO SENATE.

Mr. HENDERSON submitted the following resolution; which

was read, considered, and agreed to:

Resolved, That the Clerk of the House inform the Senate that a quorum of the House of Representatives has appeared, and that the House is ready to proceed to business.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows: To Mr. Gamble, for ten days, on account of important business. To Mr. Danford, indefinitely, on account of business; and To Mr. Kleberg, indefinitely, on account of sickness.

RECESS.

Mr. HENDERSON. Mr. Speaker, I move that the House take a recess untill 1 o'clock and 30 minutes p. m. to-day.

The SPEAKER. In the absence of objection, that order will be

There was no objection; and accordingly (at 12 o'clock and 47 minutes p. m.) the Speaker declared the House in recess until half past 1 o'clock.

The recess having expired, at 1 o'clock and 30 minutes p.m. the

House resumed its session.

Mr. DINGLEY. Mr. Speaker, I move that the House take a further recess until 2 o'clock.

There being no objection, the motion was agreed to by unanimous consent; and accordingly (at 1 o'clock and 31 minutes p.m.) the House was declared in recess until 2 o'clock.

At 2 o'clock p. m. the House resumed its session.

REPORT OF COMMITTEE TO WAIT UPON THE PRESIDENT.

Mr. CANNON, from the committee appointed by the House to join a similar committee of the Senate to wait upon the President and notify him that a quorum of both Houses had assembled and that Congress was ready to receive any communication he might be pleased to make, reported that they had performed that duty and were informed by the President that he would immediately communicate with the Congress in writing.

PRESIDENT'S MESSAGE.

A message from the President of the United States in writing was communicated to the House by Mr. PRUDEN, one of his secre-

The SPEAKER. The Clerk will read the message of the Presi-

dent.
The message was read at length.

[For message see Senate proceedings of this date.]
Mr. DINGLEY. Mr. Speaker, I present the following resolution for immediate consideration.

The Clerk read as follows:

Resolved. That the message of the President be committed to the Committee of the Whole House on the state of the Union and, with the accompanying documents, printed.

Mr. GROW. Mr. Speaker, is the message of the President de-batable on that motion?

The SPEAKER. The motion of the gentleman from Maine is debatable. The gentleman from Maine is recognized if he desires to debate the resolution.

Mr. DINGLEY. I do not know what the gentleman from Pennsylvania desires. Does he wish to debate the motion?

Mr. GROW. I would like to discuss the message either now or when we go into Committee of the Whole.

Mr. DINGLEY. I think it would be better if the gentleman deferred the discussion until the House goes into Committee of the Whole.

Mr. GROW. I am satisfied either way. I shall only want a few minutes

The resolution of Mr. DINGLEY was then agreed to.

PENSION APPROPRIATION BILL.

Mr. WILLIAM A. STONE, from the Committee on Appropriations, reported a bill (H. R. 9473) making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1898, and for other purposes; which was ordered to be printed and referred to the Committee of the Whole House on the state of the Union.

DEATH OF HON. CHARLES F. CRISP.

Mr. TURNER of Georgia. Mr. Speaker, it is my painful duty to have to announce to the House the untimely death of my colleague, the Hon. CHARLES F. CRISP, late a member of this body, which occurr in the city of Atlanta, Ga., on the 23d day of October last.

At some later day in the session we will ask the House to appoint a time when his friends here may pay fitting tribute to his distinguished character and to his eminent public services. At the present time I offer the following resolutions for immediate consideration.

The Clerk read as follows:

Resolved, That the House has heard with profound sorrow of the death of Hon. CHARLES F. CRISP, late a Representative from the State of Georgia.

Resolved, That as a mark of respect to his memory the House do now ad-

 $\begin{array}{c} \mbox{journ.} \\ \mbox{\it Resolved}, \mbox{\it That the Clerk communicate these resolutions to the Senate.} \end{array}$

The resolutions were agreed to; and accordingly the House (at 3 o'clock and 45 minutes p. m.) adjourned until 12 o'clock to-morrow, Tuesday.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as fellows:

A letter from the Acting Secretary of the Treasury, transmitting a report of the contingent expenses of the Department for the fiscal year ending June 30, 1896-to the Committee on Expenditures in

the Treasury Department.

A letter from Hon. Alexander McDowell, Clerk of the House of Representatives, transmitting a report for the period from December 2, 1895, to June 30, 1896, showing the names of persons employed, the time of employment, the sums paid each, itemized statement of the expenditures of the contingent fund, the stationery account, etc.-to the Committee on Accounts, and ordered to be printed.

A letter from the Architect of the Capitol, transmitting a statement as to the filtration of water used in the Capitol building, in obedience to a provision in the "Act making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1896," etc.—to the Committee on Appropriations, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of Fletcher B. Neblett, administrator of Richmond T. Rutledge, deceased, against The United States—to the Committee on War Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the cases of Milton Taylor, administrator of Henry Shobe, deceased, Nimrod Shobe, and Solomon Shobe against The United States—to the Com-

mittee on War Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of the heirs of Augustine M. Swain against The United States—to the Committee on War Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of Sarah F. Maddux, wife of J. C. Maddux, administrator of Creed T. Wise, deceased, against The United States—to the Committee on War Claims, and ordered to be printed.

A letter from the Secretary of Agriculture, transmitting a detailed statement of the expenditures of all appropriations for the Department of Agriculture for the fiscal year ending June 30, 1896, including supplementary account to date—to the Committee on Expenditures in the Agricultural Department, and ordered to be printed.

A letter from Bernard R. Green, the officer in charge of the construction of the building for the Library of Congress, transmitting his report of the construction of the building for the year ending December 1, 1896—to the Committee on the Library, and ordered to be printed.

A letter from the Doorkeeper of the House of Representatives, transmitting an inventory of books, maps, and pamphlets remaining in the folding room December 7, 1896—to the Committee on

A letter from the United States Commissioner of Fish and Fisheries, transmitting a statement showing expenditures under all appropriations for propagation of food-fishes during the fiscal year ending June 30, 1896, and also under certain other appropriations—to the Committee on the Merchant Marine and Fisheries, and ordered to be printed.

A communication from the chief clerk of the Court of Claims, transmitting statements of all judgments rendered by said court for the year ending December 5, 1896, including the amounts thereof, etc.—to the Committee on War Claims, and ordered to

A letter from the Doorkeeper of the House of Representatives, transmitting a list of all books, pamphlets, furniture, etc., destroyed, due to the collapse of the annex folding room—to the Committee on Accounts.

A letter from the Doorkeeper of the House of Representatives, transmitting a statement of sales of waste paper—to the Committee on Accounts.

A letter from the Secretary of the Interior, transmitting a copy of a report of the Government directors of the Union Pacific Railway Company for the fiscal year ended June 30, 1896—to the Committee on Pacific Railroads.

A letter from the Sergeant-at-Arms of the House of Representa-tives, transmitting list of property in his charge December 1, 1896 to the Committee on Accounts.

A letter from the Sergeant-at-Arms of the House of Representa-tives, transmitting a statement showing receipts and disburse-ments of his office to December 1, 1896—to the Committee on Accounts.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to

The several Calendars therein named, as follows:

Mr. DRAPER, from the Committee on Patents, to which was referred the bill of the Senate (S. 2306) entitled "An act to amend Title LX, chapter 3, of the Revised Statutes, relating to copyrights," reported the same without amendment, accompanied by a report

(No. 2990); which said bill and report were referred to the House Calendar.

Mr. EVANS, from the Joint Select Committee of Congress on Alcohol in the Manufactures and Arts, appointed under authority of section 2 of the act of June 3, 1896, pursuant to the provisions of said act, submitted the report (No. 2291) of said committee; which said report was referred to the Committee of the Whole House on the state of the Union.

PUBLIC BILLS, MEMORIALS, AND RESOLUTIONS.

Under clause 3 of Rule XXII, bills and resolutions of the fol-

Onder clause 5 of Rule AAII, bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. BAKER of New Hampshire: A bill (H. R. 9465) to amend section 3519 of the Revised Statutes, to provide for the coinage of gold and silver by the United States, and appropriating money for that purpose—to the Committee on Coinage, Weights, and Measures.

By Mr. CUMMINGS: A bill (H. R. 9466) to amend section 3449.

By Mr. CUMMINGS: A bill (H. R. 9466) to amend section 3449 of the Revised Statutes—to the Committee on Ways and Means. By Mr. WHEELER: A bill (H. R. 9467) granting to the Muscle Shoals Power Company the right to erect, construct, operate, and maintain dam or dams, inlet and outlet races or canals, and power station or stations in the Tennessee River at Muscle Shoals, in the State of Alabama—to the Committee on Rivers and Harbors.

By Mr. BAKER of New Hampshire: A bill (H. R. 9468) to enable the Commissioners of the District of Columbia to refuse a

permit to erect stables and to grant one for the erection of dwellings—to the Committee on the District of Columbia.

By Mr. COOPER of Texas: A bill (H.R. 9469) to constitute a new division of the eastern judicial district of Texas, and to pro-vide for the holding of terms of court at Beaumont, Tex., and for the appointment of a clerk for said court—to the Committee on

the Judiciary.

By Mr. WELLINGTON (by request): A bill (H. R. 9470) to incorporate the Washington and Gettysburg Railway Company—to the Committee on the District of Columbia.

By Mr. ADAMS: A bill (H. R. 9471) to increase the efficiency of the foreign service of the United States, and to provide for the of the foreign service of the United States, and to provide for the reorganization of the consular service—to the Committee on For-

By Mr. BERRY: A bill (H. R. 9472) to amend chapter 111 of

the acts of the third session of the Fifty-third Congress—to the Committee on Public Buildings and Grounds.

By Mr. MAHANY: A bill (H. R. 9487) to prevent the employment of migratory aliens on Government work—to the Committee on Labor.

By Mr. LORIMER: Joint resolution (H. Res. 202) relative to improvement of Chicago River from its mouth to the stock yards, on its South Branch, and to Belmont avenue, on the North Branch—to the Committee on Rivers and Harbors.

By Mr. WOODMAN: Joint resolution (H. Res. 203) recog-

nizing the independence of Cuba-to the Committee on Foreign

PRIVATE BILLS, ETC.

Under clause 1 of Rule XXII, private bills of the following titles were presented and referred as follows:

By Mr. BAKER of New Hampshire: A bill (H. R. 9474) granting a pension to Pheroba A. Hale, widow of Jonathan D. Hale—to the Committee on Invalid Pensions.

By Mr. BELL of Tayas: A bill (H. R. 9475) for the relief of Cal

By Mr. BELL of Texas: A bill (H. R. 9475) for the relief of Cal-vin T. Hazelwood—to the Committee on Claims. By Mr. BERRY: A bill (H. R. 9476) for the benefit of George W. Henderson, of Campbell County, Ky.—to the Committee on

Invalid Pensions.

Also, a bill (H. R. 9477) granting a pension to Christian Hohn—to the Committee on Invalid Pensions.

By Mr. BINGHAM: A bill (H. R. 9478) granting a pension to Mary I. Valentine—to the Committee on Invalid Pensions.

By Mr. CROWTHER: A bill (H. R. 9479) granting a pension to C. H. John—to the Committee on Invalid Pensions.

By Mr. JENKINS: A bill (H. R. 9480) for the relief of Luther Herrick, late first lieutenant Company F, Ninth Regiment New York Cavalry—to the Committee on Military Affairs.

By Mr. MEREDITH: A bill (H. R. 9481) to increase the pension of Alice De K. Shatuck—to the Committee on Pensions.

of Alice De K. Shattuck—to the Committee on Pensions.

By Mr. TRACEY: A bill (H. R. 9482) for the relief of James T.

By Mr. TRACEY: A bill (H. R. 9482) for the relief of James T. Anderson—to the Committee on Military Affairs.

By Mr. UPDEGRAFF: A bill (H. R. 9483) for the relief of John N. Quackenbush—to the Committee on the Judiciary.

By Mr. WANGER: A bill (H. R. 9484) for the relief of Helen W. Mauck—to the Committee on Invalid Pensions.

By Mr. WOOD: A bill (H. R. 9485) granting a pension to Isaac H. Fitzmorris—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9486) granting a pension to Mary A. Dickson, mother of Andrew P. Dickson, deceased—to the Committee on Invalid Pensions. on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ADAMS: Petition of the Philadelphia Maritime Ex-

change, favoring the passage of a bill appropriating \$40,000 for a mail boat in New York Harbor—to the Committee on Appropri-

By Mr. TRACEY: Affidavits of John H. Jenkins and Hugh Boyle, in support of House bill No. 8717, relating to the claim of W. S. Riggs, civilian scout—to the Committee on Invalid Pensions.

Also, evidence in support of bill for the relief of David Hansel—to the Committee on Invalid Pensions.

Also, affidavits of W. D. Hubbard, R. R. Hart, and William Howell, in support of House bill No. 7243—to the Committee on Invalid Pensions.

Invalid Pensions

By Mr. UPDEGRAFF: Paper to accompany House bill for the relief of John N. Quackenbush—to the Committee on the Judiciary. By Mr. WOOD: Petition of W. H. Wines and other citizens and the control of the c

Effingham County, Ill., against the passage of House bill No. 4566, introduced by Mr. LOUD, relating to second-class mail matter—to the Committee on the Post-Office and Post-Roads.

Also, petition of Mary A. Dickson, of Edgar County, Ill., for an act granting her a pension—to the Committee on Invalid Pensions.

SENATE.

Tuesday, December 8, 1896.

Prayer by the Chaplain, Rev. W. H. MILBURN, D. D. MARION BUTLER, a Senator from the State of North Carolina, and George W. McBride, a Senator from the State of Oregon, appeared in their seats to-day.

The Journal of yesterday's proceedings was read and approved.

EMPLOYMENT OF ALIENS IN EXECUTIVE DEPARTMENTS

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Treasury, in response to the resolution of May 9, 1896, calling for the number of aliens employed in the Executive Departments; which was read, as follows:

TREASURY DEPARTMENT, OFFICE OF THE SECRETARY, Washington, D. C., December 7, 1896.

SIR: In response to the resolution of the Senate dated May 9, 1896, I have the honor to state that I have caused a careful and thorough inquiry to be made regarding the number of aliens employed in this Department, and as a result thereof I have to report as follows:

At the date of the resolution 35 aliens were employed in the Treasury Department. Since that date 12 have become naturalized—6 on May 18, 1896; 2, May 19, 1896; 1, May 20, 1896; 1, May 21, 1896; 1, May 25, 1896; and 1, May 27, 1896.

1896.

One has resigned since date of resolution. There are 3 persons of foreign birth employed who came to the United States at early ages who are unable to furnish any proofs of their parents' citizenship, and 2 foreign born who married in the United States, but can furnish no evidence of their deceased husbands' citizenship.

Respectfully, yours,

J. G. CARLISLE.

J. G. CARLISLE, Secretary. The honorable the Vice-President and President of the Senate.

Mr. GALLINGER. This communication is in answer to a resolution that I had the honor to offer in the Senate. I desire simply to say that it is gratifying to me to notice, from the reply made by the Secretary of the Treasury, that the aliens who have had conspicuous employment in the public service have found it convenient, since attention has been called to this matter, to take out naturalization papers. I think the purpose is being accomplished for which the resolution was offered. I move that the communication lie on the table and be printed.

The motion was agreed to.

REPORT OF COMMISSIONER-GENERAL OF IMMIGRATION.

The VICE-PRESIDENT laid before the Senate a communica-tion from the Secretary of the Treasury, transmitting a report of the Commissioner-General of Immigration of the results of his mission to the Italian Government October, 1896; which was read.

Mr. CHANDLER. I move that the communication, with the accompanying report, be referred to the Committee on Immigration, and that 500 extra copies be printed for the Commissioner-General of Immigration.

The motion was agreed to.

JUDGMENTS OF COURT OF CLAIMS.

The VICE-PRESIDENT laid before the Senate a communication from the Attorney-General, transmitting a statement of all judgments rendered by the Court of Claims for the year ended December 5, 1896, the amounts thereof, the parties in whose favor rendered, etc.; which was referred to the Committee on Claims, and ordered

to be printed.

He also laid before the Senate a communication from the clerk of the Court of Claims, transmitting, pursuant to the provisions of section 8 of the act of Congress approved March 3, 1891, a list of judgments rendered in favor of claimants and against the United States and defendant Indian tribes, and not heretofore appropriated for; which, with the accompanying paper, was referred to the Committee on Indian Depredations, and ordered to be printed.

LOTS IN THE CITY OF WASHINGTON.

The VICE-PRESIDENT laid before the Senate a communication from the Attorney-General, in response to the resolution of May 18, 1896, asking for a list of lots in the city of Washington claimed by private owners the title to which is in the United States, giving the result of a partial examination, and suggesting the neces-sity of an additional appropriation to complete the work; which

Mr. CULLOM. It is somewhat difficult to determine to which committee the communication ought to be referred. It seems to wind up by asking for an appropriation, and probably it should be referred to the Committee on Appropriations and printed. I will make that motion, in the absence of the chairman of the

The motion was agreed to.

UNION PACIFIC RAILWAY COMPANY.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Interior, transmitting a report of the Government directors of the Union Pacific Railway Company for the year ended June 30, 1896; which, with the accompanying report, was referred to the Committee on Pacific Railroads, and ordered to be printed.

FILTRATION OF WATER IN CAPITOL BUILDING.

The VICE-PRESIDENT laid before the Senate a communication from the Architect of the Capitol, transmitting, in response to a provision in the deficiency appropriation act of June 30, 1896, a report as to the methods for the filtration of water used in the Capitol building; which was referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

REPORT OF THE COMMISSIONER OF FISH AND FISHERIES

The VICE-PRESIDENT laid before the Senate the annual report of the Commissioner of Fish and Fisheries for the year ended June 30, 1896; which was referred to the Committee on Fisheries, and ordered to be printed.

REPORT OF SERGEANT-AT-ARMS.

The VICE-PRESIDENT laid before the Senate a communica tion from the Sergeant-at-Arms of the Senate, submitting a full and complete account of all property belonging to the United States in his possession December 7, 1896; which was read, and, with the accompanying papers, ordered to lie on the table and be printed.

REPORT OF SECRETARY OF THE SENATE.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Senate, submitting, in obedience to law, a full and complete account of all property belonging to the United States in his possession on the 7th day of December, 1896; which was ordered to lie on the table and be printed.

He also laid before the Senate a communication from the Secre-

tary of the Senate, transmitting, in obedience to law, a statement of the receipts and expenditures of the Senate from July 1, 1895, to June 30, 1896; which was ordered to lie on the table and be

PERMANENT CENSUS SERVICE.

The VICE-PRESIDENT laid before the Senate, in compliance with the joint resolution relating to the Federal census, approved March 19, 1896, a report of the Commissioner of Labor on a plan for the adoption of a permanent census service; which was referred to the Committee on the Census, and ordered to be printed.

CONGRESSIONAL LIBRARY BUILDING.

The VICE-PRESIDENT laid before the Senate the report of Bernard R. Green, superintendent in charge, relative to the progress of the construction of the building for the Library of Congress during the year ended December 1, 1896; which, with the accompanying papers, was referred to the Select Committee on Additional Accommodations for the Library of Congress, and ordered to be printed.

PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented resolutions adopted at the national encampment of the Grand Army of the Republic, held

at St. Paul, Minn., September 3 and 4,1896, favoring the enactment of legislation providing for the better protection of the national flag; which were referred to the Committee on the Library.

He also presented resolutions adopted at a meeting of the Mon-

He also presented resolutions adopted at a meeting of the Mon-day Club, of Norfolk, Va., favoring the enactment of legislation relieving the suffering Armenians in Turkey; which were referred to the Committee on Foreign Relations.

He also presented a petition of the Master Car Builders' Associ-ation, of Chicago, Ill., and a petition of the American Railway Master Mechanics' Association, of Chicago, Ill., praying for the enactment of legislation looking toward the compulsory use of the

metric system of weights and measures in the United States; which were referred to the Committee on Finance.

He also presented a petition of the Master Car Builders' Association, of Chicago, Ill., praying that an appropriation be made for the continuance and more rapid advance of the work in the Forestry Division of the United States Department of Agriculture; which was referred to the Committee on Agriculture and Forestry

He also presented a petition of the Pennsylvania Christian Endeavor Union of Scranton, Pa., praying for the enactment of a Sunday-rest law for the District of Columbia; which was referred to the Committee on the District of Columbia.

He also presented a petition of the Pennsylvania Christian Endeavor Union of Scranton, Pa., praying for the enactment of legislation prohibiting interstate gambling by telegraph; which was referred to the Committee on Interstate Commerce.

He also presented a petition of the Pennsylvania Christian Endeavor Union of Scranton, Pa., praying for the enactment of legislation to substitute voluntary industrial arbitration for railway strikes; which was referred to the Committee on Education and

He also presented a petition of the Pennsylvania Christian Endeavor Union of Scranton, Pa., praying for the enactment of legislation providing for the appointment of an impartial commission to investigate the labor problem; which was referred to the Committee on Education and Labor.

Mr. MORRILL. I present a letter, in the nature of a petition,

addressed to the Finance Committee of the Senate, signed by sundry manufacturing companies of Milwaukee, Wis., praying for the passage of the Dingley tariff bill. I move that the communi-cation be referred to the Committee on Finance.

The motion was agreed to.

Mr. MORRILL presented a petition of the Wool Merchants' Association of Philadelphia, Pa., and a petition of sundry wool merchants of St. Louis, Mo., praying for the passage of the so-called Dingley tariff bill; which were referred to the Committee on Finance

Mr. CAMERON presented a petition of the Manufacturers' Club of Philadelphia, Pa., and a petition of the Wool Merchants' Association of Philadelphia, Pa., praying for the passage of the so-called Dingley tariff bill; which were referred to the Committee on Finance

He also presented sundry memorials of the Philadelphia (Pa.) Printing Pressmen's Union, No. 4, remonstrating against the loose construction by the Board of General Appraisers of the clause in the free list of the tariff act of 1894 relating to "scientific books and periodicals devoted to original scientific research," which inflicts great injury to their craft; which were referred to the Committee on Finance.

He also presented a memorial of the War Veterans' Association of Allegheny County, Pa., remonstrating against the action of the President of the United States in placing certain subordinate positions in a large number of the Departments of the Government under civil-service rules and praying that that injustice to those who served the Government in the late rebellion be remedied; which was referred to the Committee on Civil Service and Retrenchment.

Mr. QUAY presented the petition of Paine & Lyne and sundry other wool merchants of the State of Utah, praying for the passage of the so-called Dingley tariff bill; which was referred to the Committee on Finance.

Mr. SEWELL presented a communication from members of societies of the Colonial Dames of America, in answer to protests societies of the Colonial Dames of America, in answer to protests made by the original New York Society of Colonial Dames of America against the passage of Senate bill No. 3087, incorporating the National Society of the Colonial Dames of America; which was referred to the Committee on the Library.

Mr. LODGE presented a petition signed by 58 wool traders of Boston, Mass., praying for the passage of the so-called Dingley tariff bill; which was referred to the Committee on Finance.

Mr. McMULLAN presented a memorial of the Vernent State

Mr. McMILLAN presented a memorial of the Vermont State Medical Society of Burlington, Vt., remonstrating against the passage of Senate bill No. 1552, entitled "A bill for the further prevention of cruelty to animals in the District of Columbia;" which was referred to the Committee on the District of Columbia.

He also presented a petition of the Young Men's Christian Association of St. Louis, Mo., praying for the passage of a law raising the age of consent in the District of Columbia; which was ordered

Mr. SHERMAN presented resolutions adopted at a meeting of citizens of Amesville, Ohio, favoring the enactment of legislation for the relief of the suffering Armenians in Turkey; which were referred to the Committee on Foreign Relations.

Mr. PERKINS presented a petition of the Chamber of Commerce of San Francisco, Cal., praying for the enactment of legislation amending the law relating to merchandise imported in foreign vessels; which was referred to the Committee on Commerce.

He also presented a petition of the Chamber of Commerce of San Francisco, Cal., praying for the enactment of legisla-tion granting protection to the ocean mail steamship service of the United States; which was referred to the Committee on Com-

He also presented a petition of the Chamber of Commerce of San Francisco, Cal., praying that an appropriation be made for the improvement of the channel leading to the navy-yard at Mare Island, in that State; which was referred to the Committee on

Mr. HARRIS presented a petition of the Chamber of Commerce

Mr. HARRIS presented a petition of the Chamber of Commerce of Chattanooga, Tenn., praying that an appropriation be made for dredging in front of the city wharf and Water street in that city; which was referred to the Committee on Commerce.

Mr. BRICE presented the petition of J. D. Platt, of Dayton, Ohio, praying for the passage of the so-called educational-test bill; which was ordered to lie on the table.

He also presented the petition of E. A. Willard, secretary of the committee of the tea trade of the United States, praying that a specific duty be placed upon tea; which was referred to the Committee on Finance. mittee on Finance.

He also presented a petition of the A. K. Tatem Label Company, of Salem, Ohio, praying for the enactment of legislation

restricting immigration; which was ordered to lie on the table.

He also presented the petition of Irvin C. Souders, president of the Royal Remedy and Extract Company, of Dayton, Ohio, praying for the enactment of legislation reforming the postal service; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented the petition of John Kalbfleisch, of Clarington, Ohio, and the petition of Amos Huffman, of Wilmington, Ohio, praying for the passage of Senate bill No. 354, providing for the adjustment of pensions of those who have lost limbs or have been totally disabled; which were referred to the Committee on

He also presented a memorial of sundry vessel owners, manufacturers, and merchants of Cleveland, Ohio, remonstrating against the passage of Senate bill No. 924, providing for the erection of a bridge across the Detroit River at Detroit, in the State of Michigan; which was ordered to lie on the table.

He also presented petitions of the Massillon Board of Trade, of Massillon; of the Cleveland Chamber of Commerce, of Cleveland; Massilion; of the Cieveland Chamber of Commerce, of Cieveland; of the Laidlaw-Dunn-Gordon Company, of Cincinnati; of the National Cash Register Company, of Dayton; of Messrs. Taplin, Rice & Co. and the Werner Company, of Akron; of Homer Laughlin, of East Liverpool; of the Sherwin-Williams Company, the Cleveland Twist Drill Company, the King Bridge Company, the National Screw and Tack Company, the Grasselli Chemical Company, and the American Wire Company, of Cleveland, all in the State of Ohio, praying for the enactment of legislation providing for the establishment of a new department, to be known as the department of lishment of a new department, to be known as the department of commerce and manufactures; which were referred to the Committee on Commerce.

Mr. CALL. I present a communication, in the nature of a petition, signed by B. W. Arnold, of Palmetto, Fla., in reference to a change in our present system of weights and measures and the adoption of the metric system. I move that the communication be printed in the form of a miscellaneous document, as it is a valuable and important paper, and that it be referred to the Commit-

tee on Finance.

The motion was agreed to.

Mr. CULLOM presented a petition of the Wool Section, Manufacturers' Club, of Philadelphia, Pa., praying for the passage of the so-called Dingley tariff bill; which was referred to the Committee on Finance.

He also presented sundry telegrams, in the nature of memorials, from Armour & Co., J. C. Ames, C. A. McDonald & Co., W. H. Harper, and James H. Milne, of Chicago, Ill., protesting against the passage of what is known as the Detroit River bridge bill; which were ordered to lie on the table.

He also presented a petition of sundry citizens of Evanston, III., praying for the enactment of legislation relieving the suffering Armenians in Turkey; which was referred to the Committee on

Foreign Relations.

AFFAIRS IN CUBA.

Mr. CULLOM. I will take the liberty, while I am upon the floor, to state that, if agreeable to the Senate, on Thursday morning I shall submit some remarks upon the Cuban question.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. Browning, its Chief Clerk, conveyed to the Senate the intelligence of the death of Hon. Charles F. Crisp, late a Representative from the State of Georgia.

The message also announced that the House had passed the fol-

The message also announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 3494) granting a pension to Frances M. Roberts;

A bill (H. R. 5787) for the relief of Henry A. F. Worffi;

A bill (H. R. 6634) granting a pension to Sarah M. Spyker;

A bill (H. R. 7066) for the relief of John Berrisford; and

A bill (H. R. 8888) to grant an honorable discharge to Christopher C. Cummins.

HOUSE BILLS REFERRED.

The following bills were severally read twice by their titles. and referred to the Committee on Pensions:

and referred to the Committee on Pensions:

A bill (H. R. 3494) granting a pension to Frances M. Roberts;
A bill (H. R. 5787) for the relief of Henry A. F. Worth; and
A bill (H. R. 6634) granting a pension to Sarah M. Spyker.
The following bills were severally read twice by their titles,
and referred to the Committee on Military Affairs:
A bill (H. R. 7066) for the relief of John Berrisford; and
A bill (H. R. 8888) to grant an honorable discharge to Christopher C. Cummins.

AMENDMENT TO IMMIGRATION BILL.

Mr. SEWELL submitted an amendment intended to be proposed by him to the bill (H. R. 7864) to amend the immigration laws of the United States; which was ordered to lie on the table and be printed.

DEATH OF REPRESENTATIVE CRISP.

Mr. BACON. I ask that the message from the House of Representatives relative to the death of ex-Speaker Crisp be laid before

Mr. CALL. I ask the Senator from Georgia to allow me to

offer a resolution.

Mr. BACON. I do not desire to interfere with the Senator.

Mr. CALL. I merely wish to offer a resolution that it may lie on the table

Mr. BACON. I will yield for that purpose.

Mr. CALL. I offer the resolution which I send to the desk. I ask that it be read and lie on the table. I desire to make some

observations upon it hereafter.

The VICE-PRESIDENT. The resolution will be read.

Mr. GALLINGER. Has that order been reached, I will inquire? I make the point of order that the order of resolutions has not been reached.

The VICE-PRESIDENT. The Chair will recognize the Senator from Florida when the order of resolutions is reached. The Chair lays before the Senate the resolutions of the House of Representa-

Mr. SHERMAN. This is a privileged matter, from the other House

House.
The VICE-PRESIDENT. The Chair thinks it is privileged.
Mr. HALE. I hope the Senator from Georgia will go on.
Mr. BACON. I will not refuse to give way for anything that is imperative, but anything which can wait until another day I think might very well be now postponed.
Mr. CULLOM. Let the resolutions be read.
Mr. BACON. I ask that the resolutions of the House of Representatives be laid before the Senate.
The VICE-PRESIDENT. The Chair lays before the Senate resolutions from the House of Representatives, which will be read.
The Secretary read the resolutions, as follows:

IN THE HOUSE OF REPRESENTATIVES, December 7, 1896. Resolved, That the House has heard with profound sorrow of the death of Hon. Charles F. Crisp, late a Representative from the State of Georgia.

Resolved, That as a mark of respect to his memory the House do now ad-Resolved. That the Clerk communicate these resolution to the Senate.

Mr. BACON. Mr. President, at some future time I shall ask the Senate to appoint a day when eulogies may be heard upon the deceased member of the other House, ex-Speaker Crisp. As a mark of respect to his memory, I move that the Senate do now adjourn.

The motion was agreed to; and (at 12 o'clock and 26 minutes p.m.) the Senate adjourned until to-morrow, Wednesday, December 9, 1896, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

Tuesday, December 8, 1896.

The House met at 12 o'clock m., and was called to order by the

Prayer by the Chaplain, Rev. Henry N. Couden. The Journal of the proceedings of yesterday was read and approved.

REPORT OF MANAGERS NATIONAL SOLDIERS' HOME.

Mr. HULL. Mr. Speaker, I understand that the report of the Board of Managers of the National Home for Disabled Volunteer Soldiers is to be laid before the House, and I desire to move that the part of it which relates to the government of the Home be referred to the Committee on Military Affairs.

I also ask leave to offer the following resolution in regard to the

I also ask leave to offer the following resolution in regard to the printing of the report—

The SPEAKER. Is reference required to more than one committee of the subjects contained in the report?

Mr. HULL. I have not examined it. I think it is in relation to the government of the Home entirely. If they make a report as to additional buildings, that would go to the Committee on Military Affairs just the same, I think.

Mr. CURTIS of New York. It always goes there.

Mr. CANNON. Let me look at it before the gentleman makes his motion. I apprehend that I shall not antagonize it.

Mr. HULL. I think it goes to the Committee on Military Affairs in its entirety.

fairs in its entirety

fairs in its entirety.

Mr. CURTIS of New York. It always does.

Mr. CANNON. I ask for information. Has the usual motion to refer the President's message been offered?

The SPEAKER. The motion to refer it to the Committee of the Whole was offered and agreed to yesterday. The motion to distribute it to the various committees has not been made.

Mr. CANNON. Is this merely notice of a motion to be made hereafter, or is it a motion that is made now?

The SPEAKER. This is simply in relation to printing and referring the report of the governors of the Soldiers' Home.

Mr. CANNON. That report has not yet come before the House.

Mr. HULL. This is simply a motion to have it referred and

Mr. McMILLIN. I make the point of order that it is impossible to hear what gentlemen are saying.

Mr. CANNON. I apprehend there will be no difficulty and no disagreement about the matter; but after all, I should be very glad

disagreement about the matter; but after all, I should be very glad to see the report printed, and then it can be referred.

Mr. HULL. My motion simply is that so much of it as should go to the Committee on Military Affairs be referred to that committee, the same as the President's message will be referred to various committees, and to have a few additional copies printed.

Mr. CANNON. After all, it will be printed in the usual course in a day or two, will it not?

Mr. HULL. This resolution with reference to printing should go in now, so that there may be a few extra copies printed for the managers and the different Homes.

Mr. McMILLIN. Mr. Speaker, we have not heard the gentleman's motion, and I do not know whether it is privileged or not. It was made in a low tone of voice. I rise to a parliamentary inquiry, as to whether the motion which the gentleman makes is privileged.

privileged.

The SPEAKER. A motion to print extra copies for the man-

The SPEAKER. A motion to print extra copies for the managers of the Homes would not be a privileged motion.

Mr. HULL. I will change it by adding that so much of the report as goes to other committees be referred to those committees, so that the Committee on Appropriations will be entirely protected if any part of it ought to go to that committee.

The SPEAKER. The Chair will refer it under the rule. So much of it as relates to military affairs will be referred to the Committee on Military Affairs, and so much of it as relates to appropriations to the Committee on Appropriations.

committee on Military Alians, and so much of it as relates to appropriations to the Committee on Appropriations.

Mr. CANNON. That is correct.

Mr. HULL. That is right. I now offer the resolution which I send to the Clerk's desk.

The SPEAKER. The gentleman from Iowa [Mr. Hull] offers the following resolution, which, not being privileged, will require the unanimous consent of the House. The Clerk will read.

The Clerk read as follows:

Resolved, That there be printed and bound of the Report of the Board of Managers of the National Home for Disabled Volunteer Soldiers, in addition to the usual number, for the use of the Board of Managers of the National Home for Disabled Volunteer Soldiers, 250 copies of the full report of the Board, 500 copies of the report proper, 500 copies of the report of the assistant inspector-general on the State Homes, and 150 copies of the record of members.

Mr. McMILLIN. Mr. Speaker, I would ask the gentleman if he has any information from the Public Printer or otherwise as to what will be the cost of the extra printing?

Mr. HULL. I have not.

Mr. DOCKERY. Should not the resolution go to the Commit-

Mr. STEELE. It will cost just that much more. These will be printed at the same time as the usual number, with scarcely any additional expense.

The SPEAKER. Is there objection to the of the resolution?

of the resolution?

There was no objection.

The resolution was agreed to.

FREE USE OF ALCOHOL IN MANUFACTURES AND ARTS.

Mr. EVANS. Mr. Speaker, the Joint Select Committee on the Use of Alcohol in the Manufactures and Arts submitted a report on yesterday, which, by error, was referred to the Committee of the Whole House on the state of the Union. I think it ought to go to the Committee on Ways and Means. I therefore ask that that reference be made.

Mr. DINGLEY. Mr. Speaker, it should be referred to the Committee on Ways and Means.

The SPEAKER. Without objection, the correction will be made. [After a pause.] The Chair hears no objection.

ORDER OF BUSINESS.

The SPEAKER. There being no unfinished business on the Speaker's table, the next thing in order is a call of the standing committees for the consideration of bills. The call rests with the Committee on Naval Affairs. The Clerk will call the various committees in their order.

USE OF POSTAL CARDS.

Mr. LOUD (when the Committee on the Post-Office and Post-Roads was called). Mr. Speaker, I am directed by the Committee on the Post-Office and Post-Roads to call up the bill H. R. 4157. It is on the House Calendar.

The bill was read, as follows:

A bill (H.R.4157) to amend the postal laws relating to use of postal cards.

Be it enacted, etc., That from and after the 1st day of July, 1896, it shall be lawful to transmit by mail, at the postage rate of a cent apiece, payable by stamps to be affixed by the sender, and under such regulations as the Postmaster-General may prescribe, written messages on private mailing cards, such cards to be sent openly in the mails, to be no larger than the size fixed by the convention of the Universal Postal Union, and to be approximately of the same form, quality, and weight as the stamped postal card now in general use in the United States.

Mr. LOUD. - In my own time I ask that the report be read. It is a full explanation of this bill.

The report (by Mr. Loud) was read, as follows:

The Committee on the Post-Office and Post-Roads, to whom was referred the bill (H. R. 4157) to amend the postal laws relating to use of postal cards, submit the following report:

Your committee present this bill upon the recommendation of the Post-Office Department and such careful investigation as we have been able to give the subject with the means at our command. We are satisfied at least that no possible harm can result from its passage, and from the best information in our possession it will tend to increase the use of the card system, and the Government will save the difference in cost between the postage stamp to be used and the postal card.

This system has been very successfully tried in England, and resulted in a very large increase of business.

While, of course, we recognize the fact that conditions may be different here, still, in view of the certainty that no harm can result from its enactment, and that it may tend to popularize the Post-Office Department, which should always be our aim within the lines of safety, we earnestly recommend its passage.

should always be our aim water. Some of the Postmaster-General its passage.

Your committee respectfully submit the views of the Postmaster-General expressed in his annual report, together with his letter recommending the passage of this bill.

Post-Office Department.

POST-OFFICE DEPARTMENT,
OFFICE OF THE POSTMASTER-GENERAL,
Washington, D. C., January 14, 1896.

Washington, D. C., January 11, 1896.

SIR: I have the honor to inclose bill submitted to me by yourself a few days ago authorizing the use of private postal cards in the mails, and to say that I approve this bill, with the limitations contained in it.

On page 32 of my annual report for the year 1895 I called attention to the great success of the experiment in Great Britain and Ireland of the use of private postal cards, and suggested their adoption in this country as possibly meeting a public need and as relieving the Department itself of some of the expense of printing, storing, and handling of the present official cards. In the last report of the postmaster-general of Great Britain and Ireland it is stated that seven months after the adoption of the private postal card the number mailed increased from 248,000,000 to 312,750,000, being an increase of 28 per cent.

These cards should be issued under regulations prescribed by this Department, and should be of the same size and weight as the card issued by the Government, to facilitate their handling and transmission in the mails.

I have the honor to be, very respectfully,

WM. L. WILSON,

WM. L. WILSON, Postmaster-General.

Hon. E. F. Loud, Chairman Committee on the Post-Office and Post-Roads, House of Representatives, City.

The great success of the adoption of private post cards recited in the last report of the postmaster general of Great Britain and Ireland leads me to suggest their adoption in this country as meeting a possible public need, and as relieving the Department itself from some expense in the printing, storing, and handling of the present official cards. According to the report above referred to, in seven months after the adoption of the private post card the number mailed in Great Britain and Ireland increased from 248,500,000 to 312,750,000, being a difference of 26 per cent. The experiment would,

therefore, seem to be well worth trying in our own country, and I recommend that authority for the use of private post cards in our mails be granted by Congress. Of course these cards should be of the same size and weight as the cards issued by the Government, and postage at the rate of 1 cent per card should be prepaid upon them.

Mr. LOUD. Unless some gentleman desires to discuss this matter, I will ask for a vote.

Mr. McMILLIN. I would ask the gentleman in charge of the bill what change it makes from the present system of the use of

postal cards.

This will allow private individuals and business

Mr. LOUD. This will allow private individuals and business firms to use a private card of their own, conforming to the regulations as to size, etc. It will effect a saving to the Government, I will say, in that we will not have to manufacture the cards. The bill is recommended by the Department.

Mr. MoMILLIN. Do you think there is any danger of the revenues being impaired by the use of these postal cards?

Mr. LOUD. We have every reason to believe that it will increase the revenues very materially. That has been the experience in England, where the system has been in very successful operation for several years. It will save to the Government the cost of printing and transportation. It is a profitable part of the operations of the post-office business. The parties must affix a 1-cent postage stamp. Mr. RICHARDSON. What kind of advertisements can they

Mr. RICHARDSON. What kind of advertisements can they put on them? Did you explain that?

Mr. LOUD. No: the card must conform to present law in that respect. I will offer to amend this bill by inserting the words "ninety-seven," in line 4, instead of the words "ninety-six."

The SPEAKER. The gentleman from California moves to amend by inserting in line 4 the words "ninety-seven," instead of the words "ninety-seven," instead

of the words "ninety-six."

Mr. LOUD. This bill was to take effect on the 1st of July, 1896, which time has now passed.

The amendment was agreed to. The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

On motion of Mr. LOUD, a motion to reconsider the vote by which the bill was passed was laid on the table.

INDEMNITY FOR LOSS OF REGISTERED MAIL MATTER.

Mr. LOUD. Mr. Speaker, I call up the bill (H. R. 4156) to amend the postal laws, providing limited indemnity for loss of registered

The bill was read, as follows:

Be it enacted, etc., That section 3926 of the Revised Statutes be amended so

Be it enacted, etc., That section 3926 of the Revised Statutes be amended so as to read as follows:

"SEC. 3926. For the greater security of valuable mail matter the Postmaster-General may establish a uniform system of registration, and as a part of such system he may provide rules under which the sender or owners of first-class registered matter shall be indemnified for losses thereof in the mails, the indemnity to be paid out of the postal revenues, but in no case to exceed \$10 for any one registered piece, or the actual value thereof when that is less than \$10, and for which no other compensation or reimbursement to the loser has been made: Provided, That the Post-Office Department or its revenues shall not be liable for the loss of any other mail matter on account of its having been registered."

Mr. DINGLEY. Mr. Speaker, I notice that this would require a point to be made that it should receive its first consideration in

opint to be made that it should receive its first consideration in Committee of the Whole.

Mr. DOCKERY. Better do it.

Mr. DINGLEY. Is this a unanimous report of the committee?

Mr. LOUD. It is. I will state that the bill has been recommended by the Post-Office for years, and it is now on the House Calendar

Mr. DINGLEY. I know; but it should be on the Union Calen-

Mr. DOCKERY. Possibly a very decided charge.
Mr. LOUD. Do you desire to have it referred to the Committee of the Whole House on the state of the Union?
Mr. DINGLEY. I make no objection to its consideration now,

as it is a unanimous report.

Mr. QUIGG. Mr. Speaker, I desire to make the point of order that I should like to hear this discussion.

The SPEAKER. The gentleman from New York makes the point of order that the House is not in order. The House will be

please be in order.

Mr. QUIGG. Mr. Speaker, I should like to ask the gentleman from California as to the value of the registered matter that is lost. What is the annual average?

Mr. LOUD. I do not know that I can inform the gentleman now. If he will listen to the reading of the report I think it will give full information as to the facts. It will give all the information in our possession. It gives the report of the Postmaster-General and his recommendation, which I will ask to have read in the commendation of the postmaster-filled factors.

in my time. It covers this case fully.

Mr. DOCKERY. Has consent been given to consider the bill in the House? Consent has not yet been given to its considera-

The Clerk proceeded to read the report, as follows:

The Clerk proceeded to read the report, as follows:

The Committee on the Post-Office and Post-Roads, to whom was referred the bill (H. R. 4156) to amend the postal laws relating to loss of registered mail matter, submit the following report:

Limited indemnity in cases of lost registered mail matter, while new to this country, has been successfully demonstrated in most countries of Europe. Registration, we assume, is a most profitable branch of our postal service, and such steps as can be safely taken to bring it into more common use should be adopted, and after careful investigation of this subject we recommend the passage of the bill.

Following are the views of Postmasters-General Bissell and Wilson, together with letter of Postmaster-General Wilson recommending this measure, and statistics of registered mail matter lost during the past year:

OFFICE OF THE POSTMASTER-GENERAL, Washington, D. C., January 14, 1896.

SIR: I have the honor to return herewith a bill submitted by you to me personally, proposing a limited indemnity for the loss of registered matter in the mails by an amendment of section 3926 of the Revised Statutes, and to say that the bill meets with the approval of this Department. It is in the line of the recommendations of my predecessor, and on page 32 of my annual report for the year 1895 the reasons for the enactment of such a law are stated.

I have the honor to be, very respectfully,

WM. L. WILSON, Postmaster-General.

Hon. E. F. Loud, Chairman Committee on the Post-Office and Post-Roads, House of Representatives, City.

[Report Postmaster-General Bissell.] INDEMNITY FOR LOST REGISTERED MATTER.

The Third Assistant Postmaster-General renews his recommendation of last year, for the enactment of a law under which indemnity, not to exceed \$10 in any case, may be made for actual losses in the registered mails when recovery, after investigation, is found to be impossible.

It is his opinion that under such a law a considerable amount of revenue would be obtained from increased registrations and that the losses in the ordinary mails would be greatly reduced.

Such an indemnity is paid by all the principal foreign administrations. I recommend that the matter be laid before Congress.

[Report Postmaster-General Wilson.] LIMITED INDEMNITY FOR LOST REGISTERED MATTER.

LIMITED INDEMNITY FOR LOST REGISTERED MATTER.

In the report of last year, submitted by my predecessor, attention was called to the expediency of a law authorizing the payment of an indemnity, not exceeding \$10\$ in any case, for losses of registered matter in the mails.

I beg leave to renew this recommendation. It is part of the system of registration in most of the leading countries of the world, and would add to the popularity of our own system if adopted. It seems, besides, but equitable that after matter has been put into the mails, at an increased cost over ordinary matter, and with a special view to its security, the Government should, to a limited extent at least, guarantee its safety. In addition to this, I am of the opinion that such a modification of the system would prove so popular that in a short time nearly all valuable matter to be sent through the mails would be registered, so that but few losses would be likely to occur, and these could be much more satisfactorily investigated and located than is the case when losses occur in the ordinary mails. The saving to the Government in the investigation of such losses would probably more than repay it for the amount expended for indemnity.

This is a matter that will no doubt be brought before the Postal Union Congress, which is to meet in this city in 1897; but before that time a law should be enacted authorizing the introduction of this reform into our domestic postal system.

postal system.

REGISTERED-MAIL LOSSES.

Five thousand two hundred and eighty complaints pertaining to the registered mail were received during the year. Of this number 2,513 alleged the rifling or abstraction of the contents of the letters or packages, and 2,302 announced the entire loss of the letter or package and contents. Only 19 complaints of carelessness by postal employees were received.

A comparison of the office records for the last two fiscal years shows that the total number of complaints affecting the registered mail during the fiscal year 1895 was less by 646 than the total number of complaints of the same character received during 1894, aratio of decrease of nearly 11 per cent. It is worthy of note that the total number of actual losses which occurred in the registered mail during the last fiscal year was 435 less than those determined during the previous year, or a decrease of a little more than 24 per cent. The statistics of the Department show that the employees of the postal service handled, approximately, 14,428,081 pieces of registered mail during the last fiscal year, with the inconsiderable loss of one piece in every 21,305 handled.

REGISTRATION STATISTICS.

REGISTRATION STATISTICS.

The number of pieces of mail matter registered during the year was 14,428,081, of which 11,744,525 were paid registrations and 2,683,556 were official or free. This shows a falling off in paid registrations of 5.7 per cent. The decrease in the aggregate of fees collected is \$57,353.04.

Mr. McMILLIN (during the reading of the report). Speaker, do I understand that the bill is up for consideration?

The SPEAKER. It is up for consideration.
Mr. McMILLIN. In strictness the consideration.

Mr. McMILLIN. In strictness the consideration of this bill would have to be in Committee of the Whole, because it provides for fixing a liability upon the Government, and I should have made the point earlier but for the fact that owing to the confusion in the Hall I was unable to gather the full scope of the bill as it was read. I submit that the bill is really a very far-reaching one, inasmuch as it makes the Government liable for losses of registered mail matter, or authorizes the Postmaster-General to make regulations under which the Government shall be liable for such losses, and it strikes me that it is a bill of sufficient importance to

losses, and it strikes me that it is a bill of sufficient importance to at least require very careful consideration.

Mr. LOUD. I have no objection, Mr. Speaker, to the bill being considered in Committee of the Whole, as I stated when the gentleman from Maine [Mr. DINGLEY] rose to make the point a while ago. I do not, however, think that the bill is of such great importance as the gentlemen from Tennessee suggests.

Mr. DOCKERY. Bills on the Union Calendar are not in order under this call.

The SPEAKER. They are not. Is this bill on the Union Cal-

endar?

Mr. DOCKERY. No; but the point is made by the gentleman from Tennessee [Mr. McMillin] that it ought to be there, inas-Mr. DOCKERY. much as it involves a liability, and possibly a very large liability, upon the Government. The bill seems to have been erroneously referred to the House Calendar.

The SPEAKER. I suppose the point of order ought to have been made before discussion was entered upon. It would now

seem to come too late.

Mr. DOCKERY. I think there was some sort of understanding that the rule would not be insisted on.

The SPEAKER. The gentleman from California [Mr. Loud] states that he would be very willing to have the bill discussed in Committee of the Whole, but at the present stage of the proceeding

that would require unanimous consent.

Mr. McMILLIN. The gentleman from California is strictly within the rule. The bill seems to have been erroneously referred to the House Calendar, but, being on that Calendar, it would of course be entitled to consideration in this hour. The trouble is that the bill was erroneously referred, and in that way was made in order at this time. The suggestion of the Chair would probably meet the difficulty.

Mr. LOUD. I am perfectly willing, Mr. Speaker, to accede to any reasonable suggestion that may be made.

Mr. McMILLIN. I will ask consent that the bill be considered in Committee of the Whole.

The SPEAKER. The Chair would suggest that if it was brought up in that way it ought to be brought up at the end of this hour. The Chair thinks that to bring up bills in this hour and then go into Committee of the Whole would make confusion in the prac-

tice of the House.

Mr. McMILLIN. I think the Chair is quite right, and I will therefore defer the request until the expiration of this hour. I realize, Mr. Speaker, that under a strict construction of the rule, the point of order not having been made when the gentleman from California asked for the consideration of the bill, he is entitled to have it considered at this time. Realizing that, I did not make the point of order that the bill could not be considered in this hour, because the House had already entered upon its consideration. made my suggestion merely to call attention to the provisions of the bill, believing that when attention was called to it the House would be disposed to give the measure the careful consideration that it seems to require.

Mr. DOCKERY. But the gentleman from Tennessee did say

Mr. DOCKERY. But the gentleman from Tennessee did say that he would have made the point of order in time if he had been able to hear the reading of the bill.

The SPEAKER. As the consideration of the bill has been begun, perhaps it may as well go on. The gentleman from California [Mr. Loud] desires to have the report read in full.

The Clerk resumed and completed the reading of the bill as

Mr. LOUD. Mr. Speaker, an investigation of the registration branch of the Post-Office will show that we are gradually losing our registration business, while we are still maintaining the expen-sive machinery which that branch of the postal service demands. The express companies throughout the country, which guarantee indemnity in case of loss, are gradually absorbing all this class of business, which was formerly done by the Post-Office Department, and to those who have looked into the matter it seems quite clear that the time has arrived when we ought either to go out of the registration business or else provide some such system as is here registration business or else provide some such system as is here proposed, whereby the people may have a guaranty of the safety of such matter as they confide to the charge of the Department, or some measure of indemnity for its loss. The Government charges a very liberal fee for registration for packages and letters, 8 cents, and the registration department is one of the most profitable branches of the service. For several years past Postmasters-General have called the attention of Congress to the necessity of providing for some limited indemnity for losses incurred by persons who send registered matter through the mails. Now, on the basis of the packages lost in the year 1895 (and the amount of loss upon packages is being continually reduced) it would have cost this Government not more than \$25,000 had we paid \$10 for every

package that was lost.

The Post-Office Department is becoming more perfect in its operations day by day—more careful in the execution of its business; and, as I have remarked, the number of lost packages is decreasing year by year. We therefore have no right to assume that the ratio will increase. But we do assume that if we can give a guaranty of the safe delivery of matter confided to the care of the Post-Office Department our registration business will increase to the extent not merely of \$25,000 a year, but \$50,000 or \$75,000 a year, and of this amount at least one-half would be clear profit to the Government.

Mr. QUIGG. May I inquire of the gentleman from California whether it is proposed to charge a fee for the insurance which this bill proposes in connection with the registration?

Mr. LOUD. No additional fee—nothing more than is charged at present. We charge now a fee of 8 cents for registration; and we do not guarantee in any manner the delivery of the matter

thus confided to the mails.

Mr. QUIGG. And it is proposed to insure the safe delivery of this mail matter for no additional fee?

Mr. LOUD. That is what is proposed.
Mr. QUIGG. Now, I call the attention of the gentleman to the fact that on the registration of last year, had this bill been in force as a law, the United States would have been liable (if I understand aright the figures before me) to the extent of \$117,000,000.

Mr. LOUD. Will the gentleman repeat that statement?

Mr. QUIGG. The Postmaster-General in this report says that

the number of pieces of mail matter registered by paid registra-tion was 11,744,525. Now, if the Government had been liable— Mr. LOUD. That is, if all those pieces of registered matter had

been lost

Mr. QUIGG. Yes; if they had all been lost— Mr. LOUD. I should prefer, Mr. Speaker, if the gentleman is

Mr. LOUD. I should prefer, Mr. Speaker, if the gentleman is going to make a speech.

Mr. QUIGG. I am not going to make a speech. I merely wish, with the permission of the gentleman from California, to call the attention of the House to the rather serious character of the insurance which this bill proposes. I have no doubt that a bill could be drawn which would amply justify any responsibility which the Government may assume

Mr. LOUD. If the gentleman wishes to discuss the bill I will yield to him. How much time does he wish?

Mr. QUIGG. I do not know that I want more than two or three minutes.

Mr. LOUD. I will yield the gentleman five minutes, if he

wishes to occupy that much time.

Mr. QUIGG. Mr. Speaker, it appears from this statement of the Postmaster-General that had this bill been in operation during the last year as a law the United States would have been liable on the registered business of that year to the extent of \$117,000,000. Of course, it is not supposable that any considerable proportion of this registered mail matter would have been lost; but it does appear that 5,280 complaints were made in reference to registered packages that went astray. This means that under a bill of this kind we should have been liable on these complaints to the extent

of \$52,800.

Now, if it were proposed to charge an additional fee which would reimburse the Government to the extent of the loss which may be expected to occur, such legislation would seem to be entirely justifiable. But if it is proposed to make the Government liable without enabling it to recoup its necessary loss—because there must inevitably be a certain amount of loss—I shall have

to vote against the bill.

It seems to me there ought to be in the bill a provision authorizing the Postmaster-General, in establishing this uniform system of registration, to require an additional fee whenever the sender of registered matter may wish the Government to insure him. I hope the gentleman from California will embody in his bill such a provision. I should think that anybody who may wish to send through the mails a package, valuable even to the extent of \$5, would willingly pay an additional fee of five or ten cents. Under such a system the Government would have some chance of get-

ting back the money which it must pay upon these losses.

The gentleman from California is continually reminding Congress of the fact that there exists in the postal business of the Government a large deficit—that our expenditures for that service are, I believe, nine or ten million dollars ahead of our receipts, yet is in danger by this bill of increasing the deficit in the sum of \$50,000, more or less.

Mr. BINGHAM rose.
Mr. LOUD. I will yield to the gentleman from Pennsylvania.
How much time does he desire?

Mr. BINGHAM. About five minutes.

Mr. LOUD. I will yield that time to the gentleman.

Mr. BINGHAM. The remarks of the gentleman from New
York, predicated upon a statement of the obligations of the Government, presuppose the absolute loss of every package carried in the registered mail, making such obligation amount to 15,000,000, Should the gentleman's argument be seriously considered by the House, it would be in conflict with the statistical basis upon which all our life-insurance companies and great express companies proceed in carrying on their business. Both these classes of corporations assume in the transaction of their business obligations and liabilities in excess of any supposable loss by the death of the insured parties or by the loss of packages carried by

express.

Mr. QUIGG. But of course those companies charge a fee for

the obligation which they assume.

Mr. BINGHAM. They charge their regular commission, as we charge in registration of mail matter the regular fee of 8 cents on charge in registration of mail matter the regular fee of 8 cents on each parcel, which presupposes that, by reason of the care in the transmission of the vast amount of mail carried, the loss bears a very small relation to that amount. I will give the gentleman the figures from the report. The International Postal Union, five years ago, asked that the Government of the United States might, in accord with the governments of the rest of the world, give an indemnity for such losses as those covered by this bill. We did not do it, and, although that has been the recommendation of the various officials of the Department during the last five years, this is the first legislative expression which has been presented to carry

out that purpose.

Now, Mr. Speaker, a word as to the figures involved in this legislation. The registration fees received by the Department during the last fiscal year amounted to \$975,388.88. Of this year amount, the work accomplished covered the handling of fifteen millions and upward of pieces of mail matter, of which the Government transported free through the mails 2,913,000 pieces of registered matter.

Let us come to the practical phase of this question. The pending bill proposes that indemnity shall be allowed to the loser of

registered mail matter not to exceed \$10 on any one piece. What, then, are the losses which have heretofore occurred in this branch of the service? The complaints from all sources during the last fiscal year amounted to 5,817. Of this number, 4,501 complaints were fully investigated, and 1,316 were in process of investigation, but not yet completed at the close of the year.

How did these losses occur? Losses chargeable to the burning and wrecking of post-offices and postal cars and steamboats and minor unavoidable accidents, 1,155; losses chargeable to depredations by postal officials, 190; losses through postal employees, from other causes than theft, 122; losses resulting from depredations by outside parties, 231, and losses the responsibility for which could

not be fixed, 152.

The Third Assistant Postmaster-General, in his report with reference to this subject, says:

Of the foregoing case

Those I have just cited-

recoveries were made and the value of the lost articles restored to the owners as follows:

Through the Dead-Letter Office	244	
Through outside parties and direct to losers	730	998
Number of cases in which recovery was impossible		852

Assuming that this proportion will be the same in the cases yet to be investigated, the number of actual losses will reach 1,101, or 1 in every 13,721 pieces

tigated, the number of actual losses whitecan appear and the registered.

Of the 852 cases of irrecoverable loss, 232 involved official matter, such as postage stamps and stamped paper dispatched to postmasters, leaving 620 private losses only, or 1 in every 24,365 pieces registered. As compared with the previous year, there was an increase in the number of losses, due mainly to a greater number of accidents, such as the burning of post-offices, postal cars, etc., the total for 1896 being 1,155, as against 625 for 1885.

There was a very great reduction in the number of losses through the care-lessness or ignorance of postal employees—that is to say, through other causes than criminal misconduct—the total being only 122, as against 258 for the previous year. This indicates an improvement in the general efficiency of the service.

Therefore, Mr. Speaker, should this law be placed upon the statute books and the Government be made responsible for the maximum amount, \$10, in each case of these losses (and there are many cases where the maximum loss would be very much less), there will be but little over 600 cases of loss for which the Government would be responsible, although this legislation would apply to and cover the transmission of upward of 15,000,000 pieces of

mail matter.

Mr. QUIGG. Let me ask the gentleman from Pennsylvania if that would not be a question for judicial interpretation? There is a liability in every one of such cases. Now, if the liability shall be fixed by statute, it is a matter for the courts to determine whether the Government shall pay \$10 or any other sum.

Mr. BINGHAM. I will state to the gentleman from New York that the same rules of investigation would apply in this case as apply in all losses relating to the postmaster by robbery and depredation up to a fixed limit. The Department adjudicates the loss; and the Postmaster-General, having the administration of this law, and being authorized to fix rules and regulations, would provide and the Postmaster-General, having the administration of this law, and being authorized to fix rules and regulations, would provide some similar rules for the adjudication of such losses as this. That is the case when there has been a loss by depredation or otherwise of postal funds; and the regulations, coming from the same source, will be equally critical to protect the Government under the operation of this bill.

Mr. HOPKINS. Let me ask the gentleman from Pennsylvania if it is not true that the bill is protected—or the Government protected—from the fact that the granting of an indemnity to the extent suggested in case of loss to the persons sending registered mail matter would increase largely the registration fees, and

would be an absolute source of revenue to the Government, even if the adoption of this measure had the effect suggested by the gentlemen from New York?

Mr. BINGHAM. That is the experience of every government

hich has tried this system.

Mr. DOCKERY. Will the gentleman from California yield to me for a moment?

Mr. LOUD. I will yield to the gentleman such time as he desires.
Mr. DOCKERY. I shall not occupy but two or three minutes, as I only wish to ask the gentleman a question.

This seems to be a measure to put the business of registration by the Post-Office Department in competition with the business of the express companies; and so far as that can be safely accomplished, within the limits of our revenues, I favor it. But in order to intelligently accomplish our purpose we should know exactly what the

express companies charge for a similar service. Mr. Speaker, I can readily understand how this bill may increase the business of registration for all packages under \$10; but I am utterly unable to see how it will enlarge the scope of our business for packages exceeding \$10 in value. If I am correctly advised, the express companies have a schedule of fees. That is advised, the express companies have a schedule of fees. That is to say, they charge a much less fee for the transmission of \$10 than for the transmission of \$100. This bill puts all the registered mail of the Government on the same basis, so far as liability is concerned; and while it may materially increase the transmission of small sums of money, it seems that it will simply advertise the fact to the country that we do not guarantee any amount in excess of \$10, and the result will be that the Government will do the small business while the express companies will do the leavest the small business while the express companies will do the larger

business Mr. BINGHAM. That is all the Post-Office Department wants to do.

Mr. DOCKERY. If that is true, then this bill will exactly accomplish the object sought by the Department.

Mr. BINGHAM. Undoubtedly. I will state to the gentleman that the whole purpose is outside of the line of what we call the carrying of the mail. This is an addendum of a line of work in the Post-Office Department independent of the transmission of mails, just like your money-order system. It will be a great convenience to the people in localities where they can not have express conveniences.

express conveniences.

Mr. DOCKERY. When the gentleman refers to the moneyorder system he should remember that our liability is limited,
under any single money order, to \$100; but there is no limitation
as to the amount which may be transmitted in a registered package.

as to the amount which may be transmitted in a registered package. Such is the law, as I understand it.

Mr. BINGHAM. None that I know of, only that practically the registered mail is not a very valuable mail. People do not send things of great value by registered mail.

Mr. DOCKERY. Practically that may be true, but still there is no law limiting a registered package to any maximum amount.

Mr. BINGHAM. None whatever.

Mr. DOCKERY. Therefore, as a matter of fact, as I understand the gentleman from Pennsylvania [Mr. BINGHAM], we do compete for the transportation of money packages without regard to amount.

Mr. BINGHAM. Small sums.
Mr. DOCKERY. Practically it may be limited to small amounts, but as a matter of fact we have no limit.

Mr. BINGHAM. No limit other than a man's common sense,

Mr. BINGHAM. No limit other than a man's common sense, If he is going to send a thousand dollars to some part of the country, he will not send it through the mail.

Mr. DOCKERY. Certainly; and the express companies transmit larger amounts. Why? Because, although the sender pays an increased fee for the transmission of larger amounts of money, he is secured for the entire amount. Now, then, comes the Government and advertises to the country that for 8 cents we will guarantee the safe transmission of all amounts not exceeding \$10, but that the Government will not be liable for an amount in excess of \$10.

excess of \$10. Mr. HALL. Mr. HALL. I will say to my colleague, if he will allow me to interrupt him, that the insurance under this bill does not apply exclusively to the amounts under \$10. It applies to all amounts.

his is a ten-dollar insurance. This is a ten-dollar insurance.

Mr. DOCKERY. But the actual amount is paid if it is less than \$10, as I understood the reading of the bill. I am not prepared to say that this is not a wise bill, but it does seem to me that the House ought to be in possession of information which up to this moment has not been given us.

Mr. QUIGG. Does the gentleman from Missouri happen to know what the charge of other governments is?

Mr. DOCKERY. I was just coming to that point, and I am obliged to the gentleman from New York for the suggestion. The report states that other governments have this system of registration, that is, a limited guaranty system.

Mr. QUIGG. Yes.

Mr. DOCKERY. Now, in order to determine whether or not we should follow the system the House should know what the system is, whether they have a fixed fee, as we have—that is, 8 cents without regard to the amount transmitted, or whether they have a schedule of fees. If I understand the reading of the report of the Postmaster-General, the income of the Government from registered mail amounted last year to \$975,000. This bill carries a liability, or at least a probable liability, on the basis of the business of last year of \$50,000, as I understood the gentleman from New York.

Mr. QUIGG. Fifty thousand dollars; that is true.
Mr. DOCKERY. Mr. Speaker, I am so accustomed to following the able and economical lead of my friend from California [Mr. Loud] that I will not depart from that custom in this case; and yet I venture to suggest simply that this bill involves a great many doubts as to its propriety.

Mr. BINGHAM. Where does the gentleman get his estimate of 50,000? The private losses last year were 620.

Mr. QUIGG. It appeared from the report that I read that there

were complaints of losses of paid registration—I so understand it—in 5,200 cases.

Mr. BINGHAM. That is, complaints?

Mr. QUIGG. Yes. Mr. BINGHAM. But now give me the result of the investiga-

Mr. QUIGG. The result of the investigation will be whatever

the courts fix

Mr. BINGHAM. Now, after investigation of the cases on the part of the Department, he can see that last year there were 5,817 cases—the gentleman understands?

Mr. QUIGG. Yes.

Mr. BINGHAM. Fifty-eight hundred and seventeen com-

plaints?

Mr. QUIGG. Yes. Mr. BINGHAM. After investigation of the 852 cases of irrev-cable loss. All other cases had been covered, 232 involving official matter, such as postage stamps and stamped paper dispatched to postmasters, leaving 620 cases of private loss. The gentleman understands?

understands?

Mr. QUIGG. I do not think there is any difference between the gentleman from Pennsylvania and myself. I only seek to point out to the House that complaints were made that involved liability on last year's business of 50,000.

Mr. BINGHAM. Complaints?

Mr. QUIGG. Now, as to how they will be adjudicated under this bill, that is another question; but it does seem to me we certainly ought to know something of the experience of other countries. this bill, that is another question; but it does seem to me we certainly ought to know something of the experience of other countries as to this form of insurance, as to whether our fee is adequate. That it is going to involve a cost there can be no question.

Mr. BINGHAM. Very small.

Mr. QUIGG. The gentleman from Pennsylvania says "very small." It is probable, but not inevitable, that it may be very large. We are going to have a certain amount of loss.

Mr. BINGHAM. Let me ask the gentleman from New York, What do you do for this \$957,000 of additional revenue to your Department or Government?

Department or Government?
Mr. QUIGG. We take, as I understand, special care of these letters

Mr. BINGHAM. Under a system of receipts.

Mr. QUIGG. And that especial care is what is paid for. Now it is proposed, in addition to taking especial care, that we shall offer to reimburse the sender or owner of the package that may be claimed to have been lost to the extent of \$10 per package. Now, are we going to charge a sufficient fee for the risk that is incurred?

Mr. BINGHAM. Of which the gentleman states the maximum

is 50,000.

Mr. QUIGG. Now, I consider that bad business, especially—Mr. HOPKINS. If the gentleman will allow me right there, the report of the Postmaster-General shows that there is a revenue of \$970,000 a year from this registration service. Now, where the Government receives such a benefit as that, does not the gentleman think, in fair dealings, that this loss of individuals should be paid, especially where it is such a minimum figure as he himself has expressed; and will not the increase of business that the Government will get from this be an absolute source of revenue, even in view of all the bad results he is picturing here?

Mr. QUIGG. It may be so, Mr. Speaker,
Mr. HOPKINS. In other words, this bill will divert these small packages from the express companies to the Government, and the Government will get 8 cents for their delivery.

Mr. QUIGG. I do not know that that is a very suitable business for the Government to engage in. nue of \$970,000 a year from this registration service. Now, where

Mr. HOPKINS. Why not?

Mr. QUIGG. I am not one of those who are in favor of diverting business from private institutions to the Government.

Mr. HOPKINS. Right there let me ask the gentleman-

Mr. QUIGG. I do not want to get off on that subject; but, in answer to the gentleman's proposition, I want to say that I think the Government does a little too much of that sort of thing

Mr. HOPKINS. If the gentleman will allow me right there, this legislation is in the interest of the people. There are hundreds and thousands of people that avail themselves of the laws that exist to-day. Experience has taught us that it is in the interest of the people, and in the interest of cheap transportation as to a certain line of packages.

Now, speaking for myself, I believe that this kind of legislation is beneficial that results in the greatest good to the greatest num-ber, even if it does trespass a little on the rights of a company like

an express company.

Mr. QUIGG. But here is the point: We are already nine millions short in our receipts from postal business. We have got that deficit to make up anyhow. The gentleman from California [Mr. LOUD] and other gentlemen propose to make it up, as the gentleman from Illinois [Mr. Hopkins] well knows, by limiting the operation of the present laws, by to an extent repealing them and forbidding the use of the mails to some of those who now enjoy that need I am not alternate allowed to the contract of the contrac I am not altogether clear as to whether something of that use. I am not atogether clear as to whether something of that kind ought not to be done; but here is a proposition to increase our inevitable loss. I do not say that it will increase it very much. I say that it may increase it very much, while we shall obtain no additional revenue whatever except a speculative one, which may possibly result from drawing business from the express companies. I think the gentleman from California ought at least to tell us whether we are running in this matter any greater risk than other governments run who do the same kind of business. For instance, what are the governments that do this business and what do they charge for it? Will the gentleman from California give us that information?

Mr. LOUD. The gentleman from New York seems to be very solicitous about this little deficiency of nine millions, yet there is

no man in this House who has been a stronger advocate of the very system which causes a deficiency in our postal receipts, and I believe he is an advocate of it to-day. I believe, and the officials of the Post-Office Department have believed for years, that a measure like the one now pending will increase the receipts of the Government. I have never stood on this floor advocating any measure that would tend to enlarge the deficiency in the postal service, and I hope that I shall never occupy any such position.

I wish the gentleman from New York could assert the same for himself. Now, let us get back to the measure under consideration.

Mr. GROSVENOR. While the gentleman is on the floor I want

to ask him a question, if he has no objection, in order to get at

what is in this bill.

Mr. LOUD. That is just what I am trying to do.
Mr. GROSVENOR. I want to ask the gentleman this question:
Would the effect of this bill, if it should become a law, be to permit the sender of registered mail matter to register it without communicating any information to the Postmaster-General, or to

anybody else, as to its contents?

Mr. LOUD. I am surprised at the gentleman from Ohio, ripe as he is in age and rich in experience, asking a question of that

character.

Mr. GROSVENOR. I asked it for information.

Mr. LOUD. The Post-Office Department has been managed in the past, and I believe it will be managed under the incoming Administration, by men entirely competent to manage its affairs judiciously, and I believe that under the next Administration sufficient judgment and discretion will be applied to the conduct of the Post-Office Department to protect the interests of the Government. It is within the power of the Postmaster-General under this bill, and under all our laws relating to the Post-Office Department to protect the interests of the Government.

partment, to prescribe such rules and regulations as may seem to him proper and necessary to protect the Government.

I assume, Mr. Chairman, that the registration fee which we now charge will produce a sufficient fund to guarantee the limited incharge will produce a sufficient fund to guarantee the limited indemnity that is proposed. If gentlemen will look at the report accompanying this bill they will see that last year the falling off in registration fees alone was \$57,000. I have already stated that our registration system is the most profitable portion of the business of the Department, and the more successfully we can regulate it so that the masses of the people will patronize it the more we shall increase the receipts of the Government in that branch of the public service. The falling off in registration fees last year was \$57,000, and the profit on that business if it had been done by the Department would more than meet all the losses that occurred during the year. It appears that there was a loss of over 5 000 during the year. It appears that there was a loss of over 5,000 packages, and the gentleman from New York bases his calculation on the assumption that every one of those packages was worth \$10. I think it would be safe to assume, judging from the experience of the Department, that these packages did not average \$1 in value, and I do not believe that the losses, as the Department is

In value, and I do not believe that the losses, as the Department is run to-day and as it must continue to be run, will amount to over \$10,000 a year; while, on the other hand, the change here proposed will bring a large increase of profitable business.

The Post-Office Committee have given this matter serious consideration, not alone during this Congress, but in previous Congresses, and gentlemen who have investigated the subject are unanimous in support of this bill. I repeat, that the Postmasters-General for the last sixteen years have advocated the passage of a measure of this character. There is no possible danger in it, and, as I said when I began, we should either go out of the registration business entirely or regulate it in such a manner that it will commend itself to the people generally. Registration, as gentlemen understand, is to a great extent intended for the accommodation of the people in places where there are no express offices, dation of the people in places where there are no express offices, no money-order offices, and no other means of sending packages with safety except by registered mail.

Mr. BINGHAM. Will the gentleman allow me to supplement his statement with some official figures?

Mr. LOUD. I will yield to the gentleman a moment for that

purpose.

Mr. BINGHAM. The gentleman from New York [Mr. Quigg] states that there were upward of 5,000 complaints last year. Conceded. They were complaints as to the loss of registered matter, just such complaints as the gentleman makes when his letters are not delivered at the proper time or at the proper place. But the gentleman from New York predicates his argument as to the amount of the losses, which he puts at \$50,000, on the assumption that in every case the lost package contained something of large value, and that none of the missing packages were recovered. Now, let me give him the official figures— Now, let me give him the official figures—
Mr. LOUD. We might concede that every package contained

something of value and that 10,000 were lost, and still we should

have a strong case.

Mr. BINGHAM. Now, let me give the official figures.

Mr. LOUD. I am willing to admit that all the registered parcels contain articles of value.

Mr. BINGHAM. Upon 15,000,000 of transmissions there were Mr. BINGHAM. Upon 15,000,000 of transmissions there were something over 5,000 complaints, of which 1,850 were found to involve actual losses. Of the 1,850 cases of loss, 852 were found to be impossible to adjudicate; 232 involved official matter; there were only 620 cases of private loss, so that \$6,200 would have been the absolute loss of the Department last year on this class of business (if a law of this kind had been in operation) as against a revenue of \$975,000. revenue of \$975,000.

Mr. FOOTE. If this bill should pass, would not the liability of the Government in case of loss be less than that of a common

carrier in similar cases?

Mr. LOUD. I do not know about that; probably it would.
Mr. FOOTE. In the case of a common carrier—an express company, for instance—the party suffering loss has a right of action against the company. Why should there not be a similar liability on the part of the Government?

Mr. HEPBURN rose. Mr. LOUD. Mr. Speaker, how much is there remaining of the hour?

The SPEAKER. Thirteen minutes.

Mr. LOUD. I yield five minutes to the gentleman from Iowa

[Mr. HEPBURN]

Mr. HEPBURN. Mr. Speaker, it seems to me that the relief proposed to be given by this bill is exceedingly inconsiderable. The gentleman from Pennsylvania [Mr. BINGHAM] tells us that, measured by the experience of the Government during the last year, the cases in which indemnity would have to be paid by the Government under a law of this kind would probably number a little more than 600, so that the actual amount paid as indemnity would be at most only about \$6,000. If reimbursement should be made by the Government in all the cases in which complaints were made, the amount would be less than \$50,000. Such reimbursement, however, would be paid by the General Government out of a general fund made by the fees of 8 cents each on packages of registered matter. Now, I should like to know why a man who sends a package valued at \$10,10 should be obliged to contribute to this fund with no possibility of reimbursement to him, while a man who sends a registered package valued at \$10 would receive reimbursement. If we are going to do anything of this kind at all, is it not wise to do it in such a way that each of the 11,000,000 of the contributors to this fund should in case of loss be a beneficiary? It might be done if the gentleman would consent to this amendment which I desire to propose:

Amend by striking out all of lines 11, 12 and 13 down to and including the word "dollars," in line 14, and inserting in lieu thereof the following:

"And the Post-Office Department may charge a fee for such service equal to 1 per cent of the value of the package registered; but the liability of the Government shall not exceed the value of the package; and in no case more than \$100 on one package."

Under such a provision all senders of registered matter would be alike beneficiaries. I think such a provision would be much the House may see fit to put upon it.

more just than the present provision. It would relieve the bill from a just criticism, to which I think it is now subject—that in the first place the measure in its present form amounts really to nothing; and in the second place that it gives to a man sending a package worth \$10 a benefit which it withholds from a man sendpackage worth \$10 a beneat which it withholds from a man sending a package worth \$11, notwithstanding the fact that all those who send registered matter must, by paying a fee of 8 cents on each package, contribute to the fund out of which reimbursement is to be made to this small number.

Mr. LOUD. They all now have to contribute their 8 cents per package without the possibility of getting back anything in case

Mr. HEPBURN. It is true that they do not now get anything; but under my amendment all will enjoy a like benefit; the law

will give no special privilege to anyone.

Mr. LOUD. Will not every person in fact pay 10 cents for

the guaranty? Mr. HEPBURN. If 1 per cent is too much, make it less; but let the benefits of this measure apply to all.

let the benefits of this measure apply to an.

Mr. DOCKERY. If the gentleman from California [Mr. Loud]
will allow me a moment, I wish to say that I approve in the main the suggestions of the gentleman from Iowa. This bill is a radical departure from the business principles which the Government applies to the money-order system. In that branch of the postal service the Government transmits money by draft, and the compensation paid in each case is based on the amount of the draft. For a draft of less than \$2.50 the fee is 3 cents; for a draft of \$10 the charge is greater; and for a draft of \$100 still greater. In the business of registering mail we do not furnish drafts, but actually transmit money; and in all cases exactly the same fee is charged without any regard to the valuation of the

Now, then, if the system is to be extended by a limited-liability clause, it seems to me there ought to be some schedule of fees based on the value of mail matter transported. I think the bill

based on the value of mail matter transported. I think the bill looks in the right direction, but it needs some amendments covering the point suggested by the gentleman from Iowa.

Mr. LOUD. I will state to the gentleman from Missouri that money, as a rule, is not transmitted in registered letters.

Mr. HEPBURN. That is a mere matter of detail. I only wanted to invite the attention of the House to what I think is a defect in the proposed bill.

Mr. QUIGG. May I call the attention of the gentleman from California to the eighth line of the bill, which provides that the Postmaster-General may provide rules under which the senders or owners of registered mail matter which has been lost shall be or owners of registered mail matter which has been lost shall be indemnified? That opens, I would suggest to him, a very wide field of legislation in the hands of the Postmaster-General.

Mr. LOUD. No wider than is open already by law, permit me

to say.

Now, Mr. Speaker, I should be glad to finish this bill, if possible, within the hour.

The SPEAKER. The gentleman has five minutes and a half

The SPEAKER. The gentleman has five minutes and a half of his time remaining.

Mr. LOUD. I will say, then, Mr. Speaker, that there is hardly time to yield to anybody in that brief period. I would like to come to a vote if possible, although the question looks a little doubtful since this discussion has sprung up.

I will say to the gentleman from Iowa [Mr. Hepburn] that he is entering into a scientific field which probably, if he were revising the postal laws, he would advocate, and he would find me one of his strongest supporters in favor of such a modification. But we are taking a position with reference to matters as we find them, and are endeavoring to make this legislation fit we find them, and are endeavoring to make this legislation fit

existing conditions.

This system of registration has been in vogue for very many years. Formerly we charged a fee of 10 cents for registration. In late years it has been reduced to 8 cents. I think the objection of the gentleman from Iowa, if he will allow me, is rather techor the gentleman from lowa, it he will allow me, is rather technical than otherwise. Every person who sends a package by registered mail receives just the same benefit as any other person. That is the standpoint from which to view such registration. If you insure a house, and it does not burn down, you have been guaranteed during the time of the insurance that if it did burn down you would be compensated to the extent of the insurance. Now, perhaps you would be as fortunate if the house did not burn down as if it did burn down. Perhaps the person who did not lose his package after it was registered is as fortunate and receives just as much benefit as he who does lose a package. It is simply an insurance, or rather a guaranty, that the package shall be delivered, and therefore the gentleman's objections, it seems to me, are

rather technical than otherwise.

Now, Mr. Speaker, I would like, if possible, to bring this matter to a vote before the expiration of the hour.

The SPEAKER. The Chair would suggest to the gentleman that there is no limitation to the morning hour except that which

Mr. LOUD. I understand that, Mr. Speaker; but I understand that I lose control of the bill after the first hour.

Mr. BLUE. If the gentleman from California has more time, or can secure more time, I would like a few moments myself.

Mr. LOUD. If the House desires to further discuss the matter,

Mr. DOCKERY. I ask unanimous consent that the time of the gentleman from California be extended for one hour, or so much as he may desire to use, and then he can yield to other gentlemen who wish to be heard.

The SPEAKER. Is there objection to the request of the gen-

tleman from Missouri?

There was no objection.

Mr. LOUD. Now I will yield to the gentleman from Kansas for

ten minutes, or so much time as he may desire.

Mr. BLUE. Mr. Speaker, this measure is of such consequence to the public that it is entitled to the fairest and fullest possible

Consideration by the House.

It is a popular belief with a great many people of the United States that a registered package is safe, and that the Government guarantees indemnity. That is an erroneous conviction. The gentleman from California speaks of this 8-cent fee paid for the registration of each package as being an indemnity and a protection, but it reaches no further than simply the support of the Department, and has no reference, as the law now stands, to any indemnity that the Government gives to the parties who send registered packages. It is a well-known fact that in very many registered packages. It is a well-known fact that in very many localities throughout the nation neither a post-office order can be cashed nor an express package conveniently delivered.

cashed nor an express package conveniently delivered.

If this bill becomes a law it will carry benefits wherever the Post-Office Department can reach. It is in the right direction, The statistics furnished here show conclusively that the loss even under the present system is comparatively small. The indemnities which the Government will be called upon to furnish will, it seems to me, be insignificant. The revenue in excess of that received under the present system will be great. The benefits that the public will receive will also be large. It will enable very many people of the nation to transact their business at a much less expense than they would otherwise be subjected to under the less expense than they would otherwise be subjected to under the

money-order system or through the express companies.

money-order system or through the express companies.

The Post-Office Department is peculiarly in the interest of all the people of the nation, and this measure, if amended as suggested by the gentleman from Iowa, will bring to the Government, by reason of this additional fee, ample revenue to protect this service, and will save to the people very many dollars in the transaction of their business. It ought to be amended in some such way as that suggested by the gentleman from Iowa, and, so amended, ought to pass.

Mr. LOUD. Mr. Speaker, if no other gentleman desires to be heard, I do not wish any further time.

The bill was ordered to be engrossed and read a third time.

The question being on the passage of the bill,

The question being on the passage of the bill,
Mr. QUIGG demanded a division.
The House divided; and there were—ayes 76, noes 13.
Accordingly the bill was passed.
On motion of Mr. LOUD, a motion to reconsider the last vote

was laid on the table.

DELIVERY OF LETTERS IN CERTAIN CASES.

The SPEAKER. Does the gentleman from California [Mr. Loud] desire to call up any further matter from the Committee on the Post-Office and Post-Roads?

on the Post-Omce and Post-Roads?

Mr. LOUD. I supposed that the hour had expired. I was given an additional hour. I have another bill here which the committee have directed me to call up.

The SPEAKER. The gentleman is at liberty to call up bills from his committee until the morning hour expires.

Mr. LOUD. Very well, then. I will follow the direction of the committee and call up the bill (H. K. 5473) concerning the delivery

of letters in towns, villages, and other places where no free delivery

The SPEAKER. The Clerk will read the bill. The Clerk read the first section, as follows:

Be it enacted, etc., That whenever not less than twenty persons who receive their mail matter through the same post-office shall petition the postmaster at such office to appoint one or more letter carriers, who shall be at least 16 years of age, for the delivery of letters and other mail matter therefrom to the persons addressed, at their respective residences or places of business, and for the collection of letters and the conveyance and delivery of them to the post-office, said postmaster shall appoint a suitable number of letter carriers for that purpose, and it shall be their duty to report at least once a week to the postmaster appointing them the number of pieces delivered and collected by them and amount paid therefor.

The SPEAKER. Is this bill on the House Calendar?
Mr. DOCKERY. It seems that it should be on the Union Cal-

endar.

Mr. LOUD. I believe it is properly on the House Calendar. do not think it entails any charge on the Government.

Mr. DOCKERY. It seems to involve a liability on the Government; and if so, should be considered in the usual way.

The SPEAKER. It can not be considered in the morning hour if it should go to the Committee of the Whole House on the state

of the Union.

Mr. LOUD. There is no liability against the Government under this bill. I do not approve of the bill myself.

Mr. DOCKERY. Does it not involve the right to increase the

letter-carrier force without limit?

Mr. DINGLEY. But it is to be at the expense of the persons

Mr. DOCKERY. Then the bill is properly on the House Calendar.

Mr. LOUD. There is no charge on the Government, as I understand it.

Mr. DINGLEY. Is that particularly expressed in the bill?
Mr. LOUD. I think it is sufficiently expressed. I think it is emphatically stated that there shall be no liability against the Government

Mr. DALZELL. Who pays for the delivery? Mr. LOUD. The individuals served.

The SPEAKER. The payment is to be made by the recipients of the mail. That seems to be the case.
Mr. LOUD. Has the reading of the

Mr. LOUD. Has the reading of the bill been completed? The SPEAKER. No; the Clerk will proceed. The Clerk proceeded to read the remainder of the bill, as fol-

SEC. 2. That at all places where the foregoing delivery and collections may be authorized under this act the letter carriers thus appointed may receive of the person to whom he delivers letters or papers, or from whom he receives them for conveyance to the post-office, such weekly, monthly, or quarterly compensation as may be mutually agreed upon; and when no such agreement is made, they may demand and receive not exceeding I cent for each letter or other package which they deliver from or convey to the post-office: Provided, That the sum which each carrier thus collects shall be in full for his services; and none of such carriers shall have any claim upon the Post-Office Department for compensation for services rendered as a letter carrier: Provided further, That no letter or other mail matter shall be given to such letter carrier for delivery unless addressed to a person who has lodged at the post-office a written request that his mail matter be delivered to such letter carrier: And provided further, That if any person who shall have filed such written request shall refuse or neglect to pay the amount agreed upon or fixed by this act for the delivery or collection of any mail matter the same may be returned by the carrier to the post-office and thereform and person so appointed shall give bond to the postmaster for the faithful performance of his duties in the penal sum of \$100.

Sec. 3. That the letter carriers appointed by authority of this act shall be subject to all the provisions of existing laws not inconsistent with this act.

Mr. LOUD. Mr. Speaker, I will yield the time of the commit-

Mr. LOUD. Mr. Speaker, I will yield the time of the committee to the gentleman from Connecticut [Mr. Sperry].
Mr. Sperry. Mr. Speaker, I ask that the report be read.
The SPEAKER. The Clerk will read the report.
The report (by Mr. Sperry) was read, as follows:

The SPEAKER. The Clerk will read the report.

The report (by Mr. SPERRY) was read, as follows:

The Committee on the Post-Office and Post-Roads, to whom was referred the bill (H. R. \$473) for the purpose of authorizing delivery and collection of mail in towns, villages, and other places where mail matter is not delivered to residences or places of business, submit the following report:

Your committee have given this matter due and careful consideration, and have unanimously come to the conclusion that the bill presented is just and proper and ought to pass.

The bill provides that whenever not less than twenty persons who receive their mail through the same office shall petition to have their mail delivered and collected, it shall then be the duty of the postmaster to appoint such persons as are willing to undertake the delivery and collection of mail in towns or places where no free delivery exists. The committee are of the opinion that when such a request is made from the people of any village or town their request should be granted.

The bill further provides that the letter carriers so appointed shall be over 16 years of age, and that said letter carriers may make an agreement with the persons to whom such mail matter is delivered or collected for such compensation as may be agreed upon, and when no compensation is agreed upon such letter carriers may receive 1 cent for the delivery of each piece of mail matter, and they may demand and receive at least 1 cent for each package and letter they may collect and convey to the post-office. Such compensation shall be in full for all services, and none of such carriers shall have any claim upon the Post-Office Department for compensation for services thus rendered. No letter or other mail matter shall be delivered by the post-office for the delivery of mail to such letter carrier. The letter carrier so appointed shall give bonds for the faithful performance of his duty.

The bill appears to the committee a reasonable and proper one. It is substantially like the ol

subject that there is no good reason why such accommodations should be withheld. It will take some time before the full result of this system can be reached, but when the time comes it will be of incalculable value to all who avail themselves of the benefits of this act.

It is easy to see how this will elevate the standard of intelligence and promote the welfare of the people. The question of delivery of mail in rural districts is being discussed throughout the country, and the demand is daily growing. Each house where mail is being delivered and collected can have a little box put up as a receptacle of mail delivered or to be collected, and the committee see no objection to the establishment of such postal facilities by neighborhood agreement, but much good resulting therefrom.

Mr. SPERRY. Mr. Speaker, this bill was introduced by myself during the first session of this Congress, at the request of a large number of people of my own State and at the solicitation of farm-

ing communities in other States.

The idea is a very simple one. The bill itself fully explains the subject, and if there is anything which is not made clear by the language of the bill itself it is set forth in the report of the committee. The idea is simply this: There are large farming communities, villages, and towns with inhabitants not exceeding 10,000. When the number of inhabitants does not reach 10,000, then the free-delivery system is inoperative in such communities. It seems to me that we should give all the people possible the advantage of the system and not stop at a certain mark, to wit. 10,000 inhabit-ants, with a certain income at the local post-office, and say we will not go over that line. There are large numbers of farming communities, and there are a large number of villages whose inhabitants would like to make a request to the postmaster that he appoint a letter carrier to distribute their mail, the letter carrier having the right to enter upon the floor of the post-office and there separate mail and take it to the residences of those who make the request. Under the present law the postmaster himself can deliver it to some person who calls for the mail, but that does not fill the bill.

This service could be performed by a maimed soldier, on horse-back, or by a boy over 16 years of age, with a bicycle. This man or boy could enter the post-office, under such regulations as the postmaster may make, and then and there separate the mail, and

deliver it in the village or town which he serves

deliver it in the village or town which he serves.

You know in many of our large agricultural communities it takes a man sometimes two hours to go to the post-office. You take it in cold weather, when there is a heavy snow on the ground, or in harvest time, and the farmer can ill afford to spare those two hours, or one hour, as the case may be, to go to the post-office for his letters, possibly nine times out of ten returning without anything; and yet his valuable time is lost. Under this system the carrier himself, who shall be appointed by the postmaster to serve the villages and towns in which the post-office is located, can go and take from the office these letters or newspapers and deliver them to the various parties to whom they are addressed. can go and take from the office these letters or newspapers and deliver them to the various parties to whom they are addressed, and receive therefor the rate of compensation agreed upon between the carrier and the people served. Should they like to have a letter mailed, the letter carrier would charge the same price or whatever may be agreed upon. In my judgment, should this system go into operation, our income from the various country post-offices and villages would be increased very largely. I remember the first street lamp boxes that were put up in 1860. It was said when these boxes were put up that it involved a cost that the people would not submit to; that it was a great charge upon the Government. But I know from my own experience in the New Haven post-office, that in less than six months after these letter boxes had been placed upon the street corners, giving the people an opportunity to mail their letters at any hour or at any moment, instead of going 1 mile or 2 miles to the post-office to mail moment, instead of going 1 mile or 2 miles to the post-office to mail the same, it was plainly shown that the receipts doubled, or nearly so, and the letter carriers' department soon commenced paying for itself.

Now, you not only give these people the accommodation they want, whether in villages or rural communities it matters not, but you will increase the receipts of the Post-Office Department but you will increase the receipts of the Post-Office Department by giving people facilities, if you please, to mail and receive their letters. It is like running a horse car. If you run once an hour you will not get nearly the number of passengers that you would get if you run it once in half an hour. If you run it once in half an hour, and you change to once in ten minutes, you would get more than you would in the half hour. People will not wait. Give the people a chance, give the people facilities to receive their letters and to mail their letters, and according to the facilities given the increase will come. It is sure to come. There is no loss incurred at all by the Government. So long as the people want their letters carried in this way, let the farming communities—the villages and the towns of less than 10,000 inhabitants—have that privilege, they paying for it as agreed upon. It is the old penny-post system over again. There is nothing new about it. That penny-post system grew up into free delivery by and by, as you gave the people an opportunity to receive and mail their letters in the way convenient to themselves and without loss of time. Why way convenient to themselves and without loss of time. Why withhold this privilege from the people so long as they are willing to pay for it, where it does not cost the Government one cent?

I think, Mr. Speaker, I have said all that is necessary in explanation of this bill, although I was notified only about ten minutes ago that it was to come up at this time, and I find myself not as

fully prepared as I otherwise would have been.

Mr. BRUMM. I should like, Mr. Speaker, to ask the gentleman one question. Does your bill provide that he shall keep a record of the number of letters for the purpose of paying this penny?

Mr. SPERRY. Yes, sir.
Mr. BRUMM. He shall do it under your bill?
Mr. SPERRY. The bill requires the letter carrier himself to keep a correct record of all letters received for distribution and all collected for the mail and he is to make a report to the postmaster each week of the number received.

Mr. BRUMM. What is to prevent him from adding any num-

Mr. But. What is to prevent militron adding any number beyond the number that he really carries?

Mr. WILLIAMS. That is no advantage to him. He does not collect from the Government, but from the fellow whose mail he receives and distributes. The fellow would dispute it.

Mr. SPERRY. A record of these letters shall be kept.

Mr. BRUMM. But one moment. He is not presumed to collect a penny every time he delivers or receives a letter?

Mr. SPERRY. Not at all.

Mr. BRUMM. I judge that he would be paid at so much a

week or month. Mr. SPERRY.

He can do either way.

Mr. BRUMM.

I beg pardon.

He can do either way. It is left with him and Mr. SPERRY. those he serves to make the arrangement.

Mr. WILLIAMS. They may just pay him \$10 a week.

Mr. SIMPKINS. I like the intention of the bill, but under this

Mr. SIMPKINS. I like the intention of the bill, but under this bill do the people who pay for the carriers have any voice in their selection? Is it not left wholly to the postmaster?

Mr. SPERRY. The bill provides that the postmaster himself shall make appointments of the letter carriers, the same as he used to do under the old penny-post system. When that system was in operation and I was postmaster at New Haven I made my own appointments, but those appointments had of course to be approved by the general Post-Office Department. This is a matter between the carriers when appointed and the people they serve, together with the local postmaster in the village or town.

Mr. SIMPKINS. But under this bill the postmaster might appoint as carrier a person who was not suitable or satisfactory,

and the people who pay for his services have no remedy.

Mr. SPERRY. Yes, but if he should make such an appointment the carrier would be obliged to give bond for the faithful performance of his duties, so that there is not a particle of possibility of loss to the Government.

Mr. BINGHAM. Will the gentleman permit a question?
Mr. SPERRY. Yes, sir.
Mr. BINGHAM. Where, in the report of the Postmaster-General, has this measure been recommended, or has it been recommended at all?

Mr. SPERRY. Some years ago, I do not remember exactly how long, it was referred to by the Postmasters-General under veral administrations.

Mr. BINGHAM. The measure to which the gentleman refers was what was called "rural free delivery," was it not?
Mr. SPERRY. "Rural free delivery."
Mr. BINGHAM. That was an entirely different proposition,

Mr. SPERRY. It was substantially this: This proposition has been called to the attention of the people in the farming communities in the granges and other places, and has been generally

approved.

Mr. BINGHAM. Then, as I understand the gentleman, this line of legislation has only been recommended by the Department in so far as it is similar to what has been known as "rural free

delivery," which was simply an experimental service.

Mr. SPERRY. No, sir. I will say to the gentleman that the system which is proposed by this bill is as old as the old lettercarrier system

Mr. BINGHAM. Another question. Is there any regulation of the Department existing to-day which prohibits the postmaster of any office other than a free-delivery office from delivering my mail matter to anyone whom I may depute to receive it?

Mr. SPERRY. There is a rule or regulation which provides

that such a postmaster may deliver any person's mail upon the written request of the person to whom the mail matter is addressed, but there is no system about that. It is simply the case of an individual sending a messenger to the post-office for his mail. This bill contemplates a methodical regulation of the business—system by which the people in villages of less than 10,000 population and in farming communities can have an opportunity of having their mail delivered regularly if they so desire.

Mr. BINGHAM. Then, as I understand the gentleman's statement, there is nothing in the post-office regulations prohibiting the person to whom the letter is addressed from having it sent to

him from the post-office by any messenger whom he may depute to receive it. Further, I say to the gentleman that in the reports of the Postmaster-General there is no other recommendation on this subject beyond the recommendation of an experimental free-delivery service in the rural districts. And now I want to go a step further. The gentleman has stated that this bill in its prostep further. The gentleman has stated that this bill in its provisions will apply to every section of the country where free delivery is not authorized by law; that is, in all towns or villages with a population of less than 10,000 or where the receipts are less than \$10,000. Therefore he proposes by this legislation to open up to the operation of this bill every post-office that has not to-day what is called the free-delivery service. Has not the gen-

Mr. SPERRY. I stated—and I thought I made it plain—that this bill proposes a system of delivery in such places. The rule or regulation the gentleman speaks of merely provides that any individual can send a messenger to the post-office to get his mail, but that messenger is not allowed to enter the office for the pur-

out that messenger is not allowed to enter the office for the purpose of collecting or distributing the mails.

Mr. BINGHAM. Does the gentleman mean to say that under this bill every one of this body of men, unlimited in number, covering almost 70,000 post-offices, provided he can get an order from 20 people upon any given route, is to be permitted to go inside the post-office and handle the general mail?

Mr. SPEPRY Voca in provided to go and a second control of the post-office and handle the general mail?

Mr. SPERRY. Yes, sir; precisely as was done under the old free-delivery system.

Mr. BINGHAM. Never mind the old. Tell us about the new system, under the civil service.

Mr. SPERRY. This does not come under the civil-service system.

tem. This bill simply provides that the postmaster shall give these facilities to the people whom he serves if they desire it.

Mr. BINGHAM. And that will apply to every place where the population is less than 10,000 or where the revenues of the office are under \$10,000, provided 20 people sign a communication asking

for this service?

Mr. SPERRY.

Mr. BINGHAM. Mr. SPERRY. Yes, sir.
Mr. BINGHAM. Very well. Under the existing law, in every office where the village or town has a population of over 10,000, or the postal revenue exceeds \$10,000, every letter carrier is in the classified civil service, undergoing examination, wearing his uniform, governed by specific rules, his appointment having been approved by the Post-Office Department. Now, wherein does this bill provide that the Postmaster-General shall have any supervision whatever of this proposed great body of carriers, connected with almost 70 000 post-offices? with almost 70,000 post-offices?

Mr. SPERRY. Nowhere; for the very reason that we do not

wish to mix up the Government in this matter at all. When the Postmaster-General appoints a postmaster it is expected that he will appoint one who will choose suitable persons for the performance of this carrier service.

Mr. BINGHAM. But he has no discretion with respect to the

You have eliminated the supervision of the Postmaster-General in every post-office where the population is less than 10,000 or the receipts of the office less than \$10,000. In such places you give this patronage and this power to the postmaster himself. But the moment you go to an office where the population is 10,000 or the income \$10,000 or more, that moment the carrier must go through a rigid civil-service examination, must wear a uniform, and must in all respects be governed by the rules

of the service.

Mr. SPERRY. Why, then, do you draw this line? If you are so particular on the one side, why not be just as particular on the

Mr. BINGHAM. In justice to myself and my record here, allow me to say that I brought in the bill which extended this service to communities of 5,000 population. I reported to this House the bill which provided for the experimental rural service, and carried it through the House. Hence I submit to the gentleman that I am

through the House. Hence I submit to the gentleman not subject to his criticism.

Mr. SPERRY. Then the gentleman is "almost" but not entirely "such as I am" upon this matter. Is the gentleman willing to extend this service to communities of 5,000 people; and if so, why should we withhold from farming communities that which they themselves are willing and ready to pay for?

Mr. BINGHAM. The gentleman makes that assumption; but I do not know it to be the fact. I do, however, know this—that they

I do not know it to be the fact. I do, however, know this—that any farming community to-day can designate any person that they desire to receive their mail matter at the respective post-office. If any farming community chooses to take that responsibility it can do so. I say to the gentleman that if we pass this legislation the

appointments under it will be unlimited.

Mr. SPERRY. No, sir.

Mr. BINGHAM. One main purpose of the system as existing in our great cities to-day is to throw proper safeguards around the carrier force, so as to prevent mail depredations. If the gentleman is going to add to the force of the Government employees in these subordinate lines so as to because a body of carriers and in these subordinate lines, so as to have a body of carriers, each | operation are not employees of the Government of the United

of them representing twenty people or more, he is going to more than double the carrier force and open the way to depredations, the prevention or detection of which will require a special-agent force three times as large as that which the Government now has.

Mr. SPERRY. "Sufficient unto the day is the evil thereof." This same principle precisely might be invoked to-day in reference to your telegraph service, where you have your little boys carry-

ing most important messages.

Mr. BINGHAM. They do not contain money or other valu-

Mr. SPERRY. There is no difference in principle. Why not apply the same principle to those little fellows who are delivering

your telegrams? I can not see the difference.

Mr. BINGHAM. Will the gentleman allow me to answer? Of course, with respect to your telegraphic communications, the company is liable. This bill in section 3 says:

That the letter carriers appointed by authority of this act shall be subject to all the provisions of existing law not inconsistent with this act.

The existing law establishes a bureau for the examination, through its detective or special-agent force, of all violations of law. In this respect the bureau will exercise a supervision, but that is the only feature of the bill which provides for any supervision whatever outside of the local postmaster himself. That special-agent force would have supervision of the vast body of men that this bill proposes to provide for. But does the gentleman suppose that the present special-agency force could do this work? work?

work?

Mr. SPERRY. The gentleman as an old postmaster knows that when he gave a clerk a position in his office he trusted him, and the people trusted him. Under this bill there is provided a penal sum of \$100 for every violation of official duty. There is no more danger under this bill than there was when you, as postmaster at Divided bills apprehended a clerk without requiring him to give Philadelphia, appointed a clerk without requiring him to give bonds.

Mr. BINGHAM. I have only this criticism to make upon the

Mr. BINGHAM. I have only this criticism to make upon the gentleman's bill, that it opens up an unlimited increase of force in the postal service—unlimited.

Mr. SPERRY. Not at all.

Mr. BINGHAM. Every post-office that fails to turn in a revenue of \$10,000 will come under the provisions of this bill. My objection is that the bill practically authorizes an unlimited force. The existing law permits an individual to send whomsoever he chooses to the post-office for his latters the individual taking upon him. to the post-office for his letters, the individual taking upon himself the responsibility. That provision applies everywhere. An important objection to this measure is that there is not a word in it giving to the Postmaster-General or the Post-Office Department

it giving to the Postmaster-General or the Post-Office Department any supervision of this business.

Mr. SPERRY. The law of supply and demand operates in this matter. I assume that the gentleman as postmaster would not have increased the number of clerks in his office beyond the demands of the office. Neither would any local postmaster who takes a pride in serving the people add needlessly to the number of carriers connected with his office. The number could not exceed those who could make a living out of such service. The local postmaster would be just as particular as the gentleman from Pennsylvania would be in making his appointments.

Mr. BINGHAM. Will the gentleman read the provision of his own bill?

own bill?

That whenever not less than twenty persons who receive their mail matter through the same post-office shall petition the postmaster at such office to appoint one or more letter carriers, who shall be at least 16 years of age, for the delivery of letters and other mail matter therefrom to the persons addressed, at their respective residences or places of business, and for the collection of letters and the conveyance and delivery of them to the post-office, said postmaster shall appoint a suitable number of letter carriers for that purpose

Mr. SPERRY. Precisely. I am glad the gentleman called attention to the language of the bill itself. It provides for the appointment of a suitable number of such carriers.

Mr. BINGHAM. Of course; without limit.

Mr. SPERRY. My dear friend, it is precisely the same thing under the regulations by which you conducted your business at Philadelphia. It was unlimited there to the same extent that it is unlimited here

Mr. BINGHAM. It was limited to the extent of the appro-

priation bill.

Mr. SPERRY. And there is no trouble whatever in reference to this matter. You need not be afraid that the postmaster will appoint so many as to burden or interfere with those whom he has already appointed. It is to be supposed, at least, that a man who is suitable for a postmaster has some practical common sense and

judgment to guide him in such matters.

Mr. BINGHAM. I have said what I desired to say, Mr. Speaker.
I have stated my objections, so far as I am concerned, to this bill.

Mr. WILLIAMS. Mr. Speaker, as I understand the pending bill and its purposes, the men who are to be employed under its

States. They would practically be selected by the people whose mail matter they are going to distribute.

Mr. BINGHAM. To whom would they give bond in case of

their appointment?
Mr. WILLIAMS. To the Government of the United States, of

course Mr. BINGHAM. Then what would determine their character

as employees?

Mr. WILLIAMS. I was going to say that, being paid by the people whose mail they deliver, as a matter of practical operation it would result in these men being chosen by these people themselves

Mr. BINGHAM. But are they not subject to all of the laws and regulations governing the Post-Office Department—every law?
Mr. WILLIAMS. Certainly.
Mr. BINGHAM. Then they give bond to the Government of the United States and are subject to all the laws and regulations of the Postal Department. I ask the gentleman, what are they?
They are designated in this bill as "carriers."
Mr. WILLIAMS. I understand the point the gentleman is

They are designated in this bill as "carriers."

Mr. WILLIAMS. I understand the point the gentleman is making. To the extent that these people give bond to the Government of the United States, and are subject to the criminal laws which govern the operations of carriers generally throughout the United States, they are employees of the Government, of course. But as to the question of their selection, practically they will be selected by the people whose mail they deliver, because these people—that is, twenty or more of them uniting together in such request—would agree to the selection of a carrier, and would give their written consent to the postmaster for the appointment.

such request—would agree to the selection of a carrier, and would give their written consent to the postmaster for the appointment, stating that such person so selected is a suitable person to receive and deliver their mail matter. It is always well to go into the practical operation of matters back of the law.

Now, Mr. Speaker, the proposed bill—the legislation it seeks to enact—is nothing but the development into law of a system which already exists in a part of this country. For example, down in my own country, in the State of Mississippi, there is a community of people—there are several of them, but I have in mind one community—who annually direct the postmaster to deliver their mail my own country, in the state of mississippi, there is a community of people—there are several of them, but I have in mind one community—who annually direct the postmaster to deliver their mail to a certain person selected by them to receive and deliver it. The carrier gets the mail from the post-office and deposits it in boxes in front of the various plantations on his route, and takes from the boxes such mail matter as has been deposited by the planters, or the renters of the land, and carries it to the post-office. So the common sense of a community in this country has already developed a scheme exactly that which the gentleman from Connecticut desires to put into the shape of law upon our statute books. And in order to avoid the objection of undue expense his bill provides that these carriers shall be paid by the people whose mail they deliver.

Now, it is wrong, inherently wrong, that the great cities of this country should have their free delivery of mail matter, while the people living in more sparsely settled communities can not have such an advantage. But I recognize at the same time the fact that the free delivery of letters in sparsely settled localities would bring about an expenditure to the Government far beyond a due proportion of the number of letters or mail matter delivered, and

proportion of the number of letters or mail matter delivered, and all that; and each of us has practically surrendered to the idea that all of the great cities of the United States should have this free delivery, and that the citizen of the United States living in Philadelphia, for instance, should have favors shown him by the Government which a citizen living in the rural districts of Kansas does not have, and which can not be shown to him. I understand that the argument is always made, in answer to that, that the mail of Philadelphia, for example, pays its own way; but that is not true, because for every letter they send out from Philadelphia a letter is received there from some more sparsely settled sec-

tion of the country. Mr. BINGHAM. Will the gentleman allow me to make a

statement?

Mr. WILLIAMS. Yes.

Mr. BINGHAM. It is not put on that ground. That is one of the grounds of the benefit of free delivery, but in a city where perhaps 200,000 letters are received daily it would take an office five times as large as this Capitol if it depended upon the people calling for their letters. That vast amount of mail matter must be gotten out of that office in some way, just the same as the mail matter which you drop into the office must be removed from the office into the country. Therefore you have the free-delivery office into the country. Therefore you have the free-delivery

office into the country. Therefore you have the free darray service.

Mr. WILLIAMS. Whatever may be the reason given for the existence of the fact, the fact does exist that a gentleman living in Philadelphia receives his mail free, at the expense of the Government, and a gentleman living at Medicine Lodge, Kans., or some other small place, does not. The fact remains; but men of common sense recognize that that is a necessary discrimination against the man who lives in the sparsely settled country.

If this man who lives in the sparsely settled country is willing to

remove the only objection to his being put upon the ground of equality—that objection consisting in the fact that his being put upon the ground of equality would cost the Government a great amount of money—if he proposes to remove that obstacle by paying the money himself, I can not see how anybody under the sun can object. I can see how my scheme of rural free delivery by the Government may be objected to by gentlemen who would have to pay a tax to carry on the scheme, but I can not see how anybody can object to a scheme which involves delivery at the expense of pay a tax to carry on the scheme, but I can not see how anybody can object to a scheme which involves delivery at the expense of the deliveree. Now, as I said a moment ago, this system exists practically in parts of this country. It exists practically in a part of my own county, where, all along the line of a road 40 miles in length, all subject to one post-office, the planters have their boxes out for themselves and their tenants, and they give instructions to the postmaster to deliver their mail to the man who brings it out to them.

Gentlemen may say (If they can do that already they are

Gentlemen may say, "If they can do that already, then why the necessity for this law?" The necessity, or rather the advisa-bility, of the law is this, that the people selected by them are not in any manner subject to the supervision of the Government; they give no bond to perform their duties properly, and if anything does happen in the shape of a loss of mail matter, there is nobody who can look into it. The moment a man has given his order to the postmaster to deliver his mail to John Smith, that moment the Post-Office Department has nothing further to do with the letter, after it is delivered to John Smith, and can not even examine into the question as to whether John Smith ever received the letter which he failed to deliver or not. This bill will necessitate the giving of a bond, and will give governmental supervision, without any expense to the Government. It will satisfy a demand existing in the rural districts, which demand is year reasonable in its character in my oninion. very reasonable in its character, in my opinion.

Mr. BINGHAM. Will the gentleman allow me to make a

statement?

Mr. WILLIAMS. In one moment.
Mr. BINGHAM. All right.
Mr. WILLIAMS. One other thing. The gentleman seems to be laboring under the impression that there is something in this bill—and the answer made by the gentleman from Connecticut [Mr. Sperry] still further misled him—that there is something enabling these carriers to go behind the railing of the post-office

and themselves sort the mail.

Mr. BINGHAM. There is nothing in the bill which allows that.

Mr. WILLIAMS. There is nothing in the bill which allows that. On the contrary, the bill says the postmaster shall deliver to the men thus selected the letters ordered to be delivered, by the written requests on file in the office. So that that objection does not lie to the bill. I thought I would notice that because I was afraid that the answer given by the gentleman from Connecticut [Mr. Sperry] to the inquiry might have misled others, if it did not mislead the gentleman, into the belief that there was something of that sort

What objection could there be to that, if they are Mr. LOUD.

worn officers of the Government?

Mr. WILLIAMS. There would be very great objection to that,

Mr. WILLIAMS. There would be very great objection to that, and that objection would be that there would be a divided responsibility. There would be several people with the privilege of sorting the mail, and there would be several people with the privilege of laying upon somebody else the blame for anything wrong that took place during its assortment.

Mr. BINGHAM. Will the gentleman allow me to make a statement to him with reference to the free-delivery offices, especially with reference to Philadelphia? The gentleman referred to that office, and I should like to answer his objections.

Mr. WILLIAMS. I did not intend to refer to Philadelphia especially. I made my statement general. The gentleman knows that in all free-delivery offices the rate of postage is 2 cents an ounce. The gentleman also knows that in all other offices, not free-delivery offices, the rate of local postage is 1 cent an ounce. Therefore, where free delivery exists for the delivery of a local letter from one section of a city to another, the same postage is paid as transmits a letter collected in Oregon and delivered in Maine to the party's residence, and as a result of that service in the city of the contract of the collected in the collected i Maine to the party's residence, and as a result of that service in the great cities large revenues of surplus are turned over in the Post-Office Department. I wanted to emphasize the fact that at these offices with which this bill deals the local postage is 1 cent, while where there are letter carriers the rate of local postage is 2

while where there are letter carriers the rate of local postage is 2 cents. I am sorry I brought the city of Philadelphia in, as the entire argument is irrelevant to what we are discussing. The rural districts of this country would be very glad to pay that additional postage to have the same privilege.

Mr. SPERRY. I just want to say one word in reply to my friend from Philadelphia. He spoke of the innumerable number of letter carriers which might come from the offices of the class which the bill proposes to serve. I want to say to the gentleman that I cited there as an example the telegraph boys; but on sitting down I remembered that we have a better example right in

the city of Philadelphia and in all other large cities where these little special-delivery boys deliver their mail out of the post-offices, and are appointed by the postmaster himself, and no other person, delivering the most valuable letters, delivering letters which are of the utmost importance to the persons to whom they are addressed, and receiving pay therefor. This is precisely the same; no difference whatever. It gives no more power whatever to the postmaster in one of these communities than is given to the postmasters in the large cities where they have the right to appoint these little special delivery boys, 16 years of age and upward.

Mr. LOUD. But those letters are prepaid, and do not depend

upon the generosity of the person to whom they are delivered.

Mr. SPERRY. These letters are also prepaid, or they would

not go to the office.

Mr. MOODY. You say that the appointees would not be under the provisions of the civil service. Is there anything in the bill that excludes them?

that excludes them?

Mr. SPERRY. There is not. The bill does not exclude them.

Mr. MOODY. Why would they not be included by virtue of
their being letter carriers?

Mr. SMITH of Illinois. Mr. Speaker, I simply desire to say a
few words in reference to the bill under consideration. It is a
bill that has been very carefully considered by the Committee on
the Post-Office and Post-Roads. The bill as originally presented
did contain some objectionable features, as the committee deemed,
and hence considerable time was given to its consideration. As and hence considerable time was given to its consideration. framed and now before us for action it simply seeks to systematize the delivery of mails from a particular post-office to any number of individuals in rural districts, not less than twenty in number, who shall petition the postmaster where they receive their mail for that purpose. There are a number of places in the United States where persons living some distance from the post-office desire to have some particular individual carry their mail from the post-office to their residences, receive their mail, and deliver it at the post-office where they would have to take it or send it by some irresponsible person or by some person to whom they might deliver it

This bill simply seeks, as I said, to accommodate those people and give them some assurance that the mail delivered to the carrier should be promptly delivered and that which they give to him promptly surrendered to the post-office where it should be mailed, and in case of failure to properly deliver that which the individual gives to the carrier or the postmaster gives to the carrier the bill gives to such individual recourse upon the carrier and the securities on his bond. It does not in any manner take from the postmaster in a small country place any emolument which he would otherwise receive, nor does it create any liability whatever upon the Government in any instance which can be imagined.

Mr. BINGHAM. What about violations of the law?

Mr. SMITH of Illinois. In what respect?

Mr. BINGHAM. Any violation of the law.

Mr. SMITH of Illinois. Any violation of the law?

Mr. BINGHAM. It is under the supervision of the post-office inspectors. Do not they make the preliminary investigation if there is any violation of law? This bill simply seeks, as I said, to accommodate those people

there is any violation of law?

Mr. SMITH of Illinois. With reference to the letter carrier? Mr. BINGHAM. Why, certainly. Mr. SMITH of Illinois. It creates no responsibility on the part

Mr. SMITH of limitors. It clears to the Government.

Mr. BINGHAM. It does under section 3 of your bill, which, I suppose, covers the administration of the Department.

Mr. SMITH of Illinois. Certainly, wherever there is a criminal prosecution. But suppose a man is appointed as carrier by the postmaster. The bond under this bill which that carrier gives is a continuous to the postmaster, and he must have securities on the bond. postmaster. The bond under this bill which that carrier gives is given to the postmaster, and he must have securities on the bond. If anyone is aggrieved, they have their recourse on the bond. The bill simply provides that the Government shall not be responsible in any sense whatever. We carefully considered that from every standpoint, and there is no way imaginable where the Government can be responsible in case the carrier failed to do his duty as such carrier. It is divorced entirely from governmental supervision and is only intended to meet the requirements of the rural districts and to accommodate them in these matters. My friend from Pennsylvania smiles. I do not know why. from Pennsylvania smiles. I do not know why.

Mr. BINGHAM. I am smiling only because the gentleman ignores section 3 of his own bill—

Sec. 3. That the letter carriers appointed by authority of this act shall be subject to all the provisions of existing laws not inconsistent with this act.

Therefore these men will come under every law that the letter carriers and the postal clerks and all the postal employees come under. Now, the detection of violations of law in the Department rests largely with the special agents, and therefore when you add these tens of thousands of letter carriers in these nearly seventy thousand post-offices, you must necessarily increase the force of special agents. I say that in answer to the gentleman's statement that this legislation will not impose any expense upon the Gov-

Mr. SMITH of Illinois. But my friend ignores the last words of the section he has just read—"not inconsistent with this act."
This bill proposes to divorce this character of service from govrnmental supervision and to throw the responsibility upon the carrier and his bondsmen, and to give the opportunity of enforcing that responsibility to the person delivering his mail to the carrier or receiving it from him. In the large cities where we have free delivery, and every man can get up in the morning and receive his mail by a carrier selected and employed under the civil service and raid by the Covernment the system is found are received. and paid by the Government, the system is found very convenient, and we merely appeal to this House to say by this bill that the people who live in the rural districts, when not less than twenty of them so desire, may arrange to have their mail matter collected and delivered by a certain provided that they pay that corrien and delivered by a carrier, provided that they pay that carrier themselves, and provided further that the Government shall under no circumstances be responsible in any manner whatever for the faithful performance of the carrier's duties. I certainly hope, Mr. Speaker, that when we come to vote upon this bill members will consider the interests of the rural districts, especially when the interests of the Government are not at stake, and will give the people of the sparsely populated portions of the country the

benefit of this carefully guarded law.

Mr. BINGHAM. Mr. Speaker, in response to the pertinent illustration given by the gentleman from Connecticut just now of "youngsters" being employed to deliver letters under the special-delivery system, I say to him that if he will read the law he will observe that the Postmaster-General must approve the selec-

tion of such employees by the postmaster.

To provide for the immediate delivery of letters bearing the special stamp, the postmaster at any office which may come within the provision of this act may, with the approval of the Postmaster-General, employ such person or persons as may be actually required for such service.

The gentleman sees that under the law the approval of the for the special-delivery service; but the gentleman's bill gives the power absolutely to the local postmasters, and so the illustration fails.

Mr. SPERRY. I am well aware of the existence of that law, Mr. SPERRY. I am well aware of the existence of that law, and the matter is put on precisely the same footing in this bill. There is no change. The letter carriers are put upon the same plane, the same level, and they emanate from the same source that the special-delivery boys do.

What time have I left, Mr. Speaker?

The SPEAKER pro tempore. There are about twenty minutes

Mr. JOHNSON of California. Mr. Speaker, I have listened attentively to this debate in order to understand, if I could, the objections to this bill. Owing, of course, to my ignorance, I am unable to discover any objection to it except that it is for the benefit of the farmers. I see that some gentlemen who live in cities are opposed to it. I presume that some gentlemen who live in cities are opposed to it. I presume that they have found the free-delivery system a failure in the cities, and that they do not wish to extend the failure to the country. If that be the reason of their objection it is a good one; but if the free-delivery system has been found valuable in the cities, why not let the people in the country have it if they want it? I do not happen to live in the country myself, but I know a good many people who do live there, and if they want this system and are willing to pay for it, why not let them have it?

Mr. BINGHAM. They can have it now.

Mr. JOHNSON of California. The gentleman says they can have it now; but if this proposed law will give it to them any quicker, why not let them have it that way? [Laughter.] The nave it now; but it this proposed law will give it to them any quicker, why not let them have it that way? [Laughter.] The gentleman seems to think it is a bad thing, but if a man is going to die by poison, why not let him take a large dose and die quickly? [Laughter.] The only objection that I have heard to the bill is the one stated by the gentleman from Pennsylvania, that the people can have this service now under existing laws and regulations. If that is so, why have you not given it to them? The gentleman has been on the Post-Office Committee for a number of years; why has he not given it to them? I have received communications from constituents of mine stating that they did want such legislation as this, and I repeat, why not give it to them? For one I hope that the bill will pass. Whenever a man wants a thing and is perfectly willing to pay for it himself, I do not see why he should not have it. [Laughter.]

Mr. PICKLER. Mr. Speaker, I do not care to detain the University of the should not have it.

Mr. PICKLER. Mr. Speaker, I do not care to detain the House debating this bill. It seems to me that at nearly every session of Congress we have discussion here in regard to alleged discrimination in the postal service against the rural districts. We had it last session with regard to the pay of fourth-class postmasters. Now, here is an opportunity to do something for the rural districts without its costing the Government anything, and it does seem to me that there ought not to be any objection to this bill. I repeat, the Government is put to no expense under this bill. I nederstand that some gentlemen are not willing to support the bill because they say it is only an entering wedge, and that by and by the rural

districts will come in and claim that these carriers ought to be paid by the Government. Well, if the system develops into such a suc-cess that Congress can be convinced that it is reasonable and wise for the Government to extend the regular free-delivery service to the population of the rural districts, it will be all right to make the extension, and, on the other hand, if Congress can not be convinced of the wisdom of doing it, the extension will not be made.

vinced of the wisdom of doing it, the extension will not be made.

The objection raised by the gentleman from Pennsylvania [Mr. Bingham] with reference to prosecutions for violations of the law might be made to every bill that has ever been passed by Congress. It seems to me that there is nothing substantial in that objection. It is charged that there is discrimination made by our postal laws in favor of the people who live in cities.

Here is an opportunity to accommodate the people of the country, and to accommodate them at no expense to the Government. The

Here is an opportunity to accommodate the people of the country, and to accommodate them at no expense to the Government. The proposition is simply that we throw the protecting care of the Government around this character of service. I really do not understand how any gentleman can in good faith oppose giving this advantage to the people in the country districts, who very often have to go for days without their mail and who, when they want to take a letter to the post-office, are sometimes obliged to do it at an expense of two or three dollars, depending upon their distance from the office and the extent to which they may be pressed for time during the busy seasons of the year.

It seems to me that we ought to pass this bill. It seems to me that we ought to pass it unanimously. It seems to me that gentlemen from the cities ought to stand by such a bill as this, especially when it does not east the Government anything. We from

tlemen from the cities ought to stand by such a bill as this, especially when it does not cost the Government anything. We from the rural districts are called upon from year to year to vote large appropriations for this special-delivery service. We always do vote for such appropriations to extend this delivery system in the cities. I hope that not only gentlemen representing city districts, but those especially who represent rural communities will vote for this bill. It is one which ought to pass without dissent.

Mr. SPERRY. Mr. Speaker, the time is short; otherwise I would permit this debate to proceed. But, under the circumstances, I ask that the bill be put on its passage.

The SPEAKER. The question is on the engrossment and third reading of the bill.

reading of the bill.

Mr. LOUD. I was about to ask for a few moments. There is some time left, I believe.

Mr. SPERRY. If there is time, all right.

Mr. LOUD. I will say to the gentleman that the time is unlimited. We can consider this bill for the coming week without its losing any right unless some matter of higher privilege should

Mr. SPERRY. Then I hope the gentleman will proceed.
Mr. LOUD. Mr. Speaker, I had seriously hoped the time might come when, even on the floor of this House, we could approach the discussion of a question of this sort without at least seeming demands that he we could approach the discussion of a agogy. I had hoped that we could approach the discussion of a question of this character without appealing to the passions or prejudices of the rural element in this country. We have before us a plain business proposition; but after listening to the last two gentlemen who have appealed to us so pitifully in behalf of the rural districts I have said to myself in sorrow, "What is to become of our farming population in the next Congress if we can not have those gentlemen here to represent them?" [Laughter.]

Now, Mr. Speaker, this bill either amounts to something or it amounts to nothing. If it amounts to anything, it is one of the most dangerous propositions ever presented to Congress. If it amounts to nothing, why should this House spend its time in its discussion or give it any consideration whatever?

Permit me to say, with all due respect to gentlemen with whom I dislike to differ, that this bill confers no privilege or power which does not exist to-day. There is no rural community in this country to-day that can not avail itself of every privilege contemplated by this bill without the passage of any such measure. I had hoped that we could approach the discussion of a

templated by this bill without the passage of any such measure. If that is a fact (and if not I call upon any gentleman here to successfully contradict it), then why the necessity for the passage of this bill?

Mr. PICKLER. Will the gentleman allow me a question?
Mr. LOUD. I had hoped the time had come when even the gentleman from South Dakota would allow me to proceed for a few minutes uninterrupted.
Mr. PICKLER. The gentleman need not yield if he does not wish to do so

wish to do so.

Mr. LOUD. If the gentleman will let me finish the "peroration" I now have in view, I will yield to him with the greatest pleasure.

Mr. WILLIAM A. STONE (to Mr. Loud). Oh, yield to him. Mr. LOUD. All right. I can not resist the appeal of the gentleman from Pennsylvania, even if I could that of the gentleman

from South Dakota.

Mr. PICKLER. I will not trespass upon the gentleman's time.

Mr. LOUD. As I was saying, this bill confers on no community any privilege that it has not to-day. Under existing law

any man or set of men can to-day delegate any person they may select to go to the post-office for them and receive their mail.

Mr. BINGHAM. And pay him what they like.

Mr. BINGHAM. And pay him what they like.
Mr. LOUD. And pay him or not, as they choose.
Now, what would be the practical operation of this measure if it should become a law? It could not be successfully operated to the advantage of your farmers up in South Dakota.
Mr. PICKLER. Now will the gentleman allow me to ask him a constion?

question?

Mr. LOUD. I was willing to yield to the gentleman when he stopped me before. I hope he will now allow me to proceed.

Mr. PICKLER. But now the gentleman has alluded to me per-

Mr. PICKLER. But now the gentleman has alluded to me personally.

Mr. LOUD. But the gentleman insists on interrupting me when I am getting up high. [Laughter.] Why not wait until I stop? Mr. PICKLER. But you are always "getting up high." [Laughter.] I want to ask the gentleman by what process we can put these carriers under bonds without some statute authorizing it?

Mr. LOUD. Oh, well, it is not necessary to put them under bonds at all. I believe there are hundreds of good, respectable, honest citizens in every community who can be trusted to deliver the mail to persons in their vicinity. There has never yet been any serious complaint in that direction.

now, let us be practical. This measure could not be successfully operated except in thickly settled communities. Go into a farming district where families are located from 1 to 5 miles apart. No man in the world could successfully deliver letters in such a community at 1 cent a letter. Now, let us be practical. This will could possibly be successful only in the thickly settled portions. bill could possibly be successful only in the thickly settled portions of the country, even if enacted into law. But let us put it in successful operation for a moment and see what the results would be. Let twenty people in one locality petition for the appointment of a carrier by the postmaster to deliver their mail. Is their mail of sufficient magnitude in such localities to support the expenses of sufficient magnitude in such localities to support the expenses of this carrier? No. He can not expect to receive very much compensation for the service. He can perhaps get 1,000 persons on his list who will agree to pay 1 cent on every letter delivered. How many—and I will ask each gentleman present to consult his own conscience and his knowledge of the conduct of men—how many men will pay a debt varying from 1 to 3 cents? I claim that the collection of this amount of money is impracticable. One-half or two-thirds of it, no doubt, could be collected. But the collection of the whole of it would be almost impossible. What is the inevitable result? No man has ever yet performed a service for the Government of the United States as an officer or employee and Government of the United States as an officer or employee and failed to receive pay but has come to Congress at some future time and has demanded the compensation to which he claimed to be entitled. If this bill were put into operation and these men did not receive pay for the carrying of the mail you would find them knocking at the doors of Congress to be compensated as sworn officers of the Government, and in time they would be powerful enough, just as the letter carriers of the country have been powerful enough in the past to force the payment to them for overtime, which in that case amounted to about \$4,000,000.

Mr. PICKLER. Oh, you will be here to prevent that.

[Laughter.

Mr. LOUD. Oh, I shall not be here, I am sorry to say, forever, A MEMBER. Well, you will be here the next time, and Friend PICKLER will not. [Laughter.]
Mr. LOUD. I am sorry even to lose the gentleman from South Dakota, who gives me so much trouble.

Mr. Speaker, this bill comes before Congress without the recommendation of the Post-Office Department. It comes without, so far as I have been able to ascertain as the chairman of the Committee on the Post-Office and Post-Roads, the demand or the request of any body of citizens in the land. I would like to have had incorporated in the report accompanying the bill the letter of the Postmaster-General sent to the committee in regard to it. has not been embodied in the report.

Mr. SPERRY. Because it was received after the report was

prepared. Mr. LOUD. But I will say that it does not commend this meas-

ure to the careful consideration of this body. I regard it as a measure probably of great danger to the country on the one hand, and on the other as straining at a gnat and swallowing a camel. I hope—I sincerely hope, sir—that this House will consider on the one side the gravity of the situation that may confront it, and the absurdity of the situation, on the other hand, of assuming to throw something to the rural districts of the country that will amount to nothing.

Mr. PICKLER. Is not that the unanimous report of the committee?

mittee?

Mr. SPERRY. It was the unanimous report of the committee; and nothing surprises me more than to hear the gentleman from California taking the position that he does. Mr. LOUD. Permit me to say that I opposed this bill in the

committee.

Mr. SPERRY. If you did I did not know it.
Mr. LOUD. Very well; there are other members of the committee who do know it.

Mr. SPERRY. I want the House to understand the logic, if it possibly can, of the gentleman from California. He is making a speech against the bill. He charges that there is nothing in the bill; then that it is the most dangerous bill that was ever passed; and yet he says in the same breath and at the same time that the very same thing is already embodied in the law.

Mr. WILLIAM A. STONE. Is that conceded?

Mr. SPERRY. I do not know whether it is or not. I simply

say that it is putting it into the form of law, and describing the way and manner in which people who wish to receive their mail shall proceed in order to secure its delivery in such manner as

shall be most convenient to them.

Now, Mr. Speaker, I wish this bill to be put upon its passage.

The bill was ordered to be engrossed and read a third time; and

it was accordingly read the third time.

The question being taken upon the passage of the bill, on demand of Mr. Loud the House divided; and there were—ayes 101,

So the bill was passed. On motion of Mr. SPERRY, a motion to reconsider the last vote

was laid on the table.

The SPEAKER. If the Committee on the Post-Office and Post-Roads have no further business, the Clerk will proceed with the call of committees.

The Committee on the Public Lands was called.
Mr. LACEY, Mr. Speaker—

PENSION APPROPRIATION BILL.

Mr. WILLIAM A. STONE. Mr. Speaker, I move that the House resolve itself into Committee of the Whole on the state of the Union for the purpose of considering appropriation bills.

The motion was agreed to.

Accordingly the House resolved itself into Committee of the
Whole on the state of the Union, with Mr. DINGLEY in the chair.

The CHAIRMAN. The House is in Committee of the Whole for the purpose of considering appropriation bills. The Clerk will report the first bill.

report the first bill.

The Clerk read the bill (H. R. 9473) making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1898, and for other purposes.

Mr. GROW. Mr. Speaker.—

Mr. WILLIAM A. STONE. I will yield to my colleague [Mr. Grow] after a minute. I wish briefly to explain the purpose of the bill. It is the usual pension appropriation bill, and reduces the expenditures below what they were in the last bill some \$75,000.

The committee examined the Commissioner of Pensions at length, and under his testimony they were unable to make any reduction in the first paragraph of the bill, which appropriates \$140,000,000 for the payment of pensions during the coming fiscal

The Commissioner of Pensions stated that there were a large number of pending applications made under the general law which would have to be adjudicated during this time. Many of them, he stated, would be allowed, and large amounts paid, and while it was true that the death rate in the pension roll was increasing, yet that it would be more than offset by the increase in payments in adjudicated cases, under what is known as the general law, that is, under the acts of Congress passed prior to the act of 1890. The amount paid during the last fiscal year was between \$138,000,000 and \$139,000,000. The amount that will be paid during the next fiscal year will probably exceed \$139,000,000. So that, taking into consideration the total increase in the bill by the allowance of cases under the general law, the committee did not feel at liberty to reduce this item, and they allowed the total estimate of the Commissioner of Pensions. The Commissioner of Pensions stated that there were a large missioner of Pensions.

In the item of fees of examining surgeons the committee, after due consideration, reduced the amount estimated \$50,000, making a recommendation of \$700,000 instead of \$750,000, the amount estimated by the Commissioner.

The salaries of agents are fixed by law, and they amount to

\$72,000. No reduction could be made in this item.

The next item is clerk hire at agencies. The law passed in the last session, which directed pension agents to pay by checks instead of currency at the agencies, has enabled the Commissioner of Pensions to make some reductions in the clerical force at the different agencies. He has done that, and contemplates further reductions. He, however, said that he could not safely manage the Department with less than \$430,000, and as the making of reductions is partly experimental at present, the committee did not feel justified in making any further reduction below the amount which the Commissioner said he would try to get along with. We therefore reduced that item \$20,000, and have recommended \$430,000.

The other two items, fuel and light, are not changed from the estimate, but the estimate for stationery and necessary expenses,

meaning contingent expenses, is increased from \$30,000 to \$35,000, The committee took considerable testimony upon that subject, and finally consented to an increase of \$5,000. The Commissioner stated that under the present law, as applied and applicable to the civil-service law, it was impossible to readily get help in case of a busy day or two at a pension agency when there was a great a busy day or two at a pension agency when there was a great desire to make prompt payments to pensioners. He stated that he had no power whatever to employ any extra help, even for a day; that he could not do it; that if he made a requisition upon the civil-service branch of the Government, before he would get the clerks to the place where they were needed the occasion for their employment would expire. We therefore gave him an additional \$5,000 to use in his discretion for the employment of help for a day or two or three days. It seems that in the last fiscal year there was a detailed force. The Commissioner was empowered to employ laborars for a day or two or three days at time. But Complex laborars for a day or two or three days at time. But Comwas a detailed force. The Commissioner was empowered to employ laborers for a day or two or three days at a time. But Commissioner Lochren revoked this order; and then, the order of the President with reference to the classified civil service having gone into effect, including all laborers in this Department under the civil-service law, it became an absolute impossibility for the Commissioner to employ men even for two or three hours. Therefore, after considering the matter fully, the committee thought that the request was a reasonable one, and we allowed the additional \$5,000, to be used at the discretion of the Commissioner of Pensions. If not used it will be turned into the Treasury again. The committee increased the amount for rent \$300. The testimony of the Commissioner was that at one agency, at Topeka, it was necessary to have that increase in order to accommodate the office there.

The total reduction amounts, in round numbers, to about \$75,000 from the amount appropriated for the last fiscal year. I may say that the report of the subcommittee was unanimous and the report

of the general committee was unanimous.

With this brief explanation, I will now yield the floor to others who may have anything to say on the subject.

Mr. PICKLER. Will the gentleman allow me a question?

The CHAIRMAN. Does the gentleman from Pennsylvania yield?

Mr. WILLIAM A. STONE. Yes, sir.
Mr. PICKLER. There is no new provision in the bill?
Mr. WILLIAM A. STONE. It is the same as before. There is no new legislation in the bill, and no attempt at legislation in the bill-no attempt at any alteration. It is simply the appropriation as before.

Mr. MOODY. Will the gentleman explain to my ignorance what the navy pension fund is? What is the income of that fund? Mr. WILLIAM A. STONE. As I understand, it is about Mr. WILLIAM A. STONE. As I understand, it is about \$400,000 a year. The law passed during the war in reference to prizes appropriated a certain percentage of captures to the navy pension fund. Nearly all of this fund is used to pay pensions accruing to persons disabled in the Navy, and the Government appropriates the balance to make up the roll. That is all there is of that. There is, I think, a small part of it that is used for a purpose entirely consistent, but so minute that it does not amount to anything. Nearly all the navy pension fund is applied to navy pensions, and then we appropriate the balance.

Mr. GROW. Mr. Chairman.

Mr. WILLIAM A. STONE. I yield to the gentleman from Pennsylvania. How much time does the gentleman need?

Pennsylvania. How much time does the gentleman need?
Mr. GROW. Not a great deal. I do not intend to be long.
Mr. WILLIAM A. STONE. I yield the gentleman whatever time he wants.

Mr. GROW. Mr. Chairman, on yesterday, at the conclusion of the reading of the President's message, I was anxious then to call the attention of the House for a few minutes to one or two

I will now ask the Clerk to read the extracts from the message of the President which I send to the desk.

The Clerk read as follows:

The order test as 2010 war.

The only entire fiscal year during which this law has been in force ended on the 30th day of June, 1896. In that year our imports increased over those of the previous year more than \$6,500,000, while the value of the domestic products we exported, and which found markets abroad, was nearly \$70,000,000 more than during the preceding year.

Whatever may be its shortcomings as a complete measure of tariff reform, it must be conceded that it has opened the way to a freer and greater exchange of commodities between us and other countries, and thus furnished a wider market for our products and manufactures.

Thus, it seems, Mr. Chairman, that the expenditures of the Government for the last fiscal year, closing June 30, 1896, were in round numbers \$25,000,000 more than the receipts. The year preceding the deficit was \$45,000,000 in round numbers. By the monthly statement sent us by the Secretary of the Treasury the expenditures of the Government since the 1st day of July, 1896, to the 1st day of December, the present month, have been \$40,976,453 more than its receipts. These three items of deficiency in revenue run through two years and five months, yet the President makes no recommendation as to any mode of increasing the revenues of the Government, but simply assures us that no deficit that has occurred or may occur need excite or disturb us. A very placid mood for the Executive of the Republic while its annual

expenses have exceeded its receipts about an average of \$50,000,000 a year during his present term of office.

The President seems to rest secure that the creditors of the nation will be paid unless the engravers and the money-printing presses of the Government shall break down. He compares the existing tariff with itself one year with another, and declares it has done better this year than it did the year before, and if it is let alone long enough it will undoubtedly some time meet all the expenses of the Government. In addition, he declares that it has opened the way to a freer and greater exchange of commodities between us and other countries.

I do not propose to discuss the tariff to-day in any partisan spirit,

or to excite any questions relating to free trade or protection, but simply to call attention to the business character of the existing simply to call attention to the business character of the existing tariff. It is not a question of whether this tariff is better for one year than another, but whether it is a good tariff for any year. If it is, we need no change. If it is not good for any year, then our first duty, as part of the legislative department of the Government, is to so change it as to provide revenue enough to meet the expenses of the Government economically administered. In a number of the schedules in the existing tariff less duty is collected on a larger valuation of imports than in the McKinley tariff for a corresponding year, and articles of pure luxury of a larger amount are imported under the present tariff and less duty collected.

To compare some of the schedules in the two tariffs as to amount of importation and duties collected, take earthen, stone, and china ware. Without taking the time to state the amount of importation in each year, I will give the difference in the valuation each year and the difference in the duties collected. The valuation on china ware, earthen ware, etc., imported in 1896 was \$1,162,193 greater than in 1893, and the duty collected on these very same kinds of articles \$1,841,499 less than was collected under the tariff in 1893. In fruits and nuts the importation in 1896 was \$5,721,055 in 1893. In fruits and nuts the importation in 1896 was \$5,721,055 more than in 1893, and the duty collected was \$1,211,173 less than was collected in 1893.

Take iron and steel. This is the only item that I shall read the importation of which in 1896 was less in valuation than that of 1893, but while the importation of 1896 was \$8,264,000 less than that of 1893, the duty collected was, in round numbers, \$12,000,000 less in 1896 than in 1893. All the other cases to which I call attended. less in 1896 than in 1893. All the other cases to which I call attention are cases where the importation of foreign products in 1896 exceeded in amounts and valuation the importation in 1893, and in every instance less duty was collected in 1896 from the same kinds of articles on a larger importation. That is, under the existing tariff a larger amount of importation is made than was made under the McKinley tariff and less duty on that larger amount was collected; that, too, at a time when the Government needs the revenue.

revenue.

The friends of the existing tariff are claiming that it is better than the tariff that it superseded. It is time for some gentleman on the Democratic side of the House to rise and in eloquent terms denounce "McKinleyism" as we have heard it so often for the last three years. While the revenues on these articles fell off, the importations increased. Take wool and manufactures of wool. I grant that there was a theory underlying the change made in the tariff on the woolen schedule. In the other cases there was no theory, nothing but a want of business capacity. [Laughter and applause.] But in the case of wool there was both a false theory and a want of business capacity. theory and a want of business capacity.

The imports of wool and woolen manufactures in 1896 show a valuation of \$27,000,000, in round numbers, more than the imports of the same articles in 1893, while the duty collected upon this great increase of imports is \$21,477,354 less than in 1893. That is, we have brought foreigners in competition with our own great wool industry, woolgrowing and the manufacture of wool, thus giving employment to the labor of other countries, while our own labor goes begging in the streets, and in doing it have thrown away \$22,000,000 of revenue. Take carpets and carpeting. I read this to further illustrate the want of business capacity shown in the existing tariff in levying duties on what are called It is evident that a large amount of revenue from Iuxuries. It is evident that a large amount of revenue from foreign importations can not be collected without making it somewhat burdensome, unless duties are made very large on what are called the luxuries of life. Here are carpets and carpeting, including the highest priced carpets, Axminsters, Moquettes, and carpets woven on special orders to fit a particular room. In 1895 the importations of these goods were \$7,146 more in valuation than the importations in 1892, while the duty collected on them was \$217,646 less than the duty collected on the importations of 1892.

Now, take the tin-plate industry. Before 1890 there was not a pound of tin plate made for market in this country. The manufacture for consumption commenced at that time. The importation in 1895, under the present tariff, the first year of this tariff, was 534,000,000 pounds, as against 403,000,000 pounds in 1892. That is, there was 131,784,122 pounds of tin plate imported in 1895 more than was imported in 1892; yet the duty collected upon that importation of 130,000,000 pounds more in 1895 was \$1,464,610 less than the duty collected in 1892. This loss of revenue is a clear discrimination against our own industry. We can produce all the tin plate this country needs. The existing manufactories have sufficient capacity, but they have been partially shut down for two years. We close the door to the product of foreign factories and call it "increasing our trade with foreign nations."

Take brandy—if it had been whisky there might have been some

Take brandy—if it had been whisky there might have been some reason in that. [Laughter.] We imported 8,349 gallons more last year than we imported in 1892, and collected \$232,992 less revenue. Take distilled spirits. Our imports last year were \$191,951 greater in valuation than our imports in 1893, yet we collected \$558,848 less revenue.

These, Mr. Chairman, are some of the illustrations of the kind of tariff that we are asked to continue until it shall meet the deficiencies in the revenue. I grant that it gained about \$12,000,000 upon itself in its second year, but at that rate how long would it take to make up the deficit in revenue already incurred?

The duty collected on the nine articles that I have enumerated—

the same class of articles in each tariff, remember-the duty collected upon those articles during the fiscal year which closed on the 30th of June last, was \$39,114,676 less than the duty collected under the McKinley tariff on a much less amount of importa-

The following table shows the valuation and duties collected on certain articles in corresponding years.

Valuation of imports and duties collected.

Articles.	3	Tear.	Valuation.	Duties col- lected.
Carpet and carpeting	5	1892 1895	\$1,377,050 1,384,196	\$851,541 633,895
Difference			7,146	217,646
Tin plate	5	1892 1895	Pounds. 403, 030, 785 534, 814, 907	8,801,358 7,336,748
Difference			131, 784, 122	1,464,610
Brandy	3	1892 1895	- 294,415 302,764	\$791,488 558,496
Difference	1.		8,349	232, 992
Distilled spirits	3	1893 1896	\$1,906,891 2,098,841	3, 183, 633 2, 624, 785
Difference			191,950	558, 848
Earthern, stone, and china ware	3	1893 1896	9,377,284 10,539,477	5, 404, 985 3, 563, 486
Difference			1, 162, 193	1,841,499
Fruits and nuts	1	1893 1896	13, 398, 411 19, 119, 466	3, 818, 801 2, 607, 628
Difference			5, 721, 055	1,211,173
Iron and steel	- 8	1893 1896	34, 860, 868 26, 596, 815	21,916,447 10,034,349
Difference			8, 264, 053	11,882,098
Provisions	- 8	1893 1896	2,081,234 2,060,718	761, 199 532, 778
Difference			20,516	228, 421
Wool, and manufactures of	- 8	1893 1896	55,391,593 82,796,757	44, 598, 772 23, 121, 383
Difference	1		27, 405, 164	21,477,389

On these nine articles the customs duties collected was \$39,114,-676 less than was collected in corresponding years on a much less amount of importations of the same kind of articles under the Mo-

Sugar was on the free list under the McKinley law, and 1890

Sugar was on the free list under the McKinley law, and 1890 was the last year that it was dutiable until this tariff.

Let me compare the operations of the existing tariff with the tariff preceding the McKinley tariff.

In 1890 the Treasury of the United States collected on the importation of sugar into this country \$53,985,873, that being the last year in which sugar was on the dutiable list.

In the year of this tariff which the President refers to in his message with commendation—the year closing on the 30th of last June—there was collected on sugar \$29,808,140, being \$24,000,000 less than was collected in 1890.

For years we have had a wide difference of views between political parties in this country, and probably we shall continue to have such differences for years to come as to protection and free trade.

Protection means employment for American labor in producing in this country such articles as climate, soil, and natural facilities would allow of being produced here to advantage, at a rate of wages—the highest possible—and permit the articles produced to be sold in market. Free trade means the payment to labor everywhere of the lowest wages paid to labor anywhere. Everybody can choose between these theories. I do not propose to enter into any discussion of them at this time. But as a business proposition we are to consider the results of these two tariffs as they affect the Treasury of the United States. The question of how to collect revenue for the expenses of this Government is a business

These two tariffs have been tested in practical operation. Such practical tests are better than any theory, better than all logic, better than all disputations where imagination furnishes the "facts" instead of taking into consideration the results of practi-

cal operations in business

cal operations in business.

I have here a table showing the total exports and imports of this country during four years, also the dutiable and free, and showing the amount of duties collected. This table shows the results in the years 1892, 1893, 1895, and 1896, two years under the McKinley tariff and two years under the existing tariff. The year 1894 is a year which in fairness can not be used by way of comparison with anything before or after. That was a year in which the country was engaged in remodeling the tariff. A great part of that fiscal year Congress was engaged in both Houses on that measure.

The party that framed the present tariff came into power on the 4th of March, 1893, having been elected in 1892. As soon as that election was over, the influence of the anticipated change in the

election was over, the influence of the anticipated change in the tariff policy of this Government swept over not only our own country, but the nations of the world with whom we dealt. Hence country, but the nations of the world with whom we have 1894 is a year which no one who wishes to deal fairly can use by way of comparison with anything before or since. But we may fairly refer to 1892 and 1893 (the two years immediately preceding 1894), and 1895 and 1896 (the two years immediately succeeding),

for any purpose of comparison.

In the years 1892 and 1893 the total exports of this country amounted to \$1,877,943,341. In the years 1895 and 1896 the total exports amounted to \$1,690,145,103, being \$187,798,238 less than for

the two years 1892 and 1893.

Yet the President assures us that this tariff has opened the way to a freer and more expanded commerce with foreign nations. This is his claim, in spite of the fact that under this new policy the exports for 1895 and 1896 are nearly \$200,000,000 less than they were in 1892 and 1893, really the last two years, for comparison,

of the McKinley tariff.

of the McKinley tariff.

The total dutiable imports for 1895 and 1896 are substantially the same in amount as the dutiable imports were for 1892 and 1893. There is a nominal difference of \$10,740,709. But the advalorem duties in forcethe two years of this tariff—greater in number than heretofore—would more than make up the difference in valuation. So that the total dutiable imports of 1895 and 1896 are substantially the same as were the dutiable imports of 1892 and 1893. Yet the duties collected in 1895 and 1896 under this tariff that we are asked to allow to remain until it shall make up all deficiencies amounted to \$68.353.224 less than the collections on deficiencies amounted to \$68,353,224 less than the collections on the same amount of dutiable imports in 1892 and 1893. It is seriously proposed as a matter of business that we allow these importations of foreign merchandise to come in competition with American labor, and in addition fail to collect as much revenue upon them as was collected in the two corresponding years prior to the enactment of this tariff.

The following table shows the total exports and imports, and the duties collected for the years 1895 and 1896 compared with the years 1892 and 1893:

Year.	Total exports.	Total imports.	Free.	Dutiable.	Duties collected.
1892 1893	\$1,030,278,148 847,665,198	\$813,601,345 844,454,583	\$458, 074, 604 444, 172, 064	\$355, 526, 741 400, 282, 519	\$174, 124, 270 199, 143, 678
1895 1896	807, 538, 165 882, 606, 938	731, 162, 090 759, 694, 084	376, 890, 100 368, 897, 523	354,271,990 390,796,561	147, 901, 218 157, 913, 506
1892	1,877,943,341	1,658,055,928	902, 246, 668	755, 809, 260	373, 267, 948
1895 1896	1,690,145,103	1, 490, 856, 174	745, 787, 623	745,068,551	304, 914, 724
1895-1896 less than 1892- 1893	187,798,238	167, 199, 754	156, 459, 045	10,740,709	68, 358, 224

It is for the Congress of the United States to restore the revenues of the Government so as to equal its expenditures or to reduce those expenditures to correspond with the revenue. Who on this side of the House or who on the other side believes that we can reduce materially the expenditures of this Government? we can reduce materially the expenditures of this Government? They are now no greater than they were when the gentlemen on the other side were in power. We do not charge that they were extravagant in expenditures. This mighty country, with its great rivers, its mighty arteries of trade and commerce, requires a great expenditure, and it can hardly be expected to be less from year to year. Wise statesmanship, then, requires that we provide in legislation that the revenues shall equal the necessary expenses of the Government, and its people are ready at all times to meet any such demand upon their resources instead of borrowing money for current expenses in time of peace for future generations to pay. But, Mr. Chairman, it is the old system. It is familiar to us all. History repeats itself. Every year of Buchanan's Administration the expenditures of the Government exceeded its revenues. Each year for the past three years we have had the same nues. Each year for the past three years we have had the same idea illustrated in the present Administration. The Bourbon of any times learns nothing and forgets nothing. [Laughter.]

In the old days, it is true, free trade harmonized with the labor

system which existed in nearly one-half of the country. At that time and under those conditions there was some little reason in their free-trade theory. Capital owned its labor, and it must furnish clothing, provisions, houses, and everything for its sub-stance, and it had no interest in the elevation or the advancement stance, and it had no interest in the elevation or the advancement of labor. At that time and under those conditions free trade had something upon which to rest. The owner of labor would buy the cheapest products of the Old World—products of the poverty-stricken labor of the old nations of the world, because capital thought it could get it at less price than it could purchase the same articles at home. They must furnish their labor, and they would do it at the lowest possible cost. But what was a seeming reason for that system at that time has passed forever away. From the Gulf to the Lakes and from ocean to ocean, with a people homogeneous in ideas and institutions, and everywhere with the same great stake and interest in the advancement and well-being of labor, which does so much to add to the greatness and glory of a republic, the reason which existed for the old idea exists no a republic, the reason which existed for the old idea exists no more, yet the gentlemen who still cling to it, the same old idea, now call it "statesmanship." [Laughter.]

There is no longer any reason for the retention of the system which once existed, with the state of society, industries, and population that now exists, so different from the condition which formerly prevailed. Yet we still find supporters of the old theory

and advocates of the same old principles.

In conclusion, Mr. Chairman, permit me to say that I know of no higher duty to-day for the lawmakers of this country than to provide a system for revenue that will meet all the expenses of the Government and provide for finally extinguishing the national debt. The McKinley bill was framed to reduce revenue. That was its title. There was no sham about it. It was made to reduce revenue. That was its title. There was no sham about it. It was made to reduce revenue. We had been paying throughout the entire term of Mr. Harrison's Administration \$64,000,000 a year in extinguishment of the national debt. That was done under a revenue protective tariff policy begun under the leadership of the venerable Senator from Vermont, Mr. MORRILL, to whom belongs the credit of combining ad valorem and specific duties together in custom-

Under the system of revenue protection formulated at that time, and established and maintained by the Republican party for thirty years, two-thirds of the national debt of almost three thousand milyears, two-thirds of the national debt of almost three thousand million dollars was paid before this Administration came into power. They have added \$262,000,000 to the interest-paying debt of the nation, with a deficiency in revenues of \$140,000,000 during the time they have been in power. How long can this system of revenue continue before this tariff—as the President assures us—will meet all the deficiencies in revenue? While the McKinley bill accomplished what it was intended to accomplish—a reduction of revenue. nue—the prostrating of the business of the country by the change in Administration in 1892 caused too great a reduction. But had the times continued under the same political power, with the same policy prevailing in the Government, the McKinley tariff would have continued to raise enough revenue to pay the expenses of the Government and continue to discharge portions of the national debt annually, as required by the pledge of the Government in 1862, when the first issue of paper money was made.

Mr. Chairman, the gentlemen who compose the legislative de-

partment of the Government now and those who will come immediately after them will have no higher duty to perform than that of providing by law for raising sufficient revenue for all the

expenditures of the Government by a system of revenue protection.

While we were all content and satisfied with what is known as
the McKinley tariff, yet I think like good sportsmen we will all be
ready and willing to bet our money on the tariff that will be framed
and known hereafter as the "Dingley tariff bill." [Applause.]

The CHAIRMAN. The Clerk will now proceed with the reading of the bill by paragraphs for amendment and debate under the rule.

The Clerk, proceeding with the reading of the bill, read as fol-

For fees and expenses of examining surgeons for services rendered within the fiscal year 1898, \$700,000. And each member of each examining board shall, as now authorized by law, receive the sum of \$2 for the examination of each applicant whenever five or a less number shall be examined on any one day, and \$1 for the examination of each additional applicant on such day: Provided, That if twenty or more applicants appear on one day, no fewer them twenty shall, if practicable, be examined on said day, and that if fewer examinations be then made, twenty or more having appeared, then there shall be paid for the first examinations made on the next examination day the fee of \$1 only until twenty examinations shall have been made: Provided further, That no fee shall be paid to any member of an examining board unless personally present and assisting in the examination of applicant: Provided, That the report of such examining surgeons shall specifically state the rating which in their judgment the applicant is entitled to.

Mr. CONNOLLY. Mr. Chairman, I desire to offer an amendment at the end of line 28.

The amendment was read, as follows:

Amend by adding after the words "entitled to," in line 23, the following: "Which rating shall be conclusive as to the amount of pension, if any, to be allowed in each case."

Mr. ERDMAN. Mr. Chairman—
Mr. CONNOLLY. Mr. Chairman, the bill requires that these examining surgeons shall not only write out their diagnosis of the case, but that they shall also specifically stipulate the amount which in their judgment the applicant is entitled to. Now, that has been the practice for a long time, and yet the supervising board in the Pension Office has never paid any attention, so far as anybody could discover, to the rating made by the local examining board. By putting in that amendment, the supervisory board in the Pension Office will be left to determine, from the diagnosis as written out and reported by the local board, the question whether any pension shall be allowed—whether the diagnosis shows that the applicant is entitled to a pension. If they determine that he is entitled to a pension, then the rating fixed by the local board is the rating that will govern. Some gentlemen might think that this would leave to the local examining board the entire question as to whether or not a pension should be granted.

Mr. LACEY. Will the gentleman yield for a question?

Mr. CONNOLLY. Certainly.

Mr. LACEY. Will the gentleman yield for a question?
Mr. CONNOLLY. Certainly.
Mr. LACEY. Suppose a pensioner, in the judgment of the Department, was entitled to \$18 a month, and suppose the local board should give him only \$6. This amendment which you offer would

should give him only \$6. This amendment which you offer would prevent the pensioner from receiving the \$12 a month which he would otherwise be entitled to, making a total of \$18.

Mr. CONNOLLY. No, that would not be true, because the matter is still left entirely in the hands of the supervisory board in the Pension Office. They are not compelled, as they are not now compelled, to take the report of any local board of examining surgeons; and it is within the knowledge, probably, of every gentleman in this House who has had occasion to investigate these pension cases that the examining board in the Pension Office repeatedly send the applicant to different boards, for different examinations, in cases where the local boards have already reported such a diagnosis as entitles the applicant to a pension. The supervisory board in the Pension Office, not content with that, send him to another board. That board reports a diagnosis entitling him to a pension. They are not content with that. They send him to still another and another board, to find some board that will finally make a diagnosis showing him not entitled to a pension. They will reserve the same power with this amendment pension. They will reserve the same power with this amendment put in that they do now. This does not interfere in any way with the administration of the Pension Office other than that while pension. the supervisory board of the Pension Office finally determine that a man is entitled to a pension, then, when they come to that conclusion, they will be compelled to accept the rating which the law requires the local board to make.

requires the local board to make.

Now, why should the local board be required by the law as it stands to make any rating at all if that rating is to be of no force or effect? The supervisory board in the Pension Office assumes to make the rating from the diagnosis written out by the local board; so that, after all, if the supervisory board in the Pension Office does what it ought to do, and if the local boards of examiners do what they ought to do, then the rate of pension will be fixed by the report made by the local board. But gentlemen all know that the English language is not capable of such refinement as will enable the local board to write out a diagnosis as perfect and complete as the diagnosis made by the men who see and hear and feel and touch the applicant for the pension. The local board are then prepared, when through with the examination of the applicant, from their sense of sight, their sense of touch, their sense of hearing, as well as the manipulation of the applicant himself—they are best prepared to say to what extent that man is disabled. They can write out in medical or surgical phrase how they find him disabled, as to his nervous system, his

eyesight, his hearing, his heart, liver, lungs, and all that, but they can not put down on paper so that anybody else can see it the general appearance of debility and decrepitude of that applicant who was before them. They can see and feel and hear that, but they can not write it down. Who, then, is best able to determine the extent of his disability? They are. But it still leaves the question to the examining board in the Pension Office to say whether a pension shall be allowed or not. That I do not think it would be wise to interfere with; but when all the members of the supervising board agree that the applicant is entitled to a pension, then let the men who manipulate the applicant, who see him and hear him and touch him, say on their judgment and their official oaths what the pension ought to be, and if the supervisory board is not content with their rating send him to another board and still another board and get the judgment of all those boards.

Mr. ERDMAN. I raise the point of order against that amendment.

The CHAIRMAN. Did the gentleman reserve the point of order?

Mr. ERDMAN. I raise the point of order that it changes exist-

ing law.

The CHAIRMAN. Does the gentleman from Illinois desire to say anything on the point of order? The gentleman from Pennsylvania made the point of order that it changes existing law.

Mr. CONNOLLY. It is suggested to me that the point of order

was not made in time.

was not made in time.

The CHAIRMAN. The gentleman from Pennsylvania states that he made it at the time the amendment was presented.

Mr. CONNOLLY. I certainly did not hear the gentleman from Pennsylvania [referring to Mr. WILLIAM A. STONE].

Mr. WILLIAM A. STONE. It was another gentleman from Pennsylvania. There are more than one gentleman from Pennsylvania. Ivania. There are just thirty gentlemen from Pennsylvania on this floor

sylvania. There are just thirty gentlemen from Pennsylvania on this floor.

Mr. CONNOLLY. I beg the gentleman's pardon,
The CHAIRMAN. Does the gentleman desire to be heard on the point of order?

Mr. CONNOLLY, Well, yes; I have this to say on the point of order: The amendment does not change existing law. There is no law now authorizing any supervising board that I know of, or giving that board sole power to fix the rate of pension where a pension is allowed. Their duties are prescribed, and among their prescribed duties no such duty can be found as that authorizing them to fix the rate of pension. The law does require the local board to fix the rate of pension, and this is simply saying by law what we mean as to what the specific rate of pension shall be. I say that it does not make any change of fixed law as existing to-day. It is simply a change in the practice of the Pension Office—that and nothing more.

Mr. HARDY. If the gentleman will allow me, is it not a fact that until recently the pension examining surgeons were only permitted to make a diagnosis of the case and make no rating whatever; and that recently they have reestablished the rating by the board of surgeons, and that the advisory surgeons in the Pension Office merely act under a rule of the Commissioner and not by law at all?

Mr. CONNOLLY, I understand that formerly these appropriates.

law at all?

Office merely act under a rule of the Commissioner and not by law at all?

Mr. CONNOLLY. I understand that formerly these appropriation bills passed—I do not know how many years ago—without any provision of this kind at all—that is, a proviso that the report of such examining surgeons shall specifically state the rating which in their judgment the applicant is entitled to. I understand these pension appropriation bills were formerly passed without any provision of that kind in at all, regulating the duties of the local examining surgeons in this respect. For some years past, I am informed, it has been the custom to put a provision in the bill requiring them to make that kind of a rating in their report. I understand that under the rule invoked by the gentleman no change of law can be made in an appropriation bill.

Now, I make answer to the gentleman, there is no law giving authority to the supervisory board of medical examiners to fix or make the rating. The law has existed for some years requiring the local board of examining surgeons to fix the rating. This amendment does not change that. The bill as reported from the committee requires the same thing—that the local board shall fix the rating. Now, I believe that has been required for years. What was the original purpose, manifestly, of requiring the local board to fix the rating if it was not that they should have some governing and controlling power? And this simply says what that governing and controlling power shall be, from the reports made by them, the local board, namely, that if the Pension Office finds the applicant entitled to a pension, then that the rating found by the local board shall be the rating accepted by the Pension Office.

Mr. WILLIAM A. STONE. I do not desire to say anything on the point of order, but do desire to make some remarks upon the

Mr. WILLIAM A. STONE. I do not desire to say anything on the point of order, but do desire to make some remarks upon the amendment if the point of order is not sustained.

The CHAIRMAN. The Chair sustains the point of order.
Mr. CURTIS of Kansas. If the bill has been read I desire to
offer the following amendment. I understand only the first section has been read.

The CHAIRMAN. Does the gentleman's amendment apply to the first section?

Mr. CURTIS of Kansas. It applies to the second section.
The CHAIRMAN. Which paragraph?
Mr. CURTIS of Kansas. It applies to the second paragraph.
The CHAIRMAN. The Clerk will report the amendment.
The Clerk read as follows:

In line 5, page 3, strike out the words "as nearly as practicable."

Mr. WILLIAM A. STONE. I reserve the point of order on that amendment

Mr. CURTIS of Kansas. I offer that amendment for the following reasons: As the law reads now, and as it has read for years with these words in it, the Commissioner of Pensions has been enabled to pay in the city of New York, where they have only 52,000 pensioners on the roll, \$36,000 for clerk hire, while in the State of Iowa and at the city of Des Moines, where they have 56,000 pensioners on the roll, they only expend \$24,000 in the payment of clerk hire. In the city of Topeka, where they have 105,000 on the rolls, we only expend \$1,000 more in clerk hire than they do in New York, where they have only one-half that number of pensioners on the roll.

Now, I submit that it does not and that it should not take a dollar more to pay the pensioners in New York in proportion to Mr. CURTIS of Kansas. I offer that amendment for the fol-

dollar more to pay the pensioners in New York in proportion to their number than it takes to pay the pensioners in Iowa or in Kansas; and certainly there can be no reason why it should cost as much money to pay 52,000 pensioners in New York as it costs to pay 105,000 at the agency in Topeka, Kans. If the words that I have moved to strike out are left in this bill, the Commissioner can continue to pay out as much money at the agency in New York as he pays out in Iowa or in Kansas, although the number of pensioners there is so much less. More than that, the way this bill is worded they can employ and they do employ in the city of New York to pay their pensioners ten more clerks than are employed at the agency in Iowa, yet they have not so many pensioners on the rolls. They have seven more clerks at the New York agency than we have at the Kansas agency, although we have

double the number of pensioners.

Mr. NORTHWAY. Those extra clerks have been discharged.

Mr. CURTIS of Kansas. I beg the gentleman's pardon, they have not been discharged. They do claim that in New York they will discharge eight men, but the men have not yet been discharged. will discharge eight men, but the men have not yet been discharged. Besides, instead of discharging only eight they ought to do the work with about half the number they now employ. Another thing. At the present time there ought not to be any more money required to pay pensioners in proportion to their numbers at one agency than at another. Why? Because they are all paid by mail. Now, I submit that by striking out the words to which I have called attention, the House can require the Commissioner of Pensions to use just the amount of money that is necessary at each agency, instead of allowing him to expend twice as much in New York in proportion to the amount of work to be done. I trust, therefore, that the amendment will be sustained. So far as the point of order is concerned, I say that no point can be raised against this amendment, because it does not

point can be raised against this amendment, because it does not change existing law, nor does it increase appropriations. On the contrary, it decreases appropriations.

Mr. WILLIAM A. STONE. Mr. Chairman, the gentleman is perhaps laboring under some want of information as to the exact Mr. WILLIAM A. STONE. Mr. Chairman, the gentleman is perhaps laboring under some want of information as to the exact facts in regard to these pension agencies. It is true that the agency in New York pays more for clerk hire than is paid at the Topeka agency. It is true, also, that the pensions paid at the Topeka agency are double in number those that are paid in New York. The cause of the disparity in the number of clerks is found in the system of paying pensions which existed before the last amendment of the law. Prior to that amendment the pensioners were paid in money. They went to the agencies and got their pay in cash, but at the last session we passed an amendment requiring the pensioners appeared in person at the New York agency and got their money, while a large proportion of those who were paid at the Topeka agency, and who lived in Missouri and Colorado and other adjacent States, were even then paid by check. It is obvious that under the amended law a much less force will be required than was necessary when payment was made in currency.

Mr. CURTIS of Kansas. Does not the gentleman know it to be a fact that where pensioners are paid in money the extra force is used only two or three days before and after pay day?

Mr. WILLIAM A. STONE. Not necessarily so short a time.

Mr. CURTIS of Kansas. Say weeks, then.

Mr. WILLIAM A. STONE. The force has to be there, If the time intervening between payments was all taken up in paying the time intervening between payments was all taken up in paying the time intervening between payments was all taken up in paying the time intervening between payments was all taken up in paying the time to the chair at that time. I find that the rulings of different Chairmen vary from time to time.

The CHAIRMAN. The Chair lab that the clear at that time. I find that the rulings of different Chairmen vary from time to time.

The CHAIRMAN. The Chair substance.

The CHAIRMAN. The Chair substance.

The CHAIRMAN. The Chair substance.

The CHAIRMAN. The present occupant of the chair at

pensioners there would be a tremendous objection to the system, but that is not the case. Under the old way of making payment the force had to be sufficient to pay the pensioners on pay day or within a day or two of that, but when the new law went into effect requiring payment to be made by check it became possible to discharge a good many men from the New York agency, and the Commissioner states that he intends to discharge an additional num-

missioner states that he intends to discharge an additional number there, as well as at other agencies.

Mr. CURTIS of Kansas. I hope the gentleman does not mean to imply that I have been trying to mislead the House.

Mr. WILLIAM A. STONE. Not at all.

Mr. CURTIS of Kansas. Because I have in my hand a letter dated December 5, 1896, in which the number of clerks at the New York agency is given as I have stated it here, and it was stated on behalf of the Pension Office that they contemplated discharging only eight men from the New York agency.

behalf of the Pension Office that they contemplated discharging only eight men from the New York agency.

Mr. WILLIAM A. STONE. Well, I do not suppose that the men have yet ceased their connection with the office, but the Commissioner stated before the committee, I think, that he had ordered the discharge of ten men at the New York agency. We have reduced the appropriation for clerk hire at the pension agencies \$20,000 to meet the very point made by the gentleman from Kansas. We hope that in the next bill we can reduce it still more, and if the policy which the Commissioner of Pensions says he intends to pursue, and has begun to carry out, is to be continued the genif the policy which the Commissioner of Pensions says he intends to pursue, and has begun to carry out, is to be continued the gentleman's objection will be entirely removed. It is absolutely impossible to carry out literally such a provision of law as the gentleman proposes. As I understand it, his amendment proposes to strike out the words "as nearly as practicable," and to make it compulsory that the amount of clerk hire for each agency shall be in exact proportion to the number of pensioners paid at the agency. Mr. CURTIS of Kansas. If, under the law, all pensions are now paid in like manner, namely, by mail, why should any more clerks be needed in proportion to the number of pensioners at the New York agency than at the Iowa or the Kansas agency? And does not the fact that all pensioners are now paid by mail make my amendment good?

does not the fact that all pensioners are now paid by mail make my amendment good?

Mr. WILLIAM A. STONE. But you would make an arbitrary rule. The language is "as nearly as practicable," and nobody would want to do it any more nearly than was practicable, but there may be reasons why there should not be exactly the same number of clerks at each agency in proportion to the number of pensioners paid. I do not see why any gentleman should insist on having it any more direct than it is.

Mr. CANNON. Will the gentleman allow me—

The CHAIRMAN. Will the gentleman from Pennsylvania [Mr. WILLIAM A. STONE] give his attention a moment? The Chair understands that the provision in the bill as reported is an exact repetition of a provision of existing law—the proviso in the last appropriation bill.

Mr. WILLIAM A. STONE. I so understand.

The CHAIRMAN. Then the amendment could not be enter-

Mr. WILLIAM A. STONE. I so understand. The CHAIRMAN. Then the amendment could not be entertained

Mr. WILLIAM A. STONE. I made the point of order against it in ample time. Mr. CURTIS of Kansas. The amendment simply conforms to the ruling of the Chair on a former occasion that a provision of this kind is simply a direction as to how the money appropriated should be paid. I believe this same question was raised when the Post-Office bill was pending here a few years ago; and the point of order was overruled at that time on the ground that the amendment was not a change of existing law in the sense contemplated

by the rule, but was simply a direction as to how the money appropriated should be paid.

The CHAIRMAN. The present occupant of the chair never made any ruling of that kind.

Mr. CURTIS of Kansas. No, the present occupant of the chair was not in the chair at that time. I find that the rulings of different Chairman are times to the chair that the rulings of different Chairman are than the chair that the rulings of different Chairman are the chair than the rulings of different Chairman are the rules of the chair than the rulings of different Chairman are the rules of the r

has expended in New York nearly twice as much as—at least onethird more than—at any other agency in this country.

Mr. WILLIAM A. STONE. It will be time enough then to

correct the matter

Mr. CURTIS of Kansas. I think it would be best to correct it now.

The Clerk resumed and concluded the reading of the bill.

Mr. WILLIAM A. STONE. I understand that one of my colleagues on the committee, the gentleman from Kansas [Mr. Blue], desires to be heard for a few moments.

Mr. BLUE. Mr. Chairman, when the subcommittee submitted this bill to the general committee it was the understanding that the Commissioner of Pensions should further consider the ques-tion of rents and furnish information whether or not that item could be reduced. I will ask the chairman of the subcommittee whether that information has been furnished?

Mr. WILLIAM A. STONE. I have the information here. I

apologize to the gentleman for neglecting to hand him the paper before. I should have done so.

Mr. BLUE. Upon a hasty examination of this paper, I find nothing to indicate that a reduction in the rents can be made. I nothing to indicate that a reduction in the rents can be made. I wish to say, however, that the change of law providing for payment of pensioners by mail instead of payment in person must in some instances have rendered it unnecessary to continue to use all the office room heretofore provided. It is also a fact that some of the public buildings which have been in course of construction—including, I assume, the one at Detroit—must soon be in a condition to supply offices for the Government, and among others, offices for the pension agents. This statement just handed to me by the gentleman from Pennsylvania does not say when that will be accomplished. But at this time, not wishing to retard the passage of

tleman from Pennsylvania does not say when that will be accomplished. But at this time, not wishing to retard the passage of this bill, I will not offer any amendment. I suggest, however, that hereafter, if it be ascertained that it can be done, a provision reducing the appropriation for rent be incorporated in the bill.

In reply to some remarks of my colleague from Kansas [Mr. Curtis], who doubtless made his criticism in good faith, I wish to say that in considering the appropriation embraced in this bill "for stationery and other necessary expenses, \$35,000," we added \$5,000 at the suggestion of the Commissioner for the purpose, in the main, of giving him a force to be used at his discretion—for the employment of extra clerks when needed for the expeditious distribution of the vouchers.

tribution of the vouchers.

The Commissioner gave us clearly to understand that the force at New York, Boston, and other places in the East should be cut down so as to correspond as nearly as possible with the number of pensioners paid. I apprehend an investigation would show that the Commissioner would be justified in making slight discriminations or differences in the expenses of different offices.

The salaries at New York would perhaps be in excess of what they necessarily should be at Topeka.

Mr. CURTIS of Kansas. As all the clerks are under the civil service, why should they receive any more in New York than in Kansas? Those in Kansas are just as efficient as those in New

York.

Mr. BLUE. It would seem to be obvious that, in view of the difference in expenses of living, wages in New York might properly be higher than in Kansas or some other Western localities. By reason of surrounding circumstances it might be necessary that a clerk employed in an office in New York City should be paid a larger salary than a clerk of like efficiency in the city of Topeka.

Mr. CURTIS of Kansas. Does not the gentleman know that under the civil-service law the salaries of all clerks are graded?

Mr. BLUE. The gentleman will find, upon an investigation of this matter, that discretion is given to the Commissioner here; and, under his manipulation, he can protect the clerks, as his evidence shows.

evidence shows

Mr. CURTIS of Kansas. It is his "manipulation" that we are finding fault with.

Mr. BLUE. Oh, well, it may be necessary manipulation.

Further than that, Mr. Chairman, it is necessary that he should have discretion, in emergencies, to provide assistants not covered

by the civil-service rules.

I think this bill has been carefully examined in every detail. We have not cut down the amount that has been required for the payment of pensions at all. The reductions which have been made in the branches of the expenditures of the Department relate to clerk hire, to lights, examining surgeons, and so on, and we have given all of these items very careful consideration. I apprehend that it will be found, when the bill is carefully examined by the gentleman, as good as it could possibly be made under the

we reduced the last item, as the gentleman will remember, \$20,000 on his testimony. The Commissioner desired the appropriation to remain the same as before, in order that he, in the exercise of sound discretion, might advance some of the salaries. But on an examination of the matter we thought it important that the change suggested here should be made, and believed it to be imprudent and unwise not to cut out the amount we thought it safe and prudent to cut out. This was done in the interest of economy.

Mr. BINGHAM. Will my colleague from Pennsylvania allow

Mr. BINGHAM. Will my colleague from Pennsylvania allow me to occupy five minutes?

Mr. WILLIAM A. STONE. Certainly; I yield five minutes. Mr. BINGHAM. Mr. Chairman, I have no desire to delay the passage of this appropriation bill. I feel it incumbent upon me, however, to submit to the House a single statement. There is no official or public document issued or uttered by our Government that has either the signification or general circulation, careful reading, as well as retention in public libraries and the general depositories of public records, as the message of the President of the United States. It is read and discussed by the civilized world. At the commencement of this Administration, at the second session of the Fifty-third Congress, which was the first annual message of the President, covering the general subjects submitted for the consideration of Congress, the President in his message used this language:

I am unable to understand why frauds in the pension rolls should not be exposed and corrected with thoroughness and vigor. * * * Thousands of neighborhoods have their well-known fraudulent pensioners, and recent developments by the Bureau establish appalling conspiracies to accomplish pension frauds. By no means the least wrong done is to brave and deserving pensioners, who certainly ought not to be condemned to such association.

In the appropriation bills for the three full years wherein this Administration has been disbursing the public funds through its appointed subordinates, the Committee on Appropriations having charge of the executive, judicial, and legislative bill, fully recognizing the serious character of these utterances of the President of nizing the serious character of these utterances of the President of the United States, increased the appropriations for making special investigations pertaining to the Pension Bureau from \$225,000, which includes the deficiency, to \$400,000 for the fiscal year of 1894, to \$500,000 for the fiscal year of 1895, the same sum of \$500,000 for the fiscal year of 1896, and also provided for the appointment of 150 special examiners at an expenditure of \$195,000. In other words, the Congress of the United States gave, in its appropriations for examination by special detailed examiners of the Pension Bureau, which had immediately and specifically in charge the investigation of pension frauds, more than was asked for by the Pension Bureau of the Department of the Interior.

I take the reports for the three full years of the administration

of the Pension Bureau under the present Administration of Presiof the Pension Bureau under the present Administration of President Cleveland, desiring the House to bear in mind the serious charge contained in this message to which I have referred, as it came to the second session of the Fifty-third Congress, and will quote briefly from them. In 1894, the first full year, I find this: Convictions had, 194; sentences imposed, 120. In 1895, convictions had, 294; sentences imposed, 214. In 1896, convictions had, 167; sentences imposed, 160. That is the record of the investigations of the Pension Bureau pertaining to these "conspiracies" alleged, and the result being the statement that I have submitted. The President in his message to Congress yesterday—and I desire only that these groupings of facts, figures, and utterances may be of record for future reference—the President submits:

The Commissioner of Pensions reports that during the last fiscal year 329 indictments were found against violators of the pension laws. Under these indictments 167 convictions resulted.

Gentlemen, in view of that exhibit under this Administration, can anyone in this House credit the statement contained in the message to the second session of the Fifty-third Congress:

Thousands of neighborhoods have their well-known fraudulent pensioners, and recent developments by the Bureau establish appalling conspiracies to accomplish pension frauds.

I have given you the statement of the President as exhibited in I have given you the statement of the President as exhibited in his former message. I give it to you as exhibited in his last annual message, showing 167 convictions, and I submit also to you the fact that every dollar asked for by this Administration for the detection of pension frauds has been appropriated by the Democratic House of the Fifty-third Congress and by the Republican House of the Fifty-fourth Congress, and we find, after three years of consistent effort, 167 convictions out of a roll, "on June 30, 1896," as the President states it, of "970,678 pensioners." This is the largest number ever reported. I leave the question for your reflection. [Applause.]

And then, on motion of Mr. William A. Stone, the committee rose; and the Speaker having resumed the chair, Mr. Dingley, Chairman of the Committee of the Whole House on the state of the Union, reported that the committee had had under consideration the bill (H. R. 9473) making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1898, and for other purposes, and had directed him to report the same to the House without amendment and with the recommendation that the same do pass. Mr. NORTHWAY. Will the gentleman allow me to ask him this question: It is true, is it not, that we called the Commissioner of Pensions before us twice, with reference to this very matter, and went carefully over the entire ground with him?

Mr. BLUE. It is true, as the gentleman from Ohio has stated, that we called the Commissioner of Pensions before us twice, and

The bill was ordered to be engrossed and read a third time; and

it was accordingly read the third time, and passed.
On motion of Mr. WILLIAM A. STONE, a motion to reconsider the last vote was laid on the table.

CONTESTED ELECTION CASE-WATSON VS. BLACK.

The SPEAKER laid before the House the following communication, which was read:

CLERK'S OFFICE, House of Representatives,
Washington, D. C., December 8, 1896.

Sir: I have the honor to lay before the House of Representatives the contested election case of Thomas E. Watson vs. James C. C. Black, from the Tenth Congressional district of the State of Georgia, for a seat in the House of Representatives for the Fifty-fourth Congress of the United States, notice of which has been filed in the office of the Clerk of the House, and also to transmit therewith all original testimony, papers, and documents relating thereto.

In compliance with the set are represented in the contest of the compliance with the set.

thereto.

In compliance with the act approved March 2, 1887, entitled "An act relating to contested elections," such portions of the testimony in the said case as the parties in interest agreed upon or as seemed proper to the Clerk, after giving the requisite notices, have been printed and indexed, together with the notices of the contest and the answers thereto, and such portions of the testimony as were not printed, with all the original papers, have been sealed up and are ready to be laid before the Committee on Elections.

Two copies of the printed testimony in the case have been mailed to the contestant and the same number to the contestee. The law in reference to the briefs of both the contestee and the contestant has been complied with upon the receipt by the Clerk of said briefs.

Very respectfully,

A. McDOWELLL,

Clerk House of Representatives.

A. McDOWELL, Clerk House of Representatives,

Hon. THOMAS B. REED, Speaker House of Representatives.

The SPEAKER. Without objection, the matter will be referred to the Committee on Elections No. 1.

There was no objection.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows: To Mr. Hainer of Nebraska, for one week, on account of important business.

To Mr. WILBER, for ten days, on account of important business. To Mr. Royse, for ten days, on account of important business. And then, on motion of Mr. DINGLEY (at 4 o'clock and 20 minutes p. m.), the House adjourned.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive commu-pications were taken from the Speaker's table and referred, as follows:

A letter from W. B. Franklin, president of the Board of Managers of the National Home for Disabled Volunteer Soldiers, transmitting the report of the Board for the fiscal year ending June 30, 1896—to the Committees on Military Affairs and Appropriations, and ordered to be printed.

A letter from the Attorney-General of the United States, trans-A letter from the Attorney-General of the United States, transmitting a list of judgments rendered in favor of claimants and against the United States and defendant Indian tribes, and not heretofore appropriated for—to the Committee on Indian Affairs, and ordered to be printed.

A letter from the Commissioner of Labor, making a report on a plan for a permanent census service, in response to the joint resolution approved March 19, 1896—to the Committee on Appropriations, and ordered to be printed.

A letter from the Acting Secretary of the Treasury, transmitting a copy of a communication from the Secretary of Agriculture, submitting certain changes in estimates affecting the salaries of

submitting certain changes in estimates affecting the salaries of

certain officials in the Bureau of Animal Industry—to the Committee on Agriculture, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of Mary A. Hart against The United States—to the Committee on War Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of Edward E. Eslick, administrator, against The United States—to the Committee on War Claims, and ordered to be printed.

A letter from the Commissioner of Labor, submitting a statement of all money expended under his direction during the fiscal year ending June 30, 1896—to the Committee on Labor, and ordered to be printed.

A letter from the Secretary of War, transmitting a report of receipts and expenditures of the construction and maintenance of the sewerage system and other improvements at Fort Monroe, Va.—to the Committee on Appropriations, and ordered to be printed.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills; which were referred as

The bill (H. R. 3486) granting a pension to Benjamin Contal, of

Blair, Nebr.—the Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

The bill (H.R. 133) granting a pension to Benjamin Cental, of Blair, Nebr.—the Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

PUBLIC BILLS, MEMORIALS, AND RESOLUTIONS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows

By Mr. BARRETT: A bill (H. R. 9488) for the construction of wooden dry dock at the United States navy-yard, Boston, Mass.—

to the Committee on Naval Affairs.

Also, a bill (H. R. 9489) for the improvement of the grounds of the United States Naval Hospital at Chelsea, Mass.—to the Committee on Naval Affairs.

By Mr. LORIMER: A bill (H. R. 9490) to prevent conspiracies

by Mr. LORIMER: A bill (H. R. 9490) to prevent conspiracies to blacklist—to the Committee on Labor.

By Mr. CHARLES W. STONE: A bill (H. R. 9491) to create a commission to select a suitable reservation or plot of public ground in the city of Washington, in the District of Columbia, for memorial purposes, under the auspices of the National Society of the Daughters of the American Revolution—to the Committee

of the Daughters of the American Revolution on Public Buildings and Grounds.

By Mr. MEYER: A bill (H. R. 9492) to provide for the closing of the Pass a Loutre Crevasse and for the improvement of the Southwest Pass at and near the mouth of the Mississippi River—

to the Committee on Rivers and Harbors.

By Mr. ELLIS: A bill (H. R. 9493) to amend an act entitled "An act to forfeit certain lands heretofore granted for the purpose of aiding in the construction of railroads, and for other purposes," approved September 29, 1890, and the several acts amendatory thereof—to the Committee on the Public Lands.

By Mr. COOPER of Florida: A bill (H. R. 9494) concerning cer-

tain homestead lands in Florida—to the Committee on the Public

By Mr. FAIRCHILD: A bill (H. R. 9511) to establish a military

and national park upon the Palisades of the Hudson—to the Committee on Military Affairs.

By Mr. EVANS: Joint resolution (H. Res. 204) continuing in force section 2 of the act of June 3, 1896, entitled "An act to force section 2 of the act of June 3, 1896, entitled "An act to repeal section 61 of an act to reduce taxation, to provide revenue for the Government, and for other purposes," which became a law August 28, 1894—to the Committee on Ways and Means.

By Mr. GROSVENOR: Joint resolution (H. Res., 205) authorizing the building of a telephone line in the District of Columbia—to the Committee on Public Buildings and Grounds.

By Mr. MEYER: Joint resolution (H. Res. 206) to authorize and direct the Secretary of War to have made a survey of the pass at Point a Loutre, near the Southwest Pass of the Mississippi River—to the Committee on Rivers and Harbors.

By Mr. PICKLER: Resolution (House Res. No. 429) requesting

By Mr. PICKLER: Resolution (House Res. No. 429) requesting the Committee on Rules to grant one day each week during this session for consideration of such bills as are in order at Friday evening sessions—to the Committee on Rules.

PRIVATE BILLS, ETC.

Under clause 1 of Rule XXII, private bills of the following titles were presented and referred as follows:

By Mr. ALDRICH of Illinois: A bill (H. R. 9495) granting a pension to James R. Zearing—to the Committee on Invalid Pen-

sions.

By Mr. BARRETT: A bill (H. R. 9496) granting a pension to Eleanor Shea—to the Committee on Pensions.

By Mr. COX: A bill (H. R. 9497) granting a pension to Frederick W. Palmore—to the Committee on Invalid Pensions.

By Mr. CUMMINGS: A bill (H. R. 9498) for the relief of the Eric Railroad Company—to the Committee on Claims.

By Mr. CURTIS of Kansas: A bill (H. R. 9499) authorizing and directing the Secretary of the Interior to sell certain lands to A. L. Williams, and for other purposes—to the Committee on the Public Lands. Public Lands.

Also, a bill (H. R. 9500) granting a pension to Mrs. Georgianna Eubanks—to the Committee on Invalid Pensions.

By Mr. FENTON: A bill (H. R. 9501) granting a pension to Nancy Whirley, of Ironton, Ohio—to the Committee on Invalid Pensions.

Pensions.

By Mr. JOHNSON of California: A bill (H.R. 9502) for the relief of Caroline Felsenthal, executrix, etc., of Phillip Felsenthal, of California—to the Committee on Claims.

By Mr. McCALL of Massachusetts: A bill (H.R. 9503) for the relief of David D. Smith—to the Committee on War Claims.

By Mr. POOLE: A bill (H. R. 9504) to pension Sarah Gridley, the daughter of a soldier of the Revolutionary war—to the Committee on Pensions

mittee on Pensions.

By Mr. TERRY: A bill (H. R. 9505) granting a pension to Jesse McMillan—to the Committee on Invalid Pensions.

By Mr. TRELOAR: A bill (H. R. 9506) granting a pension to George Warfield—to the Committee on Invalid Pensions,

Also, a bill (H. R. 9507) granting a pension to Mrs. Ann King, widow of Samuel G. King—to the Committee on Invalid Pensions.

By Mr. WOOD: A bill (H. R. 9508) to grant a pension to Howard Franklin, son of Benjamin Franklin, Company E, Fifty-second Indiana Volunteers—to the Committee on Invalid Pensions.

By Mr. CUMMINGS: A bill (H. R. 9509) for the relief of Samuel Sentenne—to the Committee on Military Affairs.

Also, a bill (H. R. 9510) granting an honorable discharge to Carl P. Larsen—to the Committee on Military Affairs.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ADAMS: Resolutions of the city councils of Philadelphia, relating to the improvement of League Island Navy-Yard—to the Committee on Naval Affairs.

By Mr. ALDRICH of Illinois: Paper to accompany House bill granting a pension to James R. Zearing—to the Committee on Invalid Pensions.

By Mr. BAKER of New Hampshire: Petition of Mary F. Isaminger, in the matter of lot No. 43, square 358, Washington, D. C., and to accompany House bill 9468—to the Committee on the District of Columbia. trict of Columbia.

By Mr. BARRETT: Resolutions of the board of aldermen of the city of Chelsea, Mass., in relation to the improvement of the grounds of the United States Naval Hospital in that city—to the Committee on Naval Affairs.

By Mr. COX: Sundry petitions of citizens of the State of Tennessee, praying for favorable action on House bill 4566, to amend the postal laws relating to second-class matter; also House bill

the postal laws relating to second-class matter; also House bill

838, to reduce letter postage to 1 cent per half ounce—to the Committee on the Post-Office and Post-Roads.

Also, petition of citizens of Tennessee, praying for the establishment of a national park at Vicksburg, Tenn.—to the Commit-

lishment of a national park at Vicksburg, Tenn.—to the Committee on Military Affairs.

By Mr. DALZELL: Petition of Pennsylvania State Convention of Christian Endeavorers, representing 207,000 members, favoring the passage of a Sunday law for the national capital—to the Committee on the District of Columbia.

Also, petition of the Pennsylvania State Endeavor Convention, for a bill to prevent the nullification of State antigambling laws by extending to interstate gambling by telegraph the penalties provided for gambling by mail and express—to the Committee on the Judiciary. the Judiciary

Also, petition of the Pennsylvania State Endeavor Convention,
J. T. McCrory president, favoring the passage of an industrial
arbitration bill—to the Committee on Labor.
Also, petition of the Pennsylvania State Christian Endeavor
Convention held in the city of Scranton, Pa., October 8, 1896, in
favor of the Phillips labor-commission-bill—to the Committee on

By Mr. HATCH: Affidavits in support of House bill 8306, for the relief of Darwin T. Brown—to the Committee on Invalid Pensions.

By Mr. HENDERSON: Resolution of the board of trustees of the Iowa Agricultural College, favoring the Wilson-Squire engi-neering experiment station bill—to the Committee on Naval Affairs.

ABITS.

By Mr. HILL: Resolutions of the Society of the Sons of the Revolution of the State of Connecticut, praying for the publication of valuable documents and manuscripts relating to the history of the Revolutionary period—to the Committee on the

Library.

Also, petition of the citizens of Washington, Conn., concerning outrages upon American citizens and destruction of American property in Armenia—to the Committee on Foreign Affairs.

By Mr. MEREDITH: Petition of John M. Williams, executor of John S. Pendleton, of Culpeper County, Va., praying that his war claim be referred to the Court of Claims under the Bowman Act—to the Committee on War Claims.

Also, petition of Joseph Allen, praying that the war claim of C. A. S. Allen, of Fauquier County, Va., be referred to the Court of Claims under the Bowman Act—to the Committee on War Claims.

By Mr. WHEELER: Petition of B. F. Andrews, of Limestone County, Ala., praying that his war claim be referred to the Court of Claims—to the Committee on War Claims.

By Mr. WOOD: Petition of Howard Franklin, son of Benjamin Franklin, of Company E, Fifty-second Indiana Volunteers, for a pension—to the Committee on Invalid Pensions.

SENATE.

Wednesday, December 9, 1896.

Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.
NEWTON C. BLANCHARD, a Senator from the State of Louisiana,
and WILLIAM M. STEWART, a Senator from the State of Nevada,
appeared in their seats to-day.

The Vice-President being absent, the President pro tempore
(WILLIAM P. FRYE, a Senator from the State of Maine) took the

chair.

The Journal of yesterday's proceedings was read and approved.

REPORT OF COMPTROLLER OF THE CURRENCY.

The PRESIDENT pro tempore laid before the Senate the annual report of the Comptroller of the Currency for the year ended October 31, 1896; which was referred to the Committee on Finance, and ordered to be printed.

MARITIME CANAL COMPANY OF NICARAGUA.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of the Interior, transmitting, in compliance with law, the annual report of the Maritime Canal Company of Nicaragua; which, with the accompanying report, was referred to the Select Committee on the Construction of the Nicaragua Canal, and ordered to be printed.

EXPENDITURES AT SPRINGFIELD ARMORY.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of War, transmitting, in compliance with law, a statement of the expenditures at the Springfield Armory, Springfield, Mass., for the fiscal year ended June 30, 1896; which, with the accompanying report, was referred to the Committee on Military Affairs, and ordered to be printed.

PETITIONS AND MEMORIALS.

The PRESIDENT pro tempore presented a memorial of the American Surgical Association, of Detroit, Mich., remonstrating against the passage of the bill relative to the practice of vivisection

against the passage of the bill relative to the practice of vivisection in the District of Columbia; which was referred to the Committee on the District of Columbia.

He also presented a petition of the select and common councils of the city of Philadelphia, Pa., praying that an appropriation be made to dig out the Back Channel separating the mainland from the League Island Navy-Yard; which was referred to the Committee Committee Committee. mittee on Commerce.

He also presented a petition of the select and common councils of the city of Philadelphia, Pa., praying that an appropriation be made for improving the channel of the Delaware River; which was referred to the Committee on Commerce.

was referred to the Committee on Commerce.

He also presented the petition of Abendroth Bros., of New York City, and sundry other manufacturers of the United States, praying for the passage of House bill No. 6116, to protect free labor, etc.; which was referred to the Committee on Education and Labor.

He also presented the petition of J. E. Richards, governor, and sundry other citizens of Montana, praying for the passage of House bill No. 6851, to aid the Wilberforce University; which was referred to the Committee on Education and Labor.

Mr. PEFFER presented a petition of the Glass Blowers' Association of the United States and Canada, praying Congress to prohibit immigration of any kind, sex, character, or nationality whatever for the space of five years; which was referred to the Committee on Immigration. Committee on Immigration.

Mr. DAVIS presented the petition of Rev. E. V. Campbell, of St. Cloud, Minn., praying for the adoption of an amendment to the preamble of the Constitution of the United States, so as to recognize the Supreme Being; which was referred to the Committee on the Judiciary.

Mr. ALLEN presented a petition of the Congregational church

Mr. ALLEN presented a petition of the Congregational church of Neligh, Nebr., praying for the enactment of legislation relieving the suffering Armenians in Turkey; which was referred to the Committee on Foreign Relations.

Mr. VEST. I present a memorial of the alumni of the St. Louis Medical College, of St. Louis, Mo., and a memorial of the Academy of Science, of St. Louis, Mo., remonstrating against the passage of Senate bill No. 1552, in regard to the vivisection of animals. I do not know to what committee the memorials should be referred.

Mr. GALLINGER. I suggest to the Senator from Missouri that the bill has been reported, and that properly the memorials should lie on the table.

Mr. VEST. Let them lie on the table.

The PRESIDENT pro tempore. The memorials will lie on the table.

Mr. TURPIE (for Mr. VOORHEES) presented the petition of John Niblick and sundry other citizens of Indiana, praying for the pas-sage of the so-called Dingley tariff bill; which was referred to the Committee on Finance.

Mr. MITCHELL of Wisconsin presented a petition of the railway postal clerks of the tenth division of St. Paul, Minn., praying for the enactment of legislation providing for the reclassification of the Railway Mail Service; which was referred to the Com-

mittee on Post-Offices and Post-Roads.

He also presented a memorial of sundry citizens of Milwaukee, Wis., and a memorial of sundry citizens of Menasha, Wis., remonstrating against the continuance of the outrages in Armenia, and praying that steps be taken to secure indemnity for injuries to American citizens in Turkey; which were referred to the Com-

American citizens in Turkey; which were referred to the Committee on Foreign Relations.

Mr. SQUIRE. I present a telegraphic dispatch from the Chamber of Commerce of the State of Washington, praying Congress to set aside \$10,000 of the existing appropriations for the survey and all other preliminary work of the Lake Washington Government Canal, and stating that such survey is necessary to locate the canal cadastrally from the head of Salmon Bay to the termination on Smiths Cove, so that the right of way may be acquired and transferred to the United States and plans and specifications prepared ready for letting the work. I move that the petition be referred to the Committee on Commerce.

The motion was agreed to.

The motion was agreed to.

The motion was agreed to.

Mr. SQUIRE. I present a letter, in the nature of a petition, from
the secretary of the Chamber of Commerce of Seattle, Wash., asking support of the Immigration Restriction League's bill, which
proposes to provide a reading and writing test in some one language for all immigrants, except the very young and the very
aged. I move that the communication be referred to the Committee on Immigration.

The motion was agreed to.

Mr. GALLINGER. I present resolutions, in the nature of memorials, from certain medical societies of St. Louis, which are very likely duplicates of those presented by the Senator from Missouri [Mr. Vest], remonstrating against the passage of Senate bill No. 1552, entitled "A bill for the prevention of cruelty to animals in the District of Columbia." I move that the memorials lie on the table.

The motion was agreed to.

Mr. GALLINGER. I present a series of resolutions adopted at a mass convention of citizens of Bennington, N. H., in reference at a mass convention of clozens of behinging to American citizens at to the destruction of property belonging to American citizens at Harpoot and Marash. The resolutions go on to say that the peti-tioners "express their indignation and call upon our Government to take such steps as shall be necessary to secure full and imme-diate satisfaction for the damages already inflicted on our fellowdiate satisfaction for the damages already inflicted on our fellow-citizens in Turkey, and to guarantee them full protection of person, property, and rights in the prosecution of their lawful occupation." They also "express their abhorrence of the colossal and barbarous massacres in Armenia that have left an indelible stain upon the world's record in the closing years of the nine-teenth century, and show their sympathy for the survivors by liberally supporting the noble relief work now being carried on law American missionaries." by American missionaries."

I move that the resolutions be referred to the Committee on

Foreign Relations.

The motion was agreed to.

Mr. LODGE presented a petition of the Congregational church of Westhampton, Mass., praying that steps be taken to secure satisfaction for indignities to our citizens in Turkey, and to use satisfaction for minimizes to different and the Armenian outrages; which was referred to the Committee on Foreign Relations.

Mr. HILL presented a petition of sundry citizens of New York, praying for the passage of the so-called Dingley tariff bill; which was referred to the Committee on Finance.

He also presented a petition of 600 citizens of Schenectady N. Y., praying for the enactment of a Sunday-rest law for the District of Columbia; which was referred to the Committee on the District of Columbia.

He also presented a petition of the Second Reformed Church of Schenectady, N. Y., praying for the enactment of legislation prohibiting, so far as the jurisdiction of Congress extends, the performance of labor on Sunday; which was referred to the Com-

mittee on Education and Labor.

He also presented a petition of sundry citizens of Schenectady,
N. Y., praying for the enactment of legislation raising the age of
consent in the District of Columbia and the Territories; which was referred to the Committee on the District of Columbia

He also presented a petition of the Second Reformed Church of Schenectady, N. Y., praying for the enactment of legislation prohibiting interstate gambling by telegraph; which was referred to the Committee on Interstate Commerce.

Mr. DANIEL presented a petition of the Independent Order of Good Templars of Virginia, praying for the appointment of a commission of inquiry to ascertain and report upon the effect of the alcoholic traffic in the United States; which was referred to the Committee on Finance. He also presented a petition of the Journeymen Tailors' National Union, No. 40, of Norfolk, Va., praying for the Government ownership and control of the telegraph lines; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented the petition of John Q. A. Dillard, of Lynchburg, Va., praying for an increase of pension; which was referred to the Committee on Pensions.

He also presented the petition of L. L. Taylor and sundry other members of the Monday Club, of Norfolk, Va., praying for the enactment of legislation for the relief of the suffering Armenians in Turkey; which was referred to the Committee on Foreign Re-

lations.

He also presented a petition of the Board of Trade of Portsmouth,
Va., praying for the enactment of legislation providing for the
erection of a public building in that city; which was referred to
the Committee on Public Buildings and Grounds.

He also presented the petition of Edward S. Conrad and sundry
other citizens of Norfolk, Va., and the petition of Rev. George H.
Ray and sundry other citizens of Lynchburg, Va., praying for the
enactment of legislation for the relief of the book agents of the
Methodist Episcopal Church South; which was ordered to lie on
the table.

He also presented a petition of Lee-Jackson Camp, Confederate Veterans, of Richmond, Va., and a petition of Pickett-Buchanan Camp, Confederate Veterans, of Norfolk, Va., praying for a continuance of the publication of the war records; which were referred to the Committee on Printing.

Mr. GORDON presented a petition of the five federated railroad and or a Atlantic Character for the construction of legislation.

Mr. GORDON presented a petition of the five federated railroad orders of Atlanta, Ga., praying for the enactment of legislation to provide arbitration between corporations and their employees, and also more fully to regulate contempt proceedings in Federal courts; which was ordered to lie on the table.

Mr. MURPHY presented a petition of the Presbyterian church of Little Britain, N. Y., praying for the enactment of legislation for the relief of the suffering Armenians in Turkey; which was referred to the Committee on Foreign Relations.

Mr. COCKRELL. I present a petition from Lucas Avenue.

Mr. COCKRELL. I present a petition from Lucas Avenue Cumberland Presbyterian Church, of St. Louis, Mo., representing 300 members, for the protection of the State antigambling laws, to prevent the nullification of the State antigambling laws through interstate gambling by telegraph, by extending to such gambling the penalties already provided for gambling by mail and express. The petition should go to the Committee on the Judiciary, I

believe.

The PRESIDENT pro tempore. The Committee on the Judisciary or the Committee on Interstate Commerce?

Mr. COCKRELL. There is a bill pending. Let the petition lie on the table for the present. I will hunt it up, and wherever the bill to which it relates has been referred the petition should go. The PRESIDENT pro tempore. Several petitions of the same nature have been sent to the Committee on Interstate Commerce, Mr. COCKRELL. Let it go to the Committee on Interstate Commerce then.

The PRESIDENT pro tempore. The Senator can have it re-

called, if he desires, at any time.

Mr. COCKRELL. Very well.

The PRESIDENT pro tempore. The pe to the Committee on Interstate Commerce. The petition will be referred,

PAPERS OF THE CONTINENTAL CONGRESS.

Mr. MILLS. I present a manuscript paper entitled "Records and papers of the Continental Congress," and some other papers. I ask to have them referred to the Committee on Printing.

The PRESIDENT pro tempore. The papers will be so referred.

UNIVERSITY OF THE UNITED STATES.

Mr. KYLE. I present a short paper relating to the University of the United States which arrived too late for presentation at the last session. I should like to have it printed and referred to the Committee to Establish the University of the United States. I ask unanimous consent for that purpose

The PRESIDENT pro tempore. Is the quest of the Senator from South Dakota? Is there objection to the re-

Mr. ALDRICH. What is the document?

The PRESIDENT pro tempore. It is a document relating to the University of the United States of America.

Mr. ALDRICH. There is no objection to printing it as a document. Is the request made that it shall be printed as a document?

The PRESIDENT pro tempore. As a document, the Chair understands, and referred to the committee. Without objection, it

will be so ordered.

REPORT OF A COMMITTEE.

Mr. VEST, from the Committee on Commerce, to whom was referred the bill (H. R. 5482) authorizing the Cleveland Bridge Company to construct a bridge across the Arkansas River between Pawnee County, Okla., and the Osage Indian Reservation, reported it without amendment. USE OF ALCOHOL IN THE ARTS.

Mr. PLATT. A bill was passed at the last session repealing section 61 of the tariff act, approved June 3, 1896, and section 2 of the bill authorized the appointment of a joint select committee, to consist of three Senators and three members of the House, to consider all questions relating to the use of alcohol in manufac-

consider all questions relating to the use of alcohol in manufactures and arts free of tax, and to report their conclusions to Congress on the first Monday in December, 1896.

That committee have performed their work as industriously as possible, and submit a report as to what they have done and the information collected up to the present time, which report I now present. As the committee have been unable fully to complete their work, I submit with the report a joint resolution extending their powers. There is some doubt as to whether by the act the powers of the committee ceased at the commencement of the present session, and to avoid any question arising, I submit the joint resolution, and will ask that it be taken up when that order is reached. reached

The PRESIDENT pro tempore. What is the request of the

Senator as to the report?

Mr. PLATT. I ask that the report be printed and lie on the

The PRESIDENT pro tempore. It will be so ordered.

BILLS INTRODUCED.

Mr. WOLCOTT introduced a bill (S. 3297) for the relief of Jesse Meeks; which was read twice by its title, and referred to the Committee on Public Lands.

Mr. BLANCHARD (by request) introduced a bill (S. 3298) for the relief of Mary C. Daigre, of East Baton Rouge, La.; which was read twice by its title, and referred to the Committee on

He also (by request) introduced a bill (S. 3299) for the relief of Hyacinthe A. Morgan, of Pointe Coupee Parish, La.; which was read twice by its title, and referred to the Committee on Claims.

He also (by request) introduced a bill (S. 3300) for the relief of the estate of Alfred W, Green, late of Carroll Parish, La.; which was read twice by its title, and referred to the Committee on

Claims.

He also (by request) introduced a bill (S. 3301) for the relief of Mary C. Daigre, East Baton Rouge, La.; which was read twice by its title, and referred to the Committee on Claims.

He also (by request) introduced a bill (S. 3302) for the relief of Samuel E. Loeb, of New Orleans, La.; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 3303) to authorize the construction by the Kansas City, Shreveport and Gulf Railroad Company of a bridge across the Sabine River between the States of Louisiana and Texas; which was read twice by its title, and referred to the Committee on Commerce.

Mr. SHOUP introduced a bill (S. 3304) to prohibit the formation of monopolies, trusts, and combinations in trade; which was read twice by its title, and referred to the Committee on the Judiciary,

He also introduced a bill (S. 3305) to suspend the further issuance of paper currency of a less denomination than \$10; which was read twice by its title, and referred to the Committee on Finance.

Finance.

Mr. DAVIS introduced a bill (S. 3306) to authorize the Secretary of the Interior to fulfill certain treaty stipulations with the Chippewa Indians of Lake Superior and the Mississippi, and making appropriation for the same; which was read twice by its title, and referred to the Committee on Indian Affairs.

Mr. ELKINS (by request) introduced a bill (S. 3307) declaring the Potomac Flats a public park, under the name of the Riverside Park; which was read twice by its title, and referred to the Committee on the District of Columbia.

Committee on the District of Columbia.

Mr. SQUIRE introduced a bill (S. 3308) authorizing the application of an unexpended balance of an existing appropriation for the construction of a penitentiary building at Walla Walla, in the State of Washington, and giving authority to the Secretary of the Interior to transfer the said building when completed, together with the land already purchased, to the State of Washington; which was read twice by its title.

Mr. SQUIRE. I wish to state that the bill is introduced in accordance with the recommendation of the honorable Secretary of the Interior in his report made this year. I move that the bill be referred to the Committee on Appropriations.

be referred to the Committee on Appropriations.

The motion was agreed to.

Mr. SQUIRE. I submit an amendment intended to be proposed Mr. SQUIRE. I submit an amendment intended to be proposed to the sundry civil appropriation bill, covering the same subject and for the same purpose. I move that the amendment be referred to the Committee on Appropriations and printed.

The motion was agreed to.

Mr. SQUIRE introduced a bill (S. 3309) authorizing the Secretary of War to expend a portion of an existing appropriation for making a survey and location of the improvement of the waterway

connecting the waters of Puget Sound with Lakes Union and Washington, and preparing a cadastral map; which was read twice by its title.

Mr. SQUIRE. This bill is drafted for the purpose of carrying out an existing appropriation. I also submit an amendment intended to be proposed to the sundry civil bill relating to the same subject. I move that the bill and amendment be referred to the Committee on Commerce and printed.

Committee on Commerce and printed.

The motion was agreed to.

Mr. CHANDLER introduced a bill (S. 3310) temporarily reducing the salaries of United States officers; which was read twice by its title, and referred to the Committee on Appropriations.

Mr. HALE introduced a bill (S. 3311) to increase the pension of Arabella V. Washburn; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 3312) for the relief of Ambrose Simpson, surviving partner of Amos B. and Ambrose Simpson; which was read twice by its title, and referred to the Committee on Claims.

Mr. HOAR introduced a bill (S. 3313) for the relief of John N. Quackenbush, late a commander in the United States Navy; which

was read twice by its title.

Mr. HOAR. I will state that a similar bill was passed by both Houses at the last session, but it did not reach the President in time for his signature. I move that the bill be referred to the Committee on the Judiciary.

The motion was agreed to.

Mr. HOAR introduced a bill (S. 3314) granting a pension to Mary
A. Thomas; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. GALLINGER introduced a bill (S. 3315) making an appropriation toward the construction of a dry dock at the Portsmouth

priation toward the construction of a dry dock at the Portsmouth Navy-Yard; which was read twice by its title, and referred to the Committee on Naval Affairs.

Mr. CAMERON introduced a bill (S. 3316) for the removal of the charge of desertion standing against the name of John Keys; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Military Affairs.

Mr. BRICE introduced a bill (S. 3317) granting a pension to Ellen J. Schuchman; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. GORMAN introduced a bill (S. 3318) to authorize the Chesapeake Beach Railway Company, of Maryland, to extend its line of road into and within the District of Columbia; which was read twice by its title, and referred to the Committee on the Dis-

line of road into and within the District of Columbia; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. MARTIN introduced a bill (S. 3319) to increase the pension of Alice de K. Shattuck, widow of Lucius H. Shattuck, Company I, Fifth Massachusetts Infantry, three months; which was read twice by its title, and referred to the Committee on Pensions.

Mr. PERKINS introduced a bill (S. 3320) to provide a life-saving station at or near Point Arena, Mendocino County, in the State of California; which was read twice by its title, and referred to the Committee on Commerce.

California; which was read twice by its title, and referred to the Committee on Commerce.

Mr. QUAY (by request) introduced a bill (S. 3321) for the relief of the Erie Railroad Company; which was read twice by its title, and referred to the Committee on Post-Offices and Post-Roads.

Mr. BAKER introduced a bill (S. 3322) granting an increase of pension to Mary V. McKee, of Leavenworth, Kans.; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 3323) granting an increase of pension to John S. Barnhart, of Canton, Kans.; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

He also introduced a bill (S. 3324) granting a pension to Allen Buckner, of Baldwin, Kans.; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

He also introduced a bill (S. 3325) to correct the record of Adam Weitz, late of Company E, Second Regiment United States Cavalry, by removing the charge of desertion, that relief may be afforded his widow by so doing; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Military Affairs

He also introduced a bill (S. 3326) granting an increase of pension to Martin D. Miller, of Atchison, Kans.; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 3327) granting a pension to Louise E. Perkins; which was read twice by its title, and referred to the Committee on Pensions.

Mr. PETTIGREW introduced a bill (S. 3328) to amend an act entitled "An act to repeal the timber-culture laws, and for other purposes;" which was read twice by its title, and referred to the ommittee on Public Lands.

Mr. SEWELL introduced a bill (S. 3329) to increase the pension of George W. Smith, late a captain Seventh Regiment New

Jersey Infantry Volunteers; which was read twice by its title, and referred to the Committee on Pensions.

Mr. NELSON introduced a bill (S. 3330) for the relief of Anna W. Osborne; which was read twice by its title, and referred to the Committee on Claims.

Mr. BLACKBURN introduced a bill (S. 3331) granting a pension to Frances P. Myers; which was read twice by its title, and referred to the Committee on Pensions.

Mr. BACON introduced a bill (S. 3332) making appropriation

referred to the Committee on Pensions.

Mr. BACON introduced a bill (S. 3332) making appropriation for the improvement of the road from the Chickamauga and Chattanooga National Park to the town of Lafayette in Georgia; which was read twice by its title, and referred to the Committee on Appropriations.

Mr. CALL introduced a joint resolution (S. R. 165) relating to the St. Johns River, Florida, and bar at the entrance to the river; which was read twice by its title, and referred to the Committee.

which was read twice by its title, and referred to the Committee

on Commerce.

AFFAIRS IN CUBA.

Mr. CAMERON. I introduce a joint resolution. I ask that it be read and referred to the Committee on Foreign Relations.

The joint resolution (S. R. 163) acknowledging the independence of Cuba was read the first time by its title and the second time at length, and referred to the Committee on Foreign Relations, as

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the independence of the Republic of Cuba be, and the same is hereby, acknowledged by the United States of America.

America.

Resolved, That the United States should use its friendly offices with the Government of Spain to bring to a close the war between Spain and Cuba.

Mr. MILLS. I introduce a joint resolution, which I ask may be read and referred to the Committee on Foreign Relations.

The joint resolution (S.R.166) directing the President of the United States to take possession of the Island of Cuba and hold it until its inhabitants can institute such government as they may wish, and organize and arm such forces as may be necessary to protect them against invasion was read the first time by its title and the second time at length, and referred to the Committee on Foreign Relations, as follows:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled. That the President of the United States is hereby directed to take possession of the Island of Cuba with the military and naval forces of the United States and hold the same until the people of Cuba can organize a government deriving its powers from the consent of the governed and arm and equip such military and naval forces as may be necessary to secure them against foreign invasion.

Mr. CALL. I introduce a joint resolution which I endeavored to present the first day of the session. I ask that it may be read and lie on the table.

The joint resolution (S. R. 164) recognizing the Republic of Cuba as a free and independent government was read the first time by its title and the second time at length, as follows:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the United States of America recognizes the Republic of Cuba as a free and independent Government and accords to the people of Cuba all the rights of a sovereign and independent government in the ports and within the jurisdiction of the United States.

The PRESIDENT pro tempore. The joint resolution will lie on the table, in compliance with the request of the Senator from

Mr. CALL. I desire to give notice that, with the indulgence of the Senate, I shall submit some observations upon the joint resolu-I desire to give notice that, with the indulgence of tion at an early day.

USE OF ALCOHOL IN THE ARTS.

Mr. PLATT. I ask that the joint resolution submitted with the report I made a short time ago be laid before the Senate, and if there is no objection I shall ask to have it passed this morning. The joint resolution (S. R. 162) continuing in force section 2 of the act approved June 3, 1896, entitled "An act to repeal section 61 of an act to reduce taxation, to provide revenue for the Government, and for other purposes," which became a law August 28, 1894, was read the first time by its title and the second time at length as follows: length, as follows:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the provisions of section 2 of the act approved June 3, 1896, entitled "An act to repeal section 61 of an act to reduce taxation, to provide revenue for the Government, and for other purposes," which became a law August 28, 1894, be, and they are hereby, continued in force, and the joint select committee heretofore appointed under said section shall, when they have reached a final conclusion, report the same to Congress, together with such information as they shall have obtained.

The PRESIDENT pro tempore. The Senator from Connecticut asks for the present consideration of the joint resolution reported by him this morning from the select committee. Is there objectively

Mr. SHERMAN. I should like to have some explanation of the joint resolution. The resolution itself is rather ambiguous and I do not quite understand it.

Mr. PLATT. I do not know whether the Senator from Ohio was in when I submitted the report. It will be remembered that at the last session section 61 of the present tariff law, which provided for a rebate of the tax on alcohol used in the arts, was repealed, and at the same time a joint select committee was appointed to investigate the subject during the recess and to report at the beginning of the present session. From that committee this morning I made a partial report, showing what progress had been made, stating that the committee had been unable to complete their investigation and asking that their powers might be plete their investigation, and asking that their powers might be extended. The joint resolution simply extends the powers of the committee in order to enable them to complete their investigation.

Mr. SHERMAN. I have no objection to the joint resolution. The PRESIDENT pro tempore. Is there objection to the present consideration of the joint resolution?

Mr. MILLS. Let it be again most.

Mr. MILLS. Let it be again read.

The PRESIDENT pro tempore. The joint resolution will be again read.

The joint resolution was again read, and, by unanimous consent, the Senate, as in Committee of the Whole, proceeded to its con-

Mr. SHERMAN. The question is a very important one. the joint resolution propose to change the present rate on alcohol used in the arts?

Mr. PLATT. It simply extends the powers of the committee appointed to sit during the recess so as to continue their investigation during the session.

Mr. SHERMAN. It dees not propose to change the present

Mr. PLATT. Not at all.

The joint resolution was reported to the Senate without amend-

Mr. HARRIS. I rose to ask the Senator from Connecticut a question in respect to the joint resolution. What is the necessity for declaring by a joint resolution that an act of Congress shall continue in force?

Mr. PLATT. It is section 2 of the act of Congress which provided for the appointment of the committee, and that section is

ontinued in force.

Mr. HARRIS. Ah!
Mr. PLATT. That is all.
Mr. HARRIS. That explanation is satisfactory.
The joint resolution was ordered to be engrossed for a third reading, read the third time, and passed.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. TURPIE submitted an amendment intended to be proposed

by him to the naval appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. ALLEN submitted an amendment intended to be proposed by him to the urgent deficiency appropriation bill; which was referred to the Committee on International Expositions, and ordered to be printed.

OBLIGATIONS OF LEGAL CONTRACTS.

Mr. ALLEN submitted the following resolution; which was

Resolved, That it is the settled doctrine in the United States of America that no State possesses constitutional power to impair the obligations of legal contracts, either by direct legislation or by legislation that withdraws all substantial remedies from their enforcement.

Mr. ALLEN. I ask that the resolution be printed and lie upon the table, subject to be called up at any time. The PRESIDENT pro tempore. Without objection, it will be

Mr. ALDRICH. The resolution had better be again read. Mr. ALLEN. I shall desire at a proper time to submit some

Mr. ALLEN. I shall desire at a proper time to submit some remarks upon it.

The PRESIDENT pro tempore. At the request of the Senator from Rhode Island, the resolution will be again read.

The Secretary again read the resolution.

The PRESIDENT pro tempore. The resolution will lie on the table, without objection.

USE OF THE LIBRARY BUILDING.

Mr. MORRILL submitted the following concurrent resolution; which was referred to the Select Committee on Additional Accommodations for the Library of Congress:

Resolved by the Senate (the House of Representatives concurring), That the building providing additional accommodations for the Library of Congress shall not be used or occupied, nor any part thereof, for any purpose other than that legitimately connected with the aforesaid Library of Congress.

SURVEY OF PORTLAND CHANNEL.

Mr. LODGE submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved. That the Secretary of War be directed to send to the Senate the report of the preliminary survey of the Portland Channel in the Territory of Alaska.

INTERSTATE COMMERCE INVESTIGATION.

Mr. CHANDLER submitted the following resolution; which was considered by unanimous consent, and agreed to:

Mr. CHANDLER submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Committee on Interstate Commerce be directed to inquire whether the existing agreement of the so-called Joint Traffic Association, formed by the principal railroad companies of the country, provides against competition by a stipulation that every railroad company which is a party thereto shall make and maintain such transportation rates as may be prescribed by a majority of the board of managers, consisting of representatives, one from each of said railroads, and provides for enforcing such stipulation by imposing fines in money upon an offending company, to be collected from contributions paid by such company into a common fund, which fines are to accrue to the benefit of the other companies; and if such are found to be the terms of the agreement, to inquire further whether such a stipulation is a violation of the prohibition of the law of Congress against the pooling of freights or the division of earnings by interstate railroads, and if so, whether the illegality has been sufficiently proved in the litigation pending in the southern district of New York; and whether in such litigation the Government is sufficiently represented by adequate counsel; and whether any legislation is needed to expedite the proceedings and to enforce any violated provision of law against said Joint Traffic Association; and said committee is hereby further directed, as incident to said inquiry, to ascertain whether or not, since the agreement of said Joint Traffic Association was made, the flour millers of the country have entered into a similar agreement, whereby the price of flour is to be maintained by each miller at a rate to be fixed by the managers of the Millers' Association, and obedience to said agreement is to be secured by money fines imposed upon an offending company, to be collected from a fund composed of contributions of a certain sum on each barrel of flour produced, which contributions are

ENTRIES OF MERCHANDISE.

I ask unanimous consent that the vote by which Mr. HOAR. the bill (S.2172) to authorize a reliquidation of certain entries of merchandise was indefinitely postponed may be reconsidered, and the bill be recommitted to the Committee on Finance.

the bill be recommitted to the Committee on Finance.

I will simply say that I undertook to see, and supposed I had made proper provision to see, that the parties interested in the bill should have a hearing, but after I left last spring by accident the report was made. I have the consent of the Senator who reported the bill, and also of the chairman of the committee.

The PRESIDENT pro tempore. Is there objection to the request made by the Senator from Massachusetts?

Mr. SMITH. Will the Senator please state his request?

Mr. HOAR. I request that a bill to authorize a reliquidation of certain entries of merchandise, which was indefinitely postponed at the last session, may be brought again before the Senate, that the vote postponing it be reconsidered, and the bill be recommitted to the Committee on Finance. There was a mistake in not having a hearing of the parties, and the member of the committee who made the report, and the chairman also, consent to a recommittal. recommittal.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Massachusetts? The Chair hears none, and the order will be made.

PUBLIC LANDS IN OKLAHOMA TERRITORY.

Mr. PETTIGREW. Mr. President—
The PRESIDENT pro tempore. If there are no further concurrent or other resolutions the morning business is concluded,

current or other resolutions the morning business is concluded, and the Calendar under Rule VIII is in order.

M. PETTIGREW. I ask unanimous consent for the present consideration of the bill (H. R. 3656) providing for free homesteads on the public lands in Oklahoma Territory for actual and bona fide settlers, and reserving the public lands for that purpose.

The PRESIDENT pro tempore. The bill will be read for information.

information.

The Secretary read the bill.
Mr. VEST. Mr. President, is that the bill donating lands to the settlers simply upon the payment of fees to the land offices?
Mr. PETTIGREW. I will inform the Senator that this is the

Mr. VEST. Has it been reported unanimously from the com-

Mr. PETTIGREW. It has been reported unanimously.
Mr. SHERMAN. I call for the reading of the bill again, as I could not catch it when it was before read.

The PRESIDENT pro tempore. The bill will be again read. The Secretary again read the bill.

Mr. BLACKBURN. I should like to inquire of the Senat I should like to inquire of the Senator

Mr. PETTIGREW. The Committee reports this bill?
Mr. PETTIGREW. The Committee on Indian Affairs.
Mr. BLACKBURN. Then I should like to inquire under the rule what jurisdiction the Committee on Indian Affairs ever had of this matter?

Mr. PETTIGREW. This is a matter with regard to the dispo-

sition of Indian reserve lands.

Mr. BLACKBURN. I ask should not this matter have gone to the Committee on Public Lands?

Mr. PETTIGREW. I will inform the Senator that the bill did go to the Committee on Public Lands. That committee thought it should go to the Committee on Indian Affairs, and reported it back to the Senate, and asked to be discharged from its further consideration. Then the Senate referred it to the Committee on Indian Affairs, who have reported it back to this body favorably.

Mr. BERRY. There was a House bill pending before the Committee on Public Lands, I think of the same character, object,

mittee on Public Lands, I think of the same character, object, and tenor as the pending bill, which that committee declined to report. There was never any direct vote taken upon whether it should be reported or not, but it was agreed that it should go over, as I understood. A bill has been passed through the House of Representatives in regard to Oklahoma Territory.

Mr. PETTIGREW. I will inform the Senator that this is the bill which was before the Committee on Public Lands, from the further consideration of which the Committee on Public Lands asked to be discharged, and it was then referred to the Committee on Indian Affairs.

on Indian Affairs.

Mr. JONES of Arkansas. That statement was made in com-

Mr. BERRY. I was not present when that was done in committee

Mr. PETTIGREW. The Committee on Indian Affairs have reported the bill to the Senate with amendments.

The PRESIDENT pro tempore. The Chair will again ask, Is

there objection to the present consideration of the bill?

Mr. SMITH. I object.

The PRESIDENT pro tempore. Objection being made, the bill

will go over

will go over.

Mr. PETTIGREW. I now ask unanimous consent—
Mr. LODGE. I ask for the regular order.
Mr. PETTIGREW. I ask unanimous consent that the bill the consideration of which I have asked be made the order of business after disposing of the immigration bill. This bill was recommended by the platforms of both political parties during the last Presidential contest, and it at least ought to be considered by this body. I therefore ask unanimous consent that it be made the special order after disposing of the immigration bill, which I special order after disposing of the immigration bill, which I understand is the unfinished business.

Mr. MILLS. It seems to me this bill ought to go to the Committee on Public Lands and be investigated, so that we may be informed what is to be paid for these lands, how many acres there

are, and all about the subject.

Mr. PETTIGREW. There is a report here which answers every question the Senator suggests, and there are letters from the Department. The bill has already passed the House of Representatives

resentatives.

The PRESIDENT pro tempore. The Senator from South Dakota asks unanimous consent that the bill referred to by him be made the special order immediately following the final disposal of the bill known as the immigration bill. Is there objection? The Chair hears none, and the order is made. The Calendar under Rule VIII is the regular order, and the Secretary will report the first bill on the Calendar.

HEIRS OF EASKINE S. ALLIN AND OTHERS.

The bill (S. 1168) for the relief of the heirs of Erskine S. Allin and the United States Regulation Firearms Company, respectively, was announced as first in order, and the Senate, as in Committee

was announced as list in order, and the senate, as in Committee of the Whole, proceeded to its consideration.

Mr. COCKRELL. Is there a report in that case?

The PRESIDENT pro tempore. There is a report.

Mr. COCKRELL. I should like to hear either the report or some explanation of the bill.

Mr. PLATT. Mr. President, this matter has come up hurriedly, but I think I remember the facts relating to it sufficiently to make

an explanation.

Erskine S. Allin invented an improvement in breech-loading firearms. He was master armorer at the United States Armory at Springfield. He was not employed to make this invention; it was not suggested to him; he made it in his own time; it was his own invention, and under the law he had a perfect title to it. He gave a license to the Government to use his invention. No compensation, however, was paid to him by the Government. The Government, aside from using his invention in its own arms, sold to the French Government arms to which the invention had been applied. Twenty-eight thousand two hundred and eighty-seven of these fire-arms containing the improvement were sold to the Government of arms containing the improvement were sold to the Government of France. This Government made a profit on the transaction of \$209,889.54. Colonel Benét, who was Chief of Ordnance when this matter was first before Congress, reported that 10 cents a gun was fair compensation to the inventor.

Allin died. In the Forty-ninth Congress we passed a bill in the Senate giving to his heirs, his widow and daughter, who are poor, \$30,000 as compensation. That, however, did not include claims for the arms which have been sold to the French Government. Since then a company known as the United States Regulation Firearms

Company, to which the right other than that of the Government Company, to which the right other than that of the Government to use the invention was assigned, have also come in and made claim for compensation. The bill referred to the committee called for \$200,000. The committee, looking the thing over very carefully, thought that it was but fair that the Government should pay the heirs of Allin, his widow and daughter, \$30,000, and should pay \$30,000 to the United States Regulation Firearms Company. So they report \$60,000—half to be paid to the widow and daughter, and half to the United States Regulation Firearms Com-

pany.

The Government sold these guns, made a large profit on them, and the Chief of Ordnance said, as I have stated, that 10 cents a gun is a fair royalty for the Government to pay. The sum which the committee report, however, does not amount to that.

Mr. COCKRELL. Is not this only one of a large number of claims for improvements in the Springfield musket, and if we pay

this claim will it not be a precedent for the payment of the others

Mr. PLATT. There have been in times past a large number of claims made, and some have been paid. I remember one of \$75,000 was paid, the Ely claim, as it was called, in which General Butler was interested; but so far as I know—and I think I can state without reservation on that subject-this is the last of all those claims,

out reservation on that subject—this is the last of all those claims, and it seems to me a very meritorious one.

Mr. COCKRELL. I see that this bill proposes to pay \$60,000. I think the report made in the Forty-ninth Congress proposed to pay only \$30,000. It seems that this report now proposes to double the amount to be paid.

Mr. PLATT. I tried to explain that, but I presume the Senator did not hear. It is very difficult to be heard in the Senate, anyway.

We did report \$30,000 as compensation which the Government ought to pay to the widow and the daughter of the inventor. We did not then take into consideration the claim which is now made

did not then take into consideration the claim which is now made did not then take into consideration the claim which is now made on account of the fact that the Government sold 28,287 of these arms to the French Government. The United States Regulation Firearms Company comes in and claims that from the Government. We have looked the matter over and tried to do equity between these parties, and the committee propose to give \$30,000 to the widow and daughter of Allin and \$30,000 to the United to the widow and daughter of Ring.
States Regulation Firearms Company.
Mr. COCKRELL. How does the United States Regulation Fire-

patent? Mr. PLATT. It was the assignee of all the interests which the inventor had, except that which he had assigned to the Government-the right to use. The Government not only used it in its

own arms, but sold arms upon which it made a profit of \$209,889.54. Mr. COCKRELL. If we are paying for all the Government used and then turning around and paying for all the Government sold, that is a double payment, is it not?

Mr. PLATT. Oh, no. Two hundred thousand dollars would scarcely amount to a full payment for what the Government sold.

We have cut down the amount claimed very much.

Mr. COCKRELL. The point is this: If payment is made for all that the Government used and the arms that were sold to the French Government were included in that amount, then certainly the assignees have no right to come in and claim that because the arms were sold they should be paid again.

Mr. PLATT. I have tried to say—this bill came up very unexpectedly—that, as I understand it, we are not paying twice over. Indeed, we are not paying the full amount the Government ought

Mr. COCKRELL. I will ask that the latter part of the report,

beginning on page 5, may be read.

The PRESIDING OFFICER (Mr. PERKINS in the chair). The Secretary will read as requested.

The Secretary read as follows:

The Secretary read as follows:

The bill recommended by the committee was, after thorough discussion, passed by the Senate, but was not acted on in the House. The same bill was introduced in the next session, when a bill to compensate the United States Regulation Firearms Company for the use by the United States of the same invention was also introduced, and both bills were referred to the Patent Committee and hearings had thereon, but no report made. The same bills were introduced at the next session. The bill now referred to the committee proposes that there shall be paid for the use of this invention by the United States the sum of \$20,000, one half to the widow and daughter of Erskine S. Allin, and the other half to the United States Regulation Firearms Company. Upon the hearing before the Patent Committee in the Forty-ninth Congress no mention was made of the fact that there had been an assignment by Erskine S. Allin of his interest in this invention other than his iteense to the Government. But upon hearings at the next session of Congress, and upon the present bill, it appears that in December, 1868, Allin assigned to the United States Regulation Firearms Company aforesaid all the right, title, and interest which he had in the invention, so that his title to the same, and to the letters patent subject to the right of the Government to use the same under his license, passed to the United States Regulation Firearms Company aforesaid, which in 1871 made a contract with Colt's Firearms Company aforesaid, which in 1871 made a contract with Colt's Firearms Company aforesaid, which in 1871 made a contract with Colt's Firearms Company aforesaid, which in 1871 made a contract with Colt's Firearms Company aforesaid, which in 1871 made a contract with Colt's Firearms Company aforesaid, which in 1871 made a contract with Colt's Firearms Company aforesaid, which in 1871 made a contract with Colt's Firearms Company aforesaid, which in 1871 made a contract with Colt's Firearms Company aforesaid, which in 1871 made a co

the Government of France, in the year 1871, 28,287 firearms containing this improvement for the sum of \$610,998,20, which was at the rate of \$21,60 each. Colonel Benton, formerly superintendent of the Springfield Armory, was requested by Hon. George W. McCrary, Secretary of War, to state the cost of the manufacture of this gun to the Government, and made a report, which is to be found in Senate Ex. Doc. No. 17, Forty-fifth Congress, third session, showing that the cost to the United States Government of a Springfield breech-loading gun manufactured at the Springfield Armory was \$14.18 each, and that the changing of the old muzzle-loading guns used by the Government into breech-loading guns containing this improvement was \$4.28 each, and that the changing of the old muzzle-loading guns used by the Government into breech-loading guns containing this improvement was \$4.28 each.

From this report of Colonel Benton it would appear that the United States realized a profit upon the guns sold of at least \$4.29 per gun, amounting to sell firearms containing this improvement, but merely to make and use the same. The sale of this gun was an infringement of the patent. In addition to the guns sold as aforesaid large numbers were distributed to the States, and the committee is of the opinion that such distribution of the guns was not within the license given by Allin. No money was paid by the United States Regulation Firearms Company to Allin upon the conveyance of his interest in the invention and letters patent, but there was an agreement that he should receive one-third of the profits which the company should make in the manufacture and sale of guns.

The committee are of the opinion that both the heirs of Erskine S. Allin and the United States Regulation Firearms Company have a just claim for compensation from the United States. It is difficult to establish the precise amount which should be paid to each of them, but considering all the circumstances of the case, the committee is of opinion that the sum of \$30,000 is no

Mr. PLATT. Let the amendments reported by the Committee

Mr. PLATT. Let the amendments reported by the Committee on Patents be acted upon.

The PRESIDING ÖFFICER. The amendments reported by the Committee on Patents will be stated.

The amendments reported by the Committee on Patents were, in line 3, before the word "thousand," to strike out "two hundred" and insert "sixty;" in line 5, after the words "to wit," to strike out "one hundred" and insert "thirty;" and in line 14, before the word "thousand," to strike out "one hundred" and insert "thirty;" so as to make the bill read:

Baitmanded etc. That the sum of \$30,000 he and the same is hereby appro-

"thirty;" so as to make the bill read:

Be itenacted, etc., That the sum of \$80,000 be, and the same is hereby, appropriated to be distributed in the following manner, to wit: Thirty thousand dollars to be paid, in equal parts, to Fannie T. Allin, of Springfield, Mass., and Augusta M. Ladd, of Holyoke, Mass., respectively widow and daughter of the late Erskine S. Allin, said Allin being the inventor of valuable improvements used in the manufacture of the Springfield breech-loading rifle musket, for which improvements letters patent numbered 49959 were granted to him by the United States on the 19th day of September, 1865; and \$30,000 to be paid to the United States Regulation Firearms Company, a corporation incorporated under the laws of the State of New York, for the injury caused to, and damage sustained by, said corporation from and by the infringement by the United States of the letters patent aforesaid, which said letters patent were assigned by the said Erskine S. Allin to the said United States Regulation Firearms Company on the 18th day of December, 1868. This appropriation to be in full payment and satisfaction to both of the aforesaid parties for and on account of any and all sales or other disposition heretofore made or that may hereafter be made by the United States of any arms in which the invention secured by said letters patent is used or embraced.

The amendments were agreed to.

The amendments were agreed to. Mr. COCKRELL. I move to strike out, beginning in line 17, after the name "New York," down to and including the word said," in line 20.

"said," in line 20.

The PRESIDING OFFICER. The amendment will be stated. The Secretary. After the name "New York," in line 17, it is proposed to strike out "for the injury caused to, and damage sustained by, said corporation from and by the infringement by the United States of the letters patent aforesaid."

Mr. PLATT. There is no objection to that amendment.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

THE REVENUE BILL.

Mr. ALLEN. I ask unanimous consent for the present consideration of Order of Business 183, being the bill (H. R. 2749) to temporarily increase revenue to meet the expenses of Government and provide against a deficiency.

The PRESIDING OFFICER. Is there objection?

Mr. ALDRICH. Let the bill go over, Mr. President.

The PRESIDING OFFICER. Objection being made, the bill

Mr. ALLEN. I move to take up the bill notwithstanding tho objection.

The PRESIDING OFFICER. The Senator from Nebraska moves that the bill be now taken up and considered by the Senate,

notwithstanding the objection.

Mr. PLATT. I think, if a motion is made to take up the bill notwithstanding the objection, that the bill ought to be read, so that the Senate may know what the bill is other than by its title. The PRESIDING OFFICER. The reading of the bill is asked

for the information of the Senate. The Secretary will read the bill and the amendment.

The Secretary read the bill, as follows, reported from the Committee on Finance with an amendment, to strike out all after the enacting clause and insert:

mittee on Finance with an amendment, to strike out all after the enacting clause and insert:

Be it enacted, etc., That from and after the passage of this act the mints of the United States shall be open to the coinage of silver, and there shall be coined dollars of the weight of 412; grains troy, of standard silver, nine tenths fine, as provided by the act of January 18, 1837, and upon the same terms and subject to the limitations and provisions of law regulating the coinage and legal-tender quality of gold; and whenever the said coins herein provided for shall be received into the Treasury, certificates may be issued therefor in the manner now provided by law.

Sec. 2. That the Secretary of the Treasury shall coin into standard silver dollars, as soon as practicable, according to the provisions of section 1 of this act, from the silver bullion purchased under authority of the act of July 14, 1890, entitled "An act directing the purchase of silver bullion and the issue of Treasury notes thereon, and for other purposes," that portion of said silver bullion which represents the seigniorage or profit to the Government, to wit, the difference between the cost of the silver purchased under said act and its coinage value, and said silver dollars so coined shall be used in the payment of the current expenses of the Government; and for the purpose of making the said seigniorage immediately available for use as money, the Secretary of the Treasury is hereby authorized and directed to issue silver certificates against it, as if it was already coined and in the Treasury.

Sec. 3. That no national-bank note shall be hereafter issued of a denomination less than \$10, and all notes of such banks now outstanding of denominations less than \$10, and all notes of such banks now outstanding of denominations less than that sum shall be, as rapidly as practicable, taken up, redeemed, and canceled, and notes of \$10 and larger denominations shall be issued in their stead under the direction of \$10 and larger denominations shall be is

Mr. ALDRICH. I withdraw the objection which I made to the

present consideration of the bill.

The PRESIDING OFFICER. The Senator from Nebraska asks unanimous consent for the present consideration of the bill (H. R. 2749) to temporarily increase revenue to meet the expenses of Gov-

enment and provide against a deficiency. Is there objection?

Mr. VEST. I desire to make a parliamentary inquiry. What has become of the amendment to the bill which was reported by the Committee on Finance? Was it read?

Several SENATORS.

The PRESIDING OFFICER. The amendment was merely read for information.

Mr. VEST. I came into the Senate while the reading was being proceeded with. Then the vote would be upon the amendment first, if the bill is taken up?

Mr. PLATT. I understand the Senator from Nebraska asked unanimous consent to take up the bill.

Mr. MILLS. He moved to take it up.
Mr. PLATT. I understand he requested unanimous consent.
The Senator from Rhode Island [Mr. Aldrich] then asked that
the bill might go over. Then the Senator from Nebraska moved to take it up notwithstanding the objection. The Senator from Rhode Island has now withdrawn his objection. So the question, I suppose, is upon the request of the Senator from Nebraska for

I suppose, is upon the request of the Senator from Nebraska for unanimous consent for the consideration of the bill.

The PRESIDING OFFICER. The Chair so understands.

Mr. PALMER. I object to taking up the bill.

The PRESIDING OFFICER. Objection being made to the present consideration of the bill, the question recurs upon the motion of the Senator from Nebraska, if he shall renew it.

Mr. ALLEN. I renew the motion. Let me say in this connection the motion being hefore the Senato.

Mr. ALLEN. I renew the motion. Let me say in this connection, the motion being before the Senate—
Mr. HARRIS (to Mr. ALLEN). Your motion is not debatable.
Mr. GALLINGER. It is not debatable.
The PRESIDING OFFICER. The motion is not debatable if

the point is raised.

Mr. ALLEN. Then I have no desire to debate it. I ask for a vote by yeas and nays on the question of taking up the bill.

The PRESIDING OFFICER. The Chair will state the question to the Senate. Unanimous consent was asked by the senior Senator from Nebraska [Mr. Allen] to proceed to the consideration of House bill 2749, to which objection was made. The Senator from Nebraska now moves to take up the bill, notwithstanding the objection. The question is, Will the Senate proceed to the consideration of the bill? On that question the yeas and nays are

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. BLACKBURN (when his name was called). I am paired with the Senator from Michigan [Mr. McMillan], who I believe is absent. I am informed by the Senator from West Virginia [Mr. FAULKNER] that the Senator from Indiana [Mr. VOORHEES]

Mr. FAULKNER] that the Senator from Indiana [Mr. VOORHEES] is not paired. I will transfer my pair with the Senator from Michigan to the Senator from Indiana, and I vote "nay."

Mr. McBRIDE (when his name was called). I have a general pair with the senior Senator from Mississippi [Mr. George]. I understand that if he were present, he would vote "nay." I should vote "yea" if I were not paired.

Mr. PASCO (when his name was called). I am paired with the Senator from Washington [Mr. Wilson]. If he were present, I should vote "nay."

the Senator from Washington [Mr. WHSON]. If he were present, I should vote "nay."

Mr. SHOUP (when his name was called). I have a standing pair with the Senator from California [Mr. White], and therefore withhold my vote. I am advised that if the Senator from California were present he would vote "nay." I should vote "yes," if he were here.

"yea" if he were here.

The roll call was concluded.

Mr. CULLOM. I desire to inquire if the Senator from Delaware [Mr. Gray] has voted?

The PRESIDING OFFICER. The Chair is informed that he

has not voted.

Mr. CULLOM. I have a general pair with the Senator from Delaware. Not knowing how he would vote, I withhold my

I should vote "yea" if I were at liberty to do so.

Mr. MITCHELL of Oregon. I have a standing pair with the senior Senator from Wisconsin [Mr. VILAS], who is absent. I will transfer my pair to the Senator from Connecticut [Mr. Hawley], and vote. I vote "yea."

Mr. PROCTOR. I am paired with the Senator from Florida [Mr. Call]. I therefore withhold my vote.

Mr. BURROWS. I am paired with senior Senator from Louisiana [Mr. Calley], and therefore withhold my vote.

Louisiana [Mr. Caffery], and therefore withhold my vote.

Mr. BERRY. I have a general pair with the Senator from
Colorado [Mr. Teller]. If he were present I should vote "nay."
If there is a Senator upon the other side of the Chamber who can
inform me how the Senator from Colorado would vote, I might feel authorized to vote. Otherwise I would not feel at liberty to vote. As I have stated, I should vote "nay" if the Senator from

Colorado were present.

Mr. BATE (after having voted in the affirmative). I desire to inquire if the Senator from Utah [Mr. BROWN] is recorded as having voted?

The PRESIDING OFFICER. He is not recorded, the Chair is informed.

Mr. BATE. Then I withdraw my vote, as I am paired with

that Senator. Mr. PLATT. I desire to state that on this question my col-Mr. PLATI. I desire to state that on this question my colleague [Mr. Hawley] is paired with the Senator from Wisconsin [Mr. VILAS]. If my colleague were present, he would vote "yea."

Mr. COCKRELL. I have a general pair with the senior Senator from Iowa [Mr. Allison], who I understand is detained at

home by illness

Mr. TILLMAN. I have a pair with the Senator from Nebraska [Mr. Thurston]. Has he voted on this question?

The PRESIDING OFFICER. The Chair is informed that the

The PRESIDING OFFICER. The Chair is informed that the junior Senator from Nebraska has not voted.

Mr. TILLMAN. Then I will withhold my vote. If I were at liberty to vote, I should vote "yea."

Mr. BACON (after having voted in the affirmative). I have a general pair with the junior Senator from Rhode Island [Mr. Wetmore]. As he is not present, I withdraw my vote.

Mr. SEWELL (after having voted in the affirmative). I desire to ask whether the Senator from Wisconsin [Mr. MITCHELL] has voted?

voted?

The PRESIDING OFFICER. The Chair is informed that the Senator from Wisconsin has not voted.

Mr. SEWELL. Then I withdraw my vote, as I am paired with that Senator.

Mr. PASCO. I understand that the Senator from Indiana [Mr. VOORHEES] is not paired. I will transfer my pair with the Senator from Washington [Mr. WILSON] to the Senator from Indiana, and will vote. I vote "nay."

Mr. ALLEN. I understand that a pair has been transferred to

Mr. ALLEN. I understand that a pair has been transferred to the Senator from Indiana [Mr. Voorhees].

Mr. BLACKBURN. I undertook to transfer my pair with the Senator from Michigan [Mr. McMillan] to the Senator from Indiana [Mr. Voorhees], but the Senator from Michigan has since come into the Chamber, so that he and I have voted. The Senator from Florida [Mr. Pasco] now transfers his pair with the Senator from Washington [Mr. Wilson] to the Senator from Indiana [Mr. Voorhees].

Mr. ALLEN. Very well.

Mr. PASCO. It was with that understanding that I voted.

Burrows,

The result was announced—yeas 35, nays 21; as follows:

	Y	EAS-35.		
Aldrich, Allen, Butler, Cameron, Chandler, Clark, Davis, Elkins, Frye,	Gallinger, Gear, Gordon, Hale, Hansbrough, Hoar, Kyle, Lodge, McMillan,	Mitchell, Oreg. Morgan, Morrill, Murphy, Nelson, Peffer, Perkins, Pettigrew, Platt,	Pritchard, Pugh, Quay, Roach, Sherman, Smith, Stewart, Wolcott.	
	N	AYS-21.		
Baker, Blackburn, Blanchard, Cannon, Carter, Daniel,	Dubois, Faulkner, Gibson, Gorman, Harris, Hill,	Jones, Ark. Mantle, Martin, Mills, Palmer, Pasco,	Turple, Vest. Walthall.	
	NOT	VOTING-33.		
Allison, Bacon, Bate, Berry, Brice, Brown, Burrows.	Chilton, Cockrell, Cullom, George, Gray, Hawley, Irby.	McBride, Mitchell, Wis. Proctor, Sewell, Shoup, Squire, Teller.	Vilas, Voorhees, Warren, Wetmore, White, Wilson.	

Chilton, Cockrell, Cullom, George, Gray, Hawley, Irby, Jones, Nev. Lindsay, Proctor, Sewell, Shoup, Squire, Teller, Thurston, Tillman, Caffery, Call,

So the motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill.

Mr. ALDRICH. I move that the bill and amendments be committed to the Committee on Finance, with instructions to that committee to report the bill back without amendment.
Mr. VEST. Without amendment?

Mr. VEST. Without amendment? Mr. ALDRICH. To report back the House bill without amendment.

Mr. ALLEN. I should like to inquire of the Senator from Rhode Island what has taken place since the bill was reported

which requires its recommitment at this time?

Mr. ALDRICH. I never have agreed to the report. I was in favor of reporting the bill without amendment at the time. I think the Senate upon further consideration will agree with me rather than with the majority of the committee.

Mr. ALLEN. I remember your distinctive.

Mr. ALLEN. I remember very distinctly, I think, that the Senator from Rhode Island at the last session of Congress was Senator from Rhode Island at the last session of Congress was among the most ardent advocates of the speedy taking up of the bill and putting it upon its passage. Now, since that time we have had an election in this country, and our Republican friends have said and are saying now that the most urgent need is a revision of our tariff laws. I do not myself believe that. However, I am perfectly willing as one Senator to give them ample opportunity at this time to bring the pending bill before the Senate and have it discussed and amended in such respect as they

Senate and have it discussed and amended in such respect as they may see fit and place it upon its passage.

We have almost ninety days yet in which to perfect this tariff measure. There is not the slightest reason of which I can conceive why the country should be burdened with an extraordinary session of Congress. It has gone out from the powers that be in the Republican party that with the incoming Administration we are to have an extraordinary session of Congress for the purpose of revising the tariff laws. This bill received the careful consideration of the House of Representatives and passed that body. It received the careful consideration of the Committee on Finance and was reported back to the Senate, and the chairman of that committee on two separate occasions undertook to bring it up for consideration. I, among others, voted against it, not believing that it was necessary to take up the bill. We have a right to suppose that the Republican party is in as good condition to-day, fresh from the November elections, to take up and consider this important matter as it will be in three or four months from now.

Now, I do not propose as one member of this body to put an obstruction in the pathway of the consideration of the proposed tariff act. I do not commit myself to its policy nor to its provisions, nor will I commit myself to the doctrine advocated so ably by my distinguished friend the Senator from Rhode Island [Mr. Aldrich]. But neither he nor his party must have it said that so far as the Populist representation in this Chamber is concerned the elightest electronic was placed in the rethrest of the conthe slightest obstruction was placed in the pathway of the consideration of this important measure.

Our friends on the other side of the Chamber say that the country needs tariff legislation. For three years, yea, almost for four years, our country has been bleeding at every pore. Our industries are prostrate; our people are upon the verge of bankruptcy. You have it your power now within the next three or four weeks to give the country relief if your theory of taxation be true. Why do you shrink from it? Is it so complicated that you can not formulate a bill or proper amendments within the next three or four weeks or within a month? If your arguments on the hustings this fall were true, why are you not prepared now to go forward and consider this bill and speedily put it upon its passage and give the country relief?

The PRESIDENT protempore. The Senator from Rhode Island moves to commit the bill, with its amendments, to the Committee on Finance with instructions to report it back to the Senate without amendment

Mr. ALDRICH. I move that the House bill be recommitted with instructions to report it back without amendment.

The PRESIDENT pro tempore. Is the Senate ready for the

Mr. ALDRICH and Mr. MILLS called for the yeas and nays.

Mr. ALDRICH and Mr. MILLS called for the yeas and nays.
Mr. HARRIS. Are the yeas and nays demanded upon the motion of the Senator from Rhode Island?
Mr. ALDRICH. Yes, sir.
Mr. HARRIS. The question, I apprehend, is divisible. The question to refer is one matter. To refer with the instructions which the Senator from Rhode Island suggests is a very different matter. I should like how the control of the divisible of the control of the suggests is a very different matter.

which the Senator from Khode Island suggests is a very different matter. I should like to have the question divided.

I have no objection to the recommittal of the bill, but to recommit it with instructions that the committee is to do nothing but report the bill back without amendment is a farce. The bill is now here with an amendment, and a single vote of the Senate can dispose of the amendment. But if the committee shall report it back without amendment, there is not a Senator on this floor who will not have the right to reintroduce the amendment and compel will not have the right to reintroduce the amendment and compel a vote of the Senate, so as to invoke the judgment of the majority. I am opposed to sending the bill back to the committee with any such instructions.

Mr. ALDRICH. I am not able just now to put my hand upon the rule, but my impression is that under the rules and practice of the Senate a motion to recommit with instructions is not divisible.

Mr. HALE. It is a single motion.

Mr. HALE. It is a single motion.

Mr. ALDRICH. It is a single motion, and is not divisible.

Mr. HALE. The whole essence of the motion is the instruction.

It is not a divisible question.

Mr. HARRIS. I am not sure. There are here two distinct phases and questions, and where a question contains more than one proposition, it is and has always been, and in the nature of

things must always be, divisible.

Mr. HALE. I agree with the Senator from Tennessee, that Mr. HALE. I agree with the Senator from Tennessee, that where a motion covers two distinct propositions or branches it is clearly divisible. But this motion has but one thing in it, and that is to refer with instructions. If you treat it as two propositions and divide it, you have an entirely distinct thing, which was not within the contemplation of the mover of the motion. There is simply a single idea conveyed in the motion, to refer with instructions, instructing directly the committee, and clearly to me, Mr. President, it is not divisible.

Mr. HARRIS. It takes one vote to send the bill back with or without instructions. One single vote will likewise determine the question whether the single amendment reported by the committee shall be agreed to or rejected. It seems to me that it is a

mittee shall be agreed to or rejected. It seems to me that it is a farce, and worse than a farce, to send it back to the committee in order that the committee may report it back to the committee in order that the committee may report it back without an amendment which the Senate can dispose of just as readily, as the amendment now pending can be disposed of just as soon as the question of recommittal.

The PRESIDENT pro tempore. The Chair would like to ask the Senator from Tennessee a question. The object of dividing questions which are submitted is to preserve in every respect the rights of Senators. Now, when a Senator moves to commit with instructions, from the fact that under the rule all amendments are receivable as to the instructions, does not that of itself preserve the rights which are intended to be preserved by general

serve the rights which are intended to be preserved by general parliamentary law in dividing a question?

Mr. HARRIS. Of course, the question of instructions, if instructions are to be given, is as amendable as the motion itself, and it would be perfectly in order, in my opinion, to move to amend in respect to the instructions which are to be given. But I see no necessity for instructions at all. Let the bill go to the committee. If the Senator desires that it shall go back, I have no objection to its being recommitted. But I am utterly opposed to sending it back with instructions to report in a given way. If a majority of the Senate is in favor of the bill being presented in the given way suggested, why not dispose of that question here and now? A majority can put the bill in any form it chooses. It is absurd to talk about sending it back with instructions to report without amendment. amendment

Mr. ALDRICH. I will suggest that if we can get a vote upon the main question I am quite willing, so far as I am concerned,

to proceed to that

Mr. CHANDLER. I am in favor of accepting the offer of the Senator from Nebraska, if it is made in good faith. The Senator says that he will cooperate to remove the obstacle to the passage of the bill. The Senator said that there had been an election in the country, and that election bound the Republican party to reverse leading. enue legislation. The Senator was right about it. also, the Senator will notice, was a decision of the country that it would not have the free coinage of silver by the United States

The amendment which provides for such free coinage is the only obstruction to the passage of the bill. Now the Senator offers to remove that obstruction. If he means by that that he will give us his vote and the vote of Senators upon the other side of the Chamber to throw that amendment as proposed by the committee off of the bill, or if there can be unanimous consent from other Senators who agree with the Senator from Nebraska that that amendment shall be dropped, then certainly this side of the Chamber is ready to proceed immediately, day by day and hour by hour, until the bill is disposed of. I ask the Senator whether when he said he would help to remove the obstruction to the passage of the bill he meant that he was willing that the freecoinage amendment, against which the people voted, should be

removed by his consent?

Mr. ALLEN. The Senator from New Hampshire does not quote my language correctly. I did not say that I would help to remove any obstruction to the passage of the bill. I said that so far as I was concerned no obstruction should be placed in its pathway

I do not regard the question of free silver as having been settled. I think the imagination of my friend from New Hampshire is altogether too poetic. It is a very important question in this country. It cast over 6,000,000 votes at the last election, and it is to-day about the most healthy question I know of that is before the country

What I mean to say is this, Mr. President, and I say it in all candor. I do not believe that this country can receive relief from any kind of tariff. I think the man who lays that unction to his soul will be mistaken. We have in circulation barely sixteen hundred million dollars in our country, with 72,000,000 of population. You can not bring prosperity to the country by letting the volume of money remain stationary and increasing the burden of taxation upon articles that the people consume. I am so firmly convinced of that fact that I want to see our Republican friends get in the saddle as soon as possible.

I say that I do not believe you want to revise the tariff. I do not by that intend to impugn your motives in the slightest

not by that intend to impugn your motives in the slightest

degree.

Mr. CHANDLER. Then why does not the Senator cooperate to get free silver, which is not a tariff measure, off the bill, and see whether we want to revise the tariff? He can tell very quickly, if we get rid of his obstructive amendment.

Mr. ALLEN. I will cooperate with the Senator from New

Mr. ALLEN. I will cooperate with the Senator from New Hampshire and his party in my own way. It is not necessary for me to bow my head and wear a Republican yoke and follow the dictation of the Republican party. I will not do that. I say that no obstruction in the nature of dilatory tactics, so far as I am concerned, shall prevent you from taking up the tariff question and considering it at an early day.

Mr. ALDRICH. Will the Senator allow me to ask him a

question?

Mr. ALLEN. I say to you again—
The PRESIDENT pro tempore. Does the Senator from Nebraska yield to the Senator from Rhode Island?
Mr. ALLEN. Certainly.
Mr. ALDRICH. Will the Senator from Nebraska and his friends, or he himself, consent to have a vote taken upon the pending bill to-day, or at any time to be fixed, or upon the amendment at any time to be fixed?
Mr. ALLEN. I suppose the bill ought to be discussed for a rea-

Mr. ALLEN. I suppose the bill ought to be discussed for a reasonable length of time.

Mr. ALDRICH. I should like to ask the Senator a question. He is here this morning as an advocate, I understand, of immediate tariff legislation. Will he consent—that is the practical diate tariff legislation. Will he consent—that is the practical question—to taking a vote upon the pending bill and its amendment now or at any other time?

Mr. ALLEN. So far as I am concerned—and I can only speak for myself—I am prepared to vote upon this bill or upon any other tariff measure you can submit within two weeks after you have

presented it here in print.

Mr. ALDRICH. The bill is before the Senate, and it has been before it for many months. I ask the Senator if he will consent to take a vote upon it now, without any further discussion?

Mr. ALLEN. At this precise moment?

Mr. ALDRICH. Yes; or at a time now to be fixed by unani-

mous consent.

Mr. ALLEN. Oh, Mr. President, it is idle to ask a question of that kind. The Senator from Rhode Island knows quite well that his party does not intend to support this bill without amendment. I understand the Republican caucus in this Chamber has abandoned the bill.

him would allow us to do so. Now, there is an evidence of good

Mr. ALLEN. Will you say to the country that it is a tariff bill which you pass at this session of Congress that you are willing to be bound by during the next four years of the incoming Administration?

Mr. GALLINGER and others. No, no.
Mr. ALLEN. No; that will not be done. Mr. President, that Mr. ALLEN. No; that will not be done. Mr. President, that question provokes almost universal laughter from the other side of the Chamber. You said to the country when you were arguing the great political questions before it this fall that you would at the first moment take up the tariff question and settle it permanently, and now you laugh at the statement when your attention is called to it. What is there about the tariff question that would require Congress to greatly a second six a second six and settle in the statement. require Congress to spend six or seven months in extraordinary session to consider it? However it may be regarded by some, it is certainly not in the hands of our Republican friends a difficult problem to solve in the light of their knowledge of this question. Why not introduce the McKinley bill, the panacea for all national evils, and send it to the committee, and have it revised and preevils, and send it to the committee, and have it revised and presented here within the next ten days, and let it be debated and put upon its passage within the next sixty days? Do you want to burden the country again with an extraordinary session of Congress? Do you want to sit here for ninety days practically idle and let the country suffer when you have it in your power within that time to put upon its passage an intelligent and revised tariff act?

Mr. ALDRICH. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Nebraska yield to the Senator from Rhode Island?

Mr. ALLEN. Certainly.

Mr. ALLEN. Certainly.
Mr. ALDRICH. The Senator from Nebraska is making a decla-

mr. Alderich. The senator from Nebraska is making a declaration of his purpose for himself, I suppose, and his friends.

Mr. ALLEN. Of my purpose only.

Mr. ALDRICH. I should be glad to ask him a question, which perhaps under other circumstances might be deemed impertinent. I should like to ask him whether he will vote for the bill as it came from the House of Representatives, or for the McKinley bill, or for any bill that receives the approval of the Republicans of

Mr. ALLEN. Mr. President, I would not be guilty of making such a promise as that I would agree to vote for any other bill that might be presented.

Mr. ALDRICH. This bill, then? I will confine my question to

Mr. ALLEN. This bill, then? I will connine my question to the pending bill.

Mr. ALLEN. No; I will not vote for this bill in its present shape. You can, however, put it in a shape in which I will vote for it. You can, in my judgment, put it in such a shape as that other Senators will vote for it who are not members of your party. There is barely a difference of 10 per cent between the tariff act

ther Senators will vote for it who are not members of your party. There is barely a difference of 10 per cent between the tariff act now in existence and the McKinley Act. Do you say that you can not revise your tariff schedules and put the act upon its passage during this Congress, and get this momentous question out of the road so that other important questions which may come before the next Congress may be properly considered?

Mr. HALE. Let me ask the Senator a question?

Mr. ALLEN. Certainly.

Mr. HALE. Does not the Senator see that it is altogether different when you ask the Republican party in the Senate, in a minority as it clearly is, to take up and consider and perfect a general tariff bill while the conditions are expected to be entirely changed in the next Congress? The Republican party expects to have an absolute majority in the Senate then.

Mr. ALLEN. May I be permitted to ask the Senator from Maine where he expects to get that majority?

Mr. HALE. I say the Republicans expect to get an absolute majority in the next Senate. Then it can take up the general question of revision of the tariff, and I have no doubt that it will. Now, all that is asked is the passage of the House bill—the Dingley bill, so called—as it came to this body, which is a revenue measure, a temporary measure in itself, so declared, a measure that was intended to endow a Democratic Administration with enough revenue to keep up and pay the housekeeping bills of the Government. If the Senator is in favor of that measure or if his friends. revenue to keep up and pay the housekeeping bills of the Government. If the Senator is in favor of that measure, or if his friends are in favor of it, we can come to a vote at once without further discussion. The Senator from Rhode Island can withdraw his discussion. The Senator from Rhode Island can withdraw his motion. We can have a yea-and-nay vote on the substitute of the committee, which is the free coinage of silver. If that is voted in, the bill goes into conference with the House. Something or nothing comes out of it, but the subject is ended. If that is voted down, we are brought face to face with the House proposition, the Dingley bill, the temporary revenue bill to furnish the Government with funds, and we can take a vote upon that at once. And why is not the Senator ready to agree that without further dis-Mr. GALLINGER. That is not true.

Mr. ALLEN. The Senator from New Hampshire [Mr. GALLINGER] says that is not true. I read it, however, in a Republican newspaper published in this city.

Mr. GALLINGER. It is not true.

Mr. ALDRICH. We would pass this bill within a short time if the Senator from Nebraska and those gentlemen agreeing with why is not the Senator ready to agree that without further discussion we shall do that? Does not the Senator see that the Republican party is not in this Congress and in this body as it will be, or hopes to be, in the next Congress—able to consider and report

Mr. ALLEN. I think the Republican party is in better shape in this Chamber in the present Congress than it will be in the next.

That is my judgment.

Mr. HARRIS. The Senator from Nebraska yields to me in order that I may move to amend the motion of the Senator from Rhode Island. I move to strike out that part of his motion that provides for instruction, and let the motion stand as a motion to

recommit.

The PRESIDENT pro tempore. The motion of the Senator from Tennessee will be regarded as pending,
Mr. ALLEN. Mr. President, just one word more in reply to the Senator from Maine, so that my position—and I speak for myself alone—may be distinctly understood.
Mr. ALDRICH. I accept the amendment of the Senator from Tennessee. I withdraw that part of my motion.
Mr. ALLEN. The proposition of the Senator from Maine, if he will permit me to characterize it as such, is mere backing and filling. There is no substance to it whatever.
Mr. HALE. Why not?
Mr. ALLEN. I want you to bring before this Congress a permanent revenue measure.

manent revenue measure.

Mr. HALE. To begin with—
Mr. HOAR. Mr. President, I rise to a question of order.
The PRESIDENT pro tempore. The Senator from Massachusetts will state his question of order.
Mr. HOAR. If the Senator from Nebraska will pardon me, he will see my purpose. I merely desire that the motion pending be stated from the chair. The Senator from Nebraska vielded to the Senator from Tennessee to move an amendment to the motion.

Mr. ALLEN. I understood that it was stated.

Mr. HOAR. The Senator from Rhode Island accepted that

amendment, as was his right.

Mr. HARRIS. Then let the pending question be stated.

Mr. HOAR. Now, I desire that the motion pending be stated

from the chair.

The PRESIDENT pro tempore. The motion pending is that the bill with its amendment be committed to the Committee on Finance.

Mr. ALLEN. What I want the Republican party to do is to

Mr. ALLEN. What I want the Republican party to do is to present a permanent measure here.

Mr. HALE. Now, let me ask the Senator—
The PRESIDENT pro tempore. Does the Senator from Nebraska yield to the Senator from Maine?
Mr. ALLEN. Certainly.
Mr. HALE. How can the Republican party in the Senate do that when it has not, to begin with, the control or the majority of the Committee on Finance? The Republican party can not get at this session a general revision of the tariff through its committees. We expect that this condition will be changed in the next Congress. Perhaps it will not be changed; it will be very close, undoubtedly; but I expect, and other Republicans expect, that in the next Congress, and early, too, the Republican party will have the doubtedly; but I expect, and other Republicans expect, that in the next Congress, and early, too, the Republican party will have the power through the committees in this body to report a general tariff bill. But it can not do it now. It has tried it and has found that the conditions here are such that it is utterly impossible. When the Senator asks the Republican party to do that he asks for what is evidently an impossibility. But we are ready to vote, and to vote at once, upon the proposition that is before the Senate—the proposition of free coinage. That is the first question presented before the Senate. If that is voted down, we can vote upon the House proposition—the Dingley bill. That is all we can do, sir, Mr. ALLEN. See how absurd is the position of the Senator from Maine! The Senator has just said that the opposition has control of the Finance Committee, that the Republican party can

control of the Finance Committee, that the Republican party can not report from that committee a tariff measure. Why, then, is the Senator from Rhode Island moving to refer the bill back to the Finance Committee?

Mr. HALE. He moved its committal with instructions.
Mr. ALLEN. The Dingley bill is before the Senate now. That
is quite an ample tariff act in itself. Why can you not use that as a foundation to introduce a permanent tariff measure in the form of an amendment, and discuss it here, and put it upon its

The PRESIDENT pro tempore. The hour of 2 o'clock having arrived, the Chair will lay before the Senate the unfinished busi-

ness, which will be stated

The Secretary. A bill (H. R. 7868) to amend the immigration laws of the United States.

The PRESIDENT pro tempore. The bill is before the Senate as in Committee of the Whole.

Mr. ALLEN. I desire to have the pending bill passed over as the unfinished business.

The PRESIDENT pro tempore. There is no such thing in the morning hour as unfinished business.

Mr. ALLEN. I desire the RECORD to show that I requested to have it passed over as the unfinished business.

PROPOSED RESTRICTION OF IMMIGRATION.

The Sehate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 7864) to amend the immigration laws of the United States, which had been reported from the Committee on Immigration with an amendment.

Mr. HILL. It has been some time since we have heard the bill. I should like to have it read now.

Mr. LODGE. Let it be read with the amendment proposed by

the committee.

the committee.

The PRESIDENT pro tempore. The bill will be read.

Mr. GORMAN. This is an important bill, and with a view of giving some of us an opportunity to look at it and taking it up to-morrow at 2 o'clock, I move that the Senate adjourn.

Mr. HARRIS. I ask the Senator from Maryland to withdraw the motion, in order that I may move an executive session, so that nominations may be referred.

Mr. LODGE. Owing to confusion in the Chamber, I did not hear the statement of the Senator from Maryland.

Mr. GORMAN. It was only to let the bill go over until to-mor-

Mr. GORMAN. It was only to let the bill go over until to-mor-

row at 2 o'clock. Mr. LODGE.

Mr. LODGE. Was a motion made to adjourn?

The PRESIDENT pro tempore. A motion for an executive ession has been made by the Senator from Tennessee [Mr.

Mr. LODGE. On that I ask for the yeas and nays.

The PRESIDENT pro tempore. The Senator from Tennessee moves that the Senate proceed to the consideration of executive business, and on that question the yeas and nays are demanded.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. HANSPROUGH (when his name was soldd). Law paired

Mr. HANSBROUGH (when his name was called). I am paired with the Senator from Illinois [Mr. PALMER] and withhold my vote. Mr. McBRIDE (when his name was called). I again announce my general pair with the senior Senator from Mississippi [Mr. George]. If he were present, I should vote "nay."

Mr. PASCO (when his name was called). I announce the same transfer of my pair as before and vote "yee".

mr. SEWELL (when his name was called). I desire to announce my pair with the junior Senator from Wisconsin [Mr. MITCHELL].

Mr. TILLMAN (when his name was called). I am paired with the Senator from Nebraska [Mr. THURSTON], and in his absence withhold my vote.

withhold my vote.

The roll call was concluded.

Mr. BATE. I am paired with the Senator from Utah [Mr. BROWN]. I will transfer my pair to the Senator from South Carolina [Mr. IRBY], and vote "yea."

Mr. BACON (after having voted in the affirmative). I am paired with the junior Senator from Rhode Island [Mr. WETMORE].

As he is not present, I withdraw my vote.

Mr. BURROWS. I am paired with the senior Senator from Louisiana [Mr. CAFFERY].

Mr. COCKRELL. I am paired with the senior Senator from Iowa [Mr. ALLISON], who is necessarily absent. I do not know how he would vote if present.

The result was announced—yeas 27, nays 30, as follows:

	Y	EAS-27.	
Allen, Bate, Berry, Blackburn, Brice, Call, Daniel,	Dubois, Faulkner, Gibson, Gordon, Gorman, Harris, Jones, Ark.	Kyle, Martin, Mills, Morgan, Murphy, Pasco, Pugh,	Roach, Smith, Stewart, Turpie, Vest, Walthall.
	N	AYS-30.	
Aldrich, Baker, Butler, Cameron, Cannon, Carter, Chandler, Clark,	Davis, Elkins, Frye, Gallinger, Gear, Hill, Hoar, Lodge,	McMillan, Mantle, Mitchell, Oreg. Morrill, Nelson, Peffer, Perkins, Pettigrew,	Platt, Pritchard, Proctor, Quay, Sherman, Wolcott.
	NOT	VOTING-32.	
Allison, Bacon, Blanchard, Brown, Burrows, Caffery, Chilton, Cockrell,	Cullom, George, Gray, Hale, Hansbrough, Hawley, Irby, Jones, Nev.	Lindsay, McBride, Mitchell, Wis. Palmer, Sewell, Shoup, Squire, Teller,	Thurston, Tillman, Vilas, Voorhees, Warren, Wetmore, White, Wilson.

So the Senate refused to proceed to the consideration of execu-

tive business.

The PRESIDENT protempore. The Secretary will read the bill.

The bill was read.

The amendment reported by the Committee on Immigration was, in line 7, after the word "following," to strike out:

All male persons between 16 and 60 years of age who can not both read and write the English language or some other language. But no parent of a person now living in, or hereafter admitted to, this country shall be excluded because of his inability to read and write.

SEC. 2. That the provisions of the act of March 3, 1893, to facilitate the enforcement of the immigration and contract-labor laws, shall apply to the persons mentioned in section 1 of this act.

SEC. 3. That it shall be unlawful for any alien who resides or retains his home in a foreign country to enter the United States for the purpose of engaging in any mechanical trade or manual labor within the borders thereof while residing or retaining his home in a foreign country: Provided, That the Secretary of the Treasury may permit aliens to come into and enter this country for the purpose of teaching new arts or industries, under such rules and regulations as he may provide.

SEC. 4. That it shall be unlawful for any person, partnership, company, or corporation knowingly to employ in any mechanical trade or manual labor in the United States any alien who resides or retains his home in a foreign country: Provided, That the provisions of this act shall not apply to the employment of sailors, deck hands, or other employees of vessels of the United States, or railroad train hands, such as conductors, engineers, brakemen, firemen, or baggagemen, whose duties require them to pass over the frontier to reach the termini of their runs.

SEC. 5. That it shall be unlawful for any alien to enter the United States, except subjects of the Dominion of Canada and other American countries, except at the places where the United States maintain an immigrant inspection board.

SEC. 6. That any violation of the provisions of this act shall be deemed a misdemeanor, punishable by a fine not exceeding \$500 or by imprisonment, in the discretion of the court. That all persons convicted under section 8 of this act shall be deported to the country from whence they came.

And in lieu thereof to insert:

And in lieu thereof to insert:

And in lieu thereof to insert:

All persons over 14 years of age who can not read and write the language of their native country or some other language, except that an aged person not so able to read and write who is the parent or grandparent of an admissible immigrant may accompany or be sent for by such immigrant.

Second. For the purpose of testing the ability of the immigrant to read and write, as required by the foregoing section, the inspection officers shall be furnished with copies of the Constitution of the United States, printed on numbered uniform pasteboard slips, each containing five lines of said Constitution printed in the various languages of the immigrants in double small pica type. These slips shall be kept in boxes made for that purpose, and so constructed as to conceal the slips from view, each box to contain slips of but one language, and the immigrant may designate the language in which he prefers the test shall be made. Each immigrant shall be required to draw one of said slips from the box and read, and afterwards write out, in full view of the immigration officers, the five lines printed thereon. Each slip shall be returned to the box immediately after the test is finished, and the contents of the box shall be shaken up by an inspection officer before another drawing is made. No immigrant failing to read and write out the slip thus drawn by him shall be admitted, but he shall be returned to the country from which he came at the expense of the steamship or railroad company which brought him, as now provided by law. The inspection officers shall keep in each box at all times a full number of said printed pasteboard slips, and in the case of each excluded immigrant shall keep a certified memorandum of the number of the slip which the said immigrant falled to read or copy out in writing.

So as to make the bill read:

So as to make the bill read:

Be it enacted, etc., That section 1 of the act of March 3, 1891, in amendment of the immigration and contract labor acts, be, and hereby is, amended by adding to the classes of aliens thereby excluded from admission to the United States the following: All persons over 14 years of age who can not read and write the language of their native country or some other language, except that an aged person not so able to read and write who is the parent or grandparent of an admissible immigrant may accompany or be sent for by such immigrant.

Second. For the purpose of testing the ability of the immigrant to read and write, as required by the foregoing section, the inspection officers shall be furnished with copies of the Constitution of the United States, printed on numbered uniform pasteboard slips, each containing five lines of said Constitution printed in the various languages of the immigrants in double small pica type. These slips shall be kept in boxes made for that purpose and so constructed as to conceal the slips from view, each box to contain slips of but one language, and the immigrant may designate the language in which he prefers the test shall be made. Each immigrant shall be required to draw one of said slips from the box and read, and afterwards write out, in full view of the immigration officers, the five lines printed thereon. Each slip shall be returned to the box immediately after the test is finished, and the contents of the box shall be shaken up by an inspection officer before another drawing is made. No immigrant failing to read and write out the slip thus drawn by him shall be admitted, but he shall be returned to the country from which he came at the expense of the steamship or railroad company which brought him, as now provided by law. The inspection officers shall keep in each box at all times a full number of said printed pasteboard slips, and in the case of each excluded immigrant shall keep a certified memorandum of the number of the slip which the said immigr

Mr. LODGE. I desire to say, Mr. President, that the confusion in the Chamber was so great when the Senator from Maryland [Mr. Gorman] made his request that I did not hear what he said. I only heard the motion to adjourn, followed by the motion to go into executive session. I happen to be in charge of this bill, which has been now for a long time at the head of the Calendar, and I am very anxious to get a vote upon it with the least possible delay. I therefore felt it my duty to resist those motions. I have since understood that the Senator from Maryland made a personal request that the bill should go over for a day, as he desired to look at it; and of course to such a personal request I should not think of making objection. I therefore will yield very gladly for a motion to go into executive session.

Mr. HARRIS. I renew the motion that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After ten minutes spent in executive session the doors were reopened, and (at 2 o'clock and 30 minutes p. m.) the Senate adjourned until to-morrow, Thursday, December 10, 1896, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

Wednesday, December 9, 1896.

The House met at 12 o'clock m. Prayer by the Chaplain, Rev.

Henry N. Couden.

The Journal of the proceedings of yesterday was read and approved.

JOHN RYAN.

Mr. BRUMM. Mr. Speaker, I desire to offer the resolution which I send to the Clerk's desk.

The Clerk read as follows:

Resolved, That the Clerk of the House of Representatives be, and he is hereby, authorized and directed to pay, out of the contingent fund of the House of Representatives, to the widow of John Ryan, deceased, late a messenger on the soldiers' roll of the House of Representatives, who died August 10, 1896, a sum equal to his salary for six months and the expenses of his last illness and funeral, said expenses not to exceed the sum of \$250.

The SPEAKER. Does the gentleman desire the resolution referred to the Committee on Accounts?

Mr. BRUMM. I beg pardon, Mr. Ryan was on the soldiers' roll and died during the recess. This is the usual resolution. I desire to have it considered at the present time and passed.

Mr. ALDRICH of Illinois. Mr. Speaker, I was present, but did not hear the resolution. I would be very glad to have it again

reported.

The SPEAKER. The Clerk will again report the resolution.

The resolution was again reported.

Mr. ALDRICH of Illinois. Mr. Speaker, I think that resolution had better take the usual course. There are similar resolutions constantly coming before the committee.

Mr. BRUMM. The usual course is to pass the resolution by

mn. Bit Min. The distal course is to pass the resolution by unanimous consent.

Mr. WILLIAM A. STONE. Was this person a member of what is called the "soldiers' roll?"

Mr. BRUMM. Yes, sir.

Mr. ALDRICH of Illinois. I do not think it has been the usual course, certainly not in my time, to have these resolutions passed without reference to the Committee on Accounts.

Mr. BRUMM. All right, then, if you object.

The SPEAKER. The resolution will be referred to the Com-

mittee on Accounts.

MRS. MARY GOULD CARR.

Mr. POOLE, Mr. Speaker, I present a conference report, for immediate consideration.

The report of the committee of conference was read, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill H. B. 4354, "An act granting a pension to Mrs. Mary Gould Carr, widow of the late Brig. and Bvt. Maj. Gen. Joseph B. Carr," having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate, and agree to the same.

THEODORE L. POOLE,
W. S. KERR,
GEORGE B. MCCLELLAN,
Managers on the part of the House,
J. H. GALLINGER,
FRANK J. CANNON,
Managers on the part of the Senate.

Mr. McMILLIN. Let us have the bill read, so as to see what change is involved.

Mr. DOCKERY. I would rather have the statement of the

conferee The SPEAKER. Without objection, the bill can be read. The statement of the House conferees was read, as follows:

statement of House conferees to accompany conference report on House

bill No. 4354.

The House conferees recede from the disagreement to the Senate amendment and agree to the same. The effect of the amendment is to grant a pension of \$75 instead of \$50.

THEODORE L. POOLE. W. S. KERR. GEO. B. MCCLELLAN.

The bill was read, as follows;

A bill (H. R. 4354) granting a pension to Mrs. Mary Gould Carr, widow of the late Brig. and Byt. Maj. Gen. Joseph B. Carr, United States Volunteers, deceased.

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll the name of Mrs. Mary Gould Carr, widow of the late Brig. and Byt. Maj. Gep. Joseph B. Carr, United States Volunteers, deceased, at the rate of \$50 per month.

Mr. HOPKINS. Mr. Speaker, how does that come before the House at this time?

The SPEAKER. It comes before the House on a report of a conference committee

Mr. HOPKINS. And do the conferees report the substitution of \$75 for \$50?
Mr. POOLE. The conferees agreed to the Senate amendment, which makes it \$75 a month.

Noonan, Northway,

Quigg,

Smith, Ill.

Sulzer,

Mr. HOPKINS. Well, Mr. Speaker, that is a matter that I think ought to be discussed. In the House I was in the Committee of the Whole when that matter was up, and after a full and fair discussion it was the sense of the House that \$50 a month was suffi-

The SPEAKER. This is a conference report now before the House, and the gentleman from New York has the floor.

Mr. McMILLIN. I wish to ask the gentleman a question, with

Mr. McMILLIN. Twish to ask the gentleman a question, with his permission.

The SPEAKER. Does the gentleman from New York yield to the gentleman from Tennessee?

Mr. POOLE. I do.

Mr. McMILLIN. Was the soldier in the service of the Government at the time of his death?

Mr. POOLE. He was not in the service at the time of his

Mr. POOLE. He was not in the service at the time of his death.

Mr. McMILLIN. How long had he been out of the service? Mr. POOLE. He had been out of the service about twenty

Mr. McMILLIN. Did he die of injuries received in the service?
Mr. POOLE. It is very doubtful as to whether the cause of his death was the result of his service in the Army.
Mr. McMILLIN. Was he a pensioner at the time of his death?

He was. Mr. POOLE.

Mr. POOLE. He was.
Mr. McMILLIN. At what rate?
Mr. POOLE. Thirty dollars a month.
Mr. McMILLIN. Then it is proposed to give more than twice
as much to his widow as he drew.
Mr. POOLE. That is the fact.
Mr. McMILLIN. The House bill proposed \$50, the Senate amendment increases it to \$75, and the House, pursuing the course that it

always does in these cases, yielded from the struggle.

Mr. WILLIAM A. STONE. Let us have the reason.

Mr. POOLE. This bill originally passed the House committee unanimously at \$75 a month, but it passed the House at \$50 a month. In the Senate it was amended and the amount was made • month. In the Senate it was amended and the amount was made \$75 a month. The case of Mrs. Carr is a very peculiar one. General Carr was one of the best soldiers in the Army. He served with great gallantry from the commencement of the war to the close. His wife was with him in all the campaigns. She acted as volunteer nurse in the hospital of the Second Corps. General Carr commanded not only a brigade, but at times a division. He was a good soldier and did as good service as any man from New York or from any other State. He was wounded in several engagements and was entitled to a pension, but for years did not ask for it. Later, when he had become old and broken down in health, he did apply for a pension, and he then received the highest amount that could be granted him by the office under the law, which was \$30 a month.

month.

Mr. HOPKINS. Did this officer leave the military service to go into the civil service?

Mr. POOLE. He was not in the Regular Army. He was a volunteer soldier and was mustered out of the service at the close of the war, and continued in civil life until his death. He was at time secretary of state of the State of New York. His wife is now old and broken down, and she has a permanently helpless daughter to support, with no income except what she receives by

daughter to support, with no income except what she receives by way of pension.

I move the previous question.

The previous question was ordered.

The question being taken on agreeing to the conference report, the Speaker declared that the ayes seemed to have it.

Mr. CROWTHER. I ask for a division.

The House divided; and there were—ayes 91, noes 43.

Mr. CLARK of Missouri. I ask for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 148, nays 89, not voting 117: as follows:

voting 117; as follows:

	X.	SAS-148.	
Acheson, Aldrich, T. H. Aldrich, Ill. Arnold, Pa. Arnold, R. I. Avery, Babcock, Barham, Barney, Bartholdt, Belknap, Bennett, Black, N. Y. Bowers, Brewster, Bromwell, Brosius, Brumm, Bull, Burrell, Burrell, Burrell, Burrell, Burton, Ohio	Cook, Wis. Cooke, III. Cooper, Wis. Corliss, Cousins. Curtis, Kans. Curtis, N. Y. Dalzell, Daniels, Dayton, De Witt, Dovener, Draper, Faris, Fenton, Fischer, Fitzgerald, Fletcher, Foote, Foss, Gardner,	Griswold, Grout, Grow, Halterman, Hardy, Harmer, Heatwole, Henderson, Henry, Conn. Hepburn, Hill, Hitt, Hooker, Howard, Hower, Howel, Huling, Hunter, Jenkins, Johnson, Cal.	Kerr, Kiefer, Kirkpatrick, Knax, Layton, Lefever, Leisenring, Leonard, Lorimer, Loudenslager, Low, McCall, Mass. McClellan, McCormick, Mercer, Meredith, Miller, Kans. Milliken, Minor, Wis. Mitchell,
Burton, Ohio Calderhead, Chickering, Clark, Iowa		Johnson, Cal. Johnson, Ind. Johnson, N. Dak. Joy,	Mitchell, Moody, Mozley, Murphy,

Northway,	Ray,	Snover,	Taft,
Odell,	Reeves,	Southard, .	Tawney,
Otjen,	Reyburn,	Sperry,	Tayler,
Parker,	Rinaker,	Stahle,	Thomas,
Payne, Pearson,	Robinson, Pa.	Steele,	Towne,
Perkins,	Russell, Conn.	Stephenson,	Van Horn,
Phillips,	Sauerhering,	Stewart, N. J.	Van Voorhis
Pickler,	Scranton, Settle,	Stone, C. W. Stone, W. A. Strode, Nebr.	Walker, Mas
Poole,	Shannon,	Strode Nobe	Wellington, Wilson, N. Y.
Powers,	Sherman,	Strong	Woomer,
Pugh,	Simpkins,	Strong, Sulloway,	Wright.
- "8",			Wilder.
		AYS-89.	
Abbott,	Crowley,	Linney,	Shafroth,
Adams, Aldrich, W. F.	Crowther,	Little,	Shaw,
	Culberson,	Livingston,	Shuford,
Allen, Utah	De Armond,	Loud, Maddox,	Skinner,
Bailey, Baker, N. H.	Denny, Dockery,	McCulloch,	Stokes, Strait,
Bankhead,	Erdman,	McDearmon,	Strowd, N. (
Bartlett, Ga.	Evans,	McEwan,	Talbert,
Bell Colo	Gillett, Mass.	McLaurin	Tate,
Bell, Colo. Bell, Tex.	Hager.	McLaurin, McMillin,	Terry,
Berry,	Hager, Hall,	McRae,	Tracewell.
Bishop,	Hart,	Miles,	Tracev.
Black, Ga.	Hemenway,	Milnes,	Treloar.
Blue,	Henry, Ind.	Money,	Treloar, Turner, Ga. Turner, Va.
Broderick,	Hopkins,	Morse,	Turner, Va.
Buck,	Hubbard,	Neill.	Updegran,
Burton, Mo.	Hulick,	Otey,	Williams,
Clardy, Clark, Mo.	Hull,	Overstreet,	Wilson, S. C.
Clark, Mo.	Hutcheson,	Owens,	Wood,
Cobb.	Kyle,	Pendleton,	Woodard.
Codding, Cooper, Tex.	Lawson,	Raney, Richardson,	
Cooper, Tex.	Leighty,	Richardson,	
Cox,	Lester,	Sayers,	
Total Marie Control		OTING-117.	a was burn
Aitken,	Doolittle,	Latimer,	Smith, Mich.
Allen, Miss.	Eddy,	Lewis,	Sorg, Southwick,
Anderson,	Ellett,	Linton,	Southwick,
Andrews,	Ellis,	Long, Maguire, Mahany,	spaining,
Apsley, Atwood,	Fairchild,	maguire,	Sparkman,
Atwood,	Fowler,	Manany,	Spencer, Stallings, Stewart, Wi
Baker, Kans.	Gamble,	Mahon, Marsh,	Stammys, W.
Baker, Md. Barrett,	Goodwyn, Graff,	Moutin	Swanson,
Bartlett, N. Y.	Grosvenor,	Martin, McCall, Tenn.	Thorp,
Beach,	Hadley	McCleary, Minn.	Tucker,
Bingham,	Hadley, Hainer, Nebr.	McClure,	Tyler,
Boutelle,	Hanly,	McCreary, Ky.	Wadsworth,
Brown,	Harris,	McLachlan,	Walker, Va.
Cannon,	Harrison,		Wanger,
Catchings.	Hartman,	Meiklejohn, Meyer, Miner, N. Y. Mondell	Warner.
Clarke, Ala.	Hatch,	Miner, N. Y.	Washington,
Cockrell,	Heiner, Pa.		Washington, Watson, Ind.
Coffin,	Hendrick,	Moses,	Watson, Ohi
Colson,	Hermann,	Murray,	Wheeler,
Connolly, Cooper, Fla.	Hicks,	Newlands,	White,
Cooper, Fla.	Huff,	Ogden,	Wilber,
Cowen,	Hurley,	Patterson,	Willis,
Crump,	Hyde,	Pitney,	Wilson, Idah Wilson, Ohio
Cummings,	Jones,	Price,	Wilson, Onio
Curtis, Iowa	Kem,	Prince, Robertson, La.	Woodman,
Danford,	Kendall,	Poveo	Yoakum.
Dingley,	Kleberg, Kulp,	Royse,	
Dinsmore, Dolliver,	Lacey,	Rusk, Russell, Ga.	
	ng pairs were an	nounced:	
Until further	r notice:		
Mr. DANFOR	TH with Mr. Co	WEN.	

Mr. Danforth with Mr. Cowen.
Mr. Hainer of Nebraska with Mr. Kleberg.
Mr. Royse with Mr. Robertson of Louisiana.
Mr. Wilber with Mr. Stallings.
Mr. Gamble with Mr. Price.
For this day:

Mr. Andrews with Mr. DINSMORE. Mr. GROSVENOR with Mr. MINER of New York.

Mr. Baker of Maryland with Mr. Ogden.
Mr. Kulp with Mr. Russell of Georgia.
Mr. McCall of Massachusetts with Mr. Moses.
Mr. Bingham with Mr. Cooper of Florida.
Mr. Hurley with Mr. Hendrick.

Mr. Smith of Michigan with Mr. Sorg.

Mr. Wadsworth with Mr. Sparkman. Mr. Hermann with Mr. McCreary of Kentucky. Mr. McClure with Mr. Yoakum.

WIDOW OF GEN. JOHN HOUGH.

Mr. WOOD. Mr. Speaker, I present a conference report.

Mr. WOOD. Mr. Speaker, I present a conference report.

The conference report was read, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 2604) "To increase the pension of Caroline A. Hough, widow of Brig. Gen. John Hough," having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate, and agree to the same.

BENSON WOOD,

BENSON WOOD,
C. A. SULLOWAY,
WM. BAKER,
Conferes on the part of the House.
J. H. GALLINGER,
WM. VILAS,
FRANK J. CANNON,
Conferes on the part of the Senata.

The statement of the managers on the part of the House was read, as follows:

read, as follows:

The managers on the part of the House of the conference on the disagreeing votes of the two Houses on a certain amendment of the Senate to the bill (H. R. 2901) to increase the pension of Caroline A. Hough, widow of Brig. Gen. John Hough, submit the following written statement in explanation of the accompanying conference report, namely:

On the amendment of the Senate the pension proposed to the claimant is increased from \$30 per month, as the bill passed the House, to \$50 per month. The managers on the part of the House have recommended that the House reason that the beneficiary is in feeble health, is 60 years of age, and without means except a pension of \$17 per month, which is entirely unsufficient for her support. Her husband has a record of most honorable service, and the rate of \$50 per month has been almost uniformly adopted by the Congress in cases of the widows of officers of like rank and like honorable service.

BENSON WOOD,
C. A. SULLOWAY,
WM. BAKER,
Managers on the part of the House,

Mr. WOOD. Mr. Speaker, I move that the conference report be agreed to.

Mr. LOUD. Will the gentleman permit a question or two be-

Mr. LOUD. With the gentleman permit a question of the fore the report is voted upon?

Mr. WOOD. Certainly.

Mr. LOUD. I would like to ask the gentleman to state, if he can, of his own knowledge, whether the House has been able to secure any recession by the Senate from the position they have taken in any of these pension cases.

Mr. WOOD. I will state to the gentleman from California that this is the only conference committee upon which I have served, but the Record will answer his question. I can not answer it.

Mr. LOUD. Now, Mr. Speaker, there is another point that I would like to bring to the gentleman's attention. In the statement which has been submitted the House conferees have assumed to review the position taken by the House and to give reasons of their own why they have recommended agreeing to the Senate amendment. It is hardly proper, in my opinion, for a conference committee to review the merits of the case and present opinions of their own as reasons why the House should accede to the demands of the Senate. I think that the same course has been pursued in this case that has been pursued in every case that has so far been presented to the House. The House, for instance, passes a bill granting a pension of \$30 a month, the Senate increases the amount to \$50 or \$75 a month, and, with all due respect to our conference committees in these cases, it seems to me that they have exercised great diligence inendeavoring to give way to the will of the Senate. [Laughter.] I think, Mr. Speaker, that in future our conferees ought to try to maintain the dignity of the House. If we are right in passing a bill giving a pension of \$30 a month, then when the Senate disagrees and a conference is ordered our conference committees should at least make an attempt to maintain the dignity of this body, and I trust they will do so. I hope also that hereafter no conference committee appointed by the House will undertake to present views of their own as a reason why the House should change its position as to any particular case.

Mr. WOOD. Mr. Speaker, I understand that the remarks of the gentleman from California are addressed rather to the future action of this House than to its action on the present case. All there is about this bill is that it makes provision for the widow of a soldier who was wounded in the service. The record of his of the Senate. I think that the same course has been pursued in this

a soldier who was wounded in the service. The record of his service shows a participation in some twenty-odd battles. When his service ended he was chief of staff of an army corps. He enlisted originally as a private soldier, and was wounded as a private soldier. He was pensioned for wounds received in battle. From those wounds he died. His widow received the pension of his rank, which was \$17 per month. That pension is insufficient for her to live upon. Quite an effort was made in the committee to increase this pension to \$50; but the bill was finally reported at \$30, and in that form passed the House without any opposition. I do not know that it would be proper to state what occurred in the conference committee; but it ought to be assumed that the managers on the part of the House made at least an honest effort to compromise the differences between the two Houses. They service shows a participation in some twenty-odd battles. * When to compromise the differences between the two Houses. They have reported the bill in its present form, and in view of what has happened this morning, as well as heretofore, I think the report ought to be concurred in.

Mr. McMILLIN. Will the gentleman permit a question?

Mr. McMILLIN. Will the gentleman permit a question?
Mr. WOOD. Certainly.
Mr. McMILLIN. The gentleman says there was an effort to put this bill through at \$50 when it was pending in committee or in the House; that that effort failed; that the committee and the House concurred in cutting down the amount of the pension to \$30; that when the bill went to the Senate the amount was raised, as the record shows, to \$50. Now, what I would like to know is this: What new fact or what new condition of affairs was developed in conference which can be presented to the House as a reason why the action of the House should be reversed and that of the Senate concurred in?

Mr. WOOD. Not necessarily anything new.
Mr. McMILLIN. Nothing whatever?

Mr. WOOD. I think sometimes it may be entirely proper for a conference committee to recommend receding without the devel-

opment of any new facts.

Mr. McMILLIN. Without any new facts?

Mr. WOOD. I think so.

Mr. McMILLIN. Then it appears that in this case the committee of conference comes back and asks the House to recede without any new facts. If that is the case the House quelt to know it, and

any new facts. If that is the case the House ought to know it, and I simply wished to elicit that state of the case.

Mr. WOOD. The House never passed this bill at \$50 per month. The bill was not cut down by the House from \$50 to \$30.

Mr. McMILLIN. I did not so state. I said the gentleman had stated that there was an effort in committee to get the bill in that form: that the the House concentration of the committee to the bill in that form; that then the House concurred in the action of the commit-tee. But I thought that if any facts had been developed by the committee of conference showing that the House had erred in its action those facts ought to be before the House. Otherwise it is presumable the House ought not to be asked to change its former

action.

Mr. WOOD. I presume, then, on the theory of the gentleman from Tennessee, both Houses should adhere to their action; and the result would be that a conference committee would be entirely seless. [Cries of "Vote!" "Vote!"]
The SPEAKER. The question is on agreeing to the report of

the committee of conference.

The report was agreed to.
On motion of Mr. WOOD, a motion to reconsider the last vote was laid on the table.

PRINTING OF DIGEST AND MANUAL.

Mr. PERKINS submitted the following resolution; which was read, considered, and adopted:

Resolved, That there be printed 2,600 copies of the Digest and Manual of the Rules and Practice of the House of Representatives for the second session of the Fifty-fourth Congress, the same to be bound and distributed under direction of the Speaker and Clerk of the House.

ORDER OF BUSINESS.

The SPEAKER. There being no unfinished business, the call of committees will be resumed. At the conclusion of this order of business yesterday the gentleman from Iowa [Mr. Lacey], representing the Committee on the Public Lands, had the floor.

GRANTING OF LANDS TO UNIVERSITY OF UTAH.

Mr. LACEY. I call up the bill (S. 2047) extending the time within which the University of Utah shall occupy lands heretofore granted to it.

The bill was read, as follows:

Be it enacted, etc., That the time within which the University of Utah shall occupy the lands granted to it by act of July 23, 1894, is hereby extended from five years to ten years thereafter; and the said act is so amended that instead of five years it shall read ten years.

Mr. LACEY. The report, which is very brief, will explain the purpose of this bill. I ask that it be read.

The report (by Mr. Allen of Utah) was read, as follows:

The report (by Mr. Allen of Utah) was read, as follows:

The Committee on the Public Lands, to whom was referred the bill (S. 2047) entitled "An act to extend the time within which the University of Utah shall occupy lands heretofore granted to it," beg leave to submit the following report, and recommend that said bill do pass without amendment:

This is a bill enacting that the time within which the University of Utah shall occupy certain lands granted to it by the act of July 23, 1894, shall be extended from five to ten years from the passage of said act of 1894.

Said act provides that the University of Utah shall occupy the lands thereby granted within five years. It appears to this committee that the university has not been able to meet the said condition of the grant, and probably will not be able to occupy these lands within the said five years.

The occupancy of these lands by the university involves a large outlay for buildings. At present the university is occupying buildings erected therefor by the State within the city of Salt Lake. The depression in business affairs, which commonly prevails, has made it impossible to sell the present site and buildings. With the new burdens imposed by admission to the Union, the State of Utah finds itself unable to proceed at once to build upon the lands given to the university by the United States. The lands which were granted to the State of Utah for university purposes by the enabling act for said State are not yet available and under the conditions which exist can not be for some time yet.

Mr. LACEY. I call for a vote.

Mr. LACEY. I call for a vote.

The question being taken, the bill was ordered to a third reading, read the third time, and passed.

On motion of Mr. LACEY, a motion to reconsider the last vote was laid on the table.

INDIAN TRAINING SCHOOL AT FORT BIDWELL.

Mr. LACEY. I now call up the joint resolution (H. Res. 152) to authorize the Secretary of the Interior to use Fort Bidwell for an Indian training school.

The joint resolution was read, as follows:

Resolved by the Senate and House of Representatives, etc., That Fort Bidwell, an abandoned military reservation, in Modoc County, Cal., together with all the lands, buildings, water system, and improvements thereon be, and the same is hereby, turned over to the Secretary of the Interior, to be used for the purposes of an Indian training school.

The amendments reported by the committee were read, as

Strike out the words "be, and the same is hereby," in lines 6 and 7, and insert in lieu thereof the words "having been." Also in line 6, after the word "the," strike out the word "Secretary" and insert "Department;" and after the word "Interior," in line 6, insert "the Secretary of the Interior is hereby authorized and empowered to use the same."

Mr. LACEY. Mr. Speaker— Mr. DINGLEY. One moment. This is a bill which can hardly come up during this hour. It should be on the Calendar of the Committee of the Whole, because it involves, of course, more or less expenditure.

Mr. LACEY. Not at all.
Mr. DINGLEY. Inevitably it does before we get through with it. I prefer the bill should not be considered during this hour, which is designed for business of another class.
Mr. LACEY Mr. Speaker this bill in the constant of the constant of the class.

Mr. LACEY. Mr. Speaker, this bill is on the House Calendar, This is an abandoned military reservation which was turned over to the Department of the Interior to be sold. The Commissioner of Indian Affairs requested that there should be some delay made in selling the buildings, for the reason that there was need, in his judgment, for an Indian training school at that point. quently the Secretary of the Interior made an order postponing

quently the Secretary of the Interior made an order postponing the sale of the reservation until the matter could be considered by Congress. They have requested that Congress give them authority to use the buildings for the purpose contemplated.

This joint resolution does not require them to be so used, but simply confers the authority on the Department for that purpose if, in its judgment, such course shall be desirable. The question of the appropriation for the support of the school, if raised at all, will be raised at another time and be of course considered by the Indian Committee hereafter. This simply, as I have said, confers the authority to delay the execution of the order of the Department for a time: that is to say, to saye the buildings and Department for a time; that is to say, to save the buildings and not allow them to be torn down and destroyed. But if the Interior Department deems it necessary, they have the privilege of using them for the purpose of a training school. That is all there is in it. The matter has been requested both by the Commissioner of Indian Affairs and the Secretary of the Interior.

The SPEAKER. Does the gentleman from Maine insist upon his point of order?

his point of order?

Mr. DINGLEY. On the statement of the gentleman from Iowa I will withdraw the objection.

Mr. CURTIS of Kansas. I would like to ask the gentleman from Iowa aquestion: How many Indians are there in the vicinity

of this proposed reservation?

Mr. LACEY. I am informed that there are from 1,200 to 1,500 Indians in the immediate vicinity of this reservation.

But I yield to the gentleman from California [Mr. BARHAM], who is thoroughly conversant with the matter, and can answer in detail any question that may be asked in reference to it.

Mr. PICKLER. Mr. Speaker, I would like to inquire of the gentleman just what is meant by an Indian "training" school. What kind of a school is it designed to be? We have already boarding and day schools for the Indians, but as far as I know we

have no training schools.

Mr. BARHAM. There are twelve or fifteen hundred Indians in the immediate neighborhood of this Fort Bidwell. It is situated in the northeastern portion of the State of California, some 200 or 300 miles from the terminus of any railroad, and contains 3,600 acres of land, 640 of which is timber land. If the property is sold it would bring substantially nothing.

They belong to the Now, these Indians are not self-sustaining. Pi-Ute or Modoc tribe, and are roaming throughout the country we never having been able to hold them on any reservation up to

this time.

This matter affects three States-Nevada, Oregon, and Califor-This matter affects three States—Nevada, Oregon, and California—and it is urgently requested by the citizens of that section of the country and urgently presented to the House by the Commissioner of Indian Affairs and the Secretary of the Interior. This land is valueless unless it can be put to some such purpose as this. Mr. CURTIS of Kansas. Permit me to ask if the gentleman has in his possession this request of the Commissioner of Indian Affairs and the Secretary of the Interior; or are they embodied in the report?

Mr. BARHAM. Oh, yes; they are published in the report.
Mr. PICKLER. Has the gentleman the letter of the Department bearing upon this question?

ment bearing upon this question?

Mr. BARHAM. Oh, yes; it is in the report.

Mr. CURTIS of Kansas. I would like to have the report read, if the gentleman will permit it.

Mr. BARHAM. Certainly. I think if the report is read it will satisfy everybody in reference to the matter. I ask for the reading of the report.

The report (by Mr. Stephenson) was read, as follows:

The Committee on the Public Lands, to whom was referred the joint resolution (H. Res. 152) authorizing the Secretary of the Interior to use Fort Bid-

well for an Indian training school, beg leave to submit the following report, and recommend that said resolution do pass with amendments as below indi-

and recommend that said resolution do pass with amendments cated:

After careful consideration of this resolution, your committee would recommend the following amendments:

Strike out the words "be, and the same is hereby," in lines 6 and 7, and insert in lieu thereof the words "having been." Also in line 6, after the word "the," strike out the word "Secretary" and insert "Department," and after the word "Interior," in line 6, insert "the Secretary of the Interior is hereby authorized and empowered to use the same."

This resolution has been referred to the Commissioner of Indian Affairs, whose communication and report to Mr. Barham, dated April 2, 1896, is hereto attached and made part of this report:

whose communication and report to Mr. Barham, dated April 2, 1893, is hereto attached and made part of this report:

DEPARTMENT OF THE INTERIOR,

OFFICE OF INDIAN AFFAIRS,

Washington, April 2, 1896.

SIR: I have the honor to acknowledge the receipt of your communication of the 6th ultimo, in which you refer to the desire of this office to establish an Indian training school upon the abandoned military reservation at Fort Bidwell, Cal., for the Indians of that vicinity, who are entirely without school facilities and in great need thereof, and state that you have examined the law on the question of whether or not this Department can use the same for the desired purposes, and are of the opinion that further action of Congress will be necessary therefor; that you intend to do all you can to have established at the said abandoned post a Government training school as above indicated, and would therefore ask that this office give the matter careful consideration and report thereon for the consideration of Congress.

In reply you are informed that under date of March 5, 1896, this office made inquiry of the Commissioner of the General Land Office as to the present status of the said reservation—asking what, if any, improvements or buildings had been sold or otherwise disposed of, and whether or not there was any way in which the said buildings and lands could be used for Government Indian school purposes above indicated.

I am now in receipt of the desired information from the General Land Office, being a report from the Assistant Commissioner of that office, dated March 28, 1896, which reads as follows:

"In reply I have to state that the Fort Bidwell Post Reservation was established by Executive order of October 19, 1866; enlarged and connected with the public survey October 4, 1870. The estimated area is 3,678.19 acres. A wood reservation was relinquished and placed under the control of the Interior Department for disposal under the act of July 5, 1884 (23 Stat. L., 108). The remainder of the reservation was relinq

1884.

"After the transfer of that portion in section 8, it was reported to this office that there were six structures thereon," presumed to be private property, but on November 17, 1893, the War Department transmitted to this office a schedule showing that there are forty buildings on the reservation; that their condition is good, and their value \$13,575, exclusive of fences, waterworks, sewerage, etc.

"This office has not yet had occasion to make further inquiry in regard to the ownership of the buildings, but presumes that they belong to the Government.

This office has not yet had occasion to make further inquiry in regard to the ownership of the buildings, but presumes that they belong to the Government.

"No steps have yet been taken looking to the disposal either of the land or buildings, but the general appraiser of abandoned military reservations, now in New Mexico, will probably reach California in the near future, when the buildings on this reservation, and so much of the land as is surveyed, will be appraised with a view to the disposal thereof under the said act of July 5, 1884, unless other disposition thereof is authorized.

"This office knows of no reason why action should not be postponed by the Secretary to allow time for legislative action with a view to the establishment of the desired reservation, provided such action is deemed necessary."

Further, in this connection, this office is in receipt of H. Res. 152, being the joint resolution introduced in the House of Representatives by you under date of March 27, 1896, authorizing the Secretary of the Interior to use Fort Bidwell for an Indian training school. This joint resolution meets the hearty approval of this office, and I have therefore this day reported upon the matter to the honorable Secretary of the Interior, so stating, and recommending that Congress be urged to give the same favorable action.

Very respectfully,

D. M. BROWNING, Commissioner.

D. M. BROWNING, Commissioner.

Hon. J. A. BARHAM, House of Representatives.

Mr. PICKLER. I would like to know whether there is any information in possession of the committee as to the number of children to be educated. Have not they an Indian school there

Mr. LACEY. They have not.
Mr. PICKLER. If there was any necessity for this matter—
Mr. LACEY. Of course I assume that there is necessity for it, or else these requests would hardly have come from the Depart-

Mr. PICKLER. This opens up another Indian school, as the

Mr. LACEY. Not at all, unless the Indian Committee shall

recommend it.

Mr. PICKLER. What have they been doing for school facilities heretofore?

Mr. LACEY. Doing without, as far as this particular scheme

Mr. RICHARDSON. I would like to ask the gentleman from Iowa a question with his permission—that is, whether the bill in any way changes the title of this property?

Mr. LACEY. Not at all. It is now in the United States, and

the control is in the Secretary of the Interior. There is no change

in the title.

Mr. RICHARDSON. None at all?

Mr. LACEY. None whatever. I ask a vote upon the amendments.

The amendments recommended by the committee were agreed to, and the joint resolution as amended was ordered to be engrossed.

and read a third time; and it was accordingly read the third time, and passed.

On motion of Mr. LACEY, a motion to reconsider the last vote was laid on the table.

CONFIRMATION OF CASH ENTRIES OF PUBLIC LANDS.

Mr. LACEY. Mr. Speaker, I call up the bill (H. R. 8413) to confirm certain cash entries of public lands. Its number is 167 on the House Calendar.

The bill was read, as follows:

Be it enacted, etc., That all entries of the public lands made under the provisions of the act entitled "An act to graduate and reduce the price of the public lands to actual settlers and cultivators," approved August 4, 1854, which are illegal and invalid because of the fact that the lands covered thereby had never been offered for sale, be, and the same are hereby, confirmed, if, upon examination by the Commissioner of the General Land Office, the same are found to be otherwise regular and in compliance with said act and the acts supplemental thereto.

Sec. 2. That all acts or parts of acts in conflict herewith are hereby repealed.

Mr. RICHARDSON. Mr. Speaker, I desire to reserve the point of order against the calling up of this bill in this hour. It seems to be obnoxious to the rule.

Mr. LACEY. I hope my friend will not press the point of order until he hears an explanation of the bill.

The SPEAKER pro tempore (Mr. SHERMAN). The point of order is reserved.

Mr. LACEY. I now yield to my colleague [Mr. McRAE], who

will explain the bill.

Mr. RICHARDSON. The point of order which I desire to reserve is that the bill should be on the Union Calendar, instead of on the House Calendar.

Mr. McRAE. Mr. Speaker, the object of this bill is stated in

Under the graduation act of 1854, which provided for a reduction in the price of public lands to those who actually cultivated and settled upon them, these lands were entered; but the payand settled upon them, these lands were entered; but the payments in some cases were not made technically in accordance with the statute. A few entries were permitted. Those of you who are familiar with the graduation act will remember that the price was graduated according to the length of time between the date of the public offering and the entry. In that way some confusion arose. The purpose of this bill is to quiet the title to a number of public land entries that are now in the hands of actual settlers, which lands have been paid for and occupied, and transferred a number of times. Unless they are passed to patent there will be confusion, trouble, and litigation.

That is the whole purpose of the bill, and I hope there will be no delay about it. The land officers ask for it, and the committee think the bill should pass.

think the bill should pass.

Mr. RICHARDSON. I withdraw the point of order, so far as

A am concerned.

Mr. LACEY. I will add to what my colleague has stated that this bill will apply only to some lands in Arkansas. The draft of the bill was made by the Commissioner of the General Land Office in order to enable him to adjust these particular titles.

Mr. PICKLER. Does the bill state that?
Mr. LACEY. The bill is general in its character, but the actual application of it will reach only the lands to which I have referred.
The Commissioner says:

This will include the entries made in Arkansas south of the old Louisiana boundary line and north of the new one authorized by act of May 19, 1828 (4 Stat. L., 276).

Only a small region of country will be affected by this bill. The bill was ordered to be engrossed and read a third time; and

it was accordingly read the third time, and passed.
On motion of Mr. LACEY, a motion to reconsider the last vote was laid on the table.

PROTECTION AGAINST FOREST FIRES.

Mr. LACEY. I next call up the bill (H. R. 9124) to protect the forests on the public domain from destruction by fire. The bill was read, as follows:

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior is hereby authorized to cause to be surveyed or plainly marked ways, about 1,000 feet in width, through the forests on the public domain which are liable to destruction by fire, at intervals of from 5 to 10 miles apart, in such directions as, when cleared, may be deemed most effective to prevent the spreading of fire.

Sec. 2. That the timber contained in such ways may be offered for sale at public auction in parcels, with the condition that the purchaser shall clear the entire width of that part of the way the timber on which is purchased by him. As to those parts of the ways which can not be so cleared bids may be asked for the clearing of the same in parcels and as many of the same accepted as may be deemed expedient.

Sec. 3. That such purchaser or contractor shall enter into contract to perform the work as required in the specifications for his bid, and shall give bond for the faithful performance of his contract in such sum as may be determined by the Secretary of the Interior or by any person designated by him.

Mr. LACEV I yield to the gentleman from Colorado [Mr.

Mr. LACEY. I yield to the gentleman from Colorado [Mr. SHAFROTH]

Mr. SHAFROTH. Mr. Speaker, the forest fires which occur in the Western country are a source of great danger. The forests

become ignited, and the fire sweeps for miles and miles, often destroying as much as a hundred square miles of timber, and the loss to the Government and to the inhabitants who live in the country is very great. There is no perfect way of stopping these fires without great expense to the Government, which of course can not be contemplated at the present time. The bill which I originally drew went a great deal further than the bill which is now before the House. I wanted an express mandate to the Secretary of the Interior to cause these ways to be cut, but the committee thought that it was not wise to require that at present. The cutting of these ways for the purpose of stopping fire is somewhat experimental, and for that reason the committee thought that the bill should be modified so as to leave it to the discretion of the Secretary of the Interior to determine when and where these ways should be cleared. become ignited, and the fire sweeps for miles and miles, often these ways should be cleared.

I know of no way by which the spread of these fires can be I know of no way by which the spread of these fires can be stopped except by clearing these ways. At present when a fire occurs the inhabitants who live in the vicinity gather together and try to concentrate upon one point and cut the timber down to stop the fire. They seldom succeed in doing it. They can not cut enough timber. The ways which they cut are too narrow, and consequently the fire keeps on until it reaches a barren place, or until there is a change in the wind. If the wind changes, then they can fight the fire, or if it comes to a barren place it will, of course, die out. If these ways are cut at intervals of 5 or 10 miles, we shall have the satisfaction of knowing that the fire will not burn beyond those points. At least the inhabitants in that part of the country can concentrate their efforts there and make a successful fight against the further spread of the fire. Inasmuch a successful fight against the further spread of the fire. Inasmuch a successful fight against the further spread of the fire. Inasmuch as this bill does not involve any appropriation, inasmuch as its execution is clearly discretionary with the Secretary of the Interior, inasmuch as it is contemplated that these ways that are to be cut will pay for their own clearing, I can see no objection to the passage of the bill. The timber is worth as much as the cost of clearing. The bill provides that the timber may be offered for sale at public auction, with the condition that the purchaser shall clear the entire width of the way.

Mr. HERMANN. I will ask the gentleman to yield to me for a moment.

Mr. SHAFROTH. Certainly.

Mr. HERMANN. I did not have the good fortune to be able to Mr. HERMANN. I did not have the good fortune to be able to hear the reading of the bill, and therefore I will trouble my friend to answer a question. As I understand it, no expense is entailed upon the Government of the United States in the cutting of these

Mr. SHAFROTH. No: not under the present bill. In a former bill I desired that, but it is not the provision of this bill.
Mr. HERMANN. Is there any maximum limit as to the width

of these ways?

Mr. SHAFROTH. They are to be about 1,000 feet in width. I did not think that was wide enough; still the committee thought

they would limit it to that.

Mr. HERMANN. I will ask my friend if he does not think that Mr. HERMANN. I will ask my friend if he does not think that the privileges given are apt to be abused by timber-land speculators, who will petition the Department of the Interior for the privilege of cutting the ways, representing the dangers from fire, with the sole view of advancing their own personal interests, so that by the cutting of the ways they will be able to obtain timber which, under the forestry act and the restrictions at present imposed, they are not now able to obtain?

Mr. SHAFROTH. I do not think it would be abused, because a thousand feet in width of timber is not sufficient to be any great object to a speculator. It is true that all laws are subject to a buse.

object to a speculator. It is true that all laws are subject to abuse; but when discretion is vested in the Secretary of the Interior, he is evidently not going to act upon that matter without informa-

he is evidently not going to act upon that matter without information from some persons residing in that locality, and perhaps from the report of a special agent.

Mr. HERMANN. My friend knows how extensive the forest reservations are. For instance, in my own State a forest reservation extends from the waters of the Columbia River on the north to the northern boundary of California on the south, being 264 miles long and embracing an area of 5,000,000 acres. Now, my friend will observe that if these ways are to be useful at all in the way of preventing the spread of fire it would be necessary to cut such ways all over this extensive reservation—to cut ways at such ways all over this extensive reservation-to cut ways at different places—which would entail not only a great deal of expense to the people, but also enable certain persons interested in the pur-chase of lumber to obtain a vast amount of timber in the cutting

chase of lumber to obtain a vast amount of timber in the cutting of that magnificent forest reservation.

Mr. SHAFROTH. The only answer I can give is to say that that little cutting would be infinitesimal when compared to the damage done by one fire. I do not know how it is in your part of the country, but in our part, if a fire is ignited, where there are no barriers to prevent its spread, it will cover as much as a hundred square miles, and the result is that the growth perhaps of centuries is totally destroyed in two or three days. There is no way now of stopping these fires, and there ought to be some way

to check them. One fire in my State last summer covered a great many square miles. The loss of timber on that occasion was enormous and of no benefit to anyone. I think if there were ways cleared of a thousand feet in width at intervals of 5 or 10 miles the

fire could be stopped at those places.

Mr. HERMANN. But I will ask my friend if he realizes this difficulty? Take the instance of the forest reservation to which I have referred in my State, 264 miles north and south. At what

have referred if my state, 204 lines north and south. At what point in that reservation would he commence cutting ways, and how many ways would he cut in that immense area?

Mr. SHAFROTH. Why, I should like to see them cut every 10 miles. At the same time I doubt very much whether the Secretary of the Interior would sanction that. Perhaps not. I would like to see it every 5 miles. What is a thousand feet at every 5 miles? A thousand feet would only be a fifth of a mile; and the result would be that you would save 5 miles of solid timber.

Mr. PICKLER. Is it not most likely that the fire would jump

a thousand feet?

Mr. SHAFROTH. I doubt in my mind whether a thousand feet is wide enough. The criticism of this bill in my State is that a thousand feet is not sufficient; that these fires are so hot that they will ignite and leap areas of even a greater width than a thousand feet. But while the limit is fixed at that, it may be more. It is left to the discretion of the Secretary. It has been put at about a thousand feet by the committee, but if he thinks that too narrow a width he is vested with power to have it made some

wider.

Mr. HERMANN. Of course my friend from Colorado must concede that if the cutting of one way of a thousand feet wide would be necessary, he would have to follow it up by the cutting

of other ways, because if one way was necessary to prevent the spread of a fire, other ways also should be cleared.

Mr. SHAFROTH. Of course that is true where the timber is pine and a large, compact body of it exists. The timber lands in these United States are in different conditions. Take the timber in these United States are in different conditions. Take the timber in my State, for instance, and with a fire starting in the pine it will spread with terrific speed, and will hardly have any limit in its extent. Now, in other parts of the United States where the timber is other than pine, it is not so. I do not know how it is in your country, whether it would continue or not; but in my State a way of 1,000 feet in width is not unreasonable.

Mr. HERMANN. Of course my friend will concede that under

the restrictions imposed it is almost impossible for a person to enter these forest reservations and cut timber for a sperson to enter these forest reservations and cut timber for a speculative purpose; but do you not think that this will be a very great in-ducement on the part of timber speculators really to represent the necessity for the cutting of these ways for the preservation of the forests, and that they will seek authority to cut these ways, whereas in reality it is their personal interests that prompt them to ask to here the ways cut?

have the ways cut? Mr. SHAFROTH. Mr. SHAFROTH. I think not; because I do not think that timber upon a thousand feet in width would be a sufficient induce-

ment for speculators to go in.

Mr. HERMANN. You also know this, that even in cutting timber there is a great deal of waste matter in the small material piled on the ground, and this forms a bed in which fire ignites, and that unless that débris is carefully carried off from the area cut it will add an additional danger to those which now exist.

Mr. SHAFROTH. It is provided by this bill the contractors

shall absolutely clear the way, which means that they shall take

all the timber and débris off.

Mr. HERMANN. Well, sir, I think when you come to look for the successful operation of your bill you will find that it is utterly impossible to accomplish the purposes contemplated. Mr. SHAFROTH. The whole matter is left to the discretion of

Mr. SHAFROTH. The whole matter is left to the discretion of the Secretary of the Interior, and it seems to me that it can do no

Mr. PICKLER. I do not know that I have any objection to the ill. It seems to me as it is left to the discretion of the Secretary of the Interior that no damage will occur from it. Why does the gentleman say it will not cost anything?

Mr. SHAFROTH. I mean to say this: That the timber on these

ways which it is proposed to clear often is of sufficient value to

justify their being cleared.

Mr. PICKLER. How do you know that?

Mr. SHAFROTH. I admit that in a good many instances it

may not be valuable.

Mr. PICKLER. The Secretary of the Interior will be empowered to go ahead at his discretion?

Mr. SHAFROTH. That is true; but there is no appropriation made; and even if it is necessary that the Government should spend some money to clear these ways, in order to save miles and the control of the con miles of timber, it seems to me the Government ought to do it. But the Secretary of the Interior can not proceed in the absence of an appropriation.

Mr. PICKLER. When this timber has been cut off, what is

going to grow up there?

Mr. SHAFROTH. Well, there may be a small growth of pines in the course of years. But at the same time these cleared places will afford rallying points to which the settlers in the community can go with whatever means may be at their command for stopping these fires. If there is a growth of low brush they can easily cut that off while the fire approaches. There is no other way, so far as I can conceive (and I have studied this question), of stopping these fires. If Congress wants to provide for patrolling the forests, if you want to send an army out there with authority to extinguish the fires, of course that would be more acceptable to us. But that would cost the Government too much money. It seems to me that the provision embraced in this bill for clearing these rights of way in the manner described is the most effective and inexpensive mode of stopping these fires

Mr. PICKLER. If, after these places are cleared, the grass should grow up thickly, and then the brush and the undergrowth, it seems to me there would be great difficulty in stopping a fire.

Mr. SHAFROTH. It is true that there might be some diffi-

culty. Still these cleared places, as I have said, would afford to the people living in that region a rallying point, where they would not have to cut the timber in order to prevent the progress would not have to cut the timber in order to prevent the progress of the fire. At present, when they are trying to stop a fire, their efforts are foiled by the fact that when, as the fire is approaching, they undertake to fell the timber, the fire is upon them by the time they have cut only a few trees. The result is that frequently miles and miles of timber are destroyed.

Mr. PICKLER. This bill practically empowers the Secretary of the Interior to cut up the whole public domain into checker boards. He may make these clearings every 5 miles, if he chooses.

Mr. SHAFROTH. He may if he wishes, provided he has the money to do it. But this bill involves no appropriation at the present time.

Mr. PICKLER. The Secretary of the Interior will be authorized to proceed with this work, whether the settlers desire it or not.

Mr. SHAFROTH. Yes, sir; but it is not supposed the Secretary of the Interior would do anything contrary to the best interests of the Government. It seems to me we must vest this power We can not pass a law providing absolutely for cutsomewhere. somewhere. We can not pass a law providing absolutely for cutting ways in all places, because in a particular locality the work may not be needed. Some States may require something of this kind; others may not. Discretion must be vested in somebody. I know of no one in whom this discretion can more properly be

vested than in the Secretary of the Interior.

Mr. PICKLER. The probability is that some settlers would want this done and some would not, so that serious controversy

might arise

might arise.

Mr. SHAFROTH. If that occurs, the Secretary of the Interior can very well determine the matter. He is not going to do anything, it seems to me, contrary to the interests of the greatest number of the settlers. Besides, I do not think the settlers will be divided in sentiment upon a question of this kind. They are unanimous in regard to the necessity of stopping these fires.

Mr. PICKLER. Why would it not be a good idea to provide that this work shall not be done unless the legislature of the State concerned agrees to it?

concerned agrees to it?

Mr. SHAFROTH. The legislature of the State would, it is true, be interested to a certain extent in preserving the forests. But these forests belong to the United States. It seems to me it ought not to be left in the power of a State legislature to say whether not to be left in the power of a State legislature to say whether our forests should be preserved or not. On similar ground it might be said, why not prohibit the cutting of timber, provided the State legislature says it should not be done? That would not do. These forests belong to the United States Government, and they should not be put under the control of any other authority.

Mr. PICKLER. Well, it seems to me the people living in a State might well be consulted as to whether they wanted this thing to be done.

Mr. SHAFROTH. Their wishes will no doubt be consulted by the Secretary of the Interior.

Mr. PICKLER. That was my notion; that the legislature might be consulted, and if they agreed to the proposition the Secretary of the Interior might be consulted. of the Interior might go ahead.

Mr. SHAFROTH. It seems to me we ought not to make our legislation dependent upon the pleasure of the legislature of any

Mr. HERMANN. I will ask the gentleman who will reap the immediate benefit of this transaction? Of course, it is claimed that the people of the United States will receive the ultimate ben-But aside from the ultimate benefit to the people of the United States from the preservation of the forests, who will be immediately benefited, so far as concerns this timber which is to be cut?

Mr. SHAFROTH. In my section of the country the principal object in preserving the forests is not the timber at all. The object is that there shall be shade made on the mountains so that the snows which fall there will not melt until midsummer, when the water is needed on the plains below for the purpose of irrigation.

Mr. HERMANN. The gentleman misunderstands my question. In plain terms, I want to know who is to get this timber which is to be cut off in clearing these rights of way?

Mr. SHAFROTH. According to the provisions of the bill the Secretary of the Interior, if he desires to have a way cut through the public timber land, say 1,000 feet wide, advertises for bids for the timber to be cut with the condition that the party cutting it shall take it away and clear up the entire width of 1,000 feet free from inflammable matter. Then if there is bid, say, \$100 for the timber or any other amount, and the bid is accepted by the Secretary, the money goes into the Treasury of the United States. There can not, it seems to me, be any speculation or any frauds perpetrated under this law, nor will it be in the interest of any of the large corporations in the country.

Mr. HERMANN. Except—I call my friend's attention to this, for he means well and desires honestly to do whatever is possible to preserve the forest reservations, as all of us do, but he will discover, I think, after a careful examination of this matter, that the

cover, I think, after a careful examination of this matter, that the cutting of this timber will necessitate the leaving on the ground, in the track of the cutting, of an immense amount of small waste, such as broken branches, twigs, and material of that kind; and the cutting will lead to this condition of affairs, that the grass growing up among this waste matter and dying, being left amongst the trees, will be a source of greater danger and lead to more numer-

ous fires and more dangerous fires than we have to confront now.

Mr. SHAFROTH, My friend is mistaken in that. The con-Mr. SHAFROTH. My friend is mistaken in that. The contractors for this work will be required to clear away all of the débris, and the Secretary is vested by the bill with authority to prescribe what shall be done, how the ways shall be cleared, and to provide that no inflammable material shall be left on the ground.

Mr. PICKLER. It will take a large number of agents to watch that proceeding, will it not?

Mr. SHAFROTH. Not at all; it will not require any agents.

They can have an inspection after the work is done. And I will state to my friend that whoever does this cutting is required to give bond to comply with the conditions imposed by the Secretary, and he will be responsible on the bond for the character of the work that is done and the satisfactory nature of the work.

Mr. BLUE. Will the gentleman from Colorado permit me to ask him a question?

Mr. SHAFROTH. Certainly.

Mr. BLUE. If I understand you correctly you propose to save

Mr. BLUE. If I understand you correctly, you propose to save the Treasury of the United States the expense of clearing these ways through the timber by donating the timber standing upon

ways through the timber by donating the timber standing upon the land for that purpose?

Mr. SHAFROTH. No, sir; the Secretary of the Interior asks for bids for the clearing of, we will say, a width of 1,000 feet, and for whatever number of miles he wants to go. Bids are received at so much for the timber, with the requirement that the party whose bid is received shall clear up the entire 1,000 feet and at whose bid is received shall clear up the entire 1,000 feet and at the same time clear away the undergrowth and all inflammable material in that distance. That amount goes into the Treasury of the United States and the Government is saved the expense of cutting this way itself. At the same time the person whose bid is accepted gives a bond for the faithful carrying out of the contract; and if he does not perform the conditions he is liable on the bond. In other words, he is required to comply strictly with the regula-tions which the Secretary of the Interior may see proper to impose.

Mr. BLUE. Does it not amount to this, that there will be no such thing as cutting a protection line through the timber lands unless

the timber to be cut is of sufficient value to pay for the work?

Mr. SHAFROTH. It is quite likely, of course, that such will be
the case. The bill, I confess, does not go as far as I desired it to the case. The bill, I confess, does not go as far as I desired it to go. I would like it to have gone very much further. The original bill which I drew provided that the Government should do the work. I wanted the Government to do it whether it paid or not; but I was overruled by the committee.

Mr. PICKLER. It seems to me that under the operation of this bill authority would be given to do it anyway.

Mr. PICKLER of the work of the provided of the provided

Mr. SHAFROTH. No, sir; there is no appropriation provided in the bill.

Mr. BLUE. Is this a provision for the appropriation of the timber cut off the land for the purpose of affording fire protection? Mr. SHAFROTH. For the purpose of affording fire protection,

Mr. GARDNER. Does not the bill assume that the soil will be

Mr. SHAFROTH. Our country is arid, as the gentleman knows, entirely different from what it is in the eastern parts of the country, where high grasses grow. It will doubtless remain sterile until the low pine trees begin to spring up again, which takes a considerable time.

Mr. GARDNER. But will not the fire run through the young pine trees as rapidly—trees that are two or three years old—as when

they are more matured or of larger growth?

Mr. SHAFROTH. The young pines will not get started for five

it will be much easier to cut away and clear out the small brush and stop the fire than to cut a way through a forest of heavy

imber.

Mr. PICKLER. This would not authorize, I suppose, any cutting away of the public forests in the parks?

Mr. SHAFROTH. I do not know whether it would or not. It applies to timber on the public domain.

Mr. LACEY. But not in the parks.

Mr. SHAFROTH. Oh, no; I suppose not in the parks.

Mr. PICKLER. Well, I would like to know about that beyond doubt because we certainly do not want to go to devestating. doubt, because we certainly do not want to go to devastating

Yellowstone Park or the other national parks.

Mr. SHAFROTH. No. This applies to timber on the public domain which is liable to destruction by fire. That is the language of the bill, and I do not see very well how it could be further limited.

Mr. PAYNE. That includes all the timber reservations, does

it not?

Mr. SHAFROTH. Yes; it includes the timber reservations.
Mr. PAYNE. Then does not the bill authorize the Secretary
of the Interior to throw open to market 8 per cent of all the

of the Interior to throw open to market 8 per cent of all the reserved timber in the United States?

Mr. SHAFROTH. I think not.

Mr. PAYNE. Why not? The Secretary can cut a swath a thousand feet wide each way in every 5 miles. That would be two twenty-fifths of all the timber, or 8 per cent.

Mr. SHAFROTH. The proposed width is only about one-fifth

of a mile

Mr. PAYNE. He can cut a swath a thousand feet wide in one direction, which would be one twenty-fifth, and then he can cut, in a direction perpendicular to that, at the required distance, another swath a thousand feet wide, making another twenty-fifth, or altogether 8 per cent of the whole; and the power to do that is left by this bill in the discretion of the Secretary of the Interior. He can, in his discretion, sell that proportion of the reserved timber

Mr. CONNOLLY. Or he can give it away for the sake of get-ting it cut off.

Mr. PAYNE. Yes.

Mr. SHAFROTH. In the first place, gentlemen should understand that the timber that is destroyed by cutting is infinitesimally small in amount compared with that which is destroyed by fire. You will find that every year, in the United States, there is ten times as much timber destroyed by fire as by cutting.

Mr. PAYNE. No; because that would be 80 per cent of all the

timber in the United States.

Mr. SHAFROTH. I am not talking about the provisions of this bill now. I am merely saying that there is fully ten times as much timber destroyed by fire now in a year as there is destroyed by

cutting.

Mr. STEPHENSON. And what causes those bush fires?

Mr. SHAFROTH. Travelers and hunters, for the most part, building fires and not putting them out properly.

Mr. STEPHENSON. They are caused largely by some of the timber being cut down and the refuse part being left to dry and

thus facilitate the spread of the fire.

Mr. SHAFROTH. That is not the usual cause in our part of Mr. SHAFROTH. That is not the usual cause in our part of the country. Forest fires are caused generally by campers or hunters. A camper or a hunter builds a fire and does not extinguish it properly, and the wind comes along and fans it into a flame and it spreads and destroys the timber.

Mr. STEPHENSON. But if you cut down a portion of the timber and leave the brush and chips there to dry, will not that give the wind a better opportunity to spread the fire?

Mr. SHAFROTH. No. You will find that there is more of an undergrowth with the timber itself than there would be in these clearings. At least that is the case in our part of the country.

clearings. At least that is the case in our part of the country. At all events, one thing is certain; the Secretary of the Interior has as much interest in the preservation of the public forests of this country as we have, and this bill is merely intended to give him discretionary power to have these clearings made if he thinks it desirable.

Mr. LEIGHTY. Does this bill provide an absolute means of preventing forest fires?

Mr. SHAFROTH. It does not; and no bill can be framed that

will do that

Mr. LEIGHTY. No; I think not. Does this bill provide any way of keeping these openings clear after they are once made?
Mr. SHAFROTH. It does not. That would involve too large an expenditure

Mr. LEIGHTY. Then, does not the gentleman believe that in a few years these clearings will be grown up worse than the timber

Mr. SHAFROTH. Not in our part of the country. However, as I have said, the bill vests the discretion in the Secretary of the Interior to decide where these ways shall be cut and where they or six years; and even in the event of a fire in this younger timber | shall not, and if he does not think it desirable in any particular locality he will not have them cut. In fact, the criticism of the bill I find is that it leaves it uncertain whether the Secretary will authorize any of these ways to be cut. I want them cut in my part of the country, because I know that we lose and the Government loses every year vast quantities of timber that would be preserved for useful purposes if these ways were cleared.

Mr. TRACEY. Has there been any estimate made of the cost of making these openings?

of making these openings?

Mr. SHAFROTH. Not that I know of. In some parts of the country it would not pay to make them at all, but in those cases the Secretary of the Interior would doubtless refuse to authorize them. In other localities it would pay, and there he would give the authorization.

Mr. PICKLER. I will ask the gentleman whether the Secretary of the Interior indorses this bill.

Mr. SHAFROTH. The Secretary of the Interior disapproved of the other bill which I drew because it required him to do this work, and required a large expenditure of money on the part of the Government, an expenditure which I thought wise, but which he regarded as too great. For that reason the Committee on Public Lands thought they would modify the bill so as to leave it discretionary with the Secretary to authorize these ways to be cleared wherever it seemed to him desirable.

Mr. PICKLER. Have any of the forestry associations that are looking specifically after the forests of the country ever expressed

looking specifically after the forests of the country ever expressed any opinion as to this measure?

Mr. SHAFROTH. No. When I was first elected to Congress I invited some parties to devise a method to prevent these forest fires. I wrote to the State engineer of the State of Colorado and sent him a rough draft of a bill for that purpose and asked what he thought about it. His criticism was that the "ways" proposed would not be wide enough; that the fires were so intense that they might leap across a thousand feet; that if the ways were to be of great value as a protection they ought to be made wider.

Mr. TRACEY. To what extent are the forests devastated by these fires?

these fires?

Mr. SHAFROTH. Oh, to a fearful extent. Miles and miles of

Mr. SHAFROTH. Oh, to a fearful extent. Miles and miles of timber are destroyed.

Mr. TRACEY. Are the trees absolutely destroyed?

Mr. SHAFROTH. The trees are absolutely destroyed.

Mr. LACEY. Mr. Speaker, an investigation of this question has led me to think that there are not many regions in the United States where the methods proposed by this bill would be found either desirable or applicable. I am quite sure that in the low-lands, where, when the timber is cut down, the brush grows up rapidly, the result would be that the new growth of brush would carry the fire more effectively than the old standing timber would, or at least as effectively, so that the cutting of "ways" of this kind would utterly fail to accomplish the object in view. But inasmuch as the bill left the matter optional with the Secretary of the Interior, and as we were assured that in the high regions, where there are large tracts of timber that have been preserved partly as a protection for the snow, in which the undergrowth comes up very slowly, these methods of protection would be effective, we thought it would be safe to leave it to the discretion of the Secretary to apply them in those regions and in all localities where, in his judg-

slowly, these methods of protection would be effective, we thought it would be safe to leave it to the discretion of the Secretary to apply them in those regions and in all localities where, in his judgment, they would be applicable.

As the bill was drawn in that way, the committee thought it wise to give an opportunity for the trial of the experiment in the high mountain regions, where, they were assured, the proposed method would be efficacious, although, of course, there is no limitation in the bill as to locality. The Department of the Interior has embarked on the work of saving all the forests that can be saved in the future. The subject has become almost a hobby with the Department, and I am glad that it is so. With this discretion lodged in the Secretary of the Interior, in view of the present attitude of the Department toward the general subject and the growth of public sentiment in favor of the preservation of the forests, the passage of this bill will, I believe, be entirely safe. The method which the bill contemplates would perhaps be effectual in some localities in California, in Montana, in Idaho, and in Colorado, but I do not believe that it would be so in the lower lands, or in the heavy timber of Oregon. Certainly it would not do in Michigan, or Minnesota, or Wisconsin, where the new growth would soon spring up and carry the fire quite as rapidly as the original timber would, or even more rapidly.

Mr. HULICK. It occurs to me, Mr. Speaker, that the bill is rather indefinite when it requires that "the purchaser shall clear the entire width of that part of the way the timber on which is purchased by him." Does that include clearing it of brush, or would the purchaser or the men employed to do this clearing be allowed to simply take the timber out and leave the underbrush on the ground?

allowed to simply take the timber out and leave the underbrush

on the ground?

Mr. SHAFROTH. If they did only that, the way would not be cleared.

Mr. HULICK. But the terms of the bill seem to imply merely that the purchaser shall take away the timber. Now, does that include taking away the underbrush?

Mr. SHAFROTH. I think it does. The bill provides further, however, that the work shall be done under rules and regulations to be prescribed by the Secretary of the Interior, and he can make such specific rules and regulations as may be necessary. I do not think it is wise to attempt to set forth definitely in detail in a bill of this character exactly what shall be done in the way of clearing

Mr. HULICK. It occurs to me that it ought to expressly pro-yide not only for the removal of the timber, but of all under-brush, so that all waste material there should be removed. Mr. SHAFROTH. That is unquestionably meant. Mr. HULICK. The language of the bill is:

The timber on which is purchased by him.

I think it ought to be more definite.

Mr. SHAFROTH. It says:

Shall clear the entire width of that part of the way the timber on which is purchased by him.

It seems to me it means that. And when you take into consideration that the Secretary of the Interior is authorized to prescribe the rules under which this shall be done, the Government is amply protected.
Mr. HULICK.

Mr. HULICK. Another question. Would this timber and brush be removed entirely from this way, or would it be burned

on the ground?

Mr. SHAFROTH. The Secretary can prescribe either method.

whichever he desires.

Mr. HULICK. It might make a difference. If the timber and Mr. HULICK. It might make a difference. If the timber and underbrush is burned on the ground, why then the land grows up to weeds and underbrush that are really more dangerous in causing the spread of fire than the original timber would be.

Mr. SHAFROTH. The Secretary of the Interior would unquestionably be empowered to prescribe in his specifications for bids exactly what he thought was to the interest of the Govern-

Mr. PICKLER. You ought to exclude public parks. You ought not to go into the Yellowstone and cut any such ways through the timber.

Mr. SHAFROTH. The Secretary of the Interior would not do any such thing as that unless it were for the public good.

Mr. LACEY. Mr. Speaker, I call for a vote on the bill, if no further discussion is desired.

The question is on the engrossment and third

The SPEAKER.

reading of the bill. The question being taken, the Speaker announced that the noes

seemed to have it. On a division (demanded by Mr. Shafroth) there were—ayes

20, noes 33.

Accordingly the bill was not ordered to engrossment and third reading.

RESERVOIR SITES.

Mr. LACEY. Mr. Speaker, I desire to call up the bill (S. 264) providing for the location and purchase of public lands for reservoir sites

The bill was read, as follows:

The bill was read, as follows:

Be it enacted, etc., That any person, live-stock company, or transportation corporation engaged in breeding, grazing, driving, or transporting live stock may construct reservoirs upon unoccupied public lands of the United States, not mineral or otherwise reserved, for the purpose of furnishing water to such live stock, and shall have control of such reservoir, under regulations prescribed by the Secretary of the Interior, and the lands upon which the same is constructed, not exceeding 160 acres, so long as such reservoir is maintained and water kept therein for such purposes: Provided, That such reservoir shall not be fenced and shall be open to the free use of any person desiring to water animals of any kind.

Sec. 2. That any person, live-stock company, or corporation desiring to avail themselves of the provisions of this act shall file a declaratory statement in the United States land office in the district where the land is situated, which statement shall describe the land where such reservoir is to be or has been constructed; shall state what business such corporation is engaged in; specify the capacity of the reservoir in gallons, and whether such company, person, or corporation has filed upon other reservoir sites within the same county; and if so, how many.

Sec. 3. That at any time after the completion of such reservoir or reservoirs which, if not completed at the date of the passage of this act, shall be constructed and completed within two years after filing such declaratory statement, such person, company, or corporation shall have the same accurately surveyed, as hereinafter provided, and shall file in the United States land office in the district in which such reservoir is located a map or plat showing the location of such reservoir, which map or plat shall be transmitted by the register and receiver of said United States land office to the Secretary of the Interior and approved by him, and thereafter such land shall be reserved from sale by the Secretary of the Int

Mr. LACEY. Mr. Speaker, this bill was drafted in order to aid the men engaged in the raising of stock on the high lands of the Northwest, in localities where water is scarce. In a few inthe Northwest, in localities where water is scarce. In a few instances the cattle men have constructed reservoirs, and they propose to construct others. The difficulty, however, is that after they have constructed the reservoirs and built the necessary dams the land is subject to homestead entry or to settlement by private individuals, thus taking away from the persons who have constructed the reservoirs the advantages which they sought to obtain by their construction in the first place. This bill provides that such reservoirs as may be constructed, and such as have hitherto been constructed, shall be preserved, but that they shall be open to public use, that the parties who have constructed them shall not fence off settlers and other stock raisers from their use. The report of the committee presents the following statement:

These reservoirs are constructed on Government lands, and the corporations are apprehensive that after they have constructed them, at a large expense, some irresponsible party, with the object of securing the improvements thus made, may file upon the quarter section of lands upon which the reservoirs are located, and deprive the companies of their property and access to the reservoirs.

It is not intended to give title to the land upon which the reservoirs are located, and the companies can only have control of such reservoirs under such rules and regulations as may be prescribed by the Secretary of the Interior, and only for such time as such reservoirs are maintained and water kept therein. The act also provides that the land shall not be fenced and shall be open to the free use of any person desiring to water animals of any kind.

This is a Senate bill, and the amendments which were adopted in the Senate make the bill entirely safe, in the judgment of the committee. The bill provides that reservoirs shall not be located upon public land reserved for other purposes. This will prevent any of the general reservoirs that have been selected by the Geological Survey for irrigation purposes from being used for the pur-poses contemplated by this bill. They are also limited to 160 acres of land, so that it will only apply to these temporary watering places for cattle grazing upon the plains or being driven from point to point upon the plains.

The bill was ordered to a third reading; and it was accordingly

read the third time, and passed.

On motion of Mr. LACEY, a motion to reconsider the last vote was laid on the table.

PROTECTION OF SETTLEMENT RIGHTS IN CERTAIN CASES

Mr. LACEY. Mr. Speaker, I now call up the bill (H. R. 4142) to protect settlement rights where two or more persons settle upon the same subdivision of agricultural public lands before survey thereof. I call the attention of the Chair to the fact that this ought to be upon the House Calendar, but by mistake it has been placed upon the Union Calendar. I ask that it be considered at this time as upon the House Calendar, because it properly belongs

The SPEAKER. The Clerk will first report the bill.

The bill was read, as follows:

The bill was read, as follows:

Be it enacted, etc., That where settlements have heretofore been or may hereafter be made upon agricultural public lands of the United States prior to the survey thereof, and it has been or shall be ascertained, after the public surveys have been extended over such lands, that two or more settlers have improvements upon the same legal subdivision, it shall be lawful for such settlers to make joint cash entry of their lands at the local land office, or for either of said settlers to enter into contract with his cosettlers to convey to them their portion of said land after patent is issued to him, and after making said contract to make homestead entry in his own name, and prove up and pay for said land; and proof of joint occupation by himself and others, and of such contract with them made, shall be equivalent to proof of sale, occupation, and homestead entry by the applicant: Provided, That in no case shall the amount patented under this act exceed 160 acres; nor shall this act apply to lands not subject to homestead entry; nor shall anything in this section contained defeat or impair any valid right accrued or to accrue in pursuance of contests or other proceedings initiated prior to the passage of this act, but such rights shall be heard and determined in the same manner and be subject to the same terms and conditions as if this act had not been passed.

The SPEAKER. Without objection, the bill will be considered as on the House Calendar.

as on the House Calendar.

There was no objection.

Mr. LACEY. This bill was passed in substantially this form in the House in the Fifty-second Congress. The matter was referred to the Commissioner of the Land Office, Mr. Carter, now a Senator from Montana. The bill was recommended. It passed the House, but did not go to the Senate. It provides for a condition that does not often arise, but which, when it does arise, sometimes necessitates the passage of private bills. It refers to cases where two settlers happen to get upon the same quarter, each of them claiming a homestead. It provides that they may jointly enter the land, and for an equitable division between them of the rights in that particular site. Such a condition arises only occasionally, but it seemed best to provide for it when it did arise. Settlements but it seemed best to provide for it when it did arise. Settlements are often made upon unsurveyed lands, and the subsequent survey sometimes puts two homesteaders upon the same tract.

Mr. PICKLER. Mr. Speaker, I believe this is a good bill. I

have known several difficulties to occur in the settlement on public lands in my State in cases of this character. I would like to inquire how it would affect a case of this kind: Suppose there is a valuable 160 acres of public land and two men agree to go on it and improve it and build their houses. Is there anything to pre-vent them from doing so, and then entering up the land at \$1.25

an acre?

Mr. LACEY. There would be no objection if it could be done; but it is not the purpose of the bill. In the case indicated two or three persons would forfeit their homestead rights and only get one tract in the operation. It is intended to cover mistakes, and not such cases as the gentleman from South Dakota suggests.

Mr. PICKLER. Would it not be safe to confine it to 40 acres? There are valuable 160-acre tracts, and two men could go on them, and thus secure them for division.

Mr. LACEY. I do not think the bill is drawn broad enough to cover such cases as my friend suggests.

Mr. PICKLER. I think it is a pretty good bill.

The bill was ordered to be engrossed for a third reading; and

being engrossed, it was accordingly read the third time, and passed.
On motion of Mr. LACEY, a motion to reconsider the vote by
which the bill was passed was laid on the table.
Mr. LACEY. Mr. Speaker, that clears the House Calendar of
bills from the Committee on Public Lands with the exception of

one bill, which is a vetoed bill, and which would require a yea-andnay vote of necessity.

The SPEAKER. That is a privileged bill, and can come up at

any time. Mr. LACEY. Mr. LACEY. Then I will not call it up at this time. The SPEAKER. The Clerk will proceed with the call.

Mr. LITTLE (when the Committee on Indian Affairs was called). Mr. Speaker, I desire to call up the bill (H. R. 3500) to authorize the adjustment and settlement of accounts of John Y. Williams

The bill was read, as follows:

Be it enacted, etc., That the proper accounting officers of the Treasury be, and they are hereby, authorized to adjust and settle the accounts of John Y. Williams, late superintendent of Indian school at Fort Hall and special disbursing agent, on the principles of equity and justice, and to give him credit for such disbursements as shall be shown to have been actually and honestly made and have accrued to the benefit of the Government or the Indians: Provided, That the total credits allowed under the provisions of this act shall not be more than \$900 in excess of the balance now standing against this officer.

Mr. LITTLE. I ask that the report be read. Mr. PAYNE. Mr. Speaker, I think this is a bill that belongs to the Union Calendar.

Mr. LITTLE. This does not involve a charge on the Govern-

The SPEAKER. Is this matter to be paid out of some Indian

Mr. LITTLE. No, sir; the bill is to authorize the settlement of the accounts of a gentleman who had charge of the building of the Fort Hall school, and there is some informality in the receipts. The bill only authorizes settlement according to the principles of

The bill only authorizes settlement according to the principles of law and equity.

The SPEAKER. How is the account when adjusted to be paid? Mr. SHERMAN. He is to be given credit on the books. Suit is now pending against this officer for the balance which is due, because some of his accounts have been suspended. This simply authorizes the Department to give him credit on the books of the Treasury Department for expenditures he made when he shall have furnished the prescribed vouchers. It does not provide for any appropriation whatever, but simply authorizes these credits to balance his accounts and do away with the suit that is now pending against him for the balance.

Mr. LITTLE. The report is very clear on the matter, and if that can be read I think that will satisfy gentlemen.

Mr. PAYNE. I think I must make the point of order against it, Mr. Speaker.

it, Mr. Speaker.

The SPEAKER. Perhaps the report might be read as debate on the point of order.

Mr. LITTLE. Yes, sir; I ask that it be read as a part of my

The report (by Mr. Sherman) was read, as follows:

The report (by Mr. Sherman) was read, as follows:

The committee on Indian Affairs, to whom was referred the bill (H. R. 3500) to authorize the adjustment and settlement of accounts of John Y. Williams, submit the following favorable report:

Mr. Williams was superintendent of the Fort Hall school for four years from September, 1889. He found the school in very bad condition, the building very much dilapidated, and necessitating considerable outlay to do any satisfactory work. Williams went into the work earnestly and put things into satisfactory shape, not always with regard to the regulations of the Indian Department. During his administration they had a very severe visitation of scarlet fever, and the school was isolated. Mr. Williams lost his son by the disease, and his own condition became such that he did things carelessly and without due regard to the law and Department regulations. The result was a large amount of suspensions against his accounts, which he tried by several months' labor to remove by substitution of new vouchers to take the place of those suspended. Williams impressed many of those dealing with him in the office with having made an earnest but badly managed effort to build up the Fort Hall school, which school was reported by special agents, who were sent there to investigate, to be in first-rate condition about the time he left.

His accounts have been presented and passed upon by the Indian Bureau. The amount of the account, as thus passed upon, was about \$15,000 on the debit and credit side each; the credit side exceeded the debit side as passed by the auditor by about \$900, solely because of informality. A suit has been instituted against Williams, and is now pending, to recover this balance. No one claims that Williams did not act in good faith and honestly. The purpose of this bill is to allow the account to be stated, regardless of Williams's neglect to follow Department regulations, so as to credit him with payments made. Commissioner Browning, in response to a request for his op

Mr. PAYNE. Mr. Speaker, this seems to be a private claim, and if it were up for consideration I would not object. I make no point of order against it.

The SPEAKER. The point of order is withdrawn.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed. On motion of Mr. LITTLE, a motion to reconsider the vote by which the bill was passed was laid on the table.

Mr. SHERMAN. There is nothing else, Mr. Speaker, from the

Committee on Indian Affairs.

FLAGSTAFF (ARIZ.) WATER SYSTEM.

Mr. SCRANTON (when the Committee on the Territories was called). I call up for consideration the bill (H. R. 8676) to enable the town of Flagstaff, in the Territory of Arizona, to issue bonds to construct a water system.

the town of Flagstaff, in the Territory of Arizona, to issue bonds to construct a water system.

The bill was read, as follows:

Be it enacted, etc., That the town of Flagstaff, in the Territory of Arizona, by its mayor and common council, is hereby enabled to issue bonds of the said town, not to exceed \$65,000 in amount, payable within thirty years from the date thereof, in lawful money of the United States of America, and to bear interest at not to exceed \$69,000 in amount, payable within thirty years from the date thereof, in lawful money of the United States of America, and to bear interest at not to exceed \$69,000 in amount, payable within thirty years from the date thereof, in lawful money of the United States of America, and to bear interest at not to exceed \$69,000 in amount, interest payable semiannually, the proceeds of the sale of said bonds, which shall not be sold at less than par, to be used exclusively in the construction of a water system for the said town of Flagstaff; that before said bonds are sold at least thirty days' notice shall be given by publication in one or more newspapers of general circulation, asking for bids for the purchase of said bonds at not less than par.

Sec. 2. That at the time said bonds are ready to be issued by the mayor and common council of the sale thereof, shall be kept, shall be required to give an additional bond, to be approved by the mayor and common council of said bonds, or the proceeds of the sale thereof, in his hands, for the safe-keeping of said bonds, or the proceeds of the sale thereof, and to account for the same.

Sec. 3. That before said bonds are issued the mayor and common council of the town of Flagstaff shall cause an election to be held, in all respects as elections are now held in said town for the election of town officers, at which election the qualified electors of said town of Flagstaff, by its mayor and common council, shall not issue said bonds.

Mr. SCRANTON. Mr. Speaker, I ask for the reading of the

Mr. SCRANTON. Mr. Speaker, I ask for the reading of the

report.

The report (by Mr. Murphy of Arizona) was read, as follows:

The report (by Mr. MURPHY of Arizona) was read, as follows:
The Committee on the Territories, to whom was referred House bill 8676,
beg leave to submit the following report:
Flagstaff, in northern Arizona, has a population of 2,000 and assessed property valuation of \$750,000; tax rate 6 mills, with no indebtedness. The water
for the use and protection of the town is hauled by railroad a distance of 50
miles. The business portion of the town has been destroyed by fire four
times, and insurance rates are excessive. It has been represented to the
satisfaction of the committee that a good and sufficient water system can be
constructed for the amount of the bonds authorized in the bill, the water to
be piped from a spring in the San Francisco Mountains, affording ample
pressure for all purposes, and that a revenue will at once be available after
the construction of the works to pay operating expenses and interest and
provide a sinking fund for payment of the principal of the bond issue.

The bill appeals to the committee as especially meritorious, and therefore
its passage is recommended.

Mr. SCEPANTON. Mr. Speeker, I have no desire to debate this

Mr. SCRANTON. Mr. Speaker, I have no desire to debate this bill, and therefore ask for a vote.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed. On motion of Mr. SCRANTON, a motion to reconsider the vote by which the bill was passed was laid on the table.

ISSUE OF CERTAIN BONDS OF NEW MEXICO.

Mr. SCRANTON. Mr. Speaker, I call up the bill H. R. 4052, with Senate amendments, on the House Calendar.

The Clerk read as follows:

A bill (H. R. 4052) approving certain acts of the legislative assembly of the Territory of New Mexico, authorizing the issue of certain bonds of said Territory.

Territory of New Mexico, authorizing the issue of certain bonds of said Territory.

Be it enacted, etc., That the coupon bonds and indebtedness of the Territory of New Mexico, amounting to \$75,000, authorized by section 7 of an act of the thirty-first legislative assembly of the Territory of New Mexico, entitled "An act authorizing the rebuilding of the Territorial capitol at Santa Fe, which was destroyed by fire May 12, 1862, and to provide the necessary means therefor and a board with authority to rebuild the same," approved February 5, 1895, and designated as capitol rebuilding bonds of the Territory of New Mexico;

Also, the bonds and indebtedness, amounting to \$15,000, authorized by section 1 of an act of the said legislative assembly of the Territory of New Mexico, entitled "An act to provide for the maintenance of the military institute at Roswell, N. Mex.," approved February 13, 1895;

Also, the bonds and indebtedness, amounting to the sum of \$30,000, authorized by section 1 of an act of the said legislative assembly of the Territory of New Mexico, entitled "An act to provide an addition to the insane asylum of New Mexico of the accommodation of all the insane persons of the Territory, and for other purposes," approved May 13, 1895; and

Also, the bonds and indebtedness, amounting to the sum of \$35,000, authorized by section 1 of an act of the said legislative assembly of the Territory of New Mexico, entitled "An act to provide for the completion of the buildings for the normal schools of New Mexico at Las Vegas and Silver City, and to provide for the necessary furnishings therefor; and for additions to the New Mexico College of Agriculture and Mechanic Arts at Las Cruces," approved February 27, 1895, be, and the same are hereby, approved, confirmed, and made valid: Provided, That nothing in this act shall be so construed as to make the Government of the United States liable or responsible for the payment of any of said bonds by this act approved, confirmed, and made valid.

The SPEAKER. The question is

The SPEAKER. The question is on concurrence in certain amendments of the Senate and nonconcurrence in others on the

recommendation of the committee. The Clerk will first report the amendments on which the committee ask the concurrence of the

The Clerk read as follows:

Page 2, line 37, strike out the colon after the word "valid" and insert a semicolon.

The amendment was concurred in.

The Clerk read as follows:

Page 2, line 37, after the word "valid," insert as a new paragraph the fol-

Page 2, line 37, after the word 'vand,' insert as a new paragraph me following:

"Also, the certain bonds and indebtedness, \$172,500 in amount, together with the interest coupons thereto attached, of the county of Santa Fe, Territory of New Mexico, dated March 1, 1892, issued under the provisions of an act of the Territorial general assembly known as the refunding act. Such bonds having been issued in refunding and in lieu of \$150,000 of bonds, and the overdue interest thereon, of said county of Santa Fe, theretofore issued and outstanding, are hereby validated, approved, and confirmed."

The amendment was concurred in.

The Clerk read as follows:

Page 2, line 37, after the word "valid," insert as a new paragraph the fol-

"It is intended hereby to validate, approve, and confirm any and all laws, proceedings, and bonds relating to the matter necessary to the validation of the said \$172,500 of bonds, but no further and for no other purpose; but the United States shall not be held hereby to incur or create any indebtedness."

The SPEAKER. The committee recommend that the amendment just read be nonconcurred in.

The amendment was nonconcurred in.

The Clerk read the next amendment, as follows:

Amend the title so as to read: "An act approving certain acts of the legislative assembly of the Territory of New Mexico, authorizing the issue of certain bonds of said Territory, and for other purposes."

The amendment was concurred in.

Mr. SCRANTON. On behalf of the committee, I move the adoption of an amendment.

The SPEAKER. The committee propose the adoption of the amendment which will be read.

The Clerk read as follows:

Page 5, line 14, after the word "the," insert "said bonds of the Territory of New Mexico and of the;" so as to read: "Necessary to the validation of the said bonds of the Territory of New Mexico and of said Santa Fe County."

The SPEAKER. The question is on agreeing to this amendment.

Mr. RICHARDSON. I understand that this is a House amendment.

The SPEAKER. It is.
Mr. RICHARDSON. Have we not just acted on the Senate amendments?
The SPEAKER. We have.

Mr. RICHARDSON. And now there are further amendments proposed?

The SPEAKER. The Chair will hear the gentleman.

Mr. RICHARDSON. It is almost impossible to catch the drift of the action proposed.

The SPEAKER. The Clerk will again report the amendment.

The amendment was again read.

Mr. RICHARDSON. The question in my mind was whether it

was in order for the House committee to propose amendments to the bill after it has come back with Senate amendments. I was inquiring more as to the parliamentary status than with any reference to the merits of the amendment.

The SPEAKER. Does the gentleman make a point of order?

Mr. RICHARDSON. No, sir; I do not care to do so.

The SPEAKER. If no point of order is made, the Chair will put the greatien.

put the question.

The question being taken, the amendment was agreed to.

Mr. LACEY. The amendment just adopted was, as I under-

Mr. LACEY. The amendment just adopted was, as I understand, an amendment to an amendment.

The SPEAKER. Was the proposition to agree to a Senate amendment with an amendment? If so, the Chair, with the consent of the House, will regard the proceeding just taken as vacated, and the Clerk will read the Senate amendment, together with the proposition to amend that amendment.

Mr. LACEY. The interlined amendment is an amendment to

the committee amendment—merely a clerical correction.

The SPEAKER. Then it is not an amendment to a Senate

amendment?

Mr. LACEY. Mr. LACEY. Yes; but there is an interlineation to which the attention of the Chair was just called. That interlineation was not in the committee's amendment, but was inserted by way of clerical correction. It is merely a clerical amendment.

The SPEAKER. The Chair is not quite sure that he under-

Mr. LACEY. The situation is this: The bill went over to the Senate; the Senate sent it back with amendments; it is now proposed that the House concur in those Senate amendments with amendments. Then the amendment with which it is proposed to amendments. Then the amendment with which it is proposed to concur has a clerical amendment interlined, which was offered by the chairman of the Committee on Territories [Mr. SCRANTON], and the concurrence of the House is asked to that amendment.

Mr. McMILLIN. I suggest to the gentleman having the bill in charge that he can accomplish his object in a parliamentary way by moving to nonconcur in the Senate amendments and having the matter go to a committee of conference. Then let the conference committee report to the House in favor of the adop-tion of the amendments with the amendment that has been suggested. That, it seems to me, is the only parliamentary way in which the object can be accomplished. This House can not finally adopt the amendment without the consent of the Senate; and that is the way consent should be obtained.

The SPEAKER. The House might concur in the Senate

amendment with an amendment.

Mr. McMILLIN. But then the bill would have to go back to the Senate; otherwise it would be an attempt to accomplish legislation by the action of one House of Congress. I suggest to the lation by the action of one House of Congress. I suggest to the gentleman that the easiest and the only legitimate way to proceed is to move to nonconcur in the Senate amendments, and then when the conferees are appointed they can report a proposition that the House concur in the Senate amendment with the amendment which the gentleman now asks the House to adopt. That is the way in which the object should be reached.

Mr. PAYNE. But, Mr. Speaker, if the House should concur in the Senate amendment with an amendment it would not necessarily require a conference in any event, because the Senate might

the Senate amendment with an amendment it would not necessarily require a conference in any event, because the Senate might concur in the House amendment, and that would end the matter.

Mr. McMILLIN. But the ordinary way for the two Houses to get together is in the manner I have suggested. One is a parliamentary method of procedure and the other is not. If the gentleman from New York is correct we might drift from one House to the other a dozen times without accomplishing anything.

The SPEAKER. The Chair thinks that both gentlemen are correct. It is only two different methods of getting at the same thing. If the House desires to send the bill back to the Senate, concurring in their amendment with an amendment, it may do so, or it may nonconcur in the Senate amendment, and let the matter be adjusted in a conference. It is only a question of procedure. be adjusted in a conference. It is only a question of procedure, The Chair would like to know the wishes of the gentleman from

Pennsylvania in charge of the bill.

Mr. McMILLIN. I would suggest to the gentleman in charge of the bill that if he sends it to the Senate, this being a short ses-

of the bill that if he sends it to the Senate, this being a short session, he can control it during the entire time; but if he adopts the plan suggested by the gentleman from New York he necessarily loses control of the matter.

Mr. SCRANTON. Mr. Speaker, as I understand the matter, it is simply a correction of a clerical error, and hardly seems of sufficient importance to require a conference between the two Houses. My idea was to amend the bill, and then of course have it go to the

Senate as a matter of form.

The SPEAKER. Then the gentleman moves to concur in the Senate amendment with the amendment which has been reported to the House, and a question will be taken on that motion.

The motion was agreed to.

The SPEAKER. The bill will go to the Senate for the action of that body on the House amendment.

On motion of Mr. SCRANTON, a motion to reconsider the last

vote was laid on the table.

REVISED STATUTES RELATING TO THE TERRITORIES.

Mr. SCRANTON. I call up for consideration the bill (H. R. 7716) to amend section 1921 of the Revised Statutes, and for other

purposes.

The bill was read, as follows:

Be it enacted, etc., That section 1921 of the Revised Statutes of the United States be amended so as to read as follows:

"SEC. 1921. Upon the convening of the legislature of the Territory of New Mexico any one member of either house may administer the oath of office to the presiding officer-elect, and he shall administer the same to the other members and other officers thereof."

SEC. 2. That the legislative assembly of each Territory may, in addition to the subordinate officers allowed and paid by the United States, employ as additional subordinate officers in each branch thereof one assistant chief clerk, who shall receive a compensation of \$5 per day; one assistant enrolling and engrossing clerk, at \$4 per day; one assistant sergeant-at-arms and doorkeeper, at \$4 per day; one assistant messenger and watchman, at \$3 per day; two pages, at \$2 per day each; two clerks for committees, one of whom shall be a stenographer, at \$5 per day each and one translator and interpreter, at \$6 per day; all of which shall be paid out of the Territorial treasury of the respective Territories where the services may be employed.

Mr. CATRON. Mr. Speaker, I ask for the reading of the report.

Mr. CATRON. Mr. Speaker, I ask for the reading of the report, which fully explains this matter.

The report (by Mr. CATRON) was read, as follows:

The report (by Mr. CATRON) was read, as follows:

The Committee on the Territories, to whom was referred House bill 7716, submit the following report:

The first section of House bill 7716 is an amendment of section 1921 of the Revised Statutes, which section, in full, is as follows:

"SEC. 1821. The secretary of New Mexico, upon the convening of the legislature thereof, shall administer the oath of office to the members-elect of the two houses, and the officers thereof when chosen; and no other person shall be competent to administer such oath, save in the absence of the secretary, in which case any one member of either house may administer the oath to the presiding officer-elect, and he shall administer the same to the members and other officers."

The object of the bill is to modify the existing law so that the secretary, an appointee of the President, shall not have arbitrary power to organize the

legislature, by ignoring the legal certificates of election, as was done at the organization of the last legislature, at which time certificates of election given to members-elect by the county boards of canvassers, as required by law, we ignored, and persons were sworn in on trumped-up certificates or on pretenses in no manner provided by law, so that the political complexion of the legislature was changed in both houses.

It is not believed that any one person should have placed in him the power to nullify the will of the people, as seems to be given by section 1921. The bill under consideration has adopted, as a remedy, the last provision of section 1931, which seems to have been considered by Congress as sufficient in case the secretary failed to be present. The committee can see no reason why this last clause of section 1931 should not be sufficient, as it is incorporated in this bill to organize that legislature under all circumstances, or can they see any reason for retaining in any officer the power given to the qualifications of its members, which is the fundamental principle underlying the organization of all legislative bodies.

The second section is offered to avoid an abuse which has been practiced in some of the legislative assemblies of employing an unreasonable number of employees at the expense of the Territory. Section 1856 of the Revised Statutes of the United States provides:

"No law of any Territorial legislature shall be made or enforced by which the governor or secretary of a Territory or the members or officers of any Territorial legislature are paid any compensation other than that provided by the law of the United States."

This section is still in force and has been in force for the last forty years. It has been supposed heretofore that it was sufficient to prohibit any additional employees or officers of the legislature, whether paid by the United States or the Territory, not specifically authorized by the United States or the Territory, not specifically authorized by the United Sta

The bill was ordered to be engrossed and read a third time; and was accordingly read the third time, and passed.

On motion of Mr. SCRANTON, a motion to reconsider the last

vote was laid on the table.

DISTRIBUTION OF PRESIDENT'S MESSAGE.

Mr. DINGLEY. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the purpose of considering the resolution distributing the President's message.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole House, Mr. PAYNE in the chair.

The CHAIRMAN. The House is now in Committee of the Whole on the state of the Union for the purpose of considering

whole of the state of the Chion for the purpose of considering the President's message.

Mr. DINGLEY. Mr. Chairman, I ask for the reading of the resolution which is at the desk relating to this matter.

The Clerk read as follows:

[Fifty-fourth Congress, second session. Report No. 2293. House of Representatives.]

REPORT OF COMMITTEE ON WAYS AND MEANS ON PRESIDENT'S MESSAGE. Mr. DINGLEY, from the Committee on Ways and Means, submitted the fol-

Mr. Dingley, from the Committee on Ways and Means, submitted the following report:

The Committee on Ways and Means report the accompanying resolution for reference of the various topics in the President's annual message to appropriate committees, and recommend its adoption:

"Resolved, That so much of the annual message of the President of the United States to the two Houses of Congress, at the present session, as relates to the national finances, the public debt, including bond issues, to the public revenues, to our trade relations with foreign countries, and to the wants and condition of the Treasury be referred to the Committee on Ways and Means.

"That so much as relates to foreign affairs and the consular and diplomatic service, including appropriations therefor, together with the accompanying correspondence and documents, be referred to the Committee on Foreign Affairs.

"That so much as relates to the appropriation of the public revenue for the support of the Government, as herein provided, namely, for the legislative, executive, and judicial expenses, for fundry civil expenses, for fortifications and coast defenses, for pensions, for the District of Columbia, and for all deficiencies, be referred to the Committee on Appropriations.

"That so much as relates to the judiciary of the United States, to the administration of justice, to the organization of courts, and to amendments of the antitrust law, be referred to the Committee on Appropriations.

"That so much as relates to banks, banking, and currency be referred to the Committee on Banking and Currency.

"That so much as relates to the mints of the United States, and to the coinage of gold and silver bullion, be referred to the Committee on Coinage, Weights, and Measures.

"That so much as relates to the commerce of the United States, domestic and foreign, and the Interstate Commerce Commission, be referred to the Committee on Interstate and Foreign Commerce.

"That so much as relates to agriculture and forestry, and to the Department of Agriculture, be referred to the Committee on Agriculture.

"That so much as relates to the military establishment be referred to the Committee on Military Affairs.

"That so much as relates to the naval establishment, and to the construction of additional vessels for the Navy, be referred to the Committee on Naval Affairs.

"That so much as relates to the post-offices and post-roads, to the Universal Postal Union, and to the carrying of the foreign mails, be referred to the Committee on the Post-Office and Post-Roads.

"That so much as relates to the public domain be referred to the Committee on the Public Lands.

"That so much as relates to the relations of the United States with the Indian tribes be referred to the Committee on Indian Affairs.

"That so much as relates to the Pacific railroads be referred to the Committee on Pacific Railroads.

"That so much as relates to the militia of the United States be referred to the Committee on the Militia.

"That so much as relates to pensions for service in the civil war be referred to the Committee on Invalid Pensions.

"That so much as relates to the civil service be referred to the Committee on Reform in the Civil Service."

Mr. DINGLEY. Mr. Chairman, this is the usual resolution for

Mr. DINGLEY. Mr. Chairman, this is the usual resolution for the distribution of the topics in the President's message. I sup-pose there is nothing further that needs to be said in the matter. I move, therefore, that the committee rise and report the resolu-tion back to the House with the recommendation that it do pass.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. PAYNE, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration a resolution for the distribution of the President's message, and had directed him to report the same back to the House without amendment and with the

recommendation that it do pass.

The resolution was agreed to.
On motion of Mr. DINGLEY, a motion to reconsider the last vote was laid on the table.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. Robertson of Louisiana, for two weeks, on account of important

And then, on motion of Mr. DINGLEY (at 2 o'clock and 55 minutes p. m.), the House adjourned.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as

A letter from the Comptroller of the Currency, transmitting a copy of his annual report—to the Committee on Banking and

Currency.

A letter from the Secretary of the Interior, transmitting a statement of the expenditures of the appropriations, "Contingent expenses, Department of the Interior," for the fiscal year ending June 30, 1896—to the Committee on Expenditures in the Interior Department.

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of White River, Indiana—to the Committee on Rivers and Harbors,

and ordered to be printed.

A letter from the Secretary of the Treasury, asking for an appropriation to cover the cost of one year's rent of the Rand-McNally Building in Chicago, which is occupied by Federal officials—to the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of the Treasury, recommending the enactment of legislation to enable his Department to acquire certain lead of the new public hydiding at Campanian and contract the site of the new public hydiding at Campanian and contract the site of the new public hydiding at Campanian and contract the site of the new public hydiding at Campanian and contract the site of the new public hydiding at Campanian and contract the site of the new public hydiding at Campanian and contract the site of the new public hydiding at Campanian and contract the site of the sit

tain land adjacent to the site of the new public building at Camden, N. J.-to the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of War, transmitting a statement of the expenditures at the Springfield Armory and of the arms, com-ponents of arms, and appendages fabricated, altered, and repaired,

during the fiscal year ending June 30, 1896—to the Committee on Military Affairs, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of Josiah C. Ury against The United States—to the Committee on

Josiah C. Ury against The United States—to the Committee on War Claims, and ordered to be printed.

A letter from the Secretary of the Interior, announcing the transmission to Congress of the report of the Maritime Canal Company of Nicaragua—to the Committee on Interstate and Foreign Commerce.

Foreign Commerce.

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of Baltimore Harbor—to the Committee on Rivers and Harbors, and ordered to be printed.

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of Beach Thoroughfare, New Jersey—to the Committee on Rivers and Harbors, and ordered to be printed.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Invalid Pensions was discharged from the consideration of the bill (H. R. 8714) granting accrued pension to John E. Carland; and the same was referred to the Committee on Pensions.

PUBLIC BILLS, MEMORIALS, AND RESOLUTIONS.

Under clause 3 of Rule XXII, bills and resolutions of the fol-

lowing titles were introduced, and severally referred as follows:

By Mr. MEREDITH: A bill (H. R. 9512) to declare the Potomac
Flats a public park under the name of the Riverside Park—to
the Committee on the District of Columbia.

by Mr. SULLOWAY: A bill (H. R. 9513) making an appropriation toward the construction of a dry dock at Portsmouth Navy-Yard—to the Committee on Naval Affairs.

By Mr. BISHOP: A bill (H. R. 9514) to authorize the Secretary of the Interior to fulfill certain treaty stipulations with the Chippewa Indians of Lake Superior and the Mississippi, and making appropriations for the same-to the Committee on Indian Affairs.

By Mr. SHANNON (by request): A bill (H. R. 9515) to raise the age of protection for girls in the District of Columbia to 18 years—to the Committee on the Judiciary.

By Mr. ODELL: Resolution (House Res. No. 431) providing for the employment of additional folders—to the Committee on

By Mr. BRUMM: Resolution (House Res. No. 433) for the relief

of the widow of John Ryan, late messenger on the soldiers' roll of the House of Representatives—to the Committee on Accounts.

By Mr. FISCHER: Resolution (House Res. No. 434) to authorize the Clerk to pay J. E. Winter for services as folder—to the Committee on Accounts.

By Mr. DRAPER: Resolution (House Res. No. 435) asking the Committee on Rules to fix an early day for the consideration of bills

reported by the Committee on Patents—to the Committee on Rules, By Mr. POWERS: Resolution (House Res. No. 436) asking that January 5, 6, and 7 be set aside for the consideration of House bill No. 8189—to the Committee on Rules.

PRIVATE BILLS, ETC.

Under clause 1 of Rule XXII, private bills of the following titles were presented and referred as follows:

By Mr. HATCH: A bill (H. R. 9516) increasing the pension of Eliza Miller, widow of Abraham Miller, private Company E, Thirty-sixth Ohio Infantry—to the Committee on Invalid Pensions.

By Mr. McCALL of Massachusetts: A bill (H. R. 9517) for the relief of Patrick I. Modden, to the Committee on Claims.

By Mr. McCALL of Massachusetts: A bill (H. R. 9517) for the relief of Patrick J. Madden—to the Committee on Claims.

By Mr. McRAE: A bill (H. R. 9518) for the relief of the estate of William F. Martin, deceased—to the Committee on Claims.

By Mr. MILLER of Kansas: A bill (H. R. 9519) granting a pension to Allen Buckner—to the Committee on Invalid Pensions.

By Mr. SULLOWAY: A bill (H. R. 9520) granting an increase of pension to John N. Bruse—to the Committee on Invalid Pensions, Also, a bill (H. R. 9521) granting an increase of pension to Edward Boyle—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9522) granting an increase of pension to Isaac.

ward Boyle—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9522) granting an increase of pension to Isaac

B. Vail—to the Committee on Invalid Pensions.

By Mr. TAYLER: A bill (H. R. 9523) granting a pension to

Julia A. Beeler—to the Committee on Invalid Pensions.

By Mr. TRELOAR: A bill (H. R. 9524) granting an increase of
pension to Mrs. Sarah Judson, widow of Leroy T. Judson—to the Committee on Invalid Pensions.

By Mr. WOOD: A bill (H. R. 9525) to correct the military record of Andrew J. McNamar—to the Committee on Military Affairs.
By Mr. WOODARD: A bill (H. R. 9526) for the relief of John D. Thorne—to the Committee on War Claims.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. BAKER of New Hampshire: Memorial of the citizens of the town of Bennington, N. H., in mass meeting assembled, asking that Congress take such action as will secure indemnity for outrages upon the property of American citizens in Turkey, and Such action as will prevent the repetition of the same—to the Committee on Foreign Affairs.

By Mr. HATCH: Papers to accompany House bill No. 5235, to increase the pension of Jasper N. Brown—to the Committee on Invalid Pensions.

By Mr. LAYTON: Resolutions of Glass Bottle Blowers' Association of the United States and Canada, asking Congress to enact a law absolutely prohibiting all immigration of any kind, sex, character, or nationality whatever for the space of five years—to the Committee on Immigration and Naturalization.

By Mr. McMILLIN: Petition and papers of Harry T. Wilson, for payment for injuries received while in the employment of the

Government at Lock No. 3 on the Cumberland River, Tennessee to the Committee on Claims.

SENATE.

THURSDAY, December 10, 1896.

Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.
The VICE-PRESIDENT resumed the chair.
DONELSON CAFFERY, a Senator from the State of Louisiana,
appeared in his seat to-day.
The Journal of yesterday's proceedings was read and approved.

ADJOURNMENT TO MONDAY.

Mr. ALDRICH. I move that when the Senate adjourn to-day, it adjourn to meet on Monday next.

The motion was agreed to.

DISTRICT OF COLUMBIA MEMORIAL ASSOCIATION.

The VICE-PRESIDENT appointed, pursuant to the joint resolution approved June 14, 1892, J. C. Bancroft Davis and Ainsworth R. Spofford members for three years of the Memorial Association of the District of Columbia.

ANNUAL REPORT OF THE ATTORNEY-GENERAL.

The VICE-PRESIDENT laid before the Senate the annual report of the Attorney-General for the fiscal year ended June 30, 1896; which was ordered to lie on the table and be printed.

REPORT OF SUPERINTENDENT OF COAST AND GEODETIC SURVEY.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Treasury, transmitting, in compliance with the requirements of section 4690 of the Revised Statutes, the annual report of the Superintendent of the United States Coast and Geodetic Survey for the fiscal year ended June 30, 1896; which, with the accompanying papers, was ordered to lie on the table and be printed.

CERTIFICATION OF ELECTORS.

The VICE-PRESIDENT laid before the Senate nine communications from the Secretary of State, transmitting, in pursuance of the provisions of the act of February 3, 1887, certified copies of the final ascertainment of the electors for President and Vice-President from the States of Maryland, New Jersey, Connecticut, Alabama, Indiana, Ohio, Delaware, North Carolina, and Rhode Island; which were ordered to lie on the table.

EXTENSION OF CONNECTICUT AVENUE.

The VICE-PRESIDENT laid before the Senate a communica-tion from the Commissioners of the District of Columbia, transtion from the Commissioners of the District of Columbia, transmitting, pursuant to a provision in the District appropriation act of June 11, 1896, a report as to the comparative advantages and disadvantages and comparative cost of extending Connecticut avenue from Florida avenue to the District line; which, with the accompanying papers, was referred to the Committee on the District of Columbia, and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. Browning, its Chief Clerk, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 2604) to increase the pension of Caroline A. Hough, widow of Brig. Gen. John Hough.

The message also announced that the House had agreed to the

report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 4354) granting a pension to Mrs. Mary Gould Carr, widow of the late Brig. and Bvt. Maj. Gen. Joseph B. Carr, United States Volunteers, deceased.

The message further announced that the House had passed the

following bills:

A bill (S. 264) providing for the location and purchase of public

A bill (S. 2047) extending the time within which the University of Utah shall occupy lands heretofore granted to it.

The message also announced that the House had passed the fol-

The message also announced that the House had passed the following bills; in which it requested the concurrence of the Senate: A bill (H. R. 4156) to amend the postal laws, providing limited indemnity for loss of registered mail matter; A bill (H. R. 4157) to amend the postal laws relating to the use of postal cards; A bill (H. R. 5473) concerning delivery of letters in towns, villages, and other places where no free delivery exists; and A bill (H. R. 9473) making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1898, and for other purposes.

PENSION APPROPRIATION BILL.

Mr. HALE. I ask that the pension appropriation bill, which has just come from the House, be laid before the Senate and referred to the Committee on Appropriations.

The bill (H. R. 9473) making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1898, and for other purposes, was read twice by its title, and referred to the Committee on Appropriations.

HOUSE BILLS REFERRED.

The following bills were read twice by their titles, and referred to the Committee on Post-Offices and Post-Roads:

A bill (H. R. 4156) to amend the postal laws, providing limited indemnity for loss of registered mail matter;
A bill (H. R. 4157) to amend the postal laws relating to use of

postal cards; and A bill (H. R. 5473) concerning delivery of letters in towns, vil-lages, and other places where no free delivery exists.

PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented a petition of the Glass Bottle Blowers' Association of the United States and Canada, praying for the enactment of legislation restricting immigration; which was ordered to lie on the table.

He also presented a memorial of the faculty of the College of Physicians and Surgeons and of the medical department of Columbia University, in the city of New York, remonstrating against the passage of Senate bill No. 1552, for the further prevention of cruelty to animals in the District of Columbia; which was ordered to lie on the table.

Mr. GORDON presented a memorial of Bluthenthal & Bickart,

Mr. GORDON presented a memorial of Bluthenthal & Bickart, of Atlanta, Ga., remonstrating against the enactment of legislation permitting distillers to bottle whisky in bond; which was referred to the Committee on Finance.

Mr. BATE presented a petition of the Chamber of Commerce of Chattanooga, Tenn., praying that an appropriation be made for dredging in front of the city wharf and Water street, in that city; which was referred to the Committee on Commerce.

Mr. KYLE. I present a petition of the National Woman's Christian Temperance Union, praying for the appointment of a nonpartisan commission to investigate the problems of capital and labor. The petition refers, I believe, to the Phillips bill, which has already passed the House and is now before the Committee on Education and Labor. I move that the petition be referred to that committee. ferred to that committee

The motion was agreed to.

Mr. WALTHALL presented a petition of Post No. 25, Grand Army of the Republic, of Greenville, Miss., praying for the passage of a service-pension bill; which was referred to the Committee on Pensions.

on Pensions.

Mr. HALE presented a petition of the members of the Society of the Colonial Dames of America, praying for the enactment of legislation incorporating that association under the laws of the United States; which was referred to the Committee on the Library.

Mr. NELSON presented the memorial of Mary F. Isaminger, of the city of Washington, D. C., remonstrating against the erection of stables on lot 43, square 358, in that city; which was referred to the Committee on the District of Columbia.

Mr. McBRIDE presented a petition of the Chamber of Commerce of Astoria, Oreg., praying for the early completion of the Nicaragua Canal; which was referred to the Select Committee on the Construction of the Nicaragua Canal.

Mr. CALL. I present a petition of women of the United States,

Construction of the Nicaragua Canal.

Mr. CALL. I present a petition of women of the United States, members of the Business Woman's Exchange. The petition is signed by a large number of persons and prays that some action be taken on the part of Congress for relief from imprisonment of Mrs. Florence E. Maybrick. I do not know to what committee the petition should be referred. As the Committee on the Judiciary have reported unfavorably, I suppose the petition may be referred to the Committee on Foreign Relations.

The VICE-PRESIDENT. The petition will be so referred, in the absence of objection.

The VICE-PRESIDENT. The petition will be so referred, in the absence of objection.

Mr. QUAY presented a petition of 15,000 operators in woolen and worsted mills in the United States, praying for the passage of the so-called Dingley tariff bill; which was referred to the Committee on Finance.

He also presented a petition of the Glass Bottle Blowers' Association of the United States and Canada, praying for the enactment of legislation restricting immigration; which was ordered to lie on the table.

He also presented a petition of sundry citizens of Chambersburg, Pa., praying for the enactment of legislation for the relief of the suffering Armenians in Turkey; which was referred to the Committee on Foreign Relations.

He also presented a memorial of the War Veterans' Association of Allegheny County, Pa., remonstrating against the extension of the classified service provided for in recent proclamations of the President; which was referred to the Committee on Civil Service and Retrenchment.

He also presented a petition of George G. Meade Post, No. 1, Grand Army of the Republic, of Philadelphia, Pa., praying for the recognition of the independence of Cuba; which was referred to the Committee on Foreign Relations.

He also presented resolutions adopted by the National Board of Trade, favoring the development of the export trade; which were referred to the Committee on Commerce.

He also presented a petition of the National Board of Trade,

praying for the enactment of legislation to develop the merchantmarine service; which was referred to the Committee on Com-

He also presented a petition of the wool section of the Manufacturers' Club, of Philadelphia, Pa., and a petition of the Wool Merchants' Association, of Philadelphia, Pa., praying for the passage of the so-called Dingley tariff bill; which were referred to the Committee on Finance.

Mr. CAMERON presented a petition of the Glass Bottle Blowers' Association, of Philadelphia, Pa., praying for the enactment of legislation restricting immigration; which was ordered to lie on

the table.

He also presented the petition of sundry citizens of Allentown, Pa., praying for the passage of a Sunday-rest law for the District of Columbia; which was referred to the Committee on the District of Columbia.

Mr. VILAS. I present a petition of leading citizens of Milwaukee, Wis., praying for the enactment of legislation for the relief of the suffering Armenians in Turkey. I move that the petition be referred to the Committee on Foreign Relations.

The motion was agreed to.

REPORT OF A COMMITTEE.

Mr. SHERMAN, from the Committee on Foreign Relations, to whom was referred the bill (S. 3214) to authorize Joseph J. Kinyoun, passed assistant surgeon of the Marine-Hospital Service, to accept a medal from the President of the Republic of Venezuela, reported it without amendment.

DEEP WATER HARBOR BOARD.

Mr. FRYE. From the Committee on Commerce I report an original bill, and ask that it be put on its passage now.

The bill (S. 3333) to amend an act entitled "An act making ap-

propriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes, passed finally June 3, 1896, was read the first time by its title, and the second time at length, as follows:

and the second time at length, as follows:

Be it enacted, etc., That the act entitled "An act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes," passed by the House of Representatives June 2, 1896, and by the Senate June 3, 1896, notwithstanding the objections of the President, be, and the same is hereby, amended by inserting on page 213 of the Statutes at Large, Fifty-fourth Congress, first session, after the word "War" and before the word "Provided," on the thirty-ninth line of said page, the following language: "The officer of the Navy detailed to serve on this Board shall receive from said appropriation, in addition to his mileage provided for in section 1566 of the Revised Statutes, and notwithstanding its provisions, such a per diem allowance for subsistence as the Secretary of War may deem proper."

The VICE-PRESIDENT. Is there objection to the present

consideration of the bill?

consideration of the bill?

Mr. HALE. I will not object to my colleague's bill, because I know it is a very important measure and should be passed at once, but hereafter I shall for one object to the routine morning business being interrupted by anything. In the interest of good business I shall insist upon going on with it until it is completed.

Mr. FRYE. I would not have made this request if the commission were not now in session, and if the Comptroller had not ruled in such a way that the rear-admiral is not to be entitled to anything but mileage.

Mr. HALE. I so understand.

Mr. PLATT. This is for subsistence?

Mr. FRYE. Yes, sir; for subsistence.

By unanimous consent, the Senate, as in Committee of the

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BILLS INTRODUCED.

Mr. SHERMAN introduced a bill (S. 3334) to remove the charge of desertion standing against Thomas Toomey; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Military Affairs.

He also introduced a bill (S. 3335) granting a pension to Mary Power; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

He also introduced a bill (S. 3336) granting a pension to Malvina Webster; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

He also introduced a bill (S. 3337) granting increase of pension to Andrew Lybold; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

He also introduced a bill (S. 3338) granting a pension to Nelson B. Lutes; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. PEFFER introduced a bill (S. 3339) granting a pension to Louise E. Perkins; which was read twice by its title, and referred to the Committee on Pensions. Mr. SHERMAN introduced a bill (S. 3334) to remove the charge

to the Committee on Pensions.

Mr. LODGE introduced a bill (S. 3340) authorizing Herbert H. D. Pierce to accept a medal from the Russian Government; which was read twice by its title, and referred to the Committee on Foreign Relations.

on Foreign Relations.

He also introduced a bill (S. 3341) granting a pension to Theophile A. Dauphin, who served under name of Alexander Duffney; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. HAWLEY introduced a bill (S. 3342) granting an increase of pension to Eva W. Brannan, widow of the late Maj. Gen. John Milton Brannan, United States Army; which was read to the Comits it is and with the accompanying papers referred to the Comits in the companying papers. its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. MITCHELL of Oregon introduced a bill (S. 3343) granting a pension to Arethusa Wright, of Sheridan, Oreg.; which was read wice by its title, and, with the accompanying papers, referred to

the Committee on Pensions.

CONGRESSIONAL RECORD—SENATE.

Mr. BERRY introduced a bill (8.3344) to define the jurisdiction of United States courts at Fort Smith, Ark., Fort Scott, Kans., and Paris, Tex., for offenses committed prior to September 1, 1896; which was read twice by its title, and referred to the Committee on the Judiciary

Mr. ALLEN introduced a bill (S. 3345) to authorize the judges of the district courts of the United States to appoint stenographic reporters, fix the duties and compensation thereof, and for other purposes; which was read twice by its title, and referred to the

Committee on the Judiciary.

Mr. KYLE introduced a bill (S. 3346) to amend an act approved March 2, 1889, entitled "An act to withdraw certain lands from private entry, and for other purposes;" which was read twice by its title, and referred to the Committee on Public Lands.

Mr. BLANCHARD introduced a bill (S. 3347) to provide for the closing of the Pass a Loutre Crevasse near the mouth of the Mississian in the closing of the Pass and twice the closing of the Pass and twice the closing of the Pass and Loutre Crevasse near the mouth of the Mississian in the closure of the closing of the Pass and Loutre Crevasse near the mouth of the Mississian in the closure of the closure

sissippi River; which was read twice by its title, and referred to the Committee on Commerce.

Mr. WALTHALL. On behalf of the Senator from Delaware [Mr. Gray], who is unavoidably absent, I introduce a bill.

The bill (S. 3348) for the relief of the sureties of Frank A. Webb was read twice by its title, and referred to the Committee

Mr. NELSON (by request) introduced a bill (S. 3349) to enable the Commissioners of the District of Columbia to refuse a permit to erect stables on lot 43, square 358, in the city of Washington, in the District of Columbia; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. THURSTON introduced a bill (S. 3350) granting a pension to Susan A. Paddock; which was read twice by its title, and referred to the Committee on Pensions.

Mr. WALTHALL introduced a bill (S. 3351) for relief of estate of Warren R. Dent; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 3352) for relief of the estate of Jacob Oates, deceased, late of Warren County, Miss.; which was

read twice by its title, and referred to the Committee on Claims.

Mr. BAKER (by request) introduced a bill (S. 3353) to extend and amend an act entitled "An act to grant the right of way to the Kansas, Oklahoma Central and Southwestern Railway Company through the Indian Territory and Oklahoma Territory, and for other purposes," approved December 21, 1893; which was read twice by its title, and referred to the Committee on Indian Affairs.

Mr. CAMERON introduced a bill (S. 3354) granting an increase of pension to George Van Vliet; which was read twice by its title,

and, with the accompanying papers, referred to the Committee on

Mr. HALE introduced a bill (S. 3355) to provide for organizing a naval reserve battalion in the District of Columbia; which was read twice by its title, and referred to the Committee on Naval Affairs.

He also introduced a bill (S. 3356) to incorporate the Society of the Colonial Dames of America; which was read twice by its title, and referred to the Committee on the Library.

Mr. MITCHELL of Oregon introduced a bill (S. 3357) to amend

section 2425, Revised Statutes; which was read twice by its title, and referred to the Committee on Public Lands.

Mr. GORMAN introduced a bill (S. 3358) to incorporate the Washington and Gettysburg Railway Company; which was read twice by its title, and referred to the Committee on the District of Columbia

Mr. HANSBROUGH introduced a bill (S. 3359) to ratify and confirm an agreement with the Turtle Mountain band of Chippewa Indians in the State of North Dakota, and to make appro-

pewa Indians in the State of North Dakota, and to make appropriation for carrying the same into effect; which was read twice by its title, and referred to the Committee on Indian Affairs.

Mr. BLACKBURN introduced a bill (S. 3360) for the payment of Dr. H. B. Matteosian for services as delegate of the United States to the Sanitary Commission at Constantinople from 1874 to 1885; which was read twice by its title, and referred to the Committee on Foreign Relations mittee on Foreign Relations.

Mr. MITCHELL of Oregon introduced a joint resolution (S. R. 167) declaratory of the intent and meaning of a certain act therein named; which was read twice by its title, and referred to the Committee on the Judiciary.

AMENDMENTS TO IMMIGRATION BILL.

Mr. MORGAN submitted an amendment intended to be proposed by him to the bill (H. R. 7864) to amend the immigration laws of the United States; which was ordered to lie on the table and be printed, and to be printed in the RECORD, as follows:

and be printed, and to be printed in the RECORD, as follows:

Add as additional sections the following:

"SEC. 3. No person, being a subject or citizen of any foreign government, shall be admitted to citizenship under the laws of the United States who, when admitted, can not read correctly the Ten Commandments and the Constitution of the United States printed in the English language.

"SEC. 4. No application for citizenship in the United States, and no declaration of intention to become such citizen, shall be filed in any court or have validity for any purpose until it shall be first established by proof to the satisfaction of the court or judge before whom such declaration is made or filed that such emigrant has, in good faith, resided in the United States continuously for the period of five years prior to the date of such application."

Mr. ELKINS submitted an amendment intended to be proposed by him to the bill (H. R. 7864) to amend the immigration laws of the United States; which was ordered to lie on the table and be CHANGE OF REFERENCE.

Mr. BACON. Yesterday I introduced a bill (S. 3332) making appropriations for the improvement of the road from the Chickamauga and Chattanooga National Park to the town of Lafayette, in Georgia, which was referred to the Committee on Appropriations. It should have been referred properly to the Committee on Military Affairs. I ask that the Committee on Appropriations be discharged from the consideration of the bill, and that it be referred to the Committee on Military Affairs.

Mr. CULLOM. Will the Senator again state the title of the bill?

bill?

Mr. BACON. It is simply a bill proposing to make an appropriation for improvements connected with the Chickamauga and Chattanooga National Park. It should go to the Committee on Military Affairs, and I now ask that the change of reference be

The VICE-PRESIDENT. In the absence of objection, it will be so ordered.

PROPOSED DISTRIBUTION OF APPROPRIATION BILLS.

Mr. ALDRICH. During the last session of Congress the Committee on Rules were instructed by the Senate to report the first day of the present session upon the subject of the distribution of appropriation bills. The engagements of the committee were such that they were not able during the recess to give the matter any attention whatever. I had a meeting of the committee called to consider the question, but up to this time we have not been able to reach it. I ask that the time be extended within which the committee may make its report.

The VICE-PRESIDENT. Is there objection? The Chair hears

none, and it is so ordered.

INAUGURATION ARRANGEMENTS.

Mr. SHERMAN. I offer for adoption a resolution which is in the usual form such resolutions have taken for many years.

The resolution was read, considered by unanimous consent, and agreed to, as follows:

Resolved, That a committee of three Senators be appointed by the President of the Senate to make the necessary arrangements for the inauguration of the President-elect of the United States on the 4th day of March next.

PACIFIC RAILROADS SINKING FUND.

Mr. PETTIGREW submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Secretary of the Treasury be directed to send to the Senate a copy of the account of the amount due the sinking fund of the Central and Union Pacific railroads on account of subsidies paid the Pacific Mail Steamship Company by said roads and deducted from the gross earnings of said roads and charged to operating expenses, which account was transmitted to the Treasury Department by the Secretary of the Interior on the 5th day of March, 1886, together with a copy of the letter of the Secretary of the Interior transmitting said account.

AFFAIRS IN CUBA

Mr. CULLOM said: Mr. President, a day or two ago I gave notice that this morning, if agreeable to the Senate, I would claim the attention of the body for a little while, and I will do so now, if permitted.

Preparatory to what I have to say, I introduce a joint resolution, and ask that it may be read.

The joint resolution (S. R. 168) for the extinction of Spanish title and the termination of Spanish control of the islands at the gateway of the Gulf of Mexico was read the first time by its title and the second time at length, as follows:

Resolved by the Senate and House of Representatives of the United States in Congress assembled, That the extinction of Spanish title and the termination of Spanish control of the islands at the gateway of the Gulf of Mexico are necessary to the welfare of those islands and to the people of the United States.

Mr. CULLOM. Mr. President, the President of the United States, in his annual message, has discussed at some length the vexed situation of affairs in the neighboring Island of Cuba. He has given to the subject much study, and evidently views the existing conditions there with much concern. His most serious consideration, however, is given to the problems which will demand consideration, nowever, is given to the problems which will demand solution in the early future. The magnitude of these problems and of the interests involved require the exercise by our people of their wisdom and best judgment. The decision of the questions arising and to arise, and the determination of the policy to be pursued by this Government in the near days of the future, will command the exhibition of high patriotism, not less than of wise command the exhibition of high patriotism, not less than of wise action, upon our part. We are already placed in such position that some certain course of action must be adopted. Whatever that course may be, it must be such as shall give proper recognition to the rights, under existing conditions, belonging respectively to Spain and to Cuba. It must also recognize the rights and prerogatives of the world at large—of the nations and the people who stand aloof and watch with deepest interest this struggle for independence and for liberty against absolutism. And not the least of the responsibilities imposed upon us as a nation is the conservation of our own rights and interests. In fact, this latter is the determining factor which must control our course.

While I am not disposed to criticise President Cleveland. I may

determining factor which must control our course.

While I am not disposed to criticise President Cleveland, I may properly say that I had hoped he would find occasion to give more positive or emphatic expression of the true American continental policy, which ought to be invoked in all cases where the liberty and independence of any of the peoples of the American Continent are involved. And further, I think we ought never to hesitate or delay when the lines of this policy run parallel and coincident with those of common humanity.

If this position shall strike the mind as being too much in advance of the conservatism which has heretofore obtained in all the schools of diplomacy, I may say that that advance is what the world is waiting for. Must the opening of the twentieth century find free America still bound and held by canons dictated for the perpetuation of monarchical power? Under that antiquated conservatism there never would have been erected on the earth the nation which we love and to the establishment of which our fathers consecrated their lives, their fortunes, and their sacred honor.

The conservatism which adheres to the precedents born in ancient monasteries and clings to an iron-bound monarchism never

cient monasteries and clings to an iron-bound monarchism never built a public schoolhouse nor lived in a free land. Humanity and advancement travel together, and dwell only in the climate

of republics.

All the diplomacy of all the ages never found a way by which slavery could be dethroned. It required the humanity of Lincoln

savery count be destroned. It required the Bulmanny of Lincoln to break the chains and the progress of the Republic to open the prison walls to liberty and make glad a waiting world.

But to consider the Cuban question and its condition and difficulties I must invite attention to some facts of history in regard to Spain. The peninsula of Spain and Portugal was at the earlito Spain. The peninsula of Spain and Portugal was at the earliest date to which either history or tradition refers peopled by the Iberians and Basques. Celtic tribes afterwards came from the northward, and intermingling with the inhabitants formed a mixed race who remained in Spain, while many of the Celts overran the western Spanish provinces and Portugal, which have retained traces of the Celtic blood to this day. At a later day the Romans by their conquests subjugated the Spanish provinces, two or three centuries before the Christian era. The Roman occupation of course modified greatly the characteristics of the people so long as the Roman Empire retained its domination, which continued amidst various struggles for some five hundred years. The invasion of the Roman Empire and its Gallic provinces by the

long as the Roman Empire retained its domination, which continued amidst various struggles for some five hundred years. The invasion of the Roman Empire and its Gallic provinces by the Vandals and northern barbarians, which took place early in the fifth century, was perhaps the most complete saturnalia of wreck and ruin, destruction and carnage, known in history.

The several provinces of the Spanish peninsula were divided up among their barbaric conquerors, who thereupon occupied the land. Then came the Goths and Visigoths, and a Gothic kingdom succeeded and held the country for about three hundred years. During this period many of the Jews who had already settled in various localities were expelled the country. About the beginning of the eighth century, the Gothic kingdom, having materially declined in power, and having become weakened by the growing ascendency of a church and clergy inherited from the Roman period, was deemed fair prey by the Moslems who lived in the north of Africa, across the Straits of Gibraltar. The Moors and Arabs invaded the greater part of Spain, and captured most of the larger cities. In 778, Charlemagne with a great army of Franks crossed the Pyrenees and marched victoriously to the River Ebro, taking possession of the country of the Spanish March.

The whole country now known as Spain and Portugal was the scene of various conquests and revolutions and had its full share of crusades and wars of every sort. Different provinces were created into kingdoms, had their brief careers, and lived or died

of crusades and wars of every sort. Different provinces were created into kingdoms, had their brief careers, and lived or died as the fortunes of wars innumerable determined. The Kingdoms

of Navarre, of Castile, of Aragon, of Toledo, of Galicia, with Emirates of different boundaries, the principalities of Seville, of old and new Castile, of Granada, of Murcia, of Cordova, and of Catalonia, each had its territory and its sway of much or little power during the troublous period extending to the thirteenth century. A hundred wars and a thousand intrigues militated against peaceful times within the limits of the Spanish Peninsula. Then the Moors again took control of Granada, and under their rule, an era of beautiful architecture, the Alhambra was built.

During the time intervening between the beginning of the thirteenth century and the discovery of America by Columbus in 1492, the changes of the greater or lesser dynasties of the constantly quarreling provinces of the peninsula were something too intricate to recall at this time. The year of Columbus's great achievement, 1492, was also the year of the final surrender of Granada by the Moors and of the full confirmation of the rule of Fredding and and Jeoballa in Spain

Ferdinand and Isabella in Spain.

In 1520, after King Charles had gone to Germany to become Emperor, while still retaining his cruel hold upon the Spanish throne, a revolutionary organization, in desperation at the oppression with which the Spanish people were treated, raised an army of 20,000 men and levied war against him. This revolution was soon crushed and its leaders executed. The insurgents, as well as others, were then forced into allegiance to their foreign ruler. Prescott says:

The Government of Castile, assuming the power both of making the laws and of executing them, became in its attributes nearly as absolute as Turkey.

The several reigns from the Austrian, Philip I, through King Charles, afterwards the Emperor Charles V, Philip II, Philip III, Philip IV, and Charles II, ruling through the long period to the year 1700, says a distinguished author-

Fill the century of national decline, full as it is of crowned idiocy, hypochondria, and madness, the result of incestuous marriages or natural weakness.

The splendid and prosperous Spanish Empire—its vast conquests, discoveries, and foreign wars—became transformed into a bauble for the caprice of favorites under their successors.

After a few years of inglorious reign, Charles II, the last of the line in descent from Philip of Austria and Joanna of Spain, being without an heir, bequeathed his crown at death to the Bourbon prince, Philip of France, Duke of Anjou, who became Philip V of

Spain.

The recognized authentic history of the Spanish Inquisition, compiled and published in London in 1826, from the original works of Llorente, former secretary of the Inquisition and chancellor of the University of Toledo, has the following by way of

All the records of the fantastic cruelties of the heathen world do not afford so appalling a picture of human weakness and depravity as the authentic and genuine documents of the laws and proceedings of this Holy Office, which professed to act under the influence of the doctrines of the Redeemer of the World.

This agency of murder and administrator of torture in the name of Christianity continued in vigorous existence in Spain from the reign of Ferdinand and Isabella, about 1483, until even after the beginning of the present century. Since the year 1800, and during the term of the forty-fourth inquisitor-general, Don Ramon Joseph de Arce, archbishop of Saragossa, which lasted eleven years, twenty individuals were condemned to public penance. The curate of Esco was condemned to the flames, but the grand inquisitor and the supreme council would not permit the execution of the sentence.

During the existence of the Holy Office, or Inquisition, 31,912 persons were condemned and perished in the flames, 17,659 were burned in effigy, and nearly 300,000 were condemned to severe and terrible personness. The last retired to severe The last victim burned alive perished and terrible penances.

The above is the mildest and simplest statement of a history of Spanish cruelty to Spaniards from the day of the discovery of America to the Independence of the United States.

For some three hundred years church and state maintained a partnership which signalized its existence and continuance by such horrors that a just God might have easy cause to close the human account of an entire race of people. Yet during all this long and awful history not a nation of the earth ventured to in-terpose its veto to the carnival of woe.

I do not overlook the fact that the modern legislation of Spain as applied to her subjects at home and in the provinces is a wonderful advance over that of former years. I would not consent to an act of real injustice to the Spain of to-day, if such were proposed, no matter what may have been the offenses of the past, and it is cause for congratulation that a degree of enlightenment has taken the place of much of the ill doing of the earlier days. But I must insist that a country which licensed and authorized the butcheries of Pizarro and the conquests of Cortez, and which ordained the depopulation of Cuba and the bloody marches in Central and Southern America, shall not carry on a war of exter-mination against Cuba. I have said nothing of the dread career of the Duke of Alva in the Netherlands, or of the thousand years

of concentrated demonism chargeable to the Spanish dominion of the Cross and the Sword. I assert that the American nation will not much longer quietly permit the domination of Spanish absolutism under the very shadow of our institutions, and hardly a gunshot away from our southeastern shores. That absolutism has had its apt training during forty generations of unbridled lust, and it could not if it would teach the doctrines of peace or permit the equality of man.

It seems to be a paradox, but nothing is more true than that the periods of greatest prosperity and glory for Spain were those when the Arabs were in control; again when the Moors were in full power; and still again when the Jews were the foremost race

in trade and commerce.

in trade and commerce.

I protest that a people with such a history and such an education can have no just claim to a participation in the control of any territorial possession on this hemisphere.

There may be no warrant in international law for any interference between a government and its subjects, provided that government belongs to the family of nations, or is recognized as one of the powers of the earth. Still, does not the great heart of humanity beat in sympathy with the poor souls apparently forgotten by the Master and left to bear the burdens of cruel and relentless oppression? Is there no way, no light, no hope? Must the brutality of might alone define the offense and mete out the benalty, with no human power to whom intercession may be penalty, with no human power to whom intercession may be made? Oh, Spain! oh, Spain! when shall thy day be fulfilled? Was there no loyal Spaniard who would and could, amid all these centuries, stay the hand of death or raise the sword of justice while there was time to save?

Let us turn to Spain in America. I shall speak briefly of the career of the Austro-Burgundian rulers of Spain in the treatment of their colonies on this continent. I shall state in few words how, from the baptism of innocent blood with which the sons of Spain and the fathers of the church deluged South Amersons of Spain and the fathers of the church deluged South America and Mexico, there have arisen prosperous states and nations. I do not admit that these newer republics, which once owed tribute to a Spanish mother country, are unable to meet the responsibilities of self-government. They may make sad blunders, and may not come up to the full and high standard which the United States of America has set before the world, but they will strive to reach it. They aim to the noblest, and will reach what they are able. I believe to them may be justly applied the motto of Kansas: "Ad astra per aspera," meaning "To the stars through difficulties," which is a free translation of "Excelsior," the motto of New York. And during all their troubles and struggles for of New York. And during all their troubles and struggles for governmental freedom what enlightened nation anywhere made their hopes and cause her own? None. Not one. They have reached the plane of self-responsibility and self-assertion without the aid of even the United States.

Mexico emerged from Spanish control and overturned a French invasion without the interposition of the United States or the aid of any other country. But I now suggest that another and better day is about to dawn. The United States must to-morrow, if not to-day, give vitality to her sympathy for the oppressed and the weak. I desire to urge and to claim a policy and the adoption of a doctrine for our nation in advance of that which has hereto-fore been sanctioned. The United States, by virtue of our history, of our origin, our growth, and recognizing our proud and proper place in the honorable annals of the world, is the chosen country to not a new charter into the code of international states. to put a new chapter into the code of international statutes and to declare a new and advanced watchword for the civilized world, If we fail to keep up with the march of sentiment and to mold into effective law such salutary principles as we solemnly believe are just and right, and such as are demanded by the progress of the world, we shall neglect a high duty and privilege and omit a

the world, we shall neglect a high duty and privilege and omit a sublime opportunity.

While all the provinces which have rebelled and separated from Spain have, as I have shown, become prosperous and fairly well conditioned, independent countries, the feeble old mother country has gradually fallen into lower and lower estate, depending and almost relying for existence upon the stolen gold levied upon Cuba, Puerto Rico, and the Philippine Islands. Spain continues to be what she always has been—a robber nation. I speak now of the nation, and not of her people. Some of the best and noblest names of the ages come to us from Spain, where, unhappily, too many of them met their sad and melancholy fates. And to-day, as well as in recent times, there are many noble men and women as well as in recent times, there are many noble men and women who owe allegiance to the Spanish throne, who adhere to her cause, hoping and striving to improve and make better her present and future, but who can never outlive or wipe out the traditions which have established her reputation and fixed her status among the kingdoms of the Eastern Hemisphere.

If we wait for precedent we shall wait forever. If a precedent is needed we shall make one.

We violated every precedent by the declaration of our own independence on July 4, 1776. We had no precedent, nor did we even ask for advice as to the change in 1789 from a confederation

to a union of States. When we announced the Monroe doctrine in 1823, it was in defiance of precedent, and was the determination of a rule which has become a law and will never be gainsaid.

When we announced not many months ago that we should intervene in the matter of the Venezuela boundary and see for ourselves if our rights were to be concluded by foreign dictation, we followed no precedent but that of good American common sense.

And common sense has won.

I desire to say in this connection that, although at the time of the action by Congress upon the Venezuelan question, including the message of the President of the United States, there was a feeling in some parts of the country that the National Government was doing wrong, there is no man in this country to-day who, in the light of what has since happened in the practical settlement of that question, is not ready to admit that the Government of the United States did right and has secured by its action the recognition of one of the greatest principles in connection with the policy of our country in its relations with foreign governments which has been accomplished for the last fifty years. I desire to say that in approbation of the result, as I understand it, of a substantial settlement of the Venezuelan question and of a substantial recognition by the British Government of what we in this country call the Monroe doctrine.

These instances only show that up to this time no assumption of authority in regard to American affairs which this Govern-

ment has made has ever been successfully contested.

ment has made has ever been successfully contested.

We now have reached the time to take another step in advance.

We have already proclaimed that the United States will have something to say regarding matters affecting the American continent, and we should now announce that the speedy termination of Spanish control of the islands at the gateway of the Mexican Gulf is necessary alike to the welfare of those islands and to the people of the United States.

The present situation can not continue. A population of 950,000 white Cubans and 500,000 colored Cubans, aggregating 1,450,000 persons, will never yield and ought never to submit to the bloody military rule of 160,000 Spaniards. The Spanish element which has always controlled and dominated Cuba since its discovery numbers only about one-tenth its population. Columbus declared "this is the most beautiful land ever beheld by human eyes," in October, 1492. Now, in 1896, it is given over to devastation and destruction. Within its borders rages a war which on both sides is declared to be a war either of extermination on the one hand, is declared to be a war either of extermination on the one hand, or liberty and Spanish exclusion on the other. This condition must cease. The Spanish, after two years' war, have failed to establish peace and the insurgents have failed to reach their hoped-for independence.

This war of extermination must stop.

This Congress of the United States has already recognized by solemn resolution the belligerent rights of Cuba, but so long as it has not received the Executive approval it has no force. And if it had, it is conceded that some other course must be taken. The question to be determined is not fully clear, except that the war must cease. Its consideration and discussion involves far more than the mere abstract question of the territorial possession and ownership by Spain of an isolated or insular tract of land lying on the Caribbean waters of this continent. A study of the his toric facts, showing when and in what manner the rich and fertile Island of Cuba became the richest and brightest jewel of the Castilian crown, is necessary to an intelligent understanding of the relations which obtain between the United States and Spain. And in much greater degree is it necessary that we should understand the logic of the events which have led to the assertion of

stand the logic of the events which have led to the assertion of the American doctrine by our own country.

The growth of the republican idea upon the American continent, and its spontaneous expansion over both North and South America, in the very face of an exclusive monarchical domination in the Eastern Hemisphere, has logically and properly forced the United States to a declaration of our national policy. The Monroe doctrine, once almost an experimental declaration, with its now seventy years of continued approval, has become a venerated principle never to be infringed or violated.

American republicanism has already reached far into its second century, and has outgrown and passed beyond the incidental antagonisms and unavoidable warfare of ideas which its appearance upon this continent immediately after the Revolution had invited. The timidity with which the representative American citizen formerly approached the vicinity of royalty, and the awe with which he viewed the purple, has changed to a self-consciousness and a pride of country which yields to no monarchist in the world.

But with these changes others have come. At the same time

But with these changes others have come. At the same time that America was advancing, and Americans assuming the lead on this hemisphere, Spain has been retrograding. That vast area in South America and in Central America which once owed allegiance to Spain has passed from her grasp, and has been carved into a dozen republics. From Chile to Venezuela nearly every state in South America deems itself able to cope with all its Latin

cousins of Europe, and there is little doubt that a European war unjustly waged against any one of the Spanish-American republics would now be the signal for a union of them all in the cause of the one threatened. All these countries which formerly paid tribute to Spain have, as occasion offered, declared their independence and become self-governing states. Their separate sovereignty and independence have been recognized by the world, and they appear competent to maintain the same. It may be that the standard and quality of their republicanism will be questioned by some other nations, but considering the genealogy of their inhabitants, and the difficulties surrounding their advancement, it rests not in the heart of any citizen of the United States to disparage their progress or criticise their growth.

progress or criticise their growth.

Let us look at the Argentine Republic and study the instructive lesson which it presents. That really wonderful country has now a population of about 4,000,000. Its advantages of climate, soil, a population of about 4,000,000. Its advantages of climate, soil, and political freedom have drawn to it an average of 50,000 new permanent settlers annually for the last five years. The greater portion of these were from the Latin countries of Europe, and at least one-third of them came with families. They have merged readily into the producing class at their new home, and their accession has been marked by a vast and significant increase in the agricultural production of Argentina. That increase during the five years last past is aptly presented by the following tables of exports:

exports:

Agricultural exports for the last five years.

Year.	Wheat.	Corn.	Flour.
1891	Tons.	Tons.	Tons.
1892	395,555	65, 908	7,015
1893	470,109	445, 935	18,849
1894	1,008,137	80, 514	37,921
1894	1,608,249	54, 876	40,758
1895 (9 months)	1,471,649	513, 443	36,976

The following gives the various items and the value of the agricultural exports alone for the year 1894:

Product.	Quantity.	Value.	
Linseed Rye Maize Baled alfalfa Oats Barley Wheat Other crops Sundries	Tons. 104,435 2,982 54,876 47,618 1,665 673 1,608,249 2,454	\$3,583,459 40,810 1,046,007 456,386 29,489 10,041 27,118,142 203,804 32,038	
Total		32,520,176	

The total agricultural exports for 1893 amounted to \$29,017,405, thus showing an increase of \$3,502,771.

It may be interesting also to present here a statement of a few other products of the Argentine Republic which have found a market in other countries during the past five years, and for which those enterprising South Americans have received pay in

Exported in the five years ending December 31, 1894.

Articles.	1890.	1891.	1892.	1893.	1894.
Ox hornstons	2,289	2,428	1,851	1,593	2,597
Bonesdo Horsehairdo Cowhides:	38, 787 2, 324	51,086 2,341	28,847 2,138	31,419 2,079	42, 487 2, 622
Drynumber	3,053,649	2,678,909	2, 845, 189	3, 181, 237	3,954,483
Jerked beeftons.	1,294,101 43,481	1, 263, 502 39, 635	1,068,611	1,024,945 41,151	1, 187, 653 42, 838
Meat extractdo	187	192	260	99	84
Hide cuttingsdo Preserved tongues .do	1,822	1,784 784	1,433 994	1,448 857	1,309 716
Dried blooddo	492	648	964	1,102	850
Grease and tallowdo Salted meatsdo	17, 361 474	20,725 2,876	19,879	19,066	25, 246
Preserved meatsdo	76	248	7,040	2,178	658 718
Sheepskinsdo Unwashed wooldo	27,148 118,405	24,170 138,605	32,060 154,635	25, 569 132, 230	36,756 161,907

The following table shows the number of live animals exported during the past five years:

Animals.	1891.	1892.	1893.	1894.	1895.*
Asses Horses Sheep Mules Horned cattle	6,790	10, 185	8,835	9,423	6, 936
	10,703	7, 487	5,275	12,362	8, 469
	114,691	40, 100	71,167	122,218	335, 288
	14,703	16, 514	12,842	14,426	14, 471
	171,105	125, 458	201,645	220,490	302, 996

^{*} Nine months.

Nearly all the asses are shipped to Bolivia; the horses to Brazil, Chile, and Uruguay; the sheep to Chile, Brazil, and Great Britain; the mules to Chile and Bolivia; and the horned cattle to Brazil, Chile, Uruguay, and Great Britain.

I have not referred to the mineral industry, the wine product,

the dairy product, the high-wine and whisky product, the shipment of fine hard woods and lumber, or to many other products of which the exports amount to many millions of dollars annually.

I have thus taken the Argentine Republic and its wondrous growth and advancement in material wealth and possibilities as

typical of the future of other Spanish-American Republics.

Look a moment at the Republic of Chile, and glance at a very

few figures regarding a country of which we hardly know any-

The volume of Chilean trade statistics for 1894 shows as follows:

The aggregate trade of the Republic, both foreign and coasting, in 1894, amounted to \$338,490,753; of this amount, \$148,223,539 represent the foreign and \$190,267,214 the coasting trade. There was a decrease, as compared with 1893, of \$5,116,921 in the foreign trade and an increase of \$8,096,292 in the coasting

The Chilean Society for the Promotion of Manufactures has issued a pamphlet on the subject of "The industrial establishments in the Department of Valparaiso," from which the following facts are taken: The total number of manufactories is 417; the value of the raw material consumed in 1895 is given at \$20,057,573; operatives employed, 12,616.

Chile has a commercial marine of 191 vessels, of which 40 are steamers. The country contains rich gold and silver mines. It also produces large amounts of nitrate of soda, borate of soda, and iodine, and in the south and center districts has extensive mines of copper and iron and coal. It has over 1,800 miles of railroad

and 8,300 miles of telegraph.

and 8,300 miles of telegraph.

Brazil, formerly an empire, now a republic, is rapidly striding forward, notwithstanding the existence of internal dissensions in some interior provinces. She has about 8,000 miles of railway and possesses a vast territory which produces great quantities of sugar, coffee, and india rubber. The exports of rubber alone from the port of Para reach about 50,000,000 pounds annually, and the same port ships from twelve to fourteen million pounds of sees a para para many mith much cotton and tabasec. Her mines of cacao per annum, with much cotton and tobacco. Her mines yield largely of the precious metals and precious stones. Brazil has a public revenue of nearly \$70,000,000 and exports immense quantities of her productions.

And so on, the productions and growing industries of all the various States of the southern continent might be recited in some detail, but enough has been said to convey the idea I wish to present as to the wonderful capabilities of the southern republics and the advancement of their people. Cuba, in her productions and resources, in her history, and in the character of her population, closely resembles these countries. When emancipated from the domination of tyranny she will outstrip them in the race of pros

perity and industry.

I wish specially to emphasize the opinion which I hold, that nearly every one of these governments has in some quality or another become worthy of the admiration of the enlightened world. It can not be denied, however, that there is ground in too many instances for the criticism of our people upon the inconstancy, the cruelties practiced, and the revolutionary spirit which exists in some of those States. But with their advancing prosperity it can readily be seen that the tendency everywhere is toward humanity and decency in social and political affairs. The evils which are justly chargeable against many of these people are their which are justly chargeable against many of these people are their legitimate inheritance from warlike ancestry educated by centuries of monarchism to the trade of bloodshed and cruelty. It is not easy to transform such a population into quiet citizens, loving a quiet life. The very birthright which many of them cherish has brought with it into their daily lives the evils of an ancestral spirit which will require years of education and association to record the properties of overcome. But republicanism is coming to be understood. The success of the Argentine Republic, Brazil, Chile, and Mexico under the wholesome restraints of good government and wise management have furnished to all the others an example of prosperity which they will not be slow to emulate.

perity which they will not be slow to emulate.

The lesson shows what can be done, and why should they not participate in the benefits? What Buenos Ayres and Chile and Mexico have done may not Bolivia, Peru, or Venezuela also do? It is too much to hope that the day of domestic strife and revolution has passed, but we may hope that the day of education and right administration will have its turn. And if this be true with reference to the weaker South American States, why not with Cuba? By what bond does Spain hold Cuba? Not the bond of relationship and natural affection. Not mere national pride in the possession and preservation of territorial or colonial dependencies. That

sion and preservation of territorial or colonial dependencies,

pride was humiliated and broken years and years ago when she bade farewell to her South American people.

The only bond which exists, and which by the fiction of antecedent possession and occupation is held sufficient, is that which enables her to levy millions upon millions of tribute upon the rich sugar fields of the unfortunate island. The contest of the Cubans is a contest for freedom against an absent monarchy across the sea. It is a warfare against a ruler who is practically an alien and whose methods are simply those which might shall dictate. It is a struggle for the right to live and breathe the free

air of a good government.

The colonial dependencies of Great Britain and of other great countries are usually governed in a manner to benefit and improve the welfare of the colony. The government of Cuba by Spain is merely a tyranny, the governmental power being but a machine by which the profits of the resident sugar grower go to fill the pockets of the Spaniard 2,000 miles away. A government which years ago suffered dismemberment by the complete severance of its South American territories, which has been humiliated by their success as independent countries, finds its last claim to a profitable dependency now threatened. The people of Cuba, who have borne oppressions and misgovernment for many generations. have invited their oppressors to a final determination, and have bidden them welcome to a feast of war and a carnival of desolation. Right or wrong, the struggle continues, and if we can judge by the history of the men of both armies, it will continue until the last dollar is spent, the last plantation is ruined, and the last machete has fallen from the hands of the last man. The fighters there on either side neither give nor ask for quarter. The warfare between Chile and Peru, where hospitals and ambulance service were not needed after a battle, will have its counterpart to some extent on the battlefields of Cuba. The successful army will not be burdened with wounded enemies, when a few hours of throat cutting will make all quiet as the grave. It is on hours of throat cutting will make all quiet as the grave. It is on one hand a war to win, and on the other a fight to death. The best blood of Andalusia, what is left of it, is deemed not too sacred to be sacrificed if need be in the contest with the patriots, the mixed races who are risking their all for the liberty of Cuba.

To the average Spanish gentleman, Spain is the object of adoration, but Spain without Cuba is to him the world without the sun. The revenue from Cuba has been the chief joy of Spain for many years, and if Cuba should now be separated from the Spanish throne, the sun would cease to shine upon the Albembre.

throne, the sun would cease to shine upon the Alhambra.

Cuba to-day is lost to Spain. The public proclamation of Spanish defeat may not have been officially and definitely announced, but in truth and fact the submission of Cuba will never again be but in truth and fact the submission of Cuba will never again be yielded as of old. The tribute of twenty-five to forty million dollars annually, so long exacted, will never again replenish the treasury of Spain. The struggles of 1895 and 1896 may sadly cripple Cuba, but they will ruin Spain. Cuba, with its wonderful soil and climate, and its unparalleled capabilities, will regain in material wealth and growth under benign influences far more than she has lost. The blood of her people spilled upon her soil will yield a growth of independent citizenship consecrated to liberty. This age is not an age of retrogression. The world of liberty. This age is not an age of retrogression. The world of to-day is not wedded to barbarism in order to perpetuate tyranny

or relieve tottering dynasties.

Cuba has a population of more than a million and a half of people, of which over a million boast their white blood and half a million are colored, yet the grandsons of Spain who live in Cuba and have become identified with the Cuban cause far outnumber those who adhere to Spain. The logic of the insurrection means liberty for Cuba. What does the world care for the beauties of all the earlies and release in Spain careful at the care in the all the castles and palaces in Spain, enshrouded as they are in the cerements of woe, which but recall an awful history instead of a glorious past. Shall it be that the nation where the Inquisition found a congenial home and where the so-called Holy Brother-hood was established for the crushing out of life and liberty and where manhood and womanhood were made the playthings of brutal might—shall it be that the incoming century will chronicle a longer continuance of such power almost within sight of the unfurled Stars and Stripes?

An Almighty God reigns still in the universe. All the petty subterfuges of princes and nobles, of kings and tyrants, will fail them in the day of their adversity.

A few years ago an Austrian prince of the highest personal character was selected by an Emperor of France as the agency by which an obnoxious monarchical system should be reestablished on the American continent. Louis Napoleon placed Maximilian upon the throne of Mexico. A people largely of Spanish descent, led by Juarez, a full-blooded Indian, met and overcame the foreign invaders, and a noble Republic now stands at our border, while Maximilian gave his life as a forfeit for the attempt. The continent of America has not proved a favorable soil for the growth of monarchies, and the beginning of the new century is not a favorable time for even the toleration of such oppressors as maintain themselves only by bloodshed.

Whatever may be said regarding our duty as a nation toward a friendly power which is striving to suppress an insurrection in Cuba, still no one, either in America or Europe, misunderstands the situation. Every humane heart, American or foreign, sympathizes deeply and sincerely, not with the rapine and pillage by which the insurgents in Cuba seek to weaken their enemies, but with the spirit which leads them to look constantly and with hope toward that star of liberty which they believe will lead them to

Cuba libre.

I repeat that Cuba is already lost to Spain. Were the struggle to stop now, the income to Spain from the enormous exactions she has always levied upon Cuba would be lost for some years. Many thousands of young men of the flower of Spanish manhood have been sacrificed to maintain the power of a dynasty. Many thousands of honest, sincere, and loyal boys have left their homes in Spain never to return. Many a mother weeps unavailing tears for the lad who left her side a year ago, and who now sleeps in

As a recent writer says: "The story of Cuba is a tragedy." Yes; that is true, and it is also true that from the day in 1492 when Columbus took possession of Cuba in the name of the Spanish sovereigns down to this day in 1896, a period of four hundred and four years, there has been a continuous tragedy, a history of wrong, of deceit, of murder, of every sort of crime and outrage known to man, unequaled on the earth. When the great discoverer proclaimed Christianity upon that peaceful and beautiful shore, could he have foreseen that for four centuries a constant and neverceasing wail of despair and suffering and death were to follow—had Columbus known them what we know now, that every foothold of the New World obtained by Spain would be the scene of the most fearful villainies, the most awful and most unheard-of outrages—he would have forsworn his religion and expatriated himself. The history of Spanish colonial domination has everywhere and always been the same. Whether it was under Pizarro in Peru, Cortez in Mexico, Balboa at the Istamus, or the soldiers in Cuba, the policy was ever the same. In a little over forty years all the original natives of the fertile island, nearly half a million in number, had been extirpated. Then in 1524 negro slavery was introduced into Cuba by the Spanish rulers. Judging by the impartial record of history, the highest cardinal virtues of the Spanish soldiery were always murder, robbery, and brutal outrage. Neither age nor sex, nationality nor religion was spared; and if modern history is to be believed there is nothing in the dreary and awful picture to relieve the Spanish nation from the charge of being the common enemy of humanity. The barbarisms of the savage tribes of the world for several hundred years were peaceful and childlike in comparison with the barbarities committed under and by the authority of Christian sovereigns of Spain.

savage tribes of the world for several fundred years were peaceful and childlike in comparison with the barbarities committed under and by the authority of Christian sovereigns of Spain.

The history of Spanish domination in any given place or time from the year 1500 to 1700 was one which Satan himself might emulate. I have not referred at all to the now-existing contest waged in Spain's largest dependency, the Philippine Islands. Hardly anybody in this country realizes that those fertile islands, several hundred in number, cover 115,000 square miles of territory, and contain five and a half millions of inhabitants. They have nearly four times the population of Cuba, nearly three times the area, and they export about \$25,000,000 of products annually. They pay tribute to the same taskmaster, and Spain in their management has harnessed the church to its chariot of misrule. The same old partnership of the Cross and the Sword is made the agency for their humiliation and enslavement. Spain has still another dependency—its penal colony at Ceuta, on the coast of Africa. Of all Spanish colonies this is the most prosperous and flourishing. On this spot of desert land the population has grown and increased by penal deportations from Cuba, from Puerto Rico, and from the Philippines, until now amidst the thieves and vagabonds held there thousands of the brightest, best, and most intelligent of her colonial subjects are wasting away their lives as political prisoners. Those who escape the garrote or the bullet in Cuba or in other provinces may there live out a few years, where their voices are as completely hushed as in the grave.

It is doubtless true, and I concede, that the judicial and the law-

It is doubtless true, and I concede, that the judicial and the lawinterpreting authority in Spain is an able and intelligent department of that Government. I have even doubts if any monarchy of the age has preserved a more able judicial establishment than Spain, or one where the law at home is determined more independently or resolutaly.

pendently or resolutely.

But this is far different in Cuba. The judicial tribunals in Cuba, owing their selection to the preferences of the authorities in Spain, have come to look upon their offices not as independent law-defining courts, but as mere clerkships of the dynasty in power for the simple recording and announcement of the will of their superiors. They have become often mere corrupt bargain-making officials who thrive upon the spoils which come to their hands, and who thrive best when the people at large suffer most.

The American people are coming to the consideration of the Cuban situation as they already have in certain other cases, as a great political question, a continental question, if you please. And being a political continental question, it will be decided ultimately by the continent whose interests are most clearly involved. Geographically considered, Cuba can not belong to Spain. A line drawn from the south Florida headlands to the mouth of the Orinoco places Cuba on the American side. The great Antillean sea which surrounds Cuba and other islands is but an extension of the Mexican Gulf, and geographically Cuba belongs, as politically it ought to belong, to the American Continent of Republics, and not to Spain or Europe. Geographically Cuba is in American Continent of Republics,

can waters and politically it is entitled to statehood in the continent of American Republics.

This great continental question, therefore, when stripped of all its complications, becomes, in plain and simple language, Shall Cuba be free? This country will never consent to the transformation of Cuba into a slave pen for the holding in servitude of the captured patriots and insurgents who are fighting for the dearest rights of men. We will not permit that island, a land which has the brightest possibilities for a people of intelligence and enterprise, to be made the abiding place of death and destruction. She lies too near our land of freedom to remain the military prison of the most cruel and unrelenting policy on earth. This war now being waged is avowedly a war of extermination, or utter crushing out of liberty on Cuba's 50,000 square miles of territory. Think of it! An island which in ordinary years exports more than a million tons of sugar and many millions of dollars in value of other products. Has the United States no interest in our own trade and commerce with an island from which we receive fully 90 per cent of the vast sugar product and much the larger part of all her other productions? The interests of the United States, counting all things passing between the two countries, reach perhaps \$100,000,000 annually, and already this trade has been practically wiped out. The Cuban exports of sugar alone have fallen during the current year—1896—from above a million tons to less than a hundred thousand. The tobacco trade is dead. Neither will revive until war stops and the Spaniards get out of Cuba. That is the only solution of the trade problem.

It is about time that this free country ceased to be a police establishment for the aiding of the most outrageous warfare against a struggling people. The Spanish Government three weeks ago bought and shipped for General Weyler numbers of mules and horses raised in this country and purchased in Missouri and other Western States. Under present stringent rules as applied by our Government, every Federal official is a spy to inform against any attempt to convey arms or clothing or supplies to General Gomez or General Macco, or the Cuban army. Men are now under arrest in the United States for attempting to succor their friends and relatives in Cuba. Has Spain any sympathy for or friendship with this country? Americans have been imprisoned and punished in Cuba for even expressing sorrow for the poor young medical students who were cruelly shot and murdered in Habana a few years ago. There is not a family of any standing in Cuba which has not lost one or more of its members by arbitrary arrest and sunrise murder by armed troops, who marched their victims to the place of blood and shot them in the back. I was shown a paper a few minutes ago containing a large number of pictures of men who were captured as prisoners while engaged in the insurgent army, and shot down in cold blood. There is no regard in Cuba for civilized warfare, but it is murder, and nothing else, on the part of the Spanish army. It is stated by the Cubans that during the revolution of 1868, in the five years between 1868 and 1873, there were 2,927 prisoners executed, and from March, 1869, to November, 1873, more than 4,670 persons were reported captured and never again heard of.

In that war the Cubans lost 45,000 lives and the Spaniards 190,000, and during its ten years' continuance more than a thousand millions of dollars were expended. This was all levied upon Cuba, and Spain paid nothing. Out of this war many Spanish military commanders and civil officials made immense fortunes, running into the millions. All these were made at the expense of Cuba.

In the present war, which has lasted about twenty-one months, Spain has wasted over a hundred millions, and has put into the field possibly 200,000 men and boys. Spain is beggared to-day, and unless she can continue her grasp upon Cuba she will show to the world the end of the worst-governed country known in two thousand years.

As I have before intimated, I believe it to be the duty of the United States to use the great power attaching to the nation to declare and to maintain, as a prerogative of right, belonging generally to republicanism, and specifically to this Republic, that no charnel house of ruin shall be continued in the West Indian waters, whose waves break at our very front gate, any longer than the time it shall require to break it up. I put it on that ground, and on the ground of humanity as well, because the world knows that no humanity is manifested there on the part of the Spanish army. And if the duty of suppressing this damning blot and erasing it forever from sight shall fall alone upon the United States, so be it. Have we fallen so low as to have forgotten the sacrifices which men of genius and character and honor made in behalf of this country in its days of trouble? Have we forgotten and enshrouded the glorious memory of Lafayette? Have we turned to the wall the pictures of Pulaski, of Steuben, of De Kalb, and others long since in glory? These men cast their lives and their fortunes at our feet that we might succeed. But we shall not stand alone in the warfare which may follow in behalf of common humanity. Nation after nation will make joint cause with us in such a struggle, and when we have succeeded and shall have

made into law the principle, and made into history the fact, every other country worth naming will regret its mistake in not partici-

other country worth naming will regret its mistake in not participating in the humane work.

The effort can not fail. We shall not wage any warfare for the acquisition of territory for ourselves. We shall not claim Cuba as a reward for saving her from the slaughter, but we will not see that fair island turned again to the mercies of wild beasts and vultures of war whose only stimulus is gain. Cuba libre—free Cuba—is the reward, and what a glorious reward will that be! Every citizen of the United States will feel that his birthright as an American freemen will mean something. Every lover of his an American freeman will mean something. Every lover of liban American freeman will mean something. Every lover of liberty the world over will exult in the progress and advancement of man. The breadth and stature of individual Americanism will be enlarged and ennobled. Society will feel that its doors need not be closed against wrong and oppression, for there will be none who dare molest and make afraid. A settlement is to be had. A settlement must be made. The account has been open and running long enough—yes, far too long. To its settlement we may properly invite the cooperation of all the Republics of the American Continent. But the end of the devastation must be determined. The United States must furnish the occasion, if it does not otherwise arise.

If other means fail, we may consider the propriety of a fair pur-

If other means fail, we may consider the propriety of a fair purchase of Cuba. That method has had its share of consideration under previous Administrations. It is not that we want the terri-

under previous Administrations. It is not that we want the territory, but we mean that the trouble shall meet a just settlement and conclusion. Let the end come, and come quickly. Let the bloodshed cease, and let freedom and humanity be glorified.

The wisdom and discretion of an American President and Cabinet can certainly find a way to determine the trouble without imperiling the interests of our country or our people. I have little choice or preference as to the particular method, but I do want, and I know the public expects, a settlement on a humane and just basis and just basis.

The United States can do no less than to initiate this effort for

humanity and liberty.

I can not more appropriately close these remarks than by giving the beautiful apostrophe to our Republic and its mission, delivered at Gettysburg in 1869 by an American poet, Bayard Taylor:

Now, in her seat secure,
Where distant menaces no more can reach her,
Our land in undivided freedom pure,
Becomes the unwilling world's unconscious teacher;
And day by day beneath serener skies,
The unshaken pillars of her palace rise—
Those Doric shafts, that lightly upward press,
And hide in grace their giant massiveness.

Mr. President, I move the reference of the joint resolution to the Committee on Foreign Relations.
The motion was agreed to.

CAROLINE A. HOUGH.

Mr. GALLINGER submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 2004) to increase the pension of Caroline A. Hough, widow of Brig. Gen. John Hough, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate, and agree to the same

J. H. GALLINGER, WILLIAM F. VILLAS, FRANK J. CANNON, Managers on the part of the Senate. BENSON WOOD, C. A. SULLOWAY, WILLIAM BAKER, Managers on the part of the House.

The report was concurred in.

MRS. MARY GOULD CARR.

Mr. GALLINGER submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 4354) granting a pension to Mrs. Mary Gould Carr, widow of the late Brig. and Bvt. Maj. Gen. Joseph B. Carr, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate, and agree to the same.

J. H. GALLINGER, FRANK J. CANNON, Managers on the part of the Senate, THEODORE L. POOLE, W. S. KERR, Managers on the part of the House.

The report was concurred in.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. Browning, its Chief Clerk, announced that the House had agreed to the amendments of the Senate to the bill (H. R. 4052) approving certain acts of the legislative assembly of the Territory of New Mexico, authorizing the issue of certain bonds of said Territory numbered 1 and 4; disagreed to the amendment numbered 3; agreed to the amendment numbered 2, with an amendment in which it requested the concurrence of the Senate.

The message also announced that the House had passed the following bills and joint resolution; in which it requested the con-

Currence of the Senate:

A bill (H.R. 3500) to authorize the adjustment and settlement of accounts of John Y. Williams;

A bill (H.R. 4142) to protect settlement rights where two or

A bill (H. R. 4142) to protect settlement rights where two or more persons settle upon the same subdivision of agricultural public lands before survey thereof;
A bill (H. R. 7716) to amend section 1921 of the Revised Statutes, and for other purposes;
A bill (H. R. 8676) to enable the town of Flagstaff, in the Territory of Arizona, to issue bonds to construct a water system; and A joint resolution (H. Res. 152) to authorize the Secretary of the Interior to water Fidwell for on Indian territories and the Interior to use Fort Bidwell for an Indian training school.

ISSUE OF BONDS IN NEW MEXICO.

Mr. CALL. Mr. President—
Mr. WOLCOTT. I ask the Senator from Florida kindly to yield to me for a moment.

Mr. CALL. Certainly.

Mr. WOLCOTT. I ask the Chair to lay before the Senate the amendment of the other House to House bill 4052, which has just come over. It is a bill which passed the Senate at the last session, relating to validating some bonds of the Territory of New Mexico. I wish to move that the Senate concur in the House amend-

The PRESIDING OFFICER (Mr. Hill in the chair). The Chair lays the amendment of the House of Representatives before the Senate. Does the Senator from Colorado desire to have the amendment read?

Mr. WOLCOTT. No; it is not necessary.
Mr. COCKRELL. The amendment will have to be read. It

can not be passed upon without reading.

The PRESIDING OFFICER. The amendment will be read.

The Secretary proceeded to read the amendment of the House of Representatives to the amendment of the Senate numbered 2 to Representatives to the amendment of the Senate numbered 2 to the bill (H. R. 4052) approving certain acts of the legislative assembly of the Territory of New Mexico, authorizing the issue of certain bonds of said Territory.

Mr. COCKRELL. I beg to state to the Senator from Colorado that I can not consent that a new bill which has been passed by the House shall be called up and put upon its passage in this way. Let it be printed and lie on the table.

Mr. WOLCOTT. I think perhaps after a statement I shall make to the Senator from Missouri he will revise his view of the measure

measure

Mr. COCKRELL. No, I can not revise it. It is a new bill. I recollect the Senate bill very well, and this is an entirely new measure

Mr. WOLCOTT. I will say to the Senator that it is identically the same bill except that it does away with the objection which the President had to the measure. He was of opinion that the restrictive clause at the end prevented the operation of the bill. In other respects the bill is identical with the bill passed before. Mr. COCKRELL. Just let it be printed and lie on the table. I do not want to have it referred.

Mr. WOLCOTT. Very well. It has been to the committee of

this body

this body.

Mr. COCKRELL. It can be called up to-morrow. I can not keep the run of it from the reading, and wish to have it in print.

Mr. WOLCOTT. Very well.

The PRESIDING OFFICER. The amendment will be ordered printed, and it will lie on the table for the present.

AFFAIRS IN CUBA.

Mr. CALL. I ask the indulgence of the Senate in order that the joint resolution which I introduced yesterday morning may

be laid before the Senate and read.

The VICE-PRESIDENT. The Chair lays before the Senate the joint resolution indicated by the Senator from Florida, which will be read.

The joint resolution (S. R. 164) recognizing the Republic of Cuba as a free and independent government was read, as follows:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the United States of America recognizes the Republic of Cuba as a free and independent government and accords to the people of Cuba all the rights of a sovereign and independent government in the ports and within the jurisdiction of the United States.

Mr. CALL. Mr. President, I desire to submit a few brief ob-servations upon the joint resolution. Before doing so, however, I will ask the Secretary to read two certain communications which send to the desk.

The PRESIDING OFFICER (Mr. HILL in the chair).

Secretary will read as requested.
The Secretary read as follows:

[No. 67.]

CONSULATE OF THE UNITED STATES, Matanzas, November 3, 1896.

Matanzes, November 3, 1896.

Sir: I have the honor to inform the Department that an interview was granted by Spanish authorities with Oscar Cespedes this morning at 9 o'clock, and his deposition taken. (See inclosure No. I.)

The civil governor sent for me last evening (8 o'clock) and informed me that the case of Mr. Cespedes had been transferred from military to civil jurisdiction, and that I could visit the prisoner at date given above. His apologies for delay in this case were profuse.

I find Mr. Cespedes to be an intelligent young man, barely 21 years of age. He is badly broken down in health and his memory somewhat affected. If his statement can be corroborated by his friends in Key West and elsewhere I feel sure my influence with the governor of this province can procure him an early trial and release; in fact, I hope to secure his release without trial.

Any instructions or information relative to this case would be greatly appreciated.

ciated. I am, sir, your obedient servant,

A. C. BRICE, United States Consul.

Hon. WILLIAM W. ROCKHILL, Assistant Secretary of State, Washington, D. C. [Inclosure No. 1.]

Deposition of Oscar Cespedes [copy], with references.

References given by Mr. Oscar de Cespedes: Mr. Hiram Seymour, Revenue-Cutter Service, Key West; Mr. B. P. Baker, furniture dealer, Key West; Mr. Angelo Figueredo, at Mr. Galo's cigar manufactory, Key West; Mr. Fernando Figueredo, mayor of West Tampa; Mr. Carlos Manuel de Cespedes (father of Oscar), formerly mayor of Key West about eighteen years ago.

DEPOSITION OF OSCAR DE CESPEDES, TAKEN AT THE JAIL AT MATANZAS, OCTOBER 3, 1896.

DEPOSITION OF OSCAR DE CESPEDES, TAKEN AT THE JAIL AT MATANAS, OCTOBER 3, 1896.

I am a native of Key West, Fla.; 29 years of age; came to Cuba on the 3d of July, 1896, on board the tug Commodore, as a reporter to the Key West Herald.

I was captured on September 2, 1896, at "Hato de Jicarita," near Zapata, by the Spanish column of Colonel Molina.

At the time I was captured I was lying by the roadside under shelter of trees and sick with fever, and without arms of any nature whatever.

I was then placed on a horse and started under march and ill treated all the way to Tüira de Macurijes, the leader of my horse striking me with the barrel of his rifle the blows meant for the horse. I was left at Tüira de Macurijes two days and finally brought to Matanzas and confined at San Severino Castle, and on account of my sickness I was sent to the infirmary of the city jail, where I have remained to date.

I am a native-born American citizen, and do hereby declare under oath that I came to Cuba, as before stated, as a reporter, and that I have been in nowise connected with the insurrection now going on in Cuba, and ask that my early release be procured by the Government of the United States.

I further state that I have been sick with fever during the last three months, on account of which my health is very much broken down, and at times become hopeless of life.

I have been fairly treated at the jail infirmary.

OSCAR DE CESPEDES

I have been fairly treated at the jail infirmary.

(Signed) OSCAR DE CESPEDES.

Before me, witness my hand and official seal at Matanzas the day and year first above written.

A. C. BRICE, United States Consul. (Signed)

CONSULATE OF THE UNITED STATES OF AMERICA,
Matanzas, Cuba.

I, the undersigned, consul of the United States at Matanzas, Cuba, do hereby certify that the foregoing is a true copy of the original deposition of Oscar de Cespedes, on file at this office, the same having been duly compared with the said original and found to agree therewith word for word and figure for

figure.

In testimony whereof I have hereunto set my hand and the seal of this consulate at Matanzas, the 3d day of October, 1896.

A. C. BRICE, United States Consul.

Mr. CALL. I ask the Secretary to read the letter of Dr. Moreno. The Secretary read as follows:

WEST TAMPA CITY, FLA., December 5, 1896.

WEST TAMPA CITY, FLA., December 5, 1896.

Dear Call: Another American citizen is imprisoned in Habana jail. He was arrested in Mangas and conducted to Habana. His name is José Gonzales, an old man, also is deaf. He is a naturalized American, and has resided in Philadelphia for twenty-six years with cigar manufacturing. His brother has written me from Key West. Please investigate the subject through the Secretary of State.

Oscar Céspeves, a native of Key West, and imprisoned in Matanzas, will be tried by court-martial, I have read to-night in the Florida Citizen.

What action do you think the President will take? Will it be favorable to Cuba? And the Senate?

I am, very truly, yours,

M. R. MORENO.

Hon. W. CALL, United States Senator, Washington, D. C.

United States Senator, Washington, D. C.

Mr. CALL. Mr. President, since I have been a member of the Senate, for the last eighteen years, I have been introducing resolutions at every session for some action on the part of the Government of the United States which would relieve the Island of Cuba from the difficulties of the government under which she has existed up to this time. I have proposed that she should be acquired by purchase, not annexed to this country, but rendered independent by the guaranty of her bonds by the Government of the United States. I have urged that negotiations should be instituted by which some method of pacifying the island and instituted by which some method of pacifying the island and of developing its resources under good government might be resorted to. I came to this body immediately after the conclusion

of the ten years' war, which terminated in 1878-79, and which presented to the world the evidence of a united people determined to establish their own independence of the Government of Spain, exhibiting in that long period of time a capacity to defend themselves and to establish by force a government of their own, and who were finally induced to lay down their arms only by promise of autonomy or self-government, through which the people of Cuba should be enabled entirely to govern themselves and control their own affairs.

Ten years expired, and the same condition of things continued in the island. The same feeling of revolt, of opposition to the rule of the Spanish Government, continued. Whether or not it was justifiable is not the question for us to consider. It is a fact that here are a people who for the last twenty-five years have determined to make themselves independent, and now, after a period of three years, are in possession of nearly two-thirds of the territory of the island, as the President himself states. The President, in his message, with the singular felicity of expression which belongs to him, says that we must continue to wait. He says:

Until we face the contingencies suggested, or the situation is by other incidents imperatively changed, we should continue in the line of conduct heretofore pursued, thus in all circumstances exhibiting our obedience to the requirements of public law and our regard for the duty enjoined upon us by the position we occupy in the family of nations.

Mr. President, what reason can be given for not taking some action recognizing the fact that here are a people who have established a government for themselves? Who has a right to say that because it is or is not a civil government, but a military govern-

ment, it shall not be recognized?

In what part of the public law of nations is the proposition contained that a people may not establish a military government? What is Russia; what is Germany; what are all the autocratic governments of the world but governments resting upon military power—upon force? And why should we consider the question whether a not those people proceed by girl processes? But tion whether or not those people proceed by civil processes? But they do. They have an organized government; and the question for us is, How shall we exert the power that is in our hands to perform the legitimate duties of government in the protection of perform the legitimate duties of government in the protection of our own citizens and our commercial rights and interests in another country? What shall we do? We can not try Spain, as my learned friend, the Senator from Illinois [Mr. CULLOM], has done in his arraignment here, because of her history. The history of Spain is full of grandeur. She presents characters as distinguished as any in the line of history for charity, for bravery, for intellect, and we can not try her by her history.

If we shall seek to condemn Spain by her history, what shall we say of the illustrious characters whom she has given to the world? What of Isabella, the model of all the beauties and virtues of womanhood? What of the greatest soldier and captain named in all history, the great Captain Gonsalvo de Cordova? What of the conquest of the French in Italy? Of him the great Captain Prescott, in his history of Ferdinand and Isabella, says:

With this insignificant force we shall then see the Kingdom of Naples conquered and the best generals and armies of France annihilated. An important innovation effected in military science; * * * a thorough reform introduced in the arms and discipline of the Spanish soldier; and the organization completed of that valiant infantry, which is honestly eulogized by a French writer as irresistible in attack and impossible to rout, and which carried the banners of Spain victorious for more than a century over the most distant parts of Europe.

What of that splendid scene described by Washington Irving in the Siege of Baza in Granada in these words:

As the host drew nearer they descried a stately dame magnificently attired, whom they soon discovered to be the Queen. She was riding on a mule, the sumptuous trappings of which were resplendent with gold and reached to the ground. On her right hand rode her daughter, the Princess Isabella, equally splendid in her array, and on her left the venerable grand cardinal of Spain. A noble train of ladies and cavaliers followed her, together with pages and esquires and a numerous guard of hidalgos of high rank arrayed in superb armor. When the veteran Mohammed ben Hassan beheld that this was the Queen Isabella, arriving in state to take up her residence in the camp, his heart failed him; he shook his head mournfully, and, turning to his captains, "Cavaliers," said he, "the fate of Baza is decided!"

What picture of greater heroism does history paint than this? We have nothing to do with the question of Spanish history. are now considering in this resolution what is the duty of the Government of the United States to its own people, not to humanity. I confess there is a duty that every government owes to humanity, even at the risk of war. There are higher considerations, but the question now is, What duty does this Government owe to its own citizens, to its commercial relations with Cuba? How shall we protect the American citizens now languishing in prison how Cespedes, taken without arms, taken without participation in the war against Spain, confined for months without a trial? It may be that the necessities of military government in Cuba may furnish some kind of excuse, but they afford no relief to this Government from its duty.

These are but a few instances; hundreds of American citizens have been languishing for months and months in the jails and castles of Cuba, and have been transported to Ceuta—American citizens entitled to the protection of this Government. Taking

possession of Cuba will not relieve those American citizens, nor will the declaration of this Government that we recognize the independence of Cuba. That is a different subject. But how shall we prevent the destruction of American commercial rights? By recognizing the only power that over two-thirds of that island can protect the American citizen and the property of the citizen of the United States found there.

That is the statement of the President. That is true. For three

years the interior of that island has been under the dominion of the insurgent forces organized as a republic. What justification, the insurgent forces organized as a republic. What justification, then, in the light of this fact, can there be for not protecting the property of the citizens of the United States acquired under treaty regulations? What better argument for the passage of this resolution is there than the fact that Spain is impotent to enforce the rights of American citizens in the territory of Cuba? We may demand of Spain indemnity; we may insist that she shall give the protection needed; but how can she do it when she is compelled to withdraw her forces and to maintain them in the garrisons and

the cities of the Gulf?

Mr. President, the first duty of this country is to protect its citizens. How was it in the case of the Virginius? What did the Government of Great Britain do? They demanded at the muzzle of the cannon that there should be delivered to them the subjects of Queen Victoria who had been captured, while our own people were left to be the victims of arbitrary power. And so history has come on down. The reproach does not belong to this Administration alone that we have not protected and are not protecting the citizens of the United States and the property of the citizens of the United States. This same proposition of the President was made during the Administration of President Grant—I say it made during the Administration of Fresident Grant—I say it with no kind of reproach—but the same proposition of delay, delay until some contingency existed in which the power of the Spanish Government was entirely exhausted. And here, now, after the lapse of twenty years, after a three-years war, after the maintenance of the organized government, we are still told that we must still remain quiet; that we must not acknowledge that which is a fact—the power of these people to expert which is a fact—the power of those people to exert government over two-thirds of that island, and protect the property of Amer-ican citizens there, and the lives of American citizens there. Mr. President, I can see no reason whatever for failing to make

promptly this recognition of an existing fact, the independence of Cuba, and giving to it as a government the same rights that are accorded to Spain in the ports and jurisdiction of the United States.

If you do not choose, you need not amend your neutrality laws. Cuba does not need anything but the privilege to enter into the ports of the United States and purchase arms and munitions of war. She needs no organized forces from here. She is able to maintain herself, and if she were not that is not our concern. It is sufficient for us that they have an organized government; that they maintain dominion over two-thirds of the island; that they confine the Spanish Government to the garrison towns upon the coast; that with all the powers of Spain at a distance of 3,000 miles it has been found impossible to subjugate the revolutionists. The President himself gives the reasons why. The reasons lie in the character of the country, in the fact that a guerrilla war can be maintained; that the people can disperse and avoid the armed expeditions that come out in force and harass them; that they can dear a Point did with Hamiltonian days of Point did with the Point did with the Hamiltonian days of the Point did with the Point did with the Ha do as Fabius did with Hannibal in the days of Rome-harass the armies, retreat, and reappear again until, wearied out, victory is accomplished. That is the character of the country, we are officially told. That is the reason why this war can not be terminated by the Spanish Government, and it is the reason why this Government, in recognizing the independence of Cuba, should say to Spain, "It is impossible for you to reestablish, whatever cruelities you may make the independence of the independence of Cuba, should say ties you may practice, your government upon the island at a distance of 3,000 miles."

The question which concerns us here as the Senate—a legislative body representing the United States—is not as to the character of the Spanish Government, or the history of Spain upon this continent, but it is as to the effect of the proposed action in the recognition of the independence of Cuba.

The PRESIDING OFFICER. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business,

which will be stated.

The SECRETARY. A bill (H. R. 7864) to amend the immigration

laws of the United States.

Mr. COCKRELL. I ask unanimous consent that the unfinished business may be informally laid aside until the Senator from Florida concludes his remarks.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and the Senator from Florida will proceed.

Mr. CALL. I shall not occupy much of the time of the Senate,

Mr. President.

I maintain that wherever a people have organized a revolution beyond that of a riot, an insurrection, and have organized a gov-ernment which shows its power of maintaining itself by asserting its dominion and control of any considerable portion of the terri-tory of a state for any considerable period of time, they have a

right to recognition as a government whether they shall ulti-

mately succeed or not.

With what power can a government treat for the protection of the property and life of its citizens or subjects unless it be with that power which can protect them, which has subverted the legitimate and regular authority? If this be not true, it follows that they must remain unprotected, with nothing but the right of indemnity or damages against perhaps an irresponsible and failing power. How will Spain with her diminished resources ever be able to indemnify the people of the United States for the \$50,000,000 of money invested in the estates and plantations of Cuba? How will Spain indemnify the people of the United States for the citizens of the United States transported to Ceuta and there for life sentenced to penal labor and confinement?

Mr. President, there seems to me to be no two sides to the question of the duty of the Government of the United States to recognize the independence of the Island of Cuba and its Government, and to accord to them all the rights that belong to an independent nation in the ports and jurisdiction of the United States. It is not a question for us to consider whether or not that will lead to war. I do not believe it will. It is a recognized right of not to war. I do not believe it will. It is a recognized right of nations to do this. There is no right on the part of Spain and no legitimate cause of offense. Really it is to her interest that the Government of the United States should take this action, and that in some form the war should be terminated without further ruin and further destruction of property, and without further excite-ment of the people of the United States by the continued imprison-ment of American citizens without sufficient cause.

ment of American citizens without sufficient cause.

So, Mr. President, I urge that the Committee on Foreign Relations shall at an early day report this proposed action, which will be sufficient to accomplish the purpose without going any further. Cuba has the power, she has the force, she has the heroic sentiment prevailing among her people, however uneducated, however ignorant. She presents a spectacle to the world of a people fighting without pay, without rations, without clothing—volunteers animated by patriotic principle alone. The people of that island, natives of Cuba, however ignorant, have shown a heroism which is equal to that of their Spanish ancestors generations gone by.

With these observations, Mr. President, I ask for the reference of the joint resolution to the Committee on Foreign Relations. The PRESIDING OFFICER. The joint resolution will be referred to the Committee on Foreign Relations, if there be no objection.

HOUSE BILLS REFERRED.

The following bill and joint resolution were severally read twice of their titles, and referred to the Committee on Indian Affairs:

A bill (H. R. 3500) to authorize the adjustment and settlement of accounts of John Y. Williams; and

A joint resolution (H. Res. 152) to authorize the Secretary of the Interior to use Fort Bidwell for an Indian training school.

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A bill (H. R. 7716) to amend section 1921 of the Revised Stat-utes, and for other purposes; and A bill (H. R. 8676) to enable the town of Flagstaff, in the Ter-ritory of Arizona, to issue bonds to construct a water system. The bill (H. R. 4142) to protect settlement rights where two or more persons settle upon the same subdivision of agricultural public lands before survey thereof was read twice by its title, and referred to the Committee on Public Lands.

PROPOSED RESTRICTION OF IMMIGRATION.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 7864) to amend the immigration laws of the United States, the pending question being on the amendment reported from the Committee on Immigration.

Mr. CHANDLER. I ask for a vote upon the committee amendment

ment. The PRESIDING OFFICER. The question is on agreeing to the amendment of the committee. The amendment has been read, the Chair understands.

Mr. LODGE. The committee amendment is simply in the nature of a substitute. It has been read.

Mr. SEWELL. I desire to offer some amendments to the committee amendment.

Mr. LODGE. The Senator from New Jersey desires to offer amendments to the committee's bill, but that can be done after we

vote upon the committee amendment.

Mr. GIBSON. I suggest to the Senator from Massachusetts that this entire question go over or be temporarily laid aside without prejudice until after the holiday recess. I make this suggestion to the Senator from Massachusetts for what I conceive to be a most excellent reason. The report of the Commissioner-General of Immigration, which has recently been placed upon the desk of each Senator and is not yet published in its entirety, will afford information which I opine will very materially determine the minds of Senators upon this question who have not had an opportunity to give it consideration, and to whom it will be impossible properly to present the question at the present time without the

information thus afforded in the report.

I make the suggestion from a consideration of the further fact that there are several Senators who desire to be heard on the bill who are not now prepared, but who will be prepared at the time designated. Therefore I most earnestly ask the Senator from Massachusetts that he will accede to what I regard as a reasonable

massachusetes that request after request for the request.

Mr. LODGE. I have acceded to request after request for the delay of the bill. The delay proposed, I conceive, would have the effect of ultimately defeating the bill. All the speeches to be made of which I had any knowledge were made upon the bill at the last session. At the request of the Senator from Maryland it was put over again and again, and finally I allowed it at his request to go

over from one session to another.

The report of the Commissioner of Immigration is here. We have all had copies of it. It contains nothing directly affecting the bill beyond a strong argument from its statistics in its favor.

This is a very important measure. Both parties favored the restriction of immigration in their platforms. There is a great demand from all parts of the country for action on the bill.

I know of no opposition to the bill except that which emanates from the steamship lines directly interested in the carrying of immigrants. I have no desire in the world to do anything to affect adversely the business of the steamship lines running to and from the United States, but I think the question of immigration is far more important than the interests of a company engaged in

any business.

The bill has been long before the country. It is an extremely moderate measure. It does not go nearly as far as go the demands in the many petitions which have come in. I am very desirous to

get a vote upon the bill as soon as possible.

I have no wish to delay the Senate. I do not know of any further arguments that are to be made. There are a number of amendments which Senators desire to offer, and which can be offered after the substitution of the Senate bill for the House bill has been voted upon.

I feel it my duty, as it is the wish of a majority of the commit-tee, to press the bill to a vote at the earliest possible time. I do not wish to do anything in the least discourteous to any other Sen-ator, but I think that we have made every concession in the way

of time that can reasonably be asked of us.

Mr. GIBSON. Mr. President, I differ very radically from the views of the Senator from Massachusetts with reference to the advisability of the passage of this bill. Nor do I regard from the same standpoint the report of the Commissioner of Immigration on this question. I think it will be observed by every Senator who has the opportunity carefully to read his recent report that he differs very widely from the views suggested by the Senator from Massachusetts, and the recommendation in this hill of tor from Massachusetts, and the recommendation in this bill of the restriction of immigration. His suggestion is entirely the reverse. He says expressly in his report that the great danger, which the Senator from Massachusetts has so carefully and eloquently urged, to the institutions of this country from the overcrowded condition of the foreign population is the reverse, and that instead of there being an overcrowding of foreign immigration there is a decrease each year under the wise and healthful laws already provided upon our statute books of foreign immigration, and that to-day there are only 50 per cent of the foreign immigrants who came to this country since 1820 remaining; they have died or they have gone back to the country from whence

So far as having availed myself of the courtesy of the Senator from Massachusetts with reference to extending the consideration of the bill from the last session to the present is concerned, I am to-day first advised of it. I thank him, however, for the suggestion which he now makes. With reference to his courtesy for such extension, I had credited that fact to an entirely different

Be that as it may, however, Mr. President, I again urge that the request I made, if not acquiesced in by the Senator from Massachusetts, shall now be put in the shape of a motion, that the bill with the amendments proposed shall be temporarily laid aside, without prejudice, until after the holiday recess.

Mr. LODGE. I have read the report of the Commissioner of Immigration. That is all I desire to say. He suggests several pages of amendments and changes and improvements in the law which it would take weeks and months to perfect into a bill

which it would take weeks and months to perfect into a bill.

The argument that I referred to when I said that he made the strongest argument in behalf of this bill was that if the bill had been a law 75,000 immigrants who have come to the country this year would not have entered. We all know there are a great many persons in this country to-day unemployed. We differ as to the reasons for that fact, but we all deplore it, and we certainly are not going to benefit the condition of those unemployed persons or to make their numbers any less by opening our gates without restriction, as we do, to the unemployed of all the rest of the world. I should like to ask if the motion is to postpone to a day certain.

The PRESIDING OFFICER. The Chair would suggest that the motion made by the Senator from Maryland is not quite in The Chair understands that the motion to postpone must order. The Chair understands that the motion to postpone must be either indefinitely or to a day certain. The Chair would sug-gest to the Senator from Maryland that he modify his motion so as to move to postpone the bill to a day certain—say the first Monday in January. Then the motion would be in order. Mr. GIBSON. I will do so. The PRESIDING OFFICER. The Chair will then regard that

The PRESIDING OFFICER. The Chair will then regard that motion as pending.

Mr. LODGE. The motion, I understand, is to postpone the bill until the first Monday in January.

The PRESIDING OFFICER. That is the pending motion.

Mr. LODGE. On that motion I ask for the yeas and nays.

Mr. GIBSON. I desire, before the yeas and nays are called, to subjoin to the remarks which I made a few moments ago with reference to the necessity for the restriction of immigration, that the States of this Union are not demanding the restriction suggested by the Senator from Massachusetts. I know nothing of what may be the interests of the steamship companies. I do not what may be the interests of the steamship companies. I do not represent the steamship companies on the floor of the Senate.

Let their interests be what they may.

But what I do mean to say, Mr. President, is that one of the States of this Union, one of the most flourishing and prosperous States in the American Union to-day, the State which I have the honor in part to represent in the Senate of the United States, has in its history never more than now demanded that there shall not be the restrictions upon immigration which are sought in this measure, deeming even those which already exist as prejudicial to a very great extent to the interests of Maryland.

But in addition to what I have suggested, Maryland, by its last

act of assembly, has added larger powers to its board of immigration, and sends abroad every year an agent at a salary of \$5,000 or \$10,000 a year to invite immigration to the State, which now has a population, I think, of 105 to the square mile.

Mr. CHANDLER. Mr. President—
Mr. LODGE. If the Senator from New Hampshire will allow

me, I desire simply to disclaim any idea that I suggested that the Senator from Maryland represented the steamship companies. All I said was that the opposition from outside—all the opposition I had heard of or could find—emanated from the steamship com-

I had heard of or could find—emanated from the steamship companies. I have not heard of it in any other quarter.

Mr. CHANDLER. Mr. President, I ask the Senator from Maryland to withdraw his motion to postpone. I do not think the Senator ought to begin to oppose this bill by dilatory motions. The motion he has made is a dilatory motion. The bill was postponed yesterday to accommodate the Senator's colleague. The Senator himself knows perfectly well what this bill is. He made an eloquent and elaborate speech against it during the recent session. The Senator knows that there is very little time before Congress between now and the 4th of March, and while I amglad to hear the arguments of the Senator, and glad to hear the argument he has just made against the bill, I think he ought to concur with the friends of the bill in expediting its consideration. the friends of the bill in expediting its consideration.

Let us have the debate which Senators choose to inflict upon the

Senate, and let us have such amendments as Senators choose to

offer; but let us go on with the bill and get it out of the way, in order that other important legislation may be considered.

I ask the Senator why he wishes to make a dilatory motion? I ask him in all kindness, and paying the tribute of my respect to the fidelity of the Senator to his public duty on all occasions, to withdraw his motion and not to get in the way of the decent and

orderly consideration of this bill.

Mr. GIBSON. Mr. President, the Senator from New Hampshire asks me why I make a motion which, in his judgment, is dilatory in this connection. I do not agree with the Senator from dilatory in this connection. I do not agree with the Senator from New Hampshire in his suggestion as to a dilatory motion, so far as the proposition which I have submitted to the Senate is concerned. I regard as dilatory a motion made for no purpose except for the purposes of hindrance or delay. I am not filibustering. I have stated expressly that the request which I at first appealed to the Senator from Massachusetts to concede, and which I afterwards presented in the shape of a motion, which I will now make, to postpone to a day named, was not made for the purpose of delay, but was made for the purpose of securing time for an intelligent appreciation of the merits of this measure, which intelligent appreciation can only be had in the shape of information which comes from the source recognized by Congress as the proper one—the from the source recognized by Congress as the proper one—the report of the Commissioner-General of Immigration to the Secre-

tary of the Treasury. Mr. CHANDLER. Mr. CHANDLER. The Senator has the recommendation of the Commissioner-General of Immigration, and of his two associates who were on the commission to inquire into this subject, in favor

of an intelligence qualification. They are in favor of this bill. *
Mr. GIBSON. That, I submit, is a question which must be
passed upon by the Senate itself, and not to be accepted on the pse dixit of either the Senator from Massachusetts or the Senator from New Hampshire. I do not agree with the suggestion of the

Senator from New Hampshire as to the report of the Commissioner-

General of Immigration

Mr. CHANDLER. If the Senator will allow me, my point is that we want the Senate to pass upon it; we want the Senate to go right on and consider this bill; and when the Senator says we are going to get any further light on this subject to be given by the report of the Commissioner-General of Immigration, which has been brought into the Senate and is now being printed, he is not serious; he is jocose. The Senator knows as well as any other Senator here that we have all the information we want to pass upon this bill except such speeches as Senators choose to make. So, in all sincerity and good faith, I ask the Senator to withdraw

So, in all sincerity and good faith, I ask the Senator to withdraw his motion and let us go on with the consideration of the bill.

Mr. GIBSON. Irepeat, Mr. President, that the statement made by the Senator from New Hampshire as to the contents of the report of the Commissioner-General of Immigration will not be borne out by the report itself, and it is an intelligent comprehension of that report which I ask, and which can only be had by other Senators, who have not had the same opportunities for information as the Senator from New Hampshire, who got the first of the advance conies of the report.

the advance copies of the report.

This report of the Commissioner-General of Immigration puts an entirely different light upon this question from that presented by the report of the committee as made by its chairman, the Senator from Massachusetts, and I have asked, not in the sense of being jocose, but in the sense of never being more serious in my life, upon a subject which demands the attention of the Senate of the United States, that the opportunity to do that which I ask shall be afforded.

I have added to that also, Mr. President, the further suggestion that there are Senators upon this floor who desire to be heard upon this question. Even if that request under ordinary circumstances should be sought to be denied, under the circumstances surrounding this case, where there is no necessity for haste, no necessity for the rapid course which is asked at the hands of the Senate at

this time, I ask that this motion shall prevail. I therefore renew the motion to postpone to a day certain in January, when the Senate shall meet—I have not the Calendar before me, but will say after the holiday recess, the first Monday

in January.

Mr. CHANDLER. Mr. President, I want to call the attention of the Senator from Maryland to the report of the commission appointed by the Secretary of the Treasury, consisting of the Commissioner-General of Immigration, Mr. Stump, from the Senator's own State; Dr. Senner, the commissioner at the port of New York, and Mr. McSweeney, secretary to the commissioners. Their report is dated October 7, 1895. Mr. GIBSON. Will the Senator from New Hampshire yield to

Mr. GIBSON. Will the Senator from New Hampshire yield to me a moment for the purpose of requesting him to advise the Senate that the report from which he now reads is not the last report of the Commissioner-General of Immigration?

Mr. CHANDLER. It is not, Mr. President; but it is the expression of the opinion of Mr. Stump, Dr. Senner, and Mr. McSweeney on the 7th of October, 1895, in which they recommend in the conclusion of their report the adoption of the intelligence clause. They say nothing more than the ability of the immigrant to read and write in his native tongue should be required, and that such a requirement would exclude only such immigrants as are undesirable for other reasons, and conclude as follows:

There is no doubt that the introduction of the literary test would greatly facilitate the solution of the immigration problem, and do more than any one thing to lessen the present popular aversion to immigration.

All of which is respectfully submitted.

HERMAN STUMP, Chairman,
Dr. J. H. SENNER,
EDW. F. McSWEENEY, Secretary,
Commissioners.

Here is a report which is not taken back in the current report; it is the opinion of those officers still, and the Senator from Mary-

and has the gravity to ask that he may have time to familiarize himself with the last report—

Mr. GIBSON. No; not myself—

Mr. CHANDLER. With the last report of the CommissionerGeneral of Immigration not yet printed, which does not take any different ground from the previous report of October 7, 1895, when the Senator has not even read that report. We can not wait another year for the Senator to read this year's report, when he has not read last year's report.

has not read last year's report.

Mr. GIBSON. I beg the Senator's pardon. I did not catch the last remark which the Senator from New Hampshire made. Will

he do me the kindness to repeat it?

Mr. CHANDLER. I said we could not wait a year for the Senator to read the report of this year, when he has not yet familiarized himself with the report of the commission made a year ago.

Mr. GIBSON. I will leave the suggestion of the Senator from New Hampshire, with reference to that proposition, to other minds than his own. I have read the report from which the Senator from New Hampshire, with reference to that proposition, to other minds than his own.

ator quotes, but he seems not to have read the report to which I refer, although he is the first Senator in this body who had the

benefit of an advance copy of it.

I submit, Mr. President, that the report of the Commissioner-General of Immigration, which I now hold in my hand, is essentially different from the report previously made, and the recommendations which he suggests as submitted by the Senator from New Hampshire have been discarded in the last report, and other recommendations made which the Senate has not yet had the benefit of information upon, and can not have without the report to which I refer.

Mr. CHANDLER. May I ask the Senator in all sincerity to read that portion of the report?

Mr. GIBSON. I will do so; that is what I was about to do.

Referring to these very recommendations made by the Committee on Immigration, the Commissioner-General of Immigration sug-gests primarily with reference to the illiteracy of the immigrants:

The illiterate immigrant, however, is not to be considered an undesirable accession to our population, since he often proves a more honest, industrious, and thrifty citizen than many who come equipped with money and an education.

Directly the reverse of the recommendations as suggested in the report of the Committee on Immigration, of which the Senator himself is a member.

Mr. LODGE. If the Senator will allow me, what I should like to have him read to the Senate is the part of the report where he thinks the Commissioner-General takes back the distinct recom-

mendation of last year.

Mr. GIBSON. I do not take my language from that of the Mr. GIBSON. I do not take my language from that of the Senator from Massachusetts. I have not suggested that the Commissioner-General of Immigration recanted anything in the sense of "taking back," but he makes suggestions which, by a parity of reasoning with what I have suggested, mean not a recanting, but he suggests something different from what has been suggested before, and what, in his judgment, he regards as the latest and the best information on this important subject which he is so largely charged with disseminating.

I will gratify the Senator from Massachusetts in that connection—

Mr. LODGE. What I ask, if the Senator will pardon me, is that he should read the passage which I understood him to say reverses the verdict of those gentlemen of last year. Last year they recommended the illiteracy test as on the whole the best. Now I

want the passage read where they say they no longer think so.

Mr. GIBSON. I have it, though I may not be able to turn my
eye to it instantly, because I had no idea that this discussion would
assume the phase which it has at this time. If such a proposition is not so demonstrable by one interested as I am it is certainly a strong object lesson with reference to what I have suggested about other Senators who have not had the opportunity to be interested in this question as I have. This is the language of the report:

The immigration laws have been found to work with reasonable satisfaction, but practical administration has demonstrated the necessity for amendments and additions which will add to their efficiency. For amendments suggested see page 17 of this report.

Among those suggestions made by the Commissioner-General Among those suggestions made by the Commissioner-General of Immigration as amendments to the already existing law not one word as to the illiteracy test is suggested following the line of the bill reported by the Senator from Massachusetts.

Mr. LODGE. What I want is the passage in which the Commissioner-General takes back the distinct recommendation made last year with Dr. Senner and Mr. McSweeney.

Mr. GIBSON. I have referred to no passage in the report of the Commissioner-General whose the recenting or the taking back.

the Commissioner-General where the recanting or the taking back of anything had been suggested by the Commissioner-General.

Mr. LODGE. That is all I desire to have known.

Mr. GIBSON. But the report refers to suggestions made by him which he makes in the shape of amendments to the existing Nowhere in those suggestions have been found the recomaw. Nowhere in those suggestions have been found the recommendations of the Committee on Immigration, but, on the contrary, at the conclusion of those suggestions the Commissioner-General of Immigration expressly says in language specific, by way of a striking contrast, as I claim, to the report of this Committee on Immigration—what? By way of an express answer to the suggestion contained in this bill the Commissioner-General says:

The illiterate immigrant, however, is not to be considered an undesirable accession to our population.

Mr. LODGE. I think, if the Senator will read the passage as it stands, he will find it reads:

The illiterate immigrant, however, is not always to be considered an undesirable accession.

Mr. GIBSON. Did I not so read it?
Mr. LODGE. I think the Senator left out the word "always,"
Mr. GIBSON. Then I did not so intend. I did not propose to
add to or take away a word from the report. I am sorry that the Senator from Massachusetts should have found it in his heart to

make a suggestion which no course of conduct of mine in this connection, or ever before, has warranted. I have not misinter-preted nor misquoted, Mr. President. I would ask the indulgence

Mr. LODGE. I merely asked the Senator to read the language as it stood. He read "is not to be considered" when the report

put in the word "always."

Mr. GIBSON. The Senate shall be the judge whether or not I have departed from the language of the Commissioner-General of Immigration. I read again:

The illiterate immigrant, however, is not always to be considered an undesirable accession to our population—

I think that is just the way I read it before-

since he often proves a more honest, industrious, and thrifty citizen than many who come equipped with money and an education.

Mr. LODGE. Will the Senator now read to the Senate the two

Mr. Holde. With the Schattle flow read to the Schattle the two preceding paragraphs?

Mr. GIBSON. I will read the preceding paragraphs. The preceding paragraphs—if the Schattle from Massachusetts means that I shall be the source of enlightenment to the Schattle in this connection—contain a summary of the Commissioner-General's deductions from the administration of the laws already upon our statute books. He says in his report to the Secretary of the Treasury:

It is gratifying to me to be again able to report to you that I know of no immigrant landed in this country within the past year who is now a burden upon any public or private institution.

Mr. LODGE. Will the Senator kindly tell me from where he is reading? I asked him to be good enough to read to the Senate the two preceding paragraphs as to illiterate immigrants, which are as follows:

From the above table it appears that the education of the masses is neglected to the greatest extent in Italy, Austria-Hungary, and Russia, while the largest proportion of those who can read and write came from Switzerland, France, Denmark, Sweden, and Germany.

As exhibiting the close alliance that exists between ignorance and poverty, your attention is directed to the subjoined table of the nationality and number of immigrants who have been deported as liable to become public charges.

Mr. GIBSON. From what page of that report does the Senator from Massachusetts read?
Mr. LODGE. That is the one I wanted the Senator to read,

Mr. HODGE. That is the one I wanted the Senator to read, but it has been read now.

Mr. GIBSON. Mr. President, I understood the Senator from Massachusetts to say that he desired to have read the preceding paragraphs to the one which I had before read, and I was proceeding to do so. I have respectfully asked of him the page of the report

Mr. LODGE. I said the two preceding paragraphs—the ones

which I have just read.

Mr. GIBSON. As I understood the Senator from Massachusetts, I will proceed to read the preceding paragraphs to the one to which I have referred as the conclusion of the report of the Commissioner-General as to the illiteracy test as applied by this bill. I did not hear him say the two preceding, but the preceding paragraphs, and among those preceding paragraphs passing upon all of the laws which are upon our statute books, he says:

all of the laws which are upon our statute books, he says:

It is gratifying to me to be again able to report to you that I know of no immigrant landed in this country within the past year who is now a burden upon any public or private institution.

With some exceptions, the physical characteristics of the year's immigration were those of a hardy, sound, laboring class, accustomed, and apparently well able, to earn a livelihood wherever capable and industrious labor can secure employment. As to occupations, it was composed largely of the classes designated as "skilled and unskilled laborers," with some professionals. The amount of money brought into the country by immigrants was at least 4,917.318, and probably was largely in excess of these figures, since only those having less than \$30 are required to disclose the exact amounts they have, respectively. Experience shows that it is safe, in estimating the full amount actually brought into the country, to multiply the foregoing figures three or four times, as in many instances immigrants reported as having "\$30 or over" are possessed of considerable sums of money which they have saved up to invest in small business enterprises, or to buy land and build a home for their families in the New World.

Assuming that the tide of immigration to and emigration from a country corresponds to the fluctuations in the condition of its industries in exact harmony with the laws of supply and demand, a consideration of the foregoing tables does not justify the conclusion that our alien population is growing in undue proportion. A comparison of the figures for the past year (343,267) with the average annual immigration for the preceding ten fiscal years (435,085) discloses a decrease of 91,818, or over 21 per cent. Such data as I have been able to obtain as to the number of those who annually return to their own country, though approximate only, lead me to doubt seriously that there has been any material increase in our foreign-born population since 1893.

Regarding only the large number of arrivals, the public mind becomes much excited and urges restrictive legislation; but this apprehension would be lessened, if not entirely allayed, by a correct enumeration of those who depart never to return, and of those who come and go each year, engaging in work here during the busy season and returning to their own homes at other times, where they can live much more cheaply. In compliance with the public demand, measures have been presented and are now pending before Congress which will materially reduce the number and improve the character of aliens seeking homes in this country, and will tend to make the influx approximate in number the losses from death and the return of aliens to reestablish themselves in their native countries.

To show how erroneous impressions may be derived from correct figures, attention is directed to the perriod from 1880 to 1890, during which time 5,246,613 immigrants landed on these shores, but the United States census reports

state the actual increase in our foreign-born population in 1890 over that of 1880 at but 2,569,604, or less than half the actual arrivals for the same period, the difference representing those who died and those who left for foreign

countries.

In confirmation of the large proportion which according to the above figures remains here only temporarily may be adduced the data supplied me by the various transportation companies for the year 1895, showing that they brought to this country 328,246 steerage passengers and carried back 154,071, or about 50 per cent. All of the former passengers were not immigrants, for some were United States citizens; nor were the latter all returning aliens; but the figures are significant and show what is often lost sight of—that a very large deduction must be made from the actual arrivals to ascertain with any degree of accuracy how many become permanent residents of this country.

That is all I propose to read in gratification of the suggestion of the Senator from Massachusetts in this connection; and I now renew the motion which I made a few moments since, so that the opportunity which I have suggested for information as contained in this report may be intelligently passed upon by the Senate.

The PRESIDING OFFICER. The Senator from Maryland

moves that the further consideration of the bill be postponed until the first Monday in January next, on which the yeas and nays have

been demanded.

The yeas and nays were ordered.

Mr. LODGE. Before the roll is called, I wish to make an inquiry. This is a motion, as I understand, to postpone to a day certain in January next.

The PRESIDING OFFICER. Until the first Monday in January

The Secretary proceeded to call the roll.

Mr. BATE (when his name was called). I am paired with the Senator from Utah [Mr. Brown], and withhold my vote, as he is

Mr. BERRY (when his name was called). I am paired with the Senator from Colorado [Mr. Teller]. If he were present, I should vote "yea."

Mr. CALL (when his name was called). I am paired with the Senator from Vermont [Mr. Proctor]. I do not know how he would vote on this question if present.

would vote on this question if present.

Mr. HARRIS (when his name was called). I am paired with the Senator from Vermont [Mr. Morrill], who is absent.

Mr. JONES of Arkansas. I am requested by the Senator from Alabama [Mr. Morgan] to announce his pair with the Senator from Pennsylvania [Mr. QUAY].

Mr. McMillan (when his name was called). I am paired with the Senator from Fennicky [Mr. Ryanguay].

the Senator from Kentucky [Mr. BLACKBURN].
Mr. MARTIN (when his name was called). I am paired with
the Senator from Montana [Mr. MANTLE], and as he is not present,

the Senator from Montana [Mr. MANTLE], and as he is not present, I withhold my vote.

Mr. PASCO (when his name was called). I am paired with the Senator from Washington [Mr. WILSON], but I transfer that pair to the Senator from Indiana [Mr. VOORHEES], and vote "yea."

Mr. QUAY (when his name was called). I have a general pair with the Senator from Alabama [Mr. Morgan]. Not knowing how he would vote upon this question, I withhold my vote. I should vote "nay" if I were not paired.

Mr. SHOULP (when his name was called). I have a regular pair

Mr. SHOUP (when his name was called). I have a regular pair with the Senator from California [Mr. White]. I do not know how he would vote if present, and therefore I withhold my vote. I have a regular pair

The roll call was concluded.

Mr. CULLOM. I have a general pair with the Senator from Delaware [Mr. Gray]. Not knowing how he would vote, I feel constrained to withhold my vote. I should vote "nay" if at

Mr. McBRIDE. I announce my pair with the Senator from Mississippi [Mr. George]. If he were present, I should vote

Mr. COCKRELL. I am paired with the Senator from Iowa [Mr. Allison], and therefore withhold my vote, not knowing how he ALLISON], and therefore withhold my vote, not knowing how he would vote if present.

Mr. BRICE. I have a general pair with the Senator from Colorado [Mr. Wolcott]. I inquire whether he has voted?

The PRESIDING OFFICER. He has not.

Mr. BRICE. Then I withhold my vote, as I do not know how he would vote on this question if present.

Mr. MITCHELL of Oregon (after having voted in the negative).

Has the Senator from Wisconsin [Mr. VILAS] voted?

The PRESIDING OFFICER. He has not.

Mr. MITCHELL of Oregon. Then I withdraw my vote, as I am paired with that Senator.

am paired with that Senator.

Mr. DUBOIS (after having voted in the negative). whether the Senator from New Jersey [Mr. SMITH] has voted? The PRESIDING OFFICER. He has not.

Mr. DUBOIS. I am paired with that Senator, and will with-

draw my vote.

Mr. GIBSON. I suggest the absence of a quorum of the Senate,
Mr. President.

Mr. LODGE. The vote has not yet been announced.

Mr. LODGE. The vote has not yet been announced.

The PRESIDING OFFICER. The question of a quorum will be determined upon the announcement of the vote.

Walthall.

Mr. BATE. I have a right to vote under my pair to make a

quorum, and I vote "yea."

Mr. CULLOM. Under the circumstances, I feel at liberty to vote, and vote "nay."

Mr. DUBOIS. I feel at liberty to vote to make a quorum, and I vote "nav.

Mr. McBRIDE. In order to make a quorum, I will vote "nay." The result was announced—yeas 13, nays 37; as follows:

YEAS-13.

Bate, Blackburn, Caffery,	Mills, Mitchell, Wis. Murphy,	Pugh, Turpie, Vest,	
	N.	AYS-37.	
Aldrich, Baker, Burrows, Butler, Cameron, Cannon, Carter, Chandler, Chilton, Cullom,	Davis, Dubois, Elkins, Faulkner, Frye, Gallinger, Gear, Hansbrough, Hawley, Hoar,	Jones, Ark: Lodge, McBride, McMillan, Nelson, Palmer, Peffer, Perkins, Pettigrew, Platt,	Pritchard, Roach, Sewell, Squire, Thurston, Tillman, Wetmore.
	NOT 1	VOTING-39.	
Allen, Allison, Berry, Blanchard, Brice, Brown, Call, Clark, Cockrell, Daniel	George, Gordon, Gorman, Gray, Hale, Harris, Hill, Irby, Jones, Nev. Kyle.	Lindsay, Mantle, Martin, Mitchell, Oreg. Morgan, Morrill, Proctor, Quay, Sherman, Shoup.	Smith, Stewart, Teller, Vilas, Voorhees, Warren, White, Wilson, Wolcott.

Irby, Jones, Nev. Kyle, Quay, Sherman, Shoup,

Gibson

So the motion was not agreed to.

The PRESIDING OFFICER. The question recurs on agreeing to the amendment reported by the committee. Is the Senate ready for the question?

Mr. VEST. What is the amendment? Mr. LODGE. To substitute for the House bill the amendment

reported by the Senate committee.

Mr. PALMER. I desire to know whether the amendment

reported by the committee is that printed in the bill?

Mr. LODGE. The amendment reported by the committee is a single amendment, to substitute the Senate amendment for the single amendment, to substitute the Senate amendment for the House bill. The substitute is printed in italics. I think it would expedite business if we should simply adopt the substitute, which will then be open to any amendments that Senators care to offer.

Mr. PALMER. I desire to move to amend the amendment.

The PRESIDING OFFICER. The Chair will inform the Senator from Illinois that to the substitute proposed by the committee

the Senator from New Jersey [Mr. SEWELL] has already proposed

the Senator from New Jersey [Mr. SEWELL] has already proposed certain amendments, which are first in order. The Secretary will read the amendments proposed by the Senator from New Jersey. The SECRETARY. In line 4, page 3, after the word "All," it is proposed to insert the word "male," so as to read: "All male persons;" in line 7, after the word "aged," it is proposed to insert the words "or minor," so as to read "except that an aged or minor person;" in line 8, before the word "grandparent," strike out the word "or," and after the word "grandparent," insert the words "or child," so as to read "who is the parent, grandparent, or child of an admissible immigrant," etc.

Mr. SEWELL. I desire to offer an amendment. Before the

Mr. SEWELL. I desire to offer an amendment. Before the word "grandparent," in line 5, I move to strike out "or," and after the word "grandparent," in the same line, to insert "child or wife." I understand from the chairman of the committee—

Mr. LODGE. Can we not have order while the Senator from

Mr. LODGE. Can we not have order while the Senator from New Jersey is making a statement?

The PRESIDING OFFICER. The Senator from New Jersey will suspend for a moment. The Senate will be in order. The Senator from New Jersey will state his amendment again. The Secretary suggests that he already has an amendment noted to the same effect.

Mr. LODGE. What, may I ask, is the amendment pending to

the committee amendment?

The PRESIDING OFFICER. The Secretary has already ated the amendment. Will the Senator from New Jersey stated the amendment. restate his amendment?

Mr. SEWELL. The amendments which I offer are on page 3, line 4, to insert after the word "All" the word "male;" so as to read: "All male persons."

Mr. CHANDLER. The mistake is that the Senator from New Jersey makes a new count in the lines. When he says line 4 he

means line 7.

Mr. VEST. We can not hear anything on this side.

Mr. SEWELL. No; I mean line 4.
Mr. LODGE. The Senator from New Jersey has a different print of the bill.

Mr. HOAR. I suggest that the committee amendment, the amendments which I have offered.

Senate substitute, shall be considered as adopted and then that these amendments shall be held to be in order after that, which

would be a much more convenient course.

Mr. SEWELL. I will say to the Senator from Massachusetts that these are vital questions.

Mr. HOAR. Because the whole thing may be voted down after

the amendment is adopted.

Mr. LODGE. As I have said, the whole thing is open to amendment after the adoption of the committee substitute. Nobody's amendment of any kind is cut off, and it will simplify the matter very much if, instead of regarding it as an amendment to the amendment, we substitute the committee bill, and then amend

Mr. SEWELL. I have no objection to that course if it is a proper one.

Mr. HOAR. I ask unanimous consent that that course may be

adopted. It will save trouble.
The PRESIDING OFFICER. The Senator from Massachusetts asks unanimous consent that the Senate substitute shall be adopted

and that it shall be open to amendment after it is adopted. Is there objection? The Chair hears none, and it is so ordered.

Mr. ELKINS. I wish to offer an amendment to come in as an

additional section.

The PRESIDING OFFICER. The amendment proposed to be offered by the Senator from West Virgina is not now in order. It

will be in order later.

Mr. ELKINS. I thought the committee were through. I wish to offer it to come in as an additional section.

Mr. LODGE. The amendments of the Senator from New Jer-

y are first in order, I think.
The PRESIDING OFFICER. The question is on agreeing to

the amendments submitted by the Senator from New Jersey.

Mr. MORGAN. Let them be reported.

The PRESIDING OFFICER. The Secretary will state the

Mr. CULLOM. The Senate substitute now becomes the measure before the Senate?

The PRESIDING OFFICER. By resolution of the Senate the Senate substitute is now before the Senate, to which amendments

are in order

Mr. CULLOM. The substitute is not treated as an amendment, but as an original bill

The PRESIDING OFFICER. It is.

Mr. CULLOM. So that amendments will be in order to it.
The PRESIDING OFFICER. By unanimous consent, amend-The amendments submitted by the Senator ments are in order.

from New Jersey will be stated.

The Secretary. In line 4, page 3, after the word "All," it is proposed to insert the word "male;" so as to read: "All male

persons

Mr. SEWELL. There are two prints of the bill. The last print changes the numbering of lines, I understand. That should be in line 7

The PRESIDING OFFICER. It is line 4, according to the bill

The PRESIDING OFFICER. It is line 4, according to the before the Secretary.

Mr. LODGE. I will say to the Senator from New Jersey, as those amendments really all stand together, that I think by his last amendment in line 8, where he proposes to add the words "child or wife," he meets the point he desires to cover, and we can in that way get rid of the first amendment, to insert the word "male," which I think would give a more sweeping effect than the Senator intends. The committee would be very ready to accept the other amendments.

Mr. SEWELL. There are two other amendments.

Mr. SEWELL. There are two other amendments. Mr. LODGE. There are two other amendments which the

Mr. SEWELL. There are two other amendments which the Senator from New Jersey has offered.

Mr. SEWELL. One is, in line 7, to insert the words "or minor" after the word "aged."

Mr. LODGE. I have no objection to that amendment if the

first one is withdrawn.

Mr. SEWELL. Another amendment is the insertion of the words "child or wife" after the word "grandparent." I will withdraw the first amendment if the Senator from Massachusetts will accept these two amendments. I withdraw the amendment proposing to insert the word "male," and ask that the other two amendments may be adopted.

The PRESIDING OFFICER. Without objection, the first amendment is withdrawn. What course is suggested as to the

other amendments?

Mr. SEWELL. The chairman of the committee, I understand, accepts them

Mr. LODGE. I have no objection personally to the other amend-

Mr. VEST. Does the Senator from New Jersey withdraw the

amendment to insert the word "male?"

Mr. SEWELL. Yes, on condition of the adoption of the other

Mr. VEST. On what condition? On condition that the other amendments he proposes shall be adopted?

Mr. SEWELL. Yes.

Mr. SEWELL. Yes.
Mr. VEST. I do not understand the Senator's statement. Does
the Senator say that he withdrew the first amendment on condition that his other amendments shall be adopted?

Mr. SEWELL. The committee agrees to adopt the other amendments offered, which to my mind are very important to the bill as reported. Although I agreed to its being reported, I have since discovered that it would destroy the family relation to the extent even of excluding the wife of a man who is an admissible immigrant.

Mr. VEST. Let me put a question to the Senator: Does he not think he would separate man and wife if the husband could com-

ply with the provisions of this bill and read five lines of the Constitution, and his wife could not?

Mr. SEWELL. I do not understand the Senator from Mis-

Mr. VEST. How could she enter as the bill stands now when it says "all persons?" The man could enter into the United States, but he would be compelled to leave his wife behind him.

Mr. SEWELL. My amendment, which the committee has agreed to accept, covers that point.

Mr. VEST. Which amendment covers it?

agreed to accept, covers that point.

Mr. VEST. Which amendment covers it?

Mr. CULLOM. I suggest that the amendment be read.

Mr. LODGE. The amendment of the Senator from New Jersey as modified, I will say to the Senator from Missouri, and not as printed, covers it. The Senator from New Jersey proposes to insert the words "child or wife" instead of the words "or child," and that covers the point which the Senator from Missouri has raised.

Mr. DAVIS. In what line?
Mr. SEWELL. In the last line of the printed copy of my amendment, or in line 11 of the bill which the Senator from Min-

Mr. PLATT. I ask that the Secretary may read the paragraph as it will read if amended as proposed by the Senator from New

Jersey.
The PRESIDING OFFICER. The Secretary will read as

The Secretary read as follows:

All persons over 14 years of age who can not read and write the language of their native country, or some other language, except that an aged or minor person not so able to read and write who is the parent, grandparent, child, or wife of an admissible immigrant may accompany or be sent for by such immigrant.

The PRESIDING OFFICER. The question is on agreeing to the amendments offered by the Senator from New Jersey.

Mr. VEST. Mr. President, it seems to me that this provision ought to be confined to male immigrants. The Senator from Massachusetts [Mr. Lodge] in making the report from the committee gives as the basis for this legislation that the admission of illiterate immigrants debases our citizenship and degrades our labor. Now there are always number of reconstructions were the labor. Now, there are a large number of young women over the age of 14 years who come to the United States and who are engaged as domestics by the people of this country. Under the laws of the United States in regard to national suffrage they can not vote, and I take it that really at the bottom of this whole question is illiterate suffrage. I do not see how the workmanship or the labor of a man who can not read or write debases the labor or workmanship of anybody else. If he is an industrious, tem-perate, and honest workman, how does his employment degrade

perate, and honest workman, how does his employment degrade any other labor in this country?

We might just as well be frank with each other in discussing this question. The great objection to illiterate immigration is that it corrupts our suffrage and endangers the basis of our Government, which is the virtue and intelligence of the people. Besides that, if we look at the tables just furnished this morning by the Cemmissioner of Immigration in his last report, it will be found that the number of women who come into this country as immigrants is very inconsiderable compared with the men who immigrants is very inconsiderable compared with the men who come as immigrants. There are two tables in this report which show the increase or decrease of male and female immigration during the years 1895 and 1896. Those tables will be found upon page 28 of the Commissioner's report. They show, for instance, that from Italy and Italy that the country which for research. that from Italy—and I take that as the country which figures most conspicuously in this whole question, because it is from Italy that there comes the most objectionable and the largest immigration—in 1895–1896 there came into the United States 49,980 male immigrants, and in the same year there came 16,465 women immigrants from the same country. The number of women is very inconsiderable, and their coming into this country can neither debase our

citizenship nor degrade our labor.

I have said that Italy furnishes the most objectionable of these immigrants, and I call the attention of Senators to a very interesting table which I have just noticed on page 30 of this report. I have never seen the question put in so strong a light as it is by

this table. For instance, from Italy there came into the United States in 1895-1896, 66,445 immigrants, of whom 30,728 were illiterstates and the amount of money which they brought into the United States per capita was \$8.75. In immediate juxtaposition to that statement is the immigration of Germany, which stands out in the strongest contrast to that from Italy. From Germany there came into the United States in the same year 24,230 immigrants, and out of this large number there were but 410 illiterates. Each and out of this large number there were but 410 illiterates. Each one of those immigrants brought into the United States \$38.31. Nothing could put in stronger light the difference in the immigration from these two countries. This might be pursued further, because it shows that from France there comes a very small proportion of illiterate immigration; but the amount of immigration from France is very inconsiderable compared with that from Germany

Now, Mr. President, it seems to me that this provision ought to be confined to male immigrants. There can be no danger either to our civilization or to our labor from allowing these girls to come into the United States whose labor is domestic in its nature. can conceive of no reason except an arbitrary one why this pro-

vision should be extended to women.

I will renew the amendment which the Senator from New Jersey has withdrawn, so as to obtain the sense of the Senate upon it.
Mr. LODGE. Mr. President, I trust that the amendment to insert the word "male" will not prevail. It would create the very division of families which the Senator from New Jersey [Mr. SEWELL] aims to correct by his amendment. Of course it is perfectly true, as the Senator from Missouri says, that the women do not affect the suffrage. I think they affect very largely the quality of citizenship in a somewhat broader way. But the point which seems to me to overrule all others in this consideration is what I alluded to a few moments ago when I was having a little discussion with the Senator from Maryland [Mr. Gibson], and that is the great body of the unemployed in this country. We see varied estimates of the number of the unemployed. We differ as to the causes for there being so many. That there are a great many, no one questions. Every immigrant who comes into the country is

some of the unemployed of other lands coming in here.

I will confess that I am very radical upon this question. I should be glad to see immigration stop until every man and woman seeking work in this country have employment. Women certainly work for low wages, and the lines of work for which they compete are overcrowded. I think that that which makes it desirable to exclude the meal immigrant makes it just as desirable to exclude the wealth of t exclude the male immigrant makes it just as desirable to exclude the female immigrant. The illiteracy test is simply an effort to adopt a test which shall restrict immigration, lower the number of immigrants coming to this country, and do it by shutting out the most undesirable class. That all persons who can not read and write are undesirable, no one will contend. No form of exclusion can be perfectly accurate, but it comes as near to it as any test. If Senators will take the trouble to read the very careful analysis made in the report of the committee they will, I think, find what I

say on that point justified.

This test, if it had been applied during the last year, would have shut out 75,000 immigrants, according to the last report of the Commissioner of Immigration. That is sufficient argument for me. I do not see how it can be advisable to add constantly to the volume of the employed in this country in that direct way. It is simply taking in the unemployed of other countries.

That the bill is moderate in the view of persons most directly interested, is shown by the petitions which I have on my desk and

which I will have printed with the remarks I am now making.

Here I have the resolutions of the Protective Labor Union of
New York, sent to me by J. E. Bausch, in which they say:

New York, sent to me by J. E. Bausch, in which they say:

Whereas it appears that not withstanding the prevailing stagnation of trade and industry, and the enforced idleness of over two millions of working people, alien immigrants are still flocking to our shores in great numbers; and Whereas the effect of the competition of these newly arrived aliens must surely be to inflict great hardship and misery upon our own working people by lowering the wages of some and by depriving others of employment altogether: Therefore,

Be it resolved, That we recommend—
First. The passage of the Lodge-Corliss bill to restrict immigration.
Second. Additional legislation to limit the number of immigrants to 50,000 a year, and to establish a board for the distribution of immigrants, to consist of ten members, to be selected from the various labor organizations. The said board shall have power to distribute immigrants to localities that are not already overcrowded with laborers, and to prevent them from taking the places of striking workmen, or accepting less than current rate of wages, and to return all immigrants who fail to find employment within sixty days after their arrival to the country from whence they came.

Third. An amendment to the contract-labor law that will exclude actors, professional singers, musicians, and all others engaged in theatrical performances, coming here under contract.

New York, November 22, 1896.

New York, November 22, 1896.

Dear Sir: The resolutions herein mentioned were a subject-matter for discussion at our meeting held on above date, and same were unanimously indorsed by the Central Labor Union of New York.

Very truly,

That is one of the labor organizations from which I have lately received a petition.

J. E. BAUSCH, Secretary,

Here are resolutions from the United Brotherhood of Carpenters and Joiners of America. They point out the competition, and demand that the number of immigrants shall be restricted to

PHILADELPHIA, PA., November 16, 1896.

DEAR SIR: At the ninth general convention of the United Brotherhood of Carpenters the following resolutions were unanimously adopted, and I was instructed to send you a copy:

Whereas it appears that notwithstanding the prevailing stagnation of trade and industry, and the enforced idleness of over two millions of working people, alien immigrants are still flocking to our shores in great numbers; and Whereas the effects of the competition of these newly arrived aliens must surely be to inflict great hardship and misery upon our own working people by lowering the wages of some and by depriving others of employment altogether: Therefore,

Be it resolved. That we recommend—
First. The passage of the Lodge Corliss bill to restrict immigration.

Second. Additional legislation to limit the number of immigrants to 50,000 a year, and to establish a board for the distribution of immigrants to to consist of ten members, to be selected from the various labor organizations. The said board shall have power to distribute immigrants to localities that are not already overcrowded with laborers, and to prevent them from taking the places of striking workmen, or accepting less than current rate of wages, and to return all immigrants who fail to find employment within sixty days after their arrival to the country from whence they came.

Yours,

P. J. McGUIRE,

P. J. McGUIRE.

Hon. HENRY CABOT LODGE, Washington, D. C.

Here is the resolution of the Glass Bottle Blowers' Association, with headquarters in Philadelphia. They demand the passage of a law "absolutely prohibiting all immigration of any kind, sex, character, or nationality whatever for the space of five years."

PHILADELPHIA, PA., December 7, 1896.

PHILADELPHIA, P.A., December 7, 1896.

At the annual convention of the Glass Bottle Blowers' Association, held in the city of Streator, Ill., July 16, 1896, the following resolution was passed by the convention, and the general secretary of the association was ordered to send a copy of the same, under seal, to the President, Vice-President, Secretary of State, and members of both Houses of Congress:

Whereas it is evident to every intelligent observer that the development of our country is not keeping pace with the stream of immigration; and Whereas it is equally evident that every immigrant who lands upon our shores is a menace to the peace and prosperity of our people, occupying a space already overcrowded; and

Whereas none of the legislation proposed or enacted to correct this constantly growing evil has proven or will prove efficacious: Therefore,

Be it resolved. That we call upon our Representatives in Congress assembled to immediately enact a law absolutely prohibiting all immigration of any kind, sex, character, or nationality whatever for the space of five years.

General Secretary of the Glass Bottle Blowers' Association.

I have here a list of the labor organizations and wage earners of

I have here a list of the labor organizations and wage earners of America who have adopted resolutions demanding restriction of America who have adopted resolutions definanting restriction of immigration, which have been sent to me: Carpenters and Joiners of America, General Assembly of the Knights of Labor, Protective Labor Union of New York City, Central Labor Union of New York City, Farmers' Congress at Indianapolis, Junior Order United American Mechanics of New Jersey, Trades and Labor Assembly of Ohio, Cigar Makers' International Union of Detroit,

I have also the resolution passed by the Massachusetts house of

representatives in the spring of 1895:

Resolution relative to the restriction of immigration.

Resolution relative to the restriction of immigration.

Whereas the present immigration laws of the United States debar from landing on our shores only a few of those immigrants who are undesirable for admission to this country by reason of their ignorance, lower standards of living and morals, criminal tendencies, and anarchistic beliefs; and Whereas the large immigration of recent years has given rise to unhealthy competition in the labor market by the introduction of foreign workmen living under degraded conditions, incompatible with the standards of living of American workingmen; and

Whereas the immediate enactment by Congress of laws for the further restriction and stricter regulation of immigration is necessary for the preservation of our national character, institutions, and standards of living: Therefore,

vation of our hattonar characteristics.

Be it resolved. That the — respectfully urge upon the Congress of the United States the importance of the early enactment of laws for the further restriction and stricter regulation of immigration.

This resolution was indorsed by the Boston Clothing Cutters and Trimmers' Union; International Brotherhood of Bookbinders, Local No. 16, and the Atlantic Coast Seamen's Union

Strong measures for restriction are also advocated by the National Association of Hat Makers of the United States (New York, January 25, 1895); Brockton Branch of the Lasters' Protective Union of America (1,100 members); S. W. Emery, director Montana experiment station, Bozeman, Mont.; Thomas Thorson, secretary of state of South Dakota, Pierre, S. Dak.; J. H. Brigham, president directors Ohio penitentiary, Delta, Ohio; Connecticut branch American Federation of Labor, Hartford (October 14, 1896), and James H. Mills, commissioner of agriculture, labor, and industry,

Helena, Mont.

The educational test has been indorsed by the Boston Chamber of Commerce, January 22, 1896; Horseshoers' International Union, Buffalo, May 30, 1896; common council and mayor of Duluth, Minn.; John M. Haines, secretary Idaho Immigration Association, Boise, Idaho; Sewell Davis, secretary Montana mining and immigration committee, Butte, Mont.; S. W. Narregang, secretary South Dakota Immigration Association; D. R. McGinnis, secretary Northwestern Immigration Association, St. Paul, Minn.; Sixth Congressional immigration convention, Aitkin, Minn., March

17 and 18, 1896.

Here I have also the resolutions of the Journeymen Tailors'

Union of Bloomington, Ill.

Now, Mr. President, I have read these lists and resolutions simply to show the Senate that the demand from the people who feel in to show the Senate that the demand from the people who feel in daily life this competition goes far beyond anything the pending bill proposes. The people gathered in our great cities without employment, who see a constant stream of the unemployed of other nations pouring in, know that that is one direct form of competition with them. They may differ as to other policies in other respects, as to the tariff and the currency questions, but there is no doubt that they are all united to-day in feeling that this unrestricted competition of the unemployed of other lands should be prevented. That it affects them, and affects them badly, no one can doubt. It is perfectly plain that if there are unemployed here and you pour in additional unemployed constantly, you add to the chance all the time that our own unemployed will remain as they are. That, to me, is the controlling reason for this legislation. That is That, to me, is the controlling reason for this legislation. That is why it makes no difference in my mind whether it be the competi-

why it makes no difference in my mind whether it be the competition with the labor of women or the competition with the labor of men. I think at this period we ought to do something to check it. On the question of the quality of citizenship I had the honor to submit to the Senate some time ago all that I thought it desirable to say on that most important point. But, Mr. President, I trust that the Senate, without delay, will deal with these amendments and will pass the bill, for with those of us who have examined it most closely I can assure you, sir, there is no doubt of the pressing need of such laws or the great benefit they will be. I trust that the amendment to insert the word "male" will not be adopted. I think the amendments of the Senator from New adopted. I think the amendments of the Senator from New Jersey [Mr. Sewell] cover all that it is necessary to cover in that regard, and I think that the insertion of the word "male" will merely take away from the force and scope of the bill, none

will merely take away from the force and scope of the bill, none too great in my judgment at this time.

Mr. CHANDLER. Mr. President, I think if the Senator from Missouri will consider the facts and the purposes and the character of the bill as it stands, he will not feel inclined to insist upon his amendment. In the first place, the Senator will realize that the proportion of males to females among immigrants is not On the first page of the Commissioner's report so much greater. the Senator will find that for the present year the total immigra-tion was 343,267. "Two hundred and twelve thousand four hun-dred and sixty-six were males; 130,801 were females. There were dred and sixty-six were males; 130,801 were females. There were 130,000 females to 212,000 males, and in the previous year there were 109,520 females to 149,016 males. If there is an evil to be were 103,323 remaies to 143,016 maies. If there is an evil to be corrected by adopting an intelligence test for admission there is not such a difference between the number of males coming and the number of females coming as to justify the distinction which the Senator wishes to make by which illiterate males are to be kept out and illiterate females are to be admitted.

The Senator has assumed that the principal object in requiring that immigrants shall read and write their own language is in order that we may have intelligent voters in this Republic, and he assumes that that rule does not apply to women. I beg to call the Senator's attention to the fact that the cause of female suffrage is rapidly growing in this country, and that in the Western States at the recent election a vast number of votes of women was cast. at the recent election a vast number of votes of women was cast. Therefore, the distinction which the Senator is making, if it is a good one, is rapidly disappearing. If I were to have my choice as to requiring the absence of illiteracy from only one class, I would insist upon it that the women who come here, the girls of whom the Senator speaks, shall be compelled to learn to read and write before they come, and would allow the male citizens to come without that qualification.

Mr. President, this not a severe bill. I call the attention of the Senator from Missouri to the fact that it will not keep out anyone. Anybody can come who chooses, if he will only delay his coming until he learns to read and write his own language. It coming until he learns to read and write his own language. It only requires persons of suitable age and physically capable to learn to read and write, and a man or a woman or a child who wants to come here can simply delay coming long enough to learn the rudiments of education. I ask the Senator from Missouri if that is a very severe qualification. It will not make a difference of over three months in the coming of any human being otherwise motified to some Whysheveld not that the required of the formelos entitled to come. Why should not that be required of the females as well as the males who come?

as well as the males who come?

A man is not the tutor of his own children. It is the mother who teaches the children. The children of this country do not learn to read and write in the schools. They learn to read and the formula fireside. And who is the teacher? The mother. write by the family fireside. And who is the teacher? The mother. Where is the greatest danger from illiteracy in the families of this the father can read and write and the mother can not, the children will grow up in ignorance. But if the mother can read and write she teaches her children to read and write in the sanctity of her With this requirement as to the women who come here

we may be sure that the little children who grow up in the families of the immigrants will learn to read and write, not because the laws of the country compel education, as the laws of many of the States do, but because through the pride and the love and affection of the alien mothers who come here their children will be affection of the alien mothers who come here their children will be taught the elements of education, which will make them good men and women, and which will make not the voters of this generation, perhaps, but the voters of the next generation, whether they be all males or whether they be males and females alike, intelligent and fit to exercise the suffrage in this Republic of ours.

Mr. President, I repeat that this is a very mild bill indeed, because it salve wires that person desiries to salve with the constraint.

cause it only requires that persons desiring to come to this country shall delay coming long enough to have every person who wants to come, every member of every family which is coming, qualified to read and write the English language, or the native language.

I understand that the national conventions of both political

parties declared in favor of a restriction of immigration. If I am wrong, no one is so competent to correct me as the present occupant of the chair [Mr. Hill in the chair], who is thoroughly familiar with the platforms of all the various political parties which made nominations during the late canvass. [Larghter.] I am quite sure that the Republican party, which supported Mr. McKinley, and one of the parties that supported Mr. Bryan declared in emphatic language, in the interest of the labor of this country and the interest of the general welfare of the country, in favor of the restriction of immigration. I hope that the Senator from Missouri will not be the first to come into this Chamber and set the example of a violation by the great political parties repre-

set the example of a violation by the great pointeal parties represented in this Chamber of the pledges of the platforms upon which they sought to obtain power over the people.

Mr. PASCO. It seems to me, Mr. President, that the language of the amendment as offered by the Senator from New Jersey [Mr Sewell] is very objectionable in many points; and I desire to call his attention and that of the Senator from Massachusetts [Mr. Jersen and Jersen and

nis attention and that of the Senator from Massachusetts [Mr. Lodge], who has charge of the bill, to it.

In the first place, there is an exception as to aged persons. That is in the language of the bill, however. Surely there ought to be something more definite than the word "aged." Some limit of age ought to be fixed, or something more definite ought to be stated in the bill, so that those who have control of the matter may know instructor the hourt county has been the sound to be a senator of the matter may know that the law to control of the matter may know that the law to control of the matter may know that the law to be sufficient or the law to be sufficient o

just exactly how to apply the law.

Mr. SEWELL. The Senator from Florida is now reading from the text of the bill as reported.

Mr. PASCO. That is the first objection I have to make. The Mr. PASCO. That is the first objection I have to make. The next covers a point which is included in the amendment of the Senator from New Jersey. I understand that he adds after the words "or child" the words "or wife." That, taken in connection with the previous text, means a wife who is an aged person or a minor, and it would prevent the admission of a minor or a wife unless she were an aged person. Certainly the Senator from New Jersey can not intend to exclude wives unless they come under those two classes. under those two classe

Mr. SEWELL. I will state to the Senator that the object of the amendment is to let the wife in. She was excluded before.

Mr. PASCO. I understand the Senator proposes to add the words "or child or wife."

Mr. SEWELL. "Child or wife."

Mr. SEWELL, "Child or wife."

Mr. PASCO. That would mean a wife who is an aged person or a minor. I suggest that all that language be stricken out, in order to cover what the Senator from New Jersey desires and also what the Senator from Massachusetts is willing to concede.

Mr. SEWELL. If the Senator will continue the reading he will

find that the language is, "child or wife of an admissible immi-

Mr. PASCO. I am reading the amendment. The language will

be as follows if the amendments are adopted:

All persons over 14 years of age who can not read and write the language of their native country or some other language, except that an aged person or minor not so able to read and write who is the parent or grandparent or child or wife of an admissible immigrant may accompany or be sent for by such immigrant.

The person must be an aged wife or a minor, if that language is

Mr. CHANDLER. That is very clear.
Mr. PASCO. And we do not wish to exclude wives who are not aged persons, and minors. I suggest that the language read as follows after the word "except," in the ninth line:

All persons over 14 years of age who can not read and write the language of their native country or some other language, except that the wife or parent or child of an admissible immigrant, not so able to read and write, may accompany or be sent for by such immigrant.

Mr. HOAR. If the Senator from Florida will pardon me, he should also include the case of grandparents; that is, if a grand-

Mr. HOAR. "Or grandchild."

 Mr. CHANDLER. "Of an admissible immigrant."
 Mr. PASCO. Yes; "of an admissible immigrant."
 Mr. CHANDLER. While the Senator is fixing that up, I will take occasion to call attention to the fact that as the amendment will then read, if there is a bright 10-year-old boy in a family that comes, that child's intelligence brings in all the rest of the illiterate members of the family, the father and mother, although they may be 25, 30, or 40 years of age. That certainly is not the Senator's intention.

Mr. PASCO. Does not that same objection exist to the text of

the bill?

Mr. CHANDLER. By no means. But the criticism of the Senator as to the use of the word "aged" needs some attention. It is difficult to fix an age, and it is left open to be decided by the immigrant officer whether a person who is a parent or a grandammigrant officer whether a person who is a parent or a grand-parent is aged. A grandparent ordinarily would be too old to learn to read and write; a parent might not be; and the proposed statute simply says that he shall be an aged person. The original text, which I had the honor to report in the last Congress to the Senate as an exception under this head, is, it seems to me, the only safe text to adopt. Certainly you can not apply an illiteracy test which will let in an illiterate father and mother of 30 years of age because they happen to have a child of 12 who can read and

write the native language.

Mr. PASCO. Does not the same objection exist to the text of the bill that the Senator calls attention to?

Mr. CHANDLER. As proposed by the committee, certainly not. It leaves the question who is an aged person open to the inspector of immigration.

Mr. PASCO. What does the Senator say with reference to the limitation of a wife to an old woman or a minor child?

Mr. CHANDLER. The Senator is quite right in that criticism,

and I am against that clause.

Mr. PASCO. I made the suggestion of a change of the text only because I thought it would cover those objections, which the Senator certainly can not wish to include in the bill.

Mr. SEWELL. Will the Senator from Florida read in connection with the text what he proposes?

Mr. PASCO. The text as I propose to amend it reads as follows:

All persons over 14 years of age who can not read and write the language of their native country or some other language, except that the wife or parent or grandparent or child or grandchild of an admissible immigrant may accompany or be sent for by such immigrant.

Mr. CHANDLER. I ask the Senator again if he is serious in advocating the proposition that if there is one bright child in a family he may bring in his father and mother and everyone

Mr. PASCO. I think that is an objection which should be obviated, but it is not an objection that I introduced into the amendment. It was there before I suggested any change. If the Senator from New Hampshire can suggest any words that can avoid that, let him make the suggestion instead of the criticism.

Mr. SEWELL. I will accept the suggestion of the Senator from

Florida.

Mr. VEST. Let me ask the Senator from Florida a question, if he pleases, Mr. President.

Mr. PASCO. Certainly.

Mr. VEST. Under the language of the amendment, as I under-

Mr. VEST. Under the language of the amendment, as I understand him to read it now, would not a child 25 or 30 years old be sent for who could not read or write? Does a person cease to be a child of another person at any particular age?

Mr. PASCO. The Senator is still criticising the bill as it stood before I made the suggestion. That is an objection also to the amendment offered by the Senator from New Jersey. That can be easily remedied by inserting the word "minor" before the word "child," if that is desired.

Mr. VEST. That might be. The way it stands now the immigrant could send for any person in his family of any age.

Mr. PASCO. That was the language which was accepted by the Senator from Massachusetts.

the Senator from Massachusetts.

Mr. PALMER. I wish to inquire whether in any of the amendments proposed the words "over 14 years of age" have been altered?

The PRESIDING OFFICER. Those words have not been altered.

Mr. LODGE. No; those words have not been changed.
Mr. PALMER. I move to strike out the words "over fourteen years of age" and insert the words "twenty-one years of

Mr. LODGE. I believe the amendment now pending is the one offered by the Senator from Missouri.

The PRESIDING OFFICER. That is the first amendment in order.

Mr. LODGE. The amendment of the Senator from Illinois seems to me a very objectionable one indeed. It appears to me to go far toward destroying the effect of the bill. A large proportion of the immigrants who come here are young men between the ages of 18 and 21. A large portion of the immigrants who come into the country and stay through the summer and go back to their native country at the end are of that age. I think it

would be a great injury to the bill to have that limitation changed.

Mr. CHANDLER. Will the Senator from Illinois allow me to ask him a question? Does not the State of Illinois provide for ask him a question? Does not the State of Illinois provide for compulsory education; and if so, at what age do the laws of Illinois propose to put into the schools of Illinois the boys and girls of that State to compel them to learn to read and write?

Mr. PALMER. They propose to put pupils in school at the age of 6, but they are admissible at any time under 21.

Mr. CHANDLER. What is provision for the compulsory education of the youth of Illinois?

Mr. PALMER. I understand that that is compulsory.

Mr. CHANDLER. I ask the Senator, Why is it unreasonable, then, for us to require that children abroad who are about to come to this country shall spend two or three months in learning

come to this country shall spend two or three months in learning to read and write their own language or the English language before they come instead of taking in all the illiterates up to 21

years of age and educating them here?
Mr. PALMER. The laws which fix the authority of the parents over their children are very much alike in all countries. The usual over their children are very much alike in all countries. The usual age of majority is 21 years. Until that age the children are under the control of their parents. It is easy to understand that in communities where the labor of children is necessary for the support or the assistance of the parents the education of a child of 14 may be considered as very imperfect. There is quite enough in the bill left to the discretion of the proper officers after the parents come left to the discretion of the proper officers after the parents come into the country. I know of instances in my own experience and observation where fathers have brought with them all their children. They have brought with them the children between the ages of 14 and 21. Now, to require that the sons should be sent back would be a case of very great hardship. It would necessitate the breaking up of families. I think the authority of the father should be so far recognized as that he might select his own time for the education of his children. As I said before, I know by observation and by information derived from other quarters that the labor of children abroad is very important and they are given the labor of children abroad is very important and they are given education gradually. There are not free schools in all countries.

I think the theory of the bill ought to be that as long as the au-

think the theory of the bill ought to be that as long as the authority of the parents exists it shall be recognized. I therefore suggest that "all persons over 21 years of age who can not read and write the language of their native country," etc., is a better description of the persons who are intended to be excluded.

Mr. SHERMAN. Mr. President—

Mr. LODGE. If we could have a vote on the amendment of the Seater from Miscouri which is the rending amendment of

the Senator from Missouri, which is the pending amendment, I should be glad, and then I will yield to the Senator from Ohio to make a motion for an executive session.

Mr. SHERMAN. I have no objection to that course, if there

can be a vote taken.

Mr. VEST. Mr. President—
Mr. SHERMAN. I wish to state, if the Senator from Missouri will allow me, that it will be necessary to have a short executive session. It will take but a few minutes. Mr. VEST. I will yield now for a motion for an executive ses-

Mr. SHERMAN. Very well; I make that motion. I suppose nothing would be gained by continuing the legislative session

longer.

The PRESIDING OFFICER. The Senator from Ohio moves that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After seventeen minutes spont in executive session the doors were reopened, and (at 3 o'clock and 55 minutes p.m.) the Senate adjourned until Monday, December 14, 1896, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate December 9, 1896. SECRETARY OF THE INTERIOR.

David R. Francis, of Missouri, to be Secretary of the Interior, to which office he was appointed during the last recess of the Senate, vice Hoke Smith, resigned.

ASSISTANT ATTORNEY-GENERAL.

Isaac H. Lionberger, of Missouri, to be Assistant Attorney-General, vice William A. Little, resigned.

CHIEF JUSTICE COURT OF CLAIMS.

Charles C. Nott, of New York, to be chief justice Court of Claims, vice William A. Richardson, deceased. Charles C. Nott was temporarily appointed to the above-named position November 23, 1896, during the recess of the Senate.

JUDGE, COURT OF CLAIMS.

Charles B. Howry, of Mississippi, to be judge, Court of Claims, vice Charles C. Nott, appointed chief justice.

UNITED STATES DISTRICT JUDGES.

Charles F. Amidon, of North Dakota, to be United States district judge for the district of North Dakota, vice Alfred D. Thomas, deceased.

Arthur L. Brown, of Rhode Island, to be United States district judge for the district of Rhode Island, vice George M. Carpenter,

John E. Carland, of South Dakota, to be United States district judge for the district of South Dakota, vice Alonzo J. Edgerton, deceased.

Andrew Kirkpatrick, of New Jersey, to be United States district judge for the district of New Jersey, vice Edward T. Green,

deceased.

William D. McHugh, of Nebraska, to be United States district judge for the district of Nebraska, vice Elmer S. Dundy, deceased. John H. Rogers, of Arkansas, to be United States district judge for the western district of Arkansas, vice Isaac C. Parker, deceased. ASSOCIATE JUSTICE, TERRITORY OF OKLAHOMA.

James R. Keaton, of Oklahoma Territory, to be associate justice of the supreme court of the Territory of Oklahoma, vice Henry W. Scott, resigned.

UNITED STATES ATTORNEYS.

Chapman L. Anderson, of Mississippi, to be attorney of the United States for the northern district of Mississippi, vice Andrew F. Fox, resigned.

William B. Childers, of New Mexico, to be attorney of the United States for the Territory of New Mexico, vice J. B. H. Hemingway,

William L. Marbury, of Maryland, to be attorney of the United States for the district of Maryland, vice John T. Ensor, whose term

expired May 21, 1894.
George F. Moore, of Alabama, to be attorney of the United States for the middle district of Alabama, vice Henry D. Clayton, removed.
William H. White, of Virginia, to be attorney of the United States for the eastern district of Virginia, vice Francis R. Lassiter,

resigned.

ENVOY EXTRAORDINARY AND MINISTER PLENIPOTENTIARY.

Macgrane Coxe, of New York, to be envoy extraordinary and minister plenipotentiary of the United States to Guatemala and Honduras, to which office he was appointed during the last recess of the Senate, vice Pierce M. B. Young, deceased.

SECRETARIES OF LEGATION. C. Max Manning, of Georgia, to be secretary of the legation of the United States at Monrovia, Liberia, to which office he was

appointed during the last recess of the Senate. John Ridgely Carter, of Maryland, to be second secretary of the embassy of the United States at London, England, to which office he was appointed during the last recess of the Senate, vice David D. Wells, resigned.

CONSULS.

George B. Anderson, of the District of Columbia, to be consul of the United States at Antigua, West Indies, to which office he was appointed during the last recess of the Senate, vice Richard M. Bartleman, transferred to the consulate at Malaga.

Walter B. Barker, of Mississippi, formerly commercial agent at Sagua la Grande, Cuba, to be consul of the United States at that place, to which office he was appointed during the last recess of the Senate.

William Coulbourn Brown, of Maryland, to be consul of the United States at Newcastle, New South Wales, to which office he was appointed during the last recess of the Senate.

Frank Dyer Chester, of Massachusetts, to be consul of the United States at Budapest, Hungary, vice Edward P. T. Hammond, resigned.

resigned.

J. Leonard Corning, of New York, to be consul of the United States at Munich, Bavaria, to which office he was appointed during the last recess of the Senate, vice Ralph Steiner, resigned.

Thomas S. Doyle, of Virginia, to be consul of the United States at Beirut, Syria, to which office he was appointed during the last recess of the Senate, vice Thomas R. Gibson, deceased.

Isaac M. Elliott, of New York, formerly consul at Manila, to be consul of the United States at La Guayra, Venezuela, to which office he was appointed during the last recess of the Senate vice.

office he was appointed during the last recess of the Senate, vice Frank D. Hill, resigned.

Joseph L. Hance, of New York, formerly commercial agent at Cardenas, Cuba, to be consul of the United States at that place, to which office he was appointed during the last recess of the

Frank D. Hill, of Minnesota, formerly consul at La Guayra, to be consul of the United States at Santos, Brazil, to which office he was appointed during the last recess of the Senate, vice Henry

George E. Kedzie, of Mexico, to be consul of the United States at Durango, Mexico, to which office he was appointed during the last recess of the Senate, vice John S. McCaughan, resigned.

Julius G. Lay, of the District of Columbia, to be consul of the United States at Windsor, Ontario, to which office he was appointed during the last recess of the Senate, vice Marshall P. Thatcher,

recalled.

Thomas Willing Peters, of Wyoming, formerly commercial agent at Plauen, Germany, to be consul of the United States at that place, to which office he was appointed during the last recess

of the Senate.

George Sawter, of Connecticut, formerly commercial agent at Glauchau, Germany, to be consul of the United States at that place, to which office he was appointed during the last recess of the Senate.

Samuel M. Simmons, of Texas, to be consul of the United States

Samuel M. Simmons, of Texas, to be consul of the United States at Piedras Negras, Mexico, to which office he was appointed during the last recess of the Senate, vice Jesse W. Sparks, deceased.

John F. Valls, of Louisiana, to be consul of the United States at Matamoras, Mexico, to which office he was appointed during the last recess of the Senate, vice John B. Gorman, deceased.

Horace L. Washington, of Texas, to be consul of the United States at Alexandretta, Syria, to which office he was appointed during the last recess of the Senate, Henry Ballantine, who was previously appointed, having declined to accept the office.

Paul Wiesike, of Texas, to be consul of the United States at Managua, Nicaragua, to which office he was appointed during the last recess of the Senate, vice Charles H. Wills, deceased.

Executive nominations received by the Senate December 10, 1896.

COMMISSIONER OF INTERNAL REVENUE.

William St. John Forman, of Illinois, to be Commissioner of Internal Revenue, to succeed Joseph S. Miller, resigned.

COLLECTORS OF INTERNAL REVENUE.

John C. Kelley, of New York, to be collector of internal revenue for the First district of New York, in place of Ernest Nathan, resigned.

William Crow McCreery, of Missouri, to be collector of internal revenue for the First district of Missouri, in place of Charles Speck, deceased.

ASSAYER.

Francis F. Claussen, of Louisiana, to be assayer of the mint of the United States at New Orleans, La., in place of A. M. Delavalde, deceased.

COLLECTORS OF CUSTOMS.

William H. Cooper, of Delaware, to be collector of customs for the district of Delaware, in the State of Delaware, to succeed George L. Townsend, whose term of office has expired by limitation.

Hiram P. Mackintosh, of Massachusetts, to be collector of customs for the district of Newburyport, in the State of Massa-chusetts, reappointed, his former commission having expired by limitation.

ASSISTANT COLLECTOR OF CUSTOMS.

Michael I. Fagen, of New Jersey, to be assistant collector of customs at Jersey City, N. J., in the district of New York, in the State of New York, to succeed John Ramsey, removed.

PROMOTIONS IN REVENUE-MARINE SERVICE.

John I. Bryan, of Kentucky, to be a second assistant engineer in the Revenue-Cutter Service of the United States, to succeed

W. E. Maccoun, promoted.

George C. Farkell, of Pennsylvania, to be second assistant engineer in the Revenue-Cutter Service of the United States, to succeed

J. E. Dorry, promoted.

First Lieut. Henry B. Rogers, of Massachusetts, to be a captain in the Revenue-Cutter Service of the United States, in place of

John Braun, deceased.

James D. Newton, of New York, to be a second assistant engineer in the Revenue-Cutter Service of the United States, to succeed

George B. Maher, promoted.

George H. Paul, of Wisconsin, to be a second assistant engineer in the Revenue-Cutter Service of the United States, to succeed

in the Revenue-Cutter Service of the United States, to succeed Carl M. Green, promoted.

C. Gadsden Porcher, of Virginia, to be a second assistant engineer in the Revenue-Cutter Service of the United States, to succeed Charles A. McAllister, promoted.

Warwick J. Sedgwick, of New York, to be a second assistant engineer in the Revenue-Cutter Service of the United States, in place of H. A. Seymour, deceased.

Frank G. Snyder, of New York, to be a second assistant engineer in the Revenue-Cutter Service of the United States, to succeed Horatio N. Wood, promoted.

ceed Horatio N. Wood, promoted.

Waller Taylor, of Florida, to be a second assistant engineer in the Revenue-Cutter Service of the United States, to succeed H. C. Henshaw, placed on waiting orders.

John B. Turner, of New York, to be a second assistant engineer

in the Revenue-Cutter Service of the United States, to succeed Z. W. Zastrow, promoted.

Charles A. Wheeler, of Virginia, to be a second assistant engineer in the Revenue-Cutter Service of the United States, to succeed Levin T. Jones, promoted.

SURGEONS, MARINE-HOSPITAL SERVICE.

P. A. Surg. Charles E. Banks, of Maine, to be a surgeon in the Marine-Hospital Service of the United States, in place of C. S. D. Fessenden, deceased.

P. A. Surg. Duncan A. Carmichael, of New York, to be a surgeon in the Marine-Hospital Service of the United States, to suc-

geon in the Marine-Hospital Service of the United States, to succeed John B. Hamilton, resigned.

William M. Jordan, of Alabama, to be an assistant surgeon in the Marine-Hospital Service of the United States.

James A. Nydegger, of Maryland, to be a passed assistant surgeon in the Marine-Hospital Service of the United States.

William J. S. Stewart, of Pennsylvania, to be a passed assistant surgeon in the Marine-Hospital Service of the United States. COMMISSIONER, DISTRICT OF ALASKA.

John Y. Ostrander, of Juneau, Alaska, to be commissioner in and for the District of Alaska, to reside at Juneau, vice Henry W. Mellen, resigned.

PENSION AGENT.

Levi T. Griffin, of Detroit, Mich., who was appointed August 22, 1896, during the recess of the Senate, to be pension agent at Detroit, Mich., vice Harrison H. Wheeler, deceased.

SURVEYOR-GENERAL

Robert A. Habersham, of Portland, Oreg., who was appointed September 22, 1896, during the recess of the Senate, to be surveyor-general of Oregon, vice John C. Arnold, deceased.

RECEIVERS OF PUBLIC MONEYS.

George B. Cosby, of Sacramento, Cal., who was appointed August 12, 1896, during the recess of the Senate, to be receiver of public moneys at Sacramento, Cal., vice Charles F. Gardner, term

expired.

Benjamin K. Kimberly, of Colorado, to be receiver of public moneys at Denver, Col., vice Frank P. Arbuckle, deceased.

REGISTERS OF LAND OFFICE.

Patrick W. O'Sullivan, of Prescott, Ariz., who was appointed December 4, 1896, during the recess of the Senate, to be register of the land office at Prescott, Ariz., vice Henry D. Ross, resigned, Silas Penry, of Jackson, Cal., who was appointed August 12, 1896, during the recess of the Senate, to be register of the land office at Sacramento, Cal., vice Thomas Fraser, removed.

Joseph Smith, of Crookston, Minn., who was appointed December 4, 1896, during the recess of the Senate, to be register of the land office at Crookston, Minn., vice Thomas A. Dunlava, deceased.

INDIAN AGENTS. Benjamin C. Ash, of Pierre, S. Dak., who was appointed July 28, 1896, during the recess of the Senate, to be agent for the Indians of the Lower Brulé Agency, in South Dakota, to fill an original

James L. Cowan, of Portland, Oreg., who was appointed November 13, 1896, during the recess of the Senate, to be agent for the Indians of the Warm Springs Agency, in Oregon, vice Peter Gal-

Indians of the Warm Springs Agency, in Oregon, vice Peter Gallagher, deceased.

Joseph Emery, of Salinas, Cal., who was appointed July 28, 1896, during the recess of the Senate, to be agent for the Indians of the Klamath Agency, in Oregon, vice Marshall Petet, resigned.

Frederick Treon, of Crow Creek, S. Dak., who was appointed June 29, 1896, during the recess of the Senate, to be agent for the Indians of the Crow Creek Agency, in South Dakota, in lieu of his position as agent for the Indians of the Crow Creek and Lower Brulé Agency, the latter agency having been divided and its name changed to Crow Creek by the act approved June 10, 1896. changed to Crow Creek by the act approved June 10, 1896.

HOUSE OF REPRESENTATIVES.

Thursday, December 10, 1896.

The House met at 12 o'clock m., and was called to order by the Speaker.

Prayer by the Chaplain, Rev. HENRY N. COUDEN.

The Journal of the proceedings of yesterday was read and approved.

SWEARING IN OF A MEMBER.

Mr. MEYER. Mr. Speaker, my colleague, Mr. Boatner, of the Fifth Congressional district of Louisiana, is present, and desires to be sworn in.

The oath of office was then administered to Mr. Boatner.

OWNERSHIP OF REAL ESTATE IN THE TERRITORIES.

The SPEAKER. There being no unfinished business, the Clerk will resume the call of committees. The call rests with the Committee on the Territories.

Mr. SCRANTON. Mr. Speaker, I am authorized by the Committee on Territories to call up the bill (H. R. 8615) to amend an act entitled "An act to restrict the ownership of real estate in the Territories to American citizens," etc., approved March 3, 1887.

The bill was read, as follows:

mittee on Territories to call up the bill (H. R. 8615) to amend an act entitled "An act to restrict the ownership of real estate in the Territories to American citizens," etc., approved March 3, 1887.

The bill was read, as follows:

Re it enacted, etc. That an act entitled "An act to restrict the ownership of real estate in the Territories to American citizens," etc., approved March 3, 1887. be, and the same is hereby, amended so as for it interests the same of the control of the United States in the manner provided by law, shall acquire title to or own any land in any of the Territories of the United States except as hereinafter provided.

"Sec. 2. That this act shall not apply to land now owned in any of the Territories of the United States except as hereinafter provided.

"Sec. 2. That this act shall not apply to land now owned in any of the Territories of the United States, and any alien who shall become a bona fide inhabitant of the United States, and any alien who shall become a bona fide inhabitant of the United States, and any alien who shall become a bona fide inhabitant of the United States in the manner provided by law shall cease to be a bona fide inhabitant of the United States in the manner provided by law shall cease to be a bona fide inhabitant of the United States in the manner provided by law shall cease to be a bona fide inhabitant in The United States in the manner provided by law shall cease to be a bona fide inhabitant in The Territories of the United States, then such alien shall have ten years from the time her eases to be such bona fide inhabitant in The Territories of the United States, and any interest the provision of the United States in the manner provided by law shall cease to be a bona fide inhabitant in The Territories of the United States, then such aliens who may have been present and the provision of the United States, and the United States in the United States in the United State

The Committee on the Territories recommended the following

Strike out the word "inhabitant," where it appears in lines 5, 6, 15, 16, and 17, page 2, and line 15, page 5, and insert in lieu thereof the word "recident."

Strike out the words "who may have declared his intention to become a citizen of the United States in the manner provided by law" where they occur in lines 12, 13, and 14, page 2, of said bill.

Amend section 3 by adding thereto the following:
"Provided, however, That all lands so acquired shall be sold within ten years after title shall be perfected in him under said sale or the same shall escheat to the United States and be forfeited as hereinafter provided."

Strike out section 4.

Strike out the words "the fee-simple title thereof," where they occur in lines 24 and 25, section 5, page 3, and insert in lieu thereof the words "his title thereto."

Add to section 6 the following:

"In the event personal notice can not be obtained in some one of the modes above provided, then said notice shall be given by publication in some newspaper published in the county where the land is situate, and if no newspaper is published in said county then the said notice shall be published in some newspaper nearest said county."

Mr. McMILLIN. Mr. Speaker, I was unable to hear a portion of the bill as it was read. Reserving the right, if I can, to make the point of order, if I find that it is not subject to consideration in this hour, I should like to have an explanation from the gentleman in charge, whether this bill changes the laws relative to the acquisition of public lands by the citizen.

The SPEAKER. The point of order, the Chair understands,

is reserved.

Mr. McMILLIN. Yes.

Mr. CATRON. The bill makes no change whatever in the mode of disposing of the public lands of the United States and gives no right whatever to foreigners to acquire title to lands belonging to the United States.

Mr. McMILLIN. I suppose, then, Mr. Speaker, that the bill is subject to consideration in this hour. I wanted to ascertain that, and there was one section of the bill that I was not able to hear Mr. McMILLIN.

distinctly

Mr. HEPBURN. Mr. Speaker, I should like to have some explanation of the provisions of this bill. It seems to me there is a good deal more in the subject than appears at first. And I especially want to call the attention of the gentleman from Colorado [Mr. Bell] to the provisions of the bill.

The Populist platform, Mr. Speaker, has time and again declared

in opposition to the acquirement of lands in this country by aliens. The Territories, which, as I understand, are now clamoring for these changes proposed in this bill, have approved that platform at the last election. I should like to know what right a Delegate from one of these Territories, in view of the action of his people, has to make a modification of the laws that are now in harmony with the platform by his people approved? The gentleman from Colorado [Mr. Bell] has been entirely silent upon this subject, and yet this bill, I undertake to say, does wipe out practically the provisions of the law as now existing—prohibiting alien ownership of lands in the Territories—for under the forms of foreclosure provided for in this bill the provisions of the present law are wiped out.

And so, under the terms of a seeming loan and a pretended foreclosure, the provisions of the laws as they now exist—prohibiting alien ownership—are to be absolutely subverted; and yet these gentlemen, who have gone about the country from year to year declaiming against alien ownership, insisting that that was year declaiming against alien ownership, insisting that that was one of the greatest evils the country suffers from, are now here acquiescing in undoing all that has been done heretofore. The gentleman now upon his feet, from one of the Territories, is acting in direct opposition, if he will permit me to say so, to the instructions of his people in the votes given at a recent election, sustaining this declaration of the Populist platform. I would like to have some explanation of the changes that have recently recovered that justify wining out this fundamental principle of the

like to have some explanation of the changes that have recently occurred that justify wiping out this fundamental principle of the Populist party, that has been so generally approved heretofore, lately, in those Territories.

Mr. CATRON. Mr. Speaker, I am not here as the representative of the Populist party, and hope never to be here in that capacity. The Populist party in the Territory of New Mexico is an insignificant factor. There is quite a factor out there known as the Democratic party, who did in this last election unite with the Populist party and gave a majority of 1,900 out of a total vote of 37,000 in that Territory against the Republican party, but not upon the issue that the gentleman has indicated in regard to this bill. On the contrary, every party in that Territory favors the passage of this bill, and in the platform of every one of the parties they indorse the absolute repeal of what is known as the antities they indorse the absolute repeal of what is known as the anti-alien bill, of which this bill is merely an amendment. The gen-tleman says this wipes it out entirely, by enabling them through means of mortgage to acquire property. If he will read this bill a little bit further he will discover that where the property is sold a little bit further he will discover that where the property is sold under a mortgage lien it is to be disposed of within ten years, and that the alien can not acquire the property. The object of this bill was to enable the people of the Territory to get some of the benefit of foreign capital which has been going to the various States that have refused to adopt legislation of this character, or who, after having adopted it, have repealed it. In the Territories of New Movice, trigone and Oldsham were repeated to the interval of the control who, after having adopted it, have repeated it. In the Territories of New Mexico, Arizona, and Oklahoma we can not get the investment of foreign capital to-day because no foreigner is entitled to hold possession or own real property; and this bill enables him to invest his means and to sell the property under a mortgage he may acquire. He may buy it in if he sees proper, but he can not hold it for a longer time than ten years, but must make a disposition of it. The fact that the Payalies postries have Mexico and sition of it. The fact that the Populist party in New Mexico numbers 500 or 600, or 1,000 or 1,200, has nothing to do with this bill, nothing more than it has to do with the gentleman's district in the State of Iowa; but the fact that we are American people, that we have a community who desire to progress, that we desire to obtain some of the means of Eastern capitalists, especially the cheap capital of Europe, is something that should induce Congress

to see that we get the same benefits as anywhere else.

Mr. HEPBURN. I am very thankful to the gentleman for the admission he has made, that under the general law as it now exists

a certain class of capital necessary to the development of those Territories can not be obtained; and yet in the face of that fact declared against permitting securities for a loan of that kind of capital. And I want to call the attention of the gentleman again to the fact that I have not misstated the proposition of this bill.

Mr. CATRON. Mr. Speaker, if the gentleman will allow me to interrupt him, I will state that every single platform adopted by any party in the Territory of New Mexico favored the passage of this bill.

Mr. HERDELDAY.

Mr. HEPBURN. Ah, while they were upholding Populism as understood in the rest of the United States and the people where I live understand it, these gentlemen were sneaking away from the effects of Populism by attempting to modify it in their platform in their own locality, yet they voted for the party. The gentle-man can not deny that we are having an object lesson of the effect of those declarations of the platform—that the declarations of the platform that they support are destructive to their welfare. I want them to learn that they can not grow under Populism, and I want them further to be taught that they can not modify the general doctrines of Populism as they are understood in the whole country by the adoption of a little resolution that they sneak into their local platform and then vote for the Populist party upon the general platform. [Loud applause on the Republican side.]

Mr. CATRON. Mr. Speaker, I desire to say to the gentleman that no such proposition has been "sneaked" into the Republican platform of New Mexico, and his assertion to that effect is with

out foundation.

Mr. BELL of Colorado. Mr. Speaker, I understand that I am called upon especially to make objection to this bill. I do not know why, unless because it is presumed by some people that the Populist party is opposed to everything that is for the building

up of any coun'ry.

A Member. That is about it. [Laughter.]

Mr. BELL of Colorado. That may be so in some States, but it is not true in the State in which I live. We are opposed to the alien ownership of land—
Mr. HEPBURN. May I interrupt the gentleman a moment?

Mr. BELL of Colorado. Yes, sir.
Mr. HEPBURN. I want to call the gentleman's attention to a clause in his party's platform:

The land, including all the natural sources of wealth, is the heritage of the people and should not be monopolized for speculative purposes, and alien ownership of land should be prohibited.

I called upon the gentleman as an advocate of that doctrine to be alert in the interest of his party to prevent the passage of this

bill. [Laughter.]
Mr. WILLIAMA. STONE. Will the gentleman from Colorado kindly give us a definition of Populism? I would like to have it authentically and accurately defined so that we may not misun-

derstand it hereafter. [Laughter.]

Mr. BELL of Colorado. It seems, Mr. Speaker, that some of our friends here care but little for this bill. Now, I want to say that the Populist party and, I believe, the masses of the people of the United States are in favor of holding the agricultural lands of the United States for the people of the United States, and if that doctrine is offensive to my friend from Iowa, then the Populist doctrine is offensive to him.

Mr. HEPBURN. The gentleman misunderstands me. I intend to vote with him against this bill. [Laughter.]

Mr. BELL of Colorado. I am glad to hear it. I am glad to know that the gentleman is a good Populist in that respect. [Laughter.] I was on the committee on platform which had this I am glad to identical proposition under consideration. The understanding of that committee was that the party favored the alien ownership that committee was that the party favored the alien ownership of such lands as might not interfere with the ordinary agricultural citizens of the United States. [Laughter.] That is, if a foreign corporation wants to come in and help to develop our unineral resources or our coal fields, or anything that the individual citizen can not go forth and develop—if a foreign corporation wants to come in and develop such property, and produce a product for itself, we are perfectly willing that it should do it.

Mr. HEPBURN. Then, as I understand your explanation, you believe in Populism in general, but do not desire to have it applied to your own locality? [Laughter.]

Mr. BELL of Colorado. No, sir; that is not correct. I believe in Populism in general. I believe in the individual citizen. I do not believe in that kind of individualism which is taught by some of our men in high places, who talk of individualism and then do

of our men in high places, who talk of individualism and then do everything in their power that tends to destroy individualism. We have heard individual development advocated, but the very men in high places who have advocated individual development have in the next breath advocated a corporate rule which destroys individualism. We Populists are opposed to that. We are opposed to this bill; and I am glad that my friend from Iowa called my attention to it, because I intend to oppose it. I oppose it not on the ground that aliens should not be permitted to help to de-

velop such of our natural resources as individuals can not develop, but because the people of the entire West, and, in my opinion, the people of the whole United States, are opposed to the landlordism imported from European countries that is now being established in the Western States. We are opposed to that system getting any further hold in the Territories or elsewhere in this country.

Now, my friends, as I have been called upon to express my views

of this bill, upon the suggestion that it is opposed to a part of the Populist platform, I want to say to you that the ordinary indi-vidual who has not lived in a State where Populism has prevailed is quite liable to misunderstand the Populist doctrine. He may not understand that a Populist believes in a government by the people and for the people, and that he does not believe in the destruction of government, as a great many of our friends upon this floor seem to think. I want to say to you that the Populists this floor seem to think. I want to say to you that the Populists of Colorado do not believe in disorder, do not believe in destruction, do not believe in anarchy; that the Populists of Nebraska and of Kansas do not believe in the doctrines that are often attributed to them in the plutocratic press. They believe in nothing of the kind, and when I am called upon in this case, as a Populist, to oppose this bill, I say that I do oppose it, and in doing so I oppose a bill that every Republican and every Democrat in the State of Colorado and, I believe, in the Territories of Arizona and New Mexico is, in my opinion, opposed to.

I believe that our friends from Arizona and New Mexico who are advocating this bill are not in favor of the alien ownership of

are advocating this bill are not in favor of the alien ownership of land generally, but are in favor of allowing foreigners to assist in developing our mineral resources where they can not be developed by ordinary individual effort. A poor man can not developed mine. A poor man can not own a mine and work it successfully, even though it may abound in minerals. And to that extent I believe the people of all these Territories are in favor of the foreign ownership of lands. And my friend from Arizona [Mr. Murphy] tells me that that is the only intent of this bill. If that were so—if the bill were limited to that—I would favor it. But I think the gentleman from Iowa is right in maintaining that this bill in its present scope practically opens the doors to the unlimited own. its present scope practically opens the doors to the unlimited ownership of lands in the Territories by aliens-a thing which should be discouraged. I am glad to take my position, unless I am shown be discouraged. I am glad to take my position, unless I am snown to be wrong, on the platform as the gentleman from I owa presents it to this House, and to say that the Populist party is unqualifiedly opposed to the policy of allowing alien ownership of land. But if the exception proposed to be made looks only to the development the exception proposed to be made looks only to the development of such resources as ordinary individuals can not develop—such as mining claims—then I am in favor of it. And that is the doctrine that the Populist party advocates generally—the doctrine that it advocated in the last election. So far as that party is concerned, I think it is generally understood where Populism is understood that we are in favor of all agricultural and pastoral lands being owned by citizens of the United States, and by them alone. Unless this bill is limited to mining claims or the development of resources that individuals can not develop I hope it will not pass.

that individuals can not develop I hope it will not pass.

Mr. MURPHY of Arizona. Mr. Speaker, although it was not my intention originally to discuss this measure, yet, in view of the fact that the controversy has drifted far away from the main principle involved, it may become me perhaps, because of the interest taken by my constituents in this matter, to explain the measure as I understand it.

It is repeabled because the electric participant in the property of the proper

measure as I understand it.

It is probably known to all gentlemen here that there exists on our statute books what is known as the antialien law, which prohibits the ownership of lands in the Territories of the United States except to a limited extent by aliens, and prohibits the ownership by foreigners of more than 20 per cent in any corporate body in this country. I wish to say that the workings of that act have been very injurious to the Territories of Arizona and New Mexico, for reasons which I will state. Our Territories, as gentlemen know, comprise a large proportion of arid lands, so called—barren mountains, so called by our Eastern friends. It is a difficult matter to get capital to develop our arid lands and our mining resources, by the proper development of which there might be built up large and prosperous States. Our people are opposed to built up large and prosperous States. Our people are opposed to the alien ownership of large tracts of agricultural lands; but you charge upon us every day upon this floor and in committee that we

charge upon us every day upon this floor and in committee that we have no large bodies of agricultural lands, and that therefore we are disqualified to govern ourselves. We claim that with a proper amount of capital applied to the work of development we shall have large bodies of lands as productive as those of any State. But the workings of this law are unjust and unfair to us in this particular: It applies only to the Territories; a great mass of agricultural lands in the States are not reached by it. While Idaho, Montana, and Wyoming were represented on this floor as Territories this House repealed the operations of that law as to those Territories. That bill was pending in the Senate when those Territories became States. Immediately they lost all interest in the ritories became States. Immediately they lost all interest in the measure, because it is not applicable to States. In this way injustice has been done to the remaining Territories. The development of our resources in Arizona and New Mexico is left uncared for,

so to speak. I would like to have any man tell me where there is any justice in such a discrimination. Injustice of that kind is not Populism, is not Democracy, is not Republicanism. No man can assail my Republicanism. No man can assail the Republicanism of the Republicans of Arizona and New Mexico. If the Populists agree with us on that issue or any other individual issue, it is not

a national question.

We come here defending our rights and interests as citizens of this country—I might say as aliens in this country, for you hold us down to-day as aliens, without allowing us to participate in your action through Representatives on this floor. We come to you now—not being States—not having any votes on this floor—not having any Senators at the other end of the Capitol—and we ask simply an opportunity to invite capital to investigate the resources of our localities and to expend money in their development. There is nothing else involved in this proposition. There is no great national issue here presented in regard to the propriety of allowing aliens to come in and absorb our public lands. The simple proposition is to allow us to invite aliens to invest their money for the development and the enriching of our section of the country this country-I might say as aliens in this country, for you hold the development and the enriching of our section of the country to allow them to take something which you gentlemen here pre-tend not to want. I ask the members on this floor to give us simple justice in this matter; to place our Territories on an equal footing with the States; to give foreign capital an opportunity to go there and develop and improve what you are generally pleased to call "our arid and nonproductive regions."

Mr. McEWAN. I wish to ask the gentleman whether section 2 of this bill does not confirm titles in aliens in cases where there

are at present no legal titles?

Mr. MURPHY of Arizona. I do not understand that it does, Mr. McEWAN. Section 1 provides:

That no alien or person who is not a citizen of the United State shall acquire title or own any land in any of the Territories.

Section 2 provides:

This act shall not apply to land now owned in any of the Territories of the United States by aliens so long as it is held by the present owners.

That seems to me to be intended to confirm the title of those lands in persons who are aliens and who have not at the present time good titles.

Mr. MURPHY of Arizona. Even if it were as the gentleman aggests, there is nothing of that character involved. This is simply carrying out the intention of the law as it exists. But I am not prepared to say that that is the legal definition of the clause. I think perhaps the gentleman is mistaken in his con-

struction of it.

Mr. McEWAN. Well, whether it is good or ill, it should not be accomplished by indirection. If it is to be done at all, let it be done in a proper manner and in a straightforward way.

Mr. MURPHY of Arizona. I repeat that I am not prepared to affirm that it is done even by indirection.

Mr. McEWAN. If that is the purpose of the bill, it should be so stated in the bill and in the report accompanying it. It seems to me, therefore, that the gentleman from Iowa [Mr. Hepburn] was entirely right in saying that we ought to look very carefully into this bill before passing it. If it is intended to confirm the title in these people, it should be so stated plainly, in order that we may know exactly what we are doing, and the discussion should then proceed on that line.

Mr. CATRON. The old law confirmed the title of all these owners.

Mr. McEWAN. I will ask the gentleman whether section 2 is not an essential feature of the bill, and whether it does not change the existing law?

Mr. COOPER of Wisconsin. It does confirm title.

Mr. McEWAN. I am informed that it does confirm title, just

as I have suggested, and that being the case, this proposition is against the whole spirit of the law heretofore enacted. Now, I repeat, Mr. Speaker, let the discussion take the course along that line, so that we may understand clearly what we are doing. We will then be able to know precisely what will be the effect of the legislation we are about to enact. But that is not indicated in any shape either in the bill or the report which has been presented by

Mr. CATRON. I will state to the gentleman that this provi-sion does not change the law as it existed in the old law as amended. The old law did precisely what that section provided for, and this act substitutes the new provision for the old law. It has no other effect. The gentleman is entirely wrong in his construction of it.

Mr. HEPBURN. Does it not confirm every title secured by

aliens since the passage of the other act?

Mr. CATRON. No alien could acquire title under that act.

Mr. HEPBURN. He could not acquire a bona fide title, it is true, under the provisions of that act, but in connection with the provisions of this act which we are now called upon to pass it could be acquired and made a perfect title.

Mr. CATRON. Well, out in New Mexico not a single one has

Mr. HEPBURN. Possibly not.

But the gentlemanfrom New Jersey, let me say, might have carried his criticism of this section of the bill a little further. Let me read where he ceased to read:

Nor to any alien who shall become a bona fide resident of the United States, and any alien who shall become a bona fide resident of the United States, or shall have declared his intention to become a citizen of the United States in the manner provided by law, shall have the right to acquire and hold lands in either of the Territories of the United States upon the same terms as citizens of the United States: Provided, Thatif any such resident alien cease to be a bona fide resident of the United States, then such alien shall have ten years from the time he ceases to be such bona fide resident in which to alienate such lands. This act shall not be construed to prevent any persons not citizens of the United State from acquiring or holding lots or parcels of lands in any incorporated or platted city, town, or village, or in any mine or mining claim in any of the Territories of the United States.

Now, practically, I repeat, this law wipes out every feature that is valuable in the law as it now exists, and makes provision that an alien can, not only in the way suggested, but through foreclosure proceedings, acquire title; and if he be a speculator, if he chooses to engage in a manufactured case of foreclosure, he can secure a title that he can hold for years, or quite as long as anyone wants to hold Western lands for speculative purposes. Therefore, if we are to wipe out the old legislation upon this subject, and if these people in the Territories are now ready to declare against the platforms which they supported and voted for within the last two months, why that is all right; let them do so.

Mr. WALKER of Massachusetts. Will the gentleman allow

me a question?

Mr. HEPBURN. Certainly.

Mr. WALKER of Massachusetts. I wish to ask the gentleman from Iowa if his difficulty is that this bill is not consistent with the Populist platform; and whether he proposes to keep the Populists consistent with their platform by law? [Laughter.]

Mr. HEPBURN. I think perhaps that is about the only way it can be done, but I am not engaged in that enterprise just now.

[Laughter.] I am trying to show those people who voted the Populist ticket at the last election that they were mistaken, that they did not want the doctrines of that platform, that those doctrines are harmful to them, that they are absolutely destructive to the interests of those Territories, and that they can not by any possibility develop them in the manner that they want to, within the limita-tions of this generation, under those doctrines. That is what I want to do.

Mr. FLYNN. Mr. Speaker, this bill does not apply to the Territory which I have the honor to represent. It comes here with the unanimous report of the Committee on Territories. I want to submit to this House in this connection one question, and that is,

Why should not the same law that governs a State with reference to the ownership of real estate also govern a Territory?

The gentleman from Massachusetts [Mr. WALKER] in the question which he propounded to the gentleman from Iowa [Mr. Hep-BURN] solved the problem in my mind. If you desire prosperity, advancement, and development to be retarded in the Territories, this law should remain on the statute books. My judgment is that the Populist party never advocated a more nonsensical plat-form than the clause concerning this subject. I do not agree with the gentleman from Colorado [Mr. Bell] in his definition of Populism. I have had some experience with it very recently. [Laughter.] If I were to define what Populism is, I would say that not the rank and file, but the guiding stars of that party are Ishmaelites, with their hands raised against every man who by honest toil and labor seeks to accumulate a competency for himself and his family in the future. Populism can not prosper where and his family in the future. Populism can not prosper where there are development and success. Find a barren region where nothing but a buzzard can thrive—and a buzzard can thrive on nothing that is about to be alive, it must be decaying, leaving nothing but the bones—find such a region as that, and there, my friends, you will find the Populist party in control. I say that where peace and prosperity abound the Populist party can find no section place. resting place.

The rank and file of that party are honest. The party was made respectable by the addition of some clauses added to it by some other parties in the recent campaign. Men who know betsome other parties in the recent campaign. Men who know better, men who own property, men who are interested in the success and development of this country, for the purpose of striking down the party which had built up American institutions and American industries, shook hands with Populism in order to try to give this nation of ours a black eye.

Mr. WILLIAM A. STONE. Will the gentleman allow me

Mr. FLYNN. Certainly.

Mr. WILLIAM A. STONE. Will the gentleman allow me right here to ask him a question?

Mr. FLYNN. Certainly.

Mr. WILLIAM A. STONE. Do I understand that the definition of Populism is different in each State and Territory, and in each Congressional district, and that in no two States or localities do they agree as to what Populism is 2

do they agree as to what Populism is?

Mr. FLYNN. I am inclined to think my friend is about right.

With us Populism is anything to win. [Laughter.]

Mr. WILLIAM A. STONE. There was some discussion between

a gentleman by the name of Watson, who had something to do with Populism, and another gentleman by the name of BUTLER, in the last summer, which has mixed me very much as to just what

the last summer, which has mixed me very much as to just what Populism is. [Laughter.]

Mr. FLYNN. That calls to my mind, Mr. Speaker, a definition of Populism which was circulated, not in my district, but in an adjoining one, when the late Vice-Presidential candidate on the Populist ticket, Mr. Watson, was starring the country. I hold in my hand a handbill which was printed and circulated, advising the people to come out and hear him, and giving the reasons for it. I think it contains a good definition of what Watson and Populism stand for. I will ask the Clerk to read it.

The Clerk read as follows:

The Clerk read as follows:

Tom Watson, Populist candidate for Vice-President, will address the people at the depot in Baxter Springs, Kans., Saturday evening, October 11, at 6.45 p. m. Leading Populists will accompany him. He comes with special train on Pullman palace coach, with dining car, glee clubs, and brass band. Every Populist should turn out and hear Populism discussed from a simon-pure Populistic standpoint.

Tom Watson is the only Populist on the national ticket. He is the only candidate in sympathy with the toiling masses. He is the only candidate not under the influence of the plutocrats, trusts, combines, and humbugs. Tom Watson is the farmers' friend and favors subtreasuries, Government ownership of railroads, stay laws, public warehouses, greenbacks, free silver, free trade, free riot, and the Ocala platform.

Tom Watson is the enemy of plutocracy and opposed to corporations, supreme courts, Federal soldiers, syndicates, sound money, robber tariffs, money loaners, and all stall-fed gold-standard sap suckers.

Tom Watson is the only legitimate nominee of the Populist national convention and the only man entitled to the Populist vote of the State of Kansas. Tom Watson is the only real orator and statesman on the ticket. Turn out and hear him orate.

Democratic decoy-ducks, Republican rooters, and Populist hoboes owned by Sewall, the millionaire plutocrat, are especially invited.

BY ORDER COMMITTEE.

Mr. BELL of Colorado. Will the gentleman allow me to ask

Mr. BELL of Colorado. Will the gentleman allow me to ask

him a question?

Mr. FLYNN. Certainly.

Mr. BELL of Colorado. Do you not know as a matter of fact that that literature was got out by Paul Vanderveer, who was in the employ of the Republican party and was employed by the Pacific Railroad Company? Do you not know that that was charged in our Populist papers, and that the Populists repudiated that circular? Do you not know that as a fact?

Mr. FLYNN. Are you ready now for me to answer?

Mr. BELL of Colorado. Yes.

Mr. FLYNN. I never heard of Mr. Vanderveer, and am here to say that I do know the man who got out this handbill.

Mr. BELL of Colorado. Was he not in the interest of the Vanderveer.

Mr. FLYNN. No, he was not. I want to say further that the Populists took great pride and delight in the circulation of that handbill as enunciating their principles.

Mr. BELL of Colorado. Did Mr. Watson appear on that occa-

sion?

Mr. FLYNN. He was fortunately, I understand, taken ill.

[Laughter.

Mr. BELL of Colorado. Do you not know as a matter of fact that the Populist party in the State of Nebraska, through its organization, repudiated Mr. Vanderveer?

Mr. FLYNN. Who is Vanderveer? I never heard of him.

Mr. BELL of Colorado. He was the man bringing forth this literature. He had this car, and it was claimed he had it from the Pacific Railroad Company; and the was claimed he had it from the Pacific Railroad Company; and these men were employed at the expense of the Republican party.

Mr. FLYNN. Are you through with your question?

The SPEAKER. The gentleman from Oklahoma yielded for a

Mr. FLYNN. I yielded for a question, and desire to be courteous to the late Populist candidate for Speaker of this House. [Laughter.]

Mr. BELL of Colorado. I am obliged for that.
Mr. FLYNN. I would like to have a question and not a speech.
Mr. BELL of Colorado. Well, will you now let me ask you a

Mr. FLYNN. Yes, sir.
Mr. BELL of Colorado. May I state a fact? [Great laughter.]
Mr. FLYNN. I decline to yield further, for the simple reason that it is utterly impossible to get at the facts from a Populist standpoint. [Laughter.]
Mr. WILLIAM A. STONE. Will the gentleman yield to me

Mr. FLYNN. I yield to the gentleman from Pennsylvania. Mr. BELL of Colorado. Will you let me get through with the

The SPEAKER. The gentleman from Oklahoma has yielded to

the gentleman from Pennsylvania.

Mr. BELL of Colorado (to Mr. FLYNN). Do you decline to yield to me?

Mr. FLYNN. You were trying to state a Populist fact.

Mr. BELL of Colorado. Then you want no more?

Mr. WILLIAM A. STONE. Mr. Speaker, inasmuch as the Populist party had undertaken to do something that they have never done before, namely, state a fact, I hope the gentleman will

yield. [Laughter.]

Mr. FLYNN. I merely want to say that that is not a question.

Mr. BELL of Colorado. I want to ask the gentleman from Oklahoma if he will permit me—

Mr. FLYNN. Not to state a fact.

Mr. FLYNN. Solorado (continuing). To ask him a question.

Mr. FLYNN. Not to state a fact.
Mr. BELL of Colorado (continuing). To ask him a question.

Mr. FLYNN. Certainly.
Mr. BELL of Colorado. Do you know, or do you not know [laughter], that Mr. Vanderveer was in charge of these meetings published in this circular?

Mr. FLYNN. I do not.
Mr. BELL of Colorado. Then allow me to ask you if it is not a fact that Mr. Watson never appeared in answer to any of these publications of these meetings?

Mr. FLYNN. I understand, Mr. Speaker, from the public press that the executive committee in charge of Mr. Watson deemed it

that the executive committee in charge of Mr. Watson deemed it to be inadvisable for him to appear.

Mr. BELL of Colorado. May I ask you another question?

Mr. FLYNN. Call the limit—how many?

Mr. BELL of Colorado. Yes; I want to get you right, if you want to be right. I was present in that part of the country and know something of these meetings. I want to ask you this—if these meeting were had under the auspices of a class of men that called themselves "middle-of-the-road Populists," and were against the regular Populist organization?

called themselves "middle-of-the-road Populists," and were against the regular Populist organization?

Mr. FLYNN. Mr. Speaker, I want to say this—that the only honest Populist is the "middle-of-the-road Populist." The only men in the Populist party who have set principle above office are the "middle-of-the-road Populists."

Mr. BELL of Colorado. In whose employ were they?

Mr. FLYNN. The leaders, who wanted office, were ready on head on all eccessions to trade out the honest reals and file of the

hand on all occasions to trade out the honest rank and file of the

Populist party. [Loud applause on the Republican side.]
Mr. BELL of Colorado. May I ask you another question?
Mr. FLYNN. I want to say to this House if you desire— Mr. GROSVENOR. I want to call the attention of the gentle-man from Oklahoma to the fact that there seems to be some confusion about what is Populism and what is not; and inasmuch as I believe in getting information on a point like that from the highest authority, and seeing present here a gentleman who was at the birth of the Populist party at Ocala—I believe its birth-place was Ocala—I would like to know if the gentleman would

not be willing to give way to the gentleman from Georgia [Mr. Livingsron]? [Great laughter.]

Mr. FLYNN. Mr. Speaker, I decline to give way at this time. I want to say to the House, in all seriousness, that if you desire prosperity in the Territories and in the Western States you must prosperity in the Territories and in the Western States you must give those people an opportunity to develop their resources. That is all, as I understand it, that this bill asks for. It has been unanimously reported by the Committee on Territories and it ought to pass. Why should not a man, whether his citizenship is here or elsewhere, have a right to purchase real estate in Arizona or New Mexico, as well as in the State of New York or any cona or New Mexico, as well as in the State of New York or any other State? If you want to eradicate Populism, allow the light of prosperity to shine upon those portions of the country, and the passage of this bill will be a step in that direction. In all seriousness, I hope the House will consider the question from that point of view. I believe this is proper legislation. I believe that the plank in our platform that has been referred to here which would insist upon debarring others than American citizens from the provided of property and helding real extent in our Territoria. privilege of purchasing and holding real estate in our Territories, if they desire to do so, is a plank stolen bodily from the Populist platform, and that we have no right to claim it as ours.

Mr. QUIGG. Will the gentleman permit a question about the

Mr. FLYNN. Certainly.
Mr. QUIGG. I wish the gentleman would state his own theory of what the real purpose of this bill is. It is entitled "An act to restrict the ownership of real estate by aliens," but, as I read it, it seems to be an act to confirm the titles of aliens.
Mr. FLYNN. The gentleman evidently did not understand the explanation of the bill made by the gentleman from New Mexico

a while ago.

Mr. QUIGG. No; I did not understand the gentleman, although
I listened to him.

Mr. FLYNN. I will yield to the gentleman from New Mexico

to explain the matter for the benefit of the gentleman from New

Mr. CATRON. I think if the gentleman will look more attentively he will find that this bill is an amendment to a prior act restricting the ownership of real estate by aliens. The original bill, which was passed in 1887, absolutely prohibited foreigners from acquiring or owning or holding real estate in the Territories, and the purpose of this bill is to modify the provisions of that

act so that foreigners, when they are bona fide residents of the Territory, may acquire real estate and hold it during the time of their residence there and be allowed ten years after they leave the their residence there and be allowed ten years after they leave the Territory in which to dispose of their real estate. This bill also permits the foreigner to invest his money, by way of a loan secured on real estate, and if the property has to be sold under the mortgage and the lender buys it in, he is allowed ten years in which to dispose of it. Unless he remains a permanent resident of the Territory he can not hold real estate permanently, but if he goes away he is allowed ten years within which to sell it. The law of 1887 contained no such provision, and this bill modifies it in that respect. This is practically an invitation to foreign capitalists to contained no such provision, and this bill modifies it in that respect. This is practically an invitation to foreign capitalists to come into our Territories and develop their resources, so that we may progress. Some gentlemen here seem to think that we ought to be denied this legislation because we did not vote the Republican ticket at the last election. I would like to ask them this question: If we had voted the Republican ticket at that election would that fact have been a good argument in favor of this bill? I repeat, the object of this bill is to advance the prosperity of the Territories and develop their resources.

Mr. FLYNN. Mr. Speaker, I desire to treat my colleague, the late Populist candidate for Speaker, fairly. I may not have stated fully all that he thinks ought to be stated with reference to the Populist party, but I will endeavor to make up for the omission. I am requested to have read from the Washington Post of this morning a letter from Mr. Watson to Mr. BUTLER. I have not read the letter myself, but as both those gentlemen have been regarded generally as high Populist authorities, I will ask the Clerk to read it now.

Clerk to read it now.

The Clerk proceeded to read the letter.

Mr. JOHNSON of California (interrupting the reading). Mr. Speaker, I make the point of order that it is unparliamentary to Speaker, I make the point of order that it is unparliamentary to have read here an attack on a member of another body who can not defend himself here. I am not a member of the Populist party, but I do not think it is proper to have read on this floor an attack upon a member of the Senate, a coordinate branch of Congress. It seems to me that it is mighty poor taste to have that letter read here, and besides I believe it is out of order.

Mr. PAYNE. Mr. Speaker, the article does not refer to the duties of the gentleman as Senator, or to his action in that capacity, but only to his action as an individual.

The SPEAKER. No. It does not refer, either, to the bill under discussion. [Laughter.] The Chair sustains the point of order. The gentleman from Oklahoma has the floor.

Mr. FLYNN. Well, Mr. Speaker, I had not read the letter. I was merely endeavoring, in as brief and pointed a way as possible, to show what Populism really is, and I have nothing further to say on that point. I trust, however, that the House will consider favorably the pending bill, which the Committee on Territories has recommended, and will enact it into law.

Mr. SCRANTON. Mr. Speaker, I move the previous question. The previous question was ordered.

The amendments recommended by the committee were adopted. The question being on ordering the bill to be engrossed and read a third time, there were—ayes 60, noes 73.

Mr. SCRANTON. I ask for the yeas and nays.

The yeas and nays were refused, only eight members voting therefor; so the House refused to order the bill to be engrossed.

On motion of Mr. HEPBURN, a motion to reconsider the vote by which the House refused to order the bill to be engrossed was laid on the table.

The SPEAKER. The Clerk will proceed with the call. have read here an attack on a member of another body who can

laid on the table

The SPEAKER. The Clerk will proceed with the call.

INTOXICATING LIQUORS IN THE CAPITOL.

Mr. MORSE (when the Committee on Public Buildings and Grounds was called). I call up the bill (H.R. 7083) to prohibit the sale of intoxicating liquors in the Capitol building, and for other purposes.

The bill was read, as follows:

Be it enacted, etc., That hereafter it shall be unlawful for any person or persons to sell, dispense, or otherwise dispose of intoxicating liquors of any kind, or any compound or preparation thereof, either in the Capitol building in the District of Columbia, or upon any part of the public grounds upon which said building is situate.

SEC. 2. That any violation of this act shall be deemed a misdemeanor, and upon conviction shall, for each separate offense, be punished by a fine not exceeding \$500.

The amendment reported by the committee was read, as follows:

Add as a new section the following: "Sec. 3. That the courts of the District of Columbia exercising criminal jurisdiction shall have jurisdiction of all violations of this act."

Mr. MORSE. I ask for the reading of the report. The report (by Mr. MORSE) was read, as follows:

The report (by Mr. MORSE) was read, as follows:

The Committee on Public Buildings and Grounds, to whom was referred the bill (H. R. 7983) entitled "A bill to forbid the sale of intoxicating drinks in the National Capitol," have had it under consideration, and respectfully report the same with the recommendation that it do pass, with an additional section as hereafter stated.

Your committee are of the opinion that the sale of intoxicating drinks in the restaurant or restaurants of the National Capitol is unseemly, unsuitable, and gives offense to a large and respectable number of the citizens of the

United States, and is a just cause of public scandal. Your committee are of the opinion that the sale of intoxicating drinks in the National Capitol should be entirely prohibited, and do therefore recommend that the bill pass, with the following additional section:

"SEC. 3. That the courts of the District of Columbia exercising criminal jurisdiction shall have jurisdiction of all violations of this act."

The SPEAKER. The gentleman from Massachusetts is recognized.

mized.

Mr. MORSE. Mr. Speaker, I do not desire to discuss this bill at any length. It is self-explanatory. Suffice it to say that the sale of strong drink in the national Capitol gives offense to a large and growing number of the citizens of this great Republic. The saloon in the Capitol is a cause of public scandal. Thousands—yes, millions—of our citizens regard the saloon as the enemy of God and man, as the awful maelstrom and whirlpool that destroys the body and soul. The saloon is responsible for a large percentage of the neuperism crime and insentity and a large percent age of the pauperism, crime, and insanity and a large amount of the taxation of the country. Mr. Speaker, there is at this very hour assembled in this city a convention of the National Anti-Saloon League. The delegates are from every section of our country. I believe they are as august and honorable a body of earnest men believe they are as august and honorable a body of earnest men and women as ever assembled in this city. They have uttered protest loud and long against what they term this national disgrace, and I believe it is therefore an opportune time to pass this bill while this great convention is in session. The passage of this bill will give joy and satisfaction to thousands—yes, millions—of our countrymen and countrywomen. The Woman's Christian Temperance Union, that great sisterhood that spans the continent and the world, has lifted up its voice in petition and in protest against this national disgrace, and let me tell the Democratic and Republican parties in this House that they can spike a Populist gun by passing this bill. Their speakers on the stump and their literature have much to say, and much that is not true, about the sale of intoxicants in this Capitol building and the personal habits of the members. Some members of the House who themselves use intoxicants to some extent have expressed to me the belief that a intoxicants to some extent have expressed to me the belief that a saloon in the Capitol is unseemly and improper, and I trust they will vote with us for the passage of this bill.

Mr. Speaker, my observation is that these bars are patronized

Mr. Speaker, my observation is that these bars are patronized very little by members of Congress; and my observation, Mr. Speaker, is, during the eight years I have been here, that for character, integrity, virtue, and sobriety, the 357 men who compose this House will compare favorably with the same number of men in any spot or place on the face of God's green earth. The members of this House have been charged, for political purposes, with insobriety and drunkenness. It is a vile slander. During the eight years I have been here I have seen but one intoxicated member of Congress. The patrons of this bar are largely and principally outsiders and employees of the House; colored men have frequently been seen drinking at the House restaurant; "there is no distinction on account of race, color, or previous condition of servitude"—any man who has the money can have the drink. We owe it to these people, especially the employees of this House, to remove this temptation, and to my mind that is another strong reason why this bill should pass.

Mr. Speaker, I desire to reserve the remainder of my time, and

Mr. Speaker, I desire to reserve the remainder of my time, and I now yield ten minutes to the gentleman from Arkansas [Mr. LITTLE] who introduced the bill.

Mr. LITTLE. Does the gentleman propose to call the previous

question?

Mr. MORSE. I have not moved the previous question; but I propose to do so after the remarks of the gentleman from Arkan-I do not wish to cut him off.

Mr. LITTLE. I am perfectly willing that the previous question be called now. I do not desire to be heard unless there should be some opposition to the bill.

Mr. MORSE. Then, Mr. Speaker, I move the previous question. The previous question was ordered.

The question being taken, the amendment reported by the com-

mittee was agreed to. mittee was agreed to.

The bill as amended was ordered to be engrossed and read a third time; and it was accordingly read the third time.

The question being taken on the passage of the bill,

The SPEAKER. In the opinion of the Chair, the ayes have it.

Mr. FOOTE. I call for a division.

The question being again taken, there were—ayes 104, noes 7.

So the bill was passed.

So the bill was passed.
On motion of Mr. MORSE, a motion to reconsider the last vote was laid on the table.

ATLANTIC AND PACIFIC RAILROAD COMPANY.

The call of committees proceeded.

Mr. POWERS (when the Committee on Pacific Railroads was called). I call up the bill (H. R. 6398) to define the rights of purchasers under mortgages authorized by an act of Congress approved April 20, 1871. If I can have the ear of the House a moment, I should like to make a statement.

Mr. POWERS. Before the bill is read I should like to say a

word.
The SPEAKER. If there is no objection, the gentleman will

proceed.

Mr. POWERS. Mr. Speaker, this bill was inadvertently referred to the Committee of the Whole on the state of the Union. It should have gone to the House Calendar. There is no appropriation in it whatever. I ask that the bill be considered as if on

the House Calendar.

Mr. DINGLEY. Let the bill first be read.

The SPEAKER. The bill will be read. The Clerk read as follows:

The Clerk read as follows:

Be it enacted, etc., That whenever a sale of the road, equipment, lands, franchises, privileges, and other rights and property of the Atlantic and Pacific Railroad Company is made by virtue of any mortgage or other power authorized by act of Congress, the purchasers at such sale, and their associates or assigns, shall constitute a new company, which shall have and shall be entitled to exercise the same rights, powers, privileges, grants, and franchises, including the franchise to be a corporation, granted by the act of Congress approved July 27, 1886, incorporating the Atlantic and Pacific Railroad Company, and by acts amendatory thereof and supplemental thereto, and the incorporation as hereby provided shall be completed and become effective whenever the said purchasers and their associates or assigns shall file with the Secretary of the Interior a certificate of incorporation, its president, and the names of its directors, the amount of its proposed capital stock and bonds, not exceeding the amounts which the said Atlantic and Pacific Railroad Company by said acts was authorized to issue, and with like effect, together with certified copy of the decree or decrees ratifying such sale; but nothing in this act shall make such purchasers and their associates or such new corporation liable for any debts or claims or contracts of the old corporation not expressly assumed in their contract of purchase at said judicial sale.

The amendment reported by the committee was read, as follows:

The amendment reported by the committee was read, as follows:

Strike out all after the enacting clause of the bill and insert the following:

"That whenever any mortgage made by the Atlantic and Pacific Railroad Company under and by virtue of acts of Congress is foreclosed in any court of the United States, or of any State or Territory thereof, and any sale of the road, equipment, lands, franchises, privileges, and other rights and property covered by said mortgage is made under a decree or decrees of such courts, the purchaser at any such sale or sales, and their associates or assigns, shall constitute a new company, which shall have and shall be entitled to hold and possess the franchises and property so sold, and to exercise the same rights, powers, privileges, grants, and franchises, including the franchise to be a corporation, granted by the act of Congress approved July 27, 1866, incorporating the Atlantic and Pacific Railroad Company, and by acts amendatory thereof and supplemental thereto, which were owned and possessed by said Atlantic and Pacific Railroad Company, or said mortgagees at the time of such decree of foreclosure; and the incorporation as hereby provided shall be completed and become effective whenever the said purchasers and their associates or assigns shall file with the Secretary of the Interior a certificate of incorporation hereunder, duly acknowledged, specifying the name of such new corporation, its president, and the names of its directors, the amount of its proposed capital stock and bonds, together with certified copy of the decree or decrees ratifying such sale; but nothing in this act shall make such purchasers and their associates or such new corporation liable for any debts or claims or contracts of the old corporation not expressly assumed in their contract of purchase at said judicial sale: Provided, That the amount of the proposed issue of stock of such new corporation shall not exceed the aggregate amount which the Atlantic and Pacific Railroad Company, corporation may is

Mr. McRAE. I make the point of order that this bill— Mr. DINGLEY. I should like to know whether the bill in any way involves the interests of the United States. If it does, it can not come up under this order of business except by unanimous

Mr. POWERS. This charter was originally granted by Con-

Mr. DINGLEY. I wish to reserve a point of order until I can examine the measure.

The SPEAKER. The point of order will be reserved.

Mr. McRAE. I rose for the purpose of making this point of order: That this bill can not be considered during the morning hour. I wish to state my reasons for making that point. The bill proposes an extension of an expired charter, and it involves the yielding by the United States to these corporators of rights which they have not now, and which, I think, we ought not to

Mr. POWERS. Mr. Speaker, I think that if the gentleman from Arkansas will reserve his point until the report of the committee has been read, he will discover that he is in error in the position which he takes. The whole object of this bill is, to all practical intents and purposes, simply to amend the original charter of this company. When this company was chartered in 1871 Congress provided that it might issue a mortgage; and the language of the act would seem to a layman to be broad enough to

cover the mortgages in the event that they succeeded to the rights of the original company, and would give them the right to be a corporation. The language of the enabling act is:

And to secure said bonds said company may mortgage its road, equipment, lands, franchises, privileges, and other rights.

Under that language, as I have already stated, it would seem to a layman that the right to be a corporation was a franchise

covered by this section of the enabling act of 1871.

But, Mr. Speaker, later on the Supreme Court of the United States, in a case reported in 112 United States Reports, and in another reported in 114 Reports, have held that the word "franchise" is not broad enough in its scope to enable the mortgage bondholders, in the event of a reorganization, to organize themselves into a new corporation. And the only purpose of this act is simply to settle that controversy. The mortgage was issued, the bonds were sold, the moneys advanced, and the road was built. Now, the mortgage then issued has been foreclosed, and it transpires in the light of the two decisions to which I have referred spires in the light of the two decisions to which I have referred that the mortgagees are unable, technically speaking, to exercise the right of a corporation, or to be a corporation.

It would seem, therefore, and did so seem to the committee, that a technical objection of this kind ought to be remedied by legislation, and that is the only purpose of the bill.

Mr. McRAE. Mr. Speaker, if this bill is not intended to grant or revive a charter which was first granted to the corporation now

alleged to be extinct, then I do not understand why it is presented. The act of Congress which granted the charter to the original incorporators should be subject to the point of order, and this bill is also. The authority to mortgage primarily fixed a lien upon and finally passed from the United States the title of the largest land grant that was ever made by the Congress of the United States without any substantial compliance with the provisions of the grant, and this bill will have the effect to confirm a questionable title—it yields all the rights of the United States.

There is an immense grant of public lands behind this old company. The mortgagees and purchasers are in no condition to ask the relief proposed. It is to legalize the acts and create the successor to a defined convertige that failed to heild the read for

cessor to a defunct corporation that failed to build the road for which the grant was made and which has not kept faith with the Government in a single particular. If the corporation is dead we

should not resurrect or revive it.

should not resurrect or revive it.

The history of this grant, when correctly understood, is the most corrupt of any among the long list of grants of lands by the Congress of the United States to railroad companies. Now, these purchasers, who I think are the mortgagees, seek to continue the official life of the old company notwithstanding the forfeiture, and to secure the advantages and privileges which accrue under the original grant to the grantee company. It gives to them a right which they have not now. It gives them a right which in justice they ought not to have. It gives them a right to secure valid title to lands that they never properly earned, that did not fairly belong to the road, a title which belongs of right to the Government of the United States, and which should be held by it instead of giving it away in this manner. I insist that the bill should be considered in the Committee of the Whole House.

Mr. POWERS. Mr. Speaker, the gentleman from Arkansas

Mr. POWERS. Mr. Speaker, the gentleman from Arkansas overlooks the proviso of the bill, which reads:

Provided further, That nothing herein contained shall be construed as making any additional grant of lands or other franchises to such successor corporation, or as a waiver of any rights of the United States now existing to enforce any forfeiture of lands heretofore granted to the said Alantic and Pacific Railroad Company, or as in any manner affecting the vested rights of any settler or settlers on any of the lands heretofore granted to the Atlantic and Pacific Railroad Company or of any purchaser or purchasers of said lands from said company.

Now, all of these rights are reserved to the United States under . All rights are withheld from the corporation that can possibly be reserved for the Government. If the gentleman makes objection to the grant of the land to the company originally, he is hurting the matter not at all by depriving these men of the chance of organizing themselves into a corporation. They foreclosed the mortgage; they had possession of the land, and if you do not let them hold them as a corporation they will hold them as tenants in common—as mortgagees. What better, then, are you off than if common—as mortgagees. What better, then, are you off than if you pass the bill? The objection of my friend is merely a technical one, and should not interfere with the organization of the company.

Mr. CANNON. I would like to ask the gentleman from Vermont a question for information. As I understand it, this grant

was made to the corporation, and the corporation was formed, the road built, the mortgage executed, default followed, and for-feiture ensued; sale followed that and the title is in the vendee. Now, as I understand the object of the gentleman from Vermont, it is to enable the vendee, who does not formally take the franchise, to continue the business under a corporate franchise. Is not that all?

Mr. POWERS. That is all there is to it. Simply to authorize the holders of these lands to act as a corporation.

The SPEAKER. But the point of order is that the bill is not in

order at the present time, because the rule expressly provides that

only bills recommended by the committees, and on the House Calendar, shall be considered in this order. This bill is not on the House Calendar, but on the Union Calendar.

Mr. POWERS. The motion I made was to have the bill treated as on the House Calendar, to have the reference changed. It was

as on the House Calendar, to have the reference changed. It was placed on the Union Calendar by inadvertence.

The SPEAKER. There is a difficulty about that, because the Chair must decide these questions with reference to what will be the general effect. The difficulty with that is that the placing of a bill on the House Calendar is intended for two purposes, first that it shall not carry an appropriation or the equivalent of it, and that there shall be notice to the House that it is liable to be taken up. Not being on the House Calendar, even if it ought to have been, there is no notice

been, there is no notice.

Mr. McMILLIN. Mr. Speaker, if I may be indulged one moment on the point of order—

The SPEAKER. If the point of order is made—

Mr. McMILLIN. I do not know the merits of the controversy, because I have not had an opportunity to read the bill. The very object of this rule was to enable the House to give consideration to bills that made no appropriation of money or of public lands. and I am therefore much interested in keeping that rule restricted within its proper sphere. I call the attention of the Speaker to an admission made by the gentleman in charge of the bill, which, it strikes me, is conclusive of the question. He admits that there was a disposition of public lands attempted to be made by the original act, which disposition was not made by reason of the fact that the Supreme Court held that the effort to make it was inef-

that the Supreme Court held that the effort to make it was ineffectual. Now, that was a disposition. It was the disposition that they might make of the then public lands by mortgage. It strikes me that to remedy that is dealing with the public lands, and a disposition of the public lands, within the prohibition of the rule.

The SPEAKER. The Chair will not undertake to pass upon that question. It may come up in some other form, but on the question of a rule of the House of Representatives. Therefore, if the point of order is insisted upon, it must be sustained on that point of order is insisted upon, it must be sustained on that

Mr. McRAE. I insist upon the point of order, Mr. Speaker, but I am willing that the Speaker take the question under consideration and determine whether the bill should be upon the House Calendar or the Union Calendar and its status be preserved until then

Mr. POWERS. I will withdraw the bill for the time being.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Platt, one of its clerks, announced that the Senate had passed bill and joint resolution of the following titles; in which the concurrence of the House was

A bill (S. 1168) for the relief of the heirs of Erskine S. Allin and

the United States Regulation Firearms Company, respectively; and Joint resolution (S. R. 162) continuing in force section 2 of the act approved June 3, 1896, entitled "An act to repeal section 61 of "An act to reduce taxation, to provide revenue for the Government, and for other purposes," which became a law August 28,

SENATE BILL AND JOINT RESOLUTION REFERRED.

Under clause 2 of Rule XXIV, the following Senate bill and joint resolution were taken from the Speaker's table and referred

A bill (S. 1168) for the relief of the heirs of Erskine S. Allin and the United States Regulation Firearms Company, respectively to the Committee on Claims.

Joint resolution (S. R. 162) continuing in force section 2 of the act approved June 3, 1896, entitled "An act to repeal section 61 of 'An act to reduce taxation, to provide revenue for the Govern-ment, and for other purposes,'" which became a law August 28, 1894—to the Committee on Ways and Means.

ATLANTIC AND PACIFIC RAILROAD COMPANY.

Mr. POWERS. Mr. Speaker, I now call up the bill (S. 1832) to define the rights of purchasers under mortgages authorized by an act of Congress approved April 20, 1871, concerning the Atlantic and Pacific Railroad Company. I will state that the bill has passed the Senate and come over here. I believe it is on the House Calendar

The bill was read, as follows:

The bill was read, as Ioliows:

Be it enacted, etc., That whenever any mortgage made by the Atlantic and Pacific Railroad Company under and by virtue of acts of Congress is fore-closed in any court of the United States, or of any State or Territory thereof, and any sale of the road, equipment, lands, franchises, privileges, and other rights and property covered by said mortgage is made under a decree or decrees of such courts, the purchaser at any such sale or sales, and their associates or assigns, shall constitute a new company, which shall have and shall be entitled to hold and possess the franchises and property so sold, and to exercise the same rights, powers, privileges, grants, and franchises, including the franchise to be a corporation, granted by the act of Congress approved July 27, 1866, incorporating the Atlantic and Pacific Railroad Company, and by acts amendatory thereof and supplemental thereto, which were owned

and possessed by said Atlantic and Pacific Railroad Company, or said mortgages, at the time of such decree of foreclosure; and the incorporation as hereby provided shall be completed and become effective whenever the said purchasers and their associates or assigns shall file with the Secretary of the Interior a certificate of incorporation hereunder, duly acknowledged, specifying the name of such new corporation, its president, and the names of its directors, the amount of its proposed capital stock and bonds, together with certified copy of the decree or decrees ratifying such sale; but nothing in this act shall make such purchasers and their associates or such new corporation liable for any debts or claims or contracts of the old corporation not expressly assumed in their contract of purchase at said judicial sale: Provided, That the amount of the proposed issue of stock of such new corporation shall not exceed the aggregate amount which the Atlantic and Pacific Railroad Company has already issued and is now outstanding, except that said corporation may issue an additional amount of stock which, with the stock heretofore issued, shall not exceed the aggregate amount heretofore anthorized by Congress, and such additional stock shall not be issued except for money, labor, or property, estimated at its actual cost value, in exchange for such stock at its full or par value: Provided further, That nothing herein contained shall be construed as making any additional grant of lands or other franchises to such successor corporation, or as a waiver of any rights of the United States now existing to enforce any forfeiture of lands heretofore granted to the Atlantic and Pacific Railroad Company, or as in any manner affecting the vested rights of any settler or settlers on any of the lands heretofore granted to the Atlantic and Pacific Railroad Company, or as in any manner affecting the vested rights of any settler or settlers on any of the lands heretofore granted to the Atlantic and Pacific Railroad Company, or as in a

Mr. McRAE. Mr. Speaker, I make the point of order against this bill that, although it is upon the House Calendar, it should be upon the Union Calendar, and that therefore it is not properly before the House for consideration in this hour. I believe I have already said all I desire to say upon the point of order—when a like House bill was presented.

The SPEAKER. The Chair understands that this bill is on the House Calendar.

Mr. McRAE. I insist that it should be on the Union Calendar.

I make the point of order that, although the bill is upon the House Calendar, it should be on the Union Calendar, and that the im-

Calendar, it should be on the Union Calendar, and that the improper assignment to the House Calendar does not give it the right of consideration. I think that it has been so improperly assigned, because it relinquishes a possible right which the United States has to lands, and gives a right to certain purchasers under a mortgage which they do not now possess, and creates a corporation.

Mr. POWERS. It relinquishes no right whatever. It simply supplies an omission, an obvious omission, in the act of 1871.

Mr. TERRY. Mr. Speaker, I desire to suggest that this bill does give important concessions to this road, if its mortgage is anything similar to that of the Northern Pacific. It gives this road, in this act for reorganization, large advantages which the Judiciary Committee of this House, in reporting a similar bill relating to the Northern Pacific, refused to give to that company. If a measure of this kind is to pass at all, it ought at least not to give this Atlantic and Pacific road advantages that were denied to the Northern Pacific. The mortgage which the Northern Pacific Company gave, which the United States consented to, contained a proviso that whenever the lands were sold they should be sold in certain specified bodies or tracts not exceeding certain acreage, a proviso that whenever the lands were sold they should be sold in certain specified bodies or tracts not exceeding certain acreage, the intention being not to allow one purchaser to acquire large bodies of the public domain. It was contrary, as was supposed, to the policy of the United States Government. Now, that is my recollection of it; and the Committee on the Judiciary, with the terms of that act before them, imposed quite a number of limitations in the act for the reorganization of the Northern Pacific that do not occur in this bill. Another thing: There was a provision in that act to prevent the reorganized company from becoming the possessor of large bodies of coal lands. It had been found, in practical operation, that when a railroad company became the possessor. tical operation, that when a railroad company became the possessor of large bodies of coal lands it would deny equal facilities of transportation to other companies or persons who might own coal

Mr. POWERS. Will the gentleman from Arkansas allow me one moment?

Mr. TERRY. Yes, sir; certainly.

Mr. 1ERRY. 1es, sir; certainly.

Mr. POWERS. Are you desirous of submitting the amendments that were imposed upon the Northern Pacific bill?

Mr. TERRY. I was not in favor of the Northern Pacific bill even as amended; but if we are to pass any bill for the reorganization-

I have not the slightest objection to that amend-

ment being made to this bill, if the gentleman will accept it.

The SPEAKER. Will the gentleman from Arkansas point out any proposition involving a tax or charge, appropriation of money authorizing payment out of an appropriation already made, or releasing any liability of the United States for money or property? Mr. TERRY.

Releasing any liability?

The SPEAKER. Or liabilities.
Mr. TERRY. I take it that the United States should not relin-

quish any rights or limitations that the people are interested in.

The SPEAKER. It is not releasing any right, but releasing any liability that confines the term. There is nothing that requires that a proposition of action on the part of the United States should

go to the Committee of the Whole unless it refers to a certain specified thing. Now, can the gentleman state any of those specified things is stated in this bill?

Mr. TERRY. I was about to state to the Speaker that I could not recollect the exact phraseology of that rule; but I wanted to call the attention of the Speaker to the matter and let him solve it with the rule before him. The mortgage that was authorized by an act of Congress about 1871, among other terms, provided that whenever these lands were sold they should be sold in small bedies not exceeding a certain amount.

bodies, not exceeding a certain amount.

Now, I think that that was a reservation of a valuable right to the people of the United States; and that is given away in this bill by permitting this company to acquire these lands all in a body and not to conform to the terms of the mortgage which the United States assented to about the year 1871. That is the point I desire to make. This is virtually another disposition, inasmuch as it allows the lands permitted to be mortgaged to pass away in a form that the mortgage of 1871 did not authorize, and which the Government of the United States consented to on account of the Government of the United States consented to on account of this condition being in the mortgage. I think it is a point worthy of very serious consideration. And certainly this bill ought to have some amendments, which I am not prepared just at this moment to offer. This is a matter that ought to be very carefully considered in this House; and I further say that if we are going to have this bill up the gentleman from Vermont ought to allow members of the House an opportunity to present proper amendments to it, and also to see where they should come in. In a matter of so much importance let us proceed cautiously.

ments to it, and also to see where they should come in. In a matter of so much importance let us proceed cautiously.

Mr. POWERS. If there is any way by which this bill can maintain its privilege I have no objection to its going over until to-morrow, to enable gentlemen to propose such amendments as they desire; but I do not want to lose the advantage of the position we now have of having this bill before the House and thus have it go over until another call of the committee; but if there be any way to preserve its rights, I have no objection.

The SPEAKER. The Chair has not had his attention called to any provision in this bill which seems to be obnoxious to the provision of Rule XXIII, section 3; and therefore sees no reason why the bill should go to the Committee of the Whole House on the state of the Union. That opinion seems to cover the whole ground; and it also may be a question whether the bill, being on the Calendar, is not entitled to be heard in this way; but on that the Chair does not pass at present. The Chair overrules the point of order, and the bill is in order.

Mr. POWERS. I would ask unanimous consent, then, that the bill may be postponed until to-morrow, at 1 o'clock, for fur-

the bill may be postponed until to-morrow, at 1 o'clock, for further consideration, to enable gentlemen to propose any amend-

ments they desire.

Mr. BARRETT. Mr. Speaker, I desire that unanimous consent be not granted until I have an opportunity to offer an amend-

ment be not granted until I have an opportunity to olier an amendment which I think the gentleman in charge of the bill will accept. I do not expect to be here to-morrow.

Mr. POWERS. The gentleman misunderstood my proposition. It was that the bill go over until to-morrow, for the purpose of giving him an opportunity to formulate his amendment.

The SPEAKER. But the gentleman from Massachusetts says the beautiful and the purpose of the p

that he will not be present to-morrow and would like to have his

that he will not be present to-morrow and would like to have his amendment disposed of now.

Mr. McMILLIN. Mr. Speaker, I suggest to the gentleman from Vermont [Mr. Powers] that he let the bill go over until 1 o'clock on the next legislative day after to-morrow, for this additional reason: To-morrow is private bill day under the rule, and as it is not likely that many such bills can receive consideration during this short session, I think it would be well to devote the day to private bills.

day to private bills.

Mr. POWERS. Idesire to accommodate everybody, Mr. Speaker, and I am willing that this bill shall go over until Monday.

Mr. BARRETT. The amendment that I wish to offer is one that I think will be generally acceptable, and I would like to have

The SPEAKER. The gentleman can state his amendment. The bill is now before the House.

Mr. McMILLIN. The effect of the decision of the Chair, as I understand it, is that this bill does not require to be considered in Committee of the Whole, but may be considered in the House.

The SPEAKER. It does not require to be considered in Com-

mittee of the Whole.

Mr. BARRETT. Mr. Speaker, I offer the amendment which I send to the desk.

The amendment was read, as follows:

Page 4, at the end of line 41, insert:

"But no stock shall be issued by said corporation until such issue shall be approved by the Secretary of the Interior as actually representing money, labor, or property estimated at its actual cost value, at the full par value of said issue of stock."

Mr. POWERS. I have no objection to that. The amendment was adopted.

Mr. LACEY. Mr. Speaker, I desire to offer the amendment which I send to the desk.

The amendment was read, as follows:

SEC. 3. Where the line of such railway is now located within the limits of any State, or where such line is now located within a Territory which may hereafter become a State, such State, or such Territory when it shall become a State, shall be empowered to require such corporation to become incorporated within such State or States as may be provided by the laws thereof.

Mr. POWERS. Mr. Speaker, if there is no other amendment to be offered at this time, I ask unanimous consent that the bill be made a special order for Monday next at 1 o'clock.

The SPEAKER. Is there objection to the request of the gen-

The SPEAKER. Is there objection to the request of the gentleman from Vermont?

Mr. McRAE. I object to making the bill a special order. I have no objection to its going over to be called up during the morning hour of any day, but as I understand the rule, if the bill is made a special order for a particular time, it will become "unfinished business" and take precedence of everything else until it is disposed of, and I object to giving it that privilege.

Mr. POWERS. I was trying to accommodate my friend from Arkansas, but he seems rather difficult to accommodate.

The SPEAKER. Objection is made to the request of the gen-

The SPEAKER. Objection is made to the request of the gen-

tleman from Vermont.

Mr. McMILLIN. I suggest to my friend from Arkansas that an agreement might be made to have the bill come up on Monday with only the privileges that it would have if it were considered

Mr. McRAE. I have no objection to that; but I do object to

making it a special order and giving it special privileges on some other day which it does not have to-day.

The SPEAKER. The Chair would suggest that under the rules if the House desires it can cease the consideration of the bill at the end of sixty minutes, or it can go on to consider it the whole

day.

Mr. McRAE. But making it a special order would give it precedence for every day until disposed of, and that is what I object to.

The SPEAKER. The present rule has very much that effect if the House so chooses.

Mr. McRAE. Not unless the committee is called again and the

consideration completed on the same day.

Mr. DALZELL. Mr. Speaker, I suggest to gentlemen that Mon-Mr. DALZELL. Mr. Speaker, I suggest to gentlemen that Monday will be District day.

The SPEAKER. Objection is made to the request of the gen-

tleman from Vermont.

Mr. POWERS. I understood the gentleman from Arkansas to waive his objection.

Mr. McRAE. I do not. If the gentleman wants the bill to go over, I have no objection, provided it does not acquire any additional privilege; but, for my part, I am ready to go on with the consideration of it now.

Mr. POWERS. I do not desire that it shall have any special

privilege. If we can not pass this bill in sixty minutes we never

can pass it.

can pass it.

Mr. HOPKINS. Mr. Speaker, if the bill is made a special order it will have special privileges, will it not?

The SPEAKER. It will, unless the order is modified so as to take away those special privileges.

Mr. McRAE. Well, that the gentleman from Vermont has consented to; I objected, unless he would consent.

Mr. BLUE. Mr. Speaker, I rise to a parliamentary inquiry.

Monday is District of Columbia day, is it not?

The SPEAKER. It is.

Mr. BLUE. The gentleman from Vermont [Mr. Powers] evidently has it in mind to call up this bill on Monday. Now, would the bill necessarily come up under the arrangement proposed, in the bill necessarily come up under the arrangement proposed, in view of the rule of the House providing that Monday shall be devoted to the consideration of District of Columbia business?

The SPEAKER. Unanimous consent on the part of the House

can at any time vacate its rules.

Mr. JOHNSON of California. Mr. Speaker, I rise to a parliamentary inquiry. If this bill goes over until Monday next at 1 o'clock, does it not then have just the same privileges that it has now, and no more?

The SPEAKER. That would depend on the arrangement made by the House. As it stands now, consideration of the bill must by the House. As it stands now, consideration of the bill must proceed. If there is a proposition to postpone the consideration of the bill until Monday, or any other day, the effect of that proposition will depend upon its terms.

Mr. JOHNSON of California. As I understood, the arrangement proposed by the gentleman from Arkansas [Mr. McRae] was that this bill go over until Monday at 1 o'clock, to be taken up

then under just the same conditions that would apply to-day.

Mr. McRAE. I have not made any proposition except to state
that I object to the bill going over unless it goes over to be called

The SPEAKER. The Chair suggests that there might be an understanding on the part of the House that this bill be in order

when the roll of committees is called on Monday, and the call of committees might be continued to day with that understanding.

Mr. McRAE. I will agree to that proposition.

The SPEAKER. That would give the bill the same rights then that it has now.

Mr. McRAE. I have no objection to that.
Mr. POWERS. That would be satisfactory.
The SPEAKER. The Chair desires to say, however, to the gentleman from Vermont that the committee would not be regularly called on Monday; the call would have to be consented to by The chairman of the Committee on the District of Columbia does not seem to be present.

Mr. POWERS. The proposition was that this bill should not lose the position it now has.

The SPEAKER. On Saturday next it could be brought up

without conflict with anything else

Mr. McRAE. I am perfectly willing that when the committees are next called, if the gentleman desires the bill to be called up, it may come up; but what I want is that it shall not have the privileges which belong to a special order.

Mr. POWERS. The bill might come up on Monday, as I

understand

understand—
Mr. McRAE. No.
Mr. POWERS. By unanimous consent.
The SPEAKER. That arrangement would have to be made by unanimous consent, as it would displace the business of the Committee on the District of Columbia.
Mr. POWERS. Then I suggest that on Saturday, or even next Tuesday—I do not care which—
Mr. McMILLIN. I suggest that the gentleman name Tuesday.
We are sure to have a session on that day.
Mr. POWERS. Very well; Tuesday.
The SPEAKER. Without objection, that arrangement will be

What is the arrangement now decided upon? The SPEAKER. That on Tuesday when the committees are called the bill shall be in order.

The call of committees was continued.

DRAMATIC AND MUSICAL COPYRIGHT.

Mr. DRAPER (when the Committee on Patents was called). I call up Senate bill No. 2306, to amend Title LX, chapter 3, of the Revised Statutes, relating to copyrights.

The bill was read, as follows:

The bill was read, as follows:

Be it enacted, etc., That section 4966 of the Revised Statutes be, and the same is hereby, amended so as to read as follows:

"Sec. 4966. Any person publicly performing or representing any dramatic or musical composition for which a copyright has been obtained, without the consent of the proprietor of said dramatic or musical composition, or his heirs or assigns, shall be liable for damages therefor, such damages in all cases to be assessed at such sum, not less than \$100 for the first and \$50 for every subsequent performance, as to the court shall appear to be just. If the unlawful 'performance and representation be willful and for profit, such person or persons shall be guilty of a misdemeanor and upon conviction be imprisoned for a period not exceeding one year. Any injunction that may be granted by any circuit court of the United States, or by a judge thereof, restraining and enjoining the performance or representation of any such dramatic or musical composition may be served on the parties against whom such injunction may be enforced by proceedings to punish for contempt or otherwise by any other circuit court or judge in the United States; but the defendants in said action, or any or either of them, may make a motion in any other circuit in which he or they may be engaged in performing or representing said dramatic or musical composition to dissolve or set aside the said injunction upon such reasonable notice to the plaintiff as the circuit court or the judge before whom said motion shall be made shall deem proper; service of said motion to be made on the plaintiff in person or on his attorneys in the action. The circuit courts or judges thereof shall have jurisdiction to enforce said injunction and to hear and determine a motion to dissolve the same, as herein provided, as fully as if the action were pending or brought in the circuit in which said motion is made.

"The clerk of the court, or judge granting the injunction, shall, when required so to do by the court hearing

Mr. DRAPER. I call for the reading of the report. The report (by Mr. DRAPER) was read, as follows:

The report (by Mr. Draper) was read, as follows:

The Committee on Patents, to whom was referred the bill (S.2306) entitled "An act to amend Title LX, chapter 3, of the Revised Statutes, relating to copyrights," have had the same under consideration and report as follows:

The purpose of the proposed measure is twofold: First, to secure to musical compositions the same measure of protection under the copyright law as is now afforded to productions of a strictly dramatic character. There can be no reason why the same protection should not be extended to one species of literary property of this general character as to the other, and the omission to include protective provisions for musical compositions in the law sought to be amended was doubtless the result of oversight. The committee is of the opinion that the existing law should be so amended as to provide adequate protection to this species of literary production.

The bill provides, secondly, for added means for the protection of authors of dramatic and operatic works.

In recent years the business of producing and staging plays and operas by American authors has largely increased, and in many instances has met with the very highest measure of success. Many of the best stage productions of modern times have been the work of American authors.

These productions in many instances have been carefully and elaborately placed upon the stage at very heavy-expense to proprietors and managers, and their representation has given employment in various ways to thousands of people.

The existing law relative to copyrights has been found to be inadequate to properly protect authors and producers of American plays and operas in the enjoyment of their rights of property in these duly copyrighted productions. Persons in various sections of the country have, without the shadow of right or authority, pirated these works, and, confining their operations chiefly to the smaller and more remote towns, have given representations of these stolen productions for their own individual profit, and without making any compensation whatever to authors or owners. Under existing conditions no adequate remedy exists for this unlawful usurpation of property rights.

The offenders are almost uniformly men without attachable means, and dety all the ordinary processes by which they might be mulcted in damages. The representation of these pirated productions is generally given for a night or two only at a given place, and the offenders filt from section to section and from State to State and bid deflance to the processes of the courts seeking to restrain their unlawful acts.

Serious embarrassments have arisen in the efforts to enforce these judicial orders and to punish offenders for disobedience of them.

While it is true that an injunction order issued by a court of competent jurisdiction is operative upon the conscience of the party restrained everywhere in the United States, it appears that an attachment for contempt of such order can not be executed except in the circuit of the court which issued the original order, and this bill seeks to overcome this difficulty.

The bill further provides that the piracy, i. e., the unlawful production of any duly copyrighted play or opera, if it be determined that such unlawful representation was willful and for profit, shall be a misdemeanor, and shall subject the offender, upon conviction, to the liability of imprisonment for a period not exceeding one year.

The reason for the enactment of this provision has already been outlined. The unauthorized publication of a copyri

These conditions do not exist, as a rule, in the case of the professional play pirate.

It is difficult to serve him with injunction and court orders because of his migratory habits, and as he is frequently without attachable means it is impossible to satisfy a money judgment against him.

Testimony has been adduced before the committee showing that the losses accruing to authors and owners of copyrighted productions by these piracies amount to large sums each year. So little protection is in fact afforded under existing conditions that many prominent American dramatic authors no longer go to the trouble and expense of taking out copyrights for their works.

Conceding that for light causes nothing should be added to the jurisdiction or powers of the Federal courts, it would seem that the circumstances in connection with the wholesale piracy of these productions of native authors demand that something more nearly akin to drastic measures should be invoked to remedy the evil.

Believing that productions of the character mentioned constitute property in the fullest and best sense of the term, your committee sees no good reason why this species of literary production should not be surrounded by the same measure of protection as is accorded to other classes of property.

Your committee therefore recommend that the bill do pass.

Mr. DRAPER. Mr. Speaker, the report which has just been

Mr. DRAPER. Mr. Speaker, the report which has just been

Mr. DRAPER. Mr. Speaker, the report which has just been read fully explains the purpose of this bill. It was very fully considered by the Committee on Patents of this House, and unanimously reported. It has also been considered by the same committee in the Senate, and has passed that body. I do not suppose there will be need of discussing the measure at length, and I do not care to do so unless it is necessary. I call for a vote.

Mr. HOPKINS. One moment, Mr. Speaker. I do not desire to antagonize the gentleman from Massachusetts [Mr. Draper]; but there are some features in this bill which I think the House should understand before voting on the measure. If I understood correctly the reading of the bill, it authorizes the filing of a bill in the circuit court of the United States in the city of New York, and under that proceeding that court would be permitted York, and under that proceeding that court would be permitted to serve notice upon a company performing, say, in San Francisco, and that company, 3,000 miles away, might have their rights determined by a judge in New York City.

There is another remarkable feature in this bill which I ob-

served by the reading. If I understand the measure—and the gentleman from Massachusetts will correct me if I am wrong—it provides that one part of the case may be tried in New York and the other part in San Francisco, or anywhere else where there may be a court of the United States; so that the same case may be pending in several courts at the same time. That would be a

clear invasion of the principle that has heretofore prevailed in all cases, in both the Federal and the State courts.

There is another point in this bill which is a little remarkable. It fixes the amount of penalty to be inflicted at not less than \$100 in any case, regardless of the question whether the party has been

damaged to that extent or not.

Mr. LACEY. That corresponds with the present law as to dramatic performances—that is to say, the liquidated damages are \$50 and \$100 under the present law as to dramatic performances. Mr. HOPKINS. If that is true, it does not apply to any other

Mr. LACEY. No.
Mr. HOPKINS. The general principle, as every lawyer understands, is that when a person claims damages for an infringement of his property rights he must show in the court where his case is commenced the amount of damages that he has sustained. But this bill provides that this sum shall be paid as damages regard-less of the question whether the party has been injured to that extent or not.

As I have said, I do not care to antagonize my friend from Massachusetts, but I think the House should understand the character of this bill before voting upon it. It proposes in behalf of this particular class of persons a stretch of Federal authority which is not sanctioned in reference to any other kind of property in this country; and it seems to me it is a stretch of power that it is dangerous to permit with respect even to the productions of playwriters.

Mr. DRAPER rose

Mr. DRAPER rose.

Mr. LACEY. Will the gentleman from Massachusetts allow me a question? I notice the bill provides that the willful giving of a dramatic or musical performance without authority shall be a misdemeanor, and may be prosecuted criminally in the Federal courts. I wish to ask my friend the chairman of the Committee on Patents what is the necessity for this extreme measure? Has not the present system of investigation and injunction by the United States courts been found ample for the protection of rights of this character so far as dramatic performances are concerned?

Mr. DRAPER. It has not been found of any value at all.

Mr. DRAPER. It has not been found of any value at all.
Mr. LACEY (continuing). If musical performances are put in
the same category as dramatic works, would it not?
Mr. DRAPER. I can reply to only one gentleman at a time,
but taking up the last question, that proposed by the gentleman
from Iowa [Mr. LACEY], the reason why the bill was introduced is
because the present legislation does not protect dramatic authors; and many of our dramatic authors have ceased to copyright their works because they are not sufficiently protected under the pres-

In reply to the gentleman from Illinois [Mr. Hopkins], the language he objects to on the first page of the bill, in regard to

the sum of damages, is already the law. It is a part of the present law and there is no new legislation about it.

Further, I think my friend misunderstands the bill, at which I am somewhat surprised, as I had the pleasure of submitting it to him in advance of its presentation to the House. As I understand it, it provides, in case an injunction is taken out against a company illegally performing a play, for instance, in New York, and the next night goes to Jersey City, that instead of it being necessary to take out a new process through an injunction pro ceeding in Jersey City the injunction taken in New York will hold against it, unless the company shows cause why it should not hold. As the case stands now, the law is utterly inadequate to protect against the production of plays in an unauthorized manner for this reason by strolling companies.

I would say that this legislation was asked for by substantially the entire dramatic profession of the United States, and we have had many and vary interesting hearings upon the subject. I have

had many and very interesting hearings upon the subject. I have a list of the signatures here of some of those who have asked for the legislation, and among the many dramatists who have asked for it I find such names as Bronson Howard, David Belasco, Charles it I find such names as Bronson Howard, David Belasco, Charles Barnard, Henry G. Carleton, Reginald De Koven, James A. Herne, Charles Hoyt, Joe Howard, jr., Bill Nye, John Philip Sousa, J. Cheever Goodwin, John J. Braham, Arthur Wallack, Louis Harrison, and others. Among the actors we find such names as Helena Modjeska, Marie Jansen, Stuart Robson, William H. Crane, Annie Ward Tiffany, James B. Mackie, Kate Claxton, Thomas Q. Seabrook, Louis Aldrich, Maida Craigen, Maude Banks, Marian Manola-Mason, Robert Hilliard, Henry E. Dixey, A. M. Palmer, Daniel Frohman, Charles Frohman, Henry E. Abbey, Wilson Barrett, John Drew, Georgia Cayvan, James O'Neill, Frank Mayo, B. F. Keith, Canary & Lederer, Charles Hoyt and Frank McKee, T. Henry French, H. C. Miner, W. H. Thompson, William Faversham, Ferdinand Gottschalk, Bessie Tyree, Mark Murphy, W. D. Jones, and many others. and many others.

The statement of all of them is that under the present law, that pretends to give protection to copyrighted plays, no protection can be offered for the reason already suggested, and no indemnification can be obtained against any illegal performances in New York or elsewhere, because if an injunction is taken out in New York the players can appear to Jarsay City and perform there York the players can go over to Jersey City and perform there two or three days before an injunction can be gotten out, and then be off to Philadelphia, will give as many performances there as possible, and before an injunction can be taken out in that city perhaps they will be off to Baltimore or somewhere else.

Now, Mr. Speaker, what is intended by this legislation is that the first injunction taken out shall serve in the other districts of the United States unless cause is shown why it should not.

Mr. CONNOLLY. I would like to ask the gentleman a question. Does this bill require that the injunction shall be upon hearings or upon mere application? Is it the intention of the law that the injunction may issue without a hearing, and cover all the Mr. HOPKINS. If the gentleman will permit me, he referred

Mr. HOPKINS. If the gentleman will permit me, he referred to the fact of having submitted this bill to me. He does not wish, I presume, to convey the impression to the House that I have approved of the bill and recommend its provisions?

Mr. DRAPER. I purposely did not say that. I said I submitted it to the gentleman, and was surprised to see that he misapprehended the provisions. That was all. I did not mean to imply anything further.

anything further.

Mr. HULICK. Will the gentleman allow me to ask him a question?

Mr. DRAPER. Certainly.
Mr. HULICK. In this bill, in line 14, I find these words: If the unlawful performance and representation be willful and for profit

would like to ask the gentleman if this provision of the bill will affect charitable organizations or amateur associations in performing or representing any dramatic or musical composition for a charitable purpose, in order to obtain money for any benevolent institution or otherwise?

Mr. DRAPER. Not as I understand it. The matter was dis-

cussed in both committees.

Mr. HULICK. But this provides that any person, without any exception whatever, guilty of this offense shall, upon conviction, be imprisoned for a period of not exceeding one year, and so on. It provides that it shall be unlawful for any person publicly to perform any dramatic or musical composition for which a copyright has been granted under the penalties that I have suggested. Now, if a person should inadvertently, without understanding or examining the statute, engage in such a performance he would be held guilty of violating the act and be subject to the punishment fixed by the statute. There seems to be no exception in the bill as you have drawn it.

Mr. DRAPER. I think there will be no practical danger in that.
Mr. HULICK. Is there any exception of that class of performances anywhere in the statute? There certainly is not in this bill.
Mr. DRAPER. Unless there is something more to be said, I ask

for a vote.

Mr. CONNOLLY. Let me ask the gentleman my question

Mr. DRAPER. I will yield for another question.
Mr. CONNOLLY. I asked whether or not the injunction that
you provide for or specify here is to be an injunction granted
upon hearing. I find on referring to the bill that a mere temporary injunction may be sufficient, without a hearing.

Mr. HOOKER. It provides that a motion may be made to set

Mr. CONNOLLY. I see the bill provides that any injunction that may be granted by any circuit court of the United States, or by a judge thereof, restraining, etc., may be served on the parties against whom it is granted anywhere in the United States. Now, that may be a temporary injunction, granted without hearing, upon merely filing a bill setting out the facts claimed, and asking for a preliminary injunction. That may be done without hear-ing, and that injunction then, without any evidence ever having been heard in support of it, will be enforced everywhere in the United States to stop the performance.

Mr. HOOKER. The injunction would not be made permanent

until after a hearing was had.

Mr. CONNOLLY. It becomes permanent everywhere in the United States under the language of this bill, upon merely asking for an injunction, and having it issued. It becomes permanent then until the other party comes into court and seeks to have it

set aside.

Mr. DRAPER. Which he has a right to do.

Mr. CONNOLLY. Of course he has a right to do it, but in the meantime it will be enforced everywhere in the United States.

Mr. DRAPER. It is provided in the bill that he may come in and seek to have it set aside.

Mr. CONNOLLY. In the meantime it restrains him everywhere, and the practical effect of it is to give a permanent injunction without any evidence to show that the facts set out in the bill are true. Anyone can go into court, make a charge, and get an injunction that is enforced everywhere.

Mr. SULLOWAY. Why should it not restrain him everywhere.

Mr. SULLOWAY. Why should it not restrain him every-

Mr. CONNOLLY. Because the fact has not been established.
Mr. SULLOWAY. If it is to be enforced anywhere, why not
let it be enforced everywhere within the jurisdiction of the United

Mr. CONNOLLY. Of course, if you make it an injunction granted on a hearing, that is a different thing, but this is an in-

junction granted upon a mere ex parte showing.

Mr. SULLOWAY. But the court would take care to order an

immediate hearing.

Mr. CONNOLLY. The court could not order an immediate

hearing.
Mr. SULLOWAY. And a bond would be required, if there

was danger of damage.

Mr. CONNOLLY. The court might require a bond and it

Mr. SULLOWAY. That is assuming that the court would not

do the right thing. . Mr. CONNOLLY. Mr. CONNOLLY. We ought to require the court to do the right thing to protect the parties.

Mr. HOOKER. The court will do that.

Mr. SULLOWAY. I think the courts may be relied upon to

protect everybody.

Mr. STEWART of New Jersey. Does not this preclude any person from singing a topical ballad if it is copyrighted? Would not that be included in the terms "musical composition," in line 12?

Mr. DRAPER. If it is copyrighted, of course.

Mr. STEWART of New Jersey. Then it would include a copy-

righted ballad.

Mr. DRAPER. It would include the performance of anything that was the property of another, without authority. As this matter has awakened more discussion than I expected, I will yield ten minutes to the gentleman who introduced the bill, Mr. CUMMINGS of New York

of New York.

Mr. HULICK. Will the gentleman allow me just a moment, to offer an amendment? And then the gentleman can proceed.

Mr. CUMMINGS. I will.

Mr. HULICK. Mr. Speaker, I offer the following amendment. Strike out all after the word "just," in line 14, and before the word "only," in the seventeenth line; and also strike out in line 20 the word "such."

The SPEAKER pro tempore (Mr. Dalzell). The gentleman from Ohio offers an amendment, which the Clerk will report.

The Clerk read as follows:

Strike out all after the word "just," in the fourteenth line, and to the word "only," in the seventeenth line thereof; and in line 20 strike out the word "such;" so as to read, "representation of any dramatic or musical composition."

Mr. CUMMINGS. Mr. Speaker, the amendment offered by the gentleman would entirely emasculate the bill and leave the law practically where it is to-day—worthless. There are 5,000 theaters and opera houses in the United States. They cost from \$10,000 to \$800,000 each. These theaters employ 50,000 persons outside of actors and actresses. There are upward of 400 manuscript plays, written or owned by citizens of the United States, played nightly in our cities. They give employment to from 5,000 to 6,000 actors and actresses. The total of plays involved is over 1,500. The cost of producing these plays ranges from \$2,000 to \$25,000 each. This enormous aggregate invested is entirely dependent upon the This enormous aggregate invested is entirely dependent upon the

The laws of the United States recognize the right to perform a play as the exclusive property of the author or owner of the play. The copyright law imposes severe fines for the punishment of all persons who perform a play without the consent of the owner. The Federal courts provide facilities for preventing, by injunction, the unauthorized performance of plays. It would, therefore, seem that the right to perform a play was thus perfectly

protected.

But the law does not protect this class of property. There is under the copyright law no real protection against the unlawful performance of a play. An injunction obtained against the unwarranted performance of a play is of comparatively limited value. A man who steals a valuable play can sell a copy for a few dollars, or perform it every night for months in practical immunity from arrest, fine, or imprisonment. There are innumerable companies in all parts of the country engaged at all times in the unlawful performance of plays to which they have no legal or moral right. The theft of successful new plays and the sale of stolen copies of the manuscripts have become a regularly organized business. There is one firm in Chicago alone that advertises the manuscripts of hundreds of plays to not one of which it has any right whatever.

These stolen plays are performed by irresponsible parties withont means, local habitation, or reputation. An injunction obtained in one Federal district is inoperative in any other, and by crossing an imaginary line the person conducting the unlawful performance may defy the United States law and continue to perform the play until its commercial value is completely destroyed. Entire play until its commercial value is completely destroyed. Entire sections of the country, East, West, North, and South, are now so overrun with these unlawful producers of plays that reputable companies are completely debarred from entering them. The local managers and owners of theaters are nowhere in sympathy with these unlawful producers of plays, but it has now become almost impossible for them to detect a fraudulent production when contracting for professionation their house the production when contracting for professionation in the production when contracting for professional contractions are completely described by the production when contracting for professional contractions are completely described by the production when the production tracting for performances in their houses.

No man can defend this great wrong. Look at it more closely. The man who is robbed of the work of his intellect is told to go to the courts. He goes to the circuit court in the district where the play is being produced and gets an injunction. The pirate skips into another circuit and displays his stolen goods. If followed with a second injunction he goes into a third circuit, and the chase continues. The owner of the copyright might spend all his profits if he has any, and if not might spend his entire fortune, before he could secure a conviction of the thief.

I know of one case myself. One of McKee Rankin's plays was being pirated in Denver. It was being performed in the opera house there. I say "performed"—I should say "butchered." The owner went before the judge. He secured an injunction against the performance, and the man who was running the show promptly turned the company over to another pirate, and that gentleman produced the play in that very opera house in that

very city on the next day. If he had been followed up he would have turned the company over to a third pirate, and the perform-

ance would have been continued indefinitely.

Mr. Speaker, this is not the first time this bill has been before the House of Representatives. It was here in the last Congress. As a remedy it was proposed to give any Federal court jurisdiction over the entire country. I am not a lawyer and I shall not attempt to use legal phraseology. I shall try to make it so plain that even a common bootblack can understand it. [Laughter.] Sav an author has copyrighted a play and sold it. Twenty-five Say an author has copyrighted a play and sold it. Twenty-five thousand dollars has been spent in the city of New York to pro-duce it. Somebody out in Chicago, or New Orleans, or San Franduce it. Somebody out in Chicago, or New Orleans, or San Francisco mangles it and sends out piratical troupes to perform that mangled play without authority from the author. The author or purchaser can go to a Federal judge—say the circuit judge of the New York district—and get an injunction which would hold in every circuit in the United States. Such was the bill proposed in the last Congress. The House voted it down, because they did not think it proper to give a Federal judge in New York complete jurisdiction over a matter in Texas. I do not say that the House was not right, although I must say that if the force bill had become a law it would have given the Federal courts far more juris-

was not right, although I must say that if the force offi had become a law it would have given the Federal courts far more jurisdiction than that proposed in the last Congress.

Now, Mr. Speaker, this bill attempts to correct what the House thought was wrong in the bill then. As I understand it now, it gives a Federal judge in New York the power to issue a mandamus or an injunction or power to punish for contempt, and that power can be exercised in any other judicial district in the United States if it is indorsed by the judge ruling in that district. If he refuses his assent, that ends the whole matter, and the man who owns the copyright remains unprotected. But if the judge believes that the pirate was at work in his district, by a simple indorsement he could pen the pirate and stop the robbery.

Now, Mr. Speaker—

Mr. RAY. Do I understand the gentleman to be now stating what the law is, or what this bill proposes?

Mr. CUMMINGS. What this bill proposes.

Mr. RAY. I do not think there is any such provision in the bill

as the gentleman suggests. The way I read it it provides that an injunction may issue by a judge, say in the circuit court of the State of New York, and that that injunction may be served any-State of New York, and that that injunction may be served any-where in the United States, that it shall be operative wherever served, and upon that person wherever he may go, and that the court or the judge in any circuit anywhere in the United States may enforce it. The bill does not require any indorsement by the

Mr. CUMMINGS. Well, that is practically the same thing-

probably a little better.

Mr. RAY. But it does not require any indorsement.

Mr. CUMMINGS. But it leaves it in the power of the judge to

enforce the injunction or not to enforce it, and that is the point I am getting at. Here, for instance, is a man who spends \$10,000 for a play, which is produced in the city of New York. It is a failure. He loses his \$10,000. He picks his flint and tries again. He spends \$15,000 more for a second play, and that also proves a failure, and his money vanishes. Finally, after repeated efforts, he procures a play that is a great success. It is bringing in money enough to more than repay him for all the losses he has incurred. Now, the moment that play is successful, ten or a dozen or perhaps twenty pirates seize it. They send their stenographers into the theater to copy the words. They can buy them, if they wish, from a company organized in Chicago, which sends its stenographers and its musicians to steal words or music. Next, these ten or twenty piratical companies spread themselves all over the Union. They do not give the play as it was written by the author. It may require thirty or forty performers to present it properly; but they mangle and mutilate it so that it can be performed by half a dozen people. They damage irretrievably the property owned by the author, or by the man who put up the money to produce it originally. The author received his copyright from the owned by the author, or by the man who put up the money to produce it originally. The author received his copyright from the United States, and the theft of his play is a robbery of his brains. Yet he remains unprotected. The Government virtually receives his money under false pretenses. If the thief was at the South and stole a hog, he would probably be shot or hanged, but he can steal the product of another man's brain and be virtually protected by defective laws.

Mr. STEWART of New Jersey. The penalties of the bill apply to musical compositions publicly played or performed, either with or without hire. Take a musical ballad, for instance, that is sung upon the street by boys and girls, or played upon an organ without compensation, the provisions of this bill would apply to that, would they not; and if so, ought there not to be an amendment to

Mr. CUMMINGS. I will say to my friend that the author of a popular ballad is always too glad to have it sung upon the streets or played by a hurdy-gurdy, because that brings it into public notice.

Mr. STEWART of New Jersey. That is true as a matter of

sentiment, but does not this bill apply to cases where ballads are

sentiment, but does not this bill apply to cases where ballads are sung publicly in that way?

Mr. CUMMINGS. I think not. I have not examined it carefully. It is not the bill that I introduced. It is the one that the Senate has passed. There may be a slight difference.

Mr. STEWART of New Jersey. With the gentleman's permission, I will offer an amendment to meet that case.

Mr. CUMMINGS. I have no objection to an amendment for the specific purpose the gentleman suggests. Does he mean where these ballads are sung on the street, or where they are sung in a theater or an opera house, but not for hire?

Mr. STEWART of New Jersey. Under this bill boys and girls singing popular ballads on the street would be liable to the penditive remaided in the bill.

alties provided in the bill.

Mr. CONNOLLY. In the eighth line the bill provides that the penalty shall apply only where the composition is produced without the consent of the proprietor. Now, if these compositions are offered for sale, the consent of the proprietor is implied.

Mr. CUMMINGS. I have no objection to an amendment such

as the gentleman from New Jersey suggests, although I think it

entirely unnecessary.

Mr. STEWART of New Jersey. Then I will offer it.

The SPEAKER pro tempore. The Chair would say to the gentleman from New Jersey that there is one amendment already pending.
Mr. STEWART of New Jersey. Then I will withhold mine

until that one is disposed of.

Mr. CUMMINGS. I will say, Mr. Speaker, that I do not think such an amendment is necessary, because I do not think any trouble will ever arise in the cases the gentleman from New Jersey mentions. I know that when it is desired to perform "The Banker's Daughter," or any other play at a church festival, the permission of the author is always given; in fact, the author is glad to give such permission, because it makes his composition more popular, and thereby enhances its value. Finally, Mr. Speaker, I say that it is a disgrace to the Congress of the United States to have the dramatic authors and the musical composers of this country coming here year after year praying for relief and asking simple justice for the protection of their property—such protection as you give to cabinetmakers, machinists, and breeders of razor-backed hogs. [Applause.]
[Here the hammer fell.]

Mr. HULICK. Mr. Speaker, in offering the amendment which has been submitted to the House, I think that in the bill as it now stands the penalties are entirely too severe. The bill makes no exceptions in favor of any persons or any company that may present any copyrighted musical or dramatic composition. Upon further consideration, however, and with the consent of the chairman of the committee, I will withdraw the amendment I have offered and offer instead that which I send to the desk.

The Clerk read as follows:

Insert after the word "year," in line 17, the following: "Provided, That if said performance and representation shall be for charitable or benevolent purposes, it shall be a good defense to any prosecution under this act."

Mr. HULICK. Only a word in support of this amendment. I had the honor to be a member of the Committee on Patents in the Fifty-third Congress when a bill of this character in regard to dramatic performances was considered by that committee. I sympathize with the friends of this measure in the efforts they are making to protect the dramatic copyrights, and I think the law should operate very severely upon persons who may willfully infringe upon such rights.

Mr. CUMMINGS. Will the gentleman allow me one question?

Mr. HULICK. Certainly.
Mr. CUMMINGS. If it is wrong to rob a man at all, is it not

wrong to rob him through the operations of a church? For that is adding hypocrisy to theft. [Laughter.]

Mr. HULICK. I can not agree with my friend at all in his conclusion. I think that the authors of these dramatic compositions—the parties who have an interest in these representations and who would undoubtedly be greatly benefited-should do for the church as much at least as my amendment contemplates, and the parties as much at least as my amendment contempates, and the parties presenting the play or musical concerts should not be subject to fine and imprisonment.

Mr. CUMMINGS. They have never refused it, my friend.

Mr. HULICK. Very well; then it should not be assumed that they will in any case withhold their consent to this amendment.

Mr. CUMMINGS. All that need be done by any church or charitable organization desiring to perform a convicient of nice.

charitable organization desiring to perform a copyrighted piece is to ask permission of its author; such permission is always gladly granted. I defy the gentleman to show one case where it has ever een refused.

Mr. HULICK. I have no doubt that the authors of compositions of this class are as generous as my friend from New York claims that they are; and I have no doubt they would cheerfully assent to this amendment, so that where any of these productions

are presented for benevolent or charitable purposes no penalty shall attach.

Mr. RAY. If we are to recognize the fact that these copyrights belong to the authors of the compositions, then, having recognized this species of property, should it be any defense for any person who may steal such property to say that he stole it for charitable purposes?

Mr. HULICK. Not at all.

Mr. RAY. If I steal your potatoes, should it be any defense that I stole them to give them to the poor, and did give them to the poor, or gave them to a church fair or to some other charitable

the poor, or gave them to a church fair or to some other charitable

Mr. HULICK. Certainly not. But if a church or a charitable institution should produce a musical representation protected by copyright, it should be a defense, if they are indicted or prosected for a rightion of the law, that the act was not done for percuted for a violation of the law, that the act was not done for personal gain, but for a charitable purpose.

Mr. RAY. There would not be any profit to me if I stole your potatoes and gave them to the poor.

Mr. HULICK. Very true.

Mr. RAY. I would not do it for profit.
Mr. HULICK. I think the gentleman does not comprehend the force of this amendment. It does not propose to authorize any charitable or religious organization to infringe upon any legal

right, but it provides—

Mr. RAY. It simply proposes to recognize in this bill the principle that, if any church or charitable organization, for the purposes of pleasure or entertainment, should find it convenient to steal the property of a dramatic or musical author, they may do so at will, and the act shall not be regarded as unlawful.

Mr. HULICK. I only gave way for the gentleman to ask a

Mr. STEWART of New Jersey. I wish to call the attention of the gentleman from Ohio [Mr. HULICK] to a point which may obviate some of this discussion. At line 14 of this bill I find the words "if the unlawful performance and representation be willful and for profit." Now, if church organizations did not do the thing for profit, their defense would be complete under the bill as

Mr. HULICK. If they gave a performance for profit, of course the act would be willful. But the performance might not be for profit. My amendment does not propose to license religious or charitable organizations to make these representations, but it simply contemplates that if there should be an attempt to prosecute them they may exempt themselves from punishment by making them they may exempt themselves from punishment by making the defense that the performance was for a charitable or benevolent purpose. But this provision would not interfere with the power of the courts to enjoin any such association from making a musical or other representation. The bill fully provides against infringements of copyrights by injunctions and power to punish as for contempt for disregarding the orders of the court.

Mr. QUIGG. Will the gentleman allow me a moment? There are a number of dramatic companies organized, as the gentleman

are a number of dramatic companies organized, as the gentleman is doubtless aware, for the purpose of cooperating with churches and charitable institutions, and which go to church and charitable organizations offering to give a performance for a division of

the profits. Now—
Mr. HULICK. That would not be a good defense. It would be in that case a performance for profit, and would be subject to

the penalties provided in the act.

Mr. QUIGG. But if you put in that amendment, would it not allow this proceeding?

Mr. HULICK. No; I think not. I do not intend it in that way.

I think the amendment is clearly not susceptible of that construction.

I sympathize with the purposes of the bill, and agree that these parties ought to be protected. But at the same time I think it would be a great hardship if the strict letter of this law were applied in many cases which would readily present themselves to any gentleman who gives it a moment's thought. Many of these per-formances, as gentlemen are aware, in remote country districts are gotten up on the spur of the moment by people who do not understand these rights, who have not examined the statutes in reference to the matter; and these musical and dramatic performances are inaugurated perhaps for a charitable purpose and for charity alone. Now, in such cases, if these persons so engaging in such performances shall be arrested for a violation of the law, the amendment provides that it will be a proper defense to say that it was not the intention to violate the statute or to rob anybody of his right private the laws of the first of the property of the prop his right, using the language of my friend from New York [Mr. Cumings], but merely a defense against prosecution under the bill because it was not a performance undertaken for profit. But it would not be a defense against the injunction of the court or against the party undertaking to give such performance if the amendment is adopted. I do not understand that would be its effect. I simply want to protect, in such cases, entirely innocent people engaged for a charitable purpose, or perhaps members of a benevolent organization, if by chance they should present a play or musical programme of a character which would come within the provisions of this bill, so that the defense might be set up in a

provisions of this bill, so that the detense might be set up in a criminal prosecution that it was not intended for profit to themselves individually, but only for benevolent or charitable objects. The gentleman from New York [Mr. Quigg] tells us that the bill does not contemplate prosecutions in cases contemplated by this amendment. I can not agree with him. There is no exception in the bill. He says no prosecutions would ever be made under the bill as it is. That may be true; nevertheless I think we should not make it possible for such prosecutions to be had and I therefore offered this amendment.

Mr. DRAPER. Mr. Speaker, it seems to me that the amendment is unnecessary, and I hope it will not be adopted. I ask a

The question was taken on the amendment of Mr. Hulick, and it was rejected

Mr. STEWART of New Jersey. I withdraw my offer of an

amendment.

Mr. LACEY. I offer the amendment I send to the desk.

The Clerk read as follows:

Strike out all after the word "just," in line 14, on page 1 of the bill, down to the word "any," in line 17 of the bill, and insert:

"The printing, publication, and sale of such dramatic or musical composition by the proprietor thereof shall be deemed a sufficient consent to the public performance or representation thereof."

Mr. LACEY. Now, Mr. Speaker, a brief explanation of the

I think this bill has been drawn in a much more drastic manner than the House really understands it. Take one of our ordinary popular songs; it is copyrighted and sold; it may under this bill be sung in the private parlor, or perhaps sung on the streets, but if any troupe of performers should wish to introduce the song on the stage in connection with its performance and publicly render such composition, such troupe becomes at once subject to the penalties of this statute. It seems to me that the act should not be drawn in that severe form.

There is no reason, as far as I am able to understand, why a per-

There is no reason, as far as I am able to understand, why a person who writes a popular song, sets it to music, prints and copyrights it, and publicly sells that music and song should still retain the right to say where it shall be used, and have the privilege of punishing anybody for using it in public without his consent. For that reason I think the modification I have offered should be incorporated in the bill.

Mr. QUIGG. If the gentleman will allow me, is it not a part of his property? Suppose I am the author of a song, and make so much money, on a percentage basis, on each copy of the song sold, is not the song my property for still another profitable purpose? Suppose, for instance, that I should sell to my colleague from New York [Mr. Cummings]—who for the purpose of this illustration may be described as a popular concert-hall singer—the exclusive right to sing that song publicly and for profit. Now, if anybody else, another clever performer, comes along and duplicates the performance which his genius has created, am I not robbed? Does not your amendment take from us an obvious not robbed? Does not your amendment take from us an obvious

not robbed? Does not your amendment take from us an obvious property right?

Mr. LACEY. In other words, it is as if a man who patents and sells a sewing machine should ask us to make it a penitentiary offense for the young woman, the sewing girl, to use the machine.

Mr. QUIGG. Oh, no; that is not at all a parallel case.

Mr. LACEY. The point I make is that when the song or dramatic performance has been once copyrighted, published, and sold it becomes a public article just as much as any other article that is sold. The right passes from the originator to the purchaser. that is sold. The right passes from the originator to the purchaser of the article, and when a man purchases such an article he should have the right to use it in public or in private as he pleases. In other words, a man should not be permitted to sell his property and keep it at the same time.

and keep it at the same time.

Mr. QUIGG. I am afraid my friend from Iowa [Mr. LACEY]
does not understand how these songs are used.

Mr. LACEY. I think I understand. The songs are used in
various ways. A song may be incorporated into a variety show
and become one of the principal parts of the show.

Mr. QUIGG. Precisely.

Mr. LACEY. And by so doing they will copyright the entire

performance, and thus prevent the use of it after selling it to the public.

public.

Mr. QUIGG. Oh, no; you can not do that.

Mr. LACEY. Again, too much stress is put upon the brains of these inventions. Nine-tenths of all these copyrighted plays are pirated in the first place. That is, the first pirate is the man who copyrights the play. He gathers his material from a thousand older sources. He makes it original simply by incorporating it into a play, and he can copyright it without any proof of originality. He does not have to go into the Patent Office and prove originality, as a man does who wishes to procure a patent upon a piece of machinery, but a copyright is granted as a matter of

right to begin with, on paying the necessary fee and filing the

Mr. CUMMINGS. Then you mean to tell me that our Lord and Saviour Jesus Christ pirated the Golden Rule begains some

and Saviour Jesus Christ pirated the Golden Rule because some Brahmin promulgated it hundreds of years before He did?

Mr. LACEY. Not at all. He took out no patent upon it. Beside that, if He had taken out a patent on the Golden Rule, under this law it would have done Him no good.

Mr. CONNOLLY. No one uses it anyway. [Laughter.]

Mr. LACEY. My friend now proposes that if the Golden Rule should be incorporated into a play by McKee Rankin it would be a copyrighted article, and that that particular combination of words, with the Golden Rule inserted in a particular connection, if convrighted could not be afterwards used in that particular if copyrighted, could not be afterwards used in that particular form. It seems to me the vice of this bill is that it makes an ofform. It seems to me the vice of this bill is that it makes an offense, for which a man may be sentenced to jail for a year, simply for performing in public a thing which may have already been practically pirated by the copyrighting party himself. It is an extreme law, a law that is unnecessary. I grant you, Mr. Speaker, that there is good reason for enlarging the law so as to take in musical compositions. I concede that it would be well to enlarge the law as to the practice, so that the injunctions which are granted in the city of New York may be enforced through appropriate channels in Denver and in other places; but to make a crime out of the violation of a copyright is an extreme application of the law which it seems to me is utterly unjustifiable and unnecessary. We do not authorize it in the infringement of patents. We do not authorize it in the infringement of patents.

Mr. QUIGG. Would it not be the effect of your amendment that if I wrote a song and copyrighted and published it—

Mr. LACEY. And sold it.

Mr. QUIGG. And sold it, that anybody could publicly perform it for profit?

Mr. LACEY. Certainly. If you do not want to make it public in that way, you must not sell it. When you once sell it, the right to use it passes with the sale, just the same as with any other patented article, and it should go with the sale.

Mr. QUIGG. The right to use it to the extent of making money out of it?

Mr. LACEY. The right to use it to any extent whatever; that when it is copyrighted, and you pay an additional price for the copyrighted article, the right to use it should go with it.

Mr. COX. Will the gentleman yield to me, so I can get some

Mr. COX. Whit the gentleman from Tennessee.

Mr. LACEY. I yield to the gentleman from Tennessee.

Mr. COX. What kind of power do you invoke for the enforce-

Mr. COX. What kind of power do you invoke for the enforcement of this law when it is violated?

Mr. LACEY. The present law requires that the party holding the copyright shall protect himself in his civil rights by a civil proceeding in the courts, just the same as if he had a patented article. This bill proposes to go further. It proposes that you may go into the courts and file informations or obtain indictments and entirely appropriate article. It is a convergence of a convergence of the result of the same as a convergence of the result of the same article. and punish as a crime the use of a copyrighted article. very extreme measure, it seems to me; one which has evidently been drawn up by some lawyer, specially employed by parties holding such copyrights, in an endeavor to make it so strong that the whole power of the Federal Government in its criminal capacity can be invoked and the cost of disputes of this character sad-

dled upon the Government by making a new statutory crime.

Mr. STEWART of New Jersey. Does not the putting of these ballads on sale for profit work a dedication or abandonment to the public as a matter of law?

Mr. LACEY. It will if my amendment is adopted.
Mr. STEWART of New Jersey. Even without the amendment, would it not be an abandonment of the property as a pure question of law? Mr. LACEY.

Mr. LACEY. Unquestionably; and yet the law is drawn in such a way as that it would probably have no effect.
Mr. COX. He wants to sell it more than once.

Mr. QUIGG. Mr. Speaker, the gentleman from Iowa in offering his amendment says that this bill is drawn up in a severe form. That unquestionably is true. But he should consider that the sort of property which we are seeking to protect in this bill is very easily stolen, and that laws which avail to render other forms of property safe from spoliation are of no service with this kind; and so the law, if it is going to accomplish anything, must be severer than one which applies in the case of an ordinary piece of property that has to be physically picked up and carried off and appropriated in some easily observed way in order to constitute a theft. This is literary property, and we are seeking in this bill to protect the author of it in all the rights that ought to accrue to him on account of his production.

Now, one of these rights the gentleman from Iowa seeks to destroy by this amendment, and that is the right to control any production of it, any use of it, out of which the user proposes to make money. When I copyright a song, if it is meritorious, the first and most profitable use to which I can put it is to hand it over to a clever actor and singer, so that he can act it and sing it

into popularity. I would not make a dollar on the publication of what might be a very clever song unless it was cleverly introduced on the stage by somebody who knew how to fasten public attenon the stage by sometody who knew how to laster public atten-tion upon it. Does the gentleman from Iowa mean to say that I shall not have that right, or that I shall not be protected in that right? His amendment destroys that right absolutely, and yet he must see that there would be no profit to any publisher of any song in the sale of it unless first he could demonstrate to the pubsong in the sale of it unless first he could demonstrate to the public that it was a clever thing. The people would not know of its existence otherwise. Every one of the songs for which there has been a popular sale has been introduced to the public by some clever performer, who has taught to the public the fact of its attractive tune or amusing words, and then everybody wants it. You destroy his most profitable right in his production. Moreover, when you come straight to the rights of the thing, is it not a very pressessive right that the author of literary or musical comover, when you come straight to the rights of the thing, is it not a very necessary right that the author of literary or musical composition should enjoy a part of every profit which anybody obtains from the use of his brains? This bill does not forbid the singing of his song or the speaking of his piece for amusement, but only that when sung or spoken for profit he shall have some of the profit. It seems that that is a fair, necessary, and equitable thing, if we are going to make an effectual copyright, and otherwise it is impossible that an author can ever make anything out of his work. of his work.

Will the gentleman allow me to ask him a question Mr. RAY.

before taking his seat?

before taking his seat?

Mr. QUIGG. Certainly.

Mr. RAY. Do you think this would be a violation of the law:
Suppose his song was copyrighted and the owner of it should put
that song in all the bookstores in the city of New York or of the
United States for public sale, and it should go on sale in that way,
and some company, in connection with a church, perhaps, or a
county fair, or some other institution, should get up an entertainment and have that song sung in or as a part of that enter-tainment, would that, in your judgment, be a violation of this law? Is this bill intended to stop a thing of that kind? Mr. QUIGG. I do not suppose the bill is intended to stop a thing of that kind, but I think it will operate to do so.

Mr. RAY. If that would make such a use of the song an offense, it is too drastic after it has been put generally upon the

Mr. COOPER of Wisconsin. Will the gentleman allow me to

Mr. COOPER of Wisconsin. Will the gentleman allow hie to answer that question?
Mr. QUIGG. Yes.
Mr. COOPER of Wisconsin. Permit me to say that it seems to me that in line 8 of the bill we have a complete answer to the question of the gentleman from New York and the very matter which seems to have troubled the gentleman from Iowa [Mr. Lacey]. When a man offers a product of his for public sale he gives than his consent that it may be reproduced by anybody. LACEY]. When a man offers a product of his for public sale gives then his consent that it may be reproduced by anybody.

Mr. QUIGG. Perhaps that is so, but I rather think not.
Mr. COOPER of Wisconsin. And without the consent probably, then, it becomes an offense; but when he offers it for notorious public sale he means that they shall pay for the use of it provided they do it. I think the point taken by the gentleman from New York is this, but if a man does not offer it in the book stores or York is this, but it a man does not oner it in the book stores or the music stores in the manner suggested by the gentleman from New York [Mr. RAY], then he does not offer it for promiscuous interpretation, but can copyright it and yet sell it to a single singer to be sung. He does not give the right to everybody to use it.

Mr. QUIGG. My friend's answer is not mine. I should say that this bill forbade the reproduction for profit of that song by

anybody anywhere and under any circumstances without the owner's consent. That is what the law ought to do. When it is suggested that this is too drastic, I say no, and that there is no profit in the song unless it has the benefit of such a law. So far as its reproduction by a Sunday school at a charitable entertainment is concerned, gentlemen are raising a question that they know the owner of the song will never raise, but in order to protect him everywhere he must have a law under which he can raise that question if he likes

Mr. LACEY. But the law would be enforced by the grand jury or by the district attorney. The composer or author would have nothing to do with it. You are invoking here the criminal stat-

can stop this piracy by everybody everywhere you have not drawn it strictly enough to protect anybody anywhere.

Mr. HULICK. Is not the remedy by injunction sufficient to stop all piracy of such productions?

Mr. QUIGG. Of course not. What good has it ever done?

Mr. HULICK. There is the power of the court to enjoin, and to enforce its orders, by fine and imprisonment, against any person who yielded the law or is guilty of contempt of court. son who violates the law or is guilty of contempt of court

son who violates the law or is guilty of contempt of court.

Mr. QUIGG. Precisely; but the gentleman knows that the piracy never is stopped in that way.

Mr. COOPER of Wisconsin. Mr. Speaker, I desire to say a word or two in reply to the gentleman from Iowa [Mr. Lacey], and also in reply to the gentleman from Ohio [Mr. Hulick] who has just taken his seat. With all due respect to them, it seems to me that they misunderstand the scope, intent, and purpose of this bill. There could be no possible offense under it, were it enacted into law, unless the rendition of the copyrighted song or dramatic composition were without the consent of the person dramatic composition were without the consent of the person owning the copyright. His consent or nonconsent goes to the very gist of the offense. The man who owns a copyrighted song or dramatic composition has the right, if he chooses, to allow any

person to use it with or without compensation to him. The offense consists in using it without his consent.

If the owner of the copyright sells to proprietors of bookstores or of music stores throughout the State of New York or elsewhere his copyrighted work, whether a musical or a dramatic composition, for the purposes of general sale by them from their shelves, then, of course, everybody who buys such a composition from those dealers buys with it the consent of the owner of the copyright that they may sing or perform the thing they buy. The sale is made with his consent that the song shall be sung or the

composition performed.

Mr. STEWART of New Jersey. But is not that only one use of the property, and is not the public singing of the song for profit

another use?

Mr. COOPER of Wisconsin. Not at all; I will show where the mistake arises. If the author or owner of the copyright offers his production for sale everywhere in bookstores and music stores, and they sell it with his consent, then any person who buys it from them of course buys with it his consent to perform it, and there is no offense. But now go to line 14, and you find that if the unlawful performance or representation be for profit, then it will be a misdemeanor. To make it a misdemeanor there must be an unlawful performance. But the performance is not unlawful when the performer buys from a music dealer or from the proprietor of a performer buys from a music dealer or from the proprietor of a bookstore something which the proprietor of the store has himself bought from the owner of the copyright. It is not unlawful for me to reproduce publicly a thing that I have bought in that way, because it is then my own property and I have bought the right to produce it in any place or manner that I please.

Mr. LACEY. Some gentlemen contend that the bill will have an effect directly opposite to that suggested by the gentleman from Wisconsin, and as the amendment which I propose would make the law as the gentleman now claims it is, what objection can there be to inserting the amendment?

Mr. COOPER of Wisconsin. A very great objection. It was

Mr. COOPER of Wisconsin. A very great objection. It was pointed out by the gentleman from New York [Mr. Quigd]. Under this bill if the owner of a copyright does not sell to dealers the right to sell the work generally, but himself retains the copyright and sells only to an individual singer or to the proprietor of a particular theater the right to sing the song or to use the dramatic composition, then nobody has any right to make a public representation or rendition of it except the individual so licensed.

Mr. LACEY. But the amendment covers that.

Mr. COOPER of Wisconsin. But there is no necessity for it, because the bill as it stands is absolutely correct on that point. There can be no unlawful performance unless it be without the consent of the owner, and if I copyright a song and sell it to dealers to be sold by them over the counter, anybody who purchases it from them buys with it my consent that he use it in any way he may choose, and for profit or otherwise, in his discretion. It is the property of the music dealer, and not my property, as soon as I have sold it to him to put on his shelves. The distinction

or by the district attorney. The composer or author would have nothing to do with it. You are invoking here the criminal statutes of the United States and they can be brought to bear by anybody.

Mr. QUIGG. True; but there is always a complaining witness, without whom the law rarely acts. Nobody wants to proceed against Sunday schools, and there is no danger of any such situation arising.

Mr. HULICK. The gentleman says that in his opinion nobody would prosecute a Sunday school, but does the bill permit anybody to do that?

Mr. QUIGG. I hope that the bill permits it. My friend from Wisconsin [Mr. COOPER] says it does not, and perhaps he is right, but I think the law ought to avail to protect the owner at all points. I say that unless you draw the law so strictly that you

The gentleman from New York made another valuable suggest tion—that the owner of a copyright might not want tor art with his rights in such a way as to allow the promiscuous production of his work; he might be unwilling to allow the rendition or the interpretation of his composition by every bungler who might happen to get hold of it. Take the case of the owner of a song—for instance, the song "Lorena," published some years ago, the composition of a poor man who at that time lived in my district—a genius, if ever there was one. He wrote the song, and a great many thousands of dollars were made out of it. But he ought to have had the right, after obtaining his copyright, to withhold that song from public sale, and to give to an artist in the city of Chicago, for instance, the right to sing it on the stage there. Nobody else would have the right to sing a word of that song in public, so tion—that the owner of a copyright might not want tor art with else would have the right to sing a word of that song in public, so long as the exclusive right had been given by the author to that singer.

Mr. CUMMINGS. Will the gentleman allow me a remark right there? The song, "Mamie, come kiss your honey boy," sung

right there? The song, "Mamie, come kiss your honey boy," sung by May Irwin, has brought to its author, as I read in the newspapers, \$50,000 in the form of royalties.

Mr. COOPER of Wisconsin. Exactly. In that way a song may be sung into reputation and popularity all over the United States. But if the owner of the copyright of a song wishes to sell it to the music dealers in Chicago, in California, North and South Dakota, North Carolina, and all the other States, then anyone who buys the song from any one of those dealers buys it with the consent of the owner of the copyright to the public or private performance of the composition for profit or without profit. The distinction which has been made seems to me to be perfectly good. And there is no necessity whatever for the amendment of the gentleman from is no necessity whatever for the amendment of the gentleman from

Mr. DRAPER. Mr. Speaker, it seems to me that this matter is fully understood. I hope the amendment will not prevail. I ask

for a vote.

for a vote.

Mr. LACEY. I ask for a division of the question upon my amendment. The amendment embraces two propositions—first, to strike out that part of the bill which proposes to make the unlawful performance or representation of any dramatic or musical composition a misdemeanor punishable by imprisonment. The amendment further proposes to insert new language in place of that which I move to strike out. I ask a division of the question, so that members may have an opportunity to vote as an independent proposition on the motion to strike out. pendent proposition on the motion to strike out.

The SPEAKER pro tempore. The first part of the amendment

will be read.

The Clerk read as follows:

Strike out all after the word "just," in line 14, down to and including the word "year," in line 17, the part proposed to be struck out being as follows:

"If the unlawful performance and representation be willful and for profit, such person or persons shall be guilty of a misdemeanor, and, upon conviction, be imprisoned for a period not exceeding one year."

The question being taken, the motion was rejected; there being-

ayes 9, noes 52.

The SPEAKER pro tempore. The question is now on the second branch of the amendment of the gentleman from Iowa, which the Clerk will read.

The Clerk read as follows:

Insert after the word "just," in line 14, the following:
"The printing, publication, and sale of such dramatic or musical composition by the proprietor thereof shall be deemed sufficient consent to the public performance or representation thereof."

The question being taken, the amendment was rejected; there

Mr. ORAPER. I have not. The gentleman from Illinois [Mr. CONNOLLY] has an amendment to which the committee will agree. The SPEAKER. The amendment which the gentleman from Illinois has sent up to the desk will be read.

The Clerk read as follows:

Amend by inserting after the word "granted," in line 17, the words "upon hearing, after notice to the defendant."

The question being taken,
The SPEAKER. The noes seem to have it.
Mr. CONNOLLY. I ask for a division. The chairman of the committee is content with this amendment, I understand.

The question being again taken, there were—ayes 43, noes 22.

So the amendment was agreed to.

Mr. DRAPER. I now move the previous question.

The previous question was ordered; and under the operation thereof the bill was ordered to a third reading, read the third time, and passed.

On motion of Mr. DRAPER, a motion to reconsider the last vote was laid on the table.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Platt, one of its clerks, announced that the Senate had agreed to the reports of the com-

mittees of conference on the disagreeing votes of the two Houses on the amendments of the Senate to bills of the following titles:

A bill (H. R. 4354) granting a pension to Mrs. Mary Gould Carr, widow of the late Brig. and Byt. Maj. Gen. Joseph B. Carr, United States Volunteers, deceased; and A bill (H. R. 2604) to increase the pension of Caroline A. Hough, widow of Brig. Gen. John Hendthe

widow of Brig. Gen. John Hough.

ORDER OF BUSINESS.

The SPEAKER. The Clerk will proceed with the call of the

The Committee on Invalid Pensions was called.

Mr. PICKLER. Mr. Speaker, I would like to inquire whether any bill that embodies a charge upon the Government could come up in this hour, under the call?

The SPEAKER. It would not be admissible under the rule.

Mr. PICKLER. I think we have no bills on the House Calendar.

I therefore ask unanimous consent that we might have an

that it take up bills on the Private Calendar reported from the Committee on Invalid Pensions.

The SPEAKER. The Chair thinks that it would scarcely be in order to make the request at this time. It has not been the custom heretofore to interrupt the call of committees for requests for unanimous consent. The Chair has exercised that discretion thus far in regard to it, and thinks that it would interrupt the business.

Mr. PICKLER. I will not press the matter.

The SPEAKER. The Clerk will proceed with the call of committees.

The Committee on Private Land Claims was called.

Mr. SMITH of Illinois. Mr. Speaker, I desire to call up from
the Committee on Private Land Claims the bill (H. R. 4603) to confer jurisdiction on the Court of Private Land Claims to try and determine a title.

The bill was read at length.

Mr. PAYNE. I make the point of order that this bill is not in

order under this rule.

The SPEAKER. This bill, the Chair has just been informed, is on the Private Calendar, and could not come up under the call.

Mr. SMITH of Illinois. This call was made just as I came into

the Hall, and I did not know exactly what it was. I withdraw

The SPEAKER. The Clerk will proceed with the next committee.

The Committee on Revision of the Laws was called.

Mr. BOWERS. Mr. Speaker, I call up the bill (H. R. 2782) to codify and arrange the laws relating to pensions.

If I could be permitted a moment to explain the bill before it is

The SPEAKER. The Chair will call the gentleman's attention

The SPEAKER. The Chair will call the gentleman's attention to the fact that this bill is not on the House Calendar, and is not subject to be called up under the rule.

Mr. BOWERS. It is on page 4 of the Calendar.

The SPEAKER. That is the Calendar of the Whole House on the state of the Union. This is a call of committees, on which call bills can be presented at the request of committees which are on the House Calendar only.

Mr. BOWERS. Is it not entitled to be on the House Calendar? The SPEAKER. But it is not on the Calendar; that is the point.

Mr. DOCKERY. Does it appropriate any money?

Mr. DOCKERY. Does it appropriate any money?
Mr. BOWERS. No; it does not.
The SPEAKER. The Chair thinks the House is entitled to know what bills are liable to come up under this committee call, and that the requirement that it should be on the House Calendar is twofold: First, that it shall not carry an appropriation, and second, that it shall give notice to the House that it is in that con-The question whether it ought to be changed to the other Calendar or not would make no difference, as the gentleman will at once see, in that regard.

Mr. BOWERS. It carries no appropriation, but simply codifies the laws.

fies the laws.

The SPEAKER. Then some proceeding may be taken at another time to have it put on the proper Calendar. It can be called up in the next call of the committee.

Mr. BOWERS Would it be proper to move that it be placed on the House Calendar?

The SPEAKER. Not for action to-day. It would not be in order while this call is progressing. Later on the Chair will examine the bill, and if the proper motion is made we will be glad to assist the gentleman. It can be brought up then on another call. call

The Clerk will proceed with the call of committees The Committee on Alcoholic Liquor Traffic was called.

SALE OF INTOXICATING LIQUORS IN THE DISTRICT OF COLUMBIA.

Mr. MORSE. Mr. Speaker, I present for the consideration of the House the bill (H. R. 1888) to further amend an act entitled "An act regulating the sale of intoxicating liquors in the District of Columbia," approved the 3d day of March, A. D. 1893, and ask its immediate consideration.

The bill was read, as follows:

The bill was read, as follows:

Be it enacted, etc., That an act entitled "An act regulating the sale of intoricating liquors in the District of Columbia," approved March 3, A. D. Amend the first section of said act by striking out the words "nor to sales by the maker, brewer, or distiller thereof not to be drunk on the premiser," "That no person shall sell, offer for sale, or keep for sale or traffic in larter, or exchange for goods, in the District of Columbia, any intoricating liquor, except as hereinafter provided; but this shall not apply to sales made of wherever the term 'intoricating liquors' is used in this act it shall be deemed include whisky, brandy, rum, gin, wine, ale, portor, beer, and all other deemed to include whisky, brandy, rum, gin, wine, ale, portor, beer, and all other deemed section 2 of said act by inserting immediately after the words "the following in the final and conclusive" the words "the following in the final and conclusive "the words "as to facts Questions of law may be appealed to the supreme court of the District of Columbia, and there is hereby, constituted an excise board for the District, and be duty of which shall be to take up and consider all applications for license to sell intoxicating liquors and take action on said all applications; and the action of said board shall be final and conclusive as to facts. On the district of the property of the self-th of the conclusive and the district of the self-th of the se

Amend section 14 of said act by inserting at the end and in continuation of said section the following: "Provided, That nothing in this section shall apply to witnesses against the violation of any of the provisions of this act;" so that said section as amended shall read:

"That any person assisting in or aiding and abetting the violation of any of the provisions of this act shall be guilty of a misdemeanor, and on conviction thereof shall be fined not less than \$50 nor more than \$100, or be imprisoned in the District Jail or workhouse for not more than one month for each and every such offense: Provided, That nothing in this section shall apply to witnesses against the violation of any of the provisons of this act."

Amend section 15 of said act by substituting the words "of two witnesses" for the words "satisfactory to either of them;" so that the section as amended shall read:

"That prosecutions for violations of the provisions of this act shall be on information filed in the police court by the attorney of the District of Columbia or any of his assistants duly authorized to act for him, and said attorney or his assistants shall file such information upon the presentation to him or his assistants of sworn information of two witnesses that the law has been violated."

A wend section 16 of said act by striking out the words "between the near."

Amend section 16 of said act by striking out the words "between the near-est entrance to each by the shortest course of travel" and inserting instead the words "by the shortest line;" also by striking out the words "at the date of the said act or "where they occur; so that the section as amended shall

of the said act or "where they occur; so that the section as amended shall read:

"That license for any of the purposes specified in any section of said act shall not be granted to any person to conduct such business within 400 feet of a public schoolhouse, private school, or house of religious worship, measured by the shortest line between such place of business and any schoolhouse, private school, or house of religious worship: Provided, business as were located and licensed previous to the erection or occupation of such schoolhouse, private school, or place of religious worship: Provided, etc.

And amend section 19 of said act by striking out the words "under 16 years of age;" also by striking out the words "Provided, That the excise board may in its discretion permit the playing of such games, except cards, in duly licensed places," and inserting instead the words "or in any adjoining room;" also by striking out the word "further" after "Provided" next following; so that the section as amended shall read:

"That no licensee under a barroom license shall employ, or permit to be employed, or allow any female or minor or person convicted of crime to sell, give, furnish, or distribute any intoxicating drinks or any admixture thereof, ale, wine, or beer, to any person or persons, nor permit the playing of pool, or billiards, or other games in the room where such liquors are sold, or in any adjoining room: Provided, That no licensee in any place shall knowingly sell or permit to be sold in his establishment any intoxicating liquor of any kind to any person under the age of 21 years, under the penalty, upon due conviction thereof, of forfeiting such license; and no person so forfeiting his license shall again be granted a license for the term of two years."

The Committee on Alcoholic Liquor Traffic reported the follow-

The Committee on Alcoholic Liquor Traffic reported the following amendments:

On page 7, line 16, strike out "Provided, That nothing in this section shall apply to witnesses against the violation of any of the provisions of this act," and substitute the following:
"Provided, That no witness shall be excused from testifying in any case brought under this act on the ground that his answer may tend to incriminate him, but no witness so testifying shall thereafter be prosecuted for a violation of any provision of this act concerning which such witness may have testified."

On page 7 line 20, after the model of the provision of the provision

testified."
On page 7, line 20, after the word "witnesses," insert "citizens of the District of Columbia."
On page 8, line 1, after the word "witnesses," insert "citizens of the District of Columbia." On page 8, strike out from line 3 to line 18, inclusive.

Mr. MORSE. Mr. Speaker, I desire to say to the House that the bill which has been read from the Clerk's desk is in no sense a prohibitory bill. The existing law contains very serious defects. Gentlemen are aware that the Commissioners of the District of Columbia have recently called attention to some of these very radical defects. The changes which are proposed by this bill are to some extent changes recommended by the Commissioners of the District of Columbia. I say it is in no sense a prohibitory bill. The defects which this bill proposes to remedy have been developed since the passage of the existing law, in an attempt to enforce that law. I desire to say further that all shades of opinion are represented upon the Committee upon the Alcoholic Liquor Traffic. We have friends of prohibition and license and every other view of the matter represented upon that committee. We Mr. MORSE. Mr. Speaker, I desire to say to the House that the other view of the matter represented upon that committee. We had an exhaustive hearing, at which, I think, nearly or quite every member of the committee was present, and this bill is unanimously reported by the committee. I will state, as a specimen of the serious defects of existing law, that a man having a license as a brewer, or the agent of a brewery, may sell strong drink with-out any license whatever. That was undoubtedly a serious over-sight and omission in the drafting of the law as it exists on the statute book.

I repeat once more, that every gentleman who is a member of this House may vote for this bill, if he is in favor of the enforcement of the license law now upon the statute book of the District ment of the license law now upon the statute book of the District of Columbia. As an illustration of what I have said about the glaring defects in the existing law, which is proposed to be remedied by one of the amendments in this bill, I desire to send to the Clerk's desk and have read a statement by the Commissioners of the District of Columbia. I think if gentlemen of the House, whatever their individual opinions may be in regard to the liquor traffic or its suppression will read the report of the committee. traffic or its suppression, will read the report of the committee and the hearing, which are too long to be read here, they will be satisfied that every statement which I have made is correct. I think if members of the House will examine the bill and the report, all those who are in favor of the enforcement of existing law, whatever may be their views on the general question, will readily vote for every provision embodied in the bill.

I ask the Clerk to read an extract from the report of the Com-

missioners of the District of Columbia, in regard to one of the defects in the existing law.

The Clerk read as follows:

[From the report of the Commissioners.] LICENSES AND BREWERIES.

There are four breweries doing business in the District of Columbia and one about to begin operations, besides a score of agencies of foreign breweries engaged in business here, all of which are exempt from license tax by the provisions of section 1 of the act of March 3, 1898, entitled "An act regulating the sale of intoxicating liquors in the District of Columbia," which makes the law inapplicable to sales of intoxicants "by the maker, brewer, or distiller thereof, not to be sold on the premises." This exemption also excepts breweries from the prohibition against Sunday liquor selling. This discrimination in favor of breweries was evidently an inadvertence, but is so unjust and so demoralizing in its tendencies as to require immediate correction. The Commissioners will recommend to Congress at its present session a bill to effect that object.

Mr. MORSE. Mr. Speaker, if no gentleman desires to be heard,

I will move the previous question.

Mr. MOODY. I should like to ask the gentleman a question.

The SPEAKER. Does the gentleman yield to his colleague?

Mr. MORSE. Certainly.

Mr. MOODY. On page 7 of your bill there is a provision that

no witness shall be excused from testifying in any case brought under this act, and that in case he does testify he shall be exempt from prosecution. Now, I see the committee have proposed an amendment by inserting, after the word "witnesses," the words "citizens of the District of Columbia." Is it proposed to establish one rule for citizens of the District of Columbia who may happen to be witnesses, and another rule for temporary residents of the District of Columbia who may happen to be witnesses?

Mr. MORSE. I do not think that is the intention of the com-

Mr. MOODY. That is the effect of this amendment.
Mr. MORSE. I think the committee will disagree with my
colleague in regard to the effect of the amendment.
Mr. MOODY. I should like to have my colleague explain the

purpose of the amendment.

Mr. MORSE. Well, this bill and these amendments were drawn by an organization in this city known as the Anti-Saloon League, and, as before stated, are amendments to existing law to correct defects developed by their efforts to enforce the law; and if my colleague will turn to the report of the remarks of one of

if my colleague will turn to the report of the remarks of one of these gentlemen in regard to that amendment, he will find a full and satisfactory explanation. There appeared to be at this point a loophole which allowed a man to escape from testifying, and it appeared necessary to embody this amendment in the law.

Mr. MOODY. I will say to the gentleman that I find no fault with the amendment which is proposed in the bill, and the fault which I have is with the further amendment proposed by the report of the committee, which makes one rule for one who dwells in the District of Columbia and another rule for a temporary resident of the District of Columbia; for instance, one rule by which a member of Congress could claim the privilege of not testifying because his testimony might tend to incriminate him, while that a member of Congress could claim the privilege of not testifying because his testimony might tend to incriminate him, while that same privilege would not apply to a man or woman who lived in the District of Columbia. That is wrong. I should like my colleague to explain to me why any such discrimination is made.

Mr. MORSE. I think the committee understood the words "citizen of the District of Columbia" to mean any man who tem-

porarily or permanently resides in this city, a member of Congress or anybody else. A citizen of the District of Columbia is undoubtedly on a somewhat different basis from citizens of other States and Territories; they do not vote here. I would say for the information of the House that we have some learned legal gentlemen on that committee, one of them the gentleman from New York [Mr. Danlels]; and while I am not a limb of the law myself, I would put that gentleman against any member of the House as an exponent of the law. I believe that gentleman and the other members of the committee thought this amendment was all right, and

bers of the committee thought this amendment was all right, and that it would hold water.

Mr. MOODY. I should be glad to hear the gentleman from New York [Mr. DANIELS] explain the purpose of that amendment. I refer to the amendment upon page 7 of the bill, which is referred to in the report of the committee.

Mr. DANIELS. I have not the bill here. I have no copy of the

Mr. MOODY. Then I will not ask you to get one. Mr. MORSE. Then, Mr. Speaker, if there be no further ques-

tions, I demand the previous question.

The SPEAKER. The gentleman from Massachusetts demands

the previous question,
Mr. POWERS. Mr. Speaker, I desire to offer an amendment.
The SPEAKER. Does the gentleman yield to the gentleman

from Vermont to offer an amendment?

Mr. MORSE. I do; but I certainly hope that the distinguished gentleman from Vermont will not offer a prohibitory amendment. I hope he will seek to accomplish that purpose in another bill. This is a bill which should receive the vote of every member of this House, and is not a prohibitory bill.

Mr. POWERS. I think the gentleman will see on the reading of the amendment that it is not in any sense a prohibitory amendment.

The SPEAKER. Does the gentleman yield? Mr. MORSE. I do, sir. The Clerk read as follows:

Amend by striking out all after the enacting clause and inserting the fol-

lowing:
"SECTION 1. On and after March 4, 1897, no person in the District of Columbia shall, by himself, clerk, agent, or servant, sell, furnish, or give away any intoxicating drinks to any other person at any place other than his own

dwelling house.

"Sec. 2. Any person violating the provisions of section 1 of this act shall be punished as follows: For the first offense, a fine of \$50; for a second offense, a fine of \$50 and imprisonment in the District Jail for the term of sixty days; for the third or any subsequent offense, a fine of \$100 and imprisonment in the District Jail for the term of one year.

"Sec. 3. This act shall take effect upon its passage."

Mr. MORSE. Mr. Speaker, I hardly think the gentleman from Vermont is serious in offering this amendment. Whatever may be the merit of the proposition of the gentleman it should be presented in a separate bill and disposed of in that way. I hope he will not encumber this bill with this amendment. I think that this is a bill that ought to receive the vote of every member of the House, because it simply cures defects in the existing law, some at least of which are recommended by the District Commissioners. It is not a prohibitory bill. If we are to have a bill of that character let us have it in a separate measure, and let the House pass this bill that is presented on the recommendation of the Committee on Alcoholic Liquor Traffic, in which, as before stated, there are representatives of every shade of belief on that question. This is a unanimous report of that committee, as I have already said, to cure defects in the existing law, and I hope the House will not encumber it with such an amendment as that offered by the gentleman from Vermont.

Mr. POWERS. The gentleman from Massachusetts has reiterated the statement several times that his bill is not what is known as a prohibitory bill. He lives in a State, as well as I do, and other prominent men, including the Speaker of this House, House, because it simply cures defects in the existing law, some at

and other prominent men, including the Speaker of this House, that believes in the principle of prohibition, and that there is no other way of dealing with the liquor traffic but to stamp it out; and if you want to stamp it out you do not want to dally with any license laws; for of all the laws that have ever been invented since the morning and evening stars sang together calculated to permit the liquor traffic, it has been the license laws in force in this coun-

try. Now, if you are intent on eradicating this evil, put your foot on it and stamp it out. There is no other way.

Mr. MORSE. Mr. Speaker, if I can not get a whole loaf I prefer a half loaf to no bread; and if I can make the existing law more stringent and curtail the business, preventing liquor from more stringent and curtail the business, preventing liquor from being sold to minors in saloons, to stop young women from selling drink, and to prevent brewers from keeping a bar without a license, I am in favor of having such amendment made to existing law. That which is sought to be attained by the gentleman from Vermont can only be accomplished by a prohibitory measure. This is a measure of an entirely different character. This is a bill that, as I have already said, ought to receive, and I believe will receive, if left without amendment, the vote of nearly every member of this House who has read the report. I hope the amendment of the gentleman from Vermont will be voted down. The question was taken on the adoption of the amendment.

The question was taken on the adoption of the amendment offered by Mr. Powers; and the Speaker announced that the noes

seemed to have it.

Mr. BARRETT. Division.

The House divided; and there were—ayes 11, noes 66.

So the amendment was rejected.

The SPEAKER. The question is now on the amendments offered by the committee.

The question was taken; and the amendments recommended by

the committee were agreed to.

The SPEAKER. The question now is upon the engrossment and third reading of the bill as amended.

The question was taken; and the Speaker announced that the

ayes seemed to have it.

Mr. MAHANY. Division.

The House divided; and there were—ayes 95, noes 15.

Mr. MAHANY. I desire to make the point of no quorum.

The SPEAKER. The gentleman from New York makes the point of no quorum. The Speaker will count the House. [After counting.] One hundred and fifty-eight gentlemen are present—not a guorum.

not a quorum.

Mr. DINGLEY. I would state to the gentleman from Massachusetts that it is utterly impossible to get a quorum to-night. I therefore suggest that he move that the House do now adjourn.

Mr. MORSE. I move, in accordance with the suggestion of the chairman of the Committee on Ways and Means, that the House do now adjourn.

The motion was agreed to; and accordingly (at 4 o'clock and 7 minutes p. m.) the House adjourned.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as fol-

A letter from the Acting Secretary of the Navy, transmitting a copy of a communication from the Secretary of the Navy, transmitting an additional estimate of appropriation for salaries, Nautical Almanac Office, for the fiscal year 1898—to the Committee on Appropriations, and ordered to be printed. A letter from the assistant clerk of the Court of Claims, trans-

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the cases of J. F. Engle, administrator of Uriah Rutherford, deceased, and Asa C. Remsburg and George W. Remsburg, executors of Isaac Remsburg, deceased, against The United States—to the Committee on War Claims, and ordered to be printed.

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of Milwaukee Harbor, Wisconsin—to the Committee on Rivers and Harbors, and ordered to be printed.

A letter from the Commissioners of the District of Columbia, reporting the results of their examination of the project for the extension of Connecticut avenue from Florida avenue to the District line, with map accompanying—to the Committee on Appro-

trict line, with map accompanying—to the Committee on Appropriations, and ordered to be printed.

priations, and ordered to be printed.

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of Nyack Harbor, New York—to the Committee on Rivers and Harbors, and ordered to be printed.

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of Annapolis Harbor, Maryland—to the Committee on Rivers and Harbors, and ordered to be printed.

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of Catskill Creek, New York—to the Committee on Rivers and Harbors, and ordered to be printed.

A letter from the Secretary of War, transmitting, with a letter

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey for a channel connecting Flushing Bay with Newton Creek, New York—to the Committee on Rivers and Harbors, and ordered to be printed.

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of Coney Island Channel, New York—to the Committee on Rivers and Harbors, and ordered to be printed.

A letter from the Acting Secretary of the Treasury, transmitting an estimate of appropriation for completing the two revenue steamers for the Great Lakes—to the Committee on Appropriations, and ordered to be printed.

A letter from the Attorney-General of the United States, transmitting to Congress his annual report—to the Committee on the Judiciary, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, Mr. EVANS, from the Committee on Ways and Means, to which was referred the joint resolution of the House (H. Res. 204) continuing in force section 2 of the act of June 3, 1896, entitled "An act to repeal section 61 of an act act of June 3, 1896, entitled "An act to repeal section 61 or an act to reduce taxation, to provide revenue for the Government, and for other purposes," which became a law August 28, 1894, reported the same with amendment, accompanied by a report (No. 2296); which said joint resolution and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS.

Under clause 2 of Rule XIII, private bills were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

By Mr. PICKLER, from the Committee on Invalid Pensions: The bill (H. R. 5697) granting a pension to Surg. B. H. Peterson. (Report No. 2294.) By Mr. WATSON of Indiana, from the Committee on Claims:

The bill (S. 1488) entitled "An act to provide for the payment of the claim of Christian M. Kirkpatrick for paving the street adjacent to the United States arsenal at Indianapolis, Ind." (Report No. 2295.)

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Invalid Pensions was discharged from the consideration of papers to accompany House bill No. 4478, for the relief of David Housel; and the same were referred to the Committee on Military Affairs.

PUBLIC BILLS AND RESOLUTIONS.

Under clause 3 of Rule XXII, bills and resolutions of the follow-

ing titles were introduced and severally referred as follows:

By Mr. BARRETT: A bill (H. R. 9527) providing that the members of the President's Cabinet shall be selected from the Senate or the House of Representatives—to the Committee on the

By Mr. GIBSON: A bill (H. R. 9528) to prevent and punish frauds in the elections of Representatives and Delegates in Congress—to the Committee on the Election of President, Vice-Presi-

gress—to the Committee on the Election of President, Vice-President, and Representatives in Congress.

By Mr. MILLIKEN: A bill (H. R. 9529) to provide for a complete system of filtration of the water supply of the United States Capitol—to the Committee on Public Buildings and Grounds.

By Mr. HOWE: A bill (H. R. 9530) regulating leases of lands for the production of coal, oil, and other mineral products in the Indian Territory—to the Committee on Indian Affairs.

By Mr. WHEELER (by request): A bill (H. R. 9531) to amend "An act to amend section 2455 of the Revised Statutes of the United States," approved February 26, 1895—to the Committee on the Public Lands. Public Lands.

By Mr. COOK of Wisconsin: A bill (H. R. 9532) to regulate the importation and sale of agricultural seeds—to the Committee on Ways and Means.

By Mr. RAY: A bill (H. R. 9563) to prevent the multiplication of suicides—to the Committee on the Judiciary.

By Mr. ALDRICH of Illinois: Resolution (House Res. No. 437) providing for the payment of the funeral expenses of the late Charles F. Crisp—to the Committee on Accounts.

PRIVATE BILLS, ETC.

Under clause 1 of Rule XXII, private bills of the following titles were presented and referred as follows:

were presented and referred as follows:

By Mr. BRUMM: A bill (H. R. 9533) granting a pension to Elizabeth P. Sigfried—to the Committee on Invalid Pensions.

By Mr. FISCHER: A bill (H. R. 9534) for the relief of Edmund T. Ryan—to the Committee on Military Affairs,

Also, a bill (H. R. 9535) granting an increase of pension to Jane M. Graves—to the Committee on Invalid Pensions.

By Mr. HATCH: A bill (H. R. 9536) increasing the pension of

M. Graves—to the Committee on Invalid Pensions.

By Mr. HATCH: A bill (H. R. 5536) increasing the pension of William P. Haskell, lieutenant, Company I, Fourteenth Regiment Indiana Infantry—to the Committee on Invalid Pensions.

By Mr. HULING: A bill (H. R. 9537) for the relief of Mrs. Mattie R. Fredeking—to the Committee on War Claims.

By Mr. HULL: A bill (H. R. 9538) for the relief of Jeremiah Hunt—to the Committee on the Public Lands.

Also, a bill (H. R. 9539) to indemnify the legal heirs of D. C. Martz for failure of title to west half of northeast quarter, section 17, township 80, range 24 west, fifth principal meridian, Iowa—to the Committee on the Public Lands.

Also, a bill (H. R. 9540) for the relief of Malean Phillips—to the

Also, a bill (H. R. 9540) for the relief of Malean Phillips-to the Committee on the Public Lands.

Also, a bill (H.R. 9541) for the relief of the legal heirs of Lewis M. Burk-to the Committee on the Public Lands.

Also, a bill (H. R. 9542) granting \$50 per month pension to Francis M. Bruner—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9543) granting pension to Roswell Harris, Company C, Tenth Kansas Infantry—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9544) granting pension to Minnie B. Howe to the Committee on Invalid Pensions.

to the Committee on Invalid Pensions.

Also, a bill (H. R. 9545) for the relief of George W. Brown, of Des Moines, Iowa—to the Committee on the Public Lands.

Also, a bill (H. R. 9546) for the relief of the legal heirs of Samuel Hunt—to the Committee on the Public Lands.

By Mr. LIVINGSTON: A bill (H. R. 9547) for the relief of W. J. Fletcher, of Georgia—to the Committee on Claims.

Also, a bill (H. R. 9548) for the relief of Samuel I. Gustin—to the Committee on War Claims.

By Mr. McCREARY of Kentucky: A bill (H. R. 9540) for the

By Mr. McCREARY of Kentucky: A bill (H. R. 9549) for the

benefit of Sanford Ross—to the Committee on Invalid Pensions. By Mr. NOONAN: A bill (H. R. 9550) for the relief of Mrs. Margaret Hagan, widow of John C. Hagan—to the Committee on War

By Mr. RINAKER: A bill (H. R. 9551) for the relief of Capt. Fletcher H. Chapman—to the Committee on Military Affairs. By Mr. SULLOWAY: A bill (H. R. 9552) granting an increase of pension to Joseph Montieth—to the Committee on Invalid Pen-

Also, a bill (H. R. 9553) granting a pension to Verona Harriman—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9554) granting a pension to Mary E. Taylor—to the Committee on Invalid Pensions.

By Mr. TATE: A bill (H. R. 9555) to amend the records of the War Department in case of Curtis C. Hutcheson—to the Committee on Military Affairs.

Also, a bill (H. R. 9556) for the relief of James B. Fowler—to the Committee on Military Affairs.

Also, a bill (H. R. 9557) to pension Sanford A. Pinyan—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9558) for the relief of Sanford A. Pinyanthe Committee on Military Affairs.

Also, a bill (H. R. 9559) for the relief of Webster R. W. Atkins-

to the Committee on Military Affairs. Also, a bill (H. R. 9560) for relief of Jasper N. Martin—to the Committee on Military Affairs.

By Mr. TRELOAR: A bill (H. R. 9561) granting a pension to Cyrus Scott—to the Committee on Invalid Pensions.

By Mr. WALKER of Virginia: A bill (H. R. 9562) to correct the military record of Michael Hayes—to the Committee on Military Affairs.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ADAMS: Resolutions of the Glass Blowers' Association, relating to the restriction of immigration—to the Committee on Immigration and Naturalization.

Also, resolutions of Meade Post, No. 1, Grand Army of the Reublic, relating to Cuban independence—to the Committee on Foreign Affairs

By Mr. DALZELL: Resolutions of Typographical Union, No. 2, of Philadelphia, Pa., relative to construction of laws relating to "free list"—to the Committee on Ways and Means.

Also, resolution of Glass Bottle Blowers' Association of the United States and Canada, in favor of prohibiting immigration—to the Committee on Immigration and Naturalization.

By Mr. ERDMAN: Petition of 2,827 citizens of Allentown, Pa., favoring the passage of the Sunday-rest law for the District of Columbia—to the Committee on the District of Columbia.

By Mr. FOSS: Resolutions adopted at a public meeting of citi-

zens of Evanston, Ill., expressing abhorrence of the Armenian massacres in Turkey—to the Committee on Foreign Affairs.

By Mr. HENDERSON: Paper from Hon. A. J. McCrary, of Keokuk, lowa, favoring the passage of House bill No. 260—to the

Committee on Rules.

By Mr. HOWE: Resolutions of the National Association of Naval Veterans, adopted at their annual convention in New York City, July 6, 1896, favoring the passage of a bill granting the offi-cers of the Revenue-Cutter Service the same consideration by Con-

gress as is accorded the retired lists of the Army and Navy—to the Committee on Interstate and Foreign Commerce.

By Mr. HOWELL: Petition of the congregation of the First Baptist Church of New Brunswick, N. J., for the recognition of Cuban independence—to the Committee on the Public Lands.

By Mr. HULL: Papers to accompany House bill for the relief of Daniel Hunt—to the Committee on the Public Lands.

Also, papers to accompany House bill to indemnify the heirs of

Also, papers to accompany House bill for the relief of the heirs of Lewis M. Burk—to the Committee on the Public Lands.

Also, papers to accompany House bill for the relief of the heirs of Lewis M. Burk—to the Committee on the Public Lands.

Also, papers to accompany House bill for the relief of Jeremiah Hunt—to the Committee on the Public Lands.

Also, papers to accompany House bill for the relief of W. J.

By Mr. LACEY: Petition and sundry letters of settlers on the Niobrara lands in the State of Nebraska, protesting against the passage of Senate bill No. 2749—to the Committee on the Public Lands.

By Mr. McCREARY of Kentucky: Petition of H. H. Fowler, J. C. Davis, J. M. Wood, and others, of Berea, Ky., in behalf of George W. Rogers—to the Committee on Claims.

By Mr. RAY: Petitions of citizens of Rome, N. Y.; also of citizens of Watertown, N. Y., for a law to prevent suicides—to the Committee on the Judiciary.

By Mr. SOUTHARD: Petition of citizens of Toledo, Ohio, praying for favorable action on House bill No. 838, to reduce letter postage to 1 cent per half ounce; also House bill No. 4566, to amend the postal laws relating to second-class matter—to the Committee on the Post-Office and Post-Roads.

By Mr. TAYLER: Memorial of citizens of Canton, Ohio, praying for the recognition of Cuban belligerency-to the Committee on Foreign Affairs.

By Mr. WOODARD: Petition of Joel Rhodes, praying that the war claim of Joseph E. Rhodes, deceased, late of Wayne County, N. C., be referred to the Court of Claims under the Bowman Act—to the Committee on War Claims.

HOUSE OF REPRESENTATIVES.

FRIDAY, December 11, 1896.

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. HENRY N. COUDEN.

The Journal of the proceedings of yesterday was read and approved.

ADJOURNMENT UNTIL MONDAY.

Mr. DINGLEY. Mr. Speaker—
The SPEAKER. For what purpose does the gentleman rise?
Mr. DINGLEY. I rise to make a motion that when the House adjourn to-day it be to meet on Monday next. I have been asked whether, if this motion be adopted, it will cut off the evening session for pensions, and I desire to say that it will not. The adjournment will not take place until the end of the evening session.

The SPEAKER. It simply means that when the House adjourns

to-day it will adjourn to meet on Monday instead of on Saturday.

The motion was agreed to.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Platt, one of its clerks, announced that the Senate had passed a bill (S. 3333) to amend an act entitled "An act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes," passed finally June 3, 1896; in which the concurrence of the House was requested.

UNION PACIFIC RAILROAD FUNDING BILL.

Mr. BELL of Texas, by unanimous consent, obtained leave to file a minority report on the bill H. R. 8189—the Union Pacific Railroad bill.

W. H. WADE.

Mr. TRACEY. Mr. Speaker, I have introduced a bill for the relief of W. H. Wade, late a captain in the Thirty-first Ohio Volunteers, and I ask that it be referred to the Committee on Military Affairs.
The SPEAKER. Under the rules that will require unanimous

Is there objection?

consent. Is there objection?

Mr. DINGLEY. Is this a claim? Under the rule all such claims ought to go to the Committee on War Claims.

The SPEAKER. The bill will go to that committee unless referred to some other committee by unanimous consent.

Mr. TRACEY. This is not, strictly speaking, a claim. It is a bill granting relief from the repayment of money disbursed by Calonal Wade when he was a captain in the Thirty-first Ohio Vol-Colonel Wade when he was a captain in the Thirty-first Ohio Volunteers, the amount not having been credited to him for some technical reason.

Mr. DINGLEY. Well, it is really a claim under the rule. I have no special objection to a change of reference in this particular case, but it seems to me that it is better to adhere to the rule Well, it is really a claim under the rule. I and let all these claims go to the proper committee.

and let all these claims go to the proper committee.

Mr. TRACEY. I trust the gentleman will not insist upon his objection. I have conferred with members of the Committee on War Claims, and they tell me that they have agreed not to take up any new bills at this session. This case is a very pressing one, and it is very important to Colonel Wade (who was lately a member of this House) that relief shall be granted at this session. The amount involved is a small one, and the bill is absolutely just. Mr. DINGLEY. Mr. Speaker, the difficulty is that if we break over the rule in one instance we shall have to do it in all instances. It seems to me that it is better to live up to the rule and let this bill go to the Committee on War Claims, where I understand it belongs. Otherwise we shall have similar applications in other cases all along the line, and the rule will be broken down.

belongs. Otherwise we shall have similar applications i cases all along the line, and the rule will be broken down.

The SPEAKER. Objection is made.

MEMORIAL OF MEADE POST, NO. 1, PENNSYLVANIA.

Mr. HICKS. Mr. Speaker, I ask unanimous consent to present in the House and have printed in the RECORD a memorial of Meade Post, No. 1, of the State of Pennsylvania.

Mr. RICHARDSON. What is the nature of the gentleman's

Mr. HICKS. That this memorial be read and inserted in the RECORD.

Mr. RICHARDSON. I object. I do not object to its being read, but I do object to its being printed in the RECORD.

The SPEAKER. Objection is made.

ENROLLED BILLS SIGNED.

Mr. HAGER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

A bill (S. 264) providing for the location and purchase of public lands for reservoir sites; and

A bill (S. 2047) extending the time within which the University of Utah shall occupy lands heretofore granted to it. SALE OF LIQUOR IN THE DISTRICT OF COLUMBIA

Mr. MORSE. Mr. Speaker, I rise to a parliamentary inquiry. The SPEAKER. The gentleman will state it.

Mr. MORSE. Will the Speaker please state, for my information and that of the House, what is the parliamentary situation with reference to H. R. 1888 (entitled "A bill to amend an act entitled "An act regulating the sale of intoxicating liquors in the District of Columbia"), upon which the House voted before adjournment last evening, and upon which the gentleman from New York [Mr. Mahany] made the point of no quorum? When will it be in order for the House to complete the vote?

The SPEAKER. It will be in order the next time the committees are called in pursuance of the rule under which the matter came up, with this possible exception: There is a special order pending on a bill presented by the gentleman from Vermont [Mr. Powers], which may turn out to have the right of way; but the Chair will not undertake to decide that question now.

LEAVE TO SIT DURING THE SESSION OF THE HOUSE.

Mr. HULL, by unanimous consent, obtained leave for the Committee on Military Affairs to continue in session this afternoon during the session of the House.

ORDER OF BUSINESS.

ORDER OF BUSINESS.

Mr. McMILLIN. Mr. Speaker, this being Friday, and learning from conference with the gentleman from Maine [Mr. DING-LEY] and others that there is no public business demanding urgent attention, if no one else makes the motion, I desire to move that the House resolve itself into Committee of the Whole for the consideration of bills on the Private Calendar.

The SPEAKER. The gentleman will please withhold that motion for a few minutes, as the gentleman from Kentucky [Mr. Evans] desires to present a matter from the Committee on Ways and Means.

and Means.

Mr. McMILLIN. I will do so.

ALCOHOL IN THE ARTS.

Mr. EVANS. Mr. Speaker, the Committee on Ways and Means has had under consideration the Senate joint resolution to extend the time for the joint select commission on the use of alcohol free of tax in the arts to make its report, and has authorized a

The cor tax in the arts to make its report, and has authorized a favorable report upon the resolution, with some amendments.

The Senate passed a joint resolution of precisely the same tenor as that offered in the House. I ask that the Senate resolution be taken up and passed by the House in lieu of the resolution reported by the Committee on Ways and Means.

The Clerk read as follows:

The Clerk read as follows:

Joint resolution (S. R. 162) continuing in force section 2 of the act approved June 3, 1896, entitled "An act to repeal section 61 of 'An act to reduce taxation, to provide revenue for the Government, and for other purposes,'" which became a law August 28, 1894.

Resolved by the Senate and House of Representatives, etc., That the provisions of section 2 of the act approved June 3, 1896, entitled "An act to repeal section 61 of 'An act to reduce taxation, to provide revenue for the Government, and for other purposes,'" which became a law August 28, 1894, be, and they are hereby, continued in force, and the joint select committee heretofore appointed under said section shall, when they have reached a final conclusion, report the same to Congress, together with such information as they shall have obtained.

Mr. McCREARY of Kentucky. Mr. Speaker, is there a report

The SPEAKER. This joint resolution has not been reported by the committee. It is now in charge of the committee. It will require unanimous consent to discharge the committee and bring

Mr. DINGLEY. This is a Senate resolution, I understand.
The SPEAKER. A Senate resolution was referred to the Committee on Ways and Means.

Mr. DINGLEY. I took it for granted that the gentleman from Kentucky [Mr. Evans] intended to have the Senate resolution, as laid before the House, taken up and acted on, as the Committee on Ways and Means has favorably reported a bill identical in its terms with this. I should like to have the order referring the Senate resolution vacated, in order that the resolution may be considered now.

The SPEAKER. As that would require unanimous consent, that consent might as well cover all the points.

Mr. DINGLEY. This resolution, as I understand, simply extends the time within which a report may be made to Congress by the commission appointed to consider the subject of the rebate of taxation on alcohol used in arts and manufactures. osition, I understand, is to extend the time for making the report

until the close of this session.

The SPEAKER. Is there objection to the request?

Mr. McCREARY of Kentucky. I do not like to object, but I wish my colleague [Mr. Evans] would make some explanation. I was unable to hear that of the gentleman from Maine [Mr.

The SPEAKER. The Chair understands, then, there is no objection to the present consideration of the Senate resolution.

Mr. McCREARY of Kentucky. I do not intend to object.

Mr. EVANS. The joint resolution simply extends the time for the making of the report of this commission, so that the report may be made at any time before the close of the present session.

Mr. McCREARY of Kentucky. Then I do not object.
The SPEAKER. Without objection, the House will proceed to
the consideration of the joint resolution.

There was no objection.

The SPEAKER. The question is on ordering the Senate joint resolution to a third reading.

Mr. EVANS. Mr. Speaker, is this the stage for offering amend-

The SPEAKER. Now is the time for consideration of amendments.

Mr. EVANS. Then, under the instruction of the Committee on Ways and Means, I offer two amendments to this resolution. These amendments, which are embraced in the report of the Committee on Ways and Means, are intended simply to make it clear that the extension of time shall be limited to this Congress. The SPEAKER. The Clerk will read the amendments.

The Clerk read as follows:

Insert in line 9, after the word "force," the words "until March 3, 1897." Insert in line 11, after the word "to," the words "the present."

The question was taken on the amendments; and they were agreed to.

The joint resolution as amended was ordered to a third reading, read the third time, and passed.
On motion of Mr. EVANS, a motion to reconsider the vote last

taken was laid on the table.

ORDER OF BUSINESS.

Mr. McMILLIN. I now renew my motion to go into Committee of the Whole on the Private Calendar.

The SPEAKER. The first thing in order would be the closing

The SPEAKER. The first thing in order would be the closin of the unfinished business which belongs to this day.

Mr. McMILLIN. I thought that had been done.

The SPEAKER. It has not been.

Mr. McMILLIN. I do not wish to interfere with that.

The SPEAKER. There is some unfinished pension business.

HELEN M. MALLERY.

The bill (S. 724) granting an increase of pension to Helen M. Mallery was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to increase the pension of Helen M. Mallery, widow of Garrick Mallery, late captain and brevet lieutenant-colonel United States Army and lieutenant-colonel Thirteenth Pennsylvania Cavalry and brevet colonel United States Volunteers, to \$50 per month, and pay her a pension hereafter at that rate.

Mr. PICKLER. I demand the previous question.

The previous question was ordered; and under the operation thereof the bill was ordered to a third reading, read the third time, and passed.

On motion of Mr. PICKLER, a motion to reconsider the vote

last taken was laid on the table.

HANNAH R. QUINT.

The bill (H. R. 6792) granting a pension to Hannah R. Quint was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place upon the pension roll the name of Hannah R. Quint, widow of Brian W. Fletcher, late of Company B, Fourth Maine Infantry, and pay her a pension of \$12 per month.

The question being taken, the bill was ordered to be engrossed

and read the third time.

Mr. ERDMAN. Mr. Speaker, I should like to have the engrossed copy of the bill produced in this case.

The SPEAKER. Then the matter must lie over. The Chair

is informed that the bill has not been engrossed.

ELVIRA BACHELDER.

Mr. SULLOWAY. Mr. Speaker, I ask unanimous consent to call up from the Clerk's desk a bill on the Private Calendar (S. 3245) granting a pension to Elvira Bachelder.

The SPEAKER. The bill will be read subject to the right of

objection.

The bill was read, as follows:

Be it enacted, etc. That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, at the rate of \$12 a month, the name of Elvira Bachelder, dependent mother of J. K. P. Bachelder, late a private in Company D, First New Hampshire Heavy Artillery.

The SPEAKER. The gentleman from New Hampshire asks unanimous consent for the present consideration of this bill.

Mr. ERDMAN. I object.

The SPEAKER. The Chair desires to say that he submitted

the matter to the House because he was informed that it was a case where the President had vetoed a bill on the ground of a misdescription of person, although acknowledging the propriety of the action on the part of Congress.

Mr. ERDMAN. Under the circumstances, I withdraw the ob-

jection.

So, there being no further objection, the bill was ordered to a third reading; and being read the third time, was passed.

On motion of Mr. SULLOWAY, a motion to reconsider the last

vote was laid on the table.

ORDER OF BUSINESS.

Mr. McMILLIN. I now renew my motion, Mr. Speaker, that the House resolve itself into Committee of the Whole House for the purpose of considering the Private Calendar.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole, Mr. PAYNE in the chair.

The CHAIRMAN. The House is in Committee of the Whole for the purpose of considering the Private Calendar, and the Clerk will report the first bill.

PETER COOK.

The first business on the Private Calendar was the bill (H.R. 2741) for the relief of Peter Cook, of Arkansas.

The bill was read, as follows:

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and hereby is, authorized and directed to pay to Peter Cook, of Lonoke County, Ark., out of any money in the Treasury not otherwise appropriated, the sum of \$504, being the amount found by the Court of Claims to be due to him as a loyal citizen for stores and supplies taken and used by the Federal Army during the late

Mr. DOCKERY. Mr. Chairman, let us have the report read. The report (by Mr. Nelll) was read, as follows:

The report (by Mr. NeILL) was read, as follows:

The Committee on War Claims, to whom was referred the bill (H. R. 2741)
for the relief of Peter Cook, respectfully report:

'The Committee on War Claims of the Forty-ninth Congress, to whom was referred the claim of Peter Cook, of Lonoke County, Ark., not being fully and clearly advised of all the facts in said claim, referred the same to the Court of Claims for a finding of facts, under the provisions of the act of March 3, 1883, and generally known as the Bowman Act.

The claim has been returned to said committee by the court with findings of fact.

The claim has been returned to said committee by according to fact.

Your committee recommend that said findings of the Court of Claims be carried out by the passage of the bill, which is in harmony with the conclusions reached by the court, and ask that said findings be printed as a part of this report.

Your committee attach hereto the act of Congress generally known as the Bowman Act, and the decisions of the Court of Claims construing said act, and ask that they be printed as an appendix to this report:

Congressional No 220 Peter Cook vs. The United States.]

[Court of Claims. Congressional, No. 230. Peter Cook vs. The United States.] [Court of Claims. Congressional, No. 230. Peter COOK vs. The United Stakes by This case being a claim for supplies or stores alleged to have been taken by or furnished to the military forces of the United States for their use during the late war for the suppression of the rebellion, the court, on a preliminary inquiry, finds that said Peter Cook, the person alleged to have furnished such supplies or stores, or from whom the same are alleged to have been taken, was loyal to the Government of the United States throughout said war.

BY THE COURT.

Filed April 29, 1889.

[Congressional. Facts and loyalty. Court of Claims, No. 230. Peter Cook vs. United States.]

STATEMENT OF CASE.

The claim in the above-entitled case, for supplies or stores alleged to have been taken by or furnished to the military forces of the United States for their use during the late war for the suppression of the rebellion, was transmitted to the court by the Committee on War Claims of the House of Representatives on the 23d day of January, 1885.

J. W. Smith, esq., appeared for claimant, and the Attorney-General, by William J. Rannells, esq., his assistant and under his direction, appeared for the defense and protection of the interests of the United States.

On a preliminary inquiry the court found that the person alleged to have furnished the supplies or stores, or from whom they were alleged to have been taken, was loyal to the Government of the United States throughout said war.

said war.

The case was brought to a hearing on its merits on the 4th day of January, 1893. The claimant in his petition makes the following allegations:
That he is a citizen of the United States, residing in Lonoke County, State of Arkansas, where he resided during the late war of the rebellion.
That the following stores and supplies were taken from him in the years 1863 and 1864 for the use of the United States Army:

 1863 and 1864 for the use of the United States Army:
 \$860

 800 bushels of corn, at \$1
 \$2,500

 22,500 pounds live pork, at 10 cents
 2,250

 14,400 pounds beef, at 5 cents
 720

 4 horses, at \$150
 600

 1 mule
 175

 18 head of fat sheep, at \$3
 54

 4,000 bundles sheaf oats, at 4 cents
 180

 100 bushels sweet potatoes, at \$1
 100

The court, upon the evidence and after considering the briefs and arguments of counsel on both sides, makes the following

FINDING OF FACT:

There was taken from the claimant, from his farm in Lonoke County, Ark., during the years 1863 and 1864, by military authority, for the use of the Army, stores and supplies of the kind above described, the reasonable value of which at the time and place of taking was \$904. BY THE COURT.

Filed Janury 9, 1893.

A true copy. Test this 11th day of January, A. D. 1893. [SEAL.]

JOHN RANDOLPH, Assistant Clerk Court of Claims.

Mr. McRAE. Mr. Chairman, I move that the bill be laid aside to be reported to the House with a favorable recommendation.

Mr. DINGLEY. I would like to ask whoever has charge of this bill if it was ever presented to the proper authorities for adjudication?

Mr. McRAE. I am not able to answer the question of the gentleman. The report accompanying the bill discloses all the information that I have in reference to the matter.

Mr. DINGLEY. The report does not state; but ordinarily it would be expected that such claims should be presented to the

Mr. DINGLEY. The report does not state; but ordinarily it would be expected that such claims should be presented to the accounting officers.

Mr. McRAE. It was presented to the Court of Claims, and the bill carries only the amount allowed by the court.

Mr. DINGLEY. But these claims should have been presented to the Quartermaster-General.

Mr. McRAE. The bill was the basis of discussion for two hours or more during the last session of Congress, and I heard no objection to it then. I have no personal knowledge of the facts except that which I gathered in the reading of the report and from that discussion. The claimant lives in the district represented by my colleague, General Nelle, who is unavoidably absent. He made the report, and is familiar with all the facts. After hearing the discussion, however, during the last session I am convinced that the bill is a proper one and ought to pass.

Mr. DINGLEY. The bill has been discussed, as I understand the gentleman, in the House?

Mr. McRAE. Yes, sir; in the Committee of the Whole House for several hours during the last session.

Mr. DINGLEY. It does not appear to have been presented to the Quartermaster-General and either rejected or allowed.

Mr. McRAE. I do not know about that. I do not think it was presented, although I have no information on that point. I move that the leid exide with a favorable recommendation.

presented, although I have no information on that point. I move that it be laid aside with a favorable recommendation.

The motion was agreed to.

The bill was accordingly laid aside to be reported to the House with the recommendation that it do pass.

AUGUSTUS P. BURDITT.

The next business on the Private Calendar was the bill (H. R. 130) to carry out the findings of the Court of Claims in the case of Augustus P. Burditt.

The bill was read, as follows:

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized to pay to Augustus P. Burditt, of Boston, in the State of Massachusetts, surviving partner of the late firm of Burditt & Fisk, the sum of \$5,130, being for the services of the steamboat Mattie, owned by said firm of Burditt & Fisk, and used in the military service of the United States from the 5th day of January, in the year 1865, to the 31st day of January, in said year 1865, both days inclusive, at the rate of \$190 a day, as found by the Court of Claims in its finding of facts dated the 9th day of June, 1890, House Miscellaneous Document No. 230, Fifty-first Congress, first session.

Mr. OTJEN. I ask for the reading of the report.

The report (by Mr. OTJEN) was read, as follows:

The Committee on War Claims, to whom was referred the bill (H. R. 180) for the relief of Augustus P. Burditt, submit the following report:

This claim was presented to the Committee on War Claims of the Fifty-third Congress, and was favorably reported upon by that committee. A careful examination of the facts involved brings your committee to the same conclusion as that reached by the committee of the last House. A copy of said report is hereto attached and made a part of this report.

Your committee recommend the passage of the bill.

[House Report No. 510, Fifty-third Congress, second session.]

[House Report No. 510, Fifty-third Congress, second session.]

The Committee on War Claims, to whom was referred the bill (H. R. 4530) to carry out the findings of the Court of Claims in the case of Augustus P. Burditt, respectfully report as follows:

This bill was before this committee in the last Congress, and the committee adopted the report then made, which is as follows:

"The Committee on War Claims, to whom was referred the bill (H. R. 668) for the relief of Augustus P. Burditt, submit the following report:

"This measure was considered by this committee in the Fifty-first Congress, and was reported upon favorably, which report is appended as a part of this report.

"Your committee concur in the conclusions stated in that report and recommend the passage of the bill."

[House Report No. 3172, Fifty-first Congress, first session.]

The Committee on War Claims, to whom was referred the bill (H.R. 12008) to carry out the findings of the Court of Claims in the case of Augustus P. Burditt, having considered the same, respectfully report as follows:
That this is a claim by the surviving member of a partnership consisting of the claimant, Augustus P. Burditt, and one James Fisk, since deceased, both of whom are found to be loyal to the United States during the late rebellion, for the use of a steamboat called the Mattie, under military anthority, for the use of the Quartermaster's Department, United States Army, from the 5th to the 31st of January, 1865, inclusive, amounting to twenty-seven days.

days.

It is found by the Court of Claims that the steamboat was duly impressed into the service of the United States; that she was used for the period for which payment is claimed, and that her services were worth the sum of \$190 a day, amounting to the sum of \$5,130. The findings of the Court of Claims are hereto annexed. Your committee therefore report back the bill (H. R. 12008) favorably and recommend its passage.

[House Miscellaneous Document No. 236, Fifty-first Congress, first session.]

A copy of the findings of the Court of Claims in the case of Augustus P. Burditt
against the United States, transmitted by the clerk of said court.

COURT OF CLAIMS, CLERK'S OFFICE,
Washington, June 17, 1890.

SIR: Pursuant to the order of the court, I transmit herewith a certified copy of the findings filed by the court in the aforesaid cause, which case was referred to this court by the Committee on War Claims, House of Representatives, under the act of March 3, 1883.

I am, very respectfully, yours, etc.,

ARCHIBALD HOPKINS, Chief Clerk Court of Claims.

Hon. THOMAS B. REED, Speaker of the House of Representatives.

(Court of Claims, term of 1889-90. Congressional, No. 348. Augustus P. Burditt vs. The United States.)

The claim or matter in the above-entitled case was transmitted to the court by the Committee on War Claims of the House of Representatives the 27th day of February, 1885.

Leon D. Geneste appeared for claimant, and the Attorney-General, by J. W. Rannells, esq., his assistant and under his direction, appeared for the defense and protection of the interests of the United States.

The case having been brought to a hearing the 15th day of May, 1890, the court, upon the evidence and after considering the briefs and arguments of counsel on both sides, find the facts to be as follows:

The claimant resided in Massachusetts until 1852, when he took up his residence at Olive Branch, De Soto County, Miss., and in 1859 changed his residence to Memphis, Tenn., where he resided until the close of the war. He now resides in Boston, Mass.

In the years 1854 and 1855 the claimant, Angustus P. Burditt, and one James Fisk, since deceased, were in partnership and owned a steamboat called the Mattie, of 149 tons burden, and of which Matt. A. Glass was master, and which was enrolled, as shown in the following certificate:

UNITED STATES CUSTOM-HOUSE, Memphis, Tenn., February 16, 1870.

I hereby certify that the steamer Mattie, of 149 tons burden, was enrolled and licensed for the coasting trade in this office, as appears of record, by G. N. Carlton, surveyor, on the 24th day of May, A. D. 1864, as per enrollment No. 49, permanent, owned by A. P. Burditt and James Fisk, of Memphis, one-half each, and regularly cleared and permitted by competent authority under the Treasury regulations made in compliance with existing laws at that time for the regulation of the coasting trade between the United States and the States in rebellion.

Witness my hand and seal of office, day and date above written.

[SEAL.]

B. C. TRADER,
Surveyor of Customs.

H.

November 18, 1864, the said steamboat was seized by Capt. C. H. Gaubert, an assistant quartermaster of the United States Army, for the military service at the port of St. Louis, Mo., where she was then in use by her owners, and was used by the military authorities of the United States to transport army stores to Little Rock and Devalls Bluff, the latter on White River, Arkansas. During her trip to Devalls Bluff her main shaft broke, and when she reached Devalls Bluff her cargo was unloaded and she was released from the service of the United States on the 4th day of January, 1865.

January 7, 1865, a new shaft having been put into said steamboat, she was again seized by an officer of the Quartermaster's Department, United States Army, at Devalls Bluff, and used in the transportation of army stores from that date until the 22d of January, 1865, when she was again discharged from the service of the United States at said Devalls Bluff.

It would have taken her at least nine days, or until the 31st of January, 1865, to return to St. Louis, Mo., where she had originally been taken.

The captain and crew were paid during all the time of the impressment by the owners of the steamboat.

III.

No payment has been made for the services of said steamboat from the 5th day of January, 1865, to 31st day of January, 1865. A reasonable value of the aforesaid services of said boat and crew would be the sum of \$190 a day, an amount which had previously been paid for the boat by the Quartermaster's Department. The cost of running the boat to the owners was \$175 per day. The accounting officers of the Treasury disallowed this claim, holding that they had no jurisdiction, on the ground that the impressment had occurred in an insurrectionary State.

IV.

Augustus P. Burditt, the claimant, and James Fisk, his partner, were loyal to the United States during the late rebellion.
Filed June 9, 1890.

A true copy. Test, this 17th day of June, 1890.

ARCHIBALD HOPKINS, Chief Clerk Court of Claims

The committee, therefore, report back the bill (H. R. 4530) and recommend that it do pass.

The CHAIRMAN. The question is on reporting the bill favor-

ably to the House.

Mr. LOUD. Mr. Chairman, I should like to ask if there is anyone here who knows anything further about this case than what

is contained in the report?

Mr. OTJEN. Mr. Chairman, I reported that bill. It is a bill to pay a claim for the use of the steamer Mattie for twenty-seven

days' services.
On November 27, 1864, the steamer Mattie was at St. Louis, and there she was seized by the Government to transport army stores to Little Rock, Ark. On January 4 she broke her shaft, and was released. The shaft was repaired in two days, and on the 7th day of January she was again seized and used from January 7 to January 22 in transporting army stores for the Government. It would have taken the boat nine days to get back to St. Louis, where she was originally seized. For the use of these twenty-seven days for which this claim is made the owners of the boat paid for running her, and the amount which they paid was found by the Court of Claims to be \$175 a day. The Court of Claims found that both claimants were loyal. There is no question about the use of the boat for twenty-seven days, and the charge of \$190 a day seems to be reasonable. I think the bill is just, and it seems to me that it should pas

Mr. LOUD, I should like to ask the gentleman why this was

not paid for by the Quartermaster's Department?

Mr. OTJEN. The Quartermaster's Department did not pay because she was seized in an insurrectionary State.

Mr. LOUD. Seized in the city of St. Louis, which was not in a state of insurrection at that time.

Mr. OTJEN. No: she was originally seized at St. Louis, and used until the 4th of January, 1865. Then she was released, and for all that time the Government paid the owners of the boat \$190 a day; but for the time after that, from the 7th day of January to the 31st day of January, she having been seized in the State of Arkansas, they have had no pay.

Mr. LOUD. Where was she seized the second time?

Mr. OTJEN. At Devalls Bluff.

Mr. LOUD. What was she doing there?

Mr. LOUD. Mr. OTJEN. Mr. OTJEN. She was taking a load of army munitions and stores to Devalls Bluff, and unloaded there. That is where her shaft broke. Then she was released for two days, and seized again. Mr. LOUD. Was she taking these munitions for the Southern

Confederacy Mr. OTJEN. No; she was in the service of the Government of

the United States, seized by the Quartermaster's Department.
Mr. LOUD. How was she in an insurrectionary port, I should

like to ask? Mr. OTJEN. The State of Arkansas was in rebellion at that

Mr. LOUD. Well, she must have been taken at some place where the United States authorities had full control, and I think the Quartermaster's Department were perfectly authorized to hire this boat.

Mr. OTJEN. I have stated the reason given by the Quarter-

Mr. Olden. I have stated the reason given by the Quarter-master's Department for not paying the claim.

Mr. LOUD. Of course, at this distance from 1865 it is pretty hard to determine the real facts of the case. Probably if the real facts of the case could have been presented to the mind of the gentleman who made the report, he might have made a different report; but the fact remains, nevertheless, that \$190 a day for a little teamers of 100 team hyrden is a restricted when size. little steamer of 140 tons burden is a pretty steep price. I should like to furnish the gentleman with all the steamboats that he or anybody else would want for one-half that sum.

Mr. OTJEN. It does not seem to me that \$190 a day is an exorbitant price, in view of the fact that the owners of the boat

paid \$175 a day for the running expenses, so they only get \$15 a

day for the use of their boat.

Mr. LOUD. I should like to say that the facts, as they appear to the gentleman at present, did not perhaps appear at that time. Four men are all that are necessary to manage a boat of 140 tons burden, and how they could have managed to pay \$175 a day for the running expenses is something that I can not understand; neither could the gentleman probably understand it, if he knew the full, true facts of the case

Mr. OTJEN. I will say to the gentleman that the Court of Claims found these to be the facts. They have investigated the

Mr. LOUD. Oh, the Court of Claims have found a great many

Mr. McCREARY of Kentucky. I should like to ask the gentle-

man a question.

Mr. OTJEN. I yield to the gentleman from Kentucky.

Mr. McCREARY of Kentucky. Is this one of those cases that have passed through the Court of Claims?

Mr. OTJEN. Yes, sir.
Mr. McCREARY of Kentucky. W
mously in favor of reporting this bill?
Mr. OTJEN. Yes. Were the committee unani-

The bill was ordered to be laid aside to be reported to the House with a favorable recommendation.

WILLIAM P. BUCKMASTER.

The next business on the Private Calendar was the bill (H. R.

3950) for the relief of William P. Buckmaster.

The bill was read at length.

Mr. OTJEN. Mr. Speaker, I move that the Senate bill No. 90,
Calendar number, 470, be substituted in place of this bill. It is
the same subject-matter.

The motion was agreed to. The Senate bill is as follows:

He senate bill is as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and is hereby, authorized and directed to pay to William P. Buckmaster, surviving partner of James Murphy & Co., late of New York City, out of any money in the Treasury not otherwise appropriated, the sum of \$22,386.61, the same being a balance due for labor and material furnished by James Murphy & Co. in the construction of the machinery for the double-ender vessel Otsego in 1862 and 1863, as per report of a board of officers organized by the Secretary of the Navy in pursuance of a resolution of the United States Senate, adopted March 9, 1865.

Mr. OTJEN. I ask for the reading of the report. Mr. LOUD. I would like to have the report read, Mr. Chairman. The Clerk proceeded to read the report on the Senate bill, as

The Committee on War Claims, to whom was referred the bill (H. R. 1849) for the relief of William P. Buckmaster, submit the following report:

The facts out of which this bill for relief arises will be found stated in Senate Report No. 599, second session Fifty-third Congress. A copy of said report is hereto attached and made a part of this report.

Your committee report herewith a substitute for the bill, referring the claim to the Court of Claims for adjudication, and recommend its passage.

[Senate Report No. 599, Fifty-third Congress, second session.]

[Senate Report No. 599, Fifty-third Congress, second session.]

Mr. Peffer, from the Committee on Claims, submitted the following report, to accompany S. 224:

The Committee on Claims, to whom was referred the bill S. 224, being a bill for the relief of William P. Buckmaster, the surviving partner of the late firm of James Murphy & Co., Fulton Iron Works, New York City, have had the same under consideration, and beg leave to submit the following report:

This claim is for the difference between the actual cost and the sum allowed and paid by the Government to James Murphy & Co., amounting to \$22.386 61 and interest thereon, for constructing the engine and boller of the U. S. S. Ostego in 1862-63. The facts are fully set forth in the following affidavits and statements:

"STATE OF MISSOURI. City and County of St. Louis:

affidavits and statements:
"STATE OF MISSOURI, City and County of St. Louis:
"William P. Buckmaster, being duly sworn, deposes and says that he resides at No. 919 Olive street, in the city of St. Louis. I was one of the proprietors of the Fulton Iron Works, carried on under the firm name of James Murphy & Co., successors to Pease & Murphy, since 1856, and am now the only surviving partner of that firm. We built a number of marine engines and boilers, both before and during the war, for the United States Government.

only surviving partner of that firm. We built a number of marine engines and boilers, both before and during the war, for the United States Government.

"In 1862 we completed the engines and boilers for the first war vessel that was built under President Lincoln's Administration, viz, the United States sloop of war Oneida, and during this year we had more work than we could do by the day without taking contracts. In August of this year Mr. B. F. Isherwood, the Chief of the Bureau of Steam Engineering, came to our office to induce us to take two contracts for the machinery of double-enders. Many of these vessels were then under contract. He told Mr. Murphy, one of the firm, how difficult it was to get the machine shops to take the contracts for the machinery ready to put in the vessels as soon as they were launched. He had no drawings to show, but said the engines were of such a description, and he did not believe they would cost more than double those of a Staten Island ferryboat. Mr. Murphy told him he did not want any contracts, that material and labor were increasing in price every week, and besides he was crowded with work. Mr. Isherwood said, 'You must take one set to help the Government out.'

"Mr. Murphy then sent for the foreman of the machine shop, Isaac S. Lauback, and asked him if he thought he could build the engines in the time mentioned by Mr. Isherwood. Lauback said, 'I would like to see the drawings.'

Mr. Isherwood said, 'They are not completed, but it will be double the work of a ferryboat's engine and boiler.' Lauback said he could do it if he could get the drawings at once. Mr. Isherwood then addressed himself to Mr. Murphy and said, 'You can't lose any money on one set at \$22,000. I have contracted for the machinery of several of these vessels at the price named.' Murphy replied, 'I don't like to go it blind on a job of such magnitude.' Mr. Isherwood said, 'You don't go it blind. I tell you that this engine and boiler for the U.S. S. Otsego will not weigh more than double the weight of the

would much rather contribute same, as I can be a server at my own price without taking any contracts."

"Our claim for the excess of cost beyond the contract price is based on these grounds:

"First. There were no drawings from which we could make an approximate estimate as to the cost of this machinery.

"Second. The Chief of the Bureau of Steam Engineering, acting for the honorable Secretary of the Navy, insisted that we should build the machinery for the U. S. S. Otsego because the necessities of the Government demanded it.

"Third. The comparison he presented between engines and boilers we had constructed and this machinery for the Otsego. He said it would not be more than double the price. It proved incorrect, as it was much greater.

"Fourth. The delay in furnishing the drawings subjected us to a loss of at least 15 per cent, that being about the amount of the advance of material and labor before we could do anything with the work in the absence of drawings. I will also state that in making up the cost of the Otsego's machinery, that all the charges are for actual labor and material. We included no office expenses, no charge for rent while the work was being done, or any other charge except as above stated. That we did not take any contracts from private individuals, and would not have taken this one from the Government except to aid it as far as we could at the sacrifice of profit to ourselves. The conversation between Mr. Isherwood and James Murphy, my partner, is taken from a memorandum made by me at the time contract was agreed to in my presence at our office. I made it, as we had never before entered into a contract without making an estimate of the cost of the work from drawings and specifications on which we were invited to bid.

"Fifth. Before we commenced work on the contract we wrote to Mr. B. F. Isherwood that we would not do any work unless we were protected against loss, and inclosed a contract in that letter, a completed document, so there might not be any delay if he chose to accept our ter

"Subscribed and sworn to before me this 29th August, A. D. 1889.
"[SEAL.] CHAS. W. DARR,
"Notary Public."

"STATE OF NEW YORK, City and County of New York, ss:

"STATE OF NEW YORK, City and County of New York, ss:

"Isaac S. Lauback, being duly sworn, deposes and says that I reside at No. 157 East One hundred and seventh street, in the city of New York; that I am a machinist and engineer by profession; that from the year 1861 to 1881 I was foreman and had entire charge of the machine shop for James Murphy & Co., known as the Fulton Iron Works, in the city of New York. I revollect during the year 1882 being sent for by Mr. James Murphy, one of the firm of James Murphy & Co., to come over to the office. When I got there I found Mr. Murphy, Mr. Buckmaster, and Mr. Isherwood. Mr. Murphy said, 'Isaac, do you think you could build an incline engine, with all the work you have on hand, in nine months? The size of the engine and boiler of a Staten Island ferryboat. I asked to see the drawings. Mr. Isherwood said they were not ready. I said the engine of the Staten Island ferryboat was a walking beam engine. Mr. Isherwood said, 'I know that, but the weight and work of this incline engine and boilers for the double ender will not be more than twice the work of the engine and boiler of a Staten Island ferryboat. Do you think you could get it out in nine months?' I said, 'Yes, if you give me the drawings.'

"Mr. Isherwood said, 'I know that, but the weight and work of this incline engine and boilers for the double ender will not be more than twice the work of the engine and boiler of a Staten Island ferryboat. Do you think you could get it out in nine months?' I said, 'Yes, if you give me the drawings.'

"Mr. Isherwood said, 'I know that, but the weight and work of this incline engine and boiler of a Staten Island ferryboat. Bo you think you could get it out in nine months?' I said, 'Yes, if you give me the drawings.'

engine and boiler as a basis.¹ I then left the shop. While I was foreman for James Murphy & Co. I built the engines for three steamboats for the Staten Island Ferry Company and knew the cost of such work and the price for each engine and boiler erected on one of these boats. It was from \$31,000 to \$33,000 all completed ready for steam. After Mr. Murphy told me he had made a contract for the Otsego engine and boilers it was more than six weeks before I saw any drawings. There was more than three times the work on the Otsego engine and four times the work on the boilers than there was on the engine and boiler of a Staten Island ferryboat mentioned by Mr. Isherwood. After the Otsego was finished she was run at the dook at the Fulton Iron Works by the Government two months trying some experiment with superheated steam, and I think Sickels cut off to settle some controversy between Mr. E. N. Dickerson and Mr. B. F. Isherwood, Chief of the Bureau of Steam Engineering. "ISAAC S. LAUBACK.

"Subscribed and sworn to before me this 5th day of July, 1889.
"In MADDEN,
"Notary Public, New York County, N. Y."

"STATE OF NEW YORK, City and County of New York:

"STATE OF NEW YORK, City and County of New York:

"Benjamin F. Isherwood, being duly sworn, deposes and says that he resides at No. III East Thirty-sixth street, in the city of New York; and that he is a chief engineer in the United States Navy; that in the year 1825 he was Chief of the Bureau of Steam Engineering in the Navy Department, acting "Independent in the United States Navy; that in the year 1825 he was Chief of the Bureau of Steam Engineering in the Navy Department, acting "Independent in the Independent in the Independent of the Navy, he made several contracts for engines and boilers in behalf of the said Department of a class of steam reseals known as 'double-enders,' that the urgent next of the Navy for this class of ressels at the earliest possible date required him, under the authority of adal Department, to make contracts with the different machine shops for the construction of the engines and boilers.

"At the time of making the construction of the engines and boilers, was from deponent's verbal explanations to said James Gunphy & Co. for the city of New York, one of the several firms with whom the said Navy Department contracted for the building of this class of engines and boilers, was from deponent's verbal explanations to said James Murphy that other works were taking said contracts in that manner. Deponent further says that at the time he was making these contracts he met the late James Murphy & Co. to the members of said firm of James Murphy & Co. at their office in the city of New York, and told him that he wanted said firm of James Murphy & Co. to build two sets of these engines and boilers for this class of contracts for this class of engines and boilers, and that importance to the Government to have this machinery ready on the completion of the vessels then under contracts; that the said James Murphy said that he did not know how to make a price for these engines and boilers was a good price, and he must take a contract for one set.

"I also said to James Murphy, You have built the en

vessels.

"Deponent further says that the said claim of James Murphy & Co. in excess of the price named in contract was also caused by the unavoidable delay in furnishing the working drawings by reason of the great amount of work in the Bureau of Steam Engineering demanded by the war; the steady increase in the price of labor and material, and the delay in forwarding the drawings, increased the cost of the work to the contractors, subjecting them

"Sworn to before me this 3d day of July, 1889.
"[SEAL.] "[SEAL] "Commissioner of Deeds, New York City and County.
"STATE OF NEW YORK, City and County of New York, ss:

"STATE OF NEW YORK, City and County of New York, ss:

"I, Edward F. Reilly, clerk of the city and county of New York, and also clerk of the supreme court for the said city and county, being a court of record, do hereby certify that John G. Wiegold, before whom the annexed deposition was taken, was, at the time of taking the same, a commissioner of deeds of New York, dwelling in said city and county, duly appointed and sworn, and authorized to administer oaths to be used in any court in said State, and for general purposes: that I am well acquainted with the handwriting of said commissioner, and that his signature thereto is genuine, as I verily believe.

"In testimony whereof I have hereunto set my hand and affixed the seal of the said court and county, the 5th day of July, 1889.

"EDWARD F. REILLY, Clerk."

From the foregoing affidavits and other evidence it appears that the firm

"EDWARD F. REILLY, Clerk."

From the foregoing affidavits and other evidence it appears that the firm of James Murphy & Co., consisting of James Murphy, William P. Buckmaster, and William J. Pease, proprietors of the Fulton Iron Works, of New York, entered into a contract, under date of August 15, 1862, with B. F. Isherwood, Chief of the Bureau of Steam Engineering of the Navy Department, "to build and erect at their own expense and risk, in a secure and finished state, fit in every respect for sea service, in the U. S. S. Otsego, at the city of New York, all the machinery necessary for the propulsion of the same by an overhanging paddle wheel," for the sum of \$82,000.

The evidence shows that the said James Mupphy & Co. did not make any bid for the construction of this machinery. They knew nothing about it until Mr. Isherwood, then Chief of the Bureau of Steam Engineering, came

into their office in the city of New York to induce them to take a contract; and Mr. Isherwood states in his testimony that it was of vital importance to the Government to have machinery ready when the vessels then under construction were launched. Mr. Isherwood went to New York for the express purpose of inducing the machine shops to take these contracts, and demanded that Murphy & Co. should take at least one to help the Government. It was through his representations alone as to the value of the work that they consented to build one set of this machinery.

The evidence shows that the firm of James Murphy & Co. refused in August, 18&2, to enter into a contract with the Navy Department to furnish the machinery for the U.S. S. Otsego, but was finally persuaded to do so on the assurance of said Isherwood, the contracting agent of the Navy Department, that the engines and boilers would not cost more than double those of a Staten Island ferry boat, and that the firm should promptly have the drawings and should be paid for the loss of actual labor and material over \$2,000, the contract price.

By reference to the investigations and findings of the Seifridge board, as stated in their report, it is seen that at the time Mr. Isherwood, in behalf of the Navy Department, made chis contracts with said James Murphy & Co. for the engines and boilers of the Otsego the Navy Department made contracts for Is double-enders, for machinery for 22 double-enders, for 6 harbor and river monitors, with their machinery, for 1 iron double-ender, and for the ironclad Miantonomoh, in the months of August, September, and October, 1862; and for 5 double-enders in June, July, and August, 1833; for 3 iron tug-boats in December, 1863; for the ironclad Onondaga, the ironclad propellers Miwaukee and Winnebago in May, and the monitor Comanche in June, 1862, and for the monitor Naubuc in April, 1863 Besides, during the period appointed for the construction of this work the Department had many other heavy jobs in its own yards and in the shops of s

"DEAR SIR: We inclose contract for the Otsego's machinery, which we have executed this day. We are still without any drawings, aithough the contract is dated August 15. Since that time labor and materials have advanced at least 15 per cent. This will enhance the cost of the work. The exigency of the situation is the only reason we accept the contract, but before we begin the work we must be assured that we will be protected against actual loss.

"Very respectfully, your obedient servants, "JAMES MURPHY & CO.

"B. F. Isherwood, Esq.,
"Engineer, U. S. N."

Mr. Isherwood, the Government agent, in his letter of September 10, 1802, acknowledges receipt of the contract, and assures said Murphy & Co. that they should be protected against loss on account of the advancing price of labor and materials, occasioned by the failure of the Government to furnish the plans and specifications as at first agreed upon.

Said Murphy & Co. would do no work until they were protected against loss, thus making the delivery of the contract conditional until an amendment to the contract was accepted by the Department. It was accepted by Mr. Isherwood's letter of September 10, 1862, directing them to push the work as fast as possible, and also stating that the Department would allow loss on labor and material in excess of the contract price. The original letter of Mr. Isherwood acknowledging receipt of the contract is on file with the papers in this case, and reads as follows:

"Washington, D. C., September 10, 1862.

"James Murphy & Co.,
"Fulton Iron Works, New York:
"Your letter of the 5th received. I will send a portion of the drawings in a few days. Push the work forward as fast as possible.
"The Department will allow actual loss on labor and material used in the Otsego's machinery in excess of the contract price.
"B. F. ISHERWOOD."

Said Murphy & Co. claimed and regarded these two letters as much a part of the contract as if they had been embodied in the contract itself. It was desired to save time, as that was of paramount importance. Said Isherwood at this time was Engineer-in-Chief of the United States Navy, as well as Chief of the Bureau of Steam Engineering. While in these positions, 1862 to 1871, he made contracts for the Navy Department. Payment made by the Government on such contracts acknowledged his authority to make them. The contractors for the machinery and hulls of the double-ender gunboats contracted for in the years 1862 and 1863 applied to Congress for an additional allowance over the contract price paid therefor by the Navy Department, and a board of officers was appointed to examine their claims, under the following resolution, passed in the Senate March 9, 1865.

"Resolved, That the Secretary of the Navy be requested to organized board of not less than three competent persons, whose duty it shall be to inquire into and determine how much the vessels of war and steam machinery contracted for by the Department in the years 1862 and 1863 cost the contractors over and above the contract price, and the allowance for extra work, and report the same to the Senate at its next session, none but those who have given satisfaction to the Department to be considered."

Under said resolution the honorable Secretary of the Navy appointed a board, consisting of Commodore Thomas O. Selfridge, Chief Engineer Alexander Henderson, and Paymaster C. H. Eldridge, which convened at the Brooklyn Navy-Yard June 5, 1865, and continued in session for more than six months.

Among the contractors who had been notified by the board organized under

months.

Among the contractors who had been notified by the board organized under the resolution above cited to appear before it for the purpose of testifying as to their claims to additional compensation for the work performed, Mr. William P. Buckmaster, one of the firm of James Murphy & Co., presented himself before the board and testified, under oath, as follows:

"The contract (for the machinery of the double-ender Otsego) was dated by the Navy Department August 15, 1862, in which [seven months] was

allowed to complete the machinery and deliver to the Government; but it was not so delivered until June, 1864. That he was released by the Department from the terms of the contract regarding time of completion, as shown by the letter attached to the bill presented. That the total cost of the machinery was \$104.836.61, and the amount received from Government, the contract price, was \$82,000, leaving a balance, the excess of loss to them over and above the contract price, of \$22.836.61. That there are no bills for extra work, and that there are no charges in the bill annexed to this record, marked No. 36, for any condemned material, faulty workmanship, or rebracing of boilers; and that the bill shows the actual cost of labor and material. That the excess of cost is due to the rise in the price of labor and material, and also when the contract was taken it was represented by Mr. Isherwood that he considered it a fair price, urging us to accept it, as it was difficult to get the work, and it might exempt our men from being drafted. He also stated that the weight of the machinery would not exceed that of the Paul Jones class, while it did exceed it by one-third; no drawings or plans being shown at the time the contract was made, we could only judge of the cost by comparing it with engines and boilers of the same size, cylinder, and stroke of piston that we had built for river boats, but found it was more than double."

"The board, after a critical examination of all the claims presented the board made the following report:

"The board, after a critical examination of the bill of cost presented by the several contractors for vessels and steam machinery contracted for in the years 1862 and 1863, who have appeared and made sworn statements, has determined the excess of cost in the several cases over and above the contract price and allowance for extra work to be as follows:

Wooden double-enders-Machinery.

Excess of

	Name o	f vessel.		Contractor.	Excess of cost determined by board.
* Otsego	•	•	•	* * Fulton Works	\$22, 386, 61
	•				

Subsequently, by authority of an act of Congress approved March 2, 1867, another board of officers was appointed by the Department "to investigate the claims of all contractors for building vessels of war and steam machinery for the same under contracts made after the 1st day of May, 1861," and its report was communicated to Congress December 4, 1867. The claim of the Fulton Iron Works does not appear to have been presented to this board for examination.

That the claimants were losers on this contract to an amount nearly, if not quite, equal to one-half of the whole contract there can be but little doubt, as were most if not all of the contractors engaged in the construction of the twenty-seven gunboats mentioned in the report of the Selfridge board. These contracts were entered into in abnormal times. War was raging, it is true, but many were the predictions then made, by some of our ablest statesmen, that it could not and would not last more than a few months at most. Those who, gifted with the greatest prescience, could not and did not predict as to the future with any degree of accuracy, and few there were, indeed, who, in August, 1862, the date when these contracts were entered into, could have been made to believe that nearly three years from that date would find the war still raging with unabated fury, millions of men still in arms, and prices of all kinds of labor, materials, and provisions doubled or trebled in amount.

In discussing this very claim, and others of like character. Senater Summer

the war still raging with unabated fury, millions of men still in arms, and prices of all kinds of labor, materials, and provisions doubled or trebled in amount.

In discussing this very claim, and others of like character, Senator Sumner (see Congressional Globe, 1865, page 1892) said:

"The Senator from Kentucky said that they took the war into their calculations. Perhaps they did; but who among those contractors could take that war adequately into his calculations? Who among those sitting here or at the other end of the Avenue properly appreciated the character of the great contest that was then going on? Sir, we had passed half a century in peace; we knew nothing of war or of war preparations, when all at once we were called to efforts on this gigantic scale. Are you astonished that these contractors as gentle in judgment and as considerate as you have been to others in public life who have erred in their calculations with regard to it.—Congressional Globe, page 1987.

"The building of that invulnerable Navy was one of the great victories of the war, not to be commemorated on any special field, but to be seen in those mighty results which we all now enjoy.

"And now again I ask, Are you ready to see these contractors who have done this service sacrificed? You do not allow the soldier to be sacrificed, nor the national creditor who has taken your stock; will you allow the mechanic to be sacrificed? * * * My friend on my right [Mr. Nye] asked you to be magnanimous to these contractors. I do not put it in that way. I ask you simply to be just. Do by them as you would be done by. The Senator from Nevada also very fitly reminded you of the experience of other countries. He told you that England, at the close of the Crimean war, when her mechanics had suffered precisely as your mechanics have suffered, din ot allow them to be sacrificed, but every pound and shilling of their liabilities under their contracts was promptly met by that Government. Will you be less just to your mechanics than England? It is an old sa

monarchy in gratitude to those who served it."—Congressional Globe, page 1987.

During the same debate Senator Hendricks, of Indiana (see Congressional Globe, page 994, 1865), said:

"I am of the opinion that these sums ought to be paid, as a matter of justice and right, by the Government to these contractors. Each case, of course, has its special merits or demerits. But, sir, I believe in the doctrine that where a man contracts to do a great and very important work for the Government he ought not to be allowed to be a large loser, and in some cases, as will be the result here, to be broken up by the contract that he may have made, and especially in the case of contracts made at such a time as these were made and for such work as they were made. * * * We had to have these ships; the Government could not progress in the war without them, and great numbers had to be manufactured or contracted for about the same time. What was the effect of that? The Government made a contract with one man, then with another, then with another, and started her own shipyards with all the force it was possible to command. What was the effect of that? Of course, to increase the price of labor; of course, to increase the price of material required in the construction of the ships. There are some general views about the equity of these claims without reference to the particular merit of each case.—Congressional Globe, page 1892, 1863.

"The point is that, these contracts being made in 1862 and 1863, the prices continued to advance during all the time that these parties were building the vessels and constructing the machinery for them, so that they were overtaken by this enormously high rate of prices and destroyed.—Congressional Globe, page 1892.

"These contracts were made by some below their own propositions, and at barely fair prices at the then current rates. Is there any Senator here who wishes to see these men broken up merely because they entered into a contract with the Government? Is there any Senator here who whise to say to these men, We have your bond, and we will have the pound of feast?"—Contract with the Government? Is there any Senator here who whise to say to these men, We have your bond, and we will have the pound of feast?"—Contract with the Government? Is there any Senator here you will take the blood out of your business; we will have the pound of feast?"—Contract with the Government in the pound of feast?"—Contract with the government of the Marchand board, and the reasont contract the theorem of the Marchand board, and the reasont contract with the contract of the contra

tained by them in constructing the Comanche. Amount allowed by the board, \$179,993.80.

In addition, the following special acts have been passed to relieve contractors in similar cases, to wit:

Act of February 18, 1873, to relieve the heirs of George C. Bester, \$125,000. (17 Stats., 733.)

Act of June 1, 1872, to pay Charles W. Whitney \$50,000. (17 Stats., 671.)

Act of June 10, 1872, to pay J. S. Underhill \$23,310.75. (17 Stats., 691.)

Act of March 2, 1875, to pay Daniel S. Mershon, jr., \$46,715.08. (18 Stats., 635.)

The contractors for building the Dome of the Capitol were awarded and paid \$96,000 for increase in the price of labor and material during its construction. The Government prolonged the time of its completion. (See Senate Report No. 132, first session Thirty-ninth Congress.)

John Ericsson was paid \$1,070,488.30 on the Puritan (United States Statutes, June 25, 1864, volume 13, 409) for increased cost of labor and materials.

Miles Greenwood, of Cincinnati, Ohio, was paid \$76,000 for increased cost of labor and material in building the United States vessel Tippecanoe, in 1873.

This claim has merit in the fact that before Murphy & Co. would accept said contract and proceed with the work they required Mr. Isherwood, the contracting agent of the Navy Department, to agree in writing to pay any excess of cost of labor and material over the contract price, thus imposing upon the United States a legal liability, the amount of which, under the resolution of the Senate, has been fixed and determined.

This claim has been before Congress several times. It was introduced in both House's in the Fifty-first Congress and referred to appropriate committees, but no further action was taken. The House Committee on War Claims at the first session of the Fifty-second Congress, the claim was referred to this committee, but no action was had on it.

Your committee have given the matter careful consideration, and have arrived at the conclusion that the claim is just and ought to be paid. We are not willing to advise

During the reading of the report,
Mr. SWANSON. Mr. Chairman, I ask whether the reading of
the report was called for? If not, I move that the further reading
be dispensed with.
Mr. CANNON. Let it be read.
The CHAIRMAN. Objection is made. The Clerk will proceed
with the reading of the report.
The reading of the report was resumed and concluded.
The CHAIRMAN. The question is on the amendment offered
by the committee.

by the committee.

Mr. CANNON. Mr. Chairman, this is the Committee of the

Whole. I want to see if I can have the attention of the gentleman in charge of this bill. Who is in charge of the bill?

Mr. OTJEN. I made the report on the bill.

Mr. CANNON. I have been trying to refresh my recollection about this claim. I have not fully succeeded in doing so, although I have partially done so. On a former examination I came to the condition that the decide method is the tenth of the condition of the conditio conclusion that the claim ought not to be paid, and that conclusion is reenforced this morning by a hasty examination. I understand this is briefly the fact: During the war contracts were made for the construction of vessels; that changes were made in some of these contracts; that there was an advance in the cost of material under some of these contracts; and at the close of the war a claim was made before the Senate of the United States, priwar a claim was made before the Senate of the United States, primarily, that compensation should be made for extras upon the one hand, but more particularly for the advance in the price of material between the time of the making of the contract and the time of the completion thereof. The Senate passed a resolution which I have in my hand. I will read it.

March 9, 1865, the Senate adopted the following resolution:

Resolved. That the Secretary of the Navy be requested to organize a board of not less than three competent persons, whose duty it shall be to inquire into and determine how much the vessels of war and steam machinery contracted for by the Department in the years 1862-63 cost the contractors over and above the contract price and allowance for extra work, and report the same to the Senate at its next session.

That resolution was adopted. The Secretary of the Navy appointed a board known as the Selfridge board. The Selfridge board, under that resolution and appointment, made investigations and reported to the Senate, and under that report the parties seeking relief here had an award made substantially of the amount that they ask to be appropriated. But the Selfridge board was overthrown, and for the reason that under our Constitution the House must concur with the Senate and the President agree with House must concur with the Senate and the President agree with each before legislation can be had or appropriation made. The matter came before the House, and finally it came into conference, and there was legislation to this end. The House Committee on Claims unanimously rejected this bill, which was to pay the findings of the Selfridge board, upon the ground that while certain of these contractors would receive the amount of their claim, and in some cases more, other contractors would receive less than the amount of their losses, and that consequently the Senate bill was not an equitable basis of relief. It therefore reported a substitute for the Senate bill, and the conference committee finally agreed upon a bill, which became the act of March 2, 1867. I have that act before me. I call attention of the committee to it. It pro-

That the Secretary of the Navy shall create a board to investigate the claims of—

Who?

all contractors for building vessels of war and steam machinery for the same under contracts made after the 1st day of May, 1861, and prior to the 1st day of January, 1864, and said investigation to be made upon the following basis: He shall ascertain the additional cost which was necessarily incurred by each contractor in the completion of his work by reason of changes or alterations in the plans and specifications required—

Pretty broad, you will notice. Second-

and delays in the construction of the work occasioned by the Government which were not provided for in the original contract.

A second pretty broad ground. Third-

But no allowance for any advance in the price of labor or material shall be considered unless such advance occurred during the prolonged time for completing the work rendered necessary by the delay resulting from the action of the Government aforesaid, and then only when such advance could not have been avoided by the exercise of ordinary prudence and diligence on the part of the contractor.

Now, as I understand it, this is a claim of these parties to be reimbursed for the advance in the cost of materials used in complying with their contract before the contract expired. Am I

mr. OTJEN. Partially so; not altogether.
Mr. CANNON. I am partially right. Well, that is one element of the compensation sought. Another is a claim for extras. Am I correct in that?

Mr. OTJEN. There are no extras, as I understand it, in this

Mr. CANNON. Well, for changes. Mr. OTJEN. No changes; merely compensation for the actual cost of labor and materials.

Mr. CANNON. Precisely. Now, the law—not the Senate resolution, but the law—provides that the investigations of this board shall cover changes in plans, extras, etc., which were not provided for in the original contract. I will read this again, because it goes right to the core of the whole question in this case, as I understand it:

But no allowance for any advance in the price of labor or materials shall be considered unless such advance occurred during the prolonged time for completing the work rendered necessary by the delay resulting from the action of the Government aforesaid, and then only when such advance could not have been avoided by the exercise of ordinary prudence and diligence on the part of the contractor.

Now, it would seem to be manifestly just that a contractor enter ing into a contract for the Government should be compensated for extras and for the dangers resulting from the Government changing the plans of the work, and thus necessitating extra time for its completion, and in 1867, when this whole subject-matter was fresh in the minds of the people and of Congress, a law was enacted creating this board, and in fact, if not in words, turning down the

Mr. OTJEN. Do I understand you to say that this claim was presented to the Marchand board?
Mr. CANNON. I do not know.
Mr. OTJEN. I understand that it was not presented to that

board.

Mr. CANNON. Ah, then, these parties were guilty of laches and the intendment should be against them, because their claim and the intendment should be against them, because their claim was presented to the Selfridge board, as appears upon the face of the papers. The claim was presented to the Selfridge board and \$20,000 was found to be due by that board, and the Senate passed a bill appropriating the money, but the House, under the lead of its Committee on Claims, refused to concur, and what was the result? The result was the creation of a new board by law—by a law which said that-

The Secretary of the Navy is authorized and directed to investigate the claims of all contractors for building vessels of war.

Now, I do not know what the records of a generation ago might show upon full examination. They might show that this claim was presented to this new board created by law; but if they should not show that, and if the claim was not in fact presented to that board, then the presumption is that when the whole matter was fresh in the minds of the people and of Congress these parties knew that they had no claim that could pass muster, and so did not present their claim.

knew that they had no claim that could pass muster, and so did not present their claim.

Mr. FOOTE. May I ask a question for information?

Mr. CANNON. Certainly, if I am competent to answer it.

Mr. FOOTE. As to the Selfridge board, was there ever any question raised as to the competency of that board?

Mr. CANNON. I do not know, nor do I care, whether that board was competent or incompetent. I do know that it breathed life only through a Senate resolution, that it found that these claimants had the money due them which you are now seeking to claimants had the money due them which you are now seeking to appropriate, but that the House and the Senate, on consideration of the findings of that board, and on consideration of this particular claim, repudiated those findings and wrote a law upon the statute book for the settlement of all these claims, and that under that law these men took nothing.

Mr. FOOTE. Was not that merely because of a technicality? If the Selfridge board was a competent board and made a finding in favor of these claimants, then the claim must have been

Mr. CANNON. A mere technicality! Why, Mr. John K. Cowen and several other eminent Baltimore and Philadelphia lawyers are probably as competent as any of the judges of the Supreme Court, but they are not judges of the Supreme Court, and the gentleman might as well cite an opinion given by one of them as legal authority as to claim that the action of the Selfridge board in this case is binding because the members of that board were competent. Whatever may have been their competency or their incompetency, their action was without authority of law. Their finding was not binding upon anybody, and that finding was repudiated by Congress in 1867, when this whole subject was fresh, under the lead of the Committee on Claims of the House, and legislation was had constituting the Marchand board, which had plenary jurisdiction of this whole subject. That board found a great amount of damages in a great many cases, but the names of these claimants are not found written upon this "book of life," these claimants are not found written upon this "book of life," which exists by virtue of law; but now, a generation afterwards, when the people have forgotten all about the matter, these claimants come in with a report reciting the arguments of Charles Sumner and of Senator Nye, of Nevada, both of whom died many years ago, talking in magnificent and patriotic style about "compensating labor" and giving it its "just dues." Splendid talk, but it cuts no ice in the light of the facts in this case.

I believe this bill should be laid on the table, and at the proper time I will move, if nobody else does, that the bill be reported back to the House with that recommendation.

Mr. COX. Before the gentleman takes his seat, will he allow me one question?

Mr. CANNON. Certainly.
Mr. COX. When this claim came here to the Committee on Claims, did they after investigation report it back favorably?
Mr. CANNON. I understand that this is a favorable report.

Mr. COX. I mean the original claim when brought here from

Mr. CANNON. The Selfridge board, which existed by Senate resolution, found substantially in favor of the claimants for the amount that this bill carries; but the Marchand board, which existed by law, not by Senate resolution, and which had plenary jurisdiction, was silent as to this claim. I do not know whether it was before that board or not; but I say it is fair to assume that it was before that board or not; but I say it is fair to assume that it was; and if the claimants did not present it just after the transactions occurred it is fair to presume it was because they knew that the claim had not merit. After a lapse of a generation it is

fair to indulge that supposition.

Mr. OTJEN. Mr. Chairman, I presented this report on behalf of the committee and would like to say a few words in explana-

tion of this bill.

The contract for making the engine and boiler for the steamer Otsego was made at a time when the Government was very anxious to have machinery of this kind made. The Government was building a large number of war vessels; and the engineer of the Navy Department, Mr. Isherwood, went to New York and induced a number of firms to make these engines.

Mr. COX. What was the date of that contract? Mr. OTJEN. Eighteen hundred and sixty-two—about August of that year. Among others, he went to James Murphy & Co., of New York, and asked them to make two engines and boilers. Mr. Murphy said that he could not do it; that he had all the work that he could do; but finally Mr. Isherwood insisted upon that establishment making at least one engine and boiler. They asked him then for the drawings, so that they might make their figures upon which to make an estimate of the cost. He had no drawings whatever; they had not been made. Mr. Isherwood assured them that a good price for one set of these engines and boilers would be \$82,000. He further told them that they would cost about double the price of an engine of a Staten Island ferryboat, which this firm had made. He insisted upon their undertaking to make one engine; and he set the price. They said to him, "We do not like to go into this thing in this way; we do not like to take these contracts without knowing what we are doing—without having the drawings; we have never taken a contract in that way. But in order to help the Government out we will take this contract; but we must have the drawings immediately."

Mr. Isherwood left; and it was six weeks before they ever got

their drawings.

Mr. Isherwood came to Washington and reported to the Secretary of the Navy what had been done. In due time a contract was sent to the firm to be signed. They signed the contract, but in returning it they sent a letter to the Department in which they said they could not possibly accept that contract unless the Gov-ernment would guarantee to pay them the actual cost of construct-ing this engine and boiler over and above the contract price. They said that prices had already advanced 15 per cent on labor and material. In answer to that, Mr. Isherwood wrote them a letter telling them to push the work, and saying "the Department will allow the actual cost of labor and material used in the Otsego machinery in excess of contract price."

Under these conditions this firm went to work and built this machinery. The actual cost of this engine and boiler was \$104,386.61. That amount, it should be understood, does not include a cent for extras, not a cent for rent or use of offices; it simply represents the actual cost of this work.

This claim was presented to the Selfridge board, which acted under the Senate resolution referred to by the gentleman from Illinois. That board found that the actual cost of this work was, as I have just stated, \$104,386.61, which would leave \$22,386.61 coming to these people.

Mr. Buckmaster appeared before that board, and in his testi-

mony he stated:

That there are no bills for extra work, and that there are no charges in the bill annexed to this record, marked No. 36, for any condemned material, faulty workmanship, or rebracing of boilers, and that the bill shows the actual cost of labor and material.

This claim, as I understand, was never presented to the Marchand board—only to the Selfridge board; and they found that this sum of \$22,386.61 was due these people.

Under the circumstances of the case, it appears to me that this

is a just and honest claim and ought to be paid. There is not a dollar in it for interest; there is not a dollar in it for extras; it covers simply the actual cost of making this boiler and engine over and above the contract price. The contract was taken with due notice to the Government that the contractors could not accept it at \$82,000 unless the Government would guarantee to save them harmless upon the extra expense of material and labor.

That proposition having been accepted in a letter of the engineer of the Navy Department, it seems to me that these people are entitled to this reimb reement. I have no interest in this matter except my desire to see justice done to these men.

Mr. JOY. Mr. Chairman, in view of the fact that I am the author of this bill I deem it but justice to myself and to the committee, as well as to the House, that I should say a few words upon it, and especially with respect to the remarks made by the gentleman from Illinois [Mr. Cannon], the chairman of the Committee on Appropriations. With all due respect to that gentleman, who has made so much noise about the bill in the last few moments, I will state that in my judgment the report of the committee will, upon investigation and examination, convince any man that this claim was not presented to the Marchand board, and I will venture to assert that that report is worth just as much as a guess of the gentleman from Illinois, the benefit of which he has given the committee during the discussion of this matter

This claim was presented to the Selfridge board, but was not presented to the Marchand board. The committee made a thorough examination of the matter, and came to the conclusion that it had not been presented to the Marchand board. There was nothing to show that it had been, while on the contrary the evidence was conclusive that it was not so presented.

I have no personal knowledge of the matter, but I believe the facts are conclusive, as I have stated. It was presented, however, I repeat, to the Selfridge board. That was a board composed of honorable gentlemen, constituted by a resolution of the Senate solely; but that fact alone should not affect the House at the present time any more than it did the House at the time their report ent time any more than it did the House at the time their report was first presented. There is a little feeling, necessarily, perhaps some rivalry, between the two bodies in reference to these matters; but if the Selfridge board told the truth, and if they examined carefully, as no doubt they did examine carefully, all of the facts in connection with this matter and passed upon those facts judicially and honestly, as they did, their report is of just as much value to you and to me and to members of this House as the report of

any other board could possibly be, no matter how constituted.

Now, why did not this matter come before the Marchand board?

Let us examine that for a moment. The reason is not that which has already been stated by my distinguished friend from Illinois who has just taken his seat, but it was because of the fact that it could not come before it under the resolution constituting the could not come before it under the resolution constituting the board. The amount that is claimed by the surviving partner of the firm of Murphy & Co. is the contract price agreed to by the Government in the main, and in addition thereto a provision added over the hand of B. F. Isherwood, esq., engineer of the United States Navy, who acted on behalf of the Government, and signed the contract with the corporation. He himself, before this company would accept the contract for \$82,000, affixed an addendum to the contract in these words:

The Department will allow actual loss in labor and material used in the Otsego machinery in excess of the contract price.

Now, Mr. Chairman, there was a contract by the Government to pay to this firm the very sum that is asked here in the pending bill. It is a part of the contract. The Marchand board was orbill. It is a part of the contract. The Marchand board was organized to pass on claims entirely outside of a contract, and it was so stipulated in the resolution forming the board. But this claim is of a different character. This is a claim for an upset price of \$82,000, and in addition to that the advance in the cost of labor and material. It did not belong, therefore, to the Marchand board and could not premerly come bafore them.

board, and could not properly come before them.

Now, I say it is a pretty small piece of business for the chairman of the Committee on Appropriations of the House of Representatives, the distinguished gentleman from Illinois, to rise on this floor and state, without examination, that this matter was submitted to the Membersh and search with the Membersh and sea submitted to the Marchand board, when, as a matter of fact, it was not; and he simply makes a guess as to the facts of the case which he expects the House to accept as a result of his judgment based on no examination of the question. He was not here. His judgment, when he sees a thing with his own eyes, is of course as good as the judgment of anyone else; but his judgment of things that he has not seen and which he has not examined amounts only to imagination, and is worth no more than the judgment of any other man under the same circumstances; and in the present instance it is only a very bad guess. On this question I claim that his guess is not worth quite as much as mine.

I repeat, that this matter could not be considered by the Mar-

chand board, because it was a contract in itself, including an amount undetermined, but which was covered by the finding of a tribunal which examined the facts at the time. The amount a tribular which examined the facts at the time. The amount was determined, I repeat, at the time the transaction took place, and not a generation afterwards. The Selfridge board, a board of gentlemen appointed by the Senate alone, whose honesty was never impugned, found the facts to be on examination that \$23,600 had been expended under the terms of the contract itself.

Now, Mr. Chairman, this matter ought not to go off on a few guesses by the watchdog of the Treasury here. If it is honest, as

it is and as I know it to be, it ought to be paid or some reason should be given for not doing so besides that given by the distin-

guished gentleman from Illinois.

The matter of this payment arose at the time the work was done, and it was presented to the only board ever constituted by Congress which had authority to examine it, and by that board, appointed by a resolution of the Senate, it was allowed and the amount de-The question of loss was determined then—the amount of the actual loss under the terms of the contract-and Mr. Buckmaster, the surviving partner of the firm of Murphy & Co., who made the contract and did the work, asks the Government now to pay him the money agreed to be paid under this contract in 1866. That is all there is of it, and it is not a matter of guess, but a matter of actual fact.

Mr. CANNON. Mr. Chairman, would it be in order to move to strike out the enacting clause of this bill?

The CHAIRMAN. It would.

Mr. CANNON. Well, in just one minute by the clock I will make that motion. The gentleman from Missouri [Mr. Joy] has certainly not read the resolution constituting the Selfridge board, the finding of that board in 1865, or the refusal of the House to

abide by that finding.
Mr. JOY. In this claim?
Mr. CANNON. Yes. Neither has he read the contest between the Senate and the House, which resulted in the report of 1867, which I read to the House, constituting the Marchand board, the only which fread to the House, constituting the Marchand board, the only board that ever had legal authority to adjudicate this exact claim. They did adjudicate claims, and all claims that were referred to them. Whether this was adjudicated or not I do not know. If it was not it was the fault of the claimant, I say again, and presumably, in the minds of legislators a generation afterwards, against the claimant. Now, having had their day in court, under the law of Congress and not having held relief its court, under the law of Congress, and not having had relief, it seems to me that we will hesitate long before we proceed to appropriate this sum, thereby establishing a precedent, an entering wedge that will be followed by a troop of similar claims, aggregating much larger amounts.

I now, sir, move to strike out the enacting clause of this bill.

The CHAIRMAN. If the gentleman will give his attention, the Chair understands that this is a Senate bill. The Chair doubts whether this motion would be in order as to a Senate bill, out of

courtesy to the other body.

Mr. CANNON. Then I will make any motion that will dispose of the bill unfavorably, if I can get the committee with me. I will move that the bill be reported back to the House with the recommendation that it do not pass.

The CHAIRMAN. The gentleman from Illinois [Mr. CANNON] moves that the bill be reported back to the House with the recommendation that it is a second to the second that the bill be reported back to the House with the recommendation that it is a second to the second that the second th

mendation that it lie upon the table.

Mr. CANNON. That is right.

The question was taken; and on a division (demanded by Mr. Cannon) there were—ayes 55, noes 25. Mr. JOY. I will ask for tellers.

Tellers were ordered; and the Chairman appointed Mr. Joy and Mr. CANNON

The committee divided; and the tellers reported—ayes 51, noes 23.

Accordingly the motion was agreed to.

The CHAIRMAN. This bill just considered was the Senate bill. The next bill on the Calendar is the House bill, No. 3959, involving the same subject. Without objection, the House bill will be reported back with an unfavorable recommendation.

Mr. HEPBURN. I thought by the action of the committee the Senate bill was substituted for the House bill.

The CHAIRMAN. The present occupant of the chair is informed that the motion was that the Senate bill be taken up, and that a vote was had upon that question; that the committee determined to take up the Senate bill. That leaves the House bill upon the Calendar. Without objection, the recommendation will be that the House bill lie upon the table. Is there objection?

Mr. JOY. I object, Mr. Chairman. The House bill is a bill

sending this question to the Court of Claims, and I should like to make a motion that that bill be laid aside with the recommenda-

The CHAIRMAN. The gentleman from Missouri objects.

The Clerk will report the bill.

Mr. CANNON. It seems to me that the House has expressed itself about the matter.

Mr. JOY. Let the bill go to the Court of Claims.

The Clerk read the title of the bill, as follows:

A bill (H. R. 3950) for the relief of William P. Buckmaster.

Mr. OWENS. Is it competent to move that the bill lie upon the

table, without reading?

The CHAIRMAN. That can be done only by unanimous consent. The bill is a brief one.

The Clerk proceeded to read the bill.

Mr. CANNON (during the reading). Mr. Chairman, I ask
the attention of the Chair for a moment, if I may interrupt the

reading of the bill, to say that I have consulted the notes of the Official Reporter, which show that the Chair is in error, and that the gentleman from Iowa [Mr. Hepburn] is right. If I may do so, I ask for the reading of the notes of the Official Reporter.

The CHAIRMAN. The Chair has been informed since by the Clerk at the desk that the wording of the resolution was as stated by the gentleman from Illinois; but that motion would have required unanimous consent. The Chair put it to a vote of the committee, and by so doing put to a vote an unparliamentary motion. The Chair thinks the easiest way is to dispose of this bill.

Mr. CANNON. Well, after all, if it is already done, will it not save time? There are a number of cases on this Calendar that gentlemen are desirous to get at.

Mr. LOUD. We can save money by spending it on that, can

Mr. CANNON. Will the Chair cause the notes of the Official Reporter to be read?

The CHAIRMAN. The Chair will have the notes read.

The Clerk read as follows:

After the reading of the House bill,
Mr. OTJEN said: Mr. Chairman, I move that the Senate bill (S. 90, Calendar
number 470) be substituted in place of this bill. It is the same subject-matter.
The motion was agreed to.

The CHAIRMAN. Under those circumstances, the Chair will hold that the Senate bill was substituted for the House bill. The Clerk will report the next bill upon the Calendar.

Mr. JOY. I will ask the Chair for information, What is the position of the House bill? Does it remain on the Calendar or go

off the Calendar?

The CHAIRMAN. The opinion of the Chair would be that the House bill would take the place of the Senate bill on the Calendar.
Mr. JOY. It remains on the Calendar, as I understand it.
The CHAIRMAN. Unless some disposition is made of it.
Mr. JOY. At present?

FLORA A. DARLING.

The next business on the Private Calendar was the bill (H.R. 903) for the relief of Flora A. Darling.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Mrs. Flora A. Darling, out of any money in the Treasury not otherwise appropriated, the sum of \$15,683, in full satisfaction of all claims growing out of her arrest, imprisonment, and the seizure of her property by military authority at the city of New Orleans, in January, 1894, while on a flag-of-truce boat under protection of a safe-conduct given her by Maj. Gen. N. P. Banks, then commanding the Department of the Gulf.

Mr. COOPER of Texas. Mr. Chairman, there is a committee amendment. Unless it is desired that the report be read, I ask for the adoption of the amendment recommended by the committee, and that the bill as amended be reported to the House with a favorable recommendation.

Mr. DINGLEY. Mr. Chairman, I think we had better have the

report read.
The report (by Mr. Cooper of Texas) was read, as follows:

The Committee on War Claims, to whom was referred the bill (H. R. 903) for the relief of Flora A. Darling, submit the following report:

The facts out of which this bill for relief arises will be found stated in a report of the Committee on War Claims of the Fifty-third Congress. A copy of said report is hereto attached and made a part of this report.

Your committee recommend the passage of the bill with the following amendment:

In line 6 strike out "\$15,683" and insert in lieu thereof the following: "\$5,683."

In line 6 strike out "\$15,683" and insert in lieu thereof the following: "\$5,683."

[House Report No. 461, Fifty-third Congress, second session.]

The Committee on War Claims, to whom was referred the bill (H. R. 4684) for the relief of Mrs. Flora Adams Darling, having considered the same, report as follows:

Heretofore, on April 15, 1884, the claim of Mrs. Flora Adams Darling, for which relief is now sought by act of Congress, was referred to the Court of Claims, and on May 31, 1887, that court made the following findings:

[Court of Claims. Congressional case No. 94. Flora Adams Darling vs. The United States.]

FINDINGS OF FACT.

At a Court of Claims held in the city of Washington on the 31st day of May, A. D. 1887, the court filed the following findings of the fact, to wit:

The claim in the above-entitled suit having been transmitted to this court by the Committee on the Judiciary of the House of Representatives on the 15th day of April, 1884, and the Attorney-General having appeared for the defendant, and the suit having been brought to a hearing on the 25th day of May, 1887, the court, upon the proofs and evidence, and after hearing John P. Jones, esq., of counsel for the claimant, and Messrs. Howard and Dewees, esqs., of counsel for the defendant, finds the following facts:

Claimant was born in the State of New Hampshire, and until her marriage, in 1859, she resided in said State. After her marriage she resided in the State of Louisiana until the commencement of the war, when she returned to the State of her nativity and resided there, as hereinafter stated.

II.

Her husband, Edward I. Darling, was a brigadier-general in the Confederate service, and claimant joined him after her return to New Hampshire in order to attend him during the illness incident to his being wounded. She was passed through the lines under the protection of a flag of truce, via Washington and Acquia Creek, to Richmond, Va. She remained at Dalton, Ga., until her husband's death, until November 29, 1863, when she applied for the protection of a flag of truce that she might return to her parents in the North, taking a letter from General Bragg to Gen. Dabney Maury, then at Mobile, Ala.

III.

General Maury made application to General Banks for the flag of truce, and the same being granted, claimant was sent from Mobile to Pascagoula to meet the flag-of-truce boat, which was to convey her to New Orleans, then within the Union lines.

Upon the arrival of the flag-of-truce boat, the Alice McQuigan, under command of Capt. Thomas Tileston, claimant was shown an official passport, signed by Gen. N. P. Banks, commanding the Department of the Gulf. authoring the safe-conduct of herself, servant, and effects on board said vessel, under the protection of a flag of truce, to New Orleans.

After a passage of about three days the vessel arrived at New Orleans, having been one stopped and examined by a Federal gunboat.

V.

When at Hickoks Landing, about 6 miles from New Orleans, Captain Tileston left the vessel, saying he would send a carriage for claimant. In about two hours a Federal sergeant arrived on board the vessel, demanded of claimant the keys to her trunk, informed her that he had orders to seize her and her bazgage, and showed an order from Gen. James A. Bowen, provostmarshal, to that effect. Claimant was taken in a private conveyance to New Orleans and put into prison, where she remained eight days, until she managed to escape, and, securing the assistance of the English consul and other influential friends, was granted a parole, after being guarded by two officers for the first few days. She was after this compelled to report daily to Gen. H. M. Porter.

After being detained in New Orleans in this way for many weeks, claimant received an order to sail for New York the next morning, on board the Baltic, an old vessel used as a Government transport. Claimant sailed in obedience to this order, being the only woman on board with the exception of her maid, in company with 400 sick soldiers. The voyage lasted fifteen days, and the vessel was detained off Cape Hatteras for several days, owing to her condition. Claimant was, in consequence of the condition of the companion way, thrown down a hatch, and suffered a severe injury to her hand, which has left it crippled ever since. She has ever since resided in the State of New York.

VII.

WII.

Before claimant left Mobile her friends advised her to place her valuables in her trunk instead of carrying them on her person.

When arrested at Hickocks Landing, the Federal officer who made the arrest demanded the keys of her trunk, and, after searching it, carried away all of her valuables. The trunk was afterwards returned to her, but she never saw any of her securities, money, or jewelry again.

Claimant placed in her trunk for safe-keeping \$10,000 in Confederate cotton bonds, which had been issued the previous September, \$5,000 in notes of the State banks of Louisiana and Tennessee, \$23 in gold, \$15 in silver, and a collection of jewelry worth \$640.

VIII.

Before claimant sailed the judge-advocate of the Confederate army examined her baggage to see that there was nothing in it that could be construed as a violation of the flag of truce. Her trunk contained nothing of a political nature; no papers or documents relating to army matters; nothing but such articles as a lady would carry with her in traveling.

Claimant sympathized with her husband in political sentiment, and was disloyal to the Government of the United States.

The arrest of claimant was made because the military authorities of the United States suspected the claimant as a spy.

BY THE COURT.

BY THE COURT.

Filed May 31, 1887.

A true copy. Test this 12th day of April, A. D. 1888.

JOHN RANDOLPH, Assistant Clerk Court of Claims.

Test this 12th day of April, A. D. 1888.

[SEAL.]

Assuming that the facts found by the court are true, the question presented is, Was Mrs. Darling under the protection of a safe-conduct at the time she was arrested and her property seized? The third, fourth, and fifth findings show that she was granted a safe-conduct from Mobile, Ala., to New Orleans, and was taken on board the flag-of-truce boat, the Alice McQuigan, under command of Capt. Thomas Tileston, to be carried through the lines of the contending forces to New Orleans. The vessel did not go all the way to that city, but stopped at Hickocks Landing, about 6 miles from the city, where Captain Tileston left the vessel, saying to claimant that he would send a carriage to send her to the city. About two hours afterwards, while claimant was still on board of the vessel according to the suggestion of Captain Tileston, a Federal sergeant wenton board, demanded of claimant the keys to her trunk, seized her baggage, arrested her, and confined her in prison. The seventh finding shows that the trunk was afterwards returned to her, but the securities, money, and jewelry it contained had been abstracted, and were never returned to the owner. The things of value abstracted consisted of \$5,000 in notes of the State banks of Louisiana and Tennessee, \$25 in gold, \$15 in silver, and a collection of jewelry worth \$640, aggregating \$5,683.

Mrs. Darling, at the time of her arrest, as before stated, was still on the flag-of truce boat, and was remaining there under the advice of the commanding officer of the vessel, under whose protection she was, and it was her privilege and right to follow his advice until he had provided a conveyance for her into the city. It she had acted otherwise, and left the boat and attempted to go to the city, and in so doing had been captured or in jured by the military forces of the United States, it could have been claimed that it was her own fault in not observing the directions of the officer having her under his protection. She did observe

Under such circumstances, the committee are of opinion that the claimant is entitled to compensation from the Government for the property taken from her, excepting the \$10,000 Confederate cotton bonds, the claim for which the committee disallow.

Wildman, in his work on the Laws of Nations, includes every species of contraband known to modern nations, and securities in the transactions of life or the possession of them is not regarded unlawful, and only mentions official communications as contraband under a flag of truce. He says:

"If one belligerent does not wish to receive the person or effects of one who holds a passport under the flag of truce, he may refuse to receive the person or his effects; but to enter upon a flag-of-truce boat and seize and confiscate the securities of a person who has been granted protection is denominated by the laws of nations an act of perfidy."

The authorities upon international law are unanimous in declaring the liability of the Government when such an offense against the law of nations is committed.

Chancellor Kent states the true rule in the following language:

"He who promises security by a passport is morally bound to defend it against any of his subjects or forces, and make good any damage the party might sustain by violation of the passport. The privilege being so far a dispensation from the legal effects of war. it is always to be taken strictly, and must be confined to the purpose and place and time for which it is granted. A safeguard generally includes the necessary baggage and servants of the person to whom it is granted." (Kent's Com., 181.)

Vattel defines the general rule in substantially the same language:

"He who promises security by a safeguard promises to afford it wherever he has command, not only in his territories, but likewise in every place where any of his troops may happen to be: and he is bound not only to forbear violating that security, either by himself or his people, but also to protect it and defend the person to whom he has promised it, to p

those humane rules which enlightened nations recognize, to make ample reparation.

"The violation of the good faith pledged by passports and documents of that character draws after it the most condign punishment. If it is committed on the part of the authorities or agents of the government which grants it, its bearer will be amply indemnified for all the consequences that result from the violation and the person who commits the violation will be punished in accordance with the laws of his country." (Calvo, vol. 2, p. 87, edition of 1888.)

Phillimore has, in speaking of the rights of belligerents under flags of truce, used language which might with propriety be applied to the facts in this case:

"Every belligerent acts upon the presumption that the usages of civilized war will be observed; hence flags of truce, cartels for the exchange of prisoners, and safe-conducts are held sacred by all states; they are among the belli commercia which whoever violates deserves to be treated as a pirate."

(Vol. 3, p. 1651.)

(Vol. 3, p. 1651.)

Also:

"But inasmuch as the right of safe passage conveyed by the instrument of safe-conduct is neither hurtful to a third person nor onerous to the grantor, it should always receive a liberal construction, and the instrument, whatever the language of it may be, must be so interpreted as to avoid the consequence of a manifest injustice or absurdity. Thus, for instance, a safe-conduct granted to soldiers and sailors generally must be construed to extend to all officers of the army and the fleet. So a permission 'to depart freely' must be holden to continue till the grantee arrives in a place of safety. The privilege is, in fact, always to be so construed as not to be useless to the grantee." (Phillimore's International Law, vol. 3, p. 148.)

Your committee report the bill and recommend the adoption of the following amendment: In line 6, page 1, strike out the words "fifteen thousand six hundred and eighty-three dollars" and insert in lieu thereof the words "five thousand six hundred and eighty-three dollars," and, when so amended, that the bill do pass.

Mr. COOPER of Texas. I ask the adoption of the committee amendment, and then I will move that the bill be reported to the

House with a favorable recommendation.

House with a favorable recommendation.

Mr. LOUD. Well, Mr. Chairman, I would like to say a word or two with regard to this bill. One thing that surprises me is the extreme generosity of the Committee on War Claims in foregoing the alleged claim of this lady for \$15,000 of Confederate money! It is a piece of generosity that is seldom displayed by that committee when a case is reported to this House. Now, I can not see why the Confederate money was not as valuable as this Georgia State money.

Mr. COOPER of Texas. I will state to the gentleman, with his consent, that it was Louisiana' and Tennessee bank money, which was good anterior to the war during the war and as good

which was good anterior to the war, during the war, and as good subsequent to the war as gold.

Mr. LOUD. But, however that may be—I understood that it was Georgia money—I do not think it would have been very valuable in the country to which she was going. The fact remains that there is nothing appearing in this case to substantiate the allegations made by this lady except the statement made by herself. She might as well have made it \$5,000,000 as this five thousand and odd dollars. I do not helious the property of the statement was all the property of the statement which was not become and the statement which was not become and the statement was all the property of the statement was all the statement which was all the statement was all the stateme sand and odd dollars. I do not believe, even on her own allega-tions, that the money amounted to over \$43 or \$44 in value; and we ought not to assume that the Government of the United States should reimburse a party to the extent of \$5,000 for valuables alleged to have been contained in a trunk. I think that is a busialleged to have been contained in a trunk. I think that is a business that we should not engage in at this time. If the gentleman himself should lose a trunk, he would have great difficulty in recovering such an amount of money from a railroad corporation or any other corporation doing business in this country.

From the fact that we have had read the opinion of these great international-law writers it is evident they claim there has been an act of perfidy on the part of our Government. Now, that may be worth \$5,000. I do not know about that. It is a question of the degree of the perfidy and how much perfidy is worth. Of course, if we are to measure "perfidy" and reimburse "perfidy," this Government may lodge a claim against the alleged Demo-

cratic party for a charge of "perfidy" made by the present occu-pant of the White House, and we might perhaps proceed to recover

from that party. [Laughter.]
I can not see, in all seriousness, Mr. Chairman, that this lady has any just claim. There is nothing at this time to show that she was not properly and regularly arrested by United States forces. It is now thirty-four years since this lady was arrested, and there was evidently some good ground for the arrest at that time. I do not believe in reimbursing any person to the extent of \$5,000 that may have been lost and alleged to have been contained in a trunk.

Mr. COOPER of Texas. Mr. Chairman, this claim has been pending for some years before Congress and before other tribunals, and this is the first time that I have ever heard called in question the fact that the lady, Mrs. Darling, lost the money claimed to have been lost. The claim passed the Court of Claims, and that court, on the evidence before it, found that she had lost the amount of money mentioned in the bill. I never saw and never had presented to me a more just claim, it appears to me, than this. Here is a lady who anterior to the war was a resident of the State of New Hampshire, whose sympathies were with the Union, who did not believe in its dissolution, and who had become

the wife of a Southern planter.

Mr. LOUD. Will the gentleman allow me to say that the court has found that this lady sympathized with her husband?

Mr. COOPER of Texas. I will say, and the record will bear me out, that she sympathized with her husband when her wifely duty became superior to that of her patriotism.

Mr. HULICK. Will the gentleman allow me to state the report shows.

Claimant sympathized with her husband in political sentiment and was disloyal to the Government of the United States?

Now, if that statement be true, what has the gentleman to say? Mr. COOPER of Texas. I will say this, on information possed by myself as a member of the committee, that every act of sessed by mysen as a memoer of the committee, that every act of this woman indicates her loyalty. She is a literary woman, spring-ing from that illustrious family, the Adamses. She is the author of a book in which her letters are to be found, showing that she advised against the views of her husband and attempted to prevent him from going into the war, and that when war was probable, she was instrumental in persuading him to leave this country and go to France or England, but when it became certain that

try and go to France or England, but when it became certain that there was to be war he returned to the South and entered the Southern army, and she failed to go with him, and returned to her parents in New Hampshire.

During the war he became a general. He was wounded. She undertook to go to him, and obtained a passport at this end of the line, and did go to him and ministered to him during his sickness until he died. Thereafter she ministered for a brief period of time to the other sick soldiers. Then she obtained a passport to come back, and, under a flag of truce, at the instance of General Bragg, and with the consent and order of General Banks, she was directed to go to New Orleans. Under that flag of truce she went to a to go to New Orleans. Under that flag of truce she went to a point near New Orleans and there was told to remain upon the boat until a carriage should be sent for her. While she was there on that boat, under that banner, an armed soldier came and took her keys, opened her trunk, and took therefrom these valuables. She was put under arrest and held for eight days. There was no evidence that she was disloyal, that she was a spy, or that she was in any way inimical to the Government. She remained there for some time, but at last was sent home by the Federal authorities, and she has remained at home ever since. Her claim was presented to President Lincoln as soon as possible after she returned to the North, and he referred it to a tribunal that he thought had invisibilities of it but the tribunal decided that her bloom to the North, and he referred it to a tribunal that he thought had jurisdiction of it, but the tribunal decided that they had not jurisdiction, but expressed the opinion that the case was meritorious. Since that time the claim has been presented to every branch of the Government where it could be presented. It has been before Congress, and each House has passed upon it favorably on several different occasions, but the action of the two Houses never met, so that the bill did not become a law. Afterwards the case was referred to the Court of Claims, and they found that this amount of money and property had been taken away from her.

Mr. HULICK. I wish to ask the gentleman a question for information. These notes of State banks in Louisiana and Tensesses amounting to \$5,000 were they would be in cold?

messee, amounting to \$5,000, were they worth their face in gold?

Mr. COOPER of Texas. They were worth their face in gold anterior and subsequent to the war.

Mr. HULICK. But at the time they were taken?

Mr. COOPER of Texas. Yes, sir. Now, Mr. Chairman, I ask for the adoption of the amendment.

The amendment was adopted.

The bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

FRANCIS A. BEUTER.

The next business on the Private Calendar was the bill (H. R. 71) for the relief of Capt. Francis A. Beuter.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized to correct the muster of Francis A. Beuter, that he be recognized as captain from the 4th day of September, 1863, in the Fourth United States Colored Troops, cavalry.

SEC. 2. That the Secretary of the Treasury pay to the said Francis A. Beuter his pay as captain of cavalry from the 4th day of September, 1863, to the date that he was mustered and paid as captain in the Fourth United States Colored Troops, April, 1864, deducting all payments on account of any other sums heretofore paid.

Mr. BAKER of New Hampshire. Mr. Chairman, I introduced that bill. It was favorably reported in the Fiftieth, Fifty-first, Fifty-second, Fifty-third, and Fifty-fourth Congresses. It involves only about \$800. It is simply a bill to pay an officer of cavalry from the time when he was commissioned up to the time when he was mustered in. There is no question as to the service, and there is no question as to the fact that he has not been paid. He is now a man over 80 years of age and is absolutely in need of this is now a man over 80 years of age and is absolutely in need of this small pittance, which, as I have said, represents simply a salary unpaid by the Government. I move that the bill be laid aside to be reported to the House with a favorable recommendation.

The motion was agreed to.

JOHN A. LYNCH.

The next business on the Private Calendar was the bill (H. R. 8075) for the relief of John A. Lynch.

The bill was read, as follows:

Be it enacted, etc., That in accordance with the findings of the Court of Claims the Secretary of the Treasury be, and he is hereby, authorized and required to pay John A. Lynch, out of any money in the Treasury not otherwise appropriated, the sum of \$2,466.49, in full and complete satisfaction for services rendered and expenses incurred and defrayed by him, the said John A. Lynch, to and for the United States, at Cincinnati, in the State of Ohjo, in the years 1861 and 1862.

Mr. TAFT. Mr. Chairman, this bill was introduced by me. Mr. TAFT. Mr. Chairman, this bill was introduced by me. Its object is to pay for the services of a captain who was engaged in the recruiting service in Cincinnati. He served there for eight months during the years of 1861 and 1862, and received no pay for that service. The case has been examined by the Court of Claims and has been favorably reported by that body. Unless some gentleman desires to ask a question about the bill, I move that it be laid aside to be reported to the House with a favorable recommendation

Mr. LOUD. Mr. Chairman, if I can be recognized, I will ask to have the report in this case read in my time.

The CHAIRMAN. The Clerk will read the report in the time

of the gentleman from California.

The report (by Mr. Wilson of Ohio) was read, as follows:

The Committee on War Claims, to whom was referred the bill (H. R. 3075) for the relief of John A. Lynch, submit the following report:

The facts out of which this bill for relief arises will be found stated in Senate Report No. 1349, first session of the Fifty-first Congress. A copy of said report is hereto appended and made a part of this report.

Your committee recommend the passage of the bill.

[Senate Report No. 1349, Fifty-first Congress, first session.]

[Senate Report No. 1349, Fifty-first Congress, first session.]

The Committee on Military Affairs, to whom was referred the bill (S. 3463) for the relief of John A. Lynch, having considered the same, report as follows:

This claim was referred to the Court of Claims by resolution of the Senate for investigation and report, under the provisions of the acts of March 3, 1883, and March 3, 1887. The court has reported its findings to Congress, from which it appears that there is due the claimant the sum of \$2.321.49 for his services, of which he had been paid \$125, leaving due him the sum of \$2.321.49 for his services, of which he had been paid \$125, leaving due him the sum of \$2.496.49. The findings of the Court of Claims are hereto attached and made a part of this report.

Your committee referred the bill, with these findings, to the Secretary of War for his report as to the amount which would be allowed under the law and the regulations of the War Department on the findings of the Court of Claims. The report of the Secretary of War, hereto attached, shows that \$30 should be deducted from the amount found by the court, leaving the amount due the claimant \$2.466.49. The letter of the Secretary of War, with its inciosures, is also attached and made a part of this report.

The committee therefore recommend the passage of the bill, with an amendment striking out the words "two thousand six hundred and swerting the words "two thousand four hundred and sixty-six dollars and forty-nine cents," in lines 6,7, and 8 of the bill, and inserting the words "two thousand four hundred and sixty-six dollars and forty-nine cents."

WAR DEPARTMENT, Washington, May 31, 1890.

Sir: I return herewith House bill 9199, "for the relief of John A. Lynch," referred to this Department by your letter of the 22d instant, and invite your attention to the inclosed reports of the Paymaster-General, dated the 26th instant, and the Quartermaster-General, dated the 28th instant, on the bill. Very respectfully,

L. A. GRANT, Acting Secretary of War.

Hon. WILLIAM. M. STEWART,
Of Committee on Military Affairs, United States Senate.

WAR DEPARTMENT, PAYMASTER-GENERAL'S OFFICE,
Washington, D. C., May 25, 1890.

SIR: I have the honor to return herewith House bill 9199, for the relief of
John A. Lynch, referred from the Committee on Military Affairs of the Senate, and to state that the pay and allowances of a captain and assistant quartermaster, payable by the Pay Department, for eight months from August I,
1861, to March 31, 1862, were as follows, viz:

1001, to march of, 1002, were as follows, viz.	
Pay proper, \$60 per month	\$560.00
Servant's pay, \$12 (and \$13) per month.	20.00
Subsistence for self and servants	364.50
Forage for 3 horses, if actually owned and kept, at \$8 each per month.	192.00

1,240.33

There were no additional allowances to a captain and assistant quarter-master when acting as commissary, as paragraph 1314, Army Regulations, 1881, forbade payment for two staff appointments at the same time.

The other items, fuel, quarters, office rent, and clerk hire, pertain to the Quartermaster-General's Department.

Very respectfully,

WM. SMITH, Paymaster-General, United States Army.

The SECRETARY OF WAR.

The Secretary of War.

War Department, Quartermaster-General's Office, Washington, D. C., May 28, 1890.

Sir: I have the honor to return the letter of Hon. WILLIAM M. Stewart, United States Senate, of the 22d instant, inclosing a bill for the relief of John A. Lynch, and findings of the Court of Claims in his case, with request that the Senate Committee on Military Affairs be furnished a statement of the amount of money that would be allowed to the claimant under the findings of the court, assuming the findings to be correct, if the matter was before the War Department for settlement, and to report as follows:

Under paragraphs 963 and 974, Army Regulations of 1861, a captain and assistant quartermaster of the Army, on duty at Cincinnati, Ohi, for the eight months from August 1, 1861, to March 31, 1862, inclusive, would have been entitled to the following-mentioned allowances from the Quartermaster's Department, namely:

In the findings of the Court of Claims an allowance of \$90 is made for office fuel. The Quartermaster bepartment was authorized by the Regulations to furnish fuel in kind only for the six months from October 1, 1861, to March 31, 1862, and there is no authority to pay commutation therefor; hence this item of allowance is omitted in this report.

The cost to the Quartermaster's Department for wood at Cincinnati, Ohio, at about the time referred to, was \$4.75 per cord. At this rate the cost for furnishing fuel for an office in that city for six months would have been \$28.50.

Very respectfully,

S. B. HOLABIRD,

Quartermaster-General, United States Army.

S. B. HOLABIRD, Quartermaster-General, United States Army.

The SECRETARY OF WAR.

[Senate Miscellaneous Document No. 127, Fifty-first Congress, first session.]

COURT OF CLAIMS. CLERK'S OFFICE,
Washington, April 10, 1890.

Sir: Pursuant to the order of the court, I transmit herewith a certified copy of the findings of the Court of Claims filed April 7, 1890, in the aforesaid cause, which case was referred to this court by the Committee on Military Affairs of the Senate of the United States, under the act of March 3, 1883.

I am, very respectfully, yours, etc.,

JOHN RANDOLPH, Assistant Clerk Court of Claims.

The President of the Senate.

[Court of Claims. Congressional case No. 4664. John A. Lynch v. The United States.]

At a Court of Claims held in the city of Washington on the 7th day of April, A. D. 1890, the court filed the following statement of case and findings of fact, to wit:

The claim in the above-entitled case was transmitted to the court by the Committee on Military Affairs, United States Senate, on the 8th day of June, 1888. Luther H. Pike, esq., appeared for claimant, and the Attorney-General, by Assistant Attorney-General John B. Cotton, his assistant, and under his direction, appeared for the defense and protection of the interests of the United States.

The case was brought to a hearing on its merits on the 2lst day of January, 1890. STATEMENT OF CASE.

At the outbreak of the rebellion, in the year A.D. 1861, the claimant, John A. Lynch, was a citizen of the United States, a resident of the city of Cincinnati, in the State of Ohio, and by profession a lawyer.

In 1861 John C. Frémont, a major-general in the Army of the United States, was assigned to the command of the Department of the West, with head-quarters at St. Louis, in the State of Missouri, and was clothed with extraordinary power and authority for recruiting, organizing, and equipping troops for his command in and outside the limits of his department, and for selecting and appointing and directing the selection and appointment of such officers and agents as he might deem necessary to assist him in the due execution of the powers he was so clothed with.

General Frémont appointed Richard M. Corwine an officer under him, to wit, judge-advocate, with the rank of major, and sent him to Cincinnati, in the State of Ohio, with directions and authority to there recruit, organize, and equip troops for his command, and to arrange their transportation to his department.

The said R. M. Corwine, as part of his arrangements for recruiting, organizing, and equipping troops for and transporting them to General Frémont's command, induced the claimant to assist him therein, and appointed claimant nominally to the rank of captain, assistant quartermaster, with assurance that upon such appointment he would be duly commissioned the same in the Army of the United States.

III.

The claimant, relying upon this assurance and acting under that appointment from the said Corwine, gave his entire time for a period of eight months in the years A. D. 1861 and 1862 in assisting said Corwine. From the latter part of July, 1861, until on or about the 6th of September of that year he acted both as assistant quartermaster and commissary of subsistence, but from the 6th of September, 1861, to on or about the 31st day of March, A. D. 1862, he acted only as assistant quartermaster, and all the services he so rendered were arduous and valuable to the United States.

The claimant has never been paid anything for the services he so rendered, or on account of the expenses he incurred necessarily while rendering them, and paid out of his own means, such expenses being for rooms, light, and fuel, and attendance thereon, and for clerical assistance, except a sum of \$125, and for transportation.

The claimant was on the 28th of November, A. D. 1862, commissioned regularly a captain and assistant quartermaster in the United States Army, but was not given rank to cover the service he had rendered antecedently. As such regularly commissioned officer he served faithfully and efficiently until he was discharged honorably after the suppression of the rebellion, and his accounts, found correct, have been closed in the Treasury Department.

The claimant, by reason of being in active service in the field, was ignorant of and therefore unable to avail himself of the benefit intended for others and himself who had assisted General Frémont by the act of Congress approved March 25, 1862, and by the acts amendatory thereof and supplementary thereto. He was ignorant of the existence of the commission at St. Louis, in the State of Missouri, which, in pursuance of said acts of Congress,

was created under and by General Orders of the War Department, No. 64 of 1863, as also of the rules promulgated by the General Orders of the War Department, No. 120, of March 24, 1864, for the payment of claims for such services presented to said commission, and, being so ignorant, he presented no claim to said commission.

VI.

By law and the Army Regulations of 1861, paragraphs 963 and 974, and the Revised Army Regulations of the same year, paragraphs 1068 and 1081, in force from the 31st of July, A. D. 1861, to the 1st day of April, A. D. 1862, had claimant been a regularly commissioned captain, assistant quartermaster in the United States Army, and so stationed and rendering said services at Cincinnati, in the State of Ohio, during said period of time, his army allowances and commutations would have been, as certified to the court by the War Department—each item aggregated—as follows: For pay proper (eight months), \$560; servant's pay, \$103.83; servant's clothing, \$20; subsistence, \$364.50; forage for three horses, if in actual service, \$182; quarters, \$192; quarters fuel, \$119.18; office, \$240; office fuel, \$90, and by authority for payment for clerk hire contained in the general appropriation acts for the support of the Army he would have had for one clerk, at \$100 per month, \$90, making a total of \$2.621.49. But the claimant by his petition in this court has sought to recover only \$1,262.96 for the same services.

VII.

The claimant during the eight months he so rendered the services unpaid for did not actually own and keep in service three horses, but in lieu thereof hired horses and vehicles for his transportation which was made actually necessary by the distances apart of the different bodies of troops he had to give attention to and he had constantly to traverse; but the amount of such expenditures has not been shown to the satisfaction of the court.

VIII.

The claimant received \$125 on account of clerk hire during said period of eight months' service, through said R. M. Corwine.

IX.

The claimant was loyal to the Government and cause of the United States throughout the war of the rebellion. BY THE COURT.

A true copy. Test, this l0th day of April, A. D. 1890. [SEAL.]

JOHN RANDOLPH, Assistant Clerk Court of Claims.

Mr. WILSON of Ohio. Mr. Chairman, this claim is based on services rendered by the claimant at the beginning of the war. General Fremont was in command of the Department of the West, with authority to appoint officers and agents to assist him in West, with authority to appoint officers and agents to assist him in his duties and in organizing that army. Under that authority he appointed Mr. Corwine, then an officer in the United States Army, and sent him to Cincinnati with authority to employ assistants in the work of recruiting and organizing that department. Mr. Corwine employed this layman, who was then an eminent lawyer (a partner of Mr. Hayes, afterwards President of the United States), to assist him, and for eight months he gave his time and attention to the work of recruiting and organization. That was a time when the Army was not well equipped, and when it was not quite clearly understood how men serving their country as soldiers were to receive their pay. On the faith of the promise it was not quite clearly understood how men serving their country as soldiers were to receive their pay. On the faith of the promise that he would be made a captain to cover all this time, he gave those eight months of service, and never received for that service one dollar of compensation. I submit to you, gentlemen, that this man, who had patriotism enough to give his time and services to his country in this way, should not be deprived of such pay as the services are worth as established on presentation of the case to the Court of Claims.

Mr. LOUD. I should like to ask the gentleman who has just taken his seat, and who seems to be familiar with this case, why this bill prepases to give this claimant some \$2.400 when he only

taken his seat, and who seems to be familiar with this case, why this bill proposes to give this claimant some \$2,400 when he only claims, according to the report, \$1,262.96?

Mr. WILSON of Ohio. That is a very pertinent question, and one which of course came before the committee. The reason is this: This man presented his claim according to his understanding of what a captain was allowed. The Court of Claims investigated the matter and found that the claimant had not claimed all that he was entitled to. They therefore found in his favor for a sum larger than he claimed; that is, they found he was entitled to more than he had asked. I submit that if a person, ignorant of his legal rights, presents a claim for less than is due him, it is no reason

rights, presents a claim for less than is due him, it is no reason why the Government should refuse to pay the full amount that is due. That is the reason the report is drawn as it is.

Mr. LOUD. Well, Mr. Chairman, I think that if a man gets from the Government what he claims, he is doing pretty well. I believe the claimant is the best judge, at least from his standpoint, of what is due him. Now, if you will dissect this report you will find that this man would have been entitled, among other items, to \$100 per month for clerk hire. Probably he did not have a clerk; yet this House, in its beneficence, proposes to pay him for clerk hire during all that time. He would have been allowed a certain amount for fuel. He did not have that fuel; yet this House, in its generosity, says, "You must have the money for the fuel anyway."

It is a question which arises at this distance of time whether this man has any just claim whatever. Still, in view of the find-

this man has any just claim whatever. Still, in view of the finding of the court, I will assume that there is justly due to him what he claims; and I will move to amend the bill by striking out, in line 6, the words "two thousand four hundred and sixty-six dollars" and inserting in lieu thereof "\$1,262.96."

The question being taken, the amendment was rejected; there being—ayes 34, noes 41.

The CHAIRMAN. The question is now on the motion to lay the bill aside with a favorable recommendation.

Mr. POWERS. Mr. Chairman, I should like to interrogate the gentleman from Ohio [Mr. Wilson] who reported this bill. Am I correct in assuming that the proposed appropriation to the claimant carries certain allowances which the army regulations give to

ant carries certain allowances which the army regulations give to regularly commissioned officers?

Mr. WILSON of Ohio. Yes, sir.

Mr. POWERS. If I understand correctly, a regularly commissioned captain in the service would be entitled to a servant's pay at the rate of \$12 per month. I wish to inquire of the gentleman from Ohio whether this claimant actually had a servant during the time for which he claims compensation.

Mr. LOUD. It seems he has got to take pay for it anyway.
Mr. POWERS. Did he have such servant in fact?
Mr. WILSON of Ohio. I can not answer as to that.
Mr. POWERS. I see also that the regulations allow for servant's clothing at the rate of \$2.50 per month. Now, if this man had no servant, he should have no clothing account for his servant sheld he? ant, should he?

Mr. LOUD. But he has got to have the money all the same.
Mr. WILSON of Ohio. I am not undertaking to answer these
uestions. I am abiding by the decision of the Court of Claims.
Mr. POWERS. I see that a captain in the service is entitled to questions. forage for three horses, if actually owned and kept, at \$8 a month

each. Did this man have three horses?

Mr. WILSON of Ohio. The finding is that he had not the horses, but that he hired horses to go to different places—to different organizations of the Army—costing more probably than he would have been entitled to under the regulation. That finding

would have been entitled to under the regulation. That finding appears in the report.

Mr. POWERS. Well, the substance of this report, as I have hastily glanced over it, is that this man expected to be made a captain in the service; was disappointed in his expectations for about eight months; and now he claims that his pay as captain should antedate his service as such for this period of eight months prior to the time he was commissioned. Is that about the substance of the

Mr. WILSON of Ohio. The claim is that he was appointed under authority which was supposed to make him substantially a captain and which was to be confirmed by the issue of a commis-

captain and which was to be confirmed by the issue of a commission to him, but the commission was deferred for eight months.

Mr. POWERS. Well, Mr. Chairman, I do not know that I want to oppose this bill, but it seems to me a rather dangerous principle to pay a man for the time that he rested on his oars in expectation of an office. A great many gentlemen on this floor, no doubt, if they could recover for the time that they spent in desiring to be members of Congress, would be pretty well paid. [Laughter.] This claimant was employed by General Fremont or some agent of his to assist in the recruiting of troops. He expected, under the golden hues of the promises held out to him, that he would go into the service with the rank of captain, and ultimately he did go in with that rank. But for eight months he was disappointed in his expectations and did not acquire the rank. Now, it is proposed by the pending bill to give him pay as of the rank of captain during the eight months preceding the receipt of his actual commission. He has already received fair pay as a layman for his services and now he desires pay at the rate of a captain in the regular service, including pay for servants, when he had no servants, and also emincluding pay for servants, when he had no servants, and also embracing forage for horses, when he had no horses, and for the allowances generally provided to officers of that rank under the army regulations.

Mr. Chairman, it seems to me that under the conditions in which

we find the Treasury of the United States at this time it is a proper occasion to consider, somewhat carefully, before we undertake to pay claims which have no legal force and which seem to me have very doubtful equitable right to compensation, the situation confronting us

Mr. BOATNER. Will the gentleman allow me to ask him a question?

question?

Mr. POWERS. Certainly.

Mr. BOATNER. I understand that this bill is based on a record of findings of the Court of Claims. Does the court report, as a matter of law, that this man is entitled to the compensation accorded him in the bill?

Mr. POWERS. I do not understand that it is so reported.

Mr. LOUD. They only claim that he would have been entitled to it—that he had an equitable claim, in other words.

Mr. POWERS. The Court of Claims do not report any legal proposition about it. They do say that the amount of the claim for horses, servants, etc., has been shown to the satisfaction of the court. That is all.

Mr. WILLIS. Mr. Chairman, if this is an honest claim, let us pay it. If it is not an honest claim, let us reject it. If we owe this man anything we owe him the two thousand and some odd dollars which the bill carries. The Court of Claims, I understand—

Mr. DINGLEY. He does not claim but \$1,200.

Mr. WILLIS. No matter what he claims. If we find that a man does not claim enough, it is our duty as honest men to give him enough to satisfy our obligation, according to the standard of righteousness and truth. Some men do not claim enough; others claim too much. If a man came to this body and claimed too much, and we found that the claim was exaggerated, although meritorious, we would cut him down to a proper adjustment; and I claim that on the principle of justice and right if a man has not claimed enough it is our duty to pay him what we owe

Mr. Chairman, there is a way to do wrong and a way to do right. I do not know whether this man's claim is just or not; but if it is just, I want to vote for the bill. If it is unjust, I want to vote against it.

But I will say this, not simply as a matter of theory, but as the result of experience, that men who were ready to volunteer, to incur the dangers of battle and the hardship of campaigning in those perilous times, in the days when this man came to the front, were comparatively rare. They were the men the country wanted those perilous times, in the days when this man came to the front, were comparatively rare. They were the men the country wanted at the time, men that the country needed and must have, men who were ready to make sacrifices for the good of the country. These were the men who were ready to put themselves in the breach for the country in order that it might not die; men who were ready to die that the country might live. And if this man started out with the expectation of getting the rank of captain, as he had a right to expect, and did his duty faithfully along the line, according as this report seems to indicate, and we owe him anything at all we owe him the entire debt which is due to him as a captain, and this debt, in honesty and honor, we are bound to pay. If he chose to hire his horses instead of keeping them, and employed his servants, and the amount raises the total to something over \$2,000, although he does not claim and did not claim that much, we owe it all to him and ought to pay it.

Now, there is in this country a system and spirit of turning down and disputing just claims against the Government that is beneath the dignity of such a body as this. We ought to spurn with indignation every unjust claim that is brought before us, but at the same time be broad minded enough to support and vote for the payment of every just claim in the hands of our citizens against this Government. [Applause.]

Mr. LOUD. Mr. Chairman, I thought the proposition made by myself was exceedingly generous. I think if this House will pay what is claimed in this case it will do all that it ought to do. I can not understand why this House should now seek to force upon this man the pay for his servant, his clothing, and his rations, when it is quite apparent that he never had any servant and could not have paid him any wages, and hence he could not have had to pay for any clothing for him. You are endeavoring here also

not have paid him any wages, and hence he could not have had to pay for any clothing for him. You are endeavoring here also to force upon him pay for the subsistence of horses which he never

Now, it is a question, Mr. Chairman, whether this man was in the service or not. It is apparent that if he was regularly in the service he would not come to Congress at this hour to be reimbursed. We, thirty-two or thirty-four years from that time, are unable to ascertain the facts surrounding this case. It is more than probable that certain verbal promises might have been made to this gentleman that, under certain conditions, if he would perform certain acts and do certain things, they would use their inform certain acts and do certain things, they would use their influence some time in the future to secure a captain's commission for him, which he eventually secured. But I am willing to overlook even all of that. I am willing to give this gentleman the pay and rank of a captain, but I am not willing to do more than that, and, if it be in my power, I will endeavor to convince gentlement that they should have accepted the amendment I proposed because when this House by its act, reimburges a man in the here; because when this House, by its act, reimburses a man in the amount that he claims, I think it has gone sufficiently far. There is no right whatever, there is no equity whatever, in this claim, above twelve hundred and some odd dollars. Now, I hope this House will defeat the whole claim.

Mr. WILSON of Ohio. Mr. Chairman, I do not know what would become of the country if it were not for the gentleman from California. He seems to think it incumbent upon him to protect the United States to the exclusion of everybody. Now, I agree with him in this, that no unjust claim should be paid, and I do not want one dollar paid to the claimant here, or anybody else, that is not any capitable laking explaints the Government. It is not that is not an equitable claim against the Government. It is not a legal claim, or it would not be here. I agree with the gentleman from California [Mr. Loud] on that. But this report of the Court of Claims is explicit as to the power to employ agents to perform the services which he performed. Listen, if you please, to the finding of the court with reference to that power:

In 1861 John C. Fremont, a major-general in the Army of the United States, was assigned to the command of the Department of the West, with head-quarters at St. Louis, in the State of Missouri, and was clothed with extraordinary power and authority for recruiting, organizing, and equipping troops for his command in and outside the limits of his department, and for selecting and appointing, and directing the selection and appointment of such officers and agents as he might deem necessary to assist him in the due execution of the powers he was so clothed with.

He was so clothed with it.

Now, the finding goes on to state that, in pursuance of this authority, the claimant in that case was employed to render the services of a captain, and that he did render such services for services of a captain, and that he did render such services for eight months, to the exclusion of all other business. I submit to you that he must have had quarters, he must have had fuel, he must have had horses or their equivalent by employment, because he could not have performed these duties without having these things. Even if they were found at his own fireside, if he was then giving his time to his country, I submit to you, gentlemen, that equity demands that he be compensated for his services as fully as if he had been commissioned and mustered.

The CHAIRMAN. The question is on the motion to lay aside the bill with a favorable recommendation.

The question being taken on a division (demanded by Mr.

The question being taken, on a division (demanded by Mr. LOUD) there were—ayes 55, noes 20.

Mr. LOUD. No quorum, Mr. Chairman.

The CHAIRMAN (after counting the committee). One hundred and thirty-four members are present—a quorum.

Accordingly the bill was laid aside to be reported to the House with a favorable recommendation.

JAMES STEWART.

The next business on the Private Calendar was the bill (H.R. 897) for the relief of James Stewart.

The bill was read, as follows:

Be it enacted, etc.. That the claim of James Stewart, who served as first sergeant, second and first lieutenant in the Fourth Artillery and captain in the Eighteenth Infantry of the United States Army in the late war of the rebellion, for a balance of wages earned by him in the suppression of said rebellion and during his entire time of service in said Army, and not paid to him, be, and the same is hereby, referred to the Court of Claims for due investigation; and jurisdiction is hereby conferred upon said court to render a judgment, irrespective of the lapse of time, for the amount, if any, found due of the United States upon said claim.

Mr. BROMWELL. Mr. Chairman, I offer the amendment which I send to the Clerk's desk.

The amendment was read, as follows:

Amend by striking out all after the enacting clause and inserting the

Amend by striking out all after the enacting clause and inserting the words:

"That the accounting officers of the Treasury be, and they are hereby, directed, on application being made by Maj. James Stewart, retired officer of the United States Army, or his legal representatives, to reopen, adjust, and pay his account for longevity service in the United States Army, in accordance with the law applicable thereto as construed by the Supreme Court of the United States, and out of any money in the Treasury not otherwise appropriated, any statute of limitations to the contrary notwithstanding."

otherwise appropriated, any statute of limitations to the contrary notwithstanding."

The CHAIRMAN. The question is on the amendment.

Mr. BROMWELL. Mr. Chairman, I offer this amendment to the bill for the purpose of having the claim go direct to the officials of the Treasury Department, there being no question of fact which the Court of Claims could be called to pass upon.

The case is this: Major Stewart served for a number of years in the Army of the United States. Under the United States law he was entitled to certain additional compensation for each five years of service. Major Stewart was too busily engaged a large part of the time in fighting the battles of his country in the civil war to learn of this fact, and until quite recently did not learn of the additional compensation to which he was entitled. When he did so he was met by bar of the statute of limitations.

Now, I want to call the attention of the House to the fact that this House during the first session of the present Congress, on the 20th day of February, passed a bill for the relief of Lieut. W. A. Jones in language exactly identical with the amendment which I offer to this bill. It is the same kind of a case. A case arising under a claim for longevity pay, which could not go to the accounting officers of the Treasury for the reason that the statute of limitations barred it, and could not or ought not to go to the Court of Claims because all the evidence necessary to determine the amount due is in the possession of the Treasury officials. I would like to have the proceedings of this House in the case rethe amount due is in the possession of the Treasury officials. I would like to have the proceedings of this House in the case referred to read by the Clerk.

The Clerk read as follows:

The Clerk read as follows:

LIEUT. COL. W. A. JONES.

Mr. FLETCHER. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 1821) to reopen and adjust the account for service of Lieut. Col. W. A. Jones, Corps of Engineers.

The bill was read, as follows:

"Be it enacted, etc., That the accounting officers of the Treasury be, and they hereby are, directed, on application being made by Lieut. Col. W. A. Jones, Corps of Engineers, United States Army, or his legal representatives, to reopen, adjust, and pay his claim for longevity service in the United States Army, in accordance with the law applicable thereto as construed by the Supreme Court of the United States, and out of any money in the Treasury not otherwise appropriated."

Mr. FLETCHER. I ask that the report may be read, Mr. Speaker.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. DINGLEY. Mr. Speaker, let the report be read.

The report (by Mr. DENNY) was read, as follows:

"The Committee on Claims, to whom was referred the bill (H. R. 1821) to reopen, adjust, and pay the account for service of Lieut. Col. W. A. Jones, Corps of Engineers, having duly considered the same, do hereby report said bill back to the House with the recommendation that it do pass.

"This is a claim for longevity pay for service in the Army. It appears that the Treasury officials for quite a time construed the act of Congress providing that an officer of the Army should have an increase of pay for each

five years of service in the Army in such manner as to apply only to service of commissioned officers; but after many years the Court of Claims held that it applied to the service of enlisted men and of cadets at West Point, and this decision was confirmed by the Supreme Court. It was thus fully settled that this class of officers, as a result of the aforesaid ruling of Treasury officials, had not been paid for their services the full amount intended by the longevity law. At this point the Second Comptroller of the Treasury took the stand that the accounts for service of these officers had been settled and closed, and that he could not reopen them without authority of Congress. For this reason those officers, who have thus been deprived of pay justly due them, have been forced to go before Congress for redress, as granted in the bill in this case, if passed."

The SPEAKER. Is there objection to the present consideration of the bill? There was no objection.

An amendment proposed by the Committee on Claims, to strike out the word "claim," in line 7, and insert in lieu thereof the word "account," was agreed to.

word "claim," in line 7, and insert in lieu thereof the word "account," was agreed to.

The bill as amended was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed
On motion of Mr. FLETCHER, a motion to reconsider the last vote was laid on the table.

on the table.

Mr. BROMWELL. Now, Mr. Chairman, I have had this record read for the purpose of appealing to this House to do the same justice to Major Stewart that was done to the recipient of the benefit of the act which has just been referred to. Major Stewart was one of the heroes of the late war. He was a man who had enlisted as a young man in the Regular Army, and when the war of the rebellion came on had attained to the rank of sergeant in one of the batteries. For gallantry and devotion to the service he was promoted successively through the grades up to that of major. Had I the time to give to the House a description of some of the magnificent daring and courage which he displayed, it would satisfy the members that no more honorable record was ever made by private, by colonel, or by general in the war of the rebellion than was made by him.

At a reunion of the Loyal Legion in the city of Cincinnati a few years ago, after General Fairchild, then at the head of that order, had described one of the magnificent assaults which had been successfully carried out by Stewart's battery, complimenting him successfully carried out by Stewart's battery, complimenting him highly upon his bravery and courage, the modest old major simply rose and said, "I thank you, General." General Fairchild responded, "No; do not thank me; thank the God above who gave us such men in our time of need."

He belonged to the Iron Brigade. At Antietam, at Gettysburg, and all the other battles in which this brigade took part, Stewart's

and all the other battles in which this brigade took part, Stewart's battery was ever in the thickest of the fight. He served for many years ignorant of the additional compensation to which he was entitled. He made no claim for it within the time which the law allowed. This bill is to give him an opportunity to get from the Government the pay that he might justly have claimed. He is now an old man. He has no son upon whom he can depend in the declining years of his life. He gets a small compensation. He wants this money, in case it is given, to get a home in which the declining years of his life may pass. He has earned it by his courage; he is entitled to it for his services; and only that bar of the statute of limitations, which has been set aside and broken down in other cases, stands between him and his right to recover this money.

Now, a similar act was passed by this House at the last session. I introduced a claim for longevity pay for the widow of the Hon. Thomas L. Young, who was formerly a member of this House, who had failed, just as Major Stewart failed, to claim his longevity pay. He was entitled to it as much as others who have drawn theirs; and while the bill was worded in perhaps a little different way, because made payable direct to the widow instead of to him, yet it was understood by the House and was stated when the bill was passed that it was a longevity-pay claim.

Now, objection may be urged that it was a longevity-pay claim.

Now, objection may be urged that this is opening the way to thousands of other claims. That is the objection we hear whenever war claims come up in this House. I do not care how just a claim may be, the objection is, "Do not pass this bill, because if you do there will be a flood of other bills just like it to go through." If that is the theory upon which this House is to proceed, we ought to shut our doors and go home, because there is no bill introduced in this House that may not be followed by a flood of similar legislation. The ground upon which we ought to stand is that this Government is honest enough, is fair enough, and just enough to pay its proper debts and dues. This is a claim which might have pay its proper debts and dues. This is a claim which might have been paid by the Government under the law, but which, through the ignorance of Major Stewart concerning his rights under the law, was not paid. It seems to me it is but a just and proper tribute to the worth and the distinguished service of this gallant soldier that he should in the last years of his life receive from the Government that which it owes him. We pay out thousands of dollars for pensions. This is as just a claim as any pension claim. Major Stewart is old. He has but few years longer to live, has no one upon whom he can depend, and this will render peaceful and happy the final years of his active and honorable life in the service of his country.

Mr. CANNON. Mr. Chairman, I want to see if I understand this bill; and if I do I want the Committee of the Whole to understand it; and then I am quite content the committee should do

stand it; and then I am quite content the committee should do

as the committee no doubt will do, its duty in the premises. I understand that Major Stewart is now on the retired list.

Mr. BROMWELL. He is.

Mr. CANNON. What is his pay?

Mr. BROMWELL. I am informed that he gets about \$1,700.

Mr. CANNON. How long has he been on the retired list?

Mr. BROMWELL. I forget; some six or seven years, I believe.

Mr. CANNON. How old a man is he now?

Mr. CANNON. How old a man is he now?

Mr. BROMWELL. I can not answer the gentleman's question categorically, but I should say that he is in the neighborhood of

Categorically, but I should say that he is a large of age.

70 years of age.

Mr. CANNON. He was a private soldier in 1851, it appears.

Mr. BROMWELL. The honorable gentleman from New York

[Mr. Wadsworth] knew him as a child, and he can tell you his age better than I can.

Mr. CANNON. Why, Wadsworth himself is not over 71.

[Laughter.]

Mr. WADSWORTH. My friend from Ohio means that Major Stewart knew me as a child. [Laughter.] Mr. CANNON. I hold in my hand a report and I want to call attention to it and to state what it is and why and how it comes here. In 1838 a law was passed providing that

Every commissioned officer of the line or staff, exclusive of general officers, shall be entitled to receive one additional ration per diem for every five years he may have served or shall serve in the Army of the United States.

That act was passed July 5, 1838. From 1838 down to, say, 1890 that law received a uniform construction to the effect that the only persons that were entitled to this increase in the way of longevity pay were commissioned officers in the Army, and it was for service as commissioned officers that they were allowed the one for service as commissioned officers that they were allowed the one additional ration per diem for every five years of service. From 1838 down to about 1890, I suppose, that was the uniform construction of the law. But in and around the city of Washington there are a great many very bright people, some of them lawyers—and I like lawyers, though if I were a better one myself I would probably like them better. [Laughter.] Among these bright people, I say, are lawyers and retired officers of the Army, some with a great deal of leisure, and some with not so much, and it got into somebody's head that there was a chance to recover something in the Court of Claims by securing a different construction of the the Court of Claims by securing a different construction of the law, namely, that if a man who was a commissioned officer had previously served as a private soldier, the time of his service as a private should be counted, so that for every five years of service, including his service as a private, he should have longevity pay, and that construction would apply to a large number of cases.

Mr. WILSON of Ohio. May I correct the gentleman?

Mr. CANNON. Certainly.

Mr. WILSON of Ohio. There was an act passed in 1878 expressly including the time served as an enlisted man.

Mr. CANNON. I do not find that set out in the report of the

committee.

Mr. BROMWELL. I will read it; it is very brief:

SEC. 7. That on and after the passage of this act all officers of the Army of the United States who have served as officers in the volunteer forces during the war of the rebellion, or as enlisted men in the armies of the United States, regular or volunteer, shall be and are hereby credited with the full time they have served as such officers and as such enlisted men in computing their service for longevity pay and retirement.

Mr. CANNON. That act was passed when? Mr. WILSON of Ohio. It was approved June 18, 1878. Mr. CANNON. And this claim is based upon that act—is that correct

Mr. WILSON of Ohio. So much of it as includes the time that

this officer served as an enlisted man.

Mr. CANNON. How much of it depends on that, and what is the other part based on?

the other part based on?

Mr. BROMWELL. The object of this bill is to refer this case to the Treasury officials and let them find out.

Mr. CANNON. What is the other basis for this claim? I am asking for information. I am as swiftfooted as any man here to do real justice to this man, if it can be done safely.

Mr. STEELE. About 1868 an act was passed providing that all officers should have longevity pay and 10 per cent for every five years' service in the Volunteer or in the Regular Army. This act, amendatory thereof provides that in computing longevity pay years' service in the Volunteer or in the Regular Army. This act, amendatory thereof, provides that in computing longevity pay there shall be included the term of service as a private soldier. Longevity pay may be added to the pay of an officer—for every five years of service 10 per cent—up to 40 per cent, but longevity pay of certain officers is limited. For instance, a colonel may not have the full 40 per cent added to his pay, or a brigadier-general or a major-general may not have the 40 per cent added to his pay. This act was intended only to include a few men who served for a time as private soldiers and afterwards became officers. If this officer, for instance, had served as an officer for fifteen years he might count that fifteen years and then five years of service as a private soldier, making up the twenty years. If this man served long as an officer, I can not see that the passage of this bill is going

to give him money enough to buy a home, as has been suggested here. It would give him 10 per cent for the first five years' service and 10 per cent for the next five years, and so on up to 40 per

Mr. CANNON. Now, I think I understand the matter. I am seeking information in good faith, so as to find out just how I should vote. That this man Major Stewart served as a private soldier from 1851 until 1861; that then when the war broke out he was commissioned as a second lieutenant, and from that time until

commissioned as a second fleutenant, and from that time until
the present has been in the Regular Army, receiving promotion
from time to time; that he was retired a few years ago; and that
his pay as a retired officer of the Army is \$1,700 a year.

Now, under the construction of the laws on this subject as
given by the accounting officers of the Treasury, this officer of
the Regular Army claims that he has been cut out of over \$4,000
that ought to have been paid him before or immediately after the
act of 1878 was passed; and now, because somebody along in 1890
sped in the Court of Claims in a case of this kind and recovered sued in the Court of Claims in a case of this kind and recovered, he seeks to recover the sum named in the bill. But when he goes to the Court of Claims they say, "Yes, but you are barred by the statute of limitations." Then he comes to Congress and says, "Being barred by the statute of limitations, I have no remedy under the existing law, and I ask legislation that will give me

It may be that it is the temper of the House to-day to grant this claim. I wish to say that no man has a greater admiration for officers or privates of the Regular Army than I have. They are our fellow-citizens. They represent the arm of force of the Government. They are worthy men, entitled to credit and honor. They are entitled to a certainty of tenure; and they have it. They are entitled to certain pay; they have it. They are entitled to go mpon the retired list; they have that privilege. This worthy officer has had all that; and he has it to-day. But I want to submit to the Committee of the Whole in reference to this retired list of the Army, filling up as it is with people who are in far better condition than equally worthy men who were in the Volunteer Army, there may be danger—I have sometimes thought there was danger—that you will build up a great pay roll that by and by will break of its own weight.

Having said that work let

Having said that much, let me state now the case of a commissioned officer, a second lieutenant in the volunteer force of the Army—one who went through the war, perhaps, side by side with this man. This officer of the Volunteer Army went out of the service at the close of the war. Having received his pay as an officer while the war continued, he has not been on pay since. If he was disabled (as it does not appear that this worthy officer he was disabled (as it does not appear that this worthy officer was, according to the report) he gets a pension the amount of which is away below—which is only one-quarter part of the amount which this worthy officer receives upon the retired list. And you must recollect that for one officer of the Regular Army situated as this one is there are a hundred of the Volunteer Army who are not enjoying his advantages. Now, I would not take away from this man the \$1,700 a year which he now worthly receives. I would not measure his deserts strictly or unjustly—

Mr. STEELE. Just one minute, if the gentleman pleases. I can see where the statement which I just made was probably misleading. Under the act to which I have referred this man, if he had counted his ten years of service from 1851 to 1861, would have commenced drawing 20 per cent from the date of the passage of

commenced drawing 20 per cent from the date of the passage of the act, instead of waiting for the expiration of five years' service. the act, instead of waiting for the expiration of five years service. He would have commenced getting the 20 per cent addition to his pay that much sooner. So that the amount might be, I suppose, more than \$4.000. His pay now is undoubtedly \$218.75 per month.

Mr. CANNON. That is his pay now on the retired list?

Mr. STEELE. Yes. sir; his pay on the retired list.

Mr. CANNON. Then he gets \$2,600 a year or more, instead of \$1,700. My friend from Ohio [Mr. Bromwell] was in error.

Mr. BROMWELL. I made my statement on the best information I had

tion I had. Mr. CANNON. Then this man is now getting, and has received for six years past, without one particle of service to the Government, and will receive until he dies—and I am glad of it, because it is our policy touching the Regular Army-\$2,600 and more a

Year.

Now, then, it is said in Holy Writ, "To him that hath shall be given, and from him that hath not shall be taken that which he hath." I can conceive how hundreds of men who served in the Volunteer Army, and did good service there, might perhaps com-plain of that rule which was laid down a long time ago, and might claim that if this amount of \$4,000 is to be given to this man by removing this statutory bar, something ought to be done for them more liberal than has been done; at least their pensions should

one word more and I conclude. It is asked, "Would not this man have been entitled to this amount if the decision of the court had been rendered in 1878 instead of 1890?" I answer, yes. But the decision as made in 1890 was to a man who was vigilant.

This man received every cent that he believed that he was en-titled to; yet under this decision he wants the \$4,000 which he never dreamed of getting, and can not get under the laws of his country, because the statute of limitations has run. And that law is of just as great force and of as high order as is a law which would give it to him.

If you want to adopt a precedent of this kind by removing the bar of the statute of limitations, the manly method of proceeding would be to remove that bar as to all cases. And then somebody will naturally ask, How much is it going to cost? In the Almighty's chancery, considering the condition of the Treasury, considering the worthy record of this man and of 2,000,000 other men who served in the late war, I doubt if such action ought to be taken. I am slow to favor the removal of the bar of the statute of limitations in any case. The safer way is to let it be a statute of

The CHAIRMAN. The question is on agreeing to the amendment proposed by the gentleman from Ohio [Mr. Bromwell].

The question was taken; and on a division (demanded by Mr. avec 21, noes 37.

Cannon) there were—ayes 21, noes 37.

So the amendment was rejected.

Mr. WILSON of Ohio. Mr. Chairman, I have no special interest in the pending claim, but I reported it, and I want to call the attention of the committee to what I regard as the unfair statement of the gentleman from Illinois in his remarks upon this question.

This is not by any means new legislation with reference to the longevity pay of soldiers. For many years the statutes provided only that a man who had served as an officer for five years should only that a man who had served as an omeer for five years should have 10 per cent of his pay additional after that period, and for every five years of service thereafter he should have an additional 10 per cent. But in 1878 Congress passed the act which provided that if a private soldier had served in the Army five years and then became an officer of volunteers he should have longevity pay, and if he should serve another term of five years, and five years more, and still another period of five years, or four terms of five years in all, he might receive 10 per cent of his pay measured by the extent of the compensation received during each term of five

Now, I submit that the Government of the United States owes this man for three periods of service as honestly as the Govern-ment owes any man his salary for services in this House, save and except that the statute of limitations bars him from now presenting his claim because he did not do it at the proper time. We all despise the man who, in his individual capacity, pleads the statute of limitations in bar of an honest debt. Why, then, should a great Government like this refuse to open the door and allow the officials of the Treasury to pay this man what the law granted to himof the Treasury to pay this man what the law granted to him—not a law which we enacted, but a law which was enacted by those who preceded us? Those who enacted that law, at the time and under the circumstances which prevailed then, understood what it was to induce a man to serve his country in a military capacity; and the Government of the United States has kept faith with every soldier under that law. The gentleman from Illinois can not point to-day to a statute which guarantees to a private soldier anything which the country has refused to give to him. If such an occasion shall ever arise, we may well be ashamed of our Government, because it is too big and too grand and too powerful to repudiate the smallest debt of the poorest private soldier in the Army.

Give this man, then, what the law allows him, and do not stand on the fact that he was too late in presenting his claim to have the benefit of that law which other more diligent officials secured. I think this man in his old age should now receive what the Gov-ernment has provided for those who served in the Army as he has

ernment has provided for those who served in the Army as he has served. [Applause.]

Mr. GROSVENOR. Mr. Chairman, I do not know that I can make my voice heard in the Hall on account of the condition of my throat to-day. But I want to reply to one argument which has been made by the distinguished chairman of the Committee on Appropriations, the gentleman from Illinois [Mr. Cannon], who finds himself in the ungracious attitude of opposing this claim merely on the technical ground that the statute of limitations at this time bars its allowance by the Treasury Department, He puts the objection, if I understand the force of his argument, on the ground that the claimant himself had been negli-

ment, on the ground that the claimant himself had been negligent; that he had been guilty of what the law calls "laches" in the presentation of his claim—

Mr. CANNON. I said—

Mr. GROSVENOR (continuing). I will do justice to you in

what you said

Mr. CANNON. But the gentleman from Ohio does not want

to misrepresent me?
Mr. GROSVENOR. Certainly not.
Mr. CANNON. I said that, so far as I had knowledge, my belief on the subject was that the claimant did not know or suppose, nor did anyone else know or suppose, but what he was getting every

dollar to which he was entitled under the law until the decision of the court to which I have referred, which was made almost a generation after the service had been performed.

Mr. GROSVENOR. Well, I should put it on a better ground

than that

Mr. CANNON. Well, my friend from Ohio always does things much better than I can possibly do. [Laughter.]

Mr. GROSVENOR. Only occasionally, when I am on the side of justice and right, and you, by accident, happen to get on the

other side.

The gentleman from Illinois did say that the person who brought his suit in the Court of Claims in time was diligent, and therefore by a fair and just inference we must understand that he assumes the man who did not bring his suit within the time prescribed by

the law had not been diligent and deserved to suffer.

Now, there is a pretty well settled principal of law by which, if A does any act or fails to do any act by which B is misled in the prosecution of his claim, A shall not be heard afterwards to set up his own act or his own failure to act in bar or in defeat of the right of B. Now, this principle applies here. Here stood the law upon the statute books of the United States that gave to this man so much additional pay. It was his legal right then, and it is his

moral right now.

I quite agree with what my friend from Ohio [Mr. Wilson] has said in better words than I can say, that it is a pitiful sight to see a great government pleading the bar of the statute of limitations against a claim admittedly just and honest, and when it is done by anybody short of a sovereignty the person doing it loses his

credit among all honorable men.

Now, let us see what the failure to act on the part of the Gov ernment has been in this behalf. The Government so construed its own statute as to forbid the prosecution of this claim by this applicant. It said to the men of the Army, "You are not entitled to charge up on this account of service the time which you spent as enlisted men," and it did not pay it. Now, shall it be said that because this claimant stood by and believed this Government was acting honestly and intelligently at the time, and therefore did not prosecute his claim in the Court of Claims, that he shall be barred? It is a much better construction to put upon all this conduct that the Government understood the law as they construed it, and refused the payments which they did under it, and then, having ascertained by a judicial settlement of the question that the Government was wrong, that that suit was brought by one individual, it is true, for his own benefit, I grant, but that, in the absence of a multitude of suits, he shall be construed to have brought the suit for himself and for all others situated as he

Now, I do not add anything to what has been so well said by my colleague from the Second district of Ohio [Mr. Bromwell] about the equity there is in taking this claim and acting upon it directly, thereby giving to this old soldier the money that he had a right to years ago. I put it upon the ground that the Government itself, by its own conduct, prevented this action from being brought, held this man's money, refused to pay it to him, and now invokes the running of the statute in order that it may have the benefit of its own act, when, in fact, its own act misled this citizen into a failure to prosecute his legitimate claim. That is all I desire to

Mr. HULICK. Before the gentleman takes his seat I hope he will make one explanation. At the time the court gave its decision on the validity of this law, in the case referred to by the gentleman, was this claim then barred by the statute?

Mr. GROSVENOR. I so understand that it was then barred. Mr. HULICK. Then it is a most favorable interpretation to be

given

Mr. GROSVENOR. But the same rule, in a less forcible de-

Mr. GROSVENOR. But the same rule, in a less forcible degree, would apply in any event.

Mr. HULICK. Why, certainly.

Mr. GROSVENOR. Because it may be said that he is charged with a knowledge of the pending litigation, and he may have had that knowledge. He may be chargeable with it, but he had the right, in all conscience, holding an honest claim, to suppose that he was dealing with an honest Government. I am putting a violation of the pending that the said that he is charged with a knowledge. lent assumption now, and I do not insist upon it [laughter], for if and assumption now, and I do not insist upon it [laughter], for if all the men of this nation who do business did it upon the same dishonest and dishonorable principles that the United States Government does, there would not be income enough from the revenues of the country to build penitentiaries enough to send them to. [Laughter and applause.] It is a better proposition to say that he had a right to stand by and say, "My Government, when it finds that it has dealt unjustly and refused to pay me an honest claim, will adjust my claim upon the basis that the law has been construed to entitle me to."

construed to entitle me to."

Mr. CANNON. Mr. Chairman—

Mr. STEELE. May I just read the section of the statute that I referred to a minute ago? Mr. CANNON. Yes.

Mr. STEELE. On page 220 of the Revised Statutes, passed July 15, 1870, I find the following:

July 15, 1870, I find the following:

SEC. 1262. There shall be allowed and paid to each commissioned officer below the rank of brigadier-general, including chaplains and others having assimilated rank or pay, 10 per cent of their current yearly pay for each term of five years of service.

SEC. 1263. The total amount of such increase for length of service shall in no case exceed 40 per cent on the yearly pay of the grade as provided by law.

SEC. 1267. In no case shall the pay of a colonel exceed \$4,500 a year, or the pay of a lieutenant-colonel exceed \$4,000 a year.

SEC. 1275. Officers wholly retired from the service shall be entitled to receive, upon their retirement, one year's pay and allowances of the highest rank held by them, whether by staff or regimental commission, at the time of their retirement.

That is, the first of the longevity pay was in 1870.

Mr. CANNON. When?
Mr. STEELE. In July, 1870. Now, if this subsequent act had been passed in 1870, giving private soldiers the advantage enjoyed by officers, that officer at that time, allowing that he was commissioned in 1861, would have been entitled, in one year from the passage of this act, to the full 40 per cent; whereas, under the reading of this statute, if he had only served five years, he would have had to serve eleven years before he would get the full 40 per cent. But, as I stated in the first place, it is to give him the additional compensation as a private soldier, or it might be said to be retroactive in his case, as there was no law providing for a private soldier at the time.

Mr. CANNON. Mr. Chairman, I crave the indulgence of the committee to submit a remark or two, called forth by the remarks of the honorable gentleman from Ohio [Mr. Grosvenor]. He seems to think that the statute of limitations is a fraudulent statute, an unmanly statute, and is only invoked by somebody who wants to do injustice. Holding these views and living all his life in Ohio, I greatly wonder that that statute has stood one holy minute in the laws of that State. [Laughter.]

Now, let us see a little about the statute of limitations, and if

we are going to enlarge it in one case let us see how much there is to enlarge it in others. I recollect a statute of limitations, written upon the statute book away back in the late seventies provided that a soldier of the late war should not be entitled to arrears of pension dating back from his very disability where he did not claim it, unless he filed that claim by a certain day in

Mr. GROSVENOR. But gave notice to everybody to file. Mr. CANNON (continuing). And multiplied thousands of people never heard of it, and did not file at all. My friend says that this individual may not have heard of this and may not have brought his action. I submit to him that all are equally chargeable with a knowledge of the law.

Mr. GROSVENOR. Then how does your Government get along, when it pretended to have a knowledge of the law, and that was a false knowledge of the law?

Mr. CANNON. My Government has enacted the law and pro-

vided tribunals for construing it, and has fixed a statute of limitations in certain cases. Now, then, if we are going to have a tations in certain cases. Now, then, if we are going to have a little chancery of the Lord here, and are going to do justice without limitation, who speaks for the man who gets his pittance, when you know that multiplied thousands in the Volunteer Army are barred by the statute of limitation of 1880? Is there one of them on the retired list who gets, until he dies, \$2,600 a year, with a commissioned officer's pay from 1861 to this time? If so, I pause for an environ. for an answer.

Mr. Chairman, may I interrupt the gentle-

Certainly.

Mr. BROMWELL (continuing). For a statement? It is to correct a mistake. I find by reference to the printed record of the compensation of army officers that the regular pay of a retired major is \$1,875; so that I was not very far out of the way. Now, there is an additional amount for each additional five years' service, which makes, as stated by the gentleman from Indiana [Mr. STEELE], something over \$2,000, after a service of twenty years, by reason of this longevity pay.

Mr. CANNON. He is getting it.

Mr. BROMWELL. He is not getting all of it.

Mr. CANNON. He is getting it now, and you want him to get back pay to '50 or '60, and so on.

Mr. BROMWELL. I do not want anything of the kind.

Mr. CANNON (continuing). When he is cetting it from day to

Mr. BROMWELL. I do not want anything of the kind.
Mr. CANNON (continuing). When he is getting it from day to
day. I want to call the attention of this House to the fact that the presence of people in Washington—not improperly, I do not claim that—frequently has much to do with legislation. The thousands are not here. You meet about the corridors of the Capitol, and in the streets, and at the hotels, and in the boarding houses gentlemen upon the retired list. You meet them socially. Fairly well taken care of, not too much. The result is, from time to time that in the Congress, which is ever changing, there comes legislation for longevity pay. Why, until this discussion came on there is not one of us in twenty in this House that understood

what longevity pay meant. I commenced talking about it, and the gentleman from Indiana [Mr. Steele] had to tell me about it; and yet it abounds, do you not see, in legislation; and then, with the laws construed for a whole generation, somebody discovers that there is a chance to recover, and sues in the Court of Claims. I am not going to intimate that at times the Court of Claims is like "necessity"—knows no law—but they sometimes Claims is like "necessity"—knows no law—but they sometimes give constructions to the law that you and I never dreamed of, or even the gentleman from Ohio. And now, being barred by the statute, being cared for at \$2,600 a year, the gentleman from Ohio said, "Let us remove the bar of the statute and give the claimant \$4,000 at one leap." Why, that is not much money. How many are to follow after I know not. If I had my way about it, where public officials are cared for enough to meet every want, where public officials are cared for enough to meet every want, with food, clothing, and house to care for them when they are no longer able, I would not give more by affirmative action of the legislative power until the Treasury was in a condition that I could do some little meed of justice to the millions of menequally patriotic that are getting nothing but a bare pittance.

One word in conclusion. The gentleman from New York, in this case, as on other occasions, has thought proper to make a fling at the Government of the United States, saying that it is dishonest and dishonorable in its treatment of its creditors. I deny if In my indement no government the ever existed has

deny it. In my judgment no government that ever existed has been so swiftfooted to do justice to its creditors as your Govern-

Mr. GROSVENOR. Will the gentleman allow me to make a correction? Occasionally an Ohio man does come from New York, but I am not that man, and if the gentleman revises the remarks he has just made, I hope he will see to it that I am properly located

he has just made, I hope he will see to it that I am properly to a constraint and properly to a constraint in the constraint properly to a constraint and properly to a constraint properly to a con

in other matters. [Laughter.]
Mr. CANNON. Oh, I think New York is entitled to one Cabinet office, and the gentleman can be put in the other place, and I hope he will be, because then I shall know where to find a friend.

[Laughter.]

Now, Mr. Chairman, what is the law? When this Government makes a contract with any person, and that contract is performed by that person under the law, the Government complies with its part and complies swiftly. If there be not a strict compliance, or a question of damages arises, there is the Court of Claims; there is every Federal court in the Union into which the citizen can go and bring his action against the Government. And as a mat-ter of fact claimants do all these things. They have their day in a court, and after they fail there they become claimants before

There is no law to control Congress in these matters. Why, we can vote \$1,000,000 right out of the Treasury for any individual or for any purpose on earth. We have the power of appropriation, and there is nothing but our own consciences and a sound public sentiment to prevent us from abusing it. Therefore, as one Congress does not bind another, and as death steps in every ten or twenty years and changes the personnel of Congress, these claims, after they have been turned down time and time again, come up smiling to demand further consideration, because the claimant, or the representative of the claim, never dies. So it happens, because one of these old, stale claims which has been turned down again and again comes up again and is pushed here by somebody who is interested in it, that gentlemen who are mistaken, as I think my friend from Ohio is mistaken in this case, feel warranted in attacking the honor of the Government of the United States. It is a great Government and an honest Government, and I would rather favor a line of action that would tend to bar these claims by limitation after a reasonable time. If they were between private individuals they would never be heard of, because there the statute of limitations would operate. I wish that such a statute was written into the fixed law of the land, into the Constitution of the United States. It would be well for the Government and well for the people, and sometimes well for the reputation of every-

Now, that last remark is not particularly connected with this case, but I have felt justified in making these suggestions in reply to the remark of the gentleman from Ohio touching the conduct of the Government of the United States in these matters.

Mr. GROSVENOR. Mr. Chairman, I want to say a word. I now find the gentleman from Illinois planting himself upon a new ground altogether. He says that there are courts in the United States and that men may go into those courts and obtain judgment against the Government for what it owes them. Now, certainly within ninety days my friend will repudiate that doctrine, because I have known him to be even more vigorous than he is now to defeat this little claim in his endeavors to prevent the payment of judgments solemnly rendered in the United States

courts in favor of individuals against the Government, judgments involving not merely a small amount, as in this case, but millions and millions of dollars

Mr. CANNON. Will the gentleman instance one case?
Mr. GROSVENOR. Easily. The French spoliation claims.
Mr. CANNON. Not at all. There was no judgment of the court there.

Mr. GROSVENOR. And I could name others. I hope the gen-

tleman has not forgotten.

Mr. CANNON. Oh, I have not forgotten; but of course the gentleman does not want to misrepresent me.

Mr. GROSVENOR. Not at all. Then, too, we all remember the piece of strategy which he conceived in that wonderful brain of his and carried out with that wonderful intelligence of his, that left us all prostrate here who were in favor of paying those judgments. It was all fair and honorable, of course, but perhaps somewhat doubtful in the character of the management. [Laughter.]
Mr. CANNON. "And the villain still pursued her." [Laugh-

Mr. BROMWELL. Mr. Chairman, it seems to me that this question has resolved itself down to this one point, whether this House will do the same justice to Major Stewart that it has already done in the case of the widow of Gen. Thomas L. Young and in the case of Lieut. Col. W. A. Jones. And I want to say right here that the gentleman from Illinois himself dictated last winter the language of the hill for the benefit of General Young's widow. the language of the bill for the benefit of General Young's widow, modified the bill as it was introduced by me and dictated the language in which it should be presented to this House. That bill passed the House, and it was nothing more than a longevity claim couched in language which made the money payable to the widow

instead of to the soldier himself. Mr. CANNON. As the gentleman has referred to that matter, some explanation is proper; but it seems to me that it would be better for him to withdraw his remarks from the Record. Otherwise it is due to him and myself that a brief statement of the facts should be made. The gentleman knows that I objected to that legislation. He well understands that Thomas L. Young was a member of this House for many years, served in the Auguston. a member of this House for many years—served in the Army for many years. The gentleman knows what was his financial condi-tion and that of his family at the time of his death better than I The gentleman knows that without warrant of law we have fallen into the habit here of giving to the widows of deceased members of Congress the pay to which their husbands would have been entitled if they had lived.

Mr. BROMWELL. The gentleman overlooks the essential

point of the case. Mr. CANNON. Mr. CANNON. The gentleman knows the conversation that he and I had, and that the item making that appropriation was put on the bill in the shape in which it was with the purpose, as expressly stated by me, that it should not constitute a precedent putting it upon the ground of the action of Congress toward the families of members who had died while in service as such. And I do not defend it upon that ground. The gentleman and

And I do not defend it upon that ground. The gentleman and I can have no quarrel about the facts of the matter.

Mr. BROMWELL. The facts are exactly as I stated. That bill was a longevity claim, and it went through this House as such. It was a claim on behalf of the widow of Thomas L. Young, a former member of this House; but that fact made it no better and no worse than this claim of Major Stewart's.

Now, this House—and I had the facts read from the Clerk's desk—passed another bill—a bill for a lieutenant-colonel of engineers—a case in which there was no more claim and no more right and no more justice in favor of granting longevity pay than there is in this case of Major Stewart's. For all we know that lieutenantcolonel of engineers may have been a brave soldier. We do know from the records that Major Stewart was. Now, will this House blow hot with one breath and cold with another, or will it do the same justice to this gallant old Major Stewart that it has done to these other two officers? That is the question that comes before us.

I know it is the policy of the chairman of the Committee on Appropriations to endeavor to cut down here all claims, however just, that take any money out of the Treasury. I am just as responsible to my constituents as he is to his. Whenever there is a just claim of this kind that has gone before the Committee on Claims—whether it comes from the South or from the North, from the East or from the West-if the claim has been investigated and

the East or from the West—If the claim has been investigated and found to be a just debt against this Government, I propose to stand here in my place and support it with my voice and my vote. A MEMBER. Without regard to the condition of the Treasury. Mr. BROMWELL. Without regard to the condition of the Treasury, an honest claim should be paid, and means should be provided for paying it.

Now, Mr. Chairman, I ask for a vote on this question.

The CHAIRMAN. The question is on laying this bill aside to be reported with a favorable recommendation.

be reported with a favorable recommendation.

The question being taken, it was decided in the affirmative.

Mr. DINGLEY. I move that the committee rise.

The motion was agreed to.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. PAYNE reported that the Committee of the Whole on the state of the Union, having had under consideration the Private Calendar, had directed him to report back with a favorable recommendation the bill (H. R. 2741) for the relief of Peter Cook, of Arkansas; the bill (H. R. 130) to carry out the findings of the Count of Claims in the case of Angustus P. Burditti. Peter Cook, of Arkansas; the bill (H. R. 130) to carry out the findings of the Court of Claims in the case of Augustus P. Burditt; the bill (H. R. 71) for the relief of Capt. Francis A. Beuter; the bill (H. R. 3075) for the relief of John A. Lynch, and the bill (H. R. 897) for the relief of James Stewart. He further reported that the Committee of the Whole, having had under consideration the bill (H. R. 3950) for the relief of William P. Buckmaster, had substituted therefor Senate bill No. 90, which they had directed him to report back with the recommendation that it lie on the table. He also reported that the Committee of the Whole, having had under consideration the bill (H. R. 903) for the relief of Flora A. Darling, had directed him to report the same back with an amendment, and with the recommendation that the bill be passed as amended.

The SPEAKER. The Clerk will report the first of the bills just reported back from the Committee of the Whole.

PETER COOK.

The bill (H.R. 2741) for the relief of Peter Cook, of Arkansas (reported from the Committee of the Whole with a favorable recommendation), was taken up, and ordered to be engrossed and read a third time; and it was accordingly read the third time, and

AUGUSTUS P. BURDITT.

The bill (H.R.130) to carry out the findings of the Court of Claims in the case of Augustus P. Burditt (reported from the Committee of the Whole with a favorable recommendation) was taken up, and ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

FLORA A. DARLING.

The bill (H. R. 903) for the relief of Flora A. Darling (reported from the Committee of the Whole with a recommendation that it be passed with an amendment) was taken up and the amendment was read, as follows:

In line 6 strike out the words "fifteen thousand six hundred and eighty-three dollars" and insert "\$5,683."

The SPEAKER. The question is on the amendment.
Mr. DALZELL. Mr. Speaker, before the vote is taken on this
bill, I desire to call the attention of the House to the facts as they
are found in the findings of fact of the Court of Claims, accomare found in the findings of fact of the Court of Claims, accompanying the report. When I read these findings I can not believe that the Committee of the Whole, in recommending the passage of this bill, understood the facts as they are presented here. If the committee had understood them I am sure it could not have made such a recommendation as we have now before us. Prominent in findings of facts by the Court of Claims is the following: I should first say the claimant is the widow of a brigadiergeneral in the Confederate army, and the Court of Claims finds that the "claimant sympathized with her husband in political sentiment, and was disloyal to the Government of the United States."

It appears also that she was arrested as a suspected spy, and I can not believe, if the House understood fully the facts connected with the case, that it would be swift to recommend the payment of the claim in her behalf.

But, Mr. Speaker, aside altogether from the character of the claimant, there are not sufficient facts found accompanying the committee's report in presenting the claim to the House to justify a verdict in her favor at the hands of the House. Her claim is based on the alleged fact that certain Confederate bonds and certain State-bank notes, as well as money in silver and gold and jewels, were taken from her trunk while she was in custody. Ten thousand dollars of this amount was in Confederate cotton bonds, which, of course, the committee ignored and set aside altogether. But in addition to that amount there were said to be \$5,000 in notes But in addition to that amount there were said to be \$5,000 in notes of the State banks of Louisiana and Tennessee. Now, what were \$5,000 in face value of the notes of the banks of the States of Louisiana and Tennessee worth in 1863? The Court of Claims do not find them to be worth anything, and there is no presumption that they were worth their face value. At that time both of these States were in the hands of the Federal soldiers, and I doubt—there being all kinds of State banks in Tennessee and Louisiana, as in all of the other States of the Union at that time—I doubt whether these had other States of the Union at that time-I doubt whether these had any value at all, and non constat that the \$5,000 were worth \$500,

or \$5, or 5 cents.

Mr. RICHARDSON. I would ask the gentleman from Pennsylvania if the report develops what bank in Tennessee the notes

Mr. DALZELL. It is not found. We are not informed. do not know what bank or banks issued the notes in question.

Mr. RICHARDSON. I make the inquiry for the reason that some of the banks in Tennessee—their issues—were good as gold at all times

Mr. DALZELL. The gentleman from Tennessee misunder-stands me, if I made the affirmation broad enough to cover all of the banks. I say that we do not have sufficient facts on which to the banks. I say that we do not have sumcient facts on which to base a verdict in the statement presented to us by the committee. The gentleman from Tennessee will concede that the issues of some of these banks at that time were practically worthless.

Mr. RICHARDSON. That is true.

Mr. DALZELL. Well, the notes specified in this claim may have been of the insolvent banks.

Mr. COX. If the gentleman from Pennsylvania will allow me moment, I would like to ask my colleague to state what bank in

Tennessee in 1863 had its notes at par with gold?

Mr. RICHARDSON. The State bank—

Mr. DALZELL (continuing). Well, whether they were or not, we do not know even that there were banks whose notes were worth their face value in gold; nor do we know, assuming that such banks were in existence, that these were the notes of such banks in this trunk, and non constat that they were worth anything like the amount named here.

I am reliably informed by a gentleman from Tennessee that some of the State-bank notes in 1863 were selling at 15 cents on the dollar. So, not to make a short story long, I end, as I began, by saying that it passes my belief that the House should be swift to vote \$5,000 from the bankrupt Treasury of the United States to pay such a rotten claim as that presented on the face of this

report.

Mr. RICHARDSON. I only wish to add to my statement in respect to the Tennessee bank money that if the gentleman will read the report he will find that the reference is to the State Bank of Tennessee, not to the State banks, as I understand it, but to the institution known as the Bank of Tennessee.

Mr. DALZELL. Oh, no. The gentleman is mistaken. Not

at all.

Mr. RICHARDSON. I think you will find that to be the case, as I understood the reading of the report.

Mr. DALZELL. The gentleman is mistaken. I will read from

The claimant placed in her trunk for safe-keeping \$10,000 in Confederate cotton bonds, which had been issued the previous September, \$5,000 in notes of the State banks of Louisiana and Tennessee, and so on.

Mr. RICHARDSON. If that means the State Bank of Tennessee, that money was as good as gold.

Mr. DALZELL. It does not mean it, and does not say so, but on the contrary it expressly says State banks of Tennessee and

Mr. RICHARDSON. We had some private banks in the State at that time which would have been perfectly good, and others that were undoubtedly bad, but the Bank of Tennessee was as good as gold all along.

Mr. DALZELL. Where in the State of Tennessee was that

bank doing business in 1863?

Mr. RICHARDSON. It was not doing business in Tennessee; but its assets were in gold.

Mr. HEPBURN. Where was it redeeming its notes at that

Mr. RICHARDSON. I do not know; but the notes would have been redeemed if presented to the bank, because the bank existed. Its assets were removed from Nashville, and it was kept up as a separate organization, and redeemed its notes at all times during

separate organization, and redeemed its notes at all times during the war and subsequent to the war—never failed to do so. The assets of the bank were in the hands of honest men.

Mr. DALZELL, Mr. Speaker—

Mr. BLUE. Mr. Speaker—

The SPEAKER. The gentleman from Pennsylvania [Mr. DALZELL] has the floor. Does he yield?

Mr. DALZELL. I yield to the gentleman from Kansas.

Mr. BLUE. Mr. Speaker, in addition to what has been said by the gentleman from Pennsylvania [Mr. DALZELL], an examination of this report will show, I think, that the committee has treated this claim as though this applicant was a citizen of some other country. The citations here of international law might apply if country. The citations here of international law might apply if this claimant was a citizen of Great Britain or France or Ger-many; but what application they have in this case I fail to apprehend.

Mr. BAKER of New Hampshire. The Confederates were belligerents

Mr. BLUE. Unless it be claimed that this applicant was not Mr. BLUE. Unless to be claimed that this applicant was not only a sympathizer with the cause of the South, but an actual resident of the South, and treating the South as a foreign country, I heartily approve of all that has been said by the gentleman from Pennsylvania [Mr. DALZELL], and if this bill is to be passed, it will be found to form a very dangerous precedent.

Mr. DALZELL. I yield five minutes to the gentleman from Tennesses [Mr. Cox].

Tennessee [Mr. Cox].

Mr. COX. Mr. Speaker, if I catch that report, this case is that of the wife of a husband who was disloyal to the Union. She bases her claim upon the idea that certain State-bank notes that were taken from her, and probably improperly taken (although I do not stop to inquire about that), were equivalent to gold. Part of those notes were notes of the State bank, or the banks of Tennessee, and it is asserted that those notes were equivalent to gold in 1863. Now, I undertake to say there was no State-bank note—I put it as strongly as I can—that there was no State-bank note redeemable in gold in 1863.

Mr. BOATNER. Will the gentleman allow me to interrupt

him there?

Mr. COX.

I will, with pleasure. VER. The redemption of Louisiana bank notes in Mr. BOATNER. gold was suspended during the war, by a military order of General Butler.

Mr. COX.

Mr. BOATNER. It was soon after General Butler assumed command of the city of New Orleans, and from that time on, as long as that order was enforced, the notes were not redeemed in long as that order was enforced, the notes were not redeemed in gold. Those notes, however, circulated at par, and the only reason why they were not redeemed and retired by the bank was because of the military order which prevented it. Those notes were redeemed after the war in gold coin of the United States, and never were below par since 1856.

Mr. COX. Oh, well; I understand that. Here is the history and the truth of the thing. The State-bank notes of the State of Tennessee—and 1 talk about the State-bank notes, not about the various banks of the State—were bought up after the war at from 15 to 25 cents on the dollar. Then the Supreme Court of the United States decided that they were receivable in payment of taxes, and they went to par.

taxes, and they went to par.

Now, whatever may be my sympathy concerning a claim of this kind, I am not going to sit here and vote to appropriate money for the payment of a claim for the seizure of State-bank notes of the State of Louisiana, upon a gold basis, when I know those notes were selling for not more than 25 to 50 cents on the dollar. Mr. BOATNER. Does the gentleman say that Louisiana bank

notes were ever sold at 15 to 20 cents on the dollar?

Mr. COX. I submit you could not cash a Louisiana bank note, in 1863, for 30 cents on the dollar in gold.

Mr. BOATNER. Do you know anybody that ever tried to do it?

Mr. COX. Did you ever try to do it?
Mr. BOATNER. No; I never did; but I know, if the gentleman will allow me, that during the entire period of the war Louisiana bank notes, wherever they circulated throughout the country, adjacent to New Orleans, were considered and treated as at par with gold. They were better than greenbacks, because greenbacks were subject to a discount, while the bank notes were considered as good as gold, and were redeemed in gold after the

Mr. COX. Oh, I know how they were retired. I understand that

Mr. BOATNER. If they ever were sold at a discount, I never heard of it.

Mr. COX. But you and I know that there was not a Louisiana bank note nor a note of the State Bank of Tennessee that was redeemable in gold in 1863. You know it as well as I do.

Mr. DALZELL. Mr. Speaker, I move to lay the bill under continuous continuous section.

sideration on the table.

Mr. COOPER of Texas. Mr. Speaker—
The SPEAKER. Does the gentleman from Pennsylvania yield to the gentleman from Texas?
Mr. COOPER of Texas. I made the report upon this bill.

Mr. DALZELL. How much time does the gentleman want? Mr. COOPER of Texas. Why, Mr. Speaker, would I not have

the right to control the time?

The SPEAKER. The gentleman would have the right to control the time if he had asked for it at the time the bill was presented, but the gentleman did not do so.

Mr. DALZELL. I yield to the gentleman from Texas five

Mr. COOPER of Texas. I sought all the opportunities I could to get the floor. The SPEAKER.

The Chair was not aware of it. The Chair did not see anybody rising but the gentleman from Pennsylvania.

Mr. DALZELL. I yield five minutes to the gentleman from
Texas. The hour is near when we have to take a recess.

Mr. COOPER of Texas. Mr. Speaker, I dislike very much to be placed in the attitude of having to discuss this bill in five minutes. I made the report on the vill, and am the introducer of the measure, and ought not to have my time controlled by another; but I will undertake to say in that five minutes what I think and know about this bill.

This is the first time that the question has ever been raised as to the value of the property taken from this lady. This bill has been in a number of branches of the Government, judicial and

legislative. It was examined by a quasi judicial organization in 1866, and the value of this property was not questioned. It was subsequently examined by the Court of Claims, and you will find from the report of the Court of Claims that they estimated the value of these bank notes at \$5,000. In the Fiftieth Congress a favorable report of the committee was made upon this bill, and it passed one branch. Thereafter, in a number of Congresses—I can not now recall the number—this bill has been before one branch or other of Congress, has invariably passed one branch, and this is the first time the question was ever raised as to the value of the property or bank notes.

Now, there are gentlemen upon this floor from Louisiana and from Tennessee who know the value of those notes at that time, and they state to you that their specie value was their face value. Mr. Speaker, I have not yet seen a more meritorious case presented to the United States Congress than this. The beneficiary was a woman devoted to the Union, who was hostile to secession and objected to the dissolution of the Union, and probably on this account was temporarily separated from her husband, but went to him when wounded in battle and stayed with him until he died. She on a passport and under a flag of truce granted her by died. She on a passport and under a flag of truce granted her by a Federal general was undertaking to return to her home when she was arrested, her trunk opened, and this property taken there-from. She has been knocking at the doors here for many years, seeking relief at the hands of Congress, which tribunal alone can give her relief.

She now resides in the State of New York, and she never resided in the South except for a brief period. Her declaration as to the value of the property taken is not disputed, nor has it been criticised by any branch of the Government or any committee to which it has ever heretofore been referred, but now, for the first time, a question has been raised by the gentleman from Pennsylvania [Mr. DALZELL] that these notes were not of their specie value. Now, gentlemen of this Congress, have you any witness, have you any proof to the contrary? Are you willing to take his statement or the statement of the Court of Claims and of the several committees of Congress, of the several branches of Congress that have heretofore acted upon this measure, wherein they have virtually—incidentally, if not positively—passed upon the question that these notes are of the specie value named on their face?

It is a case for you to determine. I have no interest in the mat-

I do not even know the beneficiary in this bill. It was referred to me as a member of the Committee on War Claims, and I made a most careful examination of the case and reported it to the committee, and the committee has twice since I have been upon it unanimously favorably reported this bill and recommended These matters were discussed in the committee, and its passage. never before has the value of these notes been attacked. The bill originally provided for the payment of bonds given by the Confederate government, known as "gold cotton bonds." These bonds have been excluded from the bill, and we are only asking relief for the money—the notes of the Bank of Louisiana and of Tennessee—and the jewelry that she had in her trunk.

Mr. COX. Will you pardon me one moment? Will the gen-

tleman tell me

Mr. COOPER of Texas. Certainly, with pleasure, if I can.
Mr. COX (continuing). What notes of the Bank of Tennessee
are you talking about?

Mr. COOPER of Texas. It is declared by the Court of Claims to be State-bank notes, and the plural that was used, I think, meant the State Bank of Tennessee and the State Bank of Louisiana.

Mr. COX. It was in 1863 they took the property. These bank notes in 1863 were selling for not more than 25 cents on the dollar.

A MEMBER. Oh!
Mr. COX. I know what I am talking about.
Mr. COOKE of Illinois. Has the Court of Claims passed upon this particular case?

Mr. COOPER of Texas. It has, and the court says this with respect to it:

Claimant placed in her trunk for safe-keeping \$10,000 in Confederate cotton bonds, which had been issued the previous September, \$5,000 in notes of the State banks of Louisiana and Tennessee, \$28 in gold, \$15 in silver, and a collection of jewelry worth \$640.

Mr. COOKE of Illinois. Did the Court of Claims fix the value

of the property thus taken from the lady?

Mr. COOPER of Texas. They stated that it was taken from

the lady.

Mr. COOKE of Illinois. But did they by their order and decision fix the value of it?

Mr. COOPER of Texas. No.
Mr. SWANSON. If the lady had the notes of the State banks of Louisiana and Tennessee now, she could get \$5,000 for them, could she not?

Mr. COOPER of Texas. She could get \$5,000 in gold for them. so I am informed.

Mr. DALZELL. Mr. Chairman, if, as the gentleman states, this is the first time that the value of these notes has been called

in question, that is simply confirmatory of what we all understand to be the fact, that cases of this kind are put together very loosely and do not receive the careful consideration that they ought to receive. The one essential fact which the Court of Claims ought to have found in order to enter a judgment, if it had had authority to enter judgment, is the very fact which it omitted to find, to wit, the value of these State-bank notes.

Mr. McMILLIN. Let me ask the gentleman from Pennsylvania

a question?

Mr. DALZELL. Certainly. Mr. McMILLIN. Greenbacks were below par at that time, were they not?

Mr. DALZELL. In 1863? Of course.

Mr. McMILLIN. If greenbacks had been taken, does the gentleman insist that it would be a legitimate part of the inquiry of the court to ascertain what the value of the greenback was at that

Mr. DALZELL. Most assuredly. Mr. McMILLIN. And that settlement of the case could be properly made only on that basis?

Mr. DALZELL. Yes, the value at the date of conversion is the

test

Mr. McMILLIN. I think the gentleman confounds the reduction in value of a commodity originally at par with the case of one that from worthlessness went up and ultimately came to be good. The State-bank notes of Tennessee were good. All those notes were redeemed, as has been stated by my colleague and others, and it has also been shown here by the statement of the gentleman from Louisiana that at the very time in question the Statebank notes of Louisiana were as good as gold and remained so, and that that money was only prevented from circulating by a military order, which was made, I suppose, to prevent contracts being made in disregard of the greenback currency. It strikes me, therefore, that the correct rule would be to determine what that

property would be worth now if it had not been taken.

Mr. DALZELL. Oh, no. The measure of damages is the value
at the time of conversion. Mr. Speaker, I move to lay the bill
under consideration on the table.

The question being taken on the motion of Mr. DALZELL, there ayes 54, noes 45.

Mr. COOPER of Texas. No quorum, Mr. Speaker.

Mr. DALZELL. Mr. Speaker, I ask for tellers.
The SPEAKER. The point of no quorum being made, the
Chair thinks the House must be counted.

Mr. LACEY. Mr. Speaker, I suggest that the gentleman from Texas withdraw the point of no quorum, and that, by unanimous consent, we now take a recess until 8 o'clock p. m.

Mr. McMILLIN. Mr. Speaker, it is pretty evident that there is not a quorum here, and if the House takes now the recess that it would take under the rule a few minutes later, that will leave

this question to be determined hereafter.

Mr. DINGLEY. Yes; if the gentleman from Texas withdraws the point of no quorum, the bill will go over until a week from

The SPEAKER. Does the gentleman from Texas withdraw his point of no quorum?

Mr. COOPER of Texas. I did not understand the suggestion

The SPEAKER. The proposition is that the House now take a recess until 8 o'clock this evening, leaving the question on the pending bill where it is at present.

Mr. DINGLEY. The bill will have the same right a week from

to-day that it has now.

Mr. COOPER of Texas. Then I understand the parliamentary situation would be that this bill could not come up until next Friday

A MEMBER. It could not come up again in any case until next

Friday.

Mr. McMILLIN. Mr. Speaker, in order to get out of the complication, I suggest that the gentleman from Texas withdraw his point of no quorum with the agreement that the motion of the gentleman from Pennsylvania to lay the bill on the table shall still be pending. Otherwise, if the gentleman from Texas withdraws the point of no quorum the vote already taken is a decision of the question. But he can withdraw his point with an agree-ment that the pending motion to lay the bill on the table shall remain undetermined.

The SPEAKER. Does the gentleman from Texas withdraw the

point of no quorum?
Mr. COOPER of Texas. Yes, sir.
The SPEAKER. The gentleman withdraws the point of no quorum, and unauimous consent is asked that the question upon the motion made by the gentleman from Pennsylvania to lay the bill on the table shall be still pending, unaffected by any vote that has been taken upon it.

There was no objection, and it was so ordered.

The SPEAKER announced that Mr. PAYNE would act as Speaker pro tempore at the evening session; and the House then, on motion of Mr. DINGLEY (at 4 o'clock and 55 minutes p. m.), took a recess until 8 o'clock p. m.

EVENING SESSION.

The recess having expired, the House reassembled at 8 o'clock p.m., Mr. PAYNE in the chair as Speaker pro tempore.

ORDER OF BUSINESS.

The SPEAKER pro tempore. The Clerk will read the second clause of Rule XXVI.

The Clerk read as follows:

The House shall on each Friday at 5 o'clock p.m. take a recess until 8 o'clock, at which evening session private pension bills, bills for the removal of political disabilities, and bills removing charges of desertion only shall be considered; said evening session not to extend beyond 10 o'clock and 30 minutes.

Mr. PICKLER. I move that the House resolve itself into Committee of the Whole for the consideration of business on the Private Calendar under the special order.

The motion was agreed to.

The House accordingly resolved itself into Committee of the

Whole, Mr. Hepburn in the chair.

The CHAIRMAN. The House is in Committee of the Whole for the consideration of business under clause 2 of Rule XXVI.

The Clerk will report the first bill in order.

URIAH ANDRICKS.

The first business on the Private Calendar was the bill (H. R. 1948) to grant a pension to Uriah Andricks, Fifty-fourth Illinois Volunteer Infantry. The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Uriah Andricks, late of Company H, Fifty-fourth Illinois Volunteer Infantry, at the rate of \$24 per month, for loss of hearing and enlargement of the spleen.

The amendments reported by the committee were read, as fol-

Strike out of seventh line the word "twenty-four" and insert in lieu thereof the word "fourteen," and insert between the words "late" and "of," in line 6, the word "private."

Mr. ERDMAN. Let us have the report read. The report (by Mr. WOOD) was read, as follows:

The report (by Mr. Wood) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 1948) granting a pension to Uriah Andricks, Fifty-fourth Illinois Volunteer Infantry, submit the following report:

This soldier was enrolled as a private May 1, 1882, in Company H, Fifty-fourth Illinois Volunteers, and was mustered out May 3, 1885. His service and discharge are honorable. He was pensioned under act of July 14, 1862, for enlargement of spleen, a disease of service origin, at \$2 per month. This pension was increased under act of June 27, 1890, to \$12 per month. He was dropped March 25, 1895, and a reissue made to him under act of March 2, 1895, at \$8 per month.

The committee have examined a vast mass of testimony of physicians and neighbors which was filed in the case, and also other evidence submitted to the committee. The last examination by a medical board shows him disabled fourteen-eighteenths. The other testimony fully shows that he is incapacitated for manual labor. The witnesses are all shown by letters received by the Pension Office to be credible. There is no doubt in the minds of the committee that his disability is of service origin. Indeed, the Pension Bureau concede such to be the case. The committee believe injustice was done this soldier by dropping him, thus reversing the former finding and decision of the Office. There is no doubt in the minds of the committee but that under the general law this claimant is entitled to \$14 per month.

We recommend, therefore, the passage of the bill with an amendment striking out of seventh line the word "twenty-four" and inserting in lieu thereof the word "private."

Mr. ERDMAN. I should like the gentleman in charge of this

Mr. ERDMAN. I should like the gentleman in charge of this bill to answer a question or two, if he can. What was the reason assigned for the reissue in the case of this soldier at the rate of only \$6 a month instead of \$12, which he had been receiving?

Mr. WOOD. That is a question which I am unable to answer. That is one of those things which sometimes occur of which it is

impossible to find out the reason.

Mr. ERDMAN. Has this soldier made application at the Bureau for an increase?

Mr. WOOD. I think not. Mr. ERDMAN. Is there any reason why an increase should

Mr. ERDMAN. Is there any reason why an increase should not be allowed him by the Bureau?

Mr. WOOD. I know of no reason except the fact that this pension, having been raised to \$12 a month, was then on investigation, to "purge the pension roll," reduced to \$6 a month. I think that action was in the face of the testimony on file. I never saw the soldier, to my recollection, until recently, and it does not require any medical testimony to show that he is totally incapacitated for manual labor; his appearance indicates that. There are numerous affidavits, medical and otherwise, and a large amount of testimony showing, I think conclusively, that this man ought to be pensioned at \$14 a month.

Mr. ERDMAN. I should like the gentleman to give us some reason why by special bill we ought to give this soldier an increase of pension. It does not appear from the report why the Bureau would not grant the increase if application were made. Why should application be made to this House as long as there is a road

open through the Pension Bureau?

Mr. WOOD. The Bureau having reduced this pension from \$12 to \$6, it would be an idle thing to appeal to the Bureau to grant an increase to \$14. I think it would be entirely idle for this soldier to make application to the Pension Office either for a restora-

dier to make application to the Pension Office either for a restoration of his former pension or for an increase.

Mr. ERDMAN. Have you not found that the Bureau, on application for increase, has repeatedly increased pensions?

Mr. WOOD. I have found many more instances where they
have refused to do so; and in this case they have practically
refused by cutting down the pension of the soldier.

Mr. ERDMAN. But the reason is not stated why they have
cut it down. I should like to get at the inside of this case; but it
seems impossible to do so.

The question being taken, the amendments reported by the

The question being taken, the amendments reported by the committee were agreed to.

The bill as amended was laid aside to be reported to the House with a favorable recommendation.

GRAY'S BATTALION OF ARKANSAS VOLUNTEERS.

The next business on the Private Calendar was the bill (H. R.

The next business on the Private Calendar was the bill (H. R. 1061) granting pension to Gray's Battalion of Arkansas Volunteers. The Clerk proceeded to read the bill, but was interrupted by Mr. PICKLER, who said: Mr. Chairman, I believe that bill is not in order now. It is a general bill.

Mr. TERRY. Mr. Chairman—

The CHAIRMAN. Is a point of order made against the bill? Mr. TERRY. I desire to state—

Mr. PICKLER. I reserve a point of order.

Mr. TERRY. I wish to state that this bill was introduced by my colleague, General Neill, who is unavoidably absent this evening. I understand that at the last session there was some point made against the bill. General Neill has been looking into the authorities on the question, and I ask that the bill be passed over without prejudice until he can have an opportunity to be heard. to be heard

Mr. PICKLER. No objection.

The CHAIRMAN. At the last session this bill, as the Chair is informed, was held to be a public bill, and not within the order of business under which we are now operating. But the Chair will submit the request of the gentleman from Arkansas [Mr. TERRY].

Mr. TERRY. I believe, Mr. Chairman, a point was made against the bill, but I do not think it was finally ruled upon. Gendle New York and the second of th

eral NeILL wanted to be heard upon it, and has some authorities which he wishes to present. I therefore desire that the bill be passed over without prejudice, in order to give my colleague a chance to be heard.

The CHAIRMAN. The gentleman from Arkansas asks unanimous consent that this bill may be passed over without losing its place until next Friday evening. If there be no objection, that order will be made. The Chair hears none, and it is so ordered.

EMELINE FILGATE.

The next business on the Private Calendar was the bill (S. 1631) granting a pension to Emeline Filgate.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Emeline Filgate, widow of James Filgate, late of Company G, Sixth United States Infantry, at the rate of \$12 per month.

The bill was laid aside to be reported to the House with a favorable recommendation.

JAMES L. WING.

The next business on the Private Calendar was the bill (H. R. 8481) granting a pension to James L. Wing.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, at the rate of \$30 per month, James L. Wing, of Mount Vernon, Ohio, late private Company G, Forty-third Regiment Ohio Volunteer Infantry.

SEC. 2. That this act shall take effect on its passage.

Mr. ERDMAN. Let us have the report in that case. The report (by Mr. Kerr) was read, as follows:

The report (by Mr. KERR) was read, as follows:
The Committee on Invalid Pensions, to whom was referred the bill (H. R.
Mil) granting a pension to James L. Wing, submit the following report:
The soldier, James L. Wing, was a private in Company G, Forty-third
Regiment, Ohio Volunteer Infantry. He enlisted November 25, 1861, and was
honorably discharged October 21, 1862.
He is now drawing a pension of \$12 per month for hernia and heart disease,
both of which are accepted as of service origin. His claim upon the ground
of deafness was not accepted by the Pension Office as of service origin, and
that claim was disallowed.
The Mansfield, Ohio, pension medical board examined soldier and rated his
disability as being sixteen-eighteenths on inguinal hernia, varicocele, and

disease of the heart. Upon this examination and rating he was allowed \$12 per month.

On May 20, 1801, the same medical board examined soldier and found the following disabilities and gave him the following rating: "Hernia, eighteighteenths: disease of the heart, four-eighteenths, and ten-thirtieths total deafness of left ear."

There is no question arising upon the disabilities for which pension was granted, only that it seems to the committee that upon a disability amounting to sixteen-eighteenths and of service origin a higher rate than \$12 amonth should have been allowed. The evidence shows that from these disabilities alone he is wholly disabled from doing manual labor.

The real question, however, relates to the deafness, which was rejected by the Pension Bureau. The evidence upon that point is very full, and seems almost conclusive. Upon what ground the pension officer rejected this claim is not easily seen. The witnesses are credible, and are certainly definite enough in their statements that their evidence should be taken as establishing the facts to which they attest.

A special examiner took evidence upon this point, and among other witnesses examined was Amos Bishop, a comrade of Wing's, who testified in part as follows:

"I recall fact that while we were near Corinth, Miss., at Farmington, Miss., about middle or last of May soldier one evening come into camp after having supported artillery, and I noticed at that time that he was picking at one ear as if something was in it. The next day I asked him about it and he said there was a buzzing in his head; that something was wrong in his head. I asked him if it was because he had cold, and some one of the boys spoke up and said that that was not the trouble, but that it was due to the artillery firing. After that I noticed that he was hard of hearing."

The witness gives much more evidence on this line showing that soldier continued deaf until he left the service.

Other witnesses testify that when soldier went into the Army his hearing was perfect, an

The amendment recommended by the committee was agreed to and the bill as amended laid aside to be reported to the House with a favorable recommendation.

ADELAIDE MORRIS.

The next business on the Private Calendar was the bill (S. 757) granting an increase of pension to Adelaide Morris, The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Adelaide Morris, widow of the late Arthur Morris, formerly captain of the Fourth United States Artillery, at the rate of \$50 per month, which rate of \$50 per month shall be in lieu of the pension she is now receiving.

Mr. ERDMAN. I ask for the reading of the report. The report (by Mr. MILES) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (8.757) granting an increase of pension to Adelaide Morris, adopt the accompanying Senate report (No. 92) as their own, and respectfully recommend the passage of the bill with the following amendment:

In line 8 strike out "fifty" and insert in lieu thereof "twenty-five."

[Senate Report No. 92, Fifty-fourth Congress, first session.]

The Committee on Pensions, to whom was referred the bill (8.757) granting an increase of pension to Adelaide Morris, have examined the same and

report:

A bill passed the Senate at the last session of Congress making au increase in the pension of claimant, but it failed to be acted upon in the House of Representatives. A reexamination of the military record of Captain Morris reveals the fact that it was one of extraordinary merit, full of hardships and

exposure.

The former report was as follows:

STATEMENT IN RELATION TO SERVICES OF THE LATE ARTHUR MORRIS, MAJOR FOURTH ARTILLERY, UNITED STATES ARMY.

MAJOR FOURTH ARTILLERY, UNITED STATES ARMY.

At the battle of Antictam, September 17, 1832, Lieutenant Morris's battery was so hotly engaged that its captain (Hazard) was killed and half its men were sacrificed. Lieutenant Morris distinguished himself greatly in this action. The battery was saved by his bravery, and he was rewarded for his gallantry by receiving the brevet rank of captain before he was 19 years of age.

In the action at Charlestown, Va., Lieutenant Morris volunteered for the occasion. In this engagement Lieutenant Morris narrowly escaped with his life, being struck by a spent ball, the mark of which he carried to his grave. He was personally congratulated on the field of battle for his bravery by General Hancock, who was in command.

From November, 1863, to August, 1865, Lieutenant Morris was on staff duty at Fort McHenry, Baltimore, Md. In 1865-1867 he was onduty at the following posts: Fort Brown, Tex: Reynolds Barracks, Washington, D. C.; Fort Washington, Va.; Fort McHenry, Baltimore, Md., and in 1869 on recruiting duty in New York City.

In 1869 Lieutenant Morris was transferred to Fort Riley, Kans. While there he was sent with Light Battery B, Fourth Artillery, serving as cavalry, on the Salmon River Indian campaign, and was on scouting duty all the summer of 1870.

From Fort Riley Lieutenant Morris was again ordered to Fort McHenry, Md., and remained there from 1871 to 1872. From May, 1872, to June, 1873, Lieutenant Morris served at the Artillery School at Fort Monroe, Va.

In June, 1873, he was transferred to the Pacific Coast, and was stationed successively at Alcatraz Island, Black Point (San Francisco Harbor), Fort Canby, Oreg.; Sitka, Alaska; again at Fort Canby, Oreg., and again at Alcatraz Island.

Besides serving at these different posts while on the Pacific Coast, Captain Morris took a very active part in the Modoc campaign in the winter of 1873, and in the Nez Percés campaign in Liahe, July 11 and 12, under Gen. O. O. Howard. In the reports of this battle made by General Howard Captain Morris is mentioned in the following terms:

"Capt. Arthur Morris, Fourth Artillery: This flow had commany in the final chip." He behaved most gailantly, keeping himself in advance of the line of his company, leading and urging his men forward. Throughout the campaign he was always energetic and cheerful in the discharge of his duties.

"Capt. Arthur Morris in the was always energetic and cheerful in the discharge of his duties." For the company, leading and urging his men forward. Throughout the campaign he was always energetic and cheerful in the discharge of his duties.

"Capt. Arthur Morris Fourth Artillery; For gailant service in action against the hostile New Fercés and particularly the final charge, I recommend the brevet of major." Agricularly the final charge, I recommend the brevet of major."

During Captain Morris's service on the Pacific Coast he was one of the many officers who suffered severely from the great depreciation currency, when everything at that time was on a gold basis throughout California. Lieutenant Morris received his promotion as captain, Fourth United States Artillery, on January 10, 1877, while stationed at Sitas, Alaska.

When his regiment was ordered East ermained until September, 1882. He was then ordered to Fort Adams, Newport, R. I., and remained there until his retirement, October 5, 1887.

Major Morris was attacked with during the remainder of his life. His physicanes attributed to it the disease from which he died, September 28, 1862.

From the time of his retirement, October 5, 1887, to the time of his death, September 23, 1882, and orective the shade of the count of the original disease having shown itself while Major Morris was a first lieutenant, his widow has only been allowed

During the reading of the report,
Mr. TALBERT. Mr. Chairman, I ask unanimous consent that
the further reading of the report be dispensed with. This seems
to be a meritorious bill, and one that ought to be passed.
Mr. ERDMAN. No; I object to that. There is some very interesting matter later on that I think we ought to have.

The Clerk resumed and concluded the reading of the report as

Mr. ERDMAN. Mr. Chairman, I desired to have this lengthy report read and spread upon the records of this House for the reason that we have discovered, apparently, a new cause of pension. This will be apparent when you have passed this bill. It is contained in the third paragraph on the second page of the report, and reads as follows:

During Captain Morris's service on the Pacific Coast he was one of the many officers who suffered severely from the great depreciation in currency, the officers receiving their monthly pay from the Government in greenbacks when everything at that time was on a gold basis throughout California.

It seems that we have now attacked the financial question in our pension legislation, and a distinct new class of pensioners is provided for. Here we are granting a pension because of the depreciation of the currency.

It is possible that we are thus preparing the way when the 16 to 1 comes to be in a position to pension all of the people that suffer from that cause.

Mr. PICKLER. My colleague [Mr. Miles] in preparing this report simply followed the Senate report.

I hope, however, that some new cause of pensions will be discovered to satisfy the gentleman from Pennsylvania and induce him to vote for some of these bills.

The amendments recommended by the committee were agreed to. The bill as amended was ordered to be laid aside to be reported to the House with the recommendation that it do pass.

JANE CHRISTIAN MARYE.

The next business on the Private Calendar was the bill (H. R. 5902) granting a pension to Jane Christian Marge.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, anthorized and directed to place the name of Jane Christian Marge, only child and heir of W. S. Jett, late a soldier of the Revolutionary war, on the pension roll as a dependent daughter, to be paid a pension at the rate of \$30 per month; also that the said Jane Christian Marge shall, in consequence of the passage of this act, be entitled to have and receive back pay and allowances, subject to the provisions and limitations of the pension laws.

The Committee on Pensions recommend the adoption of the

following amendment:
Change the spelling of claimant's surname to "Marye," and strike out the words "and heir," in line 5; strike out the word "thirty," in line 7, and substitute therefor the word "twelve;" strike out all after the word "month," in line 8. Also amend the title of the bill.

The amendments recommended by the committee were agreed to.
The bill as amended was laid aside to be reported to the House

with a favorable recommendation.

The next business on the Private Calendar was the bill (H. R.

519) granting a pension to Ira Harris.

Mr. JENKINS. Mr. Chairman, I move that the committee take up Senate bill No. 2711, to be found on page 64 of the Calendar, it being the same as the House bill, and put it upon its passage.

The motion was agreed to. The bill is as follows:

Be it enacted etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll the name of Ira Harris, a lieutenant-commander of the Navy, and pay him a pension at the rate of \$30 per month on and after the passage of this act.

Mr. ERDMAN. Let us have the report in that case read. The report (by Mr. Thomas) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (8.2711) granting a pension of \$50 per month to Ira Harris, late lieutenant-commander, United States Navy, respectfully report that on March 16, 1896, it reported House bill 519 for same beneficiary, at \$50 per month, couched in substantially the same language as Senate bill 2711.

Your committee therefore favorably report this bill (8.2711), with the recommendation that same be substituted for House bill 519 when same is reached, and passed.

The bill was laid aside to be reported to the House with a favorable recommendation.

Mr. ERDMAN. Mr. Chairman—
The CHAIRMAN. Without objection, the House bill of the same title will lie on the table. Is there objection?
Mr. ERDMAN. I desire to know what the status of this bill is.

There was a substitution in the Senate of their bill for ours and

The House there is a substitution of our bill for theirs.

The CHAIRMAN. As the Chair understands it, the committee has substituted the Senate bill, and the Chair was submitting to the House the question whether or no the House bill should lie upon the table. If there is no objection, that order will be made. upon the table. If there is There was no objection.

FREDERICK A. DRISCOL.

The next business on the Private Calendar was the bill (H. R. 4655) granting a pension to Frederick A. Driscol.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Frederick A. Driscol, of Denver, Colo., late sergeant Company E. Twelfth Regiment Rhode Island Volunteer Infantry, and Company I, Ninth Regiment Rhode Island Volunteer Infantry, for a pension at the rate of \$12 a month from and after the passage of this act.

The CHAIRMAN. The question is on laying aside this bill with a favorable recommendation.

Mr. ERDMAN. Let us have the report.

The report (by Mr. Andrews) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H.R. 4655) granting a pension to Frederick A. Driscol, having considered the same, respectfully report:

Frederick A. Driscol enlisted May 26, 1862, and was honorably discharged

September 2, 1862; reenlisted September 18, 1862, and honorably discharged September 18, 1863, on surgeon's certificate of disability.

On November 4, 1891, and also on January 25, 1896, he applied for pension under act of June 27, 1890.

The examination made by the pension board of surgeons of Denver, Colo, on March 16, 1862, gives a total rating of twelve-eighteenths, and the examination made by the Denver board on September 25, 1895, gives a total disability rating of twenty-eighteenths, but both applications were rejected as not ratably disabled under act of June 27, 1890.

Claimant alleges that his disease of eye was incurred at Fredericksburg. Va., and that he suffered with aphonia, chronic inflammation of respiratory organs, cough and ulceration of throat, rheumatism, and heart disease contracted in service, and with kidney disease and affection of ears contracted since service, but at this late date is unable to satisfactorily establish his claim of service origin; and that he is totally unfitted for manual labor, and is wholly dependent upon his own labor for the support of himself and family.

He has a hospital record of "aphonia" February 9 to 27, 1863, when he was furloughed from Mount Pleasant Hospital, Washington, D. C. He was "absentick" April 30, 1863, and applied for fifteen days' extension of furlough.

Dr. C. C. Brace filed May 28, 1894, that claimant's case was one of hypertrophy of heart, chronic bronchitis, defective vision of one eye, and chronic pharyngitis. Disabilities permanent, and thinks him incapable of performing manual labor.

Dr. A. K. Worthington testified, same date:

"He has converging strabismus of left eye, counts fingers at 1 foot, right eye normal: there is minute crepitation of lower lobe of right lung, axillary line, and in posterior parts; the heart apex is at sixth intercostal space, systolic impulse palpable in epigastrium; pulse rate 100 standing; the heart is hypertrophied and he has chronic bronchitis; he has also chronic pharyngitis, not due to vicious habits. Di

The CHAIRMAN. The question is, Shall this bill be laid aside with a favorable recommendation?

Mr. PICKLER. Mr. Chairman, I move to amend by striking out of line 6 the words "of Denver, Colo."

The amendment was agreed to.

Mr. PICKLER. And in line 10 I move to amend by striking out all after the word "month."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

In line 10, strike out, after the word "month," the words "from and after the passage of this act."

The amendment was agreed to.

The bill as amended was ordered to be laid aside to be reported to the House with a favorable recommendation.

LAURETTA S. PRINCE.

The next business on the Private Calendar was the bill (H. R. 2620) to place the name of Lauretta S. Prince on the pension roll. The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he hereby is, authorized and directed to place on the pension roll, at \$20 per month, the name of Lauretta S. Prince, daughter of Henry Prince, late a private in Company D, One hundred and forty-third Regiment Ohio Volunteer Infantry.

The Committee on Invalid Pensions recommended the following amendment:

In line 5, before the word "daughter," insert the word "dependent."

Mr. ERDMAN. Let us have the report, Mr. Chairman. The report (by Mr. Kerr) was read, as follows:

The report (by Mr. Kerr) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 2620) to place the name of Lauretta S. Prince on the pension roll, submit the following report:

This bill is to give a pension to Lauretta S. Prince, as the dependent daughter of Henry Prince, late a private in Company D. One hundred and fortythird Regiment Ohio Volunteers. The father was granted a pension of \$12 per month, and drew the same until his death, which occurred in 1894. The widow was granted a pension. She died in 1895.

The ground upon which this bill rests is the dependent and helpless condition of the daughter. She is an epileptic and wholly incapable of taking care of herself during the attacks of epilepsy and unfit for any labor or employment by which to maintain herself.

These attacks are very frequent—as many as four, five, and more in a day. Her condition requires attendance and care from others, and it seems that she comes within the spirit of law relating to dependents. She has no property or income, and is a proper subject for legislation as the committee conceives.

The committee therefore recommends the passage of the bill with the following amendment. viz:

In line 5, before the word "daughter," insert the word "dependent."

Mr. ERDMAN. Mr. Chairman, I move that the bill be amended

Mr. ERDMAN. Mr. Chairman, I move that the bill be amended by striking out the word "twenty" and inserting the word "eight," This is a daughter—
The CHAIRMAN. The Clerk will report the amendment.
The Clerk read as follows:

In line 4 strike out the word "twenty" and insert the word "eight."

Mr. ERDMAN. It is proposed in this bill to give a daughter more than the father, who was a soldier, received, and more than the mother, who was the widow of a soldier, received. Now, at

the mother, who was the widow of a soldier, received. Now, at this late day, it is proposed that the daughter shall have as much as both of them put together.

Mr. McClellan. She comes from Ohio, though.

Mr. ERDMAN. For the reason stated, I move the amendment. Mr. TAYLER. Mr. Chairman, I hope that the amendment proposed will not prevail, for the reason that the beneficiary of this bill is, as stated in the report, a helpless epileptic. In the very nature of things the infirmity growing out of that is increasing, and in the nature of things, also, she can not very long be a burden upon a generous country. I hope that this poor woman, who has no one to help her, will be pensioned at the full rate allowed by the bill.

who has no one to help her, will be pensioned at the full rate allowed by the bill.

Mr. PICKLER. If the gentleman will allow me, I will suggest that there is no precedent for \$8 a month. All dependent daughters get \$12 a month if they are pensioned at all.

A MEMBER. Or twenty.

ters get \$12 a month if they are pensioned at all.

A MEMBER. Or twenty.

The CHAIRMAN. The question is on the amendment striking out "twenty" and inserting "eight."

The amendment was rejected.

The CHAIRMAN. The question is on the amendment proposed by the committee.

Mr. TAYLER. There is an error in the middle initial of this beneficiary's name in the bill. I move an amendment, in the body of the bill and also in the title, that the name read "Loretta L. Prince."

Mr. PICKLER. Since the

Mr. PICKLER. Since the gentleman is amending the title, I will suggest that it be amended by striking out the words "to place the name of Loretta S. Prince on the pension roll" and insert the words "granting a pension to Loretta L. Prince."

The CHAIRMAN. That motion is not in order now. The constitution is one agreeing to the amendment proposed by the com-

question is on agreeing to the amendment proposed by the com-

mittee.

The amendment proposed by the committee was agreed to.
The CHAIRMAN. The question now is upon the amendment proposed by the gentleman from Ohio [Mr. TAYLEN], which the Clerk will report.

The Clerk read as follows:

In the body of the bill and also in the title insert in lieu of the words "Loretta S. Prince" the words "Loretta L. Prince."

Mr. PICKLER. Now I move to strike out the words "to place the name of Loretta S. Prince on the pension roll" and insert the words "granting a pension to Loretta L. Prince." The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Strike out the words "to place the name of Loretta S. Prince on the pension roll" and insert the words "granting a pension to Loretta L. Prince."

The amendment to the amendment was agreed to.

The amendment of Mr. TAYLER as amended was agreed to. The bill as amended was ordered to be laid aside to be reported to the House with a favorable recommendation.

ELIZA A. FOSS.

The next business on the Private Calendar was the bill (H. R. 3499) granting a pension to Eliza A. Foss.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Eliza A. Poss, of Manchester, N. H., widow of Henry T. Foss, late corporal of Company C, First New Hampshire Heavy Artillery Volunteers, and pay her a pension of \$12 per month.

Mr. ERDMAN. Let us have the report, Mr. Chairma The report (by Mr. Sulloway) was read, as follows: Let us have the report, Mr. Chairman.

The report (by Mr. Sulloway) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 3499) granting a pension to Eliza A Foss, having carefully considered the facts in the case, respectfully report:

Henry T. Foss enlisted August 16, 1864, in Company C, First New Hampshire Heavy Artillery, and was honorably discharged June 15, 1865. He was married to the claimant July 4, 1856, and died April 27, 1874.

The beneficiary named in the bill filed application for pension, alleging the death cause to have been contracted in the service, and the claim was approved for admission. The medical referee, however, failed to find the "sequence," and therefore rejected the same.

The ostensible cause of the soldier's death was cancer. The hospital records show that he was treated for malarial poisoning, disease of liver, and jaundice while in the service, and three comrades depose to the same effect. Several persons who knew the soldier ten to twenty years before the war testify as to his unusually robust constitution and prior soundness, and continuance is fully established from discharge to death.

The medical evidence shows that on account of the man's diseased condition he fell an easy prey to the inroads made by the cancer, and is to the effect that the same was caused thereby. It further indicates that death would soon have ensued from his service disabilities in any event.

The widow is 60 years of age, has no property or income except a pension of \$8, which she receives under the act of June 27, 1890, is wholly unable to earn a support, and in every way a worthy woman.

The effect of the bill is to increase her pension \$\$\frac{3}{2}\$ fer month, and your committee recommend its passage with the following amendment:

In line 6 strike out the words "of Manchester, N. H.

The amendment recommended by the committee was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

JOSEPH PORTER.

The next business on the Private Calendar was the bill (S. 1945) granting a pension to Joseph Porter.

The bill was read.

Mr. HAGER. Mr. Chairman, during the first session of this Congress a bill was passed in favor of Mr. Porter and was signed by the President. I therefore ask that that bill lie on the table.

The CHAIRMAN. The gentleman from Iowa moves that this

bill be reported to the House with the recommendation that it do lie on the table.

The motion was agreed to.

ADAM DENNIS.

The next business on the Private Calendar was the bill (H. R. 4744) to increase the pension or Adam Dennis.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he hereby is, authorized and directed to place upon the pension roll, subject to the provisions and limitations of the pension laws, the name of Adam Dennis, of Manns Choice, Bedford County, Pa., late a soldier in Company G, Seventy-ninth Regiment Pennsylvania Volunteer Infantry, and that he receive a pension of \$50 per month in lieu of that which he now receives.

Mr. HARDY. Let us have the report read in that case.

The report (by Mr. ERDMAN) is as follows:

Mr. HARDY. Let us have the report read in that case.

The report (by Mr. Erdman) is as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 4744) to increase the pension of Adam Dennis, after duly considering the same, respectfully report as follows:

Adam Dennis enlisted on the 1st of October, A. D. 1861, as private soldier in Company G, Seventy-ninth Regiment, Pennsylvania Volunteer Infantry. On the 8th of October, 1862, at the battle of Perryville, Ky., he received a severe gunshot wound in his left groin, and at the battle of Chickamauga, September 19, 1863, received a severe wound in his left leg, about 5 or 6 inches above the knee. From the effect of these wounds his leg was amputated, and he now draws a pension of \$30 per month for loss of leg below the knee.

The amputation was made in a hurried and careless manner, and the fibula bone is 1½ inches shorter than the tibia, and both bones protrude, with not sufficient flaps to cover them, and for many years the pensioner has not been able to use an artificial limb but a small portion of the time, and weakened the hip joint that his left side is partially paralyzed from the effects of the wound and the attendant suffering. The pension received is but for the loss of leg below the knee, and the severe wound in the groin is not taken into consideration in his rating. This rating is insufficient, and the pensioner should receive a pension equal at least to the loss of a leg, as the paralyzed condition of the pensioner's left side and his inability to wear an artificial limb entitles him, in the judgment of your committee, to the rating for the entire loss of his limb, and this, in consideration of his extreme suffering, would be but a proper consideration. In addition to the wounds referred to, the pensioner suffers severely from nasal catarrh, which was contracted in the Army. This disease now affects his bronchial tubes and lungs.

From communications placed before the committee, it was apparent that the Department recognized th

"Statement of injuries of Adam Dennis, Company G, Seventy-ninth Pennsylvania Volunteers."

"My injuries are as follows: Gunshot wound in left groin, stiffening and weakening the hip joint; left leg off 5 inches below the knee; fibula bone linches shorter than the tibia, with both bones protruding, no flaps to cover bones, making it impossible to use an artificial limb most of the time without suffering and endangering my life. Whole left side partially affected by those wounds. Have also nasal catarrh, contracted in the Army, which now affects bronchial tubes and lungs. Heart also affected; can't say from what cause.

"ADAM DENNIS."

"Company G, Seventy-Ninth Pennsylvania Volunteers.

"Bedford County, ss:

"Personally appeared before me, a justice of the peace in and for the aforesaid county, Adam Dennis, who, being duly sworn according to law, doth depose and say that the above statement is true and correct.

"Sworn and subscribed this 20th day of January, A. D. 1896.

"CHAS. REILEY, Justice of the Peace."

Your committee, therefore, in view of all the facts in this case, recommend that the pension of Adam Dennis be increased from \$30 per month, which he now receives, to the sum of \$50 per month, which your committee believes he is justly entitled to, and therefore recommend that the bill do pass.

During the reading of the report,
Mr. HARDY. I ask that the Clerk suspend the further reading
of the report. I think the man ought to have at least \$30 pension.
The bill was ordered to be laid aside with a favorable recom-

mendation.

LYDIA CHAPMAN.

The next business on the Private Calendar was the bill (H. R. 4608) granting a pension to Lydia Chapman.

The bill was read, as follows:

Be it endeted, etc., That the Secretary of the Interior be, and he hereby is, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension law, the name of Lydia Chapman, mother of Samuel J. Chapman, late an employee in the Quartermaster's Department, United States Volunteers, and to pay her a dependent pension from and after the passage of this act.

Mr. ERDMAN. Let us have the report read. The report (by Mr. WOOD) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 4608) to pension Lydia Chapman, submit the following report:

Samuel J. Chapman was the minor son of the claimant. He was steersman on board the transport steamer B. M. Runyon, which was impressed by the

Quartermaster's Department. United States Army, for the transportation of troops and stores on the Mississippi River, in July, 1864. The boat was snagged and sunk about 100 miles above Vicksburg, July 21, 1864, and Samuel J. Chapman drowned.

His mother was, at the time of his death, dependent upon him for support. She is a widow now, nearly 90 years of age, and without any property except a life estate in an old house in Upper Acton, Ill., so old and poor that for some years it has not had a tenant. She is dependent upon a feeble unmarried daughter, who supports herself and mother by sewing.

The above facts appear from letters of the Auditor of the Treasury for the War Department and the Quartermaster-General, United States Army; a letter from the deceased, shortly before his death, informing his parents of the shipment by express of money to them; the evidence on file in the office of the Commissioner of Pensions, and by the statements of the sister of the deceased, given to the subcommittee.

The Commissioner of Pensions properly rejected claimant's claim for pension as dependent mother under the law on the ground that there was "no title, claimant's son not having been in the military or naval service of the United States."

Your committee believe that under the circumstances the deceased lost his life in the service of his country. Transports, whether chartered or impressed, were under military orders. They went, and were obliged to go, into the enemy's country. The claimant is needy; she was dependent on this son for support; he lost his life while at important work in the interest of his Government in time of war; she justly is entitled to the bounty of the Government during the brief period of her remaining life.

Your committee therefore recommend that the bill do pass with an amendment, by adding to the end of the bill "at \$12 per month," and also by inserting before the word "mother," in sixth line, the word "dependent."

The CHAIRMAN. The question is on agreeing to the amendments proposed by the co

ments proposed by the committee.

Mr. ERDMAN. Mr. Chairman, would the gentleman who made this report answer this: Are steersmen on board of transport steamers included in the general bill which the House passed?

Mr. WOOD. I do not know. I think not. [Cries of "Vote!"

The amendments recommended by the committee were agreed to.
The bill as amended was ordered to be laid aside with a favorable recommendation.

ELIZA J. HOLMAN.

The next business on the Private Calendar was the bill (H. R. 6378) for the relief of Eliza J. Holman.

The bill was read, as follows:

Be it enacted, etc.. That the Secretary of the Interior be, and he hereby is, authorized and directed to place on the pension roll the name of Eliza J. Holman, widow of William T. Holman, deceased, late a private in Capt. Charles Pettigrew's Company, commanded by Cols. Laban C. Horrell and Albert Forohr, Indian war, and pay her a pension at the rate of \$12 per month.

The amendment recommended by the committee was read, as

In line 8, strike out the word "twelve" and insert the word "eight;" so as o read "at the rate of \$8 per month."

The amendment was agreed to.
The bill as amended was ordered to be laid aside with a favorable recommendation.

J. J. DAVIS.

The next business on the Private Calendar was the bill (H. R. 2742) to grant a pension to J. J. Davis.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and is hereby, authorized and directed to place upon the pension roll the name of J. J. Davis, late a private in Roberts's Company, Jack Hays's Regiment, in the war between the United States and Mexico, and to allow the said J. J. Davis a pension rated at \$12 a month.

The amendment recommended by the committee was read, as

In line 7, strike out the word "twelve" and insert the word "eight;" so as o read, "a pension rated at \$8 a month."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

MARY W. KEEFFE.

The next business on the Private Calendar was the bill (S. 905) granting a pension to Mary W. Keeffe.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mary W. Keeffe, widow of Joseph Keeffe, late captain, Fourth Infantry, United States Army, at the rate of \$30 per month, in lieu of the pension she is now receiving.

Mr. ERDMAN. Let us have the report, Mr. Chairman. The report (by Mr. Andrews) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (S.905) granting a pension to Mary W. Keeffe, having examined the same, adopt as their own the Senate report, and recommend the passage of the bill.

[Senate Report No. 139, Fifty-fourth Congress, first session.]

[Senate Report No. 133, Fifty-fourth Congress, first session.]

The Committee on Pensions, to whom was referred the bill (8. 905) granting a pension to Mary W. Keeffe, have examined the same, and report:

The claimant is the widow of Joseph Keeffe, late a captain in the United States Army, who died in Boise City, Idaho. December 4, 1891, where his widow now resides. According to the record of the soldier's military career, as furnished by the War Department, he enlisted as a private December 5, 1853, and served as such until October 20, 1862. He was appointed brevet second lieutenant, Second Artillery, October 22, 1862; second lieutenant, Fifth Artillery, July 28, 1866; transferred to Fourth Infantry, May 22, 1875; captain, Fourth Infantry, February 4, 1882; brevet first lieutenant, November 29, 1863; "for sallant and ruary 4, 1882; brevet first lieutenant, November 29, 1863, "for gallant and

meritorious services during the defense of Fort Sanders, Tenn., and captain, September 23, 1864, for gallant and meritorious services in the battle of Fish-ers Hill, Virginia." He participated actively in nineteen battles during the

septements of the war of the rebellion Captain Keeffe served in the various departments of the Army and in different parts of the United States until his death at the time above indicated, being in actual service thirty-eight year. At the time of his death he was without property, excepting his household goods, his pay being only sufficient to meet living expenses. He left a widow with six children, the two oldest having died since the death of their father, and as they contributed largely to the support of their mother and her smaller children, their death has left them in needy circumstances, and the claimant's only income now is a pension of \$20 per month, and \$2 per month for one of the younger children, which falls far short of being sufficient for a comfortable support and the maintenance of those dependent upon her.

The long, active, efficient, and uninterrupted service of the soldier should, in the opinion of your committee, be taken into consideration, which, together with the narrow circumstances of his widow and the dependent members of her family, entitle her to the relief provided in this bill, and therefore its passage is recommended.

Mr. ERDMAN Mr. Chairman, I move that instead of the

Mr. ERDMAN. Mr. Chairman, I move that instead of the word "thirty" there be inserted the word "twenty-five." She will then receive \$5 more than the widow of every other captain in the service.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

In line 8" strike out the word "thirty" and insert the word "twenty-five."

Mr. BLUE. Mr. Chairman, I move to strike out "twenty-five" and insert "twenty." I see no reason why there should be this change from the grade to which it belongs.

The CHAIRMAN. The Clerk will report the amendment of the gentleman from Kansas to the amendment of the gentleman

from Pennsylvania.

The Clerk read as follows:

Strike out "twenty-five" and insert "twenty;" so as to read "at the rate of \$20 per month."

The CHAIRMAN. The question is on the amendment of the gentleman from Kansas to the amendment of the gentleman from Pennsylvania.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

EMILY ELLIOTT.

The next business on the Private Calendar was the bill (H. R. 5855) granting a pension to Emily Elliot.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place the name of Emily Elliot, the permanently helpless daughter of Joseph Elliot, late quarter gunner. United States Navy, in the Florida war; late private Company E, First Regiment Volunteers, in the Mexican war, and late private Company B, Second Regiment Maryland Infantry Volunteers, in the war of the rebellion, at the rate of \$12 per month, subject to the limitations and provisions of the pension laws.

Mr. ERDMAN. Let us have the report, Mr. Chairman. Mr. PICKLER. Oh, no; you do not want the report on that. The report (by Mr. McClellan) was read, as follows:

Mr. PICKLER. Oh, no; you do not want the report on that. The report (by Mr. McClellan) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 5855) granting a pension to Emily Elliott, permanently helpless daughter of Joseph Elliott, late quarter gunner, United States Navy, in the Florida war; private Company E, First Regiment Voltigeurs in the Mexican war, and late private Company B, Second Maryland Cavalry Volunteers, in the war of the rebellion, having carefully examined and considered the facts presented, respectfully report as follows:

Joseph Elliott served in the Florida expedition during the years 1841 and 1842, having been taken upon the rolls of the United States receiving ship Pennsylvania August 1, 1842, as quarter gunner, with \$98.24 due from Paymaster McLaughlin, of the Florida expedition, and his account was made up to Angust 22, 1842, when he was paid off and discharged.

He was enlisted as Joseph Elliott April 10, 1847, at Baltimore, Md., for the war with Mexico, and was assigned to Company E, Voltigeurs, and was discharged at Fort McHenry, Md., August 31, 1848, by expiration of service, a private.

He was also enrolled June 30, 1863, at Baltimore, Md., as a private in Company B, Second Maryland Cavalry Volunteers, to serve six months, and was mustered out with his company January 28, 1864.

Joseph I. Elliott and Lavenia McCulloh were married in 1845, and two children were the fruits of such marriage, to wit, Harriet and Emily, the latter, the beneficiary of this bill, born January 8, 1848. Her mother died in 1858, and her father, the soldier, in 1868.

Emily Elliott had a fall when a baby, which dislocated her hip, and she has been a deformed and permanently helpless cripple ever since childhood, and has no means of support.

Dr. Israel Jones, in an affidavit dated February 12, 1896, testifies that he is medical superintendent of the Home of Incurables, New York City, N. Y., and das known Emily Elliott for more than nineteen years, and that the is suffer

From the facts presented your committee believe the claim is meritorious, and recommend that the bill be amended by striking out all after the enacting clause and inserting in lieu thereof the following:

"That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Emily Elliott, the permanently helpless daughter of Joseph Elliott, late quarter gunner, United States Navy, in the Florida war; private Company E, First Regiment Voltigeurs, in the Mexican war, and late private Company B, Second Regiment Maryland Volunteer Cavalry, in the war of the rebellion, and pay her a pension of \$12 per month."

Also amend title by substituting the word "Elliott" for the word "Elliot" therein, and as so amended that the bill do pass.

The amendment recommended by the committee was agreed to

The amendment recommended by the committee was agreed to. The bill as amended was ordered to be laid aside with a favor-

ANNA N. KENDALL.

The next business on the Private Calendar was the bill (H. R. 5895) granting a pension to Anna N. Kendall.

The bill was read, as follows:

able recommendation.

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place upon the pension roll, subject to the statutes and limitations of the pension laws, the name of Anna N. Kendall, widow of Joshua Kendall, late of Company D, Nineteenth Massachusetts Volunteers.

Mr. ERDMAN. Let us have the report read.

The report (by Mr. POOLE) was read, as follows:

Mr. EKDMAN. Let us have the report read.

The report (by Mr. Poole) was read, as follows:

The committee on Invalid Pensions, to whom was referred the bill (H. R. 5895) granting a pension to Anna N. Kendall, having carefully examined the evidence relating thereto, report:

The beneficiary of this bill was married in August, 1849, to George W. Dow. Two days later Dow left her, having stated just before they were married that he would go and look for a place for them to live and earn a living. Nothing has been heard of him since, so far as can be learned, except that claimant's brother, Robert Gillespie, heard (as he testifies) that Dow was dead. Eight years later, the claimant having heard indirectly that Dow was dead. Eight years later, the claimant having heard indirectly that Dow was dead. Eight years later, the claimant having heard indirectly that Dow was dead, and as the presumption of death after seven years' absence prevailed in Massachusetts, where she lived, she was married to Joshua Kendall, who enlisted August 10, 1861, and served until June 30, 1865, nearly four years, when he was honorably discharged.

He returned home and lived with claimant as her husband until he died, in November, 1871.

Her claim for pension was rejected by the Bureau of Pensions on the ground that she was not shown to be the legal widow of the soldier, as it was not shown that her first husband, Dow, was dead prior to her marriage to the soldier. The widow swears that she heard in 1850, from persons who claimed to have been with Dow, that he had died; she did not marry until seven years after she heard that he was dead. Her brother swears that he heard of Dow's death in 1850. He has never been heard from since. She lived with the soldier (to whom she was married) from 1857 until he died in 1871, and the legality of the marriage seems never to have been called in question until it was done by the Pension Office forty-four years after the disappearance of Dow and twenty-two years after the death of the soldier.

Your committee

Mr. PICKLER. Mr. Chairman, I move to amend by striking out the word "statutes," in line 5, and inserting "provisions."

The amendment was agreed to.

The bill as amended was ordered to be laid aside to be reported to the House with the recommendation that it do pass.

JOHN L. BRITTON.

The next business on the Private Calendar was the bill (S. 1276) granting an increase of pension to John L. Britton. The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John L. Britton, late of Company A, Second Regiment New Hampshire Volunteer Infantry, at the rate of \$30 per month, in lieu of that he is now receiving.

The report (by Mr. Sulloway) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (8.1276) granting an increase of pension to John L. Britton, having carefully considered the facts in the case, adopt the accompanying Senate report (No. 128) as their own, and respectfully recommend the passage of the bill.

[Senate Report No. 128, Fifty-fourth Congress, first session.]

[Senate Report No. 128, Fifty-fourth Congress, first session.]

The Committee on Pensions, to whom was referred the bill (S. 1276) granting a pension to John L. Britton, have examined the same, and report:

Claimant enlisted August 7, 1861, in Company A. Second Regiment New Hampshire Volunteer Infantry, and served until May 22, 1862, being discharged for disability. He reenlisted December 15, 1863, in Company F, Thirteenth Regiment New Hampshire Volunteer Infantry, and was discharged on surgeon's certificate of disability May 27, 1865. He was pensioned for rheumatism from May 23, 1862, at \$4 per month, which pension was increased from time to time to \$8, \$12, and \$16, which latter rate he is now drawing. On June 26, 1894, he made application for increase, alleging total disability from rheumatism. He was examined by several medical boards, all of whom found total disability, but his claim was rejected on the ground that the disability was in part due to his advanced age, which, according to the claimant's statement, is 90 years.

Soldier's condition is unquestioned. His rheumatism, for which he was pensioned, has steadily increased, until now he can scarcely hobble around with the aid of two canes. His hip is drawn out of shape, and many of the other joints of the body are deformed by rheumatism.

Your committee is of opinion that the increase asked for is reasonable and just, and therefore report the bill back favorably, with a recommendation that it pass.

Mr. BAKER of New Hampshire. Mr. Chairman, I know this old veteran, and his condition is now worse than it was when that report was made. He now requires the personal attendance of some one all the time, and my only objection to this bill is that the rate of pension is so small. If this were not a Senate bill, I should move to increase the rate. The CHAIRMAN. If there be no objection, the bill will be laid aside to be reported to the House with a favorable recommendation.

Mr. HICKS. Mr. Chairman, this bill is undoubtedly a very meritorious measure, and I dislike to delay the disposition of it by the committee, but I hold in my hand a communication from a number of veterans of the State of Pennsylvania, the purport and contents of which will be gratifying, I am sure, not only to the men who wore the Union blue, but also to the men who wore the gray, and I send it to the desk to be read in my time.

The communication was read, as follows:

PHILADELPHIA, PA., December 9, 1896.

Whereas the people of Cuba have been making a heroic effort in the cause of liberty and independence against the debasing and despotic rule of

cause of liberty and independence against the debasing and despotic rule of Spain; and Whereas after years of struggle there has been shown an entire incompetence, even through the most barbarous effort, on the part of Spain to suppress the spirit of freedom that animates the Cuban people; and Whereas the fair Island of Cuba is being desolated and the interests of commerce and trade with the United States and its citizens are suffering loss and destruction, Therefore,

Resolved by Geo. G. Meade Post, No. 1, of Philadelphia, Grand Army of the Republic, That the sympathy of every soldier who wore the "blue" is enlisted in the cause of the Cuban people in their struggle to throw off the yoke of tyranny and oppression; and

Resolved, That these preambles and resolutions be conveyed to our Senators and Representatives in Congress, asking their support of such wise and lawful measures in the Congress of the United States as will bring about the enfranchisement of the Cuban race.

BENJAMIN BROOKE, Commander.

BENJAMIN BROOKE, Commander.

Attest:
J. FLETCHER CONRAD, Adjutant.
Adopted November 30, 1896.
Mr. HICKS. Now, Mr. Chairman, I desire merely to add that I believe the sentiments expressed in that communication are the sentiments of every true lover of his country.
The bill was laid aside to be reported to the House with the reconstruction that it do pass.

ommendation that it do pass.

BLUFORD REEDER.

The next business on the Private Calendar was the bill (H. R. 2231) for the relief of Bluford Reeder.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and is hereby, authorized and directed to place upon the pension roll the name of Bluford Reeder, subject to the limitations and regulations of the pension laws of the United States for pensioning the survivors of the war with Mexico.

An amendment recommended by the committee, adding after "Mexico" the words "and pay him a pension rated at \$8 per month," was adopted.

The bill as amended was laid aside to be reported to the House

with the recommendation that it do pass.

ALEXANDER M'BRIDE.

The next business on the Private Calendar was the bill (H. R. 6282) to increase the pension of Alexander McBride.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior is hereby authorized and directed to place upon the pension roll of the United States the name of Alexander McBride, late a private in Company I, Third United States Infantry, Mexican war, and also a private in Company F, Sixteenth Indiana Infantry Volunteers in the war of the rebellion, at the rate of \$72 a month, in lieu of the pension he is now receiving, subject to the limitations of the general pension laws.

An amendment recommended by the committee striking out seventy-two" and inserting "thirty" before the word "dollars" was adopted.

The bill as amended was laid aside to be reported to the House

with the recommendation that it do pass.

MARY T. YOUNG.

The next business on the Private Calendar was the bill (H. R. 6900) increasing the pension of Mary T. Young. The bill was read, as follows:

Be it enacted, etc.. That the pension of \$12 per month granted to Mary T. Young, widow of James Hamilton Young, late private in Capt. J. R. Swift's company, Pennsylvania Militia, in the war of 1812, be, and is hereby, increased to \$20 per month.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

CHARLOTTE O. VAN CLEVE.

The next business on the Private Calendar was the bill (H. R. 2425) to grant a pension to Charlotte O. Van Cleve, widow of Gen. Horatio P. Van Cleve.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the general pension laws, the name of Mrs. Charlotte O. Van Cleve, widow of the late Brig. and Bvt. Maj. Gen. Horatio P. Van Cleve, at the rate of \$100 per month.

Mr. ERDMAN. Let us have the report in that case.

The report (by Mr. THOMAS) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 5425). to grant a pension to Charlotte O. Van Cleve, have carefully considered the evidence relating thereto, and report as follows:

Horatio P. Van Cleve, the husband of this claimant, entered the Military

Academy at West Point July 1, 1827, and was continuously in the service until September 11, 1836, when he resigned. He was mustered in as colonel of Second Minnesota Volunteer Infantry September 13, 1861, and served continuously until August 24, 1865, when honorably mustered out as brigadiergeneral. He was wounded at Stone River December 31, 1862, and was granted leave of absence on account of wounds January 9, 1863. He was brevetted major-general of volunteers to date from March 13, 1865, for "gallant and meritorious service during the war." He was commissioned second lieutenant of infantry under act of Congress approved June 11, 1890, and was placed on the retired list July 1, 1890, and died April 24, 1891.

The evidence presented to this committee shows that the widow, who is now about 77 years of age, has no income except a pension of \$8 per month. She has no property except her homestead, which affords her a home merely, but, aside from that, is of no benefit to her, as it is not salable, and costs about, if not quite, as much for taxes, repairs, etc., as the rent is worth.

In view of the long and valuable services of the soldier and the age and apparent need of the widow your committee recommend that the bill pass with an amendment, striking out the words "one hundred," in line 8, and inserting in lieu thereof the word "fifty."

Appended are reports from the records of the War Department, giving the full military history of General Van Cleve.

WAR DEPARTMENT, ADJUTANT-GENERAL'S OFFICE,
Washington, March 19, 1896.

Statement of the military service of the late Horatio P. Van Cleve, of the
United States Army, compiled from the records of this office.

He was a cadet at the United States Military Academy July 1, 1827, to July
1, 1831, when he was graduated and appointed brevet second lieutenant Fifth
Infantry, July 1, 1831; second lieutenant, December 31, 1834; resigned September 11, 1836. (In volunteer service July 22, 1831, to August 24, 1835.)

SERVICE.

He joined his regiment October 2, 1831, and served with it at Fort Howard, Wis., to November 30, 1831, and at Fort Winnebago, Wis., until he resigned, September 11, 1836.

Under the authority of the act of Congress approved June 11, 1890, he was commissioned a second lieutenant of infantry July 1, 1890, and placed on the retired list of the Army as second lieutenant same date.

He died April 24, 1891, at Minneapolis, Minn.

W. P. HALL, Assistant Adjutant-General.

Case of Horatio P. Van Cleve, late brevet major-general, United States Volunteers.

Case of Horatio P. Van Cleve, late brevet major-general, United States Volunteers.

The official records show that Horatio P. Van Cleve was mustered into service as colonel with the field and staff of the Second Minnesota Infantry Volunteers September 13, 1861, to serve three years, with remark "appointed colonel July 23, 1861." He appears to have been present with his regiment until April 22, 1862, when he vacated his commission as colonel Second Minnesota Infantry Volunteers by his acceptance on that date of a commission of brigadiergeneral of volunteers.

He is reported as in command of the Fourteenth Brigade, Fifth Division, Army of the Ohio, from April to October 16, 1862; in command of the Fifth Division (left wing), Fourteenth Army Corps, November to December, 1862; and on December 31, 1862, in command of the Third Division (left wing), Fourteenth Army Corps.

He was wounded at the battle of Stone River (Murfreesboro, Tenn.), December 31, 1862, and was granted leave of absence on account of wounds January 9, 1853. He is reported as in command of the Third Division, Twenty-first Army Corps, from March 13 to October 1, 1863; the United States forces at Murfreesboro, Tenn., from November 23, 1863, to July, 1865, and the First Brigade of the District of Middle Tennessee from July to August 19, 1865, when he was relieved from duty. He was honorably mustered out of service in orders from this Department dated August 24, 1865.

Under the provisions of the act of Congress approved June 3, 1884, and the acts amendatory thereof, he is considered by this Department as commissioned to the grade of colonel Second Minnesota Volunteers, to date from March 13, 1865, for "gallant and meritorious service during the war."

Respectfully submitted.

F. C. AINSWORTH,

Colonel, United States Army, Chief Record and Pension Office,

F. C. AINSWORTH, Colonel, United States Army, Chief Record and Pension Office.

RECORD AND PENSION OFFICE, War Department, March 17, 1896.

Mr. PICKLER. Mr. Chairman, I move to substitute for the bill just read Senate bill 1883, which is upon the Calendar at page 62. That bill has passed the Senate, and it grants the same pension that is proposed to be granted by the House bill.

The CHAIRMAN. The substitution would require unanimous consent.

Mr. PICKLER. I ask unanimous consent.
There was no objection, and it was so ordered.
The CHAIRMAN. The Clerk will report the Senate bill.
The bill (S. 1883) was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the general pension laws, the name of Mrs. Charlotte O. Van Cleve, widow of the late Brig. and Byt. Maj. Gen. Horatio P. Van Cleve, at the rate of \$50 per month.

The bill was laid aside to be reported to the House with a favor-

able recommendation. The House bill (H. R. 5425) was laid aside to be reported to the House with the recommendation that it do lie on the table.

JOHN W. POGUE.

The next business on the Private Calendar was the bill (H.R. 4875) granting a pension to John W. Pogue. The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll the name of John W. Pogue, late a private in Company E, Tenth Regiment Illinois Volunteer Infantry, at the rate of \$21 per month.

The report (by Mr. BAKER of Kansas) was read, as follows:

The report (by Mr. Baker of Kansas) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 4875) granting a pension to John W. Pogue, late private Company E, Tenth Illinois Infantry Volunteers, at \$24 per month, having examined and considered the facts and circumstances presented, respectfully report as follows:

Soldier served from Angust 30, 1861, to Angust 31, 1894, when mustered out and honorably discharged, there being nothing dishonorable shown in his record. Record shows him to have been "absent sick," but nature of sickness not stated.

He filed claim for pension June 28, 1880, and his claim was allowed from September 1, 1864, at \$2 per month for "neuralgia and disease of eyes;" the pension was discontinued November 8, 1881, the Pension Bureau claiming that his disability had ceased.

He filed claim for restoration, which was rejected March 15, 1895, on the ground of no ratable disability from "neuralgia and disease of eyes" since date of dropping from roll. He filed claim under act of June 27, 1890, on December 17, 1852, which was rejected March 15, 1895, on the ground of no ratable disability under said act.

John Mahrburg, a comrade, testifies that claimant was sound at enlistment; complained of pain in his head at Fosterville, and again at Chattanooga, Tenn., in 1863, and also in February, 1894. When he next saw him, in 1875, he was complaining of pain in his head and wore glasses.

Peter Peterson testifies to prior soundness, and that he wore spectacles in 1875, and was seriously affected with neuralgia of head, disease of eyes and heart and stomach, which he claimed were contracted in service. He has constantly grown worse and worse since 1875, during which affiant has seen him frequently, and as far back as six years ago was unable to work or do any manual labor on farm.

Levi W. Armstrong testifies he was corporal, Company E, Tenth Illinois Volunteers, and knew claimant during the war; that he was sound and heart and stomach which he is compelled to wear g

abor.

Capt. B. E. A. Simons, late First United States Colored Artillery (Heavy), testifies that claimant has been an invalid for last seven or eight years, suffering from disease of eyes, neuralgia, and heart disease, and at different times in last five years been ill for weeks at a time, and have not considered him able to perform manual labor to any great extent, and from acquaintance for last twenty years believe him entitled to pension.

Dr. Francis M. Hiett testified, January 27,1896, that he has practiced medicine for thirty years, and been the family physician of John W. Pogue for twenty years, during which time has seen him almost every week, and for last four years almost daily. He has suffered with neuralgis of the head and defective vision, and at times with chronic diarrhea and chronic rheumatism of the muscles of the back and shoulders. For the past four years he has suffered with disease of the heart. About one year ago he was confined to his house for about two months with heart disease. He is not able to perform ordinary manual labor one-half of the time.

From the facts presented, your committee believe the claim meritorious, and recommend that the bill do pass.

The bill was laid aside to be reported favorably to the House.

The bill was laid aside to be reported favorably to the House. JOHN W. BRUNER.

The next business on the Private Calendar was the bill (H. R. 7240) granting a pension to John W. Bruner, late of Company F, Second Regiment Pennsylvania Volunteers, and Company G, First Regiment Pennsylvania Cavalry, and the United States Signal

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and hereby is, authorized and directed to pay John W. Bruner, late of Company F, Second Regiment Pennsylvania Volunteers, and Company G, First Regiment Pennsylvania Tolunteers, and Company G, First Regiment Pennsylvania Cavalry, and of the United States Signal Corps, a pension at the rate of \$24 per month from and after the passage of this act.

The amendments reported by the committee were read, as

In line 4, strike out all after the word "to" and insert the following: "place upon the pension roll the name of John W. Bruner, late a private in Company F, Second Pennsylvania Volunteer Infantry, Captain Higgins's company, First Pennsylvania Cavalry, and Company G, First Pennsylvania Cavalry, and pay him a pension of \$12 per month."

Amend title of the bill so as to read: "A bill granting a pension to John W. Bruner"

The report (by Mr. Andrews) was read, as follows:

The report (by Mr. Andrews) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 7240) granting a pension to John W. Bruner, etc., having carefully considered the facts in the case, respectfully report:

The soldier responded to the call for three-months volunteers and enlisted April 18, 1861, in Company F, Second Pennsylvania Infantry. He reenlisted July 31, 1861, in the First Pennsylvania Cavalry for three years, and again reenlisted as a veteran volunteer February 23, 1864, in Company G, First Pennsylvania Cavalry. The soldier was honorably mustered out and discharged August 16, 1865.

October 28, 1890, he filed an application under the act of June 27, 1890, alleging chronic diarrhea and rheumatism. July 15, 1891, the examining board reports him eight-eighteenths for chronic diarrhea and four-eighteenths for sciatica. This claim was rejected February 13, 1894, on the ground of no ratable disability.

July 3, 1894, he again filed application under said act, alleging sciatica, rheumatism, and chronic diarrhea. September 12, 1894, the examining board reports:

"Has chronic muscule-articular rheumatism of legs. * * * Applicant has general senile degeneration to a degree which incapacitates him from active manual labor."

This claim, however, was also rejected on the ground of no ratable dis-

This claim, however, was also rejected on the ground of no ratable disability.

May 13, 1895, the soldier again applied under said act, alleging chronic diarrhea, intermittent fever, and sciatic rheumatism. June 12, 1895, the examining board rates him six-eighteenths for sciatica, two-eightee ths for diarrhea, and three-eighteenths for heart trouble; but the claim was also rejected on the ground of "no ratable disability " " from causes alleged."

Under a liberal interpretation of the law it is very clear that this claimant should have drawn a pension from the date of his first declaration, to say

nothing of his subsequent filings, as the examination thereunder shows him to be pensionably disabled. He had three enlistments, without a hiatus of more than four days, covering the entire period of the war; is now 60 years of age and incapacitated for the performance of manual labor, as evidenced by the certificate of the examining board.

Your committee believe that the beneficiary named in the bill is entitled to at least the maximum rate under the act of June 27, 1899, and therefore respectfully recommend the passage of the bill with the following amendment:

In line 4 strike out all after the word "to" and insert the following: "place upon the pension roll the name of John W. Bruner, late a private in Company F. Second Pennsylvania Volunteer Infantry, Captain Higgins's company, First Pennsylvania Cavalry, and Company G. First Pennsylvania Cavalry, and pay him a pension of \$12 per month."

Your committee further recommend that the title of the bill should be amended so as to read: "A bill granting a pension to John W. Bruner."

The amendments reported by the committee were agreed to.

The amendments reported by the committee were agreed to. The bill as amended was laid aside to be reported favorably to the House.

ELISHA B. BASSETT.

The next business on the Private Calendar was the bill (H. R. 3503) to correct the military record of Elisha B. Bassett. The bill was read, as follows:

The bill was read, as follows:

Be it enacted, etc., That the President of the United States be, and hereby is, authorized to revoke, disapprove, and set aside so much of General Orders, No. 253, headquarters Department of the Cumberland, Chattanooga, Tenn., dated October 23, A. D. 1853, by command of Maj. Gen. George H. Thomas, general in command, as confirms so much of Special Field Orders, No. 171, headquarters Department of the Cumberland, Marfreesboro, Tenn., dated June 18, A. D. 1863, Major-General Rosecrans commanding, as dismissed Capt. Elisha B. Bassett, captain of Company B, Nineteenth Michigan Volunteer Infantry, from the service for cowardice exhibited by deserting his command while engaged with the enemy at the affair of Thompson Station, and to grant and cause to be issued and delivered to the widow of said Elisha B. Bassett a certificate of honorable muster out of the service as of the 23d day of June, A. D. 1863. And the widow and heirs of the said Elisha B. Bassett shall not be entitled by virtue of this act to any pay or allowance subsequent to said 23d day of June, A. D. 1863.

The report (by Mr. Fenton) was read, as follows:

The report (by Mr. Fenton) was read, as follows:

The report (by Mr. Fenton) was read, as follows:

The Committee on Military Affairs, to whom was referred the bill (H.R. \$503) to correct the military record of Elisha B. Bassett, have had the same under consideration, and beg leave to report as follows:

The said Elisha B. Bassett, now deceased, was, in the year 1863, captain of Company B, Nincteenth Regiment Michigan Volunteer Infantry. In the early part of March of that year Captain Bassett was in command of his company during the march of his regiment from Brentwood to Franklin, Tenn. On the 5th of that month the enemy were encountered near Thompsons Station, Tenn., and during the engagement that followed Captain Bassett urned over the command of his company to the first lieutenant, Hubbard, and retired to the rear. The colonel of the regiment, H. C. Gilbert, thereupon reported Captain Bassett as gully of cowardice, and recommended his dishonorable dismissal from the service, which recommendation was carried into effect. The purpose of this bill is to so correct the military record of Captain Bassett as to clear his memory from the stain of cowardice, which we think unjustly rests upon it.

reported Captain Bassett as guilty of exwarters, and recommendation was carried into effect. The purpose of this bill is to so correct the military record of Captain Bassett as to clear his memory from the stain of cowardice, which we think unjustly rests upon it.

In support of the bill there were laid before the committee the affidavits of Clark, surgeon, and Bennett, assistant surgeon, of the regiment; Adams, regimental adjutant, and afterwards assistant adjutant-general of brigade; Anderson, first lieutenant of Company H, and afterwards major and colonel of the regiment; Shaffer, first lieutenant Company A, and afterwards colonel and brigadier-general, and Privates Bellinger, Beverly, and Ely, of Captain Bassett's company.

The facts supported by the mass of testimony submitted, and based on personal and professional knowledge, are, in substance, that in the fall of 1862, months prior to the engagement at Thompsons Station, Captain Bassett was attacked with tuberculosis, and was so prostrated that he was ordered on leave to recuperate his health, and went to his home in charge of his wife, who had been sent for to nurse him.

After an absence of about two months he rejoined, and took command of his company, though greatly emaclated, and remained in service thereafter against the advice of the regimental surgeon. From this time until the following spring he spent considerable time in the hospital, leaving it only a few days before the march to Franklin and the engagement hear Thompsons Station. During this march he was obliged to ride in an ambulance, but on meeting the enemy he took personal command of his company, and participated in the engagement until a movement uphili being ordered at a double-quick he found himself too weak to lead his men, and turned over his command to his first lieutenant. This action coming to the notice of the colonel of the regiment, Captain Bassett was reported for cowardice, with the result already stated.

The colonel who preferred the charge and the captain who suffered disg

The bill was laid aside to be reported favorably to the House.

MARION M'KIBBEN.

The next business on the Private Calendar was the bill (S. 684) granting an increase of pension to Marion McKibben.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to increase the pension of Marion McKibben, widow of David B. McKibben, late colonel of the One hundred and fifty-eighth and the Two hundred and fourteenth Regiments, Pennsylvania Infautry, and brevet brigadier-general United States Army, to \$50 per month, and pay her a pension hereafter at that rate.

Mr. ERDMAN. Let us have the report read.

The Clerk read as follows:

The Committee on Invalid Pensions, to whom was referred the bill (S. 684) granting an increase of pension to Marion McKibben, have examined the same, and after a hearing granted to her representative, direct a favorable

The following report was made by Senator PALMER:

The following report was made by Senator Palmer;

[Senate Report No. 252, Fifty-fourth Congress, first session.]

The Committee on Pensions, to whom was referred the bill granting an increase of pension to Marion McKibben, have examined the same and report:

This bill proposes to increase the pension of Marion McKibben, widow of the late Major and Brevet Brigadier-General McKibben, from \$30 to \$50 per month.

Mrs. McKibben is completely broken down in health and unable to do anything for her own support. This condition of her health is believed to have been to a great extent brought on by nursing and caring for her late husband, who was for many years prior to his death a great sufferer from rheumatism contracted during his service in the Army. Her relatives are in no condition to render her assistance, and she is practically without any means of support, except the pension which she is now receiving of \$30 per month. General McKibben, while engaged in battle during the month of August, 1863, was captured and taken to Libby Prison, where he contracted scurvy, from the effects of which he never recovered, and which finally resulted in cancer and death. Mrs. McKibben had been previously married to a Mr. Herring, a young man of great promise and who responded to the first call of the Government for troops in 1861, and was killed at the head of his command in one of the early battles of the war.

This appears to be a worthy case and of great merit, and in view of the services of her two husbands and her own sufferings and sacrifices incident to their services and her present helpless condition, the country should not allow her to suffer for means of support.

Your committee therefore recommend the passage of the bill.

Hereto appended is the military record of Brevet Brigadier-General McKibben.

Mr. ERDMAN. The Clerk has not read the whole of the report.

Mr. ERDMAN. The Clerk has not read the whole of the report. He has not read the military record of this soldier.
Mr. CROWTHER. I move to amend the bill by striking out

Mr. CROWTHER. I move to amend the bill by striking out \$50 and inserting \$30.

Mr. ERDMAN. I have not waived my demand for the reading of the whole report. I desire that the military record of this soldier shall appear in the Congressional Record.

Mr. PICKLER. I make the point of order that the statement of the military record of this soldier as appended to the report is no part of the report. The Chair will notice that the report concludes with the statement "the following report was made by Senator Palmer." Then, after the report of Senator Palmer, there comes some kind of a statement of the military service of this soldier. But that is no part of this report, and I make the point of order that it is not in order to read it. The reading of the report has been finished. If the appended matter embraced anything but the statement of the military record there might be anything but the statement of the military record there might be some reason for calling for the reading of it. But the gentleman from Pennsylvania simply calls for the reading of this long military record in order to take up time. And it is his own report, too. I make the point of order that it is not in order to read this statement appended to the report.

Mr. ERDMAN ros

The CHAIRMAN. The Chair is inclined to think that the mili-

The CHAIRMAN. The Chair is inclined to think that the military record has been made by the committee a part of their report, and if any gentleman desires to have it read in his time—

Mr. PICKLER. The Chair will notice that it is not made a part of the report; it is simply appended. This is not in the form in which reports are usually made.

The CHAIRMAN. It is always the custom, as the Chair is informed, to read the entire military record as a part of the report, if it has been see forth by the committee. The Clerk will continue the reading.

The Clerk read as follows:

Statement of the military service of David B. McKibben, of the United States Army, compiled from the records of the Adjutant-General's Office.

WAR DEPARTMENT, ADJUTANT-GENERAL'S OFFICE, Washington, December 12, 1890.

Washington, December 13, 1890.

He served as a cadet at the United States Military Academy from July 1, 1846, to November 4, 1847. He was on sick leave to some time in June, 1848; during a portion of the latter period he served in the Army in the war with Mexico, and was present at the United States Military Academy to October 31, 1848, when his resignation as cadet was accepted.

He was appointed second lieutenant Ninth Infantry March 3, 1855; first lieutenant March 1, 1861; appointed captain Fourteenth Infantry May 14, 1861; he was mustered in as colonel One hundred and fifty-eighth Pennsylvania Drafted Militia November 24, 1862; mustered out of volunteer service August 12, 1863; mustered in as colonel Two hundred and fourteenth Pennsylvania Volunteers April 5, 1865, and honorably mustered out of volunteers April 30, 1866.

He was transferred from the Fourteenth to the Thirty-second Infantry September 21, 1866; promoted major Tenth Infantry September 15, 1867; unassigned March 15, 1869; assigned to Tenth Cavalry January 1, 1871.

He received the brevets of major August 1, 1864, for gallant services at the battle of North Anna, Va.; of lieutenant-colonel August 1, 1864, for gallant services at the battle of Bethesda Church, Va.; of colonel and brigadier-general and brigadier-general of volunteers, "for gallant and meritorious services during the war "to rank from March 13, 1865.

He was on regimental recruiting service from April 23 to July 7, 1855; with regiment at Fort Monroe. Va., to December 15, 1855, and in Washington Territory to July 22, 1858; commanding escort to astronomical party, Northwestern Boundary Commission, to December 8, 1858; with regiment in Washington Territory to April 21, 1861; en route to Washington, D. C., under orders to report to the Secretary of War to June 7, 1861; on mustering duty at Trenton, N. J., and Elmira, N. Y., to August, 1861; on recruiting service to September 29, 1861; with regiment in the Army of the Potomac to November, 1862; commanding One hundred and fifty-eighth Pennsylvania Militia in Virginia and North Carolina to August 12, 1863; aid-de-camp to General Ayres, commanding Second Division, Fifth Corps, September 25 to November, 1863; on duty at draft rendezvous, Madison, Wis., to May, 1864; commanding regiment in the Army of the Potomac to June 2, 1864, when taken prisoner in action at Bethesda Church. Va.; prisoner of war to October, 1864; at Camp Parole, Maryland, to December, 1864; with regiment in New York to February, 1865; on recruiting service in New York to April, 1865; commanding Two hundred and fourteenth Pennsylvania Volunteers, in the Army of the Shenandoah, to July, 1865; in Washington, D. C., to March, 1866, and on special duty to April 30, 1886; on leave to August, 1866; on recruiting service and commanding post of Davids Island, N. Y., to September 2, 1868; on leave to March, 1889; awaiting orders to May, 1869; on reconstruction duty, etc., in Virginia to February, 1870; on recruiting service to January, 1871; on permission to delay, and on leave of absence to March 26, 1871; with regiment in Indian Territory to August 1, 1871; on sick leave, and surgeon's certificate of disability to January 5, 1872; with regiment in Indian Territory to December 28, 1873; on sick leave and surgeon's certificate of disability to July 19, 1874; on duty at Fort Richardson, Tex., to September 28, 1874; on sick leave to May 31, 1875, when retired

J. C. KELTON, Adjutant-General.

Mr. CROWTHER. Mr. Chairman, I move that the committee report this bill to the House with the recommendation that it be laid on the table.

I make the motion for the reason that this widow is drawing all that she is entitled to under the general law, and this is a bill increasing the pension of this class of claimants. In view of the fact that she is drawing as much as she is entitled to under the general law, if the bill be laid on the table it will simply set the matter aside and allow her to continue to draw the pension

she is now receiving.

I move, therefore, that it be laid aside with the recommendation

that it lie on the table.

The question was taken; and on a division there were—ayes 19, noes 51

noes 51.

So the motion was rejected.

Mr. TRACEY. Now, Mr. Chairman, I move that this bill be amended by striking out "fifty" where it occurs in the bill and inserting "forty;" so that it will read "\$40 per month."

The question was taken; and on a division (demanded by Mr. McClellan) there were—ayes 38, noes 35.

Mr. ERDMAN. No quorum.

The CHAIRMAN. The point of order having been made that no quorum is present, the Chair will count the committee.

The Chair announced on counting the committee, that there

The Chair announced, on counting the committee, that there

rere 112 members present—more than a quorum.

So the amendment was agreed to.

The bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

THOMAS J. THORP.

The next business on the Private Calendar was the bill (H. R. 3945) granting a pension to Thomas J. Thorp, late private Company K. Third Ohio Volunteer Cavalry.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll the name of Thomas J. Thorp, late a private Company K, Third Regiment Onio Volunteer Cavalry, at the rate of \$50 per month, such pension so granted to be in lieu of any pension that may have been heretofore allowed and paid to the said Thomas J. Thorp.

Mr. ERDMAN. Let us have the report in that case read. The report (by Mr. KERR) was read, as follows:

Mr. ERDMAN. Let us have the report in that case read.

The report (by Mr. Kerr) was read, as follows:

The committee on Invalid Pensions, to whom was referred the bill (H.R. 3945) granting a pension to Thomas J. Thorp, late private Company K, Third Ohio Volunteer Cavalry, submit the following report:

The committee has given careful consideration to this bill and recommend its passage with an amendment striking out of the title the following: "Late a private Company K, Third Ohio Volunteer Cavalry."

The soldier is now on the pension rollat \$16 per month for "gunshot wound of pelvis and resulting loss of right testicle and naso-pharyngeal catarrh."

In 1868 the soldier's sight began to fail, and this disability continued increasing in severity until he became blind in his left eye in 1875. In 1877 he became blind in the right eye. He has been operated on for cataract by skilled physicians and surgeons, but has secured no relief. He is now totally blind in the left eye and can only distinguish light from darkness with his right eye. What sight remains is of no practical use to him.

Soldier also claimed pension for chronic diarrhea, resulting piles, and prolapsus of rectum, but these claims were denied by the Pension Office.

Upon the question as to whether his blindness was of service origin the soldier took an appeal from the Pension Office to the Secretary of the Interior, and in affirming the Commissioner's decision the Secretary remarks in part as follows:

"Although the impairment of his health from causes connected with the service may have had some agency in producing the conditions from which the cataract originated, it could not be proved that they were mainly due to such condition."

This decision seems to go off upon the theory that, no matter how potential the army disability may have been in producing the particular or resulting

disability, unless it mainly produced it the claim should be rejected. It in effect requires the establishment of the controlling fact beyond any doubt; at any rate it excludes the doctrine of probabilities. In the tracing of resulting disabilities or diseases it is simply impossible, in the great majority of cases, to do more than reach the probable cause. In fact, there is nothing more difficult than the investigation into causes of diseases in the class of cases which predominate in the Pension Office.

The probabilities all point to this loss of vision being the result of soldier's army service. He was severely wounded, being shot in the pelvic region, causing a fracture of the pelvic bone. For six years his wound continued open, discharging pus and fragments of bone. As a consequence, he was greatly reduced in strength and vitality, and peculiarly open to resulting diseases. While he was in this condition his sight began to fail, and continued to fail until practically total blindness supervened.

It seems to the committee that the evidence shows, as certainly as it can be required to show in cases of this kind, that the soldier's blindness is due to army service. The passage of the bill, with the amendment proposed, is therefore recommended.

During the reading of the report.

During the reading of the report,
Mr. TALBERT. I move to dispense with the further reading
of the report, and let the bill be passed. I think that man ought

to have his pension as quick as possible.

The CHAIRMAN. The Chair thinks the motion could not be entertained. The gentleman from Pennsylvania has asked that

if be read in his own time.

Mr. TALBERT. I only wanted the man to get his money as

soon as possible.

The Clerk resumed and concluded the reading of the report as

above.

The amendment recommended by the committee was agreed to.
Mr. PICKLER. I move to further amend the bill by striking
out all after the word "month," in line 7, and all of lines 8 and 9,
and inserting in lieu thereof the words "in lieu of the pension he
is now receiving."

The amendment was agreed to.

The bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

MRS. SARAH A. ASPOLD.

The next business on the Private Calendar was the bill (H. R. 1505) granting a pension to Mrs. Sarah A. Aspold.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to cause the name of Mrs. Sarah A. Aspold, of Annapolis, Md., widow of Edward Aspold, late acting second assistant engineer, United States Navy, and late first assistant engineer in the United States Revenue-Marine Service, deceased, to be placed upon the pension roll, subject to the provisions and limitations of the pension laws, and pay her a pension of \$25 per month, in lieu of the pension now received by her under certificate No. 7530, under act of June 27, 1890.

Mr. ERDMAN. I ask for the reading of the report. The report (by Mr. MILES) was read, as follows:

Mr. ERDMAN. I ask for the reading of the report.

The report (by Mr. Miles) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 1805) granting a pension of \$25 per month, in lieu of \$8 now received, to Sarah A. Aspold, widow of Edward Aspold, late acting second assistant engineer, United States Navy, and first assistant engineer, United States Revenue-Marine Service, having carefully examined and considered all the facts presented, respectfully report as follows:

Edward Aspold was appointed an acting third assistant engineer in the United States Navy December 8, 1882, and served on board the Stepping Stones and Nansemond; promoted to second assistant engineer October 18, 1884; deteched from Nansemond August 9, 1885, and granted leave of absence prior to honorable discharge, and was honorably discharged from the service October 5, 1886, at the time ranking next after (with) masters. He accepted discharge in order to accept the appointment of first assistant engineer in the Revenue-Marine Service, to which appointed September 20, 1885. He was assigned to duty on the Nansemond, stationed at Savannah, Ga. He was detached from the Nansemond April 19, 1889, and placed on waiting orders until October 1 following, when assigned to revenue steamer Moccosin, stationed at Newport, R. I. On June 17, 1870, he was granted leave of absence one of the season of the

The amendment recommended by the committee was agreed to. The bill as amended was laid aside to be reported to the House with a favorable recommendation.

RICHARD S. PHILLIPS.

The next business on the Private Calendar was the bill (H. R. 5670) to increase the pension of Richard S. Phillips.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and is hereby, authorized and directed to place on the pension roll the name of Richard S. Phillips, late corporal of Company K, Sixty fifty dollars per month, in lieu of the pension he is now second Regiment Illinois Volunteer Infantry, at the rate of receiving.

Mr. PICKLER. There seems to be an error in the printing of the bill. It should read "Sixty-second Illinois Volunteers." I will offer the necessary amendments to correct the bill.

Mr. ERDMAN. I ask first for the reading of the report.

The report (by Mr. Wood) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 70) to increase the pension of Richard S. Phillips, submit the following

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 5670) to increase the pension of Richard S. Phillips, submit the following report:

This soldier enlisted as a corporal in Company K. Sixty-second Illinois Volunteers, December 9, 1861, and was honorably discharged March 6, 1863. He seems, according to the record, to have been present at every muster of his company during the long period of his service, and his record and discharge are alike honorable.

It seems in 1863 he had chronic diarrhea, and also had some difficulty in his right side, which resulted in a running sore or abscess for about three months. When it healed he claims that pains and weakness in his back ensued, and have since continued. The scars of the abscess seem to have been apparent at his first medical examination, July 3, 1878. His claim under general law was rejected September 9, 1876, on ground of "no disability from cause alleged."

May 8, 1891, he was pensioned under act of June 27, 1890, at \$12, from July 18, 1890, for rheumatism, disease of digestive organs and heart. His medical examination, February 11, 1891, rates him at six-eighteenths for pains in back and side and six-eighteenths for rheumatism.

He has since been growing worse and more helpless. A. G. Pickett, late assistant surgeon, Fittieth Illinois Volunteers, and who was a member of the medical board which last examined him on January 16, 1896, makes affidavit that he has been paralyzed for about four years. He says "he requires the constant attendance of another person, being perfectly helpless, and in affiant's judgment permanently so." This evidence is fully corroborated by the affidavit of F. M. Beals, another physician of seventeen years' practice. It is somewhat significant, but not, in the opinion of the committee, a controlling fact, that claimant's paralysis is of the right side, the same whereon the abscess was formed, on the healing of which the claim of weakness and pain of back is made by him.

The soldier is shown to be absolutely without

The amendment recommended by the committee was agreed to.
Mr. PICKLER. I move to strike out after the words "Company K," in line 5, all of the remainder of the bill and to insert in lieu thereof "Fifty-second Illinois Infantry, and pay him a pension of \$50 per month in lieu of the pension he is now receiv-

ing."
The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

In line 5, after the words "Company K," strike out the words "Sixty fifty dollars per month, in lieu of the pension he is now second Regiment Illinois Volunteer Infantry, at the rate of receiving," and insert in lieu thereof "Fifty-second Illinois Infantry, and pay him a pension of \$50 per month in lieu of the pension he is now receiving."

The amendment was agreed to.

The bill as amended was ordered to be laid aside to be reported to the House with a favorable recommendation.

MARY PELHAM.

The next business on the Private Calendar was the bill (H. R. 4264) granting a pension to Mary Pelham.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and is hereby, authorized and directed to place on the pension roll, at the rate of \$12 per month, subject otherwise to the limitations and provisions of the pension laws, the name of Mary Pelham.

The Committee on Invalid Pensions recommended the following amendment:

Add after the word "Pelham," in line 6, the words "dependent mother of Joseph Farrer, late a private in Company I, Seventh Kansas Cavalry."

The CHAIRMAN. The question is on the amendment pro-

posed by the committee.

Mr. ERDMAN. Let us have the report.

The CHAIRMAN. The gentleman from Pennsylvania demands

The report (by Mr. Baker of Kansas) was read, as follows:

The report (by Mr. Baker of Kansas) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 4264) granting a pension to Mary Pelham, report as follows:

The reports from the records of the War Department show that Joseph Farrer, son of the beneficiary of this bill, served as a private in Company I, Seventh Kansas Volunteer Cavalry, from October 29, 1861, to September 29, 1865, when he was honorably discharged.

Mrs. Pelham's claim under the general law was rejected in the Pension Office on the ground that, as she had remarried since the death of the soldier and prior to the date of filing her application, there is no pensionable period. A certified transcript from the family record of the father and mother of the

scidier shows that they were married February 4, 1841; that the soldier was born September 29, 1842; that his father died September 8, 1857, and that soldier himself died in May, 1867. He is shown by the evidence before this committee to have been in poor health when he returned from the service to his mother's home, where he remained for about a year, when, as he failed to regain his health, and was desirous to do so and to earn something for his own and his mother's support, and to improve his health, he concluded to try the mountain air and life in Denver, Colo, and engaged to drive a team across the Western plains. After his arrival at Denver, Colo, he remained there until the spring of 1867, when he left to again cross the plains, in company with others, driving team. He was taken worse soon after leaving Denver, and died in his wagon some time in May, 1867, and his fellow-teamsters buried him, and wrote the facts to his mother at the time, and on their arrival told her all the particulars.

Joseph Farrer never was married, and left no widow nor minor children. Mary Pelham, the mother of the soldier, is 75 years of age; is poor and dependent; and while she is unable to show positively that the cause of death originated in the service, it is shown that soldier was in poor health at discharge; that he did not recover his health, and died in about a year and a half after discharge, without medical attendance, and no one who was with him can now be found.

In view of these facts, which are shown in the evidence before the committee, it is believed that the claim is one of merit, and therefore it is recommended that the bill do pass with an amendment, adding, after the word "Pelham," in line 6, the words "dependent mother of Joseph Farrer, late a private in Company I, Seventh Kansas Cavalry."

The amendment proposed by the committee was agreed to. The bill as amended was ordered to be laid aside to be reported to the House with a favorable recommendation.

JOHN T. BREWSTER.

The next business on the Private Calendar was the bill (H. R. 3884) for the relief of John T. Brewster.

The bill was read, as follows:

Be it enacted, etc., That the name of John T. Brewster, late a sergeant in Company K, One hundred and forty-first Regiment of Pennsylvania Volunteer Infantry, be placed on the roll of United States pensioners at the increase rate of \$72 per month, in lieu of the pension which he is now in receipt of, subject to the provisions and limitations of the pension laws.

The Committee on Invalid Pensions recommended the following amendment:

In line 6 strike out "seventy-two" and insert in lieu thereof the word "fifty."

The CHAIRMAN. The question is on the amendment proposed by the committee.

Mr. ERDMAN. Let us have the report, Mr. Chairman. The CHAIRMAN. The Clerk will read the report. The report (by Mr. Erdman) was read, as follows:

The CHAIRMAN. The Clerk will read the report.

The report (by Mr. Erdman) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 1884) granting an increase of pension to John T. Brewster, have had the matter under consideration and report:

John T. Brewster was a member of the One hundred and forty-first Pennsylvania Volunteers, and entered the service August 16, 1862; he remained in the service, taking an active part in the following battles: At the battle of Fredericksburg, under the command of General Burnside, he fought for two days; at the battle of Chancellorsville, under the command of General Hocker, on Sunday, the third day of the fighting, he was shot in the right thigh by a minie ball, which resulted in the breaking of the thigh. After falling in the battle he lay upon the field all that day and night; he was then removed to a log barn, where he lay for seventeen days as a prisoner without any attention being given his wound; from lying upon the log floor he contracted two bedsores, one upon the left thigh and one upon his back; he was then paroled and brought to the hospital in Washington June 15, 1863, but on account of his leg having received no attention the physicians feared to amputate it. He was transferred from the hospital in Washington in September, 1863, to that in Philadelphia, where he remained until June 10, 1865, when he was duly discharged from the hospital, and in his discharge is contained these words: "Disqualified for the Veteran Reserve Corps."

He was originally pensioned for gunshot wound of the right thigh at \$8 per month, the highest rate given at that time. The Pension Bureau has caused a number of examinations to be made, and the reason assigned for not granting an increase is that he does not require the aid of a constant attendant. The applicant has caused an eminent physican of this city, Harrison Crook, 918 Fourteenth street NW., to make an examination of his present condition, and he reports under oath as follows:

I. Harrison Cr

Sworn to and subscribed before me this 23d day of March, A. D. 1896, A. S. TAYLOR, Notary Public.

An examination of the papers on file in the Pension Bureau discloses no vicious habits or other reasons operating against the granting of an increase of pension. That his condition is serious is shown by the fact that the War Department allows him \$50 every three years for the virtual loss of a leg, and there is no doubt if the wound was so situated that the leg could be amputated the applicant would be better off. It therefore purely becomes a question as to what his present condition is as the result of the gunshot wound. In the Pitty-second Congress a bill to pension the applicant at \$50 per month duly passed the committee, and when called up for passage in the House failed to receive unanimous consent for its consideration and did not become a law. The committee are of the opinion that his condition has become more serious, and direct a favorable report to be made, recommending the passage of the bill with an amendment striking out "seventy-two," in line 6 of printed bill, and inserting in lieu thereof "fifty."

The amendment is made because the affidavit of Dr. Crook does not clearly bring the case within the purview of the general laws for disability requiring a constant attendant, but does show that he is entitled to the rate hereby granted.

Mr. PICKLER. Mr. Chairman, in order to get this bill in form, move to strike out all after the enacting clause and insert the ords which I send to the Clerk's desk.

The amendment was read, as follows:

Strike out all after the enacting clause and insert the following: "That the Secretary of the Interior be, and he is hereby, authorized and directed to place upon the pension roll the name of John T. Brewster, late sergeant of Company K, One hundred and forty-first Pennsylvania Volunteer Infantry, and pay him a pension of \$50 per month in lieu of the pension he is now receiving."

The amendment was agreed to.

The bill as amended was ordered to be laid aside to be reported to the House with a favorable recommendation.

THOMAS POLLOCK.

The next business on the Private Calendar was the bill (S. 2176) granting a pension to Thomas Pollock.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Thomas Pollock, late artisan, ordnance department, Benecia Arsenal, Cal., at the rate of \$20 per month.

The Committee on Pensions recommended the following amend-

Strike out all after the word "California," in line 7, and substitute therefor the words "at such rate as the degree of his alleged disability may entitle him to."

The amendment recommended by the committee was agreed to. The bill as amended was ordered to be laid aside to be reported to the House with a favorable recommendation.

HELEN LARNED.

Mr. PICKLER. Mr. Chairman, I desire to call attention to a bill which is in rather a peculiar situation, or has rather a peculiar history. A House bill to pension Helen Larned passed the House and Senate and went to the President at the last session; but too short a time before Congress adjourned to receive his approval. A Senate bill for the relief of the same woman passed the Senate, A Senate bill for the relief of the same woman passes came to the House, went to the Invalid Pensions Committee, was came to the House, went to the Invalid Pensions Committee, was reported back favorably, and is now upon the Calendar. The gentleman interested in this bill desires me to ask unanimous consent, in view of the peculiar history of the bill, that the Senate bill may be taken up now and considered by the committee. As the committee will understand, the bill had passed both Houses, but suffered a pocket veto. Ten days did not elapse after it went to the President before the adjournment of Congress. Now the bill has passed the Senate again, and we ask that it be considered in the committee.

Mr. KIRKPATRICK. I object to that.
Mr. PICKLER. We ask that it be considered.
The CHAIRMAN. What is the number of the bill?
Mr. PICKLER. The number of the bill is S. 1679, Calendar number, 1276

The CHAIRMAN. The gentleman from South Dakota asks unanimous consent that this bill be taken up for consideration.

Is there objection?

Mr. ERDMAN. I object.

The CHAIRMAN. Objection is made. The Clerk will report the next bill.

BENNETT S. SHAUD.

The next business on the Private Calendar was the bill (H. R. 1018) to increase the pension of Bennett S. Shaud.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior is hereby authorized and directed to place upon the invalid pension roll of the United States to name of Bennett S. Shaud, late a private of Company K, Fifteenth Ohio Volunteer Infantry, in Mexican war, at the rate of \$50 per month, in lieu of the pension he is now receiving, subject to the limitations of the general pension laws.

The Committee on Pensions recommended the following amend-

In line 7, strike out the word "fifty" and insert in lieu thereof the word "thirty."

The amendment recommended by the committee was agreed to. The bill as amended was ordered to be laid aside to be reported to the House with a favorable recommendation.

WILLIAM M. DALZELL.

The next business on the Private Calendar was the bill (H. R. 1498) directing the Secretary of War to grant an honorable discharge to William M. Dalzell.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of War be directed to amend the records of the War Department in the case of William M. Dalzell, late fifth corporal in Company B, Second Regiment Iowa Infantry, so as to give him an honorable discharge dating to the end of the war.

Mr. McCLELLAN Let us have the report Mr. Chairman

Mr. McCLELLAN. Let us have the report, Mr. Chairman.
The CHAIRMAN. The Chair would suggest to the gentleman from New York that this is a long report, and can not be read before half past 10.

Mr. McCLELLAN. Then I ask unanimous consent to lay this bill aside without prejudice. The gentleman who made the report is not here to take care of it, and there has always been objection

to the passage of these bills removing the charge of describing.

The CHAIRMAN. The gentleman from New York asks unanimous consent that this bill be laid aside, retaining its place on the Calendar, without prejudice. Is there objection? [After a pause.]

The Chair hears none, and it is so ordered.

SAMUEL M'KINSEY.

The next business on the Private Calendar was the bill (H. R. 4620) granting a pension to Samuel McKinsey.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place upon the pension roll, subject to the provisions and limitations of the pension laws, the name of Samuel McKinsey, of Columbus, Kans., late private in Company B, Seventeenth Regiment of Indiana Volunteer Infantry, at the rate of \$30 per month, said pension to be in lieu of pension now being received by said McKinsey under certificate No. 119196.

Mr. ERDMAN. Let us have the report, Mr. Chairman. The CHAIRMAN. It is impossible to read it within the time

remaining.

Mr. ERDMAN. I think we had better have it read.

The CHAIRMAN. It is a long report. It can not be read between this and the time of adjournment.

Mr. KIRKPATRICK. Mr. Chairman, I hope the gentleman will withdraw that request. This is a very meritorious case. I can assure him the man needs constant attendance every hour of the day and night.

Mr. ERDMAN. Let the report be printed in the RECORD, and

then stop.

The CHAIRMAN. The gentleman from Pennsylvania as unanimous consent that the report be printed in the Record. there objection? [After a pause.] The Chair hears none.

The report (by Mr. Kirkpatrick) is as follows: The gentleman from Pennsylvania asks

unanimous consent that the report be printed in the RECORD. Is there objection? [After a pause.] The Chair hears none.

The report (by Mr. KIRKPATRICK) is as follows:

[To accompany H. R. 4620.]

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 4620) entitled "A bill granting a pension to Samuel McKinsey," beg leave to submit the following report, and recommend that said bill do pass, with an amendment striking out the word "thirty," in line 8, and inserting the word "seventy-two" in lieu thereof.

Claimant enlisted June 12, 1861, and was honorably discharged June 21, 1864. He received a gunshot wound of left arm at Mount Pleasant, Tenn., about May 1, 1864.

He applied for pension for gusshot wound of left arm June 7, 1869, and was granted a pension for said wound at 88 per month from June 21, 1864; in creased to \$10 from July \$8, 1878, and to \$14 from July 10, 2882. Two claims for increase were rejected in 1891 and 466, although the medical cord rated him sixteen-eighteenths February 38, 1864, alleged loss of use of arms on examine 5.

1862. His claim, field the secretary of the board of examining surgeous at Columbus, Kana, was directed to examine him at his home, and he compled on February 38, 1866, and he reports the following, among other things:

"Gunshot wound of left arm. Ball entered about 2 inches above angle of flexion of elbow, anterior surface, ranged downward, and is somewhere lodged in elbow joint. Elbow joint is deformed, and retary and flexion motion limited. Forearm can be extended about halfway between the extended arm and forearm at right angle with forearm, and can be flexed a little more than at right angle with forearm, and can be flexed a little more than at right angle with arm. It is impossible to tell exact pathological condition of elbow joint. Arm is weak, partially paralyzed.

"This applicant is paralyzed on right half of body, and also on left side, except he has left a little motion in left arm. His tongue and vocal cords are paralyzed so, he can not talk o

The amendment recommended by the committee was agreed to. The bill as amended was ordered to be laid aside with a favorable recommendation.

Mr. PICKLER. Mr. Chairman, I move that the committee rise and report the bills to the House.

The motion was agreed to.

The committee accordingly rose; and Mr. PAYNE having resumed the chair as Speaker pro tempore, Mr. Herburn, Chairman of the Committee of the Whole, reported that that committee had of the Committee of the Whole, reported that that committee had had under consideration the bills S. 1631, S. 2711, H. R. 4744, S. 1276, H. R. 2231, H. R. 6900, S. 1883, H. R. 4875, H. R. 3503, and had instructed him to report the same back to the House with the recommendation that they do pass. The committee had also had under consideration the bills H. R. 1948, H. R. 3481, S. 757, H. R. 5902, H. R. 4655, H. R. 2620, H. R. 3499, H. R. 4608, H. R. 6378, H. R. 2742, S. 905, H. R. 5855, H. R. 5895, H. R. 6282, H. R. 7280, S. 684, H. R. 3945, H. R. 1505, H. R. 5670, H. R. 4264, H. R. 3884, S. 2176, H. R. 1018, and H. R. 4620, and had instructed him to report the same back to the House with various amendments, and with the recommendation that as amended they do pass. The with the recommendation that as amended they do pass. The committee had also considered the bills H. R. 519, S. 1945, and H. R. 5425, and had instructed him to report the same back with

Mr. PICKLER. Mr. Speaker, I ask unanimous consent that the previous question be considered as ordered on the engrossment, third reading, and final passage of these bills, with the privilege

of fifteen minutes' debate on either side.

Mr. ERDMAN. Mr. Speaker, I have to object. The SPEAKER pro tempore. The hour of 10 o'clock and 30 minutes having arrived, the House stands adjourned until Monday next at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Secretary of the Navy, transmitting, under instructions from the act making appropriations for the Navy for the year ending June 30, 1897, a statement of the claim made by the builders of the U.S. armored cruiser *Maine*, the Quintard Iron Works, N. F. Palmer, Jr., & Co., of New York City, for extra compensation—to the Committee on Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of Mary E. Correll, executrix of Christian Correll, deceased, against The United States—to the Committee on War Claims, and ordered

to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of James H. Kennan against The United States—to the Committee on War Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, trans-

mitting a copy of the findings filed by the court in the cases of Richard M. Isler and Lowesky Bouvillian against The United States—to the Committee on War Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of Henry Tolson, administrator of George W. Marriott, deceased, vs. The United States—to the Committee on War Claims, and ordered to be printed.

A letter from the Acting Secretary of the Treasury, transmitting a copy of a communication from the Attorney-General submitting an estimate of an appropriation of \$100 to recompense C. B. McAfee, of Springfield, Mo., for legal services—to the Committee on Claims, and ordered to be printed.

A letter from the Secretary of the Navy, transmitting, under instructions from the act making appropriations for the Navy for the year ending June 30, 1897, a statement of the claims of the William Cramp & Sons' Ship and Engine Building Company for extra compensation for the building of the warships New York, Columbia, Massachusetts, and Indiana—to the Committee on Claims, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS.

Under clause 2 of Rule XIII, bills were severally reported from committees, delivered to the Clerk, and referred to the several

Calendars therein named, as follows:

Mr. PATTERSON, from the Committee on Interstate and Foreign Commerce, to which was referred sundry bills of the Senate of the following titles, reported the same, accompanied by reports; which said bills and reports were referred to the House Calendar,

which said bills and reports were referred to the House Calendar, as follows, to wit:

The bill (S. 1725) authorizing the Kansas City, Watkins and Gulf Railway Company to construct and maintain a bridge across Red River at the city of Alexandria, La. (Report No. 2297.)

The bill (S. 1723) to approve and ratify the construction of a bridge over and across Caddo Lake, at Mooringsport, La., by the Kansas City, Shreveport and Gulf Railway Company. (Report No. 2298.)

The bill (S. 1724) authorizing the Kansas City, Watkins and Gulf Railway Company to construct and maintain a bridge across the Black River, in Louisiana. (Report No. 2299.)

Mr. BRODERICK, from the Committee on the Judiciary, to which the Montage of the Montage

Mr. BRODERICK, from the Committee on the Judiciary, to which was referred the bill of the House (H. R. 9469) to constitute a new division of the eastern judicial district of Texas, and to provide for the holding of terms of court at Beaumont, Tex., and for the appointment of a clerk for said court, reported the same without amendment, accompanied by a report (No. 2300); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. MILLIKEN, from the Committee on Public Buildings and Grounds, to which was referred sundry bills of the following titles, reported the same, accompanied by reports; which said bills and reports were referred to the Committee of the Whole House

on the state of the Union, as follows, to wit:

The bill (H. R. 2636) for enlarging the public building at Topeka, Kans. (Report No. 2301.)

The bill (H. R. 858) for the erection of a public building at the city of Jamestown, N. Y. (Report No. 2302.)

The bill (H. R. 176) for a public building at the city of Altoona,

The bill (H. R. 176) for a public building at the city of Artoona, Pa., and appropriating money therefor. (Report No. 2303.)

The bill (H. R. 256) for the erection of a public building in the city of Elmira, N. Y. (Report No. 2304.)

The bill (H. R. 163) for the erection of a public building at Plymouth, Mass. (Report No. 2305.)

The bill (S. 154) to provide for the erection of a public building at Indiananolis, Ind. (Report No. 2306.)

The oili (S. 134) to provide for the erection of a public building at Indianapolis, Ind. (Report No. 2306.)

The bill (H. R. 1466) to provide for the purchase of a site and the erection of a public building thereon at Oakland, in the State of California. (Report No. 2307.)

The bill (H. R. 24) to provide for the construction of a public building at Salem, Oreg. (Report No. 2308.)

The bill (H. R. 1975) to increase the limit of cost of the public building authorized by act of Congress approved February, 16

building authorized by act of Congress approved February 16, 1891, to be erected at St. Paul, Minn. (Report No. 2309.)

The bill (H. R. 827) for the erection of a public building at

Tampa, Fla. (Report No. 2310.)

The bill (H. R. 63) to increase the appropriation for the purchase of site and the erection of a public building at Omaha, Nebr.

chase of site and the erection of a public building at Omaha, Nebr. (Report No. 2311.)

The bill (H. R. 4793) for the purchase of ground and the erection of a public building at Wilkesbarre, Pa. (Report No. 2312.)

The bill (H. R. 50) to provide for the purchase of additional land in the square now occupied by the custom-house in the city of Baltimore, Md., and for the preparation of plans and specifications for a new custom-house building. (Report No. 2313.)

The bill (H. R. 1200) for the erection of a public building at the city of East St. Louis, Ill. (Report No. 2314.)

The bill (H. R. 862) for the erection of a public building at the city of Elgin, Ill. (Report No. 2315.)

The bill (H. R. 2719) to provide for the purchase of a site and the erection of a public building thereon at Joliet, in the State of Illinois. (Report No. 2316.)

(Report No. 2316.)

The bill (H. R. 3283) to provide for a building for the use of the post-office, office of the superintendent of the Hot Springs Reservation, and other civil offices in the city of Hot Springs, Ark. (Report No. 2317.)

(Report No. 2317.)

The bill (H. R. 1650) to provide for the erection of a public building at Elizabeth City, N. C. (Report No. 2318.)

The bill (H. R. 246) for the erection of a public building at Norwich, Conn. (Report No. 2319.)

The bill (H. R. 20) for the erection of a public building at Fitchburg, Mass. (Report No. 2320.)

The bill (H. R. 845) for the erection of a public building for the use of the custom-house and pos-office at Newport News, in the district of Newport News, Va. (Report No. 2321.)

The bill (H. R. 1670) for the erection of a public building at Laredo, Tex. (Report No. 2322.)

Mr. HICKS, from the Committee on Public Buildings and Grounds, to which was referred the bill of the House (H. R. 9472) to amend chapter 111 of the acts of the third session of the Fiftyto amend chapter 111 of the acts of the third session of the Fiftythird Congress, reported the same without amendment, accompanied by a report (No. 2323); which said bill and report were referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS.

Under clause 3 of Rule XXII, bills and resolutions of the follow-

ing titles were introduced and severally referred as follows:

By Mr. CATRON: A bill (H. R. 9564) to better define and regulate the rights of aliens to hold and own real estate in the Terri-

but the rights of alens to hold and own real estate in the Territories.

By Mr. FLYNN: A bill (H. R. 9565) to extend and amend an act entitled "An act to grant the right of way to the Kansas, Oklahoma Central and Southwestern Railway Company through

the Indian Territory and Oklahoma Territory, and for other purposes," approved December 21, 1893—to the Committee on Indian Affairs.

By Mr. HILL: A bill (H. R. 9566) to provide for light-houses and other aids to navigation—to the Committee on Interstate and

Foreign Commerce.

By Mr. ROBINSON of Pennsylvania: A bill (H. R. 9567) to provide for organizing a naval reserve battalion in the District of Columbia—to the Committee on Naval Affairs.

By Mr. MEYER: A bill (H.R. 9568) for the payment of the deficit due to certain producers of sugar under provisions of the act of March 2, 1895, for payment of eight-tenths of a cent per pound bounty on production of sugar from August 28, 1894, to June 30, 1895—to the Committee on Claims.

By Mr. MADDOX: A bill (H. R. 9569) to create the northwestern division of the northern district of Georgia for judicial purposes and to fix the time and place for holding court therein.

poses, and to fix the time and place for holding court therein—to the Committee on the Judiciary.

By Mr. BOATNER: A bill (H. R. 9570) to fix the compensation of the Speaker of the House of Representatives, and of Senators, Representatives, and Delegates—to the Committee on Appropria-

By Mr. FLYNN: A bill (H. R. 9571) authorizing the Galveston and Great Northern Railway Company to construct and operate a railway through the Indian Territory, and for other purposes—to the Committee on Indian Affairs.

By Mr. CURTIS of New York: A bill (H. R. 9597) to facilitate the construction and maintenance of telegraphic communication between the United States, the Hawaiian Islands, Japan, and to promote commerce—to the Committee on Interstate and Foreign

Commerce.

By Mr. LOUD: A resolution (House Res. No. 439) setting apart Tuesday and Wednesday, December 15 and 16, for consideration of House bill No. 4566-to the Committee on Rules.

PRIVATE BILLS, ETC.

Under clause 1 of Rule XXII, private bills of the following titles were presented and referred as follows:

By Mr. BELL of Colorado: A bill (H. R. 9572) for the relief of William Morehead, of Lake City, Colo.—to the Committee on

War Claims

By Mr. BINGHAM: A bill (H. R. 9573) for the relief of Annie E. Ruff, widow of Charles F. Ruff, late lieutenant-colonel Third Cavalry, United States Army-to the Committee on Invalid Pen-

By Mr. BUCK: A bill (H. R. 9574) for the relief of Mrs. Belle Osborne, executrix of John Osborne—to the Committee on War Claims

By Mr. BULL: A bill (H. R. 9575) granting a pension to Ellen Dowdell, of Warren, R. I.—to the Committee on Invalid Pensions. By Mr. CLARK of Missouri: A bill (H. R. 9576) granting a pension to Mrs. Mary A. Clutter—to the Committee on Invalid Pension.

By Mr. DOCKERY: A bill (H. R. 9577) granting a pension to George W. Barnes—to the Committee on Invalid Pensions.

By Mr. FLYNN: A bill (H. R. 9578) granting a pension to James H. Anderson—to the Committee on Invalid Pensions.

By Mr. HURLEY: A bill (H. R. 9579) authorizing the President

to appoint Ira Harris a lieutenant commander and to place him on

to appoint Ira Harris a lieutenant commander and to place nim on the retired list of the Navy—to the Committee on Naval Affairs. By Mr. KERR. A bill (H. R. 9580) to remove the charge of desertion from John Ryan—to the Committee on Military Affairs. Also, a bill (H. R. 9581) granting a pension to Amelia B. Geddes—to the Committee on Invalid Pensions.

By Mr. McCALL of Massachusetts: A bill (H. R. 9582) granting an honorable discharge to James Woods—to the Committee on Military Affaire.

Military Affairs.

By Mr. MEREDITH: A bill (H. R. 9583) for the relief of the Louise Home, in the city of Washington, D. C.—to the Committee

on the District of Columbia.

By Mr. MILLER of Kansas: A bill (H. R. 9584) granting a pension to Daniel B. Hadley, late master of transportation, etc.—to the Committee on Invalid Pensions.

By Mr. PATTERSON: A bill (H. R. 9585) for the relief of estate of Caroline Mulhaupt, deceased, late of Shelby County, Tenn.—to the Committee on War Claims.

Also, a bill (H. R. 9586) for the relief of Charles Levy, of Shelby County, Tenn.—to the Committee on War Claims.

Also, a bill (H. R. 9587) for the relief of William Stidham, of

Fayette County, Tenn.—to the Committee on War Claims.

By Mr. RAY: A bill (H.R. 9588) for the relief of Reuben H.

Waters—to the Committee on Invalid Pensions.

By Mr. RICHARDSON: A bill (H.R. 9589) for the relief of C.

C. Lowe, of Rutherford County, Tenn.—to the Committee on War Claims.

Also (by request), a bill (H.R. 9590) for the relief of the estate of Benjamin D. Carpenter, deceased, late of Brightwood, D. C.—to the Committee on War Claims.

By Mr. SULZER: A bill (H.R. 9591) granting a pension to Kate Morris—to the Committee on Invalid Pensions.

By Mr. TERRY: A bill (H.R. 9592) to amend an act entitled "An act granting a pension to Jesse McMillan," received by the President May 27, 1896—to the Committee on Invalid Pensions.

By Mr. TRACEY: A bill (H.R. 9593) for the relief of W. H. Wade, late captain and acting regimental quartermaster Thirty-

By Mr. TRACEY: A bill (H. R. 9593) for the relief of W. H. Wade, late captain and acting regimental quartermaster Thirty-first Ohio Volunteers—to the Committee on War Claims.

By Mr. TRELOAR: A bill (H. R. 9594) granting a pension to Benjamin Haggard—to the Committee on Invalid Pensions.

By Mr. WANGER: A bill (H. R. 9595) granting a pension to Mrs. Annie Wittenmyer—to the Committee on Invalid Pensions.

By Mr. MEYER: A bill (H. R. 9596) to remove the disability of Charles H. Vogt—to the Committee on Military Affairs.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. BINGHAM: Resolutions of George G. Meade Post, No. 1, Grand Army of the Republic, of Philadelphia, Pa., in behalf of the enfranchisement of the Cuban people—to the Committee on Foreign Affairs.

Also, resolutions of the select and common councils of the city of Philadelphia, Pa., regarding League Island Navy-Yard—to the Committee on Naval Affairs.

By Mr. BULL: Petition of the pharmacists of Newport, R. I. in favor of the bill relative to the status and increase of pay of

pharmacists in the Navy—to the Committee on Naval Affairs.

By Mr. BURTON of Missouri: Petition of Solomon B. J. Fugate, of Spurgeon, Newton County, Mo., for increase of pension—to the

Committee on Invalid Pensions.

Also, petition of the Lucas Avenue Cumberland Presbyterian Church, St. Louis, Mo., representing 300 members, for the protection of State antigambling laws—to the Committee on the

Judiciary.

By Mr. HENDERSON: Paper from Hon. John C. New, of Indianapolis, Ind., urging consideration of House bill No. 3273, relating to the classification of clerks of first and second class

to the Committee on Rules.

By Mr. KIEFER: Petition of Rev. J. A. Jenkins and many members of the Pacific Congregational Church, of St. Paul, Minn., expressing indignation at the conduct of Turkish soldiery toward Americans residing in that country—to the Committee on Foreign

By Mr. LIVINGSTON: Papers to accompany House bill No. 9547, for the relief of W. J. Fletcher, of Georgia—to the Commit-

tee on Claims.

Also, petition of the heirs of Susan Fickett, deceased, late of Fulton County, Ga., praying reference of her war claim to the Court of Claims under the Bowman Act—to the Committee on

By Mr. LOUDENSLAGER: Petition of citizens of Elizabeth, N. J., for the United States Government to take active measures to enforce its demands upon the Government of Turkey for reparation for the injuries inflicted upon American citizens and their property in that country—to the Committee on Foreign Affairs.

By Mr. MADDOX: Petition of the heirs of Joseph B. Austin,

deceased, late of Paulding County, Ga., praying reference of his war claim to the Court of Claims under the Bowman Act—to the Committee on War Claims.

By Mr. MOZLEY: Petition of citizens of Ripley County, Mo., praying that Thomas E. Chapman, of said county, be placed upon the pension roll—to the Committee on Invalid Pensions.

By Mr. OTEY: Petition of G. R. Henderson and 11 other mechanical engineers of Roanoke, Va., and vicinity, urging the passage of a bill for improving the Navy—to the Committee on Naval Affairs

By Mr. PAYNE: Resolutions of members of the Presbyterian church at Williamson, N. Y., in reference to outrages alleged to

church at Williamson, N. Y., in reference to outrages alleged to have been committed upon American citizens in Armenia—to the Committee on Foreign Affairs.

By Mr. PITNEY: Petition of the manufacturers of plumbers' ironware, favoring the passage of House bill No. 6116, relating to convict-labor competition—to the Committee on Labor.

Also, petition of Charlton T. Lewis and others, committee of citizens of Morristown, N. J.; also petition of citizens of Elizabeth, N. J., relative to troubles in Armenia—to the Committee on Foreign Affairs.

By Mr. RAY: Petition of Reuben H. Waters, late of Company A, Fifty-second Pennsylvania Volunteers, together with affidavits in his behalf, for his relief—to the Committee on Invalid Pensions.

By Mr. RICHARDSON: Petition of W. W. Gill, of Bedford County, Tenn., asking reference of his claim to the Court of Claims under act of March 3, 1883—to the Committee on Claims. Also, papers relating to the claim of Winston W. Gill, of Bedford County, Tenn., for relief—to the Committee on War

Claims.

By Mr. RUSSELL of Connecticut: Resolutions of the Connecticut Society of the Sons of the Revolution, favoring the publication of the records and papers of the Continental Congress—to

the Committee on Printing.

By Mr. STEPHENSON: Petition of residents of Rapid River, Delta County, Mich., for the improvement of Rapid and Whitefish rivers, in the State of Michigan—to the Committee on Rivers and

By Mr. TRACEWELL: Petition of Robert E. Wilson, for restoration to pension roll—to the Committee on Invalid Pen-

sions.

Sons.

By Mr. TYLER: Petition of ladies of the Monday Club, of Norfolk, Va., protesting against Turkish atrocities in Armenia—to the Committee on Foreign Affairs.

By Mr. WRIGHT: Petition of members of the Congregational church of Westhampton, Mass., concerning outrages to American citizens in Armenia—to the Committee on Foreign Affairs.

SENATE.

Monday, December 14, 1896.

Prayer by the Chaplain, Rev. W. H. MILBURN, D. D. HENRY M. TELLER, a Senator from the State of Colorado, ap-

peared in his seat to-day.

On motion of Mr. ALLEN, and by unanimous consent, the reading of the Journal of the proceedings of Thursday last was dispensed with.

INAUGURATION ARRANGEMENTS.

The VICE-PRESIDENT appointed, under the resolution of the Senate of the 10th instant, Mr. SHERMAN, Mr. ELKINS, and Mr. MITCHELL of Wisconsin as the committee to make the necessary arrangements for the inauguration of the President-elect of the United States on the 4th day of March next.

CERTIFICATION OF ELECTORS.

The VICE-PRESIDENT laid before the Senate two communications from the Secretary of State, transmitting, in pursuance of the provisions of the act of February 3, 1887, certified copies of the final ascertainment of the electors for President and Vice-President from the States of Pennsylvania and Missouri; which were ordered to lie on the table.

EXECUTIVE COMMUNICATIONS.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of War, transmitting, in response to a resolution of the 9th instant, the report of Capt. D. D. Gaillard, Corps of Engineers, United States Army, of the preliminary survey of the Portland Channel in the Territory of Alaska; which, with the accompanying papers, was referred to the Committee on Commerce, and ordered to be printed.

He also laid before the Senate a communication from the Secretary of the Navy, transmitting, in obedience to law, the claims of The William Cramp & Sons' Ship and Engine Building Company against the Government for loss and damage due to delays alleged to have been caused by the Government in the construction of the New York, the Columbia, the Massachusetts, and the Indiana: which. The VICE-PRESIDENT laid before the Senate a communication

York, the Columbia, the Massachusetts, and the Indiana; which, with the accompanying papers, was referred to the Committee on Naval Affairs, and ordered to be printed.

Naval Affairs, and ordered to be printed.

He also laid before the Senate a communication from the Secretary of the Navy, transmitting, in obedience to law, the claim of N. F. Palmer, Jr., & Co., the Quintard Iron Works, against the Government for loss and damage due to delays alleged to have been caused by the Government in the construction of the machinery of the United States armored cruiser Maine; which, with the accompanying papers, was referred to the Committee on Naval Affairs, and ordered to be printed.

DISTRICT TELEGRAPH AND TELEPHONE SERVICE.

The VICE-PRESIDENT laid before the Senate a communica-tion from the Commissioners of the District of Columbia, transmitting a report of the superintendent of the telegraph and telephone service of the District of Columbia relative to charges made in the District of Columbia to the public and to the Government for the use of telephones, and also for the use of telephones in other cities operated by underground and overhead wires; which, with the accompanying papers, was referred to the Committee on the District of Columbia, and ordered to be printed.

ANNUAL REPORT OF THE PUBLIC PRINTER.

The VICE-PRESIDENT laid before the Senate the annual report of the Public Printer for the fiscal year ended June 30, 1896; which was referred to the Committee on Printing, and ordered to be printed.

CREDENTIALS.

Mr. BLANCHARD presented the credentials of Samuel Douglas McEnery, chosen by the legislature of Louisiana a Senator to represent that State in the Senate of the United States for the term commencing the 4th day of March, 1897; which were read, and ordered to be filed.

MESSAGE FROM THE HOUSE.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. Browning, its Chief Clerk, announced that the House had passed the following bills:

A bill (S. 724) granting an increase of pension to Helen M. Mallery; and

A bill (S. 3245) granting a pension to Elvira Bachelder.

The message also announced that the House had passed the following bill and joint resolution, each with an amendment; in which amendments the concurrence of the Senate was requested:

A bill (S. 2306) to amend Title LX, chapter 3, of the Revised Statutes, relating to copyrights; and

A joint resolution (S. R. 162) continuing in force section 2 of the act approved June 3, 1896, entitled "An act to repeal section 61 of 'An act to reduce taxation, to provide revenue for the Government, and for other purposes,'" which became a law August 28, 1894.

The message further announced that the House had passed the following bills; in which it requested the concurrence of the

Senate:

Senate:
A bill (H. R. 130) to carry out the findings of the Court of Claims in the case of Augustus P. Burditt;
A bill (H. R. 2741) for the relief of Peter Cook, of Arkansas;
A bill (H. R. 7083) to prohibit the sale of intoxicating liquors in the Capitol building, and for other purposes; and
A bill (H. R. 8413) to confirm certain cash entries of public leads

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the Househad signed the following enrolled bills; and they were thereupon

signed the Vice-President:

A bill (S. 264) providing for the location and purchase of public lands for reservoir sites; and

A bill (S. 2047) extending the time within which the University of Utah shall occupy lands heretofore granted to it.

PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented the petition of Jacob B. Good and sundry other citizens of Lancaster County, Pa., praying compensation for loss of certain property taken by the United States troops; which was referred to the Committee on the Judiciary.

Mr. SHERMAN presented a memorial of the Farmers' National Congress, praying for the enactment of protective and other legisletics, which was referred to the Committee on Figure 2015.

lation; which was referred to the Committee on Finance, and

ordered to be printed.

He also presented a petition of the Association of Ministers of Springfield, Ohio, praying for the enactment of a Sunday-rest law for the District of Columbia; which was referred to the Commit-

for the District of Columbia; which was referred to the Committee on the District of Columbia.

He also presented a petition of the Association of Ministers of Springfield, Ohio, praying for the enactment of legislation raising the age of consent in the District of Columbia; which was referred to the Committee on the District of Columbia.

He also presented a petition of the Association of Ministers of Springfield, Ohio, praying for the enactment of legislation substituting voluntary industrial arbitration for railway strikes; which was referred to the Committee on Education and Labor.

Springheld, Onlo, praying for the enactment of legislation states tuting voluntary industrial arbitration for railway strikes; which was referred to the Committee on Education and Labor.

He also presented a petition of the Association of Ministers of Springfield, Ohio, praying for the enactment of legislation to prevent the nullification of State gambling laws; which was referred to the Committee on Interstate Commerce.

He also presented a petition of the Board of Trade of Kansas City, Mo., praying Congress to acknowledge the independence of Cuba; which was referred to the Committee on Foreign Relations.

He also presented sundry petitions of citizens of Ironton, Berne, and Delta, all in the State of Ohio; a petition of sundry citizens of Princeton, Ky., and a petition of sundry citizens of Dansville, N.Y., praying for the passage of the so-called Dingley tariff bill; which was referred to the Committee on Finance.

Mr. MILLS presented a petition of sundry citizens of Houston, Tex., Paying for the enactment of legislation in aid of the Wilberforce University; which was referred to the Committee on Education and Labor.

He also presented a petition of 229 commercial travelers of the United States and a petition of 229 commercial travelers of the United States and a petition of the South Dakota Immigration. Association, praying for the enactment of legislation in aid of the Wilberforce University; which was referred to the Committee on Education and Labor.

He also presented a petition of 229 commercial travelers of the United States and a petition of the South Dakota Immigration Association, praying for the enactment of legislation in aid of the Wilberforce University; which was referred to the Committee on Education and Labor.

He also presented a petition of sundry citizens of the passage of the so-called Dingley tariff bill; which was referred to the Committee on Finance.

He also presented a petition of sundry citizens of the colonial Dames of America, in answer to a protest made by the original New York S

Washington, praying that an appropriation be made to pay the depositors of the failed Freedman's Savings Bank; which was

referred to the Committee on Finance.

referred to the Committee on Finance.

Mr. GEAR presented a petition of the Congregational church of Danville, Iowa, and a petition of 300 citizens of New London, Iowa, praying for the enactment of legislation to forbid the sale of liquors in all Government buildings; which were referred to the Committee on Education and Labor.

He also presented the petition of J. W. Quillen and 70 other citizens of Jefferson County, Iowa, and a petition of the California Wool Association, praying for the passage of the so-called Dingley tariff bill; which were referred to the Committee on Finance.

Mr. McMILLAN presented a petition of the Brightwood Citizens' Association of the District of Columbia, praying that an appropriation of \$100,000 be made for the improvement of Rock Creek Park; which was referred to the Committee on the District

appropriation of \$100,000 be made for the improvement of Rock Creek Park; which was referred to the Committee on the District of Columbia.

Mr. MITCHELL of Wisconsin presented a petition of the Chamber of Commerce of Milwaukee, Wis., praying for the establishment of a department of commerce, the chief thereof to be a member of the President's Cabinet; which was referred to the Committee on Commerce. Committee on Commerce.

He also presented a petition of the Upper Mississippi River Pilots' Association, praying for the construction of a pier or break-water near the village of Pepin, Wis.; which was referred to the

Committee on Commerce.

Mr. KYLE. I present a series of resolutions passed by the South Dakota Immigration Association on the 3d instant, in favor of the passage of the pending immigration bill. As the bill is now under consideration in the Senate, I move that the resolutions lie on the table.

The motion was agreed to.

Mr. MITCHELL of Oregon presented a petition of the Chamber

Mr. MITCHELL of Oregon presented a petition of the Chamber of Commerce of Astoria, Oreg., praying for the early completion of the Nicaragua Canal; which was ordered to lie on the table. He also presented the petition of Clement Marciel, of Portland, Oreg., praying compensation for injuries received by him on or about the 16th day of August, 1896, while engaged in the capacity of plasterer and cement worker at the Government station on Tillamook Rock, Oregon; which was referred to the Committee on

Mr. GALLINGER. I present a series of resolutions adopted at a union thanksgiving service in the town of Hudson; N. H., in reference to the Armenian question. The closing resolution I desire to put on record:

That international and divine law would justify the great powers of Christendom in putting an end immediately to these atrocities, even though it should necessitate the dismemberment and destruction of the Turkish Empire.

The resolutions are signed by G. W. Buzzell, pastor of the Methodist Episcopal church; C. D. Swett, pastor of the Baptist church, and F. P. Chapin, pastor of the Congregational church. Expressing sympathy with the sentiment expressed in these resolutions, I move that they be referred to the Committee on Foreign Relations.

The motion was agreed to.

Mr. GALLINGER. I present a series of resolutions adopted by the New Hampshire Medical Society June 2, 1896, relative to a bill now on the Calendar, for the further prevention of cruelty to animals, commonly known as the antivivisection bill. I move that the resolutions lie on the table.

The motion was agreed to.

The motion was agreed to.

Mr. THURSTON presented a petition of the Congregational church of Neligh, Nebr., praying for the enactment of legislation relieving the suffering Armenians in Turkey; which was referred to the Committee on Foreign Relations.

Mr. NELSON presented a petition of the Mississippi River Pilots'
Association, praying for the construction of a pier or breakwater in the Mississippi River near the village of Pepin, on Lake Pepin;

National Society of the Colonial Dames of America; which was

referred to the Committee on the Library.

Mr. BLANCHARD. In June last the general assembly of Louisiana, in session at that time, passed a concurrent resolution memorializing the Congress of the United States to grant belligerent rights to the Cuban Republic, and asking the Louisiana Senators and Representatives to support the same. Congress adjourned shortly after the concurrent resolution was passed by the general assembly of Louisiana, and it has not heretofore been presented to Congress. I now present it and ask that it be printed in the RECORD.

The memorial was referred to the Committee on Foreign Relations, and ordered to be printed in the RECORD, as follows:

House concurrent resolution memorializing the President and Congress of the United States to grant belligerent rights to the Cuban Republic, and asking our Senators and Representatives to urge the President toward securing the same.

Be it resolved by the senate and house of representatives of Louisiana, That we extend our sympathy to the Cuban people in their struggle for freedom and independence, and we request the Congress and President of the United States to grant belligerent rights to the Cuban Republic, and ask our Senators and Representatives in Congress to urge the President toward securing the same, and that the secretary of state be instructed to transmit a copy of these resolutions to the President and our Senators and Representatives in Congress.

S. P. HENRY,
Speaker of the House of Representatives.
R. H. SNYDER,
Lieutenant-Governor and President of the Senate.

Approved June 9, 1896.

MURPHY J. FOSTER, Governor of the State of Louisiana.

Mr. BLANCHARD presented a concurrent resolution of the legislature of Louisiana; which was referred to the Committee on Post-Offices and Post-Roads, and ordered to be printed in the RECORD, as follows:

Senate concurrent resolution.

Senate concurrent resolution.

Whereas the memorial of the New Orleans Post-Office Clerks' Association presented to the general assembly of the State of Louisiana calls our attention to the fact that there is now pending before the Congress of the United States a bill, introduced by the Hon. N. D. Sperry, of Connecticut, entitled "A bill for the classification of clerks in the first and second class post-offices, and for fixing the salaries of the same," known as House bill No. 3273, which bill, as approved by the honorable Postmaster-General, was reported favorably by the House Committee on the Post-Office and Post-Roads; and

Whereas the passage of said bill will not only ameliorate the lot of worthy clerks and employees in the post-office service, but also furnish a satisfactory remedy for existing evils, secure better service, and be advantageous to the public at large: Therefore,

Be it resolved by the senate (the house of representatives concurring therein), That our Senators and Representatives in Congress be requested to favor the aforesaid House bill (H. R. 3273).

Be it further resolved, That copies of this resolution be forwarded to each Senator and Representative of Congress of this State.

S. P. HENRY,

S. P. HENRY,
Speaker of the House of Representatives.
R. H. SNYDER,
Lieutenant-Governor and President of the Senate.

Approved June 9, 1896.

MURPHY J. FOSTER, Governor of the State of Louisiane

Mr. TURPIE presented a petition of the Silent Army of Deaf Soldiers, Sailors, and Marines of the United States, praying for an increase of pension for total deafness; which was referred to the Committee on Pensions.

the Committee on Pensions.

He also presented a petition of the Business Men's Association of Evansville, Ind., praying that an appropriation be made for the improvement of the Mississippi River at its mouth; which was referred to the Committee on Commerce.

He also presented a petition of Weil Bros. & Co., of Fort Wayne, Ind., praying for the passage of the so-called Dingley tariff bill; which was referred to the Committee on Finance.

Mr. TURPIE (for Mr. Voorhees) presented a petition of sundry wool dealers of Madison, Ind., and a petition of the California Wool Association, praying for the passage of the so-called Dingley tariff bill; which were referred to the Committee on Finance.

He also (for Mr. VOORHEES) presented the petition of John M.

He also (for Mr. Voorhees) presented the petition of John M. Mott, of Chicago, Ill., praying for the enactment of legislation to secure admission of silver to the mints for free and unlimited coinage on individual account into full legal-tender money and to establish 412½ grains of standard silver as the sole money unit of the United States: which was referred to the Committee on Finance.

establish 412½ grains of standard silver as the sole money unit of the United States; which was referred to the Committee on Finance. He also (for Mr. Voorhees) presented a communication from members of societies of the Colonial Dames of America, in answer to a protest made by the original New York Society of the Colonial Dames of America against the passage of Senate bill No. 3087, incorporating the National Society of the Colonial Dames of America; which was referred to the Committee on the Library.

Mr. CULLOM presented a petition of the Board of Trade of Kansas City, Mo., praying Congress to acknowledge the independence of Cuba; which was referred to the Committee on Foreign Relations.

He also presented a petition of sundry citizens of Saline County.

He also presented a petition of sundry citizens of Saline County, Ill., and a petition of the California Wool Association, praying

for the passage of the so-called Dingley tariff bill; which were referred to the Committee on Finance.

He also presented a petition of sundry citizens of Pontiac, Ill., praying for the enactment of legislation for the relief of the suffering Armenian in Turkey; which was referred to the Committee on Foreign Relations.

He also presented a petition of the Immigration Restriction League of Washington, D. C., praying for the restriction of immi-gration and the passage of the so-called Lodge-Corliss immigra-tion bill; which was ordered to lie on the table.

Mr. COCKRELL presented a petition of the Board of Trade of Kansas City, Mo., praying Congress to acknowledge the independence of Cuba, and also to put a stop to the persecutions of the Armenians by the Turks; which was referred to the Committee on Foreign Relations.

He also presented a petition of sundry citizens of Neosho, Mo. praying for the adoption of an amendment to the Constitution of the United States recognizing the Deity; which was referred to

the Committee on the Judiciary.

Mr. QUAY presented a petition of 160 operators of the Kent Manufacturing Company of Delaware County, Pa., and a petition of the Wool Association of California, praying for the passage of the so-called Dingley tariff bill; which were referred to the Committee on Finance.

He also presented a petition of sundry citizens of Pittsburg, Pa., praying for the enactment of legislation relieving the suffering Armenians in Turkey; which was referred to the Committee on

Foreign Relations.

He also presented a petition of the American Economic Association and the American Statistical Association, praying for the enactment of legislation providing for the more effective organization of the United States census; which was referred to the Committee on the Census.

Mr. ALDRICH presented a petition of 1,500 employees of the Riverside Worsted Mills, of Providence, R. I., praying for the passage of the so-called Dingley tariff bill; which was referred to the Committee on Finance.

Mr. ALLEN presented a petition of the California Wool Association, praying for the passage of the so-called Dingley tariff bill; which was referred to the Committee on Finance.

THE BEET-SUGAR INDUSTRY.

Mr. ALLEN. I present a carefully prepared paper by R. M. Allen, of Nebraska, upon the development of the beet-sugar industry in that State. I move that the paper be printed as a miscellaneous document and referred to the Committee on Agriculture and Forestry.

The motion was agreed to.

REPORTS OF COMMITTEES.

Mr. MITCHELL of Wisconsin, from the Committee on Military Affairs, to whom was referred the bill (H. R. 505) for the relief of Rev. Edwin Warriner, reported it without amendment, and

submitted a report thereon.

Mr. PETTIGREW, from the Committee on Public Lands, to whom was referred the bill (S. 3328) to amend an act entitled "An act to repeal the timber-culture laws, and for other purposes,

reported it without amendment.

Mr. HOAR. I am directed by the Committee on the Judiciary, to whom was referred the bill (S. 3313) for the relief of John N. Quackenbush, late a commander in the United States Navy, to report it favorably, without amendment. It is a bill which has passed the Senate several times, and it passed at the last session, but did not get to the President in time for his signature at the

close of the session. I ask that it may now be considered.

The VICE-PRESIDENT. The Senator from Massachusetts asks unanimous consent for the present consideration of the bill

asks unanimous consent for the present consideration of the bill reported by him.

Mr. HOAR. Let it be read for information.

The Secretary read the bill.

The VICE-PRESIDENT. Is there objection to the present consideration of the bill?

Mr. CHANDLER. What is the request as to that bill?

Mr. HOAR. The request is that it be now passed. A similar bill passed the Senate at the last session.

Mr. CHANDLER. I object, Mr. President.

Mr. HOAR. If the Senator will allow me before he objects, I will state that a similar bill passed both Houses at the last session, and it has passed the Senate I think a dozen times, always passing without any dissenting vote, but it did not reach the President in time for him to give it his attention at the close of the last session. Therefore its passage now is a mere formality.

time for him to give it his attention at the close of the last session. Therefore its passage now is a mere formality.

Mr. CHANDLER. I know that all the Senator says is true; but I have very good reasons for making the objection, which I will with pleasure communicate to him.

The VICE-PRESIDENT. Objection being made to the consideration of the bill, it will be placed on the Calendar.

BILLS INTRODUCED.

Mr. GALLINGER introduced a bill (S. 3361) granting a pension to Sarah R. Frary; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

He also introduced a bill (S. 3362) granting a pension to Francis H. Staples; which was read twice by its title, and, with the accom-

panying papers, referred to the Committee on Pensions.

Mr. SHERMAN introduced a bill (S. 3363) to authorize C. E.

Marr and E. H. Pierce to accept testimonials from the Canadian government; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Foreign Rela-

He also introduced a bill (S. 3364) to authorize Lieut. Col. W. H. Forwood and Dr. George H. Penrose to accept certain testimonials from the Argentine Government; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Foreign Relations.

and, with the accompanying paper, referred to the Committee on Foreign Relations.

He also introduced a bill (S. 3365) to authorize Commander E. S. Houston, United States Navy, to accept a portrait of the Emperor of Germany; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Foreign Relations.

He also introduced a bill (S. 3366) to authorize Admiral T. O. Selfridge, United States Navy; Capt. G. H. Wadleigh, United States Navy; Lieut. Commander E. H. Gheen, United States Navy; Paymaster J. B. Redfield, United States Navy; Lieut. J. J. Hunker, United States Navy; Surg. D. N. Bertolette, United States Navy, and Ensign R. L. Russell, United States Navy, to accept medals presented to them by the Russian Government; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Foreign Relations.

Mr. TURPIE introduced a bill (S. 3367) granting a pension to William Nocks; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. BLACKBURN introduced a bill (S. 3368) to authorize the President of the United States to appoint and confer the rank of first lieutenant of marines upon the leader of the United States Marine Band; which was read twice by its title, and referred to the Committee on Naval Affairs.

Mr. MORGAN introduced a bill (S. 3369) relating to crimes against the circulation of lawful money of the United States.

Mr. MORGAN introduced a bill (S. 3369) relating to crimes against the circulation of lawful money of the United States; which was read twice by its title, and referred to the Committee on Finance

Mr. HALE introduced a bill (S. 8370) granting a pension to Emily E. Atherton; which was read twice by its title, and referred to the Committee on Pensions.

Mr. MITCHELL of Oregon introduced a bill (S. 3371) to amend an act entitled "An act to forfeit certain lands heretofore granted an act entitled "An act to forfeit certain lands heretofore granted for the purpose of aiding in the construction of railroads, and for other purposes," approved September 29, 1890, and the several acts amendatory thereof; which was read twice by its title, and referred to the Committee on Public Lands.

He also introduced a bill (S. 3372) granting a pension to Thomas H. Scudder, of Independence, Oreg.; which was read twice by its title, and, with the accompanying papers, referred to the Committee.

tee on Pensions.

tee on Pensions.

He also introduced a bill (S. 3373) granting a pension to Arethusa Wright, of Sheridan, Oreg.; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 3374) for the relief of Clement Marciel, of Portland, Oreg.; which was read twice by its title, and referred to the Committee on Claims.

Mr. WILSON introduced a bill (S. 3375) authorizing the construction of a bridge across the Columbia River, in the State of Washington; which was read twice by its title, and referred to the Committee on Commerce. Committee on Commerce.

Mr. THURSTON introduced a bill (S. 3376) authorizing every judge of a district court of the United States to appoint a stenojudge of a district court of the United States to appoint a stenographic reporter, and fixing the duties and compensation of such reporter; which was read twice by its title, and referred to the Committee on the Judiciary.

He also introduced a bill (S. 3377) granting a pension to Charles A. D. Wiswell, of Ainsworth, Nebr.; which was read twice by its title, and referred to the Committee on Pensions.

Mr. GEAR introduced a bill (S. 3378) granting a pension to James M. Fry; which was read twice by its title, and referred to the Committee on Pensions.

Mr. QUAY (by request) introduced a bill (S. 3379) to amend

Mr. QUAY (by request) introduced a bill (S. 3379) to amend section 2 of an act to incorporate the Washington Market Company; which was read twice by its title, and, with the accompanying papers, referred to the Committee on the District of Columbia.

Mr. CULLOM introduced a bill (S. 3380) granting a pension to James R. Zearing; which was read twice by its title, and referred to the Committee on Pensions

to the Committee on Pensions.

Mr. CALL introduced a bill (S. 3381) granting pension to Lena
D. Smith; which was read twice by its title, and referred to the Committee on Pensions.

Mr. COCKRELL introduced a bill (S.3382) for the adjustment and correction of the selection of lands by the State of Missouri under the act of Congress of July 2, 1862, donating to the States lands for the benefit of colleges of agriculture and mechanic arts; which was read twice by its title, and referred to the Committee on Public Lands.

Mr. CAFFERY introduced a joint resolution (S. R. 170) to authorize and direct the Secretary of War to have made a survey of the pass at Point a L'Outre, near the Southwest Pass of the Mississippi River; which was read twice by its title, and referred to the Committee on Commerce.

Mr. CALL introduced a joint resolution (S. R. 171) requesting the President of the United States to demand the release of all citizens of the United States held in confinement at Ceuta or elsewhere in violation of the treaty with Spain and of international law; which was read twice by its title, and referred to the Committee on Foreign Relations mittee on Foreign Relations.

Mr. HANSBROUGH introduced a joint resolution (S. R. 172) providing for a comprehensive index to Government publications from 1881 to 1893; which was read twice by its title, and referred to the Committee on Printing.

NATIONAL MONETARY COMMISSION.

Mr. PEFFER. I introduce a joint resolution providing for the appointment of a national monetary commission, and ask that it be read at the desk, printed, and lie on the table. I desire to give notice that upon the first day when the Senate is in session after the 1st of January next, immediately after the morning business is concluded, I shall ask the Senate to indulge me while I submit

some remarks upon the joint resolution.

The joint resolution (S. R. 169) providing for the appointment of a national monetary commission was read the first time by its title and the second time at length, and ordered to lie on the table, as follows:

Whereas during the campaign immediately preceding the late Presidential election the monetary system of the country was the leading issue discussed before the people; and

Whereas the contending parties in that campaign proposed four distinct and different policies, namely: (1) National gold monometallism; (2) international gold and silver bimetallism at a ratio agreed upon by the nations; (3) national silver and gold bimetallism at the ratio of 16 to 1, with Government paper money redeemable in coin; (4) national silver and gold bimetallism at the ratio of 16 to 1, supplemented by Government full legal-tender paper money; and

tional gold and silver bimetallism at a ratio agreed upon by the nations; (3) national silver and gold bimetallism at the ratio of 16 to 1, with Government paper money redeemable in coin; (4) national silver and gold bimetallism at the ratio of 16 to 1, supplemented by Government full legal-tender paper money; and

Whereas the result of the election does not show that a majority of the voters favor any of said policies; and

Whereas it is agreed on all sides that a permanent adjustment of these differences is of supreme importance: Therefore,

Be it resolved by the Senate and House of Representatives of the United States be, and he is hereby, directed to appoint four commissioners, one from the National Democrat party, one from the Republican party, one from the Democrat party, and one from the Republican party, one from the Democrat party, and one from the Populist or People's Party. These four shall choose a fifth, and together they shall constitute a national monetary commission, whose duty it shall be to examine and study the general subject of finance in its practical relations to the business affairs of the people of the United States. In such examination the commission shall invite suggestions, arguments, and plans by individuals, persons, and by agents and representatives of organized bodies, and shall make diligent inquiry among farmers, wage earners, merchants, manufacturers, bankers, carriers, and other business men to learn their views with respect to defects in our existing financial methods and the proper remedies therefor, and to ascertain what material points they are agreed upon and on what they disagree. The commission shall consider all matters presented to them or brought to their attention and which are relevant to the inquiry with which they are charged; they shall preserve all arguments, papers, and documents submitted to them, and report the same to Congress with their conclusions thereon, by bill or otherwise, with a view of establishing a permanent monetary system for the United States

gress.

For the purpose of defraying the expenses of the commission herein provided for, the sum of \$50,000, or so much thereof as may be necessary, is hereby appropriated out of any moneys in the Treasury not otherwise appropriated.

This joint resolution shall take effect and be in force on the day next following the day of its approval.

AMENDMENTS TO BILLS.

Mr. BLACKBURN submitted sundry amendments intended to be proposed by him to the naval appropriation bill; which were referred to the Committee on Naval Affairs, and ordered to be

Mr. PETTIGREW submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Military Affairs, and ordered to be printed.

He also submitted two amendments intended to be proposed by him to the Indian appropriation bill; which were referred to the Committee on Indian Affairs, and ordered to be printed.

He also submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Public Buildings and Grounds, and ordered to

He also submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

HOLIDAY RECESS.

Mr. HALE submitted the following concurrent resolution; which was referred to the Committee on Appropriations:

Resolved by the Senate (the House of Representatives concurring), That when the two Houses adjourn on Tuesday, the 22d day of December, they stand adjourned until 12 o'clock meridian on Tuesday, January 5, 1897.

ELECTRIC LIGHTING IN THE DISTRICT OF COLUMBIA.

Mr. GALLINGER submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved. That the Committee on the District of Columbia be, and hereby is, directed to inquire what, if any, action is contemplated by the Commissioners of the said District in respect of the use of any of the streets, avenues, or public spaces in said District for electric lighting; and what, if any, contract or contracts have been or are contemplated to be entered into which involve the laying of conduits in or under such streets or avenues, and with what persons or corporations, and to report to the Senate.

IMPRISONMENT ABROAD OF NATURALIZED CITIZENS.

Mr. CALL submitted the following resolution; which was read, ordered to be printed, and referred to the Committee on Foreign

Resolved, That the Secretary of State be, and is hereby, directed to send to the Senate a report of all naturalized citizens of the United States of whose arrest and imprisonment, or trial, or conviction, or sentence, either to imprisonment at the penal colony of Ceuta or elsewhere, he has any information; and that he shall inform the Senate in such report of the persons now held in confinement at Ceuta and of the charges, briefly stated, on which they were condemned, and the nature of the evidence, so far as the same appears on the files of the State Department.

KILLING OF GEN. ANTONIO MACEO.

Mr. CALL. I submit for reference to the Committee on Foreign Relations the resolution which I send to the desk.

The resolution was read, as follows:

The resolution was read, as follows:

Resolved, That the killing of Gen. Antonio Maceo, a renowned general in the service of the Republic of Cuba, if true, while under a flag of truce and with an assurance of safety from the Spanish captain-general, was a violation of the rules of civilized war, an act of base treachery, a murder cowardly and disgraceful, which demands the execration of every Government and of all the peoples of the world, whether civilized or savage; that the Government which authorizes, permits, or falls to punish the assassins who are connected in any way with the guilt of this crime with the extreme penalty of the law is an outcast from the family of nations and from the pale of civilization and public law; that the Committee on Foreign Relations e, and is hereby, directed to make inquiry as to the facts and report to the Senate at an early day.

Mr. HALE. There was so much confusion in the Chambes that

Mr. HALE. There was so much confusion in the Chamber that I could not understand whether the Senator desires action on the part of the Senate or whether the resolution is to be referred to the Committee on Foreign Relations.

Mr. CALL. I asked that it be referred to the Committee on Foreign Relations.

Mr. HALE. To that I have no objection.

The VICE-PRESIDENT. The resolution will be so referred.

AFFAIRS IN CUBA.

Mr. MORGAN. I offer a resolution, and ask that it be printed and lie on the table. I will state that on to-morrow I shall ask the indulgence of the Senate to make some observations upon it. The VICE-PRESIDENT. Does the Senator request the reading

of the resolution?

Mr. MORGAN. I do not care about having it read. Let it be printed and lie on the table.

The resolution was ordered to be printed and to lie on the table, as follows:

Resolved by the Senate, That the President is requested, if it is not, in his opinion, incompatible with the public service, to send to the Senate copies of the papers relating to the condition of affairs in the Island of Cuba which are referred to in the report of the Secretary of State that accompanies his last annual message as papers collected in the annual volume entitled "Foreign Relations of the United States."

And also a statement of the several amounts of the claims lodged in the Department of State by citizens of the United States against Spain growing out of the alleged insurrection now existing in the Island of Cuba.

And also all correspondence with the Spanish Government relating to the vessel called the Competitor and the persons captured with or near that vessel, with a statement of the charges pending in any court in Spain or Cuba against said persons and the proceedings of such court in those cases, and the place of their imprisonment, the character of their treatment while in prison, and the condition of their health. Whether said prisoners have had the privilege of counsel of their own selection on any trial that has taken place on such charges or were represented by any consul, attorney, or other agent of the United States.

PRINTING OF REPORT OF THE SECRETARY OF STATE.

Mr. HALE submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That there be printed immediately, for the use of the Senate, in addition to the usual number, 300 copies of the report of the Secretary of State to the President for the year 1896, said copies to be delivered to the document room of the Senate.

COLUMBIA RIVER SALMON FISHERIES.

Mr. MITCHELL of Oregon submitted the following concurrent resolution; which was referred to the Committee on Fisheries:

Whereas the Columbia River is the only stream in the world where the Chinook salmon is found in all its perfection, no other known river producing salmon of such firm, rose-red, oily flesh; and

Whereas the artificial propagation of the Chinook salmon in the tributaries of the Columbia River has long since passed the experimental stage, the salmon packers of the Columbia River, from funds furnished by themselves, having demonstrated the practicability of keeping the annual run of the Chinook in the river up to the maximum; and

Whereas the State of Oregon and the United States Government are now only propagating a sufficient number of young Chinook to prevent a diminution of the annual run, when in point of fact the output of young salmon from the hatcheries ought to be brought up to an average of 100,000,000 a year; and

tion of the annual run, when in point of fact the output of young salmon from the hatcheries ought to be brought up to an average of 100,000,000 a year; and

Whereas the salmon-packing industry is the largest manufacturing industry, with one exception, in the Northwest, its wage roll being \$2,000,000 a year; the industry using the product of the factories of every section of the United States; it being a large exporter of its finished product and an importer only of such materials as are a source of much revenue to the General Government; and

Whereas, as the Chinook salmon has become well known and much sought as a food fish, both throughout the United States and the world over, it is greatly desired that said fish be furnished to the people as cheaply as possible, in order that it may be an article of food for the masses rather than a luxury for the few; and

Whereas the United States Fish Commission has recognized the importance of the royal Chinook salmon of the Columbia River as an article of food for the people of the whole country, and is making zealous efforts to protect said fish, and to that end requires but a comparatively small appropriation for the construction and maintenance of hatcheries and necessary spawning grounds in accordance with plans already formulated to completely and fully stock the rivers: Therefore,

Bett resolved by the Senate (the House of Representatives concurring), That the Secretary of the Interior be, and he is hereby, directed to set apart the Clackamas River, in the State of Oregon, one of the tributaries of the Columbia River, and thec ontiguous Government lands to such an extent and in such quantities as by him may be deemed advisable, as natural spawning grounds for said fish and for the use of salmon hatcheries.

PROTECTION OF DRAMATIC COPYRIGHTS.

The VICE-PRESIDENT laid before the Senate the amendment of the House of Representatives to the bill (S. 2306) to amend Title LX, chapter 3, of the Revised Statutes, relating to copyrights.

The amendment of the House of Representatives was, on page 2, line 18, after the word "granted," to insert "upon hearing, after notice to the defendant."

Mr. PLATT. I move that the Senate concur in the amendment.
Mr. COCKRELL. What is the effect of the amendment?
Mr. PLATT. The effect of the amendment is that an injunction shall not be granted in the matter referred to without notice to the defendant. I think it is a proper amendment.

The amendment was concurred in.

OBLIGATIONS OF LEGAL CONTRACTS.

Mr. ALLEN. Mr. President, I desire to call up and have laid before the Senate a resolution introduced by me on Wednesday last

The VICE-PRESIDENT. The Chair lays before the Senate the resolution indicated by the Senator from Nebraska. The resolution will be read.

The Secretary read the resolution submitted by Mr. ALLEN on the 9th instant, as follows:

Resolved. That it is the settled doctrine in the United States of America that no State possesses constitutional power to impair the obligations of legal contracts, either by direct legislation or by legislation that withdraws all substantial remedies from their enforcement.

Mr. ALLEN. Mr. President, the success of the Populist party at the late election in many States, and notably in Kansas and Nebraska, has provoked much discussion in the Eastern press and among Eastern statesmen respecting the policies that will be pursued during the years of Populistic administration. Many prophecies of hostile legislation and adverse administrations have been made. It has been frequently predicted, if not positively asserted, that the legislation of those States this winter will be such as to retard, if not prohibit, the enforcement of legal contracts, and by that means impair their obligations. It has also been stated that the Populist party is hostile to the enforcement of legal obligations, and has no conception of their sacredness. and has no conception of their sacredness.

I will pass over the dense ignorance irresistibly implied in asser-I will pass over the dense ignorance irresisting implied in assertions of this character for the purpose of saying that so far as Nebraska is concerned, while her legislature will be under the control of the Populist party and her administration will shortly pass into the hands of its representatives, there is not the slightest ground to fear that anything will be done that will in any respect violate legal obligations or place a barrier across the pathway of their prompt and effectual enforcement.

The Populist party of Nebraska is composed of men who understand quite well the inviolability of all contracts as well as the sacredness of public and private property and the rights of citizens. The party was not born to destroy, but to build up and make more secure the rights of all, and to give to all that full measure of justice their position as members of society entitles

I wish to utterly repudiate assertions of an intended menace of the rights of property or contracts by the legislature and incoming administration of Nebraska. Two years ago we elected the pres-ent honored chief executive of our State by a bare plurality of 3,100. It was asserted then that his election would impair the credit of the State, but the argument was not heeded. Instead of impairing its credit, his election seems to have strengthened it, for he was reelected in November last by a majority of nearly 22,000. The other gentlemen chosen for the subordinate State offices are competent business men of experience and high character; they are patriotic citizens, believers in law and order, and will discharge their respective duties conservatively, conscientiously, and to the best interests of all. Those who live elsewhere and have, or may have, obligations against the State, or any of its subdivisions, or citizens, will not be deprived of entering our courts and enforcing them as fully and completely as they can in the courts of their own State. They will find no prejudice against them or their cause if meritorious. Our judges will compare very favorably with those of the oldest States of the Union in point of ability, integrity, and a knowledge of the duties of their offices. They will hold the scales of justice impartially between residents and nonresidents; they will enforce all legal obligations in their letter and spirit, and defeat those in violation of law; they are, in every conceivable respect, abreast of the times and fully armed and equipped, by character and education, to impartially discharge their duties without fear or favor.

Mr. President, I personally know many members of the incomoffices are competent business men of experience and high char-

charge their duties without fear or favor.

Mr. President, I personally know many members of the incoming legislature, and all by reputation. They, too, are gentlemen of high character and ability. The majority are Populists and silver Democrats, but they are none the worse for that. They are loyal sons of Nebraska and of the Union. They will be guilty of nothing rash, nothing that will impair the standing of the State, nothing that will destroy its credit or detract from its glory, but they will, on the contrary, build up and make better and more secure, and inspire confidence in all.

Eastern holders of stocks in our railway corporations sometimes express fear of hostile legislation, and I desire to say to them that such a feeling is groundless. While I do not doubt that the legislature will enact measures looking to the prevention of overcapitalization, wild and reckless management, and will take strong

fature will enact measures looking to the prevention of overcapitalization, wild and reckless management, and will take strong grounds against railways interfering in political matters and favoring one political party by the free service of their trains to the rigid exclusion of others from a like privilege, yet so far as equitable and just passenger and freight rates are concerned there will be nothing done of which any fair-minded man may justly complain.

complain.

There is now pending in the Supreme Court of the United States a case from Nebraska involving the constitutionality of a maximum freight rate act passed by our legislature several years ago. The case may or may not be decided before the present legislature, under the constitution, will be required to adjourn; but I am safe in saying that, whatever the decision may be, there will be nothing done by the legislature that will savor of malice, hostility, or injustice, or of which the railways or their stockholders can in the slightest degree rightfully complain. The bill-may be reintroduced and carried along to a point where the legismay be reintroduced and carried along to a point where the legis-lature can amend it should the decision of the court impair it, but the new act will not be radical or impair the substantial

rights of any.

Nebraska has many industries of very great importance. extensive beet-sugar factories have been erected in the State, one being located in the county in which I have the honor to reside. More than a million dollars have been put into these plants and the legislature has been invoked from time to time to render assistance to the enterprise and enable it to determine by experiment whether the soil of Nebraska is capable of profitably growing

Two years ago a Republican legislature enacted a law granting to the owners of these factories, and to those that might be erected, five-eighths of a cent per pound bounty on all sugar produced in the State, on condition that the proprietors would pay to the producers of the beets \$5 per ton. It did not, however, make a specific appropriation to carry out the act, which, under

our constitution, must be done before public moneys can be expended.

pended.

It has been frequently and persistently predicted that this enterprise would be raided and destroyed by the incoming legislature. I must say that I do not approve of all gentlemen owning these factories have done in promoting their interests, but I have no fear that they will be injuriously affected by unjust legislation. While it is a debatable question whether Nebraska should engage in a permanent policy of bounty giving, yet so widespread is the belief that our soil is capable of producing almost unlimited quantities of sugar beets that can be profitably manufactured into sugar, that aid will not be withheld until an effectual trial has been made and the question fairly and effectually detertrial has been made and the question fairly and effectually deter-mined. The benefits of the act of which I speak inure largely

mined. The benefits of the act of which I speak fluire largely to the producers of beets, and as a result there was paid last year, and will be paid this year, \$60,000 to beet producers that would not have otherwise been paid them.

What I have said respecting beet sugar may also be said respecting chicory. A bounty has been granted upon chicory, and chicory mills are in operation in Nebraska, and the industry promises to be more from the control of th

The Populists of Nebraska understand quite as well as the people of any other section of the Union that it is highly important and profitable to the State to diversify our industries as far as can be done without too heavy a tax on the people. I am a believer

be done without too heavy a tax on the people. I am a believer in this doctrine myself.

The law to which I refer will not expire by its terms for one year more, and I think the legislature will make an appropriation to carry out its provisions, a thing that their Republican predecessors should have done, however ill advised its passage in the first instance may have been. The owners of these factories have complied with the law, and an observance of good faith requires that they should receive the promised bounty. I think the legislature will inaugurate a policy that will encourage new industries, thus taking a portion of our people from the farm and placing them in other pursuits, where they will no longer be competitors as producers of farm products, but become producers of other useful things, while they remain consumers of the products of the farm. I am not arguing in favor of a high protective tariff; I am only arguing in favor of that indisputable power and right inherent in every State to pursue an industrial policy that will, in the judgment of its legislature, result in the greatest good to the greatest number. number.

The gentlemen who are engaged in the beet-sugar industry are not members of the American Sugar Trust, as has been frequently asserted; that fact was fully disclosed in the investigation that asserted; that fact was fully disclosed in the investigation that was held by a special Senate committee, appointed in 1894, of which I had the honor to be a member. They are free from any entangling alliance with that gigantic institution; they are engaged in developing an industry new in this country, and which I do not doubt will eventually prove profitable, not only to them and their associates, but to the people of the Western States, and for that matter to the entire Union.

Mr. President, these facts are known and understood by the legislature of Nebraska, as they are known and understood by me and other citizens. The Populist legislature—and I speak for Nebraska only—can be relied on to act conservatively, wisely, and justly in all respects, and to give to every man, woman, and child beneath the sun, whether a citizen of the State, or far-off Russia, for that matter, a full measure of equal and each incitizen.

for that matter, a full measure of equal and exact justice.

I deny with all the strength I possess the slightest imputation against the incoming administration of Nebraska. No more loyal, intelligent, capable business men can be found in any State in the Union than those who will compose it for the next two years, and if any Eastern man or newspaper is still solicitous respecting the course that will be pursued I can say to them that the time has come when in justification of their own intelligence they should cease false assertions against the State and against those who are to discharge its official duties.

to discharge its official duties.

The Populist party of Nebraska will engage in overhauling the State offices and State institutions that for twenty-nine years have been under unbroken Republican rule. They will enact an election law that will be just to all, but which can not be tortured by construction in the interest of one political party and against the interest of another; one that will secure to every citizen an honest and free ballot; they will engage in legislation that will affect the general policy of the State; in amending vicious legislation passed by their predecessors, and in affording the people protection in many respects which has been denied them for years. The name of Nebraska will never be justly chargeable with repudiation in any form.

From the Omaha World-Herald of November 25 I read the following press dispatch:

BOSTON, MASS., November 24. The jubilee banquet and celebration of the Home Market Club, in honor of the election of William McKinley, was held at Mechanics' Hall this evening. Senator Hoan, of Massachusetts, was among those who addressed the meeting. He said in part:

"It is certainly a sad thing to think that States like Kansas and Nebraska,

children of New England, that have great farming populations where we expect to find—if we find anywhere—sobriety, integrity, steadiness, conservatism, the great communities where churches abound and where the schools are the best in the world, should have lent themselves to this crazy attempt at revolution and this passionate crusade of dishonor."

There are some respects in which these remarks of the senior Senator from Massachusetts [Mr. Hoar] need correction. Ne-braska is not a child of New England, however desirable that might be. The population of Nebraska is heterogeneous; our peo-ple come from every State and Territory in the Union. Many of them formerly resided in Bohemia, the German States, England, them formerly resided in Bohemia, the German States, England, Scotland, and Ireland, Sweden, Denmark, Norway, Italy, and, in fact, many came from different parts of the habitable globe. Many, it is true, came from New England, and, be it said to their lasting honor, they are true Nebraskans, and while they love New England as a child loves its parents, they are not blind to her faults nor her virtues. The population of Nebraska is rapidly becoming homogeneous, and all, regardless of birthplace, are deeply attached to the State and to its welfare and are keenly sensible of the necessity of her bearing a good name. They are, therefore, jealous of any imputation against it, and the senior Senator from Massachusetts was somewhat unguarded, to say the least, in saying, as he is reported to have said, that Nebraska engaged in a "crazy attempt at revolution and a passionate crusade of dishonor."

he is reported to have said, that Nebraska engaged in a "crazy attempt at revolution and a passionate crusade of dishonor."

Mr. President, Nebraska is a land of churches and schools, and they are among the best in the world. The Senator from Massachusetts does not find fault with our local institutions; he only grumbles, whines, and scolds because, in the exercise of an undoubted right of freemen, the electors of Nebraska saw fit, by a clear majority, to elevate to power members of the Populist party. He speaks of it as "this crazy attempt at revolution and passionate crusade of dishonor." Mr. President, Nebraska has never engaged in a revolution that was not pacific and lofty in its character and directly within the true province of a Christian government.

Massachusetts possesses nothing in Nebraska that should entitle her foremost man to speak of our people as the senior Senator

her foremost man to speak of our people as the senior Senator from that State has done. While we accord to Massachusetts her rights, and look upon her as an older and therefore a more compact and better-organized community than ours, we do not look to her for advice on a political, social, scientific, religious, or any

Nebraska can not justly have laid at her door the charge that Nebraska can not justly have laid at her door the charge that her citizens called or were represented in a convention that had for its chief purpose a treasonable plot to dissolve the Union. In the only great crisis in the history of our country, when Nebraska was a Territory, she gave as large a percentage of her population to the cause of the Union as any other State, and her soldiers were as valorous and chivalric as any that ever marched upon the field of battle. She has not engaged in a crusade of dishonor, and I regret that the venerable Senator from Massachusetts should permit himself to be led into such extravagant expressions.

I do not speak of this misrepresentation as strongly as I feel, but I must be permitted to say that it was an unwarranted, gratuitous, open, and flagrant insult to an honest, intelligent, poor,

tous, open, and flagrant insult to an honest, intelligent, poor, but struggling Christian people. Sir, the percentage of illiteracy in Nebraska is smaller than in Massachusetts. Her churches

in Nebraska is smaller than in Massachusetts. Her churches and schools, according to her population, are fully as numerous and as well equipped to impart Christian and secular education as are those of Massachusetts. Our charitable institutions are among the finest of the world; our people are industrious, economical, honest, intelligent, persevering, and loyal.

It can not be truthfully said of Nebraska that she joined in a crazy and dishonorable crusade to enforce the provisions of a brutal fugitive-slave law. Her people have never been guilty of mobbing one of their own citizens for no greater offense than raising his voice against oppression and wrong. The stillness of her atmosphere has not been broken by the appeals for assistance of cringing men and defenseless women and children, guilty of no offense but fleeing to her soil for freedom, only to be captured and placed in chains by her citizens and returned to servitude for a reward. Whatever may be said of Nebraska, she has not been guilty of any of these crimes against the laws of God and civilization. She has never dishonored her foremost citizen, when living, for extolling the cause of liberty, and placed wreaths on living, for extolling the cause of liberty, and placed wreaths on his grave, when dead, because he had been the friend of liberty. She has done none of these, and no dishonor of this kind attaches

to her name or imperils her glory.

What was the "crazy attempt at revolution and passionate cruşade of dishonor" of which the Senator from Massachusetts spoke. Nothing, sir, more than that a majority of the people of Nebraska, believing that silver is money of the Constitution, and that it should be coined at the ratio of 16 to 1, upon terms of equality with gold, saw fit to cast their ballots in November last for the elevation of one of her foremost citizens and the most brilliant orator of the age to the Presidency. Was there anything revolutionary in that? Was there anything dishonorable in it? Was it a "crusade of dishonor?" Sir, for eighty-one years of our national existence silver had been thus coined, and until it was

demonetized in 1873 by a "crazy attempt at revolution and a passionate crusade of dishonor," in which some of the representapassionate crusade of dishonor," in which some of the representative men of Massachusetts participated, and by which they sought to confiscate one-half the property of the debtor classes of the nation. If there can be more dishonor in public affairs, or in government, than the confiscation of the property of its citizens, directly or indirectly, I do not know where or in what direction it can be found. If Massachusetts possesses a monopoly of useful knowledge of the financial question, or any other, for that matter I have yet to learn the fact.

Mr. President, it is possible that a man can be born under an

matter I have yet to learn the fact.

Mr. President, it is possible that a man can be born under another sun and in another clime than that of Massachusetts and possess a modicum of intelligence and patriotism and learn the sharp line of demarcation between "revolution and a passionate crusade of dishonor" on the one hand, and lofty patriotism and a high sense of public and private duty on the other. I say, sir, it is possible, because I well understand that there are those who have been born and live in Massachusetts who have conceived a most bitter hatred for the West and everything Western, and who believe that neither good nor intelligence can be found in that section of the country. The patriotism of the people of Nebraska is as broad and limitless as her plains; their Christianity and sense of duty are as pure and untainted as her atmosphere. Neoraska is as broad and limitless as her plains; their Christianity and sense of duty are as pure and untainted as her atmosphere. Never thus far in the history of the State has she been guilty of dishonor, and never as long as intelligence is predominant and God reigns in the hearts of her people will she be guilty of anything that will place a stain upon her good name or that will cause her to be spoken of by honest, intelligent, and fair-minded men in a disparation recovery. men in a disparaging manner.

I shall not now speak at length respecting this matter, as I will at another time. I have only embraced the first opportunity presented to declare that Nebraska, though under the domination of the Populist party, will be true to her teachings and will be an honor to herself and the Union of which she is and will continue

Mr. President, it is an error to always look upon the accusing source as pure. Many times the accuser is more guilty than the accused. Shakespeare, who has given the world more useful knowledge than any other single individual, in my judgment, very aptly put the truth in this language:

The jury, passing on the prisoner's life, May in the sworn twelve have a thief or two Guiltier than him they try.

I may be permitted to add that it is not improbable that among those who accuse Nebraska and Kansas there may be found a few

those who accuse Nebraska and Kansas there may be found a few more guilty than those they try.

Mr. President, I assume that the doctrine of the resolution is so well understood by the people of this country, and especially by Populists, who are always abreast of the times and familiar with the latest and best thought on political and legal questions, that it will not be necessary for me to discuss it at length.

Section 10, Article I, of the Constitution declares, among other things, that no State shall pass any "law impairing the obligations of contracts." The States when they entered the Union surrendered this power. Of course no enlightened government would attempt the enactment of such a law, notwithstanding there might be no constitutional prohibition. Contracts are sacred; their obligation must not be impaired, and no one understands their obligation must not be impaired, and no one understands this more fully or more completely than the people of the West, nor have they the slightest desire to do so. It is the ambition of our people to get out of debt, to pay their honest obligations as rapidly as they mature in the utmost good faith and to the utmost farthing, and to enjoy an era of prosperity. They invite and will welcome new enterprises and new capital, and such enterprises and capital will be safe under the laws to be passed by the incoming legislature.

legislature.
I can not understand the motives that prompt accusations against the integrity of Nebraska and Kansas, or any other State, for that matter, that may have seen fit to elect Populist State officers. Sir, matter, that may have seen fit to elect Populist State officers. Sir, we are American citizens. We understand the duties and obligations imposed upon us as citizens, and we understand our rights as well. It is the desire of all having a habitation on the soil of Nebraska to make the State one of the brightest and best of the Union. May it not be possible that in the future history of our glorious country, when the greater republic is to be built, resting on the foundations of the present, Nebraska, with her teeming millions of intelligent people and her boundless natural and acquired resources, will be called on to take her full share of responsibility, as I trust she will be awarded her full measure of praise? And when that time comes we will shrink from no responsibility or when that time comes we will shrink from no responsibility or duty in contributing our full measure to the glorious result

Mr. President, Nebraska will successfully weather every gale that may be set her pathway. Her sturdy sons and fair daughters will not become discouraged and give way under imputations like those I have noticed. The battle for better conditions will be renewed and waged to its utmost to make her one of the foremost, as she is now one of the most important, States of the Union, and

it will be done under the administration of the Populist party, for the world should know that that party has come into power to administer the affairs of the State for numberless years to come. The Populists understand well that their legislation must be of a character that will meet the approval and judgment of all to enable it to continue in power. They understand well that whatever they may do this winter will be swept aside by a Republican administration unless it be of a character to meet with popular approval and to continue the party in power.

I have no utterances of complaint against any other section of the country. I am not prepared to charge any with disloyalty or

I have no utterances of complaint against any other section of the country. I am not prepared to charge any with disloyalty or with engaging in a "passionate crusade of dishonor" because they may not entertain my political opinions. I am willing to accord to every man and every commanity the right to think and act as they may see proper, so long as they do not trespass upon the like right of others, and I will not fail to do them justice here or elsewhere. I demand a like right for Nebraska. I trust the resolution will be adopted.

The VICE-PRESIDENT. The question is on agreeing to the resolution submitted by the Senator from Nebraska [Mr. ALLEN].

Mr. HOAR and Mr. GALLINGER. What is the resolution, Mr. President?

The VICE-PRESIDENT. The resolution will be read.

The Secretary read the resolution, as follows:

Resolved, That it is the settled doctrine in the United States of America that no State possesses constitutional power to impair the obligations of legal contracts, either by direct legislation or by legislation that withdraws all substantial remedies from their enforcement.

The VICE-PRESIDENT. The question is on agreeing to the

Mr. HOAR. I hope the Senate may be full when action is had.

I suggest the absence of a quorum.

The VICE-PRESIDENT. The Secretary will call the roll.

Mr. HOAR. The resolution seems to be reenacting the Constitution of the United States. My attention was called away from the Senator's speech, and there may be something in the resolution that is not apparent.

Mr. HARRIS. What is the pending question upon which the roll is to be called?

The VICE-PRESIDENT. A resolution has been submitted by the Senator from Nebraska [Mr. Allen], and the Chair will state that the absence of a quorum having been suggested, he has ordered a call of the roll of the Senate in order to ascertain whether a quorum is present. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

to their names:

The Control of the Co				
Aldrich,	Clark.	McMillan,	Pritchard.	
Allen.	Cockrell,	Martin.	Proctor,	
Bacon,	Elkins,	Mills.	Pugh,	
	FIRMS,		Tugu,	
Baker,	Frye,	Mitchell, Oreg.	Quay,	
Bate,	Frye, Gallinger,	Mitchell, Wis.	Roach.	
Berry,	Gear,	Morgan,	Shoup,	
Blackburn.	Hansbrough,	Murphy,	Stewart.	
Blanchard.	Harris,	Nelson.	Teller.	
Butler.	Hawley,	Palmer.	Thurston,	
	Liawiey,		THUISCOM	
Cameron,	Hill,	Pasco,	Turpie,	
Cannon,	Hoar,	Peffer.	Vest,	
Carter.	Jones, Ark.	Perkins.	Walthall,	
Chandler,	Lodge,	Pettigrew.	Wilson.	
Change ,	Mr. Dedd.	Dist	· · · · · · · · · · · · · · · · · · ·	

The VICE-PRESIDENT. Fifty-five Senators having answered

to their names, a quorum is present.

Mr. HOAR. I owe an apology to the Senator from Nebraska [Mr. ALLEN] for not having heard his address to the Senate, and I will make whatever confession of guilt should be made. My attention was called away by some person who wished to speak to me on important public business, and I was unable to listen to the Senator's remarks.

the Senator's remarks.

This resolution, if I understand it, seems to be a reenactment of the clause of the Constitution of the United States with the addition, which I suppose is entirely sound in principle, that no State has the right to interfere with the obligation of contracts by refusing proper remedies. But what particular thing the Senator has in mind which he wishes to meet by a reaffirmation of that important principle now, I should like to be informed.

I say again, it is rather trespassing upon the Senator's good nature when he has already done so; but if he will please state as briefly as he chooses the particular grievance or trouble he now has in mind, I should be glad to hear him.

Mr. ALLEN. I shall be glad to state, for the information of the senior Senator from Massachusetts, the particular grievance. The senior Senator from Massachusetts said, on the 23d of November, at a meeting of the Home Market Club, at Mechanics' Hall.

ber, at a meeting of the Home Market Club, at Mechanics' Hall,

It is certainly a sad thing to think that States like Kansas and Nebraska, children of New England, that have great farming populations, where we expect to find, if we find anywhere, sobriety, integrity, steadiness, conservatism, the great communities where churches abound and where the schools are the best in the world, should have lent themselves to this crazy attempt at revolution and this passionate crusade of dishonor.

He referred, as I understand, to the action of those States in the election of Bryan electors and Populist State tickets.

The Eastern press for a month or more has been full of insinuations and charges that it was the purpose of the Populist party in Kansas and Nebraska to ignore legal obligations, rights of property, rights of citizens, and to withdraw, if they could not do it in any other way, all substantial remedies for the enforcement of contracts. I have taken occasion in the remarks which I have just submitted, and to which I very much regret the Senator did not listen, to repudiate any assertions of that kind so far as the State of Nebraska is concerned. I undertook in those remarks to show that no class of people in the United States understand the sacredness of contracts and their obligations better than the Pop-

The people who are making these assertions against the State of Nebraska are doing themselves incalculable injury, and it is for the purpose of putting at rest in authoritative form, if that can be done, these accusations and to announce the known and declared purpose and policy of the Populist party in Kansas and Nebraska, purpose and poncy of the Populist party in Kansas and Nebraska, and elsewhere, for that matter, to observe the traditions and language of our Constitution in their legislation, and to do nothing which any fair-minded and honest man can truthfully say savors of repudiation or hostility, that I desire to have this resolution, coming from the Populist party or its representation in this Chamber, passed. Of course, it is merely declaratory of constitutional destrine.

Mr. HOAR. If the Senator from Nebraska desires to make a reaffirmation of the doctrine of common honesty and thinks the resolution is necessary for that purpose, for the reasons he has stated, I of course will not interfere with it.

Mr. ALLEN. So great in this country are the word and the opinion of the senior Senator from Massachusetts, so far-reaching, either for good or evil, are his utterances, that I believe it would be the safer and wiser policy to adopt the resolution. If this language had been used by almost any other Senator in this Chamber than the senior Senator from Massachusetts I do not think there

would have been any occasion for the resolution.

Mr. HILL. I suggest to my friend the Senator from Nebraska the propriety of amending the resolution, in the third line thereof, by striking out all after the word "either" and inserting the words "directly or indirectly;" so that it will read as follows:

Resolved That it is the settled doctrine in the United States of America.

Resolved, That it is the settled doctrine in the United States of America that no State possesses constitutional power to impair the obligations of legal contracts, either directly or indirectly.

contracts, either directly or indirectly.

I suggest that language instead of the phrase "by direct legislation or by legislation that withdraws all substantial remedies from their enforcement."

Mr. ALLEN. Those are the only two ways that a legislature could violate the constitutional provision. I have no objection to the amendment, however. I accept it.

Mr. HILL. The amendment, then, is agreed to, I understand? The VICE-PRESIDENT. Without objection, it will be considered as being agreed to.

ered as being agreed to.

Mr. PLATT. I should like to know how the resolution will read as it has been amended, and then perhaps I should like to make a single remark

The VICE-PRESIDENT. The resolution will be read as

amended.

The Secretary read as follows:

Resolved, That it is the settled dootrine in the United States of America that no State possesses constitutional power to impair the obligations of legal contracts, either directly or indirectly.

contracts, either directly or indirectly.

Mr. Platt and Mr. Aldrich addressed the Chair.

The VICE-PRESIDENT. The Senator from Connecticut.

Mr. Platt. Mr. President, it seems to me a very strange condition to which we have come that it should be supposed to be necessary for the Senate to pass a Senate resolution affirming any part of the Constitution of the United States. If we are going to do it, I think we had better do it in the language of the Constitution and not adopt any new language about it, or attempt to put and not adopt any new language about it, or attempt to put any Senatorial construction upon the language of the Constitu-tion of the United States. The function of construing the Con-stitution of the United States and determining the effect of its clauses rests with the Supreme Court and not with the Senate of the United States.

I am very much inclined to think I would vote against the resolution, or any resolution proposing that the Senate shall reaffirm the Constitution of the United States, either as a doctrine or as the Constitution itself. If I may be permitted to use a somewhat homely but direct phrase, I desire to express the opinion that this

Mr. ALDRICH. I rose for the purpose of making the same suggestion that has just been made by the Senator from Connecticut, and as the Senator from Nebraska has accepted the amendment suggested by the Senator from New York, I desire to ask him if he will be willing to accept a further amendment, so that the resolution, if further amended, will read as follows:

Resolved, That it is the settled doctrine of the United States of America that no State possesses constitutional power to pass any law impairing the obligation of contracts.

That puts it in the plain language of the Constitution; and if it is necessary to reaffirm the Constitution, it uses the language employed in that instrument itself.

Mr. ALLEN. I think the resolution as it stands now is pre-

cisely that.

cisely that.

Mr. ALDRICH. I think not. It contains the words "either directly or indirectly."

Mr. ALLEN. But that has all been withdrawn. I call for the reading of the resolution.

Mr. ALDRICH. I understood the Senator from New York to make that suggestion.

Mr. ALLEN. Oh, no; I call for the reading of the resolution as amended at the suggestion of the Senator from New York.

The VICE-PRESIDENT. The resolution as amended will be read.

read.

The Secretary read as follows:

Resolved, That it is the settled doctrine in the United States of America that no State possesses constitutional power to impair the obligations of legal contract, either directly or indirectly.

Mr. ALLEN. I am perfectly willing that the words "either directly or indirectly" shall be stricken out, if that will suit the Senator from Rhode Island.

Mr. ALDRICH. My suggestion is to use the precise language employed in the Constitution itself, in order that there shall be no

doubt about what we intend.

Mr. ALLEN. The resolution as it is now before the Senate uses

that language.

Mr. ALDRICH. No, the language of the Constitution is that no State shall * * * pass any * * * law impairing the "no State shall law impairing the pass any obligation of contracts."

Mr. ALLEN. Yes, that is the language used here.
Mr. ALDRICH. No, it is not the precise language. I suggest that if we are going to reaffirm the Constitution we should

use the precise language.

Mr. ALLEN. If there is a distinction between the language used by the Senator from Rhode Island and the language used by me in the resolution I fail to discover it. However, I am not par-

me in the resolution I fail to discover it. However, I am not particular about it. I am perfectly willing that the Senator from Rhode Island should have all the glory that will come to him in consequence of this substitute, and I will accept it.

Mr. ALDRICH. Very well.

Mr. ALLEN. I suppose the chief purpose of the Senator from Rhode Island is to rob the Populist party of the authorship of the resolution, but I am perfectly willing that he should do so.

Mr. MITCHELL of Oregon. I am very curious to know from the Senator from Nebraska the purpose of the resolution. For my part I can not imagine, to save my life, as was suggested by the Senator from Connecticut [Mr. Platt], why he should solemnly introduce a resolution into the Senato of the United States affirming a specific clause in the Constitution of the United States; and ing a specific clause in the Constitution of the United States; and I can not understand the purpose of the Senator. I should like to hear why he thinks it advisable that the Senate of the United States should select out a certain clause in the Constitution of the United States and declare by solemn resolution that that is the settled doctrine of the United States.

Mr. ALLEN. The Senator from Oregon certainly could not have

been in the Chamber when I delivered my remarks upon the reso-

Mr. MITCHELL of Oregon. I was not. I did not know that

the Senator had spoken to the resolution.

Mr. ALLEN. I have spoken at some length upon the subject. Mr. ALLEN. I have spoken at some length upon the subject. It has been charged, as I said in my previous remarks, by Eastern statesmen and the Eastern press that the elevation of the Populist party to power in Kansas and Nebraska was a passionate crusade of dishonor. It has been claimed and is being claimed to-day in certain sections of the Union that it is the purpose of the incoming legislatures of the States of Kansas and Nebraska to pass laws in the late the enforcement of legal obligations.

inimical to the enforcement of legal obligations.

Unfortunately for this country, there are some people ignorant enough to believe that that is true. Now, for the purpose of enlightening them so far as that can be done, and for the purpose of convincing the business people of this country that the elevaof convincing the Dishness people of this control has the interest tion of the Populist party, instead of being inimical to their interest, is really in favor of their true interest, as well as the interest of the masses, it was thought proper that this resolution should come from a Populistic source.

Mr. MITCHELL of Oregon. In other words, the purpose of the Senetar from Nebroske is simply to show that he as a promi-

Mr. MITCHELL of Oregon. In other words, the purpose of the Senator from Nebraska is simply to show that he, as a prominent member of the Populist party, is not in favor of violating the Constitution of the United States.

Mr. ALLEN. No, Mr. President. The Senator from Oregon is not skirmishing up to the line close enough. The purpose of the Senator from Nebraska is to show that the Populist party throughout the United States understands this question quite as well as does the Senator from Oregon or the Senator from any other State, and when the assertion is made, if it shall be made after this from

any source, through whatever motives may inspire the utterance, that it is the purpose of the Populist party in Nebraska or elsewhere to ignore contracts or to impair their obligations or to impair property rights the statement will be mendacious, because the truth will have been known before the utterance was made. I hope that is satisfactory to my friend the Senator from Oregon.

Mr. HOAR. Mr. President, I do not see how we shall know anything more about the opinion of the Populist party in consequence of the proposed resolution of the Senate. I was not aware that the Senate represented the Populist party, or that any Senator represented the Populist party. I supposed that Senators represented their States, without distinction of party, when they came here. It is the first time I ever heard of the Senate undertaking to define the opinions of particular political parties, or to make to define the opinions of particular political parties, or to make platforms or declarations, or, to use the phrase of the Senator from Nebraska, to skirmish up to the line in their favor. It seems to me it is introducing into the Senate what does not belong here, and is giving a new character to the Senate, making a very grave change in its constitutional purpose.

The Senate was intended by its framers to be above political parties; to be the final tribunal in which, after the clamor, anger,

parties; to be the final tribunal in which, after the clamor, anger, strife, and heat of political campaigns were over, where questions in reference to the well-being of the American people should be settled upon their merits without regard to popular anger or strife or discussion. It never was supposed by the framers of the Government that this was to be the place for political parties to be skirmishing for petty advantage, or that it was to be the place where speeches made in the canvass would be answered. Such purposes do not belong to this Chamber. They do not belong to the Senatorial character. They do not belong either to the dignity or the authority of the Senate; and while of course every Senator is supposed to believe and to intend to act upon every mandate of the instrument which he has sworn to support and to carry out in is supposed to believe and to intend to act upon every mandate of the instrument which he has sworn to support and to carry out in the highest good faith everything which the Constitution declares it to be his duty to carry out, it seems to me, I will not say that it is puerile, but trifling to bring in such matters here. I understand from the Senator from Nebraska that he referred to some utterance of mine. I do not think I have ever discussed

to some utterance of mine. I do not think I have ever discussed the question of the purposes of the State of Nebraska or of the Populist party there. I do not remember ever having alluded to the Populist party in a public speech during the recent campaign or at any other time, although, of course, it is not impossible that I may have done so without now remembering it. The utterance to which the Senator alluded spoke of the adhesion of the majority of the people of that State and other States—for which I expressed the highest respect—to certain political beliefs; States where schools abound, where churches abound, where the farming population is the backbone of the community, usually wise, conservative, sound, patriotic, observing public faith and regarding public honor.

honor.

The speech which I made was one made for the purpose of calling the attention of the business men of the community to which I belong to their faults, to their errors, to their mistakes. what I am willing to repeat anywhere, that the first thing to be done, if we wished to get the confidence of our brethren of the West, was for the business men of New England to lend their powerful influence to putting down the evils which have grown up in the business management of the country. I said that the unlawful management of railroads, that the careless and fraudulent deliver with rubble treats that the charges of converte powers. ful management of railroads, that the careless and fraudulent dealing with public trusts, that the abuses of corporate powers must stop if they expected to get the ear of their brethren in distant parts of the country in regard to their views on financial policies. That is what I said, and I said it at home, which was the fit place to say it, to people to whom I thought the lesson might be of some value. But, of course, I do not shrink or flinch from repetition of it. I did speak of the proposition to establish silver monometallism in this country without the help of other countries, to have a fluctuating, constantly shrinking standard of value for the payment of debts, foreign and domestic, as a passionate crusade of dishonor, and that I stand by here and everywhere else.

Mr. ALLEN. I am very glad to hear the senior Senator from Massachusetts express himself so plainly upon this question. It occurs to me that there is no reason why the resolution should

occurs to me that there is no reason why the resolution should not be adopted by the Senate unless the Republican party is perfectly willing to drift away from a doctrine which is a part and parcel of our Constitution.

I agree entirely with the Senator from Massachusetts that the I agree entirely with the Senator from Massachusetts that the Senate is not the place to represent political parties as such, but I must say in this connection that in the four years I have been a member of this body there never has been a day when the Senate was in session that political parties were not represented here in their highest and completest sense in the transaction of public business; and no one has participated in that to a greater extent than has the senior Senator from Massachusetts. He has fought and maneuvered for his party upon this floor from day to day.

I am speaking, Mr. President, in presenting this resolution, from a higher plane than merely as the spokesman, if I may call myself

such, of a political party. The senior Senator from Massachusetts deliberately uttered at a meeting of the Home Market Club on the 23d of November, the statement that the people of Nebraska and Kansas had engaged in a passionate crusade of dishonor; and now he stands here and repeats the statement in substance. He was not kind enough to distinguish between Republicans and was not kind enough to distinguish between Republicans and Democrats and Populists in those States, but the States as organ-ized communities came within the language used by him. I do not know of any right which the Senator from Massachusetts pos-sesses to stand in Boston or elsewhere and characterize the people of Nebraska with having engaged in a passionate crusade of dishonor. It strikes me that the language was unguarded, that it was intemperate in the extreme coming from a gentleman of his

age and experience in public life.

What interest does the Senator from Massachusetts possess in the State of Nebraska, or in the State of Kansas for that matter, which should permit him to speak of a million and a quarter of people as being engaged in a crazy crusade of passionate dishonor in casting their honest and intelligent votes for Bryan electors? Mr. Bryan is a citizen of the State, an honored citizen of the State; a Bryan is a citizen of the State, an honored citizen of the State; a citizen of whom any State in this Union ought to be proud; in my judgment the greatest popular orator who has occupied the attention of the people of the United States since the days of Webster and Clay; a man of good education and large experience, although young in years; a conscientious believer in the doctrine of bimetallism as he understands it and as I understand it. Would it not have been better for the Senator from Massachusetts and his associates to have accorded to Mr. Bryan and to the people of Nebraska the right to think and act as they saw fit, if they did it within the

Now, it is for the purpose of stamping, as far as I can, all such assertions as false that the resolution is introduced. I care not whether or not it is adopted here. The Senator from Massachusetts may oppose it with his great intellect and his great influence setts may oppose it with his great intellect and his great influence if he desires. I wished to bring this question to the attention of the people of this country, and to state that any statement that the people of Nebraska, or any statement that the Populist party, wherever triumphant, has the slightest desire or purpose to impair the obligation of contracts is a mere gratuitous and unwarranted assertion. To relieve the Senate of this matter I move the reference of the resolution to the Committee on the Judiciary.

Mr. ALDRICH. Before the resolution goes from the attention of the Senate I should like to inquire whether my amendment

was agreed to.

Mr. ALLEN. I accepted the Senator's amendment. The VICE-PRESIDENT. The Chair so understands.

Mr. PLATT. Before the resolution is referred to the committee

I should like to propose an amendment to it.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. It is proposed to add at the end of the resolution the following:

And that in the opinion of the Senate no law should be passed by Congress the effect of which will be to impair the obligation of contracts.

Mr. ALLEN. Let them both go as they are to the Committee

on the Judiciary.

Mr. PLATT. Perhaps the Senator will accept that amendment.

Mr. ALLEN. I do not want to reject it and I do not want to accept it. I suggest to the Senator from Connecticut that both the resolution and the amendment go to the Committee on the

Mr. PLATT. Very well. Mr. PEFFER. I assume Mr. PEFFER. I assume, Mr. President, that the object the Senator from Nebraska had in view in offering the resolution was to express his opinions concerning the charges which have been recently made in the newspaper press of the country and by some men of eminence in law and in politics that some of the Western States, and especially Nebraska and Kansas by name, are governed lawlessly; that they are under the rule of men whose natural political tendencies are in harmony, working together toward anarchy, toward the revocation of contracts, toward the nullification of law. The Senator has put his case mildly and decorously, as he always does, and now that the discussion seems to be taking a wide range I myself feel called upon to say something about it.

Some newspapers in New York City, Chicago, and other cities have taken occasion to go out of their way, outside of the legitimate course of journalism, in order to make political capital out of misfortunes that have befallen the Western people, and in doing so they have undertaken to brand us as men without honor, men without conscience, and that we are undertaking to rule the community through the power of revolutionary ideas.

So far as the State of Kansas is concerned, Mr. President, I think

1875 we were visited by a cloud of grasshoppers, when many of our wheat fields were absolutely denuded, trees stripped of their verdure, and whole farms were left destitute by the ravages of the devouring insects. I was a member of the State senate during the session of 1875 and 1876, and took an active part in rendering relief session of 1575 and 1576, and took an active part in rendering rener to our own people simply because of those troubles. But the relief took the form of a bill appropriating money out of the treasury, and at that time we had a surplus of some \$90,000. The bill did not pass. We made up our minds finally that we could take care of ourselves, and we did so. But during that session a bill was proposed to enact a stay law, so that judgments then in force might be stayed and that the time of the payment of debts might be postponed in order that the people might pass over another year and have an opportunity to meet their obligations without great loss. However, that bill was not passed, and so far as I can recollect there has never been a stay law passed in our State.

The only legislation of a character which might by any possible construction be regarded as interfering with the rights of creditors was one passed by the legislature in 1889. It was an act reducing the legal rate of interest from 7 per cent to 6 per cent. We had there, as I think they have in most of the Northwestern States, two limits to the rate of interest, one recognized as the legal rate, to be enforced when no stipulation had been made by the parties, and the other known as the contract rate, where persons may contract for a particular rate of interest, not to exceed the one named. At that time our legal rate was 7 per cent and our contract rate was 12 per cent. That law was repealed and another one enacted in its stead making the legal rate 6 per cent and the contract rate 10 per cent. That was done under the jurisdiction of a Republican administration. The Republican majority was overwhelming. It was before the birth of the Populist party. There were not to exceed five or six Democrats in both houses of the legislature. Kansas never has been regarded as good soil for Democracy, and it is not even yet. That was in 1889.

In 1890 came what was properly regarded as a political revolution in that State. In the election campaign of that year the Populists elected five members of Congress out of eight. They elected an overwhelming majority of the legislature, and we believed then and still believe that we elected our governor, or cast votes enough to elect him. But a Republican governor was inaugurated. During the session of the legislature which fol-lowed there was nothing of the character to which these newspapers allude. There was nothing revolutionary either proposed or enacted. There were no stay laws passed. There were no laws passed affecting the obligation of contracts in any way except it be in what I shall state; and I think lawyers who are listening to me will agree with me that there was no attempt to affect or no effect upon the obligation of contracts in that law. It was an act

authorizing mortgagors to redeem their lands when sold under foreclosure proceedings in court.

Mr. PLATT. After sale?

Mr. PEFFER. After sale. That remedy was proposed in the Republican State convention held the August preceding, if I remember correctly the month. A resolution was introduced giving it as the sense of the Republican party of the State that a redemption law allowing two years should be passed. It was finally compromised after a very full discussion by able men in that convention by making it one year; and as a further compromise the next legislature passed an act making the redemption period the next legislature passed an act making the redemption period eighteen months. That is all that was done in that respect. A question came up in the court afterwards whether the act applied to contracts already existing at the time the law was passed. The court held that it did not. Afterwards the chief justice resigned. His successor was appointed by the Republican governor; and during the administration of the chief justice appointed by the Republican governor in the chief justice appointed by the resulting the second of the chief justice appointed by the resulting governor and the chief justice appointed by the resulting governor and the chief justice appointed by the resulting governor and the chief justice appointed by the resulting governor and the chief justice appointed by the resulting governor and the chief justice appointed by the resulting governor and the chief justice appointed by the resulting governor and the chief justice appointed by the resulting governor and the chief justice appointed by the resulting governor and the chief justice appointed by the resulting governor and the chief justice appointed by the resulting governor and the chief justice appointed by the resulting governor and the chief justice appointed by the resulting governor and the chief justice appointed by the resulting governor and the chief justice appointed by the resulting governor and the chief justice appointed by the resulting governor and the chief justice appointed by the resulting governor and governor a Republican governor a similar case (perhaps the same one) was brought to the attention of the court again; and then by a majority of the court it was held that the law applied to existing contracts as well as to those in future. I remember the case came to the Supreme Court of the United States and the State court was over-

With those exceptions, there has been nothing attempted or enacted in any way affecting the relations between debtor and creditor in the State of Kansas.

Yesterday I stole an hour or two from the Lord (if I may be allowed that expression) and ran through the statutes of Kansas for 1893 and 1895-one day last week I had gone through the statutes for 1891-in order to ascertain whether there had been any such legislation as that enacted in our State without my knowledge, and I found absolutely nothing. On the other hand, I found that the legislature in several instances assisted cities in the refunding of their bonds and enabling them in different ways to pay their debts so that there should be no further difficulty about it. I know something about that State. I have lived there more than a quarter of a century, and from the beginning of that period until this time I have had more or less to do with the political conditions of the State. I remember very well that during the years 1874 and maturity the legislature, wherever it had the constitutional power. came to the rescue of the people in order that our debts might be

And now, Mr. President, once for all, I take occasion to say that the people of Kansas are an honest people. They are brave, generous-hearted people. I have here a number of newspaper extracts (which I will not trouble the Senate with reading, nor will I have them placed in the RECORD at this time, unless the discussion continues further) in which a large number of the newspapers in our State are taking up the cause of the people. If no other good comes out of this discussion it will be that our Republican friends in that State have finally come to the conclusion that through some of their own mismanagement, and through their partisan zeal, they have themselves injured the State by publishing to the world what the Populists were going

to do, for political purposes only.

Our people, I say, are an honest people. They are a brave and generous people. If anything has ever been given to them in the way of charity it has been repaid a thousandfold. I have in my way of charity it has been repaid a thousandfold. I have in my mind's eye now a train of twenty-odd cars going from the State of Kansas laden with corn for the succor of the people of the Ohio Valley in their distress at a time when the floods overtook them and destroyed their property. We have rendered assistance in many ways, in every available form, when it came in our way to do so. I do hope that these attacks made upon the honesty and integrity of our people will cease. I have here, as I said, a number of newspaper extracts in which this matter is brought to the attention of the people, and I think in every instance I have yet seen, with a single exception, the attacks are denounced as fraudulent and malicious; and these good people are standing up for their homes and for the honor of the folks at home.

The VICE-PRESIDENT. In the absence of objection, the reso-

The VICE-PRESIDENT. In the absence of objection, the resolution, with the proposed amendment, will be referred to the Committee on the Judiciary.

HOUSE BILLS REFERRED.

The following bills were severally read twice by their titles, and referred to the Committee on Claims:

A bill (H. R. 130) to carry out the findings of the Court of Claims in the case of Augustus P. Burditt; and

A bill (H. R. 2741) for the relief of Peter Cook, of Arkansas.

The bill (H. R. 7083) to prohibit the sale of intoxicating liquors in the Capitol building, and for other purposes, was read twice by its title, and referred to the Committee on Public Buildings and Grounds

The bill (H. R. 8413) to confirm certain cash entries of public lands was read twice by its title, and referred to the Committee

PROPOSED RESTRICTION OF IMMIGRATION.

The VICE-PRESIDENT. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be stated.

The SECRETARY. A bill laws of the United States. A bill (H. R. 7864) to amend the immigration

laws of the United States.

Mr. MITCHELL of Oregon. On the 5th day of June last the joint resolution (S. R. 6) proposing an amendment to the Constitution of the United States, providing for the election of Senators by the votes of the qualified electors of the States, was made a special order for to-day at 2 o'clock. I am not disposed, if it can be avoided, to antagonize nor displace the unfinished business, which is the immigration bill pending. I do desire, however, that some agreement can be had so that this special order shall hold its place and be considered at a very early day.

some agreement can be had so that this special order shall hold its place and be considered at a very early day.

Mr. MILLS. I wish to state to the Senator from Oregon and other Senators interested in the immigration bill that the Senator from Maryland [Mr. Gibson] has just been compelled to leave the Chamber on account of sickness. He was directed by his doctor to go home and take care of himself, and asked me to so state to the Senate. I hope this measure, in which he feels a very great interest, will be laid over until he comes back.

Mr. CHANDLER. I call the attention of the Senator from Texas to the fact that doubtless no one is disposed to speak upon the joint resolution proposing the election of United States Senators by the people. I do not understand from the Senator from

the joint resolution proposing the election of United States Senators by the people. I do not understand from the Senator from Oregon that such is the case; and necessarily, therefore, as the Senate will not be in a position to vote upon the joint resolution to-day, it must go over to another day. I hope the Senator from Oregon will not object to its going over another day; and then we can go on with the immigration bill.

Mr. MITCHELL of Oregon. I will state that so far as I am concerned personally, I do not desire to discuss the joint resolution further. I have discussed it at length on several occasions at previous sessions of the Senate. It has also been discussed at considerable length by Senators on both sides of the Chamber, by Senators favoring the constitutional amendment and by Senators opposing the amendment. I was in hopes that we might be able to reach a vote upon it; and unless some Senator indicates a de-

sire to discuss the joint resolution further I shall feel inclined to

move to take it up for the purpose of having a vote at this time.

Mr. CHANDLER. I have been pretty vigorously opposed to
the joint resolution, as the Senator from Oregon knows, and if it
is to be pressed to a vote there will be further debate upon it. I had supposed that this Populist idea would disappear after the election of last November. I hope that whenever it comes to be voted upon, if it is voted upon, the Republicans, the McKinley

voted upon, if it is voted upon, the Republicans, the McKinley Republicans, Silver Republicans, the Bryan Democrats, and the Palmer and Buckner Democrats will all vote against it, and leave no votes for this Populist proposition except the members of the Populist party in the Senate. It will be equally agreeable to me if the Senator from Oregon would drop the whole thing.

Mr. MITCHELL of Oregon. I can hardly see how the Senator from New Hampshire is justified in denominating it a Populist proposition, in view of the fact that a majority of Republicans upon the committee of which he is a distinguished member have joined in a report favoring the proposition, and in view of the further fact, as I think he will find when the matter comes to a vote, that more than one-half of the Republicans of the Senate are vote, that more than one-half of the Republicans of the Senate are

in favor of the proposition.

Mr. CHANDLER. The Republican members of the committee who joined with the Senator from Oregon were, in my judgment, overcome by the seductive influences of the Senator from Oregon overcome by the seductive influences of the Senator from Oregon and formed their opinion too hastily. I trust that, having been instructed by the result of the late election, they will now see that this proposition to overturn the ancient ways of the fathers, to change the Constitution for the first time in the history of the country, so far as the form of carrying on the Government is concerned, is wholly and utterly vicious. That is one reason why it will be necessary to delay the vote, in order to give the two Senators whom the Senator from Oregon persuaded to allow him to make this majority report (the report always having been against the measure prior to the present Congress) an opportunity to see the error of their ways and join in overwhelming the Senator's proposition by a vote of the Senate.

Mr. MITCHELL of Oregon. Having been complimented so highly in regard to the effect of my influence in committee and elsewhere, I am encouraged to persist in the hope, although perhaps it is a vain hope, that I may succeed ultimately in bringing the Senator from New Hampshire to a correct view of this proposition. If the Senator does not object I think I shall move to

sition. If the Senator does not object I think I shall move to proceed to the consideration of the joint resolution.

Mr. FRYE. That would displace the unfinished business, as

the Senator knows.
Mr. MITCHELL of Oregon. Such a vote would test the sense

of the Senate

Mr. CHANOLER. The Senator has always been entirely courteous in reference to the joint resolution, as those of us who are opposed to it have endeavored to be in return. I should prefer that the Senator would consent to let it remain where it is for a few days with a view of ascertaining whether further debate is needed.

Mr. MITCHELL of Oregon. As I stated in the outset, I hesitate to do anything that will displace the pending measure—that is, the immigration bill—because I favor it. In view of all the circumstances, I will ask the unanimous consent of the Senate that the joint resolution be made the unfinished business after House bill 3656, providing for free homesteads on the public lands in Oklahoma Territory for actual and bona fide settlers, and reserving the public lands for that purpose, which, by unanimous consent, is to come up, I understand, after the disposition of the

immigration bill.

Mr. CHANDLER. I am not willing to have the joint resolution made the unfinished business. The Senator from Massachusetts in charge of the immigration bill I do not now see in the Chamber. Why would it not be satisfactory to the Senator to make it the special order for next Monday at 2 o'clock? I suggest whether the special order prevails over the unfinished business. I imagine

it does not

Mr. FRYE. It does not. Mr. MITCHELL of Oregon. I desire to submit that question

Mr. Histories of Original Tuesday to Stability of the Presiding Officer.

Mr. CHANDLER. I admit the Senator can make the motion, of course, but, as I said, it would divide the Senate. I suggest to the Senator that until the debate is exhausted he ought not to divide the Senator on the question, and that he ought to be willing to make the joint resolution a special order for some day in the near future.

Mr. MITCHELL of Oregon. This thing of making special orders, I have discovered during my service in the Senate, does

not amount to very much.

Mr. FRYE. Not to anything.

Mr. MITCHELL of Oregon. It does not really amount to anything, as suggested by the Senator from Maine. Here is a special order solemnly made on the 5th of June last, and yet I am told,

and I believe it is the correct rule, that the unfinished business takes precedence and the special order falls. So, in view of all the circumstances, believing, as I firmly do, that I can move at any time I see proper when I can get the floor to take up this proposition, I simply give notice that at an early date, when opportunity presents, I shall move to proceed to the consideration of Senate joint resolution No. 6. That will enable the immigration bill to be disposed of at this time.

joint resolution No. 6. That will enable the immigration bill to be disposed of at this time.

Mr. PLATT. That course is best.

Mr. CHANDLER. The Senator is courteous, as usual.

Mr. QUAY. I do not know that I shall desire to discuss the joint resolution at any period of its progress through the Senate, and I rise merely to suggest to the Senator from Oregon that he be not hasty in calling it up and putting it upon its final passage, because it is possible that there may be a few occurrences in my own State which may be developed before the Senate which will reenforce his theory, and its passage may be assisted by permitting it to lie over.

Mr. LODGE. I ask for a statement of the amendment now

Mr. LODGE. I ask for a statement of the amendment now before the Senate.

Mr. GORMAN. I understand that the unfinished business, which is the immigration bill, is before the Senate.

The VICE-PRESIDENT. That is correct.

Mr. GORMAN. I wish to say to the Senator from Massachusetts that my colleague [Mr. GIBSON], who has taken very great interest in this measure, and had expected to participate in the debate to-day, and also in relation to the proposed amendments, is too ill to remain in the Chamber. Against the advice of his physician he came here, but was compelled to leave the cloakroom. He requested me to make this statement to the Senate and to ask the Senator from Massachusetts, in view of this fact, to permit the bill to go over. Senators on this side of the Chamber to ask the Senator from Massachusetts, in view of this fact, to permit the bill to go over. Senators on this side of the Chamber who saw my colleague to-day know that it was utterly impossible for him to remain here. I would not make the request except under the circumstances. I know how desirous the Senator from Massachusetts is to press the bill; but I ask him to let it go over until to-morrow, when I hope my colleague will be in condition to be present and participate in the debate.

Mr. LODGE. If an agreement can be made fixing a time before the holiday recess for a vote on the bill, I am perfectly willing to let it go over to-day. But I have postponed the bill over and over again. I postponed it last session to oblige the Senator from Maryland when he wanted to go to Annapolis one day; and I have tried

again. I postponed it last session to oblige the Senator from Maryland when he wanted to go to Annapolis one day; and I have tried to be as obliging as I possibly could be. The time is very short. I do not wish to press it unduly, but it is here and is stopping other business in the Senate. I am very anxious to have a vote of the Senate upon it. If we can come to an agreement to take a vote before the holiday recess, I shall be very happy to put it over

Mr. GORMAN. I suggest to the Senator then that he name some hour on Friday at which to take a vote upon the bill. I understand the resolution to adjourn for the holidays will not take effect until Tuesday of next week.

Mr. LODGE. A motion to adjourn over takes effect on Thursday, I understand.

Mr. HALE. I suggest to the Senator that he had better name Mr. HALE. I suggest to the Senator that he had better name Thursday rather than Friday, because it is the almost unbroken precedent of the Senate to adjourn at the beginning of a session from Thursday to Monday. The resolution which I submitted this morning was referred to the Committee on Appropriations.

Mr. GORMAN. I will suggest 4 o'clock Thursday.

Mr. HALE. That is better.

Mr. LODGE. That is entirely satisfactory to me, if an agreement can be made that the vote shall be taken on the bill and pending amendments at 4 o'clock Thursday.

Mr. HALE. Without further debate. I agree to that entirely. The VICE-PRESIDENT. The Senator from Massachusetts asks unanimous consent that the final vote be taken upon the bill and amendments, without further debate, at 4 o'clock on Thursday. Is there objection? The Chair hears none, and it is so ordered.

Mr. LODGE. Then, in compliance with the request of the Senator from Maryland, I am perfectly willing not to press the bill at this time, understanding that it keeps its place as the unfinished business.

The VICE-PRESIDENT. The bill will go over.
Mr. PLATT. There is a joint resolution, I think, lying on the table, which came from the House of Representatives.

The VICE-PRESIDENT. The Chair lays before the Senate the joint resolution indicated by the Senator from Connecticut.

Mr. FRYE. The immigration bill is informally laid aside.

Mr. MILLS. To be voted upon on Thursday.

The VICE-PRESIDENT. That is correct.

USE OF ALCOHOL IN THE ARTS.

The VICE-PRESIDENT laid before the Senate the amendments of the House of Representatives to the joint resolution (S. R. 162) continuing in force section 2 of the act approved June 3, 1896,

entitled "An act to repeal section 61 of 'An act to reduce taxation, to provide revenue for the Government, and for other purposes, which became a law August 28, 1894.

Mr. PLATT. I move that the Senate disagree to the amendments of the House of Representatives and request a committee of con-

ference on the disagreeing votes of the two Houses.

The motion was agreed to.

By unanimous consent, the Vice-President was authorized to appoint the conferees on the part of the Senate; and Mr. Platt, Mr. Aldrich, and Mr. Jones of Arkansas were appointed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. Browning, its Chief Clerk, requested the Senate to return to the House of Representatives the bill (H.R. 3771) for the relief of Stratton H. Benscoter.

The message also announced that the House had passed a con-He message also almounced that the House had passed a con-current resolution providing for the adjournment of the two Houses of Congress on Tuesday, the 22d day of December, 1896, until 12 o'clock meridian on Tuesday, January 5, 1897; in which it requested the concurrence of the Senate.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills:

A bill (H. R. 2604) to increase the pension of Caroline A. Hough, widow of Brig. Gen. John Hough; and

A bill (H. R. 4354) granting a pension to Mrs. Mary Gould Carr, widow of the late Brig. Gen. Joseph B. Carr, United States Volumers of the state of the states of unteers, deceased.

HOLIDAY RECESS.

Mr. CHANDLER. I ask the Chair to lay before the Senate the resolution from the House of Representatives in relation to the

holiday adjournment.

The PRESIDING OFFICER (Mr. Burrows in the chair). Chair lays before the Senate a concurrent resolution of the House of Representatives, which will be read:

The Secretary read the resolution, as follows:

Resolved by the House of Representatives (the Senate concurring), That when the two Houses adjourn on Tuesday, the 22d day of December, they stand adjourned until 12 o'clock meridian on Tuesday, January 5, 1897.

Mr. HALE. I move that that resolution be referred to the Committee on Appropriations.

The motion was agreed to.

CONSIDERATION OF PENSION BILLS.

Mr. SHERMAN. If there is no special business fixed for to-day, Is uggest that we take up the pension cases which are pending on the Calendar and proceed with their consideration. I believe there are a number of them.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and the first pension case on the Calendar will be

CELESTIA R. BARRY.

CELESTIA R. BARRY.

The bill (H. R. 1891) granting a pension to Celestia R. Barry was announced as first in order.

Mr. COCKRELL. What was done with the bill (S. 894) granting a pension to Nancy G. Allabach, which stands on the Calendar ahead of the bill the title of which has just been stated?

The PRESIDING OFFICER. The Chair understands that that bill was vetoed by the President, and has not been called up.

The bill (H. R. 1891) granting a pension to Celestia R. Barry was considered as in Committee of the Whole. It proposes to place upon the pension roll the name of Celestia R. Barry, widow of Claudius C. Barry, deceased, late a private in Captain Commor's Company, Bell's Regiment Mexican War Volunteers, and to allow her a pension of \$8 a month. her a pension of \$8 a month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM F. JOHNSON.

The bill (S. 2184) granting a pension to William F. Johnson was announced as next in order.

Mr. COCKRELL. That bill has been adversely reported, and I

do not know why it should not be indefinitely postponed, so as to

get it off the Calendar.

The PRESIDING OFFICER. The Chair understands that the bill was once indefinitely postponed and then that the vote by which it was indefinitely postponed was reconsidered and the bill placed upon the Calendar.

Mr. COCKRELL. Very well. Let it remain on the Calendar,

SARAH WEEDON JONES.

The bill (H. R. 1178) granting a pension to Sarah Weedon Jones was considered as in Committee of the Whole. It proposes to place upon the pension roll the name of Sarah Weedon Jones, former widow of John H. Weedon, deceased, who was a sergeant in Company I, Fourth United States Infantry, in the Mexican war, and to pay her a pension of \$8 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MRS. LUCY A. ALLEN.

The bill (H. R. 2969) to grant a pension to Mrs. Lucy A. Allen was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Mrs. Lucy A. Allen, widow of Capt. William R. Allen, late of Company C, Third Regiment Kansas Volunteer Infantry, and to pay her a pension of \$20 per

Mr. COCKRELL. Let the report be read in that case.
The PRESIDING OFFICER, The report will be read.
The Secretary read the report, submitted by Mr. GALLINGER
May 23, 1896, as follows:

The Committee on Pensions, to whom was referred the bill (H. R. 2969) granting a pension to Lucy A. Allen, have examined the same and report:

The report of the Committee on Invalid Pensions of the House of Representatives hereto appended is adopted, and the passage of the bill is recommended.

HOUSE REPORT.

The petitioner, Lucy A. Allen, is the widow of William R. Allen, late captain in Company C, Third Regiment Kansas Volunteers. She applied to the Pension Bureau for a pension, and her application was rejected upon the ground that her husband could not be recognized as in the service of the United States. The evidence shows that Captain Allen enlisted in said company and regiment, and was commissioned captain by the governor of Kansas on the 23d day of July, 1861.

The regiment rendered service and was under control of the United States officers until it was mustered out on the 14th day of February, 1862.

At the time the regiment was mustered out Captain Allen was a prisoner in the hands of the enemy, and he was mustered out or discharged at some later date.

The widow is very poor, having no means of support and no property. The committee therefore recommend the passage of the bill.

Mr. COCK RELLI. I should like to ask if the amount proposed

Mr. COCKRELL. I should like to ask if the amount proposed by the bill is the amount that is allowed by law to the widow of a

captain?

Mr. SHERMAN. I am not able to answer the question, but some member of the Committee on Pensions no doubt can do so.

Mr. PLATT. What is the amount named in the bill?

Mr. PLATT. What is the amount named in the bill?
Mr. COCKRELL. Twenty dollars.
Mr. HAWLEY and Mr. PLATT. That is a captain's pension.
The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

NANCY B. PRINCE.

The bill (H. R. 1827) granting a pension to Nancy B. Prince, widow of Elbert Prince, was considered as in Committee of the Whole. It proposes to place upon the pension roll the name of Nancy B. Prince, widow of Elbert Prince, late private of companies commanded by Captains Christmas and Spirey, Georgia Volunteers, Indian war of 1836, and to pay her a pension of §8 per

month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

PHCEBE M. WOOLLEY PALMETER.

The bill (H. R. 1599) granting a pension to Phœbe M. Woolley Palmeter was considered as in Committee of the Whole. It pro-Palmeter was considered as in Committee of the Whole. It proposes to place upon the pension roll the name of Phœbe M. Woolley Palmeter, daughter of Jonathan Woolley, who was a soldier and pensioner of the Revolutionary war, at \$12 per month. Mr. COCKRELL. Let the report in that case be read. The PRESIDING OFFICER. The report will be read. The Secretary read the report, submitted by Mr. Peffer May 26, 1896, as follows:

26, 1896, as follows:

The Committee on Pensions, to whom was referred the bill (H. R. 1599) granting a pension to Phoebe M. Woolley Palmeter, have examined the same and report:

and report.

The report of the Committee on Invalid Pensions of the House of Representatives hereto appended is adopted, and the passage of the bill is recom-

HOUSE REPORT.

HOUSE REPORT.

The claimant is a daughter of Jonathan Woolley, who served for sixteen months as a private in Captain Capron's company of Vermont Volunteers in the war of the Revolution. The soldier was a pensioner at the time of his death, in 1845, and his widow, Anna Woolley, drew a pension up to about 1858, when she died.

It is shown by the testimony of J. L. Short, Edward R. D. Mayne, and Albert L. York, citizens of Madison County, N. Y., that the claimant is about 80 years old, very infirm, and entirely without property or income, she being entirely dependent upon others for support.

It further appears that her husband, Russell Palmeter, died in 1890, and that she has since remained his widow; also that she is a woman of excellent character and one who enjoys the respect of everyone who knows her.

There are several precedents for the allowance of pensions to the aged and destitute daughters of Revolutionary soldiers, and in view of the facts stated above the passage of the bill is respectfully recommended.

Mr. COCKRELII. L have uniformly opposed similar bills and

Mr. COCKRELL. I have uniformly opposed similar bills, and have made a contest over a number of them, but finally they prevailed. I simply desire to place myself on record as opposed to

the principle involved in this bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ALICE V. COOK.

The bill (S. 3151) granting a pension to Alice V. Cook, of St. Paul, Nebr., invalid daughter of John Y. Cook, deceased, late of

Company B, Eighth Regiment Kansas Volunteer Infantry, was

Company B, Eighth Regiment Raises of three littles, was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "twenty-five" and insert "twelve;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place the name of Alice V. Cook, of St. Paul., Nebr., invalid daughter of John Y. Cook, deceased, late of Company D. Eighth Regiment Kansas Volunteer Infantry, on the pension roll of the United States at a monthly pension of \$12, to be paid as other pensions are paid under the general laws of the United States.

Mr. COCKRELL. Let the report be read in that case. The PRESIDING OFFICER. The report will be read. The Secretary read the report, submitted by Mr. Peffer May 26, 1896, as follows:

The Committee on Pensions, to whom was referred the bill (S. 3151) granting a pension to Alice V. Cook, of St. Paul, Nebr., have considered the same, and beg leave to submit the following report:

The record shows that said Alice V. Cook is the insane daughter of John Y. Cook, who enlisted on the 5th day of November, 1861, at Sabetha, Kans., as a private in Company D. Eighth Regiment of Kansas Volunteers, to serve three years. He was mustered in at Fort Leavenworth, November 9, 1861.

The records of the War Department show that said soldier died in the hospital at Fort Leavenworth on February 13, 1863, of smallpox, which disease he contracted while in the line of his duty and in the service of the United States.

he contracted while in the line of his duty and in the service of the United States.

The records also show that said soldier's widow, Serena Cook, applied for and was granted a pension at the rate of \$8 per month, which was stopped on the 28th day of January, 1864, when she remarried.

Said soldier left surviving him three children, namely: Alonzo, born April 22, 1855; Alice V., born September 27, 1858; Amos J., born August 9, 1861.

A pension of \$2 per month (pension certificate No. 107282) was paid to the mother of said soldier's children, now Serena Martindale, as guardian of said three children, until they respectively became 16 years of age. The \$2 per month for Alice V. Cook therefore ceased on the 26th day of September, 1874.

The evidence in this case shows that said Alice V. Cook is now, and has been since she was a small child, unable to take care of herself, having had epileptic fits ever since she was 2 years old. She has continued to be afflicted ever since, so that her mind has been weakened, and she is a large part of the time in the insane asylum, and is all the time in a helpless condition and requires the attention of some one to look after her. She has not now and never had any means of support of her own.

The father of said Alice V. Cook died while in the service of the United States, and it is reasonable to suppose that his last thoughts were about this poor, afflicted child, Alice, and it is but fair to presume that if this soldier had lived he would have provided a support for his unfortunate daughter.

There are many precedents where Congress has granted pensions to the poor, helpless, and dependent children of those who served in the United States, Army during the war.

Under the special circumstances of this case your committee recommend that the bill do pass when amended by striking out the words "twenty-five," in line 8, and inserting "twelve."

The PRESIDING OFFICER. The question is on the amendment reported by the Committee on Pensions.

The amendment was agreed to.
The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

CHARLES EDSON.

CHARLES EDSON.

The bill (S. 2481) granting a pension to Charles Edson was considered as in Committee of the Whole. It proposes to place on the pension roll, at \$50 per month, the name of Charles Edson, late a private in Company C, Fifth Regiment New Hampshire Volunteer Infantry.

Mr. COCKRELL. That bill proposed to pay \$50 a month to a private soldier. Let the report be read.

The PRESIDING OFFICER. The report will be read.

The Secretary read the report, submitted by Mr. Cannon May 26, 1896, as follows:

26, 1896, as follows:

The Secretary read the report, submitted by Mr. Cannon May 26, 1896, as follows:

The Committee on Pensions, to whom was referred the bill (S. 2481) granting a pension to Charles Edson, have examined the same and report:

The bill proposes to pension the petitioner at the rate of \$50 per month in lieu of the pension of \$12 per month which he now receives under the act of June 27, 1890.

The papers in the case show the pensioner to have served under the name of George Hancock as a private in Company C, Fifth New Hampshire Volunteer Infantry, from September 15, 1894, to June 23, 1865, and it does not appear that while serving therein he contracted any permanent disability. No claim for pension under the general law has ever been filed, but in May, 1892, an application under the act of June 27, 1890, was made, based on rheumatism, first noticed by claimant about 1879. A medical examination by the Ogden (Utah) board disclosed "progressive muscular atrophy" (claimant had erred in his description of his disability), which was then rated at "second grade" (\$30), but under the act claimed only \$12 per month could be allowed.

In March, 1896, and in support of the bill under consideration, a petition, signed by 29 citizens of Ogden, Utah, was filed, reciting that the pensioner was suffering from—

"Total disability to perform any kind of manual labor, inability to take care of himself, and requires the aid of an assistant the whole time, being unable to walk alone or to get up out of a chair without assistance; this condition was caused by progressive muscular atrophy, resulting in paralvsis of both hips and legs, and has existed for five years last past. The said Charles Edson is a poor man, has a family, is a good citizen, and in every way worthy."

There is also on file a certificate from the present president of the Ogden pension board of surgeons, dated February 17, 1896, stating:

"At this time he freferring to Mr. Edson] is totally disabled from performing any manual labor, by reason of locomotor ataxia. He will,

It will be observed that this certificate last quoted indicates a degree of helplessness which, if of conceded service origin, would entitle the petitioner to \$72 per month, but while the origin of the disabling cause is, in this case, confessedly obsqure the contention is not advanced that it should be attributed to the soldier's service.

The facts which influence the committee in their recommendation are the petitioner's honorable service in the Fifth New Hampshire Infantry, known to history as the "Fighting Fifth," having had 175 men killed out of the original 967, and of recruits (petitioner was one of these recruits) 120 killed out of 1,559, he having participated in the engagements before Petersburg in the autumn and winter of 1864-65, at Fort Steadman and Dinwiddie Court-House, Va., in March, 1865, and Sailors Creek and Farmville, Va., in April, 1865, his regiment during this period having been a part of the Second Corps; and it should be here noted that the soldier was but 19 years of age when he enlisted, and secondly, the petitioner's deplorable condition and the total inadequacy of his income to afford the necessaries incident to said condition. The prognosis of his disease is inevitably unfavorable, and a specialist on locomotor ataxia writes. "The average duration of this disease is seven years; recovery is scarcely to be hoped for;" therefore, in this case (the disease having now existed several years) a fatal termination at an early day is expected. Precedents exist for granting the relief sought by this bill, and in 1866 Congress passed bills H. R. 473 and 2771, for relief of William Boone and Francis Deming upon a showing of facts similar to those presented herein; and the present Congress in case of Francis E. Hoover (H. R. 1094) has recognized a like principle. As to the rate recommended, it can not be held to be an unusual one, since the present House Committee on Invalid Pensions and on Pensions have favorably passed, thus far, on 130 bills carrying a pension of \$50 or more per month.

Thi

The Committee on Pensions reported an amendment at the end of the bill, in line 7, after the word "Infantry," to insert "said pension to be in lieu of that which he now receives."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Charles Edson."

WILLIAM H. NESBITT.

The bill (H. R. 4361) to pension William H. Nesbitt was considered as in Committee of the Whole. It proposes to place upon the pension rolls the name of William H. Nesbitt, late a private in Company F, Second Illinois Cavalry, at \$30 per month, in lieu of pension heretofore granted.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ANNA P. JOHNSON.

The bill (S. 3210) granting a pension to Anna P. Johnson was considered as in Committee of the Whole. It proposes to place upon the pension roll the name of Anna P. Johnson, widow of Paul Johnson, late a private in Company I, Sixteenth Iowa Volunteers,

at \$12 per month.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

CHARLOTTE A. WELTON.

The bill (H. R. 3152) granting a pension to Charlotte A. Welton was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Charlotte A. Welton, widow of First Lieut. John A. Welton, late of Company E, Fifty-first Indiana Volunteers, and to pay her a pension of \$17 a month in lieu of the pension she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and pessed.

to a third reading, read the third time, and passed.

ANDREW R. LADD.

The bill (H. R. 6468) to increase the pension of Andrew R. Ladd was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Andrew R. Ladd, late a private in Company E, Thirtieth Regiment Wisconsin Volunteer Infantry, and to pay him a pension of \$12 per month in lieu of any pension he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading read the third time and record.

to a third reading, read the third time, and passed.

HIRAM P. PAULEY.

The bill (H. R. 986) for the relief of Hiram P. Pauley was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Hiram P. Pauley, late a private in the Morgan raid militia of Seventh Indiana Legion, and to pay to him

A pension of \$12 per month.

Mr. COCKRELL. Let the report be read in that case.

The PRESIDING OFFICER. The report will be read.

The Secretary read the following report, submitted by Mr.

Palmer May 26, 1896:

The Committee on Pensions, to whom was referred the bill (H. R. 986) for the relief of Hiram P. Pauley, have examined the same and report:

The report of the Committee on Invalid Pensions of the House of Representatives hereto appended is adopted, and the passage of the bill is recommended.

HOUSE REPORT.

The affiant, Hiram P. Pauley, was a member of Capt. Marion Blair's company of what was known as the Indiana Legion, a militia organization of the State of Indiana. During the Morgan raid the company was ordered to Indianapolis to prepare to meet the invading army. It went to the United States arsenal to secure arms, and the affiant among others was ordered to open the boxes containing arms for the company, and while so engaged in lifting a box of guns received a serious injury, producing hernia of a serious character. From this injury the claimant has never since recovered, and by reason thereof is rendered totally incapable of performing manual labor. He is now old and destitute. He can not be pensioned under the existing law for the reason that he was never mustered into the United States service.

Your committee believe that inasmuch as the claimant received his injury while in an organized company preparing to defend the country against an invading army he has just claims on that country for relief. They therefore report the bill back to the House with the recommendation that the bill do pass.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MRS. LAURA A. NELSON.

The bill (S. 2126) granting a pension to Mrs. Laura A. Nelson, was considered as in Committee of the Whole. The bill was reported from the Committee on Pensions, with an amendment, in line 5, before the word "dollars," to strike out "twenty-five" and insert "twenty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, at the rate of \$20 per month, the name of Laura A. Nelson, widow of the late Capt. Theodore Nelson, of the Twenty-sixth Michigan Infantry.

The amendment was agreed to.

Mr. COCKRELL. I move to add to the bill the words, "in lieu of the pension she is now receiving."

The amendment was agreed to.
The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read

the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Mrs. Laura A. Nelson."

MARY L. BACON.

The bill (H. R. 5400) to increase the pension of Mary L. Bacon, widow of the late George B. Bacon, late lieutenant-commander of widow of the late George B. Bacon, late neutenant-commander of the United States Navy, was considered as in Committee of the Whole. It proposes to pay to Mary L. Bacon, widow of the late George B. Bacon, lieutenant-commander, United States Navy, a pension of \$40 dollars per month during her widowhood, in place of \$30 per month, which she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading read the third time, and record.

to a third reading, read the third time, and passed.

SARAH ANN WIBLE.

The bill (H. R. 5311) granting a pension to Sarah Ann Wible was considered as in Committee of the Whole. It proposes to place upon the pension roll the name of Sarah Ann Wible, dependent mother of John Wible, deceased, late of Company B, First Indiana Heavy Artillery, at \$12 per month.

The bill was reported to the Senate without amendment, ordered

to a third reading, read the third time, and passed.

MARY PRINCE.

The bill (H. R. 1825) granting a pension to Mary Prince, widow of Ellis Prince, was considered as in Committee of the Whole. It proposes to place upon the pension roll the name of Mary Prince, widow of Ellis Prince, late corporal of company commanded by Captain Christmas, Georgia Volunteers, and late member of company commanded by Captain Spirey, Georgia Volunteers, both of Indian war of 1836, and to pay her a pension of \$8 per month, to continue during her widowhood.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

to a third reading, read the third time, and passed.

JACKSON OSBORN.

The bill (S. 3199) granting a pension to Jackson Osborn was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Jackson Osborn, late private of Company B, Forty-eighth Ohio Volunteer Infantry, at \$30 a month, in lieu of the pension he is now receiving.

The bill was reported to the Senate without amendment, ordered to be pension of the pension of the pension of the senate without amendment.

to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Jackson Osborn."

EDWARD STANLEY.

The bill (S. 3198) granting a pension to Edward Stanley was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Edward Stanley, who served as a private of Company G, Twelfth Regiment Maine Infantry Volunteers, at \$24 per month, in lieu of the pension he is now re-

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed. The title was amended so as to read: "A bill granting an increase of pension to Edward Stanley."

WILLIAM H. H. WRIGHT.

The bill (S. 2949) granting an increase of pension to William H. H. Wright, of McPherson, Kans., was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William H. H. Wright, of McPherson, Kans., late of Company G, Thirty-fifth Regiment Iowa Volunteer Infantry, at \$30 per month, in lieu of the pension he is now drawing.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed. RICHARD BROOKINS.

The bill (S. 1690) granting a pension to Richard Brookins was considered as in Committee of the Whole. It proposes to place on the pension roll, at \$12 per month, the name of Richard Brookins, who served under that name in Troops M and H of the Ninth Regiment of United States Cavalry from February 5, 1867, to February 5, 1872, and from January 2, 1882, to January 3, 1887, and under the name of Dick Spencer in Company K, One hundred and twenty-third United States Colored Troops, from October 12, 1864, to October 16, 1865.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ALVAH A. EATON.

The bill (S. 2267) granting a pension to Alvah A. Eaton was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 7, after the word "and," to strike out "rate him according to the degree of his disability, in lieu of the pension he is now drawing "and insert "grant him a pension at the rate of \$24 per month;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Alvah A. Eaton, late of Company A. Twenty-eighth New York Infantry Volunteers, and grant him a pension at the rate of \$24 per month.

Mr. COCKRELL. I move to amend the committee amendment by adding at the end of the bill the words "in lieu of the pension he is now receiving."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read

the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Alvah A. Eaton."

JAMES M. SIMERAL.

The bill (S. 2605) granting an increase of pension to James M. Simeral was considered as in Committee of the Whole. It proposes to place on the pension roll the name of James M. Simeral, late first lieutenant of Company L, First Iowa Cavalry, and to pay him a pension of \$30 per month, in lieu of the pension he is now

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

CELIA A. JEFFERS.

The bill (S. 2445) increasing the pension of Celia A. Jeffers to the sum of \$30 per month was considered as in Committee of the It proposes to increase the pension of Mrs. Celia A. Jef-Fers, widow of Aaron Jeffers, deceased, late sergeant of Company F, Nineteenth Regiment Michigan Volunteer Infantry, to \$30 per month, in lieu of her present pension.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

FRANKLIN C. PLANTZ.

The bill (S. 950) granting increase of pension to Franklin C. Plantz was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 5, after the word "Plantz," to strike out "of Hay Springs, Nebr.;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and is hereby, authorized and directed to increase the pension of Franklin C. Plantz, late corporal of Company C, Fifty-first New York Volunteer Infantry, to \$16 per month.

The amendment was agreed to.
Mr. GALLINGER. I suggest a further amendment, to insert at the end of the bill the words:

Said pension to be in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

SAMUEL A. SMITH.

The bill (S. 2702) granting an increase of pension to Samuel A. Smith was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an

amendment, in line 8, before the word "dollars," to strike out "fifty" and insert "thirty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Samuel A. Smith, late a private in Company C, Eighty-fourth Illinois Infantry, and grant him a pension at the rate of \$30 per month, in lieu of the pension he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in

ment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

CATHERINE E. O'BRIEN.

The bill (S. 1976) granting a pension to Catherine E. O'Brien was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Catherine E. O'Brien, of Omaha, Nebr., widow of George M. O'Brien, late major and brigadier-general, Seventh Iowa Cavalry Volunteers, and to pay her a pension of \$30 per month.

The bill was reported to the Senate without amendment, ordered to be processed for a third reading read the third time and pessed.

to be engrossed for a third reading, read the third time, and passed.

MARIA GIBBONS.

MARIA GIBBONS.

The bill (H. R. 2405) granting a pension to Maria Gibbons was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Maria Gibbons, widow of James Gibbons, late captain of Company B, First Battalion Arkansas State Militia, at \$20 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

RANSOM C. HAZELIP.

The bill (H. R. 5050) granting a pension to Ransom C. Hazelip was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Ransom C. Hazelip, who served with Company G, Eleventh Regiment Kentucky Infantry Volunteers, and was afterwards first lieutenant of Company B, Thirty-fifth Regiment Kentucky Mounted Infantry Volunteers, of the United States Army, in the late war of the rebellion, at \$30 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

LYDIA CHAPMAN.

The bill (S. 1881) granting a pension to Lydia Chapman was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions, with amendments, in line 6, before the word "mother," to insert "dependent," and in line 9, after the word "act," to insert "at \$12 per month;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he hereby is, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Lydia Chapman, dependent mother of Samuel J. Chapman, late an employee of the Quartermaster's Department, United States Volunteers, and to pay her a dependent pension from and after the passage of this act, at \$12 per month.

Mr. COCKRELL. Let the report in this case be read.
The PRESIDING OFFICER. The report will be read.
The Secretary read the report, submitted by Mr. PALMER May

26, 1896, as follows:

The Committee on Pensions, to whom was referred the bill (S. 1881) granting a pension to Lydia Chapman, have examined the same and report:

A similar bill was introduced in the House of Representatives during the present session, referred to the Committee on Invalid Pensions, reported favorably, and is adopted as a part of this report.

HOUSE REPORT.

According to the committee on Invalid Pensions, to whom was referred the bill (H. R., 4008) to pension Lydia Chapman, submit the following report:

Samuel J. Chapman was the minor son of the claimant. He was steersman on board the transport steamer B. M. Runyon, which was impressed by the Quartermaster's Department, United States Army, for the transportation of troops and stores on the Mississippi River in July, 1864. The boat was snagged and sunk about 100 miles above Vicksburg July 21, 1864, and Samuel J. Chapman drowned.

His mother was, at the time of his death, dependent upon him for support. The claimant, before marriage to Edmund Chapman, was a Miss Lydia Dryden, a daughter of William Dryden, a soldier in the Revolutionary war. She is a widow now, nearly 90 years of age, and without any property except a life estate in an old house in Upper Acton, Ill., so old and poor that for some years it has not had a tenant. She is dependent upon a feelbe unmarried daughter, who supports herself and mother by sewing.

The above facts appear from letters of the Auditor of the Treasury for the War Department and the Quartermaster-General, United States Army; a letter from the deceased, shortly before his death, informing his parents of the shipment by express of money to them; the evidence on file in the office of the Commissioner of Pensions, and by the statements of the sister of the deceased, given to the subcommittee.

The Commissioner of Pensions properly rejected claimant's claim for pension as dependent mother under the law on the ground that there was "no title, claimant's son not having been in the military or naval service of the United States."

Your committee believe that under the circumstances the deceased lost his life in the service of his country. Transports, whether chartered or impressed, were under military orders. They went, and were obliged to go, into the enemy's country. The claimant is needy; she was dependent on this son for support; he lost his life while at important work in the interest of

The PRESIDING OFFICER. The question is on agreeing to the amendments reported by the committee.

The amendments were agreed to.
The bill was reported to the Senate as amended, and the amend-

ments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ARMSTEAD M. RAWLINGS.

ARMSTEAD M. RAWLINGS.

The bill (H. R. 1062) to grant a pension to Armstead M. Rawlings, of Arkansas, was considered as in Committee of the Whole. It proposes to place on the pension roll at \$8 per month the name of Armstead M. Rawlings, who served as a private from September 30, 1836, to March 30, 1837, in Captain Bateman's company of Mounted Arkansas Volunteers, in the Sabine war.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

FRANCES E. HELFENSTEIN. The bill (H. R. 979) granting a pension to Frances E. Helfenstein was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Frances E. Helfenstein, widow of George W. Helfenstein, late first lieutenant and adjutant of the One hundred and seventy-third Ohio Volunteer Infantry, at \$17 per month.

The bill was reported to the Senate without amendment, ordered

to a third reading, read the third time, and passed.

ARMINDA WHITE.

The bill (H. R. 2358) for the relief of Arminda White, widow of Israel White, was considered as in Committee of the Whole. It proposes to place the name of Arminda White on the pension roll and to pay her a pension of \$20 per month as the widow of Israel White, captain of Twenty-fifth Ohio Infantry, said pension to terminate should the soldier be found to be alive.

The bill was reported to the Senate without amendment, ordered

to a third reading, read the third time, and passed.

LUCINDA RICKARDS.

The bill (H. R. 5393) for the relief of Lucinda Rickards, widow, and the minor children of John D. Rickards, deceased, was considered as in Committee of the Whole. It proposes to place on the pension roll, at the rate of \$12 per month, the name of Lucinda Rickards, the widow, and the names of Henry, Lon, and Frank, the children, of John D. Rickards, a private in Company A, Sixtyninth Regiment of Enrolled Missouri Militia, at the rate of \$2 per

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

NEIL M'NEIL.

The bill (H. R. 1820) granting a pension to Neil McNeil was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Neil McNeil, of Dayton, Minn., and to pay him a pension of \$12 a month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ORLEINA J. CLARK.

ORLEINA J. CLARK.

The bill (H. R. 4721) granting an increase of pension to Orleina J. Clark, of Louisville, Ky., was considered as in Committee of the Whole. It proposes to increase the pension of Orleina J. Clark, widow of the late George W. Clark, a soldier in the war with Mexico, from \$8 per month to \$20 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ISAAC H. WHETSEL.

The bill (H. R. 4720) granting an increase of pension to Isaac H. Whetsel, of Louisville, Ky., was considered as in Committee of the Whole. It proposes to increase the pension of Isaac H. Whetsel, late private in Company B, Second Regiment United States Cavalry, to \$16 per month, in lieu of the pension he now receives.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN COOMBS.

The bill (H. R. 950) granting increase of pension to John Coombs was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John Coombs, late a member of Company H, Second Regiment Illinois Light Artillery, at \$30 per month, in lieu of the pension he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time and reserved.

to a third reading, read the third time, and passed.

KATHERINE ZEIGENHEIM.

The bill (H. R. 2359) granting a pension to Katherine Zeigenheim, of Louisville, Ky., was considered as in Committee of the Whole. It proposes to place upon the pension roll the name of Katherine Zeigenheim, widow of Francis J. Zeigenheim, late private of Third Regiment of United States Dragoons, Mexican war, at \$8 per month. war, at \$8 per month.

The bill was reported to the Senate without amendment, ordered

to a third reading, read the third time, and passed.

JANE FISHER.

The bill (H. R. 4604) granting a pension to Jane Fisher was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Jane Fisher, widow of Henry Fisher, late private of Company B, Seventeenth Kentucky Cavalry, and to pay her a pension of \$8 per month.

The bill was reported to the Senate without amendment, ordered

to a third reading, read the third time, and passed.

MARY SPRAGUE.

The bill (S. 2916) granting an increase of pension to Mary sprague was considered as in Committee of the Whole. The bill was reported from the Committee on Pensions, with an

amendment, in line 7, before the word "dollars," to strike out "twenty-four" and insert "twenty;" so as to make the bill read:

Be it enacted, etc.. That the Secretary of the Interior be, and he is hereby, authorized and directed to place the name of Mary Sprague, a volunteer nurse in the late war, on the pension roll, subject to the provisions and limitations, of the pension laws, and pay her the sum of \$20 per month from and after the passage of this act, in lieu of the pension she is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amend-

ment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

BYRON COTTON.

The bill (H. R. 1022) to increase the pension of Byron Cotton was considered as in Committee of the Whole. It proposes to place upon the pension roll the name of Byron Cotton, late of Company A, Twenty-fourth Iowa Infantry Volunteers, at \$50 a month, in lieu of the pension he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

GEORGE V. BARNARD.

The bill (H. R. 6466) to increase the pension of George V. Barnard was considered as in Committee of the Whole. It proposes to increase the pension now allowed to George V. Barnard, late a private of Company E, Ninety-fifth Regiment Illinois Infantry Volunteers, to \$50 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MARY C. THOMPSON.

The bill (H. R. 3755) to increase the pension of Mary C. Thompson was considered as in Committee of the Whole. It proposes to increase the pension of Mary C. Thompson, widow of Dr. Fillmore Thompson, deceased, from \$12 to \$20 per month.

The bill was reported to the Senate without amendment, ordered to a third reading read the third time and nessed.

to a third reading, read the third time, and passed.

CATHARINE DARRAGH.

The bill (H. R. 1892) granting a pension to Catharine Darragh was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Catharine Darragh, widow of John Darragh, late a private in Company H, One hundred and tenth Pennsylvania Volunteer Infantry, and to pay her a pension of \$12 pen worth of \$12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

GEORGE W. PALMER.

The bill (S. 3094) granting an increase of pension to George W. Palmer was considered as in Committee of the Whole. It proposes to place on the pension roll the name of George W. Palmer, late a private of Company B, Tenth Regiment United States Infantry, at \$24 per month, in lieu of the pension he is now receiving. The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

AUGUSTUS G. CARY.

The bill (H. R. 4405) granting a pension to Augustus G. Cary was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Augustus G. Cary, late first lieutenant, United States Revenue Marine, and to pay him a pension of \$30 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

OLIVER P. SILVEY.

The bill (S. 877) granting an increase of pension to Oliver P. Silvey, was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 7, before the word "dollars," to strike out "twenty-four" and insert "twenty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Oliver P. Silvey, late of Company D, Forty-eighth Indiana Infantry, at the rate of \$20 a month, in lieu of the pension he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third-time, and passed.

RANSOM S. ANGELL.

The bill (S. 3152) granting an increase of pension to Ransom S. Angell, late private of Company G, First Regiment Wisconsin Cavalry, was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 7, before the word "dollars," to strike out "twenty-five" and insert "seventeen;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place upon the pension roll the name of Ransom S. Augell, late private in Company G. First Regiment Wisconsin Cavalry, and pay him a pension of \$17 per month, in lieu of the pension he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

MRS. ELIZA G. PYNE.

The bill (H. R. 3990) granting a pension to Mrs. Eliza G. Pyne was considered as in Committee of the Whole. It proposes to place on the pension roll, at \$20 per month, the name of Mrs. Eliza G. Pyne, widow of Charles M. Pyne, who was captain of unassigned company of the Forty-second Regiment United States

Infantry.

The bill was reported to the Senate without amendment, ordered the third time, and passed.

to a third reading, read the third time, and passed.

MARGARET J. YOUNG.

The bill (H. R. 9139) granting a pension to Margaret J. Young was considered as in Committee of the Whole. It proposes to place upon the pension roll the name of Margaret J. Young, dependent foster mother of John H. Jones, late a private in Company F, Twenty-fifth Illinois Volunteer Infantry, and to pay her a pension of \$12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

to a third reading, read the third time, and passed.

HENRY FARMER.

The bill (S. 396) granting a pension to Henry Farmer was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Henry Farmer, late private in Captain Chile's company, Second Regiment Tennessee Mounted Infantry, in Cherokee war

Mr. GALLINGER. I move to amend the bill by adding at the close "and pay him a pension at the rate of \$12 per month."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in

The bill was ordered to be engrossed for a third reading, read

the third time, and passed.

ROBERT SMALLS.

The bill (H. R. 1874) to place the name of Robert Smalls on the pension roll was considered as in Committee of the Whole. It proposes to restore to the pension roll the name of Robert Smalls late a pilot in the United States Navy, and to pay him a pension

of \$30 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MARY MARTIN.

The bill (H.R. 1890) granting a pension to Mary Martin was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Mary Martin, widow of James Martin, late a private in Company C, One hundred and twenty-fifth Regiment New York Volunteers, and to pay her a pension of \$12 per month. per month.

The bill was reported to the Senate without amendment, ordered

to a third reading, read the third time, and passed.

THERESA PEEBLES.

The bill (H. R. 4355) to increase the pension of Theresa Peebles, of Jefferson County, Ga., was considered as in Committee of the Whole. It proposes to increase the pension of Theresa Peebles, of Jefferson County, Ga., a widow of a soldier of the war of 1813, from \$12 to \$18 per month.

The bill was reported to the Senate without amendment, ordered

to a third reading, read the third time, and passed.

LENA D. SMITH.

Mr. VILAS. From the Committee on Pensions I desire to report back without amendment the bill (8.3381) granting a pension to Lena D. Smith, and I ask for its present consideration. I will state that a similar bill was passed at the last session by the Senate and I am informed also by the House, but it failed at the last moment of the session to receive the signature of the President.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to place upon the pension roll the name of Lena D. Smith, widow of Green Clay Smith, late colonel Fourth Kentucky Cavalry and brigadier-general United States Volunteers, and to pay to her a pension of \$60 per month.

\$60 per month.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

EXECUTIVE SESSION.

Mr. MORRILL. I move that the Senate proceed to the consid-

eration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After ten minutes spent in exec utive session the doors were reopened, and (at 3 o'clock and 30 minutes p. m.) the Senate adjourned until to-morrow, Tuesday, December 15, 1896, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate December 14, 1896. INTERSTATE COMMERCE COMMISSIONER.

Charles A. Prouty, of Vermont, to be an Interstate Commerce Commissioner, for the term ending December 31, 1901, vice Wheelock G. Veazey, resigned.

POSTMASTERS.

William M. Moss, to be postmaster at Bloomfield, in the county of Greene and State of Indiana, in the place of William L. Isen-

hower, removed.

Edward M. Wilson, to be postmaster at Buffalo Center, in the county of Winnebago and State of Iowa, the appointment of a postmaster for the said office having, by law, become vested in the President on and after October 1, 1896.

Lyman D. Thurston, to be postmaster at Leicester, in the county of Worcester and State of Massachusetts, the appointment of a postmaster for the said office having, by law, become vested in the President on and after October 1, 1896.

PROMOTION IN THE REVENUE-CUTTER SERVICE.

Second Lieut. Frank H. Dimock, of Massachusetts, to be a first lieutenant in the Revenue-Cutter Service of the United States, to succeed Henry B. Rogers, promoted.

JUSTICE OF THE PEACE.

Lewis I. O'Neal, of the District of Columbia, to be justice of the peace in the county of Washington, in the District of Columbia, to be assigned to the city of Washington.

PROMOTIONS IN THE NAVY.

Capt. George H. Perkins, United States Navy, retired, to be a commodore in the Navy, on the retired list, from the 9th day of

commodore in the Navy, on the retired list, from the 9th day of May, 1896.

Lieut. Commander John P. Merrell, to be a commander in the Navy, from the 1st day of November, 1896, vice Commander Frederick W. Crocker, deceased.

Lieut. Commander Joseph G. Eaton, to be a commander in the Navy, from the 10th day of November, 1896, vice Commander William B. Newman, retired.

Lieut. Charles P. Perkins, to be a lieutenant-commander in the Navy, from the 18th day of February, 1896, vice Lieut. Commander George W. Tyler, deceased.

Lieut. (Junior Grade) Daniel P. Menefee, to be a lieutenant in the Navy, from the 18th day of February, 1896, vice Lieut. Charles P. Perkins, promoted.

Lieut. (Junior Grade) Daniel P. Menefee, to be a lieutenant in the Navy, from the 18th day of February, 1896, vice Lieut. Charles P. Perkins, promoted.

Ensign Volney O. Chase, to be a lieutenant (junior grade) in the Navy from the 18th day of February, 1896, vice Lieut. (Junior Grade) Daniel P. Menefee, promoted.

Lieut. Benjamin H. Buckingham, to be a lieutenant-commander in the Navy, from the 28th day of February, 1896, vice Lieut. Commander Charles T. Hutchins, promoted.

Lieut. (Junior Grade) John H. Gibbons, to be a lieutenant in the Navy, from the 28th day of February, 1896, vice Lieut. Benjamin H. Buckingham, promoted.

Ensign George R. Slocum, to be a lieutenant (junior grade) in the Navy, from the 28th day of February, 1896, vice Lieut. (Junior Grade) John H. Gibbons, promoted.

Lieut. (Junior Grade) Thomas Snowden, to be a lieutenant in the Navy, from the 11th day of March, 1896, to fill a vacancy existing in that grade.

Ensign William G. Miller, to be a lieutenant (junior grade) in the Navy, from the 11th day of March, 1896, vice Lieut. (Junior Grade) Thomas Snowden, promoted.

Lieut. (Junior Grade) Edwin H. Tillman, to be a lieutenant in the Navy, from the 12th day of March, 1896, vice Lieut. William C. Babcock, deceased.

Ensign George W. Kline, to be a lieutenant (junior grade) in the Navy, from the 12th day of March, 1896, vice Lieut. (Junior Grade) Edwin H. Tillman, promoted.

Lieut. (Junior Grade) Robert F. Lopez, to be a lieutenant in the Navy, from the 1st day of April, 1896, vice Lieut. John O. Nicolson, retired.

Ensign John P. McGuinness, to be a lieutenant (junior grade) in the Navy, from the 1st day of April, 1896, vice Lieut. (Junior Grade) Robert F. Lopez, promoted. Lieut. (Junior Grade) Frank W. Kellogg, to be a lieutenant in the Navy, from the 3d day of April, 1896, vice Lieut. Alfred L.

Hall, deceased.

Ensign Joseph Strauss, to be a lieutenant (junior grade) in the Navy, from the 3d day of April, 1896, vice Lieut. (Junior Grade) Frank W. Kellogg, promoted.

Lieut. (Junior Grade) John L. Purcell, to be a lieutenant in the Navy, from the 29th day of April, 1896, vice Lieut. Hanson R.

Tyler, retired.
Ensign Charles S. Stanworth, to be a lieutenant (junior grade) in the Navy, from the 29th day of April, 1896 (subject to the examinations required by law), vice Lieut. (Junior Grade) John L. Purcell, promoted.

Lieut. (Junior Grade) Reuben O. Bitler, to be a lieutenant in the Navy, from the 29th day of April, 1896, vice Lieut. Samuel

Seabury, retired.

Ensign Robert L. Russell, to be a lieutenant (junior grade) in the Navy, from the 29th day of April, 1896 (subject to the examinations required by law), vice Lieut. (Junior Grade) Reuben O. Bitler, promoted.

Lieut. Commander Seth M. Ackley, to be a commander in the Navy, from the 4th day of May, 1896, vice Commander Felix McCurley, deceased. Lieut. Charles G. Bowman, to be a lieutenant-commander in the Navy, from the 4th day of May, 1896, vice Lieut. Commander Seth

M. Ackley, promoted.

Lieut. (Junior Grade) Herman G. Dresel, to be a lieutenant in the Navy, from the 4th day of May, 1896, vice Lieut. Charles G. Bowman, promoted.

Ensign Harrison A. Bispham, to be a lieutenant (junior grade) in the Navy, from the 4th day of May, 1896, vice Lieut. (Junior Grade) Herman G. Dresel, promoted.

Lieut. (Junior Grade) Harry Phelps, to be a lieutenant in the Navy, from the 10th day of May, 1896, vice Lieut. Jeremiah C.

Burnett, retired.

Ensign Armistead Rust, to be a lieutenant (junior grade) in the Navy, from the 10th day of May, 1896, vice Lieut. (Junior Grade) Harry Phelps, promoted.

Ensign George R. Evans, to be a lieutenant (junior grade) in the Navy, from the 9th day of June, 1896, vice Lieut. (Junior Grade) Benjamin E. Thurston, deceased.

Grade) Benjamin E. Thurston, deceased.

Commander Colby M. Chester, to be a captain in the Navy, from the 12th day of June, 1896, vice Capt. Allen V. Reed, promoted.

Lieut. Commander William W. Gillpatrick, to be a commander in the Navy, from the 12th day of June, 1896, vice Commander Colby M. Chester, promoted.

Lieut. William P. Potter, to be a lieutenant-commander in the Navy, from the 12th day of June, 1896, vice Lieut. Commander William W. Gillpatrick, promoted.

Lieut. (Junior Grade) Patrick W. Hourigan, to be a lieutenant in the Navy, from the 12th day of June, 1896, vice Lieut. William P. Potter, promoted.

P. Potter, promoted.

Ensign Edward W. Eberle, to be a lieutenant (junior grade) in the Navy, from the 12th day of June, 1896, vice Lieut. (Junior Grade) Patrick W. Hourigan, promoted.

Commander Charles E. Clark, to be a captain in the Navy, from the 21st day of June, 1896, vice Capt. Theodore F. Kane, retired.

Lieut. Commander Benjamin S. Richards, to be a commander the Navy from the 21st day of June, 1896, vice Capt. the Navy, from the 21st day of June, 1896, vice Commander Charles

Licut. William H. Beehler, to be a licutenant-commander in the Navy, from the 21st day of June, 1896, vice Licut. Commander Benjamin S. Richards, promoted.

Licut. (Junior Grade) John B. Bernadou, to be alicutenant in the

Navy, from the 21st day of June, 1896, vice Lieut. William H.

Beehler, promoted.
Ensign Charles M. McCormick, to be a lieutenant (junior grade) in the Navy, from the 21st day of June, 1896, vice Lieut. (Junior

Grade) John B. Bernadou, promoted.

Lieut. (Junior Grade) Homer C. Poundstone, to be a lieutenant in the Navy, from the 4th day of July, 1896, vice Lieut. William

in the Navy, from the 4th day of July, 1896, vice Lieut. William C. Strong, retired.

Ensign Glennie Tarbox, to be a lieutenant (junior grade) in the Navy, from the 4th day of July, 1896, vice Lieut. (Junior Grade) Homer C. Poundstone, promoted.

Lieut. Commander Benjamin F. Tilley, to be a commander in the Navy, from the 4th day of September, 1896, vice Commander John S. Newell, deceased.

Lieut. Giles B. Harber, to be a lieutenant-commander in the Navy, from the 4th day of September, 1896, vice Lieut. Commander Benjamin F. Tilley, promoted.

mander Benjamin F. Tilley, promoted.

Lieut. (Junior Grade) Albert A. Ackerman, to be a lieutenant in the Navy, from the 4th day of September, 1896, vice Lieut. Giles

in the Navy, from the 4th day of September, 1896, vice Lieut. Giles B. Harber, promoted.

Ensign William W. Gilmer, to be a lieutenant (junior grade) in the Navy, from the 4th day of September, 1896, vice Lieut. (Junior Grade) Albert A. Ackerman, promoted.

Lieut. (Junior Grade) Albert P. Niblack, to be a lieutenant in the Navy, from the 5th day of September, 1896, vice Lieut. Charles A. Bradbury, retired.

Ensign Robert E. Coontz, to be a lieutenant (junior grade) in the Navy, from the 5th day of September, 1896, vice Lieut. (Junior Grade) Albert P. Niblack, promoted.

Lieut. (Junior Grade) William Truxtun, to be a lieutenant in the Navy, from the 5th day of September, 1896, vice Lieut. Richard Mitchell, retired.

Ensign William H. G. Bullard, to be a lieutenant (junior grade) in the Navy, from the 5th day of September, 1896, vice Lieut. (Junior Grade) William Truxtun, promoted.

(Junior Grade) William Truxtun, promoted.

Commander Charles J. Barclay, to be a captain in the Navy, from the 1st day of October, 1896, vice Capt. James O'Kane, retired.

Lieut. Commander Harry Knox, to be a commander in the Navy, from the 1st day of October, 1896, vice Commander Charles J.

Barclay, promoted.

Lieut. Sumner C. Paine, to be a lieutenant-commander in the Navy from the 1st day of October, 1896 (subject to the examinations required by law), vice Lieut. Commander Harry Knox, promoted.

Lieut. (Junior Grade) Stokely Morgan, to be a lieutenant in the Navy, from the 1st day of October, 1896 (subject to the ex-aminations required by law), vice Lieut. Sumner C. Paine, pro-

moted.
Ensign Webster A. Edgar, to be a lieutenant (junior grade) in the Navy, from the 1st day of October, 1896, vice Lieut. (Junior Grade) Stokely Morgan, promoted.
Lieut. Commander Clifford H. West, to be a commander in the Navy, from the 11th day of October, 1896, vice Commander William W. Gillpatrick, deceased.
Asst. Naval Constructors Lloyd Bankson and John G. Tawresey, to be naval constructors in the Navy, from the 30th day of June, 1896.
Holden A. Evens a citizen of The Land

Holden A. Evans, a citizen of Florida; William P. Robert, a citizen of Mississippi; Daniel H. Cox, a citizen of New York; Thomas G. Roberts, a citizen of Alabama, and Lawrence S. Adams, Thomas G. Roberts, a citizen of Alabama, and Lawrence S. Adams, a citizen of Pennsylvania, to be assistant naval constructors in the Navy, from the 1st day of July, 1896.

P. A. Engineer James P. S. Lawrance, to be a chief engineer in the Navy, from the 5th day of June, 1896, vice Chief Engineer Jackson McElmell, retired.

Asst. Engineer Walter S. Burke, to be a passed assistant engineer in the Navy, from the 5th day of June, 1896, vice P. A. Engineer James P. S. Lawrance, promoted.

P. A. Engineer Isaac S. K. Reeves, to be a chief engineer in the Navy, from the 21st day of June, 1896, vice Chief Engineer Gilbert M. L. Maccarty, retired.

Asst. Engineer Oscar W. Koester, to be a passed assistant engineer in the Navy, from the 21st day of June, 1896, vice P. A. Engineer Isaac S. K. Reeves, promoted.

P. A. Engineer Wythe M. Parks, to be a chief engineer in the Navy, from the 27th day of June, 1896, vice Chief Engineer George F. Kutz, retired.

Navy, from the 27th day of June, 1896, vice Chief Engineer George F. Kutz, retired.

Asst. Engineer Edward L. Beach, to be a passed assistant engineer in the Navy, from the 27th day of June, 1896, vice P. A. Engineer Wythe M. Parks, promoted.

P. A. Engineer Frank H. Bailey, to be a chief engineer in the Navy, from the 27th day of June, 1896, vice Chief Engineer James W. Thompson, retired.

Asst. Engineer Herman O. Stickney, to be a passed assistant engineer in the Navy, from the 27th day of June, 1896, vice P. A. Engineer Frank H. Bailey, promoted.

P. A. Engineer George S. Willits, to be a chief engineer in the Navy, from the 4th day of July, 1896, vice Chief Engineer George W. Roche, retired.

Asst. Engineer Louis M. Nulton, to be a passed assistant engi-

Asst. Engineer Louis M. Nulton, to be a passed assistant engineer in the Navy, from the 4th day of July, 1896, vice P. A. Engineer George S. Willits, promoted. P. A. Engineer Walter F. Worthington, to be a chief engineer

P. A. Engineer Walter F. Worthington, to be a chief engineer in the Navy, from the 14th day of October, 1895, vice Chief Engineer John L. D. Borthwick, retired.

Asst. Engineer John B. Patton, to be passed assistant engineer in the Navy, from the 14th day of October, 1896, vice P. A. Engineer Walter F. Worthington, promoted.

Asst. Engineer George W. Danforth, to be a passed assistant engineer in the Navy, from the 15th day of November, 1896, vice P. A. Engineer Andrew McAllister, retired.

P. A. Paymaster John S. Carpenter, to be a paymaster in the Navy, from the 14th day of August, 1896, vice Paymaster Henry O. Machette, retired.

Asst. Paymaster Philip V. Mohun, to be a passed assistant paymaster in the Navy, from the 14th day of August, 1896, vice P. A. Paymaster John S. Carpenter, promoted.

Paymaster Daniel A. Smith, to be a pay inspector in the Navy, from the 10th day of October, 1896, vice Pay Inspector Worthington Goldsborough, retired.

P. A. Paymaster Livingston Hunt, to be a paymaster in the Navy, from the 10th day of October, 1896, vice Paymaster Daniel A. Smith, promoted

Asst. Paymaster Martin McMahon Ramsay, to be a passed assistant paymaster in the Navy, from the 10th day of October, 1896, vice P. A. Paymaster Livingston Hunt, promoted.
P. A. Paymaster John A. Mudd, to be a paymaster in the Navy, from the 1st day of November, 1896, vice Paymaster Henry T.

Skelding, retired.

Asst. Paymaster Guy G. Rodgers, to be a passed assistant paymaster in the Navy, from the 1st day of November, 1896 (subject to the examinations required by law), vice P. A. Paymaster John

to the examinations required by law), vice P. A. Paymaster John A. Mudd, promoted.

George G. Seibels, a citizen of Alabama, to be an assistant paymaster in the Navy, from the 31st day of August, 1896, to fill a vacancy existing in that grade.

Edmund W. Bonnaffon, a citizen of Pennsylvania, to be an assistant paymaster in the Navy, from the 7th day of November, 1896, to fill a vacancy existing in that grade.

Medical Inspector Daniel McMurtrie, to be a medical director in the Navy from the 3d day of Sentember, 1896, vice Medical

the Navy, from the 3d day of September, 1896, vice Medical Director David Kindleberger, retired.

Surg. John L. Neilson, to be a medical inspector in the Navy, from the 3d day of September, 1896, vice Medical Inspector Daniel

McMurtrie, promoted.

P. A. Surg. John M. Edgar, to be a surgeon in the Navy, from the 3d day of September, 1896, vice Surg. John L. Neilson, pro-

moted. P. A. Surg. Thomas C. Craig, to be a surgeon in the Navy, from the 14th day of October, 1896, vice Surg. Daniel M. Guiteras, retired.

P. A. Surg. Philip Leach, to be a surgeon in the Navy, from the 15th day of November, 1896, vice Surg. Alexander F. Magruder, retired.

George D. Costigan, a citizen of California, to be an assistant surgeon in the Navy, from the 11th day of August, 1896, to fill a vacancy existing in that grade.

Middleton S. Elliott, a citizen of South Carolina, to be an assistant surgeon.

vacancy existing in that grade.

Middleton S. Elliott, a citizen of South Carolina, to be an assistant surgeon in the Navy, from the 6th day of October, 1896, to fill a vacancy existing in that grade.

Frank L. Pleadwell, a citizen of Massachusetts, to be an assistant surgeon in the Navy, from the 24th day of October, 1896, to fill a vacancy existing in that grade.

Dudley N. Carpenter, a citizen of New Hampshire, to be an assistant surgeon in the Navy, from the 24th day of October, 1896, to fill a vacancy existing in that grade.

Daniel H. Morgan, a citizen of West Virginia, to be an assistant surgeon in the Navy, from the 27th day of November, 1896, to fill a vacancy existing in that grade.

The following-named graduates of the Naval Academy, to be ensigns in the Navy, from the 1st day of July, 1896, to fill vacancies existing in that grade on that date, viz:

Irvin V. Gillis, a citizen of New York.

Ridley McLean, a citizen of Tennessee.

Raymond Stone, a citizen of Alabama.

David F. Sellers, a citizen of New Mexico.

Charles Webster, a citizen of New Mexico.

Charles Webster, a citizen of New York.

Simon P. Fullinwider, a citizen of Missouri.

Lewis B. Jones, a citizen of New York.

Stephen V. Graham, a citizen of Missouri.

Ernest L. Bennett, a citizen of Massachusetts.

Fritz L. Sandoz, a citizen of Louisiana. Stephen V. Graham, a citizen of Michigan.

Ernest L. Bennett, a citizen of Massachusetts.

Fritz L. Sandoz, a citizen of Louisiana.

John McC. Luby, a citizen of Texas.

William P. Scott, a citizen of Pennsylvania.

Arthur G. Kavanagh, a citizen of Nebraska.

Carlton F. Snow, a citizen of Maine.

Charles S. Bookwalter, a citizen of Illinois.

Roscoe C. Bulmer, a citizen of Nevada.

Gilbert S. Galbraith, a citizen of Pennsylvania.

Roscoe Spear, a citizen of Pennsylvania.

Roscoe Spear, a citizen of Pennsylvania.

Robert W. McNeely, a citizen of North Carolina.

Walter S. Turpin, a citizen of Georgia.

William S. Whitted, a citizen of North Carolina.

Robert H. Osborn, a citizen of New York.

Walter J. Manion, a citizen of Louisiana.

George E. Gelm, a citizen of New York.

Clarence England, a citizen of Arkansas. Clarence England, a citizen of Arkansas. The following-named graduates of the Naval Academy, to be

assistant engineers in the Navy, from the 1st day of July, 1896, to fill vacancies existing in that grade on that date, viz:
John M. Hudgins, a citizen of Virginia.
Boling K. McMorris, a citizen of Alabama.
Alfred W. Hinds, a citizen of Alabama.
Roscoe C. Moody, a citizen of Maine.
Leland F. James, a citizen of Michigan.
Joseph M. Reeves, a citizen of Michigan.
Joseph M. Reeves, a citizen of Illinois.
Ignatius T. Cooper, a citizen of Delaware.
Henry T. Baker, a citizen of Ohio.
Frank Lyon, a citizen of Kentucky.
Hutch I. Cone, a citizen of Florida.
Emory Winship, a citizen of Georgia.
Edwin H. De Lany, a citizen of Tennessee.
First Lieut. Littleton W. T. Waller, United States Marine Corps, to be a captain in said corps, from the 14th day of June, 1896, vice Capt. Stephen W. Quackenbush, deceased.
Second Lieut. Albert S. McLemore, United States Marine Corps, to be a first lieutenant in said corps, from the 14th day of June, 1896, vice First Lieut. Littleton W. T. Waller, promoted.
Melville J. Shaw, a graduate of the Naval Academy and a citizen of Minnesota, to be a second lieutenant in the United States Marine corps, from the 1st day of July, 1896, to fill a vacancy existing in that grade.

States Marine corps, from the 1st day of July, 1896, to fill a vacancy existing in that grade.

CONFIRMATIONS.

Executive nominations confirmed by the Senate December 10, 1896. CONSULS.

Frank D. Hill, of Minnesota, formerly consul at La Guayra, to be consul of the United States at Santos, Brazil.
Samuel M. Simmons, of Texas, to be consul of the United States

at Piedras Negras, Mexico.

George E. Kedzie, of Mexico, to be consul of the United States at Durango, Mexico.

Paul Wiesike, of Texas, to be consul of the United States at

Managua, Nicaragua.

Horace L. Washington, of Texas, to be consul of the United States at Alexandretta, Syria.

Walter B. Barker, of Mississippi, formerly commercial agent at Sagua la Grande, Cuba, to be consul of the United States at that place.

HOUSE OF REPRESENTATIVES.

Monday, December 14, 1896.

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. HENRY N. COUDEN.

The Journal of the proceedings of Friday last was read and approved.

ENROLLED BILLS SIGNED.

Mr. HAGER, from the Committee on Enrolled Bills, reported

Mr. HAGER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

A bill (H. R. 2604) to increase the pension of Caroline A. Hough, widow of Brig. Gen. John Hough; and

A bill (H. R. 4854) granting a pension to Mrs. Mary Gould Carr, widow of the late Brig. Gen. and Byt. Maj. Gen. Joseph B. Carr, United States Volunteers deceased United States Volunteers, deceased.

Mr. DINGLEY. Mr. Speaker, I am instructed by the Committee on Ways and Means to present for immediate consideration a concurrent resolution relating to the holiday recess. The resolution was read, as follows:

Resolved by the House of Representatives (the Senate concurring), That when the two Houses adjourn on Tuesday, the 22d day of December, they stand adjourned until 12 o'clock meridian on Tuesday, January 5, 1897.

The concurrent resolution was adopted.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Platt, one of its clerks, announced that the Senate had disagreed to the amendments of the House of Representatives to the joint resolution (S. R. 162) continuing in force section 2 of the act approved June 3, 1896, entitled "An act to repeal section 61 of an 'Act to reduce taxation, the converge for the Government, and for other purposes." entitled "An act to repeal section 61 of an 'Act to reduce taxation, to provide revenue for the Government, and for other purposes,' which became a law August 28, 1894," and asked a conference with the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. Platt, Mr. Aldrich, and Mr. Jones of Arkansas as the conferees on the part of the Senate.

The message also announced that the Senate had agreed to the

amendment of the House of Representatives to the bill (S. 2306) to amend Title LX, chapter 3, of the Revised Statutes, relating to copyrights.

SENATE BILL REFERRED.

Under clause 2 of Rule XXIV, the following Senate bill was taken from the Speaker's table and referred as follows:

A bill (S. 3333) to amend an act entitled "An act making appro-

priations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes," passed finally June 3, 1896—to the Committee on Rivers and Harbors.

EASTERN JUDICIAL DISTRICT OF TEXAS.

Mr. COOPER of Texas. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 9469) to constitute a new division of the eastern judicial district of Texas, and to provide for the holding of terms of court at Beaumont, Tex., and for the appointment of a clerk for said court.

The bill was read, as follows:

The bill was read, as follows:

Be it enacted, etc., That the counties of Jefferson, Orange, Newton, Jasper, Hardin, Liberty, Tyler, San Augustine, Sabine, Polk, and San Jacinto shall constitute a division of the eastern judicial district of Texas.

SEC. 2. That terms of the circuit and district courts of the United States for the said eastern district of the State of Texas shall be held twice in each year at the city of Beaumont, on the first Mondays in June and December.

SEC. 3. That all civil process issued against persons resident in the said counties of Jefferson, Orange, Newton, Jasper, Hardin, Liberty, Tyler, San Augustine, Sabine, Polk, and San Jacinto, and cognizable before the United States courts, shall be made returnable to the courts, respectively, to be held at the city of Beaumont; and all prosecutions for offenses committed in either of said counties shall be tried in the appropriate United States court at the city of Beaumont: Provided, That no process issued or prosecution commenced or suit instituted before the passage of this act shall be in any way affected by the provisions hereof.

SEC. 4. That the clerks of the circuit and district courts for said district shall maintain an office in charge of themselves or a deputy at said city of Beaumont, which shall be kept open at all times for the transaction of the business of said division.

SEC. 5. That so much of all acts or parts of acts as are in conflict herewith are hereby repealed.

The SPEAKER. Is there objection to the present considera-

The SPEAKER. Is there objection to the present considera-

Mr. HOPKINS. Mr. Speaker, I will ask the gentleman presenting this bill whether it does not necessitate the creation of an additional Federal judge?

Mr. COOPER of Texas. It does not. This is a bill which

passed both Houses of Congress at the last session and went to the President, but reached him so late that he did not sign it. The matter has been passed upon twice by the Committee on the Judiciary. The bill does not provide for the appointment of an additional judge, but merely for the holding of court at another point in the district.

Mr. HOPKINS. Why is it necessary to have a new district

there?

Mr. COOPER of Texas. The bill does not make a new district; it simply makes a new division of the eastern district.

Mr. HOPKINS. All there is in it, then, is to take certain counties from one district and put them in another?

Mr. COOPER of Texas. No; it does not do that; it simply makes another division in the existing district. It does not interfere with any other district, does not take any counties from another district, but simply authorizes the holding of court at another district, but simply authorizes the holding of court at another point in the eastern district.

There being no objection, the bill was ordered to be engrossed and read a third time; and it was accordingly read the third time,

On motion of Mr. COOPER of Texas, a motion to reconsider the vote by which the bill was passed was laid on the table.

REQUEST FOR RETURN OF A BILL.

Mr. FENTON. Mr. Speaker, I ask unanimous consent for the present consideration of the resolution which I send to the desk. The resolution was read, as follows:

 ${\it Resolved},$ That the Senate be requested to return House bill 3771 to the House of Representatives.

The resolution was adopted.

DISTRICT BUSINESS.

M1. BABCOCK. Mr. Speaker, I ask unanimous consent for a special order that Thursday of this week be substituted for to-day so far as the consideration of District of Columbia business is concerned.

There was no objection, and it was so ordered.

Mr. BABCOCK. Now, Mr. Speaker, I ask to have a report printed as a House document in connection with a bill that will come up for consideration on Thursday. It is a letter from the Board of Commissioners of the District of Columbia to the House District Committee, relating to the extension of North Capitol street through the Prospect Hill Cemetery.

There was no objection, and the report was ordered to be printed.

BRIDGE ACROSS THE OUACHITA RIVER.

Mr. BOATNER. Mr. Speaker, Iask unanimous consent for the present consideration of a bridge bill (H. R. 6750) "to authorize

the mayor and city council of Monroe, La., to construct a traffic bridge across the Ouachita River opposite said city." I think it will hardly be necessary to read the bill at length. I ask that the report be read instead.

Mr. DINGLEY. Mr. Speaker, I think the bill ought to be read. The bill was read at length. The SPEAKER. Is there objection to the present consideration of this bill?

There was no objection.

An amendment recommended by the Committee on Interstate and Foreign Commerce, inserting after the word "Monroe," the words "and the police jury of the parish of Ouachita," was adopted.

The bill as amended was ordered to be engrossed and read a

third time; and being engrossed, it was accordingly read the third

The title was amended by adding the words "and the police jury of the parish of Ouachita" after the word "Monroe."

On motion of Mr. BOATNER, a motion to reconsider the vote by which the bill was passed was laid on the table.

JOHN J. GUERIN.

Mr. BINGHAM. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 8197) for the relief of John T. Guerin.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Navy be, and he is hereby, authorized and directed to amend the record in the case of Corpl. John Grant, discharged as corporal of the Marine Corps at Portsmouth, N. H., December 26, 1889, and grant him an honorable discharge in his rightful name, John J. Guerin.

The bill was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

The title of the bill was amended so as to read: "A bill for the relief of John J. Guerin."

relief of John J. Guerin."

On motion of Mr. BINGHAM, a motion to reconsider the vote by which the bill was passed was laid on the table.

CHARLES T. TROWBRIDGE, ETC.

Mr. FLETCHER. Mr. Speaker, I ask unanimous consent for the present consideration of the bill which I send to the desk, H. R. 7282, for the relief of Charles T. Trowbridge and others. The bill was read, as follows:

Be it enacted, etc., That Charles T. Trowbridge shall be held and considered to have been mustered into service as a captain, George D. Walker as a first lieutenant, and John A. Trowbridge as a second lieutenant, of the First Regiment of South Carolina (colored) Volunteers, on the 8th day of May, 1862; and the Secretary of the Treasury shall cause to be paid to them, out of any money in the Treasury not otherwise appropriated, the pay and allowances of their respective grades from said date until the 12th day of October, 1862, less any pay and allowances that they have already received as enlisted men for the same period.

The SDEANER LATER LATER TO SECRETARIES AND SECRETARIES

The SPEAKER. Is there objection to the present consideration

of this bill?

Mr. BLUE. Mr. Speaker, reserving the right to object, I should like to know something about this bill before I consent to its consideration at this time.

Mr. FLETCHER. Mr. Speaker, I ask that the report be read, as it will give the desired information.

The report (by Mr. MARSH) was read, as follows:

The Committee on Military Affairs, to whom was referred the bill (H. R. 3392) for the relief of Charles T. Trowbridge, George D. Walker, and John A. Trowbridge, having had the same under consideration, substitute therefor H. R. 7282, and recommend that the same do pass, and attach hereto and make a part of this report the War Department report.

H. R. 7282, and recommend that the same do pass, and attach hereto and make a part of this report the War Department report.

RECORD AND PENSION OFFICE, WAR DEPARTMENT, Washington City, March 11, 1896.

DEAR SIR: In returning herewith the papers left by you at the Department yesterday, relative to the pending bill (H. R. 3892) for the relief of Charles T. Trowbridge, George D. Walker, and John A. Trowbridge, I have the honor to advise you as follows, in compliance with your request for information relative to the service of these men:

Charles T. Trowbridge was a sergeant of Company F, First New York Engineers, and on May 8, 1862, he was detailed by General Benham to raise a company for a negro regiment. John A. Trowbridge was a corporal of Company F, First New York Engineers, and is reported as "detached for a negro regiment" on May 8, 1862. George D. Walker was a corporal of Company I, First New York Engineers, and was ordered on detached service some time in May or June, 1863. Although the exact date of the order and the character of his service are not shown, it is probable that he was detailed at about the same time the two Trowbridges were, and was engaged in recruiting for the same regiment of negro troops.

It appears that these men never returned to duty as enlisted men of the First New York Engineers, but that they all received commissions in the First South Carolina (colored) Volunteers on October 13, 1862, Charles T. Trowbridge being appointed a captain, George D. Walker a first lieutenant, and John A. Trowbridge a second lieutenant.

The regiment for which these men were engaged in recruiting did not complete its organization, but was disbanded by order of Major-General Hunter on or about August 10, 1862, and the records do not show what duty they were engaged upon until October 13, 1862, on which date they were appointed commissioned officers of the First South Carolina (colored) Volunteers, but it is to be presumed that they were employed in organizing that regiment.

Although these officers had

new regiments the governors of States should have authority to appoint a second lieutenant for each company to muster into service such recruits as might be enlisted by him, but that if he should fail to secure an organized company within such reasonable time as the governor might designate, his men might be transferred to some other company, his appointment be revoked, and he discharged without pay.

It is, of course, impossible to determine now how many men were recruited for the First South Carolina Volunteers by Captain Trowbridge, First Lieutenant Walker, and Second Lieut. John A. Trowbridge, but the fact that they were mustered into the service of the United States as commissioned officers of this regiment is evidence that their service in connection with the organization of it was satisfactory.

Although these men were all regularly appointed as commissioned officers on October 13, 1862, and were regularly mustered into service under their appointments, there was no authority of law for paying them as such prior to the date of their appointment, and consequently they merely received the pay of enlisted men from May 8 to October 13, 1862. The object of the pending bill is evidently to give to them for this period the difference between their pay as enlisted men and the pay which they would have received if they had been appointed and mustered into service as commissioned officers on May 8, 1862.

The bill is defective in that it proposes a "muster" to be made in a service that long ago passed out of existence, and of men who are no longer under military control. It is defective, also, in that it makes no appropriation out of which payment can be made, and directs that payment shall be made by an official who is not a disbursing officer of the Government, and who has no funds at his disposal. It is suggested, therefore, that the bill should be amended in these respects, and I transmit herewith a draft of a bill which will, if enacted into a law, accomplish all that is desired in this case.

Very respectful

F. C. AINSWORTH, Colonel, United States Army, Chief Record and Pension Office.

Hon. Loren Fletcher,
House of Representatives.

Mr. BLUE. Is the bill which the gentleman asks to have considered the substitute that was drafted by Colonel Ainsworth?
Mr. FLETCHER. It is.
The SPEAKER. Is there objection to the consideration of this

There was no objection.

The bill was ordered to be engrossed and read a third time; and

it was accordingly read the third time, and passed.

On motion of Mr. FLETCHER, a motion to reconsider the vote by which the bill was passed was laid on the table.

JOHN DUNCAN.

Mr. DOCKERY. I ask unanimous consent for the present consideration of the bill which I send to the Clerk's desk.

The bill (H. R. 4853) for the relief of John Duncan was read,

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to issue an honorable discharge to John Duncan, late of Company D, Twenty-fifth Missouri Infantry, and to correct his military record accordingly as it appears in the archives of the War Department.

The SPEAKER. Is there objection to the consideration of this

Mr. STEELE. Let us have the report read.

The Clerk proceeded to read the report; but before the reading was concluded,

Mr. STEELE said: I do not insist on the further reading of the

There being no objection, the House proceeded to the consideration of the bill, which was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

On motion of Mr. DOCKERY, a motion to reconsider the last vote was laid on the table.

ELLIS H. ROBERTS.

Mr. SHERMAN. I ask unanimous consent for the consideration of the bill (H. R. 596) for the relief of Ellis H. Roberts.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, directed to pay to Ellis H. Roberts, late assistant treasurer of the United States at New York City, N. Y., out of any moneys in the Treasury not otherwise appropriated, the sum of \$800, the said sum of money representing a loss incurred in the said office of said assistant treasurer, without default or negligence on his part, and made good to the Government by him.

There being no objection, the House proceeded to the disposi-tion of the bill, which was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed. On motion of Mr. SHERMAN, a motion to reconsider the last

vote was laid on the table.

GOVERNMENT RESERVATION, FORT SMITH, ARK.

Mr. LITTLE. I ask unanimous consent for the present consideration of the bill (S. 2923) for the better improvement of the Government reservation at the city of Fort Smith, in the State of

Arkansas, and for other purposes.

The bill was read.

The SPEAKER. Is there objection to the present consideration

Mr. STEELE. I think we ought to hear the report. I reserve the right to object. The Secretary of War, the Secretary of the Treasury, and the Secretary of the Interior all seem to be concerned in this matter.

Mr. LITTLE. I ask that the Clerk read the report.

The report was read.

The SPEAKER. Is there objection to the consideration of this bill?

Mr. DALZELL. It seems to me, Mr. Speaker, that this is too important a bill to be passed by unanimous consent, especially when the House is not paying attention to legislation. I object. PETER YOUNG.

Mr. CROWTHER. I ask unanimous consent for the present consideration of the bill (H. R. 6143) for the relief of Peter Young. The bill was read, as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized to correct the military record of Peter Young, late a private in Company K, Fifth Missouri State Militia Cavalry, by removing therefrom the charge of desertion.

The amendments reported by the committee were read, as

In line 3, after the word "authorized," add the words "and directed."
After the word "desertion," in the last line, add the following words: "And
grant him an honorable discharge as of the date when his regiment, the Fifth
Missouri State Militia Cavalry, was mustered out of service."

Mr. CROWTHER. I ask that the report be read. The SPEAKER. Pending the right to object, the report will

The report (by Mr. TRACEY) was read, as follows:

The report (by Mr. Tracey) was read, as follows:

The Committee on Military Affairs, to whom was referred the bill (H. R. 6143) for the relief of Peter Young, have had the same under consideration, and beg leave to report as follows:

Peter Young was enrolled to serve as a private in Company B of the Thirteenth Regiment of Missouri Volunteers on the 13th day of June, 1861, to serve three years. He was captured and paroled at Lexington, Mo., on the 20th day of September, 1861.

On February 24, 1862, he enlisted to serve in the war as a private in Company K, of the Fifth Missouri State Militia Cavalry, and was mustered into service May 12, 1862.

It is difficult to see how the charge of desertion ever came to be made against Young. There is no testimony showing that he was ever released from the parole given him by General Price at Lexington.

All the reports—company and regimental—report him as a paroled prisoner, and that for January and February, 1863, shows him present, with the remark, "At St. Louis to be exchanged." The regimental returns for April and May, 1863, show him absent at Benton Barracks, a "paroled prisoner." The company muster roll for May and June, 1863, shows him present.

The prisoners of war records at Benton Barracks show him present to January 29, 1863, when the remark appears opposite his name, "Sent to Lieutenant Gusson, commanding stragglers' camp."

Colonel Pennick, commanding the Fifth Missouri State Militia Cavalry, testifies that a careful reexamination of all retained copies of monthly reports and private memoranda as colonel of said regiment considered or marked as a deserter, and that at the time said regiment was discharged he was in good standing as a member of Company K and entitled, with the other members of said company and regiment, to an honorable discharge. His absence at any and all times was owing to the fact that he was a paroled prisoner of war, and if he was exchanged at any time prior to the muster out of the regiment, he, as commanding officer of said regiment, had

exchange or order, nor does no believe that Today was the exchange.

Your committee submit, in view of the testimony, that Peter Young was not a deserter, and the bill is therefore reported favorably, with a recommendation that it do pass with the following amendments:

In line 3, after the word "authorized," add the words "and directed."

After the word "desertion," in the last line, add the following words: "and grant him an honorable discharge as of the date when his regiment, the Fifth Missouri State Militia Cavalry, was mustered out of service.

There being no objection, the House proceeded to the consideration of the bill.

The amendments reported by the committee were agreed to.

The bill as amended was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

On motion of Mr. CROWTHER, a motion to reconsider the last

vote was laid on the table.

JACOB SCOTT.

Mr. BURTON of Missouri. I ask unanimous consent for the present consideration of the bill (H. R. 4360) for the relief of Jacob Scott.

The bill was read.

Mr. RICHARDSON. Let us hear the report in this case or let some explanation be made.

Mr. BURTON of Missouri. I think the reading of the report will sufficiently explain the bill.

The report was read.

The SPEAKER. Is there objection to the present consideration

of this bill? Mr. STEELE. I will ask the gentleman from Missouri [Mr. Burton] whether there is anything in this report showing that this matter has ever gone before the War Department?

Mr. BURTON of Missouri. I think not.

Mr. STEELE. Then I object.

A. A. HOSMER.

Mr. HENDERSON. I ask unanimous consent for the present consideration of the bill (H. R. 6533) for the relief of A. A. Hosmer. The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he hereby is, authorized to issue to Addison A. Hosmer a certificate of location in place of certificate No. K.9, issued in pursuance of the acts of Congress approved June 22, 1800, March 2, 1807, and June 10, 1872, upon proof of ownership and loss of

the same, as the Secretary of the Interior may deem proper, and the execution of a bond, with good and sufficient sureties, in double the market value of the certificate so to be issued, to be approved by the Secretary of the Interior, conditioned to indemnify the United States against the presentation by an innocent holder of the alleged lost certificate. And the certificate of location so to be issued shall have all the legal force and effect as had the original one, No. K 9.

Mr. RICHARDSON. I should like to hear some explanation of this bill.

this bill.

Mr. HENDERSON. I will state in brief that the bill simply authorizes the issuing of a duplicate certificate of location (the original having been lost), upon proof of ownership and the filing of a bond to indemnify the Government against all loss.

There being no objection, the House proceeded to the consideration of the bill, which was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

On motion of Mr. HENDERSON, a motion to reconsider the last yets was laid on the table.

last vote was laid on the table.

CURTIS P. WISE.

Mr. SMITH of Illinois. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 4223) for the relief of Curtis P. Wise.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to remove from the record of Curtis P. Wise, late a member of Company I, One hundred and twenty-eighth Regiment of Illnois Volunteer Infantry, any charge of desertion that may exist against him, and grant him an honorable discharge.

The Committee on Military Affairs recommend the adoption of the following amendment:

Add the words "to date March 31, 1863: Provided, That no pay, bounty, or allowance shall become due and payable by virtue of this act."

There being no objection, the bill was considered, the amendment recommended by the committee was agreed to, and the bill as amended ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

On motion of Mr. SMITH of Illinois, a motion to reconsider the

last vote was laid on the table.

VETO MESSAGE-LYDIA A. TAFT.

Mr. POOLE. Mr. Speaker, I desire to call up a privileged report from the Committee on Invalid Pensions, the bill (H. R. 577) granting a pension to Lydia A. Taft, with the veto message of the President, for immediate action.

The SPEAKER. The Chair desires to inform the House that

President, for immediate action.

The SPEAKER. The Chair desires to inform the House that the bill now presented is a bill which has been vetoed by the President. The Clerk will read the bill, and the question will then be taken, Shall the bill pass, the objections of the President to the contrary notwithstanding?

Mr. McMILLIN. Mr. Speaker, has this bill been referred to the committee, or does it stand on the veto as presented?

The SPEAKER. The Chair understands that it is a report from the Committee on Invalid Pensions.

Mr. McMILLIN. This is on a report of the committee?

The SPEAKER. It is. The Clerk will read the bill.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place upon the pension roll, subject to the provisions and limitations of the act of June 27, 1890, the name of Lydia A. Taft, as the widow of Lowell Taft, late a private in Company G, Eighteenth Regiment Connecticut Volunteers.

Mr. POOLE. Mr. Speaker— Mr. TURNER of Georgia. Mr. Speaker, I ask that the veto message of the President be read as a part of my remarks.

The SPEAKER. Does the gentleman from New York yield to

the gentleman from Georgia?

Mr. POOLE. I do.

The SPEAKER. The veto message of the President will be read as a part of the remarks of the gentleman from Georgia. The veto message is as follows:

To the House of Representatives:

To the House of Representatives:

I return herewith without approval House bill No. 577, entitled "An act granting a pension to Lydia A. Tatt."

In 1835 the beneficiary named in this bill became the wife of Lowell Taft, who afterwards enlisted in the Union Army as a private in a Connecticut regiment, and served from August. 1822, until June, 1865. The records of the War Department show that he was captured by the enemy June 15, 1863, and paroled July 14, 1863.

No application for a pension was ever made by him, though he lived until 1891, when he died at a soldiers' home in Connecticut.

No suggestion is made that he incurred any disability in the service, or that his death was in any manner related to such service.

In 1882, nearly twenty-four years after her marriage to the soldier and seventeen years after his discharge from the Army, the beneficiary obtained a divorce from him upon the grounds of his habitual drunkenness and failure to afford her a support.

It is now proposed, five years after the soldier's death, to pension as his widow the wife who was divorced from him at her own instance fourteen years ago.

A government's generous care for widows deprived of a husband's support and companionship by the casualties or disabilities of war rests upon grounds which all must cheerfully approve; but it is difficult to place upon these grounds the case of this proposed beneficiary, who has renounced a wife's

relation, with all its duties and all its rights, and who by her own act placed herself beyond the possibility of becoming the widow of her soldier husband. If, as stated in the report of the House committee on this bill, the beneficiary, for some reason, contributed something toward the soldier's support after her divorce and paid the expense of his burial, the fact still remains that this soldier died in a soldiers' home wifeless and leaving no one surviving who, claiming to be his widow, should be allowed to profit by his death.

GROVER CLEVELAND.

EXECUTIVE MANSION, May 20, 1896.

Mr. POOLE. I now ask for the reading of the report of the Committee on Invalid Pensions.

The report (by Mr. POOLE) was read, as follows:

Mr. TURNER of Georgia. Will the gentleman from New York

yield to me for a few moments?

Mr. POOLE. I will.

Mr. TURNER of Georgia. Mr. Speaker, in matters of this kind I have very rarely interfered, and should have said nothing to-day if it had not been that my friend who usually sits in front

of me, and who is my guide and mentor in pension cases—I mean the gentleman from Pennsylvania [Mr. Erdman]—is absent.

I desire to call the attention of the House to the fact recited in the President's veto, and not contradicted in the report of the committee, that this woman had cast off her husband on account

of his uselessness to her, and from him had obtained a divorce. It also appears that he died in a soldiers' home.

I submit, sir, whether a woman who has turned against her husband and kindly cast him off on account of his worthlessness ought to ask Congress to compensate her for his loss. [Laughter.] Under the circumstances, it scarcely appears that she can claim that she has been bereaved or damaged by his death.

I therefore feel that even in my position, as one who is under bonds for his good behavior, as it were, in these matters, I can afford to protest against the passage of this bill over the objections of the President.

Mr. POOLE. Mr. Speaker, I have said in the report which has been read here about all that I care to say upon this question. The fact is, as stated by the gentleman from Georgia, that Lydia Taft did obtain a divorce from Lowell Taft. She was his wife before the war. He served nearly four years and gave good service to the country, and no one has obtained a pension on his account. She is now old, nearly 60 years of age, absolutely destitute, and asks Congress to relieve her to the extent of what she would have been entitled under the act of 1890, as the report states,

had she remained his wife up to the time of his death.

It is true that she became compelled in order to save her life from his brutality to seek the protection of the laws of the State of Connecticut and obtain a divorce. No one can blame her for that. She, however, had an affection for that man that he did not fully deserve, and ever afterwards while he lived she did what she could toward clothing him, and finally, when he was cast off by all his own family and his friends and became an inmate of the Soldiers' Home of that State, she even then looked after his clothing, and when he died she brought his body home and gave it burial.

when he died she brought his body home and gave it burial.

Now, it seems to me that she is entitled, in equity, if not in law, to the same protection from the Government that she would have received had she remained his wife up to the time of his death, and that is all this bill asks. This does not establish a precedent. That has been established by acts of Congress years and years ago, and, as shown in this report, President Cleveland has signed will be of this character during this and his former term of office. bills of this character during this and his former term of office.

This is not a new thing for us to do. It is simply giving her the \$8 a month that she is entitled to in equity.

Mr. FOOTE. I should like to ask the gentleman from New York is he not, under a legal fiction, trying to establish the fact that drunkenness incurred in the Army is a disability acquired in the service, and therefore should be pensioned, and is not that a

bad precedent?

Mr. POOLE. No: it was a misfortune that this man came home as he did. He was not entitled to a pension under our laws on account of drunkenness, but he was in one sense a physical wreck. He was absolutely a wreck so far as working was con-

Mr. BAKER of New Hampshire. Mr. Speaker, this case is one which appeals, I think, to the kindly sentiments of every person who understands it. I have not always favored the granting of the pensions which have been approved by the House, but this is a bill which should receive, I apprehend, the entire concurrence of every person who loves justice. What are the facts? This widow was divorced; but why was she divorced? Not because of any fault on her part, but because her husband became a drunkwidow was divorced; but why was she divorced? Not because of any fault on her part, but because her husband became a drunkard through his service in the Army. He came home and neglected his duties, neglected to care for her, and abused her; abused her so that it was impossible for her to live with him any longer as his wife. The gentleman from Georgia [Mr. Turner] asks, Are we to compensate her because of the loss of such a man? That is not the whole question. The question is, in part, Shall we compensate her because she lost a good husband on account of his service in the Army, and because she lost companionship and support which would have been hers if it had not been for his service in the Army? We should compensate her, and we should give her in the Army? We should compensate her, and we should give her the pension which the President has vetoed. The fact that she herself lived an upright and honorable life and could not safely live with the man who was her husband only in name, but who had been a true and faithful husband before he went into the had been a true and faithful husband before he went into the Army, is the all-important fact. If no divorce had been obtained, if he had remained true and faithful to all the demands of his married life, and she had become dissolute, the law would have permitted her to come in at his death and get a pension.

In this case the reverse is true. The fault was all his, and none of it was hers, and the mere fact that she protected herself against his daysher bestelf it has all his discrete the fact that she protected herself against

his drunken brutality by obtaining a divorce, the fact that she took care of herself as a woman under those circumstances ought not, should not, in my judgment, weigh with this House against granting this pension. We grant pensions here which do not come under the terms of the general law. We grant them freely because of the equity which is in each case. Here is one which is full of equity in its every form and condition. I believe that it does not come with good grace from any of us to say that we will deny this pension to this woman, who did suffer the loss of her husband's companionship during the term he served in the Army,

and did submit to the great discomforts which he forced upon her for years after his return home, and who finally incurred the absolute loss of a good husband in consequence of his army service, simply because she did that which every honest, upright woman ought to do, namely, refuse to live with a man who treats

Mr. TURNER of Georgia. Was this harm or detriment which she suffered on account of her husband's service in the war incurred in the line of his duty?

Mr. BAKER of New Hampshire. It was incurred while he was a soldier, and I think my friend knows that on his side as well as on ours during the late war those disabilities were incurred. They were an incident of the army service.

Mr. TURNER of Georgia. Would the limitations of your pension laws as to disabilities incurred not in the line of duty include things like this?

sion laws as to disabilities incurred not in the line of duty include things like this?

Mr. BAKER of New Hampshire. They would not, and we are here to pass bills outside of the law, not inside the law, as the gentleman from Georgia well knows. Therefore, because the equity is all on the one side, and justice is all on the same side, we should, in my opinion, pension this woman.

Mr. LOUD. Will the gentleman yield for a question?

Mr. BAKER of New Hampshire. Certainly.

Mr. LOUD. I should like to ask the gentleman if he does not think now, while we propose to do equity by this poor widow, that

think now, while we propose to do equity by this poor widow, that it would be more equitable for us to reimburse her for the time after this man came out of the Army, for all the suffering and anguish that he caused her during the exercise of this brutality which he practiced upon her?

Mr. BAKER of New Hampshire. I presume she would be con-

Mr. BAKER of New Hampshire. I presume she would be content if she were compensated as this bill now provides; and if the gentleman wishes her to be compensated beyond that, and will introduce a proper bill, we will consider it at the proper time.

Mr. LOUD. That is rather an evasion of the question, Mr.

The SPEAKER. The question is, Will the House, on reconsideration, agree to pass the bill, the objections of the President to the contrary notwithstanding? And upon that, under the Constitution, the yeas and nays have to be called.

The question was taken; and there were—yeas 98, nays 85, not voting 172; as follows:

YEAS—98.

Abbott, Allen, Miss. Arnold, Pa. Bailey, Bartlett, Ga. Bell, Colo.

Berry, Black, Ga.

Black, Ga.
Blue,
Broderick,
Buck,
Burton, Mo.
Clardy,
Cobb,
Connolly,
Cooper, Tex.
Cox,
Crowther,
Daizell,
De Armond,
Dockery,
Evans,

Acheson, Adams, Aitken, Aldrich, T. H. Aldrich, W. F. Aldrich, Ill. Atwood, Avery,

Evans,

YEAS-98.			
Allen, Utah Anderson, Andrews, Apsley, Arnold, R. L Babeock, Baker, Md. Baker, N. H. Barney, Bishop, Brewster, Bromwell, Brown, Burton, Ohio Chickering, Clark, Mo. Codding, Colson, Cook, Wis. Cooke, Ill. Cooper, Wis. Cousins, Cuntis, Iowa.	Curtis, Kans. Curtis, N. Y. Daniels, Dolliver, Fenton, Fletcher, Foss, Gibson, Gillett, Mass. Graff, Griffin, Griswold, Grout, Hainer, Nebr. Handy, Hatch, Henderson, Hillborn, Hill, Hooker, Huff, Hunter, Jenkins, Johnson, Cal.	Johnson, Ind. Kerr, Kiefer, Layton, Leonard, Low, Mahany, Marsh, McCall, Mass. McLachlan, Minor, Wis. Moody, Otjen, Payne, Phillips, Pickler, Poole, Russell, Conn. Sauerhering, Shafroth, Sherman,	Southard, Sperry, Stahle, Steele, Stephenson, Stewart, N.J. Stewart, Wis. Stone, C. W. Stone, W.A. Strode, Nebr. Sulloway, Sulzer, Thomas, Van Horn, Van Voorhis, Watson, Ind. Watson, Ohio White, Wilson, Ohio Wood, Wood, Wright.
		COLUMN TO THE REAL PROPERTY OF THE PARTY OF	

	Sauerhering Shafroth, Sherman,
N	AYS-85.

Foote,	McCulloch,
Hager,	McLaurin,
Hall,	McRae.
Harrison,	Meredith,
Hepburn,	Miller, Kans.
Hepourn,	Miller, Kans.
Howard,	Milnes,
Hubbard,	Mondell,
Hulick,	Money,
Kyle,	Morse,
Lacey,	Neill,
Latimer,	Noonan,
Lawson,	Northway,
Lester,	Otev.
Livingston,	Owens,
Long,	Pearson,
Lorimer,	Pendleton,
Loud,	Powers,
Maddox,	Prince,
	Oning,
Maguire,	Quigg,
McCall, Tenn.	Richardson,
McClellan,	Russell, Ga.
McCreary, Kv.	Savers.

ary, my.	Dayer	31
NOT '	VOTING-	-172

Baker.	Kans.	Ben
Bankhe	ead,	Bing
Barhar	n,	Blac
Barret		Boat
Bartho		Bou
	tt, N.Y.	Bow
Beach,		Bros
Bell, Te	OX.	Bru

Strait,
Strowd, N. C
Talbert,
Tate,
Terry,
Tracewell,
Tucker,
Turner, Ga. Updegraff,
Warner,
Washington,
Williams,
Woodard.
Yoakum.

Settle, Shuford, Simpkins, Spalding,

Bull, Burrell, Calderhead, Cannon, Catchings. Clarke, A Cockrell,

Coffin, Hart,	Loudenslager,	Rusk,
Cooper, Fla. Hartman,	Mahon,	Scranton,
Corliss, Heatwole,	Martin,	Shannon,
Cowen, Heiner, Pa.	McCleary, Minn.	Shaw,
Crowley, Hemenway,	McClure,	Skinner.
Crump, Hendrick,	McCormick,	Smith, Ill.
Culberson, Henry, Conn.	McDearmon,	Smith, Mich.
Danford, Henry, Ind.	McEwan,	Snover,
Dayton, Hermann,	McMillin.	Sorg,
Denny, Hicks,	Meiklejohn,	Southwick,
De Witt, Hitt,	Mercer,	Sparkman,
Dingley, Hopkins,	Meyer,	Spencer,
Dinsmore, Howe,	Miles,	Stallings,
Doolittle, Howell,	Miller, W. Va.	Strong,
Dovener, Huling,	Milliken,	Swanson,
Draper, Hull,	Miner, N. Y.	Taft.
Eddy, Hurley,	Mitchell,	Tawney,
Ellett, Hutcheson,	Moses,	Thorp,
Ellis, Hyde,	Mozley,	Towne,
Erdman, Johnson, N. Dak	c. Murphy,	Tracey,
Fairchild, Jones,	Murray,	Treloar,
Faris, Joy,	Newlands,	Turner, Va.
Fischer, Kem,	Odell,	Tyler,
Fitzgerald, Kendall,	Ögden,	Wadsworth,
Fowler, Kirkpatrick,	Overstreet,	Walker, Mass.
Gamble, Kleberg,	Parker,	Walker, Va.
Gardner, Knox,	Patterson,	Wanger,
Gillet, N. Y. Kulp,	Perkins,	Wellington,
Goodwyn, Lefever,	Pitney, -	Wheeler,
Grosvenor, Leighty,	Price,	Wilber,
Grow, Leisenring,	Raney,	Willis,
Hadley, Lewis,	Ray,	Wilson, Idaho
Halterman, Linney,	Reeves,	Wilson, N. Y.
Harmer, Linton,	2001001	Wilson, S. C.
	Raynmin	
Harris, Little,	Reyburn, Robertson, La.	Woodman.

The following pairs were announced: Until further notice:

Mr. Huling with Mr. Stallings. Mr. Wellington with Mr. Cowen. For this day:

Mr. TRELOAR with Mr. SPARKMAN. Mr. Leisenring with Mr. Robertson of Louisiana.

Mr. BINGHAM with Mr. BOATNER.

The SPEAKER. On this question the yeas are 98, the nays 85. Two-thirds not having voted in the affirmative, the House refuses to agree to pass the bill.

MEMORIAL ASSOCIATION OF THE DISTRICT OF COLUMBIA.

The SPEAKER. The Chair desires to announce the appointment as members of the Memorial Association of the District of Columbia of J. W. Douglass and Gardiner G. Hubbard. ORDER OF BUSINESS.

The SPEAKER. The first thing in order is business of the

committees.

Mr. WILLIAM A. STONE. Mr. Speaker, I—
The SPEAKER. The gentleman from Massachusetts is recognized.

Mr. MORSE. Mr. Speaker, I ask for a completion of the vote pending on the bill (H. R. 1888) to further amend an act entitled "An act regulating the sale of intoxicating liquors in the District of Columbia," approved the 3d day of March, A. D. 1893, when the House adjourned.

The SPEAKER. The Clerk will report the title of the bill.

The Clerk read as follows:

A bill (H. R. 1888) to further amend an act entitled "An act regulating the sale of intoxicating liquors in the District of Columbia," approved the 3d day of March, A. D. 1893.

The SPEAKER. The question is on the engrossment and third

reading of the bill.

The question was taken; and the Speaker announced that the ayes seemed to have it.

Mr. BABCOCK. Division, Mr. Speaker.

The House divided; and there were—ayes 45, noes 23.

Mr. BABCOCK. No quorum, Mr. Speaker.

The SPEAKER. The gentleman from Wisconsin makes the

The SPEAKER. The gentleman from Wisconsin makes the point of no quorum.

Mr. SHERMAN. The yeas and nays.

Mr. MORSE. I ask for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 180, nays 31, not voting 194; as follows:

Aldrich, T. H.	Burrell.	Dolliver.	Hepburn,
			Hepourn,
Aldrich, W. F.	Burton, Mo.	Draper,	Hilborn,
Allen, Miss.	Burton, Ohio	Fenton,	Hitt,
Allen, Utah,	Chickering,	Foote,	Hopkins,
Andrews,	Clardy,	Fowler,	Howard,
Apsley,	Codding,	Gibson,	Howell,
Baker, Kans.	Connolly,	Gillet, N. Y.	Hubbard,
Baker, Md.	Cooper, Wis.	Graff,	Huff,
Baker, N. H.	Cousins.	Griffin.	Johnson, Cal.
Bell, Colo.	Cox,	Griswold,	Johnson, Ind.
Bell, Tex.	Curtis, Kans.	Grout,	Johnson, N. Dak.
Bishop,	Dalzell.	Grow.	Kerr.
Black, Ga.	Daniels.		Kirkpatrick,
Blue,	Dayton,	Hager, Hanly,	KITKPAUTICK,
Broderick,			Knox,
	De Armond,	Hatch,	Kyle,
Brown,	Dingley,	Heiner, Pa.	Lacey,
Bull,	Dinsmore,	Henderson,	Latimer,

Lawson, Leonard, Little, Loud, Loudenslager, Maddox, Martin, McCulloch, McDearmon, McLachlan, McLachlan, McLaurin, McKae, Miller, Kans. Milnes, Minor, Wis. Morse,	Moses, Mozley, Neill, Otey, Otjen, Payne, Phillips, Pickler, Powers, Prince, Pugh, Ray, Royse, Russell, Conn. Russell, Ga. Shafroth,	Sherman, Shuford, Smith, Mich. Spalding, Spencer, Sperry, Stahle, Stephenson, Stewart, N. J. Stewart, Wis. Stone, C. W. Stokes, Strait, Strowd, N. C. Talbert, Tate,	Tayler, Terry, Towne, Van Voorhis, Walker, Mass. Watson, Ind. Williams, Wilson, Ohio Wilson, S. C. Wood, Woodard, Woomer, Wright, Yoakum.
	N	AYS-31.	
433-44			Danman
Abbott, Babcock, Bailey, Bartholdt, Bartlett, Ga. Berry, Bingham, Buck,	Cobb, Crowther, Cummings, Hall, Hardy, Harrison, Hartman, Jenkins,	Layton, Maguire, Mahany, McClellan, Meredith, Mitchell, Noonan, Owens,	Pearson, Pendleton, Quigg, Richardson, Sayers, Sulzer, Washington.
	NOT V	OTING-194	
Acheson, Adams, Aitken,	Doolittle, Dovener, Eddy.	Leighty, Leisenring, Lester,	Rusk, Sauerhering, Scranton,
Aldrich, Ill.	Ellett.	Lewis,	Settle,
Anderson.	Ellis.	Linney.	Shannon,
Arnold, Pa	Erdman,	Linton,	Shaw,
Arnold, R. L. Atwood,	Evans, Fairchild,	Livingston, Long,	Simpkins, Skinner,
Avery	Faris,	Lorimer,	Smith, Ill.
Avery, Bankhead,	Fischer,	Low,	Snover,
Barham.	Fitzgerald,		Sorg,
Barney, Barrett,	Fletcher.	Marsh,	Sorg, Southard,
Barrett,	Foss, Gamble,	McCall, Mass.	Southwick.
Bartlett, N. Y.	Gamble,	McCall, Tenn.	Sparkman, Stallings,
Beach, Belknap,	Gardner, Gillett, Mass.	McCleary, Minn.	Stallings,
	Goodwyn,	McCormick	Stone W A
Black, N. Y.	Grosvenor.	Marsh, McCall, Mass. McCall, Tenn. McCleary, Minn. McClure, McCormick, McCreary, Ky. McEwan.	Steele, Stone, W. A. Strode, Nebr. Strong,
Boatner,	Hadley, Hainer, Nebr.	McEwan,	Strong.
Boutelle,	Hainer, Nebr.	McMillin,	Bulloway,
Bowers,	Haiterman,	Meiklejohn,	Swanson,
Brewster,	Harmer,	Mercer,	Taft,
Bromwell,	Harris, Hart,	Meyer, Miles,	Tawney, Thomas,
Brosius, Brumm,	Heatwole,	Miller, W. Va.	Thorp,
Calderhead,	Hemenway.	Milliken.	Tracewell
Cannon,	Hendrick, Henry, Conn. Henry, Ind.	Milliken, Miner, N. Y.	Tracev.
Catchings,	Henry, Conn.		
Clark, Iowa Clark, Mo.	Henry, Ind.	Money, Moody,	Tucker, Turner, Ga. Turner, Va. Tyler.
Clarke, Ala.	Hermann, Hicks,	Murphy,	Turner Va
1 Cookreall	Hill.	Murray.	Tyler.
Coffin, Colson, Cook, Wis.	Hooker,	Murray, Newlands,	Tyler, Updegraff, Van Horn,
Colson,	Howe.	Northway,	Van Horn,
Cook, Wis.	Hulick,	Odell,	Wadsworth,
Cooke, Ill.	Huling, Hull,	Ogden, Overstreet,	Walker, Va. Wanger,
Cooper, Fla. Cooper, Tex. Corliss,	Hunter,	Parker	Warner.
Corliss,	Hurley,	Patterson,	Warner, Watson, Ohio
Cowen,	Hutcheson,	Patterson, Perkins, Pitney,	weilington.
Crowley,	Hyde,	Pitney,	Wheeler
Crump,	Jones,	Poole, Price,	White, Wilber,
Culberson,	Joy, Kem,	Raney,	Willis,
Curtis, Iowa Curtis, N. Y.	Kendall,	Reeves,	Wilson, Idaho
Danford.	Kiefer,	Reyburn,	Wilson, Idaho Wilson, N. Y.
Denny, De Witt,	Kleberg.	Rinaker,	Woodman.
De Witt,	Kulp,	Robertson, La.	
Dockery,	Lefever,	Robinson, Pa.	

The following additional pairs were announced:

The following additional pairs were announced:
Until further notice:
Mr. Corliss with Mr. McMillin.
Mr. Hicks with Mr. Hart.
Mr. Harmer with Mr. Jones.
The following for this day:
Mr. Heatwole with Mr. Culberson.
Mr. Woomer with Mr. Bartlett of New York.
Mr. Kulp with Mr. Sorg.
Mr. Grosvenor with Mr. McCreary of Kentucky.
Mr. Loudenslager with Mr. Dockery.
Mr. Brumm with Mr. Ellett.

Mr. Brumm with Mr. Ellett.
Mr. Hill with Mr. Hendrick.
Mr. Lorimer with Mr. Hutcheson.
Mr. Wilber with Mr. Ogden.

Mr. Arnold of Pennsylvania with Mr. Price. Mr. Aldrich of Illinois with Mr. Bankhead.

Mr. Raney with Mr. Robertson of Louisiana.
The following on this vote:
Mr. Cannon with Mr. Turner of Georgia.
Mr. DOCKERY. Mr. Speaker, I am paired with the gentleman from New Jersey, Mr. Loudenslager, but I desire to be recorded

as present.

The SPEAKER. The gentleman will be so recorded.

Mr. FOOTE. Mr. Speaker, I desire to ask whether my colleague, Mr. BENNETT, is recorded.

The SPEAKER. He is not.

Mr. FOOTE. If he were present, he would vote against the bill.

Mr. NORTHWAY. Mr. Speaker, I desire to vote. I was present during the second roll call, but did not hear my name. The SPEAKER. Was the gentleman listening and did he fail

Mr. NORTHWAY. I was talking with the gentleman from Maine, Mr. Dingley. I intended to vote, but did not observe that

my name had been reached.

The SPEAKER. The gentleman can be marked "present."

Mr. BARTHOLDT. Mr. Speaker, I ask for the announcement

Mr. HAINER of Nebraska. Mr. Speaker, I desire to vote. The SPEAKER. Was the gentleman present and listening for his name

Mr. HAINER of Nebraska. I was not, but I should like very much to be permitted to vote on this question.

The SPEAKER. The gentleman can be marked as "present."

The SPEAKER. The gentleman can be marked as "present."
On this question the yeas are 132 and the nays are 31.

Mr. MAHANY. I make the point of no quorum, Mr. Speaker.
Mr. MORSE. I move a call of the House.
The SPEAKER. The rule provides for this contingency.
Mr. MAHANY. I move that the House do now adjourn.
The SPEAKER. If the gentleman will withhold that motion a moment, the Chair will have the rule read.
The fourth paragraph of Rule XV was read, as follows:

The fourth paragraph of Rule XV was read, as follows:

Whenever a quorum fails to vote on any question, and a quorum is not present and objection is made for that cause, unless the House shall dajourn, there shall be a call of the House, and the Sergeant-at-Arms shall forthwith proceed to bring in absent members, and the yeas and nays on the pending question shall at the same time be considered as ordered. The Clerk shall call the roll, and each member as he answers to his name may vote on the pending question, and, after the roll call is completed, each member arrested shall be brought by the Sergeant-at-Arms before the House, whereupon he shall be noted as present, discharged from arrest, and given an opportunity to vote and his vote shall be recorded. If those voting on the question and those who are present and decline to vote shall together make a majority of the House, the Speaker shall declare that a quorum is constituted, and the pending question shall be decided as the majority of those voting shall appear. And thereupon further proceedings under the call shall be considered as dispensed with. At any time after the roll call has been completed, the Speaker may entertain a motion to adjourn, if seconded by a majority of those present, to be ascertained by actual count by the Speaker; and if the House adjourns, all proceedings under this section shall be veacated. But this section of the rule shall not apply to the sessions of Friday night, until further order of the House.

The SPEAKER. Under the rule there will now be a call of the

The SPEAKER. Under the rule there will now be a call of the House, the Sergeant-at-Arms will proceed to bring in absent members, and the yeas and nays on the pending question will be considered as ordered. The Clerk will therefore call the roll and the responses will show whether the member is present or not, and will also show his vote upon the pending question. The Doorkeeper will close the doors.

Mr. BARTHOLDT. Mr. Speaker, I rise to a parliamentary in-

The SPEAKER. The gentleman will state it.
Mr. BARTHOLDT. My inquiry is whether a motion to suspend proceedings under the call would be in order at the present time, for the purpose of moving that the bill be recommitted to the Committee on the District of Columbia.

The SPEAKER. That motion would not be in order unless by

unanimous consent.

Mr. BARTHOLDT. I ask unanimous consent.

Mr. MORSE. I object. [Laughter.]

The roll was called; and there were—yeas 167, nays 52, answered "present" 18; as follows:

Acheson,	Cox,	Hill,	Miller, Kans.
Aitken.	Curtis, Kans.	Hitt,	Miller, W. Va.
Aldrich, T. H.	Dalzell,	Hooker,	Milnes,
Aldrich, W.F.	Daniels,	Hopkins,	Minor, Wis.
Allen, Miss.	Dayton,	Howard,	Mondell,
Allen, Utah	De Armond,	Howell,	Moody,
Andrews,	Denny,	Huff,	Morse,
Apsley,	De Witt,	Hulick,	Moses,
Baker, Kans.	Dingley,	Hull,	Mozley,
Baker, Md.	Dinsmore,	Johnson, Cal.	Neill,
Baker, N. H.	Doolittle,	Johnson, N. Dak.	Otey,
Barham,	Draper,	Kendall,	Otjen,
Bell, Colo.	Ellis,	Kerr,	Payne,
Bell, Tex.	Fenton,	Kirkpatrick,	Perkins,
Bishop,	Fletcher,	Knox,	Phillips,
Black, Ga.	Foote,	Kyle,	Pickler,
Blue,	Foss,	Lacey,	Pitney,
Boutelle,	Fowler,	Latimer,	Poole,
Bowers.	Gibson,	Lawson,	Powers,
Broderick,	Gillet, N. Y.	Lefever,	Prince,
Bromwell,	Gillett, Mass.	Linney,	Pugh,
Brown,	Goodwyn,	Little,	Ray,
Bull,	Graff,	Long,	Rinaker,
Burrell.	Griffin,	Loud,	Robinson, Pa.
Burton, Mo.	Griswold.	Maddox,	Royse,
Burton, Ohio	Grout,	Martin,	Russell, Conn.
Clardy,	Grow,	McCall, Mass.	Russell, Ga.
Clardy, Clark, Iowa	Hager,	McCormick,	Settle,
Clark, Mo.	Hanly,	McCulloch,	Shafroth,
Cockrell,	Hatch,	McDearmon,	Sherman,
Codding,	Henderson,	McLachlan,	Shuford,
Connolly,	Hepburn,	McLaurin,	Simpkins,
Cooper, Wis.	Hermann,	McRae,	Smith, Mich.
Cousins,	Hilborn,	Miles,	Snover,

229				
3	Spalding.	Stone, W. A.	Terry,	Williams,
9	Sperry,	Strait,	Tucker.	Wilson, S. C.
9	Stable,	Strong.	Tucker, Turner, Ga.	Wood,
l	Steele,	Strowd, N. C.	Tyler.	Woodard,
M	Stewart, N.J.	Sulloway,	Tyler, Van Voorhis,	Woomer.
, i	Stewart, N. J. Stewart, Wis. Stone, C. W.	Talbert.	Walker, Mass.	Wright,
d	Stone, C. W.	Tate,	Watson, Ind.	Yoakum.
3	Stokes,	Tayler,	Watson, Ohio	
9		1	TAYS-52.	
3	Abbott,	Hall,	McClellan,	Sayers,
1	Arnold, Pa.	Hardy,	Meredith.	Shannon,
	Babcock,	Harrison,	Mitchell,	Southard,
	Bailey, Bartholdt,	Hartman,	Money,	Sulzer.
3	Bartholdt,	Henry, Ind.	Noonan,	Taft.
8	Bartlett, Ga.	Hunter,	Overstreet,	Tawney,
3	Belknap,	Jenkins,	Parker,	Thomas.
	Boatner,	Kiefer,	Pearson,	Tracewell,
,	Buck,	Layton,	Pendleton,	Van Horn,
혦	Cooke, Ill. Crowther,	Lorimer,	Quigg, Reeves,	Wanger,
8	Cummings,	Maguire, Mahany,	Richardson.	Warner,
9	Curtis, Iowa	Marsh,	Sauerhering,	Washington, White.
8	Cur dis, 10 ma	Diatel,	badernering,	William.
9		ANSWERED	"PRESENT"-18.	
9	Anderson,	Corliss,	Heatwole,	Sparkman,
9	Bingham,	Dockery,	McCreary, Ky.	Tracey,
3	Black, N.Y.	Dolliver,	McMillin,	Treloar.
9	Brewster,	Evans,	Northway,	
8	«Cannon,	Hainer, Nebr.	Owens,	
		NOT V	70TING-118.	
9	Adams,	Dovener,	Kem,	Reyburn,
쾳	Aldrich, III.	Eddy,	Kleberg,	Robertson, La.
8	Arnold, R. I.	Ellett.	Kulp,	Rusk,
a	Atwood,	Erdman.	Leighty,	Scranton.
곕	Avery, Bankhead,	Fairchild,	Leisenring,	Shaw.
퀗	Bankhead,	Faris,	Leonard,	Skinner, Smith, III.
3	Barney,	Fischer,	Lester,	Smith, IIL
8	Barrett,	Fitzgerald,	Lewis,	Sorg, Southwick,
쾳	Bartlett, N.Y.	Gamble,	Linton,	Southwick,
8	Beach, Bennett.	Gardner, Grosvenor,	Livingston, Loudenslager,	Spencer,
а	Berry,	Hadley,	Low,	Stallings, Stephenson,
3	Brosius,	Halterman,	Mahon	Strode, Nebr.
3	Brumm,	Harmer,	Mahon, McCall, Tenn.	Swanson,
욁	Calderhead,	Harris,	McCleary, Minn.	Thorp,
롂	Catchings,	Hart,	McClure.	Towne.
3	Chickering,	Heiner, Pa.	McEwan,	Towne, Turner, Va.
8	Clarke, Ala.	Hemenway,	Meiklejohn,	Updegraff,
a	Cobb,	Hendrick,	Mercer,	Wadsworth,
2	Coffin,	Henry, Conn.	Meyer,	Walker, Va.
2	Colson,	Hicks,	Milliken,	Wellington, Wheeler,
3	Cook, Wis.	Howe, Hubbard,	Miner, N. Y.	Wilber,
	Cooper, Fla. Cooper, Tex.	Huling,	Murphy,	Winis,
	Cowen,	Hurley,	Murray, Newlands,	Wilson, Idaho
ŧi l	Crowley,	Hutcheson,	Odell,	Wilson, N. Y.
ril	Crump,	Hyde,	Ogden,	Wilson, Ohio
	Culberson,	Johnson, Ind.	Patterson,	Woodman.
8	Curtis, N.Y.	Jones,	Price,	
6	Danford,	Joy,	Raney,	
	San		5.70	

During the roll call the following took place:
Several members having responded "Here" or "Present,"
The SPEAKER said: The Chair will state to the House that
under this rule, when members are called they are required to
vote "yea" or "nay" upon the engrossment and third reading of
the pending bill, unless they desire not to vote, in which case
they will respond "Present." Thus the roll call will answer the they will respond "Present." Thus the roll call will answer the double purpose of taking a vote on the bill and of showing what members are present. The Chair desires to add also that we are now under a call of the House, so that it is the duty of members who are present to remain until the call and the vote is completed, and the Sergeant-at-Arms is required to keep members here who are present, and also to bring in the absentees.

The roll call was concluded with the result already stated.

So the bill was ordered to be engrossed and read a third time.

So the bill was ordered to be engrossed and read a third time.

Mr. McMILLIN. Mr. Speaker, I am paired for to-day and can
not vote, but I wish to be recorded as present.

Mr. DOCKERY. I ask that my colleague, Judge Cobb, be
excused on account of sickness.

excused on account of sickness.

The SPEAKER. Without objection, the gentleman from Missouri, Mr. Cobb, will be excused on account of sickness.

There was no objection.

Mr. LINTON. My colleague, Dr. Avery, is absent on account of sickness; I understand that he has a leave of absence.

The SPEAKER. That is the understanding of the Chair.

The result of the vote was announced as above stated.

The SPEAKER. A quorum having voted, the Sergeant-atArms will cause the doors to be reopened. By the vote just
taken the bill has been ordered to be engrossed and read a third

The bill was read the third time.

Mr. Babcock and Mr. Morse addressed the Chair.

The SPEAKER. The gentleman from Massachusetts [Mr. Morse] is entitled to the floor.

Mr. MORSE. I ask that the question be put on the final passage of the bill. I move the previous question.

The SPEAKER. The gentleman from Massachusetts [Mr. Morse] moves the previous question on the passage of the bill.

Mr. BABCOCK. I will ask whether that cuts off debate

entirely? The SPEAKER. It cuts off debate.

Mr. MEREDITH. Does it cut off a motion to commit the bill?
Mr. BABCOCK. I desire to move that this bill be committed to the committee having jurisdiction of the subject, and I would

like the privilege of making a statement.

The SPEAKER. Pending a motion for the previous question the gentleman can move to commit or recommit the bill. Wil

he state his motion?

Mr. BABCOCK. I move that the bill be committed to the Committee on the District of Columbia.

Mr. MORSE. I call for the previous question.

The SPEAKER. The gentleman from Massachusetts has called for the previous question.

The question being taken on ordering the previous question,

there were—ayes 105, noes 60.

So the previous question was ordered.

The SPEAKER. The question is now on the motion of the gentleman from Wisconsin [Mr. Babcock] that the bill be committed to the Committee on the District of Columbia.

Mr. BABCOCK. On that motion I ask unanimous consent to

make a statement not exceeding five minutes.

Mr. MORSE. I object. [Cries of "Oh, no!"]

The SPEAKER. The gentleman from Massachusetts objects.

Mr. BABCOCK. The House ought to understand this measure before it votes on it.

Mr. MORSE. I have no objection to allowing the gentleman

from Wisconsin to make a statement, if I be allowed unanimous consent to make a reply. I do object to an exparte statement.

Mr. WILLIAM A. STONE. I ask unanimous consent that each of the two gentlemen—the gentleman in charge of this bill [Mr. Morse] and also the chairman of the Committee on the District of Columbia [Mr. BABCOCK]—be allowed five minutes.

The SPEAKER. The gentleman from Pennsylvania asks unanimous consent that the gentleman from Wisconsin be allowed five minutes and the gentleman from Massachusetts the same time.

Several Members. Make it ten minutes.

The SPEAKER. It is proposed that each of these gentlemen be allowed ten minutes. Is there objection? The Chair hears none. The gentleman from Wisconsin is entitled to the floor for ten

Mr. BABCOCK. Mr. Speaker, I wish to say in the first place that this is a measure local entirely to the District of Columbia; that no member of the District Committee or any Commissioner of the District-indeed, no one having jurisdiction over the subjectmatter of this bill—had any knowledge of this legislation until it came up on the floor of the House under the call of committees, when it was called up by the Committee on the Alcoholic Liquor Traffic. I desire to say further that it is impossible to secure a copy of this bill. I have tried at both ends of the Capitol and have

copy of this bill. I have tried at both ends of the Capitol and have failed utterly to get single copy of the bill except one, which was handed to me by the Commissioners.

I wish to say further that I submitted this matter day before yesterday to the Commissioners when they were before our committee, and asked for an explanation. They said that they knew nothing whatever about this legislation, and I have here a statement of the Commissioners in which they say: "The Commissioners have the honor to state that they have not heretofore been requested to report upon this bill."

Now, Mr. Speaker, there are many good things in this bill, and many things that are very objectionable. But the fact is that the committee from which this bill emanates has no more authority to bring before the House legislation of this kind than they

ity to bring before the House legislation of this kind than they have to present legislation for the great State of New York. cifically the rules determine what committee shall handle bills of this kind, and had I been present at the time this bill was called up I should have made a point of order and asked that the bill be

referred to the proper committee.

The bill is too long for me to go through it section by section in the little time that I now have. But I will say that one of the most objectionable sections of the bill is the one thoroughly dismost objectionable sections of the bill is the one thoroughly discussed on this floor two years ago. At that time a large majority of the House decided against the very section which it is sought now to enact. I refer to the 400-foot clause. As was at that time shown on the floor of the House, priority is now recognized in granting licenses. There are parties owning hotels or running restaurants or saloons whose franchise alone is worth a fortune. There are places where parties have spent almost their whole lives in one instance more than thirty years—in building up a business in which they have now invested all their means.

Under the provisions of this bill a schoolhouse can be built within 400 feet of property which has acquired a vested interest, or a church can be built, and the owner of the property at once driven from the location and his business utterly ruined. The House decided two years ago that it would recognize priority in

such matters. It provided that no saloon should be hereafter established within 400 feet of any church or schoolhouse already in existence. That was practically the unanimous opinion of the House and the Senate, and I have seen no reason whatever for changing it since that time.

Another provision embraced in this 400-foot clause is worthy of consideration. The law provides that the 400 feet shall be measured by the nearest track or path of ordinary travel. This measured by the nearest track or path of ordinary travel. This bill does away with that provision, and you can measure directly through the block or square, and in that way reduce the distance and bring the saloon within the 400-foot limit. For instance, a hotel may be located, we will say, on the east side of a block, and directly across the block, on the west side, a school may be established. Measured through the block the distance between them probably would be only 200 feet, although by the ordinary course of travel the distance would be 500 feet or more. This bill would close up many hotels and many business places of that character that are now in existence and that are in no way objectionable to the residents in the neighborhood. the residents in the neighborhood.

Mr. HEPBURN. Will the gentleman permit me a question?

Mr. BABCOCK. Certainly.

Mr. HEPBURN. Do I understand the gentleman's contention

to be that the saloon should have the vested and prior right as

against the church or schoolhouse?

Mr. BABCOCK. No, sir; that is not my contention. My contention is that the House has already voted—two years ago—that the people living there and doing business in this manner had a vested right in the property, and that no such legislation should be enacted as would practically confiscate the property, so far as these parties are concerned by a newly built church or school. these parties are concerned, by a newly built church or school-house. It did provide that no saloon should hereafter be estab-lished within 400 feet of any church or schoolhouse then in

existence.

Mr. KIEFER. When newly established.

Mr. BABCOCK (continuing). When newly established.

My motion is that this matter be committed to the Committee on the District of Columbia to investigate the questions involved, and that some hearings may be had on it, and that it may be discussed and considered section by section. As I have stated before, it is the only committee of the House having jurisdiction of the subject-matter involved, and I hope that the House will not act upon so important a matter without having it first duly considered by the only committee having proper jurisdiction of it.

by the only committee having proper jurisdiction of it.

I reserve the remainder of my time.

Mr. MORSE. Mr. Speaker, if the gentleman from Wisconsin will kindly turn to the bill in question, he will see that both sections to which he objects have been stricken from the original bill by the committee reporting the bill. That seems to answer his objection pretty well. [Laughter and applause.]

Now, Mr. Speaker, I may be permitted to say to the House that for one I am pained, as are the temperance and Christian people

of this city, and have been pained during my service of eight years upon this floor, to witness the attitude of the distinguished gentleman from Wisconsin [Mr. Babcock], the chairman of the Committee on the District of Columbia, toward the saloons, billiard rooms, and various other agencies and things affecting the morals

of the people of this city.

Mr. BABCOCK. Will the gentleman permit me a moment?

Mr. MORSE. I decline to be interrupted.

Since I have had the honor of a seat upon this floor, I repeat, I have been pained at the attitude of the distinguished gentleman from Wisconsin in regard to all matters affecting the moral inter-

ests of the District, and this very question among them.

He says that this action of the committee in reporting the bill was done in secret and in the corner. I beg to state to this House that the bill, if I am not mistaken greatly in my recollection of the matter, was printed both in the Star and the Post of this city within a year, and undoubtedly was largely discussed by the people of the District.

This bill originated with the Anti-Saloon League of the District, and I am here to say that one of the Commissioners of the District, Mr. Truesdell, was present at a large mass meeting held here a few nights ago, and in the very warmest terms commended the action of this organization for the enforcement of law in the District. I claim, therefore, that by inference he commended this bill, because, as I have said, it originated with the Anti-Saloon League, and he must have been familiar with its provisions, because it has been published in the newspapers of the District.

Mr. BARTHOLDT. Will the gentleman allow me an inter-

Mr. MORSE. I decline to be interrupted, Mr. Speaker. is an important question, and I have only ten minutes.

Now, so much for its being done in a corner. It has not been done in a corner. It is well known to all the people who are interested in the affairs of this District and who desire its best interests. Now let me occupy just a moment in stating the provisions of this The amendment to section 1 of the present license law of the District of Columbia as proposed in the pending bill enforces the law on brewers and distillers and their agents, who, through an inadvertence, undoubtedly, in framing the present law, can sell without a license, as pointed out by the Commissioners of the District of Columbia. District of Columbia.

I had read from the Clerk's desk, on the occasion of the former debate, the recommendation of the Commissioners in this regard. The gentleman from Wisconsin says the Commissioners did not

know anything about any provisions of this bill.

The amendment to section 2 changes the law as follows:

At present the excise board has final jurisdiction and interpretation of the

The amendment does not interfere with their findings as to facts,

The amendment does not interfere with their findings as to facts, but provides that questions of law may be appealed to the supreme court of the District, either by the applicant or contestant of record. The "contestant of record" is a man who has entered a formal or written protest to the excise board. It is claimed the excise board has interpreted the law unfairly.

The amendment to section 5 provides for securing consent before a saloon can be established by a party on a corner of the real estate owners diagonally opposite; also provides for written signature annually of abutters. The present law requires only one consent of the abutters to the establishment of a saloon, and that consent may last to the resurrection. The original owners consenting to the establishment of the saloon may have moved away. They may have died or committed suicide, as is the case in one instance, and yet the original consent holds good until the crack instance, and yet the original consent holds good until the crack of doom, in spite of the views or wishes of the present owners of the abutting real estate. Is not that a sensible change? The consent of abutters certainly should be had yearly before a renewal of license.

The amendment to section 6 makes the provisions of this section clear and removes unnecessary words, i. e., "above 16 years of age." As they stand in the law they are nonsense there and have no bearing on the section. Section 6 also takes down the screens, so police officers can look in and see what is going on in the bar or saloon.

Amendment to section 8 defines a barroom and fills a gap, and says that a place where they sell less than a pint, drank on the premises or not, shall take out a license. As it is now, a man can go into a certain class of places and buy a half pint and go out and drink it on the sidewalk, and it does not require any license

to sell in that way.

The present law prohibits the licensing of a twice-convicted The present law prohibits the licensing of a twice-convicted licensee, but he can get a license at the same place for a friend, wife, or relative, and the business suffers no interruption in consequence of the revocation of the license. The amendment to section 13 provides that after a second conviction that place shall not be licensed by anyone, and that he or his representative shall not be licensed anywhere. Is not that a reasonable provision?

Under section 14 of the existing law witnesses may be intimidated for fear of incriminating themselves. The amendment to

dated for fear of incriminating themselves. The amendment to this section is to remove intimidation and to exempt witnesses

this section is to remove intimidation and to exempt witnesses from prosecution.

Section 15 provides for prosecutions on evidence satisfactory to the district attorney. Under the existing law he is made the judge and jury. The amendment provides for bringing prosecutions by the district attorney on the sworn information of two witnesses, citizens of the District of Columbia.

Section 19 of the existing law prohibits a woman under 16, or a minor under 16, or a criminal from tending bar. But a woman or a minor over 16 may tend bar. Does the gentleman from Wisconsin [Mr. Babcock] desire women to tend bars in this city?

Mr. BABCOCK. Does the gentleman know of any such thing in the city of Washington? Did he ever hear of any such thing in this city?

this city?

Mr. MORSE. The Anti-Saloon League says there are such instances in this city, and it is composed of honorable and upright

Now, I say if these amendments to existing law shall be adopted, the license law of the District of Columbia will then be far less stringent than the law of the State of New York, and of many other States. There is nothing drastic or radical about these amendments, and they ought to receive the support of every right-minded person who desires the enforcement of the existing

right-minded person who desires the enforcement of the existing law.

The bill, as before stated, was drafted by the Anti-Saloon League of the District of Columbia, to cure alarming defects in the existing law as developed in their efforts to enforce the law.

Now, if I have any time remaining I will yield it to the distinguished gentleman from New York, Mr. DANIELS.

Mr. DANIELS. Mr. Speaker, I have very little to say in reference to this bill, because I think the remarks of the gentleman from Massachusetts [Mr. Morse] very ably cover the amendments proposed in it. All that was attempted in the amendments proposed by the bill was to remedy what appeared to be practical

defects in the law now existing, in order to meet what appeared

defects in the law now existing, in order to meet what appeared to be the expectations of Congress in its enactment. It is simply to meet the emergencies and defects in the law as previously enacted. It attempts nothing more than simply to carry into effect the general provisions of that law. It was not the purpose of the committee or of this bill—

Mr. BARTHOLDT. Mr. Speaker, I rise to a point of order.

The SPEAKER. The gentleman will state it.

Mr. BARTHOLDT. I think, under the order of the House, two gentlemen were permitted to occupy ten minutes each, the chairman of the Committee on the District of Columbia [Mr. BABCOCK] and the chairman of the Committee on the Alcoholic Liquor Traffic [Mr. Morse]. I do not know that they had the privilege of yielding any time to anybody else. I have asked that privilege, and it has not been granted.

The SPEAKER. The Chair thinks, under the order, that there was no right to yield. If the gentleman makes that point, the Chair will sustain it.

Mr. BABCOCK. Mr. Speaker, I regret that the point of order was made. I would very much have liked to hear the distinguished gentleman from New York [Mr. Daniels]. I think if this House needed any proof that this bill ought not to pass in its present condition, the remarks of the gentleman from Massachusetts have furnished it. In this bill there are some twenty amendments to the existing excise laws. I state this proposition boldly, that in the city of Washington we have the best-regulated saloons, the best laws governing the closing of saloons and the admission of minors, and there has come under my own personal observation. best laws governing the closing of saloons and the admission of minors, and there has come under my own personal observation, Mr. Speaker, more than a dozen cases where policemen have been discharged for simply going into saloons unless called in to quell a disturbance.

Now, the gentleman from Massachusetts speaks of the necessity for the property owners signing every year. Under the present law, Mr. Speaker, the objection of one single property owner to the establishment of a saloon is sufficient to oblige that man to furnish a new petition of a majority of the freeholders adjacent to his place of business. I ask, under that state of circumstances, where is the necessity of signing every year, when a single property owner can close up any saloon by his power of making complaint?

plaint?

plaint?
Mr. WILLIAM A. STONE. Will the gentleman allow me to ask him a question?
Mr. BABCOCK. Certainly.
Mr. WILLIAM A. STONE. What objection have you to the removal of screens from saloons, so that people passing the bar can see who are there who have a right to be there and others who wight not to be there?

ought not to be there?

Mr. BABCOCK. I said, Mr. Speaker, that there were some good provisions in this bill, some that I would be very glad to

good provisions in this bill, some that I would be very glad to support, and I see no objection at all to that. I would vote for a proposition of that kind myself. But here we have a long bill and not a single copy of it or of the report on it can be had.

Mr. MEREDITH. I can not get one.

Mr. MAHANY. Nor can I.

Mr. BABCOCK. More than twenty members around me have asked for a copy of the bill.

Mr. DANIELS. If I can interrupt the gentleman for a moment, I will state that this bill was printed last session, and I have a copy that I got in the ordinary way last session.

Mr. BABCOCK. The gentleman says I could have gotten a copy last session. I have always made it a point to furnish bills and reports of all measures that I have called up in the House, so that the House might vote intelligently upon those propositions.

Mr. BARTHOLDT. Will the gentleman permit me to ask him a question?

a question? Mr. BABCOCK.

Mr. BABCOCK. Certainly.
Mr. BARTHOLDT. I should like to ask whether the gentleman from Wisconsin knows whether the other side has been heard

on this measure?

Mr. BABCOCK. The Committee on the District of Columbia, the Commissioners of the District of Columbia, and the attorney for the District have no knowledge whatever of any hearings on this measure, and have had no knowledge of the bill being called up and pending before Congress. The gentleman says the bill was printed over a year ago. That may be true, but at the same time it is invessible to get a convention of the report of the bill.

Mr. BABCOCK. I appeal, Mr. Speaker, to the good sense and judgment of this House to send the bill where it can properly be

judgment of this House to send the bill where it can properly be discussed and reported back.

The SPEAKER. The time of the gentleman has expired.
Mr. MORSE. Mr. Speaker, how much time have I remaining?
The SPEAKER. The gentleman has one minute remaining.
Mr. MORSE. I will state in that minute, Mr. Speaker, that the gentleman from Wisconsin has said we have the best license system in regard to closing saloons. I have a letter from a person

who signs herself "A Suffering Wife," who states that the gin mills under the existing law are open nearly all night. I ask unanimous consent that I may have this letter read at the Clerk's

A MEMBER. I obj. Mr. MEREDITH. I object.
ITH. Will the gentleman allow me one question?

Mr. MORSE. Yes.
Mr. MEREDITH. Will you take testimony of that kind?
Mr. MORSE. I will, from the tone of this letter.
Mr. MEREDITH. It was upon such testimony as that your ancestors burned women for witchcraft in your State. [Laughter.]
The SPEAKER. The question is on the motion of the gentleman from Wisconsin, that the bill be recommitted to the Committee or the District of Columbia.

The question was taken; and the Speaker announced that the

The question was taken; and the Speaker announced that the ayes seemed to have it.

Mr. MORSE. Division.

Mr. JOHNSON of California. The yeas and nays.

Mr. MORSE. Let us have the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 85, nays 142, not voting 128; as follows:

YEAS-85.

Abbott,	Cooke, Ill.	Layton,	Reeves.
Aldrich, T. H.	Cooper, Wis.	Linney.	Richardson,
Anderson,	Corliss.	Linton,	
		Tanton,	Royse,
Arnold, Pa.	Crowley,	Lorimer,	Russell, Ga.
Babcock,	Crowther,	Low,	Sauerhering,
Bailey,	Cummings,	Maguire,	Smith, Mich.
Barney,	Curtis, Iowa	Mahany,	Southard,
Bartholdt.	Dovener,	Marsh,	Steele,
Bartlett, Ga.	Evans.	McClellan,	Stephenson,
Belknap,	Gibson,	Meredith.	Stewart, Wis.
Berry,	Griffin,	Milnes,	Sulzer.
Bingham,	Hall.	Mitchell.	Taft.
Boatner,	Hardy,	Money,	Tracewell,
Brewster,	Harrison,	Noonan.	Tracey,
Bromwell,	Hartman,	Otien.	Updegraff,
Buck,	Henry, Ind.	Overstreet.	Van Horn.
Bull.	Howard,	Owens,	Warner,
Burton, Mo.	Hull.	Parker.	Washington,
Cannon,	Hunter,	Pearson.	White.
Cannon,	Tanking,	Pendleton.	. WILLOW
Catchings,	Jenkins,		
Clark, Iowa	Joy,	Quigg,	
Clark, Mo.	Kiefer,	Raney,	

Cannon, Catchings,	Hunter, Jenkins,	Pearson, Pendleton,	White.
Clark, Iowa	Joy,	Quigg,	
Clark, Mo.	Kiefer,	Raney,	
	NA.	YS-142.	
Aitken,	Draper,	Little,	Sherman,
Adrich, W. F.	Ellis,	Loud,	Shuford,
Allen, Miss.	Faris,	Maddox.	Simpkins,
Allen, Utah	Fenton,	Martin,	Snover,
Apsley,	Foote,	McCall, Mass.	Spalding,
Arnold, R. I.	Foss,	McCormick,	Sperry,
Baker, Kans.	Fowler,	McCulloch,	Stable,
Baker, Md.	Gillet, N. Y.	McDearmon,	Stewart, N. J.
Baker, N. H.	Gillett, Mass.	McLachlan,	Stone, C. W.
Barham,	Goodwyn,	McLaurin,	Stokes.
Bell, Colo.	Graff.	McRae.	Stone, W.A.
Bell, Tex.	Griswold,	Miles,	Strait,
Bishop,	Grout,	Miller, Kans.	Strong,
Black, Ga.	Grow,	Miller, W. Va.	Strowd, N. C.
Blue,	Hainer, Nebr.	Minor, Wis.	Sulloway,
Boutelle,	Hanly,	Moody,	Talbert,
Broderick.	Hatch,	Morse,	Tate,
Burrell,	Heiner, Pa.	Moses,	Tayler,
Burton, Ohio	Hepburn,	Mozley,	Terry,
Calderhead,	Hermann,	Neill.	Thomas,
Chickering,	Hilborn,	Northway,	Tucker,
Clardy,	Hill,	Otey,	Turner, Ga.
Cockrell,	Hooker.	Payne,	Tyler,
Codding.	Hopkins,	Perkins,	Van Voorhis.
Cooper, Tex.	Howell,	Phillips,	Walker, Mass.
Cox,	Huff,	Pickler,	Watson, Ind.
Curtis, Kans.	Johnson, Cal.	Pitney,	Watson, Ohio
Dalzell,	Johnson, Ind.	Poole,	Williams,
Daniels.	Johnson, N. Dak.	Powers,	Wilson, S. C.
Dayton,	Kerr,	Prince,	Wood,
De Armond.	Kirkpatrick,	Pugh,	Woodard,
Denny,	Knox,	Ray,	Woomer,
De Witt,	Lacey,	Rinaker,	Wright,
Dingley,	Latimer,	Russell, Conn.	Yoakum.
Dinsmore,	Lawson,	Settle,	- Oak ulli
Dolliver,	Lefever,	Shafroth,	
Domitor,	Tiorovor,	Dialion,	

NOT	VOTIN	G-128.

	NOT	VUTING-128.	
Acheson, Adams, Aldrich, III. Andrews, Atwood, Avery, Bankhead, Barrtett, Bartlett, N. Y. Beach, Beanett, Black, N. Y. Blowers, Brosius,	Cooper, Fla. Cousins, Cowen, Crump, Culberson, Curtis, N. Y. Danford, Dockery, Doolittle, Eddy, Ellett, Erdman, Fairchild, Fischer,	Harmer, Harris, Hart, Heatwole, Hemenway, Henderson, Hendrick, Henry, Conn. Hicks, Hitt, Howe, Hubbard, Hulick, Huling,	Kyle, Leighty, Leisenring, Leonard, Lester, Lewis, Livingston, Long, Loudenslager, Mahon, McClall, Tenn. McClary, Minn McClure, McCreary, Ky.
Brown, Brumm, Clarke, Ala.	Fitzgerald, Fletcher, Gamble,	Hurley, Hutcheson, Hyde,	McEwan, McMillin, Meiklejohn,
Cobb, Coffin, Colson, Connolly,	Gardner, Grosvenor, Hadley, Hager,	Jones, Kem, Kendall, Kleberg,	Mercer, Meyer, Milliken, Miner, N. Y.
Cook, Wis.	Halterman,	Kulp,	Mondell,

Murphy, Murray, Newlands, Odell.	Rusk, Sayers, Scranton,	Spencer, Stallings, Strode, Nebr.	Walker, Va. Wanger, Wellington,
Ogden, Patterson, Price,	Shannon, Shaw, Skinner, Smith, Ill.	Swanson, Tawney, Thorp, Towne,	Wheeler, Wilber, Willis, Wilson, Idaho
Reyburn, Robertson, La. Robinson, Pa.	Sorg, Southwick, Sparkman,	Treloar, Turner, Va. Wadsworth,	Wilson, N. Y. Wilson, Ohio Woodman.

The following additional pairs were announced:

Mr. AVERY with Mr. CLARKE of Alabama.

Mr. MERCER with Mr. FITZGERALD.

Mr. Scranton with Mr. Swanson.
Mr. BARTHOLDT. Mr. Speaker, I desire to inquire, for information, whether it would be in order to move to adjourn before the vote is announced.

The SPEAKER. The Chair thinks that motion is not in order

until after the vote has been announced.

The result of the vote was then announced, as above recorded.

Mr. BARTHOLDT. Mr. Speaker, I now move that the House

adjourn.
The question was taken, and there were—ayes 28, noes 98.

So the House refused to adjourn.

The question being taken on the passage of the bill, the Speaker Mr. BARTHOLDT. I ask for the yeas and nays.

The yeas and nays were refused, only 15 members voting in favor

The bill was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

On motion of Mr. MORSE, a motion to reconsider the vote by which the bill was passed was laid on the table.

SALARIES OF CONGRESSIONAL EMPLOYEES

Mr. WILLIAM A. STONE. Mr. Speaker, I desire to ask immediate consideration for the usual joint resolution in respect to the payment of the salaries of employees of the House and the Senate for the month of December.

The joint resolution (H. Res. 209) was read, as follows:

Resolved by the Senate and House of Representatives, etc., That the Secretary of the Senate and the Clerk of the House of Representatives be, and they are hereby, authorized and instructed to pay the officers and employees of the Senate and House of Representatives, including the Capitol police, their respective salaries for the month of December, 1896, on the 18th day of said

The joint resolution was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed. On motion of Mr. WILLIAM A. STONE, a motion to reconsider

the vote by which the joint resolution was passed was laid on the table.

ARMY APPROPRIATION BILL.

Mr. HULL, from the Committee on Military Affairs, reported the annual Army appropriation bill (H. R. 9638); which was referred to the Committee of the Whole House on the state of the Union, and ordered to be printed.

Mr. HULL. Mr. Speaker, I will state that the bill carries only two new items of legislation, one abandoning the Army and Navy Hospital at Hot Springs, Ark., and the other extending for ten days the time for the Paymaster-General to examine vouchers.

Mr. DINGLEY. Mr. Speaker, I desire to reserve all points of order on the bill.

order on the bill.

TAX ON ALCOHOL USED IN THE ARTS, ETC.

Mr. EVANS. I desire to call up the House amendments, disagreed to by the Senate, to the joint resolution (S. R. 162) continuing in force section 2 of the act approved June 3, 1896, entitled "An act to repeal section 61 of 'An act to reduce taxation, to provide revenue for the Government, and for other purposes,' which became a law August 28, 1894." I move that the House agree to the request of the Senate for a conference on the disagreeing votes of the two Houses.

The motion was agreed to.

PRINTING OF AN AMENDMENT.

Mr. DINGLEY. I move that the House do now adjourn.
Mr. McRAE. I ask the gentleman from Maine to withhold that
motion for a moment, in order that I may obtain consent to have
printed in the Record a substitute which I desire to propose for
the Atlantic and Pacific reorganization bill.
Mr. DINGLEY. The request is simply to print in the Record

a proposed substitute?

Mr. McRAE. Yes, sir.
Mr. DINGLEY. I withdraw the motion for that purpose.
Mr. McRAE. I ask consent to have printed in the Record a substitute which I wish to offer.
The SPEAKER. The gentleman from Arkansas asks to have printed in the Record a substitute for the bill now pending in the

morning hour, reported by the gentleman from Vermont [Mr. Powers]. Is there objection? The Chair hears none.

The proposed substitute is as follows:

morning hour, reported by the gentleman from Vermont [Mr. Poweis]. Is there objection? The Chair hears none.

The proposed substitute is as follows:

Strike out all after the enacting clause and insert the following:

"That the purchasers of the railread property of the Arlantic and Pacific Insert the purchasers of the railread property of the Arlantic and Pacific any suit or suits for the foreclosure of any of the mortgages herefolore executed by said company thereon by authority of Congress may organized any sent or suits for the foreclosure of any of the organization and pacific Railread may run a copy of the deed or deeds conveying aid railread and property, with a creatificate, signed by them, setting forth in came directors, and a copy of any plan of roorganization adopted by said purchasers or pursuant to which such nurchase shall have been made. Upon fling such the mane specified in said certificate, possess the franchise to be a corporation with the same limitations and powers as the Arlantic and Pacific Railroad Company, and shall be subject to all the obligations and duties hereoforer property of the Arlantic and Pacific Railroad Company, and shall be subject to all the obligations and duties hereoforer property of the Arlantic and Pacific Railroad Company, Provided, That as a condition procedent to reorganization the purchasers of the railroad property of the company and shall be subject to all the obligations and duties hereoforer property of the Arlantic and Pacific Railroad Company, and the property and the property and prop

or his assigns, in respect of such land, or in respect of the failure of such title, or in respect to the liability of said Atlantic and Pacific Railroad Company on said contracts for the sale of lands, shall survive and may be enforced against such successor company with the same force and effect and in the same manner as against the Atlantic and Pacific Railroad Company; and such successor company, upon making compensation for such loss of title or failure to comply with the conditions of such land contracts, shall be subrogated to the rights of such purchaser in respect of the lands for which such compensation shall have been made: And provided further, That the reorganized railroad company provided for in this act shall, for all purposes of judicial jurisdiction, be held and deemed to be a citizen and corporation of the respective States into which its line of railway, or any branch or spur thereof, may extend or in which any such corporation may conduct or carry on any business, and the service of process upon such corporation may be made according to the laws of the respective States in which suits shall be brought: And provided further. That nothing herein shall be held or construed to impair or in any manner to affect the rights of any unsecured creditors of the Atlantic and Pacific Railroad Company, or to change or impair the lien of any judgments or demands, if otherwise effective, against any property of said company not embraced in prior and superior liens or passing to the purchasers at such foreclosure sale. Above the purpose and intent of this act to authorize the creation of a corporating the purpose and intent of this act to authorize the creation of a corporating the purpose and intent of this act to authorize the creation of a corporating the purpose and intent of this act to authorize the creation of a corporation and the purpose and intent of this act to authorize the creation of a corporation, and the purpose of this act, is an experiment of the passage of this act, is an experiment of the

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows: To Mr. Reyburn, indefinitely, on account of sickness of himself.

To Mr. CRUMP, indefinitely, on account of sickness.
To Mr. WHEELER, for three days.
To Mr. HARRIS, for two weeks, on account of sickness.

To Mr. Harris, for two weeks, on account of sickness.

To Mr. Sorg, for five days, on account of important business.

To Mr. Lewis, indefinitely, on account of important business.

To Mr. Huling, for this day, on account of important business.

To Mr. Hyde, for two weeks, on account of illness.

To Mr. Eddy, for three days.

Mr. DINGLEY. I now renew my motion to adjourn.

The motion was agreed to; and accordingly (at 4 o'clock p. m.) the House adjourned.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as

A letter from the Postmaster-General, requesting the House to

A letter from the Postmaster-General, requesting the House to return to the Post-Office Department the papers transmitted to the House in relation to the claim of R. M. Ridgeley, postmaster of Springfield, III.—to the Committee on Claims.

A letter from the Commissioner of the Freedman's Savings Bank and Trust Company, transmitting the annual report for the year ending December 5, 1896—to the Committee on Banking and Currency, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the cases of John W. Burkitt, administrator of Joshua W. Elder, deceased, and Jane Wherry, administratrix of John J. Wherry, deceased, against The United States—to the Committee on War Claims, and ordered to be printed. ordered to be printed.

A letter from the Secretary of the Treasury, transmitting esti-mate and recommendation for additional clerks in the customs division, Secretary's Office-to the Committee on Appropriations,

and ordered to be printed.

A letter from the president of the Commissioners of the District of Columbia, transmitting a copy of a report made by the superintendent of the telegraph and telephone service of the District, in response to the requirement of the District appropriation bill—to the Committee on Appropriations, and ordered to be printed. A letter from the Acting Secretary of the Treasury, transmit ting a communication from the Secretary of State, with inclosures, submitting an estimate for an additional appropriation for the international exhibition at Brussels—to the Committee on Appro-

priations, and ordered to be printed.

A letter from the Acting Secretary of the Treasury, transmitting estimates of deficiencies in appropriations required to meet urgent demands upon the Government for the service of the current and prior fiscal years—to the Committee on Appropriations, and ordered

A letter from the Acting Secretary of the Treasury, transmitting a combined statement of the receipts and expenditures of the Government for the fiscal year ending June 30, 1896—to the Committee on Appropriation, and ordered to be printed.

tee on Appropriations, and ordered to be printed.

A letter from the Board of Commissioners of the District of Columbia to the Committee on the District of Columbia of the House of Representatives, relating to the extension of North Capitol street through the Prospect Hill Cemetery—to the Committee on the District of Columbia, and ordered to be printed.

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of a canal to connect the Black Warrior River and Fivemile Creek. Alabama, via Valley Creek—to the Committee on Rivers and Harbors, and ordered to be printed.

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of White River, Arkansas—to the Committee on Rivers and Harbors, and ordered to be printed.

and ordered to be printed.

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of Cedar Creek, Delaware—to the Committee on Rivers and Har-

bors, and ordered to be printed.

bors, and ordered to be printed.

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of the North Fork of Lewis River, Washington—to the Committee on Rivers and Harbors, and ordered to be printed.

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of Raisin River, Monroe County, Mich.—to the Committee on Rivers and Harbors, and ordered to be printed.

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of St. Francis River to the Sunk Lands, Poplin, Mo.—to the Committee on Rivers and Harbors, and ordered to be printed.

A letter from the Secretary of War, transmitting, with a letter

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of Neosho River, Kansas—to the Committee on Rivers and Harbors, and ordered to be printed.

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of Ship Island Pass, Mississippi—to the Committee on Rivers and Harbors, and ordered to be printed.

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of St. Jones River, Delaware—to the Committee on Rivers and

of St. Jones River, Delaware—to the Committee on Rivers and Harbors, and ordered to be printed.

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of Menominee Harbor, Michigan and Wisconsin—to the Committee on Rivers and Harbors, and ordered to be printed.

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of Redwood Creek, California—to the Committee on Rivers and Harbors, and ordered to be printed.

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of Cashie River, North Carolina—to the Committee on Rivers and Harbors, and ordered to be printed.

of Cashie River, North Carolina—to the Committee on Rivers and Harbors, and ordered to be printed.

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of the channel between Brazos River and Galveston Bay, Texas—to the Committee on Rivers and Harbors, and ordered to be printed.

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of Dividing Creek, New Jersey—to the Committee on Rivers and Harbors, and ordered to be printed.

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of Wading River, New Jersey—to the Committee on Rivers and

Wading River, New Jersey-to the Committee on Rivers and

Wading River, New Jersey—to the Committee on Rivers and
Harbors, and ordered to be printed.

A letter from the Secretary of War, transmitting, with a letter
from the Chief of Engineers, report of examination and survey
of Mohawk River, New York—to the Committee on Rivers and
Harbors, and ordered to be printed.

A letter from the Secretary of War, transmitting, with a letter

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of

Northport Harbor, New York-to the Committee on Rivers and

Harbors, and ordered to be printed.

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of North River, Washington—to the Committee on Rivers and Harbors, and ordered to be printed.

ADVERSE REPORT.

Under clause 2 of Rule XIII, Mr. RAY, from the Committee on the Judiciary, reported adversely (Report No. 2324) the bill (H. R. 4057) in relation to cigarettes and to limit the effect of the regu-lation of commerce between the several States and with foreign countries in certain cases; and the said bill and report were laid on the table.

PUBLIC BILLS AND RESOLUTIONS.

Under clause 3 of Rule XXII, bills and resolutions of the fol-Under clause 3 of Rule AAH, bills and resolutions of the following titles were introduced and severally referred as follows:
By Mr. MEREDITH: A bill (H. R. 9598) authorizing the payment of export bounties on agricultural and other products of the United States, conditioned on their prices in principal markets and upon their carriage in American or foreign vessels—to the Committee on Ways and Means.

By Mr. BELL of Colorado: A bill (H. R. 9599) authorizing every United States district judge to appoint a stenographic reporter, and to itx the compensation and duties of such reporter—to the Committee on the Indicary.

Committee on the Judiciary.

By Mr. SPERRY: A bill (H. R. 9600) to provide for aids to navigation—to the Committee on Interstate and Foreign Com-

By Mr. LOUD: A bill (H. R. 9601) to amend an act entitled "An act providing for the public printing and binding and the distribution of public documents," approved January 12, 1895—

distribution of public documents," approved January 12, 1895—to the Committee on Printing.

By Mr. WILLIAM F. ALDRICH: A bill (H. R. 9602) to require contestees in contested-election cases to give bond to the United States—to the Committee on Elections No. 1.

By Mr. BERRY: A bill (H. R. 9603) amending section 1 of an act granting pensions to army nurses, passed August 5, 1892—to the Committee on Invalid Pensions.

By Mr. PRINCE: A bill (H. R. 9604) to authorize the Secretary

the Committee on Invalid Pensions.

By Mr. PRINCE: A bill (H. R. 9604) to authorize the Secretary of War to acquire right of way for the Illinois and Mississippi Canal through Moline Bridge across Rock River—to the Committee on Interstate and Foreign Commerce.

Also, a bill (H. R. 9605) in relation to a portion of the submerged lands in the Rock Island Arsenal water-power pool—to the Committee on Military Africans.

lands in the Rock Island Arsenal water-power pool—to the Committee on Military Affairs.

By Mr. MONDELL: A bill (H. R. 9606) to authorize the entry and patenting of lands containing petroleum and other mineral oils under the placer-mining laws of the United States—to the Committee on the Public Lands.

By Mr. LOUD: A bill (H. R. 9607) to amend an act to permit the use of the right of way through public lands for tramroads, canals, and reservoirs, and for other purposes—to the Committee on the Public Lands.

Also, a bill (H. R. 9608) to facilitate the construction, working, and maintenance of telegraphic communication between the

and maintenance of telegraphic communication between the United States, the Hawaiian Islands, Japan, and Australasia, and to promote commerce—to the Committee on Interstate and For-

eign Commerce.

By Mr. DALZELL: A bill (H. R. 9609) to change the names of certain streets in the city of Washington, D. C.—to the Committee on the District of Columbia.

By Mr. HOWARD: Joint resolution (H. Res. 207) recognizing the Republic of Cuba as a free and independent government—to

the Committee on Foreign Affairs.

By Mr. TRELOAR: Joint resolution (H. Res. 208) proposing an amendment to the Constitution of the United States, lengthening the terms of Senators and Representatives in Congress to eight the terms of Senators and Representatives in Congress to eight and four years, respectively, and also lengthening the term of the President of the United States to eight years—to the Committee on the Judiciary.

By Mr. SMITH of Illinois (by request): Resolution (House Res. No. 441) to pay W. H. Smith for services rendered in the library of the House—to the Committee on Accounts.

PRIVATE BILLS, ETC.

Under clause 1 of Rule XXII, private bills of the following titles were presented and referred as follows:

By Mr. BAKER of New Hampshire: A bill (H. R. 9610) granting an increase of pension to Mary E. Barden—to the Committee on Invalid Pensions.

By Mr. BELL of Texas: A bill (H. R. 9611) granting a pension to John J. Osborn—to the Committee on Invalid Pensions.

By Mr. BINGHAM: A bill (H. R. 9612) granting a pension to Moses E. Osborn—to the Committee on Invalid Pensions.

By Mr. BRUMM: A bill (H. R. 9613) to increase the pension of Joel Metz—to the Committee on Invalid Pensions.

By Mr. BULL: A bill (H. R. 9614) granting a pension to William F. Bolan, invalid son of John V. Bolan, late private in Company A, Third Regiment Rhode Island Heavy Artillery—to the Committee on Invalid Pensions.

mittee on Invalid Pensions.

By Mr. CLARK of Missouri: A bill (H. R. 9615) for the relief of Maria Johnson (widow) and minor children—to the Committee

on Invalid Pensions.

on Invalid Pensions.

Also, a bill (H. R. 9616) to increase the pension of Edward W. Nortoni, late assistant surgeon Fifty-ninth Massachusetts Volunteer Infantry—to the Committee on Invalid Pensions.

By Mr. CROWTHER: A bill (H. R. 9617) granting a pension to John N. Smith—to the Committee on Invalid Pensions.

By Mr. DINGLEY: A bill (H. R. 9618) for the relief of the owners of the ship Achilles—to the Committee on Claims.

By Mr. DOCKERY: A bill (H. R. 9619) granting a pension to Mirum C. Peck—to the Committee on Pensions.

By Mr. FLYNN: A bill (H. R. 9620) granting a pension to Albert Hammer—to the Committee on Invalid Pensions.

By Mr. HATCH: A bill (H. R. 9621) to remove the charge of desertion from the military record of David Woods—to the Committee on Military Affairs.

mittee on Military Affairs.

By Mr. HULL: A bill (H. R. 9622) granting pension to Julia A.

Hays, widow of Edwin R. Hays, Company L, First Ohio Heavy

Artillery—to the Committee on Invalid Pensions.

By Mr. HUNTER: A bill (H. R. 9623) for the relief of Albert C.

By Mr. HUNTER: A bill (H. R. 9623) for the relief of Albert C. Brown—to the Committee on Claims.

By Mr. KENDALL: A bill (H. R. 9624) for the relief of the soldiers of the Three Forks Battalion of Kentucky—to the Committee on Military Affairs.

By Mr. KERR: A bill (H. R. 9625) granting an increase of pension to James McCoy—to the Committee on Invalid Pensions. Also, a bill (H. R. 9626) granting an increase of pension to Friendly Lewis—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9627) granting an increase of pension to Friendly Lewis—to the Committee on Invalid Pensions.

By Mr. LONG: A bill (H. R. 9628) for the relief of Thomas Guthrie—to the Committee on War Claims.

By Mr. McCALL of Tennessee: A bill (H. R. 9629) for the relief of M. Robison, administrator T. E. Robison, deceased, late of Henderson County, Tenn,—to the Committee on War Claims.

By Mr. MILNES: A bill (H. R. 9630) for the relief of George W. Freeman—to the Committee on Military Affairs.

By Mr. NOONAN: A bill (H. R. 9631) for the relief of Julius E. Mugge—to the Committee on Claims.

Mugge—to the Committee on Claims.

By Mr. OTEY (by request): A bill (H. R. 9632) for the relief of Morgan College—to the Committee on the Public Lands.

Also, a bill (H. R. 9633) for the relief of S. Plummer Morton, alias Martin Phelps—to the Committee on Invalid Pensions.

By Mr. OTJEN: A bill (H. R. 9634) granting a pension to John W. Disheis to the Committee on Invalid Pensions.

W. Brisbois—to the Committee on Invalid Pensions.

By Mr. STROWD of North Carolina: A bill (H. R. 9635) authorizing and directing the Secretary of War to place the name of W.

H. High, of Wake County, N. C., on the pension roll on account of services rendered in the Mexican war—to the Committee on

By Mr. TERRY (by request): A bill (H. R. 9636) to amend the records of Company A, Fourteenth Kansas Cavalry—to the Committee on Military Affairs.

By Mr. HUFF: A bill (H. R. 9637) to correct the military record of Jacob Gaffney, of Madison, Pa.—to the Committee on Military Affairs.

PETITIONS, ETC.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. BAKER of New Hampshire: Resolutions of the New Hampshire Medical Society, protesting against the passage of Senate bill No. 1552, entitled "A bill for the further prevention of cruelty to animals in the District of Columbia"—to the Committee on the District of Columbia.

By Mr. BARTHOLDT: Petition of citizens of St. Louis, Mo., favoring the intervention of the United States in favor of Cuban independence—to the Committee on Foreign Affairs.

By Mr. BREWSTER: Petition of citizens of Pittsford, N. Y., regarding the protection of American citizens and their property in Turkey, and the Armenian atrocities—to the Committee on Foreign Affairs.

By Mr. COUSINS: Resolution of the board of trustees of the Iowa Agricultural College, favoring the Wilson-Squire engineering experiment station bill—to the Committee on Naval Affairs.

By Mr. CURTIS of Iowa: Petition of the St. Louis (Mo.) Academy of Science, protesting against the passage of Senate bill

No. 1553, restricting experimentation upon animals for scientific investigation—to the Committee on the District of Columbia.

Also, petition of the Davenport (Iowa) Business Men's Association, to close crevasse in Pass a L'Outre—to the Committee on Rivers and Harbors

Rivers and Harbors.

By Mr. DALZELL: Resolutions adopted at a mass meeting of the citizens of Pittsburg, Pa., relative to Armenian outrages—to the Committee on Foreign Affairs.

By Mr. DANFORD: Petition of James F. Johnson and other citizens of Steubenville, Ohio, favoring the passage of the Dingley tariff bill—to the Committee on Ways and Means.

By Mr. EDDY: Resolution of the St. Paul (Minn.) Chamber of Commerce, indorsing Senate bill No. 2447 for a department of commerce and manufactures—to the Committee on Interstate and Foreign Commerce.

Foreign Commerce.

By Mr. GIBSON: Petition of Dr. G. R. Brandon, of Knoxville,
Tenn., asking compensation for property taken by United States
forces during the late war—to the Committee on War Claims.

By Mr. HICKS: Petition of glass bottle blowers of the United
States, for restricted immigration—to the Committee on Immigration and Naturalization.

By Mr. HULL: Paper to accommon House bill greating a pen-

By Mr. HULL: Paper to accompany House bill granting a pension to Julia A. Hays, signed by citizens of Knoxville, Iowa—to the Committee on Invalid Pensions.

By Mr. KIEFER: Petition of 15 citizens of Stillwater, Minn., asking for extension of time in which to make improvements on mining claims—to the Committee on the Public Lands.

Also, resolution of the St. Paul Chamber of Commerce, indorsing the proposed creation as part of Government of a department.

Also, resolution of the St. Paul Chamber of Commerce, indorsing the proposed creation as part of Government of a department of commerce and manufactures—to the Committee on Interstate and Foreign Commerce.

By Mr. KIRKPATRICK: Petition of H. L. Jones and other citizens of Coffeyville, Kans., protesting against extending the time for the construction of the Kansas City, Oklahoma and Southwestern Railway through the Indian Territory—to the Committee on Railways and Canals.

By Mr. PITNEY: Petition of the Glass Bottle Blowers' Association of the United States in favor of the prohibition of immigration—to the Committee on Immigration and Naturalization.

gration—to the Committee on Immigration and Naturalization.

By Mr. SNOVER: Petition of 28 citizens of North Branch, Mich.,

praying for favorable action on House bill No. 838, to reduce letter postage to 1 cent per half ounce, and bill No. 4566, to amend the postal laws relating to second-class matter—to the Committee on the Post-Office and Post-Roads.

SENATE.

Tuesday, December 15, 1896.

Prayer by Rev. T. DE WITT TALMAGE, D. D., of the city of Washington.

The Vice-President being absent, the President pro tempore took the chair.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on motion of Mr. MITCHELL of Wisconsin, and by unanimous consent, the further reading was dispensed with.

The PRESIDENT pro tempore. The Journal will stand approved, if there be no objection. It is approved.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. Browning, its Chief Clerk, announced that the House had passed the following bill and joint resolution; in which it requested the concurrence of the Senate:

A bill (H. R. 1888) to further amend an act entitled "An act regulating the sale of intoxicating liquors in the District of Colum-

bia," approved March 3, 1893; and
A joint resolution (H. Res. 209) to pay the officers and employees
of the Senate and House of Representatives their respective salaries for the month of December, 1896, on the 18th day of said

ALLEGANY INDIAN RESERVATION LANDS.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of the Interior, transmitting, pursuant to a provision contained in the Indian appropriation act of June 10, 1896, a communication from the Commissioner of Indian Affairs, together with a detailed statement of all the leases made and entered into by the Seneca Nation of Indians with all persons or corporations of lands in the Allegany Indian Reservation in the State of New York; which, with the accompanying papers, was referred to the Committee on Indian Affairs, and ordered to be printed.

REPORT OF THE COLUMBIA RAILWAY COMPANY.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of the Interior, transmitting the report of the Columbia Railway Company of Washington, D. C., for the

fiscal year ended February 29, 1896, together with a statement of the cost of the cable railway plant; which, with the accompanying report, was referred to the Committee on the District of Columbia, and ordered to be printed.

SECOND-CLASS MAIL MATTER.

The PRESIDENT pro tempore laid before the Senate a commu-The PRESIDENT pro tempore and before the Senate a communication from the Postmaster-General, transmitting, in response to a resolution of June 6, 1896, certain information and copies of papers relating to certain rulings of the Post-Office Department in reference to second-class mail matter; which, with the accompanying papers, was referred to the Committee on Post-Offices and Post-Roads, and ordered to be printed.

CERTIFICATION OF ELECTORS.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of State, transmitting, in pursuance to the provisions of the act of February 3, 1887, a certified copy of the final ascertainment of the electors for President and Vice-President from the State of Arkansas; which was ordered to lie on

ENROLLED BILLS SIGNED.

The PRESIDENT pro tempore announced the signature of the Vice-President to the following enrolled bills; which had previously been signed by the Speaker of the House of Representatives:

A bill (H. R. 2604) to increase the pension of Caroline A. Hough,

widow of the late Brig. and Byt. Maj. Gen. Joseph B. Carr, United States Volunteers, deceased.

STRATTON H. BENSCOTER.

The PRESIDENT pro tempore laid before the Senate the request of the House of Representatives for the return of the bill (H. R. 3771) for the relief of Stratton H. Benscoter; and by unanimous consent the request was ordered to be complied with and the bill returned to the House of Representatives.

CREDENTIALS.

Mr. MORGAN presented the credentials of Edmund Winston Pettus, chosen by the legislature of Alabama a Senator to represent that State in the Senate of the United States for the term commencing the 4th day of March, 1897; which were read, and ordered to be filed.

PETITIONS AND MEMORIALS.

The PRESIDENT pro tempore presented a petition of sundry citizens of Washington County, Ind., praying for the passage of the so-called Dingley tariff bill; which was referred to the Com-

mittee on Finance.

Mr. CAMERON presented a petition of the select and common councils of Philadelphia, Pa., praying that an appropriation be made for digging out the Back Channel and Improving the League Island Navy-Yard; which was referred to the Committee on Com-

He also presented a petition of sundry citizens of Pittsburg, Pa., and a petition of the Young People's Society of Christian Endeavor and sundry members of the Presbyterian church of Hazleton, Pa., praying for the enactment of legislation to relieve the suffering Armenians in Turkey; which were referred to the Committee on Foreign Relations.

He also presented a petition of George G. Meade Post, No. 1, Grand Army of the Republic, of Philadelphia, Pa., praying Congress to recognize the independence of Cuba; which was referred to the Committee on Foreign Relations.

to the Committee on Foreign Relations.

Mr. BERRY presented a petition of sundry citizens of Arkansas, praying for the passage of a bankruptcy bill; which was referred to the Committee on the Judiciary.

Mr. ALLEN presented a petition of sundry citizens of Valentine, Nebr., praying for the passage of Senate bill No. 2455, granting the incorporated town of Valentine, in the county of Cherry and State of Nebraska, certain lands, and for other purposes; which was referred to the Committee on Public Lands.

Mr. MITCHELL of Wisconsin presented a petition of the Superior Commercial Club, of Superior, Wis., praying that the harbor of Duluth and Superior be improved at as early a date as possible; which was referred to the Committee on Commerce.

Mr. HILL presented a petition of sundry woolgrowers of Onon-

Mr. HILL presented a petition of sundry woolgrowers of Onondaga County, N. Y., praying for the passage of the so-called Dingley tariff bill; which was referred to the Committee on Finance.
Mr. BURROWS presented the petitions of James B. Cobb and
36 other citizens of Kalamazoo, of D. S. French and 4 other citizens of St. Johns, and of G. W. Vanaiken and 16 other citizens of
Coldwater, all in the State of Michigan, praying for the passage
of the so-called Dingley tariff bill; which were referred to the
Committee on Finance.
Mr. BRICE presented a petition of the Strong Carlisle & Tur-

Mr. BRICE presented a petition of the Strong, Carlisle & Tur-ney Company, of Cleveland, Ohio, praying for the enactment of

legislation reforming the postal laws in regard to second-class mail matter; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the Ministerial Association of Springfield, Ohio, praying for the enactment of legislation pro-hibiting the transportation of obscene matter from State to State; which was referred to the Committee on Post-Offices and Post-

which was referred to the Committee on Post-Omces and Post-Roads.

He also presented a petition of the Ministerial Association of Springfield. Ohio, praying for the enactment of legislation providing for the appointment of an impartial commission to investigate the labor problem and to suggest a solution; which was referred to the Committee on Edu cation and Labor.

He also presented a petition of the Ministerial Association of Springfield, Ohio, praying for the enactment of legislation to forbid the mails to papers publishing details of suicides, except on police order for identification; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented the petition of Rev. Edward C. Dinwiddie, secretary of the American Anti-Saloon League of Springfield, Ohio, praying for the passage of House bill No. 7083, prohibiting the sale of intoxicating liquors in the Capitol building; which was referred to the Committee on Public Buildings and Grounds.

Mr. VEST presented a petition of the Board of Trade of Kansas City, Mo., praying Congress to recognize the independence of Cuba and also to give material aid to the Cuban people; which was referred to the Committee on Foreign Relations.

Mr. CULLOM presented a petition of sundry citizens of Illi-

Mr. CULLOM presented a petition of sundry citizens of Illinois, praying for the passage of the so-called Dingley tariff bill; which was referred to the Committee on Finance.

Mr. THURSTON. I present a petition signed by 10,000 representative colored citizens of the United States, praying for the passage of a bill to provide a home for aged and infirm colored people. I move that the petition be referred to the Committee on Education and Labor.

The motion was agreed to.

Mr. JONES of Arkansas presented the petition of Robert L.

Owen, of Muscogee, Ind. T., praying Congress to consider his
claim for services rendered in the settlement of the Old Settler Cherokee claim; which was referred to the Committee on Indian

REPORTS OF COMMITTEES.

Mr. GALLINGER, from the Committee on Pensions, to whom Mr. GALLINGER, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 7127) granting a pension to Samuel D. Gilman;

A bill (H. R. 5710) granting a pension to Eleanor L. Curtiss;

A bill (H. R. 5787) for the relief of Henry A. F. Worth;

A bill (H. R. 158) granting a pension to Mary Collins;

A bill (H. R. 3890) granting a pension to George William

Hodgdon; and
A bill (H. R. 1511) for the relief of Lydia Boynton Ferris.
Mr. GALLINGER, from the Committee on Pensions, to whom was referred the bill (H. R. 4281) granting pension to George Johnson, of Lenox, Iowa, reported it with amendments, and sub-

mitted a report thereon.

Mr. CANNON, from the Committee on Pensions, to whom was referred the bill (S. 3252) to increase the pension of Esther Brown, reported it without amendment.

Mr. HALE. I report back without amendment, from the Com-

mittee on Appropriations, with a report accompanying it, the annual pension appropriation bill, being the bill (H. R. 9473) making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1898,

and for other purposes. I give notice that to-morrow morning, after the routine morning business, I shall ask the Senate to take up the bill and pass it. It is the only appropriation bill that has reached the Senate from the House.

VICE-PRESIDENT. The bill will be placed on the Cal-The endar.

HOLIDAY RECESS.

Mr. HALE. I also report back from the Committee on Appropriations, without amendment, the House resolution proposing an adjournment for the holidays; and I ask that it be put on its passage.

The concurrent resolution of the House of Representatives was considered by unanimous consent, and agreed to, as follows:

Resolved by the House of Representatives (the Senate concurring), That when the two Houses adjourn on Tuesday, the 22d day of December, they stand adjourned until 12 o'clock meridian on Tuesday, January 5, 1897.

BILLS INTRODUCED.

Mr. BRICE introduced a bill (S. 3383) granting a pension to William H. Junkin; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. DAVIS introduced a bill (S. 3384) to authorize and empower

the governor of Alaska to appoint justices of the peace and con-stables in and for the District of Alaska; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Territories.

He also introduced a bill (S. 3385) to refer certain claims for Indian depredations to the Court of Claims; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Indian Depredations.

Mr. BLACKBURN introduced a bill (S. 3386) for relief of Leo L. Johnson; which was read twice by its title, and referred to

the Committee on Claims.

the Committee on Claims.

He also introduced a bill (S. 3387) to complete the military record of James Hicks, formerly captain Company M, Twelfth Regiment Ohio Cavalry Volunteers; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. McMILLAN introduced a bill (S. 3388) to further regulate the sale of milk in the District of Columbia, and for other purposes; which was read twice by its title, and, with the accompanying papers, referred to the Committee on the District of Columbia. Columbia.

Mr. PALMER introduced a bill (S. 3389) to amend an act granting pensions to the survivors of the Indian wars from 1832 to 1842, inclusive, known as the Black Hawk war, the Creek war, the

Cherokee disturbances, and the Seminole war; which was read twice by its title, and referred to the Committee on Pensions.

Mr. WALTHALL introduced a bill (S. 3390) for the relief of the Roman Catholic Church of St. Peters, at Jackson, Miss.; which was read twice by its title, and referred to the Committee on

Military Affairs.

Mr. ALLEN introduced a bill (S. 3391) directing the Secretary of the Interior to make surveys for and determine and report on certain rivers in the United the cost of erecting reservoirs on certain rivers in the United States and their tributaries, and making appropriation therefor, and for other purposes; which was read twice by its title, and referred to the Committee on Irrigation and Reclamation of Arid

He also introduced a bill (S. 3392) for the relief of Daniel C. Hefferman, of Dakota County, Nebr.; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Claims.

Mr. PERKINS introduced a bill (S. 3393) to increase the pension

of Wesley C. Sawyer; which was read twice by its title, and referred to the Committee on Pensions.

Mr. BAKER introduced a bill (S. 3394) for the relief of Capt.
John T. Bruen, late of the Tenth Independent Battery New York Volunteers; which was read twice by its title, and referred to the Committee on Claims.

Mr. NELSON introduced a bill (S. 3395) to amend an act entitled "An act for the relief and civilization of the Chippewa Indians in the State of Minnesota," approved January 14, 1889; which was read twice by its title, and referred to the Committee on Indian Affairs.

He also introduced a bill (S. 3396) to authorize and direct the Secretary of the Treasury to pay the moneys herein specified to the respective bands of Chippewa Indians in the State of Minnesota, according to their respective rights and interests; which was read twice by its title, and referred to the Committee on Indian Affairs.

Mr. HARRIS (by request) introduced a bill (S. 3397) granting a pension to Etta S. Stillson, widow of Philo B. Stillson, lieutenant-colonel One hundred and ninth Regiment New York Volunteers; which was read twice by its title, and referred to the Com-

mittee on Pensions.

Mr. QUAY introduced a bill (S. 3398) to provide an American register for the bark E. C. Mowatt, of Philadelphia, Pa.; which was read twice by its title, and referred to the Committee on

Mr. GEAR introduced a bill (S. 3399) granting a pension to John W. Pennell; which was read twice by its title, and referred to the Committee on Pensions.

to the Committee on Pensions.

Mr. KYLE introduced a bill (S. 3400) granting an increase of pension to John A. Worswick; which was read twice by its title, and referred to the Committee on Pensions.

Mr. McMILLAN introduced a joint resolution (S. R. 173) to permit railroads in the District to occupy additional parts of streets to accommodate the traveling public attending the inaugural ceremonies; which was read twice by its title, and, with the accompanying paper, referred to the Committee on the District of Columbia. trict of Columbia.

He also introduced a joint resolution (S. R-174) to suspend the operation of an act approved February 13, 1895, entitled "An act to amend an act entitled "An act to provide for the settlement of all outstanding claims against the District of Columbia, and conferring jurisdiction on the Court of Claims to hear the same, and for other purposes, approved June 16, 1880; which was read twice by its title, and, with the accompanying papers, referred to the Committee on the District of Columbia.

PRINTING OF A PAPER ON THE SENATE.

Mr. COCKRELL. I ask for an order that a paper on the Senate published in the Youth's Companion of November 13, 1890, and quoted in my speech in the Senate in January, 1892, be printed as a document. It will cost only a few dollars, and it is a very excellent article. I hope it may be printed for the use of the Senate. The PRESIDENT pro tempore. Is the order in writing?

Mr. COCKRELL. No, I have not written the order. The PRESIDENT pro tempore. The Senator from Missourt asks that a certain paper of which he informs the Senate may be printed as a document. Is there objection? The Chair hears none, and it will be so ordered.

USE OF MONEY IN ELECTIONS.

Mr. ALLEN. I submit a resolution, which I ask may be read. The resolution was read, as follows:

The resolution was read, as follows:

Resolved, That a committee of nine Senators be elected by the Senate to constitute a committee on the use of money in elections, and that said committee be instructed to thoroughly investigate the extent to which money, if any, was used in connection with the recent Presidential election, either in promoting the nominations or in influencing in any manner the choice of Presidential electors, and to inquire whether or not any such expenditures were excessive, illegitimate, corrupt, or unlawful, and especially to inquire and ascertain to what extent for such purposes the owners of silver mines, gold mines, the bankers, the manufacturers, the railroads, or other corporations and millionaires of all classes made contributions, and what contributions, if any, were made by persons and corporations residing abroad, and to report to the Senate all the facts, and whether or not, in the opinion of the committee, any legislation by Congress is expedient and necessary to lessen or prevent the use of money in elections. Said committee shall have power to acb by full or sub committees, to send for persons and papers, and sit during the present session of Congress and until the first Monday of December, A. D. 1897, the expenses thereof to be paid out of the contingent fund of the Senate.

The PRESIDENT pro tempore. Under the law the resolution

The PRESIDENT pro tempore. Under the law the resolution will go to the Committee on Contingent Expenses.

Mr. ALLEN. Before the resolution is referred, I desire the indulgence of the Senate just a moment to have two articles read showing the necessity for the passage of the resolution. I will occupy the attention of the Senate but a moment. I send to the desk and ask to have read an editorial from the New York Tribune of December 11, 1896.

The PRESIDENT pro tempore. If there be no objection, the Secretary will read the paper at the request of the Senator from Nebraska.

The Secretary read as follows:

[New York Tribune, December 11, 1896.]

The Secretary read as follows:

[New York Tribune, December II, 1896.]

THE SILVER OUTBREAK.

Senator Allen and the bolters who have practically annexed themselves to the Populists are doing a public service unintentionally. Their attempt to revive agitation and uncertainty on the question of money is heartily condemned by business men of all shades of opinion, and its injurious influences on industry are resented by workingmen. The right of these people to demand a popular decision on the question was not denied. But their attempt to keep the whole country in the slough of despond for an indefinite time because the popular decision was against them, and by a factious resistance to that decision, is rightly considered indecent and in its purpose revolutionary. The country will presently be prepared to resist it with the same grand union of loyal feeling which crushed the attempt of Altgeld & Co. to promote free ricting.

Loyalty in this country means obedience to the legal decisions of the nation, the source of all authority. The man who is beaten after a fair hearing is not bound to abandon his opinion. He is at liberty to strive to the utmost to convince men so that a future decision may be in his favor. But he is bound, if he has any sense of loyalty, to respect the verdict of the people until a new one has been rendered. Anything like factious opposition to such a decision is dishonorable, and is certain to arouse a popular resentment which will go very far toward deciding future contests. But when the solvency and the honor of the nation are at stake, and in purely factious opposition to measures for the maintenance of public honor a man imperiliation to measures for the maintenance of public honor a man imperiliation to measures for the maintenance of public honor a man imperiliation to measures for the maintenance of public honor a man imperiliation to measures for the maintenance of public honor a man imperiliation to measure for the maintenance of public honor a man imperiliation to measure for the saf

Mr. ALLEN. I ask also to have read an article that is marked, from the Farm, Field, and Fireside, published at Chicago, dated December 5, 1896.

The PRESIDENT pro tempore. If there be no objection, the Secretary will read as requested.

Mr. ALLEN. The article is short.

The Secretary read as follows:

[Farm, Field, and Fireside, December 5, 1896]

ELECTION ECHOES.

The following table gives the popular vote for President in 1892 and 1896, leaving out the Prohibition vote in both cases.

This vote shows a most remarkable and problematical increase in those States known as pivotal, an increase in voting strength far beyond any reasonable increase in population.

	Popular vote, 1892.			Vote for President in 1896.		
States.	Demo- cratic.	Repub- lican.	Popu- list.	McKin- ley.	Bryan.	Pal- mer.
Alabama	138, 138	9,197	85, 181	54, 737	107,137	5, 671
Arkansas	87,752	46,974	11,831	37,512	110, 103	
California	118, 151	118,927	25,311	148, 217	142,926	
Colorado		38,620	53, 584	22,785	151,970	500
Connecticut	82,395	77,032	809	110,288	56,734	4,834
Delaware	18,521	18,077		20,367	16,671	967
Florida	30, 143		4,843	11,257	29,981	1,772
Georgia	129,386	48,305	42,939	60,091	94, 232	2,788
Idaho		8,599	10,520	5,031	15,754	
Illinois	426, 281	399, 288	22, 207	604,467	463, 299	6, 198
Indiana	262,740	255,615	22, 198	327,739	309,318	2,148
Iowa	196,367	219,373	20,616	289,640	224, 336	4,395
Kansas		157,241	163,111	158,541	171,810	1,200
Kentucky	175, 461	135, 441	23,500	218,055	217,797	5,018
Louisiana	87,922	13,311	13,332	21,627	76,883	1,810
Maine	48,024	62,878	2,045	80,425	32,217	1,864
Maryland	113,866	92,736	796	136,959	102,754	2,507
Massachusetts	176,813	202,814	3,210	267,787	102,655	11,510
Michigan	202, 296	222,708	19,892	293, 327	237, 251	6,930
Minnesota	100,579	122,786	30, 398	193, 455	139,477	3,209
Mississippi	40,237	1,406	10,259	4,849	55,933	1,021
Missouri	268, 628	226, 762	41,183	804,940	363,652	2,355
Montana	17,534	18,838	7,259	10,100	41,275	
Nebraska	24, 943	87,227	83, 134	102,565	115,625	2,797
Nevada	711	2,822	7,267	1,756	6,751	0 100
New Hampshire	42,081	45,658	293	57,444	21,271	3,420
New Jersey	171,066	156,089	985	221, 367	133,675	6,378
New York	654, 869	609, 350	16,429	795, 271	543,839	18,820
North Carolina North Dakota	132,951	100,348	44,732	155, 222	174,488	578
Obio	404, 115	17,519 405,187	17,650 14,850	23, 325 525, 989	18,175 474,880	1,857
Ohio Oregon	14, 243	35, 062	26,875	48,689	46,618	851
Pennsylvania	452, 264	516,011	8.714	728, 300	427, 127	11,000
Rhode Island	24, 335	27,069	227	36, 437	14, 459	1.166
South Carolina	54,698	13, 384	2,410	9,313	58,801	82
South Dakota	9,081	84, 888	26, 512	45, 100	45, 275	2.500
Tennessee	136, 477	99,973	23, 622	148,778	163, 651	1.95
Texas	239,148	81,444	99,638	166, 182	291,270	4,940
Vermont	16,325	87,992	43	13, 461	64,851	2,020
Virginia	163,977	133, 258	1,274	51, 127	10,179	1,331
Washington	29,844	36,470	19,105	135, 361	155,968	2,216
West Virginia	84,468	80, 285	4, 165	39,495	50,927	2,750
Wisconsin	177, 335	170,791	9,909	102,000	90,000	-, 100
Wyoming	211,000	8,454	7,772	265, 656	162,609	3,000
Utah				10,073	10,359	
		National Property lies			20,000	
Total	5,553,165	5,196,086	1,030,630	7,053,102	6, 344, 463	132,583

McKinley's popular plurality over Bryan 708,639.

McKinley's popular plurality over Bryan 708,639.

Cleveland carried California in 1892 by 147, and Bryan received 24,000 more votes than Cleveland received, and yet McKinley carried California.

Cleveland carried Illinois in 1892 by 23,993, and Bryan received 47,000 more votes than Cleveland received, yet McKinley carried Illinois.

Cleveland carried Indiana in 1892 by 7,125, and Bryan received 47,000 more votes than Cleveland received, yet McKinley carried Indiana.

Harrison carried Iowa in 1892 by 23,729, and Bryan received 4,541 more votes than Harrison received, yet McKinley carried Iowa.

Cleveland carried Kentucky in 1892 by 40,020, and Bryan received 42,336 more votes than Cleveland received, yet McKinley carried Kentucky.

Harrison carried Michigan in 1892 by 20,412, and Bryan received 4,000 more votes than Harrison received, yet McKinley carried Michigan.

Harrison carried Minnesota in 1892 by 21,903, and Bryan received 16,714 more votes than Harrison received, yet McKinley carried Minnesota.

Harrison carried Onio in 1892 by 1,072, and Bryan received 9,000 more votes than Harrison received, yet McKinley carried Onio.

Harrison carried Oregon in 1892, and Bryan received 9,000 more votes than Harrison received, yet McKinley carried Oregon.

The vote of Illinois was nearly 250,000 in excess of the vote of 1892; that of Ohio 200,000, and of Kentucky 100,000. From whence have these States gained so largely in population during four years?

At the same time Kansas, a growing Western State, only shows 10,000 gain. The great State of Texas, which has been a theater of immigration, only shows 40,000 gain; Alabama shows 5,000 loss; New York only shows 40,000 gain: Arkansas, a State to which immigration has been directed, only gained 1,000, while Indiana, a pivotal State, shows 90,000 gain.

These figures are inexplicable. Why have the pivotal States made such tremendous gains in voting strength? Is it legitimate, or has there been some new secret—fraudulent—device for making and swelling majorities where they a

Mr. ALLEN. I now ask that the resolution be referred to the Committee to Audit and Control the Contingent Expenses of the Senate, and request that it may be promptly reported back, so that it can be considered by the Senate.

The PRESIDENT pro tempore. The resolution will be so referred.

THE WATER HYACINTH.

Mr. PASCO. I submit a resolution, and ask that it be now

The resolution was read, as follows;

The resolution was read, as follows;

Resolved, That the Secretary of War be directed to communicate to the Senate any information of a recent date upon the files of the Department relating to the obstruction of the navigable waters of Florida or the other South Atlantic or Gulf States by the aquatic plant known as the water byacinth, and to inform the Senate whether any efforts have been made to remove such obstruction to commerce and with what results, and whether in his judgment any additional legislation is desirable to provide against the closing of any such navigable waters by the continued growth and spreading of such plant.

The Senate, by unanimous consent, proceeded to consider the resolution

Mr. CALL. Mr. President, I have an amendment upon this subject to offer to the proper appropriation bill, of which I desire

to give notice.

The waters of the St. Johns River is my own immediate region in Florida—my own home. They embrace the only portion of the State which is infected by this very destructive growth. It almost destroys the navigation of the great St. Johns River, which is in part an estuary of the sea, opens the larger part of the interior of south Florida to navigation, and making accessible the production of phosphates and the tropical fruits, vegetables, and lumber of that country. This is a subject of very great importance, as this growth, imported from a foreign country and transplanted in the waters of the St. Johns, threatens to almost entirely close the river for navigation.

I hope that the resolution will be passed, and at a later day, when the subject shall come before the Senate, I give notice that I shall ask for a considerable appropriation for the improvement of that river, to prevent it from being entirely closed. Captain Shaw, an experienced and capable navigator of many years on the river, is now gathering the information necessary for Congress, and I am only awaiting its receipt to urge Congress to appropriate the

Mr. PASCO. It is with a view of getting information before the Senate for intelligent action that I introduced the resolution. There is some such information at the War Department. I desire to get it in an official form, so that we may make some effort to remove this obstruction to navigation and commerce.

I understand that this obstruction exists not only in the State which my colleague and I represent, but in some of the other South Atlantic and Gulf States, particularly in the State of Louisiana. I have consulted with the Senators from that State and isiana. I have consulted with the Senators from that State and learn that some of their navigable waters have been obstructed by the continuous growth of this water hyacinth, which is a very beautiful aquatic plant, but it is practically shutting up the mouths of some important navigable streams in these States.

It was for the purpose of getting this information that the resolution was prepared and introduced.

The resolution was agreed to.

RIVER AND HARBOR IMPROVEMENTS IN OREGON.

Mr. MITCHELL of Oregon. I submit a resolution and ask for its present consideration.
The resolution was read, as follows:

The resolution was read, as follows:

Whereas it was provided in the act entitled "An act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes," passed by Congress June 3, 1896, as follows:

"Improving Yaquina Bay, Oregon: Continuing improvement, \$25,000: Provided, That contracts may be entered into by the Secretary of War for such materials and work as may be necessary to complete the project as recommended by the Board of Officers of the Engineer Corps October 11, 1895, to be paid for as appropriations may from time to time be made by law, not to exceed in the aggregate \$1,000,000, exclusive of amount herein and heretofore appropriated."

Also, "improving Willamette and Yamhill rivers, Oregon, \$40,000, to be expended in accordance with report submitted February 21, 1896, for Willamette River from Portland to Eugene, and in accordance with report of survey, dated March 6, 1895, for lock and dam on Yamhill River: Provided, That contracts may be entered into by the Secretary of War for such materials and work as may be necessary to complete said improvements, or said materials may be purchased and work may be done otherwise than by contract, to be paid for as appropriations may from time to time be made by law, not exceeding in the aggregate \$200,000, including the amount herein appropriated: And provided further. That the sum of \$19,000, or so much thereof as may be necessary, shall be available for the purchase or construction of a snag boat with suitable appliances: Provided further, That the Secretary of War may, in his discretion, use so much of the money herein appropriated as may be necessary to prevent the erosion of the west bank of the Willamette River opposite Salem, Oreg.. and to maintain the river channel at that point: "Therefore Resolved, That the Secretary of War be, and he is hereby, directed to advise the Senate at his earliest convenience as to what steps, if any, have been taken looking to the placing of sai

The PRESIDENT pro tempore. The Senator from Oregon asks unanimous consent for the present consideration of the resolution which has just been read. Is there objection? The Chair hears

Mr. SHERMAN. I should like to have it read.

Mr. MITCHELL of Oregon. It is simply a call for information.
Mr. GORMAN. Let it be read..
The PRESIDENT pro tempore. The Senator from Ohio asks that the resolution may again be read.

Mr. SHERMAN. I understand that it is merely a resolution

calling for information. If that is the case I do not care to have it read

Mr. MITCHELL of Oregon. That is all it is. I will state to the Senator from Ohio it is simply a resolution calling for information.

Mr. GORMAN. Let it be read, Mr. President. I should like I should like

Mr. GORMAN. Let it be read, Mr. Fresident. I should like to know what it is. Its reading was not heard on this side.
Mr. MITCHELL of Oregon. I will state to the Senator from Maryland what the resolution is. There was provision in the river and harbor act which passed at the last session for the placing under contract of three several proposed improvements in the State of Oregon. This resolution simply calls upon the Secretary of War to advise the Senate as to what steps, if any, have been taken. That is all.

The PRESIDENT pro tempore. Does the Senator from Maryland desire the resolution to be again read?

Mr. GORMAN. No. I merely wished to know what it is.
The PRESIDENT pro tempore. The question is on agreeing to the resolution.

The resolution was agreed to

ISSUE OF BONDS IN NEW MEXICO.

Mr. WOLCOTT. I ask unanimous consent to call up the amendment of the House of Representatives to the amendment of the Senate to the bill (H. R. 4052) approving certain acts of the legislative assembly of the Territory of New Mexico authorizing the issue of certain bonds of said Territory, which came over from the House aday or two since and which was read. the House a day or two since and which was read. An objection was then made by the Senator from Missouri [Mr. Cockrell], who now withdraws his objection, I understand. He has examined the bill. It is identical with the bill which passed both Houses of Congress before the adjournment in June and received the veto of the President because of certain restrictive language at the close of the Fresident because of certain restrictive language at the close of the measure, which has been eliminated from it. With that exception, the bill stands exactly as it did when it passed the two Houses of Congress before. The amendment was read by the Secretary the other day, before the objection was made by the Senator from Missouri, and I should be glad if the

Senate would vote upon it.

The PRESIDENT pro tempore. The Senator from Colorado asks unanimous consent for the present consideration of the bill named by him. Is there objection? The Chair hears none, and the action of the House of Representatives will be stated.

The Secretary read as follows:

named by him. Is there objection? The Chair hears none, and the action of the House of Representatives will be stated.

The Secretary read as follows:

Resolved, That the House agrees to the amendments of the Senate to House bill 462, entitled "A bill approving certain acts of the legislative assembly of the Territory of New Mexico, atheorying the issue of orritain bads of said Territory," numbered a state of the Territory of New Mexico, atheorying the issue of orritain bads of said Territory, and the said of the county of Santa Fe, Territory of New Mexico, dated September 29, 1891, issued under the provisions of an act of the Territorial general assembly of the Territory of New Mexico, entitled "An act for the financial relief of counties and municipalities," approved February 29, 1891.

"Such bonds having been issued in refunding and in lieu of \$150,000 of bonds, overdue interest, and a judgment rendered thereon, of said county of Santa Fe, theretofore, in the year 1890, issued and outstanding, are hereby validated, approved, and confirmed. Also the certain bonds and indebtedness, \$6,000 in amount, together with the interest coupons thereto attached, of the county of Grant, Territory of New Mexico, dated July 1, 1883, being the unretired part of an issue of \$65,000 in bonds issued by said county of Grant under the provisions of an act of the Territorial general assembly dated February 1, 1872, are hereby validated, approved, and confirmed. Also the certain bonds and indebtedness, \$50,000 in amount, together with the interest coupons thereto attached, of the city of Silver City, county of Grant, Territory of New Mexico, dated March 1, 1883, issued under the provisions of an act of the Territorial general assembly dated February 1, 1891, such bonds having been issued in refunding and in fleu for bonds and indebtedness to the amount of \$50,000 in said town or city by the issuance of similar obligations, bearing a less rate of interest, approved by the signal of the february 19, 1891, except that such refunded bo

within six months after said notice shall be given as herein required shall not bear a rate of interest greater than 4 per cent per annum from date of issue: Provided, That nothing in this act shall be so construed as to make the Government of the United States liable or responsible for the payment of any of said bonds by this act approved, confirmed, and made valid."

The PRESIDENT pro tempore. The question is on concurring in the amendment of the House of Representatives.

Mr. PEFFER. I ask the Senator from Colorado to explain how this change affects the original bill.

Mr. WOLCOTT. In no way except that it removes a restrictive clause to which the President objects, and which he thought might invalidate the bill invalidate the bill.

The amendment was concurred in.

The PRESIDENT pro tempore. The House of Representatives has also disagreed to Senate amendment numbered 3.

Mr. WOLCOTT. I move that the Senate recede from that

amendment.

The motion was agreed to.

ORDER OF BUSINESS.

Mr. PALMER. I ask for the present consideration of the bill (S. 894) granting a pension to Nancy G. Allabach. I was not present yesterday when pension bills were considered, and I now ask the immediate consideration of the bill I have named, which was returned to the Senate with the objections of the President.

The PRESIDENT pro tempore. The Chair will announce that morning business is concluded. The Senator from Illinois asks unanimous consent for the present consideration of the bill named by him. Is there objection? The Chair hears none. Mr. PALMER. If the bill is now before the Senate, I ask for

the reading of the report.

Mr. MORGAN. Did I understand the Chair to announce that

Mr. MORGAN. Did I understand the Chair to announce that the morning business had been closed?

The PRESIDENT pro tempore. The Chair so announced.

Mr. MORGAN. I was waiting to get a chance to call up a resolution which comes over from yesterday, which is a part of the morning business, and which I announced on yesterday I should ask the Senate to allow me this morning to make some observations upon. I hope the Senator from Illinois will not insist upon the point that the morning business is closed, for I submit respectfully that that resolution comes over as part of the morning business. business

The PRESIDENT pro tempore. The Chair will recognize the Senator from Alabama as soon as the bill referred to by the Senator from Illinois shall have been disposed of. The report will be read.

The Secretary proceeded to read the report submitted by Mr. PALMER from the Committee on Pensions May 9, 1896, but was interrupted by

Mr. JONES of Arkansas. What is it that is being presented by

the Secretary

The PRESIDENT pro tempore. The Senator from Illinois [Mr. Palmer] called up a bill for consideration.

Mr. CULLOM. A vetoed pension bill.

The PRESIDENT pro tempore. It is a bill which has not received the sanction of the President of the United States.

Mr. JONES of Arkansas. Does it require unanimous consent to take it up?

Mr. JONES of Arkansas. Does it require unanimous consent to take it up?

The PRESIDENT pro tempore. No; it does not necessarily, although unanimous consent was asked.

Mr. JONES of Arkansas. In view of the fact that the Senator from Alabama [Mr. Morgan] had yesterday given notice that at the conclusion of the morning business this morning he would ask to occupy the attention of the Senate for the purpose of submitting remarks on a resolution of interest to the Senate, I do not think that anything should be interposed in his way.

Mr. PALMER. I certainly did not desire to interfere with the Senator from Alabama; and, with the understanding that the bill to which I have referred can be disposed of after he has concluded his remarks, I will yield to him.

The PRESIDENT pro tempore. It was partly owing to a mis-understanding on the part of the Chair that the resolution referred to by the Senator from Alabama was not laid before the Senate as morning business. The resolution was submitted yesterday, and at the request of the Senator from Alabama laid upon the table,

and therefore did not come into the hands of the presiding officer.

Mr. GALLINGER. I trust that at the conclusion of the remarks of the Senator from Alabama, by unanimous consent the vetoed pension bill may be taken up for consideration.

The PRESIDENT pro tempore. The Chair will then recognize

the Senator from Illinois.

AFFAIRS IN CUBA.

Mr. MORGAN. I ask for the reading of the resolution which I submitted yesterday

The Secretary read the resolution submitted yesterday by Mr. MORGAN, as follows:

Resolved. That the President is requested, if it is not in his opinion incompatible with the public service, to send to the Senate copies of the papers relating to the condition of affairs in the Island of Cuba, which are referred to in the report of the Secretary of State that accompanies his last annual

message as papers collected in the annual volume entitled "Foreign Relations of the United States."

And also a statement of the several amounts of the claims lodged in the Department of State by citizens of the United States against Spain, growing out of the alleged insurrection now existing in the Island of Cuba.

And also all correspondence with the Spanish Government relating to the vessel called the Competitor, and the persons captured with or near that vessel; with a statement of the charges pending in any court in Spain or Cuba against said persons and the proceedings of such court in those cases; and the place of their imprisonment, the character of their treatment while in prison, and the condition of their health; whether said prisoners have had the privilege of counsel of their own selection on any trial that has taken place on such charges, or were represented by any consul, attorney, or other agent of the United States.

Mr. MORGAN. Mr. President in the discussion of the present

Mr. Morgan. Mr. President, in the discussion of the present phase of our relations with Spain and Cuba I will confine my remarks to comments upon the facts stated in the recent annual message of the President and the report of the Secretary of State, to which the President refers as a part of that message.

I am not able to discover that the President has made any specific research and the report of the Secretary of State, to which the President refers as a part of that message.

I am not able to discover that the President has made any specific recommendation or indication as to any action he deems it proper or expedient for Congress to take with reference to Spain or Cuba, nor that he has indicated any course, except a still patient waiting, that the Executive proposes to take. Congress, thus left to its own initiative, must assume its own responsibilities in a matter of the most serious gravity.

Congress must give to the statements of the President unhesitating acceptance as to matters that are committed by the Constitution to his especial charge. When he undertakes to state the facts that affect our relations with other powers we must accept those facts, unless the disproof of them is overpowering. This message, therefore, is of the most impressive importance as a statement of the leading facts and conclusions that bear upon our daties in respect of the sortlist of arms that he a reged for results duties in respect of the conflict of arms that has raged for nearly two years in the Island of Cuba, and it has the support of nearly all American belief. I have not heard that Spain controverts any statement of the President in his message, and I can find no ground for the conjecture that any material issue of fact will be raised as to any important statement the President has made.

The evidence that comes from private sources relating to the condition of Cuba and the horrors of persecution, rapine, and extermination visited upon the people of Cuba admits of no doubt as to its credibility; yet it presents pictures so incredibly inhuman and so disgraceful to the civilization of this age that it stuns the mind into disbelief that such things can be true. But I do not now present such proofs.

Congress is relieved from seeking proofs as to the actual situa-tion in Cuba by the statements of the President's message, upon which, alone, I predicate the judgment I am required to form and to act upon along with other Senators under circumstances of great responsibility and extreme pressure.

No feature of the situation is more trying than that which requires prompt action, if any action is to be taken, to save a country from utter devastation, and many thousands of innocent people, including citizens of the United States, from cruel and deliberate butchery at the hands of the Spaniards.

This situation in Cuba is no surprise to me, nor are the motive and purpose that have driven Spain to wholesale massacre of the Cubans without anticipation on my part or on the part of many who have seen that Spain is compelled for the security of the home Government to abandon her grasp on Cuba. When we were home Government to abandon her grasp on Cuba. When we were forced at the last session of Congress to consider whether our people would tolerate the conditions of the war in Cuba, that violated every principle of humanity and civilized warfare, I then stated that if we listened to the appeals of the Cubans for justice and manifested for them any sympathy or forbearance that Spain would seek occasion to provoke war with the United States in order to salve her wounded pride by a surrender of Cuba to a superior force rather than acknowledge the independence of the native population.

The fierce hand of devastation is now working in Cuba for the purpose of satisfying the Spanish people that their money could be better expended and their lives could be saved with more honor and benefit to Spain than they can be if thrown away in the effort to subjugate a people who can never become honestly loyal to the Crown and a country that is destroyed in its practical value.

If war with the United States is necessary to reconcile the Spanish people to the loss of Cuba by foreign conquest, we shall be compelled to meet that emergency. If the destruction of Cuba is enough to satisfy the popular sentiment of revenge upon the inhabitants, we can avoid a war with Spain by remaining inactive, while our own people are being ruined or slaughtered along with the Cubans.

If we take any action toward stopping this war of annihilation

and extermination we have no time to lose.

The President says that both parties in Cuba have adopted and are acting upon the same theory, namely:

That the exigencies of the contest require the wholesale annihilation of property, that it may not prove of use to the enemy. It is to the same end that, in pursuance of general orders, Spanish garrisons are now being with-

drawn from plantations and the rural population required to concentrate itself in the towns. The sure result would seem to be that the industrial value of the island is fast diminishing, and that, unless there is a speedy and radical change in existing conditions, it will soon disappear altogether. * * * It is reliably asserted that should these interruptions continue during the current year and practically extend, as is now threatened, to the entire sugar-producing territory of the island, so much time and so much money will be required to restore the land to its normal productiveness that it is extremely doubtful if capital can be induced to even make the attempt.

The crisis of the destruction of the island is imminent, and the duty of saving the country from "complete devastation" is the motive that-

will constrain our Government to such action as will subserve the interests thus involved and at the same time promise to Cuba and its inhabitants an opportunity to enjoy the blessings of peace.

Thus the inciting cause, the motive, and the action that must result are grouped together in the President's message, and Congress should not hesitate to declare that, for the reasons stated in the message of the President, the independence of Cuba is recognized. In the last session Congress adopted the following resolution by votes nearly unanimous in both Houses. I will read that solemn declaration

Resolved by the Senate (the House of Representatives concurring therein), That, in the opinion of Congress, a condition of public war exists between the Government of Spain and the Government proclaimed and for some time maintained by force of arms by the people of Cuba; and that the United States of America should maintain a strict neutrality between the contending powers, according to each all the rights of belligerents in the ports and territory of the United States.

Resolved further, That the friendly offices of the United States should be offered by the President to the Spanish Government for the recognition of the independence of Cuba.

That declaration left the President to his choice whether he would concur in the policy thus announced by Congress. He chose to delay any declaration on his part until facts had more fully developed the purposes of Spain toward Cuba and the ability of the Cubans to defend themselves against the whole power of the Kingdom. The war has continued until it has reached the final and desperate stage of a war of devastation and extermination, in which the people and the fruits of the land are converted into a prey to the commissioned guerrillas, who have abandoned honorable warfare and have become robbers, cutthroats, assassins, ravishers, and pirates. All these crimes will be found to have been authentically stated to our Government when the seals of secrecy are broken and they are brought to the knowledge of the world

are broken and they are brought to the knowledge of the world for the vindication of our action, if we are compelled to engage in war to put an end to this saturnalia of blood and fire.

Congress has already the most profound reasons for regretting that our executive department did not act in accordance with the resolution I have read. A firm declaration that the conflict in Cuba had reached the stage of open public war would have admonished Spain that the United States at least would hold her and the Cubans to obedience to the laws of civilized warfare and and the Cubans to obedience to the laws of civilized warfare, and the world would have been spared-

the spectacle of the utter ruin of an adjoining country, by nature one of the most charming and fertile in the world.

But our supposed business interests were in the way, and, in the effort to secure their damages and losses, we have permitted Spain, in her despair of reducing the Cubans to submission, to make the war a revel of vengeance and the people of Cuba the victims of every horrid and brutal passion of infuriated men.

As the message of the President is the sole basis of fact on which I rest the conclusions I have reached as to my duty as a Senator

na crisis that is forced upon the country because of our just and natural sympathy for the Cubans, and as the laws of nations stand to support those conclusions, as I believe, I will enter upon a more careful statement of those facts as I will quote them from the message, and of those laws as I understand them.

Taken as a whole, the President's message is an affirmative and substantial concurrence in the resolution heretofore adopted by Congress, which I have read, which commits that body to the

declaration that public civil war exists in Cuba.

It is that fact, and not its declaration in any selected form of words or by any tribunal, that defines the rights of our citizens residing in Cuba under the laws of nations, by which they are to be ascertained, admeasured, and enforced, in the absence of treaty stipulations. The existence of a state of war is not determined merely by a declaration of its existence, but by the existence of the facts which constitute a state of war under the laws of nations

A citizen of the United States, or of any country, when absent from his own Government, is placed under the protection of the laws of nations, by the common consent of mankind. Such protection often justifies interference in his behalf by powers to which he is an alien and a stranger. In Christian countries this sort of shelter is given to those who are wronged by the local government as a duty to the stranger, thus illustrating the divine benevolence that inspires the Christian creed. This high duty is expressed in the mutual guaranties of the great European powers for the protection of humanity in Turkey, and, in that connection,

is reiterated in burning eloquence in the following extracts from the last annual message of President Cleveland:

while none of our citizens in Turkey have thus far been killed or wounded, though often in the midst of dreadful scenes of danger, their safety in the future is by no means assured. Our Government at home and our minister at Constantinople have left nothing undone to protect our missionaries in Ottoman territory, who constitute nearly all the individuals residing there who have a right to claim our protection on the score of American citizenship. Our efforts in this direction will not be relaxed; but the deep feeling and sympathy that have been aroused among our people ought not to so far blind their reason and judgment as to lead them to demand impossible things. The outbreaks of blind fury which lead to murder and pillage in Turkey occur suddenly and without notice, and an attempt on our part to force such a hostile presence there as might be effective for prevention or protection would not only be resisted by the Ottoman Government, but would be regarded as an interruption of their plans by the great nations who assert their exclusive right to intervene in their own time and method for the security of life and property in Turkey.

I do not believe that the present somber prospect in Turkey will be long permitted to offend the sight of Christendom. It so mars the humane and enlightened civilization that belongs to the close of the nineteenth century that it seems hardly possible that the earnest demand of good people throughout the Christian world for its corrective treatment will remain unanswered.

The commander of an American warship lying in a port of Turkey who would refuse to protect with his guns the people of any country who were being massacred as were the Christians in Harpoot and Marash would be disgraced in the estimation of every American citizen and would deserve to be dismissed from the Navy.

The laws of nations follow a citizen of the United States into

The laws of nations follow a citizen of the United States into places where the laws of the United States have no local recognition and where its flag has no influence. They give him the right to recognize a government de facto, for his protection and for the regulation of his conduct, and justify his obedience to "the powers that be," even when the de facto existence of that government is denied by the titular sovereign of the country and that sovereign is supported in such denial by the silence or the indifference of the United States. I could go still further in the statement of the rights of an American citizen who is found in Cuba, in time of insurrection, but that is unnecessary for the purposes in time of insurrection, but that is unnecessary for the purposes of this argument. What I now assert is that our people in Cuba of this argument. What I now assert is that our people in Cuba have rights under the laws of nations that the courts of all neutral countries and of our own country will protect and enforce, despite the opposition even of the President of the United States, if he should oppose them.

if he should oppose them.

These laws are silent in Cuba, so far as any attention to them is given by our Government, either in behalf of the people of other countries or our own. What I feel bound and authorized to do, though it is not all that I would like to do, is to give to the laws of nations full scope and enforcement in Cuba in behalf of our own people. If the Island of Cuba is still at peace, and is not enveloped in war, in the contemplation of the laws of nations, as peace and war are defined by those laws, our people there must look first to the protection of Spain for safety and for the redress of the wrongs they are suffering.

If public war prevails in Cuba, by whatever name Spain may choose to call such hostilities, our people there have all the rights and immunities that the laws of nations give to neutrals in time of war, and they have the right to obey and even to assist in the support of the armies that, for the time being, have the power to command and enforce their submission. When our Government gets its consent to enforce these rights of our people in Cuba which are supported by the laws of nations, it must do so either by recog-

are supported by the laws of nations, it must do so either by recognizing the existence of war and by holding each party engaged in war to its responsibility for wrongs done to our people through its conduct or by still recognizing the existence of a state of peace in Cuba and demanding of Spain the reparation due for acts of the titular Government and also for the acts of those who are claimed by Spain to be only a warring faction engaged in insurrection.

It is a choice between giving to the lives, liberty, freedom, and property of our people in Cuba the direct and immediate support of our national power, whether it is active or merely moral, or whether it is through diplomacy or arms on the one hand and on the other the passive, dilatory, theoretic method of waiting for a more convenient season for entering suit against Spain for damages through the endless palavers of diplomatic correspondence. We must go ungarned into the ministerial courts, where verbose We must go unarmed into the ministerial courts, where verbose enigmas of speech suspend justice and reason alike, and there create a war of words to settle the controversies that are now arising daily from an unchristian and horrible war of blood, rapine, murder, and cruelty in which our people are innocently involved.

What the rights of our people are pleading, with hot breath and tears of anguish into the dull ears of the Government, whose Executive assumes the mastery over their fate, is that the powers of prevention shall be summarily applied to these abuses, with the quick resistance that responds with sufficient force to the quick

and fatal blows that are assailing them.

They are not content to suffer these wrongs, within earshot of our frontier, and to pile up claims, petitions, and proofs to be brought before Spain, in long years of discussion, after she has bankrupted a kingdom to wreak blind revenge on a province.

If Spain is liable to our people, both for her own wrongs and for wrongs done by Cubans, let that liability be met as soon and as often as it arises without delay. The compensation is due on demand, and not at the end of a diplomatic lawsuit, to be commenced, conducted, and ended when it may suit the convenience

of Spain.

When we know that wrongs have been done to our people who are innocent sojourners in Cuba, and that other wrongs still more serious will be done them if this war is to continue, our Government is in the most humiliating state of innocuous desuetude if it interposes no helping hand to the sufferers and refuses to forbid the further devastation and death that a cruel Government is now

inflicting upon them.

Never in the history of man did a question of money, of dollars and cents, of business interests, stand so squarely against human life and personal safety, or affect a people so seriously, as those baneful influences and deeds of violence are now affecting our people in Cuba.

people in Cuba.

Spain, in the pride of her arrogance and in her contempt for the common people who are her subjects, refuses to acknowledge that they are morally or physically able to wage open war against the Crown, and persists in the declaration that their uprising is only a factious and criminal insurrection. The United States, on the other hand, to fortify her money demand against Spain for injustice. other hand, to fortify her money demand against Spain for injuries suffered by our "business interests" at the hands of the Cubans, winks at the arrogant folly of Spain and joins her in the declaration, which every intelligent man in the world knows to be a travesty of the truth, that there is no war in Cuba.

It makes no difference to us, it seems, if life and liberty are destroyed; each death and each wound increases the damages in money, and Spain is expected to foot the bills. This cent per cent speculation in the horrors and sufferings of warfare is derogatory to every sympathy that any virtuous American ever permitted to find a lodgment in his heart

If the war is to continue in Cuba without our intervention to protect the rights of our people, the money question involved may triumph over the question of life and liberty, but its triumph, long delayed, will destroy its hopes of reward in the bankruptcy of Spain. While the war continues there under our recognition that it is only a civil commotion, we are bound to rely upon the good intentions and the power of Spain to protect our people in Cuba against both the Spaniards and the Cubans. This at best is a very unsafe reliance.

The debt is very doubtful of collection and we are not justifiable in throwing away good lives to increase the volume of a bad debt that our people will probably lose in the outcome.

In my view of the situation, our duty is plain and imperative that we must secure and preserve our people in Cuba against the outrages stated in the message of the President.

In tracing the history of the struggle in Cuba the President goes back twenty-eight years to the rising at Yarra in 1868, "which was followed by an insurrection that lasted for ten years." He asserts that the conduct of Spain in that war tested in a severe manner the patience and forbearance of the Government of the United States, "the most pacific of powers," to such an extent that "no other great power, under circumstances of similar perplexity, would have manifested the same restraint and the same patient endurance."

This open reproach would be extremely unjust and cruel to

This open reproach would be extremely unjust and cruel to Spain if in that ten years of violence she had only been engaged in quelling an insurrection in Cuba that was fomented and carried on for purposes that were base and disloyal and were not justified by the most strenuous demands for redress.

In that connection the President further states that—

Neither the Government nor the people of the United States have shut their eyes to the course of events in Cuba, nor have failed to realize the existence of conceded grievances which have led to the present revolt from the authority of Spain—grievances recognized by the Queen Regent and by the Cortes, voiced by the most enlightened of Spanish statesmen, without regard to party, and demonstrated by reforms proposed by the executive and approved by the legislative branch of the Spanish Government.

Thus, the President connects the two Cuban wars by asserting the continuance of the same grievances for a period that is longer than a third of this century, and contended against by constant resistance to wrong.

The whole world agrees with the President that this is a struggle for liberty demanded by a distinct people, who have long been held in a bondage to a foreign power that has forced them, by grievances that can not be endured, to sacrifice everything in a just cause, and he has, in kindness, tendered our good offices to bring it to a close.

The President further concludes, justly, that the dimensions of the war and its destructive character have rapidly increased, and are far beyond those of the first revolution of 1868 to 1878.

He says:

If the determination of Spain to put down the insurrection seems but to strengthen with the lapse of time, and is evinced by her unhesitating devotion of largely increased military and naval forces to the task, there is much reason to believe that the insurgents have gained in point of numbers and character and resources, and are none the less inflexible in their resolve not

to succumb without practically securing the great objects for which they took up arms. * * * If Spain has not yet reestablished her authority, neither have the insurgents yet made good their title to be regarded as an independent State.

It is the independence of Cuba and not her belligerent rights that he thinks important. No intelligent person can read the President's account of these hostilities, their character and progress, without concluding at once that war is open, flagrant, and desperate between the native Cuban's and the foreign Spaniards in the Island of Cuba, and requires no act of recognition to make it a public war. Nor can anyone escape the conclusion from what the President states, that, unless Spain concedes to Cuba the rights of an independent state and withdraws from the conflict, or is driven from the island, the virtual extermination of the native population is to be the fatal doom of Cuba. It is a marked feature of the message of the President that he assumes that the issue, as it is now presented, between Cuba and Spain is either independence or extermination.

The President evidently regards the insurrection in Cuba as having advanced to the stage of open public war, so far, indeed, as to dispense with the necessity of according belligerent rights "to the insurgents." He says that the proposition is "no longer urged (he does not say by whom) because untimely." He assumes in this statement the existence of a fact that contradicts the records of Congress if he means to say that Congress has abandoned its But he says that belligerent rights to the people of Cuba are "untimely." If such rights are untimely, it must be because it is either too soon or too late to accord them, and he fails to state upon which horn of the dilemma he would have us lay our hands. If it is too late, it is because he is about to determine that we, as a people, under his lead, intend to free Cuba from Spanish sova people, under his lead, intend to free Cuba from Spanish sovereignty, and will do it quickly, or because he is convinced that the arms of Cuba will prevail over those of Spain at an early day, in either of which events belligerent rights would be of no service to the Cubans, and would possibly be "untimely." I will not pause now to attempt to undo this puzzle. The President thus admits the right of the Cubans to recognition as lawful beligerents but refuse to great it because it is the president. ligerents, but refuses to grant it because it is, "in practical oper-

ation, clearly perilous and injurious to our own interests."

It is not because of the fact that the conflict of arms in Cuba is a mere insurrection that the President claims that it is "untimely and in practical operation clearly perilous and injurious to our own interests" to acknowledge that they are entitled to belligerent rights. If it is only an insurrection, the concession of such rights would violate the laws of nations. If it is a war, justice demands that we should recognize its existence and the rights that attend it, and the President has no authority to say for the American people that they no longer urge that belligerent rights shall be accorded to Cubans, because such a high national duty is "clearly

perilous and injurious to our own interests.'

No one can afford to do the President the injustice of saying that he attributes to the Cubans the vile attribute of merely facthat he attributes to the Cutains the vine attribute of inferry fac-tious rebellion or insurrection. He speaks of them as a people who have earnest longings for liberty and the resolution to perish in the effort to gain independence. No one can misunderstand the pure and elevated motives of the American people in the exhibition of their sympathy for the Cuban patriots. It is treason to truth and justice to impute any selfish motive to the American people in their feelings or their conduct toward the people of Cuba. It is an insult to tell them that it is perilous and injurious to their interests to ask their Government to apply to the Cubans the benefit of the laws of nations, so that in fighting for their liberty and independence they should not fight as outlaws, with halters about their necks.

The peril to "our own interests" that is at the bottom of this statement must be the danger that some of our people at home may lose money if the Republic insists that the spirit of liberty shall not be suppressed in the souls of men who aspire to the bles ings we enjoy. It is money against humanity, pelf against jus-

It is money against humanty, par against fus-tice, riches against liberty.

It is "untimely" that our own people and the natives who in-habit Cuba should have the benefit of our honest statement that war exists there, so that they may escape the laws that condemn them to death or imprisonment for life for offenses that are venial under the laws of war; only because it is untimely to make any declaration that might weaken the security of our "business interests" for the bill of damages that we are piling up against Spain. We—

Crook the pregnant hinges of the knee where thrift may follow fawning.

Although I believe that the recognition of the belligerent rights of the Cubans would lead directly to the relief of our people in Cuba, and would soon result in Cuban independence, inasmuch as the President seems to prefer a more coercive policy and warns Spain that the time is near at hand for decisive action, I will support him in any movement that will save our people on that island from further outrage and give a real "promise to Cuba and its inhabitants of an opportunity to enjoy the blessings of peace." of peace.'

I will not obstruct his course with questions of propriety under the laws of nations as to belligerent rights, but will follow the colors when planted by the President on the advanced ground that the concession of belligerent rights has become "untimely" and that our duty now demands active intervention.

If that ground crumbles away, I will again fall back to the position that a just care for our own people requires us to declare an armed neutrality, ready to assail either beligerent that inflicts wrongs on our people. Assuming that the subjunctive conditions and "ifs" have disappeared, or will soon vanish, and that we are lifted above the low plane of subterfuges, I will now undertake to justify this threatened advance to the high ground of national duty which the President is contemplating as being near at hand. If he should say that the time has arrived, "the hour has truck" would be a provided that the state of the should say that the state of the should say that the state of the same struck.

the should say that the time has arrived, "the hour has struck," would any American be so base as not to hold up his hands while the battle is raging?

If he shall, indeed, execute the will of the people and the demands of humanity, let us prepare to sustain him by justifying his action with reference to the declarations of the great statesmen and publicists whose teachings are a guide for nations that never

leads to dishonor.

The President having justly stated that this "insurrection," as he calls it, is for the redress of grievances of long standing and acknowledged injustice and severity, that have been the cause of two great conflicts of arms, one lasting for ten years and the other to last indefinitely; that it has spread until the Cubans dominate two-thirds of the Island of Cuba, confining the Spaniards to the seaports and larger towns; that it employs the Spaniarh navy and "vast bodies of men sent across thousands of miles of occars" "vast bodies of men sent across thousands of miles of ocean;" that it has already cost Spain "an enormous debt;" that it presents "the spectacle of the utter ruin of a country, by nature one of the most charming and fertile in the world;" that "the passions of the combatants grow more and more inflamed, and excesses on both sides become more frequent and more deplorable;" that "the original policy of the Spanish Government" has been apparently abandoned and it "is now acting upon the same theory as the insurgents, namely, that the exigencies of the contest require the wholesale annihilation of property, that it may not prove of use and advantage to the enemy;" that "Spanish garrisons are now being withdrawn from plantations and the rural population required to concentrate itself in the towns;" and that "the industrial value of the island is fast diminishing;" and that "unless there is a speedy and radical change in existing conditions, it will soon disappear altogether." It is a matter of surprise that the President should hesitate to pronounce this terrible condition a the combatants grow more and more inflamed, and excesses on President should hesitate to pronounce this terrible condition a public war and to recognize it as such. True, it is not civilized warfare. It is mercenary and without just cause on the part of the aggressor—Spain—and so cruel on both sides, according to the President's statement, that it is out of the pale of Christian toleration and is massacre, rapine, and extermination.

The President then states the unavoidable connection of our

country with this savage holocaust. He says:

These inevitable entanglements of the United States with the rebellion in Cuba, the large American property interests affected, and considerations of philanthropy and humanity in general have led to a vehement demand in various quarters for some sort of positive intervention on the part of the United States.

There is no color of remonstrance or reproach to our people in this reference to their attitude or their sympathy for the suffering people of Cuba. The President seems to consider it as rational commendable, and as having weight in a country where the will of the people, even if it is not always thought to be wise, is the law to our public servants, when it is constitutionally expressed. In further justification of our people, the President says:

In point of fact, they have a concern with it which is by no means of a wholly sentimental or philanthropic character. It [the Island of Cuba] lies so near to us as to be hardly separated from our territory. Our actual pecuniary interest is second only to that of the people and Government of Spain. It is reasonably estimated that at least from \$30,000,000 to \$50,000,000 of American capital are invested in plantations and in rallroad, mining, and other business enterprises on the island. The volume of trade between the United States and Cuba, which in 1889 amounted to about \$4,000,000, rose in 1886 to about \$103,000,000, and in 1894, the year before the present insurrection broke out, amounted to nearly \$96,000,000.

He does not state what it is at this time. The report of the Secretary of State adds some statements in general terms as to a part of the wrongs that our people have suffered in Cuba, the details of which are probably withheld because they might excite the people to some rash acts of resentment or retaliation.

These acts, which I will proceed to read, as they are stated, in the report of the Secretary of State are treated by him and the President as matters of serious concern to the Government, while their redress, for the benefit of the people or for their security, is summed up in pecuniary demands that already exceed \$19,000,000. The cash account of our losses is evidently kept carefully. Congress is still left responsible, it seems, for devising some means of correcting or preventing these wrongs which is more effective than the filing of claims for damages in our Department of State. On the international question the President says:

Besides this large pecuniary stake in the fortunes of Cuba, the United States finds itself inextricably involved in the present contest in other ways, both vexatious and costly.

This grave declaration seems fatal to peace.

Then the Secretary adds a more specific statement of the facts of this vexatious, costly, and inextricable involvement. He specifies in his statements the following:

ies in his statements the following:

(a) To illustrate these conditions, the insurgent chiefs assert the military power to compel peaceable citizens of the United States within their reach to desist from planting or grinding cane, under the decreed penalty of death and of destruction of their crops and mills; but the measure is one of sheer force without justification under public law. The wrongs so committed against the citizens of a foreign State are without an international forum of redress to which the Government of the United States may have recourse as regards its relation to the perpetrators. The acts are those of anarchy, and in default of the responsibilities of de facto Statehood in the case there remains only the territorial accountability of the titular sovereign within the limits of its competency to repress the wrongs complained of.

He might well have added that such wrongs are not the subjects.

He might well have added that such wrongs are not the subjects of civil litigation. They are war topics.

(b) The nature of the struggle, however, deserves most earnest consideration. The increased scale on which it is waged brings into bolder relief all the appalling phases which often appear to mark contests for supremacy among the Latin races of the Western Hemisphere. Excesses before confined to a portion of the island become more impressive when wrought throughout its whole extent, as now. The insurgent authority, as has been seen, finds no regular administrative expression; it is asserted only by the sporadic and irresponsible force of arms. The Spanish power, outside of the larger towns and their immediate suburbs, when manifested at all, is equally forceful and arbitrary.

(c) The only apparent aim on either side is to cripple the adversary by indiscriminate destruction of all that by any chance may benefit him. The populous and wealthy districts of the center and the west, which have escaped harm in former contests, are now ravaged and laid waste by the blind fury of the respective partisans. The principles of civilized warfare, according to the code made sacred by the universal acquiescence of nations, are only too often violated with impunity by irresponsible subordinates, acting at a distance from the central authority and able to shield themselves from just censure or punishment by false or falsified versions of the facts.

The killing and summary execution of noncombatants is frequently reported, and while the circumstances of the strife are such as to preclude accurate or general information in this regard, enough is known to show that the number of such cases is considerable. In some instances, happly few, American citizens have fallen victims to these savage acts.

A large part of the correspondence of the State Department with its agents in Cuba has been devoted to these cases of assault upon the rights of our citizens. In no instance has earnest remonstrance and energetic appeal been omitted. But the representatives of the Spanish power often find it easily practicable to postpone explanations and reparation on the ground of alleged ignorance of facts or for other plausible reasons.

Its effect upon the personal security of our citizens in Cuba is not the only alarming feature of the reign of arbitrary anarchy in that island. Its influence upon the fortunes of those who have invested their capital and enterprise there, on the assumed assurance of respect for law and treaty rights, is no less in point.

This indictment of Spain by the Secretary of State is indorsed "a true bill" by the President, and it charges a capital offense in

every count. The Congress of the United States has never been presented with a stronger or more moving statement of facts, demanding the immediate and determined intervention of the United States, than the President has thus solemnly laid before the political and war-making department of the Government.

The Constitution enjoins upon the President that "he shall from time to time give to the Congress information of the state of the Union and recommend to their consideration such measures as he shall judge necessary and expedient." Congress has also Congress has also

required the President, as soon as practicable, to communicate to Congress all the facts and proceedings relative to any case in which a citizen of the United States has been unjustly deprived of his liberty by, or under the authority of, any foreign government; and has made it his duty forthwith to demand of such govern-ment the reasons of such imprisonment.

The official and conclusive statement of the cruel death of some innocent and unarmed citizens of the United States in Cuba, and the taking of others from their homes in the country and their virtual imprisonment in the towns and villages, and their outlawry, if they fail to inscribe their names on rosters kept for the purpose, within a short period of time, creates the emergency that requires the President to give information of the facts, and equally requires Congress to act with reference to them. As the President has omitted to state the facts in detail, Congress is not so informed as to be enabled to act with certainty, and is left in doubt as to the propriety of further delay, which the President seems to advise, in taking measures to relieve our people in Cuba from this inhuman treatment.

Another case, of more marked significance, is thus stated in the report of the Secretary of State, which is made a part of the President's message to Congress:

dent's message to Congress:

In April last, the Competitor, a small schooner of American registry, eluding the vigilance of the Federal authorities, took on board men and supplies presumably intended to aid the Cuban insurrection, and reached the coast of that island near San Cayetano. Being discovered by the Spanish coast guard, a conflict ensued, resulting in the capture of a number of those on board as well as the seizure of the vessel. The prisoners, among them several American citizens, were subjected to a summary military trial, which, although conducted by an admiralty court, alleged to be competent, appeared to have lacked the essential safeguards of procedure stipulated by the existing conventions between the United States and Spain. This Government promptly intervened to secure for its implicated citizens all the rights to which they were clearly entitled, including appeal from the pronounced sentence of death. Their cases were subsequently carried to the higher tribunal at Madrid, which has set the conviction aside and remanded the cases for retrial.

At the first session of this Congress the Senate, having been informed only by common rumor of the existence of the facts above stated, and having awaited with due respect the action of the President under the mandatory law in section 1001 of the Revised Statutes, was anxious, for reasons of grave public impor-

Revised Statutes, was anxious, for reasons of grave public importance, to be officially informed as to that transaction.

The Senate therefore sent the President a respectful resolution requesting him to inform this body as to that unpleasant event.

The President declined to inform the Senate as to the facts in the case, and what is above quoted is all the information that he

The Frestaent technica to morm the Senate as to the lates in the case, and what is above quoted is all the information that he has sent to Congress touching the Competitor case. The Senate had neither the right nor the purpose to relieve the Executive from the duty of communicating the facts in the Competitor case to Congress, in obedience to the statute.

The above indefinite outline of a terrible wrong to "several American citizens," whose names and places of residence are not stated in the report of the Secretary of State, on its face requires the prompt and decisive action of Congress.

The facts should be again demanded by a resolution of the Senate, which I now have the honor to present to this body.

No crime is stated in this report against any law, for it is the right of the people of the United States, under our laws and our treaties with Spain, to visit the Island of Cuba and to sell supplies not contraband to Cubans. If they are only "presumably intended to aid the Cuban insurrection," or if that intention is proven, our citizens are not subject under our treaties with Spain to the outlawry of a summary military trial "and a conviction and sentence to death," as was done for an offense that is not capital, even upon a presumable intention to aid the Cuban insurrecand sentence to death," as was done for an one see that is not captal, even upon a presumable intention to aid the Cuban insurrection. We are told by the Secretary of State that "the particulars of many of these cases" (presumably including the Competitor case) "will be found in the collected annual volume entitled 'Foreign Relations of the United States.'" This collected volume may not be printed before this Congress is ended, so that we can not

get a knowledge of the facts.

It needed no judgment of an appellate Spanish court to determine that under our treaties with Spain and under the laws of nations applicable in time of peace a summary military trial before a court of admiralty could not condemn a citizen of the United States to death for the offense described in the report of the Secretary

act advisedly in this grave matter until we make another effort to

Such a court could not have jurisdiction to try a citizen of the United States for such an offense, and his death, if it follows such a sentence, would be murder of the same description as that inflicted in the case of the people found on board the Virginius. "The appeal from the pronounced sentence of death" was an appeal by the otherwise helpless Americans to the mercy of Spain. This was not the right to which they were entitled from Spain or from their own Government. They were entitled to the whole power of the United States, in accordance with our treaties, for their protection against a trial by a tribunal that had no right to arraign them or try them for the offense with which they were charged, and Congress is not yet informed of the charges against them.

We are told that a higher tribunal at Madrid has set aside their conviction "and remanded the cases for trial." So far as we are furnished with any light on this grave dilemma the cases against these American citizens are remanded for trial to the same military tribunal that is without jurisdiction to hear them. If they are remanded to some other tribunal, why has not the President informed Congress of the fact, that they shall decide what is required by the country to be done for the security of their rights and the safety of their lives?

The Senate has not been indifferent or remiss in its duty toward these American citizens in their imprisonment in foul Spanish

these American citizens in their imprisonment in foul Spanish dungeons during the long months of anguish through which they have lingered under sentence of death. Although their case has not been thought worthy of mention by the President, and their names or other means of identification are not given by the Secretary in his report, the Senate has taken the testimony of credible witnesses, some of whom were present at that "summary military trial," and has proven that it was as hasty and as unfair as a drumbeed court married and that the prigners were not repredrumhead court-martial, and that the prisoners were not represented by their chosen counsel; that they had no witnesses in their defense; that they did not understand the accusation against them, which, with the testimony for the Government, was in the Spanish language, and that no consul or representative of the United States was present to witness the trial. The youngest of these men, who had scarcely attained to his manhood, is a person of excellent family and of good character, who went as a newspaper correspondent to Cuba only for the purpose of gaining the infor-mation about the war the want of which has caused the Government serious perplexity.

This unnamed noncombatant sufferer is still immured in some Spanish prison to await a trial that is now as tardy, when a conviction is uncertain, as it was hasty when a death sentence was was preordained by Spanish vengeance.

The "business interests" are using this shining beacon of Spanish wrath to warn Americans from selling food and medicines to

ish wrath to warn Americans from selling food and medicines to Cuban insurgents, while they are growing rich in selling horses, cattle, coal, and military and naval supplies to the Spaniards to aid in the extermination of the native Cubans.

It is for such purposes that, in the language of the President, "the United States is compelled to actively police a long line of seacoast against unlawful expeditions." If war exists in Cuba those people could freely trade with ours. Being an insurrection, to trade with them is death according to Spanish law, and we are standing by to witness this tragedy with composure, because it is "perilous and injurious to our own interests" to interrupt our business interests in controlling and supplying the Spanish our business interests in controlling and supplying the Spanish markets in Cuba.

It is a most unfortunate mistake to say that anything that will save American life is "a proposition no longer urged" by those who demand the rights of our people in trading with Cuba or in the offices of humanity toward those oppressed people.

The President turns toward Congress with hesitating doubts as

The President turns toward Congress with nestiating doubts as to their having anything to do with any question arising in this grave situation, and excuses himself for the allusion he makes to that departure by saying, after some cautionary advice about "undue stimulation and ill-timed expression of feeling:"

But I have deemed it not amiss to remind Congress that a time may arrive when a correct policy and care for our interests * * * will constrain our Government to such action as will subserve the interests thus involved and at the same time promise to Cuba and its inhabitants an opportunity to enjoy the blessings of peace.

Why this pregentionery reminder is given to Congress is not

Why this precautionary reminder is given to Congress is not very apparent. I assume that a President will not threaten war with a foreign power and remind Congress of its duty in that re-gard unless he believes that sufficient grounds exist for the open and fearless discussion of the subject. Among the remedies for the great wrongs which he charges up to Spain—if our proposed friendly intervention is not accepted—war is the only one left, since the President rejects the recognition of belligerent rights, which only means neutrality between the warring parties.

The attitude of the President is not consistent with neutrality.

It means war with Spain, or the acceptance by Spain and Cuba of his friendly intervention to give autonomy to Cuba, sovereignty to Spain, and peace to both countries. So I read the President's message, and in that light I must take my attitude as a Senator.

I am not willing to assist the President in the project of inter-

vention by duress or threats of war. If we must intervene, I prefer open war to the sort of intrusive policy that was tried and failed in Hawaii. Here are resolutions of honorable Senators which demand open war with Spain or such a declaration of the independence of Cuba as will doubtless cause Spain to make war against the United States. I am required to vote on these propositions, and I owe it to Alabama, the Senate, and myself that I shall be able to justify my vote upon the facts as they exist, and the laws of nations as I understand them, and the feeling I entertain for the oppressed, who lift up appealing hands and call for help against despotic cruelty and misrule.

The PRESIDENT pro tempore. The hour of 2 o'clock having arrived, the Senator from Alabama will please suspend. The Chair

lays before the Senate the unfinished business, which will be

stated.

The Secretary. A bill (H. R. 7864) to amend the immigration laws of the United States.

Mr. CHANDLER. It will be agreeable to the committee to have the bill remain as it is until the Senator finishes his remarks. The PRESIDENT pro tempore. The Senator from New Hampshire asks unanimous consent that the bill be laid informally aside, that the Senator from Alabama may conclude his remarks. Is there objection? The Chair hears none, and the Senator from

Alabama will proceed.

Mr. MORGAN. I find in the President's message statements of fact (to which I have already referred by quoting therefrom) which demand that the Government of the United States, in justice to our own people, should command and enforce the peace in

If the United States can do this, as was done in 1878 by Spanish recognition of the Republic of Cuba as a treaty-making power, no one can complain of the adjustment they may make; but it does not follow that the United States shall not have full ''indemnity for the past and security for the future" upon the basis of the solemn statement made in the message of the President. These great wrongs must be compensated, and the future peace of our own border must be compensated, and the right regard of our own border must be guaranteed through our own strength rightfully exerted, and not be left dependent upon promises made by Spain alone, or else we are bound to adopt the resolution of the Senator from Texas. Now, what hope is there that this comprehensive plan of settlement can be secured? I answer to my own judgment and conscience and in accord with the convic-

tions of my constituents, who are near neighbors to Cuba, that it is utterly hopeless.

If the pacification of Cuba is accomplished through the intervention of the United States, it will not be by peaceable intervention, nor can the wrongs done to our people ever be redressed by any other means than compulsion. Spain can not plead guilty to the barbarities against our people, as they are stated in the President's message, without confessing to inveterate and malig-nant hatred toward them and the United States, which would make her an unsafe neighbor in Cuba. If she pleads, in avoidance, her inability to prevent these cruel and destructive wrongs and injuries, she must confess her inability and unfitness to provide permanent and just government in Cuba. With us this is an evil that reaches out through the ages to come, and it challenges this generation of our people to the duty of saving their posterity from this terrible infliction.

Spain must see, as Europe sees, that the despotic severity of Bourbon rule, as it has been manifested in all her history, can not be maintained by sheer force against the native Cubans, whose eyes are constantly fixed upon the flag that represents the personal and political liberties of our great Republic, and whose dearest hopes are excited in their free and welcome association with our prosperous and happy people. We can not become the propagandists or the defenders of absolutism in government; neither can we withhold our sympathies from those who seek the liberties can we withhold our sympathies from those who seek the liberties we enjoy and suffer in the support of the right of the Cuban peo-ple to throw off the galling yoke of bondage to a foreign people 3,000 miles distant from them, who hold them as feudatories of the Spanish Crown.

If, for just cause, Spain has been compelled to abdicate her sovereignty in all the twelve great States in Spanish America, there is no reason why we should deny to Cuba the right of home rule and sovereign independence, for reasons more just and causes more imperative than any other Spanish-American State has ever

claimed as the ground of revolt.

No State in Spanish America was ever forced to endure such

No State in Spanish America was ever forced to endure such oppressions, in peace or war, as the President in his message has justly charged to Spanish rule in Cuba.

Will the United States, in order to protect her own people in Cuba, or to promote or protect their commerce with that island, engage with Spain to hold those people to their allegiance or submission to the Spanish Government? If the Cubans refuse to accept our friendly intervention and reject the olive branch that the President is seemingly ready to extend to them, what will we do about it? will we do about it?

We can not be hereafter more indifferent to their fate than we have proven ourselves to be, in the executive department of our Government. We can not be more active and vigilant than we have been in shutting them off from the assistance of our people. Our ears can not be more deaf than they have been to the pleadings of humanity in their behalf. We can let them alone, declare and maintain our neutrality in the war, and that is all they ask at our hands. But we can never interfere with arms for the overthrow of the Cubans or their Republic, or to compel their

Surrender to Spain.

In this condition of impotency to establish permanent peace in Cuba and permanent security for our own people while the Spanish Monarchy is dominant in that island, we have no alternative left to us but the single choice between the continuous

repetition of the terrible evils portrayed in the message of the President or a base, humiliating, and cruel delay on our part while rapine and destruction are rampant in Cuba, in the hope that some fortunate turn in events may relieve us from a duty that some fortunate turn in events may relieve us from a duty that we owe to humanity, to Christian civilization, to the spirit and traditions of our country and our people, and to the lives and liberties of our people in Cuba who are now held beneath the cruel power of Spanish jealousy and revenge.

I had gathered a few great authorities found in the writings of our most eminent states men and our highest court to

our most eminent statesmen and our highest court to support the conclusions I have stated to the Senate, but I find that they need no other support than that sense of justice and national duty which is instinctive in the hearts and minds of all Americans. I do not rely upon any authority for the facts I have recited, except those stated in the message of the President and the report of the Secretary of State. That is enough. The facts are incontrovertible and our duty is plain. If we fail to act upon them, we take the responsibility of a delay to perform a plain duty at the expense of our people whose lives are in constant peril.

Mr. President, I ask for the adoption of the resolution.

The PRESIDENT pro tempore. The Secretary will read the resolution.

The resolution was read, and agreed to.

MRS. ELIZA G. PYNE.

Mr. GALLINGER. Yesterday the bill (H. R. 3990) granting a pension to Mrs. Eliza G. Pyne was passed by the Senate. I will state that the beneficiary under the bill is now drawing a pension; and although there is some informality in the matter, which I will not stop to explain, I move that the votes whereby the bill was

ordered to a third reading and passed be reconsidered, and that the bill be indefinitely postponed.

The PRESIDENT pro tempore. Without objection, the votes will be reconsidered. The Chair hears no objection, and it is so ordered. The Senator from New Hampshire moves that the bill be indefinitely postponed.

The motion was agreed to.

HOUSE BILLS REFERRED.

The bill (H. R. 1888) to further amend an act entitled "An act regulating the sale of intoxicating liquors in the District of Columbia," approved March 3, 1893, was read twice by its title, and referred to the Committee on the District of Columbia.

The joint resolution (H. Res. 209) to pay the officers and employees of the Senate and House of Representatives their respective salaries for the month of December, 1896, on the 18th day of said wouth was read twice by its title and referred to the Com-

said month was read twice by its title, and referred to the Committeee on Appropriations.

NANCY G. ALLABACH-VETO MESSAGE.

Mr. PALMER. I ask for the benefit of the unanimous consent

Nancy G. Allabach.

The PRESIDENT pro tempore. The Senator from Illinois asks unanimous consent that the unfinished business may be informally laid aside and that the Senate proceed to the consideration of the bill indicated by him. Is there objection?

The Senate, by unanimous consent, proceeded to reconsider the

The PRESIDENT pro tempore. The reading of the report was called for by the Senator from Illinois.

Mr. PALMER. Let the report be read.

Mr. PALMER. Let the report be read.

The PRESIDENT pro tempore. The Secretary will read the

report in this case.

The Secretary read the report, submitted by Mr. PALMER May 9,

1896, as follows:

The Secretary read the report, submitted by Mr. Palmer May 9, 1896, as follows:

The Committee on Pensions, to whom the bill (S. 894) granting a pension to Nancy G. Allabach was recommitted, together with the objections of the President thereto, beg leave to report:

The committee have reconsidered said bill, and considered the objections of the President thereto, and recommend its passage notwithstanding his objections.

The facts of the case, as found by the committee, are that Peter H. Allabach was a soldier in the Mexican war, and participated in the battles of Palo Alto, Resaca, and the military operations on the line of the Rio Grande. He conducted himself with conspicuous gallantry. He married the proposed beneficiary of this bill on the 30th of September, 1831. She is now fy years of age, and unable to earn her own support.

During the late civil war he was colonel of the One hundred and thirteenth Regiment of Pennsylvania Volanteers, and commanded a brigade in one or more severe battles. His conduct won the approbation of Gen. W. S. Hancock, Gen. A. A. Humphrey, and Gen. Henry S. Briggs, his immediate commanders. The letters of General Hancock, General Humphrey, and General Briggs are made part of this report.

After the close of the war of the rebellion Colonel Allabach returned to and engaged in the pursuits of civil life. He died in this city on the 11th of February, 1892.

This bill proposes to pay to Mrs. Nancy G. Allabach a pension of \$30 per month, which is the pension allowed by the general law to disabled officers of the rank Colonel Allabach held in the service of the United States. All the facts before the committee, prove that Colonel Allabach was an officer of great merit, and rendered most valuable services to the country. His conduct as a citizen was exemplary, and he left his widow, the beneficiary of the bill before the committee, without other means of support than the small pension allowed by the general law. Upon these facts, the committee reported the bill,

"An act granting a pension to Nancy G. Allabach," to the Senate, and recommended its passage. It passed both the Senate and House of Representatives; was laid before the President; was disapproved by him, and was returned to the Senate with his objections and recommitted to the Committee on Pensions for reconsideration.

was laid before the President; was disapproved by him, and was returned to the Senate with his objections and recommitted to the Committee on Pensions for reconsideration.

Your committee recognizes the constitutional right and the duty of the President to refuse to sign any bill which has passed both Houses of Congress which he does not approve. "If he approve, he shall sign it, but if not, he shall return it with his objections to that House in which it shall have originated." Your committee would give emphasis to that provision of the Constitution which makes the President a sharer with Congress in responsibility to the country for all legislation.

Becognizing this imperative obligation imposed upon the President by the Constitution, your committee proceed to a respectful consideration of the objections of the President to this bill.

The President, in his message containing his objection to this bill, correctly recites some of the facts which led your committee to recommend its passage, but he does not allude to the eminent and distinguished services rendered by the husband of the beneficiary in the war, with Mexico and in the late civil war, in which the integrity of the Union as well as the peace of the continent and the existence of popular constitutional government was involved. He says truly that "Colonel Allabach did not at any time apply for a pension," to which it may well be answered that no services rendered to the country, however brilliant or useful, are pensionable.

General pension laws are passed to make provision for the unfortunates but the brave and patrictic soldier, who on many occasions imperiled his life in defense of his country or for the maintenance of its just authority, may well have hoped that, though he passed through the perils of the battlefield without personal harm, those who control the treasury of a grateful country would, when appealed to directly, make provision for the dependent, loved wife whom he left poor and can no longer support or protect.

It is further stated b

Mr. GALLINGER. The veto message which is embodied in the report and follows the part which the Secretary has just read has been already read to the Senate. I ask that it may be passed

The PRESIDENT pro tempore. Without objection, it will be so ordered. There are some letters commending Colonel Allabach attached to the report. Does the committee desire to have the letters read?

Mr. GALLINGER. It might be well to have them read.
Mr. COCKRELL. Has the President's veto message been read?
The PRESIDENT pro tempore. It has been heretofore read, the Chair is informed.

Mr. BATE. The veto message has not been read with the report.
Mr. PALMER. I am content that it shall be again read.
Mr. COCKRELL. I should like to have it again read. Is the

Senator from Illinois seeking to overthrow the veto of the Presi-

Mr. PALMER. I am certainly seeking to have this bill passed notwithstanding the President's objections.

The PRESIDENT pro tempore. The remainder of the report

will be read.

The Secretary read as follows:

[Senate Document No. 225, Fifty-fourth Congress, first session.]

Message from the President of the United States, returning, without his approval, Senate bill No. 894, entitled "An act granting a pension to Nancy G. Allabach."

To the Senate:

To the Senate:

I herewith return without my approval Senate bill No. 894, entitled "An act granting a pension to Nancy G. Allabach."

This bill provides for the payment of a pension of \$30 a month to the beneficiary named as the widow of Peter H. Allabach.

This soldier served for nine months in the Army during the war of the rebellion, having also served in the war with Mexico.

He was mustered out of his last service on the 23d day of May, 1863, and died on the 11th of February, 1892.

During his life he made no application for pension on account of disabilities. It is not now claimed that he was in the least disabled as an incident of his military service, nor is it alleged that his death, which occurred nearly twenty-nine years after his discharge from the Army, was in any degree related to such service.

His widow was pensioned after his death under the statute allowing pensions to widows of soldiers of the Mexican war, without reference to the cause of the death of their husbands. Her case is also, indirectly, one of those provided for by the general act passed in 1890, commonly called the dependent pension law.

It is proposed, however, by the special act under consideration to give this widow a pension of \$30 a month without the least suggestion of the death or disability of her husband having been caused by his military service, and solely, as far as is discoverable, upon the ground that she is poor and needs the money.

This condition is precisely covered by existing general laws; and if a precedent is to be established by the special legislation proposed, I do not see how the same relief as is contained in this bill can be denied to the many thousand widows who, in a similar situation, are now on the pension rolls under general laws.

EXECUTIVE MANSION, April 21, 1896.

EXECUTIVE MANSION, April 21, 1896.

[Fifty-fourth Congress of the United States of America: at the first session, begun and held at the city of Washington on Monday, the 2d day of December, 1895.]

An act granting a pension to Nancy G. Allabach

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Nancy G. Allabach, widow of Peter H. Allabach, late colonel One hundred and thirty-first Pennsylvania Volunteers, and pay her a pension at the rate of \$30 per month, in lieu of that she is now receiving.

THOMAS B. REED.

THOMAS B. REED,
Speaker of the House of Representatives.

A. E. STEVENSON,
Vice-President of the United States and President of the Senate.

I certify that this act originated in the Senate.

WM. R. COX, Secretary.

GOVERNORS ISLAND, NEW YORK HARBOR, April 26, 1879.

GOVERNORS ISLAND, NEW YORK HARBOR, April 25, 1879.

Col. P. H. Allabach is known to me as a brave and faithful soldier, who has served the Government as an officer of the Army during the Mexican war and the late rebellion. In the latter war he was colonel of the One hundred and thirty-first Pennsylvania Volunteers and a brigade commander in the division of Gen. A. A. Humphreys.

His services to the country commend him for the position he now seeks.

WINFOD S. HANCOCK,

Major-General, United States Army.

WASHINGTON, November 6, 1866.

WASHINGTON, November 6, 1886.

Sin: Understanding that Col. P. H. Allabach, of Washington (late of the One hundred and thirty-first Pennsylvanda Volunteers), is an applicant for the appointment of naval storekeeper at the Washington Navy-Yard, I beg leave to state that Colonel Allabach served under my command in the Army of the Potomac as commander of the Second Brigade of the Third Division (my division) of the Fifth Corps from the 14th September, 1862, until the middle of May, 1863, when his regiment and brigade were mustered out of service, their term having expired. During all this time Colonel Allabach's brigade took a conspicuous part in the operations of the Army. At the battle of Fredericksburg, on the 13th December, he was especially distinguished for the gallant manner in which he led his brigade against the stone wall on the right of our Army. It is generally conceded that the attack of my division was the most spirited made that day on our right. At Chancellorsville he exhibited the same zeal and spirit; in fact, his conduct throughout all the operations of the Army was of the same character. This brigade was noted on all occasions for promptitude and good discipline, the result of his devotion to duty, his good judgment, and fine soldierly qualities.

Very respectfully, your obedient servant.

A. A. HUMPHREYS,

A. A. HUMPHREYS, Major-General Volunteers, Brigadier and Brevet Major-General, U. S. A. Hon. GIDEON WELLES, Secretary of the Navy.

PITTSFIELD, MASS., January 28, 1863.

PITTSFIELD, MASS., January 28, 1863.

My Dear Colonel: I am just in receipt of your favor of the 26th instant, for which please accept my acknowledgments. I assure you that you and your noble command have been much in my mind during my long and discouraging separation from you, and you may well imagine that I have had a very large share in the admiration which your gallant charge at Fredericksburg excited throughout the country. I congratulate you and the officers and brave men of the brigade upon such distinguished conduct. My brief but pleasant acquaintance with the command gave me the assurance that it would never be found wanting in the hour of conflict, but I must confess that I was not prepared to learn that in their first engagement they have eclipsed the veteran regiments of the old Army of the Potomac.

My second thought after that of exultation was that the officer who had led such a command so creditably was entitled to retain the command; and as I wrote to Lieutenant Whittlesey, I had determined, in justice to you, to request at headquarters that I might be transferred to some other position in order that you might be retained in command. But before I was able to get to Washington, and without any suggestion on my part, I received about a week since an order from Headquarters of the Army directing me to report for duty as soon as my health would permit to Major-General Schenk, commanding Middle Department, at Baltimore. So it seems that my connection with the gallant Pennsylvanians is dissolved before an acquaintance has been fairly formed. I am sincerely grateful to you for your kind expression of a desire for my return. Nothing but the considerations before mentioned respecting your own claims would have induced me to have suggested a change, and now that the change has been effected without suggestion on my part, I can but hope that it is an indication that you are not to be disturbed.

I regret exceedingly any difficulty with Lieutenant Whittlesey. I am confident that any fault. I would write mo

HENRY S. BRIGGS. Mr. PALMER. Mr. President, I have been content to submit this message of the President, together with the report of the committee and the testimonials which have been read of the dis-tinguished merit of Colonel Allabach, and have no desire to dis-

cuss the questions which are involved.

The Senator from Missouri [Mr. Cockrell] asked me rather significantly if I desired to have this bill passed notwithstanding the objections of the President. I have the most profound respect for the President, and I have a respect equally profound for the position of a Senator. I think the President ought at all times to discharge his own duties with absolute fearlessness, and I think that the Senate ought with equal fearlessness to discharge its

It involves no reproach on either side, and no controversy need arise between the President and the Senate when the Senate chooses to discharge its own duties. I have earnestly, however, opposed the views of the President in one particular. In my judgment, where the Congress of the United States determines upon the amount of a pension to be paid to any meritorious pensioner the President ought not to interfere in determining the more amount. Let not willing that a precedent shall be the sioner the President ought not to interfere in determining the mere amount. I am not willing that a precedent shall be established by which the President shall, for such reasons as he gives in this veto message, decline to sign a pension bill. I recognize it to be his right todo so, and in a proper case he ought to do so—I mean in a case that is proper in his judgment he ought to do so—but I am not willing that the President shall prescribe a rule for the Congress of the United States in regard to the amount of pension to be paid to any person who may be the object of the pational sion to be paid to any person who may be the object of the national bounty.

Colonel Allabach served in two wars. He discharged his duty in both; he discharged his duty brilliantly in the civil war, so much so as to secure the encomiums, the thanks, the complimen-

tary notices of distinguished public men.

I have insisted, therefore, that this bill is a proper one, and that it ought to be passed notwithstanding the objections of the President.

The PRESIDENT pro tempore. The question before the Senate is, Shall the bill pass, the objections of the President of the United

States to the contrary notwithstanding?

Mr. BACON. Will the Senator from Illinois allow me to ask him—I was not in the Chamber during the reading of the report whether this is a case in which the President recognizes the right

whether this is a case in which the President recognizes the right to a pension, but simply questions the amount?

Mr. PALMER. As I understand it, it is.

Mr. COCKRELL. This claimant is receiving all the general law allows. There is no question about that.

Mr. PALMER. The widow is receiving that amount. This bill proposes to give her, instead of \$8 a month, which I believe she is now receiving, \$30 a month. Is not that the amount?

Mr. GALLINGER. That is the amount; and I will say, in answer to the suggestion of the Senator from Missouri, that it is precisely what we are doing almost every day in the Senate of the

answer to the suggestion of the Senator from Missouri, that it is precisely what we are doing almost every day in the Senate of the United States. The bill recognizes the rank this officer held, the rank of colonel, and proposes to give his widow the pension of the widow of a colonel, instead of that of a widow of a private. Colonel Allabach served five years.

Mr. HARRIS. May I ask the Senator if that practice of the Senate, as the Senator states it, be correct, would it not be wise

for his committee to report a general law covering such cases and regulating the amount of pension by rank?

Mr. GALLINGER. Mr. President, the question of regulating this matter by general law is an easy point to suggest to the Senate, but it has not been done and will not be done. We consider

these cases as individual cases.

Colonel Allabach served for five years in the Mexican war, having service that was brilliant in the extreme. I had in my desk when I left the Senate at the close of the first session of this Congress a letter written by this soldier to his wife from Mexico detailing a certain service which he performed in one of the great battles of the Mexican war when his horse was shot from under him and he received a wound. I regret that I can not now find that letter. I did not know that this matter was to come up to-day. Very likely I returned the letter to the widow. It was a very pathetic letter, in which Colonel Allabach expressed to his wife the dangers and sufferings he was enduring in the Mexican war, but still his willingness to continue until the honor of the United States had been demonstrated and achieved.

In the late civil war he enlisted, and served the period for which he enlisted with marked distinction. It will be observed that General Briggs, who was his superior in command, when at his home in Pittsfield, Mass., in consequence of illness, wrote a letter to Colonel Allabach, after he had made a most brilliant charge at the head of a brigade, expressing to him his regret that he had not been appointed as a brigadier-general to command that bri-gade, and his regret that he himself had been recalled to again assume the command.

I have no doubt from evidence which has come to me, largely oral, it is true, that Colonel Allabach might himself have been pensioned for a long series of years if he had applied for a pension; and that is one of the points on which the President bases his veto message—that the soldier himself had not been pensioned. I have in mind a multitude of soldiers who performed most conspicuous been patriotic enough, having means of support, not to ask the Government to bestow any of its bounty or its funds upon them. I have no doubt that Colonel Allabach belonged to that class of

patriotic service in two wars, and we simply propose to give her the pension of the widow of a colonel, a thing which has been done over and over again since I have been a member of the National Legislature, in cases of much less conspicuous merit than the one which is now before us.

It does seem to me that the veto message was written upon a misapprehension of the facts in this case, and that the duty of the National Congress in this matter, without any reflection upon the President of the United States—because I certainly shall utter no word of reflection or suggestion in that direction—is plain to do this just act, generous, it may be, but just, nevertheless, and give to this widow a pension commensurate with the rank which her

to this widow a pension commensurate with the rank which her distinguished husband held.

Mr. BATE. Mr. President —

Mr. PALMER. I doubt somewhat, Mr. President, whether there is a quorum present.

Mr. BATE. I was just going to correct a statement of the Senator from New Hampshire as to the time Colonel Allabach. served in the Mexican war. The Senator spoke of five years' served in that war. I wish to say that the Mexican war lasted only two years. So, of course, the Senator is mistaken in that statement. I know nothing about the services of Colonel Allabach in the last war.

Mr. GALLINGER. Then, on that point it may be that some-body has made a mistake in writing a report. In a report written by Mr. McClellan, of the House of Representatives, I think the son of the late distinguished General McClellan, he says:

The military record of Peter H. Allabach, who served as colonel One hundred and thirty-first Pennsylvania Volunteers, and also in the Mexican war, is as follows:

Peter H. Allabach was mustered into service as colonel One hundred and thirty-first Pennsylvania Infantry Volunteers August 18, 1862, to serve nine months; was in command of the Third Provisional Brigade from August 22, 1862, to October 10, 1862, and of the Second Brigade, Third Division, Fifth Army Corps, from October 16, 1962, to May 14, 1863; and was mustered out of service with the field and staff of his regiment May 23, 1863.

The records on file in the office of the Adjutant-General of the Army show that Peter H. Allabach was enlisted in Company K, Third United States Infantry—

He was in the Regular Army, I take it-

at Philadelphia, Pa., November 25, 1844, was transferred to Company E, same regiment, September, 1849, and was discharged from the latter company, as a sergeant, at Paso del Norte, N. Mex., November 25, 1849, by reason of expiration of term of service.

I will say that a portion of this five years' service was in the Regular Army and not all of it in the Mexican war. It was a slip of the tongue when I said he was five years in the Mexican

Mr. BATE. The Mexican war began in May, 1846, and termi-

nated in 1848.

Mr. GALLINGER. I am very glad to be corrected by the distinguished soldier from Tennessee on that point. I was aware of that historical fact quite as well as the Senator, but am glad to have the record correct. Colonel Allabach served five years, never-

The PRESIDENT pro tempore. The Senator from Illinois [M

PALMER] suggests the absence of a quorum. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names

Birozou to tu	-		
Aldrich,	Davis,	Mitchell, Oreg.	Roach,
Allen,	Elkins,	Mitchell, Wis.	Sewell.
Bacon,	Faulkner,	Morgan,	Sherman,
Baker.	Frye,	Morrill.	Shoup,
Bate,	Gallinger,	Nelson,	Smith,
Berry,	Gear,	Palmer,	Stewart,
Blanchard.	Gorman,	Pasco,	Teller.
Burrows,	Harris,	Peffer,	Vest,
Butler.	Hawley,	Perkins,	Vilas.
Call.	Hoar,	Pettigrew,	Walthall,
Cameron,	Kyle,	Platt.	Wilson,
Chandler,	McBride.	Pritchard.	Wolcott.
Clark,	McMillan.	Proctor.	11 010000
Cockrell,	Mantle.	Pugh,	
Cockrent	manipo,	I ugu,	

Cockrell, Mantle, Pugh, Quay,
The PRESIDENT pro tempore. Fifty-seven Senators have answered to their names. There is a quorum present. The question before the Senate is, Shall the bill pass, the objections of the President of the United States to the contrary notwithstanding?
Mr. TELLER. What is the bill?
The PRESIDENT pro tempore. The title of the bill will be stated.

stated.

The SECRETARY. A bill (S. 894) granting a pension to Nancy G. Allabach.

G. Allabach.

The Secretary proceeded to call the roll.

Mr. CULLOM (when his name was called). I have a general pair with the Senator from Delaware [Mr. Gray]. He not being present, I do not feel at liberty to cast my vote; but if I had that liberty, I should vote "yea."

Mr. DAVIS (when his name was called). I am paired with the Senator from Indiana [Mr. Turpie].

Mr. GEAR (when his name was called). I have a general pair with the senior Senator from Georgia [Mr. GORDON]. Not seeing

him in the Chamber, I withhold my vote. If he were present, I

Mr. McBRIDE (when his name was called). I have a general pair with the senior Senator from Mississippi [Mr. George]. I do not know how he would vote if he were present, but I should

do not know how he would vote if he were present, but I should vote "yea."

Mr. SHOUP (when his name was called). I have a general pair with the Senator from California [Mr. White]. Not knowing how he would vote on this question, I withhold my vote. I should "yea" if he were present.

Mr. THURSTON (when his name was called). I have a general pair with the junior Senator from South Carolina [Mr. Thleman]. If he were present, I should vote "yea."

Mr. CLARK (when Mr. Warren's name was called). My colleague [Mr. Warren] is unavoidably detained from the Chamber by severe illness. I make this announcement for the day.

The roll call was concluded.

Mr. BACON. I have a general pair with the junior Senator from Rhode Island [Mr. Wetmore], but I have already voted "yea" under the assurance of his colleague, the senior Senator from Rhode Island [Mr. Aldrich], that his colleague, if present, would vote "yea." Therefore my vote may stand.

Mr. COCKRELL. I am paired with the senior Senator from Iowa [Mr. Allison].

The result was announced—yeas 41, nays 11; as follows:

YEAS—41.

Mishall Creat Purch

	Y	EAS-41.	
Aldrich, Allen, Bacon, Baker, Blackburn, Burrows, Butler, Call, Cameron, Cannon, Carter,	Chandler, Clark, Elkins, Frye, Gallinger, Gorman, Hawley, Hoar, Kyle, McMillan, Mantle,	Mitchell, Oreg. Mitchell, Wis. Morrill, Nelson, Palmer, Peffer, Perkins, Pettigrew, Platt, Pritchard, Proctor,	Pugh, Quay, Roach, Sewell, Sherman, Teller, Vilas, Wilson.
	N	AYS-11.	
Bate, Berry, Blanchard,	Chilton, Faulkner, Harris,	Mills, Morgan, Pasco,	Vest, Walthall
	NOT	VOTING-37.	
Allison, Brice, Brown, Caffery, Cockrell, Cullom, Daniel, Davis, Dubois,	George, Gibson, Gordon, Gray, Hale, Hansbrough, Hill, Irby, Jones, Ark	Lindsay, Lodge, McBride, Martin, Murphy, Shoup, Smith, Squire, Stewart,	Tillman, Turpie, Voorhees, Warren, Wetmore, White, Wolcott.

The PRESIDENT pro tempore. The bill is passed, notwith-standing the objections of the President, two-thirds of the Senators present having voted therefor.

EXECUTIVE SESSION.

Mr. VEST. I move that the Senate proceed to the consideration

Mr. VEST. I move that the Senate proceed to the consideration of executive business.

Mr. CHANDLER. I should like to address a word to the Senator from Missouri. As the Senator knows, an agreement has been entered into that the immigration bill shall be voted upon at 4 o'clock on Thursday. It seems to be the duty of the committee to see to it that Senators wishing to debate the bill shall have such time as is available between now and that hour. If there are Senators here who desire to speak upon the bill this afternoon, I certainly think the Senate ought to remain and hear the debate. If there is no Senator who desires to speak, of course, Mr. President, I do not wish to prevent the adoption of the motion of the

Senator from Missouri.

Mr. VEST. I can answer only for myself. I do not wish to debate the bill. I understood that we fixed the hour of 4 o'clock debate the bill. I understood that we fixed the hour of 4 o'clock Thursday for taking a vote upon the measure, in order to enable the junior Senator from Maryland [Mr. Gibson], who is now ill, to speak. I do not know of any Senator who desires to speak at this time. I ask for a vote on my motion.

The PRESIDENT pro tempore. The Senator from Missouri moves that the Senate proceed to the consideration of executive

business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After ten minutes spent in executive session the doors were reopened, and (at 2 o'clock and 58 minutes p. m.) the Senate adjourned until to-morrow, Wednesday, December 16, 1896, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate December 15, 1896. POSTMASTERS.

Charles C. Collier, to be postmaster at Blocton, in the county of Bibb and State of Alabama, the appointment of a postmaster

for the said office having, by law, become vested in the President on and after October 1, 1896.

James R. Crowe, to be postmaster at Sheffield, in the county of

Colbert and State of Alabama, the appointment of a postmaster

for the said office having, by law, become vested in the President on and after October 1, 1896.

Amelia H. Bates, to be postmaster at Sonoma, in the county of Sonoma and State of California, the appointment of a postmaster for the said office having, by law, become vested in the President on and after October 1, 1896.

Devid Measurement of the postmaster at Anticeb, in the county

on and after October 1, 1896.

David Macartney, to be postmaster at Antioch, in the county of Contra Costa and State of California, the appointment of a postmaster for the said office having, by law, become vested in the President on and after July 1, 1896.

Ralph W. Putnam, to be postmaster at Paso Robles, in the county of San Luis Obispo and State of California, in the place of Priggs C. Farnum, whose commission expired July 18, 1896.

Briggs C. Farnum, whose commission expired July 18, 1896.
Ole C. Vinzent, to be postmaster at Berkeley, in the county of Alameda and State of California, in the place of John McCarthy, whose commission expired April 4, 1896.
Willard Wells, to be postmaster at Eureka, in the county of Humboldt and State of California, in the place of Fletcher A.

Cutler, resigned.

George F. Gardner, to be postmaster at Lake City, in the county of Hinsdale and State of Colorado, in the place of James F. Steinbeck, whose commission expired July 22, 1896.

Lillian T. Oviatt, to be postmaster at Longmont, in the county of Boulder and State of Colorado, in the place of A. C. Oviatt,

Nehemiah Jennings, to be postmaster at Southport, in the county of Fairfield and State of Connecticut, in the place of Nehemiah Jennings, whose commission expired July 2, 1896.

William C. Kinsella, to be postmaster at Fairfield, in the county of Fairfield and State of Connecticut, the appointment of a post-master for the said office having, by law, become vested in the President on and after October 1, 1896.

William A. Lowry, to be postmaster at East Hartford, in the county of Hartford and State of Connecticut, the appointment of a postmaster for the said office having, by law, become vested in the President on and after July 1, 1896.

William H. Smith, to be postmaster at Nawark, in the county

William H. Smith, to be postmaster at Newark, in the county of New Castle and State of Delaware, in the place of Stephen R. Choate, whose commission expired July 22, 1896.

James F. Corbett, to be postmaster at Punta Gorda, in the county of De Soto and State of Florida, the appointment of a postmaster for the said office having, by law, become vested in the President on and after October 1, 1896.

L. Morston Murray, to be postmaster at Devtons in the county

L. Moreton Murray, to be postmaster at Daytona, in the county of Volusia and State of Florida, in the place of John M. Jolley, whose commission expired January 6, 1896.

William A. Sloan, to be postmaster at St. Petersburg, in the county of Hillsboro and State of Florida, the appointment of a postmaster for the said office having, by law, become vested in the President on and after October 1, 1896.

John C. Stowers, to be postmaster at West Palmbeach, in the county of Dade and State of Florida, the appointment of a postmaster for the said office having, by law, become vested in the President on and after July 1, 1896.

David J. Bailey, jr., to be postmaster at Griffin, in the county of Spalding and State of Georgia, in the place of William B. Hudson regioned.

son, resigned.

Mary Kirtley, to be postmaster at Salmon, in the county of Lemhi and State of Idaho, the appointment of a postmaster for the said office having, by law, become vested in the President on

and after July 1, 1896.

John Beard, to be postmaster at Danville, in the county of Vermilion and State of Illinois, in the place of William R. Jewell, whose commission expired December 21, 1893.

Julia Buckmaster, to be postmaster at Alton, in the county of Madison and State of Illinois, in the place of John Buckmaster, deceased.

Adam A. Funk, to be postmaster at Rantoul, in the county of Champaign and State of Illinois, in the place of Henry M. Morris, whose commission expired July 18, 1896.

whose commission expired July 18, 1896.

Judd Hartzell, to be postmaster at Laharpe, in the county of Hancock and State of Illinois, in the place of Mary Figley, whose commission expired July 18, 1896.

Marcellus Keene, to be postmaster at Atlanta, in the county of Logan and State of Illinois, in the place of John W. Barr, removed. Charles A. Keyes, to be postmaster at Springfield, in the county of Sangamon and State of Illinois, in the place of Redick M. Ridgely, removed.

Ridgely, removed.

William A. Melody, to be postmaster at Waukegan, in the county of Lake and State of Illinois, in the place of E. B. McClanahan, removed.

Charles Raymond, to be postmaster at Evanston, in the county of Cook and State of Illinois, in the place of David P. O'Leary, removed.

Cnarles H. Rolston, to be postmaster at Hillsboro, in the county of Montgomery and State of Illinois, in the place of James E. Y. Rice, resigned.

David Shunick, to be postmaster at Alexis, in the county of Warren and State of Illinois, the appointment of a postmaster for the said office having, by law, become vested in the President on and after October 1, 1896.

Malbern M. Stephens, to be postmaster at East St. Louis, in the county of St. Clair and State of Illinois, in the place of Daniel C.

Marsh, deceased.

Cornelius Sullivan, to be postmaster at Riverside, in the county of Cook and State of Illinois, the appointment of a postmaster for the said office having, by law, become vested in the President on

and after October 1, 1896.

James A. Frost, jr., to be postmaster at Orleans, in the county of Orange and State of Indiana, the appointment of a postmaster

for the said office having, by law, become vested in the President on and after July 1, 1896.

Mary A. Mitchell, to be postmaster at Batesville, in the county of Ripley and State of Indiana, in the place of George Mitchell,

Samuel J. Nicoles, to be postmaster at Walkerton, in the county of St. Joseph and State of Indiana, the appointment of a postmaster for the said office having, by law, become vested in the President on and after October 1, 1896.

George E. Oberholtzer, to be postmaster at Clay City, in the county of Clay and State of Indiana, the appointment of a postmaster for the said office having hyperbolic postmaster.

master for the said office having, by law, become vested in the President on and after July 1, 1896.

Anthony C. Blohm, to be postmaster at Walnut, in the county of Pottawattamie and State of Iowa, the appointment of a postmaster for the said office having, by law, become vested in the President on and after October 1, 1896.

Edward F. Douglass, to be postmaster at Dysart, in the county of Tama and State of Iowa, the appointment of a postmaster for

the said office having, by law, become vested in the President on and after July 1, 1896.

John G. Duff, to be postmaster at Britt, in the county of Hancock and State of Iowa, in the place of Thomas A. Way, whose commission expired April 18, 1896.

William H. Healy, to be postmaster at Fonda, in the county of Pocahontas and State of Iowa, in the place of George Sanborn, whose commission expired April 23, 1896.

John Hornstein, to be postmaster at Boone, in the county of Boone and State of Iowa, in the place of W. C. Bremerman,

John F. Huntington, to be postmaster at Oakland, in the county of Pottawattamie and State of Iowa, the appointment of a postmaster for the said office having, by law, become vested in the President on and after October 1, 1896.

Richard H. Mobley, to be postmaster at Williamsburg, in the county of Iowa and State of Iowa, the appointment of a postmaster for the said office having by law, become vested in the President.

for the said office having, by law, become vested in the President on and after October 1, 1896.

E. Duke Naven, to be postmaster at Laporte City, in the county of Blackhawk and State of Iowa, in the place of C. W. Ravlin,

Miss Imo Yowell, to be postmaster at Sidney, in the county of Frement and State of Iowa, in the place of Moses R. Yowell, removed.

Jacob Descombes, to be postmaster at Chickasha, in Chickasaw Nation County, Ind. T., the appointment of a postmaster for the said office having, by law, become vested in the President on and after October 1, 1896.

James Rennil, to be postmaster at Pauls Valley, in Chickasaw Nation County, Ind. T., the appointment of a postmaster for the said office having, by law, become vested in the President on and after October 1, 1896.

Hugh L. Lourey to be postmaster at Frankfort in the county.

Hugh L. Lourey, to be postmaster at Frankfort, in the county of Marshall and State of Kansas, in the place of William J. Granger, resigned.

George A. Van Atta, to be postmaster at Clay Center, in the county of Clay and State of Kansas, in the place of Charles E. Gifford, deceased.

Salem H. Ford, to be postmaster at Owensboro, in the county of Daviess and State of Kentucky, in the place of John M. Simmons, removed.

Mrs. Jennie Curtis, to be postmaster at Thibodeaux, in the parish of Lafourche and State of Louisiana, in the place of Mrs. Jennie Curtis, whose commission expired February 8, 1896.

Albert F. Derouen, to be postmaster at Jennings, in the parish of Calcasieu and State of Louisiana, the appointment of a post-

master for the said office having, by law, become vested in the President on and after October 1, 1896.

Eben A. Poole, to be postmaster at Boothbay Harbor, in the county of Lincoln and State of Maine, the appointment of a postmaster for the said office having, by law, become vested in the President on and after July 1, 1896.

Howard Melvin, to be postmaster at Denton, in the county of Caroline and State of Maryland, the appointment of a postmaster for the said office having, by law, become vested in the President on and after October 1, 1896.

William H. Jordan, to be postmaster at Brockton, in the county of Plymouth and State of Massachusetts, in the place of Joseph M. Hollywood, whose commission expired January 6, 1896.

John R. Mackessy, to be postmaster at Waverley, in the county of Middlesex and State of Massachusetts, the appointment of a postmaster for the said office having, by law, become vested in the President on and after July 1, 1896.

President on and after July 1, 1896.

James H. O'Toole, to be postmaster at Amesbury, in the county of Essex and State of Massachusetts, in the place of Daniel W. Davis, whose commission expired May 27, 1896.

Joseph St. John, to be postmaster at Cohasset, in the county of Norfolk and State of Massachusetts, the appointment of a postmaster for the said office having, by law, become vested in the President on and after July 1, 1896.

Albert C. Cross, to be postmaster at Bangor, in the county of Van Buren and State of Michigan, the appointment of a postmaster for the said office having, by law, become vested in the President on and after July 1, 1896.

Joseph Gauntlett, to be postmaster at Milan, in the county of

Joseph Gauntlett, to be postmaster at Milan, in the county of Washtenaw and State of Michigan, the appointment of a postmaster for the said office having, by law, become vested in the President on and after July 1, 1896.

John P. Gerardy, to be postmaster at Durand, in the county of Shiawassee and State of Michigan, the appointment of a postmaster for the said office having, by law, become vested in the President on and after July 1, 1896.

George H. Gilbert, to be postmaster at Reed City, in the county of Osceola and State of Michigan, in the place of William A.

Strong, removed.

Blendina Hicok, to be postmaster at Flint, in the county of Genesee and State of Michigan, in the place of John H. Hicok,

Edgar Nichols, to be postmaster at Benton Harbor, in the county of Berrien and State of Michigan, in the place of Roman I. Jarvis,

of Berrien and State of Michigan, in the place of Roman I. Jarvis, removed.

Robert M. Porter, to be postmaster at Williamston, in the county of Ingham and State of Michigan, in the place of William L. Robson, whose commission expired July 22, 1896.

William P. Christensen, to be postmaster at Olivia, in the county of Renville and State of Minnesota, the appointment of a postmaster for the said office having, by law, become vested in the President on and after October 1, 1896.

John H. Hanson, to be postmaster at Lake Benton, in the county of Lincoln and State of Minnesota, the appointment of a postmaster for the said office having, by law, become vested in the

postmaster for the said office having, by law, become vested in the President on and after October 1, 1896.

Annie Leaser, to be postmaster at Wheaton, in the county of Traverse and State of Minnesota, the appointment of a postmaster for the said office having, by law, become vested in the President on and after October 1, 1896.

John McCabe, to be postmaster at St. Peter, in the county of Nicollet and State of Minnesota, in the place of William G. Gresham, whose commission expired December 21, 1893.

Patrick H. O'Hara, to be postmaster at Graceville, in the county of Bigstone and State of Minnesota, the appointment of a post-

master for the said office having, by law, become vested in the President on and after July 1, 1896.

Oliver H. Phillips, to be postmaster at Dodge Center, in the county of Dodge and State of Minnesota, the appointment of a postmaster for the said office having, by law, become vested in the President on and after October 1, 1896.

Robert A. Smith, to be postmaster at St. Paul, in the county of

Ramsey and State of Minnesota, in the place of Henry A. Castle, whose commission expired February 4, 1896.

Sadie E. Truax, to be postmaster at Breckenridge, in the county of Wilkin and State of Minnesota, the appointment of a postmaster for the said office having, by law, become vested in the President on and after July 1, 1896.

President on and after July 1, 1896.

John T. Barnett, to be postmaster at Iuka, in the county of Tishomingo and State of Mississippi, the appointment of a postmaster for the said office having, by law, become vested in the President on and after October 1, 1896.

John S. Saunders, to be postmaster at Starkville, in the county of Oktibbeha and State of Mississippi, in the place of F. H. Powers, whose commission expired July 2, 1896.

John W. Duncan, to be postmaster at Adrian, in the county of Bates and State of Missouri, the appointment of a postmaster for the said office having, by law, become vested in the President on and after July 1, 1896.

and after July 1, 1896.

Rella C. Harber, to be postmaster at Trenton, in the county of Grundy and State of Missouri, in the place of Thomas B. Harber,

Gideon B. Hart, to be postmaster at Breckenridge, in the county

of Caldwell and State of Missouri, the appointment of a postmaster for the said office having, by law, become vested in the Presi-

dent on and after July 1, 1896.

Charles Q. Hardman, to be postmaster at Edina, in the county of Knox and State of Missouri, in the place of Robert F. Schofield, whose commission expired July 2, 1896.

Edward C. Meehan, to be postmaster at Norborne, in the county of Carroll and State of Missouri, in the place of George F. Crutch-

ley, removed.

Luke W. Morris, to be postmaster at Mexico, in the county of Audrain and State of Missouri, in the place of John W. Mason,

Alva H. O'Dowd, to be postmaster at Weston, in the county of Platte and State of Missouri, the appointment of a postmaster for the said office having, by law, become vested in the President on and after October 1, 1896.

J. W. Overstreet, to be postmaster at La Plata, in the county of Macon and State of Missouri, in the place of William E. Cole,

removed.

Barbeau A. Roy, to be postmaster at Bonne Terre, in the county of St. Francis and State of Missouri, in the place of Thomas H.

Walker, deceased.

Kate E. Sullivan, to be postmaster at Excelsior Springs, in the county of Clay and State of Missouri, in the place of Kate E.

Kidd, change of name by marriage.

Addison M. Gooding, to be postmaster at Hartington, in the county of Cedar and State of Nebraska, in the place of Thomas B. A. Watson, whose commission expired July 18, 1896.

Allen T. Hill, to be postmaster at Lyons, in the county of Burt and State of Nebraska, the appointment of a postmaster for the and State of Nebraska, the appointment of a postmaster for the county of Burt and State of Nebraska, the appointment of a postmaster for the county of Burt and State of Nebraska, the appointment of a postmaster for the county of Burt and State of Nebraska, the appointment of a postmaster for the county of Burt and State of Nebraska, the appointment of a postmaster for the county of Burt and State of Nebraska, the appointment of a postmaster at Lyons, and the county of Burt and State of Nebraska, the appointment of a postmaster at Lyons, and the county of Burt and State of Nebraska, the appointment of a postmaster at Lyons, and the county of Burt and State of Nebraska, the appointment of a postmaster at Lyons, and the county of Burt and State of Nebraska, the appointment of a postmaster at Lyons, and the county of Burt and State of Nebraska, the appointment of a postmaster at Lyons, and the county of Burt and State of Nebraska, the appointment of a postmaster at Lyons, and the county of Burt and State of Nebraska, the appointment of a postmaster at Lyons, and the county of Burt and State of Nebraska, the appointment of a postmaster at Lyons, and the county of Burt and State of Nebraska, the appointment of a postmaster at Lyons, and the county of Burt and State of Nebraska, the appointment of a postmaster at Lyons, and the county of Burt and State of Nebraska, the appointment of a postmaster at Lyons, and the county of Burt and State of Nebraska, and the county of Burt and State of Nebraska, and the county of Burt and State of Nebraska, and the county of Burt and State of Nebraska, and the county of State of Nebraska, and the county of State of Nebraska, and the county of State of

said office having, by law, become vested in the President on and

after July 1, 1896.

Robert Pohl, to be postmaster at Austin, in the county of Lander and State of Nevada, the appointment of a postmaster for the said office having, by law, become vested in the President on and after October 1, 1896.

Frank B. Dailey, to be postmaster at Bloomfield, in the county of Essex and State of New Jersey, in the place of Frank G. Tower,

deceased.

James J. Davidson, to be postmaster at Swedesboro, in the county of Gloucester and State of New Jersey, the appointment of a postmaster for the said office having, by law, become vested in the President on and after October 1, 1896.

Michael A. Devine, to be postmaster at Atlantic City, in the county of Atlantic and State of New Jersey, in the place of Richard W. Sayre, removed.

John W. Goddard, to be postmaster at Bayonne, in the county of Hudson and State of New Jersey, in the place of Edward

O'Farrell, resigned.

Michael J. Hickey, to be postmaster at Raritan, in the county of Somerset and State of New Jersey, in the place of Patrick Burns, deceased.

George McCracken, to be postmaster at Dover, in the county of Morris and State of New Jersey, in the place of William Pollard,

May J. Munson, to be postmaster at Millington, in the county of Morris and State of New Jersey, in the place of Annie M. Baker, whose commission expired July 18, 1896.

Charles H. Pierson, to be postmaster at Bridgeton, in the county

of Cumberland and State of New Jersey, in the place of Samuel A. Laning, removed.

A. Laning, removed.

William Pintard, to be postmaster at Redbank, in the county of Monmouth and State of New Jersey, in the place of William T. Corlies, whose commission expired July 18, 1896.

Charles W. Scott, to be postmaster at Cramer Hill, in the county of Camden and State of New Jersey, the appointment of a postmaster for the said office having, by law, become vested in the President on and after October 1, 1896.

R. Howard Thorn, to be postmaster at Ocean City, in the county of Cape May and State of New Jersey, the appointment of a postmaster for the said office having, by law, become vested in the President on and after July 1, 1896.

President on and after July 1, 1896.

William J. Whelan, to be postmaster at Elizabeth, in the county of Union and State of New Jersey, in the place of Patrick Sheridan, deceased.

CONFIRMATIONS.

Executive nominations confirmed by the Senate December 15, 1896. CHIEF JUSTICE COURT OF CLAIMS.

Charles C. Nott, of New York, to be chief justice Court of Claims.

UNITED STATES ATTORNEY.

William B. Childers, of New Mexico, to be attorney of the United States for the Territory of New Mexico.

JUSTICE OF THE PEACE.

Lewis I. O'Neal, of the District of Columbia, to be justice of the peace in the county of Washington, in the District of Colum-bia, to be assigned to the city of Washington.

DISTRICT JUDGES.

Andrew Kirkpatrick, of New Jersey, to be United States district judge for the district of New Jersey.

John H. Rogers, of Arkansas, to be United States district judge

for the western district of Arkansas.

Arthur L. Brown, of Rhode Island, to be United States district judge for the district of Rhode Island.

John E. Carland, of South Dakota, to be United States district judge for the district of South Dakota.

COLLECTOR OF CUSTOMS.

Hiram P. Mackintosh, of Massachusetts, to be collector of customs for the district of Newburyport, in the State of Massachu-

APPOINTMENT IN THE MARINE-HOSPITAL SERVICE.

William M. Jordan, of Alabama, to be an assistant surgeon in the Marine-Hospital Service of the United States.

PROMOTION IN THE MARINE-HOSPITAL SERVICE.

P. A. Surg. Charles E. Banks, of Maine, to be a surgeon in the Marine-Hospital Service of the United States.

PROMOTION IN THE REVENUE-CUTTER SERVICE.

First Lieut. Henry B. Rogers, of Massachusetts, to be a captain in the Revenue-Cutter Service of the United States.

APPOINTMENT IN THE REVENUE-CUTTER SERVICE.

Waller Taylor, of Florida, to be a second assistant engineer in the Revenue-Cutter Service of the United States.

HOUSE OF REPRESENTATIVES.

Tuesday, December 15, 1896.

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. HENRY N. COUDEN.

The Journal of yesterday's proceedings was read and approved. ADAM HAND.

Mr. PRINCE. I ask unanimous consent for the consideration of the bill which I send to the Clerk's desk.

The bill (H. R. 7906) to grant an honorable discharge to Adam Hand, as first lieutenant of Company B, One hundred and eighty-fourth Regiment Pennsylvania Infantry Volunteers, was read, as

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to grant an honorable discharge, of date May 29, A. D. 1865, to Adam Hand, as first lieutenant of Company B, One hundred and eightyfourth Regiment Pennsylvania Infantry Volunteers.

Mr. McCLELLAN. Reserving the right to object, I ask for the

reading of the report.

The report (by Mr. Griffin) was read, as follows:

reading of the report.

The report (by Mr. GRIFFIN) was read, as follows:

The Committee on Military Affairs, to whom was referred the bill (H. R. 1990) granting an honorable discharge to Adam Hand, having considered the same, would report the following as a substitute therefor:

"Ee it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of War be, and he is hereby, auhorized and directed to grant an honorable discharge, of date May 29, A. D. 1825, to Adam Hand, as first lieutenant of Company B, One hundred and eighty-fourth Regiment Pennsylvania Infantry Volunteers."

Your committee find that at the second session of the Fifty-third Congress the Committee on Military Affairs submitted a favorable report upon a similar bill for the benefit of said Adam Hand, which report is in part as follows:

"It appears from the record of this soldier that he was mustered into the service on the 28d of April, 1861, as a private in Company H, Tenth Regiment Pennsylvania Volunteers, to serve three months, and was mustered out as such with the company July 30, 1861; that he again enlisted and was enrolled October 30, 1862, and mustered in to date November I, 1862, as sergeant of Company F, One hundred and seventy-third Regiment Pennsylvania Volunteers, to serve three years. He appears on the muster roll of the company for May and June, 1864, as sergeant, and was mustered in as first lieutenant of same company.

"On the 9th of March, 1865, he was granted leave of absence to enable him to attend his family. But while at home said Hand was taken sick, and, although he forwarded the affidavits of physicians to show his sickness and asking for an extension of furlough, it appears from the record that his colonel reported him for absence without leave and had such proceedings taken as resulted in his dismissal from the service.

"Your committee have carefully examined the record relating to the dismissal of Lieutenant Hand, and are of the opinion that an injusti

eighty-fourth Regiment Pennsylvania Volunteers, and so continued up to January 1, 1855, when Col. John H. Stover joined the regiment and assumed command, but I continued with the regiment until its final muster out of service. I remember the above-named Agam Hand, of Company B, said regiment, and at my recommendation he had, about December, 1894, been commissioned and mustered in as first lieutenant of said company, and about March, 1865, he was granted leave of absence, after which date I do not remember seeing him. That up to that time said Hand had always proven himself to be a good, faithful soldier, and I never heard any thing detrimental of him, and I would furthermore say that he would never have been commissioned first lieutenant had he been guilty of any act of cowardice. In addition to this I would say that I never heard or knew said Adam Hand to make any remarks lieutenant had he been guilty of any act of cowardice. In addition to this I would say that I never heard or knew said Adam Hand to make any remarks lieutenant had he been guilty of any act of cowardice. In addition to this I would say that I never heard or knew said Adam Hand to make any remarks these facts from actual personal knowledge, and, having know I he sides while in said regiment fall any of the facts were otherwise I would surely know it."

"Adam Hand, of Sterling, III., of date August 22, 1863, makes oath that he served as a private in Company H, Tenth Pennsylvania Infantry, from April 22, 1861, to July 30, 1861, when the term of service of said arcgiment expired.

"That he served as sergeant in Company B, One hundred and seventy-third Pennsylvania Infantry, ron May 12, 1864, was promoted to sergeant soon after, and on December 14, 1864, was promoted to first lieutenant.

"That he enlisted as private in Company B, One hundred and eighty-fourth Pennsylvania Infantry, on May 12, 1864, was promoted to sergeant soon after, and on December 14, 1864, was promoted to first lieutenant.

"The further says that he has read a copy of the rep

There being no objection, the House proceeded to the consideration of the bill, which was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed. On motion of Mr. PRINCE, a motion to reconsider the last vote was laid on the table.

PUBLIC BUILDING, NEWPORT, KY.

Mr. BERRY. I ask unanimous consent for the consideration of the bill (H. R. 9472) to amend chapter 111 of the acts of the third session of the Fifty-third Congress.

The bill was read, as follows:

Be it enacted, etc., That chapter 111 of the acts of the third session, Fifty-third Congress, is hereby amended by striking out the first proviso therein and inserting the following: "Provided, That the site shall leave the building unexposed to danger from fire in adjacent buildings by an open space of not less than 40 feet, including streets and alleys."

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. McMILLIN. I hope the gentleman from Kentucky [Mr. Berry] will explain whether this bill involves any increased

expense.

Mr. BERRY. No; it is really a saving to the Government.

Mr. DINGLEY. Is this a public-building bill?

Mr. BERRY. No, sir; it simply provides that the distance between the public building in course of construction at Newport, when and the adjacent buildings be reduced from 50 feet, as originally and the adjacent buildings be reduced from 50 feet, as originally adjacent. nally provided, to 40 feet, which is the uniform rule adopted by

the Government.

Mr. DINGLEY. Does the bill involve any increased expenditure?

Mr. BERRY. No, sir. Mr. DINGLEY. As I understand, 40 feet is the usual rule in

Mr. BERRY. Yes, sir. If 50 feet should be reserved the expense to the Government would be greater.

There being no objection, the House proceeded to the considera-tion of the bill, which was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

On motion of Mr. BERRY, a motion to reconsider the last vote was laid on the table.

VESSELS PROPELLED BY GAS, NAPHTHA, ETC.

Mr. BENNETT. I ask unanimous consent for the present consideration of the bill which I send to the desk.

The bill (S. 1646) providing for certain requirements for vessels propelled by gas, fluid, naphtha, or electric motors was read, as

Be it enacted, etc., That all vessels of above 15 tons burden, carrying freight or passengers for hire, propelled by gas, fluid, naphtha, or electric motors, shall be, and are hereby, made subject to all the provisions of section 4230 of the Revised Statutes of the United States, relating to the inspection of hulls and boilers and requiring engineers and pilots; and all vessels so propelled, without regard to tonnage or use, shall be subject to the provisions of section 4420 of the Revised Statutes of the United States, relating to the regulation of steam vessels in passing each other; and to so much of sections 423 and 4234 of the Revised Statutes, relating to lights, fog signals, steering and sailing rules, as the Board of Supervising Inspectors shall, by their regulations, deem applicable and practicable for their safe navigation.

The SPEAKER. Is there objection to the present consideration

of this bill?

Mr. HOPKINS. I wish to inquire whether the bill has been considered by the appropriate committee of the House?

Mr. BENNETT. It has been considered by the Committee on Interstate and Foreign Commerce, and reported favorably, and, in addition to that, its passage is recommended by the Treasury Department in the letter appended to the report.

Mr. BAKER of New Hampshire. Reserving the right to object, I wish to inquire of the gentleman whether he has had an understanding on this question with the gentleman from New Jersey [Mr. GARDNER], who at the last session asked me in his absence to object to the consideration of this bill if unanimous consent should be asked. consent should be asked.

Mr. BENNETT. The gentleman from New Jersey [Mr. GARD-NER] is aware that this bill was to be called up at the first opportunity

Mr. BAKER of New Hampshire. Then I have no objection.
Mr. COOPER of Florida. I should like to hear the report read.
Mr. HOPKINS. Allow me to ask whether there is any reason why this bill should not have gone to the Committee on the Merchant Marine and Fisheries, instead of the Committee on Interstate Commerce

Mr. BENNETT. This bill was sent by the Speaker to the Committee on Interstate and Foreign Commerce, and was referred to the subcommittee on ships, shipping, and sanitation, and the

to the subcommittee on ships, shipping, and sanitation, and the matter was fully considered.

Mr. HOPKINS. But why did it not go to the Committee on Merchant Marine and Fisheries?

Mr. BENNETT. Because such a reference would have been improper. It was properly referred to the Committee on Interstate and Foreign Commerce.

The SPEAKER. Does the gentleman from Florida ask for the

reading of the report?

Mr. BARTLETT of New York. I ask for the reading of the

report.
The report (by Mr. Bennett) was read at length.
The SPEAKER. Is there objection to the present consideration. of the bill?

Mr. CUMMINGS. I object.

WEAR CRAWFORD.

Mr. JOHNSON of Indiana. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 514) to remove the charge of desertion from the military record of Wear Crawford. The bill was read, as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to remove the charge of desertion from the military record of Wear Crawford, late of Company G, Fifty-second Regiment of Indiana Infantry Veteran Volunteers, and to issue to the said Crawford an honorable discharge from said service: Provided, That no back pay or allowance shall become due or payable by reason of the passage of this act.

The Committee on Military Affairs recommend the following amendment:

Add at the close of the bill the words "Said discharge to be dated June 28, 1865: Provided, That no pay, bounty, or allowance shall become due or payable by virtue of this act."

The SPEAKER. Is there objection to the present consideration of the bill?

There being no objection, the bill was considered, the amendment agreed to, and the bill as amended ordered to be engrossed and read a third time; and it was accordingly read the third time, and

On motion of Mr. JOHNSON of Indiana, a motion to reconsider the last vote was laid on the table.

ADVERSE REPORT.

Mr. TERRY. Mr. Speaker, on yesterday an adverse report was submitted from the Committee on the Judiciary by the gentleman from New York [Mr. RAY] with reference to the bill (H. R. 4057) in relation to cigarettes, which was laid on the table. I desire to

have that bill, with the accompanying report and the views of the minority, referred to the House Calendar under the rule.

The SPEAKER. It can be done at the request of any member.

Mr. TERRY. I make that request.

The SPEAKER. The report, with the views of the minority, at the request of the gentleman from Arkansas, will be referred to the House Calendar.

ORDER OF BUSINESS.

Mr. POWERS. Mr. Speaker, I call for the regular order, but first yield to the gentleman from New York, who wishes to make a request.

COMMITTEE ON AGRICULTURE.

Mr. WADSWORTH. Mr. Speaker, pending the demand for the regular order, I wish to ask unanimous consent that the Committee on Agriculture may have leave to sit during the sessions of the House.

There was no objection, and it was so ordered.

ALCOHOL USED IN THE ARTS.

The SPEAKER announced the appointment of the following conferees on the disagreeing votes of the two Houses on the joint resolution (S. R. 162) continuing in force section 2 of the act approved June 3, 1896, entitled "An act to repeal section 61 of 'An act to reduce taxation, to provide revenue for the Government, and for other purposes,' "which became a law August 28, 1894: Mr. Evans, Mr. Russell of Connecticut, and Mr. McMillin.

MRS. JANE STUART WHITING.

The SPEAKER laid before the House the bill (S. 1511) granting a pension to Mrs. Jane Stuart Whiting, with House amendment disagreed to by the Senate, and request for a conference between the two Houses on the disagreeing votes thereon.

Mr. PICKLER. Would it be in order to move that the House insist on its amendment, and agree to the conference?

The SPEAKER. That motion would be in order.
Mr. PICKLER. I desire to make that motion.

The motion was agreed to.

CELESTE A. BOUGHTON.

The SPEAKER also laid before the House the bill (S. 1291) granting an increase of pension to Celeste A. Boughton, widow of Bvt. Brig. Gen. Horace Boughton, with House amendment disagreed to by the Senate, and request for a conference thereon.

Mr. PICKLER. I move that the House further insist on its amendment, and agree to the conference asked by the Senate.

The motion was agreed to.

The motion was agreed to.

ATLANTIC AND PACIFIC RAILROAD COMPANY.

The SPEAKER. The gentleman from Vermont is recognized.

Mr. POWERS. I now insist upon the regular order, and call up
the bill (S. 1832) to define the rights of purchasers under mortgages authorized by an act of Congress approved April 20, 1871,
concerning the Atlantic and Pacific Railroad Company. I send to
the Clerk's desk the report of the committee, which I ask to have read.

Mr. McRAE. Mr. Speaker—
The SPEAKER. For what purpose does the gentleman from Arkansas rise?

Mr. McRAE. To inquire if the Committee on Pacific Railroads has been called. Is this the committee hour, and has that commit-

tee been called?
The SPEAKER. The SPEAKER. This is the committee hour, and the Chair recognized the gentleman from Vermont [Mr. Powers] because of an arrangement which was made in the House that whenever

of an arrangement which was made in the House that whenever the time came for calling committees he should be recognized.

Mr. McRAE. Then it is to be treated as if the committee had been regularly called.

The SPEAKER. As if the committee had been called.

Mr. RICHARDSON. In the morning hour.

Mr. POWERS. I ask to have the report read.

The report (by Mr. Powers) was read, as follows:

The Committee on Pacific Railroads, having considered the bill (S. 1832) entitled "An act to define the rights of purchasers under mortgages authorized by an act of Congress approved April 20, 1871. concerning the Atlantic and Pacific Railroad Company," respectfully report that they adopt House Report No. 1598, upon a House bill identical in terms with said Senate bill, which is hereto annexed, and recommend the passage of said Senate bill.

[House Report No. 1598, Fifty-fourth Congress, first session.]

The Committee on Pacific Railroads, having considered the bill (H. R. 6398) entitled "A bill to define the rights of purchasers under mortgages authorized by an act of Congress approved April 20, 1871," respectfully report:

Your committee recommend that the bill be amended by striking out all after the nacting clause and inserting in lieu thereof the substitute as proposed, and that as thus amended the bill be passed.

The committee adopt the report (No. 787) made by the Senate Committee on the Judiciary April 20, 1896, in reference to Senate bill 1832, being a bill identical with House bill 6398.

[Senate Report No. 737, Fifty-fourth Congress, first session.] The Committee on the Judiciary, having considered the bill (S. 1832) entitled "A bill to define the rights of purchasers under mortgages authorized by the act of Congress approved April 20, 1871," respectfully report:

By special act of July 27, 1866 (14 Stat. L., 292), Congress incorporated the

Atlantic and Pacific Railroad Company, with usual corporate powers, and authorized the company to construct, maintain, and operate a line of railroad and telegraph on prescribed route, substantially along the thirty-fifth parallel, from Springfield, Mo., across the Indian, New Mexico, and Arizona Territories, and California to the Pacific. To aid construction thereof grants of public lands, right of way, and material therefor were made (secs. 2 and 3). In addition to the plain purpose of the pacific of the control of the control of the pacific of public lands, right of way, and material therefor were made (secs. 2 and 3). In addition to the plain purpose of the pacific of the charter act, "that said Atlantic and Pacific Railroad, or any part thereof, shall be a post route and military road, subject to the use of the United States for postal, military, naval, and all other Government service, and also stubject to such regulations as Congress may impose restricting the charges for such Government trans."

It was then assumed that the road would be built by popular subscription, and the sole direct authority given to raise funds for that purpose was the authorized issuance of \$10,000,000 of its capital stock. By section 8 construction was to commence within a prescribed period and proceed annually for prescribed direct authority given to raise funds for that purpose was the authorized issuance of \$10,000,000 of its capital stock. By section 8 construction was to commence within a prescribed period and proceed annually for prescribed direct and the United States may do any and all acts and things which may be needful and necessary to insure a speedy completion of the said road." It appears that such popular subscription failed to materialize, and there being no express authority in the charter act whereby the company of the United States, reserved by section 8, supra, had accrued, the company applied to Congress and obtained the passage of an act, on April 20, 1871, authorizing mortgage its franchises in addition t

Mr. POWERS. Mr. Speaker, the report so far read covers the

the report so that the delication of the report so that the delication of the sound, and unless some gentleman desires the balance of it, it will save some time to omit the further reading.

Now, Mr. Speaker, as the report states, this bill simply provides that the mortgage bondholders of the Atlantic and Pacific Railroad Company may reorganize into a corporation—in other words, may have the right to be a corporation. The necessity for this bill arises from the fact that the Supreme Court in two cases has bill arises from the fact that the Supreme Court in two cases has decided that the mortgage of a railroad company, together with its franchises, does not carry the right to be a corporation. Everybody connected with this original company supposed that the right to mortgage, given them by Congress in 1871, which in terms embraced the franchises, was broad enough to enable them, on a foreclosure sale, to organize as a corporation; but the Supreme Court says no; hence the necessity for the passage of this bill.

The House will remember that this company was started in 1866, was given a mammoth land grant of 42,000,000 acres, and that in 1871 it became necessary for the company, in order to build its road, to issue a mortgage. That mortgage was issued, covering the property and franchises of the road, but lacking this essential, vital point—the franchise to be a corporation.

Now, when this question was before the House on a former occasion it was said that this land grant was a monstrous land grant, that it was fraudulent, that great wrong was done to the Government in the amount of land granted to the railroad. Concede that to be true for the purposes of this argument; what has

It became a part of the rights of that company to take those lands; but it turns out upon investigation that the lands are in the arid region; they are good for nothing. The company itself, out of the 42,000,000 acres, has only succeeded in selling seven hundred the 42,000,000 acres, has only succeeded in sering seven hunted thousand and odd acres. A great proportion of the land has been forfeited to the Government, and a suit is now pending, and is up for argument in court to-day, to determine the right of the Government to forfeit the balance.

Government to forfeit the balance.

But be that as it may, this is the practical question that is presented to the House: This company, however fraudulent it may have been, however disproportionate its land grant may have been to its right to build a railroad to the California coast, nevertheless that wrongdoing is not to be imputed to the applicants for this charter. The applicants for this charter are the innocent parties who advanced their money upon a mortgage of this road. That money built the road. It could not have been built otherwise. As the report shows, it was supposed that private subscriptions along the line of the road would be ample to build the road, but those hopes proved to be delusive. The company were obliged to borrow money. They did borrow it, and A, B, C, innocent parties who had nothing whatever to do with any wrongdoing connected with the making of the land grant, advanced their money and the with the making of the land grant, advanced their money and the road was completed.

with the making of the land grant, advanced their money and the road was completed.

Now, it is highly improper to visit upon these innocent parties any wrongdoing that may have been practiced by the original promoters of the enterprise. There is no justice or propriety in that. These mortgage bonds are held by guardians, by trustees, by women, and by other parties, and the proposition of the gentleman from Arkansas [Mr. McRae] is that they be visited with the consequences and be made to suffer for that former wrongdoing, for which they are in no wise responsible. But now, Mr. Speaker, there was not any wrongdoing. The gift on the part of the Government of this 42,000,000 acres of land did not amount to anything to this company. As I have already said, they have sold only 708,000 acres out of the 42,000,000 acres given to them, for the simple reason that you might turn a razor-back pig loose on the land in that country and it could not get a living.

Mr. STEELE. That being the case, how did they expect to get subscribers along the line of the road to build this road?

Mr. POWERS. Because in those days there was a great fever for building these roads, especially to the Pacific. The Union Pacific was being built. Everybody turned his attention to the project of building railroads to the Pacific Ocean, and everybody who put his money in these roads going out West was sadly disappointed.

Mr. FOOTE. Where are these arid lands?

pointed.

Mr. FOOTE. Where are these arid lands? Mr. POWERS. They are in Arizona, the Indian Territory, New

Mexico, etc., on the line of the road.

Now, the Government has already forfeited about 13,000,000 or 14,000,000 acres of the land, and claims the right to forfeit the balance; and there is no reason in the world why these people who have advanced their money and taken a mortgage upon this road and have purchased the property or are about to purchase it in the fere-closure sale should not have the right to be organized into a corclosure sale should not have the right to be organized into a corporation. Supposing you have the right to say they shall not have the right to do so, how do you leave the property and how do you leave the parties? You leave these mortgagees who have invested their money in these great properties without any right as a corporation and of continuing the railroad in the interests of the people along its lines.

Mr. BLACK of Georgia. Will the gentleman state to the House the difference between the bill he has offered and the substitute offered by the gentleman from Arkansas?

offered by the gentleman from Arkansas?

Mr. POWERS. The substitute offered by the gentleman from Arkansas provides very many things that nobody can live under. The gentleman, of course, will unfold his plan when he comes to it. It is a very objectionable plan. He has injected a penalty, consequent on what he says is the wrongdoing on the part of the principal parties on these improved the course.

consequent on what he says is the wrongdoing on the part of the original parties on these innocent parties. I say that the House of Representatives ought to be above that kind of legislation.

Mr. FLYNN. Is it not a fact that there is no new authority conferred upon this company that the old company did not have?

Mr. POWERS. There is no new authority whatever. If anybody will take the trouble to read the bill they will see that the only provided in the property of the conference of the confer

provision in it which is operative is to simply give these parties the right to be organized into a corporation.

Mr. FLYNN. Another question. Is it not a fact that the railroads can not operate in the Indian Territory without a charter

from Congress?

Mr. POWERS. They can not. There is no other way in which the road can be operated. It does not pay its current expenses now.

Mr. KNOX. As to this portion of the road which was the St. Louis and San Francisco, was not there a land grant which went with that road?

Government in the amount of land granted to the railroad. Concede that to be true for the purposes of this argument; what has that to do with the pending question? Congress enacted the law.

Mr. POWERS. Very likely. I do not know how that is.

Mr. KNOX. Did not the whole road pass to that corporation, and is it not now operated by it? Is it not that way?

Mr. POWERS. I presume that is so. I am not familiar with that.

Mr. KNOX. That is a corporation.

Mr. MOODY. Will the gentleman permit me to ask him a question?

Mr. POWERS. Certainly. Mr. MOODY. My question is, Is it not a fact that this road at the present time is not worth any more than the mortgage upon it?

Mr. POWERS. Probably not.
Mr. MOODY. Why should any new corporation be permitted to issue stock in excess of the amount of the mortgage?

to issue stock in excess of the amount of the mortgage?

Mr. POWERS. On the question of stock, the gentleman will notice on page 4 it is to be assessed for money, labor, or property that may be necessary.

Mr. MOODY. I understand that perfectly; but it is provided that the amount of new issue of stock shall not exceed the aggregate amount which the old company had issued.

Mr. POWERS. Exactly.

Mr. MOODY. Now, the old company may have issued without consideration a hundred millions of stock.

Mr. POWERS. The old company, as the gentleman will see

Mr. POWERS. The old company, as the gentleman will see from the report of the Commissioner of Railroads, issued a capi-

tal of \$79,000,000, which was mortgaged.

Mr. MOODY. What is the amount of the mortgage?

Mr. POWERS. The first mortgage \$18,000,000, the second \$20,000,000, and other bills payable \$13,000,000.

Mr. MOODY. Are those secured by this mortgage?
Mr. POWERS. They will be secured by this mortgage if this additional stock is issued.

additional stock is issued.

Mr. BARTLETT of New York. Does your bill restore any rights that have been forfeited?

Mr. POWERS. It does not touch the right of the Government to forfeit these lands. It expressly reserves to the Government all rights that it now has. And, Mr. Speaker, in this connection I wish to say that the United States Government has in its employ a special counsel to look after its land-grant interests, Mr. Joseph H. Call, and when the original bill was introduced into the Senate and was there pending Mr. Call wrote a letter to Senator White made sundry amendments to the bill then pend-Senator White made sundry amendments to the bill then pending. Those amendments having been made, and being acceptable to the counsel of the United States, this bill passed the Senate unanimously, and I will now ask the Clerk to read the letter of Mr. Call.

Mr. FOOTE. As I understand, this new bill does not deprive the Government of any rights that it had under the old law

Mr. POWERS. Of none whatever.
Mr. PARKER. May I ask the gentleman whether the Government has not some right of free transportation over this road, and whether there is anything in the pending bill preserving that

right?
Mr. POWERS. The Government does have a preferential right of transportation over the road for its own business, and this bill

expressly retains that right.

Mr. PARKER. I do not find it in the bill.

Mr. TERRY. I would like the gentleman from Vermont to point that out in this bill.

Mr. POWERS. Well, if it is not there, we are perfectly willing to have it put in the bill.

Mr. POWERS. Well, if it is not there, we are perfectly willing to have it put in the bill.

Mr. TERRY. I know, but the gentleman has stated several times that this bill preserves all the existing rights of the Government, and now I want him to point out that provision.

Mr. POWERS. I supposed that the bill did contain that provision; but if it does not, let it be amended.

Mr. DOCKERY. Then the provision is not in the bill.

Mr. POWERS. I ask that the Clerk read the letter of Mr. Call.

The letter was read, as follows:

WASHINGTON, D. C., March 28, 1896.

Washington, D. C., March 28, 1896.

Dear Sir: As special counsel for the United States, having charge of the litigation in southern California which is seeking to enforce the rights of the Government to lands claimed to have been granted to various railroad companies, I am naturally interested on behalf of the Government in any legislation which may affect the rights of the Government in such lands as it is now seeking to recover from the claims of the various railroad companies.

I therefore carefully read the bill introduced by yourself (No. 1832) on January 29 for the purpose of authorizing a reorganization of the Atlantic and Pacific Railroad Company, and it seemed to me at the time that I first read it (and upon reflection I still adhere to the conclusion) that this bill did not sufficiently guard the rights of the Government. Hence I wrote to you, as you will remember, concerning it. Since that time, and within a few days, the representatives of the parties interested in the passage of the bill and myself have been in conference for the purpose of drawing up such a substitute as would be perfectly satisfactory to them and would fully protect every interest of the Government. I am happy to say that we have agreed upon a substitute which in my judgment clearly obviates any criticism, so far as the Government's interests and rights are concerned, and which is perfectly acceptable to the people who are interested in the Atlantic and Pacific Railroad and its indebtedness. I therefore inclose you copy of the bill so agreed upon, with the suggestion and request that, if it meets your approval, you will have it presented by the Judiciary Committee as a substitute for the original bill.

I think that you will quite agree with me, upon reading it, that this bill fully guards every interest of the Government and yet gives to the Atlantic

and Pacific bondholders and parties interested all that they would be fairly entitled to under the various mortgages made by the road.

Owing to the fact that it is of a great deal of importance to the section of country through which the Atlantic and Pacific runs, and to the interests of southern California, to have the road reorganized as quickly as it may be, I very cheerfully suggest that you use your influence to procure the speedy passage of this bill.

Very truly, yours,

JOSEPH H. CALL.

Hon. Stephen M. White, United States Senate.

Mr. POWERS. Now, Mr. Speaker, to obviate the objection made by the gentleman from Arkansas and to prevent any possibility of doubt upon the point raised by him, I propose to amend the bill, in line 14 of page 2, by adding, after the word "corporation," the words "and be under the same obligations to the Government of the United States;" so that it will provide that the new company "shall be entitled to hold and possess the franchises and property so sold, and to exercise the same visible recognition. property so sold, and to exercise the same rights, powers, privileges, grants, and franchises, including the franchise to be a cor-poration, and be under the same obligations to the Government of the United States specified in the act of Congress approved July

of the United States specified in the act of Congress approved July 27, 1866," and so on.

Mr. TERRY. Now, Mr. Speaker, with the permission of the gentleman from Vermont, I want to call attention to this point: We have just had read from the Clerk's desk a letter or report from the attorney representing the United States, stating that this bill protects every right of the Government. There is an official statement from an official of the United States to Congress that this bill protects every right of the Government, and yet in the very next breath we find the gentleman in charge of the bill provery next breath we find the gentleman in charge of the bill proposing an amendment to protect certain rights of the Government. It shows how much reliance is to be placed on that report from a Government official whom the gentleman quotes as an authority on this subject.

Mr. GROUT. I think the gentleman from Arkansas misapprehends. I think my colleague does not believe this amendment necessary, but merely offers it to satisfy the gentleman from Arkansas

Mr. TERRY. Here is the provision in the old law:

That said Atlantic and Pacific Railroad, or any part thereof, shall be a post route and military road, subject to the use of the United States for postal, military, naval, and all other Government service, and also subject to such regulations as Congress may impose restricting the charges for such Government transportation.

That important provision in the original law is entirely left out

Mr. GROUT. It is not written into this bill, but it is left unchanged as it stands.

unchanged as it stands.

Mr. POWERS. I did not yield to the gentleman from Arkansas for a speech, but merely to ask a question.

Mr. TERRY. The gentleman yielded to me to make a suggestion, if I understood him, and I simply wanted to show the House how much reliance could be placed on the report of this Government officer as to the merits of this bill.

Mr. POWERS. I decline to yield further, Mr. Speaker. I proposed the amendment not because I thought it necessary, for it is not necessary, not because I distrusted the report of the Government counsel, for I do not, but because I wanted to make the bill satisfactory to the House. Now, if the amendment I proposed is not satisfactory to the gentleman from Arkansas, let him draw any amendment, in language as strong as he pleases to use, that will cover the rights of the United States Government, and I shall be glad to accept it. I desire to accept any amendment which will get rid of the technical objections of the gentleman from Arkansas to this bill. sas to this bill.

Mr. TERRY. I do not think that an objection that seeks to protect the rights of the United States is simply "technical." This is not a technical objection, the gentleman will permit me to say.

Mr. POWERS. As I have already said, this bill is entirely

unobjectionable on its merits to any fair-minded man. Objection, if made, is made upon technical grounds, and I think it is below the dignity of this Congress to throttle a body of gentlemen who have put their money into an enterprise to build a railroad, by saying that they shall not have the poor boon of organizing themselves into a convergious so that they are convergion so that they are converged.

selves into a corporation so that they can operate their property.

Mr. MOODY. How much stock does the gentleman understand
this bill authorizes the new corporation to issue?

Mr. DOCKERY. That is a very pertinent inquiry.
Mr. POWERS. It authorizes the company to issue stock enough

Mr. FOWERS. I tauthorizes the company to issue stock chough to put itself in a condition to operate the road.

Mr. MOODY. I do not think that the gentleman's answer is specific enough for the House to act upon. We want to know how much stock this company is authorized to issue.

Mr. POWERS. No man can tell how much it will take for the purpose I have named; but the restriction is that the company shall issue stock only for actual property received.

Mr. MOODY. Oh, no; I beg the gentleman's pardon. The provision of the bill is that two classes of stock may be issued. The second class is to be issued in return for property; but the

first class may be issued in an amount "not to exceed the aggregate amount which the Atlantic and Pacific Railroad Company has already issued and is now outstanding."

Mr. POWERS. Exactly.

Mr. MOODY. Now, why should Congress authorize this corporation to organize itself upon a broader stock basis than the debt which has been foreclosed on this property?

Mr. POWERS. For the simple reason that the road as it is operated to-day is operated at a loss, and it can not be operated successfully without a further capitalization and the issue of new It is proposed that this company be allowed to issue stock up to the amount of the outstanding stock, share for share, and that a further amount may be issued for actual money or property

received by the company.

Mr. MOODY. I ask the gentleman whether he would agree to an amendment in substantially this form:

Amend by striking out from the word "Provided," on page 2, line 32, to the Word "value," on page 3, line 41, and inserting the following:

"The capital stock of the corporation herein authorized shall be divided into shares each of the par value of \$100, and shall not exceed the amount of the mortgage debt due and unpaid at the time of the decree of foreclosure: Provided, That additional stock and bonds may be issued by the corporation upon the payment into its treasury therefor the full par value thereof in cash. No stock shall be issued until the Secretary of the Interior shall approve its issue and certify that it is issued in conformity to the provisions of this act. The total stock issued under the provisions of this act shall not exceed \$100,000,000.00."

That would permit this corporation to make any new invest-

ments that they may desire.

Mr. POWERS. Does the gentleman offer that as an amend-

Mr. MOODY. I will do so with the assent of the gentleman. Mr. POWERS. I am willing to accept that amendment.

Mr. POWERS. I am willing to accept that amendment. Several Members. Let it be read.

The amendment as just proposed by Mr. Moody was read.
Mr. POWERS. Now, I reserve the balance of my time.
Mr. MOODY. Is that amendment accepted?
Mr. POWERS. Yes, sir; I accept it.
Mr. MITCHELL. Mr. Speaker, I desire to offer an amendment.
The SPEAKER. The amendment sent to the desk by the gentleman from New York [Mr. MITCHELL] will be read.

The Clerk read as follows: Strike out, in lines 31 and 32, page 3, after the word "not," the following: "Expressly assumed in their contract of purchase at said judicial sale".

"Expressly assumed in their contract of purchase a
And insert:
"Legally chargeable against said old corporation;"

So as to read:
"But nothing in this act shall make such purchasers and their associates or such new corporation liable for any debts or claims or contracts of the old corporation not legally chargeable against said old corporation."

Mr. POWERS. There is no objection to the amendment of the gentleman from New York [Mr. MITCHELL].

Mr. TAWNEY. I have not been able to obtain a copy of this bill. I wish to ask whether it contains any provision for the protection of persons who bought lands from the original company in the event their title should fail. Is there any provision for the protection of persons who now hold lands under contract from the old company? Mr. POWERS.

The bill leaves any creditor of the old corporation with all the legal rights that he now has. We do not under-

tion with all the legal rights that he now has. We do not undertake to legislate here in behalf of creditors or against them.

Mr. TAWNEY. I am not speaking of creditors, but of persons holding lands under warranty deeds or under land contracts.

Mr. POWERS. This does not interfere with any obligation (including warranty) which may have been assumed by the former corporation. All such obligations remain intact. The bill does not effect them at all

corporation. All such obligations remain intact. The bill does not affect them at all.

Mr. BRUMM. As a matter of information, I would like to ask the gentleman a question. Under the original incorporation there were, I presume, land grants from the Government. The original company evidently sold some of those lands.

Mr. POWERS. I have already answered the point that the gentleman is evidently coming to. If he will look at the report of the Commissioner of Railroads he will see—

Mr. BRUMM. The gentleman undertakes to anticipate my inquiry; he may not do so correctly. I say the original company evidently sold some of the lands embraced in their land grants. When the mortgage was foreclosed, was not the title of individuals holding such lands wiped out by the sale under the mortgage?

Mr. TAWNEY. The gentleman means their rights under the warranty.

Mr. BRUMM. I do not care whether we call it warranty or title.
Mr. TAWNEY. The title would not be wiped out.
Mr. BRUMM. It would be if the interest of the mortgagee had vested before the land was sold.

Mr. IAWNEI. The title would not be wiped out.

Mr. BRUMM. It would be if the interest of the mortgagee had vested before the land was sold.

Mr. POWERS. I do not quite understand the suggestion of my friend from Pennsylvania. But I will state to him that we could not, by any act of legislation here, destroy the vested rights of the purchasers of the land. Those who purchased the land investment of their money—we should see to it (1) that no relief.

from the company in the first instance we could not cut out of their rights even if we so desired. But there is no such proposi-

mr. BRUMM. I think we can make a condition that the land grant originally awarded to this corporation, and sold by them to bona fide purchasers, shall not be reinvested in the hands of this

new corporation.

Mr. POWERS. That is expressly provided against. Let me call the attention of my friend from Pennsylvania to the last pro-

vision of the bill, which reads:

Provided further, That nothing herein contained shall be construed as making any additional grant of lands or other franchises to such successor corporation, or as a waiver of any rights of the United States now existing to enforce any forfeiture of lands heretofore granted to the said Atlantic and Pacific Railroad Company, or as in any manner affecting the vested rights of any settler or settlers on any of the lands heretofore granted to the Atlantic and Pacific Railroad Company or of any purchaser or purchasers of said lands from said company.

Mr. BRUMM. Then the rights that have already vested under the previous corporation are to be protected. If that is the intent and meaning of the clause, that answers the proposition.

Mr. POWERS. That is the meaning of it.

Mr. KNOX. Will the gentleman yield to me for a moment?

Mr. POWERS. I dislike to refuse, but I do not propose to have my time exhausted in catechism. I will answer any question with respect to the bill, but prefer for the present to reserve the remainder of my time.

Mr. McRAE. Mr. Speaker, as a general proposition I am opposed to the granting of Federal charters at all. I think such should be done by the States. In this case it does not appear to me that there is any necessity for it. Beyond all question the bill as presented should not pass unless amended in several particulars.

as presented should not pass unless amended in several particulars. The original act of July 27, 1866, granted to the Atlantic and Pacific Railroad Company 42,000,000 acres of land, and authorized 175 private individuals, named in the granting act, scattered all the way from Maine to California, upon the conditions that they should build something over 2,000 miles of railroad from Springfield, Mo., to the Pacific Ocean, before July 4, 1878. That is to say, that before the title finally passed from the Government this construction was to be fully completed. Within the time fixed by the granting act for the completion of the entire road they built only 125 miles of it. They came to Congress and asked Congress to give them the right to mortgage the road. That authority brought them no money. They then asked and obtained authority to mortgage the lands, franchises, privileges, and other rights and property. They executed the mortgages, but, as I have said, they completed only 125 miles of the road within the time fixed in the granting act. the granting act.

The mortgagees deliberately, with the full knowledge of the terms of the grant as to the time prescribed for the completion of the road, made the mortgages due at a later day. There was inserted in the act authorizing the mortgage a provision that any forfeiture should extend only to as much thereof as shall be coterminous with or appertain to that part of said road which shall have been constructed at the time of the foreclosure of said morthave been constructed at the time of the foreclosure of said mortgage. These mortagees, at every meeting of the committee when the forfeiture bill was being considered, and when Congress sought to forfeit the grant, contended that Congress had no authority to do so under the law. The act of July 6, 1886, was passed with the understanding that it would restore to the public domain 10,795,480 acres of land. And yet in the face of the record they have made, after they have violated every condition imposed on them by the granting act, they still deny the power to forfeit. Congress on the 6th day of July, 1886, declared a forfeiture of all lands adjacent to and coterminous with the uncompleted portions of the road at that time, and attempted in this manner to exercise its sovereign right and power to restore to the public domain something over 10,000,000 acres of the lands granted. These mortgagees and this faithless corporation in the courts of law have something over 10,000,000 acres of the lands granted. These mortgagees and this faithless corporation in the courts of law have ever since been fighting the Government and the settlers, and are to-day contesting in the Supreme Court of the United States for these lands upon the same old contention that the Congress of the United States had no authority to declare the forfeiture. And yet the mortgagees of this corporation come to us with its record of broken relative and select that we give them they are single-to-select them. broken pledges and asks that we give them the same rights and powers and privileges granted by the grant of July 27, 1866. Thirty years have elapsed since the grant was made, and yet more than one-half of the road is unconstructed, the corporation bankrupted and now in the hands of a receiver, being unable to pay interest on its bonds. Across the great Mojave desert, where it was expected that by this grant we would secure railroad facilities, no road has yet been constructed, and there is but little.

is given to the men who acquired this charter and afterwards violated every promise made by them and broke every condition imposed upon them by the grant; (2) that the terms of the forfeit-ure act of July 6, 1886, shall be first accepted by the new corpora-tion as a condition precedent, and that this act shall not take effect until they reconvey the lands thus forfeited; (3) that the settlers shall have the lands which have been earned and not sold at the minimum Government price of \$1.25 per acre, and those who have purchased fully protected in their titles; (4) that the bona fide debts due for work, labor, material, etc., shall be paid, and (5) the stock should be limited to the actual value of the road, so as to prevent the watering of the stock, and that the interest shall not exceed 4 per cent. The substitute which I have offered will secure all of this. If it is not adopted, I hope amendments will be that will secure the same things.

Mr. Speaker, shall we, by breathing into this corporation a new life, permit it to repudiate the honest debts of those who have performed labor for it? I have provided that all the debts, except those due to the old Atchison, Topeka and Santa Fe and to the St. Louis and San Francisco railroad companies, shall be paid. As for these railroad corporations who have wrecked the Atlantic and Pacific and themselves, and reorganized, I have no concern. They have second mortgages, and as they have been relieved of the payment of a part of their debts by similar reorganizations. So, if Congress sees fit to give the Atlantic and Pacific relief against them, I have no objection, but as to the laborer and the mechanic, and those who have legitimate claims growing out of

mechanic, and those who have legitimate claims growing out of the operation of the road, I say it would be legalized repudiation to permit these mortgage creditors to defeat the payment of their debts or be preferred to them, even though they may have originally invested their money in good faith. So I have endeavored to provide for the protection of these men.

I think that the settlers along the line of the road should be protected in their purchases already made, and also by reducing the price for which these lands may be sold, so that the price shall be no more than the Government price. These lands have been withheld from settlement for thirty years. The act of forfeiture of 1886 reduced the Government price of land along this grant to \$1.25 an acre, and I think the railroad lands should not exceed that sum. Let us say to this corporation, "If you are to be reorthat sum. Let us say to this corporation, "If you are to be reorganized under authority from Congress, you shall first accept as a condition precedent the terms imposed by the forfeiture act of 1886; and you shall sell the lands you have earned or acquired to actual settlers at the price at which the Government sells its public lands;" and further, that purchasers shall be protected, as the gentleman from Minnesota [Mr. Tawney] suggested a moment ago, as to sales already made.

Mr. POWERS. Will the gentleman yield to me for a moment?

Mr. POWERS. Will the gentleman yield to me for a moment? Mr. McRAE. Certainly.
Mr. POWERS. I wish to say to the gentleman that if he has any amendment providing that the land shall be sold at \$1.25 an acre, it will be entirely acceptable, for you can not sell them for 50 cents an acre.
Mr. GROUT. All that have been sold so far have brought only

50 cents an acre. Vote for my substitute and you will get it. Mr. McRAE. you will not do that, then perfect the bill in that respect. should there be any objection to my proposition to limit the stock to be issued by this company as reorganized to the actual amount due upon mortgages and other just indebtedness such as that provided for by section 4 of my substitute? Why should we give this new corporation authority from the Congress of the United States to do what the old one did, water its stock and enrich its stockholders at the expense of the Government and people? The old incorporators contributed nothing to the building of this road. These do not propose to contribute anything to it. I question whether the old set honestly and in good faith appropriated the money they borrowed from the bondholders. The most that ought under any circumstances to be done is to protect the honest bonded debt; but so far as the outstanding stock is concerned, I appeal to Congress to study the history of this grant before authorizing a reissue of any part of it with a charter to go forth and rob shippers and settlers. We should also provide for a low rate of interest upon the bonds and stock, say not exceeding 4 per cent.

Mr. Speaker, I propose the substitute which I send to the Clerk's should there be any objection to my proposition to limit the stock

est upon the bonds and stock, say not exceeding 4 per cent.

Mr. Speaker, I propose the substitute which I send to the Clerk's desk, and I ask that it be now read. It embodies every provision that I have referred to, and will, I think, protect every valid interest involved. While I dislike to vote for a charter to reorganize or to organize a Federal corporation by authority of the Congress of the United States, I am willing to do so in this case if gentlemen will accept these conditions; but I want it understood that the forfeiture which was declared ten years ago must be made a condition precedent to the reorganization. They shall not, with my consent, stand in one branch of this Government denying the right of Congress to make a forfeiture, and in the other ing the right of Congress to make a forfeiture, and in the other branch asking permission from Congress to live. I ask the Clerk to read the substitute which I now offer for the bill and amendments. The Clerk read as follows: '

The Clerk read as follows:

Strike out all after the enacting clause and insert the following:

Strike out all after the enacting clause and insert the following:

Strike out all after the enacting clause and insert the following:

All the purchasers of the railroad property of the Atlanta and Pacific Railroad to great the purchasers of the service of any of the mortgages heretofore exceeded by said company thereon by authority of Congress may organize and any suit or suits for the foreclosure of any of the deed or deeds conveying said railroad of the secretary of state of each State through or into which said Atlantic and Pacific Railroad may run a copy of the deed or deeds conveying said railroad opticed by them, the names, number, and residences, respectively, of its directors, and a copy of any plan of roorganization adopted by said purchasers of them the partners of the purchasers of the purcha

such successor company with the same force and effect and in the same manner as against the Atlantic and Pacific Railroad Company; and such successor company, upon making compensation for such loss of title or failure to comply with the conditions of such land contracts, shall be subrogated to the rights of such purchaser in respect of the lands for which such compensations and the provided further. That the reorganized railrosidition, be held and deemed to be a citizen and corporation of the respective States into which its line of railway, or any branch or spirit on any business, and the service of process upon such corporation may conduct or carry on any business, and the service of process upon such corporation may be made according to the laws of the respective States in which suits shall be brought: And provided further, That nothing herein shall be held or construed to impair or in any manner to affect the rights of any unsecured creditors of the Atlantic and Pacific Railroad Company, or to change or impair the lien of any judgments or demands, if otherwise effective, against any property of said company not embraced in prior and superior liens or passing to the purchasers at such foreclosure sale. And it being the purpose and intent of this act to authorize the creation of a corporation for railroad rather than for land-owning purposes, it is provided further that all lands herein referred to should be sold from time to time when a reasonable price is offered therefor; and if, after five years from the date of the passage of this act, it shall be ascertained by any court of competent jurisdiction, subject to the right of appeal, that any such lands, except such as may rightfully be reserved by said newly organized corporation, under the provisions hereof, for which a reasonable price, to be determined by the Secretary of the Interior, has been offered, shall be held or reserved, first, by such newly organized corporation; or, second, held by any ottor corporation, person, persons, or association for the

Mr. McRAE. Mr. Speaker— Mr. POWERS. Now, Mr. Speaker— Mr. McRAE. Mr. Speaker, I believe I have the floor. The SPEAKER. The gentleman from Arkansas. Mr. McRAE. Mr. Speaker—

LEGISLATIVE, EXECUTIVE, AND JUDICIAL APPROPRIATION BILL.

Mr. BINGHAM. Before the gentleman proceeds, if he will allow me, I should like to ask the chairman of the committee if he will permit me to introduce the legislative bill, that it may be

printed and referred.

Mr. POWERS. Certainly.

Mr. BINGHAM, from the Committee on Appropriations, reported a bill (H. R. 9643) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1898, and for other purposes; which was read a first and second time, and, with the accompanying report, ordered to be printed and referred to the Committee of the Whole House on the state of the Union.

ATLANTIC AND PACIFIC RAILROAD COMPANY.

Mr. McRAE. Mr. Speaker, this proposed substitute is identical in many respects with the resolution passed by the House and reported from the Committee on the Judiciary at the last session for the reorganization of the Northern Pacific Railroad Company. Except as to the condition as to the forfeiture act, the price of Except as to the condition as to the forfeiture act, the price of land, and the limitations upon the issue of stock to be issued and the interest on it, I think it is identical. I do not understand why we should give the Atlantic and Pacific any greater privileges in the matter of a reorganization than we did the Northern Pacific. The debts provided for are those which the courts usually direct receivers to consider as preferred claims. The bill, unless amended, would not in the power of the pew corporation the right to deny would put in the power of the new corporation the right to deny the payment of them. Although the gentleman who presents this bill talks very long and loud about the righteousness of the bondholders' claims, he has not said anything about these small debts that may be due to laborers and employees of the railroads, and whose rights should be sacred with us.

Mr. HARRISON. Why take that power from the courts and embody it in this act?

Mr. McRAE. Because these mortgagees have come here and ask to be taken out of court by a new scheme of reorganization which involves the repudiation of some debts due from the old Mr. HARRISON. Can the court give them power to exist as a

orporation?

Mr. McRAE. But when we give them the right to exist and be a corporation and grant them all the rights of the old corporation we should give them that power with the emphatic declaration that they shall pay their laborers and other debts for improving and operating the road, and that they can not have it until

ing and operating the road, and that they can not have it until they do pay them.

Mr. HARRISON. Would not the courts protect them anyway?

Mr. McRAE. The courts can not protect them when we say in this bill, which permits them to be organized, that they shall not be held liable for any debts "not expressly assumed in their contract of purchase at said judicial sale."

Mr. HARRISON. I understand an amendment has been offered and adopted legally only requiring them to assume the debts that they legally assume on the sale.

Mr. McRAE. I do not know of any amendment that has been adopted. We have not yet closed debate. Here is what the act says:

But nothing in this act shall make such purchasers and their associates or such new corporation liable for any debts or claims or contracts of the old corporation not expressly assumed in their contract of purchase at said judicial sale.

Mr. MITCHELL. Will the gentleman allow me to interrupt him and ask that the Clerk be allowed to read an amendment which I have offered, and which has been accepted, which substitutes the words "legally chargeable against said old corporation" for the words "expressly assumed in their contract of purchase at said judicial sale." This amendment cures the defect he refers to.

Mr. McRAE. I do not care to have it read in my time. The gentleman can have it read in his. If he wants to protect this class of debts, I suggest that he should join us in the effort to put the protection in the charter. If you want the laboring men and honest creditors of the old concern protected, put it into the act and leave nothing to construction. Almost this entire grant

act and leave nothing to construction. Almost this entire grant has been lost to the people by construction.

Mr. Speaker, I am familiar with this grant and the efforts to forfeit it, and I say to you that the history of the corporation for thirty years has been that of broken pledges and an effort to get all it could and give as little return as possible to the people. Now, I yield ten minutes to my colleague, Judge Terry.

Mr. TERRY. I desire to send up an amendment and wish it

read.

The SPEAKER. The gentleman from Arkansas presents the following amendment. The Chair thinks there are quite a number of amendments pending which ought to be disposed of before any more are considered.

Mr. TERRY. I want it read and considered pending, to be voted on at the proper time.

The Clerk read as follows:

Amend by adding, after the word "sale," in line 28, page 3, the following:
"But such new company shall be subject to all the obligations and debts
to which said Atlantic and Pacific Railroad Company was subject under its
charter or act of incorporation, and nothing in this act shall be held to deprive
the United States of any right or remedy they may at any time have had
against said Atlantic and Pacific Railroad Company."

Mr. TERRY. Mr. Speaker, I desire to call the attention of the House to what is the real effect of this bill reported by the Committee on Pacific Railroads. It in effect gives the purchasers by sale all the rights, privileges, and immunities of the old company, and does not impose upon the new company a single one of the obligations of the old company either to the Government of the United States or to envelope the

obligations of the old company either to the Government of the United States or to anybody else.

Mr. POWERS. Will the gentleman yield to me a moment? I can relieve my friend, although the House would be greatly entertained by hearing him. I will accept that amendment.

Mr. TERRY. That is all right. I am glad you are in that frame of mind; but I do not propose to be cut off by what you may accept at the present time. [Laughter.] Now, let us look at the bill. It is not often that a man can get the floor, but when he does he does not want to be shut off by such an offer of concession as that made by my friend from Vermont. Here is the provision of the original bill:

Shall constitute a new company, which shall be entitled to hold and possess.

Shall constitute a new company, which shall be entitled to hold and possess the franchises and property so sold and to exercise the same rights, powers, privileges, grants, and franchises, including the franchise to be a corporation, granted by the act of Congress approved July 27, 1866.

Not a word said about any of its obligations, or its debts, or its

Now, I want to call the attention of this House to the very words of the section in the original charter, which the people of the United States have an interest in:

SEC 20. And be it further enacted, That to better accomplish the object of this act, namely, to promote the public interests and welfare by the construction of said railroad and telegraph lines and keeping the same in working order, and to secure to the Government at all times, particularly in times of war, the use and benefits of the same for postal, military, and other purposes, Congress may at any time, having due regard to the rights of said Atlantic and Pacific Railroad Company, alter, amend, or repeal this act.

Now, I want this charter of this new company to be subject to the same kind of restrictions or provisions for the benefit or in behalf of the people of the United States. And yet, Mr. Speaker, we have the astonishing spectacle of an officer of the United States Government, who it is said has examined this measure, allowing to go unprotected the rights of the United States and recommending to this House a bill that does not protect a single

one of these important rights.

Mr. POWERS. Will the gentleman yield a moment?

Mr. TERRY. Certainly.

Mr. POWERS. If the gentleman will take the trouble to look at the bill, he will find that section 2 reads as follows:

That Congress at all times shall have power to alter, amend, or repeal this

Mr. TERRY. Yes, sir; but there is no provision with the same power and strength of language as that contained in section 20 of the existing law, and I want that preserved, and I want the right of the United States to regulate the rates of transportation of Government troops, supplies, etc., preserved. It is true that the gentleman has made a concession upon that point, but that is a matter to be passed on by the House, and I would rather have the amendment in the language that I have proposed. I have called the attention of the House to these matters to show how this bill was brought in originally with a certificate by a Government officer that the rights of the Government would be perfectly protected under it. It may be, sir, that it is considered by such officials that the Government of the United States, whilst it may have rights against individuals, has none against such a corporation as this. It simply shows the representatives of the people how carefully they must scan legislation of this kind.

And now, Mr. Speaker, I say that this House ought not to pass this bill in any haste. I have presented the suggestions that have occurred to me, and I also recommend to every Representative here who desires to protect the people of the United States to examine this bill carefully and see to it that it is not railroaded through here at the speed that is proposed.

One other thing: Another part of the bill proposes to relieve the

ine this bill carefully and see to it that it is not railroaded through here at the speed that is proposed.

One other thing: Another part of the bill proposes to relieve the new company from existing debts and claims. As suggested by my colleague [Mr. McRae], it is usual for the courts in appointing receivers to provide that certain debts shall be preferred and shall be a lien upon the property, and that provision is contained in the substitute of my colleague. In some instances the courts appointing receivers have not put such a provision in their orders, and where the courts have failed to protect the rights of the people I think the Congress of the United States ought to step in and do what the courts have failed to do. The courts failed to protect the rights of the people in the order appointing a receiver for the Northern Pacific Railroad, and we stepped in and tried to do it. Let us step in here and try to protect them in this case. I do not know whether the court did its duty in the matter or not, but if it did this provision will not do any harm.

know whether the court did its duty in the matter or not, but if it did this provision will not do any harm.

I yield back the time to my colleague [Mr. McRAE].

Mr. McRAE. Mr. Speaker, I yield to the gentleman from Illinois [Mr. Cooke].

Mr. COOKE of Illinois. Mr. Speaker, I desire to ask if it is in order to offer an amendment to the substitute of the gentleman from Arkansas?

The SPEAKER. The substitute can be amended, but the vote

must be taken first on the original bill.

Mr. McRAE. Mr. Speaker, I desire to say that the amendment proposed by the gentleman from Illinois [Mr. Cooke] is entirely satisfactory to me, and if the House will consent, I am willing that it shall become a part of the substitute.

The SPEAKER. It can be accepted only by the House.

Mr. McRAE. I say that if the House will consent I am willing that it shall be made a part of the substitute

that it shall be made a part of the substitute.

Mr. COOKE of Illinois. I ask that the amendment be read.

The SPEAKER. The Clerk will report the amendment proposed by the gentleman from Illinois, which will be pending. The amendment was read, as follows:

In section 1 of the substitute, after the words "shall relinquish in writing," insert the following: "and convey to the United States, by a proper deed or instrument, to be illed with and approved by the Secretary of the Interior within six months after the passage of this act, and before this act shall take effect."

Mr. McRAE. Now, Mr. Speaker, I yield one minute to the gentleman from New Jersey [Mr. McEWAN].

Mr. McEWAN. Mr. Speaker, the amendment that I wish to

offer is for the purpose—

The SPEAKER. Is it an amendment to the original bill?

Mr. McEWAN. It is an amendment striking out from the bill. all that relates to releasing this proposed purchaser from debts and claims

The SPEAKER. The Chair desires to say that amendments would not be in order under the rule until the pending amendments are disposed of.

Mr. McEWAN. Mr. Speaker, I have watched the matter closely,

and I submit that there is but one amendment to that particular part of this bill.

The SPEAKER. There can be only one amendment pending

The SPEAKER. All the others have been accepted.

Mr. McEWAN. All the others have been accepted by the House. They have been accepted by the proposer of the bill; but that is not a binding acceptance until the House ratifies it.

Mr. McEWAN. I ask that my amendment be considered as

The SPEAKER. That can not be done, except by unanimous consent.

Mr. McEWAN. Then I ask unanimous consent.
The SPEAKER. The gentleman from New Jersey asks unanimous consent that his amendment be considered as pending, to

be taken up in its regular order.

There was no objection, and it was so ordered.

Mr. McEWAN. Mr. Speaker, the gentleman from Arkansas has kindly yielded me one minute, and I use it merely to say that if the payment of wages for labor be now protected by the courts and given a lien superior to this mortgage, then it is not becoming on the part of Congress to change that law in this respect and to impose a greater burden upon labor then it now become on the part of Congress to change that law in this respect and to impose a greater burden upon labor than it now bears by ordering the courts in their decree not to include unpaid wages. If labor be not protected by law, then certainly there is no occasion for the insertion of the provision in the bill, for then the law will operate to relieve the purchasers from the payment of wages. So, either way, this clause of the bill ought to be stricken out— I mean the words beginning in line 29 and extending down to line 32:

But nothing in this act shall make such purchasers and their associates or such new corporation liable for any debts or claims on contracts of the old corporation not expressly assumed in their contract of purchase at said judicial sale.

Mr. McRAE. Mr. Speaker, I reserve the remainder of my time. The SPEAKER. The question will now be taken on the amendments as they will be read by the Clerk. The first amendment to be voted on is that of the gentleman from Iowa [Mr. LACEY].

The Clerk read the amendment, as follows:

Add as a new section the following:
"Sec. 3. Where the line of such railway is now located within the limits of any State, or where such line is now located within a Territory which may hereafter become a State, such State, or such Territory when it shall become a State, shall be empowered to require such corporation to become incorporated within such State or States as may be provided by the laws thereof."

Mr. POWERS. There is no objection to that amendment. The amendment was agreed to.

The next amendment (offered by Mr. MOODY) was read, as fol-

Amend by striking out from the word "Provided," on page 2, line 32, to the word "value," on page 3, line 41, and inserting the following:

"The capital stock of the corporation herein authorized shall be divided into shares each of the par value of \$100, and shall not exceed the amount of the mortgage debt due and unpaid at the time of the decree of foreclosure; Provided, That additional stock and bonds may be issued by the corporation upon the payment into its treasury therefor the full par value thereof in cash. No stock shall be issued until the Secretary of the Interior shall approve its issue and certify that it is issued in conformity to the provisions of this act. The total stock issued under the provisions of this act shall not exceed \$100,000,000."

The amendment was agreed to.
The next amendment (offered by Mr. MITCHELL) was read, as follows:

Strike out after the word "not," in line 31, page 2, the following: "Expressly assumed in their contract of purchase at said judicial sale;" and inserts "Legally chargeable against said old corporation."

The amendment was agreed to.
Mr. POWERS. I now call for the previous question.
Mr. TERRY. I have an amendment pending.
Mr. POWERS. I believe the gentleman from Kansas [Mr. BRODERICK] desires to offer an amendment.
Mr. TERRY. I have an amendment pending.
The SPEAKER. Is it an amendment to the substitute or to the

Mr. TERRY. It is an amendment to the original bill, which I understand we have a right to perfect before the vote is taken on the substitute.

The SPEAKER. Certainly. The Clerk will report the amend-ment of the gentleman from Arkansas [Mr. Terry].

The Clerk read as follows:

Amend by adding after the word "sale," in line 28, page 3, the following:
"But such new company shall be subject to all the obligations and duties to which said Atlantic and Pacific Railroad Company was subject under its charter or act of incorporation; and nothing in this act shall be held to deprive the United States of any right or remedy they may at any time have had against said Atlantic and Pacific Railroad Company."

The amendment was agreed to.

The SPEAKER. There is another amendment—that of the gentleman from New Jersey [Mr. McEwan]—which the Clerk will read. This amendment is pending by order of the House.

The Clerk read as follows:

Strike out the following words after the word "sale," in line 28, page 2, down to and including the word "sale," in line 32, page 2:

"But nothing in this act shall make such purchasers and their associates or such new corporation liable for any debts or claims or contracts of the old corporation not expressly assumed in their contract of purchase at said judicial sale."

Mr. POWERS. The whole object of this amendment has been accomplished by the adoption of the amendment of the gentleman from New York [Mr. MITCHELL]. I hope, therefore, that this amendment will be voted down.

Mr. McEWAN. I disagree with the gentleman from Vermont [Mr. Powers]. The intent of my amendment has not been accomplished. The purpose of that amendment is to remit this whole matter to the courts, in order that it may be decided in accordance with the law as it now stands. My amendment will strike from the bill all reference to existing debts or claims, and will leave that whole matter to be decided by the courts in accordance with the law. My hope is that the courts will find some way to enforce the payment of wages.

There must be some purpose in putting into the bill the words which I propose to strike out. That purpose must be to change existing law. If the words do not change existing law, they are superfluous; and if they do, they should not be in this bill. If the House wishes to be safe in this matter, it ought to adopt my amendment striking out those words, and allow the courts to decide the

ment striking out those words, and allow the courts to decide the whole question in accordance with the present law. Let the courts determine whether the debts incurred for labor should or should not be paid under the law as it now stands. I am quite certain that my purpose was not accomplished by the other amendments.

Mr. MITCHELL. I wish to ask the gentleman how the courts can enforce anything that is not legally enforceable? The amendment proposed by me and already adopted makes all claims which are legally chargeable against the old corporation binding upon the new corporation. If the gentleman has in view debts which can not be enforced in the courts, I presume we do not wish to enforce their collection. I believe the aforesaid amendment will absolutely protect the wage earners, and it was for their protection. absolutely protect the wage earners, and it was for their protection and the protection of other similar creditors that I offered the amendment taking away from the reorganized company the power to assume or not, as they elected, the debts of the old company. Mr. McEWAN. In answer to the gentleman, I would say that

Mr. McEWAN. In answer to the gentleman, I would say that if the House wants to accomplish the apparent purpose of the gentleman from New York it will undoubtedly accomplish that purpose and my own in a better way by leaving out all reference to debts and claims and contracts. There is no doubt about that. If it be for the purpose of having something put before the court to be construed, all right; have it as the gentleman from New York has it. But if you want to say to the court, "Construe it recording to the statutes on the statute book or in case there is

according to the statutes on the statute book, or, in case there is no statute, then according to the common law," that is a different question. The best way to accomplish the gentleman's purpose, if that is what he wants, is to strike out all the words to which I have referred.

Mr. POWERS. The import of my friend's suggestion is that you instruct the court how they shall decide a question. Now, it seems to me that we had better leave it to the court and not ham-

per them by saying, "You must decide so and so."

Mr. McEWAN. Let me ask the gentleman: Is this a new law so far as the debts and claims involved are concerned?

Mr. POWERS. Not at all. The Supreme Court of the United States, in the case of Fosdick vs. Schall, have preserved all the rights of laborers on railroads, in an opinion delivered by Chief Justice Waite, and which has been confirmed a half dozen times since. There is no trouble about that, as far as their protection is concerned.

Mr. McEWAN. Then the gentleman quite agrees with me in my assertion that there is no reason for these words appearing in

The SPEAKER. The question is on agreeing to the amendment of the gentleman from New Jersey.

Mr. HARRISON. Let us have the amendment and that portion of the bill read.

The amendment proposed by Mr. McEwan was again reported. The question being taken on the amendment, the House divided;

and there were—ayes 23, noes 36.
So the amendment was rejected.
Mr. TAWNEY. Mr. Speaker, I desire to offer the amendment I send to the desk, to be added to the first section of the bill.
The Clerk read as follows:

And provided further. That in every case of failure of the title to any lands conveyed or contracted to be sold by said Atlantic and Pacific Railroad Company, any and all rights of such purchaser or his assigns, in respect of such land, or in respect of the failure of such title, or in respect to the liability of said Atlantic and Pacific Railroad Company on said contracts for the sale of lands, shall survive and may be enforced against such successor company with the same force and effect and in the same manner as against the Atlantic and Pacific Railroad Company; and such successor company, upon making compensation for such loss of title or failure to comply with the conditions of such land contracts, shall be subrogated to the rights of such purchaser in respect of the lands for which such compensation shall have been made,

Mr. POWERS. That amendment is entirely acceptable.

The amendment was agreed to.

The SPEAKER. The question now is on the amendment procosed to the substitute, by the gentleman from Illinois [Mr. COOKE].

The amendment was agreed to.
The SPEAKER. The question is on the substitute as amended. The SPEAKER. The question is on the substitute as amended. Mr. POWERS. Mr. Speaker, I think the House has perfected the bill so that there is no need for the substitute, and I hope it will be voted down.

Mr. McRAE. On the adoption of the substitute, Mr. Speaker,

demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were-yeas 71, nays 163, not

voting 121; as follows: YEAS-71.

Abbott, Aldrich, T. H. Aldrich, T. H. Allen, Miss. Bailey, Baaker, Kans. Baker, N. H. Bankhead, Barham, Bartlett, Ga. Bartlett, N. Y. Bell, Colo. Bowers	Cooke, Ill. Cooper, Tex. Corliss, Cox, Cummings, Dinsmore, Dockery, Hall, Howard, Hutcheson, Latimer,	McCormick, McCulloch, McDearmon, McEwan, McRae, Meyer, Moses, Murphy, Neill, Nooney	Shuford, Sparkman, Spencer, Stewart, N. J. Stokes, Strait, Strowd, N. C. Swanson, Talbert, Tate, Terry,
	Dockery,	Meyer,	
		Money,	Swanson,
		Mcses,	Taipert,
Bartlett, N. X.	Hutcheson,	Murphy,	Tate,
			Terry,
Bowers,	Lawson,	Noonan,	Thorp,
Brumm,	Little,	Ogden,	Towne,
Buck,	Maddox,	Otey,	Tyler,
Clardy,	Maguire,	Otjen,	Wilson, S. C.
Cockrell,	Marsh,	Pendleton,	Woodard.
Colson.	Martin,	Richardson,	Yoakum.
Connolly,	McClure,	Sayers,	
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NAYS-163. Knox, Kyle, Lacey, Lefever, Linney, Ellis, Erdman, Adams. Adams, Anderson, Arnold, Pa. Arnold, B. I. Avery, Barney, Barrett, Erdman, Evans, Faris, Fletcher, Foote, Foss, Gardner, Gillet, N. Y. Gillett, Mass. Graff, Griffin, Griswold, Grout, Long, Lorimer, Loud, Beach, Bell, Tex. Bennett, Berry, Bingham, Bishop, Black, Ga. Loud, Low, Mahany, Mahon, McCall, Mass. McCleary, Minn. McClellan, McLachlan, Grilm,
Griswold,
Grout,
Grow,
Hager,
Haiterman,
Hardy,
Harrison,
Hart,
Hatch,
Heatwole,
Heiner, Pa.
Hemenway,
Henry, Ind.
Hermann,
Hooker,
Hopkins,
Howell,
Hubbard,
Huff,
Hullck,
Hunter,
Jenkins,
Johnson, Cal.
Johnson, N. Dak.
Kerr, Blue, Brewster, Broderick, Brosius, Bull, McLachlan,
Mercer,
Miller, W. Va.
Miller, W. Va.
Miller, W. Va.
Minor, Wis.
Mitchell,
Mondell,
Moody,
Morse,
Mozley,
Northway,
Odell,
Owens,
Payne,
Perkins,
Phillips,
Pickler,
Pitney,
Poole,
Poole,
Powers, Burrell, Burren, Mo. Burton, Mo. Burton, Ohio Cannon, Chickering, Clark, Mo. Clarke, Ala. Clarke, Ala.
Codding,
Cook, Wis.
Cooper, Fla.
Cousins,
Crowther,
Cultis, Iowa
Curtis, Kans.
Curtis, Kans.
Curtis, N. Y.
Dalzell,
Daniels,
Dingley,
Dolliver,
Dovener,
Draper, Poole, Powers, Prince, Pugh, Raney, Ray, Reeves, Rinaker, Royse,

Kerr, Kirkpatrick, TING—121.

Kem,
Kendall,
Kiefer,
Kleberg,
Kulp,
Layton,
Leighty,
Leisenring,
Leonard,
Lester,
Lewis,
Linton,
Livingston,
Loudenslager,
McCall, Tenn.
McCreary, Ky.
McMillin,
Meiredith,
Miles,
Miller, Kans,
Milliken,
Miner, N. Y.
Murray,
Newlands,
Overstreet,
Parker NOT
Doolittle,
Eddy,
Ellett,
Fairchild,
Fenton,
Fischer,
Fitzgerald,
Fowler,
Gamble,
Goodwyn,
Grosvenor,
Hadley,
Hanly,
Harmer,
Harrisn,
Hendrick,
Henry, Conn.
Hepburn,
Hicks,
Hilborn, NOT VOTING-121. Hicks,
Hilborn,
Hill,
Hitt,
Howe,
Huling,
Hull,
Hyde,
Johnson, Ind.
Jones,
Joy,

who was raise Newlands, Overstreet, Parker, Patterson, Pearson, Price, Quigg,

So the substitute was rejected.

Acheson, Aitken, Aldrich, W. F. Aldrich, Ill. Allen, Utah Andrews, Apsley, Atwood, Babcock, Baker, Md. Bartholdt, Belknap,

Bartholdt, Belknap, Black, N. Y. Boatner, Boutelle, Bromwell,

Bromwell,
Brown,
Calderhead,
Catchings,
Clark, Iowa
Cobb,
Coffin,
Cooper, Wis.
Cowen,
Crowley,
Crump,
Danford,
Dayton,
De Armond,
Denny,

Sauerhering, Sherman, Simpkins, Smith, Ill. Snover, Southard, Spalding, Sperry,
Stahle,
Steele,
Steele,
Steephenson,
Stewart, Wis.
Stone, C. W.
Stone, C. W.
Strode, Nebr.
S

Reyburn, Robertson, La. Robinson, Pa. Rusk, Russell, Conn. Russell, Ga. Scranton, Settle, Shafroth, Shannon, Sham, Shaw, Skinner, Smith, Mich. Sorg, Southwick, Stallings, Sulver Stallings,
Sulzer,
Tucker,
Turner, Va.
Van Horn,
Wadsworth,
Walker, Va.
Wanger,
Warner,
White,
Wilber,
Wilson, N. Y.

Mr. LIVINGSTON. Mr. Speaker, I desire to vote.
The SPEAKER pro tempore (Mr. PAYNE). Was the gentleman in the Hall of the House, and did he fail to hear his name?
Mr. LIVINGSTON. I did not hear my name called.
The SPEAKER pro tempore. Was the gentleman in the Hall

of the House at the time his name should have been called?

Mr. LIVINGSTON. I do not know whether I was or not. I came out of the barber shop while the roll was being called.

The SPEAKER pro tempore. Under the gentleman's statement the Chair can not entertain the request.

The Clerk announced the following pairs:

For this day:

Mr. Grosvenor with Mr. Sulzer. Mr. Henderson with Mr. McMillin. Mr. Loudenslager with Mr. Livingston.

Mr. Leisenring with Mr. Lester. Mr. LEISENRING WITH Mr. LESTER.
Mr. PARKER WITH Mr. KLEBERG.
Mr. PITNEY WITH Mr. KLEBERG.
Mr. SCRANTON WITH Mr. CROWLEY.
Mr. ANDREWS WITH Mr. ELLETT.
Mr. McCall of Tennessee with Mr. De Armond.
Mr. Robinson of Pennsylvania with Mr. Catchings.
Mr. Harmer with Mr. Jones.

Until further notice:

Mr. EDDY with Mr. MINER of New York.
Mr. Hyde with Mr. Hendrick.
Mr. Huling with Mr. Cowen.
Mr. Crump with Mr. Sorg.
Mr. Hill with Mr. Stallings.

Mr. Hill with Mr. Stallings.
Mr. Lewis with Mr. Robertson of Louisiana.
Mr. Reyburn with Mr. Wheeler.
Mr. Smith of Michigan with Mr. Tucker.
The result of the vote was then announced as above recorded.
The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.
Mr. COOKE of Illinois. Mr. Speaker, I offer the following amendment to the first section of the bill.
The SPEAKER pro tempore. The gentleman from Illinois offers an amendment, which the Clerk will report.
Mr. POWERS. I believe the previous question has been ordered.
Mr. COOKE of Illinois. I did not understand that the previous question had been ordered. question had been ordered.

The SPEAKER pro tempore. The Chair is informed that the previous question has not been ordered.

Mr. POWERS. I moved it, and I supposed it was ordered by the House. No objection was made.

The SPEAKER pro tempore. The Chair thinks the amendment is in order.

The Clerk read as follows:

The Clerk read as follows:

After section I insert:

"Provided further, That as a condition precedent to reorganization the purchasers of the railroad property and their associates shall relinquish in writing and convey to the United States (by a proper deed or instrument to be filed with and approved by the Secretary of the Interior within six months after the passage of this act and before the act shall take effect) all claim, right, title, and interest to all lands granted to the Atlantic and Pacific Railroad Company embraced within both the granted and indemnity limits which were adjacent to and coterminous with the uncompleted portions of the road on the 6th day of July, 1886."

Mr. COOKE of Illinois. Mr. Speaker, in support of the amendment I would say that I understand there are millions of acres of

ment, I would say that I understand there are millions of acres of unearned land grants involved here; that the original company has neglected to complete the road in accordance with its original charter; that it has not earned the land grants, and that there is litigation pending concerning it. Yet the purchasers are here asking us practically to give a new charter, to give them a standing whereby they may claim this unearned land to the extent of millions of acres. It seems to me only a wise and proper precaution to require them to relinquish that land grant upon those portions of the road which have been practically abandoned by the old corporation, and that the purchasers under the foreclosure should

poration, and that the purchasers under the foreclosure should not and could not acquire any equitable right to such unearned grants. They at least ought to drop that much.

Mr. POWERS. Mr. Speaker—
Mr. LACEY. I should like to ask the gentleman a question.
The SPEAKER pro tempore. The gentleman from Vermont [Mr. Powers] is recognized.

Mr. POWERS. I yield to the gentleman from Iowa.
Mr. LACEY. I should like to ask the gentleman from Illinois why the act of Congress declaring a forfeiture of all unearned land grants coterminous with uncompleted portions of the railroad, which act is already a law—why that does not dispose of this whole question? this whole question?

Mr. COOKE of Illinois. Mr. Speaker, the act in question is an act which we shall simply be following and carrying into effect by the adoption of this amendment. Our action in adopting this amendment will be in entire consonance with the provision of law now in force, to which the gentleman has referred. There is every reason, in other words, to make our legislation in such a Simeral:

case as this entirely consistent with the existing law, which would

them and has abandoned those portions of the road.

Mr. POWERS. Mr. Speaker, the Government of the United States has already instituted a suit to declare a forfeiture of these very lands. The suit is now pending. It is being argued in the Supreme Court of the United States to-day, and it seems to me we should not undertake to blackmail this company as the condition upon which they shall have the right to organize into a corporation.

The SPEAKER pro tempore. The question is on the amendment of the gentleman from Illinois [Mr. Cooke].

The question being taken, on a division (demanded by Mr. Cooke of Illinois) there were—ayes 78, noes 43.

Mr. POWERS. I demand the previous question on the passage

of the bill.

The previous question was ordered. The bill as amended was ordered to a third reading; and it was

accordingly read the third time, and passed.

On motion of Mr. POWERS, a motion to reconsider the last vote was laid on the table.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Platt, one of its clerks, announced that the Senate had passed without amendment bills

announced that the Senate had passed without amendment bills of the following titles:

A bill (H. R. 1891) granting a pension to Celestia R. Barry;

A bill (H. R. 1178) granting a pension to Sarah Weedon Jones;

A bill (H. R. 2969) to grant a pension to Mrs. Lucy A. Allen;

A bill (H. R. 1827) granting a pension to Nancy B. Prince,

widow of Elbert Prince;

A bill (H. R. 1599) granting a pension to Phœbe M. Woolley

A bill (H. R. 1599) granting a pension to Phœbe M. Woolley Palmeter;
A bill (H. R. 5393) for the relief of Lucinda Rickards, widow, and the minor children of John D. Rickards, deceased;
A bill (H. R. 4361) to pension William H. Nesbitt;
A bill (H. R. 3152) granting a pension to Charlotte A. Welton;
A bill (H. R. 6468) to increase the pension of Andrew R. Ladd;
A bill (H. R. 986) for the relief of Hiram P. Pauley;
A bill (H. R. 5400) to increase the pension of Mary L. Bacon;
A bill (H. R. 5311) granting a pension to Sarah Ann Wible;
A bill (H. R. 1825) granting a pension to Mary Prince, widow of Ellis Prince;
A bill (H. R. 2405) granting a pension to Maria Gibbons;

A bill (H. R. 2405) granting a pension to Maria Gibbons; A bill (H. R. 5050) granting a pension to Ransom C. Hazelip; A bill (H. R. 1062) to grant a pension to Armstead M. Rawlings,

of Arkansas

A bill (H. R. 979) granting a pension to Frances E. Helfenstein; A bill (H. R. 2358) for the relief of Armida White, widow of

Israel White;
A bill (H. R. 1820) granting a pension to Neil McNeil;
A bill (H. R. 4721) granting an increase of pension to Orleina

A bill (H. R. 4720) granting an increase of pension to Orienta J. Clark, of Louisville, Ky.;
A bill (H. R. 4720) granting an increase of pension to Isaac H. Whetsel, of Louisville, Ky.;
A bill (H. R. 950) granting increase of pension to John Coombs;
A bill (H. R. 2359) granting a pension to Katherine Zeigenheim,

A bill (H. R. 2359) granting a pension to Katherine Zeigenheim, of Louisville, Ky.;

A bill (H. R. 4604) granting a pension to Jane Fisher;

A bill (H. R. 1022) to increase the pension of Byron Cotton;

A bill (H. R. 6466) to increase the pension of George V. Barnard;

A bill (H. R. 3755) to increase the pension of Mary C. Thompson;

A bill (H. R. 1892) granting a pension to Catharine Darragh;

A bill (H. R. 4405) granting a pension to Augustus G. Cary;

A bill (H. R. 9139) granting a pension to Margaret J. Young;

A bill (H. R. 1874) to place the name of Robert Smalls on the pension roll:

pension roll;
A bill (H. R. 1890) granting a pension to Mary Martin; and
A bill (H. R. 4355) to increase the pension of Theresa Peebles, of Jefferson County, Ga.

The message also announced that the Senate had passed bills of the following titles; in which the concurrence of the House was

the following titles; in which the concurrence of the House was requested:

A bill (S. 3151) granting a pension to Alice V. Cook, of St. Paul, Nebr., invalid daughter of John Y. Cook, deceased, late of Company B, Eighth Regiment Kansas Volunteer Infantry;

A bill (S. 2481) granting a pension to Charles Edson;

A bill (S. 3210) granting a pension to Anna P. Johnson;

A bill (S. 2126) granting a pension to Mrs. Laura A. Nelson;

A bill (S. 3199) granting a pension to Jackson Osborn;

A bill (S. 3198) granting a pension to Edward Stanley;

A bill (S. 2949) granting an increase of pension to William H.

H. Wright, of McPherson, Kans.;

A bill (S. 1690) granting a pension to Richard Brookins;

A bill (S. 2267) granting a pension to Alvah A. Eaton;

A bill (S. 2605) granting an increase of pension to James M. Simeral:

A bill (S. 2445) increasing the pension of Celia A. Jeffers to the sum of \$30 per mon h;

A bill (S. 950) granting increase of pension to Franklin C.

A bill (S. 2702) granting an increase of pension to Samuel A.

Smith;

A bill (S. 1976) granting a pension to Catherine E. O'Brien;
A bill (S. 1881) granting a pension to Lydia Chapman;
A bill (S. 2916) granting an increase of pension to Mary Sprague; A bill (S. 3094) granting an increase of pension to George

A bill (S. 877) granting an increase of pension to Oliver P.

Silvey;
A bill (S. 3152) granting an increase of pension to Ransom S. Angell, late private of Company G, First Regiment Wisconsin Cavalry;

A bill (S. 396) granting a pension to Henry Farmer; and

A bill (S. 3381) granting a pension to Lena D. Smith. The message also announced that the Senate had passed the following resolution:

Resolved, That the Secretary be directed to return to the House of Representatives, in compliance with its request, the bill (H. R. 3771) for the relief of Stratton H. Bencoter.

The message also announced that the Senate had agreed to the amendment of the House of Representatives to the amendment of the Senate numbered 2 to the bill (H. R. 4052) approving certain acts of the legislative assembly of the Territory of New Mexico authorizing the issue of certain bonds of said Territory, and recedes from its amendment numbered 3 disagreed to by the

The message also announced that the Senate had passed without amendment the following resolution:

Resolved by the House of Representatives (the Senate concurring), That when the two Houses adjourn on Tuesday, the 22d day of December, they stand adjourned until 12 o'clock meridian on Tuesday, January 5, 1897.

A further message from the Senate, by Mr. Platt, one of its clerks, announced that the President of the United States having returned to the Senate, with his objections, the bill (S. 894) granting a pension to Nancy G. Allabach, the Senate had proceeded to reconsider said bill and had resolved that the bill pass, two-thirds of the Senate agreeing thereto, and had directed that the said bill be transmitted with the message of the President to the House of Representatives for its action.

ENROLLED BILLS SIGNED.

Mr. HAGER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

A bill (S. 3245) granting a pension to Elvira Bachelder; and A bill (S. 724) granting an increase of pension to Helen M. Mallery.

SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, the following Senate bills were taken from the Speaker's table and referred as follows:

A bill (S. 396) granting a pension to Henry Farmer—to the

Committee on Pensions.

A bill (S. 877) granting an increase of pension to Oliver P. Silvey—to the Committee on Invalid Pensions.

A bill (S. 950) granting an increase of pension to Franklin C. Plantz—to the Committee on Invalid Pensions.

A bill (S. 1690) granting a pension to Richard Brookins-to the Committee on Invalid Pensions.

A bill (S. 1881) granting a pension to Lydia Chapman-to the

Committee on Invalid Pensions.*

A bill (S. 1976) granting a pension to Catherine E, O'Brien—to the Committee on Invalid Pensions.

A bill (S. 2126) granting an increase of pension to Mrs. Laura A. Nelson—to the Committee on Invalid Pensions.

A bill (S. 2267) granting an increase of pension to Alvah A. Eaton—to the Committee on Invalid Pensions.

A bill (S. 2445) increasing the pension of Celia A. Jeffers to the sum of \$30 per month—to the Committee on Invalid Pensions.

A bill (S. 2481) granting an increase of pension to Charles Edger the Committee on Invalid Pensions.

son—to the Committee on Invalid Pensions.

Simeral-

A bill (S. 2605) granting an increase of pension to James M. imeral—to the Committee on Invalid Pensions.

A bill (S. 2702) granting an increase of pension to Samuel A. mith—to the Committee on Invalid Pensions.

A bill (S. 2916) granting an increase of pension to Mary Sprague—to the Committee on Invalid Pensions.

A bill (S. 2949) granting an increase of pension to William H. H. Wright, of McPherson, Kans.—to the Committee on Invalid Pensions.

A bill (S. 3094) granting an increase of pension to George W. Palmer—to the Committee on Invalid Pensions.

A bill (S. 3151) granting a pension to Alice V. Cook, of St. Paul, Nebr., invalid daughter of John Y. Cook, deceased, late of Company D, Eighth Regiment Kansas Volunteer Infantry—to the Committee on Invalid Pensions.

A bill (S. 3152) granting an increase of pension to Ransom S. Angell, late private of Company G, First Regiment Wisconsin Cavalry—to the Committee on Invalid Pensions.

bill (S. 3198) granting an increase of pension to Edward

Stanley—to the Committee on Invalid Pensions.

A bill (S. 3199) granting an increase of pension to Jackson Osborn—to the Committee on Invalid Pensions.

A bill (S. 3210) granting a pension to Anna P. Johnson-to the Committee on Invalid Pensions.

A bill (S. 3381) granting pension to Lena D. Smith—to the Committee on Invalid Pensions,

SECOND-CLASS MAIL MATTER.

Mr. LOUD. Mr. Speaker, in accordance with the instructions of the Committee on the Post-Office and Post-Roads, I now move that the House resolve itself into Committee of the Whole for the consideration of the bill (H. R. 4566) to amend the laws relating to second-class mail matter.

Mr. QUIGG. Mr. Speaker, I move that the House do now

adjourn

The SPEAKER pro tempore. The gentleman from California moves that the House resolve itself into Committee of the Whole, and pending that, the gentleman from New York moves that the House do now adjourn.

The question was taken; and the Speaker pro tempore announced that the noes seemed to have it.

Mr. QUIGG. Division, Mr. Speaker. The House divided; and there were—ayes 85, noes 62.

Mr. LOUD. Mr. Speaker, at this early hour of the day I shall have to ask the House to give me the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 103, nays 133, not voting 119; as follows:

YEAS-103.

Abbott.
Aldrich, T. H.
Allen, Utah
Anderson,
Arnold, Pa.
Arnold, P. I.
Babcock,
Baker, N. H.
Bankhead,
Barney,
Barrett,
Bartlett, Ga.
Bartlett, N. Y.
Belknap,
Bell, Colo.
Bennett, Cook, Wis. Cooke, Ill. Cooper, Wis. Corliss, Crowther, Cummings. Dovener, Erdman, Fairchild, Faris, Foote,
Foss,
Gibson,
Gibson,
Gillet, N. Y.
Goodwyn,
Griffin,
Hager,
Hardy,
Harmer,
Hart,
Heatwole,
Hilborn,
Hooker,
Hopkins,
Howell,
Hubbard. Foote. Bennett, Bingham, Black, Ga. Black, Ga.
Blue,
Brosius,
Burrell,
Burton, Mo.
Calderhead,
Chickering,
Colson, Hubbard,

Owens,
Poole,
Quigg,
Reeves,
Royse,
Russell, Ga.
Sauerhering,
Shannon,
Stephenson,
Stephenson,
Stewart, N. J.
Stewart,
Strait,
Sulloway,
Trowne,
Tracey,
Treloar,
Turner, Ga. Hurley, Hutcheson, Jenkins, Johnson, Cal. Johnson, Cal.
Joy,
Khox,
Lawson,
Linney,
Little,
Long,
Lorimer,
Low,
Marsh,
McClellan,
McClellan,
McClaurin,
McLaurin,
McLaurin,
Miller, W. Va.
Minor, Wis.
Mitchell,
Morse,
Mozley,
Noonan,
Odell,
Otey,
S-133 Treloar, Turner, Ga. Van Voorhis, White, Wilson, Idaho Wilson, S. C. Wood, Woodman, Yoakum.

NAYS-133.

Acheson, Adams, Aitken, Allen, Miss, Avery, Balley, Baker, Md. Barham, Bell, Tex. Bishop, Bowers. Evans, Fletcher, Gardner, Gillett, Mass, Graff, Grout, Grow, Hainer, Nebr. Hall, Harrison, Hatch, Bowers. Hatch, Henderson, Henderson,
Henry, Conn.
Henry, Ind.
Henry, Ind.
Henry, Ind.
Hepburn,
Hermann,
Howard,
Huling,
Hunter,
Johnson, N. Dak.
Kerr,
Kirkpatrick,
Kyle,
Lacey,
Latimer,
Layton, Broderick Bromwell, Brumm, Buck, Burton, Ohio Catchings, Clardy, Clark, Mo. Clark, Mo. Clark, Mo. Codding, Connolly, Cooper, Fla. Cooper, Tex. Cousins, Cox, Culberson, Dalzell, Daniels, Lattmer, Layton, Linton, Livingston, Loud, Maddox, Mahany, Mahon, Dayton, De Armond, Denny, Dingley, Dockery, Ellis,

/S-133.

Martin,
McCall, Mass.
McClure,
McCeary, Ky.
McCulloch,
McDearmon,
McLachlan,
McRae,
Meyer,
Miles,
Miller, Kans.
Milner,
Moody,
Neill,
Ogden,
Otjen,
Otyen,
Overstreet,
Payne,
Pearson,
Perkins,
Pickler,
Pitney,
Prince,
Pugh,
Raney,
Richerdson Raney, Richardson, Rinaker, Russell, Conn. Sayers, Shuford, Simpkins, Smith, III.

Snover,
Southard,
Spalding,
Spalding,
Sparkman,
Spencer,
Stene,
Stene,
Stone, C. W.
Stone, C. W.
Stone, W. A.
Strode, Nebr.
Strond,
Strowd, N. C.
Tatte,
Tate,
Tauney,
Tayler,
Terry,
Thomas,
Tracewell,
Updegraff,
Walker, Mass,
Washington,
Williams, Willis, Wilson, Ohio Woodard, Woomer, Wright.

NOT VOTING-119.

Aldrich, W.F.	Doolittle,	Kleberg,	Robertson, La.
Aldrich, III.	Draper,	Kulp,	Robinson, Pa.
Andrews,	Eddy,	Lefever.	Rusk,
Apsley,	Ellett,	Leighty,	Scranton,
Atwood,	Fenton,	Leisenring,	Settle.
Baker, Kans.	Fischer.	Leonard,	Shafroth.
Beach,	Fitzgerald,	Lester.	Shaw,
Berry,	Fowler,	Lewis,	Skinner,
Black, N. Y.	Gamble,	Loudenslager,	Smith, Mich.
Boatner,	Griswold,	Maguire,	Sorg,
Boutelle,	Grosvenor,	McCall, Tenn.	Southwick.
Brewster,	Hadley,	McCleary, Minn.	Stallings,
Brown,	Halterman,	McMillin.	Sulzer,
Bull,	Hanly,	Meiklejohn,	Swanson,
Cannon,	Harris,	Mercer,	Thorp,
Clark, Iowa	Hartman,	Meredith,	Tucker,
Clarke, Ala.	Heiner, Pa.	Milliken,	Turner, Va.
Cobb,	Hemenway,	Miner, N. Y.	Tyler,
Cockrell,	Hendrick.	Mondell,	Van Horn.
Coffin,	Hicks,	Moses,	Wadsworth,
Cowen,	Hill.	Murray,	Walker, Va.
Crowley,	Hitt.	Newlands,	Wanger,
Crump,	Howe,	Northway,	Warner,
Curtis, Iowa,	Huff,	Parker,	Watson, Ind.
Curus, Iowa,	Hulick,	Patterson,	Watson, Ohio
Curtis, Kans.	Hull,	Phillips,	Wellington,
Curtis, N. Y.		Powers,	Wheeler,
Danford,	Hyde,		Wheeler,
De Witt,	Jones,	Price,	Wilber,
Dinsmore,	Kem,	Ray,	Wilson, N.Y.
Dolliver,	Kendall,	Reyburn,	
200			

The following additional pair was announced:
Mr. Wellington with Mr. Fitzgerald, for this day.
The result of the vote was then announced as above recorded,

The SPEAKER pro tempore. The House determines not to adjourn. The question now recurs on the motion of the gentleman from California that the House resolve itself into Committee of the Whole House on the state of the Union for the purpose of considering the bill mentioned.

The question was taken; and the Speaker announced that the

ayes seemed to have it.

Mr. QUIGG. Division, Mr. Speaker. The House divided; and there were—ayes 91, noes 49.

Mr. QUIGG. I ask for the yeas and nays, Mr. Speaker.
The yeas and nays were ordered.
The question was taken; and there were—yeas 142, nays 84, not voting 129; as follows:

	LUA	D-110.	
Acheson, Adams, Addrich, T. H. Aldrich, W. F. Aldrich, III. Avery, Bailey, Baker, Md. Barham, Bishop, Black, Ga. Blue, Bowers, Bromwell, Brosius, Bromwell, Brosius, Bromwell, Brosius, Clark, Mo. Cockrell, Codding, Comonly, Cooper, Tex. Cooper, Wis. Cox, Culberson, Curtis, Iowa Curtis, Iowa Curtis, Iowa Curtis, Iowa Curtis, Kans. Dalzell, Daniels, De Armond, Denny, Dingley, Dockery, Dolliver,	Draper, Ellis, Erdman, Evans, Fletcher, Gardner, Gardner, Godwyn, Graff, Grow, Hager, Hallerman, Hanly, Hartson, Hart, Henderson, Henry, Ind. Hepburn, Hermann, Hubbard, Huling, Hunter, Johnson, Ind. Johnson, N. Dak. Kiefer, Kyle, Lacey, Latimer, Lawson, Layton, Lefever,	Linney, Linton, Little, Loud, Maddox, Mahany, Marsh, McCall, Mass, McCleary, Minn. McCulloch, McCeary, Ky. McCulloch, McDearmon, McLachlan, Milles, Miller, Kans. Milhes, Mondell, Moody, Moses, Neill, Ogden, Otey, Otjen, Overstreet, Owens, Payne, Pearson, Perkins, Pickler, Pitney, Powers, Price, Pugh, Raney, Reeves,	Richardson, Rinaker, Royse, Russell, Conn. Sayers, Shafroth, Simpkins, Snover, Southard, Spalding, Spencer, Sperry, Stahle, Steele, Stokes, Stone, W. A. Strone, C. W. Stone, W. A. Strong, Taft, Talbert, Tawney, Tyler, Updegraff, Washington, Williams, Williams, Willisn, Udaho Wilson, Idaho Wilson, Ohio Woodard, Wright.
	NA.	YS-84.	

Abbott, Aitken, Allen, Utah Anderson, Arnold, Pa. Arnold, R. I. Baker, Kans. Baker, N. H. Bankhead, Barney, Barrett, Bartholdt, Bartlett, Ga. Bartlett, N. Y. Bellknap, Bell, Colo. Bennett,	Burrell, Chickering, Crowther, Crowther, Cummings, Dinsmore, Dovener, Fairchild, Faris, Foote, Gibson, Gillet, N. Y. Griffin, Harmer, Heatwole, Hopkins, Howard,	Johnson, Cal. Joy, Knox, Lorimer, Loudenslager, Maguire, Martin, McClellan, McLaurin, McRae, Meyer, Miller, W. Va. Minor, Wis. Mitchell, Mozley, Murphy, Odell,	Sherman, Shuford, Sparkman, Stephenson, Stewart, N. J. Stewart, Wis. Strait, Strowd, N. C. Sulloway, Sulzer, Tate, Terry, Thomas, Towne, Treloar, Van Horn, White, Wiley, S. C.
Berry, Bingham,	Howe,	Poole,	Wilson, S. C. Wood,
Brumm, Buck,	Howell, Hurley, Jenkins,	Quigg, Ray, Sauerhering,	Woodman, Woomer.

NOT VOTING-129.

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th,
Maga
Mass.
Va.
Ind.
Ohio
on,
V.Y.
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So the motion was agreed to.

The following additional pairs were announced for the rest of

this day.

Mr. Wilber with Mr. Yoakum.

Mr. Grosvenor with Mr. Jones.

Mr. Corliss with Mr. Cowen.

Mr. Corliss with Mr. Cowen.
Mr. Southwick with Mr. Money.
The SPEAKER. Upon this question the yeas are 143 and the nays are 84. The House decides to resolve itself into Committee of the Whole on the state of the Union for the consideration of House bill No. 4566, and the gentleman from New York [Mr. Payne] will please take the chair.

SECOND-CLASS MAIL SERVICE.

The CHAIRMAN. The House is in Committee of the Whole on the state of the Union for the consideration of House bill No. 4566, which the Clerk will report

The bill (H. R. 4566) to amend the postal laws relating to second-

class mail matter was read, as follows:

The bill (H. R. 4566) to amend the postal laws relating to secondclass mail matter was read, as follows:

Be it enacted, etc., That mailable matter of the second class shall embrace
all newspapers and other periodical publications which are issued at stated
intervals and as frequently as four times a year, and are within the conditions named in sections 3 and 4 of this act: Provided, That nothing herein
contained shall be so construed as to admit to the second-class rate publications purporting to be issued periodically and to subscribers, but which are
merely books, or reprints of books, whether they be issued complete or in
parts, whether they be bound or unbound, whether they be sold by subscription or otherwise, or whether they purport to be premiums or supplements
or parts of regular newspapers or periodicals.

SEC. 2. That publications of the second class, except as provided in section
25 of the act of March 3, 1879, when sent by the publisher thereof, and from
the office of publication, excluding sample copies, or when sent from a news
agency to actual subscribers thereto, or to other news agents, shall be entitled
to transmission through the mails at I cent a pound or fraction thereof, such
postage to be prepaid as now provided by law: Provided, nevertheless, That
news agents shall not be allowed to return to news agents or publishers at
the pound rate unsold periodical publications, but shall pay postage on the
same at the rate of I cent for 4 ounces.

SEC. 3. That all periodical publications regularly issued from a known place
of publication at stated intervals as frequently as four times a year, by or
under the auspices of benevolent or fraternal societies, trades unions, or
orders organized under the lodge system, and having a bona fide membership
of not less than 1,000 persons, shall be entitled to the privilege of second-class
mail matter: Provided, That such matter shall be originated and published
to further, are a date of issue, and be numbered consecutively.

Sec. 4. That the condition

postage.

SEC. 5. That publishers and others, whose publications shall be admitted as mail matter of the second class under the provisions of this act, shall be required, before depositing such mail matter in the post-office, to separate the same into United States mail sacks or bundles by States, cities, towns, and counties, as the Postmaster-General may direct.

SEC. 6. That the act of Congress in regard to second-class mail matter approved July 15, 1894, be, and the same is hereby, repealed.
SEC. 7. That this act shall take effect and be in force from and after July 1, 1898.

Mr. LOUD. Mr. Chairman— The CHAIRMAN. The gentleman from California is recog-

Mr. QUIGG. Mr. Chairman, I should like to hear the report on this bill.

The CHAIRMAN. The gentleman from California is entitled

Mr. QUIGG. Is not this committee entitled to have the report

The CHAIRMAN. Not unless some gentleman asks to have it read in his time for debate. The gentleman from California [Mr.

LOUD] is recognized.

Mr. LOUD. Mr. Chairman, I had hoped, after the discussion which has taken place with regard to this measure through the public press and through the correspondence addressed to members of this body, that we could approach its discussion here at least with calmness and consideration. I have felt regarding this measure as I feel regarding all measures coming before us, that if the House desires to pass this or any other bill it should have an opportunity to do so without factious obstruction by any member of this body.

Mr. Chairman, without assuming special credit to myself—because this bill does not originate with me alone—I have no hesitation in saying that this is, without exception, the most important measure that has been brought before this body and the most important without doubt that will be presented before it shall

Mr. QUIGG. Allow me to ask the gentleman whether, in view of the great importance of this bill, he will not consent at this time to have the report of the committee read for the information

Mr. LOUD. Mr. Chairman, with all due respect and courtesy to the gentleman from New York, I hope he will endeavor to confine himself quietly to his seat until I shall have at least got started in the few remarks that I propose to submit. The gentleman will evidently have abundant time before this question comes to a vote to have that report—which I commend to his very careful consideration—read in his own time, if he so desires. Satisfied in the justice of our cause, we would be content to rest the case upon the calm judgment of any and all who will give it their thoughtful consideration. Meanwhile, I hope I may be permitted, even by the gentleman from New York, to pursue in my remarks the course that I have laid out for myself, and I shall cheerfully

accord to him the same courtesy.

Mr. Chairman, many gentlemen here may assume, perhaps, that I have magnified the importance of this measure, but this measure received the commendation of the Post-Office Department ten years ago. The officers of that Department whose duty it is to carefully investigate the working of our postal system saw the gross abuses that had grown out of the laws of 1879 and 1885 and presented the question to Congress in 1887, and each year since that time they have begged and pleaded with Congress in no uncertain tones to give the administration of the Post-Office Department some relief. The abuse has so grown in magnitude of late years that even the President of the United States in his last message called attention President of the United States in his last message called attention to the grievous evil which confronts us in the handling and carriage of second-class mail matter. I hope the House will pardon me while I read a few words from the report of the present Postmaster-General, a gentleman who has given this matter careful attention and study, aided and guided by the opinions of the officers who have gone before him for eight years. With that experience to draw upon, he took up the question and brought it down to the present time, and on page 6 of the report he uses this language.

So disheartening is it for the responsible head of the Department to see this waste of its earnings, with its resulting impairment of the efficiency of the postal service, its absorption of the fruits of good management and of careful economies, that but for the hope that Congress would enact the bill now on the House Calendar I should have taken the responsibility to modify and reverse the successive rulings through which this inroad on the service has been effected, and to exclude from the benefit of second-class rates the serial libraries and other publications not in the policy of the law, even if within the letter of its rather loose phraseology. This would have imposed upon those who profit at the public expense by existing practices the necessity of seeking through the courts or otherwise the restoration of their special privileges.

Man. Chairmann. I am sectioned that is the amount.

Mr. Chairman, I am satisfied that if the present Postmaster-General had another year to serve he would carry into execution the purpose set forth in this part of his annual report. For my part I do not believe that it was ever intended by Congress that serial novels should pass through the mails at pound rates, a privi-lege originally vested in the newspapers of this country, and confined to them up to 1879, when by a ruling of the Attorney-General at that time, General Devens, it was held that a book issued in serial numbers was entitled to be carried at second-class rates under the rather loose phraseology of the law. With all due respect to the learning of the gentleman and to his honesty and integrity,

I think he erred, because in the advertisements of these so-called serials throughout the land even to-day they are not referred to as serial publications, but in their proper sphere, as books, and books alone.

We all admit that this country is to-day in an unfortunate condition financially. While perhaps we may not all agree as to the remedy for the cure of the existing evil, we do all admit that from a financial standpoint this country is in an unfortunate position. Now, this bill presents to this body the opportunity to relieve the country from a deficiency of \$10,000,000 already existing in the service of the Post-Office Department, and to give to it in addition a revenue of \$10,000,000 more. At the lowest calculation there is involved in this bill a saving to the Government of \$20,000,000 per annum, and if we may take the figures of Postmaster-General Wanamaker, acknowledged to be a good business man, and who was at that time in a position to know whereof he spoke—if we may take his estimate made in 1892, we must come to the conclusion that this iniquity—I will term it iniquity—costs our people more than \$40,000,000 annually. That is not much money, genremedy for the cure of the existing evil, we do all admit that from a more than \$40,000,000 annually. That is not much money, gentlemen, I am willing to admit, to us who deal with hundreds of millions as some people deal with dollars.

Mr. BINGHAM. Will the gentleman state on what page of the Postmaster-General's report I can find the statement to which he

has just referred?

Mr. LOUD. The gentleman will find it on page 11 of our report. We have copied a portion of the report of Postmaster-General Wanamaker, in which he says:

It is stated that a single publisher in Maine sent through the mail in one year 1,600 tons of books. A number of publishers at certain seasons of the year issue a new book every week, and some of them mail 2 tons a day. There are probably 50,000 tons of so-called serials passing through the post-offices every year at a penny a pound.

Mr. BINGHAM. The gentleman refers me to page 11 of his

report— Mr. LOUD.

Mr. LOUD. Now, if the gentleman will allow me—
Mr. BINGHAM. I merely wanted to be correct in my understanding of the gentleman's statement. As I read the statement on the middle of the page referred to, it is that "there are probably 50,000 tons of so-called serials passing through the post-offices every year at a penny a pound, causing a million dollars per year"—\$1,000,000, the gentleman will observe—"to be added to the deficit."

Mr. LOUD. Those figures-\$1,000,000-as the gentleman can Mr. LOUD. Those figures—\$1,000,000—as the gentleman can easily ascertain, are either an error of the Postmaster-General or a typographical error, because 50,000 tons of matter means 100,000,000 pounds, which would cost us for transportation alone \$8,000,000, for which we receive in return but \$1,000,000, and to that you must add handling, which is at least \$4,000,000 more.

Mr. BINGHAM. The gentleman called my attention to a certain page of his report. I have read the statement on that page, and have asked him to inform me whether the sum stated as the estimated deficit was meant to be \$1,000,000 or \$10,000,000.

estimated deficit was meant to be \$1,000,000 or \$10,000,000. The gentleman tells me now that the statement as printed is an error, and that it means \$10,000,000. I merely desired to be informed whether I was correct in reading the gentleman's own record

Mr. LOUD. Mr. Chairman, as I have stated, this bill will be opposed upon sentimental and educational grounds. Before the debate on this question closes we shall hear of the great advantages derived from the transportation through the mails of these serial novels and sample copies. Now, I should like to put a question to this House—whether, admitting every statement that can be made in favor of the present system, this House would be willing to-day to vote for the next ten years a sum of money equaling \$240,000,000 for educational purposes, and those educational purposes not within the control of Congress or anybody else. That is what you have done by your law in the last ten years. I say that the present system within the last ten years has cost this country \$240,000,000, which has come by taxation from the sweat of the faces of the people of our whole land, and which has gone to support a few publishers of books and newspapers, or so-called newspapers.

papers.
Mr. FOOTE. Will the gentleman give us the figures?
Mr. LOUD. I will insert the figures in my remarks as they will appear in the Record; I dislike to take up time now in reading them. Beginning in 1887, when the second-class matter transmitted through the mails was 126,000,000 pounds a year, the amount has grown until in 1896 it is 296,000,000 pounds. Even during the depression of 1893-94—the most serious period this country has gone through for many years—second-class matter increased at the rate of 15 per cent a year, while first-class matter increased at the rate of 2½ per cent a year. Postmasters-General for years have been prophesying that within a year, or two years at the furthest, there would be no deficiency in the Post-Office at the furthest, there would be no deliciency in the Post-Omce Department. Permit me to say, with due respect to them, that they have been chasing a phantom. Let us see what the estimated deficiencies have been and what the actual deficiencies are. In 1891 the estimated deficiency, in round numbers, was \$5,500,000; the actual deficiency was \$6,200,000. In 1892 the estimated deficiency was \$3,978,000, and the actual deficiency was \$5,503,793.

In 1893 there was an estimated deficiency of \$1,500,000 and an actual deficiency of \$5,177,000; and without going through with the table, which I will publish in full, I want to say, what the

the table, which I will publish in full, I want to say, what the present Postmaster-General will sustain me in saying, that so long as our law remains as it is the receipts of the Post-Office Department never, by any possibility, can equal the expenditures.

For the convenience of members who wish to examine this matter in detail, I append at this point three tables, showing the weights and receipts from the several classes of mail matter, the estimated and actual deficiencies in the service, and the weight and amount of deficiency in transporting second-class matter.

The tables are as follows:

Weights and receipts of several classes of matter during 1996

Class.	Weight.	Revenue.
First class Second class Third class Fourth class Government, free	Pounds. 65, 337, 343 348, 988, 648 78, 701, 148 19, 950, 187 94, 480, 189	\$60, 624, 464 2, 966, 403 10, 324, 069 3, 129, 321

Chasing a delusion.			
Year.	Estimated deficiency.	Actual deficiency.	
1891 1892 1898 1894 1894 1895	\$5,581,615.19 3,978,392.38 1,552,423.17 7,830,473.07 5,971,736.89 6,404,219.42	\$6, 160, 205, 19 5,503, 793, 87 5, 177, 171, 74 9, 243, 935, 11 9, 807, 044, 63 8, 127, 088, 44	

To these deficiencies must be added the amounts earned by the Pacific railroads, which average about \$1,700,000 a year.

Deficiencies in transportation of second-class matter.

Year.	Amount transported.	Year.	Amount transported.
1887	Pounds. 126,000,000	1896	Pounds. 296, 640, 300
1888 1889	143,000,000 162,000,000	Total	2,097,640,300
1890 1891	174,000,000	Cost of handling, at 8 cts.	\$167,811,224
1892 1893	223,000,000 256,000,000	Receipts for handling, at 1 cent per pound	20, 976, 403
1894	255, 000, 000 265, 000, 000	Deficiency	146, 834, 821

To this should be added county free matter, which has averaged 50,000,000 pounds a year: also the cost of handling, which will amount to at least \$75,000,000, making a total deficiency on transmission and handling second-class matter of \$222,000,000. Adding 500,000,000 pounds of county free matter, at 4 cents a pound, \$20,000,000 (a low estimate), and you have a grand total of \$242,000,000.

Now, Mr. Chairman, this bill proposes two reforms in the service of the Post-Office Department. While the bill covers four pages, there are but two propositions advanced in it that are of any vital concern to this House. This bill denies the right of admission to the mails, at second-class rates, of serial novels. That is to say, they are denied admission to the mails at the rate of 1 cent a pound. It costs the Government to transport and handle this class of mail matter at least 12 cents a pound.

A MEMBER At what rate would they go?

A MEMBER. At what rate would they go?

Mr. LOUD. They would go at the rate of any other book, I will say in answer to the gentleman; that is to say, the same rate that would be charged on any other book or publication of like character—8 cents a pound.

But some gentlemen, say that this is a bill so it now to be a second or say that this is a bill so it now to be a second or say that this is a bill so it now to be a second or say that this is a bill so it now to be a second or say that this is a bill so it now to be a second or say that this is a bill so it now to be a second or say that this is a bill so it now to be a second or say that this is a bill so it now to be a second or say that this is a bill so it now to be a second or say that this is a bill so it now to be a second or say that the say to be a second or say that this is a bill so it now to be a second or say that this is a bill so it now to be a second or say that the say to be a second or say that the say the say the say the say that the say the say the say that th

But some gentlemen say that this is a bill, as it now stands, in the interest of the express companies, and that we are driving this matter out of the hands of the Government to be carried by the express companies. I do not care. I do not care who does the business. If we can not do it successfully then it is our duty, I believe, to get out of it, and if anybody else can carry it profitably at less than 8 cents a pound I am perfectly willing that they shall have the entire business.

But, Mr. Chairman, what is making this condition more serious to the House is the fact that the Government of the United States is now getting all the long-haul matter, and the express companies, which some of our friends seem so much to fear, are getting the advantage of all the concentrations of weight and short-haul

advantage of all the concentrations of weight and short-haul matter. Within a radius of 500 miles the express companies to-day are carrying the matter for a fraction under a cent a pound. Beyond the radius of 500 miles of course they dump it all on the United States Government for transportation.

I remember a little scene in the city of Chicago, threetwo or years ago, when there was a train load of second-class mail matter to be shipped to Boston. The express companies there, alive to business, wanted to get the transportation of the matter to its destination, and made a bid for that purpose. But the party desiring to send it said: "Why, we can do much better than that

with the Government. The Government will carry it to Boston for 1 cent a pound. Why should we pay you more?" And the express companies asked Mr. Hesing, then and now the postmaster there, the question, "Can you afford to carry it to Boston for 1 cent a pound? We can not." He said: "But I would carry it to the North Pole, if there was a postal route there, under the laws of the Government, at that price." And, as a matter of fact, Mr. Chairman, he would have been required to carry it to Circle City, Alaska, at the rate of 1 cent a pound, if there had been a route, although it would cost the Government \$185 a pound for the although it would cost the Government \$185 a pound for the

Mr. STEELE. A hundred and eighty-five dollars a pound!
Mr. LOUD. Yes, sir. We had a contract for carrying the mails
there, which cost the Governmen \$95 a pound; but the contractor
could not afford to perform the service at that rate, and the contract was finally canceled and a new contract entered into at some-

thing like double, or more than double, the former rate.

The other provision in the bill denies to the newspapers of the The other provision in the bill denies to the newspapers of the country the sample-copy privilege which they have heretofore enjoyed. Now, there is the only serious objection that we are going to meet with on the floor of the House in regard to this bill. Some portion of the press of the country are not willing to surrender the sample-copy privilege which they now enjoy. I recognized this difficulty when the measure was brought before Congress. I knew that we must have, as we usually have in support of any other measure that is passed by this body, the support of the metropolitan press of the country. I know how members of Congress themselves are sometimes controlled, and that some of us even fear the great press of the country. Now, then, I want to say that the great press of the country have indorsed this measure from the first letter to the last. from the first letter to the last.

I remember meeting with the press association in New York a year ago. I remember how tenaciously they desired to hang on to the sample-copy privilege. But when the matter was presented to them, and the serious wrongs that the Government was suffer-ing from explained, the American Newspaper Publishers' Association, be it said with credit and lasting honor to themselves, arose patriotically, and without the single exception of a man in the body, stated that they were willing to surrender the sample-copy privilege that they now enjoy in order that this loss might hereafter be prevented to the Government. Some of you perhaps do not know who compose the American Newspaper Publishers' Association. Let me say that this paper which I hold in my hand is a list of them, and that it embraces most all of the large daily newspapers published throughout the length and breadth of our country. Probably 95 per cent of the great daily newspapers—the great metropolitan journals of this country—have given their official indorsement to this in the following manner: tion, be it said with credit and lasting honor to themselves, arose

AMERICAN NEWSPAPER PUBLISHERS' ASSOCIATION.

[Officers: President, Charles W. Knapp, St. Louis Republic; vice-president, J. A. Butler, Buffalo News; secretary, W. C. Bryant, Brooklyn Times; treasurer, Herbert F. Gunnison, Brooklyn Eagle. Executive committee: M. A. McRae, Cincinnati Post, St. Louis Chronicle, and Cleveland Press; S. H. Kauffmann, Washington Star; Frederick Driscoll, St. Paul Pioneer Press; Chas. H. Taylor, jr., Boston Globe; W. H. Seif, Pittsburg Times. Address all communications to the secretary, care New York office, 323 Potter Building.]

NEW YORK, March 9, 1896.

DEAR SIR: I beg to notify you officially that at the regular annual meeting of this association held at the Hotel Brunswick, New York City, on February 21, a resolution was unanimously adopted indorsing House bill No. 4506, to amend the postal laws relating to second-class mail matter.

Very truly, yours, NEW YORK, March 9, 1896.

WM. C. BRYANT, Secretary.

Hon. E. F. LOUD, House of Representatives, Washington, D. C. List of members.

House of Representatives, Washington, D. C.

List of members.

Albany, N. Y., Argus, Express, Journal, Press and Knickerbocker, and Times-Union; Augusta, Ga., Chronicle; Augusta, Me., Kennebec Journal; Baltimore, Md., American, Herald, and News; Bangor, Me., Commercial; Boston, Mass., Daily Standard, Globe, Herald, Journal, Post, Transcript, and Traveller; Brooklyn, N. Y., Citizen, Eagle, Standard-Union, and Times; Buffalo, N. Y., Courier, Express, and News; Burlington, Vt., Free Press; Chattanooga, Tenn., Times; Chicago, Ill., Inter Ocean, Journal, News, Record, Post, Times-Herald, and Tribune; Cincinnati, Ohio, Commercial-Gazette, Enquirer, Post, Times-Star, Tribune, and Volksblatt; Cleveland, Ohio, Farmer, Leader, Plain Dealer, and Press; Columbus, Ohio, Dispatch and Ohio State Journal; Dayton, Ohio, Herald: Denver, Colo., Republican, Rocky Mountain News, and Times; Detroit, Mich., Journal, Evening News, Tribune, and Free Press; Evansville, Ind., Courier; Galveston, Tex., News; Grand Rapids, Mich., Herald and Press; Hartford, Conn., Courant; Houston, Tex., Post; Indianapolis, Ind., Journal, News, and Sentinel; Jacksonville, Fla., Times-Union; Jamestown, N. Y., Journal; Jersey City, N. J., Journal; Joliet, Ill., News; Kansas City, Mo., Journal and Star; Lincoln, Nebr., Nebraska State Journal; Lynn, Mass, Item; McKeesport, Pa., News; Meriden, Conn., Journal; Milwaukee, Wis., Herold, Evening Wisconsin, Journal, and Sentinel; Minneapolis, Minn, Journal, Times, and Tribune; Montgomery, Ala., Advertiser, Nashville, Tenn., Banner; Newark, N. J., News; New Bedford, Mass., Standard; New Haven, Conn., Journal and Courier, News, and Register; New Orleans, La., Picayune and Times-Democrat; New York, N. Y., Commercial Advertiser, Evening Post, Journal, Mail and Express, Press, Staats-Usur, Journal, Times, and World; Oil City, Pa., Derrick; Omaha, Nebr., Bee; Oshkosh, Wis., Northwestern; Philadelphia, Pa., Call, Evening Buletin, Inquirer, North American, Press, Record, Star, and Times; Portland, Me., Advertiser, Argus, an

Democrat and Chronicle, Herald, and Union and Advertiser; Sacramento, Cal., Bee; San Francisco, Cal., Examiner; Savannah, Ga., Morning News; Scranton, Pa., Truth: Sioux City, Iowa, Tribune; Springfield, Mass., Republican and Union; Springfield, Ohio, Farm and Fireside and Republic-Times; St. Joseph, Mo., Herald and News; St. Louis, Mo., Chronicle, Globe-Democrat, Republic, Star, and Westliche Post; St. Paul, Minn., Dispatch, Globe, and Pioneer Press; Syracuse, N. Y., Herald; Tacoma, Wash., News; Toledo, Ohio, Bee and Express; Topeka, Kans., Capital and State Journal; Utica, N. Y., Press; Washington, D. C., Post and Star; Waterbury, Conn., American: Wilmington, Del., Every Evening; Wichita, Kans., Eagle; Woonsocket, R. I., Reporter; Worcester, Mass., Spy; Montreal, Quebec, Star; Toronto, Ontario, Globe and Mail and Empire.

Mr. QUIGG. Will the gentleman print in his remarks the names of the newspaper publishers and associations indorsing that

Mr. LOUD. I shall be pleased to do so, with the consent of the House. I have the list of the newspapers, and it will afford me great pleasure to print them, if it can be done.

Mr. SHERMAN. I wish to say to the gentleman that it is impossible to get any more reports. The reports and the copies of

the bill itself are both exhausted.

Mr. LOUD. I have a number of reports here which I shall be glad to give to gentlemen who desire them.

Mr. JOHNSON of Indiana. Has the gentleman any copies of the bill?

The CHAIRMAN. The Doorkeeper will take charge of those reports and the House will be in order.

Mr. LOUD. Mr. Chairman, following that is the indorsement of the Illinois State Press Association, comprising nearly every paper in the State of Illinois. Following that we have the indorsement of the American Trade Press Association of New York City, embracing a large majority of that large and influential class of trade journals centered in New York City. It is as follows:

embracing a mage trade in New York City. It is as follows:

AMERICAN TRADE PRESS ASSOCIATION.

[President, David Williams, Iron Age, New York; first vice-president, E. C. Brown, Progressive Age, New York; second vice-president, W. E. Redding, Harness, New York; third vice-president, D. O. Haines, New York Shipping and Commercial List; treasurer, C. T. Root, Dry Goods Economist, New York; secretary, W. M. Lawton, The Upholsterer, New York, Board of directors: R. P. Rothwell, Engineering and Mining News, New York; L. J. Mulford, Jewelers' Circular, New York; L. D. Gallison, American Hatter, New York, and Col. Clifford Thomson, The Spectator, New York.

Office of the Secretary, No. 180 Fifth Avenue,

New York, February 7, 1896.

New York, February 7, 1896.

Dear Sir: At a meeting of the directors of the American Trade Press Association held this day the following resolution was unanimously adopted: "Resolved, That the board of directors of the American Trade Press Association desire to express their approval of the provisions of the bill (H. R. 4566) introduced in the House of Representatives by Mr. Loud, of California. "This approval is based particularly on its provisions excluding from the mails a class of printed matter not in any sense publications based upon a list of bona fide subscribers, but which is made to assume some of the characteristics of legitimate periodical publications for the purpose of securing the advantage of second-class postage.

"As publishers of established newspapers, whose business is based upon a legitimate constituency of paying subscribers, they are entirely willing to forego the advantage of mailing sample copies at pound rates, and gladly advocate the change proposed, believing that in no other way can the abuses which have injured the Post-Office revenue and the business of reputable publishers be overcome."

DAVID WILLIAMS,

DAVID WILLIAMS,
R. P. ROTHWELL,
L. J. MULFORD,
L. D. GALLISON,
CLIFFORD THOMSON,
Directors. W. M. LAWTON, Secretary

W. M. LAWTON, Sceretary.

Manufacturers' Record, Southern States Magazine, Iron Age, Boot and Shoe Recorder, American Wool and Cotton Reporter, United States Investor, Paper and Press, Bonfort's Wine and Liquor Circular, Fire and Water, Contract News, Druggists' Circular, Oil, Paint, and Drug Reporter, Fire Service Review, Water Works Statistics and Fire Department Equipment, American Hatter, Millinery Trade Review, Cloaks and Firs, United States Tobacco Journal, The Upholsterer, American Silk Journal, Wall-Paper News, Shipping and Commercial List and New York Price-Current, The Pharmaceutical Era, Engineering and Mining Journal, Metal Worker, Carpentry and Building, Coal Trade Journal, Safety Valve, Clothing Gazette, Haberdasher, Harness, Spectator, Jewelers' Circular, Architectural and Building, New York Lumber Journal, Boot and Shoe Weekly, Blacksmith and Wheelwright, Amateur Sportsman, Lumber, Cloak and Suit Review, Wheel and Cycling Trade Review, Weekly Underwriter, Confectioners' Gazette, Electrical World, Electric Railway Gazette, Dry Goods Economist, Progressive Age, Paper Mill, Western Brewer, Ice and Refrigeration, American Miller, American Elevator and Grain Trade Journal, The Painters' Magazine.

We have also the following indorsement of the Agricultural

We have also the following indorsement of the Agricultural Press League, embracing almost all the great agricultural papers of the country:

THE AGRICULTURAL PRESS LEAGUE.

THE AGRICULTURAL PRESS LEAGUE.

[Officers: M. J. Lawrence, president, Ohio Farmers, Cleveland, Ohio; J. W. Wilson, vice-president, Farm, Field, and Fireside, Chicago, Ill.; J. B. Connor, treasurer, Indiana Farmer, Indianapolis, Ind.; E. W. Chandler, secretary, Farmers' Review, 172 Washington street, Chicago, Ill. Executive committee: F. P. Holland, Texas Farm and Ranch, Dallas, Tex.; J. J. Dillon, Rural New Yorker, New York; W. F. T. Bushnell, Dakota Farmer, Aberdeen, S. Dak.] CHICAGO, ILL., April 25, 1896.

DEAR SIR: At a neeting of the Agricultural Press League held in Chicago, April 14, the following resolution was unanimously adopted:

"Resolved, That we heartily favor and indorse the bill known as the Loud bill to amend postage on second-class matter."

I inclose herewith a list of the members of the Agricultural Press League. Wishing you success in your efforts to secure this legislation, I am, Yours, truly,

E. W. CHANDLER, Secretary.

Hon. Mr. Loud, House of Representatives, Washington, D. C.

List of members.

U. S. Baum, Chicago Stockman; Harry L. Baynes, American Swineherd; James Baynes, American Swineherd; J. P. Blake, Coleman's Rural World; George B. Briggs, American Agriculturist; L. C. Brown, Prairie Farmer; W. F. T. Bushnell, Dakota Farmer; T. Butterworth, Western Agriculturist and Live Stock Journal; E. W. Chandler, Farmers' Review; H. H. Chandler, Farmers' Review; P. V. Collins, Northwestern Agriculturist; J. B. Conner, Indiana Farmer; A. S. Core, Farmers' Call; E. E. Critchfield, Agricultural Advertising; H. P. De Clerque, German-American Farmer; John J. Dillon, Rural New Yorker; J. L. Draper, Wool, Markets, and Sheep; E. P. Harris, Fruit; H. A. Heath, Kansas Farmer; H. E. Heath, Nebraska Farmer; C. M. Heintz, Rural Californian; F. P. Holland, Texas Farm and Ranch; A. D. Hosterman, Farm News; C. H. Howard, Farm, Field, and Fireside; Charles V. Jenkins, Farm Journal; L. B. Kuhn, Western Plowman; M. J. Lawrence, Ohio Farmer; M. J. Lawrence, Michigan Farmer; H. F. McIntosh, Cultivator; N. W. Neal, Farmers' Home Journal; T. E. Orr, National Stockman and Farmer; Miller Purvis, Illinois Farm and Fireside; N. A. S. Ross, Practical Farmer; Andrew Simonson, Wisconsin Agriculturist; J. M. Stahl, Farmers' Call; W. H. Sutherlin, Rocky Mountain Husbandman; J. P. Wallace, Wallace's Farmer; J. Q. Williams, Farmers' Voice; J. W. Wilson, Western Rural.

Associate members.

George Batten, advertising agent; C. N. Page, Iowa Seed Company; A. L. Thomas, Lord & Thomas; F. B. White, Frank B. White Company.

I refer to this, Mr. Chairman, to ease the minds of some of my

Thomas, Lord & Thomas; F. B. White, Frank B. White Company.

I refer to this, Mr. Chairman, to ease the minds of some of my friends as to how the press of this country stand toward this measure. I know it will relieve the minds of some of us. The only class of papers that oppose this bill are those which, if I may be permitted to use the word, are criminally participants of this bounty.

Mr. COX. Will the gentleman yield for a question?

Mr. LOUD. Certainly, for a question.

Mr. COX. I want to know how it happened that the copies of the bill and report were alone in your hands, when we could not get hold of them at all?

get hold of them at all?

Mr. LOUD. Oh, well, Mr. Chairman, I will state that this bill has been reprinted twice or three times. The committee, under the rule of the House, had the right to print for its own use a

number of copies of this bill and report, which we have harbored until the present time. That is all.

Mr. COX. I understand that the gentleman has harbored them until the discussion came up on his bill. I do not like that kind of harboring

Mr. LOUD. Well, Mr. Chairman, I have harbored this for a day to come, and the day has come, and the bills are at the disposal of the members of the House.

Mr. CUMMINGS. As I understand it, these are the commit-

tee's bills and the committee's copies of the report, and you extend

tee's bills and the committee's copies of the report, and you extend the courtesy to the House of distributing them.

Mr. LOUD. That is all. There have been over 15,000 of these printed up to the present time.

Mr. COX. Who had them?

Mr. LOUD. There has been a great demand for them. There have been three reprints.

have been three reprints.

Mr. COX. I am very much inclined to favor your bill, but I should like to know where the harboring came in.

Mr. LOUD. Mr. Chairman, probably a strenuous fight will be made on this floor to amend this bill in relation to sample copies, because that is the only method by which the illegitimate journals—and I term them so—can gain admission to the mails at second-class rates. I regard the sample-copy provision of this bill as of greater moment than the provision relating to the serial novel, because you can not anticipate the magnitude of the growth of this sample-copy abuse. Do you know how it is done? Let me read to you something, just to give you an insight into this abuse. I hold in my hand a paper assumed to have the largest circulation of any journal in the United States, and yet I will venture to say that there are not ten men in this House who ever heard of it. I refer to a paper called Comfort, which has a guaranteed circurefer to a paper called Comfort, which has a guaranteed circulation of 1,250,000 copies. How does it gain its circulation? I have in my hand a letter from an advertising agent at South Bend, Ind., in which he says:

In which he says:

Hon. Eugene F. Loud,

House of Representatives, Washington, D. C.

Dear Sir: Appreciating your valuable efforts in bringing to time the fraudulent papers and periodicals, I take pleasure in mailing to you, under separate cover, four copies of that king of frauds, Comfort, published at Augusta, Me.

These four copies were all received in this morning's mail, and all to the same address.

Mr. OWNEYS.

same address.

Mr. OWENS. Cold comfort!

Mr. LOUD. Now, this is not the only one. There are thousands of them in the country that are published solely for advertising purposes. You will find in going through them many advertisements which read like this, "Send a postage stamp and you will learn something to your advantage," or something of that character. If you send a postage stamp, what do you learn? You got a conv of this paper, you have become a subscriber until the get a copy of this paper, you have become a subscriber until the resurrection morn, and that is the way they get their lists of subscribers.

Here is another sample letter that was given to me by a member of this House:

MAJESTIC MANUFACTURING COMPANY,
OFFICE AND FACTORY, Nos. 2014 TO 2020 MORGAN STREET,
St. Louis, December 9, 1896.
DEAR SIR: To give you a little idea of the workings of the Post-Office
Department regarding newspaper matter, will say that this concern undertook to do some advertising in papers throughout the country nearly three

years ago, most of which was discontinued a year ago. Notwithstanding in many instances we have written the papers two, three, and four times to stop sending us their copies, they daily pour in upon us at the rate of about 100 pounds per week, simply because the cost of sending them is nominal and it counts in their circulation.

We lay this matter before you in order that you may strengthen yourself in placing it before the proper department as an outrage on the Post-Office Department.

Department. Respectfully, yours,

MAJESTIC Mrg. Co., R. H. STOCKTON, Vice-President.

Hon. SETH COBB, Washington, D. C.

Mr. WILLIAM A. STONE. I want to ask the gentleman right here a question upon that particular point. Is it not true that the circulation of a newspaper is the guide by which it charges for advertising?
Mr. LOUD.

Mr. LOUD. Why, certainly.
Mr. WILLIAM A. STONE. And by representing the circulation in that way, where they send out copies gratuitously, they get their price from their advertisers.

Mr. LOUD. Certainly; the price of advertising is regulated by

the circulation.

Mr. WILLIAM A. STONE. And that is called circulation.
Mr. LOUD. That is called circulation. I do not know anything about this paper Comfort, but it is a much better paper than many of these others. It is first-class of this class of material; but I will venture to assert that Comfort has not a thousand bona fide subscribers in this country who voluntarily order and pay for the same, yet it has a circulation, sworn to, of 1,250,000 every issue.

the same, yet it has a circulation, sworn to, of 1,250,000 every issue.

Now, then, this bill does not take away from any newspaper in the country any right that it legitimately enjoys to-day, except the right of sending out sample copies. If the sample copy could be confined to its legitimate intent, I do not think your committee would have recommended striking off this sample-copy abuse; but let me say that the only means by which this class of journals can exist is through the sample-copy privilege.

Mr. HALL. May I ask my colleague a question?

Mr. LOUD. Let me illustrate. Here is an advertising journal seeking admission to the Post-Office Department's second-class privileges. Its nominal list of subscribers, of patrons, permit me to say, is 250—250 copies. It secures certain advertising and then circulates through "sample copies" as many as a million and a half or two million copies, an unlimited number, if you please, at the expense of the United States Government and the people. Now I yield to a question of my colleague. I yield to a question of my colleague.

Mr. HALL. I would like to ask my colleague on the committee
if he can tell us what that copy of Comfort weighs?

Mr. LOUD. I have not weighed it.

Mr. HALL. Have you weighed it, that and some of the other periodicals, so as to estimate what it costs the United States Government to send that matter out?

Mr. LOUD. It will weigh about 2 ounces. I have not figured that out. I think the Postmaster-General has figured it out.

There is another phase of this case, Mr. Chairman—the book phase—that I do not care to refer to to-night. I expect as this debate proceeds to have my amiable friend from New York [Mr. QUIGG] present to you, as he did once before in this House, copies of Shakespeare and Dickens as representing this great class of serial novels that go through the mail now at pound rates. After the gentleman shall have taken that position, I will bring upon the floor of this House samples of books which I believe represent and I say so honestly-95 per cent of the class of serial novels sent through the mail, which you will find is not quite of the high class unrough the mail, which you will find is not quite of the high class and character that the gentleman will present on the other side. But I prefer leaving that portion until we shall have progressed further with the consideration of this bill; and I will not even present them then unless this question is presented on the other side. How much time have I used, Mr. Chairman?

The CHAIRMAN. The gentleman has used thirty-seven min-

Mr. LOUD. If any gentleman desires to ask any question, I will be pleased to yield to him for that purpose.

Mr. BINGHAM. I would ask the gentleman having charge of the bill a question. The consideration of this legislation at this the bill a question. The consideration of this legislation at this time is somewhat of a surprise to myself, and I speak for myself, and to a number of gentlemen of the House. The gentleman now stands recognized, and under the rules of the House his bill is unfinished business, and this legislation, unless it is decided by a vote of the House to take up an appropriation bill, will stand for consideration until concluded. There are some gentlemen who desire to discuss this bill, I presume upon both sides of the proposition; and I would therefore suggest to the gentleman, as he does not lose his standing, that the House adjourn, so that gentlemen having data and matter that they desire to read or bring does not lose his standing, that the House adjourn, so that gentle-men having data and matter that they desire to read or bring together can have an opportunity to do so, unless some other gentleman desires to speak on the gentleman's own side. I am making this suggestion largely in the interest of gentlemen who have statements they desire to make. The gentleman does not lose anything either technically or parliamentarily.

Mr. LOUD. Of course, theoretically, "the gentleman" loses nothing; but let me explain to the House the position that the gentleman in charge of the bill and the bill is placed in on account of crowding out. You well understand, under the morning hour for the call of committees to present matters, this committee is liable to be placed in just the same position it was to-day. While it is unfinished business, it is true, every day until the close of this session, it may go so far that the committee may be recognized—and I want to emphasize that—to call this matter up at half past 2 or 3, or half past 3 o'clock, and still be subject to the inevitable hour and a half of filibustering—permit me to use that word, because I think it was filibustering—subject to the same hour and a half every day of filibustering, which brings us up close to the time of adjournment.

Mr. BINGHAM. So far as I am concerned, I think this measure of so much importance that it should receive the fullest deliberation and discussion, now that it has got its standing in the House, and whatever may have been my votes with regard to it, they went

tion and discussion, now that it has got its standing in the House, and whatever may have been my votes with regard to it, they went simply to the question of taking it up to-day. I would have voted with the gentleman to take it up to-morrow. I will vote with him at any time to take up for consideration legislation on this subject. I am simply asking him now that, unless some one desires to speak upon the bill this evening, he consent to let it go over until to-morrow. It is only about half an hour before the usual hour of adjournment. I will say to the gentleman further that there has been no fillingtoring on my next because I want that there has been no filibustering on my part, because I want

this matter settled.

Mr. QUIGG. If the gentleman from California will permit me, I will say, so far as my part of the "filibustering" is concerned, that I do not desire to filibuster against this bill. I am perfectly willing that it shall come forward and be considered and disposed All I desired was that it should not come forward to-day. to-day. I knew that the gentleman from California was aiming to get a rule, and I should have been very glad to have had him get a rule. So far as I am concerned, I have received a vast mass of rule. So far as I am concerned, I have received a vast mass of papers in relation to this bill, and my desire for delay was simply to get an opportunity to study them during the evening. That was the only point I had in view, and if the gentleman will now consent to the proposition made by the gentleman from Pennsylvania, I assure him that, so far as I am concerned, there will be no effort made to delay the consideration of his bill from day to day.

Mr. LOUD. I should like very much to have this bill made a special order for to measure.

special order for to-morrow.

Mr. QUIGG. So should I.

Mr. WILLIAM A. STONE. Ask unanimous consent.

Mr. BINGHAM. I will state to the gentleman from California, in all frankness, that I have been instructed by the Appropriations Committee to bring up the legislative, executive, and judicial appropriation bill at the earliest practicable moment, so that I should be compelled to object to unanimous consent unless my committee should determine otherwise. I will further say to the should be compelled to object to unanimous consent unless my committee should determine otherwise. I will further say to the gentleman that I believe the legislative bill will be disposed of in a day or two days at the longest. The gentleman in charge of the military appropriation bill has informed me within a very few minutes that he thinks that bill will be disposed of in two hours. Now, as the House does not enter upon the holiday recess until Tuesday noon, and as there are no other appropriation bills on the Calendar, and I do not know of any purpose to bring any others forward before the holiday recess, the gentleman will evidently have several days for the consideration of his bill.

Mr. LOUD. Mr. Chairman, let me make a brief statement to

show the House the position into which gentlemen are forcing me. Thursday has been set aside for the business of the District of Columbia. The gentleman from Pennsylvania [Mr. Bingham] and the Military Committee propose to take to-morrow, and perhaps some other day during the week, for appropriation bills.

Mr. BINGHAM. Well, Mr. Chairman, I withdraw all that I have said. Let the gentleman go on until the usual hour of ad-

Mr. LOUD (continuing). Friday is Private Calendar day, and almost everybody goes home toward the end of the week. It was not my purpose to ask the committee to proceed further with the consideration of this bill this evening unless some gentlemen on

our side desired to speak.

A Member. Then let the committee rise now.

Mr. LOUD. I am perfectly willing to accept the gentleman's proposition, but, as I have said, I would like to have this bill made a special order. Let me say to the committee that this bill is not a matter of any special moment to me, but it is a matter of great importance to this Government. I believe that the passage of this bill will save us from fifteen to twenty million dollars a year, and there is no other proposition to make any such saving that can be brought before this House upon which we can hope for unanimity but this. Perhaps we shall not be compelled to pass a revenue measure. Perhaps we shall not have any revenue legislation. Perhaps we shall be saved from the necessity of the issuance of bonds on the eve of the incoming of our Republican Administration by the passage of this bill. This is a measure of such importance that I think it ought to be considered and passed upon even before the gentleman from Pennsylvania calls up the legislative appropriation bill; which might very well wait a few days a few days

Mr. BINGHAM. This bill does not change newspaper postage. The great daily and weekly newspapers will go through the mails after this bill is passed at the same rates as now.

Mr. LOUD. Mr. Chairman, I reserve the balance of my time, and if no gentleman desires to proceed this evening, I move that the committee rise.

the committee rise.

The CHAIRMAN. The gentleman has fifteen minutes remaining.

Mr. LOUD. Does all this controversy and colloquy come out of my time? [Laughter.]

The CHAIRMAN. If the present occupant of the chair should be presiding when that question arises, he will try to treat the gentleman indulgently. [Laughter.]

The motion of Mr. Loub was agreed to.

The committee accordingly reserved the Speaker having reserved.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. Payne, from the Committee of the Whole, reported that they had had under consideration a bill (H. R. 4566) to amend the postal laws relating to second-class mail matter, and had come to no resolution thereon.

Mr. LOUD. Mr. Speaker, I move that the House do now ad-

journ.

The motion was agreed to.

Pending the announcement of the result, the Speaker appointed Mr. Crowther, Mr. Kirkpatrick, and Mr. Baker of Kansas to act as House conferees on the bills S. 1291 and S. 1511.

LEAVE OF ABSENCE

By unanimous consent, Mr. HILL obtained leave of absence on account of important business.

The House then (at 4 o'clock and 30 minutes p. m.) adjourned.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Acting Secretary of the Treasury, transmitting a communication from the Secretary of the Interior recommending an increase of the salary of the Commissioner of Education and of certain other employees of the Bureau of Education and of the Interior Department proper-to the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of the Interior, transmitting a copy of the report of the Columbia Railway Company for the fiscal year ending June 30, 1896, together with a statement of the cost of the cable-railway plant—to the Committee on the District of Columbia, and ordered to be printed.

suant to said rule.

A letter from the Secretary of the Interior, transmitting, in accordance with the provisions of the Indian appropriation act approved June 10, 1896, a communication from the Commissioner of Indian Affairs, with inclosures, relating to certain leases entered into by the Seneca Nation of Indians—to the Committee on Indian Affairs, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a list of cases (disposed of since the last former return) wherein the court has found upon preliminary inquiry that those in whose names the claims are made were not loyal throughout the war—to the Committee on War Claims, and ordered to be printed.

ADVERSE REPORTS ON PUBLIC BILL AND RESOLUTION REFERRED TO CALENDARS.

Under clause 2 of Rule XIII, the bill of the House (H. R. 4057) in relation to cigarettes and to limit the effect of the regulation of commerce between the several States and with foreign countries commerce between the several States and with foreign countries in certain cases, reported adversely (Report No. 2324) by Mr. Ray from the Committee on the Judiciary, December 14, 1896, and said report was, upon request of Mr. Terry, taken from the table and referred to the House Calendar, and House Report No. 2289, submitted by Mr. Terry June 11, 1896, and erroneously referred to the House Calendar, being the views of the minority of said committee on said bill, is hereby withdrawn and ordered printed as part 2 of House Report No. 2324.

Under clause 2 of Rule XIII, Mr. BINGHAM, from the Committee on Appropriations, to which was referred the resolution of the House (House Res. No. 200) requesting certain information from the Secretary of the Treasury relative to expenditures for public

the Secretary of the Treasury relative to expenditures for public works, and also directing the Clerk of the House to submit to the House a statement of certain claims against the United States, reported the same adversely, accompanied by a report (No. 2332); which said resolution and report were, upon the request of Mr. Walker of Massachusetts, referred to the House Calendar, purREPORTS OF COMMITTEES ON PRIVATE BILLS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

By Mr. PUGH, from the Committee on War Claims:
The bill (H. R. 9593) for the relief of W. H. Wade, late captain

and acting regimental quartermaster Thirty-first Ohio Volunteers. (Report No. 2326.)

(Report No. 2326.)
The bill (S. 482) entitled "An act for the relief of the estate of Thomas Sherwin, deceased." (Report No. 2327.)
By Mr. MAHON, from the Committee on War Claims:
A resolution (House Res. No. 442) to refer the joint resolution (H. Res. 40) authorizing Musadora, Victoria, Ella, and Frank Wasson, of Tennessee, to present their claim, with all the accompanying papers, to the Court of Claims, reported in lieu of House Joint Resolution No. 40. (Report No. 2328.)
The bill (H. R. 9503) for the relief of David D. Smith. (Report No. 2329.)

By Mr. WILSON of Ohio, from the Committee on War Claims: The bill (H. R. 2049) to reimburse Louis Benecke for arms fur-

nished the United States. (Report No. 2330.)

By Mr. WOOD, from the Committee on Invalid Pensions: The bill (H. R. 9592) to amend an act entitled "An act granting a pension to Jessie McMillan," received by the President May 27, 1896. (Report No. 2333.)

PUBLIC BILLS AND RESOLUTIONS.

Under clause 3 of Rule XXII, bills and resolutions of the following titles were introduced, and severally referred as follows:

By Mr. WOODMAN: A bill (H. R. 9639) to preserve and enhance the patriotism of the Navy of the United States—to the Committee on Naval Affairs

By Mr. ALLEN of Utah: A bill (H. R. 9640) to authorize every United States district judge to appoint a stenographic reporter, and to fix the duties and compensation of such reporter—to the Committee on the Judiciary.

By Mr. QUIGG: A bill (H. R. 9641) to provide for the removal of the Library collections from the Capitol to the new Library

of the Library collections from the Capitol to the new Library building, and for their custody and management therein, and for other purposes—to the Committee on the Library.

By Mr. SULZER: A bill (H. R. 9642) to restore pensions in certain cases—to the Committee on Invalid Pensions.

By Mr. SHERMAN: A bill (H. R. 9644) to abolish the office of Commissioner of Indian Affairs and the office of Assistant Com-

missioner of Indian Affairs, and to create in lieu thereof a board of

Indian commissioners—to the Committee on Indian Affairs. By Mr. BABCOCK: A bill (H. R. 9645) to further regulate the sale of milk in the District of Columbia, and for other purposes to the Committee on the District of Columbia.

By Mr. BERRY: A bill (H. R. 9646) to further higher theatrical interests—to the Committee on the Library.

By Mr. BABCOCK: A bill (H. R. 9647) to authorize the extension of the lines of the Metropolitan Railroad Company of the District of Columbia—to the Committee on the District of Columbia.

By Mr. TRACEY: A bill (H. R. 9648) for the adjustment and correction of the land grant to Missouri for the benefit of the agri-

cultural college—to the Committee on the Public Lands.
By Mr. MEYER: A bill (H. R. 9667) to establish the department

of commerce, manufactures, and labor—to the Committee on Interstate and Foreign Commerce

By Mr. WOODMAN: A joint resolution (H. Res. 210) directing the President to act in Cuban affairs—to the Committee on Foreign Affairs.

By Mr. HARMER: A joint resolution (H. Res. 211) providing for a comprehensive index to Government publications from 1881 to 1893-to the Committee on Printing.

By Mr. BABCOCK: A joint resolution (H. Res. 212) to suspend the operation of an act approved February 13, 1895, entitled "An act to amend an act entitled 'An act to provide for the settlement of all outstanding claims against the District of Columbia, and conferring jurisdiction on the Court of Claims to hear the same, and for other purposes, approved June 16, 1880'"—to the Committee on the District of Columbia.

Also, a joint resolution (H. Res. 213) to permit railroads in the District to occupy additional parts of streets to accommodate the traveling public attending the inaugural ceremonies—to the Committee on the District of Columbia.

Also, a joint resolution (H. Res. 214) authorizing the Secretary of War to grant permits to the executive committee on inaugural ceremonies for use of reservations or public spaces in city of Washington on the occasion of the inauguration of the President-elect on March 4, 1897, etc.—to the Committee on the District of Columbia.

By Mr. ANDREWS: A resolution (House Res. No. 443) to pay C. Hiatt for services in the Clerk's document room—to the Committee on Accounts.

By Mr. HALL: A resolution (House Res. No. 444) to have printed 8,000 additional copies of the annual report of the Secretary of the Interior for the current year for the use of the House-to

the Committee on Printing,
By Mr. QUIGG: A resolution (House Res. No. 445) providing
for the consideration of House bill No. 9641—to the Committee on

Rules

By Mr. ALDRICH of Illinois: A resolution (House Res. No. 446) to pay Kendall Lee \$100 for caring for room of Committee on Accounts—to the Committee on Accounts.

By Mr. McCall of Tennessee: A resolution (House Res. No. 447) to discharge the Committee on Ways and Means from further consideration of Senate bill No. 2889 and fix a time when the same shall be considered and voted upon by the House—to the Committee on Rules.

PRIVATE BILLS, ETC.

Under clause 1 of Rule XXII, private bills of the following titles were presented and referred as follows:

By Mr. WILLIAM F. ALDRICH: A bill (H. R. 9649) for the relief of the personal representatives of Thomas F. Wilson, late of Shelby County, Ala.—to the Committee on War Claims.

By Mr. BARTHOLDT: A bill (H. R. 9650) granting a pension to John O'Brien—to the Committee on Invalid Pensions.

By Mr. BLUE: A bill (H. R. 9651) for the relief of the heirs and legal representatives of Lindsay Ridgway—to the Committee on War Claims

By Mr. BROSIUS: A bill (H. R. 9652) to remove the charge of desertion standing against Andrew Laukhoff—to the Committee

on Military Affairs.

By Mr. BURRELL: A bill (H. R. 9653) to increase the pension of John D. Craig—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9654) for the relief of David Bolling—to the Committee on Claims.

By Mr. FLYNN: A bill (H. R. 9655) granting a pension to Absolom Newberry—to the Committee on Invalid Pensions.

By Mr. MEREDITH: A bill (H. R. 9656) for the relief of Emeline F. Mitchell—to the Committee on Pensions.

By Mr. NOONAN: A bill (H. R. 9657) granting an increase of

pension to Lafayette Nichols-to the Committee on Invalid Pen-

By Mr. PRICE: A bill (H. R. 9658) for the relief of estate of Jean Constantin, of Lafayette, La.—to the Committee on War Claims. Also, a bill (H. R. 9659) for the relief of Augustin Broussard, of Vermilion Parish, La.—to the Committee on War Claims.

Also, a bill (H. R. 9660) for the relief of Mrs. Catherine Hilbert,

Also, a bill (H. R. 9660) for the relief of Mrs. Catherine Hilbert, of Lafayette Parish, La.—to the Committee on War Claims.
Also, a bill (H. R. 9661) for the relief of Arvillien Broussard, of Vermilion Parish, La.—to the Committee on War Claims.
Also, a bill (H. R. 9662) for the relief of Natalie Bondrean, of Lafayette Parish, La.—to the Committee on War Claims.
Also, a bill (H. R. 9663) for the relief of the estate of Mrs. Celestine Vavasseur, deceased, late of Lafayette Parish, La.—to the Committee on War Claims.
Also, a bill (H. R. 9664) for the relief of Valivien Martin, of St. Martin Parish, La.—to the Committee on War Claims.
Also, a bill (H. R. 9665) for the relief of the estate of John A. Rigues, deceased, late of Lafayette Parish, La.—to the Committee

Rigues, deceased, late of Lafayette Parish, La.—to the Committee on War Claims

By Mr. RANEY: A bill (H. R. 9666) to correct and amend the military record of John Long, late private Company H, Thirty-first Regiment Missouri Volunteers—to the Committee on Military Affairs.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. WILLIAM F. ALDRICH: Papers to accompany House bill for the relief of the personal representatives of Thomas F. Wilson, deceased, late of Shelby County, Ala.—to the Committee on Way Claims

on War Claims.

By Mr. BARTHOLDT: Petition of John O'Brien, of St. Louis, Mo., to accompany House bill granting him a pension—to the Committee on Invalid Pensions.

By Mr. CROWTHER: Petition of citizens of Easton, Mo., praying that a bill be passed granting a pension to Capt. John N. Smith—to the Committee on Invalid Pensions.

By Mr. CURTIS of Iowa: Resolutions of the Iowa and Illinois Central District Medical Association, against the bill to prohibit vivisection in the District of Columbia—to the Committee on the

District of Columbia.

By Mr. DRAPER: Resolutions of the National Board of Trade, for the enactment of a national trade-mark registration law—to the Committee on Patents.

By Mr. FLETCHER: Resolution of the St. Paul (Minn.) Chamber of Commerce, favoring the establishment of a department of commerce and manufactures—to the Committee on Manufactures.

Also, petition of Rev. William Wilkinson and other citizens of Minneapolis, Minn., protesting against the Armenian outrages-to the Committee on Foreign Affairs.

By Mr. FLYNN: Papers to accompany House bill granting a pension to Absolom Newberry—to the Committee on Invalid Pen-

By Mr. HOWELL: Petition of the Board of Trade of Asbury Park, N. J., to grant the rights of belligerents to the Cubans in their struggle for freedom—to the Committee on Foreign Affairs. By Mr. LONG: Petition of Thomas Guthrie, of Helena, Okla.,

for reimbursement for property taken during the war of the rebellion—to the Committee on War Claims.

By Mr. MAGUIRE: Petition of Edmund P. Tierney, in favor of the passage of House bill No. 2425, for his relief—to the Committee on Invalid Pensions.

By Mr. MONEY: Memorial of Robert L. Owen, for the payment of an "Old Settler" Cherokee claim—to the Committee on Indian Affairs

By Mr. REEVES: Resolutions adopted at a public meeting of the citizens of Pontiac, Ill., relative to the outrages perpetrated upon the Armenians in Turkey—to the Committee on Foreign

By Mr. RICHARDSON: Petition of M. C. Vick, of Liberty, Tenn., for the payment of a claim for secret service in the late war—to the Committee on War Claims.

By Mr. RUSSELL of Connecticut: Papers to accompany House bill No. 8487, granting a pension to Esther Jackson—to the Com-mittee on Pensions.

mittee on Pensions.

By Mr. TRACEWELL (by request): Petition of John H. Trapp,
A. G. Cotton, Henry Hinchman, and other citizens of Vernon,
Ind., for the recognition of God in the preamble of the Constitution of the United States—to the Committee on the Judiciary.

By Mr. WOOMER: Resolutions of Quittaphilla Council, No.
748, Junior Order United American Mechanics, of Lebanon, Pa.,
in favor of recognizing the independence of Cuba—to the Committee on Foreign Affairs.

SENATE.

Wednesday, December 16, 1896.

Prayer by the Chaplain, Rev. W. H. MILBURN, D. D. The VICE-PRESIDENT resumed the chair.

ARTHUR BROWN, a Senator from the State of Utah, appeared in his seat to-day.

The Journal of yesterday's proceedings was read and approved. DISTRICT TELEGRAPH AND TELEPHONE SERVICE.

The VICE-PRESIDENT laid before the Senate a communication from the Commissioners of the District of Columbia, transmitting a statement supplemental to their communication of the
12th instant, in response to the requirement of the District appropriation act for the current fiscal year, relative to charges made
in the District of Columbia to the public and to the Government
for the use of telephones, and also for the use of telephones in
other cities operated by underground and overhead wires; which,
with the accompanying papers, was referred to the Committee on
the District of Columbia, and ordered to be printed.

PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented a petition of the Lincoln Club, of Monroe County, N. Y., praying Congress to recognize the independence of Cuba; which was referred to the Committee on Foreign Relations.

Mr. BLANCHARD presented a petition of sundry citizens of Louisiana, praying for the adoption of an amendment to the Constitution of the United States recognizing the Deity; which was

Mr. PEFFER presented the petition of L. D. Gleason and sundry other citizens of Wakeeney, Kans., praying for the passage of the so-called Dingley tariff bill; which was referred to the Committee on Finance.

Mr. CALL presented a petition of sundry citizens of Florida, praying for the enactment of legislation for the relief of Robert

Meacham, postmaster at Punta Gorda, Fla., in 1892; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. QUAY presented a petition of the Trades League of Philadelphia, Pa., praying that an appropriation be made to provide for the transfer of foreign mails with a view to expediting their delivery in Philadelphia; which was referred to the Committee on Appropriations.

He also presented a petition of Quittapahilla Council, No. 748, Junior Order of United American Mechanics of Pennsylvania, praying Congress to recognize the independence of Cuba; which was referred to the Committee on Foreign Relations.

Mr. COCKRELL presented a memorial of the association of the alumni of the St. Louis Medical College, of St. Louis, Mo., remonstrating against the passage of Senate bill No. 1552, for the further

prevention of cruelty to animals in the District of Columbia; which was referred to the Committee on the District of Columbia.

Mr. SMITH presented a petition of Goodwill Council, No. 32,
Junior Order of United American Mechanics, of New Brunswick,

which was referred to the Committee on Foreign Relations.

Mr. PALMER presented the petition of G. W. Beck and 24 other citizens of Carmi, Ill., praying for the passage of the so-called Dingley tariff bill; which was referred to the Committee on Finance. on Finance

Mr. BURROWS presented a petition of sundry employees of the A. C. Stayley Manufacturing Company, of South Bend, Ind., praying for the passage of the so-called Dingley tariff bill; which was referred to the Committee on Finance.

REPORTS OF COMMITTEES.

Mr. BERRY, from the Committee on Public Lands, to whom was referred the bill (H. R. 8413) to confirm certain cash entries of

mr. MITCHELL of Wisconsin, from the Committee on Pensions, to whom was referred the bill (H. R. 5782) granting an increase of pension to Mrs. Anna Wedel, reported it without amendment, and submitted a report thereon.

ACCEPTANCE OF MEDALS AND TESTIMONIALS.

Mr. SHERMAN. I am directed by the Committee on Foreign Relations to report back favorably five bills, all of them author-Relations to report back tavorably five bills, all of them authorizing officers of the United States to accept medals or testimonials from foreign governments. Such bills are always passed without objection and even without discussion. I will ask for their present consideration, if there be no objection.

The VICE-PRESIDENT. The Senator from Ohio reports back and asks for the present consideration of sundry bills. The first bill reported will be read for information.

The Secretary read the bill (S. 2340) authorizing Herbert H. D.

The Secretary read the bill (S. 3340) authorizing Herbert H. D. Pierce to accept a medal from the Russian Government.

The VICE-PRESIDENT. Is there objection to the present con-

sideration of the bill?

Mr. COCKRELL. There are a number of other bills of the same character, and I hardly think it is just to make a discrimi-

same character, and I hardly think it is just to make a discrimination. I introduced a bill at the last session to authorize Passed Assistant Surgeon Kinyoun, of the Marine-Hospital Service, to accept a medal from the President of the Republic of Venezuela.

Mr. SHERMAN. There are five of these bills and all are reported favorably. I suppose the bill referred to by the Senator from Missouri is among them, if it has not been already reported.

Mr. COCKRELL. It has been reported and is on the Calendar.

Mr. HOAR. I desire to inquire of the Senator from Ohio what were the services of this gentleman?

Mr. SHERMAN. I understand that he was appointed to act on some state occasion, I think in connection with the coronation of the Czar, and a medal was bestowed upon him as a compliment. I do not think much of these things myself; I am generally opposed to this class of bills, but they have always passed the Senate. I do not know of a single exception. Therefore the committee reports them favorably.

Mr. HOAR. I think the bills had better go to the Calendar.

The VICE-PRESIDENT. The bills will be read by title and placed on the Calendar.

placed on the Calendar.

Mr. HOAR. I will withdraw my objection.

Mr. ALLEN. I desire to enter an objection to the consideration of the bills at this time.

The VICE-PRESIDENT. Objection being interposed to their consideration, the bills will be read by title and placed on the

The bills were read by title, as follows:
A bill (S. 3340) authorizing Herbert H. D. Pierce to accept a medal from the Russian Government;

A bill (S. 3365) to authorize Commander E. S. Houston, United A bill (S. 3363) to authorize Commander E. S. Housen, or near States Navy, to accept a portrait of the Emperor of Germany;
A bill (S. 3363) to authorize C. E. Marr and E. H. Pierce to accept testimonials from the Canadian government;
A bill (S. 3364) to authorize Lieut. Col. W. H. Forwood and

Dr. George H. Penrose to accept certain testimonials from the Argentine Government; and

A bill (S. 3366) to authorize Admiral T. O. Selfridge, United States Navy; Capt. G. H. Wadleigh, United States Navy; Lieut. Commander E. H. Gheen, United States Navy; Paymaster J. B. Redfield, United States Navy; Lieut. J. J. Hunker, United States Navy; Surg. D. N. Bertolette, United States Navy, and Ensign R. L. Russell, United States Navy, to accept medals presented to them by the Passion geography.

them by the Russian government.

Mr. HOAR. I understand that the bill which I inquired about is merely a formality. There was a piece of silver of no great value, except as a memorial of the occasion, given to a large number of Americans abroad who took some part as a committee with other committees in the matter of the coronation and one of them other committees in the matter of the coronation, and one of them happening to be a secretary of legation he hesitated about his

right to accept it without the leave of Congress. So I will withdraw my objection to the consideration of the bill.

The VICE-PRESIDENT. The Chair will state that the objection was renewed by the Senator from Nebraska, and objection having been made, the bills will be placed on the Calendar.

PAY OF EMPLOYEES.

Mr. HALE. I am directed by the Committee on Appropriations, to whom was referred the joint resolution (H. Res. 209) to pay the officers and employees of the Senate and House of Representatives their respective salaries for the month of December, 1896, on the 18th day of said month, to report it without amendment, and I ask that it be put upon its passage. It is the usual joint resolution that is passed every year.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MISSOURI RIVER BRIDGE AT LEXINGTON.

MISSOURI RIVER BRIDGE AT LEXINGTON.

Mr. VEST. I am directed by the Committee on Commerce to report a bill to amend the act to authorize the construction of a bridge across the Missouri River at or near Lexington, Mo., and I ask for its present consideration. It is a mere formal matter to extend the time for constructing the bridge, and it is important

that it should be passed now.

The bill (S. 3401) to amend the act entitled "An act to authorize the construction of a bridge across the Missouri River at or near the city of Lexington, Mo.," approved July 26, 1894, was read the first time by its title and the second time at length, as follows:

Be it enacted, etc., That an act entitled "An act to authorize the construction of a bridge across the Missouri River at or near the city of Lexington, Mo.," approved July 28, 1894, be, and the same is hereby, amended so as to extend the time for the commencement of the construction of said bridge to one year and its completion to three years from the approval of this act.

The VICE-PRESIDENT. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed. BILLS INTRODUCED.

Mr. GEAR introduced a bill (S. 3402) granting a pension to Bethany Bostwick, daughter of John Bostwick; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

Mr. CULLOM introduced a bill (S. 3403) for the relief of Peter Mariann from the charge of desertion; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Military Affairs.

He also introduced a bill (S. 3404) for the relief of Louis Bruns

from the charge of desertion; which was read twice by its title. and, with the accompanying paper, referred to the Committee on

and, with the accompanying paper, referred to the Committee on Military Affairs.

He also introduced a bill (S. 3405) to pension John L. Smith; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

Mr. VILAS introduced a bill (S. 3406) for the relief of E. D. Coe; which was read twice by its title, and referred to the Committee on Post-Offices and Post-Roads.

Mr. COCKRELL introduced a bill (S. 3407) granting a pension to Ambrose J. Vanarsdel; which was read twice by its title, and referred to the Committee on Pensions.

Mr. COCKRELL I ask that the Committee on Pensions was

Mr. COCKRELL. I ask that the Committee on Pensions may be discharged from the further consideration of the bill (S. 371) granting a pension to Ambrose J. Vanarsdale; that is a bill for the same purpose, but his name is not correctly spelled there, and I wish to have the bill indefinitely postponed.

The VICE-PRESIDENT. Without objection, the Committee on Pensions will be discharged and the bill will be postponed

indefinitely.

Mr. COCKRELL introduced a bill (S. 3408) granting a pension to Ann King, widow of Samuel King, deceased; which was read twice by its title, and referred to the Committee on Pensions.

Mr. BLACKBURN introduced a bill (S. 3409) for the relief of William J. Landram's estate; which was read twice by its title,

of william J. Landram's estate; which was read twice by its title, and referred to the Committee on Claims.

Mr. SEWELL introduced a bill (S. 3410) granting a pension to Mary M. Kuhn, daughter of George H. Kuhn, late sergeant in Company F, Ninety-third Regiment New York Infantry Volunteers; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. BLANCHARD introduced a bill (S. 3411) to pay to Marie Eliza Payne of Natchitoches Parish La, an amount found due

Eliza Payne, of Natchitoches Parish, La., an amount found due by the Court of Claims; which was read twice by its title.

Mr. BLANCHARD. In connection with the bill just introduced, I file a copy of the findings of the Court of Claims, which I move be referred with the bill to the Committee on Claims.

The motion was agreed to.

Mr. SMITH introduced a bill (S. 3412) granting a pension to Sarah J. Van Renssellaer, widow of Maj. Stephen V. C. Van Renssellaer; which was read twice by its title, and referred to the Committee on Pensions.

Mr. VEST introduced a bill (S. 3418) for the relief of Joseph Edward Montgomery; which was read twice by its title, and referred to the Committee on Claims.

Mr. GALLINGER introduced a bill (S. 3415) granting a pension to Ella D. Cross; which was read twice by its title, and referred to

the Committee on Pensions.

Mr. BRICE introduced a bill (S. 3416) to amend section 6 of "An act to authorize the construction of a bridge over the Arkansas River at or near Van Buren, Ark.," approved March 9, 1894; which was read twice by its title, and referred to the Committee on Commerce.

Mr. CALL introduced a bill (S. 3417) to provide for deepening the water at the entrance to the St. Johns River, Florida, to a depth of 30 feet; which was read twice by its title, and referred

to the Committee on Commerce.

He also introduced a bill (S. 3418) to provide for deepening the channel of the St. Johns River, Florida, and for the removal of all obstructions in the channel to Palatka and south of Palatka to Sanford, and to improve the Oklawaha River; which was read

twice by its title, and referred to the Committee on Commerce.

He also introduced a bill (S. 3419) for the relief of the sufferers from the cyclone in Florida; which was read twice by its title, and referred to the Committee on Public Lands.

He also introduced a bill (S. 3420) making an appropriation for

seed to be furnished to the sufferers from the cyclone in Florida; which was read twice by its title, and referred to the Committee on Agriculture and Forestry

He also introduced a bill (S. 3421) to improve the navigation of the Oklawaha River, Florida, and the lakes from which it flows; which was read twice by its title, and referred to the Committee

on Commerce.

He also introduced a bill (S. 3422) to provide for the extirpation of the water hyacinth in the St. Johns and Oklawaha rivers, Florida, their tributaries and adjacent lakes; which was read twice by

its title, and referred to the Committee on Commerce.

Mr. HARRIS introduced a bill (S. 3423) for the allowance of certain claims for stores and supplies reported by the Court of Claims under the provisions of the act approved March 3, 1883, and commonly known as the Bowman Act; which was read twice by its

title, and referred to the Committee on Claims.

Mr. CALL introduced a joint resolution (S. R. 175) appropriating \$5,000 for a survey and estimate for the removal of the water hyacinth from the St. Johns and the Oklawaha rivers, in Florida; which was read twice by its title, and referred to the Committee

on Commerce.

PREFERENCE RIGHTS OF VETERANS.

Mr. MITCHELL of Oregon introduced a bill (S. 3414) to amend section 1754 of the Revised Statutes; which was read twice by its

Mr. MITCHELL of Oregon. I ask the unanimous consent of the Senate to make a few remarks in explanation of the bill.

The VICE-PRESIDENT. Is there objection? The Chair hears none, and the Senator from Oregon will proceed.

Mr. MITCHELL of Oregon. Mr. President, much has been said in laudation of the preference given to ex-Union soldiers and sailors of the civil war by section 1754 of the Revised Statutes of the United States, and the public generally, including many, perhaps, if not most, of the officers in the Government service, believe that all honorably discharged soldiers and sailors in the United that all honorably discharged soldiers and sailors in the United States service during the civil war are entitled to preference rights under the law and the civil-service rules. This is a mis-take, and the purpose of the bill I now present is to rectify such mistake.

Section 1754 of the Revised Statutes, act of March 3, 1865, pro-

vides as follows:

Persons discharged from the military or naval service by reason of disability resulting from wounds or sickness incurred in the line of duty shall be preferred for appointments to civil offices, provided they are found to possess the business capacity necessary for the proper discharge of the duties of such offices.

While section 2, Rule VII, of the civil-service rules provides that-The names of all competitors whose claims to preference under the provisions of section 1754 of the Revised Statutes have been allowed by the Commission, and who attain an average of 65 or over shall be placed in the order of their average percentages at the head of the proper register of the eligibles.

While section 3 of Rule VII provides as follows:

For filling vacancies in positions for which competitive tests are not practicable, persons who served in the military or naval service of the United States in the late war of the rebellion and were honorably discharged therefrom shall be placed at the head of the proper register in the order of their fulfillment of said requirements.

All this on its face would seem to mean very much and be all right, while, as a matter of fact, it means very little and is all wrong, except in so far as it goes, but it is too restricted in its

application. Very few of the soldiers or sailors of the civil war who were honorably discharged thirty-odd years ago from the service of the United States by reason of disability resulting from wounds or sickness incurred in the line of duty, and it is only to this class the preference is given by existing law, are now living to take advantage of this act of 1865, while many of those who were honorably discharged at the close of the war, not by reason of disability resulting from wounds or sickness incurred in the line of duty, but by expiration of term of service, have since their discharge become disabled by reason of wounds or sickness incurred in the line of duty and who are capable of performing the duties of any one of thousands of offices in the civil service, but are not capable of performing manual labor, and are not able to wrangle in competitive examinations with men of a generation later from the schools. This latter class comprises the surviving old soldiers and sailors of the civil war, and therefore it is that I propose by this amendment to existing law to provide that all honorably discharged officers and men, soldiers and sailors, of the late civil war who served ninety days or more during the war of the rebellion from the privileges conferred by section 1754 of the Revised Statutes, and also any privileges conferred on the class embraced in said section 1754 by sections 2 and 3 of Rule VII of the civil-service rules. If a preference is to be given to the veterans of the war of the rebellion, then let it be a preference in fact and not merely in name, and let this same preference be granted also to that other equally meritorious class, the grizzled veterans of Indian wars.

I ask that the bill be referred to the Committee on Civil Service

and Retrenchment, where I trust it will receive favorable con-

sideration and action.

The VICE-PRESIDENT. The bill will be referred as indicated.

PAPERS WITHDRAWN AND REFERRED.

On motion of Mr. MITCHELL of Oregon, it was

Ordered, That the papers in the case of L. W. Huston, referred to the Committee on Post-Offices and Post-Roads December 14, 1887, be taken from the files and referred to the Committee on Post-Offices and Post-Roads.

ORDER OF BUSINESS.

Mr. BLANCHARD. I ask the unanimous consent of the Senate being Order of Business 1252.

The VICE-PRESIDENT. The Senator from Louisiana asks unanimous consent for the present consideration of a bill, which

will be read for information.

Mr. HALE. Has the regular order of business been completed?

The VICE-PRESIDENT. The regular order has not yet been disposed of.

Mr. HALE. I call for the regular order.
The VICE-PRESIDENT. The introduction of resolutions, concurrent and other, is in order.

REPORT ON IRRIGATION IN ARIZONA.

Mr. ALLEN. I have here a report on the irrigation investiga-tion for the benefit of the Pima and other Indians on the Gila River Indian Reservation, Ariz., prepared by Mr. Arthur P. Davis, of the Geological Bureau. There has been no appropriation made for its publication. It is regarded by the Bureau as a paper of considerable importance, and being short and not requiring the expenditure of much money to publish it, I ask to have it printed

as a miscellaneous document.

The VICE-PRESIDENT. The Senator from Nebraska asks unanimous consent that the paper indicated by him be printed as

mr. FRYE. What is the paper?

Mr. ALLEN. It is a report on an irrigation investigation for the benefit of the Pima and other Indians on the Gila River Indian Reservation, Ariz.
Mr. FRYE. I have no objection.
The VICE-PRESIDENT. Is there objection? The Chair hears

none, and it is so ordered.

PENSION APPROPRIATION BILL.

Mr. HALE. I ask that the pension appropriation bill be taken up. By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 9473) making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1898, and for

other purposes.

Mr. HALE. I ask that the formal reading of the bill be dis-

pensed with.

The VICE-PRESIDENT. In the absence of objection, it will be so ordered.

Mr. GALLINGER. Mr. President, before this bill is put on its passage (and I apprehend that there will be no opposition manifested to its passage), I desire to occupy the attention of the Senate a few minutes in some observations touching the matter of pension frauds.

Before doing so I want to put on record my appreciation of the present administration of the Pension Bureau and to say that in

my judgment the man who is at the head of that great department of the Government at the present time is desirous not only of administering the laws in a generous and just spirit, but that his sympathies are with the men and the women who are asking for recognition because of the services of the brave men who periled their lives that this Government might live.

Now, as to pension frauds. I was very much surprised a few days ago in listening to the reading of the message of the President of the United States to find that that high official has not yet disabused his mind of the idea that the pensioners of this Government are men of rascally tendencies who are attempting in every possible way to obtain from the Treasury of the United States money that is not justly their due. I wish to read from the message of the President of the United States money that is not justly their due. sage of the President two or three paragraphs bearing upon this question. The President says:

question. The President says:

The diminution of our enormous pension roll and the decrease of pension expenditure, which have been so often confidently foretold, still fail in material realization. The number of pensioners on the rolls at the close of the fiscal year ended June 30, 1896, was 970.678. This is the largest number ever reported. The amount paid exclusively for pensions during the year was \$138.214.761.94. a slight decrease from that of the preceding year, while the total expenditures on account of pensions, including the cost of maintaining the department and expenses attending pension distribution, amounted to \$142.206.550.59, or within a very small fraction of one-third of the entire expense of supporting the Government during the same year. The number of new pension certificates issued was 90,640. Of these, 40,374 represent original allowances of claims, and 15,878 increases of existing pensions.

The sum appropriated for the payment of pensions for the current fiscal year, ending June 30, 1897, is \$140,000,000, and for the succeeding year it is estimated that the same amount will be necessary.

The Commissioner of Pensions reports that during the last fiscal year 339 indictments were found against violators of the pension laws. Upon these indictments 167 convictions resulted.

In my opinion-

Says the President-

Says the President—
based upon such statements as these and much other information and observation, the abuses which have been allowed to creep into our pension system have done incalculable harm in demoralizing our people and undermining good citizenship. I have endeavored within my sphere of official duty to protect our pension roll and make it what it should be, a roll of honor, containing the names of those disabled in their country's service and worthy of their country's affectionate remembrance. When I have seen those who pose as the soldiers' friends active and alert in urging greater laxity and more reckless pension expenditure, while nursing selfish schemes. I have deprecated the approach of a situation when necessary retrenchment and enforced economy may lead to an attack upon pension abuses so determined as to overlook the discrimination due to those who, worthy of a nation's care, ought to live and die under the projection of a nation's gratitude.

It will be observed, Mr. President, that the President of the United States calls attention to the fact that during the past fiscal United States calls attention to the fact that during the past fiscal year 339 indictments were found against violators of the pension laws. The President does not say, nor have I any data at hand to inform myself on that point, whether the indictments were found against soldiers or against pension attorneys.

Mr. HAWLEY. Or against witnesses.

Mr. GALLINGER. Or against witnesses, as the Senator from Connecticut very properly observes. It is at least competent for me to conclude that all of these 339 indictments and 167 convictions have not been found against men or women who are drawing.

me to conclude that all of these 339 indictments and 167 convictions have not been found against men or women who are drawing pensions under the laws of the United States.

Bearing on this subject, I am pleased to turn to an editorial in the Washington Post of December 9, 1896, which discusses this question with so much fairness and ability that I desire to put it upon record pending the consideration of this bill. If the Washington Post, one of the great newspapers of this country, had never done anything more than to prick this bubble that the President is constantly obtruding upon Congress and the country as regards pension frauds it would deserve the gratitude of every lover of his country and of every supporter of the pension system of the United States. The editorial is as follows:

of the United States. The editorial is as follows:

The President, in his message, quotes from the report of the Commissioner of Pensions to show that during the last fiscal year 339 indictments were found "against the violators of the pension laws." "Upon these indictments," he says, "167 convictions resulted." Inasmuch as an indictment is not proof of guilt, it would have been more accurate to have said that 339 persons were indicted for alleged violations of the pension laws. They are not "violators" until convicted. The President, after citing those figures, remarks that in his opinion, "based upon such statements as these and much other information and observation, the abuses which have been allowed to creep into our pension system have done incalculable harm in demoralizing our people and undermining good citizenship."

There are \$70.678 names on the pension roll, and the annual payments aggregate about \$140.000.000. That some abuses have crept into the system is doubtless true, but the fact that only 167 persons were proven guilty last year will be accepted as convincing proof that these abuses are few and small as compared with rascalities that have frequently shown up in other departments of the public service. The number of convictions is about one-seventieth part of 1 per cent of the number of pensioners.

And that is upon the assumption that these convictions have all

And that is upon the assumption that these convictions have all been found against persons drawing pensions, and not against other parties who were interested in getting pension claims allowed, or as witnesses in pension cases.

And it should be borne in mind-

Continues the Post-

that the hunt for pension frauds during the last fiscal year was prosecuted with great vigor. The best detective talent and the most vigorous prosecution were given, and very properly so, to that work. All good citizens,

including the pensioners and their comrades, believe that it is eminently politic to hunt down and punish violators of the pension laws, so that the roll may be kept, as it always has been, a roll of honor. And when the Administration, after a year of unremitting effort, backed by unlimited means, reports the conviction of only 167 frauds, and a disbursement of \$140,000,000 to almost a million pensioners, the old soldiers and their friends point with pride to the Pension Bureau, and challenge comparison between that and other branches of the service which present possibilities of rascality.

We do not think the figures quoted by the President would convince an optimist that the abuses of the pension system have "demoralized our people" or "undermined good citizenship" to an alarming extent. There is not a church in the United States that would be surprised or feel disgraced if one-seventieth of 1 per cent of its membership were sent to the penitentiary in any one year. The Post-Office Department or the Treasury would not be shocked if such a fractional percentage of its employees proved dishonest. The fact is that the results of the long and strong hunt for pension frauds have strengthened the system in public confidence. The country does not regret but is proud of its generous treatment of the men who saved the Union from disruption. As to the Pension Bureau, it has, under the present Commissioner, ceased to be a political factor, and there is some reason to hope that its tranquillity may not again be disturbed by the wild waves of partisan strife and commotion.

Without giving my entire assent to the closing paragraph of

Without giving my entire assent to the closing paragraph of that editorial, as I do not believe the Pension Bureau has ever been used for political purposes, I am satisfied, after having read it, to simply express my judgment upon this continuous and unjustifiable attack by the Executive of the United States upon the pensioners of this Government, and his iterated and reiterated assertion that the relief those who are drawing pensions is not a pensioners of this Government, and his iterated and reiterated assertion that the roll of those who are drawing pensions is not a roll of honor, and that there are rascalities and disgraces connected with it that are not to the credit of the men who fought for our Government and our flag. I am content to leave the discussion of the question at this point. I am sure that the Congress of the United States at least will never indores sentiments such as I have read from the annual message of the Chief Executive, but that Congress will to-day, as heretofore, stand by the soldiers in all their just rights and be willing to grant them what the Government solemnly pledged its honor to do for them when they enlisted under the banner of our flag and our Constitution in the

Government solemnly pledged its honor to do for them when they enlisted under the banner of our flag and our Constitution in the matter of providing liberally for them and their dependent ones.

Mr. HAWLEY. Mr. President, I have not attempted to make a careful estimate of the figures in the case, but in finding a percentage of corruption in this matter not only the 900,000 pensioners should be counted, but the two or three witnesses in each case, claim agents, and all who are involved in it. They are among the persons against whom indictments might be found. The total number among whom the conviction of 167 persons should be disnumber among whom the conviction of 167 persons should be distributed is probably not less than 2,000,000. If out of 2,000,000 people who either draw pensions or have been witnesses or agents only 167 have been convicted after very diligent search and prose-

only 167 have been convicted after very diligent search and prosecution, I think it is a most amazing record of honesty.

The VICE-PRESIDENT. The bill will be read.

The Secretary read the bill.

Mr. HALE. The Committee on Appropriations has no amendments to propose.

The bill was reported to the Senate without amendment, ordered

to a third reading, read the third time, and passed.

PRIVATE LAND CLAIMS IN LOUISIANA.

Mr. BLANCHARD. I now renew my request for unanimous consent for the present consideration of the bill (S. 1624) to quiet

consent for the present consideration of the bill (S. 1624) to quiet title and possession with respect to certain unconfirmed and located private land claims in the State of Louisiana.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Private Land Claims with amendments.

Mr. PLATT. I wish the Senator from Louisiana would give a

Mr. PLATI. I wish the Senator from Louisiana would give a short explanation of why this bill is necessary. One does not get it from the reading of the bill.

Mr. BLANCHARD. I shall be glad to do so.

Mr. President, this bill comes with the unanimous report of the Committee on Private Land Claims of the Senate. Its pur-

pose is to authorize certain parties in Louisiana, who claim cerpose is to authorize certain parties in Louisiana, who claim certain rights under land grants, to have them adjudicated in the courts of the United States at New Orleans. I can best give the Senate information about the bill by reading certain extracts from the report of the Committee on Private Land Claims of the Senate. Without reading all of the report, I call attention to the concluding part of it, in which it is said:

the concluding part of it, in which it is said:

From a variety of causes it now appears that about 288 claims, aggregating about 80,000 acres of land, remain prima facie unconfirmed and unrecognized by any of the agencies of the United States heretofore referred to, and are borne upon the records of the Land Department as "unconfirmed claims." They form a separate and distinct kind of claim, peculiar, it seems, to the State of Louisiana, and have a history and literature peculiarly their own. They have never, it seems, fallen under the suspicion of fraud or irregularity in the circumstances leading to their inception, and the fact that the average quantity of land in each of them is only about 280 acres, and that all or nearly all of them have been in possession and cultivation time immemorial would seem to render such a suspicion entirely out of the question.

Under a resolution of the Senate of December 2, 1879, the Secretary of the Interior submitted a schedule or tabular statement of these claims, prepared by the surveyor-general of Louisiana and accompanied by a report made by that officer under date of February 19, 1880. The whole constitutes Senate Executive Document No. III of the second session of the Forty-sixth Congress, and your committee have obtained from the very full and minute history afforded by it much of the information contained in this report.

I will call the attention of the Senator from Connecticut to this

As early as 1874 the surveyor-general had urged in his annual report a general act of relinquishment of all the supposed right and title of the United States in these lands, without the necessity of the claimants taking any action whatsoever. (See General Land Office Report for 1874, pp. 75-79.) And again in the year 1877 he repeats the recommendation, strengthening it by referring to similar action by Congress with respect to similar claims in Missouri, as contained in the act of June 12, 1868. (14 Stat. L., 62.)

Without wishing to go as far as these recommendations do, your committee are impressed with the justice of extending some simple and inexpensive mode of relief to these claimants. The subject was referred for report to the Secretary of the Interior, who, by letter of February 14, 1996, transmitted to the committee, with his approval, the views of the Commissioner of the General Land Office as contained in that officer's report of February 11, both of which your committee herewith submit as an appendix to this report.

It will be observed that these officers approve of the plan of adjustment contained in the bill under consideration, with some unimportant aments, and your committee think their recommendations are just and should prevail.

It would seem, therefore, Mr. President, that the bill has not only the sanction of the Committee on Private Land Claims of the Senate, but of the Secretary of the Interior and of the Commissioner of the General Land Office. In addition to that, the surveyor-general of Louisiana in 1874 and again in 1877 made recommendations similar to those made by the committee in this report, a part of which I have read.

The quantity of land is only about 80,000 acres.

States make no claim whatever to it, and this bill merely furnishes a method by which these parties can go into the Federal

ourt in New Orleans and establish their rights.

The VICE-PRESIDENT. The amendments reported by the Committee on Private Land Claims will be stated.

The first amendment was, in section 4, line 9, after the words "evidence of," to strike out "title" and insert "titles;" and in line 11, after the words "hundred and," to strike out "eighty
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in" direct the words "hundred and six" and insert "sixty-six;" so as to make the section read:

six" and insert "sixty-six;" so as to make the section read:

SEC. 4. That the district court of the United States for the eastern district of Louisiana, holding sessions at New Orleans, in said State, shall have jurisdiction to hear and decide, according to the rules of a court of chancery, all suits brought under this act, and the practice of said court shall be the same as was provided for the district court of the United States for the eastern district of Missouri, under sections 2, 3, 4, and 5 of an act entitled "An act authorizing documentary evidence of titles to be furnished to the owners of certain lands in the city of St. Louis," approved June 12, 1864, 14 Statutes at Large, page 62, except that it shall not be necessary to make any parties defendant in any suit save the United States, and neither party shall in any event recover costs or expenses against the other, but each party, whether on appeal or otherwise, shall pay all the costs and expenses whatsoever by him incurred.

The expense december was accreed to

The amendment was agreed to.

The next amendment was to insert as a new section the follow-

SEC. 8. That whenever a final decree in any case shall be rendered under this act it shall be the duty of the clerk of the court rendering the same to transmit without delay to the Commissioner of the General Land Office a full, true, and complete transcript of the same.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. Chapell, one of its clerks, announced that the House had agreed to the amendment of the Senate to the bill (H. R. 3771) for the relief of Stratton H. Benscoter.

The message also announced that the House insisted upon its The message also announced that the House insisted upon its amendment to the bill (S. 1291) granting an increase of pension to Celeste A. Boughton, widow of Bvt. Brig. Gen. Horace Boughton, agrees to the conference as ed by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. Crowther, Mr. Kirkpatrick, and Mr. Baker of Kansas managers at the conference on the part of the House.

The message further appropried that the House insisted upon its

The message further announced that the House insisted upon its amendment to the bill (S. 1511) granting a pension to Mrs. Jane Stewart Whiting, agrees to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. Crowther, Mr. Kirkpatrick, and Mr. Baker of Kansas

managers at the conference on the part of the House.

The message also announced that the House insisted upon its amendments to the joint resolution (S. R. 162) continuing in force section 2 of the act approved June 3, 1896, entitled "An act to repeal section 61 of 'An act to reduce taxation, to provide revenue for the Government, and for other purposes,' "which became a law August 28, 1894, agrees to the conference asked by the Senate on the discretization of the true laws the received the senate of the true laws the received the senate of the disagreeing votes of the two Houses thereon, and had appointed Mr. Evans, Mr. Russell of Connecticut, and Mr. McMillin managers at the conference on the part of the House. The message further announced that the House had passed the

following bills; in which it requested the concurrence of the

Senate:

A bill (H. R. 514) to remove the charge of desertion from the military record of Wear Crawford;

A bill (H. R. 596) for the relief of Ellis H. Roberts;
A bill (H. R. 4223) for the relief of Curtis P. Wise;
A bill (H. R. 4853) for the relief of John Duncan;
A bill (H. R. 6143) for the relief of Peter Young;
A bill (H. R. 6533) for the relief of A. A. Hosmer;
A bill (H. R. 6750) to authorize the mayor and city council of
Monroe and the police jury of the parish of Ouachita, La., to construct a traffic bridge across the Ouachita River opposite said city;
A bill (H. R. 7282) for the relief of Charles T. Trowbridge,
George D. Walker, and John A. Trowbridge;

A bill (H. R. 7282) for the relief of Charles T. Trowbridge, George D. Walker, and John A. Trowbridge;
A bill (H. R. 7906) to grant an honorable discharge to Adam Hand as first lieutenant of Company B, One hundred and eighty-fourth Regiment Pennsylvania Volunteers;
A bill (H. R. 8197) for the relief of John J. Guerin;
A bill (H. R. 9469) to constitute a new division of the eastern indical district of Toward Language and the light of the second translation.

judicial district of Texas, and to provide for holding of terms of court at Beaumont, Tex., and for the appointment of a clerk for said court: and

A bill (H. R. 9472) to amend chapter 111 of the acts of the third session of the Fifty-third Congress.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the Vice-President:

A bill (H. R. 724) granting an increase of pension to Helen M. Mallery

A bill (H. R. 2306) to amend Title LX, chapter 3, of the Revised Statutes, relating to copyrights; and A bill (H. R. 3245) granting a pension to Elvira Bachelder.

THE REVENUE BILL.

The VICE-PRESIDENT. The Calendar under Rule VIII is in der. The first case will be called.

order. The first case will be called.

Mr. VEST. I do not see the Senator from Nebraska [Mr. Allen] in his seat, but I wish to call up the Dingley bill, in order to submit some remarks upon it.

The VICE-PRESIDENT. The title of the bill referred to by

The title of the bill referred to by

the Senator from Missouri will be stated.

The Secretary. A bill (H. R. 2749) to temporarily increase revenue to meet the expenses of Government and provide against

a deficiency.

Mr. VEST. Mr. President, I am aware that in criticising the details of this bill I violate the maxim of de mortuis nil nisi bonum, and but for the fact that a number of very well-meaning persons persist in calling for its passage I should not allude to the bill at all. It seems to me that the Senate and country have not appreciated the full meaning of this extraordinary measure. It is one of the most extraordinary bills ever introduced into Congress—extraordinary not only in its provisions, but in the manner of its birth and inception. The Administration, protesting there was no deficit in the Treasury and deprecating an evaporating gold reserve, suggested to Congress the necessity of some legislation looking to a relief from our financial embarrassment, intimating in strong terms the advisability of some scheme authorizing a loan at lower interest and the retirement of Treasury notes, the convertibility of which was urged as the root of our moneyed ills, and begging that Congress should take no holiday recess until the situ-

tation should be relieved.

The House of Representatives, fearful of the political responsibility of ignoring this prayer in the face of the country, clamorous for some settlement of our currency question, pigeonholed the resolution of adjournment which had already reached them from the Senate, and then, sensible of the absurdity of hanging on through the holiday season without an effort at legislation, proceeded to the immediate passage of the Dingley tariff bill, for which there had been no administrative demand, and which, on the contrary, had been pronounced entirely unnecessary

Its inspiration came not from the woolgrowers, for the head of their association, Mr. Lawrence, lingered at the door of the House committee room, and could get no audience of that committee whereby he might demonstrate, as he had been endeavoring to do for a month past, the utter insufficiency of the McKinley rates to prevent woolen manufacturers from purchasing some wool abroad to furnish employment for American labor, and he now withholds his approval of this proffered bounty and denounces in unstinted terms the inadequacy of the proposed rate, having called upon his association to send their alleged million votes by proxy for a demonstration against the bill at the national capital on January 20, 1897.

This bill was not inspired by the woolen manufacturers, for many of them say that the proposed rates are prohibitory on all wools of large shrinkage. It came not from the iron men, for they are unanimous in declaring that no form of iron needs a cent more of protection above the high rates of the present law, except cotton ties and tin plate.

In this connection, Mr. President, I call attention to a report just made by the special agent of the Secretary of the Treasury

upon tin plate. I repeat now what I had the honor to state in January last when discussing the proposed sale of bonds, that when the Wilson bill was pending before the Senate it was proposed on the part of the tariff reformers-those of us who believe in a tariff for revenue and not for protection—that the duty upon tin plate, which under the McKinley Act was 2.2 cents per pound, should be reduced 1.1 cents, making it 1.1 cents, as it is now in that act. We were met with the protests of the protectionists, and with the prophecy by the Senator from Rhode Island [Mr. Aldrich], the most active of all the protection element in this Chamber, that if it cent should be taken from the protective duty upon tin plate it would absolutely destroy that industry in the United States.

Mr. ALDRICH. I am sure the Senator from Missouri does not wish to misrepresent me.

Mr. VEST. Not at all.
Mr. ALDRICH. I made no such statement.
Mr. VEST. But the Senator did make it when we were dis-Mr. VEST. But the Senator did make it when we were discussing the Wilson bill.

Mr. ALDRICH. I beg the Senator's pardon. He will find no

such statement made by me.

Mr. VEST. Well, Mr. President, I do not think my memory is at fault, and I will refer to the Record hereafter; but I assert that it was the contention on the part of the protectionists. Does the Senator deny that? Did he not resist the decrease of the duty men tin plate?

upon tin plate?
Mr. ALDRICH. I resisted the decrease of the duty upon tin plate, for the reason that I believed then, as I believe now, that if there had been no reduction of the rate fixed by the act of 1890 instead of having half the market for American producers we

should have had the whole of it.

Mr. VEST. Mr. President, I reassert—and the debates upon the Wilson bill will prove that I am absolutely correct—that the whole protection vote of this Chamber was cast against that decrease of duty; and the contention in that debate was that if we took 1.1 cents off from the protective duty on tin plate it would result in disaster to the American industry and put the consumers of this country absolutely at the mercy of the Welsh producers of tin plate. I read in January last, when discussing the bond issue and incidentally the tariff question, the report which had come from Mr. Ayer, the special agent of the Treasury Department—and he can not be accused of any proclivities toward my side of the question—showing that even then there had been a large increase in the productive capacity of the tin-plate manufactories in the United States; and I now ask the Secretary to read from his last report, made nearly a year afterwards, the part which I have marked to show that the increase of the manufacture of tin plate continues under the reduction of 1.1 cents a

The VICE-PRESIDENT. The Secretary will read as requested.

The Secretary read as follows:

OFFICE OF SPECIAL AGENT, TREASURY DEPARTMENT, Custom-House, New York, October 23, 1896.

Sin: I have the honor to report that during the fiscal year ended June 30, 1896, the production in the United States of commercial tin and terne plates was 307,228,621 pounds, against 193,801,073 pounds produced during the previous fiscal year, showing thereby an increased production of more than 58 per cent.

Mr. VEST. Mr. President, no object lesson can be more significant than this. The contention on the part of those of us who opposed the McKinley rates of tariff taxation was that the duties were too high, that the American manufacturers would succeed and prosper under reduced duties, and that there was no necessity for putting these enormous burdens upon the consumers of the United States in the name of American industry. Two and two-tenths cents, as I now repeat, was the duty upon tin plate under the McKinley tariff law. At the point of the legislative bayonet we reduced that duty 1.1 cents a pound, and now we have this report showing that there has been this enormous increase in the American production of tin and terne plate with that reduction of duty.

Mr. ALDRICH. Will the Senator allow me?

The VICE-PRESIDENT. Does the Senator from Missouri yield to the Senator from Rhode Island?

Mr. VEST. Certainly.
Mr. ALDRICH. The Senator from Missouri is familiar with the conditions of the iron and steel industry in the United States, the conditions of the iron and steel industry in the United States, and being thus familiar, he is undoubtedly aware, as every other gentleman is who is familiar with the subject, that the rates now existing under the so-called Gorman-Wilson law are more protective on the whole iron and steel schedule than were the rates of the McKinley bill at the time that the bill was adopted.

Mr. VEST. Oh, Mr. President—

Mr. ALDRICH. A great change has taken place in the condition of the iron and steel industry here and abroad.

Mr. VEST. That is the old story with which the Senator undertook to answer me in January last, as the Record will show, when I called attention to the increased production of tin and terne plate at that time in the United States, and I reply to him now, as

I did then, that he can not evade this argument as to a specific article by saying that the whole of the iron and steel schedule is protective in the Wilson law.

I take, now, an article which has been conspicuous in the tariff discussion, an article which has repeatedly come before Congress claiming additional protection, and I show that after we reduced the rates of the McKinley Act 1 cent per pound there has been an unprecedented and unparalleled increase of production on the part of the manufacturers in this country.

Mr. ALDRICH. Will the Senator from Missouri allow me

another interruption?

Mr. VEST. Certainly.

Mr. ALDRICH. In 1890, when the rates were imposed upon tin plate, the Senator from Missouri and his friends said it was physically impossible to make any tin plate in the United States, and they said also that the duty of 2.2 cents per pound would be added to the price of every pound of tin plate sold in the United States subsequent to that time. The results have shown, as stated in the article read by the Senator from Missouri, that last year one-half of the tin plates consumed in the United States was made in the United States.

We could show also by figures that instead of the price having been increased by the rate of 2.2 cents per pound it never has been so low as it is to-day; that there has been a constant reduction in price from that day to this. These results are owing, first, to the protective tariff imposed by the act of 1890, and second, to

to the protective tariff imposed by the act of 1890, and second, to the protective duty of 1.1 cents a pound, a specific duty imposed by the Senator from Missouri and his friends in the act of 1894. If you had treated tin plate as you did some other products in that bill, namely, by imposing a small ad valorem rate upon it instead of a high specific, that industry would have been prostrated.

Mr. VEST. No matter what may have been said in discussion or in debate by myself or by anybody else, the fact remains, and it can not be obscured by the Senator from Rhode Island, that he and his protection friends placed in the McKinley Act a protective duty of 2.2 cents a pound upon tin and terne plate, and they did it because they said it was necessary to build up the manufacture of those articles in this country. Of course I opposed that increased duty. I have opposed every increased duty, and I have done so upon the broad ground that it comes from the pockets of the consumers of this country. the consumers of this country

Now, when we reduced that duty 1 cent a pound in the Wilson Act against the opposition and contention of the Senator from Rhode Island and his associates, we find that the directly opposite result has come from what he then prophesied, showing that the duties in the McKinley Act were too high, that they

oppressive and exorbitant.

The Senator from Rhode Island does not agree with the President-elect of the United States in regard to the cause of the increased production of tin plate in this country. I read the other day an interview with Mr. McKinley at Canton upon the tariff question, in which he accounted for the increased production of tin plate in this country by saying that it was the economical production caused by the natural oil which had been applied to tin-plate manufacture in Indiana. After I saw that statement I turned to the list of manufacturers of tin and terne plate in the United States, old and new, and I found that there were 77 new manufacturers, and out of that number but 5 are in the State of Indiana. So Mr. McKinley must be mistaken when he ascribes the enormous increase of production and the cheapening of prices in this country to the use of natural oil.

No, Mr. President, these facts can not be answered except by a surrender on the part of the Senator from Rhode Island and his associates of the contention that the enormous duties in the McKinley Act were necessary to the manufacturers of the United States. This bill, I repeat, comes not from the iron men, for they are unanimous in declaring that no form of iron needs a cent more of protection above the high rates of the present law, except cotton

ties and tin plate.

It is but a spasmodic effort to discredit the act of 1894, that freed the people from so many burdens, gave them higher prices for their wools, built more woolen mills, increased the wages of the operatives, gave the people cheaper and better clothes, and put in the Treasury from woolen goods as much money as the McKinley rates realized in 1894 from both wools and woolens. It is a crude, badly constructed makeshift, and even the dignified report upon the bill admitted that it was "not a measure of what might be done when all branches of the Government are in harmony with the majority of the House on protection lines, as a majority hope can be done in 1897–98."

There has never yet been a tariff placed upon wool which was not a disappointment to its friends and denounced by the men it

was intended to benefit.

The records of Congress will bear melancholy proof that every wool tariff has been followed by disaster to the trade and a clamor for more protection. The opium habit has no stronger hold upon for more protection. The opium habit has no stronger hold upon its unfortunate victims than has the protection habit. It was

fondly imagined that the McKinley bill had reached the summit of protectionist demands, and that belief carried with it the comfort that, come what might, no more could ever be asked. Yet, in his letter of December 26, 1895, the head of the Wool Growers' Association says:

Under it prices of wools constantly declined, and the inevitable result would ave been a failure to secure prosperity to American sheep husbandry.

Even in Texas, where the cost of growing wool is as low, if not less, than in any other State, sheep declined in numbers from 4,218,812 in 1890 to 2,859,269 in 1894.

Now, look at the results under the free-wool period. With domestic wool constantly declining in price under the rates of the McKinley bill, which let in foreign cloths, paying over 100 per cent duty, reduced wages, and shut up factories, we find the home cent duty, reduced wages, and shut up factories, we find the home supply totally inadequate for the revival of our manufactures under a free-wool system, and we not only exhaust our home supply of wools, but import 250,000,000 pounds of foreign wools to keep busy the wheels of the old mills, and supply more new mills than were ever built in a single year before, and this not on a declining price for wools, but on one higher than four years of McKinley rates had left them.

The year 1895 built more wills for the signal of the sig

The year 1895 built more mills for textile work than any year under the high McKinley rates and built 61 new woolen mills, against 45 in 1894

The Wool and Cotton Reporter, commenting on the growth of our carpet trade, says:

It may be assumed "that if cloth and dress-goods manufacturers had been afforded their raw material at equally low rates (with carpet wools) during the same period they would have obtained equal control of the home market." (January 2, 1896, page 19.)

And a prominent importer of woolen goods says-

That with only a year and a half of free wool the domestic manufacturer has made such strides as to control the market; that present rates are practically prohibitory, and the imports of woolen cloths are bound to decrease. With a margin of 50 per cent the home manufacturer can easily undersell the foreign goods of like grades.

In order to test the accuracy of that prediction, I call attention to the statement of the Treasury Department just made for September, 1896, which shows that in 1895, for the nine months end-

In order to test the accuracy of that prediction, I can attention to the statement of the Treasury Department just made for September, 1896, which shows that in 1895, for the nine months ending with the month of September, there were imported into the United States woolen goods amounting in quantity to 56,958,193 pounds, of the value of \$87,528,761. In 1896, for the nine months ending with September, there were imported into the United States of woolen goods 35,932,642 pounds, of the value of \$56,615,877, showing that the prediction which I have incorporated in my remarks made more than a year ago has come true and the importation of woolen goods has fallen off from \$87,528,761 in 1895 to \$56,615,877 in 1896.

The proposed bill is nearly impossible of administration. The horizontal bill of 1884 was simplicity itself compared with this, yet that brought a protest from the Treasury Department on account of the difficulties which conditional rates would involve. This bill reenacts the McKinley law, and to determine a rate it will be necessary to consult not only the new bill, but the Wilson Act, the McKinley Act, and the market price of any given article to determine what rate is to be applied.

Take as an instance—and not a lone instance by any means, but one is enough—the ordinary article of toilet soap. The last soap of this description which came under the McKinley rate was worth 42 cents per pound and the duty was 15 cents per pound, or a little above 35 per cent ad valorem. The Wilson law made the rate 35 per cent. Now, the 15 per cent proposed additional duty will carry it above the McKinley rate, and therefore the McKinley rate is to apply for the present. If the price advances a little, so that the McKinley ad valorem falls below the Wilson 35 per cent, then the Wilson rate is to apply, but if in this age of declining prices and in the utilization of hitherto waste products the price of soap should decline, or if only cheaper grades are imported, then neither the McKinley nor the Wilson rate is to apply, keep track of the range of prices and the change of rates. scheme is absurd. The instanced soap problem is simple in com-parison to that of cotton cloth, where the intricate classification of the number of threads to the square inch in the old law is revived and the Wilson method of an ad valorem duty on the yard and pound must be both compared and prices watched to determine the possible rate which may be applicable at any particular hour

of entry.

The probable results of this tariff bill upon the revenues under The probable results of this tariff bill upon the revenues under the wool and woolen schedule have been estimated from three standpoints. The friends of the bill take the importations of wools and cloths in the last year under the reduced Wilson rates and assume a like importation under the proposed prohibitory rates, thus securing an apparent increase of \$12,000,000 from wool duties and nearly \$19,000,000 from woolens. The Treasury Description of the proposed prohibitory proposed prohibitory are the least received by the proposed prohibitory of the proposed prohibitory pr partment takes the year 1893 as the last normal importation of

both wools and cloths, undisturbed by any panic or threat of tariff revision, and from this they estimate there will be an increase of but \$6,000,000 from wool and no appreciable increase from woolens over the receipts of 1895. The last estimate takes the fiscal year 1895 for a basis, and this gives six months' importations of

woolens under the prohibitory McKinley rates and six months under the reduced Wilson rates, and gives as a result \$12,000,000 increase in the wool duties and \$10,000,000 increase in woolens.

Of course each individual who gives a thought to the subject will select his own basis for an estimate, but it is worth noting that the men most directly interested—the woolen manufacturers—vehemently insist that the specific rates proposed are absolutely applyingly applyingly applyingly applyingly applyingly applying the subject of large propiets and successful the subject of large propiets and successful the subject of large propiets are absolutely applyingly applying a possibly applying a proping applying a possibly a possibly applying a possibly applying a possibly a po ers—vehemently insist that the specific rates proposed are absolutely prohibitory on all foreign wools of large shrinkage and shut them out as possible bidders for lots of foreign wools now needed in their business. They are, however, still under the fear of the threats of the wool men, who claim a million votes, and perhaps these manufacturers may be induced to hold their peace or even be scared into an approval of the change proposed. Meanwhile it is refreshing to notice what even partison bias can not while it is refreshing to notice what even partisan bias can not misinterpret, and that is the wonderful advance which our woolen mills have made in the last year. They have secured the home market. The heavy importations of wools only prove the success of the home manufacturers; and while the importations of woolens were heavy at first, to fill the depleted shelves of the jobbers, the interpretations of the secured that it is the secured that the secured the secured that the s ens were heavy at first, to fill the depleted shelves of the jobbers, the importers are emphatic in saying that with free wool even the Wilson rates upon cloths are prohibitory, and that woolen importations will surely decline, even without any change in the law. We manufactured in 1895 nearly 550,000,000 pounds of wool in this country, an amount never before approached, and a return now to the old system will mean disaster to the manufacturer, and he recognizes this to an extent that has set him to demanding an ad valorem duty upon wool. The cry is almost universal from manufacturing centers, "Give us, if any, an ad valorem tariff on wool," and some of the manufacturers even claim that they can better stand an ad valorem of 60 per cent on wool rather than better stand an ad valorem of 60 per cent on wool rather than the proposed specific rate, which does not reach 40 per cent on the average imported wools, though prohibitory on many others.

I ask the Secretary to read this estimate from the Treasury

Department as to the revenue results of the proposed Dingley tariff

The VICE-PRESIDENT. The Secretary will read as requested. The Secretary read as follows:

TREASURY DEPARTMENT, BUREAU OF STATISTICS, Washington, D. C., December 31, 1895.

We have taken the imports of wool and woolens for consumption during the year ending June 30, 1893, as nearer the normal than 1894 or 1895. In the fiscal year 1893, under the McKinley law, there were collected on raw wool \$8,147,220, or 44.27 per cent ad valorem. The estimated duties on raw wool, according to the rates of the Dingley bill, would be \$6,244,191, or 33,93 per cent ad valorem, showing an increase over the Wilson bill by the latter amount.

amount.

On manufactures of wool the McKinley law, in the fiscal year 1893, produced in duties \$36,451,552, or 98.55 per cent ad valorem. The rates of the Dingley bill on the same importations would produce \$27.937,712, or 75.73 per cent ad valorem. But as the Wilson bill did not take effect on manufactures of wool until January 1, 1895, we have not a complete year's duties under that bill.

Diving the year or all the control of the cont

that bill.

During the year ending June 30, 1895 (six months McKinley and six months Wilson bill), the duties were \$20,688,268. Taking the actual collections under the Wilson bill during the nine months ending September 30, 1895, and estimating the duties on the imports of the remaining three months at the actual ad valorem rate collected during the nine months ending September 30, 1895, viz, 47.74 per cent ad valore—we find that the duties collected during the calendar year 1895 under the Wilson bill would be about \$28,000,000, or about the same amount as would be collected at the rates of the Dingley bill if the imports were as in 1893.

On this basis of calculation the Dingley bill would not produce more than the increased duties on raw wool.

Mr. VEST. When I addressed the Senate in January last I made the assertion, and produced market quotations to substantiate it, that under the McKinley tariff law the prices of domestic wools in the United States had constantly and fearfully decreased; that from year to year while that law was in effect the prices of wools in the Boston market went down, and that the enormous duty upon wool imposed by the McKinley Act did not benefit, as Mr. Lawrence, the shepherd king of Ohio, says, the producer of wool or the woolgrower in this country. I will not repeat what I said then, but I ask permission to insert in my remarks the table which I then produced and which is of as much force now as then.

WOOL.

MOOL.

In September, 1891, about one year after the McKinley bill took effect, Ohio, Pennsylvania, and West Virginia XX was worth in the Boston market 30 to 31 cents.

In October, 1892, the same grade was worth in the same market 28 to 29 cents, being a fall of 2 cents a pound.

Ohio, Pennsylvania, and West Virginia X was worth in September, 1891, in the Boston market 29 to 30 cents.

In October, 1892, it was worth in the same market 27 to 27½.

In September, 1891, No. 1 was worth in the Boston market 35 to 36 cents, and No. 2 33 cents.

In October, 1892, No. 1 was worth in the same market 32½ to 33 cents, and No. 2 31½ to 32 cents.

In September, 1891, fine unwashed was worth in the Boston market 21 to 23 cents.

cents. In October, 1892, it was worth 19 to 20 cents.

In the Boston market in September, 1891, Michigan, New York, and New England was worth 27 cents.

In October, 1892, it was worth 25 to 26 cents.
In September, 1891, Oregon (seoured) was worth in the Boston market from 56 to 58 cents.
In October, 1892, it was worth 53 to 56 cents.
In October, 1892, 1891, Texas (scoured) was worth in the Boston market 60 to 62 cents.
In October, 1892, 56 to 58 cents.
In October, 1892, 56 to 58 cents.
In October, 1892, 56 to 58 cents.
These returns are taken from the official bulletin of the National Association of Wool Manufacturers for 1891 and 1892–33. This was under the McKinley law. Now I ask your attention to the operation of the Wilson Act. In September, 1894, immediately after the passage of the Wilson Act, XX wool, the same quality of Ohio wool, was worth in the Boston market 18 to 18 cents; December 19, 1895, it was worth in the same market 19 to 21 cents. Fine unwashed was worth in September, 1895, 12 to 14 cents. Fine unmerchantable was worth in September, 1894, 13 to 15 cents; December 19, 1895, it was worth 14 to 15 cents; showing a gradual improvement in prices during one year under the Wilson law. These figures are taken from the American Wool and Cotton Reporter for December 18, 1895, which I have and can produce if necessary.

But I called attention also to the fact that under free wool as

But I called attention also to the fact that under free wool as adopted in the Wilson tariff law the price of domestic wool had increased; that at the time that law went into effect in 1894, the price of XX Ohio wool, the test wool, in the Boston market was 18 to 19 cents; that under the provisions of the Wilson law at the time I spoke, in January, the price had gone up to 19 or 20 cents per pound. I was answered then with the prediction that that was a mere temporary thing; that the price would inevitably decline under the operation of the provisions of the derided Wil-

I have now before me the Boston market quotations just made, showing that last week the same grade of wool, XX Ohio and Pennsylvania, sold in the Boston market for 19 to 20 cents. So under free wool the price of domestic wool has increased in the United States notwithstanding the enormous importation of foreign wools. This price has held its own and remains stationary under the much-derided and abused law. There can be no illustration more pertinent or more unanswerable in regard to these two systems, the one the enormous duties on domestic wool under

two systems, the one the enormous duties on domestic wool under the McKinley law, the other the free-wool system which the Democratic party adopted in the Wilson Act. It is true, Mr. President, that the importation of foreign wools has decreased. I have here a statement which I saw in a news-paper this morning, taken from the official reports of the Treas-ury Department, in regard to all imports. For the month of Sep-tember the imports into this country decreased \$13,000,000, and for the eleven months ending with September they decreased \$117,-100,000. Why this decrease of imports into the United States? If there be anything in the old argument of a balance of trade in favor of this country we have it to-day. Yet I undertake to say the people of the United States were never suffering from greater business and monetary depression than now. I repeat that if the theory that the balance of trade causes prosperity to the country be true, why is it that we have not prosperity now, when we are exporting much more largely than we are importing? Why this decrease of imports? Because the people of this country are unable to buy either foreign or domestic goods. Why is it that to-day the manufacturers are complaining because they

country are unable to buy either foreign or domestic goods. Why is it that to-day the manufacturers are complaining because they can not sell to the jobbers, and the jobbers can not sell to the retail merchants, and the traveling men are going through the country deploring the fact that they are not able to collect and not able to sell? The balance of trade is in our favor. We are upon the gold standard.

We were told that if McKinley should be elected prosperity would flood this country like the sunshine of a summer day. McKinley was elected. Has prosperity come? Confidence was to be restored. Confidence, then, has been restored. What has been the result of this confidence? The people buy neither domestic nor foreign goods. Do you expect by increasing the tariff rates, as we are told now authoritatively must be done, that you will put more money into the pockets of the people; that you will give them greater ability to buy by increasing their taxes? And, Mr. President, the pretense is that this is to be done in order to get money to pay the ordinary expenses of the Government. Turn to your money statement put upon our desks this morning. The Secretary of the Treasury reports \$126,000,000 surplus money in the Treasury over and above the gold reserve—money idle, not used for any purpose whatever. What do you propose to do with your increased tariff taxation in the bill which the chairman of the Committee on Ways and Means advertises this morning is now in preparation and will be offered at the extra session? What do you propose to do with your increased duties? Put more money in the Treasury, to lie there idle and to he withdrawn from circus. you propose to do with your increased duties? Put more money you propose to do with your increased duties? Put more money in the Treasury, to lie there idle and to be withdrawn from circulation? Why, if the deficit should continue as now, which is not at all probable, until the middle of McKinley's Administration, it would not exhaust the \$126,000,000 of idle money we have on hand. Why should not that money be sent out amongst, the people?

We are told there is \$22.85 per capita circulation in this country. A more atrocious falsehood was never put in print or uttered by mortal man. This is a fictitious estimate; I care not whether made

by Mr. Foster or Mr. Carlisle. There is no such money in circulation in the United States. They take no account of the bank reserves, State and national. They amount to over \$600,000,000 at the least, locked up by law, that can not be used by the people nor paid out by the officials of those institutions. And yet they are counted from year to year until this moss-covered lie is absolutely accepted by many people as the truth. There is no such amount as \$22.85 per capita in circulation in the country.

What we want and must have in this country is more circulating medium. Do you expect to furnish it with your increased tariff duties?

ing medium. tariff duties?

We are told that with an increased tariff taxation to pay the Covernment relief will come to the people. How? expenses of the Government relief will come to the people.

expenses of the Government relief will come to the people. How? Increase taxes; pile up more money in the Treasury and add to the \$126,000,000 of idle money there to-day; withdraw it from circulation, and yet give relief to the people of the United States!

But, Mr. President, even if the absurd position should be taken that it is necessary to have more money in the Treasury, I deny that increased tariff duties will bring it. We can judge only by experience. If we turn to the Treasury reports in regard to tariff taxation it will be seen that the McKinley high rates decreased the amount collected from imports in this country. I hold in my hand a Treasury statement of the receipts and expenditures of the Government from its beginning until now. If we turn to the three McKinley years, taking the import receipts for 1890 (and the McKinley law went into effect, I believe, in October, 1890), there was collected in 1890 from import duties \$229,668,384.

Now, mark. In the year 1891, with an enormous increase of tariff duties, the import duties fell from \$229,832,000 to \$219,452,000.

452,000.

Now take the import duties for 1892, when the McKinley law was in full force and in uninterrupted operation. The duties collected continue to fall from \$219,452,000 to \$177,450,000, and in 1893 they went back from \$177,000,000 to \$203,000,000. But under the McKinley law at no time were the receipts from import duties as large as in the years preceding the enactment of that law. How is it possible, then, by increased tariff taxation, to do what our friends on the other side propose to do—put more money into the

Treasury?

I voted, Mr. President, against taking up the Dingley bill for consideration because I was opposed to it. I should vote against taking up any other bill increasing tariff taxation, because I am opposed to it. There is no necessity for any increase. It will be time enough to increase duties upon imports or to look after new sources of revenue when we have exhausted the idle money now in the Treasury.

In the Treasury.

Mr. MITCHELL of Oregon. May I call the attention of the Senator from Missouri to a fact? I suppose he takes into consideration the fact that taking the duty off of sugar alone reduced the amount of income some \$52,000,000.

Mr. VEST. That is true, but the McKinley Act enormously increased the duty out of all proportion upon other articles. We collected under the McKinley law upon imports of woolen goods 100 per cent. The appraised valuation of these woolen cloths at the custom-houses was some thirty-six million five hundred and the custom-houses was some thirty-six million five hundred and odd thousand dollars, and we collected within a fraction of the

same amount in duty.

No, Mr. President, I repeat that the only relief you can give to this country, as much as it may be derided, as much as I may subject myself to the oft-repeated charge of being a lunatic and an anarchist and a repudiator, is in giving more money to the an anarchist and a repudiator, is in giving more money to the people. No country can be prosperous with an increasing population and a decreasing volume of money. You have a system now which congests the money of the country. It is found in the banks and money centers. It is said that we have \$600,000,000 in gold. Does it circulate among the people? Does it relieve the middle and lower classes of people in the United States?

Mr. President this issue can not be smoothered by heavening the people.

middle and lower classes of people in the United States?

Mr. President, this issue can not be smothered by abuse and ridicule. The man who thinks that the last election has terminated the struggle is unfit to legislate for a free people; he knows nothing about the great popular impulses and heart throbs that sent millions to the polls for free silver. If we are anarchists and lunatics when we ask that the mints be opened to the free coinage of silver, then this country is lost, because there were 6,499,000 American freemen who stamped themselves as lunatics and anarchists at the election in November last. William J. Bryan, the "bov orator," who has been caricatured and slandered and ridi-"boy orator," who has been caricatured and slandered and ridiculed, polled 47.1 per cent of the entire vote, and McKinley's popular majority was barely 600,000 in a poll of nearly 14,000,000. If there be in this country 6,499,000 anarchists and lunatics and enemies of the public welfare, God help the Republic and free institutions are also as a second secon institutions; we are lost.

But it is a vile slander. The men who voted for Bryan are as honest and patriotic and law abiding as any upon the face of the earth. We do not propose to be ridiculed out of what we think to be right and just. We are for equality. We adhere to the prin-ciples which the fathers of the Republic declared, that there should be no monopolies, no class legislation, no exclusive privileges; and the single gold standard is the vilest monopoly that was ever manu-

factured in the brain of mortal man.

Mr. President, I do not care to say more of that election than that, in my opinion, it was a parody upon popular government and free institutions. For one I am curious to know what will be the result of the investigation proposed under the resolution of the Senator from Nebraska [Mr. ALLEN]. I should like to understand why in the new and growing States of Texas and the West there has been no increase of population in four years, while in the old, finished, and complete States of Ohio, Indiana, and Illinois there has been an enormous increase, such as never was found before in any carses of the United States. before in any census of the United States.

I am constrained to believe that the Senator from New Hampshire [Mr. Chandler] was correct when in a published interview he declared that the St. Louis convention was honeycombed with corruption; that the delegates were bought and sent there for the sole purpose of nominating Mr. McKinley. This was no ebullition of partisan passion or of personal zeal for Mr. Reed; for the distinof partisan passion of of personal zeal for Mr. REED; for the distinguished Senator from New Hampshire afterwards, in a deliberate letter to the Senator from Massachusetts [Mr. Lodge], wherein he undertook to explain why Mr. McKinley had divided the approbation of the New Hampshire Republicans with Mr. REED, reiterated the charge and declared that every word he had uttered in regard to the composition of the St. Louis convention was true.

Sir, when the average American citizen hears from such high Republican authority that the convention which nominated the candidate of the Republican party was made up of delegations procured by money, that the delegates were sent there by the use of money, he is very apt to inquire how the stream that comes

from so corrupt a source can be pure.

Mr. ALDRICH. Mr. President, I have no disposition to try to follow the Senator from Missouri in his arguments to-day, but he has made two statements to which it seems to me some attention should be paid, as they are certainly very misleading. I have no doubt one of them grows out of his defective memory as to what occurred in the Senate at the time when the Wilson bill was under discussion here.

The Senator from Missouri stated that the Republican Senators resisted the reduction of a cent a pound on tin plate, saying that if the reduction were made it would ruin the industry, and that the Republicans sought to maintain the McKinley rates upon that

The facts are not as stated by the Senator from Missouri. When this subject was before the Senate for consideration, as the RECORD, page 5144, will show, I moved that the rate be increased upon tin plates from 1.2, which was the rate recommended by the committee, and is the rate in the existing law, to 1.5, an increase of three-tenths of a cent a pound; and the reasons which I stated were that the rate upon black sheets as fixed by the same I stated were that the rate upon black sheets as fixed by the same bill was 1.225 cents a pound, and the rate upon the finished product was 1.2. For the purpose of making the bill in itself harmonious, I moved to add three-tenths of a cent to the rate suggested by the committee, and nowhere in the course of that long discussion was a statement made by any Senator upon this side that it was necessary to maintain the rate of 2.2 cents, or that the rate that it was necessary to maintain the rate of 2.2 cents, or that the reduction suggested by the committee would ruin the indus-

try. So much for that.

The Senator stated, as I understood him, in the course of his remarks, that the woolen manufacturing industry of the United States had never been in its history as prosperous as it is to-day. No statement could possibly be wider of the mark. There never has been a time, I venture to say, in thirty years at least, when the woolen manufacturing industry of the United States was so depressed and so unsatisfactory as it is at this very minute. Petitions are coming here every day from the woolen manufacturers depressed and so unsatisfactory as it is at this very minute. Petitions are coming here every day from the woolen manufacturers of every section of the country imploring Congress by some method to give them relief from the existing condition of depression, and from the importations which threaten the very existence of the

interest

Mr. VEST. Mr. President—
The VICE-PRESIDENT. The hour of 2 o'clock having arrived. the Chair lays before the Senate the unfinished business, which will be stated.

The Secretary. A bill (H. R. 7864) to amend the immigration laws of the United States.

Mr. FRYE. I ask that the unfinished business may be laid aside informally that the Senator from Missouri may finish his remarks. The VICE-PRESIDENT. Is there objection to the request of the Senator from Maine? The Chair hears none. The Senator the Senator from Maine?

the Senator from Maine? The Chair hears none. The Senator from Missouri will proceed.

Mr. VEST. Mr. President, I am obliged to the Senator from Maine for his courtesy in suggesting that I should continue, but I will not detain the Senate more than a moment.

the duty upon tin plate from one cent and two-tenths to one cent and five-tenths per pound. Why he did so is utterly immaterial to this issue. I assert now, notwithstanding his statement—and I think the memory of every Senator who was then in this body will confirm what I state-that the duty proposed by the commit will confirm what I state—that the duty proposed by the commit-tee of one cent and two-tenths, which was a reduction of 1 cent per pound from the McKinley rate, was resisted by every protec-tionist Senator in this Chamber. I recollect distinctly that the junior Senator from Pennsylvania [Mr. QUAY] was persistent in his attempt to retain the original McKinley rate, and if he could do no better that the degreese should be simply fractional

do no better that the decrease should be simply fractional.

What I state, and that is the salient point I make, is that here was a test of the two systems, the one the high protective duty of 2.2 cents a pound upon tin plate in the McKinley Act and the other a duty of about one-half, or 1.2 cents, under the Wilson bill, and that under the reduction the industry of manufacturing tin and terne plate in the United States has increased in almost a fabulous degree. That is all. Whether I have misquoted the Senator from Rhode Island as to the words he used or not is utterly immaterial to the great truth which I have enunciated

and which the record shows

Mr. ALDRICH. Will the Senator allow me right there to ask him a question? Mr. VEST.

Mr. VEST. Certainly.

Mr. ALDRICH. Does the Senator attribute the large increase which has taken place in the production of tin plate in this country

which has taken producted of the product of the product of the existence of the duty fixed by the Wilson bill?

Mr. VEST. No, Mr. President, I do not. I think it would be well if that duty were reduced. I believe that the manufacturers in the United States, with our natural resources, can compete with foreign manufacturers with only the difference created by the cost of transportation and labor.

Mr. ALDRICH. I will ask the Senator another question. Does he think that if 20 per cent ad valorem or any other peculiar revenue duty had been fixed on tin plate at that time the price would have been proportionately less now?

Mr. VEST. I have not the slightest doubt of it. I think the

result has been achieved by the enterprise, capital, and natural resources of this country, by the improvement in machinery and the superiority of inventive skill and talent which make our labor the best in the world. Let any man go to Europe and look at their methods of production and then come home and look at ours. We talk about the difference in labor. The American workman we talk about the difference in labor. The American workman in one hour can produce more of infinitely better quality than the foreign workman in two hours. All our methods are superior. We are the most inventive people in the world, and of all the people in the world we can best do without artificial protection.

Mr. ALDRICH. I dislike to interrupt the Senator, but if it will not interrupt him I should like to ask him still another questions.

tion. How does he explain the fact that prior to the passage of the act of 1890 not a pound of tin plate was made in the United

States?

Mr. VEST. Simply as I would explain the absence of any other article in the United State prior to the time when our people engaged in its manufacture.

Mr. FRYE. Will the Senator allow me?

Mr. VEST. Certainly.
Mr. FRYE. The Senator can not do that, because when there Mr. FRYE. The Senator can not do that, because when there was no duty on tin plate, at three different times we tried in the United States to manufacture tin plate, and immediately on starting our mills Great Britain cut down the price of tin plate and broke them down. It was an absolute failure and never was any success until the duty was placed on tin plate in the

McKinley Act.

Mr. VEST. I beg the Senator's pardon; the reason why we produced no tin plate in the United States was because our capiproduced no tin plate in the United States was because our capitalists could not see their way clear to make it profitable. They did not have the skilled labor. They did not know anything of the necessary methods. It was not owing to the lack of a protective tariff; it was simply owing to the absence of the machinery and the men to work it. The minute that the American capitalists around Pittsburg found that they could make money by manufacturing tin and terne plate they procured the machinery, brought the laborers here from abroad, went into the business, and then found immediately, not by virtue of any protection, but because of our natural resources, that we could not only compete but that we could excel foreigners in the manufacture of pete, but that we could excel foreigners in the manufacture of this article.

Mr. FRYE. But, if the Senator will allow me, it is a little singular that this watchful capital of the United States did not receive any encouragement, and did not get the skilled labor, and did not make their discoveries until there was a duty placed on

Maine for his courtesy in suggesting that I should continue, but I will not detain the Senate more than a moment.

The Senator from Rhode Island [Mr. Aldrich] admits that when we were considering the Wilson bill he moved to increase The Senator from Rhode Island, for instance, tells us that the

manufacturers of wool are clamoring now for a change and for more protection. Of course they are. You might as well expect more protection. Of course they are. You might as well expect a man who is a slave to the drink habit not to demand more and more of what is killing him from day to day as to expect that any man who can get an increase of a protective duty will not come here and demand it. Wait until your extra session is called and you open the doors here. My friend from Rhode Island knows very well what will happen. A lot of hungry coyotes from the plains famished and starving when they smell a dead deer will not be more greedy and avaricious than every class of manufacturers in this country, and if they can get no other argument they will come here, as they do from time to time when a tariff bill is up, and say, "Well, I am doing pretty well, but I voted the ticket, I subscribed to elect McKinley, and I want my part of this bounty; I am entitled to it." If you give it to one you must give it to another. Whoever heard that there was any end to protection? end to protection?

Now, the Senator from Rhode Island says the woolen manufacturers are suffering. I read here in January and have before me now reports from the Woolen and Cotton Reporter. That is good authority with the Senator from Rhode Island. It ought to be. authority with the Senator from Rhode Island. It ought to be. It published his speech on the tariff and sent out 50,000 copies. [Laughter.] It is not possible that my friend would be so ungrateful as to go back on the organ that trumpeted his praise throughout the country in 1890. Then he was with them the great apostle of protection, the most distinguished statesman upon this floor. When I ask him if he accepts what they state, he shakes his head. Does he intend to deny what they said about himself?

Mr. President, that is the organ of the cotton and woolen manufacturers of this country. I know it was attacked here because I read page after page in which that paper stated that the year 1895, under free wool, had been the most successful to the woolgrowers and the woolen manufacturers of any year in our history.

1895, under free wool, had been the most successful to the woolgrowers and the woolen manufacturers of any year in our history. Do Senators pretend to say there were not 61 new factories put up in that year, against 45 in 1894? There were more than in any other year in the history of this Government. How do they account for it? Do they believe that these astute men, these shrewd capitalists in the United States, would put their money in a losing venture? Do they believe that new woolen mills would be put up under free wool if it is deadly to the woolen interests of the United States? No, Mr. President, they were put up and were in operation a year ago, from the public statements of the Woolen and Cotton Reporter and they are in operation to day so far as I know Cotton Reporter, and they are in operation to day so far as I know. When the Senator simply says that the woolen manufacturers demand more protection, he says what is true of any interest in the United States when you once open the door for tariff legislation.
Mr. FRYE. Mr. President, I desire just one word, and that is

simply to say that from my own personal knowledge there never has been a time since I have had anything to do with public affairs when the woolen industry of this country was as near dead as it

is to-day.

Mr. VEST. Will my friend permit me? Is not that observa-

Mr. VEST. Will my friend permit me? Is not that observation true in regard to every interest in this country?

Mr. FRYE. Not at all. It is not.

Mr. BLACKBURN. How about the farming interest?

Mr. VEST. I do not know how it is in Maine, but I know that in the State of Missouri, the fifth State in the Union, there never was such depression, especially among the farmers of the country; and it extends to all departments of business.

Mr. FRYE. I desire to make one other statement in relation to that matter. A leading woolen manufacturer stated in a rule.

to that matter. A leading woolen manufacturer stated in a public address about four months ago that one-half of the woolen mills in the United States had their doors closed. Secretary North, of the American Wool Association, replied by saying it was not strictly true that one half the woolen mills had their doors closed, but if you took into consideration those running on third time, those running on half time, and those closed it was a fact that one-half of the woolen cards in the United States of America had stopped running. In my own State I know it is true that one-half the mills have closed their doors.

Mr. VEST. Now? Mr. FRYE, Now. Now. I was in a little town called Dexter, where there were five woolen mills. Four of them had their doors closed, and they had been closed for six months. One of them was running on half time. That is true of the woolen industry of the United States. I am not saying what the causes may be. The Senator and I would undoubtedly disagree entirely on that, but that is a fact which I think everybody familiar with the manu-

facturing industry recognizes.

Mr. MILLS. Before hetakes his seat, will my friend from Maine tell me how he accounts for the fact that though the importations of wool have been much larger than the importations in the year preceding the putting of wool on the free list, almost double, yet every pound of that wool has been consumed in the United States, together with the entire domestic crop of wool? How can the factories all be still when there is so much more wool consumed in the United States?

Mr. FRYE. The Senator is assuming altogether too much. The entire domestic crop of wool in the United States has not been consumed.

Mr. MILLS. A little fraction of it has gone to Mexico and

Canada, but the great body of it has been consumed here.

Mr. FRYE. A very large fraction of it is lying in the barns and storehouses to-day because it could only be sold at from 12 to 15 cents per pound. The farmers of this country could not afford to raise wool and sell it at any such price, and they have held on to it, hoping for better times. The increase of importations, as a matter of course, comes from the fact that wool is on

Mr. MILLS. Mr. FRYE. Mr. MILLS. But it is being manufactured, of course.

Mr. FRYE. Undoubtedly it is being manufactured, but we would manufacture twice as much if all the woolen mills of the United States were running. There has been an immense falling off in the consumption of wool in the United States, but not in the importation of wool. The Senator is right about that.

Mr. MILLS. But if the consumption stopped the importation

would stop. Mr. FRYE. The trouble with the wool schedule is not that the duty is not high enough. It is my judgment that that same duty on woolen manufactures with free wool if in a different form would be all the duty the woolen manufacturers of this country would require; but it is a fact that under an entire ad valorem duty on woolen goods where the duty is 40 per cent not over 25 per cent has been collected at our custom-houses. That is a fact which everybody who knows anything about the subject recognizes. The result is that almost for the first time in our history this country has been literally swamped, inundated, with the cheapest, poorest, shoddiest kind of woolen goods ever brought into it. That is the trouble; and all these little mills in the United States that is the trouble; and all these little mills in the United States that made the common American goods for the wear of the average man have been compelled to stop. The trouble is not with the high-priced goods, but it is with the low-priced goods, where they are gotten in under an ad valorem tariff.

I think I could take the woolen schedule to-day and arrange it, without increasing the real ad valorem duty, so that it would

afford ample protection to the American manufacturer. I could take the cotton schedule—I am not complaining of that schedule and by making not more than three amendments I could make it as good a tariff as the cotton manufacturers of the United States wish for. I could take your iron and steel schedule, with two or three amendments, and make it as good a schedule as the protec-

The woolen schedule is the very worst in the whole lot. It has worked mischief from the beginning to the end, and will continue to do so as long as it is permitted to remain. Whatever other causes may combine to make business bad, that is the trouble.

Mr. VEST. Will my friend answer me one question?
Mr. FRYE. Certainly.
Mr. VEST. Why is it that in 1895 under the Wilson law 65 new mills were constructed in this country, and only 45 were constructed under the McKinley law in 1892?

I will answer the Senator by asking him a ques-Mr. FRYE. Mr. FRYE. I will answer the Senator by asking him a question. Why is it that a magnificent mill in my city which, with the machinery in it, cost \$500,000, not less than three months ago was sold for \$14,000?

Mr. VEST. Because it was not profitable, I suppose.

Mr. FRYE. But cotton factories are being built, nevertheless,

in other parts of the country.

Mr. VEST. I can not answer the Senator's question without knowing all the circumstances of the case and something of the

men who conducted the business.

Mr. FRYE. The Senator knows as well as I do—only he attributes it to an entirely different cause—that there is no money in manufacturing in the United States. It does not make any difference what it is; there is no money in it.
Mr. MILLS. Why not?

Mr. MILLS. Why not?
Mr. FRYE. Take it down in Nashville, where you say you can manufacture cheaper than we can in the North; when I was there there were four big cotton mills, and three of them had their doors

Mr. VEST. I do not know as to specific instances, but I have been informed—and I think the Southern Senators here will corroborate what I state—that in all the depression and failure of corporations, suspensions, and receiverships that have obtained in this country for the last six or seven years the exception has been the cotton mills of the South. My information is that they have steadily paid their dividends, that they have been profitable everywhere in that section, and that new mills are being put up for the very reason that that class of manufacture is profitable. I may be mistaken, but that is the result of what I have read in the newspapers and what I have been told by friends interested in such enterprises.

Mr. FRYE. I only state what I was told in Nashville, where the mills were pointed out to me.

Mr. VEST. I understand the cotton mills have largely increased in number, and I have heard the assertion made repeatedly that they have paid their dividends when all other corporations, banks and factories of every description in the North have been unable

Talking about the consumption of wool, I received this morning a circular from Justice, Bateman & Co., who are the apostles of protection in the way of cotton merchants and brokers—
Mr. ALDRICH and others. Wool.
Mr. VEST. Wool and cotton both.

Wool and cotton both. Not cotton.

Mr. FRYE.

Mr. VEST. I think they also deal in cotton, but possibly principally in wool. What I was about to say was that they call attention to the alarming fact that there is now about to be attention to the alarming fact that there is now about to be imported into this country an enormous quantity of Australian wool, equaling, they state, two-thirds of the entire product of Utah in a single year, and possibly some other sheep-growing State or Territory, and that unless something be done, this country will be absolutely flooded with foreign wool. Now, I ask the question which the Senator from Texas [Mr. MILLs] asked, and which will suggest itself to even an unreflecting mind, Why is this enormous quantity of wool being brought to this country? Is it brought here for spectacular purposes? Is it simply brought here to pay transportation, to be exhibited, and not used? It can not be consumed for food; it must be manufactured. Why is it that this wool is being brought here, unless there is a demand for it, this wool is being brought here, unless there is a demand for it, and unless it is consumed by our manufacturers?

As I said before in the same connection, why were there more mills put up in 1895 under the Wilson law than in any other year

in the history of the wool industry in this country?

Mr. FRYE. Mr. President, I think I can answer the question the Senator asks. Here is a bill called the Dingley bill pending in the Senate of the United States when Bateman made his

mr. VEST. I am talking about 1895.

Mr. FRYE. I am talking about Bateman's report, to which the Senator referred, in which he complains there was an enormous Senator referred, in which he complains there was an enormous quantity of wool being imported into the United States now, or a threat of importation, and the Senator wants to know what is going to be done with it if it is not going to be manufactured. With that Dingley bill pending, and with the threat of 6 cents a pound, in these times there is ample justification for any man, for speculative purposes, to buy and bring wool into the United States and hold it against the passage of the Dingley bill. They do not know that the Dingley bill is not going to pass; on the contrary, the people of the United States are demanding that it shall pass, and any number of them, because a Senator the other desired. trary, the people of the United States are demanding that it shall pass, and any number of them, because a Senator the other day called up the Dingley bill in this Senate, assumed for that reason that he was going to support the Dingley bill, that a majority would support the Dingley bill, and that it would become a law.

Then, again, there is held out to the world—and the world knows it perfectly well; the world has received notice—that if it is possible there will be a tariff bill passed within the next five

months which will in certain directions increase protection, notably upon wool. There was inducement enough for a speculator to buy wool in Australia, where he can get it for 6 cents a pound, and it does not cost him more than 3 cents additional to land it in New York in the steamer, insurance and all. There is inducement enough to the speculator to buy enormous quantities of wool and put it into the warehouses in the United States.

Mr. VEST. Does the Senator think it is brought here simply

to be stored?

Mr. FRYE. I think that a good deal of it is brought here on speculation, and I venture to predict that the Senator will find within the next six months, if this Congress adjourns without passing the Dingley bill—I believe in passing the Dingley bill simply to prevent this country being flooded with this speculative importation—that the importations into this country of all manner of goods will be increased to an enormous extent within the next four months.

Mr. ALDRICH. Mr. President—

Mr. VEST. If the Senator will excuse me for just a moment I

shall be done

Mr. ALDRICH. I was about to make a few suggestions in response to the questions asked by the Senator from Texas and the Senator from Missouri. Both those Senators seemed to assume that because we have large importations of wool that is an infallihat because we have large importations of wool that is an infallible indication that we have prosperity in wool manufacturing and woolgrowing. Suppose that all the wool consumed in the United states was imported, what would then happen? Would the lomestic woolgrower be better off? An increase in the importations of foreign wool with a stationary consumption or a falling off of consumption in the United States means the exclusion of the American grower from the American market and the destruction of the flocks of the American shepherd, and nothing else; and he practical result shows that.

Mr. VEST. In reply to the suggestion of the Senator from the American shepherd and nothing else; and he practical result shows that. ble indication that we have prosperity in wool manufacturing and woolgrowing. Suppose that all the wool consumed in the United States was imported, what would then happen? Would the domestic woolgrower be better off? An increase in the importations of foreign wool with a stationary consumption or a falling off of consumption in the United States means the exclusion of the American grower from the American market and the destruc-tion of the flocks of the American shepherd, and nothing else; and the practical result shows that.

the price of domestic wool and a decline more rapidly under the McKinley law than ever before or since.

Mr. MITCHELL of Oregon. Will the Senator allow me? Mr. VEST. Certainly. Mr. MITCHELL of Oregon. Will the Senator state the differ-

Rhode Island—taking that up first—as to the price of domestic wool, I point to one single fact which is unanswerable, that under

the McKinley high-tariff rates on wool there was a constant fall in

ence in the prices of domestic and foreign wool, that is, the prices in this country and the prices in London, England, and other foreign countries, pending the operation of the McKinley Act?

Mr. VEST. I do not see how that affects the question that I

Mr. MITCHELL of Oregon. I think it very seriously affects it.
Mr. VEST. Enormous duties were put upon wool in order, as
it was stated, to put up the price of domestic wool to the American sheep grower, but instead of doing that it has put it down.
Mr. MITCHELL of Oregon. Does not the Senator know it to
be a fact that during the operation of the McKinley Act on wool

the price of wool in this country was over and above the price in Bradford, England, and all foreign countries to an extent equal

to the amount of the duty?

Mr. VEST. That might have been so, but that does not answer the question. It might have been so, and I do not even controvert it. I have heard the statement made before, and I have heard it

contradicted by as good authority as made it.

Mr. MITCHELL of Oregon. There can not be any question

about it

about it.

Mr. VEST. But even if so, it does not explain the fact that the McKinley high tariff on wool did not give a better price to the domestic grower, and Mr. Lawrence, the shepherd king of Ohio, explains it by saying the price of wool went down over the whole country during the operation of the McKinley law, and that the demonetization of silver—unpalatable as that may be—caused the decline in the price of wool. If anybody will read Document No. 17, which is the basis of the speech delivered by the Senator from Oregon, he will find the statement of Mr. Lawrence to that effect. Oregon, he will find the statement of Mr. Lawrence to that effect.

I am astonished, Mr. President, to hear the Senator from Maine say that mills of any sort are closed now. I was under the impression that after McKinley was elected we should have prosperity in every department of trade in this country, and I am therefore unable to explain how it is that the mills that were closed before

Mr. FRYE. We are living under Democratic laws mown.
Mr. VEST. It was certain, however, that those laws would be temporary. Now, the Senator tells us that these men who, accordtemporary. Now, the Senator tells us that these men wno, according to Justice, Bateman & Co., will bring in this enormous amount of Australian wool are doing so upon the presumption that the Dingley bill will pass. The Senator from Nebraska [Mr. ALLEN], when he made the motion to take up the bill, accompanied it with a reply to an inquiry made on the other side that he did not propose to support it, and it is an open secret that the Dingley bill is dead, in the tomb of the Capulets in a parliamentary sense. How pose to support it, and it is an open secret that the Dingley bill is dead, in the tomb of the Capulets in a parliamentary sense. How could any man here or abroad think there would be anything but an enormous increase in tariff duties with Mr. McKinley elected as President? Everybody assumed that when he was elected he would again undertake to put in force in this country the rates which existed under the McKinley law, or approximating to them as nearly as possible. Does anybody believe that the men who are buying up this Australian wool, lying out of their money, paying transportation upon it, and bringing it to this country with an uncertainty in regard to what legislation may be had, or speculators and capitalists do not know exactly what is to to be expected in this country to day in the way of Congressional action? in this country to day in the way of Congressional action?

No, Mr. President, the fact remains, and it can not be answered, that more woolen mills were put up in 1895 than in any one year; that 250,000,000 pounds of foreign wool came into this country and were consumed under the free-wool system; that the goods which were manufactured out of these wools were purchased by somebody, and that the statement that free wool would prostrate the wool interests of the United States either as to manufacturers or woolgrowers has been absolutely refuted and is absolutely disproved.

Mr. ALDRICH. I desire very briefly to call the attention of the Senate to some of the peculiarities in the argument of the Senator from Missouri. That Senator and his great leader, Mr. Cleveland

How does the Senator make that agree with the argument which he has used a thousand times upon this floor that a high rate of

Mr. VEST. Will the Senator permit me?

Mr. ALDRICH. I shall be very glad to hear the Senator.

Mr. VEST. I have always stated that no other influence could have accomplished that but the tariff, in which he takes so much interest. Notwithstanding these high duties, the price of wool went down in the United States, and the prophecy that that act would increase the price in favor of the domestic woolgrower proved to be false, for in spite of any duty you could put on it there were causes at work that made the price of wool fall.

Now I ask the Senator this question: How does he explain the fact that after we put wool upon the free list the price went up and has so continued up to this time?

Mr. ALDRICH. Oh, no.

Mr. VEST. Here is a report which shows that it is higher now than it was in 1894, when the Wilson bill passed.

Mr. ALDRICH. I understand the Senator now to state that the decrease in the price of wool which followed the enactment of the act of 1890 was not on account of the duty placed by that act upon wool, but from other causes, and that that duty had nothing whatever to do with it. Am I correct in that assumption?

whatever to do with it. Am I correct in that assumption?

Mr. VEST. Mr. President, I have never undertaken to say that
the imposition of those duties caused of itself that fall in the price of wool. It is sufficient to me from my standpoint to say that it did not increase the price, as it was the contention of the Senator and his associates it would do, when they put that enormous duty

Mr. ALDRICH. The Senator from Missouri understands as well as I do—for it has been demonstrated in this Chamber and elsewhere a thousand times—that while it was true that there was a decrease in the price of wool subsequent to the passage of the act of 1890, a decrease owing to the additional increased production all over the world and to improved methods in production, yet the price of the same quality of wool relatively with that in London was higher by almost exactly the amount of the duty here than it was abroad. That was the effect of the McKinley Act, and it was the effect which it was expected would follow the passage of that act.

Mr. VEST. Why did the price not go down when the duty was taken off?

Mr. ALDRICH. The Senator asks why the price of wool did not go down when the duty was taken off. There might have been prior to the passage of the act—
Mr. VEST. Oh!
Mr. ALDRICH. A feeling that the removal of the duties would

produce such a depression that the price would go down. Those things are always anticipated. If we were to put a duty of 12 cents things are always anticipated. If we were to put a duty of 12 cents a pound on wool to-day, the market would not remain stationary until that bill became a law, but you would get an anticipation of that in an increase in the price of wool. So we had a decrease in the price of wool in anticipation of the removal of the duty. There was after the passage of the act a natural reaction, but it was very small. There might have been perhaps other causes; but the American producer of wool knows as well as I do, and as well as the Senator from Missouri himself knows, that the present low price of wool is owing to the removal of those duties by the Wilson Act. son Act.

Mr. VEST. Why is the price of wool higher than it was then?
Mr. ALDRICH. Oh, no; it is not.
Mr. VEST. Here is the market report.
Mr. ALDRICH and Mr. FRYE. It is not higher in the United

Mr. VEST. It is higher in the United States now than it was in 1894.

Mr. ALDRICH. The Senator is entirely mistaken.
Mr. VEST. Here is the report.
Mr. ALDRICH. I hope the Senator will give us the date. I think the woolgrowers of the United States will be very much surprised to know that the price of wool is higher.
Mr. VEST. I quote from the New York and Philadelphia market report of December 10, 1896:

Ohfo, Pennsylvania, and West Virginia XX wool, 19 to 20 cents.

Mr. MITCHELL of Oregon. That is since the election.

Mr. VEST. Yes; December 10.
Mr. ALDRICH. What was the price in 1890?
Mr. VEST. From 18 to 19 cents.
Mr. ALDRICH. Oh, no; not the same class of wool. A Senator near me tells me the wool clip of his own State was sold for

from 10 to 11 cents, as against 21 and 22 cents in 1890.

Mr. VEST. I am talking about XX Ohio wool, upon which the
Senator made a report and furnished a table in his great speech

of 1890.

Mr. ALDRICH. There has been no time since 1890 that XX Ohio wool sold in New York at 19 and 20 cents. It was worth from 30 to 35 cents at the time, or 33 cents, as I remember it.

Mr. VEST. I will ask the Secretary to read the tables taken from the market report, if the Senator will permit me.
Mr. ALDRICH. Certainly.
The PRESIDING OFFICER (Mr. CHILTON in the chair). The

Secretary will read as requested.

The Secretary read as follows:

WOOL.

In September, 1891, about one year after the McKinley bill took effect, Ohio, Pennsylvania, and West Virginia XX was worth in the Boston market 30 to 31 cents.

31 cents.

In October, 1892, the same grade was worth in the same market 28 to 29 cents, being a fall of 2 cents a pound.

Ohio. Pennsylvania, and West Virginia X was worth in September, 1891, in the Boston market 29 to 30 cents.

In October, 1892, it was worth in the same market 27 to 27†.

In September, 1891, No. 1 was worth in the Boston market 35 to 36 cents, and No. 2, 33 cents.

In October, 1892, No. 1 was worth in the same market 32† to 33 cents, and No. 2, 31 to 32 cents.

In September, 1891, fine unwashed was worth in the Boston market 21 to 22 cents.

In September, 1891, the drawales cents.
In October, 1892, it was worth 19 to 20 cents.
In the Boston market in September, 1891, Michigan, New York, and New England was worth 27 cents.
In October, 1892, it was worth 25 to 26 cents.
In September, 1891, Oregon (scoured) was worth in the Boston market from 56 to 58 cents.
In October, 1892, it was worth 53 to 56 cents.
In October, 1892, it was worth 53 to 56 cents.
In September, 1891, Texas (scoured) was worth in the Boston market 60 to 62 cents.

Mr. ALDRICH. I think the Secretary has read sufficient to answer my purpose, which was to show that Michigan wool about 1890, and prior to that time, ranged from 33 to 34 cents. The same wools are now about 19 or 20 cents, about equivalent to the differ-

ence in the duty.

Mr. MILLS. The price has been falling all the time.

Mr. VEST. Let the Secretary read on to show what was the effect of the McKinley law and the Wilson law.

The Secretary read as follows:

Now. I ask your attention to the operation of the Wilson Act. In September, 1894, immediately after the passage of the Wilson Act. XX wool, the same quality of Ohio wool, was worth in the Boston market 18 to 19 cents; December 19, 1895, it was worth in the same market 19 to 21 cents. Fine, unwashed, was worth in September, 1894, 12 to 13 cents; it was worth a year afterwards, in December, 1895, 12 to 14 cents. Fine, unmerchantable, was worth in September, 1894, 13 to 15 cents; December 19, 1895, it was worth 14 to 15 cents, showing a gradual improvement in prices during one year under the Wilson law. These figures are taken from the American Wool and Cotton Reporter for December 19, 1895, which I have and can produce if necessary.

Mr. MITCHELL of Oregon. Mr. President, I wish to make a statement. The same grades of wool in the Pacific Coast States—that is, California, Oregon, and Washingtion—which, under the operation of the McKinley Act, brought on an average from 14 to 18 cents a pound, could not be sold for 5 cents a pound at any time during the last year until within a short time past; in fact, these same grades of wool in Oregon, to my certain knowledge, that brought from 14 to 18 cents a pound during all the time of the operation of the McKinley Act, sold as low as 4 cents a pound, and no advances whatever could be had from merchants at 5 cents a pound. Recently the price of wool has slightly gone up in a pound. Recently the price of wool has slightly gone up in Oregon.

Oregon.

Mr. ALDRICH. Mr. President, the Senator from Montana hands me a statement of the relative prices of wool in that State in 1890 and 1896. The average price in 1890 was 17 cents; in 1896 it was 6 cents, a difference of 11 cents a pound.

Mr. VEST. Not in Boston.

Mr. ALDRICH. I am not specially contending over what is the price in Boston, but I am undertaking to show that the wool producers of the United States have suffered to the extent of the duty which was removed by the act of 1894. The price of wool to-day is less by almost exactly the amount of duty than it was in the years prior to 1890.

in the years prior to 1890.

Mr. VEST. Where?

Mr. ALDRICH. Everywhere in the country, in all the markets. I have already stated that in Boston—we will take Boston, if you please Mr. VEST.

Boston is the great wool market.

Mr. VEST. Boston is the great wool market.

Mr. ALDRICH. It is one of the great wool markets.

Mr. VEST. It is the great wool market of the United States.

Mr. ALDRICH. But the wool producers of the country are quite as much interested in the markets of Oregon and Washing-

ton and Montana.

ton and Montana.

Mr. GEAR. Philadelphia is the great wool market.

Mr. ALDRICH. I think the Senator from Iowa is right. Probably there is more wool sold in Philadelphia than anywhere else in the country.

Mr. VEST. Large quantities of wool are sold in Boston, Philadelphia, and New York.

Mr. ALDRICH. What I am saying is that the price of wool was 12 and 13 cents a pound higher in 1890 than it is in 1896.

Mr. MILLS. The Senator knows it has been falling every year.

Mr. ALDRICH. What I mean to say further is that, while there has been a gradual decline in the price of wool all over the

world, so long as a protective tariff was maintained in the United States the wool producers of this country received the full benefit in the increased price of their wool up to the very hour of its repeal. I think there is nothing in the whole history of tariff legislation which shows so plainly the beneficent results of the protective system as the benefits which the farmers of the United States have received from the protective tariff on wool.

Mr. MILLS. Mr. President, it is a fact known to every gentleman in this Chamber, because of course they are all well informed on this question, which they have been discussing for a generation and more, that wool has been steadily, persistently falling ever since 1860 under all tariffs. We commenced in 1863 to put up the tariff for the protection of wool, and the tariff climbed and climbed until the climax was reached in 1890; and yet year by year and year by year wool continued to fall, and when the tax was put on in 1890 at the demand of the Wool Growers' Association to save from sacrifice that product in the United States, it continued still It fell from 1890 to 1891, and 1892, and 1893, and 1894, and when wool was put on the free list the price fell a little for a

few months, and then rose a cent or two per pound.

But when the Senator from Rhode Island [Mr. Aldrich] says that domestic wool in the United States has enjoyed the full benefit of the protection placed upon it, he skips over a period of five years to make a comparison. The Senator from Rhode Island will not state in this assembly that the tariff duty of 11 cents a pound on unwashed wool imposed by the McKinley Act was taken off the price of American wool the day after the Wilson bill was off the price of American wool the day after the Wilson bill was passed and became a law. If the domestic wool of the United States enjoys the benefit of the protective duty, if the price is regulated by the fiat of law, then, sir, when the duty was taken off by law the protection of the domestic wool was taken off by law. But it was not the fact. The wool is as high to-day, at least, as it was when you had your duty on it under the McKinley law, and there are other reasons than the tariff which, as my friend the Senator from Missouri [Mr. Vest] stated, affect the prices of wool prices of wool.

The Senator from Rhode Island is well posted on this questionas well as any gentleman in this Chamber. He knows that from the beginning of the high duties on wool domestic manufacturers in the United States have been putting in cotton and shoddy and hair and rags and everything that escapes duty as a substitute for wool. American wool has been displaced by those substitutes, and that has produced the depression in the price of wool in great measure. I was sitting down the other day with this coat on, which I supposed was made of American cloth, and feeling along the edge of it I found some hair sticking out, and I pulled out a half dozen horsehairs more than a foot long, placed there as a substitute for wool, for the protection of the American woolgrower. [Laughter Latter of the American and the statistics given by our center of the American woolgrower.] Let my friends go and read the statistics given by our census. They show from 1860 to the present time a most marvelous growth in the utilization of substitutes in place of wool in the domestic manufactures of the United States.

Now, I know you are going to put back your duty. You are going to pass your bill in the next Congress, for you will then have a majority in both branches and the President of the United States. I do not think there is any doubt about it. I do not be-lieve you are going to do it here now, however. I am not given to making predictions, but when you put back the duty on wool at 6 cents or 10 cents, or any other amount, I make the prediction here that there will not be one-tenth of 1 cent increase in the price of American wool occasioned by it.

Mr. GEAR. I should like to inform my friend the Senator from Texas that the long hairs which he pulled out of his coat were put in by the tailor who made it, to stiffen the collar.

Mr. MILLS. No, sir; they were woven in. That is the way

Mr. GEAR. I wish also to say to my friend the Senator from Texas that in the district which I formerly represented in Congress there is a good deal of wool raising. In 1890 and all through the pendency of the McKinley law the price of wool in that district was 19 to 21 cents. When the so-called McKinley law was repealed there was an immediate drop of 10 cents a pound, and the farmers of that district have not had more than 10 or 11 cents a pound from that day until within sixty days of the election of McKinley, when wool advanced a little—1 or 2 cents.

Some Germans in my home town are large dealers in wool. I

drop into their establishments occasionally and look at their stock. They are holding 200,000 pounds of wool to-day of this year's crop, 1896, at 10 and 11 cents, expecting, as they have the right to do, that when we have a majority in both Houses we will put a fair, moderate duty on wool for the benefit of the woolgrowers. They are Democrats, but they appreciate the situation, that it will enhance the price of the wool they have on hand. Mr. CHANDLER. While the Senator from Texas is thinking

over the statement of the Senator from Iowa, I think it my duty to call up the immigration bill. I would not do so if I saw any

encouragement to believe that there would be immediate action encouragement to believe that there would be immediate action upon the Dingley bill. I obtained some hope when the Senator from Nebraska [Mr. Allen] boldly called up the bill the other day, but upon interrogating him I found that the measure was to receive no support from him. The Senator from Missouri [Mr. Vest], at whose instance it was taken up to-day, has spoken on it at length, but I think he said it is in the tomb of the Capulate. Whether the Senator meant that the Chamber of the Senate is the tomb of the Capulets or that the Committee on Finance as now constituted is the tomb of the Capulets, I do not know; but the Senator spent a great deal of time in pounding a bill which he says is dead.

It seems to me, Mr. President, that we had better defer further discussion upon the bill until it is before the Senate with some hope of its passing. The Senator occupied a wide field of discussion. He mentioned my name at the close of his remarks. I did not hear distinctly what he had to say, but I did hear him refer to the resolution offered by the Senator from Nebraska [Mr. ALLEN]. When that resolution comes before the Senate it will be my locative and my data to define the senate it will be my pleasure and my duty to define my position in connection with the proposed investigation. But I now hope that as the immigration bill is to be voted upon at 4 o'clock to-morrow afternoon, and as I know there are Senators who wish to debate the pending amendments, the discussion upon that measure may proceed. I ask for the regular order.

Mr. ALDRICH. May I trespass upon the kindness of the Sen-

ator from New Hampshire for a moment longer?

Mr. CHANDLER. Not to resume the woolen discussion, Mr. President. [Laughter.]

Mr. ALDRICH. If the Senator will allow me to speak, I will take my own subject. I suppose I could speak on the bill the Senator refers to, but I prefer to-

Mr. Allen rose, Mr. CHANDLER. The Senator from Nebraska will be sure to reply, and I would just as soon have the debate upon the immigration bill, if the Senator from Rhode Island is quite willing.

Mr. ALLEN. Before the Senator from New Hampshire presses his request and we pass from this very interesting subject, I should like to know if it is settled in Republican circles upon the

other side of the Chamber—
Mr. CHANDLER. The Senator from Nebraska will allow me to interrupt him. I must yield first to the Senator from Rhode Island if I yield at all; but if the Senator from Nebraska will think over and mature his remarks, I will yield to him afterwards.

[Laughter.]
Mr. ALDRICH. Mr. President, in the course of some remarks which I submitted to the Senate upon this question in 1894, I had published in the RECORD a statement of the comparative prices of wool in this country and in England, using equivalent qualities in both cases. The quotations came from the very highest authority in London and in this country. That table showed conclusively that the difference in the price of the same quality of wool between London and the United States was 12 cents a pound for a series of fifteen years, or almost the exact equivalent of the duty in the United States, showing that the whole amount of the duty was added, as has been sometimes claimed by Senators upon the other side, to the price of wool in this country, and that the farmer received the full duty.

Mr. ALLEN. Before the Senator from New Hampshire presses his request, and after having matured my thoughts somewhat, I should like to ask him if it is really settled upon the other side of the Chamber that the Dingley bill is dead, and that nothing further is to be done with it?

Mr. CHANDLER. It will depend almost entirely upon the attitude of the Senator himself and Senators upon the other side of the Chamber. If the Senator was sincere in calling up the bill and wishes to get rid of the obstacle that is put in the path of the passage of the bill, to wit, the clause for free silver coinage, the bill will be taken up and acted upon, I have no doubt. But I suppose it is now evident to the Senate and to the country that the Senator from Nebraska made his speech as a continuation of his campaign addresses of last fall-

Mr. ALLEN. Not at all.
Mr. CHANDLER. Which is equally true as to the Senator from Missouri [Mr. VEST]. I do think that before Senators urge upon the Senate the discussion of the Dingley bill they ought to define their own position, and tell us whether they come here instructed by the result of the election in November to help pass through the Senate of the United States, whether it is the tomb of the Capulets or the tomb of anybody else, a bill to fill the Treasury of the United States and protect the industries of the United States.

Now, if the Senator from Nebraska will define his position

fairly and squarely, he will soon find out what this side of the Chamber desires to do with the Dingley bill.

Mr. ALLEN. I regret that the Senator from New Hampshire declines to answer my question. In absolute good faith, never in

my life being more sincere, I put the question, whether it is really the settled purpose of the Republican party to abandon this important measure in midstream, or whether it is the purpose to take it up, consider it in a dignified manner, and pass it, or have it defeated, as the case may be?

Mr. CHANDLER. Will the Senator permit me to ask him a

question?

Mr. ALLEN. Certainly.
Mr. CHANDLER. Will the Senator vote against the freecoinage amendment to the Dingley bill?
Mr. ALLEN. Mr. President, I would not be guilty of voting against free coinage at the ratio of 16 to 1 for anything in the world. I would not want to imperil my intelligence to that

extent. Mr. CHANDLER. Now, I will ask the Senator another question. Does he not know that if that amendment is put upon the

Mr. ALLEN. No; I do not. The Senator from New Hampshire has announced himself as a bimetallist; several other Senators have announced themselves as bimetallists; and I have hoped that in the light of the discussion in the fall something has been gained in the way of knowledge upon the other side of the Chamber, and that we might confidently expect the free-silver amend-

ment to be adopted.

Mr. CHANDLER. If the Senator will allow me, I will state that I have no doubt he has done his best to instruct the country, but there is the House of Representatives, which will not adopt the amendment, and there is a President of the United States the amendment, and there is a President of the United States—he is not my President, although he did all he could to help to elect my candidate last November [laughter]—who will not sign such a bill; and the Senator knows very well that this bill can not pass unless the Republicans are helped to pass it by some Palmer Democrat or Bryan Democrat or some Bryan Populist. It can not be done; and, as the Senator from Missouri says, it is all leather and prunella to get up here and talk about the bill when they characterize it in the first breath as a dead bill, as a bill which is in the tomb of the Capulets.

Mr. ALLEN. I do not believe the bill is dead.

Mr. CHANDLER. Then will the Senator help us to get this amendment off of it?

amendment off of it?

Mr. ALLEN. I think that statement was simply poetic license on the part of the Senator from Missouri. I do not believe as he states.

The Republicans have within one of a majority in this Chamber. The Republicans have within one of a majority in this Chamber. They have 44 Senators. One more will give them power to pass any bill they see fit to pass in this body. Here in the Dingley bill is the foundation for as high a protective measure as you may see fit to adopt. You have your foundation already laid. You have promised the country relief. You are still holding forth the idea that the country will be relieved of its present distress. Why not take hold of this bill in a spirit of fairness and candor, and with the intelligence pressessed on the other ride of the Chamber, and the intelligence possessed on the other side of the Chamber, and construct it into a permanent tariff measure?

Mr. President, I do not believe that the tariff question is so great

a question—I may not have the proper conception of it, however that it requires six or eight months to construct a tariff bill. are threatened here with an extraordinary session of Congress. I believe the most sensible thing that this Congress could do, if it could be done, and I believe the country would approve of it, would be to adjourn and not convene for two years. The country

would receive some rest.

The Senator from New Hampshire understands quite well that there is some reasonable prospect of the present Chief Executive signing this bill or signing a tariff measure. He has committed himself to the Republican doctrine of gold monometallism. I understand he laughs and rejoices when he comes in contact with his Republican friends at the great joint victory achieved in the fall, congratulating his Republican friends upon the united vic-

fall, congratulating his Republican friends upon the united victory and the vindication of the Republican doctrine of gold monometallism. Is it not possible that in this Chamber and in the other branch of Congress there is enough Republican influence to induce His Excellency to sign a permanent tariff act?

Mr. GALLINGER. With a free-silver amendment?

Mr. ALLEN. My friend the Senator from New Hampshire [Mr. GALLINGER] seems to have gone mad upon the subject of free silver. Not only have I never yet heard that Senator—I say it in kindness—offer a reason why silver should not be coined, but I have never heard him offer a decent and respectable subterbut I have never heard him offer a decent and respectable subter-

fuge or respectable sophistry against the coinage of silver.

Mr. GALLINGER. Will the Senator from Nebraska permit

me?

Mr. ALLEN. Certainly.
Mr. GALLINGER. I think the Senator has heard President Cleveland offer reasons against it.

Mr. ALLEN. Never.
Mr. GALLINGER. And if this bill is passed with your free-silver attachment it will have to receive the approval or disapproval

of the President of the United States. Now, does the Senator think—and I appeal to his intelligence, to which he alluded a moment ago—that President Cleveland would sign a tariff act with a free-silver attachment?

Mr. ALLEN. The President of the United States has become a Republican. I should like to hear any gentleman point out the difference between the political principles he advocates to-day and the principles advocates to-day and have to put a tag upon the principles of the Republican party. You would have to put a tag upon the principles of the Republican party and a tag upon the principles of Grover Cleveland before you could distinguish between them.

Mr. GALLINGER. Will the Senator permit me again? I do not desire to interrupt him unjustifiably.

Mr. ALLEN. It is no interruption at all.

Mr. GALLINGER. I think the Senator is right, so far as concerns free silver coinage in this country under existing conditions. both the Republican party and the President of the United States are committed against it. Hence, I again ask him if he thinks the President would sign a tariff bill with a free-silver attachment?

Mr. ALLEN. I do not stand close enough to His Excellency to know what he would do. I assume, however, that he is a convert

to Republicanism. He has no party of his own. He lost control of the Democratic party at Chicago last summer. He has a following of barely 125,000 in the United States calling themselves Gold Democrats. I assume, therefore, that the President has gone over body and soul, and that includes a good deal, to the Republicant lican party

Mr. GALLINGER. Will the Senator from Nebraska permit

me again?

Mr. ALLEN. Let me answer the Senator from New Hampshire.

Mr. GALLINGER. Very well.
Mr. ALLEN. Why, then, under those circumstances, would be not sign a moderate tariff bill, such as our Republican friends say

Mr. GALLINGER. The Senator asserts with a good deal of earnestness that the President of the United States is a Republican, because he agrees with the Republican party upon financial principles. If that be true, he must be a Populist, because he agrees

with the Populist party upon the tariff question.

Mr. ALLEN. No; he does not even agree with the Populist party upon the tariff question.

Mr. GALLINGER. What is the difference? You would have to tag the Populist party and the President to discover the difference.

Mr. ALLEN. Not at all. There is not a Populist principle which any man who can read and see can not understand. I know of no principle that is advocated by the Populist party of which the President is an adherent. But that is neither here nor there.

the President is an adherent. But that is neither here nor there.

Mr. GALLINGER. It is.

Mr. ALLEN. Why does not the Republican party in this
Chamber, having jurisdiction now of the subject-matter, take the
Dingley bill, which was urged last winter so strongly by the senior
Senator from Ohio [Mr. Sherman], and upon that build a permanent tariff measure? I recall well hearing the senior Senator from
Ohiosay, after we had twice refused to take up the bill, that he would call it up himself at another time. But he never yet has done so. That statement occurs in his remarks of February 25 last, I think it is. It has never been done. I have no doubt that the influence of the Republican party in both branches of Congress would be sufficient to induce the President of the United States to sign a moderate tariff act.

A moment ago I heard the Senator from Maine [Mr. FRYE] and I also heard the Senator from Rhode Island [Mr. ALDRICH], who is the great apostle of protection, speak about the decline in the price of wool as though the decline in the price of that article were due entirely to tariff legislation or a lack of protection. But I did not hear either one of those Senators say anything about the price of farm produce in general. The wool industry must be protected by law, while the great mass of farmers from the Atlantic to the Pacific must go without protection in any form, with the prices of their products constantly falling, until they have reached a point where they will not bring two-thirds of the cost of production. If the corn and articles of that kind which are grown in the great Mississippi Valley are to sell at present prices, then the more cheap wool this country can have the better off it will be.

The Senator from Rhode Island desires to raise the price of wool to the consumers, and yet he is not willing to give one letter wool to the consumers, and yet he is not willing to give one letter or one line of legislation to raise the price of general farm products to the farmer. He wishes to know what is the difficulty. I appeal to that Senator, who is a man of great knowledge upon this question, and, for that matter, upon all other subjects, to state whether it is not true that this country has to-day more manufactured articles than it can consume in the next two or three years. The factories are full of manufactured articles; jobbing houses are full of them. The stores in the cities and the country towns are full of articles to be sold. There never was more wheat and corn and oats and cotton and tobacco in this country than there is to-day. Why are not these articles exchanged, commerce enlivened, and money put into circulation? Mr. President, it is simply because the volume of money is so low that farm produce brings nothing. The farmer can not convert it into money, or into sufficient money, and therefore he can not purchase the surplus articles of the manufacturer; and that is all there is to it.

Now, I say to the other side of the Chamber that so far as I am concerned individually, I will not place a thing in your pathway to obstruct a reasonable tariff measure from your standpoint. You have cried tariff from every hilltop in this country for the You have cried tariff from every hilltop in this country for the last six months. You have succeeded in deluding the country. You have told the people that our prosperity would be brought about by the reenactment of a tariff law. I think we can demonstrate to the country the falsity of that statement quicker by permitting you to pass such an act and by that means draw the attention of the people of the country once more to the only great issue, the financial question.

Mr. SHERMAN obtained the floor.

Mr. CHANDLER. Will the Senator from Ohio allow me to make a remark? I suggest that the immigration bill go over to-day and be taken up after the routine morning-business to-

to-day and be taken up after the routine morning business tomorrow, its consideration to be continued until the hour for vot-

ing already agreed upon.

Mr. TELLER. Before that is done I wish to say a word. I do not like to object to the request, but I wish to say a word or two.

Mr. CHANDLER. I do not propose to stop debate on this

matter.

Mr. TELLER. I do not propose to debate this question.
Mr. SHERMAN. I think I have the floor.
Mr. CHANDLER. I merely desire to ask unanimous consent that the immigration bill may be taken up after the routine morning business is finished to-morrow morning.
Mr. TELLER. I will not object to that, after I can say a few

words, which I can say now.

Mr. CHANDLER. That bill is not now before the Senate. It

is the Dingley bill.

The PRESIDING OFFICER. The Chair recognized the Senator from Ohio. He will recognize the Senator from Colorado later.

Mr. TELLER. I will wait until the Senator from Ohio gets

Mr. SHERMAN. I will yield to the Senator from Colorado. I

desire to make only a few remarks.

Mr. TELLER. I will wait until the Senator from Ohio con-

cludes

Mr. SHERMAN. Mr. President, I do not wish to take part in Mr. SHERMAN. Mr. President, I do not wish to take part in the political feature of this debate, which has been very interesting, but only in the most important object of tariff legislation, and that is revenue. A deficiency of revenue caused by defective laws is almost a crime when committed by the Congress of the United States. It is the first duty of Congress to appropriate money for the ordinary expenditures of the Government of the United States. That is usually done without any party friction. United States. That is usually done without any party friction. The question then is how to raise money to pay those appropriations and to carry on the operations of the Government. This is the difficult problem to be solved by Congress. Upon that question the two great parties honestly differ, one believing that duties may be levied upon imported goods for revenue only, while the other believes that the duties should be so levied that they shall the other believes that the duties should be so levied that they shall the other believes that the duties should be so levied that they shall the duties are the duties and dense the duties are the duties are the duties are the duties are the duties and the duties are the duties are the duties are the duties are dense the duties are the duties are the duties are the duties are duties are the d protect, improve, and encourage domestic manufactures, as well as to furnish adequate revenue for the support of the Government. This contention has existed between parties since the origin of our Government, and is likely to continue while the Government lasts. The result has been that on account of this dispute now for several years the Government of the United States has expended more than the receipts, more than the taxes levied upon the people of the United States. This is a disgrace to any Congress, and ought to be corrected when the opportunity offers. Difference of opinion in the Senate of the United States has undoubtedly cre-

Now, let me call attention to the fact that from the close of the civil war until 1893 every year the Congress of the United States provided sufficient revenue to carry on the operations of the Government, and not only to do that, but to pay off rapidly the public debt. I have before me the familiar statement which shows that from July 1, 1866, until the commencement of the Administration apple to cover the expenses. of Mr. Cleveland the receipts were ample to cover the expenses, and a surplus each year, which in the aggregate amounted to \$1,580,000,000, which was applied to the payment of the public debt. The ascertained interest-bearing debt at the close of the war was about twenty-three or twenty-four hundred million dollars. The precise figures are contained in the books. That debt had been reduced to \$585,000,000 prior to the coming in of the Administration of Mr. Cleveland on his second term. The Demogratic party in Congress in pursuance of their policy, then procratic party in Congress, in pursuance of their policy, then pro-

ceeded to pass the existing tariff law. Everybody knows—it is not a matter of doubt—that since that time the receipts from

not a matter of doubt—that since that time the receipts from customs duties have greatly declined.

I have here a table which shows that in a single year after the passage of the existing tariff law the revenues of the Government from customs fell some \$50,000,000. It is found in this statement that the revenues in 1891 from customs were \$219,000,000; in 1893 they were \$177,000,000; in 1894 they were \$131,000,000, and in 1895 they were \$152,000,000; showing that in each year the revenues from the customs fell below those provided for by the McKinley Act and the previous tariff laws at least \$50,000,000.

That deficiency is the fault of the existing tariff law. There can

That deficiency is the fault of the existing tariff law. There can be no question about it. The provisions of the law are not sufficient to furnish revenue for the support of the Government, and that is mainly because it is founded upon ad valorem rates instead

of specific duties.

Now, that is undoubtedly true. I do not reproach anybody for it. I would desire myself to reduce the burden of taxation upon our people, but the people of the United States never utter a complaint when Congress will supply sufficient revenues to carry on the operations of the Government and gradually pay the public debt. Had it not been for the passage of the existing tariff law, if the McKinley law had remained upon the statute book, producing the revenue it was shown to produce, every part of the public debt of the United States, the interest-bearing debt, would have been paid off at the end of this century. It is manifest that that

I say, therefore, that I will at any moment, upon the motion of anyone, vote to proceed to the consideration of any tariff bill that will increase the revenues of the Government. I do not care whether the bill is in the form of protective duties or in the form of revenue duties. It is a shame, it is a disgrace to the Congress of the United States, at this time of profound peace, to have an insufficient revenue to carry on the Government of the United States and to issue bonds for the purpose of borrowing money to carry on the Government in time of peace. It is a reproach to us; it would be a reproach to any government of Europe. It is a marked and singular incident that the debt of the United States, instead of now being \$585,000,000 and in process of reduction, has been increased \$265,000,000. That is the fault of the insufficient

Sir, I do not care in what form it comes, upon whose motion it may be made, I am willing to take up and consider the pending bill, the Dingley bill, that has been so often referred to. The first thing to be done is to add to it sufficient provisions to increase the revenue so that hereafter in the incoming Administration we shall not be going into debt year by year. If that can be done in a proper way, let it be done. We may differ about the subjects of taxation, the mode and the manner of taxation; that is a matter of honest difference; but the duty should be performed in one way or the other, and it makes but little difference, as the bill proposed is only a temporary measure, whether it is done upon the principles adopted by the Democratic party or the principles adopted by the Republican party.

Mr. VEST. Will the Senator from Ohio permit me to ask him just one question, if it does not interrupt him?

Mr. SHERMAN. Certainly.

Mr. VEST. The money statement of the Treasury Department this morning shows one hundred and twenty-six million and some hundred thousand dollars over and above the gold reserve, as it is called. What does the Senator propose to have done with that

What does the Senator propose to have done with that called.

Mr. SHERMAN. That condition of affairs is caused by the existing deficiency of revenue. The deficiency created a doubt as to whether we would be able to meet the expenses of the Governto whether we would be able to meet the expenses of the Government and to maintain the gold reserve created for the special purpose of preserving the parity of United States notes with coin. In order to meet the current deficiencies, the President of the United States was compelled to use the gold reserve, to divert it from the purpose designated by Congress, and expend it for current demands. This led to the demand of gold for United States notes, and the money now indicated by the Senator is the United States notes redeemed in gold, and these notes are held in the Treasury to prevent us from falling from the gold or specie standard. Have I answered the Senator sufficiently?

Mr. VEST. It appears from this money statement that the

Mr. VEST. It appears from this money statement that the one hundred and twenty-six million and some hundred thousand dollars is a part of the proceeds of the sale of bonds. I do not understand that those proceeds are greenbacks.

Mr. SHERMAN. A very small part of it forms the proceeds of bond sales. The bonds were paid for in gold. The notes were redeemed in gold. This is shown by the report of the Secretary

of the Treasury.

Mr. VEST. I will say, with great respect to the Senator from Ohio, that he does not answer my question.

Mr. SHERMAN. I did answer it.

Mr. VEST. It was not as to how the money came there, or

what was done with the gold, or what has been done by the Treasury Department, but what does the Senator propose shall be done with the one hundred and twenty-six million and some odd

hundred thousand dollars.

Mr. SHERMAN. Let us see how that money was accumulated in the Treasury. In Republican times there was no difficulty about the reserve. All the reserve was maintained, and never during that period of thirteen years was the reserve called upon for more than \$30,000,000. But the very moment the policy was adopted of having insufficient revenue, when every intelligent man knew that the Department had to fall upon and use the gold reserve it created a doubt as to our ability or willingness to maintain the control of reserve, it created a doubt as to our ability or willingness to maintain the specie standard. That has been the cause of it, and that is an additional reproach to the Democratic party. That is the result of an insufficient tariff revenue.

All I wish to say is that if we can take up the Dingley bill I am willing to do it. If we are to play fast and loose and talk about silver and other matters which have no connection with a tariff bill at all, then, as a matter of course, it is idle and useless to take it up; it is a waste of time; but if we can have any assurance whatever on this side of the Chamber that we can take up the whatever on this side of the Chamber that we can take up the Dingley bill and provide enough revenue in some way or other to carry on the operations of Government we will gladly join in that movement. That bill it is proposed shall last but for a year, and it is not a matter of great importance. We can live through that year under it if necessary. It would be a wise act for this Congress, and for the Senate especially, where the block is made, and where it ought to be rectified, to take up the Dingley bill sent to us by the House of Representatives, which, it is conceded, would add to our revenues \$40,000,000. We ought to pass it as it is, defective as it is, but without those riders which would prevent it defective as it is, but without those riders which would prevent it

from becoming a law.

The silver rider was a mere cowardly evasion of a great and important duty. I say, with all the emphasis of the words I can give to it, that the proposition to go to the single silver standard—for that is what it means—was introduced in order to defeat the bill itself. It is wrong; but whether wrong or right in itself, it had no place on the tariff bill. It had no connection with our revenues or expenditures. It was put there to prevent the proper action of Congress in passing a revenue bill to carry on the operations of the Government. If we can take up the bill and remove this difficulty in any way, if Senators will see it their duty to help us along and provide means to carry on the Government, do not believe in many of its features; I do not believe in that it is. I do not believe in many of its features; I do not believe in the principles upon which it is founded; still I will vote for it, because it would do that first and primary duty, it would increase the revenues of the Government and enable the Government to go on without going every day and every hour into debt more and more.

Mr. PETTIGREW. May I ask the Senator from Ohio a ques-

tion?

Mr. SHERMAN.

Mr. SHERMAN. Certainly.
Mr. PETTIGREW. I should like to ask the Senator from Ohio if he thinks it would obviate the necessity of selling bonds to procure gold if the revenue was increased?

Mr. SHERMAN. Undoubtedly.
Mr. PETTIGREW. Then I should like to ask a further question. Would the Senator be willing, if we passed, for instance, the Dingley bill, to vote for an amendment to repeal the law of 1875

authorizing the issue of bonds?

Mr. SHERMAN. I do not think there is any law now author-

izing the issue of bonds except the resumption act, which provides that gold shall be used as a fund to redeem United States notes.

Mr. PETTIGREW. Under some authority bonds have been issued. Under a pretended or real authority bonds have been

Mr. SHERMAN. Yes.
Mr. PETTIGREW. I suppose they were issued under the sumption act. Would the Senator consent to vote for an amendation of the senator consent to vote for a senat resumption act. ment to repeal that authority, so that bonds could not be issued

without the consent of Congress?

Mr. SHERMAN. If nothing was done to impair the redemption fund, which is a primary thing, I would vote for any measure that will restore it and maintain it. But, sir, Congress ought always to confer the power to borrow money, if necessary. Congress ought to exercise that power when it is necessary on account of the deficiency of the revenues. There was no deficiency of the

mr. PETTIGREW. It seems to me that the Senator does not answer my question. I think Congress has the power probably to borrow money, and to enact laws to do it, but it appears the President assumes the power under some act of Congres the resumption act, he says. The question is, having provided revenue enough to run the Government, would the Senator be willing to vote for a law to repeal that so-called authority in the President to borrow money?

Mr. SHERMAN. I think the taking of money from the resump-

tion fund is a great stretch of power, but I am not prepared to say that the President of the United States was not justified in doing it. The fault was here in Congress. We should have provided money enough, without reference to that fund, to have carried on the operations of the Government. When, therefore, the President, in the absence of action by Congress, saw that the \$100,000,000 of gold was likely to be exhausted—it ran down at one time to \$45,000,000—he did what I think he was justified in doing under the circumstances. He rather "whipped the devil around the the circumstances. He rather "whipped the devil around the stump," I may say, and, invoking the provisions of the resumption act, he did sell bonds. Whether the sale of those bonds was legal or not makes no difference; it was an honest debt to be paid. We had promised to pay the United States notes, and when they came pouring into the Treasury there was nothing for the Secretary of the Treasury to do but to use any money at hand, gold or any other money, to pay off and redeem those notes. But, sir, all this was the result of insufficient revenue, sufficient revenue not having been provided by existing law.

Mr. TELLER. Mr. President, I do not intend to discuss the

Mr. TELLER. Mr. President, I do not intend to discuss the silver question or the financial question. The Senator from Ohio reprobated such a discussion, and then proceeded to discuss it and to open the door, I suppose, for others to follow. So far as the question as to whether the Dingley bill can become a law is concerned, I do not feel at liberty to discuss it in the method that it was discussed by two Senators, because I do not understand that we have the right to discuss the question whether the President

we have the right to discuss the question whether the President will or will not veto a bill. I suppose we can legislate with reference to that point in our minds, but it has been an unwritten rule of the Senate, as it is of all legislative bodies of this character, that no reference shall be made to the action of the Executive.

The Senator from New Hampshire [Mr. CHANDLER] asked the Senator from Nebraska [Mr. ALLEN] whether he thinks the President of the United States would sign the bill because of some obstruction that he imagines may be put upon the bill in the shape of a free-silver attachment. The Senator from Nebraska might have replied in as much order as the Senator from New Hampshire have replied in as much order as the Senator from New Hampshire by asking him if he thinks the President of the United States would sign this bill if there was no silver attachment put on it.

Mr. President, the conditions of the Senate were as well known when the bill was brought in as they are to-day. It was as well known then that if every man in this Chamber who had been elected as a Republican had voted for the bill it would still have lacked at least one vote. There was no earthly reason to suppose that any man who had not acted with the Republican party in this Chamber would cast his vote for the bill. It is the barest pretense in the world for anyone to stand here and say he expects or believes that the bill can become a law. Without violating the law I have mentioned, I can say there is certainly an obstruction here which everybody knows existed when the bill was introduced, here which everybody knows existed when the bill was introduced, and it exists whether the silver attachment is on the bill or off. When the Senator from Maine [Mr. FRYE] says that he is in favor of passing the bill he knows it can not be passed, and he does not know it any better to-day than he knew it when the bill was introduced. The bill was not introduced to be passed, and it is not a fit bill to pass. We have heard from the Senator from Ohio again and again that it is not a protective bill. We have heard again and again that it is not a Republican bill, and we have heard from the friends of the bill that it was a makeshift, a temporary-expedient bill.

when the state of opinion as to how it secured power. At some other time I shall probably do so. But it is coming into power; and it is coming into power with a promise and a pledge to the American people that the distressed condition of affairs which has existed for many years shall disappear with Republican success, when it shall be

followed by a Republican Administration.

Mr. HOAR. And legislation.

Mr. TELLER. Of course; you have promised that you would legislate. We were told during the campaign that an era of confidence would begin the moment the election was over. If such

an era has struck the country, I have failed to observe it.

Mr. President, the Republican party will have a duty to perform to the American people, and they will not perform that duty by talking about the Dingley bill unless they will say to the country that the Dingley bill is the bill they want; that it is exactly try that the Dingley bill is the bill they want; that it is exactly such a bill as will bring prosperity to the country. Every one of them on this side of the Chamber who has ever spoken about the bill has condemned it. If they think that they can pass the bill and go to the country, and then, if prosperity does not come, say, "Well, we did not get the bill we want." that will not answer the demand the people will make upon them. They are to pass a bill such as they want. It is to be a Republican bill from a Republican standpoint. I do not know whether it is to be the McKinley bill or not, but I should assume not, from the fact that in the Republican platform I discovered there was a provision which said, "We are not attached to schedules." When I inquired of some leading Republicans in the country, at a proper time to make such an inquiry, what that meant, they said it meant that they did not mean to promise to reenact the McKinley bill. But the Republican party has said that this country suffers for noth-ing but more tariff; that the financial question does not disturb So the Senator from Nebraska who sits on my right [Mr. Thusston], in an interview published in a morning paper, says that that is not what disturbs the country, it is more tariff, or, as the Senator from Missouri [Mr. Vest] from his standpoint says, more taxes

Now, Mr. President, this bill will never become a law, and there not a man on this floor who does not know it. Why should the is not a man on this floor who does not know it. Why should the American Senate spend its time with this bill. Why should you disturb the business of the country with talk about passing the bill when you all know that it will not pass and can not become a law-when you know there are obstacles here or elsewhere that are absolutely insurmountable?

Mr. CHANDLER. Will the Senator allow me to answer the

Mr. CHANDLER. Will the Senator and while to answer the inquiry he put?

Mr. TELLER. Certainly.

Mr. CHANDLER. No Senator upon this side of the Chamber who supported Mr. McKinley commenced talking about this bill. The Senator from Nebraska [Mr. Allen], who, with the Senator from Colorado, tried to elect Mr. Bryan, got up the bill the other

Mr. TELLER. Mr. TELLER. I am not sure but that we did elect him, too.
Mr. CHANDLER. And the Senator from Missouri [Mr. Vest]
got the bill up to-day. The talk about this bill and wasting the

time of the Senate has not been upon this side of the Chamber.

Mr. TELLER. This is a Republican measure, and it is now receiving the support of the Republicans on this side, in the way of the Senator from Ohio and the Senator from Maine at least.

Mr. CHANDLER. But the Senator was lecturing the Repub-

ican side of the Chamber for talking about the bill.

Mr. TELLER. You were talking about it. You were professing that you want to pass it. It would not be offensive if I should say that every one of you know you do not want to pass it. I said last summer that no one in the country would have been so frightened as those on this side of the Chamber would have been if you had supposed it would have become a law. It is ineffective

to do what you say is needed to be done in the country.

Mr. CHANDLER. If the Senator will allow me a word, when
he makes that imputation upon the whole Republican side of the

Chamber, for one, I beg leave to deny it.

Mr. TELLER. Very well; I will except the Senator.

Mr. CHANDLER. The Republicans supported the bill in good faith.

As I have stated that I desire its passage, the Senator from Colorado will have to exclude me from the list.

Mr. GALLINGER. I am in the same category.

Mr. FRYE. I am very earnestly in favor of passing it.
Mr. TELLER. I will retract what I said. I will say I did not
see how anybody did expect it to pass; and I can not see from my

Mr. SEWELL. Will the Senator from Colorado allow me to

interrupt him:

Mr. TELLER. In a minute. I can not see from my standpoint how anybody could have expected any advantage to come to the Country from its passage, if it had been possible to pass it. Now I will hear what the Senator from New Jersey has to say.

Mr. SEWELL. If the Senator will relieve the bill from the silver amendments, I am very anxious to vote for it just as it stands.

I believe if we could have passed the bill at the last session it

would have been a benefit to the country, by giving the Government the money that was needed instead of borrowing it.

Mr. TELLER. If there are any considerable number of Republicans here who think the bill ought to pass, and that the passage of the bill would bring prosperity, why do they not press the bill; why do they not find out whether they have got the votes to pass the bill; why do they not find out whether it can become a law or not?

Mr. CHANDLER. The Senator himself knows the obstacle. do not say there are not obstacles to the passage of the bill; but the Senator undertook to impugn the motive of every Senator on

the Senator undertook to impugn the motive of every Senator on this side of the Chamber, except his own peculiar associates, by saying we did not desire the bill to become a law.

Mr. TELLER. I repeat, if it is offensive, I repeat, this bill was not introduced to be passed, and it was understood when it was introduced that it could not be passed; that it was introduced for a political advantage and a political purpose. I make that statement, Mr. President, on my own authority.

Mr. CHANDLER. That is the Senator's opinion. I can not help his entertaining that opinion.

Mr. HALE. As the Senator has made so grave a charge, I wish he would give a little more in detail some of the reasons for his

he would give a little more in detail some of the reasons for his remarkable statement that the bill was never reported with the expectation that it would be passed. Does the Senator bear in

mind that it was a measure framed by the House of Representa-tives with deliberation, with the avowed purpose of being a temporary measure to raise revenue for a Democratic Administration, debated and passed there, and sent to this body; and then the Republicans of this body, almost united, agreed to endeavor to pass it without crossing a "t" or dotting an "i" as the other branch

of the Government had sent it to us?

For one I wish to say in all sincerity, and as sincerely as the Senator from Colorado can say anything (and he is a sincere man), that it never occurred to me that we were not to pass the bill in honest fashion for an honest purpose, if we could do it. I believe, with the Senator from New Jersey [Mr. Sewell], that it would have been a benefit and it would have helped the country could we have passed it at the last session. We could not and did not. I agree fully with my colleague that if we could pass it to-day just as it is it would be a beneficent measure. It would give revenue at once, or almost at once. It would help the country in the feeling that there would be no more sales of bonds to run the Government.

So far as I am concerned, the Senater is wrong in saying that there was anything underneath or underlying or furtive in the attempt to pass this bill.

Mr. TELLER. Mr. President, I did not give way to the Senater of the senater of

tor to make a speech.

Mr. HALE. I am obliged to the Senator, who is always very

courteous

Mr. TELLER. The bill was introduced in the other House with great haste, if I may speak of what occurred in another body. It practically came in without the deliberation of a committee, it having been considered for a few hours only, as everybody knows. When the President sent his message here about the finances of the country it had no reference whatever to the revenue. When he had declared in his message that he needed no more revenue, when the Secretary of the Treasury had declared in his report that he needed no more revenue, the committee of the House, with great haste, with hot haste, reported a bill which did not pass with deliberation. It passed as no other tariff bill ever passed in the history of this country—passed with a few hours of discussion, only a few favored members of that body being able to say a word on it. came here as no other bill ever came to this Senate; it came when everybody knew there was a decided majority in the Senate against a tariff bill. It came here, if I may be allowed to say so, when it was known that there was not even the remotest possibility on the face of the earth that it ever could become a law, and it was known that before it could become a law one of the principal officials of this country would have to stultify himself to a degree that there

was no reason to suppose he would.

That is the reason I say the bill was not expected to become a law. I say it was not expected to become a law because it does not stand to reason that Republican Senators knew so little of public affairs as to suppose that from the other side of the Chamber they could get a vote for a measure which was infinitely more offensive than measures which had called down the denunciation of many a Senator and of the President of the United States himself. They knew the President of the United States had declared that the law which did pass was infamous because of the high tariff it put upon many products, and upon the same products they put 15 per cent more. They had no reason, in the nature of things, to suppose that they could get a vote from the other side of the Chamber. I assert here that no Senator will rise in this Chamber and state that he attempted to get a vote from the other side of the Chamber. While it was said, with an indefiniteness that was sometimes quite astonishing, that there were hopes that if it passed the two Houses of Congress it might become a law, I venture to say that no Senator will say here that he dickered with the Chief Executive as to whether he would veto or sign the bill.

the Chief Executive as to whether he would veto or sign the bill. I repeat, that everything which touches and surrounds this bill shows that it was a political movement, and only a political movement. It was a political movement to distract the attention of the American people from the financial question, and the Republican party went into the campaign of this year making an effort to withdraw public attention from the financial question and center it upon the tariff question. They would have had a good chance, if the bill could have passed the Senate and been vetoed by the President, to have made an issue. They would have had a good the President, to have made an issue. They would have had a good chance if it had been met here by a consolidated Democratic and Populist vote and defeated; but it was not. Men who were as Populist vote and defeated; but it was not. Men who were as much in favor of protection as any man sitting on this side of the Chamber, realizing the purpose for which the bill was introduced and pressed, believing that it was not intended to become a law, believing that it could not become a law, believing that it was for an evil purpose—evil, and for nothing else—joined with the opposition on the other side in declining to take it up. It has been brought before the Senate at this session by a great big vote. Was there any sentiment among the Republicans to press it to a vote? there any sentiment among the Republicans to press it to a vote? If there was, the reading of the debate—I was not here—does not indicate it.

Mr. President, everybody knows that this bill can not pass; everybody knows it will not become a law; everybody knows that if you are to have a tariff bill you will have to wait until after the 4th of March, and you will have to wait until the Republican ath of March, and you will have to wait until the Republican party comes into power. Everybody knows that if the Republican party would be fair and frank and say, "We can not pass this bill," or if they would say what most of them know, that this bill will not grant the tariff they have promised, the people of the United States would wait with patience until that party comes into power and has the opportunity of passing a tariff bill. If into power and has the opportunity of passing a tariff bill. If they pass this bill and it should become a law, they must pass another in the early months of next spring. Not a Senator on this floor on this side will say that, in his judgment, this is the bill that the Republican party have promised the country. Not a Senator here will say that this is the bill which will restore prosperity to the business of this country. They expect a different kind of bill from this, and if any prosperity comes from a tariff bill it will be from a bill different from this.

Mr. President, the business of this country is disturbed by

Mr. President, the business of this country is disturbed by these continual agitations of the tariff question more so than by the agitation of the silver question; and yet we have the agitation the agitation of the silver question; and yet we have the agitation all the time going on, because there is not quite frankness enough to say, what everybody knows, that the bill can not become a law. When the change shall have occurred, it will be the duty, in my judgment, of the Republican party, if they keep their pledges to the people, to have an early session—and it can not be too soon after the incoming Administration—and then to formulate a law which will be in line with what is called Republican sentiment and Republican principle. When they have put that before Congress. which will be in line with what is called Republican sentiment and Republican principle. When they have put that before Congress, if they fail to pass it, they will be in some degree at least absolved from their promise; but they never will be absolved from it until they have tried it; they will never know whether they can pass it or not until they have tried it. If you can pass any bill now, why not pass a bill which will accomplish what you propose? If you can pass this bill, you can pass another and a better bill.

Mr. President, I did not mean to say so much when I rose. I meant to say a word or two about the wool question, and I want

meant to say a word or two about the wool question, and I want

to say a word or two about it now.

The price of wool has gone down in this country, and it went down in spite of the tariff. It went down because everything else went down. It did not go down more than did other products of the farm. We have had free trade in wool, and it still continues to go down. I was myself of the impression that it had gone lower then it did under the McKinley Act. than it did under the McKinley Act. I may be mistaken about that, because I see that it is here disputed, and I have not looked It did not go down to the extent that it did because of the lack of tariff. It went down because the conditions of the country are putting everything down; because everything which the farmer raises is lower now than it was three years ago. It went down raises is lower now than it was three years ago. It went down because there had sprung up a competition in wool which this country had never been called upon to meet before. Within the last four or five years there has been built up an Asiatic trade in wool. Twenty-five million pounds a year have been coming to us, and coming more than at that rate this year. When the year shall close you will find it more than 25,000,000 pounds. It began four or five years ago with the importation of a million pounds of Chinese wool. We have now got 25,000,000 or 26,000,000 pounds a year, a growing trade, a trade which threatens the wool interests of this country, whether with or without a tariff. The Senator from Oregon [Mr. MITCHELL] says the woolgrowers could not sell their wool on the Pacific Coast for more than 5 or 6 cents, I think.

Mr. MITCHELL of Oregon. They could not sell it for 5 cents.
Mr. TELLER. They could not sell it for 5 cents; but 25,000,000
or 26,000,000 pounds of Chinese wool were sold on the Pacific Coast
at a price at which the Chinaman is satisfied to continue his at a price at which the Chinaman is satisfied to continue his export, which is increasing year by year, more this year than last year, and more last year than the year before. How does he do it, Mr. President? The Chinaman is on a silver basis. He brings his wool here, and last year he sold it in San Francisco on an average of 8 cents a pound and bought exchange on China, which gave him 15½ cents of Chinese money for it when he got home, which is as potent in purchasing labor or anything else in China as it was thirty years ago. While the American farmer sold his wool for 8 cents, the Chinaman sold his for 15½ cents. Having the great Pacific Sea, which brings all kinds of goods from Asia to the Pacific Coast, he can sell his goods for less than an American factor of the control of t can farmer who has to transport his goods 250 miles by rail can

can farmer who has to transport his goods 250 miles by rail can sell his for. No American farmer can compete with the great Chinese woolgrowers even in the interior of China. That is one thing which is putting down the price of wool; that is one thing which threatens it infinitely more than the lack of a tariff.

Mr. President, the Senator from Ohio [Mr. Sherman] repeats what he has said again and again, and I will challenge it, because I always feel that I should do so. He says that we have issued bonds because we had a deficiency in revenue. The President of the United States declared in his official communication to us that at the time he issued those honds there was no occasion for money. at the time he issued those bonds there was no occasion for money

to carry on the Government; that he had enough of it in the Treasury. The Secretary of the Treasury made the same declaration, and an examination of the reports will show that when the bonds were issued, in one instance at least, there was more free bonds were issued, in one instance at least, there was more free money in the Treasury for the use of the Government than there is to-day. If there had been revenue tenfold, unless the revenue came in the shape of gold, in which it did not come and in which it will not come, the President of the United States, if he maintained the gold standard, was compelled to issue bonds to buy gold, and if you continue the present system of finance you must continue to buy gold whenever the gold shall run below what the President may think is the danger line. No amount of revenue will help you.

will help you.

There is another question which might be considered with this bill, and that is, Will this bill produce more revenue? It is very doubtful whether under this bill, with its high rates, you will be a set of well and the set of well have as much revenue as you have to-day. I do not find fault with it because it keeps out imports; I am not finding fault with with it because it keeps out imports; I am not finding fault with it; but if you are legislating for revenue the question is whether, if you put on a high tariff in addition to a tariff reasonable now in many respects, you will get more revenue or will get less. The Senator from Rhode Island [Mr. ALDRICH] said here to-day, as I understood him, that the tariff on iron was satisfactory; at least if he has not said so now it was so stated when the Wilson bill was under consideration. He said then that the tariff upon cotton goods was the most scientific schedule which had ever been anated and entirely satisfactory to the manufacturers of cotton enacted, and entirely satisfactory to the manufacturers of cotton.

Mr. HOAR. With some exceptions.
Mr. TELLER. No exception was made then, whatever may have been found in practice. It was believed when the Wilson bill passed that the manufacturers of woolen goods had been amply taken care of. Their representatives on this floor were amply taken care of. Their representatives on this floor were satisfied with that bill.

Mr. ALDRICH. The Senator is mistaken.

Mr. TELLER. No, I am not.

Mr. ALDRICH. I do not know any of their representatives on

this floor.

Mr. TELLER. I will admit that the woolen goods schedule was not sufficient, because when you get \$87,000,000 of importations of woolen goods in nine months or in a year, that is more, in my judgment, than the American people ought to submit to.

Why did we get that great amount of woolen goods? We got it because the condition of Europe was such that manufacturers of woolen goods in that country were compelled to unload upon us at any price they could get. Every man who has kept in touch with the affairs of Europe knows that woolen goods were never before so low in other countries, and that they were never before so low in this country. It would astonish men who are not famil-iar with this matter to take the schedules of the importations of woolen goods and see the price at which they are brought here and the price at whi h they can be and are sold. It was the distress in Europe which brought a great avalanche of woolen goods here. If I were to revise the tariff, I would revise it, not by putting 15 per cent more duty upon iron and steel, which have enough now; not by putting 15 per cent more upon cotton and 15 per cent more upon wool, but I would put enough duty upon wool to give the American wool manufacturer practically the American mar-

the American wool manufacturer practically the American market; not so much, however, that he may be able to demand that the American consumer shall pay an inordinate sum.

Has this Dingley bill been properly considered? Does it consult the interest of each manufacturing industry in the country when it gives on one grade of carpets 2½ per cent more than the McKinley law gave, and gives 15 per cent more upon what everybody admits, I believe, is a satisfactory tariff upon iron and steel, and only 15 per cent upon the woolen schedule, when everybody, I think, who has examined it and who believes in tariff at all will assert that more than 15 per cent is needed if anything at all is needed.

I do not intend to discuss the tariff question. I only want to say in justice to myself that if I had believed that this bill when it was before the Senate was a bill which would have brought relief to the suffering industries of the country, I should have voted for it.

voted for it.

Mr. President, I want prosperity in the United States. I believe it can be brought to our people by a decent financial system; I do not believe it can be brought in any other way; but if you can show me any other method which will stand the test of logic and reason, I will support it with you. I do not say that I will support any tariff bill that you introduce, because I do not believe tariff is the remedy; on that I reserve the right when the time comes to do as my judgment shall dictate; but if you will show me any system that will convince my judgment that prosperity will come from its adoption, I am not so attached to the silver question or the money question that I would not welcome prosperity tion or the money question that I would not welcome prosperity from any other source or in any other direction. If the country can be made prosperous by other legislation, the section of the country which I in part represent will come in for its share of that prosperity. I am not myself legislating for any single section. My interest extends to all the people and to every portion of the

At some time when I shall have the opportunity I mean to discuss this question in a different way. I trust I may discuss it in temperance, but I mean to discuss not only this question, but to discuss the great questions which were presented in the late campaign. I want to say here that I mean then to resent for myself and the 6,000,000 men who voted with me the repeated assertions made here and elsewhere that we were less patriotic or less honest

than the men who voted for our opponents.

Mr. GORMAN. Mr. President—

The PRESIDING OFFICER (Mr. Hill in the chair). Debate

on the immigration bill is still in order.

Mr. GORMAN. Mr. President, as one Senator on this side of the Chamber who has uniformly voted against the consideration of the Dingley bill both at the last session and at the present, I desire to say, in reply to the distinguished Senator from Ohio [Mr. Sherman], that I believed then, as was so well expressed by the distinguished Senator from Colorado [Mr. Teller], that this bill at that time was introduced in the face of a Presidential election at that time was introduced in the race of a Presidential election for a purely political purpose; that the knowledge was within the reach of every Senator and every Member of the other House that this body as constituted at that time and as now constituted was opposed to the passage of such a bill; that the bill did not meet the conditions of the Treasury, as stated by the Senator from Ohio, and that the bill in every section of it was unequal and unjust, except possibly in that portion relating to pottery and to the woolen schedule.

The Presidential election has passed. The combinations of men and interests made in that campaign are now matters of history. To the credit of the Republican party be it said that at no time, not even in the critical hours of that campaign, did they ever lower their standard or depart from their declaration that when they came into power they would have a high protective tariff; and the men who followed their banner and who aided them in that contest were bound to accept the result, as I am bound, now

that they have the majority.

I remember full well that when a distinguished friend of mine appealed to your party to center the contest upon a single issue, the offer was declined through an ex-President of the United States, who had a right to speak for his party, who said they were delighted to have the support of all who would come to them to save the honor of the Government and to prevent repudiation, but that they would adopt a protective tariff when they came into That the country understands. You will come into power

power. That the cou on the 4th of March.

It matters not, Mr. President, who is responsible now for the deficiency in the Treasury. The Senator from Ohio and I have debated that question before, and I think I have, at least satisfacdebated that question before, and I think I have, at least satisfactorily to myself, shown that the deficiency began with the McKinley law and has continued under the Wilson law. But there is the condition, and now is your responsibility. You can not meet it at this session of Congress. You have not the power in this body to pass such a monstrosity as the Dingley bill which is before the Senate. You have not the time nor the inclination to remodel that it is a Remyllicen program. There is neither the time bill and make it a Republican measure. There is neither the time nor the inclination to do it, and it is trifling with the business interests of the country, in my judgment, to hold out the hope by continuous debate here at this session that some action will be taken when everybody knows that action is impossible.

You will come into the possession of all branches of the Government, including this body, after the 4th of March, and in my best judgment you will have a clear, safe majority for a protective tariff when you assemble on the 4th day of March. For one, feeling as I do and knowing as I do the business conditions of the people whom we all represent and whom we all desire to relieve, people whom we all represent and whom we all desire to reneve, when you come to the discussion of that matter those of us who will be here on this side will puncture your bill and expose its enormities or its deficiencies, presenting our views, and presenting them fully (as I hope debate will always be full in the Senate), but with no desire to obstruct you unnecessarily in the passage of your party measure. The responsibility will be with you. If the passage of that measure will bring prosperity, if it will give additional zest to the manufacturers, to the transportation companies, and to the farmers, so be it; I shall rejoice with you; but let it be stall and complete measure such as you desire the Government. and to the lames, so be it, i shah rejoice with John State and complete measure, such as you desire the Government shall be administered under, and you will have to take that responsibility only after full and fair discussion in this body.

Mr. HALE. Do I understand the Senator to express here the undoubted conviction that the House bill, the Dingley bill, so called,

can not be passed at this session?

Mr. GORMAN. I say without the slightest hesitation that if the Senator from Maine will join me in the frank statement that he ought to make, he and I both know that it is utterly impossible to pass that bill at this short session.

Mr. HALE. Now, let me say to the Senator, while I think it

would be well to pass the bill, and I am in favor of passing it, and will you to take it up and pass it at any time, the statements which have been made here to-day by the Senator from Colorado [Mr. Teller], who certainly represents a considerable element upon this side of the Chamber, and the statement made by the Senator from Maryland [Mr. Gorman], who largely represents the other side of the Chamber, that it is impossible to pass the House bill, show to me how difficult it will be to pass it. I hope in this view the Senate and the country will take notice of the difficulties under which we are situate here, for with the combination, or with those thinking with the Senator from Maryland on that side of the Chamber and those thinking with the Senator from Colorado on this side, voting against the passage of the Dingley bill, it is clearly impossible to pass it.

I do agree with the Senator that it will be the business of the

Republican party at an early session—and the earlier the better, as the Senator from Colorado says—to take up this whole subject and mature a protective measure, moderate in its terms, but sufficient to give revenue to the Government and properly protect American industries, and I am very glad of his assurance that that will not be obstructed unduly or in any way as mere obstruc-

Mr. TELLER. Will the Senator from Maryland allow me?
Mr. GORMAN. Certainly.
Mr. TELLER. I wish to say to the Senator from Maine that I spoke for no one but myself. When I spoke of the impossibility of passing the Dingley bill I bore in mind all the time the fact that if every man who was elected as a Republican and who ever sat

on this side of the Chamber as a Republican voted for the bill it still could not pass.

Mr. GORMAN. I answered the Senator from Maine frankly in stating my opinion as to the possibility of passing the bill. I do not think he has exhibited his usual frankness in his comments upon that answer. But I should like to have from him, a Senator of great experience in this body and knowledge of its members, an opinion as to whether at any time, from the day the bill was received in this body from the House of Representatives until now, there has been a majority in favor of it.

Mr. HALE. I did not, until very late in the consideration at

the last session, give up the idea that it might be passed here. I did not go into the question beyond that, and I do not think the question ought to be discussed here as to what the Executive

would do with it.

Mr. GORMAN. I do not speak of the Executive. I make no

reference to him.

Mr. HALE. I thought it a good measure. The Senator did not. I believe now it was a good measure. I did not intend in any way to be irksome to the Senator in commenting upon his attitude, but to thank him for his frankness. The country will listen to him as it will listen to few Senators here, and when he was foreshadowing, as he had a clear right to do (I think it was a patriotic service that he did), the difficulties in passing the Ding-ley bill at this session he was giving me light and information upon the situation. I am glad that he did it, and the country will thank him for doing it.

Mr. GORMAN. If I have succeeded in enlightening the Senator from Maine upon the condition in this Chamber and the possibility of passing a bill, I confess I have accomplished a feat that I never expected to see accomplished in this body.

Mr. President, I do not care about the mere finesse of this mat-Mr. President, I do not care about the mere innesse of this matter. There is no politics in it as it stands now. I do not believe that the statements of the Senator from Ohio [Mr. SHERMAN] or of the Senator from Maine [Mr. HALE], or both of them, or of the Senator from New Hampshire [Mr. CHANDLER], can affect the political issue in the United States. The great contest is over. It has become history. You have succeeded. I will not say how I think you have succeeded, but you have succeeded, and you and your party have the responsibility of the Government. You can your party nave the responsibility of the Government. You can not, and you know you can not, accomplish anything substantial at the present session of Congress. But if you had the power to pass the Dingley bill just as it came from the other House, you could not afford to permit the tariff to rest on the Dingley bill during the incoming Administration. Your Executive would be compelled to call an extra session of Congress, or you would be obliged at the next regular session to take up the question of the tariff and upturn every business interest in the United States. The Republican party can not afford to do that. No next could tariff and upturn every business interest in the United States.

The Republican party can not afford to do that. No party could afford to do it. You have no idea of doing it. In the interest of the business of the country, we have no idea of permitting you to do it. Now, the country might as well understand it.

Mr. HALE. At the present session?

Mr. GORMAN. Yes; at this session.

Mr. HALE. That is very ample and sufficient.

Mr. ALLEN. It is understood, then, that the Dingley bill is dead?

dead?

Mr. GORMAN. I know it is ample so far as concerns my statement; but I think the Senators on the other side, as the Senator

from Colorado has frankly stated it, ought to admit it and stop this discussion, and prevent our constituents, who are interested in this question, from holding meetings and conventions, as they are doing in the great cities of the Union, and coming to Washington almost daily, or telegraphing Senators about the passage of this bill, where they are interested in some particular item in it, Mr. PLATT. Will the Senator from Maryland yield to me for

a moment?

Mr. GORMAN. Certainly.
Mr. PLATT. The Senator from Maryland is quite right. We Mr. PLATT. The Senator from Maryland is quite right. We have never had the votes on this side of the Chamber to pass the

Dingley bill, and we have less now than we ever had before.

Mr. TELLER. That is a frank statement.

Mr. PLATT. It is true.

Mr. GORMAN. I have only one word to say further, and that is in reply to the distinguished Senator from Ohio [Mr. SHERMAN]. I do not intend to thrash over old straw as to who is responsible for the deficiency in the revenues. I wish to state for myself, as I have said heretofore on all occasions when we were considering revenue measures, that I agree that the party which would deliberately frame a revenue measure that did not provide sufficient revenue to meet the current expenses of the Government ought to go out of power; and whenever we have considered such a measure in this body I have always voted for such rates of duty and such a levy upon domestic articles as in my judgment would produce sufficient revenue, with a fair surplus to be kept in the Treasury. But the conditions since 1890, when the McKinley bill was passed, have been such, with falling markets, with depression in all keep these findators. was passed, have been such, with falling markets, with depression in all branches of industry, with the consumers unable to purchase the ordinary amount of commodities, that the estimates of the Treasury Department in the framing of the McKinley bill and the last bill were at fault. That, together with the decision of the Supreme Court, have left a deficiency in the Treasury every year. During the latter part of the Harrison Administration the balance in the book account could be made only \$2,000,000, and the fact of it was that we were then \$50,000,000 short. But that has all passed

The President of the United States and the Secretary of the Treasury say that out of the proceeds of the sales of bonds, sold, as they claimed at the time, for the purchase of gold to meet the run made upon the Treasury, there is now in the Treasury \$125,000,000 or \$126,000,000. It will be more than ample for the present fiscal year to meet the deficiencies, whatever they may be, and for the next fiscal year. So, from the present laws and the proceeds of the sales of bonds the Republican party will have all the money that will be necessary to conduct the affairs of the Government until 1898 without any further increase of revenue. In the meantime I take it you will prepare your bill, and you will see to it that there will be a larger revenue than we have now. How you will reach that conclusion is a matter for your own consider Treasury say that out of the proceeds of the sales of bonds, sold, that there will be a larger revenue than we have now. How you will reach that conclusion is a matter for your own consideration, but I wish to say to the Senator from Ohio that his party can not be embarrassed by the failure to have legislation at the present session of Congress. There will be no further necessity for the sale of a single bond to meet the payments that may be due this year and the next. You will have ample time to meet them in the ordinary way and to dispose of this matter as the

Republican party may desire.

Mr. SHERMAN. I can not speak, as a matter of course, for my associates here as a general thing, but I am inclined to think, and I believe that it is their opinion, that in view of the statements which have been made from the other side of the Chamber that the Dingley bill can not pass, we ought not to waste any more time upon it. So far as I am concerned, I am not disposed, and I think the great majority on this side, without having had any opportunity to consult each other, are not disposed to attempt the impossible in order to pass the Dingley bill.

Mr. QUAY. The funeral services on the Dingley bill having been concluded, I move that the Senate proceed to the considera-

tion of executive business

Mr. CHILTON. Will the Senator from Pennsylvania yield to me for a moment? A bill has come over from the other House similar to one which passed both the House and the Senate during the last session of Congress, which went to the President in the closing days of the session and failed to receive his signature.

Mr. QUAY. I withdraw the motion.

The PRESIDING OFFICER. The motion is withdrawn.

EASTERN JUDICIAL DISTRICT OF TEXAS.

Mr. CHILTON. I ask unanimous consent that House bill 9469

be taken from the table and put upon its passage.

The bill (H. R. 9469) to constitute a new division of the eastern judicial district of Texas and to provide for holding of terms of court at Beaumont, Tex., and for the appointment of a clerk for said court, was read the first time by its title and the second time

The PRESIDING OFFICER. Is there objection to the present

consideration of the bill?

Mr. CHANDLER. Not displacing the unfinished business, The PRESIDING OFFICER. Not displacing the unfinished business. Is there objection?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HOUSE BILLS REFERRED.

The following bills were severally read twice by their titles and referred to the Committee on Military Affairs:

referred to the Committee on Military Affairs:

A bill (H. R. 514) to remove the charge of desertion from the military record of Wear Crawford;

A bill (H. R. 4223) for the relief of Curtis P. Wise;

A bill (H. R. 4853) for the relief of John Duncan;

A bill (H. R. 6143) for the relief of Peter Young;

A bill (H. R. 7282) for the relief of Charles T. Trowbridge,

George D. Walker, and John A. Trowbridge; and

A bill (H. R. 7906) to grant an honorable discharge to Adam

Hand, as first lieutenant of Company B, One hundred and eightyfourth Regiment Pennsylvania Volunteers.

The bill (H. R. 596) for the relief of Ellis H. Roberts was read

twice by its title, and referred to the Committee on Finance.

The bill (H. R. 6750) to authorize the mayor and city council of

Monroe and the police jury of the parish of Ouachita, La., to con-

Monroe and the police jury of the parish of Ouachita, La., to construct a traffic bridge across the Ouachita River opposite said city was read twice by its title, and referred to the Committee on Com-

The bill (H. R. 8197) for the relief of John J. Guerin was read

twice by its title, and referred to the Committee on Naval Affairs.

The bill (H. R. 9472) to amend chapter 111 of the acts of the third session of the Fifty-third Congress was read twice by its title, and referred to the Committee on Public Buildings and

A. A. HOSMER.

The bill (H. R. 6533) for the relief of A. A. Hosmer was read twice by its title.
Mr. CARTER.

I ask unanimous consent for the present con-

sideration of the bill.

The PRESIDING OFFICER. Is there objection?
Mr. CHANDLER. I shall not object if we can have the same understanding as to all such bills, that the unfinished business shall not be displaced.
The PRESIDING OFFICER. Is there objection?

Mr. COCKRELL. What is the bill?
Mr. CARTER. It is a bill which has come over from the other House, and is identical with one which has heretofore passed the Senate.

Mr. COCKRELL. Let the bill be read for information.

Mr. COCKRELL. Let the bill be read for information. The bill was read, and, by unanimous consent, the Senate, as in Committee of the Whole, proceeded to its consideration. It authorizes the Secretary of the Interior to issue to Addison A. Hosmer a certificate of location in place of certificate No. K 9, issued in pursuance of the acts of Congress approved June 22, 1860, March 2, 1867, and June 10, 1872, upon proof of ownership and loss of the same, as the Secretary of the Interior may deem proper, and the execution of a bond, with good and sufficient sureties, in double the market value of the certificate so to be issued, to be approved by the Secretary of the Interior, conditioned to indemnify the United States against the presentation by an innocent holder of the alleged lost certificate.

The bill was reported to the Senate without amendment, ordered

The bill was reported to the Senate without amendment, ordered

to a third reading, read the third time, and passed. MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. Chapell. one of its clerks, announced that the House had passed the bill (S. 1832) to define the rights of purchasers under mortgages authorized by an act of Congress approved April 20, 1871, concerning the Atlantic and Pacific Railroad Company with amendments in which it requested the concurrence of the Senate.

EXECUTIVE SESSION.

Mr. QUAY. I renew my motion that the Senate proceed to the consideration of executive business

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After thirteen minutes spent in executive session the doors were reopened, and (at 4 o'clock and 39 minutes p. m.) the Senate adjourned until to-morrow, Thursday, December 17, 1896, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate December 16, 1896. POSTMASTERS.

Charles L'Amoreaux, to be postmaster at Schoharie, in the county of Schoharie and State of New York, in the place of Florence A. Smith, whose commission expired July 2, 1896. Mr.

L'Amoreaux is now serving as postmaster under a temporary commission issued during the recess of the Senate.

Charles W. Anderson, to be postmaster at Fishkill on the Hudson, in the county of Dutchess and State of New York, in the place of Emory L. Tompkins, whose commission expired July 18, 1896. Mr. Anderson is now serving as postmaster under a temporary commission issued during the recess of the Senate.

porary commission issued during the recess of the Senate.

James S. Boyd, to be postmaster at Cold Spring, in the county of Putnam and State of New York, in the place of Ellis H. Timm, whose commission expired May 20, 1896. Mr. Boyd is now serving as postmaster under a temporary commission issued during

ing as postmaster under a temporary commission issued during the recess of the Senate. John E. Brennan, to be postmaster at Highland Falls, in the county of Orange and State of New York, in the place of Philip Altshimer, whose commission expired July 19, 1896. Mr. Brennan is now serving as postmaster under a temporary commission

nan is now serving as postmaster under a temporary commission issued during the recess of the Senate.

James C. Brophy, to be postmaster at Shortsville, in the county of Ontario and State of New York, the appointment of a postmaster for the said office having, by law, become vested in the President on and after July 1, 1896. Mr. Brophy is now serving as postmaster under a temporary commission issued during the recess of the Senate.

John E. Cannon, to be postmaster at Andover, in the county of Allegany and State of New York, the appointment of a postmaster for the said office having, by law, become vested in the President on and after July 1, 1896. Mr. Cannon is now serving as postmaster under a temporary commission issued during the

recess of the Senate.

Marvin D. Fisher, to be postmaster at Spencer, in the county of
Tioga and State of New York, the appointment of a postmaster for the said office having, by law, become vested in the President on and after October 1, 1896. Mr. Fisher is now serving as post-master under a temporary commission issued during the recess of the Senate.

John A. Homeyer, to be postmaster at Richmond Hill, in the county of Queens and State of New York, the appointment of a postmaster for the said office having, by law, become vested in the President on and after October 1, 1896. Mr. Homeyer is now

the President on and after October 1, 1896. Mr. Homeyer is now serving as postmaster under a temporary commission issued during the recess of the Senate.

James F. Hunt, to be postmaster at Croton on Hudson, in the county of Westchester and State of New York, the appointment of a postmaster for the said office having, by law, become vested in the President on and after October 1, 1896. Mr. Hunt is now conving as postmaster under a temporary commission issued duranting as postmaster under a temporary commission issued dur

serving as postmaster under a temporary commission issued during the recess of the Senate.

Norman W. Kelso, to be postmaster at Mechanicsville, in the county of Saratoga and State of New York, in the place of George B. Tripp, whose commission expired April 8, 1896. Mr. Kelso is now serving as postmaster under a temporary commission issued during the recess of the Senate.

during the recess of the Senate.

Katherine I. Merritt, to be postmaster at Pelham, in the county of Westchester and State of New York, the appointment of a postmaster for the said office having, by law, become vested in the President on and after July 1, 1896. Katherine I. Merritt is now serving as postmaster under a temporary commission issued during the recess of the Senate.

B. Frank Palmer, to be po

B. Frank Palmer, to be postmaster at Larchmont, in the county of Westchester and State of New York, the appointment of a postmaster for the said office having, by law, become vested in the President on and after October 1, 1896. Mr. Palmer is now serving as postmaster under a temporary commission issued during

willard Peck, to be postmaster at Hudson, in the county of Columbia and State of New York, in the place of Judson M. Johnson, whose commission expired December 19, 1893. Mr. Peck is now serving as postmaster under a temporary commission issued during the recess of the Senate.

Charles S. Powell, to be postmaster at Freeport, in the county of Queens and State of New York, the appointment of a postmaster for the said office having, by law, become vested in the President on and after July 1, 1896. Mr. Powell is now serving as postmaster under a temporary commission issued during the recess of the Senate.

Edward J. Shanahan, to be postmaster at Amsterdam, in the county of Montgomery and State of New York, in the place of Mrs. Julia A. Caney, whose commission expired December 14, 1896.

Albert J. Smith, to be postmaster at Northville, in the county of Fulton and State of New York, in the place of Charles G. Bacon, whose commission expired July 18, 1896. Mr. Smith is now serving as postmaster under a temporary commission issued during the recess of the Senate.

Benjaman M. Tasker, to be postmaster at Fort Edward, in the county of Washington and State of New York, in the place of O. C. Robinson, whose commission expired January 6, 1896. Mr.

Tasker is now serving as postmaster under a temporary commission issued during the recess of the Senate.

Leander Wright, to be postmaster at Amityville, in the county of Suffolk and State of New York, in the place of Solomon Ketcham, jr., whose commission expired December 17, 1895. Mr. Wright is now serving as postmaster under a temporary commission issued during the recess of the Senate.

is now serving as postmaster under a temporary commission issued during the recess of the Senate.

Benjamin H. Bunn, to be postmaster at Rocky Mount, in the county of Edgecombe and State of North Carolina, in the place of Bennett Bunn, deceased. Mr. Bunn is now serving as postmaster under a temporary commission issued during the recess of the Senate.

John W. Kirby, to be postmaster at Lenoir, in the county of Caldwell and State of North Carolina, the appointment of a postmaster for the said office having, by law, become vested in the President on and after October 1, 1896. Mr. Kirby is now serving as postmaster under a temporary commission issued during the recess of the Senate.

John F. Hogan, to be postmaster at Northwood, in the county of Grand Forks and State of North Dakota, the appointment of a postmaster for the said office having, by law, become vested in the President on and after October 1, 1896. Mr. Hogan is now serving as postmaster under a temporary commission issued during

the recess of the Senate.

William C. Jimeson, to be postmaster at Cooperstown, in the county of Griggs, and State of North Dakota, the appointment of a postmaster for the said office having, by law, become vested in the President on and after October 1, 1896. Mr. Jimeson is now serving as postmaster under a temporary commission issued dur-

serving as postmaster under a temporary commission issued during the recess of the Senate.

William J. Mooney, to be postmaster at Langdon, in the county of Cavalier and State of North Dakota, the appointment of a postmaster for the said office having, by law, become vested in the President on and after October 1, 1896. Mr. Mooney is now serving as postmaster under a temporary commission issued during the recess of the Senate.

John Cranker, to be postmaster at Perrysburg, in the county of Wood and State of Ohio, the appointment of a postmaster for the said office having, by law, become vested in the President on and after October 1, 1896. Mr. Cranker is now serving as postmaster under a temporary commission issued during the recess of the

Senate.

Franklin L. Krock, to be postmaster at Huron, in the county of Erie and State of Ohio, the appointment of a postmaster for the said office having, by law, become vested in the President on and after July 1, 1896. Mr. Krock is now serving as postmaster under a temporary commission issued during the recess of the Senate.

Isaac Marker, to be postmaster at Versailles, in the county of Darke and State of Ohio, the appointment of a postmaster for the said office having, by law, become vested in the President on and after July 1, 1896. Mr. Marker is now serving as postmaster under a temporary commission issued during the recess of the Senate.

Frank Speasmaker, to be postmaster at London, in the county of Madison and State of Ohio, in the place of John M. Boyer, whose commission expired July 18, 1896. Mr. Speasmaker is now serving as postmaster under a temporary commission issued during the recess of the Senate.

James C. Waltimire, to be postmaster at Deshler, in the county of Henry and State of Ohio, the appointment of a postmaster for the said office having, by law, become vested in the President on and after July 1, 1896. Mr. Waltimire is now serving as postmaster under a temporary commission issued during the recess of the Senate.

Marker V. Wilson, to be postmaster at Lebenon in the country of Senate.

Mary V. Wilson, to be postmaster at Lebanon, in the county of Warren and State of Ohio, in the place of Mary V. Proctor, changed her name by marriage. Mary V. Wilson is now serving as postmaster under a temporary commission issued during the recess of

the Senate.

Charles F. Belt, to be postmaster at Dallas, in the county of Polk and State of Oregon, in the place of Ulysses S. Grant, whose commission expired July 18, 1896. Mr. Belt is now serving as postmaster under a temporary commission issued during the recess of

the Senate.

Joseph C. Sawyer, to be postmaster at Newburg, in the county of Yamhill and State of Oregon, the appointment of a postmaster for the said office having, by law, become vested in the President on and after July 1, 1896. Mr. Sawyer is now serving as postmaster under a temporary commission issued during the recess of the Senate.

Virginia A. Williams, to be postmaster at Independence in the

of the Senate.

Virginia A. Williams, to be postmaster at Independence, in the county of Polk and State of Oregon, in the place of Essie G. Robertson, whose commission expired July 18, 1896. Virginia A. Williams is now serving as postmaster under a temporary commission issued during the recess of the Senate.

Thomas J. Butler, to be postmaster at Mount Jewett, in the county of McKean and State of Pennsylvania, the appointment of

a postmaster for the said office having, by law, become vested in

the President on and after October 1, 1896. Mr. Butler is now serving as postmaster under a temporary commission issued dur-

ing the recess of the Senate.

George W. Clancy, to be postmaster at Darby, in the county of Delaware and State of Pennsylvania, the appointment of a postmaster for the said office having, by law, become vested in the President on and after July 1, 1896. Mr. Clancy is now serving as postmaster under a temporary commission issued during the recess of the Senate.

John J. Connelly, to be postmaster at Bryn Mawr, in the county of Montgomery and State of Pennsylvania, in the place of J. Newton Marshall, removed. Mr. Connelly is now serving as postmaster under a temporary commission issued during the recess of the

Senate.

James S. Gale, to be postmaster at Milford, in the county of Pike and State of Pennsylvania, the appointment of a postmaster for the said office having, by law, become vested in the President on and after July 1, 1896. Mr. Gale is now serving as postmaster under a temporary commission issued during the recess of the Senate.

Alexander Griffith, to be postmaster at Bridgeport, in the county of Montgomery and State of Pennsylvania, the appointment of a postmaster for the said office having, by law, become vested in the President on and after July 1, 1896. Mr. Griffith is now serving as postmaster under a temporary commission issued during the recess of the Senate.

Jacob S. Groff, to be postmaster at Newtown, in the county of Bucks and State of Pennsylvania, in the place of Joseph P. Carver, whose commission expired July 2, 1896. Mr. Groff is now serving as postmaster under a temporary commission issued dur-

of Lackawanna and State of Pennsylvania, the appointment of a postmaster for the said office having, by law, become vested in the President on and after October 1, 1896. Mr. Hendrick is now serving as postmaster under a temporary commission issued during the recess of the Senate.

Frank O. Howard, to be postmaster at Columbus, in the county of Warren and State of Pennsylvania, the appointment of a postmaster for the said office having, by law, become vested in the President on and after October 1, 1896. Mr. Howard is now serving as postmaster under a temporary commission issued during

the recess of the Senate.

R. Lindsay Kent, to be postmaster at Verona, in the county of Allegheny and State of Pennsylvania, the appointment of a postmaster for the said office having, by law, became vested in the President on and after October 1, 1896. Mr. Kent is now serving as postmaster under a temporary commission issued during the recess of the Senate.

Henry F. Mann, to be postmaster at Sunbury, in the county of Northumberland and State of Pennsylvania, in the place of Jarid C. Irwin, whose commission expired July 18, 1896. Mr. Mann is now serving as postmaster under a temporary commission issued

during the recess of the Senate.

William D. H. Mason, to be postmaster at Williamstown, in the county of Dauphin and State of Pennsylvania, the appointment of a postmaster for the said office having, by law, become vested in the President on and after October 1, 1896. Mr. Mason is now serving as postmaster under a temporary commission issued during the recess of the Senate.

Henry Miller, to be postmaster at Mount Joy, in the county of Lancaster and State of Pennsylvania, in the place of John B. S. Zeller, whose commission expired April 8, 1896. Mr. Miller is now serving as postmaster under a temporary commission issued

during the recess of the Senate.

David A. Minnich, to be postmaster at York, in the county of York and State of Pennsylvania, in the place of Hiram Young, whose commission expired June 22, 1896. Mr. Minnich is now serving as postmaster under a temporary commission issued dur-

ing the recess of the Senate.

Charles E. Steel, to be postmaster at Minersville, in the county of Schuylkill and State of Pennsylvania, in the place of John Toole, removed. Mr. Steel is now serving as postmaster under a temporary commission issued during the recess of the Senate.

David Trump, to be postmaster at Montoursville, in the county of Lycoming and State of Pennsylvania, the appointment of a postmaster for the said office having, by law, become vested in the President on and after October 1, 1896. Mr. Trump is now serving as postmaster under a temporary commission issued during

the recess of the Senate.

J. Albert Walton, to be postmaster at Philipsburg, in the county of Center and State of Pennsylvania, in the place of Henry C. Warfel, whose commission expired May 9, 1896. Mr. Walton is now serving as postmaster under a temporary commission issued dur-

ing the recess of the Senate.

John M. White, to be postmaster at Evans City, in the county of Butler and State of Pennsylvania, the appointment of a post-

master for the said office having, by law, become vested in the President on and after July 1, 1896. Mr. White is now serving as postmaster under a temporary commission issued during the recess of the Senate.

Arthur F. Young, to be postmaster at Union City, in the county of Erie and State of Pennsylvania, in the place of John C. McLean, whose commission expired July 2, 1896. Mr. Young is now serving as postmaster under a temporary commission issued

during the recess of the Senate.

Walter D. Harris, to be postmaster at Olneyville, in the county of Providence and State of Rhode Island, in the place of James H. Walch, whose commission expired December 17, 1895. Mr. Harris is now serving as postmaster under a temporary commission issued during the recess of the Senate.

G. W. S. Jenkins, to be postmaster at Beaufort, in the county of Beaufort and State of South Carolina, in the place of William

O. Prentiss, resigned.

Miss Georgie L. B. Tobin, to be postmaster at Barnwell, in the county of Barnwell and State of South Carolina, the appointment of a postmaster for the said office having, by law, become vested in the President on and after October 1, 1896. Miss Tobin is now serving as postmaster under a temporary commission issued during the recess of the Senate.

Michael F. Bowler, to be postmaster at Groton, in the county of Brown and State of South Dakota, the appointment of a postmaster for the said office having, by law, become vested in the President on and after October 1, 1896. Mr. Bowler is now serving as postmaster under a temporary commission issued during the recess of

the Senate.

Barney O'Neil, to be postmaster at Howard, in the county of Miner and State of South Dakota, the appointment of a postmaster for the said office having, by law, become vested in the President on and after October 1, 1896. Mr. O'Neil is now serving as post-master under a temporary commission issued during the recess of the Senate.

Mrs. Nora Boothe, to be postmaster at Del Rio, in the county of Valverde and State of Texas, the appointment of a postmaster for the said office having, by law, become vested in the President on and after July 1, 1896. Mrs. Boothe is now serving as postmaster under a temporary commission issued during the recess of the

James A. Boyd, to be postmaster at Lancaster, in the county of Dallas and State of Texas, the appointment of a postmaster for the said office having, by law, become vested in the President on and after October 1, 1896. Mr. Boyd is now serving as postmaster under a temporary commission issued during the recess of the Senate.

John L. Brooks, to be postmaster at Georgetown, in the county of Williamson and State of Texas, in the place of Charles V Brooks, deceased. Mr. Brooks is now serving as postmaster under

David B. Howerton, to be postmaster at Hallettsville, in the county of Lavaca and State of Texas, in the place of David B. Howerton, whose commission expired July 22, 1896. Mr. Howerton, ton is now serving as postmaster under a temporary commission

issued during the recess of the Senate.

Felix C. Williams, to be postmaster at Hamilton, in the county of Hamilton and State of Texas, the appointment of a postmaster for the said office having, by law, become vested in the President on and after July 1, 1896. Mr. Williams is now serving as postmaster under a temporary commission issued during the recess of

the Senate

Eli H. Porter, to be postmaster at Wilmington, in the county of Windham and State of Vermont, the appointment of a postmaster for the said office having, by law, become vested in the President en and after October 1, 1896. Mr. Porter is now serving as postmaster under a temporary commission issued during the recess of the Senate.

Elizabeth C. Adams, to be postmaster at Radford, in the county of Montgomery and State of Virginia, in the place of Richard H. Adams, deceased. Elizabeth C. Adams is now serving as postmaster under a temporary commission issued during the recess of

John W. Carroll, to be postmaster at Cape Charles, in the county of Northampton and State of Virginia, the appointment of a postmaster for the said office having, by law, become vested in the President on and after July 1, 1896. Mr. Carroll is now serving as postmaster under a temporary commission issued during the recess of the Senate.

Mildred H. Davies, to be postmaster at Manassas, in the county of Prince William and State of Virginia, the appointment of a postmaster for the said office having, by law, become vested in the President on and after October 1, 1896. Mr. Davies is now serving as postmaster under a temporary commission issued during

the recess of the Senate.

William Graham, to be postmaster at Orange, in the county of Orange and State of Virginia, the appointment of a postmaster

for the said office having, by law, become vested in the President on and after October 1, 1896. Mr. Graham is now serving as post-master under a temporary commission issued during the recess of

Rufus K. Sanders, to be postmaster at Saltville, in the county of Smyth and State of Virginia, the appointment of a postmaster for the said office having, by law, become vested in the President on and after July 1, 1896. Mr. Sanders is now serving as postmaster under a temporary commission issued during the recess of

Theodore Tiedemann, jr., to be postmaster at Ballard, in the county of King and State of Washington, the appointment of a postmaster for the said office having, by law, become vested in the President on and after July 1, 1896. Mr. Tiedemann, is now serving as postmaster under a temporary commission issued during the recess of the Senate.

the recess of the Senate.

John C. McEldowney, to be postmaster at New Martinsville, in the county of Wetzel and State of West Virginia, the appointment of a postmaster for the said office having, by law, become vested in the President on and after October 1, 1896. Mr. McEldowney is now serving as postmaster under a temporary commission issued during the recess of the Senate.

Charles A. Prichard, to be postmaster at Mannington, in the county of Marion and State of West Virginia, in the place of Hugh B. McCracken, removed. Mr. Prichard is now serving as postmaster under a temporary commission issued during the recess of the Senate.

Joel D. Cruttenden, to be postmaster at Bayfield, in the county of Bayfield and State of Wisconsin, in the place of Louis J. Bachand, removed. Mr. Cruttenden is now serving as postmaster under a temporary commission issued during the recess of the Senate.

James Devereux, to be postmaster at Shell Lake, in the county of Washburn and State of Wisconsin, the appointment of a postmaster for the said office having, by law, become vested in the President on and after July 1, 1896. Mr. Devereux is now serving as postmaster under a temporary commission issued during the recess of the Senate.

the recess of the Senate.

Henry G. Ellsworth, to be postmaster at Barron, in the county of Barron and State of Wisconsin, the appointment of a postmaster for the said office having, by law, become vested in the President on and after July 1, 1896. Mr. Ellsworth is now serving as postmaster under a temporary commission issued during the recess of the Senate.

David Thompson, to be postmaster at Black River Falls, in the county of Jackson and State of Wisconsin, in the place of John H. Levis, removed. Mr. Thompson is now serving as postmaster under a temporary commission issued during the recess of the

James P. McDermott, to be postmaster at Rock Springs, in the county of Sweetwater and State of Wyoming, in the place of Charles Sorenson, deceased. Mr. McDermott is now serving as postmaster under a temporary commission issued during the recess

CONFIRMATIONS.

Executive nominations confirmed by the Senate December 16, 1896. UNITED STATES ATTORNEY.

Chapman L. Anderson, of Mississippi, to be attorney of the United States for northern district of Mississippi.

RECEIVER OF PUBLIC MONEYS.

Benjamin K. Kimberly, of Colorado, to be receiver of public moneys at Denver, Colo.

ASSAYER.

Francis F. Claussen, of Louisiana, to be assayer of the mint of the United States at New Orleans, La.

APPOINTMENT IN THE REVENUE-CUTTER SERVICE.

George H. Paul, of Wisconsin, to be a second assistant engineer in the Revenue-Cutter Service of the United States.

APPOINTMENTS IN THE NAVY.

Ensigns.

Irvin V. Gillis, a citizen of New York. Ridley McLean, a citizen of Tennessee. Ridley McLean, a citizen of Tennessee.
Raymond Stone, a citizen of Alabama.
David F. Sellers, a citizen of New Mexico.
Charles Webster, a citizen of Massachusetts.
John T. Tompkins, a citizen of Louisiana.
Provoost Babin, a citizen of New York.
Simon P. Fullinwider, a citizen of Missouri.
Lewis B. Jones, a citizen of New York.
Stephen V. Graham, a citizen of Michigan.
Ernest L. Bennett, a citizen of Massachusetts.
Fritz L. Sandoz, a citizen of Louisiana.
John McC. Luby, a citizen of Texas. John McC. Luby, a citizen of Texas.

William P. Scott, a citizen of Pennsylvania.
Arthur G. Kavanagh, a citizen of Nebraska.
Carlton F. Snow, a citizen of Maine.
Charles S. Bookwalter, a citizen of Illinois.
Roscoe C. Bulmer, a citizen of Nevada.
Gilbert S. Galbraith, a citizen of Pennsylvania. Roscoe Spear, a citizen of Pennsylvania.
Robert W. McNeely, a citizen of North Carolina.
Walter S. Turpin, a citizen of Maryland.
George L. P. Stone, a citizen of Georgia.
William S. Whitted, a citizen of North Carolina. Robert H. Osborn, a citizen of New York. Walter J. Manion, a citizen of Louisiana. George E. Gelm, a citizen of New York. Clarence England, a citizen of Arkansas.

ASSISTANT ENGINEERS. John M. Hudgins, a citizen of Virginia.
Boling K. McMorris, a citizen of Alabama.
Alfred W. Hinds, a citizen of Alabama.
Roscoe C. Moody, a citizen of Maine.
Leland F. James, a citizen of South Carolina.
Ralph H. Chappell, a citizen of Michigan. Raiph H. Chappell, a citizen of Michigan.
Joseph M. Reeves, a citizen of Illinois.
Ignatius T. Cooper, a citizen of Delaware.
Henry T. Baker, a citizen of Ohio.
Frank Lyon, a citizen of Kentucky.
Hutch I. Cone, a citizen of Florida.
Emory Winship, a citizen of Georgia.
Edwin H. De Lany, a citizen of Tennessee.

HOUSE OF REPRESENTATIVES.

Wednesday, December 16, 1896.

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. HENRY N. COUDEN.

The Journal of yesterday's proceedings was read and approved.

BATTLE SHIP TEXAS.

Mr. BAILEY. Mr. Speaker, it has been charged in the public prints, and particularly in the New York Journal, that the construction of the battle ship *Texas* was grossly mismanaged. I think this House and the country ought to know the truth about it; and I ask unanimous consent for the present consideration of the resolution which I send to the desk.

Mr. DINGLEY. I suggest to the gentleman that the resolution had better go to the Committee on Naval Affairs, and let that committee make a preliminary inquiry.

mittee make a preliminary inquiry.

Mr. BAILEY. This is a direction to the committee to make the

inquiry.

Mr. DINGLEY. I think the resolution had better be referred in the first instance. The committee may want to make it broader.

Mr. BAILEY. Will the gentleman permit the resolution to be

Mr. DINGLEY. I have no objection to the reading. The Clerk read as follows:

Resolved by the House of Representatives, That the Committee on Naval Affairs is hereby instructed to investigate the facts and circumstances connected with the construction of the battle ship Texas, and report the same to this House as early as practicable.

Resolved further, That for the purpose of this investigation the said Committee on Naval Affairs is hereby authorized to sit at such time and places as it may determine, and is empowered to send for persons and papers, to administer oaths, to take testimony, and to appoint a subcommittee, which subcommittee, if appointed, shall have the same powers as the full committee.

subcommittee, if appointed, shall have the same powers as the full committee.

Resolved further, That the Sergeant-at-Arms of the House of Representatives is hereby directed to attend the sessions of the Committee on Naval Affairs, or the subcommittee appointed to conduct this investigation, in person, or by deputy, to serve such process as may be issued and to execute the orders of the committee.

Resolved, That the sum of \$500, or so much thereof as may be necessary, is hereby appropriated out of the contingent fund of the House to defray the expenses of this investigation.

expenses of this investigation.

Mr. DINGLEY. I think the resolution had better be referred to the Committee on Naval Affairs, and let them make a preliminary examination of the matter.

The SPEAKER. Without objection, the resolution will be referred to the Committee on Naval Affairs.

There was no objection

There was no objection.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Platt, one of its clerks, announced that the Senate had passed without amendment a joint

resolution of the following title:

Joint resolution (H. Res. 209) to pay the officers and employees of the Senate and House of Representatives their respective salaries for the month of December, 1896, on the 18th day of said

ENROLLED BILL SIGNED.

Mr. HAGER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled a bill (S. 2306) to amend Title LX, chapter 3, of the Revised Statutes, relative to copyrights; when the Speaker signed the same.

OWNERS OF BRIG TALLY-HO.

Mr. BARRETT. I ask unanimous consent for the present consideration of the bill (S. 337) to refer the claim of the owners of the brig Tally-Ho to the Court of Claims.

The bill was read, as follows:

The bill was read, as follows:

Be it enacted, etc., That the claim of the legal owners of the brig Tally-Ho, her cargo and freight, and of personal effects on board her, alleged to have been sunk by a collision with the United States steam vessel of war Pinta on or about the 3d day of October, 1883, be referred to the Court of Claims, to hear and determine the same to judgment, notwithstanding the lapse of time, with right of appeal as in other cases.

Whereas the legal owners of said brig, cargo, freight, and personal effects, or some of them, did, on the 29th day of July, 1884, file in said Court of Claims, in the case referred to said court by the Seretary of the Navy, and then numbered on the docket of said court Departmental Case No. 16, their petition setting forth their losses by said collision: and whereas evidence has been taken upon said petition, both by said petitioners and by the United States, and said evidence has been filed in said court; the claim above referred to said court may be heard and determined by said court upon said petition already filed therein; and the said evidence already taken and filed by either party upon said petition may be used and referred to in said hearing and determination of said claim in all respects as if originally taken and filed for the purposes of the hearing and determination thereof provided for by this act.

The SPEAKER. Is there objection to the present consideration

Mr. HOPKINS. I should like to hear the report of the commit-

The report (by Mr. WATSON) was read, as follows:

The committee on Claims, to whom was referred the bill (H. R. 2578) entitled "A bill to refer the claim of the owners of the brig Tally-Ho to the Court of Claims," have had the same under consideration, and report as follows:

The grounds for such reference of the claim to the Court of Claims are so clearly stated in the annexed House report (119) of the first session of the Fifty-first Congress that the committee adopt it and recommend favorable action on the bill, in accordance with its suggestions.

As the general jurisdiction of the Court of Claims does not cover cases of marine torts, Congress has heretofore, in many cases similar to that of the Tally-Ho, given jurisdiction to said Court of Claims. See the cases of the schooner Ada A. Andrews (18 Stat. L., p. 201), the schooner Flight (19 Stat. L., p. 503), the schooner Don Pedro (20 Stat. L., p. 483), the towboat Future City (28 Stat. L., p. 219).

The bill has the merit of enabling the rights of the United States and the citizens affected to be finally determined by the Supreme Court, if said parties desire to appeal to said court from the judgment of the Court of Claims.

Your committee recommend that the bill do pass with the following amendment: "With the right of either party to appeal to the Supreme Court of the United States," added to the end of the bill.

The SPEAKER. Is there objection to the present consideration

The SPEAKER. Is there objection to the present consideration

of this bill?

Mr. HOPKINS. Reserving the right to object, I should like to know from the gentleman from Massachusetts how much money is involved in this claim?

Mr. BARRETT. The amount is very small-only a few thou-

sand dollars

Mr. HOPKINS. Well, how much? The trouble is that the merits of this case are not presented in the report at all. From the reading of the report members can not tell whether this is a case that should be considered by this House or one that should

a case that should be considered by this House or one that should go to the courts. My observation has been that this House does not always agree with the conclusions of the Court of Claims; yet the findings of that court are always urged by applicants as conclusive upon this House. Now, I think that before we pass a bill which will modify the laws that now bar this claim and will permit the party to go to the Court of Claims and get judgment, we ought to know something about the merits of the case.

Mr. BARRETT. If the gentleman from Illinois [Mr. HOPKINS] had taken the trouble to read the report which I laid before him he would have found that the facts are there fully set forth. The present committee simply adopted the report of the Fifty-first Congress. The facts in brief are these: The Tally-Ho was proceeding on the high seas off the coast of Massachusetts when, without any negligence on the part of her officers or crew, she was run down by a United States vessel of war, the Pinia. The officers of that United States vessel were summoned before a naval officers of that United States vessel were summoned before a naval court and found guilty of gross negligence. The Secretary of the Navy forwarded this claim to the Court of Claims, as a matter of course, under the Bowman Act. The Court of Claims decided, upon a technicality, after the evidence had all been prepared, that could not consider this matter, as the claim arose out of a maritime collision.

In seven previous cases of exactly similar nature claims of this sort have been sent by Congress to the Court of Claims. In this case the precedent is being exactly followed. The testimony has all been prepared and submitted to the court. There is no extra expense involved on either side in allowing this adjudication to be continued. There is not, as the gentleman from Illinois sup-

poses, any new principle involved here, for Congress has already, in seven cases cited in the report as read by the Clerk, allowed similar claims to be sent to the Court of Claims. This matter has been favorably reported upon by at least two committees of this House; the bill has passed the Senate, and now awaits the favor-

able action of this body.

Mr. BARTLETT of New York. Will the gentleman allow me

Mr. BARTLETT of New York. Will the gentleman allow me a question?
Mr. BARRETT. Certainly.
Mr. BARTLETT of New York. Does not this bill involve some fifteen or twenty thousand dollars?
Mr. BARRETT. Mr. Speaker, the papers in the claim are in the hands of the Committee on Claims. I have not in mind the exact amount asked for. The gentleman who was directed by that committee to make the report left the city last night for his home in Indiana. As I introduced this bill, I have, after consultation with him called it up to day

nome in Indiana. As I introduced this bill, I have, after consultation with him, called it up to-day.

I will say, Mr. Speaker, that I do not think the amount involved is so large as is suggested by the gentleman from New York; but if it were fifteen or twenty thousand dollars, the fact is perfectly incontestable that in previous cases of this sort the question has been sent to the Court of Claims. The Secretary of the Navy by his own order made that disposition of this case when it first

came before him.

Mr. McMillin. Mr. BARRETT. Mr. McMillin. Will the gentleman allow me a question?

Mr. BARRETT. Certainly.
Mr. McMILLIN. I could not hear a portion of the bill as distinctly as I wished, and I do not understand whether this bill limits the Government to the evidence now on file in connection

mith the Government to the evidence now on hie in connection with this claim.

Mr. BARRETT. It does not.

Mr. McMILLIN. I notice the bill provides that all the evidence heretofore taken may be used. What I was going to suggest—

Mr. BARRETT. The evidence was all presented before this technical point was encountered. The simple provision of the bill is that the evidence so taken may be used. the evidence so taken may be used.

Mr. McMILLIN. An opinion was simply sought by the Department, as I understand the gentleman. But the evidence on which to base a final judgment would probably be more strenuous. Mr. BARRETT. Any testimony bearing upon the question

can be introduced under this bill.

Mr. HOPKINS. Let me ask the gentleman why, if this is such a clear case, it should go to the Court of Claims at all? Why not introduce it and have it properly discussed and disposed of here? With an indefinite amount, such as this bill covers, it seems to me that we ought to be very careful in granting unanimous consent for its consideration and passage.

Mr. DOCKERY. Mr. Speaker—

Mr. BARRETT Does the gentleman from Illinois wish a

Does the gentleman from Illinois wish a Mr. BARRETT.

reply to his observation?

Mr. HOPKINS. I should not have made the observation if I had not wanted enlightenment from the gentleman from Massa-

Mr. BARRETT. Then the simple reason why this is referred to the Court of Claims is because in every previous case of this sort Congress has sent the claim there. Also, because the court was established to deal with such questions and because the Secretary of the Navy has already sent it there as a matter of course, and because all of the evidence is there on file; and the bill only provides that this little technicality which steading in the reason.

and because all of the evidence is there on file; and the bill only provides that this little technicality which stands in the way shall be set aside so as to enable the case to be disposed of judicially. Mr. DOCKERY. Will the gentleman from Massachusetts allow me to call his attention to the fact that the language of the bill seems to require a judgment of the court to be rendered "on the evidence now on file?" It does not provide, with all due deference to him, for taking any new evidence, as I understand the language of the bill.

I wish to call attention to the fact.

I wish to call attention to the further fact that the bill authorizes a judgment to be rendered by the court. The issue does not

izes a judgment to be rendered by the court. The issue does not go to the court, under the provisions of the Bowman Act, to find the facts in the case, but it authorizes the court to render a judgment which shall be final and conclusive.

Mr. BARRETT. It does not technically go to the court under the provisions of the Bowman Act, because that court has already decided that it has no jurisdiction in maritime cases such as this. It is simply a technicality which Congress has already decided to settle by referring such cases to the Court of Claims in seven cases, according to a line of precedents to which I have already referred.

according to a line of precedents to which I have already referred.

Mr. BRUMM. I understand that this bill has not been reported by the Committee on Claims.

Mr. BARRETT. I understand that it has. I have the report at hand.

at hand.

Mr. BRUMM. Will the gentleman be kind enough to allow me
to see the report?

Mr. BARRETT. Certainly. I hand the gentleman the report,
No. 388 of the present Congress, from the Committee on Claims.

Mr. DOCKERY. I suggest to the gentleman that the bill ought

to be amended so as to authorize the filing of additional evidence

Mr. BARRETT. There is no objection to that if the gentleman wishes to make the amendment. These people are willing to have all of the evidence that can be presented submitted in connection

Mr. DOCKERY. I have not prepared an amendment, but it seems to me that we ought to have all the light possible upon the merits of the bill.

Mr. BOUTELLE. I will state to the gentleman from Missouri that practically there can be no new evidence filed in the case, as Mr. BOUTELLE. everything pertaining to it has been on file for a number of years past. The bill has simply been held up Congress after Congress by technical informalities, such as failure to secure concurrent action upon it in the same Congress, and so on. It is an entirely unobjectionable case, and I hope there will be no objection to its

The SPEAKER. Is there objection to the present consideration

of the bill?

There being no objection, the bill was considered, and ordered to a third reading; and being read the third time, it was passed. On motion of Mr. BARRETT, a motion to reconsider the last

vote was laid on the table.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Platt, one of its clerks, announced that the Senate had passed without amendment the bill (H. R. 9473) making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1898, and for other purposes.

W. H. WADE.

Mr. TRACEY. Mr. Speaker, I desire to call up House bill No. 9593, for the relief of William H. Wade, late captain and acting regimental quartermaster Thirty-first Ohio Volunteers, and ask unanimous consent for its present consideration.

The bill was read, as follows:

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he hereby is, authorized and directed to credit the account of W.H. Wade, on the books of the Department, as captain and acting regimental quartermaster of the Thirty-first Regiment of Ohio Volunteers, with the sum of \$420.15, received by him as such captain and acting regimental quartermaster and disbursed by him to extra-duty men for extra duty as of date the 13th day of September, A.D. 1862, and transmit to said W.H. Wade a receipt in full of all demands against him on said account; and that he cause all proceedings in the circuit court of the United States for the western district of Missouri against said W.H. Wade to be dismissed and satisfaction entered on the records of said court of any judgment therein rendered against him as such captain and acting regimental quartermaster on account of said receipt and disbursement of funds, of principal, interest, and costs of suit.

The SPEAKER. Is there objection to the present consideration

of the bill?

Mr. BARTLETT of New York. Let me ask the gentleman from Missouri if it is not possible that the judgment entered against this man might not involve a larger amount than the amount than the amount that the same than the same th named here? It seems that the two matters involved in the bill are not necessarily connected. The first part authorizes a credit of \$420 and the second part requires that all proceedings in the circuit court of the United States for the western district of Missouri shall be dismissed and satisfaction entered on the records of the court.

Mr. TRACEY. There can be no such conflict. The judgment referred to is for the amount of the principal, with interest up to

the time that it was rendered.

Mr. BARTLETT of New York. I would suggest to the gentleman that he had better strike out the latter provision, relating to the cancellation of the judgment. That will follow necessarily on the adoption of the former provision of the bill.

Mr. TRACEY. I have no objection to striking out the latter part of the bill if it is deemed necessary.

Mr. BARTLETT of New York. That ought to be done, it seems to me.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

Mr. BARTLETT of New York. Now, Mr. Speaker, I move to strike out the latter part of the bill, beginning with the word "and," in line 13, down to the close of the bill, as follows:

And that he cause all proceedings in the circuit court of the United States for the western district of Missouri against said W. H. Wade to be dismissed and satisfaction entered on the records of said court of any judgment therein rendered against him as such captain and acting regimental quartermaster on account of said receipt and disbursement of funds, of principal, interest, and costs of suit.

Mr. TRACEY. What objection is there to allowing that to

Mr. BARTLETT of New York. For the reason that there is a credit of four hundred and some odd dollars to be given to him, and in the second place you provide for a cancellation of the judgment. Now non constat that the judgment is for the same amount.

Mr. TRACEY. The judgment is for that amount, as I have stated, with interest

stated, with interest.

I desire to say, Mr. Speaker, with reference to the proposed amendment, that if the cancellation of judgment follows as a legal result the giving of the credit for \$420.15, I can see no objection to its remaining in the bill as it is. I can not perceive, therefore, the merits of the amendment, if that follows as a legal result.

Mr. BARTLETT of New York. The amendment is desirable, Mr. Speaker, because the judgment may be for some other cause of action.

of action.

Mr. TRACEY. There is no other.
Mr. BARTLETT of New York. Well, we do not know anything about that. Of course I do not question the gentleman's statement

Mr. TRACEY. There is absolutely no other. It is simply on the \$420.15, with the interest computed at 6 per cent since the date of payment and the cost of suit. That is what the judgment is for, and that is the reason why I ask the cancellation of the judgment.

Mr. BARTLETT of New York. The gentleman consented to my amendment. If it is not accepted, I object. The SPEAKER. The question is on the amendment.

The question was taken; and the Speaker announced that the

mes seemed to have it.

Mr. BARTLETT of New York. Then I object, Mr. Speaker.

The agreement was that the amendment should be accepted.

Mr. TRACEY. There was no agreement further than this, that

Istated

The SPEAKER. These matters must be conducted in entire good faith, without any mistakes, and, as perhaps there was a mistake, the Chair will regard the matter as open for objection. Is there objection to the present consideration of the bill? Mr. BARTLETT of New York. I object.

W. E. JUDKINS, EXECUTOR OF LEWIS M'KENZIE.

Mr. SWANSON. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 4114) for the relief of W. E. Judkins, executor of Lewis McKenzie.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to W.E. Judkins, executor of Lewis McKenzie, out of any money in the Treasury not otherwise appropriated, the sum of \$2,098.05, it being the amount expended by him in the contested election cases in the Forty-first and Forty-second Congresses from the Seventh district of Virginia.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. DINGLEY. Mr. Speaker, before consent is given, I should like to hear some explanation of this. It appears to be an old

matter, going back a long time.

Mr. SWANSON. I should like to state in this connection that
Mr. McKenzie was the Republican candidate for Congress. He
contested the Democratic candidate and was seated. Then he had another contest in which he did not succeed. After that Mr. McKenzie died. His executor was Mr. Judkins, a preacher. I think every Claims Committee of this House since that time has reported this Claims Committee of this House since that time has reported this bill favorably; but there has been nobody who had interest enough to prosecute it, and it has died the usual death on the Calendar. Now, all the vouchers are on file, showing this amount of money expended and never repaid. I am interested in this, not because the parties live in my district, but because Mr. Judkins, who married Mr. McKenzie's daughter, is chaplain of the Randolph-Macon College, where I went to school, and is one of the ablest preachers in Virginia. I know that this amount of money was expended, as shown by the report of the committee and the vouchers on file as shown by the report of the committee and the vouchers on file, and it has never been repaid simply for the reason that there was nobody here who was sufficiently interested in the claim to secure its passage in Congress, and it died on the Calendar. The report of the committee, which is very short, will verify all these facts.

The SPEAKER. Is there objection to the present consideration

of the bill?

Mr. DINGLEY. Mr. Speaker, let the report be read. I should like to ask if this comes from either Elections Committee of the House or is it from the Committee on Claims?

Mr. SWANSON. It comes from the Committee on Claims. At that time the Committee on Elections did not have cognizance, I that time the Committee on Elections did not have cognizance, I think, of the amount which was to be certified. It is only since the statute was passed limiting the expenditure to \$2,000 that the Committee on Elections has had jurisdiction; but I should like to state to the gentleman further that the Committee on Elections have decided that it is only cases before the committee in a particular Congress that they can take cognizance of. Any claim arising in a case in which they did not act the committee refuse to take cognizance of. The vouchers showing the expenditures in this case are all on file with the Committee on Claims.

Mr. DINGLEY. I think it would be better to let this go over until there can be some examination. This seems to be a claim

twenty-five years old, and we should like to know what the facts about it are. I think it should lie over until another day.

Mr. SWANSON. The report is very short.

Mr. DINGLEY. I suggest that it be sent to Committee on Elections No. 1. We will give them jurisdiction to examine into the matter. I have no objection to its going to Elections Committee No. 1.

The SPEAKER. Objection is made to the present considera-

tion of the bill

Mr. SWANSON. I accept the suggestion of the gentleman from Maine, that it be sent to Elections Committee No. 1, to make an examination and report.

The SPEAKER. Is there objection to that disposition? There was no objection.

BRIG TALLY-HO.

The SPEAKER. The gentleman from Massachusetts [Mr. Barrett] desires to correct an error in the passage of a bill that was presented by him (S. 337) to refer the claim of the owners of the

brig Tally-Ho to the Court of Claims.

Mr. BARRETT. Mr. Speaker, I find that the Committee on Claims recommended the adoption of an amendment adding to the bill S. 337 the words:

With the right of either party to appeal to the Supreme Court of the United States.

I therefore ask unanimous consent that the amendment may be considered as incorporated in the bill.

Mr. DOCKERY. That is right.

The SPEAKER. The gentleman from Massachusetts [Mr. Bar-

RETT] asks unanimous consent that the amendment proposed by the House committee be added to the Senate bill as an amendment. Is there objection?

There was no objection.

Mr. RICHARDSON. Has the amendment been read?

Mr. BOUTELLE. It provides for an appeal to the Supreme
Court of the United States.

The SPEAKER. The bill has already been passed upon by the

House, and by an error this amendment was omitted.

The amendment was agreed to.

NANCY G. ALLABACH-VETO MESSAGE.

The SPEAKER laid before the House the bill (S. 894) granting a pension to Nancy G. Allabach, with a veto message of the Presi-

[For text of veto message see Senate proceedings of Decem-

ber 15.]
Mr. PICKLER. Mr. Speaker, I move to refer the bill and accompanying veto message to the Committee on Invalid Pensions. The motion was agreed to.

STRATTON H. BENSCOTER.

The SPEAKER laid before the House the bill (H. R. 3771) for the relief of Stratton H. Benscoter, with Senate amendments.

The amendments of the Senate were read.

Mr. HULL. Mr. Speaker, I move that the House recede from its disagreement and concur in the Senate amendments. It is simply a different way of expressing the same thing as the House

did in passing the bill.

The SPEAKER. The gentleman from Iowa moves to recede from the disagreement of the House to the Senate amendments and to concur in the Senate amendments.

The motion was agreed to; and the amendments of the Senate were concurred in.

CHANGE OF REFERENCE.

There being no objection, the bill (H. R. 9274) to amend an act making appropriation for sundry civil expenses of the Government for the fiscal year ending June 30, 1880, and for other purposes, and to repeal a certain provision therein, reported back from the Committee on Appropriations, was referred to the Committee on Elections No. 2.

ARMY APPROPRIATION BILL.

Mr. HULL. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union, for the purpose of considering the Army appropriation bill.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole House on the state of the Union, Mr. HOPKINS in the chair. Mr. LITTLE. Mr. Chairman, I desire to reserve all points of order against the pending bill.

Mr. DOCKERY. That must be done in the House.

Mr. HULL. I will state to the gentleman that all points of order have been reserved.

The Clerk read as follows:

A bill (H. R. 9638) making appropriations for the support of the Army for the fiscal year ending June 30, 1898.

Mr. HULL. Mr. Chairman, I ask unanimous consent that the first reading of the bill be dispensed with.

The CHAIRMAN. The gentleman from Iowa asks unanimous consent that the first reading of the bill be dispensed with.

There was no objection, and it was so ordered.

Mr. HULL. Mr. Chairman, I desire to make a very brief state-

ment, simply as to what the bill carries and the changes that are made. If members will send for the report, No. 2325, which is very brief, they can have all the information that is necessary for the House and which it is possible for the House to have on the bill. The bill makes an increase in the pay for the Army proper and Ordnance Department, and reductions in amount asked for the subsistence of the Army. In each case where there is a reduction made the evidence before the committee showed that there was a surplus carried over from former appropriations. The increase in the pay of the rank and file of the Army is made for the reason that the evidence before the committee shows that our the reason that the evidence before the committee shows that our last appropriation was not sufficient to pay the Army in full the amount provided by law. This bill as reported carries \$23,126,344.30, and we appropriated last year \$23,278,402.73, being a reduction of \$158,000 from the sum we appropriated last year.

Mr. STEELE. I would like to ask the gentleman whether in the reduction in the cost of rations the estimate is based upon the cost of rations last year? My impression is that the estimate was

Mr. HULL. It was based not only upon the cost last year, but on the amount of appropriations necessary for different years. It was based upon the statement of the Quartermaster-General as to

what was necessary to get during this year.

Mr. STEELE. You mean the Commissary-General?

Mr. HULL. It was not the Commissary-General; we made no reduction in his department, but in the estimates of the Quartermaster-General.

Mr. STEELE. Did the estimate of the Commissary-General take into account the increased cost of rations?

Mr. HULL. There was nothing concerning that except what you will find in his report and the Book of Estimates.

Mr. STEELE. Undoubtedly the cost of rations will be greatly more the next fiscal year than they have been in preceding years. I know the price of flour, of beef, and of pork has increased

Mr. HULL. We have left that just as it was submitted in the estimates. I want to call attention, Mr. Chairman, especially to the fact that there is no change in the general law except in two instances, and I do not care to take extended time now. When the provisions are reached I desire to discuss the two new provisions of the bill. One of them, I am certain, is subject to a point of order. The other is questionable in my mind; but that need not be decided until we reach it. The first change in the law is made at the request of the Paymaster-General of the Army, extending his time for approving vouchers ten days. He now has twenty days, and he stated before the committee that it is impossible for his department to do the work in the time now prescribed by law,

and he asked us to insert an amendment extending it to thirty days. We have incorporated that in the bill.

Mr. DINGLEY. What is the necessity of that? The President or Secretary of the Treasury has the authority now to extend the time, and is it not better to leave the law as it is and let the exten-

time, and is it not better to leave the law as it is and let the extension be a matter of administration?

Mr. HULL. The gentleman from Maine is better qualified to pass upon a matter of administration than I am, and it is easy to dispose of the amendment, when we reach it, by a point of order, if it is thought desirable to do so.

Mr. DINGLEY. I think it is not desirable to amend the law so as to extend the time for the audit of accounts beyond what is now provided. If in any specific instance it becomes necessary to extend the time, the President or Secretary of the Treasury has ample authority to do it; but a sufficient reason for the extension much to be given. There is a constant tendency to defer the set. ought to be given. There is a constant tendency to defer the settlement of accounts, and I think we ought to have the existing law as a spur to promptness.

Mr. HULL. Is it not true that an officer who is allowed an

Mr. HULL. Is it not true that an oliter who is absorbed extension of time must apply once a year for that extension?

Mr. DINGLEY. Yes; the permission to extend the time covers only the current year, and I think it ought to be thus, for the reason that the twenty days now allowed is ordinarily sufficient

Mr. HULL. Well, if any officer has been compelled to apply repeatedly for such extensions, that might be a good reason for this proposed legislation. However, I do not desire to take up time in discussion of this amendment, because I do not regard it as of any special importance,
Mr. STEELE. By the time the returns in some departments

are in, has the paymaster, who is required by law to examine them,

any time to do so?

Mr. HULL. He has twenty days.

Mr. STEELE. But in fact he does not have the twenty days, because the twenty days are taken up in getting the returns in.

Mr. DINGLEY. He has twenty days after they are received.

Mr. HULL. Well, Mr. Chairman, as I have said, that point is not an important one in the bill, so I trust that members will not take up much time in discussing it.

I desire now to call special attention to a new provision contained in this bill, which I think is the one that my friend from Arkansas [Mr. LITTLE] has his eye upon. It is found on page 19, where the committee have incorporated a provision-

That the Army and Navy Hospital at Hot Springs, Ark., is hereby abandoned, and all improvements on Government reservations are surrendered and turned over to the Interior Department except quarters for the officers.

That is the provision as it stands in the bill. When it is reached I shall offer an amendment in somewhat different language, but I desire now to submit the reasons for incorporating this provision in the bill. In the first place, the gentleman from Arkansas will recognize the fact that the committee, or the House, can practically abandon that hospital by refusing to appropriate anything for its maintenance. I do not regard it as of any benefit to the people of Hot Springs or the State of Arkansas to keep a hospital there that has no inmates, especially when, by a change a hospital there that has no inmates, especially when, by a change of administration and by turning it over to the Interior Department, it can be leased to parties who will fill it with inmates, and thus cause so much more money to be expended in the State of Arkansas. The Secretary of War has made a very careful and complete examination of this whole question, and I want to call attention to that part of his report, commencing at the bottom of page 10, where he says:

The experience gained in carrying on the Army and Navy Hospital at Hot Springs, Ark., does not appear to have sustained expectations in regard to its value to the officers and men of the Army and Navy, nor do those expectations appear to be realizable. It would seem that the only way to keep the hospital filled would be to compel the sick of the Army and Navy to go there for treatment.

It appears, therefore, that in order to utilize this hospital we must not merely provide that the sick of the Army and Navy may go there, but we must pass a law to compel them to go. That would certainly be rather an extreme measure, to establish a hospital and maintain it, and then pass a law forcing men to go to it. The Secretary says further:

The present buildings have a capacity for 80 patients, 16 officers and 64 enlisted men, but the attendance is seldom more than half the capacity, and frequently not more than one-fourth.

The Surgeon-General, in calling attention to this hospital, says that unless extraordinary measures are adopted it can not be made to fulfill the purposes for which it was created, and in his report he states that there have been as high a number as ten officers in

the institution during the past year and as low as one.

To go a little further with the report of the Secretary of War, he says that the hospital was erected in pursuance of an act of Congress approved June 30, 1882, and, including furnishings, cost \$140,500. This reservation is under the control of the Interior Department, with the exception of a small part taken possession of by the act of Congress establishing the Army and Navy Hospital. If we abandon the hospital it reverts to the Interior Department, and it can be leased under that Department, and the Secretary of War says that it will thus become a source of profit to the Government instead of a continual loss.

Just think of it! To care for twenty patients we have this Army and Navy Hospital at Hot Springs, where there is one surgeon and one assistant surgeon, and in addition to that the law provides for a surgeon of the Navy, but for some years the naval surgeon has not gone there, because no men from the Navy have been geon has not gone there, because no men from the Navy have been in the hospital for treatment, and the Navy Department does not now detail a surgeon to that hospital. In addition to the surgeon and assistant surgeon there are twelve members of the Hospital Corps and a large number of civilian employees, and all to take care of an average of about twenty men. The Secretary of War in his report says that it would be better and cheaper for the Government to written the officers and may who report to that he officers and men who report to that he ernment to maintain the officers and men who report to that hospital for treatment in a first-class hotel under the best medical attendance that could be procured in the United States than to continue to maintain the hospital.

Mr. STEELE. It would appear by the language in line 6, page 19, that it is the intention to abandon this property "except quarters for the officers." If there is to be that exception, it is

hardly an abandonment.

Mr. HULL. Those words "except quarters for the officers"

belong properly in another part of the paragraph.

Mr. PARKER. The words referred to, instead of coming in after the words "Interior Department," should have been inserted before the word "Provided," so as to make the clause read:

For construction and repairs of hospitals at military posts already established and occupied, including the extra-duty pay of enlisted men employed on the same, except quarters for the officers, etc.

Mr. HULL. When we reach that portion of the bill, I shall move to transfer the clause "except quarters for the officers," so as to come in before the word "Provided," in line 2.

The committee has left out all appropriation for this hospital. The Interior Department has a man on the reservation looking

after the Government's property, so that at the expiration of this fiscal year, if we make no further appropriation, the reservation will be practically abandoned. I can therefore see no reason why will be practically abandoned. I can therefore see no reason why there should be any point of order made with a view to striking out this provision. The Secretary of the Interior has charge of the entire reservation. It is not a military reservation, and the Interior Department now leases grounds for hotels, cottages, and different purposes of that kind. It can lease this property for a hotel or hospital or whatever other purpose it may please.

Mr. Chairman, there are a few typographical errors in the bill, which was printed hastily. These errors will be corrected by amendments as we reach them. I have no desire to occupy fur-

ther the time of the committee.

Mr. HEPBURN. Before the chairman of the Committee on Military Affairs takes his seat, I should like to call his attention to a provision on page 13 of this bill—the paragraph making appropriations for "incidental expenses." In that paragraph a large number of objects of expenditure, or possible expenditure, are grouped together. I should like to know from the chairman of the committee upon what basis the aggregate appropriation has been reached. Is it upon the basis that some portion of the appropriation will be expended on each one of these objects? One of those objects, as I observe, is "expenses of the interment of officers killed in action," and there are numbers of other expenditures provided for here which in the present condition of the Army will not probably have to be met. From the nature of many of the objects embraced in this paragraph it would seem that large amounts which may be saved on some of these items might under the language of the bill be expended for other items. I should like to know whether in the general estimate by which this aggregate of \$600,000 was reached the committee assumed that there would be some expenditure for each of the objects provided for.

Mr. HULL. In answer to that question I will simply say we have assumed that expenses may be incurred under each head. We have followed the language of the estimates of the War Department and the language of appropriation bills passed heretofore. We have had regard, also, to the evidence before the committee as to whether or not we could cut down this amount. The General stated that there had been expended during the present year over \$555,000 of the \$600,000 appropriated, and that there being two years more to run on the appropriation, gathering up the debts that were contracted during the year, it was now known that \$600,000 would be required to meet the incidental expenses of the

Department.

As to the amount to be expended for each individual item, the As to the amount to be expended for each individual item, the committee had no intention of going into details in that way, because we hoped to get this appropriation bill through before the 4th of March; and we very much doubt if we could even have been able to report the bill had we undertaken to go into the War Department and examine every particular item of expenditure to which every dollar appropriated in the bill is to be applied.

As to the item for the interment of men killed in battle and

other such questions which my colleague has raised, I will state that the item to which he refers includes those who may die on duty as well as those killed in battle. But the probabilities are that a very small portion of the \$600,000 will be used for that pur-

Mr. HEPBURN. I notice also an item of this kind:

For expenses of expresses to and from frontier posts and armies in the field, of escorts to paymasters and other disbursing officers, and to trains where military escorts can not be furnished.

where military escorts can not be furnished.

There are a good many items of that kind. Now, there is no probability of a dollar being expended for any of those objects during the coming year. I find here, however, an item for office furniture and other items of that character. Now, with this lump sum appropriated in this way, covering this vast number of possible objects, could not the Department expend the whole of the sum appropriated for objects which probably Congress would not approve? I take it for granted that the gentleman himself would not approve an expenditure of \$600,000 for office furniture, yet under the loose language in which this bill is drawn if there were no necessity for the expenditure of any of this \$600,000 upon any other object the whole appropriation might be expended for office furniture—an expenditure which this House certainly would not wish to sanction. wish to sanction.

It seems to me that there should be some more specific method of directing the channels in which this money shall go. The appropriation ought not to be made in this loose way—a large sum being appropriated on account of the seeming necessity of providing for objects designated, for which, in fact, no expenditure will be required.

Mr. DOCKERY. I did not hear the whole of the statement of the gentleman in charge of this bill. I wish merely to inquire whether the bill provides for any increase of salaries? Mr. HULL. There is no increase of salary in the bill—nothing of that kind at all.

Now, Mr. Chairman, I ask that the bill be read by sections for amendment

Mr. LITTLE. Does the gentleman desire to close general debate

at this time?

Mr. HULL. I do if nobody desires to continue this debate.
Mr. LITTLE. I should like to make an arrangement of this kind, if I can: I do not wish to take up unnecessarily the time of the committee; but I should like to have an understanding that when that part of the bill in which I feel a particular interest shall be reached, I may have a little more time for debate than

would be allowed under the five-minute rule.

Mr. HULL. There will be no objection to that. I recognize

the propriety of the gentleman's request.

Mr. LITTLE. Very good; then I have no objection to closing general debate now.

The Clerk (proceeding to read the bill by paragraphs) read the following:

Mr. HULL. By a clerical or typographical error the word "thousand" has been omitted in the clause just read. The amount of the appropriation should be \$2,800,000. I ask that the clause be amended by inserting the word "thousand" after the word "hundred."

The CHAIRMAN. In the absence of objection, that amend-

ment will be made.

There was no objection. The Clerk read as follows:

For pay of Hospital Corps, \$202,800. For service pay of enlisted men, including Hospital Corps, by reason of length of service, in addition to their monthly pay, and payable therewith,

\$475,000.

For clerks and messengers at the Headquarters of the Army and at the several department headquarters; at the recruiting headquarters and rendezvous; at the Military Academy at West Point; at the Artillery School at Fort Monroe, Va.; at the Infantry and Cavalry School at Fort Leavenworth, Kans., and at the Cavalry and Light Artillery School at Fort Riley, Kans., not exceeding 90 clerks, at \$1,000 each, 25 clerks, at \$1,000 each, and 45 messengers, at \$720 each; \$161,900.

And said clerks and messengers shall be employed and apportioned to the several headquarters, stations, and inspection districts by the Secretary of War.

Mr. HULICK. Mr. Chairman, I would like to ask the gentleman in charge of this bill a question, with his consent. I notice that there seems to be an increase all along the line in these sums for the pay of the Hospital Corps, etc., and for the service pay of enlisted men. Will the gentleman state the reason of the increase? Is this because of additional enlistments provided for by acts of Congress since the former appropriation bill went into effect?

Mr. HULL. Does the gentleman refer to the clerks and mes-

sengers?

Mr. HULICK. I observe that all of the paragraphs that have

just been read have been increased.

Mr. HULL. The service pay is increased, I will state to the gentleman, by reason of length of service. This is simply the amount fixed by law.

Mr. HULICK. Is it because of increased enlistments in the

Army?

Mr. HULL. There is a difference, the gentleman will understand, between the service pay and the regular pay. In the service pay there is an increase of compensation for every five years

Mr. HULICK. Is that the sole cause of the increase?
Mr. HULL. That is the sole cause of the increase.
The CHAIRMAN. The Clerk will proceed with the reading of

The Clerk read as follows:

Pay Department: For pay of officers in the Pay Department, as now authorized and provided by law, §71,500:

For additional pay to such officers for length of service, to be paid with their current monthly pay, \$21,450;

In all, \$92,950: Provided, That the Paymaster-General shall have not to exceed thirty days for the examination of paymasters' accounts before transmitting them to the Auditor for the War Department.

Mr. DOCKERY. Mr. Chairman, I desire to raise a question of order on the proviso beginning on page 5 with the word "Propided," in line 23, down to the end of the paragraph, being the following words:

Provided, That the Paymaster-General shall have not to exceed thirty days for the examination of paymasters' accounts before transmitting them to the Auditor for the War Department.

The proviso changes existing law.

Mr. HULL. We concede that the point of order is well taken.

The CHAIRMAN. The Chair sustains the objection, and the words will go out of the bill.

The Clerk will proceed with the reading.

The Clerk read as follows:

RETIRED ENLISTED MEN.

For pay of the enlisted men of the Army on the retired list, \$400,000.

Mr. PICKLER. I move to strike out the last word, for the purrose of asking the chairman of the Committee on Military Affairs a question. What is the provision of law now in reference to the a question. What is the provision of law now in reference to the pay of retired enlisted men in the Army?

Mr. HULL. The retired pay, if that is what the gentleman refers to, is three-fourths of the full pay.

Mr. PICKLER. During life?

Mr. HULL. During life.

Mr. BLUE. After what period of service?

Mr. HULL. After thirty years' service.

Mr. HULL. After thirty years' service.
Mr. PICKLER. Do they not get anything before that?
Mr. HULL. Not on this account. They have their service pay, of course

Mr. PICKLER. I withdraw the amendment.
The CHAIRMAN. The Clerk will proceed with the reading of the bill.

The Clerk read as follows:

Provided, That \$200,000 of the appropriation for incidental expenses, or so much thereof as shall be necessary, shall be set aside for the payment of enlisted men on extra duty at constant labor of not less than ten days in the Quartermaster's Department; but no such payment shall be made at any greater rate per day than is fixed by law for the class of persons employed at the work done therein.

Mr. HEPBURN. Mr. Chairman, I would ask consent to go back to the preceding paragraph, in order to ask the chairman of the Committee on Military Affairs a question in regard to the language embodied in the bill in lines 17, 18, 19, 20, 21, and 22 on page 12.

The CHAIRMAN. Is there objection to recurring to the paragraph referred to by the gentleman from Iowa?

There was no objection.

Mr. HEPBURN. The language to which I refer is as follows:

That, after advertisement, all the supplies for the use of the various departments and posts of the Army and of the branches of the army service shall hereafter be purchased where the same can be purchased the cheapest, quality and cost of transportation and the interest of the Government considered.

Does that mean within the limits of the United States?

Does that mean within the limits of the United States?

I remember a number of years ago there was a good deal of criticism of one of the quartermasters who made purchases of blankets abroad. That did not seem to meet the wishes and sentiment of the American people, and I would like to know from the gentleman now whether it is the purpose of this bill to seek European markets, for instance, in making purchases of this character?

Mr. HULL. I wish to say to my colleague that the question of buying abroad was not considered by the committee. I presumed, at once, without giving the matter any further consideration, that the supplies for the Army would necessarily be purchased at home.

the supplies for the Army would necessarily be purchased at home.

Mr. HEPBURN. They were not on one occasion.

Mr. HULL. I remember that. This bill sought simply to limit the purchases to the point which was most in the interest of the

Government.

If my colleague wishes to offer an amendment limiting it abso lutely to the United States I shall raise no point of order against it, and am perfectly willing to have it incorporated in the bill.

Mr. HEPBURN. Then, Mr. Chairman, I would like to amend the bill by inserting, after the word "cheapest," in line 20, on page

12, the words:

In the markets of the United States.

The CHAIRMAN. Without objection, that amendment will be considered as agreed to.

There was no objection, and it was so ordered.

The Clerk, proceeding with the reading of the bill, read as

Construction and repair of hospitals: For construction and repairs of hospitals at military posts already established and occupied, including the extraduty pay of enlisted men employed on the same: Provided, That the Army and Navy Hospital at Hot Springs, Ark., is hereby abandoned and all improvements on Government reservation are surrendered and turned over to the Interior Department, except quarters for the officers, \$75,000.

Mr. HULL. Mr. Chairman, I ask to correct the bill in a verbal way simply, by inserting, in line 2 on page 19, the words "except quarters for officers, \$75,000," and to strike out those words in

The CHAIRMAN. The amendment suggested by the gentleman from Iowa [Mr. HULL] will be adopted unless there be

objection.

Mr. LITTLE. As I understand, it is a mere transposition of a line.

Mr. HULL. Yes; it does not affect the matter in which the gentleman from Arkansas [Mr. LITTLE] is interested.

The amendment was agreed to.

Mr. HULL. Now, Mr. Chairman, the gentleman from Arkansas [Mr. LITTLE] asked for additional time on the paragraph which has just been read, relating to a hospital at Hot Springs. I yield to him such time as he wants.

Mr. LITTLE. I want first to make a point of order against

this provision.

Mr. HULL. I desire to be heard on that.
The CHAIRMAN. Which provision?

Mr. LITTLE. Beginning after the word "same," in line 2, on page 19, the words-

Provided that the Army and Navy Hospital at Hot Springs, Ark., is hereby abandoned and all improvements on Government reservation are surrendered and turned over to the Interior Department.

I make the point, Mr. Chairman, that that is not only new legislation, but is a change of existing law and not in the interest of economy. I find, Mr. Chairman, on page 273 of the Manual, the following ruling made by Mr. Kerr when Speaker:

To a bill making appropriations for the Indian service, an amendment transferring the management of Indian affairs from the Department of the Interior to the War Department, but providing no reduction of expenditures, was held to be germane as an amendment, but subject to the point of order, as being a change of law, and no retrenchment appearing as the result of the proposed change.—Speaker Kerr, Congressional Record, Forty-fourth Congress, first session, page 2822.

Also the following ruling upon the same point:

An amendment to the sundry civil appropriation bill striking out the appropriation for the Coast and Geodetic Survey and abolishing it as a bureau of the Treasury Department, also providing for the transfer of the Coast Survey to the Navy Department and of the Geodetic Survey to the Interior Department, was held not in order as being a change of law; no reduction of expenditure appearing to result from such legislation.—Congressional Record, Fifty-third Congress, second session, page 3002.

Fifty-third Congress, second session, page 302.

Now we find by referring to this clause of the bill that the appropriation made last year was \$75,000, and the appropriation made this year is \$75,000; and I call the attention of the Chair to the fact that this hospital was established by solemn statute enacted in 1882, and this bill not only seeks to transfer the hospital from the War Department to the Interior Department, but seeks to abandon it as a military hospital, which we do not think can be done in an appropriation bill, nothing appearing in the bill indicating that it will reduce the expenses of the Government.

The CHAIRMAN. The Chair would like to ask the gentleman from Arkansas if the rule that was in force in the House at the time that Speaker Kerr made the ruling to which he has just referred is the same as the rule under which we are proceeding in this Congress?

in this Congress?

Mr. LITTLE. I am so informed. I confess I do not know per-

sonally. Mr. MILES.

Mr. MILES. Will the gentleman allow me an interruption?
Mr. LITTLE. Certainly.
Mr. MILES. Do I understand that this is an attempt practi-

Mr. MILES. Do I understand that this is an attempt practically to repeal a statute?

Mr. LITTLE. Yes; it does repeal it. It abandons the military hospital at Hot Springs.

The CHAIRMAN. Before the gentleman from Arkansas [Mr. LITTLE] takes his seat, will be please send to the Chair the law which he claims is being changed by the bill under consideration?

Mr. HULL. Mr. Chairman, I want to say just a word on this law the goal laws from Arkansas [Mr. LITTLE] has concluded.

when the gentleman from Arkausas [Mr. LITTLE] has concluded. The CHAIRMAN. The Chair will give the gentleman from Iowa [Mr. Hull] opportunity to be heard before deciding the question.

Mr. LITTLE. I have sent out for the statute. I have the amendment here proposed to the appropriation bill originally, which I send to the Chair.

The CHAIRMAN. The gentleman from Iowa [Mr. HULL] is

recognized.

Mr. HULL. Mr. Chairman, I simply want to call the attention of the Chair to the fact that this is a different question to what we ordinarily find in a proposition to change the law on an appropriation bill. This is not really a change of law as an abandonment of a hospital. In the first place, this reservation was all under the control of the Interior Department, and, as I understand, the next of it was simply taken away from the Interior Department. this part of it was simply taken away from the Interior Department for the purpose of a hospital for the Army and Navy, and for that only

for that only.

Mr. STEELE. Temporarily.

Mr. HULL. Temporarily, or as long as it is so used. I understand further, Mr. Chairman, that the Interior Department keeps a man there all the time to look after the entire reservation, collect the rent from the part that is leased, and see that the interests of the Government are properly provided for. I do not regard the point as to reduction of expenditures as of any force under our rule, but I want to call the attention of my friend from Arkansas [Mr. Little] to this fact, that on page 20 of the bill, where we come to the Medical Department proper, there is a reduction in the amount expended, and the reduction is made because the committee omitted the words that heretofore carried an appropriation for this hospital at Hot Springs, Ark. Heretofore the priation for this hospital at Hot Springs, Ark. Heretofore the

priation for this hospital at Hot Springs, Ark. Heretofore the Army and Navy Hospital at Hot Springs, Ark., had been specifically mentioned as entitled to part of the appropriation.

I think, Mr. Chairman, if we simply struck out the appropriation entirely that the property reverts to the Interior Department. But in order to make it clear, this provision was inserted in the law. I do not regard it as a change that comes within the rule.

The CHAIRMAN. The Chair would like to ask the gentleman from Arkansas where the law is that provides that this shall be under and maintained by the War Department, because the law

sent up to the Chair provides how these buildings shall be erected and says nothing about which Department of the Government

and says nothing about which Department of the Government shall maintain the hospital at this place.

Mr. HULL. The proviso is simply intended to make it clear, so that in case the Interior Department can lease these buildings it can do so at once, instead of having questions that might be raised without the proviso by which the War Department surrenders control of them. I am satisfied that the gentleman from Arkansas, if he is desirous of serving his people and the Government to the best advantage, would be glad to have this fixed in some way so that these buildings can be utilized, and in place of being worthless to the Army and Navy, and a great expense to the Government, becoming profitable to the Government and filled with patients from other points of the United States. That can only be done by providing a method by which the Government. only be done by providing a method by which the Government can lease the present buildings.

Mr. LITTLE. I shall address myself to that later on.

Mr. HULL. On the question of the point of order, I do not

believe it to lie in this case, for the reason that the whole reservation has been under the control of the Interior Department. So much of it was taken out of that control simply while this Army and Navy Hospital was maintained; and the very minute that the War Department ceases to maintain the Army and Navy Hospital there it virtually reverts to the Interior Department.

Mr. BAILEY. Mr. Chairman, the rule is plain-and the construction of the rule has been uniform—that no bureau and no institution, on a general appropriation bill can be transferred from one Department to another. My friend from Arkansas [Mr. LITTLE] read to the Chair some decisions of a former occupant of the chair, but he omitted to read, at the bottom of page 284 of the Manual of the first session of the Fifty-fourth Congress, a citation which expressly declares:

Provisions in or amendments to appropriation bills transferring the supervision and management of bureaus from one Department to another is a change of law.

However desirable it may be to abandon this military hospital,

However desirable it may be to abandon this military nospital, the very purpose of that rule is to force its abandonment as an independent proposition.

The CHAIRMAN: Before the gentleman from Texas leaves that point of a previous ruling of a Speaker of the House that one bureau can not be transferred from one Department to another, does not that relate to the bureaus that are fixed by law in a par-

ticular Department?

ticular Department?

Mr. BAILEY. Undoubtedly, if this hospital was not established by law and is not maintained by law it needs no provision in the bill to abandon it. To say nothing about it would abandon it. The law originally provided for its establishment and its maintenance. Now, if that law is not a continuing act, all the Committee on Military Affairs needs to do is simply to make no appropriation for it, and thus abandon it. The very fact that the committee have felt it necessary to incorporate an express provision for its abandonment is a concession on the part of the committee that it has been established and is maintained by existing law.

The CHAIRMAN. Does the gentleman from Iowa desire to say anything further upon this point.

The CHARMAN. Does the gentleman from lowa desire to say anything further upon this point.

Mr. HULL. I do not desire to say anything more.

The CHAIRMAN. The Chair is of the opinion that it does violate the rule that provides that in an appropriation bill no change shall be made; and if the gentleman has anything further to say the Chair would be very glad to hear him.

Mr. HULL. I will simply say it explains existing law instead of changing the law, and that the Interior Department having control of the reservation, any abandonment of what we have heretofore been doing for the Army and Navy Hospital is an abandonment by the War Department. If Congress refuses to appropriate for the hospital the control would naturally go back to the Interior Department; and the amendment in the proviso simply

Interior Department; and the amendment in the proviso simply makes clear what, to my mind, is already the law.

The CHAIRMAN. The law provides an appropriation of \$100,000 to be appropriated for the erection of an army and navy hospital at this place, and that it shall be erected by and under the direction of the Secretary of War, in accordance with plans and specifications to be prepared and submitted to the Secretary of War by the Surgeons-General of the Army and Navy, etc. The Chair is of the opinion that it can not be transferred from the War Department to the Interior Department in an appropriation bill, and will sustain the point of order made by the gentleman from and will sustain the point of order made by the gentleman from

Mr. HULL. I want to offer another proviso, which will come in on page 18, in the appropriation for the "Construction and repair of hospitals." Congress never appropriates as much set have of hospitals." Congress never appropriates as much as the Department feels that it should have for construction and repairs, and while we left out the Hot Springs hospital we left the amount untouched. In all the appropriation bills passed since I have been in Congress, and, in fact, since the hospital was established at Hot Springs, there has been a specific clause providing that the appropriation should include the Army and Navy Hospital at Hot Springs. In this bill we have left that out, but we have not reduced the amount of the appropriation. As this is the first part of the bill where an appropriation is made for hospitals, I offer an amendment to this paragraph, to come in after the words "seventyfive thousand dollars," as follows:

Provided, That on or before June 30, 1897, the Army and Navy Hospital at Hot Springs, Ark., shall be closed.

I do not desire to take up any time upon this point, but will ask the Chair to decide whether the amendment is in order or not.

Mr. LITTLE. Mr. Chairman, I ask to have that amendment

The amendment was read, as follows:

Page 19, line 6, after the word "dollars" insert the following: "Frovided, That on or before June 30, 1897, the Army and Navy Hospital at Hot Springs, Ark., shall be closed."

Mr. LITTLE. Mr. Chairman, I make the same point against that that I made against the other amendment. It simply seeks to attain the same result in an indirect way. This hospital is a permanent institution; and in answer to one suggestion that has permanent institution; and in answer to one suggestion that has been made by the gentleman from Iowa, I wish to say that this property is segregated from the other property at Hot Springs, and is not in any way under the direction or supervision of the Secretary of the Interior.

The CHAIRMAN. Does the gentleman from Iowa desire to be heard on the point of order?

M. HILL I. I. do not

Mr. HULL. I do not.

The CHAIRMAN. The Chair sustains the point of order.

Mr. HEPBURN. Mr. Chairman, I move to strike out the last word. I make that motion for the purpose of asking the gentleman from Arkansas [Mr. LITTLE], who seems to be familiar with this subject, what amount the Government has expended since 1882 upon these improvements at Hot Springs, Ark. I remember that at that time and later the argument was made by gentleber that at that time and later the argument was made by gentle-men from Arkansas, in support of appropriations to improve the Hot Springs Reservation, that they were essential, or at least that they would be exceedingly valuable, to the Army in connection with the reservation as a hospital site. I think that large sums have been expended upon that reservation, and now I understand it is the wish of the War Department to abandon that hospital. Will the gentleman kindly state what amount has been expended there?

Mr. LITTLE. I will state, for the information of my friend, that originally, under the leadership of Gen. John A. Logan, \$100 000 was appropriated for the erection of this hospital, and afterwards, I believe, \$70,000, making altogether \$170,000.

Mr. HULL. Let me correct the gentleman. The total was

Mr. HEPBURN. Does that include all the expenditures made in the improvement of the property known as the Hot Springs

Reservation?

Mr. LITTLE. There has been usually in the appropriation bill an item of six or eight hundred dollars for the necessary improve-ment of the hospital, for repairs, and for keeping up the public grounds. It should be remembered that there are several acres of land included in that part of the military reservation set apart for the hospital, and that appropriations have been made for keeping up and beautifying those grounds.

Mr. HEPBURN. I am under the impression that the gentleman is mistaken as to the total amount. I think that very large

man is mistaken as to the total amount. It think that very large amounts of money have been expended in the improvement of the property, outside of the cost of the erection of this hospital.

Mr. PAYNE. If the gentleman from Iowa will permit a suggestion, I think the gentleman from Arkansas [Mr. LITTLE] is simply stating the amount expended upon the Government hospital, which is a very small fraction of the total amount expended

upon the reservation.

Mr. HEPBURN. Yes; but the expenditures upon the reservation have been justified to members of the House, from time to time, upon the ground that they were necessary or incidental to the hospital. The hospital has been the basis and the excuse for

the hospital. The hospital has been the basis and the excuse for these other expenditures, so that the outlay on both may properly be included together. That is the reason why I asked the gentleman the aggregate amount of the appropriations made, so that we could find out what this hospital in its entirety has cost.

Mr. LITTLE. I think that the hospital proper, as I have already stated, has cost \$140,500. The entire reservation covers quite a large area. There is the general reservation proper and the East Mountain Reservation. The military hospital embraces only a small portion of that, but the entire East Mountain Reservation is owned by the Government and also the West Mountain vation is owned by the Government, and also the West Mountain and the North Mountain reservations. The improvements outside of the hospital have been extensive in some respects, especially as to the East Mountain Reservation, where the Government has gone on and beautified the grounds and built a boulevard to the top of the mountain, that being the mountain out of which flow the hot waters and the one at the base of which this hospital is erected.

But the hospital proper has cost only the amount I have stated, except that there have been other amounts appropriated to beautify the grounds, which are segregated from the reservation by a

Mr. HEPBURN. What was the cost of extending the waters under a street there at one time?

Mr. LITTLE. Oh, that had no connection whatever with the At one time there was appropriated seventy-five or eighty thousand dollars, as I remember, for the bridging of Hot springs Creek. The Government owning all the property on one side of the creek, an appropriation was made to bridge or arch the creek down the main avenue, the Government paying half the expense and the city, I think, paying the other half.

Mr. HEPBURN. Now, will the gentleman tell us what is the aggregate of the appropriations made and expended upon that

reservation, or upon all those reservations?

Mr. LITTLE. The two that I have indicated are all that I remember. But I will say to the gentleman that there is a large revenue to the Government every year from this reservation, ranging, I believe, from \$40,000 to \$75,000 annually. The moneys thus received are expended, under the direction of the Secretary of the Interior, upon the necessary improvements. And it ought not to be forgotten that the Government owns a large number of salable lots, which are now valued at from \$75,000 to \$100,000, in addition to the remainder of these extensive reservations. But the rents from the bath houses and the leases furnish the money for the necessary improvements, and really costs the Government nothing.
Mr. HEPBURN. What did I understand the gentleman to

state as the amount of annual revenue?

Mr. LITTLE. From \$40,000 to \$75,000, I think. I speak from memory. It pays the expenses of the superintendent of the reservation and other officers and makes the necessary improvements, all from the rentals paid the Government.

Mr. HULL. If the Government is receiving a revenue of from \$40,000 to \$75,000 a year from the balance of this reservation, why

should the gentleman from Arkansas insist on wasting that amount upon a useless hospital?

Mr. LITTLE. I think the assumption of my friend from Iowa is erroneous. The expenses of maintaining this establishment, outside of the payment of Government employees, is but a small amount—\$3,000 or \$4,000 for an entire year. The assumption of the gentleman that the hospital does no good to the Army is an error, as I think I am able to show. Not one dollar of this money is wasted.

Mr. HULL. Then the gentleman had better show it to the War Department and the Surgeon-General's Office.

Mr. LITTLE. Not knowing that this bill was under way in the committee and having no idea of its being reported so early, I did not have my attention drawn to this provision until a few

days ago-after the bill was reported.

days ago—after the bill was reported.

The report of the Secretary of War had not been distributed at that time; at least I had failed to get a copy and knew nothing at all about this recommendation, and when I learned of it I was greatly astonished that the Secretary of War should desire to strike down this worthy institution. In all sincerity, I desire to say that in regard to this hospital I believe the House is now in danger of making a very great mistake. I believe that this institution, if it were cared for properly in the appropriation bills, would not only be of the greatest benefit to the Army, but its operations and benefits could be extended; a division could be set apart for the treatment of disabled or ailing veterans in the Sol-

apart for the treatment of disabled or ailing veterans in the Soldiers' Homes of this country.

While I am on the floor, as the question of appropriation will come up later, without regard to the ruling of the Chairman upon the point of order—I am proceeding by unanimous consent, I be-lieve, at any rate—I wish to say that there is a reason why no greater number of sick soldiers are sent to this hospital. The smallness of such attendance is not on account of any lack of advantages there, for the advantages of the institution for treatment of particular classes of diseases are not excelled in the civilized world. Nobody, I presume, who is acquainted with the curative powers of the waters at Hot Springs will deny that the use of those waters affords the surest treatment for rheumatism, neuralgia, and various other diseases not necessary to be men-

I wish now to call the attention of the chairman of the committee to the statement of the Surgeon-General's report, on which the recommendation of the Secretary of War seems to have been based. It appears that there are in this hospital 16 beds for officers and 64 for enlisted men. That is the capacity of the building. It is stated in this report that during the last year there were a total of 84 soldiers treated there—officers and privates. Then the report proceeds:

.0f these cases 50 were returned to duty, 15 were discharged for disability, 3 resumed their status on furlough, and 17 remained under treatment at the close of the year. Inquiries made in regard to the 50 men returned to duty

six months after they were sent from the hospital showed that 36 were doing duty with their commands or were well at the time they had been discharged for expiration of term of service, 8 had been discharged for disability on account of relapses, and 2 for venereal disease contracted subsequent to their return to duty; 3 were undergoing treatment on account of relapse, and 2 had deserted. Of the 68 completed cases, 48 were cases of rheumatism, and of these cases 36 were returned to duty after an average treatment of eighty-five days and 7 were discharged for disability after an average treatment of ninety-five and six-tenths days.

Now Mr. Chairman, if we compare the average number of

Now, Mr. Chairman, if we compare the average number of sufferers from rheumatism and neuralgia treated at this hospital with the small amount required to carry on this laudable enter-prise—some three or four thousand dollars of actual expenditure by appropriation outside of the pay of officers, stewards, etc.—it strikes me the propriety of continuing this hospital must be apparent, because the mode of treatment pursued there reaches

cases which are not curable in the ordinary way.

I wish to call special attention to the language which I shall read from the report of the Surgeon-General, from which it will be seen that he does not recommend the abandonment of this hospital. On the contrary, he points out, as I construe his language, the reason why the attendance has been so small as it has been:

The special advantages afforded by the Government in this general hospital in the treatment of the diseases mentioned in Circular No. 16, A. G. O., December 8, 1892, do not seem to be appreciated properly by medical officers of the Army.

I take it for granted, although I am not familiar with details of that kind, that the sick persons of the Army are by direction of the local surgeons of the Army directed as to where they shall go for treatment. From the statement of the Surgeon-General it appears that the officers of the Army have not appreciated up to this time the conditions existing at this hospital and the wonderful curative powers of these waters. He says further:

It is equipped with all the latest and best appliances for the treatment of patients by hydrotherapy, electricity, massage, and the Swedish movements. No sanitarium or private establishment at Hot Springs offers any such advantages. It is believed that if cases suitable for treatment at the Springs were sent earlier in the progress of the disease many serious complications might be prevented and a larger percentage of recoveries be effected.

It appears that under the regulations of the Department only the more desperate cases have been sent to this hospital for treat-

Now, in view of the splendid appliances at this institution, the magnificent building which has been erected at the expense of the Government under the leadership of a man whose friendship to the soldiers can not be questioned—Gen. John A. Logan—it does seem to me that this institution ought not to be stricken down on a mere ex parte recommendation of the Secretary of War. Nothing is offered in lieu of the accommodations of which it is proposed to deprive the officers and men of our Army. The doors of this hospital should not be closed, but left open to meet the needs of these men.

If the attendance is not sufficient to fill up all the beds provided in the hospital, why can not provision be made that the old soldiers in the Soldiers' Homes of the country who are suffering with neuralgia and rheumatic diseases or other diseases that may be healed by these waters, contracted in the service, may be sent to this institution for treatment? I believe sincerely that when the powers of these waters and the facilities of this hospital become known to the public it will be regarded as little less than a crime to strike down the institution in this way. I hope it will not be

My friend suggests that if I am a friend of the public or of my own people I will not object to this. I claim to be a friend of both. As such I believe that this hospital ought to be nurtured. both. As such I believe that this hospital ought to be nurritied. I believe the future will show that the establishment of this hospital was among the wisest acts of Congress. As Gen. John A. Logan himself said, in presenting the bill for the establishment of this hospital, "The city of Hot Springs virtually belongs to the Government; these waters belong to the Government." This building with its appliances has been erected at public expense and for a robb purpose. And to strike down this institution by and for a noble purpose. And to strike down this institution by action taken thus early in the session, at a time when neither I nor the friends of that city, or of this hospital, I might say—I will not say it, because it might be offensive—when the friends of this institution are called upon to meet this question without warning and without opportunity to make a fair showing to the House

would, it seems to me, be entirely wrong and without justification.

I have said this much at this time for the reason that later on I shall ask that the usual appropriation be made for the maintenance

of this hospital. And, Mr. Chairman, I wish to urge on the thinking members of And, Mr. Chairman, I was to tree on the thinking members of this House, those who are acquainted with the Hot Springs and the curative powers of its waters, not to confuse this institution, which is segregated from the Government property there, with the other interests that the Government holds. This institution is fed by pipes which furnish the curative waters fresh from the springs for use in the hospital. And in view of the fact of the hundreds of old soldiers in Homes scattered throughout the country, with the number ailing with fearful diseases, neuralgic and

rheumatic, whose conditions can be cured or at least greatly amel-iorated by that institution, I think before we lay violent hands on it and abandon it we ought to look and see if we can not enlarge its sphere of usefulness and make it more valuable than it is now

to these people. And I think, Mr. Chairman, when this matter is properly presented before the chairman of the Committee on Military Affairs, he will agree with me.

I do not like to disagree or differ with the committees of this House, and I never do so when it is possible to avoid it. But on this occasion I feel constrained to object to the proposed cutting off of the appropriation for this institution. I think it contrary to the best interests of the Government, and of its property there. I believe that the Government will lose money by striking down the institution—looking at it from a business standpoint—because the Government owns now thousands of dollars' worth of property which would be affected by the action proposed, and no great expense is required to keep the institution up. Let us take proper steps, after mature deliberation, to bring this balm to every suffering soldier. Let this boon of relief be enjoyed by all the old suffering veterans throughout the nation, that their last days may be without that suffering that their exposure has placed upon them.

them

I thank the House and the chairman of the Committee on Military Affairs for being so kind as to permit me to progress irregularly in regard to this matter.

Mr. PAYNE. Mr. Chairman, I suspect that the hospital at Hot Springs, to which reference is made in this bill, was built not wholly on account of the necessity for such an institution at that point, but because of the enterprise of the citizens at Hot Springs, and I want to say, after somewhat of acquaintance with the people there, acquired by an investigation that I happened to make a few years ago as a member of this body, that in the way of getting the benefit of appropriations they are the most enterprising people that I have yet met in the United States

It was found a few years ago in a controversy in the courts between certain individuals claiming these lands and the United States—it was found by the Supreme Court of the United States that the Government, unfortunately for the Government, owned this Hot Springs Reservation. There were then some buildings on it, a hotel and some bath houses, and the Government appointed a commission to ascertain the value of the buildings and made an a commission to ascertain the value of the buildings and made an appropriation and issued certificates to the owners to pay for the buildings which they had already erected on one side of the gully. On the other side of this line or gully the Government sold the land to the actual settlers at what was really a nominal figure. The Government rented some of the privileges for bath houses and rented the hotel at \$1,000 a year. The testimony before our committee during the time of the lease showed that it was worth \$25,000 a year. I may say that after a year or two, or within a year or two afterwards, it was rented for a period of ten years at \$3,000 a year, because the men who were upon the property had expended some money of their own in enlarging the hotel. But they were not satisfied with this. The enterprising gentlemen down there inaugurated a scheme to make a magnificent street of this gully to which I have referred, at Hot Springs, and they involved the Government in an expenditure of money amounting involved the Government in an expenditure of money amounting to hundreds of thousands of dollars to build a continuous archway over this gully, and then by grading up they succeeded in securing a magnificent street. In that grading, by some arrangement with the contractors, they managed to get a good deal of the material off of the land on the side of the hill opposite to the Government reservation, improving the property there, so that they were able to put a fine block of stores along the street on that side. That property became and was at the time that I was there, during the period of this investigation, of immense value.

Of course to an ordinary citizen of the United States it would have been supposed that the abutting owners of the property would pay equally, share and share alike, for this grand improvement. But not so with the enterprising people of Hot Springs.

ment. But not so with the enterprising people of Hot Springs. They impressed upon Congress the idea that it was Government property, and that the Government should do the entire work; and as a consequence the property owners along the opposite side of the street found themselves in possession of a magnificent roadway instead of a gully and creek, which existed there before, without any cost to themselves. Their property necessarily was largely enhanced in value.

At the time I was there they had just commenced the foundation of the hospital, and we had some eminent physicians before us. These gentlemen demonstrated that it was unsafe to leave matters in the condition in which we found them, because the lower opening of the archway was just opposite, or a little below, the Government hospital, and the enterprising people there having deposited all of their sewage into the creek through this archway (the contractor having left convenient openings along the line for that purpose), as a consequence the physicians thought that in hot weather malaria was likely to prevail, and, of course, instead of it being a healthy place for a hospital it would not help anything but rheumatism, unless malaria was a cure for other diseases that people might have at that point.

These gentlemen very kindly suggested to Congress to extend these improvements not only below the hospital, but some 6 or 7 miles below, where the creek enters into the Ouachita River. I remember that I was out of Congress one term. I had succeeded, up to the time I left, in heading off any appropriations to extend this archway; but when I came back I found that they were mak-

this archway; but when I came back I found that they were making a small appropriation to complete the archway across the street below the Government reservation, in order to protect the health of the people who should be in the hospital. I think that the whole appropriation for that purpose was some \$20,000.

Now, we were continually told, as my friend [Mr. LITTLE] has been told by the citizens of Hot Springs, that the revenues of the Government were so enormous from this property and from the sale of some land farther away that the Government was getting and would get a good deal more than the improvements cost; but when we came to balance up the books we found that the Governwhen we came to balance up the books we found that the Govern-ment was paying several dollars to one that it was receiving; so that undoubtedly it was a most unfortunate thing for the Government, in a pecuniary point of view, when the Supreme Court discovered that the Government owned the reservation at Hot Springs.

I suggested that it ought to be sold to the highest bidder, but immediately there was a great protest. They wanted to keep one spring there where the poor people—the lazzaroni—could go and have the benefit of these baths. There was a mud hole on the side of the hill. They called it the Rial Hole; and I understand the mud was from the sediment that came from the water, and had great healing qualities. There the lazzaroni were permitted to go at certain hours in the day and take their baths. The other baths were in magnificent bath houses, built at large expense, the Governmentallowing the privilege on the reservation, and also furnishing hot water. Now, from time to time various appropriations have been made to seal over the tops of the springs and to collect the water in that way, while it had the natural heat in it as it came from the springs, for the purposes of these bath houses; not that the gentlemen who owned them would take the property at that time and make the improvements themselves for the purpose of running them, but the Government was a very convenient pay-master to do all this sort of thing; and I have no doubt that this hospital was located there because of the importunities and

the persuasiveness and enterprise of the citizens of Hot Springs.

Why, Mr. Chairman, the Government gave them a portion of
the reservation upon which to build a court-house, I think, or a schoolhouse, and the enterprising city of Hot Springs, after they got title to it, sold it and pocketed the money. Whether they ever built a court-house in another place or not I do not know, but that is the way this thing has been running, and I have no doubt that the Secretary of War has been impelled by his judgment and busi-ness ability, notwithstanding the recommendations that have un-doubtedly been made to him by these enterprising gentlemen, to state in this report that this hospital is entirely unnecessary, and an expensive institution for the Government to maintain. Just what the annual income is to-day I am not able to say, but members of the House can find it in the report of the Secretary of the Interior, this whole property being under the charge of the Secre-

tary of the Interior, except the Government hospital.

Mr. PARKER. Mr. Chairman, I have already pointed out to this committee one thing, and that is that this hospital is not established.

lished by any law except just such an amendment, tacked on to an appropriation bill, as is now declared to be and is out of order.

The CHAIRMAN. To what is the gentleman speaking? The CHAIRMAN. To what is the gentleman speaking?
Mr. PARKER. I am speaking, sir, to the same question that
has been before the House—the advisability of continuing this

hospital.

The CHAIRMAN. Debate is not in order. Mr. PARKER. I move to insert the words:

Provided, That no part of the appropriation mentioned in this bill shall be applied to the support of the hospital at Hot Springs, Ark.

In the law of 1882 we find the following:

For construction and repair of hospitals, as reported by the Surgeon-General of the Army, \$75,000: Provided, That \$100,000 be, and hereby is, appropriated for the erection of an army and navy hospital at Hot Springs, Ark., which shall be erected by and under the direction of the Secretary of War, in accordance with plans and specifications to be prepared and submitted to the Secretary of War by the Surgeons-General of the Army and Navy; which hospital, when in a condition to receive patients, shall be subject to such rules, regulations, and restrictions as shall be provided by the President of the United States: Provided further, That such hospital shall be erected on the Government reservation at or near Hot Springs, Ark.

Now, it is nothing but a rider anyhow, and what we propose is that now that we have the Army appropriation bill here, and are putting the horse ahead, we will get rid of that rider.

Mr. LITTLE. Mr. Chairman, do I understand that there is an amendment pending? I could not understand what it was.

The CHAIRMAN. Will the gentleman send his amendment to

the Clerk's desk?
Mr. PARKER. Yes, sir; I have it in writing.

Mr. HULL. I have one I can send up if the gentleman desires, wanted to offer it at the following page.

The Clerk read as follows:

Page 19, line 6, after the word "dollars," insert the following: "Provided, That no part of the appropriation mentioned in this bill shall be applied to the support of the hospital at Hot Springs, Ark."

Mr. HULL. Put in the words "Army and Navy Hospital" at

Hot Springs.

Mr. LITTLE. Mr. Chairman, I desire to interpose the same point of order against this amendment.

The CHAIRMAN. The point of order is sustained; and the Clerk will read.

The Clerk proceeded to read.

Mr. BLUE. Mr. Chairman, with the consent of the Chair-

Mr. HULL. I do not think it makes any difference. I will

offer it at another place.

Mr. BLUE. I think the Chair is evidently in error about that.

The CHAIRMAN. The Chair has decided the point of order. The Clerk will read.

The Clerk read as follows:

MEDICAL DEPARTMENT.

Medical and hospital department: For the purchase of medical and hospital supplies, including disinfectants for general post sanitation, expenses of medical-supply depots, pay of employees, medical care and treatment of officers and enlisted men of the Army on duty at posts and stations for which no other provision is made; for the proper care and treatment of cases in the Army suffering from contagious or epidemic diseases; advertising and other miscellaneous expenses of the Medical Department, the amount to be expended for pay of civilian employees not to exceed \$40,000, \$135,000; experimental cooking, \$200; in all, \$135,200.

Mr. HULL. I desire to offer an amendment, to come in at the close of this paragraph, after the word "dollars."

The Clerk read as follows:

On page 20, line 21, after the word "dollars" insert the following: "Provided, That no part of this sum shall be expended in the further maintenance of the Army and Navy Hospital, at Hot Springs, Ark."

Mr. HULL. Before the Chair decides the question on the point of order I desire to be heard.

Mr. LITTLE. I want to raise the same point of order. The CHAIRMAN. The Chair will hear the gentleman on the

point of order.

Mr. HULL. Mr. Chairman, the appropriation in this clause heretofore has included the Army and Navy Hospital at Hot Springs, Ark., and the committee did not appropriate for it, with the understanding that it was to be eliminated from the bill and turned over to the Interior Department. It seems to be very clear that it is not new legislation in this bill to limit appropria-tions to certain hospitals or to provide that no part should be used for others; not new legislation for this House in Committee of the Whole to determine whether it will appropriate for a specific thing or shall not, and whether it will limit the appropriation or not. And it seems to me that the Chair, in considering that question, ought to remember that the entire question of appropriations is before the Committee of the Whole, and the Committee of the Whole has the right to limit the appropriations to the specific things that it desires to appropriate for. To hold otherwise is to abridge the power of the House. I regard this as a very different proposition from the one that the Chair ruled on a few minutes ago, as to transferring it to the Interior Department. And in reference to this point I think the Chair will be unable to find that there is any decision in the House or in Committee of the Whole that denies to the Committee of the Whole the right to limit appropriations in Committee of the Whole on an appropriation bill. There is no decision in all the parlia-mentary history of the House which would hold this amendment out of order.

Mr. BLUE. This rule under which this point of order is made in its essence provides that no amendment nor an original proposition on an appropriation bill shall change existing law. informed that in former appropriation bills this Army and Navy Hospital at Hot Springs, Ark., has been specifically named. This amendment proposed by the gentleman from Iowa is not obnoxious to that part of the rule, because it does not change existing law. It is made in the abundance of caution as a provision that no part of this part of the rule. of this appropriation shall be used there, while the existing law, so far as it goes, specifically applies to that particular point. It was on that account that I a moment ago said, without any disparagement of the Chair's ruling, that I thought the Chair was in error, because it certainly does not change existing law. There-

fore I think that the point of order is not well taken

The CHAIRMAN. Let the Chair ask the gentleman from

Kansas this question-

Mr. HULL. If the ruling of the Chair should be against this amendment, I desire to say it simply limits committees in reporting appropriation bills in all their discretion, and compels them to appropriate for objects that are utterly and entirely worthless for

the public service. It would be a question under such a decision of the Chair whether you could even reduce appropriations if any of the Chair whether you could even reduce appropriations if any gentleman should raise the point of order that it changed existing law. The whole question of appropriation is before this Committee of the Whole. It is possible that the Committee of the Whole will not agree with the Committee on Military Affairs that this is wise to be done; but it is certainly in the discretion of the Committee of the Whole, and I think it should pass upon this question. The CHAIRMAN. The Chair would like to ask the gentlemen who favor this amendment if, under any existing law, any part of this appropriation can be applied to the purpose prohibited by this appropriation?

appropriation?

Mr. HULL. I can only say, in answer to that, that heretofore on all Army appropriation bills since the Army and Navy Hospital at Hot Springs has been established there has been a specific proviso including the Army and Navy Hospital at Hot Springs, Ark. The Committee on Military Affairs dropped that out this time. We preferred to make a direct transfer to the Interior Department, but that the Chair has ruled out, and I am willing to concede that the Chair had good grounds for this ruling, although I was in hopes that he would rule the other way. [Laughter.] Then the committee is reduced to this position. It has eliminated from its appropriation the amount required for the Army and Navy Hospital at Hot Springs, and it has the right to submit to the Committee of the Whole whether that action shall stand or not. This is not a change of existing law. Without that right this or any appropriation bill may be destroyed. It is simply dropping an appropriation from an appropriation bill. It does not change any law, and I think my friend from Maine [Mr. Dingley] can call attention to a case where he, as Chairman of the Committee of the Whole, in the last session, decided a point exactly similar to this, and where the decision was sustained by

Mr. DINGLEY. Mr. Chairman, it is a familiar principle which has been repeatedly approved by votes of the Committee of the Whole that the committee have a right to vote upon an amendment limiting the expenditure of an appropriation where there is ment limiting the expenditure of an appropriation where there is no change of existing law. I remember that at the last session of Congress I, as Chairman of the Committee of the Whole, ruled on precisely that proposition and the ruling was sustained. A few years ago a paragraph was proposed as an amendment to an appropriation bill providing that "no part of the appropriation herein made shall be used in printing United States notes of smaller denominations than those that are canceled." The point of order was raised against that provision that it was a change of existing law. The Chairman of the Committee of the Whole ruled that it was not a change of existing law; that inasmuch as the House head the right to refuse to appropriate at all for a purpose that was had the right to refuse to appropriate at all for a purpose that was had the right to refuse to appropriate at an for a purpose that was already authorized by law, they certainly could refuse to appropriate for a part of that purpose, there being no change of existing law. This, I say, is a principle that has been so frequently invoked, and is so often necessary for the protection of the Treasury, that I should dislike very much to have a decision made to the effect that the Committee of the Whole or the House can be this the limits of critical law and the limits are considered. not within the limits of existing law put a limit upon expenditures. If such a decision were to be made, it might be held that if an object was authorized by law the House must make appropriation for it whether it wished to or not, and must appropriate the full amount; but a limitation on the use of an appropriation is a very different thing from a change of existing law, and I repeat, I should dislike very much to have a decision made which would overturn or overthrow a principle often invoked, so useful

and so necessary to wise appropriation.

Mr. GROW. Mr. Chairman, the gentleman from Maine has stated what I intended to say on the principle of parliamentary law involved in this case in better form than I could have prelaw involved in this case in better form than I could have presented it, but I may be permitted to cite a few remarkable instances in practice on this point. The Wilmot proviso was put on an appropriation bill carrying \$2,000,000. The point was made and argued that it was out of order, but the Chair held that it was in order as a limitation on a specific appropriation of money. Again, in the contest made in this House against the use of the Army in enforcing the laws of the bogus legislature of Kansas a proviso was offered to the Army appropriation bill that no part of the money therein appropriated should be used for the enforcement of the laws of the bogus legislature imposed upon the people ment of the laws of the bogus legislature imposed upon the people ment of the laws of the bogus legislature imposed upon the people of Kansas by the border ruffian invasion. The proviso was held by the Chair to be in order. The proviso was put on the bill by a vote, but we were unable to pass the bill with it on, and Congress adjourned without passing the Army bill, and President Pierce called an extra session. I agree with the gentleman from Maine that it would be a bad precedent to hold that the power which appropriates money can not limit and restrict the use of a specific appropriation. There is no obligation to make any appropriation at all, and if that be so, then certainly half the appropriation might be made, or any part on a limit of the appropriation that might

The power to appropriate money carries with it, under parliamentary law, the right to restrict, direct, or control a specific appropriation.

Mr. KNOX. Mr. Chairman, I think there can not be any question of the right of the House to limit the expenditure of an appropriation, but it seems to me that there is direct authority in decisions made in the House for the limitation of this appropriation. On a certain occasion an amendment was offered providing that no part of the money thereby appropriated should be applied to the transportation of troops on certain railroads. The point of order was made that the amendment changed existing law, and the Chair held that it was in order as a limitation upon the appropriation and was not a change of existing law. Now, if we can provide in the Army bill that no money therein appropriated shall be expended for the transportation of troops upon a certain railroad, it seems clear that we have the same right to say that no part of the money appropriated in this bill shall be expended upon a certain hospital, and that such a provision does not change existing law. The case I have cited arose in the first session of the Fifty-second Congress, and will be found upon page 2282 of the Congressional Record, and I submit that it is a direct

the Congressional Record, and I submit that it is a direct authority upon this point.

Mr. CURTIS of New York. Mr. Chairman, carrying forward the suggestion of the gentleman from Maine, I would like to inquire of the Chair, if he should see fit to rule this provise out as a change of existing law, what would be the effect if, when the legislative bill comes up for consideration, making appropriation for the salaries of Congressmen, some member should rise and object to the appropriation of \$5,000 a year as a violation of existing law? For years, since what is known as the "back-salary grab," the legal salary of Congressmen has been \$7,500, but the appropriation bills have brought in from year to year only \$5,000. Now, if it be competent for the Chair to rule out this proviso, would not the Chairman of the Committee of the Whole, when the legislative bill is under consideration, be compelled, following that precedent, to decide that the action of the committee recomthat precedent, to decide that the action of the committee recommending an appropriation of only \$5,000 for the committee recom-gressmen (which is all they expect to get and all they ought to have) would be a change of existing law?

Mr. DOCKERY. I suggest to my friend from New York that he is in error as to the existing provision of the statutes in refer-

ence to the compensation of members of Congress. The pay now

ence to the compensation of members of Congress. The pay now fixed by law is only \$5,000 per annum.

Mr. CURTIS of New York. You will find in the Revised Statutes that the salary is fixed at \$7,500.

Mr. DOCKERY. The gentleman will find that that provision was repealed, and \$5,000 is now the salary as fixed by statute.

Mr. CURTIS of New York. No amendment of the law as I cited it appears in the Revised Statutes. I think it right that the salary should be what is now paid. I only mentioned the fact to show the absurdity of the proposition contended for here that this House has not the right to direct how its appropriations shall be expended. I believe that the motion of the committee ought be expended. I believe that the motion of the committee ought to be sustained. I am a member of the committee. I trust that the Chair will render his decision in this case in accordance with what I believe to be the parliamentary law and in conformity with the action of Congress upon matters of this kind. I trust, in other words, that the Chair will recognize the right of the House to

limit the expenditure of the appropriations which it makes.

Mr. DINGLEY. I wish to call the attention of the Chair to a paragraph on page 281 of the Manual of last session:

Inasmuch as the House or the Committee of the Whole House on the state of the Union may refuse to appropriate in a general appropriation bill for a particular object authorized by law, it is the well-settled practice that it may appropriate for a part of that object, and by a provision styled a "limitation," prohibit the expenditure of any of the appropriation for another part of the same general object. But a provision in an appropriation bill, or an amendment thereto, authorizing the expenditure of an appropriation or any part of it for an object not authorized by law, or in any manner diverting an appropriation to such object, is not a "limitation."

Then it goes on to explain what is not a limitation; but the

present case comes under the first division of that decision.

Mr. DOCKERY (during a pause). I suggest that the remainder of the bill be read and that this paragraph be passed over with the privilege of returning to it. In the meantime the Chairman can

consider the question.

The CHAIRMAN. The Chair is very sorry to entertain different views from those entertained by the gentleman in charge of this bill, but as the Chair views this question, this being an appropriation for hospitals, a proposition to divert the money from that object is a change of existing law. The Chair therefore sustains the point of order.

Mr. HULL. With all respect to the Chair, I desire to make an appeal from that decision.

The CHAIRMAN. The question is, Shall the decision of the

Chair stand as the judgment of the committee?

The question being taken, there were—ayes 69, noes 53. So the decision of the Chair was sustained.

Mr. PARKER. Mr. Chairman, in order to bring this matter fully before the House, I move to amend by inserting the words "except at the hospital at Hot Springs, Ark.;" so that we shall appropriate for other hospitals, and not for this one.

Mr. LITTLE. I renew the point of order against this amend-

ment.

The CHAIRMAN. The Chair sustains the point of order. The Clerk will read.

Mr. LACEY. Mr. Chairman-The CHAIRMAN. The Chair The Chair does not care to hear any further discussion.

I should like to cite an authority. Mr. LACEY.

The CHAIRMAN. The Chair does not care to hear anything

further on this point. Mr. LACEY. I de I desire to cite some authorities which have not

been cited and which are directly in point.

The CHAIRMAN. The Chair has decided the question; and

the Clerk will read.

Mr. LACEY. Then I appeal from the decision of the Chair, so that we may have an opportunity to present this question properly. On this appeal, in addition to the decision that has already been cited by the gentleman from Maine [Mr. DINGLEY], I wish to call attention to two other decisions.

The CHAIRMAN. One moment. Is there anything before the

committee!

Mr. LACEY. My appeal is before the committee, unless the Chair declines to entertain it.

The CHAIRMAN. The Chair did not understand that the

gentleman appealed.

Mr. LACEY. I took an appeal from the decision of the Chair.

The CHAIRMAN. Does the gentleman desire to argue the

Mr. LACEY. I desire to present the appeal to the committee. The Chair did not wish to be informed, but the Committee of the Whole would perhaps like to be.

The CHAIRMAN. If the gentleman can inform the Chair, he

may proceed

Mr. LACEY. I do not wish to undertake to inform the Chair further than to call attention to previous decisions, which the Chair declined to allow me to read.

Mr. WILLIAMS. I rise to a parliamentary inquiry. What is

before the committee?

The CHAIRMAN. The gentleman from New Jersey [Mr. PARKER] offered an amendment, that the appropriations in the bill be applied to Government hospitals, except the one at Hot Springs, Ark. Upon that amendment a point of order was made, which was sustained by the Chair. The gentleman from Iowa [Mr. LACEY] appeals from that decision, and is proceeding now to show the committee why his appeal should be sustained.

Mr. LACEY. I trust I can have the attention of the committee, for this question is of much more importance than the question whether or not the Hot Springs Hospital shall be continued. It is a question of the right of this House to control the appropriations that it may hereafter pass for the public service; whether it is within our power to limit those appropriations or not; whether pointed out by law as public objects may be omitted from an appropriation bill. the House may determine that specific objects which have been

On this subject the decisions have been uniform until the one that the Chair made a few moments ago, and which is now the decision of the committee, because the committee has affirmed the action of the Chair. But the question comes up here again upon a motion in a somewhat different form; and I want to call the attention of the committee to two other decisions (in addition to those already cited by the gentleman from Maine), which seem to me conclusive on this question. I trust the Committee of the Whole will give attention to these citations, because they can not afford to go wrong on a question of this kind. I read from page 282 of the Digrest and from decisions in the present Commissions. 282 of the Digest, and from decisions in the present Congress and under the rules as they now stand:

To the Indian appropriation bill an amendment was proposed reducing the amount appropriated for salaries of certain inspectors in the Indian service from \$3,000 to \$2,000 per annum each. The point of order was made that said salaries were now fixed by law at \$3,000 per annum, and that the present bill provided that the amounts appropriated were to be in full compensation for services; therefore, that the amendment would change existing law. The Chair overruled the point of order, and held that the amendment did not change existing law; that Congress had the right to make limitations and fix conditions upon such appropriations, the persons performing the service having the option of accepting or refusing the amounts so appropriated.

Now, in the Fifty-second Congress, under a rule very similar to the one at present in force, it was decided as follows, and I read from the Digest:

The following provision in the Army appropriation bill, namely, "That hereafter no money appropriated for Army transportation shall be used in payment for the transportation of troops and supplies for the Army" over certain lines of railroad which are indebted to the Government, was held subject to the point of order under this rule.

Why? Because it provided that "hereafter" it shall not be so

used. That is a change of existing law. Then, in order to meet that exact point, the amendment was changed, the word "hereafter" was eliminated from the amendment, and the proposition was limited to the specific appropriation then under considera-tion. And we find in the Digest this provision:

An amendment providing that no money appropriated in the pending bill should be applied to the transportation of troops on certain railroads was held in order as being a limitation of expenditure, and not a change of existing law.

So, Mr. Chairman, we have had two decisions directly opposite to that rendered by the Chair in the present case. In the first session of this Congress we had one such decision and we have the decision in the Fifty-second Congress which I have just quoted.

Now, I make this appeal in good faith, in order that the decisions

Now, I make this appeal in good faith, in order that the decisions of the committee may be harmonious on such questions—questions which are vital to the conduct of the business of this House. It is not a question whether we shall have the Hot Springs hospital or not, but it is a question with reference to the proper method of procedure in the consideration of legislation on appropriation bills in this body.

The CHAIRMAN Before the gentleman from Lowe takes his

The CHAIRMAN. Before the gentleman from Iowa takes his seat, the Chair desires to make this suggestion with reference to the pending point, that there is a distinction between the present appropriation and the questions raised to which the gentleman

has referred.

has referred.

Here is a general appropriation bill making provision for hospitals without applying it to specific hospitals. Certain sums are appropriated, and then the proviso is suggested that no part of the money hereby appropriated shall be used for a certain hospital, to wit, the hospital at Hot Springs. The Chair has held that to be a change of existing law.

Mr. LACEY. It is precisely the same as in the railroad case. The two points were identical.

The CHAIRMAN. The Chair thinks the case is entirely different. If an amount of money was appropriated—so many thou-

The CHAIRMAN. The Chair times the case is entirely different. If an amount of money was appropriated—so many thousand dollars—for a hospital at any point, so many thousand dollars for a hospital at another point, and so on, and no appropriation was made for Hot Springs at all, it would present a different question. That would be the kind of a case the gentleman presents. But where there is a general appropriation as in the tree. sents. But where there is a general appropriation, as in the present instance, you must have new legislation in order that the amount of money that you appropriate shall be diverted from any one of the hospitals which have been heretofore supported by the It is, as the gentleman will see, a different propo-Government. Government. It is, as the gentleman will see, a different proposition from where a salary is provided, where the salary at \$3,000, for instance, and only \$2,000 is appropriated. The reason that the Chair, in that instance, held that there was no change in existing law was because it was left optional with the party to accept the \$2,000 or not, specifically holding that it did not affect the rights of the party to receive the \$3,000, and collect it, if he saw proper to go into the Court of Claims for that

Mr. LACEY. But the Chair, with all due deference, loses sight of the decision in the case where there was a specific appropria-tion for the transportation of troops—a general appropriation, a lump sum to be used, in the appropriation bill, and an amendment providing that the money should not be paid out of the appropriation for carrying troops over a certain line, specifying the particular road. That was held to be a proper limitation on the appropriation, and not a change of existing law. When the word "hereafter" was inserted in the first instance in the amendment it was held to be a change of existing law. But when that word was eliminated it was held that the House had the right to determine

eliminated it was held that the House had the right to determine how the money should be expended which it appropriated, and that the provision was in order.

Now the pending amendment is limited to a specific appropriation before the committee, that is to say, it provides that it shall not be expended at Hot Springs. Why, on what principle, or under what provision of the rules, can we not limit the appropriation? It is a general appropriation for general purposes, just as in the case I have illustrated in the Fifty-first Congress.

It is a power that is inherent in the House, which was so held in all the decisions heretofore, and it can not afford to relinquish or surrender it in this manner.

or surrender it in this manner.

Mr. CANNON. I would like to ask the gentleman from Iowa a question with his consent.

Mr. LACEY. Certainly.

Mr. CANNON. I was not present when the point of order was

Mr. CANNON. I was not present when the point of order was made upon which the committee voted a few minutes ago, and did not hear the decision of the Chair. I want to see if I understand exactly what is involved in the controversy.

Mr. PARKER. I offered the amendment, and I should like to

explain it.

Mr. CANNON. - Well, in a moment. I merely want to ask a question. I have not found the general provision that the gentleman refers to. On what page is it?

Mr. LACEY. The provision is not in the printed bill. It is in

an amendment offered by the gentleman from New Jersey [Mr. Parker] at the close of this paragraph.

Mr. CANNON. Where do you mean?

Mr. PARKER. I believe we are on page 20.

Mr. LACEY. Will the Clerk read the proposed amendment?

Mr. PARKER. I merely inserted the words—

Except the Army and Navy Hospital at Hot Springs, Ark.

That goes in after the word "diseases," in line 15. Mr. HULL.

Mr. PARKER. Yes.
Mr. CANNON. Then I want to ask if the effect of that lan-Mr. CANNON. Then I want to ask if the effect of that language is to appropriate for the maintenance of hospitals other than the Hot Springs hospital?

Mr. PARKER. Yes.
Mr. MILES. Certainly.
Mr. LACEY. And you omit that hospital.
Mr. CANNON. And the effect of the language is to omit to appropriate for the hospital at Hot Springs?
Mr. PARKER. Yes, that is all.
Mr. LACEY. That is all there is to it.
Mr. CANNON. Well, it seems to me, with all due regard to the Chair, if that is the effect of it, that the Chair could not have understood the case as put to the committee.

understood the case as put to the committee.

Mr. PARKER. Mr. Chairman, it was in deference to the Chair that I offered this last amendment; it was because I did not want to say that there was any doubt as between us as to the meaning of the previous amendment. I could see that the proviso that I had offered-

Provided, That no part of this money shall be expended for the Army and Navy hospital at Hot Springs—

looks as if it were a creation of law; but I have put it in different words. Here is a general appropriation for hospitals. It will cover this hospital unless some exception be made. The House has the right to say whether or not it will appropriate for this hospital, and I therefore, in deference to the opinion of the Chair and the decision of the House, have put it in other words, which simply omit this hospital from the appropriations made by this House. Thereby the House makes no ordinance of law against the hospital, but simply says that it has omitted this one and does not constitute it one of the hospitals for which appropriation is made by the House.

Now, the rule as to retrenchment does not at present apply. We can not argue on the old decisions as to that matter; but we can, under the general powers of this House—its constitutional powers under the general powers of this house—as constituting powers under all circumstances—say whether we will appropriate in an appropriation bill for a particular purpose. And if the bill has been drawn in such general terms that this matter can not be got before the House except by putting in an exception, it has the right to assert that exception as part of its constitutional power and to declare that in making that general appropriation it appropriates for everything except a certain thing. That is the point

that I make.

The CHAIRMAN. The question is, Shall the decision of the Chair in sustaining the point of order to the amendment offered by the gentleman from New Jersey [Mr. Parker] to the pending bill stand as the judgment of the House?

Mr. McRAE. Before the vote is taken, I want to state that the decision quoted by my friend from Iowa [Mr. Lacey] was made

during the Fifty-second Congress, when the rule under which we are now operating was not in force. That was a correct ruling then, but it is not applicable to the pending question under the

present rules. I apprehend, Mr. Chairman, that if the House by a general appropriation for the pay of Members and Senators should appropriate, as usual, a lump sum, but should except a particular member by name and say that he should not have his salary, the exception would be out of order, and I think the exception of this hospital is a violation of the spirit of the rule.

I think the Chair has correctly held that in this general appro-

priation for all the hospitals you can not except any particular one without changing the general law that allows the Secretary of War to distribute the lump sum, and if you do that you violate the rule which declares that there shall be no change of existing law in an appropriation bill.

I think it would be a great injustice to abandon or cripple this magnificent institution located at Hot Springs.

The CHAIRMAN. Those in favor of sustaining the decision of

the Chair

Mr. CANNON. Mr. Chairman, a single word. I do not care whether this hospital at Hot Springs is appropriated for or not. I have no opinion whether it ought to be appropriated for, because I have not investigated the matter; but it does seem to me, as this matter is presented under the rules of the House, that we are liable to get a very awkward precedent here unless we are careful. It seems to me that this decision goes to the point that it is not in order by amendment in Committee of the Whole to test the sense of the committee whether we will withhold money to carry out any given law.

The CHAIRMAN. That is not the decision of the Chair, the Chair will state to the gentleman from Illinois.

Mr. CANNON. All right; then I misunderstood the Chair.
The CHAIRMAN. The decision of the Chair is that this amendment which is offered is a change of existing law and in violation of the rule adopted by the House relating to this subject.
Mr. CANNON. Well, now, let me read it, and see if the Chair

is right.
Mr. WILLIAM A. STONE. Were any points of order reserved against this bill?
Mr. HULL. All points of order were reserved.

Mr. HULL. All points of order were reserved. Mr. CANNON. I will read it:

Medical and hospital department-

I have no interest in the matter except not to get an awkward precedent, if it be an awkward precedent. I want to get right myself and in harmony with the Chair if I am mistaken.

Medical and hospital department: For the purchase of medical and hospital supplies, including disinfectants for general post sanitation, expenses of medical supply depots, pay of employees, medical care and treatment of officers and enlisted men of the Army on duty at posts and stations for which no other provision is made; for the proper care and treatment of cases in the Army suffering from contagious or epidemic diseases, except—

Now read the amendment. The Clerk read as follows:

Except in the Army and Naval Hospital at Hot Springs, Ark.

Mr. CANNON. That does not change existing law. It does Mr. CANNON. That does not change existing law. It does not abolish the hospital at Hot Springs, Ark., if I understand the English language. This is a matter sounding of appropriations, and the amendment merely has the effect to withhold the appropriation for the coming fiscal year for this hospital. If it does not mean that I do not understand the English language. Now, then, so far as I have any recollection, the authorities are uniform. Let me read one that has not been read. I read from the

The failure of Congress to appropriate money, in the appropriation act for the current fiscal year, for an object authorized by law, does not repeal such law; and an amendment providing for such object is in order on an appropriation bill, notwithstanding its omission from the previous appropriation act.—Journal, Forty-fifth Congress, second session, page 1005.

Now, then, it seems to me that I can not multiply words about his matter. If the amendment is not adopted the money approthis matter. priated in this paragraph can be used for every army hospital— every one. If this amendment is adopted it can be used for the support of every army hospital the coming fiscal year except the one at Hot Springs; and there we make no appropriation. That is all I desire to say about it, and I do it, as the gentleman in the chair will understand, with hesitation, because I like to agree with the Chair. I think it is a mistake of the Chair, with all due deference to the Chair, upon the question of fact. It seems to me if ence to the Chair, upon the question of fact. It seems to me if the Chair will take this and look at it closely he will see that it

the Chair will take this and look at it closely he will see that it does not change existing law, but has the effect merely of withholding the appropriation for the fiscal year.

Mr. WILLIAM A. STONE. I want to ask the gentleman a question, if he will yield to me.

Mr. CANNON. With pleasure.

Mr. WILLIAM A. STONE. I understand that all this discussion has taken place on an appeal made by the gentleman from Iowa.

Mr. CANNON. The gentleman from New Jersey.

Mr. HULL. On an appeal of the gentleman from Iowa [Mr. LACEY].

Mr. WILLIAM A. STONE. Of course I do not understand that from anything that has been said on the appeal, but recollect

that he took an appeal.

The CHAIRMAN. The gentleman from Iowa appealed from the decision the Chair made on the amendment offered by the gen-

mr. WILLIAM A. STONE, That is what I understand.
Mr. STEWART of New Jersey. Will the gentleman from Illinois allow me to ask him a question?
Mr. WILLIAM A. STONE. And we have not voted upon that

Mr. CANNON (to Mr. Stewart of New Jersey). Certainly.
Mr. STEWART of New Jersey. Supposing that one of these
points for which disinfectants is provided is abandoned, would
there be any question that we could except that from the appropriation?

Mr. CANNON. Not in my judgment.
Mr. STEWART of New Jersey. Does not that cover the rule?
Mr. CANNON. Certainly. I say this—that it has been uniformly held in Committee of the Whole that it is always competent by amendment to refuse to appropriate to carry out any law. This Congress might adjourn, so far as the rules of the House are concerned, without appropriating a cent of money. That is a power which has always been insisted upon.

The CHAIRMAN. The Chair desires to say, so that there may be no misunderstanding of the Chair's decision, that the Chair holds that the amendment changes existing legislation.

Mr. CANNON. If the Chair will allow me, I will say respectfully that the Chair seems to me to place the question merely upon the manner of doing it. In other words, the suggestion of the Chair is that by doing in detail for fifty other institutions we can fail to do in detail for this one institution. Now, I think we can in one wholesale provision do for the fifty others and except this one.

Mr. HULL. If the Chair will indulge me in an additional word, I desire to call the attention of the committee to the language of the appropriation bills heretofore passed providing for this hospital. In those bills this language is used: "Including the Army and Navy Hospital at Hot Springs, Ark." The amendment offered by the gentleman from New Jersey [Mr. Parker] changes just one word. That amendment reads: "Except the Army and Navy Hospital at Hot Springs, Ark," and the question for the committee to determine is whether we have the power to change one word in an appropriation bill if a point of order is made upon it.

Mr. DALZELL. Mr. Chairman, I want to see whether I understand this point or not. I understand the Chair to hold that this amendment changes existing law because it changes a general appropriation by making an exception. What I want to know is, Where is the general appropriation to which the Chair refers? Is it in this bill?

Mr. MILES. Mr. Chairman, I make the point of order that.

is, Where is the Is it in this bill?

Mr. MILES. Mr. Chairman, I make the point of order that a member of the House has no right to cross-examine the Chair.

[Laughter.]
Mr. DALZELL. Oh, I think a member of the House who lacks information on any particular subject may seek light from the Chair. [Laughter.] The CHAIRMAN.

This bill makes a general appropriation for

The CHAIRMAN. This bill makes a general appropriation for all these institutions.

Mr. DALZELL. But the pending bill can make no general appropriation until it has passed. The question now is whether or not we shall make a general appropriation in this bill.

The CHAIRMAN. It seeks to make a general appropriation.

Mr. DALZELL. Exactly; but this bill has the same right to make a special appropriation that it has to make a general appropriation, and there can be no change of existing law in this case when the question is whether or not this provision shall be law. That is the question now before the committee, and if I understand the Chair—and I went to understand him—he is treating what is the Chair-and I want to understand him-he is treating what is proposed to be enacted into law as if it were already enacted into law; whereas the real question is whether we shall make a general appropriation or whether we shall make a special appropria-

tion in this bill.

The CHAIRMAN. The Chair will submit the question to the committee

Mr. LACEY. Before the question is submitted let me suggest one further point. This committee would have the right to strike out this entire appropriation. Now, does not the greater include the less; does not the right to strike out the entire appropriation for army hospitals include the right to strike out the appropria-

The CHAIRMAN. The Chair will state the question. The gentleman from New Jersey [Mr. Parker] offered an amendment, which the Clerk will read.

The amendment was read, as follows:

On page 20, in line 15, after the word "diseases," insert the words "except the Army and Navy Hospital at Hot Springs, Ark."

The CHAIRMAN. The point of order was made against that amendment by the gentleman from Arkansas [Mr. LITTLE], and the Chair sustained the point. The gentleman from Iowa [Mr. HULL] has appealed from the decision of the Chair. The question now is, Shall the decision of the Chair stand as the judgment of the committee?

The question being taken, there were—ayes 57, noes 84.

The CHAIRMAN. On this question the ayes are 57 and the noes are 84. The decision of the Chair is overruled, so the amendment is in order,

ment is in order.

Mr. LITTLE. Mr. Chairman, I am opposed to the adoption of this amendment, and I want to state a few additional reasons. Upon investigation, I find that the amount of money expended at this hospital in 1896 was \$3,600. I find that out of 43 completed rheumatic patients, 36 went back to the service from the hospital cured. There were 80 in all during the year 1896, and 36 of them were cured of rheumatism, and a great many others were cured and improved of other diseases. Now, it does seem to me that this small pittance should be allowed to go to this hospital, which was established at the instance of men who were supposed to be the special friends of the soldier.

This hospital is a monument to the memory of that gallant soldier, Gen. John A. Logan, of Illinois. It was built almost exclusively at his instance during his public service in Congress. I regret very much to see the rule of strict economy begin at this

I regret very much to see the rule of strict economy begin at this point, when at best there will be a saving of but little over \$3,000, because the Government employees who are there, the hospital nurses and others, will continue to draw their salaries, if not at

Hot Springs at some other post. The gentleman from New York [Mr. Payne] chose a while ago to pass some animadversions upon the people of Hot Springs. I do not know why the gentleman should have felt called on to do so, but I learn that fifteen or twenty years ago, when the town had a few sports in it, some of them given to playing poker and such games, looking out for "suckers," the gentleman visited Hot Springs. [Laughter.] I do not know what happened to him there [laughter], but I can assure him that he will encounter no such dangers if he will return now. [Laughter.]

At that time the town was a small place. Now it is a beautiful

At that time the town was a small place. Now it is a beautiful city of 18,000 people, with splendid police regulations, and no visitor, not even from New York, need be uneasy. Then the Government property was a mere waste. Now it is a valuable property and is of real interest and value to the Government. The money that has been appropriated for the improvement of Hot Springs has been more than reimbursed. More than \$100,000 of the property of the United States was sold at one offering, and more than \$100,000 of it remains a part of the general reservation. The people of Hot Springs are not different from the people of any other gits of this country.

The people of Hot Springs are not different from the people of any other city of this country.

I do not know why my friend wants to "jump" indiscriminately upon the people of Hot Springs. I know many of those people personally. The statement of the gentleman that they are a progressive people is true. I would add that they are an honest people, an industrious people, a people who love their city, a people who are proud of the Government reservation at that place, proud of the description of the waters that flow from who are proud of the Government reservation at that place, proud of its adornments, proud of the efficacy of the waters that flow from those mountains, proud of the hospital that stands as a monument to General Logan, who often enjoyed the benefits of these waters. They believe that this institution, which could be worth so much to the Army, ought not to be stricken down, but should be perpetuated. No better people, no grander citizenship exists anywhere. For intelligence, for patriotism, for morality they will compare favorably with any citizenship in the nation.

In the statement which I read a few moments are when some

In the statement which I read a few moments ago when some gentlemen who are here now were not present, the Surgeon-General indicates that it is hard to make the surgeons of the Army understand the curative powers of these waters and the splendid facilities of this institution. He recommends, therefore, a relaxafacilities of this institution. He recommends, therefore, a relaxation of the present regulations, so that persons suffering from the diseases for which these waters are so valuable may go to that institution before their diseases have so far progressed as to render their cure doubtful. I speak the truth, as it will be confirmed by the declaration of every man of medical learning who has investigated the subject, when I say that the waters of the Hot Springs

are a specific—

The CHAIRMAN. The time of the gentleman has expired.

Mr. LITTLE. I should like to occupy a few moments more.

Mr. WILLIAM A. STONE. I ask unanimous consent that the gentleman have five minutes more. He has reached a very inter-

esting point.

The CHAIRMAN. Is there objection to allowing the gentleman from Arkansas to proceed for five minutes longer? The Chair

Mr. LITTLE. Mr. Chairman, as I was about to remark, every learned man in the profession of medicine who has investigated this subject agrees that the waters of Hot Springs are a specific for rheumatism, neuralgia, and for other diseases to which, unfortunately, humanity is heir. Persons whose diseases can not be reached by any other remedies go to the city of Hot Springs, halt and lame, and after remaining there a comparatively short time are able to "take up their beds and walk" as of old.

A MEMBER. Do they have to drink the water, or is it applied

externally? Mr. LITTLE. Mr. LITTLE. They drink the water, and they bathe in it. Those waters are charged with medicinal qualities which will cure afflicted humanity when nothing else will. Rheumatism and neuafflicted humanity when nothing else will. Rheumatism and neuralgia are diseases peculiarly prevalent in the Army; and for those diseases these waters are practically a specific, to say nothing about other diseases for which the efficacy of the waters is well recognized. For the diseases peculiar to the soldier on account of his exposure to the weather and the other hardships which he endures these waters are almost a specific. Of 43 such cases received at that institution in 1896, 36 went away cured, and the parties remained well, according to the report of the Surgeon-General

Now, if this institution were costing the Government its millions,

how, it this institution were costing the Government its millions, there might be objection to appropriating money for its maintenance; but the expenditure last year was only \$3,600.

Mr. HULL. Was not that for the payment of employees only?

Mr. LITTLE. That was for medicine and other expenses, exclusive of the pay of regular Government employees. Of course it does not include pay of officers, nurses, etc., because they are on the pay roll. the pay roll.

Why is there not more effort to enlarge the usefulness of this

hospital, which can be done without any serious outlay, and to extend the opportunities for receiving the treatment furnished there? The Surgeon-General says that the facilities are not exceeded elsewhere in the United States. This being true, I say that instead of attempting to strike down this institution by withdrawing these small appropriations for its support, we had better make provision for opening the doors of the institution wider, so as to admit the suffering veterans of the various Soldiers' Homes of the United States. I believe that if this hospital, under proper legislation and with such additions as may be necessary, could be opened to those veterans—it is now opened only to the active members of the Army-if that institution could be opened to the rheumatic and the neuralgic sufferers who are to-day in our Soldiers' Homes and fast breathing away their lives for want of adequate treatment—if those sufferers could be carried to that institution for treatment and restored or relieved, as they might be, we should do honor to ourselves and do honor to the memory of John A. Logan, the man who really established that hospital, and do justice to the suffering man who contracted his diseases while in

line of duty, defending his country.

It was said by the chairman of the committee that I did not seem to be the friend of the people of Hot Springs, or I would not insist on this proposition. Let me tell him that whether it would be best for the people of Hot Springs or not, I believe that the doors of this institution should not be closed. I do not believe the institution apply to be presed over to the Secretary of the Interior institution ought to be passed over to the Secretary of the Interior to be by him leased to private parties. We have now our thousands of bath tubs open to the suffering public. We have our pools open to those who are unable to pay for medicinal treatment; and 75 per cent of the poor unfortunate creatures who go there to take advantage of those waters leave the city healed and return to bless their homes and love their country. [Applause.]

homes and love their country. [Applause.]
[Here the hammer fell.]
Mr. HULL. Mr. Chairman, only a few words in reply to the gentleman from Arkansas [Mr. LITTLE]. He has dealt largely in sentimental considerations, but this is simply a practical question. The Surgeon-General of the Army, after paying his tribute to the splendid facilities at Hot Springs for the treatment of disease, acknowledges that we can not get the patients there. The Secretary of War appointed a commission to investigate this question. The officers went to Hot Springs and made a thorough investigation, and the result of their findings is crystallized in the report of the Secretary of War. of the Secretary of War.

I notice that on this question the division of votes in the Committee of the Whole has been somewhat on party lines. The gentleman who submits this report to the Congress of the United States is a Democrat. This is not a party question; and I want to call the attention of the House again to the language of the

Secretary of War. He says:

The experience gained in carrying on the Army and Navy Hospital at Hot Springs, Ark., does not appear to have sustained expectations in regard to its value to the officers and men of the Army and Navy, nor do those expectations appear to be realizable.

In another place he says:

It does not seem that the establishment should be maintained by the War Department. I therefore recommend that authority be granted by Congress for its transfer to the Interior Department and lease for private use, the same as building sites and spring-water privileges on the Government Hot Springs Reservation are now leased. If this is done, a considerable revenue should be derived, and the hospital and Army appropriations somewhat relieved.

I want to call the attention of the committee to this fact: That I want to call the attention of the committee to this fact: That with 1 surgeon, 1 assistant surgeon, 12 members of the Hospital Corps, and the large number of civilian employees necessary to keep up the grounds, and with the large drafts made on the Army appropriation bill every year for medical supplies, they had an average of about 20 patients only this last year. The Secretary of War tells us in his report that if you want to care for them at Hot Springs, as a matter of economy for the Government you could keep them—every one of them—at a first-class hotel and employ the best medical attendance in the United States for a less sum than you have been paying to keep up this hospital—a hospi-

employ the best medical attendance in the United States for a less sum than you have been paying to keep up this hospital—a hospital to which patients will not go.

It seems to me, Mr. Chairman, that there should be no division of sentiment on a question of this character. It seems to me that it should have been transferred as we suggested. That, of course, is past now and can not be undone. But I believe that at least there should be a limitation put on the provisions of the bill, to show the people at Hot Springs that they can no longer depend on show the people at Hot Springs that they can no longer depend on the Government of the United States for keeping up this utterly

mseless place for the care of persons who will not resort to it.

Mr. WILLIAM A. STONE. Did not the Committee on Military Affairs report in favor of keeping this up?

Mr. HULL. No, sir. The committee reported against it.

Mr. WILLIAM A. STONE. I thought the design of the com-

Department in the Army, established heretofore, and would have included Hot Springs—that is to say, it would include the Army and Navy Hospital at Hot Springs. But this year we left that out and put in a proviso that this hospital should be abandoned and turned over to the Interior Department. We did not make, therefore, the usual appropriation for it.

The provision that the committee put in the bill, however, was stricken out on the point of order on the ground that it changed existing law. I then offered an amendment providing that no part of the money appropriated should be used at Hot Springs. That was ruled out by the Chair, and the Chair was sustained by the committee by a vote of some 69, I think, to about 53. My assothe committee by a vote of some 69, I think, to about 53. My associate on the committee from New Jersey then offered the amendment that is now pending, excepting the Army and Navy Hospital at Hot Springs from the operation of this appropriation, which will reach the point that we have in view—the point we are trying to reach—in a very much worse way, however, than by the adoption of the provision we had incorporated in the bill.

For my own part, and I think I may speak for the entire committee and the War Department, and all those who are familiar with the workings of this institution, this limitation is entirely proper and should be placed upon the bill.

Mr. HUBBARD. Let me ask the gentleman when this hospital was established?

pital was established?

pital was established?

Mr. HULL. In 1882.

Mr. HUBBARD. By what means are patients sent to that hospital?

Mr. HULL. They are sent by the Army. They can apply and go there on a special order sending them if they desire it.

Mr. HUBBARD. In view of the fact that it is a well-understood fact that the Hot Springs hospital is particularly adapted to the treatment of rheumatic and neuralize diseases, it seems to me it should not be abolished, and perhaps the medical board did not take into consideration that fact in their recommendation. Let me ask the gentleman how far this is from the next hospital?

Mr. HULL. The medical board does not recommend this. It is the recommendation of the Secretary of War. There are hospitals at all of the army posts; every army post has one.

Mr. HUBBARD. How far from Hot Springs is the next hospital?

pital

A MEMBER. Does this also include patients from the Navy?
Mr. HULL. Originally they had a few patients from the Navy, but for years past none have come to the institution from the Navy. And although the law authorizes the appointment of a surgeon of the Navy to look after the sailors, it has been inoperative for some years, because there were no patients, and the surgeon has not been detailed because of that fact.

on has not been detailed by the sentleman from Iowa allow WASHINGTON. Will the gentleman from Iowa allow

Mr. WASHINGTON. Will the gentleman from Iowa allow me to ask him a question?

Mr. HULL. Certainly, if the committee will permit.

Mr. WASHINGTON. There is no law now by which patients can be compelled to go to this hospital if they do not choose to go

Mr. HULL. None whatever.
Mr. WASHINGTON. Then if we are compelled to keep it open, it may stand idle, without a single patient, and yet this expenditure of public money will go on?
Mr. HULL. Undoubtedly; that is correct.
Mr. WILLIAM A. STONE. As I understand the gentleman from Iowa, the chairman of the Committee on Military Affairs, polydy is entitled to admission to this hospital but soldiers?

mobody is entitled to admission to this hospital but soldiers?

Mr. HULL. Only soldiers and sailors.

Mr. WILLIAM A. STONE. But I understand the gentleman to say that no patients from the Navy have been received there

to say that no patients from the Navy have been received there for some years?

Mr. HULL. That is correct. None have entered.

Mr. WILLIAM A. STONE. And no soldiers unless they are sent from other places?

Mr. HULL. None; and they decline to go there. I would infer from a speech made on the other side that the impression prevails that there was something connected with the location of this hospital which induced the committee to make the recommendations they have made. That is incorrect. It is solely a matter of economy.

Mr. WILLIAM A. STONE. It has nothing to do, then, with the people or the location?

Mr. HULL. Nothing whatever. It is simply carrying out a

Mr. HULL. Nothing whatever. It is simply carrying out a recommendation which was made by the officials in charge, who are thoroughly informed as to the existing conditions and necessities of that branch of the service.

Mr. WILLIAM A. STONE. It is dispensing with a post hos-

pital that has become unnecessary.

Mr. WILLIAM A. STONE. I thought the design of the committee was only to limit the expenditure.

Mr. HULL. The gentleman from Pennsylvania misapprehends the bill. The appropriation here is for the Medical and Hospital service, I understand.

Mr. HULL. That is all.

Mr. KIEFER. Not for veterans of the late war. Mr. HULL. It is a Regular Army hospital, the same as any other post hospital.

Mr. LITTLE. I offer the following as a substitute for the

amendment.

The Clerk read as follows:

On page 20, line 15, after the word "diseases," insert: "And the supply of the Army and Navy General Hospital at Hot Springs, Ark."

Mr. HULL. That is not a substitute, but we can vote it down

easier than we can discuss the point of order.

Mr. LITTLE. I intend the substitute to come at the same point where the amendment is proposed. I offer it as a substitute for the amendment.

Mr. TRACEY. Mr. Chairman, I make the point of order—Mr. HULL. Oh, let us vote it down. [Cries of "Vote!" "Vote!"

The CHAIRMAN. Did the gentleman from Iowa make the point of order?

Mr. HULL. I did not make any point of order.
Mr. TRACEY. I made the point of order that it is not a substitute for the pending amendment.

The CHAIRMAN. Does the gentleman desire to be heard on

Mr. LITTLE. I think it is a substitute. It is a question as to what disposition shall be made of the money. One is that it shall not be appropriated and the other is that it shall.

Mr. TRACEY. I do not care to discuss the matter, Mr. Chair-

Mr. LITTLE. The House has decided that a good many things are in order

The CHAIRMAN. The Chair will overrule the point of order and will put the question on the substitute.

Mr. LITTLE. I want to be heard for just a moment on the substitute. I want to answer the question which my friend Mr. HUB-BARD asked of the chairman of the committee a moment ago, as to how men were admitted to this hospital. They are admitted at the instance of the local surgeons in charge of the army posts wherever they may be, or of the hospitals at other points. Now, the Surgeon-General says that—

The special advantages afforded by the Government in this general hospital in the treatment of the diseases mentioned in circular No. 16 do not seem to be appreciated properly by medical officers of the Army.

Mr. HUBBARD. That is just it exactly.
Mr. LITTLE. I say if proper regulations could be had we could fill this hospital to overflowing. It is not idle. They treated 80 patients there last year and cured 60 leaving 17 uncompleted cases. The Surgeon-General says further:

It is believed that if cases suitable for treatment at the springs were sent earlier in the progress of the disease many serious complications might be prevented and a larger percentage of recoveries be effected.

The Surgeon-General has not recommended the abolishment of this hospital. He recommends its improvement, and it ought to be done in justice to the country and in justice to the soldiers. I desire to insert the following extract from Circular No. 16, issued by the War Department, showing how these waters are estimated, and then ask if this hospital should be abandoned:

and then ask if this hospital should be abandoned:

In accordance with the provisions of General Orders, No. 60, Headquarters of the Army, Adjutant-General's Office, Washington, D. C., September 3, 1892, the following information is published to the Army:

The Army and Navy General Hospital at Hot Springs, Ark., is designed for the treatment of officers and enlisted men who are ill with diseases for which the Hot Springs waters seem better suited than any methods of treatment available at their respective stations. Relief may reasonably be expected at the Hot Springs in the following conditions:

In the various forms of gout and rheumatism after the acute or inflammatory stage; neuralgia, especially when depending upon gout, rheumatism, metallic or malarial poisoning; paralysis not of organic origin; the earlier stages of locomotor ataxia, or tabes: the early stages only of Bright's disease; diseases of the urinary organs; functional diseases of the liver; gastric dyspepsia not of organic origin; chronic diarrhea; catarrhal affections of the digestive and respiratory tracts; chronic skin diseases, especially the squamous varieties, and chronic conditions due to malarial infection.

Speaking generally, treatment by the Hot Springs water may be said to stimulate all the secretions and the organic functions, to promote digestion and assimilation, and to favor tissue metamorphosis and excretion, thereby relieving internal congestions, stimulating blood making, increasing the appetite, and favoring new and healthy tissues at the expense of the old and inactive.

The CHAIRMAN. The question is on the substitute offered by

The CHAIRMAN. The question is on the substitute offered by the gentleman from Arkansas [Mr. LITTLE]. The question was taken; and on a division (demanded by Mr.

LITTLE) there were—ayes 59, noes 72.

Accordingly the substitute was rejected.

The amendment offered by Mr. Parker was agreed to.

The Clerk, proceeding with the reading of the bill, read as fol-

SIGNAL SERVICE.

For the expenses of the Signal Service of the Army, as follows: Purchase, equipment, and repair of field electric telegraphs, signal equipments and stores, binocular glasses, telescopes, heliostats, and other necessary instruments, including absolutely necessary meteorological instruments for use in target ranges; telephone apparatus (excluding exchange service) and main-

tenance of the same; maintenance and repair of military telegraph lines, including salaries of civilian employees, supplies, and general repairs, and other expenses connected with the duty of collecting and transmitting information for the Army by telegraph or otherwise, \$15,000.

Mr. STEELE. Mr. Chairman, I offer an amendment, to come in after line 2, on page 25, after the word "dollars."

The amendment was read, as follows:

On page 25, line 2, after the word "dollars," insert the following: "Provided, That department commanders may detail two enlisted men from each army post in their respective departments, under such arrangements as they may deem best, to report to the chief signal officer of the department for instruction and duty."

Mr. HULL. Mr. Chairman, I do not raise any point of order on that, but I do not see any necessity for it. Nothing has been brought to the attention of our committee to indicate the neces-

sity for it.

The CHAIRMAN. If there be no offered will be considered as adopted. If there be no objection, the amendment as

There was no objection.

The Clerk (proceeding with the reading of the bill) read as follows:

To defray the contingent expenses of the Commanding-General's Office, \$1,750.

Mr. PARKER. Mr. Chairman, I move to insert in lieu of that the words:

To defray the contingent expenses of the Commanding-General's Office, in his discretion, \$1,750.

It simply inserts the words "in his discretion." Those words have been in every appropriation bill for several years past, including that of last year, and the change has arisen simply from copying the words of the estimate instead of the words of the bill of last year.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

On page 25 strike out lines 4, 5, and 6 and insert in lieu thereof the words "To defray the contingent expenses of the Commanding General's Office, in his discretion, \$1,750."

Mr. HULL. The only change which that makes in the bill is to insert the words "in his discretion."

The amendment was agreed to.
Mr. STEWART of New Jersey. With the consent of the committee, I should like to return to page 23, for the purpose of offering an amendment.

Mr. HULL. Suppose we get through with the bill, and then I

will not object.
The reading of the bill was resumed and concluded.
Mr. HULL. Now the gentleman from New Jersey desires to return to page 23 for what purpose?
Mr. STEWART of New Jersey. I move to strike out from line 16 to line 21, with reference to firing the morning and evening salutation, as a useless and expensive practice.

Mr. HULL. Mr. Chairman, I hope that will not be done.

Mr. MILNES. How much will it strike out?

Mr. HULL. Fifteen thousand dollars.

Mr. WILLIAM A. STONE. Mr. Chairman, that is about the

only semblance of war we have, and we ought to keep it up.
Mr. HULL. Let us have a vote upon it. We can vote it down.

Mr. HULL. Let us have a vote upon it. We can vote it down. The question was taken, and the amendment was rejected. Mr. HULL. Mr. Chairman, I move to surike out of the bill, wherever it occurs, the amount of the appropriation of last year. It was put in the bill simply for the convenience of members. The CHAIRMAN. It will be so ordered, unless objection is

made.

There was no objection.

Mr. BLUE. I want to ask the chairman of the committee a question, if he will permit me. In these blanket provisions, which cover very large amounts, in which there is no specific amount given, have the committee investigated those to ascertain whether the amounts are correct or not in the estimate?

Mr. HULL. They are exactly the estimates submitted by the ecretary of War, except where we have cut them down.
Mr. BLUE. Are those items of the estimate made singly or in

aggregate?

Mr. HULL. They are made in the aggregate, as you will see from the Book of Estimates. We had the generals of the Army before us, who testified as to the amount needed in each appropriation. Now, I move that the committee rise and report the bill and amendments back to the House with the recommendation that the bill as amended do pass.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. HOPKINS, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 9638) and had directed him to report the same back with amendments, and that as amended the bill do pass.

The SPEAKER. The question is on agreeing to the amend-

Mr. LITTLE. I desire a separate vote on the amendment refer-

ring to the hospital at Hot Springs, on page 20 of the bill.

The SPEAKER. The question then will be on the other amend-

ments, if no further separate vote is required.

The other amendments were agreed to.

The SPEAKER. The Clerk will report the Hot Springs amend-

The Clerk read as follows:

Insert in line 15, page 20, after the word "diseases," the following, "except at the Army and Navy Hospital at Hot Springs, Ark."

Mr. HULL. Mr. Speaker, I move the previous question on the bill and amendment.

The SPEAKER. The gentleman from Iowa moves the previous question on the bill and amendment.

The previous question was ordered.

The SPEAKER. The question is on agreeing to the amend-

Mr. McRAE and Mr. TERRY. Mr. Speaker—.
The SPEAKER. For what purpose does the gentleman rise?
Mr. TERRY. I would like to say a few words.
Mr. HULL. I object to any further discussion.
Mr. TERRY. I know there will be fifteen minutes after the

previous question is ordered.

The SPEAKER. There has been debate.

Mr. HULL. The matter has been debated in the committee. object to any further discussion of it now. We want to pass

Mr. TERRY. I ask unanimous consent to make a statement of

about three minutes.

Mr. HULL. I object, Mr. Speaker.

The SPEAKER. Objection is made.

Mr. HULL. We have had a very full debate.

Mr. TERRY. I do not think the gentleman ought to do that.

The SPEAKER. The question is on agreeing to the amend-

The question was taken; and the Speaker announced that the ayes seemed to have it.

ayes seemed to have it.

Mr. LITTLE. Division.

The House divided; and there were—ayes 75, noes 42.

Mr. LITTLE. No quorum, Mr. Speaker. I want the yeas and nays, which reaches the same point.

The SPEAKER. The gentleman makes the point of no quorum.

Mr. HULL. I move that the House do now adjourn. [Cries

The SPEAKER (after counting). One hundred and fifty-five

gentlemen are present—not a quorum.

Mr. HULL. I move that the House do now adjourn.

The SPEAKER put the motion.

Mr. WILLIAM A. STONE. Before the vote is announced, the gentleman from Arkansas says he only wants a yea-and-nay vote.

Mr. HULL. But we can not get a quorum.

The motion to adjourn was agreed to; and accordingly (at 4 o'clock and 12 minutes p. m.) the House adjourned.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as

follows:

A letter from the Acting Secretary of the Treasury, transmitting an abstract of the official emoluments of the officers of the customs service received by them during the fiscal year ending June 30, 1896—to the Committee on Expenditures in the Treasury Department, and ordered to be printed.

A letter from the President of the Board of Managers of the National Homes for Disabled Volunteer Soldiers, announcing the death of Gen. George L. Beal, of Maine, a member of the Board—to the Committee on Military Affairs.

A letter from the president of the Board of Commissioners of the District of Columbia, transmitting a statement supplemental to their letter of the 12th instant, relating to the charges for the use of telephones—to the Committee on Appropriations, and ordered to be printed.

dered to be printed.

A letter from the Secretary of the Smithsonian Institution, submitting a detailed statement of the expenditures for the fiscal year ending June 30, 1896, under the appropriations for "International Exchanges," the "National Museum," the "Astrophysical Observatory," the "National Zoological Park," and "North American Ethnology"—to the Committee on Appropriations, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. BABCOCK, from the Committee on the District of Colum-

bia, to which was referred a bill and joint resolutions of the following titles, reported the same, accompanied by reports; which said bill and reports were referred to the House Calendar, as fol-

lows, to wit:

The joint resolution (H. Res. 213) to permit railroads in the
District to occupy additional parts of streets to accommodate
the traveling public attending the inaugural ceremonies. (Report

The joint resolution (H. Res. 214) authorizing the Secretary of War to grant permits to the executive committee on inaugural ceremonies for use of reservations or public spaces in city of Washington on the occasion of the inauguration of the President-

Washington on the occasion of the inauguration of the President-elect on March 4, 1897, etc. (Report No. 2336.)

The bill (H. R. 9647) to authorize the extension of the lines of the Metropolitan Railroad Company, of the District of Columbia. (Report No. 2337.)

REPORTS OF COMMITTEES ON PRIVATE BILLS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

By Mr. MEREDITH, from the Committee on the District of Columbia: The bill (S. 1265) entitled "An act for the relief of Emmart, Dunbar & Co." (Report No. 2334.)

By Mr. COX, from the Committee on Claims: The bill (H. R. 9134) for the relief of Charles T. Plunkett, of Lynchburg, Va. (Report No. 2338.)

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Claims was discharged from the consideration of the bill (H. R. 8873) for the relief of Clara W. Stagg, widow of Jesse S. Stagg, deceased; and the same was referred to the Committee on War Claims.

PUBLIC BILLS AND RESOLUTIONS.

Under clause 3 of Rule XXII, bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. FLYNN: A bill (H. R. 9668) defining the status of children born of a marriage between a white man and an Indian woman, and for other purposes—to the Committee on Indian Affairs Affairs.

Also, a bill (H. R. 9669) amending the act of August 15, 1894, entitled "An act making appropriations for current and contingent expenses of the Indian Department, and fulfilling treaties and stipulations with various Indian tribes for the fiscal year ending June 30, 1895, and for other purposes"—to the Committee on Indian Affairs

By Mr. MEREDITH: A bill (H. R. 9670) for the redemption of a certain certificate of indebtedness for paving Pennsylvania avenue—to the Committee on the District of Columbia.

By Mr. BANKHEAD: A bill (H. R. 9671) to detach the county

of Marion from the northern division of the northern district of

of Marion from the northern division of the northern district of Alabama and attach the same to the southern division of said district—to the Committee on the Judiciary.

By Mr. SPARKMAN: A bill (H. R. 9672) making an appropriation for the purpose of repairing the Key West light-house and buoy depot, Key West, Fla.—to the Committee on Interstate and and Foreign Commerce.

Also, a bill (H. R. 9673) making an appropriation for the construction and building of a light-keeper's dwelling at Egmont Key light station, Florida—to the Committee on Interstate and Foreign Commerce.

eign Commerce.

Also, a bill (H. R. 9674) making an appropriation for the purpose of establishing a light station at or near St. Josephs Point, in St. Josephs Bay, Florida—to the Committee on Interstate and For-

eign Commerce.

Also, a bill (H. R. 9675) making an appropriation for the purpose of constructing the front beacon of Apalachicola Bay range light station, Florida—to the Committee on Interstate and For-

eign Commerce.

Also, a bill (H. R. 9676) making an appropriation for the purpose of establishing range lights to mark the channel over the bar, entrance to Choctawhatchee Bay, Florida—to the Committee

on Interstate and Foreign Commerce.

By Mr. JOHNSON of California: A bill (H. R. 9677) to provide By Mr. JOHNSON of California: A bill (H. R. 9677) to provide for the reorganization and improvement of the musical service of the Army, Navy, Marine Corps, and of the bands at the Military and Naval Academies of the United States, and to regulate the employment of enlisted men in competition with civilians—to the Committee on Military Affairs.

By Mr. WRIGHT (by request): A bill (H. R. 9678) to forfeit the charters of the Eckington and Soldiers' Home Railway Company and of the Belt Railway Company on failure to equip and put in operation the underground electric system, as provided in the act of June 10, 1896—to the Committee on the District of Columbia.

By Mr. WASHINGTON (by request): A bill (H.R. 9679) to further protect the first day of the week as a day of rest in the District of Columbia—to the Committee on the District of Columbia.

By Mr. MERCER: A bill (H. R. 9680) to authorize judges of United States district courts to appoint official stenographers—to

the Committee on the Judiciary

the Committee on the Judiciary.

By Mr. DINSMORE: A bill (H. R. 9681) to amend the law defining the jurisdiction of the district courts at Fort Smith, Ark., Fort Scott, Kans., and Paris, Tex.—to the Committee on the Judiciary.

By Mr. BOWERS: A bill (H. R. 9682) to authorize the Secretary of the Interior to employ patrols for forest reservations in California—to the Committee on the Public Lands.

By Mr. BABCOCK: A joint resolution (H. Res. 215) extending time for compliance by Eckington and Soldiers' Home Railway Company and the Belt Railway Company with provisions of section 1 of an act entitled an act to extend the routes of said railway company, etc., approved June 10, 1896—to the Committee on way company, etc., approved June 10, 1896—to the Committee on the District of Columbia.

the District of Columbia.

By Mr. BARRETT: A joint resolution (H. Res. 216) to amend section 6, Article II, of the Constitution of the United States—to the Committee on the Judiciary.

By Mr. TRUMAN H. ALDRICH: A resolution (House Res. No. 448) directing the Secretary of War to furnish a complete set of the Official Records of the Union and Confederate Armies to each Senator and Member of the present Congress not already enti-tled by law to receive the same—to the Committee on Appropria-

By Mr. BAILEY: A resolution (House Res. No. 449) authoriz-ing and directing the Committee on Naval Affairs to investigate the facts and circumstances connected with the construction of the battle ship *Texas*—to the Committee on Naval Affairs.

PRIVATE BILLS, ETC.

Under clause 1 of Rule XXII, private bills of the following titles were presented and referred as follows:

By Mr. ANDERSON: A bill (H. R. 9683) granting a pension to Rachel Waddell, of Newport, Tenn.—to the Committee on Pen-

By Mr. BUCK: A bill (H. R. 9684) for the relief of Amanda Owens—to the Committee on Invalid Pensions.

By Mr. DOCKERY (by request): A bill (H. R. 9685) granting a pension to Abraham Park—to the Committee on Invalid Pensions.

By Mr. McCALL of Tennessee: A bill (H. R. 9686) to grant honorable discharge to William R. Ferguson, private Company K, Twelfth Regiment Tennessee Cavalry—to the Committee on

Military Affairs.

By Mr. MERCER: A bill (H. R. 9687) to pension Margaret Wilber, of Blair, Nebr.—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9688) to pension Mrs. Esther M. Royce, of Omaha, Nebr.—to the Committee on Invalid Pensions.

By Mr. MILNES: A bill (H. R. 9689) for the relief of Daniel

E. De Clute—to the Committee on Invalid Pensions.

By Mr. NOONAN: A bill (H. R. 9690) granting a pension to George G. Vogel—to the Committee on Invalid Pensions.

By Mr. OGDEN: A bill (H. R. 9691) for the relief of F. Flovival Metoyer, of Natchitoches Parish, La.—to the Committee on War

By Mr. OTEY: A bill (H. R. 9692) for the relief of R. L. John-

son, Dryburg, Va.—to the Committee on Claims.

Also, a bill (H. R. 9693) for the relief of J. W. Chandler, of Halifax County, Va.—to the Committee on Claims.

By Mr. RANEY: A bill (H. R. 9694) granting a pension to Henry Klushman, late private in Company A, Backof's Battery of Missouri Artillery Volunteers—to the Committee on Invalid Pen-

sions.

By Mr. TRELOAR: A bill (H. R. 9695) granting a pension to Henry H. Grimmett—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9696) granting a pension to John D. Reeds—to the Committee on Invalid Pensions.

By Mr. WASHINGTON: A bill (H. R. 9697) for the allowance of certain claims for stores and supplies reported by the Court of Claims under the provisions of the act approved March 3, 1883, commonly known as the Bowman Act—to the Committee on War Claims

By Mr. WILLIS: A bill (H. R. 9698) for the relief of Edgar Zielian—to the Committee on Claims.

By Mr. WILSON of New York: A bill (H. R. 9699) for the relief of the legal representatives of John Roach, deceased—to the Committee on War Claims.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ADAMS: Resolutions of the Trades League of Philadelphia, Pa., in favor of a department of trade and commerce—to the Committee on Interstate and Foreign Commerce.

Also, resolutions of the Trades League of Philadelphia, in favor of increasing the mail facilities in New York Harbor—to the Committee on the Post-Office and Post-Roads.

By Mr. ARNOLD of Pennsylvania: Petition of William French and other citizens of Lawsonham, Pa., asking for the recognition of Cuban independence—to the Committee on Foreign Affairs.

By Mr. BARTLETT of New York: Petition of the Typothetæ of New York City, W. W. Pasko, recording secretary, protesting against the passage of House bill No. 4566, amending the postal laws relating to second-class matter—to the Committee on the Post-Office and Post-Roads.

By Mr. BREWSTER: Resolutions of the Lincoln Club of Mon-

By Mr. BREWSTER: Resolutions of the Lincoln Club of Mon-roe County, N. Y., urging the recognition of the Cubans as bellig-erents in their struggle for liberty—to the Committee on Foreign

By Mr. CROWTHER: Petition of Indian Grove Post, No. 506, Department of Missouri, Grand Army of the Republic, asking for the passage of a service-pension law—to the Committee on Invalid Pensions.

By Mr. DALZELL: Resolution of the Trades League of Philadelphia, Pa., in favor of an appropriation for a mail boat—to the

Committee on Appropriations.

By Mr. ELLIS: Four petitions of citizens of Gilliam County, Oreg., asking for an extension of time in which to pay for forfeited lands—to the Committee on the Public Lands.

Also, memorial from the Chamber of Commerce of Astoria,

Also, memorial from the Chamber of Commerce of Astoria, Oreg., asking for the speedy construction of the Nicaragua Canal—to the Committee on Interstate and Foreign Commerce.

By Mr. FAIRCHILD: Memorial of Church E. Gates & Co. and 100 other citizens of New York City, requesting Congress to authorize the Secretary of War to contract with Charles Stoughton and his associates for the entire work of the Harlem Kills Canal—to the Committee on Railways and Canals.

By Mr. HENDERSON: Petition of the General Assembly of the United Presbyterian Church, representing 100,000 members, urging the passage of a bill to prohibit interstate gambling by telegraph—to the Committee on the Judiciary.

ing the passage of a bill to prohibit interstate gambling by telegraph—to the Committee on the Judiciary.

Also, petition of the General Assembly of the United Presbyterian Church, asking the passage of a bill to raise the age of protection for girls to 18 years in the District of Columbia and Territories—to the Committee on the Judiciary.

Also, paper from Hon. Charles W. Fairbanks, of Indianapolis, Ind., urging the consideration of House bill No. 3273, for the classification of clerks in first and second class post-offices—to the Committee on Rules

mittee on Rules.

By Mr. McCLEARY of Minnesota: Resolution of the St. Paul (Minn.) Chamber of Commerce, favoring the creation of a department of commerce and manufactures—to the Committee on Interstate and Foreign Commerce.

By Mr. MERCER: Resolution of the National Encampment of the Grand Army of the Republic in favor of protection to the American flag and against its use for advertising purposes—to the Committee on Military Affairs.

By Mr. OGDEN: Papers relating to the claim of George Gunney, of Natchitoches Parish, La.—to the Committee on War Claims.

of Natchitoches Parish, La.—to the Committee on War Claims.

Also, papers relating to the claim of Annie Paul Matthews, of Escambia County, Fla.—to the Committee on War Claims.

By Mr. RAY: Petition of citizens of the State of Maryland, favoring an amendment to the Constitution recognizing the name of the Deity—to the Committee on the Judiciary.

Also, petition of 200 citizens of Elmira, N. Y., for the passage of a bill prohibiting interstate gambling by telegraph—to the Committee on the Judiciary.

By Mr. SPERRY: Memorial of Hon. George H. Ford, president of the Board of Trade; George B. Martin, general manager of Empire and New England Transportation Company; William E. Morgan, harbor master, and other prominent citizens, all of New Haven, Conn., requesting Congress to authorize the honorable Secretary of War to contract with Charles Stoughton and his associates for the entire work of the Harlem Kills Canal, New York City—to the Committee on Railways and Canals.

York City—to the Committee on Railways and Canals.

Also, resolution of the New York Board of Trade and Transportation, indorsing House bill No. 3273, for the classification of clerks in first and second class post-offices—to the Committee on

Rules

By Mr. STEWART of Wisconsin: Resolutions of the Chamber of Commerce of Milwaukee, Wis., in favor of a department of commerce—to the Committee on Interstate and Foreign Commerce.

merce—to the Committee on Interstate and Foreign Commerce.

By Mr. WILLIS: Paper to accompany House bill for the relief of Edgar Zielian—to the Committee on Claims.

Also, resolution of the Delaware State Grange, Patrons of Husbandry, urging the recognition of the Cubans as belligerents in their struggle for freedom—to the Committee on Foreign Affairs, Also, resolutions of the Delaware State Grange, denouncing trusts and monopolies and approving the remarks of the President in his message upon the subject—to the Committee on the Judiciary.

SENATE.

THURSDAY, December 17, 1896.

Prayer by the Chaplain, Rev. W. H. MILBURN, D. D. WILLIAM LINDSAY, a Senator from the State of Kentucky, appeared in his seat to-day.

The Secretary proceeded to read the Journal of yesterday's pro-

ceedings, when, on motion of Mr. Hale, and by unanimous consent, the further reading was dispensed with.

ADJOURNMENT TO MONDAY.

Mr. HALE. I move that when the Senate adjourn to-day it be

to meet on Monday next.

Mr. MILLS. I do not think we ought to adopt that motion.

Mr. SHERMAN. I think the Senator had better postpone the motion until later in the day.

Mr. MILLS. That course would be better.

Mr. MILLS. That course would be better. Mr. ALDRICH. We have agreed to take the vote on the immi-

gration bill to-day.

Mr. HALE. That vote is to be taken at 4 o'clock to-day.

The VICE-PRESIDENT. The question is on agreeing to the motion of the Senator from Maine, that when the Senate adjourn to-day it be to meet on Monday next.

The motion was agreed to.

ANNUAL REPORT OF THE INTERSTATE COMMERCE COMMISSION.

The VICE-PRESIDENT laid before the Senate the tenth annual report of the Interstate Commerce Commission; which was referred to the Committee on Interstate Commerce, and ordered to be printed.

ENROLLED BILL SIGNED.

A message from the House of Representatives, by Mr. Chapell, one of its clerks, announced that the Speaker of the House had signed the enrolled joint resolution (H. Res. 209) to pay the officers and employees of the Senate and House of Representatives their respective salaries for the month of December, 1896, on the 18th day of said month; and it was thereupon signed by the Vice-President.

DISTRICT CHARITIES AND REFORMATORY INSTITUTIONS

Mr. HARRIS. Mr. President, in the expiring hours of the last session I was named as a member, on the part of the Senate, of a session I was named as a member, on the part of the Senate, of a joint committee to consider and report upon the charities in the District of Columbia, immediately after which I gave notice that I could not serve; but I have not until now formally asked to be excused from service upon that committee. I now ask the Senate to excuse me from service upon it.

The VICE-PRESIDENT. Is there objection? The Chair hears none, and the Senator from Tennessee is excused.

RIGHTS OF PURCHASERS UNDER MORTGAGE.

The VICE-PRESIDENT laid before the Senate the amendments The VICE-PRESIDENT laid before the Senate the amendments of the House of Representatives to the bill (S. 1832) to define the rights of purchasers under mortgages authorized by an act of Congress approved April 20, 1871, concerning the Atlantic and Pacific Railroad Company; which were read.

Mr. HILL. I move that the Senate nonconcur in the amendments of the House of Representatives and request a committee of conference on the disagreeing votes of the two Houses.

Mr. BERRY. I would rather have the bill printed with the amendments. I want to look at the amendments. Let it go over.

Mr. HILL. I made the motion with a view that the amendments might be printed. I will include that in my motion, if they would not otherwise be printed.

ments might be printed. I will include that in my motion, if they would not otherwise be printed.

Mr. COCKRELL. I suggest, in accordance with the suggestion of the Senator from Arkansas, that the bill be printed as amended by the House, so that we may know exactly what has been done, and then let the amendments go to a committee of conference.

Mr. HILL. There is no objection to that course.

The VICE-PRESIDENT. Without objection, the bill and amendments will be printed. The Senator from New York moves that the Senate propagation the amendments and request a constant. that the Senate nonconcur in the amendments and request a conference on the disagreeing votes of the two Houses.

The motion was agreed to.

By unanimous consent, the Vice-President was authorized to appoint the conferees on the part of the Senate; and Mr. Hill, Mr. Platt, and Mr. Clark were appointed.

PETITIONS AND MEMORIALS.

Mr. MURPHY presented the petition of Dr. W. H. Doane, of Pittsford, N. Y., praying for the enactment of legislation for the relief of the suffering Armenians in Turkey; which was referred to the Committee on Foreign Relations.

He also presented a petition of the New York Board of Trade and

Transportation, praying for the passage of the so-called Torrey bankruptcy bill; which was ordered to lie on the table.

Mr. MILLS presented a petition of sundry citizens of Texas, praying for the passage of the so-called Dingley tariff bill; which was referred to the Committee on Finance.

Mr. SHERMAN. I present a petition of the Chamber of Com-

merce of Cleveland, Ohio, praying for the passage of a bill providing for the inspection of immigrants at ports of debarkation by a medical officer of the United States. This petition prays for the passage of a bill different from the one now pending in the Senate, and I move that it be referred to the Committee on Immigration.

The motion was agreed to.

Mr. SHERMAN presented a petition of the Chamber of Commerce of Cleveland, Ohio, praying for the enactment of legislation providing for the reorganization of the consular and diplomatic ervice; which was referred to the Committee on Foreign Relations.

He also presented a petition of sundry citizens of McConnels-ville, Ohio, praying for the passage of the so-called Dingley tariff bill; which was referred to the Committee on Finance.

He also presented a petition of 1,050 citizens of Washington Court-House, Ohio, praying for the enactment of a Sunday-rest law for the District of Columbia; which was referred to the Committee on the District of Columbia.

He also presented a petition of 1,050 citizens of Washington Court-House, Ohio, praying for the enactment of legislation to prevent the nullification of State antigambling laws; which was referred to the Committee on Lateratate Committee on Patents of State antigambling laws;

referred to the Committee on Interstate Commerce.

He also presented a petition of 1,050 citizens of Washington Court-House, Ohio, praying for the enactment of legislation raising the age of consent in the District of Columbia; which was referred to the Committee on the District of Columbia.

He also presented a petition of 1,050 citizens of Washington Court-House, Ohio, praying for the enactment of legislation to prohibit the transportation of obscene matter from State to State; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of 1,050 citizens of Washington

He also presented a petition of 1,050 citizens of Washington Court-House, Ohio, praying for the enactment of legislation to forbid the mails to papers publishing details of suicides; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of 1,050 citizens of Washington Court-House, Ohio, praying for the enactment of legislation to substitute voluntary industrial arbitration for railway strikes; which was referred to the Committee on Education and Labor.

He also presented a petition of 1,050 citizens of Washington

He also presented a petition of 1,050 citizens of Washington Court-House, Ohio, praying for the enactment of legislation for the appointment of an impartial commission to investigate the labor problem and to suggest a solution; which was referred to the Committee on Education and Labor.

He also presented sundry petitions of citizens of Barlow, Bartlett, and Ormiston, all in the State of Ohio, praying for the adoption of an amendment to the Constitution of the United States recognizing the Deity; which was referred to the Committee on the Judiciary.

Mr. DAVIS presented the petition of Jeremiah Sullivan, of St. Paul, Minn., praying for the enactment of legislation relieving him from the charge of desertion; which was referred to the Com-

mittee on Military Affairs.

He also presented a petition of the Upper Mississippi River Pilots' Association, praying for the construction of a breakwater near Pepin, on Lake Pepin, Upper Mississippi; which was referred to the Committee on Commerce.

ferred to the Committee on Commerce.

He also presented resolutions adopted at a meeting of 2,500 citizens of Minneapolis, Minn., favoring the extension of Government aid and sympathy to the suffering Armenians and Cubans; which were referred to the Committee on Foreign Relations.

Mr. LODGE presented a petition of 10 depositors of the Freedman's Savings Bank of the city of Washington, D. C., praying Congress to appropriate sufficient money to recompense them for the losses they sustained by the failure of that bank; which was referred to the Committee on Finance.

He also presented a petition of Maryland Council, No. 2, Junior Order United American Mechanics, of Baltimore, Md., numbering 308 members, praying that the so-called Lodge bill to restrict immigration, and now pending in the Senate, be passed; which was ordered to lie on the table.

Mr. QUAY presented a petition of the Methodist Episcopal Church of Philadelphia, Pa., praying for the enactment of legislation prohibiting the sale of liquor in the United States Capitol; which was referred to the Committee on Public Buildings and Grounds.

Which was referred to the Committee on Funda Buildings and Grounds.

He also presented a petition of the Trades League of Philadelphia, Pa., praying for the establishment of a department of commerce; which was referred to the Committee on Commerce.

Mr. MORRILL presented a petition of the wool merchants of Grand Rapids, Mich., praying for the passage of the so-called Dingley tariff bill; which was referred to the Committee on Finance.

Mr. CLARK presented a petition of sundry citizens of Evanston, Wyo., praying for the enactment of legislation for the relief of the suffering Armenians in Turkey; which was referred to the Committee on Foreign Relations.

Mr. HAWLEY presented a petition signed by D. A. Rood, United States Hotel, Hartford; C. C. Goodrich, of the Hartford and New York Transportation Company; Smith, Northam & Co., and sundry other citizens of Hartford, Conn., praying Congress to authorize the Secretary of War to contract with Charles Stoughton and his associates for the entire work of the Harlem Kills Canal, New York City; which was referred to the Commit-

tee on Commerce.

Mr. ALLEN. I present a preamble and resolutions adopted by the central committee of the Democratic party of Cook County, Ill., which I send to the desk, and, being short, I ask that they

may be read and referred

The VICE-PRESIDENT. The Secretary will read as indicated. Mr. PLATT. What was the request?
The VICE-PRESIDENT. The Senator from Nebraska will

please repeat his request.

Mr. ALLEN. They are resolutions adopted by the central committee of the Democratic party of Cook County, Ill. They are very brief and very important, as I view it, and I ask that they

may be read and appropriately referred.

Mr. PLATT. Resolutions of all political bodies before the country are important, I suppose, but I do not think we ought to

put them in the RECORD.

Mr. ALLEN. If the Senator objects, I will take the resolutions and see that they get into the RECORD at the proper time.

The VICE-PRESIDENT. Are there further petitions and me-

morials?

Mr. CHANDLER. I present the petitions of James Arrington and 31 other citizens of Cherokee County, Ala.; of H. D. Wright and 28 other citizens of Cherokee County, Ala.; of J. S. Harper and 37 other citizens of Cherokee County, Ala.; of R. T. Ewing and 46 other citizens of Cherokee County, Ala.; of W. M. Wilson and 40 other citizens of Cherokee County, Ala.; of J. T. Bradford and 46 other citizens of Clarke County, Ala.; of T. B. Bolen and 39 other citizens of Clarke County, Ala.; of S. J. Barker and 53 other citizens of Clarke County, Ala.; of John A. Milner and 63 other citizens of Dekalb County, Ala.; of John A. Milner and 63 other citizens of Talladega County, Ala.; and of W. A. Smith and 20 other citizens of Dale County, Ala.; setting out at full length that by reason of the system of election that exists in the State of Alabama there is no lawful State government there elected by the people, and that Alabama has not really at this time a republican form of government.

These petitions are in aid of the resolution presented by the Sen-

form of government.

These petitions are in aid of the resolution presented by the Senator from Nebraska [Mr. Allen], which was referred to the Committee on Privileges and Elections and reported favorably, and is now upon the Calendar. The prayer of the petition is that Congress will endeavor to secure a republican form of government in Alabama. As the resolution is now upon the Calendar, I ask that these petitions may be received and laid on the table.

Mr. ALLEN. I beg to correct the Senator from New Hampshire. The resolution was brought up and voted on and defeated at the last session of Congress.

Mr. CHANDLER. I think the Senator is mistaken about the defeat of the resolution.

defeat of the resolution.

Mr. ALLEN. The resolution was defeated, having received 6 votes on the other side of the Chamber.

Mr. CHANDLER. I think that was on some motion to take it

up, or some— Mr. ALLEN.

Mr. ALLEN. No.
Mr. CHANDLER. I remember, Mr. President, it was disposed of in some way by reason of an indiscreet speech made by the mover of the resolution, attributing motives to Senators upon this side of the Chamber which did not exist. I had forgotten that. But the resolution can be taken up at any time and acted upon.

Mr. ALLEN. I beg to correct the Senator from New Hampshire again. There was nothing said by the Senator from Nebraska respecting the motive inspiring the breasts of Senators on the other side until after the resolution was determined. I may say, however, in this connection, that I had a grave suspicion before the resolution was voted upon that it never would be acted upon in good faith by the other side of the Chamber with the exception of a few Senators a few Senators

Mr. CHANDLER. I repeat, that the Senator managed his resolution badly, and I leave the case there. But it is not beyond the hope of resurrection, if the Senator will now aid me in getting it up again and will present it to the Senate for a vote under more favorable conditions than he selected in bringing it up at the last

session.

The VICE-PRESIDENT. The petitions will lie on the table.
Mr. THURSTON. I present a petition of sundry sheep raisers
of Nebraska, praying for the passage of the Dingley tariff bill.
I ask that it be referred to the Committee on Finance for postmortem consideration

The VICE-PRESIDENT. The petition will be referred as indi-

Mr. HALE presented a petition of sundry citizens of Portland,

Me., praying for the enactment of legislation for the relief of the suffering Armenians in Turkey; which was referred to the Committee on Foreign Relations.

He also presented a memorial of the Maine Medical Association, remonstrating against the passage of Senate bill No. 1552, for the further prevention of cruelty to animals in the District of Columbia by the product of the state of of

bia; which was ordered to lie on the table.

He also presented a petition of the town council of Falls Church,
Va., praying that authority be given the Washington, Arlington
and Falls Church Electric Railway to enter the District of Columbia by way of the Aqueduct Bridge; which was referred to the
Committee on the District of Columbia.

He also presented a petition of the Manufacturers' Club of Philadelphia, Pa., praying for the passage of the so-called Dingley tariff bill; which was referred to the Committee on Finance.

Mr. BACON presented a petition of the Board of Trade of Brunswick, Ga., praying that steps be taken to provide proper fortifications for the defense of the port of Brunswick; which was referred to the Committee on Coast Defenses.

REPORTS OF COMMITTEES.

Mr. COCKRELL, from the Committee on Military Affairs, to whom was referred the bill (H. R. 6608) to remove the charge of desertion from the military record of George W. Taylor, reported it with an amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 2379) to remove the charge of desertion from the military record of George W. Taylor, reported adversely thereon; and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (S. 2328) for the relief of Patrick Rainey, reported it with an amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (H. R. 2259) for the relief of William B. Ellis, reported it with an

(H. R. 2259) for the relief of William B. Ellis, reported it with an

amendment, and submitted a report thereon.

Mr. SEWELL, from the Committee on Military Affairs, to whom was referred the bill (H. R. 3139) for the relief of M. R. William Grebe, reported it without amendment, and submitted a report

thereon.

Mr. WALTHALL, from the Committee on Military Affairs, to whom was referred the bill (H. R. 2618) granting honorable discharge to Andrew V. Sende, reported it without amendment, and submitted a report thereon.

Mr. PETTIGREW, from the Committee on Indian Affairs, to whom were referred two amendments submitted by himself on the 14th instant, intended to be proposed to the Indian appropriation bill, reported favorably thereon, and moved that they be referred to the Committee on Appropriations and printed; which was agreed to.

was agreed to.

Mr. VEST, from the Committee on Commerce, to whom was referred the bill (S. 3303) to authorize the construction by the Kansas City, Shreveport and Gulf Railroad Company of a bridge across the Sabine River between the States of Louisiana and

Texas, reported it without amendment.

Mr. HALE, from the Committee on Printing, reported an amendment intended to be proposed to the sundry civil appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. GEAR, from the Committee on Pacific Railroads, submitted a report to accompany the bill (S. 3080) authorizing the Secretary of the Treasury to effect an adjustment between the United States and the Sioux City and Pacific Railway Company in relation to certain bonds issued by the United States in aid of the construction of said railway, reported from that committee on the

oth of May last.

Mr. PERKINS, from the Committee on Education and Labor, to whom was referred the bill (S. 3227) to provide a home for aged and infirm colored people, reported it with amendments, and sub-

mitted a report thereon.

BILLS INTRODUCED.

Mr. STEWART introduced a bill (S. 3424) for the relief of Capt. George W. Goethals; which was read twice by its title, and,

Capt. George W. Goethals; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Claims.

Mr. BATE (by request) introduced a bill (S. 3425) granting a pension to James M. Kercheval; which was read twice by its title, and referred to the Committee on Pensions.

Mr. QUAY introduced a bill (S. 3426) to authorize the Union Railroad Company to construct and maintain a bridge across the Monongahela River; which was read twice by its title, and referred to the Committee on Commerce.

He also introduced a bill (S. 3427) granting an increase of pension to Tobias Baney; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 3428) granting a pension to Eunice

He also introduced a bill (S. 3428) granting a pension to Eunice Parke Detweiler; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 3429) granting a pension to William

Allen; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

Mr. DAVIS introduced a bill (S. 3430) amending chapter 304 of the laws of 1876, entitled "An act to provide for the appointment of commissioners for taking affidavits, etc., for the courts of the United States," passed August 15, 1876; which was read twice by its title, and, with the accompanying paper, referred to the Committee on the Judiciary.

Mr. HOAR introduced a bill (S. 3431) for the erection of a public building at Plymouth, Mass.; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Public Buildings and Grounds.

Mr. PETTIGREW introduced a bill (S. 3432) to regulate and reduce the rates of fares for carrying passengers upon the street

Mr. PETTIGREW introduced a bill (8.3432) to regulate and reduce the rates of fares for carrying passengers upon the street railways in the city of Washington; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. TURPIE introduced a bill (8.3433) granting an increase of pension to Joseph B. Sellers; which was read twice by its title, and, with the accompanying papers, referred to the Committee on

Mr. CALL introduced a bill (S. 3434) to increase the pension of Martha M. McCall, widow of William Wallace McCall, a soldier of the Mexican war; which was read twice by its title, and referred to the Committee on Pensions.

Mr. CULLOM introduced a bill (S. 3435) to amend section 554 of the Revised Statutes of the United States; which was read twice by its title, and referred to the Committee on the Indicient.

or the Revised Statutes of the United States; which was read twice by its title, and referred to the Committee on the Judiciary.

He also introduced a bill (S. 3436) to amend section 597 of the Revised Statutes of the United States; which was read twice by its title, and referred to the Committee on the Judiciary.

Mr. MITCHELL of Oregon introduced a bill (S. 3437) to regulate the taking of proofs and filings in certain land cases; which was read twice by its title, and referred to the Committee on Public Lands. lic Lands.

lic Lands.

He also introduced a bill (S. 3438) for the relief of Albert C. Brown; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Claims.

Mr. GORMAN introduced a bill (S. 3439) to authorize the Washington and Glen Echo Railroad Company to obtain a right of way and construct tracks into the District of Columbia 600 feet; which was read twice by its title, and referred to the Committee on the District of Columbia.

He also introduced a bill (S. 3440) for the relief of the legal representatives of Lieut. Francis Ware, deceased, of the Revolutionary war; which was read twice by its title, and referred to the Committee on Revolutionary Claims.

Mr. LINDSAY introduced a bill (S. 3441) for the relief of Merril Denham; which was read twice by its title, and referred to the Committee on Claims.

Mr. KYLE introduced a bill (S. 3442) to protect citizens of the United States engaged in labor in foreign countries, and to increase the efficiency of domestic labor; which was read twice by its title,

and referred to the Committee on Education and Labor.

Mr. CALL introduced a joint resolution (S. R. 176) appropriating \$10,000 for the relief of the destitute sufferers from the cyclone in October last in the State of Florida; which was read

cyclone in October last in the State of Florida; which was read twice by its title.

Mr. CALL. Mr. President, I move the reference of the joint resolution to the Committee on Appropriations, and pending the motion I desire to accompany it with a very brief statement.

Last fall a cyclone and tidal wave approached the coast of Florida and a wind storm perhaps 15 or 20 miles in width passed over the entire breadth of the State. It destroyed all the farms, blew down all the timber, destroyed all the turpentine farms, destroyed the crops, and left the people in that part of the State in entire destitution. destitution.

Contributions have been made liberally from the different societies, corporations, and individuals of the State, and some from abroad. There are still a large number of persons without houses to live in, without seed to plant for the coming year, without means of removing the fallen timber from their fields, and in a state of great destitution. The legislature does not meet until April, and that will be too late to enable them to plant their crops

and work their farms for the coming year.

The VICE-PRESIDENT. The joint resolution will be referred to the Committee on Appropriations.

Mr. MORGAN introduced a joint resolution (S. R. 177) to amend section 1 of the act approved June 10, 1896, chapter 395, relating to the Eckington and Soldiers' Home Railway Company; which was read twice by its title, and referred to the Committee on the District of Columbia. on the District of Columbia.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. MILLS submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Commerce, and ordered to be printed.

Mr. HAWLEY submitted an amendment intended to be pro-

posed by him to the fortifications appropriation bill; which was referred to the Committee on Military Affairs, and ordered to be printed.

INTRODUCTION OF REINDEER INTO ALASKA.

Mr. TELLER submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Secretary of the Interior be directed to transmit to the Senate the report of Dr. Sheldon Jackson upon "the introduction of domestic reindeer into the District of Alaska for 1896."

ORIGINAL DISTRICT OF COLUMBIA TERRITORY.

Mr. McMILLAN submitted the following resolution; which was considered by unanimous consent, and agreed to:

considered by unanimous consent, and agreed to:

Whereas the United States has acquired large holdings of land on and near the south bank of the Potomac River in that portion of the State of Virginia originally comprised within the District of Columbia; and
Whereas it is proposed to build a memorial bridge across said river to connect the city of Washington with Arlington Cemetery; and
Whereas the United States maintains the roads leading from the Aqueduct Bridge to the said cemetery; Therefore
Resolved. That the Attorney-General be, and he is hereby, instructed to report to the Senate, first, what proportion the present holdings of the United States in the State of Virginia and within the former limits of the District of Columbia bear to the whole territory originally ceded by that State to the United States; secondly, by virtue of what legislation the Virginia portion of the original District was retroceded to the said State; thirdly, whether the constitutionality of such acts of retrocession has been judicially determined; fourthly, what legislation is necessary again to secure to the Government exclusive jurisdiction over either the whole or a part of such territory originally included in the District of Columbia as is now embraced in the State of Virginia.

THE MILITIA AND THE ARMY.

THE MILITIA AND THE ARMY.

Mr. HAWLEY. I beg leave to give notice that as soon as may be convenient after the holidays I shall ask the Senate to consider the bill (S. 2849) to promote the efficiency of the militia and the bill (S. 2202) to reorganize the line of the Army, etc.

PUBLIC BUILDING AT NEWPORT, KY.

Mr. BLACKBURN. I ask the indulgence of the Senate for a moment to take up and consider House bill 9472, which simply corrects a mistake made in the act providing for a public building at the city of Newport, Ky. The original bill required the space of 50 feet to protect the building from fire. This House bill simply reduces that space from 50 to 40 feet, which is the law that obtains and applies in all cases. The bill is reported favorably upon by every member of the Senate Committee on Public Buildings and Grounds who is in the city and I ask the Senate to allow apon by every member of the Senate Committee on Public Buildings and Grounds who is in the city, and I ask the Senate to allow it to be considered now, in order that the Department may go on during the recess to locate the site.

The VICE-PRESIDENT. The bill will be read for information. The Secretary read the bill (H. R. 9472) to amend chapter 111 of the acts of the third session of the Fifty-third Congress, and, by

unanimous consent, the Senate, as in Committee of the Whole,

proceeded to its consideration.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

PREVENTION OF CRUELTY TO ANIMALS.

Mr. GALLINGER. I ask unanimous consent for the present consideration of the bill (S. 1552) for the further prevention of cruelty to animals in the District of Columbia.

Mr. COCKRELL. I would rather that bill would not come up this morning. It will lead to some discussion, and I have received some remonstrances against it. I hope it will not come up in this morning hour. I have no objection to its consideration, but I hope it will lie over until after the recess.

Mr. GALLINGER. The Senator would not object to unanimous consent after the morning hour. if I get an expectation to the constant of the constant of

mous consent after the morning hour, if I get an opportunity to ask consent? Is not that the Senator's position?

Mr. COCKRELL. Oh, after the recess. I am perfectly willing for it to come up after the recess. I do not know about agreeing

that it shall come up by unanimous consent.

Mr. HARRIS. In the morning hour.

Mr. COCKRELL. In the morning hour. I would be reasonable about it, but I should dislike to promise that I would give unanimous consent in the morning hour, because something else might be brought up that I would prefer to have considered. But really I have not had time to look into this measure since I have received the removement against it and I was not expecting it.

received the remonstrances against it, and I was not expecting it to come up just at this time.

Mr. GALLINGER. I had intended to move to proceed to the consideration of the bill if objection should be made, but of course I always want to be extremely courteous to the Senator from Missouri, as he is always courteous to me. If the Senator wishes the bill to go over until after the recess, the misfortune on my part is that I shall not be here for nearly a month after the recess. If the Senator would endeaver to look into the bill between now and to-morrow, I should seek an opportunity to get consideration for it then.

Mr. HAWLEY. We have agreed to adjourn until Monday. Mr. GALLINGER. I understand that we are to adjourn from

to-day until Monday. I shall have to accede, of course, to the request of the Senator from Missouri.

Mr. COCKRELL. I am very much obliged to the Senator.

SABINE RIVER BRIDGE.

Mr. BLANCHARD. I ask the unanimous consent of the Senate to place upon its passage the bill (S. 3303) to authorize the construction by the Kansas City, Shreveport and Gulf Railroad Company of a bridge across the Sabine River, between the States

of Louisiana and Texas.

Mr. COCKRELL. What is the order of business?

Mr. BLANCHARD. I will state that the bill was reported this morning favorably from the Committee on Commerce by the Senator from Missouri [Mr. Vest]. It does not appear upon the Cal-

The VICE-PRESIDENT. The bill will be read for information.
The Secretary read the bill; and, by unanimous consent, the
Senate, as in Committee of the Whole, proceeded to its considera-

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ADMISSION OF NEW MEXICO.

The VICE-PRESIDENT. The Calendar under Rule VIII is in

order. The first case will be stated.

The bill (S. 1544) to enable the people of New Mexico to form a constitution and State government, and to be admitted into the Union on an equal footing with the original States, was announced

as first in order.

Mr. HALE. That ought to go over, Mr. President.

The VICE-PRESIDENT. The bill will be passed over.

READJUSTMENT OF ACCOUNTS OF ARMY OFFICERS.

The bill (S. 2570) to authorize the readjustment of the accounts of army officers who were graduates of West Point Military Academy was considered as in Committee of the Whole. It directs emy was considered as in committee of the whole. It directs the Secretary of the Treasury, by his accounting officers, on appli-cation being made by any person, or his legal representative, an officer or ex-officer of the United States Army and a graduate of West Point, to readjust his accounts previously settled and paid under an erroneous construction of law as subsequently declared by the Supreme Court of the United States, and to pay any bal-ance which may be found due in accordance with the law appli-cable thereto as construed by the Supreme Court of the United States in the cases of Captains Morton and Watson against the United States

Mr. COCKRELL. There is an amendment which should have been offered to that bill, which the Senator from Minnesota [Mr. Davis] had in charge. It is in line 7, after the words "West Point," to insert "or who, being an enlisted man at the time of such commission, has been commissioned as an officer in the Reg-ular Army." I move that amendment.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

MAJ. WILLIAM M. MAYNADIER.

MAJ. WILLIAM M. MAYNADIER.

The bill (S. 1731) for the relief of Maj. William M. Maynadier, a paymaster in the United States Army, was considered as in Committee of the Whole. It proposes to pay to William M. Maynadier \$3,726.50, the amount paid by him into the Treasury of the United States in liquidation of a deficiency in his accounts as paymaster at Prescott, Ariz., caused by robbery committed by his clerk, D. D. Chandler, at Prescott, April 3, 1876, as shown by the finding and report of a board of inquiry appointed by General Kautz, commanding that military department, to investigate the circumstances of the loss; and also the further sum of \$100 paid by him for the arrest of Chandler, the restoration of both sums having been recommended by the board of inquiry.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

to be engrossed for a third reading, read the third time, and passed,

PROPOSED RESTRICTION OF IMMIGRATION.

Mr. LODGE. Mr. President, in accordance with notice yester-day given by the Senator from New Hampshire [Mr. Chandler], I now move to take up the immigration bill.

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 7864) to

amend the immigration laws of the United States Mr. PALMER. I desire to inquire whether the amendment I proposed a few days ago is still pending—to strike out the word "fourteen" and insert "twenty-one?" I ask the status of that amendment at the present time.

The VICE-PRESIDENT. The Chair will state that the amendment submitted by the Senator from New Jersey [Mr. Sewell] is pending. After that is disposed of the amendment of the Senator from Illinois will be considered.

Mr. QUAY. There is an important public bill on the Calendar

to which I think there is no objection. It is Order of Business 628, and was reported by the Senator from California [Mr. Perkins], from the Committee on Education and Labor. I should be greatly obliged to the Senator from Massachusetts if he would permit me to call up that bill and have it passed. I think it will

ead to no debate.

Mr. LODGE. I make no objection if there is to be no debate.

The VICE-PRESIDENT. The bill will be read, subject to

objection.

The Secretary proceeded to read the bill (H. R. 9188) authorizing the appointment of a nonpartisan commission to collate information and to consider and recommend legislation to meet the problems presented by labor, agriculture, and capital, but before concluding was interrupted by

Mr. ALDRICH. Is it asked that this bill shall be considered

by unanimous consent?

The VICE-PRESIDENT. The Senator from Pennsylvania [Mr. QUAY] asks unanimous consent for the present consideration of the bill.

Mr. ALDRICH. I think it had better go over until after the

holidays.

The VICE-PRESIDENT. Objection being interposed, the bill will go over. The immigration bill is before the Senate, the pending amendment being that submitted by the Senator from New Jersey [Mr. Sewell], which will be stated.

Mr. PASCO. I thought the amendment offered by the Senator from Missouri [Mr. Vest] was pending—to strike out the word

Mr. SEWELL. If the Senator from Florida will allow me, I will offer the amendment, with a change in its phraseology. It may not be practical as it stands, and I desire to put it in different

language.
The VICE-PRESIDENT. The amendment will be stated, after which the Chair will recognize the Senator from Florida [Mr.

Which the Chart was Pasco].

Pasco].

The Secretary. In line 9, on page 3, after the word "language," in the committee amendment, it is proposed to strike out:

Except that an aged person, not so able to read and write, who is the parent or grandparent of an admissible immigrant may accompany or be sent for by such immigrant.

But an admissible immigrant over such age of 14 years may bring in with him or send for his wife or parent or grandparent or minor child or grand-child, notwithstanding the inability of such relative to read and write as aforesaid.

So that if so amended the clause will read:

All persons over 14 years of age who can not read and write the language of their native country or some other language, but an admissible immigrant over such age of 14 years, may bring in with him or send for his wife or parent or grandparent or minor child or grandchild, notwithstanding the inability of such relative to read and write as aforesaid.

Mr. PASCO. I understand this is the language I suggested to the Senator from New Jersey.

Mr. LODGE. I understand that is the amendment the Senator showed me, and I make no objection to it.

The VICE-PRESIDENT. The question is on the amendment submitted by the Senator from New Jersey [Mr. SEWELL].

The amendment was agreed to.

Mr. LODGE. The next amendment is the amendment offered by the Senator from Missouri [Mr. VEST].

The VICE-PRESIDENT. The amendment submitted by the Senator from Missouri will be stated.

The Secondary by Julius 7 on page 3 after the word "all" it.

The Secretary. In line 7, on page 3, after the word "all," it proposed to insert the word "male."
Mr. VEST. With the consent of the Senate, I will withdraw

the amendment I offered. The VICE-PRESIDENT. Is there objection? The Chair hears

none, and the amendment is withdrawn.

Mr. VEST. I move to strike out the word "fourteen" where it occurs and insert "sixteen," so as to make the age at which or above which a party can come into the United States as an immigrant 16 years.

The VICE-PRESIDENT. The amendment submitted by the Senator from Missouri will be stated.

The Secretary. In line 7 of the committee amendment, after the word "over," it is proposed to strike out "fourteen" and insert "sixteen;" so as to read:

All persons over 16 years of age who can not read and write, etc.

Mr. PALMER. If in order, I move to amend the amendment of the Senator from Missouri by striking out the word "fourteen" and inserting "twenty-one."

Mr. LODGE. I understand the amendment of the Senator from Illinois is to raise the age to 21 years. Am I correct? The VICE-PRESIDENT. The Chair so understands the amend-

ment.

Mr. LODGE. I merely desire to say, as I said the other day, that I regard that amendment as almost equivalent to a destruction of the object of the bill, and I trust that carrying the age to that point will not pass. I do not desire to discuss it.

Mr. PALMER. Mr. President, I beg to say that the effect of this bill, if the word "fourteen" is retained, will be to practically separate families. Now, it may happen that a father may be able to read and write as required by the bill, and it may happen that the family will consist of male persons who have passed the age of 14 and are yet under the age of 21. The effect would be that the father who could read might himself be admitted into this country, and his children under 14 years of age might be admitted, but that the proper officers would be compelled to reject such of his children as were between the ages of 14 and 21. As I said on a former occasion, in most countries, especially in the countries from which we derive most of our institutions, the age of majority of children is 21, and the condition of pupilage continues until the

This bill as it now stands would present this remarkable state of facts, that the father himself being able to read and write, as required by the bill, his children under 14 years of age might be required by the bill, his children under 14 years of age might be admitted, but his children over 14 years of age and under 21, members of his family, for whose care and maintenance he would be responsible by the laws of all civilized countries, could not be admitted, and he would be compelled either to return with the whole family or he would be compelled to permit the return of his children between those ages to the country from which they came. In the family relation of a man of fair intelligence the nurture and parental care of the father over his children, in my judgment, would be worth more than mere literary training. I assume that the law now forbids the admission into this country of immoral persons. The law is familiar to members of the Senate. Now, the remarkable state of the case would be that the father, although qualified for admission under this law and all the statutes on the subject, would be compelled either to break up his family or return with his family to the country from which they came.

his family to the country from which they came.

Such a consequence ought to be avoided in any bill passed by the American Congress. It ought not to be passed, because if we assume that the father has all the necessary qualifications of admission, and for reasons of either poverty or neglect, as the case may be—poverty might be supposed to be the reason—the father has been unable to educate his children, and he proposes to introduce them into this country, not 21 yet, but 15, 16, 17, 18, all years of parental care, he would be compelled under those circumstances to abandon the control of them, and compelled to abandon the advantages for which he may have brought his children to this advantages for which he may have brought his children to this country, the benefit of our free schools. I will not and can not, in my view of this case, consent to such a provision as would compel the father of an immigrant, possessing all the qualifications required by our laws, to abandon his children between 14 and 21 years of age, to give them up, and either return them to his native land, where there would be no provision made for their care, or himself to return, he being permitted by this proposed statute to himself enter the country and bring with him all his children under 14 years of age, but those who are between those ages he would be necessarily compelled to abandon or to abandon his hope, the hope that might have inspired his desire to emigrate to this country. This view of the ages seems to me to be absolutely. This view of the case seems to me to be absolutely conclusive on this subject.

I know the Senator said a few days ago that young men came to this country and may return. I believe where young men have sufficient enterprise and energy to emigrate from foreign countries to the United States, the mere spirit of adventure which dictates that migration furnishes an evidence that they are themselves good citizens, bad citizens being excluded by our existing

Mr. CHANDLER. Mr. President, I wish the attention of the Senator from Illinois a moment in order that I may ask him whether the troublewhich he has stated is not entirely obviated by the suggestion which I made the other day, that it will require only a few months' delay on the part of the father and the mother in coming here with children to enable them to instruct their children how to read and write either the English language or their native language? Does the Senator realize that this bill is no hardship upon his own statement of the case, because it can only exclude the children of this father and mother and delay them for a period of time sufficient to enable them to educate those children? Take the case of a father and mother, say 40 years of age. The law requires that that father and mother shall read and write, and the Senator does not propose to change that requirement. Now, here is a father and mother who can read and write, the parents of a family in Italy or in England. They want to come to this country. They have children land. They want to come to this country. They have children between the ages of 16 and 21 who can not read or write. They ought to have had their children taught to read and write, but they find that when they desire to come to this country they have not so taught them. Now, I ask the Senator if it is a hardship which would make him wish to amend this bill simply to say to that father and mother: "You can read and write; and now before coming to America you wait until your children can read and write your own language." That is my answer to the Senator from Illinois, as it was my answer to the Senator from Missouri the other day.

This is a mild bill; it is a weak bill, in the opinion of many of us, because it does not go far enough. It does nothing in the world but detain abroad in their own countries for a sufficient length of time the persons who want to come here so that they

length of time the persons who want to come here so that they may obtain the simplest rudiments of education, to wit, the reading and writing of their own language.

Mr. President, this bill has been purposely made mild in order that it may receive the support of members of all political parties, and with the hope that it would go through the Senate without any objection from any quarter, in accordance with the pledges of both the great political parties of the country. I am confident the Senator from Illinois, who I know is astute in debate, acute in limitations and definitions, and strong in argument, will be mable to answer this argument.

ment, will be unable to answer this argument.

Mr. PALMER. Mr. President, the remark of the Senator from New Hampshire goes upon the assumption that the father and mother have the means of educating their children and that they have the opportunity of doing so. It means that they will know what the laws of the United States are in that respect; it means an indefinite delay in the matter of emigration. My own observation is that emigration very often is the result of necessity or the result of an ambitious and earnest spirit and desire for the well-being of of an ambitious and earnest spirit and desire for the well-being of the emigrant. I can see no reason, assuming that the law is already in force which excludes improper persons, for a regulation like this, aside from its injustice.

I believe in the right of expatriation. I believe in the right of emigration. I believe that this world was made by the Almighty, and that these attempts at controlling the movements of good people.

and that these attempts at controlling the movements of good peo-ple are wrong. I admit the right of any Government to exclude from its borders persons of bad character, persons addicted to crime, dangerous persons of all classes, but I want to say that I have no idea in the world that the class of persons whom it is nave no idea in the world that the class of persons whom it is really desirable to exclude from the country will be affected by this bill. I understand the dangerous classes more generally read and write than the classes which are not so dangerous. I claim, however, the right of any person of good character and industrious habits to come into the United States at his pleasure, and bring with him his wife and his children. I believe in that right. While I would consent to any other limitation aside from that of good character and industrious habits, still I would not consent to the separation of families which this bill would necessarily

The Senator says let them wait a while. It is not always easy for the persons who wish to come to the United States to wait. It would be, whatever else may be said about it, an exclusion of those who are illiterate, persons who have every other merit than the merit of literacy. Such persons it is the purpose by this act to exclude, and to impose no other requirement than that they shall read and write. I feel that, while the proposition of the Senator is plausible, it has no merit whatever, no foundation in

Senator is plausible, it has no merit whatever, no foundation in justice or reason.

Mr. CHANDLER. I am sorry the Senator from Illinois does not recognize the merit of my suggestion. I will ask the Senator a question. Suppose a father and mother, who can read and write, in order to come to this country from a foreign country, have bright children between the ages of 16 and 21—how long does the Senator think it would take the father and mother to teach those children to read and write? The Senator says they have not the means to do it. They have in the family the personal ability to do it. Now, I ask the Senator how long it would take the father and mother to qualify those children to come over with them and and mother to qualify those children to come over with them, and and mother to qualify those children to come over with them, and if they can read and write, which is what we propose to require, and have children between the ages of 16 and 21 whom they have not taught to read and write, is it not a very useful and wholesome law for us to say to them by our statute, by our notice to them before they come, that they have neglected a duty, which duty they shall fulfill before they take ship for this land of liberty and intelligence? I think the Senator will see that it is a recommendation. and intelligence? I think the Senator will see that it is a very slight requirement which is imposed in this case, and that the Senator ought not to insist upon his amendment.

Mr. HOAR. I should like to observe that this is not really so

important a matter as it seems, for it is almost never that you would find two parents, father and mother, both able to read and would find two parents, rather and mother, both able to read and write and their children unable to do so. Once in a very great while it may happen, but that is not the rule in such matters.

Mr. LODGE. I hope we may have a vote on the amendment, and I trust it will be defeated.

The VICE-PRESIDENT. The question is on agreeing to the amendment submitted by the Senator from Illinois [Mr. Palmer] to the amendment of the Senator from Misseuri [Mr. Palmer]

The VICE-PRESIDENT. The question recurs upon agreeing to the amendment submitted by the Senator from Missouri [Mr. VEST].

The vice-president to the amendment was rejected.

The vice-president submitted by the Senator from Missouri.

Mr. MORGAN. What is the amendment?

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. In line 7, it is proposed to strike out "four-teen" and insert in lieu thereof the word "sixteen;" so as to read: All persons over 16 years of age who can read and write, etc.

Mr. VEST. I understand there is no opposition to that amendment.

Mr. LODGE. I make no objection to it. I would rather have it "fourteen," but I will not press the point.

The VICE-PRESIDENT. The question is on agreeing to the amendment submitted by the Senator from Missouri.

The amendment was agreed to.

Mr. MORGAN. Is there any other amendment pending now?
Mr. HILL. The Senator from West Virginia [Mr. Elkins]
offered an amendment the other day.
Mr. MORGAN. I offer an amendment which I think the com-

Mr. MORGAN. I offer an amendment which I think the committee will accept.

The VICE-PRESIDENT. The Chair calls attention to the fact that the amendment offered by the Senator from New Jersey [Mr. Sewell], which has been agreed to, will have to be changed in one part. The Secretary will read that portion of the amendment, and the Senate can take such action as it desires.

The Secretary. The amendment of the Senator from New Jersey reads as follows:

But an admissible immigrant over such age of 14 years, etc.

Mr. LODGE. If there is no objection, I ask that that may be changed so as to conform to the amendment just made.

The VICE-PRESIDENT. That course will be pursued, if there

be no objection.

Mr. MORGAN. Now let my amendment be stated.

The VICE-PRESIDENT. The amendment submitted by the Senator from Alabama will be stated.

The SECRETARY. Add as an additional section the following: This act shall not apply to persons arriving in the United States from any port or place in the Island of Cuba: Provided, That such persons have here-tofore been inhabitants of that island.

Mr. LODGE. I make no objection to the amendment.

The VICE-PRESIDENT. The question is on agreeing to the amendment offered by the Senator from Alabama.

Mr. PLATT. Why should we make a distinction as to countries?

Mr. ALDRICH. Can we do it under the treaties?
Mr. PLATT. If we are going to restrict the immigration from one country and not restrict it from another country with these conditions, it seems to me there should be some explanation at least. I am not sure now that it would not interfere with the most-

least. I am not sure now that it would not interfere with the most-favored-nation clause in treaties.

Mr. CHANDLER. I should like to ask the Senator from Alabama whether, from the considerations which influence him and which appeal to me in this case, if we are to admit Cubans without this qualification, we would not also be bound from motives of humanity to make an exception in favor of the Armenians. Now they are coming to our doors. They are not able to come in under existing law. Some of them are sent back. Can we open our doors through special statutes to all the oppressed peoples of the earth or make exceptions in their behalf to our general laws as to the admission of immigrants? I suggest to the Senator from Alabama whether we can do that wisely.

Mr. MORGAN. Mr. President, in undertaking to provide for the refugees driven from the Island of Cuba by cruelties which we all recognize, and which the President's message fully states and portrays, I confined myself to their case because I did not know how to formulate a general rule for the admission of refugees from Armenia or from any other country where persecutions

gees from Armenia or from any other country where persecutions

may prevail.

It has been the theory of our Government in regard to immigration, as I understand it, that we open the doors of hospitality to all the citizens of the nations of the earth where they feel that to all the citizens of the nations of the earth where they feel that they are oppressed in their own country. This is a welcome home to the oppressed, as I understand, and perhaps that feature of the bill may be in conflict with those provisions. I have no desire at this time to make a criticism of that sort. But the demand, on the ground of humanity, is so obvious in respect of Cuba at this moment of time that we can not pass the pending bill as it is without doing violence to those instincts which cause us to welcome

to our shores the refugees from the most tyrannical of all oppressors, for the safety of their lives as well as for other reasons.

This bill turns an immigrant back at the seaboard and requires him to be able to read the Constitution of the United States from selected slips. Of course he has to be familiar with the whole instrument in order to read it. He must read it in some language, either his own or some other. Very likely the Constitution of the United States has never been translated into many of the languages which are prominent in Christendom; therefore, of course guages which are prominent in Christendom; therefore, or course a man would find more difficulty in educating himself at home on the subject of the Constitution of the United States and in attaining the ability to read the peculiar idiom that is found in the technical expressions in that very important and peculiar instrument. So I thought we would not do any wrong to any human being or to any nation in the world, or to the favored-nation clause in a treaty with any government in the world, by making this exception in favor of Cuba.

We can not afford, Mr. President, to turn back a Cuban who escapes from that island now, and say that he shall not put his foot on this shore. After he has attempted to flee from that country we can not afford to return him to the merciless grasp of the men whom he has escaped. I could go over a number of instances personally known to me where that sort of restriction would be extremely cruel, unjust, and un-American. I do not believe, of course, that this would be making a discrimination as to the favored-nation clause against any nation in the world. If it would, that is sufficient reason for an act of Congress to abolish the would, that is sufficient reason for an act of Congress to abolish the favored-nation clause, which I think ought to be abolished anyhow, out of all the treaties we have. That would be reason enough. But how can any enlightened nation in the world, when she is inflicting upon her people in a time of public, general insurrection, if you please to call it such, the terrible evils and consequences that are visited upon the Cubans, complain that we have provided in advance that those people shall have refuge in America if they choose to come here? choose to come here?

I do not see how any nation could make complaint, nor do I see that it would be in the slightest degree just if it should be made. On the contrary, a nation who would make a complaint of that kind would subject herself to criticism that ought to abolish her from the family of nations. Would Turkey be heard if she were kind would subject herself to criticism that ought to abolish her from the family of nations. Would Turkey be heard if she were to complain, in the event that we pass the proposed statute, that the Armenians who have fled from her borders are not allowed the same privileges that Cubans are? Certainly not. Would England or France complain because we undertook to extend hospitality to the Cubans or Armenians? Certainly not. So the question is immaterial, and we can make this exception in favor of Cuba without in the slightest degree interfering with any of our foreign relations or the general clause about the most favored nation. A nation can not be considered as being favored by having an exportantly to prevent its people from coming to our shores. ing an opportunity to prevent its people from coming to our shores when the persecutions that drive them here are of such a character as those which exist in Cuba or Armenia.

That is my reason for introducing the amendment, and not to make a discrimination.

Mr. LODGE. Mr. President—

Mr. HOAR. Will my colleague allow me to make a suggestion? It seems to me it is unwise to accomplish the purpose the Senator from Alabama has in mind, which everybody who knows him will be assured is a humane and wise purpose, by a general provision of this kind. I think my colleague will see that it is hardly wise to exempt persons from this entire bill by permanent legislation merely on the ground of the place from which they come, so that any ignorant person, any criminal person, if they are affected by this act and not by the previous act, or any pauper coming from Cuba will be admitted.

Now, what I should like to suggest to my honorable friend the Senator from Alabama, and to my colleague, would be a provi-

sion like this:

"That the President of the United States," or the Secretary of that the President of the United States, or the Secretary of State, or whatever public official should have the discretion—I think the President of the United States probably, if it is to be permanent through all time—"may in his discretion provide for the admission of any immigrants who are flying from war or political oppression abroad on being satisfied that they are persons of good character, seeking an asylum here in good faith."

Perhaps my language is not accurate enough, but I should my-self like such a provision very much better than the Senator's amendment, applicable to a particular district of country and excepting persons coming from that district of country for all time from all the constraints of the act.

time from all the constraints of the act.

Mr. MORGAN. I should like to say a few words to the senior Senator from Massachusetts, if I am not interrupting his colleague. I thought over a general provision of that kind and tried to frame it so as to fit the case, to meet the very arguments which are suggested now, but I could not do it without putting it into the hands of the President of the United States to say what people should be admitted here and what people should be excluded. While I certainly have no reason to expect or believe or think that the present Executive would have any motive whatever in a matter of this kind other than to act with perfect fairness about it, the time may arrive when the question would be raised upon the Executive as to the propriety of his action in admitting certain people from certain countries and refusing others. More than Executive as to the propriety of his action in admitting certain people from certain countries and refusing others. More than that, for the President of the United States to say by proclamation in regard to a particular nation, "We admit the people from that nation, because they are persecuted at home," is casting a diplomatic slur upon the condition of those people in their own government, which would be extremely unpleasant, and might lead to very unpleasant consequences. It would put the President upon very serious inquiry as to whether he should recognize the complaints of those people against their own government.

In looking through our treaty with Spain I found ample reason for introducing this amendment in the form in which I have presented it. Thousands of refugees have come from Cuba to the

sented it. Thousands of refugees have come from Cuba to the

United States, so many, indeed, that the President has mentioned it in his message almost in a complaining way. But they are here, and amongst our people they are very welcome, and I supterm in the message almost in a complaining way. But they are here, and amongst our people they are very welcome, and I suppose that if we had the power to extradite them, or if it was our duty to extradite a single one of them to Cuba, to answer his responsibility to the Spanish Government, the people of the United States would almost rise in revolt before they would see it done. It would be a very much more distressing state of public sentiment than occurred many years ago when fugitive slaves were being captured in the Northeast, in Pennsylvania and other States, and returned to the South. The sentiment of the people of the country would be so violently opposed to an extradition of that kind that I think no Executive would be prepared to favor it, or even to attempt to execute it. But the treaty expressly provides that there shall be no extradition for political offenses.

Now, no man who lives in Cuba now—and the amendment confines its application to those who live there now or have heretofore inhabited Cuba—escapes from the island to-day unless he comes driven away by political differences there. It makes no difference whether you call it insurrection or war.

Mr. HOAR. Will my honorable friend, at some convenient time, allow me to read for his consideration what I have drawn up on this point?

up on this point?

Mr. MORGAN. Certainly.

Mr. HOAR. Considering that there may be necessity for prompt action, and considering the large duties of the President of the United States, perhaps it would be better to give the power to the Secretary of State. So I have drawn up what I will read:

The Secretary of State may, in his discretion, provide, either by general regulation or special order, for the admission of immigrants flying from war or political oppression, or in consequence of political disorder, on being satisfied that they are persons of good character, seeking an asylum in this country in good faith.

Now, if the Senator from Alabama will allow me just one word, I will say that I have given the power to the Secretary of State, as I said, and I have not required that officer to find that what they fly from is political oppression, because it may be said that that would give offense to some country with which we are at peace.

Take the case of a man who came from Germany, or England, or
Switzerland, or anywhere else. So I have made the provision
read, "flying from war or political oppression or in consequence of
political disorder, on being satisfied that they are persons of good

political disorder, on being satisfied that they are persons of good character, seeking an asylum in this country in good faith."

Mr. MORGAN. If the Senate wants to spread the doctrine over the whole area of this subject, that is a very good form in which to do it. It is liable to but one single objection which I can see now, and that is, we are making a difference between the President of the United States and his clerk, the Secretary of State, because the President and the Secretary of State under our system of governmental administration are master and clerk, and that is all. The Secretary never acts without the authority of the President. all. The Secretary never acts without the authority of the President. He never pretends to act except by the authority of the President. Therefore, if the Secretary of State should make these exemptions it would be attributed necessarily to the President of the United States. That does not relieve the difficulty, which I the United States. That does not relieve the difficulty, which I have suggested, of involving the President in making a declaration that civil war or insurrection or rebellion or political disorder exists in a State sufficient to justify the migration of its citizens; and that would probably be a cause of offense.

I was about to state that my amendment has reference to a particular provision of our treaty with Spain, and I had gone on to state that thousands of immigrants were here, and none of them had been extradited, nor has any demand for their extradition been made. We know perfectly well that there are men here to-day who would be extradited to Spain or to Cuba for trial there for their lives for offenses alleged to have been committed against the Spanish Crown if extradition were possible.

Now, why is it not possible? It is because the treaty provides that there shall be no extradition for a political offense.

Mr. CAFFERY. Will the Senator from Alabama allow me to

Mr. CAFFERY. Will the Senator from Alabama allow me to ask him a question?
Mr. MORGAN. Certainly.
Mr. CAFFERY. Is not the clause in the treaty with Spain that political offenses are nonextraditable common to all treaties with foreign nations? It is not singular and peculiar to the treaty

with Spain.

Mr. MORGAN. I am not prepared to say that it applies to every treaty, and it would take some time to look up that point. As a general proposition, what the Senator from Louisiana says is true. There is no extradition for political offenses, although treaties vary very much in their language as to the definition of political offenses.

We had serious trouble in regard to a treaty with Russia on we had serious trother in regard to a treaty with Russia on that account. In the treaty which we negotiated and concluded with Russia that question arose as to the actual murder of a mem-ber of the royal family. It was concluded that that was not a political offense; that it need not necessarily be a political offense.

It might be done through the purpose of a single anarchist. So that while the general rule of course is as stated, there may be exceptions to it. In the case of Russia there is an exception, and as to one other Government—I believe it is that of Belgium—there

as to one other Government—I believe it is such an exception.

I have no disposition to make any particular discrimination in favor of the Cubans as exhibiting my sympathy with those people. My sympathy for Cuba rests upon very much higher ground than that, and in what I have had to do with the Cuban question in a vote. in the Senate I have never been moved for one moment in a vote I have given or in a speech I have made by motives of sympathy for the Cubans. There has been working in my bosom sympathy enough to have urged me to do anything as a private citizen, but as a Senator of the United States my course in regard to Cuba has been predicated entirely and exclusively upon justice to our own

country and our own people.

So this is not an amendment which smacks of Cuban sympathy any more than it does of sympathy for any other oppressed people—the Armenians or any other. The right of expatriation is a right which we recognize distinctly. When a man expatriates himself for reasons which are satisfactory to him, whether dislike of his own government or a greater fondness for ours, or to escape some evil or peril in his own government, whatever his motive may be, our doors stand wide open to receive him upon the ground that he has a right to expatriate himself and apply his allegiance

to this country.

Mr. HOAR. Does the Senator apply that principle to paupers

and ignorant persons?

Mr. MORGAN. Paupers seem to have no rights except those which the public chooses to give them.

Mr. HOAR. I do not use the word "paupers" in an offensive

sense. I mean persons who have no property, no present capacity to earn their own living. I refer to the persons who are excluded

by this bill.

Mr. MORGAN. They are thrown through the mercy of God and the cruelty of the human family upon public benefaction and public trusteeship. They become the wards of the world, and are thrown upon the benevolence of the Christian world for the sake of living and having a place where they can breathe out the remnant of their miserable lives. They are excepted out of the general rules, because they are of no use in political circles. They do not belong in the political circles where they are capable of conducting some part of the strife that illustrates and adorns our political quarrels with each other. Paupers are considered as a peculiar condition of humanity that demands universal benevolence, and therefore, being thrown upon the pity of society, we say to the people abroad: "You must provide through your own charitable institutions for your own people needing charity." That is what we say when we send a pauper back. "You belong to a different beat, a different ward, a different jurisdiction. You are a charge upon the world, but you are a charge upon a particular part of it, because you happened to have been born there or live

part of it, because you happened to have been born there or live there, and you can not come and give us that guardianship by your own voluntary act."

They are excluded. They have no option in the matter. The criminal classes are excluded because they are dangerous to society. We exclude them upon the same grounds or very similar grounds to those upon which we exclude immoral publications and some species of deadly instrumentalities which are put under the ban. A criminal is considered as a man who has no right to the protection of any country at all in the choice of his demicile. He must tion of any country at all in the choice of his domicile. He must stay in the country against which he committed the crime, and suffer his penalties there, and if his own country has branded and stamped him as a criminal, then he has no appeal either to our mercy or to our sense of justice in welcoming him to this country.

I do not in my heart and mind and conscience place the illiter-

ate upon the ground either of paupers or criminals. Illiteracy may be a misfortune, and is a misfortune in the general sense, although I have seen a great many people educated out of all ability to earn a living, out of all capacity for any usefulness in life. I have seen them educated in those arts and practices of crime which excel almost the imagination of man as to their ingenuity and the persistence with which they are pursued. It is not to be said that education in letters is the reformer of the human to be said that education in letters is the reformer of the human heart. It is a higher power that reforms the human heart. It is the law of morality that does it. Politics does not do it. Education in the schools does not do it. It requires some power of regeneration that is stronger and better than either of those to take a bad man and make a good man out of him. But that is a matter which I need not discuss at this moment of time.

Coming to the particular amendment which I have offered, I still believe it is better than the suggestion of the Senator from Massachusetts [Mr. HOAR], and I do not think that the parallel which he draws between illiteracy and crime holds good at all. I think we have special reasons under the treaty with Spain and under existing conditions in Cuba, of which our President has recently informed us in a very distinct and very bold way, why in

passing this bill we should not instantly cut off the refugees from Cuba from the right to land upon our shores unless they can trans-late the Constitution of the United States in their thoughts at least

from one language to another.

Now, upon the question of the Constitution, I have thought that the committee made a very difficult selection of an instrument by which to test the civil-service qualifications of a man who may which to test the civil-service qualifications of a man who may enter into the United States from a foreign country. It is the most puzzling instrument that ever had any attention paid to it in the Senate of the United States. We are very prone to get up here when certain measures are before us and ask each other the question whether the measure has been read in connection with the Constitution, and what the Constitution means. In its expressions it is bound to be very technical, for the reason that it is a new expression of governmental organization and powers and liberty. It does not read like any other instrument in the world, although some portions of it were somewhat conied from ancient

although some portions of it were somewhat copied from ancient British laws and German laws.

But the Constitution as an instrument is one that is extremely technical in its expressions. I think I could quote a dozen here that would puzzle a well-educated American on first thought to interpret exactly as to what they meant, or to understand them on first reading. It requires a pretty high state of education for a man even to understand the text of the Constitution of the United States, to say nothing of its interpretation. I think that they made a very difficult selection; and I shall make a different proposition in another amendment that I shall offer, having reference to naturalization, which is the real pith and merit of this whole business after all, so far as the influx of foreign people into our country is concerned. The question of naturalization is the question of citizenship; and I have another amendment which question of citizenship; and I have another amendment which relates to that subject and incorporates a knowledge of the Constitution of the United States, or a capacity to read it, along with the Ten Commandments. If every man who is naturalized in the United States is compelled to read the Ten Commandments, that man will not die without having had an opportunity to understand the groundwork of the civilization and the Government of the United States. It can not do him any harm. Whether he reads it understandingly or not (I mean understandingly in the sense of a conviction of its truth), I propose that man shall not go to his grave harmed by the fact that he has not read the Ten Commandments.

There are a great many men in the United States to-day, native

There are a great many men in the United States to-day, native born and naturalized, who have never read the Ten Commandments. They are none the better for that. The country is none the better off because those men have not been compelled in the presence of some officer of the Government, if you please, or some one else, to recite or to read that basis of all Christian law. some one else, to recite or to read that basis of all Christian law. So I put that in now for the purpose of giving the man who wants to be naturalized a double opportunity to study the two great things that control in American civilization—the Constitution of the United States and the Ten Commandments. I am in the habit of calling the first ten amendments to the Constitution of the United States the ten political commandments.

Mr. MILLS. That is about right.

Mr. MORGAN. It is about right. But when a man is naturalized from a foreign country there must be better security for that man's intelligence in regard to the true virtues and the true powers and duties of an American citizen when he can satisfy the court by ostensible demonstration that he has really read the Ten Commandments.

Commandments.

I would not undertake, Mr. President, to put that sacred body of laws, or any allusion to it, in a bill to come before the Senate of the United States unless I was most profoundly impressed with the necessity of making the allusion. Otherwise it would be in some sense a sacrilege to do it. But when we are making qualifi-cations for those who are to become citizens of the United States, who were not born here and who must come upon some knowlwho were not born here and who must come upon some knowledge that they possess of our institutions, I insist that they shall show they have had some education of heart and conscience as well as of political conditions. That is the best thing after all. If I believed that every man and every woman who emigrates to the United States would be obedient to the Ten Commandments you might take all political conditions and throw them to the winds, so far as I am concerned. I should feel that we were secure in a higher class of citizenship, affected by loftier and better motives, than I could feel at all assured of if the man understood rething of our latterage events perhaps he had been stuffed be

tives, than I could feel at all assured of if the man understood nothing of our latiguage except perhaps he had been stuffed before he came with a reading of the Constitution of our country. I would not take the exposition of the Constitution of the United States from Hon. Carl Schurz, and yet he stands, I think, to-day eminent among the immigrants from foreign countries in official rank, in literary qualifications, in powers of mind, and in exaltation of character. He could not read the Constitution of the United States to me as an expounder. Why? He was not raised under it. He was not raised in an American atmosphere. He did not imbibe with the very first breath of his life that splendid and

beautiful system which no man can inherit except an American. He may adopt it; he can not get it by inheritance; and he will never feel it and understand it exactly like an American.

never feel it and understand it exactly like an American.

I believe in educating people in the atmosphere of the Constitution of the United States. It does not make much difference to me whether they have the power of analysis so as to detect all the elements of that atmosphere and apply them at will to the different subjects as they arise. Give me the spirit of a man educated beneath that splendid record of organic law. Let him understand the spirit of it and feel it. That man can be always appealed to to observe his own rights and those of his fellows, the equal justice between man and man, and to put the bridle of restraint upon usurpation and power. After all, one of the highest offices that a private American citizen ever has to execute is to stand upon his manhood, to stand upon his rights under the Constand upon his manhood, to stand upon his rights under the Con-stitution of the United States, and put the bridle of restraint upon those high servants who undertake to rule and control him under

those high servants who undertake to rule and control him under the Government of the country.

This, Mr. President, is all I have to say. I shall offer the other amendment when the proper time comes.

Mr. PLATT. The Senator from Alabama seems to have wandered quite far away from the precise point.

Mr. MORGAN. I have another amendment that covers some of my remarks, and which I shall offer when it is in order.

Mr. PLATT. He has said very much that appeals both by its eloquence and by its good sense to the judgment of all. What he has said should be the character of citizenship in the littled States will meet with the hearty approval of every Senator. But

has said should be the character of citizenship in the United States will meet with the hearty approval of every Senator. But the precise question, it seems to me, he largely left untouched.

I am sorry that the Cuban question has been mixed up with the immigration question, or that an attempt should be made to combine the two in one bill. If the proposed amendment, however, simply provided that nothing in the bill contained should prevent the landing upon our shores of Cuban refugees, that would be one thing.

Mr. MORGAN. I am willing to put it in that form.

Mr. PLATT. It would then be defective in that it did not pro-Mr. PLATT. It would then be defective in that it did not provide for the future, and admit refugees from other countries vide for the future, and admit refugees from other countries where similar circumstances might prevail. I do not know whether under our law the bill would exclude political refugees or refugees fleeing from the horrors of war or oppression in their own country. I do not know whether the bill would at all exclude them; but surely we ought not to go further than to say it should not apply to refugees, if that can be defined. We ought not, for the purpose of providing that it shall not exclude the refugees from Cuba, admit all immigrants from Cuba from now forward for all time who come within the restricted clauses of the bill. That was my objection.

Mr. MORGAN. If the Senator will allow me, I have provided against that by saying "who have heretofore inhabited Cuba."

Mr. PLATT. But the amendment of the Senator, if adopted, will allow for all time, whatever the fate of the Cuban con-

Mr. PLATT. But the amendment of the Senator, if adopted, will allow for all time, whatever the fate of the Cuban controversy may be, illiterate persons to come from Cuba as immigrants—after the war is over, after the Republic of Cuba has been established, and for all time. If this matter of excluding persons because they are illiterate is a correct test by which we shall regulate our immigration, and I think it is, it does not seem to me because there is imminent trouble in Cuba now that we should make a distinction in favor of Cuba, and, no matter what the fate of the country may be or what its future government may be, allow illiterate immigrants from Cuba to come to our shores.

If the purpose of the Senator is what he says it is, then the amendment ought to be framed in some other way.

amendment ought to be framed in some other way

Now, the bill will stand as a law on our statute books. We do not know where the next struggle for liberty may occur. We do not know in what country the patriotic, liberty-loving sentiment may attack monarchical or despotic government. But if the amendment be adopted, then the immigrants or refugees from the country where the next conflict may take place will be excluded by the bill, while political refugees and immigrants from Cuba, which by that time may have been composed into a settled government, will be admitted under the bill.

It is a discrimination, Mr. President, that we can not justly or logically make in the form in which it is proposed to make it. If the Senator had confined it to an amendment which would allow refugees from Cuba to come to our shores, and that only, and not affect the future immigration from the country when matters shall have been composed there, and allow ignorant people to come from that future country when they can come from no other country, much as I dislike to see the two questions combined, I should not

have felt like making any suggestion whatever on the amendment. Mr. LODGE. Mr. President, I wish to say, first, in regard to the precise effect of the amendment, that it applies only to the proposed law. Hitherto our legislation in regard to immigration has excluded persons liable to become a charge on the community, criminal or diseased persons, and contract laborers—objectionable classes which the United States shut out on account of objections

to them. This is the first measure of a general restrictive character, and it applies the test of illiteracy with a view of excluding

acter, and it applies the test of illiteracy with a view of excluding also the ignorant.

The Cuban amendment proposed by the Senator from Alabama applies only to the pending bill, not to the prior immigration laws of the United States, as I understand it. I think that the amendment is rather too broadly drawn, and is obnoxious to the objection that has just been made by the Senator from Connecticut; that is, I think after Cuba has become, as we all hope it will become, an independent and settled government, it would still allow immigrants from that country, and favor them over the immigrants from other countries. That I do not think ought to be the case. I believe it should apply to the Cubans only during the time when they are engaged in war with Spain or suffering from the oppressions of that country. There is no reason for excepting them after they reach a period of peace and prosperity, and the amendment would lead to that result.

Now, I want to say a single word as to the point which has been

Now, I want to say a single word as to the point which has been raised about commercial treaties and the favored-nation clause. The favored-nation clause has no bearing whatsoever on the question of immigration. No nation in the world, no independent The favored-nation clause has no bearing whatsoever on the question of immigration. No nation in the world, no independent nation, has ever given up the right, or ever would give up the right by treaty, to say who should come and who should not come within its boundaries. That is an absolute sovereign right which every nation must retain and uphold. We singled out the Empire of China and excluded her citizens by name, as we had an undoubted right to do, just as we have an undoubted right to single out any other country, and say there shall be no immigrants from that country. If that country chooses to retaliate, well and good. But we have never given up our rights by any form of treaty on that point. Our rights are absolute in dealing with the question of immigration to the United States.

I think the Cuban case can be distinguished from other cases very easily. Those people are right at our doors. They have suffered under the most terrible oppression. They are now engaged in a desperate struggle for liberty. If they desire to flee for safety, if they desire to put their women and children in a place of safety, they have no country to turn to but the United States. We are their next-door neighbor. The Armenian fleeing from oppression can cross—as thousands of them have done—the nearest boundary to Russia. He is surrounded by countries in which he will be en-

to Russia. He is surrounded by countries in which he will be en-The Cuban refugee has no place to go except to the United States. For that reason it seems to me we can properly make an exception for the Cubans while they are refugees, while war and oppression exist in the island, and for no longer time.

The amendment offered by my colleague seems to me to be too sweeping. It would be only necessary then for any European country which had a class of citizens that they found objection-

able

Mr. HOAR. I will say to my colleague, with his leave, that I think my amendment, which was very hastily drawn, is a little too sweeping, and I shall not press it, but will vote for an amendtoo sweeping, and I shall not press it, but will vote for an amend-ment exactly on the lines my colleague has just stated, if he pleases; that is, I would be willing to agree that the bill should not apply to persons fleeing from Cuba during the continuance of the present disorders in that island, if that will cover the case. I should not be willing to limit it to the recognition of belligerency, because I do not think anyone wants to put that in this bill.

Mr. LODGE. Certainly not.
Mr. MORGAN. The senior Senator from Massachusetts would not say "persons fleeing from Cuba." He would say "persons arriving from Cuba."

Mr. HOAR. Very well; I mean to say persons who flee to get rid of the disorders there, and they are not criminals who escape.

Mr. MORGAN. I am perfectly content with that suggestion.

Mr. MORGAN. I am perfectly content with that suggestion. I think it covers the whole case.

Mr. HOAR. I will not interrupt my colleague now, but when he gets through I will ask the clerks to take down a modification of the amendment of the Senator from Alabama.

Mr. LODGE. I was only going to say, in conclusion, as my colleague has withdrawn his amendment, that the objection to legislation of that kind is that then any country which desires to get rid, we will say, of a class of citizens whom it may find it difficult to support, paupers, persons of any kind who are a charge on the community, can simply by the passage of an oppressive law bring them within the exception of political oppression. We have lately seen one country which has undertaken to drive out a whole class seen one country which has undertaken to drive out a whole class of its citizens. Large funds were raised to project suddenly into this country some 5,000,000 persons in a state of complete indigence and to throw them into the labor market of America and

gence and to throw them into the labor market of America and on our people for support by taxation.

Therefore, Mr. President, I think in making exceptions we should be very careful. I am entirely in favor of making an exception which will give the Cuban refugees admission to this country, the only place where they can take refuge if they desire to flee from the disorders and oppressions now existing in the island. If the Senator will limit it as he has manifested a readi-

ness to do, I think there ought to be no objection to it. I am perfectly sure that we have an absolute right to make any exceptions we choose. We can admit whom we please. We can exclude whom we please. They undertook once in Europe to make objection to our giving asylum to Kossuth. That was resented by this country. That covers the whole principle. The soil of the United States is the possession of its people; they, and they alone, can say who shall come upon that soil and who shall not. If they choose to say that one people in Europe shall not come in the form of immigrants, but that they will open their doors to refugees from the Island of Cuba, it is entirely within their right so to do. I think the only question for us to consider now is whether it is not advisable to make a very strict and limited exception which shall permit the Cubans during the continuance of the present struggle to find refuge in this country, but that after the restoration of the island to independence and prosperity that exemption shall cease. ness to do, I think there ought to be no objection to it. I am per-

restoration of the island to independence and prosperity that exemption shall cease.

Mr. CAFFERY. Mr. President—

Mr. HOAR. If the Senator from Louisiana will allow me one moment, my object will be entirely accomplished by what I understand the Senator from Alabama to approve by inserting in his amendment the words "during the continuance of the present disorders there;" so that it will read:

This act shall not apply to persons arriving in the United States from any port or place in the Island of Cuba during the continuance of the present disorders there: And provided, That such persons shall heretofore have been inhabitants of that island.

That is the Senator's amendment.

Mr. McGAN. I am content with that, Mr. President.
Mr. HOAR. Very well.
Mr. CAFFERY. Mr. President, I quite agree with the Senator from Connecticut [Mr. Platt] that an exception in the pending immigration bill in favor of Cuba would be a discrimination against other people or other nations in a like or similar condition. I understand from Senators who have spoken on this subject that there is no disposition to limit the hospitality of the United States in cases of emergency, of a character induced by political oppression at home. If the exception incorporated in the bill should be made and there should be either far or near from our shores oppression of any people in any country and those people sought refuge in our borders, they could not obtain it. I can see no reason who tays ruly we should make a precial exemption in our of the whatever why we should make a special exemption in favor of the Cubans.

The junior Senator from Massachusetts says that the Cubans have no other shore to fly to. They have the adjacent country of South America. They have the Republic of Argentina. They have the Republic of Mexico. They have more opportunities of near-refuge than have people oppressed in Europe, because those people would have to fly to the United States in order to obviate the necessity of going to other countries ruled perhaps in the same despotic manner as the country from which they desire to expatriate themselves.

expatriate themselves.

It occurs to me that the difficulties suggested by the amendment of the Senator from Alabama, and the attempt to remedy that amendment by the Senator from Massachusetts, are very suggestive of grave objections to the whole bill. Under the present bill none but criminals, paupers, diseased persons, as I understand, are excluded from the United States as immigrants. The shores of the United States are open now under our laws to all people who are oppressed in any quarter of the globe, provided they do not come within the classes mentioned here. If we admit political refugees from one country we may make an invidious distinction, or we may make a very serious mistake.

I am not in favor of closing our doors against political refugees from any country if they have the requisite qualifications of our It occurs to me that the difficulties suggested by the amendment

from any country if they have the requisite qualifications of our present immigration laws. I think it would be a bad distinction. I think it would be unwise, because people who, at home, have that sense of liberty which impels them to rebel against monarchical and oppressive institutions are very likely to make the very

best citizens for the United States.

best citizens for the United States.

I was heartily in favor of the amendment offered by the Senator from Illinois [Mr. Palmer]. I thought if an educational qualification were to be imposed as a condition of immigration that that qualification ought to be as light as possible, and I was perfectly willing to extend the period to 21 years of age in order to obviate the apparent danger of dividing parent and child, as would almost inevitably occur where the limit of illiteracy was placed at 14 years of age, for the child might be illiterate, or, vice versa, the parent illiterate. At 21 years of age the parental relations cease, and there would be no objection on the ground of separation of the family.

the family.

I am perfectly willing, so far as I am concerned, to allow the present immigration laws to stand as they are. I am of opinion that the difficulty suggested by the amendment of the Senator from Alabama will disclose the weakness of any attempt to impose a qualification of illiteracy. I would inquire whether it follows as a matter of course that an illiterate immigrant makes

a good citizen of the United States, and I would inquire whether the vast domain of the South and West are now so full of workthe vast domain of the South and West are now so full of working people, of hardy immigrants, as to justify or necessitate the limitation of immigration proposed in this bill. A class of immigrants termed undesirable (I think the Italians have been called "undesirable" in debate; if not so, I beg pardon) have largely flowed toward my part of the country. They make very excellent citizens. They are a hard-working, industrious people. Those of them who come from Sicily betake themselves more to fishing and oystering than to agricultural nursuits: but those fishing and oystering than to agricultural pursuits; but those who go to the fields and work, either as tenants or for wages, who go to the fields and work, either as tenants of for wages, develop into hard-working, industrious citizens. I have no disposition whatever to exclude them. As a matter of course, a great many of them would be excluded under the operation of this proposed law, because the Italians have no system of public schools of which I am aware. I think their education is mostly based upon private resources and private means. On that point, however, I am not well informed.

But, Mr. President, I think the needs of the South and the West require a larger amount of immigration than now comes to them, and I think that any law not manifestly and obviously necessary to the common weal of a country, excluding immigrants from that country, is unnecessary and indefensible. I further think that any attempt to modify the law so as to admit that very class of persons whom we are most anxious to admit that very class of persons whom we are most anxious to admit, to wit, political refugees, who would be excluded upon the ground of illiteracy, shows the danger of altering or impairing in any wise the laws as they now stand.

Mr. GALLINGER. Mr. President, I understand that the amendment submitted by the Senator from Alabama proposes to exempt Cubans during the continuance of the present war in the Island of Cuba. I will ask the Senator if I am correct in that

supposition?
Mr. MORGAN. Yes, my amendment as amended on the suggestion of the Senator from Massachusetts has that object.

Mr. GALLINGER. I was not in the Chamber when that amendment was submitted. In view of that fact, it strikes me when I cast my vote for this measure I shall cast it in sympathy with the great heart of the American people. It seems to me that for the Government of the United States to return to Cuba under existing conditions a refugee from that island, sending back that man who is fighting for freedom and independence and giving him into the power of the cruel, despotic, and murderous Spanish Government, would be an act of cruelty and injustice and inhumanity that no American citizen ought to tolerate by his vote or by his words.

I am in profound sympathy with that people, who are battling, as I understand the matter, for precisely the same principles for which our forefathers contended against the great power of the British Empire; and, Mr. President, I should feel that I was doing my own convictions a profound injustice and that I was voting in favor of cruelty and oppression if I failed to record my vote in favor of exempting those men during the continuance of the war

favor of exempting those men during the continuance of the war in Cuba from the provisions of this proposed act.

I am in sympathy with and in favor of this bill, but I trust in enacting it we shall not lose sight of those great principles of humanity, and of justice, and of equality, and of right which have always heretofore, as I look at it, animated the Congress of the United States in making statutes for the government of our people and for the control of our great public concerns.

Mr. CALL. Mr. President, I shall vote for this bill with the amendment placed upon it by the Senator from Alabama and the Senator from Massachusetts, allowing the Cubans to come into the country during the present disorder, but I can hardly see the justification of the principles upon which the bill is based. Intercourse with foreign nations is either desirable or undesirable. If justification of the principles upon which the bill is based. Intercourse with foreign nations is either desirable or undesirable. If all commercial intercourse by the coming or going of the inhabitants of different countries is to be entirely prohibited, we return to the condition of China. If it is to be limited intercourse between the persons of different populations and different countries, how is it to be limited? This bill proposes to limit it by the ability to read and write, adding to it the exclusion because of criminal conduct contained in the act of Congress of which this is to be an amendment. Is that a test? Is a country filled with people who can read and write of necessity a country capable of advancing the arts of civilization? Does the skilled laborer, the man of inventive genius, always have this qualification accompanied by the capacity to read and write?

That is not my observation of mankind. It is desirable that the country should teach every citizen to read and write. That it is

country should teach every citizen to read and write. That it is a means of acquiring intelligence, that it expands thought, that it is a necessity for higher civilization is beyond doubt; but have we no need of the sturdy laborer in the intercontinental railroad between this country and South America, which is soon to be built? Do the great public works have no need of the sturdy hand and the strong limb and the muscle of the laborer who can not read and write? Is it true that we have in our country a dearth of

necessary employment—I do not mean from transitory causes, but a permanent surplus of labor, more than the necessities of this Western Hemisphere demand? I doubt it, Mr. President. I question that when we consider the vast area of desert land, with the as yet uncultivated land areas not only in this country, but of the as yet uncultivated land areas not only in this country, but of the adjacent Island of Cuba, capable of sustaining a population of 10,000,000 or 12,000,000, now only 1,500,000, which population will be supplied from this country, because it will not be six months after the recognition by this country of the independence of Cuba shall be made before there will be 100,000 Americans there, and their places will need to be supplied. So of Mexico. The overflow of our population will go into Mexico, it will go into the Central American Republics, and it is a grave question whether or not we should exclude the honest, the laborious, the capable laboring man of other countries who is not able to read and write.

of other countries who is not able to read and write.

I question the efficacy of this restriction. It would seem to me that it would have been the wiser policy, acknowledging the sovereign right of every nation to admit or exclude that class of population which would benefit or injure it, that in the treaty-making power there should be ample means of limiting or enlarging the admission of people of different countries into our country. We may say that we will not admit immigrants, persons coming here for a permanent residence. We may say that we will exclude them from coming into the country at all. We will let every man who can read and write come for a temporary sojourn, but we will not allow him, if he can not read and write, even to touch our soil.

In the treaty-making power we have the means of suspending all intercourse with foreign countries, or of opening or continuing

all intercourse with foreign countries, or of opening or continuing immigration or prohibiting it.

It seems to me that this is a serious defect, and that it will be wiser to establish some system of treaty stipulation by which we can exclude objectionable people from our shores, rather than by an act of Congress, which provides a restriction including all the sturdy laborers who may come from other countries, however good their character may be.

The question of suffrage or how far aliens should be admitted to the rights of suffrage and citizenship is an entirely different question. Residence and commerce rest on different grounds from itizenship and a participation in the government of a country.

Intercourse, commerce, and the advantages of it, or the disadvantages, is one thing and the participation in the government of a country is a different thing, and the reasons which demand the one and prohibit the other are entirely distinct. But I have no intention of going into this subject further. I shall vote for the bill with the amendment I suggest in deference to the opinion of

Mr. MILLS. Mr. President, as I intend to vote against this bill, I think it proper that I should briefly give some of the reasons which constrain me to that vote.

I do not believe that the ability to read and write constitutes the whole sum of what it takes to make a good average citizen of the United States. This is a change of the policy of our Government adopted at its very foundation. We are losing sight of a fundamental transfer with the transfer the leaves of the policy of the pol fundamental truth that was at the bottom of our Government when it was formed, that we were erecting on this continent a Government which was to be free and the home of a free people, Government which was to be free and the home of a free people, that it was to be the asylum of the downtrodden and the oppressed of other countries. We admitted all to come to our shores except paupers and criminals. The pauper who could do nothing to support the Government or to help build up the society which sustained him had no right to put himself upon our society to become a charge. The criminal is a violator of law, and we have a natural right to exclude all such from coming to our shores. That has been the policy of our Government from its foundation. That has been the policy of our Government from its foundation until the present time. Now, sir, it seems that the civil-service idea has taken such a hold upon the American people that we are extending it to the immigration of foreigners coming to this country; and we are, I imagine, to establish a civil-service commission to try these people so as to determine whether they can read and write, and whether they understand the Ten Commandments in white, and whether they understand the Ten Commandments in the Bible or the ten commandments in the Constitution which were referred to by the Senator from Alabama [Mr. Morgan].

I remember some years ago a distinguished citizen of the State of Ohio was telling me about some Irishmen who sought naturalization in one of the courts of Cincinnati. One of the judges told the leading Irishman who had his fellow-countrymen in charge to take them out, to read to them the Constitution of the United States,

to explain it to them, and see whether or not they understood it, and then to come back and report in court after he had performed this duty. He took them out and read the Constitution to them from beginning to end, explained it to them, and brought them back into court. The judge said: "Pat, have you read the Constitution to them?" "Yes, sir." "Have you explained it to them?" "Yes, sir." "Yes, sir." "Yes, your honor; they understand it and are delighted with it." [Laughter.]

So it is with a great many of our people who seem to understand

the Constitution and are delighted with it; yet, Mr. President, it is a fact which has existed from the beginning of our Government to the present day that the most intellectual men in our country do not comprehend it. The Senate and House of Representatives have been quibbling over almost every provision of that Constitution for a hundred years. The Supreme Court have declared at one time that the Constitution meant so and so and at another time they have said it did not mean that. They have been reversing their decisions over and over again and the arguments which have been made in this body and the other in the legislative branches, and all over the country by the most intelligent men, show that there has been a constant misunderstanding of both the provisions and the meaning of the Constitution of the United States.

States.

I am opposed to making an educational test of citizenship for those who are coming to this country. I am willing to receive them if they are not paupers and criminals and give them an opportunity to be educated and become good citizens here. Some of the very best citizens we have in this country are men who have come to us from foreign countries. Our forefathers were foreigners; great numbers of them could not read and write; and yet they laid the foundation of the greatest republic of the earth.

Mr. CAFFERY. Will the Senator permit me to make a suggestion to him?

tion to him?

Mr. MILLS. Certainly.
Mr. CAFFERY. The Constitution of the United States prescribes no qualification for suffrage. That is a matter within the

province of the States exclusively.

Mr. MILLS. Of course; and the State of Texas has just adopted an article of amendment to its constitution on the subject of

suffrage.

Mr. MILLS. Of course; and the State of Texas has just adopted an article of amendment to its constitution on the subject of suffrage.

But I was going to say that we have a great body of foreign people in this country who are good citizens. They are laborers; they have helped to build up this great hive of American industry, and there is room for more of them in the United States. Speaking for my own State, I would be glad to welcome 100,000 Germans to come to Texas; I would be glad to welcome 100,000 Fishmen; I would be glad to welcome 100,000 Fishmen; I would be glad to welcome 100,000 Scandinavians. There is a large number of these three races of foreigners living in the State of Texas. I have known many of them, and known them for many years, and I know them to be good citizens. Suppose that the people from some of these foreign countries wish to come and bring their children and they have not had the opportunity to have them educated under the despotic governments of Europe, they are to be kept away and to wait until they can educate their children, and the Government can make no provision for them. This is a free country. We have hitherto invited them to come and enjoy the blessings of liberty with ourselves, and now we say: "Because your government as despotic government and has enslaved you and your children and it is impossible for you ever to educate them, you shall be proscribed from coming to this country and enjoying the blessings of free government."

This is the only really free country in the world. It is a peculiar Government among the governments and nationalities of the world. This continent was dedicated to liberty when this Government was erected, to be the home of a free people, of a self-governing people, of a people who held their liberties in their own hands; and now we are told that the civil service must apply to the immigration of people coming from foreign countries, and a man or his children who can not stand the test of a civil-service examination must be remanded back to despotis

people in this country and in other countries who can not read and write. I doubt very much if one in ten of the men or women who first came to this country could read and write; but yet see what a precious heritage they have created in this country and bequeathed to us.

These, sir, are the reasons which constrain me to vote against this bill, and to preserve and persevere and continue in the policy of our fathers to keep the test of pauperism and crime the only test to be applied to foreigners coming to enjoy this heritage of

liberty with us.

Mr. CHANDLER. I understood the Senator from Texas to say that Texas was about to adopt an intelligence qualification of

Mr. MILLS. I said that Texas had already adopted an amend-

ment to her constitution in reference to suffrage.

Mr. CHANDLER. May I ask the Senator what that is?

Mr. MILLS. I do not remember just the exact provisions of it.
Mr. CHANDLER. Is it applying an intelligence qualification to voters?

Mr. MILLS. It is not. It is a residence qualification.
Mr. CHANDLER. The speech of the Senator from Texas would seem to me to be a sort of apotheosis of ignorance. The Senator has argued that we ought not to undertake to require the immigrants into this country who are capable of reading and writing to learn to read and write before they come here. The Senator denounces this and waves element over it at the restriction. denounces this and waxes eloquent over it, at the very same time that his own State and the State of Mississippi have adopted an intelligence clause to keep the negro from voting. Mr. President, it seems to me that the Senator ought to be willing that we should apply to immigrants coming into this country the simple test which the people of his State apply to keep ignorant negroes, as he would call them, from the ballot box. If the State of Texas is authorized in making that requirement as a condition of suffrage, it seems to me that the people of the United States have a perfect right to make it a condition of the admission of immigrants to enjoy the

make it a condition of the admission of immigrants to enjoy the citizenship of this country.

Mr. MILLS. Perhaps I ought to say, as to the amendment of the constitution of Texas, that I voted against it. I held the same views then that I hold now.

The PRESIDING OFFICER (Mr. Thurston in the chair). The question is on the amendment of the Senator from Alabama [Mr. Morgan] as modified by the Senator from Massachusetts [Mr. Hoar]. The Secretary will state the amendment.

The Secretary. It is proposed to add as an additional section the following.

the following:

SEC. 2. This act shall not apply to persons arriving in the United States from any port or place in the Island of Cuba during the continuance of the present disorder there: *Provided*, That such persons have heretofore been inhabitants of that island.

Mr. PALMER. I ask for the yeas and nays on that amendment. The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. COCKRELL (when his name was called). I am paired with the senior Senator from Iowa [Mr. Allison], who is de-

with the senior behavior from lowa [Mr. Allison], who is detained at home by reason of illness.

Mr. CULLOM (when his name was called). I have a general pair with the Senator from Delaware [Mr. Gray]. He not being present and I not knowing how he would vote, I withhold my

Mr. MARTIN (when his name was called). I am paired with

the junior Senator from Montana [Mr. Mantle], and therefore withhold my vote.

Mr. PASCO (when his name was called). I am paired with the Senator from Washington [Mr. Wilson]. If he were present, I should vote "yea."

Mr. SMITH (when his name was called). I have a general pair with the senior Senator from Idaho [Mr. Dubois], and therefore

withhold my vote.

The PRESIDING OFFICER (when the name of Mr. Thurston was called). The present occupant of the chair has a general pair with the Senator from South Carolina [Mr. Tillman]. If that Senator were present, the occupant of the chair would vote

that Senator were present, the occupant of the chair would vote "yea."

The roll call was concluded.

Mr. SHOUP. I have a standing pair with the senior Senator from California [Mr. White], and therefore withhold my vote.

Mr. GEAR. I have a general pair with the senior Senator from Georgia [Mr. GORDON], and therefore withhold my vote.

Mr. McBRIDE. I have a general pair with the senior Senator from Mississippi [Mr. GEORGE], but I transfer that pair to the Senator from Wyoming [Mr.WARREN], and vote "yea."

Mr. PASCO. I transfer my pair with the Senator from Washington [Mr. Wilson] to the Senator from Indiana [Mr. Voorhees], and vote "yea."

Mr. CARTER. I inquire whether the junior Senator from Maryland [Mr. Gibson] has voted?

Maryland [Mr. Gibson] has voted?
The PRESIDING OFFICER. The junior Senator from Maryland has not voted.

Mr. CARTER. Having a general pair with that Senator, I with-

hold my vote.

Mr. PALMER (after voting in the negative). I desire to inquire whether the Senator from North Dakota [Mr. Hansbrough] has voted?

The PRESIDING OFFICER. He has not voted.

Mr. PALMER. Then I withdraw my vote, as I have a general pair with that Senator.

pair with that Senator.

Mr. MITCHELL of Oregon. I desire to inquire if the senior Senator from Wisconsin [Mr. VILAS] has voted?

The PRESIDING OFFICER. He has not voted.

Mr. MITCHELL of Oregon. Then, as I am paired with that Senator, and the Senator from Illinois [Mr. Palmer] is paired with the Senator from North Dakota [Mr. Hansbrough], I suggest that we transfer our pairs.

Mr. PALMER. That is satisfactory to me, and I vote "nay."
Mr. MITCHELL of Oregon. I vote "yea."
Mr. NELSON (after having voted in the affirmative). Has the
Senator from Missouri [Mr. VEST] voted? If not, I desire to withdraw my vote, as I have a pair with him.
The PRESIDING OFFICER. The Senator from Missouri has

not voted.

Mr. NELSON. Then I withdraw my vote.
The result was announced—yeas 47, nays 6; as follows:

YEAS-47.

Bacon, Baker, Bate, Berry, Biackburn, Brown, Burrows, Butler, Call, Cameron, Cannon,	Chaliton, Clark, Davis, Dubois, Elkins, Faulkner, Frye, Gallinger, Gorman, Harris, Hawley.	Lodge, McBride, McMillan, Mantle, Mills, Mitchell, Oreg. Mitchell, Wis. Morgan, Morrill, Pasco, Peffer.	Platt, Proctor, Quay, Roach, Sewell, Stewart, Teller, Turpie, Wetmore, Wolcott.
		NAYS-6.	
Caffery, Hill,	Lindsay, Palmer,	Pettigrew,	Walthall.
	NOT	VOTING-36.	III da Gerra
Aldwigh	Gaorga	Tones New	Sonire

Aldrich, Allison, Blanchard, Brice, Carter, Cockrell, Cullom, Daniel, Gear,

George, Gibson, Gordon, Gray, Hale, Hansbrough, Hoar, Irby, Jones, Ark.

Martin, Murphy, Nelson, Pritchard, Pugh, Sherman,

Squire,
Thurston,
Tillman,
Vest,
Vilas,
Voorhees,
Warren,
White,
Wilson.

So the amendment was agreed to.

Mr. ELKINS. I wish to call up the amendment which I have heretofore offered.

The PRESIDING OFFICER. The amendment submitted by

the Senator from West Virginia will be read.

The Secretary. It is proposed to add the following as an additional section:

SEC. 3. That in addition to the restrictions now provided by law there shall be collected a head tax of \$10 on all immigrants coming to the United States in vessels not of the United States; and any and all clauses in existing treaties in contravention hereof, and all acts of Congress contrary hereto, are hereby abrogated and repealed.

Mr. FRYE. Did the Senator from West Virginia consider at all the effect that his amendment might have to compel all the

immigrants to go into Canada and then come across on the cars?

Mr. ELKINS. They would not then come in vessels of the Mr. ELKINS. They would not then come in vessels of the United States. Immigrants from Canada merely cross the river or the border.

Mr. FRYE. But suppose the vessel lands them in Canada?
Mr. ELKINS. Then it would apply to them, I should think.
Mr. FRYE. It would not apply to them if the vessel landed them in Canada, because we can not legislate so as to impose a tax on an immigrant who lands in Canada.

Mr. ELKINS. If they want to come to the United States by want.

Mr. ELKINS. If they want to come to the United States by way of Canada it would be a restriction in a certain sense, but they would rather come in vessels of the United States or pay the head tax than come by Canada, because in the end it would be more

expensive.

Mr. FRYE. I should think the effect of it would be as I have stated, although the Senator from West Virginia knows better

than I do.

Mr. ELKINS. When I drew the amendment I inserted the prowision abrogating "any and all clauses in existing treaties in contravention hereof." On further examination, however, I find that the amendment will not abrogate any treaty of the United States with any foreign government. The amendment, to my mind, offers an opportunity to Congress to restrict immigration, or failing to do so encourage American chiralysis. I believe all posting to do so, encourage American shipping. I believe all parties have declared in favor of the principle of restriction. The amendment would also encourage American shipping. It is easily understood, and I think it will accomplish to some extent both purposes.

Mr. NELSON. Mr. President, I regret that I have to differ with my amiable friend the Senator from West Virginia [Mr.

ELKINS] in reference to this amendment. I heartily concur in and ELKINS] in reference to this amendment. I heartily concur in and approve of the bill as reported from the committee of which I am a member, especially as modified by the amendments of the Senator from New Jersey [Mr. Sewell] and the Senator from Alabama [Mr. Morgan]. I think the policy of an educational test is entirely in harmony with the principles of our institutions and our form of government. Our Government is based on the foundation of education and intelligence. It is a Government in which all the people have a voice, and such a Government can only prosper and exist if it is based upon intelligence. A government with popular suffrage in the hands of ignorant, uneducated

people, like certain peoples of the Old World, especially in the Russian Empire, would be as dangerous as gunpowder in the hands

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of a child before a blazing fire.

of a child before a blazing fire.

Free governments, free constitutions, can only flourish and exist where the people are intelligent, educated, and cultivated. So, in harmony with our institutions and our form of government, it is just and proper to make this educational test. We have a right—it is not only a right inherent in every government, but we have peculiarly that right, being the freest Government on the face of the earth—to say to immigrants when we admit them to fellowship among our own people that they shall approximate the standard of the intelligence and culture of our own people.

But this amendment destroys the singleness and unity of the pending measure a chief factor of its strength. The amendment

pending measure, a chief factor of its strength. The amendment seeks to enforce another test, ostensibly on the plea of encouraging or building up American commerce. It will do nothing of the kind, Mr. President. A mere tax of \$10 a head can neither bring us any revenue—at best it would produce only a paltry three to four million dollars a year--nor increase our commerce on the high four million dollars a year—nor increase our commerce on the high seas. We can not increase it by any such method. Neither would it in a material degree retard immigration. All that it would accomplish would be merely to impose a burdensome tax upon those whom I regard as among the best and worthiest of our immigrants. There are two classes of immigrants that I think are undesirable. It is not only the criminal, the ignorant, whom we should exclude, but I do not think we crave any capitalists or men of wealth in this country. I think it is the people who represent the middle classes, the people without any money reserve, the intelligent working people of the Old World, who are the most desirable of our immigrants.

The amendment amounts to nothing but a tax, a burden. Let

The amendment amounts to nothing but a tax, a burden. Let us look at the state of the transportation lines which are plying between this country and Europe. The Government report shows that there are upward of 300 foreign vessels which are licensed to carry passengers, but leaving those out of the question which chiefly carry freight, and taking into account only the great transtanting responsers, lines we find this to be the state of the case. atlantic passenger lines, we find this to be the state of the case. There are the following foreign lines, with the following number of steamers and ports of destination:

Die Ste	amers.
Vhite Star Line—to Queenstown and Liverpool	6
led Star Line—to Antwerp Inchor Line—to Glasgow, Leghorn, Genoa, and Naples Junard Line—to Liverpool and Queenstown	6
Chingvalla Line—to Christiania, Copenhagen, and Stettin Iamburg-American Line—to Hamburg Iolland-American Line—to Rotterdam and Amsterdam	8
rench Line—to Havre .llen State Line—to Glasgow .tlantic Line—to Naples, Genoa, and Leghorn	2
Total	49

As against this total of foreign lines and steamers we have only one line, the American Line, with 4 steamers, running only to Southampton. Out of a total of 53 steamers—passenger steamers—that are plying across the Atlantic, we have only 7½ per cent. It is evident, therefore, that to put a tax of \$10 a head upon every passenger who does not come in an American ship would not help to encourage American shipping, would not retard immigration; it would merely impose a head tax upon humanity.

I would rather vote for a bill which would exclude immigration altogether than to yote for a measure of this kind. I think one of

altogether than to vote for a measure of this kind. I think one of the last subjects of taxation to which we ought to resort in this country is a tax upon our common humanity, upon those who are less fortunate than we are. That would make this country, now the land and the home of the free and the model country of the world, the most mercenary and most selfish of all the nations on

the face of the earth.

Mr. President, we can not build up the commerce of this country by any such Lilliputian and paltry plan. I have in my hand a list of the five leading maritime nations of the world, with the tonnage of their merchant marines. First, at the head of the list, is Great Britain, with a total tonnage of 12,293,539 and 40,000,000 people. Next comes the United States, with a tonnage of 2,234,725 and 72,000,000 people; next comes the German Empire, with a tonnage of 1,943,761 and 45,000,000 people, and fourth comes little Norway, with 1,669,468 and only 2,000,000 people. Next to Norway comes France, with 1,129,575 tons and 39,000,000 people. Having lived nearly all my life on the broad prairies of the West, the next reader to the broad pr

I do not understand this question of shipping as I would like, but I know that the little country of Norway, with only 2,000,000 of people and a merchant marine the fourth in the world, makes a success in that line on the ocean by methods entirely different, in

some respects, from those which have been pursued in this country, and while I believe in the principle of protection, I have sometimes thought we could learn a lesson from some of the countries of the Old World in the way of encouraging American shipping and increasing our merchant marine.

But I shall not enter into a discussion of that question at this time. I submit again that the amendment is entirely out of har-mony with the spirit of the bill; that it can not increase our merchant marine; that it can not materially retard immigration; that it can only be a tax and burden upon the best and most desirable of our immigrants, and that for these reasons it ought not to

or our immigrants, and that for these reasons it ought not to be injected into this wholesome measure.

Mr. ELKINS. Mr. President, like my colleague, the Senator from Minnesota [Mr. Nelson], I do not care to go into any extended discussion of the amendment. I believe that the average number of immigrants coming into this country annually for the last ten years, according to the Commissioner's recent report, is about 425,000. The foreign steamship lines make out of this business, on an average, \$20 a head. From some countries it is greater and some countries less, but I take it from what I can gather from statistics that it is about \$20, or something over \$8,000,000 per annum. This \$8,000,000 is paid to foreign shipowners for the transportation of immigrants to this country, and one of the evils growing out of immigration to the United States, to my mind, is that those foreign shipowners and this foreign shipping interest, through their agents abroad, encourage persons all over Europe to come to this country for the sake of the money the steamship lines get out of the business. Everybody who can raise enough money or have it provided who wants to come to the United States is reached by the agents of the steamship companies and brought to this country. In some way or other paupers and criminals are supplied with money to come to this country; the cities of Europe get rid of this population largely by the aid of foreign shipping interest. number of immigrants coming into this country annually for the shipping interest.

shipping interest.

I do not agree with the Senator from Minnesota when he says that the amendment is prohibitory. There is a way left open in the amendment by which the immigrants can reach this country without paying the head tax. It is by coming in American ships. It is humiliating, I confess, that we have only one American line, although the Senator omitted to state that a great many immigrants come to the United States in sailing vessels. But I venture to state that the present American line can bring all the immigrants to this country that want to come in American ships, and grants to this country that want to come in American ships, and would be willing to engage to do it. If the present American line could not bring all the immigrants, then other lines would be established at once. There is about \$8,000,000 in the business per annum, and I am sure that if the amendment prevails the American shipowners will get some of this traffic. The amendment does not necessarily exclude people who want to come to this country. I hope it will not always be the case that we will only have one American line to Europe, but that we may have many, and regain

American line to Europe, but that we may have many, and regain the commerce on the seas which we once enjoyed.

In discussing the amendment, I will not go into the subject of American shipping. I do not offer it as the best means of promoting American shipping; far from it; but it is one of the means, and it is the sense of this country, if I understand it, agreed to by nearly all parties, that there should be some proper restriction.

The amendment would be in a certain sense upon immigration. The amendment would be in a certain sense a restriction, and if not a restriction, it would encourage American shipping.

It would not hurt an immigrant to come to our country in an American ship, and by doing so he could come as cheaply as now

American ship, and by doing so he could come as cheaply as now and at the same time encourage American shipping.

Mr. CHANDLER. I am unable to vote for the amendment, and I will state briefly my reasons. The amendment is very adroitly contrived by the Senator from West Virginia [Mr. Elkins], who is always zealous and astute in behalf of any cause he seeks to promote to kill two birds with one stone—to help the American steamship lines and to limit immigration. I am unable to follow the Senator in his attempts to do both of those things by means of this amendment. I am willing to vote to aid the American line of steamships. I believe it now has a large subsidy in the way of mail money from this Government. During the last session we passed a law giving to that steamship line the exclusive carriage of express packages between Europe and this country by a discrimination which we made. If it is necessary to keep the American line running, or to establish another American line, I am willing to vote to aid the lines from the Treasury of the United States to any reasonable extent, but I am not in favor of doing it by imposing a head tax upon immigrants coming to this country.

I am in favor of as rigid immigration laws as any Senator in this Chamber. I have endeavored to contribute to the enactment of laws for the limitation of immigration, but the policy as to the imposition of a head tax has been to levy only such a head tax as would pay the expenses of administering the immigration laws. It is right to pay for administering the laws, to pay for taking care but there is no way, if the Senator will allow me, to define it. If any distinguished European citizen comes to this country we do not interrogate him as to whether or not he intends to remain.

Mr. MORGAN. If, as the Senator will allow me, to define it. If any distinguished European citizen comes to this country we do not interrogate him as to whether or not he intends to remain.

Mr. MORGAN. If, as the Senator from New Hampshire asserts, there is no way to make a definition on this subject, or to make a

of the paupers who come here through the year, after they come, to sustain them until they can be sent back to their native country. That principle is justifiable—to make the immigrants pay the expenses of administering these laws. But, Mr. President, the last thing in the world that this country ought to do is to raise money by putting a tax upon immigrants coming here, to be put into the Treasury of the United States. A tax of one or two dollars a head pays all the bills. If this tax is imposed, we will take out of the pocket of every immigrant who comes here \$8.

So far as the imposition of the tax might tend to keep immi-

grants from coming, I sympathize with the motive, but we have to consider it with reference to the immigrants who come. an immigrant comes here, a single man, a single woman, a man and wife, or family, if there is any good use to which they can put \$8 each that will benefit this country it is to their own use. They need it when they come here. They are not allowed by existing laws to come here with any contract that they may go to work and earn a living. If they have any such contract, either express or implied, they are sent back, and so they come here poor and, as we are going to require now, intelligent immigrants to become a part of our social and political system. They come here to go out on the Western prairies, into the State of the Senator who addressed the Senate in opposition to the amendment, to make their homes there. The very best use to which that money can be put is to leave it in the hands of the immigrant, and I for one repudiate the idea that under any policy of restriction of immigration the United States ought by a head tax to take money out of the immigrants who come here and seek to become citizens of the United States and put it into the Treasury.

Mr. MORGAN. I desire to ask the Senator from New Hampshire a question before he takes his seat.

The PRESIDING OFFICER. Does the Senator from New

Hampshire yield to the Senator from Alabama?

Mr. CHANDLER. Certainly.

Mr. MORGAN. I find no definition in the pending bill, and I find none in any law which I have seen yet, as to what it is that constitutes an immigrant. That particular character who is denounced in this bill and kept out of the country because he can not

read is not defined in any statute so far as I know.

Mr. CHANDLER. It is not defined anywhere, I will say to the Senator. The duty of determining whether a person who comes to this country has come as a visitor or has come as an immigrant has to be left necessarily to the immigration officers who adminis-

ter these laws.

Mr. MORGAN. The man comes; he lands in Philadelphia or Boston, and he is inquired of by the immigration agent whether he is an immigrant. He says, "No; I am a visitor." How soon is he compelled to return to his country if he gets in here as a visitor? Mr. CHANDLER. Practically, the question is settled by exercising a stricter supervision over steerage passengers than over

cabin passengers. At the same time the immigration inspectors cabin passengers. At the same time the immigration inspectors do examine the lists of cabin passengers and take all the pains they can to apply the immigration laws to cabin passengers as well as to steerage passengers. But necessarily the question whether a person comes as an immigrant or as a visitor must be decided by the immigrant inspector at the docks on our seaboard. Mr. MORGAN. After all, it is a question of intention on the part of the immigrant, and there is nobody who can decide the intention but the immigrant himself. No man can inspect another man's mind or heart and find out what he means to do

another man's mind or heart and find out what he means to do except by what he says. When the man lands at Boston and is inquired of whether he is an immigrant, he says: "No; I am not an immigrant." He does not say he will not become one to-morrow. He does not say that to-morrow he may marry some woman in this country and make up his mind to live here permanently. Mr. CHANDLER. What is the object of the Senator in mak-

ing the inquiry?
Mr. MORGAN.

Mr. MORGAN. My difficulty— Mr. CHANDLER. I will say to the Senator that the present head tax of \$1 is imposed not only upon immigrants, but on all passengers. The present \$1 head tax, which we use to pay the expenses of administering the immigration laws, we collect from every passenger who comes by sea from a foreign country except American citizens.

Mr. MORGAN. My object in making the inquiry is to ascertain whether there is in this bill which we are proposing to enact, or in any law of the United States, a legal test of who is an immigrant, because unless you make a test of that kind the law is entirely at the mercy of the man who comes here to say whether

he is an immigrant or not.

Mr. CHANDLER. That may be a defect of the existing system, but there is no way, if the Senator will allow me, to define it. If any distinguished European citizen comes to this country we do

law by which a man can be excluded as an immigrant because he comes in that character, of course he is bound to say that the law we are trying to enact is of no use. If you can not enforce the law against the man's declarations, whether the declarations are false or not, of course the law is of no service. He can evade it by merely making a declaration of his intention to be or not to be an immigrant, and yet after he has landed here he may in a day change his intention from that of a mere visitor to that of an immigrant to this country for purposes of settlement and natu-

I call the attention of the Senate to this subject because I believe this legislation is not going upon the proper line. I believe that the way to reach the evil we are trying to remedy, in addition, if you please, to what you have in the pending bill, is to make it applicable to the right of naturalization, to make it applicable to the right to file an application to become a citizen. For instance, provide that no man can become a citizen of the United States by naturalization unless he can read and write in some language. The law might declare that no man can become a citizen of the United States except upon an application filed after five years of ornited States except upon an application field after five years of permanent residence in the United States and proof of good character. We might raise the time to five years in reference to citizenship. If you apply your legislation to that subject, then you will have some chance to enforce penalties and restrictions upon foreign immigration. But if you leave it merely to the declaration of the immigrant himself as to whether he is coming here as an immigrant of college a visitor your leave an not possible. an immigrant or only as a visitor, your law can not possibly

an immigrant or only as a visitor, your law can not possibly amount to anything.

Mr. STEWART. Mr. President, I hope the bill will pass as reported by the committee. If it should be found after testing it that it is leaky, we can apply the exact remedy. It certainly has very important provisions in it. The clause for a test as to reading and writing is important in many respects. I will state that I have given a little attention to the condition of our insane asylums, and I am informed in a general way that more than three-fourths of the insane in many of the States are foreigners. I visited the insane asylum of Nevada recently, while I was at home, and I ascertained that over 90 per cent of the inmates are foreigners. The physician in charge told me that the majority of those of foreign birth had been insane practically from infancy. They never had been competent to take care of themselves; they had always been helpless; and he explained the reasons, stating what ailed them.

what ailed them.

what ailed them.

Certainly if you apply the test of reading and writing it will exclude that class of imbeciles who are becoming a tremendous charge in the various States. I think very important information would be obtained if we could have reports from the different States as to their insane asylums, giving the percentage of foreigners and the percentage of those who have been always helpses. I think it would show that Europe has been sending to this country vast numbers of imbeciles whom we put in our insane asylums as insane who never were sane, and whom it was the duty of the foreign countries to provide for. Applying this test will stop that evil.

stop that evil.

Further investigation will show how very extensive it has been.

I believe that if we should pass this bill as it is, when it went into I believe that if we should pass this bill as it is, when it went into operation we would learn any defects it may have, and a slight amendment would correct them. I do not now see how we can apply the provision to charge a certain amount of money, with a guaranty that the immigrant will go back, and all that. That complicates it. We do not know how to do it. Nobody seems to be clear as to how it would work. The bill as reported is certainly simple; its provisions can be executed; I think it will be very valuable; and I hope it will pass as it comes from the committee.

Mr. PERKINS. Mr. President, I can not agree with my friend from New Hampshire that the amendment offered by the Senator from West Virginia is imposing a head tax upon immigrants into

from New Hampshire that the amendment offered by the Senator from West Virginia is imposing a head tax upon immigrants into this country. The amendment, if I understand it correctly, provides that those who come to this country as immigrants in ships flying the Stars and Stripes shall have a special concession made to them of \$10 per head. Surely, Mr. President, it seems to me any immigrant inspired by the right principle, who comes here with the right motives, because he is attached to our institutions and desires to better his condition and become a citizen of this Republic, would wait a week or two and take passage in an American ship. It is a proper elementary school for him to take his first lesson in American citizenship by being under the influence of a ship flying Old Glory at her peak, officered by American citizens, and with a crew composed mostly of American citizens. citizens, and with a crew composed mostly of American citizens. I think it is a wise provision that this amendment should be incorporated into the law, for after the immigrant has made the passage across the Atlantic Ocean surrounded by those influences he porated into the law, for after the immigrant has made the passage across the Atlantic Ocean surrounded by those influences he will, perhaps, be better able to fully appreciate the beneficent influences that are to surround him in the country which he proposes to make his future home.

It is a right step, too, I think, to give this crumb of comfort,

financially, to American ships. The English line of steamers, which has been referred to by my friend from Minnesota, the German line of steamers, the French line, the Italian line, are all receiving large subsidies from their respective Governments, amounting to treble, ayequadruple, that paid to American ships, and it is proper, I think, that this discrimination should be made in favor of our own vessels. It is a crumb of comfort, and at the same time it is civilized as a compared to our American ships, and it is civilized to the compared to our American ships, and the same time it is civilized as a compared to our American ships, and it is civilized to the compared to our American ships, and the same compared to our American ships, and the same compared to our American ships.

time it is giving encouragement to our American shipbuilders in leading them to hope that Congress will hereafter do more for them.

There is another phase of this question that has not been presented here. In the State of California we were flooded a few years ago by Chinese who came into that State and the other States of the Pacific Coast. It was only after appealing to Congress for many years that relief came to us and that class of servile labor was prevented, in a degree, from overrunning our State and taking the bread from our own people who were seeking, and and taking the bread from our own people who were seeking, and are to-day seeking, employment. But we are threatened and menaced by another evil almost as great. There is the Japanese menaced by another evil almost as great. There is the Japanese nation—the Yankees of the West, you may call them. They are coming into the States of Oregon and California and they are making their way East. Wages for skilled labor in Japan are one-tenth of the amount they are in this country, and for ordinary workmen perhaps an amount twenty times less than here is paid. Already the Japanese Government is offering a subsidy. I have the figures here with me. It is almost appalling to our American shipowners to think that the Japanese Government to-day is offering a subsidy of 25 cents on a minimum tonnage of 700 tons register. It is one quarter of a dollar of our money per ton for a thousand miles run at a minimum of 10 knots speed per hour; and there is an extra 10 per cent for each 500 tons of increased tonnage over a thousand tons and up to 6,000 tons, and a speed suband there is an extra 10 per centror each 500 tons of increased ton-nage over a thousand tons and up to 6,000 tons, and a speed sub-sidy increase of 20 per cent for each knot over 10 knots additional speed up to 17 knots. I do not want to weary the Senate by giving the data in relation to what they are doing to encourage their ships which are bringing emigrants from that country, who are immigrants into this country, to compete with our people; but the subsidy on a ship of 5,000 tons register of foreign build making 15

subsidy on a sinp of 5,000 tons register of foreign build making 15 knots speed amounts in round numbers to \$31,500 per voyage between the ports on the Pacific Coast and Japan.

Mr. FRYE. The round trip?

Mr. PERKINS. The round trip, paying the expenses really of the ship for the round voyage between Japan and the Pacific Coast. Is it a tax upon immigrants to say that if they come in those ships subsidized by the Japanese Government they shall pay \$10 more than when they come in an American-built ship manned

by Americans? I can not agree with my friend from New Hampshire in the position he takes upon this question.

Referring to the remarks of my friend from Minnesota [Mr. Nelson] on the great progress made by the Scandinavians of Denmark, Norway, and Sweden in their successful navigation of the ocean, let me ask why it is. There are two reasons, but the principal reason is because their wages are but 25 per cent of the sum which we are paying those who man our American ships. The Scandinavians are the best sallors in the world and they are among Scandinavians are the best sailors in the world and they are among the best citizens we have in this country; but it is not the fault of foreigners that they do not come here and dominate our coast trade and take it from us and pay the small wages they are paying in those countries.

Only a few days ago I read in one of the exchanges that English shipowners had placed some of their ships under the Norwegian flag. Why? Because the sailors' associations of those countries why? Because the sallors' associations of those countries were not so organized that they could command the wages that were paid by the English shipowners; and the reason why the number of ships under the flag of Norway and Sweden to-day is increasing is simply because they operate their vessels cheaper than we operate our vessels.

But I will not weary the Senate. I hope the amendment will be adopted. It is on the right lines. It is on the lines of progressive American shipping interests. It is on the lines of true Americanism. The immigrant is not worthy to come to this country and become an American citizen if he will not wait one week, aye, two weeks, to come in an American ship, and thereby save the \$10 that my friend from New Hampshire says is a head tax imposed upon

Mr. HILL. Mr. President, in my humble opinion the pending amendment is entirely in the wrong direction. There are several grounds upon which the amendment is defended. First, upon the ground that we need the revenue; second, upon the ground that it is desirable for the purpose of hindering and preventing immigration, and, third, upon the broad ground that it is necessary for the purposes of protection.

country bills can be introduced for that purpose, having for their direct and principal object the raising of revenue. If Senators desire to restrict immigration there are ample methods by which

desire to restrict immigration there are ample methods by which to do it. If they desire to prevent all immigration an amendment can be made to this bill for that purpose.

Again, the amendment is defended upon the high ground—the high and lofty ground, if I may use that word—of protection. It is the principle of protection run mad that you are to seize hold of this subject of immigration, which should be treated upon higher and different ground that the high world restrict the test of the series of t higher and different grounds than that which would regulate the question of protection. You are to take hold of it and use it for the purpose of giving a monopoly to certain ships that sail across the Atlantic, and upon that ground you are to place substantially

the Atlantic, and upon that ground you are to place substantially the entire immigration of the country.

Mr. President, where does this lead? If we are to protect American shipping by this discrimination, why limit it to the ten-dollar matter? Why not provide that there shall be no immigration at all, except by those who come over in American ships? That is the bold, that is the manly way of reaching the point desired to be reached. But it is proposed to take hold of the taxing power of the Government and do indirectly what they have not the courage

the Government and do indirectly what they have not the courage to do directly.

Mr. President, where will this lead? Is it so necessary for the interests of this country to build up the passenger service and freight service of American ships that we must violate every just principle of legislation to do it? Have there not been enough steps in the wrong direction heretofore? What will we hear at the extraordinary session which yesterday seemed to be conceded by both sides of the Chamber would be convened? When the tariff bill comes before the Senate, if this principle shall be sustained and approved now, we will hear the argument advanced that certain rates of duties shall be placed upon articles, but that those duties shall be reduced if they come here in American botthat certain rates of duties shall be placed upon articles, but that those duties shall be reduced if they come here in American bottoms. That is the principle that will be insisted upon. It will be claimed that you must take away all the taxing power of the Government, which gives you a right to discriminate upon the duties that you shall provide; that if the goods come in American ships they shall pay only so much; and if they shall come in other ships they shall pay so much more—losing sight of the great and high purpose of the Government in the raising of revenue by the taxing powers of the Government. Unquestionably that will be resorted to when the tariff shall be again revised. It is the spirit of paternalism run mad. It is an effort on your part not to legislate directly in a manly way, in a straightforward way, in the lines that you want. If you want more revenue, introduce your revenue bill. If you want to restrict immigration, restrict it in some proper and legitimate way. If you want to protect American industries, it must be done in some other way than by using the taxing power of the Government to build up monopolies.

the taxing power of the Government to build up monopolies.

Mr. President, upon every sort of ground it is a bad principle which is invoked here, and the amendment ought not to be

adopted.

Mr. WOLCOTT. Mr. President, I am very glad that the Senator from California [Mr. Perkins] and others who advocate the pending amendment have abandoned the notion that it is in the slightest degree restrictive of immigration or intended in the control of the control slightest degree to affect favorably the immigration to this country. The open purpose of the amendment is to further subsidize certain steamship lines. We have had a good deal of experience in the Senate with these American lines of steamers. We pay to-day \$14,400 for every trip the ships make from New York to Southampton. We pay them \$4 for every sea mile they travel as a bonus for carrying the American flag upon a line which has two ships, and two ships only, which were built in this country. Not only that, Mr. President, but when the bill allowed them \$4 a mile they contended successfully that a mile meant a land mile and not a sea mile and so a few thousand dollars a trip was added and not a sea mile, and so a few thousand dollars a trip was added to that subsidy. In the last half of the last session of Congress we passed a law which provided that nobody could ship an express package of a small size, of certain dimensions, unless he shipped it by an American line of steamers.

That much we are doing for the line, and now we are asked to legislate as to the steamers which, so far as the Atlantic trade is

legislate as to the steamers which, so far as the Atlantic trade is concerned, sail practically only from Southampton that every immigrant must come by that line or pay a penalty of \$10. It will defeat its purpose, Mr. President. It will defeat the purpose of the makers of the amendment. The effect of it must be of course that the other lines will have to carry their passengers for \$10 less than an American line will carry theirs for, and the American line will receive the benefit of \$10 upon each passenger.

If that were the only effect we could bear it with equanimity, But it is going to have a more far-reaching effect. It means that the St. Lawrence River will be filled with steamers bringing immigrants to the United States. It means on the other side of the ocean that the lines to Vancouver of the Canadian Pacific will bring the immigrants and land them at Vancouver. Wherever

bring the immigrants and land them at Vancouver. Wherever

an immigrant comes by land to this country he is exempted from

the provisions of the law.

Then, further, look at the hardship that is imposed upon the Then, further, look at the hardship that is imposed upon the immigrant. Among the best immigrants we get are the few we get from France, the immigrants from Norway, and elsewhere. Those people have got to come to Southampton to take their steamer, and they have got to pay that additional expense. That they must pay or else they must forfeit the sum of \$10, which neither restricts immigration nor affects it in any way except to impose an additional and unjust burden and hardship upon the immigrants to this country, whom we welcome under the conditions prescribed in the pending bill.

Mr. LODGE. Mr. President—

Mr. MORGAN. Will the Senator from Massachusetts allow me

to offer an amendment to the amendment before he proceeds with his remarks?

Mr. LODGE. Certainly.
Mr. MORGAN. I offer the amendment which I send to the desk.
The PRESIDING OFFICER. The amendment to the amendment will be read by the Secretary.

The Secretary. Add the following to the amendment already

Seagoing vessels built in any foreign country, that are owned exclusively by citizens of the United States who reside therein, shall be entitled to all the rights and privileges of vessels built and owned in the United States, as to registry and nationality, except as to the coastwise trade, upon the payment of an ad valorem duty of 20 per cent at the time of making the registry

Mr. LODGE. Mr. President, I am entirely in favor of the principle of discriminating duties in favor of American shipping. I do not know that I am opposed to a head tax on immigrants. I think that this amendment complicates the bill with a question which ought to be kept entirely apart from the question of immigration.

A great many Senators who are in favor of the pending bill as it stands would be opposed, and properly opposed, very probably, to the introduction into it of provisions which bring up totally different principles of legislation upon which parties are divided.

ferent principles of legislation upon which parties are divided. As it now stands it is not in any sense a party measure. If we add to it an amendment prohibiting discriminating duties we immediately carry it into the region of the much-mooted tariff question.

It will be seen from the character of the free-ship amendment, offered by the Senator from Alabama, just where it would lead us. Speaking as the chairman of the committee in charge of the bill, I should regret very much to see the bill, which I deem of very great importance, complicated by other and extraneous questions. However much the propositions of the original amendment commend themselves to me on independent grounds. I think it is the mend themselves to me on independent grounds, I think it is the part of wisdom not to add this amendment to the bill, and I trust

Mr. SEWELL. Mr. President, I desire to correct the impression which seems to have been created in connection with the American Steamship Line. From an intimate knowledge of the affairs of the line, I think I can state positively that they had no interest in and no knowledge of the amendment. While I agree with the Senator from Massachusetts that it would be a good thing some day to take up the question of discriminating duties, I do not want this company, who are doing their full duty to the country, to be saddled with the odium of trying to get money in

Mr. CHANDLER. I move that the amendment and the amend-

ment to the amendment be laid on the table.

Mr. ELKINS. Mr. President—
Mr. CHANDLER. I withdraw my motion for the present.
Mr. ELKINS. In justice to the American Line, and answering the question asked by the Senator from New Jersey, I wish to state that I do not think any officer of that line or anybody interested in it knew anything about the introduction of this amendment. I never discussed the matter with any person connected with the American Line, and I do not know whether the American Line favors the amendment or not. I state that for the information of the state of of the sta Line favors the amendment or not. I state that for the informa-

Inter layors the amendment or not. I state that for the information of the Senator from Colorado.

Mr. WOLCOTT. I did not hear what the Senator stated.

Mr. ELKINS. I only know one officer of the American line, and no officer of the line and no one interested, so far as I know, knew anything about my introducing the amendment. I introduced it long access an original hill

duced it long ago as an original bill.

Mr. WOLCOTT. I certainly did not mean to intimate that this bill was being pressed by the American Steamship Line. I have no doubt the Senator from West Virginia intended it as a

Christmas present to the American Line without their knowledge.

Mr. ELKINS. I should like to help the American Line, and I tell the Senator from Colorado I should like to help all American steamship lines and help American shipping generally.

Mr. WOLCOTT. So would I.

Mr. ELKINS. But the Senator is entirely wrong in saying that

there was any purpose here to benefit them directly or that the bill concerns them in any way so far as I have anything to do with it. It was not introduced at their request and I have never

with it. It was not introduced at their request and I have never spoken to any officer or agent or any person connected with or interested in the American Line on the subject.

The Senator from Colorado makes the point that Chinese and Japanese coming to the United States, to save \$10, will land at Vancouver. When a Japanese wants to get to Colorado he would have a hard time to save \$10 by paying out \$50 to come by railroad from Vancouver to Denver. Even the Japanese know more than this. this. The Senator also declares the St. Lawrence River would be filled with ships bringing immigrants to the United States who want to avoid the payment of the ten-dollar head tax. But suppose they wanted to come to West Virginia. They would have to pay \$25 or \$30 to come by rail, in order to save \$10. I say to the Senator from Colorado this fully answers the practical point raised by him.

Now, Mr. President, here is an opportunity to make a distinction between foreign ships and home ships, American interests and foreign interests. I am not afraid to stand here and advocate American shipping and American interests. from New Hampshire is entirely mistaken when he calls this a head tax. Any immigrant coming into this country can avoid this tax by coming in an American ship; and I repeat, that it would help not only the American Line, but it would help American lines that might hereafter be established, and American ship-

ping generally.

American shipping needs all the aid it now enjoys and more to

sustain itself against English opposition.

I doubt whether the American line can live even with the aid from the Government it now enjoys. It is a great question—one full of doubt. Where the United States gives one dollar toward aiding American shipping, England gives three times as much to encourage English shipping. If we pursue our present policy, no matter how liberal it may seem, England will in time drive our ships off both the Atlantic and the Pacific.

I believe it to be the sense of this country and the judgment of the people of this country, particularly the wage earners, that there should be some restriction which is substantial and not

theoretical and sentimental upon immigrants coming here to

compete with the American laborer.

I believe, again, that at all times and on all occasions and whenever an opportunity offers we ought to encourage American shipping. The Senator from New York is entirely mistaken in the statement that nobody wants the revenue which may come from this provision. I admit it is not nor was it intended as a revenue measure, but since the party which has honored him and to which he formerly belonged has bankrupted the Government in four short years, even a few thousand dollars would be a help when we face a deficiency for the current year of fifty millions, and

which is still increasing.

Mr. CHANDLER. I renew my motion.

The VICE-PRESIDENT. The question is on the motion of the Senator from New Hampshire, to lay on the table the amendment and the amendment to the amendment.

The motion was agreed to.

Mr. MORGAN. I offer the amendment which I send to the desk as separate sections to the bill.

The VICE-PRESIDENT. The amendment submitted by the Senator from Alabama will be stated.

The Secretary. It is proposed to add as additional sections

the following:

SEC. —. That no person, being a subject or citizen of any foreign government, shall be admitted to citizenship under the laws of the United States who, when application for naturalization is made, can not read correctly the Ten Commandments and the Constitution of the United States printed in some language.

SEC. —. That no application for citizenship in the United States and no declaration of intention to become such citizenshall be filed in any court or have validity for any purpose until it shall be first established by proof, to the satisfaction of the court or judge before whom such declaration is made or filed, that such immigrant has, in good faith, resided in the United States continuously for the period of five years prior to the date of such application.

Mr. MORGGAN. Mr. President Law offscinet that amondment

Mr. MORGAN. Mr. President, I am offering that amendment in perfect good faith, because I believe that that is the only point in which we can touch the question of immigration with any real value to the United States. A number of the States of this Union, including my own, exercising that sovereign right which they have of regulating the suffrage prescribing the conditions. they have of regulating the suffrage, prescribing the conditions of suffrage, admit men to vote who have come into the United States and filed a declaration of their intention to become citizens of this country. The only restriction that is put upon that by the different States is a certain time of residence within the State. The immigrant may come here and the next day he may declare his intention before a court to become a citizen of the United States and renounce his allegiance to all foreign potentates and powers. Thereupon, under the law as it is now, I believe he is required to reside here three years before he can be admitted to

full citizenship by naturalization, which must also be done by the

These State constitutions which admit men to this right of suffrage, which is exclusively a State right, are all predicated upon an act of Congress. The act of Congress defines—and it is only that law which can define—the persons who have applied for citizenship in the United States who declare their intention to become citizens. So these constitutional declarations in the different States, and all of the State laws predicated upon those constitutional provisions, hinge and hang upon the provisions in our law that a man may file his declaration of his intention to become a citizen on the day after or the day of his arrival in the United States if he chooses to do so. Therefore, a man who has no interest in this country, who can withdraw at pleasure his application to become a naturalized citizen, or ignore it, can go to Alabama and can ver in the elections there equally with the States is working a very serious injury upon the whole population of the country. It is admitting unqualified and unprepared men into the exercise of that suffrage about which we have so many complaints made at so many different times.

Now, I propose to enlarge the time to five years, so that a man can not file his declaration of intention to become a citizen of the United States until after he has lived here five years continuously and in good faith, leaving it to the law as it stands to regulate his other qualifications, such as good conduct and devotion to our institutions, and all of that, which I do not propose to change in the slightest degree. My proposition is a simple one, and a very distinct one, and it is only this: That the time for filing the declaration of intention to become a citizen of the United States shall be extended to the period of five years, and that until that period has elapsed and has been ascertained by the judge at the time of the filing of the application his declaration of intention to become a citizen shall not be valid for any purpose whatever. That is

my point; that is my proposition.

Mr. President, if we are in earnest in trying to improve the real citizenship of the United States, which relates so necessarily to participation in the political privileges of this country, I do not see how we can avoid passing these additional sections to this bill. Leave the bill, if you please, standing where it is in respect of the right of coming ashore, the right of landing here, but when you come to provide for its effect upon the suffrage, upon participation in the political powers and privileges of this country, let us say that no State of the American Union shall admit that man to suffrage upon the declaration of his intention to become a citizen until he has been here five years and has established his charac-

ter according to the requirements of what is a pretty severe and strict law, if it is honestly administered.

I put in the amendment, in addition to being able to read the Constitution of the United States, that he should be able to read the Ten Commandments; and as I stated before, it is in no spirit of levity that I introduce what I consider to be very much the most important feature of education into this measure, for an education in the Christian basis of the American Government is something which every man ought to have before he acquires at least the rights of citizenship by adoption of this Government. I need not enlarge upon that. I only want to disabuse any impression that possibly might arise in the minds of the Senate or the country that in the introduction of this feature of the case I have anything else then the most serious intention of making agests. anything else than the most serious intention of making every man who comes to the test to acquire American citizenship show man who comes to the test to acquire American cutzenship show before the officer, the judge who admits him, that he knows the foundations of the Christian religion as they are taught in the Ten Commandments. If he can read the Ten Commandments in his own way, whether he pursues them or not, whether he obeys that law or not, he is that far advanced toward real civilization, and until he is advanced that far toward real civilization he has never made one step in the march in that direction. The man who has not taken that step, the man whose mind and conscience do not recognize the supreme and divine authority of the Ten Commandments as the basis of all jurisprudence and all law, has no right or qualification under the flag of the United States. That is not a religious test by any means. It is a test that goes to the constitution of society; it is a test which relates to that organism constitution of society; it is a test which relates to that organism which pervades all Christendom, and it is a test which no nation in this world and no people in this world would dispense with or can afford to dispense with without invoking upon themselves the destruction of the Almighty.

So, Mr. President, with due regard to these fundamental and foundation tests in all of our legislation, the Christian Sabbath, which is observed in this country from end to end and enforced by State laws and even by the laws of the United States Govern-

by State laws and even by the laws of the United States Government, is one of the recognized institutions of every form of Christianity, whether Protestant or Catholic, but it is a regulation of Christianity that this nation could not and would not dispense with. There are not a thousand votes, I suppose, in the United

States to-day that would strike from our Constitution and from our laws the distinct recognition of that divinely ordained day of rest. So what we may say about it makes no difference when we continually recognize in all of our social, domestic, political, national, and State relations, and relations to the laws of our country, the great underlying foundation of the Ten Commandments, for they all rest upon that. Let a man believe them as he will or practice them as he will, but let it be understood that he must know this before he can acquire citizenship in this country. I believe, and I believe it firmly, that if every man who comes up and upon oath accepts citizenship and naturalization at the hands of our judicial officers were required to read the Ten Commandand upon oath accepts citizenship and naturalization at the hands of our judicial officers were required to read the Ten Commandments, though it might be the only time in a man's life when he did read them, when it is associated with that act which changes his citizenship from one sovereign to another, that man's mind will be impressed by the fundamental principles of that great code to such an extent that he at least will stand in a better light, a purer atmosphere in respect of the citizenship with which we are about to crown him; for, Mr. President, it is a crown of glory that we set upon the head of every man who comes to this country from any monarchic region when we admit him to the great privileges, immunities, and responsibilities of American citizenship. The citizenship of Rome of which Paul boasted was as nothing compared with the citizenship that we put like a crown of glory upon the head of a man who comes here from a foreign country seeking refuge and hospitality on our shores and under glory upon the head of a man who comes here from a foreign country seeking refuge and hospitality on our shores and under our laws, and accepting upon his sworn petition that great privilege of American citizenship. Let him be qualified, let him be prepared, at least if it is an educational test, by proving that he has had that much education in addition to his knowledge of the fundamental law of our institutions.

I therefore move the adoption of the amendment.

Mr. LODGE. Mr. President, I agree with the Senator from Alabama [Mr. Morgan] that citizenship in the United States is treated altogether too lightly under our laws. The naturalization

Alabama [Mr. Morgan] that citizenship in the United States is treated altogether too lightly under our laws. The naturalization laws need improvement and amendment, but I feel about this as I did about the last amendment offered by the Senator from West Virginia [Mr. Elkins], that it is opening up a new and a very large question which is not strictly within the scope of this bill. The amendment deals with the naturalization laws and with admission to citizenship. This bill is intended to deal solely with

admission to citizenship. This bill is intended to deal solely with the admission of immigrants.

If I am not greatly mistaken, this bill as it stands has very nearly the unanimous support of the Senate. I do not want to encumber it with other questions or with amendments, however meritorious, which will open up new questions and divide the Senate on the great point of the restriction of immigration by the test proposed in this bill. It is for that reason that I feel obliged to oppose this amendment as I opposed the last.

It is now nearly 4 o'clock, and I move to lay the amendment on the table.

the table.

Mr. MORGAN. On that I call for the yeas and nays. Mr. GORMAN. Will the Senator from Massachusetts with-

Mr. GORMAN. Will the Senator from Massachusetts withdraw his motion for a moment, that I may say a word?

Mr. LODGE. Certainly.

Mr. GORMAN. At the request of my colleague [Mr. GIBSON], who was taken suddenly ill several days since, the question of the consideration of this bill was postponed, and an agreement was entered into to finally vote on the bill at 4 o'clock to-day without further debate. My colleague was exceedingly anxious to participate in this debate, and had some remarks prepared and some amendments to offer. He had hoped to be able to reach here to-day, but was positively forbidden by his physician to leave his quarters. I do not want to ask any further postponement of the matter, nor does he, but I wish simply to state that it is owing to his unfortunate indisposition at this time that he is unable to present his views and to offer such amendments as he desires.

Mr. LODGE. I now renew the motion to lay the amendment on the table.

on the table.

on the table.

Mr. MORGAN. I ask for the yeas and nays.

Mr. PALMER. May I ask that the amendment may be read?

The VICE-PRESIDENT. The amendment submitted by the

Senator from Alabama will be stated.

The Secretary again read the amendment.

The VICE-PRESIDENT. The question is on the motion of the

Senator from Massachusetts to lay upon the table the pending amendment, on which the yeas and nays have been demanded.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. CARTER (when his name was called). I am paired with the junior Senator from Maryland [Mr. Gibson], and therefore

withhold my vote.

Mr. COCKRELL (when his name was called). I am paired with the Senator from Iowa [Mr. Allison].

Mr. CULLOM (when his name was called). I am paired with the Senator from Delaware [Mr. Grav].

Mr. GEAR (when his name was called). I am paired with the senior Senator from Georgia [Mr. Gordon], and therefore withhold my vote

Mr. PERKINS (when his name was called). I am paired with the Senator from North Dakota [Mr. ROACH]. In his absence, I

withhold my vote.

Mr. SHOUP (when his name was called). I again announce my pair with the senior Senator from California [Mr. White].

Mr. THURSTON (when his name was called). I have a general pair with the Senator from South Carolina [Mr. TILLMAN], and therefore withhold my vote.

The roll call was concluded.

Mr. BLANCHARD (after having voted in the affirmative). I have a pair with the Senator from North Carolina [Mr. PRITCHARD]. He did not answer to his name and is not in the Chamber. therefore withdraw my vote.

YEAS-45.

The result was announced—yeas 45, nays 16; as follows:

Allen, Bacon,	Dubois, Faulkner,	Mitchell, Wis.	Smith,
Bate.	Frye,	Morrill, Nelson,	Stewart,
Blackburn,	Hale,	Palmer,	Turpie, Vest,
Brown,	Harris,	Pasco,	Vilas,
Burrows,	Hawley,	Peffer.	Walthall,
Butler,	Hill.	Pettigrew,	Wetmore,
Caffery,	Hoar.	Platt,	Wilson,
Cannon,	Lodge,	Proctor,	Wolcott.
Chandler,	McMillan,	Quay,	11.010000
Clark,	Martin,	Sewell,	
Davis,	Mills.	Sherman,	
	N	AYS-16.	
Baker.	Chilton,	Kyle,	Morgan,
Berry,	Gallinger,	Lindsay,	Murphy,
Call.	Gorman.	Mantle,	Pugh,
Cameron,	Hansbrough,	Mitchell, Oreg.	Teller.
		VOTING-28.	
Aldrich,	Daniel.	Irby,	Shoup,
Allison.	Elkins,	Jones, Ark.	Squire,
Blanchard,	Gear,	Jones, Nev.	Thurston,
Brice,	George,	McBride,	Tillman,
Carter.	Gibson,	Perkins,	Voorhees.
Cockrell,	Gordon,	Pritchard,	Warren,
Cullom,	Gray,	Roach,	White.

So the amendment was laid on the table.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time.

The VICE-PRESIDENT. The question now is on the passage of the bill.

Mr. MILLS. Let us have the yeas and nays on that question. The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. BLANCHARD (when his name was called). I have a general pair with the Senator from North Carolina [Mr. PRITCHARD], and therefore withhold my vote.

Mr. COCKRELL (when his name was called). I am paired with the senior Senator from Iowa [Mr. ALLISON], and therefore withhold my vote.

with the senior Senator from Iowa [Mr. Allison], and therefore withhold my vote.

Mr. CULLOM (when his name was called). I have a general pair with the Senator from Delaware [Mr. Gray]. If he were present, I should vote "yea."

Mr. GEAR (when his name was called). I have a general pair with the senior Senator from Georgia [Mr. Gordon]. If he were present, I should vote "yea."

Mr. McBRIDE (when his name was called). I have a general pair with the senior Senator from Mississippi [Mr. George]. I will transfer that pair to the Senator from Wyoming [Mr. Warren], and vote "yea."

transfer that pair to the Senator from Wyoming [Mr. WARREN], and vote "yea."

Mr. PERKINS (when his name was called). I have a general pair with the senior Senator from North Dakota [Mr. ROACH]. If it will be satisfactory to the Senator from Louisiana [Mr. BLANCHARD], I will transfer that pair to the Senator from North Carolina [Mr. PRITCHARD], which will permit the Senator from Louisiana and myself to vote.

Mr. BLANCHARD. I will consent to that.

Mr. PERKINS. I vote "yea."

Mr. SHOUP (when his name was called). I have a standing pair with the senior Senator from California [Mr. WHITE], and therefore withhold my vote.

Mr. THURSTON (when his name was called). I have a general pair with the Senator from South Carolina [Mr. THLMAN]. If he were present, I should vote "yea."

Mr. WOLCOTT (when his name was called). I have a pair with the junior Senator from Ohio [Mr. BRICE]. I am not certain how he would vote, and therefore withhold my vote. If he were here, I should vote "yea."

The roll call was concluded.

The roll call was concluded.

I have a general pair with the junior Senator from Maryland [Mr. GIBSON]. If he were present, he would vote "nay," and I should vote "yea."

The result was announced—yeas 52, nays 10; as follows:

YEAS-52

Allen, Bacon, Baker, Bate, Berry, Brown, Burrows, Butter, Call, Cameron, Cunnon, Chandler,	Clark, Davis, Dubois, Elkins, Faulkner, Frye, Gallinger, Hale, Hansbrough, Harris, Hawley, Hill,	Kyle, Lodge, McBride, McMillan, Mantle, Martin, Mitchell, Oreg. Morrill, Nelson, Pasco, Peffer, Perkins,	Platt, Proctor, Pugh, Quay, Sewell, Sherman, Smith, Stewart, Teller, Vest, Walthall, Wetmore,
Chilton,	Hoar,	Pettigrew,	Wilson.
	NA	AYS-10.	
Blackburn, Blanchard, Caffery,	Lindsay, Mills, Mitchell, Wis.	Morgan, Murphy, Palmer,	Vilas.
	NOT	VOTING-27.	
Aldrich, Allison, Brice, Carter, Cockrell, Cullom, Daniel,	Gear, George, Gibson, Gordon, Gorman, Gray, Irby,	Jones, Ark. Jones, Nev. Pritchard, Roach, Shoup, Squire, Thurston,	Tillman, Turpie, Voorhees, Warren, White, Wolcott.

So the bill was passed.

Mr. LODGE. I move that the Senate request a conference with the House of Representatives upon the bill and amendment.

The motion was agreed to.

By unanimous consent, the Vice-President was authorized to appoint the conferees on the part of the Senate; and Mr. Lodge, Mr. Chandler, and Mr. Faulkner were appointed.

ELECTRIC-LIGHT SUBWAYS

Mr. GALLINGER. I submit a resolution for which I ask im-

mediate consideration.

The VICE-PRESIDENT. The Senator from New Hampshire asks unanimous consent for the present consideration of a resolution which will be read for information.

The resolution was read, as follows:

Resolved. That until Congress shall provide by legislation for the construction of municipal subways, or otherwise provide for the extension of underground electric-light wires or conduits, the Commissioners of the District of Columbia are requested not to permit excavations in the streets, avenues, or alleys of the city of Washington for the laying of any additional wires for electric lighting.

The VICE-PRESIDENT. Is there objection to the request of the Senator from New Hampshire for the present consideration of the resolution which has been read?

Mr. SHERMAN. I think it ought to go over.

Mr. SMITH. Has the resolution been before the Committee on the District of Columbia?

Mr. GALLINGER. It has not.
Mr. SMITH. I move that it be referred to that committee.
Mr. GALLINGER. If objection is made, the resolution goes over; it need not be discussed

The VICE-PRESIDENT. An objection being interposed, the resolution will go over.

PUBLIC LANDS IN OKLAHOMA TERRITORY.

Mr. PETTIGREW. I ask that the unfinished business may be laid before the Senate

laid before the Senate.

The VICE-PRESIDENT. The Chair lays before the Senate the unfinished business, which will be stated by title.

The SECRETARY. A bill (H. R. 3656) providing for free homesteads on the public lands in Oklahoma Territory for actual and bona fide settlers and reserving the public lands for that purpose.

The VICE-PRESIDENT. The bill is before the Senate as in Committee of the Whole.

EXECUTIVE SESSION.

Mr. CULLOM. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After fifteen minutes spent in executive session the doors were reopened, and (at 4 o'clock and 30 minutes p. m.) the Senate adjourned until Monday, December 21, 1896, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate December 17, 1896. PROMOTIONS IN THE ARMY.

Adjutant-General's Department.

Lieut. Col. Merritt Barber, assistant adjutant-general, to be assistant adjutant-general with the rank of colonel, November 15, 1896, vice Vincent, retired from active service.

Maj. John Curtis Gilmore, assistant adjutant-general, to be assistant adjutant-general with the rank of lieutenant-colonel, November 15, 1896, vice Barber, promoted.

Quartermaster's Department.

Quartermaster's Department.

Lieut. Col. William Burton Hughes [since deceased], deputy quartermaster-general, to be assistant quartermaster-general with the rank of colonel, August 21, 1896, vice Sawtelle, who vacated on accepting appointment as Quartermaster-General.

Lieut. Col. Augustus Gilman Robinson, deputy quartermaster-general, to be assistant quartermaster-general with the rank of colonel, September 22, 1896, vice Hughes, deceased.

Maj. John Vincent Furey, quartermaster, to be deputy quartermaster-general with the rank of lieutenant-colonel, August 21, 1896, vice Hughes, promoted.

master-general with the rank of fleutenant-colonel, August 21, 1896, vice Hughes, promoted.

Maj. Lewis Cass Forsyth, quartermaster, to be deputy quartermaster-general with the rank of lieutenant-colonel, September 22, 1896, vice Robinson, promoted.

Capt. Charles Alfred Booth, assistant quartermaster, to be quartermaster with the rank of major, August 21, 1896, vice Furey,

Capt. William Samuel Patten, assistant quartermaster, to be quartermaster with the rank of major, September 22, 1896, vice Forsyth, promoted.

Medical Department.

Lieut. Col. Charles Ravenscroft Greenleaf, deputy surgeon-general, to be assistant surgeon-general with the rank of colonel, October 10, 1896, vice Town, retired from active service.

Maj. William Henry Gardner, surgeon, to be deputy surgeon-general with the rank of lieutenant-colonel, October 10, 1896, vice

Greenleaf, promoted.

Capt. William Blackford Davis, assistant surgeon, to be surgeon with the rank of major, August 11, 1896, vice Worthington, deceased.

Capt. William Winbourn Gray, assistant surgeon, to be surgeon with the rank of major, October 10, 1896, vice Gardner, promoted.

Capt. Louis Brechemin, assistant surgeon, to be surgeon with the rank of major, November 9, 1896, vice Price, deceased. Capt. Louis Areatole La Garde, assistant surgeon, to be surgeon with the rank of major, November 13, 1896, vice Lauderdale, retired from active service.

Cavalry arm.

Maj. James Franklin Randlett, Ninth Cavalry, to be lieutenant-colonel, October 14, 1896, vice Bernard, Ninth Cavalry, retired from active service.

Capt. Henry Jackson, Seventh Cavalry, to be major, August 27, 1896, vice Keyes, Third Cavalry, retired from active service.

Capt. Albert Emmett Woodson, Fifth Cavalry, to be major, October 14, 1896, vice Randlett, Ninth Cavalry, promoted.

First Lieut. Herbert Jermain Slocum, Seventh Cavalry, to be serviced.

captain, August 26, 1896, vice De Rudio, Seventh Cavalry, retired

from active service.

First Lieut. William John Nicholson, adjutant, Seventh Cavalry, to be captain, August 27, 1896, vice Jackson, Seventh Cavalry, promoted.

First Lieut. Fred Waldron Foster, Fifth Cavalry, to be captain, October 14, 1896, vice Woodson, Fifth Cavalry, promoted.

First Lieut. William Carey Brown, First Cavalry, to be captain, November 6, 1896, vice Adams, First Cavalry, retired from active

Second Lieut. William Thomas Littebrant, Tenth Cavalry, to be first lieutenant, August 26, 1896, vice Slocum, Seventh Cavalry, promoted.

Second Lieut. Matthew Calbraith Butler, jr., Fifth Cavalry, to be first lieutenant, August 27, 1896, vice Brewer, Seventh Cavalry,

appointed adjutant.
Second Lieut. Henry Anson Barber, First Cavalry, to be first lieutenant, August 27, 1896, vice Watkins, Ninth Cavalry, retired from active service

Second Lieut. Michael Mark McNamee, Third Cavalry, to be first lieutenant, September 9, 1896, vice Jackson, Ninth Cavalry, appointed quartermaster.

Second Lieut. Richmond McAllister Schofield, Fourth Cavalry,

to be first lieutenant, October 14, 1896, vice Foster, Fifth Cavalry,

Second Lieut. Ralph Harrison, Second Cavalry, to be first lieutenant, November 6, 1896, vice Brown, First Cavalry, promoted.

Artillery arm.

Lieut. Col. Alexander Cummings McWhorter Pennington. Fourth Artillery, to be colonel, October 29, 1896, vice Lodor, Second Artillery, retired from active service.

Maj. Henry Cornelius Hasbrouck, Fourth Artillery, to be lieutenant-colonel, October 29, 1896, vice Pennington, Fourth Artillery, promoted.

Capt. John Haskell Calef, Second Artillery, to be major, August 27, 1896. vice Turnbull, First Artillery, retired from active service.

Capt. John Luke Tiernon, Third Artillery, to be major, September 1, 1896, vice Eagan, First Artillery, retired from active service.
Capt. James Madison Lancaster, Third Artillery, to be major,
October 29, 1896, vice Hasbrouck, Fourth Artillery, promoted.
First Lieut. Robert Harmon Patterson, First Artillery, to be captain, June 29, 1896, vice Shaw, First Artillery, retired from

First Lieut. Oliver Ellsworth Wood, Fifth Artillery, to be cap-tain, August 27, 1896, vice Brincklé, Fifth Artillery, retired from active service.

active service.
First Lieut. Edwin Styles Curtis, Second Artillery, to be captain, August 27, 1896, vice Calef, Second Artillery, promoted.
First Lieut. Edward Davis, Third Artillery, to be captain, September 1, 1896, vice Tiernon, Third Artillery, promoted.
First Lieut. Joseph Mark Califf, Third Artillery, promoted.
Second Lieut. William Lacy Kenly, Fourth Artillery, promoted.
Second Lieut. William Lacy Kenly, Fourth Artillery, promoted.
Second Lieut. William George Haan, Fifth Artillery, promoted.
Second Lieut. Sidney Sanzade Jordan, Fifth Artillery, promoted.
Second Lieut. Sidney Sanzade Jordan, Fifth Artillery, to be first lieutenant, August 27, 1896, vice Wood, Fifth Artillery, to be first lieutenant, August 27, 1896, vice Curtis, Second Artillery, promoted.

Second Lieut. Walter Augustus Bethel, Fourth Artillery, to be first lieutenant, September 1, 1896, vice Davis, Third Artillery, promoted.

Second Lieut. Morris Keene Barroll, Second Artillery, to be first lieutenant, October 29, 1896, vice Califf, Third Artillery, promoted.

Infantry arm.

Maj. Joseph Theodore Haskell, Twenty-fourth Infantry, to be

Maj. Joseph Theodore Haskell, Twenty-fourth Infantry, to be lieutenant-colonel, August 27, 1896, vice Bradford, Seventeenth Infantry, retired from active service.

Capt. Henry Hollingsworth Humphreys, Fifteenth Infantry, to be major, July 13, 1896, vice Gageby, Twelfth Infantry, deceased. Capt. Otis Wheeler Pollock, Twenty-third Infantry, to be major, August 27, 1896, vice Haskell, Twenty-fourth Infantry, promoted. First Lieut. David Dawson Mitchell, adjutant, Fifteenth Infantry, to be captain, July 13, 1896, vice Humphreys, Fifteenth Infantry, promoted.

try, promoted.

First. Lieut. Alfred Bainbridge Johnson, Seventh Infantry, to be captain, August 27, 1896, vice Jamar, Fourteenth Infantry,

First Lieut. Charles Byrne, Sixth Infantry, to be captain, August 27, 1896, vice Townsend, Sixth Infantry, retired from active service.

First Lieut. William Balph Abercrombie, Second Infantry, to be captain, August 27, 1896, vice Sarson, Second Infantry, retired from active service.

First Lieut. William Augustus Nichols, quartermaster Twenty-third Infantry, to be captain, August 27, 1896, vice Pollock, Twenty-third Infantry, promoted.

First Lieut. Colville Penroe Terrett, adjutant, Eighth Infantry, to be captain, August 27, 1896, vice Haden, Eighth Infantry,

retired from active service.

First Lieut. Nat Poyntz Phister, First Infantry, to be captain, November 4, 1896, vice Pierce, First Infantry, deceased.

First Lieut. Alexis Rupert Paxton, Fifteenth Infantry, to be captain, November 7, 1896, vice Chapin, Fifteenth Infantry, retired from active service.

First Lieut. Alexis Rupert Paxton, Fifteenth Infantry, retired from active service.

First Lieut. Zerah Watkins Torrey, Sixth Infantry, to be captain, November 19, 1896, vice Munson, Sixth Infantry, retired from active service.

Second Lieut. Edwin Victor Bookmiller, Second Infantry, to be first lieutenant, July 10, 1896, vice Schenck, Ninth Infantry, wholly retired from the service.

Second Lieut. Alexander Ross Piper, Second Infantry, to be first lieutenant, July 16, 1896, vice Smiley, Fifteenth Infantry, appointed adjutant.

Second Lieut. Edward Thomas Winston, Fourteenth Infantry, to be first lieutenant, August 27, 1896, vice Williams, Nineteenth

Infantry, retired from active service.

Second Lieut. Matt Ransom Peterson, Sixth Infantry, to be first lieutenant, August 27, 1896, vice Johnson, Seventh Infantry, pro-

Second Lieut. Edwin Tuttle Cole, Eighth Infantry, to be first lieutenant, August 27, 1896, vice Byrne, Sixth Infantry, promoted. Second Lieut. William Allen Phillips, Twenty-second Infantry, to be first lieutenant, August 27, 1896, vice Abercrombie, Second

Infantry, promoted.

Second Lieut. John Rodger Meigs Taylor, Seventh Infantry, to be first lieutenant. August 27, 1896, vice Edwards, Twenty-third Infantry, appointed quartermaster.

Second Lieut. George William Kirkman, First Infantry, to be first lieutenant, August 27, 1896, vice Stafford, Eighth Infantry, appointed quartermaster.

appointed quartermaster. Second Lieut. Francis Edmond Lacey, jr., Tenth Infantry, to

be first lieutenant, November 4, 1896, vice Phister, First Infantry,

Second Lieut. Sydney Amos Cloman, First Infantry, to be first lieutenant, November 7, 1896, vice Paxton, Fifteenth Infantry, promoted.

Second Lieut. Charles Crawford, Tenth Infantry, to be first lieutenant, November 11, 1896, vice Brooke, Twenty-first Infantry,

Second Lieut. William Sidney Graves, Seventh Infantry, to be first lieutenant, November 19, 1896, vice Torrey, Sixth Infantry, promoted.

Medical Department-To be assistant surgeons with the rank of first lieutenant.

Basil Hicks Dutcher, of New York, October 26, 1896, vice Perley, promoted.

Leigh Austin Fuller, of New Jersey, October 26, 1896, vice Macauley, deceased. Franklin Middleton Kemp, of New York, October 26, 1896, vice

Robinson, promoted. George Alfred Skinner, of Minnesota, October 26, 1896, vice Fisher, deceased.

Carl Roger Darnall, of New Jersey, October 26, 1896, vice Davis,

promoted.

William Evans Richards, of Mississippi, October 26, 1896, vice Gray, promoted.

Louis Percy Smith, of the District of Columbia, November 9, 1896, vice Brechemin, promoted.

Marshall Morgan Cloud, of Kansas, November 13, 1896, vice

La Garde, promoted.

To be post chaplain.

Rev. Leslie Richard Groves, of New York, October 26, 1896, vice Simpson, retired from active service.

Ordnance Department.

Capt. Valentine McNally, ordnance storekeeper, to be ordnance storekeeper with the rank of major, June 6, 1896, to fill an original vacancy.

Corps of Engineers-To be additional second lieutenants.

Cadet Edwin Roy Stuart.
 Cadet George Matthias Hoffman.

Artillery arm-To be additional second lieutenants.

Cadet Harry Frederick Jackson.

5. Cadet Harry Frederick Jackson.
4. Cadet Robert Emmet Callan.
5. Cadet William Harvey Tschappat.
7. Cadet William Slann Guignard.
9. Cadet Edwin Landon.

11. Cadet Clarence Henry McNeil. 12. Cadet Joseph Powell Tracy.

Cadet Lloyd England.
 Cadet James William Hinkley, jr.
 Cadet Percy Myers Kessler.

23. Cadet Johnson Hagood. 30. Cadet George Thomas Patterson. 82. Cadet Frank Kerby Fergusson.

Cavalry arm-To be second lieutenants.

8. Cadet Eugene Postell Jervey, jr., vice Quay, Fifth Cavalry. promoted.

 Cadet Le Roy Eltinge, vice Hart, Fourth Cavalry, promoted.
 Cadet John Buffalo Christian, vice Suplee, Second Cavalry, promoted.

15. Cadet Thomas Ferrers Howard, vice Lyman, Second Cavalry, retired from active service.

17. Cadet George Williams Moses, vice Ryan, Third Cavalry,

20. Cadet Newton Davidson Kirkpatrick, vice Anderson, First Cavalry, promoted.
22. Cadet Charles Ezra Stodter, vice Perry, Ninth Cavalry, pro-

moted.

25. Cadet Alexander Macomb Miller, jr., vice Stockle, Tenth Cavalry, promoted.

To be additional second lieutenants.

27. Cadet Paul Reisinger.

28. Cadet Charles Bryant Drake. 29. Cadet Charles McKinley Saltzman,

31. Cadet John Morrison, jr. 33. Cadet Harry Ormiston Williard.

35. Cadet Lucius Roy Holbrook. 37. Cadet John Parsons Wade. 40. Cadet Elvin Ralph Heiberg. 41. Cadet Stephen Morris Kochersperger. 42. Cadet Ola Walter Bell.

43. Cadet Abraham Grant Lott. 49. Cadet Edward Leonard King. 56. Cadet Samuel Field Dallam.

57. Cadet William Kelly, jr.

- Cadet George Thomas Summerlin.
 Cadet Charles Trumbull Boyd.
 Cadet Henry Charles Whitehead.

- 65. Cadet Henry Charles whitehead.
 67. Cadet William Dixon Chitty.
 70. Cadet Alfred Eldrekin Kennington.
 71. Cadet Lanning Parsons.
 72. Cadet Edward Percy Orton.
 73. Cadet Robert Boyd Powers.

Infantry arm-To be second lieutenants.

- 6. Cadet Samuel Victor McClure, vice Sargent, Seventh Infan-
- try, promoted.
 18. Cadet Alga Prestina Berry, vice Sigworth, Tenth Infantry, promoted.
- 21. Cadet Lucian Stacy, vice Chase, Twentieth Infantry, pro-
- 24. Cadet Haydon Young Grubbs, vice Lowe, Eighteenth Infantry, promoted.
 26. Cadet Celwyn Emerson Hampton, vice Hagadom, Twenty-
- third Infantry, promoted.

 34. Cadet Herschel Tupes, vice Jackson, Fifteenth Infantry,
- 36. Cadet George Henry Shelton, vice Lee, Eleventh Infantry,
- 38. Cadet Isaac Newell, vice Hambright, Twenty-second Infantry, deceased.
 - To be additional second lieutenants.
 - 39. Cadet Robert Morris Brookfield. 44. Cadet Frank Homer Whitman.
 - 45. Cadet Francis Gurney Smith. [Since resigned.]
 - 46. Cadet Clarence Newcomb Purdy.

- 47. Cadet Merch Bradt Stewart.
 48. Cadet Frederick Worthington Lewis,
 50. Cadet Charles Ernest Russell.
 51. Cadet Dennis Edward Nolan.
- 52. Cadet James Newell Pickering.
 53. Cadet William Arthur Burnside.
 54. Cadet Duncan Norbert Hood. [Since resigned.]
 55. Cadet Reynolds Johnston Burt.
 58. Cadet Russell Creamer Langdon. 60. Cadet Harry Herbert Tebbetts
- 62. Cadet Thomas Aloysius Wansboro.63. Cadet Houston Valle Evans.
- 64. Cadet Arthur Raphael Kerwin.
 66. Cadet George Swazey Goodale.
 68. Cadet Benjamin Minturn Hartshorne, jr.
- 69. Cadet Frank Crandall Bolles.

CONFIRMATIONS.

Executive nominations confirmed by the Senate December 17, 1896. ENVOY EXTRAORDINARY AND MINISTER PLENIPOTENTIARY.

Macgrane Coxe, of New York, to be envoy extraordinary and minister plenipotentiary of the United States to Guatemala and

SECRETARIES OF LEGATION.

C. Max Manning, of Georgia, to be secretary of the legation of the United States at Monrovia, Liberia. John Ridgely Carter, of Maryland, to be second secretary of the embassy of the United States at London, England.

INTERSTATE COMMERCE COMMISSIONER. Charles A. Prouty, of Vermont, to be an Interstate Commerce Commissioner for the term ending December 31, 1901.

COLLECTOR OF CUSTOMS.

William H. Cooper, of Delaware, to be collector of customs for the district of Delaware, in the State of Delaware.

ASSISTANT COLLECTOR OF CUSTOMS.

Michael I. Fagen, of New Jersey, to be assistant collector of customs at Jersey City, N. J., in the district of New York.

INDIAN AGENT.

James L. Cowan, of Portland, Oreg., to be agent for the Indians of the Warm Springs Agency, in Oregon.

PROMOTION IN THE MARINE-HOSPITAL SERVICE.

P. A. Surg. Duncan A. Carmichael, of New York, to be a surgeon in the Marine-Hospital Service of the United States.

APPOINTMENTS IN THE MARINE-HOSPITAL SERVICE.

James A. Nydegger, of Maryland, to be a passed assistant surgeon in the Marine-Hospital Service of the United States.

William J. S. Stewart, of Pennsylvania, to be a passed assistant surgeon in the Marine-Hospital Service of the United States.

CONSULS.

Joseph L. Hance, of New York, formerly commercial agent at Cardenas, Cuba, to be consul of the United States at that place. Isaac M. Elliott, of New York, formerly consul at Manila, to be consul of the United States at La Guayra, Venezuela.

APPOINTMENTS IN THE REVENUE-CUTTER SERVICE.

George C. Farkell, of Pennsylvania, to be a second assistant engineer in the Revenue-Cutter Service of the United States.

John I. Bryan, of Kentucky, to be a second assistant engineer in the Revenue-Cutter Service of the United States.

James D. Newton, of New York, to be a second assistant engineer in the Revenue-Cutter Service of the United States.

Charles A. Wheeler, of Virginia, to be a second assistant engineer in the Revenue-Cutter Service of the United States.

C. Gadsden Porcher, of Virginia, to be a second assistant engineer in the Revenue-Cutter Service of the United States.

John B. Turner, of New York, to be a second assistant engineer in the Revenue-Cutter Service of the United States.

Frank G. Snyder, of New York, to be a second assistant engineer in the Revenue-Cutter Service of the United States.

Warwick J. Sedgwick, of New York, to be a second assistant engineer in the Revenue-Cutter Service of the United States.

John S. Saunders, to be postmaster at Starkville, in the county of Oktibbeha and State of Mississippi.

John T. Barnett, to be postmaster at Iuka, in the county of Tishomingo and State of Mississippi.

John L. Brooks, to be postmaster at Georgetown, in the county Williamson and State of Texas.

HOUSE OF REPRESENTATIVES.

THURSDAY, December 17, 1896.

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. HENRY N. COUDEN

The Journal of the proceedings of yesterday was read and approved.

ARMY APPROPRIATION BILL.

The SPEAKER. The previous question having been ordered on the passage of the Army appropriation bill, the first question is on agreeing to the amendment reported from the Committee of the Whole.

The question being taken, the Speaker declared that the ayes seemed to have it.

Mr. LITTLE. I ask for a division.

The House divided; and there were-ayes 90, noes 27.

Mr. LITTLE. No quorum.
Mr. HULL. I ask for the yeas and nays.
The yeas and nays were ordered.

ENROLLED BILL SIGNED.

Pending the roll call, . Mr. HAGER, from the Committee on Enrolled Bills, reported

that they had examined and found truly enrolled a joint resolution of the following title; when the Speaker signed the same:

A joint resolution (H. Res. 209) to pay the officers and employees of the Senate and House of Representatives their respective salaries for the month of December, 1896, on the 18th day of said month.

ARMY APPROPRIATION BILL.

Mr. LITTLE. Mr. Speaker, I ask that the amendment be read. The amendment was read, as follows:

Page 20, line 16, after the word "diseases," insert the following: "Except at the Army and Navy Hospital at Hot Springs, Ark."

The question was taken; and there were-yeas 152, nays 80, not voting 123; as follows:

	Y	EAS-152.	
Acheson,	Curtis, N. Y.	Henderson,	Mercer,
Adams,	Dalzell,	Henry, Conn.	Meredith,
Aldrich, W. F.	Danford,	Henry, Ind.	Miller, Kans.
Andrews,	Daniels,	Hepburn,	Miller, W. Va.
Arnold, R. I.	Dayton,	Hicks,	Milnes,
Atwood,	De Witt,	Hilborn,	Minor, Wis.
Avery,	Dingley,	Hopkins,	Mitchell,
Babcock,	Dolliver,	Howe,	Moody,
Baker, Md.	Doolittle,	Howell,	Murray.
Barrett,	Draper,	Hulick,	Noonan,
Beach,	Evans,	Huling,	Northway,
Bingham,	Faris,	Hull,	Otjen,
Bishop,	Fenton,	Hurley,	Overstreet,
Blue,	Foote,	Jenkins,	Parker,
Boutelle,	Foss,	Johnson, N. Dak.	Payne,
Bowers,	Gardner,	Kirkpatrick,	Perkins,
Bromwell,	Gibson	Knox, *	Phillips,
Brosius,	Gillet, N. Y.	Lacey,	Pickler,
Brown,	Gillett, Mass.	Lefever,	Poole,
Bull,	Graff,	Leighty,	Powers,
Burton, Mo.	Griffin.	Linney,	Prince,
Burton, Ohio	Griswold,	Long,	Pugh,
Calderhead,	Grout,	Lorimer,	Quigg,
Cannon	Grow,	Loud,	Ray,
Clark, Mo.	Hager,	Loudenslager,	Reeves,
Colson,	Hainer, Nebr.	Mahany.	Royse,
Cousins,	Halterman,	McCall, Tenn.	Rusk.
Crowther,	Hanly,	McClellan,	Russell, Conn.
Curtis, Iowa	Hardy,	McEwan,	Shannon,
Curtis, Kans.	Heatwole,	McLachlan,	Sherman,

Tracey, Treloar, Tyler, Updegraff, Van Voorhis, Wadsworth, Walker, Mass. Warner, Stewart, N.J. Stewart, Wis. Stone, C. W. Stone, W. A. Strong, Tawney, Weilington, Simpkins, Simpkins, Snover, Southard, Spalding, Sperry, Stable, Weilington,
White,
Willis,
Wilson, Ohio
Wood,
Woodman,
Woomer,
Wright. Steele, Stephenson, Thomas, Tracewell, (S—80.
Kyle,
Latimer,
Lawson,
Layton,
Layton,
Lester,
Little,
Maddox,
Marsh,
McCulloch,
McDearmon,
McLaurin,
McRae,
Meyer,
Mozley,
Neill,
Odell,
Ogden,
Otey,
Owens,
TING—123. NAYS -80. Cox,
Culberson,
Cummings,
De Armond,
Denny,
Dinsmore,
Dockery,
Ellett,
Erdman,
Fletcher,
Hall,
Harrison,
Hart,
Howard,
Hunter,
Hutcheson,
Johnson, Cal.
Joy,
Kiefer,
Kleberg,
NOT Abbott, Allen, Miss. Allen, Utah Bailey, Baker, N. H. Bankhead, Pendleton, Pendleton, Price, Raney, Richardson, Sayers, Shafroth, Shuford, Smith, Ill. Sorg, Sparkman, Spencer, Bankhead, Barney, Bartholdt, Bartlett, Ga. Bell, Colo. Bell, Tex. Berry, Broderick, Burrell, Catchings, Clardy, Cobb, Cockrell, Connolly, Cooper, Tex. Sparkman, Spencer, Stokes, Strait. Strowd, N. C. Sulloway, Swanson, Talbert, Tate, Turner, Ga. Wilson, S. O NOT VOTING-123. Aitken, Aidrich, T. H. Aidrich, III. Anderson, Apsley, Arnold, Pa. Baker, Kans. Barham, Bartlett, N. Y. Sauerhering,
Scranton,
Settle,
Shaw,
Settle,
Shaw,
Skinner,
Smith, Mich.
Southwick,
Stallings,
Strode, Nebr.
Sulzer,
Taft,
Tayler,
Terry,
Thorp,
Towne,
Tucker,
Turner, Va.
Van Horn,
Walker, Va.
Wanger,
Washington,
Watson, Ohio
Wheeler,
Wilber,
Wilber,
Williams,
Wilson, I. Jaho
Wilson, N. Y.
Woodard,
Yoakum. Eddy,
Ellis,
Fairchild,
Fischer,
Fitzgerald,
Fowler,
Gamble,
Goodwyn,
Grosvenor,
Hadley,
Harmer,
Harris,
Hartman,
Hatch,
Heiner, Pa.
Hemenway,
Hendrick,
Hermann,
Hill,
Hitt,
Hooker,
Hubbard,
Huff,
Hyde,
Johnson, Ind.
Jones,
Kem,
Kern,
Kulp,
Leisenring, Leonard, Lewis, Linton, Livingston, Linton,
Livingston,
Low,
Maguire,
Mahon,
Martin,
McCall, Mass.
McCleary, Minn.
McClure,
McCormick,
McCreary, Ky.
McMillin,
Meiklejohn,
Milles,
Milliken,
Miner, N. Y.
Mondell,
Money,
Moses,
Newlands,
Patterson,
Pearson,
Pearson,
Pitney,
Reyburn,
Rinaker,
Robertson, La.
Robinson, Pa.
Russell, Ga. Bartlett, N.
Belknap,
Bennett,
Black, Ga.
Black, N. Y.
Boatner,
Brewster, Brumm,
Buck,
Chickering,
Clark, Iowa
Clarke, Ala.
Codding,
Coffin,
Cooke, Ill.
Cooper, Fla.
Cooper, Wis.
Corliss,
Cowen. Brumm, Cowen. Crowley. Crump, Dovener, So the amendment was adopted.

The following pairs were announced: Until further notice:

Until further notice:
Mr. Corliss with Mr. Cowen.
Mr. Hemenway with Mr. Robertson of Louisiana.
Mr. Smith of Michigan with Mr. Tucker.
Mr. Stewart of New Jersey with Mr. Clarke of Alabama.
Mr. Low with Mr. Stallings.
Mr. Chickering with Mr. Miner of New York.
Mr. Crump with Mr. Turner of Virginia.
Mr. Kulp with Mr. Hendrick.
Mr. Heiner of Pennsylvania with Mr. Jones.
Mr. Watson of Indiana with Mr. Fitzgerald.
Mr. Grosvenor with Mr. Wheeler.
Mr. Hill with Mr. Kendall.
For this day:

For this day:

Mr. REYBURN with Mr. Moses.
Mr. MILLIKEN with Mr. Money.
Mr. Gamble with Mr. Maguire.
Mr. Hooker with Mr. Livingston.

Mr. DOVENER with Mr. CROWLEY.
Mr. CODDING with Mr. COOPER of Florida.
Mr. AITKEN with Mr. BARTLETT of New York.
Mr. HARMER with Mr. McCreary of Kentucky.
Mr. McCall of Massachusetts with Mr. Shaw.

Mr. WANGER WITH Mr. SULZER.
Mr. WILBER WITH Mr. YOAKUM.
Mr. APSLEY WITH Mr. PATTERSON.

Mr. APSLEY WITH Mr. PATTERSON.
Mr. ARNOLD of Pennsylvania with Mr. Russell of Georgia.
Mr. Barham with Mr. Washington.
Mr. Belknap with Mr. Tebry.
Mr. Cooke of Illinois with Mr. Williams.
Mr. Pitney with Mr. Boatner.
Mr. Hadley with Mr. McMyry.

Mr. HADLEY with Mr. McMILLIN.

The result of the vote was announced as above recorded.

The bill was then ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and

On motion of Mr. HULL, a motion to reconsider the vote by which the bill was passed was laid on the table.

MILITARY ACADEMY APPROPRIATION BILL.

Mr. CURTIS of New York, from the Committee on Military Affairs, reported the bill (H. R. 9707) making appropriations for the support of the Military Academy; which was referred to the Committee of the Whole House on the state of the Union, and ordered to be printed.

Mr. DOCKERY. Mr. Speaker, I desire to reserve all points of

The SPEAKER. All points of order are reserved.

REPORT OF THE SECRETARY OF THE INTERIOR.

Mr. PERKINS, from the Committee on Printing, reported the following resolution:

Resolved, That there be printed 8,000 copies of the annual report of the Secretary of the Interior for the current year for the use of the House.

The resolution was adopted.
On motion of Mr. PERKINS, a motion to reconsider the vote by which the resolution was adopted was laid on the table.

INAUGURAL CEREMONIES.

Mr. BABCOCK. Mr. Speaker, this day having been substituted for Monday for the consideration of District business, I call up the joint resolution (H. Res. 213) to permit railroads in the District to occupy additional parts of streets to accommodate the traveling public attending the inaugural ceremonies.

The joint resolution was read, as follows:

Resolved, etc., That the Commissioners of the District of Columbia are hereby authorized to issue to steam railroad companies in said District permits to temporarily occupy additional parts of streets for the purpose of accommodating the traveling public attending the inaugural ceremonies in March, 1897: Provided, That such temporary occupation shall not exceed the period of fifteen days, and shall be subject to conditions prescribed by said Commissioners.

Mr. BABCOCK. Mr. Speaker, this is the resolution usually adopted on such occasions, for the purpose of accommodating the large amount of extra travel which the inauguration brings to Washington.

The joint resolution was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time,

and passed.

Mr. BABCOCK. Mr. Speaker, I call up the joint resolution (H. Res. 214) authorizing the Secretary of War to grant permits to the executive committee on inaugural ceremonies for use of reservations or public spaces in city of Washington on the occasion of the inauguration of the President-elect on March 4, 1897, etc.

sion of the inauguration of the President-elect on March 4, 1897, etc.

The joint resolution was read, as follows:

Resolved by the Senate and House of Representatives, etc., That the Secretary of War is hereby authorized to grant permits to the executive committee on inaugural ceremonies for the use of any reservations or other public spaces in the city of Washington on the occasion of the inauguration of the President-elect on the 4th day of March, 1897, which, in his opinion, will inflict no serious or permanent injuries upon such reservations or public spaces or statuary thereon; and the Commissioners of the District of Columbia may designate for such and other purposes on the occasion aforesaid such streets, avenues, and sidewalks in the said city of Washington as they may deem proper and necessary: Provided, however, That all stands or platforms that may be erected on the public spaces aforesaid shall be under the supervision of the said executive committee and in accordance with plans and designs to be approved by the Architect of the Capitol, the commissioner of public buildings and grounds, and the building inspector of the District of Columbia.

Mr. BABCOCK. Mr. Speaker, this also is a customary resolution, and it has been submitted to the committee by the marshal of the District, with a view to granting the use of parks and other public places during the inaugural ceremonies.

Mr. COX. Does it include any public buildings?

Mr. BABCOCK. No, sir; simply streets and parks.

The joint resolution was ordered to be engrossed and read a third time; and passed.

Mr. BABCOCK. Now Mr. Speaker I ask unanimous consent.

time, and passed.

Mr. BABCOCK. Now, Mr. Speaker, I ask unanimous consent to present a bill (H. R. 9700) authorizing the issuing and loaning of the ensigns, flags, signal numbers, etc., of the United States, for the purpose of decorating the streets of the city of Washington on the occasion of the inaugural ceremonies on the 4th day of March, 1897.

The bill was read, as follows:

The bill was read, as follows:

Whereas the Citizens' Reception Committee of the District of Columbia, for the entertainment of the citizens of the Republic at the inauguration of the President of the United States on the 4th day of March, 1897, within the city of Washington, desires to add to the pleasure of the occasion by an extensive decoration of the streets of the city, and in order that the General Government may render such assistance as may be within its power: Therefore,

Be it enacted, etc., That the Secretary of War and the Secretary of the Navy be authorized to loan to Louis D. Wine, chairman of the subcommittee in charge of street decorations, or his successor in said office, for the purpose of decorating the streets in the city of Washington in the District of Columbia, on the occasion of the inauguration of the President of the United States on the 4th day of March, 1897, all of the United States ensigns, flags, signal numbers, etc., belonging to the Government of the United States, as in their judgment can be spared and are not in use by the Government at the time of the inauguration. The loan of said ensigns, flags, signal numbers, etc., belonging to the protection and the return of said ensigns, flags, signal numbers, etc., the said Louis D. Wine, or his successor in office, shall execute and deliver to the President of the United States, or to such officer as he may

designate, a satisfactory bond in the sum of \$50,000: And provided, That the said committee shall indemnify the said Departments, or either of them, for any loss or damage to said ensigns, flags, etc., not necessarily incident to the use heretofore specified.

Mr. BABCOCK. Mr. Speaker, it is necessary, I believe, to ask unanimous consent for the consideration of this joint resolution. It is a copy of two resolutions which have heretofore been passed by the House, but this particular resolution is not on the Calendar. I ask unanimous consent that it be considered.

There being no objection, the House proceeded to the considera-tion of the joint resolution, which was ordered to be engrossed and read a third time; and it was accordingly read the third time,

and passed.

Mr. BABCOCK. I move to reconsider the vote by which the two joint resolutions and one bill have just been passed, and I also move that in each case the motion to reconsider be laid on the table.

The latter motion was agreed to.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Platt, one of its clerks, announced that the Senate had passed without amendment bills

of the following titles:

A bill (H. R. 9469) to constitute a new division of the eastern judicial district of Texas, and to provide for holding of terms of court at Beaumont, Tex., and for the appointment of a clerk for said court;

A bill (H. R. 6533) for the relief of A. A. Hosmer; and A bill (H. R. 9472) to amend chapter 111 of the acts of the third session of the Fifty-third Congress.

The message also announced that the Senate had passed bills of the following titles; in which the concurrence of the House was requested:

A bill (S. 1624) to quiet title and possession with respect to cer-tain unconfirmed and located private land claims in the State of

Louisiana; and A bill (S. 3401) to amend the act entitled "An act to authorize

the construction of a bridge across the Missouri River at or near the city of Lexington, Mo., approved July 26, 1894."

The message also announced that the Senate had disagreed to the amendments of the House of Representatives to the bill (S. 1832) to define the rights of purchasers under mortgages authorized by an act of Congress approved April 20, 1871, concerning the Atlantic and Pacific Railroad Company, asked a conference with the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. Hill, Mr. Platt, and Mr. Clark as the conference on the part of the Senate.

ATLANTIC AND PACIFIC RAILROAD.

Mr. POWERS. Mr. Speaker, I observe from the message just sent to us by the Senate that that body has disagreed to the amend-ments of the House to the bill with reference to the Atlantic and Pacific Railroad Company. I move that the House insist on its amendments, and agree to the conference asked by the Senate.

The motion was agreed to.

SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred as follows:

A bill (S. 3401) to amend the act entitled "An act to authorize the construction of a bridge across the Missouri River at or near the city of Lexington, Mo.," approved July 26, 1894—to the Committee on Interstate and Foreign Commerce.

A bill (S. 1624) to quiet title and possession with respect to certain unconfirmed and located private land claims in the State of

Louisiana—to the Committee on the Public Lands.

METROPOLITAN RAILROAD COMPANY.

Mr. BABCOCK. I call up the bill (H.R. 9647) to authorize the extension of the lines of the Metropolitan Railroad Company of the District of Columbia.

The bill was read, as follows:

The bill was read, as follows:

Be it enacted, etc., That the Metropolitan Railroad Company be, and it is hereby, authorized to extend the lines of its underground electric railroad from the intersection of Connecticut and Florida avenues northward along Columbia road to a point on the west line of Eighteenth street extended: Provided, That the said extension be completed within six months from the date of the passage of this act, and the said company is hereby authorized and empowered to increase its capital stock for the purpose of making and equipping the extension of its route authorized by this act, but the amount of the capital stock so to be issued, as aforesaid, shall not exceed the cost of the making and equipment of the extension herein provided for: Provided further, That the Metropolitan Railroad Company is hereby authorized to issue such an additional amount of capital stock as will provide for the conversion into such stock of its outstanding certificates of indebtedness, amounting to \$250,000, heretofore issued for the completion and equipment of its road.

Mr. BABCOCK. This bill proposes to extend the line of the

Mr. BABCOCK. This bill proposes to extend the line of the Metropolitan Railroad about 1,200 feet beyond its present terminus on Connecticut avenue, up Columbia road. A measure of this kind passed the House at its last session, and was attached as an amendment to what was known as the Eckington bill, which finally went to conference. In the conference, upon the demand of the Senate committee, this provision was stricken from the bill.

The only point in which this bill differs from the measure which then passed the House is that it provides in addition for converting \$250,000 worth of certificates into stock. These certificates were issued in the construction of two loops, one around Lincoln Park, and in the erection of the car stable at Fourteenth and East Capitol streets.

Mr. BAKER of New Hampshire. I desire to ask the chairman of the committee in regard to the proviso in this bill, which I see authorizes an additional amount of capital stock for the conversion of outstanding certificates of indebtedness amounting to \$250,000. Are those certificates of indebtedness to that amount to be funded

Are those certificates of indeptendess to that all of the into stock at par?

Mr. BABCOCK. Yes, sir; I so understand.

Mr. BAKER of New Hampshire. Then the holders of those certificates, in view of the market price of the stock, would receive, instead of \$250,000, \$540,000, would they not?

Mr. BABCOCK. It ought to be well understood by any business man that the stockholders would be entitled pro rata to any additional amount of stock that may be issued. As among the stockholders there can be no hardship.

holders there can be no hardship.

Mr. BAKER of New Hampshire. That may be true, as far as the stockholders are concerned. If these certificates of indebtedness were held entirely by the stockholders, the gentleman might be correct; but I understand that is not the case. cates of indebtedness have been sold around the city and upon the stock board for months; they are sold daily. And under the provision now contained in this bill the holders of those certifi-cates will actually receive two dollars for one. The increase which they would receive, counting back to the time the certificates were issued, would be equal to an interest of about 110 per cent. I move, therefore, to amend the bill by striking out, in lines 16 and 17, the words "capital stock" and inserting the word "bonds;" so that the proviso will read:

That the Metropolitan Railroad Company is hereby authorized to issue such an additional amount of bonds as will provide for the conversion into such bonds of its outstanding certificates of indebtedness, etc.

Mr. BABCOCK. These certificates are good only for the amount represented by their face. They represent so much money; they do not represent so much stock.

Now, when additional stock is issued, the rule practically in all corporations is that the opportunity to subscribe for the additional stock is offered first to those who are already stockholders. This money will go into the treasury, and then the certificates will be paid off. The holders of the certificates do not get the stock. Smith or Brown, simply because he holds a certificate, will not be entitled to stock; he gets his money.

Mr. BAKER of New Hampshire. The proviso is that—

The Metropolitan Railroad Company is hereby authorized to issue such an additional amount of capital stock as will provide for the conversion into such stock of its outstanding certificates of indebtedness, etc.

Mr. BABCOCK. That is right.
Mr. BAKER of New Hampshire. I have been informed by officers of the company that it is their intention to issue stock, and that no harm will result, for the reason, as urged by the gentleman from Wisconsin, that the stock will go to the existing stockholders and not to outsiders.

Now, the whole question practically resolves itself into this: This amount of money presumably was expended for the improvements of the road; for that purpose the \$1,800,000 worth of bonds authorized by Congress were issued. Following in the line of previous legislation, if it be necessary for us to proceed further in this direction, we should authorize the issue of an additional amount of bonds, leaving the capital stock exactly where it is. If we authorize the company to issue this additional amount of stock, then after a while, after the company has been making big profits and paying large dividends, if anything should happen to destroy that prosperity it may come here and say: "We must have this or we must have that, otherwise we shall be unable to pay the interest on our stock." On the other hand, if now, while this road is in its present condition of prosperity, we provide for the issue of these bonds and their payment from time to time, the indebtedness of the company will be diminished while the stock capitalization will remain exactly the same; so that it will not become at some future time a charge upon the people who may Now, the whole question practically resolves itself into this: become at some future time a charge upon the people who may ride on this road

Mr. DOCKERY. The proposition of the gentleman from New Hampshire, as I understand it, is to convert the outstanding floating indebtedness, known as certificates of indebtedness, into bonds?

Mr. BAKER of New Hampshire. Yes, sir; bonds instead of

Mr. DOCKERY. That seems to me to be a very businesslike

Mr. BAKER of New Hampshire. I therefore move to strike out the words "capital stock" in the lines to which I have referred, and also, in line 17, the word "stock," and insert the word "bonds," so as to accomplish the purpose I have indicated.

Mr. RICHARDSON. I would call the attention of the gentleman to this fact: I do not know what the officers of the road may say on the proposition, but in passing the original bill it provided not only for the issue of bonds, but also for the issue of stock, and the two, that is to say, the bonds and the stock so issued, were used

the two, that is to say, the bonds and the stock so issued, were used to raise enough money to construct the road on the new plan.

Now, I would ask the gentleman why he would charge it all to bonds instead of part to bonds and part to stock?

Mr. BAKER of New Hampshire. I think the gentleman from Tennessee is mistaken, and that the authorization was only for stock.

Mr. RICHARDSON. I have not the bill before me, but I am quite sure that in the authorization granted by Congress for the present system in use on that road both bonds and stock were authorized.

authorized.

Mr. BAKER of New Hampshire. I am talking of the Metropolitan road. Its indebtedness, except these certificates, is all in bonds, and I do not see why this additional expenditure should not be paid for in bonds in the same manner as heretofore.

Mr. STEELE. I would like to ask the gentleman a question: Whether it is not a fact that this company is now building useless structures in this city, that they could easily dispense with, in order to absorb part of the great profits of the corporation, so that the dividends may not appear ridiculously excessive? I would also ask if it is not a further fact that the extension asked for in this case is to keep some other road from getting through to this this case is to keep some other road from getting through to this

desirable point?

Mr. RICHARDSON. I do not think the road has earned any dividends at all. It has just completed a very expensive new system—the best in the world, I think, the underground electric system—and I do not think that they have found it necessary to hide any dividends. In fact, my information is exactly the oppo-

Mr. STEELE. My information is that, right in the face of this construction of which the gentleman speaks, the dividends have been excessive, beyond what ought to be allowed in a great city

Mr. BABCOCK. I thinklikely that the gentleman from Indiana is confusing two roads. His question doubtless refers to the Washington and Georgetown Railroad, not to the Metropolitan line, to which this bill refers.

line, to which this bill refers.

Mr. STEELE. I understand that it is the same thing.

Mr. BABCOCK. By no means.

Mr. STEELE. I understand that they are one and the same.

Mr. RICHARDSON. The gentleman is entirely mistaken.

There is no sort of connection between them, at least such has always been my information and understanding. They are exactly competitors, as I understand it and as the District Committee understand it.

tee understand it.
Mr. STEELE. I do not so understand it.

Mr. RICHARDSON. But if the gentleman from Indiana has any information upon the subject he ought to furnish it to the

any information upon the subject he ought to furnish it to the committee for its guidance.

Mr. STEELE. I have only verbal information, which, however, I think is reliable. I have not personally examined the question. I did not understand that they were going to ask any further favors this year, and supposed that they were done. I have not, therefore, taken the pains to inform myself.

Mr. RICHARDSON. What I mean to say is that in all the hearings and appearances before the committee these two lines seem to be utterly at variance with each other. I ask the chairman of the committee if this is not true?

man of the committee if this is not true?

Mr. BABCOCK. Undoubtedly.
Mr. RICHARDSON. And I have not seen any collusion or any evidence of collusion between them.
Mr. STEELE. It would doubtless be surprising to find people interested in these District charters and franchises coming before the District Committee and complaining of each other. are not going before the committee, as a rule, to complain of the corporations of the District of Columbia.

Mr. BABCOCK. I will answer the gentleman as to the road coming before Congress and asking for this additional legislation. That is a mistake. This is asked by the people of the city along the line of the proposed extension, unanimously asked by them; and the president of the road, as I have stated on the floor of the House before, told me that he did not care to have the bill passed; that they did not want to construct that piece of road at all. It is up the hill at the end of Connecticut avenue, and every property holder there—and it is all settled—is interested in this proposed extension, which extends for a distance of about 1,200 feet.

Mr. STEELE. Is there any limitation upon the time when it shall be completed?

Mr. BABCOCK. Yes, sir; six months.

Mr. BAKER of New Hampshire. Mr. Speaker, I understand that that is entirely true, so far as the extension is concerned; but I do not understand it to be accurate in regard to the issuing of the stock or the bonds, and, as I said before, as bonds were author-

ized at the last session of Congress for this extension, and the

ized at the last session of Congress for this extension, and the extension has cost \$250,000 more than that authorization, the stockholders, or certain portions of them, having advanced the money, it is right that they should be reimbursed in bonds, but not in stock, and my amendment will go to that point.

Mr. DOCKERY. If the gentleman will permit me—
Mr. ODELL. Do you consider it a good business policy to inflict a fixed charge upon this company rather than to convert this into stock that would only share in the profits of the company?

Mr. BAKER of New Hampshire. The same principle applies in relation to this that applied to the bond issues, as I have heretofore stated. This stock goes only to a portion of the stockholders and not to all; consequently, the stock being issued at the par value, which is only \$50, and the stock selling for more than twice par, it is unjust to the other stockholders and it is unjust to the community.

munity.

Mr. HULL. If the gentleman will yield I will ask, If stock is issued is it not a fixed charge on the community perpetually?

New Hampshire. Absolutely.

issued is it not a fixed charge on the community perpetually?

Mr. BAKER of New Hampshire. Absolutely.

Mr. HULL. If bonds are issued they constitute only a fixed charge on the corporation until their revenues pay the bonds.

Mr. BAKER of New Hampshire. That is the fact.

Mr. ODELL. Theoretically that is the fact.

Mr. DOCKERY. In other words, this company has a form of indebtedness outstanding called certificates of indebtedness.

Mr. BAKER of New Hampshire. Yes.

Mr. DOCKERY. Now they propose to fund that floating debt. How should it be done? A bond is an evidence of indebtedness and the form of indebtedness the company ought to issue.

Mr. RICHARDSON. This represents money paid out.

Mr. DOCKERY. But the capital stock is the money on which the company does business, and this is an indebtedness of the company. The capital stock directs and controls the business of the company. The capital stock directs and controls the business of the company. As long as you can not change the rate of fare, how would an issue of stock be a charge upon the community? The rate of fare is fixed by law.

The rate of fare is fixed by law.

Mr. DOCKERY. I was not discussing that phase of the propo-

sition.

Mr. ODELL. That is the phase presented by the suggestion that it will be a tax on the community.

Mr. BAKER of New Hampshire. The issue ought to be an issue of bonds, and not of stock, unquestionably.

Mr. BABCOCK. Mr. Speaker, if the proposition as stated by the gentleman from New Hampshire is correct, it will be a very unusual proceeding on the part of a board of directors and an injustice upon the stockholders. I do not think the premises that he states are true, but I will accept the amendment, to make this an issue of bonds rather than of stock.

he states are true, but I will accept the amendment, to make this an issue of bonds rather than of stock.

Mr. DOCKERY. That is right.

Mr. BABCOCK. There certainly can be no harm in that, but it would be a very unbusinesslike proceeding to pay certificate holders 200 cents on the dollar if somebody owed them only 100 cents on the dollar. I will accept the amendment, Mr. Speaker. The SPEAKER. The question is on agreeing to the amendment.

Mr. BAKER of New Hampshire. I ask to have the amendment reported from the desk.

reported from the desk.

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

On page 2, lines 16 and 17, strike out the words "capital stock" and insert in lieu thereof the word "bonds."

In line 17, after the word "such," strike out "stock" and insert "bonds."

The question being taken on the amendment, the Speaker announced that the noes seemed to have it.

On a division (demanded by Mr. BAKER of New Hampshire) there were—ayes 34, noes 31.

Accordingly the amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed. On motion of Mr. BABCOCK, a motion to reconsider the last vote was laid on the table.

BEQUEST OF THE LATE PETER VON ESSEN.

Mr. BABCOCK. Mr. Speaker, I move that the bill (H. R. 8472) authorizing the Commissioners of the District of Columbia to accept the bequest of the late Peter Von Essen for the use of the public white schools of that portion of said District formerly known as Georgetown be recommitted to the Committee on the District of Columbia.

The motion was agreed to.

CONSTRUCTION OF BUILDINGS IN THE CITY.

Mr. BABCOCK. Mr. Speaker, I also ask that the bill S. 3008 be recommitted to the committee.

The Clerk read as follows:

A bill (S. 3008) authorizing the employment of day labor in the construction of certain municipal buildings and works in the District of Columbia.

The motion was agreed to.

ECKINGTON AND SOLDIERS' HOME RAILWAY COMPANY.

Mr. BABCOCK. Mr. Speaker, here is a resolution of considerable importance that ought to be considered this morning.

The Clerk read as follows:

The Clerk read as follows:

Joint resolution (H. Res. 215) extending time for compliance by Eckington and Soldiers' Home Railway Company and the Belt Railway Company with provisions of section 1 of an act entitled an act to extend the routes of said railway companies, etc., approved June 10, 1896.

Resolved, etc., That the time within which the said Eckington and Soldiers' Home Railway Company of the District of Columbia and the Belt Railway Company of the District of Columbia shall begin to equip those portions of their respective lines which are situated within the boundary of the city of Washington with compressed-air motors be, and it is hereby, extended to July 1, 1897: Provided, That prior to said last-mentioned date the said rail way companies shall have become satisfied that said compressed-air motors are in all respects proper and satisfactory as a motive power for the speedy and convenient propulsion of street cars.

SEC. 2. That if said railway companies shall decide to adopt said motive power, they shall completely equip their respective lines with such motive power, they shall completely equip their respective lines with such motive power, they shall completely equip their respective lines in the city of Washington with an underground electric system.

Mr. BABCOCK. Mr. Speaker, I desire to say, in reference to this resolution, that the bill granting authority to put on compressed-air motors was passed by this House last June. A contract was let to one of the business houses of this country and an order given for what are known as compressed-air bottles to a firm the Carrent was let to one of the susiness houses of this country and an order given for what are known as compressed-air bottles to a firm the Carrent was let to construct the Car

order given for what are known as compressed-air bottles to a firm in Germany owned by the German Government. The contract was made for delivery, it being the only place where these bottles could be satisfactorily constructed in that time. Shortly after the contract was let the whole institution burned down, and it the contract was let the whole institution burned down, and it has been impossible to secure them in time for use. I believe they have now one car and one only. Both roads, after the passage of the bill last year, went into the hands of receivers, in September. A hearing as to the sale under the creditors' bill is set for the 9th day of January; and unless the extension is granted the court will decree the sale of the road, thus losing to the stockholders the full amount of their stock, which I believe is \$250,000.

Mr. HULICK. It is \$250,000 on one road and \$500,000 on the

Mr. BABCOCK. That is right—\$250,000 on one road and \$500,000 on the other. Mr. Schoepf, the receiver of the road, assures the committee that he has made arrangements for the money to take care of the indebtedness, providing for its equipment, if the extension of time is given, and thereby prevent the road being sold out by the sheriff. These are the facts in connection with

the bill. Mr. HEPBURN. Mr. Speaker, it is my opinion that this extension ought not to be granted. I think that this House has sufficient evidence to satisfy it that this company up to this time has treated with absolute contempt every requirement that Congress has made with reference to various improvements required in the operation of this road. When the bill the provisions of which it is now proposed to extend was before the House we were assured that the contract had been made in this country for these mo-

Mr. BABCOCK. That is true; they were.
Mr. HEPBURN. When the facts are, as I am assured, Mr. Speaker, that there is no such motor in the United States; that there is no firm constructing them; and the whole pretense was

based upon misrepresentation.

Mr. HULICK. Would the gentleman allow me a question?

Mr. HEPBURN. Yes, sir.

Mr. HULICK. Have you investigated this fact as to whether any of these motors are being used now? If you have, and that is your conclusion, it is directly opposite to the testimony considered and the evidence considered by the committee and the conclusions arrived at upon evidence satisfactory to eight members

Mr. HEPBURN. Mr. Speaker, my authority is derived from a committee or association of citizens of the northeast portion of this city that have been looking into this matter; that have been corresponding with the alleged firm from which these motors, it corresponding with the alleged firm from which these motors, it was said, were to be obtained—gentlemen who have been studying this question—and they tell me there is not in operation now in the United States one of these motors that has passed the experimental stage, nor is there any firm in the United States engaged in their manufacture; that there are one or two institutions that are experimenting with this kind of motor; but that the enterprise of construction has gone no further than the experiment.

Mr. BABCOCK. Will the gentleman allow me a word right there?

Mr. HEPBURN. I would rather you should wait till I get through; but if you prefer to do so, say it now.

Mr. Speaker, I want to call the gentleman's attention to another matter of history in connection with this company. They were given a time in which to begin the use of this motor. As I am informed, before the expiration of the time for using the new motor, in order to avoid that provision of the statute, there was

begun a friendly suit that put these two roads in the hands of a receiver. The two roads are substantially the same. The receiver is the general manager of both, and, as I am informed, the whole movement was with a view to securing this extension and to give an excuse for not complying with the act of Congress

If this is true—and my authority is the same that I have cited, gentlemen who have investigated the matter, who are interested in it, and who are simply striving to compel this company to give them the facilities which the law requires them to give—I am satisfied that it ought to influence our action upon this bill. If this House knew the contumacious manner in which these companies have treated every requirement of the law, I am sure that no member would feel that they were in a position to ask any more favors from Congress. For example, one of these companies was required to build a line of road and operate it upon North Capitol street. That street had just been paved. The company tore up the pavement along a considerable portion of the street and put down its tracks and then instead of renguing the street with put down its tracks, and then, instead of repaving the street with concrete or with asphaltum so as to correspond with the general pavement, it filled it in with cobblestones, while along another portion of the line the company has not yet put down any pavement. Furthermore, it refused to operate a portion of the road. The act of June last required operation, and this requirement has either been disregarded or the operation has been of an inefficient

and unsatisfactory character.

The people came here demanding that this corporation should be compelled to comply with the conditions of its grant, and, after be compelled to comply with the conditions of its grant, and, after great trouble, it did put on a line of cars which ran at long intervals, twenty minutes or half an hour apart, and that only during a portion of the day, until 8 o'clock in the evening. The Commissioners attempted to compel the company to reform its schedule, but they have not yet been able to secure service on that road at all commensurate with the demands of the thickly settled portion of the city through which it runs. I am informed that it is the belief of persons who have investigated this subject that the majority stockholders, those who have acquired by purchase the control of a bare majority of the stock, are pursuing that course which is known to many gentlemen engaged in corporate operations as "freezing out" the balance of the stockholders, that these various "freezing out" the balance of the stockholders, that these various delays, that these various suits, that putting the road into the hands of a receiver, are all parts of a scheme of those who hold a bare majority of the stock to freeze the minority out, and the whole course of the company indicates it. They pretend that the road is important, yet this very manager, whom the gentleman from Wisconsin quotes, has been heard to say, as I am informed, pluming himself upon his management, that the road which now management of the city was in the very first runs along C street, in this part of the city, was in the very first year of its operation a remunerative enterprise and was able to pay a dividend.

Now, if these statements are not true—and I give them as they come to me from reputable gentlemen who are representing their associates in that part of the city, endeavoring to look after their rights and to compel this corporation to respect those rights—if these statements are not true, I say, some of the gentlemen of the committee who have heard the other side of the story can doubtless correct me. But I believe, Mr. Chairman, that the statements are true, and if they are I am sure that this House will not desire to extend any additional facilities to this corporation.

Mr. HULICK. May I ask you another question before you take

Mr. HULICK. May I ask you another question before you take

mr. HULICA. May I ask you another question before you take your seat? You say that you have received these representations from parties in interest. Now, what interest have they—as stockholders, as bondholders, or as creditors?

Mr. HEPBURN. No, sir; they are citizens of the northeastern portion of this city, which this corporation was chartered to serve, and who are groaning under the failure to receive the service which it was added to give the service. which it was pledged to give them and which Congress has said it

should give.

Mr. HULICK. Then I understand that these complaints do not come from the minority stockholders or from the creditors of the

ompany?

Mr. HEPBURN. No, sir; I speak of no one and for no one but the citizens of that portion of the city, who almost universally, as I am told, feel that this railroad company is simply playing with their interests and their rights.

Mr. HULICK. What is their specific complaint against this company so far as the rights of the citizens and of the patrons of the read are concerned?

the road are concerned?

Mr. HEPBURN. I will try to tell you. They complain that along a part of the road there is an utter failure to give them any service at all. The company has laid its tracks in the streets, but refuses to operate the road. That is one complaint. Another is that the company refuses to give the citizens the improved facilities for travel which Congress has declared it should give, and that it is striving from day to day and month to month and from year to year to extend its privileges by fallacious excuses, while showing an utter contempt for the requirements of the law. Those are some of the complaints.

Mr. BABCOCK. Mr. Chairman, I desire to answer a few of the propositions which the gentleman from Iowa has submitted. First, in reference to the air motors. There is a member of the committee here who resides in New York, where these air motors are in use, and who is familiar with their use. On one line in New York there are now six of these motors in operation. They are used on a cable road intermediately between the cable cars. The company has made a contract for 25 of them, 6 of which are now in operation. in operation.

Mr. HEPBURN. Let me ask the gentleman whether the use of Mr. HEPBURN. Let me ask the gentleman whether the use of those motors has gone beyond the mere experimental stage. Are they not being experimented with, just as one of our street railroad companies here experimented for months and months with the storage-battery cars? Gentlemen will remember when those cars were nominally in use upon the Metropolitan Railroad for a year or so, yet it was a mere experimental use, and they were finally abandoned.

Mr. BABCOCK. In New York a contract has been made for the entire equipment of the read with those maters and they are

Mr. BABCOCK. In New York a contract has been made for the entire equipment of the road with these motors, and they are being supplied as fast as the manufacturer can turn them out, so it is obvious that their use has gone beyond the experimental stage. In reference to the stockholders of this company, the gentleman has stated the facts as to the holding of the majority of the stock.

Mr. HEPBURN. I have stated the facts as they were reported

to me.

Mr. BABCOCK. Well, the facts are these: There are 10,000 shares of stock; 5,003 shares are held by what is termed the company—that is, the men who control the road; 4,997 shares are held by outside interests in small holdings, less than 200 shares in each holding

Mr. HEPBURN. One question right there. Are not the 5,003 shares held entirely by men who do not reside in the city of

Mr. BABCOCK. They are held by the controlling interest of the road-

Mr. HEPBURN. The controlling interest in other cities.
Mr. BABCOCK. I do not know whether the holders reside here
or not. But that has nothing to do with the ownership or the

rights of the stockholders.

Mr. HEPBURN. Well, it might have in this "freezing-out"

Mr. BABCOCK. Will the gentleman allow me to continue a few moments without interruption?

Mr. HEPBURN. The gentleman will excuse me.
Mr. BABCOCK. As I stated before, innocent holders hold
nearly 5,000 shares of this stock—one-half of it within three shares. Now, would the gentleman advocate a policy which would compel the sale of this road? Does he favor a policy which would play into the hands of these foreign owners and sacrifice the interests of the people here in Washington who own one-half of the stock of the road lacking three shares?

Mr. Hepburn rose. Mr. BABCOCK. I trust the gentleman will not interrupt me

at this moment.

Now, the object of this bill, and what it will accomplish, is to protect these stockholders—to adopt such legislation that there may be a chance to go ahead and develop this road. We have here the same old story that we had with the Metropolitan road. In reference to that road the same arguments were brought forward that are brought forward here to-day. The Metropolitan Company acknowledged, as this company now acknowledges, "We are in default before Congress.

This road has not given the people the service they are entitled to. Numerous complaints have come to us on this ground. I can show the gentleman two bushel baskets full of petitions directly in the the gentleman two bushel baskets full of petitions directly in the line of what he says. Now, the thing for Congress to do is the best thing that it is possible to do. What is that? To sell out the road, to put it into the hands of these gentlemen residing outside of Washington, to "freeze out" the stockholders who are here in this city? By no means. We are assured, as I said before, that if the receiver can convince the court that the money is forthcoming to pay this indebtedness—if the ability can be shown to handle the finances of the road—the court will hold the matter

open and give an opportunity for doing so.

Now, these men ask for six months. Why do they ask for six months? Why do they ask for more than ninety days? Because the concern that had contracted to furnish 25 motors on this New York avenue line, of which 6 are now in operation, will require

YOFR avenue line, of which 6 are now in operation, will require two or three months to finish that contract. They are people who are building these motors successfully, and those who will equip the first branch of this line, if it is done at all.

I fully sympathize with everything that the gentleman from Iowa has said in regard to the service of this road. I have stood on this floor and in committee and for days and weeks and months have fought property for extensions and smoother than the I fully sympathize with everything that the gentleman from Iowa has said in regard to the service of this road. I have stood on this floor and in committee and for days and weeks and months have fought propositions for extensions and amendments of this company's charter. I have said to these people that I would never vote to authorize them to lay down another rail in the city of

Washington until they first rendered adequate service. Since the last bill in reference to this company was passed it appears that this factory has been burned, so that it would seem they have not been in default in not carrying out what they undertook to do. Now, shall we give them six months more time on this matter or

shall we allow the creditors to foreclose the road and let the foreign stockholders take possession of it? That is the question.

Mr. HEPBURN. I can answer the gentleman's question. I would forfeit this charter if I had the power; and I would grant the franchise to that portion of these stockholders who have evinced a disposition and desire to conform to the action of Congress. That is what I would do. And I would refuse any grant or any further extension of any kind to these men who for years have refused to obey any of the orders that have been issued to them by Congress. Six months hence these men can make the same kind of an excuse with regard to their failure that they are

mow making about the burning of the factory.

Mr. BABCOCK. No; this bill provides—

Mr. HEPBURN. I confess, Mr. Speaker, that I have not a particle of confidence in any statement in the nature of an excuse

that is made by the management of these companies.

Mr. BABCOCK. Will the gentleman allow me a moment?

Mr. HEPBURN. I believe they are organized solely for the purpose of selfishly furthering their own interests to the detriment of the interests of the public. I have no idea that they intend to use the motors now spoken of. I believe it is their purpose of the public when they are believe it is their purpose of the public when they are believe it is their purpose of the public when they are believe it is their purpose of the public when they are believe it is their purpose of the public when they are believe it is their purpose of the public when they are believe it is their purpose of the public when they are the public when they are the public when they are they are the public that they are pose ultimately, when they can no longer delay, to put in the underground electric system. But they are trying to postpone that expenditure till the latest possible moment.

Let me remind the gentleman of some things which would seem to indicate that this is the fact. Did not this company go to the court that now has the custody of this property and ask authority to issue a new form of indebtedness for the purpose of further experimenting with these motors, and in that proceeding did they not seek for an order of the court to postpone in favor of this new debt the lien of the bondholders who, up to this time, have furnished the money for carrying on the operations of this road? Is not that true?

Mr. BABCOCK. I am not aware of the fact.
Mr. HEPBURN. And did not the court very properly and necessarily refuse assent to the proposition, and rebute the impu-

necessarily refuse assent to the proposition, and rebuke the impudence of those who asked to perpetrate an outrage of that kind?

But these gentlemen apparently think that they can control Congress and control the court just as they please. And they find advocates, it seems. I recognize the fact that the gentleman from Wisconsin was most earnest in his opposition to giving this company what he now seems anxious to grant them. Six months ago he was not willing that what is now asked should be done; and it was only with the greatest reluctance that he was persuaded to allow that bill to pass.

Mr. BABCOCK. That is correct.

Mr. HEPBURN. Now, after they have had the six months which they asked and have made most dismal failure, I am astonished that he should come here advocating another six months.

tonished that he should come here advocating another six months. although no excuse of a respectable character has yet been made

for the default already incurred.

Mr. BABCOCK. I desire, Mr. Speaker, to call the attention of my friend from Iowa to one provision in the pending bill that he has apparently overlooked; that is, the mandatory section 3, which

Sec. 3. That if said railway companies shall not, on or before July 1, 1897, decide to adopt compressed air motors, then said railway companies shall, within one year from July 1, 1897, equip the respective lines in the city of Washington with an underground electric system.

We gave the Metropolitan road two years to do it in.
Mr. HEPBURN. Well, will the gentleman consent to an additional amendment, forfeiting all the rights of the corporation if they fail to comply with what you call the mandatory require-

ments of this act?
Mr. BABCOCK.
Mr. HEPBURN.
pany like this? Well, that is a pretty arbitrary proposition. What is a mandatory requirement to a com-

Mr. BABCOCK. A penalty could be provided at \$500 a day. Mr. BAKER of New Hampshire. They would not pay it, and

could not pay it, if it was provided.

Mr. HEPBURN. Let there be a forfeiture, or some guarantee of good faith on their part.

Mr. BAKER of New Hampshire. Mr. Speaker, as a further illustration of this matter, I ask the Clerk to read a part of the act of 1896, approved June 10 of that year, bearing upon this very

The Clerk read as follows:

a proper and satisfactory motive power for the speedy and convenient propulsion of street cars, then the said Commissioners are hereby authorized and directed to issue to the said railway companies, respectively, permits to equip their lines within the District of Columbia with such compressed-air motors; and within six months from the passage of this act the said railway companies shall cease to use horsepower on any and all of their respective lines. In the event that the said compressed-air motors shall not be approved as herein provided for, then within eighteen months from the passage of this act the said companies, respectively, shall construct and put into full operation on all their lines in the city of Washington the underground electric system.

Mr. BAKER of New Hampshire. You will notice that by the act of the last session of Congress just read by the Clerk the same requirement was made of this company which the gentleman from Wisconsin [Mr. Babcock] thinks would be improper at the present time.

There is another point to which I wish to call the attention of the House. That act provides that they shall begin to equip the road within three months. At the time it was under consideration in the House I objected to giving them three months in which to begin the equipment. We have practically now the same answer given then in regard to the necessity for an extension of the time. The gentlemen from Wisconsin has explained same answer given then in regard to the necessity for an extension of the time. The gentleman from Wisconsin has explained what he regards as the necessity for it. We yielded on that point in the last session, and at the expiration of the three months they had not begun to do what the law required them to do. They have not equipped one single portion of the road with one of these motors up to the present time.

Then the act goes on and says that they shall run their cars regularly over certain streets, mentioned in the bill which you then passed. They have not even done that.

Still again, the act of last June requires that these motors shall be satisfactory to the Commissioners of the District of Columbia, and that they shall not be used, even if found satisfactory to the company, until they have been approved and a permit granted by

the Commissioners for that purpose.

In the resolution which is now before the House all of these clauses are omitted, and if the resolution should become operative the powers of the Commissioners of the District of Columbia relating to the road would be absolutely annihilated. There is not a word in the resolution requiring these motors to be satisfactory to the Commissioners, or that the cars to be operated by the motors shall be run to suit the Commissioners or the public.

I would like, therefore, some member of the committee to explain why these clauses of the act of last June are omitted from

this provision.

Mr. RICHARDSON. I submit to the gentleman from New Hampshire that the resolution does not repeal those provisions, but simply extends the time, and the provisions to which he refers remain operative and in force. If there should even be any doubt upon the subject it can be put in by resolution.

Mr. BAKER of New Hampshire. If it does not repeal it I can be provided the resolution of this resolution.

not understand the meaning of some portions of this resolution.

For instance, this proviso, on page 1:

Provided, That prior to said last mentioned date the said railway companies shall have become satisfied that said compressed-air motors are in all respects proper and satisfactory as a motive power for the speedy and convenient propulsion of street cars.

And again, section 2:

SEC. 2. That if said railway companies shall decide to adopt said motive power they shall completely equip their respective lines with such motive power on or before July 1, 1898.

Mr. MILNES. I will state to the gentleman from New Hampshire that that part of the bill was agreed in the committee to be stricken out.

Mr. BAKER of New Hampshire. It was not so reported to the

Mr. MILNES. It should have been, the committee having

agreed upon it.

Mr. BAKER of New Hampshire. I do not know how that is, but it is not so stated before the House. I do not believe the House, and can not believe that the committee, is ready to turn over to this company absolute and conclusive power and judgment in relation to this question.

Mr. RICHARDSON. Not at all. It is at the discretion of the

Commissioners

Mr. BAKER of New Hampshire. Then I shall be glad to have the committee in some way correct this bill, and then I will proceed with my argument. My attention has been called to the fact that, although the resolution is before the House, there has been no report made upon it and no statement made by the committee as to its purposes or its amendments, excepting the verbal report which has been made here this morning.

Mr. MODESE. Will the gentlemen from New Hampshire allow.

Mr. MORSE. Will the gentleman from New Hampshire allow

me a moment?

Mr. BAKER of New Hampshire. Yes.
Mr. MORSE. In that moment which the gentleman yields to
me I should like to say that I have walked over some of the routes of these horse cars, and if the company are not going to change the motive power they should get some wagons and shovels and clean

up the excrement of the horses on the lines of these roads. no wonder that the people of this District have malaria, because I do not believe there is a city in the United States where such a vile, filthy condition of the public streets is allowed as is permitted in this city. It is vile. Just walk down New Jersey avenue and strike this Belt Line. I have to put my handkerchief to my face every time I cross that track. It is an outrage upon the citizens of the District. of the District

Mr. RICHARDSON. I should like to ask the gentleman if it is not the duty of the District Commissioners, instead of the rail-

road company, to keep the city clean?

Mr. MORSE. In answer to the gentleman, I will say that it seems to me that it is the duty of the Commissioners and of this House to see that the company abandons the antiquated fifteen-dollar horses that are hitched to these cars and substitutes for them electric power or cable power or motors run by some other power, and get rid of these filthy animals in the public streets.

Mr. BABCOCK. Is the gentleman aware that that is what Congress has been trying to do for some time? That is the object of this bill.

of this bill.

Mr. MORSE. The gentleman from New Hampshire [Mr. Baker] has just been pointing out that this bill fails to do it, and that these roads have not been held up to the conditions of the

that these roads have not been held up to the conditions of the existing law.

Mr. BABCOCK. Has the gentleman read the bill?

Mr. MORSE. I have heard the statement of the gentleman from New Hampshire [Mr. BAKER].

Mr. BABCOCK. I desire to say that there is an abundant supply of both the bills and the reports in the House.

Mr. MORSE. Now, I want to continue that remark. The gentleman from Wisconsin [Mr. BABCOCK] the other day, in referring to the matter of "abundant supply," called the attention of the House and dwelt at great length upon the fact—

Mr. BABCOCK. Mr. Speaker, this is not the alcoholic-liquor bill that is under consideration.

Mr. MORSE. I beg your pardon.

Mr. BABCOCK. And the matter of time is very precious this afternoon.

afternoon.

Mr. MORSE. The gentleman from Wisconsin went back to the alcoholic-liquor debate. It was not myself that went back to it. I insist upon my position and statement that these railroad companies have not, as pointed out by the gentleman from New Hampshire [Mr. Baker], complied with the existing law, and that we have in this District, on the lines of these roads, still the antiquated

horse car that is unknown in any other city in the Union of the size of the city of Washington.

Mr. ODELL. Except New York.

Mr. MORSE. And it is high time that the existing law was changed, and that the motive power of these lines was changed changed, and that the motive power of these lines was changed from horses to electric or cable power or some other form of motor. With that change I believe the health of the people of this District will be greatly improved, and the filth and excrement which is now allowed to accumulate on these tracks will be removed.

Mr. RICHARDSON. Mr. Speaker, I want to say a word or two in reply to the remarks of the gentleman from Massachusetts. Mr. Monsel with respect to horse cars. I want to say that he is

[Mr. Morse] with respect to horse cars. I want to say that he is mistaken when he says horse cars are not used in any other city in the Union of the population of Washington, but that is immaterial. These roads that are involved in this controversy are largely suburban roads. One of them extends out into the country to Brookland, and for a mile or more along it there is scarcely a building. Now, it is true that they use horse cars on a part of their tracks, but this proposition is one which involves the removal of the horses. We are trying our best to get a provision enacted into law which will remove the horses and horse cars from these lines. We believe this is the best that can be done.

The gentleman from New Hampshire [Mr. Baker] finds fault

The gentleman from New Hampshire [Mr. Baker] finds fault with the roads because they have not complied with the act of Congress which was passed last June. They have not, but the gentleman from New Hampshire [Mr. Baker] says that they were given three months within which to begin to comply with that act of Congress and that not one thing was done within the three months. That is the gentleman's statement. It is in evidence before the committee, Mr. Speaker, that within two days, and I believe on the first day after the passage of the law the and I believe on the first day after the passage of the law, the company made a contract with the manufacturers of these bottles or tubes to hold the compressed air for the motors, in order that they might comply with the act of Congress. The manager of the road stated—

Mr. HEPBURN. Will the gentleman permit a question there?
Mr. RICHARDSON. In a moment. The manager of the road
stated in his testimony before the committee that within fortyeight hours, I believe, an agreement was made with the company in Germany to furnish these tubes or bottles. Now, that was a beginning. I will yield now to the gentleman from Iowa [Mr. Hepburn] for his question.

Mr. Hepburn. Mr. Speaker, I want to ask the gentleman if

he did not state to the House when the bill which this one proposes to amend was under consideration that this company had then made contracts for those new machines with which to operate their road, and did he not make that statement in reply to a suggestion made by myself that no machines of that kind were manufactured in the United States?

Mr. RICHARDSON. There was some debate on the measure at that time, and it may be that I made some such remark, based upon the testimony before the committee at that time.

Mr. HEPBURN. If the gentleman will allow me—
Mr. RICHARDSON. In a moment. I do not remember that I

Mr. RICHARDSON. In a moment. I do not remember that I spoke then on the proposition to manufacture bottles or tubes. I do not think I did; but we did have testimony before the committee that an arrangement had been made that within thirty days they would operate some kind of compressed air motor car upon this line. That statement was made by a different gentleman than the one who has recently been before the committee with

than the one who has recently been before the committee with respect to these matters.

Mr. HEPBURN. Very naturally.

Mr. RICHARDSON (continuing). And the assurance then was that within thirty days a compressed-air car would be in operation. An arrangement was made by the company to comply with the act of Congress passed in June with a company in Germany—and I am informed the only company—that manufactures these bottles which hold the compressed air; and, as I was about to remark, three months' time was given that company in the contract within which to manufacture these bottles. tract within which to manufacture these bottles.

Mr. HEPBURN. Before the gentleman gets away from that

I desire to ask him-

Mr. RICHARDSON. In a moment. Let me finish this idea, and

then I will yield to the gentleman.

I do not know these things of my own personal knowledge; I do not know these things of my own personal knowledge; I only know from the testimony before the committee—they made the contract within forty-eight hours in their effort to comply with the act of Congress. It was made in June, and before the three months had expired. Near the close of the three months within which these bottles were to be supplied the manufactory, owned by the Government of Germany, that had the contract to supply them was burned. It was some time before they learned why it was the contract was not complied with within the three months. That is what I want to state with respect to the effort made by the company to secure the necessary supply. Whether it is true or not I do not know, but I believe it is.

Mr. HEPBURN. Will the gentleman state what reason he has to believe in this second or revised statement in regard to the contract rather than he has to believe in the first that was made in

tract rather than he has to believe in the first that was made in

to believe in this second or revised statement in regard to the contract rather than he has to believe in the first that was made in June last or prior?

Mr. RICHARDSON. Why, if their testimony is to be believed, it is true. I believe they told the truth.

Mr. HEPBURN. Of course. But do you believe it?

Mr. RICHARDSON. I do. I believe it. They come and tell us that the reason why they have not complied with this act was because there was a fire that destroyed the manufactory. I am compelled to believe them. Now, they say they can go forward within this time, presuming it should be given them. I do not know whether they can; but the question is, What are you going to do if they should not? Do you propose to repeal the charter?

Mr. HEPBURN. I would.

Mr. RICHARDSON. What would become of the stockholders and those who have put their money into this road?

Mr. HEPBURN. I would regrant the franchise to those who would show some disposition to obey the commands of Congress.

Mr. RICHARDSON. They are not here seeking or asking such relief. The road would be sold for less than half what the stockholders have paid for it.

Mr. HEPBURN. There is no trouble in disposing of these valuable franchises of these people to sound and solvent corporations.

Mr. RICHARDSON. I do not know about that.

Mr. HEPBURN. But right here I want to ask the gentleman. He tells us he believes this story about the burning of the factory in Germany.

He tells us he believes this story about the burning of the factory

in Germany.

Mr. RICHARDSON. I believe it upon their statements. I believe the gentleman who testified about it is a reputable man, and entitled to full credit.

Mr. HEPBURN. But was not it a reputable man in the same sense that told the gentleman last June that they had already completed a contract with a firm in this country for twenty-five of these motors?

Mr. RICHARDSON. But the gentleman is making an assumption in that respect that I do not agree with him about.

Mr. HEPBURN. I am quite confident it was made. I think it

was made by the gentleman from Tennessee.
Mr. RICHARDSON. I do not think I spoke on the occasion he refers to about these bottles.
Mr. MILNES. Will the gentleman allow me to suggest—
Mr. RICHARDSON. I do not think I did.
Mr. HEPBURN. I remember that I called the gentleman's

attention to this correspondence which the members of this asso-

ciation to this correspondence which the members of this asso-ciation in the northeastern part of the city had had with the alleged manufacturers of this machine.

Mr. RICHARDSON. I am reminded by the gentleman from Michigan [Mr. Milnes] that there was a contract made with a firm in Pittsburg with reference to some portion of the machinery for this line, and that may be what was spoken of, but, as I under-stand it, there had been no contract made for these tubes or bottles, which are very peculiar in their construction, and about which I have not expert knowledge. The gentleman asks me why I believed the representations made at that time and why I believe them now. I reply that I believed them because I thought the persons making them were reputable gentlemen, and the company comes here and

gives this excuse for not having complied with the act of Congress.

I believe it is to the interest of the minority stockholders, as well as to the interest of the majority, that this extension should be given, and that Congress should require this company to equip this road with a rapid-transit motor. I believe that this bill will accomplish that purpose and will give the people rapid transit on this line. The gentleman from Iowa speaks of a portion of the this line. The gentleman from Iowa speaks of a portion of the line paying its way from the time of its construction. I think he is correct in that. I think the line along C and D streets and along G street to the Treasury building did earn its expenses, but that is only a part of a system which extends, as I have said, out to Brookland; and as to a large portion of that system the reports show that it is not earning its expenses. These street railroads file their reports annually, and if gentlemen will take the trouble to examine them they will find that the greater portion of this line is not paying running expenses. Of course when you consider the receipts of any line of road you must take into account the whole of the road, and when you take in the whole of this Eckington road you find that it has not earned money for its stockholders.

or the road, and when you take in the whole or this Eckington road you find that it has not earned money for its stockholders.

Now, Mr. Speaker, I think that in this case we ought not to repeal the charter of the road, because I do not think that will accomplish the object we have in view. On the contrary, it would leave the people along the line of that suburban road utterly without street-car accommodation. Its effect would be to injure the people at Eckington, who are clamoring for legislation against this company, because they would be left without transportation facilities, and I venture to say that their property would be reduced 50 per cent in value in consequence of that deprivation. So, in my judgment, looking at the question conservatively, the best thing that we can do is to grant this extension of time, the best thing that we can do is to grant this extension of time, to require the company to put on rapid transit, and to impose such a penalty as will compel them to do it. If anybody desires to provide in this bill that if the company do not comply with the requirement of the act of Congress their charter shall be forfeited, I do not object. I am willing to put in a provision that in case of failure on their part to comply with the requirements of the law, steps shall at once be taken in the District courts to forfeit their charter. I think that about the best thing we can do is to grant the extension asked for with proper safeguards.

Mr. BABCOCK. Mr. Speaker, I am instructed by the committee to offer the amendment which I send to the desk.

The amendment was read, as follows:

Strike out the word "Provided," in line 9, and all following it, in lines 10, 11, 12, and 13.

The amendment was agreed to.
The SPEAKER pro tempore. The question now is on the engrossment and third reading of the joint resolution.
Mr. HEPBURN. One moment, Mr. Speaker. I want to offer an amendment to the third section.
Mr. BAKER of New Hampshire. Mr. Speaker, the second section is quite as bad as that which has been struck out. It reads as follows: as follows:

That if said railway companies shall decide to adopt said motive power they shall completely equip their respective lines with such motive power on or before July 1, 1898.

That, again, leaves the entire discretion in this matter to the

managers of the company.

The SPEAKER pro tempore. Does the gentleman offer an amendment?

Mr. BAKER of New Hampshire. I move to strike out section 2.
Mr. BABCOCK. Mr. Speaker, that action would be simply ridiculous. This section provides that if these motors prove satisfactory the company must equip its road with them within six months

Mr. BAKER of New Hampshire. In his opinion it may be perfectly ridiculous now, Mr. Speaker, but it was not ridiculous in the opinion of the gentleman from Wisconsin last June to permit the Commissioners of the District of Columbia to decide whether these motors are fit for use or not, fit to accommodate the people who desire to travel upon this road, and the proposition is not ridiculous to-day. It is proper that this House should decide what this company shall do, and not that the company should decide for the House. Here is a company which, by existing law, is

under certain restrictions, and it comes here now and asks an extension of time in order that it may accomplish certain things, while at the same time, by indirection, it asks that the House shall abdicate all the authority which it has heretofore reserved and placed in the Commissioners of the District of Columbia; and is a demand which I do not believe this House will grant.

call for a vote upon my motion.

Mr. BABCOCK. Mr. Speaker, I demand the previous question.

The SPEAKER pro tempore. The question is on ordering the previous question on the amendment proposed by the gentleman

from New Hampshire [Mr. Baker].

The question was taken; and the Speaker pro tempore declared

that the ayes seemed to have it.

Mr. HEPBURN. I ask for a division.

The committee divided; and there were-

-ayes 15, noes 25.

So the previous question was refused.

Mr. HÉPBURN. Now, Mr. Speaker, I offer an amendment to

The SPEAKER pro tempore. The amendment to section 2 should be disposed of before an amendment to section 3 is received. The Chair understands the gentleman from Iowa to say that his amendment is to section 3. The question is on agreeing to the amendment of the gentleman from New Hampshire, striking out

Mr. BAKER of New Hampshire. Let it be understood that the motion is to strike out section 2 absolutely. The amendment proposed by the gentleman from Iowa applies, I understand, to

The SPEAKER pro tempore. So the Chair understands. The question is now on the motion of the gentleman from New Hamp-

shire to strike out section 2.

Mr. WILLIS. Mr. Speaker, am I in order for a few remarks?

The SPEAKER pro tempore. Certainly.

Mr. WILLIS. Mr. Speaker, I am opposed to striking out the clause referred to by the gentleman from New Hampshire [Mr. BAKER for several reasons. It seems that this House is very much dissatisfied because this company has failed on the subject of compressed air. Now, I think that the House ought to have a very profound sympathy for the company on that very subject. [Laughter.] Then another brother—the gentleman from Massa-chusetts—comes here and indulges in a tirade against horses, which, historians have told us, have been the gauge and test of civilization from the beginning of the world.

This company, as I understand, is trying to do the best it can. It asks a little additional time to carry out the provisions of a contract into which it has entered. In the last Congress, or possibly at the last session—I have forgotten which—when we were dealing with the Metropolitan road, if the suggestions of certain gentlemen present in this House had been carried out, the road would have been ruined. Yet that road to-day, I undertake to say, is the

Mr. BAKER of New Hampshire. What is the gentleman's statement?

Mr. WILLIS. I say that the Metropolitan road is the best street railroad I ever traveled on.

Mr. BAKER of New Hampshire. Who was there in this House that undertook to "ruin" that road?

Mr. WILLIS. There was a measure before the House which, if

it had been carried out, would have ruined the company.
Mr. BAKER of New Hampshire. I never heard of it.

Mr. BAKER of New Hampshire. I never heard of it.

Mr. WILLIS. If these gentlemen have had horsepower on their road, and the streets have been defiled because of that fact, that matter ought to have been attended to. If they have failed with regard to the matter of compressed air, we ought to give them a little time to introduce another motive power. The world was not made in a day. If we will not be too rapid, if we will not urge too precipitately our desires and opinions upon this road, we will give them the benefit of the provision which the gentleman from New Hampshire wishes to strike out. I believe they are honest enough and true enough to bring about righteous results. Let us not be precipitate on this subject; let us act with cool heads and with freedom from prejudice.

and with freedom from prejudice.

Mr. HULICK. Mr. Speaker, this amendment should not be adopted, and the bill as now amended should be passed at once. adopted, and the bill as now amended should be passed at once. The interests of all the parties concerned in the successful operation of this road should be conserved; and they will be by the passage of this bill in its present form. On the 9th day of January next, unless some such measure as we are asked to adopt be taken, the court having jurisdiction of this case will order the road to be sold, thereby imperiling the rights and interests of the stockholders and of all parties concerned. I have no special sympathy for the majority who have the control of the stock of this road part for the minority. It is within the power of Congress to pronor for the minority. It is within the power of Congress to protect those rights and interests which are now imperfied. The action of the court, as I have said, will be taken on the 9th of January next. If the bill as it now stands be passed, it will relieve

this corporation from its embarrassment and no injury will result

I wish to emphasize what has been said by the gentleman from Tennessee. And I will say I doubt the propriety of this House accepting the testimony of the gentleman [Mr. HEPBURN] who has opposed this measure so earnestly, because, although he is doubtless sincere and represents what he honestly believes to be true, nevertheless his statement is not that character of testimony that we should receive upon a question of this kind-not that kind of testimony which the committee is in the habit of receiving. Testimony received by the committee is of such character as to be accepted as true, unless evidence of like character shall come before the House so as to induce it to reverse the conclusion arrived at by the committee upon the facts before it. Now, the evidence before the committee apon the facts before it. Now, the evidence before the committee, as suggested by the gentleman from Tennessee, was that after the passage of the act of June, 1896, this company immediately entered into a contract for the purchase of the bottles in which to compress the air as a motor; and the testimony is undisputed, except for the declaration of the gentleman from Iowa on the floor here to-day that the contract could not be carried out, for the reason that the bottles containing the compressed air to be placed upon these cars could not, at the time, be manufactured in this country or anywhere else in the world. Hence it was practically impossible to carry out the contract.

The law passed by Congress provided that these two railroad com-

panies must within three months after the passage of that act equip their respective lines with improved motive power. What did this company do in compliance with that legislation? As soon as it was within their power they found where some of these bottles could be purchased. It appears that before the destruction of the establishment in Germany a contract had been made by some par-ties in New York, and some of these bottles had been purchased by them. This company found out where those bottles were. was discovered they were owned by parties in the city of New York. It appeared further, before our committee, that this species of motive power has been used in that city with success, and is being so used to-day. We were advised this morning by parties who claim to know the facts that this motive power is now being used there on 3 miles of road, going out and returning—experimentally, I admit, but successfully nevertheless—and that contracts have been entered into there for the completion of cars to be provided with motors to be operated by this system of com-

Now, what is proposed here? This company say, and the testimony before the committee seemed to be satisfactory on that subject, that it will cost at least one-fourth less than any other system of power—electric, cable, or other motive power—that has been tried. Here, then, is a company in financial distress and embarrassment which, under the law, is seeking to adopt a motive power for the propulsion of its cars that is reasonable in cost and within the possibility of accomplishment with their present means.

Mr. MEREDITH. Will the gentleman allow me to interrupt

him for a question?
Mr. HULICK. Certainly.
Mr. MEREDITH. Is there any opposition, or was there any opposition, to this bill from any person in the world, so far as the

committee is concerned or is aware?

Mr. HULICK. I am very glad the gentleman has asked that question, that the members of the House may know there has not been a whisper of any sort to the committee of opposition against the adoption of this measure, except such as came here from gen-tlemen who are opposed to the extension of time as provided by this bill

Mr. HEPBURN. If I may be permitted to suggest it, the absence of opposition before the committee may possibly be the result of the experience of gentlemen who have appeared before the committee and made opposition heretofore. Their remonstrances and objections have often been treated with no consideration.

Mr. HULICK. I do not know the observation and experience of the gentleman from Iowa in those committees in which he has the honor to be a member. But I wish to say to him that no such condition of affairs has ever prevailed in the District Committee, but, on the contrary, the most respectful consideration and attention has been given to all remonstrances or appeals of this character. And I will say further, that if there was anything of the kind before the committee, notwithstanding that this is reported favorably by the committee to the House, if there were any opposition to it based on the grounds that the gentleman has suggested, or for any good reason, I would myself either vote against the bill or would move to recommit it to the committee, and give a hearing to all interested parties on the points at issue. But nothing of the kind has been suggested since this bill was before us for consider-

Now, what does the gentleman from Iowa say? What does he base his opposition on? He says that the citizens along the line of this road are protesting against the extension of time. It is a very

strange fact that no word of such opposition was before the committee. The gentleman says that the opponents of this bill are not stockholders nor bondholders nor creditors of the company, but that they—whom he does not tell us—come in and complain against the companies because they have not done what they proposed to do under the act of June, 1896, and have refused to do what they had authority to do under their charter. Now he says he would take the charter away from them altogether and give it to the minority stockholders. What nonsense! How impractical! Why, Mr. Speaker, the minority stockholders' rights are as sacred, in the view of the Committee on the District of Columbia and of in the view of the Committee on the District of Columbia and of this House, as the rights of the majority; and we have endeavored to treat all exactly alike. We are not regarding the rights of either the majority or the minority stockholders, but the rights of all parties in interest and also of the patrons of the road. We are endeavoring to conserve the rights of the people—the interests of the public—that the gentleman proposes to speak for and claims to represent on the floor of the House, and looking to their interests, as well as to those of creditors and stockholders, we have presented this measure for your adoption.

this measure for your adoption.

Another thing to which I wish to call attention: The bill proposes to give an opportunity for a trial of three months by the road of this new system. We have the further statement before the committee, and the assurance of gentlemen in whom we have perfect confidence, that within thirty days they will put this motive power into certain of their cars, and place them on the track and begin at once to furnish to the public the service required. If the bill is adopted then we have the assurance of the commany that bill is adopted, then, we have the assurance of the company that they will within thirty days place this power on the tracks and the experiment will be able to be satisfactorily tested.

Mr. HEPBURN. If the gentleman will allow me, do I under-

stand, or are we to infer from this last remark, that this unfortu-

nate factory in Germany has been rebuilt? Mr. HULICK. Yes, sir; you can infer that. I can state that it is ready to supply orders for these bottles, which are on the market to all companies who are prepared to buy them. And this company, being in the condition to which I have referred, will be able to procure the bottles and will not need to ask any further extension of time, or at least, if they fail under this grant, will have no

excuse for not fully testing this new propelling power.

I say, then, Mr. Speaker, with the gentleman from Tennessee
[Mr. Richardson], and I think it is the sentiment of all the members of the committee, that you may attach such penalties as you please for a failure to carry out the requirements of this act, but we have every reasonable businesslike assurance that if the bill is adopted the interests of the people will be subserved—the bond-holders, the creditors, and the stockholders and the public interest at the same time will be subserved, and evenhanded justice will

be done. Failure to adopt this measure will be ruinous to many people whose interests are involved in this enterprise.

Mr. TRACEY. If the road is able to put in these motors within thirty days, and put the cars on the road for service, why the necessity for this extension of something like seven months? I understand the gentleman to say that it is proposed to have the motors placed in the cars and on the road for service within thirty days. If that is true, why the necessity for this extension?

Mr. HULICK. I think perhaps the gentleman misunderstood my statement. Doubtless I was not fortunate in my expression. I did not intend to be understood by the gentleman, or by the House, that they will be ready to operate their cars in that time; but only that there would be a portion of them equipped and operated as an experiment; that within thirty days they will have this power on the track, and try to demonstrate its success; and if it is a success, then it will be feasible to have all their cars equipped in like manner. If it is not a success, and shall not be adopted, they pledge themselves to place such other power, electric or otherwise, upon the road as will make it a success and be acceptable to the public and in harmony with the requirements of their company charters and the acts of Congress relating thereto.

Mr. MEREDITH. They will only be able to get about twenty-

five cars every three months, you know.

Mr. HULICK. And another fact, suggested by my friend from Virginia [Mr. Meredith]; it is a physical impossibility to get these cars more rapidly than perhaps twenty-five every three months. They must be constructed to suit this power. Now, the purchasing of the bottles is a small matter compared with the construction of the cars, because of the time it takes to build them. But within six months the whole road, if this is a suc-cess, will be fully equipped with this power to the satisfaction of everybody. Mr. BABCOCK.

Mr. BABCOCK. Now, Mr. Speaker—
Mr. RICHARDSON. I ask my colleague to yield to me for one moment, to correct a statement made by the gentleman from Iowa [Mr. Hepburn]. He asked me if I did not recollect some guaranty or promise made by some gentlemen interested in these roads when the bill was pending before Congress last spring.

Mr. HEPBURN. You are mistaken. I referred to representa-tions that I understood the gentleman from Tennessee [Mr.

RICHARDSON] to make with regard to the companies.

Mr. RICHARDSON. I have turned to the debate on the bill at that time, and there was no such question, as far as I can find, and no such guaranty made by me. The matter was not debated at all when the bill was pending. I simply want to put myself right on that

Mr. BABCOCK. Mr. Speaker, after a conference with the gentleman from New Hampshire [Mr. Baker], he has suggested certain amendments which are satisfactory to the committee, and, with the permission of the House, I will offer these amendments which are suggested by the gentleman, and which I think remove

his objection.

The SPEAKER pro tempore (Mr. SHERMAN). Does the gentle-

man withdraw his motion to strike out the section?

Mr. BAKER of New Hampshire. I will withdraw it, Mr. Speaker.

The SPEAKER pro tempore. The gentleman from Wisconsin Mr. BABCOCK] offers certain amendments, which he will send to

the desk. Mr. BABCOCK. I offer to amend by inserting, in line 3 of the bill, between the words "time" and "within," the words "granted by the act approved June 10, 1896," and striking out all beginning with the word "Provided," in line 9, to the end of section 1. Also, amend section 2 so that it will read as follows:

That if said compressed-air motors shall be adopted, said companies shall completely equip their respective lines with such motive power on or before July 1, 1898.

Amend section 3 as follows:

That if said compressed air motive power shall not be adopted on or before July 1, 1897, then said railway company shall, within one year from July 1, 1897, equip the respective lines in the city of Washington with an underground electric system.

This removes, I believe, all objections.

The amendments offered by Mr. Babcock were agreed to. Mr. HEPBURN. Now, Mr. Speaker, there are some amendments which are proposed to come at the bottom of section 3. The SPEAKER pro tempore. The gentleman from Iowa [Mr.

HEPBURN] offers an amendment to section 3, which the Clerk will report.
The Clerk read as follows:

At the end of section 3 add the words: "Provided, That in case the said companies shall fail to comply with all the requirements of this act by the time herein fixed, the said companies, and each of them, shall forfeit and pay to the Commissioners of the District of Columbia the sum of \$500 for each day after such failure.

"And provided further, That if said companies shall fail to operate all of their respective lines as provided by an act entitled 'An act to extend the routes of said railway companies,' etc., approved June 10, 1896, in such manner and on such schedules as the Commissioners shall approve, then said companies and each of them shall forfeit and pay to the District Commissioners the sum of \$100 for each day of such failure."

Mr. HEPBURN. I understand that the committee are willing to accept those amendments.

Mr. BABCOCK. The penalty, I think, is much too high—\$500

Mr. HEPBURN. That was the sum you named. I took it from you.

Mr. BABCOCK. Five hundred dollars a day?

Mr. HEPBURN.

Yes. Was it not \$500 a month that I named? Mr. BABCOCK. Mr. HEPBURN.

Mr. BABCOCK. I think \$100 a day would be a sufficient penalty

Mr. HEPBURN. Well, let us make it \$500 a day. If they are acting in good faith it will do them no harm.

Mr. RICHARDSON. If we make the penalty too high no court will enforce it. It would be better to make it more reasonable. If it is unreasonable and extravagant no court will enforce it.

Mr. HEPBURN. Then make it a hundred dollars a day. Mr. MAHON. I move to strike out "one hundred" and insert

"fifty."
Mr. HEPBURN. I hope that will not prevail.
Mr. MAHON. I hope it will.
Mr. HEPBURN. The committee are willing to accept "one

Mr. MAHON. I do not care what the committee are willing to accept. The question is, What is right?

The question being taken on the amendment to the amendment offered by Mr. Mahon, the Speaker pro tempore announced that the ayes seemed to have it

On a division (demanded by Mr. HEPBURN) there were-ayes 13, noes 22.

Accordingly the amendment to the amendment was rejected. The amendment of Mr. Hepburn was agreed to.

The SPEAKER pro tempore, The question now grossment and third reading of the joint resolution. The question now is on the en-

Mr. HULICK. Mr. Speaker, I offer a formal amendment: SEC. 4. All acts and parts of acts inconsistent with this act are hereby spealed.

The amendment was agreed to.

The resolution as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

On motion of Mr. BABCOCK, a motion to reconsider the vote

by which the joint resolution was passed was laid on the table.

Mr. Speaker, I desire to call up for consider-Mr. BABCOCK. ation the bill S. 1265, and I move that the House resolve itself into Committee of the Whole to consider the bill.

The SPEAKER pro tempore. The gentleman from Wisconsin moves that the House resolve itself into Committee of the Whole

for the consideration of the bill S. 1265.

The question was taken; and the motion was agreed to.
The House accordingly resolved itself into Committee of the

Whole, Mr. Payne in the chair.

The CHAIRMAN. The House is in Committee of the Whole for the consideration of the bill which the Clerk will report.

The Clerk read as follows:

A bill (S. 1265) for the relief of Emmart, Dunbar & Co.

A bill (8, 1255) for the relief of Emmart, Dunbar & Co.

Be it enacted, etc., That the sum of \$14,548.22, the amount found due Emmart, Dunbar & Co. by the auditor of the District of Columbia for work done by said firm in connection with the laying of the 38-inch water main under their contract of September 1, 1871, with said District, be, and the same hereby is, appropriated, out of the revenues of the District of Columbia; and the Commissioners of said District are hereby authorized and directed to pay the said sum of money to said firm in satisfaction of said amount so found due.

Mr. BABCOCK. Mr. Chairman, I yield to my colleague, Mr.

Mr. BABCOCK. Mr. Chairman, I yield to my colleague, Mr. MEREDITH of Virginia, who made the report on this bill.

Mr. MEREDITH. Mr. Chairman, this bill affords an opportunity to the District government to be honest. It does not often happen, as a friend suggests on my left. I suppose that the government is honest, but it is generally compelled to pay after a long period of years. This is a bill, sir, to pay out of the District fund to Emmart, Dunbar & Co. the sum of fourteen thousand and some odd dollars for work done in 1871. The auditor of the District has made a report in which he finds due to that company the sum specified in the bill. It has passed the Senate and has been reported favorably by the Committee on the District of Columbia of this House. The Commissioners of the District of Columbia say in their report that it ought to be paid. The Committee on the District of the D their report that it ought to be paid. The Committee on the District of Columbia have investigated the matter and they have agreed with the Senate that this is an honest and just debt, and that these men, who have been kept out of this money for twenty-five years without interest, ought to be paid, and that the District Commiswithout interest, ought to be part, and that the District Commissioners should have authority to pay it, as they ask. It seems to me that if any gentleman will read the report he will be satisfied that this is an honest debt for work done by these gentlemen twenty-five years ago, and they have not been paid by reason of the fact that the District Commissioners thought that there ought to be authority from Congress to pay them. They have been kept out of their money that long, and they are here to-day asking for the original amount found to be due them by the auditor of the District, without interest, to come out of the District fund entirely, the Government paying not one cent of it. We ought to accommodate the District Commissioners, and we ought to permit this debt, which is honest and just and which has been so long standing, to be paid.

Mr. BAKER of New Hampshire. Will the gentleman permit

me to ask him a question?

Mr. MEREDITH. Certainly, sir.

Mr. BAKER of New Hampshire. Is this in excess of the contract for work done not included in the contract? How does the

Mr. MEREDITH. This is a claim, as I understand it, for extra work which was done under the old District government, before it was changed to the District Commissioners. They believed that it required some authority from Congress to pay it, but recognized that it is honest and just. Their accounting officer made a report specifying every item, which they acknowledge to have been performed by this company. They claim to-day that it is due to this firm of Emmart, Dunbar & Co., and all they ask is authority of Congress to pay it. They claim that it ought to be

Mr. BAKER of New Hampshire. I presume the gentleman has stated the findings of the auditor and the Commissioners of the

District?

Mr. MEREDITH. Certainly

Mr. BAKER of New Hampshire. But my purpose was to find how the claim originally arose. I ask the gentleman if it arose

outside of the contract?

Mr. MEREDITH. If my friend will permit me, I will read the report. I read from Mr. Daniel Donovan on the claim. He was

the accounting officer of the District at that time and was familiar with the facts.

iar with the facts.

On the 21st day of September, 1871, Lloyd W. Emmart, Alexander Dunbar, and William Smith, doing business under the style of Emmart, Dunbar & Co., of Washington, D. C., entered into a contract in writing with George H. Elliott, major of engineers, United States Army, chief engineer of the Washington Aqueduct, and Edwin L. Stanton, acting governor of the District of Columbia, to "lay cast-iron water pipes, stopcocks, and special castings, under an act of Congress approved by the President July 14, 1870, and an act of the legislative assembly of the Districtof Columbia approved by the governor July 20, 1871."

Said acts provided for additional supply of Potomac water by means of the Washington Aqueduct to the cities of Washington and Georgetown, and authorized a loan for said purpose, by the laying of a new iron main 36 inches in diameter, at the expense of the cities aforesaid, from the distributing reservoir above Georgetown to certain stated points in the said cities.

This contract comprises three sections or divisions, namely:

The reservoir division, extending from the distributing reservoir division, extending from the distributing reservoir of the Washington Aqueduct to the west side of Foundry Branch;

The West Washington division, extending from Rock Creek Bridge to the west side of Fifteenth street; and

The East Washington division, extending from the west side of Fifteenth street to the center of New Jersey avenue and L street NW.

The material part of the contract and specifications pertinent to the claim in question are here set out:

"The pipes are to be laid in such locations and upon such lines and grades as the engineer may designate.

"All the pipes, stopcocks, and special castings appertaining thereto, except the air cocks, will be furnished to the contractor at the railroad depot or on such wharf or wharves in the cities of Georgetown and Washington as the engineer may elect.

"The cost of handling after delivery and all other expenses of labor, ma-

engineer may elect.

"The cost of handling after delivery and all other expenses of labor, materials, tools, etc., incurred in hauling, distributing, and laying of said pipes, stopcocks, and other appurtenances shall be paid by the contractor.

"The contractor shall be responsible for any loss incurred or damage done to any pipes or appurtenances from the time of delivery until laid and covered. * * *

"The contractor shall be responsible for any loss incurred or damage done to any pipes or appurtenances from the time of delivery until laid and covered.

"No pipes or appurtenances shall be laid or used which are known or may be found to be in any way defective. Notice shall always be given to the engineer or inspector of any such defective or imperfect material, and it shall be set aside and conspicuously marked with the letter D in white paint. If any defective pipe or other casting shall be found to have been laid, it shall be removed and replaced by a sound pipe or casting without charge. " "When the pipes are laid the spigots shall be so adjusted in the sockets as to give a uniform space all around, and if any pipe does not allow sufficient space, it shall be replaced by one of proper dimensions, and the pipes shall be separated such a distance between the end of the spigot and the shoulder of the socket as may be required by the engineer. No claim shall be made nor allowed for extra quantities of lead or gasket. " "The width of lead required for the various sizes is as follows: 36-inch pipe, 2; inches; 39-inch pipe, 2; inches; 39-inch pipe, 2; inches; 39-inch pipe, 2; inches; 39-inch pipe, 2; inches; 30-inch pipe, 3, in

Mr. STEWART of New Jersey. The gentleman is simply reading the specifications. The question I desire to ask him is, Has this claim been investigated by prior Congresses?

Mr. MEREDITH. This claim has been investigated not only

by prior Congresses, and reported on favorably, but it has already, at this session of Congress, passed the Senate upon the recom-mendation of the Commissioners of the District of Columbia, and this money comes out of the fund of the District entirely, the Government paying not one cent. The auditor of the District, who has charge of the financial matters of the District, has made a thorough investigation, and he states in his report that is a just debt and that so many dollars are due to this company, naming the sum specifically.

Mr. STEWART of New Jersey. This debt, as I understand,

matured in 1871?

matured in 1871?

Mr. MEREDITH. It matured in 1871.

Mr. STEWART of New Jersey. Can the gentleman state any good or sufficient reason why it has not been paid before this?

Mr. MEREDITH. The only reason I can suggest is that this government, as I understand, never pays anybody but its employees unless it is forced to do it by an act of Congress. In the Fifty-third Congress I reported a bill to pay this debt, and it came up in the House and was knocked out upon a point of order because it was sought to put it upon some appropriation bill. The requirement of the bill then was that the Government should pay one half of this amount, but now it is claimed that the District one-half of this amount, but now it is claimed that the District fund alone should pay it, so that not one cent of this money comes out of the constituents of the gentleman from New Hampshire or of any other gentleman on this floor. The Commissioners having charge of the affairs of this District believe this to be an honest claim and that it ought to have been paid years ago. Genthemen will remember that the form of government here was changed some years ago, and that was the reason it was not paid at the time. It was thought then, and the Commissioners think now, that an act of Congress is required to give them authority to do what is the honest thing to do—pay this debt.

Mr. BAKER of New Hampshire. I am entirely satisfied with that part of the gentleman's remarks. What I wish to know is whether this sum of twelve or fourteen or eighteen thousand dollars is for extra work, work outside of the contract. Upon what is it based?

Mr. MEREDITH. If my friend will look at the report which I hold in my hand, in the report of Mr. Donovan, who was employed by the District authorities to investigate the matter, he will find that every item that is here charged against the District is fixed and identified in that report, and that the Commissioners agree that the amount should be paid.

Mr. BAKER of New Hampshire. But what is it for? Is it for extra work or material?

Mr. MEREDITH. If the gentlemen will look on page 9 of the

Mr. MEREDITH. If the gentleman will look on page 9 of the report he will get the information he desires.

Mr. HULICK. Here it is [reading]:

For extra work done and materials furnished, \$18,957.17.

Mr. BAKER of New Hampshire. Then it is for extra work and material. Now, was this such a claim that it could have been brought before the so-called "Brodhead commission?"

Mr. MEREDITH. I do not know that it was. I am not prepared to answer that question, but what I do know, and what I

desire to impress upon this House, is that the Commissioners of the District of Columbia, whose duty it is to look after the interests of this District and see to it that no unjust claim is paid, have examined this matter, by their accounting officer and auditor, and have become satisfied that every dollar charged in this claim is due and has been due since 1871, a period of twenty-five years, during which the interest on the claim, if interest had been charged, would have more than doubled the amount.

Mr. DOCKERY. I will ask the gentleman if this bill is unanimously approved by the Commissioners of the District?

Mr. MEREDITH. I believe that one of the Commissioners dissented, but a majority of them are in favor of it, and I do not understand that the Commissioner who dissented believes that the claim ought not to have been paid. I ask my friends simply to read the report in this case and they will be satisfied. I think that my friend from Missouri, to be consistent, ought not to desire to impress upon this House, is that the Commissioners of

to read the report in this case and they will be satisfied. I think that my friend from Missouri, to be consistent, ought not to attempt to oppose the passage of this bill now, for it seems to me that but for him these old people, who have been kept out of their money so long, would have had it years ago. I may be mistaken, but I think it was my friend from Missouri who knocked the bill out on a point of order in the last Congress; but I do maintain, Mr. Chairman, that this is an honest and just debt and that it ought to have been paid long ago, and ought to be paid now without further delay. Mr. TALBERT.

Mr. TALBERT. Who pays this claim, if it is paid?
Mr. MEREDITH. The taxpayers of your district, my friend,
do not pay one cent of it. The treasury of the District of Colum-

Mr. TALBERT. And the Government has nothing to do with it?
Mr. MEREDITH. No, sir; not at all. The Government does

not pay a penny.

Mr. TALBERT. Then why should the Government say whether the claim shall be paid or not if it has no interest in it?

Mr. MEREDITH. I do not think that any man ought to say

that this claim shall not be paid.

that this claim shall not be paid.

Mr. TALBERT. I am merely asking for information.

Mr. MEREDITH. I am obliged to the gentleman. The Government, I repeat, does not pay one cent of this claim. All that the Commissioners ask is that Congress shall give them authority to do what they believe is honest and right and just in this matter.

Mr. DOCKERY. I suggest to the gentleman in charge of this bill that it ought to be amended in one particular.

Mr. MEREDITH. Oh, we do not want it to go back to the Senate and be further delayed.

Mr. DOCKERY. Well, the auditor of the District recommended that this claim be paid from the water fund of the District, and the bill is not so drawn.

the bill is not so drawn.

Mr. TRACEY. Mr. Chairman, this report shows that one of the Commissioners dissented from the payment of this claim on the distinct ground that the contract did not warrant the contractors in making any claim for extra service or extra work, and that the contract that the contract has been some reason for the Commissioners. I assume that there must have been some reason for the Commis-

I assume that there must have been some reason for the Commissioner taking that ground. Further on in the report made by Mr. Donovan, it is stated that "no claim shall be made nor allowed for extra quantity of lead or gas fitting," yet I find that to be item No. 2 in the claim filed.

Mr. BABCOCK. Mr. Chairman, this is a bill which has passed the Senate and been acted upon favorably by the Committee on the District of Columbia. This same measure has been before Congress and before the House committee during the entire time that I have been a member. I think that on several occasions it has been reported favorably to the House, and I think that once—in the Fifty-third Congress—it was passed. The bill, as I understand, is for extras on enlarged contract under the old city organization here. The bill as originally rendered was for \$60,000.

The committee has not attempted to go into this matter item by item and to determine which items are correct and which are not. But we have depended upon the authorities here in the city. They say that this money is due to this gentleman, an old man who has haunted the Capitol here for years in connection with this matter. We depend upon the report made by the auditor and by the Commissioners. They say that the District of Columbia justly owes this man this money, and ask Congress to give them authority to pay it. That is the case in a nutshell.

Mr. COX. Will the gentleman allow me a moment?

Mr. BABCOCK. Certainly.

Mr. COX. Upon the gentleman's statement of the facts, the Commissioners have decided that this claim is a valid one.

Mr. BABCOCK. A just one. The committee has not attempted to go into this matter item by

Mr. BABCOCK. A just one.
Mr. COX. Why, then, do not the Commissioners pay it?
Mr. BABCOCK. Because they have no authority to do so, as the indebtedness arose under the old form of city government.
The present Commissioners can not pay the claim without authority from Congress.

Mr. MEREDITH. The claim arose under the legislative form

of government.

Mr. BABCOCK. Yes; the contract was originally let under the

old form of city government.

Mr. COX. The contract was made under a former system of

government, and now there is a different system?

Mr. MEREDITH. Exactly.
Mr. COX. And now the present officers of the city do not feel fully authorized to pay this claim because they do not represent that form of city government which was in operation when the claim was created?

Mr. BABCOCK. They have no authority at all to pay a claim of this kind without the action of Congress.

Mr. COX. They do not feel that they ought to pay indebtedness

Mr. COX. They do not feel that they ought to pay indebtedness which arose under the old system?

Mr. BABCOCK. They have no authority to do so.

Mr. COX. What is the amount of the claim?

Mr. BABCOCK. Fourteen thousand two hundred dollars.

Mr. COX. Now, tell me, what was it for?

Mr. BABCOCK. The gentleman from Virginia [Mr. MEREDITH] made the report, and he can give the gentleman the details.

Mr. MEREDITH. Every item is here in the report which I hold in my hand. The claim was for laying water mains from the reservoir through the city.

Mr. STEWART of New Jersey. As I understand from the statement of the chairman of the committee [Mr. BABCOCK], the committee made no inquiry, and has no special knowledge, as to the justice or injustice of this claim, but relies on the statements of the District auditor.

the justice of injustice of this claim, but relies on the statements of the District auditor.

Mr. BABCOCK. It was impossible for the District Committee to go into these matters item by item. The auditor appointed a man from his office for that special purpose, who spent several months upon the subject. He made a report; the auditor submitted the report to the Commissioners; and the Commissioners have recommended the payment of the claim, basing their recommendation on the report of the auditor. That is the status exactly.

Mr. STEWART of New Jersey. Then the committee have not gone into the details of these items to ascertain whether they are

gone into the details of these items to ascertain whether they are

just charges or not?

Mr. BABCOCK. It would have been simply an impossibility for the committee to do so.

Mr. STEWART of New Jersey. Then the result is this—that the committee and the Commissioners have taken the statements of the District auditor as true without any special examination

on their own part.

Mr. BABCOCK. Yes, sir.

The CHAIRMAN. The question is on ordering the bill to be laid aside to be reported to the House with a favorable recom-

The question was decided in the affirmative.

Mr. BABCOCK. I have another matter here which will require
to be considered in Committee of the Whole, and I would like to call it up now

The CHAIRMAN. The Chair understands that the House went into Committee of the Whole for the consideration of this particular bill. If that is so, no other matter would be in order.

Mr. BABCOCK. I move, then, that the committee rise.

Mr. BABCOCK. I move, then, that the committee rise. The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. PAYNE reported that the Committee of the Whole on the state of the Union, having had under consideration the bill (S. 1265) for the relief of Emmart, Dunbar & Co., had directed him to report the same back with the recommendation that it pass

that it pass.

The House proceeded to the consideration of the bill just reported from the Committee of the Whole.

The bill was ordered to a third reading, read the third time, and

On motion of Mr. BABCOCK, a motion to reconsider the last vote was laid on the table.

CLAIMS AGAINST THE DISTRICT OF COLUMBIA.

Mr. BABCOCK. I call up the bill (H. R. 8726) to provide for the payment of certain claims against the District of Columbia by drawback certificates. The bill was read, as follows:

The bill was read, as follows:

Be it enacted, etc., That the auditor of the supreme court of the District of Columbia is hereby empowered and directed to examine and audit for settlement all claims for property taken, injured, or destroyed by reason of the destruction or removal of the Northern Liberty Market, in the city of Washington, D. C., in September, 1872, as also all claims for payments made for the purchase, rent, or use of any stall or privilege in said market house and for license for conducting any business therein, to the extent of the unexpired term of said purchase, rent, use, or license.

SEC. 2. That when the auditor has ascertained the amount of the loss as above described, in any case growing out of the removal or destruction of the market as aforesaid, he shall issue a drawback certificate, signed by him as auditor, to the party or parties who suffered such loss or damage, or to their legal representatives, stating the amount found to be due and on what account issued, and shall keep a registry thereof; and such drawback certificates with interest thereon at 8.65 per cent per annum from September 4, 1872, shall be received for arrears of taxes due the District of Columbia and unpaid on June 30, 1895.

SEC. 3. That said auditor shall make a tabular statement of all claims presented, the persons owning the same, and the amount found to be due on account of each; and for the purposes hereinbefore specified said auditor shall have the power to subpome witnesses, administer caths, and examine witnesses under oath, and shall have full access to all of the records, books, papers, and vouchers of every kind whatsoever of the late board of public works and the District of Columbia, and shall provide, by fair and equitable rules, for the examination of the same by claimants or their attorneys. Said auditor shall give notice for the presentation of the claims hereinbefore specified in such manner as he may deem necessary, and no claimshall be audited or shall such the commissioners of the District of

The amendment reported by the Committee on the District of Columbia was read, as follows:

At the end of the bill add the following:
"Provided, That no claim shall be allowed, and no drawback certificate shall issue, upon such claim until the Commissioners of the District of Columbia shall have first approved the same."

Mr. MILNES rose.

Mr. MILNES rose.

Mr. DOCKERY. I make a point of order against this bill.

The SPEAKER. The gentleman will state his point.

Mr. DOCKERY. My point is that the bill should first be considered in Committee of the Whole.

The SPEAKER. For what reason?

Mr. DOCKERY. For the reason that it creates a liability upon

Mr. MILNES. It makes no appropriation.
Mr. DOCKERY. The bill in express terms carries a liability to be paid from the revenues of the District of Columbia.
Mr. MILNES. There is no appropriation contemplated by the

Mr. DOCKERY. If the object of the bill is not what I state, I am utterly at a loss to understand the English language. If the Chair will turn to page 3 of the bill he will find a provision authorizing payment out of the surplus revenues of the District. Mr. MILNES. Payments are to be made by drawback certifi-

cates, which are to be receivable for taxes. There is no appropriation in the bill.

Mr. DOCKERY. Mr. DOCKERY. I ask the attention of the Chair to the provision on page 3, in lines 20 to 25, inclusive.

The SPEAKER. The Chair will hear the gentleman from Mich-

The SPEAKER. The Chair will near the gentleman from Michigan upon the point of order.

Mr. MILNES. Mr. Speaker, I think the point of order is not well taken, for the reason that there is no appropriation contemplated by the bill.

The SPEAKER. It seems that there are certain expenses to be paid from the revenues of the District of Columbia involved in the bill.

Mr. MILNES. That is true so far as the costs in the case are concerned.

The SPEAKER. It provides for costs?

Mr. MILNES. For the cost of the clerk of the court, that the clerk shall be appointed by the court, and provides for the costs

The SPEAKER. That is an expenditure.

Mr. MILNES. That, of course, would be an expenditure.

I will move that the House resolve itself into Committee of the

Whole House on the state of the Union for the purpose of considering the bill H. R. 8726.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole House, Mr. LACEY in the chair.

The CHAIRMAN. The Clerk will report the title of the bill under consideration.

The Clerk read as follows:

A bill (H. R. 8726) to provide for the payment of certain claims against the District of Columbia by drawback certificates.

Mr. MILNES. Mr. Chairman, there is a committee amendment which I think would be first in order.

Mr. DOCKERY. Before a vote is taken we want some debate upon this measure. The bill has not been read.

The CHAIRMAN. It has just been read in the House.

Mr. DOCKERY. There is no disposition to make any point on that. I only wish time enough to get a copy of the report and see what liabilities are involved.

what liabilities are involved.

Mr. MILNES. I will say to the gentleman from Missouri that

propose to have the report read.

Mr. DOCKERY. That ought to be done before a vote is taken.

Mr. MILNES. I ask for the reading of the report.

The report (by Mr. MILNES) was read, as follows:

Mr. DOCKERY. That ought to be done before a vote is taken.
Mr. MILNES. I ask for the reading of the report.
The report (by Mr. MILNES) was read, as follows:
The committee on the District of Columbia, to whom was referred the bill of Columbia by the very defer the payment of certain claims against the District of Columbia by the very defer the payment of certain claims against the District of the House with an amendment to be added to the third section, as follows:
"Provided, That no claim shall be allowed and no drawback certificate shall sissue upon such claim until the Commissioners of the District of Columbia shall have first approved the same."
And that as so amended the bill be passed.
A bill of exactly the same purport as that pending in the House was introduced to the District of Committee of the Senate upon that bill is herewith appended and made a part of this report:
"The Committee of the Senate upon that bill is herewith appended and made a part of the payment of certain claims against the District of Columbia, by drawback certificates, beg leave to report the same back to the Senate with a recommendation that it pass.

The Committee on the District of Columbia, to whom was referred the bill (S. 3114) to provide for the payment of certain claims against the District of Columbia by drawback certificates, beg leave to report the same back to the Senate with a recommendation that it pass.

The clind of Washington constructed a market house on a portion of the public grounds at the intersection of Seventh street and New York avenue, then unimproved and unoccupied, and accordingly the city erected a large market, known as the Northern Liberty Market.

"By ordinance of the city the rights and privileges to the stalls in this market were sold at public outcry to the highest bidder for a term of years—gener. the city charged and received in advance an annual rent for each of said stalls and for all privileges granted in the market, and as license for conducting any market business. The city in this way deriv

were necessarily sacrificed to the public good, they were enument to compensation."

"The interest of 3.65 per cent allowed is exactly the amount allowed upon all claims, liquidated and unliquidated, growing out of the extraordinary action of the board of public works. The act of June 29, 1874 (U. S. Stat., vol. 18, pt. 3, p. 116), establishing the board of audit to adjust various classes of claims for improvements under the board of public works, provided that these should be paid in bonds of the District of Columbia, bearing 3.65 per cent per annum, and the act of June 16, 1880 (U. S. Stat., vol. 21, p. 284), referred a number of the claims which had not been finally adjudicated by the board of audit to the Court of Claims, and provided in section 6 that these claims should be paid in 3.65 per cent bonds of the District of Columbia, with a special proviso that before the bonds were delivered for payment of the claims "coupons shall be detached therefrom from the date of said bonds to the date upon

which such claims were due and payable." If parties simply having claims, liquidated or unliquidated, against the District of Columbia for work done by them were allowed interest, it seems to the committee that parties whose property was destroyed or injured and whose money was actually paid for certain privileges which they never enjoyed should not be treated with less consideration.

"Some of these parties brought suit against Governor Shepherd for the recovery of damages, but he became insolvent and removed to Mexico, so that judgment was never obtained. Several filed claims before the board of audit, but they were dismissed for want of jurisdiction. At the time this injury was suffered by these parties the supreme court of the District of Columbia held that the District was not responsible for the actions of the board of public works. (See Barnes vs. The District, 1 MacArthur's Reports, 322.) On March 30, 1876, the United States Supreme Court reversed the above decision and held that the District was liable for the wrongdoing of the board of public works. (1 Otto, 540.) But this decision came after the expiration of the time within which these parties might have sued under the statute of limitations, and they have therefore been entirely without remedy. The Commissioners report that there has never been any tribunal to which these claims could be presented for this violent destruction of private property.

"The bill makes no appropriation of funds from the United States Treasury or from the District funds, but simply provides that these parties shall be issued drawback certificates which may be receivable for unpaid taxes. There are past-due penalties and taxes amounting to at least \$1,500,000 due the District of Columbia, some of which has been due since 1877, and, in the opinion of the committee, these just claims against the District can be liquidated in this manner without any material expense to the District, and probably with a benefit resulting from the settlement of some of these past-due taxes whic

Mr. MILNES. Now, Mr. Chairman, I think the propriety of the passage of this bill and its merits are very fully set forth in

the report which has just been read.

It appears that a good many years ago there was erected in the city of Washington, by the city, a large public market building, and it was provided by an ordinance of the city that the stalls in and it was provided by an ordinance of the city that the stalls in the market should be rented—let to the highest bidder—for a period of, usually, five years, and also that the city of Washington charged and collected a license for the privilege of doing business in that market. In 1873 it became necessary, or it was so concluded by the parties then in power in the city, that this market should be torn down to make way for certain public improvements in process Governor Shepherd, who was then at the head of of construction. Governor Snephera, who was then at the near of the board of public works, as stated in the report, said that it was necessary to carry on the improvements contemplated that this market building should be torn down; and also that it would be cheaper to take a large force of men and tear it down at night than to go into the courts and have litigation over it; that the parties who were injured by the destruction of their property, in tearing down the structure, could be paid more cheaply by the city, and that it would cost less in time and money to do it in that way. Accordingly a large force of men, 200 or more in number, assembled after dark with pickaxes, shovels, crowbars, and other implements of destruction, and gathered together at the public market without notice to the parties occupying the stalls in the market, and between that time and the next morning they demolished the building and destroyed practically everything that was contained in the building. The destruction also caused the death of two men, as I understand, who were engaged in the market—two lives being sacrificed in the demolition of the building.

Now, these men were occupying this building by permission, or by contract with the authorities of the city of Washington. They had paid for the use of the stalls in the market; they had paid their licenses to the city of Washington for the privilege of conducting their business there; they had placed their market supplies in the market building, and the city authorities came and destroyed the building, and the property in it, without giving them notice of any kind whatever.

Suit was brought against Colonel Shepherd as head of the board of public works, but he became a bankrupt and moved from the city of Washington to Mexico, and that suit was stopped, as nothing could be recovered from it. Suit was then brought in the courts of the city; but the courts ruled at that time that the city was not liable for the action of the board of public works. Therefore that suit was thrown out of court. Later the supreme court of the District of Columbia overruled the decision just mentioned, and held that the city of Washington was liable for the damages in tearing down the market building.

But when that decision was made the time had expired within

which they could bring suit in the courts. Therefore the parties who suffered by the destruction of that market, whose property was destroyed, have had no remedy against the city, and can have no remedy except by act of Congress. That is the reason why this no remedy except by act of Congress. bill has been brought here.

Mr. Chairman, I reserve the balance of my time, and Now.

should like to hear if there is any opposition.

Mr. DOCKERY. I desire to ask the gentleman if there is in fact an officer known as the auditor of the supreme court of the District of Columbia—if that is his correct title?

Mr. MILNES. I suppose so. That is the recommendation of the District Commissioners, and I suppose there must be such an

Mr. DOCKERY. If this office exists, it is the first time the fact has been called to my attention. We have an auditor for the

District of Columbia, but I did not know until the fact-if it be a fact-was called to my attention by this bill, that there was such an officer as the auditor of the supreme court of the District.

Mr. MILNES. As the District Commissioners recommended it,

I take it for granted that that is the fact.

Mr. DOCKERY. Now, in lines 18, 19, and 20 the bill proposes to compensate the auditor for the work authorized under this act, and the amount of the compensation is to be determined by the judges of the supreme court of the District of Columbia. I suggest to the gentleman in charge of the bill that we leave the question of his compensation for the future, to be determined after the rvice is rendered.

With the gentleman's permission, I will offer an amendment to strike out, in lines 18, 19, and 20, the words:

For his services such compensation as the judges of the supreme court of the District of Columbia may determine, to be paid, together with.

So that it will leave the appropriation for the necessary expenses, the question of compensation of the auditor to be determined hereafter

Mr. MILNES. I scarcely think any auditor would go on and do this work if no provision is made for expenses incurred, clerk hire, and so forth.

Mr. DOCKERY. That is left in the bill. It leaves all the necessary expenses for clerk hire, stationery, and so forth to be paid out of the surplus revenues of the District of Columbia.

Mr. MILNES. I do not understand the gentleman's amendment, and I ask the Clerk to report it.

The Clerk read as follows:

On page 3, line 18, after the word "paid," strike out the words "for his services such compensation as the judges of the supreme court of the District of Columbia may determine, to be paid, together with."

Mr. MILNES. What objection is there to the provision as it is?
Mr. DOCKERY. Well, I would prefer to leave the question of compensation for the auditor, who is a salaried officer of the District, an open question. I think it would be better for Congress itself to determine the question of compensation after the service has been rendered. He is now receiving a good salary from the District. His time is fully employed and paid for, and the question of compensation can very easily be determined after the service is rendered. This amendment leaves the necessary revenue to provide for incidental clerical expenses and stationery. There is no trouble about it.

Mr. MILNES. I have no objection to that. I will accept the

amendment.

amendment.

The amendment offered by Mr. Dockery was agreed to.
The CHAIRMAN. The question now recurs on the amendment of the committee, which the Clerk will report.
The Clerk read as follows:

In line 25, after the word "District," insert the following:
"Provided, That no claim shall be allowed, and no drawback certificate shall issue upon such claim, until the Commissioners of the District of Columbia shall have first approved the same."

The amendment was agreed to.
Mr. MILNES. If there is nothing more to be said upon the bill,
I will move that the committee rise, and that the bill be reported favorably.

The motion was agreed to.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. Lacey, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 8726) to provide for the payment of certain claims against the District of Columbia by drawback certificates, and had directed him to report the same back to the House with sundry amendments and with the recommendation that as amended the bill do pass.

The amendments recommended by the Committee of the Whole

ere agreed to.

The bill as amended was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

On motion of Mr. MILNES, a motion to reconsider the last vote was laid on the table.

EXTENSION OF NORTH CAPITOL STREET.

On motion of Mr. BABCOCK, the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 6713) to extend North Capitol street to the Soldiers' Home, with Mr. LACEY in the chair.

The bill was read, as follows:

The bill was read, as follows:

Be it enacted, etc., That the Commissioners of the District of Columbia are hereby directed to open and grade North Capitol street from T street to the Soldiers' Home, and are hereby authorized and directed to condemn, according to chapter 11 of the Revised Statutes of the United States relating to the District of Columbia for opening highways, such of the lands of the Prospect Hill Cemetery and of Annie E. Barbour as may be necessary for the extension of said street; and the amount of money necessary to pay the judgment of condemnation and the cost of grading is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to carry out the provisions of this act, but the cost of grading shall not exceed \$10,000: Provided, That one-half of said sum shall be charged to the revenues of the District of Columbia: And provided further, That this appropriation shall be immediately available.

With amendments, as follows:

With amendments, as follows:

In lines 6, 7, and 8 strike out, after the word "to," the words "chapter II of the Revised Statutes of the United States relating to the District of Columbia for opening highways" and insert in lieu thereof the words "the act approved March 2, 1893, entitled 'An act to provide a permanent system of highways in that part of the District of Columbia lying outside of cities.'"

At the end of the bill insert:

"Provided further, That in lieu of condemnation proceedings the Commissioners of the District of Columbia are authorized to acquire by purchase the lands of said cemetery and Annie E. Barbour, or either of them, paying therefor, out of the appropriation herein authorized, the sum of \$25,000 to the said cemetery and the sum of \$20,000 to Annie E. Barbour."

Mr. CURTIS of Iowa. Mr. Chairman, as gentlemen on the floor will remember, this bill was considered at some length in May last, and, for want of time, further consideration was postponed until the present session. In the meantime the Commissioners of the District have carefully considered the former legislation with respect to the opening of North Capitol street, and have submitted to the Committee on the District of Columbia their conclusions, with recommendation as to future necessary legislation, in order that this street may be opened. I now present a substitute recom-mended by the Committee on the District of Columbia, indorsed by the Commissioners, and will be glad to have it read.

The Clerk read as follows:

The Clerk read as follows:

A bill to extend North Capitol street northward through the property of the Prospect Hill Cemetery, to pay for land to be taken for such purpose, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled. That the Commissioners of the District of Columbia are hereby authorized and directed to proceed with the opening of North Capitol street northward through the property of the Prospect Hill Cemetery, and to pay the owners of the land necessary to be taken for public use in the extension of said North Capitol street according to the report of the appraisers appointed by the supreme court of the District of Columbia March 16, 1894, to appraise the land necessary for the extension of said North Capitol street, as said report was confirmed by the supreme court of the District of Columbia June 22, 1894, and finally adjudged by the court of appeals of the District of Columbia March 4, 1895, so far as the same relates to the land of said Prospect Hill Cemetery.

That the following sum is hereby appropriated out of the revenues of the District of Columbia for the purposes following, namely:

Fifty-one thousand six hundred and eighty-six dollars to pay the award of said appraisers, confirmed and adjudged as aforesaid.

Sec. 2. That all acts or parts of acts inconsistent herewith are hereby repealed.

Mr. BLUE. Now, Mr. Chairman— Mr. CURTIS of Iowa. I yield to the gentleman from Kansas. Mr. BLUE. I move to strike out all that part of this bill pertaining to the appropriation, commencing with-

That one half of the following sums named, respectively, is hereby appropriated out of any money in the Treasury not otherwise appropriated and the other half out of the revenues of the District of Columbia for the purposes following, namely, etc.

Mr. BABCOCK. I would say to the gentleman that that has been amended by the committee. The appropriation is entirely from the District revenues and not from those of the General Government

Mr. BLUE. Does the substitute read entirely from the funds

of the District government?
Mr. BABCOCK. Yes.
Mr. CURTIS of Iowa. Will the gentleman state his objection?

I did not hear it Mr. BLUE. The gentleman from Wisconsin states that the substitute has been amended to meet my amendment, and that it is to be appropriated from the District funds. Is that right?

Mr. BABCOCK. That is right?
Mr. BLUE. Let me hear that part of it again.
Mr. CURTIS of Iowa. I will state, Mr. Chairman, for the benefit of the gentleman, that the Commissioners recommended that, it of the gentleman, that the Commissioners recommended that, in accordance with the organic act, one-half of the appropriation be taken from the general fund and one-half from the District fund. In considering the matter the committee thought it advisable to make the whole amount of this appropriation chargeable to the District revenues, and have so recommended in the substitute.

Mr. BLUE. Mr. Chairman, that is in better condition than it was before; but I will insist on my amendment, for this reason:

I am opposed to the policy of committing to the District Committee the question of appropriations of money, either from the National Treasury or from the District treasury. The duties of the committee pertain more directly to general legislation without any question of expenditure or revenue; and it is out of place to put in a bill coming from that committee, without any reference whatever to the Committee on Appropriations, a sum of money. The item contained here is a considerable sum—

Mr. BABCOCK. Will the gentleman permit me to ask him a

question?

Mr. BLUE. Yes, sir.
Mr. BABCOCK. Will you be kind enough to state where your authority or rule is for any such statement?
Mr. BLUE. If the gentleman from Wisconsin had paid attention he would not have asked that question. I said I was opposed to the policy— Mr. BABCOCK. Oh, indeed.

Mr. BLUE. I mentioned no rule; and I say here now that I believe it is bad policy, and that the committee that has charge of appropriations for the District should have control of the approappropriations for the District should have control of the appropriations generally; and for that reason I insist on the amendment, and believe that this should go out of the bill.

The CHAIRMAN. Will the gentleman from Kansas reduce his amendment to writing.

Mr. BLUE. It begins at the word "that," and it strikes out all of the first section of the bill down to section 2.

The CHAIRMAN. The Clerk will report the amendment,

The Clerk read as follows:

Strike out the following words:
"That the following sum is hereby appropriated out of the revenues of the District of Columbia for the purposes following, namely, \$51,686 to pay the award of said appraisers confirmed and adjudged as aforesaid."

The CHAIRMAN. Is that amendment offered to the original

Mr. BABCOCK. Mr. Chairman, I suppose that all members of the House understand that this would make the bill entirely inoperative. I have confidence enough in the gentleman from Kansas [Mr. Blue] to know that had he known the conditions Kansas [Mr. Blue] to know that had he known the conditions surrounding this legislation he would not attempt to strangle it in this place. North Capitol street, the gentleman will understand, leads out from the Capitol until it reaches this cemetery, which has been before Congress and under consideration for many years. Congress passed an act providing for the condemnation of ground for a street through the cemetery. The court appointed a jury, and an award was made. This simply appropriates money out of the District fund to pay the award. The Commissioners say that unless this is done now this ground which it is proposed to make the street will be occupied by the cemetery company for graves and lots, and will in the end cost a great many times this sum of money to put this street through, and it must necessarily go through. This being the fact, the committee has taken it up and reported this bill and acted upon it promptly. Now, gentlemen, the owners of this property say that they want Now, gentlemen, the owners of this property say that they want this settled, and we can not occupy it as a street until it is. have not been

Mr. MILNES. Are there not twenty-eight burials already in the part of this cemetery proposed to be taken for the street?

Mr. BABCOCK. Yes, sir; there are twenty-eight there now. The only reason why the Commissioners objected to this before was that the jury, under the instructions of the court, when they made their award, based the valuation on the value of the land as cemetery lots. They did not value the property by the acre, but valued it as cemetery lots, and the court has since sustained that verdict. it as cemetery lots, and the court has since sustained that verdict. Now, this street can not be opened through the cemetery under the highway act, and if it is opened at all it must be opened under a special act of Congress, because it is provided in the charter of the cemetery that no street shall go through it. The parties interested have consented now, if this bill can be gotten through promptly, to accept this settlement, which is at least 25 per cent cheaper than any basis of settlement that could probably ever be obtained again. For these reasons, I say that if the gentleman from Kansas were fully conversant with the facts and circumstances of the case I am sure he would not endeavor to annoy these people and obstruct the interests of all concerned by still further delaying this settlement.

further delaying this settlement.

Mr. BLUE. In reply to that, Mr. Chairman, I have only to say that the arguments advanced by the gentleman from Wisconsin might apply to any other bill carrying an appropriation. I have heard no reason whatever why the appropriation carried by this bill should not go to the Appropriations Committee, like all other appropriations for the opening of streets. This is made an exceptional case, outside of the general practice, as I understand it, but

no reason is assigned why this particular appropriation should be controlled by the Committee on the District of Columbia.

Mr. BABCOCK. There is a good and sufficient reason. This is a local matter, local to the District, and therefore a matter on which the District Committee have the right of way, while it is outside the jurisdiction of the Committee on Appropriations. Mr. BLUE. I do not so understand it.

Mr. BABCOCK. The gentleman ought to read the rules of the House, then.

Mr. BLUE. Ah, but you can not upon any proper policy frame a bill in such shape as to take from the Appropriations Committee the right to pass upon an appropriation like this. Now, I do not know anything about the value of the land in question, but from the reading of this report and from some things that I have heard, I believe that the appraisement in the first instance was excessive. This is a very large sum for such a piece of land; and the fact that this measure comes from the committee it does come from indicates that there is some exceptional reason why this appropriation should be under the supervision of that committee rather than under the committee which regulates appropriations generally. I submit that there has been no sufficient reason or

excuse offered why this appropriation should not take the usual

Mr. BABCOCK. This is the usual course.

Mr. CURTIS of Iowa. Mr. Chairman, the position of the gentleman from Kansas may possibly be tenable, but I believe that he commits an error in applying his principle to this particular bill. The fact remains, as he very well knows, that on every District day there are passed through this House measures emanating from the District of Columbia Committee which carry appropriation. tions of money. Now, let me remind the House that this is not new legislation. It is legislation which has been before Congress on three different occas ons. It is the reenactment of former legislation, emanating, I may add, on every occasion from the District Committee, both in the Senate and in the House. I want to say further, for the gentleman's information-although I need not, say further, for the gentleman's information—although I need not, for I know he has read the report of the Commissioners—that the supreme court of the District has sustained the decision of the lower court, and that this legislation is absolutely necessary, owing to the peculiar conditions which exist, to the opening of North Capitol street. There is no possible hope of a lower award. In the opinion of the Commissioners, and I may say also in the opinion of the committee, delay in this matter will be dangerous if it is desired to every the street at all and I trust that every one will is desired to open the street at all, and I trust that every one will agree that the street should be opened, as ample evidence has been presented to show the necessity of opening the street.

Mr. BLUE. Let me ask the gentleman a question. Suppose this amendment prevails and the appropriation is stricken out, will not

the bill then contain all the necessary legislation except the mere

appropriation of money? Mr. CURTIS of Iowa. If it is conceded, as I think it will be, that should this bill go before the Appropriations Committee the committee must necessarily approve the amount recommended, for no other amount can be accepted, then there can be no advantage in adopting such an amendment, because it will only insure delay in the settlement of an important matter which has been under consideration during many sessions of Congress. I think that a re-reference of this subject at this time would be decidedly

improper.
Mr. BLUE. The gentleman speaks of this legislation having

been under consideration before. Mr. CURTIS of Iowa. Yes, sir.

Mr. BLUE. Has the question of the appropriation of money in this manner ever been submitted to the Appropriations Committee? Mr. CURTIS of Iowa. The Appropriations Committee itself in 1895, in the absence of any legislation or recommendation emanating from the District Committee, recommended an appropria-tion to pay such an award as might be made to cover the value of the property taken, together with damages both to the cemetery property and to the estate of Anna E. Barber, and others, but the opinion of the supreme court, which the gentleman has undoubtedly read, rendered that legislation obsolete.

Mr. BLUE. Then what is the object, except the mere matter

of saving a few days, in declining to let this take the ordinary and usual course?

This is the usual course in such matters. Mr. BABCOCK.

Mr. CURTIS of Iowa. I might reply to the question of the gentleman from Kansas by propounding one to him: What can possibly be the objection to allowing this bill to go through as recom-

mended by the committee?

Mr. BLUE. The very objection that I have made to it—that upon your theory the Committee on the District of Columbia at any time when they deem they have sufficient excuse, on the

any time when they deem they have sumcient excuse, on the ground of haste or anything else, may arrogate to themselves the complete appropriation of all money for the payment of damages in any case of condemnation in the District.

Mr. CURTIS of Iowa. The amount, if I understand the situation correctly, can not be changed; and it ought not to be. This legislation has been strongly urged upon Congress since 1888. So far as the practical effect upon the property is concerned, the proceedings of ready taken have congreted in precisely the same way. ceedings already taken have operated in precisely the same way as if the street had been opened. There has been absolutely no sale for the property, nor can there be under present conditions.

Mr. COX. How was the amount of damage to the proprietors of the land estimated?

Mr. CURTIS of Iowa. By a jury.
Mr. COX. Who constituted that jury?
Mr. CURTIS of Iowa. For the information of the gentleman from Tennessee and others, I will read from the report of the

Mr. COX. Before the gentleman reads, will he answer my question, Who constituted that jury?

Mr. RICHARDSON. The jury was appointed by the court.

Mr. CURTIS of Iowa. I will read the names of the jury.

Mr. COX. Was the jury appointed by the court?

Mr. COX. Was the jury appointed by the court?
Mr. COX. Then, as I understand, a jury was appointed to estimate the value of the property and to assess the damages?

Mr. CURTIS of Iowa. Certainly.
Mr. COX. And that jury reported back to the court?
Mr. CURTIS of Iowa. Yes, sir.
Mr. COX. Then the court approved that finding of the jury?

Mr. CURTIS of Iowa. Yes, sir.
Mr. COX. Then, upon the recommendation of the court it is proposed to appropriate this amount to pay the property holders?

Mr. CURTIS of Iowa. But the Commissioners objected to the award as made, and appealed to the supreme court of the District, which sustained the lower court.

Mr. COX. Then you have a decision of the highest court on

matters of this kind in the District affirming the amount of dam-

ages to be paid to these parties?

Mr. CURTIS of Iowa. Yes, sir.

Mr. KIEFER. That is exactly the situation.

Mr. HENDERSON. I trust I may be allowed to make a single statement. This matter has for many years given a great deal of annoyance to all connected with the administration of the city government, as well as to the District Committee and the Appropriations Committee. I remember myself visiting the cemetery as a member of the committee, in order that we might understand the situation and, if possible, reach some solution of the difficulty, there being a conflict between those who were laying out the road and the cemetery association. Now, I wish to ask my colleague [Mr. Curtis of Iowa] whether this bill, if passed, will be accepted by the Germans who are interested in this cemetery as a solution of this long-disputed question?

Mr. CURTIS of Iowa. It will.

Mr. KIEFER. It will be absolutely satisfactory.

Mr. HENDERSON. Then I think we shall be wise to pass the

Mr. TALBERT. Is this amount to be paid exclusively out of

the funds of the District of Columbia?

Mr. CURTIS of Iowa. It is. The Commissioners recommended that one-half only be appropriated from the District funds, but the committee has recommended that the whole amount be so appropriated. I ask for a vote.

Mr. HULICK. Allow me to make a single statement. In the

charter of this cemetery association there is a condition which prohibits absolutely the appropriation of any of their lands for public streets. The act incorporating the Prospect Hill Ceme-tery contains this provision:

That no streets, lanes, alleys, roads, or canals of any sort shall be opened through the property of the said corporation exclusively used and appropriated to the purposes of this cemetery.

That is the provision of the act of incorporation of 1860. Now, the act of 1893, which was passed by Congress in order to assist the Commissioners in appropriating the land of this cemetery, would have been met, apart from the other objections upon which the supreme court set aside the verdict of appropriation, by the provision which I have just read from the charter of the association. So that we are brought squarely to meet this question: Shall we, by passing this bill, accept this property now for the amount which has been assessed by a commission appointed by the court for the purpose of estimating the value of the land appropriated, or shall we decline to accept this award, and thereby be forever estopped from taking any steps whatever to condemn any portion of this cemetery for street purposes, placing ourselves at the mercy of this corporation—leaving them in such a position as to be able to say, "We are protected by our charter, which prohibits any appropriation, public or private, or in any other way, except by the consent of the trustees?" At this time the opportunity is afforded for this city to take this appropriation of land by the payment of the amount of money contemplated by the bill, which amount these people are satisfied to take as a consideration for the right of way through their property, notwithstanding the provision of their charter. estopped from taking any steps whatever to condemn any portion

vision of their charter.

Mr. COX. They consent to this?

Mr. HULICK. They do. But if this bill be not passed there will be no right or authority whatever to extend any street through that property. The streets will have to be deflected around it, and there will be no remedy for the city by appropriation or other-

Mr. CURTIS of Iowa. I ask for a vote on the pending amend-

The CHAIRMAN (Mr. LACEY). This bill was before the Committee of the Whole on a former occasion, and at that time some amendments were considered. It is necessary now to ascertain the status of those amendments.

Mr. RICHARDSON. This bill was not pending heretofore. This is an entirely new bill, which has been substituted for the

other bill.

The CHAIRMAN. A substitute has been offered by way of amendment; but the original bill still stands; and to the original

bill some amendments were heretofore offered.

Mr. RICHARDSON. The gentleman from Iowa, when he took the floor, stated that he desired to have this bill substituted; and

Though the formal request was it was read by common consent. It was read by common consent. Inough the formal request was not made, it was understood, I think, that the substitute was to be considered as the pending measure. I believe the Chair did not submit the request to have it taken up; but we have proceeded in that way practically by unanimous consent, and the amendment of the gentleman from Kansas was offered to the

Mr. BABCOCK. The gentleman from Iowa offered the substitute for consideration at this time.

The CHAIRMAN. The Chair will state that the original bill

The CHAIRMAN. The Chair will state that the original bill was before the committee at a former session, and was partly acted upon, and consequently we must dispose of that and the amendments pending before we can reach the substitute.

Mr. BLUE. Mr. Chairman, after consultation with some of the gentlemen on the Appropriations Committee, I will withdraw the amendment to the substitute.

Mr. RICHARDSON. Then, Mr. Chairman, I ask unanimous consent that the substitute which has been offered by the gentlemen from Jowa [Mr. Chairman] be taken up as the pending measure

man from Iowa [Mr. Curris] be taken up as the pending measure instead of the original bill.

Mr. HENDERSON. That is right.

Mr. DOCKERY. I hope it will be done.

The CHAIRMAN. Is there objection to the request of the gen-

tleman from Tennessee?

There was no objection, and it was so ordered.

The CHAIRMAN. The Chair will state that this unanimous consent should also include giving to this bill the same number as the other, and if there be no objection that will be ordered.

There was no objection.

Mr. RICHARDSON. Now I move that this bill be laid aside to be reported to the House with a favorable recommendation.

The motion was agreed to.

Mr. CURTIS of Iowa. I move now, Mr. Chairman, that the committee rise and report the bill to the House.

The motion was agreed to.

The committee accordingly rose; and Mr. Payne having taken the chair as Speaker pro tempore, Mr. Lacey reported that the Committee of the Whole House on the state of the Union, having had under consideration the bill H. R. 6713, had directed him to report the same back with substitute for the original bill, and with

a favorable recommendation.

The SPEAKER pro tempore. The Chair is informed that the substitute is in the form of an amendment to the original bill, and the question will be on the amendment so offered in the nature of

The amendment in the form of a substitute was agreed to.
The bill as amended was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.
On motion of Mr. BABCOCK, a motion to reconsider the last vote was laid on the table.

ORDER OF BUSINESS.

Mr. BINGHAM. Mr. Speaker, I desire to submit a motion that the House resolve itself into Committee of the Whole House on the state of the Union for the consideration of the legislative, executive, and judicial appropriation bill.

Mr. GROUT. I ask the gentleman from Pennsylvania to yield to me for a moment, in order to submit a resolution providing for the printing of some testimony.

Mr. BINGHAM. I will withdraw the motion temporarily for that purpose.

INVESTIGATION OF SOLDIERS' HOME, LEAVENWORTH, KANS.

Mr. GROUT. I now offer the resolution I send to the desk. The Clerk read as follows:

Joint resolution providing for the printing of testimony in the investigation of the Soldiers' Home at Leavenworth, Kans.

Be it resolved, etc., That the special committee to investigate the Soldiers' Home at Leavenworth, Kans., be and are hereby, authorized to procure the printing of the testimony taken by said committee, together with such exhibits used in said investigation as said committee shall deem necessary.

The SPEAKER pro tempore. Is there objection to the present consideration of the resolution?

Mr. RICHARDSON. If I am not mistaken, Mr. Speaker, that is in the form of a joint resolution. It is not usual to provide for

is in the form of a joint resolution. It is not usual to provide for the printing by Congress of such matters by a joint resolution.

Mr. GROUT. That is true; but I was informed that under a recent law it was necessary when printing to an amount over \$500 was ordered. We have ascertained from the Public Printer the probable expense of the work.

Mr. RICHARDSON. If the gentleman will pardon me, the printing law does not change the law in that respect, a law which has been in force for many years—for thirty years at least. Neither House under that law can provide for printing to an amount exceeding \$500 by a simple resolution. It must be by a concurrent resolution if it involves an expenditure exceeding that sum. But this is a joint resolution, which would require the sigsum. But this is a joint resolution, which would require the signature of the President. A concurrent resolution simply requires the concurrent action of the two Houses.

If the gentleman will put his resolution in the form of a concurrent resolution, the usual form, there will be no objection to it, as far as I am aware.

Mr. PERKINS. I suggest that the resolution be modified as suggested by the gentleman from Tennessee.

Mr. GROUT. Then I modify it and make it a concurrent reso-

lution.

The SPEAKER pro tempore. The resolution will be treated, then, as a concurrent resolution, and the question is, Is there objection to its present consideration?

There being no objection, the concurrent resolution was considered, and agreed to.

LEGISLATIVE, EXECUTIVE, AND JUDICIAL APPROPRIATION BILL.

Mr. BINGHAM. Mr. Speaker, I now renew my motion that the House resolve itself into Committee of the Whole House on the state of the Union for the consideration of the legislative, executive, and judicial appropriation bill.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole House, Mr. Hopkins in the chair.

The Clerk read the title of the bill, as follows:

A bill (H. R. 9643) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1893, and for other purposes.

Mr. BINGHAM. Mr. Chairman, I ask unanimous consent that the first formal reading of the bill be dispensed with.

The CHAIRMAN. The gentleman from Pennsylvania [Mr.

BINGHAM] asks unanimous consent to dispense with the first read-

BINGHAM] asks unanimous consent to dispense with the first reading of the bill. Is there objection?

There was no objection.

Mr. BINGHAM. Mr. Chairman, the House is familiar with the legislation contained in this bill. Being one of the supply bills of the Government, its general provisions were fully discussed in the first session of this Congress. Your committee have, in the consideration and conclusions which they have reached and presented to the House, followed closely almost in every particular, certainly in every possible paragraph, the wordings common to the current law as contained in the appropriation bill for the current fiscal year, as well as following the general statute law. Where we have made changes they have been upon the recommendation of the Department chiefs of bureaus, with reference to their subordinate force, and we have endeavored to observe the strictest and dinate force, and we have endeavored to observe the strictest and closest economy in any changes that we have made with reference to promotions. The compensation fixed by statute has been consistent and in accord with the appropriation bills since the Forty-fourth Congress. We have made no changes from the present current law. There are but two paragraphs that we consider new legislation in this bill. One is with reference to the Library; the other with reference to accounts, in connection with the accounting officers, recommended by the Treasury. Those are the only two paragraphs of the bill that can be considered as new legislation, and that which is concerning the Library your committee believe will not come under the rule.

The estimates that are submitted in the annual book from the The estimates that are submitted in the annual book from the Treasury Department aggregate, for the next fiscal year, \$22,767,-158.80. Of this amount there is recommended in the bill \$21,669,-369.80. The appropriation for the same purposes for the current year aggregates \$21,705,768.94, being \$13,390.14 more than is recommended in the bill for the service for year ending June 30, 1898. The total amount recommended in this bill is \$1,097,781 less than the aggregate estimate submitted. The whole number of salaries provided for in the bill aggregates 10,055, being 140 less than the number estimated for and 136 more than the number provided for under the current law. The increase is almost wholly in the new Library building, so that the clerical force of the subordinate Departments of the Government are not, save in a most qualified way, increased in the bill submitted for your consideration.

way, increased in the bill submitted for your consideration.
In accordance with the recommendations of the estimates, we In accordance with the recommendations of the estimates, we reduced the Senate force by three annual clerks at \$1.500 each. In other respects, we continue current law. As to the House of Representatives, we continue the current law, save an increase of 4 of the subordinate force, now authorized and employed under resolutions of the House, namely, 1 at \$1,600, 1 at \$1,200, and 2 at \$1,000 each. Otherwise, the bill provides for the force of the House as it now runs under current law. I would state that the Library of Congress has been the subject of careful examination on the part of the committee, not only with reference to this bill. on the part of the committee, not only with reference to this bill, but a year ago, when the question was before us, and it was determined then that the question as to the increased force in the Library should be relegated to this session of Congress, the committee believing that none of the increased appropriations, save in a most qualified way, would be necessary during this year. Therefore it becomes a part and parcel of the legislation under this bill.

The question pertaining to the future administration of the Library may provoke some debate in the consideration of this bill. Therefore, when we reach those paragraphs of the bill I

shall ask to pass them, in order that at the conclusion of the bill we may take up such time in their consideration as the House may determine wise.

Mr. QUIGG. Will the gentleman yield to me for a question?
Mr. BINGHAM. With pleasure.
Mr. QUIGG. I should like to offer some amendments, or rather
a proposition as a substitute for the entire proposition of the committee on the subject of the Library, and I want to ask the gentleman in charge of the bill if he will afford me the opportunity

Mr. BINGHAM. I have stated, and if the gentleman considers my statement not sufficiently full I will repeat, that when we come to the paragraph of the bill covering the Library of Congress I will then ask to postpone its consideration, if the House desires, to the conclusion of the bill; so that these paragraphs are in no wise affected by a postponement, taking them out of the regular order of the bill. Then the gentleman, as I understand, will be in order for the submission of his amendment or substitute, or whatever may be the wish of the House to consider in connection with the paragraph of this bill. connection with the paragraph of this bill-

Mr. QUIGG. And so far as the gentleman is concerned, he will raise no question of order against their consideration?

Mr. BINGHAM. I will state that I will not bring an appropriation bill into this House for its consideration proposing in any form whatever to curtail or limit the fullest deliberation on the part of the House. I believe the bill belongs to the House. any form whatever to curtail or limit the fullest deliberation on the part of the House. I believe the bill belongs to the House; and if the House sees proper, I shall not resist it. I shall be willing to have full and complete debate. The gentleman will receive no opposition from myself to the consideration of anything that is germane or proper to be considered in connection with the bill.

Mr. QUIGG. Mr. Chairman, I ask, if the gentleman will permit the intermediate the formula of the terror of the considered in connection with the bill.

mit me to interrupt him for that purpose, unanimous consent that in the RECORD of to-day may be printed the substitute proposition which I shall offer at the proper time. That is to say, at the conclusion of the gentleman's remarks to-day my substitute may be printed in the RECORD.

The CHAIRMAN. The Chair will say to the gentleman from New York that that will not be in order while the gentleman from Pennsylvania has the floor.

Mr. BINGHAM. I will state to the gentleman from New York that I have no objection to the printing of his bill in the RECORD. In the Secretary's office, the office of the Supervising Architect, the office of the Comptroller of the Treasurer, the Bureau of Statistics, the office of construction of standard weights and massures, and the office of the Director. standard weights and measures, and the office of the Director of the Mint your committee have made some changes with reference to the clerical force, in no wise increasing that force save in one or two particulars, but merely transferring them from one

In the mints and assay offices, with reference to the mint at Carson City, there has been some reduction in the working force of that establishment, as well as at the mint at New Orleans, based upon testimony submitted by the Director of the Mint, which is available to all members of the House, as it is now printed.

With reference to the government of the Territories, the appropriation is largely reduced, because their sessions of the legislatures are biennial, and the paragraph of this bill will not cover and does not of necessity cover an appropriation necessary for the year that the Territorial legislatures are in session.

In the War Department in the Record and Demain Office.

In the War Department, in the Record and Pension Office, upon the recommendation of the Chief, there has been a reduction of

twenty-five subordinate clerks at \$1,000 each.

In the Navy Department, while the bill will seem to have many amendments, that Department, under an act of Congress, is being reorganized for the current year. It directs that the subordinate force of the different bureaus shall be so adjusted that each four months they shall be reassigned. The Secretary of the Navy is reorganizing the Department on that basis, and while there are many changes, there is not one dollar increase of compensation or appropriation asked for in the bill.

In the Interior Department in the Department of the Depart

In the Interior Department, in the Pension Office, for the per diem and traveling expenses of special examiners under the current law the appropriation is \$500,000. In the present bill, on the recommendation of the Commissioner of Pensions, this is to be reduced to \$450,000.

In the Post-Office Department there are a few provisions with reference to an increase of the force, as well as in the Department of Justice. In the judicial expenses of the United States courts in the Indian Territory we simply appropriate in this bill for the judges. The salaries for other subordinate officers of the court, as well as district attorneys, marshals, clerks, commissioners, etc., become a part and parcel of the sundry civil appropriation bill, and therefore the legislative bill is relieved of that paragraph and

that amount of appropriation.

The only legislation which your committee submits in their bill outside of that condition and subject to a point of order is contained in the provision under the office of Comptroller of the

Treasury, which is that all books, papers, and other matters re-lating to the offices or accounts of disbursing officers of the Executive Departments and the Commissioners and boards in the Distive Departments and the Commissioners and boards in the Dis-trict of Columbia shall at all times be subject to inspection and examination by the Comptroller of the Treasury and the Auditor of the Treasury authorized to settle such accounts. The bill authorizes this through such officials. When we reach that para-graph the necessity of that new legislation will be so patent and it is of such importance to the good administration of the Departments that I do not anticipate any objection to that clause, although

it is new legislation in the bill.

Now, if any gentleman desires to ask any question I will yield to him for that purpose. If not, I will ask that the bill be read by

paragraphs.

Mr. DOCKERY. I suppose that the gentleman asks that general debate be closed. I do not know of anyone on this side who desires to debate any proposition in the bill, but I assume that the gentleman in charge of the bill will permit a little relaxation of the rule should any debate be considered necessary during the

of the rate stoud any debate be considered necessary during the reading of the bill by paragraphs.

Mr. BINGHAM. I have no objection during the progress of the bill to reasonable debate on every paragraph.

The CHAIRMAN. Without objection, the reading of the bill by paragraphs will now begin.

here was no objection. The Clerk read as follows:

HOUSE OF REPRESENTATIVES.

HOUSE OF REPRESENTATIVES.

For compensation of Members of the House of Representatives and Delegates from Territories, \$1,803,000.

For mileage, \$130,000.

For compensation of the officers, clerks, messengers, and others in the service of the House of Representatives, namely.

Mr. JOHNSON of California. Mr. Chairman, I find that we have passed something that I desire to ask about. I want to ask the gentleman from Pennsylvania, with reference to this Capitol police, if it would be in order to move to increase that force or would some distinguished capitalman, animated by an exception. would some distinguished gentleman, animated by an economical

would some distinguished gentieman, animated by an economical desire, raise the point of order upon it?

Mr. BINGHAM. I would state to the gentleman that the committee thought there was no necessity for an increase of that force for the coming fiscal year. We have in the present year, under the law that is now in operation, increased that force twelve, and its efficiency or its complete usefulness has not yet been developed. We have increased the force for the complete usefulness has not yet been developed. We have increased the force for the current year over previous years, and I hardly think, and the committee hardly thought, there was any necessity for an additional increase.

The Clerk read as follows:

Clerks and messengers to committees: For clerk to the Committee on Ways and Means, \$3,000; assistant clerk, \$1,600; messenger, \$1,000; clerk to the Committee on Appropriations, \$3,000; assistant clerk, \$1,600; messenger, \$1,000; clerks to Committees on Accounts, Agriculture, Banking and Currency, Claims, District of Columbia, Elections, Foreign Affairs, Interstate and Foreign Commerce, Indian Affairs, Invalid Pensions, Judiciary, Merchant Marine and Fisheries, Military Affairs, Naval Affairs, Post-Office and Post-Roads, Public Buildings and Grounds, Public Lands, Rivers and Harbors, War Claims, and clerk to continue Digest of Claims under resolution of March 7, 1888, at \$2,000 each; and for assistant clerk to the Committee on War Claims, \$1,200; in all, \$32,400.

Mr. SHERMAN. I desire to offer the amendment which I send to the desk.

The amendment was read, as follows:

Page 13, line 5, after the word "dollars" insert:
"For messenger to the Committee on Interstate and Foreign Commerce, who shall also act as assistant doorkeeper, \$1,200."

Mr. BINGHAM. Mr. Chairman, I make the point of order against that amendment.

Mr. STEWART of New Jersey. Mr. Chairman, I hope the gentleman from Pennsylvania will not insist on his point of order. What is the point?

Mr. BINGHAM. That the amendment changes existing law.

Mr. STEWART of New Jersey. Oh, no; it does not.

Mr. BINGHAM. There is no law authorizing this appropria-

Mr. STEWART of New Jersey. This bill has not yet become a aw, and this amendment does not change existing law. This messenger to our Committee on Interstate and Foreign Commerce is one of the most efficient men on either side of the House, and he now receives but \$60 a month. When the committee is not in session. sion he acts as one of the doorkeepers in the lobby at one of the most difficult doors to attend, and he is very intelligent and efficient in that capacity. For his services he is getting only \$60 a month, where others are getting \$1,200 and \$1,500 and even \$2,000 a year. I submit that it is a piece of injustice that this man should be required to work for \$60 where some others get twice as much or

more than that. Mr. BINGHAM. Mr. Chairman, do I understand that the proposition is that this gentleman who is now performing this line of work shall be transferred to the service of the Committee on Interstate and Foreign Commerce?

Mr. STEWART of New Jersey. No, sir. He is now acting as

messenger to that committee, and he is also acting as a doorkeeper

Mr. BINGHAM. Then his employment as doorkeeper is au-

Mr. BINGHAM. Then his employment as doorkeeper is authorized now under the law?

Mr. STEWART of New Jersey. Yes, sir.

Mr. BINGHAM. And what he is doing for the Interstate and Foreign Commerce Committee he is not required by law to do?

Mr. STEWART of New Jersey. He is not required to do it.

The CHAIRMAN. Will the gentleman from New Jersey send to the Chair the law which authorizes the employment of the person contemplated in the amendment?

Mr. STEWART of New Jersey. He is employed under the general law providing for all the messengers of this House, and the amendment simply increases his salary so as to conform it to

the compensation of other men who are performing similar duties.

Mr. DOCKERY. I suggest to the Chair that the amendment does more than that. It creates a new office under the head of "Clerks and messengers to committees." We have not yet "Clerks and messengers to committees." We have not yet reached the paragraph of the bill relating to the Doorkeeper's force, and if the gentleman desires to move to increase this salary his amendment will properly come in when we reach that class

Mr. STEWART of New Jersey. Oh, it is immaterial where

this comes in

Mr. DOCKERY. No, it is not immaterial, because it proposes to increase the force.

Mr. STEWART of New Jersey. Not at all.

Mr. BINGHAM. Mr. Chairman, the Committee on Accounts are perfectly ready at any time to bring in their recommendation for such changes as they think desirable and proper in the sub-ordinate force pertaining to the business of the House and the convenience of its members—

Mr. HEPBURN. Mr. Chairman, I desire to ask whether this employee is not provided for simply by a resolution of the House. I ask the chairman of the Committee on Appropriations, as he is more familiar with these matters than I am. If this messenger is employed simply by resolution of the House, then it seems to me that the gentleman's point is not well taken. I am not able to find any statute authorizing the appointment of these messengers, and I think they have simply been put into the appropriation bills from time to time, having been previously employed under special resolutions of the House.

Mr. BINGHAM. Mr. Chairman, all I have to state to the gen-tleman is that your committee has had no consideration whatever of this proposition. The question of the necessity for this appointment has never been submitted to the committee. We took the four members of the subordinate force that had been added to the existing force by resolutions of the House and continued them in

the bill

Mr. HEPBURN. How is it that certain messengers receive \$1,000 or \$1,200 a year, while certain others, performing like duties,

receive but \$60 a month? Mr. BINGHAM. That may have been determined by a resolu-tion of the House fixing their compensation, or by increase of the

subordinate force by the committee.

Mr. HEPBURN. If this is one of the cases provided for by a resolution of the House, then does this amendment involve any

change of existing law?

Mr. CANNON. It changes the law if there is not any law

authorizing it.

Mr. BINGHAM. I will state to the gentleman that it has been the unbroken practice that increase of the subordinate force of the House comes from the Committee on Accounts upon its recommendation, and the House determines whether there shall be the increase proposed at the salary indicated by the Committee on Accounts or not. Now, we have no record of this recommendation coming from the Committee on Accounts other than as it is contained in the bill. Therefore we assume, as we have desired to be consistent in the action of the House, that this employee was not required. The gentleman in charge of a committee has seen fit to use this subordinate of the House for other purposes. I am not questioning his usefulness in the discharge of the duties he is now performing. I am not questioning that his services are necessary to that committee. I am simply saying that, in view of the action of the House, and in view of the provisions of this bill, drawn in conformity to the action of the House, the amendment is subject to the point of order that it contemplates an increase either as to personnel or as to compensation, and therefore, according to what have always been the rulings in this House, is not in order

Mr. HEPBURN. It is certainly not an increase in the personnel of the House. This gentleman is already an officer of the House; he is already in the service of the House. The only point, it seems to me, which could be raised with any plausibility would be that this is an increase of salary, and therefore a change of existing law. Now, if the salary is fixed simply by resolution of the House, I think such a resolution can scarcely be called "law"

in contemplation of our rules. Hence, I submit, the proposed increase in pay ought not to be held obnoxious to our rules.

Mr. BINGHAM. Let me ask whether this gentleman has not

been appointed as a folder? I judge so from the compensation

allowed. Is he not a folder now?

Mr. HEPBURN. I think not.

Mr. BINGHAM. The compensation is the same as that given to folders

Mr. SHERMAN. I will say, in answer to the gentleman from Pennsylvania, that I think Mr. Barnsley is carried on the rolls as a folder. But he is in fact performing duty as a messenger; and he is not only messenger to the committee, but an assistant doorkeeper at the most important door of the House. All the other messengers are receiving \$1,200 a year. He is borne on the rolls as a folder and is receiving only \$60 a month, and out of that sum he is obliged to pay \$3 or \$4 a month for janitor's care of the committee room, so that in fact he receives only about one-half the pay that other messen-

gers to committees are receiving.

If my friend objects to the special phraseology of the amendment as I have sent it to the desk I am willing to modify it so as to provide that the pay of this particular folder-J. H. Barnsleyincreased from \$60 a month to \$100 a month. He will then receive simply the pay provided in your bill for every other officer per-

forming like service.

Mr. BINGHAM. If I understand the gentleman's proposition, it is that a subordinate of this House, having been appointed under a resolution of the House as one of its folders, at a compensation of \$60 per month, has been performing additional duty or other duty than that of a folder. Now the gentleman from New York comes before this House and sets forth the usefulness and efficiency of this employee, which is all granted. And the gentleman wants to change the line of work of this employee from that of a folder to that of a messenger, and a messenger to a particular committee. I simply say to the gentleman there is no law for that, and the amendment is subject to the point of The Committee on Rules can come into this House at any time with a resolution creating the place which the gentleman time with a resolution creating the place which the gentleman from New York now proposes to create by this amendment; and the gentleman who has the appointing power may select this employee for the place. I simply say that this increase of salary, being a change of law, is not in order.

Mr. DOCKERY. Let us have a ruling.

The CHAIRMAN. The Chair sustains the point of order. The

Clerk will read.

The Clerk read as follows:

Mr. SHERMAN. I move to amend by striking out, in line 10, page 14, the word "nine" and inserting "ten;" so as to read: Ten messengers, including the messenger to the reporters' gallery, at \$1,200

Mr. BINGHAM. I reserve a point of order on that amendment, Mr. SHERMAN. I submit this amendment in order to meet the wants of the Committee on Interstate Commerce as suggested by my colleagues on the committee and myself. I propose to provide compensation for this special officer on the assumption that the Doorkeeper, if this provision be made, will assign this gentleman to the position, so that he will receive for the duties he is performing similar compensation to that received by other messengers; that he will not, for performing specially meritorious and arduous duties, receive the pay which under this paragraph is allowed to an ordinary laborer, saying nothing of the deduction to which he is compelled to submit in paying \$3 or \$4 a month to somebody who does the janitor's work in the committee room. I think this amendment simply makes fair and just provision for an efficient officer. If the former amendment was obnoxious to the rules, it

does seem to me this one is not.

Mr. BINGHAM. In replying to my friend from New York, I am not going to question in any way the efficiency of this subordinate. The messengers for the respective committee rooms are assigned by the Doorkeeper of the House. This appropriation is for the Fifty-fifth Congress. What may be the organization of

that Congress I do not know. Whether this man will be here that Congress I do not know. Whether this man will be here then I do not know. But conceding all that the gentleman from New York states as to the efficiency of this officer, I must stand by the details of this bill, for the reason that our committee was open for the hearing of any applications for necessary increases. The Committee on Accounts is continually open for that purpose. No recommendation for an increase of this character has been made. This bill carries no such recommendation. My point of order is that this amendment proposes an increase beyond the current law; there is no authority for the appointment of an additional mes-

senger.

The Clerk resumed the reading of the bill until the heading "Library of Congress" was reached, on page 19.

Mr. BINGHAM. Mr. Chairman, with reference to the paragraphs now following in the bill, pertaining to the Library of Congress, commencing on page 19, and continuing down to near the bottom of page 22, I ask that all of these paragraphs be passed over without prejudice until the conclusion of the bill.

Mr. QUIGG. Does that include the Botanic Garden at the bottom of page 22 and the beginning of page 23?

Mr. BINGHAM. No; only the Library matters; to be recurred to after the conclusion of the rest of the bill.

The CHAIRMAN. Then the gentleman asks unanimous consent to pass over pages 19, 20, 21, and 22, down to the "Botanic Garden," as the Chair understands the request?

Mr. BINGHAM. That is my wish. I desire to include those

Garden," as the Chair understands the request?

Mr. BINGHAM. That is my wish. I desire to include those paragraphs only that relate to the Library.

Mr. QUIGG. I would like to have that stated accurately to see if I understand the gentleman correctly. As I understand the gentleman from Pennsylvania, he desires to pass over all of that portion of the bill beginning with line 1, page 19, down to and including line 2, on page 282

including line 7, on page 23?

Mr. BINGHAM. No: down to and including line 23 on page 22, omitting the "Botanic Garden."

Mr. QUIGG. I am satisfied, if that is the gentleman's wish.

Mr. HEPBURN. If this order should be made—and I submit this as a parliamentary inquiry—would it preclude a point of order against the paragraphs in question at the time they are reached for discussion?

Mr. DOCKERY. Oh, no.
The CHAIRMAN. In the opinion of the Chair it would not.
Mr. BINGHAM. Opportunities for discussion and the submission of points of order will of course be afforded after we reach the concluding paragraphs of the bill, when this matter will be again taken up.

Mr. HEPBURN. Then this will be treated simply as if it were

Mr. HEPBURN. Then this will be treated simply as it it were the last paragraph of the bill?

Mr. BINGHAM. Precisely.

The CHAIRMAN. Is there objection to the request of the gentleman from Pennsylvania to pass over the portion of the bill to which he has referred until the conclusion of the remainder of the bill?

Mr. WILLIAM A. STONE. This, of course, simply dispenses with the consideration of these paragraphs until the bill has been

completed, and involves nothing else?

The CHAIRMAN. That is all. After the bill is completed the committee will return to these paragraphs without prejudice. Is there objection?

There was no objection, and it was so ordered.

The CHAIRMAN. The Clerk will resume the reading of the

The Clerk resumed the reading of the bill until the heading "Civil Service Commission" was reached.

Mr. BROSIUS. Mr. Chairman, if it be agreeable to my colleague in charge of this bill, I would be very glad to have unanimous consent to pass over this section relating to the Civil Service Commission for the present without prejudice, to be recurred to later on when the consideration of the bill is resumed.

Mr. CURSON. After the Library matter is disposed of

Mr. GIBSON. After the Library matter is disposed of.
Mr. BINGHAM. I will state that I am perfectly willing to submit to general debate if desired; but I have no inclination, whenever there is demand for debate upon any particular paragraph, to

Mr. BROSIUS. Ithink I can relieve my colleague. I may desire to submit a few observations on the subject embodied in this provision of the bill. I have great reluctance—so great that I can not overcome it—to submit any remarks to the committee at this late hour of the day; but I think it would probably subserve my purpose if the committee will indulge me in the privilege of recording a few observations in connection with some statements and figures which will illustrate the operation of the civil-service law. These will be inserted in the RECORD for the information of the

members of the House, as well, possibly, as for the information and advantage of some members of the committee.

Mr. BINGHAM. As I understand it, my colleague desires unanimous consent to print some remarks and statistics respecting this provision of the bill. I trust the committee will have no

objection.

Mr. EVANS. I sincerely hope that the suggestion of the gentleman from Pennsylvania [Mr. Brostos] will be adopted by the gentleman in charge of the bill. There are a good many things that probably will be presented in discussion on this subject, and it is a little late now to begin the consideration of it. I was about to make the same request myself, that is, that this part of the bill

should be passed over informally.

Mr. BINGHAM. What is the objection to the gentleman proceeding now, if he desires to discuss this portion of the bill?

Mr. EVANS. The lateness of the hour.

Mr. BINGHAM. Very well, then, let it be passed over without

The CHAIRMAN. Unanimous consent is asked that the paragraphs relating to the Civil Service Commission be passed over for the present, to be recurred to hereafter, without prejudice. Is there objection?

There was no objection.

The Clerk (proceeding with the reading of the bill) read to and including line 22 on page 36.

Mr. BINGHAM. Mr. Chairman, I move that the committee

do now rise.

The motion was agreed to.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. Hopkins, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the legislative, executive, and judicial appropriation bill (H. R. 9643), and had come to no resolution thereon.

PROPOSED SUBSTITUTE RELATIVE TO THE LIBRARY.

Mr. QUIGG. Mr. Speaker, I ask unanimous consent to insert in the Record the proposition which I shall offer at the proper time as a substitute for all that portion of the committee's bill which deals with the Library of Congress.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.
The proposed substitute is as follows:

There was no objection.

The proposed substitute is as follows:

Strike out all from and including line 2, on page 19, to and including line 23, on page 22, and insert as follows:

Or page 22, and insert as follows:

There compensation of the director of the Library, \$0,000; and for chief librarian, \$4,000; and for 12 assistant librarians, 1 at \$1,500, 2 at \$1,500 each, 3 at \$1,200 each, and 6 at \$900 each; and for 19 are found for 19 for the collection and distribution of books, at \$720 each; 2 in Representatives' reading room, 1 at \$900, and \$720; 1 in Senators' reading room, at \$900; 1 in the Toner Library, at \$900; 1 in the Washingtonian Library, at \$900; 2 in the cloakrooms, at \$720 each; and 1 interpretation of books, at \$720 each; and 1 in the packing room, at \$722, and 2 watchmen, at \$720 each; and 1 chief of catalogue department, at \$1,000; and 16 as \$300 each; and 1 superintendent of and and superintendent of a superintendent of packing room, at \$1,200; and a superintendent of and 1 of maps and charts, at \$2,000; and 2 assistants, at \$4,000 each; and 1 superintendent of periodical department, at \$1,000; and 3 assistants, at \$4,000 each; and 1 superintendent of periodical department, at \$1,000; and 3 each; and 1 superintendent of periodical department, at \$1,000; and 3 each; and 1 superintendent of periodical department, at \$1,000; and 3 each; and 1 superintendent of periodical department, at \$1,000; and 3 each; and 1 superintendent of periodical department, at \$1,000; and 3 each; and 1 superintendent of periodical department, at \$1,000; and 3 each; and 1 superintendent of periodical department, at \$1,000; and 3 each; and 1 superintendent of each; and 1 superintendent of periodical department, at \$1,000; and 3 each; and 1 superintendent of each; and 1 superintendent

the construction and completion of the said building is hereby rendered available not only for that purpose but also to furnish and equip the said building for its use as the Library of Congress, and also for the removal of the Library collections from the Capitol building to the said new building, and the Joint Committee on the Library is hereby directed, through such agencies as it may select, to effect the removal of the said Library collections and their arrangement in the new building, and to purchase the necessary furniture for the furnishing and equipment of the said new building; and all expenses incurred in carrying out the provisions of this paragraph shall be paid by the Secretary of the Treasury, under such rules and regulations as he may prescribe.

The Joint Committee on the Library shall have power to establish rules and regulations for the conduct and use of the Library of Congress, and, with the exception of the director of the Library, to employ or remove all persons for whose compensation provision is made in this or any subsequent act under the title of "The Library of Congress."

The Speaker of the House of Representatives of the Fifty-fourth Congress shall, before the expiration of his term of service, appoint from among the Representatives-elect to the Fifty-fifth Congress a temporary Committee on the Library of three members, which said Committee on the Library shall have the same powers and perform the same duties in relation to the Library of Congress as are authorized by law and the Rules of the House of Representatives; and which said temporary Committee on the Library shall begin to exercise its powers immediately upon the termination of this Congress, and shall continue to exercise and discharge such duties until after the meeting and organization of the House of Representatives of the Fifty-fifth Congress and until the appointment of the regular Committee on the Library. And hereafter the Speaker of each subsequent House of Representatives shall, before the termination of the last

ENROLLED BILLS SIGNED.

Mr. HAGER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

A bill (H. R. 4405) granting a pension to Augustus G. Cary;

A bill (H. R. 9139) granting a pension to Margaret J. Young;

A bill (H. R. 2359) granting a pension to Katherine Zeigenheim,

of Louisville, Ky.;
A bill (H. R. 4355) to increase the pension of Theresa Peebles,

of Jefferson County, Ga:
A bill (H. R. 5400) to increase the pension of Mary L. Bacon, widow of the late George B. Bacon, late lieutenant-commander of the United States Navy;

A bill (H. R. 4052) approving certain acts of the legislative assembly of the Territory of New Mexico, authorizing the issue of certain bonds of said Territory, and for other purposes;

A bill (H. R. 1874) to place the name of Robert Smalls on the

pension rolls;

pension rolls;
A bill (H. R. 2358) granting a pension to Arminda White, widow of Israel White;
A bill (H. R. 2969) to grant a pension to Mrs. Lucy A. Allen;
A bill (H. R. 9473) making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1898, and for other purposes;
A bill (H. R. 1890) granting a pension to Mary Martin;
A bill (H. R. 2405) granting a pension to Maria Gibbons;
A bill (H. R. 1825) granting a pension to Mary Prince, widow of Ellis Prince;
A bill (H. R. 986) for the relief of Hiram P. Panley.

A bill (H. R. 986) for the relief of Hiram P. Pauley; A bill (H. R. 1827) granting a pension to Nancy B. Prince, widow of Elbert Prince;

A bill (H. R. 1599) granting a pension to Phœbe M. Woolley

Palmeter;
A bill (H. R. 979) granting a pension to Frances E. Helfenstein;
A bill (H. R. 4861) granting a pension to William H. Nesbit;
A bill (H. R. 4720) granting an increase of pension to Isaac H.
Whetsel, of Louisville, Ky.;
A bill (H. R. 1820) granting a pension to Neil McNeil;
A bill (H. R. 5393) for the relief of Lucinda Rickards, widow,
and the minor children of John D. Rickards, deceased;

A bill (H. R. 950) granting a pension to John Coombs; A bill (H. R. 1062) to grant a pension to Armstead M. Rawlings,

A bill (H. R. 1062) to grant a pension to Armstead M. Rawlings, of Arkansas;

A bill (H. R. 1022) to increase the pension of Byron Cotton;

A bill (H. R. 4721) granting an increase of pension to Orleina J.

Clark, of Louisville, Ky.;

A bill (H. R. 6466) to increase the pension of George V. Barnard;

A bill (H. R. 4604) granting a pension to Jane Fisher;

A bill (H. R. 3152) granting a pension to Charlotte A. Welton;

A bill (H. R. 5050) granting a pension to Ransom C. Hazelip;

A bill (H. R. 5755) to increase the pension of Mary C. Thompson;

A bill (H. R. 5811) granting a pension to Sarah Ann Wible;

A bill (H. R. 1178) granting a pension to Sarah Weedon Jones;

A bill (H. R. 6468) to increase the pension of Andrew R. Ladd;

A bill (H. R. 1891) granting a pension to Celestia R. Barry;

A bill (H. R. 1892) granting a pension to Catharine Darragh
and

A bill (H. R. 3771) for the relief of Stratton H. Benscoter.

APPOINTMENT OF CONFEREES.

The SPEAKER announced as conferees on the bill S. 1882 Mr. Powers, Mr. Johnson of California, and Mr. Harrison.

CHANGE OF REFERENCE.

The SPEAKER. The Committee on Claims report back the bill S. 296, and ask for a change of reference to the Committee on War Claims. Without objection, that change will be made.

There was no objection.

Mr. WILLIAM F. ALDRICH. Mr. Speaker—

The SPEAKER. For what purpose does the gentleman rise?

Mr. WILLIAM F. ALDRICH. I desire to offer a resolution and have it referred to the Committee on Rules.

The resolution was read, as follows:

Resolved, That it shall be in order, immediately after the approval of the Journal on the morning of the 6th day of January, 1897, to take up Senate bill 2461, entitled "An act to grant lands to the State of Alabama for the use of the Industrial School for Girls of Alabama, and of the Tuskegee Normal Industrial Institute," and consider the same in the House as in the Committee of the Whole until the same shall be disposed of.

The SPEAKER. Without objection, the resolution will be

referred to the Committee on Rules.

There was no objection. Mr. DALZELL. Mr. Speaker, I move that the House do now

adjourn.
The SPEAKER. The Chair desires first to lay before the House the personal requests of several members.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows: To Mr. Kulp, indefinitely, on account of sickness. To Mr. Arnold of Pennsylvania, for five days, on account of

important business.

To Mr. Gamble, for five days, on account of important business. OLD SETTLERS OR WESTERN CHEROKEE INDIANS.

Mr. PENDLETON. Mr. Speaker, I ask the gentleman from Pennsylvania to withhold his motion to adjourn for a moment in Pennsylvania to withhold his motion to adjourn for a moment in order that I may introduce a memorial of the Old Settlers or Western Cherokee Indians, and ask unanimous consent that it be printed as a House document. It will only require a moment.

Mr. DALZELL. I will withdraw the motion for the time being.

Mr. PENDLETON presented a memorial of the Old Settlers or Western Cherokee Indians, praying that the balance of the money due them be paid by the Secretary of the Interior.

The SPEAKER. Is there objection to the printing of this memorial as a House document and referring it to the Committee on Indian Affairs?

on Indian Affairs?

There was no objection.

And then, on motion of Mr. DALZELL (at 5 o'clock and 10 minutes p. m.), the House adjourned.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive com-munications were taken from the Speaker's table and referred as follows:

follows:

A letter from the Acting Secretary of the Treasury, transmitting a copy of a communication from the Secretary of State transmitting an estimate of deficiency in the appropriation for printing and binding, Department of State, for the fiscal year 1897—to the Committee on Appropriations, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of Marie Eliza Payne against The United States—to the Committee on War Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of Charles W. Morris, administrator of William Morris, deceased, against The United States—to the Committee on War Claims, and ordered to be printed.

A letter from the chairman of the Interstate Commerce Commission, transmitting the tenth annual report of the Commission—

mission, transmitting the tenth annual report of the Commission—to the Committee on Interstate and Foreign Commerce, and

ordered to be printed.

A letter from the Secretary of the Treasury, transmitting the report of the Commissioner-General of Immigration of the results of his mission to the Italian Government—to the Committee on Immigration and Naturalization, and ordered to be printed.

REPORTS OF COMMITTEES ON PRIVATE BILLS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

By Mr. BRUMM, from the Committee on Claims: The bill (H. R. 9498) for the relief of the Erie Railroad Company. (Report No. 2240)

port No. 2340.)

By Mr. GRAFF, from the Committee on Claims: The bill (H. R. 7281) for the relief of Winslow Warren. (Report No. 2341.)
By Mr. HUTCHESON, from the Committee on Claims: The bill (H. R. 1332) for the relief of Charles W. Russey. (Report No. 2342.)

By Mr. MAHON, from the Committee on War Claims: The bill (S. 1785) entitled "An act for the correction of muster of Adolph Von Haake, late major Sixty-eighth Regiment Veteran Volunteer Infantry." (Report No. 2344.)

By Mr. SNOVER, from the Committee on Claims: The bill (S. 2526) entitled "An act for the relief of Twyman O. Abbott."

(Report No. 2345.)

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Invalid Pensions was discharged from the consideration of the petition of Edmund P. Tierney in favor of the passage of House bill No. 2425 for his relief; and the same was referred to the Committee on Pensions.

PUBLIC BILLS AND RESOLUTIONS.

Under clause 3 of Rule XXII, bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. DOCKERY: A bill (H. R. 9701) to amend section 2 of an act to incorporate the Washington Market Company—to the Committee on the District of Columbia.

By Mr. HARRISON: A bill (H. R. 9702) to require contestants

in contested-election cases to give security for costs-to the Com-

mittee on Elections No. 1.

By Mr. SPARKMAN: A bill (H. R. 9703) to provide for lighthouses and other aids to navigation-to the Committee on Inter-

state and Foreign Commerce.

By Mr. WELLINGTON: A bill (H. R. 9704) to authorize the Washington and Glen Echo Railroad Company to obtain a right of way and construct tracks into the District of Columbia 600 feet-to the Committee on the District of Columbia.

Also, a bill (H. R. 9705) to authorize the Chesapeake Beach Railway Company, of Maryland, to extend its line of road into and within the District of Columbia—to the Committee on the District of Columbia.

By Mr. WOODMAN: A bill (H. R. 9706) to amend section 5286 of the Revised Statutes of the United States—to the Committee on Foreign Affairs.

By Mr. BULL: A bill (H. R. 9708) for the erection of a monumental statue in the city of Washington, D. C., to the late James G. Blaine—to the Committee on the Library.

By Mr. CATRON: A bill (H. R. 9709) to better define and regu-

late the rights of aliens to hold and own real estate in the Territories—to the Committee on the Territories.

By Mr. HULL: A bill (H. R. 9710) to authorize officers who served during the war of the rebellion in the Regular Army to bear the title and, on occasions of ceremony, wear the uniform of their highest rank—to the Committee on Military Affairs.

By Mr. COOKE of Illinois: A bill (H. R. 9726) to amend section 554 of the Revised Statutes of the United States—to the Committee

on the Judiciary.

Also, a bill (H. R. 9727) to amend section 597 of the Revised Statutes of the United States—to the Committee on the Judiciary.

By Mr. BURTON of Ohio: A joint resolution (H. Res. 217) for negotiations to secure a modification of the treaty of 1817—to the

Committee on Foreign Affairs.

By Mr. HITT: A joint resolution (H. Res. 218) authorizing E. H. Pierce and C. E. Marr, keepers of the Cuckolds (Maine) fog-signal station, to accept the silver watches presented to them by the Canadian government-to the Committee on Foreign

Also, a joint resolution (H. Res. 219) authorizing Lieutenant-Colonel Forwood and Dr. George H. Penrose to accept certain testimonials from the Argentine Government—to the Committee

on Foreign Affairs.

By Mr. GROUT: A resolution (House Res. No. 450) providing for the expenditure of \$1,000 by the chairman of the Special Committee Investigating the Soldiers' Home at Leavenworth, Kans. to the Committee on Accounts.

PRIVATE BILLS, ETC.

Under clause 1 of Rule XXII, private bills of the following titles were presented and referred as follows:

By Mr. AITKEN: A bill (H. R. 9711) for the relief of John Bishop—to the Committee on Military Affairs.

By Mr. GROUT: A bill (H. R. 9712) for the relief of Amelia Johnson, widow of Alexander Johnson, who lost his life on the Capitol Grounds July 2, 1894, while in the service of the United States—to the Committee on Claims.

By Mr. HULJCK: A bill (H. R. 9713) for the relief of Capt

By Mr. HULICK: A bill (H. R. 9713) for the relief of Capt. Lorenzo D. Jones, late road master and assistant superintendent of the United States military railroads in the Southern States—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9714) to refer to the Court of Claims the claim

of John S. Armstrong for compensation for loss of wheat in 1862—to the Committee on War Claims.

to the Committee on War Claims.

By Mr. HULL: A bill (H. R. 9715) for the relief of David K.

Reynolds—to the Committee on Military Affairs.

By Mr. LONG: A bill (H. R. 9716) granting an increase of pension to Daniel Ridenger—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9717) granting an increase of pension to William Blades—to the Committee on Invalid Pensions

By Mr. McCulloch: A bill (H. R. 9718) for the relief of Mrs.

S. C. Davis and Duren Lurry—to the Committee on the Public Lends

Lands.

By Mr. MORSE: A bill (H. R. 9719) granting arrears of pension to H. Morris Husband—to the Committee on Invalid Pensions.

By Mr. PICKLER: A bill (H. R. 9720) to correct the military record of George W. Sampson—to the Committee on Military Affairs.

Also, a bill (H. R. 9721) granting a pension to Eber Robbins— to the Committee on Invalid Pensions.

Also, a bill (H. R. 9722) granting an increase of pension to John Molyneaux—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9723) granting an increase of pension to Hiram T. Abbott—to the Committee on Invalid Pensions.

By Mr. SNOVER: A bill (H. R. 9724) for the relief of John Balkwill—to the Committee on Military Affairs.

By Mr. WOOMER: A bill (H. R. 9725) to remove the charge of

desertion from the military record of Michael Neidinger—to the Committee on Military Affairs.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ACHESON: Resolutions of the Glass Bottle Blowers'

Association of the United States, favoring a prohibition of immigration for five years—to the Committee on Immigration and Naturalization.

Naturalization.
Also, resolutions adopted by the Trades League of Pennsylvania, favoring an appropriation for the transfer of incoming foreign mail—to the Committee on Appropriations.
By Mr. AITKEN: Petition of John Bishop, to accompany House bill for his relief—to the Committee on Military Affairs.
By Mr. BARRETT: Resolutions adopted by the Pattern Makers' Union of Boston, Mass., urging the passage of the bill introduced by Hon. W. E. BARRETT, for a larger dry dock and deeper harbor at Boston—to the Committee on Naval Affairs.
By Mr. BROMWELL: Memorial of the California Wool Grow-

By Mr. BROMWELL: Memorial of the California Wool Growers' Association, recommending the passage of the Dingley bill—to the Committee on Ways and Means.

By Mr. BURTON of Ohio: Resolutions of the Cleveland Chamber of Commerce, favoring the passage of House bill No. 8777, for the inspection of immigrants at ports of debarkation by a medical officer of the United States—to the Committee on Interstate and Foreign Commerce.

Also, resolutions of the Cleveland Chamber of Commerce, favoring reform in the consular service—to the Committee on Foreign

By Mr. DALZELL: Resolutions of the California Wool Association, favoring immediate tariff legislation—to the Committee

on Ways and Means.

By Mr. GROUT: Resolution adopted by the Glass Bottle Blowers' Association of the United States, favoring the passage of a bill prohibiting immigration of all kinds—to the Committee on

bill prohibiting immigration of all kinds—to the Committee on Immigration and Naturalization.

By Mr. HEATWOLE: Petition of P. Cudmore and 88 other citizens of Faribault, Rice County, Minn., urging Congress to investigate the titles to gold and silver mines in the United States and charge a rent for all silver and gold mines where those in possession have not a good title; also reserving all future grants of mineral lands to actual settlers, citizens of the United States—to the Committee on Mines and Mining.

By Mr. HEPBURN: Petition of 300 citizens of New London, Iowa; also petition of the Congregational church of Danville, Iowa, rurging the passage of bill to prohibit the sale of liquors in all Governors.

urging the passage of bill to prohibit the sale of liquors in all Government buildings—to the Committee on Public Buildings and

Grounds.

Also, petition of the Congregational church of Danville, Iowa, favoring the passage of Senate bill No. 1675, forbidding the transportation of obscene m tter by express or otherwise—to the Committee on Interstate and Foreign Commerce.

By Mr. HERMANN: Resolution of the Astoria (Oreg.) Chamber of Commerce, urging the protection of salmon fisheries, and for the establishment of hatcheries in Oregon—to the Committee on the Merchant Marine and Fisheries.

Also, memorial of the Chamber of Commerce, of Astoria, Oreg., for the improvement of the harbor of Astoria-to the Committee on Rivers and Harbors.

By Mr. HULING: Petition of Preston Rives Sherrard, Samuel

C. Blair, and sundry other citizens of the State of West Virginia, urging the enactment of laws against polygamy in the United States—to the Committee on the Judiciary.

By Mr. LAYTON: Resolutions of manufacturers of plumbers' ironware, asking for the passage of House bill No. 6116, to protect free labor from competition with convict labor—to the Committee on Labor.

By Mr. OTEY: Resolutions of the Board of Trade of the city of Lynchburg, Va., asking for a department of commerce and a Cabinet officer—to the Committee on Interstate and Foreign Com-

By Mr. OVERSTREET: Papers to accompany House bill No. 9402, for the relief of Mary Griffith—to the Committee on Invalid Pensions.

By Mr. STRONG: Petition of 1,050 citizens of the city of Washington Court-House, Ohio, favoring the passage of a law forbidding admission of newspapers publishing the details of suicides to the mails—to the Committee on the Judiciary.

Also, petition of citizens of Washington Court-House, Ohio, for the passage of laws to prevent the nullification of State antigambling laws by use of the telegraph—to the Committee on the Judi-

Also, petition of citizens of Washington Court-House, Ohio, for raising the age of consent in the District of Columbia and Territories—to the Committee on the Judiciary.

Also, petition of 500 men of Columbus, Ohio, asking the passage of a bill to raise the age of protection for girls to 18 years in the District of Columbia and Territories—to the Committee on the

Judiciary.

By Mr. UPDEGRAFF: Petition of the Iowa Agricultural College asking for an annual appropriation for land-grant colleges for the promotion of engineering experiments—to the Committee

HOUSE OF REPRESENTATIVES.

FRIDAY, December 18, 1896.

The House met at 12 o'clock m., and was called to order by the Speaker.

Prayer by the Chaplain, Rev. HENRY N. COUDEN.

The Journal of the proceedings of yesterday was read and approved.

ADDITIONAL HOUSE EMPLOYEES, ETC.

Mr. ODELL. Mr. Speaker, I present a report from the Com-

mittee on Accounts.
The SPEAKER. The gentleman from New York [Mr. ODELL]
has a privileged report, which the Clerk will read.
The Clerk read as follows:

The Clerk read as follows:

Resolved, That the Doorkeeper of the House be, and he is hereby, authorized to employ fifteen additional folders in the folding room of the House of Representatives, for the purpose of folding public documents, at a compensation at the rate of \$75 each per month, to be paid out of the contingent fund of the House: Provided, That all such employees shall be dropped from the rolis of the Doorkeeper at a period not later than one month from the expiration of the present session.

Resolved, That the Clerk of the House of Representatives be, and he is hereby, authorized and directed to pay, out of the contingent fund of the House of Representatives, to the widow of John Ryan, deceased, late a messenger on the soldiers' roll of the House of Representatives, who died August 10, 1896, a sum equal to his salary for six months, and the expenses of his last illness and funeral, said expenses not to exceed the sum of \$250.

Resolved, That the Clerk of the House be, and he is hereby, authorized and directed to pay, out of the contingent fund of the House, to Kendall Lee, the sum of \$100 for caring for the room of the Committee on Accounts during the past session and recess.

The report, (by Mr. ODELL) was read, as follows:

The report (by Mr. ODELL) was read, as follows:

The report (by Mr. ODELL) was read, as follows:

The Committee on Accounts, to whom was referred sundry resolutions, begs leave to report as follows:

The resolution providing for the payment to James S. Cotton of the sum of \$350 for hauling Congressional seeds from railroad station to House post-office and residences of members of the House of Representatives is disapproved.

The resolution providing for payment to William H. Smith, for services rendered in the library of the House during the months of July, August, and September, 1896, at the rate of \$1,440 per annum, is disapproved.

The resolution authorizing the employment of fifteen additional folders in the folding room during the current session and one month thereafter, at \$75 per month each, is approved.

The resolution providing for the payment to the widow of John Ryan, deceased, late a messenger on the soldiers' roll of the House, a sum equal to his salary for six months and the expenses of his last Illness and funeral, said expenses not to exceed the sum of \$250, is approved.

The resolution providing for the payment of \$100 to Kendall Lee for caring for room of the Committee on Accounts during the past session and the recess is approved.

Mr. DINGLEY. Mr. Speaker I desire to raise the point of

Mr. DINGLEY. Mr. Speaker, I desire to raise the point of order that this should be considered in Committee of the Whole,

as it involves a charge upon the Treasury.

The SPEAKER. The Chair will hear the gentleman from Maine, but the impression of the Chair is that the matter has

been decided otherwise.

Mr. DINGLEY. I am aware it is not usual to consider such resolutions in Committee of the Whole because the point is not

made. I understand this resolution provides for an increase of fifteen officials.

Mr. ODELL. A temporary increase.
Mr. DINGLEY. I think there was a ruling by Mr. Speaker
Carlisle sustaining a point of order that a resolution of this kind
must be considered first in Committee of the Whole when the

The SPEAKER. The Chair thinks recent rulings have been the other way. This is out of the contingent fund of the House, is a part of its expenditures, and does not affect the United States beyond that.

Mr. ODELL. I will state to the gentleman that this is only a

temporary increase.

Mr. DINGLEY. I will not insist on the point of order, but I should like to know why, at this session of Congress, when there are only the usual public documents to be distributed, no speeches are only the usual public documents to be distributed, no speeches to be made for the campaign, we need an increase of fifteen men in the folding room?

Mr. ODELL. Mr. Speaker, in reply to the gentleman from Maine, I will state that on September 29 the annex, in which was stored over 400,000 volumes, was blown down and about 50,000 of the covers of those documents were ruined, so that they will have to be rewrapped; and removing from the annex to temporary quarters caused a loss of about sixty days' time that should have been devoted to rewrapping the documents and sending them out to different members. I have here a letter from the superintendent of the folding room, in which he sets forth fully the necessity for these additional folders. The committee understood it was somewhat unusual-

Mr. RICHARDSON. Mr. Speaker, it is impossible for us to hear what is going on over there, and we would like very much

to hear the proceedings.

The SPEAKER. All gentlemen will please take their seats.

Mr. ODELL. Mr. Speaker, I will ask that the Clerk read this letter from the foreman of the folding room, which will explain the necessity for these additional folders.

The Clerk read as follows:

The Clerk read as follows:

House of Representatives, United States,

Washington, D. C., December 15, 1896.

Dear Sir: In compliance with your request, I beg to submit for your information the following reasons for asking for additional folders for this department for the balance of the second session of the Fifty-fourth Congress and one month after the expiration of said session.

The extra work caused by the wreck of the old annex folding room on the night of September 29, in moving and arranging documents from wrecked building to the Capitol building and new annex folding room, threw us back in our regular work about sixty days, and we have not been able to regain much of this lost time since. About 50,000 documents will have to be rewrapped, owing to the bad condition of the wrappers, caused by the action of the storm on them.

In anticipation of an extra session of Congress, we will be compelled to wrap from 250,000 to 300,000 documents to meet the demand of members.

With all this work in view at the present time, the additional help asked for can be steadily employed during the time herein stated, and will be beneficial to this department.

Very respectfully,

Foreman Folding Room, House of Representatives.

J. MARTIN McKAY,
Foreman Folding Room, House of Representatives.

Hon. B. B. ODELL, Chairman Committee on Accounts.

Mr. DINGLEY. Is this in anticipation of an extra session? Mr. ODELL. Not altogether. It is to take care of the work

Mr. DINGLEY. Were the additional men employed in the folding room at the last session discharged at the end of the session?

Mr. DINGLEY. Yes, sir.

Mr. DINGLEY. And the committee have examined this care-

fully and are satisfied that in consequence of that storm—for it can not be placed on any other ground—fifteen additional men are

required to repair the damages?

Mr. ODELL. We have examined the matter very thoroughly.

The committee were unanimous. In the report we have made to the House we feel that we have been very conservative. made more reports against resolutions than we have recommended. And the very resolution preceding this, which asked for increased compensation, we have disagreed to. We feel that

for increased compensation, we have disagreed to. We feel that there is a necessity for these fifteen additional folders.

Mr. DINGLEY. Mr. Speaker, I do not desire, of course, to interfere in matters where the committee are thoroughly satisfied that the public services require an additional expenditure, but I think it is necessary, and I have no doubt the committee felt that, with the revenue running behind to the extent it has—\$40,000,000 with the revenue running behind to the extent it has—\$40,000,000 deficit since the 1st day of July—we ought to be very careful when we enter upon any public expenditures that can be avoided without injury to the public service.

Mr. ODELL. Mr. Speaker, I think there can be no criticism passed upon the Committee on Accounts for any unwarranted expenditures. I ask for a vote.

Mr. RICHARDSON. Mr. Speaker, was unanimous consent given for the consideration of this resolution?

The SPEAKER. It was not. It is a privileged report.

The SPEAKER. It was not. It is a privileged report.
Mr. RICHARDSON. I could not hear whether the gentleman
from Maine [Mr. DINGLEY] made a point of order.

The SPEAKER. The gentleman from Maine suggested that the House should go into Committee of the Whole.

Mr. RICHARDSON. He did not make the point of order that it should be considered in Committee of the Whole?

The SPEAKER. He raised the point of order, and the Chair intimated that the rulings had been the other way.

Mr. RICHARDSON. I understand the rule to be that, being an appropriation from the contingent fund, it would not have to be considered in Committee of the Whole, but I could not hear whether that point was made or whether it was some other point of order.

The SPEAKER. The Chair desires to apologize to the gentleman from Tennessee for the disorderly behavior of the House, but

the Chair endeavored to obtain order.

Mr. RICHARDSON. The explanation and apology is entirely satisfactory to "the gentleman from Tennessee." All I desired to know was what was going on, and whether the point of order was made.

was made.

The SPEAKER. The point of order was not made, and a discussion took place as to the merits.

Mr. RICHARDSON. I also heard some statement indicating that this was necessary because of an approaching extra session, and I only want to learn whether the distinguished leader of the House meant officially to say there would be an extra session or

not. We could not understand what he said about that.

Mr. DINGLEY. Mr. Speaker, I am very sorry that there was such confusion that my statement was misunderstood by the gen-

The SPEAKER. Will gentlemen have the kindness to take their seats, in order that there may not be any misunderstandings?

their seats, in order that there may not be any misunderstandings?

Mr. DOCKERY. Let us have a vote.

The SPEAKER. The question is on agreeing to the resolution.

Mr. LACEY. I offer an amendment to the first resolution. I
ask the attention of the gentleman from Pennsylvania [Mr. WILLIAM A. STONE]. I think he will accept this amendment.

Mr. WILLIAM A. STONE. What is it?

Mr. LACEY. Let it be read.

Mr. WILLIAM A. STONE. I will accept almost anything that
anybody offers me. [Laughter.]

The Clerk read as follows:

Amend by adding at the end of the first resolution the fellowing: "Provided, That the said employees shall be selected from States not now represented on the Doorkeeper's roll."

Mr. WILLIAM A. STONE. Mr. Speaker, I want to make a point of order against that amendment, that it is not germane, and is not applicable for many reasons. This is a House resolution. Under the law the Doorkeeper is to make the appointments, and this amendment would make it really a joint resolution, or

such a resolution as would require the concurrence of the Senate.

Mr. LACEY. Mr. Speaker, I understand that the point of order is made that this amendment will defeat the purpose of the reso-

lution

The SPEAKER. That would not be an argument on the point of order; that would be on the merits. The Chair overrules the

point of order. The question is on agreeing to the amendment.

Mr. FLYNN. I desire to offer an amendment—to insert after
the word "State" the words "or Territories."

The question was taken on Mr. FLYNN's amendment to the
amendment; and the Speaker declared that the noes seemed to

Mr. FLYNN. The gentleman accepts the amendment, Mr.

Speaker.
The SPEAKER. The amendment would have to be accepted

by the House.

The amendment to the amendment was rejected.

The SPEAKER. The question is on agreeing to the amend-

ment offered by the gentleman from Iowa.

Mr. MILLER of Kansas. Mr. Speaker, I have an amendment which I wish to suggest—a proviso that the salaries of these additional folders shall be paid out of the money that would go to the folders who have been spending the vacation in New York and Pennsylvania. [Laughter.]
Mr. WILLIAM A. STONE. I make the point of order against

that amendment, Mr. Speaker.

The SPEAKER. I presume that the gentleman does not seriously mean to offer that amendment, inasmuch as he has not put it in writing or sent it to the Chair.

The question was taken on the amendment of Mr. LACEY; and

The question was taken on the amendment of Mr. LACEY; and the Speaker declared that the ayes seemed to have it.

Mr. WILLIAM A. STONE. I ask for a division.

The House divided; and there were—ayes 97, noes 42.

Mr. WILLIAM A. STONE. Mr. Speaker, a parliamentary inquiry. Have I not a right to demand tellers on this question?

The SPEAKER. The gentleman has that right.

Mr. WILLIAM A. STONE. I ask unanimous consent for five minutes to make a statement.

Mr. LACEY. I object.

Mr. WILLIAM A. STONE. I demand tellers. I want to say Mr. WILLIAM A. STONE. I demand tellers. I want to say that under this amendment there is not a State in the Union that will get any appointments. There is not one that is not represented. The SPEAKER. The gentleman is not in order.

Tellers were refused, only 30 members voting in favor thereof. The amendment of Mr. LACEY was then agreed to.

Mr. ODELL. Mr. Speaker, I demand the yeas and nays.

The yeas and nays were refused, only 27 members voting in favor thereof.

The question being taken on agreeing to the resolution as amended, the Speaker declared that the noes seemed to have it.

A division was asked for. The House divided; and there were-ayes 45, noes 80.

So the resolution was rejected.

ORDER OF BUSINESS.

Mr. PICKLER. Mr. Speaker, I demand the regular order.
The SPEAKER. The regular order is demanded. The Chair understands that the first thing before the House is the unfinished business coming over from last Friday.
Mr. EVANS. Mr. Speaker, before that is proceeded with, I de-

Mr. EVANS. Mr. Speaker, before that is proceeded in the sire to present a conference report.

Mr. BINGHAM. Mr. Speaker, I desire to submit—

The SPEAKER. The gentleman from Pennsylvania will please suspend until after the conference report presented by the gentleman from Kentucky is disposed of.

SECTION 2 OF TARIFF LAW.

The conference report was read, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the joint resolution (S. R. 162), "Joint resolution continuing in force section 2 of the act approved June 3, 1895, entitled 'An act to repeal section 6 of an act to reduce taxation, to provide revenue for the Government, and for other purposes," which became a law August 28, 1894, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows: That the House recede from its amendments to said resolution and agree to an amendment as follows: Insert after the word "Congress," in the eleventh line, "not later than ten days after the beginning of its next session;" and the House agree to the same.

WALTER EVANS.

WALTER EVANS, CHARLES A. RUSSELL, BENTON McMILLIN, Managers on the part of the House. O. H. PLATT, NELSON W. ALDRICH, Managers on the part of the Senats.

The conference report was adopted.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Platt, one of its clerks A message from the Senate, by Mr. Platt, one of its clerks, announced that the Senate had passed with amendments the bill (H. R. 7864) to amend the immigration laws of the United States; asked a conference with the House on the said bill and amendments, and had appointed Mr. Lodge, Mr. Chandler, and Mr. Faulkner as the conferees on the part of the Senate.

The message also announced that the Senate had passed bills of the following titles; in which the concurrence of the House was requested:

requested:

A bill (S. 8303) to authorize the construction by the Kansas City, Shreveport and Gulf Railroad Company of a bridge across the Sabine River, between the States of Louisiana and Texas;

A bill (S. 2570) to authorize the readjustment of the accounts of army officers who were graduates of West Point Military Academy and

emy; and
A bill (S. 1731) for the relief of Maj. William M. Maynadier, a
paymaster in the United States Army.

SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, the following Senate bills were taken from the Speaker's table and referred as follows:

A bill (S. 1731) for the relief of Maj. William M. Maynadier, a

aymaster in the United States Army-to the Committee on

A bill (S. 2570) to authorize the readjustment of the accounts of army officers who were graduates of West Point Military Academy—to the Committee on Claims.

A bill (S. 3303) to authorize the construction by the Kansas City, Shreveport and Gulf Railroad Company of a bridge across the Sabine River, between the States of Louisiana and Texas—to the Committee on Interstate and Foreign Commerce.

CELESTE A. BOUGHTON.

Mr. CROWTHER submitted the following conference report:

Mr. CROWTHER SUblinted the following coincidence reports

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House of Representatives to the bill (S. 1291) granting an increase of pension to Celeste A. Boughton, widow of Brig. Gen. Horace Boughton, having met, after full and free conference are unable to agree.

GEO. C. CROWTHER,

WM. BAKER

S. S. KIRKPATRICK,

Managers on the part of the House.

J. H. GALLINGER.

JOHN M. PALMER,

Managers on the part of the Senate.

Mr. TRACEY. I move that the House insist on its amendment, and ask a further conference with the Senate.

The motion was agreed to.

The SPEAKER announced the appointment of Mr. CROWTHER, Mr. BAKER of Kansas, and Mr. KIRKPATRICK as conferees on the part of the House.

MRS. JANE STEWART WHITING.

Mr. CROWTHER submitted also the following conference report:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House of Representatives to the bill (S. 1511) granting a pension to Mrs. Jane Stewart Whiting, having met, after full and free conference, are unable to agree.

GEO. C. CROWTHER,
WM. BAKER,
S. S. KIRKPATRICK,
Managers on the part of the House.
J. H. GALLINGER,
FRANK J. CANNON,
JNO. L. MITCHELL,
Managers on the part of the Senate.

Mr. TRACEY. I move that the House insist on its amendment and ask for a further conference with the Senate.

The motion was agreed to.

The SPEAKER announced the appointment of Mr. Crowther, Mr. Baker of Kansas, and Mr. Kirkpatrick as conferees on the part of the House.

ORDER OF BUSINESS.

Mr. MORSE. I ask the gentleman from South Dakota [Mr. Pickler] to withdraw the call for the regular order, so that I may present a matter from the Committee on Public Buildings and Grounds which will create no debate and will occupy but a few minutes

Mr. PICKLER. Mr. Speaker, have we not entered upon the

regular order already?
The SPEAKER. Objection is made. Mr. BINGHAM. One word with reference to the order of business. While I recognize the force and the justness of the general rule of the House fixing Friday for the consideration of the Private Calendar, I ask unanimous consent, as we have already proceeded to some extent with the consideration of the legislative,

executive, and judicial appropriation bill, that the Private Calendar be considered to-morrow and that the legislative bill be taken up in Committee of the Whole to-day.

The SPEAKER. The gentleman from Pennsylvania [Mr. BING-HAM] asks unanimous consent that to-morrow be substituted for to-day in the consideration of private business. Is there objection?

Mr. PICKLER. I rise to a parliamentary inquiry. If this request be acceded to, will it cut off the consideration to-day of the unfinished business coming over from last Friday?

The SPEAKER. The proposition, if agreed to, would substitute Saturday for to-day, all private business having the same right to-morrow that it would have to-day. That is the understanding of the Chair.

Mr. PICKLER. Suppose the legislative bill should not be finished to-day?

ished to-day

Mr. BINGHAM. Then the order of the House would operate, of course, and private business would be considered to-morrow.

Mr. BAKER of New Hampshire. Why would not to-morrow be as good as to-day for the legislative bill?

Mr. BINGHAM. I prefer that we should go on with the bill to day. The matter is for the House to determine.

to-day. The matter is for the House to determine.

FLORA A. DARLING.

The SPEAKER. As the Chair understands, objection is made. The first thing in order is the unfinished private business. The Clerk will read the bill on which the House was dividing at the

time of the adjournment last Friday.

The bill (H. R. 903) for the relief of Flora A. Darling was read.

The SPEAKER. The question is on the motion of the gentleman from Pennsylvania [Mr. DALZELL] that this bill be laid on

the table Mr. COOPER of Texas. I had hoped, Mr. Speaker, that the

gentleman from Pennsylvania

The SPEAKER. The question is not debatable.

Mr. COOPER of Texas. I did not wish to indulge in debate; I was about to ask the gentleman to withdraw his motion to lay on

Personally I should like very much to oblige the gentleman, but it seems to me, in the interest of the public business, that I had better insist on my motion. This question was fully debated in the Committee of the Whole a week ago, and also in the House.

The gentleman from Pennsylvania declines otion. The question is on the motion to lay The SPEAKER. to withdraw his motion. the bill on the table.

The question having been taken, The SPEAKER. The ayes seem to have it.

Mr. COOPER of Texas. I call for a division.

The question being again taken, there were—ayes 100, noes 54. Mr. COOPER of Texas. No quorum.
The SPEAKER (having counted the House). Two hundred

and eight members are present, a quorum.

Mr. COOPER of Texas. Mr. Speaker, I ask for the yeas and nays on this question.

The yeas and nays were ordered.

The question was taken; and there were—yeas 140, nays 96, not voting 119; as follows:

YE	AS-140.	
Fenton, Fletcher,	Kerr, Kiefer,	Raney, Ray,
	Kirkpatrick,	Reeves,
		Rmaker,
	Leighty,	Robinson, Pa.
		Royse,
		Scranton,
Gillett, mass.	Linney,	Settle,
	Linton,	Sherman,
	Long,	Simpkins,
		Smith, III.
Hager,		Snover,
Hainer, Nebr.	McCall, Tenn.	Spalding,
	McCleary, Minn.	Sperry.
Hanly,	McEwan,	Stephenson.
Hardy,	McLachlan,	Stewart, N. J.
Harmer,	Mercer,	Stewart, Wis.
	Miller, Kans.	Stone, C. W.
	Miller, W. Va.	Stone, W. A.
Heiner, Pa.	Minor, Wis.	Strode, Nebr.
Henderson,	Mitchell,	Tawney,
Henry, Conn.	Moody,	Thomas,
Henry, Ind.	Morse.	Thorp,
Hepburn,	Mozley.	Tracewell,
Hicks.	Northway.	Tracey,
Hilborn.	Odell.	Treloar,
Hill.	Overstreet.	Updegraff.
	Parker.	Van Voorhis,
		Wanger,
Howell.	Pearson	Watson, Ohio
	Perkins.	Wellington,
Huliek	Poole	Wilson, N. Y.
Huling	Powers	Wood,
Hull	Prince	Woomer,
Johnson, N. Dak.	Pugh,	Wright.
	Fenton, Fletcher, Foote, Foose, Fowler, Gardner, Gillet, N. Y. Gillett, Mass. Graff, Griffin, Grout, Hager, Hainer, Nebr. Halterman, Hanly, Harry, Harris, Hatch, Heiner, Pa. Henderson, Henry, Ind. Hepburn, Hiborn, Hill, Hopkins, Howel, Howel, Howel, Hullek, Hullng, Hull,	Fletcher, Foote, Foote, Foss, Fowler, Gardner, Gillet, N.Y. Gillett, Mass. Graff, Griffin, Griffin, Griffin, Haiterman, Hanly, Hardy, Harris, Hatch, Heiner, Pa. Heiner, Pa. Henderson, Henry, Ind. Henry, Ind. Hepburn, Herry, Ind. Hepburn, Hiborn, Hiborn, Hiborn, Howel, Howell, Howell, Howell, Howell, Howell, Howell, Hullick, Prince, Higherick, Kirkpatrick, Lacey, Kirkpatrick, Linton, Long, Mahany, MacLachlan, McCleary, Minn. McLachlan, McLa

NAYS—96. Livingston, Maddox, Mahon, Martin, McClellan,	Sorg, Southwick, Sparkman, Spencer,
Maddox, Mahon, Martin, McClellan,	Southwick, Sparkman, Spencer,
McCulloch, McDearmon, McLaurin, McMillin, McRae, Meredith, Meyer, Miles, Neill, Ogden, Otey, Otjen, Owens, Pendleton, Price, Richardson,	Stokes, Strait. Strowd, N. C. Sulloway, Sulzer, Swanson, Talbert, Tate, Terry, Towne, Turner, Ga. Turner, Va. Tyler. Van Horn, Walker, Mass. Washington, Wilson, S. C. Woodard,
Shafroth,	Yoakum.
	McCreary, Ky. McCulloch, McDearmon, McLaurin, McRae, Meredith, Meyer, Miles, Neill, Ogden, Otey, Otjen, Owens, Pendleton, Price, Richardson, Sayers,

		- Committee of the party	- Charles
	NOT Y	7OTING-119.	
Acheson,	Cook, Wis.	Kendall,	Robertson, La.
Aitken.	Corliss.	Knox,	Rusk.
Aldrich, Ill.	Cowen.	Kulp,	Russell, Conn.
Allen, Utah	Cox,	Lefever,	Russell, Ga.
Andrews,	Crowley,	Lewis,	Sauerhering,
Apsley,	Crump,	Lorimer,	Shannon,
Arnold, Pa.	Curtis, N. Y.	Loud.	Shaw,
Arnold, R. I.	De Witt,	Loudenslager,	Shuford,
Babcock,	Draper,	Low,	Shuloru,
Balton Vana	Eddy,	Maguire,	Skinner.
Baker, Kans.	Ellett,	Maguire,	Smith, Mich.
Baker, Md.	Ellett,	McCall, Mass.	Southard,
Bankhead,	Ellis,	McClure,	Stable,
Barney,	Evans,	McCormick,	Stallings,
Barrett,	Faris,	Meiklejohn,	Steele,
Bartlett, N. Y.	Fischer,	Milliken,	Strong,
Beach,	Gamble,	Milnes	Taft,
Belknap,	Griswold,	Miner, N. Y.	Tayler,
Black, N. Y.	Grosvenor,	Mondell,	Tucker,
Boatner,	Grow,	Money,	Wadsworth,
Boutelle,	Hadley,	Moses,	Walker, Va.
Bromwell,	Heatwole,	Murphy,	Warner,
Brumm,	Hemenway,	Murray,	Watson, Ind.
Bull,	Hendrick,	Newlands,	Wheeler,
Calderhead,	Hermann,	Noonan,	White,
Catchings,	Hitt,	Patterson,	Wilber,
Chickering,	Hooker,	Phillips,	Willis,
Clardy,	Huff.	Pickler,	Wilson, Idaho
Codding.	Hyde,	Pitney,	Wilson, Ohio
Coffin,	Johnson, Ind.	Quigg,	Woodman.
Colson,	Kem,	Reyburn,	THE STATE OF THE STATE OF
-	The same of the same		- 2 2 2

So the motion to lay the bill on the table was agreed to.
The following pairs were announced until further notice:
Mr. Corliss with Mr. Cowen.
Mr. Hemenway with Mr. Robertson of Louisiana.
Mr. Smith of Michigan with Mr. Tucker.

Mr. CHICKERING with Mr. MINER of New York, Mr. KULP with Mr. HENDRICK.

Mr. GROSVENOR WITH Mr. WHEELER. Mr. MILLIKEN WITH Mr. MONEY. Mr. LOW WITH Mr. STALLINGS.

Mr. Heiner of Pennsylvania with Mr. Jones. Mr. Watson of Indiana with Mr. Kendall.

Mr. Crump with Mr. Miles. Mr. Russell of Connecticut with Mr. Catchings.

Mr. BARNEY with Mr. BANKHEAD. Mr. LEFEVER with Mr. ELLETT

Mr. Stewart of New Jersey with Mr. Clardy.

Mr. FARIS with Mr. RUSK.
The following pairs were announced for this day:
Mr. Evans with Mr. Cox.
Mr. Harmer with Mr. Bartlett of New York.
Mr. Arnold with Mr. RUSSELL of Georgia.

Mr. REYBURN with Mr. Moses.
Mr. Gamble with Mr. McGuire.
Mr. Codding with Mr. Crowley.
Mr. Apsley with Mr. Patterson.

Mr. PITNEY with Mr. BOATNER.

Mr. McCall of Massachusetts with Mr. Shaw.
Mr. CLARDY. Mr. Speaker, I desire to vote on this question.
The SPEAKER. Was the gentleman present when his name should have been called, and failed to hear it?

Mr. CLARDY. I can not say as to that. I came in just as my

name was called.

The SPEAKER. The Chair can not, under the rule, entertain

the gentleman's request.

The result of the vote was then announced as above recorded.

HANNAH R. QUINT.

The next unfinished business on the Calendar was the bill (H. R. 6792) granting a pension to Hannah R. Quint, reported from the Committee of the Whole with favorable recommendation.

The SPEAKER. This bill was laid aside at the last session for

the consideration of such business, on the demand for its engross-

ment. The engrossed bill is now before the House.

Mr. ERDMAN. I move to recommit this bill. This is a double

divorce case.

Mr. PICKLER. Is a motion in order to lay on the table the

motion to recommit?

The SPEAKER. The Chair thinks not.
The engrossed bill will be read.
The bill was read at length.
Mr. ERDMAN. While I understand that this motion is not debatable, I ask unanimous consent that the report in this case,

which was passed at the last session, be read.

The SPEAKER. Is there objection to the request of the gentle-

man from Pennsylvania?

Mr. PICKLER. That was read in Committee of the Whole and fully discussed. I object.

The question being taken on the motion of Mr. ERDMAN to recommitthe bill, the House divided; and there were—ayes 34, noes 73. So the motion was rejected.

Mr. PICKLER. I demand the previous question on the passage

of the bill.

The previous question was ordered, under the operation of which

the bill was passed.

On motion of Mr. PICKLER, a motion to reconsider the last vote was laid on the table.

WILLIAM P. BUCKMASTER.

The next unfinished business on the Calendar was the bill (S. 90) for the relief of William P. Buckmaster.

The SPEAKER. The committee recommend that this bill be

substituted for House bill No. 3950, and that it do lie on the table. Mr. JOY. Mr. Speaker, I desire to move that the consideration

Mr. JOY. Mr. Speaker, I desire to move that the consideration of this matter be passed over until the next private-bill day, retaining its place on the Calendar.

The SPEAKER. It would require unanimous consent.

Mr. JOY. I make that request, Mr. Speaker. I will state in reference to this that the gentleman who took the opposition consents that it may go over. I want to find some other facts pertaining to it before final action is taken by the House.

The SPEAKER. Is there objection to the request of the gentleman from Missouri, that the consideration of this bill go over until the next private bill day?

There was no objection and it was so ordered

There was no objection, and it was so ordered.

CAPT. FRANCIS A. BEUTER.

The next unfinished business on the Calendar was the bill (H. R. 71) for the relief of Capt. Francis A. Beuter. The bill was read at length.

The question being on the engrossment and third reading of the bill, it was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

On motion of Mr. BAKER of New Hampshire, a motion to reconsider the last vote was laid on the table.

JOHN A. LYNCH.

The next unfinished business on the Calendar was the bill (H. R. 3075) for the relief of John A. Lynch.

The bill was read at length.

Mr. LOUD. Mr. Speaker, I should like to ask if this bill is subject to further amendment in the House.

ject to further amendment in the House.

The SPEAKER. The Chair thinks it is.
Mr. LOUD. Well, Mr. Speaker, I will offer an amendment to strike out "\$2,466.49," the amount carried in the bill, and insert in lieu thereof "\$1,666.49."

I understand this will not be objected to by the friends of the measure, and while I do not think the applicant is entitled to more than \$1,240.33, which was the amount claimed, still, understanding that the friends of the measure will not raise any objection to striking out the \$800 for clerk hire, I offer that amendment, and hope the House will adopt it. the SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

In line 6, strike out the words "two thousand four hundred and sixty-six dollars and forty-nine cents," and insert in lieu thereof the words "one thousand six hundred and sixty-six dollars and forty-nine cents."

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

JAMES STEWART.

The next unfinished business on the Calendar was the bill (H. R. 897) for the relief of James Stewart.

The bill was read at length, and ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed. On motion of Mr. BROMWELL, a motion to reconsider the last

vote was laid on the table.

URIAH ANDRICKS.

The next unfinished business on the Calendar was the bill (H. R. 1948) to grant a pension to Uriah Andricks, late Fifty-fourth Illinois Volunteer Infantry

The bill was read at length.

The amendments recommended by the Committee of the Whole

Mr. PICKLER. Mr. Speaker, I desire to offer another amendment striking out all after the word "month," in line 8, and inserting in lieu thereof the words "in lieu of the pension he is now receiving."

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

In line 8 strike out the words "for loss of hearing and enlargement of cleen" and insert in lieu thereof the words "in lieu of the pension he is now spleen" an receiving.

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed. EMELINE FILGATE.

The next unfinished business on the Calendar was the bill (S. 1631) granting a pension to Emeline Filgate.

The bill was read at length, ordered to a third reading, read

the third time, and passed.

JAMES L. WING.

The next unfinished business on the Calendar was the bill (H. R. 3481) granting a pension to James L. Wing.

The bill was read at length.

The amendments recommended by the Committee of the Whole were agreed to.

The bill as amended was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed. ADELAIDE MORRIS.

The next unfinished business on the Calendar was the bill (S. 757) granting an increase of pension to Adelaide Morris. The bill was read at length.

The amendments recommended by the Committee of the Whole were read

The SPEAKER. The Chair thinks the amendment proposed, striking out "fifty" and inserting "twenty-five," was intended to be substituted in both places.

Mr. PICKLER. That was the intention of the House commit-

tee.
The SPEAKER. The question is on agreeing to the amendment to substitute "twenty-five" for "fifty" wherever the "fifty"

Mr. PICKLER. It so appears in the Senate bill. It is stricken out in both places in the Senate bill, and the "twenty-five" is in italics.

The amendments were agreed to.

The bill as amended was ordered to a third reading; and it was accordingly read the third time, and passed.

JANE CHRISTIAN MARYE.

The next unfinished business on the Calendar was the bill (H. R. 5903) granting a pension to Jane Christian Marge, with amend-

The amendments recommended by the Committee of the Whole

were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

'The title of the bill was amended so as to read: "A bill granting a pension to Jane Christian Marye."

IRA HARRIS.

The next unfinished business on the Calendar was the bill (S. 2711) granting a pension to Ira Harris.

The bill was ordered to a third reading; and it was accordingly

read the third time, and passed.

The SPEAKER. Without objection, the bill H. R. 519, on the same subject, will lie on the table.

There was no objection, and it was so ordered.

FREDERICA A. DRISCOLL

The next unfinished business on the Calendar was the bill (H. R. 4655) granting a pension to Frederica A. Driscoll.

The amendments recommended by the Committee of the Whole

were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

LAURETTA S. PRINCE.

The next unfinished business on the Calendar was the bill (H. R. 2620) to place the name of Lauretta S. Prince on the pension roll, with amendments.

The amendments recommended by the Committee of the Whole

were read.

Mr. PICKLER. Mr. Speaker, I demand the previous question.

Mr. ERDMAN. I desire to move an amendment in this case.

The SPEAKER. The gentleman from South Dakota asks the previous question.

The question was taken; and the Speaker announced that the

The question was taken; and the Speaker announced that the ayes seemed to have it.

Mr. ERDMAN. Division.

The House divided; and there were—ayes 57, noes 0.

Mr. ERDMAN. No quorum, Mr. Speaker.

The SPEAKER (after counting). One hundred and thirty gentlemen are present—not a quorum. Under the rules of the House, there not being a quorum present, a call of the House will be considered as ordered, and the yeas and nays on the pending question are ordered at the same time. The Clerk will call the roll, and gentlemen will answer "present," if they do not desire to vote, and if they desire to vote they will do so.

The question was taken; and there were—yeas 171, nays 53,

The question was taken; and there were—yeas 171, nays 53, present and answering 11, not voting 120; as follows:

XEAS-III.			
Adams.	Ellis,	Johnson, Cal.	Raney,
Aldrich, T. H.	Evans,	Johnson, N. Dak.	Ray,
Aldrich, W. F.	Fairchild,	Joy,	Reeves,
Allen, Utah	Fenton,	Kendall,	Rinaker,
Anderson,	Fischer,	Kerr,	Royse,
Baker, Kans.	Fletcher,	Kiefer,	Scranton,
Baker, Md.	Foote,	Kirkpatrick,	- Settle,
Barham,	Foss,	Lacey,	Shafroth,
Bartholdt,	Fowler,	Latimer.	Sherman,
Belknap,	Gardner,	Layton,	Simpkins,
Bennett,	Gibson,	Leighty,	Smith, Ill.
Bingham,	Gillet, N. Y.	Leonard,	Southard,
Blue,	Gillett, Mass.	Linney,	Southwick,
Boutelle,	Goodwyn,	Long,	Sperry,
Bowers,	Graff.	Mahany,	Steele,
Brewster,	Griffin,	Mahon,	Stephenson,
Broderick,	Grout,	Martin,	Stewart, N. J.
Bromwell,	Grow,	McCall, Mass.	Stewart, Wis.
Brosius;	Hager,	McCleary, Minn.	Stone, W. A.
Brown,	Hainer, Nebr.	McLachlan,	Strode, Nebr.
Bull,	Halterman,	Mercer,	Strong,
Burrell,	Hanly,	Miller, Kans.	Sulloway,
Burton, Mo.	Hardy,	Miller W Ve	Sulzer,
Burton, Ohio	Hatch,	Miller, W. Va. Minor, Wis.	Tawney,
Clark, Iowa	Heatwole,	Mitchell,	Thomas,
Clark, Mo.	Heiner, Pa.	Moody,	Tracewell,
Connolly,	Henderson,	Murphy,	Tracey,
Cook, Wis	Henry, Conn.	Murray,	Treloar,
Cooke, Ill.	Henry, Ind.	Noonan,	Updegraff,
Cousins,	Hepburn,	Northway,	Van Hern,
Crowther,	Hermann,	Odell,	Van Voorhis,
Cummings,	Hicks,	Otjen,	Walker, Mass.
Curtis. Kans.	Hilborn,	Overstreet,	Walker, Va.
Dalzell.	Hill,	Payne,	Watson, Ohio
Danford,	Hopkins,	Pearson,	Wellington,
Daniels,	Howell,	Perkins,	White,
Dingley,	Hubbard,	Phillips,	Willis,
Dockery,	Huff,	Pickler,	Wilson, N. Y.
Dolliver.	Hulick,	Poole,	Wood,
Doolittle,	Hull,	Powers,	Woodman,
Dovener,	Hunter,	Prince.	Woomer,
Draper,	Hurley,	Pugh,	Wright.
Eddy,	Jenkins,	Quigg,	11.11gut.
AJULY:	o chains	OF HARMAN	

		NA.	YS-53.	
	Allen, Miss. Bailey, Bankhead, Bartlett, Ga. Bell, Colo. Black, Ga. Buck, Clardy, Cobb, Cockrell, Cooper, Tex. Cox, Culberson, De Armond,	De Witt, Dinsmore, Erdman, Harrison, Hart, Howard, Kieberg, Little, Livingston, Loud, Maddox, Maguire, McClellan, McCreary, Ky.	McCulloch, McDearmon, McLaurin, McMillin, McRae, Meredith, Ogden, Otey, Pendleton, Richardson, Sayers, Stokes, Strait, Strowd, N. C.	Swanson, Talbert, Tate, Tate, Terry, Turner, Ga. Turner, Va. Washington, Wilber, Wilson, S. C. Woodard, Yoakum.
		PRESENT AND	D ANSWERING-	11.
	Andrews, Bell. Tex. Berry,	Cannon, Clarke, Ala. Cooper, Wis.	Kyle, McCall, Tenn. Morse,	Neill, Spalding.
		NOT V	OTING-120.	
	Abbott, Acheson, Aitken, Aldrich, III. Apsley, Arnold, Pa. Arnold, R. I. Atwood, Avery, Babcock, Baker, N. H. Barney, Barrett, Bartlett, N. Y. Beach, Bishop, Black, N. Y. Boatner, Brumm, Calderhead, Catchings, Chickering,	NOT V Curtis, Iowa Curtis, N. Y. Dayton, Denny Ellett, Faris, Fitzgerald, Gamble, Griswold, Grosvenor, Hadley, Hall, Harmer, Harris, Henenway, Hendrick, Hitt, Hooker, Howe, Huling, Hutcheson,	Leisenring, Lester, Lewis, Linton, Lorimer, Loudenslager, Low, Marsh, McClure, McCormick, McEwan, Meiklejohn, Meyer, Milles, Milliken, Milnes, Mines, Money, Money, Moses, Mozley, Newlands,	Rusk, Russell, Conn. Russell, Ga. Sauerhering, Shannon, Shaw, Shuford, Skinner, Smith, Mich. Snover, Sorg, Sparkman, Spencer, Stahle, Stallings, Stone, C. W. Taft, Tayler, Thorp, Towne, Tucker, Tyler, Wadsworth
The second second	Codding, Coffin, Colson, Cooper, Fla. Corliss, Cowen, Crowley, Crump,	Hyde, Johnson, Ind. Jones, Kem, Knox, Kulp, Lawson, Lefever,	Owens, Parker, Patterson, Pitney, Price, Reyburn, Robertson, La. Robinson, Pa.	Wadsworth, Wanger, Warner, Watson, Ind. Wheeler, Williams, Wilson, Idaho Wilson, Ohio.

The SPEAKER pro tempore (Mr. PAYNE). On this question he yeas are 171, the nays 53. The yeas have it, and the previous On this question the yeas are 171, the nays 53. question is ordered, a quorum being present.

The question now is on agreeing to the amendments. The Clerk

will report the amendments. The Clerk read as follows:

In line 5, after the word "Lauretta," strike out the initial "S." and insert the letter "L." In the same line, after the word "Prince" and before the word "daughter" insert the word "dependent."

The amendments were agreed to.

The SPEAKER pro tempore. The question is on the engross-

ment and third reading of the bill.

Mr. ERDMAN. Mr. Speaker—

The SPEAKER pro tempore. For what purpose does the gentleman rise?

Mr. ERDMAN. To demand the reading of the engrossed bill. The SPEAKER pro tempore. The bill has not yet been ordered to be engrossed.

to be engrossed.

The question was taken, and the bill was ordered to be engrossed.

Mr. ERDMAN. I demand the reading of the engrossed bill.

The SPEAKER pro tempore. The gentleman from Pennsylvania raises the point that the engrossed bill shall be read. The bill will be laid aside to be engrossed.

Mr. PICKLER. A parliamentary inquiry. This bill going over now, an order having been made for engrossment, will the bill be in order as unfinished business to-morrow? As I understand, it will be in order. it will be in order.

The SPEAKER pro tempore. That will depend upon whether the previous question was ordered upon the bill to its passage. If it was so ordered, it will come up at any time; otherwise not. That will depend upon what the Journal shows. The bill will have to be laid aside for the present for the purpose of engrossment. ELIZA A. FOSS.

The next unfinished business on the Calendar was the bill (H. R. 3499) granting a pension to Eliza A. Foss.

The bill was read.

Mr. PICKLER. Mr. Speaker, I ask for the previous question on the bill to its passage.

The previous question was ordered.

The amendments reported from the Committee of the Whole were agreed to.

The bill as amended was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed. JOSEPH PORTER.

The next unfinished business on the Calendar was the bill (S. 1495) granting a pension to Joseph Porter, which, as recommended by the Committee of the Whole, was laid on the table.

The next unfinished business on the Calendar was the bill (H. R. 4744) to increase the pension of Adam Dennis.

The bill was read.

Mr. PICKLER. Mr. Speaker, I move to amend that bill by striking out, in lines 6 and 7, the words "Manns, Bedford County, Pa.," and also striking out the word "soldier," in line 6, and inserting "private."

ing "private."
The amendments were agreed to.
The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third

LYDIA CHAPMAN.

The next unfinished business on the Calendar was the bill (H. R. 4608) granting a pension to Lydia Chapman. The bill was read.

Mr. WOOD. Mr. Speaker, I ask unanimous consent to substitute for that bill the bill of the Senate (S. 1881) granting a pension to Lydia Chapman.

There was no objection.

The Senate bill was ordered to a third reading; and it was accordingly read the third time, and passed.

The House bill (H. R. 4608) was, by unanimous consent, laid

on the table.

ELIZA J. HOLMAN.

The next unfinished business on the Calendar was the bill (H. R. 6308) for the relief of Eliza J. Holman.

The amendments recommended by the Committee of the Whole

were agreed to.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

J. J. DAVIS.

The next unfinished business on the Calendar was the bill (H. R. 2742) to grant a pension to J. J. Davis.

The amendments recommended by the Committee of the Whole

were agreed to.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

MARY W. KEEFFE.

The next unfinished business on the Calendar was the bill (S. 905) granting a pension to Mary W. Keeffe.

The amendments recommended by the Committee of the Whole

were agreed to.

The bill as amended was ordered to a third reading; and it was accordingly read the third time, and passed.

EMILY ELLIOTT.

The next unfinished business on the Calendar was the bill (H. R. 5855) granting a pension to Emily Elliot.

The amendments recommended by the Committee of the Whole

were adopted.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

The title was amended so as to make it read: "Granting a pension to Emily Elliott."

ANNA U. KENDALL.

The next unfinished business on the Calendar was the bill (H. R. 5895) granting a pension to Anna U. Kendall.

The amendments recommended by the Committee of the Whole

The amendments recommended by the were agreed to.

Mr. PICKLER. Mr. Speaker, I desire to have that bill amended by inserting in line 7, after the word "volunteer," the words "and pay her a pension of \$8 per month."

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

JOHN L. BRITTON.

The next unfinished business on the Calendar was the bill (S. 1276) granting an increase of pension to John L. Britton.

The bill was ordered to a third reading; and it was accordingly

read the third time, and passed.

BLUFORD REEDER.

The next unfinished business on the Calendar was the bill (H. R. 2231) for the relief of Bluford Reeder.

The amendments recommended by the Committee of the Whole

were agreed to.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

ALEXANDER M'BRIDE,

The next unfinished business on the Calendar was the bill (H. R. 6282) to increase the pension of Alexander McBride.

The amendment recommended by the Committee of the Whole

was agreed to.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

MARY T. YOUNG.

The next unfinished business on the Calendar was the bill (H. R.

The next unmissed business on the Calendar was the bill (H. K. 6900) increasing the pension of Mary T. Young.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

CHARLOTTE O. VAN CLEVE.

The next unfinished business on the Calendar was the bill (S. 1883) to grant a pension to Charlotte O. Van Cleve, widow of Gen. Horatio P. Van Cleve.

Mr. PICKLER. I call the previous question.

The SPEAKER pro tempore. The gentleman from South Da-

kota moves the previous question upon the bill and amendment to final passage.

The question having been put on ordering the previous ques-

The SPEAKER pro tempore. The ayes seem to have it. Mr. ERDMAN. I call for a division.

Mr. ERDMAN. I call for a division.
The question being taken again, there were—ayes 75, noes 1.
Mr. ERDMAN. No quorum.
The SPEAKER pro tempore (having counted the House). One hundred and seventy-nine gentlemen are present—a quorum. The ayes have it; and the previous question is ordered. The question is upon agreeing to the amendment.
Mr. ERDMAN. Mr. Speaker—
The SPEAKER pro tempore. The Chair was in error. There is no amendment pending to the bill.
Mr. ERDMAN. I understand that there are fifteen minutes for debate on this question.

debate on this question.

Mr. PICKLER. This bill was debated in Committee of the

Whole. The SPEAKER pro tempore. The Chair understands that the bill was debated in the Committee of the Whole.

Mr. ERDMAN. The RECORD will show that there was no de-

bate on the bill.

The SPEAKER pro tempore. Was not the report read?

Mr. ERDMAN. The report was read.

The SPEAKER pro tempore. That was debate.

Mr. PICKLER. I should like to inquire, if in order, what the gentleman

The SPEAKER pro tempore. Debate is not in order.
The question being taken, the bill was ordered to a third reading.
Mr. ERDMAN. I demand the presence of the engrossed bill.
The SPEAKER protempore. This is a Senate bill. This is the

engrossed copy.

The bill was read the third time, and passed.

The next unfinished business on the Calendar was the bill (H. R. The next unfinished business on the Calendar was the bill (H. R. The next unfinished business on the Calendar was the bill (H. R. The next unfinished business on the Calendar was the bill (H. R. The next unfinished business on the Calendar was the bill (H. R. The next unfinished business on the Calendar was the bill (H. R. The next unfinished business on the Calendar was the bill (H. R. The next unfinished business on the Calendar was the bill (H. R. The next unfinished business on the Calendar was the bill (H. R. The next unfinished business on the Calendar was the bill (H. R. The next unfinished business on the Calendar was the bill (H. R. The next unfinished business on the Calendar was the bill (H. R. The next unfinished business on the Calendar was the bill (H. R. The next unfinished business on the Calendar was the bill (H. R. The next unfinished business on the Calendar was the bill (H. R. The next unfinished business on the Calendar was the bill (H. R. The next unfinished business on the Calendar was the bill (H. R. The next unfinished business on the Calendar was the bill (H. R. The next unfinished business on the Calendar was the bill (H. R. The next unfinished business on the Calendar was the bill (H. R. The next unfinished business on the Calendar was the bill (H. R. The next unfinished business on the Calendar was the bill (H. R. The next unfinished business on the Calendar was the bill (H. R. The next unfinished business on the Calendar was the bill (H. R. The next unfinished business on the calendar was the bill (H. R. The next unfinished business on the calendar was the bill (H. R. The next unfinished business on the calendar was the bill (H. R. The next unfinished business on the calendar was the bill (H. R. The next unfinished business on the calendar was the bill (H. The next unfinished business on the calendar was the bill (H. The next unfinished business on the ca

The next unmissed business on the Calendar was the bill (H. R. 5425) to grant a pension to Charlotte O. Van Cleve, widow of Gen. Horatio P. Van Cleve.

The SPEAKER pro tempore. This bill is a House bill, similar in its provisions to the Senate bill just passed. The Committee of the Whole reported this bill with the recommendation that it be laid on the table. Without objection, that action will be taken. There was no objection.

JOHN W. POGUE.

The next unfinished business on the Calendar was the bill (H. R. 4875) granting a pension to John W. Pogue.

The bill was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

JOHN W. BRUNER.

The next unfinished business on the Calendar was the bill (H. R. 7240) granting a pension to John W. Bruner, late of Company F. Second Regiment Pennsylvania Volunteers, and Company G. First Regiment Pennsylvania Cavalry, and the United States Signal

Corps.

The amendment reported from the Committee of the Whole on the Private Calendar was read, and agreed to.

The bill as amended was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

The amendment to the title recommended by the Committee of the Whole, to make the title read "A bill granting a pension to John W. Bruner," was agreed to.

ELISHA B. BASSETT.

The next unfinished business on the Calendar was the bill (H. R. 3503) to correct the military record of Elisha B. Bassett.

The bill was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

MARION M'KIBBEN.

The next unfinished business on the Calendar was the bill (S. 684) granting an increase of pension to Marion McKibben.

The bill was read.

Mr. PICKLER. I demand the previous question.

The SPEAKER pro tempore. The gentleman from South Dakota moves the previous question on the bill and amendment to final passage.

The previous question was ordered.

The amendment was agreed to; and the bill as amended was ordered to a third reading, read the third time, and passed.

THOMAS J. THORP.

The next unfinished business on the Calendar was the bill (H. R. 3945) granting a pension to Thomas J. Thorp, late private in Company K, Third Ohio Volunteer Cavalry.

The bill and amendment were read.

Mr. PICKLER. I demand the previous question.

The SPEAKER pro tempore. The gentleman from South Dakota moves the previous question upon the bill and amendment to final passage.

The previous question was ordered.

The amendment was agreed to, and the bill as amended was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

The amendment to the title reported from the Committee of the Whole, to make the title read "A bill granting a pension to Thomas J. Thorp," was agreed to.

SARAH A. ASPOLD.

The next unfinished business on the Calendar was the bill (H. R. 1505) granting a pension to Mrs. Sarah A. Aspold, reported from the Committee of the Whole with an amendment.

The amendment recommended by the committee was agreed to, and the bill as amended ordered to be engrossed and read a third time; and being read the third time, it was passed.

RICHARD S. PHILLIPS.

The next unfinished business on the Calendar was the bill (H. R. 5670) to increase the pension of Richard S. Phillips, reported from the Committee of the Whole with an amendment.

The amendment recommended by the committee was agreed to, and the bill as amended ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

MARY PELHAM.

The next unfinished business on the Calendar was the bill (H. R. 4264) granting a pension to Mary Pelham, reported from the Committee of the Whole with an amendment.

The amendment recommended by the committee was agreed to, and the bill as amended ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

JOHN T. BREWSTER.

The next unfinished business on the Calendar was the bill (H. R. 3384) for the relief of John T. Brewster, reported from the Committee of the Whole with an amendment in the nature of a substitute

Mr. PICKLER. I demand the previous question to the passage of the bill.

The previous question was ordered, under the operation of which the amendment recommended by the committee was agreed to, and the bill as amended ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

THOMAS POLLOCK.

The next unfinished business on the Calendar was the bill (S. 2176) granting a pension to Thomas Pollock, reported from the Committee of the Whole with an amendment.

The amendment recommended by the committee was agreed to, and the bill as amended ordered to a third reading; and being read the third time, it was passed.

BENNETT S. SHAUG.

The next unfinished business on the Calendar was the bill (H. R.

1018) to increase the pension of Bennett S. Shaug, reported from the Committee of the Whole with an amendment.

The amendment recommended by the committee was agreed to, and the bill as amended ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

SAMUEL M'KINSEY.

The next unfinished business on the Calendar was the bill (H. R. 4620) granting a pension to Samuel McKinsey, reported from the Committee of the Whole with an amendment.

The amendment recommended by the committee was agreed to, and the bill as amended ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

RECONSIDERATION.

Mr. PICKLER. Mr. Speaker, I ask that the motion be entered to reconsider and lay on the table in all cases where it has not already been made with reference to the bills just acted upon on already been made with 1966 the Calendar of unfinished business.

The Calendar of unfinished business. Without objection, that order

Mr. ERDMAN. I object.
Mr. PICKLER. Then, Mr. Speaker, I move to reconsider the various votes taken on the bills just considered on the Calendar of unfinished business, and also move that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. MAHON. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the consideration of bills on the Private Calendar.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole, Mr. LACEY in the chair.

THOMAS B. REED.

The CHAIRMAN. The Clerk will report the first bill on the Calendar.

The first business on the Private Calendar was the bill (H. R. 129) for the relief of Thomas B. Reed.

The bill was read, as follows:

The bill was read, as follows:

Be it enacted, etc., That the claim of Thomas B. Reed, who served as sergeant, first sergeant, and first lieutenant Fifth Pennsylvania Reserve Corps, and captain Two hundred and fifth Pennsylvania Volunteers, of the United States Army, in the late war of the rebellion, for a balance of wages earned by him in the suppression of said rebellion, and during his entire time of service in the said Army, and not paid to him, be, and the same is hereby, referred to the Court of Claims for due investigation; and jurisdiction is hereby conferred upon said court to render a judgment, irrespective of the lapse of time, for the amount, if any, found due by it of the United States upon the said claim.

M. MANANOW

Mr. MAHON. I move that the bill be laid aside to be reported to the House with a favorable recommendation.

Mr. DOCKERY. I ask to have the report read in my time. Mr. MAHON. All right.
The report (by Mr. MAHON) was read, as follows:

The report (by Mr. Mahon) was read, as follows:

The Committee on War Claims, to whom was referred the bill (H. R. 129) for the relief of Thomas B. Reed, report:

Reed served as an enlisted man in the Fifth Pennsylvania Reserve Corps Volunteers, United States Army, from June 5, 1861, to March 5, 1863, when he was honorably discharged for promotion and commissioned first lieutenant in said corps and served therein till June 2, 1865; next he was commissioned second lieutenant, Twenty-ninth Infantry, United States Army, July 22, 1867, and from then to June 18, 1878, he served as a commissioned officer in the United States Army. During the whole time he served as such commissioned officer the following provisions of law were, respectively, in force:

"That every commissioned officer of the line or staff, exclusive of general officers, shall be entitled to receive one additional ration per diem for every five years he may have served or shall serve in the Army of the United States. (5 U. S. Stat., section 15, page 258, act of July 5, 1838.)

"There shall be allowed and paid to each commissioned officer below the rank of brigadier-general, including chaplains and others having assimilated rank or pay, 10 per cent of their current yearly pay for each term of five years of service." (Act of July 15, 1870, now section 1262 of the Revised Statutes.)

ntes.)

He was paid for his services in the said intervals of time between March 5, 1863, and June 18, 1878, merely what other officers of his grade were generally paid; and he was paid or allowed nothing whatever in these two intervals of time on account of his said prior length of services in the United States Army as an enlisted man. For this reason he alleges he was short paid for his services rendered during these two intervals between March 5, 1863, and June 18, 1878, partially in the suppression of the late rebellion, and requests the passage of this bill, the sole object of which is to remove any statutable limitation bar that exists, or may exist, to prevent the Court of Claims from hearing and determining his demand in the premises as if it accrued within six years.

ing and determining his demand in the premises as it is exceed the years.

The commutation value or price thus put in controversy of the one additional ration per diem for every five years of prior service computes to about the sum of \$000, and your committee, having fully considered the matter, can see no reason why the question involved should not be heard and determined, as this officer requests, in the Court of Claims.

Your committee would further observe that this bill nowise asks Congress to determine the justness of this claim (which is for a balance of wages for military services rendered by a distinguished officer); it only asks Congress for what is frequently granted by it to the capitalists and property claimant, and that is "that the claimant may go before a competent tribunal and prove the justness of his claim if he can."

The committee recommend that the bill do pass.

Mr. DOCKERY. I did not catch the reading of the bill. Does

Mr. DOCKERY. I did not catch the reading of the bill. Does

Mr. MAHON. No; it merely involves a question of law. The bill passed both Houses in the last Congress, but not in time to receive the signature of the President. It involves no appropri-

The bill was ordered to be laid aside to be reported to the House with the recommendation that it do pass.

JAMES BIGLER.

The next business on the Private Calendar was the bill (H. R. 3313) for the relief of James Bigler. The bill was read, as follows:

Be it enacted, etc., That the Secretary of War be, and is hereby, authorized, and directed to cause to be investigated by the Quartermaster's Department

of the United States Army the alleged destruction and taking by the United States authorities for the use of the United States troops during the period from May 24, 1862, to 1865, of a certain property formerly situated at Biglers Mills, Va. alleged to have been the property of James Bigler, of Newburg, N. Y., and to have been used and destroyed by the United States troops. Such investigation to extend to the title of the property and the incumbrances thereon, the status of the owner, whether loyal or not, the value of the property destroyed, the circumstances of the destruction, and by whose direction, authority, or permission it was destroyed. And when such investigation shall be completed the Secretary of War shall report the result thereof, with his recommendation thereon, to Congress for action in the premises.

Mr. DOCKERY. Mr. Chairman, I hope we shall have the report read in that case.

The report (by Mr. HURLEY) was read, as follows:

mr. DOCKERY. Mr. Chairman, I hope we shall have the report read in that case.

The report (by Mr. Hurley) was read, as follows:

The Committee on War Claims, to whom was referred the bill (H. R. 5313) for the relief of James Bigler, submit the following report:

This bill confers power upon the Secretary of War to have the claim of James Bigler investigated through the Quartermaster's Department of the Army, and to report the result, with his recommendation thereon, to Congress for its action in the premises.

The claim is for the destruction, appropriation, and conversion of claimant's property at Biglers Mills, Va., by Federal troops, during the period from May 4, 1865. Briefly stated, the facts in the case are as follows:

In the spring of 185t claimant purchased 2,409 acres of timber land situated at Rippon Hall, in York County, on the south side of the York River, nearly midway between West Point and Yorktown, Va.; that immediately thereafter he entered into possession of said property and made extensive improvements thereon, including the erection of a pier and bulkhead on the river front; steam sawmill, fully equipped with the best machinery then known: flour and grist mill, also fully equipped with modern machinery; brickyard, store and tenement houses, barns, and other buildings; that as the land was cleared off it was put in condition for cultivation, fenced, and a large portion of it planted in peach trees.

That from the time he took possession of said property until on or about April 20, 1861, when he was forcibly dispossessed therefrom by the Confederate authorities, Mir. Bigler did a large and prosperous business at such place; that all the improvements made by him near-early submisses at such place; that all the improvements made by him here early and the destruction of Williamsburg, Va.; that on the 4th and 5th of May, 1865, Biglers mill was shelled by Federal gunboats then hying in York River, and at the same time its wharf was set on fire by Federal marines, who placed theron cotton saturated

they have sustained in war? your committee invite attention to the following extracts from a report made by the late Senator Howe, of Wisconsin, to the Forty-second Congress:

"Among the text writers. Vattel discusses the very question, Is the state bound to indemnify individuals for the damage they have sustained in war? Such damages he says) are of two kinds—those done by the state itself, or the sovereign, and those done by the enemy. Of the first kind, some are done deliberately and by way of precaution, as when a field, a house, a garden, belonging to a private person, is taken for the purpose of erecting on the spot a town rampart, or any other piece of fortification, or when his standing corn, or his storehouses, are destroyed, to prevent their being of use to the enemy. Such damages are to be made good to the individual, who should bear only the quota of the loss."

The same author speaks of damages caused by inevitable necessity, and he instances "the destruction caused by the artillery in retaking a town from an enemy. These are merely accidents. They are misfortunes which chance deals out to the proprietors on whom they happen to fall."

The distinction between the two kinds of damages is clear; one is the result of accident, the other is the result of design. The sovereign, clothed with the right to make war, has the right to march troops and to fire guns. Damages which are the result of such lawful acid on not constitute a ground of claim. But whatever property the government takes from its own obedient subjects for the more efficient prosecution of the war should be compensated for, no matter whether it be forage fed to the cavalry horses, powder burned, timber used on the fortifications, houses removed to make way for such fortifications, or houses destroyed to make them more secure.

Grotius asserts the same doctrine. He says:

"The king may in two ways deprive his subjects of their right, either by way of punishment or by virtue of his eminent power. But if he do so in the last way, it must be

reference to the liabilities of the United States growing out of the late war. He writes with extreme caution, but even he asserts that—
"If the private property of loyal citizens, inhabitants of loyal States, is appropriated by our military forces for the purpose of supplying our armies and to aid in prosecuting hostilities against a public enemy, the Government is bound to give a reasonable compensation therefor to the owner."
Again he says:

"Again he says:

"Public use does not require that the property takes had be actually used. It may be disused, removed, or destroyed, and destruction of private property may be the best public burdens would be shared unequally." Again he says:

"Public use does not require that the property takes shall be actually used. It may be disused, removed, or destroyed, and destruction of private property may be the best public me it can be put to. Suppose a bridge owned by a private corporation to be so located as to endanger our forts upon the banks of the property in the same of the property may be the best public me it can be put to. Suppose a bridge owned by a private corporation to be so located as to endanger our forts upon the banks of the property in the property of the property of the property of the property of the appropriate it to public use."

In Grant we The United States (d N. & H. Reports) the court says:

"It may safely be assumed as the settled and fundamental law of Christian and civilized states that governments are bound to make just indemnity to the citizen or subject whenever private property is taken for the public good, or in that case tha United States was held to pay for the property estroyed in Arizona merely to prevent if from failing into the hands of the public good, or take it for public use."

In the case of Mitchell we. Harmony, reported in 13 Howard, page 115, Chief Justice Taney, delivering the opinion of the court, says:

"There are, without doubt, occasions in which private property may occasionally be taken possession of or destroyed to pre

Subsequent to the war with Great Britain of 1812 a large number of claims for similar injuries were compensated by Congress. Reference is made to a few:

An appropriation was made to William H. Washington, to compensate him for a house situate near the west end of the Potomac bridge, and which was "destroyed by order of an officer of the United States." The facts of the case, briefly stated, were that a corporal was placed in charge of the house, containing a quantity of public stores, with directions from his superior officer to blow up the house in case of an attack by the enemy. Hearing gans fired on the opposite side of the river, he apprehended an attack, and accordingly blew up the stores. The committee reported that, being of opinion "the officer to whose care the public stores were committed thought it prudent and proper to destroy the house and stores to prevent the latter from coming into possession of the enemy, the petitioner should be paid the value of his house." He was paid accordingly.

In 1867 an act was passed to pay J. O. Arms for a house destroyed in Fairfax County, Va. That house was destroyed, as the committee reported, by military orders, and to prevent its being used by the enemy as a cover for attack and also as a point for observation. That act was approved by President Johnson.

In 1871 Congress passed an act making compensation to the Kentucky University for buildings destroyed. The buildings were taken by military authority. They were destroyed by accident. But if the Government is required to make compensation for buildings taken and then destroyed by design. That act was approved by President Grant.

One other legislative precedent is worthy of notice. The case of Mitchell us. Harmony has already been referred to. In that case the property of the plaintiff was taken by military authority. As a consequence of the taking, the goods fell into the hands of the enemy. The courts held that the taking was unnecessary, and therefore required the officer in command to make compensation for

The CHAIRMAN. The question is on laying aside the bill to be reported to the House with a favorable recommendation.

be reported to the House with a favorable recommendation.

Mr. DINGLEY. Mr. Chairman, it seems to me that this bill
opens up a very large and dangerous field, if I understand the
scope of it. I think it would be well to have it pretty carefully
examined. As I understand, it is a bill to give compensation for
the destruction of private property in military operations within
the theater of war. My understanding is that this took place in
Virginia, within the field of active military operations. If that is the character of the bill, if the Government is called upon to pay damages for property destroyed by military operations, it seems to me we shall have a pretty large expenditure to provide for.

I know the case of William and Mary College is sometimes quoted as a precedent, but that was a purely sentimental case, and

the House, in voting compensation, put it rather on the ground that it was an educational institution, which, under the peculiar circumstances, should have special recognition. I was not aware that we had, with both eyes open, ever made an appropriation to pay for the destruction of property in the actual operations of

war-in the theater of war.

Mr. DOCKERY. Do I understand the gentleman from Maine to say that this bill proposes an appropriation of that sort?

Mr. DINGLEY. It may be that I have misunderstood it, but

that is my understanding, and I rose to ask to be informed exactly what it is.

what it is.

Mr. DOCKERY. If so, it would seem to be a new departure.

Mr. DINGLEY. It seems to me, if I understand it, that it is

evidently a new departure. Of course it may be said that the

William and Mary College matter afforded a precedent; but we all

understand how that bill was got through the House, on purely
sentimental grounds, and it strikes me that we must be very careful about recognizing claims for the destruction of property within the scene of military operations. Therefore I have risen to ascertain a little more definitely what this bill is. I do not know who has charge of the bill. It may be that in hastily reading the first

nas charge of the bill. It may be that in hastly reading the first part of the report I have not got the meaning of it.

Mr. ODELL. This bill carries no appropriation, but merely refers the matter to the Secretary of War for investigation.

Mr. DINGLEY. I know that, but it is the entering wedge for an appropriation, and we have not done even that with our eyes wide one. We have not even authorized an investigation. wide open. We have not even authorized an investigation, where property has been destroyed in the theater of war, in the opera-

Mr. ODELL. I will say to the gentleman from Maine that I would have no objection to the insertion of an amendment which would preclude the investigation if it should be found to be in the

theater of war

Mr. DINGLEY. Do not the facts stated in the report show that it was?

Mr. ODELL. No; I do not think so. Mr. DINGLEY. It was in Virginia, where military operations were going on.

Mr. ODELL. It may have been in a part of Virginia that was not in the theater of war.

Mr. SWANSON. Portions of Virginia were not in the theater

of war. Mr. DOCKERY. The bill seems to be for the relief of a New Yorker who owned property within the theater of war.
Mr. DINGLEY. That does not make any difference.
Mr. DOCKERY. Certainly not.

Mr. DOCKERY. Certainly not.
Mr. DINGLEY. I have called attention to this without having read the report carefully, because we must be very careful about allowing an entering wedge for payment for property destroyed in the theater of war in military operations. If we are going into that sort of business, then instead of raising an extra fifty million or seventy-five million of dollars to meet the deficiency, we shall

be obliged to raise many times that sum.

Mr. ODELL. Mr. Chairman, in order to give time for investigation, I ask that this bill be passed over without losing its place on the Calendar, so that this question may be answered. I am not familiar enough with the question myself to be able to answer.

Mr. CANNON. What is the request?

The CHAIRMAN. That the bill be passed over without preju-

dice.

Mr. DINGLEY. I have no objection at all to that. There was no objection, and it was so ordered.

OFFICERS AND CREWS OF THE UNITED STATES GUNBOATS KINEO AND CHOCURA.

The next business on the Private Calendar was the bill (H. R. 8294) for the relief of the officers and crews of the United States gunboats Kineo and Chocura.

The bill was read, as follows:

Be it enacted, etc.. That the sum of \$12,474.72 be, and the same is hereby, appropriated, out of any money in the Treasury not otherwise appropriated, to pay to the officers and crews of the United States gunboats Kineo and Chocura who were engaged in duty thereon in the year 1864 their pro rata shares thereof, being for salvage money, their due on account of saving and

taking up forty-nine bales of cotton, said amount having been realized from the sale of said cotton and the same converted into the United States Treasury.

Mr. COOKE of Illinois. Mr. Chairman, I would like to hear the report read in that case.

The CHAIRMAN. The Chair will state to the gentleman that there are 88 pages in this report. Does the gentleman desire it read in his time?

Mr. FISCHER. Mr. Chairman, this report itself only contains

two pages. The rest is an appendix.

The CHAIRMAN. The Clerk will read the report in the time

of the gentleman from Illinois.

The report (by Mr. Hurley) was read, as follows:

The report (by Mr. HURLEY) was read, as follows:

The Committee on War Claims, to whom was referred the bill (H. R. 324) for the relief of the officers and crews of the United States gunboats Kineo and Chocura, submit the following report:

The committee find the facts to be as follows:

In 1884 four Conteilerate steamers ran the blockade out of Galveston Harbor, Texas, viz, Harriet Lane, Matagorda, Isabel, and Suwanee. One of the United States gunboats, the Katahdue, saw them and gave chase. The four blockade runners were in plain sight, but were too fast for the Katahdue, and soon left her hull down, except the Matagorda, to which she got so close that to prevent capture her crew threw overboard into the Gulf of Marko o'ver 200 bales of cotton. Several of the United States vessels picked up this cotton and sold it in New Orleans; many bales were washed ashore on Galveston Island. The cotton picked up by the Kineo and Chocura, as soon as placed upon the levee at New Orleans, was seized by the United States marshal, and the following proceedings had:

1.

District court of the United States of America for the eastern district of Louisiana, holding session in the city of New Orleans, May term, A. D. 1884.

New Orleans, Wednesday, the 27th day of July, 1884, court met pursuant to adjournment. Present, the Hon. Edward H. Durell, judge.

[United States vs. Forty-nine Bales of Cotton. No. 7884.]

This cause came up for trial. District attorney for libelants; C. Roselins,

This cause came up for trial. District attorney for libelants; C. Roselins, esq., for claimants.

When, after hearing the pleadings, evidence, and agreements, the court considering that this is not a case of prize, but of salvage, that 30 bales were saved by the officers and crew of the U. S. gunboat Kineo and 19 bales by the officers and crew of the U. S. gunboat Kineo and 19 bales by the officers and crew of the U. S. gunboat Chocura.

It is ordered, adjudged, and decreed, That, after deducting the costs and charges to be taxed, three-fourths of the net proceeds be adjudged to the salvors; that is to say, two-fourths to the officers and crews of the aforesaid gunboats Kineo and Chocura in proportion to the number of bales saved by each vessel respectively, and one-fourth to be kept in the registry for one year and a day, unless sooner claimed by the owners, and if not claimed within that period the court will make such further order as the nature of the case may require.

And it is further ordered. That the registrar of the court be authorized to withdraw from the First National Bank of New Orleans the funds deposited in this cause by the marshal, for the purpose of distributing the same in accordance with the judgment.

True copy from the minutes of July 27, 1864.

CLERK'S OFFICE, May 13, 1866.

CLERK'S OFFICE, May 13, 1866.

District court of the United States of America for the eastern district of Louisiana, holding session in the city of New Orleans, May term, A. D. 1864. New Orleans, Wednesday, the 3d day of August, 1864, court met pursuant to adjournment. Present, the Hon. Edward H. Durell, judge.

[United States vs. Forty-nine Bales of Cotton. No. 7884.]

It is ordered, adjudged, and decreed that after deducting from the gross proceeds, amounting to \$26,737.50,

ceeds.
The remaining one-fourth, say. 6,237.36 6,237.36

True copy from the minutes of August 3, 1864.

CLERK'S OFFICE, May 10, 1866.

R. LOEW, Deputy Clerk.

District court of the United States of America for the eastern district of Louisiana, holding session in the city of New Orleans, February term, A. D. 1866.

Court met pursuant to adjournment. Present, Hon. Edward H. Durell,

[United States vs. Forty-nine Bales of Cotton. No. 7884.1

On motion of John R. Goodloe, United States attorney, and on suggesting that on the 27th day of July, 1864, this honorable court decreed—(Recites Order

that on the 27th day of 3 dry, not, the the delay allowed has elapsed, and that no one has appeared and claimed said one-fourth proceeds of the derelict property.

Ordered, adjudged, and decreed. That the remaining one-fourth, amounting to \$3,237.36, less \$6 cost, to be paid into the Treasury of the United States, as provided by law.

CLERK'S OFFICE.

A true copy from the minutes of April 24, 1866.

R. LOEW, Deputy Clerk.

Afterwards, to wit, on the 2d day of November, A. D. 1888, claim was made to the honorable Secretary of the Treasury for settlement and payment of the amount claimed, to wit, \$12,474.72, in answer to which the following letter was received:

TREASURY DEPARTMENT, OFFICE OF THE SECRETARY, Washington, D. C., November 24, 1888.

SIR: The Department is in receipt of your letter of the 2d instant, inclosing the application of Charles A. Ball for himself and others for the proceeds of 30 bales of cotton picked up at sea by the gunboat Kineo in the year 1864. It appears from the papers presented in the case that, in a proceeding in the United States district court for the eastern district of Louisiana, at the

May term, 1864, in the case of the United States vs. Forty-nine Bales of Cotton, two-fourths of the net proceeds of the 30 bales of cotton referred to decreed to the officers and crew of the Kineo as salvage; one-fourth of such proceeds to the United States, and the remaining one-fourth was ordered to be kept in the registry of the court for a year and one day, and if not claimed by the owners within that period the same was to be subject to the further order of the

trains and afterwards paid into the Treasury, the accounting officers would have no authority to settle and provided the protein adjudged to the United States Treasury.

The matter having thus been adjudicated by the court, and the money remaining undistributed having been covered into the Treasury, the accounting officers would have no authority to settle and pay any claim against the portion adjudged to the United States, nor against the portion set apart to the owners and afterwards paid into the Treasury without being first appropriated by Congress for the benefit of the claimants. Under the circumstances, therefore, it seems that any relief the officers and crew of the Kineo may be entitled to in the premises can be obtained only through Congress.

The papers inclosed with your letter are herewith returned.

Respectfully, yours,

I. H. MAYNARD, Assistant Secretary.

JOHN C. STARKWEATHER, Esq., 1420 New York avenue, Washington, D. C.

This claim is made under the prize act of June 30, 1864, which provides for the distribution of salvage, etc., accruing or awarded to a vessel among the officers and men entitled thereto. The act of June 8, 1874, provides for the distribution of the proceeds of prize money to the captors.

The act of June 30, 1884, provides for salvage in case of recapture, and the last clause of section No. 29 reads as follows: "The whole amount awarded as salvage shall be decreed to the captors, and no part to the United States, and shall be distributed as in the case of proceeds of property condemned as prize." This became a law June 30, 1884, just twenty-seven days prior to the decree of the court which was rendered July 27, 1884, as herein stated. This being the case, said court decree is void absolutely, and the payment of the sum claimed into the Treasury of the United States is a wrong against these claimants, and should be repaid to them at once as provided by law.

Your committee, in view of the foregoing statement of facts, report back the bill and recommend its passage.

The committee attach hereto the acts of Congress of June 8, 1874, and June 30, 1884, and statement of vessels captured and destroyed for violation of the blockade or in battle from May, 1861, to May, 1865; miscellaneous captures; prizes adjudicated, from the commencement of the rebellion to November 1, 1865; of prizes adjudicated to May 1, 1868, and ask that it be printed as an appendix of this report.

The bill was ordered to be laid aside to be reported to the House with a favorable recommendation.

WILLIAM B. ISAACS & CO.

The next business on the Private Calendar was the bill (H. R. 1524) to execute the findings of the Court of Claims in the matter of William B. Isaacs & Co.

The bill was read, as follows:

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to William B. Isaacs & Co., out of any money in the Treasury not otherwise appropriated, the sum of \$16,067, the same being the amount found by the Court of Claims to be the proportionate part belonging, when taken by the United States, to the Bank of Virginia of certain gold coin taken possession of by the United States on or about the 23d day of August, A. D. 1855, and which coin has ever since been, and now is, held by the United States, and to which moneys, by the findings of said court, the said William B. Isaacs & Co. are now, in law and justice, entitled as assignee, the said findings of the Court of Claims having been made in a proceeding and trial in said court authorized by the joint resolution of Congress of the 3d day of January, A. D. 1887 (twenty-fourth volume United States Statutes, page 644), to be instituted in said court against the United States.

Mr. CANNON. The report had better be read, Mr. Chair-

The report (by Mr. Mahon) was read, as follows:

The report (by Mr. Mahon) was read, as follows:

The committee on War Claims, to whom was referred the bill (H. R. 1524) entitled "A bill to execute the findings of the Court of Claims," respectfully report the same and recommend that it do pass.

The bill provides that the Secretary of the Treasury shall pay to William B. Isaacs & Co. the sum of \$16,087.88, the same being the amount found by the Court of Claims to be due to the said William B. Isaacs & Co. in their suit against the United States, No. 15697.

The principal facts are these: Certain banks of Virginia sent their coin to the town of Washington, in the State of Georgia, for safe-keeping, and after the war, to wit, on the 23d of August, 1865, the sum of about \$100,000 was taken possession of by the troops sent to Georgia after the war. The Union generals commanding in the South and in Virginia had given to the claimants protection and safe conduct of their money from Washington to the city of Richmond, and en route about the sum above named was taken possession of by the Federal troops, which was covered into the Treasury.

A controversy having arisen as to the ownership of this specie, Congress passed a joint resolution directing the Court of Claims to ascertain and report who were the owners of the coin in question. They reported that the Bank of Virginia, whose assignee the claimants are—

Was the equitable owner of a part of the fund in the Treasury, proportionate to the amount which it contributed thereto, such proportionate part being the sum of \$18,687.88. The claim therefor and the right of property therein passed to and is now owned by the claimants in this suit, who are equitably entitled to the same.

The remainder of the fund, being the sum of \$78,276.40, is the property of the United States, the title never having passed to said banks, and the claimants not having derived any claim or title in and through said judicial proceedings.

ceedings.

BY THE COURT.

Thus it appears that neither the United States nor any other party has the slightest claim to said sum of \$16,887.88, and that it is the rightful property of the claimants. Therefore, we feel that the Government is in duty bound to return this money to the just owners thereof, as ascertained by the Cou t of Claims. Therefore, your committee recommend that the bill do pass, without amendments.

The bill was ordered to be laid aside with a favorable recom-

GEORGE M'ALPIN.

The next business on the Private Calendar was the bill (H. R. 1353) for the relief of George McAlpin, to repay to him moneys unlawfully collected from him by the United States.

The bill was read, as follows:

The bill was read, as follows:

Whereas George McAlpin was the sutler of the Eleventh Regiment Pennsylvania Cavalry during the years 1862, 1863, 1864, and 1865, and was during those years required by the United States, at the United States custom-house at Baltimore, Md., to pay the sum of 3 per cent on the value of all of the supplies shipped to him during said years within the lines of the Army; and Whereas he was thus unlawfully and unjustly required to pay to the United States, and did thus unlawfully and unjustly pay, the sum of \$6,906.18, being 3 per cent on \$230.203.29, to the United States, as appears by the books of the custom-house at Baltimore, Md.: Therefore

Be it enacted, etc., That the Treasurer of the United States is hereby directed to pay to the said George McAlpin, out of any moneys in the Treasury not otherwise appropriated, the sum of \$6,906.18.

Mr. CANNON. Read the report.

Mr. CANNON. Read the report. The report (by Mr. Mahon) was read, as follows:

The Committee on War Claims, to whom was referred the bill (H. R. 1353) for the relief of George McAlpin, submit the following report:

This claim was presented in the Fifty-third Congress, and was favorably reported upon by the House Committee on War Claims, to whom it was referred.

After a careful investigation of the facts involved, your committee adopt the report of the Fifty-third Congress, a copy thereof being hereto attached and made a part of this report, and recommend that the bill do pass.

The evidence before the committee shows that said sum of money now claimed was paid under protest, and that protest was made at the time of payment.

[House Report No. 52, Fifty-third Congress, first session.]

The Committee on War Claims, to whom was referred the bill (H. R. 2042) for the relief of George McAlpin, report as follows:

This case was referred to the Committee on War Claims of the Fifty-second Congress, and was favorably reported upon by that committee. After an investigation of the facts involved, the report of that committee is adopted, a copy thereof being attached hereto, and your committee recommend the passage of the bill.

[House Report No. 2186, Fifty-second Congress, second session.]

[House Report No. 2183, Fifty-second Congress, second session.]

The Committee on War Claims, to whom was referred the bill (H. R. 8200) for the relief of George McAlpin, to repay him moneys unlawfully collected from him by the United States, respectfully make the following report:
George McAlpin was appointed sutler of the Eleventh Pennsylvanis Cavalry in November, 1862, and served in that capacity down to the close of the war, in 1855. His appointment was made under the act of March 19, 1862, providing for the appointment of sutlers for each regiment in the public service. This regiment served in the Army of the James, in the State of Virginia. As sutler he was required to purchase goods, which he did mostly in the city of Baitimore, from which city they were shipped through the lines to the point where the regiment was in service, under regulations regulating such service. Between the 3d of November, 1862, and the 12th of May, 1865. Mr. McAlpin purchased sutler's stores, mostly in Baltimore, provided for in said act and the revised schedules provided for therein, and had them consigned to himself at different points in the State of Virginia—Old Point, Newport News, Suffolk, Portsmouth, Norfolk, Yorktown, Williamsburg, Bermuda Hundred, Fort Monroe, and other points. Between these dates he purchased and shipped goods to the amount of \$235,074 69, which were cleared through the custom-house at Baltimore. The amount of stores so shipped appears from the certified statements from the custom-house at Baltimore.

Under the fifth section of an act entitled "An act further to provided—

"That the President may, in his discretion, license and permit commercial intercourse with any such parts of a State or section the inhabitants of which are so declared in the state of insurrection, in such articles, and for such time, and by such persons as he in his discretion may think most conducte to the public interest, and such intercourse, so far as by him licensed, shall be conducted and carried on only in pursuance of rules

and compensation as are now allowed for similar service under other provisions of law."

Under the provisions of this act certain regulations were prescribed by the Secretary of the Treasury, and, among others, one with reference to the transfer or clearing of sutlers' goods through the custom-house.

Under the heading "Sutlers' permits, how obtained and upon what conditions," is regulation 24, as follows:

"Permits will be granted to sutlers to transport to the regiments sutlered by them such articles as they are authorized to sell free of the 5-per cent fee; but no permit will be granted to a sutler except on presentation to the proper permit officer of this regiment, countersigned by the division commanding officer of his regiment, countersigned by the division commander thereof, and an application and affidavit in the form prescribed. Transportation shall not be permitted to any sutler of any amount of goods exceeding \$2.500 per month, nor for over two months' supply at one time, nor for any goods except such as he is by law and War Department orders allowed to deal in."

Trade regulation 42:

"Fee for permit so to purchase or sell and transport to or from such district other products, goods, wares, or merchandise, 5 per cent on the sworn invoice value thereof at the place of shipment. Fee for each permit for individual, family, or plantation supplies on every purchase over \$20 and not over \$50, 5 cents."

Subsequently, on March 21, 1864, this regulation was modified by the Sec

vidual, family, or plantation supplies on every purchase over \$30 and not over \$50, 5 cents."

Subsequently, on March 21, 1864, this regulation was modified by the Secretary of the Treasury, as follows:

"The forty-second trade regulation, series of September 11, 1863, is hereby so far modified that on and after the 1st day of April next the invoice valuation permit fee on shipments to and from insurrectionary districts will be 3 per cent instead of 5, as therein prescribed."

Mr. McAlpin complied with all the rules and regulations relative to his appointment and qualifications, procuring the proper certificate and making the necessary affidavit to bring him within all the provisions of the act regulating his appointment and the regulations thereunder, above prescribed. By a mistake of the custom-house officers at the custom-house in Baltimore Mr. McAlpin was charged 5 per cent and 3 per cent fees on all such shipments through the custom-house charging them to him as a trader instead of under the regulation above mentioned for sutlers. The amount of payments so made was \$5,906.18.

Under the above acts of Congress and the regulations mentioned no fees should have been charged on sutler's goods, such as were shipped by Mr. McAlpin through the custom-house at Baltimore, and therefore the amount paid by him to the Government, to wit, the said sum of \$8.906.18, was wrong fully collected from him, as there was no law or regulation of the Treasury authorizing such collections.

Your committee find from the evidence adduced before them that the said sum was paid to the United States through the custom-house at Baltimore without any warrant of law.

Your committee also find, from the evidence adduced, that Mr. McAlpin fully complied with all the laws, rules, and regulations governing the duties of sutlers and paid all the legal fees and taxes relating to the office of army sutler, and therefore respectfully recommend the passage of this bill.

The CHAIRMAN. The question is on laying aside the bill with

The CHAIRMAN. The question is on laying aside the bill with a favorable recommendation.

Mr. PARKER. Mr. Chairman, is there anyone who will explain

this bill to the House?

Mr. MAHON. I have charge of the bill.

The CHAIRMAN. The Chair recognizes the gentleman from

Pennsylvania

MAHON. Mr. Chairman, the way I became identified with this bill, not particularly as chairman of the Committee on War Claims, was this: In the Fifty-third Congress this old gentleman, Claims, was this: In the Fifty-third Congress this old gentleman, who is not a constituent of mine, but who lived here in this city, called upon Mr. Wolverton, who was a distinguished member of that Congress, and myself and, after two or three hours' consultation, prevailed on us to bring his claim before Congress. We both investigated it very thoroughly, getting from the Treasury Department and from the custom-house at Baltimore all the necessary data to find whether this old man's claim was a just one or not. He was then 83 years of age. We found him without friends. A kind lady, no relative of his, kept him at her home at Hyattsville. She took him there and kept him there three years, until he died, about two months ago. about two months ago.

about two months ago.

Now, there is no question about the fact that the custom-house at Baltimore collected the same customs and duties off this man that they would off a trader. The act of Congress and the rules and regulations of the Treasury Department regulating sutlers doing business, with the Army of the Potomac especially, fixed what fees they were to pay. They were to pay 5 per cent on all goods transmitted from the cities of Baltimore or Philadelphia, or other Northern ports. This old gentleman bought his goods largely in the city of Baltimore; and the paper I hold in my hand is a certified copy of all the goods passing through the custom-house at Baltimore, the kind of goods, where they were going, and the value of them, all certified to by the custom-house officials.

Mr. PARKER. Will the gentleman permit me to ask him a question?

Mr. MAHON. Yes. Mr. PARKER. I have no doubt of the particulars that the committee have gone through; but the point I had in my mind was this: If this gentleman paid in that way in 1862, 1863, or 1864, under protest, did he not have the right to go to the Court of Claims or the executive officers and ask for a return of the

money thus paid under protest?

Mr. MAHON. No, sir. This money, some \$6,000, having been paid into the Treasury of the United States without any warrant of law, and having passed into the common Treasury, there is no way to get it back to those it belongs to except by an act of Concrete

Mr. PARKER. Is it not very common to bring suits against

custom-house officers in such cases?

Mr. MAHON. No, sir. The custom-house officer has paid this money into the Treasury.

Mr. PARKER. When did this claimant first bring the matter

-in 1864?

up—in 1864?
Mr. MAHON. This matter was in controversy for a long time. George McAlpin was a prosperous man until there occurred a disastrous fire in the city of St. Louis some ten years ago, in which every dollar that he had in the world was swept out of existence, and this claim was all he had left.

Mr. PARKER. Then he did not raise the question of this claim

Mr. PARKER.

until ten years ago?

Mr. MAHON. He raised it at the time he paid the money.

Mr. PARKER. How?

Mr. MAHON. By a protest, which keeps his claim alive and in

good standing. Mr. PARKER. For thirty years?

Mr. MAHON. It ought to. Do you propose that the Congress of the United States shall refuse to pay back \$6,000 to this man if he can show beyond question that it was taken from him by the representatives of this Government without any authority of law?

Mr. PARKER. Is the gentleman asking me a question?
Mr. MAHON. Yes, sir.
Mr. PARKER. Then I will answer it. It seems to me that a sutler who went down to the seat of war and found that he would have to pay this tax in order to carry on his business probably added enough to his prices to pay the tax.
Mr. MAHON. I will say to the gentleman from New Jersey

that if years ago I had collected of him \$6,000, and if he could convince me now, even after thirty years, that I had collected it unjustly and unlawfully, I would not only return him the money, but I would return it with interest if I could.

Mr. PARKER. That might be proper, if I had not charged it up in my expenses and made profits beyond that amount in my business by means of the privileges thus secured. Sutlers, I believe, generally added their expenses to their prices.

Mr. MAHON. That is no answer. This man went into a dangerous business, and if he did make \$5,000 or \$10,000 out of it, that is no good reason why this Government should take that money from him. Now, there is no doubt whatever about the facts in this case. After a thorough investigation by my colleague, Mr. Wolverton, and myself, and by the customs officers in the Treasury, we have become entirely satisfied that this \$6,000 was taken woverton, and myself, and by the customs officers in the Treasury, we have become entirely satisfied that this \$6,000 was taken from this man without any authority of law. The Government collected not only the 5 per cent, which was quite right, but also the 3 per cent which was authorized to be charged up to traders but not to sutlers.

Mr. COX. Let me ask the gentleman a question. Suppose the Government officers did collect that money and this man put goods on the market under the privileges which he enjoyed, does not the gentleman think that he probably regulated his profits according to the amount of tax and other expenses that he had to

pay?

Mr. MAHON. No, sir. As to the sutlers in the Army of the United States during the war, the prices they charged the soldiers were fixed by the officers commanding the division or the brigade where they operated; not by themselves.

Mr. COX. Do I understand the gentleman to say that this man sold only to soldiers?

Mr. MAHON. To soldiers and officers.

Mr. COX. Oh, he was trading with everybody, probably.
Mr. MAHON. No. The law also provided that when a sutler Mr. MAHON. No. The law also provided that when a sutler delivered goods to a family to a certain amount he had to pay \$10, and on another amount he had to pay \$25, but he has made no claim for any refund of that.

Mr. DALZELL. Who owns this claim now?

Mr. MAHON. The old man is dead and his wife is dead, but there is a son left who is a physical wreck, and who will be in the almshouse inside of a year if he does not get this relief.

Mr. COX. I think this money ought to go back to the people who bought the goods. [Laughter.]

Mr. COX. I think this money ought to go back to the people who bought the goods. [Laughter.]

Mr. MAHON. Now, Mr. Chairman, I propose to amend this bill so as to provide that the money shall go to this man's administrator and be applied, first, to pay this poor woman living out at Hyattsville, or wherever it is, who took care of him and buried him, and the balance, if there is any, to this son, who is very poor and is a helpless cripple, living in the city of Tyrone. I will not take up the time of the committee in further discussing this bill. I simply want to restate that there is no question that the Treasury of the United States has to-day this amount of money which belongs to George McAlpin, which should have been paid back to him at the time, and I simply ask the House to do justice to his estate, and so I move that the bill be laid aside to be reported to the House with the recommendation that it do pass. the House with the recommendation that it do pass.

Mr. DINGLEY. Mr. Chairman, I suppose the gentleman and his colleague had ample evidence before them that this man was a sutler at the time this claim arose.

Mr. MAHON. There is no doubt about that. Here is his commission and here is his bond. We have examined the case carefully. He was a sutler, doing business and complying fully with the regulations.

Mr. DINGLEY. Was there any evidence before you that this

claimant made any effort to obtain the return of the money after it had been paid as a tax prior to the Fifty-second Congress?

Mr. MAHON. Not except through the custom-house at Baltimore and through the Treasury, where they could not afford him

any relief.

Mr. DINGLEY. Mr. Chairman, this case may be all right, but it seems to me that after a claim against the Government has slept for more than thirty years and the statute of repose has come to operate, for the very good reason that the evidence which could have been obtained at the time must necessarily now be in large part missing, we ought to beware how we entertain such a claim. The Government finds itself at a great disadvantage after the lapse of thirty years in presenting a defense in these cases, and where a claim of this kind has been allowed to sleep for over thirty years, I think that we ought to accept the evidence which the claimant produces with a great deal of caution. I merely submit this as a general observation and not as specially applicable to this

Mr. MAHON. George McAlpin offers no evidence here, except the evidence of the books and records of the Government and the acts of Congress, showing that the officers collected from him this money without warrant of law, and that it was paid into the Treasury. That is his evidence, and the best evidence in the world

is record evidence. That shows conclusively that this money was taken from him without authority of law. I offer the amendment is record evidence. which I send to the desk.

Mr. DOCKERY. Does not the gentleman think it would be wise to send this case to the Court of Claims to get a judicial finding

of the facts?

Mr. MAHON. How are we to help the matter by sending the case to the Court of Claims? Here is the law and here is the record. If we want to dispose of this question in such a way that this man's great-great-grandchildren shall receive the money justly due him, the Court of Claims is the proper place to which to send the matter.

I have no personal interest in this case, Mr. Chairman—none whatever. But this old man was around this Congress for years looking after his claim; and the only reason it did not go through in the last Congress was because we had not then within our reach

Mr. CANNON. Will the gentleman allow me a question?
Mr. CANNON. It is claimed, as I gather from this report, that these goods were bought during a period of two years. Am

Mr. MAHON. The transactions commenced November 3, 1862,

and the last payment was made May 12, 1865.

Mr. CANNON. About two years and a half. Now, I have looked over this report hastily. I am not sure that I am right in the view which I am inclined to take. But I ask the gentleman's attention to this passage on the second page of the report:

Permits will be granted to sutlers to transport to the regiments sutlered by them such articles as they are authorized to sell free of the 5 per cent fee; but no permit will be granted to a sutler except on presentation to the proper permit officer of the original certificate of his appointment, or the commanding officer of his regiment, countersigned by the division commander thereof, and an application and affidavit in the form prescribed.

Now I ask the gentleman to observe this language:

Transportation shall not be permitted to any sutler of any amount of goods exceeding \$2,500 per month, nor for over two months' supply at one time, nor for any goods except such as he is by law and War Department orders allowed to deal in.

Thirty months was the length of time this man was engaged in this line of business. At \$2,500 a month, \$75,000 would be the limit of the amount which, under the regulations, he could have handled. Now, 5 per cent on \$75,000 would be \$3,750. The percentage, I am informed, on most of this business was 3 per cent. But I wish to call my friend's attention to the fact that he allows 3 per cent on \$235,000. I submit that this man can not be entitled to more than 3 per cent on \$75,000, because under the regulations of the Department he could not handle more than \$2,500 per month.

Mr. MAHON. Will the gentleman read what follows in the

report about other goods?

Mr. CANNON. I do not think that changes the aspect of the

Mr. MAHON. I call attention to this language:

Transportation shall not be permitted to any sutler of any amount of goods exceeding \$2.500 per month, nor for over two months' supply at one time, nor for any goods except such as he is by law and War Department orders allowed to deal in.

He could ship more than \$2,500 of goods per month if he had

Department orders to do so.

This \$2,500 was to cover such goods or and under the law, Mr. CANNON. Oh, no. This \$2,500 was to cover such goods as, under the order of the War Department and under the law, he was required to deal in; but as a sutler he was not permitted

to ship goods to the amount of more than \$2,500 per month.

Now, what are the facts as they appear in this report? If, during those thirty months, he shipped \$235,000 worth of goods, the excess over \$75,000 was shipped not as a sutler but as a trader. Now, 3 per cent on \$75,000 would be \$2,250.

Mr. MAHON. Add to that 6 per cent, and see where you will be.

Mr. CANNON. The report does not pretend to add anything for interest; and the Government, I am quite sure, is not going to enter upon the policy of paying interest to anybody,

Mr. MAHON. Well, let the amendment I have sent to the desk go through, and then I will offer another which perhaps will satisfy these gentlemen.

isfy these gentlemen.

Mr. DOCKERY. Two thousand two hundred and fifty dollars is the whole amount to which this man would be entitled in any

Mr. MAHON. Well, I move the amendment which I send to the desk.

The amendment was read, as follows:

In line 4, strike out the word "said" and insert the words "administrator of;" and after the word "McAlpin," in the same line, insert the word "deceased;" so as to read: "That the Treasurer of the United States is hereby directed to pay to the administrator of George McAlpin, deceased, out of any moneys," etc.

The amendment was agreed to.
Mr. MAHON. Now, Mr. Chairman, I do not object to the
amendment which has been suggested by the gentleman from

Illinois [Mr. Cannon] to make the amount to be paid to this man \$2,500, because I think that amount will be ample to take care of this old man for the remainder of his life.

A MEMBER. Two thousand two hundred and fifty dollars is

Mr. DOCKERY. Mr. Chairman, if I understand the matter correctly, the gentleman in charge of this bill consents that the amount to be paid under the bill be reduced from something over

amount to be paid under the bill be reduced from something over \$6,000 to \$2,250.

Mr. MAHON. Only for this reason, that this old man ought to receive something promptly—

Mr. DOCKERY. We have a reduction of about \$4,000 in the amount of this claim as the result of a debate of ten minutes.

Mr. MAHON. I claim that every dollar which the bill proposes to pay is justly due; but I am willing to take half a loaf rather than go without bread.

Mr. DOCKERY. But the gentleman suggested that interest at 6 per cent be added.

Mr. MAHON. No.

Mr. DOCKERY. Now, sir, the Government has never entered upon the policy of paying interest. The gentleman from Illinois has kindly saved the Government about \$4,000 by his suggestion, and of course if he is content with the amount of \$2,250 left in the bill, I will not object. But I think the result of this colloquy between the gentleman from Pennsylvania and my friend from Illinois emphasizes the necessity of sending this claim to a competent court to judicially ascertain the facts in connection with it.

petent court to judicially ascertain the facts in connection with it.

The CHAIRMAN. The Clerk will report the amendment proposed by the gentleman from Illinois [Mr. Cannon].

The Clerk read as follows:

Strike out, in lines 5 and 6, the words "six thousand nine hundred and six" and insert the words "two thousand two hundred and fifty."

The CHAIRMAN. There is an amendment pending, submitted

The CHARMAN. There is an amendment pending, submitted by the gentleman from Pennsylvania [Mr. Mahon], to strike out the name of the party in the bill and insert "the administrator of the estate," and the question will first be taken upon that.

The amendment of Mr. Mahon was adopted.

The CHAIRMAN. The question will now be taken on the amendment proposed by the gentleman from Illinois, which has just been read.

just been read.

Mr. COX. Mr. Chairman, I do not desire but a moment's time.

It is plain and palpable about this claim, as it is about claims of a similar character, that when a sutler got the goods, and put them on the market where he sold them, he fixed his price according to the expense involved, including the expenditure which is now claimed to be refunded to him.

Now, if he sold them to the soldiers, and this price was added, they are the men who paid the tax, and ought to be relieved by such action as this, and not the sutler. And I do not think that this character of claims should be sent to the Court of Claims to

ascertain the true amount.

Mr. LOUD. Does not the gentleman know that the benevolent

Mr. LOUD. Boos not the gentleman and the state states sullers sold their goods without any profit whatever?

Mr. COX. Oh, yes; yours did, no doubt. Ours did not. We paid pretty high charges to them.

Mr. LOUD. I understand that you used to get them without

Mr. LOUD. I understand that you used to get them without paying anything, whatever. [Laughter.]

Mr. COX. Well, we managed to get along.

Now, this thing ought to be sent to the Court of Claims and let them investigate the whole matter. I wish to enter my protest against paying this sutler for goods, on a claim of this character, which he collected from the soldiers.

Mr. MAHON. How does the gentlemen know that he did?

Mr. MAHON. How does the gentleman know that he did? Mr. COX. Well, you do not say that he did not; and I think it

Mr. MAHON. The gentleman's argument is evidence of the fact that he does not know anything of sutlers in the Union Army.
Mr. COX. Well, I was on the other side, and did not learn very

mr. COA. Well, I was on the other side, and did not learn very much of them, except as we chanced to capture them.

Mr. MAHON. The gentleman ought to know that the prices of the various kinds of commodities dealt in by these men was not fixed by the sutlers at all. The officer commanding the division fixed the price, and the sutler had to comply with his order. If, for instance, he paid 60 cents a pound for butter, and the general commanding said it should be sold for 25 cents a pound, he had to take that for it take that for it.

Mr. COX. I would like to ask the gentleman from Pennsylvania this question: Did you ever see a sutler, on either side, that

did not take pains to take care of himself?

Mr. MAHON. I never saw a sutler that every boy in the army did not try to beat. [Laughter.]
Mr. COX. And I never saw a sutler that did not beat the boys.

Mr. COA. And I never saw a sutter that did not beat the boys.

[Renewed laughter.]
Mr. MAHON. Not on our side.
Mr. PARKER. Can we not have a vote on this matter? We are taking up more of the time of the House than the claim is worth.

Mr. COX. I move to refer this matter to the Court of Claims. The CHAIRMAN. The question will first be taken on the amendment proposed by the gentleman from Illinois [Mr.

Cannon].

The amendment was agreed to.

Mr. MAHON: I move that the bill as amended be laid aside to be reported to the House with a favorable recommendation.

The CHAIRMAN. The gentleman from Tennessee has suggested that he desired to make a motion.

Mr. COX. Well, Mr. Chairman, a good friend has suggested to me that perhaps we had better leave it as it is, because it may get bigger, and therefore I will not renew my motion. it is a swindle all the way through.

The bill was laid aside to be reported to the House with the rec-

ommendation that it do pass.

The CHAIRMAN. The Chair will call the attention of the committee to the necessity of amending the title in accordance with the action taken by the committee, and without objection the title will be amended accordingly.

There was no objection.

EUGENE OSCAR FECHÉT.

The next business on the Private Calendar was the bill (H. R. 4438) for the relief of Eugene Oscar Fechét. The bill was read, as follows:

The bill was read, as follows:

Be it enacted, etc.. That the accounting officers of the Treasury of the United States are hereby authorized and directed, upon application being made by the said Eugene Oscar Fechét, a private and noncommissioned officer of volunteers, cadet of the United States Military Academy, and commissioned officer of the Regular Army, or his legal representative, for commutation of rations and of pay which accrued while the said Eugene Oscar Fechét was in the Volunteer and Regular armies of the United States, to pay to the said Eugene Oscar Fechét, or to his legal representative, the sum of \$975.47, this being the sum found to be due him by the Paymaster-General of the Army under the principles of the decision of the Supreme Court of the United States in the Watson case, out of any money in the Treasury of the United States not otherwise appropriated.

The CHAIR MAN. The question is on laying aside the bill to

The CHAIRMAN. The question is on laying aside the bill, to be reported to the House with a favorable recommendation.

Mr. DOCKERY. I hope we shall have some information con-

cerning this bill.
Mr. BAILEY. Mr. Chairman, I should like to have the report read, at least

The CHAIRMAN. The report will be read in the time of the gentleman from Texas.

The report (by Mr. AVERY) was read, as follows:

The report (by Mr. Avery) was read, as follows:

The committee on War Claims, to whom was referred the bill (H. R. 1140) for the relief of Eugene Oscar Fechét, submit the following report:

It appears from the records of the War Department that Lieutenant Fechét entered the military service as an enlisted man in the Second Michigan Battery, United States Volunteers, September 10, 1861, when barely passed 15 years of age, and was discharged as first sergeant of Battery B, First Michigan Light Artillery, United States Volunteers, April 10, 1864, by reason of his appointment as cadet at the United States Military Academy. Served as a cadet from July 1, 1864, to June 15, 1868, when he was commissioned second lieutenant Second United States Artillery, and resigned March 15, 1875.

The claim that cadet service at the United States Military Academy should be counted in computing longevity pay is based upon the original act providing increased compensation to officers for length of service (section 15, act of July 5, 1838, 5 Stat. L., 258) and upon the decision of the Supreme Court of the United States March 11, 1889, in the case of The United States vs. Watson. (130 U. S. R., page 30.)

A bill was passed in the Fifty-third Congress, second session, for the relief of the legal representatives of Capt. Orsemus B. Boyd (S. 2186; H. R. 7511). The House report upon this bill is very full and exhaustive, and was adopted and made a part of the Senate report, and as the present bill is exactly similar in all respects, your committee have not believed it to be necessary to restate at length the argument of House report to H. R. 7511.

In order to exactly ascertain the sum due under the provisions of this bill, and to incorporate this sum as a part of this bill, the bill was referred to the War Department. The following communication from the Paymaster-General of the Army states the exact amount due:

War Department, Paymaster-General's Office,

WAR DEPARTMENT, PAYMASTER-GENERAL'S OFFICE,

Washington, D. C., December 14, 1895.

SIR: I have the honor to return herewith Senate bill 305.

It appears that Lieutenant Fechét served as an enlisted man from September 10, 1861, to April 10, 1864; as cadet, Milltary Academy, from July 1, 1864, to June 15, 1868, and as second lieutenant, Second Artillery, from June 15, 1868, to March 15, 1875, when he resigned.

The amount necessary to pay him under the within bill is \$975.47.

Very respectfully,

T. H. STANTON, Paymaster-General United States Army.

In conclusion, the committee find that, under the decision of the Supreme Court of the United States, the claimant has a just claim against the United States.

The committee report herewith a substitute for House bill 1140, and recommend that it do pass.

mend that it do pass.

Mr. BAILEY. Mr. Chairman, it occurs to me that there can be no defense of a proposition to include the period during which the Government was educating this officer, in order to increase his pay. The bill itself declares that it is in consonance with a decision of the Supreme Court of the United States, and I do not dispute that statement; but I will venture to express my astonishment that the Supreme Court has ever decided that a man was serving this Government in the Army during the time that it was paying this Government in the Army during the time that it was paying him for the privilege of educating him.

Mr. POWERS. Cadets are regularly mustered into the service.

Mr. BAILEY. I know they are mustered into the service, but I know that they are rendering the Government no service. I know, and every gentleman on this floor knows, that there is the greatest competition among the young men of every district to secure these appointments to the Military and Naval academies, at West Point and Annapolis, and it seems to me that the Government does quite enough when it takes these young men and educates them at its own expense, without including the period of their education in order to increase their pay under this longevity

I have little expectation of defeating this bill, but I desire to express my disapproval of the principle of it.

The CHAIRMAN. The question is on laying aside the bill to be reported to the House with a favorable recommendation.

The question being taken, the Chair announced that the noes seemed to have it.

On a division (demanded by Mr. MAHON) there were—ayes 47, noes 50.

Accordingly, the committee refused to order the bill to be laid aside to be reported to the House with a favorable recommenda-

MATHIAS PEDERSEN.

The next business on the Private Calendar was the bill (H. R. 4310) for the relief of Mathias Pedersen.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury is hereby authorized and directed to pay to Mathias Pedersen, out of any money in the Treasury not otherwise appropriated, the sum of \$300, being the sum unlawfully collected from him on November 27, 1863, by the board of enrollment, namely, \$300 to furnish a substitute when drafted for service in the Army, he not being a citizen of the United States.

The Committee on War Claims recommended the following amendment:

In line 4, after the word "Pedersen," insert "late of Spring Valley, Rock County, Wis."

The CHAIRMAN. The question is on the amendment recom-

The CHAIRMAN. The question is on the amendment recommended by the committee.

Mr. DOCKERY. I hope we may have the report read.

The CHAIRMAN. The gentleman from Missouri [Mr. DOCKERY] is recognized, and calls for the reading of the report.

The report (by Mr. Otjen) was read, as follows:

The Committee on War Claims, to whom was referred the bill (H. R. 4310) for the relief of Mathias Pedersen, submit the following report:
This claim was presented in the Fifty-first Congress and was favorably reported upon by the House Committee on War Claims, to whom it was re-

This claim was presented in the Fifty-first Congress and was favorably reported upon by the House Committee on War Claims, to whom it was referred.

The facts of the claim are fully set forth in that report, which is as follows:

[House Report No. 3011, Fifty-first Congress, first session.]

"The Committee on War Claims, to whom was referred the bill (H. R. 2962) for the relief of Mathias Pedersen, report as follows:

"This claim is for the repayment of \$300, together with interest thereon at 6 per cent per annum, amounting in all to \$768. The \$200 was collected from the claimant by the board of enrollment on November 27, 1863, to furnish a substitute when drafted for service in the Army, the receipt for which accompanies this report. Evidence is submitted showing the claimant to be a native of Norway; that he came to the United States and located in the State of Wisconsin in the month of June, 1860, when 21 years of age. It is shown also that that the claimant was drafted into the service of the United States from the town of Spring Valley, Rock County, Wis., on November 12, 1863, and in order to secure his release he was obliged to pay to the board of enrollment the sum of \$300.

"It is further shown that the claimant was exempt from military service at the time he was drafted and at the time he paid the \$300, on the ground that he was then the subject of a foreign Government, and that he did not declare his intention of becoming a citizen of the United States until October 17, 1864.

"Your committee have considered all the papers and facts in the case and are of the opinion that the claim is a just one. Your committee, therefore, report back the bill with the recommendation that it pass, with the following amendments, viz:

"In lines 5 and 6 strike out the words 'seven hundred and sixty-eight' and insert the words 'three hundred,' and in line 11 strike out all after the word 'States.'"

Your committee recommend the passage of the bill with the following 'States.'"

Your committee recommend the passage of the bill with the following amendment:
In line 4, after "Pedersen," insert "late of Spring Valley, Rock County, Wis."

Mr. RAY. Mr. Chairman, I should like to make an inquiry of the chairman, or of some member of the committee who is familiar with this bill, in regard to it. It seems to me rather strange that a man should have been drafted into the service of the United States, away back in 1862, and that he should be forced to pay \$300, and that nothing should be said about it until 1896. And I

should like to know whether or not the evidence shows that this man presented to the board of enrollment the fact that he was not a citizen of the United States.

Mr. UPDEGRAFF. I am unable to say whether the evidence

shows that fact or not

Mr. WALKER of Massachusetts. Mr. Chairman, I submit that the House should have the opportunity to hear what is being said. We can not hear the remarks which gentlemen are making.

The CHAIRMAN. The committee will be in order.

Mr. UPDEGRAFF. Mr. Chairman, I am unable to state whether the evidence shows the fact suggested by the gentleman from New York [Mr. RAY] or not. It is two years since I examined the evidence; but I do know that this claimant has been

besieging Congress for some sessions. I know that he was here in the Fifty-first Congress. Whether he was here before that or not, I am unable to state from personal knowledge.

I am personally acquainted with this man. He was drafted shortly after he came to this country from Norway. He was an ignorant man and he paid the \$300 substitute money and went on about his business. He lived in a Norwegian settlement, among foreigners. He lives there now, and probably he did not have much information on the subject for some time. That is all I can state about it personally. The evidence shows that he was drafted and paid the commutation money, that he was not a citizen of the United States, and that he had only recently immigrated from Norway.

Mr. RAY. Well, he was enjoying all the benefits of our Govern-

ment, and has continued to do so ever since.

Mr. UPDEGRAFF. That is true, and he has been bearing all its burdens that were lawfully placed upon him, the same as the gentleman from New York and myself.

Mr. RAY. The simple point is that at that time he had not

Mr. RAY. The been naturalized.

been naturalized.

Mr. UPDEGRAFF. He was not a citizen.

Mr. RAY. But he had come here intending to make this his home and to become a citizen.

Mr. UPDEGRAFF. No, there is no evidence of that.

Mr. RAY. Well, he has remained ever since.

Mr. UPDEGRAFF. Yes, he has remained ever since. The fact is that the money was taken from him without authority of law and appropriated by the Government, and he simply asks the Government to restore it to him after thirty-four years, without interest. interest

Mr. RAY. Well, he seems to have paid the money cheerfully

and without objection at that time.

Mr. OTJEN. Mr. Chairman, I made this report, and I should

Mr. DALZELL. Do I understand that this bill carries interest

Mr. DALZELL. Do I understand that this bill carries interest on that \$300?

Mr. UPDEGRAFF. Not at all.

Mr. DALZELL. I should like to ask my friend, who has been a member of this House for a great many years, if he knows of a single precedent for the passage of any such act as this?

Mr. UPDEGRAFF. Yes; there was one passed last session by this House, I remember distinctly. I can not remember the name, but it was brought up by unanimous consent and passed the House.

There can be no reason against the passage of the bill. House. There can be no reason against the passage of the bill. The Government of the United States by force took from this man \$300, which it has, and it has never returned it.

Mr. DALZELL. Why, he certainly paid \$300 to avoid the draft, and the Government paid it out for a substitute.

Mr. OTJEN. Let me answer that statement. As I understand the evidence, at the time he was drafted and paid this money this board assured him that he could get this money refunded later on, but that it was necessary for him to pay this money in order

on, but that it was necessary for him to pay this mode, it to avoid the draft.

Mr. DALZELL. Well, does "later on" mean thirty years after?

Mr. OTJEN. I understand he has been here for more than twenty years. I am so informed by the clerk of the Committee on War Claims. It is not an unusual thing that men were drafted who were not citizens of the country, and there have been more bills than this to refund money where they had paid the draft money. The fact is, that he paid the money to this board; that he did not declare his intention until a year afterwards to become money. The fact is, that he paid the money to this board; that he did not declare his intention until a year afterwards to become a citizen of the United States; that he was not a citizen of the United States at the time he was drafted; and so, of course, he is entitled to have his money back.

Mr. HULICK. Mr. Chairman.

Mr. RAY. Now, Mr. Chairman, I believe I have the floor. Do

I understand the gentleman to say that the evidence before the committee shows that the board of enrollment, knowing the fact that this man was not a citizen of the United States; that he was not subject to the law; that he was not liable to be drafted, and knowing that, if that was the fact, they would be taking his money illegally, insisted upon his paying it in order that he might escape the draft?

Mr. OTJEN. I can not say that the board of enrollment knew that he was not a citizen. I can only say that from the evidence it appeared that the board stated if he was not a citizen he could have this money refunded. They, of course, would have no direct evidence showing that he was a citizen or not a citizen, and for

that reason they advised him to pay this money, which he could have refunded if it was correct that he was not a citizen.

Mr. RAY. Now, Mr. Chairman, it is perfectly plain from the gentleman's statement that, at the time he recites the question was before the board, this man was not subject to military duty, not subject to the draft, and that they passed upon the matter, or that they had it under consideration and insisted upon his paying the money, and he did pay it to escape the draft. And now, in the year 1896, he comes before this Congress with a claim to refund

Unless we are going to light the war over again and examine every individual case that comes up after the lapse of thirty-four years, we had better consider some things as settled.

I know there is a tendency to go into these matters. We have to listen constantly to appeals of people who claim that they were wronged during the war, more than a third of a century ago, but it does seem to me that there are controlling reasons why the Congress of the United States ought not to enter upon the policy of reopening such cases and thus bringing upon themselves the multitude of troubles that will inevitably result in the future.

that money. It strikes me this is a most remarkable case. This man the next year declared his intention to become a citizen of man the next year declared his intention to become a citizen of the United States; two years later he did become a citizen of the United States, and he has enjoyed all the blessings and privileges of a citizen of the United States from that time. If we are to go back that length of time and pay every man back the money he paid, as in this instance, \$300, through mistake of some kind, for the preservation of this country under the circumstances that

then existed, we certainly will have our hands full—
Mr. DOCKERY. We have just passed a bill to pay a sutler.
Mr. RAY (continuing). And we will have the Treasury empty.

What is that?

Mr. DOCKERY. We have just passed a bill to pay a sutler

\$2,250. Mr. RAY. I am not responsible for that. Did the gentleman

vote for it?

Mr. DOCKERY. I did not so vote.

Mr. RAY. Why did you not fight the proposition if it was wrong?

Mr. DOCKERY. I did.

Mr. DOCKERY. I did.
Mr. OTJEN. Does the gentleman claim that if it was the fact that this man was not a citizen of the United States, the Government had the right to take \$300 from him and refuse to refund it?
Mr. RAY. No, sir; I do not claim any such thing; but it does strike me as a very remarkable condition of things that this man was compelled by any board of enrollment to pay \$300 when he was not a citizen of the United States and not subject to draft. It seems to me that the presumption is against this claimant. The presumption is that the officers of the United States do their duties. And the presumption is that at this time they did their duty and insisted upon this man paying this money to the Government, as they believed that for some reason or another he was subject to they believed that for some reason or another he was subject to the draft.

Mr. OTJEN. In reply to the gentleman, I just want to say this: There is absolutely no question that this man was drafted; that he paid this \$300 to the board of enrollment; that at the time he was not a citizen of the United States; that he did not declare his intention to become a citizen of the United States until one year after that and that the money has never been refunded.

after that, and that the money has never been refunded.

Mr. DINGLEY. Mr. Chairman, while this claim in itself is a very small one and of little moment, yet it tends to open up a large class of claims that may come in here to bother us in the future, and it seems to me that we ought to look the question fully in the face. Two gentlemen in my own district have applied to me to introduce bills for the refund of the commutation money paid by them, on the ground that they were in fact disabled at the time of the draft, and therefore exempt under the law, and

they produce affidavits to establish that fact.

Now, it seems to me that some things ought to be regarded as settled, even in claims against the Government. The presumption always is that the officers of the Government, in administering any law, administer it correctly. If they do not, there is an opportunity for appeal; there is an opportunity for a remedy at the time. There was a chance for a remedy in this case and in the cases in which I have been appealed to, by presenting the question to the Secretary of War. Nothing of that kind was done, but now, after thirty-four or thirty-five years have passed, these claims are brought into this House. There are thousands of men throughout the country who were drafted, many of whom have now discovered that they were disabled at the time, and who will claim that they are therefore entitled to have their com-mutation money repaid. They will be found in every district in the United States.

Now, after this law has been administered, and after more than thirty years have elapsed, and no appeal from the action of the administration has been taken, is it not wiser, under such circumstances, to assume that the officers of the Government did their duty and that the matter is settled, rather than to go into the business of dealing with every little claim that may be presented here? The difficulty is not about this particular case, but if we pass favorably upon this, there is not a member of this House who will not be appealed to in the future by gentlemen who will claim that they were drafted under conditions which made them legally exempt on account of disability or some other reason. I simply desire to warn members that they are opening up a Pandora's box of evils by entertaining these cases that ought to be considered as having been settled long ago, and I do not believe that we ought to do it. Unless we are going to fight the war over again and examine every

For this reason it seems to me-and I speak simply from observation of what has taken place in this body during my connection with it—for this reason it seems to me that after a matter has stood as settled for thirty-four years, we had better let it stay settled, especially when there is so much urgent business to which this House ought to devote its attention. Where there is a clear this House ought to devote its attention. Where there is a clear case, and there has been an attempt made from year to year to right a wrong, which has failed, through some disability or for

right a wrong, which has failed, through some disability or for some other cause, it may be proper to reopen the case; but if we undertake to pass bills of this kind, we shall certainly make abundant difficulty for ourselves in the future.

Mr. MAHON. Mr. Chairman, the gentleman from Maine uses the plural and speaks of "these claims."

Mr. DINGLEY. I was speaking not of this particular case, but of claims of this general class.

Mr. MAHON. I want to say in reply that the reason we have had these people for the last thirty years thundering at the doors of Congress with war claims is that this nation, unlike other civilized nations, has not accorded to its people who have suffered from the war the justice they deserve. Why, sir, after the Franco-Prussian war, after France had received that terrible drubbing at the hands of the Fatherland, France, with an exhausted treasury, appropriated \$45,000,000 to pay the losses incurred by the victims of the ravages of war, whether their property had been destroyed by the Germans or by the French army itself.

Mr. DINGLEY. That was immediately after the war, when the facts were all fresh and easily established.

Mr. MAHON. I will come to that later. Take the Revolutionary war—and I cite the illustration because the old law, which was laid down by a people who were heathens, has been invoked in the Congress of the United States against these claims.

which was laid down by a people who were heathens, has been invoked in the Congress of the United States against these claimants, to the effect that the Government is not bound under any circumstances to pay a claim for damages caused by war, whether resulting from the action of the troops of the United States or of the enemy—take the Revolutionary war. After that war the English Government paid to the people of the colonies who had remained loyal to the Crown \$48,000,000 for property destroyed in the war. Again, the great German Empire after her war paid to her people who had borne more than their fair share of the ravages incident to it an amount sufficient to reimburse them for their losses. I admit, sir, that these things were done not simply because the constitutions or the statutes of those nations required because the constitutions or the statutes of those nations required it to be done, but because those were humane Governments, that recognized their obligations to the people who had sworn allegiance to the national emblems; and you will find that the Governments of those great nations have always carefully compensated the sufferers by war. And, Mr. Chairman, I believe that if the gentlemen who oppose these war claims would read the history of those great European Governments, the doctrine of Grotius, announced three hundred years ago, would not be invoked in this Chamber against the payment of these just claims. In the war of 1812, when the British came up the Potomac River and burned the property of American citizens loval to the Government of of 1812, when the British came up the Potomac River and burned the property of American citizens loyal to the Government of the United States, in more than 300 cases, as I have found by an examination of the records of Congress, compensation was made, and altogether over a million dollars was appropriated to pay the losses of our people in that war of 1812. No court of this Government or any other government has ever decided that when a man who has been loyal to his flag and his country has sacrificed his property for the common good he should bear that burden over and above the ordinary burdens imposed on other men.

Mr. RAY. May I ask the gentleman a question?

Mr. MAHON. Wait till I get through, and I will answer.

Now, Mr. Chairman, do you know how much this magnificent Government has paid to these unfortunate people who lived along

Government has paid to these unfortunate people who lived along the border line, extending 3,200 miles. Gentlemen who live in the Pacific States or on the prairies, unless they were in the Army of the United States during the war, know nothing of the sufferings of the people along that border line where the conflict raged. To the people in those border States who suffered as the people else-

the people in those border States who suffered as the people elsewhere in the country did not suffer this Government has paid the magnificent sum of about \$7,000,000.

Mr. Chairman, no argument can be offered in favor of the Government closing its Treasury against these unfortunate people. If there is any merit in any of these bills which come here—and I am not talking about this particular bill—you can not honestly and justly avoid liability for the claim on the ground of lapse of time. Sir, when a claim is urged against a citizen by the Government, he can not plead the statute of limitations against the United States. I have known instances in my own State where the Government has collected money from citizens upon transacthe Government has collected money from citizens upon transactions dating sixty years back. Any dollar of obligation that may have been incurred, even by a man's ancestors, to the Govern-ment of the United States can be enforced against him by law without regard to lapse of time.

We entered into a great conflict in 1861, and after four long and bloody years that great controversy which was submitted to the arbitrament of the sword, whether slavery should exist in this country or not was settled. For four years those two magnificent armies—one representing the North and the other representing the South—fought battles before which the battles of Alexander, of Cæsar, of Philip, and of Napoleon "pale their ineffectual fires." In that conflict those soldiers on both sides showed a bravery and heroism unequaled in the history of the world. And, sir, when we had settled that great conflict with the loss of over a million men and patell amounts of money this Government in 1865 came out of settled that great conflict with the loss of over a million men and untold amounts of money, this Government in 1865 came out of that conflict greater, richer, more magnificent than it had been in 1861. [Applause.] At the close of the war our Treasury was full. We rapidly paid off our national debt; and there was no reason under heaven why this Government should not have liquidated promptly, within a few years after the war, these claims which have been knocking at the doors of Congress for the last thirty years.

Gentlemen may think that I speak too carnestly about this matter. But sir I live in a county which furnished as many man to the

But, sir, I live in a county which furnished as many men to the Union armies and sacrificed as many men on the field of battle as any other county in the State of Pennsylvania. That county has to-day within its confines as many men with armless sleeves and legless trousers as any county in the State. And that county paid all her taxes. In addition to all the other sacrifices and hardships endured by that county, there marched over the territory of that county during those four years 280,000 men. When the question was the salvation of this capital and its great archives, and with it the salvation of the life of the nation—when the Confederate raider was within the confines of the District of Columbia—an order went out, at the instance of President Lincoln, that if necessary the salvation of this capital and this ratio of the confines of the confine of sary for the salvation of this capital and this nation, my city should be laid in ashes and my county sacrificed. We are going to come here some day and ask compensation for what we suffered in that

way.

Now, Mr. Chairman, I repeat, let these claims be met on their merits. Do not plead the "baby act" by saying that they are thirty years old, and therefore must not be paid. Examine into the thirty years old, and therefore must not be paid. Examine into the merits of these claims. And if this Government has taken money from its citizens unlawfully or has sacrificed their property for the common good, then, in the name of heaven, the fact that thirty years have elapsed should be no answer when claim is made for something in the way of remuneration. The fact that these just claims have been unpaid for thirty years is an argument which should appeal with sledge-hammer force in favor of their payment without further delay. The time has come to pay them. [Applause.]

I say, Mr. Chairman, let this bill be decided upon its merits. If, on fair examination, gentlemen of the House think that this claim ought not to be paid, I have no complaint to make. Settle every claim upon its merits; but do not defeat meritorious bills because, although the claimants have time and again asked for payment, the Government has time and again refused obstinately to pay what it justly owes. [Applause.]

what it justly owes. [Applause.]
Mr. UPDEGRAFF. Mr. Chairman, the gentleman who reported this bill from the Committee on War Claims informs the ported this bill from the committee on was a six of the House that this claimant has been here urging his claim since House that this claimant has been here urging his claim since 1875; and this statement is made on information derived from the clerk of the committee. There has been no laches here—none whatever. This differs from a case where a man has been adjudged able-bodied by the board. This is a case where the board had no right or jurisdiction to touch the man at all. He was a citizen of Scandinavia, not a citizen of this country. The Government laid its strong hand upon him and took from him by force \$300, of which it has had the use since 1862. That is a fair statement of the case. He was then unable to speak our language. He is unable to speak it to-day with anything like a fair under-He is unable to speak it to-day with anything like a fair understanding of it; he can speak it tonly in such a manner as to transact the ordinary business of life. He knew nothing about our institutions. He came from a monarchical country that did not endure much protest from men upon whom it laid its hands.

I am in favor of reimbursing every man who was thus wronged out of his money. There is no good reason why this Government should act as a highway robber, and then at the close of a long period of denied justice plead the statute of limitations. Oh, no. This Government of ours we should all love and respect. But how can you expect a man to love and respect. But which robs him with a strong hand of his money; which takes, as in this instance, \$300 from this man and refuses to reimburse him?

Mr. CANNON Will the gentleman allow me a moment on the facts of this case?

facts of this case?

Mr. UPDEGRAFF. Certainly.

Mr. CANNON. It seems that this is a bill to pay \$300 unlawfully collected from Mr. Pedersen by the board of enrollment to furnish a substitute when he was drafted into the service in the Army, he not being a citizen of the United States. Now, I am not aware of any legislation under which the United States ever sold exemptions in the military service for \$300 or any other sum. I am asking the gentleman for the facts.

Was there such a provision of law?

Mr. UPDEGRAFF. There was a law passed during the war which permitted a man drafted into the military service of the Government to pay the sum of \$300 to some officer provided by the law, which was regarded as equivalent to furnishing a substitute; and in that case he was exempted from the draft.

tute; and in that case he was exempted from the draft.

Mr. CANNON. Is not the gentleman mistaken about that?

Mr. UPDEGRAFF. No; I think not.

Mr. CANNON. I would be very glad to know what the law
was, if the gentleman can cite it.

Mr. HULICK. Was it not a State law?

Mr. UPDEGRAFF. Oh, no; it was a Federal law.

Mr. CANNON. I think not.

Mr. HULICK. Let me ask the gentleman whether the law
under which a man paid the \$300 was not a State law for furnishing the troops of the State to the Government, or was it a United
States law applicable to all the States? States law applicable to all the States?

Mr. UPDEGRAFF. It was a law of the United States of

Mr. HULICK. I do not know of any general law that com-pelled soldiers drafted to pay that sum to secure their exemption. We had in Ohio a law whereby a citizen could furnish a substi-tute, in certain counties and districts, but I do not know of any statute of the United States authorizing the board of enrollment statute of the United States authorizing the board of enrolment to receive \$300, or any other sum, as a payment for the exemption of a man drafted into the service. It must have been a State regulation; and if so, the State itself, if it had enacted a law by which this money was taken, should return it to this man, instead of the Government of the United States.

Mr. DOCKERY. They wanted men, and the draft was to se-

Mr. DOCKERY. They wanted men, and the draft was to secure men, not money.

Mr. NORTHWAY. If my colleague will permit me, has he stopped to inquire what right a State would have to take a soldier out of the United States service?

Mr. UPDEGRAFF. Mr. Chairman, I decline to be interrupted further.

I will answer the gentleman that there is a law on the statute books, which he will find on examination, which provided that when a man was drafted by the authorities of the United States when a man was dratted by the authorities of the United States he could relieve himself from that draft by paying to the board of enrollment, or some other authority—I can not recall precisely what it was—the sum of \$300. Why, it is a matter of common knowledge. I supposed that no man doubted it or was ignorant of the fact. It was a law of the United States, and the States had better whatever to do with it. nothing whatever to do with it.

Mr. EVANS. Did not the money go into the Treasury of the

United States?

Mr. UPDEGRAFF. Undoubtedly.
Mr. EVANS. That is the essential point.
Mr. UPDEGRAFF. That is the essential point, as the gentle-

man from Kentucky suggests.

Mr. CANNON. Well, it is very easy to produce the law if it existed. I think my friend is mistaken.

Mr. UPDEGRAFF. I know that I am not mistaken about it.

Mr. CHARLES W. STONE. If the gentleman from Iowa will

yield to me for a moment—
Mr. UPDEGRAFF. With pleasure.
Mr. CHARLES W. STONE. Mr. Chairman, I hold in my hand the act of February 28, 1867, which recites, in its preamble, the legislation providing for the commutation of military service by the payment of \$300, the payment of which sum would exempt the person drafted from military service. It also provides that within a certain time, specified in the act, the persons illegally drafted, who were not subject to draft and who paid this sum, might have this money, so paid, refunded to them. It provided general legislation on the subject applicable to all claims which came within

its provision up to that time.

By the act of March 1, 1869, which is a general act for the relief of all persons who had been illegally drafted, not being subjects of the United States, or for any other reason not subject to military duty in the armies of the United States, and who had paid the commutation money provided for in the act recited in the preamble of the first law to which I have referred, it was provided that they might have it refunded to them at any time within the space of two years. Here was a general provision, a general remedial act, applying to all persons who had such claims. That being a provision of law covering this case, fixing a time, in the wisdom of the lawmakers, within which this claim ought to have been presented and that time having long present twenty six or twenty. presented, and that time having long passed, twenty-six or twenty-seven years ago, I think it incumbent upon the claimant now not only to show that he was illegally drafted, but to show some reason why, when the remedy was open to him, he did not em-

Mr. UPDEGRAFF. That would apply to nearly all claims

before this House.

Mr. CHARLES W. STONE. 'I will send to the Clerk's desk and ask that the Clerk read the law covering the matter.

Mr. UPDEGRAFF. I decline to yield further. The gentle-

man has already stated the substance of the act. The same objecman has already stated the substance of the act. The same objection which he makes will apply to almost every claim here. Of course, we understand very well that this man can not now apply to the Secretary of War and get back his commutation money. Nobody claims any such thing as that.

Mr. RAY. No; but under the law which the Clerk now has he had years in which to make his application and in which to have the money refunded.

Mr. UPDEGRAFF. Very well.

Mr. RAY. Why did he not do it?

Mr. UPDEGRAFF. Very well.
Mr. RAY. Why did he not do it?
Mr. UPDEGRAFF. Because he was ignorant of als rights because he was a foreigner and did not understand our language and our institutions, and did not know enough—was not able to make a showing or to prepare an application to get his money back at that time. He probably knew nothing of this law.
Mr. RAY. Now will the gentleman—
Mr. UPDEGRAFF. No. I decline to yield further.
Mr. RAY. Let me ask you one question as a lawyer. Do you

Mr. RAY. Let me ask you one question as a lawyer. Do you want to stand up in this House and assert that you would open the Treasury to the hand of every man who ever had a claim against the Government, who was given years in which to assert that claim, and who had let the time go by and lost the benefits of that law, who then came in, years afterwards, to ask that the money be paid him, because he was ignorant at the time when he should have presented the claim? Do you say you want to do that?

Mr. UPDEGRAFF. I would do what was right under all circumstances, whatever they were. [Applause.] If I had wronged a man fifty years ago, and it was made apparent, I would be a man fifty years ago, and it was made apparent, I would be less than a man if I did not restore to him his rights. And that applies to a government as well as an individual. [Applause.] The Government owes the same duty to this man as though it were the case of one individual who had wronged another. The Government holds this \$300 to-day by its strong hand, just as a robber holds the money of his victim, and it holds it by no other authority under God's heaven. The Government has the money. It had no right to take it. It had no jurisdiction to touch this man and compel him, by threats, to come up and pay this \$300. He now asks the Government of his adopted country to remove this stain upon itself by restoring to him the \$300 which it wrongfully obtained from him so many years ago.

fully obtained from him so many years ago.

Now, Mr. Chairman, I hope we may have a vote.

The CHAIRMAN. The question is on the amendment offered by the committee.

The amendment was agreed to.

The question being taken on ordering the bill to be laid aside to be reported to the House with a favorable recommendation, the Chairman announced that the noes appeared to have it.

On a division (demanded by Mr. UPDEGRAFF) there were—ayes

54, noes 59.

Mr. UPDEGRAFF. Tellers, Mr. Chairman.

Tellers were ordered; and the Chairman appointed Mr. RAY and Mr. UPDEGRAFF.

The committee again divided; and the tellers reported—ayes 65,

noes 55.

Accordingly the bill was ordered to be laid aside to be reported

Accordingly the bill was ordered to be laid aside to be reported to the House with a favorable recommendation.

And then, on motion of Mr. Mahon, the committee rose; and the Speaker having resumed the chair, Mr. Lacey, Chairman of the Committee of the Whole House on the Private Calendar, reported that that committee had had under consideration sundry private bills and had directed him to report back without amendment and with the recommendation that they do pass the bills H. R. 129, 3294, and 1524; that the committee had also had under consideration the bills H. R. 1353 and 4310, and had directed him to report back the same with amendments and with the recomto report back the same with amendments and with the recom-mendation that as amended the same do pass. Mr. MAHON. Mr. Speaker, I ask that the previous question

be considered

The SPEAKER. The Clerk will report the first bill.

THOMAS B. REED.

The first business reported from the Committee of the Whole was the bill (H. R. 129) for the relief of Thomas B. Reed.

The bill was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

The SPEAKER. The hour of 5 o'clock having arrived, the

House will be in recess until 8 o'clock this evening, when the gentleman from Illinois, Mr. HOPKINS, will take the chair.

EVENING SESSION.

The recess having expired, the House reassembled at 8 o'clock p. m., Mr. HOPKINS in the chair as Speaker pro tempore.

ORDER OF BUSINESS.

The SPEAKER pro tempore. The Clerk will read the second clause of Rule XXVI.

The Clerk read as follows:

The House shall on each Friday at 5 o'clock p. m. take a recess until 8 o'clock, at which evening session private pension bills, bills for the removal of poittical disabilities, and bills removing charges of desertion only shall be considered; said evening session not to extend beyond 10 o'clock and 30 minutes.

JESSE M'MILLAN.

Mr. TERRY. Mr. Speaker, I desire to have corrected a mistake that occurred in a bill which was passed at the last session. It was unanimously passed by the House.

The Clerk read as follows:

A bill (H. R. 9592) to amend an act entitled "An act granting a pension to Jesse McMillan," received by the President May 27, 1896.

Be it enacted, etc., That the act entitled "An act granting a pension to Jesse McMillan," received by the President May 27, 1896, be amended by striking out the word "Infantry" and inserting the word "Cavalry" therein, and that the pension provided for in said act be allowed and paid said Jesse McMillan from the date said act first became a law.

The amendment recommended by the committee was read, as

In lines 8 and 9 strike out the words "date said act first became a law" and insert "8th day of June, 1896."

The SPEAKER pro tempore. Is there objection to the present

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. PICKLER. What is this? Is it just to correct a mistake in the character of the service?

Mr. TERRY. The bill became law, but there was a mistake in the character of the regiment.

Mr. PICKLER. I will not object to that, Mr. Speaker.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill? [After a pause.] The Chair hears none.

Mr. TERRY. I move the adoption of the amendment.

The amendment recommended by the committee was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third

reading; and being engrossed, it was accordingly read the third time, and passed.

On motion of Mr. TERRY, a motion to reconsider the vote by which the bill was passed was laid on the table.

ORDER OF BUSINESS.

Mr. PICKLER. Mr. Speaker, I move that the House resolve itself into Committee of the Whole for the consideration of business on the Private Calendar under the special rule.

The question was taken; and the Speaker pro tempore announced that the ayes seemed to have it.

Mr. TALBERT. Mr. Speaker, I demand a division.
The House divided; and there were—ayes 56, noes none.

So the motion was agreed to.

The House accordingly resolved itself into Committee of the Whole, Mr. LACEY in the chair.

FANNY MOALE GIBBON.

Mr. CURTIS of New York. Mr. Chairman, I desire to ask a favor, which I believe the House will take great pleasure in granting when I state the reasons for it, and that is to consider now the pension bill, S. 2008, granting a pension to Fanny Moale Gibbon. She is the widow of the late Maj. Gen. John Gibbon, whose serv-

ice in the war was that of one of our ablest and most conspicuous officers. At the battle of Gettysburg he was placed in command of an army corps during the engagement. I ask unanimous consent of the committee to have this bill taken up out of its order. This lady is an invalid, nearly blind: has a daughter in poor health, and two grandchildren without father or mother—the children of a deceased daughter, and of a distinguished officer of the Army, also dead. They are doubly orphans and have a double claim upon the Government. This lady has not the means wherewith to properly live, and I ask unanimous consent for the present consideration of the bill.

The CHAIRMAN. The gentleman from New York asks unanimous consent to take up out of its order the bill S. 2008. Is there

objection?

Mr. NEILL. Mr. Chairman, I am not getting up to object; but the first bill on the Calendar, as I understand it, is a bill that I have charge of, and I do not desire to lose my place. With the understanding that I do not, I make no objection.

The CHAIRMAN. Is there objection? [After a pause.] The

Chair hears none.

The Clerk read as follows:

A bill (S. 2008) granting a pension to Fanny Moale Gibbon.

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Fanny Moale Gibbon, widow of Maj. Gen. John Gibbon, United States Army, and pay her a pension at the rate of \$100 per month from and after the passage of this act.

Mr. CURTIS of New York. Mr. Chairman, if it is desired to know more definitely the services of Major-General Gibbon, as there are three pages in this report, I will state those services to the committee, but I apprehend it is not necessary. I have stated the simple facts, and I hope that will be entirely satisfactory to the committee, and that it will consent to the passage of the bill. [Cries of "Vote!" "Vote!"]

Mr. TALBERT. Mr. Chairman, I do not rise to oppose the pension of this widow, but to move an amendment. I move that the words "one hundred" be stricken out and the words "seventyfive" inserted

Mr. CURTIS of New York. Mr. Chairman, I do think if my friend from South Carolina, could he know the circumstances connected with this case, the helpless condition of this aged lady, of her invalid daughter and two young grandchildren, and would recall for a moment the splendid, magnificent service of that distinguished man, he would gladly withdraw his amendment. I appeal most earnestly to the gentleman from South Carolina to

withdraw his amendment. Mr. TALBERT. I simply leave the matter to the committee.
The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from South Carolina, to strike out
"one hundred" and insert "seventy-five."

"one hundred" and insert "seventy-five."

Mr. PICKLER. Who offers that amendment?

The CHAIRMAN. The amendment is offered by the gentleman from South Carolina [Mr. Talbert].

The question was taken; and the Chairman announced that the ayes seemed to have it.

Mr. McClellan. Division.

The committee divided; and there were—ayes 21, noes 22.

Mr. Talbert Mr. Chairman it seems that there is some

Mr. TALBERT. Mr. Chairman, it seems that there is some mistake about the count, and I ask for another rising vote on this question. I think if the House properly understands it, it will not pass this bill with a pension of \$100. It does seem to me that \$75 is a very liberal pension. We attempted last session to establish something like uniformity in the pensions of officers' widows.

something like uniformity in the pensions of officers' widows.

The CHAIRMAN. If the gentleman is not satisfied with the count, he can ask for tellers.

Mr. TALBERT. I ask for tellers.

The question was taken on ordering tellers.

The CHAIRMAN. Not a sufficient number rising in support of the demand for tellers, tellers are refused, and the amendment

The bill was ordered to be laid aside with a favorable recommendation.

ORDER OF BUSINESS.

The next business on the Private Calendar was the bill H. R.

1490, which the Clerk proceeded to read.

Mr. NEILL. Mr. Chairman—

The CHAIRMAN. For what purpose does the gentleman rise?

Mr. NEILL. I rise to ask for the present consideration of House bill 1061, Calendar number 511, which came over from last Friday night on account of my unavoidable absence at that time, and which I understood would come up first this evening for consideration

The CHAIRMAN. It appears that that bill was passed over without prejudice on account of the absence of the gentleman from Arkansas, the question of order being reserved as to whether the bill is one that is properly subject to consideration at a Friday night session. The Chair supposes that that bill would properly come up first, and the Clerk will report it.

GRAY'S BATTALION OF ARKANSAS VOLUNTEERS.

The bill (H. R. 1061) granting pensions to Gray's Battalion of Arkansas Volunteers was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll the names of all of the honorably discharged surviving officers and enlisted men of Gray's Battalion of Arkansas Volunteers, raised under the act of Congress of May 13, 1848, for service during the war with Mexico; and the names of surviving widows of such officers and enlisted men, subject to the limitations and regulations of the pension laws of the United States for pensioning the survivors of the war with Mexico.

Mr. RAY. Mr. Chairman, I desire to raise a point of order against the consideration of that bill at a Friday night session.

The CHAIRMAN. The Chair will hear the gentleman from

New York

Mr. RAY. I did not hear the bill very distinctly as it was read, but from what I did hear it appears to be a general bill.

The CHAIRMAN. It is a bill applying to one regiment or

battalion

Mr. RAY. Mr. Chairman, I do not think it is in order under the rule which governs our action at these Friday night sessions. Mr. NEILL. That is the precise question that is to be deter-

Well, I make the point of order that this bill being general bill, it is not in order at a Friday evening session.
The CHAIRMAN. The Chair would be glad to hear from the

gentleman if he has any reasons to give or authorities to cite.

Mr. RAY. I am not prepared with any authorities at this time;
but it seems to me that the bill is not in order, according to the rule under which we are acting.

Mr. NEILL. Mr. Chairman, I will ask the Chair if it is not the

duty of gentlemen objecting to a bill to present their objections

Mr. PICKLER. Mr. Chairman, I have no objection to this bill Mr. Pickler. Mr. Charman, I have no objection to this bill if it is in order, but if, as the Chair says, it includes a whole regiment, and if it can be considered at a Friday night session, then we might take up in succession every regiment or organization in the Army and pension them all wholesale. If you can reach one regiment in this way, you can certainly reach all other regiments, and thus include the whole Army.

A MEMBER. Let us have a ruling.

Mr. NEILL. I do not want any ruling, Mr. Chairman, until I am heard on this question.

The CHAIRMAN. The Chair will call the attention of the gen-

am heard on this question.

The CHAIRMAN. The Chair will call the attention of the gentleman from Arkansas to a ruling which was made on the 22d of May last as to this same bill. The bill was before the committee at that time, and the same point of order was made against it—

Mr. NEILL (interposing). Mr. Chairman, that was right at the adjournment of a night session, when it was utterly impossible for anybody to be heard, and I think that, in common fairness, it would be rather hard to hold me to that as a ruling. There was no time whatever for any argument to be heard on that occasion, but I am prepared now, I undertake to say, with authorities, with abundant precedents, with a decision of the Speaker of this House, to show that my bill is in order in its present place. I do not consider that that action last spring was a ruling. As I have already said, it was right in the closing minutes of the evening session, and there was no opportunity for a hearing. Now, if I can be heard upon the question of order, I desire to be.

The CHAIRMAN. The Chair will hear the gentleman.

Mr. NEILL. Mr. Chairman, this bill, I undertake to say, is in all essential parts a private bill. It has been so adjudicated and decided by the Speaker of this House. By his authority it was placed upon the Private Calendar. I did not put it there. I had nothing to do with it. It was done by the judicial action of the Speaker of this House. The bill went to the Private Calendar and has remained there ever since. But, Mr. Chairman, no objection is made to this bill, nor has any objection ever been made. Gen.

Speaker of this House. The bill went to the Private Calendar and has remained there ever since. But, Mr. Chairman, no objection is made to this bill, nor has any objection ever been made. Gentlemen have simply "called time" on me on one occasion, and that right in the closing moments of a night session, on the ground that this was a private bill. Now, I will undertake to show by precedents, by a decision of the present Speaker of this House made in the Fifty-first Congress on a bill entirely analogous to this, that this is not a public bill. In that case the gentleman in charge of the bill was trying, as I am now, to get consideration for his bill, and he supposed that it was a public bill; but the Speaker ruled that it was a private bill, and on that ground denied it consideration. During the Fifty-first Congress a bill was passed to pension Powell's Battalion of Missouri Volunteers. On page 1418 of volume 26 of the Statutes at Large there is found this enactment, ume 26 of the Statutes at Large there is found this enactment, chapter 568:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll the names of all of the honorably discharged surviving officers and enlisted men of Powell's Battalion of Missouri Mounted Volunteers, raised under the act of Congress of May 18, 1846, for service during the war with Mexico; and the names of the surviving widows of such officers and enlisted men, subject to the limitations and regulations of the pension laws of the United States for pensioning the survivors of the war with Mexico.

Approved March 3, 1891.

This is printed among the private acts of that session, not

among the public acts.

But, Mr. Chairman, the bill for pensioning Powell's Battalion has a history. It was introduced in the Senate by Mr. Manderson, Senator from Nebraska.

Mr. PICKLER. I trust the gentleman from Arkansas will finish his argument as soon as possible.

Mr. NEILL. I will proceed whenever the Chair appears to be

listening.

Mr. PICKLER. This bill has been ruled out of order two or

three different times.

Mr. NEILL. Whenever the Chair is willing for me to go on, I will proceed. I paused because the Chair seemed to be occupied. The CHAIRMAN. The Chair was trying to listen to the gentleman and at the same time endeavoring to examine some authorities on the question.

Mr. NEILL. Well, I have the authorities here. I ask the Chair to indulge me a moment.

The CHAIRMAN. The Chair asks the attention of the committee a moment. The Chair finds that on the 22d of last May this identical bill was brought before the committee. At that time the gentleman from Iowa [Mr. Hepburn] was in the Chair. A point of order was made upon the bill by the gentleman from

New York [Mr. PAYNE], and the point of order was sustained.

Now, the Chair is inclined to think that if this question had not been already adjudicated this should be held to be a private bill—

Mr. NEILL. Right on that point, a word.

The CHAIRMAN. That it should be held to be a private bill because it applies to a specific battalion or regiment—not to a class, but to the individuals in a certain military organization.

While inclined to take a different view from the former ruling. the present occupant of the Chair feels bound by that ruling

Mr. TERRY. Right on that point, I desire to call the attention of the Chair to the fact that this House at the session of last Friday night decided by unanimous consent that my colleague [Mr. NEILL] should be heard upon this question.

Mr. NEILL. That is in the RECORD.

Mr. TERRY. I call the attention of the Chair to what took

place last Friday night.

Mr. PICKLER. That is admitted, of course.

Mr. TERRY. Well, then, we are not bound by that former ruling, because it was decided on last Friday night by the House

that my colleague should be heard on this proposition.

The CHAIRMAN. That he should be heard upon the question whether this is a private bill; but the Chair does not think that that changes the position of the matter.

Mr. PICKLER. I suggest that, if the intimation of the Chair should be followed upon this question, we might go a little further and regard as a private bill one applying to a whole army course.

should be followed upon this question, we might go a little further and regard as a private bill one applying to a whole army corps. The CHAIRMAN. The Chair, being inclined to take a view different from the former ruling, will take the sense of the committee upon the question—will submit the question to the decision of the Committee of the Whole.

Mr. NEILL. Will the Chair hear me a moment?

The CHAIRMAN. The Chair was about to take the sense of

the Committee of the Whole as to whether this point of order should be sustained.

Mr. NEILL. I want to call the attention of the Chair to the fact that from the ruling made in May last there was no opportunity to appeal or argument, as that ruling was made in the

very last moments of the sitting of the committee.

The CHAIRMAN. That is the reason why the Chair thinks opportunity should now be given to the Committee of the Whole

Mr. TALBERT. Will the gentleman from Arkansas yield to

me for a moment?

me for a moment?

Mr. NEILL. I will.

Mr. TALBERT. Only one suggestion. It may be that the House and the Chair are under a misapprehension. As I understand the object of the bill, it is not to pension at once a whole brigade or any other military organization—nothing of the sort. The object, as I understand, is that this organization of Arkansas volunteers who fought, I believe, in the Mexican war be made pensionable, so that they may come in and apply under the regular sionable, so that they may come in and apply under the regular pension laws and receive pensions under those laws if they sus-tain their applications. The case is analogous to the case of a body of Missouri State troops who, I believe, in the session before

The CHAIRMAN. The Chair will take the sense of the Committee of the Whole upon this question. In view of the fact that the former ruling on this subject was made just at the adjournment, with no opportunity to consider the question deliberately or have it decided by the Committee of the Whole, the present occupant of the chair, being inclined to hold that the bill is in order, will take the sense of the committee upon it.

Mr. GARDNER. Would it be in order for me to make a sug-

gestion?

The CHAIRMAN. The Chair will hear the gentleman.

Mr. GARDNER. I submit that this bill, being of a peculiar character, fairly illustrates the distinction which has heretofore been recognized by the authorities, but which it is sometimes difficult to define—between a private bill and a special bill. I think if there were time to examine the authorities, there would be no question that this is a special bill, and no question about its being

outside of the class known as private bills.

Mr. NEILL. I will undertake to produce the ruling of the present Speaker of this House in a case "on all fours" with this, holding that a bill of this nature is a private bill. If I do not succeed in doing that, I will withdraw the bill.

The CHAIRMAN. The Chair would be very glad to hear the captions are the results of the continuous successions.

gentleman's authorities.

Mr. PICKLER. I hope that if the Chair is going to submit this question to the Committee of the Whole, the committee will underquestion to the Committee of the Whole, the committee will understand what it is proceeding to do, and will decide the question intelligently. Nobody would be more pleased to accommodate the gentleman from Arkansas than I would. I know he has been diligent and persistent with this bill, trying to get it before the House, and I wish he could have it considered. But it is wholly out of order here, and it would be contrary to our rule to consider it tonight. A private bill is a bill for a specific object for a single individual, and not for a number of individuals. If you can pension a battalion, you can pension a regiment, and, on the same princi-

ple, you can pension an entire army corps.

Mr. TERRY. Will the gentleman allow me to ask him a question?

Mr. PICKLER. Certainly.
Mr. TERRY. Would it not be competent to pass a bill—
Mr. NEILL. I rise to a parliamentary inquiry. I want to know who has the floor?

The CHAIRMAN. The gentleman from South Dakota has at

Mr. NEILL.

Mr. NEILL. I never yielded it.

The CHAIRMAN. The gentleman from South Dakota has yielded to the gentleman from Arkansas for a question.

Mr. TERRY. Would it not be competent, for instance, by one single bill to remove the charge of desertion standing against three

Mr. PICKLER. That would be a general bill.
Mr. TERRY. Would it not be a private bill?
Mr. PICKLER. No, sir; I think not.
Mr. TERRY. Well, it has been so understood by the House.
Mr. PICKLER. Why, Mr. Chairman, if this proposition were admissible here to-night, then, as a parliamentary principle, all that we would have to do in the Committee on Invalid Pensions that we would have to do in the Committee on Invalid Pensions would be to combine all of the eight or nine hundred bills in one single bill and bring them in and pass them all at one time. If that could possibly be held to be within the scope of the rule, it would save us an immense amount of trouble, I will admit. It would enable us to get them before the House and get through with the work in a year short time. But that is not and navanhand here the work in a very short time. But that is not and never has been the rule. That is not what is meant by a private pension bill. This is a general bill, and the statement of the gentleman from

This is a general bill, and the statement of the gentleman from South Carolina [Mr. Talbert] makes it clear that it is. We have bill after bill pending here on the Calendar to pension certain militia regiments from certain States; and nobody has ever dreamed of getting them up as private bills, for consideration at these night sessions. Why, if you name a battalion in this pension bill, I can name my regiment, that from first to last had about 2,000 men in it. Now, allow us to bring in a bill for the pensioning of an entire regiment, if you are going to admit this. There is no reason why it should not be done, nor is there any reason why, if that principle is admitted, we could not pension a brigade or an army corps. or an army corps.

This is getting clear away from the object and intent of the rule. The private bill belongs to and affects only the single individual. It can not be a general bill in any particular. There is a wide dis-

tinction between them.

Mr. TALBERT. Let me ask the gentleman if this is not a private bill in its ultimate analysis?

Mr. HARDY. I ask that the rule be read under which we pass bills on Friday night. The CHAIRMAN. The gentleman from South Dakota has the

Mr. TALBERT. I wish the gentleman to yield to me only to make a suggestion or to ask this question: While this may be a general bill, is it not true that in its last analysis it becomes a private bill when applied to the private individuals who are the

beneficiaries of it? Mr. PICKLER. That might be said of any general pension law that could be named, because eventually it applies to the individ-

uals who are the beneficiaries of the law.

Mr. TALBERT. It seems to me that while this is a general bill, I repeat in the last analysis it comes down to private individ-

uals and becomes a private bill.

Mr. PICKLER. I repeat, Mr. Chairman, that I desire the committee to vote intelligently on this question. If you permit this bill to come before the committee to-night, nobody can tell what bill to come before the committee to-night, nobody can tell what will be the result. What will it cost; how many individuals does it affect; what does it mean; how many were in that battalion, and what do you know of the bill? Why, it would be a most dangerous precedent. It is a general bill and should be on the Calendar of the Committee of the Whole House on the state of the Union, where we have similar bills for the benefit of the militia of Missouri and Tennessee. They are on the general Calendar, where they belong, and simply because this is one battalion it does not make it any the less a general bill than if it was for an army corps.

I do not think, therefore, that it would be safe for the House to adopt this precedent. And besides, this bill was before the House to adopt this precedent. And besides, this bill was before the House to py the gentleman from Iowa [Mr. Hepburn], then in the chair. I have no object in keeping the bill out but to avoid irregularity in our proceedings; and, I repeat, it will not do to consider this and act upon it as a private bill.

Mr. RAY. Will the gentleman from South Dakota allow me a moment?

Mr. PICKLER. Certainly.
Mr. RAY. Mr. Chairman, with the permission of the gentleman from South Dakota, I wish to say that if the Chair has

authorities decisive of the question I will not make a single sug

authorities decisive of the question I will not make a single suggestion. But in view of the circumstances I will suggest that it is a matter of construction entirely whether the word "private" is used in the rule as meaning "personal" or simply in contradistinction to the term "public."

The rule under which we act seems to me to be open to a good deal of construction and contention; and my belief is that the term "private pension bills." as used in the rule, means "personal pensions bills." I am not prepared to say, of course, that that is the proper construction of the language of the rule, but it seems to me that the force and effect of the language is precisely the same as if the word "personal" had been used in place of "private." The language of the Constitution, Manual, and Digest, page 483, sustains this view. It is there said: "A pension bill for the relief of a soldier's widow is a private bill, but a bill granting a pension to such persons as a class instead of as individuals is a public bill."

Mr. PICKLER. That has always been the practice, because in the consideration of these bills and in their preparation one name only appears in the bill, and none other. It has always been, as the gentleman states, considered as a personal bill.

the gentleman states, considered as a personal bill.

Mr. RAY. And the question is, Does the word "private" refer to private individuals, or is it used in contradistinction to the word "public?" It seems to me it is quite a question before you have finished it.

The CHAIRMAN. The question is as to whether the point of order made by the gentleman from New York [Mr. RAY] shall be

sustained.

Mr. PICKLER. This bill is for a battalion. If it is a private bill, would it be in order, for instance, to amend by moving that the Army of the Tennessee be included? Would not that be a

germane amendment, if this is a proper bill?

The CHAIRMAN. A private bill could not thus be amended.

A private bill could not be amended by adding the name of one person to that of another person, much less an army.

Mr. PICKLER. There would certainly be no inconsistency in

attaching a brigade to a bill for the relief of a battalion.

The CHAIRMAN. The Chair desires to take the sense of the

ommittee on this.

Mr. NEILL. Mr. Chairman, I have never yielded the floor. I thought I had the right to make an argument.

The CHAIRMAN. The gentleman stated that he wished to present an authority from the Speaker.

Mr. NEILL. Mr. Chairman, I was ready when the gentleman from South Dakota [Mr. Pickler] sprang upon the floor like a holt of lightning.

bolt of lightning.

The CHAIRMAN. The Chair will recognize the gentleman

from Arkansas.

Mr. NEILL. Mr. Chairman, I desire to have the Clerk read a bill which I have sent to the desk, the Powell Battalion bill, passed March 1, 1891.

The Clerk read as follows:

Chapter 568. An act granting pensions to Powell's Battalion of Missouri Mounted Volunteers.

Mounted Volunteers.

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll the names of all of the honorably discharged surviving officers and enlisted men of Powell's Battalion of Missouri Mounted Volunteers, raised under the act of Congress of May 13, 1846, for service during the war with Mexico, and the names of the surviving widows of such officers and enlisted men, subject to the limitations and regulations of the pension laws of the United States for pensioning the survivors of the war with Mexico.

Approved, March 3, 1891.

Approved, March 3, 1891.

Mr. NEILL. Now, Mr. Chairman, the history of that bill is this: It was introduced into the Senate by Senator Manderson; it passed the Senate and came over to the House in July, 1890; it was referred to the House committee on July 29, 1890; it was reported by Mr. Norton and put upon the Calendar as a private bill. I have the Calendar before me from the file clerk's office, which the Chairman or any other gentleman can inspect. It is a private bill. On December 4, 1890, Mr. Norton, of Missouri, who had reported the bill in this House, undertook to call it up. Will this House remember who was Speaker in December, 1890? It was Thomas B. Reed, the same Thomas B. Reed who is to-day Speaker. The Record shows that he was in the chair. I read Speaker. The RECORD shows that he was in the chair. I read from the RECORD:

ORDER OF BUSINESS.

Mr. WILLIAMS of Ohio. Mr. Speaker, I desire to present a conference

Mr. WILLIAMS of Child and Speaker.

The SPEAKER. It is not usual to interrupt the morning hour with a conference report. The Committee on Invalid Pensions having no other bill, the call rests with the Committee on Pensions.

Mr. NORTON (from the Committee on Pensions). Mr. Speaker, I present for consideration the bill (S. 1826) granting pensions to Powell's Battalion of Missouri Mounted Volunteers.

The bill was read.

Mr. DINGLEY. That is a private bill.

Who is Mr. DINGLEY? Is he the equal in parliamentary knowl-

Who is Mr. DINGLEY? Is he the equal in parliamentary knowledge and in intellectual endowments of the gentleman from South

The bill was not on the House Calendar, Mr. Chairman, because it was upon the Private Calendar, which I have here before me, and it was placed there by the order of Thomas B. Reed, Speaker of the Fifty-first Congress

Now, Mr. Chairman, is any more authority needed than that? I will put Thomas B. Reed, of Maine, and Governor Dingley against the distinguished parliamentarian from South Dakota, and the gentleman from New York also. I am not surprised at the exhibition to-night. This little bill embodies relief— Mr. PICKLER. Will not yield.

Mr. PICKLER. This was not on a Friday night. It was not

Mr. PICKLER. This was not on a Friday night. It was not passed on Friday night at all.

Mr. NEILL. I do not yield, Mr. Chairman.

The CHAIRMAN. The gentleman declines to yield.

Mr. NEILL. This little bill, Mr. Chairman, carries relief to less than thirty people. These men in 1846 and 1847 were citizens of the State of Arkansas. Those who are affected by the bill are of the State of Arkansas. Those who are affected by the bill are now all old men and widows, people standing with one foot in the grave and the other hard by. In 1846 they volunteered and signed a muster roll which pledged them to go to Mexico. They were not sent there, because the authorities concluded to send them up into the Indian Territory. They served there from six to eight months, the five companies of this little battalion. When the Mexican war act was passed in June, 1887, and when that grand soldier, Gen. John C. Black, of Illinois, was administering the Pension Office, he took a liberal view of that law and placed these people upon the pension rolls under the Mexican war act as fast as they made their proofs. But with the advent of the Harrison Administration the then Commissioner of Pensions took a different view of the law and refused to place any more of them

of the Mexican war act.

When I came to Congress, in July, 1893, I came with a petition or two in my pocket from men who had been suspended from the rolls, men who were members of this little Gray's Battalion. went to see Commissioner Lochren, who told me the history of the matter, which I have here and which is embodied in the report. He said that he had found the ruling of his predecessor upon the record, and that he was not inclined to reverse it and to hold that

a different view of the law and refused to place any more of them upon the roll, holding that they did not come within the purview

the could place these men and their widows upon the pension rolls under the Mexican war act.

Immediately after that I introduced this special bill for their relief, and I have pressed it, Mr. Chairman, continuously, in season and out of season—no; not out of season, because it was never out of season; but all the time that was proper and legitimate I have tried to get relief for these few people left this side of the grave. I am not surprised, Mr. Chairman, at the gentleman from South Dakota to-night. It was the gentleman from South Dakota in May last, when I called up this bill, who said it was not in order, because it was a general bill in the very closing seconds of that night session. It was the gentleman from South Dakota last Friday night, when I was stretched upon a bed of sickness and unable to leave my room, who again asserted that this was a general bill, and said it was not admissible.

Mr. Chairman, I undertake to say that there is not a lawver in relief, and I have pressed it, Mr. Chairman, continuously, in sea-

eral bill, and said it was not admissible.

Mr. Chairman, I undertake to say that there is not a lawyer in the United States who has a reputation above that of a police court or a justice's court who would undertake to say that the ruling of Speaker Reed in 1891 on Powell's Battalion does not cover this completely. At that time Mr. Norton, of Missouri, was trying to get that battalion of gallant Southerners, who did not come in under the Mexican war act, admitted to the pension rolls. He was trying to call it up as if it were a public bill. Mr. DINGLEY said, "That is a private bill," and Mr. Speaker Reed said it was "a private bill. It is not upon the House Calendar."

Why, Mr. Chairman, we do not need such citations even. We do not need to go back to the abstruse rules of common law as to what is a private law and a public law. That has long since fallen

what is a private law and a public law. That has long since fallen into disuse. Private laws are now printed with the general laws, and all that is necessary is an exhibition of the law printed by authority to prove it. But this bill is in all senses a private bill, and the only reason I can see for the animus displayed against its consideration is that the benefits of this law would accrue to a few old men and women far down in the Southland.

Will the gentleman allow me to call his attention to Mr. RAY.

an authority?

Mr. NEILL. I will yield to an inquiry.

Mr. RAY. I desire to call the gentleman's attention to an authority

Mr. NEILL. I yield, then.
Mr. RAY. I will not make a speech. I will simply read to you, and I desire to call the attention of the Chair [cries of "Vote!" "Vote!"] to the same authority. If you would keep quiet you would know more and behave better. I want to call attention to the Constitution and Manual—
Mr. NEIL Lintermeed an objection

Mr. NEILL interposed an objection. Mr. RAY. I was just going to read-

Mr. NEILL. I yielded only for an inquiry. Mr. RAY. I was just going to read from the Constitution, Manual, and Digest, page 483:

The term private bill shall be construed to mean all bills for the relief of private parties, bills granting pensions, and bills removing political disabilities. (28 Stat. L., page 601.)

Mr. NEILL. Does the gentleman know where that comes from? Mr. RAY. Let me read further.
Mr. NEILL. That comes from the printing bill, which I have

sent for.

Mr. RAY (reading):

The line of distinction between public and private bills is so difficult to be defined in many cases that it must rest on the opinion of the Speaker and the details of the bill. It has been the practice in Parliament, and also in Congress, to consider as private such as are "for the interest of individuals, public companies, or corporations, a parish, city, or county, or other locality." To be a private bill it must not be general in its enactments, but for the particular interest or benefit of a person or persons. A pension bill for the relief of a soldier's widow is a private bill, but a bill granting pension to such persons as a class, instead of as individuals, is a public bill.

That is just what this bill is—to grant pensions to survivors of this regiment as a class; and if this is good authority, then that

Mr. HARDY. Mr. Chairman—
Mr. PICKLER. Mr. Chairman—
Mr. NEILL. Mr. Chairman, I did not yield the floor. I do not yield to the gentleman from South Dakota at present. I may

Mr. HARDY. Will the gentleman from Arkansas yield to me for a moment? I am a member of the committee.

Mr. NEILL. Certainly. I yield for a question; not for a speech. Mr. HARDY. Well, just a moment. I am a member of the committee that reported the bill, and I can explain a point or two. Mr. NEILL. Very well.

Mr. HARDY. Mr. Chairman, it is delightfully refreshing at such a late hour in the life of this Congress to see the friendly interest manifested by the gentlemen on the Democratic side of the Honse in favor of pension legislation. House in favor of pension legislation. I regret very much that the gentlemen on that side were not so favorable to pension legislation at the first session of this Congress as they are now. Even so distinguished an objector to pension legislation as the gentleman from Pennsylvania [Mr. Erdman] is as dumb as one of President Cleveland's dead ducks in the marshes of South Carolina on the

cleveland's dead ducks in the marshes of South Carolina on the merits of this bill. [Great laughter.]

If this bill were one to place on the pension roll the Indiana State Militia, or the Indiana Home Guards, I doubt if there would be so much interest manifested in its favor on the other side of the House. However, I am glad to see that gentlemen over there have become friends of the soldiers at last; and for the remainder of this session, if we pass this bill to-night, I trust that we shall have no more calls for a querym of the committee and we shall have no more calls for a quorum of the committee, and

no more objections made to the passing of pension bills on Friday

no more objections made to the passing of pension bills on Friday nights. [Applause.]

Mr. NEILL. Mr. Chairman, the gentleman from New York in reading this authority from the Digest and Manual to show the meaning of the term "private bill" forgot to state that it is simply an extract from the printing bill which became a law in January, 1895. The language is: "The term private bill shall be construed to mean all bills for the relief of private parties, bills granting pensions, and bills to remove political disabilities." That language is used simply for the purpose of describing bills with a view to determining the number of them that shall be printed.

Now Mr Chairman, judged by the very rule laid down here.

Now, Mr. Chairman, judged by the very rule laid down here, this bill is a private bill, because it was printed as a private bill and only as a private bill. That is the fact, and I rest my case upon that fact, upon the decision of the officers of this House that this is a private bill, manifested by printing only the number of copies that the law authorizes to be printed of a private bill, and, for the I rest it was the decision of Scheler Brun in the Biffred and, copies that the law authorizes to be printed of a private bill, and, further, I rest it upon the decision of Speaker Reed in the Fifty-first Congress in the analogous case which I have cited. The language read from the Digest by the gentleman from New York is, I repeat, simply a quotation from the printing bill, and is there used for the purpose of determining how many copies of each kind of bill shall be printed, and I say again that, judged by that rule as interpreted by the officers of this House, this is a private bill, because the number of copies of it printed was the number which is prescribed by the law for private bills.

Now, Mr. Chairman, I do not think it is necessary to detain the committee longer in the consideration of this question. I confess to a great deal of interest in this bill, because it is a matter that has occupied more of my attention than almost any other, on ac-

has occupied more of my attention than almost any other, on account of the injustice that has been done to a few old people in this land, old soldiers and their widows, men who volunteered in 1847 and followed the flag of their country even to the halls of the Montezumas, braving death and disease, but who have been unable to get in under the Mexican war pension act. It occurs to me, Mr. Chairman, that, judged in the light of common sense, judged by judicial reason, judged by the authority of Speaker Reed in

the luminous statement which I have cited, there can be no question that this is a private bill. Gentlemen say that upon that ground we might pass bills here tacking on brigades and divisions, but that is the merest nonsense. In legislating upon these matters we are governed by the rules of common sense, and, as I have said, the old rules of the common law as to what would be a published by the rules of the common law as to what would be a published by the rules of the common law as to what would be a published by the rules of the common law as to what would be a published by the rules of the common law as to what would be a published by the rules of the common law as to what would be a published by the rules of the common law as to what would be a published by the rules of the common law as the rules of the common law as the rules of the common law as the rules of the rules lic bill and what would be a private bill are abrogated.

lic bill and what would be a private bill are abrogated.

This bill has been treated at every step in this House as a private bill, by the Speaker, by the Clerk, by those having authority to deal with it; but when the time comes for its consideration then we have invoked here the specter of a "public bill," right in the face of the decision of the Speaker of this House, rendered in 1890, only six years ago, that a bill similar to this was a private bill. Mr. Norton, in charge of that bill at that time, was ruled out because it was held to be a private bill, and yet the gentleman from South Dakota [Mr. Pickler] and his allies here now would rule out these feeble old men and women from the benefit of the pension law because they say that this is a public bill! Mr. Chairman, I have done.

Mr. TERRY. Mr. Chairman, I desire to call the attention of the committee to one or two considerations connected with this bill. Some members here, talking with me about it, have seemed to fear that if we passed the bill it would be a great addition to the pension roll. As to that, I want to call attention to some facts as set forth in the report. I read from the report:

The following correspondence shows the course pursued by the Pension Bureau with reference to these claimants, and also indicates that the number of persons likely to be benefited by the passage of the act is very small, as most of the survivors and widows are already pensioned under former rulings of the Department:

House of Representatives, United States, Washington, D. C., August 1, 1894.

Washington, D. C., August 1, 1894.

Dear Sir: I was some months since informed by you that under General Black's construction of the act of Congress of January 29, 1889, providing for pensioning soldiers of the Mexican war, some of the members of Lieutenant-Colonel Gray's Battalion of Arkansas Volunteers, 1846 and 1847, were on the pension list, but that under your construction of the act these soldiers are not within its provisions.

I have an amendment to offer to H. R. 7414, now pending, to include these soldiers and their widows.

Will you kindly furnish me (if it can be done) by Friday, 3 p. m., a statement showing number of these men now on pension roll and number of rejected applications on file.

Very respectfully,

Hon. WILLIAM LOCHREN, Commissioner of Pensions.

ROBERT NEILL.

DEPARTMENT OF THE INTERIOR, BUREAU OF PENSIONS, Washington, D. C., August 2, 1894.

Sir: In compliance with the request contained in your communication of yesterday, I have the honor to advise you that I have caused a careful examination of the Mexican war pension records (act of January 29, 1887) to be made, and it appears that 58 claims have been filed under this act by soldiers who alleged service in Gray's Battalion, Arkansas Volunteers. Of this number 52 claims have been admitted and 6 rejected. Twenty-five claims have been filed by the widows of such soldiers, and of this number 10 have been admitted, 13 rejected, and there are 2 claims now pending.

RECAPITULATION.

RECAP	ITULATION.
Total	83
Soldiers' claims admitted	52 10
Total	62
Soldiers' claims rejected	13 2
Total	WM. LOCHREN. Commissioner.

Hon. Robert Neill,

House of Representatives.

There is a precedent for the proposed legislation in the act of Congress granting pensions to Powell's Battalion of Missouri Volunteers (Mexican war), approved March 3, 1891.

In 1885, the Commissioner of Pensions, Commissioner Black, I believe, decided that these men were not entitled to the benefit of the Mexican war pension act because they had not actually got into Mexico. They went up into the Indian Territory, and then, instead of letting them go on to Mexico, the Government authorities put them to garrison the fort there and sent the regulars who were at the fort on to Mexico to take part in achieving those great were at the fort on to Mexico to take part in achieving those great victories which added luster to the arms of this Government in that memorable war. There is only a little handful of these veterans left, and whether this bill is subject to a technical objection or not, as we have the matter up here now, why not pass the bill and let these old fellows get the benefit of the pension law for the short time remaining to them. They are dying off every day. Let us cut the knot of technicality and do justice to these old soldiers. This bill has been submitted to the committee. Now let us sustain what the Chair indicates would be his ruling and pass this bill. what the Chair indicates would be his ruling and pass this bill.

Mr. PICKLER. Mr. Chairman, the previous gentleman from Arkansas—very "previous" often in this House—becomes jocular, and compares my parliamentary knowledge with that of the Speaker of the House and the gentleman from Maine [Mr. DING-LEY]. I want to say that in my opinion it would make REED and DINGLEY, a hundred years hence, turn over in their graves, if they could hear such propositions as the gentleman claims that they have held in regard to bills of this nature.

Now, this bill in regard to Powell's Battalion, which is cited as a precedent here, was not up at a Friday night meeting at all; it was up on Tuesday, February 24, 1891. It came up by unanimous consent. Let me read from the RECORD of the proceedings at that time

Several Members. Let us vote.

Mr. PICKLER. No; I am not going to be misrepresented; I do not wish the Committee of the Whole to vote without a correction being made of the misrepresentations of the gentleman from Arkansas—because they are clear misrepresentations. I read from page 3213, volume 118, of the Congressional Record:

POWELL'S BATTALION MISSOURI VOLUNTEERS.

Mr. Norton. I ask unanimous consent that the Committee of the Whole House be discharged from the further consideration of the bill which I send to the desk, and that it be now put upon its passage.

The bill was read, as follows.

Then the bill is given. I read further:

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. Burrows. I think we should have some explanation of this measure.

The proposition appears to be to put a whole battalion on the pension roll.

Then the gentleman from Illinois [Mr. Cannon] and other entlemen engaged in the debate, until we find on page 3214 the

Mr. Dockery. I hope there will be no objection to the bill. The Speaker. Is there objection?

Mr. Speaker REED did not think the bill had any right to consideration under the rules. He asks, "Is there any objection?"

Mr. Joseph D. Taylob. I demand the regular order. [Cries of "Oh, no!"]
The Speaker. The regular order is demanded.
Mr. McKinley. I am instructed by the Committee on Rules to submit the report which I send to the desk.

I may say, parenthetically, that Mr. McKinley will submit another report down here pretty soon.

report down here pretty soon.

The Speaker. The gentleman from Ohio presents a report from the Committee on Rules.

Mr. Joseph D. Taylor. While I do not know anything personally about the merits of the bill of the gentleman from Missouri [Mr. Norton], I am assured it is all right; and I withdraw the demand for the regular order.

Mr. McKinley. As my colleague [Mr. Joseph D. Taylor] withdraws the demand for the regular order, I will not at this moment ask action on the report which I have sent to the desk.

The Speaker. The gentleman withdraws the demand for the regular order. Is there objection to the consideration of the bill presented by the gentleman from Missouri [Mr. Norton]? The Chair hears none.

The House accordingly proceeded to the consideration of the bill; which was ordered to a third reading, read the third time, and passed.

ordered to a third reading, read the third time, and passed.

That is the way the bill with reference to Powell's Battalion was passed. It was passed by unanimous consent on a Tuesday, in the daytime—not at a Friday night session at all; and the Speaker was evidently holding all the way along that the bill was out of order, because he continued to put the query to the House as to whether there was objection. It was by unanimous consent, and in no other way, that the bill came up for consideration.

In reply to what the gentleman has said about the personal deserts of the people embraced in this bill, I have not a word to say. I think my record in regard to the treatment of all men and

I think my record in regard to the treatment of old men and old women coming here for pensions will compare favorably with the record of any gentleman on the other side of the House. The point I make is that this bill is out of order, and, as chairman of the Committee on Invalid Pensions, I do not think I can afford to sit here and submit to such a measure being taken up as a private bill without objection on my part. I have no objection to raise in regard to any equities that there may be in favor of the bill. The simple point is whether the bill is in order or out of order.

Whenever this bill has been presented here before (for I think I

Whenever this bill has been presented here before (for I think I remember its having come up at three or four different times) it has always been treated as a joke. To night it seems to be presented as a serious matter. I think the bill is out of order, and I hope such will be the ruling of the Committee of the Whole.

Mr. McRAE. Mr. Chairman, it is well before we vote that we should understand the facts not only as to this bill, but as to the precedents which have been cited. There is no controversy about the correctness of the record read by the gentleman from South Dakota, Mr. Pickler, and none about the record read by my colleague, General Neill. Therecord in each case was made up on two different occasions, though on the same bill. On one occasion the bill was presented during the morning hour, when only bills on the House Calendar—public bills—could be considered. This bill being a private bill, and being on the Calendar as a private bill, the point was made by the distinguished gentleman from Maine [Mr. Dingley] that it could not be considered during that hour. The Speaker sustained the point; holding that it was not only a

private bill, but was on the Private Calendar. On the other oc-casion referred to by my friend from South Dakota the bill was passed by unanimous consent, and the Calendar it was on was immaterial. There can be no question about this.

Now, I trust that this Committee of the Whole, which is called upon through the fairness of the Chairman to settle this quesapon through the fairness of the Chairman to settle this question, should do so with a distinct understanding of the whole record. When this bill was reported during the last session—in the early part of this Congress—it was assigned by the Speaker under the rules to the Private Calendar. There it remained until it was reached on the Calendar—reached at a time when, to my personal knowledge, we were within a very few minutes of half past 10 o'clock, and when the question was decided without debate and without discussion although gentlemen were on the floor ready without discussion, although gentlemen were on the floor ready to debate it and to present the precedents which have been sub-mitted by my colleague here to-night. Under such circumstances the decision was made which has been referred to by the Chair. The present Chairman is not satisfied that it should stand, and has submitted the point to the committee.

submitted the point to the committee.

The bill has continued upon the Private Calendar ever since then, notwithstanding the alleged hasty, ill-considered decision. Now, is it fair to General Nell, is it fair to the committee itself, to keep this bill upon the Private Calendar, treating it as a private bill until the opportunity comes to pass it, and then say that it is a public bill, and thereby send it to the foot of the Union Calendar, without regard to whether it is a public or a private bill and without regard to whether it affects one man, two men, three men, or twenty men? I think common fairness requires that this committee should give the hill consideration at this time. If it men, or twenty men? I think common fairness requires that this committee should give the bill consideration at this time. If it is a just measure, let us pass it; if not, let us vote it down. But I appeal to the committee to overrule the point and dispose of it.

Mr. SMITH of Illinois. Will the gentleman permit a question?

Mr. SMITH of Illinois. Several of us desire to see this bill and the report, but the copies seem to be exhausted. I would ask the gentleman from Arkansas if this is to place all of the members of that particular battalion on the roll?

Mr. McRAE. It is to give them a pensionable status.

Mr. NEILL. No; it is to place them on the pension roll. Two-thirds of the survivors of the battalion are on the roll to-day. There are only 26 applicants, so far as known up to this time, to

thirds of the survivors of the battalion are on the roll to-day. There are only 26 applicants, so far as known up to this time, to be added to the roll. Those who applied and made their proof during the administration of General Black in that office were placed on the roll. Those which were presented to the incoming administration after General Black's administration closed were refused. Twenty-six people are all the pending applicants, as I am informed by the Commissioner.

Mr. SMITH of Illinois. Now, if I can be permitted a moment, Mr. Chairman, I desire to make a single remark. I asked the question simply for information and for the reason that we were unable to secure copies of the bill and the report, and were therefore unable to understand fully just what was desired to be done or what the bill was intended to accomplish.

I understand that the pending question is on the point of order

I understand that the pending question is on the point of order raised against the consideration at the Friday night session, and I desire to say that I am surprised at some of the old soldiers on the Republican side of the House raising such technical objections in a matter of this kind.

I was not in the Army myself. Thank God I was too young to be there. But it does seem to me that those who served during the

be there. But it does seem to me that those who served during the last war and who are day after day and night after night urging with earnestness legislation in favor of the soldiers of our country should not rise on an occasion of this kind and present technical objections to a bill which is brought up for consideration and which involves the pensioning of some of our soldiers.

I believe myself, sir, after the very slight examination that I have been able to give to this measure, that it properly belongs on the Private Calendar, where it has been placed by the Speaker of the House; and we could have voted this measure up or voted it down long ago, instead of taking up an hour or more in discussions. it down long ago, instead of taking up an houror more in discussing whether a point of order should or should not be sustained against it. Those who are to be benefited by this bill if it should ing whether a point of order should or should not be sustained against it. Those who are to be benefited by this bill if it should become a law are as much entitled to the consideration of the patriotic citizens of this country as are any of the soldiers of any war since this Government has had its existence.

I simply give these suggestions. I shall vote against some of my colleagues on this measure, and I am sorry that they have precipitated the character of fight on this bill which they have.

The CHAIRMAN. The question is, Shall the point of order be sustained? The point of order is made that this bill is not in order to-night; that it is not a private bill, coming within the terms of the rule, although on the Private Calendar.

The question was taken; and the point of order was overruled. The CHAIRMAN. The question now is, Shall the bill be laid aside with a favorable report?

Mr. CROWTHER. I desire to offer the following amendment to the bill.

to the bill.

The Clerk read as follows:

At the end of line 12 insert:

"That the provisions of existing pension laws are hereby extended to the officers and enlisted men, their widows, children, dependent mothers and fathers, of all militar aissed in the several States during the years 1861 to 1865, inclusive, who performed military service in the Federal Army, or when serving with United States volunteers or regulars, or when serving as State militia under the orders or command of the War Department or any military officer of the United States, during a period of ninety days or longer, and that a certificate of discharge from such service from either State or United States authority shall be prima facie evidence of such service.

"Sec. 2. That the following provisions of paragraph 3, section 4693, Revised Statutes of the United States, to wit: 'But no claim of a militiaman or non-enlisted person on account of disability from wounds or injury received in battle with rebels or Indians while temporarily rendering service shall be valid unless prosecuted to a successful issue prior to the 4th day of July, 1874,' be, and the same are hereby, repealed."

Mr. PITNEY. I make the point of order—
Mr. McRAE. I make the point of order, Mr. Chairman, first, that this is not germane to the pending bill, and second, that the rule prohibits the adding of one private bill to another as an amendment. If the Chair desires authority—
The CHAIRMAN. The Chair is ready to rule upon the question. The point of order is sustained.
Mr. CROWTHER. With all due deference to the ruling of the Chair, I appeal from the decision.
The CHAIRMAN. The question is, Shall the decision of the Chair stand as the judgment of the committee?
Mr. PICKLER. Mr. Chairman, I hope the gentlemen on the other side of the House will take an equitable view of this matter. These militia performed good services, and I should be sorry to

other side of the House will take an equitable view of this matter. These militia performed good services, and I should be sorry to see them kept off the rolls—old men and old women.

Mr. NEILL. Well, bring along your bill.

Mr. PICKLER. I hope the gentleman from Illinois will also remember that these men performed services, and are entitled to consideration. They are just as much entitled to consideration as the others were, and now let us swallow the whole thing, as you have insisted upon taking a part of it. I trust that they will not do injustice now to these militia regiments.

Mr. TERRY. I suggest to the gentleman that he do what has been done in this case, get the report of a committee in favor of it.

Mr. TERRY. I suggest to the gentleman that he do what has been done in this case, get the report of a committee in favor of it.

Mr. CROWTHER. It has been favorably reported.

Mr. PICKLER. If you can pension one regiment, I do not see why you can not add another regiment to it. I hope these gentlemen will not be unfair to these poor old people.

Mr. TERRY. Report a bill in their favor.

Mr. HAINER of Nebraska. That has been done already.

The CHAIRMAN. The question is, Shall the decision of the Chair stand as the indement of the committee?

Chair stand as the judgment of the committee?

The question being taken, on a division (demanded by Mr. Crowther), there were—ayes 91, noes 0.

Accordingly, the decision of the Chair was sustained.

The bill was ordered to be laid aside to be reported to the House

with the recommendation that it do pass.

Mr. PICKLER. I move to reconsider.

Mr. McRAE. You can not do that in Committee of the Whole.

The CHAIRMAN. That can not be done in Committee of the Whole.

Whole.

Mr. PICKLER. I call for tellers.

Mr. McRAE. Too late.

Mr. PICKLER. If I can have unanimous consent, what I wish to know is, How many people are carried by this bill? [Cries of "Regular order!"]

Mr. NEILL. If the gentleman had asked for the reading of the report, he would have found that out; but I shall be happy to state the fact to him. On August 2, 1894, according to Commissioner Lochren's letter to myself, there were 21 applicants. Up to date there have been 5 additions, as stated in a letter which I hold in my hand, making 26 of these people who will get \$8 a month.

Mr. PICKLER. Have you their names?

Mr. NEILL. No.

Several MEMBERS. Regular order.

Several MEMBERS. Regular order.

The CHAIRMAN. The regular order is called for. The Clerk will report the next bill.

WILLIAM M. DALZELL

The next business on the Private Calendar was the bill (H. R. 1498) directing the Secretary of War to grant an honorable discharge to William M. Dalzell.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of War be directed to amend the records of the War Department in the case of William M. Dalzell, late fifth corporal in Company B, Second Regiment Iowa Infantry, so as to give him an honorable discharge dating to the end of the war.

The bill was ordered to be laid aside to be reported to the House with the recommendation that it do pass.

GEORGE M. BROOKS.

The next business on the Private Calendar was the bill (8. 637) granting a pension to George M. Brooks.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll the name of George M. Brooks, late private in D Company of the Sixty-ninth Regiment of Indiana Infantry Volunteers, and pay to him a pension of \$15 per month.

Mr. ERDMAN. Mr. Chairman, let us have the report in this

The report (by Mr. BAKER of Kansas) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (S. 637) granting a pension to George M. Brooks, having carefully considered the same, adopt as their own the annexed Senate report (No. 351), and recommend that the bill do pass.

[Senate Report No. 351, Fifty-fourth Congress, first session.]

granting a pension to George M. Brooks, having carefully considered the same, adopt as their own the annexed Senate report (No. 351), and recommend that the bill do pass.

[Senate Report No. 351, Fifty-fourth Congress, first session.]

The Committee on Pensions, to whom was referred the bill (S. 837) granting a pension to George M. Brooks, have examined the same and report:

The record shows that said Brooks was enrolled on the 9th day of August, 1862, as a private in Company D. Sixty-ninth Regiment Indiana Volunteers. Said Brooks testifies that he contracted the measles while in camp at Indianapolis, Ind., about the middle of November, 1822, which entirely destroyed his voice and induced pain in his breast, from which he is still suffering; and that during the fall of 1822 and the following winter, while he was in the service of the United States, he incurred a throat and lung trouble, and others asthma; that for years he has been troubled with dizziness and swimming in the head, glimmering in the eyes, shortness of the breath under moderate exercise or excitement, and has general disability. Surgeon Jameson testifies that said Brooks had some acute bronchitis following the measles; he also had the jaundice, which was contracted while in the United States service and line of duty at Indianapolis on or about November 18, 1802.

The examing surgeon on October 23, 1863, finds aphonis and debility, consequent upon measles; that he is still unable to labor. Disability at three-fourths.

P. H. Jameson, acting surgeon United States Army, states that when soldier was discharged "he was unit for duty by reason of acute bronchitis following measles; he had also jaundice, which was contracted while in the service of the United States and the line of his duty at Indianapolis. Ind., on only the states and the line of his duty at Indianapolis, Ind., on only the states and the line of his duty at Indianapolis, Ind., on only the states and the line of his duty at Indianapolis, Ind., on one of the United States and the line of

SALINA, KANS., February 18, 1896.

SALINA, KANS., February 13, 1898.

I have this day examined George M. Brooks, about 53 years of age, late a private in Company D of the Sixty-ninth Regiment Indiana Volunteers. Having been his family physician for the last two years, I am of the opinion that his disability resulted from an attack of measles which led to a chronic bronchitis, with exacerbations and remissions and attended with considerable bronchorrhea, always worse in the winter months. He also has a weak heart. He is entirely unfit to perform manual labor, but does perform about one-fourth that of an able-bodied man.

W. S. HARVEY, M. D.

Personally appeared before me, clerk of the district court in and for Saline County, Kans., W. S. Harvey, personally known to me to be a practicing physician, and made the foregoing affidavit.

Sworn to and subscribed before me this 20th day of February, A. D. 1896.

[SEAL.]

Olerk of the District Court of Saline County, Kans.

STATE OF KANSAS, County of Saline, ss:

I, A. L. Brown, clerk of said county and State aforesaid, do hereby certify that W. S. Harvey is a practicing physician of twenty-five years' standing, as shown by the records on file in my office. A. L. BROWN, County Clerk.

The soldier himself makes oath and testifies as follows:

SALINA, KANS., February 19, 1896.

George M. Brooks, late a private in Company D. Sixty-ninth Regiment Indiana Volunteers, being duly sworn, says that he is the identical George M. Brooks above referred to; that he is now in the fifty-fourth year of his

age. He further says that he is disabled from doing physical labor, and that this disability is the result of measles contracted in the fall of the year 1862 while he was in the military service of the United States, so he verily believes. That he has never been able to do regular physical labor since he was discharged from the service of the United States.

GEO. M. BROOKS.

Sworn and subscribed to before me this 19th day of February, 1896. [SEAL.] A. L. BROWN, County Clerk,

All of which being considered, your committee recommend the passage of the bill.

The bill was ordered to be laid aside to be reported to the House with the recommendation that it do pass.

JOHN J. BOATWRIGHT.

The next business on the Private Calendar was the bill (H. R. 6233) granting an increase of pension to John J. Boatwright.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John J. Boatwright, late of Company I, Twenty-fourth Ohio Volunteer Infantry, at the rate of \$72 per month.

The Committee on Invalid Pensions recommended the following amendment:

In line 7 strike out the word "seventy-two" and insert in lieu thereof the word "thirty."

The CHAIRMAN. The question is on agreeing to the amendment.

Mr. ERDMAN. Mr. Chairman, let us have the report.
The CHAIRMAN. The gentleman from Pennsylvania [Mr. ERDMAN] calls for the reading of the report.

The report (by Mr. CROWTHER) was read, as follows:

The CHAIRMAN. The gentleman from Pennsylvania [Mr, ERDMAN] calls for the reading of the report.

The report (by Mr. Crowther) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 6283) entitled "A bill granting increase of pension to John J. Boatwright," beg leave to ammit the frame increase of pension to John J. Boatwright, "beg leave to ammit the frame increase of pension to John J. Boatwright," beg leave to ammit the frame increase of pension to John J. Boatwright enlisted June 14, 1861, and served as reivate, Company I, Twenty-fourth Ohio Volunteer Infantry, until June 23, 1814, when he was honorably discharged. On March 6, 1880, he filed an application for pension for "rupture left groin" incurred in December, 1861, while building fortifications at Cheat Mountain, Va.

He was pensioned from June 24, 1864, at \$4 per month for left inguinal hermia; increase to 187 from May 3, 1882; to \$10 from April 3, 1884, and on an increase claim were rejected January 12, 1885, June 1, 1889, and August 11, 1891, and an increase claim filed March 3, 1882, for additional dissibilities of right hermia and disease of urinary organs, was rejected July 12, 1894, on the ground of "no disability therefrom since date of filing claim." He was rated by board of examining surgeons, March 18, 1891, at twelve eighteenths for double rupture; fifteen-thiritieths for partial blindness, and the board at Kearney, Nebr., March 2, 1834, described his physical condition as follows:

Eggs.—Pupils do not respond readily to light and shade; conjunctiva of both eyes red, selerotic coat inflamed; vision, right eye, can not see type; vision, left eye, can not see text type; can not count figures with left eye at 3 feet; can not discern light with right eye; car read large print with glasses that he has—† glasses.

Pulse intermittent. No loguinal tumors found; inguinal rings normal; no tumor through external ring. Urine normal. Considering age and condition of eyes, believe applicant not able to perform manua

The amendment recommended by the committee was agreed to. The bill as amended was ordered to be laid aside to be reported to the House with the recommendation that it do pass.

CHARLES W. SENTMAN.

The next business on the Private Calendar was the bill (H. R. 1311) granting an increase of pension to Charles W. Sentman.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and is hereby, authorized and directed to pay to Charles W. Sentman, late of Company D.

Twentieth Regiment of Indiana Volunteers, a pension of \$30 per month from the passage of this act, in lieu of the pension now drawn by him of \$8 per month under certificate No. 111888.

The CHAIRMAN. The question is on laying aside the bill with a favorable recommendation.

Mr. ERDMAN. Mr. Chairman, I ask for the reading of the

report.
The CHAIRMAN. The report will be read.
The report (by Mr. KIRKPATRICK) was read; as follows:

The CHAIRMAN. The report will be read.

The report (by Mr. Kirkpatrick) was read; as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 1811) for the relief of Charles W. Sentman, submit the following report:

Charles W. Sentman enlisted in Company D, Twentieth Indiana Infantry, and was duly mustered into the service of the United States on the 22d day of July, 1861, and served until July 2, 1865, when he was mustered out and honorably discharged.

He participated in the following battles: Glendale, Savage Station, Charles City Cross Roads, Malvern Hill, Second Bull Run, Chantilly, Fredericksburg, Kellys Ford, Mine Run, Battles of the Wilderness, Spottsylvania, Cold Harbor, North Anna, Bermuda Hundred, and Petersburg.

He was wounded in the shoulder the second day at Gettysburg, and again in front of Petersburg, where a finger of the right hand was shot away.

George W. Painter, a reputable man and a comrade of the soldier, says, in an affidavit filed with the papers in the case:

"I knew him intimately and continuously all of said time [covering enlistment and service]. At the time of his enlistment applicant was in good physical condition and in good health, and apparently as rugged a man as was in the regiment. He was a good soldier and did good service all through, never shrinking any duty or responsibility."

Frank Barwick, another comrade, says in an affidavit on file in the case:

"I certify that C. W. Sentman was a soldier with me in Company D, Twentieth Indiana Volunteer Infantry, and was counted one among the most rugged as well as bravest of that company from July, 1861, until July 2, 1883, being then severely wounded at Gettysburg, Pa. When sufficiently recovered, returned and bore a faithful part as far as able until some time in May, 1804, was again wounded, but again returned to regiment with less ability physically, but if anything more patriotic zeal. He was a No. 1 soldier, and by his example prompted many to better service. We were under Gen. Phil. Kearny up to

be a further amendment in line 5.

Mr. PICKLER. Yes, I desire to amend further by inserting after the word "volunteers," in line 5, the words "and pay him." After the word "month," in line 6, I move to strike out the remainder of the bill and insert in lieu thereof the words "in lieu of the pension he is now receiving."

I think that puts the bill in shape.

The CHAIRMAN. The Chair will treat all these suggestions as one amendment, which the Clerk will report.

The Clerk read as follows:

Amend by striking out, in line 4, the words "pay to" and inserting in lieu thereof the words "place upon the pension roll the name of."
Also, in line 5, after the word "volunteers," insert the words "and pay him."
Also strike out all after the word "month," in line 6, and insert in lieu thereof the words "in lieu of the pension he is now receiving."

The amendment was agreed to.

The bill as amended was ordered to be laid aside to be reported to the House with the recommendation that it do pass.

CLARA L. NICHOLS.

The next business on the Private Calendar was the bill (H. R. 6528) to increase the pension of Clara L. Nichols, widow of Byt. Maj. Gen. W. A. Nichols.

The bill was read, as follows:

Be it enacted, etc., That the pension of Clara L. Nichols, widow of the late Bvt. Maj. Gen. W. A. Nichols, of the United States Army, be, and it is hereby, increased from \$30 per month to \$100 per month, and the Secretary of the Interior is hereby authorized and directed to place the name of the said Clara L. Nichols upon the pension roll at the rate of \$100 per month, subject to the provisions of existing pension laws.

Mr. CROWTHER. Mr. Chairman— Mr. ERDMAN. Let us have the report. Mr. PICKLER. This is the gentleman's own report, and I hope

Mr. FICKLER. This is the gentleman sown report, and the be will not ask that it be read.

Mr. ERDMAN. I would rather have this report read.

Mr. CROWTHER. Mr. Chairman, I move to strike out the words "seventy-five" and insert in lieu thereof the word "fifty."

Mr. Chairman, this is another of those bills making an invidious

distinction between the widows of general officers and the widows of private soldiers. I think the line ought to be drawn right here upon that sort of proposition.

The CHAIRMAN. That would require an amendment in line 6

and line 9.

and line 9.

Mr. CROWTHER. Certainly.

Mr. BLUE. Mr. Chairman, I hope that amendment will prevail. I was unavoidably detained this evening, and was surprised to find when I reached here that a pension had been passed giving the widow of General Gibbon \$100 a month.

A MEMBER. Providentially detained.

Mr. BLUE. It was not providentially; it was unavoidably. Later on I hope we shall be able to cut that pension down to where it belongs. I understood from the gentleman from New York [Mr. Curris] that it would not be pressed beyond \$75; but this evening, in the absence of some of us, it was put up to \$100. This invidious distinction of which the gentleman from Missouri speaks is becoming invidious to the whole country, and it is about time it should stop. This lady's husband was a brevet majorgeneral and not a major-general, so that \$50 ought to be the outside limit for the pension of the widow of any brigadier-general, or any other man, for that matter. or any other man, for that matter.

Mr. ERDMAN. Mr. Chairman, I call for the reading of the

report in my own time.

The report (by Mr. Erdman) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 6528) to increase the pension of Clara L. Nichols, widow of Byt. Maj. Gen. W. A. Nichols, having had the same under consideration, respectfully report: The War Department gives General Nichols's service as follows:

The War Department gives General Nichols's service as follows:

WAR DEPARTMENT, ADJUTANT-GENERAL'S OFFICE,
Washington, December 4, 1894.

Statement of the military service of William A. Nichols, late of the United
States Army, compiled from the records of this office.

Cadet at the United States Military Academy, July 1, 1834, to July 1, 1838, when he was graduated and promoted; brevet second lieutenant Second
Artillery, July 1, 1838; second lieutenant, July 7, 1838; first lieutenant, June 1, 1844, regimental adjutant, August 18, 1846, to December 8, 1847, and September 1, 1848, to September 2, 1852; brevet captain, assistant adjutant-general, July 29, 1852; brevet major, assistant adjutant-general, March 7, 1861; lieutenant-colonel, assistant adjutant-general, August 3, 1861; colonel, assistant adjutant-general, June 1, 1894.

Brevetted captain September 23, 1846, for gallant conduct in the several conflicts at Monterey, Mexico; major, September 8, 1847, for gallant and meritorious conduct in the battle of Molino del Rey, Mexico; brigadier-general, September 24, 1864, and major-general, March 13, 1865, for meritorious and faithful services during the war.

SERVICE.

September 24, 1894, and major-general, March 13, 1800, for meritorious and faithful services during the war.

SERVICE.

He joined his regiment September 10, 1898, and served with it at Fort Niagara, N. Y., to October 23, 1893; at Fort Gratiot, Mich., to December 20, 1898; at Detroit, Mich., to June 1, 1893; on sick leave to October 15, 1899; with regiment at Buffalo, N. Y., to March 13, 1840; on sick leave to August 10, 1840; with regiment at Buffalo, N. Y., to September 21, 1840; at Madison Barracks, N. Y., to August 13, 1841; at Fort Monroe, Va., to April 30, 1842; at Fort Columbus, N. Y., to June 18, 1842; at Fort Trumbull, Conn., to October 20, 1842; at Fort Adams, R. I., to August 29, 1843; at Fort Hamilton, N. Y., to September 27, 1843; on leave to December 10, 1843; with regiment at Fort Hamilton, N. Y., to July, 1844; at Fort Columbus, N. Y., to March 1, 1845; on detached duty conducting recruits to May 15, 1845; with regiment at Fort Columbus, N. Y., to September 21, 1845; at Fort Adams, R. I., to June 1, 1846; en route to and in the military occupation of Texas and in the war with Mexico to October 6, 1846; being engaged in the battle of Monterey, Mexico, September 21 to 23, 1846, and as aid-de-camp to General Quitman August 19 to October 6, 1846; to January 6, 1847; en route to and in the war with Mexico to December 8, 1847, being assistant adjutant-general Fifth Military Department November 21, 1846, to January 6, 1847; en route to and in the siege of Vera Cruz March 9 to 29, 1847; battle of Cerro Gordo April 17 and 18, 1847; skirmish at Amozoque May 14, 1847; capture of San Antonio August 20, 1847; battle of Churubusco August 20, 1847; battle of Molino del Rey September 8, 1847; storming of Chapultepec September 13, 1847, and in the assault and capture of the City of Mexico September 13, 1847, and in the segence of the City of Mexico September 13, 1847, and in the assault and capture of the City of Mexico September 13, 1847, and in the september 2, 1848; so December 8, 1847, to June 22, 1848; on le

H. C. CORBIN,
Assistant Adjutant-General.

First Lieut. W. A. NICHOLS,

Twenty-third Infantry, Fort Clark, Tex.

(Through Maj. S. T. Cushing, Office Commissary-General.)

The applicant, now 66 years old, files the following petition for the increase

The applicant, now 66 years old, lies the following petition for the increase of her pension:

"The pension certificate of Clara L. Nichols, widow of Col. and Bvt. Maj. Gen. William A. Nichols, United States Army, No. 153845, dated the 22d day of November, 1873, payable at Topeka, Kans., amounts to \$30 a month.

"This is the regular pension allowed by law to officers of the general's rank, and a special act of Congress will be necessary to increase it; but so many widows of general officers have had their pension raised to \$50 and \$100 per month whose claims are not as strong as mine, and who certainly could

not need it more, that I feel, in justice to my husband's services, as well as valuable service rendered by myself at the beginning of the rebellion, I ought to make an effort to be similarly favored.

"Through the kindness of General Sheridan, who knew my necessity, I received the appointment of postmaster at Fort Leavenworth, Kans, immediately after my husband's decease, a position which I held for nearly twenty-three years consecutively, and which I voluntarily resigned about three years since. During that time my friends urged my applying for increase of pension, but I preferred working for the means of support for myself and family, only too grateful for the position that enabled me to do so.

"Now, with advancing years and somewhat enfeebled health, Ilay my case before Congress, and mention as briefly as may be the ground upon which I be a proper to the position of the position of the product of the product of the product of the product of the position of the product of the p

"FORT CLARK, TEX., January 17, 1895."

Considering the rank and distinguished services of General Nichols and the dependence of the widow, the committee make a favorable report, with an amendment striking out the words "one hundred," in lines 6 and 9, and inserting "seventy-five" in place thereof.

Mr. ERDMAN. Mr. Chairman, this bill was introduced by the gentleman from Pennsylvania [Mr. Dalzell]. I do not see him here to-night. However, I know that he is very much interested in it. It will be observed that we intend to pension this applicant for her own service as well as in right of the memory of her husband; and it is therefore different from a number of bills pension-

band; and it is therefore different from a number of only pensioning the widows of generals. I hope the amendment offered by the gentleman from Missouri will not be adopted, but that the bill will be passed, as suggested by the committee.

Mr. CROWTHER. Mr. Chairman, I desire to call the attention of the committee to a few lines in this report made by the distinguished gentleman from Pennsylvania. Referring to the \$30 a month pension she now receives as widow of a general in the

Army, this petitioner says:

This is the regular pension allowed by law to officers of the general's rank, and a special act of Congress will be necessary to increase it; but so many widows of general officers have had their pension raised to \$50 and \$100 per month whose claims are not as strong as mine, and who certainly could not need it more, that I feel in justice to my husband's services, as well as valuable service rendered by myself at the beginning of the rebellion, I ought to make an effort to be similarly favored.

It seems to me that that is the strongest argument against the passage of this bill, at least at the rate of \$75 per month. This committee has uniformly granted an increase in the amount of pensions to general officers' widows, and my motion is to increase that pension \$20 per month more than that allowed by the general law. It seems to me that that should be sufficient, when we take into consideration the fact that the pension of no private soldier's widow of the war of 1861 to 1865 has been increased by this House more than from \$8 to \$12 per month. If there are any widows whose pensions should be increased, they are the widows of the into consideration the fact that the pension of no private soldier's widow of the war of 1861 to 1865 has been increased by this House more than from \$8 to \$12 per month. If there are any widows whose pensions should be increased, they are the widows of the private soldiers.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Missouri to the amendment offered by the committee. The amendment by the committee is to strike out

the words "one hundred" where they occur and insert the words "seventy-five." The amendment offered by the gentleman from "seventy-five." The amendment offered by the gentleman from Missouri is to strike out "seventy-five" and insert "fifty."

The question was taken; and the amendment of Mr. Crowther to the amendment recommended by the committee was agreed to.

The CHAIRMAN. The question is on the amendment as amended.

The amendment as amended was agreed to.
The CHAIRMAN. The question is now on laying aside the bill as amended with a favorable report.
Mr. PICKLER. Mr. Chairman, I move to strike out all after the enacting clause and insert the following.

The Clerk read as follows:

Strike out all after the enacting clause and insert the following:
"That the Secretary of the Interior be, and he is hereby, authorized and directed to place upon the pension roll the name of Clara L. Nichols, widow of the late Byt. Maj. Gen. William A. Nichols, and pay her a pension of \$50 per month in lieu of the pension she is now receiving."

The substitute was agreed to.

The bill as amended by the substitute was laid aside with a

favorable recommendation.

Mr. PICKLER. I offer the following amendment to the title:
After the words "Clara L. Nichols" strike out the remainder of
the title; so as to read: "To increase the pension of Clara L. Nichols.

The CHAIRMAN. Without objection, the bill will be reported with the recommendation that the title be amended as suggested. There was no objection.

SUSAN A. CUNNINGHAM.

Mr. HILL. Mr. Chairman, I do not often impose on the gener-Mr. HILL. Mr. Chairman, I do not often impose on the generosity of this body by asking a favor, but next week will be Christmas week, and Susan A. Cunningham, of Connecticut, is not a general's widow, but is a private soldier's daughter, who has been totally and permanently blind from childhood. Her father and mother are dead, and she is absolutely dependent on the charity of her friends. I ask three minutes of the time of this committee to her friends. I ask three minutes of the time of this committee to consider a bill for her relief which has been passed by the Senate and has been reported favorably and unanimously by the House committee. It is Senate bill No. 1318. The report is short, and will occupy but very little time.

Several members called for the regular order.

Several members called for the regular order.

Mr. WILSON of Ohio. I presume, Mr. Chairman, that we are all in the same fix as the gentleman who asks this special favor for his bill.

Mr. HILL. If the gentleman will pardon me, it is not my bill at all.

Mr. WILSON of Ohio. I do not care whose bill it is, I object. The CHAIRMAN. Objection is made, and the Clerk will report the next bill.

LEROY M. BETHEA.

The next business on the Private Calendar was the bill (H. R. 7317) to increase the pension of Leroy M. Bethea.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to increase the pension of Leroy M. Bethea, of Wilcox County, Ala., from \$12 to \$25 per month, for services in the war with Mexico.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

JOHN J. COPLEY.

The next business on the Private Calendar was the bill (H. R. 1474) granting a pension to John J. Copley.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he hereby is, authorized and directed to place on the pension roll of the Mexican war veterans, subject to the provisions and limitations of the pension laws, the name of John J. Copley, formerly a private in Company E. Fifteenth United States Infantry, and to grant him a pension from and after the passage of this act at the rate of \$12 per month.

An amendment recommended by the committee striking out twelve" and inserting "eight," before the word "dollars," was

The bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

SARAH E. COMLY.

The next business on the Private Calendar was the bill (H. R. 1810) directing the Secretary of the Interior to place Sarah E. Comly on the pension roll, etc. The bill was read, as follows:

exactly the same as the House bill as proposed to be amended by the committee

The CHAIRMAN. If there be no objection, the Clerk will report the proposed substitute—the Senate bill.

Mr. ERDMAN. I shall object unless the report is read. want to know something about this bill.

The CHAIRMAN. The report can be read afterwards.

The Senate bill (S. 937) was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Sarah E. Comly, widow of Maj. Clifton Comly, and pay her a pension of \$35 per month, the same to be in lieu of the pension now drawn by her.

The report on the House bill (by Mr. Coffin) was read, as fol-

The Committee on Pensions, to whom was referred the bill (H. R. 1810) entitled "A bill granting an increase of pension to Sarah E. Comly," beg leave to submit the following report, and recommend that said bill do pass, with amendments:

The claimant is the widow of Clifton Comly, late major Ordnance Department, United States Army. Major Comly died in service April 17, 1894, of disease originating in the line of his duty. He entered the United States Military Academy July 1, 1865, and after his graduation therefrom June 17, 1862, he passed through all the grades to the rank of major, which he held at the time of his death. He rendered distinguished service during the late war in the cavalry arm of the service until May 26, 1863, when he was transferred to the Ordnance Department, and remained there, rendering valuable and efficient service, until the date of his death.

The medical officers of the Army certify that his death was caused by cerebral hemorrhage, superinduced by overwork, he having (as stated by Surg. John Von R. Hoff) for more than a year staggered under a load of official responsibility much beyond the capacity of any man.

Mrs. Comly receives the pension of \$25 per month provided by the general law for the widows of officers of this soldier's rank, but it is shown by the papers accompanying the bill that aside from this pension and the interest on a small life-insurance fund she has no means whatever for the maintenance of herself and the support and education of her young son.

The following amendments to the bill are recommended:

Change the title of the bill so as to read: "A bill granting an increase of pension to Sarah E. Comly," strike out the initial "C." where it occurs in the deceased soldier's name in line 6; strike out the word "fifty" in line 7, and insert in lieu thereof the word "thirty-five," and add after the last word in line 7 the words "the same to be in lieu of the pension now drawn by her."

The Senate bill was laid aside to be reported to the House with

the recommendation that it do pass.

The House bill (H. R. 1810) was laid aside to be reported back with the recommendation that it lie on the table.

BERNHARD STUEBER.

The next business on the Private Calendar was the bill (H. R. 537) to remove the charge of desertion from the military record of Bernhard Stueber.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to remove the charge of desertion standing against the name of Sergt. Bernhard Stueber, late of Company F, One hundred and seventh Regiment Pennsylvania Volunteers, on the records of the Adjutant-General's Office, and issue him an honorable discharge.

Mr. McCLELLAN. I ask for the reading of the report, Mr.

The report (by Mr. TRACEY) was read, as follows:

The report (by Mr. Tracey) was read, as follows:

The committee on Military Affairs, to whom was referred the bill (H. B. 537) to remove the charge of desertion from the military record of Bernhard Stueber, late a sergeant in Company F, One hundred and seventh Pennsylvania Volunteers, beg leave to report that they have carefully considered the same and find the facts so clearly set forth in a report made to the Forty-ninth Congress and again to the Fifty-first Congress that said reports are in part adopted.

The committee find that the charge of desertion was recorded against Sergeant Stueber under the following circumstances: Some time in March, 1862, he contracted, while in the discharge of his duty, a severe cold, which settled on his lungs, and in May following was attacked with diarrhea in addition. After the battle of Antietam his captain and surgeon wanted to place him in a hospital, but, disliking the idea of going to a hospital, he applied for a thirty-days furlough to go home. Oscar Templeton, then acting captain, granted the furlough, which was indorsed by the commanding officer of the regiment. As authorized by the furlough, Sergeant Stueber his command about the 21st of September, 1862, and arrived home at Canton October 2, 1862, and there went to bed, and for one year was unable to do any work. After the expiration of his furlough, his attending physician, Dr. Pratt, some of his neighbors, and Stueber himself corresponded with Captain Templeton, sending him certificates as to his continued inability to do duty in the field.

The Committee find further that First Sergt. Frank H. Wetz, subsequently commissioned as second lieutenant of Company F, has testified under oath that he made the entry on the company roll, showing Stueber to be a deserter, in ignorance of the existence of the furlough granted by Acting Captain Templeton, and afterwards learned that it was incorrect, but receiving no orders to correct the error, he could not change it.

Your committee believe that the charge of desertion was u

Clause.

The following is a copy of the report referred to:
Bernhard Stueber was enrolled March 2, 1862, for three years, in Company
F, One hundred and seventh Pennsylvania Volunteers, and served in that
organization until September 14, 1862, when he is reported as having deserted
at South Mountain, Maryland. He never returned to his command, which
was retained in service until July 13, 1865.
The following is a synopsis of the evidence which has been presented to
this office with a view to the removal of the charge of desertion, viz:

Applicant Stueber swore that some time in March, 1862, he was taken sick

with a severe cold which settled on his lungs, and in May was taken with diarrhes in addition. After the battle of Antietam his captain and the surgeon wanted to place him in a hospital, which he declined, but asked the captain for a furlough for thirty days to go home. Oscar Templeton, then acting captain, gave him the desired furlough, which was indorsed by the commanding officer of the regiment. He left about September 21, 1852, and arrived not able to do any work. After his furlough had expired his attending physician, Dr. Pratt, some of his neighbors, as well as himself, corresponded with Captain Templeton and sent him certificates. States that after leaving the Army he was at no time able to perform military duty.

Frank H. Wetz, late first sergeant Company F, and subsequently second the rolls showing applicant a deserter September 14, 1882, which he afterwards learned was incorrect, but not receiving any orders to correct the charge he could not change it; that applicant had been failing in health, and was looking sick and very much reduced. Was informed by Lieutenant Templeton, then acting captain, and by others, that applicant left the service on a furlough for a fact of the could not change it; that applicant had pendently and the could not change it; that applicant heat was attended during his sick and very much reduced. Was informed by Lieutenant Templeton, then acting captain, and by others, that applicant was attended during his sick in 1882; that he was not called upon in his case, but being acquainted with him, requently talked with him; he looked bad, and was certainly unfit to return to duty as a soldier for about one year.

Frant, his attending physician, which was sent to his captain or lieutenant. Oscar Templeton; that some correspondence ensued about it and everything seemed to be satisfactory, and that applicant was never able to return; that Charles A. Kries saw him in 1884, and found him still unable to work at his trade, tailor and cutter, and it. Manley saw him in 1896, he was then so

statements.

This additional testimony was not accepted to warrant the reversal of the former adverse decision, and the application for removal of the charge of desertion and the granting of an honorable discharge was denied September 11, 1889.

Since then no new testimony has been introduced, and the status of the soldier has not, in consequence, been changed.

Respectfully submitted.

F. C. AINSWORTH, Captain and Assistant Surgeon United States Army. The SECRETARY OF WAR.

An amendment recommended by the committee striking out the preamble was agreed to.

The bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

JOSEPH H. JOHNSON.

The next business on the Private Calendar was the bill (H. R. 2364) for the relief of Joseph H. Johnson.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of War is hereby directed to remove the charge of desertion from the military record of Joseph H. Johnson, late a private of Company I, One hundred and fiftieth Regiment Indiana Volunteer Infantry, and to issue to him an honorable discharge as of date August 5, 1865, and that said Johnson shall be entitled to receive from the accounting officers of the Treasury all pay and allowances which may have been due him on said date of discharge, excluding therefrom the time of his absence without leave.

Mr. McCLELLAN. Mr. Chairman, I ask for the reading of the

The report (by Mr. TRACEY) was read, as follows:

The Committee on Military Affairs, to whom was referred the bill (H. R. 2364) for the relief of Joseph H. Johnson, have had the same under consideration and report thereon as follows:

Joseph H. Johnson was enrolled and mustered into service as a private in Company I of the One hundred and fittieth Indiana Volunteers, on the 25th day of February, 1865, to serve one year. He is charged with having deserted on the 14th day of July, 1865. He left the command at that date and did not return in time to be mustered out with his regiment on the 5th of August, 1865.

return in time to be mustered out with his regiment on the 5th of August, 1865.

It will be noted that the war was over when he left the command. His reason for leaving, which is fully corroborated by the testimony, was that he had been informed that his wife was very sick. He applied for a furlough and was refused. He went home and remained eight or ten days, until his wife was out of danger, and then started to return to his command. When he arrived at Lafayette, Ind., he met a number of his comrades returning home, and they informed him that the regiment had been mustered out. He then returned home with his comrades.

When he left the command in Virginia he told his comrades that his wife was not expected to live, and that he was going home to see her and would return soon if he could leave her. He left his gun and accouterments with the ordnance sergeant.

The testimony shows that he was a man of good character and habits, and a faithful soldier. Relief was denied by the War Department for the reasor that the case does not come within the provisions of the act of Congress approved March 2, 1889.

It is apparent, however, to your committee that the soldier did not intend to desert his command. He testified himself that the captain of his company gave him leave to go. His veracity appears to be unquestioned, and the fact that he started to return to his command as soon as he could safely leave his wife is conclusive proof that his conduct was not that of a deserter.

Your committee therefore report the bill favorably, and recommend that it do pass.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

IRA POWERS.

The next business on the Private Calendar was the bill (H. R. 5061) to pension Ira Powers, of Henderson County, Tenn. The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place the name of Ira Powers, late of Company A, Seventh Tennessee Cavalry, of Henderson County, Tenn., on the pension roll of the United States, to receive \$12 per month, from September I, 1890.

The amendments recommended by the committee were agreed to, as follows:

Striking out all after the word "States," in line 7, and inserting in lieu thereof the words "and pay him a pension of \$12 per month."

The report (by Mr. Anderson) was read, as follows:

The report (by Mr. Anderson) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 5061) granting a pension to Ira Powers, late private, Company A, Second Tennessee Cavalry, and Companies A and C, Seventh Tennessee Cavalry Volunteers, having examined and carefully considered the facts and circumstances presented, respectfully report as follows:

Ira Powers enlisted August 14, 1862, and was honorably discharged, after faithful service, August 7, 1895. He filed a claim for pension under the act of June 27, 1890, on August 18, 1890, alleging hernia, nervous debility, and spinal affection. His claim was rejected December 5, 1891, on the ground of "no pensionable disability under act of June 27, 1890," He filed affidavit March 21, 1893, which alleges existence of hernia (right side), spinal affection, general debility, disease of eyes, and piles; and in affidavit of March 28, 1893, in addition to above, alleged disease of heart.

In support of his claim, he filed, March 25, 1893, the affidavit of M. M. Grimsley, to the effect that he had been a neighbor for four years, and claimant had not been able to do a whole day's work in five years.

Also, affidavit of Dr. P. W. Austin that claimant has spinal affection, sore near hip, headache, does not see well, subject to piles, and has had hernia. Disability from spinal affection, one-half; from eyes, one-fourth; from piles, one-sixteenth.

Also, affidavit of W. B. Ruton that he is suffering from spinal affection—

near hip, headache, does not see well, subject to piles, and has had hernia. Disability from spinal affection, one-half; from eyes, one-fourth; from piles, one-sixteenth.

Also, affidavit of W. B. Ruton that he is suffering from spinal affection—disabled one-half; seriously affected with heart disease, from which disabled one-fourth; also hernia, piles, premature old age, and loss of sight, one-fourth. Soldier has a hospital record in service of diarrhea, catarrh, and variola, and was twice in hospital with catarrh and diarrhea; he was almost constantly in hospital from March 3 to July 3, 1865, with catarrh, fever, variola, and diarrhea.

The board of examining surgeons at Savannah, Tenn., rated him, May 6, 1891, at six-eighteenths for incomplete hernia, and four-eighteenths for rheumatism. The board at same place, April 11, 1894, reported "No disability," and the claim was again rejected June 11, 1894, on the ground of "No ratable disability found under act June 27, 1890."

Dr. R. A. Dickson files with the committee an affidavit, dated February 24, 1896, saying he "finds on examination that claimant is suffering with chronic inflammation of the left kidney, irregular valvular action of heart, unable to rest on left side; also find a hernia of right side. I have known Mr. Powers and been his family physician since 1874 up to this date, and here testify his total disability for physical labor of any kind."

Rev. T. Rogers and John H. Rogers testify they served in same company with Ira Powers, and believe him entitled to the full benefits of the act of June 27, 1890 (312 per month), from the date of filing his claim.

A petition signed by 108 neighbors certifies to personal acquaintance with Ira Powers for over five years, and believe him entitled to the maximum pension under act of June 27, 1890, and therefore recommend that the bill be amended by striking out all after the word "States," in line 7, and insert in lieu thereof "and pay him a pension of \$12 per month," and as amended that the bill do pass.

Mr. ER

Mr. ERDMAN. Mr. Chairman, I do not think this is a bill that re ought to pass. This soldier applied under the Harrison Adwe ought to pass. ministration, and the Harrison examining board said that he was not entitled to a pension, and the Pension Bureau under the Har-rison Administration said that he was not entitled to a pension, and rejected his application. Subsequently he applied under the present Administration, with the same result. Now it appears that 108 of his neighbors certify that they know this applicant and

believe him to be entitled to a pension, and therefore we are asked, acting in this quasi judicial proceeding, to accept the certificate of those 108 neighbors of the applicant, and to allow it to override the sworn testimony presented in this case under two administrations, the findings of General Bussey, and of two pension boards under two different administrations. I do not think we ought to need this bill. I like to have the rescond for the rescond of these pass this bill. I like to have the reasons for the passage of these bills placed upon the record, in order that the people may understand why we do pass pension bills. That the people take an interest in the subject, I find from many letters that I receive. They also criticise some of our actions here, and one of the letters that I have received, and that I hold in my hand, reads as follows:

I have received, and that I hold in my hand, reads as follows:

Dear Str: Having been informed that you were not merely a member of the Committee on Invalid Pensions, but also the subcommittee man to whom all the pension claims of claimants from the State of Pennsylvania are referred, I take the liberty of addressing you again in reference to my claim as widow of Colonel ——, late colonel of the ——Pennsylvania Regiment, for increase of pension. My husband served from the beginning to the end of the war. In April, 1865, lost a portion of his left leg, and died subsequently from the effects of the amputation. I am drawing merely \$20 per month, and firmly believe that I am entitled to more, as the widow of a colonel. I noticed in last week's paper that Brig. Gen. Jos. Carr's widow, residing in Albany, N. Y., was granted by your committee a pension of \$75 per month. I am informed on good military authority, on authority of an officer who served under General Carr, and who also knows of the services of my late husband, that my husband served longer and was in more battles than General Carr, and General Carr did not lose a leg in battle.

Just as this woman criticises your action, so will thousands and

Just as this woman criticises your action, so will thousands and hundreds of thousands do the same unless you endeavor to use some fairness and some equity in the disposition of these cases. Mr. PICKLER. You had better write to her, "Comparisons

are odious

Mr. ERDMAN. Well, I will give the name of this lady to the gentleman from South Dakota, and he may answer her in that

strain if he sees proper to do so.

I want to call the attention of gentlemen to the fact that the record they are making in some of these cases, as displayed upon

minutes, will be something to trouble them hereafter.

Mr. McCALL of Tennessee. Mr. Chairman, this bill was introduced by myself, and I wish only to state for the information of the House that I have known this soldier well for thirteen years. During that time I have known him as a man who has been constantly going down, down, down, until now he is unable to do work. That he is disabled, there is no question; that he was a good soldier, there is no question; and the fact that by reason of good soldier, there is no question; and the fact that by reason of some technicality in the administration of the pension laws he has been refused a pension is a fact for which he ought not to be held responsible. He having been a soldier under the peculiar conditions of his case, and coming from the region of country from which he hailed, I think it will be but slight justice to place him on the pension roll, by the passage of this bill, at \$12 a month.

Mr. PICKLER. The gentleman will allow me to make the further suggestion that, as the report shows, on one examination the surgeons found him entitled to a rating of ten-eighteenths.

Mr. McCALL of Tennessee. The board of examining surgeons at Savannah, Tenn., in May, 1891, gave him a rating of six-eighteenths for incomplete hernia and four-eighteenths for rheumatism. On the coming in of the present Administration that

matism. On the coming in of the present Administration that board was changed. This soldier was subsequently examined by the board at the same place, but not by the same board as to its personnel, and they found "no disability." But I know, as a matter of fact, that the man is disabled.

Mr. ERDMAN. But does not the gentleman know that under

the cumulative system of rating even General Bussey turned him

Mr. McCALL of Tennessee. I do not want to discuss who has been right or who has been wrong. There is one thing I know—that this man was a good soldier, and that he is now disabled.

Mr. PEARSON. The gentleman from Pennsylvania [Mr. ERDMAN] has undertaken to harrow up our souls with visions of the troubles that will afflict some of us hereafter. I am informed that that gentleman at least will not be one of those who will be troubled here in the fatture. If another is troubled here in the future. [Laughter.]

Mr. ERDMAN. Mr. Chairman, I do not expect to trouble the gentleman from North Carolina or any other gentleman here by my presence; but I think possibly my conduct may bear fruit hereafter in the action of other gentlemen. Let me add that my not being here in the Fifty-fifth Congress is a matter of my own the conduct which is a great deal more than early be said by a number of the conduction. choosing, which is a great deal more than can be said by a num-

ber of gentlemen who are voting on the other side. [Laughter.]

The question being taken, the bill was ordered to be laid aside to be favorably reported to the House.

HESTER A. BOSTWICK.

The next business on the Private Calendar was the bill (H. R. 4941) to pension Hester A. Bostwick. The bill was read, as follows:

Be it enacted, etc., That from the 11th day of November, 1894, Hester A. Bostwick, widow of Capt. Burr H. Bostwick, deceased, late of Company K, Seventh Regiment of Kansas Volunteer Cavalry, is hereby pensioned at the rate of \$20 per month.

The amendment reported by the committee was read, as follows:

Strike out all after the enacting clause of the bill and insert the following: "That the Secretary of the Interior be, and he is hereby, authorized and directed to place upon the pension roll the name of Hester A. Bostwick, widow of Burr H. Bostwick, late captain of Company K, Seventh Regiment Kansas Volunteer Cavalry, and pay her a pension of \$20 per month."

Mr. PICKLER. I hope that the gentleman from Ohio [Mr. LAYTON] who reported this bill will make a brief statement of

Mr. LAYTON. I do not think it is necessary for me to make any statement. The gentleman from Ohio [Mr. Wilson] who introduced the bill, and who is much better able to state the case than I am, is present; and as my recollection of the facts is somewhat obscure, it having been a long time since the bill was reported, I ask the gentleman from Ohio, the author of the bill, to make a statement

Mr. ERDMAN. I shall call for the reading of the report. I think that is the most satisfactory way of considering the matter. The report (by Mr. LAYTON) was read, as follows:

Mr. ERDMAN. I shall call for the reading of the report. I think that is the most satisfactory way of considering the matter. The report (by Mr. LAYTON) was read, as follows:

The committee to whom was referred the bill (H. R. 4941) granting a pension of \$30 per month to Hester A. Bostwick, widow of Burr H. Bostwick, late camined and fully considered all the facts and circumstances presented, respectfully report, as follows:

Captain Bostwick enlisted April 25, 1861, and served as first sergeant Company D, Nineteenth Ohio Volunteer Infantry, until August 20, 1861; he again to the control of the contr

The amendment recommended by the committee was agreed to, and the bill as amended was laid aside to be reported to the House with a favorable recommendation.

Mr. SMITH of Illinois. Mr. Chairman, I will ask unanimous consent for the present consideration of the bill (H. R. 1168) to

increase the pension of Josiah P. Hill, late of Company F, Eighty-first Regiment Illinois Volunteers, in the war of the rebellion.

During the eight years that I have been in Congress I have never asked at a Friday night session for the consideration of any bill out of its regular order, but having known the beneficiary of this bill for twenty-five years, personally and intimately, and knowing as I do his condition, I ask unanimous consent to-night for the consideration of this bill.

The CHAIRMAN. Is there objection to the present considera-

tion of this bill?

There was no objection. The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he hereby is, authorized and directed to increase the pension of Josiah P. Hill, late of Company F, Eighty-first Regiment of Illinois Volunteers, in the war of the rebellion, to \$72 per month.

Mr. ERDMAN. Let us have the report. I want to know something about this case.

The report (by Mr. Wood) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 1168) to increase the pension of Josiah P. Hill, late of Company F, Eighty-first Regiment Illinois Volunteers, in the war of the rebellion, submit the following

1168) to increase the pension of Josiah P. Hill, late of Company F, Eighty-first Regiment Illinois Volunteers, in the war of the rebellion, submit the following report:

Josiah P. Hill was a sergeant in Company F, Eighty-first Illinois Volunteers, enlisted August 11, 1862, and honorably discharged August 5, 1865. His record during the service and since the war is good.

He is now pensioned under the act of June 27, 1890, at \$12 per month, which he has been drawing since August 13, 1891, for disease of lungs, rheumatism, and disease of heart. He seems to have made no application under the general law, and there is no evidence that his disability is of service origin, except as below stated.

In January, 1893, claimant had a stroke of paralysis, completely disabling his right side; his condition is slightly improved since; he can barely get about by aid of a crutch; he is 62 years of age; his intellect is much impaired, and his speech so defective by reason of the paralysis that it is very difficult to understand him when he attempts to say anything; he is unable to dress himself and requires a constant attendant; he has no means or income except his pension of \$12.

The above facts concerning his condition appear from a petition of 63 citizens of Carbondale, Ill., where he lives, and from the affidavits of Dr. John T. McAnally and Dr. John O'Hara. The last named has been his family physician since his return from the service. He swears that he treated him soon after the war for "nephritis" (kidney disease) and lumbago; he has also treated him for rheumatism, sciatica, and vertigo. Of the paralysis, he swears it to be "the result, I think, of the foregoing diseases."

Your committee regard this as a case practically of charity. There is not sufficient evidence, it is believed, to pension this soldier under the general law, if he should make application. His record is long and honorable; his character good. For these reasons, as well as his great need, we think him fairly entitled to the bounty of the nation whom

The amendment recommended by the committee was adopted, and the bill as amended was laid aside to be reported to the House

with a favorable recommendation.

SUSAN E. CUNNINGHAM.

Mr. HILL. Mr. Chairman, the objection to the request I made a few moments ago has been withdrawn, and I now ask unanimous consent that this Christmas present may be sent to this blind woman. I ask that the bill (S. 3182) granting a pension to Susan E. Cunningham may be taken up and passed.

The CHAIRMAN. Is there objection to the request of the

gentleman from Connecticut? There was no objection.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll the name of Susan E. Cunningham totally and permanently blind, daughter of Thomas Cunningham, late private, Company F, Fourth Regiment New York Heavy Artillery, at the rate of \$12 a month.

The bill was laid aside to be reported to the House with a favorable recommendation.

GEORGE L. BENNER.

Mr. PICKLER. Mr. Chairman, I ask that we proceed now with the Calendar. I call for the regular order.

The CHAIRMAN. The Clerk will read the next bill.

The next business on the Private Calendar was the bill (H. R. 6841) granting a pension to George L. Benner. The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place upon the pension roll the name of George L. Benner and grant him a pension because of a fracture of right thigh, received during the civil war while said Benner was an employee of the Quartermaster's Department; said pension to be rated according to the degree of disability existing as the result of said injury.

Mr. ERDMAN. Let us have the report read in that case. The report (by Mr. Miles) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H.R. 6841) entitled "A bill granting a pension to George L. Benner," beg leave to submit the following report, and recommend that said bill do pass without amendment:

sugmit the following report, and recommend that said bill do pass without amendment:

This is a bill enacting that the Secretary of the Interior be authorized and directed to place upon the pension roll the name of George L. Benner and grant him a pension because of a fracture of the right thigh, received during the civil war while said Benner was an employee of the Quartermaster's Department, to be rated according to the degree of disability existing as the result of said injury.

George L. Benner was a teamster during the war of the rebellion, employed by the United States under Captain Dana, United States Army, an assistant quartermaster; also under a wagon master named Lyles, and was accidentally injured, while performing his duties, by being caught between the front wheel of an army wagon and a tree, about November 7, 1861, incurring a fracture of the right thigh.

Dr. N. S. Lincoln, surgeon of quartermaster's hospital, testified February 28, 1896, that George L. Benner was admitted to the quartermaster's hospital under his (Dr. Lincoln's) charge on the 7th of November, 1861, on account of a bad fracture of the thigh; that he suffered severely many weeks, and has never completely recovered from the effects of the injury.

Dr. James T. Young, medical assistant quartermaster's hospital, testifies (February 29, 1896) that George L. Benner was admitted to the quarter master's hospital November 7, 1861, with a fracture of the thigh, and that he was discharged therefrom in March, 1862. He has never recovered from the effects of the injury. The fracture was treated by Dr. N. S. Lincoln with Dr. Young's assistance.

Your committee believe the bill is meritorious, and precedents having been set by previous action of Congress in pensioning the employees in Quartermaster's Department for injuries received in line of duty, earnestly recommend the passage of the bill without amendment.

The bill was laid aside to be reported to the House with favorable recommendation.

ANNIE E. NOLAN.

The next business on the Private Calendar was the bill (S. 2129) granting an increase of pension to Annie E. Nolan. The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Annie E. Nolan, widow of Nicholas Nolan, late major Third United States Cavalry, at the rate of \$50 per month, in lieu of the pension she is now receiving.

Mr. ERDMAN. Let the report be read. The report (by Mr. POOLE) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (S. 2129) granting an increase of pension to Annie E. Nolan, adopt the following Senate report, No. 345:

The Committee on Pensions, to whom was referred the bill (S. 2129) granting an increase of pension to Annie E. Nolan, have examined the same, and

ing an increase of pension to Annie E. Nolan, have examined the same, and report:

Nicholas Nolan served his country as a soldier continously from December 9, 1852, to October 25, 1853, at which time he died from wounds and disease contracted in the service. He entered the Army as a private and was successively promoted through the several grades to that of major of the Third United States Cavalry. He was an especially brave and faithful soldier, his service during the war of the rebellion in the Shenandoah Valley, and also in Arizona, the Indian Territory, and other far Western points, being of the highest military order. For a considerable time before his death he was a sick man, but he remained with his command and literally died at his post of duty, after a military career of over thirty-one years.

The following is Major Nolan's military record, as furnished by the War Department:

WAR DEPARTMENT, ADJUTANT-GENERAL'S OFFICE,

WAR DEPARTMENT, ADJUTANT-GENERAL'S OFFICE, Washington, February 20, 1896.

Statement of the military service of Nicholas Nolan, late of the United States
Army, compiled from the records of this office.

Army, compiled from the records of this office.

He served as private and corporal of Battery M, Fourth Artillery, from December 9, 1852, to September 1, 1858, as private, corporal, sergeant, and first sergeant of Troop K, Second Dragoons, from September 1, 1858, to September 5, 1861, and as sergeant and first sergeant of Troop B, Sixth Cavalry, from September 5, 1861, to September 22, 1862, when he was discharged having accepted appointment as second lieutenant, Sixth Cavalry, July 17, 1862; first lieutenant, July 5, 1864; captain, Tenth Cavalry, July 28, 1866; major, Third Cavalry, December 19, 1882. He was brevetted first lieutenant August 1, 1863, "for gallant and meritorious services in the battle of Brandy Station, Va.," and captain March 31, 1865, "for gallant and meritorious services in the battle of Dinwiddie Court-House, Va."

SERVICE

He served as an officer with his regiment in the Army of the Potomac to July 11,1863; acting assistant inspector-general. Regular Cavalry Brigade, to September, 1883, and aid-de-camp to General Pleasanton to October 14, 1863, when he was wounded in action at Auburn, Va., and was absent sick on account of his wounds to January, 1884; with his regiment in the Army of the Potomac and in the Shenandoah Valley to March 30, 1865, when taken prisoner and paroled at the battle of Dinwiddie Court-House, Va.; on parole and on leave to May, 1865; with regiment in Maryland to October, 1865, and in Texas and the Indian Territory to November 13, 1870; before a board at Washington, D. C., to January, 1871; with his regiment in the Indian Territory and in Texas to February 8, 1883; commanding the post of Fort Huachuca, Ariz., to August 14, 1883, and the post of Fort Apache, Ariz., to October 16, 1883, when he left on leave of absence for Holbrook, Ariz., where he died October 25, 1883.

**Maior Nolan left a wife and one child without property of any kind. The

Major Nolan left a wife and one child without property of any kind. The widow is not strong, having undergone unusual hardships and privations with her husband in his campaigns. She is now receiving a pension of \$25 per month and is exerting herself to earn sufficient to support herself and child, a daughter 14 years of age. The present bill asks for an increase of pension to \$50 per month.

Your committee, after a very careful examination of the case, and in view of the long and distinguished services of Major Nolan, recommend favorable action on the bill.

In addition to the facts set forth in the Senate report, it is shown that this widow cares for an invalid stepson, the son of the soldier, for whose care and support she is in no way legally bound. This seems to your committee to raise this above the general run of cases, and to make it exceptional, inasmuch as the only way in which the Congress can provide for this invalid son of a brave soldier who died at the post of duty is by increasing the pension of the widow who cares for him.

Your committee therefore recommend the passage of the bill.

Mr. CROWTHER. Mr. Chairman, I move to strike out

Mr. CROWTHER. Mr. Chairman, I move to strike out "fifty" where it occurs in this bill and insert "twenty-five;" so that it will read "\$25 a month."

I will state that the amount of pension provided in the amend-

ment is the amount the widow of a major would receive under the general law.

The amendment was agreed to.

The bill as amended was laid aside to be reported to the House

with favorable recommendation.

Mr. PICKLER. Mr. Chairman, I move that the committee now rise and report the bills to the House.

The motion was agreed to.

The motion was agreed to.

The committee accordingly rose; and Mr. Hopkins having resumed the chair as Speaker pro tempore, Mr. Lacey reported that the Committee of the Whole, having had under consideration the Private Calendar, had directed him to report back favorably without amendment the following bills: Senate bills Nos. 2008, 637, 937, and 3182; and House bills Nos. 1061, 1498, 7317, 2364, and 6841. Also, that he had been directed to report with amendment, and, as so amended with favorable recommendation. Senate bill No. as so amended, with favorable recommendation, Senate bill No. 2129 and House bills as follows: Nos. 6233, 1311, 6528, 1474, 537, 5061, 4941, and 1168. Also, that the committee had directed him to report back the bill H. R. 1810 with the recommendation that it lie on the table.

Mr. PICKLER. Mr. Speaker, I ask unanimous consent that the previous question may be considered as ordered on these several bills, with the limit of fifteen minutes' debate on each side on each bill.

Mr. BLUE. Well, I do not know about that. There is one bill that should be excepted.

Several Members. Regular order.

The SPEAKER pro tempore. The hour of 10 o'clock and 30 minutes having arrived, the Chair will declare the House, under the rule, adjourned until to-morrow (Saturday) at 12 o'clock meridian.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Secretary of War, transmitting the report of the commanding officer of the Watertown Arsenal of "Tests of iron, steel, and other materials for industrial purposes" made by the United States testing machine during the year ending June 30, 1895—to the Committee on Military Affairs, and ordered to be printed.

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination of Suisun Creek, California-to the Committee on Rivers and Harbors, and

ordered to be printed.

A letter from the Acting Secretary of the Treasury, transmitting an estimate of deficiency in the appropriation for defending suits in the Court of Claims against the District of Columbia for the fiscal year 1897—to the Committee on Appropriations, and the fiscal year 1897— ordered to be printed.

A letter from the Secretary of State, transmitting, with the draft of a proposed joint resolution and inclosures from the Smithsonian Institution, recommendations for an appropriation to enable the United States to participate in the work of making an international catalogue of scientific works—to the Committee on Appropriations, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, Mr. RICHARDSON, from the Committee on Printing, to which was referred the bill of the House (H. R. 9601) to amend an act entitled "An act providing for the public printing and binding and the distribution of public documents," approved January 12, 1895, reported the same without amendment, accompanied by a report (No. 2354); which said bill and report were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS.

Under clause 2 of Rule XIII, private bills and resolutions were Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

By Mr. UPDEGRAFF, from the Committee on the Judiciary: The bill (H. R. 9483) for the relief of John N. Quackenbush. (Report No. 2346.)

By Mr. ANDERSON, from the Committee on Invalid Pensions: The bill (S. 3381) entitled "An act granting a pension to Lena D. Smith." (Report No. 2347.)

By Mr. KIRKPATRICK, from the Committee on Invalid Pensions:

The bill (S. 3198) entitled "An act granting an increase of pension to Edward Stanley." (Report No. 2348.)

The bill (S. 3199) entitled "An act granting an increase of pension to Jackson Osborn." (Report No. 2349.)

By Mr. THOMAS, from the Committee on Invalid Pensions: The bill (S. 3210) entitled "An act granting a pension to Anna P. Johnson." (Report No. 2350.) The bill (S. 2916) entitled "An act granting an increase of pen-

sion to Mary Sprague." (Report No. 2351.)

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Invalid Pensions was discharged from the consideration of the bill (H. R. 9684) for the relief of Amanda Owens; and the same was referred to the Committee on Military Affairs.

PUBLIC BILLS AND RESOLUTIONS.

Under clause 3 of Rule XXII, bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. MONDELL: A bill (H. R. 9728) providing for the marking and monumenting of the battlefield of Massacre Hill—to the

Committee on the Library.

By Mr. RINAKER: A bill (H. R. 9729) to provide for the purchase of a site and the erection of a public building thereon at Carlinville, in the State of Illinois—to the Committee on Public Buildings and Grounds.

By Mr. MILLER of Kansas: A bill (H. R. 9730) to divide the State of Kansas into two judicial districts—to the Committee on

by Mr. ALLEN of Utah: A bill (H. R. 9731) to provide for proportional representation in the House of Representatives—to the Committee on Election of President, Vice-President, and Representatives in Congres

By Mr. McRAE: A bill (H. R. 9732) to reorganize the judicial districts of the State of Arkansas, and for other purposes—to the Committee on the Judiciary.

By Mr. DALZELL: A bill (H. R. 9733) to authorize the Union Railroad Company to construct and maintain a bridge across the Monongahela River—to the Committee on Interstate and Foreign

By Mr. REYBURN: A bill (H. R. 9734) to provide an American register for the bark E. C. Mowatt, of Philadelphia, Pa.—to the Committee on the Merchant Marine and Fisheries.

By Mr. McLACHLAN: A bill (H. R. 9735) providing for the erection of an addition to the public building at Los Angeles, Cal.,

and appropriating money therefor—to the Committee on Public

Buildings and Grounds.

By Mr. DOOLITTLE: A bill (H. R. 9736) authorizing the construction of a bridge across the Columbia River, in the State of Washington—to the Committee on Interstate and Foreign Commerce.

By Mr. FAIRCHILD: A bill (H. R. 9750) to suspend the bonded warehouse privilege—to the Committee on Ways and Means.

By Mr. NEILL: A bill (H. R. 9751) to provide for holding of United States courts at Batesville, Ark., and for other purposes—

to the Committee on the Judiciary.

By Mr. HITT: A joint resolution (H. Res. 220) authorizing certain officers of the Navy to accept the medals presented to them by the Russian Government—to the Committee on Foreign Affairs.

By Mr. TOWNE: A joint resolution (H. Res. 221) directing the Secretary of the Treasury to report a proposed plan for consolidation and rearrangement of customs districts, etc.—to the Committee of Warrand Marrangement of customs districts, etc.—to the Committee of Warrand Marrangement. mittee on Ways and Means.

By Mr. COBB (by request): A joint resolution (H. Res. 222) to repeal the joint resolution in reference to the Free Zone—to the

Committee on Ways and Means.

By Mr. BROSIUS: A concurrent resolution (House Con. Res. No. 59) to print a compilation of statistics on the executive civil service of the United States—to the Committee on Printing.

By Mr. HAGER: A resolution (House Res. No. 452) providing two additional clerks for the Committee on Enrolled Bills—to the

Committee on Accounts.

By Mr. HURLEY: A resolution (House Res. No. 453) to pay
W. H. Grimshaw from June 12 to December 6, 1896—to the Committee on Accounts.

Also, a resolution (House Res. No. 454) to place W. H. Grimshaw on soldiers' roll in place of John Ryan, deceased—to the

Committee on Accounts.

By Mr. TRACEY: A resolution (House Res. No. 455) to employ fifteen additional folders—to the Committee on Accounts.

PRIVATE BILLS, ETC.

Under clause 1 of Rule XXII, private bills of the following titles were presented and referred as follows:

By Mr. ALLEN of Mississippi: A bill (H. R. 9737) for the relief of Fletcher B. Neblett, administrator of Richmond T. Rutledge,

deceased—to the Committee on War Claims.

By Mr. ANDREWS: A bill (H. R. 9738) to increase the pension of George W. Churchill—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9739) to increase the pension of Alexander G. Willets—to the Committee on Invalid Pensions.

By Mr. FOSS (by request): A bill (H. R. 9740) to extend certain patents—to the Committee on Patents.

tain patents—to the Committee on Patents.

By Mr. HURLEY: A bill (H. R. 9741) for the relief of Robert D. Benedict—to the Committee on Claims.

Also, a bill (H. R. 9742) for the relief of Gen. Peter J. Claussen—to the Committee on War Claims.

By Mr. LONG: A bill (H. R. 9743) for the relief of Benjamin F. Ruggles—to the Committee on War Claims.

By Mr. McCREARY of Kentucky: A bill (H. R. 9744) for the benefit of the heirs of Peter J. Hiatt—to the Committee on War Claims.

By Mr. McLACHLAN: A bill (H. R. 9745) for the relief of John H. Lillie, of Los Angeles, Cal.—to the Committee on the District of Columbia.

District of Columbia.

By Mr. SORG: A bill (H. R. 9746) for the relief of Cornelius Kouchley, late private of Company H, Fifty-eighth New York Infantry Volunteers—to the Committee on Military Affairs.

Also, a bill (H. R. 9747) for the relief of Charles Lenharr, late of Company H, Fifty-fourth Ohio Infantry Volunteers—to the Committee on Military Affairs.

By Mr. SPENCER: A bill (H. R. 9748) for relief of Mathew Burns—to the Committee on Claims.

By Mr. SULLOWAY: A bill (H. R. 9749) granting a pension to Lydia G. Cate—to the Committee on Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ADAMS: Resolutions of the Trades League of Philadelphia, urging the passage of a revenue bill sufficient to meet the expenses of the Government—to the Committee on Ways and Means

By Mr. BELL of Colorado: Petition of O. P. McMains, agent for settlers of Stonewall, Colo., asking for an investigation of official corruption in the Maxwell grant case—to the Committee on the Public Lands.

By Mr. BINGHAM: Resolutions of the California Wool Association, favoring the enactment of the Dingley bill—to the Committee on Ways and Means.

Also, resolutions of the Trades League of Philadelphia, urging

Also, resolutions of the Trades League of Philadelphia, urging the immediate enactment of revenue laws for the increase of revenue—to the Committee on Ways and Means.

By Mr. BROMWELL: Petition of employees of the custom-house at Cincinnati, Ohio, for an appropriation to supply deficiency in compensations—to the Committee on Appropriations.

By Mr. CANNON: Petition of Mrs. Malinda Ogle, of Chicago, Ill., praying for an increase of pension—to the Committee on Invalid Pensions.

Also, petition of J. M. Stipe and other citizens of Fairmont. Ill.

Also, petition of J. M. Stine and other citizens of Fairmont, Ill., urging that examining surgeons of the pension service be not placed under civil-service law—to the Committee on Reform in the Civil Service.

By Mr. COOK of Wisconsin: Resolution of the Commercial Club of Superior, Wis., urging the use of all honorable means to induce the Secretary of War and other officers in authority to take action at as early date as possible in reference to completing the improvements at Duluth and Superior harbors—to the Committee on Rivers and Harbors.

Also, resolution of the Trades League of Philadelphia, Pa., urg-

Also, resolution of the Trades League of Philadelphia, Pa., urging the immediate enactment of revenue laws for the expenses of the Government—to the Committee on Ways and Means.

Also, memorial of the California Wool Growers' Association, recommending the passage of the Dingley bill—to the Committee on Ways and Means.

Also, memorial of the citizens of Menasha, Wia., in mass meeting assembled, asking that Congress take such action as will secure full and immediate satisfaction for damages already inflicted on our fellow-citizens in Turkey, and to grant them full protection of person, property, and rights in the prosecution of their lawful occupations—to the Committee on Foreign Affairs.

By Mr. DALZELL: Resolutions of the Trades League of Philadelphia, favoring immediate legislation to raise revenue—to the

By Mr. DALZELL: Resolutions of the Trades League of Philadelphia, favoring immediate legislation to raise revenue—to the Committee on Ways and Means.

By Mr. GROUT: Resolutions adopted by the California Wool Association, favoring the immediate adoption of the Dingley bill—to the Committee on Ways and Means.

By Mr. HARRIS: Petition of 60 veterans of Upper Sandusky, Ohio, in favor of House bill No. 9209, granting a service pension to all honorably discharged officers and enlisted men of the war of the rebellion—to the Committee on Invalid Pensions.

Also, petition of Osceola Council, No. 116, Junior Order United American Mechanics, urging the recognition of the Cubans as belligerents in their struggle for independence—to the Committee on Foreign Affairs.

By Mr. HENDERSON: Resolutions of the California Wool Association, favoring the passage of the Dingley bill—to the Committee on Ways and Means.

By Mr. MADDOX: Petition of the heirs of Elijah Pinson, de-

ceased, late of Barton County, Ga., praying reference of his war claim to the Court of Claims—to the Committee on War Claims.

By Mr. McCLEARY of Minnesota: Paper of W. M. Davis, of Fulda, Minn., in relation to the tariff—to the Committee on Ways

and Means

By Mr. McCREARY of Kentucky: Paper to accompany House bill for the relief of the heirs of Peter J. Hiatt—to the Committee on War Claims.

By Mr. OVERSTREET: Resolutions adopted at a meeting of citizens of Franklin, Ind., December 15, 1896, favoring action by the United States to secure peace in Cuba—to the Committee on

Foreign Affairs.

By Mr. SORG: Paper to accompany House bill for the relief of Charles Lenharr—to the Committee on Military Affairs.

Also, papers to accompany House bill for the relief of Cornelius Kouchley—to the Committee on Military Affairs.

By Mr. SPENCER: Petition of Mathew Burns, of the State of Louisiana, to accompany House bill for his relief—to the Committee on Claims. tee on Claims

By Mr. TURNER of Georgia: Memorial of the Board of Trade of the city of Brunswick, Ga., praying for proper fortifications of the harbor of Brunswick—to the Committee on Military Affairs.

By Mr. VAN HORN: Petition of G. A. Karwiese, relative to Nicaragua Canal, with accompanying map—to the Committee on Interstate and Foreign Commerce.

By Mr. VAN VOORHIS: Petition of numerous citizens of Wash-

By Mr. VAN VOORHIS: Petition of numerous citizens of Washington County, Ohio, praying for the submission of an amendment recognizing the Deity in the Constitution of the United States—to the Committee on the Judiciary.

By Mr. WOODARD: Petition of the heirs of John A. Williams, deceased, late of Wayne County, N. C., praying for reference of his war claim to the Court of Claims—to the Committee on War

HOUSE OF REPRESENTATIVES.

Saturday, December 19, 1896.

The House met at 12 o'clock m., and was called to order by the

Prayer by the Chaplain, Rev. HENRY N. COUDEN. The Journal of the proceedings of yesterday was read.

CORRECTION.

Mr. WILLIAM A. STONE. Mr. Speaker, I desire to correct the Journal. I understood the Clerk to read that I had raised an objection to the amendment of the gentleman from Iowa, that it should be first considered in Committee of the Whole. I made no should be first considered in Committee of the Whole. I made no such objection and raised no such point of order. The Record states the point of order which I did raise, and if the Journal is made to conform to the Record it will be correct.

Mr. DINGLEY. Mr. Speaker, I suggest that it be eliminated from the Journal. While I raised the point of order, I subsequently withdrew it, so that it need not appear in the Journal.

The SPEAKER. The correction will be made. The matter was always and the proceed and not be recorded to the second s

only mooted and not brought up.

The Journal as corrected was approved.

Mr. TERRY. Mr. Speaker, I desire to correct the RECORD. I am reported in the proceedings of last evening's session as saying that in 1885 Commissioner Black decided that Gray's Battalion were not entitled to the benefits of the Mexican war pension act. That, of course, is an error, as the act had not passed at that time. I was referring to certain portions of the committee report, and what I intended to say was that General Black admitted a number of the members of that battalion to the pension rolls, but it was afterwards decided that they were not entitled to the benefits of that act.

SWEARING IN OF A MEMBER.

Mr. CANNON. I rise to a privileged report. I am directed by

The SPEAKER. If the gentleman from Illinois will permit, the Chair will submit a communication from the governor of Georgia, on which the House may desire to take action.

The Clerk read as follows:

STATE OF GEORGIA, EXECUTIVE OFFICE,
Atlanta, December 18, 1896.

MY DEAR SIR: On the 16th instant there was a special election held in the
Third Congressional district of Georgia to fill the vacancy in the Fifty-fourth
Congress caused by the death of the Hon. Charles F. Crisp. There was only,
one candidate, Charles R. Crisp, and consequently he received all the votes
cast. As soon as the returns are received his commission will be promptly
forwarded to Washington.

Very truly, yours,
[SEAL.]

Hon. T. B. REED, Speaker House of Representatives.

W. Y. ATKINSON, Governor of Georgia.

Mr. TURNER of Georgia. Mr. Speaker, I ask that Mr. Crisp be sworn in.

The SPEAKER. The gentleman from Georgia [Mr. TURNER] asks that Mr. Crisp be sworn in. That will require unanimous consent of the House.

Mr. TURNER of Georgia. I ask unanimous consent.

The SPEAKER. Is there objection?

Mr. DINGLEY. Mr. Speaker, I understand these are not the credentials in the usual form, but that this is simply a communication from the governor of Georgia.

Mr. TURNER of Georgia. It seems to be an official communication from the governor informing the House of the result of

the election

Mr. DINGLEY. But not the ordinary credentials.
Mr. TURNER of Georgia. I will state to the gentleman from
Maine [Mr. DINGLEY] that the election of this gentleman is universally conceded, and there was no opposition whatever. So far from there being any prospect of a contest, the election itself was unopposed by any party or faction in the district.

Mr. DINGLEY. I have seen that statement in the public

journals.

Mr. TURNER of Georgia. I therefore ask unanimous consent that the gentleman be sworn as a member of the House, without waiting for the formal credentials.

The SPEAKER. The gentleman asks unanimous consent. Is

there objection?

There was no objection. Mr. Crisp, accompanied by Mr. Bartlett of Georgia and Mr. Maddox, appeared at the bar of the House and took the oath of

URGENT DEFICIENCY APPROPRIATION BILL.

Mr. CANNON. Mr. Speaker, I am directed to report, from the Committee on Appropriations, an urgent deficiency bill carrying about \$800,000, and I ask unanimous consent that it may have immediate consideration in the House. I believe it will not take

more than three or four minutes to dispose of it.

The SPEAKER. The gentleman from Illinois [Mr. Cannon], chairman of the Committee on Appropriations, asks unanimous consent to report an urgent deficiency bill, and that the same be

considered by the House now.

Mr. BAILEY. Pending that, I desire to make a parliamentary inquiry. Of course that bill would be open to amendment in the House, the same as if it were considered in Committee of the Whole?

Mr. CANNON. If the gentleman chooses, I will request that

The SPEAKER. It the gentleman chooses, I will request that the bill be considered in the House under the five-minute rule.

The SPEAKER. Is there objection to the request as modified?

There was no objection.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

A bill (H. R. 9753) making appropriations to supply urgent deficiencies in the appropriations for the fiscal year ending June 30, 1897, and for prior years, and for other purposes.

Mr. CANNON. As this is under the five-minute rule, I ask that the first reading be dispensed with and that the bill be read for amendment.

The SPEAKER. The gentleman asks that the first reading of the bill be dispensed with and that the bill be read for amendment. Is there objection?

There was no objection.

The Clerk proceeded to read the bill, as follows:

Be it enacted, etc., That the following sums be, and the same are hereby, appropriated, out of any money in the Treasury not otherwise appropriated, to supply deficiencies in the appropriations for the fiscal year 1897, and for other objects hereinafter stated, namely:

TREASURY DEPARTMENT.

Contingent expenses, Independent Treasury: For contingent expenses under the requirements of section 3653 of the Revised Statutes of the United States, for the collection, safe-keeping, transfer, and disbursement of the public money, and for transportation of notes, bonds, and other securities of the United States for the fiscal years as follows:

For the fiscal year 1897, 8100,000.

For the fiscal year 1896, \$2,004.21.

PUBLIC BUILDINGS.

For completion of post-office at Columbus, Ga., \$4,000.

NAVY DEPARTMENT.

BUREAU OF CONSTRUCTION AND REPAIR.

Preservation and completion of vessels on the stocks and in ordinary; purchase of materials and stores of all kinds; steam steerers, pneumatic steerers, steam capstans, steam windlasses, and other steam auxiliaries; labor in navy-yards and on foreign stations; purchase of machinery and tools for use in shops; wear, tear, and repair of vessels afloat; general care, increase, and protection of the Navy in the line of construction and repair; incidental expenses, such as advertising, freight, foreign postage, telegrams, telephone service, photographing, books, professional magazines, plans, stationery, and instruments for drafting room, \$500,000.

BUREAU OF STEAM ENGINEERING.

BUREAU OF STEAM ENGINEERING.

To carry on the current work of the Bureau in repairs to machinery of naval vessels, and furnishing necessary stores and supplies therefor, \$200,000.

DEPARTMENT OF JUSTICE.

For compensation of one clerk, class 4, from January 1 to June 30, 1897, \$900.

Mr. BAILEY. Mr. Speaker, I am unable to know when the Clerk reaches the end of a paragraph. With the consent of the House, I will ask the gentleman from Illinois [Mr. Cannon] if it be true that this bill has not been printed?

Mr. CANNON. It is now reported to the House for the first

time.

Mr. BAILEY. And has never been printed?

Mr. CANNON. It has not been printed. I have a copy, printed for the use of the committee, which I can send to the gentleman. I am sure that when the gentleman hears a brief explanation he will not that the committee is justified in its course. I will make I am sure that when the gentleman hears a orier explanation he will see that the committee is justified in its course. I will make the explanation now or later. When the gentleman hears it, I think he will see that the committee is justified in asking immediate consideration, instead of waiting for the printing of the bill and for its consideration on Monday.

Mr. BAILEY. I think the House is entitled to at least a brief

explanation.

Mr. CANNON. Certainly.

The SPEAKER. The gentleman from Illinois [Mr. CANNON]

has the floor

has the floor.

Mr. CANNON. If the gentleman prefers, I will make the explanation now. This is a bill covering practically five items: First, "Contingent expenses, Independent Treasury,"\$102,000, in round numbers. That fund by the 1st of January will be exhausted. The bare statement of that fact is sufficient to show the necessity for the appropriation. The amount of the appropriation for this purpose, as is usual, did not come up to the estimate by this amount, and when this appropriation is made, the service for this year will not cost quite as much as it did for last year.

The next item is a small deficiency in the service for miscellaneous items of expenditure in the Treasury Department contingent fund, which was incurred unavoidably and awaits appropriation for payment.

fund, which was incurred unavoidably and awares appropriation for payment.

In the Navy Department, in the next two items, are one of \$500,-000 for the Bureau of Construction and Repair and another of \$200,000 for the Bureau of Steam Engineering. The Committee on Appropriations very carefully examined these estimates, having the heads of these Bureaus before it, in addition to the formal estimates, which have been submitted to the committee, and they made a searching examination. We find that the appropriations carried by the naval appropriation bill for the current year for these Bureaus have been substantially exhausted, so that on the these Bureaus have been substantially exhausted, so that on the 1st day of January work will have to cease on the repairs of the various ships that now need it. It is proper for me to say that the time has arrived, in our policy of creating a navy, to repair those ships that have been in commission and service from four those snips that have been in commission and service from four to six years. They are much larger, more powerful, more expensive, and repairs more expensive, than ships of the old Navy, and the committee believe—in fact, it was so stated by the officers before us—that in the Navy, as upon the land, "A stitch in time saves nine." These repairs would cost less if made promptly than if they should run a year or two and increase.

I will state further that the committee believes the House desires

I will state further that the committee believes the House desires to be entirely practical, and in the main, so far as we have a new Navy, we believe it to be of efficient ships, well armed and ready for service, equal, so far as it goes, with any navy on the seas; and we believe that those repairs can be kept up as they are necessary at less expense than to let them wait. And we believed further, to be entirely practical, that our Navy should be in good condition; and so far as I am concerned, I would rather keep it in good condition for service really needed than to rush into the newspapers for interviews or to perform by word of mouth for war in time of peace.

Mr. SAYERS. Mr. Speaker, if the gentleman will allow me, I desire to state, in reference to these appropriations for the Navy, that unless they be made before the recess, many employees will have to be discharged from the various navy-yards; and it is there-

have to be discharged from the various navy-yards; and it is therefore absolutely necessary that these appropriations should pass both Houses before the recess.

Mr. CANNON. Well, as to the employment of the navy-yard

Mr. CANNON. Well, as to the employment of the navy-yard force, as I understand, you can not make repairs without employing somebody to do the repairs; but the committee was thoroughly satisfied that these repairs can be most economically made now; that it is necessary to have this appropriation to make them, and that the ships ought to be, from a standpoint of public economy, kept in good condition.

Mr. CUMMINGS. Mr. Speaker, I would like to ask my friend a greating many condition.

a question.
Mr. CANNON. Certainly.
Mr. CUMMINGS. Is it not true that these repairs are abso-States practically upon a war footing?

Mr. CANNON. Oh, well, to keep it upon a proper footing in peace, and efficient in war if war comes.

Mr. CUMMINGS. Would not a war footing be the proper footing in peace, and efficient in war if war comes.

footing to-day?

Mr. CANNON. Oh, I want to say to the gentleman that this

is a substantial recommendation to do a proper thing, namely, to is a substantial recommendation to do a proper thing, namely, to keep our small but efficient Navy in good repair, as it ought to be kept, in peace or in war, for real work, or as a moral force, if you choose, in peace. And I make this recommendation—would have made it twelve months ago, and, if I shall have the honor to make recommendations, will make it twelve months hence as readily as I make it now; and I do not want anything I have said here in recommending this appropriation to be considered as a threat to anybody. There is quite enough of that throughout the world now. I would rather do substantial things.

The Clerk read as follows:

The Clerk read as follows:

For compensation of two assistant messengers from January 1 to June 30, 1897, \$720.

For the rent of a building for the Court of Claims for the balance of the fiscal year 1897, \$2,500.

JUDICIAL.

JUDICIAL.

That the appropriation of \$10,000 made in the sundry civil appropriation act approved June 11, 1896, to enable the Attorney-General to employ such assistant attorneys, agents, stenographers, and experts to aid the United States attorney for the Court of Private Land Claims as may be necessary, is hereby made available for expenses incurred during the fiscal year 1897, and until the expiration of the term of service of said court.

That the oath or oaths required to be taken by marshals and deputy marshals before entering upon the duties of their respective offices may be administered by any officer of the United States or of any State authorized by law to administer oaths.

That United States marshals may receive credit in the settlement of their accounts for amounts paid by them to their deputies for services heretofore rendered, notwithstanding any of said deputies may not have taken oaths of office in compliance with sections 782 and 1756 or 1757, Revised Statutes of the United States, prior to the rendition of said services.

For fees of United States attorneys in the District of Columbia, \$22,600.

To establish a site for the erection of a penitentiary on the military reservation at Fort Leavenworth, Kans, and for other purposes, under the act of June 10, 1896, \$25,000.

LEGISLATIVE.

LEGISLATIVE.

For payment of the messengers of the respective States for conveying to the seat of Government the votes of the electors of said States for President and Vice-President of the United States at the rate of 25 cents for every mile of the estimated distance by the most usual road traveled from the place of meeting of the electors to the seat of Government of the United States, computed for the one distance only, \$600.

HOUSE OF REPRESENTATIVES.

For miscellaneous items and expenses of special and select committees, \$20,000.

For fuel and oil for the heating apparatus, \$3,000. To pay the account of the Keystone File Company, \$538.50.

PUBLIC PRINTING.

That the unexpended balances of the appropriations made for printing and binding for the Supreme Court of the United States for the fiscal years 1896 and 1897 shall be expended under the direction of that court, and the printing for that court shall be done by the printer it may employ, unless it shall otherwise order.

Mr. RICHARDSON. Mr. Speaker, I would like to ask the gentleman in charge of this measure if this is not a change of exist-

tleman in charge of this measure if this is not a change of existing law?

Mr. CANNON. Which?

Mr. RICHARDSON. The last item read there, giving direction as to how certain printing shall be done for the Supreme Court.

Mr. CANNON. It does not change existing law, I will say to my friend. We have inquired into this matter, and find that heretofore it has been done in this way.

Mr. RICHARDSON. I desire to reserve the point of order against that item.

against that item.
Mr. CANNON. Why, certainly.
Mr. RICHARDSON. We are put to a very great disadvantage.
This is the first time an appropriation bill has ever been considered in this House without printing; and we did not know until we had entered into the consideration of the bill it had never been printed. I do not think unanimous consent was asked to consider

it until it was printed.

Mr. CANNON. On the contrary, there were numerous occasions in the last session of this Congress and in prior Congresses

when this has been done.

Mr. RICHARDSON. I venture to say it was never done unless unanimous consent was asked to so consider it.

Mr. CANNON. Unanimous consent was asked to consider it.

Mr. CANNON. Unanimous consent was asked to consider it.
Mr. RICHARDSON. We had no notice that it was to be considered. Not having been printed, we can not get copies of the
bill, and do not know what is in the bill nor how much it carries.
Mr. CANNON. I will consider the gentleman's protest in, but
he did not make it in apt time. Unanimous consent was given.
I have no objection to any line of remarks the gentleman desires

to make in regard to the matter. But I want to say to him that this is an urgent deficiency bill, the urgency having been brought to the attention of the committee only within the last two days, and the bill is sought to be passed in this way now so that it can be enacted into law before the beginning of the holiday recess

mr. RICHARDSON. There is nothing unusual in that. We have urgent deficiency bills in every Congress.

Mr. CANNON. Well, I say to the gentleman that this is not a new practice. Bills have been passed in this way at least a dozen

Now, touching the items the gentleman has referred to, if he desires to be informed about them I will cheerfully give him all desires to be informed about them I will cheerfully give him all the information I can. There is an appropriation of \$7,000 for the current year for printing for the Supreme Court. Under that appropriation, as under similar appropriations heretofore made, the briefs and other printing of the court in the main have been done; but heretofore, under the law, the fees collected by the clerk of the court have gone into a fund from which the opinions of the institute and such other special confidential printing as was of the justices and such other special confidential printing as was desired was done by a private printer designated by the court. Since the creation of the appellate courts, narrowing the jurisdiction of the Supreme Court, the business has fallen off, cases have been fewer, and less fees have been collected, and the result is that been fewer, and less fees have been collected, and the result is that from that source there is not now sufficient money to pay for this private printing after the fund has provided for the other burdens that it has to bear, and a justice of the court, by its direction, appeared before your committee and said that, in view of this situation, the court desired to be authorized to use from the allotment made for its printing at the Public Printing Office sufficient money to do this confidential printing. For the reason I have stated, namely, that the fees of the court have fallen off, your committee, on full consideration, thought that was a reasonable request, and therefore they have made this appropriation available in part for that purpose.

able in part for that purpose.

Mr. SAYERS. If the gentleman will allow me, this appropriation is made only to execute an existing law.

Mr. CANNON. Precisely. Now, Mr. Speaker, if there is nothing further to be said, I ask that the bill be placed on its

Mr. RICHARDSON. Has the gentleman stated how much is

carried by this bill?

Mr. CANNON. Yes, sir. The amount is \$881,862.92, \$700,000 of which is for the Navy.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

On motion of Mr. CANNON, a motion to reconsider the vote by which the bill was passed was laid on the table.

Mr. CANNON. Now, Mr. Speaker, I ask that the bill and report be printed in the usual way, so as to keep up the files.

Mr. RICHARDSON. That is like locking the stable after the

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection, and it was so ordered.

CENTENNIAL EXPOSITION, NASHVILLE, TENN.

Mr. McMILLIN. Mr. Speaker, I ask unanimous consent that the Committee on Ways and Means be discharged from further consideration of the bill (S. 2889) in relation to the Tennessee Centennial Exposition at Nashville, and that the bill be put upon its passage. I make this request with the approval of the chairman of the Committee on Ways and Means, a bill similar to this having been reported by the Committee on Appropriations.

The bill was read, as follows:

The bill was read, as follows:

The bill was read, as follows:

Be it enacted, etc., That there shall be exhibited at the Tennessee Centennial Exposition, to be held at Nashville, Tenn., in the year 1897, by the Government of the United States, from its Executive Departments, the Smithsonian Institution and National Museum, and the United States Fish Commission, such articles and materials as illustrate the function and administrative faculty of the Government in time of peace and its resources as a war power, tending to demonstrate the nature of our institutions and their adaptation to the wants of the people; and to secure a complete and harmonious arrangement of said Government exhibit a board of management shall be created, to be charged with the selection, purchase, preparation, arrangement, safe-keeping, and exhibition of such articles and materials as the heads of said Departments and institutions of the Government may, respectively, decide shall be embraced in said Government exhibit. The President may also designate additional articles for exhibition. Such board shall be composed of one member to be detailed by the head of each Executive Department, one by the head of the United States Fish Commission; and the President shall name one of said persons so detailed as chairman; and the members of said board shall have no compensation in addition to their regular salary, and their actual and necessary expenses only shall be paid out of the sum herein-after appropriated.

SEC. 2. That the Secretary of the Treasury shall cause a suitable building

board shall have no compensation in addition to their regular salary, and their actual and necessary expenses only shall be paid out of the sum hereinafter appropriated.

Sec. 2. That the Secretary of the Treasury shall cause a suitable building or buildings to be erected on the site selected for the Tennessee Centennial Exposition for the Government exhibit, and he is hereby authorized and directed to contract therefor in the same manner and under the same regulations as for other public buildings of the United States; but the contract for said building or buildings shall not exceed the sum of \$90,000. and there is hereby appropriated for said building or buildings, out of any money in the Treasury not otherwise appropriated, the sum of \$90,000. The Secretary of the Treasury is authorized and required to dispose of such building or buildings, or the material composing the same, at the close of the exposition, giving preference to the city of Nashville or to the said Tennessee Centennial Exposition Company to purchase the same at an appraised value, to be ascertained in such manner as he may determine, and whatever sum may be realized on sale of said building shall be covered into the Treasury of the United States.

Sec. 3. That for the purpose of paying the expenses of the selection, purchase, preparation, transportation, installation, care, and return of said Government exhibit, and for the maintenance of the building hereinbefore provided for, and for other contingent expenses incidental to the Government exhibit, to be approved by the chairman of the board of management and by the Secretary of the Treasury upon itemized accounts and vouchers, there is hereby

appropriated, out of any money in the Treasury not otherwise appropriated, the sum of \$100,000, or so much thereof as may be necessary, to be disbursed by the board of management hereinbefore created, of which not exceeding the sum of \$10,000 shall be expended for clerical service.

SEC. 4. That all articles which shall be imported from foreign countries for the sole purpose of exhibition at said exposition, upon which there shall be a tariff or customs duty, shall be admitted free of payment of duty, customs fees, or charges, under such regulations as the Secretary of the Treasury shall prescribe; but it shall be lawful at any time during the exhibition to sell, for delivery at the close of the exposition, any goods or property imported for and actually on exhibition in the exposition buildings or on its grounds, subject to such regulations for the security of the revenue and for the collection of import duties as the Secretary of the Treasury shall prescribe: Provided, That all such articles, when sold or withdrawn for consumption in the United States, shall be subject to the duty, if any, imposed upon such articles by the revenue laws in force at the date of importation, and all penalties prescribed by law shall be applied and enforced against such articles and against the persons who may be gulty of any illegal sale or withdrawal.

and all penalties prescribed by law shall be applied and enforced against such articles and against the persons who may be gulty of any illegal sale or withdrawal.

Sec. 5. That medals with appropriate devices, emblems, and inscriptions commemorative of said Tennessee Centennial Exposition and of the awards to be made to exhibitors thereat be prepared at some mint of the United States for the board of directors thereof, subject to the provisions of the fifty-second section of the coinage act of 1893, upon the payment by the Tennessee Centennial Exposition Company of a sum not less than the cost thereof; and all the provisions, whether penal or otherwise, of said coinage act against the counterfeiting or imitating of coins of the United States shall apply to the medals struck and issued under this act.

Sec. 6. That the United States shall in no manner and under no circumstances be liable for any bond, debt, contract, expenditure, expense, or liability of any kind whatever of the said Tennessee Centennial Exposition Company, its officers, agents, servants, or employees, or incident to or growing out of said exposition, nor for any amount whatever in excess of the \$130,000 herein authorized; and the heads of the Executive Departments, the Smithsonian Institution and National Museum, and the United States Fish Commission, and the board of management herein authorized, their officers, agents, servants, or employees, shall in no manner and under no circumstances expend or create any liability of any kind for any sum in excess of the appropriations herein made, or create any deficiency.

Sec. 7. That the appropriation herein made shall take effect when the Secretary of the Treasury shall be satisfied that the solvent appropriations made by the State of Tennessee, its counties and cities, and by individuals or companies to said centennial exposition, together with solvent subscriptions to the stock of the centennial company made by the State, its counties, and cities, and by private corporations and by individuals, sh

The SPEAKER. Is there objection to the present consideration of this bill?

tion of this bill?

Mr. BAILEY. Mr. Speaker, my understanding was that the consideration of this bill was to be postponed until Monday.

Mr. McMILLIN. That was the suggestion at first. The gentleman from Pennsylvania [Mr. BINGHAM] was supposed to stand in the way of immediate consideration because he had charge of an appropriation bill that he desired to have considered to-day, but he has consented that this bill be now taken up, and that consideration of the appropriation bill be deferred till this bill is called up.

sideration of the appropriation bill be deferred till this bill is called up.

Mr. BAILEY. Well, Mr. Speaker, I have never seen one of these exposition bills defeated, and I suppose that if this bill is to pass it may as well pass now as at another time. If I had any means of defeating it, I should be glad to do so, but I shall not object to its present consideration.

Mr. HULL I May I sak the continuous from Tennages what

object to its present consideration.

Mr. HULL. May I ask the gentleman from Tennessee what reason there is for the Government of the United States holding an exposition or fair at Nashville, Tenn.?

Mr. McMILLIN. The Government, under this bill, does not become liable in any degree for the conduct of the exposition for any cost except that of making its own exhibit. The bill provides simply for the Government doing what it did at Omaha last year, and what it has done over and over again both at home and abroad. It provides only for making a Government exhibit, and even that is to be done only when the buildings have been erected and prepared by the people of Tennessee at a cost of about \$500,000. Foreign nations and the other States and Territories have been invited to make exhibits.

to make exhibits.

Mr. HULL. Then, Mr. Speaker, I understand that the only reason why we should do this now is because we have been doing it

heretofore.

Mr. McMILLIN. The occasion of this exposition is the celebration of the one-hundredth anniversary of the admission of the State of Tennessee into the Union, a State than which none is grander or more meritorious. The Government has not only made exhibits heretofore within our own borders, but has made them in foreign countries.

Mr. WASHINGTON. When Iowa has been one hundred years in the Union, we will celebrate the anniversary of her admission with even a greater celebration. [Laughter.]

The SPEAKER. Is there objection to the present consideration

of this bill?

There was no objection.
The SPEAKER. The question is on the third reading of the Senate bill.

Mr. BAILEY. Mr. Speaker, are we not going to have a word on this subject? Are not the friends of the bill ready to make any defense of it?

Mr. McMILLIN. I will state to the gentleman from Texas that a bill similar to this has been reported favorably by the Committee on Appropriations. The report upon that bill contains

a statement of the facts and reasons, and, if he desires, it can be

Mr. DOCKERY. I suggest that it be printed in the Record.
Mr. McMILLIN. I am perfectly willing that it shall be printed in the Record, if the gentleman from Texas does not desire to have it read at this time, and will have it done, with the permission of the House.

TENNESSEE CENTENNIAL EXPOSITION.

The Committee on Appropriations, which has had under consideration the bill (H. R. 8193) to aid and encourage the holding of the Tennessee Centennial Exposition at Nashville, Tenn., in the year 1897, and make an appropriation therefor, submit the following report:

The corporation known as "The Centennial Exposition Company of Tennessee" was chartered for the purpose of celebrating an important event in the history of the nation (the admission of Tennessee as a State into the Union), as well as for the encouragement and support of art, agricultural, horticultural, and mechanical arts, such as fairs, exhibitions, art exhibits, and associations of like nature. The charter of incorporation was filed under the laws of Tennessee on the 18th day of July, 1934. The general powers of said corporation are such as are usually conferred upon like organizations. Nashville, Tenn., where this exposition is to be held, is a city of about 100,000 in habitants, having, according to the census of 1890, a population of about 9,000 in excess of the population of Atlanta, Ga. The population of Tennessee is 1,767,518, according to the census of 1890. The resources of the State are varied and almost matchless.

Tennessee was admitted into the Union June 1,1796. The Tennessee Centennial Exposition is the outgrowth of a patriotic desire on the part of the people of Tennessee to mark with becoming dignity and display the one hundredth anniversary of that event. It is distinctly a patriotic enterprise, and is therefore necessarily State and national in its character.

For a decade past there has been a feeling among Tennesseans that the nature of the celebration should be a great exposition of the arts, sciences, and industries, because such demonstrations are educational, and the memory of them is lasting. As the time approached the feeling grew stronger, until, in June, 1894, a largely attended mass convention of distinguished Tenneseans met in the State capitol and formally launched the enterprise and organized a management to preside

Private subscriptions by citizens
Subscription by Davidson County
Subscription by municipality of Nashville
Subscription from miscellaneous sources \$151,511.00 100,000.00 50,000.00

committee was selected from among the best business men of Tennessee, and they have the control of the entire enterprise. No expenditures can be made except upon the authority of this committee, and the system of receipts and explanatory vouchers used, your committee is assured, is as perfect as that of the United States Government. It appears to be the determination of the management to carry out the wishes of the people in wasting no money and expending it all directly upon the exposition itself.

Congress has encouraged expositions of a similar character at Chicago, Philadelphia, New Orleans, and Atlanta, while Government aid has been extended to even lesser affairs in other parts of the country. We are assured that this exposition, designed to commemorate an important event in the history of the United States, will be on a larger scale than any other exposition held in this country, the World's Fair at Chicago alone excepted.

The citizens of Nashville and Tennessee have, as already shown, subscribed \$359,711, a much larger sum of money than had been obtained from like sources either at New Orleans or Atlanta when Government aid was granted, and under the pending bill a much larger contribution is required of the citizens of Nashville and Tennessee than was required of New Orleans or Atlanta under the appropriations granted by Congress to the New Orleans and Atlanta expositions.

The sum asked for according to this bill is but \$130,000, and the appropriation is not to take effect until "the Secretary of the Treasury shall be satisfied that the solvent appropriations made by the State of Tennessee, its counties and cities, and by individuals or companies to said centennial exposition, together with solvent subscriptions to the stock of the Centennial Company made by the State, its counties and cities, and by private corporations and by individuals shall amount to at least the sum of one-half million of dollars."

So that while the appropriation asked for in this case is much less, the guaranties of subscript

quired of other expositions which were aided with appropriations by Congress.

The appropriation, as will be seen, is not asked for in order to directly promote the interests of the exposition company or of private exhibitors, but to enable the Government of the United States to erect a suitable building and to exhibit "from its Executive Departments, the Smithsonian Institution and National Museum, and the United States Fish Commission such articles and materials as illustrate the function and administrative faculty of the Government in time of peace and its resources as a war power, tending to demonstrate the nature of our institutions and their adaptation to the wants of the people."

Your committee is persuaded, aside from the large benefits that will accrue to the masses of the people who either as visitors or exhibitors may attend this exposition, that the one hundredth anniversary of the admission of Tennessee as a State into the Union is an event entitled to proper celebration, and such as to commend itself to appropriate recognition by Congress.

Your committee report the bill back herewith without amendment and recommend its passage.

Mr. TALBERT. I want to ask the gentleman a question. Does

Mr. TALBERT. I want to ask the gentleman a question. Does this bill carry any appropriation on the part of the Government except the expenditure which it will incur in making its own

Mr. McMILLIN. Not a dollar. On the contrary, the bill expressly provides that the Government shall not pay any portion of the expenses of the exposition, and the officers representing the Government are forbidden to incur any liabilities on the part of the United States in addition to what is appropriated by this bill.

A portion even of that goes back when the Government building

Mr. GIBSON. The bill effectually guards the interests of the Government.
Mr. TALBERT. The Government will not be called upon to

pay any back indebtedness?

Mr. McMILLIN. Not at all.

Mr. TALBERT. The Government, then, is expected to make

only such an appropriation as will pay for its own exhibit?

Mr. McMILLIN. The bill does not look to anything beyond

that, and that expenditure is not to be made until the buildings have been constructed and the success of the enterprise is thereby assured. I have before me, to be examined by members, pictures of the buildings. They are most beautiful, appropriate, and complete. I doubt if the same amount of money has ever, at any exposition of this country, been turned to greater advantage or resulted in more beautiful structures.

Mr. TALBERT. And the Government will dispose of its own

mr. TALBERT. And the Government will dispose of its own buildings as it sees proper?

Mr. McMILLIN. The bill provides that the buildings which may be erected by the Government shall be sold and the money covered into the Treasury.

Mr. SHAFROTH. How large an appropriation is asked?

Mr. McMILLIN. One hundred and thirty thousand dollars, or so much thereof as may be required. That is the amount, all told,

so much thereof as may be required. That is the amount, all told, of possible expenditure.

Mr. BAILEY. Mr. Speaker, I desire simply to record my protest against this bill, as I have recorded it against all similar bills since I have been a member of this House. A little more than twenty years ago Congress was first induced to make an appropriation of this kind. At that time there was a very general opposition to such a measure; but it was urged that inasmuch as the appropriation then asked was for the centennial celebra-tion to be held at Philadelphia a similar occasion could not arise for one hundred years. I believe that such was the statement of Mr. Randall himself. I remember, too, that Hon. John Randolph Tucker, then a member from Virginia, predicted during that debate that the measure then about to pass would become a precedent, and that instead of that being the only one of its kind to be passed for one hundred years it would soon happen that there

would be such a measure every year. In twenty years we have lived to see his prediction fulfilled. Last year I saw this House pass a bill appropriating something more than \$200,000 to assist in holding an exposition of this kind in the city of Omaha, and it actually passed the bill without reading it.

Mr. MERCER. The bill was read.

Mr. BAILEY. It was read at first: but it was not read when it was put upon its passage. The truth is, I was at lunch; and the gentlemen interested in passing the measure, fearing that I might be back before the reading of the bill was finished, passed it without reading. And here at the very next session of this same Congress, within six months, we are asked to make another appropriation for the purpose of holding another centennial exposition.

Mr. MAHON. Will the gentleman allow me to interrogate him?

Mr. BAILEY. I will.

Mr. MAHON. Does not the gentleman know that the million and the content of the conte

Does not the gentleman know that the million Mr. MAHON. dollars appropriated by the General Government for the Centennial Exposition at Philadelphia in 1876 was paid back with

interest?

Mr. BAILEY. The Government loaned \$1,500,000, and was obliged to sue in order to compel its repayment.

Mr. CANNON. I presume the gentleman from Texas [Mr. BAILEY] desires to be accurate.

Mr. BAILEY. I do.

Mr. CANNON. There was a loan of a million or a million and a half of dollars to assist in that exposition, which amount was repaid; but the Government put up its own buildings at its own expense, and made its own exhibit, just as it proposes to do here. The Philadelphia exhibit, the Chicago exhibit, and the Atlanta exhibit cost much more than this is to cost. exhibit cost much more than this is to cost.

Mr. BAILEY. There is no question about the fact that the loan of \$1,500,000 was repaid under legal proceedings. I am not

loan of \$1,500,000 mistaken about that,
mistaken about that,
Mr. CANNON. Well, it came back into the Treasury.
Mr. BAILEY. It came back under legal compulsion.

Mr. CANNON. Well, it came back into the Treasury.

Mr. BAILEY. It came back under legal compulsion.

Mr. Speaker, I have no expectation that the course which has been entered upon will ever be reversed. I expect that before we are through with this matter all the towns and cities in the land will have the benefit of similar appropriations, and when we finish the circle, I expect to see it made a second time, until within fifty years, at a moderate estimate, \$50,000,000 will have been

expended by the Government for purposes of this kind.

Now, if appropriations of this sort are justified upon the ground that in this way the Government is assisting in the education of the people, I do not hesitate to say that I would rather spend the same money in the maintenance of common schools—a proposition to which I am utterly opposed; but if the Government is going to to which I am utterly opposed; but if the Government is going to undertake to educate the people, let us educate those who need it most. Let us go out and take those who are ignorant and try to dispel the darkness from their minds. The people who attend these expositions are as a rule people who are able to travel—people who see something of the world anyway—people who do not need this kind of education. Appropriations of this sort are a gratuity of the covernment and though I have no how a first on the part of the Government, and though I have no hope of pre-

venting them, I must protest against them.

Mr. CANNON. Mr. Speaker, the first appropriation of this kind was, I believe, for the exposition at Philadelphia; then there were two or three small appropriations until the Chicago appropriation was reached. That was a great appropriation; and it was a great exposition. Following upon that came the Atlanta Exposition. I advocated and voted for the Atlanta appropriation. When that point had been reached, I was quite content to quit. It seemed to me we had come to a point where we ought to quit. But then the appropriation for Omaha went through; and it seems to me, as that went through, that this has quite as much merit, and it is for another portion of the country. I, however, hope that in the future the House will stop making appropriations of this kind, or if we are to do anything, that we confine ourselves simply to the country of the country

furnishing our own exhibit.

Mr. LOUD. Why not stop now? Is not this as good a time as

yet I would dislike very much to have the idea presented and accepted here that the Government of the United States proposes to go to the expense of aiding any purely State exposition by making the Government exhibit contemplated in this bill, at an expenditure of \$130,000.

Up to the present time I think all of the appropriations that have been made by Congress for this purpose have been for expositions international, or at least national, in their character; and the appropriations for them have been justified on the ground that they were rather of an international or interstate character

that they were rather of an international or interstate character than as relating purely to any State.

Mr. McMILLIN. The gentleman is entirely correct in that. The proposed exhibit at Nashville is of that character. Invitations have been extended to all countries to participate.

Mr. DINGLEY. I so understand.

Mr. McCALL of Tennessee. This exposition will be known as the Tennessee Centennial and International Exposition.

Mr. DINGLEY. Of course, Mr. Speaker, everyone will see at once the danger of making appropriations for purely State expositions.

sitions.

This bill provides for foreign exhibits as well as for the exhibits from the various States in the Union, and is for that reason rather of an international character. But I should not care to have it go forth that we had started out on the plan of aiding a purely State exposition. It must be international, or at least national, in character to justify such action on our part. And while I am not going to enter into the question of the wisdom of these appropriations, yet it must be conceded by all that such expositions, within the proper sphere, do subserve a great national purpose. There is no doubt of that; but care must be taken that a misapprehension in regard to the action of Congress in such matters may not exist among the people that we will participate in and appropriate for a purely State exposition, or even an exposition on narrower grounds where people come and ask the Government's aid for a Government exhibit. We must put it on the higher ground that it is purely national or international, as I have already

Further, these expositions are not supposed to be multiplying until they cover every State in the Union. In the Omaha case, as I am informed, twenty-five States claimed to be interested. In the present instance the various States of the Union are invited to

participate, as well as the governments of foreign nations.

But I only desired at this time to enter a caveat against the idea that we are aiding, by Government expenditure, a purely State

exhibit.

Mr. McCALL of Tennessee. Mr. Speaker, I wish to say a word by way of explanation to the House. This Tennessee Centennial and International Exposition is not a local or mere State affair. The citizens of the State have already subscribed and expended some \$400,000 in the inauguration of this enterprise. We will make a great success of it ourselves, but what we want is to have the Government help us to make it a still greater success. We expect to have people and exhibits from all of the States of the Union as well as from abroad. They are already asking for space from all parts of the country, which is being assigned to them, and, with the exception of the Chicago Exposition, we intend to make this the greatest State and International Exposition ever

held in this country.

Mr. WILLIAM A. STONE. Will not the gentleman except the

Philadelphia Exposition?

Mr. McCALL of Tennessee. Well, I doubt very much whether we will not make it a greater success even than that. We intend to make it a great success. It is already a great success as far

to make it a great success. It is already a great success as far as we have gone, and now all we want is the Government's blessing that it shall be even a greater success,

Mr. DOCKERY. It would be cheaper for us to give you the Government's benediction. That would save something like \$130,000. [Laughter.]

Mr. WASHINGTON. Mr. Speaker, a single word with reference to the criticism of my friend from Maine [Mr. DINGLEY] that it would not be proper for the Government of the United States to appropriate money for participation in what might be a

Mr. CANNON. The gentleman asks, "Why not stop now?"
He might have put that question when Omaha was asking an appropriation.
Mr. BAILEY. I tried at that time to have the House stop.
Mr. DOCKERY. Gentlemen ask, "Why not stop now?" In view of the activity manifested by the Tennessee delegation on both sides of this Chamber, I think gentlemen must realize that it would be difficult to do that. I simply desire to say that I am opposed to this bill.
Mr. DINGLEY. Mr. Speaker, before the vote is taken, I desire to make a single observation.
The gentleman from Tennessee [Mr. McMillin], in speaking of this proposed exposition at Nashville, alluded to it as being the celebration of the one hundredth anniversary of the admission of Tennessee into the Union. While that is true in point of time,

Our own buildings have been already erected and completed in a large measure. The grounds have been graded and beautified, trees planted, walks and drives macadamized. In fact, all the necessary preparations have been finished to make this exposition a grand success. A plat of ground has been allotted for the Government building, and if this bill should not pass and the Government should fail to participate in our centennial exposition, that plat of ground will remain unoccupied, and on it will stand a board bearing the inscription: "This space reserved for the United States Government building and exhibit."

The people of Tennessee, individually and by counties and cities

The people of Tennessee, individually and by counties and cities and corporations, have subscribed and paid \$458,943.77 to the capital stock of the exposition company. The remaining \$41,056.23 and corporations, have subscribed and paid \$458,943.77 to the capital stock of the exposition company. The remaining \$41,056.23 necessary to meet the requirements of the proposed appropriation by Congress will be raised within the next ten days, \$9,000 of that amount having been already pledged. The passage of this bill will inspire our people with new energy and stimulate them to further effort. In addition to the already large, commodious, and handsome buildings that have been completed, the management propose at once to begin the construction of three or four other buildings, in order to meet the daily increasing demand for more space by exhibitors. more space by exhibitors.

One word more. The centennial exposition will open its doors complete in every detail on the 1st of May, 1897. If the Government is to have an exhibit there, it is vital that this measure should pass now in order to insure sufficient time to erect the Governpass now in order to insure sumcient time to erect the Government building and to prepare properly the various objects in the several Departments which will form the exhibit.

The bill was ordered to be engrossed and read a third time; and it was accordingly read the third time.

The question being taken on the passage of the bill, Mr. Bailey demanded a division.

The House divided; and there were—ayes 127, nays 25.

Mr. BAILEY. Mr. Speaker, I believe a bill like this ought not to be passed with less than a quorum, and I make the point of no quorum. It will save time if the gentleman will give us the yeas and nays. I would have demanded the yeas and nays except that and nays. I would have demanded the yeas and nays except that I did not desire to waive the point of no quorum.

The SPEAKER. The gentleman from Texas [Mr. Bailey] makes the point of no quorum.

Mr. GIBSON. I hope the gentleman from Texas will not insist on the point of order.

The SPEAKER (after counting the House). One hundred and

eighty-six members present-a quorum. The ayes have it, and the bill is passed.

On motion of Mr. McCALL of Tennessee, a motion to reconsider the last vote was laid on the table.

Mr. HENDERSON. Mr. Speaker, I am directed by the Committee on Rules to submit a report, and upon it I ask the previous

The SPEAKER. The gentleman from Iowa [Mr. HENDERSON] submits the following report from the Committee on Rules, on which he asks for the previous question. The Clerk read as follows:

The Clerk read as follows:

The Committee on Rules, to whom was referred House resolution No. 439, have had the same under consideration, and hereby report the following substitute therefor:

"Resolved, That on Tuesday, January 5, 1897, immediately after the reading of the Journal, the House shall resolve itself into Committee of the Whole House on the state of the Union for the consideration of H. R. No. 4566, a bill to amend the postal laws relating to second-class mail matter; that said bill shall be considered under the rules governing general debate during the said day and the following day, January 6, until the hour of 2 p. m., at which time general debate shall close, and said bill shall then be open to amendment and consideration under the five-minute rule until 4 p. m., at which time the committee shall rise and report the bill and pending amendments to the House. The previous question shall be considered as ordered on the pending amendments and bill to its final passage."

Nr. OULGG. Mr. Speaker.

Mr. QUIGG. Mr. Speaker— Mr. HENDERSON. Mr. Speaker, I have asked for the previous question.

Mr. QUIGG. Do I understand that the rule allows two days of general debate?

Mr. McMILLIN. In order that the right may not be waived, I will ask the gentleman to consent that a second be considered as ordered-

Mr. HENDERSON. I demanded the previous question when I presented the report

Mr. McMILLIN (continuing). Otherwise all debate will be cut off.

The SPEAKER. The gentleman asks for the previous question, which, if ordered before any debate is had, would give twenty minutes' debate on a side.

Mr. BINGHAM. Will the gentleman from Iowa [Mr. Hen-

Mr. HENDERSON. Let us have the previous question ordered, and then I will answer your question. The previous question was ordered.

Mr. HENDERSON. The gentleman from New York [Mr. QUIGG] asked me a question, but I could not hear him.
Mr. QUIGG. I inquired, Mr. Speaker, whether this rule gave two days for general debate. I did not quite understand the reading but the Clark.

ing by the Clerk.

Mr. HENDERSON. It gives one day for general debate and until 2 o'clock on the next day; then from 2 until 4 o'clock on the second day for debate and amendment under the five-minute rule; then the amendments and the bill to be voted upon, the previous question being considered as ordered.

Mr. QUIGG. May I inquire whether the time for general debate is not a little problematical under the rule?

Mr. HENDERSON. Not at all.

Mr. QUIGG. When does the time for general debate begin?

Mr. HENDERSON, Immediately after the reading of the Jour-

Mr. QUIGG. When does the time for general debate begin?
Mr. HENDERSON. Immediately after the reading of the Journal. There is no opportunity to cut off the time that is set.
Mr. QUIGG. I did not hear the reading very distinctly.
The SPEAKER. The question is on agreeing to the resolution.
Mr. CANNON. Is the gentleman from New York [Mr. QUIGG] opposed to the bill?
Mr. QUIGG. I am opposed to the bill in its present form.
Mr. CANNON. Well, if that is so, would had a better way to manifest that opposition be to let the bill take its chances along with the other business of the House, instead of being considered under the special order? As I understand the special order, it gives general debate for one day, and on the next day until 2 o'clock, and then two hours for amendment, which practically means no amendment. If the gentleman is really opposed, and if other members are really opposed to it in its present shape, and if it ought to be considered and amended, and defeated or passed, as the case may be, it can not be done except under the ordinary rules of the House. It is the bill or nothing, practically, under the special order. I call the gentleman's attention to that fact.
Mr. HENDERSON. I reserve the balance of my time.
Mr. QUIGG. Mr. Speaker, this bill is, as the gentleman from California [Mr. Loud] described it the other day, undoubtedly the most important piece of general legislation that is coming before Congress during this session. It makes very radical changes in the postal laws. I do not propose to discuss the bill now, except as to one or two features which the House ought to bear in mind when it comes to vote on this rule.
The gentleman from Illinois [Mr. Cannon] suggests that under

bear in mind when it comes to vote on this rule.

The gentleman from Illinois [Mr. Cannon] suggests that under The gentleman from liminos [Mr. Cannon] suggests that under this rule we have got to vote for the bill or nothing, and if that is so—I could not hear the reading of the rule very well—I shall have to vote against the rule. This bill makes very extraordinary changes in the present postal laws, which the gentleman from California [Mr. Loud] says are in the interest of economy. I doubt it very much. The statement of the gentleman from California [Mr. Loud] that this bill will see the California [Mr. Loud] that this bill will see the California [Mr. Loud] the statement of the gentleman from California [Mr. Loud] that this bill will see the California [Mr. Loud] the statement of the gentleman from California doubt it very much. The statement of the gentleman from California [Mr. Loud] that this bill will save to the Treasury the sum of from \$20,000,000 to \$40,000,000 is to my mind utterly, prodigiously absurd. Mr. Wanamaker, when Postmaster-General, figured out in dollars and cents what this bill would save if it had figured out in dollars and cents what this bill would save if it had then been the law; and he figured out that \$1,000,000 would be saved on what is called the "sample-copy" privilege, and that \$1,100,000 would be saved on what is called the "periodical" privilege. So that the estimate of the Postmaster-General at that time was that that bill would save \$2,100,000. I can very easily demonstrate that the bill will cost a great deal more than that in the revenues of the Government in first-class matter and fourthclass matter, which, as the gentleman from California says, are the paying branches of the service, and which are greatly increased from the results of the second-class circulation.

This bill also confers upon the Postmaster-General most extraor-dinary powers. We now have in the postal laws twenty pages dinary powers. We now have in the postal laws twenty pages of regulations, which have all the effect of statute law, for every twenty lines of law. The powers we have already equipped the Postmaster-General with are so vast that he does not hesitate to make a law every time he needs one; and the present Postmaster-General says that if we do not pass this bill he will make it into law by simply writing out an order to postmasters. The gentleman from California read to us the other day what might be described as a rather bold statement on the part of the Postmaster-General. He thought it proper to tell us that if we do not give him this bill he will give it to himself. That is the way, I admit, that most of the important regulations now in the book of postal laws were brought into existence; and this bill confers upon the Postmaster-General much larger powers.

General much larger power

How much time have I, Mr. Speaker? The SPEAKER. The gentleman has used five minutes of his

Mr. QUIGG. This bill proposes to confer upon the Postmaster-General very much larger powers. The characteristics of mail matter as described in the law are added to in this bill in various ways, so that the Postmaster-General is empowered to say, for example, that the publication shall be ruled out of the mails because the persons claimed by the publisher as subscribers were

not "voluntary" subscribers. Actually, this bill equips the Postmaster-General with power to say, "Your subscribers did not submaster-General with power to say, "Your subscribers did not sub-scribe voluntarily, and consequently you can not send your publi-cations through the mails as second-class matter." There are various other large grants of power in this bill. The postmaster can say what is a "periodical." At present the law assumes to say what a "periodical" is, and describes exactly what qualifications a publication must have in order to be considered a periodical. Unapublication must have in order to be considered a periodical. Under the bill that we are to consider under this rule the Postmaster-General is entitled to say what a "periodical" is, and if he does not like the looks of it or objects to the looks of the editor or the publisher, he can rule it out of the mails by a stroke of his pen.

Now, I submit, Mr. Speaker, that this bill ought to be considered very carefully. There is no objection that I know of to the bill com-

Now, I submit, Mr. Speaker, that this bill ought to be considered very carefully. There is no objection that I know of to the bill coming up, to its being debated, to its being acted upon in the ordinary way. There was no objection the other day to its consideration, provided the gentleman from California would consent to wait until the day following, in order that the facts and figures that we had in connection with this bill might be looked up a little. When he came here with a proposition to take up this bill, nobody had heard anything of it, and the bill had not been thought of since last summer, in the last session; and the gentleman proposed to take it up straightway. It had been six months since I had looked at any of the collection of documents that I have received from publishers and others interested in the mail service. I was from publishers and others interested in the mail service. I was from publishers and others interested in the mail service. I was not ready to go on, and the protest that was made then was addressed simply to going on at that particular hour of that particular day. But, so far as I am concerned, I am perfectly willing to go on at any time now. The gentleman does not need this rule. There is going to be no filibustering against his bill or the consideration of it; and I hope he will not insist upon a rule which is so sharp as this seems to be in regard to the time of debate. A rule that would simply bring the matter forward at a particular time, a rule that it should be considered until it was disposed of, and disposed of within a time long enough to give us a fair debate, I would be willing to support, but a drastic rule of this character

would be willing to support, but a drastic rule of this character is certainly unnecessary.

I reserve the balance of my time.

Mr. BINGHAM. I desire to have two or three minutes.

Mr. QUIGG. I yield the gentleman the balance of my time.

Mr. BINGHAM. I would like to ask the gentleman from the Committee on Rules who has presented this rule a question. Does not the bill called the Loud bill stand before the House as unfished becomes and would it not come up immediately after the morning. business, and would it not come up immediately after the morning hour each day unless set aside by an appropriation bill or some vote of the House upon some other legislative proposition?

Mr. HENDERSON. It stands as unfinished business after the morning hour, but under that head we might never reach it. The

members of the Committee on Rules thought that a bill which the House had expressed its desire to consider should be brought up for consideration at such a time as would enable it to become law if it is to be stamped with the favorable action of this House, and we might never be able to reach it should its present status continue.

Mr. BINGHAM. My objection to the bill is this: The Postmaster-General presumes that this is most important legislation.

Mr. HENDERSON. The gentleman is speaking in his own

time, is he not, Mr. Speaker?

The SPEAKER. The gentleman has been recognized for the remainder of the time of the gentleman from New York.

mr. BINGHAM. The Postmaster-General assumes that this is most important legislation, and in connection with that assumption he states in his annual report that if this legislation is not enacted by Congress, he shall proceed under existing law to literally almost carry out the paragraphs contained in the Loud bill. Mr. LOUD. Only one of them.

Mr. BINGHAM. Only one of them. The gentleman says that the Postmaster-General's statement has reference to but one of the

the Postmaster-General's statement has reference to but one of the paragraphs of his bill. He does not so state it in his report. However, if the Postmaster-General can, by regulation in his Department and by construction of existing statutes, do this, there must ment and by construction of existing statutes, do this, there must be a neglect on his part in the performance of his duty, and I do not think that this House should hasten or expedite him in doing that which under the existing law he has authority to do. What I want in this case is the fullest debate. If this rule will give us full debate with full opportunity for amendment, I am for the rule; but I desire the rule to be so framed that under it this bill can be amended to meet what are called, and what may properly be called, inroads on the service, which the Postmaster-General can not meet by a ruling, but which, he claims, put the Government to great expense in carrying through the mails matter not authorized by law. My only inquiry, therefore, is whether this rule will give us full opportunity to make changes in this proposed legislation

Mr. DALZELL. Mr. Speaker, the question before us is not whether the House shall pass what is known as the Loud bill, but whether they shall consider it in a particular way. The impor-

tance of this proposed legislation is conceded on all hands, objections are made to the adoption of this rule. The obj The objection objections are made to the adoption of this rule. The objection made by my colleague [Mr. Bingham] who has just taken his seat is that the bill has already been under consideration by this House, and constitutes now an item of unfinished business. While that is true, it is unfinished business in the second morning hour, and my friend knows that the first morning hour, under the rules of this House, is a morning hour of indefinite duration, so that the chances are that this bill may not come up for a very long time.

Therefore, if it is to be considered at all, it ought to be considered so that if it pass the House it can go to the Senate and receive prompt action there. The other objection made to the rule is that there is not sufficient time allowed.

Now, this bill contains practically but a single proposition. It relates to second-class matter. It is not a long bill, and very little time will be required to consider amendments which will put it in such shape as gentlemen opposing it, or as the House, may desire, and besides, the bill has already been discussed the greater part of a day. In addition to all that, the House must remember that this is the short session, and that there are other bills of pressing importance brought to the attention of the Committee on Rules every day and time asked for their consideration. It is the intenevery day and time asked for their consideration. It is the intention of the committee, immediately after this shall have been disposed of, to present another rule fixing a time for the consideration of the funding bill. The committee took into consideration all the suggestions that have been made up to this time, and were clear in the opinion that, considering the character of this bill and the consideration that it had already had, sufficient time was allowed by the rule as reported, and I trust that the opponents of this bill will not attempt to shut off its consideration by the House

in an orderly manner.

Mr. HENDERSON. Mr. Speaker, I reserve the balance of my

Mr. LOUD. I ask the gentleman to yield me two or three minutes

minutes.

Mr. HENDERSON. I yield to the gentleman.

Mr. LOUD. Mr. Speaker, I think the rule proposed by the committee is a most liberal one, allowing seven hours for general debate and two hours for amendments. No one knows better than the gentleman from New York [Mr. QUIGG] and the gentleman from Pennsylvania [Mr. BINGHAM] that there are but two propositions in this bill. There are but two objections that can possibly be raised by either of those gentlemen. Hence there are but two provisions in the bill that they would even seek to amend, and it seems to me that two hours is a liberal time for amendments after the bill shall have received seven hours' debate.

Some of the statements made by the gentleman from New York [Mr. QUIGG] seem to be wild and misleading, as I assume they will be in the future. The chairman of the Post-Office Committee has made no statement that this bill will save from twenty to

will be in the future. The chairman of the Post-Office Committee has made no statement that this bill will save from twenty to forty million dollars a year. The claim that he has made (which I have repeated to many gentlemen) is that this bill will probably save \$10,000,000 a year. Speaking of the loss on the transmission of second-class matter, the chairman has said that the amount was from twenty to forty million dollars, but we do not propose by this bill to wipe out the second-class matter and to throw it all into the third-class, and therefore the saving will not amount to any such sum. The statement by Postmaster-General Wanamaker, to which the gentleman refers, was that the loss in 1892 was about \$2,200,000, but if the gentleman wants to be honest, he will see that that statement is incorrect and misleading, because wall see that that statement is incorrect and misleading, because at that time the Postmaster-General estimated that it cost only 3 cents a pound to handle and transmit this matter. If he will take the Postmaster-General's own figures, he will find that that statement or estimate of \$2,200,000 was based upon an estimated cost of 2 cents a pound for transmission and handling. Postmaster-General Wanamaker made no statement or estimate of what it would cost to transmit this matter at 12 cents a pound. No Postwould cost to transmit this matter at 12 cents a pound. No Post-master-General until the present one—I say it with confidence— ever anticipated that it would cost 8 cents a pound to transmit all classes of mail matter.

Mr. QUIGG. Will the gentleman yield to me a moment?

Mr. LOUD. Certainly.

Mr. QUIGG. I call the gentleman's attention to page 185 of

the RECORD.

Mr. HENDERSON. I hope the gentleman from New York

Mr. HENDERSON. I hope the gentleman from New York [Mr. QUIGG] will not consume our time.

Mr. QUIGG. I have the permission of the gentleman from California [Mr. Loud] to ask him a question. He challenged a statement which I had made. The gentleman from Iowa [Mr. HENDERSON] need not be solicitous. The gentleman from California can take care of himself, I presume. I call the attention of the gentleman from California to these words of his on page 185 of the RECORD:

At the lowest calculation, there is involved in this bill a saving to the Government of \$20,000,000 per annum.

I wish to say that is the statement to which I alluded.

Mr. LOUD. The statement, I think, must have been incorrectly reported. All that I have ever argued was that the amount would reach \$10,000,000. I am willing to state that I believe the amount would really reach \$20,000,000; but I do not believe that I have ever made that claim publicly. If I have, it has been a slip of the tongue. I have desired to put the matter very conservatively, and therefore have limited the statement to \$10,000,000.

I do not think there would have been any occasion for this rule if

I do not think there would have been any occasion for this rule if we were not compelled to take into consideration the action of some gentlemen in this House, particularly the gentleman from Pennsylvania [Mr. BINGHAM], who said on the evening when we had this bill up for consideration:

I would have voted with the gentleman to take it up to-morrow. I will vote with him at any time to take up for consideration legislation on this subject.

That statement was made by the gentleman from Pennsylvania,

I supposed, in good faith.

Mr. BINGHAM. "The gentleman from Pennsylvania" makes no change in that statement. "The gentleman from Pennsylvania" asked the gentleman in charge of the bill to give the House

vania "asked the gentleman in charge of the bill to give the House such information as would enable us to act intelligently on the subject. I want the gentleman's legislation considered; I am perfectly willing to have it considered at any time.

Mr. LOUD. The gentleman will bear in mind that he made that statement on the evening when we had this measure up for consideration. Yet he knows that he has blocked by the legislative appropriation bill the further consideration of this measure. I look simply at results, without considering the language that gentlemen may use.

gentlemen may use.

Mr. BINGHAM. I told the gentleman in the debate that even-

Mr. BINGHAM. I told the gentleman in the decate that evening that I was instructed by the Committee on Appropriations to bring forward the legislative bill.

Mr. LOUD. That is something that the gentleman thought of subsequently, for further down in the report of the debate I see he made that statement.

Mr. BINGHAM. The gentleman from California has met with no antagonism from me, and I do not propose to be placed in a

false position. Mr. LOUD. false position.

Mr. LOUD. I have only quoted the gentleman's language.

Mr. BINGHAM. I am in favor of considering the legislation
which the gentleman proposes. I want it fully considered.

Mr. LOUD. Then let us go ahead under this rule, which I
think is abundantly liberal.

Mr. HENDERSON. Mr. Speaker, how much time is there
remaining on this side?

The SPEAKER. Ten minutes.

Mr. HENDERSON. Do gentlemen on the other side desire to

Do gentlemen on the other side desire to Mr. HENDERSON.

Mr. HENDERSON. Do gentlemen on the other side desire to say anything further?

Mr. QUIGG. I think not.

Mr. HENDERSON. In closing this discussion, I wish simply to say that this is a brief bill of three pages. Its consideration has already occupied a part of one day. By the proposed rule we give it practically two more days; and, with the work which the House has the consideration we have given this bill all the time. has to consider, we believe we have given this bill all the time that it would seem we can afford to give it. We have put this bill forward because it may never be reached under the ordinary rules; and after the decided expression which the House has already given in respect to and in favor of the bill, and with the already given in respect to and in favor of the bill, and with the information before us that its passage is going to make a large saving to the Government, the Committee on Rules unanimously felt that they should allow the House an opportunity to act upon it without any unreasonable delay. We bring this proposed rule forward now so that gentlemen of the House, if the rule be adopted, may know that this measure will come up immediately offer the helidary reason. after the holiday recess. I ask for a vote.

The question being taken on agreeing to the resolution reported

by the Committee on Rules, it was agreed to; there being on a division (called for by Mr. Quigg)—ayes 102, noes 2.

On motion of Mr. HENDERSON, a motion to reconsider the last vote was laid on the table.

Several Members. Regular order.

PACIFIC RAILROAD LEGISLATION.

Mr. HENDERSON. I have another privileged report from the

The SPEAKER. The gentleman from Iowa presents a privileged report, which will be read.

Mr. HENDERSON. The Committee on Rules have instructed me to present the resolution which I send to the desk.

The Clerk read as follows:

Resolved, That on Thursday, January 7, 1897, immediately after reading the Journal, the House shall resolve itself into Committee of the Whole House on the state of the Union for the consideration of H. R. No. 8189, entitled "A bill to amend an act entitled 'An act to aid in the construction of a railroad and telegraph line from the Missouri River to the Pacific Ocean, and to secure to the Government the use of the same for postal, military, and other purposes,' approved July 1, 1862; also to amend an act approved July 2, 1864, and also an act approved May 7, 1878, both in amendment of said first-mentioned act, and other acts amendatory thereof and supplemental thereto, and to provide for the settlement of claims growing out of the issue of bonds to aid in the construction of certain railroads, and to secure the payment of all

indebtedness to the United States of certain companies therein mentioned; that said bill shall be considered under the rules governing general debate during the said day and the day following until the hour of 5 o'clock p. m., at which time general debate shall close, and then said bill shall be open to amendment and consideration under the five-minute rule until 5 o'clock p. m., the following day, at which time the committee shall rise and report the bill and pending amendments to the House. The previous question shall be considered as ordered on the pending amendments and the bill to its final passage; and the final vote thereon shall be taken immediately after the reading of the Journal on Monday, January II.

Mr. HENDERSON. Last the previous question on the education.

Mr. HENDERSON. I ask the previous question on the adoption

Mr. HENDERSON. Task the previous question on the adoption of the report.

Mr. TURNER of Georgia. If the gentleman will permit me, I would like to ask what date is fixed in the resolution?

Mr. HENDERSON. Thursday, Friday, and Saturday, January 7, 8, and 9, and Monday following to vote.

Mr. TURNER of Georgia. Thursday, the 7th of January?

Mr. HENDERSON. Yes, the 7th; immediately after the readof the Journal.

Mr. McCREARY of Kentucky. If the gentleman will permit

Mr. HENDERSON. I prefer not to yield until after the previous question has been ordered.

Mr. McCREARY of Kentucky. I only wanted to ask the gentleman if he proposes to have a session of Congress on the 8th of

January?

Mr. STEELE. Jackson's day?

Mr. HENDERSON. Why, yes; we are a business House.

Mr. Speaker, I ask the previous question on the adoption of the

The previous question was ordered.

The previous question was ordered.

Mr. HUBBARD. If the gentleman from Iowa will permit me,
I would like to ask a question. If the amendments to be offered
on Saturday to this bill are not sufficient to consume the day, will

on Saturday to this bill are not sunicent to consume the day, which that time be occupied by general debate?

Mr. HENDERSON. We have two days for general debate and one for debate under the five-minute rule, when amendments will be in order, and Monday of the following week the vote will be taken, which practically allows four days for the consideration of the bill.

Mr. DALZELL. You can consume all the time on Saturday by formal amendments, moving to strike out the last word, etc., and debate

Mr. HUBBARD. Mr. HUBBARD. Does the adoption of this report preclude a motion to recommit the bill?

Mr. HENDERSON. No; certainly not. That is a right re-

served under the rules.

Mr. Speaker, I do not think it is necessary for me to say very much about the bill. The bill referred to in the resolution is what is known as the Pacific funding bill; and the only question before the House in considering the rule now is, Shall we take this matter up and consider it at all? It does not involve, in discussing the pending order, a discussion of the merits of the bill; and when we vote for this rule for the consideration of the bill it does not necessarily imply that afterwards it will involve the voting for the bill in question. The member reserves to himself the right to vote as he pleases on the passage of the bill.

I want to say that we have consulted—the Committee on Rules have consulted—with gentlemen entertaining opposite views in respect to the legislation proposed here, and we have endeavored to fix the time so as to meet the views of both sides, and give such time as is necessary to a full, candid, and fair consideration of

You will see that under the rule we give Thursday, Friday, and Saturday, after the disposition of the Loud bill, by the rule just adopted in the House, for discussing the Pacific funding bill and the amendments that may be offered; and on Monday, immediately after the reading of the Journal, the vote on the bill and amendments and such substitute as may be offered is to be taken.

Mr. DOCKERY, Tudor the rule as a presented will there be seen.

amendments and such substitute as may be offered is to be taken.

Mr. DOCKERY. Under the rule as presented will there be an opportunity to offer a substitute?

Mr. HENDERSON. Certainly; because amendments are permitted, and a substitute is an amendment.

Mr. DOCKERY. But the opportunity under the rule will not present itself unless the last section of the bill is reached.

Mr. McMILLIN. If the gentleman from Iowa will permit me, I will state to my friend from Missouri that a substitute may be offered, but not voted upon until the time fixed.

Mr. HENDERSON. That is correct.

Now, a few words as to the question whether we should consider the bill or not. The subsidy bonds covered by the bill amount, I understand, to over \$61,000,000. The amount of indebtedness on the 1st of next January will be, in round numbers, \$111,000,000. The Government has a second lien for this on 2,293.4 miles of railroad, with the appurtenant property of the road. All of the prior The Government has a second lien for this on 2,293.4 miles of railroad, with the appurtenant property of the road. All of the prior liens upon the property remain unpaid, and hence the amount involved in the question to be considered is the Government claim, plus the prior liens, amounting in all to over \$172,000,000.

The President tells us in his message that on January 1, 1897, there will be due on the bonds of the road \$19,000,000, and by

January 1, 1899, an additional amount of more than \$41,000,000. It is contended—I do not know with what truth—that if a fore-closure is had the Government will realize but very little out of its claim. That, I trust, is a point on which we will have ample discussion and full light, if the bill is to be considered. But it has been pressed upon us by the executive officers of the Government again and again that in order to protect the interests of the Government Congress should act, and by some method, either an extension of the time, a reduction of interest, or some other means, adopt a form of procedure or adjustment whereby all the

claim of the Government can be ultimately secured. I desire to call the attention of the House to a few recommendations bearing upon the question of whether we should consider it, and on that question only. The Commissioner of Railroads, in his report for 1884, calls special attention to the subject and gives his idea of a remedy. On February 15, 1886, the President transmitted a communication to Congress on the subject, with the report of the Government directors of the Union Pacific Railway Company. Of so great importance was the subject deemed that on March 3, 1887, an act of Congress was passed authorizing the appointment of three commissioners to investigate the whole subject of the relations of the bond-aided railroads to the Govern-ment. On January 17, 1888, President Cleveland transmitted the report of that Commission, known as the Pacific Railroad Com-

mission, to Congress, closing his message with these words: The public interest urges prompt and efficient action.

In his annual message to Congress to the second session of the

Fiftieth Congress President Cleveland said:

Fiftieth Congress President Cleveland said:

The adjustment of the relations between the Government and the railroad companies (receiving bond aid) should receive early attention. The report of a majority of the commissioners appointed to examine the affairs and indebtedness of these roads, in which they favor an extension of the time of payment of such indebtedness in at least one case where the corporation appears to be able to comply with the well-guarded and exact terms of such extension, and the reenforcement of this opinion by gentlemen of undoubted business judgment and experience, appointed to protect the interests of the Government as directors of said corporation, may well lead to the belief that such an extension would be to the advantage of the Government.

The subject should be treated as a business proposition, with a view to a final realization of its indebtedness by the Government, rather than as a question to be decided upon prejudice or by way of punishment for previous wrongdoing.

To the first session of the Fifty-first Congress President Harrison

To the first session of the Fifty-first Congress President Harrison transmitted approvingly the report of the Secretary of the Interior, in which it is said:

Another question of great importance, etc., which it is necessary for the Fifty-first Congress to take up, and which I recommend to your earnest consideration, is that in regard to the debt rapidly maturing in favor of the United States against those Pacific railroads that received aid from the Government, etc. (Page 84.)

No recommendation is necessary further than that it should receive early and earnest attention as one of the most important subjects to be dealt with. The particulars of the settlement may be wisely left to Congress.

To the second session of the Fifty-first Congress President Harrison transmitted the report of the Secretary of the Interior, indors-The Secretary said:

The Commissioner of Railroads adheres to the opinion given in his last report that it will be necessary to extend the time in which the railroads may meet their obligations to the Government.

The subject was fully discussed by the present Secretary in his last annual report; the views then expressed are still retained.

In his annual message to the first session of the Fifty-second Congress President Harrison said:

A large part of the debt is now fast approaching maturity with no adequate provision for its payment. Some policy for dealing with the debt with a view to its ultimate collection should be at once adopted.

Observe the words "no adequate provision for its payment."

To the second session of the Fifty-second Congress President Harrison said as to the subsidy bond debt:

We must deal with the question as we find it, and take that course which will, under existing conditions, best secure the interests of the United States.

And he renews his recommendation of last year-

That a commission with full power be appointed to make settlement

To the second session of the Fifty-third Congress the President, To the second session of the Firty-third Congress the President, indorsing generally the Department recommendation, transmitted the annual report of the Secretary of the Interior, wherein that officer recommended action by Congress on the subject, and referred approvingly to the report of the Government directors, calling attention to the approaching maturity of the subsidy bond debt and renewing the recommendation so frequently made by their predecessors for a prompt and compete adjustment of the financial relations between the reilread companies and the United financial relations between the railroad companies and the United

In his message to the third session of the Fifty-third Congress, December 3, 1894, President Cleveland refers to this subject, espe-cially as to the Union Pacific Company, as—

Of pressing moment.

And he continues:

Not to enact the needed enabling legislation at the present session post-pones the whole matter until the assembling of a new Congress, and inevi-tably increases all the complications of the situation, and could not but be regarded as a signal failure to solve the problem, which has practically been before the present Congress ever since its organization.

In the first paragraph of his message to the first session of the Fifty-fourth Congress the President indorses the recommendations of the Department officials.

Mr. Secretary Smith devoted a large space to the subject, and cressed upon Congress the necessity of action on the subject.

In his message to this session of Congress the President says:

The Secretary calls attention to the public interests involved in an adjustment of the obligations of the Pacific railroads to the Government. I deem it to be an important duty to especially present this subject to the consideration of the Congress.

Then he follows with a statement in regard to the indebtedness, closing his reference to it with these words:

Therefore, unless Congress shall otherwise direct or shall have previously determined upon a different solution of the problem, there will hardly appear to exist any reason for delaying beyond the date of the default above mentioned such Executive action as will promise to serve the public interests and save the Government from the loss threatened from further inaction.

I might quote further from the report of the Attorney-General, from the Commissioner of Railroads, and from different sources in respect to the importance of action. Now the time has come when Congress should treat this matter, or it will go from our hands and be treated by the executive officers of the Government.

The Committee on Rules, urged by the people's interests and by these different officers of the Government, have unanimously brought in this rule, so that the House might have an opportunity brought in this rule, so that the House might have an opportunity to determine whether or not it will take up this question and consider it. If they decide to consider it, then they must determine whether or not it is their intention to confess to the country that they have not the ability to bring forward a remedy by legislation. It may be that when this is considered no method can be pointed out that will show how the Government can save this vast sum of money. That is a matter for discussion, but at all events every Representative should have the courage to let this matter come up for full consideration and discussion, and see whether or not we can save these many millions to the country, or whether not we can save these many millions to the country, or whether we must abandon them to the chance of foreclosure, knowing a prior lien is upon every dollar of that which we have a second

I reserve the balance of my time. [Cries of "Vote!" "Vote!"]
Mr. MAGUIRE. Mr. Speaker, I realize that under the drastic
rules of this House it is useless to oppose the report of the Committee on Rules giving and fixing time for the consideration of I am well aware that under the rules of the House cloture, which the committee invokes for the bill, applies to the consideration of the report, and I know also that a number of gentlemen who are opposed to the bill will not vote against the committee on this question.

committee on this question.

But, sir, I can not permit the statement just made by the gentleman from Iowa [Mr. Henderson] to pass unchallenged. Several of his statements are misleading and some of them absolutely erroneous. The Government is not menaced by any such danger as the gentleman suggests. It is not the interest of the Government, but the interest of the debtor companies that are to be promoted by the Powers bill. The Government is amply proceedings will shortly be instituted, unless Congress as a favor to the defaulting companies shall relieve them from their obligations under that act by extending the time for the payment of the debt.

That the companies interested should be anxious to have the bill brought on speedily for consideration is quite natural, because

brought on speedily for consideration is quite natural, because their interests are to be promoted by it, but the interests of the their interests are to be promoted by it, but the interests of the United States Government are now protected by the best safe-guard of which existing conditions will permit, namely, the right of foreclosure and such rights as it may have to pursue diverted assets and the unpaid subscriptions of stockholders. The provisions of the Thurman Act are far better for the Government than the proposed refunding act. The Thurman Act was a settlement of the Pacific Railroad question. It presented the alternative to the companies to pay or submit to foreclosure. They did not pay, and this urgent proposition is to relieve them of the alternative. That is all. The only defect so far developed in the Thurman Act is that it does not vest jurisdiction in any particular court (nor, in my opinion, any court) over the interests of the United States Government in the roads. Government in the roads.

If any change of existing law is needed, it is that jurisdiction be vested in the supreme court of the District of Columbia, or some other particular court, to adjudicate and determine the interests of the Government in the roads.

interests of the Government in the roads.

The gentleman from Iowa [Mr. Henderson] says that the question is how to get the most money for the Government. That question should properly be discussed when the bill is up for consideration on its merits. It is the question presented by the bill. That may be the ultimate question, but the gentleman is mistaken in stating that the Secretary of the Interior, Mr. Smith, suggested that refunding is the best method. He did not. He stated before the House committee and testified before the Senate committee that, in his opinion, foreclosure was the best means of getting the most money for the Government out of these roads. Messrs.

Anderson and Coombs, Government directors of the Union Pacific Railroad Company, who have investigated the matter fully, in like manner stated and testified that, in their opinion, foreclosure is the best method of procedure for the protection of the Government.

Mr. Coombs, Government director of the Union Pacific Railroad, testified before the Senate committee, and stated before the House committee that \$120,000,000 can be obtained by foreclosure House committee that \$120,000,000 can be obtained by foreclosure sale of these two roads, which would net the Government about \$60,000,000. This is about \$40,000,000 more than it will ever get if the bill now proposed to be given consideration shall pass. Mr. Anderson, Government director of the Union Pacific Railroad and author of the majority report of the Pacific Railway Commission, in which refunding was recommended, as stated by the gentleman from Iowa [Mr. Henderson], testified before the Senate committee, during its hearings last spring, that he had changed his mind on that subject, and that in his opinion foreclosure and not refunding was the best remedy.

The gentleman refers to the President's message to Congress at the opening of the present session, urging action, or, rather, declar-

The gentleman refers to the President's message to Congress at the opening of the present session, urging action, or, rather, declaring that if action be not taken by Congress by the 1st of January next there would seem then to be no further reason for delaying foreclosure proceedings. It seems to me that neither this House nor the country has anything to fear from that alternative. The House and the country may well permit every reason which has heretofore influenced the President to delay foreclosure proceedings to be removed by the failure of further Congressional action in the interest of these companies in the interest of these companies.

Let the course of judicial procedure ordinarily adopted in such cases among citizens be followed.

For my part, I am not only opposed to the bill, but opposed to the consideration of any such measure. It is neither necessary nor useful.

The SPEAKER. The question is on agreeing to the resolution.
The question was taken; and the resolution was agreed to.
On motion of Mr. HENDERSON, a motion to reconsider the vote by which the resolution was agreed to was laid on the table.

ORDER OF BUSINESS.

Mr. WILLIAM A. STONE. I call for the regular order.
The SPEAKER. The gentleman from Missouri has a motion that he desires to make to reconsider.
Mr. TRACEY. Mr. Speaker, in the vote of the House yesterday upon the report of the Committee on Accounts there were several items included, and I desire to move to reconsider the vote

by which the report was rejected.

Mr. DOCKERY. And to be called up at some other time.

The SPEAKER. The gentleman from Missouri moves to reconsider the vote by which the report of the Committee on Accounts

Mr. DOCKERY. He simply desires to enter a motion to recon-

Mr. TRACEY. I do not desire to interfere with the progress of the regular order, but I should like to have a motion to reconsider entered.

entered.

The SPEAKER. Very well. The gentleman enters a motion to reconsider, which will be pending.

Mr. WILLIAM A. STONE. I call for the regular order.

Mr. BINGMAM. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the consideration of the legislative, executive, and judi-

cial appropriation bill.

Mr. WILLIAM A. STONE. A parliamentary inquiry. I understand that there are some messages from the Senate that have not yet been submitted to the House. If the regular order is called for, would not those messages come before the House at the next

for, would not those messages come before the House at the next step?

The SPEAKER. They would, if the House ottes down the proposition to go into Committee of the Whole House on the state of the Union.

Mr. WILLIAM A. STONE. I do not want to do that. I ask unanimous consent that the message from the Senate pertaining to the immigration bill may be disposed of; and on that I simply desire to say that questions of this character have been defeated by the simple exigencies of events, and if we can not get this matter disposed of now, it is likely it will not be disposed of at all. Therefore I ask unanimous consent that we return to the regular order, to have the question of the message from the Senate relating to the immigration bill disposed of.

Mr. KIEFER. I object.

Mr. BINGHAM. What does the gentleman wish? Simply the appointment of a committee of conference?

Mr. WILLIAM A. STONE. That is all; or a reference to a committee. It will not take ten minutes' time.

Mr. BINGHAM. I am perfectly willing. If it is simply for the appointment of conferees or reference to a committee, I will appointment of conferees or reference to a committee, I will not take ten minutes' time.

Mr. BINGHAM. I will simply say, Mr. Chairman, that the extension of time proposed in this amendment has been determined after correspondence with the Attorney-General, and is approved by the Committee on Appropriations.

The amendment was agreed to.

The Clerk read as follows:

United States courts, Indian Territory: For salaries of the three judges of the United States courts in the Indian Territory: For salaries of the United States courts in the Indian Territory: For salaries of the United States courts in the Indian Territory: For salaries of the United States courts in the Indian Territory: The amendment was agreed to.

Mr. UPDEGRAFF. Mr. Chairman, I desire to present the will offer the legislative, executive, and judicial expenses of the Government for the legislative, ingument of the more of the more of the more of the more of the more

not object; but the moment it excites debate I shall ask for the consideration of the appropriation bill.

The SPEAKER. If the matter is once entered on, of course

the Chair can not interrupt the proceedings.

The parliamentary situation is this: The Committee on Appropriations have the right of way, and if they make the motion, then the House has got to pass upon it and determine whether it will go into Committee of the Whole House on the state of the Union or not. If the motion is not made, or if the motion is negatived, then the business on the Speaker's table will be in order, and the immigration bill is one of the pieces of business on the Speaker's table.

Mr. BINGHAM. Mr. Speaker, I have made a motion that the House go into Committee of the Whole.

Mr. WILLIAM A. STONE. Will the gentleman give us the right of way long enough to dispose of this immigration bill on

Monday?

M. BINGHAM. If we can go on without delay, we shall get through with the legislative bill in a short time. I insist upon my motion, Mr. Speaker.

The question being taken on the motion of Mr. BINGHAM that the House resolve itself into Committee of the Whole on the state of the Union for the consideration of the legislative, executive, and judicial appropriation bill, the Speaker declared that the ayes recorded to have it.

seemed to have it.

Mr. McCALL of Massachusetts. I call for a division.
The House divided; and there were—ayes 73, noes 37.

So the motion was agreed to.

The House accordingly resolved itself into Committee of the Whole, Mr. Hepburn in the chair.

LEGISLATIVE, EXECUTIVE, AND JUDICIAL APPROPRIATION BILL.

The Clerk, reading the bill by paragraphs, read as follows:

Indian Office: For the Commissioner of Indian Affairs, \$4,000; Assistant Commissioner, who shall also perform the duties of chief clerk, \$3,000; financial clerk, \$2,000; chief of division, \$2,000; principal bookkeeper, \$1,800; five clerks of class 4; twelve clerks of class 3; draftsman, \$1,600; stenographer, \$1,600; stenographer, \$1,600; stenographer, \$1,600; stenographer, \$1,600; one messenger; two assistant messengers; one laborer; female messenger, \$840; messenger boy, \$360; and two charwomen; in all, \$115,820.

Mr. BINGHAM. Mr. Chairman, in the paragraph just read there is a type error in the total at the end. I move to amend by striking out the word "eight" in line 18, page 83, and inserting

six."
The amendment was agreed to.
The Clerk read as follows:

Court of Private Land Claims: For chief justice and four associate justices, \$\$5,000 each;
For clerk, \$2,000;
For stenographer, \$1,500;
For attorney, \$3,500;
For interpreter and translator, \$1,500; in all, \$33,500.
For deputy clerks, as authorized by law, so much thereof as may be necessary.

Mr. CATRON. Mr. Chairman, I desire to offer the amendment which I send to the desk.

The amendment was read, as follows:

The amendment was read, as follows:

On page 108, after line 17, insert:

"That section 19 of an act entitled 'An act to establish a court of private land claims and to provide for the settlement of private land claims in certain States and Territories, approved March 3, 1891, as amended in legislative, executive, and judicial appropriation act for the fiscal year 1896, be, and the same is hereby, further amended to read as follows:

"SEC. 19. That the powers and functions of the court established by this act shall cease and determine on the 31st day of December, 1898, and all papers, files, and records in the possession of said court belonging to any other public office of the United States shall be returned to such office, and all other papers, files, and records in the possession of or appertaining to said court shall be returned to and filed in the Department of the Interior."

Mr. BINGHAM. I will simply say. Mr. Chairman, that the

Mr. BINGHAM. I will simply say, Mr. Chairman, that the extension of time proposed in this amendment has been determined after correspondence with the Attorney-General, and is approved by the Committee on Appropriations.

of this amendment that may be desired. In 1895 an act was passed reorganizing the judiciary of the Indian Territory, providing for marshals, attorneys, and commissioners, and putting them upon salaries. In the act on this subject which was passed at the last session of Congress, abolishing the fee system as to attorneys, marshals, and commissioners, it was thought best for all parties marshais, and commissioners, it was thought best for all parties to omit the Indian Territory from the operation of that act, but since then experience has induced the Department of Justice to deem it wise to include that Territory within the operation of the salary system, as provided in that act of last session, with the exception that the Department does not desire to disturb the commissioners system of the Territory, which now rest upon the act of 1895, under which the commissioners are salaried. The act of last session checking the fee system as to certain offices and affix. last session abolishing the fee system as to certain offices and affixing salaries thereto omitted the Indian Territory from its operation, and therefore omitted fixing the salaries of the United States attorneys and marshals for that Territory, so that we had to add attorneys and marshals for that Territory, so that we had to add in this amendment a provision for the pay of the attorneys and marshals of the Territory. In that Territory there are no justices of the peace. The United States commissioners are justices of the peace, or perform the ordinary duties of justices of the peace. In this amendment the commissioners system of the Indian Territory, organized under the act of 1895, is not disturbed.

Mr. DOCKERY. As I understand, Mr. Chairman, this proviso

is recommended by the Attorney-General and by the Committee

on the Judiciary.
Mr. UPDEGRAFF.

It is.

Mr. BINGHAM. There is no objection to the amendment.
Mr. UPDEGRAFF. It is recommended by the Department of Justice and it has been submitted to the Judiciary Committee of the House, and I present the amendment under the instructions

of that committee, whose unanimous approval it has received.
Mr. DOCKERY. Mr. Chairman, in this connection, I desire to
have printed in the RECORD a letter from the Department of

There was no objection. The letter is as follows:

DEPARTMENT OF JUSTICE, Washington, D. C., December 12, 1896.

Washington, D. C., December 12, 1896.

Sir: I inclose herewith, as requested by Mr. Dockery, the proposed amendment to the appropriation for salaries and expenses United States courts, Indian Territory, 1898, which is included in the legislative, executive, and judicial appropriation act for the fiscal year 1898.

Respectfully,

JUDSON HARMON, JUDSON HARMON, Attorney-General.

Hon. H. H. BINGHAM, House of Representatives.

The Clerk read as follows:

Sec. 2. That the pay of assistant messengers, firemen, watchmen, laborers, and charwomen provided for in this act, unless otherwise specially stated, shall be as follows: For assistant messengers, firemen, and watchmen, at the rate of \$720 per annum each; for laborers, at the rate of \$600 per annum each, and for charwomen, at the rate of \$240 per annum each.

Mr. DOCKERY. I offer the amendment which I send to the desk as an additional section to the bill.

The Clerk read as follows:

The Clerk read as follows:

SEC. 3. Section 996 of the Revised Statutes of the United States is hereby amended to read as follows:

"SEC. 996. No money deposited as aforesaid shall be withdrawn except by order of the judge or judges of said courts, respectively, in term or in vacation, to be signed by such judge or judges, and to be entered and certified of record by the clerk; and every such order shall state the cause in or on account of which it is drawn. And it shall be the duty of the judge or judges of said courts, respectively, to cause any moneys deposited as aforesaid which shall remain in the registry of the court unclaimed for ten years or longer to be deposited in a designated depository of the United States to the credit of the United States."

Mr. DOCKERY. I desire to say that this amendment has the approval of the Attorney-General, and the reasons for its adoption will be found on page 23 of his report, in the paragraph which I

ask the Clerk to read. The Clerk read as follows:

FUNDS IN REGISTRY OF UNITED STATES COURTS.

Reports of examinations made by the Department of the various Federal offices show, from time to time, the existence of funds deposited by clerks or other officers of the courts, as provided in sections 995 and 5504 of the Revised Statutes. Money so deposited can not be drawn except by judicial orders (section 996), which are, of course, not made when the parties to whom the money belongs are unknown or disappear. I suggest that some provision be made for covering such deposits into the Treasury when they have remained unclaimed for a certain period.

The amendment was agreed to.
The Clerk resumed and concluded the reading of the bill.
Mr. BINGHAM. I understand that this concludes the paragraphs of the bill, save those which were set aside-first, the paragraphs with reference to the Library of Congress, and second, those with reference to the Civil Service Commission.

Mr. QUIGG. I understood the gentleman from Pennsylvania to say that the bill should be completed, and that we would then proceed with the consideration of the paragraphs in regard to the

Library.

Mr. BINGHAM. I said that at the completion of the bill we would enter upon the consideration of the paragraphs covering the

Library. Later on in the bill we reached the paragraphs concerning the Civil Service Commission, which stand in exactly the same position as the provisions with respect to the Library. As the latter provisions were first set aside, we should naturally in

the first place proceed to their consideration.

The CHAIRMAN. The Clerk will read the portion of the bill relating to the Library of Congress, which was omitted when regularly reached.

The Clerk read as follows:

LIBRARY OF CONGRESS.

LIBRARY OF CONGRESS.

For Librarian, \$6,000.

For the following, to be selected by the Librarian of Congress, by reason of special aptitude for the work of the Library, including the copyright work and the custody and care of the new Library building, and only under such rules as the Librarian of Congress may prescribe, namely: For chief assistant Librarian, \$4,000; assistants, at \$1,500 each; 13 assistants, at \$1,200 each; 3 assistants, at \$1,200 each; 6 assistants, at \$1,200 each; 6 assistants, at \$1,200 each; 6 attendants in collecting and distributing books, at \$720 each; 2 attendants in Representatives' reading room, 1 at \$900 and 1 at \$720 each; 2 attendant in the Washington library, \$900; 2 attendants in the Cloakrooms, at \$720 each; attendant in the stamping room, \$720; attendant in the packing room, \$720; avatchment, at \$720 each; chief of catalogue department, \$3,000; 2 assistants, at \$1,800 each; 4 assistants, at \$1,500; 2 assistants, at \$900 each; vsuperintendent of raps and charts, \$2,000; 2 assistants, at \$900 each; superintendent of manuscript department, \$1,500; 2 assistants, indexing, at \$720 each; superintendent of manuscript department, \$1,500; 2 assistants, indexing, at \$720 each; superintendent of manuscript department, \$1,500; 2 assistants, at \$300 each; superintendent of manuscript department, \$1,500; 2 assistants, indexing, at \$720 each; superintendent of music department, \$1,500; 2 assistants, at \$1,500; 2 assistants, at \$1,400 each; and laborer, \$720; in all, \$93,020.

Mr. WILLIAMS (before the reading of the paragraph was con-

Mr. WILLIAMS (before the reading of the paragraph was concluded). I rise to a parliamentary inquiry. I wish to make a point of order upon a part of the language here, on page 19, be-

point of order upon a part of the language here, on page 19, beginning at line 3. I rise for the purpose of inquiring whether it is in order to make that point of order now?

The CHAIRMAN. The Chair thinks that the reading of the paragraph should be concluded.

The Clerk resumed and concluded the reading of the paragraph. Mr. WILLIAMS. Mr. Chairman, the paragraph having now been read, I wish to make the point of order that this clause, beginning in line 3, "To be selected by the Librarian of Congress, by reason of special aptitude for the work of the Library, including copyright work and the custody and care of the new Library building, and only under such rules as the Librarian of Congress may prescribe." is obnoxious to a point of order, because it is new

may prescribe," is obnoxious to a point of order, because it is new legislation.

Mr. BINGHAM. I submit, Mr. Chairman, that when this bill was reported to the House no points of order were reserved upon it. Therefore the bill as it now comes before the Committee of

the Whole is not subject to points of order.

Mr. WILLIAMS. Is it not the fact that a bill of this kind must be subject to points of order unless there is an agreement to the

ontrary?

Mr. DOCKERY. Allow me to state in this connection that the point of order raised by the gentleman from Mississippi [Mr. WILLIAMS] would undoubtedly be well taken but for the ruling of the Speaker, twice repeated at the last session, that points of the speaker, twice repeated at the last session, that points of the speaker, twice repeated at the last session, that points of the speaker, twice repeated at the last session, that points of the speaker, twice repeated at the last session, that points of the speaker, twice repeated at the last session, that points of the speaker, twice repeated at the last session, that points of the speaker is the speaker in this connection that the point of order raised by the gentleman from Mississippi [Mr. Williams] would undoubtedly be well taken but for the ruling of the Speaker, twice repeated at the last session, that points of the speaker is the speaker in this connection that the point of the speaker is the speaker in this connection that the point of the speaker is the speaker in the speaker in the speaker is the speaker in the speaker order can not be made upon paragraphs carried in an appropria-tion bill unless they are reserved at the time the bill is reported. I think that is a statement of fact to which all will agree.

Mr. BAILEY. Who was in the chair when that decision was

Mr. DOCKERY. Mr. Speaker Reed. I will state to the gentleman that the question was first raised by myself, and subsequently the same question was raised by the gentleman from Maine [Mr. DINGLEY]; and upon both occasions the Speaker, Mr. Reed, decided that points of order must be reserved at the time

REED, decided that points of order must be reserved at the time a bill is reported.

Mr. BAILEY. It occurred to me that such a ruling could not have been made when the Speaker was in the chair, because the question would naturally have been raised in the Committee of the Whole, where the Speaker does not preside.

Mr. DOCKERY. I remember that in the first instance the question was raised by me simply by way of a parliamentary inquiry, and later (I do not remember the precise circumstances) the question was presented to the Chair by the gentleman from Maine [Mr. DINGLEY], and the Chair held as I have just stated.

Mr. BAILEY. Of course, if that has been the ruling, I shall be compelled to acquiesce. It seems to me, however, a very dangerous ruling, because it would compel some member of the House

ous ruling, because it would compel some member of the House every time a bill of this character is reported to reserve points of order upon it. When a bill is reported from a committee there is of course no member of the House who has read the bill except the members of the committee which reports it; and therefore under such circumstances all that any member could do would be simply to reserve points of order blindly. It looks to me as if nobody ought to be required to make a point of order until the paragraph which is the subject of it has been reached in the consideration of the bill. Of course, if the Speaker of the House has

held that way, the question is res adjudicate and must be accepted by the House. But it would require a most excellent parliamentarian to convince me that the decision was correct.

Mr. SAYERS. I would ask the gentleman from Missouri [Mr. Dockery] if, while Mr. Carlisle was Speaker of the House, he did not hold that it was not necessary to reserve such points of

Mr. DOCKERY. I am inclined to think such was Mr. Carlisle's ruling. But this I can say, in this presence, and I would not do so unless I felt that I was right, that this ruling was twice

made by the present Speaker of the House.

Mr. WILLIAM A. STONE. It has been the ruling throughout this Congress. as I understand it, has it not?

Mr. DOCKERY. It has been, undoubtedly.

Mr. WILLIAM A. STONE. That certainly would seem to

settle the matter.

Mr. WILLIAMS. I do not pretend to understand as well as the gentleman from Missouri probably does what has been the ruling of the Speaker on this particular point. But there is a matter of fact in connection with this subject which I think the gentleman does not take into consideration. There must be, of course, some point at which the point of order may be made to a given paragraph in a bill. Now, that point is naturally the point when the paragraph in question is first reached and read.

Certainly it will not be denied that this paragraph has not been considered or read, but by unanimous consent it was passed over when it was reached in the bill until all of the remainder of the items in the bill were disposed of. So that for all the purposes of consideration, including the purpose of making points of order, the paragraph is before the House now for the first time.

the paragraph is before the House now for the first time.

This is the first time that a point of order could have been reserved by anyone to this particular paragraph.

Mr. DALZELL. I would like to say to the gentleman from Texas [Mr. Balley], who seems to think there is no reason for the ruling cited, that the reason of the ruling is based on the fact, as I understand it, that the House had seen fit to commit to the Committee of the Whole a bill without objection whatever to its contents or to any new legislation that may be embodied in it. It is not in the power of the committee, therefore, to refuse to consider that which the House itself has seen fit to commit to it for consideration. for consideration.

It seems to me that the ruling is entirely logical.

Mr. WILLIAMS. Was this bill ever read in the House?

Mr. DALZELL. That I do not know.

Mr. BAILEY. The logic of the gentleman from Pennsylvania would be entirely reasonable if the House, as a matter of fact, knew what it was committing to the committee.

Mr. DALZELL. I recognize the force of the gentleman's objection; but the rule rests on a logical basis, and the House is presumed to know what is in the bill when it commits it to the

committee.

Mr. WALKER of Massachusetts. Mr. Speaker, I suggest to the gentleman from Pennsylvania that he get a little nearer to the gentleman from Mississippi, so that he can hear him, without reference to the fact of whether the rest of the House can do so

or not. [Laughter.]
Mr. QUIGG. I ask for order upon the floor.
Mr. WILLIAMS. I would like to ask the gentleman from Pennsylvania this question for information: Was this bill ever read in the House before we sent it to the Committee of the Whole? My

recollection is that it was not.

The reasoning the gentleman applies in vindication of the ruling of the Speaker is on the presumption that the bill was read in full before it was referred to the committee. But as a matter of fact this paragraph was never reached in the consideration of the bill until now. It was not subject to consideration, whether for the purpose of making points of order, or for any other purpose,

Mr. WILLIAM A. STONE. If the gentleman will allow me, I understand that when the bill is brought in by the committee it is customary for any member who desires to do so to make a statement that all points of order are reserved, and it goes on the record in that shape. No such reservation was made with reference to this bill when it came in the House.

Mr. WILLIAMS. Proprocessors between relationship in the bill until

Mr. WILLIAMS. But we can not know what is in the bill until it is read. We did not know that this clause was embodied in it.
Mr. WILLIAM A. STONE. I understand that that has been the ruling of the Speaker of the House; that it has been held during this Congress; and if that be true, there is no further discussions.

sion of the subject. I take it for granted that the Chairman of the committee would scarcely reverse the ruling of the Speaker to which reference has been made.

Mr. DOCKERY. The Speaker has so ruled twice.

Mr. WILLIAMS. Was it under these circumstances, where

the bill was never read in the House or elsewhere, and where by unanimous consent the paragraphs were passed over in the bill, to be recurred to afterwards?

The CHAIRMAN. The Chair is ready to rule upon this question

If this were a new or original proposition, the present occupant of the chair would have no difficulty in sustaining the point of But my own recollection is, and I have refreshed my recollection by reference to certain precedents, that the practice of the House has universally been to reserve points of order against an appropriation bill, and that where that has not been done—where the bill is sent to the committee without objection—the whole of the bill is to be considered by the committee, and that it is not competent for the committee to refuse to consider any portion of the bill so committed to it.

The Chair therefore overrules the point of order.
Mr. QUIGG. I understand from the gentleman in charge of
the bill that the entire paragraphs with regard to the Library are to be read.

Mr. BINGHAM. Certainly.

Mr. QUIGG. I do not wish to lose my rights to amend any paragraph by substitution after the Clerk has passed it.

Mr. BINGHAM. There is no disposition to deprive the gentleman of any of his rights. The purpose is to read the paragraphs set aside for action now, commencing on page 19 and closing on page 22—to read the paragraphs through; and the gentleman's amendment runs through all the paragraphs.

Mr. OUIGG. Precisely.

Mr. QUIGG. Precisely.
Mr. BINGHAM. And it makes a general substitute.
Mr. DOCKERY. But let me suggest to the gentleman in charge of the bill that, unless there be an agreement by consent, the gentleman can not offer his amendment by way of a substitute to all the paragraphs. I see no objection, however, to making the consent of the paragraphs.

ing the agreement by unanimous consent.

Mr. BINGHAM. There is no objection to it. We are willing that that course shall be adopted.

Mr. DOCKERY. Then all the paragraphs may be read and the general proposition of the gentleman from New York [Mr. QUIGG] be offered as a substitute to all the paragraphs; but that can not be done under the rule except by unanimous consent.

Mr. BINGHAM. I ask for unanimous consent, then, that that

Mr. BINGHAM. I ask for unanimous consent, then, that that privilege be extended to the gentleman.

The CHAIRMAN. The gentleman from Pennsylvania [Mr. BINGHAM] asks unanimous consent of the committee that the gentleman from New York [Mr. QUIGG] be permitted to introduce his substitute to all of the paragraphs that have been referred to the translation? ferred to. Is there objection? There was no objection.

The Clerk, proceeding with the reading of the bill, read as follows:

For purchase of books for the Library, \$4,000; for purchase of law books for the Library, under the direction of the Chief Justice, \$1,500; for purchase of new books of reference for the Supreme Court, to be a part of the Library of Congress and purchased by the marshal of the Supreme Court, under the direction of the Chief Justice, \$1,500; for expenses of exchanging public documents for the publications of foreign governments, \$1,500; for purchase of files of periodicals, serials, and newspapers, \$2,500; in all, \$11,000.

Mr. PARKER. I have an amendment to that.

The amendment was read, as follows:

Amend page 21, line 19, by striking out "four" and inserting "twenty-five."

Amend section 22, line 4, by striking out "eleven" and inserting "thirty-two."

Mr. DOCKERY. What is the purpose of this?
Mr. PARKER. It adds \$21,000 to the appropriation for the purchase of books for the Library. I think it would be better to consider this now, as it will take only a moment.
Mr. BINGHAM. I have no objection to considering it now.
Mr. PARKER. Mr. Chairman, for many years the Library of Congress has received an appropriation of only \$4,000 a year for the purchase of new books for that Library. It is true that two sums of \$1,500 each are given for the purchase of books for that sums of \$1,500 each are given for the purchase of books for the use of the Supreme Court—books of reference and law books but this great institution, which we propose to make the national library of the United States, has received but \$4,000 a year for new books.

new books.

Let us make comparison. The Boston Public Library, the library of a single city, received in the year 1894 over \$27,000 for new books, \$3,600 for binding, and \$4,800 for periodicals.

The Royal Library at Berlin received \$24,000 in 1880, which was increased in 1895 to \$35,000. The National Library at Paris received for purchases of books and binding \$45,000 in 1895. And the British Museum received, in the year 1881, the sum of \$50,000 for new books, \$12,500 for the purchase of manuscripts, \$45,000 in addition for the expense of binding, and \$15,000 for the mere expense of printing catalogues. No wonder that these libraries stand as the first libraries of the world. For years this Library of the greatest people in the world has been told that there was no room for more books, and that therefore appropriation should not be increased. This year the Committee on Appropriations report, be increased. This year the Committee on Appropriations report, for salaries and keeping alone of the magnificent palace that has been put up across the square, an increase from \$56,320 to \$213,900.

That is an addition of over \$150,000 to the annual expense, besides that of furniture and moving, which is charged to the initial

expense of the Library.

Mr. Chairman, I appeal to this committee. We are building a library. Do not let us put up a palace and leave it without

I have not stated all that stands against us. The British Museum receives 8 copies, under the copyright law, of every book that is published in England, and 6 of them are available for exchanges

for other books published abroad.

Our Library receives but two copies of any publication in this country, and must maintain those copies upon its own shelves. It has no material for exchange except Government publications. I have not asked much. It is about one-fourth of what is given to one library in London. It is about one-half of what is given to one library in Paris, where they have other Government libraries exceeding in number and contents those that we have here in the exceeding in number and contents those that we have here in the bureaus of the Departments. It is but \$25,000. It is one-fifth of the amount appropriated this very morning to a single national exhibit at a particular exhibition. It is a policy that we are inaugurating; and I appeal to this House that we shall make a start toward buying new books for that Library.

Mr. DOCKERY. Will my friend allow me to suggest whether or not it would be good policy to wait until we catalogue and arrange the books now belonging to that Library before we buy new books?

new books?

Mr. PARKER. I would say not. The cataloguing and arranging of books is a work that is never completed.

The CHAIRMAN. The time of the gentleman has expired.

Mr. PARKER. May I ask permission to answer that question? The cataloguing and arranging of books will take years.

New books are easier arranged upon the shelves than old ones. The work of acquiring new books must be performed when they are published, or when they can be obtained, or the opportunities are lost. Daily, in the breaking up of old libraries, this Library is losing its opportunities to put the treasures of the world upon its shelves. And this year when we inaugurate a new library.

its shelves. And this year, when we inaugurate a new library, let us inaugurate a policy which represents the love of learning and the love of literature, and not merely the love of the home in which it is to be established. [Applause.]

Mr. BINGHAM. Mr. Chairman, in order to understand this appropriation, I will state the amount in the bill is \$4,000 for the Library, and the gentleman's amendment is to increase that para-

graph or line in the bill to \$25,000. In order to understand exactly what we are doing, I will read: For purchase of books for the Library, \$4.000; for purchase of law books for the Library, under the direction of the Chief Justice, \$1.500; for purchase of new books of reference for the Supreme Court, to be a part of the Library of Congress and purchased by the marshal of the Supreme Court, under the direction of the Chief Justice, \$1.500; for expenses of exchanging public documents for the publications of foreign governments, \$1.500; for purchase of files of periodicals, serials, and newspapers, \$2.500; in all, \$11,000.

the Library, under the direction of the Chief Justice, \$1.00; for purchase of new books of reference for the Supreme Court, to be a part of the Library of the Chief Justice, \$1.00; for expenses of exchanging public documents for the publications of foreign governments, \$1.00; for purchase of flee of periodicals, serials, and newspapers, \$2.00; in all, \$11.00.

Now, that covers the purchases for the Library. That has been the appropriation for many years; and we have never heard any complaints. Under the copyright law the author of every American publication that is copyrighted files two volumes of that publication in the Library; and therefore we have, by virtue of libraries appropriated for in this bill—for every Department, Again, there are throughout the city of Washington imnumerable libraries appropriated for in this bill—for every Department, almost every division; cortainly every bureau. I venture that the statement that in this bill, outside of this paragraph, we appropriate \$1.00.

Now, we are going into this new Library and we have made in our bill every preparation for the transfer of the 740,000 volumes in the Library of Congress contains—and no one knows what it contains—the necessity for an increase of appropriation in this bill for the next fiscal year, certainly to my mind, my will be appropriated the property of the contains—the necessity for an increase of appropriation in this bill for the next fiscal year, certainly to my mind, my will be appropriated to the control of the proposition of the said there are the control of the proposition of the said the proposition of the said through the control of the proposition of the said through the control of the proposition of the said through the control of the proposition of the said through the control of the proposition of the said through the control of the proposition of the proposition of the proposition of the said through the said under the control of the proposition of the said through the control of the proposition of the proposition of the

Secretary of the Treasury, for the faithful discharge of his duties according

to law.

"The Librarian of Congress shall make to Congress at the beginning of each regular session a report for the preceding fiscal year as to the affairs of the Library of Congress, including the copyright business; and said report shall also include a detailed statement of all receipts and expenditures on account of the Library and said copyright business."

Mr. BINGHAM. Does the gentleman desire to say anything on his amendment?

Mr. DOCKERY. I do not.

Mr. BINGHAM. Mr. Chairman, I would simply submit that the pertinency of the gentleman's amendment is such that to my mind it should be ingrafted in the bill. While the statute of to-day directs that the Librarian of Congress shall give bond, he has been giving bond according to the statutes, which runs back to 1802, which reads as follows:

The Librarian of Congress shall, before entering upon the duties of his office, give bonds, payable to the United States, in such sum and sufficient security as the Joint Committee on the Library deems sufficient for the safe-keeping of the books, etc.

The present Librarian of Congress entered upon his duties in 64. He then gave bond for \$3,000 in accordance with the states. Since that time, however, he has become the disbursing officer for the Library, and under the statute he gives a bond of \$6,000 as disbursing officer. By a later statute he becomes the register of copyright, and he gives bond in the amount of \$5,000 under that statute; so that to-day the present Librarian is under bonds to the amount of \$14,000. But in view of the increased duties, obligations, and responsibilities that will devolve upon the Librarian who may be appointed, or who may be continued, under this legislation, I think that \$50,000 is a reasonable amount for his bond. for his bond.

The amendment was agreed to.

Mr. QUIGG. Mr. Chairman, I desire to offer a substitute for all the paragraphs in relation to the Library that have been read, all the paragraphs in relation to the Library that have been read, with the exception of the one that has been voted on. That I desire to incorporate in the amendment that I send to the Clerk's desk. Mr. Chairman, there is no controversy between the Committee on Appropriations and the Committee on the Library as to the sum to be appropriated for next year, nor as to the number of employees. The amendment I send to the desk begins at a point which I have indicated in pencil mark, and I ask that the reading of the amendment prior to that point be dispensed with, it being simply the appropriation bill.

Mr. DOCKERY. Does the gentleman desire to add to his substitute the amendment just adopted by the committee, or does he

offer his amendment as a substitute for everything else but that

Mr. QUIGG. For everything except what we have voted upon. The amendment of Mr. QUIGG was read, as follows:

shall, before the termination of the last session of each Congress, appoint, from the Representatives-elect, a temporary Committee on the Library, with similar powers and for the same purposes.

Mr. QUIGG. Mr. Chairman, at the last session of Congress—Mr. BINGHAM. How much time does the gentleman desire? Mr. QUIGG. Not long.
Mr. BINGHAM. Can not the gentleman state how much time

he desires:

Mr. QUIGG. I do not desire very much time, but the gentleman has assured me that I shall have as much as I want. I can not state definitely just what time I shall want, but what I have to say will not take a week, and it may not take more than half an

Mr. BINGHAM. I have given the assurance that opportunity for reasonable debate will be given, but I think the committee are entitled to know how much time the gentleman from New York

entitled to know how much time the gentleman from New York desires. We will try on this side not to occupy very much time. Will half an hour satisfy the gentleman?

Mr. QUIGG. No, I do not think I can finish in half an hour. I do not want to confine myself.

Mr. BINGHAM. Well, I do not wish to have to ask that the committee rise, so as to have the debate on this paragraph limited by the House. I suggest to the gentleman that with reference to all subordinate matters in connection with the Library this hill all subordinate matters in connection with the Library this bill is in accordance with his own proposition almost word for word. is in accordance with his own proposition almost word for word. So far as the gentleman's argument on his general proposition is concerned (which is what the committee probably desires especially to be enlightened upon), that relates to certain distinct paragraphs of the proposed legislation, and the committee have raised no points of order against the gentleman's amendments.

Mr. QUIGG. Mr. Chairman, if the gentleman from Pennsylvania will not insist on making a speech right now, I shall not detain the committee very long. I can not, however, undertake to state at this time the exact number of minutes I shall occupy. The gentleman did assure me that there would be plenty of time for debate upon this proposition. It may be, too, that other members will desire to take part in the debate.

Mr. BINGHAM. I will say to the gentleman that not a single member has asked me for time.

Mr. QUIGG. Mr. Chairman, I want to make a reasonably full

Mr. QUIGG. Mr. Chairman, I want to make a reasonably full statement of the reasons that have seemed to justify the Committee on the Library in bringing in the proposition which they have submitted, and I do not want to say in advance that I shall finish it in half an hour or in any particular time, although I do not think

I shall be half an hour in making my statement.

Mr. BINGHAM. Well, if the gentleman thinks he will not be more than half an hour, it is all right.

Mr. QUIGG. Mr. Chairman, at the last session of Congress the Joint Committee on the Library was instructed to meet during the Joint Committee on the Library was instructed to meet during the recess "to inquire into the condition of the Library and to report upon the same at the next session of Congress, with such recommendations as may be deemed advisable; and also to report a plan for the organization, custody, and management of the new Library building and the Library of Congress." In accordance with this instruction, the Joint Committee on the Library met in Washington and held ten or twelve sessions. The committee examined the ton and held ten or twelve sessions. The committee examined the Librarian, examined Mr. Green, the engineer superintendent in charge, and a considerable number of librarians from various parts of the United States, who presented themselves before the committee at its request to be questioned about modern library methods and about the public uses to which the Library of Congress might be put. The committee has not yet had an opportunity to prepare its report. Some portions of the testimony that were submitted to gentlemen living at remote points for revision have not yet been returned, and the testimony is not yet in print. But the committee's recommendations are now before Congress in the bill which has just been read. the bill which has just been read.

The committee received information from the gentlemen who appeared before it of great interest and, as I conceive, great importance to Congress. Large powers under the law as it exists to-day seem to devolve upon the Joint Committee on the Library; and yet the law is so worded that while the powers of the committee seem to be ample, there are many respects in which the committee would not care to act without specific instruction from Congress. The legislation which we propose here is submitted for the purpose of obtaining from Congress either a release from all administrative functions or such clear direction and such ample authority as will warrant the committee in assuming the responsibilities which already the law implies. The paragraphs contained in this appropriation bill as submitted by the gentleman from Pennsylvania add to our confusion. They provide a sum of money, for instance, to cover the expense of the removal of the Library collections, but there is no authority in any particular person to perform the work of removing those collections, and the committee does not supply it. There is a sum appropriated for furnishing the building, but it is not made anybody's business to go and do it. The joint committee proposes that there shall be

clear and explicit legislation on these points, and also touching the organization of the force and the conduct of the institution.

The Library of Congress came into existence in 1800 by one of the series of resolutions passed by Congress in that year for the removal of the seat of government from Philadelphia to Washington. The suggestion has been made that the powers which we propose to confer upon the Joint Committee on the Library are not warranted by the Constitution; that the administrative function therein conferred is unsuitable for a committee of Congress, and that when it is sought to empower the joint committee to select the force of employees to serve in the new Library building we are departing from the constitutional lines fixed by the fathers of the Government. This contention, if I understand it, assumes that the Library is an executive branch or bureau of the Government, and not an instrument of this Congress to assist it in the performance of its duties. I desire, therefore, to call attention to the language of the statute under which books were originally purchased for this Library. It is section 5 of an act approved April 24, 1800, and it reads as follows:

That for the purchase of such books as may be necessary for the use of Congress at the city of Washington and for fitting up a suitable apartment for containing them, and for placing them therein, the sum of \$5.000 shall be, and hereby is, appropriated; and that said purchase shall be made by the Secretary of the Senate and the Clerk of the House of Representatives pursuant to such directions as shall be given and such catalogue as shall be furnished by a joint committee of both Houses of Congress, to be appointed for that surprise. for that purp

There is the language, Mr. Chairman, which justifies the joint committee in the proposition which is now submitted to the House. The act of April 24, 1800, was amended in 1802; and the law under which we are now acting was adopted in that year. That law directed the President of the Senate and the Speaker of the House to establish rules and regulations for the government of the to establish rules and regulations for the government of the Library; and it directed that the President of the United States, solely, without any act of confirmation by the Senate, should appoint a Librarian. Since that time, Mr. Chairman, other statutes have been passed enlarging the functions of the joint committee and the one in force of the statutes of the point committee. mittee; and the one in force to-day is section 85 of the Revised

The Joint Committee on the Library is authorized to establish regulations, not inconsistent with law, in relation to the Library of Congress or either department thereof, and from time to time to alter, amend, and repeal the

The Senate rule provides that its committee shall have power to act jointly with the similar committee of the House of Representatives. And the House rule provides that "all proposed legislation touching the Library of Congress shall be committed to the Joint Committee on the Library."

It will appear, Mr. Chairman, from this provision of the Revised Statutes that the powers of the joint committee are large and general. They can establish regulations not inconsistent with law in relation to the Library of Congress or either department thereof, and from time to time alter, amend, or repeal the same.

Mr. WALKER of Massachusetts. Will the gentleman allow me a question?

me a question?
Mr. QUIGG. Yes, sir.
Mr. WALKER of Massachusetts. The gentleman says that the powers of the committee are quite ample. They include, as I understand him, the power of appointment of the employees in Mr. WALKER of Massachusetts. Practically it covers it.

Mr. QUIGG. Unless the paragraph brought in by the Com-

Mr. QUIGG. Unless the paragraph brought in by the Committee on Appropriations should be enacted.

Mr. WALKER of Massachusetts. How many employees of the Library are there—about 140?

Mr. QUIGG. There are 42 at this time. There will be in the new building 187.

Mr. WALKER of Massachusetts. I understand the gentleman is a member of the Library Committee on the part of the House.

Mr. QUIGG. Well?

Mr. WALKER of Massachusetts. I wish to say that I do not think this House should take from that committee the authority which it now has to appoint those employees—

which it now has to appoint those employees—

Mr. QUIGG. Does the gentleman desire to ask a question?

Mr. WALKER of Massachusetts. I think it would be a great injustice to take away from the committee that authority; and I believe the House is of that opinion.

Mr. BAILEY. Will the gentleman yield to me for a question?
Mr. QUIGG. Certainly.
Mr. BAILEY. The difficulty which I have is this: The employees in the Library are not now treated as employees of this House, are they?

Mr. QUIGG. Not of the House, but of Congress.
Mr. BAILEY. When we vote to allow the employees of the
House an extra month's pay, do they draw it?
Mr. QUIGG. I can not answer that question.
Mr. DOCKERY. They do not.

Mr. BAILEY. The difficulty which occurs to me is this: If they are employees of the House, then plainly the President has no right to appoint the Librarian; and the Librarian appointed by the President would have no right to appoint his subordinates, because the employees of this House must be chosen by the House

Mr. QUIGG. I did not suggest that the employees of the Library were employees of the House.

Mr. BAILEY. That is just the point. I want to find out from the gentleman exactly how he does regard them.

Mr. QUIGG. I did say that they are employees of Congress. The authority which we have conferred upon the President, to appoint a Librarian, is one that certainly we could easily withdraw from him. from him.

The original act which I read to the House intrusts the work of the Library to the Secretary of the Senate and the Clerk of the House of Representatives. They were directed to buy the books. They expended a sum of money under the direction of the Joint Committee on the Library. Afterwards, when the question of a Librarian came to be considered, as I understand the facts, it was Librarian came to be considered, as I understand the facts, it was impossible for the House and Senate to agree, and the matter was referred to the President solely, without any requirement of confirmation, and he appointed the Clerk of the House, who acted as Librarian. Subsequently a Librarian was appointed independently of either body. But as to the control of Congress over the whole question, I do not think there can be any doubt.

The ability of Congress to appoint the entire Library force, if it shall choose to do so, or to delegate the duty to anybody else, regardless of the constitutional provision, seems to be entirely

regardless of the constitutional provision, seems to be entirely

Mr. BAILEY. That is so, of course, if it is treated as a power

lodged in the House.

Mr. QUIGG (continuing). Now let us see what the constitutional provision is. It is found in section 2, Article II, which provides that the President—

Shall appoint ambassadors, other public ministers and consuls, judges of the Supreme Court, and all other officers of the United States, whose appointments are not herein otherwise provided for, and which shall be established by law; but the Congress may by law vest the appointment of such inferior officers, as they think proper, in the President alone, in the courts of law, or in the heads of Departments.

So that if the employees of the Library are the employees of a Department or a bureau of the Government, and are officers of the United States, as are unquestionably the appointees of the Patent Office, which is an office that will bear comparison with this, then there can be no doubt that the appointment of minor officers has got to be lodged either in the Presidents or the courts of law or in the heads of Departments.

But the Constitution also provides that the House of Represents

But the Constitution also provides that the House of Representatives shall choose their Speaker and other officers, and that the Senate shall have a similar power. And if these persons employed in the Library are servants of Congress, then certainly Congress may lodge the power of their appointment and removal wherever

it sees fit.

Mr. BAILEY. I perfectly agree with that. But what I was trying to ascertain was the position of the gentleman on the other question, namely, whether it had been the practice heretofore to consider the employees of the Library as employees of the House. Mr. QUIGG. The gentleman from Texas says "employees of the House." Certainly not of the House, but of Congress, assuredly. Mr. BAILEY. Then, if the gentleman will permit me, the Constitution of the United States really recognizes no such appointment as an officer of these two Houses. In this building the two Houses have necessarily a joint supervision, but there is no such thing recognized in the Constitution as an "officer of the Senate and the House." The Senate chooses its officers, and the House, under the Constitution, chooses its officers also; but nowhere are the House and Senate jointly authorized to choose an officer. officer.

Mr. QUIGG. Is it so? Why, here is an instance, Mr. Chairman, where those who made the Constitution proceeded to place a certain power in the hands of two men, who, by that act, were constituted officers of both Houses.

Mr. BAILEY. Well, the First Congress passed two or three laws that were held to be invalid, as the gentleman knows.

Mr. QUIGG. Yes, but I have observed that the statesmen of

this day and generation are, or seem to be, more familiar with what the framers of the Constitution intended than those who gave it its first interpretations.

But here is a distinct commission by the Sixth Congress, when this question was fresh in the minds of those who wrote the Constitution, directing the Secretary of the Senate and the Clerk of the House of Representatives to act jointly as officers of the two Houses for the purchase of certain books for the two Houses for the establishment of this Library. They were placed in that work under the direct supervision—indeed, the control—of the joint committee of the two Houses, and they were required to

purchase books according to a catalogue to be furnished to them by the joint commission.

by the joint commission.

Mr. BINGHAM. Will the gentleman allow an inquiry?

Mr. QUIGG. Certainly.

Mr. BINGHAM. I will state as a preliminary that from 1802 to 1815 the Clerk of the House, for the time being, was appointed to act as Librarian of Congress. But when you come to the statute appointing the Librarian of Congress, it was not until the act of 1815 when the appointment was given solely to the Presi-

Mr. QUIGG. The gentleman is mistaken in that. Mr. BINGHAM (continuing). That was the law until 1815, when the first provision that the statutes show as to the Librarian

when the first provision that the state of Congress appears.

Mr. QUIGG. The gentleman is in error. The act was passed January 26, 1802.

Mr. BINGHAM. And the Clerk of the House was appointed for the time being. Now, the first Librarian appointed solely by the President was appointed in 1815.

the President was appointed in 1815.

Mr. QUIGG. The gentleman is mistaken. The act directing the President to appoint a Librarian is before me at this moment. It was passed in 1802.

Mr. BINGHAM. Yes.

Mr. QUIGG. It said that a Librarian was to be appointed by the President of the United States solely.

Mr. BINGHAM. Yes.

Mr. GUIGG. And he appointed the Clerk of the House.

Mr. BINGHAM. Yes.
Mr. QUIGG. And he appointed the Clerk of the House.
Mr. BINGHAM. Yes; I grant you that; but a Librarian of Congress was not appointed until 1815 under that specific designation, which is the designation of the law to-day.
Mr. QUIGG. That is the specific designation—"a Librarian"—and it appears in the act of 1802.
Mr. BINGHAM. Yes.
Mr. QUIGG. There is nothing in the original act that suggests that an officer of the House or an officer of the Senate was to be appointed.

Mr. BINGHAM. Grant all that.
Mr. QUIGG. But a Librarian.
Mr. BINGHAM. Yes.

Mr. QUIGG. And the President appointed the Clerk of the House to be that Librarian.

Mr. BINGHAM. He appointed the Clerk of the House for the time being, but the title of Librarian was never used in any appoint-

ment or commission until 1815.

Mr. QUIGG. It makes no difference what he was called. act gave the title to the office, and it was passed in 1802, and it

makes no difference how the commission read.

Mr. BINGHAM. Unless the gentleman has a constitutional contention with the gentleman from Texas—

Mr. WILLIAM A. STONE. I understood the gentleman from New York [Mr. Quige] to say that the employees of the Library were, under the present law, officers or employees of Congress; and also to say that under his construction of the present law the Library had the review to expect these contents. Joint Committee on the Library had the power to appoint these

employees.

Mr. QUIGG. Well, I do not know whether it has or not.

Mr. WILLIAM A. STONE. As a matter of fact, has a committee of Congress, especially any committee of the House, been appointing employees of the Library?

Mr. QUIGG. No; it never has.

Mr. MAHON. The Senate has got all the appointments.

It angiter 1

[Laughter.]
Mr. WILLIAM A. STONE. Now, I understand your provision in this substitute authorizes the Speaker to continue or to appoint in this substitute authorizes the Speaker to continue or to appoint in this Senate duration. a committee of the next House to cooperate with the Senate dur-

ing the adjournment?

Mr. QUIGG. Yes.

Mr. WILLIAM A. STONE. Is that done to give to the House the same force and effect on that committee as the Senate mem-

bers?
Mr. QUIGG. Precisely.
Mr. WILLIAM A. STONE. Then I understand, also, that you have embodied in this substitute a provision that the Librarian shall be appointed with the advice and consent of the Senate?
Mr. QUIGG. Yes.
Mr. WILLIAM A. STONE. While, as a matter of fact, the Librarian is appointed by the President at present, without the advice and consent of the Senate, and the provision reported by my colleague [Mr. BINGHAM] in charge of the appropriation bill does not contemplate that the Senate shall confirm the appointment at all.
Mr. BINGHAM. Not at all.

Mr. BINGHAM. Not at all. Mr. WILLIAM A. STONE. Therefore I should like to hear the gentleman upon the question whether he has not, in his substitute, clothed the Senate committee—in giving them the right to grant or withhold confirmation—with as much power as they now have?

Mr. QUIGG. I have not lodged with the Senate committee

any new power at all.

Mr. WALKER of Massachusetts. Will the gentleman allow

me one suggestion?

me one suggestion?

Mr. QUIGG. I will answer the gentleman from Pennsylvania
[Mr. WILLIAM A. STONE] first. I say that this provision in my
proposition to have the Speaker of the House appoint a temporary
committee to act during the recess is for the purpose of preserving the equilibrium upon the joint committee between the two

Mr. WILLIAM A. STONE. I see; but you still give to the

Senate the right to confirm.

Mr. QUIGG. And if the administration of the Library is lodged,

Mr. QUIGG. And if the administration of the Library is lodged, as the substitute lodges it, in the hands of the joint committee, no possible injury can result to any proper interest of either House by having the Librarian appointed in the usual way.

Mr. WILLIAM A. STONE. Let me conclude by another question. What about the permanency and stability of the management of the Library, with the committee changing with each House and with the Librarian serving a term of four years and going out and in with the different political coloring of the Administration?

Mr. QUIGG. There is the state of the property of the proper

Mr. QUIGG. There is no provision in regard to the term of the Librarian. There is nothing that requires the Librarian to go out at any time. No term of office is fixed. Once appointed,

go out at any time. No term of office is fixed. Once appointed, he will remain, as now, until removed by the President.

Mr. WILLIAM A. STONE. I fail to see the necessity of any Librarian at all under the substitute. If the management of the whole business and the appointment of everybody and the making of rules is lodged in the committee, it seems to me there is no necessity for a librarian.

Mr. WILLIAMS. The chief Librarian has all the responsibility and gives a bond—

Mr. WILLIAM A. STONE. And gets nothing out of it.

Mr. QUIGG. The powers invested by the substitute are the powers which are exercised to-day by the board of regents in New York, which differs from the joint committee materially, in that they are a permanent body. I concede that there are very obvious objections to the exercise of administrative functions by the joint committee of Congress, for the reason pointed out by the gentlethey are a permanent body. I concede that there are very obvious objections to the exercise of administrative functions by the joint committee of Congress, for the reason pointed out by the gentleman from Pennsylvania [Mr. WILLIAM A. STONE], and I should not be frank if I did not acknowledge that fact; but we are confronted with certain conditions. The Library has been administered for half a century precisely as the Committee on Appropriations proposes in this bill it shall be administered hereafter.

Mr. BINGHAM. Will the gentleman now indicate what he deems to be the way it has been administered?

Mr. QUIGG. The language in the Revised Statutes empowering the Committee on the Library is very broad and general and gives to the committee so little of specific duty that practically it has done nothing. No effort has ever been made, so far as I am aware, to control the Librarian in any sense whatever.

Mr. BINGHAM. That is your neglect.

Mr. QUIGG. He informed the joint committee that he spends the sums appropriated in the appropriation bills without any reference to the joint committee or to anybody else; that he appoints as he chooses to appoint; that he administers all the affairs of the Library as seems good to his judgment, and he has made no report other than a general report to Congress at the beginning of each term.

each term.

Mr. CANNON. Will the gentleman allow me to ask him a question before he leaves that branch of the subject?

Mr. QUIGG. One moment, and I will. Under that method of government the Library has become absolutely chaotic, and serious abuses have arisen which have impaired its usefulness both to Congress and to the public. These misfortunes are mainly due to the fact that the language of the statute gave to the Committee on the Library no specific responsibility. The language is general. They can make rules and regulations.

Mr. BINGHAM. Regulations, not rules.

Mr. QUIGG. Well, regulations; and that is the extent of the commission at present held by the committee. Now, I want to say to gentlemen— Mr. QUIGG. One moment, and I will. Under that method of

commission at present held by the committee. Now, I want to say to gentlemen—
Mr. CANNON. Now, will the gentleman, before he leaves that part of his subject, permit me to interrupt him? I want to get his proposition, to see if I understand it. I have not read his substitute. As I understand from what he says and what I have been told by others, the gentleman's substitute provides in terms that the Librarian shall be appointed by the President by and with the advice and consent of the Senate.

Mr. QUIGG. It does.

advice and consent of the Senate.

Mr. QUIGG. It does.

Mr. CANNON. And that the other 185 employees—

Mr. BINGHAM. One hundred and eighty-six.

Mr. CANNON. One hundred and eighty-six employees—copyright, custodian of the building, and assistant librarian, all the employees—shall be appointed and shall be subject to removal by the Joint Committee on the Library. Am I right?

Mr. QUIGG. That is correct.
Mr. CANNON. Well, now, if my friend will allow me right at that point, this amendment, as I understand, leaves the copyright

business with the Librarian?

Mr. QUIGG. Yes.

Mr. CANNON. Now, why is it not entirely competent, if we have authority to legislate and administer both under the Constitution, for us not only, through the Joint Committee on the Library, to absorb the copyright business and to control it directly by the joint committee, but to take in the Patent Office, and the whole Interior Department, and all the other Departments except the Secretaries alone?

Mr. QUIGG. The committee proposes no change in the law.

The present copyright law says:

That the law shall be administered; that all records and other things relating to copyrights and records by law to be preserved shall be under the control of the Librarian of Congress and kept or preserved in the Library of Congress; that the Librarian of Congress shall have the immediate care and supervision thereof, and, under the supervision of the Joint Committee of Congress on the Library, shall perform all acts and duties required by law touching copyrights.

Congress on the Library, shall perform all acts and duties required by law touching copyrights.

There is absolutely no change. Under this bill the copyright business is placed under the Librarian, as the gentleman from Illinois very well knows, for conventional reasons. We require everybody who brings a book to us to be copyrighted to deposit two copies of it with the copyright register, who is the Librarian, and the Librarian puts one away and places the other in the Library of Congress. And for the reason that we wanted the usufruct of the copyright law, we placed the administration of the law in the hands of the Librarian of Congress and under the supervision of the joint committee. We are proposing no change in the law. But there is no occasion for the patent law to be administered in that way. We do not want to use the patented articles. Congress, I repeat, wanted the use of the books that would accrue from requiring every man who desires a copyright to deposit two copies of his copyrighted book in the Library, and consequently it made the Librarian act as a copyright clerk.

Mr. BINGHAM. But in your bill you create the office of register of copyrights, and you fix the compensation of that officer. Now, you know very well that that matter was discussed in the Senate, and that it was a matter of controversy between the two Houses. It originated in the Senate on the legislative bill in the first session of this Congress. The law puts the business of copyrights in the hands of the Librarian of Congress. We took the ground that the proposition to create a register of copyrights in that way was not constitutional. The question went into conference. It went into the Senate, and the Senate, after two days' debate on the constitutionality of the proposition contained in the gentleman's substitute, withdrew it because it was not constitutional.

gentleman's substitute, withdrew it because it was not constitu-

Mr. QUIGG. The distinction between the proposition in this substitute and the proposition that was then pending before the Senate is very clear. That bill created the office and created the officer to fill it, and placed that office outside of the jurisdiction

of the Librarian.

Mr. BINGHAM. What does your proposition do?

Mr. QUIGG. Here the Librarian is over the entire establish-

Mr. BINGHAM. Why, Mr. Chairman— Mr. QUIGG. I trust the gentleman will not interrupt me. Mr. WILLIAM A. STONE. The gentleman from New York is

Mr. WILLIAM A. STONE. The gentleman from New York is so good-natured about interruptions that we can not help interrupting him, and I would like to ask him whether he does not think that this substitute of his places the Library in the control of what we call "politics," and whether he thinks that institution ought to be so controlled?

Mr. QUIGG. I could never bring myself to offend the sensibilities of the gentleman from Pennsylvania by proposing any such thing. [Laughter.]

Mr. WILLIAM A. STONE. Oh, I want to get on the committee. That is what I want. [Laughter.]

Mr. QUIGG. But I shall be very frank with the gentleman on that matter in a few moments. I wish to recur to the suggestion of his colleague [Mr. BINGHAM]. The measure that was in the Senate was a bill creating an office and an officer to fill it, but removing that officer and his functions from any relation to the Library of Congress; and the contention of Senators at that time was that this officer would no longer be a servant of Congress, was that this officer would no longer be a servant of Congress, would no longer have any connection with the Library, and that the reason why he should be appointed by the Joint Committee on the Library would not exist if he was to be removed from the Library in the discharge of his duties. The case was very clearly stated by Senators, and the Senator from New Hampshire, dealing with the question of our jurisdiction over the Library, used these expressions:

The Senator from Delaware always follows his constitutional theories to the uttermost limit; the Senator from Connecticut wants to run away from his, whereas I take the Library of Congress as I find it on the statute book, and I take the copyright law as I find it on the statute book, and I say it was

a solecism to authorize the President of the United States to appoint the Librarian of Congress. I think the provision for his appointment grew out of a notion that had no foundation in correct constitutional law, and that the provision might be repealed to-morrow, and I say that it ought to be repealed to-morrow, and the Librarian of Congress ought to be appointed by Congress itself.

Now, the contention in that debate, which covered this whole question, was that the register of copyrights was being removed from the Library of Congress—
Mr. BINGHAM. I think not.

Mr. BINGHAM. I think not.
Mr. QUIGG. I so understand.
Mr. DRAPER. If I may interrupt the gentleman a moment, I should like to be informed how the minor officers are now appointed in the Library, and how they have been appointed for years past, so as to understand this proposed change.
Mr. QUIGG. Well, Mr. Chairman, I should have some difficult to racke a clear statement on that subject. So far as the

Mr. QUIGG. Well, Mr. Chairman, I should have some difficulty to make a clear statement on that subject. So far as the law is concerned, I apprehend that it clothes the Joint Committee on the Library with power to make the appointments. So far as regards the practice, I would better divide the practice, I think, into two parts—theoretical practice and actual practice. [Laughter.] In theoretical practice the Librarian of Congress (who is by the legislation of my friend from Pennsylvania confirmed in all these duties and responsibilities) has made the appointments. In actual practice I do not think that has occurred. I do not know who has made them. I do not know whom the persons employed in the Library represent. I found it very difficult to obtain evidence on that subject, and such evidence as I did obtain is quite conflicting. I do, however, remember an incident in conobtain evidence on that subject, and such evidence as I did obtain is quite conflicting. I do, however, remember an incident in connection with the bill for the registration of copyrights. I remember that when that bill was being considered by the House in the last Congress, before it got very far everybody knew who was to be the register of copyrights; and I remember that the bill did not make much progress until it was known who was to be register of copyrights; and I suspect the policy has been for the Librarian to appoint as he thought it wise to do.

Now, I will say to the House very clearly, so far as the present

Now, I will say to the House very clearly, so far as the present joint committee is concerned, what will be done if the legislation which that committee proposes to the House shall be passed. I do which that committee proposes to the House shall be passed. I do not know whether the present members on the part of the House will be members of the joint committee in the next Congressor not, but I do know what is the unanimous purpose of the Senators and Representatives who are on the present joint committee. In the first place, we want the House to say clearly and distinctly what the authority of the joint committee is, and, so far as I am personally concerned, I would much rather that the House should agree with the gentleman from Pennsylvania than with me, for the task this bill imposes upon the Joint Committee on the Library is not an easy or an envisible one. I will cheerfully yield it to the conthis bill imposes upon the Joint Committee on the Library is not an easy or an enviable one. I will cheerfully yield it to the gentleman from Pennsylvania. But if that function is imposed upon the joint committee, and if it should be the present joint committee, I can say very distinctly just what will be done. In the first place, the counsel and advice which the joint committee has received from the distinguished librarians of this country will be

received from the distinguished librarians of this country will be taken as to the uses to which the Library can be put.

It is true that this substitute of the joint committee places the director of the Library under the supervision and direction of the joint committee. And that was done advisedly; that was done upon the suggestion of all the librarians who came before the committee. Reflecting the views of educated men generally, of students and scholars, they want this Library to be of some service to the country. Up to this time it has been of no service to the country, and practically of no service to Congress. Nobody knows what the Library contains. Nobody knows how many books there are in it. Nobody knows anything of the vast collections that have accumulated there during all these years. They tions that have accumulated there during all these years. tions that have accumulated there during all these years. They have never been catalogued adequately, and there exists to-day for all the contents of the Library nothing except the card catalogue—740,000 cards for 740,000 books—and if ever a card is "lost, strayed, or stolen," that ends the usefulness of the Library so far as concerns the book to which that card refers. There is no inventory maintained day by day; there is no shelf list to act as a directory to the Librarian as to where he shall go for books. Those two catalogues are maintained in every well-conducted library in connection with a card catalogue.

With the proper appliances it would be possible for the Librarian to get out for the instruction and information of Congress a

rian to get out for the instruction and information of Congress a bibliography upon any subject coming before us for legislation; and if this proposition passes and the now existing joint committee should administer it for a season, it will be the duty of the Librarian when any subject of importance is pending in Congress to lay before members a bibliography showing every book that contains information on the question and the points covered by the book. That is the kind of work that the Library of Congress ought to do if it is going to be of service.

I say to gentlemen that there is much more involved in this

bill than the organization of the force. In the first place, there is distinct, unequivocal authority to some one to go and move the

Library. No such authority exists now or is conferred in the appropriation bill, or could be—it would be new legislation. In the next place, it terminates the service of the gentleman now in charge of the building, which might be prolonged unnecessarily far into the next year, unless some proposition of this kind were adopted. And, finally, it requires the joint committee to furnish the building and places at the committee's disposition a sum of money now remaining out of sums heretofore appropriated for the construction of the building. There is no authority in the paragraphs brought here by the Appropriations Committee to do any of these things.

I should like to say (although it does not bear directly upon the subject we are discussing) something with regard to the time which has been occupied in the construction of this building. It ought to be said by somebody. I think the history of the construction of this building is unique among public buildings. When General Casey was put in charge in 1886, he said that the building would be done within eight years, and he fixed the sum of money that it would cost to build it. Two years ago he told the House that that building would be ready one year before the date which he had originally supposed possible as the time of its completion. And with that building, incomparable as it is among public monuments in this or any other country, almost ready for occupancy, there exists in the Treasury to-day a balance of \$60,000 out of the appropriation of \$6,500,000 made for its construction. [Applause.] I say this is a unique history. No eulogy could be pronounced upon that officer more illustrative of his fine character than is contained. Lay this is a unique history. No eulogy could be pronounced upon that officer more illustrative of his fine character than is contained in the work he did in the construction of this building. General Casey died a year before the Library was completed. The work has gone on under the officer who was his assistant while he lived.

Mr. Chairman, a great deal is to be done in moving into that new building. There are vast collections that need to be looked over and assorted. And it was the judgment of the librarians who came here that expert testimony—the judgment of artists and book lovers—should be taken by the joint committee as to what ought to be done with these collections, as to how and where they cheef the desired and all that is included in the level.

what ought to be done with these collections, as to how and where they should be displayed. And all that is involved in the legislation which the joint committee has proposed.

Now I come right down to the question asked by the gentleman from Pennsylvania [Mr. WILLIAM A. STONE]. Some of these positions in the Library call for men of peculiar qualifications; they ought to be filled by men who know the library business. The positions of cataloguers and librarians are positions that require technical information, in order that their duties may be properly performed. There exist in this country colleges where the duties of a librarian are taught. Several of the colleges maintain a chair for the instruction of young men in library economy. If the joint committee should be intrusted with the selection of this force, regard will be paid to the public interests—

Mr. BINGHAM. How do you know that?

Mr. QUIGG. I have several times made the qualifying provision to which the gentleman seeks to draw attention.

Mr. BINGHAM. How does the gentleman know what the future committee will do?

Mr. QUIGG. He does not. Neither does he know who will be appointed Librarian. We do know, however, that under the gentleman's bill the present Librarian is continued.

Mr. WILLIAM A. STONE. During good behavior.

Mr. QUIGG. And we do know that the present condition of the Library is not ideal. positions of cataloguers and librarians are positions that require

Mr. GUIGG. And we do not that the Library is not ideal.

Mr. BINGHAM. How could it be in its present quarters?

Mr. QUIGG. I should think that the gentleman, who is a member of the Committee on Appropriations, would not have

asked that question.

asked that question.

I was saying, Mr. Chairman, that if the selection of the force is left to the present Joint Committee on the Library, those positions that ought to be filled by experts will be filled after examination, and that those positions that do not call for peculiar qualifications will be filled according to the best judgment of the joint committee. That may not be the ideal way of doing the work, but it seems to be the way that will get the best result to

the public service.

Mr. ADAMS. How do you know that the next committee will take the same view of the matter?

Mr. QUIGG. Oh, well, we are assuming, and I think the gentleman from Pennsylvania will agree with me that from among the 357 Representatives who will come from all over the United States it will be possible for the Speaker of the House to select three who will be honest and upright and intelligent in the administration of their duties under the bill. We can safely suppose that the people of this country who have elected these Representatives will be willing to trust them, whether in the passage of legislation on this floor or in the conduct of the affects of the legislation on this floor or in the conduct of the affairs of the

Library of Congress.

But it is the plain effect of the Appropriations Committee's bill to continue in office the present Librarian, to increase his salary \$2,000, and to confirm him in a right of selection of the employees

in the new building, concerning the results of which in the past nobody in the House can form any proper judgment.

Mr. WILLIAM A. STONE. Will the gentleman allow me a

moment?

Mr. QUIGG. Certainly.
Mr. WILLIAM A. STONE. In response to the gentleman's last suggestion, I would ask: Where do you get any information that it is the intention of the committee to continue the present Librarian?

Mr. DOCKERY. That is a very pertinent question.
Mr. WILLIAM A. STONE. Where do you get any such an idea?

Mr. QUIGG. It is in the bill.
Mr. WILLIAM A. STONE. No; the gentleman is mistaken.
The bill says the President shall appoint a Librarian.
Mr. QUIGG. I beg the gentleman's pardon. The bill says nothing of the kind. Is there anything in this bill calling on the

nothing of the kind. Is there anything in this bill calling on the President to make any appointment?

Mr. BINGHAM. The statute itself so provides.

Mr. QUIGG. Oh, yes; the "statute," which has been on the statute books for ninety years, and the Librarian has been in office for thirty years. But there is nothing in your bill to change the situation. That is the point. You confirm it and enlarge it.

Mr. WILLIAM A. STONE. But my point was this: The gentleman stated that it was the purpose of the committee in offering this bill to continue the present Librarian in office.

Mr. QUIGG. I am talking of the effect of the bill, of course. I did not say it was the "purpose" of the committee, I think. I said it was the effect of the bill. If it is not the purpose of the committee, it is certainly the effect of the bill.

Mr. NORTHWAY. Oh, no.

Mr. WILLIAM A. STONE. Certainly not.

Mr. BINGHAM. The bill simply makes the appropriation under the law.

under the law

under the law.

Mr. QUIGG. Well, Mr. Chairman, I must confess that I can not talk against three members at the same time, and all the time. The CHAIRMAN. The gentleman from New York will not be interrupted without his consent.

Mr. WILLIAM A. STONE. If the gentleman will allow me, I might say that if our committee had had charge of the matter a little more completely than we had, it is possible that an investigation would have been undertaken; and it is also possible that changes would have been made in the office to which the gentleman has referred. has referred

Mr. QUIGG. I did not understand the suggestion of the gen-

tleman.

Mr. WILLIAM A. STONE. I say there is nothing to justify the assertion that the purpose of the bill, or of the committee, is to retain the present Librarian in office.

Mr. BINGHAM. The President can turn him out to-day if he

so desires.

Mr. WILLIAM A. STONE. And the bill expressly provides against the very condition of affairs that the gentleman from New

York suggests. Mr. QUIGG. Mr. QUIGG. I do not know, of course, the purpose of the bill, but I do know its effect, and it is to reward the Librarian of Con-

Mr. WILLIAM A. STONE. A librarian.
Mr. QUIGG. No; to reward this present and particular Librarian for his conduct of the Library by an addition to his salary of \$2,000 a year, and by the confirmation of all the powers that he has heretofore exercised, properly or otherwise, in regard to appointments. That is the effect of the bill, whatever may be the purpose of the gentleman framing it.

Mr. WILLIAM A. STONE. The gentleman from New York is aware of the fact that the bill does not go into effect until July 1,

next

Mr. QUIGG. Oh, well; no doubt that time will arrive.
Mr. WILLIAM A. STONE (continuing). By which time we hope the President will be able to make a selection from the few remaining applications that he will still have on hand. [Laughter.]

maining applications that he will still have on hand. [Laughter.]

Mr. QUIGG. Mr. Chairman, I want to say, on behalf of my
colleagues on the joint committee, that we do not look forward
with any pleasure to the performance of the duties that are imposed upon us by that bill. We are entirely content to be relieved
of them. We have thought it our duty to present the facts in the
case with regard to the condition of the Library; and from those
facts we take it that gentlemen will be able to see what the confacts we take it that gentlemen will be able to see what the conditions are that will arise in the new Library unless measures are taken such as the joint committee have proposed in this bill. Gentlemen need not be afraid at the suggestion to empower the joint committee to appoint. That power must go somewhere, and who can be better trusted than three of your own colleagues? From whom can the hope of excellent results be more assuredly

expected?
Mr. MAHON. Will the gentleman allow me to ask him a

Mr. QUIGG. Yes.
Mr. MAHON. If the gentleman's statement is true, after you have an efficient force in every respect appointed, why should they not be protected from men who may follow you, who may choose to throw them out for purposes which are not commendable? Why not insert a provision that they shall not be removed except for cause, on charges made by the Librarian, to be investigated by the Joint Committee on the Library?

Mr. QUIGG. I am content to accept such an amendment, if the gentleman will reduce it to writing.

Mr. MAHON. I suggest to the gentlemen in charge of the measure that they insert a clause of that kind, that if an officer is an efficient man, he shall not be removed except on charges preferred by the Librarian, to be investigated by the joint committee of the two Houses

The CHAIRMAN. The time of the gentleman from New York

has expired.
Mr. DOCKERY. Mr. Chairman, I desire to say a single word in reference to the proposition submitted by the gentleman from New York [Mr. Quigg].

First, I want to answer the implied criticism of the gentleman when he states that the paragraph in the bill carrying a salary of \$6,000 for the Librarian is in its effect a continuation of the present incumbent. I deny this proposition. The Committee on Appropriations have provided a salary for the Librarian under

propriations have provided a salary for the Librarian under existing law.

Mr. BINGHAM. And increased his salary.

Mr. DOCKERY. And, as the gentleman suggests, we have increased the salary \$2,000. But this increase of salary does not take effect until the 1st of July next. In other words, so far as the Librarian and his force are concerned, with the exception stated, we have simply provided salaries pursuant to the statute, taking into account the changed conditions that will obtain when the Library is removed to the new building. Now Mr. Chairman taking into account the changed conditions that will obtain when the Library is removed to the new building. Now, Mr. Chairman, so far as I am concerned, I do not wish to be understood as desiring the retention of the present Librarian of Congress. The power to remove and appoint rests solely with the President.

Mr. BINGHAM. And nothing in the bill changes it.

Mr. DOCKERY. That is true. The Librarian is not confirmed by the Screets.

by the Senate. We make no change whatever in the law. The power to remove and appoint is still lodged with the President, and if, as the gentleman from New York [Mr. Quigo] intimates, the Librarian is not a competent officer—and I do not take issue with him on that point—the responsibility, under the law, is with

Mr. QUIGG. That is where the gentleman is in the habit of leaving responsibilities—on the President.

Mr. WILLIAMS. And where the gentleman from New York [Mr. Quigg] used to leave them.

Mr. DOCKERY. That is where they properly belong. This Library of Congress is a department of the Government. It is an executive department and should be under the control of the executive breach. It do not propose as the gentlement's substitute that the control of the executive breach. executive branch. I do not propose, as the gentleman's substi-tute does, to create the office of director of the Library at a salary of \$6,000 per annum, with no right of the director, as the execu-tive head of that great department, to remove or appoint a

Inductive head.

Mr. BINGHAM. Or a charwoman.

Mr. QUIGG. Will the gentleman yield?

Mr. DOCKERY. I will yield to the gentleman.

Mr. QUIGG, Will the gentleman inform the committee where

Mr. DOCKERY. I did not intend to say that it is an executive department. It is, however, a department of the Government.
Mr. QUIGG. I understood the gentleman to say it is an execu-

tive department.
Mr. DOCKERY. I do not desire to be so understood. it is called the Library of Congress, it is clearly, within the meaning of the statute, a bureau of the Government. The gentleman from New York [Mr. QUIGG], in reply to the queries of the gentleman from Texas [Mr. BAILEY], distinctly admitted that the employees of this Library are not under the control of the House. They are appointed in accordance with law by the Librarian, who is an appointee of the President. They are not, therefore, in any sense employees of the House. We have a House library and employees for that library carried in this bill.

The Senate have a library, and their employees are also carried The Senate have a library, and their employees are also carried in this bill. But the Library of Congress is an executive bureau, as the gentleman from Mississippi [Mr. WILLIAMS] aptly suggests, and is no part of the library belonging to the House of Representatives and controlled by its employees. The House has, I think, five employees who have supervision of the House library. They are on the House roll, and if a month's extra pay is given the employees of the House these gentlemen are beneficiaries. But this Congressional Library—it is a misnomer to call it the Congressional Library. It is a great national Library [loud applause] and belongs to the Government of the United States. It belongs to the people of the United States, and is an executive bureau, and as such should be presided over by some executive officer with authority to appoint and remove its employees. [Re-

newed applause.]

Mr. QUIGG. Will the gentleman yield for a question?

Mr. DOCKERY. And I would suggest to the gentleman from
New York that a "peanut stand" can not be properly organized
and conducted without some one to supervise the business and be responsible for its management. Mr. QUIGG. Will the gentleman permit me to ask him a ques-

tion?

Mr. DOCKERY. Certainly.
Mr. QUIGG. I ask the gentleman's attention to section 5 of the act organizing the Library:

That the keeper of said Library shall receive for his services a sum, the amount whereof, together with the necessary expenses of the said Library, after having been ascertained by the President of the Senate and the Speaker of the House of Representatives for the time being, shall be paid out of the sum annually appropriated for the contingent expenses of both Houses of

Mr. DOCKERY. That is not the existing statute.
Mr. QUIGG. Does it not seem to indicate—
Mr. DOCKERY. That is not existing law. It is ancient his-

Mr. QUIGG. Does not that seem to indicate that this Library was obtained for the use of the two Houses of Congress?

Mr. DOCKERY. Certainly; and also for all the people of the

United States.

Mr. QUIGG. Oh, no.
Mr. DOCKERY. Certainly. It is now used by the people under existing regulations.
Mr. QUIGG. It is not that way now.
Mr. DOCKERY. It is used by the public under regulations

that are now in force.

Mr. Chairman, the substitute offered by the gentleman from New York [Mr. Quigo] raises a grave issue. Under our form of government its legislative, executive, and judicial departments should be as contemplated by the Constitution—absolutely independent each of the other. Congress should keep in close touch with the executive branch by committees. We now require from the Executive Departments an annual report on the condition of the public business. We require them to report in efficient from the Executive Departments an annual report on the condition of the public business. We require them to report inefficient employees and delinquent officers and officers who have failed to pay moneys due the United States, but the Constitution and sound business judgment forbid any attempt on the part of Congress to take physical control and appoint or remove employees. In the direction of a close scrutiny of these Departments we ought not to relax supervision. We must not, however, even with the constitutional question aside, attempt to intermingle the legislative and executive functions of the Government, but keep them divorced. [Applause.] This has been our policy heretofore.

The gentleman from New York suggests that certain appointments have been made by the Librarian under the influence of men who have been in public life. I will assume that they are not now in public life. That is also true in the Treasury Department, the Department of the Interior, and in other executive branches of the Government. The gentleman himself, and other gentlemen, doubtless, in the past, as I have, have gone to the heads of those Executive Departments and solicited appointments

heads of those Executive Departments and solicited appointments

for our constituents.

Mr. QUIGG. I have not had that opportunity so far.
Mr. DOCKERY. The gentleman will do it under the incoming
dministration. [Laughter.]
Mr. WILLIAM A. STONE. I do not see how one can, with the Administration.

existing civil-service rules.

Mr. DOCKERY. The gentleman from New York may not have to prefer such requests in the event his substitute is agreed to, because he will have 187 offices of his own. I can see, Mr. Chairman, that we may intermingle the legislative and executive functions in connection with the Library to an extent that will absolutely paralyze the usefulness of that great Library. We have constructed the most magnificent library building in this country.

Mr. WALKER of Massachusetts. In the world.

Mr. DOCKERY. It is a beautiful building, and I am proud of it. It is an imposing structure, and a credit to the great architect who designed it and the Republic which authorized its construction.

who designed it and the Republic which authorized its construction. It is almost oriental in its magnificence.

Now, Mr. Chairman, by the provision carried in the bill as it comes from the Committee on Appropriations, the incoming President can, with a salary of \$6,000 a year, command the very best executive talent to direct and control the Library. Let us hold him to strict account for the proper conduct of the Library and care of the Library building, and if Representatives desire appointments under the Librarian they can present the claims of their constituents. constituents

Mr. WILLIAM A. STONE. And relieve this committee.
Mr. DOCKERY. And relieve this joint committee. Mr. Chair-

man, I desire also to relieve the incoming Speaker of the House, because it is obvious that if this substitute becomes a law a great because it is obvious that if this substitute becomes a law a great many of us will be applicants for positions on the Committee on the Library. [Laughter.] There is now a great desire for places on the Committee on Ways and Means and on the Committee on Appropriations, but the pressure for those places now will not be a circumstance compared with the urgency there will be to secure positions on the Joint Committee on the Library. [Laughter.] Why, I am informed, Mr. Chairman, that my good friend from Pennsylvania on my left [Mr. WILLIAM A. STONE] has already indicated his desire for a place on that committee in the event the proposition of the gentleman from New York prevails.

Mr. NORTHWAY. Please do not forget the Ohio man.

Mr. DOCKERY. The "Ohio man" is never wanting where there is anything to be disposed of. [Laughter.] But, Mr. Chairman, in all seriousness, in organizing this great library in that gorgeous new building, let us not make the grave mistake of also organizing a scramble for 187 offices to be disposed of under the direction and control of the joint committee of the two Houses of Congress, to the detriment of the public service. [Applause.]

Mr. BINGHAM. Now, Mr. Chairman, I move that the committee rise.

mittee rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. Hepburn, from the Committee of the Whole, reported that they had had under consideration the bill H.R. 9643, the legislative appropriation bill, and had come to no resolution thereon.

THE LATE REPRESENTATIVE CRISP.

Mr. TURNER. Mr. Speaker, I ask for the present consideration of the resolution which I send to the desk.

The resolution was read, as follows:

Resolved, That Saturday, January 16, 1897, beginning at 10 o'clock a. m., be set apart for paying a tribute to the memory of the Hon. Charles F. Crise, late a member of the House of Representatives from the Third district of the State of Georgia.

The resolution was unanimously adopted. Mr. WILLIAM A. STONE. Mr. Speaker, I move that the House

do now adjourn. The motion was agreed to.

LEAVE OF ABSENCE.

Pending the announcement of the result, by unanimous con-

sent, leave of absence was granted as follows:

To Mr. CLARDY, for five days, on account of important business.

To Mr. COOKE of Illinois, for four days, on account of important business.

To Mr. Foss, for four days, on account of sickness in his family. To Mr. Lefever, for three days, on account of sickness. To Mr. Faris, for four days, on account of important business. To Mr. Russell of Georgia, on account of sickness.

REPRINTS.

Mr. LOUD, by unanimous consent, obtained an order for a reprint of the bill H. R. 4566 and the accompanying report.

Mr. ELLETT, by unanimous consent, obtained an order that House Report No. 1646, first session Fifty-fourth Congress, to accompany the bill S. 2143, be reprinted for the use of Congress.

ENROLLED BILLS SIGNED.

Mr. HAGER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

A bill (H.R. 6533) for the relief of A. A. Hosmer;

A bill (H.R. 9469) to constitute a new division of the eastern judicial district of Texas, and to provide for the holding of terms of court at Beaumont, Tex., and for the appointment of a clerk for said court; and

for said court; and
A bill (H. R. 9742) to amend chapter 111 of the acts of the third session of the Fifty-third Congress.

The House then (at 5 o'clock and 11 minutes p. m.) adjourned until Monday next.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive com-munications were taken from the Speaker's table and referred as follows:

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of John B. Steadman, administrator of James Steadman, deceased, against The United States—to the Committee on War Claims, and ordered to be printed.

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination of Napa River, California—to the Committee on Rivers and Harbors, and ordered

to be printed.

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination of the Ohio River from Marietta to its mouth—to the Committee on Rivers and Harbors, and ordered to be printed.

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination of Wallabout Channel, New York—to the Committee on Rivers and Harbors, and ordered to be printed.

and ordered to be printed.

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of La Trappe River, Maryland—to the Committee on Rivers and

Harbors, and ordered to be printed.

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of Cambridge Harbor, Maryland—to the Committee on Rivers and Harbors, and ordered to be printed.

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination of Potecasi Creek, North Carolina—to the Committee on Rivers and Harbors,

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination of Barnegat Bay, New Jersey—to the Committee on Rivers and Harbors, and

ordered to be printed.

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of Niantic Harbor, Connecticut—to the Committee on Rivers and Harbors, and ordered to be printed.

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey for the purpose of further determining the cause of the erosion of the easterly end of Galveston Harbor, Texas—to the Committee on Rivers and Harbors, and ordered to be printed.

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination of Mispillion River, Delaware—to the Committee on Rivers and Harbors, and

ordered to be printed.

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination of Coney Island Creek, New York—to the Committee on Rivers and Harbors, and ordered to be printed.

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination of Tuckerton Creek and Flats, New Jersey—to the Committee on Rivers and Harbors, and ordered to be printed.

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination of Oldmans Creek, New Jersey—to the Committee on Rivers and Harbors, and ordered to be printed.

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination of Coldwater River, Mississippi—to the Committee on Rivers and Harbors, and

ordered to be printed.

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination of Colorado River, Arizona—to the Committee on Rivers and Harbors, and

ordered to be printed.

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of Southport Harbor, Connecticut—to the Committee on Rivers and Harbors, and ordered to be printed.

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination of harbor at Portwing, Wis.—to the Committee on Rivers and Harbors, and ordered to be printed.

A letter from the Acting Secretary of the Treasury, transmitting a reply to the House resolution of June 6, 1896, relating to certain bonds in which the old State of Virginia is interested—to the Committee on Indian Affairs, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, Mr. HARTMAN, from the Committee on Mines and Mining, to which was referred the bill of the House (H. R. 6780) to amend section 2335 of the Revised Statutes, reported the same without amendment, accompanied by a report (No. 2357); which said bill and report were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS.

Under clause 2 of Rule XIII, Mr. HUTCHESON, from the Committee on Claims, to which was referred the bill (H. R. 9475) for the relief of Calvin T. Hazelwood, reported the same (Report No. 2356); which said bill and report were referred to the Committee of the Whole House.

PUBLIC BILLS AND RESOLUTIONS.

Under clause 3 of Rule XXII, bills and resolutions of the fol-Onder clause 5 of Kule AXII, bills and resolutions of the following titles were introduced, and severally referred as follows:
By Mr. JENKINS: A bill (H. R. 9752) to amend an act entitled
"An act to authorize the construction of a steel bridge over the
St. Louis River between the States of Wisconsin and Minnesota,"
approved April 24, 1894, as amended by an act approved August 4,
1894, entitled "An act to amend an act to authorize the construction of a steel bridge over the St. Louis River between the States of Minnesota and Wisconsin"—to the Committee on Interstate

and Foreign Commerce.

By Mr. VAN HORN: A bill (H. R. 9754) to amend the act entitled "An act to authorize the construction of a bridge across the Missouri River at or near the city of Lexington, Mo.," approved July 26, 1894—to the Committee on Interstate and Foreign Com-

merce.

By Mr. PRICE: A bill (H. R. 9755) to quiet title and possession with respect to certain unconfirmed and located private land claims in the State of Louisiana—to the Committee on Private Land Claims.

By Mr. TOWNE: A bill (H. R. 9756) to amend the river and harbor act of August 18, 1894—to the Committee on Rivers and

Harbors

By Mr. MURRAY: A bill (H. R. 9757) to insure minority representation in Federal elections—to the Committee on Election of President, Vice-President, and Representatives in Congress.

By Mr. WANGER: A resolution (House Res. No. 456) to increase the pay of J. Herman Barnesley—to the Committee on

Accounts.

By Mr. DOOLITTLE: A resolution (House Res. No. 457) for consideration of the bill (H. R. 35) to amend the act entitled "An act to incorporate the Maritime Canal Company of Nicaragua," approved February 20, 1889-to the Committee on Rules.

PRIVATE BILLS, ETC.

Under clause 1 of Rule XXII, private bills of the following titles were presented and referred as follows:

By Mr. ANDREWS: A bill (H. R. 9758) granting an increase of pension to John S. Lewis—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9759) granting an increase of pension to George W. Ferree—to the Committee on Invalid Pensions. Also, a bill (H. R. 9760) to correct the military record of

Also, a bill (H. R. 9760) to correct the military record of Showers Nelson—to the Committee on Military Affairs.

Also, a bill (H. R. 9761) to correct the military record of Patrick Dunphy—to the Committee on Military Affairs.

By Mr. BENNETT: A bill (H. R. 9762) granting a pension to August Westhoff—to the Committee on Invalid Pensions.

By Mr. CROWTHER: A bill (H. R. 9763) granting an increase of pension to John H. Laney—to the Committee on Invalid

Pensions.

By Mr. DOVENER: A bill (H. R. 9764) for the relief of Henry Snider, of Moundsville, W. Va.—to the Committee on War Claims.

By Mr. FENTON: A bill (H. R. 9765) for the relief of Ellen Owens—to the Committee on War Claims.

By Mr. HITT: A bill (H. R. 9766) to amend the record of Fayette Adams, Company I, Thirty-seventh Illinois Volunteers—to the Committee on Military Affairs.

By Mr. HULL: A bill (H. R. 9767) granting pension to Richard M. Mick, Company F, Eighty-sixth Illinois Infantry—to the Committee on Invalid Pensions.

mittee on Invalid Pensions.

By Mr. McCALL of Tennessee: A bill (H. R. 9768) for relief of Pleasant W. Cook, a Mexican veteran—to the Committee on Pensions.

By Mr. WOOD: A bill (H. R. 9769) granting a pension to Melvina Buckler-to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. CROWTHER: Petition of citizens of Savannah, Mo., to accompany House bill for an increase of pension for John H. Laney—to the Committee on Invalid Pensions.

By Mr. EDDY: Resolution of the California Wool Growers' Association, asking for the passage of the Dingley bill—to the Committee on Ways and Means.

By Mr. KIEFER: Petition of the St. Paul (Minn.) Chamber of

By Mr. KIEFER: Petition of the St. Paul (Minn.) Chamber of Commerce, in favor of an appropriation for repairing crevasses on Lower Mississippi River—to the Committee on Rivers and Harbors.

By Mr. LAYTON: Resolutions of the California Wool Growers Association, favoring the immediate adoption of the emergency tariff known as the Dingley bill—to the Committee on Ways and Means.

Also, resolutions of the board of managers of the Trades League of Philadelphia, urging immediate action upon the revenue laws, so as to provide for the expenses of the Government—to the Committee on Ways and Means.

By Mr. MAHON: Petition of citizens of Chambersburg, Pa.,

asking for the protection of American missionaries in Armenia

to the Committee on Foreign Affairs.

By Mr. McCALL of Tennessee: Paper to accompany House bill for the relief of Pleasant W. Cook—to the Committee on Pen-

By Mr. NORTHWAY: Petition of citizens of Akron, Ohio, praying for the passage of a service-pension bill for all honorably discharged soldiers of the late war—to the Committee on Invalid

Pensions.

By Mr. ODELL: Petition of S. W. Fullerton Post, No. 53, Grand Army of the Republic, of Newburg, N. Y., in relation to the struggle for independence in Cuba—to the Committee on Foreign Affairs.

By Mr. POOLE: Petition of citizens of Tully, N. Y., urging the passage of a tariff bill—to the Committee on Ways and Means.

By Mr. STAHLE: Resolutions of Captain Colwell Post, No. 201, Grand Army of the Republic, of Carlisle, Pa., urging Congress to take action in regard to the independence of Cuba—to the Committee on Foreign Affairs

mittee on Foreign Affairs.

By Mr. SULLOWAY: Paper to accompany House bill No. 9749, granting a pension to Lydia G. Cate—to the Committee on Pen-

SENATE.

MONDAY, December 21, 1896.

Prayer by the Chaplain, Rev. W. H. MILBURN, D. D. STEPHEN M. WHITE, a Senator from the State of California, appeared in his seat to-day.

The Secretary proceeded to read the Journal of the proceedings of Thursday last, when, on motion of Mr. Bacon, and by unani-

mous consent, the further reading was dispensed with.

REPORT OF BOARD OF ORDNANCE AND FORTIFICATION.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of War, transmitting the annual report of the Board of Ordnance and Fortification for the year ended October 31, 1896; which, with the accompanying report, was referred to the Committee on Military Affairs, and ordered to be printed.

INTERSTATE COMMERCE CLASSIFICATION.

The VICE-PRESIDENT laid before the Senate a communication from the Interstate Commerce Commission, transmitting, in response to a resolution of March 18, 1896, a statement showing each case in which it has ordered any carrier or carriers, subject to its jurisdiction, to make any change in the classification of freight, or in the rates charged for moving passengers or property, or any modification in the practices affecting such charges and in connection with any such order; the classification of rates or practices in effect at the time when complaint was filed, etc.; which, with the accompanying papers, was referred to the Committee on Interstate Commerce, and ordered to be printed.

CERTIFICATION OF ELECTORS.

The VICE-PRESIDENT laid before the Senate a communica-tion from the Secretary of State, transmitting, in pursuance of the provisions of the act of February 3, 1887, certified copies of the final ascertainment of the electors for President and Vice-President for the State of Illinois; which was ordered to lie on the

PARLIAMENTARY PROCEEDINGS OF SENATE OF SPAIN.

The VICE-PRESIDENT presented a communication from the Senate of Spain, transmitting to the Senate of the United States 26 volumes of the parliamentary proceedings of that body; which was referred to the Committee on the Library.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. Browning, its Chief Clerk, announced that the House had passed the following bills:

A bill (S. 1265) for the relief of Emmart, Dunbar & Co.

A bill (S. 1276) granting an increase of pension to John L. Britton

A bill (S. 1631) granting a pension to Emeline Filgate;
A bill (S. 1881) granting a pension to Lydia Chapman;
A bill (S. 1883) to grant a pension to Charlotte O. Van Cleve,
widow of Gen. Horatio P. Van Cleve;

A bill (S. 2711) granting a pension to Ira Harris; and A bill (S. 2889) to aid and encourage the holding of the Ten-nessee Centennial Exposition at Nashville, Tenn., in the year 1897, and making appropriation therefor.

The message also announced that the House had agreed to the

report of the committee of conference on the disagreeing votes of 1897, and for prior years, and for other purposes;

the two Houses on the amendments of the House to the joint resolution (S. R. 162) continuing in force section 2 of the act approved

lution (S. R. 162) continuing in force section 2 of the act approved June 3, 1896, entitled "An act to repeal section 61 of 'An act to reduce taxation, to provide revenue for the Government, and for other purposes,'" which became a law August 28, 1894.

The message further announced that the House insisted upon its amendments to the bill (S. 1832) to define the rights of purchasers under mortgages authorized by an act of Congress approved April 20, 1871, concerning the Atlantic and Pacific Railroad Company, agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. Powers, Mr. Johnson of California, and Mr. Harrison managers at the conference on the part of the House.

The message also announced that the House further insisted

The message also announced that the House further insisted upon its amendment to the bill (S. 1291) granting an increase of pension to Celeste A. Boughton, widow of Bvt. Brig. Gen. Horace Boughton, asked a further conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. Crowther, Mr. Baker of Kansas, and Mr. Kirkpatrick managers at the conference on the part of the House.

The message further announced that the House further insisted upon its amendment to the bill (S. 1511) granting a pension to Mrs. Jane Stewart Whiting, asked a further conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. Crowther, Mr. Baker of Kansas, and Mr. Kirkpatrick managers at the conference on the part of the

The message also announced that the House had passed with amendments the following bills; in which it requested the con-currence of the Senate:

A bill (S. 337) to refer the claim of the owners of the brig Tally-

Ho to the Court of Claims;

bill (S. 684) granting an increase of pension to Marion

McKibben;
A bill (S. 757) granting an increase of pension to Adelaide Morris:

A bill (S. 905) granting a pension to Mary W. Keeffe; and A bill (S. 2176) granting a pension to Thomas Pollock.

The message further announced that the House had passed the

following bills; in which it requested the concurrence of the Senate:
A bill (H. R. 71) for the relief of Capt. Francis A. Beuter;
A bill (H. R. 129) for the relief of Thomas B. Reed;
A bill (H. R. 897) for the relief of James Stewart;
A bill (H. R. 1018) to increase the pension of Bennett S. Shaug;

A bill (H. R. 1018) to increase the pension of Bennett S. Shaug;
A bill (H. R. 1505) granting a pension to Mrs. Sarah A. Aspold;
A bill (H. R. 2231) for the relief of Bluford Reeder;
A bill (H. R. 2742) to grant a pension to J. J. Davis;
A bill (H. R. 3075) for the relief of John A. Lynch;
A bill (H. R. 3481) granting a pension to James L. Wing;
A bill (H. R. 3499) granting a pension to Eliza A. Foss;
A bill (H. R. 3503) to correct the military record of Elisha B.

Bassett;
A bill (H. R. 3884) for the relief of John T. Brewster;
A bill (H. R. 3945) granting a pension to Thomas J. Thorp;
A bill (H. R. 4264) granting a pension to Mary Pelham;

A bill (H. R. 48264) granting a pension to Mary Pelham;
A bill (H. R. 4620) granting a pension to Samuel McKinsey;
A bill (H. R. 4655) granting a pension to Frederick A. Driscol;
A bill (H. R. 4675) granting a pension to Frederick A. Driscol;
A bill (H. R. 4744) to increase the pension of Adam Dennis;
A bill (H. R. 5670) to increase the pension to John W. Pogue;
A bill (H. R. 5650) granting a pension to Emily Elliott;
A bill (H. R. 5895) granting a pension to Emily Elliott;
A bill (H. R. 5895) granting a pension to Anna N. Kendall;
A bill (H. R. 5902) granting a pension to Jane Christian Marye;
A bill (H. R. 6389) to increase the pension of Alexander McBride;
A bill (H. R. 6378) for the relief of Eliza J. Holman;
A bill (H. R. 6378) for the relief of Eliza J. Holman;
A bill (H. R. 6713) to extend North Capitol street northward through the property of the Prospect Hill Cemetery, to pay for land to be taken for such purpose, and for other purposes;
A bill (H. R. 6900) increasing the pension to Hannah R. Quint;
A bill (H. R. 7240) granting a pension to John W. Bruner;
A bill (H. R. 8726) to provide for the payment of certain claims against the District of Columbia by drawback certificates;
A bill (H. R. 9592) to amend an act entitled "An act granting

A bill (H. R. 9592) to amend an act entitled "An act granting a pension to Jesse McMillan," received by the President May 27,

1896;
A bill (H. R. 9638) making appropriations for the support of the Army for the fiscal year ending June 30, 1898;
A bill (H. R. 9647) to authorize the extension of the lines of the Metropolitan Railroad Company of the District of Columbia;
A bill (H. R. 9700) authorizing the issuing and loaning of the ensigns, flags, signal numbers, etc., of the United States for the purpose of decorating the streets of the city of Washington on the occasion of inaugural ceremonies on the 4th of March, 1897;
A bill (H. R. 9753) making appropriations to supply urgent deficiences in the appropriations for the fiscal year ending June 30, 1897, and for prior years, and for other purposes:

A joint resolution (H. Res. 213) to permit railroads in the District to occupy additional parts of streets to accommodate the traveling public attending the inaugural ceremonies;

A joint resolution (H. Res. 214) authorizing the Secretary of War to grant permits to the executive committee on inaugural ceremonies for use of reservations or public spaces in the city of Washington on the occasion of the inauguration of the President-

elect on March 4, 1897, etc.; and
A joint resolution (H. Res. 215) extending time for compliance
by Eckington and Soldiers' Home Railway Company and the Belt
Railway Company with provisions of section 1 of an act entitled "An act to extend the routes of said railway companies," etc., approved June 10, 1896.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the Vice-President:

A bill (S. 2889) to aid and encourage the holding of the Tennessee Centennial Exposition at Nashville, Tenn., in the year 1897, and making an appropriation therefor;

A bill (H. R. 950) granting a pension to John Coombs;

A bill (H. R. 979) granting a pension to Frances E. Helfenstein;

A bill (H. R. 986) for the relief of Hiram P. Pauley;

A bill (H. R. 1989) to increase the pension of Evrey Cetton.

A bill (H. R. 1022) to increase the pension of Byron Cotton; A bill (H. R. 1062) to grant a pension to Armstead M. Raw-

lings, of Arkansas;
A bill (H. R. 1178) granting a pension to Sarah Weedon Jones;
A bill (H. R. 1599) granting a pension to Phœbe M. Woolley

A bill (H. R. 1820) granting a pension to Neil McNeil; A bill (H. R. 1825) granting a pension to Mary Prince, widow of Ellis Prince;

A bill (H. R. 1827) granting a pension to Nancy B. Prince, widow of Elbert Prince;

A bill (H. R. 1874) to place the name of Robert Smalls on the pension rolls;

A bill (H. R. 1890) granting a pension to Mary Martin;
A bill (H. R. 1891) granting a pension to Celestia R. Barry;
A bill (H. R. 1892) granting a pension to Catharine Darragh;
A bill (H. R. 2358) granting a pension to Arminda White, widow
of Israel White;

A bill (H. R. 2359) granting a pension to Katherine Zeigenheim,

A bill (H. R. 2509) granting a pension to Katherine Zeigenneim, of Louisville, Ky.;

A bill (H. R. 2405) granting a pension to Maria Gibbons;

A bill (H. R. 2969) to grant a pension to Mrs. Lucy A. Allen;

A bill (H. R. 3152) granting a pension to Charlotte A Welton;

A bill (H. R. 3755) to increase the pension of Mary C. Thompson;

A bill (H. R. 3771) for the relief of Stratton H. Benscoter;

A bill (H. R. 4052) approving certain acts of the legislative assembly of the Territory of New Mexico, authorizing the issue of certain bonds of said Territory, and for other purposes;

A bill (H. R. 4355) to increase the pension of Theresa Peebles, of

A bill (H. R. 4355) to increase the pension of Theresa Peebles, of Jefferson County, Ga.;
A bill (H. R. 4361) granting a pension to William H. Nesbit;
A bill (H. R. 4405) granting a pension to Augustus G. Cary;
A bill (H. R. 4604) granting a pension to Jane Fisher;
A bill (H. R. 4720) granting an increase of pension to Isaac H. Whetsel, of Louisville, Ky.;
A bill (H. R. 4721) granting an increase of pension to Orleina J. Clark, of Louisville, Ky.;
A bill (H. R. 5050) granting a pension to Ransom C. Hazelip;
A bill (H. R. 5311) granting a pension to Sarah Ann Wible;
A bill (H. R. 5393) for the relief of Lucinda Rickards, widow, and the minor children of John D. Rickards, deceased. and the minor children of John D. Rickards, deceased.

A bill (H. R. 5400) to increase the pension of Mary L. Bacon,

widow of the late George B. Bacon, late lieutenant-commander of

widow of the late George B. Bacon, late letterlate contains the United States Navy;

A bill (H. R. 6466) to increase the pension of George V. Barnard;

A bill (H. R. 6468) to increase the pension of Andrew R. Ladd;

A bill (H. R. 6533) for the relief of A. A. Hosmer;

A bill (H. R. 9139) granting a pension to Margaret J. Young;

A bill (H. R. 9469) to constitute a new division of the eastern judicial district of Texas, and to provide for the holding of terms of court at Beaumont, Tex., and for the appointment of a clerk for said court;

A bill (H. R. 9473) making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1898, and for other purposes; and
A bill (H. R. 9742) to amend chapter 111 of the acts of the third session of the Fifty-third Congress.

PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented resolutions adopted by the Bryan Silver Club, of Spokane, Wash., favoring the recognition of the independence of Cuba; which were referred to the Committee on Foreign Relations.

Mr. SHERMAN presented a petition of the Chamber of Com-merce of Cincinnati, Ohio, praying for the enactment of legisla-lation closing the crevasse in Pass a L'Outre at the mouth of the Mississippi River; which was referred to the Committee on Commerce.

He also presented a petition of the board of library commissioners of Columbus, Ohio, and a petition of sundry citizens of Wyandot County, Ohio, praying Congress to recognize the independence of Cuba; which were ordered to lie on the table.

He also presented a petition of the Cleveland Christian Endeavor Union, of Cleveland, Ohio, praying for the enactment of legislation prohibiting the sale of intoxicating liquors in the United States Capital, which were referred to the Corneits and Dublic States.

States Capitol; which was referred to the Committee on Public Buildings and Grounds.

He also presented the petition of John Ward, of Sandusky, Ohio, late private in Company K, Third Ohio Cavalry, praying for the enactment of legislation to correct his military record; which was referred to the Committee on Military Affairs.

He also presented sundry petitions of citizens of Ohio, praying for the passage of the so-called Dingley tariff bill; which were referred to the Committee on Finance.

He also presented a petition of the Trades League of Phila-delphia, Pa., praying for immediate amendment of the revenue laws so as to provide for the current expenses of the Government; which was referred to the Committee on Finance.

Mr. SHERMAN. At the request of the Senator from South Dakota [Mr. KYLE], the chairman of the Committee to Establish the University of the United States, I present a communication from David Starr Jordan, president of Leland Stanford Junior from David Starr Jordan, president of Leland Stanford Junior University of California, transmitting the substance of his argument before the Select Committee to Establish the University of the United States on the need of a national university. I move that the communication be printed and referred to the Committee to Establish the University of the United States.

The motion was agreed to.

Mr. MORRILL presented the petition of T. J. Deavitt, of Montpelier, Vt., praying that pensions be paid in bonds or notes bearing a low rate of interest; which was referred to the Committee

on Pensions.

Mr. CAMERON presented the petition of Robert Brigham, late postmaster at Franklin, Pa., praying for the enactment of legislation reimbursing him for money lost by him through the failure of the Venango National Bank; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the board of managers of the Trades League of Philadelphia, Pa., praying for the immediate amendment of the revenue laws so as to provide for the current expresses of the Government, which was referred to the Commits.

expenses of the Government; which was referred to the Committee on Finance.

He also presented a petition of sundry citizens of Allensville, Pa., praying for the passage of the so-called Dingley tariff bill; which was referred to the Committee on Finance.

He also presented a petition of the board of managers of the Trades League of Philadelphia, Pa., praying for the establishment

of a department of trade and commerce; which was referred to the Committee on Commerce.

Mr. McMILLAN presented the petition of M. E. Rumsey and 100 other citizens of Michigan, and a petition of W. E. Boyden and 25 other citizens of Michigan, praying for the passage of the socalled Dingley tariff bill; which were referred to the Committee on

He also presented a petition of 500 citizens of Elmira, N. Y., praying for the enactment of legislation restoring the former law of the District of Columbia against Sunday traffic; which was referred to the Committee on the District of Columbia.

He also presented a petition of 200 citizens of Elmira, N. Y., praying for the enactment of legislation raising the age of consent in the District of Columbia; which was referred to the Committee on the District of Columbia.

He also presented a memorial of the Society for the Promotion of Agricultural Science, of Lafayette, Ind., and a memorial of the faculty of the Ohio State University, of Columbus, Ohio, remonstrating against the passage of the bill to regulate the practice of vivisection in the District of Columbia; which were ordered to lie on the table.

He also presented the petition of Frances E. Willard, president and Katharine Lente Stevenson, secretary, of the National Woman's Christian Temperance Union, praying for the enactment of legislation raising the age of protection of girls to 18 years in the District of Columbia and the Territories; which was referred to the Committee on the District of Columbia.

He also presented the petition of Frances E. Willard, president, and Katharine Lente Stevenson, secretary, of the National Woman's Christian Temperance Union, praying for the enactment of legislation prohibiting Sunday traffic in the District of Columbia; which was referred to the Committee on the District

Mr. QUAY presented a petition of the Trades League of Philadelphia, Pa., praying for the enactment of a revenue-producing measure; which was referred to the Committee on Finance.

He also presented petitions of Golden Star Council, No. 6, Daughters of Liberty, of Middletown, Pa.; of Captain Colwell Post, No. 201, Grand Army of the Republic, of Carlisle, Pa., and of Lafayette Post, No. 217, Grand Army of the Republic, of Easton, Pa., praying Congress to recognize the independence of Cuba; which were ordered to lie on the table.

Mr. PEFFER. presented a petition of the 1900 Silver Club. of

Mr. PEFFER presented a petition of the 1900 Silver Club, of Manhattan, Kans., praying for the recognition of belligerent rights in Cuba; which was ordered to lie on the table.

He also presented a petition of the Trades League of Philadelphia,

Pauso presented a petition of the Trades League of Philadelphia, Pa., praying for immediate action on revenue measures; which was referred to the Committee on Finance.

He also presented a memorial of the Democratic central committee of Cook County, Ill., remonstrating against removals from office for political reasons; which was referred to the Committee on Civil Service and Retrenchment.

Mr. LODGE presented a petition of the Committee on Civil Service and Retrenchment.

Mr. LODGE presented a petition of the Council of Trades and Labor Unions of Detroit, Mich., praying for the passage of the so-called Lodge-Corliss immigration bill; which was ordered to lie

on the table

Mr. GEAR presented the petition of James Ironside and sundry other citizens of Iowa, and the petition of M. M. Walker and 25 other citizens of Iowa, praying for the passage of the so-called Dingley tariff bill; which were referred to the Committee on

He also presented resolutions adopted by the I. G. White Post, Department of Iowa, Grand Army of the Republic, of Washington, Iowa, favoring the so-called Cullom Cuban resolution and praying for the passage of the same; which were referred to the

Committee on Foreign Relations.

Mr. BURROWS presented the petition of S. Stearn and 41 other citizens of Marcellus, Mich.; of George H. French and sundry other citizens of Homer, Mich.; of Sherwood & Griswold and sundry other citizens of Allegan, Mich., and of 38 citizens of Van Buren County, Mich., praying for the passage of the so-called Dingley tariff bill; which were referred to the Committee

Mr. DAVIS presented a petition of the Chamber of Commerce of St. Paul, Minn., praying for the establishment of a department of commerce and manufactures; which was referred to the Com-

mittee on Commerce.

He also presented the petition of P. Cudmore and 137 other citi-He also presented the petition of P. Cudmore and 137 other citizens of Faribault, Minn., praying for the enactment of legislation providing for the purchase from Great Britain of the territory lying west of Duluth and Hudsons Bay; which was referred to the Committee on Foreign Relations.

Mr. GALLINGER. I desire to present a letter, in the shape of a petition, signed by Hon. Frank Jones, Hon. A. F. Howard, Hon. J. Albert Walker, and other leading citizens of the city of Portsmouth, N. H., asking that an appropriation be made for rebuilding the old ship Constitution. These gentlemen say:

The historic old ship Constitution, now lying at the Portsmouth Navy-

The historic old ship Constitution, now lying at the Portsmouth Navy-Yard, is in a sinking condition, and if something is not done very soon she will be beyond preservation. The people of New Hampshire are in favor of having her rebuilt, which appears to be the wish of the entire American people. It seems rather hard that Old Ironsides, the most famous relic in the Navy, should be allowed to go to the bottom, etc.

I wish to call the attention particularly of my colleague [Mr. Chandler] and of the senior Senator from Maine [Mr. Hale], both of whom are members of the Committee on Naval Affairs, to this very important matter. I hope the committee will see their way clear to making a favorable report in regard to the rebuilding of this old ship.

The VICE-PRESIDENT. The petition will be referred to the

Committee on Naval Affairs.

Mr. FRYE presented resolutions adopted by Burnside Post, No. 47, Department of Maine, Grand Army of the Republic, of Auburn, Me., favoring the recognition of the Republic of Cuba; which were ordered to lie on the table.

Mr. BATE presented resolutions adopted by Ed. Maynard Post, No. 14, Department of Tennessee, Grand Army of the Republic,

No. 14, Department of Tennessee, Grand Army of the Republic, numbering 339 veterans of the late war, expressing sympathy with the patriots of Cuba, and praying "that the United States take all lawful and honorable means to put an end to the cruel campaign of butchery and carnage which is now devastating that island;" which were ordered to lie on the table.

He also presented a memorial of Company C, Marble City Guards, Unattached Company National Guards of the State of Tennessee, relative to the death of General Maceo, and expressive of sympathy for the patriots of Cuba; which was ordered to lie on the table.

Mr. COCKRELLL. I present a communication in the nature of

Mr. COCKRELL. I present a communication, in the nature of a petition, from W. E. Bragg, president of the Second district Missouri Christian Endeavor Union, in behalf of 5,000 young men and women belonging to this organization in fifteen counties referred to the Committee on Finance.

of northwest Missouri, on behalf of the passage of a bill to prohibit the sale of liquor in the Capitol building. I ask that the petition be referred to the Committee on the District of Columbia. Mr. HARRIS. I suggest to the Senator from Missouri that the petition should be referred to the Committee on Rules.

Mr. COCKRELL. Is there a bill for this purpose before that

committee

Mr. HARRIS. Yes; the Committee on Rules has control of

Mr. COCKRELL. Then let the petition be referred to the

Committee on Rules.

The VICE-PRESIDENT. The petition will be so referred.

Mr. COCKRELL. I present the memorial of a joint committee appointed by the Medical Society of the District of Columbia to present the views of the medical and other scientific societies and educational institutions relative to the proposed legislation em-bodied in Senate bill 1552, entitled "A bill for the further preven-tion of cruelty to animals in the District of Columbia."

tion of cruelty to animals in the District of Columbia."

This joint committee is composed of Dr. S. C. Busey, president, representing the District Medical Society; Dr. G. M. Sternberg, Surgeon-General United States Army, representing the Biological Society; Dr. D. E. Salmon, Chief of the Bureau of Animal Industry, representing the Agricultural Department; Dr. Walter Reed, Surgeon, United States Army, representing the Medical Department of the United States Army; Dr. D. S. Lamb, representing Howard University; Dr. C. W. Stiles, representing the Georgetown Medical School; Dr. E. A. De Schweinitz, representing the Columbian Medical School; Dr. H. N. Stokes, representing the Chemical Society of Washington; and Dr. W. M. Sprigg, representing the National University.

I ask that the memorial be received and printed and filed as a protest against the passage of the bill referred to, and that it be

protest against the passage of the bill referred to, and that it be placed with the report in favor of that bill on the Calendar.

The VICE-PRESIDENT. In the absence of objection, it will be

so ordered.

Mr. TURPIE presented a petition of sundry citizens of Frank-lin, Ind., praying Congress to recognize the independence of Cuba; which was ordered to lie on the table.

Mr. MORGAN. I present a memorial of the North Capitol and Eckington Citizens' Association on the subject of a resolution passed by the House of Representatives a few days ago, which has not yet come to the Senate, in which the memorialists set forth their objections to the adoption of that resolution. The memorial is addressed to the Senate, and is signed by these gentlemen. I ask that it be printed, because it is a matter that I think Senators gen-

that it be printed, because it is a matter that I think Senators generally would like to read.

Mr. FRYE. Printed as a document, I suppose?

Mr. MORGAN. Printed as a document. Let it be referred to the Committee on the District of Columbia.

Mr. HALE. I am pretty near the Senator from Alabama, but I could not hear a word he said.

The VICE-PRESIDENT. The Senator from Alabama will please repeat his request.

Mr. MORGAN. I presented a memorial on behalf of a citizens' association here against the adoption by the Senate of a resolution which has passed the House on the subject of extending the time to which has passed the House on the subject of extending the time to the Eckington Railway Company for arranging their business. Mr. HALE. Is that the road which runs out to the boundary

on the north?

Mr. MORGAN. Yes; the Eckington line. Mr. GALLINGER. It runs near the Soldiers' Home and to

The VICE-PRESIDENT. Is there objection to the request of the Senator from Alabama? The Chair hears none, and the memorial will be referred to the Committee on the District of Columbia and printed.

Mr. DANIEL presented a petition of the board of directors of the Chamber of Commerce of Richmond, Va., and a petition of the

Board of Trade of Lynchburg, Va., praying for the establishment of a department of commerce and manufactures; which were referred to the Committee on Commerce.

referred to the Committee on Commerce.

He also presented a memorial of the Democratic central committee of Cook County, Ill., remonstrating against removals from office on account of "pernicious political activity;" which was referred to the Committee on Civil Service and Retrenchment.

He also presented the petition of R. G. Wright, A. R. Cocke, S. A. Austin, and sundry other citizens of Waynesboro, Va., praying Congress to recognize the independence of Cuba; which was

ordered to lie on the table.

Mr. MURPHY presented the petition of Ira S. C. Lockwood and sundry other citizens of Madrid, Ind., praying for the enactment of legislation for the relief of the suffering Armenians in Turkey; which was referred to the Committee on Foreign Rela-

Mr. MILLS presented sundry petitions of citizens of Texas, praying for the passage of the so-called Dingley tariff bill; which were

Mr. HARRIS. I present a communication from Henry Hotter, secretary of the Memphis Cotton Exchange, of Memphis, Tenn., transmitting resolutions adopted at a meeting of sundry cotton growers and farmers of Memphis, Tenn., praying Congress to vote against the passage of the Cuban resolutions recently adopted by the Committee on Foreign Relations. I move that the communication and the accompanying resolutions lie on the table.

The motion was agreed to.

Mr. MITCHELL of Oregon presented a petition of the Chamber of Commerce of Astoria, Oreg., praying that an appropriation be made for the preservation, extension, and improvement of the harbor at that city; which was referred to the Committee on Commerce.

He also presented the petition of Jeff Harney, headman, in behalf of himself and about 200 Siuslaw, Coos, and Umpqua Indians now living in Lane, Douglas, and Coos counties, State of Oregon, praying that an investigation be made of the circumstances by which they were wrongfully deprived of certain lands in that State, and also that relief be granted them by reasonable annuities or by a sum in gross; which was referred to the Committee on Indian Affairs.

NICARAGUA CANAL.

Mr. MITCHELL of Oregon. I present a petition of citizens of Oregon, praying for the passage of the bill in aid of the early construction of the Nicaraguan Canal under governmental control, and I ask unanimous consent of the Senate that I may occupy a

and I ask unammous consent of the Senate that I may occupy a few minutes, not exceeding ten or fifteen at most, in submitting some remarks on this question.

The VICE-PRESIDENT. Is there objection? The Chair hears none, and the Senator from Oregon will proceed.

Mr. MITCHELL of Oregon. Mr. President, I crave the indulgence of the Senate for a few minutes that I may once more make an appeal for the early consideration of the bill now on the Calendar in aid of the sneedy construction of the Nicarcana Canal. endar in aid of the speedy construction of the Nicaragua Canal under the control of the Government of the United States

Although I have heretofore on many occasions, in conjunction with other Senators who are favorable to this great enterprise, urged at length the importance of this measure as one paramount to any that could engage the attention of Congress, I do not intend to desist from any proper efforts I may exert in furtherance of the passage of this bill until success shall attend these efforts.

It will be remembered that the Senate, at the beginning of its It will be remembered that the Senate, at the beginning of its last session, when reorganizing the committees of this body, in view of the vast amount of other business always engaging the attention of the Committee on Foreign Relations, and which committee had, up to that time, jurisdiction of the Nicaragua Canal bill, organized a new committee called the Select Committee on Construction of the Nicaragua Canal, and to which committee was assigned exclusive jurisdiction of this important subject.

That committee, as is known, is composed of seven Senators, the distinguished Senator from Alabama [Mr. Morgan] being chairman, the other members being Senator Palmer of Illinois, Senator Martin of Virginia, Senator Hawley of Connecticut, Senator Mitchell of Oregon, Senator Squire of Washington, and Senator Sewell of New Jersey.

and Senator Sewell of New Jersey.

This committee at the last session, and immediately after its organization, entered upon the consideration of a measure having for its purpose the early construction of the Nicaragua Canal, under the direct control of the Government of the United States, and after a most thorough and careful consideration, perfected a measure which received the approval and cordial support of every member of that committee, and it was, on June 2 last, reported to the Senate by our distinguished chairman [Mr. Morgan] accom-panied by a very careful and elaborate report prepared by him, in which every phase of the project is discussed with great ability and circumstantiality, and which report also received the hearty approval of each member of such committee. The bill is now on the Calendar of the Senate, and is number 1221 of the Order of Business

Of course, not being chairman of the committee having the bill in charge, but merely a member thereof, it is not my province to move its consideration, but knowing full well how earnestly desirous the distinguished chairman of the committee is of securing consideration at the very earliest practicable moment, I felt it my duty to cooperate with him in appealing to the Senate that this important measure may not be sidetracked by other, and in the main, infinitely less important, matters which seem to be constantly

pressing themselves to the front for consideration.

Until the bill can be taken up for discussion, it would of course be out of place for me to enter at length upon the arguments which to my mind are overwhelming in favor of this measure. These I have heretofore gone into at length on several occasions. And while my purpose at this time is to aid in bringing about the consent of the Senate to an early consideration of this bill, it may not perhaps be out of place, with the indulgence of the Senate, to state briefly the purport of the pending measure.

The bill provides that the capital stock of the Maritime Canal Company of Nicaragua shall consist of 1,000,000 shares of \$100 each

Company of Nicaragua shall consist of 1,000,000 shares of \$100 each and shall be nonassessable, and no more than this number of shares shall be issued, except by the consent of Congress.

It is further provided that if the Maritime Canal Company of Nicaragua shall within one year from the passage of the act show to the satisfaction of the Secretary of the Treasury that all the stock of the company heretofore subscribed for or issued, except the company heretofore subscribed for or issued. that heretofore issued to the Republics of Nicaragua and Costa Rica, has been called in, returned to, and canceled by the treasurer of the company, or satisfactory arrangements have been made for the return and cancellation of said stock, and that bonds issued by said company and obligations to deliver bonds have been redeemed and canceled, or that satisfactory arrangements have been made for their redemption and cancellation, and that all liabilities of the said company have been satisfied and all contracts and agreements heretofore made by said company, including all contracts with the Nicaragua Canal Construction Company, have been canceled, or that provision has been made for the satisfaction and cancellation of said contracts, then the Secretary of the Treasury shall, in behalf of the United States, subscribe for 700,000 shares of shall, in behalf of the United States, subscribe for 700,000 shares of the capital stock of said company, and said company shall thereupon issue to the said Secretary of the Treasury of the United States 700,000 shares of the capital stock, the same to be deposited with the Treasurer of the United States, and which stock shall be issued in consideration of the guaranty by the United States of the bonds of such company and shall be regarded as fully paid and consecretable. nonassessable.

It is further provided that in addition thereto 70,000 shares of nonassessable capital stock of said Maritime Canal Company of Nicaragua shall be issued and delivered to such person or persons as may be designated by those stockholders of the said company whose stock has been surrendered and canceled.

whose stock has been surrendered and canceled.

The bill further provides that upon the issuance and delivery of the stock and bonds which the bill provides for, the board of directors of the company shall consist of 11 members, 1 to be appointed by Costa Rica, 1 by Nicaragua, 1 by the stockholders of the Maritime Canal Company other than the said Governments, and the remaining 8 to be appointed by the President of the United States, by and with the advice and consent of the Senate, and removable by the President of the United States for cause. removable by the President of the United States for cause. In case of a vacancy in the membership of directors appointed by the President, the same shall be filled by appointment by the President in the same manner for the unexpired term.

It is further stipulated that no director appointed by the President of the United States shall own, directly or indirectly, any stock or pecuniary interest in said company, nor shall any stock-

stock or pecuniary interest in said company, nor shall any stock-holder, director, officer, or employee be connected in any manner with or interested, directly or indirectly, in any contract made by the said company for implements, equipment, material, or any-thing connected with the construction, equipment, or operation of said canal, and not more than four of said directors shall be appointed from one political party.

It is further provided that at their first meeting the directors appointed by the President of the United States shall divide themselves by lot into three classes, one of which shall consist of two

selves by lot into three classes, one of which shall consist of two directors who shall hold office for two years, one of three directors who shall hold office for four years, and one of three directors who shall hold office for six years and until their successors are appointed and qualified, and their successors, respectively, shall hold office for six years. The director named by the holders of stock other than that held by the United States and the States of Nicaragua and Costa Rica shall hold office for six years and until his successor is appointed and qualified. Six of the eleven directors, of whom five at least must be directors appointed by the President of the United States, shall constitute a quorum for the transaction of business. The board of directors shall elect a president and

of business. The board of directors shall elect a president and vice-president from their number, and also a secretary and assistant secretary and treasurer, but neither the secretary nor the assistant secretary nor the treasurer shall be a director.

It is further provided that the treasurer of said Maritime Canal Company shall give bond to said company in such sum as may be fixed by the board of directors; and that the compensation of the directors shall be \$5,000 per year, except the president, who shall receive \$6,000 per year. The actual traveling expenses incurred by said directors in the service of the company shall be paid on receive \$6,000 per year. The actual traveling expenses incurred by said directors in the service of the company shall be paid on approval of the same by the president of the board. The directors shall fix the salaries and compensation of all their employees, agents, and managers, including engineers not detailed for duty

by the Secretary of War.

Every director appointed by the President of the United States shall visit the canal and make a personal examination of the works at least once each year. And they shall on or before the 15th day of November of each year make and send to the President of the United States a full and complete report in writing of all the acts and doings of the company, with a clear and detailed statement of the progress and condition of the work, together with their recommendations. A copy of said report shall be laid before Congress by the President with his annual message.

The bill further provides, after making provision for the can-cellation of all outstanding claims and stock of the Maritime Canal Company, that, to secure the means to construct and complete said canal and to meet the expenditures made on account thereof, the said Maritime Canal Company of Nicaragua shall issue coupon or registered bonds, or both, of the said company, in denominations of not less than \$50 nor more than \$1,000, to an amount not nations of not less than \$30 nor more than \$1,000, to an amount not exceeding \$100,000,000, to be dated on the 1st day of July, 1896, to be payable on the 1st day of July, 1926, but redeemable at the pleasure of the United States at any time after the 1st day of July, 1906, at par with interest at the rate of 3 per cent per annum, payable quarterly on the 1st days of October, January, April, and July of each year, from the delivery of the bonds to said company by the Secretary of the Treasury from time to time. It is also provided that the President of the United States may at any time suspend the issue of said bonds until Congress, being informed by him of the issue of said bonds until Congress, being informed by him of the reasons for such suspension, shall otherwise direct. And said bonds shall be secured by a first mortgage on its property and bonds shall be secured by a first mortgage on its property and rights of property now existing or hereafter acquired, of all kinds and descriptions, real, personal, and mixed, of all franchises and rights of the said company, including its rights and franchise to be a corporation. Such mortgage shall contain a provision for a sinking fund sufficient for the payment of said bonds at maturity. Such mortgage shall be so framed as to be valid as a first lien under the laws of Nicaragua and Costa Rica. The form and sufficiency of such mortgage as the first lien mort the Nicaragua. sufficiency of such mortgage as the first lien upon the Nicaragua sufficiency of such mortgage as the first lien upon the Nicaragua Canal and of the provision for the sinking fund shall, before execution, be approved by the Attorney-General of the United States, and the trustees named in such mortgage shall be approved by the Secretary of the Treasury. It is further provided such mortgage shall be duly executed in triplicate by the officers of said company, and shall be recorded in the office of the Secretary of the Treasury in Washington, and in the proper offices in Nicaragua and Costa Rica, to be designated by the said States; and as additional security for the payment of said bonds, and to save the United States harmless by reason of its guaranty of the same, a first lien is created by the bill in favor of the United States upon the Nicaragua Canal.

same, a first lief is created by the bill in layor of the United States upon the Nicaragua Canal.

The bill further provides that the said mortgage bonds shall be prepared, engraved, and printed at the Bureau of Engraving and Printing, in the city of Washington, at the expense of said Maritime Canal Company of Nicaragua, and, after being duly executed by the officers of said company, shall be deposited in the Treasury of the United States at Washington, and shall be issued by the Secretary of the Treasury from time to time to the said Maritime Canal Company of Nicaragua only as the work on the Nicaragua Canal progresses. Before the issue of said bonds by the Secretary Canal Company of Nicaragua only as the work on the Nicaragua Canal progresses. Before the issue of said bonds by the Secretary of the Treasury he shall cause to be engraved and printed and duly executed on each of said bonds the guaranty of the United States, in the words and figures following, to wit: "The United States of America guarantees to the lawful holder of this bond the payment by the Maritime Canal Company of Nicaragua of the principal of said bond and the interest thereon as it accrues." And the Secretary of the Treasury is, by the pending bill, authorized and directed, if the interest on said bonds as it becomes due is not paid into the Treasury of the United States by the Maritime Canal Company of Nicaragua, to pay the same, and the sum Canal Company of Nicaragua, to pay the same, and the sum required for that purpose is, by this bill, appropriated out of any money in the Treasury not otherwise appropriated. And all pa

money in the Treasury not otherwise appropriated. And all payments of principal of said bonds, or the interest thereon, shall be made through the Treasury of the United States.

The bill further provides that the Maritime Canal Company of Nicaragua shall pay into the Treasury of the United States the interest on the guaranteed bonds provided for as it becomes due, and the guaranty of the United States shall not be held or construed as lessening the liability of said company as the principal. strued as lessening the liability of said company as the principal obligor in said bonds. Upon the failure of said company to pay the interest as it becomes due on said bonds, and upon the payment of such interest by the United States, the said company shall be charged with and shall pay to the United States the amounts paid by the United States on such guaranty, with interest annually

paid by the United States on such guaranty, with interest annually at 4 per cent until paid.

The bill further provides that the said canal shall be constructed under the supervision and according to the plans and specifications prepared by the Engineer Department of the United States Army.

The President of the United States, upon the recommendation of the Chief of the Engineer Corps of the United States Army, shall, under the provisions of this bill, detail three competent engineers from the War Department to enter regularly the service of the Maritime Canal Company, and said engineers shall select one of their number as chief engineer, and thereafter shall detail such additional number as may be required from time to time by the additional number as may be required from time to time by the board of directors for the construction of said canal, provided the same can be done without detriment to the public service.

That it shall be the duty of the chief engineer in making his surveys and estimates, and of the directors in letting contracts, to divide the work into such sections and parts as will secure the

completion of said canal with the utmost expedition.

It is further provided that the President of the United States may, and is authorized, in his discretion, at any time to appoint a board of three civil engineers, the members of which shall be selected from civil life, to visit and carefully inspect the route of the said canal and to make and conduct such examinations and investigations in reference to the same as may be deemed necessary, and to report thereupon to the President of the United States. And the sum of \$200,000 is appropriated for the purposes of such examinations and investigations by said board of civil engineers.

The bill further stipulates that the board of directors shall

quarterly file with the Secretary of the Treasury a detailed statement of the work done and the expenses incurred therefor during the preceding quarter, and the amount due and payable thereon, together with all other expenses incurred by said board, and on his examination and approval of said statement he shall issue and deliver to said board of directors bonds sufficient at their par value

to cover the amount approved by him.

It is also provided that the said Maritime Canal Company shall not issue any bonds or mortgages except as provided for in this bill, and shall not indorse or guarantee the paper, contract, or obligation of any person, persons, or corporation whatsoever, except as herein provided, and no contract shall be entered into or purchase made by said company beyond the amount of bonds authorized to be issued by this bill.

It is also provided that the bonds so issued to said directors shall be disposed of by them at not less than their par value, and the proceeds arising from such sales shall be paid into the treasury of the canal company, to be used for the purposes specified in the bill. It is further provided that Congress shall at all times have the

power to alter, amend, or repeal this proposed act.

There are various other important provisions in the bill, all tending to place not only the construction of this great work, but also its operation and management, after it is constructed, under the direct and absolute control of the Government of the United

States, and all tending, moreover, to authorize its early completion.

While the construction of the Nicaragua Canal as provided for in the pending bill will be of vast benefit to every section of the United States, and would be a controlling factor in both internal and external commerce, a regulator not only of freight rates, but of the distances of transportation lines, and with resultant beneof the distances of transportation lines, and with resultant benefits of incomparable character to the whole people, it is nevertheless a fact that that section of the country which I in part represent—the Pacific Coast States—would by the construction of this great work be advantaged immeasurably beyond that of any other section, and hence it is the people of that section, irrespective of party, are justly earnest in their demands for early legislation on this important subject.

The mere statement of the benefits that must inevitably accrue, as all must concede, to the people of California, Oregon, and Washington, and those of adjacent States, is of itself a most convincing and unanswerable argument in favor of the speedy consideration

and passage by Congress of this measure.

To the wheat growers and producers of other cereals in those States, the producers of wool, hops, fruit, and other agricultural products, and of lumber and its manufactured products, to those engaged in our salmon and cod fisheries, the construction of the Nicaragua Canal is of most vital importance. These producers are to-day, by reason of enormous freight rates, not only between Pacific coast ports and Liverpool and other European ports, where they must dispose of their surplus products, especially of wheat, hops, salmon, but also between Pacific and Atlantic ports of both the United States and South America, in the latter of which—I mean the Atlantic ports of the United States—they must find a market for their surplus wool, fruits, lumber, and many other products, absolutely at the mercy not only of the foreign producer of those products, but also of those of the States east of the Rocky Mountains, more especially of those east of the Missouri

At present, to reach the principal market for our surplus wheat, salmon, and hops in European ports, our producers and shippers are compelled to proceed by the circuitous route doubling Cape Horn, a distance from San Francisco of 14,690 miles, and from Oregon and Washington ports a still greater distance. By the construction of the Nicaragua Canal this water route to Liverpool and other European ports in the same latitude would be reduced in length to the enormous extent of 6,996 miles, a saving within a fraction of 7,000 miles, reducing the distance from 14,690

within a fraction of 7,000 miles, reducing the distance from 17,000 miles to 7,694 miles.

Again, the sole water route at present between the ports of the Pacific and Atlantic coasts—that is, between Portland, Oreg., for instance, and the port of New York—is about 15,440 miles, and between San Francisco and New York 14,840 miles. By the construction of the Nicaragua Canal this distance will be shortened

nearly 10,000 miles; to be entirely accurate, about 9,894 miles, or, stated differently, the distance of the water route then between our Pacific and Atlantic ports will be reduced from 14,840 miles,

stated differently, the distance of the water route then between our Pacific and Atlantic ports will be reduced from 14,840 miles, taking San Francisco as a Pacific coast port, to 4,946 miles.

It is estimated the construction of this canal will result in reducing water freight rates from the Pacific ports of San Francisco, Portland, Yaquina, Coos Bay, Siuslaw, Tillamook, Astoria, and other California and Oregon ports and Puget Sound ports not less than \$2 per ton below the present rates by Cape Horn, to say nothing of the great saving of time in the voyage by reason of the immense shortening in distance. Estimating that the Pacific Coast States have a surplus of 2,000,000 tons of wheat—it was over 1,800,000 tons three years ago—a saving of \$2 per ton would be a saving annually to the wheat growers alone of the Pacific Coast States, to say nothing of the producers of lumber, hops, salmon, and other products, of \$4,000,000 annually, or an amount more than sufficient to meet any possible annual liability of the Government under the proposed guaranties of the pending bill.

But not only so. The construction of this maritime canal will have a controlling influence in regulating freight rates on wool, lumber, the products of lumber, fruits, salmon, furs, and other products of the Pacific States, the markets for which are in Boston, New York, Philadelphia, Baltimore, and other Atlantic ports. As a regulator of freight rates on the several transcontinental lines of railroad, no expedient could possibly be so effective as the construction of the Nicaragua Canal. The provisions of the Interstate Commerce act and the labors and decisions of the Interstate Commerce Commission have done much good in this direction, but the opening of this great competitive water route would do

Commerce Commission have done much good in this direction, but the opening of this great competitive water route would do more toward reducing, regulating, and equalizing transportation charges across the continent each way on all kinds and character of traffic than all other influences combined.

And in addition to all this, the construction of this great maritime work will lend a stimulus to the development of the immeasurable resources of the Pacific States, including those of Alaska,

urable resources of the Pacific States, including those of Alaska, which can not but be marvelous in effect.

I have heretofore considered at length, and especially in a speech delivered in this body on January 7, 1895, the constitutional objections urged against the power of Congress to enact this proposed legislation. I have also heretofore urged the vast importance of the work, considered from a naval point of view. I have also discussed at length, not only the feasibility and practicability of this work, but also its undoubted success, when completed, as a business enterprise. The fact is, if this great work when completed will produce even one-fourth of the revenues of pleted, as a business enterprise. The fact is, if this great work when completed will produce even one-fourth of the revenues of the Suez Canal annually the company would be able to meet every possible liability of the Government of the United States under the pending bill, leaving a surplus of two or three million dollars annually to the company.

But as the bill is not now up for consideration, I must not detain the Senate. My purpose at this time is to cooperate with and aid the distinguished chairman of the committee having this subject in charge in indusing the Senate to give its consent to take up this

in charge in inducing the Senate to give its consent to take up this bill for consideration at the earliest possible date consistent with the consideration of appropriation and other important and nec-

essary measures.

I ask that the petition lie on the table, as the bill on the subject

The VICE-PRESIDENT. That order will be made.

Mr. MORGAN. Mr. President, I wish to say to the Senator from Oregon and to the Senate that I should have asked the Senator from Oregon and to the Senate that I should have asked the Senator from Oregon and to the Senate that I should have asked the Senator from Oregon and to the Senate that I should have asked the Senator from Oregon and to the Senate that I should have asked the Senator for the S ate to proceed to the consideration of the Nicaraguan Canal bill before this but for the fact that I was informed that the Senator from Oregon would probably be out of his seat for some time to come, and I was not willing to undertake the discussion of this great measure in his absence. I now find that I was entirely misinformed, and so I shall endeavor to secure the early consideration of the subject by the Senate. I wish to add that I am very much delighted with the presentation of this matter to-day by the

REPORTS OF COMMITTEES.

Mr. BERRY, from the Committee on Public Lands, to whom was referred the bill (H. R. 7945) to provide for the entry of lands in Greer County, Okla., to give preference rights to settlers, and for other purposes, reported it without amendment.

Mr. FRYE, from the Committee on Commerce, to whom was referred the bill (S. 3127) to provide for the medical inspection of emigrants at the port of debarkation, asked to be discharged from its further consideration, and that it be referred to the Committee on Immigration; which was agreed to.

Mr. FRYE. I report back from the Committee on Commerce the bill (H. R. 6399) to amend the laws relating to American seamen, with an amendment in the nature of a substitute, it being

men, with an amendment in the nature of a substitute, it being the Senate bill already reported from the committee touching the same subject and now on the Calendar. I ask that the substitute may be adopted without reading, and that the bill as amended may take the place of Order of Business 898, being the bill (S.

2226) to amend the laws relating to American seamen, and that Senate bill 2226 be indefinitely postponed.

The VICE-PRESIDENT. Is there objection? The Chair hears

Mr. FRYE. I am also directed by the Committee on Commerce, to whom was referred the bill (H. R. 2663) to amend the laws relating to navigation, to report it with an amendment in the nature of a substitute, which the committee has hitherto reported as a of a substitute, which the committee has hitherto reported as a Senate bill and which is now on the Calendar. I ask that the substitute may be adopted without reading, and that the bill as amended take the place on the Calendar of Order of Business 383, being the bill (S. 187) to amend the laws relating to navigation, and that Senate bill 187 be indefinitely postponed.

The VICE-PRESIDENT. Is there objection? The Chair hears

none, and it is so ordered.

Mr. FRYE, from the Committee on Commerce, to whom was referred the bill (H. R. 2672) concerning tonnage tax, reported it without amendment.

He also, from the same committee, to whom was referred the joint resolution (S. R. 165) relating to the St. Johns River, Florida, and bar at the entrance to the river, reported it without

amendment.

Mr. SHERMAN, from the Committee on Foreign Relations, reported sundry amendments to the bill (S. 3364) to authorize Lieut. Col. W. H. Forwood and Dr. George H. Penrose to accept certain testimonials from the Argentine Government.

Mr. GEAR, from the Committee on Agriculture, submitted a report to accompany the bill (S.353) to provide for fixing a uniform standard of classification and grading of wheat, corn, oats, barley, and rye, and for other purposes, reported by him from that committee on the 16th of May, 1896.

Mr. GALLINGER, from the Committee on Pensions, to whom was referred the bill (H. R. 7500) to grant a pension to Mrs. Keturah Wilson, widow of James Wilson, deceased, reported it without amendment, and submitted a report thereon.

out amendment, and submitted a report thereon.

INDEPENDENCE OF CUBA.

Mr. CAMERON. I am instructed by the Committee on Foreign Relations, to whom was referred the joint resolution (S. R. 163) acknowledging the independence of Cuba, to report it with amendments

The VICE-PRESIDENT. The joint resolution will be placed

on the Calendar.

Mr. CAMERON. I submit herewith from the committee a report which I ask to be printed in the usual form and also in the RECORD, and after being printed I ask that the accompanying papers be placed on the files of the Senate.

The VICE-PRESIDENT. Without objection, it will be so ordered.

Mr. CAMERON. I ask that 500 additional copies of the report be printed for the use of the Senate document room.

Mr. SHERMAN. And that the joint resolution be postponed until after the holiday recess.

Mr. CAMERON. I was going to state that nothing will be done with the subject, so far as the committee is concerned, until after the holidays. the holidays

Mr. HALE. The Senator makes that statement. I did not hear

Mr. CAMERON. I made the statement very distinctly that the committee would ask for no action so far as they are concerned until after the holiday recess.

Mr. BACON. We are unable to hear on this side.

Mr. HALE. No action will be asked until after the holidays.

Mr. HALE. No action will be asked until after the holidays.
Mr. SHERMAN and Mr. MORGAN addressed the Chair.
The VICE-PRESIDENT. The Senator from Ohio.
Mr. MORGAN. I desire the privilege of the floor to submit a report on the question of Cuba additional to that which has just been laid before the Senate.

The VICE-PRESIDENT. The Chair recognized the Senate.

The VICE-PRESIDENT. The Chair recognizes the Senator

The VICE-PRESIDENT. The Chair recognizes the Senator from Alabama for that purpose.

Mr. MORGAN. On behalf of myself and the Senator from Texas [Mr. MILLS], I submit an additional report, fully concurring in the report of the committee, but stating some additional facts which have come to our attention and which we think are important for the purpose of supporting the conclusions at which the committee have arrived.

Mr. FRYE. I hope the Senator will ask that it shall be printed

with the other report.

Mr. MORGAN. I do make that request.

The VICE-PRESIDENT. Is there objection? The Chair hears none, and it is so ordered.

The matter referred to is as follows:

The matter referred to is as follows:

Mr. Cameron, from the Committee on Foreign Relations, submitted the following report (to accompany S. R. 163):

Congress at its last session, after long and patient consideration, adopted with practical unanimity the view expressed by your committee that the time had come for resuming intervention with Spain for the recognition of the independence of Cuba. Spain having declined to listen to any representation founded on an understanding between herself and the insurgents, and

Congress having pledged itself to friendly intervention, the only question that remains to be decided is the nature of the next step to be taken, with proper regard to the customs and usages of nations.

Before deciding this question, your committee has preferred to examine with some care all the instances which have occurred during this century of insurgent peoples claiming independence by right of revolt. The inquiry has necessarily led somewhat far, especially because the right of revolt or insurrection, if insurrection can be properly called a right, seems in every instance except one to have carried with it a corresponding intervention. For convenience, we have regarded both insurrection and intervention as recognized rights, and have attempted to ascertain the limits within which these rights have been exercised, and their force admitted by the general consent of nations.

The long duration of the French revolutionary wars, which disturbed the entire world for five and twenty years, and left it in a state of great confusion, fixed the beginning of our modern international systems at the year 1815, in the treaties of Vienna, of Paris, and of the Holy Alliance. The settlement of local disturbances, under the influence of the powers parties to these treaties, proceeded without serious disagreement until 1821, when the Greeks rose in insurrection against the Sultan. The modern precedents of European insurrection and intervention, where independence was the issue involved, began with Greece.

1. GREECE-1821-1827.

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1. GREECE—1821-1827.

The revolution broke out in Greece at the end of March, 1821. Within a month the robels wesseld by Turkish pairsons. The Suitan immediately called all Mussulmans to arms; the Greek Patriarch was hung at the towns exceeded in the control of the

Russia," replied Strangford, the British Ambassador, "but not as regards the allies and friends of the porte. According to Turkish law it was not allowed to leave a house in a condition that endangered a neighbor's safety. The Turkish Government believed it had restored the old solidity of the wall, but he (Lord Strangford) feared they were mistaken." "God forbid," said the Turk, "but in any case this would be our affair, not yours." "God forbid," repeated Lord Strangford, "for this is our affair as well as yours."

This was the situation when Lord Castlereagh died, and George Canning became prime minister of England. Down to that moment the British Government had identified itself with the Turkish Government, and had overstepped the line of neutrality in order to assist the Turkish campaigns by sea and land. Lord Castlereagh and Lord Strangford avowedly considered the Greeks as a worthless and mongrel race, incapable of self-government, whose claims were to be wholly rejected. George Cauning held that the greater danger to the peace and welfare of Europe was the Holy Alliance had refrained from interfering, while it was actively repressing disturbances in Spain and Italy, Canning held that intervention was proper, and that the duties and interests of England required her to intervene. His chief anxiety was to bring about his object without war between any of the parties.

He began by recognizing Greek belligerency. The Greeks issued a proclamation declaring a strict blockade of the ports of Patras and Lepanto; and thereupon the Ionian high commissioner, on the 17th of November, 1824, recognized this "communication from persons exercising the functions of government in Greece," and ordered "all ships and boats of whatever description, bearing the Ionian flag, 'to respect the same in the most strict and exact manner."

This seems to have been the step which led to Canning's somewhat famous definition of the nature of belligerency in 1825. "The Turkish Government."

insert his "communication from persons exercising the functions of government in Greece," and ordered "all ships and boats of whatever description, bearing the Ionian flag, 'to respect the same in the most strict and exact manner."

Me are told, "complained that the British led to Canning's somewhat famous definition of the nature of belligerency in 1825. "The Turkish Government," we are told, "complained that the British Government allowed to the Greeks a belligerent character, and observed that it appeared to forget that to subjects in rebellion no national character could properly belong." To this remonstrance Canning replied through the British resident at Constantinople that "the character of belligerency was not so much a principle as a fact; that a certain degree of force and consistency acquired by any mass of population engaged in war entitled that population to be treated as a belligerent, and even if their title were questionable, rendered it the interest, and the strict of the strict

be consistent with the principles of religion, justice, and humanity, have agreed:

"1. That the arrangement to be proposed to the Porte, if that Government should accept the proffered mediation, should have for its object to place the Greeks toward the Ottoman Porte in the relation hereafter mentioned:

"Greece should be a dependency of that Empire," etc. * * * Canning wished to save Turkey from Russian aggression, but Turkey refused to be saved. The Sultan would listen to no mediation between himself and his revolted subjects, least of all at a moment when his military position warranted him in feeling sure of success in subduing the revolt. Another year passed without bringing the issue to a point. Then France joined with England and Russia, and the three Powers, on the 5th of July, 1827, united in a formal treaty, signed in London, which committed them to armed intervention in case the Sultan should still reject their proffered mediation within the space of one month.

The preamble to this treaty set forth the motives which led the three sovereigns to intervene:

"Penetrated with the necessity of putting an end to the sanguinary con-

test which, by delivering up the Greek provinces and the isles of the archipelago to all the disorders of anarchy, produces daily fresh impediments to the commerce of the European States and gives occasion to piracies which not only expose the subjects of the high contracting parties to considerable losses, but besides render necessary burdensome measures of protection and repression, His Majesty the King of the United Kingdom of Great Britain and Ireland and His Majesty the King of France and Navarre having besides received on the part of the Greeks a pressing request to interpose their mediation with the Ottoman Porte, and being, as well as His Majesty the Emperor of all the Russias, animated by the desire of stopping the effusion of blood and of arresting the evils of all kinds which might arise from the continuance of such a state of things, have resolved to unite their efforts and to regulate the operation thereof by a formal treaty, with a view of reestablishing peace between the contending parties by means of an arrangement which is called for as much by humanity as by interest of the repose of Europe."

The treaty proceeded to bind the three parties to offer their mediation immediately on the basis of Turkish suzerainty and Greek self-government, and in case Turkey should not accept within one month the proposed mediation the powers should prevent further hostilities by ordering their squadrons to interpose.

from to interpose.

The Turkish Government, August 30, reiterated its decided, unconditional, final, and unchangeable refusal to receive any proposition on behalf of the Greeks. The next day the ambassadors sent the necessary orders to their squadrons, and in attempting to carry out these orders the admirals, much to the regret of the British Government, brought on the battle of Navarino October 20, 1827.

2. BELGIUM-1830.

The next European nation that claimed its independence on the ground of the right of revolution was the Belgian.

By a provision of the general European settlement of 1815 Holland and Belgium were united in one kingdom, known as that of the Netherlands, over which was placed the son of the last Stadtholder of Holland as King William I of the Netherlands.

When the French Revolution of July, 1830, occurred it spread instantly to the Netherlands. Toward the end of August, 1830, disturbances began, and soon became so serious as to threaten grave complications abroad as well as at home.

the Netherlands. Toward the end of August, 1830, disturbances began, and soon became so serious as to threaten grave complications abroad as well as at home.

King William sent a formal note, dated October 5, to the British Government, identical with notes to Prussia, Austria, and Russia, the four contracting parties to the treaty of 1815, calling on them to restore order, since all were bound "to support the Kingdom of the Netherlands and the actual state of Europe."

Representatives of the four powers, and with them the representative of France, met in London, November 4, 1830, and adopted a protocol:

"His Majesty the King of the Netherlands having invited the Courts of Great Britain, Austria, France, Prussia, and Russia, in their quality of powers signatory to the treaties of Paris and Vienna, which constituted the Kingdom of the Netherlands, to deliberate in concert with His Majesty on the best means of putting an end to the troubles which have broken out in his States; and the Courts above named having experienced, even before receiving this invitation, a warm desire to arrest, with the shortest possible delay, the disorder and the effusion of blood, have concerted ** * "

This protocol at once set aside the King of the Netherlands, ignoring his exclusive claim to supporting King William, the Five Powers imposed an immediate armistice on both parties.

Naturally the Belgian rebels then declared themselves independent. With such encouragement, their safety was guaranteed almost beyond the possibility of risk. The claim of independence was made November 18, 1830, and was recognized one month later by the powers, in their seventh conference, December 20. The representatives of the five powers, whose names were among the most famous in diplomacy—Talleyrand, Lieven, Esterhazy, Palmerston, Bulow—adopted, without the adhesion or even an invitation to be present of the Netherlands minister, a protocol whi'h announced intervention pure and simple; beginning with the abrupt recognition of the revolutionary governme

vention pure and simple; beginning with the abrupt recognition of the revolutionary government:

"The plenipotentiaries of the five cours having received the formal adhesion of the Belgian Government to the armistice proposed to it, and which the King of the Netherlands has also accepted.

" * the conference will occupy itself in discussing and concerting the new arrangements most proper to combine the future independence of Belgium with the interests and the security of the other powers, and the preservation of the European equilibrium."

to combine the future independence of Belgium with the interests and the security of the other powers, and the preservation of the European equilibrium."

The Netherlands minister immediately recorded, December 22, a formal protest, and a reservation of King William's right to decide on "such ulterlor measures as should be taken in the double interests of his own dignity and the well-being of his faithful subjects."

A few days later, January 4, 1831, Holland entered a still more formal protest. In this strong and dignified paper the King's Government pointed out to the Five Powers the extreme importance of the new precedent they had established in international law:

"As King, called to guard the well-being of a fraction of the European population, His Majesty has been deeply concerned to remark that the complications arisen in Europe have appeared so grave that it has been thought proper, as the only remedy, to sanction the results of a revolt which was provoked by no legitimate motive, and thus to compromise the stability of all thrones, the social order of all states, and the happiness, the repose, and the prosperity of all peoples.

"Independent of the solidarity established between the different members of the European system, His Majesty, as sovereign of the Kingdom of the Netherlands, has seen in it an attack directed against his rights.

"If the treaty of Paris of 1814 placed Belgiumat the disposition of the high allies, these, from the moment they fixed the lot of the Belgian provinces, renounced, according to the law of nations, the faculty of returning on their work, and the dissolution of the bonds formed between Holland and Belgium under the sovereignty of the House of Orange Nassau, became placed beyond the sphere of their attributes. The increase of territory assigned to the united province of the Kingdom, and other pecuniary charges.

"The conference assembled, it is true, at the request of the King, but that circumstance did not conferon the conference the right to give its protocols a directi

The Belgians meanwhile continued to organize their Government on a basis, diplomatic and territorial, that assumed in their favor all the points in dispute. The King of Holland therefore putan end to the armistice and marching forward routed the Belgian forces August 11 and moved on Brussels, Belgium was then at his mercy. The King of the Belgians meanwhile wrote directly to the King of France requesting the immediate succor of a corps of French troops, and without waiting for concert with other powers the French Government marched 40,000 men across the frontier. (Granville to Palmerston, August 4, 1831. British State Papers, 1833.)

Thus within less than a year after rebellion had broken out, and without waiting for evidence of the right or the military force of the insurrection, every sort of intervention took place, diplomatic and military, joint and separate. Nor did the intervention stop with the measures taken for the succor of Belgium. As King William of Holland continued to reject the conditions imposed by the powers, and held Antwerpas a pledge for more favorable conditions of peace, the Governments of France and England, abandoning the European concert, announced that they should put their naval and military forces in motion, and accordingly the British Government, November —, 1832, embargoed Dutch ships and blockaded the Dutch coast, while the French army, November 14, formally laid siege to Antwerp.

3. POLAND—1831.

While the Belgian revolution was going on, a rebellion broke out in the

3. POLAND—ISSI.

While the Belgian revolution was going on, a rebellion broke out in the ancient Kingdom of Poland, and on the 25th of January, 1831, the Polish diet declared the Czar Nicholas no longer King of Poland, and elected a regency of five members, with Prince Adam George Czartoriski at its head.

The Czar instantly gave notice to the minister of the new French King, Louis Philippe, that he would tolerate no intervention in Poland. Louis Philippe, who owed his own crown to the right of revolution, was the only sovereign in Europe who could be supposed likely to interpose, but for the moment his interest in France and Belgium absorbed all his energy. Much popular sympathy was felt for the Poles, and Lafayette, then near the end of his life, founded a Polish committee and raised money for their assistance. Before the question could acquire diplomatic importance by establishing a claim founded on the power of the rebels to maintain themselves, the Russian armies crushed the rebellion, and on September 8 regained possession of Warsaw. The entire struggle lasted barely nine months, and from the first its result was universally regarded as inevitable, or in the highest degree unpromising to the success of the revolution. As a diplomatic precedent it seemed to have no value, except as far as it offered an example of the power of Russia, as the Belgian insurrection had shown the power of England and France when in union.

4. Hungary—1849.

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4. HUNGARY—1849.

The next European people who claimed recognition as an independent member of the family of nations seems to have been the Hungarians.

On the 14th April, 1849, the Hungarian Diet formally declared Hungary an independent State and the Hapsburg dynasty forever deposed from the throne. The next day the Diet elected Louis Kossuth provisional president. In regard to history, geographical importance, population, and military resources, this people had no occasion to excuse or explain their claims or their rights. Hungary was not a new country. Its Government existed from time farms at that moment. The Austrian Emperor could hardly dispose of a larger force for the purpose of conquest.

The young Emperor Francis Joseph instantly appealed for aid to the Czar Nicholas of Russia, who instantly intervened. The Czar issued a manifesto April 27, stating the facts and the grounds on which his intervention was both the weakness of the belligarent, but on hied the right of meer vention not be weakness of the belligarent, but on hied the right of meer vention not a principle that she must intervene, because if she did not intervene Hungary would establish her independence.

"The insurrection in Hungary," began the manifesto of April 27, 1849, "has of late made so much progress that Russia can not possibly remain inactive."

2. "Son's a state of things endangers our dearest interests, and prudence compels us to anticipate the difficulties it prepares for us. The Austrian insurgents, it has formally requested His Majesty the Emperor (Nicholas) to assist in the repression of a rebellion which endangers the tranquillity of the two Empires. It was but natural that the two cabinets should understand one another on this point of common interest, and our troops have consequ

with the Magyar patriots, to stand prepared, upon the contingency of the establishment by her of a permanent government, to be the first to welcome independent Hungary into the family of nations. For this purpose I invested an agent, then in Europe, with power to declare our willingness promptly to recognize her independence in the event of her ability to sustain it. The powerful intervention of Russia in the contest extinguished the hopes of the struggling Magyars." * * *

To this paragraph and to some expressions in the instructions the Austrian minister was ordered to take exception. He protested accordingly. Daniel Webster had then become Secretary of State, and replied to the protest in a paper known as the Hulsemann letter, in which he declared what he believed to be the American policy and the law in regard to new nationalities claiming recognition:

"Of course questions of prudence naturally arise in reference to new states brought by successful revolutions into the family of nations; but it is not to be required of neutral powers that they should await the recognition of the new government by the parent state. No principle of public law has been more frequently acted upon within the last thirty years by the great powers of the world than this. Within that period eight or ten new states have established independent governments within the limits of the colonial dominions of Spain on this continent; and in Europe the same thing has been done by Belgium and Greece. The existence of all these governments was recognized by some of the leading powers of Europe, as well as by the United States, before it was acknowledged by the states from which they had separated themselves. If, therefore, the United States had gone so far as formally to acknowledge the independence of Hungary, although, as the event has proved, it would have been a precipitate step and one from which no benefit would have resulted to either party, it would not, nevertheless, have been an actagnist the law of nations, provided they took no pa

Austria."

Secretary Webster's view of the rights of intervention did not cover ground so wide as that taken by the Czar in his circular of April, 1849, but the attitude of President Taylor seems to have been intended as a counteraction, or a protest, as far as the influence of America extended, not so much to the claims of right or law asserted by the Czar as to the object of his intervention. The instructions of June 18, 1849, expressly said that Russia "has chosen to assume an attitude of interference, and her immense preparations for invading and reducing the Hungarians to the rule of Austria, from which they desire to be released, gave so serious a character to the contest as to awaken the most painful solicitude in the minds of Americans."

Thus on both sides the right to intervene both for and against the Hungarians seems to have been claimed and not expressly denied by either; and no other power appears to have offered even so much opposition as was shown by President Taylor to the principles or to the acts of Russia, which settled the course of history.

5. STATES OF THE CHURCH—1850.

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Besides the four precedents of Greece, Belgium, Poland, and Hungary, where new nationalities were in question, a much larger number of interventions occured in Europe in the process of disruption or consolidation, which has, on one hand, disintegrated the ancient empires of the Sultan, of Spain, of the Church, and, on the other, concentrated the new systems of Germany, Russia, and Italy.

Interventions have occurred most conspicuously in Spain, by France, in 1823; in Portugal, by England, in 1827; again in Spain and Portugal in 1836, by England and France, under what was called the "quadruple treaty;" in Piedmont and Naples, by the Holy Alliance, in 1821; and in so many instances since 1848 that the mere enumeration would be long and difficult; but none of the disturbed countries claimed permanent independence under a form of revolution unless it were perhaps the States of the Church, or Rome, which, on February 8, 1849, declared the Pope to be deposed and set up a provisional government under a revolutionary triumvirate. The National Assembly of France, which was then a Republic, hastened to adopt, March 31, 1849, a resolution that if, "in order better to safeguard the interests and honor of France, the Executive should think proper to support its negotiations by a partial and temporary occupation in Italy, it would find in the Assembly the most entire agreement." The Assembly doubtless intended to intervene in Italy in order to protect the revolutionary movement there from the threatened intervention of Austria. The French Executive, Louis Napoleon, gave another direction to the policy of France. He immediately sent a French army to Civita Vecchia, which landed there April 28, and after a bloody struggle drove the republican government out of Rome. The French entered Rome July 3. Pope Pius IX returned there in April, 1850, and during the next twenty years Rome remained under the occupation of a French army.

The only reason given by France in this instance for intervention was t

6. THE OTTOMAN EMPIRE-1878.

6. THE OTTOMAN EMPIRE—1878.

Since the year 1827 intervention in the affairs of the Ottoman Empire has been so constant as to create a body of jurisprudence and a long series of treaties, on which the existence of all political systems of southeastern Europe seems now to be more or less entirely based.

Not only Greece, Montenegro, Roumania, Bulgaria, Roumelia, Servia, and Egypt have been the creation of such intervention, or the objects of its restraints, but also Samos, Crete, and even the Lebanon, owe their legal status to the same source.

An authority so great must assume some foundation in law, seeing that the entire world acquiesced not only in the practical exercise of the force, but also in the principle on which it rested, whatever that principle was. The treaty of Berlin, in 1878, was a broad assertion of the right of the European powers to regulate the affairs of the Ottoman Empire, but the treaty contains no statement of the principle of jurisprudence on which the right rests.

rests.

The preamble merely declares that the Powers "being desirous to regulate, with a view to European order, the questions raised in the East by the events of late years, and by the war terminated by the preliminary treaty of San Stefano, have been unanimously of opinion that the meeting of a congress would offer the best means of facilitating an understanding."

In effect, the treaty of Berlin reduced the Ottoman Porte to tutelage, extinguished its sovereignty over certain large portions of its dominions, and

restrained its rights over other portions. It recognized the independence of Servia, Roumania, and Montenegro, and fixed their boundaries. It established Bulgaria as "an autonomous and tributary principality under the suzerainty of the Sultan." It created the province of Eastern Roumelia "under conditions of administrative autonomy." It stipulated an organic law for Crete. It interfered in all directions with the internal arrangements of the Ottoman Empire.

Perhaps the most typical instance of assumption of power by the combined Governments was Article XXV of the treaty, which began: "The provinces of Bosnia and Herzegovina shall be occupied and administered by Austria-Hungary."

Governments was Article XXV of the treaty, which began: "The provinces of Bosnia and Herzegovina shall be occupied and administered by Austria-Hungary."

So liberal a use of the right of intervention has seldom been made, but the principle of jurisprudence on which it rested has never been officially declared. Nothing in the treaties expressly limits to the Ottoman Empire the right of intervention which was exercised in its case. The only principle jealously insisted upon seemed to be that of joint as against separate intervention by the European powers. With this implied restriction, the right of intervention "with a view to European order" appears to be the only foundation for the existing status of southeastern Europe and equally applicable to the rest of the world.

These six precedents include, as far as is known, every instance where a claim to independence has been made by any people whatever in Europe since the close of the Napoleonic wars in 1815. Other successful revolutions, such as those of Tuscany and the States of the Church in 1859, were the immediate results of intervention, and that of Naples in 1860 was from first to last perhaps the most striking example of intervention in modern times, although Naples hardly thought necessary to pass through any intermediate stage of recognition as an independent authority.

The six precedents therefore constitute the entire European law on the subject of intervention in regard to European peoples claiming independence by right of revolution. There is no other authoritative source of the law, for the judicial courts of Europe were bound to follow the political decision; and the opinions of private persons, whether jurists or politicians, being without sanction, could not be accepted as law.

From this body of precedent, it is clear that Europe has invariably asserted and practiced the right to interfere, both collectively and separately, amicably and forcibly, in every instance, except that of Poland, where a European people has resorted to insurrection to obtain independence.

The right itself has been based on various grounds: "Impediments to commerce;" "burdensome measures of protection and repression;" "requests" of one or both parties "to interpose;" "effusion of blood" and "visio of all kinds;" "humanity," and "the repose of Europe." (Greek Treaty of 1827.)

"A warm desire to arrest, with the shortest possible delay, the disorder and the effusion of blood." (Protocol of November 4, 1830, in the case of Belgium.)

"His own safety or the political equilibrium on the frontiers of his Empire." (Russian circular of April 27, 1849, in the case of Hungary.) "To safeguard the interest and honor" and to "maintain the political influence" of the intervening power. (French declarations of 1849-50 in regard to the States of the C

There remains the experience of Asia and America.

In regard to Asia, probably all authorities agree that the entire fabric of European supremacy, whether in Asiatic Turkey, Persia, Afghanistan, India, Siam, or China, rests on the right of intervention.

The exercise of this right constitutes another large but separate branch of public law, which, by common consent, is not regarded as applicable to nations of European blood.

Furthermore, although many governments in Asia have been extinguished by means of the right of intervention, none is known to have claimed independence founded on the right of insurrection. Certainly none has been recognized by Europe or America on that ground.

America, both North and South, has always aimed to moderate European intervention and to restrict its exercise. On this point we have the evidence of George Canning in a celebrated speech on the foreign enlistment act, in 1823.

"We have spent much time," said Canning, "in teaching other powers the nature of a strict neutrality; and, generally speaking, we found them most reluctant scholars. * * * If I wished for a guide in a system of neutrality, I should take that laid down by America in the days of the Presidency of Washington and the Secretaryship of Jefferson."

In fact, the British Government did take that guide. The American neutrality act of 1794, revised and reenacted in the act of April 20, ISIS, served as the model for the British foreign enlistment act in 1819. The cause of that act of 1819 was stated by Canning in the speech just cited:

"When peace was concluded between this country and Spain in 1814 an article was introduced into the treaty by which this country bound itself not to furnish any succors to what were then denominated the revolted colonies of Spain. In process of time, as those colonies became more powerful, a question arose of a very difficult nature, to be decided on a due consideration of their de jure relation to Spain on the one side and their de facto independence of her on the other. The law of nations was entirely silent with respect to a course which, under a circumstance so peculiar as the transition of colonies from their allegiance to the parent state, ought to be pursued. It was difficult to know how far either the statute law or the common law was applicable to colonies so situated. It became necessary, therefore, in the act of 1818 to treat the colonies as actually independent of Spain." *

Apparently Canning did not consider that the revolt of the American Colonies in 1776 offered a precedent for "a circumstance so peculiar as the transition of colonies from their allegiance." He regarded the situation as so peculiar that it needed to be met by measures in regard to w

with England.

The disturbances in the Spanish colonies in America had begun as a consequence of the overthrow of the Bourbon dynasty by Napoleon, and the establishment of Joseph Bonaparte as King of Spain in 1808; but the movements for independence took serious form at a much later time.

In Mexico, the first national Congress met at Chilpancingo in 1818, and formally declared the independence of Mexico on the 6th of November of that

year. It was practically suppressed by the execution of Morelos, December 29, 1815, and did not revive until Iturbide, in January, 1821, Joined Guerrero in the so-called Plan of Ignala. Iturbide made his triumphal entry into the City of Mexico September 27, 1821.

Venezuela first declared independence on July 15, 1811, but the Spanish forces continued the war until General Bolivar drove them from the interior in 1821, and General Paez captured Puerto Cabello in 1823.

Chile began her revolution in 1810, but did not declare independence until January 1, 1818, and then only by proclamation of the executive authority, "the actual circumstances of the war not permitting the convocation of an Benos Ayres also began her revolution in 1810, but did not declare independence and claim recognition until October 25, 1816.

The question of intervention began in 1817. The Spanish Government appealed to the European powers for aid. The Czar openly took sides with Spain, and when, in September, 1817, the Spanish Government asked permission to build several ships of war in the Russian dockyards, the Czar suggested that Spain should buy five ships of the line and three frigates belonging to the Russian may. This was don't fill the seal of the substance of European intervention.

Great Britain declared energetically that she would have no part in trying to force back the subjects of Spain under the domination of an oppressive government. In fact, Lord Castlereagh had already assured President Monroe that if Great Britain intervened at all it would be on a system of perfect liberality to the Spanish provinces; and the President decided, as early as April, 1815, to discourage European mediation, and to take the ground that ence of the South Americans. In Angust he made a formal proposal to the British and French Governments of a concerted and contemporary recognition of Buenos Ayres, whose de facto independence made that country the natural object of a first step toward the establishment of a general policy. In December he notifie

recognition of all the revolted colonies of Spain—Mexico, Colombia, Chile, and Buenos Ayres.

These countries asked no more. They based their claim on their independence de facto, and Monroe admitted its force. "The provinces," he said, "which have declared their independence and are in the enjoyment of it ought to be recognized." He added that "the measure is proposed under a thorough conviction that it is in strict accord with the law of nations." In reality it created the law so far as its action went, and its legality was recognized by no European power. All waited in open or tacit disapproval of Monroe's course. England herself, even after Canning succeeded Castle-reagh, refused to approve. Spain protested vigorously; and as far as concerned objections, the Spanish Minister in Washington offered them in great numbers and with sufficient energy. He instantly protested, not only on grounds of morality and fact, but also of policy. "Buenos Ayres," he said, was "sunk in the most complete anarchy." In Peru, "near the gates of its capital," a rebel and a Spanish army divided the inhabitants. In Chile "an individual suppresses the sentiments of its inhabitants. "On the coast of Terra Firma, also, the Spanish banners wave." "In Mexico, too, there is no government." And he concluded, with force: "Where, then, are those governments which ought to be recognized?"

The question was not without difficulties, as Monroe knew, and on this point all Europe supported the Spanish contention. Although Congress unanimously approved and adopted the President's views and immediately appropriated \$100,000 for diplomatic expenses, and although Mexico, Colombia, Chile, and Buenos Ayres were in consequence admitted into the family of nations by the sole authority of the President of the United States, with the approval of Congress, two years passed before the British Government consented even to discuss the subject in Parliament as a serious measure of policy.

Then, on June 15, 1824, a motion was made by Sir James Mackintosh, and

policy.

Then, on June 15, 1824, a motion was made by Sir James Mackintosh, and Canning replied. His speech made no allusion to the action of the United States; it denied the de facto right of recognition, so far as to say that "We ought not to acknowledge the separate and independent existence of any government which is so doubtfully established that the mere effect of that acknowledgment shall be to mix parties again in internal squabbles if not in open hostilities." Canning still thought "that before we can act information as to matters of fact is necessary."

Nevertheless, Monroe's act, which extinguished the last hopes of the Holy Alliance in America, produced the deepest sensation among European conservatives, and gave to the United States extraordinary consideration. England used it as a weapon at the congress of Verona to threaten the other powers when they decided on intervention in Spain. Slowly Canning came wholly over to the side of Monroe, as France and Austria forced his hands in Spain. As early as October, 1823, he sent consuls to all the chief cities in

rebellion throughout Mexico and Central and South America. Immediately after his speech in Parliament of June 15, 1824, he authorized his consul at Buenos Ayres to negotiate a commercial treaty with that Government. On the 1st of January, 1825, he notified other powers that England had determined to recognize the independence of Columbia, Mexico, and Buenos Ayres. In a speech in Parliament on the 15th of February, 1825, he explained and defended his conduct, blaming the United States, by implication, for pursuing "a reckless and headlong course," and claiming credit for following one "more strictly guarded in point of principle." "The whole question was one of time and mode."

Notwithstanding Canning's explanation, the principle of intervention on which he acted was not clear. Nothing in his act of recognition revealed a rule of any general value. He considered that "any other period or mode than that chosen would have been liable to some objection." Yet the period and mode he chose were strongly objected to throughout Europe, and met with energetic protest from Spain. Nearly two years more passed before he cleared up the mystery. Then, when driven to armed intervention in the affairs of Spain and Portugal, he made, on the 12th December, 1826, a speech in Parliament which was perhaps the most celebrated of his life. At the very end of this speech he explained the "principle" on which he had acted in regard to the independence of the Spanish colonies and the "time and mode" of recognition. It was the moment when a French army took possession of Spain.

"If France occupied Spain, was it necessary, in order to avoid the consequences of that occupation, that we should blockade Cadiz," Not, I looked

the affairs of Spain and Fortugal, he made, on the 12th December, 183, a speech in Parliament which was perhaps the most celebrated of his life. At the very end of this speech he explained the "principle" on which he had acted in regard to the independence of the Spains colonies and the "time possession of Spain.

"If France occupied Spain, was it necessary, in order to avoid the consequences of that occupation, that we should blockade Cadiz! No! I looked another way. I sought materials of compensation in another hemisphere, another way. I sought materials of compensation in another hemisphere, which is the principle that the state of the 10d."

The principle thus avowed by Canning added little to the European law of intervention, but the principle avowed by Monroe created an engine body of view it was not an isolated act; it was part of a system altogether new and wholy American, and it was to be justified on grounds far wider than itself. The European law and practice of intervention, extending as it did its scope only by creating an American law and practice of intervention, extending as it did its scope only by creating an American law and practice of intervention and empire and created a ming, who, in the midst of his European intervention and empire and created a ming, who in the midst of his European difficulties in 1831, intimated that England would be well pleased to see the United States take ground even more advanced than it he recognition of the South American revolted States. Lev. 1832, he announced the principle that the new nation which are system, and that the United States would regard any attempt to extend that system among them as unfriendly to the United States.

** It is equally disposition toward the United States and papiness.* * * It is equally disposition toward the United States and happiness.* * * It is equally impossible, therefore, that we should beload such interposition, in a system and that the United States would regard any attempt to extend that the Allied Powers should extend

In the case of Texas, however, we have to call attention to a subject on which the proposed action of Congress necessarily depends.

In a report made June 18, 1836, by Mr. Clay, from the Senate Committee on Foreign Relations, in respect to the recognition of the independence of Texas (Senate Document No. 406, Twenty-fourth Congress, first session), are the following passages:

"The recognition of Texas as an independent power may be made by the United States in various ways: First, by treaty; second, by the passage of a law regulating commercial intercourse between the two powers; third, by sending a diplomatic agent to Texas with the usual credentials, or lastly, by the Executive receiving and accrediting a diplomatic representative from Texas, which would be a recognition as far as the Executive only is competent to make it. In the first and third modes the concurrence of the Senate in its executive character would be necessary, and in the second in its legislative character.

tent to make it. In the first and third modes the concurrence of the Senate in its executive character would be necessary, and in the second in its legislative character.

"The Senate alone, without the cooperation of some other branch of the Government, is not competent to recognize the existence of any power.

"The President of the United States by the Constitution has the charge of their foreign intercourse. Regularly he ought to take the initiative in the acknowledgment of the independence of any new power, but in this case he has not yet done it, for reasons which he without doubt deems sufficient. If in any instance the President should be tardy, he may be quickened in the exercise of his power by the expression of the opinion or by other acts of one or both branches of Congress, as was done in relation to the Republics formed out of Spanish America. But the committee do not think that on this occasion any tardiness is justly imputable to the Executive. About three months only have elapsed since the establishment of an independent government in Texas, and it is not unreasonable to wait a short time to see what its operation will be, and especially whether it will afford those guaranties which foreign powers have a right to expect before they institute relations with it."

Taking this view of the whole matter, the committee conclude by recommending to the Senate the adoption of the following resolution:

"Resolved, That the independence of Texas ought to be acknowledged by the United States whenever satisfactory information shall be received that it has in successful operation a civil government capable of performing the duties and fulfilling the obligations of an independence of Texas ought to be acknowledged by the United States whenever satisfactory information shall be received that it has in successful operation a civil government capable of performing the duties and fulfilling the obligations of an independence of Texas ought to be acknowledged by the United States whenever satisfactory information s

acknowledged by the United States whenever satisfactory information should be received that it had in successful operation a civil government capable of performing the duties and fulfilling the obligations of an independent power." After treating shortly the principles of recognition, President Jackson continued:

"Nor has any deliberate inquiry ever been instituted in Congress, or in any of our legislative bodies, as to whom belonged the power of recognizing a new state; a power the exercise of which is equivalent, under some circumstances, to a declaration of war; a power nowhere expressly delegated, and only granted in the Constitution, as it is necessarily involved in some of the great powers given to Congress—in that given to the President and Senate to form treaties with foreign powers and to appoint ambassadors and other public ministers, and in that conferred upon the President to receive ministers from foreign nations. In the preamble to the resolution of the House of Representatives it is distinctly intimated that the expediency of recognizing the independence of Texas should be left to the decision of Congress. In this view, on the ground of expediency, I am disposed to concur; and do not, therefore, consider it necessary to express any opinion as to the strict constitutional right of the Executive, either apart from or in conjunction with the Senate, over the subject. It is to be presumed that on no future occasion will a dispute arise, as none has heretofore occurred, between the Executive and the Legislature in the exercise of the power of recognition. It will always be considered consistent with the spirit of the Constitution and most safe that it should be exercised, when probably leading to war, with a previous understanding with that body by whom war can alone be declared, and by whom all the provisions for sustaining its perils must be furnished. Its submission to Congress, which represents in one of its branches the States of this Union and in the other the people of the United States, where

"her independence would be speedily recognized by that enlightened body." Until now no further question has been raised in regard to the powers of Congress.

So much space has been taken by this historical summary that the case of Texas must be passed over without further notice, and the cases of Haiti and Santo Domingo may be set aside as governed by peculiar influences. The record shows that in every instance except Poland down to 1850 where any people has claimed independence by right of revolt the right of intervention has been exercised against the will of one or the other party to the dispute. In every instance the only question that has disturbed the intervening powers has regarded neither the right nor the policy so much as the "time and mode" of action. The only difference between the European and American practice was that the United States aimed at moderating or restricting the extreme license of European intervention, and this was the difference which brought the United States nearly into collision with Europe in 1861 and 1862. Lords Palmerston and Russell, as well as the Emperor Napoleon and his ministers, entertained no doubt of their right to intervene even before our civil war had actually commenced, and accordingly recognized the insurgent States as belligerents in May, 1861, although no legal question had yet been raised requiring such a decision. The United States Government never ceased to protest with the utmost energy against the act as premature and unjust, and this last and most serious case of interference in which the United States were concerned as an object of European intervention revealed the imminent danger of its destruction.

The United States And Mexico—1861-1866.

THE UNITED STATES AND MEXICO-1861-1866.

Allusion has been already made to the declaration of Lord John Russell on the part of the British Government in the House of Commons May 6, 1861, in which he announced that the law officers of the Crown had already "come to the opinion that the Southern Confederacy of America, according to those principles which seem to them to be just principles, must be treated as a beligerent." This astonishing promise of belligerency to an insurrection which

had by the latest advices at that time neither a ship at sea nor an army on land, before the fact of war was officially known in England to have been proclaimed by either party, was accompanied by a letter of the same date from Lord John Russell to the British ambassador at Paris, in which he said that the accounts which had been received from America were "sufficient to show that a civil war has broken out among the States which lately composed the American Union."

"Other nations have therefore to consider the light in which, with reference to that war, they are to regard the Confederacy into which the Southern States have united themselves; and it appears to Her Majesty's Government that, looking at all the circumstances of the case, they can not hesitate to admit that such Confederacy is entitled to be considered as a belligerent, invested with all the rights and prerogatives of a belligerent."

Under these circumstances, Lord John Russell invited the Emperor of France to cooperate with England in "a joint endeavor" to obtain "from each of the belligerents" certain concessions in favor of neutrals. On May 8 the French minister "concurred entirely in the views of Her Majesty's Government issued its formal proclamation of neutrality between the United States and "certain States styling themselves the Confederate States of America."

Lord John Russell justified this action on the ground of "the size and population of the seceding States "and "the critical condition of our (British) commerce." He denled that the British Government had any thought of giving assistance to the South.

Nevertheless, the language of Lord John Russell showed that he considered the issue as decided in advance and that his measures were shaped on that assumption. His speech of May 6 characterized the insurgents, without qualification, as "the Southern Confederation of North America," or "the Confederate States of America," as though their independence were fully established. All his expressions and acts warranted the belief that the re

and in May be advised it to intervene by forcibly raising the American blockade. Mercier's recommendation was communicated to Russell, who entertained no doubts as to the right of intervention, either diplomatic or military,
even at that early moment, when the serious operations of war had hardly
begun:

"There is much good sense in Mercier's observations," wrote Russell to
Palmerston, October 17, "but we must wait; I am persuaded that, if we do anything, it must be on a grand scale. It will not do for England and France to
break a blockade for the sake of getting cotton; but in Europe powers have
often said to belligerents, "Make up your quarrels. We propose to give
terms of pacification which we think fair and equitable. If you accept them,
well and good. But if your adversary accept shem, and if you refuse them,
our mediation is at an end, and you must expect to see us your enemies."

"France would be quite ready to hold this language with us. If such a
policy were to be adopted, the time for it would be at the end of the year, or
immediately before the meeting of Parllament."

Already, on May 6, Russell had officially announced the Greek precedent as
his rule of law. In October he was ready to take the last step but one in the
line of the Greek example. The five years of 1821 counted as five months in
1861. Palmerston was not yet ready, and the concession of the United States
in the Trent affair in the following winter made an aggressive movement
less popular in England, but in the autumn of 1862 Palmerston also thought
the moment had arrived. Neither of these two powerful statesmen, the
highest English authorities of their times on the subjects of foreign relations,
doubted the right or the expediency of intervention after the second campaign in Virginia. On September 14, 1862, Palmerston wrote to Russell suggost flows, and a supplied to the free produce of the confederates. I agree further that in case of fallure, we describe
good offices," as in the Greek protocol of 1828. Russell eagerly appro

hand, they should have the follow."

Fortunately for the United States, Russell and Palmerston found their serious difficulties, not in France or in the law, but in the political division of their own party. These two powerful statesmen, who had been both honored

with the position of prime minister of England, had united their influence to create the existing ministry. They seem to have supposed that their united authority was sufficient to control the ministry they had created, but the moment Russell opened the subject to others he received a check. He persevered; he issued a confidential memorandum suggesting his idea; he brought the subject before a cabinet meeting October 23, 1822, and the division of opinion proved to be so serious that the subject was postponed. The question became one of internal politics, social divisions, and party majorities.

The scheme of intervention was embraced by the Emperor of France as seriously as by Russell and Palmerston. Long before the two English statesmen decided to act, Napoleon III had given his first interview to the Confederate agent accredited to his Government. News of the defeat of the Union Army before Richmend reached Paris on the 15th of July, 1802, and the next day Mr. Slidell asked and received an interview. The Emperor talked with exceeding frankness, according to the report made by Mr. Slidell to Mr. Benjamin.

exceeding frankness, according to the report made by Mr. Slidell to Mr. Benjamin.

"The Emperor received me with great kindness and [said] * * * that he had from the first seen the true character of the contest, and considered the reestablishment of the Union impossible and final separation a mere question of time; that the difficulty was to find a way to give effect to his sympathies; that he had always desired to preserve the most friendly relation with England, and that in so grave a question he had not been willing to act without her cooperation; that he had several times intimated his wish for action in our behalf, but had met with no favorable response, and that, besides, England had a deeper interest in the question than France; that she wished him to draw the chestnuts from the fire for her benefit; * * * that he had committed a great error, which he now deeply regretted; France should never have respected the blockade; that the European powers should have recognized us last summer, when our ports were in our possession and when we were menacing Washington; but what, asked he, could now be done?"

Napoleon's language was not official; but he had committed himself beyond recall to the policy he described; for hardly had the civil war broken out than he had plunged into a scheme of armed intervention in Mexico. Perhaps the ultimate salvation of America in this crisis was due to the mistake of judgment which led Europe to attack the Monroe doctrine and the American system in Mexico, instead of attacking its heart. He made no secret of his wish to substitute French influence on the Gulf of Mexico in the place of American. This had been the dream of every great French ruler, and Napoleon III had a "doctrine" of his own, far more ancient than that of Monroe and backed by more formidable military force. Europe did intervene by arms in the American civil war, but fortunately she attacked our ally and only indirectly ourselves. Fortunately, too, in betraying his ultimate objects in Mexico, Napoleon alienated Eng

mate objects in Mexico, Napoleon alienated England and did not conciliate Spain.

Yet the attack was made, violently in Mexico, more cautiously at Washington, and as systematically as the mutual jealousies of Europe permitted. At the moment when Russell and Palmerston brought their scheme of intervention before the British cabinet, Napoleon sent reenforcements of 35,000 men to his force in Mexico, with orders to occupy the country, and simultaneously sent a formal invitation to England and Russia to intervene in the American civil war.

These papers have not been published, and we do not know the express grounds on which the invitation was offered or declined. To the fact that Russia was avowedly friendly and that the two most powerful British prime ministers of their time were outvoted in their own cabinets America owed her escape from European domination. Mexico, indeed, suffered severely, but only while our civil war was in doubt. From the moment the authority of the Union was wholly restored, in 1865, the entire influence of the United States Government was exerted to reestablish also the authority of the Monroe doctrine. The life of the one was dependent on the life of the other.

CUBA.

Monroe doctrine. The life of the one was dependent on the life of the other.

CUBA.

Into this American system, thus created by Monroe in 1822-23, and embracing then, besides the United States, only Buenos Ayres, Chile, Colombia, and Mexico, various other communities have since claimed, and in most cases have received, admission, until it now includes all South America, except the Guianas; all Central America, except the British colony of Honduras, and the two black republics of Spanish Santo Domingo and Haiti, in the Antilles.

No serious question was again raised with any European power in regard to the insurrection or independence of their American possessions until in 1869 a rebellion broke out in Cuba, and the insurgents, after organizing a government and declaring their independence, claimed recognition from the United States.

The Government of the United States had always regarded Cuba as within the sphere of its most active and serious interest. As early as 1825, when the newly recognized States of Colombia and Maxico were supposed to be preparing an expedition to revolutionize Cuba and Puerto Rico, the United States Government interposed its friendly offices with those Governments to request their forbearance. The actual condition of Spain seemed to make her retention of Cuba impossible, in which case the United States would have been been partly due to the energy with which of manufacture of wour right and our power to prevent it." and his determination to use all the means within his competency "to guard against and forefied it."

This right of intervention in matters relating to the external relations of Cuba, asserted and exercised seventy years ago, has been asserted and exercised at every crisis in which the island has been involved.

When the Cuban insurgents in 1839 appealed to the United States for recognition, President Grant admitted the justice of the claim, and directed the minister of the United States for very member of the Senate, and was made the basis of its resolution last session,

means nothing more than the useless sacrifice of human life and the utter destruction of the very subject-matter of the conflict."

Although the President appears to have reached a different conclusion from ours, we believe this to be the actual situation of Cuba, and, being unable to see that further delay could lead to any other action than that which the President anticipates, we agree with the conclusion of the message that, in such case, our obligations to the sovereignty of Spain are "superseded by higher cobligations which we can hardly hesitate to recognize and discharge." Foliowing closely the action of President Monroe in 1818, Congress has already declared in effect its opinion that there can be no rational interference except on the basis of independence. In 1822, as now, but with more force, it was objected, as we have shown, that the revolted States had no Governments to be recognized. Divisions, and even civil war, existed among the insurgents themselves. Among the Cubans no such difficulty is known to exist. In September, 1896, as we know by official documents printed on the spot, the insurgent Government was regularly organized, a constitution adopted, a President elected, and, in due course, the various branches of administration set in motion. Since then, so far as we are informed, this Government has continued to perform its functions undisturbed. On the military side, as we officially know, they have organized their system of administration in the field sufficient forces to baffe the exertions of 200,000 Spanish soldlers. On the civil side they have organized their system of administration in every proving the interesting of the supersymmetric properties of the control of the courty." Diplomatically they have overal least two-thirds accredited representative in the United States for the past year, your accredited representative in the United States for the past year, your accredited representative in the United States for the past, year, your server cased to ask recognized by the treaty of

"Be it further resolved. That the United States will use its friendly offices with the Government of Spain to bring to a close the war between Spain and the Republic of Cuba."

ADDITIONAL VIEWS PRESENTED BY MR. MORGAN AND MR. MILLS IN SUP-PORT OF THE REPORT OF THE COMMITTEE.

The report of the committee has the unqualified approval of the undersigned members of that body, but they conceive that it is well to present therewith the former action of the Committee on Foreign Relations, in 1859, on the same subject and on some of the same points that are discussed in the

signed members of that body, but they conceive that it is well to present therewith the former action of the Committee on Foreign Relations, in 1859, on the same subject and on some of the same points that are discussed in the present report.

On January 24, 1859, the Senate Committee on Foreign Relations had under consideration a Senate bill "making appropriations to facilitate the acquisition of the Island of Cuba, by negotiation," and made a report, which is hereto appended and designated as Appendix No. 1.

That report covers a period of fifty-nine years, and sets forth the political conditions then existing in Cuba, and the disastrous effects of Spanish rule in Cuba during that time. They are the same in their leading characteristics that existed at the beginning of the insurrection that was set on foot by the native population in 1868, in the outbreak at Yarra, which was followed by ten years of internecine warfare, attended with horrible butcheries.

The causes that provoked that uprising of the native Cubans are the same that are stated in the report of the committee made ten years previously, in 1859. They are summed up in the following general statement of that committee:

"There can be no doubt that an immense majority of the people of Cuba are not only in favor but ardently desirous of annexation to the United States. It would be strange indeed if they were not so. Deprived of all influence, even in the local affairs of the island, unrepresented in the Cortes, governed by successive hordes of hungry officials sent from the mother country to acquire fortunes to be enjoyed at home, having no sympathy with the people among whom they are mere sojourners, and upon whom they look as inferiors; liable to be arrested at any moment on the most trifling charges; tried by military courts or submissive judges, removable at pleasure; punished at the discretion of the captain general, they would be less than men if they were contented with their yoke."

The "mother country," as it is styled by the committee, is t

Cuba as a decent respect for the world's knowledge of the truth of the actual situation of the people there would permit. It is dark enough without the illumination of the fires of devastation that succeeding years have witnessed in Cuba.

Among the great debates in Congress upon that report of the Committee on Foreign Relations the part of a speech that relates to Cuba and the report of the committee above referred to, made by Hon. Judah P. Benjamin in the Senate on February II, 1850, is appended hereto, marked Appendix No. 2.

Mr. Benjamin gives an accurate and much more complete statement of the condition of the people of Cuba and the methods of Spaniar The relations of Senate on Intellectual Cuba and the methods of Spaniar The relations of Sectual insurrection in Cuba as they were afterwards, from 1898 to 1878, and have been almost ever since and are now, by the excessive and inhuman abuses of power in Cuba, to which no limit can be now anticipated, either as to the time when they will end or the increased cruelty that is now a settled feature of the present Spanish war of extermination. The President recognizes the fact that the present war is for independence on the part of the Cubans, and not for the partification of personal armbition. or alone for the redress of personal or political grievances, with why and the independence of their country vidual sufferings.

Hon. T. Estrada Palma was duly accredited as diplomatic delegate plenipotentiary to the United States, under an appointment by the constituent assembly of the Republic of Cuba.

He appears to have been received, informally, for the purpose of presenting the case of Cuba to our Government.

On the 7th December, 1886, he addressed a note to the Secretary of State, accompanied by a state accompanied this note, the delegate stated the causes of the revolution in Cuba; that it had reached that stage in which the issue between the contenting parties "is independence or extermination."

The recent message of the President is clear on the point that he

none of them is any bad purpose impuses when the contradicted those statements, or any material part of them, on the authority of the Spanish Government, or upon any official or other credible authority.

The tenor of the message of the President to this session of Congress is a reaffirmation of all this history, stated in all these papers. In the part of his message relating to Cuba he has laid them before Congress without any special recommendation, and has left to Congress the duty of making provision for the security of the rights, the property, and the lives of our citizens residing in Cuba, and of enforcing the right of indemnity on behalf of the legal successors of those who have been killed there. He has intimated that delay is the wisest policy, but he has refrained from saying that delay is required by our national honor, or by the interests of humanity.

A comparison of this message, which is appended hereto and marked Appendix 4, will show that it agrees with the statements of every President who has alluded to the subject, and it further shows that the same spirit of tyrannical domination now prevails in Cuba that has kept the people of that island in despairing servitude during this entire century.

The message of Mr. Cleveland, who has no aversion to Spanish rule in Cuba, confirms, in all important statements, the truth of the charges made by Mr. Estrada Palma against Spain in the exposition of the case of Cuba which he presented to our Secretary of State.

The only difference in the situation in Cuba as it is described in the President's message in 1896—thirty-seven years later—is that, as time has progressed, the wrongs of Cuba have been aggravated and the means of repression employed by Spain have grown into a war against humanity, a war of annihilation of property and the extermination of the native population. If the firm purpose of our predecessors to put an end to this condition of affairs in Cuba, in the comparatively mild form of tyranny that existed fifty years ago, has degenerated into

APPENDIX NO. 1.

IN THE SENATE OF THE UNITED STATES, January 24, 1859.

Mr. Slidell made the following report, to accompany bill S. 497: The Committee on Foreign Relations, to whom was referred the bill (S. 497) making appropriations to facilitate the acquisition of the Island of Cuba

by negotiation, have had the same under consideration, and now respectfully

by negotiation, have had the same under consideration, and now respectfully represented the considered increases by your committee to enlarge upon the vast importance of the acquisition of the Island of Cubs by the United States. To do so would be as much a work of supercogation as to demonstrate an empiricance of the acquisition of Cubs may be considered a fixed purpose of the United States. The consideration of the United States and the consideration of the United States and the Cubs may be considered a fixed purpose of the United States, the property of the United States and the property of the United States, the property of the United States, the property of the property of the United States, the property of the property of the United States, the property of the prope

commerce, as they are now open. This Government desires no political charge of that condition. The population itself of the island is incompetent ment. The maritime force of the neighboring Republises of Mexico and Colombia is not now, nor is it likely shortly to be, alequate to the protection of those ment of the maritime force of the neighboring Republises of Mexico and Colombia is not now, nor is it likely shortly to be, alequate to the protection of those the control of the colombia is not now, nor is it likely shortly to be, alequate to the protection of those should be containe between Spain and their possession to that of some less friendly sovereignty; and of all the European powers, this should be the should be continued to the protection of the should be the war should continue between Spain and the new Republies, and those islands should become the object and the theater of it, their force should be they might not be all therety to decline."

Mr. Yan Buren, writing to Mr. Van Ness, our minister to Spain, October 2.

"Mr. Yan Buren, writing to Mr. Van Ness, our minister to Spain, October 3.

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"Mr. Yan Buren, writing to Mr. Van Ness, our minister to Spain, October 3.

"Mr. Yan Buren,

the surject by referring to the present distracted condition of Cuba and the surject to the complete as revolution. This must be well know with the surject to convenient the condition of spain, we should in any information that, under all these circumstances the President had nerively at the conclusion that Spain might be willing to transfer the island to the United States for a first and full consideration. You might clear as a precedent that crue and the condition of the condition in this dispatch which will enable you to discuss that question.

"The President would be willing to study the formation of the condition of the condition in this dispatch which will enable you to discuss that question.

"The President would be willing to study the condition of the

however, that it was at that time the policy of this Government to acquire that island unless its inhabitants were very generally disposed to concur in the transfer. Under certain conditions the United States might be willing to purchase it; but it is scarcely expected that you will find Spain, should you attempt to ascertain her views upon the subject, at all inclined to enter into such a negotiation. There is reason to believe that she is under obligations to Great Britain and France not to transfer this island to the United States. Were there nothing else to justify this belief but the promptness with which these two powers sent their naval forces to her aid in the late Cuban disturbances, the proposition for a tripartite convention to guarantee Cuba to Spain, and, what is more significant than either of the above facts, the sort of joint protest by England and France, to which I adverted in my instructions to Mr. Buchanan, against some of the views presented in Mr. Everett's letter of the 2d of December last to Mr. Sartiges, the French minister, would alone be satisfactory proof of such an arrangement. Independent of any embarrassment of this nature, there are many other reasons for believing that Spain will pertinaciously hold on to Cuba, and that the separation, whenever it takes place, will be the work of violence."

From these and other extracts that might be presented it is manifest that the ultimate acquisition of Cuba has long been regarded as the fixed policy of the United States—necessary to the progressive development of our system. All agree that the end is not only desirable but inevitable. The only difference of opinion is as to the time, mode, and conditions of obtaining it.

The law of our national existence is growth. We can not, if we would, disobey it. While we should do nothing to stimulate it unnaturally, we should be careful not to impose upon ourselves a regimen so strict as to prevent its healthful development. The tendency of the age is the expansion of the great powers of the world.

panean and advance her fronces or the same, or a least with indirectore. We claim on this hemisphere the same privilege that they excesses on the overprivilege that they excesses on the overIn this they are but obeying the laws of their organization. When they cease to grow, they will soon commence that period of decadence which is the a they are but obeying the laws of their organization. When they cease to grow, they will soon commence that period of decadence which is the The question of the annexation of Cuba to the United States, we repeat, is a question but of time. The fruit that was not ripe when John Quincy Adams penned his dispatch to Mr. Forsyth (it has not yet been severed by violence from its native tree, as he anticipated) is now mature. Shall it be plucked by a friendly hand, prepared to compensate its proprietor with a princely guerdon, or shall it fall decaying to the ground?

In the possible alternatives in the future of Cuba: First, possession by one of the great European powers. This we have declared to be incompatible with our safety, and have announced to the world that any attempt to consummate it will be resisted by all the means in our power. When first we made this declaration, we were comparatively feeble. The struggle would have been fearful and unequal; but we were prepared to make it at whatever made this declaration, we were comparatively feeble. The struggle would have been fearful and unequal; but we were prepared to make it at whatever made this declaration, we were comparatively feeble. The struggle would have been fearful and unequal; but we were prepared to make it at whatever made this declaration and interest made and the prepared to make it at whatever the property of the prepared to make it at whatever the property of the prepared to make it at whatever an interest of the property of the proper

amount appropriated shall be applied, and in this respect allows a much narrower range of discretion to the present Executive than the acts of 1806 and 1806 gave to Mr. Jefferson. In those cases the object of the appropriation was as well known to the country and to the world as if it had been specifically stated. The knowledge of that fact did not then in the slightest degree tend to defeat the intended object, nor can it do so now. Under our form of government we have no state secrets. With us diplomacy has ceased to be enveloped with the mysteries that of yore were considered inseparable from its veloped with the mysteries that of yore were considered inseparable from its veloped with the mysteries that of yore were considered inseparable from its are in conducting our foreign interoup policy and frankness in its avowal are in conducting our foreign interoup policy and frankness in its avowal are in conducting our foreign interoup policy and frankness in its avowal are in conducting our foreign interoup policy and frankness in its avowal are in conducting our foreign interoup policy and frankness in its avowal are in conducting our foreign interoup policy and frankness in its avowal are in conducting our foreign interoup policy and frankness in its avowal are in conducting our restriction of the conduction policy and the property of the conduction of the conduction of the conduction policy in policy and the conduction of the

the means which may be indispensable to success, it may well be considered by the President as an intimation that we do not desire the acquisition of the island.

It has been asserted that the people of Cuba do not desire a transfer to the United States. If this were so, it would present a very serious objection to the measure. The evidence on which it is based is that on receipt of the President's message addresses were made by the municipal authorities of Habana and other towns, protesting their devotion to the Crown and their hostility to the institutions of the United States. Anyone who has had an opportunity of observing the persuasive influence of the bayonet in countries where it rules supreme will know how much value to attach to such demonstrations of popular sentiment. There can be no doubt that an immense majority of the people of Cuba are not only in favor, but ardently desirous of annexation to the United States. It would be strange, indeed, if they were not so; deprived of all influence, even in the local affairs of the island; unrepresented in the Cortes; governed by successive hordes of hungry officials sent from the mother country to acquire fortunes to be enjoyed at home, having no sympathy with the people among whom they are mere sojourners, and upon whom they look down as inferiors; liable to be arrested at any moment on the most trifling charges; tried by military courts or submissive judges, removable at pleasure; punished at the discretion of the captain-general, they would be less than men if they were contented with their yoke. But we have the best authority, from the most reliable sources, for asserting that nearly the entire native population of Cuba desires annexation.

Apprehensions have been expressed by some Southern statesmen of perils resulting from the different elements composing the population, and the supposed mixture of races. They are not justified by the facts. The entire population, by the census of 1850, was 1,247,230, of which 605,560 were whites, 205,570 free colored,

atmosphere of freedom.

Many of them, accompanied by their families, are to be met with every summer at our cities and watering places, observing and appreciating the working of our form of government and its marvelous results; many seeking until the arrival of more auspicious days an asylum from the oppression that

has driven them from their homes; while hundreds of their youths in our schools and colleges are acquiring our language and fitting themselves hereafter, it is to be hoped at no distant day, to play a distinguished part in their own legislative halls, or in the councils of the nation.

These men, who are the great proprietors of the soil, are opposed to the continuance of the African slave trade, which is carried on by Spaniards from the Peninsula, renegade Americans, and other advanturers from every clime and country, tolerated and protected by the authorities of Cuba of every grade.

tinuance of the African slave trade, which is carried on by Spaniards from the Peninsula, renegade Americans, and other advanturers from every clime and country, tolerated and protected by the authorities of Cuba of every grade.

Were there a sincere desire to arrest the slave trade, it could be as effectually put down by Spain as it has been by Brazil. Cuba and Porto Rico are now the only marts for this illegal traffic; and if the British Government had been as intent upon enforcing its treaty stipulations with Spain for its aboltion as it has been in denouncing abuses of our flag. which we can not entirely prevent, this question would long since have ceased to be a source of irritating discussion, it may be, of possible future difficulty. Those who desire to extirpate the slave trade may find in their sympathy for the African a motive to support this bill.

We have, since the conclusion of the Ashburton treaty in 1842, kept up a squadron on the coast of Africa for the suppression of the slave trade, and we are still bound to continue it. The annual cost of this squadron is at least \$800,000. The cost in seventeen years amounts to \$13,800,000, and this, too, with results absolutely insignificant. It appears from a report of a select committee of the British House of Commons, made in March, 1830, that the number of slaves exported from Africa had sunk down in 1842 (the very year in which the Ashburton treaty was concluded), to nearly 30,000. In 1843 it rose to 55,000. In 1846 it was 78,000; in 1847 it was \$4,000, and was then in a state of unusual activity. Sir Charles Hotham, one of the most distinguished officers of the British navy, and who commanded on the coast of Africa for several years, was examined by that select committee. He said that the force under his command was in a high state of discipline; that his views were carried out by his officers to his cultire satisfaction; that, so far from having succeeded in stopping the slave trade, he had not even crippled it to the extent of giving it a permanent

The importation of slaves into the United States was prohibited in 1808. Since then, a period of more than fifty years, but one case has occurred of its violation—that of the Wanderer, which has recently excited so much attention. Another consequence which should equally enlist the sympathies of philanthropists, excepting that class whose tears are only shed for those of chon hue, and who turn with indifference from the sufferings of men of any other complexion, is the suppression of the infamous coolist traffic—a traffic so much the more nefarious as the Chinese is elevated above the African in the scale of creation; more civilized, more intellectual, and therefore feeling more acutely the shackles of the slave ship and the harsh discipline of the overseer. The number of Chinese shipped for Cuba since the commencement of the traffic up to March last is 25,777, of whom 4,134 perished on the passage. From that date up to the close of the year the number landed at Habana was 9,449. We blush to say that three-fourths of the number were transported under the American and British flags—under the flags of the two countries that have been the most zealous for the suppression of the African slave trade. The ratio of mortality on the passage was 144 per cent, and a much larger proportion of these wrecked behaviors as 144 per cent, and a much larger proportion of these wrecked behaviors that have been completed, the small remnant of the survivors will furnish conclusive evidence of the barbarity with which they are treated. The master feels no interest in his temporary slave beyond that of extracting from him the greatest possible amount of labor during the continuance of his servitude. His death or incapacity to labor at the end of his term is to the master a matter of as much indifference as is the fate of the operative employed in his mill to the Manchester spinner.

Another effect of this measure, which will recommend it most strongly to the humanitarians, will be the better treatment and increased happiness of the A

can not act without compiling his royal mistress at Madrid. There we are which is to be obtained from Cuba, and many years clause before it is riped which is to be obtained from Cuba, and many years clause before it is riped redecision. These delay is in most instances amount to an absolute definil of the treasury or a change of mishery is pleated as an eximitive the state of the treasury or a change of mishery is pleated as an eximitive the state of the treasury or a change of mishery is pleated as an eximitive the state of the present of reprisal that would have necessarily led to war and ultimately resulted prevailing among our people that nothing but our rigid neutrality laws, which, so long as they remain unrepealed or unnotified, a Chief Magistrate, which, so long as they remain unrepealed or unnotified, a Chief Magistrate of the complex of th

of the purchase. Is this sum to be weighed in the balance with the advantages, political and commercial, which would result from it? Your committee think that it should not.

A few words on the wealth and resources of Cuba, and your committee will close this report, which has swollen to dimensions not incommensurate with the importance of the subject, but which, it may be feared, will, under the pressure of other business during this short session, be considered as unduly trespassing on the attention of the Senate. The amount of taxes that can be levied upon any people, without paralyzing their industry and arresting their material progress, is the experimentum crucis of the fertility of the land they inhabit. Tried by this test, Cuba will favorably compare with any country on either side of the Atlantic.

Your committee have before them the last Cuban budget, which presents the actual receipts and expenditures for one year, with the estimates for the same for the next six months. The income derived from direct taxes, customs, monopolies, lotteries, etc., is \$16,308,50. The expenses are \$16,290,603.

This equilibrium of the budget is accounted for by the fact that the surplus revenue is remitted to Spain. It figures under the head of "Atenciones de la Peninsula," and amounts to \$1,404,609, and is the only direct pecuniary advantage Spain derives from the possession of Cuba, and even this sum very much exceeds the average net revenue remitted from that island, all the expenses of the army and navy employed at or near Cuba being paid by the island. The disbursements are those of the general administration of the Island, those of Habana and other cities being provided for by special imposts and taxes. It may be moderately estimated that the personal exactions of Spanish officials amount to \$5,000,000 per annum, thus increasing the expenses of the government of Cuba, apart from those which, with us, would be considered as county or municipal, to the enormous sum of \$21,300,000, or about \$31,350 per head for the who

(0	185	52.	18	53.	1854.		
Country.	Imports.	Exports.	Imports.	Exports.	Imports	Exports.	
Spain United States England France Germany Belgium Spanish America Portugal -Brazil Holland Denmark Russia Sweden-Norway Austria Ltaly Deposit	5, 638, 824 2, 203, 354 1, 102, 002 493, 908 2, 144, 618 243, 386 657, 554	12, 076, 408 5, 486, 677 1, 513, 368 1, 690, 165 321, 260 801, 160	6, 799, 782 6, 195, 921 2, 177, 222 1, 115, 940 998, 511 1, 677, 476 88, 876 485, 422 47, 756	12, 131, 095 8, 322, 195 3, 293, 399 1, 474, 018 466, 306 514, 831 246, 661 403, 085 253, 688	7, 867, 680 6, 610, 909 2, 558, 198 1, 420, 639 635, 866 2, 145, 370 16, 245 194, 390 538, 824	11, 641, 813 11, 119, 526 1, 921, 567 1, 824, 074 811, 880 671, 380 14, 186 251, 482 309, 949	
Total Add for Prus- sia	29, 780, 242	27, 453, 936	27, 789, 800	31, 210, 405	31, 394, 578	32, 683, 731 5, 258	

No. 2.-Statement of the aggregate of revenue and expenditure of the Island of

REVENUE.	
Section 1.—Contributions and imports Section 2.—Customs Section 3.—Taxes and monopolies Section 4.—Lotteries Section 5.—State property Section 6.—Contingencies	*6,719,200.00 119,285.94
Total	21, 338, 928, 88
Deduct for sums paid as portions of the forfeitures under sei- zures	12,972,88

Actual total	21, 325, 956, 00
Section 1.—Grace and justice	5, 866, 538, 36 7, 645, 145, 43 2, 386, 634, 16 1, 190, 700, 73
	O1 001 000 11

^{*}From this sum should be deducted \$5,022,000, which figures among the expenditures of the exchequer under the Government guaranty of prizes in the lotteries, and which is included in the sum of \$7,645,145.45 set down as expended by that department. This leaves a net revenue from that source of \$1,697,200, and a total net revenue of \$16,105,956.

No. 3.-Table of the total production of sugar, consumption, etc.

Cane sugar	Tons. 2,057,653
Palm sugar	100,000
Beet-root sugar	164, 822
Maple sugar	20, 247

But the quantity of sugar from which the United States, England, Europe, and the Mediterranean is to be supplied reaches only 1,273,000 tons. Thus, for the 300,000,000 souls who are dependent on it, it gives but 8 pounds per head, while the consumption in England is triple that quantity and in the United States 20 pounds per head. The use of sugar in the world is rapidly increasing. In France it has doubled in thirty years. It has increased more than 50 per cent in England in fifteen years. In the Zollverein it has quadrupled. The following table will show the imports and production of sugar in Great Britain, France, and the United States during many years:

Consumption of sugar in Great Britain, France, and United States,

of.	Sugar	duty pa	aid in Fr	ance.	Great	Uni	Aver-		
Years.	Colo- nial.	For- eign.	Beet root.	Total.	Brit- ain.	For- eign.	Louisi- ana.	Total.	age amount.
	Tons.	Tons.	Tons.	Tons.	Tons.	Tons.	Tons.		Per cent,
1841	74,515	12,042	27,162		203, 200	65,601	38,000	103,606	
1842	77, 443	8,210	35,070		193,823	69,474	89,200	108,674	
1843	79,455	9,695	29,155		204,016	28,854 83,801	64, 360 44, 400	93,214 128,206	
1845	87, 382 90, 958	10,269 11,542	32,075 35,132		242,831	88, 336	45,000	133, 336	
1846.	78,632	15, 185			261,932	44,974		128,002	
1847.	87, 826	9,626	52, 369		290, 275	98, 410		169, 450	
1848	48, 371	9,540	48,103		309, 424	104, 214	107,000	211, 214	
1849	63, 335	18,979	43, 793		299, 041	103, 121	99, 180	202, 301	31.00
1850	50,996	23,862	67, 297	142, 155	310, 391	84,813	110,600	194, 413	
1851			74,999		329, 715	190, 193		292, 193	
1852	32,030	14,882	67,445		360,720	228,772	118,273	847,045	
1853	32,841	15,044	87,120		380,488	232, 213		393, 180	
1854	40,113	18,943			475,095	227, 982	224,662	452,641	
1855	45, 373	49,822			384, 234	236, 942	173, 317	410, 259	
1856	46, 767	16,456	95, 103		397,448	272,631	115,713	388, 344	
1857	42,466	25,689	* 132,000	200, 155	367,476	388, 501	36, 933	425, 434	******

* To close of February.

The production of beet-root sugar in France was for four years as follows:

Years.	Number working.	Kilos.
1854	208	77, 848, 208
1855	208	50, 180, 864
1856	275	91, 003, 098
1857	341	132, 000, 000

The figures for 1857 are only to March 1, and exceed by 54,000,000 kilograms the product of last year. The production in the Zollverein in 1855 was as follows:

	Cwt.
Prussia	14,099,263
Anhalt	a cor cor
Bayaria	247, 126
Saxony	131,968
Wurtemburg	603, 256
Baden	988, 825
Hesse	59, 137
Huringen	122,965
Brunswick	634, 496

giving a total of 19,188,402. The increase in the consumption is immense. In 1841 the total for the three countries above named was 420,000 tons. This has increased to 800,000 tons, or a quantity nearly doubled, and the supply has come from Louisiana and from best roots; the former failed considerably in the last two years, and, as a consequence, nearly convulsed the world. The value of sugar in the open market, then, seems to depend upon the precarious crop of Louisiana, since, when that fails, the prices rise all over the world.—United States Economist.

No. 4.—Table of number of Chinese shipped from China from 1847 to March 23, 1858.

The following table, derived from a reliable source, exhibits the total number of vessels that have arrived at this port since 1847 with Asiatics, their, flags, tonnage, number of Asiatics shipped and landed, number and percentage of deaths, etc. which, I think, will not be deemed uninteresting:

Flags of vessels.	Num- ber.	Tonnage.	Asiatics, number shipped.	Landed.	Deaths.	Percentage of deaths.	
American British Dutch French Spanish Portuguese Peruvian Bremen Norwegian Chilean	13 29 8 7 5 3 3 1 1	13,545 21,275 5,003 6,037 2,038 1,246 2,484 560 470 250	6,744 10,791 2,773 3,655 1,779 1,049 1,314 249 221 202	5,929 9,205 2,463 3,154 1,489 1,021 812 236 179 155	815 1,586 310 501 290 28 502 13 42 47	12 14± 11± 13± 11± 25± 38± 5± 19 23±	
Total	71	53,008	28,777	24,643	4, 134	142	

From the foregoing it will be seen that the loss of life on the total number shipped actually amounts to 144 per cent; and whilst the number of deaths of those brought hither in Portuguese ships amounts to only 24 per cent, the number brought in American ships amounts to 12 per cent, in British ships to 144 per cent, and in French ships to 134 per cent, whilst in Peruvian ships the number of deaths amounts to 384 per cent.

No. 5.-Population of the West Indies, as stated in Colton's Atlas of the World,

volume 1.	
Haiti: Haitian Empire	572,000
Dominican Republic Cuba (slaves 330,425) Puerto Rico	136,000 1,009,060 447,914
French islands: Guadalupe and dependencies Martinique French Guiana	The second second
St. Bartholomew Danish islands:	9,000
St. Thomas 13,686 Santa Cruz 23,729 St. John 2,238	
Dutch islands—Curação, etc	39, 623 28, 497

British islands:		
Bahamas	27, 519	
Turks Island	4, 428	
Jamaica*	77 433	
	1,760	
*** ***********************************		
Trinidad	68,645	
Tobago	13,208	
Granada	32,671	
	30, 128	
Barbados		
	24,516	
Dominica	22,061	
Montserrat	7,653	
Antigua	37,757	
St. Christophers	23, 177	
Nevis	9,601	
Barbuda	1,707	
	3,052	
Virgin Islands	6,689	
British Guiana	27,695	
		968, 639
Total		3,575,378

*Acquired from Spain.

No. 6.—Comparative statement of the number of seagoing vessels entering the port of Habana for the years named

	Ame	rican.	Spa	Spanish.		English.		French.		Other nations.		Aggregate of each month.	
	Number.	Tonnage.	Number.	Tonnage.	Number.	Tonnage.	Number.	Tonnage.	Number.	Tonnage.	Number.	Tonnage	
1858.													
January February March April May June July August September October November December	781 102 102 69 54 48 60 78 69	44, 162 37, 387 44, 402 42, 492 42, 359 20, 409 20, 768 21, 097 35, 540 90, 313 23, 825	54 29 32 66 81 65 67 33 18 56 66 86	10, 808 5, 996 7, 022 13, 523 18, 961 14, 895 15, 058 10, 256 4, 626 12, 976 17, 729 19, 182	18 22 11 21 15 11 10 11 10 15 7	6, 256 9, 976 4, 884 9, 347 5, 940 5, 184 4, 181 5, 324 5, 443 7, 500 4, 052 6, 090	1 3 5 2 8 2 1 1 2 2 2 2 1 1 2 2 2 1	1,050 1,635 3,948 1,238 1,176 709 336 299 1,056 748 853 614	14 13 9 21 10 13 12 10 12 10 15 15	3,845 3,710 2,756 6,053 3,085 4,371 4,817 3,928 3,371 3,323 3,390 3,782	183 146 158 212 211 160 144 103 102 161 160 209	66, 11(58, 68 63, 01; 72, 65; 71, 52; 54, 99 44, 75; 40, 57; 35, 58; 60, 08; 56, 346; 55, 496	
Total for 1858	958	392, 572	653	151,027	161	74, 127	25	12,662	79	46, 432	1,949	679, 81	
Total for 1857	883	406, 873 384, 752 379, 327 336, 998 304, 138 308, 120 344, 046 298, 299	684 652 527 571 553 578 550 541	153, 651 159, 534 120, 881 111, 823 111, 029 114, 338 114, 216 107, 230	152 181 116 122 136 143 191 164	64, 110 59, 013 49, 963 59, 556 58, 324 55, 427 58, 308 65, 136	67 62 123 69 93 52 47 51	28,760 20,133 33,522 18,790 20,877 12,538 11,124 12,466	141 182 113 127 122 124 156 153	42, 972 38, 993 29, 462 30, 027 33, 030 29, 782 40, 789 40, 337	1,953 1,815 1,717 1,782 1,717 1,647 1,800 1,542	696, 306 662, 422 613, 154 557, 186 527, 406 520, 196 568, 486 423, 468	

APPENDIX NO. 2.

SPEECH OF HON. J. P. BENJAMIN, OF LOUISIANA, ON THE ACQUISITION OF CUBA.

[Delivered in the Senate of the United States, Friday, February 11, 1859.] * .

I have thus far spoken, sir, of the beneficial results to humanity arising from the acquisition of Cuba, in the double aspect of the preservation of the island from a lapse into the barbarism and savage state of the other Antilles, and of regard for its miserable laboring population. What would be its effects on the superior race—on the white natives of the island, now numbering nearly three-quarters of a million?

In spite of pro form a petitions, recently forwarded from Habana, under the orders of the captain-general, the ardent aspirations of the Cubans for release from the grinding tyranny under which they languish are too well known for concealment. I will not appeal to a knowledge personal to us all; I will not rely on the fact that, amongst the numerous Cubans with whom I have had opportunity of conversing on the subject, I never yet have found one—no, not one—who did not pant for the hour of freedom, who was not ready to strike for his liberty if the remotest prespect of succor could be held out to him. I will appeal to history, and leave its teachings to the appreciation of a candid world. My sketch must be rapid.

At the close of the last and the commencement of the present century Cuba was presperous and happy. Subjected to a colonial system identical with that then generally prevalent amongst civilized nations, if her commerce was restricted by the monopoly established in favor of the mother country, her own internal administration was conducted by wise rulers, guided by paternal interest in her welfare. She shared the political benefits conquered by the Spanish people, and when the constitution of 1812 was established, Cuba reaped its advantages. When, on the death of Ferdinand VII, Queen Christina threw herself into the arms of the liberal party in order to insure the triumph of Queen Isabella over the pretensions of Don Carlos, the royal statute was proclaimed in both Spain and Cuba, and the latter was represented in the national congress and enjoyed the liberties accorded by that celebrated docu

letters of Mr. Clay to the ministers of Colombia and Mexico, December 20, 1825.) The knowledge of this effervescence of the public mind induced, on the part of the Spanish King, one of the most extraordinary acts which ever emanated from a despot. He gave the Captain-General, by an ordinance of the 28th of May, 1825, all the powers granted to the governors of besieged towns; or, in other words, declared the whole island under martial law, with full power in the Captain-General over the lives, fortunes, and liberties of the people, and with the right of suspending all laws and royal decrees at his pleasure.

This would appear scarcely credible, but I desire to read a passage from this ordinance of 1825 of the Spanish King. I find it fortunately translated here in a little book called Cuba and the Cubans, which I would recommend to the condition of the island:

"On the 28th of May, 1825, the royal ordinance addressed to the Captain-General of Cuba declares: 'It has pleased His Majesty, in conformity with the advice of his ministers, to authorize your excellency, fully investing you with the whole extent of power which by royal ordinances is granted to the governors of besleged towns; in consequence thereof His Majesty most amply and unrestrictedly authorizes your excellency not only to remove from the island such persons holding office from the Government or not, whatever their occupation, work, class, or situation in life may be, whose residence there of you may believe to be prejudicial, or whose public or private conduct may appear suspicious to you, employing in their stead faithful servants of His Majesty. Also to suspend the execution of whatever royal orders or general decrees in all the different branches of the administration, or in any part of them, as your excellency may think conductive to the royal service.'"

We are told that under this system of government the whites are contented. Why, sir, independent of the consulracies of which I have sooken.

any part of them, as your excellency may think conducive to the royal service."

We are told that under this system of government the whites are contented. Why, sir, independent of the conspiracies of which I have spoken, in 1832-24 and 1825, again in 1826 another conspiracy broke out, and its chiefs were arrested, and Sanchez and Aguerro were executed at Port au Prince; and again, at a later day, the conspiracy called the conspiracy of the Black Eagle broke out, and was again repressed, and those engaged in it executed or exiled or imprisoned. The different conspiracies that have existed of late years are familiar to us all; the various expeditions of Lopez and his companions; and the last of which I have any memory, or, at least, authentic detail, is that of 1851, when a few Cuban patriots, worn-out, disappointed fugitives, still had courage to meet together on the 4th of July, 1851, and declared the independence of Cuba. Here is their declaration of independence. I am going to refer to this, not so much for the purpose of showing this fact, not so much for the purpose of calling attention to the signatures, including names of this same family of Aguerro, that seems to have distinguished itself in behalf of the liberties of its country, but because there is a list of grievances in this declaration of independence to which I now desire to call the attention of the Senate, and which I will lay before it, asking every man who hears it, if it be possible that human beings subjected to grievances like these can be content, can be willing to kiss the rod which smites them?

They begin, sir, by stating the horrible cruelties that are exercised upon them. It is in Spanish; I will read it as well as I can; it will be probably somewhat imperfect in the translation.

They state that "they supposed the world would refuse credence to the history of the horrible iniquities which have been perpetrated in Cuba, and would consider, with reason, perhaps, that if there existed monsters capable of committing them, it is not conceivable that there should exist men who for so long a time had submitted to them; but if those persons are few who reach the truth of particular facts, by reason of the means of which the Government disposes to obscure and disfigure them, nobody can resist the evidence of acts that are public and official."

Therefore, they go on to relate:

"It was publicly, and with arms in his hands, that General Tacon despoiled the Island of Cuba of the constitution of Spain, proclaimed by all the powers of the Monarchy and which these powers had ordered to be sworn to as the fundamental law of the entire Monarchy.

"It was publicly, and by the acts of the courts, that Cuba was declared to be deprived of the rights which all Spaniards enjoyed, and which are naturally conceded to persons the least civilized.

"It was publicly that the decree was issued which deprived the sons of Cuba of all right of being chosen to occupy public offices or of employment in the State.

"It was publicly that omni-modal faculties were granted to the Captains-General of Cuba who may deny to these when they denote the Captains-General of Cuba who may deny to these when they denote the captains-

in the State.

"It was publicly that omni-modal faculties were granted to the Captains-General of Cuba, who may deny to those whom they desire to have punished or sentenced by the tribunals even the form of a trial before the courts.

"Publicly prominent in the Island of Cuba are still those military commissions which in other countries the law permits only in extraordinary cases during a time of war, and then only for offenses against the State.

"Publicly has the Spanish press threatened Cuba with tearing from it the property in its slaves, of converting the island into ruin and ashes, and of disenchaining against it all the hordes of barbarous Africans which now exist within it.

"Public is the continual increase of the army and the creation of new mercenary bodies which, under pretext of public security, are only put upon us for the purpose of augmenting the burdens that lie upon Cuba and of exercising with greater vexation the system of subordination and espionage over its inhabitants.

"Public are the obstacles and difficulties which are placed in the each individual for monitored.

"Table is the continual increase of the army and the creation of new more cenary bodies which, under pretext of public security, are only put upon us for the purpose of augmenting the burdens that lie upon Guba and of exercising with greater vexation the system of subordination and espionage over its inhabitants.

"Public are the obstacles and difficulties which are placed in the way of each individual for moving, for exercising any industry, nobody being sure that he will are the contributions which are the state of the contributions which are threatened and which are to absorb all the products of its riches, there remaining nothing to its miserable inhabitants but the pain of labor.

"Public are the exactions of all index which inferior officers impose on its inhabitants but the pain of labor.

"Public are the exactions of all index which inferior officers impose on its inhabitants but the pain of labor.

"Public are the exactions of all index which inferior officers impose on its inhabitants but the pain of labor.

"The products of the constituent Cortes at Madrid. The Cortes assembled to the meeting of the constituent Cortes at Madrid. The Cortes assembled in 1837, but the Cuban deputies were convoked to the meeting of the constituent Cortes at Madrid. The Cortes assembled in 1837, but the Cuban deputies were on admitted to their seats. Cuba was deprived of her representation; nor was this the only outrage inflicted on her rights. It was decided that she should be governed in the future by exceptional laws, and not by the laws common to the rest of the Monarchy. These of the constituent of the product of the product of the product of the pain and the product of the pain and the product of which was a product of the product of which was a product of the product of which was a product of the product of the product of the pain and the product of th

minister, he replied to the effect that it was true that the measures he was recommending might not be suitable for the whites, but that they were extended to the Africans that had been imported in dehance of the treaties with Great (dovernment to trample the white native Cuban under foot for the benefit of the Africans that had been imported in dehance of the treaties with Great and it is capable of that signification alone:

"With reference to that passage in M. Miraffores's note, in which he states and it is capable of that signification alone:

"With reference to that passage in M. Miraffores's note, in which he states are compared to the states of Cuba, when they also recommend that the Spanish cramment can seriously recommend a measure which would prove very injurious to the natives of Cuba, when they also recommend that the Spanish truct your fordship to observe to M. de Miraffores that the slaves of Cuba form a large portion, and by no means an unimportant one, of the population of Cuba, and that any steps taken to provide for their grancipation would with the recommendation made by Her Majesty's Government—that measures should be adopted for contenting the people of Cuba, with a view to must be evident that if the negro population of Cuba were rendered free that fact would create a most powerful element of resistance to any scheme that not be a significant of the contenting the people of Cuba, with a view to must be evident that if the negro population that is to be trampled under the feet of the blacks, and such blacks as now exist in Jamanica; it is its white population of continuing entitled to the rule under which they ow continuing entitled to the rule under which they ow continuing entitled to the rule under which they ow continuing entitled to the rule under which they ow continuing entitled to the rule under which they ow continuing entitled to the rule under which they ow continuing entitled to the rule under which they owe continuing entitled to the rule under which they owe continuing the wo

But, sir, we are told that England and France will object. If that be true, it affords to my mind a controlling motive for persisting. I wish to examine a little into this subject of the interference of England and France; and first I desire the attention of the Senate to a fact which has not yet been adverted to in this debate—that as far back as 1823 Great Britain tried to buy Cuba from Spain, and made her offers of purchase, which were rejected; that then in 1825 and 1826 Great Britain was at the bottom of the plot for declaring Cuba independent, by an insurrection of the people, with the aid of the Colombian and Mexican forces, her object being to get the control of the island under a protectorate, which she thought she could establish without exciting our jealousy; and that it was these views of Great Britain which induced the interference of Mr. Clay with the Colombian and Mexican ministers, and this broke up the plot. July 10, 1823, Mr. Appleton, being then at Cadiz, wrote to Mr. Adams, our Secretary of State:

"The contents of the letter of which I herewith inclose a duplicate are substantially confirmed by all that has come to my knowledge since it was written. I shall say nothing of the official declaration of England; they are documents which must long since have reached you. I have it, however, in my power to say, upon the best authority, that the sentiments she now professes in relation to acquisition of territory at the expense of Spain have not always been entertained by her.

"Mr. Quadra, now deputy of the Cortes, had, when minister of ultra-marine in 1820, distant overtures made to him for the cession of the eastern side of Cuba to England. These overtures were treated with great coldness, and it is supposed have not been repeated. This fact has been communicated to me in confidence by Mr. Gener, adeputy from the Habana, who, being a European by birth, has had more access to the secrets of the cabinet than his companions, and has lately received a distinguished proof of the respect in which he

" MADRID, August 17, 1827.

"Sir: The inclosed copy of a confidential dispatch addressed to the minister of state by the Conde de la Alcudia, Spanish minister at London, was handed to me to-day by a private friend, and may be depended on as authentic. As the communication was made to me in the strictest confidence, and as the document is in itself unsuitable for the press, I take the liberty of transmitting it to you, for the President's information, in the form of a private letter, and request that it may not be placed on the public files of the Department of State."

Here is the letter:

[Translation.]

The Spanish minister at London to the minister of state.

LONDON, June 1, 1827.

Most Excellent Sir: I deem it my duty to give you notice for the information of the King, our Lord, that this Government dispatched a frigate some time ago to the Canary Islands, with commissioners on board, who were instructed to ascertain whether any preparations were making there for an expedition to America; and also the state of defense of those islands, and the disposition of the inhabitants. The result of these inquiries was that the said islands were in a wholly defenseless situation, provided with few troops, and those disaffected and ready for any innovation.

The frigate then proceeded to the Habana, where the commissioners found many persons disposed to revolt; but in consequence of the large military force stationed there and the strength of the fortifications, they considered it impossible to take possession of the island without the cooperation of the authorities and the army. In consequence of the information thus obtained, measures have been taken in both these islands to prepare the public opinion by means of emissaries in favor of England, to the end that the inhabitants may be brought to declare themselves independent and to solicit the protection of the British. The latter are prepared to assist them, and will in this way avoid any collision with the United States. The whole operation has been undertaken and is to be conducted in concert with the revolutionists resident here (at London) and in the islands, who have designated a Spanish general, now at this place, to take command of the Habana when the occasion shall require it.

The Duke of Wellington communicated to me the above information, which is also confirmed by an intimation which he gave to Brig. Gen. Don Francisco Armentecos, when this offlicer took leave of him to go to the Habana. The Duke then advised him, if he should discover any symptoms of disaffection in the authorities, to give immediate notice to the King, as it would be a grievous thing for this Majesty to lose the Habana.

I have thought it my duty to make these circum

May God keep you many years.

EL CONDE DE LA ALCUDIA.

This is the same Great Britain that now, having failed in her own attempt, generously proposes to the American people an alliance of three parties, France, England, and the United States, each of whom shall say, as they are bound to do in her estimate under the law of nations, that not one of them will ever acquire Cuba. Having failed herself, both by open negotiation and secret maneuver, to obtain possession of the island, she proposes to us magnanimously to renounce what she can not get, provided we will be equally generous; for such, after all, was the real proposition made in the dispatch to which Mr. Everett made his celebrated answer; and when we respectfully declined her proposal, we were informed through another dispatch that she held herself at liberty to act as she pleased for the future; and the British secretary actually proceeded, with a grave face, to argue that England had equal interests with ourselves in the Island of Cuba, because, in a geographical line, Cuba was no nearer to the United States than to the Island of Jamaica—that delectable paradise of her negro savages.

So much, sir, as regards any objections that may be made by England.

But France, we are told, will be offended; her sence of justice will be shocked at our violation of national courtesy in desiring to acquire a neighboring isle. The reproach will come with a good grace, sir, from the present Emperor of the French, who was so particularly regardful of public law when at Bologne and at Strasburg he attempted to overthrow the constitutional Government of his own country for the gratification of his own selfish ambition. We are to be called on to renounce all rights of national growth in deference, for sooth, to France and England. We alone are not to grow; and the reason is that we declare our purpose in advance, which gives to these intermeddling powers an opportunity of raising an outcry; whereas in the secrecy of their cabinets projects of invasion are entertained and executed before notice is given; and, when reproached for

treaty with us; to call for her title to control the Nicaragua transit; and when she has made good in the law of nations that new title invented by Lord Clarendon, and which he calls "spontaneous settlement," then, and not till then, we shall be ready on our part to give her a reason why we want "spontaneous settlement" in Cuba.

If, sir, on the other hand, the Emperor of France shall make objection, let him be asked by what right he attempts to interfere with us in the purchase of territory from Spain, when we are only following the example of his uncle, who did the same thing? Let him be asked what greater right France had to buy Louisiana than we have to buy Cuba? And, sir, let both France and England be required to show by what principle of national law territorial acquisition is forbidden when peaceful and for a price, but permissible if effected by the exercise of violence committed by the strong against the weak.

Mr. President, there is one paramount principle affecting the whole question of annexation, which our self-respect requires us to present prominently before the world. It is that in the expansion of our system we seek no conquest, subjugate no people, impose our have on no unwilling subjects. When new territory is brought under our jurisdiction, the inhabitants are admitted to all the rights of self-government. Let noattempt be made to confuse this subject by the use of inappropriate terms. It is the fallacy lurking under the use of the word "belongs," of which despots make use. Cuba "belongs" to Spain. True. But in what sense? New York "belongs" to the United States also; but in what sense?

Cuba is subject to Spanish sovereignty. Her people now owe allegiance to Spain; but the island does not belong to Spain as property belongs to an individual. The Cubans are not the property of the Crown. Nay, the soil of the island belongs to private proprietors. The right of Spain, as a proprietary right, extends only to the public places on the island not disposed of to private individuals, and to such r

nues, and make settlement hereafter with the people of Cuba for our advances."

If this offer be again refused, then let us announce to Spain in advance that whenever opportunity shall occur we are ready and resolute to offer to the people of Cuba the same aid that England offered to the other Spanish colonies; the same alliance, offensive and defensive, which France so nobly tendered to us in the hour of our darkest peril. Tell her that we shall repair the wrong by us done to the generation now passing away in Cuba when we impeded their efforts for gaining their independence by affording to the present generation our aid, countenance, and assistance. Tell her that, when the Cubans shall have conquered their independence, theirs shall be the right of remaining a separate republic, if they so prefer; that we will cherish, aid, and protect them from all foreign interference, and will draw close the bonds of a mutual, social, and commercial intercourse that shall be of incalculable benefit to both. Tell her, too, that if the people of the island, with their independence once acquired and republican institutions established, shall desire to unite themselves with us, they shall be admitted to the equal benefits which our system of government secures to each independent State that enters into its charmed circle. She shall unite with us freely, the equal associate of free States; and when the union shall have been accomplished, the sunder those whom the God of Freedom has united.

APPENDIX NO. 3.

CUBA'S CASE.

WASHINGTON, December 7, 1895.

Washington, December 7, 1895.

Sir: I hand you herewith a statement of the facts upon which I, as authorized representative of the Cubans in arms, ask that the rights of belligerency be accorded them by your Government.

If you so desire, I can exhibit to you the originals of the documents mentioned or set forth in said statement.

Should it be necessary or desirable for me to point out the arguments, based on the facts submitted, which I deem proof that we are now in condition to ask for belligerency, it will afford me great pleasure to do so.

Begging your earliest and most favorable consideration of this subject, I have the honor to remain, very respectfully, yours,

To Hop Richard Olney.

To Hon. RICHARD OLNEY,
Secretary of State of the United States of America,
Washington, D. C.

WASHINGTON, D. C., December 7, 1895.

WASHINGTON, D. C., December 7, 1895.

Sir: While admitting that, as a rule, governments do not take cognizance of the justice or injustice of a struggle in which they are called upon to grant the rights of belligerency to one of the contending parties, the revolution for the independence of the Cuban people, initiated on February 24 last, is so similar in its character to that which resulted in the establishment of the foremost Republic in the world, the United States of America, that I feel called upon to point out the causes leading to the present uprising in Cuba.

CAUSES OF THE REVOLUTION.

CAUSES OF THE REVOLUTION.

These causes are substantially the same as those of the former revolution, lasting from 1868 to 1878 and terminating only on the representation of the Spanish Government that Cuba would be granted such reforms as would remove the grounds of complaint on the part of the Cuban people. Unfortunately the hopes thus held out have never been realized. The representation which was to be given the Cubans has proved to be absolutely without character; taxes have been levied anew on everything conceivable; the offices in the island have increased, but the officers are all Spaniards; the native Cubans have been left with no public duties whatsoever to perform, except the payment of taxes to the Government and blackmail to the officials, without privilege even to move from place to place in the island except on the permission of governmental authority.

Spain has framed laws so that the natives have substantially been deprived of the right of suffrage. The taxes levied have been almost entirely devoted to support the army and navy in Cuba, to pay interest on the debt that Spain has saddled on the island, and to pay the salaries of the vast number of Spanish officeholders, devoting only \$746,000 for internal improvements out of the \$26,000,000 collected by tax. No public schools are within reach of the masses for their education. All the principal industries of the island are hampered by excessive imposts. Her commerce with every country but Spain has been crippled in every possible manner, as can readily be seen by the frequent protests of shipowners and merchants.

The Cubans have no security of person or property. The judiciary are instruments of the military authorities. Trial by military tribunals can be ordered at any time at the will of the Captain-General. There is, besides, no freedom of speech, press, or religion. In point of fact, the causes of the Revolution of 1775 in this country were not nearly as grave as those that have driven the Cuban people to the various insurrections which culminated in the present revolution.

A statement of the facts and circumstances that have forced the Cubans from peaceful to belligerent measures of obtaining that redress which they are satisfied can only come with absolute independence and republican form of government are set forth at large in the pamphlet hereto annexed, marked "A."

ABSOLUTE INDEPENDENCE OR EXTERMINATION.

ABSOLUTE INDEPENDENCE OR EXTERMINATION.

Every promise of reform made to procure peace in 1878 having been broken by the Spanish Government, and subsequent peaceful endeavor in that direction having proved useless, Cuba is to-day in the condition described by Vattel (Law of Nations, sec. 291):

"If his (the sovereigu's) promises are not inviolable, the rebels will have no security in treating with him; when they have once drawn the sword they must throw away the scabbard, as one of the ancients expressed it, and the prince destitute of the more gentle and salutary means of appeasing the revolt will have no other remaining expedient than of utterly exterminating the insurgents; these will become formidable through despair; compassion will bestow success on them; their party will increase, and the state will be in danger."

in danger."

The only solution of the revolution in Cuba is independence or extermina-

PRELIMINARY ORGANIZATION FOR REVOLT.

Years before the outbreak of the present hostilities the people within and without the island began to organize, with a view of preparing for the inevitable revolution, being satisfied, after repeated and patient endeavors, that peaceful petition was fruitless.

In order that the movement should be strong from the beginning, and organized both as to civil and military administration, the Cuban revolutionary party was founded, with José Marti at its head. The principal objects were by united efforts to obtain the absolute independence of Cuba, to promote the sympathy of other countries, to collect funds with these objects in view, and to invest them in munitions of war. The military organization of this movement was completed by the election of Maximo Gomez as commander-in-chief. This election was made by the principal officers who fought in the last revolution.

THE UPRISING.

The time for the uprising was fixed at the solicitation of the people in Cuba, who protested that there was no hope of autonomy, and that their deposits of arms and ammunition were in danger of being discovered and their leaders arrested. A large amount of war material was then bought by Marti and vessels chartered to transport it to Cuba, where arrangements were made for its reception in the provinces of Santiago, Puerto Principe, and Santa Clara; but at Fernandina, Fla., it was seized by the United States authorities. Efforts were successfully made for the restitution of this material; nevertheless valuable time and opportunity were thus lost. The people in Cuba clamored for the revolution to proceed immediately, and in consequence the uprising was not further postponed. The date fixed for the uprising was the 24th of February. The people responded in Santiago, Santa Clara, and Matanzas. The provinces of Puerto Principe and Pinar del Rio did not respond, owing to lack of arms. In Puerto Principe rigorous search had previous to the 24th been instituted and all arms and ammunition confiscated by the Government. The leaders in the provinces of Matanzas and Santa Clara were imprisoned, and so the movement there was checked for the time being.

On the 27th the governor-general of the Island of Cuba, Emilio Calleja, issued a proclamation declaring the provinces of Matanzas and Santiago in a state of siege, and fixed a period of eight days within which all those who surrendered were to be pardoned. Under these conditions, on the 3d of March, Juan Gualberto Gomez surrendered, was brought to Habana, and set at liberty, but before he could leave the palace of the captain-general was rearrested on the ground that he had bought arms for the movement, and was subsequently court-martialed and sent in chains to the Spanish penal colony in Ceuta, Africa.

GROWTH OF THE REVOLUTION.

In the province of Santiago the revolution rapidly increased in strength under the leadership of Bartolome Masso, one of the most influential and respected citizens of Manzanillo; Guillermo Moncada, Jesus Rabi, Pedro Perez, José Miro, and others.

It was characterized by the Spanish Government as a negro and bandit movement, but many of the most distinguished and wealthy white citizens of the district flecked to the insurgent camp.

The Spanish authorities, through some of the Autonomists, attempted to persuade these men to lay down their arms. Gen. Bartolome Masso was twice approached in this behalf, but positively refused to entertain any negotiations which were not based on the absolute independence of Cuba.

On the 1st of April Gens. Antonio and José Maceo, Flor Crombet, and Augustin Cebreco, all veteran leaders in the former revolt, landed at Duaba, in the province of Santiago, and thousands rose to join them. Antonio Maceo then took command of the troops in that province, and on the 1lth of April a detachment received Gens. Maximo Gomez, José Marti, Francisco Borrerro, and Angel Guerra.

Captain-General Calleja was, on the 16th of April, succeeded by Gen. Arsenio Martinez Campos, the present commander-in-chief of the Spanish forces, who has the reputation of being Spain's greatest living general.

BATTLES AND CAMPAIGN.

Campos's first plan of campaign was to confine the revolution to the province of Santiago, and he then stated that he would crush the insurgents, establish peace, and return to Spain by the November following.

He asserted that the province of Puerto Principe would never rise in rebellion; and in order to give color to the statement and hope of labor to the unemployed he projected a line of railway from Santa Cruz to Puerto Principe, planning also another from Manzanillo to Bayamo.

These two projects, as well as the proposed construction of wharves, were never seriously contemplated. From the very beginning of the uprising, conflicts between the Spanish troops and the Cubans were of daily occurrence, and many engagements of importance also took place, forts being captured, towns taken and raided.

It is of course useless to describe every skirmish in this province. The following are among the General Rabid of eated the Spanish Colonels Santoscildes and Zabikoski: Ramon de las Yaguas, where Colonel Garzon surprised and captured Lieutenant Gailego and 50 men, who were disarmed and permitted to leave unmolested—the troops sent to reenforce the Spaniards being also defeated; El Guanabano, where General Masso and Colonel Estrada forced Santoscildes to retreat to Bayano, with great loss; Jarahuca, where General Combined operation of Generals Antonio and José Masco, who captured the town of Cristo and 20 rides and 40,000 rounds, while Colonel Garzon took the town of Cristo and 20 rides and 40,000 rounds, while Colonel Garzon took the town of Canpednela was attacked by Colonel Guerra and Colonel Estrada, who forced the garrisons of the two forts to surrender.

Juraguanas, where Colonel Estrada, with J.000 men, met an equal number and colonel General Rabi cut to pieces the Spanish forces under Lieut. Col. U. Sanchez and obtained many rifles and ammunition.

El Jobito: This was one of the most important engagements in the cast. It took place near Guantanamo, and Lieutrannt-Colonel Bach was killed and his trobal control of the control of the most important engagement in the cast. It took place near Guantanamo, and Lieutrannt-Colonel Bach was killed and his trobal condition, without food or hospitals, and were cut off from Manzanillo, and wishing by a concerted movement of his lieutenants to crush the revolution at one blow, started from Manzanillo on the 12th for the purpose of relieving Bayamo, and intending thene to march west and drive Gome of relieving Bayamo, and intending thene to march west a

GOMEZ'S CAMPAIGNS.

railroads, of which there are many lines or branches in this district.

GOMEZ'S CAMPAIGNS.

Immediately on the landing of Generals Marti and Gomez they set out to cross the province of Santiago and enter that of Puerto Principe. It will be remembered that at about this time General Campos arrived in the island with re-inforcements of over 10,000 men. The object of Gomez in marching into Puerto Principe was to lead those whom he knew were only expecting his arrival in that province in order to take the field. The citizens of Puerto Principe, or Camaguey, as it is also called, had the reputation of being rather conservative, and hence both Spaniards and Cubans waited their determination with great interest.

Gen. Martinez Campos boasted that the inhabitants of Camaguey would never rise in revolt against Spain, but to make assurance doubly sure he placed a cordon of troops numbering about 10,000 on the border between Santiago and Puerto Principe to prevent the entry of Gomez into the latter district. Gomez and Marti started on their westward journey with about 300 men. In trying to pass the first line of troops at Boca de Dos Rios a severe conflict took place May 18, with a greatly superior force, in which José Marti was killed. Great joy was manifested by the Spaniards, who claimed that the revolution had received its deathblow in the loss of Marti, but Gomez continued his advance westward, and ordering a feint to be made by Gen. Antonia Maceo at a point in the north of the Spanish cordon, he succeeded in eluding the enemy and entering the southern part of the province of Puerto Principe in the beginning of June. Here he was joined by Salvador Gisneros Betancourt, now the President of the Republic, the most influential Cuban of that province, together with all the young men of the city, and his forces were rapidly swelled to thousands by additions from all parts of the province. These he subsequently organized into the Third Army Corps.

Thus Gomez was successful in this first campaign of the revolution. Immediat

He was much criticised by Gen. Martinez Campos for his inactivity during the summer, but the Spanish troops, nevertheless, did not interfere with his plans. Early in July he issued the first of the now famous orders relative to the sugar crop, and announced his intention of marching through Santa Clara and into Matanzas in the winter in order to superintend the carrying out of his decrees, increasing his military stores in the meantime, as well as securing the food supply of his army by corralling the cattle of the province in secure places.

the summer, but the Spanish troops, nevertheless, did not interfere with his plans. Early in July he issued the first of the now famous orders relative to and into Matanzas in the winter in order to superintend the carrying out of and into Matanzas in the winter in order to superintend. He carrying out of and into Matanzas in the winter in order to superintend the carrying out of an discovered in the meantime, as well as securing the carried of the province in security of the control of the carrying out of the carrying o

the Cuban army, forts are more easily taken. There has been constant communication from the interior to the coast; vessels of the Spanish navy have frequently been engaged by the insurgents, and in one case a small armed coast-guard vessel was captured by them.

Supplies are received by the Cubans at convenient points on the coast and transferred to the interior. When it is remembered that in the revolution of 1861 to 1878 there were never more than 10,000 armed insurgents in the field; that these rarely, if ever, took the offensive, and yet compelled Spain to maintain an army of 120,000 men in the field, many of whom were Cuban volunteers in the strict sense of the term; that this little band caused Spain to spend in the ten years over \$700,000,000 and to lose over 200,000 men, and that when in contrast we see in this revolution there are already more than 50,000 Cubans in the field, directed by veterans of the last war, who now are on the offensive, and that now Cuban does not fight against Cuban, the chance of ultimate success of the Cuban arms must appear to an impartial observer, especially in the light of Gomez's wonderful western march, and that in two months more the climate will again militate against the Spanish troops.

MILITARY ORGANIZATION.

MILITARY ORGANIZATION.

The military organization of the Cubans is ample and complete.

Maj. Gen. Maximo Gomez is the commander-in-chief, as we have said, of all the forces, a veteran of the last revolution, as indeed are all the generals almost without exception. Maj. Gen. Antonio Maceo is second in command of the army of liberation, and was, until called upon to cooperate with the commander in chief in the late march to the western province, in command of Santiago.

almost without exception. Maj. Gen. Antonio Maceo is second in command of the army of liberation, and was, until called upon to cooperate with the commander in chief in the late march to the western province, in command of Santiago.

The army is at present divided into five corps—two in Santiago, one in Puerto Principe, and two in Santa Clara and Matanzas. These corps are divided into divisions, these again into brigades, and finally into regiments; the forces are moreover divided into cavalry and infantry, besides having engineers, and lately artillery and a perfect sanitary corps, which latter is in command of Engenio Sanchez Agramonte, with the grade of brigadiergeneral. Maj. Gen. José Maceo commands the First Santiago Corps, while Maj. Gen. Bartoline Masso commands the Second Corps in that province. Commanding divisions and brigades in these two corps are Brig. Gens, Pedro Perez, Agustin Cebreco, Jesus Rabi, Luis Feria, Bernardo Capote. Highio Vasquez, and Angel Guerra.

The Third Corps is in command of Maj. Gen. José M. Rodriguez. The Fourth Corps is in command of Maj. Gen. Cartos Roloff, the divisions and brigades being commanded by Maj. Gens. Francisco Carrillo and Serafin Sanchez and Brig. Gens. Tranquilino Perez, Juan B. Zayas, and Rogelio Castillo. The Fifth Corps is in command of Maj. Gen. Manuel Suarez, and the divisions and brigades are commanded by Francisco Perez, José Lacret, and José M. Aguirre.

The first two corps consist of 26,000 men, mostly infantry; the third, of about 4,000 men, mostly cavalry; the Fourth and Fifth Corps consisted before the late invasion of Gomez of over 20,000 men, both infantry and cavalry, which force has been considerably increased in these last days. Of the 50,000 men at least that there are in the field, more than half are fully armed and equipped, the rest carrying miscellaneous weapons or side arms.

The work of fully equipping the army is now proceeding rapidly. The higher grades and commissions are all confirmed by the Government.

Stations for the manufacture

As above indicated, José Marti was the head of the preliminary civil organization, and he, immediately upon landing with Gomez in Cuba, issued a call for the selection of representatives of the Cuban people to form a civil gor-

As above indicated, Jose Marta was the head of the preliminary civil organization, and he, immediately upon landing with Gomez in Cuba, issued a call for the selection of representatives of the Cuban people to form a civil government.

His death postponed for a time the selection of these men, but in the beginning of September the call previously issued was complied with.

Representatives from each of the provinces of Santiago, Puerto Principe, Santa Clara, and the western part of the island, comprising the provinces of Matanzas and Habana, making twenty in all, were elected to the constituent assembly, which was to establish a civil government, republican in form.

A complete list of the members of the constituent assembly which met at Jimaguayu, in the province of Puerto Principe, on the 18th of September, 1895, together with an account of its organization and subsequent action, will be found in the document hereto annexed and marked B.

A constitution of the Republic of Cuba was adopted on the 16th of September, and copy of which will be found in document annexed marked B.

On the 18th of September the following officers of the Government were elected by the constituent assembly in accordance with the terms of the constitution:

President, Salvador Cisneros Betancourt, of Puerto Principe; vice-president, Bartolome Masso, of Manzanillo; secretary of war, Carlos Roloff, of Santa Clara; secretary of the treasury, Severo Pina, of Santa Clara; secretary of the treasury in the interior, Santiago Garcia Canizares, of Remedios; secretary of war, Mario Menocal, of Metanzas; subsecretary of the interior, Carlos Duois, of Baracoa; subsecretary of foreign relations, Fermin Valdes Dominguez, of Habana.

The installation of these officers duly followed. The election of the general in chief and the second in command, who is to bear the title of lieutenantigeneral, was then had and resulted in the unanimous election of Maximo Gomez and Antonio Maceo, respectively.

On the same day the constituent assembly elected by acclama

of the treasury. The impositions, rate, and collection of the taxes, and sources of income of the Government, will also be found in Exhibit B.

All moneys collected in accordance with the laws of the Republic, as well as those received through voluntary contributions, are delivered to him or his duly authorized agent, and expended under his supervision or that of his agents, to supply the present needs of the Government, which are mainly purchase of arms and ammunition.

The money thus collected has been sufficient to equip the army and keep it supplied with ammunition, although, as it is natural, from the rapid increase of the ranks and the difficulty of bringing supplies into the island, many of the new recruits have not yet been fully armed. The problem of equipping the army is not a financial one, but arises from the caution necessary to blockade running, and, above all, the preventive measures taken by foreign governments, and the notice which is in all cases given to the enemy of the embarkment of munitions. No report of the secretary of the treasury has yet been made, as he has not been in office but three mouths.

For the purpose of properly collecting the imposts, the roads to all cities, as well as the coast, are patrolled by the Cubans. The Cuban Government publishes two newspapers, El Cubano Libre and the Boletin de la Guerra.

TREATMENT OF PRISONERS.

TREATMENT OF PRISONERS.

From the beginning of this insurrection, the conduct of the Cubans as to prisoners has been in strong contrast to that of the Spaniards. Prisoners taken by the Cubans have been invariably well treated, cared for, and liberated, officers as well as common soldiers, as soon as it was possible under the circumstances, and word sent to the Spaniah officers to call for them, on the guaranty that the detachment would be respected.

As instances, we may recite those even admitted by the Spaniards, namely: Ramon de las Yaguas, Campechuela, and Peralejos, in Santiago; el Mulato, San Jeronimo, and Las Minas, in Puerto Principe; Taguasco, Pelayo, and Cantabria, in Santa Clara. After the last-mentioned engagement, Colonel Rego returned his prisoners to the Spanish lines, obtaining a receipt for their delivery, signed by a lieutenant, of which a copy is hereto annexed, marked D. This action, in accordance with the spirit of the insurrection, which is declared not to be against the Spaniards, of whom many are fighting for the independence of the island, but against the Spanish Government, is echoed by the general order of the commander-in-chief on this subject, of which the following is a copy:

CIRCULAR OF THE GENERAL IN CHIEF.

CIRCULAR OF THE GENERAL IN CHIEF.

"General Headquarters of the Army of Liberation, "Camaguey, August 1, 1825.

"In order to establish in a clear and precise manner the mode of procedure toward the chiefs, officers, and soldiers of the monarchy captured in action or operations, and toward those who voluntarily surrender to our columns or authorities. I have deemed it convenient to order as follows:

"ARTICLE 1. All prisoners captured in action or by the troops of the Republic will be immediately liberated and returned to their ranks, unless they volunteer to join the army of liberation. The abandoned wounded will be gathered and attended to with all care, and the unburied dead interred.

"ART. 2. All persons who shall be arrested, charged with committing the misdemeanors in the circular of July 1, by violating or disregarding the said order, will be summarily proceeded against.

"ART. 3. Those of the prisoners who are chiefs or officers of the army of the monarchy will be respected and considered according to their rank and treated according to the valor with which they may have resisted, and will all be returned to their ranks if they so desire.

"ART. 4. Those who volunteer to join the ranks of the republicans, and appear before our columns and authorities, will have their option in the mode of serving the cause of the Republic, either in arms or by more peaceful occupations, civil or agricultural pursuits.

"I communicate this to you for your instruction and for your rigid compliance. Country and liberty.

"MAXIMO GOMEZ,

"The General in Chief"

"I communicate this to you for your instruction and for your rigid compliance. Country and liberty.

"MAXIMO GOMEZ,

"The General in Chief."

On the part of the Spanish, attention is called to the order prohibiting newspaper correspondents from entering insurgent lines to prevent accurate information being given to the world at large; the order to shoot all who supply food or medicines to the insurgents; the order, which in every instance has been carried out, to shoot all officers of the Cuban army who may be captured, under which Domingo Mujica, Gil Gonzalez, Quirina Amezago, and Acebo have been executed. At the recapture of Baire, old men, women, and children were ruthlessly slaughtered by the Spanish soldiery, the hospital at Gran Piedra was captured and over seventy wounded and defenseless Cubans were killed; at Cayo Espino peaceful men and women were butchered by Colonel Molina, and the outrages committed by the troops under Garrido and Tejera are legion. The action of convicts who have been liberated by Spain to fight the Cubans under such leadership as that of the notorious Lola Benitez, who bears the title of colonel, are, as might be expected, a blot on any Christian army, the treatment of Cubans suspected of symmethy with the insurgents.

army.

As to the treatment of Cubans suspected of sympathy with the insurgents, we have but to consider the large number of men who have lately been arrested and on bare suspicion summarily sent to the Spanish penal colonies for life. Some foreign citizens have indeed escaped court-martial on the interference of their governments, but it is well known that even civil trials at this time are under the absolute control of the Government.

NOT A NEGRO MOVEMENT.

NOT A NEGRO MOVEMENT.

The Spaniards charge, in order to belittle the insurrection, that it is a movement of negroes. It should be remembered that not more than one-third of the entire population are of the colored race. As a matter of fact, less than one-third of the army are of the colored race. Take, for instance, the generals of corps, divisions, and brigades. There are but three of the colored race, namely, Antonio and José Maceo and Augustin Cebreco, and these are mulattoes whose deeds and victories have placed them far above the generals of those who pretend to despise them. None of the members of the constituent assembly or of the government are of the colored race. The Cubans and the colored race are as friendly in this war as they were in times of peace, and it would indeed be strange if the colored people were not so, as the whites fought for and with them in the last revolt, the only successful purpose of which was the freedom of the slaves.

If it be true that this is merely a movement of bandits and negroes and adventurers, as the Spaniards assert, why have they not armed the Cuban people to fight against the outlaws, or why have not the Cuban people themselves volunteered to crush this handful? On the contrary, they know that giving those Cubans arms who have them not would be but to increase the number of insurgents, and they have them not would be but to increase the number of insurgents, and they have sent over forty of their most famous generals; they have increased their navy, and virtually, so far as the Cubans are concerned, blockaded the entire coast. They have been compelled to make many onerous loans to carry on the campaign; they have increased the fortifications of their ports; they have brought torpedoes to protect their harbors, and they have even placed armed troops on their mail steamers to prevent their capture.

Besides this large army, they have between 60,000 and 80,000 volunteers to protect their towns. These volunteers, so called, are native Spaniards and a branch of the regular army at home, where their entire time must be given up, they volunteer to enter this body on emigration to Cuba, where they may follow to a considerable extent their occupation. In other words, they correspond to our home guards or militia, except that the service is obligatory and that the men can not leave the island without permission.

It is not denied that a large number of what the Spaniards term the lower classes are in this revolution, but this is only a proof of how deep into the mass of the people have been implanted the seeds of discontent and of republicanism. This is a movement not like our last revolution—the result of the agitation of the wealthy and the educated—but one which is the outcome of the popular sentiment of all classes.

Much surprise has been expressed that with the immense army and resources at hand Spain has not been able to crush the insurrection or prevent its rapid growth. Aside from the climate, which is deadly to the raw, ill-fed, ill-treated, and badly paid Spanish troops, the greater part of whom are mere lads, the Spaniards have to divide their troops into an army of occupation and another of operation. These must necessarily move in considerable numbers, because if compelled to flee without a knowledge of the intricacles of the country they would be decimated.

A Cuban command on dispersion is readily reorganized, as each man is his own guide. This is one of the most valuable of Cuban movements—to disperse as if routed, to rally at a previously agreed point, and then to fall upon and surprise the seemingly victorious enemy. The Cuban, used to the country and the climate, marches and rides much faster than the Spaniard. He can live and thrive, and does so in necessity, on food that is death to the Spanish soldier. Moreover, in a friendly country the movements of the enemy are readily ascertained by the

CHARACTER OF THE WAR.

CHARACTER OF THE WAR.

There was also an attempt made by the Spanish to brand the Cubans with carrying on an uncivilized warfare because of their use of dynamite. General Roloff before using this explosive issued a proclamation warning all persons of the danger of traveling by rail. Dynamite has been used freely, but only as a substitute for gunpowder in the destruction of railroad bridges, trestles, and trains which could be used and were used for the transportation of Spanish troops. Of course it is a serious loss to Spain to have these railroads destroyed, but no one can seriously deny that it is a measure justified by the necessities of war. The use of this explosive as a substitute for gunpowder in the operation of mines is simply a proof that the Cubans are keeping pace with the advance of inventions in the art of war.

DESTRUCTION OF PROPERTY.

The subject, however, which has caused probably the most discussion is the order of General Gomez to prevent the grinding of sugar cane, and in case of the disobedience of said order the destruction of the crop. General Gomez issued a preliminary warning dated July 1, of which the following is a copy:

"General Headquarters of the Army of Liberation,"

"Najasa, Camaguey, July 1, 1895.

"To the Planters and Owners of Cattle Ranches:

"To the Planters and Owners of Cattle Ranches:

"In accord with the great interests of the revolution for the independence of the country and for which we are in arms:

"Whereas all exploitations of any product whatsoever are aids and resources to the Government that we are fighting, it is resolved by the general in chief to issue this general order throughout the island, that the introduction of articles of commerce, as well as beef and cattle, into the towns occupied by the enemy, is absolutely prohibited. The sugar plantations will stop their labors, and whosoever shall attempt to grind the crop notwithstanding this order will have their cane burned and their buildings demolished. The person who, disobeying this order, will try to profit from the present situation of affairs will show by his conduct little respect for the rights of the revolution of redemption, and therefore shall be considered as an enemy, treated as a traitor, and tried as such in case of his capture.

"MAXIMO GOMEZ."

"MAXIMO GOMEZ."

"The General in Chief."

Nevertheless, throughout the country preparations were made for the

Nevertheless, throughout the country preparations were made for the grinding of the crop. A peremptory order, of which the following is a copy, was then issued on November 6:

grinding of the crop. A peremptory order, of which the following is a copy, was then issued on November 6:

"Headquarters of the Army of Liberation,
"Territory of Sancti Spiritus, November 6, 1895.

"Animated by the spirit of unchangeable resolution in defense of the rights of the revolution of redemption of this country of colonists, humiliated and despised by Spain, and in harmony with what has been decreed concerning the subject in the circular dated the 1st of July, I have ordered the following:

"Article I. That all plantations shall be totally destroyed, their cane and outbuildings burned, and railroad connections destroyed.

"Art. II. All laborers who shall aid the sugar factories—these sources of supplies that we must deprive the enemy of—shall be considered as traitors to their country.

"Art. III. All who are caught in the act, or whose violation of Article II shall be proven, shall be shot. Let all chiefs of operations of the army of liberty comply with this order, determined to unfurl triumphantly, even over ruin and ashes, the flag of the Republic of Cuba.

"In regard to the manner of waging the war, follow the private instructions that I have already given.

"For the sake of the honor of our arms and your well-known courage and patriotism, it is expected that you will strictly comply with the above orders.

"M. GOMEZ, General in Chief.

"To the chiefs of operations: Circulate this."

On the 11th of November the following proclamation was issued:

"Headquarters of the Larmy of Liberation, "Sancti Spiritus, November 11, 1895."

"To honest men, victims of the torch:

"To honest men, victims of the torch:

"The painful measure made necessary by the revolution of redemption drenched in innocent blood from Hatuey to our own times by cruel and merciless Spain will plunge you in misery. As general in chief of the army of liberation, it is my duty to lead it to victory, without permitting myself to be

restrained or terrified, by any means necessary to place Cuba in the shortest time in possession of her dearest ideal. I therefore place the responsibility for so great a ruin on those who look on impassively and force us to those extreme measures which they then condemn like dolts and hypocrites that they are. After so many years of supplication, humiliations, contumely, banishment, and death, when this people, of its own will, has arisen in arms, there remains no other solution but to triumph, it matters not what means are employed to accomplish it.

"This people can not hesitate between the wealth of Spain and the liberty of Cuba. Its greatest crime would be to stain the land with blood without effecting its purposes, because of puerile scruples and fears which do not concur with the character of the men who are in the field, challenging the fury of an army which is one of the bravest in the world, but which in this war is without enthusiasm or faith, ill fed, and unpaid. The war did not begin February 24; it is about to begin now.

"The war had to be organized; it was necessary to calm and lead into the proper channels the revolutionary spirit, always exaggerated in the beginning by wild enthusiasm. The struggle ought to begin in obedience to a plan and method more or less studied, as the result of the peculiarities of this war. This has already been done. Let Spain now send her soldiers to rivet the chains of her slaves; the children of this land are in the field, armed with the weapons of liberty. The struggle will be terrible, but success will crown the revolution and efforts of the oppressed.

"MAXIMO GOMEZ, General in Chief."

The reasons underlying this measure are the same which caused this country to destroy the cotton crop and the baled cotton in the South during the war of the secession.

war of the secession.

The sugar crop is a source of large income to the Spanish Government, directly by tax and export duty as well as indirectly. The action of the insurgents is perfectly justified, because it is simply a blockade, so to speak, on land—a prevention of the gathering and hence the export of the commodity with, naturally, a punishment for the violation thereof.

PROTESTS OF ALIENS.

Strenuous protests have, too, been made by and on behalf of aliens residing in or having property in Cuba.

It is admitted in civilized warfare that the property of alien residents, whether they are in sympathy with the enemy or not, when in the track of war, is subject to war's casualties, and that all property which might be of aid and comfort to the enemy may be taken or destroyed, the commander in the field being the judge of the exigency and necessities which dictate such action. This proposition has been laid down by the State Department and the Supreme Court of this country in the matter of the destruction of cotton in the late war.

Court of this country in the matter of the destruction of cotton in the late war.

The provision of the constitution of the Republic of Cuba that the citizens of a country which acknowledges the Cubans as belligerents shall be exempt from the payment of taxes and contributions to the Republic naturally implies that the property of such citizens, after the granting of belligerency by their country, even though by all the laws of war it is contraband and may be seized or destroyed, will be absolutely respected, and, I have all reason to assert, will be under the special protection of the Cuban Government and its army.

For aliens to ask this protection as a right while their Government denies the existence of the belligerency of the Cubans might well be considered by the latter as allowing aid and comfort to go to their enemy, simply on the expectation that some time in the future the Government of those aliens may, out of gratitude to the Cubans, acknowledge, what is after all but a state of fact, belligerency. In the meantime the aid and comfort thus allowed by the Cubans to flow to the Spaniards must strengthen the latter and thus draw out the struggle or weaken the former. General Gomez explains the importance of this measure in the following letter:

"DISTRICT OF REMEDIOS."

"Province of Santa Clara, December 8, 1895.

"To Tomas Estrada Palma.

"To Tomas Estrada Palma.

"Province of Santa Clara, December 8, 1895.

"My Dear and Estremed Friend: It is not long since I wrote you, but an opportunity offers by which I may send you a few words of encouragement and good cheer. Rest assured I write you whenever I can, which is not often, owing to the great amount of work which at present falls upon my shoulders I know the pen is mightler than the sword, but my mission at present is with the latter; others must wield the pen.

"Eight days ago Gen. Antonio Maceo and myself met and fought the enemy with our forces in conjunction. The Spanish column, including infantry, cavalry, and artillery were our superiors in number, but the arms of the Cuban Republic were again victorious. I have not time at present to go into details of the battle, they will follow later. Suffice it to say, Spanish reports to the contrary notwithstanding, we won the day.

"Our advance may be slow, but it will be sure and firm. If you hear of our retreat, remember that it will be temporary and for a purpose. Our faces are turned toward the west, and nothing will stop us. The result of my observations as we proceed is that the Spaniards are in need of almost everything—money, sympathy, soldiers, and even leaders who have faith and courage in the righteousness of their cause.

"If Cuban valor and resolution do not fail us, and if the hearts of Cuba's children do not weaken, I have every reason to believe that the close of the six months' campaign now initiated will find everything satisfactorily settled and Cuba free.

"I know that unfavorable comment has been made on some of the methods we have been forced to employ in this revolution, but it will not do to listen to the complaints of the superficial and irresponsible. No sugar crop must be made this winter under any circumstances or for any amount of money. It is the source from which the enemy still hopes and dreams of obtaining its revenue. To prevent that end, for the good of our country, has been and shall be our programme.

"We are Cub

very history, must likewise feel a deep sympathy with a people who are treading in their footsteps, I have written to the Government of the Republic of Cuba the following letter:

"Salvador Cisneros Betancourt,
"President of the Cuban Republic.
"My Distincuished Fellow-Countryman: There have been many complaints made to me from various sources that the property of citizens of the United States of North America has been destroyed by our army of liberation in Cuba under the order of our distinguished general in chief, Maximo Gomez. I know very well how you and all my countrymen feel toward this Republic, and that you desire to do everything in your power to demonstrate your friendship, and I deem it my duty to communicate the above facts to you so that you may consider the matter carefully and thoroughly; at the same time I know that many Spaniards intend to transfer their property, as some have done already, to American citizens or companies especially organized for their purposes, in case that you should, before or after receiving the rights of belligerents, take active measures for the protection of North American interests.
"I say this because I am sure that, at least after the granting of belligerency, you will do your utmost to guard the interests of the citizens of a country which warmly sympathizes with us in our present struggle.
"Hoping that you will give this subject your most thoughtful consideration, I remain your devoted friend, for country and liberty." T. ESTRADA PALMA."

In view of the history of this revolution as herein stated, in view of the causes which led to it, its rapid growth, its successes in arms, the establishment, operation, and resources of the Government of the Cuban Republic, the organization, number, and discipline of its army, the contrast in the treatment of prisoners to that of the enemy, the territory in its control and subject to the carrying out of its decrees, of the futility of the attempts of the Spanish Government to crush the revolution, in spite of the immense increase of its army in Cuba and of its blockade and the many millions spent for that purpose, the cruelties which on the part of the Spanish have especially characterized this sanguinary and flercely conducted war, and the damage to the interests of the citizens of this country under the present conditions, I, as the duly accredited representative, in the name of the Cuban people in arms who have fought singly and alone against the monarchy of Spain for nearly a year, in the heart of a continent devoted to republican institutions, in the name of justice, in the name of humanity, in the name of liberty, petition you, and through you the Government of the United States of America, to accord the rights of belligerency to a people fighting for their absolute independence.

Very respectfully, yours,

The ESTRADA PALMA.

T. ESTRADA PALMA.

The Hon. Richard Olney.

Secretary of State of the United States of America.

A.

CUBA VS. SPAIN.

War is a dire necessity. But when a people has exhausted all human means of persuasion to obtain from an unjust oppressor a remedy for its fills, if it appeals as a last resource to force in order to repel the persistent aggression which constitutes tyranny, this people is justified before its own conscience and before the tribunal of nations.

Such is the case of Cuba in its wars against Spain. No metropolis has ever been harsher or more obstinately harassing; none has ever exploited a colony with more preediness and less foresight than Spain. No colony has ever been more prudent, more long-suffering, more cautious, more persevering than Cuba in its purpose of asking for its rights by appealing to the lessons of experience and political wisdom. Only driven by desperation has the people of Cuba taken up arms, and, having done so, it displays as much heroism in the hour of danger as it had shown good judgment in the hour of deliberation. The history of cuba during the present century is a long series of rebellions; but eviless struggle because of the obstinate blinds for the long, but eviles the tribulation of the colony and pointed to the remedy by pleading for the commercial from the beginning of this century, such as Presbyter Cabalero and Don Francisco Arango, who called the metropolitan Government's attention to the evils of the colony, and pointed to the remedy by pleading for the commercial franchises required by its economical organization, and for the intervention of the natives in its government, not only as a right, but also for political expediency, in view of the long distance between the colony and the home government, and the grave difficulties with which it had to contend. The requirements of the war with the continental colonies, which were tired of Spanish tyranny, compelled the metropolitan Government to gran a certain measure of commercial liberty to the Island of Cuba, a temporary concession which spread prosperty throughout its territory, but which was not sufficient to

their forced state of political tutelage. No attention was given to them, and this brought on the first armed conflicts.

Before the formidable insurrection of 1868, which lasted ten years, the reform party, which included the most enlightened, wealthy, and influential Cubans, exhausted all the resources within their reach to induce Spain to initiate a healthy change in her Cuban policy. The party started the publication of periodicals in Madrid and in the island, addressed petitions, maintained a great agitation throughout the country, and having succeeded in leading the Spanish Government to make an inquiry into the economical, political, and social condition of Cuba, they presented a complete plan of government which satisfied public requirements as well as the aspirations of the people. The Spanish Government disdainfully cast aside the proposition as useless, increased taxation, and proceeded to its exaction with extreme severity.

It was then that the ten-year war broke out. Cuba, almost a pigmy compared with Spain, fought like a giant. Blood ran in torrents. Public wealth disappeared in a bottomless abyss. Spain lost 290,000 men. Whole districts of Cuba were left almost entirely without their male population. Seven hundred millions were spent to feed that conflagration—a conflagration that tested Cuban heroism, but which could not touch the hardened heart of Spain. The latter could not subdue the bleeding colony, which had no longer strength to prolong the struggle with any prospect of success. Spain proposed a compact which was a snare and a deceit. She granted to Cuba the liberties of Puerio Rico, which enjoyed none.

On this deceitful ground was laid the new situation, throughout which has run a current of falsehood and hypocrisy. Spain, whose mind had not changed, hastened to change the name of things. The capitan-general was called governor-general. The royal decrees took the name of athorizations. The commercial monopoly of Spain was named coasting trade. The bright of banishment was transformed in

emable exploitation of the colonists' labor for the benefit of Spanish commerce and Spanish bureaucracy, both civil and military. To carry out the latter purpose it was necessary to maintain the former at any cost.

In order to render the native Cuban powerless in his own country, Spain, legislating for Cuba without restriction as it does, had only to give him an electoral law so artfully framed as to accomplish two objects. First, to reduce that it is, to the European colonists, notwithstanding that the latter represent that is, to the European colonists, notwithstanding that the latter represent that is, to the European colonists, notwithstanding that the latter represent that is, to the European colonists, notwithstanding that the latter represent that is, to the European colonists, notwithstanding that the latter represent that is, to the European colonists, notwithstanding that the latter represent the lectoral right dependent on the payment of a very high poll tax, which proved the more burdensome as the war had ruined the larger number of Cuban proprietors. In this way it succeeded in restricting the right of suffrage to only \$3,000 inhabitants in an island which has a population of 1,e00,000 that is to say, to the derisive proportion of 3 per cent of the total number of Inhabitants give a decided preponderance to the Spanish European element, the electoral law has ignored the practice generally observed in those countributions and public officials, to the detriment of the territorial property (the ownership of real estate). To accomplish this, while the rate of the territorial at is reduced to 2 per cent, an indispensable measure, in view of the ruinous condition of the landowners, the exorbitant contribution of \$25 is required from those who would be electors as freeholders. The law has, moreover, thrown the doors wide open for the perpetration of fraud by providing that the simple declaration of the had. Thus it comes to pass that the ruinous condition of the landowners, the exorbitant contribution of

simple still. The qualifications required to be a senator have proved to be an almost absolute prohibition to the Cubans. In fact, to take a seat in the higher house it is necessary to have been president of that body or of congress, or a minister of the Crown, or a bishop, or a granded of Spain, a lieutenant-general, a vice-admiral, ambassador, minister plenipotentiary, counselor of state, judge, or attorney-general of the supreme court, of the court of accounts, etc. No Cuban has ever filled any of the above positions, and scarcely two or three are grandees. The only natives of Cuba who can be senators are those who have been deputies in three different congresses, or that they have an income of \$1.50% or those who have a title of nobility, or have been deputies, provincial deputies, or mayors in towns of over 20,000 inhabitants, if they have in addition an income of \$4.50% or pay a direct contribution of \$900 to the treasury. This will increase by one or two dozen the number of Cubans qualified to be senators.

In this manner has legislative work, so far as Cuba is concerned, turned out to be a farce. The various Governments have legislated for the island as they pleased. The representatives of the peninsular provinces did not even were to be dealt with; and there was an instance when the estimates (budget) for the Great Antille were discussed in the presence of less than 30 deputies and a single one of the ministers, the minister of "ultramar" (session of April 3, 1889).

Through the contrivance of the law, as well as through the irregularities committed and consented to in its application, have the Cubans been deprived and in many cases they have been entirely excluded from them. When, and in many cases they have been entirely excluded from them. When, obtained some temporary majority, the Government has always endeavored and succeeded in making their triumph null and void. Only once did the home-rule party obtain a majority of the members of the permanent commission. Until that time this commission had be

spent all his life in Spain, where he made his administrative career. In the other provinces there has never, probably, been a single governor born in the country.

In 1887 there was created a council, or board of ultramar, under the minister of the colonies. Not a single Cuban has ever been found among its members. On the other hand, such men as Generals Armilian and Pando have held positions in it.

The predominance of the Government goes further still. It weighs with all its might upon the local corporations. There are deputations in the provinces, and not only are their powers restricted and their resources scanty, but the governor-general appoints their presidents and all the members of the permanent commissions. There are "ayuntamientos" elected in accordance with the reactionary law of 1877, restricted and curtailed as applied to Cuba by Señor Canovas. But the governor-general appoints the mayors, who may not belong to the corporation, and the governor of the province appoints the secretaries, The Goverment reserves, moreover, the right to remove the mayors, of replacing them, and of suspending the councilors and the "ayuntamientos," partly or in a body. It has frequently made use of this right for electoral purposes, to the detriment always of the Cubans.

As may be seen, the crafty policy of Spain has closed every avenue through which redress might be obtained. All the powers are centered in the Government of Madrid and its delegates in the colony; and in order to give her despotism a slight varnish of a representative régime she has contrived with her laws to secure complaisant majorities in the pseudoelective bodies. To accomplish this purpose she has relied upon the European immigrants, who have always supported the Government of the metropolis in exchange for lasting privileges. The existence of a Spanish party, as that of an English party at one time in Canada, has been the foundation of Spanish rule in Cuba. Thus, through the instrumentality of the laws and the Government, a régime of castes has

IL.

What use the Spanish Government has made of this power is apparent in the threefold spoliation to which it has submitted the Island of Cuba. Spain has not, in fact, a colonial policy. In the distant lands she has subdued by force Spain has sought nothing but immediate riches, and these it has wrung by might from the compulsory labor of the natives. For this reason Spain to-day in Cuba is only a parasite. Spain exploits the Island of Cuba through its fiscal régime, through its commercial régime, and through its bureaucratic

régime. These are the three forms of official spoliation, but they are not the only forms of spoliation.

When the war of 1878 came to an end two-thirds of the island was completely ruined. The other third, the population of which had remained peaceful, was abundantly productive; but it had to face the great economical change involved in the impending abolition of slavery. Slavery had received its death blow at the hands of the insurrection, and Cuban insurrectionists succeeded at the close of the war in securing its eventual abolition. Evidently it would have been a wholesome and provident policy to lighten the fiscal burdens of a country in such a condition. Spain was only bent on making Cuba pay the cost of the war. The metropolis overwhelmed the colony with enormous budgets, reaching as high a figure as \$46,00,000, and this only for over the obligations of the State, or Tabler to III the unfathomatic was allowed to the country. Here follow a few figures: The budget for the fiscal year of 1878 to 1879 amounted to \$46,504,000; that of 1870 to 1880 to an equal sum; that of 1882 to 1873 amounted to \$46,504,000; that of 1870 to 1880 to an equal sum; that of 1882 to 1873 amounted to \$46,504,000; that of 1870 to 1880 to an equal sum; that of 1882 to 1883 to \$35,803,000; that of 1888 to \$34,180,000; that of 1884 to 1885 to the same sum; that of 1885 to 1884 to \$34,180,000; that of 1884 to 1885 to the same sum; that of 1885 to 1884 to \$34,180,000; that of 1885 to the same sum; that of 1885 to 1884 to \$34,180,000; that of 1885 to the same sum; that of 1885 to 1884 to \$34,180,000; that of 1885 to the same by prorogation for the current fiscal year.

The gradual reduction that may be noted was not the result of a desire to reduce the overwhelming burdens that weigh upon the country. It was imposed by necessity. Cuba was not able by far to meet such a monstrous exaction. It was a continuous and threatening deficit that imposed these reductions. In the first of the above named years the revenue was \$8,000,000. In the def

General obligations	\$12,884,549.55
Department of justice (courts, etc.)	1,006,308.51
Department of war	5, 918, 598. 16
Department of the treasury	727, 892, 45
Department of the navy	1,091,969.65
Government, administration	4,035,071.43
Interior improvements (fomento)	746, 925, 15

Department of the navy 1,091,869.5 (305,071.43) Interior improvements (fomento) 4,035,071.43 (305,071.43) Interior improvements (fomento) 746,925.15

There are in Cuba 1,631,687 inhabitants according to the last census, that of 1887. That is to say, that this budget burdens them in the proportion of \$16.18 for each inhabitant. The Spanlards in Spain pay only 42.06 posetas per head. Reducing the Cuban dollars to pesetas at the exchange rate of \$6.16 for 5.00 posetas, there results that the Cubans have to pay a tribute of \$5.16 pesetas for each inhabitant, more than double the amount a Spanlard has to pay in his European country.

As shown above, most of this excessive burden is to cover entirely unproductive expenditures. The debt consumes 40.89 per cent of the total amount. The defense of the country against its own native inhabitants, the only enemies who threaten Spain, including the cost of the army, the navy, the civil guard, and the guardians of public order, takes 36.59 per cent. There remains for all the other expenditures required by civilized life 22.52 per cent. And of this percentage the State reserves to us—what a liberality!—2.75 per cent to prepare for the future and develop the resources of the country!

Let us see now what Spain has done to permit at least the development of natural wealth and the industry of a country impoverished by this fiscal régime, the work of cupidity, incompetency, and immorality. Let us see whether that nation has left at least some vitality to Cuba, in order to continue exploiting it with some profit.

The economical organization of Cuba is of the simplest kind. It produces to export, and imports almost everything it consumes. In view of this, it is evident that all that Cuba required from the State was that it should not hamper its work with excessive burdens nor hinder its commercial relations, so that it could buy cheap where it suited her and sell her products with profit. Spain has done all the contrary. She has treated the tobacco as an enemy; she has loaded the

Everybody is aware of the tremendous crisis through which the sugar industry has been passing for some years, owing to the rapid development of the protect list own by more or less empirical measures. This is not the place to protect list own by more or less empirical measures. This is not the place to judge them. What is important is to result the fact that they have endeavored protection held before by Cuta, at least to enable the colony to carry on the competition. What has Spain done in order, if not to maintain the strong position held before by Cuta, at least to enable the colony to carry on the competition. What has Spain done in order, if not to maintain the strong position held before by Cuta, at least to enable the colony to carry on the competition. What has Spain flow on the competition of the sugar produced within its own territory, and cells and the sugar produced within its own territory, and cells and the production of sugar, obstructs its transportation by imposing leavy taxes on the railroads, and winds up the work by exacting another contribution called "industrial duty," and still another for loading and stipping, and the production of sugar, obstructs its transportation by imposing heavy taxes on the railroads, and winds up the work by exacting another contribution called "industrial duty," and still another for loading and stipping, and the production of sugar, obstructs its transportation by imposing heavy taxes on the railroads, and winds up the work of clusts to foreign commerce and raily 20, 186, (virtually closing the ports of Cuis to foreign commerce and raily 20, 186, (virtually closing the ports of Cuis to foreign commerce and raily 20, 186, (virtually closing the ports of Cuis to foreign commerce and raily 20, 286, (virtually closing the ports of Cuis to foreign commerce and raily 20, 286, (virtually closing the ports of Cuis to foreign commerce and raily 20, 286, (virtually closing the work of the commerce and the commerce of the commerce and the commerce of the commerce and the

defiance of law and without any authorization whatever. The minister was threatened with prosecution, but he haughtily replied that, if prosecuted, all his predecessors from every political party would have to accompany him to the court. That threat came to nothing.

In June of 1896 there was a scandalous debate in the Spanish Cortes, in which some of the frands committed upon the Cuban treasury were, not for the first time, brought to light. It was then made public that \$6,500,000 had been abstracted from the "caja de depósitos," notwithstanding that the safe was locked with three keys, and each one was in the possession of a different functionary. Then it was known that, under the pretext of false vouchers for transportation and fictitious bills for provisions during the previous war, defalcations had been found afterwards amounting to \$22,811,516. In the month of March of the same year General Pando affirmed that the robberies committed through the issue of warrants by the "junta de la deuda" (board of public debt) exceeded the sum of \$12,000,000.

These are only a few of the most salient facts. The large number of millions mentioned above represents only an insignificant part of what a venal administration, sure of impunity, exacts from Cuban labor. The network of artful schemes to cheat the Cuban taxpayer and defraud the State covers everything. Falsification of documents, embezzlement of revenues, bargains with delinquent debtors, exaction of higher dues from inexperienced peasants, delays in the dispatch of judicial proceedings in order to obtain a more or less considerable gratuity—such are the artful means daily employed to empty the purse of the taxpayer and to divert the public funds into the pockets of the functionaries.

These disgraceful transactions have more than once been brought out to light; more than once have the prevaricators been pointed out. Is there any record of any of them having ever been punished?

In August of 1887 General Marin entered the custom-house of Habana at the head of a m

is not first established by an administrative investigation. The administration is, therefore, its own judge. What further security does the corrupt officeholder need?

III.

We have shown that notwithstanding the promises of Spain and the ostengible changes introduced in the government of Cuba since 1878, the Spaniards from the control of the contr

It is true, however, that an explicit legal text was not necessary for the Government to nullify the precepts of the constitution. This was promulgated in Cuba, with a preamble providing that the Governor-General and his delegates should retain the same powers they had before its promulgation. The banishment of Cubans has continued after as before said promulgation. In December of 1891 there was a strike of wharf laborers in the Province of Santa Clara. To end it the governor captured the strikers and banished them en masse to the Island of Pinos.

The deportations for political offenses have not been discontinued in Cuba, and although it is stated that no executions for political offenses have taken place since 1878, it is because the Government has resorted to the more simple expedient of assassination. General Polavieja has declared with utmost coolness that in December of 1880 he had 265 persons seized in Cuba, Palma, San Luis, Songo, Guantánamo, and Sagua de Tánamo, and transported the same day and at the same hour to the African island of Fernando Po. At the close of the insurrection of 1879-80 it was a frequent occurrence for the Government to send to the penal colonies of Africa the Cubans who had capitulated. The treachery of which Gen. José Macco was a victim carries us to the darkest times of the war of Flanders and the conquest of America. Cuba recalls with horror the dreadful assassination of Brig. Gen. Arcadio Leyte Vidal, perpetrated in the Bay of Nipe in September of 1879. War had just broken out anew in the eastern department. Brig. Gen. Leyte Vidal resided in Mayari, assured by the solemn promise of the Spanish commander-inchief of that zone that he would not be molested. One month had not elapsed since the uprishing, however, the work of the same transfer and the compliance with an order from the Sea. This villationus deed was committed in compliance with an order from the Sea. This villationus deed was committed in compliance with an order from the Spanish general, Polavicja. Francisco Leyte

revenue of \$750,000. On the other hand, the sales of stamped paper constitute a revenue of \$750,000. Thus the State derives a pecuniary profit from its administration of justice.

Is it, then, a wonder that the reforms that have been attempted by establishing lower and higher courts to take cognizance of criminal cases and by introducing oral and public trials should not have contributed in the least to improve the administration of justice? Onerous services have been exacted from people without proper compensation as gratuitous services. The Government, so splendidly liberal when its own expenses are in question, haggles for the last cent when dealing with truly useful and reproductive services. Is the Cuban compensated for his absolute deprivation of political power, the fiscal extortions, and the monstrous deficiencies of judicial administration by the material prosperity of his country? No man acquainted with the intimate relations which exist between the fiscal regime of a country and its economical system will believe that Cuba, crushed as it is yn unreasonable budgets and an enormous debt, can be rich. The income of Cuba in the most prosperous times has been calculated at \$80,000,000. The state, provincial, and municipal charges take much more than 40 per cent of this amount. This fact explains itself. We need not draw any inferences therefrom. Let us confine ourselves to casting a glance over the aspect presented by the agricultural, industrial, and real-estate interests in Cuba at the beginning of the present year.

Despite the prodigious efforts made by private individuals to extend the cultivation of the sugar cane and to raise the sugar-making industry to the plane it has reached, both the colonists and the proprietors of the sugar plantations and the sugar mills (centrales) are on the brink of bankruptey and ruin. In selling the output they knew that they would not get sufficient means to cover the cost of keeping and repairing their colonies and sugar mills. There is not a single agricultural bank

City real estate has fallen to one-half and in some cases to one-third the value it had before 1884. A building in Habana which was erected at a cost of \$000,000 was sold in 1836 for \$120,000.

Stocks and bonds tell the same story. Almost all of them are quoted in Habana with heavy discounts.

The cause of the ruin of Cuba, despite her sugar output of 1,000,000 tons and her vast tobacco fields, can be easily explained. Cuba does not capitalize, and it does not capitalize because the fiscal regime imposed upon the country does not permit it. The money derived from its large exportations does not return either in the form of importations of goods or of cash. It remains abroad to pay the interest of its large debt, to cover the incessant remittances of funds by the Spaniards who hasten to send their earnings out of the country, to pay from our treasury the pensioners who live in Spain, and to meet the drafts forwarded by every mail from Cuba by the Spaniards as a tribute to their political patrons in the metropolis, and to help their families.

Cuba pays \$2,192,795 in pensions to those on the retired list and to superannuated officials not in service. Most of this money is exported. The first chapters of the Cuban budget imply the exportation of over \$10,600,000. Cuba pays a subsidy of \$471,830.85 to the Transatlantic Company. It would be impossible to calculate the amount of money taken out of Cuba by private individuals; but this constant exportation of capital signifies that nobody is contented in Cuba and that everybody mistrusts its future. The consequence is that, notwithstanding the apparently favorable commercial balance, exchange is constantly and to a high degree against Cuba.

On the other hand, if Cuba labors and strives to be on the same plane as its most progressive competitors, this is the work of her own people, who do not mind any sacrifices: but the Government cares little or nothing about securing to the country such means of furthering its development as are consigned in the budget under the head of "Fomento."

And now, at the outbreak of the present war, Spain finds that, although the appropriations consigned in our budgets since 1878 amount to nearly \$500,000,000, not a single military road has been built, no fortifications, no hospitals, and there is no material of war. The State has not provided even for its own defense. In view of this fact, nobody will be surprised to hear that a country 670 kilometers long, with an area of 118,838 square kilometers; in Puerto Principe and Las Villas not a single one. Cuba has 3,506 kilometers of seashore and 54 ports; only 15 of these are open to commerce. In the labyrint of keys, sand banks, and breakers adjacent to our coasts there are only 19 light-houses of all classes. "Many of our ports, some of the best among them, are filling up. The coasting steamers can hardly pass the bars at the entrance of the ports of Nuevitas, Gibara, Baracoa, and Santiago de Cuba. Private parties have sometimes been willing to remedy these evils; but then the central administration has interfered, and after y

and 2 port lights; 246 meters of wharf were built, and a few ports were superficially cleaned and their shoals marked. This was all. On the other hand, the department of public works consumes unlimited millions in salaries and in repairs.

The neglect of public hygiene in Cuba is proverbial. The technical commission sent by the United States to Habana to study the yellow fever declared that the port of the capital of Cuba, owing to the inconceivable filth, is a permanent source of infection, against which it is necessary to take precautions. There is in Habana, however, a "junta de puerto" (board of port wardens) which collects dues and spends them with the same munificence as the other bureaucratic centers.

Does the Government favor us more in the matter of education? It will suffice to state that only \$182,000 are assigned to public instruction in our splendid budget. And it may be proved that the University of Habana is a source of pecuniary profit to the State. On the other hand, this institution is without laboratories, instruments, and even without water to carry on experiments. All the countries of America, excepting Bolivia, all of them including Haiti, Jamaica, Triaidad, and Guadalupe, where the colored race predominates, spend a great deal more than the Cuban Government for the education of the people. On the other hand, only Chile spends as much as Cuba for the support of an army. In view of this it is easily explained why 76 per cent of such an intelligent and wide-awake people as that of Cuba and industrial, does not exist. The careers and professions most needed by modern civilization are not cultivated in Cuba. In order to become a topographer, a scientific agriculturist, an electrician, an industrial or mechanical engineer, a rallroad or mining engineer, the Cuban has to go to a foreign country. The State in Cuba does not support a single public fibrary.

Are the deficiencies of the Spanish régime compensated by the wisdom of its administration? Every time the Spanish Government has undertaken

IV.

profits from the operation. These dealers are, of course, Spaniards.

IV.

In exchange for all that Spain withholds from us, they say that it has given us liberties. This is a mockery. The liberties are written in the constitution, but obliterated in its practical appplication. Before and after its promulgation the public press has been rigorously persecuted in Cuba. Many journalists, such as Señores Cepeda and Lópes Briñas, have been banished from the country without the formality of a trial. In November of 1891 the writer Don Manuel A. Balmaseda was tried by court-martial for having published an editorial paragraph in El Criterio Popular, of Remedios, relative to the shooting of the medical students. The newspapers have been allowed to discuss public affairs theoretically, but the moment they denounce any abuse or the conduct of any official they feel the hand of their rulers laid upon them. The official organ of the home-rule party, El País, naming the transgressors. In 1837 that periodical was subjected to criminal proceedings simply because it had stated that a son of the president of the Habana "audiencia" was holding a certain office contrary to law.

They say that in Cuba the people are at liberty to hold public meetings, but every time the inhabitants assemble, previous notification must be given to the authorities, and a functionary is appointed to be present, with power to suspend the meeting whenever he deems such a measure advisable. The meetings of the "Circulo de Trabajadores" (an association of workingmen) were forbidden by the authorities under the pretext that the building where they were to be held was not sufficiently safe. Last year the members of the "Circulo de Hacendados" (association of planters) invited their fellowmembers throughout the country to get up a great demonstration to demand a remedy which the critical state of their affairs required. The government found means to prevent their meeting. One of the most significant events that have occurred in Cuba, and one which throws a fl

General looked with displeasure upon and forbade the holding of the great meeting. This was sufficient to frighten the "Circulo" and to secure the failure of the project. It is then evident that the inhabitants of Cuba can have meetings only when the Government thinks it advisable to permit them. Against this political régime, which is a sarcasm and in which deception is added to the most absolute contempt for right, the Cubans have unceasingly protested since it was implanted in 1878. It would be difficult to enumerate the representations made in Spain, the protests voiced by the representatives of Cuba, the commissions that have crossed the ocean to try to impress upon the exploiters of Cuba what the fatal consequences of their obstinacy would be. The exasperation prevailing in the country was such that the "junta central" of the home-rule party issued in 1892 a manifesto in which it foreshadowed that the moment might shortly arrive when the country would resort to "extreme measures, the responsibility of which would fall on those who, led by arrogance and priding themselves on their power, hold prudence in contempt, worship force, and shield themselves with their impunity."

This manifesto, which foreboded the mournful hours of the present war, was unheeded by Spain, and not until a division took place in the Spanish party, which threatened to turn into an armed struggle, did the statesmen of Spain think that the moment had arrived to try a new farce, and to make a false show of reform in the administrative régime of Cuba. Then was Minister Maura's plan broached, to be modified before its birth by Minister Abarzuas.

This project to which the Spaniards have endeavored to give capital im-

of Spain think that the moment had arrived to try a new farce, and to make a false show of reform in the administrative regime of Cuba. Then was Minister Maura's plan broached, to be modified before its birth by Minister Abarzuas.

This project, to which the Spaniards have endeavored to give capital importance in order to condemn the revolution as the work of impatience and anarchism, leaves intact the political régime of Cuba. It does not alter the electoral law. It does not curtail the power of the bureaucracy. It increases the power of the General Government. It leaves the same burdens upon the Cuban taxpayer, and does not give him the right to participate in the information of the budgets. The reform is confined to the changing of the council of administration (now in existence in the island, and the members of which are appointed by the Government) into a partially elective body. One-half of its members are to be appointed by the Government and the other half to be elected by the qualified electors—that is, who assessed and pay for a certain amount of taxes. The Governor-General has the right to veto all its resolutions and to suspend at will the elective members. This council is to make up a kind of special budget embracing the items included now in the general budget of Cuba under the head of "Fomento." The State reserves for itself all the rest. Thus the council can dispose of 2.75 per cent of the revenues of Cuba, while the Government distributes, as at present 97.25 per cent for its expenses, in the form we have explained. The general budget will, as heretofore, be made up in Spain; the tariff laws will be enacted by Spain. The debt, militarism, and bureaucray will continue to devour Cuba, and the Cubans will continue to be treated as a subjugated people. All power is to continue in the hands of the Spanish Government and its delegates in Cuba, and all the influence with the Spanish residents. This is the self-government which Spain has promised to Cuba, and which it is announcing to the world, in exc

Spain denies to the Cubans all effective powers in their own country. Spain condemns the Cubans to a political inferiority in the land where they are born.

Spain confiscates the product of the Cubans' labor without giving them in return either safety, prosperity, or education.

Spain has shown itself utterly incapable of governing Cuba.

Spain has shown itself utterly incapable of governing Cuba.

Spain has shown itself utterly incapable of governing Cuba.

Spain has shown itself utterly incapable of governing Cuba.

Spain exploits, impoverishes, and demoralizes Cuba.

To maintain by force of arms this monstrous régime, which brings ruin on a country rich by nature and degrades a vigorous and intelligent population, a population filled with noble aspirations, is what Spain calls to defend its honor and preserve the prestige of its social functions as a civilizing power of America.

The Cubans, not in anger but in despair, have appealed to arms in order to defend their rights and to vindicate an eternal principle, a principle without which every community, however robust in appearance, is in danger—the principle of justice. Nobody has the right of oppression. Spain oppresses us. In rebelling against oppression we defend a right. In serving our own cause we serve the cause of mankind.

We have not counted the number of our enemies; we have not measured their stength. We have cast up the account of our grievances; we have weighed the mass of injustice that crushes us, and with uplitted hearts we have risen to seek redress and to uphold our rights. We may find ruin and death a few steps ahead. So be it. We do our duty. If the world is indifferent to our cause, so much the worse for all. A new iniquity shall have been consummated. The principle of human solidarity shall have suffered a defeat. The sum of good existing in the world, and which the world needs to purify its moral atmosphere, shall have been lessened.

The people of Cuba require only liberty and independence to become a factor of prosperity and progres

NEW YORK, October 23, 1895.

COMPILATION OF THE LAWS, RULES, DECREES, CIRCULARS, AND OTHER ORDERS PASSED BY THE NATIONAL COUNCIL FROM THE 19TH OF SEPTEMBER, 1895, THE DATE ON WHICH IT COMMENCED TO EXERCISE ITS FUNCTIONS.

[Mangos de Baragua.]

[Mangos de Baragua.]

The National Council, in a meeting held on the 16th of October, 1895, resolved that the publication in book form in an edition of 500 copies of all the laws, rules, decrees, and other orders passed by it be printed after being previously approved by the Council and sanctioned by its president.

JOSE CLEMENTE VIVANCO,

The Secretary of the Council.

CONSTITUENT ASSEMBLY, REPUBLIC OF CUBA.

I, José Clemente Vivanco, secretary of the National Council and chancellor of the Republic of Cuba, certify that the representatives of the different army corps into which the army of liberation is divided met in constituent assembly on the 13th day of September, 1895, at Jimaguayu, agreed to have a preliminary session where the character of each representative would be accredited by the respective credential of his appointment. There resulted,

after the proper examination by the chairman and secretaries, who were temporarily Citizens Salvador Cisneros Betancourt and Secretaries José Clemente Vivanco and Orencio Nodarse, the following distribution:
Representatives of the First Army Corps, Citizens Dr. Joaquin Castillo Duany, Mariano Sanchez Vaillant, Rafael M. Portuondo, and Pedro Aguillera. For the Second, Citizens Licentiate Rafael Manduley, Enrique Cespedes, Rafael Perez Morales, and Marcos Padilla.
For the Third, Citizens Salvador Cisneros Betancourt, Lopez Recio Loynaz, Enrique Loynaz del Castillo, and Dr. Fermmin Valdes Dominguez.
For the Fourth, Licentiate Severo Pina, Dr. Santiago Garcia Canizares, Raimundo Sanchez Valdivia, and Francisco Lopez Leiba.
For the Fifth, Dr. Pedro Pinan de Villegas, Licentiate José Clemente Vivanco, Francisco Diaz Silveria, and Orencio Nodarse.
They proceeded to the election of officers for the following session, and the following appointments were made: Salvadar Cisneros Betancourt, president; Rafael Manduley, vice-president; secretaries, Licentiate José Clemente Vivanco, Francisco Lopez Leiba, Licentiate Rafael M. Portuondo, and Orencio Nodarse.

The assembly having been organized, as above, and in the presence of the above representatives, they proceeded to hold the sessions to discuss the constitution which is to rule the destines of the Republic. These sessions took place on September 13, 14, 15, and 16 instant, and in all the articles which were to form the said constitutional charta were discussed. Every article of the projected constitution presented to the assembly by the representatives licentiate, Rafael M. Portuondo, Dr. Joaquin Castillo Duany, Mariano Sanchez Vaillant, and Pedro Aguillera, was well discussed, and, together with the amendments, reforms, and additions were also discussed by the proposers. On deliberation, in conformity with the opinion of the assembly, it was unanimously resolved to refer the said constitution, with the resolutions of the said assembly, to a committee of revision of the

JOSÉ CLEMENTE VIVANCO, Secretary of the Council.

CONSTITUTION OF THE PROVISIONAL GOVERNMENT OF CUBA.

CONSTITUTION OF THE PROVISIONAL GOVERNMENT OF CUBA.

The revolution for the independence and creation in Cuba of a democratic republic in its new period of war, initiated on February 24 last, solemnly declares the separation of Cuba from the Spanish monarchy, and its constitution as a free and independent state, with its own Government and supreme authority, under the name of the Republic of Cuba, and confirms its existence among the political divisions of the world.

The elected representatives of the revolution, in convention assembled, acting in its name and by the delegation which for that purpose has been conferred upon them by the Cubans in arms, and previously declaring before the country the purity of their thoughts, their freedom from violence, anger, or prejudice, and inspired only by the desire of interpreting the popular voice in favor of Cuba, have now formed a compact between Cuba and the world, pledging their honor for the fulfillment of said compact in the following articles of the constitution:

ARTICLE I. The supreme powers of the Republic shall be vested in a government council composed of a president, vice-president, and four secretaries of state, for the dispatch of the business of war, of the interior, of foreign affairs, and of the treasury.

ARTICLE I. The supreme shall have a subsecretary of state, in order to supply any vacancies.

ART. III. Every secretary shall have the following powers:

1. To dictate all measures relative to the civil and political life of the revolution.

1. To dictate all measures relative to the full litton.

2. To impose and collect taxes, to contract public loans, to issue paper money, to invest the funds collected in the island, from whatever source, and also those which may be raised abroad by loan.

3. To arm vessels, to raise and maintain troops, to declare reprisals with respect to the enemy, and to ratify treaties.

4. To grant authority, when it is deemed convenient, to order the trial by the judicial power of the president or other members of the council, if he be received.

4. To grant authority, when it is deemed convenient, to order the trial by the judicial power of the president or other members of the council, if he be accused.

5. To decide all matters, of whatsoever description, which may be brought before them by any citizen, except those judicial in character.

6. To approve the law of military organization and the ordinances of the army, which may be proposed by the general in chief.

7. To grant military commissions from that of colonel upward, previously heart's and considering the reports of the immediate superior officer and of the eral in chief, and to designate the appointment of the latter and of the lattenant general in case of the vacancy of either.

8. To order the election of four representatives for each army corps whenever, n conformity with this constitution it may be necessary to convene an assembly.

ART, IV. The government council shall intervene in the direction of military operations only when in their judgment it shall be absolutely necessary to do so to realize high political ends.

ART, V. As a requisite for the validity of the decrees of the council, at least two-thirds of the members of the same must have taken part in the deliberations of the council, and the decrees must have been voted by the majority of those present.

ART, VI. The office of councilor is incompatible with any other of the Republic, and requires the age of 25 years.

ART, VII. The rescoutions of the government council shall be sanctioned and promulgated by the president.

ART, VII. The rescoutions of the government council shall be sanctioned and promulgated by the president, who shall take all necessary steps for their execution within ten days.

ART, IX. The president may enter into treaties with the ratification of the government council.

ART, X. The president may enter into treaties with the ratification of the government council.

ART, X. The president may enter into treaties with the ratification of the government council and by an assembly of representatives convened ex

Vacancy.

ART. XIII. In case of the vacancy in the offices of both president and vice-

president on account of resignation, deposition, or death of both, or from any other cause, an assembly of representatives for the election to the vacant offices shall be convened, the senior secretaries in the meanwhile occupying

any other cause, an assembly of representatives for the election to the vacant offices shall be convened, the senior secretaries in the meanwhile occupying the positions.

ART. XIV. The secretaries shall have voice and vote in the deliberations of resolutions of whatever nature.

ART. XVI. The secretaries shall have the right to appoint all the employees of their respective offices.

ART. XVI. The subsecretaries in cases of vacancy shall substitute the secretaries of state and shall then have voice and vote in the deliberations.

ART. XVII. All the armed forces of the Republic and the direction of the military operations shall be under the control of the general in chief, who shall have under his orders as second in command a lieutenant general, who will substitute him in case of vacancy.

ART. XVIII. All public functionaries of whatever class shall aid one another in the execution of the resolutions of the government council.

ART. XIX. All Cubans are bound to serve the revolution with their persons and interests, each one according to his ability.

ART. XX. The plantations and property of whatever description belonging to foreigners are subject to the payment of taxes for the revolution while their respective governments do not recognize the rights of belligerency of Cuba.

their respective governments do not recognize the rights of belligerency of Cuba.

ART. XXI. All debts and obligations contracted since the beginning of the present period of war until the promulgation of this constitution by the chiefs of the army corps, for the benefit of the revolution, shall be valid as well as those which henceforth the government council may contract.

ART. XXII. A government council may depose any of its members for cause justifiable in the judgment of two-thirds of the-councilors, and shall report to the first assembly convening.

ART. XXIII. The judicial power shall act with entire independence of all the others. Its organization and regulation will be provided for by the government council.

ART. XXIV. The present constitution shall be in force in Cuba for two years from the date of its promulgation, unless the war for independence shall terminate before. After the expiration of the two years, an assembly of representatives shall be convened, which may modify it, and will proceed to the election of a new government council, and which will pass upon the last council. So it has been agreed upon and resolved in the name of the Republic by the constituent assembly in Jimaguayu on the 18th day of September, 1885, and in witness thereof we, the representatives delegated by the Cuban people in arms, signed the present instrument. Salvador Cisneros, president; Rafael Manduley, vice-president; Pedro Pinan de Villegas, Lope Recio, Fermin Valdes Dominguez, Francisco Diaz Silveira, Dr. Santiago Garcia, Rafael Perez, F. Lopez Levya, Enrique Cespedes, Marco, Padilla, Raimundo Sanchez, J. D. Castillo, Mariano Sanchez, Pedro Aguilera, Rafael M. Pontuondo, Orencio Nodarse, José Clemente Vivanco, Enrique Loynaz del Castillo, Severo Pina.

ELECTION OF GOVERNMENT.

The constituent assembly met again on the 18th of the said month and year, all the said representatives being present. They proceeded to the election of members who are to occupy the offices of the government council, the general in chief of the army of liberation, the lieutenant-general, and the gipomatic agent abroad. The secret voting commenced, each representative depositing his ballot in the urn placed on the chairman's table, after which the count was proceeded with, the following being the result:

President: Salvador Cisneros, 12; Bartolome Maso, 8.

Vice-president: Bartolome Maso, 12; Salvador Cisneros, 8.

Secretary of war: Carlos Roloff, 18; Lope Recio Loinaz, 1; Rafael Manduley, 1.

ley, I.
Secretary of the treasury: Severo Pina, 19; Rafael Manduley, I.
Secretary of the interior: Dr. Santiago Garcia Canizares, 19; Carlos Du
bois, I.
Secretary of foreign relations: Rafael M. Portuondo, 18; Armando Menocal, I, blank, I.
Subsecretary of war: Mario Menocal, 18; Francisco Diaz Silveira, 1;

blank, 1.

Subsecretary of war: Mario Menocal, 18; Francisco Diaz Silveira, 1; blank, 1.

Subsecretary of the treasury: Dr. Joaquin Castillo, 7; Francisco Diaz Silveira, 5; José C. Vivanco, 3; Armando Menocal, 3; Carlos Dubois, 1; blank, 1.

Subsecretary of the interior: Carlos Dubois, 13; Oreneio Nodarse, 5; Armando Menocal, 1; blank, 1.

Subsecretary of foreign relations: Fermin Valdes Dominguez, 18; Rafael Manduley, 1; blank, 1.

Therefore, the following were elected by a majority of votes:
President, Salvador Cisneros; vice-president, Bartolome Maso; secretary of war, Carlos Roloff; secretary of the treasury, Severo Pina; secretary of the interior, Dr. Santiago Garcia Canizares; secretary of foreign relations, Rafael M. Portuondo; subsecretary of war, Mario Menocal; subsecretary of the treasury, Dr. Joaquin Castillo; subsecretary of the interior, Carlos Dubois; subsecretary of foreign relations, Dr. Fermin Valdes Dominguez.

The vice-president of the assembly immediately installed the president in the office of the government council that had been conferred upon him; the latter in turn installed those of the other members elected, who were present, all entering on the full exercise of their functions after previously taking the oath.

On proceeding to the election of those who were to occupy the positions of general in chief of the army, lieutenant-general, and diplomatic agent abroad, the following citizens were unanimously elected by the assembly for the respective places: Maj. Gen. Maximo Gomez. Maj. Gen. Antonio Maceo, and Citizen Tomas Estrada Palma—all these appointments being recognized from that moment.

LAWS FOR THE CIVIL GOVERNMENT AND ADMINISTRATION OF THE REPUBLIC CHAPTER I.—Territorial division.

CHAPTER I.—Territorial division.

ARTICLE I. The Republic of Cuba comprises the territory occupied by the Island of Cuba from Cape San Antonio to Point Maisi and the adjacent islands and keys.

ART. II. This territory shall be divided into four portions or states, which will be called Oriente, Camaguey, Las Villas or Cabanacan, and Occidente.

ART. III. The State of Oriente includes the territory from the Point Maisi to Port Manati and the river Jobabo in all its course.

ART. IV. The State of Camaguey includes all the territory from the boundary of Oriente to the line which starts in the north from Laguna Blanca through the Esteros to Moron, passing by Ciego de Avila, follows the military trocha to El Jucaro in the southern coast, it being understood that the towns of Moron and Ciego de Avila belong to this State.

ART. V. The State of Las Villas has for boundary on the east Camaguey, on the west the river Palmas, Palmillas, Santa Rosa, Rodas, the Hannabana River, and the Bay of Cochinos.

ART. VI. The State of Occidente is bordered on the Las Villas, extending to the west to Cape San Antonio.

ART. VII. The islands and adjacent keys will form part of the states to which they geographically belong.

ART. VIII. The state of Oriente will be divided into ten districts, which shall be as follows: Baracoa, Guantanamo, Sagua de Tanamo, Mayari, Santiago, Jiguani, Manzanillo, Bayamo, and Tunas.

Camaguey comprises two—the eastern district and the western district. Las Villas comprises seven—Sancti-Espiritus, Trinidad, Remedios, Santa Clara, Sagua, Cienfuegos, and Colon.

That of Occidente comprises sixteen—Cardenas, Matanzas, Union, Jaruco, Güines, Santa Maria del Rosario, Guanabacoa, Habana, Santiago de las Vegas, Bejucal, San Antonio, Bahia Honda, Pina del Rio, and Mantua.

ART. IX. Each of these districts will be divided into prefectures, and these in their turn into as many subprefectures as may be considered necessary.

ART. X. For the vigilance of the coasts there will be inspectors and watchmen appointed in each State according to the extent of the coasts and the number of ports, bays, guifs, and salt works that there may be.

ART. XI. On establishing the limits of the districts and prefectures, the direction of the coast, rivers, and other natural boundaries shall be kept in mind.

CHAPTER II.-Of the Government and its administration.

CHAPTER II.—Of the Government and its administration.

ART. XII. The civil government, the administration, and the service of communications devolve upon the department of the interior.

ART. XIII. The secretary of the interior is the head of the department; he will appoint the employees and will remove them whenever there will be justifiable cause, and will have a department chief to aid him in the work of the department.

ART. XIV. The department chief will keep the books of the department, take care of the archives, will be the manager of the office, and will furnish certifications when requested to do so.

ART. XV. The department of the interior will compile from the data collected by the civil governors the general statistics of the Republic.

ART. XVI. The civil governor will inform the department of the interior as to the necessities of his state, will order the measures and instructions necessary for compliance with the general laws of the Republic and the orders given by that department, will distribute to the lieutenant-governors the articles of prime necessity which will be delivered to them for that purpose, will communicate to his subordinates the necessary instructions for the compilation of statistics, and will have a subsecretary, who will help him in the discharge of his functions.

ART. XVII. The lieutenant-governor will see that the orders of the governors are obeyed in the district, and will have the powers incident to his position as intermediary between the civil governors and the prefects. In case of absolute breach of communication with the civil governors, they will have the same powers as the latter.

ART. XVIII. The prefect shall see that the laws and regulations communicated to him by his superior authorities are complied with. All residents and travelers are under his authority, and, being the highest official in his territory, he in his turn is bound to prevent all abuses and crimes which may be committed.

He will inform the lieutenant-governor as to the necessities of the prefect

essary for the good conduct of his administration; he will watch the conduct of the subprefects; he will distribute among them with equity the articles delivered to him, and he will have all the other powers incident to him in his character of intermediary between the lieutenant-governor and the subprefects.

ART XIX. The prefect will also have the following duties: He will harass the enemy whenever possible for him to do so; will hear the preliminary information as to crimes and misdemeanors which may be committed in his territory, passing the said information to the nearest military chief, together with the accused and all that is necessary for the better understanding of the hearing. He will not proceed thus with spies, guides, couriers, and others who are declared by our laws as traitors and considered as such, for these, on account of the difficulty of confining them or conducting them with security, shall be tried as soon as captured by a court consisting of three persons, the most capable, in his judgment, in the prefecture, one acting as president and the others as members of the court. He will also appoint a prosecuting officer, and the accused may appoint some one to defend him at his pleasure.

After the court is assembled in this form, and after all the formalities are complied with, it will in private judge and give its sentence, which will be final and without appeal; but those who form the said court and who do not proceed according to our laws and to natural reason will be held responsible by the superior government. Nevertheless, if in the immediate territory there be any armed force, the accused shall be sent to it with the facts in order that they shall be properly tried his prefecture, setting down every there be any armed therein, noting if he is the head of a family, the number of the same, his age, his nationality, and occupation; if he is a farmer the nature of his farm, and if he has no occupation the prefect will midcate in what he should be employed. He will also keep a book of civil

the same in a clear and definite manner, and issuing to the interested parties the certificates which they may require.

ART XX. The subprefects will see that the laws and orders communicated to him by his superior authorities are obeyed in territory under his command; he will inform the prefect as to the necessities of the subprefecture and will see to the security and order of the public; arresting and sending to the prefects those who may travel without safe-conduct, seeing that no violation of law whatsoever is perpetrated, and will demand the signed authority of the civil or military chief who has ordered a commission to be executed.

ART. XXI. The subprefects will compile a census in which the number of inhabitants of a subprefecture will be stated and their personal description; he will keep a book of the births and deaths which will occur in his territory, and of all this he will give account at the end of the year. He will invest the means provided by the prefect to pay the public charges, and if the said resources are insufficient he will collect the deficit from the inhabitants; he will not authorize the destruction of abandoned farms, whether they belong to friends or enemies of the Republic, and he will inform the prefect of the farms which are thus abandoned.

ART XXII. For the organization and better operation of the states manufactories a chief of factories shall be appointed in each district, who will be authorized to establish such factories which he may deem convenient, employing all citizens who, on account of their abilities, can serve, and collecting in the prefectures of his district all the instruments he can utilize in his work. These chiefs will be careful to frequently inspect the factories, to report any defects which they may notice, and to provide the superintendents with whatever they may need, that the work may not be interrupted.

Together with the prefect, he will send to the department of the interior the names of the individuals be considers most adapted to open new shops, an

ART. XXV. The lieutenant-governors, as well as the inspectors of whatever class, will have their residence, wherever the necessity of their office does not prohibit it, in the general headquarters, so that they can move easily, furnish the necessary aid to the army, and carry out the orders of the military chief. Country and liberty.

OCTOBER 17, 1895.

OCTOBER 11, 1890.

The secretary of the interior, Dr. Santiago Garcia Canizares, being satisfied with the preceding law, I sanction it in all respects.

Let it be promulgated in the legal form.

SALVADOR CISNEROS BETANCOURT,

The President.

OCTOBER 18, 1895.

ARTICLE I. Males of 18 years of age and females of 14 can contract marriage. ART. II. To contract marriage they must go to the notary of their residence, two witnesses being present, who will sign the contract with the parties and the notary.

ART. III. The marriage contract may contain any agreement or convention which the contracting parties may agree upon and which is not opposed to the nature of the contract or to law.

ART. IV. If one of the contracting parties is less than 20 years of age, the marriage can be contracted with notice to the father, the mother, or the guardian, according to the circumstances, and if these oppose the celebration of the marriage, the judge of the district, with knowledge of the facts, will decide the question.

ART. V. The following reason will prevent marriage: Consanguinity in the direct line. In the collateral, brother and sister can not marry; its null by the relationship in said degrees, or by being contracted by fraud or by force. It is completely dissolved for incompatibility, by a chronic and contagious disease, or one which will cause impotency, and by adultery; moral or physical ill treatment of the wife gives to the wife the right to demand from the husband, when they live apart, to bear the expenses of the marriage; if the woman commits adultery she loses this right.

ART. VI. In case of separation, the male children of 14 years of age and upward and female children of 12 and upward may elect between their parents as to residence. Those less than 3 years of age must remain with the mother. Those who have not yet reached the age of puberty, but are older than 3 years, remain with the parent who has not given the motive for the separation. This is in case that the separation is caused by some guilt. If it occurs on account of sickness, the children will remain with the one who did not desire the separation. If the separation is on account of incompatibility, the parents must agree as to this point. On reaching the age of 3 years, the children who until then have been

GARCIA CANIZARES, Secretary of the Interior:

Let the foregoing be promulgated in the legal form, it having my sanction.

PROVIDENCIA, September 25, 1835.

SALVADOR CISNEROS BETANCOURT,

President.

CIVIL MARRIAGE.

Instructions which must be observed by the prefects of the Republic of Cuba in the celebration of civil marriage, exercising the function which is given them by the provisional law passed by the Government Council on the 25th of September, 1895.

Instructions which must be observed by the prefects of the Republic of Cuba in the clebration of civil marriage, exercising the function which is given them by the provisional law passed by the Government Council on the 25th of September, 1825.

ARTICLE I. The prefect of the residence of the wife, who is the only one competent to celebrate the marriage, will demand of the parties a copy of their certificate of birth, so that they can prove their marriageable age, which of the male is 18 years and of the female 14 years.

ART. II. If either of the contracting parties should not have that document, by the omission, suppression, or burning of the register, or for any other cause, this credential may be substituted by a certificate of the authorities as to the nationality or residence, in which certificate the cause of the absence of the original certificate shall be stated (after previous investigation and on information received as to its omission), the names of the parents, their civil status, and the year and month of the birth of the contracting parties.

ART. III. If it appears that the contracting parties are over 20 years of age the prefect will proceed to the celebration of the civil marriage without further requisite than to give it publicity, for which purpose he shall affix notices in the most fi equented places of the perfecture.

ART. IV. But if either of the parties is less than 20 years of age the contract must not only be made public, as previously stated, but notice given to the father, the mother, or the guardian, so that if these oppose the marriage it may be suspended until, with a full knowledge of the facts, the question be decided by the judge, who must investigate, the prefect fixing a time for the opposing parties to establish and justify their position, which must not be longer than eight days.

ART. VI. In all cases the prefect will demand from the contracting party their assurance of the consent of each other, or at least that of the bride, and of her ability to enter the matrimonial co

FORMULA FOR THE MARRIAGE OF THOSE LESS THAN 20 YEARS OF AGE.

The beginning will be as in the above formula, adding that the contracting parties being minors, the father, mother, or guardian appeared, who declared their assent and signed (if they can write) the register, and if not, a person of their confidence whom they may select. The declaration as to register will be the same as in the preceding formula.

FORMULA OF CIVIL MARRIAGE TO WHICH THERE IS OPPOSITION.

After the preamble similar to the first formula in the register is declared that the father, mother, or guardian whosever has interposed before the competent authority, has dissented, declares the contract not to be proper, as he explains in the following declaration. As to the rest, the register will be as in the first formula to its conclusion.

But in case the father, mother, or guardian do not make any opposition, it shall be so declared in the register that the time fixed having passed and the person having the right to exercise this right having failed to do so, the marriage has been consummated.

Note.—Of every marriage there will be formed a file consisting of the copy of the register of birth, of the cedula, of the declaration of the opposition of the father, mother, or guardian, and of the decree in which it shall be declared proper, or it is ordered that the marriage shall take place because they have not exercised that right, or because the party opposing had not complied with the law. This file shall be kept for future use.

GARCIA CANIZARES.

GARCIA CANIZARES, Secretary of the Interior.

PROVIDENCIA, September 25, 1895.

Let the foregoing be promulgated in its legal form, as I sanction the foregoing law in all its parts. SALVADOR CISNEROS BETANCOURT,
President.

PROVIDENCIA, September 25, 1895.

EXTRACT OF THE SESSIONS.

[Republic of Cuba, Provisional Government, secretary of the council—Jos Clemente Vivanco, secretary of the Government Council and chancellor of the Republic.]

the Republic.]
I certify that among the resolutions passed by this council, according to the minute book of the sessions, the following are to be found:
To give two months' time to the chiefs and officers of the last revolution to join the new army of liberation, so as to have their ranks recognized, and four months' time to those in foreign countries to place themselves in communication with the delegates. To allow the Cuban emigrants individual freedom in the nature of their contributions for the revolution. To permit the export of wooden blocks on payment of \$5 in gold as tax for each piece. To prohibit absolutely the export of corn and all forage; of cattle, pigs, horses; without allowing anything to enter the towns without the previous payment of taxes.

of taxes.

To prohibit absolutely also the introduction in the towns of all kinds of fruits and articles of commerce which may favor the said towns and indirectly the Government which we are fighting.

San Andres de la Rioja, October 9, 1895.

(Signed) JOSÉ CLEMENTE VIVANCO, Secretary of the Council.

REGULATIONS FOR THE SERVICE OF COMMUNICATIONS.

ARTICLE 1. The secretary of the interior will be the postmaster-general of the whole island and the civil governor the chief of his territory.

ART. 2. The postal service is established between the prefectures of the Republic and between the towns and prefectures near by.

ART. 3. In order to organize the postal service an inspector will be named for each district; as many chiefs as there are post-offices and as many couriers and auxiliaries as are necessary for each one.

ART. 4. The inspector is the superior chief in his district of the postal service; under his direction will be the postmasters, couriers, and auxiliaries. He shall organize the service by placing the post-offices in the most convenient places, so that the service shall be carried out with the greatest ease and with the greatest rapidity. He will employ the number of employees that are necessary. He will ask for their resignations whenever there is any justifiable cause for it. He will see that everyone shall fulfill his duties, and shall name the hours when the couriers shall depart. He shall correct all defects that come under his notice, propose all modifications which he may think will give a better service, and give an account of all extraordinary services which his subalterns may render in order that they should be registered and rewarded.

ART. 5. The chiefs will reside in the post-office, from which they can not be absent during the appointed hours, and they are to act whenever possible as auxiliaries to the prefect's office. They will receive official and private correspondence, sign receipts for that delivered by mail carriers, setting down the hour of delivery, and they will deliver, under receipt in which they will also put down the time of departure. They will also see that the post-offices are well attended and have in them the necessary number of horses required for the service, unless in cases where the service is carried on foot. They will report to the inspector the defects they may observe in the service without forgetting t

ART. 8. The inspectors of mails will be the immediate superior officer of the service in the town of his residence, and will have under his command the postmasters and mail carriers, and they will exercise their functions in the same manner as the coast inspectors. They will have special care in the selection of employees and in keeping all possible secrecy to elude the vigilance of

same manner as the coast help and possible secrecy to clude the vigilance of the enemy.

ART 9. The postmasters will be considered as the chiefs of mail carriers and will act with the carriers, as the carriers with the drivers, always giving an account of any extra services rendered.

ART 10. The mail carriers will have charge of receiving from the postmasters the mail matter and carry it out of the cities for delivery to the office of the nearest prefect. They will give and ask for receipts as the drivers, and like these must be honest men, sharp and brave enough with courage to overcome the difficulties that may arise in the performance of their important and dangerous mission, and worthy to occupy these positions of trust, in which they can lend such valuable services to the sacred cause every Cuban is bound to defend.

ART 11. The inspectors and postmasters will keep a book to record the appointments of employees and the services rendered by them and will make up their archives with this book and circulars, communications, and official documents that they receive on the copies of those they may have to transmit.

Country and liberty, September, 1895.

DR. SANTIAGO GARCIA CANIZARES,

Secretary of the Interior.

In conformity with the preceding regulations, I sanction them in every part, and that it may govern and produce its corresponding effects have it published in the legal form.

Country and liberty.

Residence of the Executive in Limones, the 6th day of October, 1895.

SALVADOR CISNEROS, President.

LAW FOR THE ORGANIZATION OF THE PUBLIC TREASURY.

LAW FOR THE ORGANIZATION OF THE PUBLIC TREASURY.

ARTICLE I. All property of whatever description situated in the territory of the Republic comes under the jurisdiction of the secretary of the treasury; therefore this department shall take charge of articles of whatever description brought to this island by expeditions from abroad. This department also has the faculty of raising public loans and general taxes.

ART. II. The secretary of the treasury will be the superior chief of his department throughout the Island of Cuba, and through him the subsitern officers will receive the orders given by the council. The duties of the secretary will be to determine, on information of the collectors, the taxes which shall be paid in each state and the form in which they shall be collected, to nominate the employees of his department and to discharge them for justifiable cause. He will deliver to the chiefs of corps and civil governors the articles which he receives from abroad; he will give a receipt for the articles or sums of money which from any source whatever may be collected by the public treasury. He may trade with the merchandise belonging to the Republic; he may lease or sell whatever be convenient, and will present an account every three months to the council of the funds belonging to the Republic.

ART. III. To facilitate the work of the treasury a chief of department will be appointed who will act as general comptroller, and in each State a collector and a secretary of the administration of the treasury, and for each district a delegate.

ART. IV. The chief of the department, or general comptroller, will have charge of the archives of the department, will keep the books in due form, and will take part in all the collections and disbursements which may occur.

ART. V. The collector will represent in each State the secretary of the treasury, he will give information as to the taxable property in his State, he will dictate the necessary measures to carry out the general orders communicated to him by the secretary

the archives of his respective State, will keep the books in due form, and will take part in the operations of the collector.

ART. VII. The delegates or agents will be the collectors of taxes in each district, and the commissioners will see that the orders of the collectors of the State are carried out. They may appoint auxiliaries whenever necessary, and are authorized to demand the aid of the prefects and armed forces for the better fufillment of their commissions.

Country and liberty.

Canaster, October 16, 1895.

SEVERO PINA, Secretary of the Treasury.

In conformity with the previous law, I sanction it in all its parts. Let it be promulgated in legal form.

Country and liberty, October 18, 1895.

MANGOS DE BARAGUA

SALVADOR CISNEROS BETANCOURT,
President.

INSTRUCTIONS TO THE OFFICERS OF THE DEPARTMENT OF THE TREASURY OF THE REPUBLIC OF CUBA.

ARTICLE I. According to article 18 of the constitution and the decree of the general in chief of the 20th of September last, the military chiefs shall give the necessary aid to the officers of the treasury for the better fulfillment of their duties.

ART. II. With the aid of the armed forces, they will proceed to the destruction of those plantations, whatever be their nationality, which will refuse to pay the taxes decreed by the Government of the Republic.

ART. III. As a basis for the rate of tax, the production of the plantations shall serve as well as the price of their products, taking into consideration the expense of transportation.

ART. IV. The amount of the tax will be paid in advance in gold or in drafts on New York, Paris, or London in the form agreed upon.

ART. V. All kinds of traffic with the enemy is absolutely prohibited. Only the following articles and products are allowed to be exported:

Coffee and cocoa, \$\frac{1}{2}\$ per hundredweight.

Wood in blocks, \$\frac{3}{2}\$ per thousand feet or \$\frac{3}{2}\$ apiece, as will best suit the interests of the Republic and the functionary authorizing the exportation. Guana (a textile palm), \$\frac{3}{2}\$ per hundredweight.

Fattened steers, \$\frac{3}{2}\$ per head.

Cheese, \$\frac{3}{2}\$ per hundredweight.

In regard to mines, tobacco, and plantains for exportation, it is left to the judgment of the collector of the treasury.

ART. VI. The exportation of wood or guana (the latter until December 6) will only be permitted when worked or packed by individuals who are in the confidence of our authorities.

ART. VII. The exportation of cattle will only be allowed when, in the judgment of the authority, they run imminent risk of falling into the hands of the enemy.

ART. VIII. The collector of the treasury of each state may suspend, temporarily, the exportation of the products referred to in Article V, immediately giving an account of it to the secretary of the treasury for final adjudgment.

Sabanilla del Contra Maestre, October 24, 1895.

SEVERO PINA, etary of the Treasury. Secretary

In conformity with the previous law, I sanction it in all its parts. Let it be promulgated in legal form.
Sabanilla, October 25, 1895.

SALVADOR CISNEROS BETANCOURT,
President.

EXTRACT OF THE SESSIONS OF THE GOVERNMENT COUNCIL, REPUBLIC OF CUBA.

Secretary of the Government José Clemente Vivanco, secretary of the Government Council and chancellor of the Republic, I certify that in the minute books of the sessions celebrated by this council the following resolutions are found:

SEPTEMBER 19, 1895. To appoint a secretary of the Government and chancellor of the Republic, José Clemente Vivanco. To send the appointments of general in chief, lieutenant-general, and delegate plenipotentiary abroad to Maj. Gen. Maximo Gomez, Maj. Gen. Antonio Macco, and Tomas Estrada Palma, respectively. To appoint as civil governor of Camagney, Dr. Oscar Primelles, and of Oriente, Rafael Manduley.

To complete the system of the division of the territory of the island into zones, and that the subsecretary of war, in the absence of the secretary, agree with the general in chief as to the organization of the army of liberation.

September 20, 1895.

To give two months' time to the chief and officers of the past revolution to join the newly organized army of liberation, for the recognition of their grades, and four months' time to those outside of the island. That each secretary of state may name a chief of his department. To appoint as director of the treasury in Oriente Diego Palacios, and in Camaguey, Col. Lope Recio Loynaz. That the secretary communicate with the general in chief so the latter may indores the authorities, passes, and orders given by the Government and require all the forces of the army of liberation to respect and obey them.

To ask the general in which for Center Process.

them.

To ask the general in chief for Capts, Francisco Garcia, Manuel Manero and Ensign Enrique Boza, as their services are needed by the Government. That the Cuban emigrations shall be at liberty as to the manner of contributing to the revolution.

To ask from abroad a copy of all the decrees passed by the government of the last revolution, and to order that in conformity with the minutes sent from here all documents shall be printed emanating from the Government as well as the constitution passed by the constituent assembly, which shall be placed in our archives.

SEPTEMBER 24, 1895.

September 24, 1895.

To publish a circular of the secretary of the interior, addressed to the prefects, subprefects, and other functionaries of civil order, recommending them to fulfill their respective duties.

To approve the order given by the general in chief as to the respect due peaceful families and their interests, excepting in cases of military necessity or on account of manifest or suspected treachery, and that the secretary of the interior address such communication to the civil governors advising them of this resolution.

To appoint chief of postal service for the eastern and western districts of Camaguey, Manuel Manero and Francisco Garcia, respectively, and to confirm the appointments of prefects temporarily made by the general in chief. To ask the general in chief to order all the chiefs of army corps to send to the secretary of war a detailed account of the chiefs and officers under his

orders, their record of service, the positions which they occupy, and their respective abilities.

To communicate to Maj. Gen. Carlos Roloff that his aids, Francisco Diaz Silveira and Orencio Nodarse, remain with this Government.

SEPTEMBER 25, 1895.

September 25, 1895.

To permit the export of wood in blocks after the payment of \$5 in gold for each block. To absolutely prohibit the sale of corn and all kinds of forage, cows, oxen, and horses, permitting only other animals to be taken within a radius of 6 leagues from the towns on a payment of the tax.

That through the secretary of the treasury a detailed statement of the tax-paying property shall be sent to the prefects and military chiefs.

To approve the provisional law of civil marriage passed June 4, 1869, by the chamber of representatives of the past revolution and to put it in force on motion of the secretary of the interior.

To approve and enforce the instructions as to said law, which were passed June 21, 1869, by the said chamber.

To confirm the appointment of inspectors of coasts and coast guards made previously by the general in chief.

OCTOBER 5, 1895.

That each secretary of state shall present to the council such projects of laws and regulations as shall be in force in their respective departments, and that the secretary of foreign relations, together with the subsecretary, the acting secretary of war, shall draw a project of criminal procedure for deliberation and approval by the council.

To absolutely prohibit the introduction in the towns of all articles of commerce which, favoring trade indirectly, aid the enemy's Government, and to confirm the appointment of the inspector of shops and prefectures in the district of Tunas to Citizen Luis Marti, provisionally given by the general in chief of the third division, José M. Capote, on September 17, 1895.

OCTOBER 16, 1895. That the secretary of the Government shall collect all the laws, rules, decrees, and all other orders of this council and an extract of the resolutions for publication in book form for an edition of 500 copies.

To approve the project of the law for the organization of the public treasury, presented by the secretary of the treasury.

To approve the law for the civil government and administration of the Republic, presented by the secretary of the interior.

OCTOBER 21, 1895.

OCTOBER 21, 1895.

To send a communication to the chiefs of army corps to send the secretary of the treasury a detailed account of all the contracts made by them since the beginning of the war, in order that, in conformity with article 21 of the constitution, they be approved.

To give military consideration to all civil functionaries, appointing for this purpose a commission composed of the secretary of the interior and the subsecretary of war, so that they may present a report as to the rules to be followed in this behalf.

OCTOBER 24, 1895.

To approve the project as to instructions of the officers of the public treasury, presented by the secretary of the treasury.

To approve the report as to the military considerations to be enjoyed by the civil functionaries, presented by the secretary of the interior and the subsecretary of war, commissioned for this purpose at the last session, which is as follows:

The President of the Republic, that of general in chief of the army; the vice-president, and the secretaries of state, of major-generals.

The secretary of the council and chancellor, brigadier-general; the chiefs of departments of states, civil governors and collectors of the treasury, colonels; the lieutenant-governor, delegate of the treasury, and the secretary of administration of the treasury, majors; the prefects, the inspectors of shops, of coast and communication, that of captains; the subprefects, ensigns.

All these considerations shall be enjoyed by them unless they have higher rank.

The following decree was approved:

ARTICLE I. No one can be punished by death, or by imprisonment or reprimand, without having been previously judged by court-martial.

ART. II. The factories, barns, houses, fruit trees, and useful wood trees will be respected by all the citizens of the Republic.

ART. III. Housebreaking and unjustifiable raids will be severely punished. ART. IV. No citizen can be dispossessed from the house he occupies without justifiable motive.

ART. V. The forces on the march, detachments, or commissions will not occupy inhabited houses without the consent of their owners, unless the exigencies of the war require it or in extraordinary cases, when it will be justified by the officer who orders it.

And for the publication thereof in accordance with the resolution of the 16th instant, I publish the present compilation, which is a true copy of the originals, on file in the archives of my secretaryship.

Country and liberty.

Sabanilla, October 25, 1895.

JOSÉ CLEMENTE VIVANCO.

JOSÉ CLEMENTE VIVANCO, Secretary of the Council.

There will soon be published the laws of organization and military ordinances drafted by the general in chief and approved by the council, which shall be joined to the present compilation, C. [COAT OF ARMS OF CUBAN REFUELD.]

[COAT OF ARMS OF CUBAN REPUBLIC.]
In the name of the Republic of Cuba by delegation of the Cuban people in arms. The constituent assembly resolved by acclamation on this day to confer on Tomas Estrada Palma, the diplomatic representative and agent abroad, the title of delegate and plenipotentiary of the Republic of Cuba. In witness whereof we have affixed our signatures in Jimaguayu on the 18th of September, 1895.
Salvador Cesneros, B., President; Rafael Manduley, Vice-President; Enrique Loinaz del Castillo, Severo Pina, Fermin Valdes Dominguez, Rafael Perez Morales, Raimundo Sanchez, J. D. Castillo, Pedro Pinan de Villegas, Pedro Aguilera, Marcos Padilla, Rafael M. Portuondo, Dr. Santiago Garcia Cantzares; Lope Recio, L.; Orencio Nodarse, secretary; Franco Dias Silveira, Enrique Cespedes, Mariano Sanchez Vaillant, F. Lopez Leiva, secretary; José Clemente Vivanco, secretary.

D.

ARMY HEADQUARTERS AT CUMANAYAGUA.

Mr. ALFREDO REGO.

MY DEAR SIR: I had the pleasure to receive your polite note. I see by it the generosity of your heart, and I thank you, in the name of my superior officers, to whom I will communicate your humanitarian act.

I send the committee desired to bring back the prisoners. It takes this

letter to you, and is composed of Benito Mesa and Telesforo Ramirez. I beg you to give them the necessary aid, promising you that your men will be respected by this garrison. Yours, truly,

(Signed)

JOSÉ BRETONES, Lieutenant.

APPENDIX NO. 4.

APPENDIX NO. 4.

PRESIDENT'S MESSAGE.

The insurrection in Cuba still continues with all its perplexities. It is difficult to perceive that any progress has thus far been made toward the pacification of the pacific progress of the progress of the progress of the pacific progress of the pacific

and in practical operation clearly perilous and injurious to our own interests. It has since been and is now sometimes contended that the independence of the insurgents should be recognized. But imperfect and restricted as the Spanish government of the island may be, no other exists there—unless the will of the military officer in temporary command of a particular district, can be dispified as a species of government. It is now also suggested that the United States should buy the island—a suggestion possibly worthy of consideration if there were any evidence of a desire or willingness on the part of Spain to entertain such a proposal. It is urged, finally, that, all other methods failing, the existing internecine strife in Cuba should be terminated by our intervention, even at the cost of a war between the United States and Spain—a war which its advocates confidently prophesy could be neither large in its proportions nor doubtful in its issue.

The correctness of this forecast need be neither affirmed nor denied. The United States has nevertheless a character to maintain as a nation, which plainly dictates that right and not might should be the rule of its conduct. Further, though the United States is not a nation to which peace is a necessity, it is in truth the most pacific of powers, and desires nothing so much as to live in amity with all the world. Its own ample and diversified domains satisfy all possible longings for territory, preclude all dreams of conquest, and prevent any casting of covetous eyes upon neighboring regions, however attractive. That our conduct toward Spain and her dominions has constituted no exception to this national disposition is made manifest by the course of our Government, not only thus far during the present insurrection, but during the ten years that followed the rising at Yara in 1888. No other great power, it may safely be said, under circumstances of similar perplexity, would have manifested the same restraint and the same patient endurance. It may also be said that this pe

Spain in connection with Cuba unquestionably evinces no slight respect and regard for Spain on the part of the American people. They in truth do not forget her connection with the discovery of the Western Hemisphere, nor do they underestimate the great qualities of the Spanish people, nor fail to fully recognize their splendid patriotism and their chivalrous devotion to the national broor.

They view with wonder and admiration the cheerful resolution with which vast bodies of men are sent across thousands of miles of ocean, and an enormous debt accumulated, that the costly possession of the Gem of the Antilles may still hold its place in the Spanish Crown. And yet neither the Government nor the people of the United States have shut their eyes to the course of events in Cuba, or have failed to realize the existence of conceded grievances, which have led to the present revolt from the authority of Spaingrievances recognized by the Queen Regent and by the Cortes, voiced by the most patriotic and enlightened of Spanish statesmen without regard to party, and demonstrated by reforms proposed by the executive and approved by the legislative branch of the Spanish Government. It is in the assumed temper and disposition of the Spanish Government. It is in the assumed temper and disposition of the Spanish Government is remedy these grievances, fortified by indications of influential public opinion in Spain, that this Government has hoped to discover the most promising and effective means of composing the present strife with honor and advantage to Spain and with the achievement of all the reasonable objects of the insurrection.

It would seem that if Spain should offer to Cuba genuine autonomy—a measure of home rule which, while preserving the sovereignty of Spain, would satisfy all rational requirements of her Spanish subjects—there should be no just reason why the pacification of the island might not be effected on that basis. Such a result would appear to be in the true interest of all concerned. It would at once stop t

cuba will not be done according to both the spirit and the letter of the undertaking.

Nevertheless, realizing that suspicions and precautions on the part of the weaker of two combatants are always natural and not always unjustifiable—being sincerely desirous in the interest of both, as well as on its own account, that the Cuban problem should be solved with the least possible delay—it was intimated by this Government to the Government of Spain some months ago that, if a satisfactory measure of home rule were tendered the Cuban insurgents, and would be accepted by them upon a guaranty of its execution, the United States would endeavor to find a way not objectionable to Spain of furnishing such guaranty. While no definite response to this intimation has yet been received from the Spanish Government, it is believed to be not altogether unwelcome, while, as already suggested, no reason is perceived why it should not be approved by the insurgents. Neither party can fail to see the importance of early action, and both must realize that to prolong the present state of things for even a short period will add enormously to the time and labor and expenditure necessary to bring about the industrial recuperation of the island. It is, therefore, fervently hoped on all grounds that earnest efforts for healing the breach between Spain and the insurgent Cubans, upon the lines above indicated, may be at once inaugurated and pushed to an immediate and successful issue. The friendly offices of the United States, either in the manner above outlined or in any other way consistent with our Constitution and laws, will always be at the disposal of either party.

whatever circumstances may arise, our policy and our interests would constrain us to object to the acquisition of the island or an interference with its control by any other power.

It should be added that it can not be reasonably assumed that the hitherto expectant attitude of the United States will be indefinitely maintained. While we are anxious to accord all due respect to the sovereignty of Spain,

we can not view the pending conflict in all its features and properly apprehend our inevitably close relations to it, and its possible results, without considering that by the course of events we may be drawn into such an unusual and unprecedented condition as will fix a limit to our patient waiting for Spain to end the contest, either alone and in her own way, or with our friendly expected in the contest, either alone and in her own way, or with our friendly expected in the contest.

sidering that by the course of events we may be drawn into such an unusual and unprecedented condition as will fix a limit to our patient waiting for Spain to end the contest, either alone and in her own way, or with our friendly cooperation.

When the inability of Spain to deal successfully with the insurrection has become manifest, and it is demonstrated that her sovereignty is extinct in Cuba for all purposes of its rightful existence, and when a hopeless struggle for its reestablishment has degenerated into a strife which means nothing more than the useless sacrifice of human life and the utter destruction of the very subject-matter of the conflict, a situation will be presented in which our obligations to the sovereignty of Spain will be superseded by higher obligations, which we can hardly hesitate to recognize and discharge. Deferring the choice of ways and methods until the time for action arrives, we should make them depend upon the precise conditions then existing; and they should not be determined upon without giving careful heed to every consideration involving our honor and interest, or the international duty we owe to Spain. Until we face the contingencies suggested, or the situation is by other incidents imperatively changed, we should continue in the line of conduct heretofore pursued, thus in all circumstances exhibiting our obedience to the requirements of public law and our regard for the duty enjoined upon us by the position we occupy in the family of nations.

A contemplation of emergencies that may arise should plainly lead us to avoid their creation, either through a careless disregard of present duty or even an undue stimulation and ill-timed expression of feeling. But I have deemed it not amiss to remind the Congress that a time may arrive when a correct policy and care for our interests, as well as a regard for the interests of other nations and their citizens, joined by considerations of humanity and a desire to see a rich and fertile country, intimately related to us, saved from comp

submitted by the Senator from Alabama, there is discussed the constitutional power of Congress to pass the resolution presented, or whether the reports are simply confined to the propriety of the action suggested?
Mr. CAMERON.

I will state in reply to the Senator from New York that I do not think it within the province of the committee to discuss the constitutionality of the power of Congress.

ought to be admitted by everybody.

Mr. HILL. Then, as I understand it, the discussion of that sub-

ject is not contained in either report?

Mr. MORGAN. If the Senator will allow me, I will state that I think the Senator from Pennsylvania has not seen my report.

Mr. HILL. That is what I supposed. Mr. MORGAN. In the report submitted by the Senator from Texas and myself no discussion is made of a question which we

consider it is simply preposterous to discuss.

Mr. HILL. That is the reason why it is not discussed?

Mr. MORGAN. That is one very good reason.

Mr. HILL. That might be satisfactory to the Senator from Alabama, but I simply desired the information which I have already received, that it is not discussed in either report. That is all I care to know for the present.

IMPRISONMENT ABROAD OF NATURALIZED CITIZENS.

Mr. SHERMAN, from the Committee on Foreign Relations, to whom was referred the resolution submitted by Mr. Call on the 14th instant, reported it without amendment; and it was considered by unanimous consent and agreed to, as follows:

Resolved, That the Secretary of State be, and is hereby, directed to send to the Senate a report of all naturalized citizens of the United States of whose arrest and imprisonment, or trial, or conviction, or sentence, either to imprisonment at the penal colony of Ceuta or elsewhere, he has any information; and that he shall inform the Senate in such report of the persons now held in confinement at Ceuta and of the charges, briefly stated, on which they were condemned, and the nature of the evidence, so far as the same appears on the files of the State Department.

BILLS INTRODUCED.

Mr. LODGE introduced a bill (S. 3443) for the relief of the Globe Works, of Boston, Mass.; which was read twice by its title, and referred to the Committee on Claims.

Mr. NELSON introduced a bill (S. 3444) to increase the pension of Charles Riley, of Battery L and Battery F, First United States Artillery; which was read twice by its title, and referred to the

Committee on Pensions.

He also introduced a bill (S. 3445) to increase the pension of Capt.

John H. Mullen; which was read twice by its title, and referred to the Committee on Pensions.

Mr. DAVIS introduced a bill (S. 3446) to amend section 2324 of the Revised Statutes of the United States relating to mining claims; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Mines and Mining.

Mr. NELSON (for Mr. Davis) introduced a bill (S. 3447) to amend an act entitled "An act to refer the claim of Jessie Benton

amend an act entitled "An act to refer the claim of Jessie Benton Fremont to certain lands and improvements thereon in San Francisco, Cal., to the Court of Claims," being chapter 80 of the private acts of the Twenty-seventh United States Statutes at Large, approved February 10, 1893; which was read twice by its title, and referred to the Committee on the Judiciary.

Mr. MITCHELL of Oregon introduced a bill (S. 3448) to pender William Parcell for Proposition in Court and Indian Proposition in Court and Indian Proposition in Court and Indian Proposition Indian In

sion William Russell for services in Oregon Indian wars; which

was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. CULLOM introduced a bill (S. 3449) granting an honorable discharge to Henry H. Staub, late second lieutenant in the Fifty fourth Ohio Regiment; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Military Affairs

Mr. GALLINGER introduced a bill (S. 3450) to amend the charters of the Eckington and Soldiers' Home and Belt Railway

companies, of the District of Columbia: which was read twice by its title, and referred to the Committee on the District of Columbia.

He also introduced a bill (S. 3451) granting a pension to Rebecca P. Quint; which was read twice by its title, and referred to the Committee on Pensions.

Committee on Pensions.

Mr. CAMERON introduced a bill (S. 3452) for the relief of George W. Wood; which was read twice by its title, and referred to the Committee on Naval Affairs.

Mr. McMILLAN introduced a bill (S. 3453) granting a pension to Adelaide Sessions; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

Mr. WALTHALL introduced a bill (S. 3454) for the relief of Matthew Burns; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Claims.

Mr. COCKRELL introduced a bill (S. 3455) for the relief of James H. Birch; which was read twice by its title, and referred to the Committee on Claims.

to the Committee on Claims.

Mr. ROACH (by request) introduced a bill (S. 3456) to complete the military record of James Hicks, formerly captain Company M, Twelfth Regiment Ohio Cavalry Volunteers; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. SHERMAN introduced a bill (S. 3457) granting a pension to Mary L. Cook; which was read twice by its title, and, with the

accompanying paper, referred to the Committee on Pensions.

Mr. HARRIS (by request) introduced a bill (S. 3458) for the relief of the Louise Home, in the city of Washington, D. C.; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. DUBOIS (by request) introduced a bill (S. 3459) to authorize the Washington. Alexandria and Mount Vernon Railroad Company to extend its tracks to the Union Station of the Capital Traction Company, in the city of Washington, D. C.; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. BUTLER introduced a bill (S. 3460) for the relief of Susan S. Rayner; which was read twice by its title, and referred to the

Committee on Claims.

Mr. PROCTOR introduced a joint resolution (S. R. 180) providing that the Constitution of the United States be so amended that the President shall hold his office for one term of six years and shall not be eligible for reelection; which was read twice by its

He also introduced a joint resolution (S. R. 181) providing that the Constitution of the United States be so amended that the members of the House of Representatives shall be chosen every

Mr. PROCTOR. I ask that the joint resolutions be ordered to lie on the table, and I give notice that I shall at an early day after the holiday recess ask that they be taken up for the purpose of submitting brief remarks, and that I shall then ask their reference to the appropriate committee.

ence to the appropriate committee.

The VICE-PRESIDENT. The joint resolutions will lie on the

table for the present.

Mr. PETTIGREW introduced a joint resolution (S. R. 182) authorizing the Secretary of the Treasury to take up and pay the Union Pacific Railway Company 6 per cent trust notes, and making an appropriation for that purpose; which was read twice by

Mr. PETTIGREW. I ask that the joint resolution lie on the table, as I wish to submit some remarks in regard to it hereafter.

The VICE-PRESIDENT. The joint resolution will lie on the table.

Mr. SHERMAN introduced a joint resolution (S. R. 183) to authorize the use of reservations and other public spaces in the city of Washington on the occasion of the inauguration of the President, March 4, 1897; which was read twice by its title, and, with the accompanying papers, referred to the Committee on the District of Columbia.

RECOGNITION OF THE INDEPENDENCE OF A FOREIGN PEOPLE. Mr. VEST. I introduce a joint resolution and ask that it be

read at length. The joint resolution (S. R. 179) declaring that the President has not the exclusive power to recognize the independence of a foreign people struggling to establish a government for themselves was read the first time at length, as follows:

Resolved by the Senate, etc., That the President is not invested by the Constitution with exclusive power to determine when the independence of &

foreign people struggling to establish a government for themselves shall be recognized by the United States; but this power is vested in Congress and the President, to be exercised in conformity with section 7, Article I, of the Constitution.

Mr. President, before any disposition is made of the joint resolution, I wish to say one word in explanation of a

It is very well known that the Secretary of State, Mr. Olney, for whom I have great respect personally and as a lawyer, upon Saturday last, in a carefully prepared and authoritative interview, declared that the power to recognize the independence of a people struggling to achieve it was vested alone in the President of the United States, and that while Congress might act upon that subject, it would simply be the declaration of opinion on the part of certain eminent gentlemen, which could not officially affect the

Chief Executive at all.

I must confess that this statement, coming in an extraordinary way (for it is the first time I have known a Cabinet minister to address the people of the United States through an interview in the public press), excited with me great surprise. I had occasion when the matter was under discussion and deliberation to investigate to some extent this question, and I came to the conclusion, without putting my judgment against that of so distinguished an without putting my judgment against that of so distinguished an official and lawyer as Mr. Olney, that the President of the United States did not have this power. I found in the Madison Papers that when the framers of the Constitution of 1789 deliberately gave to Congress the war-making power they were under the impression that that grant included all the minor and subsidiary action which might be taken by the Chief Executive, that action probable hereing a great war.

ably bringing on war. It is to me a most astounding proposition that while the war-making power was given to Congress, the President of the United making power was given to Congress, the President of the United States could bring about war by exercising the high prerogative of declaring whether a people struggling to achieve their independence were entitled to recognition by this Government or not. If this proposition be true, then for a hundred years the statesmen of this country have been in the dark upon this question. The independence of Venezuela and other South American Republics was recognized, not by the action of the Chief Executive, but by Congress; and finally the Texas question, after years of debate, was determined by the admission of Texas into the Union by a right resolution of Congress.

was determined by the admission of Texas into the Union by a joint resolution of Congress.

Mr. HALE, Mr. President, I rise to a point of order.

The VICE-PRESIDENT. The Senator from Maine rises to a point of order. The Senator will state his point of order.

Mr. HALE. I do not think, under the rule, on any resolution, except by unanimous consent, any debate should take place. There has been no unanimous consent given to the Senator to discuss the expection. I do not think now are the whole publication. cuss the question. I do not think now, as the whole subjectmatter generally has gone over on the report of the committee, that the Senator should precipitate a discussion this morning on this grave question; and I must therefore ask that under the rule the resolution shall go over.

Mr. STEWART. I ask that the Senator from Missouri may

have unanimous consent to conclude his remarks.

Mr. VEST. No.
The VICE-PRESIDENT. The Senator from Nevada asks unanimous consent that the Senator from Missouri be permitted to

conclude his remarks.

Mr. VEST. Mr. President, I would not inflict a word upon the Senate against the will of so respectable and eminent a Senator as the Senator from Maine. I do not wish even one unwilling auditor. Therefore, I have said all I propose to say.

Mr. HALE. The Senator sees that if he opens the subject generally, a debate will be precipitated when nobody has expected it.

I ask that the resolution may go over.

Mr. FRYE. Perhaps my colleague did not observe that it is a joint resolution. I suppose the Senator from Missouri has introduced it that it might be referred to the Committee on the Judi-

Mr. VEST. I am utterly indifferent, if the committee will de-

Mr. HALE. I have no objection to its going to the committee.
Mr. VEST. I think it is that sort of a question which ought to be determined now.

The VICE-PRESIDENT. Under the rule, the Chair thinks that the joint resolution must go to the Committee on the Judiciary. Mr. VEST. Let it lie over under the rule until to-morrow, if there is objection. I shall call it up to-morrow.

Mr. HALE. That is right.

The VICE-PRESIDENT. The joint resolution will go over.

AFFAIRS IN CUBA.

Mr. HILL. I introduce a joint resolution which I ask may be read and lie upon the table. I give notice that at the proper time I shall offer the joint resolution as a substitute for the joint resolution reported by the Senator from Pennsylvania [Mr. CAMERON] this morning from the Committee on Foreign Relations.

The joint resolution (S. R. 178) declaring that a state of war exists in Cuba, and recognizing the parties thereto as belligerents, was read the first time at length, as follows:

Resolved by the Senate, etc. That it is hereby declared that a state of public war exists in Cuba, and that the parties thereto are entitled to and are hereby accorded belilgerent rights in accordance with the principles of international law, and the United States will preserve a strict neutrality between the

Mr. HILL. I ask that the joint resolution be printed.

The VICE-PRESIDENT. The joint resolution will lie on the table, and it will be printed under the rule.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. GALLINGER. I submit an amendment intended to be proposed to the legislative, executive, and judicial appropriation bill, which I ask may be read, printed, and referred to the Committee on Civil Service and Retrenchment.

The amendment was read, as follows:

The amendment was read, as follows:

The head of each of the several Executive Departments, at his discretion, may reinstate or reappoint to any subordinate position which from any cause may become vacant in his Department any person now or formerly employed in the civil service of the Government who, in his opinion, was reduced in salary or was discharged from the service for causes not affecting his or her efficiency or moral character, and such prior service for that purpose shall be held to be equivalent to a civil-service certificate of eligibility, anything in any statute, rule, or regulation to the contrary notwithstanding.

The VICE-PRESIDENT. The proposed amendment will be referred to the Committee on Civil Service and Retrenchment, and privited

printed.

Mr. NELSON submitted an amendment intended to be proposed by him to the Indian appropriation bill; which was referred to the Committee on Indian Affairs, and ordered to be printed.

Mr. MILLS submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Commerce, and ordered to be printed.

Mr. STEWART submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was

Mr. MITCHELL of Oregon submitted an amendment intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Claims, and ordered to be printed.

He also submitted an amendment intended to be proposed by him to the Indian appropriation bill; which was referred to the Committee on Indians Affairs, and ordered to be printed.

Mr. PERKINS submitted an amendment intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Indian Affairs, and ordered to be printed.

Mr. SQUIRE submitted an amendment intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Indian Affairs, and ordered to be printed.

Mr. GORMAN submitted an amendment intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Claims, and ordered to be

INDEPENDENCE OF CUBA.

Mr. CHILTON. I desire to offer an amendment to the joint resolution (S. R. 163) acknowledging the independence of Cuba, which, at the proper time, I shall offer. I ask that it may be read and printed.

The amendment was read, and ordered to be printed, as follows:

Strike out all after the resolving clause and insert:

"That it is hereby declared that a condition of public war exists between the Government of Spain and the government proclaimed and for some time maintained by force of arms by the people of Cuba, and that the United States of America should maintain a strict neutrality between the contending powers, according to each all the rights of belligerents in the ports and territory of the United States."

GOVERNMENTAL OWNERSHIP OF THE TELEGRAPH.

Mr. PALMER. I submit a resolution in regard to reprinting a document, and I ask that it be read and considered.

The resolution was read, as follows:

Resolved, That there be printed for the use of the Senate 1,000 copies of enate Document No. 205, first session Fifty-fourth Congress.

Mr. COCKRELL. What is the document?
Mr. PALMER. It is Document No. 205, papers containing an article by Judge Walter Clark, entitled "Telegraph and telephone," in the American Law Review, and other matters of that sort. have a great many applications for it.
Mr. CULLOM. So have I.

The VICE-PRESIDENT. Is there objection to the present consideration of the resolution?

The resolution was considered by unanimous consent, and agreed to.

HARBOR AT ASTORIA, OREG.

Mr. MITCHEL of Oregon submitted the following resolution; which was considered by unanimous consent, and agreed to:

Whereas it is alleged in a memorial submitted to Congress by the Chamber of Commerce of the city of Astoria, in the State of Oregon, that by reason of

the improvement at the mouth of the Columbia River, made by building the jetty, which, it is averred, is a perfect success, the channel at the entrance having been widened, deepened, and straightened so that the largest vessels that float can with perfect safety enter the Columbia River, and whereby the entrance to the Columbia River and the harbor of Astoria have been made equal in all respects to any on the Pacific coast, and which improvement has already so stimulated the growth of commerce that greater and improved harbor facilities are required at the port of Astoria; and

Whereas it is further averred in such memorial that the construction of such jetty has also produced changes in the currents, channels, and sands inside of the mouth of the river which threaten encroachment upon and serious injury to the harbor space of Astoria if not guarded against at once; and Whereas it is further represented in such memorial that, in order to protect such harbor, sand bars should be removed, currents directed and controlled, and works and retaining walls constructed for the preservation of the channels and the anchorage area in such harbor: Therefore,

*Resolved, That the Secretary of War transmit to the Senate, at his earliest convenience, such information as is in the possession of the Department relating to the harbor at Astoria, Oreg., together with such suggestion or recommendation as may be deemed advisable.

TREASURY SETTLEMENTS.

TREASURY SETTLEMENTS.

Mr. HILL. I submit a resolution and ask for its present consideration.

The resolution was read, as follows:

Resolved. That the Secretary of the Treasury be, and he is hereby, required to reexamine the settlements reported by him in Senate Executive Document No. 178, Fifty-fourth Congress, first session, and to report whether the awards are of the same character as those heretofore paid upon the steamer Peerless, reported to Congress in Executive Document No. 67, Forty-eighth Congress, first session, together with a detailed statement of the facts, and to report also whether the awards are similar to those appropriated for last session.

Mr. COCKRELL. The Secretary of the Treasury, in response to a similar resolution during the last session, reported that the Senate or House separately had no authority to require him to reexamine a case finally passed upon, but that he would, in response to such a resolution, report the facts as to what had been done in the matter. So, under his decision heretofore (and I think probable his resolution) it would not be recognized as the propagatory of the second necessary. bly he is correct), it would not be a reexamination and repassing upon the claim, but simply a report of the reasons for the former action.

Mr. HILL. There is no harm in the resolution, I Mr. COCKRELL. Oh, no; there is no harm in it. There is no harm in the resolution, I suppose?

The resolution was considered by unanimous consent, and agreed to.

PACIFIC RAILROADS.

Mr. GEAR. I notice by the Calendar that the unfinished business is the bill (H. R. 3656) providing for free homesteads on the public lands in Oklahoma Territory for actual and bona fide settlers, and reserving the public lands for that purpose. I ask unanimous consent that after the unfinished business is disposed of the bill (S. 3080) authorizing the Secretary of the Treasury to effect an adjustment between the United States and the Sioux City and Pacific Railway Company in relation to certain bonds issued by the United States in aid of the construction of said railway, and the bill (S. 2894) to amend an act entitled "An act to aid in the construction of a railroad and telegraph line from the Missouri River to the Pacific Ocean, and to secure to the Government the River to the Pacific Ocean, and to secure to the Government the use of the same for postal, military, and other purposes, "approved July 1, 1862; and also to amend an act approved July 2, 1864; and also an act approved May 7, 1878, both in amendment of said first mentioned act; and other acts amendatory thereof and supplemental thereto, and to provide for the settlement of claims growing out of the issue of bonds to aid in the construction of certain railroads, and to secure the payment of all indebtedness to the United States of certain companies therein mentioned, be taken up as the unfinished business.

The VICE-PRESIDENT. Is there objection to the request of

the Senator from Iowa?

Mr. GORMAN. I trust the Senator from Iowa will not make that request now. Let us wait until we return here on the 5th of January and then determine the order of business. If the Senator insists upon his request, I shall be compelled to object.

The VICE-PRESIDENT. Objection is interposed to the request

of the Senator from Iowa.

Mr. GEAR. I wish to state, Mr. President, that my reason for making the request is because of the sixty millions of bonds issued in aid of the construction of these roads twenty millions will mature by January 1, and will have to be met by the Government. It seems to me the time has come when Congress should determine what shall be done in regard to these matters. The law of 1887 makes it the specific duty of the President to interfere and to demakes it the specific duty of the President to interfere and to do certain things. I hardly think that Senators wish that to be done when there is, perhaps, a chance of negotiating in some other way or enacting some legislation looking to a settlement of those debts.

I hope the Senator from Maryland will withdraw his objection.

Mr. GORMAN. It is utterly impossible, of course, to consider

this great measure between now and the time of our adjournment for the holidays.

Mr. GEAR. I would state to the Senator from Maryland that I do not expect to do anything of that kind. I did not intend to ask to have the bills taken up until after the holiday recess, and

probably not until the other House had acted on the subject. simply wanted to have the order adopted, so that the Senate could take up the subject after the holiday recess.

Mr. GORMAN. My suggestion to the Senator is that we defer the subject until after we reassemble on the 5th of January, and

then determine the order of business

Mr. GEAR. I do not object to the subject going over, so that my request shall be made a preferential one.

Mr. GORMAN. I object to any order being made now.

Mr. GEAR. Then, Mr. President, I move that the Senate make

Mr. HILL. That is not in order. The Senator can move to proceed to the immediate consideration of the subject, but he can not now move that the Senate proceed to its consideration at some future time.

Mr. GEAR. I do not move immediate consideration, I will say to the Senator from New York. I simply ask that these bills may go on the Calendar as the unfinished business, not to be taken up

on the Calendar as the unfinished business, not to be taken up until after the holiday recess.

Mr. GORMAN. The Senator recognizes the fact that it is impossible for him to make an arrangement now after an objection has been made. The only way to proceed to the consideration of the bill is to move to take it up at present under the rule, but I object to making any arrangement with reference to the matter now. matter now

The VICE-PRESIDENT. Objection is interposed to the request

of the Senator from Iowa.

Mr. GEAR. Then I make the motion.

The VICE-PRESIDENT. Will the Senator indicate his motion? Mr. GEAR. I move that the bills for the settlement and adjust-Mr. GEAR. I move that the bills for the settlement and adjustment of the accounts between the Government and the Union and the Central Pacific Railroad companies be made the unfinished business immediately after the disposal of the bill for free homes in charge of the Senator from South Dakota [Mr. Pettigrew]. The VICE-PRESIDENT. The Chair will state to the Senator that that can be done only by unanimous consent. If the Senator's motion is to make a special order, that will be entertained. Mr. GEAR. I do not wish to make it a special order, because that can be set aside. At the last session I understand we made the immigration bill the unfinished business for this session. The VICE-PRESIDENT. That was done by unanimous consents.

The VICE-PRESIDENT. That was done by unanimous con-

sent, the Chair will state.

Mr. STEWART. The Senator from Iowa can give notice that he will call up the bills referred to by him.

Mr. GEAR. Then I give notice that immediately after the assembling of Congress after the recess I shall call up the bills I have named for action.

The VICE-PRESIDENT. Notice will be entered.

APPROPRIATION BILLS REFERRED.

Two appropriation bills have come from the House of Representatives. I ask that they be laid before the Senate and referred to the Committee on Appropriations, as the committee desire to hold a meeting to-day.

The following bills were severally read twice by their titles, and referred to the Committee on Appropriations:

A bill (H. R. 9638) making appropriations for the support of the Army for the fiscal year ending June 30, 1898; and A bill (H. R. 9753) making appropriations to supply urgent deficiencies in the appropriations for the fiscal year ending June 30, 1897, and for prior years, and for other purposes.

DISTRIBUTION OF APPROPRIATION BILLS

Mr. DUBOIS. Mr. President, I rise to a question of privilege. Some time last session I introduced an amendment of the rules which provided for the distribution of the appropriation bills among the various committees of the Senate. After some considerable debate, on the motion of the chairman of the Committee on Appropriations [Mr. Allison] on February 7, 1896, the following was adopted:

That the resolution and amendments be referred to the Committee on Rules, with instructions to report the same back to the Senate on the first Monday of December, either with or without amendment.

I am aware that the distinguished chairman of the Committee on Appropriations is detained from the Senate by sickness, and we all wish he were here; but as he is not a member of the Committee on Rules, I hardly think his absence is a sufficient excuse for that committee not acting.

I simply rose to inquire why the Committee on Rules have not reported that amendment back in accordance with the vote of the Senate.

Mr. BURROWS. Probably the Senator will pardon me for suggesting that the chairman of the Committee on Rules, when perhaps the Senator from Idaho was absent, stated that the committee were unable to report upon that proposition and asked unanimous consent that they might have further time, which was granted by the Senate several days ago. Having indefinito time, the matter will possibly be called up on the 4th of March. Mr. DUBOIS. Very well, Mr. President. I only desired to ascertain the manner of its "taking off."

DANIEL E. LYNN.

Mr. McMILLAN. I ask unanimous consent for the present consideration of the joint resolution (S. R. 100) granting a life-saving medal to Daniel E. Lynn, of Port Huron, Mich.

The VICE-PRESIDENT. The morning business has not closed. Resolutions, concurrent and other, are in order.

RECOGNITION OF THE INDEPENDENCE OF A FOREIGN PEOPLE.

Mr. BACON. Mr. President, it occurs to me that a resolution declaring the powers of Congress ought to be a concurrent resolution rather than a joint resolution. I therefore offer a concurrent resolution, which I ask may be read and referred to the Committee on the Judiciary.

The concurrent resolution was read, and referred to the Com-

mittee on the Judiciary, as follows:

Resolved by the Senate (the House of Representatives concurring). That the question of the recognition by this Government of any people as a free and independent nation is one exclusively for the determination of Congress in its capacity as the lawmaking power.

Resolved further, That this prerogative of sovereign power does not appertain to the executive department of the Government, except in so far as the President is, under the Constitution, by the exercise of the veto, made a part of the lawmaking power of the Government.

BONDS OF PACIFIC RAILROADS.

Mr. PETTIGREW. I offer a resolution which I send to the desk, and ask unanimous consent for its immediate consideration.

The resolution was read, as follows:

The resolution was read, as follows:

Whereas by public advertisement the Secretary of the Treasury has offered for sale certain of the first-mortgage bonds of the Union and other Pacific railroads held in the Treasury of the United States as a part of the sinking fund provided by law for the extinguishment of the paramount and first lien debt of said Pacific railroads; and
Whereas it does not appear that any legal authority exists for the sale of said bonds as proposed:

Resolved, That the Secretary of the Treasury be, and he is hereby, directed to report to the Senate the number and amount of the bonds which he thus proposes to sell; the title under which the United States holds the same; the date of their maturity; the reasons which impelled him to advertise the same; the name of the guarantor and a copy of the guaranty bid announced by him, and the authority of law, if any, under which the proposed sale is to be made, and what disposition is to be made of the proceeds of said sale, and also to report what, if any, similar sales of such first-mortgage bonds of said Union or other Pacific railroads at any time purchased for and held in said sinking fund have been at any time heretofore made, and what disposition has been made of the proceeds thereof, if so sold.

Mr. PILATT. Mr. President Ldo not wish to chiect to a reso-

Mr. PLATT. Mr. President, I do not wish to object to a resolution of inquiry, but the preamble of this resolution states as a fact something about which as a Senator I do not know anything, and I do not like to commit myself to the statement of a fact that I know nothing about. I wish the preamble of the resolution

might be again read.
Mr. PETTIGREW. I will modify the resolution by striking out the preamble, and will simply ask for the consideration of

the resolution. Mr. PLATT. I have no objection to a resolution of inquiry. ESIDENT. The Senator modifies his resolution The VICE-PRESIDENT. The Senator modifies his resolution by striking out the preamble.

Mr. HILL. Now, I should like to have the resolution again

read as it stands.

The Secretary read as follows:

Resolved, That the Secretary of the Treasury be, and he is hereby, directed to report to the Senate the number and amount of the bonds which he thus purposes to sell—

Mr. HILL. That portion of the resolution will have to be amended so as to make it intelligible, if it is desired to be so.

The Secretary continued the reading of the resolution, as follows: the title under which the United States holds the same; the date of their maturity; the reasons which impelled him to advertise the same; the name of the guarantor and a copy of the guaranty bid announced by him, and the authority of law, if any, under which the proposed sale is to be made, and what disposition is to be made of the proceeds of said sale. and also to report what, if any, similar sales of such first mortgage bonds of said Union or other Pacific railroads at any time purchased for and held in said sinking fund have been at any time heretofore made, and what disposition has been made of the proceeds thereof, if so sold.

Mr. HILL. I call the attention of the Senator to the first part of the resolution as not being complete or perfect.

Mr. PETTIGREW. I withdraw the resolution and will offer it again at some future time to-day. Bids are to be received to-day for the bonds referred to, and under the advertisement the time was exceedingly short. I will therefore ask leave to offer the resolution again later.

The VICE-PRESIDENT. The resolution is withdrawn.

BRIG TALLY-HO.

Mr. LODGE. I ask the Chair to lay before the Senate the amendment of the House of Representatives to Senate bill 337.

The VICE-PRESIDENT laid before the Senate the amendment of the House of Representatives to the bill (S. 337) to refer the claim of the owners of the brig Tally-Ho to the Court of Claims.

The amendment was, on page 2, line 26, after the word "act," to

insert "with the right of either party to appeal to the Supreme

Mr. LODGE. The bill passed the Senate referring the claims of these persons to the Court of Claims, and the other House has added the amendment which has been read, simply giving both to the Government and the claimants the right of appeal to the to the Government and the claimants the right of appeal to the Supreme Court. In behalf of my colleague, who is particularly interested in the bill, I move to concur in the amendment, which I understand is satisfactory to all concerned. It does not give the claimants any additional privileges.

Mr. PASCO. The chairman of the Committee on Claims is not in the Chamber, but I reported the bill to the Senate, and I see no objection to the suggestion made by the Senator from Massachusetts.

Mr. WHITE. May I ask what is the nature of the amendment? Mr. PASCO. It simply gives the right of appeal. Mr. LODGE. It gives both parties the right of appeal to the

Supreme Court.

Mr. WHITE. In a case of what character?
Mr. LODGE. It is the case of a claim. The bill passed the Senate allowing the claim to be referred to the Court of Claims, and it also passed the House of Representatives. The House has added an amendment giving the parties, both the Government and the claimants, the right of appeal to the Supreme Court.

Mr. WHITE. That is satisfactory.

Mr. LODGE. I have asked the Senate to concur in the amend-

ment.

Mr. HILL. May I ask the Senator from Massachusetts why Mr. Hill. May I ask the Senator from Massachusetts why should the parties interested in this particular claim have any different rights from those given to claimants generally? Whyshould there be special legislation?

Mr. LODGE. The addition, I suppose, was made so as to give

the Government the right to appeal.

Mr. HILL. Why should the Government in this case have any different rights than it has in regard to claims generally? We have

general laws governing appeals.

Mr. LODGE. The object of the House amendment, I understand, is further to protect the Government's rights. The claimants have no objection to it.

Mr. HILL. That may be.

Mr. LODGE. I see no harm in it. The amendment gives both parties the right of suppeal.

parties the right of appeal.

Mr. HILL. I see just this harm in it, that every time litigants or the Government want to reargue a particular claim they will come to Congress and have an amendment offered to a particular bill, or have a bill introduced, giving the Government or the parties the right to appeal to the Supreme Court. We have certain general laws applicable to bills in claim cases, and unless there is something unusual about this case, it strikes me that the Government as well as the claimant should be content to abide by the general law. Otherwise, we shall be flooded with legislation of this

character. That is the suggestion I make.

Mr. LODGE. I hope the Senator from New York understands that the amendment was not put in the bill at the suggestion of the claimants. The amendment was put in by the other House for the protection of the Government.

Mr. HILL. I do not think that makes any difference.
Mr. LODGE. It was inserted for the protection of the Government, and no objection is made on the part of the claimants.
Mr. HILL. What are the precise reasons why the Government should have in this particular instance—I know nothing about the

merits of the claim-the right of appeal?

Mr. LODGE. I am not in the councils of the other House or of its committee. I only know that the House made the amendment. The claimants make no objection to it, and are anxious that the bill authorizing their claims to be referred shall be passed; and for that reason I have moved to concur in the House amend-

Mr. PASCO. I suggest that provisions giving the right to appeal are sometimes in bills of this character and sometimes they are not. The privilege of appeal was not in the bill when it came to the Committee on Claims of the Senate, and we reported it without any such provision. The other House, in its wisdom, has seen fit to put this provision in the bill. It is acceptable to the delivered the second of t the claimants themselves, or to those who represent them, and, I understand, to the Senators from Massachusetts, and I do not see that it is worth while to delay the progress of the matter by insisting upon any objection when all parties seem to be willing to submit to the inconvenience of the further delay of an appeal to the Supreme Court, in case one or the other party sees fit to take it

there. For that reason the committee proposes to accept the amendment brought here from the other House.

Mr. HILL. I do not care anything about this particular case, because I know nothing about it, but I do not think it answers the position taken by myself in regard to this matter to say that it is agreed between the claimants and the Government in a given claim that there shall be an additional right of appeal. Where is

it to stop? What is the precedent you propose to set here? We have certain general laws governing the matter. If there is some special, particular reason why the Government or the claimants should have a special right of appeal in this particular case, it is all right; but to do it as a matter of course, to do it just for the an right; but to do it as a matter of course, to do it just for the mere asking, to do it because somebody suggests it ought to be done, I do not think is good legislation. I am opposed to it. I raise no technical objection about the matter, however.

Mr. MITCHELL of Oregon. May I interrupt the Senator from New York? I have served on the Committee on Claims for some

seventeen years now, and we have claims of every character before that committee. Sometimes the amount involved is merely nom-inal, even in cases referred to the Court of Claims; the questions involved are unimportant, and in cases of that kind it is thought not necessary to allow either party to go farther than the Court of Claims. Again, there are cases wherein the questions are of great Claims. Again, there are cases wherein the questions are of great magnitude, the amounts involved are large, and it is thought by the committee that such cases ought to go to the Supreme Court of the United States. That is why in some cases it is provided that either party may go to the Supreme Court of the United States, while in other cases it is not so provided.

Mr. HILL. Will the Senator from Oregon permit me to say a word? He is of course aware of the existence of several statutes regulating appeals from judgments of the Court Claims to the Supreme Court of the United States. I had occasion some time ago in an important case to reexamine those very statutes, and in a case in which I was counsel the court announced an important

a case in which I was counsel the court announced an important decision in regard to the rights of appeal. There are general statutes applicable to all claim cases in which appeals are limited

I do not think that for light reasons Congress, in allowing a claim to be referred to the Court of Claims, should provide a special right of appeal either for the Government or for the claimant. I do not think that to say the Committee on Claims does it occasionally, changing the general law, is quite an answer to the proposition.

Mr. PASCO. This is not a case under the general law at all. It is a case which it is proposed to refer to the Court of Claims by a special bill, and the two Houses of Congress have a right to a special bill, and the two Houses of Congress have a right to determine the question whether or not there shall be a right of appeal in this and other similar cases. The other House has seen fit to require that the right of appeal shall be given.

Mr. HILL. May I ask the Senator from Florida a question?

Mr. PASCO. Certainly.

Mr. HILL. Does the Senator mean to say that if in this particular hill Congress does not say anything about the night of

Mr. PASCO. Certainly.
Mr. HILL. Does the Senator mean to say that if in this particular bill Congress does not say anything about the right of appeal, there would not exist a right of appeal under existing law?
Mr. PASCO. That is the status of the case as it comes to us from the other House. The House took that view of it, and required that there should be a right of appeal, and the Senate committee is disposed to yield to the judgment of the House upon that question, particularly when the Representatives and the Senators from Massachusetts, who know the wishes of the claimants, are willing to accept the amendment offered by the House of Representatives. Representatives.

Mr. HILL. As I recollect the law, no difference is made in regard to the right of appeal between cases which are referred to the Court of Claims by special law and those which are brought there by original claims filed. In certain instances the right of appeal is given, and in others it is not. Therefore this seems to be a special bill to give the Government or the claimants rights in addition to those which are given by the general law. I do not think it is good legislation. I make no special objection o it, however, and if the Senator desires to put it to a vote, all right.

Mr. PASCO. It is merely a matter which the two Houses of

Congress have a right to control. If the Senator from New York is opposed to the amendment, of course he can vote against it when the question comes up. But I see no reason why the amendment agreed to by the House should not be adopted here.

Mr. LODGE. I ask for a vote on my motion to concur in the

amendment

The VICE-PRESIDENT. The question is upon concurring in the amendment made by the House of Representatives.

The amendment was concurred in.

ELECTRIC-LIGHT SUBWAYS.

The VICE-PRESIDENT. The Chair lays before the Senate, as a part of the morning business, a resolution coming over from a previous day, which will be read.

The resolution submitted by Mr. GALLINGER on the 17th instant was read, as follows:

Resolved, That until Congress shall provide by legislation for the construction of municipal subways, or otherwise provide for the extension of underground electric-light wires or conduits, the Commissioners of the District of Columbia are requested not to permit excavations in the streets, avenues, or alleys of the city of Washington for the laying of any additional wires for electric lighting.

The VICE-PRESIDENT. The question is on agreeing to the

Mr. GALLINGER. I desire to modify the resolution by sub-

stituting the word "directed" for "requested" where it occurs in

the body of the resolution.

The VICE-PRESIDENT. The resolution will be so modified, without objection.

Mr. HARRIS. What disposition does the Senator from New

Mr. HARRIS. What disposition does the Senator from New Hampshire propose to make of the resolution?

Mr. GALLINGER. I submitted the resolution on Thursday last and asked that it should be voted upon. Of course I desire that it shall be acted upon at the present time.

Mr. HARRIS. The resolution ought to go to the Committee on the District of Columbia.

Mr. GALLINGER. I understand that the Senator from Missouri [Mr. Cockrell] has a substitute which he desires to substi-

tute for the resolution.

Mr. HARRIS. The resolution ought to go to the committee.

Mr. GALLINGER. That is not my purpose.

Mr. HARRIS. I move to refer the resolution to the Committee on the District of Columbia.

Mr. GALLINGER. Perhaps the Senator from Tennessee will do me the courtesy to allow the Senator from Missouri to offer his substitute first.

Mr. HARRIS. Certainly.
Mr. COCKRELL. I offer a substitute for the resolution.
The VICE-PRESIDENT. The substitute submitted by the Senator from Missouri will be read.

The substitute was read, as follows:

The VICE-PRESIDENT. The substitute submitted by the Senator from Missouri will be read.

The substitute was read, as follows:

Whereas the Senate and House are both engaged through their respective Committees on the District of Columbia in investigating the subject of the laying of the subways in the streets, roads, avenues, and alleys of the District of Columbia, as recommended by the Commissioners of the said District in a letter of the president of the Board of District Commissioners, transmitted to the respective chairmen of the said Commissioners of the District of Columbia, under date of February 8, 1896, and as provided by Senate bill 2031 and House bill 3993, accompanying said letters; and

Whereas the said Commissioners of the District of Columbia have recently entered into a contract with the Potomac Light and Power Company of the District of Columbia for the lighting of certain public parks and streets in the District of Columbia which involves the opening of several miles of city streets for the purpose of laying conduits therein:

Now, therefore, in view of the pending investigation by Congress of the subject of the construction of said general subway system for the purpose of placing therein all telephone, electric light, and other wires and cables, Be it resolved by the Senate of the United States of America. That the Commissioners of the District of Columbia are hereby requested not to permit the said Potomac Light and Power Company to open any streets, roads, avenues, or alleys in the District of Columbia for the purpose of laying conduits therein (for lighting the streets and parks as provided in said contract until some definite action is taken by Congress regarding the construction of said general subway system, and that the said Commissioners and the commissioner of public buildings and grounds, are requested, in view of the great importance of having the parks, streets, and avenues as thoroughly lighted as possible before the District becomes crowded with people to witness the inauguration

Mr. GALLINGER. I desire simply to say that the substitute offered by the Senator from Missouri is agreeable to me, and I trust it may be passed.

Mr. HARRIS. I move that the resolution and the substitute be

printed, and referred to the Committee on the District of Columbia. The resolution seems to dispose of what I conceive to be a very important question, and it ought to be carefully considered before it is finally acted upon by the Senate.

Mr. COCKRELL. I hope that if the resolution and the substitute are referred to the Committee on the District of Columbia

that committee will give the matter immediate attention. It is a very important question whether we shall have three or four or a half dozen electric-light companies in Washington tearing up the streets from time to time, or whether we shall have one or more companies under the direct control of Congress and compel them to do what we desire to have done. No one desires that there shall be a monopoly here. Congress will not tolerate it. No one wants to have companies come in here, get charters, do a little work, and then compel or try to intimidate or force other companies to buy them out at enormous prices.

The substitute proposes to make the existing company furnish

until June next, free of cost, exactly the lights which the District Commissioners want, and to let the other matter remain until the Committee on the District of Columbia can make some permanent arrangement for having all these subways under general control. That was the intention of what was enacted at the last session. It was to give the District Commissioners an opportunity to make

one general system of subways and control them.

Mr. HARRIS. I should quite agree with the Senator from
Missouri as to the policy of not allowing rival companies to construct conduits or subways for the transmission of electricity to the same parts of the city, but if we are to have underground wires, as is the policy, it does not matter to the District of Columbia or to the city whether the conduit is constructed by Jones or Smith, and it is an easy matter to determine as to the company or companies which may be permitted to occupy a given part of the territory. But that the question is one of importance is my main point now. The resolution ought to go to the committee and be there carefully considered. I quite agree with the Senator from Missouri that it ought to be considered early and reported upon early, and so far as I have power over the matter it shall be considered early and reported upon as early as we can reach satisfactory conclusions. But I certainly should feel very much opposed to having the Senate act upon a question such as is embodied in either of the resolutions submitted without the careful

consideration of the propositions by the proper committee.

Mr. GALLINGER. I desire to say a single word further before
the vote is taken on the motion to refer the resolution and the

substitute.

Some ten or fourteen days ago I offered, and there was passed through the Senate, a resolution looking to an inquiry by the Committee on the District of Columbia of substantially this very subject. So far as I know, no movement has been made in that direction beyond that. But I observed in the newspapers of the city of Washington a few days ago a statement, apparently authentic, to the effect that the Commissioners of the District of Columbia had conferred with the Committee on the District of Columbia and had received assurances from the Committee on the District of Columbia that that resolution would not meet with their approval, and that acting upon that assurance the Commissioners of the District of Columbia had proceeded to sign certain contracts which had been held up in their office for some Some ten or fourteen days ago I offered, and there was passed certain contracts which had been held up in their office for some

Now, Mr. President, I do not know with whom the Commissioners conferred. Very likely they conferred with my distinguished friend the Senator from Tennessee and the other distinguished members of the committee. They did not confer with me, and I am not in any wise responsible for the newspaper statements. I think they are accurate. Nor do I assent to doing business in that way in the Senate or on the part of the Committee on the District of Columbia.

Mr. HARRIS. I desire to say to the Senator from New Hampshire that he gives me the first information I have had of any such conference as he suggests; and if he would ascertain the facts through other channels than newspaper reports, as a rule he would be very much more accurate than he is when he bases his declarations upon such reports. I have heard of no such conference as

the one referred to, and certainly did not take any part in it.

Mr. GALLINGER. I have sufficient information to justify the statement that the Commissioners did get certain information in the room of the District of Columbia Committee. The resolution I refer to has been before the committee for a couple of weeks. No action has been taken upon it, and yet we have assurances that if the pending resolution goes there immediate and sincere action will be taken upon it. I do not care to discuss this ques-I believe there is a scheme on foot in the District of Columbia which will not bear very close investigation. I believe that the gentlemen who came here at the last session of Congress and solemnly said they only intended to lay their wires west of Rock Creek—they said it to me, certainly; I think they said it to the committee, and I believe the Committee on Appropriations acted upon the statement—and who are getting permission to lay wires on the east side of Rock Creek are not acting in very good faith. It does seem to me, inasmuch as the Committee on Appropriations took action upon this subject during the last session of Congress, that the matter should be held up until the committee has had an opportunity to investigate it further. It is a matter of no con-

cern to me personally.

The VICE-PRESIDENT. The question is on agreeing to the motion of the Senator from Tennessee [Mr. Harris] that the resolution and the substitute be printed and referred to the Committee

on the District of Columbia.

Mr. GALLINGER. Let us have the yeas and nays on that

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. BLANCHARD (when his name was called). I have a gen-

eral pair with the Senator from North Carolina [Mr. PRITCHARD]. For that reason I withhold my vote.

Mr. CALL (when his name was called). I am paired with the Senator from Vermont [Mr. PROCTOR]. I do not know how he would vote, and therefore withhold my vote.

Mr. MITCHELL of Oregon (when his name was called). I have a general pair with the senior Senator from Wisconsin [Mr. VILAS].

a general pair with the senior Senator from Wisconsin [Mr. VILAS]. As he is not present, I withhold my vote.

The roll call was concluded.

Mr. GEAR. I am paired with the senior Senator from Georgia [Mr. GORDON], and therefore withhold my vote.

Mr. BACON (after having voted in the negative). I have a general pair with the junior Senator from Rhode Island [Mr. WETMORE], but under our agreement, when the question is not political, either may exercise his judgment as to voting. I will therefore let my vote stand although the junior Senator from therefore let my vote stand, although the junior Senator from

Rhode Island is absent.

Mr. PUGH. I have a general pair with the senior Senator from Massachusetts [Mr. Hoar], but in order to make a quorum I will vote. I vote "yea."

The result was announced—yeas 25, nays 21; as follows:

	Y	EAS-25.	A CONTRACTOR	
Berry, Blackburn, Burrows, Butler, Caffery, Chilton, Daniel,	Gray, Harris, Hawley, Hill, Jones, Ark. Lindsay, McMillan,	Martin, Morgan, Pasco, Pugh, Quay, Roach, Sewell,	Smith, Squire, Walthall, White.	
	N	AYS-21.		
Bacon, Brown, Cameron, Cannon, Cockrell, Dubois,	Frye, Gallinger, Gorman, Hale, Lodge, Mantle,	Mitchell, Wis. Morrill, Peffer, Perkins, Pettigrew, Platt,	Teller, Vest, Wilson.	
	NOT	VOTING-43.		
Aldrich, Allen, Allison, Baker, Bate, Bianchard, Brice, Call, Carter, Chandler, Clark,	Cullom, Davis, Elkins, Faulkner, Gear, George, Gibson, Gordon, Hansbrough, Hoar, Irby,	Jones, Nev. Kyle, McBride, Mills, Mitchell, Oreg. Murphy, Nelson, Palmer, Pritchard, Proctor, Sherman,	Shoup, Stewart, Thurston, Tillman, Turpie, Vilas, Voorhees, Warren, Wetmore, Wolcott.	

So the motion to refer was agreed to.

USE OF ALCOHOL IN THE ARTS.

Mr. PLATT submitted the following report:

Mr. PLATT submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the joint resolution (S. R. 162) continuing in force section 2 of the act approved June 3, 1896, entitled, "An act to repeal section 61 of an act to reduce taxation, to provide revenue for the Government, and for other purposes," which became a law August 23, 1894, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its amendments to said resolution, and agree to an amendment, as follows:

Insert after the word "Congress," in line 11, "not later than ten days after the beginning of its next session."

And the Senate agree to the same.

O. H. PLATT, NELSON W. ALDRICH, Managers on the part of the Senate. WALTER EVANS, CHARLES A. RUSSELL, BENTON McMILLIN, Managers on the part of the House.

The report was concurred in.

BONDS OF PACIFIC RAILROADS.

Mr. PETTIGREW submitted the following resolution; which was considered by unanimous consent, and agreed to:

was considered by unanimous consent, and agreed to:

Resolved. That the Secretary of the Treasury be, and he is hereby, directed to report to the Senate the number and amount of the bonds of the Pacific railroads which he purposes to sell, as per the terms of the advertisement dated December 16, 1896; the title under which the United States holds said bonds; the date of their maturity; the reasons which impelled him to advertise the same; the name of the guarantor and a copy of the guaranty bid announced by him; and the authority of law, if any, under which the proposed sale is to be made, and what disposition is to be made of the proceeds of said sale, and also to report what, if any, similar sales of such first-mortgage bonds of said Union or other Pacific railroads, at any time purchased for and held in said sinking fund, have been at any time heretofore made, and what disposition has been made of the proceeds thereof, if so sold.

HERRERT H. D. PERROR.

HERBERT H. D. PEIRCE.

Mr. LODGE. I ask unanimous consent for the present consideration of the bill (S. 3340) authorizing Herbert H. G. Pierce to accept a medal from the Russian Government.

Mr. COCKRELL. There are several bills of exactly the same kind on the Calendar. If one is passed, all ought to be passed.
Mr. LODGE. Certainly. I agree with that view.
Mr. COCKRELL. I ask unanimous consent that they all may be considered now. I think there are three or four others now on

the Calendar.

The VICE-PRESIDENT. The Chair will first ask if there is objection to the request of the Senator from Massachusetts for the present consideration of the bill indicated by him?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

Mr. LODGE. There is one trifling amendment which I ask to

have made. The name is spelled wrongly. It should be "Peirce" instead of "Pierce." I move that amendment.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amend-

ment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill authorizing Herbert H. D. Peirce to accept a medal from the Russian Govern-

JOSEPH J. KINYOUN.

Mr. COCKRELL. I ask unanimous consent for the present consideration of the bill (S. 3214) to authorize Joseph J. Kinyoun, passed assistant surgeon of the Marine-Hospital Service, to accept a medal from the President of the Republic of Venezuela.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered

to be engrossed for a third reading, read the third time, and passed. COMMANDER E. S. HOUSTON.

Mr. COCKRELL. I ask unanimous consent for the present consideration of the bill (S. 3365) to authorize Commander E. S. Houston, United States Navy, to accept a portrait of the Emperor of Germany.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

The VICE-PRESIDENT. The hour of 2 o'clock having arrived,

the Chair lays before the Senate the unfinished business.

Mr. COCKRELL. I ask that the two or three little bills remaining may be passed. It will take only a minute.

Mr. PETTIGREW. I have no objection to the unfinished business being laid aside temporarily simply to dispose of the two or three bills the Senator from Missouri refers to.
The VICE-PRESIDENT. Is there objection? The Chair hears

C. E. MARR AND E. H. PIERCE.

Mr. COCKRELL. I ask unanimous consent for the present consideration of the bill (8. 3363) to authorize C. E. Marr and E. H. Pierce to accept testimonials from the Canadian government.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment,

ordered to be engrossed for a third reading, read the third time, and passed.

LIEUT, COL. W. H. FORWOOD.

Mr. COCKRELL. I ask unanimous consent for the present consideration of the bill (S. 3364) to authorize Lieut. Col. W. H. Forwood and Dr. George H. Penrose to accept certain testimonials from the Argentine Government.

from the Argentine Government.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

Mr. COCKRELL. I understood that the chairmain of the Committee on Foreign Relations, the Senator from Ohio [Mr. Sherman], reported some amendments to the bill.

Mr. GALLINGER. The Senator from Ohio, from the committee, recommends that the bill be amended by inserting in line 3, after the first word, the words "Lieutenant-Colonel;" after the word "Forwood" to strike out the words "lieutenant-colonel and" word "Forwood" to strike out the words "lieutenant-colonel; after the word "Forwood" to strike out the words "lieutenant-colonel and" and insert "deputy;" after the word "surgeon" in the same line to insert "general;" after the word "Army," in line 4, to strike out the words "deputy surgeon-general;" and to strike out all of section 2; so as to make the bill read:

Section 2; so as to make the bill read:

Be it enacted, etc., That Lieut. Col. W. H. Forwood, deputy surgeon-general
United States Army, be, and he is hereby, authorized to accept a case of surgical instruments tendered him by the minister of the Argentine Republic in
the city of Washington, in the name of the Argentine Government, in recognition of professional services rendered the late Lieut. Commander Rafael
Garcia Mansilla, who was accidentally injured while riding in the Soldiers'
Home Park and brought to the hospital there April 17, 1894, for treatment.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read

the third time, and passed.

The title was amended so as to read: "A bill to authorize Lieut. Col. W. H. Forwood to accept certain testimonials from the Argentine Government.'

ADMIRAL T. O. SELFRIDGE AND OTHERS.

Mr. COCKRELL. There is only one more bill of this kind upon the Calendar. I ask unanimous consent for the present consider-ation of the bill (S. 3366) to authorize Admiral T. O. Selfridge, United States Navy; Capt. G. H. Wadleigh, United States Navy; Lieut. Commander E. H. Gheen, United States Navy; Paymaster

J. B. Redfield, United States Navy; Lieut. J. J. Hunker, United States Navy; Surg. D. N. Bertolette, United States Navy, and Ensign R. L. Russell, United States Navy, to accept medals presented to them by the Russian Government.

There being no objection, the Senate, as in Committee of the

Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.
Mr. PETTIGREW. I yield to the Senator from Washington
[Mr. SQUIRE] to make an announcement.

FORTIFICATIONS AND OTHER SEACOAST DEFENSES.

Mr. SQUIRE. Mr. President, I desire to announce that at an early date I propose to ask for the consideration of the bill (S. 1159) to provide for fortifications and other seacoast defenses. It was my intention to ask for the present consideration of the bill to-day, but upon consultation with Senators who thought we would not be able to arrive at a vote before the holiday recess which is to be taken, I concluded to postpone it until after the Senate reassembles. I believe it is such an important measure that it ought to be brought to the attention of the Senate at an early date, and that we should have a vote upon the bill, which has been reported from the Committee on Coast Defenses and has already been quite fully discussed before the Senate, and recommended by the Secretary of War.

The amount called for in the bill is \$10,000,000, which is about

the amount of the estimate of the Secretary of War in his annual report for the estimate of the Secretary of War in his annual report for the next fiscal year. It is an admitted fact that the condition of our seacoast defenses is at present most lamentable, and calls for redoubled energy on the part of the Government to put the national defenses in suitable condition to resist possible attack upon our seacoast cities by foreign fleets in case of hostilities between our own and any other nation. At the last session of this Congress larger appropriations were made than have ever been made for this nurpose in any previous Congress. Thus sion of this Congress larger appropriations were made than have ever been made for this purpose in any previous Congress. Thus the disposition of Congress upon this subject has already been made manifest. I am informed that the money appropriated at the last session of Congress has already been applied to the purpose by the War Department and the work is rapidly going forward upon the allotments and contracts made. The work entered upon thus vigorously must be as vigorously pursued if we would make the system of defenses effective. We can not escape from the necessities of the situation, which require a large additional and immediate appropriation which should be adequate for the purpose in the immediate future. purpose in the immediate future.

CELESTE A. BOUGHTON.

Mr. GALLINGER submitted the following report:

Mr. GALLINGER submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House of Representatives to the bill (S. 1291) granting an increase of pension to Celeste A. Boughton, widow of Brig. Gen. Horace Boughton, having met, after full and free conference, are unable to agree.

J. H. GALLINGER,

Managers on the part of the Senate,

GEO. C. CROWTHER,

WM. BAKER,

S. S. KIRKPATRICK,

Managers on the part of the House.

Mr. GALLINGER. I move that the Senate request a further conference with the House of Representatives on the disagreeing votes of the two Houses.

The motion was agreed to.

By unanimous consent, the Vice-President was authorized to appoint the conferees on the part of the Senate at the further conference; and Mr. Gallinger, Mr. Palmer, and Mr. Baker were appointed.

MRS. JANE STEWART WHITING.

Mr. GALLINGER submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House of Representatives to the bill (8.1511) granting a pension to Mrs. Jane Stewart Whiting, having met, after full and free conference, are unable to agree.

J. H. GALLINGER,
FRANK J. CANNON,
JOHN L. MITCHELL,
Manajers on the part of the Senate,
GEORGE C. CROWTHER,
WILLIAM BAKER,
S. S. KIRKPATRICK,
Managers on the part of the House.

Mr. GALLINGER. I move that the Senate request a further conference with the House of Representatives on the disagreeing votes of the two Houses.

The motion was agreed to.

By unanimous consent, the Vice-President was authorized to appoint the conferees on the part of the Senate; and Mr. Gallinger, Mr. Cannon, and Mr. Mitchell of Wisconsin were ap-

FREE HOMESTEADS IN OKLAHOMA TERRITORY.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 3656) providing for free homesteads on the

public lands in Oklahoma Territory for actual and bona fide set-tlers, and reserving the public lands for that purpose, which had been reported from the Committee on Public Lands with amendments.

Mr. PETTIGREW. I ask that the bill be read at length.
Mr. COCKRELL. This is an important bill, and I insist that
while the bill is being read there shall be a quorum in the Chamer. I say there is no quorum upon the floor of the Senate now. The PRESIDING OFFICER (Mr. HARRIS in the chair). The

want of a quorum being suggested, the Secretary will call the roll of the Senate.

The Secretary called the roll; and the following Senators answered to their names:

Bacon, Bate, Berry, Blackburn, Blanchard, Cockrell, Cullom, Dubois, Quay, Sewell, Sherman, Smith, Mills, Mitchell, Oreg. Mitchell, Wis. Morgan, Murphy, Nelson, Dubois, Frye, Gallinger, Gear, Gray. Harris, Hawley, Hill, Lindsay, McBride, Martin, Squire. Blanchard Brown, Burrows, Caffery, Call, Cannon, Carter, Chilton, Clark, Stewart, Teller, Turpie, Vest, Pasco, Peffer, Perkins, Pettigrew, Platt, Vest, Walthall, White. Proctor, Pugh,

The PRESIDING OFFICER. Fifty Senators have responded to their names. A quorum is present. The Secretary will read the bill.

The Secretary read the bill.

The PRESIDING OFFICER. The amendments reported by the Committee on Indian Affairs will be stated.

The SECRETARY. In section 1, line 5, it is proposed to strike out the words "in the Territory of Oklahoma," and at the end of line 15 to add the following proviso:

Provided, however, That all sums of money so released, which if not re-leased would belong to any Indian tribe, shall be paid to such Indian tribe by the United States.

So as to make the section read:

So as to make the section read:

That all settlers under the homestead laws of the United States upon the public lands acquired by treaty or agreement from the various Indian tribes, who have or who shall hereafter reside upon the tract entered in good faith for the period required by existing law, shall be entitled to a patent for the land so entered, upon the payment to the local land officers of the usual and customary fees, and no other or further charge of any kind whatsoever shall be required from such settler to entitle him to a patent for the land covered by his entry: Provided, That the right to commute any such entry and pay for said lands, in the option of any such settler and in the time and at the prices now fixed by existing laws, shall remain in full force and effect: Provided, however, That all sums of money so released, which if not released would belong to any Indian tribe, shall be paid to such Indian tribe by the United States: Provided, That the public land laws of the United States are hereby suspended until further legislation by Congress, in so far as they may affect the territory hitherto known as Green County, Tex.

Mr. VEST. Is there a report accompanying that bill, Mr. President?

The PRESIDING OFFICER. There is.
Mr. PLATT. There is a report accompanying the bill.
Mr. VEST. I call for the reading of the report.
The PRESIDING OFFICER. The Secretary will read the

mr. PLATT. I desire to say with regard to the report, which appears as printed to be a report of the Committee on Public Lands, that that is a mistake. It is a report of the Committee on Indian Affairs, as is shown by the Calendar. The action of the committee was not unanimous. I was not in favor of the bill, and I was authorized by some of the members of the committee to make a minority report, but I did not happen to be present in the Senate when the report was made, and it never was convenient to make a minority report. I do not know just how many members of the committee agreed to sign a minority report, but there were three at least.

Mr. CULLOM. From what committee does the bill come?
Mr. PLATT. It comes from the Committee on Indian Affairs.
With that explanation, I desire to have the report read. I hope that this matter will not be acted upon in a thin Senate. It is a very important matter; it relinquishes to the settlers a sum estimated all the way from seventeen to thirty million dollars. It is a pretty important bill, and ought not to be disposed of in a thin Senate. I desire, however, to have the report read, that it may go into the RECORD.

Mr. VEST. Is the amount stated by the Senator from Connecticut the amount which the bill if it becomes a law will cost the Government?

Mr. PLATT. The report says it will not be over \$17,000,000. The Secretary of the Interior thinks it will be \$35,000.000.

Mr. VEST. I want to make a suggestion to the Senator from South Dakota who has charge of the bill. This is a very important measure, and I suggest to the Senator that he allow it to go over until after the recess, and then fix a day for its consideration.

Mr. PLATT. It would be the unfinished business if it went

Mr. VEST. I do not want to delay the bill, but at the same

time I want an opportunity to examine it and to ascertain exactly what it amounts to.

Mr. CULLOM. I hope if the bill goes over the minority of the committee will submit a report, in order that we may understand their views on the subject

Mr. VEST. I want to hear both sides of the question.
Mr. PETTIGREW. I want to say to the Senator from Missouri
that after the statement he has made I do not desire to insist on a vote on the bill to-day, but I desire that the report of the Senate committee shall be read, so that it may go into the RECORD. After that I shall not object to the bill being the unfinished business when we convene after the holidays, unless some Senator wishes to speak upon it now.

The PRESIDING OFFICER. Does the Senator from South Dakota desire the report to be read or printed in the RECORD?

Mr. PETTIGREW. I desire that the report shall be read.

The PRESIDING OFFICER. The report will be read.

The Secretary read from the report submitted by Mr. Petti-GREW May 16, 1896, as follows:

The Committee on Indian Affairs, to whom was referred the bill (H. R. 3856) providing for free homesteads on public lands in Oklahoma Territory for actual and bona fide settlers, having had the same under consideration, report it back with the following amendments:

From the title strike out the words "in Oklahoma Territory."

From line 5, section 1, strike ont the words "in the Territory of Oklahoma."

At the end of line 15, section 1, add the words:
"Provided, however, That all sums of money so released, which if not released would belong to an Indian tribe, shall be paid to such Indian tribe by the United States."

Thus amended, your committee recommend that the bill do recommend.

From the Unice Section 1 and the words "in the Territory of Oklahoma." And the Market Section 1 and words "in the Territory of Oklahoma." Provided, however, That all sums of money so released, which if not released would belong to an Indian tribe by the Uniced States."

Thus amended, your committee recommend that the bill do pass.

The effect of the first two amendments reported will be to change the act to an act covering the Indian reservation lands opened by treaty or agreement to public estilement in all States and Territories of the United States. The effect of the third amendment reported will be to secure to all Indians payment for lands surrendered under agreements with the United States Government that certain compensation was to be bestowed upon them.

The effect of the third compensation was to be bestowed upon them.

The effect of the third compensation was to be selved upon them.

The effect of the third compensation was to be selved upon them.

The effect of the compensation was to be bestowed upon them.

The measure involves no new principle of legislation, but is sustained by the properties of the compensation of the properties of

revenue. It represents an exaction not before imposed upon agricultural producers who, through toil and the privations of extreme poverty upon the frontier, plant the foundation stones of wealth-teeming Commonwealths so firmly that they will endure as long as the rains fall and the sun endows life with the energy of its rays.

The report made by Mr. LACEY to the House of Representatives in relation to House bill No.3948 is hereby made a part of this report.

Mr. PETTIGREW. That is all of the report I desire to have

Mr. COCKRELL. Let it all be printed in the RECORD.

The PRESIDING OFFICER. The remainder of the report
will be printed in the RECORD, if there be no objection. The Chair hears none.

The remainder of the report is as follows:

[House Report No. 147, Fifty-fourth Congress, first session.]

[House Report No. 147, Fifty-fourth Congress, first session.]

Mr. LACEY, from the Committee on the Public Lands, submitted the following report to accompany H. B. 3948:

The Committee on the Public Lands, having had under consideration House bill 3948, report the same back with a favorable recommendation, with the following amendments:

Insert in line 3, after the word "that," the words "so much of," and strike out the word "requiring" in the same line, and insert the words "as require" in lieu thereof.

Also amend by adding, after line 14, the following words:

"Provided further, That this act shall not apply to reservations where the proceeds of the sales of homestead or other entries thereof are under existing treaties required to be paid over to the Indians, or held in trust, or paid into the Treasury for their benefit."

Thus amended, your committee recommend that the bill do pass.

The proposed bill does not involve any new and untried principle of legislation, but is only a return to the homestead law in its original form and purpose.

lation, but is only a return to the homestead law in its original form and purpose.

It will be proper to review briefly in this connection the history of the homestead act, which, after some years of discussion, finally became a part of the laws and marked a new epoch in the country's history when it finally became a law, May 27, 1862.

In 1852 the Free Soil Democracy, in their platform at Pittsburg, declared the public lands to be a "sacred trust," and that they "should be granted in limited quantities free of cost to landless settlers."

In 1852, and until its final passage, Hon. GALUSHA A. GROW, now again a member of this House, appeared as the champion of this great change in the land policy of the nation. A bill was lost January 20, 1859, in the House, by a vote of 91 to 95.

On February 1, 1859, a homestead bill passed the House by a vote of 120 to 76.

land policy of the nation. A bill was lost January 20, 1859, in the House, by a vote of 91 to 95.

On February 17, 1859, it was taken up in the Senate by a vote of 26 to 23.

Mr. Slidell antagonized the bill in the Senate by a vote of 26 to 23.

Mr. Slidell antagonized the bill in the Senate by a vote of 26 to 23.

Mr. Slidell antagonized the bill in the Senate and called up the bill for the purchase of Cuba in its stead.

The proposal to open free homes to the landless on the public domain gave way to a proposition to strengthen slavery by the purchase of more territory already fully occupied with slave labor. On a previous motion to postpone the consideration of the homestead bill the vote stood 28 to 28, and Vice-President Breckinridge gave the casting vote against the till.

The bill was lost, but the agitation in its favor largely influenced subsequent political events.

March 6, 1860, Mr. Lovejoy, of Illinois, reported the Grow homestead bill favorably. March 12, 1860, it passed the House by a vote of 115 to 65.

In the S-nate Mr. Andrew Johnson, of Tennessee, reported a substitute requiring homestead settlers to buy their land at 25 cents an acre at the end of five years' settlement. Senator Ben Wade moved to amend by substituting the House bill. The motion was lost by a vote of 31 to 28. May 10, 1860, the Senate passed Senator Johnson's substitute by a vote of 44 to 8.

The House refused to concur and a conference was ordered, and the conference committee, after twelve meetings, accepted the Senate substitute. As expressed by Mr. Grow, it was "a half loaf."

The conference report was adopted by a vote of 115 to 51 in the House, and 36 to 2 in the Senate. Mr. Colfax stated that the proposed cost of 25 cents an acre to the homesteader was equal to the average cost of the land to the Government.

Mr. Colfax and Mr. Windom announced that this bill was only the first

acre to the homesteader was equal to the average cost of the land to the Government.

Mr. Colfax and Mr. Windom announced that this bill was only the first onward step in the line of a new policy. But on June 23, 1800, James Buchanan, President of the United States, vetoed the bill and it failed to pass over his veto, the vote in the Senate being 28 yeas and 18 nays, 8 votes less than a two-thirds majority.

Mr. Buchanan declared the bill to be unconstitutional. He said that 25 cents an acre was a mere nominal price, and that it was equivalent to giving the land away. He declared that Congress had no power to grant free homes on the public domain or to grant land for use in the education of the people.

The land, he said, was like money in the Treasury, and was a sacred fund that could only be disposed of by being sold for cash or for land warrants. The Louisiana purchase was paid for out of the National Treasury, and Congress had no more power to give it away than they would have had to give the money away that had been paid to Napoleon for its purchase. The proceeds of land sales he looked upon as a source of revenue long to be enjoyed by the nation.

money away that had been paid to Napoleon for its purchase. The proceeds of land sales he looked upon as a source of revenue long to be enjoyed by the nation.

He did not recognize the benefits that might result to the people at large by the transfer of an uninhabited wilderness into a populous and prosperous Commonwealth.

The benefits to the old States by the addition of new taxpayers to the population did not seem to be appreciated by the President. The President did not realize that in this new homestead policy lay a germ of national growth of untoid value, in which the old States would share the wealth to be added by the new members of the national confederation.

The idea that an uninhabited public domain was a sacred trust which should be kept as a solitude until it could be sold for cash seems to have fully entered the mind of the Executive.

He was willing and desirous of paying \$100,000,000 out of the funds in the Treasury for the purchase of Cuba, which would add new power to the cause of slavery, and he might well understand that a different result would follow the building up of new States in the West under a system of free homes.

The bill was lost, and the war of 1861 soon followed. The friends of the homestead law did not despair.

When Hannibal was besieging Rome, his camp near the city was sold at public sale in the forum, and in the darkest hours of 1861 and 1862 he homestead bill was considered almost within the sound of hostile guns.

Mr. Aldrich introduced the bill July 8, 1861, and it was referred to the Committee on Agriculture.

December 4, 1861, Mr. Lovejoy reported it favorably.

It was again referred to the Committee on Public Lands.

On February 28, 1862, it passed the House by a vote of 107 to 16.

March 25, 1862, Senator Harlan reported it favorably in the Senate, with amendments, and it passed as amended May 5, 1862, by a vote of 33 to 7.

The two Houses agreed upon a conference, and on May 27, 1862, after the

details were finally agreed upon. Mr. Lincoln added another chapter to the great history of his life by approving the bill.

From that time until the present the general policy of the homestead law has been accepted without question. Occasional amendments and modifications have been made, but the bill in its substance has been unchanged.

On June 8, 1872, the soldiers and sailors were accorded the privilege of deducting the time of their service in the Army or Navy from the five years necessary to acquire their patents.

These homes were exempt from execution against all prior debts, and the unfortunate debtor was given another opportunity to regain a home in the new lands of the far West.

Substantially all the lands embraced in the area subject to homesteads has at some time been purchased from France. Mexico, Spain, or the Indians. The only difference was that some portions cost more than others.

The purchase from France in 1803 cost 33 cents per acre. The purchase from Spain in 1819 cost 17.1 cents per acre. The purchase from Mexico in 1848 cost 4; cents per acre. The Gadsden purchase in 1853 cost 34.3 cents per acre. The purchase from Texas in 1850 cost 25.17 cents per acre. Alaska, bought in 1867, cost 1.19 cents per acre.

The state cessions from Georgia cost 10.10 cents per acre.

The entire public domain up to 1880 had cost \$88,157,389.98, or 4.7 cents per acre. Up to 1880 the Government had sold or disposed of land to the amount in

The entire public domain up to 1880 and cost \$80,101,802.80, or 4.7 cents per acre.

Up to 1880 the Government had sold or disposed of land to the amount in value of \$200,702,849.11. This included extensive grants to the new States for school and other purposes. The average amount realized per acre, including these grants for public purposes, was 39.5 cents.

After charging up all the expenses of surveys, Indians, cost of administration, etc., the Government, on June 30, 1880, lacked \$121,346,746.85 of having been fully reimbursed, its total outlays up to that time being \$222,049,565.96.

The total actual cost, after adding those expenses, was 172 cents per acre. The splendid States and Territories of Michigan, Wisconsin, Minnesota, Iowa, Missouri, Florida, Alabama, Mississippi, Louistana, Arkansas, North Dakota, South Dakota, Nebraska, Kansas, Montana, Wyoming, Colorado, Utah, Idaho, Washington, Oregon, Nevada, California, Oklahoma, Indian Territory, New Mexico, and Arizona have thus been added to the Union at a cost of but little over \$120,000,000. The census of 1890 showed these States to have wealth, real and personal, in the following amounts:

dichigan	\$2,095,016,272	Florida	\$389, 489, 388
Visconsin	1, 833, 308, 523	Montana	
finnesota		Wyoming	169, 773, 710
owa		Colorado	1, 145, 712, 267
dissouri		New Mexico	231 459 807
North Dakota	337,006,506	Arizona	188 880 078
outh Dakota		Utah	349 411 934
Vebraska		Nevada	180 323 668
Cansas		Idaho	207 896 591
labama		Washington	760, 698, 726
dississippi		Oregon	590, 396, 194
ouisiana		California	
klahoma			
rkansas		Total	23 583 239 104
			mo, 000, 000, 102
ndian Territory		10001	20,000,000,104

Okiahoma 45, 285, 124
Indian Territory 159, 765, 462
Indian Territory 159, 765, 462
Indian Territory 159, 765, 462
The policy that has aided so greatly to these results should not be abandoned. But some exceptions have recently been made in this beneficent policy. The Indian title has been extinguished by treaties in some instances, and the land opened up to homestead settlement with a requirement that the settler should improve the land and reside upon it and in all respects comply with the homestead laws for the full term of five years, and then he should buy it from the Government at a fixed price.

The lands thus offered were attractive to the prospective settler. Every difficulty thrown around the entry upon a new reservation led to an increased public estimate of its value, and thousands of settlers have taken up their homes in these new purchases only to find them less desirable and less valuable than many of the tracts that had been previously taken under the homestead law free of all charge. A period of drought has supervened, bringing much loss to the old and well-settled portions of the country, and falling with especial hardship upon the pioneer who has located his right to purchase a homestead near the border line of the permanently arid belt.

There is no reason that the homestead settlers in Kansas, Nebraska, and other States should obtain their lands free of cost which does not apply with equal or greater force to those of the Dakotas and Oklahoma. The only grounds upon which the discrimination against these settlers is based is the fact that the lands cost the Government more than those previously opened to homestead settlement. But this is only a question of degree and not of principle.

The Gadsden purchase in Arizona cost 34% cents an acre, while the rich and well-watered prairies of lowa cost but 3% cents per acre.

The Government purchases and extinguishes the Indian title to the end that a new State, peopled with American citizens, may take the place of the wild inhabitants. The cost of e

session of the different views taken of the proposed legislation.

DEPARTMENT OF THE INTERIOR, Washington, January 90, 1896.

SIR: I have the honor to hand you herewith the report of the Commissioner of the General Land Office, dated the 18th instant, on H. R. No. 292, entitled "A bill providing for free homesteads on the public lands in Oklahoma Territory."

The bill, which is quoted in full in the Commissioner's report, provides in effect that all homestead settlers within the Territory of Oklahoma, upon making final proof on the tract entered : y th m and showing the period of residence thereon required by existing law, s all acquire title to said tract by simply paying the usual and customary lees required in such cases, with out the payment of the price per acre required for said land by existing law"

For the information of Congress, I desire to submit the following:

Statement showing approximate loss to the United States if homestead settlers on Indian and abandoned military reservations are relieved from paying for said lands at rates now fixed by law upon a showing of five years' residence.

Reservation.	Area ceded, exclusive of allotted and reserved.	Price to be paid by set- tlers.	Amount that will be received from settlers under existing law. \$1,830,700 2.733,300 2.806,350 423,300 172,375 455,670 258,785 385,344 5,250,843 127,500 614,235	
Cherokee Outlet, Okla Pawnee, Okla Tonkawa, Okla Sac and Fox, Okla. Iowa, Okla Pottawatomie, Okla Cheyenne and Arapahoe, Okla Kickapoo, Okla Wichita, Okla	207, 028 256, 896	\$2.50 1.50 1.00 2.50 1.25 1.25 2.50 1.50 1.50 1.25		
Total in Oklahoma			*15,058,462	

*Loss to United States if settlers are relieved from payment.

*Loss to United States if settlers are relieved from payment.

(a) It is not practicable, without an extended search of the records, to give the amount already paid by homestead settlers for these lands, as the moneys received therefor are not kept separate from the sales of other lands.

As these lands have not been open to settlement for five years, very few have been able to make final proof thereon, and it is doubtful if many of them have availed themselves of the privilege of commutation. It is certain that the amount already paid by the settlers is so small as to form a very small proportion to the amount still due.

(b) The proceeds from the sales of these lands are to be deposited in the Treasury to the credit of the Indians, to recompense them for the cession of the lands. If homestead settlers are relieved from paying for them, the Government will be obliged to make appropriations to recompense the Indians, unless the treaty stipulations are to be entirely ignored.

(c) These lands are subject to disposal under other than the homestead laws. It can not be determined what amount is likely to be embraced in other than homestead entries, but the larger portion of these reservations will undoubtedly be entered under the homestead law, and therefore affected by the proposed legislation.

(d) It has been necessary to estimate the area embraced in abandoned military reservations affected by the act, as some of them and parts of others are unsurveyed, and also to estimate the appraised price to be paid per acre, as the appraisements of them have not yet been made. It is believed, however, that the figures given are a very close approximation.

(e) This amount will be reduced by just so much as is received from settlers who commute their homestead entries. It is most probable that where settlers have the option of obtaining the land free by five years' residence very few of them will pay for the land in order to obtain title three or four years earlier.

earlier.

I have, therefore, to recommend that the bill do not pass
Very respectfully,
HOKE S

HOKE SMITH, Secretary,

Hon. John F. Lacey, Chairman Committee on the Public Lands, House of Representatives.

DEPARTMENT OF THE INTERIOR, GENERAL LAND OFFICE, Washington, D. C., January 16, 1896.

DEPARTMENT OF THE INTERIOR, GENERAL LAND OFFICE, Washington, D. C., January 16, 1896.

Sir: I have had the honor to receive by reference from the Department, under date of January 9, 1896, for report in duplicate and return of papers, H. R. bill No. 292, "Providing for free homesteads on the public lands in Oklahoma Territory," which was referred to the Department January 7, 1896, by Hon. John F. Lacey, chairman of the Committee on the Public Lands of the House of Representatives, with a request that you make any suggestions you may desire to make in regard thereto to aid the committee in its consideration.

The bill provides:

"That a l settlers under the homestead laws of the United States upon the public lands acquired by treaty or agreement from the various Indian tribes in the Territory of Oklahoma, who have or who shall hereafter reside upon the tract, entered in good faith, for the period required by existing law, shall be entitled to a patent for the land so entered upon the payment to the local land officers of the usual and customary fees; and no other or further charge of any kind whatsover shall be required from such settler to entitle him to a patent for the land covered by his entry: Provided, That the right to commute any such entry and pay for said lands, in the option of any such settler and in the time and at the prices now fixed by existing laws, shall remain in full force and effect.

"Sec. 2. That all acts or parts of acts inconsistent with the terms and provisions of this act are hereby repealed."

I have the honor to report that it appears to be the purpose of the bill to release parties who may make what is known as final proof on homestead entries in Oklahoma from the requirement of also paying for the lands embraced in the entry.

The lands that will be affected by the provisions of the bill, if it becomes a law, are as follows:

Sac and Fox and lowalands, subject to disposal under section 7 of the act of February 13, 1891 (26 Stat. L., 759), which provides that each homestead settler

him.

Absentee Shawnee, Pottawatomie, and Cheyenne and Arapahoe lands, subject to disposal under section 16 of the act of March 3, 1891 (26 Stat. L., 1026), which provides that each homestead settler shall pay \$1.50 per acre for the land taken by him.

Kickapoo lands, subject to disposal under section 3 of the act of March 3, 1893 (27 Stat. L., 563), which requires each homestead settler to pay \$1.50 per acre for the land settled upon.

Cherokee Outlet lands, subject to disposal under section 10 of the act of March 3, 1893 (27 Stat. L., 640), which requires each settler before receiving a patent to pay the sum of \$2.50 per acre for any land east of \$7\frac{1}{2}^{\circ}\$ west longitude, \$1.50 per acre for any land between \$7\frac{1}{2}^{\circ}\$ and \$1 per acre for any land west of \$8\frac{1}{2}^{\circ}\$ west longitude, and interest upon the amount so to be paid for said land from the date of entry to the date of final payment at the rate of 4 per cent per annum.

Tonkawa and Pawnee lands, subject to disposal under section 13 of the act of March 3, 1893 (27 Stat. L., 644), which provides that each settler shall pay

\$2.50 per acre for the land taken by him, and interest upon the amount to be paid from the date of entry to the date of final payment at the rate of 4 per cent per annum.

Wichita lands, which, when opened to settlement, will be subject to disposal under the act of March 2, 1895 (28 Stat. L., 897), which requires each homestead entryman to pay \$1.25 per acre for the land entered at the time of submitting his final proof. This act further provides that the money received from the sales of Wichita lands shall be deposited in the Treasury subject to the judgment of the Court of Claims in a suit authorized to be brought by the Wichita Indians against the United States for the purpose of determining the amount, if any, which they are entitled to receive for the relinquishment of their lands.

The lands referred to constitute the greater part of Oklahoma Territory, all of the lands in which, that are now opened to homestead entry, having been acquired by treaty with various Indian tribes, except what is known as the "Put lic Land Strip," now embraced in Beaver County.

Without endeavoring to state the exact amount paid by the United States to the Indians for the relinquishment of all their rights to said lands, it is found by reference to the acts of March 1, 1889 (25 Stat. L., 759); March 2, 1889 (25 Stat. L., 1004); February 13, 1891 (25 Stat. L., 759); March 3, 1891 (25 Stat. L., 1004); February 13, 1891 (25 Stat. L., 759); March 3, 1891 (25 Stat. L., 1004); February 13, 1891 (25 Stat. L., 759); March 3, 1891 (25 Stat. L., 1004); February 13, 1891 (25 Stat. L., 1004); February 13, 1891 (25 Stat. L., 1004); He Indians over \$18,000,000 for such cessions, and doubtless other cessions made at earlier dates were also in consideration of payments of varying sums of money.

In providing for the disposal of these lands, Congress evidently intended to reimburse the United States for the money so expended, when it departed from the usual custom and required a payment for the land con when the settler showed five years' resi

case of the Sioux and Lake Traverse lands in North and South Dakota, the Crow lands in Montana, the Siletz lands in Oregon, and the Nez Perce lands in Idaho.

This course appears to be just and equitable, for it would not be proper to burden the people of the whole country in order that land might be acquired for the purpose of giving free homes to a very small proportion of them.

The settlers upon these lands understood that the law required them to pay for the land settled upon, and many parties doubtless were debarred from entering into competition with the parties who entered these lands because they were unwilling or unable to make the required payment.

The Government probably entered into its engagements with the Indians, by which the Indian title to these lands was extinguished, simply because it expected to receive again from the settlers the money paid therefor, and such payment appears to be the foundation of the whole transaction between the settlers and the Government.

It should be observed also that if the Court of Claims should decide that the Wichita Indians shall be paid for the relinquishment of their lands, it may be necessary for Congress to make an appropriation to satisfy such judgment if the bill becomes a law.

For the reasons stated, I am compelled to withhold my approval from the bill, which, with accompanying letter, is herewith returned.

Very respectfully,

S. W. LAMOREUX, Commissioner.

S. W. LAMOREUX, Commissioner.

The SECRETARY OF THE INTERIOR.

The objection made to H. R. 292, that it would include military reservations, does not apply to H. R. 3948, the general bill. It only applies to lands obtained by purchase or treaty from the Indians.

The arguments of the Secretary and Commissioner against the bill are substantially the same as those urged by Mr. Buchanan in his veto message in 1860. The figures given, however, might prove misleading. The Secretary has computed all the lands in Oklahoma and estimated them at the maximum selling prices, thus indicating that the Government would lose the sum of \$15,058,462 by the passage of a bill of this character as applied to Oklahoma alone.

alone.

This makes no allowance for lands which have already been commuted and probable commutations in the future, and also takes no account of any waste and worthless land that the Government will not be able to sell. It will be observed in the letter of the Sccretary that this land is all estimated at from \$1.25 to \$2.50 an acre, the maximum prices for public, agricultural, or grazing lands. But the existing law requires the purchaser to comply with all the requirements of the homestead law without any of its benefits. After living upon it and reclaiming it to cultivation, he must in the end pay for it at the full price.

full price.

The situation of these people also appeals to the generosity of the nation. Since the enactment of the laws opening these reservations to settlement a period of almost continuous drought has prevailed. In the lands bordering on the arid belt a marked falling off of population has occurred, and the settler has found it hard enough to support himself and family without making provision for the purchase of his home at the end of five years' residence.

We think these settlers should be accorded the generous and liberal provisions of the original homestead law.

The nation can well afford in times of peace to deal as liberally with its pioneers as it did in the dark days when the original law was enacted, in May, 1882.

The bill as amended by the committee would read as follows:

A bill to provide for free homes on lands purchased from the Indian tribes. Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled. That so much of all acts or parts of acts as require payment to the United States therefor from persons who have acquired or may hereafter acquire homesteads upon the public lands included in the limits of any grant obtained by treaty or purchase from the various tribes of Indians are hereby repealed, and the settlers entitled to the benefits of the homestead laws upon such lands shall only be required to pay the usual and customary fees required from homestead settlers upon other public lands: Provided. That the right to commute any such entry and pay for said lands at the option of any such settler and in the time and at the prices now fixed by existing laws shall remain in full force and effect: Provided further, That this act shall not apply to any lands where the proceeds of the sales or homestead or other entries thereof are under existing treaties required to be paid over to the Indians or held in trust or paid into the Treasury for their benefit.

The Secretary of the Interior and the Commissioner of the General Land Office have also made a special report as to H. R. 3948, which for the information of the House we set out in full, as rollows: A bill to provide for free homes on lands purchased from the Indian tribes.

DEPARTMENT OF THE INTERIOR, Washington, January 27, 1896.

SIR: I have the honor to hand you herewith a report from the Commissioner of the General Land Office, dated the 21st instant, on H. R. 3948, "To provide for free homesteads on lands purchased from the Indian tribes."

As an expression of my views on legislation of this character, I respectfully refer you to my report on House bills 202 and 2345, which are of a character similar to this. For the reasons therein expressed, and those set

forth in the report of the Commissioner, herewith transmitted, I recommend that this bill do not pass.

Very respectfully,

HOKE SMITH, Secretary.

Hon. John F. Lacey, Chairman Committee on the Public Lands, House of Representatives.

Were respectfully.

Hon. John F. Lacey.

Chairman Committee on the Public Lands, House of Representatives.

Department of the Interestor, General Land Office.

Sir: I have had the honor to receive the state of the Public Lands of the Public Lands of the United States of January 17, 1886, for report in order for the Department, under date of January 17, 1886, for report in order for the Department of Health of the Committee on the Public Lands of the House of Representatives.

H. R. bill No. 3948, "To provide for free homes on lands purchased from the Indian tribes," which was referred to the Department by Hon. John F. Lacey, chairman of the Committee on the Public Lands of the House of Representatives.

The bill provides:

"That all acts or parts of acts requiring payment to the United States the States of the Public Lands of the House of Representatives."

The bill provides:

"That all acts or parts of acts requiring payment to the United States is the states of the Public Lands in the Lands of the States of the House of Representatives."

The bill provides:

"That all acts or parts of acts requiring payment to the United States is the States of the Public Lands of the Lands of the

for the benefit of the Indians as a recompense for the cession of their surplus lands.

The Yankton lands in South Dakota, subject to disposal under the act of August 15, 1894 (28 Stat. L., pages 314 to 319), which provides that each homestead settler shall pay \$3.75 per acre before receiving a certificate of entry.

The Fort Berthold lands in North Dakota, subject to disposal under section 25 of the act of March 3, 1891 (28 Stat. L., 1035), which requires each homestead settler to pay \$1.50 per acre before receiving a final certificate.

The Cœur d'Alene lands in Idaho, subject to disposal under section 22 of the act of March 3, 1891 (29 Stat. L., 1031), which provides that each homestead settler shall pay \$1.50 per acre for the land taken by him before receiving a patent.

settler shall pay \$1.50 per acre for the land, call the patent.

The Nez Perce lands in Idaho, subject to disposal under section 16 of the act of August 15, 1894 (28 Stat. L., pages 326 to 332), which provides that each settler on said lands shall pay \$3.75 per acre for the lands settled upon before receiving a certificate of entry.

The Colville lands in Washington, subject to disposal under the act of July 1, 1892 (27 Stat. L., 62), which requires each homestead settler to pay \$1.50 per acre before receiving a final certificate for the land covered by his entry.

The Crow lands in Montana, subject to disposal under section 31 of the act of March 3, 1891 (26 Stat. L., 1043), which provides that each homestead settler shall, before receiving a patent, pay \$1.50 per acre for the land settled upon.

The Siletz lands in Oregon, subject to disposal under section 15 of the act of August 15. 1894 (28 Stat. L., 326), which provides that each homestead settler shall pay \$1.50 per acre for the land settled upon.

Without endeavoring to state the exact amount paid or agreed to be paid by the United States to the Indians for the relinquishment of all their rights to said lands, which would require an extended examination of the statutes, it is found by reference to the statutes to which I have referred as governing the disposal of said lands that, in the aggregate, over \$21,000,000 has been paid or agreed to be paid.

This amount should be increased by the moneys agreed to be paid for earlier cessions, especially for lands in Oklahoma Territory, where cessions were required from more than one tribe of Indians for the same lands, as, for instance, in the case of the Muscogee or Creek and Seminole cessions, obtained at an expense of over \$4.000,000 (see acts of March 1 and 2, 1889, 25 Stat. L., 759 and 1004), where subsequently the Cheyenne and Arapahoe, Pottawatomie, Absentee Shawnee, Sac and Fox, Iowa, and Kickapoo tribes of Indians received valuable considerations amounting to over \$2,000,000 for portions of the same lands so ceded. This amount of \$21,000,000 does not embrace any compensation for the Great Sioux lands in North and South Dakota and Nebraska, for the Chippewa lands in Oklahoma, as the Government has not agreed to pay the Indians any fixed amount for these lands.

As regards the two former, the Indians are to receive the proceeds from the disposal of the lands, estimated to amount in the two reservations to nearly \$9,000,000, and as to the two latter, the proceeds are to be deposited in the United States Treasury subject to future determination as to whether the Indians shall receive the whole or any part thereof. If the bill under consideration becomes a law, it will be necessary for Congress to make other provision for the Sioux and Chippewa Indians, and possibly for the Colville and Wichita Indian

Statement showing approximate loss to the United States if homestead settlers on Indian reservations who make final proof on their entries are released from paying for said lands at rates now fixed by law.

Reservation.	Area ceded, exclusive of allotted and re- served.	Price to be paid by set- tlers.	Amount that will be receiv- ed from settlers under ex- isting law	now paid.	Loss to United States if settlers are releas- ed from payment.
Cherokee Outlet, Okla Pawnee, Okla Tonkawa, Okla Sac and Fox, Okla Iowa, Okla Pottawatomie, Okla Cheyenne and Arapahoe, Okla Kickapoo, Okla Wichita, Okla	Acres. 732, 280 1, 822, 240 2, 806, 350 169, 320 68, 950 344, 536 207, 028 256, 896 3, 500, 562 85, 000 491, 388	\$2.50 1.50 1.00 2.50 2.50 1.25 1.25 1.50 1.50 1.25	\$1,830,700 2,733,360 2,806,350 423,300 172,375 455,670 258,785 385,344 5,250,843 127,500 614,235		
Total in Oklahoma Chippewa, Minn. b	3, 322, 936	1.25	15, 058, 462 4, 153, 670	None.	\$15,058.462 4,153,670
Great Sioux, N. Dak., S. Dak., and Nebr. b	554,864 177,048 7,819,026	1. 25 . 75 . 50	693, 580 132, 786 3, 909, 513		
Lake Traverse, N. Dak., and S. Dak. Yankton, S. Dak. Fort Berthold, N. Dak. Cœur d'Alene, Idaho c. Nez Perce, Idaho c. Colville, Wash. c. Crow, Mont. Siletz, Oreg.	578, 882 151, 692 1, 838, 720 174, 690 500, 556 1, 416, 668 1, 700, 000 177, 000	2.50 3.75 1.50 1.50 3.5 1.50 1.50	4,735,879 1,434,705 568,845 2,758,080 262,035 1,877,085 2,125,002 2,550,000 265,500	\$87,682 (a) (a) None. None. None. None. 900	4, 648, 197 1, 434, 705 568, 845 2, 758, 080 262, 035 1, 877, 085 2, 125, 002 2, 549, 400 264, 597
Total					d 35, 700, 078

a It is not practicable, without an extended search of the records, to give the amount already paid by homestead settlers for these lands, as the moneys received therefor are not kept separate from the sales of other lands. As these lands have not been open to settlement for five years, very few have been able to make final proof thereon, and it is doubtful if many have availed themselves of the privilege of commutation. It is certain that the amount already paid by the settlers is so small as to form a very small proportion to the amount still due.

b The proceeds from the sales of these lands are to be deposited in the Treasury to the credit of the Indians to recompense them for the cession of the lands. If homestead settlers are released from paying for them, the Government will be obliged to make appropriations to recompense the Indians, unless the treaty stipulations are to be entirely ignored.

c These lands are subject to disposal under other laws as well as the homestead laws. It can not be determined what amount is likely to be embraced in other than homestead entries, but the larger portion of these reservations will undoubtedly be entered under the homestead law and therefore affected by the proposed legislation.

d This amount will be reduced by just so much as is received from settlers who commute their homestead entries. It is most probable that where settlers have the option of obtaining the land free by five years' residence, very few of them will pay for the land a reasonable that the law required them to pay for the land satisfal reasonable that the law required them to pay for the land satisfal reasonable that the law required them to pay for the land satisfal reasonable that the law required them to pay for the land satisfal reasonable that the law required them to pay for the land satisfal reasonable.

The settlers upon these lands understood that the law required them to pay for the land settled upon, and many parties doubtless were debarred from entering into competition with the parties who entered these lands because they were unwilling or unable to make the required payment.

The Government probably entered into its engagements with the Indians by which the Indian title to these lands was extinguished simply because it expected to receive again from the settlers the money paid therefor, and such payment appears to be the foundation of the whole transaction between the settlers and the Government.

For the reasons given, I am of the opinion that the proposed legislation is inadvisable and therefore that the bill should not become a law.

I deem it proper to state that reports have been made to the Department by this office on bills of a purport similar to that under consideration, as follows:

follows:

H. R. bill No. 8334, upon which report was made January 28, 1895.

H. R. bill No. 2945, upon which report was made January 16, 1896.

H. R. bill No. 292, upon which report was made January 16, 1896.

The bill and accompanying letter are herewith returned.

Very respectfully,

S. W. LAMOREUX, Commissioner.

The Secretary of the Interior.

An amendment, it will be observed, is proposed by the committee to H. R. 3948 so that the bill will not apply to lands where the Government practically acts as a trustee for the sale of the lands for the Indians.

M. DETTICOPEW. Now, M. Progradent I sell that the bill go

Mr. PETTIGREW. Now, Mr. President, I ask that the bill go over until after the holidays, and be made the unfinished business

immediately after Congress reconvenes.

Mr. CULLOM. I think the Senator from Connecticut [Mr. PLATT] intends to present some tables in connection with the report. He is not in the Chamber at this moment, but I suppose he can present them hereafter and have them printed in the RECORD.

The PRESIDING OFFICER. The Senator from South Dakota asks unanimous consent that the bill under consideration go over until after the holidays, remaining the unfinished business of the Senate. Is there objection? The Chair hears none, and such is the

order of the Senate.

Mr. PLATT subsequently said: I was called out of the Chamber a moment ago, when the Secretary commenced to read the report on the bill which was then under consideration, which is called the free-home bill, and supposed that the reading would take some little time. I learn that during my absence authority was given that the report might be printed in the RECORD. I desire to have also printed in the RECORD a table which has been furished. nished me from the office of the General Land Commissioner, which gives very full statistics—much fuller than those furnished in the report—in relation to this matter, and I ask that this table may be printed in the RECORD with the report.

The PRESIDING OFFICER. It will be so ordered if there be

no objection. The Chair hears no objection.

Mr. COCKRELL. I hope that the report may be reprinted

with the table submitted by the Senator from Connecticut as a separate Senate document, that is, that the same number of the report be reprinted with the table, so that we may have the whole subject together.

The PRESIDING OFFICER. Does the Senator make that

motion?

Mr. COCKRELL. I do.

Mr. VEST. I beg to inquire of the Senator from Connecticut

Mr. VEST. 1 beg to inquire of the Senator from Connecticut whether he proposes to make a minority report?

Mr. PLATT. I had expected to make a statement of my views and those of the members of the committee who agree with me when we proceeded to the consideration of the bill, but I can put those views in the form of a written report if it be desired.

Mr. COCKRELL. Let it be in the form of a minority report attached to the report of the majority of the committee.

Mr. VEST. I should like to see the minority report of the Senator if it suits his convenience to make one.

Mr. VEST. I should like to see the minority report of the Senator, if it suits his convenience to make one.

Mr. PLATT. I can put my views in writing, and will do so between now and the reassembling of Congress after the holidays.

Mr. COCKRELL. Let permission be granted that the views of the minority may be filed with the Secretary and sent to the Public Printer so soon as the Senator from Connecticut shall have prepared them. I see no objection to that being done and that the views of the Senator be attached to the report of the committhe views of the Senator be attached to the report of the commit-

the as a minority report.

Mr. PETTIGREW. I should like to know to what the table refers which the Senator from Connecticut wishes to have printed.

Mr. PLATT. The table is very much such a table as is found.

on page 13 of the report of the committee, and contains some addi-

ional facts and figures in relation to the matter.

Mr. PETTIGREW. As I understand, the table simply shows the number of acres of land which are purchased, the cost of the lands to the Government, and some other facts in connection therewith.

Mr. PLATT. That is all; and it shows the amount which has

already been paid by the settlers, the price per acre to be paid, and the amount which has been received by the Government.

Mr. PETTIGREW. I have no objection to the table being printed in the RECORD in connection with the report of the committee.

The table referred to is as follows:

Statement showing cost of Indian lands obtained by cession and subject to disposal under the homestead law, the amount which will be received therefor under existing law, the amount already received from disposals, and the loss to the United States if homestead settlers are relieved from further payment.

Name of reservation.	Estimated number of acres ceded.	Total amount paid for ces- sion.	Statute providing for payment.	Area in acres opened or to be opened to settlement and entry.	Price per acre to be paid by set- tler.	Amount that will be re- ceived from set- tlers under existing law when all lands have been disposed of	Amount received to June 30, 1896.	Loss to United States if settlers are relieved from payment.	Remarks.
Great Sioux, N. Dak., S. Dak., Nebr.	9, 053, 935	(a)	Mar. 2, 1889 (25 St.888).	8,550,988	\$0.50 .75 1.00	\$4,735,879	\$111,337.63	\$4,624,541.37	Proceeds to be deposited in United States Treasury for benefit of Indians.
Lake Travers, N. Dak. and S. Dak.	606, 712	\$2,203,000.00	Sec. 27, act Mar. 3, 1891 (26 St., 1038).	573, 882	2.50	1,434,705	29, 271. 55	1, 405, 433. 45	C Delicit of Indians.
Yankton Sioux, S. Dak	161,606	610,000.00	Aug. 15, 1894	151,692	3.75	568, 845	37,864.45	530, 980. 55	
Fort Berthold, N. Dak	1,946,880	800,000.00	(28 St., 319). Mar. 3, 1891	1,838,720	1.50	2,758,080	None.	2,758,080.00	
Cœur d'Alene, Idaho	185,060	650,000.00	(26 St., 1032). Mar. 3, 1891 (26 St., 1027).	174,690	1.50	262,035	None.	262, 035. 00	Subject to entry under other than homestead law, but greatest proportion will probably be en- tered under the homestead law.
Nez Perce, Idaho	530,000	1,668,622.00	Aug 15, 1894	550, 556	3.75	1,877,085	None.	1,877,085.00	Do.
Colville, Wash	1,500,000	(b)	(28 St., 331). July 1, 1892 (27 St., 62).	1,416,668	1.50	2, 125, 002	None.	2, 125, 002. 00	Proceeds to be subject to future disposition by Congress. See section 2, act July 1, 1892 (27 Stat.,
Siletz, Oreg	177,000	142,600.00	Aug. 15, 1894 (28 St., 326).	177,000	1.50	265, 500	1,445.65	284, 054. 35	63). Subject to entry under other than homestead laws, but greatest proportion will probably be entered under homestead law.
Crow, Mont	1,800,000	946,000.00	Mar. 3, 1891 (26 St., 1042).	1,700,000	1.50	2,550,000	840.00	2,549,160.00	tered under nomestead law.
Chippewa, Minn	5, 026, 447	(a)	Jan. 14, 1889 (25 St., 642).	3, 322, 936	1.25	4, 153, 670	None.	4, 153, 670. 00	Proceeds to be deposited in United States Treasury for benefit of
Cherokee Outlet (exclu- sive of Pawnee and Tonkawa bands), Okla.)	6, 754, 486	9, 324, 125. 00 }	June 16, 1880 (21 St., 248). Mar. 3, 1881 (21 St., 422). Mar. 3, 1882 (22 St., 624). Oct. 19, 1888 (25 St., 609). Mar. 2, 1889 (25 St., 994). Mar. 3, 1893 (27 St., 640).	5,360,870	{1.00 1.50 2.50	} 7, 370, 410	c137, 496. 86	7,232,913.14	Indians.

a Proceeds from disposal.

b See remarks.

c No separate account was kept of the receipts from the disposals of lands in the several reservations in Oklahoma, and while the amounts apportioned to the several reservations have been estimated, it is believed that the aggregate receipts from all of the reservations is approximately correct.

Statement showing cost of Indian lands obtained by cession and subject to disposal under the homestead law, etc.—Continued.

Name of reservation.	Estimated number of acres ceded.	Total amount paid for ces- sion.	Statute providing for payment.	Area in acres opened or to be opened to settlement and entry.	Price per acre to be paid by set- tler.	Amount that will be re- ceived from set- tlers under existing law when all lands have been disposed of	1896.	Loss to United States if settlers are relieved from payment.	Remarks.
Pawnee, Okla	200,770	\$263,065.79	Mar. 3, 1893 (27 St., 644).	169, 320	\$2.50	\$423,300	a \$7,000.00	\$416,300.00	The Cherokee Indians were also paid for ceding their rights in these lands. Amount included in item "Cherokee Outlet."
Tonkawa, Okla	79,095	30,600.00	Mar3, 1893 (27 St., 643).	68, 950	2.50	172,375	a1,000.00	171, 375.00	Do. b
Sac and Fox, Okla	391, 184	950, 278.00	Feb. 13, 1891 (26 St., 758).	364, 536	1.25	455, 670	a 52,000.00	403, 670. 00	Cost of cession includes amount paid Creek Indians for these lands, b
Iowa, Okla	219,446	805, 565. 46	Feb. 13, 1891 (26 St., 753).	207,028	1.25	258, 785	a 30,000.00	228, 785.00	Do.b
Absentee Shawnee and Pottawatomie, Okla.	309, 134	773,000.31	Mar. 3, 1891 (26 St., 1021).	256, 896	1.50	385,344	a 35,000.00	350, 344. 00	Cost of cession includes amount paid Creek and Seminole Indians for these lands.b
Cheyenne and Arapahoe, Okla.	3, 732, 390	5, 400, 646. 87	Mar. 3, 1891 (26 St., 1025).	3,500,562	1.50	5, 250, 843	a3,000.00	5, 247, 843.00	Cost of cession includes amount paid to Creek, Seminole, and Choctaw and Chickasaw Indians for these lands b
Kickapoo, Okla	184, 386	264, 922. 02	Mar. 3, 1893 (27 St., 363).	85,000	1.50	127,500	None.	127, 500.00	Cost of cession includes amount paid to Creek Indians for these lands b
Wichita, Okla	574,010	929, 512. 50	Mar. 2,1895 (28 St., 897).	491,388	1.25	614,235	None.	614, 235.00	Cost of cession is amount paid Choctaw and Chickasaw Indians for these lands. The proceeds from disposal are to be deposited in United States Treasury for fu- ture determination by courts as to amount to be paid the Wichita Indians.
Total	33, 252, 541	25, 261, 937. 95		c28, 911, 632		35, 789, 263	446, 256. 14	d35,343,006,86	

a No separate account was kept of the receipts from the disposals of lands in the several reservations in Oklahoma, and while the amounts apportioned to the several reservations have been estimated, it is believed that the aggregate receipts from all of the reservations is approximately correct.

b 14 Stat., 785; 25 Stat., 757; 26 Stat., 1025; 23 Stat., 212; 25 Stat., 1004.

c The difference between area ceded and area opened to settlement and entry is due to reservations for schools, etc.

d This amount will be reduced by so much as may be received in payment for commutation of homestead entries if any of the settlers elect to commute instead of receiving patent without payment by a longer residence.

Mr. PETTIGREW. I wish to say that whatever revenue there might be would be distributed over the next twenty or fifty years which would elapse before all the lands would be taken if this bill did not pass. The sum, in my opinion, which will come out of the Treasury by the passage of this bill will not amount to \$13,500,000, and that sum will be distributed over several years of time. The revenue to the Government last year from the sale of these reservations was only \$240,000. So that the anticipation of much revenue from that source is a vain hope.

much revenue from that source is a vain hope.

The PRESIDING OFFICER. If there be no objection, when the views of the minority shall have been prepared and handed to the Secretary, the original report, with the views of the minority, will be reprinted, together with the tables presented by the Senator from Connecticut. The Chair hears no objection, and it is so

SPECIAL EXAMINER OF DRUGS AT PHILADELPHIA.

Mr. QUAY. I ask unanimous consent that the Senate proceed to the consideration of the bill (S. 2397) to amend section 2743 of the Revised Statutes of the United States, concerning the examination of drugs.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Finance with an amendment, in line 8, before the word "hundred," to strike out "two thousand five" and insert "one thousand eight;" so as to make the bill read:

Be it enacted, etc., That section 2743 of the Revised Statutes be, and it hereby is, so amended that the special examiner of drugs, medicines, chemicals, chemical preparations, dyes, dyestuffs, paints, oils, varmishes, and other similar articles, at Philadelphia, Pa., shall receive a salary of \$1,800 per annum, and shall be paid each year quarterly.

Mr. COCKRELL. What is the salary of that officer now?
Mr. QUAY. The salary is \$1,500, which is much lower than
the salary of the similar officer heretofore at the port of Boston
and the port of New York.

I will say further, in relation to the amendment of the committee, that the intention of the bill when introduced was to fix the
salary of the officer at Philadelphia at the same amount paid similar officers in some of the other large ports. The Committee on lar officers in some of the other large ports. The Committee on Finance in their wisdom have seen fit to reduce by \$700 the origi-

nal proposition.

Mr. PLATT. How much is the salary they fix?

Mr. QUAY. The salary appears in the bill at \$1,800, instead of \$2,500. My own opinion is that the amendment of the committee ought to be voted down.

Mr. COCKRELL. I hope the Senator will not insist upon that after a committee of the Senate has investigated the subject and reported such an amendment. Let the bill go through in the way it is reported and get it out of the way.

The PRESIDING OFFICER. The question is on the amendment reported by the Committee on Finance.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amend-

ment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

M. R. WILLIAM GREBE.

Mr. BAKER. I ask unanimous consent for the present consideration of the bill (H. R. 3139) for the relief of M. R. William

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It directs the Secretary of War to revoke the order by which M. R. William Grebe was dismissed from the military service of the United States as a captain of the Fourth Missouri Volunteer Cavalry, and to honorably discharge him, to date from the 12th of December, 1864; but he shall not be entitled to any back pay or allowances to which he might have been entitled but for such action.

The bill was reported to the Senate without amendment, ordered

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CATHOLIC CHURCH AT MACON CITY, MO

Mr. COCKRELL. I ask unanimous consent for the present consideration of the bill (S.-71) for the relief of the Catholic church at Macon City, Mo., which has been favorably reported by the Committee on Claims and has been passed by this body three times heretofore

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It directs the Secretary of War to cause to be investigated by the Quartermaster's Department of the Army the circumstances, character, and extent of the alleged use and occupation by the United States military authorities for Government purposes, during the late war, of the Catholic church at Macon City, in Macon County, Mo., the actual value of such use and occupation, and to find, award, and certify to the Secretary of the Treasury what amount, if any, is equitably due from the United States to said Catholic church as the reasonable value of such use and occupation; and to pay to the person or per-sons authorized to receive and receipt for the same the amount, if any, so found to be due from the United States; and provides that the acceptance of any sum paid under the provisions of this act shall be in full satisfaction of all claims of every kind and nature for such use and occupation.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

GEORGE JOHNSON.

Mr. GEAR. I ask unanimous consent for the present consideration of the bill (H. R. 4281) granting a pension to George Johnson, of Lenox, Iowa

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported by the Committee on Pensions with an amendment, in line 8, after the word "Infantry," to insert "in lieu of that he is now receiving;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the peusion roll, at the rate of \$72 per month, subject to the provisions and limitations of the general pension laws, the name of George Johnson, late a private in Company C, Ninetenth Regiment Wisconsin Volunteer Infantry, in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to George Johnson, of Lenox, Iowa.'

HENRY A. F. WORTH.

Mr. SEWELL. I ask unanimous consent for the present consideration of the bill (H. R. 5787) for the relief of Henry A. F. Worth.

Worth.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to place upon the pension roll the name of Henry A. F. Worth, late captain Company K, Sixth Regiment United States Infantry, and to pay him a pension of \$72 per month.

The bill was reported to the Senate without amendment, ordered

to a third reading, read the third time, and passed.

HOUSE BILLS REFERRED.

The following bills were severally read twice by their titles, and referred to the Committee on Claims:

referred to the Committee on Claims:

A bill (H. R. 129) for the relief of Thomas B. Reed;
A bill (H. R. 897) for the relief of James Stewart; and
A bill (H. R. 3075) for the relief of John A. Lynch.

The following bills were severally read twice by their titles, and referred to the Committee on Military Affairs:
A bill (H. R. 71) for the relief of Capt. Francis A. Beuter; and A bill (H. R. 3503) to correct the military record of Elisha B.

Bassett.

The following bills were severally read twice by their titles, and referred to the Committee on the District of Columbia:

A bill (H. R. 6713) to extend North Capitol street northward through the property of the Prospect Hill Cemetery, to pay for land to be taken for such purpose, and for other purposes;

A bill (H. R. 8726) to provide for the payment of certain claims against the District of Columbia by drawback certificates;

A bill (H. R. 9647) to authorize the extension of the lines of the Metropolitan Railroad Company of the District of Columbia;

A joint resolution (H. Res. 213) to permit railroads in the District to occupy additional parts of streets to accommodate the traveling public attending the inaugural ceremonies;

A joint resolution (H. Res. 214) authorizing the Secretary of War to grapt permits to the executive committee on inaugural ceremonies for use of reservations or public spaces in the city of Washington on the occasion of the inauguration of the President-elect on March 4, 1897, etc.; and

A joint resolution (H. Res. 215) extending time for compliance by Eckington and Soldiers' Home Railway Company and the Belt Railway Company with provisions of section 1 of an act entitled "An act to extend the routes of said railway companies," etc.,

"An act to extend the routes of said railway companies," etc., approved June 10, 1896.

The following bills were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (H. R. 1018) to increase the pension of Bennett S. Shaug;
A bill (H. R. 2231) for the relief of Bluford Reeder;
A bill (H. R. 2231) for the relief of Bluford Reeder;

A bill (H. R. 2231) for the relief of Bluford Reeder;
A bill (H. R. 2742) to grant a pension to J. J. Davis;
A bill (H. R. 3481) granting a pension to James L. Wing;
A bill (H. R. 3499) granting a pension to Eliza A. Foss;
A bill (H. R. 3884) for the relief of John T. Brewster;
A bill (H. R. 3945) granting a pension to Thomas J. Thorp;
A bill (H. R. 4264) granting a pension to Mary Pelham;

A bill (H. R. 4620) granting a pension to Samuel McKinsey; A bill (H. R. 4655) granting a pension to Frederick A. Driscol; A bill (H. R. 4744) to increase the pension of Adam Dennis;

A bill (H. R. 4875) granting a pension to John W. Pogue; A bill (H. R. 5670) to increase the pension of Richard S. Phillips;

A bill (H. R. 5670) to increase the pension of Richard S. Phillips; A bill (H. R. 5855) granting a pension to Emily Elliott; A bill (H. R. 5895) granting a pension to Anna N. Kendall; A bill (H. R. 5902) granting a pension to Jane Christian Marye; A bill (H. R. 6282) to increase the pension of Alexander McBride; A bill (H. R. 6378) for the relief of Eliza J. Holman; A bill (H. R. 6792) granting a pension to Hannah R. Quint; A bill (H. R. 6900) increasing the pension of Mary T. Young; A bill (H. R. 7240) granting a pension to John W. Bruner; and A bill (H. R. 9592) to amend an act entitled "An act granting pension to Jesse McMillan." received by the President May 27.

a pension to Jesse McMillan," received by the President May 27, 1896.

LOAN OF FLAGS FOR INAUGURAL CEREMONIES.

The bill (H. R. 9700) authorizing the issuing and loaning of the ensigns, flags, signal numbers, etc., of the United States for the purpose of decorating the streets of the city of Washington on the occasion of the inaugural ceremonies on the 4th of March, 1897,

was read twice by its title.

Mr. SHERMAN. I am directed by the committee having in charge the arrangements for the inauguration to ask the immediate passage of the bill which has just been read. It is necessary to have it done now rather than later; it will take but a moment, and there is no objection to it. I therefore ask unanimous consent for the present consideration of the bill.

There being no objection, the Senate, as in Committee of the

Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

The preamble was agreed to.

INVESTIGATION OF SOLDIERS' HOME AT LEAVENWORTH, KANS.

The VICE-PRESIDENT laid before the Senate the following concurrent resolution from the House of Representatives; which was referred to the Committee on Printing:

Resolved by the House of Representatives (the Senate concurring), That the special committee to investigate the Soldiers' Home at Leavenworth, Kans., be, and are hereby, authorized to procure the printing of the testimony taken by said committee, together with such exhibits used in said investigation as said committee shall deem necessary.

ESTHER BROWN.

Mr. HARRIS. I move that the Senate proceed to the consider-

ation of executive business.

Mr. CANNON. Will the Senator from Tennessee withdraw the motion for a moment to allow me to call up a very modest pension bill?

Mr. HARRIS. I should be glad to do so if I were not afraid that the precedent would tempt other Senators to ask me to do the same thing. But I will risk it, Mr. President. I yield to the Senator from Utah.

The PRESIDING OFFICER (Mr. Cullon in the chair). The

motion is withdrawn.

Mr. CANNON. I ask unanimous consent for the present consideration of the bill (S. 3252) to increase the pension of Esther

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to place on the pension roll the name of Esther Brown, widow of James Brown, late a captain in Company C, Mormon Battalion Volunteers, Mexican war, at the rate of \$12 per month, in lieu of the pension she now receives.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed. EXECUTIVE SESSION.

Mr. HARRIS. I renew my motion.

The PRESIDING OFFICER. The Senator from Tennessee moves that the Senate proceed to the consideration of executive husiness

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After twenty-five minutes spent in executive session the doors were reopened, and (at 3 o'clock and 21 minutes p. m.) the Senate adjourned until to-morrow, Tuesday, December 22, 1896, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate December 21, 1896. POSTMASTERS.

Robert M. Cameron, to be postmaster at Belmond, in the county of Wright and State of Iowa, in the place of Miss Lyna Whited, whose commission expired December 14, 1896. Orrin L. Mickel, to be postmaster at Woodbine, in the county of Harrison and State of Iowa, in the place of William F. Schuler,

whose commission expired December 14, 1896.

Charles H. Riley, to be postmaster at Dedham, in the county of Norfolk and State of Massachusetts, in the place of Charles H.

or Norroix and State of Massachusetts, in the place of Charles H. Riley, whose commission expired December 14, 1896.

Nettie J. Van Inwegen, to be postmaster at Ortonville, in the county of Bigstone and State of Minnesota, in the place of Nettie J. Van Inwegen, whose commission expired December 14, 1896.

Mi's Felicie Louise Delmas, to be postmaster at Scranton, in the county of Jackson and State of Mississippi, in the place of Leman D. Herrick, whose commission expired December 14, 1896.

Charles Trimble, to be postmaster at Grenada, in the county of Grenada and State of Mississippi, in the place of Mrs. Jennie T.

Mister, whose commission expired December 20, 1896.

Miss Augusta B. Berard, to be postmaster at West Point, in the county of Orange and State of New York, in the place of Miss Augusta B. Berard, whose commission expired December 20,

Eugene Gardner, to be postmaster at Philmont, in the county of Columbia and State of New York, in the place of William H. Stickles, deceased.

William F. Sponenburg, to be postmaster at Manlius, in the county of Onondaga and State of New York, in the place of Frank P. Emmons, whose commission expired December 20, 1896.

William A. Ault, to be postmaster at Wadsworth, in the county of Medina and State of Ohio, in the place of Benjamin F. Sonnes-

tine, resigned.

Alfred J. McQuiston, to be postmaster at Saltsburg, in the county of Indiana and State of Pennsylvania, in the place of James S. Hart, whose commission expired December 14, 1896.

Isaac R. Wilkinson, to be postmaster at Pawtucket, in the county of Providence and State of Rhode Island, in the place of Almon K. Goodwin, whose commission expired December 14, 1896.

PROMOTIONS IN THE ARMY.

Cavalry arm.

Lieut. Col. David Perry, Tenth Cavalry, to be colonel, December 11, 1896, vice Biddle, Ninth Cavalry, retired from active service.

Maj. John Morris Hamilton, First Cavalry, to be lieutenant-colonel, December 8, 1896, vice Randlett, Ninth Cavalry, retired from active service.

Maj. Theodore Anderson Baldwin, Seventh Cavalry, to be lieutenant-colonel, December 11, 1896, vice Perry, Tenth Cavalry, promoted.

Capt. Edward Settle Godfrey, Seventh Cavalry, to be major, December 8, 1896, vice Hamilton, First Cavalry, promoted.
Capt. Albert Gallatin Forse, First Cavalry, to be major, Decem-

ber 11, 1896, vice Baldwin, Seventh Cavalry, promoted.

First Lieut. Edwin Parker Brewer, adjutant, Seventh Cavalry, to be captain, December 8, 1896, vice Godfrey, Seventh Cavalry,

promoted.

First Lieut. Montgomery Davis Parker, Ninth Cavalry, to be captain, December 11, 1896, vice Mathey, Seventh Cavalry, retired from active service.

First Lieut. Oscar James Brown, First Cavalry, to be captain, December 11, 1896, vice Forse, First Cavalry, promoted. Second Lieut. Charles Dudley Rhodes, Sixth Cavalry, to be first lieutenant. December 8, 1896, vice Holbrook, Seventh Cavalry, appointed adjutant.

Second Lieut. Winthrop Samuel Wood, Tenth Cavalry, to be first lieutenant, December 11, 1896, vice Parker, Ninth Cavalry, promoted.

Infantry arm.

Second Lieut. Frank Daniel Webster, Sixth Infantry, to be first lieutenant, December 7, 1896, vice Webber, Twentieth Infantry, retired from active service.

CONFIRMATIONS.

Executive nominations confirmed by the Senate December 21, 1896. SURVEYOR-GENERAL.

Robert A. Habersham, of Portland, Oreg., to be surveyor-general of Oregon. CONSULS.

Julius G. Lay, of the District of Columbia, to be consul of the United States at Windsor, Ontario.
George B. Anderson, of the District of Columbia, to be consul of the United States at Antigua, West Indies.
William Coulbourn Brown, of Maryland, to be consul of the United States at Newcastle, New South Wales.

PROMOTIONS IN THE ARMY. Adjutant-General's Department.

Lieut. Col. Merritt Barber, assistant adjutant-general, to be assistant adjutant-general, with the rank of colonel.

Maj. John Curtis Gilmore, assistant adjutant-general, to be assistant adjutant-general, with the rank of lieutenant-colonel.

Medical Department.

Lieut. Col. Charles Ravenscroft Greenleaf, deputy surgeon-general, to be assistant surgeon-general, with the rank of colonel.

Maj. William Henry Gardner, surgeon, to be deputy surgeongeneral, with the rank of lieutenant-colonel.

Capt. William Blackford Davis, assistant surgeon, to be surgeon. with the rank of major.
Capt. William Winbourn Gray, assistant surgeon, to be sur-

geon, with the rank of major.

Capt. Louis Brechemin, assistant surgeon, to be surgeon, with

the rank of major. Capt. Louis Areatole La Garde, assistant surgeon, to be surgeon, with the rank of major.

Cavalry arm.

Maj. James Franklin Randlett, Ninth Cavalry, to be lieutenantcolonel

Capt. Henry Jackson, Seventh Cavalry, to be major. Capt. Albert Emmett Woodson, Fifth Cavalry, to be major. First Lieut. Herbert Jermain Slocum, Seventh Cavalry, to be

First Lieut. William John Nicholson, adjutant, Seventh Cav-

alry, to be captain.

First Lieut. Fred Waldron Foster, Fifth Cavalry, to be captain.

First Lieut. William Carey Brown, First Cavalry, to be captain.

Second Lieut. William Thomas Littebrant, Tenth Cavalry, to be first lieutenant

Second Lieut. Matthew Calbraith Butler, jr., Fifth Cavalry, to be first lieutenant.

Second Lieut. Henry Anson Barber, First Cavalry, to be first lieutenant

Second Lieut. Michael Mark McNamee, Third Cavalry, to be first lieutenant.

Second Lieut. Richmond McAllister Schofield, Fourth Cavalry, to be first lieutenant.

Second Lieut. Ralph Harrison, Second Cavalry, to be first lieutenant.

Artillery arm.

Lieut. Col. Alexander Cummings McWhorter Pennington, Fourth Artillery, to be colonel.

Maj. Henry Cornelius Hasbrouck, Fourth Artillery, to be lieu-

tenant-colonel.

Capt. John Haskell Calef, Second Artillery, to be major. Capt. John Luke Tiernon, Third Artillery, to be major. Capt. James Madison Lancaster, Third Artillery, to be major. First Lieut. Robert Harmon Patterson, First Artillery, to be captain.
First Lieut. Oliver Ellsworth Wood, Fifth Artillery, to be cap-

tain.

First Lieut. Edwin Styles Curtis, Second Artillery, to be cap-

First Lieut. Edward Davis, Third Artillery, to be captain. First Lieut. Joseph Mark Califf, Third Artillery, to be captain. Second Lieut. William Lacy Kenly, Fourth Artillery, to be first lieutenant

Second Lieut. William George Haan, Fifth Artillery, to be first lieutenant

Second Lieut. Sidney Sanzade Jordan, Fifth Artillery, to be first lieutenant

Second Lieut. Walter Augustus Bethel, Fourth Artillery, to be first lieutenant.

Second Lieut. Morris Keene Barroll, Second Artillery, to be first lieutenant.

Infantry arm.

Maj. Joseph Theodore Haskell, Twenty-fourth Infantry, to be lieutenant-colonel.

Capt. Henry Hollingsworth Humphreys, Fifteenth Infantry, to be major.

Capt. Otis Wheeler Pollock, Twenty-third Infantry, to be major.

First Lieut. David Dawson Mitchell, adjutant, Fifteenth Infantry, to be captain.
First Lieut. Alfred Bainbridge Johnson, Seventh Infantry, to

be captain.

First Lieut. Charles Byrne, Sixth Infantry, to be captain. First Lieut. William Ralph Abercrombie, Second Infantry, to

First Lieut. William Augustus Nichols, quartermaster Twentythird Infantry, to be captain.

First Lieut. Colville Penroe Terrett, adjutant, Eighth Infantry,

to be captain.

First Lieut. Nat Poyntz Phister, First Infantry, to be captain.

First Lieut. Alexis Rupert Paxton, Fifteenth Infantry, to be

captain.
First Lieut. Zerah Watkins Torrey, Sixth Infantry, to be captain.

Second Lieut. Edwin Victor Bookmiller, Second Infantry, to be first lieutenant.

Second Lieut. Alexander Ross Piper, Second Infantry, to be

first lieutenant. Second Lieut. Edward Thomas Winston, Fourteenth Infantry,

to be first lieutenant. Second Lieut. Matt Ransom Peterson, Sixth Infantry, to be first

Second Lieut. Edwin Tuttle Cole, Eighth Infantry, to be first lieutenant

Second Lieut. William Allen Phillips, Twenty-second Infantry, to be first lieutenant.

Second Lieut. John Rodger Meigs Taylor, Seventh Infantry, to be first lieutenant.

Second Lieut. George William Kirkman, First Infantry, to be

first lieutenant.
Second Lieut. Francis Edmond Lacey, jr., Tenth Infantry, to be first lieutenant.

Second Lieut. Sydney Amos Cloman, First Infantry, to be first

Second Lieut. Charles Crawford, Tenth Infantry, to be first lieutenant.

Second Lieut. William Sidney Graves, Seventh Infantry, to be first lieutenant.

Ordnance Department.

Capt. Valentine McNally, ordnance storekeeper, to be ordnance storekeeper with the rank of major.

APPOINTMENTS IN THE ARMY.

Medical Department—To be assistant surgeons, with the rank of first lieutenant.

Basil Hicks Dutcher, of New York.
Leigh Austin Fuller, of New Jersey.
Franklin Middleton Kemp, of New York.
George Alfred Skinner, of Minnesota.
Carl Roger Darnall, of New Jersey.
William Evans Richards, of Mississippi.
Louis Percy Smith, of the District of Columbia.
Marshall Morgan Cloud, of Kansas.

To be post chaplain.

The Rev. Leslie Richard Groves, of New York.

Corps of Engineers-To be additional second lieutenants.

- Cadet Edwin Roy Stuart.
 Cadet George Matthias Hoffman.

Artillery arm—To be additional second lieutenants.

- Cadet Harry Frederick Jackson.
- Cadet Robert Emmet Callan. Cadet William Harvey Tschappat. Cadet William Slann Guignard.
- 9. Cadet Edwin Landon.

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 11. Cadet Clarence Henry McNeil.
 12. Cadet Joseph Powell Tracy.
 14. Cadet Lloyd England.
 16. Cadet James William Hinkley, jr.
 19. Cadet Percy Myers Kessler.
 23. Cadet Johnson Hagood.
 30. Cadet George Thomas Patterson.
 32. Cadet Frank Kerby Fergusson.

Cavalry arm-To be second lieutenants.

- 8. Cadet Eugene Postell Jervey, jr.

- 8. Cadet Eugene Postell Jervey, jr.
 10. Cadet Le Roy Eltinge.
 13. Cadet John Buffalo Christian.
 15. Cadet Thomas Ferrers Howard.
 17. Cadet George Williams Moses.
 20. Cadet Newton Davidson Kirkpatrick.
 22. Cadet Charles Ezra Stodter.
- 25. Cadet Alexander Macomb Miller, jr.

To be additional second lieutenants.

- Cadet Paul Reisinger.
 Cadet Charles Bryant Drake.
 Cadet Charles McKinley Saltzman.
- 31. Cadet John Morrison, jr.

- 33. Cadet Harry Ormiston Williard.

- Cadet Harry Ormiston Williard.
 Cadet Lucius Roy Holbrook.
 Cadet John Parsons Wade.
 Cadet Elvin Ralph Heiberg.
 Cadet Stephen Morris Kochersperger.
 Cadet Ola Walter Bell.
 Cadet Abraham Grant Lott.
 Cadet Edward Leonard King.
 Cadet Samuel Field Dallam.
 Cadet William Kelly, jr.
 Cadet George Thomas Summerlin.
 Cadet Charles Trumbull Boyd.
 Cadet Henry Charles Whitehead.

- 65. Cadet Henry Charles Whitehead. 67. Cadet William Dixon Chitty. 70. Cadet Alfred Eldrekin Kennington. 71. Cadet Lanning Parsons. 72. Cadet Edward Percy Orton.

- 73. Cadet Robert Boyd Powers.

Infantry arm—To be second lieutenants.

- 6. Cadet Samuel Victor McClure.
- 18. Cadet Alga Prestina Berry. 21. Cadet Lucian Stacy.
- Cadet Haydon Young Grubbs.
- 26. Cadet Celwyn Emerson Hampton. 34. Cadet Herschel Tupes. 36. Cadet George Henry Shelton. 38. Cadet Isaac Newell.

To be additional second lieutenants.

- (Since resigned.)
- Cadet Robert Morris Brookfield.
 Cadet Frank Homer Whitman.
 Cadet Francis Gurney Smith. (8
 Cadet Clarence Newcomb Purdy.
- 47. Cadet Merch Bradt Stewart

- 47. Cadet Merch Bradt Stewart.
 48. Cadet Frederick Worthington Lewis.
 50. Cadet Charles Ernest Russell.
 51. Cadet Dennis Edward Nolan.
 52. Cadet James Newell Pickering.
 53. Cadet William Arthur Burnside.
 54. Cadet Duncan Norbert Hood. (Since resigned.)
 55. Cadet Reynolds Johnston Burt.
 58. Cadet Russell Creamer Langdon.
 60. Cadet Harry Herbert Tebbetts.
 62. Cadet Thomas Aloysius Wansboro.

- 62. Cadet Thomas Aloysius Wansboro. 63. Cadet Houston Valle Evans.

- 64. Cadet Arthur Raphael Kerwin. 66. Cadet George Swazey Goodale. 68. Cadet Benjamin Minturn Hartshorne, jr. 69. Cadet Frank Crandall Bolles.

Cavalry arm.

Lieut. Col. David Perry, Tenth Cavalry, to be colonel.

Maj. John Morris Hamilton, First Cavalry, to be lieutenantcolonel.

Maj. Theodore Anderson Baldwin, Seventh Cavalry, to be lieutenant-colonel.

Capt. Edward Settle Godfrey, Seventh Cavalry, to be major. Capt. Albert Gallatin Forse, First Cavalry, to be major. First Lieut. Edwin Parker Brewer, adjutant, Seventh Cavalry,

to be captain.
First Lieut. Montgomery Davis Parker, Ninth Cavalry, to be

captain.
First Lieut. Oscar James Brown, First Cavalry, to be captain.
Second Lieut. Charles Dudley Rhodes, Sixth Cavalry, to be first

lieutenant Second Lieut. Winthrop Samuel Wood, Tenth Cavalry, to be first lieutenant.

Infantry arm.

Second Lieut. Frank Daniel Webster, Sixth Infantry, to be first lieutenant.

INDIAN AGENT.

Benjamin C. Ash, of Pierre, S. Dak., to be agent for the Indians of the Lower Brulé Agency, in South Dakota.

POSTMASTERS.

David J. Bailey, jr., to be postmaster at Griffin, in the county of Spalding and State of Georgia.

Salem H. Ford, to be postmaster at Owensboro, in the county of Daviess and State of Kentucky.

Frank Speasmaker, to be postmaster at London, in the county of Madison and State of Ohio.

Robert A. Smith, to be postmaster at St. Paul, in the county of Ramsey and State of Minnesota.

HOUSE OF REPRESENTATIVES.

MONDAY, December 21, 1896.

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. HENRY N. COUDEN.

The Journal of the proceedings of Saturday last was read and approved.

JOHN C. HOWE.

Mr. WALKER of Massachusetts. I ask unanimous consent for the present consideration of a private bill. It is a case in which great injustice has been done; and I have been waiting during

two Congresses to get it up.

The SPEAKER. The gentleman from Massachusetts [Mr. Walker] asks unanimous consent for the present consideration of the bill which will be read.

The bill (H. R. 753) for the relief of John C. Howe was read,

as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to the legal representatives of John C. Howe, deceased, \$96,907, out of any money in the Treasury not otherwise appropriated, the same being compensation in full for the use by the United States, to wit, in 66,907,313 cup-anyli cartridges, of the invention secured to John C. Howe and his assigns by letters patent of the United States, issued to him August 16, 1864, and No. 43851, during the entire term of said letters patent, as appears in the findings of law and of fact made by the United States circuit court for the district of Connecticut, in the case of Forehand et al. vs. Porter, reported in volume 15 of the Federal Reporter, at page 256, and as further appears in the findings of fact made by the Court of Claims, after full testimony and full hearing in Congressional case No. 1, entitled Forehand et al. vs. The United States, heard on reference of the matter to said Court of Claims by the Committee on Claims of the Senate, under and pursuant to the act of March 3, 1885, commonly known as the Bowman Act, said indings of fact having been certified to the Committee on Claims of the Senate by said court on the 25th day of April, 1889.

Mr. WALKER of Massachusetts. Mr. Speaker, Iask unanimous consent to occupy a moment in stating the facts of this case. This consent to occupy a moment in stating the facts of this case. This invention was made in 1864. In 1868, long after the war, the Government took possession of it and manufactured the quantity of cartridges mentioned in the bill (66,907,313). The parties who are interested in this claim spent very much more than \$10,000 in prosecuting their case through all the United States courts. They obtained decisions of the United States courts in their favor. They then presented the matter to the Senate, where it was referred to the Committee on Claims. Favorable findings have been rendered by that committee; the bill has three times—in the Fifty-second, the Fifty-third, and the Fifty-fourth Congresses—received a unanimous report in its favor from the Senate committee; and it has passed the Senate twice. It was no our desk awaiting action in the Fifty-second and the Fifty-third Congresses; but it has never in the Fifty-second and the Fifty-third Congresses; but it has never been brought up.

This is a case of very great hardship. Not only did Mr. Howe suffer the loss of his property, which was taken possession of by the Government, but these claimants have been compelled to spend between ten and twenty thousand dollars in establishing their rights; they are out of pocket that much money. If the House will indulge me a moment, I will read an extract from a letter which I have received from Mr. Causten Browne, of Boston, the counsel for these parties. Mr. Browne says:

I have a letter this morning from Perry, who is the principal party in interest, next to Howe's daughter, and who has spent over \$10,000 on the case ont of his own pocket. He says: "Sickness and misfortune have ruined me to the last dollar, and you can hardly imagine the anxious feeling I have about this claim, which is my last hope for the old age of myself and my wife." Howe's daughter, as I think you already know, has never been able to pay her father's funeral expenses.

These parties have been waiting for years in the hope of receiving justice from the Congress of the United States. They have ng justice from the Congress of the United States. They have neglected other matters in which they might have earned support to give their attention to the prosecution of this claim. In this, as I think, they acted foolishly. If I had been their counsel, I would have told them to throw away this case before ever taking it to the courts. But they have expended their money in prosecuting a just claim and now, in their old age, are in a condition of suffering and want.

As I have said, the bill has been unanimously reported by three committees of the Senate; and it has also been unanimously reported by three committees of this House. It has twice passed the Senate, but up to this time we have been unable to have it brought before the House for action. I do ask that the bill be considered now. Either let it be defeated, if the claim is not a good one, or let it go through.

Mr. COX. As I understand, this is a Senate bill?
Mr. WALKER of Massachusetts. I desire to move to substitute for this the Senate bill, which has been again passed in this Senate.

Mr. COX. Has the bill been referred in this House to any com-

ported by the Committee on Claims, and referred to the Committee of the Whole House, but it has not been reached in the Committee of the Whole. Let me say to my friend that the House bill is identical, word for word, with the Senate bill. The bill has been reported unanimously in three Congresses. I hope the gentleman will at any rate allow the bill to be considered now.

The SPEAKER, Is there objection to the present considera-

tion of the bill?

Mr. COLSON. I should like to hear the report of the commit-

tee on this bill.

The SPEAKER. The gentleman from Kentucky [Mr. Colson] reserves the right to object, and calls for the reading of the report.
The report (by Mr. Denny) was read, as follows:

The Committee on Claims, to whom was referred the bill (H. R. 753) for the relief of the legal representatives of John C. Howe, having had the same under consideration, report as follows:

In 1804 John C. Howe, of Worcester, Mass., invented and patented a new metallic center-fire cartridge, and on August 16, 1864, a patent, No. 43851, was granted to him therefor. (A copy of the specification is annex-d hereto.)

In 1808 the United States adopted, without permission of Howe, and began to manufacture for its own use, and also in some instances for sale, a metallic cartridge then and since known in the service as the "cup-anvil" cartridge. Between 1808 and the date of expiration of the Howe patent, August 16, 1881, the United States manufactured 66,907,313 of these "cup-anvil" cartridges.

Between 1898 and the date of expiration of the Howe patent, Angust 16, 1881, the United States manufactured 66,907,313 of these "cup-anvil" cartridges.

This total product was valued by the United States at \$1,635,928.35.

Of this total product, the United States sold 5,721,818 and received in cash for same about \$199,375.96, which is at the average rate of nearly \$35 a thousand; the balance, or 61,185,495, were used by the United States.

Howe claimed that the "cup-anvil" cartridge infringed his patent, and this the ordnance officers of the United States denied.

Howe was a mechanic and a poor man, residing in Worcester, Mass., and had no money to prosecute his claim.

His employers, Forehand & Wadsworth, firearms manufacturers, of Worcester, Mass., took up his cause and agreed to prosecute it.

To that end he vested them with the legal title to the patent and to his claim against the United States for the infringement, and they brought suit in the United States circuit court for the district of Connecticut against the master armorer at Springfield, Mass., Samuel W. Porter (who had made a part of the cup-anvil cartridges for the United States), to have the validity of the patent and the fact of infringement decided by a competent tribunal. This suit was begun May 29, 1881.

The United States defended the suit by its district attorney for the district of Connecticut, Hon. Daniel Chadwick, the United States paying all the expenses of the defense. The testimony was begun on April 11, 1882, and concluded on October 30, 1882. The proofs in defense fill a volume of 99 printed pages.

The case was argued or ally and on printed briefs before Judge Nathaniel.

pages.
The case was argued orally and on printed briefs before Judge Nathaniel

concluded on October of, 1862. The proofs in december his volume of 185 printed pages.

The case was argued orally and on printed briefs before Judge Nathaniel Shipman.

On February 10, 1883, the opinion of the court was rendered construing the patent, and finding that it was valid and had been infringed by the making of the "cup-anvil" cartridges.

This opinion is reported in 15 Federal Reporter, page 256, under the name Forehand et al. vs. Porter.

In or about December, 1883, Forehand & Wadsworth presented to the Senate a memorial to Congress, setting forth the facts and praying for suitable compensation for the infringement.

This memorial was, on December 4, 1883, referred to the Committee on Claims of the Senate, and was by that committee, on January 9, 1884, referred under the Bowman Act of March 3, 1883, to the Court of Claims for findings of fact.

In or about February, 1884, a petition was filed in the Court of Claims by Forehand & Wadsworth in pursuance of the reference to that court. The Attorney-General of the United States filed a general traverse and conducted an even more elaborate defense on all the issues than had been made in the circuit court. The testimony in the case began on May 3, 1884, and ended on January 41, 1888. All the testimony in the case in the circuit court was stipulated into the case in the Court of Claims. In addition thereto other testimony was taken, making a volume of 88 printed pages, and including the depositions of Marcellus Hartley, of New York, president of the Union Metallic Cartridge Company, and William A. Hullert, of New York, on behalf of claimants; and, on behalf of the United States, the depositions of Col. A. R. Buffington, commandant at the Springfield Armory; S. W. Porter, master armorer at Springfield; Benj. F. Butler, of Lowell, Mass.; John E. Earle, expert, of New Haven, Conn.; John C. Howe, subposnaed; Col. J. M. Whittemore, Commandant at the Waterliet Arsenal, West Troy, N. Y., and Thomas J. Vail, of Hartford, Conn.

In May, 1888, the Court of Claims re

The Government manufactured these cartridges to an amount valued at \$1,635,928.35, of which the United States sold 5.721,818 and received therefor the sum of \$199,375.96, the Government retaining the balance of 61,185,496 for

As the court has established the validity of the patent belonging to the claimant, and its infringement by the Government, he is entitled to a reasonable royalty for its use, and your committee recommend the passage of the accompanying bill.

Mr. WALKER of Massachusetts. Let me call the attention of my friend from Tennessee [Mr. Cox] to the fact that this claim

has been prosecuted through all the courts. It is not a case that has simply been before the Court of Claims only, as is the fact has simply been before the Court of Claims only, as is the lact with many cases brought in; but these parties began suit in the United States court in Connecticut. and they obtained decisions in their favor all the way through. The various committees which have considered the case have unanimously reported in favor of the claim. If this claim is not to be paid, then there can never be a claim which ought to be paid. I want the case considered now. If it is to be defeated, let it be done, so that an end may be put to these people's long suspense.

these people's long suspense.

Mr. WILLIAM A. STONE. What is the amount involved?

Mr. WALKER of Massachusetts. A little less than \$67,000.

Eu it ought to be paid just as much as though it were only \$6.07.

Mr. COX. Let me ask the gentleman one question before consent is given for the consideration of the bill.

Mr. WALKER of Massachusetts. Let us have consent for its

consideration.

The SPEAKER. The Chair will first put the question. Is there objection to the present consideration of the bill?

Mr. COX. I object.
Mr. WALKER of Massachusetts. I certainly did not want to interrupt the gentleman, Mr. Speaker, and hope he will be given an opportunity to make his suggestion. I did not mean to compare the control of the present consideration of an opportunity to make his suggestion. I did not mean to cut him off, and hope he will be heard. Let him withdraw his objection and ask such questions as he thinks necessary to a full and fair understanding of this matter. That is all I ask. I think he must have misunderstood me, and hope he will go on now.

Mr. COX. The very point that I wanted to ask the gentleman from Massachusetts was this: This claim passed through the committee, and now the man is making an application—the man Howe, or his heirs, the inventor—for this allowance; but, as I understand it he has sold or transferred a very large interest in the

stand it, he has sold or transferred a very large interest in the invention, and the Court of Claims so finds.

Now, I wanted to ask my friend from Massachusetts this question: If he was not in the employ of the Government of the United States at the time that he made that invention?

Mr. WALKER of Massachusetts. He was in the employ of the manufacturing firm of Forehand & Wadsworth, in the town where I live. I knew him, knew his wife and children. Further-more, the money that has been put into this claim for the purmore, the money that has been put into this claim for the purpose of prosecuting it by the man who claims here and by the firm of Forehand & Wadsworth is more than the amount that will be refunded to them if this allowance is raade. That is to say, if the \$67,000 is paid, taking the money already expended in prosecuting the claim before the various courts and tribunals from 1881 to the present time, it will no more than refund the from 1881 to the present time, it will no more than refund the money and the interest these parties have actually paid out. The money is to be paid, if we award the claim, directly to Mr. Howe's heirs, and, as I have said, it will not be a great deal more for these people, aside from his daughter, than the amount they have already put in to prosecute the claim through the different tribunals up to the present time.

Mr. COX. This claim involves something like \$67,000, I believe?

Mr. WALKER of Massachusetts. Sixty-seventhousand nearly, or within a few dollars of it.

or within a few dollars of it.

Mr. COX. The claim has been in some way, or by some means, transferred to some one else. Now, what that party paid for the claim is a matter that I think should enter materially into the consideration of the equities of the case. The amount so paid does not appear anywhere in the report.

Mr. WALKER of Massachusetts. I can assure the gentle-

Mr. COX (continuing). Now, Mr. Speaker, I would take the word of the gentleman from Massachusetts as quick as that of any other man in the world. But in voting the public money out of the Treasury I would like to know who is getting the benefit of the claim on which we are passing, for he knows and I know that men are buying these claims against the Government and sending them here for appropriation, when often the amount of the claim is two or three hundred per cent more than what they paid for it. Now, while I would do anything for my friend from Massachusetts in the world that was within my power to do, I shall be compelled to interpose objection to the consideration of

shall be compelled to interpose objection to the consideration of this claim until all of these facts are fully determined. The SPEAKER. The gentleman from Tennessee objects. Mr. WALKER of Massachusetts. I hope the gentleman from Tennessee will not object until he allows me to answer his ques-

Mr. COX. Certainly not.
Mr. WALKER of Massachusetts. This is not a speculative claim in any sense of the word. It is not a claim that has been The facts are fully stated in the report, if the gentleman had heard the reading of it.

Mr. Howe, the inventor, died in poverty. The firm of Forehand & Wadsworth failed. Mr. Forehand is on his feet again, and is worth some money. Mr. Wadsworth died in poverty, and the man from Louisiana [Mr. Ogden] desires to present.

party who furnished the money to prosecute the claim, as much as \$10,000 or more, is also in poverty. These men who furnished the claimant the money to prosecute his claim did it from sympathy and a kindly feeling for him, and not for the purpose of making a speculation out of it. Their sympathies were excited in Mr. Howe's behalf, and especially when it was ascertained that Mr. Howe's daughter did not have money enough to pay the funeral expenses of her father, which are still due.

I beg the gentleman not to object.

Mr. COX. I will be glad to do anything for the gentleman from Massachusetts in my power—

Mr. WALKER of Massachusetts. I do not want anything done for me. It is only for this honest claimant that I ask the gentleman any description of the consideration. man's consideration.

Mr. COX. Well, I do not want anything from the gentleman from Massachusetts, and I object.

The SPEAKER. Objection is made.

Mr. WILLIAM A. STONE. I ask for the regular order.

Mr. PALLEY I have the gentleman will withdraw that for a

Mr. BAILEY. I hope the gentleman will withdraw that for a moment, as I wish to make a request of the House.

Mr. WILLIAM A. STONE. Very well, I will withdraw it for

the present.

MESSAGE FROM THE PRESIDENT.

A message from the President, by Mr. PRUDEN, one of his secretaries, announced that the President had approved and signed joint resolution of the following title:

Joint resolution (H. Res. 209) to pay the officers and employees of the Senate and House of Representatives their respective salaries for the month of December, 1896, on the 18th day of said month.

ENROLLED BILL SIGNED.

Mr. HAGER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled a bill (S. 2889) to aid and encourage the holding of the Tennessee Centennial Exposition at Nashville, Tenn., in the year 1897, and making an appropriation therefore; when the Speaker signed the same.

CAROLINE S. BAKER.

Mr. BAILEY. I ask unanimous consent for the present consideration of the bill (S. 2989) to increase the pension of Caroline S. Baker

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, at \$30 per month, subject to the provisions and limitations of the pension laws, the name of Caroline S. Baker, widow of John Howard Baker, late assistant engineer, United States Navy, in lieu of the pension she is now receiving.

The SPEAKER. Is there objection to the present consideration

Mr. JOHNSON of California. Mr. Speaker, reserving the right to object, I should like to hear the report read.

Mr. BAILEY. I can make a statement which I think will satisfy the gentleman. The husband of this widow was ordered by the Government, while in the line of his duty, into a Chinese port where cholera prevailed. Under these orders he went into the infected port, took the cholera, and died. Since her husband's death the widow has been drawing, under the law, \$15 for herself and \$2 for her child, making \$17 for the widow and the child. During this time she has resided with her father, who recently died, and she is left with absolutely nothing except the \$17 per month for herself and her child.

If this woman's husband had been in the employ of a private corporation and had lost his life under such circumstances, there is not a gentleman on this floor who, sitting as a juror, would not award her as damages a sum sufficient to yield more than this bill

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. CROWTHER. Mr. Speaker, I reserve the right to object until I can inquire whether this bill has been reported from the

Committee on Invalid Pensions.

Mr. BAILEY. This bill for which I ask unanimous consent is a Senate bill. It passed the Senate unanimously, and a similar bill was reported unanimously by the House committee.

The SPEAKER. Is there objection to the present consideration

of the bill?

There was no objection.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

On motion of Mr. BAILEY, a motion to reconsider the last vote

was laid on the table.

CONSTRUCTION OF CERTAIN BRIDGES.

Mr. OGDEN. I ask unanimous consent for the present consideration of the bill (S. 1723) to approve and ratify the construction of a bridge over and across Caddo Lake, at Mooringsport, La., by the Kansas City, Shreveport and Gulf Railway Company

The bill was read. It provides that the construction by the Kansas City, Shreveport and Gulf Railway Company, a corporation duly organized under the laws of the State of Louisiana, of the bridge over Caddo Lake, at the village of Mooringsport, La., be approved and ratified, subject to certain stipulations and con-

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The bill was ordered to a third reading; and it was accordingly

read the third time, and passed.

read the third time, and passed.

Mr. OGDEN. Mr. Speaker, I also ask unanimous consent for the present consideration of the bill (S. 1724) authorizing the Kansas City, Watkins and Gulf Railway Company to construct and maintain a bridge across the Black River, in Louisiana.

Mr. WILLIAM A. STONE. Mr. Speaker, is this a bill presented by the same member who presented the other?

The SPEAKER. This is another bridge bill, presented by the

same gentleman who presented the other.

The bill was read. It provides that the Kansas City, Watkins and Gulf Railway Company, a corporation created and existing under and by virtue of the laws of the State of Louisiana, be, and is, authorized to construct and maintain a bridge across Black River, in the State of Louisiana, at such point suitable to the interests of navigation as may hereafter be selected by said railway company for crossing said river with its railroad line.

The SPEAKER. Is there objection to the present considera-

tion of the bill?

There was no objection.

The bill was ordered to a third reading; and it was accordingly

read the third time, and passed.

Mr. OGDEN. Mr. Speaker, I also ask unanimous consent for the present consideration of the bill S. 1725.

Mr. WILLIAM A. STONE. I call for the regular order.

IMMIGRATION BILL.

The Clerk will present the following business The SPEAKER. on the Speaker's table.

The Clerk read as follows:

A bill (H. R. 7864) amending the immigration laws of the United States.

The bill was read, as follows:

The bill was read, as follows:

Be it enacted, etc., That section 1 of the act of March 3, 1891, in amendment of the immigration and contract-labor acts, be, and hereby is, amended by adding to the classes of aliens thereby excluded from admission to the United States the following: All male persons between 16 and 60 years of age who can not both read and write the English language or some other language. But no parent of a person now living in, or hereafter admitted to, this country shall be excluded because of his inability to read and write.

Sec. 2. That the provisions of the act of March 3, 1893, to facilitate the enforcement of the immigration and contract-labor laws, shall apply to the persons mentioned in section 1 of this act.

Sec. 3. That it shall be unlawful for any alien who resides or retains his home in a foreign country to enter the United States for the purpose of engaging in any mechanical trade or manual labor within the borders thereof while residing or retaining his home in a foreign country: Provided, That the Secretary of the Treasury may permit aliens to come into and enter this country for the purpose of teaching new arts or industries, under such rules and regulations as he may provide.

Sec. 4. That it shall be unlawful for any person, partnership, company, or corporation knowingly to employ in any mechanical trade or manual labor in the United States any alien who resides or retains his home in a foreign country: Provided, That the provisions of this act shall not apply to the employment of sailors, deck hands, or other employees of vessels of the United States, or rallroad train hands, such as conductors, engineers, brakemen, firemen, or baggagemen, whose duties require them to pass over the frontier to reach the termini of their runs.

Sec. 5. That it shall be unlawful for any alien to enter the United States, except subjects of the Dominion of Canada and other American countries, except at the places where the United States maintain an immigrant inspection board.

Sec. 6. That any

The amendments of the Senate were read, as follows:

The amendments of the Senate were read, as follows:

Page 1, line 7, strike out all after "following:" down to and including line
7, page 3, and insert: "All persons over 16 years of age who can not read and
write the language of their native country or some other language; but an
admissible immigrant over such age of 16 years may bring in with him or send
for his wife or parent or grandparent or minor child or grandchild notwithstanding the inability of such relative to read and write as aforesaid.

"Second. For the purpose of testing the ability of the immigrant to read
and write, as required by the foregoing section, the inspection officers shall
be furnished with copies of the Constitution of the United States, printed on
numbered uniform pasteboard slips, each containing five lines of said Constitution printed in the various languages of the immigrants in double small
pica type. These slips shall be kept in boxes made for that purpose and so
constructed as to conceal the slips from view, each box to contain slips of
but one language, and the immigrant may designate the language in which
he prefers the test shall be made. Each immigrant shall be required to draw
one of said slips from the box and read, and afterwards write out, in full

view of the immigration officers, the five lines printed thereon. Each slip shall be returned to the box immediately after the test is finished, and the contents of the box shall be shaken up by an inspection officer before another drawing is made. No immigrant falling to read and write out the slip thus drawn by him shall be admitted, but he shall be returned to the country from which he came at the expense of the steamship or railroad company which brought him, as now provided by law. The inspection officers shall keep in each box at all times a full number of said printed pasteboard slips, and in the case of each excluded immigrant shall keep a certified memorandum of the number of the slip which the said immigrant failed to read or copy out in writing."

Page 3, after line 7, insert:

"SEC. 2. This act shall not apply to persons arriving in the United States from any port or place in the Island of Cuba during the continuance of the present disorder there: Provided, That such persons have heretofore been inhabitants of that island."

Mr. BARTHOLDT. Mr. Speaker, I move that this bill be recommitted to the Committee on Immigration and Naturalization. I make this motion with the consent and at the request of some members of the committee; and I desire to say that if it should precipitate debate I would like to be heard in support of the motion.

Mr. DANFORD. A parliamentary inquiry. Will a motion to nonconcur in the Senate amendments and agree to the conference asked be in order, either as an amendment to or as a substi-tute for the motion of the gentleman from Missouri? The SPEAKER. The motion is in order; but the vote will have

to be taken on the motion to refer to the committee.

Mr. DANFORD. I make that motion-to nonconcur in the

Senate amendments and agree to the conference.

Mr. WILLIAM A. STONE. Mr. Speaker, there is no previous question ordered, and I should like to be heard for a moment on this motion

The SPEAKER. Does the gentleman from Missouri desire to be heard now?

Mr. BARTHOLDT. It is immaterial to me, Mr. Speaker.
Mr. WILLIAM A. STONE. Let the gentleman first be heard,
and then I desire to be heard.

and then I desire to be heard.

Mr. BARTHOLDT. How much time have I?

Mr. WILLIAM A. STONE. We are not limited.

The SPEAKER. The gentleman has an hour.

Mr. BARTHOLDT. Mr. Speaker, this bill is what is commonly known as the immigration bill. It passed the House last summer in a shape which seemed satisfactory all around. It was a compromise measure, and it was framed upon the principle of the Golden Rule. The extremists for restriction upon the one side were told that if they refused to accept this compromise measure it might result in no legislation at all upon the subject, and they it might result in no legislation at all upon the subject, and they acquiesced in the action of the House. On the other hand, there were those who claimed that restriction is not liberty—who held were those who claimed that restriction is not liberty—who held and now hold that the right of asylum on American soil should not be denied to anyone except those already barred by existing laws. The majority of our adopted citizens belong to the class who hold these views. And who will deny that their sentiments in this respect are thoroughly and uprightly American and in accord with those of the founders of the Republic? But they were told—and I was one of those who imparted the information to the characteristic of the restriction of the second that the restriction is not liberty—who held and it was one of those who imparted the information to the second that the restriction is not liberty—who held and it was one of those who imparted the information. to them—that they had to choose between the House bill and some harsher or more stringent measure; and so these people, a very large class, also acquiesced in the House bill; and I stood here upon this floor advocating the passage of that bill for the purpose of preventing more stringent and more harsh legislation on the subject.

All this, Mr. Speaker, was before the election which resulted

in such a glorious victory for sound money and Republican principles. There is not one on this side of the Chamber, and perhaps no one within the sound of my voice, who can justly deny that that great victory was largely due to the loyalty, the sound sense, and the conservatism of our adopted citizens, who, almost sense, and the conservatism of our adopted citizens, who, almost irrespective of party, voted for sound money, protection, and McKinley, thereby turning the scales in more than half a dozen States—in Ohio, in Illinois, in Wisconsin, in Michigan, in Iowa, in Minnesota, and even in old Kentucky.

I should not refer to this fact now, Mr. Speaker, if it had not a direct bearing upon this question of immigration. The advocates of heavely measures of restriction of immigration never fail to

direct bearing upon this question of immigration. The advocates of harsh measures of restriction of immigration never fail to point to the ignorant foreign vote as a justification of their position. It was said in the Senate, and it was repeated in the House last summer, that immigration was a growing danger to the institutions of our country, and the great centers of population were pointed out as an especial source of peril. But the result of the last election, Mr. Speaker, was a refutation of these assertions as complete as any patriot could wish for. All the large cities, all the counties, all the States in which the foreign vote forms a considerable element of strength voted against repudiation and for the nation's honor, and instead of endangering the life of the the nation's honor, and instead of endangering the life of the Republic, the presence of these foreign-born citizens helped materially, if not decisively, to save it.

With the permission of the House, I wish in this connection to

print some editorials of leading American newspapers which readily concede this fact. One of them, from the New York Evening Post, I ask time for the Clerk to read. It bears directly on the connection between immigration and election results.

The Clerk read as follows:

[The New York Evening Post, November 9, 1896.]

It is already clear that the demand for severe restrictions upon foreign immigration made by some uneasy people in the East will receive less support hereafter than before from the West, which has never manifested much sympathy with it. The next Congress will be controlled by sound-money Republicans, and such Congressmen from the West will have a keen sense of their indebtedness to the foreign element, without the support of which many of them would have lost their districts. Take the State of Iowa, for example. More than two-fifths of the people are of foreign parentage; of this foreign element two-fifths are Germans, over one-fifth Scandinavians, and more than one-tenth English, Scotch, and Welsh, nearly all of which races voted solidly for sound money. Those people who fear that the nation is being ruined by "the ignorant foreign vote" should read with attention this tribute to that vote on the morning of election day by the Iowa State Register, the leading Republican newspaper of its State:

"The question has often come to us, What would become of the cause of sound money, which we consider absolutely vital to honesty and honor and the country, if it were not for the Germans, the Scandinavians, the Scotch-Irish, and the Irish who follow in the footsteps of leaders like Archishop Ireland, the Welsh, the French, the Hebrews, nearly all of whom have come to this country in years more or less recent? Every man who has observed the trend of politics must concede that these elements are nine-tenths, or seven-tenths, for sound money—against debased currency, against repudiated debts, and for national integrity. We can not let this campaign come to a close without acknowledging the debt America this year owes to those of foreign birth."

Mr. BARTHOLDT. Mr. Speaker, I have a vast number of editorials of similar tenor from the New York Sun, from the St. Louis • Globe-Democrat, the leading Republican newspaper of the West, and other reputable journals, which I shall print in the Record, with the permission of the House. They are as follows:

[St. Louis Daily Globe-Democrat, Friday morning, November 13, 1896.] THE FOREIGN VOTE.

THE FOREIGN VOTE.

A feature of the recent election that merits general attention is the fact that the foreign-born citizens generally voted in favor of the gold standard and against the various follies and wickednesses of Bryanism. The States in which this element is strongest gave the largest majorities for McKinley, while those in which it counts for least gave majorities the other way. There is little or no foreign population in the South, where the preponderance was heaviest for Bryan, and the percentages in the Western States that he carried are among the smallest in the country. The Germans and the Scandinavians were practically solid for sound money, casting more than 500,000 votes on that side, which would have reversed the result in several States if they had been cast for free silver. In a relative way, the same is to be said of other nationalities. The fallacy of cheap money did not lead them astray; the proposition to make debts easier to pay by adopting the process of repudiation did not capture them. They did not take kindly to the idea of promoting prosperity by reducing wages and destroying values; and so, without regard to former partisan affiliations, they went to the polls and helped to overthrow the Chicago platform and ticket.

The lesson of this manifestation is obvious and important. We give ourselves a good deal of trouble from time to time about the foreign vote, and the probabilities of mischief that it involves; but we have here a striking proof that such apprehensions are not well founded. It is not true, as the result of the late election plainly shows, that the foreign-born voters constitute a force that can readily be used by demagogues and fanatics for the accomplishment of wild and evil purposes. These people bring with them from their native countries certain traits of integrity and morality and certain sentiments of respect for established principles and institutions which make them good citizens and careful voters. There are socialists and anarchists among them, to be sure,

[The New York Evening Post, November 6, 1896.]

[The New York Evening Post, November 6, 1896.]

NATIVE AND FOREIGN BORN.

Nine of the forty-five States of the Union lie within the region pierced by the Rocky Mountain range or west of those mountains. They are for the most part thinly settled, having in 1890 a total population of only 2.814.400, or less than 5 per cent of the £2,116,811 in the whole forty-five, although they have an abnormal proportion of the electoral votes—36 out of 447, or about one-twelfth. These 36 votes are so divided between the two candidates as to give Bryan a majority of 10 or of 4, according as Wyoming shall prove to be for or against him.

This side of the eastern foothills of the Rockies lie 36 States, of which 22 are north of the Potomac and Ohio rivers, and 14 below that line—counting Missouri with the South, as it has always been in political affiliations, and the adjoining State of Kansas with the North, as it has been since the slavery issue was raised until that issue was supplanted by Populism. The Northern States have 38,235,523 people, and 233 electoral votes; the Southern, 21,008,885 people, and 148 electoral votes. These Northern States are solid for McKinley, with the exception of Kansas, Nebraska, and possibly South Dakota; the Southern ones solid for Bryan, except West Virginia and Kenteky.

Among the various points of difference between these two groups of States is one which is seldom thought of, but which is brought into bold relief by the results of the recent election. The South is essentially a native section, the white population of many States being almost exclusively the descendants of the early settlers. The North is nearly half of foreign birth, with many States in which that element constitutes a large majority of the people. The last census gives the number of persons whose parents, one or both, were foreign born, which is a much fairer test than that of native or foreign birth. For the South the whites alone are now to be considered, as the negro vote has nowhere turned the scales except in Kentucky. F

North Carolina; between 3 and 4 in South Carolina, Georgia, and Tennessee, and between 4 and 5 in Virginia, Alabama, Mississippi, and Arkansas. In Florida there is a large element of Cubans; in Louisiana, New Orleans, the one large city in the South, has drawn many foreign immigrants; and in Texas many Mexicans have drifted across the Rio Grande, and there is a considerable German population, carrying the ratio in these three States up to about 15 per cent in Florida, 19 in Texas, and 28 in Louisiana. In the section, as a whole, the foreign vote is very small, and in no one of these last three States has it ever been a controlling element.

On the other hand, in the North we have in New England persons of foreign parentage constituting from about 23 per cent of the population in Maine to 56 in Massachusetts and 59 in Rhode Island: in New York about 57, New Jersey 50, and Pennsylvania 37; while west of the Alleghanies the only States with a relatively small proportion are Indiana, with about 21, Missourf 28, and Kansas 28. Every where else the ratio is large, and in some States very great, about 35 per cent in Ohio, 43 in Nebraska, 44 in Iowa, 50 in Illinois, 55 in Michigan, 61 in South Dakota, 74 in Wisconsin, 76 in Minnesota, and 79 in North Dakota.

The salient fact about the recent election from this point of view is that the almost entirely native South went overwhelmingly wrong on the burning issue, while the largely foreign-born North went even more overwhelmingly right. From the Atlantic to the Missouri River there was not a break in the McKinley column. New York, more than half foreign, gave McKinley about 25,000 more votes than Bryan; Illinois, half foreign, late 1000 majority for McKinley in a vote two-thirds as large as New York's; Wisconsin, nearly three-fourths foreign, about 100,000 majority in a total vote only about a quarter as large as New York's.

Moreover, the State which makes the poorest showing of all the great States east of the Missouri River is the one which has the smallest foreign el

way.

We have had a school of writers and speakers in this country who for years have lamented the threatened destruction of our institutions by "the ignorant foreign vote." We trust that these people will have their eyes opened to the true state of things by the revelations as to native ignorance and foreign good sense made by the returns of the recent election.

[The New York Sun, November 20, 1896.] THE "ALIEN" AND THE FLAG'S HONOR.

The "ALIEN" AND THE FLAG'S HONOR.

To a correspondent who seems to share Speaker REED's singular notion that Bryanism and repudiation found their strongest support among American citizens of foreign birth, or, as the Speaker states it, "that we have tried to assimilate those from abroad too rapidly, and that, in offering them so generous an asylum against oppression, we have run some risk of oppression by alien ideas ourselves," we have only this to say:

The proportion of foreign-born to native population in the whole country is about 15 to 85; exactly, the percentages by the last census are 14.77 and 85.23.

Twenty-three States went for Nation.

85.23.

Twenty-three States went for McKinley and honest money, several of them so doing under the direct inspiration of Mr. Reed's persuasive eloquence; and in these twenty-three states the percentages of foreign-born people are as here shown:

Maine 11.94	Ohio 12.51
New Hampshire 19.21	Indiana 6.67
Vermont 13.26	Illinois 22.01
Massachusetts	Michigan 25.97
Rhode Island 30.77	Wisconsin 30.78
Connecticut 24.60	Minnesota 35.90
New York 26.19	Iowa 16.95
New Jersey 22.77	North Dakota 44.58
Pennsylvania 16.08	Oregon
Delaware 7.81	California
Maryland 9.05	
West Virginia 2.48	Average 19.92
Kentucky 3.19	
Twenty-two States voted for Bryan	and repudiation, and in those States

the percentages of foreign-born people were as below:
 the percentages of foreign-born people were as below:
 Virginia
 1.11
 Kansas
 10.36

 North Carolina
 23
 Nebraska
 19.13

 South Carolina
 54
 Montana
 32.61

 Georgia
 66
 Wyoming
 24.57

 Florida
 5.86
 Colorado
 20.38

 Alabama
 98
 Washington
 25.76

 Mississippi
 62
 Idaho
 20.69

 Louisiana
 4.45
 IVah
 25.52

 Arkansas
 1.23
 Nevada
 32.14

 Arkansas
 1.26
 South Dakota
 27.69

 Texas
 6.84
 Missouri
 8.77
 Average
 12.14

 This answers in the negative those who maintain that the communities

This answers in the negative those who maintain that the communities wherein the old American stock has been least affected by immigration were the safeguard of the cause of honesty; while the communities with a large infusion of "alien" population and "alien ideas" were the centers of danger.

[Westliche Post (Rep.), St. Louis, Mo., December 19, 1896.]

The worst kind of a Christmas present for the adopted citizen would be an illiberal immigration law.

While the Anglo-American press has thus dissuaded Congress from passing any more stringent measures than passed by the House last summer, the German newspapers of the country, especially the Republican papers, now claim immunity from such

legislation as a well-earned right, and threaten to make their future support of Republican principles depend upon our action on this matter. Am I right, then, in asking my colleagues to go slow, be fair, and act conservatively on this question? In view of their loyalty, again so nobly demonstrated, our adopted citizens justly expected a moderation of even the House bill; instead of that, it is now proposed to make its provisions more stringent and more sweeping. This means that we announce to the country and more sweeping. This means that we announce to the country and say to these people that for their loyalty they shall be not rewarded, but punished.

It may be urged that even with some of the amendments adopted by the Senate to which I and several other members of the committee are opposed, the bill will not affect German and Scandinavian immigration. This may be physically true, Mr. Speaker; but I desire to say to the House that I do not stand here in defense of the Germans. They need no defense at my hands. I am an American Representative of an American constituency. I am an American Representative of an American constituency. I am for America against Spain, against the German Empire, against the world. I am for America, right or wrong, always for America. [Applause.] This is not a question of European nationality, it is a question of American principle and American interests. The fact that Germans and Scandinavians are not materially affected by this bill, and yet oppose it, is a proof that their opposition is inspired not by self-interest, but by principle, and therefore deserves more consideration at our hands.

Now, what are these amendments? In the first place, the House bill exempted all females from the educational test. The Senate bill subjects to it every Irish and German and Swedish servant girl. The first result will be a large decrease in the immigration of female domestics, and a later consequence will be that we shall have a famine of domestic servants in this country, there being

have a famine of domestic servants in this country, there being from seven to ten applications for each new arrival. I for one can not see why the educational test should be applied to a servant girl coming into this country, while on the other hand I do know that there is a great lack of domestic servants in all the large cities, for the reason that our American girls prefer to go into factories and workshops and stores rather than into the kitchen. We are absolutely dependent upon the supply of domestic servants coming from abroad, and therefore I think the House bill was wise in exempting female immigrants from the educational test.

Another Senate amendment provides that-

Another Senate amendment provides that—
All persons over 16 years of age who can not read and write the language of their native country or some other language shall be excluded, except that the wife or parent or child of an admissible immigrant, not so able to read and write, may accompany or be sent for by such immigrant.

Now, what does that mean? We know what an admissible immigrant is, but do we not wish to give the same right accorded to an admissible immigrant to a resident immigrant or to a citizen of this country? This amendment says nothing about such cases so that in many instances a citizen of this country who cases, so that in many instances a citizen of this country who desires to bring overhis relatives from abroad will be unable to do so because, if they are unable to read and write, they will not be allowed to land here.

Mr. Speaker, does not this alone show that the bill is imperfect? Does it not show that it requires amendment? I claim, further, that we do not know what the effect of such a provision as this will be. The House bill as passed was a complete and perfect measure. We were absolutely certain as to the effect of each one of its features and lines, but here is an amendment the effect of which even those who are thoroughly conversant with the subject

are unable to predict.

My idea is that this amendment ought to be referred to the Bureau of Immigration, with a request for a report upon its probable effect. This matter can not be settled in conference, my able effect. friends. There is no time in conference to settle such questions. Provisions of this kind are not like those merely providing for an expenditure of money. They cut deeply into the most delicate relations of family, of society, and of life, and therefore I think we should act very conservatively in considering such legislation.

Another amendment provides the test that is to be applied and says that every immigrant shall be required to read and write five

says that every immigrant shall be required to read and write hie lines of the Constitution of the United States. Just think of an Irish or a German servant girl standing upon Ellis Island and reading and writing the Constitution of the United States! In my judgment, Mr. Speaker, this ought to be left to the executive officers of the Government to regulate, and should not be included in this bill. Everyone knows that the Constitution contains words that that even we do not fully understand. Take a foreigner, an immigrant-how can he be expected to read and write those difficult words which perhaps he has never seen in his life before? If anything else were taken as the test—the Bible, a good novel, any standard work—there would be less objection to it, but the Constitution is the most difficult document for an immigrant to read and write and understand. Again, Mr. Speaker, imagine an immigrant reading these lines contained in the Declaration of Independence:

He has prevented the population of these States and has failed to encourage neasures for the immigration of foreigners.

Imagine, I say, a foreigner reading these lines. What must he think? Will he not be forced to the conclusion that we, in this

think? Will he not be forced to the conclusion that we, in this day, are deviating from the ideas that inspired the fathers and that inspired their Declaration of Independence? Almost anything else would be better than such a test as this bill proposes. Another amendment of the Senate provides that Cuban refugees shall be exempted from the provisions of the law. In other words, an ignorant negro can come from Cuba to our shores and, upon the plea that he is a refugee, he will be admitted, and thereby raised to a higher level than the sturdy laboring man coming from Ireland, or the honest immigrant from Germany.

Mr. Speaker, I protest against such a discrimination. These matters can not be patched up in conference, and this is the reason, Mr. Speaker, that I move a recommittal of this bill to the Committee on Immigration. Since the Senate has requested this conference, the bill will retain its privileged character, and consequently can come up at any time. For that reason, Mr. Speaker, there is no danger that a satisfactory bill will not be passed. The committee, after considering this measure, can report it back to committee, after considering this measure, can report it back to

committee, after considering this measure, can report it back to the House, and the House can pass it within three weeks—soon after our reassembling in January.

Just one remark more I desire to make. By referring this matter to the conference we put the responsibility upon the shoulders of our honored Speaker, who must appoint the conference committee. This is a very ticklish question—a very knotty problem. I would rather see the House assume the responsibility of this matter. For these reasons, Mr. Speaker, I have made my motion. I reserve the remainder of my time for the purpose of answering any questions which may be put.

Mr. WILLIAM A. STONE. Mr. Speaker, I want the House to understand thoroughly the exact status of this proposition. The bill which passed the House with amendments went over to the Senate and was there amended in several particulars. It comes back from the Senate very much changed, with a request upon the

back from the Senate very much changed, with a request upon the part of the Senate that a committee of conference shall be appointed by the House, the Senate having appointed its conferees. The motion of the gentleman from Missouri [Mr. Bartholdt] is to refer this bill to the House Committee on Immigration. The motion of the gentleman from Ohio [Mr. Danford], who is also a member of the Committee on Immigration, is to nonconcur in the

Senate amendments and agree to the conference.

All discussion on the merits of this bill as it left the Senate or the House is wholly immaterial now, for the reason that any objectionable features in the measure may be changed in the committee of conference. The simple reason why the gentleman from Ohio [Mr. Danford] makes the motion to nonconcur at once and consent to the conference is to save time and get the bill before the conference committee immediately, so that we may have some possible hope of passing an immigration bill during this Congress. During the last Congress the House passed an immigration bill. It went over to the Senate, where it was changed as radically as that body has changed the present bill. It was delayed from time to time, with the result that that Congress passed no immigration bill at all.

Now, both political parties have declared for further restriction Now, both political parties have declared for further restriction of immigration, and have declared that the test should be what is known as the educational or intelligence test. This is not a political measure at all. It is neither Republican nor Democratic. It is a measure aimed wholly at the general good of the whole country. Both parties have declared in favor of such a measure. What I want is that an immigration bill shall be passed during this Contract. If this bill contract the Invariant test of the state of the gress. If this bill goes to the Immigration Committee of the House, and the Commissioner-General of Immigration is sent for to give his views on the subject, it may be necessary for that gentleman to take another trip to Europe before he can submit his views. We reconvene here on the 5th day of January. There will then be left only two months for the work of this Congress, and during that time there will come up many measures of great moment. In my judgment, it will be the death knell of any immigration bill at this Congress to refer it to the House com-

I do not question the good intentions of the House committee. I do not question the good intentions of the chairman of that committee. Nor have I any idea that the committee would purposely delay the measure. But according to the gentleman's own statement we shall gain three weeks by at once referring the bill to a conference committee.

Now, what is the purpose in referring it to the House Committee on Immigration? Under the rules, the Speaker will in all probability pursue the same course in the appointment of the conference committee on this matter that he usually pursues in reference to all these matters. He will appoint two members of the majority side of the House, and one of the minority side. The Senate has already appointed its conferees—Senators Looge, CHANDLER, and FAULKNER. These six conferees can get together to-morrow, if they will, and do the work they have to do. They can reconcile the objections to the bill as amended by the Senate,

if there are any, and can bring us a bill which we can pass. And when we have done that, we have done what both the great political parties have promised the people of this country to do.

I am not here making objections to the amendments of the Senate; nor am I here advocating them. They are not at all in issue at this time. Ably as the gentleman from Missouri has discussed them, their merits and demerits are wholly irrelevant to the present question. The simple question is whether we shall pursue the most direct road to the result which we all profess to want, or whether we shall open up the possibility of not taking any action on this subject and not passing any bill at all during this Congress. For these reasons, I most earnestly hope that the motion of the gentleman from Missouri (although he is chairman of this committee) may be voted down, and that the motion of the this committee) may be voted down, and that the motion of the gentleman from Ohio [Mr. Danford], who is next in rank on the committee to the chairman, may be adopted, so that the bill shall be sent at once to a conference committee.

Mr. WILSON of Ohio. Will the gentleman allow me a ques-

tion?

Mr. WILLIAM A. STONE. Yes, sir.
Mr. WILSON of Ohio. Will the gentleman inform the House whether the sections in the original bill are substantially the same as the existing law relative to immigration?
Mr. WILIAM A. STONE. No, sir; they are not.
Mr. WILSON of Ohio. Then these sections are to be abandoned by this amendment of the Senate, are they?
Mr. WILLIAM A. STONE. There are no sections in the original law which fix an educational test.

Mr. WILSON of Ohio. No, sir; but in sections 2, 3, and 4 of the bill which passed the House there are certain provisions—
Mr. BARTHOLDT. Is the gentleman referring to the House

Mr. WILSON of Ohio. Yes, sir.
Mr. WILLIAM A. STONE. The gentleman is speaking of the
bill as it originally passed the House?
Mr. WILSON of Ohio. Yes, sir.
Mr. WILLIAM A. STONE. I supposed he was referring to

Mr. WILSIAM A. STONE. I supposed he was referring to the existing law.

Mr. WILSON of Ohio. The sections to which I have just referred contain several provisions other than those with regard to the educational test. Are those to be abandoned and the educational test alone substituted for the House bill?

Mr. WILLIAM A. STONE. That I can not say.

Mr. WILSON of Ohio. If the Senate amendment is adopted, is not that the effect?

not that the effect?

Mr. WILLIAM A. STONE. Yes, that is the effect. It strips the bill, as I understand it—and the gentleman from Missouri [Mr. Bartholdt] can correct me if I misstate the matter—it will strip the bill, as I understand it, of all its restrictive features save and except the educational test.

Mr. CANNON. If the gentleman from Pennsylvania will permit me a moment, I do not find this bill in print, but I take the copy of the bill as I find it on the Speaker's table, and I desire to ask him a question with reference to it.

I notice the House bill has this language:

That section 1 of the act of March 3, 1891, in amendment of the immigration and contract-labor acts, be, and hereby is, amended by adding to the classes of aliens thereby excluded from admission to the United States the following: All male persons between 16 and 60 years of age who can not both read and write the English language or some other language. But no parent of a person now living in, or hereafter admitted to, this country shall be excluded because of his inability to read and write.

The Senate provision strikes that out and provides that-

All persons over 16 years of age who can not read and write the language of their native country, or some other language, shall be excluded; but an admissible immigrant over 16 years may bring in with him or send for his wife or parent or grandparent or minor child or grandchild, notwithstanding the inability of such relative to read and write as aforesaid.

Now, as I understand the Senate amendment, a foreigner might have been naturalized here, and yet he can not send for his parent, or grandparent, or wife, or minor child, provided such person so

sent for is unable to comply with that provision of the law.

Mr. BARTHOLDT. Under the Senate amendment, that is

Mr. CANNON. If that is correct, I am clearly against this prop sition; and I think the House bill in that respect is decidedly

preferable.

But, Mr. Speaker, if legislation be desirable on the subject at all, I can not see any objection to sending it to a committee of conference. Because it is quite competent for the House, in that event, first to instruct the House conferees. It is also quite competent for the House to vote down or refuse to adopt the report of the conference committee, and thereby defeat legislation. is quite competent for the conferees to report back a disagree-

enough, it seems to me, that this should go to a conference committee

I make these remarks for the reason that I can not believe that the House conferees will assent to the Senate amendment; at least without very serious modification.

Mr. WILLIAM A. STONE. They will not, I am satisfied. The House conferees can not agree to it.

I yield three minutes to the gentleman from Ohio [Mr. DAN-

Forp].

Mr. DANFORD. Mr. Speaker, the proposition to send this question back to the House Committee on Immigration simply means that we are to have no legislation by this Congress on the subject.

Already the Committee on Rules have provided business for at least two weeks after the recess. The appropriation bills have the right of way in the House at all times, and unless this bill is sent to a vote by the nearest road—that is, sent to a committee of conference, where these questions at issue can be fairly discussed and dealt with, and where the differences between the House and Senate can be adjusted—in my opinion there is no hope for legislation

dealt with, and where the differences between the House and Senate can be adjusted—in my opinion there is no hope for legislation by the Congress upon the question at all.

The House committee spent nearly three months on this subject, investigating the immigration question and maturing a bill. The bill was satisfactory to the committee; they so reported to the House—I believe unanimously—and has been amended, and amended materially, in the Senate. It seems to me that the usual way, and the proper way, to settle the differences between the two Houses is by a conference. The Senate bill passed that body with but 10 dissenting votes. The House bill passed the House by a very large majority. It seems to me that this bill ought to go to a conference committee, and that we ought to reach something in the way of legislation in this Congress on the subject, and not defer the way of legislation in this Congress on the subject, and not defer

it to another Congress and a future time.

Mr. WILLIAM A. STONE. I yield now to the gentleman from Massachusetts [Mr. McCall].

Mr. McCall of Massachusetts. Mr. Speaker, I think it is important for the House to consider for a minute the situation of this measure. In the first place, the gentleman from Missouri [Mr. Bartholdt] moves to have this whole matter recommitted to the Committee on Immigration. The gentleman from Ohio [Mr. Danford] then moved that we nonconcur in the Senate amendment and assent to the Senate request for a conference on the disagreeing votes on the bill.

It is entirely immaterial to consider whether we will agree with the Senate amendments or not. If the House shall vote to non-concur in the amendments for the time being and agree to the conference, it has precisely the same effect as if the bill were referred to the Committee on Immigration and the committee should report to the House the recommendation to nonconcur in the amendments. The great advantage of having this bill go immediately to conference and having it decided over referring it to the Committee on Immigration is most apparent. The reports of the Committee on Immigration are not privileged. If we refer this matter to that committee, and that committee, after one week or three weeks, or immediately, report it back to the House, their report has no privilege whatever.

Mr. BARTHOLDT. Will the gentleman allow me to ask him

Mr. BARTHOLDT.

Mr. McCALL of Massachusetts. I will, with pleasure.

Mr. BARTHOLDT. I desire, for the information of my friend from Massachusetts [Mr. McCALL] and the House, to read the rule which has reference to this matter:

When a bill comes back with Senate amendments requiring consideration in Committee of the Whole, the bill and amendments thereupon are referred to the committee having jurisdiction of the subject. If the Senate accompany their amendments with a request for a conference, this endows the bill with privilege in all its subsequent stages.

Consequently, if you refer this bill to the Committee on Immigration, it retains its privileged character, according to this rule, in my judgment.

The SPEAKER. The Chair thinks he ought to say that he has

had that rule under consideration subsequently, and is not satisfied with its soundness. The matter having been mentioned he feels obliged to say so, such being the fact. That is the way the

matter stands.

Mr. BARTHOLDT. I desire to call attention to the fact that

Mr. BARTHOLDT. I desire to call attention to the fact that that ruling was made in the Fifty-first Congress.

The SPEAKER. The Chair is quite well aware of that. That is another misfortune connected with it. [Laughter.]

Mr. McCALL of Massachusetts. Mr. Speaker, it seems to me that the statement of the Chair disposes of the position of the gentleman from Missouri [Mr. Bartholdt]. If this matter is referred to the Committee on Immigration, it certainly is problematical whether it retains any privilege; and this thing is certain, that if ment and take the sense of the House upon the question.

Mr. WILLIAM A. STONE. Certainly.

Mr. CANNON. So that, if legislation be desired at all, it is well

this House votes to nonconcur and assents to the request of the Senate for a conference, and conferees are appointed on the part of the House by the Speaker, then the report of that conference

committee is privileged, and whenever they bring the report before

the House the House can immediately act upon it.

So the situation is clear. If this matter is referred to the Comso the stuation is clear. If this matter is referred to the Committee on Immigration, we can not have from that committee, even from the standpoint of the gentleman from Missouri [Mr. Bartholdt], anything else than a recommendation to nonconcur. The gentleman from Ohio [Mr. Danford] proposes that at this very moment the House nonconcur, that we take the short cut to solve the matter, and dispense with a superfluous reference, by

having a committee of conference appointed, and then the report, when it shall be made, will be privileged.

So that, if there is any member who is a friend of the House bill, who believes in legislation and is opposed to the Senate amendments—as the gentleman from Missouri appears to be—the only way that he can accomplish his desire effectually is to vote

for the motion of the gentleman from Ohio.

Now, Mr. Speaker, this matter has been voted upon by both Houses of Congress. One House voted before the election and another since the election, and an overwhelming majority of both bodies was in favor of some measure restricting immigration. would say, sir, that there is no division between the two great parties on this question. The Republican national convention and the Democratic national convention united in demanding some measure of restriction, and if we desire to have restriction we should vote down first the motion of the gentleman from Missouri [Mr. Bartholdt], to shelve the whole thing and practically de-IMT. BARTHOLDT], to shelve the whole thing and practically destroy it by referring it to a nonprivileged committee, and then we should vote for the motion of the gentleman from Ohio [Mr. Danford], which sends it immediately to conference, out of which legislation will spring.

We can rely upon it that our House conferees will insist upon any position of the House which is the wiser position. I have no doubt that they will represent the rights of the House fully, but

after they have done that, after the committees of the two Houses

have agreed upon a measure, then we can vote upon that measure immediately, and it can go to the President.

Mr. WILLIAM A. STONE. Mr. Speaker, how much time have I remaining?

The SPEAKER. The gentleman has forty-one minutes.

Mr. WILLIAM A. STONE. I yield ten minutes to the gentleman from South Carolina [Mr. WILSON].

Mr. WILSON of South Carolina. Mr. Speaker, I have listened with a great deal of interest to the remarks made by the distinguished chairman of the Committee on Immigration, the gentleman from Missouri [Mr. Bartholdt]. While they are in gentleman from Missouri [Mr. Bartholdt]. While they are in thorough consonance with his record during the first session of this Congress, being in favor of very liberal rules and laws for the admission of immigrants, I have listened in vain to hear from him some good reason why his motion should prevail.

The matter presented to us is of a very simple nature. The Senate has seen fit to amend the bill as it left this House, and in doing the left out come of our provisions and invergenced at hear

ate has seen it to amend the bill as it left this house, and in doing so has left out some of our provisions and incorporated others. The only way by which the two Houses can ever come to an agreement is through a committee of conference. The rules so prescribe. Now, the only possible effect that the adoption of the motion of the gentleman from Missouri [Mr. Bartholdt] can have will be that the question will be referred to the Committee on Immigration to determine whether or not the House shall agree to the Senate amendments or disagree and agree to the request for

a committee of conference.

a committee of conference.

Now, is there any necessity for the House, which is capable of deciding the matter now, to submit to that committee the decision of that simple question, whether or not we will agree or disagree to the Senate amendments. Why, my friend from Missouri [Mr. Bartholdt] who is making this motion never would consent to the Senate amendments as they came here, and in committee he surely would not vote for the adoption of a report recommending surely would not vote for the adoption of a report recommending that this House accept the Senate amendments. Therefore he would be compelled to report to this House, so far as his vote could do so, that the House disagree to the Senate amendments and agree to the committee of conference.

That being the case, why then resist the motion of the gentleman from Ohio, in order that we may now do what he admits we would than have to do to wit disagree to the Senate amendments.

man from Ohio, in order that we may now do what he admits we would then have to do, to wit, disagree to the Senate amendments and insist on the House bill. Now, when the matter gets before that conference committee it will be thoroughly in the hands and in the power of that committee to accept so much of the Senate amendments as shall be acceptable to it and to insist on so much of the House bill as it should wish. Nothing else but the conference committee can ever determine the issue, and the one sole issue As to the imperative necessity of legislation on immigration, here. As to the imperative necessity of legislation on immigration, that was decided in this House by an overwhelming vote, as I recollect only twenty-six antagonizing it by their votes. It has been declared to be the policy of both great parties in this country, and I believe also the third party, that undesirable immigration should be kept beyond the borders of this country, and that an educational test should be the test applied.

Now, I do not like the tendency of the remarks of the gentle-man to draw the political line here. It is not a matter for the application of the party lash. All parties are agreed upon it.

There is no difference between them. Here is an opportunity presented for making a post-election performance agree with a pre-election promise.

Now, Mr. Speaker, the difference between the two bills is simply this: In the House bill the excluded class, the undesirable lass, added to the undesirable classes already existing under our law, is that of male immigrants from 16 years of age who can not read or write their own language or the language of this country. read or write their own language or the language of this country. The Senate amendment, so far as males are concerned, makes it apply to all males, even those above 65 years of age. As to females, the House allowed all females to come in. The Senate amendment allows only those females who are the wives or minor children of the males who shall come in. The House allowed only the parents of admissible immigrants who were incapable of reading or writing. The Senate bill allows grandparents as well. So you see there are some differences as to classes, and some differences as to age. The House bill also had the Corling amendment, which applied to immigrants coming in from Canada along. ment, which applied to immigrants coming in from Canada along the Canadian border. The Senate bill makes no reference to that. The Senate amendment allows Cuban refugees during the currency of the pending disorder there to come into this country. The House said nothing about that. Now, it will be fully in the power of the conference committee to reconcile these differences of the two Houses and to report to the House a bill which they can adopt, and which will be the law of this land and will meet the demands

of the people.

Why, Mr. Speaker, the people of this country are in earnest about this matter. They do not intend to be trifled with. They have the promise of two of the political parties of this country to rely upon, and I believe they will have the action of this Congress

Tennessee [Mr. McMillin].

Mr. McMillin].

Mr. McMillin].

Mr. McMillin].

Mr. McMillin].

Mr. McMillin inot occupy the time of the House, as I think the gentleman from South Carolina has covered the questions.

Mr. WILLIAM A. STONE. Then I will yield to the gentleman

Mr. WILLIAM A. STONE. Then I will yield to the gentleman from California [Mr. Johnson] three minutes, or five minutes. How much time does the gentleman wish?

Mr. JOHNSON of California. I only wish to say this. I think the gentleman from South Carolina [Mr. Wilson] has covered the ground; and I am ready to vote. I think we are all ready to vote in favor of your motion. [Cries of "Vote!" "Vote!"]

Mr. BARTHOLDT. Mr. Speaker—

Mr. WILLIAM A. STONE. I will yield to the gentleman from New York [Mr. FOOTE]. Do you wish to occupy any time?

Mr. FOOTE. I see the House is ready to vote, and I am ready to vote.

to vote

Mr. WILLIAM A. STONE. Very well.
Mr. BARTHOLDT. Mr. Speaker, I do not want to unnecessarily occupy the time of the House except to say that it is unfortunate that those members of the Committee on Immigration and Naturalization who have requested me to make this motion are not now present in the House, having left for their homes; so that, so far as the committee is concerned, I am the only one to defend my position. That I made the motion in good faith I trust the House will concede. I do not desire to endanger the bill, but the subject-matter is of so vast importance and, as I bill, but the subject-matter is of so vast importance and, as I stated before, these Senate amendments cut so deeply into the most delicate relations of family, of society, and of life, that I thought I was justified in making the motion to recommit this bill to the House committee for the purpose of getting some new light, some additional information upon the amendments added to it by the Senate, which, Mr. Speaker, are being opposed, very bitterly opposed, by all the German newspapers of the country, and opposed by many reputable American journals. I ask the House to go slow, and in doing so we will do justice to people whose sentiments might easily be offended by a different course.

Mr. Speaker, there seems to be an impression among some of our friends who have spoken here that the bill, if it is recommitted.

friends who have spoken here that the bill, if it is recommitted, will be buried. Why, sir, it can be brought back from the comwill be buried. Why, sir, it can be brought back from the committee at any time by special rule, and I stated at the outset of my remarks, and I repeat it here and now, that immediately after the reassembling of the House I shall call the committee together, and probably on the very first day of our meeting we can modify the bill satisfactorily and report it back to the House, and it can then be taken up by a special rule and disposed of in such a way as we desire to dispose of it.

Mr. Speaker, in urging my motion I am actuated by an undefinable fear that this bill will ultimately pass in a form that will not be acceptable to many people who I know are deeply interested in the subject. The character of the conferees on the part of the Senate is already known. The personality of the House conferees is not yet known, but I fear that if I do not insist on

the motion to refer the bill back, it will be finally passed in such

shape that I shall be unable to defend it, and our party will probably suffer by it. That is all I have to say.

Mr. WILLIAM A. STONE. Mr. Speaker, I yield two minutes to the gentleman from California [Mr. BOWERS].

Mr. BOWERS. Mr. Speaker, I simply want to call the attention of the House to the fact that if this bill is sent back to the comittee of the committee of the state of the committee of the state mittee, it will lose its present position and privilege, and even if

mittee, it will lose its present position and privilege, and even if the committee wanted to bring it up for consideration here, the chances are very much against it in this short session, with a very large amount of other important legislation pending. The vote to-day, therefore, is practically a vote on the bill.

Now, Mr. Speaker, every man knows that the vast majority of the people of the United States demand further restriction of immigration. We are their representatives, and if we do not do something in that line, we fail in our duty as such representatives. For my own State of California. I can say that nine out of ten of all the people are in favor of further restriction of immigration. in the people are in favor of further restriction of immigration, in favor of a far more stringent bill than this, and if this bill fails to remind gentlemen upon this side of the House that this is not a new question, that it has been discussed for years, and you know, gentlemen, that the people demand some legislation of this kind at your hands and will hold you responsible if you do not accord it

Mr. WILLIAM A. STONE. I yield five minutes to the gentleman from Delaware [Mr. WILLIS].

Mr. WILLIS. Mr. Speaker, I shall vote to send this bill to a committee of conference, for the reason that I want an early opportunity to vote in favor of a bill of this kind. I think that the House bill is a good measure, and there are some things in the amendments of the Senate that are good. I can say to the gentleman from Missouri [Mr. Bartholdt] that I think he need not be apprehensive of any radical action on the part of this House with reference to this bill. He need not fear but that both he and his countrymen have the profoundest respect of the American Congress and of the American people, as do all who come here from other nations and demean themselves as the great bulk of that people do. Daniel Webster once said, in that memorable speech of his on the "American Union:"

This Union we reached by the discipline of our virtues in the severe school of adversity, and although our territory has stretched out wider and wider and our population spread farther and farther, yet they have not outrun its protection or its benefits. It has been to us all a copious fountain of national, personal, and social happiness.

Mr. Speaker, these were grand words, breathing a magnificent sentiment. We indorse that sentiment to-day; but the words themselves indicated that there was a line beyond which the nation might go and incur peril. The great influx of immigration, the conflict of diverse conditions, have seemed to throw a shadow over this country during the last ten or twenty years, and now we call upon such citizens as the gentleman from Missouri and those from his own honored fatherland who have influence in the American community—we call upon them to join us in sustaining the dignity and the purity of the temple which our fathers built. We call upon them to join with us in guarding it against uncircumcised hands, so that it may be preserved through generations to come for such as may see fit to immigrate here from other lands and help to sustain and promote the highest and grandest and supurbest form of human civilization that the world has ever

Mr. WILLIAM A. STONE. Mr. Speaker, I yield three minutes to the gentleman from New York [Mr. FOOTE].

Mr. FOOTE. And then I shall ask to be recognized—
Mr. RAY. While the gentleman is on his feet, let me ask him

a question.

Mr. WILLIAM A. STONE. Certainly.

Mr. RAY. Supposing this matter is referred to a committee of conference, when the conference report comes in, it will be open to debate, will it not?
Mr. WILLIAM A. STONE. Certainly.

Mr. RAY. And even if the conferees agree upon a report which the House does not like, it will be perfectly competent for the House to set it aside.

Mr. WILLIAM A. STONE. Oh, certainly. Sending it to a conference will simply give us an opportunity to settle the ques-

Mr. FOOTE. Mr. Speaker, I am in favor of sending this bill to a conference, for the reason that it does not go far enough. Our people have asked for bread and this gives them a stone. Our people are asking for protection at our hands. My people are asking it. And I feel that I can not vote for a bill in so

incomplete a form as this now is.

We should pass such a bill—and I believe the people of this country demand its passage—that our American workmen should have protection from the competition of immigrant labor first; and then, if there is anything left over—if we need development

in this country, if our lands need population, after our American citizens have been satisfied and taken care of—pass such a bill that immigrants can come he e if they show proper qualifications. But so long as one of our citizens looks for work in vain-so long as his place is filled by a foreigner, just so long our citizen work-men have a right to say that they are misgoverned and that our Republican party have a pledge unfulfilled. I am in favor of sending this bill to the conference committee and getting from them a protective immigration bill that will protect our workmen to the fullest extent.

Mr. WILLIAM A. STONE. Mr. Speaker, I now demand the previous question, unless the gentleman from Missouri [Mr. Bar-

THOLDT] will do so.

Mr. BARTHOLDT. If there is nobody else desiring to be heard,

I move the previous question.

The previous question was ordered.

The question being taken on the motion of Mr. Bartholdt to refer the bill and amendments to the Committee on Immigration

and Naturalization, the motion was rejected.

The SPEAKER. The question now recurs on the motion of the gentleman from Ohio [Mr. Danford] to nonconcur in the amendment of the Senate and agree to the conference asked.

The motion was agreed to.
On motion of Mr. DANFORD, a motion to reconsider the last vote was laid on the table.

CONFEREES ON IMMIGRATION BILL.

The SPEAKER announced the appointment of the following conferees on the part of the House on the bill H. R. 7864, the immigration bill: Mr. Bartholdt, Mr. Danford, and Mr. Wilson of South Carolina.

LEGISLATIVE, EXECUTIVE, AND JUDICIAL APPROPRIATION BILL.

On motion of Mr. BINGHAM, the House resolved itself into Committee of the Whole on the state of the Union (Mr. HEPBURN in the chair) and resumed the consideration of the bill (H. R.

m the chair) and resumed the consideration of the bill (H. R. 9643) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1898, and for other purposes.

Mr. BINGHAM rose.

Mr. QUIGG. I ask the gentleman from Pennsylvania [Mr. BINGHAM] whether he will not yield to me a moment while I give notice of an amendment that I shall offer at the conclusion of the general debata in order to perfect the substitute. I should like to general debate in order to perfect the substitute. I should like to have the amendment read now by the Clerk.

The gentleman proposes simply to give notice Mr. BINGHAM.

of the amendment?

Mr. QUIGG. Yes, sir. The CHAIRMAN. Does the gentleman from Pennsylvania

Mr. BINGHAM. Certainly, for that purpose.

The CHAIRMAN. The proposed amendment will be read for the information of the Committee of the Whole.

Mr. QUIGG. The object of the amendment will be apparent

from the reading.

The CHAIRMAN. The amendment will be read for informa-

The Clerk read as follows:

Provided, That the organization of the force to be employed in the new Library building having been completed under the provisions of this act, removals shall thereafter occur only for cause and after full inquiry.

Mr. BINGHAM. That the gentleman desires to offer as an amendment to his substitute?

Mr. QUIGG. Yes, sir. I think, Mr. Chairman, I would have the right to incorporate that in the substitute at any rate. I want the amendment to go in that paragraph of the substitute which deals with appointments and removals, after the words "Library

deals with appointments and the constant of Congress."

The CHAIRMAN. Does the gentleman ask now that this be considered a part of his substitute?

Mr. QUIGG. I do.

The CHAIRMAN. Is there objection?

Mr. BINGHAM. The gentleman offers his amendment, as I understand, simply for the information of the Committee of the Whole.

The CHAIRMAN. As the Chair understands, the gentleman from New York asks unanimous consent to modify the amendment heretofore offered by him so as to include what has just been read.

Mr. QUIGG. I ask unanimous consent to make that modification.

The CHAIRMAN. Is there objection?

Mr. BRUMM. I object.
Mr. BRUMM. I object.
Mr. BINGHAM. Mr. Chairman, in my remarks on this proposed legislation I shall detain the House, I trust, but a very limited time. The gentleman from New York [Mr. Quigg] who has offered the substitute, which has doubtless been read and fully understood by members of the House, has had fair and reasonable time for debate.

In reference to the Library of Congress—the possibility of its great usefulness in the future; its limited usefulness in the past, by reason of circumscribed quarters—it is unnecessary forme to either describe or enter upon any details. The House knows that by statutory provision in the future it can make the Library of Congress the great research as well as the great reference library of this country. The gentleman from New York has told us that the Library comprises 740,000 volumes. In addition to that it is well to submit that its field of usefulness is far greater than would be indicated by the sum total of its volumes. That Library embraces 40,000 maps, some of them not to be duplicated and most valuable and rare; 250,000 musical compositions; 200,000 speciments of graphic art including line angravings magneting whether mens of graphic art, including line engravings, mezzotints, photographs, photograves, and every line of artistic work usually covered by the term "graphic art." With this vast aggregation of volumes, numbering hundreds of thousands, it is the fifth great library of the world, and is the substantial growth, as such, of the years since 1851.

Prior to 1813, when the Library was burned by the British with the Capitol in this city, it contained but 3,000 volumes. Again, in 1851, it was demolished by fire, and but 20,000 volumes remained of the whole collection after that disaster. In 1870 the copyright law was established, and the copyright law, Mr. Chairman, has law was established, and the copyright law, Mr. Chairman, has been the basis of the accretions and additions to that Library. Copyright law has also been the basis of the several great libraries of the world. It has been specially beneficial to our own Library. The volumes added have averaged from about sixty thousand to seventy thousand dollars in value each year. That is how our Library has grown to its present magnitude—fifth among the great libraries of the world. Save and except the allowance of a few thousand dollars annually for the purchase of rare and valuable books from abroad, the additions to the Library have mainly come from the copyright law, added to such donations as have from time to time been made.

Here in this connection I desire to pay briefly a tribute to the present Librarian, Mr. Spofford. It was through his force, persistency, and comprehensive knowledge of the conduct of the libraries of the world and the operation of the copyright law abroad that Congress in 1870 adopted the law which has virtually, in effect, built up our Library to its present enormous proportions and gives to that establishment two volumes of every American publication that comes under the limitations and privileges of the copyright

law.
Without going into the question of the usefulness of the Library, which is wholly under control of Congress, and without stating that its usefulness to-day, under the statutes, is most limited, I propose to proceed to explain the bill as reported by the Committee of the co on Appropriations prior to entering upon a general discussion of the substitute proposed by the gentleman from New York [Mr. Quiga]. The first paragraph provided in the bill is for a Librarian at \$6,000 per annum. In that appropriation we follow the word-ing of the law from 1870, when the copyright law was added to the duties of the Librarian, and his compensation was then fixed at \$4,000.

The wording in this bill is the wording of legislation since 1870, with this exception, that we increase compensation of the Librarian \$2,000. This increase is justified, first, as a recognition by Congress of the great responsibility, great obligations, and the larger duties that will devolve upon him in the new building where the Library will be transferred during the next three months; and secondly, because of the increased bonded obligation which we have required. We believe that under these circumstances the we have required. We believe that under these circumstances the Librarian is justly entitled, as an official with great labor and trained experience, to a larger compensation than heretofore received. We increase that compensation under what we call the existing law. We do not change the title or name of Librarian. We do not infringe upon his duties, but as we increase his force and as we increase the compensation of certain subordinates in the details of work in the new Library building, impossible to be the details of work in the new Library building, impossible to be done in the old one, we have felt it proper to increase his compensation, because increased work will be demanded of him in the new quarters. We in no wise in the paragraph change existing law. Existing law, made in 1802, declares that the Librarian shall be appointed solely by the President for the Library of Congress. That law remains unchanged, and President Cleveland to-day can have a constant of the president clevel and to-day can be appointed to the president clevel and to-day can be appointed to the president clevel and to-day can be appointed to the president clevel and to-day can be appointed to the president clevel and to-day can be appointed to the president clevel and to-day can be appointed to the president clevel and to-day can be appointed to the president clevel and to-day can be appointed to the president clevel and to-day can be appointed to the president clevel and to-day can be appointed to the president clevel and the president cle

That law remains unchanged, and President Cleveland to-day can by a mere stroke of his pen change or remove the Librarian of Congress for any cause or reason good to himself, or for a more efficient administration of the Library.

The Librarians of Congress up to the present time have occupied virtually a life position, or so long as fitness and usefulness continued. We make no change whatever, either as to the President's power of appointment solely or in the manner suggested by the substitute of the gentleman from New York, by and with the confirmation of the Senate.

The Librarian holding virtually a life position, to emphasize my

The Librarian holding virtually a life position, to emphasize my statement let me invite the attention of the committee to the fact that under the act of 1802 the Clerk of the House for the time

being was appointed to act as Librarian of Congress. Gentlemen will understand that the Librarian then had comparatively few duties to perform, as the volumes embraced in the Library amounted to only a few thousand volumes—not exceeding 3,000

From 1802 to 1807 John Beckley was Clerk of the House and acted in that capacity. From 1807 to 1814 Patrick Magruder was Clerk of the House and was named to take charge of the Library under the then law. The first commissioned Librarian—commissioned by President Madison—was George Watterston, appointed in 1815 and served until 1829. He was removed, having been the editor of a paper in antegorism to Jackson, consuring Jackson, criticism. of a paper in antagonism to Jackson, censuring Jackson, criticising his family relations, and was removed largely, perhaps, on personal grounds or because personally offensive. He had been in office from 1815 to 1829. John F. Meehan was appointed by Jackson, and remained in office from 1829 to 1861. President Lincoln appointed Mr. John G. Stephenson, who served from 1861 to 1864, when Mr. Stephenson resigned, being ambitious for other honors and distinctions under the Administration. The present Librarian, Mr. Spofford, entered the Library in 1861 as assistant librarian. His appointment as Librarian was made by Mr. Lincoln in 1864, and he is to-day in possession of the office.

Your committee's bill changes no law. We leave it as it has been executed since 1815, the only change being an increase of the compensation of the Librarian of Congress, \$2,000. The question as to the individual who is to receive that increased compensation will not be settled, under the provisions of the bill, until the 1st day of July, 1897.

Ist day of July, 1897.

The first change in connection with existing law is in recognition of the increased force that will be necessarily employed under the provisions of the House Appropriations Committee bill now before us. Up to this date there have been but 43 in the subordinate force employed in the Library. Up to 1893 there were only 30 subordinate employees, all of whom, however, had been appointed by the Librarian. We make this proposed increase in view of the necessity of a larger force for the conduct of the work in the new Library building, qualified by the following words:

To be selected by the Librarian of Congress by reason of special aptitude for the work of the Library, including the copyright work and the custody and care of the new Library building, and only under such rules as the Librarian of Congress may prescribe.

Following these words we give the detailed force. I need not emphasize the statement of the wisdom of the incorporation of what might technically be called new legislation—but which is new legislation only in the line of good government, and remains in this bill fairly to be considered, the point of order having been overruled-as part and parcel of the paragraph, to be voted upon by this committee.

I again emphasize that every appointment from 1815 up to to-day has been made by the Librarian, and has been largely and almost wholly made under specific acts of Congress directing the Librarian to make the appointments, his subordinates being in-

creased from time to time.

Mr. QUIGG. Will the gentleman point me to any law of that kind?

Mr. BINGHAM. It was my purpose to refer to that subject when I reached it in the subsequent paragraphs of the bill.

Mr. QUIGG. Well, I do not want to interfere with the gentle-

Mr. BINGHAM. I will submit that I have simply searched from 1867 up to and including the first session of this Congress. I have a number of statutes wherein specific authority is given to the Librarian to employ a subordinate force; but I will advert to this when I come to the gentleman's paragraph as to the power of removal and appointment.

Mr. Chairman, under the paragraph relating to the detailed force for the Library, there is an appropriation in all of \$93,030. We have taken the recommendation of Mr. Spofford, which is a part of the Book of Estimates submitted by the Treasury Department for the consideration of the Committee on Appropriations and the House, which is also, with some nine additional force, the recommendation of the Committee on the Library, whom we heard before the Subcommittee on Appropriations.

In other words, in the sum total of the force, in its subordinate

divisions, and in its numbers, there is no contention between the recommendation of the Committee on the Library to the Appropriations Committee and the recommendation of the Committee on Appropriations to this House, as included in this bill, with the one qualification that we require the Librarian of Congress to make certain rules and regulations for the appointment of his subordinate force.

The gentleman in charge of the substitute [Mr. Quigg] doubtless received the same information as to the necessity for this subordinate force of the Library, and received it from Mr. Spofford, as we did. It only increases the force, as recommended by Mr. Spofford to the committee, by nine. We accepted the gentleman's recommendation because that additional force of nine goes

to the cataloguing of the Library, and he stated in his testimony that he thought with this increase of nine, specially detailed to make a catalogue of the Library, it could be done in about three years. We give the nine additional men recommended as a part of the necessary force for the conduct of the Library; and we go as far as we think wise by appropriating for the first year. Therefore, as to the first paragraph of the bill, with reference to the subor-dinate force, there is no contention, save that which would allow

dinate force, there is no contention, save that which would allow the Committee on the Library to appoint and remove.

Mr. RAY. Do I understand the gentleman to say that he has made provision here for cataloguing the Library?

Mr. BINGHAM. All that has been asked for by the Librarian and all that has been asked for by the Committee on the Library.

Mr. RAY. Does that include the law library?

Mr. BINGHAM. It is the entire Library of Congress, and the Library of Congress is divided into two parts—the library proper and the law library.

and the law library.

Mr. QUIGG. I will say to my colleague from New York Mr.

Does the gentleman from Pennsylvania The CHAIRMAN.

Mr. BINGHAM] yield?

Mr. BINGHAM. For an inquiry, of course.

Mr. QUIGG. I want to make a statement in answer to my colleague from New York [Mr. RAY] that it is believed that the force of cataloguers carried in this bill can, in the course of three ears, make a fair catalogue of the Library, including the law

ibrary, but not a subject catalogue.

Mr. BINGHAM. I was going to refer to that matter.

Mr. RAY. Mr. Chairman, of course I do not want to interfere with the gentleman.

Mr. BINGHAM. It is no interference.

Mr. RAY. But my attention has been called for so many years to the want of a good catalogue of this Congressional Library, and especially the law library, that I do hope that in some way, at this time, the committee will set on foot measures to properly catalogue this Library, so that we may know what there is in it, so that the officers of this Library may know what books they have, and so that we can obtain them when we desire them for use.

Mr. BINGHAM. I submit to the gentleman we have given every subordinate in connection with that work asked for by Mr. Spofford and an addition of nine, as requested by the Committee

on the Library.

Permit me to state in that connection, as something was said in connection with the card catalogue now used by the Library—the only means of knowing the contents of the Library—that there are 740,000 cards. Mr. Spofford recognizes, as I think all do, that the most modern convenience, so far as the handling of a library is concerned is by what is called a "card catalogue." There are is concerned, is by what is called a "card catalogue." There are 740,000 of these cards in connection with our Library. Mr. Spofford as to whether there was any possibility of loss of cards, and he said he thought not, that it would be very great exception if there was a loss, as whenever a card is taken out a colored slip of paper is inserted in its place to indicate that that volume and that card were out. While 740,000 might seem a large number, they are absolutely under the control and care of the Librarian, and therefore not open to loss. To exhibit to you fully the extent to which cards are used in great libraries and records for reference, I telegraphed this morning to Colonel Ainsworth, who has charge, as gentlemen know, of all that portion of the records which contain the muster rolls in connection with the Record and Pension Office, as to the number of cards he had in his "card catalogue," as it may be called. He telegraphed:

Index record cards made by this office from muster rolls, hospital registers, and other records number 45,821,500 on December 19, 1896.

This shows you how valuable is a card catalogue.

Mr. QUIGG. The gentleman understands, of course, in that case there is an original record given, but in the Library there exists nothing except this card catalogue. There is no original. We have no record of books as they come into the Library, and there is no shelf list which would give any indication of what is

taken from the Library.

Mr. BINGHAM. I am not discussing that point, because I am giving the gentleman all he desires in subordinate force. I am simply showing to what extent the card catalogue to which he

refers is used.

Mr. QUIGG. Precisely; but the point I make is that under the present government of the Library, there is nothing but this card catalogue to show what the contents of the Library are.

Mr. BINGHAM. You have nothing but the present form, but

Mr. BINGHAM. You have nothing out the present form, but we have given all the force you have asked.

Mr. QUIGG. I am quite satisfied with the appropriation.

Mr. BINGHAM. With reference to the catalogue, we have increased Mr. Spofford's estimate, and given the nine additional that your committee asked.

So much as to the first paragraph of the bill, it being for the appointment of the Librarian and also the work in connection with the Library business. Now to the next paragraph of the bill. The library?

Again your Appropriations Committee bill follows the existing

law word for word.

We use the words that have been used, I may say, ever since the copyright law became a part of the duty, under the act, of the Librarian of Congress. We give him the necessary force. There is no disagreement on the part of the Committee on the Library and the recommendation of the Committee on Appropriations. We give the same total of dollars and cents. We give the same total of subordinate force that the gentleman gives in his substitute.

In his bill the gentleman has an officer not heretofore called forregister of copyrights. We felt that we had no discretion in that matter, in view of the fact that it is indicated by the law who should have charge of and who should act as copyright register; and we thought that touching upon that proposition we would leave the law about the register's work just as it stands to-day and increase the subordinate force, and let the responsibility rest on the Librarian. Now, here are the words of the statute:

That all records and other things relating to copyrights and required by law to be preserved shall be under the control of the Librarian of Congress and kept and preserved in the Library of Congress, and the Librarian of Congress shall have the immediate care and supervision thereof, and, under the supervision of the Joint Committee of Congress on the Library, shall perform all acts and duties required by law touching copyrights.

The Joint Committee on the Library of Congress have two powers by law—one to make regulations consistent with law, under the law, not contrary to law; and under the copyright law it is provided that, under the supervision of the Joint Committee on the Library, he (the Librarian) shall perform all acts and duties required by law touching copyrights. That has been on the statute book since 1870. We therefore make no change in the law in that respect. We continue it just as it was in the appropriation bill under which we are now working, and for which gentlemen voted at the last session of this Congress, and we increase the force just as the Librarian asks for it. And the gentlemen of the Joint Committee on the Library, governed. The Joint Committee on the Library of Congress have two gentlemen of the Joint Committee on the Library, governed, doubtless, by Mr. Spofford's recommendation, asked for the same

doubtless, by Mr. Spofford's recommendation, asked for the same thing, and therefore on that proposition there is no contention between the gentleman's substitute and the bill before us.

The next paragraph is as to the custody, care, and maintenance of the new Library building. Of necessity, Congress must take care of that building. It takes care of all the public buildings by appropriations for "custody, care, and maintenance," which has been the mode of appropriation in all the appropriation bills. The maintenance, care, and custody of the new Library building up to this time has been paid for out of the appropriations made for the construction of that building, and it has never been disputed by the Computabler in the adjustment of the accounts.

the Comptroller in the adjustment of the accounts.

What do we do? We give everything that has been asked for by Mr. Green, who has charge of the building, finishing the construction and completing it for occupation; we give every man and every dollar asked for by Mr. Spofford. The matter has been gone over by the Joint Committee on the Library, and they recommend every subordinate we ask for in our bill, the only difference height the matter has been gone being the subordinate we ask for in our bill, the only difference height the matter has been gone over by the subordinate we ask for in our bill, the only difference height the matter has been gone over by the subordinate we ask for in our bill, the only difference height the subordinate we have the subordinate we h ference being that we have incorporated an increase of one messenger at the request of the Committee on the Library. Therefore, on this part of the bill there is no contention between us; we give all that is asked for. Next comes the purchase of books for the Library, etc. The only difference between the substitute of the gentleman from New York and our bill here is that he proposes an increase from four thousand to eight thousand dollars for the purchase of books. We had that question before us on the day before yesterday, when the gentleman from New Jersey [Mr. Parker] moved an increase of \$25,000, and the committee determined to let it remain as it stood in the bill, as recommended by the Committee on Appropriations. That has been the appropriation for several years past, so that in this particular we have made no change.

no change.

"Contingent expenses of the Library, \$500." That is what has been given for this purpose heretofore. "Expenses of copyright, \$500." The gentleman's bill increases that to a thousand dollars. We thought that what had been heretofore given was ample.

The next paragraph relates to the furniture for the Library reading rooms, etc. For that we give \$50,000, and we give \$6,000 for the removal of the books from the old building to the new. Upon the examination of Mr. Green, we ascertained—what was simply a corroboration of the statement of General Casey a year ago—that the building would be ready for occupation in February of this year, or certainly by the 1st of March. Mr. Green has stated that the building will be ready for the new Library on the 1st of March. He further states that of the appropriations heretofore made for the new Library building there will be an unexpended balance of between fifty thousand and seventy thousand dollars; that is my recollection.

my recollection.

Mr. RAY. Do I understand the gentleman to say that we are to appropriate \$6,000 to carry the books over from this building

Mr. BINGHAM. Yes, sir; that is the best estimate we could

I will take them over for \$600. [Laughter.] Mr. BINGHAM. I am afraid the gentleman would have to give a bonus of some of the most valuable books. [Laughter.]

a bonus of some of the most valuable books. [Laughter.]
Mr. RAY. Not at all.
Mr. BINGHAM. Well, I regret, Mr. Chairman, that the gentleman did not come before the committee when they were considering that subject, because he might have obtained the contract.
Mr. RAY. I will take it now.
Mr. BINGHAM. On that point, I submit that we availed ourselves of what we considered the best judgment that could be obtained—namely, that of Mr. Spofford—and it was also the opinion of the Joint Committee on the Library that \$6,000 would be required. quired

Mr. QUIGG. I beg pardon.
Mr. BINGHAM. Did you not say \$8,000?
Mr. QUIGG. No, sir; we made no such statement or recommendation. We did not go into that question.
Mr. BINGHAM. Well, that is the amount we recommend, and if it is not found necessary to use it all the balance will be unexpended. My recollection, however, is that the inquiry was put to the gentleman from New York, and that the Committee on the to the gentleman from New York, and that the Committee on the Library were willing to supervise the work, but said that when they got the power to do it they would simply send for Mr. Spofford or Mr. Green and have the books carted over. Perhaps the gentleman's idea of "carting" over the books was like that of his colleague from New York [Mr. RAY], that it could be done for a few hundred dollars. We recommend an appropriation of \$6,000 for that purpose, which will be expended under the supervision of the Librarian, and expended, as all other public money is expended, subject to supervision in settlements by the Comptroller.

Mr. RAY. I suppose that amount includes the cost of selecting

the books and carrying them over?

Mr. BINGHAM. It includes all that pertains to the transfer of the books from one building to the other. This money we do not appropriate in our bill, but we make it available from moneys already appropriated for the building.

Mr. QUIGG. Will the gentleman allow me a question right

Mr. BINGHAM. With pleasure.

Mr. QUIGG. The gentleman has indicated to the committee that his bill appropriates a certain sum of money for the removal of the collections and a certain sum of money for furnishing the

of the collections and a certain sum of money for turnishing the Library. Now, who, under his bill, is authorized to remove the collection, and who to furnish the Library?

Mr. BINGHAM. The Librarian of Congress, who has always had within his jurisdiction the purchase of all furniture for the present Library, and who has also handled the books, and charged the expense to miscellaneous items. Who better than the Library rian (whoever he may be) can make that selection of furniture

and provide for the transfer of the books?

Mr. QUIGG. Why, an engineer, of course.

Mr. BINGHAM. An engineer would not know anything

Mr. QUIGG. There is a very large and serious problem of engineering involved in the transfer of those books.

Mr. BINGHAM. But the gentleman's amendment gives that power to the Joint Committee on the Library.

Mr. QUIGG. "The gentleman's amendment" gives it to somebody, and your bill gives it to nobody.

Mr. BINGHAM. Our bill gives it to a man to whom properly belongs the supervision of such matters; we give it to the Librarian who is himself to take charge of that line of work rian, who is himself to take charge of that line of work.

Mr. QUIGG. Not in your bill.
Mr. BINGHAM. We give it to the Librarian; that is the whole purpose of the provision.
Mr. QUIGG. Under your bill, he will commit a felony if he takes one of those books out of the Library.
Mr. BINGHAM. Well, I think we will stand the risk of the felow.

Now, Mr. Chairman, I have shown how closely we have adhered to the law of 1802—how we have not infringed and impinged upon the statute conferring power upon the Joint Committee on the Library. We have only in our bill changed the qualifications necessary for a subordinate force to be employed by the Librarian of Congress upon examination and subject to certain rules. have also made available for the transfer of books and for the furniture certain moneys heretofore appropriated for the construc-tion of the building and not expended. That is our bill. We have observed Mr. Spofford's recommendations; we have observed Mr. Green's recommendations; we have observed the recommendations of the Joint Committee on the Library, except in the new legislation which gentlemen desire to have passed by this House in order that the Joint Committee on the Library shall not only have charge of the Library, but shall control it in every particular.

I will now take up the provisions of the gentleman's substitute. It proposes (and this is new legislation):

Upon notice by the Joint Committee on the Library to the President of the United States that the new building for the use of the Library of Congress is ready to be occupied, the President, by and with the advice and consent of the Senate, shall appoint a director of the Library, who shall receive an annual compensation of \$7.500, and who shall have charge of the Library of Congress, under such rules and regulations as may be lawfully established from time to time. The director of the Library shall give bond, payable to the United States, in the sum of \$50,000.

So far as the bond is concerned, the House has already determined, by the adoption of the amendment of the gentleman from Missouri [Mr. Dockery], that bond shall be given in the sum of \$50,000 in lieu of the bond now given. The gentleman's propositions in the first paragraph of his amendment change existing law as it has been on the statute books since 1802 and as it has been observed by the various Administrations which have been in observed by the various Administrations which have been in power. From 1815 up to the present time there have been (including Mr. Spofford's commission, which began in 1864) four Librarians of Congress. President Cleveland, in his first Administration, continued Mr. Spofford; President Cleveland, in the present Administration, has continued Mr. Spofford. Who may be the Librarian in the future I do not know. The new Administration will come in on the 4th of March next, and from that time until this legislation goes into effect it will have ample opportunity for the consideration of everything that may be necessary to the reaching of a clear, proper, and wise conclusion as to who should be the Librarian of Congress under these new provisions

In this connection, let me read from the gentleman's testimony before the committee.

Will the gentleman permit me to ask him a Mr. McMILLIN. question?

Mr. BINGHAM. With pleasure. Mr. McMILLIN. I see that in the bill of the committee, and I believe in the amendment of the gentleman from New York, provision is made for a Librarian at \$6,000 a year. What is the salary of the Librarian at present?

of the Librarian at present?

Mr. BINGHAM. It has been \$4,000 since 1870.

Mr. McMILLIN. That was my recollection; so that this is an increase of \$2,000. Now, in view of the fact that this is an office in which the incumbent is generally continued for a very long term, and the duties of which are to be discharged in but one place, I ask my friend whether he does not think \$4,000 an ample

Mr. BINGHAM. The Committee on Appropriations went over that ground very thoroughly. We listened with great patience as well as great instruction to the representatives of the Joint Committe on the Library with reference to certain provisions covered by their recommendations. We heard also, as stated by Mr. Quieg, the recommendations of the leading librarians of the country with the recommendations of the leading florarians of the country with reference to the great obligations and responsibilities imposed upon such an officer as the Librarian of Congress, in view of which those leading librarians asked that the salary be fixed at \$7,500. But your committee thought that such a proposition might meet with opposition. We concluded that \$6,000 was a fair compensation for a trained, experienced, and scientific man to administer this great work. The bill was brought into the committee from the subcommittee with \$6,000 recommended as the salary; we have brought the bill into the House from the general committee with that recommendation, believing that \$6,000 will be a fair compensation.

Mr. McMILLIN. Will the gentleman allow me one further remark? The members of Congress, who are asked to fix this salary at \$6,000, receive for their service during a limited term only \$5,000 a year. In addition to that, a majority of all the governors of the various States receive less than \$5,000 a year. The judges of many of the courts, both State judges and, as I remember, most of the Federal judges, receive less than \$6,000. I confess, therefore, very candidly, that I am wholly unable to see why there should be given to the Librarian of Congress by this bill a salary higher than \$5,000.

Mr. BINGHAM. Well, the gentleman of course knows all of his privileges, so that when we come to that paragraph in the bill he will be at liberty to exercise them. I have stated why we did it, and largely on the basis of the argument of the gentleman from New York himself.

Mr. Quigg, in speaking of Mr. Spofford, submitted-

That he had shown by his conduct of the Library, and I think the fact is entirely familiar to the committee, that he has been unable to deal with all of the work committed to him by Congress. I do not know that anybody could have dealt with it more satisfactorily than Mr. Spofford.

That condition of affairs is no fault of the present Librarian, but is largely due to the limited quarters and the inroading upon him of the Library work, increased, as it was increased, by the copyright law. He was helpless.

We recognized that fact as one argument in connection with

the necessity for enlarging the compensation of the Librarian. And again he states:

That the libraries of the world of to-day are conducted on a very different principle or basis from this one. Librarians are now professional. They are men who are educated to the business of conducting libraries. It is a course of a few years' study and is maintained in the schools of the State of New York. A gentleman familiar with library business, being engaged in the principal school there, teaches a class this profession. He was president of a college that trained librarians; he is now teaching that science in Columbia College, and it has become a distinct profession in itself.

In recognizing the valuable statements of the gentleman from

In recognizing the valuable statements of the gentleman from New York, who had made an examination of the leading libraries of the country and the great libraries of the world, we thought that \$4,000 was too small a salary for the incumbent of this great office and that \$7,500 would perhaps be in excess, and we compromised on what we thought a reasonable sum, \$6,000.

The President "shall solely appoint" is the language of the law. Since 1802 this statute has been on the books, that the President shall appoint solely, without confirmation by the Senate, a Librarian of Congress. I have told you the limit of that act when it was placed upon the statute books and what its administration has been. We leave the law just as it is in that regard. The gentleman from New York proposes, however, that when the The gentleman from New York proposes, however, that when the next Administration comes in the President "shall appoint;" that he shall not only appoint, but immediately, and he takes the power of selection "solely" from him and makes it subject to confirmation by the Senate—a four years' tenure.

Mr. QUIGG. I beg the gentleman's pardon. There is nothing

mr. Wolder. The gentleman's parton. There is nothing in my amendment which provides a term of that sort.

Mr. BINGHAM. Certainly, not directly; but I submit to the gentleman that when such questions come before the Senate for confirmation, by and with the advice and consent of the Senate, they are treated as a four-year tenure.

they are treated as a four-year tenure.

Mr. QUIGG. They are not, unless the statute so provides. I would suggest to the gentleman that special care—that, in fact, too much care can not be exercised in the selection of a Librarian.

Mr. BINGHAM. I agree with the gentleman most heartily.

Mr. QUIGG. And I want to remind him that by my substitute the conduct of the Library is imposed upon a joint committee of Congress. The joint committee then would be in control, substantially, of the Library. We hold that, the control being retained in Congress, no harm would result, but very great good might result, from an appointment in the usual way, so that the qualifications of the Librarian would be thoroughly discussed.

Mr. BINGHAM. I have clearly answered the gentleman with reference to that point. I have referred to the effect of the law, and the appointments under existing statutes which have been

and the appointments under existing statutes which have been in existence for many years. I may say to him by way of repeti-tion that during all of these years there have been but four appointments made.

pointments made.

But the gentleman suggests now that the Library Committee have custody of the Library in the bill. I am coming to the very next line in his bipl. I have already passed the paragraph in relation to the direct control of the Library by the simple statement that we continue the law, that we do not change it, and say to the incoming Administration you shall do so and so, and by and with the advice and consent of the Senate. We leave that just as it is.

I come right at once to the gentleman's paragraph, that this director of the Library shall have charge. What does the gentleman mean by the direction being in the Joint Committee on the Library? This director shall have charge of the Library—

Under such rules and regulations as may be lawfully established from time.

Under such rules and regulations as may be lawfully established from time

Of course he is governed by the law of Congress. He is governed Of course he is governed by the law of Congress. He is governed by the regulations in the statutes which we now allow to exist; but the gentleman, further on in the bill, instead of leaving the Librarian, or director, as he calls him, "in charge," continues the power "under such rules and regulations as may be lawfully established from time to time," takes from him the right to appoint and remove subordinates, takes from him every right; and a little further on, I will show you that when they come to remove the Library, the Library Committee want to fix the places in the Library where history shall be, where biology shall be, where the sciences shall be, where fiction shall be. They take absolute control. control.

Therefore, I say to the gentleman that in this bill and its sub-sequent paragraphs he has taken from the director of the Library sequent paragraphs he has taken from the director of the Library every possible control of the force, every possible adjustment of the great volume of music and prints and books. He takes from him every power that he possesses and vests it in the Committee on the Library.

The Librarian shall give bond. We have covered that.

Now he abolishes the Librarian and makes him a director in

The Joint Committee on the Library

Here the gentleman comes in for power-

The Joint Committee on the Library is hereby empowered in behalf of Congress to assume the charge and custody of the new building for the Library of Congress.

The committee takes charge of the building absolutely-

To make rules and regulations for its occupancy and use

We give him "regulations" under the old law which we allow to stand. The gentleman adds to it "rules"—

For the accommodation and display in the said new building of the Library collections

Again repeating myself, they take all control from the director of the Library—this gentleman who, as it appears from the testimony before the Committee on Appropriations, "is a trained, experienced man," which I grant, this being a technical line of work for which he is trained. It is proposed to take that capable man, at \$6,000 a year, and tell him by an act of Congress "there is nothing you can do, but the Joint Committee on the Library can do it." I say to the gentleman, we could get a man perhaps to carry out the gentleman's provisions at almost the reasonable sum that the gentleman from New York [Mr. RAY] mentioned in connection with the removal of the Library—\$100. Again repeating myself, they take all control from the director

Mr. RAY. I said \$600.
Mr. BINGHAM. The Joint Committee on the Library propose to take absolute control. Now, what do they do next? They say to Mr. Bernard R. Green:

And upon satisfactory proof that the duties heretofore conferred by law upon Bernard R. Green in relation to the construction and completion of the said new building have been fully performed, the Joint Committee on the Library is authorized to discharge the said Bernard R. Green of all duties and responsibilities in connection with the said building.

They start right away on the removals. But let us see whether that is necessary. I make the statement to this committee that every public building constructed by the Government, supervised and controlled in construction by its officers, has need of no transand controlled in construction by its officers, has need of no transfer whatever. Why, although the city post-office in Washington is not yet completed, its occupancy has already been apportioned by the Secretary of the Treasury. Mr. Green is not a contractor to deliver anything to us. He is an officer of the Government, empowered by Congress to do a certain act. So was his predecessor empowered to do such an act. He has officially informed us that the Library will be ready in March, or at the end of February. We take official cognizance of that. We put in our bill an appropriation of \$6,000 for the removal of the old Library, and \$50,000 for furniture, and Mr. Spofford, or whoever may be in charge, will commence to move just as soon as this is available.

Why, the State, War, and Navy building, almost as large as the Library building, was never formally transferred. Permit me to state, in connection with Mr. Green, the committee propose to summarily dispose of him. Mr. Green is disposed of by law, and of necessity. He turns the building over, and his work is completed.

is completed.

General Casey built the State, War, and Navy Department building. General Casey built the Washington Monument. General Casey had the construction of this great building from its inception. He died one year ago. There was never any formal transfer of any one of these great Government structures. This building is in possession of the Government to-day as fully as if it had been formally transferred. Mr. Green was with General Casey for thirty years, was his leading man in the construction of the State, War, and Navy building, his leading subordinate with reference to the Washington Monument, and his leading, valuable subordinate in the construction of the Library of Congress, To-day, by special act of Congress, he is continued as General Casey's successor. We need no transfer.

This bill appropriates for the removal of the books, and we have it officially that the Library will be ready by the end of February. Why do you want Mr. Green to notify the joint committee of Congress, and the joint committee of Congress to notify the President, that the building is ready, and that he shall appoint a Libra rian, by and with the advice and consent of the Senate, and that the joint committee shall immediately turn out Mr. Green by act

of Congress? It is not necessary.

We shall have possession of that Library in February. The books will be removed, and we provide for their removal; but the joint committee want to do that. They want to handle that \$6,000 which is to be expended for the removal that the gentleman from New York [Mr. RAY] says can be made for a few hundred dellars. dred dollars.

Mr. RAY. I did not say one hundred; I said six hundred.
Mr. BINGHAM. The Committee on the Library want to buy
the furniture. That is wholly unnecessary.
Now I come to the next point:

We concede a balance of between \$50,000 and \$70,000-

That any balance now existing of the appropriations heretofore made for the construction and completion of the said building is hereby rendered available not only for that purpose, but also to furnish and equip the said

building for its use as the Library of Congress, and also for the removal of the Library collections from the Capitol building to the said new building—

We reach now what, vulgarly speaking, may be called the milk in the cocoanut. They tell you how this appropriation shall be

and the Joint Committee on the Library is hereby directed, through such agencies as it may select, to effect the removal of the said Library collections and their arrangement in the new building, and to purchase the necessary furniture for the furnishing and equipment of the said new building; and all expenses incurred in carrying out the provisions of this paragraph shall be paid by the Secretary of the Treasury, under such rules and regulations as he may prescribe.

The Joint Committee on the Library are going to be purchasing agents, and purchase the necessary furniture for the furnishing agents, and purchase the necessary furniture for the farmshing and equipping of the new building. They want to move the Library. They want to determine where each division and character and line of work shall go in the building. Then they want to buy the new furniture through such agencies as they may select. And in the matter of the appointment and removal of employees they want absolute charge.

I desire to know where this director of the Library is to come in; this gentleman whom they recommended to the committee at \$7,500, but for whom they now accept \$6,000 as a fair compensation. I wish to know what he is to have charge of when he goes

into the new building,
into the new building,
Mr. RAY. I suppose he is to look on, and smile, and approve. I want to ask the gentleman, right there, who is to purchase the

Mr. BINGHAM. The Librarian has always purchased all the furniture for the Library. He will purchase it here, and his accounts will go through the accounting officers for verification.

Mr. RAY. That leaves it simply to the discretion of the Libra-

Mr. BINGHAM. He enters into a bond of \$50,000. It is not a great responsibility. It consists in the purchase of desks, chairs, and racks. It is not the draperies and things beautiful that you see in your house. It is practically the furniture for the Library, and it is more wisely left to him than it would be to leave it to the gentleman himself or to myself, however much we might think

gentleman nimself or to myself, however much we might think ourselves capable of buying such goods.

Mr. RAY. I fully agree with the gentleman on that. I simply desired to know who has the control of that.

Mr. BENNETT. Mr. Chairman, I desire to ask the gentleman from Pennsylvania a question.

The CHAIRMAN. Does the gentleman from Pennsylvania

yield?

Mr. BINGHAM. With pleasure.
Mr. BENNETT. Do I understand the gentleman from Pennsylvania to say that General Casey was entitled to any credit for the architectural features of the new Library?

Mr. BINGHAM. Mr. Chairman, I did not say a word about the architecture. General Casey had plans and specifications. Mr. BENNETT. The plans and specifications were prepared

by Mr. Smithmeyer.
Mr. BINGHAM. I am not taking from or detracting from what
any trained or disciplined architect did. I am merely speaking of the great responsibility that the Government had placed on General Casey. Of the State, War, and Navy building the archi-tect was Mr. Mullett, the designer of the Washington Monument I do not remember, and Mr. Smithmeyer was the architect of the Library. That is all on record.

That the Librarian shall have power to establish rules and regulations for the conduct and use of the Library of Congress and to employ and remove all persons, with the exception of the director of the Library, for whose compensation as employees of the Library provision is made in any act of Congress.

Congress.

Gentlemen, that is evidently the whole purpose of this added legislation. There has been no criticism as to the administration of the Library of this subordinate force that I have heard of, save that which I heard of a few days ago—that this subordinate force was the result of the pressure of a few men on the Librarian, and that he had yielded to that pressure; and they even went so far as to say that my friend from Illinois [Mr. Cannon], chairman of the Committee on Appropriations, had some 14 or 18 of these appointments. When we come to consider—

Mr. RAY. Well, I presume that accounts for the bad condition of the Library—the disorderly condition.

Mr. BINGHAM. When we come to consider that up to 1890 there were but 30 of this subordinate force, there could not have been very much pressure so far as change was concerned. The

been very much pressure so far as change was concerned. The force now numbers 42 or 43; that comprises additions that have been made by Congress since 1890. Who have received those appointments I do not know, and I do not care; but I do know that the chairman of the Committee on Appropriations has had no such number, if any number at all, to justify that remark around the Capital

Capitol.
Mr. CANNON. If the gentleman will allow me,
Mr. BINGHAM. With pleasure.

Mr. CANNON. As long as the gentleman has mentioned it and it has floated around, I suppose I may do what I did not intend otherwise to have done. I do not know anybody on that force except two. One is the Librarian, Mr. Spofford, and I am not acquainted with any others except one, who is an individual appointed on my recommendation. So far as I have any recollection, I never recommended anybody except this man who was appointed upon my recommendation, but even that not until I had the blessing and recommendation of the House chairman of the Committee on the Library, the gentleman from Pennsylvania [Mr. HARMER], whom I thanked at the time and now thank. That is all there is of that. The fourteen seems to fade to one, and I am under many obligations to the gentleman from Pennsylvania [Mr. HARMER],

obligations to the gentleman from Pennsylvania [Mr. HARMER], because it was a very worthy appointment to be made.

Mr. HARMER. That is correct.

Mr. BINGHAM. Now, let me say, as the gentleman has concluded that point of my argument, we propose to increase this force to 187 subordinates. That includes the subordinates to the Library, subordinates under the copyright law, and the subordinates for the care, custody, and maintenance of the Library building. The force is now 43. We increase the force to 187—144 new appointments. The gentleman, in my earlier remarks, asked me to refer to any act of Congress wherein power had been given the Librarian to appoint. I make this first preliminary given the Librarian to appoint. I make this first preliminary statement: There never has been since 1815 an appointment made on the force of the Library of Congress that has not been made by the Librarian, and very often by the direction of Congress that the Librarian shall make the appointment. The act of 1867 says:

To enable the Librarian of Congress to employ two additional assistants tc., \$2,400.

In 1871, in relation to adjusting and fixing the salaries of the employees in the Library, then fourteen in number besides the Librarian, the act gave him full power to adjust and fix the salaries of his subordinates.

To enable the Librarian of Congress to employ two assistants in connection with the work of the copyright department.

To enable the Librarian of Congress to employ enough clerical force to complete the alphabetical index.

For three additional assistants, at \$1,200 each, to be employed in the Library.

£79. That the Librarian of Congress be authorized to employ three assistants, at a yearly compensation of \$1,200 each.

1894. Whereas by the passage of the copyright law additional labor was placed upon the Librarian of Congress: Therefore.

Be it resolved, etc., That there is hereby appropriated the sum of \$6,500 for the employment of additional clerical force, under the direction of the Librarian of Congress.

rian of Congress. 1895. For the employment of eight clerks, at \$900 each, under the direction of the Librarian of Congress, necessary for the execution of the copyright law. February 26, 1896—

Our own act-

to enable the Librarian-

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

Mr. McCREARY of Kentucky. Mr. Chairman, I ask unanimous consent that the gentleman from Pennsylvania in charge of the bill be permitted to continue his remarks without limit.

There was no objection, and it was so ordered.

Mr. BINGHAM. Mr. Chairman, there are several other acts that I might cite, but I have looked back only as far as 1874. In fact, however, all the acts of Congress since then, and certainly all the acts before then, have contained similar provisions, although the force was then quite limited, being 20 in 1890 and 43 now, in 1896-97. Every one of those acts, I say, gives the Librarian the power, either directly or by implication, and under those acts he has appointed every one of his subordinates, and I have

never heard any criticism upon the subordinates.

Mr. McCREARY of Kentucky. The gentleman has just stated, as I understand him, that the number of employees in the Library at present is 43, and in the pending bill his committee recommends that the number he increased to 187

that the number be increased to 187.

Mr. BINGHAM. Yes, sir; an increase of 144.
Mr. McCREARY of Kentucky. I desire to ask the gentleman whether the committee has looked carefully into the necessity for

such a large increase

Mr. BINGHAM. Probably the gentleman was not present when I went over that matter very thoroughly. The committee took Mr. Spofford's judgment as to the force required in connection with the Library and the carrying out of the copyright law, and it took also the judgment of Mr. Green in regard to the custody of the new building. He has been with the building since its inception and is very competent to judge upon that question. The subject has been gone into very carefully and critically by the Joint Committee on the Library, who have had the advice of the leading librarians of the country who have examined the new building. The Committee on the Library did not think that we gave enough force, but we follow the estimate of the Treasury Department, as recommended by Mr. Spofford and Mr. Green, and add nine additional men recommended by the Committee on the Library for the special purpose of commencing a catalogue of the Library, the idea being that they, with the other increased force, will probably be able to make a catalogue within the next three years. gone into the question as thoroughly as we could, and the joint

committee have gone into it as thoroughly as they could, and upon this point there is no controversy between the two committees. Mr. McCREARY of Kentucky. Mr. Chairman, I asked the question only for information and not to indicate any antagonism on my part to the committee's proposition. On the contrary, I am with them in their proposition, but I wanted to bring out some

information on that point.

Mr. BINGHAM. Now, Mr. Chairman, the Committee on the Library ask to employ and remove all persons. The House heard the gentleman from Missouri [Mr. Dockery] in the close of the debate on Friday last, when he stated that under the bill of the joint committee, from the assistant librarian, at \$4,000 a year, running on through this force of 187 subordinates down to the charwomen, the "director," as the committee would have him in their bill, the Librarian, as we call him, could not remove a single one of the subordinates. Understand, that "director" or Librarian. one of the subordinates. Understand, that "director" or Librarian is to be the trained, experienced, college-bred man that the gentleman from New York speaks of, yet the gentleman, by his bill, will not allow him to remove any one of his assistants from the humblest to the highest. What kind of administration will you have under such a proposition? What kind can you have when the allegiance of the subordinate is due to the gentleman from New York or to the gentleman from Pennsylvania rather

from New York or to the gentleman from Pennsylvania rather than to his immediate superior? I say to you that such a plan would be destructive of the discipline of any organization whatever, from the administration of the Library of Congress to (as the gentleman from Missouri said) even that of a peanut stand.

In that connection, I want to ask to whom does the gentleman from New York want to give this authority? The gentleman does not propose to give control to his own director. Let us examine the history of this House with reference to the incumbency of the wise men to whom the gentleman proposes to give bency of the wise men to whom the gentleman proposes to give the control of the appointment and removal of the subordinate the control of the appointment and removal of the subordinate force. I go back to the Forty-seventh Congress and succeeding Congresses up to the present one, and what do I find? I find that Mr. McCook, of New York, served on the Library Committee for one Congress; Governor Lindsay for one Congress; Mr. Geddes for one Congress; Governor Singleton for two Congresses; Mr. Woodward for one Congress; Mr. Nutting for one Congress; Mr. Stahlnecker for two Congresses; Mr. O'Neill of Pennsylvania—a rare man recognized by the House as such a dearly nia—a rare man, recognized by the House as such, a dearly beloved friend of mine—the House and the Speakers appreci-ated his services so highly that they kept him on the Library Committee during four Congresses—the only man, according to the records, who has been in that position for se many Congresses. Mr. Davidson served for two Congresses; Mr. Sanford for one; Mr. Davidson served for two Congresses; Mr. Sanford for one; Mr. Cummings for two. In time the gentleman from New York [Mr. Cummings] will have served as my friend O'Neill did, for four Congresses. Mr. O'Ferrall served for one Congress; Mr. Compton for one; Mr. Bartlett for one; Mr. Robert Adams, Jr., for one; Mr. Harmer for one, and Mr. Quigg for one. I will say nothing as to the future of the gentleman from New York [Mr. Quigg].

That record illustrates the changing character of the committee to whom the gentleman proposes to commit the absolute control of this Library. Now, let me refer a moment to the hearing of the gentleman from New York [Mr. Quigg] before the Committee on Appropriations. I asked him this question: How are the subor-

Your testimony not being printed, I ask this question: How are the subordinate forces of the other great libraries selected?

Here is his answer:

The library in Boston employs its force through a board of regents lawfully, but practically by the librarian. The State library at Albany employs its force through the civil service commission of the State. All the other libraries employ their force through their boards of regents or boards of control, or by the librarians themselves.

Then I asked:

The boards of regents, however, in these several libraries are largely continuing boards?

Answer:

They are largely permanent boards—yes, sir. The board of regents, for instance, of the State of New York is a life body.

The Library Committee of Congress, with the record of membership such as I have read, has a life of two years.

Then I asked this further question:

The Library Committee of the two Houses is always partisan, is it not; in other words, it has a majority that represents the dominant party of the respective Houses?

To that question the gentleman from New York answers:

I suppose that is so.

Now, gentlemen of the House—
Mr. QUIGG. Will the gentleman yield a moment?
Mr. BINGHAM. With pleasure.
Mr. QUIGG. Of course, the gentleman's remarks should be interpreted in the light of the amendment that I have proposed,

which is to the effect that, the force of the Library having been constituted, it shall remain practically a permanent force, or permanent during good behavior.

Mr. BINGHAM. Is that in the gentleman's bill?

Mr. QUIGG. Certainly.

Mr. BINGHAM. That is the amendment the gentleman pro-

poses to offer?

Mr. QUIGG. Ye Mr. BINGHAM. Ir. QUIGG. Yes, sir.
Ir. BINGHAM. Well, we will discuss that when we come to
I am discussing the gentleman's substitute as he presented it. Mr. QUIGG. I am meeting the gentleman's objection with an amendment which will perfect my substitute in that respect, and

which of course the gentleman must be in favor of.

Mr. BINGHAM. That I will consider when we reach it.

Now, gentlemen, the House is rather careful as to how it proposes to distribute patronage. I am not going to refer invidiously or unkindly to the gentleman from New York or the other gentleor unkindly to the gentleman from New York or the other gentlemen of the joint committee, who under a resolution of the House have made an investigation as to the Library. Throughout the gentleman's testimony—and I repeat I do not wish to be understood invidiously—we find him telling us what this committee is going to do. I have shown by referring to the record of the committee the transitory tenure of the power which is exercised by members of that committee. The gentleman is now in his first Congress as a member of the committee. What may be the future the gentleman knows nothing of. What may be the administration of the Joint Committee on the Library if his substitute should be enacted into law he knows nothing of. He can speak only for himself, and for himself as a member of that committee only up to the 4th of March. And while I would with great pleasure see to the 4th of March. And while I would with great pleasure see large power intrusted to the gentleman, because I recognize his

ability and his wisdom, yet the House has always been somewhat critical as to where it shall place the disposition of its patronage. In this Congress the House selected my old colleague from Pennsylvania, Mr. McDowell, as Clerk of the House; the gentleman from New York and his friends were able to select as Doorkeeper Mr. Glenn. Those two gentlemen control the great subordinate force of this House, subject, of course, to recommendations by members. But when you come to the next Congress, the Commit-tee on the Library, whoever may be Speaker—and I trust it will be the distinguished gentleman who now presides over this House— will be appointed with reference to the fact that Mr. McDowell, will be appointed with reference to the fact that Mr. McDowell, of Pennsylvania, and Mr. Glenn, of New York (who, I presume, will be continued in their positions), are, respectively, the Clerk and the Doorkeeper of the House. The present Committee on the Library on the part of the House embraces, as members are aware, the gentleman from New York [Mr. Quigo], the other gentleman from New York [Mr. Cummings], and the gentleman from Pennsylvania [Mr. Harmer]; but in the next Congress the House and the Speaker might meet with some criticism or suggestion as to the wisdom of continuing all those gentlemen as members of the Committee on the Library, and we may have one more illustra-Committee on the Library, and we may have one more illustra-tion, in addition to those I have already read, as to the changing personnel of the Committee on the Library.

Mr. RAY. Do I understand the gentleman to intimate that in the Fifty-fifth Congress this House is to turn out Mr. McDowell

and Mr. Glenn?

Mr. BINGHAM. Oh, no. I rather intimated by my proposition the probability of those gentlemen being continued.

Mr. QUIGG. Do I understand the gentleman from Pennsylvania that his objection to this bill arises from the fact that the

members of the Committee on the Library come from New York, instead of from Pennsylvania?

Mr. BINGHAM. Not at all. I admitted how far I would be willing to intrust this work to the gentleman.

Mr. QUIGG. Is that the motive of the gentleman from Pennsylvania and his collectors?

sylvania and his colleagues?

Mr. BINGHAM. Not at all. As I have said, I have stated how far I would intrust the matter to the joint committee.

Mr. QUIGG. I was very sure that it was not.

Mr. BINGHAM. Certainly not.

Now I come to the other paragraph in the bill proposed by the gentleman from New York. He provides further that—

The Speaker of the House of Representatives of the Fifty-fourth Congress shall, before the expiration of his term of service, appoint from among the Representatives-elect to the Fifty-fifth Congress a temporary Committee on the Library of three members, which said Committee on the Library shall have the same powers and perform the same duties in relation to the Library of Congress as are authorized by law and the rales of the House of Representatives; and which said temporary Committee on the Library shall begin to exercise its powers immediately upon the termination of this Congress, and shall continue to exercise and discharge such duties until after the meeting and organization of the House of Representatives of the Fifty-fifth Congress and until the appointment of the regular Committee on the Library. And hereafter the Speaker of each subsequent House of Representatives shall, before the termination of the last session of each Congress, appoint, from the Representatives-elect, a temporary Committee on the Library, with similar powers and for the same purposes.

I submit to the gentleman that perhaps that section, section 5 of his substitute, had been drafted and made a part of it by the

gentleman from the general testimony and the questions put to him before the Subcommittee on Appropriations in the hearings. But we are confronted with the fact that this proposition, while of course it stands on no law and asks to be permitted to stand on law, is an incursion upon the history of Congress since its commencement. There has been but one act or resolution in this Congress of a similar action. I refer to the provision made under what is known as the Dockery law, with reference to the auditing of the accounts in the Departments in the first session of this Con-gress, where permission was given to the Committee on Accounts to exercise the power of approval in connection with the auditing of accounts of the officers of the House. That referred to the

of accounts of the officers of the House. That referred to the contingent fund. The committee, of course, could not be empowered to act in that manner except by authority of Congress.

The committee died with the Congress. The operations of the law were to go into immediate effect, and Congress determined to give to this committee an independent power of approval with reference to these accounts; and for that reason enacted the provision of law to which I have just referred. It provided, using the language of the law itself, "that the Committee on Accounts may pass judgment upon the legality and propriety of expenditures from the contingent fund of the House by its Clerk" in the absence of such certificates of payment of such contingent expenses, such as washing towels, etc., between the two Congresses. But that is the only case in the history of Congress where such a committee has been appointed ad interim and assigned to such duties.

the only case in the history of Congress where such a committee has been appointed ad interim and assigned to such duties.

Now, gentlemen, I have stated fully all that I have desired with reference to the pending measure. The bill we bring you equips the Library, gives it the subordinate force asked for by the Joint Committee on the Library, as submitted in the Book of Estimates, as well as by Mr. Spofford and Mr. Green, for the new Library of Congress. We give all that is required for the purpose contemplated. We give now no rewrited the purpose contemplated. as well as by Mr. Spofford and Mr. Green, for the new Library of Congress. We give all that is required for the purpose contemplated. We give you no new legislation save that which makes the qualification of the subordinates in the new Library dependent upon their fitness according to the rules of the Librarian. We give you a clear, clean bill, protected by every legal method, asking nothing excepting what the law provides. We change no law from 1802, covering the appointing power in connection with the Library. We take from the Committee on the Library no responsibilities as to copyright or the regulation of the Library. We take the law which has been well carried out since 1802, and ask the House to stand by the bill submitted by the Committee on Appropriations. Appropriations.

Mr. CUMMINGS. Mr. Chairman, as the minority member on

Mr. CUMMINGS. Mr. Chairman, as the minority member on the Joint Committee on the Library, I submit a few observations to the House without prejudice to either the subcommittee on Appropriations or to the Joint Committee on the Library.

In the last Congress a joint resolution came from the Senate asking the appointment of a special committee to investigate the Congressional Library, and to propose some plan for the removal of the books, and for the government of the new Library building. This was amended so as to provide that the Joint Committee on the Library should sit as such special committee during the recess, ascertain the condition of the Congressional Library, and propose some plan for the removal of the books and for the work in the new Library building.

new Library building.

As a member of the committee, I was here one month before the opening of this session. This committee held its sessions and listened to all that Mr. Spofford, the Librarian, had to say. It summoned before it the most expert librarians of this country, listened to their statements, and asked their advice. Before the investigation was ended we found that a subcommittee on Appropriations was at work on the same line, without regard to the action of the

was at work on the same line, without regard to the action of the House or of the joint committee.

The Committee on Appropriations did some surprising work. It brought before this House a legislative, executive, and judicial appropriation bill a week ahead of the holidays, something unprecedented, I believe, in the history of this country. Before the testimony taken by the joint committee was all in, this Committee on Appropriations was prodding the joint committee to hurry up with its investigation, "or we will make our report and leave you out."

Mr. BINGHAM. Will the gentleman allow me to make a statement?

statement?

statement?

Mr. CUMMINGS. I will.

Mr. BINGHAM. I yielded to every gentleman who asked me to during my remarks.

Mr. CUMMINGS. I did not interrupt you.

Mr. BINGHAM. I merely desire to state to the gentleman that it has been the custom of the Committee on Appropriations to bring in the District appropriation bill before the holidays. The chairman of the committee communicated to me that the gentlemen in connection with the District appropriation bill—

Mr. CUMMINGS. Well, now, Mr. Chairman—

Mr. BINGHAM. I want to give the reason why they did not want to bring the bill in.

Mr. CUMMINGS. The fact that they did not is enough.

Mr. BINGHAM. Then the gentleman does not want to know the reason why we did not bring the bill in.

Mr. CUMMINGS. I am not impugning your action.

Mr. BINGHAM. I think the gentleman is.

Mr. CUMMINGS. The fact itself is enough.

Mr. BINGHAM. The gentleman stated that we brought it in before his committee reported.

Mr. CUMMINGS. That is correct. I say you brought it in before the testimony taken before the Joint Committee on the Library was even revised. You brought it in before the Joint Committee on the Library had any opportunity to make a report. No report has been made to this day.

Mr. BINGHAM. I know that the joint committee can run on as long as they want to, but that is no reason why we should stop the supply bills of the Government.

Mr. CUMMINGS. We were acting at the instance of the House, and the Committee on Appropriations practically took

House, and the Committee on Appropriations practically took from us our privilege and our right of action.

Mr. BINGHAM. You were to report to the House, but you.

Mr. BINGHAM. You were to report to the House, but you have not made your report.

Mr. CUMMINGS. We have not had an opportunity.

Mr. BINGHAM. The gentleman representing you came in with your proposed legislation.

Mr. CUMMINGS. Why did you come in with your legislation here, ahead of our report, and without waiting for the printing of the testimony taken by the joint committee?

Mr. BINGHAM. If the gentleman will allow me to explain, I will tell him. Will the gentleman allow—

Mr. CUMMINGS. Not if you please. I did not interrupt you, although you probably unwittingly made misstatement after misstatement.

statement

Mr. BINGHAM. What about?
Mr. CUMMINGS. No matter. It makes little difference. do not desire to be interrupted, and I do not mean to make any misstatements

misstatements.

Mr. BINGHAM. Very well; I shall not interrupt the gentleman. I refrain, however, through pure courtesy.

The CHAIRMAN. The gentleman declines to be interrupted.

Mr. CUMMINGS. Now, Mr. Chairman, what is the meaning of this action of the Committee on Appropriations? Why is it that this bill is brought in here before the holidays? Why was not the District of Columbia appropriation bill put in here? Why was not the sundry civil bill put in?

Mr. BINGHAM. Why does not the gentleman allow me to state the reason?

state the reason?

Mr. CUMMINGS. Why is it that the legislative, executive, and judicial appropriation bill was brought in here before the holidays? Why is it that the Committee on Appropriations is so anxious to run the Library in the same way that it has been run in years past?

I noticed that when the gentleman from New York [Mr. Quigd] was making his masterly argument the other day on behalf of the bill reported from the joint committee, all the members of what you gentlemen on the other side call the "hog combine" were on their feet, deviling him and asking him questions. [Laughter.] The combine was there in full feather. One big chief said that if the proposition of the joint committee was passed by the House he wanted to be put on the Committee on the Library immediately. [Laughter.]

Now, gentlemen, I did not vote in committee to sustain the substitute which the gentleman from New York [Mr. Quigg] has proposed here. That substitute was not his substitute; it was the

substitute of the committee.

The gentleman [Mr. Quigg] and myself supported an entirely different proposition. It was a proposition that these appointments should be made by the Joint Committee on the Library, upon the recommendation of the Librarian or director. Of course, as a Democrat, I can not be interested in patronage at this time. [Laughter.] Some other time, possibly, but not now. Politics cut no figure with me in the investigation. I love books. I read books. I can not go past a secondhand bookstore without stopping to look at the books, and usually I buy one.

My work on the committee was conscientious work and a work

of love. I was personally interested in the condition of the Govor love. I was personally interested in the condition of the Government Library. The confusion there is something almost indescribable, but it is not the fault of the Librarian. No better man ever had charge of a library; but Mr. Spofford, like the Joint Committee on the Library, is subject to pressure that the Committee on Appropriations places upon them.

Mr. CANNON. Now, I challenge the truth of that statement, Mr. CUMMINGS. Read Mr. Spofford's testimony and you will not challenge it

not challenge it.
Mr. CANNON. You read it.
Mr. CUMMINGS. And you should have read it before you brought this bill into the House.

Mr. CANNON. You read it. I challenge the truth of that statement, and call upon you to read it.

Mr. CUMMINGS. I have not the testimony. You have not given us a chance to get it printed. Why do you not call on me to read President McKinley's inaugural message? [Laughter.]

Mr. CANNON. It is your committee that took the testimony.

Mr. CUMMINGS. The Librarian has been hampered by an insufficiency of appropriations, and that insufficiency, and not the Librarian, is responsible for the condition of the Congressional Library. Spefford has done magnificently hampered as he has Librarian, is responsible for the condition of the Congressional Library. Spofford has done magnificently, hampered as he has been. I can go to him to-day and get any book or document in a surprisingly short time. Five years ago there was a discussion on the floor of this House over the sinking of the Tallapoosa. A statement made by me was challenged. In seven minutes I had sent here by Mr. Spofford the files of three New York papers bearing date of the accident and confirming my statement. But, gentlemen, Mr. Spofford is not going to live forever. He says he has no shelf catalogue, because he never could get an appropriation for a shelf catalogue. He has a card catalogue, and that is all he can produce with scant appropriations.

all he can produce, with scant appropriations.

Now, I call the attention of my friend from Pennsylvania [Mr. Bingham] in charge of this bill to a matter under discussion.

His bill reads:

Copyright department: For the following under the direction of the Libra rian of Congress, necessary for the execution of the copyright law, namely

Mr. Spofford told the joint committee that he had repeatedly asked to be relieved from the control of this copyright business. It interfered with his duties as Librarian. He urged the joint committee in drawing up its bill to see to it that the Librarian was relieved from all copyright duties. You gentlemen of the Appropriations Committee examined him. He could not tell you anything different from what he told us; and yet we find here that you have again burdened him with the copyright load.

you have again burdened him with the copyright load.

Now, more than that; Mr. Spofford—

Mr. QUIGG. Will the gentleman allow me there?

Mr. CUMMINGS. Yes.

Mr. QUIGG. That, as I understand it, constitutes the reason for the difference which was pointed out by the gentleman from Pennsylvania in his own bill and our substitute. We had provided a clerk whom we called a register of copyrights.

Mr. BINGHAM. And we provide an assistant.

Mr. QUIGG. Our bill places the responsibility for copyright work on a single individual, on that individual clerk, at the same time placing the entire Library—the copyright department, the library department, and the custodian's office—under a director as the administrative officer of all.

the administrative officer of all.

Mr. CUMMINGS. That is right; and a proper designation.

Now, Mr. Chairman, we find that the Committee on Appropriations not only put the copyright department in Mr. Spofford's hands against his protest, but they go further. They give him charge of the custodian of the building, of the police, of the engineers of the electricians of the elevator conductors and the means of the electricians. charge of the custodian of the building, of the police, of the engineers, of the electricians, of the elevator conductors, and the mechanics, and the charwomen, and hold him responsible for their appointment. Great duties for the Librarian of Congress!

Mr. BINGHAM. Who do you give it to?

Mr. CUMMINGS. We give it—I say "we," I mean the committee. I do not support the proposition.

Mr. BINGHAM. You are speaking for the committee.

Mr. CUMMINGS. No; I am not, I am speaking for myself.

Mr. BINGHAM. You are the only one who had access to all the evidence.

Mr. CUMMINGS. I have not access to the evidence. It is not

Mr. BINGHAM. I know you have to some. To whom do you

Mr. CUMMINGS. The committee gives it to the Joint Com-

mittee on the Library.

Mr. BINGHAM. That is right.

Mr. CUMMINGS. Now, the Joint Committee on the Library are not overburdened with duties, as is the Librarian of Congress. Now, Mr. Chairman, after a special committee appointed by the House has summoned witnesses thousands of miles, has taken their testimony, and has spent not only days but nights in the investigation and has formulated just exactly what the House asked it to do, I submit the question to the House whether it is right for another committee to "hog" the whole business before the report is even begun and before the testimony has all been acceived from the storographer.

received from the stenographer.

Mr. BINGHAM. This law takes effect the 1st of next July.

Mr. CUMMINGS. Then why such haste? The appointments will take effect after the inauguration of the next President.

[Laughter.]
Mr. BINGHAM. Our bill will not.
Mr. QUIGG. The gentleman says that his bill will not take effect until the 1st of July. His bill appropriates \$7,000 to be

immediately available.

Mr. BINGHAM. Yes, for furniture, and \$6,000 for the transfer of the books to the new building; but the gentleman [Mr. Cummings] is talking about the plan.

Mr. QUIGG. The \$6,000 will go a very little way.
Mr. WILLIAM A. STONE. Mr. Chairman, in this connection,
I want to say that I understand New York has two members on
the Joint Committee on the Library, while Pennsylvania has but

one. [Laughter.]
Mr. CUMMINGS. One point more, Mr. Chairman. The reason why I supported the proposition to have the appointments made why I supported the proposition to have the appointments made by the joint committee on the recommendation of the director of the Library was because of the testimony of Mr. Putnam, librarian of the Boston Library. That library is one of the most complete in the United States in its appointments, in its service, in its cataloguing, and Mr. Putnam is not only a good librarian, but a practical business man. Over that library there is a board of trustees. These trustees make the appointments upon the recommendation of the librarian.

Now, in my judgment, a library as large as the Library of Congress certainly ought to have some head besides the Librarian and the Committee on Appropriations. If there is a more proper head, if there is a more suitable body, than the Joint Committee on the Library to act as board of trustees for that institution, I would like to see them. What is the Joint Committee on the Library? Why is it that the Committee on Appropriations, after absorbing at one time the duties of nearly every other committee in this House, now come forward with a proposition which practically makes that committee the Committee on the Library? For, if the Librarian makes the appointments, the Committee on Appropriations make the appropriations, and don't you forget it! [Laughter.]

Mr. BINGHAM. They always do.
Mr. CUMMINGS. Of course they do, and to-day one Senator—
a member of the Committee on Appropriations—has, it is said,

a hemoer of the Committee on Appropriations—nas, it is said, seventeen appointments in the Library.

Mr. BINGHAM. I suppose he has been here thirty years.

Mr. CUMMINGS. And my friend from Illinois [Mr. CANNON], as he tells us, has one. I am glad of it. That is more than I have, although I have been on the Committee on the Library for six

Mr. CANNON. It has been stated that I had fourteen, but I do not think the gentleman's committee circulated that report.

[Laughter.]

Mr. CUMMINGS. I want to give notice that I shall offer as an amendment to the bill the proposition to have the employees apamendment to the oil the proposition to have the employees appointed by the Joint Committee on the Library, upon the recommendation of the director of the Library. If I fail in that, I shall move to strike out from line 3 down to line 7, leaving the Library practically (aside from the appropriations made in this bill) under the same supervision as it is to-day; for I believe that to-day the Joint Committee on the Library have some supervision over it, and I do not believe that after the passage of this bill the joint committee will have anything whatever to do with the Library. My proposition to make the joint committee responsible for the appointments upon the recommendation of the Librarian seems to me to be concise and practical, and I hope it may be carefully con-

Mr. CANNON. Mr. Chairman, I shall detain the committee but a very few moments, and I ask the attention of the gentleman from New York [Mr. Quigg]. I have read to-day the substitute which he proposes. Of course I am familiar with the legislative bill, and I make this statement, that so far as the personnel of the force provided for in the legislative bill, and the personnel of the force provided for in the legislative bill, and the personnel of the force provided for in the gentleman's substitute are concerned, they are the same. The point of divergence is this, that under the legislative bill the Librarian of Congress, to be appointed after the 1st of July next

Mr. QUIGG. I beg the gentleman's pardon. There is nothing

like that in his bill.

Mr. CANNON. Well, the increase of salary takes effect after

rate. He is now undertaking to state what his bill contains, and I do not want him to state anything that it does not contain.

Mr. CANNON. Oh, well, the President has power to remove the Librarian at any time.

Mr. QUIGG. At any time; and he has had for ninety years; and the present Librarian has been there for thirty years.

Mr. CANNON. Precisely. Now, I say, Mr. Chairman, as to the personnel of the force in the new Library under the legislative bill, it is substantially the same as the personnel under the gentleman's amendment. tleman's amendment.

Mr. QUIGG. It is precisely the same, with the single distinction that you propose to appoint an assistant to the Librarian, whom you intend to act as a copyright clerk, while we appoint a

Mr. CANNON. That is a difference of name.
Mr. QUIGG. Precisely. We are not divided
of clerks or their compensation. We are not divided on the number

Mr. CANNON. Not at all. Now, the only difference is in the method of the appointment of the force. Under the legislative bill, which I hold in my hand, the law is left just as it is now, so that the President alone, without any confirmation by the Senate, appoints the Librarian. That is as it has always been.

Mr. LACEY. Under the substitute of the gentleman from New York [Mr. Quigg] the Joint Committee on the Library may remove these employees from time to time.

Mr. QUIGG. Oh, no. Under the amendment I have submitted to day these employees are not to be removed except for cause

to-day those employees are not to be removed except for cause

and after investigation.

Mr. CANNON. Very well. I will come to that point in a moment. Under the gentleman's substitute the Librarian of Congress is to be appointed by the President, by and with the advice and consent of the Senate. It is for the House to determine whether in that respect the gentleman's substitute is better than the law as it now stands, under which the Librarian is appointed by the President solely—without reference to the advice and consent of the Senate. In my judgment, the best way is to let the law in

that respect stand as it is.

Under the scheme embraced in the legislative bill the officers appropriated for in this new Library are to be appointed by the Librarian of Congress, with due regard to their capacity for the work. I believe that is right. Under the scheme of the gentleman from New York—or rather under the scheme reported by his committee, because the gentleman disavows this as his own scheme, as does his colleague on the committee, the other gentleman from New York—under the report of the committee, as embodied in the substitute offered by the gentleman, all these employees, except the Librarian of Congress, are to be appointed by the Joint Committee on the Library, and that committee will have the sole power of removal.

of removal.

The gentleman says that he has modified his substitute so as to provide that these officers shall not be removed except "for cause." Well, "cause" means anything that is displeasing to the party who has the appointing power, because as there is no appeal from the action of the appointing power, anything is "cause" which in their discretion they may make "cause." So that, after all, the gentleman's amendment does not help the original proposition.

Now, I believe the provisions embraced in this legislative bill on this subject are right. This Library is practically a great department, embracing not only the national Library, but covering the copyright business and the care of that great building. I believe that, as a general proposition, appointments must, under the Con-

that, as a general proposition, appointments must, under the Conthat, as a general proposition, appointments must, under the Constitution, be made by the President, by the courts, or by the heads of Departments. That is in substance the language of the Constitution. I do not think that Congress has any right to devolve this duty upon the House and the Senate; and I think that when our fathers adopted such a provision as a part of the Constitution they acted wisely, because it is not best—it never has been found best in the history of governments—to invest in the legislative power the administrative function. Hence, any such mingling of authority has been expressly prohibited by the Constitution. I know there was an eminent gentleman who once served in this House who said he did not know what the Constitution had to do "between friends." But, after all, there is the provision of the Constitution by which we are governed. Constitution by which we are governed.

I think I can demonstrate to the House in a few moments that we ought not to attempt to violate the Constitution in this respect. From necessity, the House must appoint its own employees; and from necessity the Senate must appoint its own employees. Now, what is the fact? I speak from investigation when I say that in my judgment this House has one-third more when I say that in my judgment this House has one-third more employees than it needs, and one-third more than it would have if it were a department of the Government, we making the legislation and appropriation for that department, and the department itself making the appointments. And I will add that the Senate, per capita, has four times as many employees as the House. Now, the wisdom of the fathers in constitutionally divorcing the legislative from the administrative newer is appropriate property. lative from the administrative power is apparent upon the bare statement. We must, of course, retain the appointment of our

own officials.

Mr. DRAPER. Does the gentleman think there is any one Department of the Government that has not one-third more employees than it would need if it were carried on upon business principles?

Mr. CANNON. Mr. CANNON. Oh, I think if we would let the business out by contract—which the gentleman understands it is not compe-tent for us to do—we could get along without so many employees

in almost all the Departments.

Mr. BENNETT. Even in Congress.

Mr. CANNON. But, I repeat, for the work that is to be done
I think the House has one-third more employees than any Department of the Government with corresponding work has; and the Senate has four times as many employees, proportionately to the number of members, as the House has.

Now, I do not propose, so far as I am concerned, to start out by

violating the Constitution—by throwing upon the House or the Senate or upon both the administrative function. That is what the gentleman's bill does. In express words, it devolves the the gentleman's bill does. In express words, it devolves the appointment of these one hundred and eighty-odd officers—upon whom? Upon the Joint Committee on the Library of the House and the Senate. Who makes the appropriations? Who would make the appointments in this department, including such force performing the copyright service and controlling the national Library? Why, the House and the Senate.

Mr. QUIGG. Right in that line, let me ask the gentleman this question: Does he think that Congress would have the right to elect the Librarian if it wished to do so?

Mr. CANNON. To elect the Librarian of the national Library?
Mr. QUIGG. Yes; the Librarian of the Congressional Library.
Mr. CANNON. Clearly not.
Mr. QUIGG. You think that Congress would not have the right to do that?

Mr. CANNON. No more right than it would have to elect the Secretary of the Interior.

Mr. CANNON. No more right than it would have to elect the Secretary of the Interior.

Mr. QUIGG. The gentleman, I believe, brought in an appropriation bill some little while ago, which Congress voted on, electing General Casey to carry on the construction of that building, did he not?

Mr. CANNON. Oh, no.
Mr. QUIGG. I think the gentleman did. And he brought in a bill electing General Casey's successor in the construction of that building.

Several Members. Oh, no. Mr. QUIGG. Now, if Congress can elect a man to spend \$6,000,-

Mr. CANNON. The gentleman will allow me to reply. His committee, if I recollect aright, brought in a joint resolution naming first General Casey, and, upon his death, naming Mr.

Green to be in charge—
Mr. Quigg rose,
Mr. CANNON. Let me answer the gentleman's question. I
do not want to wrangle. The gentleman's committee brought in do not want to wrangle. The gentleman's committee brought in a joint resolution naming those parties, officers of the Government, to have charge of the construction of the Library. The House passed the resolution; the Senate passed it; the President approved it. That was an accomplishment of that object by law. Now, whether it was constitutional or otherwise it is not necessary for me to discuss at this time. Why, if our constitutional duty is to be determined by propositions that I have made, or my eminent friend from New York might make, or has made heretofore, or will hereafter make, why then God save the Constitution! [Laughter.]

toole, or will hereafter make, why then God save the Constitution! [Laughter.]
Mr. QUIGG. Now, I wish to call the gentleman's attention to
the original act.
Mr. CANNON. Oh, I know about that.
Mr. QUIGG. The gentleman ought to allow me to interrupt
him. He says he does not want to wrangle. Neither do I wish
to wrangle with him any more than L did the other day.

Mr. CANNON. What does the gentleman wish?

Mr. QUIGG. I allowed myself to be interrupted during the discussion of this matter as often as the gentleman, or all of the

members of his committee, wanted.

Mr. CANNON. What does the gentleman want?

Mr. QUIGG. I have told you. I rose for the purpose of calling the gentleman's attention to the original act, as he was speaking the gentleman's attention to the original act, as he was speaking the gentleman's attention to the original act, as he was speaking the gentleman's attention to the original act, as he was speaking the gentleman's attention to the original act, as he was speaking the gentleman wanter as the gentleman, or all of the members of his committee, wanted as the gentleman, or all of the members of his committee, wanted. ing upon that subject.

Mr. CANNON. Oh, no; I do not care anything about the origi-

Mr. QUIGG. I suspected you did not.
Mr. CANNON. The original act has long since passed out.
Other legislation has taken its place, and it does not add anything to the argument to call up a mistake that was made a hundred years ago. Our fathers made mistakes, just as we are liable to make mistakes, and when you come and want to bless a proposi-

make mistakes, and when you come and want to bless a proposition by a bad precedent, the precedent goes for nothing.

Now, I say, practically, that Congress has the power to legislate. It has the power to appropriate. It has in harmony with its powers legislated and appropriated heretofore. Under that legislation we have various Departments of the Government. The President and the heads of these Departments make appointments of subordinates. Their action is reported to Congress. We haul them up, "drag them over the coals," if they fail to perform their duty. We have the powers of impeachment; we criticise and investigate. And that is as it ought to be. Therefore I have no patience with the contention embodied in the substitute of the gentleman from New York, when he proposes to practically of the gentleman from New York, when he proposes to practically take that power from Congress by creating a committee of the two Houses—a committee of the House and the Senate—and call

it a joint committee of the House and the Senate—and can it a joint committee, to conduct this department.

Now, a word as to the criticism of the gentleman from New York [Mr. Cummings]. It is the business of the Committee on Appropriations to report this bill. This is a short session of Congress.

We have reported it as promptly as possible. We could not report the bill that we usually reported, because the gentleman from Vermont [Mr. Grout] was absent. We therefore saw proper to report this bill. This joint committee came to us, as I am informed. We did not go to them. They were authorized to investigate and report. They were authorized to report to the House. They did not report to the House. They have not yet done so. But they came to our committee and stated what they had done, and sought to have their scheme incorporated upon this bill. When we got their scheme the gentleman from Pennsylvania [Mr. BINGHAM], of the subcommittee, did not deem it a wise one. Therefore we took the working force that the Committee on the Library eliminated and recommended it, and turned down, so far as we could by recommendation, this conferring of power on the joint committee here of the Senate and House to run a department. Then the gentleman from New York begins to kick; begins to complain and to scold about the Committee on Appropriations wanting to "ride over them." The trouble is that we took the wanting to "ride over them." The trouble is that we took the employees—they having investigated the matter—and when we refused to let them ride over our bill with unconstitutional and unwise legislation, they come and kick and scold, I was going to say just as an old woman would, but I will not; it would not be respectful.

Mr. WILLIAM A. STONE. Before the gentleman from Illi-

Mr. WILLIAM A. STONE. Before the gentleman from Illinois takes his seat I wish to ask a question.

Mr. CANNON. Certainly.

Mr. WILLIAM A. STONE. I understood the gentleman from New York to suggest that this was a mere controversy between the two committees—I refer to the gentleman from New York [Mr. CUMMINGS]. He suggested that it was a controversy, as I understand it, between the joint committee and the Library Committee as to who should control the patronage?

Mr. CUMMINGS. You misunderstood me.

Mr. WILLIAM A. STONE. I am very glad to be informed. In this connection, I wish to state that the Committee on Appropriations have nothing whatever to do with the appointments

priations have nothing whatever to do with the appointments

under the bill which they brought in.

Mr. QUIGG. Would not permit themselves to have anything Mr. QUIGG. to do with it.

Mr. WILLIAM A. STONE. Most certainly not.

Mr. QUIGG. The gentleman from Pennsylvania would not have anything to do with it!

Mr. WILLIAM A. STONE. The gentleman from New York [Mr. QUIGG] is quite able to take care of what is his due in matters of appointment.

of appointment.

Mr. QUIGG. I should hope so.

Mr. WILLIAM A. STONE. Another thing; these appointments are all vested, by the bill reported by my colleague [Mr. BINGHAM], in the Librarian, and the President has the power to appoint the Librarian without the advice and consent of the Senate. Now, the authority must be lodged somewhere. Where else can you better lodge it?

And then another suggestion, which is in the form of a question. This is called the Congressional Library. By what authority and by what right is it so called? It is a national library. Everybody has access to it. Why should a committee of Congress, a joint committee or any other kind of a committee, control that Library in matters of appointment any more than they should control the Pension Office appointments?

Mr. QUIGG. That is the question.

Mr. CANNON. Oh, well, Mr. Speaker, as to the gentleman's first question, as to this being a contest between the Committee on the Library and the Committee on Appropriations, I simply want to say, if anybody supposes that to be the case, they are

misled. Mr. RAY.

Mr. RAY. Well, may I ask—
Mr. CANNON. In a moment. There is no such contest. The substitute absolutely lodges the power to appoint, to bind and loose, as to every one of these employees, save one, with the Joint Committee on the Library, to employ, to turn off, to reemploy. The Committee on Appropriations antagonizes the conferring of that power, because it is unwise, and against the Constitution, and against good government.

Now, what do we propose in lieu thereof in our scheme? I will ate it again. We propose to authorize the head of this departstate it again. ment to make these appointments, and that is the way the appropriations are made, substantially, for the public service. The Committee on Appropriations have no more to do with the controlling of those appointments than any other committee in the

Mr. RAY. Now may I ask the gentleman a question?
Mr. CANNON. Certainly.
Mr. RAY. Is not that virtually placing these appointments in the hands of the Committee on Appropriations? It seems to me that it is, because, if you will permit me, you can not run the Congressional Library without these appointees, and they can not get their pay without the consent of the Committee on Appropria-

tions. If they do not do just exactly as the Committee on Appropriations want them to do, why then you may refuse to appropriate the money, and out they go.

Mr. CANNON. Mr. Speaker, the gentleman, eminent lawyer as he is, would not have made such a statement—

Mr. RAY. I do not say that as a matter of fact, understand me, but is not that the ground work? Here is the suggestion I want to make.

Mr. CANNON. I understand the suggestion.
Mr. RAY. Now, let me explain. You seem to think that I made that statement as a reflection on the Committee on Appropriations

Mr. CANNON. Not at all.
Mr. RAY. I did not so intend it, because I want to say that I am in favor of your scheme and shall so vote: but I was simply suggesting that as the ground work of the fear that some gentlemen seem to have. That is all.

Mr. CANNON. Now, if the gentleman will allow me a minute, I will disabuse his mind.

Mr. RAY. You do not have to disabuse my mind.

Mr. CANNON. Very well, then. I will disabuse the mind of anybody who may have been misled.

Mr. WILLIAM A. STONE. That may have been abused.

[Laughter.]
Mr. CANNON. That may have been misled upon that proposition. Just a word, now, and I will get through. This House is composed of 357 members, appointed upon committees by the Speaker. The jurisdiction of those committees is determined by

There is not a committee of this House that can appropriate anything. Legislation, whether it be by appropriation or otherwise, is formulated by the committees to be reported to the House. The House passes upon it, amends it, lays it upon the table, or does what it chooses, the committee being the servant of the House. Therefore, the question is answered when I say the Committee or Appropriations has no power to lossen or hind. It is a

mittee on Appropriations has no power to loosen or bind. It is a mere convenience of the House to perform its directions.

This bill, I will say to the gentleman, reported by the Committee on Appropriations to this House, carries appropriations for over 10,000 of subordinate force and the pay of over 10,000 people; yet this Committee of the Whole, this afternoon, can lay the whole of it on the table, strike out the enacting clause, strike out any portion of it that they choose or increase anywhere along the any portion of it that they choose or increase anywhere along the

any portion of it that they choose or increase anywhere along the lines that the law will permit.

Mr. FAIRCHILD. Mr. Chairman, it is my intention to offer an amendment to the substitute of my distinguished colleague from New York; but before sending it to the desk I do not wish to be misunderstood. I am opposed to the substitute and in favor of the bill as reported from the committee.

The Congressional Library is destined to become the greatest.

of the bill as reported from the committee.

The Congressional Library is destined to become the greatest library in the world. To call it a Congressional Library is a misnomer. It should rather be called the "National Library." In it every citizen should feel a patriotic pride. It should be divorced entirely from politics. The tenure of office of the Library employees should be permanent, with far more reasons than applies to any other Department of the Government. To subject the Library to a change of employees with every new Congress would. to any other Department of the Government. To subject the Library to a change of employees with every new Congress would be disastrous to its efficiency. Almost as well dump its vast numbers of books into the bottom of the Potomac. The proposed substitute of my colleague is therefore a backward step, the adoption of which would be deplorable. But if there is any danger that the substitute is to be adopted by this House, it is in the interest of correct legislation that it should be perfected. The argument of my colleague from New York, as I understand it, is that because all resolutions and rules and bills relating to the Library are referred to the Committee on the Library, therefore the Committee on the Library should have charge of all the appointments, which number about 187. Following the same line of argument, I would call the attention of my distinguished colleague from would call the attention of my distinguished colleague from

I would call the attended.

New York to the fact.

Mr. QUIGG. Mr. Chairman, there was nothing of that kind in anything I have ever said. The gentleman is absolutely in error about what I have said.

Mr. FAIRCHILD. I so understood the remarks of my colerror about what I have said.

Mr. FAIRCHILD. I so understood the remarks of my colleague from New York, to which I listened with great attention on Saturday; and certainly the substitute which he offers so says. I wish to call his attention to the fact that that substitute also refers to one part of the Library called the "copyright department," and to the further fact that all bills introduced into this House relating to copyrights are properly referred to the Committee on Patents. Therefore, following the same line of argument, all appointments for that department ought to be made by the Committee on Patents. I therefore offer this amendment to his Committee on Patents. I therefore offer this amendment to his substitute with the statement that my only argument in its favor is that I am a member of the Committee on Patents, [Laughter and cries of "Vote!" "Vote!"]

Mr. WALKER of Massachusetts. Read.

The Clerk read as follows:

Provided, however, That in the copyright department, the appointments for which provision is herein made—to wit, register of copyright, \$3,000; twenty-nine clerks, two at \$1,800, two at \$1,000 each, three at \$1,400 each, ten at \$1,200 each, ten at \$900 each, and two at \$720 each—shall be made by the Committee on Patents.

[Laughter.]
Mr. CANNON. That is an amendment to the substitute?
Mr. BINGHAM. As I understand, that is an amendment to the substitute. Now. Mr. Chairman, I ask that we proceed to a vote.
Mr. QUIGG. Mr. Chairman, I desire to move the amendment that I gave notice of. I have offered an amendment.
The CHAIRMAN. The Chair understands that.

Mr. QUIGG. And I desire to say, further, that my colleague moves to amend that amendment, and I shall be very glad to accept it on behalf of the Committee on the Library.

Mr. CUMMINGS. I send up an amendment.

The CHAIRMAN. The gentleman from New York sends up an amendment to the text, which the Clerk will read.

The Clerk read as follows:

After the word "persons," in the fourth line in the clause relating to appointments and removals, insert as follows:
"On the recommendation of the director of the Library."

Mr. BINGHAM. Is that an amendment to the substitute?
Mr. CUMMINGS. It is.
The CHAIRMAN. The Chair understands this to be an amend-

ment to the text

Mr. CUMMINGS. That is right; and it is accepted, I will state to the gentleman from Pennsylvania, by my colleague [Mr.

Quige]

Mr. BINGHAM. Amendments have been offered to the bill, a substitute has been offered, and certain amendments have been offered to the substitute. I hope the gentleman will indicate what paragraph the amendment is to, so that we can go on, under the rule, under the limitations of amendments to the bill and to the substitute.

Mr. QUIGG. The only difficulty as to that is that the substi-tute has not been printed with numbered lines; so that it is diffi-

cult to indicate where the amendment comes in.

Mr. BINGHAM. The gentleman can indicate the connection. Mr. QUIGG. It is to be inserted, if the Chair will permit me, at the end of the fourth clause of the substitute.

The Joint Committee on the Library shall have power to establish rules and regulations for the conduct and use of the Library of Congress, and, with the exception of the director of the Library, to employ or remove all persons on the recommendation of the director of the Library.

Mr. CUMMINGS. I understand that my colleague [Mr. Quigg]

accepts that amendment?

Mr. QUIGG. I accept the amendment.

Mr. WILLIAMS. Mr. Chairman, I understand the purpose of the amendment offered by the gentleman from New York [Mr. CUMMINGS] to be this: That it virtually takes this business out of the hands of the Joint Committee on the Library and requires them to appoint upon the recommendation of the director of the

Library?
Mr. QUIGG. Precisely.
Mr. WILLIAMS. So that the man who will appoint is the man who will have the responsibility for the conduct of the appointees?

who will have the responsibility for the conduct of the appointees?

Mr. QUIGG. Precisely.

Mr. BINGHAM. In other words, the appointments are subject to confirmation by the joint committee?

The CHAIRMAN. The parliamentary situation is this: The gentleman from New York [Mr. QUIGG] offered a substitute, and subsequently offered an amendment to that substitute—

Mr. QUIGG (interposing). Mr. Chairman, I think I have a right to incorporate my amendment in the proposition, as there has been no action taken on my substitute. It is my proposition.

Mr. BINGHAM. No, it is the committee's proposition.

Mr. QUIGG. I think that until action has been taken on it I have a right to modify it.

Mr. QUIGG. I think that until action has been taken on it I have a right to modify it.

The CHAIRMAN. The Chair would like to state the parliamentary situation, if the committee will indulge him. The gentleman from New York [Mr. QUIGG] offered a substitute, to which he subsequently offered an amendment. Another amendment was offered to that substitute by another gentleman from New York, and now the gentleman from New York [Mr. CUMMINGS] offers an amendment to the text of the bill—that is to say, to the paragraphs of the bill that were passed over by consent.

Mr. QUIGG. If the Chair will permit me, the amendment of my colleague is not to the text of the bill; it is to the text of the substitute. My colleague offers an amendment to the substitute that I have proposed, namely, after the word "persons." in the

that I have proposed, namely, after the word "persons," in the clause relating to appointment and removal, he proposes to insert "on the recommendation of the director of the Library;" so that that clause will read: "That the Joint Committee on the Library shall make the appointments and removals on the recommendation of the director of the Library."

The CHAIRMAN. The Chair understands that the gentleman from New York [Mr. CUMMINGS] assents to the statement of his colleague [Mr. QUIGG] that the amendment is an amendment to the substitute?

Mr. CUMMINGS. It is an amendment to the substitute.

Mr. SHAFROTH. Mr. Chairman, I desire to offer an amend-

ment to the bill, if it is in order at the present time.

The CHAIRMAN. It is in order. The gentleman will send up

his amendment.

Mr. BINGHAM. Let the gentleman indicate the line and paragraph.

Mr. SHAFROTH. The line and paragraph are indicated.

The amendment was read, as follows:

Strike out, in line 2, page 19, after the word "Librarian," the following: "six thousand dollars," and insert in lieu thereof the words "five thousand dollars."

Mr. McCORMICK. Mr. Chairman, I sent up an amendment some time ago, and I should like to know what has become of it.

The CHAIRMAN. The Chair will recognize the gentleman after this amendment is disposed of. The question is on the amendment offered by the gentleman from Colorado.

Mr. SHAFROTH. Mr. Chairman, I would like to say a word on the amendment. The object of it is to reduce the salary of this officer from six thousand to five thousand dollars a year. The Librarian is receiving at the present time \$4,000 a year, and it seems to me that in view of the depressed times and of the fact seems to me that in view of the depressed times and of the fact that a \$5,000 salary is a great salary, this amendment ought to prevail. It is true that gentlemen who reside in the large cities are used to hearing of people who get large salaries, but the great mass of the people of the United States regard a salary of \$5,000 a year as an enormons one. I do not believe that this Government ought to be small in the compensation it pays to its officers, but a salary of \$5,000 is very large, and in view of its increased purchas-\$8,000 twenty years ago.

Now, Mr. Chairman, in view of these considerations and in view of the fact that there are very few salaries in this Government that over the consideration of the fact that there are very few salaries in this Government that overed \$2,000 it after the consideration.

ment that exceed \$5,000, it seems to me that it would be wise to "call a halt" on salaries in excess of \$5,000 unless they are attached to offices of an extraordinary nature. It is true that the Librarian at the present time works in cramped quarters, but he can not have any more duties to perform in the new building than he has now. In fact, he will have more subordinates; the number of his assistants is more than doubled by this bill, and when these additional conveniences are given to him it would seem that instead of increasing his salary we ought rather to let it stand at

the present figure of \$4,000 a year.

We must bear in mind that some of the greatest officers of the United States receive very little more than this bill gives to the Librarian. The members of the Cabinet, with all their responsibilities and with great social duties to perform, receive only \$2,000 a year more than this bill provides for the Librarian. There can be no comparison between those officers and the Librarian of Congress. When we take into consideration the condition of the people, the condition of the Treasury of the United States, knowing that each day there is a deficiency there, it seems to me we ought not to increase this salary at the present time; at least, ought not to let

it exceed \$5,000 a year. In view of the fact that the Librarian remains here in Washington, is put to no expense of travel, that he can have his home here year after year, and that in addition the appointment when made will no doubt be a life position, the salary proposed in this amendment is a fair and a remunerative salary. In a Republic of this kind we ought to have no office that is profitable. With us public kind we ought to have no office that is profitable. With us public office ought to be simply remunerative—not profitable. Whenever you exceed a salary of \$5,000 for a position of this kind you are giving something in the nature of a profit to the officeholder. I hope the amendment will prevail.

The CHAIRMAN. The question is on the amendment of the gentleman from Colorado [Mr. SHAFROTH].

The question being taken, there were on a division (called for by Mr. SHAFROTH)—aves 49, noes 50.

Mr. SHAFROTH)—ayes 49, noes 50.
Mr. SHAFROTH. I call for tellers.

Tellers were ordered; and Mr. Shafroth and Mr. Bingham

were appointed.

The committee again divided; and the tellers reported—ayes 71,

noes 61.

So the amendment of Mr. Shafroth was agreed to. Mr. RICHARDSON. I send to the desk an amendment to the text of the bill, to come in immediately after the first item.

The Clerk read as follows:

The President shall nominate, and by and with the advice of the Senate shall appoint, the Librarian.

Mr. RICHARDSON. Mr. Chairman, it seems to me that an efficer of this importance, with a salary of \$6,000, or, according to the amendment just adopted, \$5,000, ought to be appointed by the President by and with the advice and consent of the Senate. I

see no reason why an exception should be made in this case, when there is, if I remember correctly, no other exception—no other case in which an officer of similar importance is appointed without the advice and consent of the Senate.

Mr. BINGHAM. Only a word in response to the gentleman from Tennessee [Mr. RICHARDSON]. The bill as before the Committee of the Whole does not propose to change in this respect the law as it has existed since 1802. And the wisdom of that law is exemplified in the fact that since 1815, when the first Librarian was commissioned by President Madison, there have been but four Librarians of Congress. In this historical fact we have a remarkable record of permanence of tenure. This office carries with it none of the idea connected with appointments that run merely for four years. The appointment has been made solely by the President of the idea of the ide dent. The appointment has been made solely by the President. The Committee on Appropriations were of the opinion that there was nothing which would justify them in even suggesting a change of the law in this respect, for the reason that the law as it is upon the statute book has in the past worked so well, and has secured in the position of Librarian trained, experienced men. This is the consideration which governed the committee in fram-

ing the bill.

Mr. QUIGG. I rise to a point of order. If I remember correctly, we have already perfected the text of the bill. It was read through under the five-minute rule, amendments to various clauses were offered and were disposed of. The text of the bill having been completed, it was agreed by unanimous consent that my substitute might be offered and might pass through the same process of perfection. But I make the point of order that this amendment is not in order, because we have perfected the text of

the bill.

Mr. RICHARDSON. The point of order raised by the gentle-man from New York [Mr. Quige] would at any rate come too late after two speeches had been made upon the amendment. But I desire to submit that the point of order, even if it had been made in time, would not have been good, because under our rules the text of the bill must be first perfected before the substitute of the gentleman from New York could be voted upon, and inasmuch as we have not passed from the consideration of the text of the bill, additional amendments are in order. As long as amendments are offered to the text, they must first be voted upon before the question can come up on the gentleman's substitute. But at any rate it is too late to make the point of order.

Now, Mr. Chairman, in reply to the gentleman from Pennsyl-

Will not the gentleman allow the Chair to decide Mr. QUIGG. the point of order?
The CHAIRMAN.

The CHAIRMAN. The Chair overrules the point of order. Mr. RICHARDSON. I knew what the Chair was going to

decide. [Laughter.]

In reply to the gentleman from Pennsylvania, I wish to say that the adoption of the amendment I have offered will not in any way militate against the idea which he has expressed; in other words, my amendment does not contemplate any particular term of office; and if there should be a new appointment made upon nomination by the President and confirmation by the Senate, there is nothing to prevent the appointee from holding for as long a time as previous incumbents, or even longer. It occurs to me that with respect to an office of this kind we should not depart from the constitutional provision that the President shall nominate and by and with the advice and consent of the Senate appoint.

Mr. WILLIAM A. STONE. Mr. Chairman, I move to amend by striking out the last word. In all probability the Senate will add this amendment to the bill if it should occur to them. I am very sorry the gentleman from Tennessee has offered the amendrery sorry the gentleman from Tennessee has offered the amendment, because the Senate might not have thought of it. [Laughter.] There are some things that we ought to keep as free from politics as possible. I am perfectly well satisfied, in all matters strictly political, to take my share of the patronage that belongs to me. [Laughter.] But in the Library —

Mr. JOHNSON of Indiana. Will the gentleman permit a

question

Mr. WILLIAM A. STONE. Not now.

There are some things, Mr. Chairman, that we ought not to mix with politics—churches, for instance, and the Library is another. To confirm an appointment of this character—an appointment made by the President of the United States of a Librarian—you do to a certain extent clothe the Senate with political supervision and control over the appointment. It ought not to be. This is a great Library

Mr. WILLIS. How about the appointment of judges-Supreme

Court judges?
Mr. WILLIAM A. STONE. I will yield to the gentleman for

a question after I have made my statement.

This is a great Library. Hundreds of thousands—millions of dollars—are expended upon it. It is an ornament to the country and will be of value to our nation at present and for all time to come. We propose to make it the greatest Library of the whole world.

The President can name a man, if you clothe the Senate with the power to confirm, and they can refuse to confirm the appointment; and the President of course will still have power to name another. But when a man's confirmation is before the Senate, the

senators who might be disposed to nonconcur in the appointment might be seen by the friends of the proposed librarian, and arrangements made by which the confirmation shall be granted.

I say that no possible benefit can be derived from making this a political office. The President under any circumstances will have to make the selection. Why, instead of making this office dependent upon confirmation by the Senate it would be equally proper, and just as reasonable, to provide that the House should advise and confirm the nomination

advise and confirm the nomination.

It seems to me that such a proposition ought not to receive any

support on the floor of the House, and, I repeat, I regret exceedingly that it emanated from this side.

Mr. McCORMICK. In direct line with the suggestions of the gentleman, I send an amendment to the desk, and ask its present

The CHAIRMAN. The Chair will recognize the gentleman later, after the amendments now at the desk are disposed of.

Mr. WALKER of Massachusetts. Mr. Chairman, I think the House ought to heed the advice of the distinguished gentleman from Pennsylvania [Mr. WILLIAM A. STONE] upon the question of patronage, because I do not think there is a man here who knows the evils of patronage, and knows it from experience, more than the gentleman from Pennsylvania himself. [Laughter.] He knows from personal experience more of the evils likely to grow out of the effectiveness of "seeing a man" who has something to do with appointments, or has power to influence elections, and realizes how dangerous it would be to confer this power to prove many expecially where the appointment relates to a pattern

on one man, especially where the appointment relates to a matter in which 356 men are supposed to be interested.

I submit, therefore, that after having this "expert testimony," and in view of our own judgment in the matter—a judgment that will confirm what the gentleman has said—we all of us, although we have had a great deal of experience, and some of us have some ability, ought to agree with him, and vote down the amendment.

[Laughter.]
Mr. WILLIAM A. STONE. A single suggestion. The gentleman's own experience ought to allow him to favor this amendment.
The CHAIRMAN. The question is on agreeing to the amendment proposed by the gentleman from Tennessee [Mr. RICHARD-

The question was taken; and the amendment was rejected.
Mr. McCORMICK. Mr. Chairman, I now offer the amendment
I send to the desk.

The Clerk read as follows:

Insert after line 18, page 21:
"Provided, That all persons employed in the said Library of Congress shall be appointed solely with reference to their fitness for the particular duty, and without reference to their political or party affiliations, and shall be removed for cause only."

Mr. McCORMICK. Mr. Chairman, I wish to lift this great Library above and beyond all political influences, and take it away from all the uncertainty of political administration, and for that reason I send this amendment to the desk.

There is a provision in the former part of the bill which declares that employees shall be chosen for their aptness for the position they are to occupy, but I think it not sufficiently definite and emphatic, and I ask that this amendment be adopted.

The care of this valuable and truly national Library in its new and magnificent home can be far better intrusted to men chosen for their knowledge and love of books than to men appointed simply as a reward for political service.

pointed simply as a reward for political service.

The language of the amendment is almost identical with that of the act of May 4, 1882, governing appointments in the Life-Saving Service, which act has been of inestimable benefit to that important service.

Mr. WILLIAM A. STONE. Let us hear the amendment.

The amendment was again read.

The question being taken on the amendment, the Chairman announced that the noes seemed to have it.

On a division (demanded by Mr. McCormick) there were—ayes

61, noes 32.

Accordingly the amendment was agreed to.
Mr. WILLIAM A. STONE. I should like to make a parliamentary inquiry. This amendment just adopted was made to the bill was it not?

The CHAIRMAN. To the text of the bill.

Mr. FOOTE. Mr. Chairman, I offer the following amendment to the substitute.

Mr. BINGHAM. The substitute is not being considered yet The CHAIRMAN. The substitute is not being considered yet.

The CHAIRMAN. The gentleman from New York [Mr. FOOTE] will please withhold his amendment for the present.

There are three amendments pending to the substitute. The question now is on the amendment offered by the gentleman from New York [Mr. QUIGG] to the substitute, which the Clerk will report. The Clerk read as follows:

Provided, That the organization of the force to be employed in the new Library building having been completed under the provisions of this act, removals shall thereafter occur only for cause, and after full inquiry.

Mr. BINGHAM. That is an amendment to the substitute.
The CHAIRMAN. That is an amendment to the substitute.
The amendment was rejected.
The CHAIRMAN. The question now is on the amendment offered by the gentleman from New York [Mr. FAIRCHILD].
Mr. WILLIAM A. STONE. Mr. Chairman, that is an amend-

ment to the substitute also.

The CHAIRMAN. That is an amendment to the substitute.

Mr. WILLIAM A. STONE. I only call the attention of the committee to the fact, because there have been so many amend-

The CHAIRMAN. The Chair stated that it was an amend-

ment to the substitute.

Mr. FAIRCHILD. I understand my colleague from New York
[Mr. QUIGG] accepts that amendment.

The CHAIRMAN. Nevertheless it must be voted upon.

Mr. BINGHAM. Let the amendment be reported.

The CHAIRMAN. It has already been reported; but without objection, the Clerk will again report it.

The Clerk read as follows:

Provided, however, That in the copyright department, the appointments for which provision is herein made, to wit: Register of copyrights, \$3,000; twentynine clerks, two, at \$1,800 each; two, at \$1,800 each; three, at \$1,400 each; ten, at \$900 each, and two, at \$720 each, shall be made by the Committee on Patents.

Laughter.]

[Laugnter.]
The amendment was rejected.
The CHAIRMAN. The question now is on the amendment
offered by the gentleman from New York [Mr. Cummings], which
the Clerk will report.

The Clerk read as follows:

After the word "persons," in the fourth line of the clause relating to appointments and removals, insert as follows:
"On the recommendation of the director of the Library."

The amendment was rejected.

The CHAIRMAN. The gentleman from New York [Mr. FOOTE] is now recognized for an amendment to the substitute, which the Clerk will report.

The Clerk read as follows:

The Clerk read as follows:

After the words "the office of the Librarian of Congress shall thereupon be abolished," insert the following:

"The director of the Library shall have the power to appoint one chief librarian, one librarian to act as superintendent of reading room, twelve assistant librarians, one chief of catalogue department, sixteen catalogues, one superintendent of art gallery and three assistants, one superintendent of hall of maps and charts and two assistants, one superintendent of periodical department, one superintendent of manuscript department and two assistants, one superintendent of mousic department and three assistants, all to be paid salaries as above provided for, but no employee shall thereafter be removed except for cause. The Joint Committee on the Library is hereby empowered in behalf of Congress to assume the charge and custody of the new building for the Library of Congress and to make rules and regulations for its occupancy and use, and, upon satisfactory proof that the duties here-tofore conferred by law upon Bernard R. Green in relation to the construction and completion of the said new building have been fully performed, the Joint Committee on the Library is authorized to discharge the said Bernard R. Green of all duties and responsibilities in connection with said building; that any balance now existing of the appropriations heretofore made for the construction and completion of the said building is hereby made available, not only for that purpose, but also to furnish and equip the said building for its use as the Library of Congress, and also for the removal of the Library collections from the Capitol building to the said new building, and, with the advice and consent of the Joint Committee on the Library, to purchase the necessary furniture for the equipment of the said new building. The Joint Committee on the Library shall have power, except as above provided, to employ or remove all persons for whose compensation, that this removes

Mr. FOOTE. I wish to say, in explanation, that this removes from the substitute offered by my colleague [Mr. Quigg] objections which have been urged on the floor. This gives the director of the Library full power to appoint or remove his immediate force, all the heads of his departments, and all his assistants nec-

force, all the heads of his departments, and all his assistants necessary to run the Library.

It leaves under the Library Committee the subordinate force, and gives the House of Congress—the lower House—the right to overlook the building, and to have charge of the same to the Committee on the Library. In other words, it merely takes from the patronage that part of the force needed in the Library by the director of the Library, or chief librarian, to properly carry out any scheme he may have in the way of cataloguing or any scheme he may have for the purpose of hastening the progress of the work in this Library, and takes it entirely out of politics. I therefore offer that amendment.

Mr. BINGHAM. I simply desire to say that the bill submitted

Mr. BINGHAM. I simply desire to say that the bill submitted

out. Perhaps the bill submitted by the gentleman from New York [Mr. Quigg] is a consistent bill throughout. This is confusing, and a change of either of these bills in all their consistency— [Cries of "Vote!" "Vote!"]

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York [Mr. Foote] to the substitute which has just been reported.

The question was taken, and the amendment to the substitute

was rejected.

The CHAIRMAN. The question now is on the substitute offered by the gentleman from New York [Mr. Quige].

The question was taken; and the Chairman announced that the

noes seemed to have it.

Mr. QUIGG. Division, Mr. Chairman. The committee divided; and there were—ayes 27, noes 85.

So the substitute was rejected.

Mr. GILLETT of Massachusetts. I have an amendment I desire to offer.

The CHAIRMAN. Is the gentleman's amendment to the original text?

Mr. GILLETT of Massachusetts. Yes, sir. The Clerk read as follows:

Add to line 18, page 21:

"All the above appointments except the Librarian and two assistants are to be made from lists of eligibles to be submitted by the Civil Service Commission, under their rules, who are hereby empowered to hold examinations for all the above positions."

Mr. WILLIAM A. STONE. Mr. Chairman, I make the point

of order against that that it changes existing law.

Mr. QUIGG. But my friend wants it taken out of politics.

[Laughter.

Mr. WILLIAM A. STONE. "My friend" is quite able to state what he wants. [Laughter.] I make the point of order that it changes existing law.

The CHAIRMAN. The Chair is constrained to overrule the

point of order.

Mr. WILLIAM A. STONE. I would like to be heard on the point of order.

The CHAIRMAN. The Chair will hear the gentleman.

Mr. WILLIAM A. STONE. The point of order I make is that
the amendment directing that all appointments should be made
under the provisions of the civil-service law is simply directing under the provisions of the civil-service law is simply directing what the President had power to do under the law as it now stands. In other words, it is a change of law as it now exists. The law gives to the President power to issue an order putting all these appointments under the civil service, and it is not necessary for Congress to repeal that provision by directing that it be done in this way. He can make such an order without any legislation of this kind, and it is a change of the law as it now exists.

Mr. WILLIAMS. Mr. Chairman, that part in the bill as reported by the committee to which this is offered as an amendment is itself a change of existing law, and being a change of existing law, an amendment to it is not obnoxious to the objection that it changes existing law.

existing law, an amenument to it is not obnoxious to the objection that it changes existing law.

The CHAIRMAN. This bill when reported to the House contained, in the paragraph relating to the Library of Congress, that which is manifestly on its face new legislation. This would have been subject to a point of order under the provisions of Rule XXI, section 2. No such point of order was made, and the bill therefore was sent by the House to the Committee of the Whole for consideration just as it was reported, and in its entirety. Under these circumstances, as has been heretofore several times ruled, no point of order could be made in the committee against the paragraph on or order could be made in the committee against the paragraph on the ground that it contained new legislation. The committee, in other words, could not refuse to consider what the House had sent to it for consideration. But the right of consideration involves also the right of amendment; that is to say, the committee has the right to perfect as it may see fit the matter submitted to it. For these reasons the point of order is overruled. [Cries of "Vote!"] of order could be made in the committee against the paragraph on

Mr. GILLETT of Massachusetts. The House has already voted by two to one for a clause which practically amounts to the same as this, saying that this patronage shall be taken out of politics. Now, if gentlemen seriously intend to accomplish that the House ought to adopt this amendment, as it is the only practical method

of carrying out what they have voted for.

Mr. WILLIAM A. STONE. Mr. Chairman, I suggest that at this stage of the proceedings we ought not to put this House on

record in favor of a proposition of that kind.

The question was taken; and the Chairman announced that the oes seemed to have it.

Mr. GILLETT of Massachusetts. Division. The committee divided, and there were—ayes 37; noes 73.

So the amendment was rejected.

The CHAIRMAN. The Chair is informed that by unanimous consent the paragraph relating to the civil service was passed over by the Committee on Appropriations is a consistent bill through- for consideration, and that consideration is in order at this time.

Mr. BINGHAM. Under the agreement with the committee, we passed over the paragraph commencing on page 24, Civil Service Commission, from line 6 down to line 19. I have no statement to make in connection with the matter beyond this. Your committee heard the Commissioners of the Civil Service. We gave them the same appropriation for the next year that we have under the current law. One of the Commissioners read to us a careful and elaborately prepared statement, wherein he submitted that at the conclusion of the reorganization of their force of subordinates they would be able to do their work during the next fiscal year with the same appropriation as during the convent. fiscal year with the same appropriation as during the current year. We therefore appropriate the same amount of money for the same subordinate force.

Mr. BROSIUS and Mr. BAKER of New Hampshire addressed the

The CHAIRMAN. The Clerk will read the paragraph, after which the Chair will recognize the gentleman from Pennsylvania. The Clerk read as follows:

CIVIL SERVICE COMMISSION.

For three Commissioners, at \$3,500 each; chief examiner, \$3,000; secretary, \$2,000; eight clerks of class 4; ten clerks of class 3; thirteen clerks of class 2; fifteen clerks of class 1; three clerks, at \$1,000 each; two clerks, at \$900 each; one messenger; two laborers; engineer, \$940; and two watchmen; in all, \$91,340.

For necessary traveling expenses, including those of examiners acting under the direction of the Commission, and for expenses of examinations and investigations held elsewhere than at Washington, \$7,000.

Mr. BINGHAM. What amendment does the gentleman offer?
Mr. BROSIUS. I have not offered anything. I have simply
been recognized and have taken the floor upon this paragraph.
Mr. CANNON. Mr. Chairman, we are under the five-minute
rule, and nothing can be spoken to under that rule unless there is
some proposition pending. Therefore, if there is no amendment
offered there can be no recognition.

The CHAIRMAN. The Chair recognized the gentleman from
Pennsylvania [Mr. Brosius] assuming that he was going to offer

Pennsylvania [Mr. Brosius] assuming that he was going to offer

Mr. BROSIUS. Mr. Chairman, I was recognized by the Chair and I desire to say now that when I suggested the passing over of this paragraph and intimated that I might desire to make some observations upon it, it was understood that an opportunity would observations upon it, it was understood that an opportunity would be afforded when the paragraph should be taken up to submit observations as under general debate. The understanding was that this was to be treated precisely as the matter of the Library has been treated, which was passed over in the same way, and in pursuance of that distinct understanding I rose a moment ago and addressed the Chair and was recognized. Have I the right to proceed?

The CHAIRMAN. The gentleman has correctly stated the

position.

Mr. CANNON. A parliamentary inquiry, Mr. Chairman. Are

we under the five-minute rule?

The CHAIRMAN. The Chair is advised that this paragraph was passed over by unanimous consent, and that it was understood that when the paragraph was taken up, general debate was to be in order just as though it had come up for the first time.

Mr. BINGHAM. That is correct.

Mr. BAKER of New Hampshire. Mr. Chairman, I ask the gentleman from Pennsylvania [Mr. BROSIUS] to yield to me to

gentleman from Pennsylvania [Mr. Brosius] to yield to me to offer an amendment.

Mr. BROSIUS. I will yield the gentleman two minutes in which to offer his amendment.

Mr. BAKER of New Hampshire. I offer the amendment which I send to the Clerk's desk.

The CHAIRMAN. The Chair will state that, strictly speaking, amendments are not in order until after the general debate.

Mr. BROSIUS. I know they are not, but I have yielded to the gentleman from New Hampshire two minutes and he can do what he pleases with the time so far as I am concerned. [Laughter.]

The CHAIRMAN. The Clerk will report the amendment.

The CHAIRMAN. The Clerk will report the amendment.

The amendment was read.

Mr. BINGHAM. Mr. Chairman, I raise the point of order against that amendment.
Mr. RICHARDSON. I understand that the amendment is

simply read for information.
The CHAIRMAN. That is all.

Mr. BROSIUS. I now yield ten minutes to the gentleman from Kentucky [Mr. Evans].

Mr. EVANS. Mr. Chairman, I am not at all opposed to a civil-service law which is properly restricted and wisely limited, especially if it be executed in the spirit of fairness which should be behind it, but if it be a cloak merely for partisan benefit or advantage, or a vehicle for foisting upon the people an office-holding class to the enormous extent of nearly 75,000 persons, each of whom will have practically a life tenure, and many of them be in places where the civil-service principle is abnormal, and to my mind wholly inapplicable, then I think it is time to call a halt and consider whether the law itself should not be reconstructed.

I chanced to have charge of one of the largest of the bureaus of the Government when the law went into effect in 1883, and cheerfully bear testimony to its beneficial results within the limited application given to it by President Arthur. Doubtless it was equally useful in some of the respects in which other Presidents have put it in force. That is to say, to the extent that such examinations as are fairly within its principles can be made to show fitness for places in the public service, it is, so far as I can see, unobjectionable; but if offices are to be filled through its operations, with reference to which no sort of congruity can be found between the examinations and the duties of such offices. be found between the examinations and the duties of such offices, then, in my judgment, it becomes absurd. To illustrate: What possible congruity is there between a civil-service examination and inspecting cattle, watching a stillhouse, or hunting a counterfeiter or a moonshiner? I confess my utter inability to see any. Trial and experience are the means of developing fitness for such positions.

I am not here to criticise the President. I feel that the country owes him a strong tribute of praise upon some phases, especially some later phases, of his official conduct, but I think nothing better illustrates what would be the dangerous powers of the President than some later rules made under the civil-service law, if those rules were not subject to revocation. Take, for example, the internal-revenue service. In my judgment, it would have been a most remarkable exercise of authority to extend the civil-service law irrevocably to deputy collectors, storekeepers, etc. The efficiency of these officers is so wholly dependent upon other qualities than those which can be developed by civil-service examinations that my astonishment might have been excessive, but for one chastening, or rather I should say modifying, consideration. Every one or nearly every one of those offices was filled by a partisan of the President before the necessity dawned upon the Executive mind to extend the panoply of civil-service reform over them. It would have excited less suspicion of using a law for party advantage if this extension had been made before the change in incumbents of the offices, or if the places after being made vacant I am not here to criticise the President. I feel that the country incumbents of the offices, or if the places after being made vacant had been filled through the operations of the law, or, indeed, if only half of the incumbents had been removed and their places filled with Democrats.

In either of these contingencies a possible show of fairness might have been preserved. It was certainly the exercise of a very kindly foresight to have the changes all made before any other step was taken. It was well to get good and ready for it. Any law which would admit of such misuse should be reconsidered, or its operations reformed, if the rules made by the President are irrev-

Mr. RICHARDSON. Will the gentleman permit a question?
Mr. EVANS. I prefer not to be interrupted now. At the conclusion of my remarks I will try to answer the gentleman's question.

Another instance was that of a certain large office in this city. By some lucky accident those who administered the affairs of that office were informed of the purpose to extend the law so as to embrace it in due season to prepare for the emergency. It had a lump appropriation to pay its expenses from, and had not been limited to any specific number of clerks or employees. Knowing what was to come, the employees of this office were largely increased. The official list was considerably padded, and when the order extending the law to it became effective it was easy to drop all the employees of one party and have a full complement of the faithful to be protected by law.

And I am told that down in a city not very remote from where I live a way has been discovered by which the blind dispenser of

civil-service lottery favors can discriminate with unerring exactness between a Republican and a Democrat. Whether these things

ness between a Republican and a Democrat. Whether these things all be exactly as stated I can not precisely say, but if they are so it seems to me to be time to look into the situation.

To purely clerical positions in the Departments and large offices, and to a great extent in the postal service, I think the civil-service law should extend permanently. Further than that it might become a cloak for the most violent partisan deceitfulness and misuse if the President could not change the rules. I am not in favor of the bald doctrine that to the victors belong the spoils. There should be no such thing as spoils, and anything that is mere There should be no such thing as spoils, and anything that is mere spoils should be abolished as odious; but I confess it is difficult to convince me that it is the logic of a great political victory that the other side shall still continue to run the Government and be in position, possibly at the very next election, materially to aid in bringing the country under the dominion of the most dangerous political doctrines.

However, Mr. Chairman, while I have thought it well to call the attention of the committee to these matters, I think it is not necessary to repeal the law to remedy them. A careful investigation has left no doubt upon my mind that the whole subject is under Presidential control, and that the rules issued from time to time can be modified or revoked at any time the President may see fit. And I find that the power of revocation has accordingly been freely exercised. In making the comprehensive rules of November 2, 1896, the President expressly revoked all others. If one President goes too far, another may correct it. The power to make rules necessarily includes the power to revoke them. And as the Chief Executive is the real fountain of all appointing power, we might suppose the rules of November 2 were made by the President to conveniently govern in his own Administration but for the very late date of their promulgation.

Now, Mr. Chairman, I will hear the question that the gentleman from Tennessee desires to ask.

Mr. RICHARDSON. I rose to interrupt the gentleman when he was citing certain facts, to ask him whether there had not been an illustrious example set to the present Chief Magistrate of the country by his immediate predecessor in office in making such been freely exercised. In making the comprehensive rules of No-

ountry by his immediate predecessor in office in making such changes as the gentleman spoke of.

Mr. EVANS. Possibly so.

Mr. RICHARDSON. Well, Mr. Chairman, I ask for a few min-

Mr. BROSIUS. Mr. Chairman, if the gentleman will allow me, I do not think the gentleman from Kentucky [Mr. Evans] has any

time to yield.

Mr. RICHARDSON. I did not ask the gentleman for any time.

I addressed the Chair in my own right.

Mr. BROSIUS. But I was in possession of the floor, the genman will remember

Mr. RICHARDSON. I recognize that, and I ask the gentleman if he will not give me five minutes?

Mr. BROSIUS. I can not do so now.

Mr. BINGHAM. I will state to the gentleman from Tennessee,

and to the gentleman from Pennsylvania also, that it is my purpose at the conclusion of the remarks of the gentleman from Kentucky [Mr. Evans] to move that the committee rise.

Mr. BROSIUS. He has concluded now.

Mr. BINGHAM. Then, Mr. Chairman, I move that the com-

mittee rise

Mr. RICHARDSON. As I understand, this matter will be open for debate to-morrow.

Several Members. Oh, yes.

The question being taken on the motion of Mr. BINGHAM that

the committee rise, it was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. DALZELL reported that the Committee of the Whole on the state of the Union, having had under consideration the legislative appropriation bill, had come to no resolution thereon.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Platt, one of its clerks, announced that the Senate had passed without amendment the bill (H. R. 9700) authorizing the issuing and loaning of the ensigns, the signal numbers at a of the United States for the flags, signal numbers, etc., of the United States for the purpose of decorating the streets of the city of Washington on the occa-

of decorating the streets of the city of Washington on the occasion of inaugural ceremonies on the 4th of March, 1897.

The message also announced that the Senate had passed with amendments bills of the following titles, in which the concurrence of the House was requested:

A bill (H. R. 5787) for the relief of Henry A. F. Worth; and A bill (H. R. 3139) for the relief of M. R. William Grebe.

A bill (H. R. 3139) for the relief of M. R. William Grebe.

The message also announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the joint resolution (S. R. 162) continuing in force section 2 of the approved June 3, 1896, entitled "An act to repeal section 61 of an act to reduce taxation, to provide revenue for the Government, and for other purposes," which became a law August 28, 1894.

The message also announced that the Senate had further insisted upon its disagreement to the amendment of the House to the bill (S. 1511) granting a pension to Mrs. Jane Stewart Whiting, had agreed to the further conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. Gallinger, Mr. Cannon, and Mr. Mitchell of Wisconsin as the conferees on the part of the Senate.

The message also announced that the Senate had further insisted upon its disagreement to the amendment of the House to the bill

The message also announced that the Senate had further insisted upon its disagreement to the amendment of the House to the bill (S. 1291) granting an increase of pension to Celeste A. Boughton, widow of Bvt. Gen. Horace Boughton, had agreed to the further conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. Gallinger, Mr. Palmer, and Mr. Baker as the conferees on the part of the Senate.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. Buck, for two days, on account of business.

To Mr. Steele, for two days, on account of business.

To Mr. Steele, for two days, on account of important business.

To Mr. Lawson, for ten days, on account of important business.

And then, on motion of Mr. Bingham (at 5 o'clock and 7 minutes

p. m.), the House adjourned.

EXECUTIVE COMMUNICATIONS

Under clause 2 of Rule XXIV, the following executive commu-ications were taken from the Speaker's table and referred as

A letter from the Secretary of War, transmitting the report of the Board of Ordnance and Fortification for the year ending Octo-

ber 31, 1896-to the Committee on Appropriations.

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of Apalachicola Bay, Florida, and the approaches to Apalachicola— to the Committee on Rivers and Harbors, and ordered to be printed.

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination of Smithtown Harbor, New York—to the Committee on Rivers and Harbors,

and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the cases of John Ehs and R. E. Wester, administrator of Joseph Lynn, against The United States—to the Committee on War Claims, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting his annual report for the fiscal year ending June 30, 1896—to the Committee on Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of rule XIII, Mr. HICKS, from the Committee on Public Buildings and Grounds, to which was referred the bill of the Senate (S. 1838) entitled "An act to provide for the purchase of a site and the erection of a public building thereon at Durham, in the State of North Carolina," reported the same without amendment, accompanied by a report (No. 2362); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

By Mr. COLSON, from the Committee on Claims: The bill (S. 21) entitled "An act to authorize the investigation by the Attorney-General of certain claims alleged to be due the late proprietors of the Knoxville Whig for advertising, and authorizing the payment therefor by the Secretary of the Treasury of any amounts found by the Attorney-General to be legally or equitably due. (Report No. 2360.)

By Mr. PICKLER, from the Committee on Invalid Pensions: The bill (H. R. 9595) granting a pension to Mrs. Annie Wittenmyer. (Report No. 2361.)

PUBLIC BILLS AND RESOLUTIONS.

Under clause 3 of Rule XXII, bills and resolutions of the fol-

lowing titles were introduced and severally referred as follows:

By Mr. McCORMICK: A bill (H. R. 9770) providing that the
Potomac Flats shall be reserved and improved for park purposes under the name of the Potomac Park-to the Committee on the District of Columbia.

By Mr. MONDELL: A bill (H. R. 9771) providing that those who have commuted homesteads may avail themselves of the provisions of the homestead act—to the Committee on the Public Lands.

By Mr. HULICK (by request): A bill (H. R. 9772) to protect citizens of the United States engaged in labor in foreign countries, and to increase the efficiency of domestic labor—to the Committee on Foreign Affairs.

By Mr. DANFORD: A bill (H. R. 9773) to levy and collect duties on wool, hair, sheep, cotton, and other fibers—to the Committee on Ways and Means.

By Mr. RINAKER: A bill (H. R. 9774) to provide for the purchase of a site and the erection of a public building thereon at Jacksonville, in the State of Illinois—to the Committee on Public Buildings and Grounds.

By Mr. CURTIS of Iowa: A bill (H. R. 9775) to repeal so much of chapter 189 of the Statutes of the United States of America, passed at the third session of the Fifty-third Congress, and approved March 2, 1895, as requires that the lower portion of the Rock Island Bridge shall not be occupied by any street railway company without paying a reasonable rent therefor—to the Committee on Military Affairs. mittee on Military Affairs.

By Mr. JENKINS: A bill (H. R. 9776) to amend an act entitled "An act to authorize the construction of a steel bridge over the St. Louis River, between the States of Wisconsin and Minne-sota"—to the Committee on Interstate and Foreign Commerce.

By Mr. STRODE (by request): A bill (H. R. 9777) to promote the safety of employees and shippers upon railroads by compelling common carriers to equip their freight cars with safety appliances to protect such persons from injury resulting from falling between freight cars—to the Committee on Interstate and Foreign Commerce.

Mr. CLARK of Iowa: A bill (H.R. 9778) to give trusses to soldiers of the war with Mexico-to the Committee on Pensions

By Mr. CUMMINGS: A joint resolution (H. Res. 223) relative

to the medal of honor authorized by the acts of December 21, 1861, and July 16, 1862—to the Committee on Naval Affairs.

By Mr. HILL: A joint resolution (H. Res. 224) providing for estimate of cost of certain improvements of Bridgeport Harber, Connecticut—to the Committee on Rivers and Harbors.

PRIVATE BILLS, ETC.

Under clause 1 of Rule XXII, private bills of the following titles were presented and referred as follows:

By Mr. CLARKE of Alabama: A bill (H. R. 9779) for the relief of Mrs. Sarah A. Herndon—to the Committee on War Claims.

By Mr. COFFIN: A bill (H. R. 9780) granting a pension to Sarah Anderson (colored), of Annapolis, Md.—to the Committee on Invalid Pensions.

By Mr. COLSON: A bill (H. R. 9781) granting a pension to Mary J. Ellis, of Kendall, Russell County, Ky.—to the Committee on Invalid Pensions.

By Mr. COOPER of Texas: A bill (H. R. 9782) for the relief of

Mrs. M. A. Eddy—to the Committee on Claims.

By Mr. CURTIS of lowa: A bill (H. R. 9783) donating 2 condemned cannon and 10 condemned cannon balls to citizens of Marengo. Iowa, for monumental purposes—to the Committee on Naval Affairs.

By Mr. DRAPER (by request): A bill (H.R. 9784) for the relief of the Globe Works, of Boston, Mass.—to the Committee on War Claims

By Mr. KIRKPATRICK: A bill (H. R. 9785) granting a pension to Rebecca A. Kirkpatrick—to the Committee on Invalid

By Mr. LIVINGSTON (by request): A bill (H. R. 9786) for the relief of Elias E. Barnes—to the Committee on Claims.

By Mr. OGDEN: A bill (H. R. 9787) to pay to Marie Eliza Payne, of Natchitoches Parish, La., an amount found due by the Court of Claims—to the Committee on War Claims.

By Mr. PICKLER: A bill (H. R. 9789) granting a pension to Bethiah H. Rollins—to the Committee on Invalid Pensions.

By Mr. SPENCER: A bill (H. R. 9789) for the relief of the Roman Catholic Church of St. Peters, at Jackson, Miss.—to the

Committee on War Claims.

Also, a bill (H. R. 9790) for the relief of James Couch, of Claiborne County, Miss.—to the Committee on War Claims.

By Mr. TRELOAR: A bill (H. R. 9791) granting an increase of pension to John Wedemeyer—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9792) granting a pension to Frederick W. Tappmeyer—to the Committee on Invalid Pensions.
Also, a bill (H. R. 9793) granting an increase of pension to Joseph C. Berry, alias Joseph White—to the Committee on Invalid Pen-

Also, a bill (H. R. 9794) granting a pension to Samuel S. Grimmett—to the Committee on Invalid Pensions.

Mett—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9795) granting an increase of pension to Uriah H. Owings—to the Committee on Invalid Pensions.

By Mr. WOOD: A bill (H. R. 9796) granting a pension to Turner J. Bowling—to the Committee on Invalid Pensions.

By Mr. JOHNSON of California: A bill (H. R. 9797) to increase the pension of Gilbert G. Fancher—to the Committee on Pensions.

By Mr. McDEARMON: A bill (H. R. 9798) for the relief of F. W. Thomas, postmaster at Dyersburg, Tenn.—to the Committee on the Post-Office and Post-Roads.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ALLEN of Mississippi: Papers relating to the claim of Abel Walker, of Tishomingo County, Miss.—to the Committee on Way Cleins. War Claims.

By Mr. BROMWELL: Memorial of the Chamber of Commerce of Cincinnati, Ohio, concerning the improvement of the Mississippi River by repairing crevasses at Pass a Loutre-to the Committee on Rivers and Harbors.

By Mr. CHICKERING: Resolutions of Joe Spratt Post, No. 323, Grand Army of the Republic, of Watertown, N. Y., urging the recognition of the Cubans as belligerents in their struggle for liberty—to the Committee on Foreign Affairs.

By Mr. HENDERSON: Paper of M. V. Allen, of Covington, Ind., favoring the passage of House bill No. 8354, to pension maimed veterans of the late rebellion—to the Committee on Inva-

lid Pensions.

By Mr. HUBBARD (by request): Resolutions of James A. Garfield Post, No. 6, Grand Army of the Republic, of Jefferson City, Mo., condemning the action of Spain toward Cuba—to the Committee on Foreign Affairs.

By Mr. HULICK: Resolutions adopted at a public meeting of citizens of Columbus, Ohio; also, resolutions of the Young Men's Seth Brown Club of Lebanon, Ohio, asking for the recognition of Cuban independence—to the Committee on Foreign Affairs.

Also, resolution of the California Wool Association, favoring the immediate passage of the Dingley bill—to the Committee on Ways and Means.

and Means.

By Mr. LAYTON: Petition of George W. Perry and 119 other ex-Union soldiers of Darke County, Ohio; also, petition of Joseph H. Taylor and 19 other ex-Union soldiers of Auglaize County, Ohio; also, petition of T. Crampton, jr., and 3 other ex-Union soldiers of Brookfield, Mo., asking for the passage of House bill No. 9209, for service pension—to the Committee on Invalid Pensions. By Mr. PITNEY: Petition of the Trades League of Philadelphia. Pa., for immediate action upon the revenue laws so as to revenue for the government.

provide for the expenses of the Government—to the Committee

on Ways and Means.

Also, petition of the California Wool Association, favoring the assage of the Dingley tariff bill—to the Committee on Ways and Means.

By Mr. REYBURN: Resolutions of the select and common councils of the city of Philadelphia, Pa., asking the United States to dig out the Back Channel at League Island Navy-Yard—to the Committee on Rivers and Harbors.

Also, resolutions of the select and common councils of Philadelphia, asking for aid in deepening the channel of the Delaware River—to the Committee on Rivers and Harbors.

Also, memorial of the committee of the American Economic and Statistical Association, for the passage of legislation for the more effective organization of the United States census—to the Committee on Appropriations.

Also, resolutions of the National Board of Trade, of Philadel-phia, Pa., in favor of the development of the merchant marine— to the Committee on the Merchant Marine and Fisheries.

Also, resolutions of the National Board of Trade, of Philadelphia, recommending the principle of reciprocity and the fostering of the export trade—to the Committee on Foreign Affairs.

Also, resolutions of George G. Meade Post, No. 1, Grand Army of the Republic, in favor of the independence of the Cubans—to

the Committee on Foreign Affairs.

By Mr. SPENCER: Papers relating to the claim of Lewis P. Kirk, of Tishomingo County, Miss.—to the Committee on War

Also, papers relating to the claim of Martha L. Dixon, of Hinds County, Miss.—to the Committee on War Claims.

Also, papers relating to the claim of William Wall, of Marshall County, Miss.—to the Committee on War Claims.

County, Miss.—to the Committee on War Claims.

Also, papers relating to the claim of B. A. Jones, administrator, of Marshall County, Miss.—to the Committee on War Claims.

By Mr. WATSON of Ohio: Resolutions adopted at a mass meeting of citizens of Columbus, Ohio, relative to granting belligerent rights to the Cubans—to the Committee on Foreign Affairs.

By Mr. WILSON of Ohio: Petition of 1,050 citizens of the city of Wathington Court-House, Ohio; also petition of the Ministers' Association of Springfield, Ohio, favoring the passage of a law prohibiting the transportation of obscene matter—to the Comprohibiting the transportation of obscene matter—to the Committee on the Judiciary.

Also, petition of citizens of Washington Court-House, Ohio, for a commission to investigate the labor problem and suggest a solu-

Also, resolution of the Ministers' Association of Springfield, Ohio, relating to arbitration for railroad strikes—to the Committee on Labor.

Also, petition of 1,050 citizens of the city of Washington Court-House, Ohio; also petition of the Ministers' Association, of Springfield, Ohio, favoring the enactment of better Sabbath laws for the

national capital—to the Committee on the District of Columbia.

Also, petition of citizens of the city of Washington Court-House. Ohio, favoring arbitration for railway strikes-to the Committee on Labor.

Also, resolutions of Mitchell Post, No. 45, Grand Army of the Republic, of Springfield, Ohio, favoring the recognition of the independence of Cuba—to the Committee on Foreign Affairs.

SENATE.

Tuesday, December 22, 1896.

Prayer by the Chaplain, Rev. W. H. MILBURN, D. D. The Secretary proceeded to read the Journal of yesterday's proceedings, when, on motion of Mr. Gallinger, and by unanimous consent, the further reading was dispensed with.

CERTIFICATION OF ELECTORS.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of State, transmitting, in pursuance of the provisions of the act of February 3, 1887, certified copies of the final ascertainment of the electors for President and Vice-President for the States of Oregon and Georgia; which were ordered to lie on the table.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. Browning, its Chief Clerk, announced that the House had passed the following bills:

A bill (S. 1723) to approve and ratify the constuction of a bridge over and across Caddo Lake, at Mooringsport, La., by the Kansas

City, Shreveport and Gulf Railway Company; A bill (S. 1724) authorizing the Kansas City, Watkins and Gulf

Railway Company to construct and maintain a bridge across the Black River in Louisiana; and
A bill (S. 2989) to increase the pension of Caroline S. Baker.
The message also announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 7864) to amend the immigration laws of the United States, agrees to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. Bartholdt, Mr. Danford, and Mr. Wilson of South Carolina managers of the conference on the part of the House.

PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented a petition of sundry citizens of Guthrie, Okla., praying for the passage of the bill providing for free homesteads on the public lands in that Territory; which was ordered to lie on the table.

He also presented a petition of the Evangelical Association of New York City, praying for the adoption of an amendment to the Constitution of the United States recognizing the Deity; which was referred to the Committee on the Judiciary.

Mr. SEWELL presented a memorial of sundry citizens of Hackensack, N. J., remonstrating against a continuance of the treatment received by Armenian citizens in Turkey; which was referred

ment received by Armenian citizens in Turkey; which was referred to the Committee on Foreign Relations.

Mr. CANNON presented the petition of H. W. Hales and 11 other citizens of Utah, praying for the passage of the so-called Dingley tariff bill; which was referred to the Committee on Finance.

Mr. SHERMAN presented the petition of K. G. Vaughn, of Carroll County, Va., praying that he be reimbursed for losses sustained by him during the war; which was referred to the Committee on

Mr. BURROWS presented a petition of sundry citizens of Allegan, Mich., praying for the passage of the so-called Dingley tariff bill; which was referred to the Committee on Finance.

He also presented a petition of sundry citizens of Galien, Mich., praying for the enactment of legislation to abate the organizations known as trusts; which was referred to the Committee on the

Mr. GEAR presented a petition of sundry citizens of Fonda, Iowa, praying for the enactment of legislation for the relief of the suffering Armenians in Turkey; which was referred to the Committee on Foreign Relations.

Mr. LODGE presented a petition of 48 depositors of the failed Freedman's Saving and Trust Company of the District of Jolumbia, praying that an appropriation be made to reimburse them for their losses by the failure of that company; which was referred to the Compilton on Finance. the Committee on Finance.

the Committee on Finance.

Mr. PERKINS presented a petition of sundry citizens of Ventura County, Cal., praying for the passage of the so-called Dingley tariff bill; which was referred to the Committee on Finance.

Mr. WALTHALL presented the memorial of J. M. Harrison and sundry other citizens of Wayne County, Miss., and the memorial of G. L. Cunningham and sundry other citizens of Wayne County, Miss., remonstrating against the passage of House bill No. 9345, to enable certain persons in the State of Mississippi to procure title to public lands; which were referred to the Committee on Public lands. mittee on Public lands.

Mr. CAMERON presented petitions of Lafayette Post, No. 217, Grand Army of the Republic, of Easton, Pa.; of Captain Colwell Post, No. 201, Grand Army of the Republic, of Carlisle, Pa., and of Colonel Crosdale Post, No. 256, Grand Army of the Republic, of Riegelsville, Pa., praying Congress to recognize the independence of Cuba; which were ordered to lie on the table.

He also presented sundry papers to accompany the bill (S. 3272) granting a pension to Hannah Hess; which were referred to the Committee on Pensions.

Mr. CULLOM presented a petition of Zeb Branson Post, No. 462, Department of Illinois, Grand Army of the Republic, of Ipava, Ill., praying for the enactment of a service-pension law; which was referred to the Committee on Pensions.

Mr. COCKRELL. I desire a change of reference in regard to a

Mr. COURRELL. I desire a change of reference in regard to a petition that was presented by me yesterday praying for the passage of a bill to prohibit the sale of liquor in the Capitol building. It was referred to the Committee on Rules. I understand that the bill on that subject which came from the House is before the Committee on Public Buildings and Grounds, and not the Committee on Rules. Upon the suggestion of my friend from Tenmittee on Rules. Upon the suggestion of my friend from Tennessee [Mr. Harris], the petition was referred to the Committee on Rules. I ask that the Committee on Rules be discharged from its consideration, and that it be referred to the Committee on Public Buildings and Grounds.

Mr. PLATT. What bill does the Senator from Missouri refer to?

Mr. COCKRELL. The bill proposing to prohibit the sale of interiors in the Control.

intoxicants in the Capitol.

Mr. PLATT. Some bill relating to that subject has been referred to the Committee on the District of Columbia. I do not know whether that is the bill the Senator refers to.

Mr. FRYE. It is a general bill touching the sale of liquor in the District which was referred to the Committee on the District

of Columbia. This bill refers to the sale of liquor in the Capitol

building.

Mr. COCKRELL. Let the petition go to the committee that has the bill, and then if that committee is discharged, it will go wherever the bill goes. The Committee on Rules does not have charge of that bill now, and the Committee on Public Buildings and Grounds has it. Whatever may be right about it, that is the

fact.

Mr. FRYE. I think on the motion of the junior Senator from Missouri [Mr. VEST] the other bill was sent to the Committee on Public Buildings and Grounds.

Mr. COCKRELL. There is no question as to the propriety of the reference of the petition. It ought to go to the committee that has charge of the bill, no matter which committee it is.

The PRESIDING OFFICER (Mr. Jones of Arkansas in the chair). If there is no objection, the change of reference suggested by the Senator from Missouri will be made. The Chair hears no objection, and it is so ordered. objection, and it is so ordered.

REPORTS OF COMMITTEES.

Mr. MITCHELL of Wisconsin, from the Committee on Military Affairs, to whom was referred the bill (H. R. 1609) to remove the charge of desertion from the military record of Peter Fleming, of Battery E, Third United States Artillery, submitted an adverse report thereon, which was agreed to; and the bill was postponed indefinitely

Mr. PEFFER, from the Committee on Pensions, to whom was referred the bill (H. R. 3113) granting a pension to Margaret A. Kidwell, reported it without amendment, and submitted a report thereon.

Mr. GALLINGER, from the Committee on Pensions, to whom was referred the bill (H. R. 3398) for the relief of Augusta Tuller, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 3415) granting a pension to Ella D. Cross, reported it without amendment, and submitted a report thereon.

URGENT DEFICIENCY APPROPRIATION BILL.

Mr. HALE. From the Committee on Appropriations I report back with amendments the bill (H. R. 9753) making appropriations to supply urgent deficiencies in the appropriations for the fiscal year ending June 30, 1897, and for prior years, and for other purposes. As it is very important that the bill should be passed before the adjournment to-day, I ask for its present consideration. There being no objection, the Senate, as in Committee of the

Whole, proceeded to consider the bill.

Mr. HALE. I ask that the formal reading be dispensed with, and that the amendments of the committee be considered as they

are reached in the reading of the bill.

The VICE-PRESIDENT. In the absence of objection, it will be

The Secretary proceeded to read the bill. The first amendment of the Committee on Appropriations was, on page 3, to strike out lines 12, 13, and 14, in the following words: For the rent of a building for the Court of Claims for the balance of the fiscal year 1897, \$2,500.

The amendment was agreed to.

The next amendment was, on page 5, after line 2, to insert:

SENATE.
For folding speeches and pamphlets, at a rate not exceeding \$1 per thounid, \$5,523.07.

The amendment was agreed to.

The reading of the bill was concluded.

Mr. HALE. The committee has no further amendments.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

Mr. HALE. I ask that the clerks see to it that the bill is sent to the other House as soon as possible.
The VICE-PRESIDENT. It will be so ordered.

BILLS INTRODUCED.

Mr. NELSON introduced a bill (S. 3461) to grant a pension to Hans Anderson; which was read twice by its title, and referred to the Committee on Pensions.

Mr. BLANCHARD introduced a bill (S.3462) for the relief of the legal representatives of Alfred Duplantier, deceased; which was read twice by its title, and referred to the Committee on

He also introduced a bill (S. 3463) for the relief of the estate of J. W. Tucker, late of Lafourche Parish, La.; which was read twice by its title, and referred to the Committee on Claims.

Mr. PETTIGREW (by request) introduced a bill (S. 3464) granting lands to the State of South Dakota to aid the construction of the Dakota Pacific Railroad Company from Sioux Falls, S. Dak., to Granger, Wyo.; which was read twice by its title, and referred to the Committee on Public Lands.

Mr. TELLER, introduced a bill (S. 3465) greating a possion to

Mr. TELLER introduced a bill (S. 3465) granting a pension to Rafael Chacon; which was read twice by its title, and referred to

the Committee on Pensions.

He also introduced a bill (S. 3466) granting a pension to John Burns; which was read twice by its title, and referred to the Committee on Pensions.

Mr. DAVIS introduced a bill (S. 3467) for the relief of Jeremiah Sullivan from the charge of desertion; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. BUTLER introduced a bill (S. 3468) for the relief of John D. Thorne; which was read twice by its title, and referred to the

Committee on Claims.

Mr. CULLOM introduced a bill (S. 3469) granting an increase of pension to Joanna W. Turner; which was read twice by its title, and referred to the Committee on Pensions.

Mr. HARRIS (by request) introduced a bill (S. 3470) for the relief of the estate of Tredwell S. Ayres, deceased, late of Memphis, Tenn.; which was read twice by its title, and referred to the Committee or Claims. mittee on Claims.

Mr. WHITE introduced a bill (S. 3471) authorizing lands con-

Mr. WHITE introduced a bill (S. 3471) authorizing lands containing petroleum to be entered as placer lands, under chapter 6 of the Revised Statutes of the United States; which was read twice by its title, and referred to the Committee on Public Lands.

Mr. HILL (for Mr. Brice) introduced a joint resolution (S. R. 184) authorizing the Smithsonian Institution to participate in the Exposition of Gas Apparatus and Appliances, to be held in Madison Square Garden, New York City, January 27 to February 6, 1897; which was read twice by its title, and referred to the Committee on the Library.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. BLANCHARD submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. MITCHELL of Oregon submitted an amendment intended to be proposed by him to the Indian appropriation bill; which was referred to the Committee on Indian Affairs, and ordered to be

INDEBTEDNESS OF PACIFIC RAILROADS.

On motion of Mr. GEAR, it was

Ordered, That the computations of the Treasury Department regarding debts of the Union and Central Pacific railroads be printed, and that 1,000 extra copies of the paper be printed for the use of the Senate.

UNPAID ALLOWANCES OF CENTRAL PACIFIC RAILROAD.

On motion of Mr. GEAR, it was

Ordered. That the communication from the Acting Secretary of the Treasury, transmitting a statement of the unpaid allowances standing credited on the books of the Treasury of the United States to the Central Pacific Railroad Company as compensation for services upon nonaided lines, together with interest upon said amounts at the rate of 2 per cent per annum to the 1st day of July, 1897, be printed.

ANACOSTIA RIVER FLATS.

On motion of Mr. McMILLAN, it was

Ordered. That 500 extra copies of the memorial of the East Washington Citizens' Association, relative to the reclamation of the flats of the Anacostia River, be printed for the use of the Senate.

DEATH OF CHARLES GOVIN.

Mr. CALL submitted the following resolution; which was read:

Resolved. That the President be requested, if in his opinion not incompatible with the public interest, to transmit to the Senate such information as the State Department has relating to the death of Charles Govin, a citizen of the United States and a newspaper correspondent, from violence by the Spanish forces at Corredena, in the Island of Cuba, during the present year.

Mr. CALL. I ask the Secretary to read a letter in support of the resolution, if there be no objection.

Mr. HALE. What does the Senator ask be done with the reso-

lution?

Mr. CALL. I ask that it be passed.
Mr. SHERMAN. It is merely a call for information.
Mr. HALE. Has the resolution the usual discretionary clause

Mr. CALL. It has. The resolution has the usual clause, "if not incompatible with the public interest." I ask that the letter be read.

The PRESIDING OFFICER (Mr. Jones of Arkansas in the chair). The letter will be read. The Secretary read as follows:

KEY WEST, FLA., December 19, 1896.

MY DEAR SIR: I would like of your kindness to pass a resolution in case of my brother Chas. Govin, American born, and correspondent of the Equator Democrat, of this city, who was hacked to pieces by the Spanish forces under General Ochoa, near Habana, in the place called Corredena. There is full information of this case in the State Department. In the name of an American mother, for the honor of our country and the sake of humanity, I ask you to investigate this case and help us in this matter as a good American.

I remain, yours, very truly,

P. O. box 247.

Hon. WILKINSON CALL, United States Senate, Washington, D. C.

The PRESIDING OFFICER. Is there objection to the present

consideration of the resolution?

The resolution was considered by unanimous consent, and agreed to.

THE INITIATIVE AND REFERENDUM.

Mr. BUTLER submitted the following resolution; which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That a special committee, to consist of three Senators, be appointed and hereby instructed, through a subcommittee or otherwise, to inquire into the feasibility of applying the principle of direct legislation through the initiative and referendum to the legislation of the Federal Government, and to report to the Senate at this session, by bill or otherwise, the results of said inquiry; and that for the purpose hereof the committee be authorized to sit in the city of Washington, or any other city of the United States, and to employ such clerical aid as may be necessary.

PRESIDENTIAL APPROVAL.

A message from the President of the United States, by Mr. O. L. PRUDEN, one of his secretaries, announced that the President had on this day approved and signed the act (S. 2889) to aid and encourage the holding of the Tennessee Centennial Exposition at Nashville, Tenn., in the year 1897, and making appropriation therefor.

UNION PACIFIC RAILWAY TRUST NOTES.

Mr. PETTIGREW. Yesterday I introduced a joint resolution (S. R. 182) authorizing the Secretary of the Treasury to take up and pay the Union Pacific Railway Company's 6 per cent trust notes, and making an appropriation for that purpose, which I asked to have lie on the table. I now desire to have the joint resolution read at length, and I wish to make a brief statement in regard to the same before its reference.

The VICE-PRESIDENT. The joint resolution will be read.

The joint resolution was read, as follows:

The joint resolution was read, as follows:

Resolved by the Senate and House of Representatives, etc., That the Secretary of the Treasury be, and he is hereby, directed to pay to the holders of the Union Pacific Railway Company's 6 per cent trust notes the amount due thereon, and take possession of the bonds and stocks now held as security for said notes, said bonds and stocks being the property of the Union Pacific Railway Company.

SEC. 2. That for the purpose of carrying out the provisions of this act the sum of \$10,000,000, or so much thereof as may be necessary, is hereby appropriated out of any moneys in the Treasury not otherwise appropriated.

Mr. PETTIGREW. Mr. President, I wish to call the attention of the Committee on Pacific Railroads, to whom I desire to have the joint resolution referred, to certain facts in connection with

I am of the opinion that the Union Pacific Railroad was not and is not insolvent, inasmuch as previons to its going into the hands of receivers its income was sufficient not only to pay the operating expenses, but all the interest upon its indebtedness except that which it owed the Government. Nevertheless a floating debt was created for the express purpose, in my opinion, of securing the securities of the company which now are collateral to the trust notes issued for the floating debt.

In 1891 the company issued its 6 per cent gold notes for \$8,500,000, or at least the principal and interest amounts to that sum at the present time, and deposited bonds and securities of the Union Pacific Railroad, the bonds and securities of the branch lines of the Union Pacific Railroad, with Morgan & Co. to secure these trust

The notes have been past due for two years. The interest has been unpaid, I understand. It is now proposed on the part of the been unpaid, I understand. It is now proposed on the part of the owners of these notes to foreclose upon the securities, organize a corporation that is to hold the securities, issue bonds to the amount of \$10,000,000, and issue \$5,000,000 of stock, and deliver the stock to the people who take the bonds and furnish the money to pay these trust notes, the stock to be given as a bonus with the bonds, without any consideration being paid for the stock whatever.

Their apparent purpose is to get possession of the bonds and stocks of the branch lines of the Union Pacific Railroad. These stocks and bonds amount to \$93,000,000 and are worth on the mar-

stocks and bonds amount to \$93,000,000 and are worth on the mar-ket to-day from \$35,000,000 to \$40,000,000. Yet it is proposed to sell them to pay these trust notes, to get possession of the branch lines, and then, in case the Government takes the main line of the Union Pacific Railroad, divert the branch line to the Northwestern or other roads which nearly parallel the Union Pacific, and greatly decrease the property and the security of the Government.

It seems to me that any business man under these circumstances would step in and protect his interests, and it is the duty of the Government of the United States to step in and protect its inter-Government of the United States to step in and protect its interests and redeem these securities, to pay the trust notes, to take these stocks and bonds, for in case we take the property (and it seems to me likely that we shall take the property of the Union and Central Pacific railroads) these branch lines will be absolutely essential. The money of the Union Pacific Railroad has gone into their construction—\$30,000,000 or \$40,000,000 of it. Twenty-eight million dollars of these securities are bonds, most of which are worth par, and over \$50,000,000—yes, \$65,000,000—is stock of the branch line, the Oregon Short Line, and other lines built as feeders to the Union Pacific Railroad.

Now, unless this matter is attended to at once, there is no question but that these people will carry out their scheme of securing control of the branch lines, so as to divert business from the main line of the Union Pacific Railroad to other lines, greatly decreas-

line of the Union Pacific Railroad to other lines, greatly decreasing the value of the property against which the Government has issued its own bonds.

There is no mention that I know of in the report of the committee with regard to this asset and no notice taken of it, and yet it is one of the most important assets the Government has. An at is one of the most important assets the Government has. An advertisement has been placed in the Wall Street Daily News, signed by Mr. G. Moore, Mr. James W. Alexander, and Mr. John F. Adkin as a committee for the purpose of carrying out this project. Mr. PLATT. Who are they?

Mr. PETTIGREW. I understand this committee represent the estates which control the Union Pacific Railroad, which have made great fortunes out of the management of the road, and have a managed the property as to swindle the sinking fund and are

so managed the property as to swindle the sinking fund and prevent the Government from securing its pay, and have discriminated in such manner against the people they have served as to cause great scandal in relation to these roads. But the same people who propose to carry out this plan of diverting this property are the people in reality who control the Union Pacific road to-day; and a part of the plan was a failure to pay interest on the first-mortgage bonds of the road, although the revenue was sufficient to pay the interest, so that the appointment of receivers would be necessary, and the receivers appointed are men in the interest of men who controlled these roads at the time of their appointment, and the receivers refused to use the revenue for the payment of interest on these prior bonds for the purpose of complicating this question and better facilitating the means used to defeat the claim of the Government against this property.

Mr. GEAR. May I ask the Senator a question?

Mr. PETTIGREW. Certainly.

Mr. GEAR. Can a receiver pay any money without the order of the court?

Mr. PETTIGREW. I am not certain that he can or can not.
Mr. GEAR. It is the general rule that where a receiver is
appointed by a court, he is governed by the instruction and order of the court, and that he must pay in accordance with the order

of the court.

Mr. PETTIGREW. The same people who controlled these roads previous to the appointments of receivers have succeeded in getting the receivers they want. The people who controlled the road before the receivers were appointed and failed to pay this interest, although the roads earned the interest, followed up the same policy. They have not applied to the court for the payment of the interest. They do not desire to pay it. They propose to control this question. It seems to me it is the duty of the Government of the United States to pay off its first indebtedness, to pay off the trust notes, to take possession of these roads, and take

possession of the branch lines of the roads and operate them, if necessary, in the interest of the people who dwell along the line. Certainly the Government of the United States can operate these certainly the Government of the United States can operate these roads to the greater profit and satisfaction of the people they serve than the men who have operated them in the past or the men who are engaged in this reorganization scheme.

Mr. GEAR. May I ask the Senator a question? The Senator from South Dakota, I understand, advocates the policy that the Generous shall take possession and operate these roads, if necession and operate these roads, if necession and operate these roads.

Government shall take possession and operate these roads, if nec-

sary. Is not that so?
Mr. PETTIGREW. Is that all of your question?

Mr. GEAR. No.
Mr. PETTIGREW. Let us have the whole of it.

Mr. GEAR. In that event, does not the gentleman recognize the fact that upon roads operated by the Government the charges

for transportation and passengers are from 30 to 40 per cent higher than upon roads operated by corporations?

Mr. PETTIGREW. I am glad the Senator has asked that question, and I shall be glad to answer it. In the first place, I do believe it would be well for the Government to take possession of these roads and operate them. Our experience in the past in the opera-

roads and operate them. Our experience in the past in the operation of roads by private corporations has been such that it can not possibly be worse if the Government takes control. On the contrary, I believe that it would be far better.

I will now answer the second part of the gentleman's question. In some of the countries of Europe I am well aware the apparent rates are higher than they are on the trunk lines in the United States. But, Mr. President, it is not the rates that the people of this country complain against: it is the discrimination which States. But, Mr. President, it is not the rates that the people of this country complain against; it is the discrimination which makes the corporations the arbiters of the destinies of men and places; it is discrimination and rebates and fraudulent practices in violation of law, combinations and pools, which give to individuals advantages over their neighbors and which give to towns advantages over competing towns. That is the difficulty more than anything else. If the people of this country could know that the rate was the same to everyone, and if the people could know that every man had an equal and a fair chance in the struggle for existence and in competition for business, the complaints and protests against the railroads of this country would be far less than they are.

Mr. PEFFER. Will the Senator allow me to ask him a question?
Mr. PEFFER. I wish to inquire whether the Senator from
South Dakota desires to be understood as stating that in countries
where the government as a government exclusively manages the
roads the rates are higher than they are in this country?
Mr. PETTIGREW. In some of them they are higher than in
this country, upon a mileage basis. In some of them they are not.
In Australia they are higher, but that is a very sparsely settled
country. In Austria, I understand, they are not as high, although
the passenger rates for first-class passengers is higher than those in
the United States. Some of the European countries are deeply in
debt and the roads are operated for the purpose of paying off the debt and the roads are operated for the purpose of paying off the debt. However, I think that in Austria this is not so much sought after, and that therefore the rates in that country are less than they are in the United States. I understand that in Belgium the rates are not much different from what they are here. So it is in

rates are not much different from what they are here. So it is in Italy, and so it is in France.

Mr. GEAR. May I be allowed to state to the Senator that the ordinary rates in the United States are less than they are in any other country in the world?

Mr. PETTIGREW. I think not.

Mr. GEAR. It is the case, I will say to the Senator.

Mr. PETTIGREW. I think not. I think it will be found on a

thorough examination of the question that the rates in the United States are not lower than in any other country. Take, for instance, States are not lower than in any other country. Take, for instance, the roads in Austria, and the passenger rates have three grades. If you would take an average of the highest rates and the lowest rates, they would be fully as high as they are in this country. The rates for third-class passengers are much less than they are in this country, and the rates for second-class passengers are lower than they are in this country, while the rate for first-class passengers is very much higher than it is in the United States.

Mr. GEAR. I will call the attention of the Senator to the

accommodations. They are far inferior in those countries to the accommodations in the United States, and they are such as the American people would not submit to. That is a matter of his-

Then there is one other statement I wish to make. It will be borne in mind that the Populist party at St. Louis declared in favor of the Government ownership of railways. It is a matter of well-known information that that party during the recent campaign just closed investigated this question with the intention of preparing a statement to give to the public to show how much cheaper the Government could operate railroads than a pri-vate corporation, and it is a matter of fact that when they found the facts in the case they desisted, that they did not and never

have put out such a statement.

Mr. PETTIGREW. I am glad the Senator from Iowa has had an opportunity to inject into my speech a speech of his own. an opportunity to inject into my speech a speech of his own. I said in the first place that it was not so much a protest against the rates in this country as a protest against the discriminations which led to the dissatisfaction with regard to American railroad management. I say again, that if this difficulty were removed, if absolute control on the part of the Government were had, if the interstate-commerce law was amended so that the rates could be absolutely fixed by the Interstate Commerce Commission, and if such steps were taken as absolutely to prevent discrimination, it would answer the purpose as well as Government ownership.

But here is an opportunity, Mr. President, to acquire ownership of a transcontinental line. Here is an opportunity to try the experiment and at the same time protect the interests of the Government by operating a railroad by the Government itself. If the experiment is a failure, and if it does not give peace and prosperity to the people it serves, we can very easily afterwards dispose of the property and reconsider our action. It is at least worth

What has been our experience with railroads? The railroads in the United States perhaps clamor more loudly than anyone else against legislation which shall in any way interfere with business, and yet they of all others undertake to overturn the very fundaand yet they or all others undertake to overturn the very funda-mental principle of Anglo-Saxon civilization in claiming that competition is killing, and therefore they ask to be allowed to combine, so as to destroy competition. The great trunk lines west of Chicago are in combination. When their representatives are placed on the stand they testify that they are not, but the evidence disclosed that they were. This was testimony taken last fall to show that these lines were in combination to control business and control rates, and distribute the proceeds of the profits of their unlawful act. The great railroad pool east of Chicago, embracing every road running to the seaboard, is in combination—a combination to control rates, a combination to divide and to distribute the business. These combinations will say to one man in a city or town that he These combinations will say to one man in a city or town that he may do business and his neighbor shall not, and they say it by giving to favored ones a better freight rate, a freight rate so much better than that offered to the public that the difference is a good profit upon the business in which they are engaged, thus destroying competition, and thus gradually accumulating the property of this country in the hands of a few. They discriminate between towns. They say that one town shall be a wholesale point and that another, struggling also for a wholesale trade, shall not, by giving a special rate to favored localities. Against these things the American people protest, and one of the loud outcries against existing conditions results from these monopolies of the railroads of this country.

of this country.

Therefore, Mr. President, I do believe it would be well if we would take possession of the Union Pacific Railroad, operate it, and would take possession of the branch lines and operate those in the intertake possession of the branch lines and operate those in the interests of the people they serve. I believe that it is the fear that this will be done that has led these people, beginning away back five years ago, to handle this property so as to enable them to sever branch lines from the main line upon which the Government has

its security, and at the same time enrich themselves.

Mr. President, the proposition which they propose to carry out is similar to their usual operations. There are \$8,500,000 of these trust notes. They propose to issue \$10,000,000 of bonds. They propose to divide to the holders of these bonds, without any consideration whatever, \$5,000,000 of stock, thus increasing the indebtedness from \$8,400,000 to \$15,000,000, and thus compelling the Government, if it ever redeems this property, not only to pay to these people the amount due them upon their trust notes, but also to redeem the stock which has been issued without considera-

Mr. President, no wealth can be acquired in that way, except it is acquired at the expense of the men who produce it. Stock issued without consideration upon which some one hereafter is to pay interest is a means of taking from the producers of wealth the result of their toil, for no wealth can be produced except by toil. No wealth can exist except some one has toiled to produce it and manifested self-denial and those traits of character which make good citizenship. If we allow the issuance of stock without the payment of money for it to compel the payment of interest upon it, those who toiled have had taken from them the product of their toil. It seems to me it is time to call a halt; it is time to stop such transactions; and in this case in particular, time to stop such transactions; and in this case in particular, where the Government is directly interested, it is our duty to act

Mr. President, I ask to have printed in the RECORD a list of the bonds and stocks, amounting to \$93,266,087.75, which are held by the Morgan syndicate as security for these trust notes. I wish to call the attention of the Committee on Pacific Railroads to this matter, and very much hope that the joint resolution will be at once reported.

The VICE-PRESIDENT. If there be no objection, the statement referred to by the Senator from South Dakota will be printed in the RECORD. The Chair hears no objection, and it is so ordered.

The statement referred to is as follows:

Statement showing the stocks held by J. P. Morgan & Co., trustees, under the trust indenture of the Union Pacific Railroad Company dated September 4,

1891.	
Atchison, Colorado and Pacific Railroad Company	Par value. \$920, 300.00
Atchison, Colorado and Pacific Railroad Company Atchison, Jewell County and Western Railroad Company	105,000.00
Bozeman Coal Company Carbon Cut-off Railway Company Central Branch Union Pacific Railroad Company	96,000.00 220,000.00
Central Branch Union Pacific Railroad Company Colorado Western Railroad Company	874, 200, 00 9, 100, 00
Colorado Western Railroad Company Denver, Leadville and Gunnison Railway Company	8,000,000.00
Gravs Peak, Snake River and Leadville Railroad Company	480,000.00 6,000.00
Green River Water Works Company	225,000.00
Junction City and Fort Kearney Railway Company	6, 434, 900, 00 44, 000, 00
Kansas Central Railroad Company	1,313,400.00
Denver, Leadvine and Gunnison Railway Company Echo and Park City Railway Company. Grays Peak, Snake River and Leadville Railroad Company. Green River Water Works Company. Hutchinson Southern Railroad Company. Junction City and Fort Kearney Railway Company. Kansas Central Railroad Company. Kansas City and Omaha Railroad Company. Kearney and Black Hills Railway Company. Laramie, National Park and Pacific Railroad and Telegraph	1,725,875.00 773,141.91
Lawrence and Emporia Railway Company Loveland Pass Mining and Railroad Tunnel Company	4,800.00 420,000.00
Montana Union Railway Company	425, 000.00
Montana Railway Company Montana Union Railway Company Morrison Stone, Lime and Town Company Occidental and Oriental Steamship Company	100,000.00 150,000.00
Omaha and Elkhorn Valley Omaha and Republican Valley Railway Company	40, 200, 00
Omaha Union Depot Company	2,827,523.77 7,500.00
Omaha Union Depot Company Oregon Railway and Navigation Company Oregon Short Line and Utah Northern Railway Company	6,300.00
Pacific Express Company	2,400,000,00
Rattlesnake Creek Water Company St. Joseph and Grand Island Railroad Company	66, 330. 00 2, 301, 500. 00
St. Joseph Terminal Railroad Company Salt Lake Foundry and Manufacturing Company	25,000.00
Salina and Southwestern Railway Company	87.00 231,700.00
Salina and Southwestern Railway Company South Park and Leadville Short Line Railroad Company Listen Deport Company Kangas City	1,000,000.00
Union Depot Company, Kansas City	45,000.00 46,700.00
Union Elevator Company, Omaha Union Pacific Coal Company	81,000.00
Union Elevator Company, Council Bluffs Union Elevator Company, Omaha Union Pacific Coal Company Union Pacific Coal Company Union Pacific, Denver and Gulf Railway Company Union Pacific, Lincoln and Colorado Railway Company Union Pacific Railway Company Union Pacific and Western Colorado Railway Company Union Pacific and Western Colorado Railway Company Western National Fair Association	562, 100.00
Union Pacific, Denver and Gulf Railway Company	13,251,882.00
Union Pacific Railway Company	177, 450, 00
Western National Fair Association. Wood River Improvement Company.	7,950.00
Wood River Improvement Company	258, 560.00
Statement showing the bonds held by J. P. Morgan & Co., truste	es, unuer ins
trust indenture of the Union Pacific Railroad Company dated 1891.	1
	Par value, \$4,500.00 1,437,000.00
Atchison Union Depot Railroad Company, second mortgage	Par value, \$4,500.00 1,437,000.00
Atchison Union Depot Railroad Company, second mortgage Colorado Central Railroad Company, second mortgage Denver, Leadville and Gunnison Railway Company, first mortgage Echo and Park City Railway Company, first mortgage Green River Water Works Company, first mortgage Hytakingen Southern Railroad Company, first mortgage	Par value, \$4,500.00 1,437,000.00 54,000.00 480,000.00 217,000.00
Atchison Union Depot Railroad Company, second mortgage Colorado Central Railroad Company, second mortgage Denver, Leadville and Gunnison Railway Company, first mortgage Echo and Park City Railway Company, first mortgage Green River Water Works Company, first mortgage Hytakingen Southern Railroad Company, first mortgage	Par value, \$4,500.00 1,437,000.00 54,000.00 480,000.00 217,000.00
Atchison Union Depot Railroad Company, second mortgage Colorado Central Railroad Company, second mortgage Denver, Leadville and Gunnison Railway Company, first mortgage Echo and Park City Railway Company, first mortgage Green River Water Works Company, first mortgage Hytakingen Southern Railroad Company, first mortgage	Par value, \$4,500.00 1,437,000.00 54,000.00 480,000.00 217,000.00
Atchison Union Depot Railroad Company, second mortgage	Par value. \$4,500.00 1,437,000.00 54,000.00 217,000.00 1,025,000.00 22,000.00 5,000.00 1,345,000.00
Atchison Union Depot Railroad Company, second mortgage —— Colorado Central Railroad Company —— Denver, Leadville and Gunnison Railway Company, first mortgage —— Echo and Park City Railway Company, first mortgage —— Green River Water Works Company, first mortgage —— Hutchinson Southern Railroad Company, first mortgage —— Idaho Central Railway Company, first mortgage —— City of Junction City, Davis County, Kans —— Kansas Central Railroad Company, first mortgage —— Kansas City and Omaha Railroad Company, first mortgage, certificate of deposit — Kansas Pacific Railway Company, income bonds —— Kansas Pacific Railway Company, first mortgage —— Kansas City and Omaha Railway Company, first mortgage —— Kansas City and Omaha Railway Company, first mortgage —— Kansas City and Omaha Railway Company, first mortgage —— Kansas City and Omaha Railway Company, first mortgage —— Kansas City and Omaha Railway Company, first mortgage —— Kansas City and Omaha Railway Company —— Kansas City and Omaha Railway Company —— Kansas City and Omaha Railway Company —— Kansas City and Omaha Railway Company —— Kansas City and —	Par value. \$4,500.00 1,437,000.00 54,000.00 480,000.00 217,000.00 1,025,000.00 5,000.00 1,345,000.00 1,595,500.00 1,250.00 339,325.00
Atchison Union Depot Railroad Company, second mortgage	Par value. \$4,500.00 1,437,000.00 54,000.00 480,000.00 217,000.00 2,000.00 1,025,000.00 1,345,000.00 1,250.00 1,250.00 393,325.00 400.000.00
Atchison Union Depot Railroad Company, second mortgage	Par value. \$4,500.00 1,437,000.00 54,000.00 217,000.00 1,025,000.00 82,000.00 5,000.00 1,345,000.00 1,250.00 1,250.00 399,325.00 400,000.00
Atchison Union Depot Railroad Company, second mortgage	Par value. \$4,500.00 1,437,000.00 54,000.00 480,000.00 217,000.00 5,000.00 1,025,000.00 1,345,000.00 1,555,500.00 1,250.00 339,325.00 400,000.00 339,000.00 163,000.00
Atchison Union Depot Railroad Company, second mortgage	Par value. \$4,500.00 1,437,000.00 54,000.00 217,000.00 217,000.00 82,000.00 5,000.00 1,345,000.00 1,250.00 339,325.00 400,000.00 339,000.00 163,000.00 121,000.00
Atchison Union Depot Railroad Company, second mortgage	Par value. \$4,500.00 1,437,000.00 54,000.00 480,000.00 217,000.00 1,025,000.00 5,000.00 1,345,000.00 1,555,500.00 1,250,000.00 1,250,000.00 1,250,000.00 1,250,000.00 1,250,000.00 1,250,000.00 1,250,000.00 1,250,000.00 121,000.00
Atchison Union Depot Railroad Company, second mortgage	Par value, \$4,500.00 1,437,000.00 54,000.00 480,000.00 217,000.00 5,000.00 5,000.00 1,345,000.00 1,250.00 339,325.00 400,000.00 339,000.00 121,000.00 1,246,000.00 1,246,000.00 526,000.00
Atchison Union Depot Railroad Company, second mortgage	Par value. \$4,500.00 1,437,000.00 54,000.00 217,000.00 1,025,000.00 82,000.00 5,000.00 1,250.00 1,250.00 309,325.00 400,000.00 121,000.00 1,246,000.00
Atchison Union Depot Railroad Company, second mortgage	Par value. \$4,500.00 1,437,000.00 54,000.00 217,000.00 1,025,000.00 82,000.00 1,345,000.00 1,250.00 1,250.00 339,325.00 400,000.00 131,000.00 121,000.00 1,246,000.00 526,000.00 132,000.00 438,000.00 44,800.00 44,800.00
Atchison Union Depot Railroad Company, second mortgage	Par value. \$4,500.00 1,437,000.00 480,000.00 217,000.00 1,025,000.00 82,000.00 1,250.00 1,255.00 309,325.00 400,000.00 121,000.00 122,000.00 1,246,000.00 1,246,000.00 1,246,000.00 6,637,000.00 6,637,000.00 1,000.00
Atchison Union Depot Railroad Company, second mortgage	Par value. \$4,500.00 1,437,000.00 54,000.00 217,000.00 217,000.00 22,000.00 5,000.00 1,345,000.00 1,550.00 339,325.00 400,000.00 121,000.00 1,246,000.00 1,246,000.00 1,246,000.00 1,246,000.00 6,637,000.00 1,000.00 375,000.00
Atchison Union Depot Railroad Company, second mortgage	Par value, \$4,500.00 1,437,000.00 54,000.00 217,000.00 1,025,000.00 5,000.00 1,345,000.00 1,250.00 339,325.00 400,000.00 121,000.00 122,000.00 1246,000.00 1246,000.00 526,000.00 1345,000.00 527,000.00 534,000.00 557,000.00 55,000,000.00 55,000,000.00 55,000,000.00 55,000,000.00 55,000,000.00
Atchison Union Depot Railroad Company, second mortgage	Par value. \$4,500.00 1,437,000.00 54,000.00 217,000.00 1,025,000.00 217,000.00 1,255,000.00 1,345,000.00 1,250.00 339,325.00 400,000.00 121,000.00 122,000.00 124,000.00 1,246,000.00 1,246,000.00 1,246,000.00 1,246,000.00 1,000.00 15,000.00 15,000.00 15,000.00 15,000.00 15,000.00 145,000.00 145,000.00 145,000.00 145,000.00 145,000.00 145,000.00 145,000.00 145,000.00 145,000.00 145,000.00 145,000.00 145,000.00 145,000.00 145,000.00 145,000.00 145,000.00 100.00
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Atchison Union Depot Railroad Company, second mortgage	Par value, \$4,500.00 1,437,000.00 54,000.00 217,000.00 1,025,000.00 5,000.00 1,345,000.00 1,255,500.00 1,255,500.00 1,255,500.00 1,250.00 339,000.00 163,000.00 121,000.00 122,000.00 132,000.00 132,000.00 15,000.00 15,000.00 15,000.00 15,000.00 15,000.00 15,000.00 15,000.00 145,000.00
Atchison Union Depot Railroad Company, second mortgage	Par value, \$4,500.00 1,437,000.00 54,000.00 217,000.00 1,025,000.00 5,000.00 1,345,000.00 1,250,000.00 1,250,000.00 1,250,000.00 1,250,000.00 1,250,000.00 1,250,000.00 121,000.00 122,000.00 132,000.00 132,000.00 15,000.00 15,000.00 15,000.00 15,000.00 15,000.00 15,000.00 145,000.00 15,000.00 145,000.00 145,000.00 145,000.00 145,000.00 145,000.00 145,000.00 145,000.00 145,000.00 147,873.76

Mr. PLATT. Mr. President, the very interesting remarks which the Senator from South Dakota [Mr. Pettigrew] has made should, I think, convince the Senate that its duty is to consider a matter which has been so long delayed and which the Senator from Iowa which has been so long delayed and which the Senator from Iowa [Mr. Gear] has so often attempted to have considered; that is, the proposition to settle with the Government the debt of the Union Pacific and Central Pacific Railroad companies. It seems to me that there is no question before the Senate or before the country more imperatively demanding attention than this question.

I make these remarks because several years ago—I think as long ago as 1887—the Senator from Maine [Mr. Frye] will perhaps correct me if I am wrong—I was for a short time on the committee to investigate the relations between the Government and these railroad companies. A report for a settlement was then made by

railroad companies. A report for a settlement was then made by the committee. I went off the committee soon after that; but from that time to the present the committee on the relations between the Government and the Pacific railroad companies has been trying to obtain consideration in the Senate and in the other branch of Congress of this important question, but it has always in some

way been postponed.

The Government now has a debt against these two railroads, the Union Pacific and the Central Pacific Railroad, amounting at the present time, I think, to something like \$115,000,000. That seems to attract the attention of no one, and it is in imminent danseems to attract the attention of no one, and it is in infinitely danger of being lost by delay and by inaction, and it seems to me that the request which the Senator from Iowa, the chairman of the Committee on Pacific Railroads, made early in this session, that this matter should receive the consideration of the Senate, and which he renewed yesterday, is not only a reasonable request, but one which ought to receive objection from no quarter. I can not understand why it is that we have been so utterly indifferent to the question of whether a debt to the Government of over \$100,000,000 should be secured, if possible, or lost; and I hope, Mr. President, that when the Senate reconvenes after the recess it may address itself to this matter first of all.

I am not now familiar with the subject. I do not know that the method proposed for the settlement of these claims and the security of them is the best that could be devised, but I know from the report of the committee and I know from the remarks just made by the Senator from South Dakota that it is a matter which we ought

not to trifle with and neglect any longer.

The VICE-PRESIDENT. The Chair lays before the Senate the joint resolution introduced yesterday by the Senator from Mis-

souri [Mr. Vest].

Mr. MORGAN. Before that is done, I desire to hear the joint resolution of the Senator from South Dakota read.

The Secretary again read the joint resolution.

Mr. MORGAN. I wish to inquire of the Senator from South Dakota whether it is his purpose to refer the joint resolution to a

Mr. PETTIGREW. I desire to have the joint resolution referred to the Committee on Pacific Railroads.

Mr. MORGAN. Then, Mr. President, in connection with that, I wish to state that so far as I am concerned, as a member of that committee, the subject of this resolution is entirely new to me. The committee have never taken it into consideration so far as I know, though I have not been present at every meeting, and the last meetings the committee held last spring I was unable to attend.

The statements made by the Senator from South Dakota are very strong, broad, and very earnest, and doubtless he must feel entirely able to sustain them. If they can be sustained, they show a state of affairs in connection with the administration of the Union Pacific Railway which develops, as I conceive and as I understand, a fraudulent combination among certain persons in-terested in what are called the branch lines of that railway to load down those branch lines with debt, so that they may be absorbed by capitalists; and if the result should be that the Union Pacific Railway, when it is finally disposed of, should not fall into the proper hands, then these gentlemen by combinations and arrangements among themselves can unite these branch roads with the Northwestern system, and thereby make a road paralleling the Union Pacific, which would deprive it of its traffic advantages.

I think that no single mind is capable, without, perhaps, a devo-tion of as much as a year of time to the investigation of the laby-rinth of fraud and rascality which has attended the administration of these two railroads in the West, to understand and to explain to the Senate or to the people of the United States the true and full history of that saturnalia of fraud which has occurred in

regard to these two railways.

When the foundations of those roads were laid, as soon almost as they began to be built, in fact before they began to be built, there was developed in the eastern part of the United States what was called the Credit Mobilier, that seemed to have infested the atmosphere even of Congress, and more recently, within the last few months, there has been developed a twin brother of the Credit

Mobilier in the Central Pacific establishment, which has carried on the same processes, by the same methods of bribery and corruption, and to the same results that have inflicted upon this

I do not know, Mr. President, that we shall ever get to the bottom of that; I do not know that it would be for the welfare and peace and good name of this country that these things should really be probed to the bottom; but I know that the enormity of those offenses is so great, the proof of them is so evident, that many members of Congress have staggered at an approach to the subject and have preferred to turn away, and by a sort of silent condonation allow those things to go unreproved and univestigated and to seek some more elegant to we contribute the subject and the seek some more elegant. gated and to seek some more pleasant way out of the trouble and the danger and the load of debt that these transactions have imposed upon the Government and people of the United States. Developments have been made and the record of the proof of them by sworn witnesses is on the files of the Senate and printed accordby sworn witnesses is on the files of the Senate and printed according to its order and is before the country, and no Senator need think he can escape any responsibility for what we shall do here in reference to those railways. There will be no covering up, no hiding out, no shrinking from contact with the subject merely because it is repulsive and unpleasant. It will all have to come to light.

The assaults made to-day upon the managers connected with these branch lines of the Union Pacific Railroad by a Senator in his place demands of the Committee on Pacific Railroads that they should investigate it; demands of that committee, inasmuch as the time of this session is very short, that they should occupy some portion of the holidays in investigating that matter and in making a report upon the accusations made by the Senator from South Dakota as to whether they are to be sustained or whether

he is mistaken in his charges; and I propose to ask, as a member of that committee, that we shall sit in vacation and that we shall investigate this subject.

Mr. PLATT. The committee have authority to do that now.

Mr. MORGAN. It is said that the time is short for the con-Mr. MORGAN. It is said that the time is short for the consideration of this measure, and the Senator from Connecticut [Mr. Platt] has called our attention very properly to the fact that this is a very great matter, involving pretty nearly \$200,000,000 of debt against the Government of the United States and an enormous charge upon the people. He calls attention to the fact that that debt is now rapidly maturing, in fact on the 1st day of January, now close at hand, a very large part of it is to fall due, He calls attention also to the fact that the Committee on Pacific Railroads have on frequent occasions endeavored to get a hearing before this body upon reports of bills made by them concerning these two railroads.

Very shortly after the organization of the Select Committee on Pacific Railroads, of which I had the honor then to be appointed a Pacific Railroads, or which I had the honor then to be appointed a member, and have remained on the committee ever since, the committee of the Senate and the Railroad Committee of the other House—I forget its precise designation—united in the report of identical bills to both bodies. The two bills were separate, the one relating to the Union Pacific and the other to the Central Pacific Railway, if I remember the record correctly. At all events, the bills which were reported to each House were identical in their terms. It was a very remarkable fact that one House was their terms. It was a very remarkable fact that one House was under the control of the Democratic party and the other House under the control of the Republican party, and that every member of the Committee on Railroads in each House coincided in the report of those measures. They came here, and, as I remember, the Senator from Maine who sits in front of me [Mr. FRYE] endeavored to call up, and did call up, the report of the committee and the bills, and endeavored to put the bill upon its passage, whereupon Mr. Huntington objected, and insisted that the two bills whereupon Mr. Huntington objected, and insisted that the two bills should be incorporated into one, or, at all events, that they should be considered together. That objection prevailed, and the bill was laid over, because the time was short for the consideration of the measures. From that time to this the committee have never reported a bill until near the close of the last session of the present Congress. We have had very frequent hearings, including hearings from a syndicate of bondholders from Germany, representations of the presentation sented by an honorable attorney from New York by the name of Stetson, who was here for the purpose of assisting that bond syndicate in getting a bill passed to put the control of an American railroad, and run it, in German interests.

Various propositions have come before us in reference to each

distinct road, until, after a while, a combination between them seems to have been formed which produced a bill in each House which was satisfactory to the majority of the committee of the Senate and I believe a majority of the committee in the other House. These bills are now pending, and one of them is the bill which the honorable chairman of the committee is now urging for consideration.

Some members of the committee, Mr. President, object to this bill for one reason and some for another, which objections, I dare

say, will be stated at large before the Senate whenever we come to the consideration of this very grave and very important mat--grave and important not merely with respect to the amount involved in it and the interests of the people and also of the Government of the United States in those roads, but very grave and very serious in respect of that load of accusation and proof of fraud and crime which has almost buried them out of reach of human consideration.

Mr. President, I am in favor of taking up those bills and considering them; I am in favor of having this subject disposed of; but when they are considered and disposed of I wish it understood that there will be a claim of latitude of debate upon this subject that is commensurate simply with the magnitude of the question involved and the great amount of proof that has been brought to the attention of the Government and the Senate by the reports of the attention of the Government and the senate by the reports of the committee. I am in favor of the consideration of the bill. I am not in favor of its passage; I am opposed to it. In that oppo-sition I wish to state now that I could have no personal interest or bias in the matter. The people whom I, along with my honorable colleague, represent have no interest in it in a financial sense. We are stationed in what may be called the doldrums of this question, where no breeze blows in any direction; we are down in Alabama, at a point where it is impossible to benefit that State by giving a preference or an advantage to one line of these railways over another. If our interests as a people incline in either direction, it is toward the Southern Pacific Railway as a competitor of these roads. Therefore I feel authorized to cast my vote, and to conform in a large degree my judgment and my opinion according to the best interests of two classes of people. One class is that wonderful, enterprising, and grand group of people on the Pacific Slope, and the other is the great body of people who live between the Missouri River and the Pacific Slope.

It is my nurpose Mr. President to take care of the interest.

It is my purpose, Mr. President, to take care of the interests of the Government of the United States in the best way that I can, for we shall never get justice. That is impossible. Justice has passed out of the reach of judgment, and we can never lay our hands on it for the benefit of the Government. But the people live, the people have their rights, the people must furnish all the money that will ever be drawn into the coffers of these great railway systems. They can not live a day without the contributions of the people. They are as helpless without those contributions as a cron of corn planted in the Sahara Desert is fruitless and helpless a crop of corn planted in the Sahara Desert is fruitless and helpless without the rains of heaven to fall upon it. They have no income except what the people must contribute. Therefore I take great interest in seeing that the people of the country I have referred to shall have their rights respected and their future secured against monopoly by combinations between the Union and Central Pacific railroads or the Southern Pacific road and the other transcontinental railroads of this country falling into private hands. All of them must live upon the people, and all of them in combination will constitute themselves again, as they have done in the past and are doing now, a ruling, powerful, unconquerable monopoly, that will wring the last drop of substance out of these people, according to the axiom of railroad managers that they must earn from the people "all that the traffic will bear." That is the rule by which monopoly measures necessity.

Mr. President, no remonstrances have ever come to the Senate

of the United States from any section of this Union so strong, so earnest, so well sustained by proof, so supported by the entire mass of the people as those which have come from the Pacific Coast against frauds in the administration of these roads against their being released from their indebtedness to the Government of the United States, and against having towering fortunes built up and put in the hands of grasping monopolists through their sacrifice.
The files of the Senate are loaded with those remonstrances, petitions, and arguments. They have been, many of them, printed here, and the aggregate would form many large volumes.

The people of California and of the whole Pacific Slope are ask-

ing for nothing but relief against the power of the monopoly, which they assert has already robbed them of these vast millions which have been aggregated into private fortunes through the management and the managers of these railroads and which stand there as a threat against the prosperity of the Pacific Slope worse and more alarming than any which has ever been made against any section of the American Union. No people have suffered like they have; none are bound in such chains as bind them; there are none to whom agricultural, industrial, and commercial prosperity and expectation is so sad a blank of hopeless endeavor for the future

I therefore hope, Mr. President, when we come to the consideration of this question, that we will not deny to these people a voice in these proceedings, and that we shall not treat it simply as a cent per cent arrangement by which certain men are to grow rich and the world and people are to grow poor. I hope, casting aside sympathy, but coming to those moving considerations which are supposed to stir the heart of justice, that we shall come to this question with a strong determination that the people of

this country, at least, shall not be sacrificed to this Gorgon of

Heretofore I have had the honor to submit to the Senate of the United States a motion, which is now on the Calendar, to have the bill which has been reported to this body recommitted with in-Those instructions change the plan of our action, and, in my humble judgment, they secure to the people of the Pacific , the intermediate populations, and to the Government of the United States all that is just and right and conscientious in our action upon this great subject. More than that, they secure to every honest stockholder, every bondholder, whether a first or second mortgage bondholder, full and perfect guaranty of all his rights when they are measured by the general aggregate value of this entire property and its interests.

The Union Pacific Railroad Company, if I am not incorrectly informed—and, if I am, some member of the committee on this floor will correct me—has now lying in the treasury of its receivers money enough, acquired from the income of that road after enormore. money enough, acquired from the income of that to pay the intermous expenditure has been made in rebuilding it, to pay the interest on the first-mortgage bonds as it is due. No one denies that est on the first-mortgage bonds as it is due. No one denies that proposition, and I must be right about it. That railroad company is not bankrupt in the sense of its being unable out of its earnings is not bankrupt in the sense of its being unable out of its earnings to pay the interest on the first-mortgage bonds, and yet it comes here as a bankrupt mendicant, pretending to be in the last stages of beggary for the purpose of exciting, possibly, the double con-sideration of pity for those who are concerned in it and the necessity of hasty action to close out this bankrupt concern in the quickest way possible. The Central Pacific Railroad Company has paid the interest on its first-mortgage bonds up to date. It has done not only that, but it has paid from 1 to 14 per cent dividend to the foreign stockholders, who own 51 per cent of the stock of that road. That company comes here as a bankrupt concern after having paid the interest upon its first-mortgage bonds and a dividend to its British stockholders.

I suppose these facts, Mr. President, will have some weight upon the judgment of Congress as to the amount of haste it is necessary for us to make in order to save something out of this wreck. It is regarded now that all we can make out of it is some fees for salvage, when the truth is that both these railroads, upon the showing, one of the court and the other of the directors, are solvent and able to steer along. They are both doing what has become a fixed and settled practice amongst railroads in the United States, running down their receipts and injuring their property when in the hands of receivers, or when, for other reasons, it is thought to be necessary to do so in order to force the bankruptcy and sale of the roads, so that a few large moneyed men may buy them in for nothing. That is the game which we have to confront here to-day. That is the question which stands in front of this great subject that will come up here as soon as the Senator from Iowa can get the right of way for his bill with the consent of this body. We have to deal with a false pretense

the consent of this body. We have to deal with a false pretense in the outset of this proposed legislation.

The Senator from Iowa [Mr. Gear] asked a question of the Senator from South Dakota [Mr. Pettigrew], which, as well as I could hear him, was whether the courts have not fixed the rights as between the branch railroads and the trunk roads on the Union Pacific line, or whether the courts could not fix or adjust those rights. That is the way I understood the question.

Mr. GEAR. I beg pardon. I did not ask the Senator from South Dakota that question. I simply asked the Senator the question whether the courts did not fix the amounts to be paid by receivers at all times, and to whom they should be paid. I simply

asked for information.

Mr. MORGAN. I wish to interpose right here the statement that the Government of the United States has never been made a party to the suits for foreclosure of the Pacific railroads, and if the Attorney-General of the United States has due consideration for the welfare of this people and the integrity of the Government, he will never go into court and submit himself to that jurisdiction on a bill of foreclosure.

Mr. GEAR. I suppose, I will inform the Senator, that when a suit is pending before a court for the foreclosure of a road, notice would be served on all parties in interest, and naturally would be served on the Government. As to that I do not know, however. I have not asked the Attorney-General.

Mr. MORGAN. The Government of the United States can not be sued without its consent. There is no law which authorizes it

be sued in respect of these railroads.

Mr. GEAR. I will state to the Senator from Alabama that on that question there is some difference of opinion even among my legal friends. I am not myself a lawyer, but many of the best lawyers in this country hold that when Congress enacted the law of 1864, subordinating the first mortgage of the Government to the mortgage of the railway, permitting it to become the first mortgage in its turn, the Government became in that sense the same as an individual. It is a question of law.

Mr. MORGAN. That question came up in committee. It was

presented by a very bright and astute lawyer, and he seemed to try to work out the right or the power to make the Government of the United States a party defendant to the suit, upon the idea that the Congress of the United States, in according the priority to what are called the first-mortgage bonds, had also accorded to the courts jurisdiction to determine that priority and to administer it. I think I should not have much difficulty with the sound lawyers of this body upon a proposition of that kind. I do not think any man yet has ever acquired the right to sue the United States by inference from its transactions. I understand that that right can not be exercised against this great sovereignty otherwise than

through a law constitutionally enacted.

Mr. GEAR. There is no doubt, I imagine, in the Senator's mind as a lawyer that the Government could waive its right by an act? Congress could do so?

Mr. MORGAN. Of course.

Mr. MORGAN. Of course.

Mr. GEAR. Then the doubt remains whether by the act of 1864 the Government did or did not waive its rights. That is the point as to which some of my legal friends in the country and also

some in this body differ. Mr. MORGAN. The Mr. MORGAN. The gentleman who presented that point seemed to be entirely satisfied, after a few inquiries were made as to the foundation of his proposition, that he was resting on very slight grounds. At all events, the Attorney-General, in whose keeping the statute places the control of this property, has never keeping the statute places the control of this property, has never gone into court and made himself a party; and he never will do so, in my judgment. I hope he never will. So we have rights which lie behind any power of a court of foreclosure, that are fixed by statute, conclusively fixed, and the Attorney-General, before he could get his consent to submit the rights of the Government of the United States to the adjudication of a Federal court, would have to repeal a half dozen statutes on our book, including the charters of these companies themselves. It would be a travegulous assumption of submittive on the part of the Attorney. be a tremendous assumption of authority on the part of the Attorney-General if he should undertake such a universal repeal of statutes as would become necessary in order to deprive the Gov-ernment of the United States of rights which have accrued by forfeiture.

There is a good deal of misapprehension about this point, and perhaps I might take a moment to state what it is without underperhaps I might take a moment to state what it is without undertaking perhaps to remove it. There seems to be a misapprehension prevalent in the minds of very good lawyers who have not looked carefully into the statutes that, because bonds and mortgages are out, any court having jurisdiction of a mortgage foreclosure can exercise its power to take this property under its control and administer and dispose of it according to its judgment.

In the charter of these two railroads and in various measures which have become laws since that time there was fixed in favor of the United States that which has never been surrendered; that is to say a strict statutory lien mon this property which differs from

say, a strict statutory lien upon this property which differs from a mortgage toto ceelo, and the condition upon which the property was to pass into the hands of the United States was such that if the corporations failed to comply with certain requirements of the act, amongst which is the payment of these bonds, the whole property of the company is forfeited by operation of law.

Mr. VEST. Will the Senator from Alabama, in connection with

the statement he made in regard to the appearance of the Government in this suit, be kind enough to state what he understands by ment in this suit, be kind enough to state what he understands by that part of the President's message which, according to my recollection—I have not turned to it—is to the effect that unless something is done by Congress in the very near future the executive department will take steps by the 1st of January, I believe, to protect the interests of the Government. Now, I understand that the only way in which the Government can do that is by interpleding in the pending sait

pleading in the pending suit.

Mr. MORGAN. The Senator from Missouri asks me to inter-Mr. MORGAN. The Senator from Missouri asks me to interpret the President's message, but in all Egypt there was but a single man, and he was divinely inspired, who could interpret the dreams of Pharaoh. I suppose the Senator from Missouri can interpret that message if anybody can, but I do not stop to try to

What I conclude about it is that the President has found him-self in possession of a supposed authority to dispose of this prop-erty on and after the 1st of January, when a very large part of these bonds will fall due, I understand, and the companies are expected to default in the payment of them. Whether he had his mind fixed upon the enforcement of that lien according to statu-tory requirement and through the agencies provided by the statute as a part of the duty of the Executive of the country, or whether he had his mind fixed upon the supposed power of some court to foreclose the mortgage, as it is called, in some pending suit, I do

the default was committed; and the statute creates a forfeiture mark the word—a forfeiture of that property into the rightful ownership and possession of the Government of the United States.

Mr. VEST. Will the Senator from Alabama permit me to have that portion of the President's message read? I only quoted it

from memory.

Mr. MORGAN. I wish the Senator would excuse me from discussing the message, because I am not now paying any attention

to its statements.

Mr. VEST. I simply desire to ascertain, because it is a matter of very great public interest, whether there is any probability of the Government interpleading, as the Senator said there is not, or that he hopes there is not. Of course I will not interrupt his remarks if he desires that I shall not.

Mr. MORGAN. The Government can not interplead in regard

to the Pacific railroads, certainly, because there is no suit pending. If the Attorney-General brings an interpleader, he cuts the system of transcontinental railroads in two, and takes one end of it and interpleads about it, leaving the other in the air. I can not suppose that the President of the United States ever imagined that that the President of the United States ever imagined that that would be the national policy, or that he would indulge himself in any conjecture or ruminations about it.

Mr. VEST. There is a suit pending.

Mr. MORGAN. The suit pending is in regard to the Union Pacific?

Mr. VEST. Yes. Mr. MORGAN. None is pending in regard to the Central Pacific; and yet Congress designed those two roads to be one system, and when we abandon that design we may as well throw to the wind all our interest in them. So far as the people are concerned, it would be better if they had never been built rather than they should be converted into engines for their destruction.

I will proceed now. Here is a forfeiture of all the property of these railroad companies for condition broken in the nonpayment

of the bonds and for failure to comply with various other condi-tions. What is the result of that forfeiture? It transfers, by force of the statute, the possession and ownership of this property into the United States. There is no intermediary; no intermediate act is necessary to vest the title; no action of any court is necessary. Hence we have empowered the President of the United States in the original statute, and we have repeated that authorization through the Secretary of the Treasury, to enter into possession, to take possession, of this property and hold it for this Government. On the happening of that default, whether it has happened or whether it may hereafter happen, these two railroad companies after that have no more right of property in the property covered by their charters than I have. Their right of property ceases and determines and passes by operation of law into the hands of the Government of the United States, and the President of the United States is empowered then, by the same statute and subsequent laws, to take possession of it, but not to dispose

of it. Congress alone can dispose of it, whether the President or a court is selected as the agent for that purpose.

Now, if I am right in my attitude on this question, that property belongs to the Government of the United States to-day, or will belong to it when the first forfeiture happens. The remainwill belong to it when the first forfeiture happens. The remaining duty is merely for Congress to provide how it shall be disposed of. Numbers of erudite gentlemen, whose attention has not been riveted upon this subject, and whose special duty it has not been to investigate it, have insisted from time to time that the Government of the United States by no means whatever ought to own this property, and they have seemed to suppose that it would require some new legislation in order for that ownership to come about, whereas in the very charter under which these railroad companies were organized a provision for the ownership of this property by the Government of the United States was expressly made, the conditions all stated, and the manner of acquiring property by the Government of the United States was expressly made, the conditions all stated, and the manner of acquiring actual possession provided for. And to-day, instead of having to enact laws to take possession of this property, or to declare a forfeiture, if we propose to turn this property into other channels, private ownership by contract with Congress, or through a court, or in any other way, we shall have to repeal the laws which stand upon the statute book in order to get at the subject.

Now that is a great wantage ground for the Government of the

Now, that is a great vantage ground for the Government of the United States which I for one do not propose to give up. We can hold that vantage ground in virtue of the statute under which the roads have been built, and we can say to these men: "Now, if you want to buy those roads you have to stand on an equality with everybody else. Bring up your money and buy them if we desire to sell them. If we do not wish to sell them, get out of these offices here; go hence, and we will put into the corporations not know.

But I was about to state, and I will proceed with my statement, that this statutory lien covers all the property of every kind and character, real, personal, and mixed, in action or in possession, equitable or legal, of these railroad corporations at the time when

We will not have the offices of these railroad companies of them. We will not have the offices of these railroad companies filled by political tricksters, whether they are Democrats, Republicans, Populists, or whatever else. It shall be no bureaucracy at all. The Executive of the Government of the United States shall have nothing to do with the roads unless it may be an inspection, which we may allow to be made through the Commissioner of Railroads, and a report of their condition for the information of the Executive and of Congress. We will turn you out of doors, who have lost this property by your fraudulent defalcations and have no longer any interest in it." We will take the five Government directors who are now allowed by law in these railroad companies, the Government of the United States not having one dollar of stock in them, and we will multiply those directors until dollar of stock in them, and we will multiply those directors until we make fifteen or whatever number the charter requires. We will put a president over that board of directors, and we will say to them: "Take these roads and manage them as if they belonged to the stockholders whom you represent." If you send those railthe stockholders whom you represent." If you send those railroads to a court, the receiver does that, or a multitude of receivers do it. Instead of having judicial receivers to run a great railroad system under the control of a judge with ermine on his shoulders and sitting on the bench, we will have a number of receivers appointed under the authority of the Congress of the United States, who shall supplant and take the places of these defaulting directors, and use all of the corporate powers as they now exist or as they may be conferred by acts of Congress, for the purpose of working the companies out of debt.

Here is basis enough. As to the Central Pacific Railroad Company, if it can pay a dividend to its stockholders, it is good property; and that it does so no man on this floor will deny, or, if he does, I have the proofs to show that the fact is as I have stated it.

erty, and that it does so no man on this floor will deny, or, if he does, I have the proofs to show that the fact is as I have stated it. As to the other road, the Union Pacific, it has now in reserve, as I am informed—I do not state it positively, because my information may be somewhat indefinite about it—money enough to pay interest on its first-mortgage bonds, and thus to upset the suit for the foreclosure, the basis of which is its failure to pay the interest on the first-mortgage bonds whenever that money is applied to the declared purposes of the suit. It is holding on there now by the skin of its teeth, trembling lest the jurisdiction of the court should slip from under it by the application of the money to the payment of the interest on the bonds and the extinction of them, whereupon there would no longer be any basis of jurisdiction in the court.

of the interest on the bonds and the extinction of them, whereupon there would no longer be any basis of jurisdiction in the court. Now, Mr. President, this is a general outline of the instructions to the Committee on Pacific Railroads, which I have proposed and shall offer to the Senate in regard to a proper system of administering this property. I think I shall be perfectly able to demonstrate that with the assistance of the Government of the United States, such as we are obliged to give now in meeting the Gov-ernment bonds and in taking care of what is called the prior lien upon it, with no greater latitude of legislation or committal of the

upon it, with no greater latitude of legislation or committal of the Government to responsibilities, we can do just what we are compelled now to do, and save this property for the creditors, the stockholders, the Government, and the people.

A question has been raised here as to whether railroads under the control of governments under bureaucratic control in Europe have paid. They may or may not have paid. I do not undertake to measure American institutions or American experience by forcion institutions or forcion experience. Our Government is supto measure American institutions or American experience by for-eign institutions or foreign experience. Our Government is sup-posed to be one of the people, for the people, and by the people, and in their supreme authority over the Congress of the United States and the Executive, inside of the Constitution, the people are supposed to be quite competent at all times to see that right, equity, and justice prevail in the administration of any part of our Government, and particularly of a great public trust, for this is a great public trust. It makes no difference how the trust may have been created, or what duties the Government of the United States may have assumed in regard to public or private corporastates may have assumed in regard to public or private corpora-tions; the great trust remains. It makes no difference what ques-tions may possibly arise in the minds of strict constructionists as to the authority of Congress to do these things. It is sufficient to say that they have been done. They are accomplished facts. They are on the statute books. What I propose to do is merely to work out such results as are unquestioned in respect to their constitu-tionality and their propriety. I do not wish to change the laws under which this great national trust was created, but to execute those laws in securing to the United States forever the national advantages that were contemplated in the enormous grants of

and loans of money that were made to secure them.

But, sir, we passed the laws in regard to those railroad companies at a time when no State intervened between the Missouri River and the California line. It was all territory subject to the jurisdiction of Congress. There was no impediment of any kind. If you were now to undertake to pass a law of that kind in this body, objection would be made by State after State against your right to do so unless your submitted to this cyclifortion or that right to do so, unless you submitted to this qualification or that or the other in respect to taxation or some other matter; perhaps as to the right of way. The whole thing rests upon legislation

made at a time when there was no obstruction. I for one, sir, am opposed to surrendering that power into the hands of any set of private men. It is a trust, a great national public trust for beneficent and wise purposes, and it seems almost as if it were a benevolence from on high that our predecessors seized upon the opportunity to exercise on behalf of the United States those powers which were then unquestioned for the benefit of this great country, the Atlantic and the Pacific coasts and the people thereof, and all the people in the intermediate sections of country. It is a great public trust. Connected with it is the right of the Government of the United States to carry its armies, its munitions of war, its supplies of every kind, its officers, its mails, through over these roads and to control the telegraph lines upon them. There is one single item in this matter which I think would convince any American who was considering the rights and the future prosperity of this great land that we can not afford to

convince any American who was considering the rights and the future prosperity of this great land that we can not afford to place these railroads in private ownership, and especially in the ownership of a foreign German syndicate like that which was advocated by Mr. Stetson before the committee. We can not afford to do it. What item is that? It is the supply of our steam navy in the Pacific Ocean with coal. Sir, if we had the Nicaragua Canal, which in my estimation is one of the greatest enterprises with which the Covernment could possibly be expressed in reserve. with which the Government could possibly be connected, in passing our coal ships through that canal and up the coast of Mexico and California, and Oregon and Washington, they might be taken in flank, captured, interrupted by any enemy which we might find on the high seas. How important is it, therefore, that the Government of the United States should have the ability at its own will and pleasure, without the interruption of commerce or the consent of any private interest, to put these roads under con-trol of its military authorities at any moment that it chooses to do so for the purpose of supplying coal to a fleet in the Pacific Ocean. Does anyone here suppose that Great Britain, who absolutely owns the larger part of and controls the Canadian Pacific Rail-

vay, would ever give up her power over that railway to the extent of having to depend upon private consent, or private license, or private obstruction, or law suits which might intervene before she could transfer her troops or munitions of war, her coal supplies and provisions, across through Canada to the Straits of Fuca? Great Britain has coal in Vancouver. She has plenty of good steaming coal there, but she has Esquimalt between that coal and steaming coal there, but she has Esquimalt between that coal and the Pacific Ocean, and we have nothing. Whether we can find outside of Esquimalt a location on which to build fortifications to hold that great fortress in check, no man has yet reported. I have inquired of many, and I can not find out that we have such a position. I dare say we have not got it. But the single item to which I call attention, the absolute necessity of having these railroads at all times under the control of the Government of the United States, is so impressively important that I can not at least shut it out from my thoughts, and I can not consent—I never could consent—to abandon the control of the Government of the United States over this property into private hands, especially if United States over this property into private hands, especially if they are foreign hands.

Mr. President, am I not right in saying that in the United States to-day there is not a railroad 200 miles long, perhaps not one 100 miles long, the control of which is not virtually in the hands of foreign people? Am I not right in that statement? An American stockholder in an American railroad would be a curiosity who ought to be put in the side show of a circus.

Mr. GEAR. May I interrupt the Senator from Alabama?

Mr. MORGAN. Certainly.

Mr. GEAR. The Senator from Alabama is undoubtedly look-

Mr. GEAR. The Senator from Alabama is undoubtedly looking for information.

Mr. MORGAN. I am.

Mr. GEAR. The Senator states that he thinks there is no railroad 200 miles long in this country which is not owned by foreigners. I can cite him a road seven or eight thousand miles long, 58 per cent of the stock of which is owned by women in this country and 78 per cent of the stock of which, including the ownership of the women, is owned as trust funds by colleges and similar institutions

Mr. MORGAN. Who own the bonds?
Mr. GEAR. The bonds are owned like any other paper. They are owned wherever they may be held. They are largely held, I will state for the information of the Senator, by the people of this country, and the road is a dividend-paying road.
Mr. MORGAN. If you will point out to me the men who own the bonds, I will tell you the men who control the road.
Mr. GEAR. Not necessarily; not in the case of a dividend-paying road.

paying road.

Mr. MORGAN. There is no question about it.

Mr. GEAR. They control the road only when the road defaults in dividends, and this road has never defaulted. Therefore the bondholders have nothing to do with it except to cut their coupons.

Mr. MORGAN. Suppose they have not. I would like mightily to believe that they have not.

But, Mr. President, there are very few dollars put into the treasuries of railroads in the United States after current expenses are settled for that do not go abroad. I am not complaining of it. I regret it. I think the people have been very foolish about it, but still it is so. I am not going to complain about it, or anything of that sort; but still, in looking out for the preservation of the powers that Congress now possesses over these railroads, I must be permitted to cast my eyes in the direction from whence comes the real control of the railroads of the United States; and when we have got one of them that we can keep our hands upon, I am

we have got one of them that we can keep our hands upon, I am in favor of doing it.

Mr. President, these two roads have cost the United States an immense amount of money. We have had to pay the interest upon these bonds straight along for thirty years without any recoupment or recovery of the money excepting possibly some lit-tle driblet in what is called the Thurman fund in the Treasury. When we come to settle this final account, we can not get interest on that interest; we shall have to take it straight, and with a great reduction, very likely; perhaps there will be no collection

who has paid this money? The people of the United States tributary to the roads. These men who control these roads have been dealing with money that has been extracted from the people been dealing with money that has been extracted from the people without a full consideration, largely without justice, when you come to reach the equities of the account. These roads have cost the people of the United States enormously, and I do not see any reason why Congress should get so disgusted with the frauds that have festered in these companies as that they will turn their backs in holy horror upon the question and say, let us march out of it and throw the people's rights to the dogs, and tax them still more to pay this debt. to pay this debt.

No, sir; let us take care of these people. Let us take care of them now and in the future, as to their present rights and their prospective rights. Let Congress march up for once in its existence squarely to the duty of taking care of the people, for there is not one dollar of this money with which we are dealing that has not come from the pockets of the people, and there is not a dollar of it that will not come from the pockets of the people in the

These railroads have been built without drawing upon the private purses of the men who built them for a single dollar. They vate purses of the men who built them for a single dollar. They claim to be the holders and owners of property valued here at a low rate, \$90,000,000, but in fact far exceeding this low estimate. These men have acquired this property, and they have got their fangs upon it, and it has never cost them a dollar out of their pockets up to to-day. And they have grown enormously rich in the use of the money of the people. After the roads have been robbed to the satisfaction of the most gluttonous of the misers of the world, they were alleged to be hankyrupt, and all of the transport.

robbed to the satisfaction of the most gluttonous of the misers of the world, they were alleged to be bankrupt, and all of that money has come out of the pockets of the people.

I for one am for holding on to the powers that we have got over these roads until we can again earn it and pay the people out of debt. They can do it. There is no trouble about it. Over that railroad I would not be heard to deny that the Congress of the United States, with the powers reserved in these charters, had the authority to fix the rates of toll. If these people are ever robbed by high rates under the plan I have proposed, it will be because Congress will consent to it. There is no occasion for doing that. On the contrary, it is our duty to see that they are not robbed.

More than that, Mr. President, the administration of those railroads in the hands of an honest power such as Congress would be.

roads in the hands of an honest power such as Congress would be, will set a precedent and establish an example for the management of other railroads in the United States that will force the respective State railroad commissioners to bring them square up to the line and make them do their duty. We will demonstrate under this adand make them do their duty. We will demonstrate under this administration that it is within the reach of the powers of law and correct administration to accomplish such a grand result; and having done that, we perhaps will have done more to disentangle this Gordian knot that we are now trying to cut with the sword of this bill than we could ever do under other circumstances.

I would not have the Government of the United States manage arate the management of it as far from the powers of the Executive as the management of a reilread in the powers of the Executive as the management of a reilread in the powers of the Executive as the management of a reilread in the powers of the Executive as the management of a reilread in the powers of the Executive as the management of a reilread in the powers of the Executive as the management of the powers of the Executive as the management of the powers of the Executive as the management of the powers of the Executive as the management of the powers of the Executive as the management of the powers of the Executive as the management of the powers of the Executive as the management of the powers of the Executive as the management of the powers of the Executive as the management of the powers of the Executive as the management of the powers of the Executive as the management of the powers of the Executive as the management of the powers of the Executive as the management of the powers of the Executive as the management of the powers of the Executive as the management of the powers of the Executive as the management of the powers of the Executive as the management of the powers of the Executive as the management of the powers of the Executive as the powers of the Executive as the power of the power of the power of the Executive as the power of the tive as the management of a railroad is separated from the power of the executive when it is in the hands of a judicial receiver. One or the other has to do it, or else we must huddle this property up together and put it up at auction. Who is going to buy it? What American can buy it? You may take all the grand estates that have been accumulated out of these railroads in the past and that now look like towering, hanging gardens of royalty above the heads of the people, and coin them into money, and they can not

buy them.

Whenever this property is sold at auction it will be bought

abroad, mark you.

Mr. MITCHELL of Oregon. May I ask the Senator from Alabama a question?

Mr. MORGAN. Certainly. Mr. MITCHELL of Oregon.

The Senator a moment ago referred to his plan, as I understood him, and to certain results which would follow the plan of the Senator from Alabama. Will

which would follow the plan of the Senator From Alabama. Will the Senator be kind enough to state what plan he proposes?

Mr. MORGAN. The plan is developed in the resolution of instruction which is on the Calendar. I have not had it sent to the committee, but all the members of the committee have seen it. It is discussed in a report which I had the honor to make at the last session of Congress upon this subject. I call it my plan simply because I happened accidentally to fall upon it after reading some

session of Congress upon this subject. I call it my plan simply because I happened accidentally to fall upon it after reading some decisions of the Supreme Court and the views of a number of gentlemen of very great ability, particularly of California. I am informed—I hope it is true—that a committee of the most intelligent and enlightened citizens of California are now preparing a substitute for this bill, following in some degree perhaps the plan that I have suggested, which I hope to be able to get here in time for its discussion before the bill is passed.

I myself do not want to take an hour for delay, but I do not want hasty consideration. I want the opportunity I now enjoy as a Senator to look at this great subject in the light of truth, sincerity, honesty, and lawfulness, and when I have done so to come to my conclusions about it, without reference to whether it is going to enrich one man or impoverish another, except, always, that the general great body of the people must be cared for under the administration of this road. We can not abdicate that duty. Whatever you may do here, as long as I live and have the power of expression, I will challenge the right of the Congress of the United States to subordinate and subject the people, particularly of the Pacific Coast and the intermediate country, to the will of incorporators, men of power and wealth, who may happen to own this road. Let us stand by the people. They are the life of this country. own this road. Let us stand by the people. They are the life of this country. There is nothing in America that is worth considering at all except the character and rights of the American people brought in contact with the resources which a benevolent Providence has placed within their reach. Let us stand by these people, see that they are not wronged, that the powers of justice till cried that its strong right over its at their reach. still exist, that its strong right arm is not shortened, neither is it weakened; that the sword of justice is not dulled by any seduction. Let it fall where it is destined to fall. Let those who have sinned be condemned, but let the righteousness of the people prevail against iniquity through the action of their servants in

This is all I care to say upon the subject now. I wanted to bring it to the attention of the Senate, but I did not expect to do it to-day, until the resolution of the Senator from South Dakota seemed to make my remarks pertinent.

Mr. GEAR. Mr. President, I do not wish to discuss this ques-

I am very glad, however, that it has come up incidentally through the remarks and the resolution offered by the Senator from South Dakota. It is evidence to me that it is a desire on the part of the Senate to take up this important measure. The conditions that surround the case are simply these: Ninethe conditions that surround the case are simply these: Mine-teen million dollars of bonds have matured and will mature on the 1st day of January. Between now and January, 1898, forty-one million more dollars of Government subsidy bonds will have matured, which it is incumbent on the Government to

pay.

The attention of Congress is called to this question imperatively The attention of Congress is called to this question imperatively by the President of the United States and by the Secretary of the Interior, and also by the Commissioner of Railroads. The President of the United States says that it has assumed such an imperative position that the duty will fall on him, under the act of 1887, to protect in some way the rights of the Government, if Congress shall fail to act upon it. How they shall be protected in the event that the President of the United States has to resort to the event of 1887 we can simply imagine. It seems to me that to the act of 1887 we can simply imagine. It seems to me that the time has come when some action should be had by Congress on this matter. The other branch of Congress, I see, has set apart four days in January for the discussion of the bill pending in that body.

One word in regard to the bill pending from the Committee on One word in regard to the bill pending from the Committee on Pacific Railroads, of which committee I have the honor to be chairman. I do not think the members of that committee, who were united, with the exception of the distinguished Senator from Alabama, in favor of that report, were wedded either to that plan or any specific plan, but they are simply governed by what they desire to have done for the interest of the Government in saving the large amount of money, \$115,000,000, which is involved in this transaction. Personally, for myself, I will simply say I am opposed in toto to the policy and principle of the Government buying and operating roads. From my observation and from the experience of other countries (which the Senator says is no guide for us) the results are not favorable to Government operation, for us) the results are not favorable to Government operation, because such roads are more expensive than the roads in this country.

In so far as the right of the Government to operate a road is concerned, I think nobody will deny that the Government has the right, because it is a principle of law which every lawyer understands and which certainly every layman should understand that in times of exigency and of national peril the laws are subordinated to the action of the Government, and it has a right to take possession of any road in this country and operate it for the benefit of the Government when the necessities of the case are such as to

require it.

And, as I said before, I am very glad this discussion has come up, and, as I gave notice yesterday, I shall call up the bill immediately after the holidays.

Mr. PETTIGREW. Mr. President, I approve of the suggestion made by the Senator from Alabama that the committee should take a read lack into this question during the holiday recess. take up and look into this question during the holiday recess. I hope they will do so, and I hope they will take into consideration in that investigation the fact that in 1891 the Union Pacific Railroad owned and had in its possession \$65,000,000 of the stocks of the branch lines of the Union Pacific Railroad, and that it had in its possession \$28,000,000 of the bonds of these branch lines and other bonds which it had received from different counties and cities in aid of the construction of the branch lines; and that at that time, in 1891, the earnings of the Union Pacific road were sufficient to pay the operating expenses, to pay the interest on the prior bonds, the first-mortgage bonds of the road, and furnish a surplus. Yet, by some means, a floating debt of \$8,000,000 was created, which turns up in the hands of the officers and directors and representatives of the road, and the bonds and stocks of these branch lines are taken by these officers and placed with Morgan & Co. as security for this floating debt, and notes were issued to the holders of this floating debt came into existence, the consideration received for it, and everything in connection with it, in view of the fact that the road was earning its operating expenses, interest on its bonds, and a surplus besides.

I should like also to have the committee investigate further the proposition now made by these same men to sell these securities, other bonds which it had received from different counties and

proposition now made by these same men to sell these securities, these stocks and these bonds, to satisfy the trust notes which they hold, and then, after getting possession of the stocks and bonds, to form a corporation and issue the bonds of this corporation for \$10,000;000, to issue \$5,000,000 of stock of this new corporation, which is to be divided among the people who take the bonds, and furnish the money as a bonus without paying one cent for it, and thus create a corporation, with a million and a half dollars in these branch lines. They wish to control these branch lines through this corporation and hold a million and a half of dollars in the treasury, so that they can pay assessments, etc., and do those things necessary to manage the property. In other words, they will have a corporation owning and controlling absolutely for the paltry sum of eight and one-half million dollars the stock and bonds amounting to \$93,000,000 now the property of the

Union Pacific road.

The VICE-PRESIDENT. The Senator from South Dakota will suspend. The hour of 2 o'clock having arrived, the Chair lays before the Senate the special order.

The Secretary. A bill (S. 1012) to prevent the desecration of

the national flag.

Mr. GALLINGER. I ask unanimous consent that the special

order be laid aside temporarily.

The VICE-PRESIDENT. Without objection, it is so ordered.

Mr. GEAR. I will state for the benefit of and in reply to the Senator from South Dakota that if there is a quorum of the committee present during the holidays, all the matter he refers to will be fully investigated.

The VICE-PRESIDENT. The Senator from South Dakota will

Mr. PETTIGREW. Now, Mr. President, these people propose to get control of this \$93,000,000 of stocks and bonds which control the branch lines of the Union Pacific road independent absolutely of the rights and interests of the Government. These stocks and bonds the rights and interests of the Government. These stocks and bonds are worth \$35,000,000 to-day upon the market, as I am credibly informed, and yet they are to be taken by the very people who have managed the road, who created this debt and put the road in the hands of a receiver when it was solvent, and so get possession of these lines to the detriment of the interests of the Government in this connection. Then their apparent purpose is—and I hope the committee will look into that question—to divert the business of the branch lines to other roads and thereby make the property upon which the Government holds this security almost worthless.

I say, Mr. President, it seems to methat at this inneture prompt

I say, Mr. President, it seems to me that at this juncture prompt action is necessary in order to prevent the accomplishment of this purpose, which is in the line of the dishonest and corrupt acts of these men through a lifetime.

The VICE-PRESIDENT. The joint resolution will be referred to the Committee on Pacific Railroads.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. Browning, its Chief Clerk, announced that the House had agreed to the amendments of the Senate to the bill (H. R. 9753) making appropriations to supply urgent deficiencies in the appropriations for the fiscal year ending June 30, 1897, and for prior years, and for other purposes

The message also announced that the House had agreed to the amendments of the Senate to the bill (H. R. 4281) granting a pension to George Johnson, of Lenox, Iowa.

The message further announced that the House requested the Senate to furnish to the House a copy of the Senate amendment to the bill (H. R. 1261) for the relief of John Kehl and to restore him to his former rating, to replace the original copy of the amendment, which has been lost.

ENROLLED BILL SIGNED.

The message also announced that the Speaker of the House had signed the enrolled bill (H. R. 9753) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1897, and for prior years, and for other purposes; and it was thereupon signed by the Vice-President.

CONSIDERATION OF PENSION BILLS.

Mr. GALLINGER. There are on the Calendar eight pension bills. It will take but a few minutes to consider them; and as these are very deserving cases, I ask unanimous consent that the

the bills be now considered.

The VICE-PRESIDENT. Is there objection to the request of the Senator from New Hampshire? The Chair hears none. The first pension bill on the Calendar will be proceeded with.

WILLIAM F. JOHNSON.

WILLIAM F. JOHNSON.

The bill (S. 2184) granting a pension to William F. Johnson was considered as in Committee of the Whole. It proposes to place the name of William F. Johnson, a crippled son of Robert E. Johnson, late of Company E, Eleventh Regiment New Jersey Volunteers, on the pension roll at the rate of \$25 per month.

Mr. GALLINGER. I move to amend the bill by striking out, in line 7, before the word "dollars," the word "twenty-five" and inserting "twelve."

Mr. COCKRELL. What is the bill?

Mr. GALLINGER. The bill was reported adversals. I will see

Mr. COCKRELL. What is the bill? Mr. GALLINGER. The bill was reported adversely, I will say to the Senator, and was afterwards reconsidered and placed on the Calendar. It is in behalf of the son of a soldier who is en-tirely helpless, helpless from childhood; but it proposes to pension a child at \$25, when our rule is \$12. I simply move an amendment making it \$12.

Mr. COCKRELL. Then the bill ought not to have been re-

ported adversely?

Mr. GALLINGER. That was a mistake, I will say to the Sen-

The PRESIDING OFFICER (Mr. Jones of Arkansas in the chair). The question is on agreeing to the amendment of the Senator from New Hampshire.

The amendment was agreed to.
The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

SAMUEL D. GILMAN.

The bill (H. R. 7127) granting a pension to Samuel D. Gilman was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Samuel D. Gilman, late of the Straffard Guards, New Hampshire Volunteers, and to pay him a pension of \$50 per month.

The bill was reported to the Senate without amendment, ordered

to a third reading, read the third time, and passed.

ELEANOR L. CURTISS.

The bill (H.R.5710) granting a pension to Eleanor L. Curtiss was considered as in Committee of the Whole. It proposes to place upon the pension roll the name of Eleanor L. Curtiss, widow of Warner H. Curtiss, late captain and provost-marshal of the Sixth Congressional district of Iowa, and to pay her a pension of \$12 per month, and \$2 per month additional for each of her two children during minority

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MARY COLLINS.

The bill (H. R. 158) granting a pension to Mary Collins was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Mary Collins, mother of John Collins, late of Company D. Sixteenth Regiment Massachusetts Volunteer Infantry, at the rate of \$12 per month.

The bill was reported to the Senate without amendment, ordered

to a third reading, read the third time, and passed.

GEORGE WILLIAM HODGDON.

The bill (H. R. 3890) granting a pension to George William Hodgdon was considered as in Committee of the Whole. It proposes to place on the pension roll at \$12 per month the name of George William Hodgdon, permanently helpless son of George W. Hodgdon, late of Company D, Fourteenth Regiment New Hampshire Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

LYDIA BOYNTON FERRIS.

The bill (H. R. 1511) for the relief of Lydia Boynton Ferris The bill (H. R. 1511) for the relief of Lydia Boynton Ferris was considered as in Committee of the Whole. It proposes to place the name of Lydia Boynton Ferris, daughter of John Boynton, who was a soldier in the war of 1812 in Capt. Joseph Morrill's Company, Vermont Militia, from September 12 to November 30, 1812, on the pension roll and pay her a pension of \$12 per month. The bill was reported to the Senate without amendment, ordered

to a third reading, read the third time, and passed.

MRS. ANNA WEDEL.

The bill (H. R. 5782) granting an increase of pension to Mrs-Anna Wedel was considered as in Committee of the Whole. It proposes to place upon the pension roll the name of Mrs. Anna Wedel, widow of the late Dr. Henry R. Wedel, assistant surgeon of the Fourth Minnesota Volunteer Infantry, at \$20 a month, and to pay her a pension at that rate in lieu of the pension she is now receiving.

The bill was reported to the Senate without amendment, ordered

to a third reading, read the third time, and passed.

MRS. KETURAH WILSON.

MRS. KETURAH WILSON.

The bill (H. R. 7500) to grant a pension to Mrs. Keturah Wilson, widow of James Wilson, deceased, was considered as in Committee of the Whole. It proposes to place upon the pension roll the name of Mrs. Keturah Wilson, formerly of Madison County, Ky., and widow of James Wilson, deceased, late a private in Captain Stone's Company Mounted Volunteers, First Kentucky Regiment, Mexican war, and allow her a pension at \$8 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

Mr. GALLINGER. There are three or four bills which have been reported from the Committee on Pensions this morning which I should like to have considered. They are bills which will provoke no discussion, and I ask unanimous consent that they

provoke no discussion, and I ask unanimous consent that they

may be now considered.

The PRESIDING OFFICER. Is there objection to the request of the Senator from New Hampshire? The Chair hears none.

GEORGE W. TAYLOR.

Mr. COCKRELL. While the Senate is waiting until the bills to which the Senator from New Hampshire refers are brought in from the Secretary's office, I ask unanimous consent for the present consideration of the bill (H. R. 6608) to remove the charge of

ent consideration of the bill (H. R. 6008) to remove the charge of desertion from the military record of George W. Taylor.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Military Affairs with an amendment, in line 8, after the word "discharge," to insert "as of date May 1, 1865;" so as to make the bill read:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to remove the charge of desertion standing against George W. Taylor, late of Company F, One hundred and third Regiment Illinois Volunteer Infantry, on the records of the War Department, and to issue to said George W. Taylor a certificate of honorable discharge as of date May 1, 1865.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be

read a third time.

The bill was read the third time, and passed.

PATRICK RAINEY.

Mr. COCKRELL. I now ask unanimous consent for the present consideration of the bill (H. R. 2328) for the relief of Patrick Rainey.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Military Affairs with an amendment, in line 7, after the word "discharge," to insert "as of the date of January 23, 1863, on account of minority;" so as to make the bill read:

Be it enacted, etc., That the Secretary of War be, and he hereby is, authorized and directed to remove the charge of desertion from the military record of Patrick Rainey, late of Company K, Fitty-second Regiment Ohio Volunteer Infantry, and issue to said Rainey an honorable discharge as of the date of January 23, 1863, on account of minority.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be ead a third time.

The bill was read the third time, and passed.

MARGARET A. KIDWELL.

Mr. GALLINGER. I now ask that the bills to which I referred while ago may be considered.
The PRESIDING OFFICER. It will be so ordered, in the

absence of objection.

The bill (H. R. 3113) granting a pension to Margaret A. Kidwell was considered as in Committee of the Whole. It proposes

well was considered as in Committee of the Whole. It proposes to place on the pension roll, at \$12 per month, the name of Margaret A. Kidwell, who was the wife of Henry Kidwell, late private of Company H, Second Regiment Missouri Artillery.

Mr. PEFFER. There was an amendment reported by the Committee on Pensions to strike out certain words. Although the amendment does not appear on the face of the bill, it appears in the report submitted by the committee. In line 6, after the name "Margaret A. Kidwell," I move to strike out "who was the wife" and insert "widow"

Mr. GALLINGER. That is right.
The amendment was agreed to.
The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

AUGUSTA TULLER.

The bill (H. R. 3398) for the relief of Augusta Tuller was considered as in Committee of the Whole. It proposes to place upon the pension roll, at \$12 per month, the name of Augusta Tuller, the daughter of Isaac Way, a Revolutionary soldier, she being now 90 years of age and dependent.

The bill was reported to the Senate without amendment, ordered the third results are stated by third the senate without amendment, ordered

to a third reading, read the third time, and passed.

ELLA D. CROSS.

The bill (S. 3415) granting a pension to Ella D. Cross was considered as in Committee of the Whole. It proposes to place upon the pension roll the name of Ella D. Cross, widow of Richard D. Cross, late lieutenant-colonel of the Fifth Regiment New Hampshire Volunteer Infantry.

The bill was reported to the Senate without amendment, ordered to be proposed for the lieutenant amendment, ordered

to be engrossed for a third reading, read the third time, and passed.

PETER BUCKLEY.

Mr. HAWLEY. I ask unanimous consent for the present consideration of the bill (S. 2355) to correct the military record of Peter Buckley.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported by the Committee on Military Affairs with an amendment, in line 9, after the date "1861," to strike out "with the pay and emoluments due him at that date "and insert " without pension or other allowances;" so as to make the bill read:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to cause the records to be so amended as to remove the charge of desertion from the military record of Peter Buckley, late a member of Company E, of the Eleventh Regiment of New York Volunteers, and that an honorable discharge be granted the said Peter Buckley as of the 25th of July, 1861, without pension or other allowances.

Mr. HAWLEY. I think there is an error in the record of the Mr. HAWLEY. I think there is an error in the record of the amendment. I think it was not intended by the committee to strike out the words "with the pay and emoluments due him at that date." The bill gives him an honorable discharge from July 5, 1861. I think it but right to give him what was due him at that time. If those words be stricken out, it will be inflicting a fine of \$20 or \$30 on the man. I make no objection to the insertion of the words "without pension or other allowances," because what he chiefly cares about, I suppose, is to cure his record. He is a man of excellent standing in the community and has been ever since

the war.

The PRESIDING OFFICER. Does the Senator suggest an amendment to the amendment reported by the committee?

Mr. HAWLEY. I suggest that the committee amendment striking out the words "with the pay and emoluments due him at that date" be rejected.

Mr. COCKRELL. If there is any question about that matter, let the whole amendment be disagreed to, and then move the last words as an amendment. The Senator can do that.

Mr. HAWLEY. Then Lask the Senate to disagree to the strik-

words as an amendment. The Senator can do that.

Mr. HAWLEY. Then I ask the Senate to disagree to the striking out of the words reported by the committee.

The PRESIDING OFFICER. If there be no objection, the amendment reported by the committee striking out those words will be disagreed to. The Chair hears no objection, and it is so ordered. ordered.

Mr. HAWLEY. Now, I move at the end of the bill to insert the words, "without pension or other allowances." The amendment was agreed to.

Mr. HAWLEY. I hope the Secretary will make the record cor-ectly this time. I think the clerk of the committee made a misrectly this time. I think the cler take in drafting the amendment.

The bill was reported to the Senate as amended, and the amend-

ment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

LEGAL REPRESENTATIVES OF EDWIN DE LEON.

Mr. PASCO. I ask unanimous consent for the present consideration of the bill (S. 2268) for the relief of the legal representatives of Edwin De Leon, deceased, late consul-general of the

United States in Egypt.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes that \$479.11 be paid to the legal representatives of Edwin De Leon, deceased, late consul-general of the United States in Egypt, by the Secretary, being the balance due him on adjustment of his official accounts by the First Comptroller of the Treasury of the United States of

America.

Mr. MORGAN. What "Secretary" is referred to there? The bill says "the Secretary." I call the attention of the Senator in charge of the bill to the fact that "the Secretary" who is to make the payment is not officially designated. I suppose the Secretary of the Treasury was intended. I do not, however, offer any amendment to the bill.

amendment to the bill.

Mr. COCKRELL. I suggest that the words "by the Secretary"
be stricken out. They are useless.

Mr. MORGAN. Yes.

Mr. PASCO. The bill was reported by the Senator from Minnesota [Mr. DAVIS].

Mr. COCKRELL. I move to strike out the words "by the Secretary."

Secretary."
Mr. PASCO.

Mr. PASCO. Very well; let those words be stricken out.
The PRESIDING OFFICER. The amendment will be stated.
The Secretary. In line 6, after the word "Egypt," it is proposed to strike out "by the Secretary." The amendment was agreed to.

The bill was reported to the Senate as amended, and the amend-

ment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

WATER SUPPLY OF THE CITY OF WASHINGTON.

Mr. CHANDLER. I ask unanimous consent for the present consideration of the bill (S. 1823) to amend an act approved July 15, 1882, entitled "An act to increase the water supply of the city of Washington, and for other purposes."

The PRESIDING OFFICER. Is there objection? The Chair

hears none; and the bill is before the Senate as in Committee of

the Whole.

The Secretary proceeded to read the bill, but before concluding was interrupted by
Mr. TURPIE. I object to the further consideration of the bill.
The PRESIDING OFFICER. The Senator from Indiana inter-

poses an objection to the consideration of the bill.

Mr. CHANDLER. I ask the Senator from Indiana, before the bill goes over, to allow it to be read through, if he has no objec-

Mr. TURPIE. I have no objection to the bill being read for

The PRESIDING OFFICER. The reading of the bill will

The Secretary resumed and concluded the reading of the bill.

Mr. CHANDLER. The bill having been read, it may remain

upon the Calendar. The PRESIDING OFFICER. The bill has been read at length,

and goes over under objection. SAMUEL BURRELL.

Mr. MILLS. I move that the Senate proceed to the consideration of executive business.

Mr. CULLOM. Will the Senator withdraw his motion until I can call up a bill, which I am sure will not lead to discussion? It is a bill to remove a charge of desertion, which has heretofore passed the Senate. My colleague [Mr. Palmer] was interested in it, but he is not present. in it, but he is not present.

Mr. MILLS. I withdraw my motion.
Mr. CULLOM. I ask unanimous consent for the present consideration of the bill (H. R. 2320) for the relief of Samuel

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to remove the charge of desertion now on the records of the War Department against Samuel Burrell, late first lieutenant of Company M, Fifth Illinois Cavalry Volunteers, and to grant him an honorable discharge, to date from April 13, 1863; but he shall receive no pay or allowance by virtue of this act.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

EXECUTIVE SESSION

Mr. WOLCOTT. I renew the motion made by the Senator from Texas [Mr. Mills], that the Senate proceed to the consideration

of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After twenty-six minutes spent in executive session the doors were reopened, and (at 3 o'clock and 3 minutes p. m.) the Senate adjourned, the adjournment under the concurrent resolution of the two Houses being until Tuesday, January 5, 1897, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate December 22, 1896. RECEIVER OF PUBLIC MONEYS.

Lewis E. Whitcher, of Highmore, S. Dak., who was appointed July 28, 1896, during the recess of the Senate, to be receiver of public moneys at Mitchell, S. Dak., vice Richard D. Welch, deceased.

PROMOTIONS IN THE ARMY.

Adjutant-General's Department.

Capt. Arthur Lockwood Wagner, Sixth Infantry, to be assistant adjutant-general with the rank of major, November 17, 1896, vice Gilmore, promoted.

Quartermaster's Department.

Col. Charles Greene Sawtelle, assistant quartermaster-general, to be Quartermaster-General with the rank of brigadier-general, August 19, 1896, vice Batchelder, retired from active service.

First Lieut. Carroll Augustine Devol, Twenty-fifth Infantry, to be assistant quartermaster with the rank of captain, August 21, 1896, vice Booth, promoted.

First Lieut. Thomas Cruse, quartermaster, Sixth Cavalry, to be assistant quartermaster with the rank of captain.

First Lieut. Daniel Edward McCarthy, quartermaster, Twelfth Infantry, to be assistant quartermaster with the rank of captain.

First Lieut. John Thornton Knight, Third Cavalry, to be assistant quartermaster with the rank of captain.

Subsistence Department.

First Lieut. William Herbert Baldwin, quartermaster, Seventh Cavalry, to be commissary of subsistence with the rank of captain, October 14, 1896, vice Scott, retired from active service.

First Lieut. David Legge Brainard, Second Cavalry, to be commissary of subsistence with the rank of captain, October 14, 1896, vice Alexander, promoted.

Pay Department.

Capt. Allan Hyre Jackson, Seventh Infantry, to be paymaster with the rank of major, November 17, 1896, vice Robinson, retired from active service.

CONFIRMATIONS.

Executive nominations confirmed by the Senate December 22, 1896.

PROMOTION IN THE NAVY

Capt. George H. Perkins, United States Navy, retired, to be a commodore in the Navy, on the retired list.

PROMOTIONS IN THE ARMY.

Quartermaster's Department.

Lieut. Col. William Burton Hughes (since deceased), deputy quartermaster-general, to be assistant quartermaster-general with the rank of colonel.

Lieut. Col. Augustus Gilman Robinson, deputy quartermaster-general, to be assistant quartermaster-general with the rank of colonel.

Maj. John Vincent Furey, quartermaster, to be deputy quartermaster-general with the rank of lieutenant-colonel.

Maj. Lewis Cass Forsyth, quartermaster, to be deputy quartermaster-general with the rank of lieutenant-colonel.

Capt. Charles Alfred Booth, assistant quartermaster, to be quar-

termaster with the rank of major.

Capt. William Samuel Patten, assistant quartermaster, to be quartermaster with the rank of major.

RECEIVER OF PUBLIC MONEYS

Lewis E. Whitcher, of Highmore, S. Dak., who was appointed July 28, 1896, during the recess of the Senate, to be receiver of public moneys at Mitchell, S. Dak., vice Richard D. Welch, de-

INDIAN AGENT.

Joseph Emery, of Salinas, Cal., to be agent for the Indians of the Klamath Agency, in Oregon.

PROMOTIONS IN THE ARMY.

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POSTMASTERS.

James C. Brophy, to be postmaster at Shortsville, in the county of Ontario and State of New York.

John E. Brennan, to be postmaster at Highland Falls, in the county of Orange and State of New York.

Charles Trimble, to be postmaster at Grenada, in the county of Grenada and State of Mississippi.

Grenada and State of Mississippi.

John A. Homeyer, to be postmaster at Richmond Hill, in the county of Queens and State of New York.

Marvin D. Fisher, to be postmaster at Spencer, in the county of Tioga and State of New York.

John E. Cannon, to be postmaster at Andover, in the county of Allegany and State of New York.

Edward J. Shanahan, to be postmaster at Amsterdam, in the county of Montgomery and State of New York.

Charles S. Powell, to be postmaster at Freeport, in the county of Queens and State of New York.

Willard Peck, to be postmaster at Hudson, in the county of Columbia and State of New York.

William M. Moss, to be postmaster at Bloomfield, in the county of Greene and State of Indiana.

Leander Wright, to be postmaster at Amityville, in the county

of Greene and State of Indiana.

Leander Wright, to be postmaster at Amityville, in the county of Suffolk and State of New York.

Benjamin M. Tasker, to be postmaster at Fort Edward, in the county of Washington and State of New York.

Miss Felicie Louise Delmas, to be postmaster at Scranton, in the county of Jackson and State of Mississippi.

Mary A. Mitchell, to be postmaster at Batesville, in the county of Ripley and State of Indiana.

James A. Frost, ir., to be postmaster at Orleans, in the county

James A. Frost, jr., to be postmaster at Orleans, in the county of Orange and State of Indiana.

HOUSE OF REPRESENTATIVES.

Tuesday, December 22, 1896.

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. HENRY N. COUDEN.

The Journal of yesterday's proceedings was read and approved. JOHN KEHL.

Mr. LAYTON. Mr. Speaker, I rise to present a privileged resolution, the object of which is to authorize a reengrossment of a bill the engrossed copy of which has been lost.

The SPEAKER. The Clerk will read the resolution.

The Clerk read as follows:

Resolved, That H. R. 1261, a bill for the relief of John Kehl and to restore him to his former rating, is hereby ordered to be reengrossed, and that the engrossed copy be delivered to the Committee on Invalid Pensions.

The resolution was adopted.

Mr. LAYTON. I submit another resolution relating to the same subject.

The Clerk read as follows:

Resolved, That the Clerk be directed to request the Senate to furnish to the House a copy of the Senate amendment to H. R. 1261, a bill for the relief of John Kehl and to restore him to his former rating, to replace the original copy of the amendment, which has been lost.

The resolution was agreed to.

Mr. JOHNSON of Indiana. I ask unanimous consent for the present consideration of a private pension bill.

The SPEAKER. Subject to objection, the bill will be read.

The Clerk read as follows:

A bill (H. R. 8053) granting a pension to Alice Gard.

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Alice Gard, of Greenfield, Hancock County, Ind., at the rate of \$50 per month.

The amendments reported by the Committee on Invalid Pensions were read, as follows:

In line 7 of the bill, strike out the word "fifty" and insert "twenty;" so as to make the rate of pension \$30 per month.

Add to the bill the following:
"As the dependent and permanently blind sister of Mahlon B. Gard, late private of Company K, One hundred and twenty-third Regiment Indiana Volunteer Infantry."

There being no objection, the House proceeded to the consideration of the bill.

The amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

On motion of Mr. JOHNSON of Indiana, a motion to reconsider

RAILROAD ALIGNMENTS IN INDIAN TERRITORY.

Mr. PENDLETON. I ask unanimous consent for the present consideration of the bill which I send to the desk, proposing to allow railroads through the Indian Territory to change their alignments.

The bill was read, as follows:

the last vote was laid on the table.

The bill was read, as follows:

A bill (H.R.8850) to amend an act passed at the first session of the Fiftyfourth Congress entitled "An act to grant to railroad companies in Indian
Territory additional power to secure depot grounds."

Be it enacted, etc., That the act passed at the first session of the Fiftyfourth Congress entitled "An act to grant to railroad companies in Indian
Territory additional power to secure depot grounds" be amended by adding
thereto the following:

"SEC. 4. That the power and authority hereby conferred upon such railroad
companies may also be exercised in the acquisition of the use of additional
ground for right of way between existing stations when found necessary to
correct and straighten alignment of constructed road or to reduce grades,
subject in all respects to all the terms, limitations, conditions, and payments
prescribed by this act: Provided, That where both the abandoned line and
such new line shall pass through the lands of any individual occupant, the
value of the land embraced in such abandoned right of way shall be deducted
from the amount awarded such occupant for the land so taken for such new
line: And provided further, That in the construction of such new line such
railroad company shall not be permitted or authorized to abandon any existing stations: And provided further, That no such change of alignment shall be
regarded as a deviation or in any way impair the rights of the railway company in any particular by reason of any such deviation; but such change of
alignment shall be certified to the Secretary of the Interior by the company,
with a map showing such change, and the original map of location filed with
the Secretary of the Interior shall be deemed to be amended to conform to
such change of alignment."

The amendments reported by the committee were read, as fol-

In line 6 strike out all after the word "by" and insert in lieu thereof the words "making section 4 of said act hereafter read as follows."

In line 7, after the word "That," insert as follows:
"All lands acquired under the provisions of this act shall be used for rail-road purposes strictly, and not more than 20 acres of land at any one station shall be acquired hereunder by any one railroad company; nor shall any additional land for station purposes be so acquired which is not contiguous to land already occupied for railroad purposes."

And amend the title by adding after the word "grounds" the words "and to correct alignments."

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. JOHNSON of North Dakota. I should like to ask whether this bill contains any limitation as to the length of time within which this proposed right is to be exercised. For instance, if it is desired to change a grade or straighten a curve at some time within ten or twenty years from now, would the right to do so exist, or is there a limitation of time within which this right must

be exercised?

Mr. PENDLETON. I believe the bill, as drawn, embraces no limitation of that kind, and I believe that in the States there is no such limitation in operation. This bill applies to the Indian Territory, as to which all legislation of this sort must come from Congress. Some of these roads were built at an early day, and many of them built hastily. In some cases it is desired to change the alignment of the road between depots, not to change the locations of the depots themselves. If the gentleman from North Dakota regards it as desirable that there be a limit of time within which these changes of alignment must be made, I will cheerfully assent to an amendment to that effect. to an amendment to that effect.

Mr. JOHNSON of North Dakota. I certainly think that authority of this kind ought not to be granted to be exercised at a distant future time, when that country may be well settled and the

lands occupied.

Mr. PENDLETON. That is a question which did not occur to the committee; but I am perfectly willing, and I am sure the committee would be, to have the bill amended in the manner indi-

Mr. JOHNSON of North Dakota, I have not such an amendment written out now, but I should be very glad to see the bill

Mr. PENDLETON. I will say to the gentleman that I will interpose no objection to the amendment, and will see that the amendment is put on in the Senate. It never occurred to me. I have no objection whatever to it.

Mr. JOHNSON of North Dakota. I will be satisfied with that.

The SPEAKER. Is there objection to the present considera-

tion of the bill?

There was no objection.

Mr. LITTLE. I offer an additional amendment to this bill.

The SPEAKER. The amendment will be read.

The Clerk read as follows:

Amend by adding the following proviso at the end of line 36, page 3. "Provided, however, That no railroad accepting the benefits of this act, and the act to which it is amendatory, shall charge, demand, or receive a greater rate of passenger fare than 3 cents per mile, under penalty of \$100, to be recovered at the instance and for the benefit of the party injured thereby."

Mr. LITTLE. Mr. Speaker, I want to say in explanation of the amendment that as I understand the bill it is intended really for the benefit of the Missouri, Kansas and Texas Railroad Company, a road which was built in 1872 through the Indian country. It now charges 5 cents a mile for passenger fare. No other railroad operating in the Territory is authorized to do that. All of road operating in the Territory is authorized to do that. All of the charters granted by Congress since 1872 limit the rate of fare to 3 cents per mile for passengers. It is the purpose of the amendment to limit any railroad company accepting the benefits of this act to a tariff rate of 3 cents a mile for passengers.

This matter was brought up in committee. The committee were not unanimous in favor of the bill; a majority was in favor of the amendment. But it seems to me that this old road, which has had the use of this country since 1872, ought not to be given this additional advantage over the other roads which now enter the Territory.

the Territory.

People who travel along the line of the Missouri, Kansas and Texas road are subjected to this higher rate of fare. Travelers on any other route except that are only required to pay 3 cents. Sir, if a man lives across the line of the Territory and goes on the road, he pays only 3 cents in the Indian country, while the man who resides inside the line pays 5 cents per mile for going the same distance.

This charge is an unjust exaction upon the people of the Indian erritory. This right gives to this railroad company this special

This charge is an unjust exaction upon the people of the Territory. This right gives to this railroad company this special privilege. It is wrong; it is unjust to other companies there, and I hope the House will adopt the amendment.

Mr. PENDLETON. Mr. Speaker, in reply to the gentleman from Arkansas, I wish to say, first, that all charters granted through the Indian Territory must necessarily be granted by Congress. The Missouri, Kansas and Texas Railroad, it is true, is the only road which has not the 3-cent limitation fare per mile placed on its passenger rate. But the circumstances surrounding the Missouri, Kansas and Texas are exceptional. In the first place it was built, at an earlier period than any other road the first place it was built, at an earlier period than any other road and consequently at a much greater expense. In the next place, it runs through the Indian Territory the entire distance from Kansas to the State of Texas, making a longer distance of unprofitable road for this line to operate than any other road in the Territory. Now, that road does not earn one-half as much per mile in the Indian Territory as it earns in the adjacent States. It is perfectly willing and would be glad to reduce its rates at any time when this Territory is converted into a regular Territory or made a State.

Mr. LITTLE. Will the gentleman allow me to interrupt him

Mr. LITTLE. Will the gentleman allow me to interrupt him for a moment for a question?

Mr. PENDLETON. Certainly.

Mr. LITTLE. I would ask the gentleman from Texas if any other road in the Indian country enjoys this privilege?

Mr. PENDLETON. I have already stated that no other road does. I also stated that no other road has such a large number of miles to operate in the Indian Territory as the Missouri, Kansas and Texas. The other roads simply pass through or cut off a corner of that country. The Santa Fe road runs down through Oklahoma and cuts off a small corner of the Chickasaw Nation. The San Francisco road cuts off a small corner of the Choctaw Nation. San Francisco road cuts off a small corner of the Choctaw Nation, but the Missouri, Kansas and Texas runs all the way from Kansas, 250 miles I think, down to Texas.

We perhaps have the power to do what the gentleman wants to have done, but it does not seem to me to be a just exercise of

our power.

Again, if, under the decision of the courts, a railroad company has the right to levy and collect enough tolls for the operation of its road and pay interest on its bonds and dividends on its stock, if we reduce the rate for this road in the Indian Territory, in the event that the operation does not pay enough to cover the expenses I have named, then it can go into Kansas or up into Missouri or Texas and raise their schedules on the people there to a sufficient extent to make up for the losses in the Indian Territory.

So, from the standpoint of policy, I do not believe that it is desirable. Mr. Speaker, while I should like to have this question settled on its merits, I will not make any point of order. I believe

the amendment is not in order, because not relevant to the bill.
But, as I say, I shall not make the point of order, but simply discuss the question upon its merits.

Mr. LITTLE. Mr. Speaker, I desire only to say, in response to the gentleman in charge of this bill, that this railroad has had the the gentieman in charge of this bill, that this railroad has had the benefit of the best traffic through the Indian Territory and the benefits of a trunk line running through that Territory. In all the surrounding States they are allowed to charge, I believe, but 3 cents, and there can be no reason, it strikes me, founded upon justice, why this Indian country and its industrious citizens should be made an exception. This road runs through the richest coal folds in the Indian Territory, through some of its levest territory. be made an exception. This road runs through the richest coal fields in the Indian Territory, through some of its largest towns, and it has an immense traffic from that Territory. I can not conceive any reason why this special privilege should be given to this company. The 'Frisco Railroad, entering at the city of Fort Smith, passes over the Winding Stair Mountain, the roughest route in all the Territory. The road under consideration has a sweep of the prairies, with an inexpensive line, in a great measure. It has had exclusive privileges for years in that country, and now It has had exclusive privileges for years in that country, and now, with a population of 400,000 people, it seems to me that it is inequitable and unjust to them to allow this exorbitant tax, which is more than they charge in any of the adjoining States, and more than any other railroad company in that Territory is allowed to charge. I ask it in justice to the inhabitants of that country that this exaction be removed. What I ask is a right that is accorded to every citizen of that country as far as every other railroad is concerned and so far as the citizens of the States are concerned. This road has enjoyed greater privileges than any other road in the Indian country, and it ought not to object to this simple act of justice toward the people. I ask that the amendment be adopted.

Mr. PENDLETON. Mr. Speaker, I move the previous question on the bill and amendments.

The previous question was ordered. The committee amendments were agreed to.

The SPEAKER. The question is on the amendment offered by the gentleman from Arkansas [Mr. LITTLE].

The question being taken, the Speaker announced that the noes seemed to have it.

On a division (demanded by Mr. LITTLE) there were—ayes 37,

Accordingly, the amendment was rejected.

The bill as amended was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

On motion of Mr. PENDLETON, a motion to reconsider the

last vote was laid on the table.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had passed bills of the following titles;

in which the concurrence of the House was requested:

A bill (S. 3214) to authorize Joseph J. Kinyoun, passed assistant surgeon of the Marine-Hospital Service, to accept a medal from the President of the Republic of Venezuela;

A bill (S. 3340) authorizing Herbert H. G. Pierce to accept a

medal from the Russian Government;

A bill (S. 3365) to authorize Commander E. S. Houston, United A bill (S. 3363) to authorize Commander E. B. Horocatt, States Navy, to accept a portrait of the Emperor of Germany;
A bill (S. 3363) to authorize C. E. Marr and E. H. Pierce to accept testimonials from the Canadian government;
A bill (S. 3364) to authorize Lieut. Col. W. H. Forwood and Dr.

George H. Penrose to accept certain testimonials from the Argentine Government:

tine Government;
A bill (S. 3366) to authorize Admiral T. O. Selfridge, United States Navy; Capt. G. H. Wadleigh, United States Navy; Lieut. Commander E. H. Gheen, United States Navy; Paymaster J. B. Redfield, United States Navy; Lieut. J. J. Hunker, United States Navy; Surg. D. N. Bertolette, United States Navy, and Ensign R. L. Russell, United States Navy, to accept medals presented to them by the Russian Government;
A bill (S. 2927) to amond continue 2742 of the Deviced States of

A bill (S. 2397) to amend section 2743 of the Revised Statutes of

the United States, concerning the examination of drugs;
A bill (S.71) for the relief of the Catholic church at Macon City,

A bill (S. 3252) to increase the pension of Esther Brown.

The message also announced that the Senate had passed with amendment bills of the following titles in which the concurrence of the House was requested:

A bill (H. R. 4281) granting a pension to George Johnson, of

Lenox, Iowa; and
A bill (H. R. 9753) making appropriations to supply urgent deficiencies in the appropriations for the fiscal year ending June 30,

1897, and for prior years, and for other purposes.

The message also announced that the Senate had agreed to the amendment of the House of Representatives to the bill (S. 337) to refer the claim of the owners of the brig Tally-Ho to the Court of

SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, the following Senate bills were taken from the Speaker's table and referred as follows:

A bill-(S. 3366) to authorize Admiral T. O. Selfridge, United States Navy; Capt. G. H. Wadleigh, United States Navy; Lieut. Commander E. H. Gheen, United States Navy; Paymaster J. B. Redfield, United States Navy; Lieut. J. J. Hunker, United States Navy; Surg. D. N. Bertolette, United States Navy, and Ensign R. L. Russell, United States Navy, to accept medals presented to them by the Russian Government—to the Committee on Foreign Affairs. Affairs

A bill (S. 3365) to authorize Commander E. S. Houston, United States Navy, to accept a portrait of the Emperor of Germany—to the Committee on Foreign Affairs.

A bill (S. 3864) to authorize Lieut. Col. W. H. Forwood to accept certain testimonials from the Argentine Government—to the Committee on Foreign Affairs.

A bill (S. 3363) to authorize C. E. Marr and E. H. Pierce to accept testimonials from the Canadian government—to the Com-

mittee on Foreign Affairs

A bill (S. 3340) authorizing Herbert H. D. Pierce to accept a medal from the Russian Government—to the Committee on Foreign Affairs.

A bill (S. 3252) to increase the pension of Esther Brown-to the

Committee on Pensions.

A bill (S. 3214) to authorize Joseph J. Kinyoun, passed assistant surgeon of the Marine-Hospital Service, to accept a medal from the President of the Republic of Venezuela—to the Committee on Foreign Affairs.

A bill (S. 71) for the relief of the Catholic church at Macon City, Mo.—to the Committee on War Claims.

A bill (S. 2397) to amend section 2743 of the Revised Statutes

of the United States, concerning the examination of drugs-to the Committee on Ways and Means.

LEGISLATIVE, EXECUTIVE, AND JUDICIAL APPROPRIATION BILL.

And then, on motion of Mr. BINGHAM, the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the legislative, executive, and judicial appropriation bill (H. R. 9643), with Mr. HEPBURN in

Mr. BINGHAM. Mr. Chairman, before we proceed to the general debate, which for the remainder of the hour is under the control of my colleague [Mr. Brosius], I wish to state that several gentlemen have asked me, last evening and this morning, if unanimous consent could not be given for leave to print their remarks with reference to the several sections of the bill. I would state that it is desired, if possible, to conclude this bill to-day, and it will abbreviate the debate, especially on the civil-service paragraph of the bill, and enable us to close the debate at a much earlier moment, if this leave is granted. I therefore ask unanimous consent for that privilege.

Mr. McMILLIN. I suggest to the gentleman that that motion

Mr. McMILLIN. I suggest to the gentleman that that motion can properly be made only in the House, because the Committee of the Whole, strictly speaking, have no control over the RECORD.

Mr. BINGHAM. I believe it is customary to make the motion in Committee of the Whole, if there is no objection.

Mr. McMILLIN. I shall interpose no objection, but only suggest that in the strict sense the Committee of the Whole has no power over the RECORD.

The CHAIRMAN. The Chair is of the opinion that the committee can not grant the leave.

Mr. BINGHAM. If that is the opinion of the Chair, I will withhold the request until we are in the House.

Mr. BROSIUS. I now yield to the gentleman from Tennessee

[Mr. GIBSON].

Mr. GIBSON. Mr. Chairman, I rise to express some opinions in regard to the civil service and to call attention to what seems to me to be some of the defects of that service as now constituted and administered.

I recognize the truth of the proposition that two great national parties are necessary to the welfare, if not to the existence, of our

country—two parties large enough in every section of the Republic to put each other on their best behavior. Where there are several parties, there will seldom be a majority of any one party in both Houses of Congress, and seldom a President elected by the people.

TWO GREAT PARTIES NECESSARY.

In such an event the President will be elected by the House of Representatives, and we all know that this could only be effected by combines, and often, perhaps, by the corrupt use of money or of Federal patronage. We have had one President elected by the House, and the cry of "bargain, sale, and corruption" that was raised over that election has not yet ceased its echoings along the

raised over that election has not yet ceased its echoings along the political corridors of our history.

We want no repetitions of that experience. Who does not know that our country would not long stand the strain of a Congress composed of three or more parties, neither of which had a majority, and a President elected by "bargain, sale, and corruption" in the House of Representatives? And even if there were no corrupt practices, do we not all know that the charge would be made by the friends of the defeated candidates? And as a result our Presidents would be regarded as mere schemers or tricksters, and having no great party to champion their cause. tricksters, and having no great party to champion their cause, they would be regarded with distrust or contempt by the great body of the people. There would be millions ready to defame them and but few to defend.

And in the absence of a majority party, legislation would be the result of dickers and combines between the various factions, and these combines would often sacrifice some States for the enrichment or glorification of other States, or would cripple or destroy some interests or industries in order to build up or aggrandize other interests or other industries. Selfishness would be the main rule of political action, and the public welfare would seldom be

considered.

Mr. Chairman, without great national political parties we can have no Presidents who will command the respect of the whole nation, and we can have no Congresses whose legislation will be satisfactory to a majority of the American people.

THE DANGER OF MINORITY PARTIES.

The secret of the many political revolutions in France and the Spanish-American republics is the want of two great national parties. Indeed, wherever republics have fallen, their fall has been the consequence of struggles between three or more minority parties, and the anarchy, misrule, and dissatisfaction consequent therefrom. Men prefer security to liberty, and when compelled to choose between the two, will always choose security.

Two great national parties being then necessary to the well-being of our country, it is the part of patriotism to encourage the growth

of our country, it is the part of patriotism to encourage the growth and nationalization of political parties in the United States; and all legislation and all policies that tend to weaken large parties or to multiply small parties are dangerous to the public welfare, however well meant and however lofty the patriotism that prompts

There should be a fraternity of patriotism in all sections of our country, and among all classes, trades, professions, and sects. As men are now constituted this national fraternity cannot better exist than in connection with great political parties, wherein millions of men living in every section and State of the Union, and representing every great industrial, financial, social, and denominational interest, are banded together in the advocacy of the same great principles of national government and march under the same political banner.

banner.

But there can be no such great political parties based upon motives perfectly unselfish. Pure patriotism is an impulse almost divine, and it has filled the bosoms of millions of men both in war and in peace, and has nerved thousands to deeds of heroism and self-sacrifice that shine on the pages of history from the days of Leonidas to those of Maceo. But it must still be remembered that nearly all patriots were partisans first, and through partisanship developed into patriots. Indeed, partisanship is but the portico to the sublime temple of patriotism. [Applause.]

When there is no great principle at stake, when liberty is not openly endangered, when the life or honor of our country is not directly assailed—when, in short, there is no great issue involved,

directly assailed-when, in short, there is no great issue involved,

To stir a fever in the blood of age, Or make the infant's sinew strong as steel—

no issue that thrills like a bugle's call or a cannon's roar, then there must be other motives to incite men to political action.

MOTIVES OF POLITICAL ACTION.

But great causes of national excitement seldom arise, and it is the duty of statesmanship to provide for the ordinary as well as for the extraordinary. More ships sink at the wharves than founder in the waves, and more nations are shattered in times of peace than are crushed in times of war.

Who, Mr. Chairman, will keep up the organization of our great parties if there are to be no rewards for those who do the work? In the language of St. Paul:

Who goeth a warfare at any time at his own charges? who planteth a vine-yard, and eateth not of the fruit thereof? or who feedeth a flock, and eateth not of the milk of the flock?

And as long as men are selfish, so long must there be selfish And as long as men are sense, so long must there be sense motives to prompt them to political action. A few—but they are very few—will actively participate in politics for the intellectual pleasure it produces. Another few—and these, too, are very few—do what they do in politics for the general good, prompted by the noblest impulses of patriotism. And, Mr. Chairman, I fear that if every element of selfishness is removed from our national politics, the great political parties of our country will break up into fragments and indifference to public questions take the place of vigilance and zeal. There can be no parties without leaders, without captains of tens, and captains of hundreds, and captains of thousands; and who will ordinarily be a captain without some reward or the hope or expectation thereof?

When the life of our country is at stake, or her honor involved, such an issue is enough to cause all true patriots to band themselves under our country's banner; and then it is that the hosts

of patriotism

Come as the winds come When forests are rended; Come as the waves come When navies are stranded;

and the existence of our country is gloriously maintained or her honor triumphantly vindicated. But in the ordinary days of peace, when "grim-visaged war hath smoothed his wrinkled front," and when there is no great question to stir men to action, then party service becomes irksome, and if there be no reward there is apt to be no work.

Why, Mr. Chairman, even a party as unselfish and patriotic as the Populist party professes to be deigns to condescend to dicker for preferment, place, and power; and their candidate for Vice-President has charged that his party leaders were so keen for office as to sacrifice principle for the sake of power.

It must be admitted, therefore, that a large proportion of politi-

It must be admitted, therefore, that a large proportion of political workers are prompted first by the hope of party victory, and second by the probability of obtaining personally some of the special fruits of that victory. The expectation of reward is a great incentive to action, and the expectation of office is an honorable aspiration, an aspiration that has burned in the hearts of mil-lions of as good men and as patriotic men as ever took interest in public affairs.

ASPIRATION TO OFFICE HONORABLE.

As I look at it, Mr. Chairman, a man has as much right to aspire to a Government clerkship as to a seat in Congress, and it is as honorable to apply for a postmastership as to be a candididate for Senator. This is a country of free and equal men, and we have no privileged class, unless this civil-service law creates one. One man has as many rights as any other man, and while one. One man has as many rights as any other man, and while all can not hold office, yet anyone has the right to seek office, and has the right to hold up his head like a freeman when he puts in his application. [Applause.]

"Then you are for the spoils system," I hear somebody say. No; I am neither for nor against the "spoils system." There are no "spoils." When the American people vote a party into power, that the leaders of that rearry has been voted into

that means that the leaders of that party have been voted into power, and that the administration of the Government has been, for a certain term, intrusted to the possession and management

for a certain term, intrusted to the possession and management of that party.

Instead of the offices being "spoils," to take possession of them is only discharging the duty imposed by a majority of the people at the ballot box. When the people vote a party into power they expect that party to take charge of all the offices as fast as they become vacant. The meaning of a popular election is that the policy and leaders of the majority party shall control the country for the ensuing term, and that the policy and leaders of the minority party shall go to the rear. And when the time comes wherein there shall be no displacement of the men who hold the offices, then the time will come when a very large part of the interest taken by the people in public affairs will cease, and indifference to political questions will prevail; and when we cease to take adequate interest in the affairs of government, then the days of the Republic will be drawing to a close.

The civil-service law was, no doubt, conceived and voted for by men who believed that they were doing their country a service, but I fear their views were

but I fear their views were

—— too bright or good For human nature's daily food.

[Laughter.]
Theories that are beautiful to the eye of contemplation are often found to be worthless when put into practice. They are like patents for perpetual motion; and, like elixirs of life and panaceas,

they seem perfect until brought into actual use, and then they are either worthless or a downright evil.

The men who devised the civil-service law and put it in operation were moved thereto by special cases of outrageously unfit appointments or grossly unwise removals. The civil-service reformers began by writing down all politics as corrupt and akin to crime, and all politicians as scoundrels.

THE GOSPEL OF MUGWUMPERY.

Acting on this view, they determined that, if they could prevent it, no man who had anything to do with politics should, with their consent, ever hold an office himself or ever help any other person to get an office. They determined to elevate the office-holding class far above the reach of the politicians, and to make them pure, holy, and undefiled, consecrated, like vestal virgins, to the sacred alters of the Government.

sacred altars of the Government.

Some men, very excellent men in their own opinion, seem to think it is rather disreputable for any man to take an active part in politics. They seem to think it a grievous fault for a man to in politics. They seem to think it a grievous fault for a man to be a Democrat, and a still more grievous fault for a man to be a Republican, while it is but little short of high treason for a man to be a Populist. According to these "honorable men" (for they are "all honorable men"), all truly good citizens should disdain to belong to any particular political party, but keep themselves in a position to damn them all as equally bad. In their estimation none of them have any rights any good citizen is bound to respect. According to these "honorable men," the perfect citizen is a mugwump, and their main object seems to be to glorify and transfigure every man who is a mugwump, and to hold mugwumpery up to the gaze of the American world as the beau ideal, the pink of perfect citizenship, and to fill every office with the beauty and the chivalry of mugwumpery.

perfect citizenship, and to fill every office with the beauty and the chivalry of mugwumpery.

But men say to me, "Does not the Republican platform favor the civil-service law?" To that I reply that I do not understand the Republican party to be committed to a civil-service law that keeps Democrats in and shuts Republicans out. In the South, after Mr. Cleveland and his Cabinet had turned almost every Republican out of office and put Democrats in their places, he extended the civil service, so as to keep them in, and keep them in during life or good behavior. I want it expressly understood that I am opposed to that sort of civil service, and I believe that the great body of the Republican party is opposed to it, platform or great body of the Republican party is opposed to it, platform or no platform. That is a sort of civil service that says "turkey" to every Democrat and "buzzard" to every Republican. I want no buzzard in mine; Christmas is too near—both Christmases, the church Christmas and the Republican Christmas. [Laughter.]

The civil-service law has been extended by President Cleveland so as to include not only all the officers and clerks in all the Executive Departments in Washington, except those appointed directly by the President himself, but also so as to include all the various officers and clerks in all the various Federal offices throughout the United States, with like exception. Indeed, it may now be said that generally every officer and clerk in Government employ is under the civil service, except officers appointed directly by the President, and fourth-class postmasters, so that the civil service now includes all the men in the Railway Mail Service, all the clerks and mail carriers in the post-offices, all the men employed by the internal-revenue offices and pension agencies, all the surgery of the various pension beards and pension agencies, all the surgery of the various pension beards and pension agencies, all the surgery of the various pension beards and pension agencies. geons of the various pension boards, and nearly every other position in any Government office that can be named where the salary is above that of a common laborer.

I am not one of those who look with horror upon partisanship. Partisanship is close kin to patriotism. A man who does not love his party is not apt to love his country, just as a man who does not love his church is not apt to be a Christian. The greatest heroes the world has ever produced, the noblest partiots that ever graced the cause of human rights, the grandest judges who ever held aloft the scales of impartial justice, and the wisest statesmen who ever laid the foundations of freedom and public prosperity were all nursed in the lap of partisanship; and let us be careful and not allow our zeal to destroy partisanship to so blind us as to cause us to destroy patriotism and weaken the pillars of human liberty. [Applause.]

THE CIVIL SERVICE VS. THE SPOILS SYSTEM.

There are no "spoils" in our politics. The victorious party is charged with the duties of government, and these duties can not be efficiently discharged unless the captains of the party be put into possession of the places of power. The term "spoils" is a misnomer, and should have no place in American political nomenclature. I feel safe in saying that there is as much partisanship, as much favoritism, as much tyrannical partiality now in the vari as much targe Government Departments as there ever was in the so-called "days of the spoils system." And what is worse, this partisanship and this partiality are now more hid from the public gaze, and is generally beyond the reach of redress. There are hundreds of Government employees right here in Washington, under the very shadow of this Capitol, who are cowed by the

iron hand of official tyranny, or are converted into servile flatterers by the hope of favor or the fear of official frowns. Many men

Crook the pregnant hinges of the knee, Where thrift may follow fawning.

Although the civil-service law was passed to remove Government clerks from the effects of political prejudice and the power of political influence, yet it is notorious that during the present Democratic Administration hundreds of Republicans have been removed from office or put on lower salaries solely because they were Republicans, and that hundreds of Democrats have been appointed or promoted, not because of their merits, but solely

appointed or promoted, not because of their merits, but solely because they were Democrats. And now it is proposed to sanctify all the wrongs done and keep in office all the Democrats thus improperly appointed or promoted.

If some fitting hand would write the secret history of "civil-service reform" as exhibited in our great Departments, there would be disclosures of official oppression, official favoritism, and official injustice toward the clerks there employed that would far exceed any of the stories of wrong under the "spoils system." In former days an oppressed or ill-treated clerk could appeal to his Congressman for redress, but now there is no appeal, and the poor, outraged clerk must suffer in silence or resign.

A TRUE CIVIL SERVICE REFORM.

I am in favor of a thorough examination of every Department of the Government to the end that all inefficient employees may be discharged, whether this inefficiency be the result of age, ignohave good reason to believe that there are far more men in the civil service of the Gevernment than are needed for the work to be done, and that this redundancy is largely due to the fact that this civil-service law is supposed to be a shield to protect those in office against removal or even against investigation. hundreds of men in the clerical service who are rendering no service proportionate to their compensation, and who have been drawing unearned salaries for years and years. They are, in fact, mere pensioners, but pensioners who have deserved no pensions and yet are drawing ten times as much as many heroes who shed their blood and ruined their health on the field of battle fighting for the preservation of our country.

There is another wrong in the civil service I wish to see cor-There is another wrong in the civil service I wish to see corrected. Some States have a representation in the civil service far in excess of their just proportion. I believe in equality of rights, equality of duties, equality of burdens, and equality of benefits; and I believe that each State and Territory should have its due numerical proportion of all the offices of the Government, and I will never be content on this subject until full justice is done every State and Territory in the Union. Because a State is near the city of Washington is no reason it should have more than its share of the Federal offices.

If these civil-service "reformers" would bring their great ability

If these civil-service "reformers" would bring their great ability to bear on the subject of weeding out the incompetents in the various Departments and thus opening the way for the admission of men of competency and energy, and would see that each State and Territory got its proportion of the offices, I will gladly join hands with them and aid them in these good works. This I consider a true civil-service reform, and is one of the reforms I favor.

I would not have every Federal officeholder kicked out of his office as soon as the successful party came into power; I would not have incompetent men take the place of those who are competent; I would not sacrifice the public welfare for personal gain; I would not treat the officeholders of the defeated party as public enemies, or, at best, as men of doubtful loyalty or questionable integrity or capacity.

NO OFFICES TO BE HELD FOR LIFE.

No. Mr. Chairman; I favor no such doctrines. The principles I favor are these: When a man is appointed to an office, not strictly political, let him be appointed for four years and let it be understood that he shall have the right to hold his office for four years, provided he makes a good officer; and if he can get a reappointprovided he makes a good officer; and it he can get a reappointment let him serve four years longer, and in certain offices, where special acquirements are necessary, I would not object to a third term. But as a rule, I am opposed to any man holding an appointive office for a longer term than eight years. I am opposed to persons being appointed to office for life, or holding office for life, whether they be as eminent as the judges of our Supreme Court of the capture whether they be as eminent as the judges of our supreme court or as humble as the women who wash the floors of the Capitol. "If this be treason, make the most of it," as Patrick Henry said in his great speech for liberty. If it be treason to oppose life tenures of office in republican America, I am ready to meet the charge. [Applause.]

Life tenure of office is not democratic, it is not republican, it is

not American, it is not right; it is aristocratic and monarchical. A monarchy is for the benefit of a few; a democracy is for the benefit of a majority; but a republic is for the benefit of all, and I

am utterly opposed to any office-holding aristocracy. I draw my sword against it, and will enter into no parley or compromise with it. Rotation in appointive offices is the great political law of America, and not only of America, but of every land where the people rule and true political freedom exists. Life tenure of office may suit monarchical England, but it does not suit republican America. But I am opposed to men filling subordinate clerical offices being removed before their term expires, merely because an opposition party has come into power. I think all of our officials not strictly political should hold office not so much under any party as under the American people. But where an officer has been an active partisan I would favor an abridgment of his term when the opposite party came into power, "for all they that take the sword shall perish with the sword."

Nor would I favor the appointment of men not qualified. I have no objection to an examination as to fitness, but I would not

make that examination harder than that a superintendent of public instruction must undergo. I would have the examination for an ordinary clerkship to cover reading, writing, spelling, and arithmetic, and I would not care a cent whether he could square the circle, tell where the island of Geefuzz is located, state the length of a millimeter, scan a dithyrambic poem, measure the

orbit of a comet, or

distinguish and divide
A hair 'twixt south and southwest side.

[Laughter.]

PARTISANSHIP AKIN TO PATRIOTISM

I will say, in conclusion, Mr. Chairman, that I believe in honorable and patriotic partisanship. Partisanship is but a preparation for patriotism, and they who are partisans when the country is at peace are almost sure to be patriots when danger threatens. A man who has not enough zeal to make a partisan is not apt to have enough to make a patriot. Partisanship is to patriotism what denominationalism is to religion. He whose heart swells with pride at the sight of his party's emblems will feel a grander glow of enthusiasm when he beholds the banner of his country, and he who responds promptly to the call of his party is sure to I will say, in conclusion, Mr. Chairman, that I believe in honand he who responds promptly to the call of his party is sure to spring to the front when the beat of the drum proclaims that the Republic is in peril.

I honor those noble men who make sacrifices for the sake of the party they love. These are the men who are sure to make still greater sacrifices for the sake of their country when the emergreater sacrifices for the sake of sheir country when the emergency requires. All honor to those patriotic partisans who aid in keeping up their party's organization, and who strive through their party to promote the welfare of the whole people. Without them we would not have the liberties we this day enjoy. Without them the cause of human rights would not to-day be so far advanced and so secure in its place. Without them this great Republic would not to-day be that home and fortress of freedom that it is. They are the very sentinels on the watchtowers of liberty, and never will I by any vote or act of mine degrade or dishonor, or even belittle, the noble men who made the great parties of my country in the days that are gone, or who will continue to hold up the party banners in the grand days yet to come.

Mr. BROSIUS. I now yield to the gentleman from New Hamp-

Mr. BAKER].

Mr. BAKER of New Hampshire. Mr. Chairman, yesterday, near the close of the session, an amendment which I had the honor to present was read for information, but it seems not to have been printed in the RECORD. I ask that it be reported again. The amendment was read, as follows:

Page 24, line 19, after the word "dollars," add as a new paragraph the fol

Page 24, line 18, after the word donars, the lead of each of the several Executive Departments, at his discretion, may reinstate or reappoint to any subordinate position, which from any cause may become vacant in his Department, any person now or formerly employed in the civil service of the Government who, in his opinion, was reduced in salary or was discharged from the service for causes not affecting his or her efficiency or moral character, and such prior service for that purpose shall be held to be equivalent to a civil-service certificate of eligibility, anything in any statute, rule, or regulation to the contrary notwithstanding."

Mr. McMILLIN. Mr. Speaker, a parliamentary inquiry. Mr. BINGHAM. Does the gentleman simply offer that to speak to? Mr. McMILLIN. Was it offered yesterday, or was it simply

read for information?

The CHAIRMAN. The Chair understands that it was simply read for information.

Mr. BAKER of New Hampshire. It was read for information, with the understanding that at the proper time, at the end of the

discussion, I shall offer it.

Mr. BINGHAM. Then the gentleman simply speaks to it

Mr. McMILLIN. I make the point of order that it changes existing law

Mr. BINGHAM. I submit that when the gentleman offered that yesterday, I made my point of order against it, and the understanding then was that it was read simply for information.

Mr. McMILLIN. The Chair so ruled just now.
The CHAIRMAN. The Chair understands that the purpose of
the gentleman now is to simply have it read for the information of the House.

Mr. BAKER of New Hampshire. For information, and to be regarded as pending at such time as it can be offered. Then there can be a chance under the rules for the gentleman from Pennsyl-

vania or other persons to raise objection to it.

The CHAIRMAN. If it is the purpose of the gentleman that his amendment should now be pending, then the Chair thinks that the point of order would now be properly made; but if it is offered simply for information, then it will not be subject at present to a

Mr. BAKER of New Hampshire. The Chair ruled yesterday that no amendment could then be offered for consideration; that i must be offered at the end of the present discussion. I have had it read now for information, but propose at the proper time to offer it for action.

The CHAIRMAN. With that understanding, the gentleman

will proceed.

Mr. BAKER of New Hampshire. Mr. Chairman, that the Mr. BAKER of New Hampshire. Mr. Chairman, that the American people would welcome and gladly maintain a constitutional nonpartisan civil service, in which continuance in office should be dependent solely on efficiency and good character, I have no doubt. I would vote for such a reform, under proper conditions, had I an opportunity to-day; but that something which has been masquerading for years in the name of civil-service reform is not a reform or a benefit to the Government or the people. It has never been heaven or sincere. It was begun in misrapresentation, it has a reform or a benefit to the Government or the people. It has never been honest or sincere. It was begun in misrepresentation; it has been continued in deceit and calumny. It is a delusion, and lacks little if any of being a stupendous humbug. Without proof, but with bitter denunciation, the strictly legal system of appointment, which had been sustained by the approval of the fathers of the Republic and the practice of every Administration for more than a century, was condemned as a "spoils system," and then and ever since every one who has not approved without question the so-called "civil-service reform" has been stigmatized as a "spoilsman" and denounced by all the followers of the new scheme as an enemy of good government. This has been done without reason or discretion, and with great injustice.

On the other hand, the new plan was at once proclaimed as a

On the other hand, the new rlan was at once proclaimed as a "reform" and as a "merit system," and this without consideration of its practical results. It is a change; but I do not regard it, as enforced, as a reform or as involving any special merit. It has not retained the meritorious clerks in office, neither has it supplied their places with those more meritorious or effi-

has it supplied their places with those more meritorious or efficient.

This is shown in part by the official documents I hold in my hand. They are Senate Documents of the Fifty-third Congress, second session, Nos. 105 and 107, and are the reports of the Secretary of the Interior and of the Secretary of the Treasury, in response to a Senate resolution of inquiry asking what appointments, dismissals, and other changes had taken place in their several Departments for a given period of time. The report of the Secretary of the Interior covers fourteen months and fifteen days, beginning on the 4th day of March, 1893; and as I read to you the changes which took place in that Department during that brief period I wish you to remember that this is less than one-half the time which has elapsed of the present Administration. During that time it is shown that the changes in the various bureaus of the Interior Department have comprised 817 appointments, 171 the Interior Department have comprised 817 appointments, 171 reinstatements, 893 promotions, 422 reductions, 876 dismissals, and 88 resignations by request. The following classifications are compiled from Executive Document No. 105:

DISMISSALS AND REQUESTED RESIGNATIONS.

Alabama. Colorado Oregon. North Dakota Florida. Georgia Texas Kentucky. Rhode Island Louisiana Arkansas Delaware
Oregon. North Dakota Florida. Georgia Texas Kentucky Rhode Island Louisiana Arkansas
Florida. Georgia Texas Kentucky Rhode Island Louisiana Arkansas
Georgia Texas Kentucky Rhode Island Louisiana Arkansas
Texas Kentucky Rhode Island Louisiana Arkansas
Texas Kentucky Rhode Island Louisiana Arkansas
Kentucky Rhode Island Louisiana Arkansas
Rhode Island
Louisiana
Arkansas
Delaware
Montana
New Hampshire
Idaho
South Dakota
Indian Territory
Washington
Wyoming
Nevada
Oklahoma
Arizona
New Mexico
Utah
Alaska

District of Columbia	80	Nebraska
New York		Connecticut
Pennsylvania	66	California
Virginia	60	Maine
Jeorgia	48	New Hampshire
Ohio	47	Minnesota
North Carolina	39	Rhode Island
llinois	39	Washington
daryland	38	Vermont
ndiana	36	Florida
Kentucky	33	Colorado.
dissouri	31	
ennessee	27	Delaware
exas	27	
Visconsin	20	
		Nevada
	20	North Dakota
dississippi	20	Montana
outh Carolina	18	South Dakota
lassachusetts	16	Wyoming
Vew Jersey	16	New Mexico
lichigan	15	Oklahoma
Vest Virginia	14	Utah
rkansas	12	Indian Territory
Cansas	11	Arizona
Louisiana	11	Utah
owa	10	Alaska

REDUC	TIONS.
REDUC REDU	West Virginia
Tennessee	Alaska 0

APPOINTMENTS

Georgia 106 Iowa	9
Virginia 53 California	7
North Carolina 53 Maine	
ON VS C	
Indiana 37 Delaware	4
Ohio	
Illinois 83 Washington	4
Pennsylvania 32 Colorado	
West Virginia 31 Idaho	
Maryland 27 Nebraska	
South Carolina	
Wisconsin	0
Tennessee	2
Missouri 22 South Dakota	2
Kentucky 21 New Mexico	
Alabama 20 Indian Territory	2
Mississippi	
Texas 16 Alaska	1
New Jersey 14 Oklahoma	
Connecticut	
11 15	
The second secon	
Minnesota 12 Arizona	0
Louisiana 11 Utah	0
Michigan 10	

Now, I wish to call attention to the fact that from the State of Georgia alone there were dismissals and resignations by request 6, that there were promotions numbering 48, that there were 5 reductions, and that there were appointments to the number

Mr. BURTON of Missouri. From that State?
Mr. BAKER of New Hampshire. From the one State of Georgia, being about one-thirtieth of the whole number of clerks in the Interior Department.

Let us see, because the resolution called for this, how the soldier fared under these changes:

Of the 817 appointments 46 were ex-soldiers. As 140 of the 817 were women, who of course do not count in such calculations, 677 were men, and the soldiers thus formed .068 of the appointments. On the other hand, 185 of the 876 dismissals were soldiers. Taking out the 263 women who were discharged leaves 619 men, and of this number the soldiers formed 30 per cent. Of the 88 requested resignations 9 were handed in by women, leaving 79 men, of whom 32, or 404 per cent, were soldiers.

There were 889 promotions, of which 267 were given to women, thus showing 626 men. Of these 70 were soldiers, giving them a percentage of the promotions of 111. Of the 422 reductions 71 were women and 351 were men. The soldiers reduced aggregated 130, and they formed 37 per cent of the total number of men.

In the matter of reinstatements the ex-soldiers make a better showing. The total number was 171—women 29, men 142. The soldiers were 53, or 37.4

The report of the Secretary of the Treasury covers fourteen months and twelve days, and is nearly if not quite as bad as that of the Secretary of the Interior.

In the Treasury Department, of the 837 appointments 90 had been soldiers. Deducting from the total appointments the 241 women, we have a total of 596 men appointed, only 90, or a little over 15 per cent, of whom were soldiers. On the other hand, deducting the 179 women from the total of 639 removals or requested resignations, 460 men were removed, of whom 126, or over 27 per cent, were soldiers.

There were 538 promotions, 214 of women, leaving 324 men. Of the 324 men promoted, 27, or only 8.3 per cent, were soldiers. Of the 160 persons reduced, 20 were women, leaving 140 men reduced; and of this number 50, or 35.7 per cent, were soldiers. The tables herewith will show the specific classification of all

these changes. They are as follows:

NUMBER OF APPOINTMENTS AND REAPPOINTMENTS IN THE TREASURY DEPARTMENT FROM MARCH 4, 1893, TO MAY 16, 1894.

Alabama 9	Nebraska
Arizona 2	Nevada 1
Arkansas 13	New Hampshire 2
	New Jersey 14
CHILD IIII	
COTOLOGUS	New York 68
Connecticut 7	North Carolina 21
Delaware 7	North Dakota 11
District of Columbia 208	Ohio 30
Florida 7	Oregon 1
Georgia 16	Pennsylvania 43
Idaho 1	Rhode Island 2
Illinois 28	South Carolina
Indiana 22	South Dakota 2
Iowa 9	Tennessee
Kansas 12	Texas
AREAL DIAGO	Vermont 3
and the contract of the contra	Virginia 40
Maine	
Maryland 40	West Virginia 21
Massachusetts 16	Wisconsin 5
Michigan 11	Wyoming 1
Minnesota 6	Unknown 7
Mississippi	
Missouri 24	Total 837
Montana 1	
Army	90
Navy	
Women	
11 00000	
DEMOVATE AND RESTGNATIONS BY RE	OTEST IN THE TREASURY DEPARTMENT

FROM MARCH 4, 1893, TO MAY 16, 1894.

	1 Missonri	10
		5
5 12		2 2
		6
		7
_ 17		74
		15
100	3 Ohio	51
	Pennsylvania	55
		1
E200 17		0
		2
	Monneage	5
•		
		8
*/11g		83
	West Virginia	12
		9
	Unknown	11
	Total	639
		126
		3
		2
		179
	200	8

PROMOTIONS IN THE TREASURY DEPARTMENT FROM MARCH 4, 1893, TO MAY

	10, 1894.
Alabama Arkansas California Connecticut District of Columbia Delaware Florida Georgia Illinois Indiana Lowa Kansas Kentucky Louisiana Maine Maryland Massachusetts Michigan Minnesota Missouri	8 Nebraska 8 7 New Hampshire 2 6 New Jersey 9 5 New Mexico 1 86 New Mexico 1 86 New York 47 5 North Carolina 14 4 Ohio 23 11 Oregon 2 23 Pennsylvania 37 13 South Carolina 17 7 South Dakota 3 8 Tennessee 18 17 Texas 9 10 Vermont 4 7 Virginia 30 34 Washington 1 13 West Virginia 8 8 Wisconsin 11 10 Wyoming 1 81 Total 538
Montana	2

Soldiers	97
Marine Corps	"1
Navy	î
Women	214
Soldiers. Marine Corps. Navy. Women.	1

REDUCTIONS IN GRADE OF CLERKS AND OFFICERS IN THE TREASURY DEPARTMENT FROM MARCH 4, 1893, TO MAY 16, 1894.

Alabama	4	New Hampshire	1
California	î	New Jersey	55
Connecticut	3	New York	-3
Delaware	2	North Carolina	10
District of Columbia	18		-
Castrice of Columbia	19	Ohio	1
Georgia	1	Pennsylvania	1
Illinois	14	South Carolina	
Indiana	10	Tennessee	
Iowa	1	Utah	000
Kansas	2	Virginia	100
Louisiana	3	Washington	
Maine	7	West Virginia	
Maryland	8	Wisconsin	10
Massachusetts	0	W ISCOUSIN	
	70	Wyoming	
Michigan	10	Unknown	100
Minnesota	1	-	-
Mississippi	1	Total	16
Missouri	2		
			5
Navy			
Hospital nurses			
Marine Corps	V		
Women			2

Under the present Administration a majority of the soldier clerks in the Executive Departments have been discharged or been reduced in salary, and the reduction in the salary of each of those reduced veterans has usually been to such a grade as to equal or exceed the amount of pension received.

[Here the hammer fell.]

Mr. BAKER of New Hampshire. Mr. Chairman, I ask unani-mous consent that I may have ten minutes in which to complete

mous consent that I may have ten minutes in which to complete my presentation of this matter.

Mr. BINGHAM. Mr. Chairman, I would ask my colleague [Mr. Brosius] whether he can not apportion his time so that the gentleman from New Hampshire may have such additional time

Mr. BROSIUS. I have given away all the time that I can afford

to give.

Mr. BINGHAM. Very well. I do not object to the request of the gentleman from New Hampshire.

There was no objection.

Mr. BAKER of New Hampshire. Mr. Chairman, in one of the auditing offices of the Treasury Department in March, 1893, there were about 200 employees, and more than one-fifth of them had rendered service in the Army of the Union. Of those within one year all but about four had been discharged or reduced in salary and every Confederate soldier had been promoted. Comment is

At the beginning of this Administration the Secret Service Division of the Treasury had among its employees about an equal number of Republicans and Democrats. To-day, under the process which I have been describing, there is but one Republican left in the whole Secret Service of the Government. I hold in my hand a letter that I have received from an avowed adherent of the so-called reform, one who has had official knowledge of the Departments and is personally well known to me, but who writes in confidence, so that I can not give the author's name. This letter says:

They found hosts of Democrats in the various Departments who had been kept there through successive Republican Administrations and treated with fairness and generosity. These partisans found voice and activity on the advent of their party and addressed themselves to injuring and defaming their fellow-employees of an opposite political faith.

Never in the history of the Departments have malice, malignity, and envy had such complete sway. Never has such gross, such indecent injustice prevailed. Lending their ears to the slanderer and the traducer, high officials have gratified the personal spite of Democratic employees who had held their places for years by favor of the party and persons they now made haste to overthrow.

And now comes President Cleveland, who, with a stroke of his pen, covers into the classified service all these incompetents and all the men who have wrought this wrong and injustice and have gloried in it.

And, Mr. Chairman, under this system it has been the purpose and the policy of the so-called reformers to prevent information of the changes in the several Departments from going to the people. Clerks have been directed to say nothing about them, and even during the pendency of bills in this House in the last Congress presented by the Dockery Commission, the clerks in the Treasury and other Departments were instructed not to talk to Congressmen or Senators in regard to them or give them any information concerning them, and when I sought information from some officers in them whom I personally knew I was given that as a reply, and the few who did furnish me facts and refreshed my knowledge as to them were compelled to come to me under the cover of night as to them were compelled to come to me under the cover of night that they might maintain their official positions. And this is the system that we are to praise and perpetuate as civil-service reform! Why, gentlemen, years ago I had the honor of serving in one of

these Departments. I know what its personnel was from 1865 to these Departments. I know what its personnel was from 1865 to 1874 by actual contact with it, and, by business and other relations with that Department, I have known it ever since, and I tell you that there has never been, in the history of the Treasury Department, a time when it was so well managed, when it had clerks of such ability who so honestly and faithfully discharged their duties, as during that so-called "spoils" time from 1865 to 1875. Then, a person who was in the clerical service of a Department could hold his head up among men, for he was treated as a man

Now, under this so-called reform, except in salaries and in shorter hours of employment, the clerks in the Departments have few, if any, advantages. They are under a surveillance which never before was applied to any department of the Government, and men have been appointed in the Departments, and, upon apand men have been appointed in the Departments, and, upon appointment, have been instructed to spy out their fellow clerks and report anything they could find as an excuse for decapitating Republican clerks. If my friend the chairman of the Committee on Civil Service Reform desires proof on this subject, if he will have an investigation instituted, he shall have it. And, in the face of all these things, has anyone heard that we have a Civil Service Commission? Has anyone heard that any member of the present Commission? Has anyone heard that any member of the present Civil Service Commission has at any time raised his voice, either officially or personally, to condemn these proceedings in the Departments? If anybody has heard it, I would like to have him speak now. On the contrary, the Civil Service Commission has been entirely subservient. The members of that Commission, for some cause or another, have not been willing to stand up in their places and say that any wrong has been committed.

Mr. TERRY. May I ask the gentleman one question?

Mr. BAKER of New Hampshire. Yes, sir.

Mr. TERRY. Can you state what proportion of Republicans and what proportion of Democrats are now in the public service of the United States?

Mr. BAKER of New Hampshire. I do not know, but from my an. DAKER of New Hampshire. I do not know, but from my information and observation I should say that there are about two Democrats to one Republican; at least that was the case before the election. There may have been a change since then.

Mr. TERRY. I venture to say you will find to-day that there are not more than 25 per cent of Democrats in the public service of the United States notwithstanding all these things that

of the United States, notwithstanding all these things that you say have been done. That is what we do not like. [Laughter.]

Mr. BAKER of New Hampshire. There certainly was a much larger proportion last October, and I have no doubt there is at

present

Now let me say, Mr. Chairman, that on this subject I desire that there shall be the amplest investigation, and I am prepared, either while I am a member of this House or afterwards, to put myself at the service of the committee and to produce proofs of

what I have said here to-day.

Mr. McMILLIN. Will the gentleman name one Department or bureau of the Government service in which over 50 per cent of

the employees are Democrats?

Mr. BAKER of New Hampshire. If the gentleman had been listening he would have heard me state just now that the Secret Service of the whole Government has but one Republican left in it at this time. That is one instance.

Mr. McMILLIN. And how many are there in that branch of

Mr. BAKER of New Hampshire. I do not know the exact num-

ber, but it is somewhere between twenty and fifty.

Mr. McMILLIN. And does not the gentleman know that from

the time that service was instituted the party in power has held its men there under all Administrations?

Mr. BAKER of New Hampshire. In answer to the gentleman, I say I know that at the close of the Harrison Administration nearly if not quite one-half the persons engaged in that branch of the service were not Republicans. That I know.

Mr. WELLINGTON. Will the gentleman permit me a mo-

ment?

Mr. BAKER of New Hampshire. If I have the time.
Mr. WELLINGTON. A question was asked a moment ago as
to how many persons are employed in the Secret Service.
Mr. BAKER of New Hampshire. Yes, sir.
Mr. WELLINGTON. Is not the number thirty-four.
Mr. BAKER of New Hampshire. I do not know the exact

number.

Mr. WELLINGTON. There are thirty-four persons in that service; and among that number there is one Republican.

Mr. BAKER of New Hampshire. Only one Republican—one

in thirty-four.

Mr. RICHARDSON. Will the gentleman yield for a question?

Mr. BAKER of New Hampshire. If I can have an extension of time. I will yield, and continue to yield.

Mr. RICHARDSON. I think the gentleman was granted an extension of time unanimously. I wish to ask him a question in regard to the Weather Bureau. Does he not know that the Chief of the Weather Bureau, appointed by this Administration, is a Republican, and that every chief of division in that Bureau

is a Republican except one?

Mr. BAKER of New Hampshire. I do not know about that;
but I do know that a Republican was turned out to put in the
gentleman to whom my friend from Tennessee refers.

Mr. RICHARDSON. The previous incumbent served out his

Mr. BAKER of New Hampshire. No; he did not.
Mr. RICHARDSON. He did serve out his term, as I remember, and the present incumbent, a Republican, was appointed.
Mr. BAKER of New Hampshire. In the Pension Office about ten-seventeenths of the entire force are Democrats, and in the Fish Commission not even 10 per cent of the present employees are Republicans. When the Government Printing Office was put under the civil-service rules by President Claveland discharges under the civil-service rules by President Cleveland discharges and appointments had been made until about two-thirds of its employees were Democrats. That has been the general practice. Seldom, if ever, has President Cleveland extended those rules until his partisans have secured a large majority of all the offices of value covered by them. His official acts in this direction are not meritorious unless merit consists in keeping as a reformer that which has been secured as a spoilsman. The record of his first Administration is briefly set forth by Mr. Henry C. Lea in an article printed in the New York Independent issued October 18, 1888, and entitled "Mr. Cleveland and civil-service reform." In 1888, and entitled "Mr. Cleveland and civil-service reform." In this article he states that in the two years preceding 1887 Mr. Cleveland made the following removals: Two thousand Presidential postmasters out of a total of 2,359, 40,000 out of 52,699 fourth-class postmasters, 100 out of 111 collectors of customs, all surveyors of customs, all the surveyors-general, all the post-office inspectors in charge, 11 out of 13 superintendents of mints, 84 out of 85 collectors of internal revenue, 65 out of 70 distrist attorneys, 8 out of 11 inspectors of steam vessels, 16 out of 18 pension agents, and 190 out of 224 local land officers.

Under no Administration have the appointments, reductions, and removals of the clerks and employees of the Government been so great or so unprincipled as under the present one, which pro-

es to lead the cohorts of reform.

The Civil Service Commission, as I have said, has entered no protest even against this carnival of plunder under the name of purification, and the Commission itself and the organization of its subordinate employees are based upon political preferences and divisions, so that promotions among its employees have been decided by the politics of the several applicants. In short, the Civil Service Commission itself does not in practice enforce the

For such useless service the people are paying by direct appropriation about \$150,000 annually, and for further clerical service detailed from the Departments about \$25,000 additional. This is detailed from the Departments about \$25,000 additional. This is more than four times as much as is appropriated for the office of the Comptroller of the Treasury, \$50,000 annually more than the appropriations for the Comptroller of the Currency, and is in excess of the cost of more than half of the offices of the several Departments. But there is another phase of this matter to which I ask your thoughtful attention. Whatever our views in regard to the alleged reform, it is appropriate that we should consider whether or not it is rightfully a part of our governmental system.

The Constitution, Article II, section 2, provides for the appointment of the nonelective officers of the Government. Certain specified officers and all officers not otherwise provided for must be nominated by the President and confirmed by the Senate, but Congress is authorized to vest the appointment of inferior officers in the President alone, in the courts of law, or in the heads of

Departments.

The appointment of the clerical force of the several Depart-The appointment of the cierical lords of this ments is vested in the heads of those Departments by law. What is ments is vested in the heads of those Departments by law. What is the true meaning of the Constitution in this matter? What is the proper legal definition of the word "vest" as used in this connection? I apprehend that the definition of Bouvier will be generally accepted. He says it is "to give an immediate fixed right of present or future enjoyment."

Congress having given an immediate fixed right to the heads of

the several Departments to appoint the inferior officers of those the several Departments to appoint the interior officers of those Departments, can it by subsequent legislation so modify and limit the power of appointment thus vested as to require those heads of Departments to appoint one of three designated individuals presented to them by a commission or other authority in whom, under the Constitution, Congress can not vest any power of appointment? In other words, has Congress by the act of January 16, 1883, constitutionally deprived the heads of Departments of the power vested in them by section 169 of the Revised Statutes and

other statutes of selecting from the seventy millions of our citizens those qualified to perform the clerical service of the Departments and constitutionally required them to limit that power and discretion so that their power of appointment can not extend beyond three persons, and those not of their selection? If Congress can so limit the power of appointment vested in the heads of the Departments, can it authorize or empower a commission, with the approval of the President, to establish and enforce such limi-tations upon constitutional authority? No one will assert that the power of appointment, constitutionally vested by Congress in the power of appointment, constitutionally vested by Congress in the heads of the Departments, did not intentionally and legally vest in them the authority to make the selections necessary to appointment, or that the power to select the appointee under the provisions of the Constitution was not inherent in and a concomitant of the power of appointment. Does it not necessarily follow that any essential limitation of such power is the restriction of a constitutional duty imposed upon them? Hence, when the heads of Departments are required to select their appointees from three persons certified to them by a commission in whom the power of appointment can not be vested under the Constitution, an attempt has been made to degrive them of a part of their constitutional has been made to deprive them of a part of their constitutional authority and confer it upon others, in plain violation of the ex-

press provisions of the Constitution.

If this reasoning is sound, then at least a part of section 2 of the act of January 16, 1883, is beyond the power of Congress and nearly all of civil-service Rules VIII, IX, X, XI, and XII, promulgated by the President under date of November 2, 1896, are ultra vires and not binding upon the heads of Departments any further

than they may voluntarily accept them.

For convenience I have confined my remarks to the clerical service of the Departments, but like constitutional objection is applicable to the other branches of the service claimed to be under the civil-service law and rules. Evidently Congress may withhold the appointing power from the heads of Departments, but under the Constitution it can vest it only in them or the President or the courts of law, and neither the President nor the courts could constitutionally be restricted in their selections and appointments by the distriction of the Civil Service Commission or any ments by the dictation of the Civil Service Commission or any similar authority.

Congress can not indirectly accomplish that which it is prohibited by the Constitution from doing directly, and as the Civil Service Commission under the Constitution can not be vested with power to appoint any officer of the United States, it can not legally restrict the powers vested by the Constitution in heads of Departments and compel them to accept one of the three persons designated by the Constitution in heads of Departments and compel them to accept one of the three persons designated by the Constitution in heads of Departments and compel them to accept one of the three persons designated by the Constitution in heads of Departments and compel them to accept one of the three persons designated by the Constitution in heads of Departments and compel them to accept one of the three persons designated by the Constitution in heads of Departments and compel them to accept one of the three persons designated by the Constitution in heads of Departments and compel them to accept one of the three persons designated by the Constitution in heads of Departments and compel them to accept one of the three persons designated by the Constitution in heads of Departments and compel them to accept one of the three persons designated by the Constitution in heads of Departments and compel them to accept one of the three persons designated by the Constitution in heads of the three persons designated by the Constitution in heads of the Constitut

nated by the Commission.

Again, by section 166 of the Revised Statutes each head of a Department may transfer the clerks in his Department from one Department may transfer the clerks in his Department from one bureau or office of it to another as he may find it necessary and proper to do, but by Rule X of the Civil Service Commission he is prohibited from so doing except by permission of the Commission. Which power is to control the several Departments—the one legally in charge of them or an outside and irresponsible commission not vested with executive functions? This Commission is so grasping and imperious that under its Rule VI the President and each head of an executive department can not appoint more than two private secretaries or confidential clerks without its permission. In the Treasury Department there are a Secretary and three Assistant Secretaries; in the Post-Office Department there are a Postmaster-General and four Assistant Postmasters-General. Under the rule just cited two Assistant Secretaries and three Assistant Postmasters-General must accept their private and confidential clerks at the heads of the Civil Secretaries and three Assistant Postmasters-General must accept their private and confidential clerks at the hands of the Civil Service Commission, which can not, whatever its purpose or pow-ers, recognize or satisfy the personal characteristics of the officers who should be aided in the immediate discharge of their official duties, oftentimes temporarily at least of a confidential character, duties, oftentimes temporarily at least of a confidential character, by those whose capacity is personally known to them and in whose discretion they have the fullest confidence. These are but a few examples of the extra-legal, unwarranted, and unjust assumptions of the so-called civil service reform; yet the time allowed me will not permit a further discussion of them now. But before leaving this part of my subject I remark that the act of 1883 does not specifically repeal any prior statute, and that it is evident that the rules promulgated by the President can not repeal any act of Congress. an act of Congress.

an act of Congress.

This brief statement of the enacted and promulgated limitations upon the constitutional powers vested in heads of the Departments, whether valid or invalid, involves the consideration of some of the necessary conditions attending their execution. If the authority of the head of a Department can be so circumscribed that he must accept for appointment one of three persons certified to him by the Commission concerning whom he has no knowledge, and is not expected to acquire any, except that he or she has answered satisfactorily to the Commission a certain per cent of the academic questions submitted to the candidate, who cent of the academic questions submitted to the candidate, who

is responsible for the character and adaptability of the appointee, the Commission which certified him with two others or the constitutional appointing power which blindly chose him rather than either of the other two?

The Treasurer of the United States is a bonded officer responsible for all the millions of dollars received by the Government, sible for all the millions of dollars received by the Government, Under the law and rules now existing he can have no voice or influence in selecting any of those upon whom he must rely for the honest and efficient safe-keeping and disbursement of Government funds. What banker or trust officer would accept the presidency or cashiership of an institution having the custody and investment of even \$1,000,000 under like conditions? Is there anywhere any board of directors or trustees who would ask anyone to assume such responsibility, or would any such board attempt to manage any institution of trust if an outside power should absolutely control the selection of its cashier, tellers, and clerks?

Still more, Does any large financial, commercial, or manufacturing house select its employees by competitive academic examination, or does any advocate of the alleged civil-service reform adopt and enforce its theories or example in his private business? Why, then, should the affairs of the nation, unparalleled in detail, variety, and importance, be administered upon a theory not applicable to the business of the citizens by whom our Government "of the people, by the people, and for the people" was established and is maintained?

The true business principles of the best business houses of the country should be applied to the business of the Government, and the heads of Departments charged with the details of administration should, under the usual proper and constitutional limitations naturally imposed by Congress, appoint and be responsible for its clerical and other service performed by the "inferior officers" specified in the Constitution.

The friends of the civil-service law should remember that it contains really no new practice and is based upon no new theory except the competitive idea, with appointments necessarily based thereon and the changes incident thereto.

Section 164 of the Revised Statutes is as follows:

No clerk shall be appointed in any Department in either of the four classes above designated until he has been examined and found qualified by a board of three examiners, to consist of the chief of the bureau or office into which such clerk is to be appointed and two other clerks to be selected by the head of the Department.

The original statute upon which this section is based was enacted in 1853, thirty years before the Civil Service Commission was established, and from that time was enforced by the heads of Departments, and under it no clerks were appointed who had not suc-cessfully passed an examination and been found properly qualified. That practice was in accord with the Constitution and with com-mon sense, but that the one or the three who in a competitive examination may answer off-hand more of a given number of specifically prepared or technical questions must for that sole reason be appointed to office to the exclusion of those who have demonstrated by their examination that they are by education worthy of appointment is absurd and unjust, and is a limitation upon the natural and political rights of the American citizen.

I have given reasons which lead me to believe that the present

law and rules are not in accord with our theory of government or in consonance with the Federal Constitution or productive of

good as administered.

I believe that Congress can rightfully provide that the civil-service appointees of the Government shall be examined physically and mentally to ascertain their qualifications for office; that if found qualified they shall be appointed for a term of years; that they shall be eligible to reappointment and not removable during their term of office except for cause based upon specified charges, of which they shall be duly notified, and that when evidence taken to sustain them they may be present in person or by attortaken to sustain them they may be present in person or by attorney and may cross-examine the witnesses and produce evidence in their own behalf. The details of this general plan would not

be difficult or expensive.

Now, gentlemen, I have stated facts that are crying wrongs, but my resolution, which goes to one point, and one point only, would permit some of them to be speedily corrected. There is in it nothing of criticism upon the Civil Service Commission or the civil-service idea. It simply provides that six months or six years or some other fixed time of actual efficient service shall be regarded as equal for the purposes of appointment or reappointment to a day's successful examination before the Civil Service Commission resulting in a certificate of eligibility. All that it seeks to accomplish is this: To give to any Administration—the present Administration or any subsequent one-when it is shown conclusively to the head of any Department that a wrong has been committed, even though more than one year has elapsed, the right to correct that wrong and put back the clerk who has been unjustly removed. That, I submit, is in the line of true civil-service reform.

If justice can not be done under the present law and rules, let them be changed until they shall prosper the right. The law certainly is not more sacred than its purpose. If the law or the civil-service idea would be shattered by restoring to their places and duties the worthy and efficient clerks who have been discharged for political reasons only, then the existing system is not entitled to the respect or support of any patriotic citizen, and the claim that it is a "reform" is not only preposterous, but a disgrace to American manhood.

The time of the gentleman has expired. The CHAIRMAN.

Mr. BAKER of New Hampshire. One word more. I do not believe in any system of administration which will permit clerks to be discharged at the mere will of anybody. A true civil-service reform will prevent unjustifiable dismissals as well as protect the Government in appointments. [Applause.]

Mr. BROSIUS. Mr. Chairman, how much time have I?

The CHAIRMAN. Twenty-five minutes.

Mr. BROSIUS. I gave away only thirty minutes, and I would like to know what has become of the other five minutes.

The CHAIRMAN. The Chair does not know.

Mr. BAKER of New Hampshire. I hope the gentleman will be allowed the additional five minutes.

Mr. BROSIUS. I do not like to be curtailed in my time with out knowing who gets the time that I lose. If somebody else would put it to good use, I would be content; but to have the time entirely lost I would regret.

The CHAIRMAN. The gentleman has thirty minutes.

Mr. BROSIUS. Mr. Chairman, before I go into details and subject myself to interrogation, I desire to submit some general reflections on the "merit system" in operation to some extent in our executive civil service. A view of the rise, progress, and present state of that system may not be uninteresting to those who care for economy and efficiency in the public service.

That civil-service reform in the United States owes something That civil-service reform in the United States owes something to the example of the mother country can not be doubted, but it would take me too far afield to go into the genesis of the movement for reform in Great Britain or to trace its historical continuity. It is interesting, however, as showing what great institutions can grow from small beginnings, to note the first awakenings in England to the importance of improving the civil service of the country. Some writers have found in Magna Charta the first civil-service rule in English history. The barons at Runnymede extorted from King John this provision for securing duly qualified officers: officers:

We will not have any justices, constables, or sheriffs but of such as know the law of the realm and mean truly to observe it.

In the reign of Edward II, 1308-1327, it is said there were kept in a tower in London 6 horseshoes and 61 nails, which, by an ancient custom, the sheriffs of London were compelled to count when they were sworn into office. Their ability to do so was regarded as a proof of sufficient education for the office, as only an educated man could count up to 61. In 1388 Parliament passed an act which provided-

That none shall be made officers of the King for any gift, brokerage, favor, or affection, but upon desert.

These are the historical beginnings of civil-service reform among English-speaking people. Centuries of abuses, in which extortionate levies upon the people ministered to the vices and luxuries of the few and the pleasure and power of kings, lords, and nobles were everything, while justice, equality, economy, and the personal worth of the citizen were nothing, were destined to elapse before the appointing power ceased to be the instrument alike of revenge and favor, to reward obsequious servility and compel acquiescence in the will of official despots. There is some humor mingled with the sadness of the reasons given by a custom-house officer for his submission to the royal will, reasons which to this day cause a continuous reign of terror in the unwhich to this day cause a continuous reign of terror in the unclassified civil service of the United States. "I have," he said, "fourteen reasons for obeying His Majesty's command—a wife and thirteen children."

Through all this age-long struggle we have seen the merit system develop according to the law of history. The growth of popular intelligence and official responsibility acquired with lapse of time a progressively increasing influence in the administration of civil service, and a healthier public opinion opposed its vices and abuses with an aggressive resistance which at last was rewarded with a high degree of success.

In accordance with the same law of growth, but possibly under more favorable conditions, has the merit system been evolved in our own country. Few finer compliments have ever been paid the American colonists than that conveyed in the following obser-vation of Lecky, in his History of England in the Eighteenth Century, quoted by Mr. Eaton in his great work on Civil Service in Great Britain:

No nation ever started on its career with a larger proportion of strong character or a higher sense of moral conviction than the English colonies in America. They almost entirely escaped the corruption that so deeply tainted the Government at home.

Strong confirmation of the truth of this observation is found in Strong confirmation of the truth of this observation is found in the high level of political rectitude and official duty and purity which prevailed in the United States for a generation after the Government under the present Constitution went into operation. So little did the fathers anticipate the corruption and abuses which were to grow up in our public service that no definite provisions were made in the Constitution against this source of danger to our institutions. The power of appointment was created, but the power of removal from office was left to inference only.

After a hundred years of experience under our constitutional system, Americans have learned to revere and love that immortal instrument, and to subject their conduct to its express or implied

instrument, and to subject their conduct to its express or implied limitations. By habit they look to the organic law of the land for some warrant for the erection of any public institution for the regulation and conduct of public affairs; the more so in this case in view of the magnitude our civil service has attained, employing as it does nearly 180,000 persons in its various branches, and the warm controversy which has for years agitated the coun-

try on the vexed question of reform in its administrative methods. In section 2 of Article II of the Constitution, which enumerates the powers of the President, are found these words:

Congress may by law vest the appointment of such inferior officers as they think proper in the President alone, in the courts of law, or in the heads of Departments.

Agreeably to this provision Congress has vested the appointment of all inferior officers in the heads of Departments. The Supreme Court of the United States has held that in making appointments the heads of Departments are subject to such restrictions and limitations as Congress may impose in reference to both appointments and removals in advancement of the public interests.* There is thus complete constitutional and legal warrant for such regulation of the civil service of the country as will make it subserve in the

highest degree the public welfare.

Singularly enough, however, for more than three-quarters of a century little restrictive legislation was invoked to suppress abuses and promote efficiency in the public service. In the early period of our history so high was the sense of official honor and rectitude and such fidelity to duty was practiced in the conduct of public functions that no legislative coercion was needed.

During the administrations of the first six Presidents those who During the administrations of the first six Presidents those who were charged with the duty of appointing officers performed their duty with a conscientious regard for the public interests, regarding the appointing power as a public trust to be exercised with a scrupulous care for the public welfare. Political opinions or religious affiliations or private motives were not considered in executive appointments. The elevation of mind and lofty patriotism which characterized the statesmen of that period find striking illustration in a letter of Washington to a friend, in which he said:

My friend —— I receive with cordial welcome to my house and welcome to my heart; but with all his good qualities he is not a man of business. His opponent, with all his politics so hostile to me, is a man of business. My private feelings have nothing to do with the case. As George Washington, I would do this man any kindness in my power. As President of the United States, I can do nothing.

So Jefferson, animated by the same high sense of public duty,

Of the thousands of officers, therefore, in the United States, a very few individuals only, probably not twenty, will be removed, and those only for doing what they ought not to have done. I know that in stopping thus short in the career of removal I will give great offense to many of my friends. That torrent has been pressing me heavily and will require all my force to bear up against, but my maxim is flat justitia, ruat cælum.

In 1801, in closing a letter on the subject of appointments, he said:

The only question concerning a candidate shall be, Is he honest, is he capable, is he faithful to the Constitution?

Madison, Monroe, and John Quincy Adams shared with their manson, Monroe, and John Quincy Adams snared with their predecessors these elevated views of public duty with respect to the civil service. All removals from office in those six Administrations were for cause. Washington made 9 removals, John Adams 9, Jefferson 39, Madison 5, Monroe 9, John Quincy Adams 2. These were offices of higher grade which were filled by the President by and with the advice and consent of the Senate. But the purples of removals is the inferior seader were correctly in the number of removals in the inferior grades were correspondingly small, and in all cases for cause. Political influence and personal favor or disfavor are not believed to have had an agency in a single removal or in the selections to fill vacancies.

^{*}United States vs. Lyman B. Perkins, 116 U. S., 483.

ORIGIN OF THE SPOILS SYSTEM.

In the Administration of John Quincy Adams, however, the tide of official honor and duty in this particular reached its flood, and the succeeding Administration witnessed the beginning of its ebb. Mr. Jenckes, reporting from the Joint Select Committee on Retrenchment of the House of Representatives in 1868, says:

The change which commenced with the Presidency of General Jackson is too well known to need description. It is summed up in a single phrase, "To the victors belong the spoils." This means that the entire force of the civil service of the United States may be changed for mere political opinon without any regard whatever for qualifications or the meritorious service of the persons in office or the persons seeking office. * * * From that time to the present, nearly forty years, the partisan obligations of the candidate for office have been held to be of more consequence than his qualifications for the place for which he is a candidate, and every administrative department of the Government has been used as an instrument of political or party patronage.

Daniel Webster, describing the condition of the civil service in

As far as I know, there is no civilized country on the earth in which, on a change of rulers, there is such an inquisition for spoils as we have witnessed in this free Republic. * * * The same party selfishness which drives good men out of office will push bad men in. Political proscription leads necessarily to the filling of offices with incompetent persons, and to a consequent malexecution of official duties.

The reports from time to time made by Congressional commit-tees, covering the period from Jackson to Buchanan, furnish graphic illustrations of the results of the spoils system in our civil service. A few examples will suffice to convey an idea of the extent of the abuses under that system. At the New York custom-house, between 1858 and 1861, the collector removed 389 out of 690 employees. In the three following years the succeeding collector, of a different party, removed 525 out of 702 employees. A later collector in three years removed 830 out of 902 and another later collector in three years removed 830 out of 903, and another in sixteen months removed 510 out of 892, or one removal for

every day of his term.

Later times furnish still more striking abuses. In recent times there have been instances in which as many as 96 per cent of the incumbents of offices have been removed on a change of administration. In contrast with this the reports of the Civil Service Commission show that in the last three years in the two great Departments of the Treasury and Interior the removals of those appointed under competitive examinations have not exceeded 2 per cent a year. But in the unclassified service the same revolting spectacle, an "in-and-out" panorama, is still witnessed with every change of administration. Sometimes the incumbents change their politics with such alacrity that they hold their places, notwithstanding the change in party occupancy. It reminds one of the saloon keeper at Winchester during the war. It is said the tide of battle swept back and forth through that little town seventy-six times during the war. When the Union forces were in possession the saloon keeper wore a suit of blue, and when the Confederates returned he changed to a suit of gray, making the changes with such promptitude as not to disclose to the respective combatants the trick he was playing. After the war was over, a neighbor asked him how he managed always to be on the side that was in possession. He replied that the changes of occupancy were pretty fast, but they would have to be d—n quick if they got ahead of him.

THE DAWN OF A BETTER SENTIMENT.

In the midst of this carnival of spoils and reckless indifference to the public welfare there appeared now and then a man who was more sensible than others of the vicious character of the lawless system which Marcy had conceived and Jackson had put into Above the confusion and chaos of the struggle for operation. Above the confusion and chaos of the struggle for spoils at times there arose a voice which, with a fervency of spirit and true devotion to a greatidea which would have done credit to St. Paul, arraigned the existing methods for their failure to promote the public welfare, and proclaimed to the idolators of the spoils system that the dawn of the day of the people's deliverance from its degrading despotism was at hand. The voice was heard, and by degrees heeded, but those who uttered it were reviled and ridiculed, dubbed "snivel" service reformers, and subjected to indignities and proscription. But the voice was not silenced. It grew in volume and power until it awakened the sleening masses grew in volume and power until it awakened the sleeping masses and brought the nation to a realization of the shame it was suffering to pollute the temple of its civil service. The conscience of the Republic was marshaled in aggressive opposition to the sys-tem which made merchandise of office and chattel mongers of those who wore the mantle of high and honorable place. Atlength the better sense of the people prevailed, the principle that public office is a public trust to be administered for the public welfare began to be recognized, and the initial step was taken in the legislation which has improved our civil service and placed it, to some extent at least, on a footing of efficiency and official responsibility. In 1871 a law was passed providing as follows:

The President is authorized to prescribe such regulations for the admission of persons into the civil service of the United States as may best promote

efficiency, and ascertain the fitness of each candidate in respect to age, character, knowledge, and ability for the branch of the service he seeks to enter; and for this purpose he may employ suitable persons to conduct such inquiries and may prescribe their duties, and establish regulations for the conduct of persons who may receive appointments in the civil service. (R. S. U. S., section 1753.)

This was in response to a sentiment that had been evolved out of years of agitation, and only acquired force enough to crystallize into legislation after the nation had completed the work of securing the results of the war to save its life, and had a little time to look after the honor of its public service. Some one aptly said that we could not be expected to repair our plumbing, though our people were dying of poisonous gases, while our roof was on fire. Though the enactment had the cordial favor of Grant's Administration, it was but a spasm of legislative virtue and did not last. A recent writer likened it to strawberries sprouted in March. The hearts of our people warmed to the reform but a day and then grew cold again. In 1874 Congress refused the needed appropriation to sustain the work of the commission Grant appointed, and under which the merit system was operated for some time in the departmental service with signal benefit to the service. The President informed Congress that the new methods had "given persons of superior character to the service," and they had developed more energy in the discharge of duty; and in one of his messages he said it would be a source of mortification to himself and those associated with him in enforcing the civil-service rules if Congress should refuse to make the further appropriation which he asked in aid of the work. It was not possible to continue the merit system without an appropriation, and the rules were accordingly suspended by President Grant in 1875. This was disheartening, but it did not suppress the reform. In a few custom-houses and post-offices, notably in New York, where the new system had taken root, it remained. The benefits were so obvious that public pupiling forced the question of reform in our civil service to the opinion forced the question of reform in our civil service to the

forefront of politics.

In 1872 both political parties had committed themselves distinctly to the merit system. On June 5 of that year the Republican national convention at Philadelphia declared:

Any system of the civil service under which the subordinate positions of the Government are considered rewards for mere party zeal is fatally demoralizing, and we therefore favor a reform of the system by laws which shall abolish the evils of patronage, and make honesty, efficiency, and fidelity the essential qualifications for public positions, without practically creating a life tenure of office.

On the 9th of July of the same year the Democratic national convention at Baltimore declared in equally unequivocal terms,

The civil service of the Government has become a mere instrument of partisan tyranny and personal ambition and an object of selfish greed. It is a scandal and reproach upon free institutions and breeds a demoralization dangerous to the perpetuity of republican government. We therefore regard a thorough reform of the civil service as one of the most pressing necessities of the hour: that honesty, capacity, and fidelity constitute the only valid claim to public employment; that the offices of the Government cease to be a matter of arbitrary favoritism and patromate, and that public station become again a post of honor. To this end it is imperatively required that no President shall be a candidate for reelection.

From that time forward no political party dared go before the people without a distinct recognition in its platform of the claims of civil-service reform. The two great parties vied with each other in their professions of devotion to the reform—albeit they were suspected of being most celestial in their professions, when they were quite terrestrial in their performances. But to this day no national platform has appeared without a plank favoring civilservice reform.

THE PENDLETON ACT.

In January, 1883, the results of the agitation which thoughtful and earnest men had kept up were crystallized in what is known as the Pendleton Act, drawn, I believe, by Dorman B. Eaton, whom Grant had appointed on the first Civil Service Commission with George W. Curtis and others, and who was an earnest, able, and sincere civil-service reformer, and was introduced into the Senate by Senator Pendleton, and hence bore his name. After a long debate it passed the Senate with but 5 votes against it. In the House it was not debated at all, but passed under a suspension of the rules by more than a two-thirds vote. Under this act the merit system has been enforced in our civil service for thirteen years to an annually increasing extent. Under its provisions custom-houses and post-offices, as they reach in their growth a certom-houses and post-offices, as they reach in their growth a certain number of employees, come automatically under the law and the rules of the merit system. Then, too, periodically, whenever the President is disposed, another branch of the service is placed under the law, until by automatic growth and Executive extension the number of employees in the classified competitive service has grown from about 14,500 in 1883 to 87,406 at this time, and embraces the following branches of the service: Departmental, Government Printing, Indian, Railway Mail, Customs, Postal, and Internal Revenue. 87,406

The entire executive civil service of the United States, approximately correct, with a few outlying positions, the duties of a number of which are not yet accurately determined, but are under consideration by the Departments, may be distributed generally

Class A	20,033
Class B	
Class C.	
Class D.	
Class E	
Class 1	
Class 2	1 000
Class 3.	
	4 200
Class 4	
Class 5.	508
Class 6.	
Positions in navy-yards registered under Navy Department	
_ tions	4, 120
Pension examining surgeons	36
Presidential officers not confirmed by Senate now classified	0 001
Indians employed at Indian agencies and schools	2,061
Private secretaries and confidential clerks (excepted)	10
Cashiers in post-offices and custom-houses (excepted)	
Deputy collectors of customs (excepted)	
Assistant postmasters (excepted)	570
Attorneys and assistant attorneys (excepted)	98
Excluded under clause (a) of Rule III, section 8	5 , 151
Excluded under clause (b) of Rule III, section 8	53
Excluded under clause (c) of Rule III, section 8	3
Excluded under clause (d) of Rule III, section 8	844
Presidential officers confirmed by Senate	4,815
Laborers or workmen below classification	8,638
Miscellaneous positions not yet classified	71,806
	100 010
Total in executive civil service	178, 716
	F40. Carrier 100

PROGRESS OF REFORM.

Total in classified service.....

It thus appears that the merit system in our civil service has made gratifying progress. That it has been retarded by the obstructive hostility of its enemies goes without saying. That it has been scandalized by groundless complaints is plain enough—complaints as foolish and childish as Sydney Smith's complaint of the solar system when he said to his friend Jeffrey:

D—n the solar system; bad light, planets too remote; pestered with comets, feeble contrivance; could make a better with ease.

That its efficiency has fallen short of what it might have been but for the indifference if not faithlessness of officials charged with the duty of carrying it into effect is too obvious to need to be mentioned. The success of any branch of the system depends upon the fidelity of those whose duty it is to execute it, and the success of the whole system depends upon the fidelity with which the President, the Civil Service Commissioners, and the appointing officers carry out its provisions. To have an ideal execution of the law you must have ideal men, whom you can not obtain. There are still too many who render the merit system a good deal of lip service, whose hearts are lightly troubled with devotion to its claims, and who stumble at the actual application of its principles in the administration of office. They remind one of the story Gladstone tells of Lord Melbourne. The latter was seen coming from church one Sabbath in great excitement. Meeting a friend, he exclaimed:

It is too bad. I have always been a supporter of the church and have always upheld the clergy; and it is really too bad to have to listen to a sermon like that I heard this morning. Why, the preacher actually insisted upon applying religion to a man's private life.

But withal, it has been for thirteen years in a state of progressive efficiency, yielding new fruit each year and deepening its hold upon popular respect as its benefits become more fully

THE SPOILS SYSTEM.

Now let me invite your attention to what the merit system is, and to distinguish it sharply from what is known by the very apt designation of "the spoils system." The two systems stand for opposite theories of politics and official duty and responsibility. The idea underlying the spoils system was clearly expressed by Senator Marcy in that famous utterance in the United States Senate, that "There is nothing wrong in the rule that to the victor belongs the spoils of the enemy." His contention was that the political party that won the victory was entitled to enjoy the fruits of it, which meant that all the employees of the Government should be dismissed on the change of Administration and ment should be dismissed on the change of Administration and the places filled by adherents of the winning party. To carry out this theory rotation in office was inaugurated and was advo-cated by some statesmen as a cardinal political principle, a practical necessity in party administration to reward party work-ers and political friends and to wreak revenge upon their adver-

But rotation in office is a dream. It has never gotten further in

its development than succession in office, and that sometimes has been very rapid. George William Curtis said:

The doctrine of rotation in office implies that merit should not be considered. It treats the public service as a huge soup house, in which needy citizens are to take turns at the table, and they must not grumble when they are told to move on.

The system is predicated upon the false and demoralizing ideas-That a political party is a body of politicians associated in an affort to capture the Government and appropriate the honors and profits of the public service to the use of themselves. 2. That political campaigns are battles for the conquest of spoils with which to reward leaders, fighters, and workers. 3. That regard for principles, love of country, and obligation to duty are to be professed but not practiced to the prejudice of party ends. 4. That fidelity and work for the party are qualifications for office paramount to personal worth and merit.

personal worth and merit.

Of course I do not go to the length of saying that appointing officers give no attention to qualifications, for they do, and the better and more conscientious the man the better will his appointments be. Cromwell improved the civil service of England greatly, not because his system was not despotic, for no ruler was ever more so, but because he had higher conceptions of duty and of what the civil service ought to be than his predecessors. He mixed his religion and his politics and produced a unique combination which was calculated to advance the public welfare. He appointed according to his own will, but he put conscience into the selection, as he did in everything else, and good appointments were the result. Experience, however, in our time has clearly shown that the best intentions are likely to be overcome by the importunities of those to whom the appointing officer is under obligation, and this result is advanced by the influence of our democratic American optimism that holds one man as good as another. John Stuart Mill once wrote Mr. Motley that he deplored the fatal belief of the American public that anybody was fit for anything. This idea would be fatal to civil-service reform, as it would be fatal to private business and to the great manufacturing and transportation managements of the country. At all events it is obvious that the way to place the flower At all events, it is obvious that the way to pluck the flower, safety, from the nettle, danger, in this particular is to release the appointing officer from the duress under which he is placed by his

The fallacy into which many good people have fallen, and which found eloquent advocates in great statesmen, from Burr to Marcy, and from Jackson to Tweed and Conkling, finds its latest and most and from Jackson to Tweed and Conking, finds its latest and most striking crystallization in the famous reply of Judge Barnard on his trial for the corrupt use of judicial patronage: "I won this office and its patronage is mine." But no intellectual greatness or political distinction can redeem or powers of eloquence sanctify a system so vicious in principle and demoralizing in practice as the spoils system. Some years ago, at a dinner in New York, Professor Huxley asked Senator Conkling what he thought of the intellection of the professor system. civil-service reform. The Senator launched into an eloquent

civil-service reform. The Senator launched into an eloquent defense of the spoils system. Huxley was asked what he thought of it. He replied that it was the most eloquent defense he had ever heard of a perfectly indefensible thing.

It hardly needs to be pointed out how in practice this system vitiates the relation between the legislative and executive departments of the Government. Under the Constitution no encroachment of one upon the other is contemplated. Yet, under the perverted practice which has long been in vogue, the executive function is, to a large extent, usurped by members of Congress, who become purveyors of patronage, whose importunities for favors for their constituents can not easily be resisted by the average Executive. The result has been that the lives of both President and Congressmen have been made miserable. President dent and Congressmen have been made miserable. President Lincoln once said he never went to sleep without looking under the bed to see if a certain Senator was there in pursuit of an office. At another time, when he was sore distressed by these Congressional importunities, he said he could not get time to consider the Southern question. "I am," said he, "like a man so busy in letting rooms in one end of his house that he has not time to put out the fire in the other end." Secretary Windom said:

In the last one hundred days a few thousand men in search of office have taken nine-tenths of the time of the President and his Cabinet.

But it perverts also the relations between the Representatives and their constituents. In many districts the real question upon which the election of a member of Congress turned was not whether he could represent the highest interest of his district and the country at large, but, Could he make the necessary alliances to secure the requisite offices to meet pressing demands; could he command favors enough to secure the caucus or patronage enough to carry the convention? Dr. Andrew D. White tells of a member of Congress with whom he conversed on an important measure. He asked the Congressman why he did not make a great speech on the subject, educate the country, and extend his own fame. The oppressed statesman, holding out a bundle of letters, replied: "I can not do it, sir. I have not the time. Here are fifty unanswered letters from my constituents asking me to get offices for

Contrast this situation with that of a statesman in England under the superb civil-service system of Great Britain. A member of Parliament a few years ago, speaking of their civil service, said he represented one of the most important districts in the United Kingdom, but he thanked Heaven that he was powerless as to the appointment of the pettiest tidewaiter in the Empire. It was the boast of Gladstone that the only office in his gift was that of his own private secretary. It has been said that the number of offices which go to the victors as spoils at a Parliamentary election in Great Britain does not exceed thirty.

THE MERIT SYSTEM.

The merit system, on the other hand, stands for a body of ideas which are the extreme opposite of those I have just considered.

1. It recognizes the public welfare as the supreme good.

2. It insists everywhere and at all times, in politics and official life, that merit is the paramount test of fitness for the public

3. That public office is a public trust, to be administered in advancement of the public good—and never to be filled by mere favor or bestowed as spoils.

4. That the practice of dispensing office on account of political opinions or affiliations is a demoralizing and despotic use of official

power and detrimental to the public service.

5. That patriotism as well as good morals condemns the use of the power of appointment and removal for mere selfish and partisan ends, as they condemn the use of public money for per-

sonal ends.

These are the cardinal principles which the civil-service law and the rules under it are the means of applying in the administration of our civil service. No patriot can withhold the homage due to sound principle and patriotic purpose, justice, and purity in political and official life by omitting to extol a system which has for its object the dignity of man, official rectitude, the elevation of the public service, and the expression in our public life of the highest reason and best conscience of our people.

Whatever view may have prevailed when the "merit" system was first introduced, I hazard nothing in saying that it has long since passed the experimental stage. It is now firmly rooted in public favor, and is perhaps as well established as an administrative policy as any other institution of our Government. Its success in bettering the condition of our civil service deserves the wide acceptance it has received and the high esteem in which it is held. The people of the United States are practically united in while acceptance it has received and the fight esteem in which it is held. The people of the United States are practically united in the conviction that public office is a public trust; that it is to be filled for the benefit of the people rather than of the incumbent; that personal character and capacity constitute the best title to public place; that the merit system is based upon the American principle of the right of the people to have the worthiest and best-qualified citizens to serve them, and that every citizen has the right to compete for the honor of civic preferment if he possesses the qualifications; that every office bestowed as patronage or spoils, without regard to fitness, is so much taken from better qualified citizens, whose services the Government has a right to enjoy; that the portals of the public service should be opened to no man who can not give the open sesame of "tested merit."

In other words, the people are now practically united in regard-

ing as axiomatic these propositions:

1. That the highest claims upon preferment in our civil establishment are the character and capacity that best qualify a person for the discharge of duties of the office.

That common justice requires the application of a fair public test for ascertaining those qualifications.

3. That he who represents the highest evidence of fitness has morally, and should have legally, the right to the office.

These principles, which have been accepted as sound and salutary by all political parties in our recent history, and are believed to be founded in natural justice, are promotive of wise and economic administration and conducive to the general welfare. And the occasional—I might say periodical—outcry against the merit system is a survival from a time and a state of public opinion which has long since passed and will not be likely to return to plagne the has long since passed and will not be likely to return to plague the people.

BENEFITS OF THE SYSTEM.

The benefits which the merit system confers upon the people are direct and indirect. The direct benefits are those derived from securing for Government employment the most reliable and effi-cient service. The indirect benefits are those derived from the stimulus and encouragement given to the general education of the people; the industry and achievement which come from generous rivalry between aspirants for the honor of civic places, which are the trophies of merit alone; and the incentive to exertion which produces character and attainments, moral independence, and

that manly thought and action which give citizens influence and make them men of light and leading in the community.

It saves young men who desire Government employment from the degradation of servility to political masters and the humilia-tion of beggars for patronage from those who have the power to bestow it. It opens the doors of the public service to the personal worth and intelligence of the nation on the only terms upon which an honorable man should be required to seek civic preferment, the terms of winning it by honorable competition for the prize that rewards success in the tournament of merit. It makes it possible for young men who are too humble to command influence and too for young men who are too humble to command influence and too manly and independent to ask favors, and who are qualified for the public service, to win places without the sacrifice of self-respect and manhood. Nor have these advantages been unappreciated by young men and women of the country—they have been availed of to a surprising extent. In 1894, 37,379 persons were examined for all branches of the service; 22,131 passed the merit test successfully and were placed upon the eligible list, and 4,372 were appointed to places in the civil service of their country.

And furthermore to the honor of our public schools the statis-

And, furthermore, to the honor of our public schools, the statistics of the Commission show that the great majority—more than 80 per cent—of those appointed to positions from the eligible lists have received only a common or high school education. College graduates do not comprise more than one-sixth of those who enter the Government service through civil-service examinations. It is also interesting to note that the persons who are appointed to the service are not fresh from their books, as the average age of the appointees to the service is 28 years, a period of life which is several years beyond the time of leaving school.

Then, again, the open public competition which closes the doors Then, again, the open public competition which closes the doors to patronage and favoritism in appointments, destroys the motives for removals, for vacancies can not be filled by chosen favorites; but only by those whom the chances of battle in an open contest of merit assign to the place. In such case there remains little inducement to increase places beyond the necessities of the service, for they can not be filled by the personal selection of the appointing officer, but by those certified from the head of an eligible list. And, moreover, as General Grant wisely said, it is much easier to remove the unworthy persons who come in through competition, for they are without political influence to keep them in, which is not the least of the vices of the spoils system.

not the least of the vices of the spoils system.

It is the uniform testimony of the chiefs of bureaus and divisions, as well as the heads of Executive Departments, that appointees coming in under the civil-service rule are more efficient than those appointed under the old system, that abuses under the former system have been corrected, that the moral tone of the public service has been elevated and the service made more economical and businesslike.

In the Post-Office Department a rule has been promulgated in this Administration that no carrier shall be removed except for cause upon written charges filed with the Post-Office Department, and of which the carrier shall have full notice and an opportunity to make defense. Gratifying evidence of the high ground taken by the present Postmaster-General is found in his address before the national convention of letter carriers in this city in September last. He there said:

No one rejoices more than I do, both on principle and on the lower plane of selfish convenience, that every free-delivery post-office in the country is now under civil-service rules; that the gateway to employment therein is no longer partisan influence, but the free and open road of personal merit, and that the tenure of that employment no longer depends upon anything else than individual merit and individual fidelity.

He has also followed the lead of his predecessor in the previous Administration, and recommended a merit tenure for three of the Assistant Postmasters-General. This may well be regarded as indicating the trend of sentiment among those occupying the most conspicuous positions in the public service.

THE PRESENT STATE OF THE LAW.

The present state of the lawis in many respects satisfactory, but The provisions for safeguarding the service against not in all. The provisions for safeguarding the service against political influences might be improved, though, as far as admissions to the service are concerned, they are quite ample. The law does not allow more than two of the Civil Service Commissioners to be adherents of the same party.

It provides for a system of examinations to test fitness, which excludes the possibility of political discriminations, because the identity of the persons is not known to the examiners who determine the persons and selections are made according to grade

mine the percentages, and selections are made according to grade as they stand on the eligible list.

No person shall be removed or otherwise prejudiced for not con-tributing to any political fund or not rendering any political service.

No person in the service has a right to use his official authority

or influence to coerce the political action of anyone.

No recommendation of any applicant for office which may be given by any Senator or Member of the House of Representatives, except as to the character or residence of the applicant, shall be received or considered by any person concerned in making the

examinations or appointments.

And it is the duty of all officers of the Government, to which the law and rules of the civil service shall relate, to aid in all proper ways in carrying said law and rules into effect.

It will thus be seen that if all officers charged with duties under the law perform their duty, the civil service will enjoy absolute immunity from discrimination on political grounds as far as

admissions to the service are concerned.

After their admissions a different rule prevails. Promotions, removals, and reductions, singularly enough, have not been excepting to a limited extentamenable to law. To correct this defect, I introduced a bill early in the first session of this Congress making it a penal offense to willfully discriminate in favor of or against any eligible for appointment to or any employee in the classified civil service of the Government in the matter of promotions, reductions, or dismissals on the ground of their political opinions or affiliations. That bill was reported favorably from the Committee on Reform in the Civil Service and is now on the Calendar. Happily, the necessity for the measure is to some extent superseded by on Reform in the CNH Service and is how on the Calendar. Happily, the necessity for the measure is to some extent superseded by the rules recently promulgated, which place greater restrictions upon official liberty in this respect, and if enforced with fidelity will greatly improve the system. Heretofore the Departments have regulated the discipline of employees according to their own rules; and in the matter of removals, promotions, and reductions the "spoils system" had a big pull. It has been thought by many better not to place restrictions upon the appointing power in relation to removals, because the good of the service requires removals to be made at times, and some discretion must be lodged in those who are responsible for the service.

The complaints that have been mostly made—and they are numerous and in many instances with apparent warrant—relate to this aspect of the service. It is not possible, perhaps, to eliminate the personal factor entirely from the treatment of employees, and there is much force in the contention that the liability to abuse of the power of removal is minimized by the fact that there is no guaranty that a vacancy will be filled by a person more agreeable, politically and personally, than the one removed. Still, I am of the opinion that some restriction should be placed upon removals, for abuses are believed to be practiced in some instances to the prejudice of faithful employees by their revenue or reduction without

opinion that some restriction should be placed upon removals, for abuses are believed to be practiced in some instances to the prejudice of faithful employees by their removal or reduction without justifiable cause. This can only be prevented by making such abuses penal offenses, and the new rules do this. As the law has been, there was no redress for any employee who believed injustice had been done him in these respects. He complained and his outcry of injustice went up and down the land, bringing scandal and discredit upon the service and upon the heads of Departments involved, with no means available of establishing the truth of the accusation or vindicating the appointing officers against the aspersions cast upon their official duty and honor.

There is another defect in the law which I would correct. I

There is another defect in the law which I would correct. I would extend the preference given to a limited number of honorably discharged Union soldiers and sailors of the late war by section 1754 of the Revised Statutes to all honorably discharged soldiers and sailors. The limitations upon this preference are not really understood. The law says:

Persons discharged from the military or naval service by reason of disability resulting from wounds or sickness incurred in the line of duty shall be preferred for appointments to civil offices, provided they are found to possess the business capacity necessary for the proper discharge of the duties of such offices.

While section 2, Rule VII, of the civil-service rules provides

The names of all competitors whose claims to preference under the provisions of section 1754 of the Revised Statutes have been allowed by the Commission, and who attain an average of 65 or over shall be placed in the order of their average percentages at the head of the proper register of the eligibles.

While section 3 of Rule VII provides as follows:

For filling vacancies in positions for which competitive tests are not practicable, persons who served in the military or naval service of the United States in the late war of the rebellion and were honorably discharged therefrom shall be placed at the head of the proper register in the order of their fulfillment of said requirements.

This is all right as far as it goes, but it ought to go further. Very few of the soldiers of the late war who were honorably dis-Very few of the soldiers of the late war who were honorably discharged thirty-odd years ago by reason of disability resulting from wounds or sickness incurred in the line of duty are now surviving to avail themselves of the advantage of this provision of the law. There are, however, a large number of honorably discharged soldiers who have since their discharge become in some degree disabled by reason of wounds or sickness incurred while in the service who are capable of performing the duties of many of the offices under the civil-service law, but who are not entitled to any preference over others under that law. With a view to correcting this defect I introduced in the first session of this Congress a bill to amend existing law so as to extend this preference to all honorably discharged Union soldiers and sailors of the war of the rebellion and the widows of such honorably discharged persons,

provided they are found to possess the business capacity necessary to discharge the duties of such offices. That bill was favorably reported by the Committee on Reform in the Civil Service, and

reported by the Committee on Reform in the Civil Service, and is now on the Calendar.

Under existing law there were in the year 1894 but 14 of the preferred class of soldiers placed upon the eligible list for the entire departmental service of the United States, and only 10 secured appointments. In the year 1893, 15 were placed on the eligible list and 13 received appointments. From June 30, 1894, to January 1, 1896, only 4 were appointed. After the lapse of thirty years from the close of the war, and in view of the widely prevailing sense of gratitude and generosity toward the surviving defenders of the Union, it is believed that the extension of the preference as I have suggested would be an act of instice which preference as I have suggested would be an act of justice which the people of the United States, in grateful recognition of the services and sacrifices of those who served in the Army and Navy in the war for the Union, would highly commend. It is believed that the average age of the surviving Union soldiers is about 60 years, while the average age of those passing examinations is about 27 years. It is therefore apparent that the number of this class who would pass the merit test under our civil-service rules would be limited. The extension of the preference to the widows of soldiers and sailors who were honorably discharged from the service of the United States would be a recognition of a meritorious class to when the patriotic women of America are quite willing to concede the slight advantage which will inure to them through the proposed preference,

With some modifications with a view to the improvements I have suggested, the law would be about as good as we can hope to have it; and if those intrusted to carry it into effect are as good as the law we will soon have a civil service in the United States in which faithful employees in the great Government workshops, where 175,000 people are earning their living and serving the public, will be under the law secure in their places as long as they are faithful and efficient, and into which no passport but merit

and personal worth can gain admission.

Mr. Chairman, it was my original intent to lay before the Committee of the Whole some information relating to the present state of the executive service of the United States, with a view to meeting some inquiries which are being made by members of the House relating to that service. I shall not be able to do that fully in the time I occupy the floor to-day; and I shall therefore at the proper time ask consent to so extend my remarks as will enable me to place upon the tables of members some statements and figures which will reveal the condition of the civil service to some extent at this time and answer some of the inquiries which members are making.

EFFICIENCY OF SERVICE.

I hold in my hand the replies of the chiefs of the various Departments of the Government to a resolution passed by this House at the last session, asking for certain information relating to the state of efficiency among the employees of the service. I desire to give to the committee a statement of the result of those replies, to show as well as such a statement can show the state of efficiency in the service. Every chief in the entire civil service was requested to state how many employees in his Department or bureau were below the average standard of efficiency; and I have the happiness to be able to say that it appears from the reports from all the bureaus and Departments of the Government that but thirty-three servants in the employ of the Government at the time these answers were made were below the average standard of efficiency.

Mr. ANDERSON. Do I understand the gentleman to say that in all the Departments the inefficient were found to number only

thirty-three?
Mr. BROSIUS. Only thirty-three, as reported by the heads of the various bureaus of the Government.

Mr. BOWERS. What time was that response made?

Mr. BROSIUS. At the close of the last session of Congress. The resolution of inquiry was passed on the last day of January, and the replies covered the period from that to the last of April.

Mr. BOWERS. As late as that?

Mr. BROSIUS. That is about the time.

Mr. BOWERS. Will the gentleman allow me a half minute? Mr. BROSIUS. I prefer not to be interrupted, if the gentleman will allow me.

It will be easily seen, Mr. Chairman, by the members of the committee that the character of the statement that I am making, and am about to make, would naturally elicit a great number of inquiries, and my time would be entirely consumed by somebody

I have answered the gentleman from Tennessee that the total number of employees as shown by these reports of the heads of the bureaus of the Government is thirty-three inefficients. Mr. ANDERSON. I think I can find that many in one single

Mr. BROSIUS. Well, that may be. This statement comes to

Congress from the heads of the various bureaus and Departments of the Government as to the average standard of efficiency of the employees.

Mr. COX. Will the gentleman let me ask him a question? Mr. BROSIUS. Now, if my friend from Tennessee will desist

I only want to ask one, and a short one. US. I want to make some observations myself on the service, and unless my time is extended indefinitely I shall be compelled to decline to answer any inquiry

Mr. COX. I have a very pertinent question.
Mr. CANNON. I think the gentleman from Tennessee has a very interesting question. He looks like it. [Laughter.]
Mr. BROSIUS. I have no doubt of that fact. He always has

interesting questions and they generally lead to various other questions, as they suggest thought in others.

In the Treasury Department the report shows 22 employees below the average standard of efficiency, of which number 8 are inefficient on account of age, one being 57 years of age, one 63, one 68, one 69, one 70, one 77, one 82, and one 84.

In the Department of Labor there were 2; and the inefficiency

in their cases arose from ill health.

In the Post-Office Department there were 9 reported, 6 females and 3 males, and age was the cause of the inefficiency of 5 and

mental infirmity of 2.

I thought it proper, Mr. Chairman, to make this statement for the information of the committee and the House. If any relia-bility attaches to these replies from the chiefs and heads of the bureaus and Departments of the Government, it certainly reveals a very gratifying and satisfactory state of the service so far as that is concerned. that is concerned.

Now, in relation to the present state of the civil service, we have, in round numbers, 175,000 employees in the various Departments and bureaus of the Government. We are paying them every year, in round numbers, about one hundred millions of dollars. You can easily see the importance attaching to the subject when you contemplate the money taken from the pockets of the

people to pay these servants.

In the service of the Government to-day there are in the aggregate in the departmental service 58,548 employees; of this number, there are in the classified service 46,454, and we pay them \$48,130,017 a year. In the Post-Office Department there are 104,811 all told, and in the classified service the number is 26,816. We pay that Department \$38,665,025. In the Government Printing Office there are 2,852 employees, all of whom but 36 are in the classified service, and we pay them \$2,509,830. In the custom-house service there are 5,103 employees in the aggregate, and 4,545 of them are in the classified service. We pay them \$66,333,027 per annum. In the Internal-Revenue Department of the Government there are 3,282 employees, and 3,168 of them are in the classified service. We pay them \$3,298,266 a year: making a total of employees in the civil service of 174,596, and in the classified service, 83,299, the whole of which costs the people \$98,936,167.

These figures are approximately correct, but I will print with my remarks a tabulated statement containing the correct figures. I want to say, Mr. Chairman, that I rejoice more than I can express to hear honorable members on this floor, with a devotion to a great principle and a fervency of spirit, I may say, that would do credit to the apostle to the Gentiles, arraigning the remnant of the spoils system that yet lingers in the executive civil service of the United States. I agree with what they say to a large extent. I unite with my friend from New Hampshire [Mr. Baker] in con-

demning the remnant of that iniquity that remains in the civil service of the country, and that he has been lashing with appropriate vigor, thinking he was arraigning the reformed civil service of the country; in other words, the merit system, which in the past only covered a part of the executive civil service.

Mr. BAKER of New Hampshire. Will the gentleman permit

Mr. BROSIUS. My friend knows I have but a few minutes. Mr. BAKER of New Hampshire. You told what I thought; not what I said.

Mr. BROSIUS. I should be glad to yield to interruptions if I had the time.

The CHAIRMAN. The gentleman from Pennsylvania [Mr. Brosius] declines to be interrupted.

Mr. BROSIUS. The complaints which our friends make against the civil service are shown by what they themselves say not to be complaints against the merit system, but against the spoils system which remains.
Mr. WALKER of Massachusetts. That is so.

Mr. BROSIUS. And all the employees who have been removed from office, according to the report cited by my friend from New Hampshire [Mr. Baker], taken from the report of 1894, were removed under the spoils system, and not under the classified civil service of the United States. [Applause.] There is no way that they could be removed, if they were under the classified

system, unless you assume that a man does a thing without a motive. Every vacancy made under the classified service of this Government must be filled, not by the selection of the appointing officer, but from the head of an eligible list according to grade, which was fixed and established without the possibility of political preference. For all who understand anything about the civil service of this country know that those men are placed on that list after an examination under rules, which preclude the possibility of political preference, because the identity of the applicant examined is not known to those who conduct the examinations, for the applicants and determine the applicant's release the identity of the applicant examined is not known to those who conduct the examinations, fix the percentages, and determine the applicant's place on the eligible list.

This absolutely excludes the possibility of any political discrimination. The civil-service rules of this country, so far as they apply to the service, sufficiently guard admissions to the service against the influence of politics. But after they get into the service against the influence of politics. But after they get into the service, it is true that the merit system ceases to have the same effectiveness, because not applicable, or at least not enforced, as I think it ought to be. And if any member of the committee has an amendment to offer to make it apply more effectually to employees after they have been admitted into the service, I think I shall support such an amendment. Of course the rules adopted under the executive order recently propagated do this to every under the executive order recently promulgated do this to some extent.

There is also a mode of shifting employees in the service so as to There is also a mode of shifting employees in the service so as to reduce and promote which operates very unjustly when used to favor one party at the expense of another. It is claimed, with what truth I do not know, that this abuse has been carried on to a vicious extent in this administration. There is a vice also in the present classification of employees that ought to be corrected. Any one who visits the departments can see a number of clerks sitting side by side, all doing the same kind of work while their salaries may vary several hundred dollars. This inequality ought not to be tolerated.

But there has always been a practical difficulty after employees are admitted. What is the best mode of regulating their discipline with a view to securing the least of the worst and the most of the best results is not by any means free from difficulty.

Mr. LACEY. Will my friend yield right there? I do not want to interrupt, but I want to ask for information.

Mr. BROSIUS. I know; everyone is asking for information;

but I have no time.

Mr. LACEY. The gentleman has made a misstatement. I do not think he desires to do so.

Mr. BROSIUS. I only have a few minutes.
Mr. NORTHWAY. Mr. Chairman—
The CHAIRMAN. The gentleman from Pennsylvania [Mr. Brosius] has refused over and over again to yield.
Mr. NORTHWAY. I do not want to interrupt, but I want to

make a reques The CHAIRMAN. The gentleman from Pennsylvania [Mr.

BROSIUS] is entitled to the floor.

Mr. NORTHWAY. I want to request that the time of the gentleman from Pennsylvania [Mr. Brosius] be extended until he concludes his remarks, because he is chairman of the Committee on Reform in the Civil Service, and we want to ask him questions

Mr. CANNON. I hope the time will not be extended beyond 4

o'clock.

Mr. BROSIUS.

Mr. BROSIUS. Oh, no. The CHAIRMAN. Unanimous consent is asked that the time of the gentleman from Pennsylvania [Mr. Brosius] be extended indefinitely. Is there objection?

There was no objection.

Mr. LACEY. Will the gentleman now yield for a question?

Mr. BROSIUS. With the greatest satisfaction.

Mr. LACEY. I understand the gentleman to say that there is Mr. LACEY. I understand the gentleman to say that there is no possibility by which politics can enter into the selection of employees in the civil service. Now, is it not true that the eligible list has to be drawn from—three persons in number—and that the political character of these men is very easily ascertained? And does it not often happen that the party in power selects, and generally selects, a man who is of the same politics from the eligible list? That is one point I want to ask you about; and also to ask you if there is any remedy for it.

Mr. BROSIUS. My friend is entitled to the benefit of that statement. It is true, just as he has said, that when a vacancy is announced in any Department the Civil Service Commission certify three persons from the head of the list. It had not occurred to me that the discretion that the appointing officer has in select-

to me that the discretion that the appointing officer has in selecting one of those three involved a political discrimination that was worth mentioning. Now, I concede there is a possibility of there being among the three persons at least one of each political party, and if the appointing officer chooses to find out and select the one of his own party he has the power to do it. His discretion goes to that length.

The danger, however, which the gentleman from Iowa [Mr.

LACEY] apprehends is more apparent than real, for in practice, as he can see by looking at the number of certifications and the number appointed in a large number of cases two are chosen from the three certified, which is permissible where there are two vacancies. I am assured by the Civil Service Commissioners that

vacancies. I am assured by the Civil Service Commissioners that little attention is given by appointing officers to the politics of eligibles certified for appointment.

Mr. LACEY. Mr. Chairman, what I wish to ask my friend is this: As chairman of that committee, whether he had any method by which that could be prevented. As a matter of fact, I understand that under the party in power whether it he Demogration. stand that under the party in power, whether it be Democratic or Republican, as the case may be, there is no difficulty in having persons of its political faith appointed; and, after all, politics are not taken out of the civil service. Is there any remedy?

Mr. HENDERSON. Better not change it for the next four

years. [Laughter.]
Mr. BROSIUS. It is not possible for us to devise a civil-service system free from fault. We have not arrived at perfection.
Mr. BAKER of New Hampshire. Will the gentleman allow

me to ask him a question?

The CHAIRMAN. Does the gentleman from Pennsylvania

Mr. BROSIUS. Oh, yes; I yield to everybody. I am here for

the day.

Mr. BAKER of New Hampshire. In the official document to which I referred it is shown that there were 1,638 appointments in the Interior and Treasury Departments. Does the gentleman know, or rather believe, that even 38 of these 1,638 were Republicans?

Mr. BROSIUS. I do not know; and I will give a handsome reward to any man who will put me on a plan by which I can

ascertain the ratio of the two parties in the executive civil service

of this country.

Mr. HENDERSON. It fluctuates.

Mr. BROSIUS. I have been unable to find out, and I have interrogated those who I thought ought to know; but I can get no information about it. And I believe that one-half of the statements made upon that subject are as vague, as uncertain, and unreliable as the information we get from Cuba. We know nothing about it.

Mr. CANNON. Now, will the gentleman allow me to ask him

a question at that point?

Mr. BROSIUS. With great pleasure. I am here for the day.

Mr. CANNON. I want to say, as a preface to the question, I do not think we are going to repeal the civil-service law; but I think there is perhaps a real evil presented by the amendment proposed to be offered by the gentleman from New Hampshire that I want to call my friend's attention to, namely, that when the present Administration came in—and I have no doubt it was so under the former Administration—a large number of employees a heads of divisions that were not in the civil service were dropped, mustered out of the service, and their places filled purely from a political standpoint, and in some instances, I will not say in all, by incompetent people, by competent people in some instances, I will not say in all. Now, then, there came in an order covering that class of employees by the civil service. As I understand, the gentleman from New Hampshire claims that as to such appointments people who were in the civil service who are competent should be eligible to reappointment.

Mr. BROSIUS. I get the gentleman's point without further

Mr. CANNON. Now, what I want to understand is whether the gentleman would favor a continuance of the spoils system so far as its preservation there is concerned, or whether he is in harmony with some arrangement like unto that which is offered by the gentleman from New Hampshire?

Mr. BROSIUS. I am not willing, speaking personally, to preserve any portion of the spoils system for any purpose whatever

serve any portion of the spoils system for any purpose whatever, for I regard it as intrinsically bad, as iniquitous, as absolutely below the degree of tolerance; and I would not preserve it, so far as I am concerned, in any part of the civil service of this country when a better system could be applied.

when a better system could be applied.

I do not see how any man can be of a different opinion after witnessing the object lesson in this House yesterday, which will be read, I have no doubt, with regret if not humiliation by many good people of this country. Two legislative days were consumed by a controversy whether the Capulets or the Montagues should enjoy the patronage of the new Library, that great institution, with that great erection, which is not surpassed if equaled as a combination of architecture and art in any other country. Do you not know what the discriminating people of this country will say when they read those proceedings? They will say, "A plague on both your houses. Those places shall not be the prey of politics, but shall be filled by a mode of selection which recognizes on both your houses. Those places shall not be the prey of politics, but shall be filled by a mode of selection which recognizes merit and qualification alone as the paramount test of fitness

But the difficulty to which my friend refers is one which is not easily overcome, unless we establish a tribunal of appeal from the decisions and the decrees of the chiefs to appoint and remove. It has always been a difficulty. I was about to refer to that a mo-

ment ago in relation to the discipline of the civil service after the employees are admitted through civil-service rules. When Mr. Harrison came in, in 1889, it became a question of how promotions and reductions and removals were to take place. The Civil Service Commission, desirous to make the civil service as effective as possible, had a conference with the President upon that subject, I have been advised. It was the opinion of President Harrison that have been advised. It was the opinion of President Harrison that the question of promotions, reductions, and removals ought to be left to be treated by the Departments themselves. President Harrison thought that an "efficiency record" was a suitable and proper means of ascertaining who should be promoted, reduced, or removed. Further, as you will remember, Mr. Harrison's Administration established what they called an "efficiency record," for the government of the employees in these respects. How well it worked men may differ in opinion, but it was practiced throughout that Administration. After that Administration was succeeded by the present one—

Mr. McMILLIN. Right there, before the gentleman goes from this branch of the subject, will he yield to a question?

Mr. BROSIUS. With great satisfaction.

Mr. McMILLIN. Concerning the administration of the civil service by President Harrison's Administration, is it not a fact

Mr. McMILLIN. Concerning the administration of the civil service by President Harrison's Administration, is it not a fact that immediately upon his assuming the duties of the office, or very soon thereafter, he suspended the rule or order which had been made by President Cleveland placing the Railway Mail Service under the civil service, and turned out in less than a year of his Administration between 1,000 and 2,000 Democratic employees

and put in his partisan employees?

Mr. BROSIUS. It is perfectly true that President Harrison suspended the operation of an order that had been promulgated by his predecessor, and he did it to the great good of the service, as was afterwards fully and most convincingly demonstrated. That order, it will be remembered, was made at the close of Cleveland's Administration, but its initial operation was projected into President Harrison's term, which was an unsuitable and unseemly thing. When Mr. Harrison came into office, he found unseemly thing. When Mr. Harrison came into office, he found the Railway Mail Service of this country in a state of chaos, and in order to have suitable service it was found necessary to suspend the order that had been promulgated by his predecessor and to reinstate efficient men who had been turned out, and give the Civil Service Commission time to make adequate preparation for the examinations to meet the requirements of the service. I have been advised that the order of suspension was issued on the representation of the only Commissioner then in office that they could not have eligible lists prepared in time for the order to go into operation on the date named therein.

But it is unfortunate for my friends on the other side to suggest a comparison between President Cleveland's first Administration and that of his successor in respect to removals from the Railway Mail Service. That there may be no misapprehension as to the course of events in that Service from 1885 to 1889, I will give the figures from the Report of the Postmaster-General for 1889, as

Changes made in the Railway Mail Service during the four years from March 5, 1885, to March L. 1889.

Year.	Remov- als.	Resig- nations.	Proba- tioners dropped.	Deaths.	Totals by years.
Mar. 5, 1885, to Mar. 4, 1886 Mar. 5, 1886, to Mar. 4, 1887 Mar. 5, 1887, to Mar. 4, 1888 Mar. 5, 1888, to Mar. 4, 1889	508 446 503 571	509 453 329 646	394 91 119 103	29 25 41 32	1,440 1,015 992 1,352
Total	each yea		707	127	4,799 4,356 5,334 4,845 4,799

This table, in one respect at least, makes a phenomenal show-ing. It shows that the total changes made in Cleveland's first Administration were exactly equal to the total number in the Serv-

ice on March 5, 1885.

Mr. McMILLIN. But does not the gentleman know that men were put in under the Harrison Administration who had not been connected with the service before, and who had never passed any civil-service examination?

Mr. BROSIUS. There was no civil-service examination for that service at that time, and after the order of President Cleveland was suspended the employees were, of course, appointed in the old way

Mr. McMILLIN. And appointed from the Republican party, as the gentleman will candidly admit.

Mr. BROSIUS. I am not able to say how many Republicans or

how many Democrats were appointed. I only know that the effi-ciency of the Railway Mail Service, as indicated by the ratio of pieces handled to errors committed, showed very rapid improvement after President Harrison suspended that order.

Mr. WALKER of Massachusetts. If the gentleman from Pennsylvania will permit me, I will say to the gentleman from Tennessee that of five men restored in my district three were Democrats, and they were restored upon my recommendation, and it was so all over

the country.

Mr. McMILLIN. It was not so all over the country. The gen-

tleman is wholly in error about that.

Mr. WALKER of Massachusetts. Perhaps it was not so in the

same proportion.
Mr. BROSIUS. Mr. BROSIUS. Mr. Chairman, I do not yield for a colloquy between members of the committee, because that would take not only all of this day, but to-morrow as well, when we shall not be

ere. [Laughter.] Mr. HENDERSON.

here. [Laughter.]
Mr. HENDERSON. I will ask the gentleman whether it is not true that the order that was suspended by President Harrison had been made just before Mr. Cleveland retired from office?
Mr. BROSIUS. Immediately before his retirement.
Mr. HENDERSON. I remember distinctly that the Harrison Administration looked up the record of the men that had been removed, grading them "one," "two," and "three," and those as low as three were not eligible to reappointment, and were not reappointed even upon the recommendation of a member of Congress. I tried myself to get a man in and failed, but by virtue of reappointed even upon the recommendation of a member of congress. I tried myself to get a man in and failed, but by virtue of President Harrison's suspension of that order, I did get in several old soldiers, splendid officers, faithful men.

Mr. COX. Who decided that question of efficiency?

Mr. HENDERSON. The Department; on the record the men had made during their term of service. There never was a more righteous exercise of power than that which took place in pursuits of their exercises and there never was a more brital abuse.

ance of that suspension, and there never was a more brutal abuse of power than there was in the removals of men who were faith-ful to the service and faithful to the country, even with their

Mr. BROSIUS. Mr. Chairman, I have observed on other occasions that the questions of my friend from Tennessee always suggest thought in others [laughter], and now, while I feel under obligation to answer any questions that may be addressed to me because I have had my time so liberally extended, I can not yield for colloquies or debates between members of the committee.

[Laughter.]

I was speaking of the improvement in the efficiency of the Railway Mail Service. At the time that order of Mr. Cleveland was issued the state of the service was portrayed by a ratio of about 4,000 pieces of mail matter handled to 1 error committed in the handling. After the order had been suspended and the offices filled by more efficient men, the ratio began to rise, until to-day, or at least within a month, there are, as I am informed, 10,000 pieces of matter handled to 1 error committed. Of course I speak in

round numbers Now, Mr. Chairman, in reference to the amendment of my friend from New Hampshire [Mr. Baker], I want to say that, apart from any question of its merits, the amendment is obnoxious to a point of order which has been or will be made, and I want to point out briefly in what respect it is obnoxious to the point of order. I think it very unwise on an appropriation bill to alter or modify in any material respect our civil-service law. The law and the rules promulgated under it provide, and have for many years provided, for a mode of reinstating persons who have been separated from the service for any cause not involving their own

fault or delinquency.

Mr. BAKER of New Hampshire. Is there not a time limit on

that?

Mr. BROSIUS. I was about to state that, but I can not state the whole law in one breath. It would have been stated before now if the gentleman had not interrupted. [Laughter.] The law and the rules, I say, provide how persons who have been separated from the service for any cause not involving their own fault or delinquency may be reinstated, but it wisely imposes a limit of definduency may be reinstated, but it wisely imposes a finite or time upon that reinstatement, namely, one year. That is, if a person has become separated from the service, from no cause involving his own fault or delinquency, he can be reinstated at any time within a year. That is a very wise provision, because without such a limit the law would enable the appointing power, if he chose, to reinstate a man in office for any length of time, long

after he had ceased to possess the qualifications which in the first instance made him eligible to appointment.

It is easily seen that to open that "spoils gate" would lead to the overthrow to a large extent of the merit system and result in great detriment and injury to the public service. To guard against that evil. the limit was placed at one year, in analogy to against that evil, the limit was placed at one year, in analogy to the rule requiring an examination every year to keep up an applicant's eligibility. Now, the amendment of the gentleman from New Hampshire proposes to repeal that part of the law by abolishing the limitation entirely, which would open the service to the reinstatement of anybody who had ever been in the service after any length of time. If a man had been dismissed ten years ago, and is now ten years older and correspondingly less efficient, he could still be reinstated by the appointing officer.

Mr. BAKER of New Hampshire. Will the gentleman consent to an amendment which will make that limit five years instead of

Mr. BROSIUS. No; I will not consent to any amendment that materially alters or modifies the civil-service law, because I think it is not a suitable thing to do upon an appropriation bill. When a change is made, if it is to be made, it ought to be done with deliberation and by a bill for that special object. But it is obnox-ious to a point of order not only in that respect, but it changes existing law in another respect. Under the present law no one can be reinstated at any time, except to a position requiring no higher qualification than the one from which he was separated. But that limitation is also repealed by this amendment, so that a man can not only be reinstated at any time without limit, but to any place without limit. And certainly members of this committee will see the utter impropriety of such an alteration of our civilservice law. It would emasculate the law; it would destroy it to a great extent; practically it would not be worth a twopence after you opened the gates to such unlimited reinstatements.

Mr. Chairman, the civil service of this country is full of difficulty. I was speaking a moment ago about the difficulties that President Harrison found in the administration of the service.

For twenty years, or well-nigh that period, the offices were filled

for twenty years, or well-nigh that period, the offices were filled by one party, because the Republican party was in the ascendency and controlled the patronage of the Government. Then there were not so many removals, because Republicans were not eager to dismiss some Republicans in order to appoint other Republicans. For example, for twenty years the chiefs of division were pro-moted from within and showed the normal operation of the serv-ice when unaffected by the vicious influence of politics. When the civil-service law went into operation the chiefs of division were put on an excepted list and remained there until the recent order was promplested, and were to a great extent the featballs of put on an excepted list and remained there until the recent order was promulgated, and were to a great extent the footballs of party politics. I am told it takes four years for an average man to become a competent chief of division. They must learn from the bottom toward the top and can learn in no other way. While they were regarded as spoils, apprentices were kept in place. When Mr. Cleveland came into office the first time, in 1885, he found these places on an excepted list and treated as political appointments. He continued to treat them as such and turned the incumbents out and filled the places with Democrats to a greater or less extent. In that Administration the Civil Service Commissioners tried to have the chiefs of division classified, as I believe they also did under the Harrison Administration, but believe they also did under the Harrison Administration, but their suggestion was not honored with Executive approval

After that was done-after these offices were all filled with Democrats—whether to the advantage or the detriment of the service the Lord only knows, excepting as we may judge from the report of the chiefs and heads of Departments—after it was all done and after all the other places in the executive service were filled up with Democrats as far as they could be (and I condemn that as much as anyone), then the President of the United States promulgated his new order extending the civil service to nearly every place in the executive civil service of the United States. Now, however he may have sinned in the early part of his Administration, manifestly he saw his error; he repented and became converted, and issued a thoroughgoing civil-service merit-system

verted, and issued a thoroughgoing civil-service merit-system order.

Mr. BAKER of New Hampshire. Is it not rather the fact that the President, after he had secured all these offices, attempted by that order to keep them?

Mr. BROSIUS. That is exactly what I said. He could only appoint them for the purpose of keeping them. I supposed even my friend from New Hampshire would know that he did not appoint them to dismiss them.

Mr. BAKER of New Hampshire. And for that reason he is not entitled to the usufruct of his own sin.

Mr. BROSIUS. Well. I always thought that what a man does

Mr. BROSIUS. Well, I always thought that what a man does in his unregenerate days ought not to be thrown up to him after he has repented and becomes sanctified and occupies a front pew in the church.

Mr. BAKER of New Hampshire. Even though he holds stolen

Mr. BROSIUS. No, sir. That remark is intended for an illustration, but it is one that does not illustrate.

Now I want to direct the attention of the committee to the state Now I want to direct the attention of the committee to the state of the rules at this time in relation to the making of political discriminations in the service. And I think it is eminently right; it is sound through and through, and it does not detract from its soundness with me because it is promulgated by a Democratic President. The truth in the matter does not depend upon the politics of the lips that declare it; not with me. Now I will read from Rule II, section 1:

Any person in the executive civil service of the United States who shall willfully violate any of the provisions of the civil-service act or of these rules shall be dismissed from office.

Now, one trouble I have found with the civil-service law hitherto has been that there was no penalty attached to the violation of the provisions of the law with respect to political discrimination. But under this rule the man who offends is to be dismissed from office. And it is only necessary to enforce the law to prevent such discriminations.

The second section reads-

No person in the executive civil service shall use his official authority or official influence for the purpose of interfering with an election or controlling the result thereof.

A MEMBER. What rule is that? Mr. BROSIUS. The third section of rule 2. Now mark the language of the third section:

No person in the executive civil service shall dismiss or cause to be dismissed or make any attempt to procure the dismissal of, or in any manner change the official rank or compensation of any other person therein because of his political or religious opinions or affiliations.

Mr. Chairman, that came from a Democratic Executive; but in my judgment it is 24-karat fine, and I would write it in letters of gold over the archway to the entrance of every Department of the Government. If that section were faithfully carried out, we the Government. If that section were faithfully carried out, we would have an executive civil service as near perfection as we can hope to arrive at. It would come up even to the exacting requirements of my friend from the old Granite Sta e, Mr. Baker.

Mr. ANDERSON. I wish to ask the gent e nan whether that rule has been carried out by the present Administration?

Mr. BROSIUS. My friend asks whether that rule has been carried out by the present Administration. It has not. The rule did not exist until the promulgation of the order of May 6, 1896.

To what extent it has been observed since that I am unable to say.

To what extent it has been observed since that I am unable to say.

Mr. BAKER of New Hampshire. Will the gentleman allow me

Mr. BAKER of New Hampshire. Will the gentleman and will a question?
Mr. BROSIUS. With pleasure.
Mr. BAKER of New Hampshire. When has there been any "spoils system" within the last ten years, excepting—
Mr. BROSIUS. Why, sir, a man who has been a member of this House for all these years and has had as much to say about the civil service of the country as my distinguished friend from New Hampshire.

Mr. BAKER of New Hampshire. Will the gentleman give a

direct answer?

Mr. BROSIUS. For him to ask me whether there has been a time within ten years when the civil service of the United States has not been under the merit system! Why, bless his innocent soul, we started under the act of 1883 with only 14.500 in the classified service out of a total of 131,000 employees in the entire civil service. Then there were successive extensions until the beginning of this year, when the number in the classified service reached 55,786. Then the recent order of extension added to that number 27,563, still leaving 91,297 employees untouched by the

competitive system.

Mr. BAKER of New Hampshire. Does not the gentleman know that of these dismissals a very large number were under the civil-

service rules and had been ever since 1883?

Mr. BROSIUS. If my friend from New Hampshire believes that statement, it is because he has said it so often that he has begun to consider it as true.

Mr. BAKER of New Hampshire. Because it is true.
Mr. NORTHWAY. Will the gentleman from Pennsylvania allow me a moment?

allow me a moment?

Mr. BROSIUS. Certainly.

Mr. NORTHWAY. As I understand the gentleman, he claims that up to within six months past removals have been made for political causes and appointments have been made for the same reason, and that now these appointments are covered by the civil-service rules. That is true, is it not?

Mr. BROSIUS. Well, not just as you have stated it, because the gentleman makes no discrimination between the classified and the unclassified service.

the unclassified service.

Mr. NORTHWAY. But if there was any evil growing out of it, the civil-service rules and their operation, to that extent, the

gentleman will admit, would protect them?

Mr. BROSIUS. The civil-service law and rules protect, to a great extent, those who are within its provisions, and none others.

Mr. NORTHWAY. If the gentleman will allow me, let me

complete my statement.

I am told—I have no knowledge of the fact myself, beyond the information that has been conveyed to me—that our pension examining boards throughout the country are under the civil-service rules.

Mr. HILL. They will be after the 10th of January.
Mr. NORTHWAY (continuing). Or rather, that they will be, as the gentleman says, after the 10th of January. Now, so far as

as the gentleman says, after the luth of January. Now, so far as I know, these appointments, up to the present time, have been filled by Democrats.

Mr. BROSIUS. Certainly.

Mr. NORTHWAY. And your civil-service rules will protect them in the enjoyment of their offices forever. Politics fills them, and politics will protect them.

Mr. BROSIUS. Politics have filled them and politics should vacate them. Is that the point?

Mr. NORTHWAY. I would not have, for the examination of our soldiers, these men all of one political party. It does not seem

reasonable or just.

Mr. BROSIUS. Mr. Chairman, if I were a czar, if I had the power to regulate the civil service of the United States, I think I could be nonpartisan enough—I say I think I could, I do not know that I could be, because I am a thoroughgoing Republican, and do not know just how far I would yield to the solicitation of politics—but if I had the control of it I think I could formulate nonpartisan rules that would cover the point to which the gentleman has referred. But as I have not control, I think I can say now from the standpoint of patriotic independence that I would extend the civil-service rules of the country to cover every employee of the service of the Government of the United States, and make merit and efficiency the paramount test for appointment and promotion; and I would do it when the parties were evenly divided in the service of the country as nearly as is practicable. And if the President of the United States had looked to it to have the offices fairly divided in the places covered by his order before issuing it there could have been, and would have been, no complaint made about it. But Republicans very naturally flinch when they see the places filled with adherents of the present Administration and of its political ideas, and find these places now covered and protected by the ægis of an Executive order promulgated in the last year of the Administration. I am not surprised that the Republicans squeal. I feel like squealing myself, and I would if there was any remedy for it without turning our backs upon our own principles. man has referred. But as I have not control, I think I can say now own principle

Mr. BAKER of New Hampshire (interrupting). What is the

merit system?

Mr. BROSIUS. What is the "merit system?" The merit system is one that recognizes personal worth, intelligence, qualification, and fitness as the paramount condition of eligibility for the public service.

Mr. WALKER of Massachusetts.
Mr. BAKER of New Hampshire.
I agree absolutely with the gentleman from Pennsylvania.
Mr. BROSIUS. Then the gentleman is correct on that branch

of the subject

Mr. BAKER of New Hampshire. But as the civil-service examinations are now conducted, is eligibility any proof of merit? Mr. BROSIUS. Yes, sir.

Mr. BAKER of New Hampshire. I entirely disagree with the

gentleman there.

Mr. BROSIUS. When you disagree, it shows that you are wrong. When you agree it proves that you are right. [Laughter.]
Mr. McCREARY of Kentucky. Will the gentleman allow me

Mr. McCREARY of Rentacy,
a question?
Mr. BROSIUS. Certainly.
Mr. McCREARY of Kentucky. The gentleman is chairman
of the Civil Service Committee, I believe?
Mr. BROSIUS. I am that unfortunate individual. [Laughter.]
Mr. McCREARY of Kentucky. I would like to ask the gentleman this question: After an order has been issued by the President
whereing within the service rules certain classes of employees, has the successor of that President power, by order, to suspend the operation of that rule?

Mr. BROSIUS. Oh, my friend from Kentucky is very astute; but I think I am a little too astute to fall into a trap that he would set for me like that. My friend will excuse me if I say that the irrelevancy of the inquiry is so obvious that it does not require an

answer.

Mr. McCREARY of Kentucky. I*hope my friend from Pennsylvania [Mr. Brosius] will not misappreciate the question. I have never had time to study the civil-service law closely, and I suppose that he, as chairman of the committee, has studied it closely, and I am anxious to have information on this subject.

Mr. BROSIUS. Well, I think that is quite likely.

Mr. McCREARY of Kentucky. Has the gentleman any opinion on that subject at all?

Mr. McCREARY of Kentucky. Has the gentleman any opinion on that subject at all?

Mr. BROSIUS. I know persons who are in urgent need of information on the subject of the civil service; but when a law officer of the Government is interrogated about the law in a certain case, he politely replies that he will cross that river when he gets to it, and I shall have to make that reply, because I do not care to go into that subject. I have no doubt Mr. McKinley will do what he thinks is right in the premises.

Mr. McCREARY of Kentucky. The civil service has been considerably extended within the last few months.

Mr. BROSIUS. Obviously so.

Mr. McCREARY of Kentucky. Does the gentleman from Pennsylvania [Mr. Brosius] indorse the extension of it?

Mr. BROSIUS. Is that the whole of the question?

Mr. McCREARY of Kentucky. That is the only question I propose to ask just now.

propose to ask just now.

Mr. BROSIUS. I indorse the extension of the order, but I condemn in unmeasured terms the wholesale removal of Republicans to make places for Democrats previous to issuing the order, if that was done to the extent believed by some; as for myself, I am not prepared to believe the President went as far in this direction as is currently reported.

But if he did, time will cure the wrong and make things even. Under the merit system there is no danger that Republicans will not have their share of the offices. They have all to gain and nothing to lose. An incident is told me by Major Harlow, one of the Civil Service Commissioners, of a Democratic collector in Vermont, which illustrates the practical working of competitive examinations in this respect.

One day some of the party leaders came to the Vermont col-

lector and complained:
"See here, Mr. Smalley, you have not got any Democrats in your office. These fellows holding the Government positions are all Republicans."

Well, what do you suggest?" asked the collector.

"Well, what do you suggest?" asked the collector.

"We've got a couple of good Democrats, and we want you to put out two Republicans and give them the places," was the reply.

"All right," said Mr. Smalley; "I am a little hampered, but I'll see what can be done. You see this list of names?"

"Well, run over it and see if you can find the names of your two Democrats on it.

The politicians did as directed. One of them suddenly blurted

"What is this darned thing, anyway, Mr. Smalley?"
"That." answered the collector, "is the list of persons who have passed the civil-service examination. If any vacancies occur in my office force, the law requires me to fill them from the names on that list."

"But these are all Republicans, Mr. Smalley; there is not a

Democrat on the list."

"I am afraid not," said the collector regretfully.

"The trouble is, our Vermont Democrats don't go to school, as they should, and until they do, there is no way of getting them Government positions."

Another illustrative incident is worth recording in this connection. Major Harlow had an experience while postmaster at St. Louis which matches Mr. Smalley's story very well. Father Walsh, the shrewd rector of St. Bridget's parish, made a study of the civil-service law, and one day came to the post-office and got a copy of the regulations governing examinations. The next time a copy of the regulations governing examinations. The next time there was an examination at the post-office a group of bright young fellows from St. Bridget's parish school put in an appearance as candidates. They had evidently been prepared with care. Some of them came out of the examination with the highest percentages and were given positions. "That thing continued," said Major Harlow. "Father Walsh's young men would come out of the examinations at the top of the list, and under the law they would get the appointments as vacancies occurred. One day some of my A. P. A. friends came into the office and said: 'Look

here, Harlow, you are filling up the post-office with Catholics. Why don't you give Protestants a chance?'"

These incidents show that the competitive system possesses the merit enjoyed by a certain church, which, a wag suggested, he preferred to any other, because it had nothing to do with either

politics or religion.

Mr. McCREARY of Kentucky. Is it not true that during Harrison's Administration there were a great many changes made that resulted in placing more Republicans in office than Demo-

Mr. BROSIUS. I presume likely.
Mr. McCREARY of Kentucky. Do you indorse that?
Mr. BROSIUS. Well, that is past.
Mr. McCREARY of Kentucky. There are about 76,000 officers of the United States who are not embraced in the civil service.

of the United States who are not embraced in the civil service. Does the gentleman from Pennsylvania [Mr. Brosus] desire that the civil service shall be extended so as to embrace them?.

Mr. BROSIUS. Well, that is not before us, but I do not hesitate to answer my friend. Of course not. In the administration of the civil service of the country, as in the administration of all other practical affairs, we ought to try to be as practical as we can, to secure the highest degree of benefit and usefulness within the limit of what is practical and useful. Now, it is the wildest folly in the world to pursue a theory beyond that point.

Mr. ANDERSON. Will the gentleman allow me to ask him a

Will the gentleman allow me to ask him a Mr. ANDERSON.

a question?

Mr. BROSIUS. Wait till I get through with what I am saying. Therefore I would not, because of obvious and practical ing. Therefore I would not, because of obvious and practical difficulties that would be encountered, be in favor of covering the entire service with the merit system. I do not care to go into a discussion of what officers I would put into the classified service and what officers I would not.

Mr. McCREARY of Kentucky. I did not ask that.

Mr. ANDERSON. Now will the gentleman yield for a question?

Mr. BROSIUS. Certainly.

Mr. ANDERSON. Is there anything in the merit system that prevents the head of a Department from inquiring and finding out, when he has two men reported from the head of the eligible list, which of those men is a Republican and which is a Democrat, and taking his choice in appointing or promoting him?

Mr. BROSIUS. The only rule upon that subject is section 4 of

Rule II, which says:

4. No question in any examination or form of application shall be so framed as to elicit information concerning, nor shall any inquiry be made concerning, nor any other attempt be made to ascertain, the political or religious opinions or affiliations of any applicant, competitor, or eligible; and all disclosures thereof shall be discountenanced. And no discrimination shall be exercised, threatened, or promised against or in favor of any applicant, competitor, or eligible because of his political or religious opinions or affiliations.

And anyone violating that rule is liable to be dismissed from office.

Mr. ANDERSON. Is not that done, as a matter of fact, in

almost every case?

Mr. BROSIUS. Oh, perhaps so. I have no doubt it is done.
I have no doubt that the best law that human wisdom ever devised is frequently violated, and when I see some of the best Republicans I know on this floor advocating what I regard as a despicable system of spoils I am not surprised that other men, who are not their equals in merit or in any other way, commit infractions of

law. I have no doubt they do.

Mr. ANDERSON. Down here in the General Land Office there are quite a number of special agents whose duty it is to investigate land entries and other entries. Now, does the gentleman insist that this examination in arithmetic, algebra, and geometry—such an examination as is formulated in the Civil Service Commission-shows the competency of these men for that special

service?

Mr. BROSIUS. Now, I know my friend is intelligent, and that he will comprehend me when I say that when he mentions a detail in the administration of this office which may not be observed carefully or with the greatest fidelity, that that is not to be held an argument against the system. I have no doubt that in these examinations some persons are asked improper questions; but on the whole, and in the large aggregate, the questions that are pro-pounded in these examinations, so far as I know, are appropriate and suitable to the purpose of eliciting the information and knowledge which will best qualify the person for the office he is seeking.

There is no warrant for the complaint sometimes heard that the

examinations are not of a character to test fitness for office: that they are scholastic, technical, bookish, and not practical. In conversation with the Commissioners I have obtained information

which throws some light upon this subject.

The Commission has given more than 250 different kinds of examinations, and is liable at any time to be called upon to prepare any of these examinations to meet the demands of the service. The examining work of the Commission covers a wider range than the curriculum of any educational institution in the country. In fact, in the preparation of examination papers the Commission combines the functions of the common school, high school, business college, and the university, as well as the technological institute. The examinations range from the simplest educational test for skilled laborers, messengers, and watchmen, to the highly technical tests for Patent Office, the Department of Agriculture, the Geological Survey, Supervising Architect's Office, etc. In the preparation of examinations the Commission carefully avoids the introduction of any tests which are not of value in bringing out the qualifications of applicants for the positions which they seek. So-called "catch" questions are unknown in civil-service examinations. Only common-sense business questions are given to test the fitness of applicants for the civil service.

The regular clerk examination for Department service is confined to spelling, copying, letter writing, and arithmetic as far as percentage. It has been suggested to the Commission that other subjects ought to be introduced into this examination to test the general intelligence of competitors, but the Commission does not believe in testing applicants upon subjects which are not pertinent to the duties of the positions which they seek, and which are of no value in determining their relative fitness for the public service. For this reason it is the constant aim of the Commission to see that its examinations are in line with the requirements of the positions to be filled. In the examinations for minor positions, such as skilled laborers, printers' assistants, messengers, etc., the educational tests are necessarily of the simplest character. As to the clerks and carriers at post-offices, they are examined in simple spelling, copying, letter writing and the fundamental rules of arithmetic. They are also required to show some knowledge of United States geography, especially in regard to the location of cities and States, and in addition they must show their ability to read ordinary addresses correctly, all of which tests are directly applicable

to the duties of the service which they desire to enter.

Of the examinations for special and technical positions, the educational tests are more severe, owing to the character of the positions sought. If a draftsman or chemist is required, the competitors are examined in drafting or chemistry, or if the positions to be filled require a knowledge of other special or technical subjects, the competitors are examined upon those subjects. It will thus be seen that the examinations of the Commission vary with the requirements of the service, the simple examinations being given to those who seek positions where the duties require little educational qualification, and the more difficult examinations being given to those who seek positions requiring higher qualifications

Mr. ANDERSON. Now, I ask you further if it would not be a fact that the Commissioner of the General Land Office could talk to these gentlemen in his office and in a few minutes find out their qualifications much better than through one of these examinations—I will not say one of these absurd examinations—one of these civil-service examinations? In other words, he knows the

kind of work in which they are to be engaged-

Mr. BROSIUS. Why, how could a man take into his office all the people who have a right to compete for the honor of serving their country in her civil service and talk over their qualifications for office? And if he could, how would he escape the solicitations and importunities of members of Congress in the interest of their patriotic and self-segrificing constituents?

maintainties of members of conscisuants in the interest of their patriotic and self-sacrificing constituents?

Mr. ANDERSON. They were examined for that special service?

Mr. BROSIUS. It does not make any difference.

Mr. ANDERSON. A business man ought to have the right to select men to conduct the business of which he is the head.

Mr. BROSIUS. Yes, sir; a private business man has that right; but this business is not done for you or any other business man; it is done for the people of the United States.

Mr. ANDERSON. Precisely.

Mr. ANDERSON. Precisely.
Mr. BROSIUS. And the people have the right to have the best service they can get; and the way to get the best service is to open the gateway of the civil service of the country to the personal worth, merit, and intelligence of the whole land.
Mr. ANDERSON. Precisely. That is the point I was making—that they would get a better service by this mode of procedure.
Mr. BROSIUS. Certainly; manifestly so.
Mr. WILLIS. I would like to ask the gentleman a question if he will yield

he will yield.

Mr. BROSIUS. Certainly.

Mr. WILLIS. I would like to ask the gentleman a question, because I will not probably have an opportunity to take part in this debate, and I want to vote intelligently. I would like to hear the gentleman upon a point that I do not know what to do with. The gentleman upon a point that I do not know what to do with. The gentleman has stated here that thirty-three by the last report were below the line of efficiency. I believe that was about the time this merit system was thoroughly introduced. "There were then," he said, "thirty-three below the standard of efficiency in the departmental service." That is, before that report was made, or about that time, the service was thoroughly filled under the weils system, a great fleed of appointments were made, poured spoils system, a great flood of appointments were made—poured in through the spoils funnel, so to speak—and after that occurred, this report goes on to say, there were only thirty-three persons in the departmental service below the line of efficiency. Does the gentleman believe that?

Mr. BROSIUS. I must. It is not my purpose or my duty to impugn the sincerity, the candor, or the honesty of the chiefs of the bureaus and Departments, the men who made this report. I might not agree to their standard, but I would not like to express

any doubt of the truthfulness of their reports.

Mr. WILLIS. I would like to ask the gentleman whether he does not consider that as one of the few phenomena which have occurred in the present age that this occurred under this corrupt and iniquitous spoils system, and yet that it should happen that there were only thirty-three in the service below the line of effi-

Mr. BROSIUS. Well, I once heard an Englishman say about an argument that it was pregnant with three assumptions and five fallacies; and I should say that this argument, if it is intended for Mr. BROSIUS. fallacies; and I should say that this argument, if it is intended for such, is pregnant with one assumption at least, and I do not know how many fallacies. Now, the assumption is that these officers were in the classified service of the country. They were to some extent in the classified service, and to a great extent in the unclassified service. Now, I am not able to say how many of these delinquents were in the classified and how many were in the unclassified service, because the inquiries covered all the offices; and I have not been able to find out how many of these delinand I have not been able to find out how many of these delinquents were in the one service or the other. It is a matter of no earthly consequence, so far as I can understand the point of my friend's inquiry.

Mr. TRACEY. Will the gentleman allow me to ask him a

question?

ment reports a vacancy and asks for three eligibles, that he may refuse to make a selection of either of the three and may demand

another three. Is that correct?

Mr. BROSIUS. That is correct, provided he finds a physical disability or some insuperable difficulty in the individuals which renders them unsuitable for the service. In that case, he may return the list, with his statement of the reasons for so doing, and if the reasons are approved by the Civil Service Commission they

certify another list; otherwise not.

Mr. TRACEY. May I ask one more question?

Mr. BROSIUS. Why, with pleasure.

Mr. TRACEY. Why is it esteemed to be necessary under the merit system to leave the head of a Department or the chief of a bureau the right to choose any of three men, instead of requiring him to take the highest on the list?

Mr. BROSIUS. Why is it necessary for you to have a little piece of elastic in your suspenders instead of having them wholly elastic? It is perfectly obvious to everybody that a little flexibility.

elastic? It is perfectly obvious to everybody that a little flexibility in the practical operation of business affairs is useful. I can not tell why the law was so made, but I see no practical objection to that provision of it.

Mr. TRACEY. Does it not lead to the very complaint you are

Mr. BROSIUS. It does not, because in its average, in the total-

Mr. BROSIUS. It does not, because in its average, in the totality of effect, that is so trifling as to be of no consequence. It cuts no figure in the efficiency of the civil service of the country. That is all. If it did, I think it ought to be amended.

Mr. TRACEY. Does it not cut a figure, however, in the make-up of the political character of the service?

Mr. BROSIUS. I do not believe it can, because if you give it its utmost effect, if you include the very furthest limit of effect that can possibly result, it would be too insignificant to be considered in regard to the predominance of one party or the other in the service.

Gentlemen will understand that when a vacancy is made in the civil service—the classified portion of it—the officer knows that civil service—the classified portion of it—the officer knows that he can not select anyone to fill the place, but that the vacancy must be filled by a certification from the eligible list. He does not know whether a Republican or a Democrat is to be certified, and therefore his motive for creating the vacancy is utterly destroyed, and it is the history of the classified service that only about 2 per cent per annum of change is made in that part of the service which is filled through the competitive or merit system. The conditions of good administration require, according to the experience of those best informed, about 2 per cent, or a trifle more, of changes in a year.

Mr. TRACEY. I do not want to be troublesome, but I do want to get some information, and I want to ask the gentleman another

question.

Mr. BROSIUS. I shall be happy if I can supply the gentleman with information. Let me say in this connection that the experience of the past has shown that removals of those who entered the service through the competitive system are very little more than 2 per cent each year, as I have stated, while of those in the classified service who entered under the old system something over 6 per cent are removed; but of those in the unclassified service the removals have ranged from 40 to 80 per cent each year. This is very persuasive evidence in favor of the merit system.

But there is another development in the civil service which

But there is another development in the civil service which illustrates the vicious tendency of the spoils system. I am advised by those who have given careful attention to the subject that since 1883 there has been a progressive increase in the number of unclassified places in the civil service and a progressive decrease in the property of places and the civil service and a progressive decrease. unclassified places in the civil service and a progressive decrease in the number of places filled by competitive examination. The president of the Civil Service Commission advises me that the classified clerical places in Washington within the same limits of service have decreased 3.9 per cent since 1883, effecting a saving of \$228,200, while the unclassified places increased in number in the same period 37 per cent, involving an extra yearly expenditure of \$2,971,875, and that if the patronage system had remained unchecked and the positions which have been made competitive had increased in the same proportion it would require an extra yearly expenditure of \$3,100,620 for salaries in Washington alone.

This affords most convincing evidence of the economy of the competitive system, and I entertain no doubt that the "merit system," which the Civil Service Commission are honestly and industriously, within the limits of the appropriation allowed them, trying to make as effective as possible, is more than paying its way in money saved to the Government in the conduct of its civil service. One other matter I want to mention. A very erroneous idea

One other matter I want to mention. A very erroneous idea prevails in some quarters that the merit system contemplates a life tenure in office. The only tenure known to the merit system is the "efficiency" tenure. The only life tenure ever known in our civil service was under the spoils system, where political influence could keep a man in office long after he ceased to be efficient. From the standard point of the morit system there is no second. Mr. BROSIUS. Certainly.

Mr. TRACEY. I understand that when the head of a Depart
for placing a man in office and for continuing him in office except

that he is efficient in the performance of his duties. This is the that he is efficient in the performance of his duties. This is the spirit of civil-service reform, and it would be given full effect in practice if reform methods prevailed within the service in the matter of promotions, reductions, and dismissals, as they do in admissions to the service. Equally groundless is the complaint that under the operation of the merit system only young men and young women fresh from school secure places, while practical knowledge is ignored. Perhaps no better illustration of the practical working of the merit system in this respect can be afforded than a statement of the occupations of persons appointed to the classified departmental service from June 30, 1895, to June 30, 1896. The records of the Commission show the occupations of The records of the Commission show the occupations of 207 appointees in the period named, as follows:

Agent steamship company 1 Agriculturist 1 Architect and civil engineer 1 Beef salesman 1 Bookkeepers 3 Botanist 1 Butcher 1 Carpenters 3 Chemists 3 Civil engineer 1 Clerk naval vessel 16 Clerk naval vessel 1 Clerk and stenographer 1 Collectors 2 Compositors 15 Compositors and proof readers 2 Cotton buyer 1 Dairyman 1 Dealer in live stock 1 Draftsmen 3 Draftsman and civil engineer 1 Electrical engineer 1 Electrical engineer 2 Engravers 3 Farmers 1	Lithographic steam pressman 1 Machinist 1 Maling clerk 1 Mechanic 1 Mechanical draftsmen 2 Messenger 1 Modder 1 Naval cadet 1 Newspaper work 1 Ovenman 1 Physician 1 Physician and druggist 1 Physician and druggist 1 Second lieutenant revenue cutter 1 Skilled laborer 3 Special-delivery messenger 1 Stenographers and bookkeepers 2 Stenographer and clerk 1 Stock dealer 1 Students 23 Teacher and stenographer 1 Topographical draftsman 1
Farmers 11 Laborers 4	Topographical draftsman 1 Typewriters 2 Veterinarians 10
Laborer and housekeeper 1 Lawyer 1 Lithographic apprentice 1 Lithographic color pressman 1	Total 207

Here is a total of 207 appointments distributed among persons engaged in 59 occupations, ranging from butcher and dairyman to lawyer and editor. Nothing could make it clearer that every American citizen may compete for public place on terms of equal-

ity. no class having any advantage over another.

Now, in conclusion, to show how thoroughly the country is in unity with reform in the civil service, and how the two great political parties have vied with each other in declarations of devotion to the merit system, I insert some utterances of distinguished statesmen and others, together with the planks in the party plat-forms on this subject since 1872, and also the declarations of the Republican President-elect on the subject, that those who sporadically assail the existing system by trying to strike out the necessary appropriation to carry it out may see how unequal they are to the task.

REPRESENTATIVE MEN ON CIVIL-SERVICE REFORM.

The objection which is expressed in the cry of "life tenure" and "a privileged class" is one of the most ancient and familiar appeals of the spoils system to ignorance and prejudice. * * * Of all the familiar tricks of the American demagogue none is more amusingly contemptible than the effort to show that a system which tends to promote a degrading loss of self-respect and a cringing dependence upon personal favor is peculiarly a manly and American system. Civil-service reform is but another successive step in the development of liberty under law.—George William Curtis.

In some regards it [the tyranny of the spoils system] was more dangerous, because less obvious, more insidious and obscure, and less easily arousing the indignant revolt of the moral sense of the people, than the one that fell with the triumph of the Union armies.—Edward Cary.

It [party spirit] exists under different shapes in all governments, more or less stifled, controlled, or repressed; but in those of popular form it is seen in its greatest rankness, and is truly their worst enemy.—Washington.

So far as respects subordinate offices, talent and integrity are to be the only qualifications.—Albert Gallatin.

Talent and worth alone are to be inquired into.—Jefferson in reply to Gallatin.

malifications.—Albert Gallatin.

Talent and worth alone are to be inquired into.—Jefferson in reply to Gallatin.

Every man of sense knows that he can go to any of these Departments and cut off one-half of the elerical force, and yet have a sufficient force to perform all the duties. If others do not know it, I. at least, have a very strong conviction on this point. There is scarcely a Department of this Government in which, if conducted by a private corporation, he would not only reduce the compensation of these employees, but reduce largely the number of the employees. Who does not know that this is so in every one of the Executive Departments?—Senator Sherman, Congressional Globe, 1870, page 3346.

The greatest reform we could bring about would be to free Senators and Representatives of all responsibility as to the distribution of offices.—Representative John J. Kleiner, 1886.

Offices are public trusts, not private spoils.—Daniel Webster.

No people have a higher public interest, except the preservation of their liberties, than integrity in the administration of their Government in all its branches. United States Supreme Court.

The oft-repeated maxim that the public service should be conducted on business principles means that accuracy, promptitude, honesty, and efficiency are as essential in public as in private affairs; but the methods of securing these qualities can not be exactly the same. The merchant has a direct personal and pecuniary interest in his private affairs which leads him to make a careful selection of his employees; but in the public service there must be substituted some more complicated agency in the form of laws, regulations, reports, and inspections.—Col. Silas W. Burt.

The very men who advocate the spoils system for public business would call a man a fool if he proposed the same system for private business.—
Thomas H. Benton.

The right of suffrage, the rule of apportioning representation, and the mode of appointing to and removing from office are fundamental in a free government, and ought to be fixed by the Constitution. An unforeseen multiplication of offices may add a weight to the executive scale, disturbing the equilibrium of the Government. Ishould therefore see with pleasure a guard against the evil, * * * even by an amendment of the Constitution.—
Madison.

To encourage industry and foster merit by teaching all public servers to

equilibrium of the Government. I should therefore see with pleasure a guard against the evil, * * * even by an amendment of the Constitution.—

Madison.

To encourage industry and foster merit by teaching all public servants to look forward to promotion according to their deserts and to expect the highest prizes in the service if they can qualify themselves for them.—Report of British Parliamentary Committee of Investigation, 1860.

With such successes and such moral forces behind us we may indeed hope to see the day when our party warfare will be contests of opinion, free from the demoralizing and repulsive interference of the plunder chase; when a change of party in the national administration will no longer present the barbarous spectacle of a spoils debauch, torturing the nostrils of our own people and disgracing the Republic in the eyes of civilized mankind; when our Presidents and heads of the Executive Departments will no longer be the almoners of party government, in danger of their lives from the furious onset of the begging throng, but will be respected as officers of state having high duties to fulfill which demand all their strength and ability; when the public offices, national, State, and municipal, will cease to be the feudal flefs distributed by bosses, or the merchandise of spoils jobbers, and again serve the true purpose for which they have been instituted, thus becoming once more an integral element of government for the people; and when our legislators, escaped from the shackles of the spoils bondage, no longer beset by the snares and pitfalls which have threatened to wreck their morals and their self-respect, no longer supplicating for Executive favor, will be able and proud to devote all their energies to the great tasks which at a time so full of difficult problems the country imposes upon them.—Carl Schurz.

Original appointment to office no longer depends on character, capability, or presumed or prover fitness, nor does the tenure depend upon fidelity and capacity; but unhesitating serv

It may well alarm the lovers of free institutions when all the offices in these several Departments are spoken of in high places as being 's spoils of victory,' to be enjoyed by those who are successful in contest, in which they profess this grasping of the spoils to have been the object of their efforts.—Daniel Webser.

The continued operation of the law relating to our civil service has added The continued operation of the law relatings to our civil service has added to note that every public officer who has a just idea of his dar fact worthy of note that every public officer who has a just idea of his dar for our damong those who understand it best, and its warmest supporters are those who are restrained and protected by its requirements.—President Cieveland.

The question of civil-service reform is how by law you will take the offices out of politics; how by law you will relieve the men who are chosen to the great duty of governing this country from the petty and degrading work of running about begging for offices in this Department and in that.—Senator Lodge.

Of all characters, my feelings despise a man capable of cringing to power for a benefit or office. Such characters are * * * * badly calculated for a representative system. * * * Merit alone should lead to preferment.—General Jackson in 1800.

There is another important class of officers which * * * friends of reform have endeavored earnestly to persuade the Executive to include in the classified service, namely, the assistant heads of bureaus, chief clerks, and heads of divisions. The late officers of this grade had generally entered at the lowest point and had risen through the service. As a body, they were trained and competent officers, but the great majority of them have been removed or reduced and their places have been filled with untrained successors. The argument that it is necessary to change such officers in order that a new Administration may learn the actual condition of the public business, is at once the frank centlession of the disast

In 1825 it was held by Judge Barbour, in The Commonwealth vs. Callaghan (2 Va. Cas., 460), that two justices of the peace who

were charged with the duty of electing certain officers acted corruptly and criminally because they exercised their power on grounds other than that of the "merit and qualifications of the officers." No motive of personal gain was alleged.

The beneficial influences of 'the civil-service law in its practical workings are clearly apparent. Having been at the head of the Department both before and after its adoption, I am able to judge by comparison of the two systems, and have no hesitation in pronouncing the present condition of affairs as preferable in all respects. * * * Under the instrumentalities which are now used to secure selections for cierical places, the Department has some assurance of manly capacity and also moral worth, as the character of the candidates is ascertained before examination.—William Windom, ex-Secretary of the Treasury.

The persons appointed under this system are unquestionably more efficient.

dates is ascertained before examination.—William Windom, ex-Secretary of the Treasury.

The persons appointed under this system are unquestionably more efficient, as a whole, than those selected under any system of pure patronage.—Benjamin F. Tracy, ex-Secretary of the Navy.

The Department of the Interior, with its 7,500 clerks, could not be run six months without the great body of the employees being under the civil-service rules.—John W. Noble, ex-Secretary of the Interior.

Another year's experience has served only to strengthen the conviction expressed in my last annual report as to the excellent working of the civil-service law in the Post-Office Department, and my desire to see its operation extended to every branch of the postal service to which such extension is practicable.—Wilson S. Bissell, ex-Postmaster-General.

The General Superintendent of the Railway Mail Service, in his report for 1894, states:

The civil-service laws and regulations as applied to the Railway Mail Service accomplish all the most sanguine expected. * * * In the judgment of this office the present efficiency could not have been obtained under any other

In referring to the great improvement in the Railway Mail Service since the classification of that service, ex-Postmaster-General Wilson S. Bissell said:

This record is unprecedented in the history of the service and renders comment upon the effect of the civil-service law upon it unnecessary.

This record is unprecedented in the history of the service and renders comment upon the effect of the civil-service law upon it unnecessary.

Worthy clerks had to do the work of incompetent partisan or official favorites. Those in the postal service were nearly all active partisans and henchmen of great politicians and they did not hesitate to neglect their duties to do the bidding of their masters. When Mr. James (postmaster at New York City) came to his place in 1873 there were confusion, rubbish, and demoralization in the office hardly conceivable. From 400 to 600 of long-neglected bags of mail were found scattered or piled in various parts of the office.—Dorman B. Eaton.

The inspectors when absent from duty were generally engaged in electionsering and in procuring the naturalization of foreigners. * A custom-house tax was regularly levied and paid in advance of elections of the control of the naturalization of foreigners. * A custom-house tax was regularly levied and paid in advance of collections of the political partisans, * and finally there were evidences of official delinquency, if not of downright corruption, which have selden. if ever, occurred in any civilized country on the face of the earth.—Report of Congressional Committee on the New York Custom-House in the Jackson Administration.

It is sometimes urged against civil-service reform that the head of each Department and bureau ought to have the selection of his own subordinates; but under the patronage system he has no such selection at all. The men selected are chosen not on account of the knowledge of their fitness possessed by the appointing officer, but because they are recommended by a certain Representative or Senator. The head of the Department or bureau feels little responsibility for their acts. It often happens that he is not at liberty to discharge an inefficient man lest he may offine the Congressman, on the other hand, does not feel the responsibility for the character of his appointment is made. This system "indicates the discharge

In one case thirty-five persons were put on the "lapse fund" of the Treasurer's office for eight days at the end of the fiscal year, to sop up some money which was in danger of being saved and returned to the Treasury.

From my experience of many years in the Treasury Department I will say that I have very rarely known a person to be selected under the system of patronage because he was the fittest person for the place. It is a consideration which is almost entirely disregarded in the selection of clerks. The only question is, What is the pressure behind him? And the chief of the

bureau or division who desires to secure the services of competent clerks is almost unable to do so. It may chance that the person who is most pressed is competent; but if he is not competent, he is just as likely to secure the appointment. It is a common complaint by heads of bureaus that they are unable, under the present system, to secure competent clerks. I know an instance where the head of a department tried for years without success to fill three or four vacancies in his office with men of special qualifications.

We not only do not get competent clerks, but a great many more clerks are forced upon the service than are really needed. I find that in the Treasurer's office alone there have been 640 removals, resignations, ctc., and 380 appointments during the last six years. The entire force of the office is now but 286. A part of the removals was on account of a permanent reduction of force, but the greater part were wanton removals to make places for new people. In a single year 146 people were removed and 141 appointed. The office was kept in a continual state of terror and anxiety, from which the public business suffered, to say nothing of the misery and injustice inflicted on individuals.

Testimony of Edward O. Graves before a committee of Congress in 1882:

As intimated in my last report, I have endeavored to improve the civil service within the departmental service by a system of promotions and the equalization of salaries to labor performed. This plan went into operation July 1, 1881. It has succeeded so well that I have concluded, after consultation with a number of the postmasters of the leading cities, to extend a similar scheme to all post-offices with fifty or more employees, and to ingraft it upon the railway mail, adjusting it to the present system of advancements by case examinations. From the smallest of the classified post-offices the workers will now begin to climb first through the various grades of the post-office to the railway mail, and finally to the Post-Office Department. Even the announcement of this plan has caused a new zeal. Since the Administration of President Grant there has been no competitive system of promotions in the Post-Office Department. Advancement in most cases was made on the personal solicitation of friends and not always by the merit of the applicant, so that not infrequently worthy clerks who deserved promotion were passed over in order to favor others less deserving. A great majority discovered that there was no recognition of merit and gave up the struggle for advancement. I felt certain that there was but one way to bring about the greatest state of efficiency in the clerical force, and that was to give to all the positive assurance that advancement or reduction, retention or dismissal, would depend solely upon themselves, and that all should have a fair chance.

Report of Postmaster-General Wanamaker, 1890:

Report of Postmaster-General Wanamaker, 1890:

The wise forbearance that had been exercised by most of our former Presidents had left in the several subordinate stations a body of trained and experienced men, who possessed the knowledge of official business essential to the successful working of any government, and who were, in general, men of unexceptional characters. This degree of permanency of official life in Washington formerly had an important influence on the presperity and growth of the city, for men who felt that they were secure in their places so long as they properly discharged their duties to the Government could afford to seek permanent homes for their families where their salaries were earned. All this was suddenly changed; and it was changed with a disregard of the claims of meritorious public servants, and with the employment of excuses to effect their removal from office on which all candid men, of whatever political connection, must now look back with regret and disapprobation as a course alike unworthy of those who then assumed the administration of the Government and injurious to the future welfare of the country.

The influence of this new method of administration on the material prosperity of the city of Washington was the least of the evils that attended it. The opponents of President Jackson's government saw in it a long train of public mischiefs, and scarcely any wise man will now question that they were right.—Life of Daniel Webster, by G. T. Curtis, Volume I, pages 347 and 348.

PLATFORM UTTERANCES ON THE SUBJECT OF CIVIL-SERVICE REFORM.

The first platform declaration in favor of reform in the civil service is found in the platform adopted by the national Republican convention held at Philadelphia June 5, 1872, as follows:

Any system of the civil service under which the subordinate positions of the Government are considered rewards for mere party zeal is fatally demoralizing, and we therefore favor a reform of the system by laws which shall abolish the evils of patronage and make honesty, efficiency, and fidelity the essential qualifications for public positions, without practically creating a life tenure of office.

This was followed by the declaration of the Democratic party in national convention held in Baltimore on July 9, 1872, as

The civil service of the Government has become a mere instrument of partisan tyranny and personal ambition and object of selfish greed. It is a scandal and reproach upon free institutions and breeds a demoralization dangerous to the perpetuity of Republican government. We therefore regard a thorough reform of the civil service as one of the most pressing necessities of the hour; that honesty, capacity, and fidelity constitute the only valid claim to public employment; that the offices of the Government cease to be a matter of arbitrary favoritism and patronage, and that public station become again a post of honor. To this end it is imperatively required that no President shall be a candidate for reelection.

In the Republican platform adopted by the national Republican convention held at Cincinnati June 14, 1876, is the following

declaration:

Under the Constitution the President and heads of Departments are to make nominations for office; the Senate is to advise and consent to appointments, and the House of Representatives is to accuse and prosecute faithless officers. The best interest of the public service demands that these distinctions be respected; that Senators and Representatives who may be judges and accusers should not dictate appointments to office. The invariable rule in appointments should have reference to the honesty, fidelity, and capacity of the appointees, giving to the party in power those places where harmony and vigor of administration require its policy to be represented, but permitting all others to be filled by persons selected with sole reference to the efficiency of the public service and the right of all citizens to share in the honor of rendering faithful service to the country.

The national Democratic convention held at St. Louis June 27, 1876, made the following declaration:

27, 1876, made the following declaration:

Reform is necessary in the civil service. Experience proves that efficient, economical conduct of the Government business is not possible if its civil

service be subject to change at every election, be a prize fought for at the ballot box, be a brief reward of party zeal instead of posts of honor assigned for proved competency, and held for fidelity in the public employ; that the dispensing of patronage should neither be a tax upon the time of all our public men nor the instrument of their ambition.

The national Republican convention held at Chicago June 2, 1880, made the following declaration:

The Republican party, adhering to the principles affirmed by its last national convention of respect for the constitutional rules governing appointments to office, adopts the declaration of President Hayes that the reform of the civil service should be thorough, radical, and complete. To this end it demands the cooperation of the legislative with the executive department of the Government, and that Congress shall so legislate that fitness, ascertained by proper practical tests, shall admit to the public service.

The national Democratic convention of 1880, held at Cincinnati June 22, declared as follows:

We execrate the course of this Administration in making places in the civil service a reward for political crime, and demand a reform by statute which shall make it forever impossible for the defeated candidate to bribe his way to the seat of the usurper by billeting villains upon the people.

The national Republican convention held at Chicago June 3, 1884, made the following declaration:

Reform of the civil service, auspiciously begun under Republican administration, should be completed by the further extension of the reform system already established by law to all the grades of the service to which it is applicable. The spirit and purpose of the reform should be observed in all executive appointments, and all laws at variance with the objects of existing reform legislation should be repealed, to the end that the dangers to free institutions which lurk in the power of official patronage may be wisely and effectively avoided.

The national Democratic convention held in Chicago July 8, 1884, made the following declaration:

We favor honest civil-service reform and a compensation of all United States officers by fixed salaries.

The national Republican convention held at Chicago June 21, 1888, declared as follows:

The reform of the civil service, auspiciously begun under the Republican Administration, should be completed by the further extension of the reform system already established by law to all the grades of the service to which it is applicable. The spirit and purpose of the reform should be observed in all executive appointments, and all laws at variance with the object of existing reform legislation should be repealed, to the end that the dangers to free institutions which lurk in the power of official patronage may be wisely and effectually avoided.

The national Democratic convention held in St. Louis June 7, 1888, made the following declaration:

Honest reform in the civil service has been inaugurated and maintained by President Cleveland, and he has brought the public service to the highest standard of efficiency, not only by rule and precept, but by the example of his own untiring and unselfish administration of public affairs.

The national Republican convention held at Minneapolis June 7, 1892, declared as follows:

We commend the spirit and evidence of reform in the civil service and the wise and consistent enforcement by the Republican party of the laws regulating the same.

The national Democratic convention of 1892, held at Chicago June 21, made the following declaration:

Public office is a public trust. We reaffirm the declaration of the Democratic convention of 1876 for the reform of the civil service, and we call for the honest enforcement of all laws regulating the same.

Republican platform as adopted on the 16th of June, 1896, reads:

The civil-service law was placed on the statute book by the Republican party, which has always sustained it, and we renew our repeated declarations that it shall be thoroughly and honestly enforced and extended wherever

Democratic platform of July 7, 1896, reads:

We are opposed to life tenure in the public service except as provided in the Constitution. We favor appointments based on merit, fixed terms of office, and such an administration of the civil-service laws as will afford equal opportunities to all citizens of ascertained fitness.

Mr. McKinley said in his letter of acceptance:

The pledge of the Republican national convention that our civil-service laws shall be sustained and "thoroughly and honestly enforced and extended wherever practicable" is in keeping with the position of the party for the past twenty-four years, and will be faithfully observed. * * * The Republican party will take no backward step upon the question. It will seek to improve, but never degrade, the public service.

Upon another occasion the same distinguished standard bearer of the Republican party, who will have control of the civil service of this country after the 4th of March next, declared that the civilservice law was a Republican measure. It was in this House in 1890 that he made this declaration, when the annual attempt was made to cripple the civil service by cutting down the appropriation to carry it into effect:

It is a Republican measure, and is in accord with the highest and best sentiments of the country, and no party will have the courage to wipe it from the statute book or to amend it, save in the direction of its improvement. The Republican party must take no step backward. The merit system is here and it is here to stay, and we may just as well understand and accept it now and give our attention to correcting the abuses, if any exist, and improving the law wherever it can be done to the advantage of the public service.

A compilation of statistics prepared by Mr. Theodore L. De Land for the Civil Service Commission showing the exact state of the classified and unclassified parts of the executive civil service of the United States, so arranged as to include positions by Departments, offices, and commissions, with subdivisions by grades, the compilation containing a complete list of all positions, whether classified by compensation, whether appointed by the President solely or by confirmation of the Senate, whether the positions are in the classified service and excepted from examination, whether they are in the unclassified service by reason of their exclusion, whether they are mere laborers and unclassified, or whether they are positions classifiable but not yet classified.

THE GENERAL REPORT ON THE STATISTICS PERTAINING TO THE EXECUTIVE CIVIL-SERVICE CLASSIFICATION UNDER THE PRESIDENT'S ORDER OF MAY 6 AND NOVEMBER 2, 1896.

UNITED STATES CIVIL SERVICE COMMISSION, Washington, D. C., November 13, 1896.

Washington, D. C., November 13, 1896.

The President Civil Service Commission, Washington, D. C.

Sir: I have the honor to report to the Civil Service Commission that I have completed the compilation of the statistics which show approximately an official statement of the number of civil officers of the United States confirmed by the Senate above classification, the number of classified persons by classification, the number of excepted places, the number excluded from classification, the number of laborers or workmen below classification, and the number of positions not yet classified carried on the rolls of the Executive Mansion, the Executive Departments, and the bureaus, offices, and commissions of that service, whether compensated by a fixed salary or otherwise, inside or outside the District of Columbia, in most cases as the numbers and amounts stood on the average for the last fiscal year, which ended June 30, 1896.

The Treasury Department very courteously printed the blank devised at

The Treasury Department very courteously printed the blank devised at the Commission, on which the tables submitted herewith were prepared, and furnished the supply used in the work.

It was not practicable to classify by compensation positions in the navy-yards and naval stations, so far as the work relates to positions classified by the Navy Department, under regulations of that Department which were approved by the Commission and by the President. . . *

Since the tables were submitted by the proper officers they have in many cases been modified by them, and will of necessity be modified more or less

cases been modified by them, and will or necessity be modified more or less hereafter.

Many offices and some Departments did not retain duplicates of their classifications. The opinion was general that the Commission might print the tables as an appendix to its annual report, and thus exhibit the general condition of the executive civil service at the period of the greatest extension of

tion of the executive civil service at the period of the greatest extension of the rules.

There are urgent historical reasons why the tables should be printed; they have been collated and compiled at a great expenditure of time, and in their present condition are inaccessible to all except those with the Commission.

A general review of the tables will be found in the following skeleton:

THE CLASSIFIED SERVICE.

Classified by compensation, the number of positions is as follows:	
Clace A envemount lase than \$790	20,033
Class B, \$720 to less than \$40 Class C, \$440 to less than \$900 Class D, \$900 to less than \$1,000 Class E, \$1,000 to less than \$1,200	8,621
Class C, \$840 to less than \$900	1,667
Class D, \$900 to less than \$1,000	10,606
Class E, \$1,000 to less than \$1,200	18,179
Class 1, \$1,200 to less than \$1,400	6,771 4.699
Class 2, \$1,400 to less than \$1,600	
Class 3, \$1,600 to less than \$1,800	1,561
Class 4, \$1,800 to less than \$2,000	1,570
Class 5, \$2,000 to less than \$2,000	1,130
Class E, \$1,000 to less than \$1,200 Class 1, \$1,200 to less than \$1,400 Class 2, \$1,400 to less than \$1,600 Class 3, \$1,600 to less than \$1,800 Class 4, \$1,800 to less than \$2,000 Class 5, \$2,000 to less than \$2,500	508
Total classified by compensation	75,345
Examining surgeons for pensions. Presidential offices not confirmed by Senate.	4,120
Presidential offices not confirmed by Senate	36
Total for examination	79, 501
Classified, but excepted from examination:	10,002
Private secretaries and confidential clerks	
Cashiers in custom-houses	
Cashiers in post-offices 22	
Deputy collectors of customs	
Assistant postmasters 570	
Assistant postmasters 570 Attorneys and assistant attorneys 98	
Total excepted places	781 2,061
Total classified service	82,343
Total classified service	5,063
Total covered by civil-service rules and regulations	87,406
THE UNCLASSIFIED SERVICE.	14.50
Excluded from classification under Rule III, section 8:	
Clause (a), \$300 or under and partially employed 5, 151	
Clause (b), detailed for civil duty 53	
Clause (b), detailed for civil duty 53 Clause (c), employed in foreign country 8	
Clause (d), quasi naval-military, enlisted for term of	
years844	
Total excluded from classification	6,051
Presidential officers confirmed by Senate	4,815
Positions not yet classified:	8,638
Positions not yet classified:	
Miscellaneous 286	
Government directors Union Pacific Railroad	
Clerks in first-class post-offices (not free delivery) 5	
Clerks in second-class post-offices (not free delivery) 575 Clerks in third-class post-offices (not free delivery) 1,718	
Oleras in uniru-class post-olices (not free delivery) 1,718	

Positions not yet classified—Continued. Clerks in fourth-class post-offices (not free delivery). 2.4 Fourth-class postmasters	512	CLASSIFIABLE, BUT NOT CLASSIFIED. The following positions in the executive civil service are classifiable, but
		not as yet classified: DEPARTMENTAL SERVICE.
Total not yet classified		War Department.
Total unclassified service 82, Total classified service 82, Total employment of labor under Navy regulations 5,	91,310	Quartermaster's Department at large:
		Guides 2 Scouts 1 Superintendents of national comparations 75
Total dealt with by United States Civil Service Comm		Guides
Total executive civil service	178,716	Engineer department at large: Cranesman (will possibly be transferred to the classified list)
Total dealt with by Commission	87, 406	Total War Department
		Department of Justice.
Total brought under civil-service rules and regulation by the revision of the rules May 6 and November	2.	Penitentiary at Fort Leavenworth, Kans.: Warden
1890	31,070	Warden Chaplain Deputy warden Superintendent of industries Superintendent of transportation and farm
Amount paid for compensation of persons in the executive ci service	v11 \$99,574,767.28	Superintendent of industries
DISTRIBUTION BY BRANCHES.	1. 1. 1. 1. 1. 1. 1. 1. 1. 1. 1. 1. 1. 1	Total Department of Justice.
Departmental service:	89,173	[Note.—The question of transferring the above employees of the Fo Leavenworth Penitentiary to the classified list is under consideration by the
Departmental service: Classified by compensation Examining surgeons for pensions Presidential, not confirmed by Senate Excented places	4,120	Attorney-General.]
Excepted places Indians now in the Indian service	108	Geological Survey: Department of the Interior.
Excluded from classification	8,093	Field assistants
Presidential, confirmed by Senate Laborers or workmen below classification Navy Department employees under registration	7,905	Examiners of Chippewa Indian lands
Navy Department employees under registration Not yet classified, in the— War Department	70	Unalaska town-site trustee in Alaska 1 Juneau town-site trustee in Alaska 1
Department of Justice	5	Juneau town-site trustee in Alaska 1 Special commissioner, Des Moines River land grant 1 Custodians of abandoned military reservations (no pay) 24
Interior Department Library of Congress	39	Custodian, Casa Grande. 1 General appraiser of abandoned military reservations. 1
Total not yet classified.	208	Miscellengons:
Total departmental service	62, 668	Visitors to Government Hospital for the Insane
Paid for compensation	\$48, 768, 617. 04	
Post-office service:	-	Total Department of the Interior.
Classified by compensation Excepted places Excluded from classification	25,724 592	Library of Congress.
Excluded from classification Presidential, confirmed by Senate Laborers or workmen below classification	2,840 3,635	The Librarian Assistant librarians Clerks
Laborers or workmen below classification Positions not yet classified Fourth-class postmasters 66,	485	Total Library of Congress.
Clerks in—		Recapitulation, departmental service.
First-class post-offices Second-class post-offices	575	Was Department
Third-class post-offices 1, Fourth-class post-offices 2,	512	Department of Justice
Total not yet classified		Department of Justice. Department of the Interior. Library of Congress Total departmental service.
Total post-office service	104, 811	
Paid for compensation	\$38,665,025.10	Post-office service. Fourth-class postmasters 66,7
Government printing service:		1 Clorks in
Government printing service: Classified by compensation Presidential, confirmed by Senate.	2,816 1	First-class offices 5 Second-class offices 575 Third-class offices 1,718
Laborers of workmen below classification		Fourth-class offices 2,512
Total Government printing service		Total post-office service
Paid for compensation.	\$2,509,830.97	Custom-house service,
Custom-house service: Classified by compensation	4,464	Ports with less than five employees— State of Maine:
Excepted places Excluded from classification Presidential, confirmed by Senate	81 67	Belfast
Laborers or workmen below classification	213	Kennebunk Saco Wiscasset
Miscellaneous, not yet classified	63	
Total custom-house service		Total for Maine.
Paid for compensation	\$6,333,027.36	State of Massachusetts: Edgarton
Internal-revenue service: Classified by compensation	3,168	Fall River Marblehead
Excluded from classification	51	Plymouth
Total internal-revenue service		Springfield
Paid for compensation.		Total for Massachusetts.
Recapitulation by branches for whole service.		State of Rhode Island: Newport State of Connecticut: Stonington.
La long of m	-	State of Connecticut: Stonington. State of New Jersey: Great Egg Harbor. State of Pennsylvania: Erie.
Branch of service. Aggregate. Classi- gate. fied. cepte		State of Maryland:
	08 \$48 768 617 04	Eastern district
Departmental 62 668 50 561 10		Total for Maryland
Post-office	08 \$48,768,617.04 02 38,665,025.10 2 509 830 97	
Post-office 104,811 26,316 56 Government printing 2,852 2,816 50 Custom-house 5,10C 4,545 8	2,509,830.97 6,333,027.36	State of Virginia:
Post-office 104,811 26,316 59 Government printing 2,852 2,818	2,509,830,97 6,333,027,36 3,298,266,81	

Ports with less than five employees—Continued.	Post-Office Department:
State of North Carolina: Beaufort Albemarie 1	The private secretary (but the confidential clerk is not yet selected). Navy Department:
Albemarie1	The clerk to the Secretary (but the confidential clerk is not yet
Total for North Carolina	selected) Interior Department:
State of South Carolina: Georgetown	The private secretary A confidential clerk
	The private secretary
St. Marys (port of Atlanta) 1 Port of St. Marys 1	A confidential clerk
Total for Georgia 2	Total now designated as specially excepted from examination 10
State of Florida:	[NoteBy Rule VI of the civil-service rules it is provided for exception
Apalachicola 3 Fernandina 2	[Note.—By Rule VI of the civil-service rules it is provided for exception from examination or registration in the departmental service as follows Private secretaries or confidential clerks (not exceeding two) to the Pres dent or to the head of each of the eight Executive Departments.]
St. Augustine	
Total for Florida	Post-office service.
State of Louisiana: Brashear 2	Cashiers to postmasters at first-class offices.
State of Tonnessee: Nachville	
State of Tennessee: Nashville 1 State of Ohio: Columbus 2 State of Indiana: Evansville 1 State of Missouri: St. Joseph 2 State of Michigan: Grand Rapids 1	Total excepted in post-office service
State of Missouri: St. Joseph 2 State of Michigan: Grand Rapids 1	Custom-house service.
State of Nebraska:	Cashiers to collectors.
Omaha 2	Total excepted in custom-houses
	- 1 - 1 - 1 - 1 - 1 - 1 - 1 - 1 - 1 - 1
Total for Nebraska 3	Recapitulation of excepted places. Departmental, specially excepted
State of Oregon: Coos Bay 1	Post-office service
State of Oregon: Coos Bay 1	
Recapitulation, custom-house service.	Total specially excepted
State of — Maine	Total Indians now in the service normally excepted from examination.
Massachusetts 11	At the following Indian agencies:
Rhode Island 8 Connecticut 1	Blackfeet 30 Pine Ridge 10 Ponca, Pawnee, Otoe, and Oak-
New Jersey 1 Pennsylvania 2	Unevenue River 42 land
Maryland 2 Virginia 2	Colville 29 maha
Virginia North Carolina	Colville 29 maha. Crow Creek and Lower Brule 51 Quapaw
South Carolina	Orow Creek and Lower Brule 51 Quapaw 92 Rosebud 19 Rodnd Valley
Georgia 2 Florida 8	Crow Creek and Lower Brule 51 Quapaw
Louisiana 2	Fort Belknap
Tennessee 1 Ohio 2	Fort Peck 31 Santes
Indiana 1 Missouri 2	Green Bay 26 Shoshone 9 Sisseton
Michigan	IT County Tite
Nebraska Oregon	Klamath 9 Standing Rock
New York 1 West Virginia 1	Lembi 6 Tulalip
	Southern Ute Southern Ute
Total not yet classified 60 Add Denver, classified since June 30 3	LYMYA, O
Total by tables 68	Nevada 16 Western Shoshone 12 White Earth
	Umana and winnebago 29 rakima
General recapitulation not yet classified.	Osage 10 Yankton
Departmental service 298 Post-office service 71,535	Total Indians at Indian agencies
Custom-house service 60	
Total not yet classified	At the following Indian schools: Albuquerque
Add Denver custom-house	
Grand total by tables 71,800	Carson 10 Lembi Agency
PRESIDENTIAL APPOINTMENTS NOT CONFIRMED BY SENATE.	Cherokee day schools 1 Mescalero Agency Mount Pleasant Navajo Agency 12 Navajo Agency 12 Navajo Agency day school 12 Navajo Agency day school 15 Navajo Agency day school 16 Navajo Agency day school 17 Navajo Agency day school 17 Navajo Agency day school 18 Navajo Agency day school
Secretary Civil Service Commission.	Arapahoe (Cheyenne and Arap-
Interior Department: Land service:	ahoe Agency) 12 Navajo Agency day school Neah Bay Agency
Mineral-land commissioners in Montana and Idaho 13 Mine inspectors 2 ———————————————————————————————————	Arapahoe (Cheyenne and Arapahoe Agency). 12 Navajo Agency day school. 12 Navajo Agency day school. 13 Navajo Agency day school. 14 Navajo Agency day school. 15 Nevada Agency day school. 16 Nevada Agency day school. 17 Nevada Agency day school. 18 Nevada Agency day school. 18 Nevada Agency day school. 19 Nevada Agency day school 19 Nevada Ag
— 14	
Indian commissioners: Members of commission (no pay)	Colorado River 6 Omaha Oneida 3 Oneida
Member who is secretary	Crow (agency)
— 10 Commissioner to negotiate with the Chippewa Indians	Crow (agency)
Commissioner to select and appraise certain lands on the Puvallup Reservation, in the State of Washington	Flandreau 4 Phonix 5
Special agents to allot lands in severalty to Indians 8	Fort Berthold 6 Pima Agency 5 Pine Ridge Agency Ogalalla day
	FOULTADWAL
Total Interior Department	
Total Presidential not confirmed by Senate and now in the	Fort Peck 7 Pawnee (Ponca Agency)
classified service	Fort Mojave
POSITIONS EXCEPTED FROM EXAMINATION.	Fort Yuma 20 Pottawatomie
[Excepted places are in the classified service.]	Grand Junction
Departmental service. Office of the President of the United States:	Grande Ronde Ronde R sourt
The private secretary (but the confidential clerk is not yet selected).	Stockbridge day school 1 S'Kokomish
State Department: The private secretary (but the confidential clerk is not yet selected).	Hoone Vellow
Treasury Department: The private secretary (but the confidential clerk is not yet selected).	Hoopa Valley 8 Quinaielt Moqui industrial school 5 Quapaw
Department of Justice:	Fort Sill (agency)
The private secretary (but the confidential clerk is not yet selected).	Rainy Mountain 5 Sac and Fox (agency) Riverside 4 Absentee Shawnee
Selected) 1 Attorneys and assistant attorneys 98	Klamath (agency) 4 Salem school

And the second s	
Port Apache	War Department: Office of the Secretary
Santa Fe 13 Umatilla Agency 1 Santee (agency) 9 Simnasho, Warm Springs 2	war Department: 65 Office of the Secretary 65 Office of the Adjutant-General 131 Office of the Inspector-General 11 Office of the Judge-Advocate-General 11 Office of the Quartermaster-General 118 Quartermaster's Department at large 622 Office of the Commissary-General of Subsistence 36 Subsistence Department at large 61 Office of the Surgeon-General 113
Santee (agency) 9 Simnasho, Warm Springs 2	Office of the Inspector-General 11 Office of the Judge-Advocate-General 11
Seger colony 9 White Earth (agency) 4	Office of the Quartermaster-General 118
Sisseton (agency) 5 Wild Rice River 6 Red Lake 3	Quartermaster's Department at large 622 Office of the Commissary-General of Subsistence 36
Agency) 5 Twin Lakes Mission 1 Grand River (Standing Rock Wittenberg 3	Subsistence Department at large 61
Agency Grand River (Standing Rock Agency 7 Industrial (Standing Rock Agency 12 Agency 13 Agency 14 Agency 15 Agency 16 Agency 17 Agency 17 Agency 18 Agency 19 Agenc	Omego of the burgeon delication of the state
Agency) 7 Yakima Agency 11 Agency 7 Yakima Agency 11 Agency 11 Agency 11 Yakima Agency 11	Medical Department at large
Industrial (Standing Rock Agency) Toppenish day school Standing Rock day school 12 Independent day schools (11) 1	Office of the Chief of Engineers. 72
는 경기 (1988), 1888, 1888 및 1822년 전 1888 (1988) 1888 - 1882 (1988) 1882 (1988) 1882 (1988) 1882 (1988) 1882 (198	Pay Department at large 44 Office of the Chief of Engineers. 72 Engineer Department at large, including the District of Co- lumbia and the Mississippi and Missouri River Commissions. 4,377
Aggregate of Indians employed in the Indian schools	
	Ordnance Department at large 1,622 [Note.—The Ordnance Office will revise the classified list.] Office of the Chief Signal Officer. 4 Signal Service at large 1
Aggregate of Indians employed in the Indian service	Office of the Chief Signal Officer. 4
The fact that Indians now occupy certain subordinate positions carries the positions occupied by them into the excepted list. If in the future it should be desired to fill any of those positions by whites, such positions would by that act go into the competitive list; but if filled by whites and desired to be filled by Indians, that act would carry those places from the competitive to the excepted list so long as filled by Indians. It will thus be noticed that by the operation of the rule the excepted places filled by Indians may be increased to the full limit of certain subordinate employees in the Indian service—at agencies and schools—if it were possible to fill those places with Indians. The rule allows positions in the Indian service other than superintendents, teachers, teachers of industries, kindergartners, and physicians to be filled by Indians.	Signal Service at large
be desired to fill any of those positions by whites, such positions would by	War Records Office 57 Record and Pension Office 503
that act go into the competitive list; but if filled by whites and desired to be filled by Indians, that act would carry those places from the competitive	Record and Pension Office. 503 United States Military Academy 26 Chickamauga and Chattanooga National Military Park Com-
to the excepted list so long as filled by Indians. It will thus be noticed that	mission 22
by the operation of the rule the excepted places filled by indians may be increased to the full limit of certain subordinate employees in the Indian	mission 22 Shiloh Battlefield Commission 12
service-at agencies and schools-if it were possible to fill those places with	Gettysburg National Park Commission 21 Antietam Battlefield Board 3 Civilian employees at the Headquarters of the Army and at the several department headquarters, etc. 173
indians. The rule allows positions in the indian service other than superintendents teachers teachers of industries, kindergartners, and physicians to	Civilian employees at the Headquarters of the Army and at
be filled by Indians.	the several department headquarters, etc
THE CLASSIFIED EXECUTIVE CIVIL SERVICE.	Total War Department 8,192
The following is a general distribution of the positions classified by com-	Department of Justice: Attorney-General's Office
pensation in the departmental service, those appointed by the President and not confirmed by the Senate and the positions included under the General	Attorney-General's Office
Schedules A and B in the Navy Department at large, now under the special	United States penitentiary at Fort Leavenworth, Kans 59 Clerks to United States attorneys 57
pensation in the departmental service, those appointed by the President and not confirmed by the Senate, and the positions included under the General Schedules A and B in the Navy Department at large, now under the special regulations of the Navy Department, which regulations are under the general supervision of the Civil Service Commission, with the President's appropriate of the Civil Service Commission, with the President's appropriate of the Civil Service Commission, with the President's appropriate the Civil Service Commission, with the President's appropriate Civil Service Commission, with the President Service Civil Service Commission, with the President Service Civil Service C	Office deputies and clerical assistants 204
proval, dated November 2, 1896:	
Departmental service.	Total Department of Justice 421 Post-Office Department:
Executive Office 20 Civil Service Commission 57	Office of the Postmaster-General 12
State Department 78	Office of the Postmaster-General 12
Treasury Department: In Washington—	Office of the disbursing clerk
Secretary's Office proper	Office of the First Assistant Postmaster-General proper 227 Office of the Second Assistant Postmaster-General:
Secretary's Office proper	Office of the Second Assistant Postmaster-General: Office of the Second Assistant Postmaster-General
Division of appointments	proper 103 Foreign mails 11
Division of bookkeeping and warrants	Mail messengers
Division of customs. 18 Division of public moneys 16	Clerks on ocean steamers 15 Mail-bag repair shop 157
Division of bookkeeping and warrants. 36 Division of customs 18 Division of public moneys 16 Division of loans and currency 63 Division of revenue-cutter service 14	Mail-bag repair shop 157 Mail-lock repair shop 49 Railway Mail Service 7,405
	Railway Mail Service
Division of special agents 11 Division of stationery, etc. 24 Miscellaneous division 10	Office of the Third Assistant Postmaster-General:
Miscellaneous division	Office of the Third Assistant Postmaster-General proper 90
Disbursing clerks 5 Miscellaneous roll 4	Stamped-envelope agency
- 376	Stamped-envelope agency 15 Postage-stamp agency 8 Postal-card agency 4
Secret Service division 33 Supervising Architect 155	11/
Comptroller of the Treasury 18	Office of the Fourth Assistant Postmaster-General: Office of the Fourth Assistant Postmaster-General
Auditor for the Treasury Department 99 Auditor for the War Department 260	proper
Auditor for the interior Department	Office of post-office inspector 135 192
Auditor for the Navy Department	Total Post-Office Department 8,372
Auditor for the Post-Office Department 465	Navy Department:
Comptroller of the Currency	Department proper— Office of the Secretary
Register of the Treasury	Naval War Records of the Rebellion 15
Commissioner of Internal Revenue 208 Bureau of Statistics 35	Library 3 Judge-Advocate General's Office 10
Light-House Board	[1
Light-House Board 23 Mint Bureau 17 Bureau of Navigation 20	Bureau of Navigation 23 Hydrographic Office 69
Life Saving Service 25 United States Coast and Geodetic Survey 159	
Mint Bureau of Navigation 20 Life-Saving Service 25 United States Coast and Geodetic Survey 159 Marine-Hospital Service (Surgeon-General's Office) 19 Steamboat Inspection Service (Inspector-General's Office) 5 Coffice	Bureau of Ordnance 15 Bureau of Equipment 13
Steamboat Inspection Service (Inspector-General's	Naval Observatory 38 Nautical Almanac Office 13
Steamboat Inspection Service (Inspector-General's Office)	Nautical Almanae Office
Bureau of Immigration	Bureau of Yards and Docks
Special witness 2 3,731	Bureau of Construction and Repair 72 Bureau of Steam Engineering 21
보스 BB	Bureau of Supplies and Accounts 46
Total Treasury Department in Washington	Bureau of Medicine and Surgery
Steamboat Inspection Service	Total Department proper
Outside Washington— 151 Steamboat Inspection Service 151 Marine-Hospital Service 2,270 Light-House Service 2,270 Lile-Saving Service 1,992 Mints and assay offices 823 Revenue-Cutter Service 161 Custodian and janitor service 704	Department at large— Commandants' offices—
Life-Saving Service 1,992	Navy-yard at—
Revenue-Cutter Service	Portsmouth, N. H. 1 Boston, Mass 2
Custodian and janitor service. 704 Subtreasuries. 260	Boston, Mass
Construction of public buildings	Washington, D. C. 2
Immigration service	Norfolk, Va
Special inspectors of customs 56	Pensacola Fla. 1 Mare Island, Cal 2
Chinese inspectors	
Immigrant inspectors	New London, Conn
Internal-revenue agents	Key West, Fla.
Special Treasury employees 33 Field force, Coast and Geodetic Survey 46	Puget Sound, Wash 1
	Naval Torpedo Station, Newport, R. I 1 Naval War College 1
Total Treasury Department outside Washington 7,443	Naval War College 1 Naval Home, Philadelphia, Pa 1
m / / m	Total commandants' offices 23
Total Treasury Department	Total commandants onices

Bureau of Ordnance— Navy-yard at— Portsmouth	
Portsmouth	
Roston	i
Brooklyn	19
Brooklyn League Island Washington	52
Norfolk Pensacola	2
Mare Island	7
Mare Island Naval station at Newport Naval Proving Ground at Indian Head	3 7
Total Bureau of Ordnance Bureau of Equipment—	96
Navy-yard at— Portsmouth	2
Boston	6
Brooklyn League Island	19
Washington	3
Norfolk Pensacola	3
Mare Island	4
Total Bureau of EquipmentBureau of Yards and Docks:	89
Navy-yard at— Portsmouth	2011.20
Portsmouth	9
Boston Brooklyn League Island Washington	29
Washington	14
NOTTOLK	20
Pensacola Mare Island	13
Naval station at—	3
Port Royal	3
New London Port Royal Key West Puget Sound	1 2
Total Bureau of Yards and Docks	-
Bureau of Construction and Repair:	120
Navy-yard at— Portsmouth	4
Boston Brooklyn	48
League Island	
League Island Washington Norfolk	6 7 31 3 22 5 18
Pensacola	3
Mare IslandBath Iron Works	5
Bath Iron Works Cramp & Sons, etc.	18
Crescent Shipyard	3 4
Columbian Iron Works. J. H. Dialogue & Sons. Newport News S. and D. D. Co. Union Iron Works. Moran Bros. & Co.	4
Union Iron Works	22 10
Moran Bros. & Co	3
Total Bureau of Construction and Repa	ir 195
Bureau of Steam Engineering:	
Navy-yard at— Portsmouth	3
Boston	18
Brooklyn League Island Washington	3
Washington	1
Norfolk	9
Norfolk.	9
Norfolk.	1
Norfolk Pensacola Mare Island Bath Iron Works William Cramp & Sons John H. Dialogue & Sons Newport News S. and D. D. Co. Union Iron Works Moran Bros. & Co.	1 11 5 1 4 2 1
Norfolk Pensacola Mare Island Bath Iron Works William Cramp & Sons John H. Dialogue & Sons John H. Dialogue & Sons Mewport News S. and D. D. Co Union Iron Works Moran Bros. & Co Total Bureau of Steam Engineering Bureau of Supplies and Accounts:	1 11 5 1 4 2 1
Norfolk Pensacola Mare Island Bath Iron Works William Cramp & Sons John H. Dialogue & Sons John H. Dialogue & Sons Union Iron Works Moran Bros. & Co Total Bureau of Steam Engineering Bureau of Supplies and Accounts: Navy-yard at— Portsynouth	1 11 5 1 4 2 1
Norfolk Pensacola Mare Island Bath Iron Works William Cramp & Sons John H. Dialogue & Sons John H. Dialogue & Sons Mewport News S. and D. D. Co Union Iron Works Moran Bros. & Co Total Bureau of Steam Engineering Bureau of Supplies and Accounts: Navy-yard at— Navy-yard at— Portstrouth	1 11 5 1 4 2 1 61
Norfolk Pensacola Mare Island Bath Iron Works William Cramp & Sons John H. Dialogue & Sons John H. Dialogue & Sons Mewport News S. and D. D. Co Union Iron Works Moran Bros. & Co Total Bureau of Steam Engineering Bureau of Supplies and Accounts: Navy-yard at— Navy-yard at— Portstrouth	1 11 5 1 4 2 1 61
Norfolk Pensacola Mare Island Bath Iron Works William Cramp & Sons John H. Dialogue & Sons John H. Dialogue & Sons Newport News S. and D. D. Co Union Iron Works Moran Bros. & Co Total Bureau of Steam Engineering Bureau of Supplies and Accounts: Navy-yard at— Portsmouth Boston Brooklyn League Island Washington	1 11 1 5 1 4 2 1 61
Norfolk Pensacola Mare Island Bath Iron Works William Cramp & Sons John H. Dialogue & Sons John H. Dialogue & Sons Newport News S. and D. D. Co Union Iron Works Moran Bros. & Co Total Bureau of Steam Engineering Bureau of Supplies and Accounts: Navy-yard at— Portsmouth Boston Brooklyn League Island Washington	1 11 1 5 1 4 2 1 1 61
Norfolk Pensacola Mare Island Bath Iron Works William Cramp & Sons John H. Dialogue & Sons John H. Dialogue & Sons Newport News S. and D. D. Co Union Iron Works Moran Bros. & Co Total Bureau of Steam Engineering Bureau of Supplies and Accounts: Navy-yard at Portsmouth Boston Brooklyn League Island Washington	1 1 1 5 1 4 2 1 1 61 9 10 66 7 21 1 19 2 2 2 1 19 2 2 1 19 2 19 2 19
Norfolk Pensacola Mare Island Bath Iron Works William Cramp & Sons John H. Dialogue & Sons John H. Dialogue & Sons Newport News S. and D. D. Co Union Iron Works Moran Bros. & Co Total Bureau of Steam Engineering Bureau of Supplies and Accounts: Navy-yard at— Portsmouth Boston Brooklyn League Island Washington Norfolk Pensacola Mare Island Naval station at Newport Naval Academy	11 11 15 14 22 11 61 9 10 666 7 21 19 2 23 11 3
Norfolk Pensacola Mare Island Bath Iron Works William Cramp & Sons John H. Dialogue & Sons Newport News S. and D. D. Co Union Iron Works Moran Bros. & Co Total Bureau of Steam Engineering Bureau of Supplies and Accounts: Navy-yard at— Portsmouth Boston Brooklyn League Island Washington Norfolk Pensacola Mare Island Naval station at Newport Naval Academy Total Bureau of Supplies and Accounts	11 11 15 14 22 11 61 9 10 666 7 21 19 2 23 11 3
Norfolk Pensacola Mare Island Bath Iron Works William Cramp & Sons John H. Dialogue & Sons John H. Dialogue & Sons Newport News S. and D. D. Co Union Iron Works Moran Bros. & Co Total Bureau of Steam Engineering Bureau of Supplies and Accounts: Navy-yard at— Portsmouth Boston Brooklyn League Island Washington Norfolk Pensacola Mare Island Naval station at Newport Naval Academy Total Bureau of Supplies and Accounts Navy pay offices— Pay offices— Pay offices—	11 11 15 14 22 11 61 9 10 666 7 21 19 2 23 11 3
Norfolk Pensacola Mare Island Bath Iron Works William Cramp & Sons John H. Dialogue & Sons John H. Dialogue & Sons Newport News S. and D. D. Co Union Iron Works Moran Bros. & Co Total Bureau of Steam Engineering Bureau of Supplies and Accounts: Navy-yard at— Portsmouth Boston Brooklyn League Island Washington Norfolk Pensacola Mare Island Naval station at Newport Naval Academy Total Bureau of Supplies and Accounts Navy pay offices— Pay office at— Boston	1 11 1 5 1 4 2 1 1 61 9 10 66 67 7 21 19 2 2 2 3 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1
Norfolk Pensacola Mare Island Bath Iron Works William Cramp & Sons John H. Dialogue & Sons John H. Dialogue & Sons Newport News S. and D. D. Co Union Iron Works Moran Bros. & Co Total Bureau of Steam Engineering Bureau of Supplies and Accounts: Navy-yard at— Portsmouth Boston Brooklyn League Island Washington Norfolk Pensacola Mare Island Naval station at Newport Naval Academy Total Bureau of Supplies and Accounts Navy pay offices— Pay offices— Pay office at— Philadelphia	1 11 1 5 1 4 2 1 1 61 9 10 66 67 7 21 19 2 2 2 3 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1
Norfolk Pensacola Mare Island Bath Iron Works William Cramp & Sons John H. Dialogue & Sons John H. Dialogue & Sons Newport News S. and D. D. Co Union Iron Works Moran Bros. & Co Total Bureau of Steam Engineering Bureau of Supplies and Accounts: Navy-yard at— Portsmouth Boston Brooklyn League Island Washington Norfolk Pensacola Mare Island Naval station at Newport Naval Academy Total Bureau of Supplies and Accounts Navy pay offices— Pay office at— Boston	1 11 1 5 1 4 2 1 1 61 9 10 66 67 7 21 19 2 2 2 3 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1
Norfolk Pensacola Mare Island Bath Iron Works William Cramp & Sons John H. Dialogue & Sons John H. Dialogue & Sons Newport News S. and D. D. Co Union Iron Works Moran Bros. & Co Total Bureau of Steam Engineering Bureau of Supplies and Accounts: Navy-yard at— Portsmouth Boston Brooklyn League Island Washington Norfolk Pensacola Mare Island Naval station at Newport Naval station at Newport Naval Academy Total Bureau of Supplies and Accounts Navy pay offices— Pay office at— Boston New York Philadelphia Baltimore Norfolk San Francisco	11 11 15 14 22 11 61 9 10 666 7 21 19 2 23 11 3
Norfolk Pensacola Mare Island Bath Iron Works William Cramp & Sons John H. Dialogue & Sons John H. Dialogue & Sons Newport News S. and D. D. Co Union Iron Works Moran Bros. & Co Total Bureau of Steam Engineering Bureau of Supplies and Accounts: Navy-yard at— Portsmouth Boston Brooklyn League Island Washington Norfolk Pensacola Mare Island Naval station at Newport Naval Academy Total Bureau of Supplies and Accounts Navy pay offices— Pay office at— Pay office at— Pay office at— Poston New York Philadelphia Baltimore Norfolk San Francisco Washington	11 11 11 5 1 4 2 2 1 1 10 66 7 21 19 2 23 1 13 13 14 2 21 14 2 2 2 3 1 4 4 2 2 3 1 4 4 4 4 4 7 4 7 4 7 4 7 4 7 4 7 4 7 4
Norfolk Pensacola Mare Island Bath Iron Works William Cramp & Sons John H. Dialogue & Sons John H. Dialogue & Sons Newport News S. and D. D. Co Union Iron Works Moran Bros. & Co Total Bureau of Steam Engineering Bureau of Supplies and Accounts: Navy-yard at— Portsmouth Boston Brooklyn League Island Washington Norfolk Pensacola Mare Island Naval station at Newport Naval Academy Total Bureau of Supplies and Accounts Navy pay offices— Pay office at— Boston New York Philadelphia Baltimore Norfolk San Francisco Washington Total Navy pay offices	11 11 15 14 22 11 61 9 100 666 7 21 119 22 23 13 3 161
Norfolk Pensacola Mare Island Bath Iron Works William Cramp & Sons John H. Dialogue & Sons John H. Dialogue & Sons Newport News S. and D. D. Co Union Iron Works Moran Bros. & Co Total Bureau of Steam Engineering Bureau of Supplies and Accounts: Navy-yard at— Portsmouth Boston Brooklyn League Island Washington Norfolk Pensacola Mare Island Naval station at Newport Naval Academy Total Bureau of Supplies and Accounts Pay offices— Pay offices— Pay office at— Boston New York Philadelphia Baltimore Norfolk San Francisco Washington Total Navy pay offices Naval Academy Total Navy pay offices Naval Academy Total Navy pay offices Naval Academy Total Navy pay offices Naval Academy Total Navy pay offices Naval Academy Total Navy pay offices	11 11 15 14 22 11 61 9 100 666 7 21 119 22 23 13 3 161
Norfolk Pensacola Mare Island Bath Iron Works William Cramp & Sons John H. Dialogue & Sons John H. Dialogue & Sons Newport News S. and D. D. Co Union Iron Works Moran Bros. & Co Total Bureau of Steam Engineering Bureau of Supplies and Accounts: Navy-yard at— Portsmouth Boston Brooklyn League Island Washington Norfolk Pensacola Mare Island Naval station at Newport Naval Academy Total Bureau of Supplies and Accounts Navy pay offices— Pay office at— Boston New York Philadelphia Baltimore Norfolk San Francisco Washington Total Navy pay offices	11 11 15 14 22 11 61 9 100 666 7 21 119 22 23 13 3 161

Navy Department—Continued.			
United States Marine Corps, civil force—Continued. At headquarters, Washington—Continued.			
Quartermasters' office Assistant quartermaster's office	3		
Assistant quartermaster at Philadelphia	2		
Total United States Marine Corps.			
Total United States Marine Corps, civil force		13	
Boston Brooklyn Philadelphia Baltimore	2		
Philadelphia	1 1	- 541	
Norfolk	1		
Savannah New Orleans	1 1 1 1		
Cleveland	î		
Chicago San Francisco Port Townsend	2 1		
Port Townsend	1		
Total Branch Hydrographic Office		16	
Total Department at large		7	74
Total Navy Department, classified by c Total Navy Department under Schedul	omp	ensation	1,163
Interior Department:		and B	5,063
Secretary's Office proper	161	E. A.	
Secretary's Office proper Census division Official Register for 1895.	4		
그 그 그 그 그 그 그 그 그 그 그 그 그 그 그 그 그 그 그		202	
Total office Secretary of the Interior Office of the Assistant Attorney-General General Land Office—		22	
Commissionania office	359		
Transcribers' roll.	7		
Total General Land OfficeOffice of Indian Affairs—		366	
Regular roll Depredation claims roll	87		
Allotments roll	3		
Total Office of Indian Affairs	_	97	
Pension Office— Regular roll 1 Special examiners.			
Regular roll 1	150		
Total Pension Office	-	1 709	
Patent Office		577	
Patent Office Office of Education Office of Commissioner of Railroads		40	
Geological Survey—	~~		
Geological Survey— Office force Scientific force Temporary force	11		
Temporary force	275		
Total Geological Survey		314	
Total by bureaus		3,4	10
Land service— Miscellaneous		44	
Land service— Miscellaneous. District land offices— Regular employees Temporary clerks in contest cases	117		
Temporary clerks in contest cases	82	199 -	
Offices of surveyors-general—	- 00		
Temporary clerks on mineral cases	116		
Regular roll Temporary clerks on mineral cases. Temporary clerks on miscellaneous work	10	216	
Total land service	-		59
Indian service:			
Miscellaneous Indian agencies Indian schools		527	
Total Indian service		1,8	98
Augusta, Me Boston, Mass. Buffalo, N. Y Chicago, III Columbus, Ohio		10 -	
Boston, Mass		29 28	10.8
Chicago, Ill		37	
Columbus, Ohio		38 11 32 23 34 23 15	
Des Moines, Iowa		32	
Des arones, towa Detroit, Mich Indianapolis, Ind Knoxville, Tenn Louisville, Ky Milwaukee, Wis New York, N. Y Philadelphia, Pa Dittelburg		34	
Knoxville, Tenn Louisville, Kv		23 15	
Milwaukee, Wis		23 41	
Philadelphia, Pa		34	
Pittsburg, Pa San Francisco, Cal		36 12	
Topeka, Kans Washington, D. C		34	
		31	C PRIOR
Total pension agency service Pension examining surgeons		4	91 20
Alaska school service			32
Office Architect of the Capitol Government Hospital for the Insane.		4	66 55
Freedman's Hospital Superintendent of hospital at Hot Springs, Ark			70
Total Department of the Interior	1 100		
Department of Agriculture:			66
Office of the Secretary of Agriculture		*****	11

Department of Agriculture—Continued. 96 Division of Statistics. 96 Division of Botany. 20 Division of Entomology. 18 Division of Economic Ornithology and Mammalogy. 18 Division of Pomology. 9 Division of Microscopy. 2 Division of Vegetable Physiology and Pathology. 17 Division of Chemistry. 17 Division of Forestry. 12 Division of Publications. 12 Division of Seeds. 26 Document and folding room. 8 Division of Gardens and Grounds. 26 Museum. 4	Navy Department: Branch Hydrographic Office—
Division of Botany 20	Messengers at -
Division of Economic Ornithology and Mammalogy	Philadelphia, Pa
Division of Microscopy 2 Division of Vegetable Physiology and Pathology 17 Division of Chemistry 17 Division of Forestry 12 Division of Publications 12 Division of Seeds 26 Document and folding room 8	Total Navy Department
Division of Chemistry 17 Division of Forestry 12	Interior Department: Indian agencies—
Division of Publications 12 Division of Seeds 28	Interior Department: Indian agencies — Physicians at—
Document and folding room. 8 Division of Gardens and Grounds 26	Pottawatomie Agency 1 Santee Agency 1
Office of Experiment Stations 32	Transportation agents 3
Office of Irrigation investigation 2 Division of Agrostology 13 Division of Agrostology 13	Total at Indian agencies 6 Government Hospital for the Insane, chaplains 5
Office of inquiries relating to public roads	Total Interior Department
Furniture, cases, and repairs 3 Bureau of Animal Industry 721 Weather Bureau 553	Department of Agricultures
17 5000000 5000 5000 5000 5000 5000 5000	Wind-signal displaymen 110 Cotton region observers 119
Total Department of Agriculture	River observers
Division of administration 30	Total Department of Agriculture
Division of fish culture 106 Division of inquiry respecting food-fishes 9 Division of statistics and methods of the fisheries 14	Total departmental service
Vessel service	Post-office service. Clerks in charge of substations in cities or towns having—
Total Commission of Fish and Fisheries 169 Interstate Commerce Commission 137	First-class offices 538 Second-class offices 28
Total Commission of Fish and Fisheries 169	Stamp agencies in cities or towns having—
United States National Museum 168 National Zoological Park 20	First-class offices 2,058 Second-class offices 216
Bureau of American Ethnology 20 Astrophysical Observatory 6	2,214
	Total post-office service 2,840
Total Smithsonian Institution227	Classified offices: Inspector, Bath, Me
Total by compensation and navy-yard regulation 48,356 Total Presidential not confirmed 36	Storekeepers, Ellsworth, Me
Total for the departmental service. 48,392	Inspector, Houlton, Me
POSITIONS EXCLUDED FROM CLASSIFICATION.	
The following positions are excluded from classification by the terms of Rule III, section 8, clauses (a), (b), (c), and (d), which provide that the following-mentioned positions or employees shall not be subject to the provisions of	Boatman, Barnstable, Mass 1
the civil-service rules:	Inspectors, New York, N. Y
"Clause (a) Any position filled by a parson whose place of private business	Deputy collector, Petersburg, Va. 1
is conveniently located for his performance of the duties of said position, or any position filled by a person remunerated in one sum both for services rendered therein and for necessary rent. fuel, and lights furnished for the performance of the duties thereof: Provided, That in either case the performance	Assayer, Kansas City, Mo. 1
formance of the duties thereof: <i>Provided</i> , That in either case the performance of the duties of said position requires only a portion of the time and attention	Deputy collectors and inspectors, Grand Haven, Mich. 8 Deputy collectors and inspectors, Wilwarker, Wis. 2
of the duties of said position requires only a portion of the time and attention of the occupant, paying him a compensation not exceeding, for his personal salary only, \$300 per annum, and permitting of his pursuing other regular business or occupation."	Deputy collectors and clerks, Marquette, Mich
Under clause (a) the following positions were excluded:	Deputy collectors and inspectors, Grand Haven, Mich. 8 Deputy collectors and inspectors, Milwaukee, Wis. 2 Deputy collectors and clerks, Marquette, Mich. 7 Deputy collector and inspector. Duluth, Minn. 3 Deputy collector, Great Falls, Mont. 1 Inspector, Sitka, Alaska 1
Treasury Department:	Total in classified offices
Marine-Hospital Service— Assistant surgeons 49	Unclassified offices: Deputy collector, Kennebunk, Me
Sanitary inspectors 2	Deputy collector, Bristol, R. I
Total Marine-Hospital Service	Deputy surveyor, Patchogue, N. Y. 1 Deputy surveyor, Chattanoga, Tenn 1
Laborers	Deputy surveyor, Peoria, III 1
	Deputy surveyor, Burlington, Iowa 1 Deputy surveyor, Dubuque, Iowa 1
Total Light-House Service	Deputy surveyor, Patchogue, N. Y
pleted at this time and they will soon be out of office.	Deputy collector, Yaquina, Oreg. 1 Deputy collector, Dunkirk, N. Y
Immigration service at large— Internes 1	Total in unclassified offices
Inspectors	Total custom-house service, clause (a)
Special inspector of customs 1	Internal-revenue service. Alabama, at large, deputy collectors
Total Treasury Department, clause (a)	California, First district, deputy collector
Engineer Department at large— Gauge readers 103	Georgia, at large, deputy collector. 1 Illinois, First district, deputy collector. 1
Collectors of statistics	Illinois, Fifth district, deputy collector
Total Engineer Department at large	Illinois, Eighth district, janitor
Telegraph operators 11 Messengers 3	Indiana, Seventh district, deputy collectors
Janitors 4 Engineer 1	Illinois, Eighth district, deputy collectors 2 Illinois, Eighth district, janitor 1 Indiana, Sixth district, deputy collectors 3 Indiana, Seventh district, deputy collectors 2 Iowa, Firir district, deputy collector 1 Iowa, Fourth district, deputy collectors 4 Kansas, at large, deputy collector 1 Kentucky, Second district, deputycollectors 2 Kentucky, Eighth district, janitor 1 Maryland, at large, clerk 1
Total Signal Service at large	Kentucky, Eighth district, janitor 1
Total War Department 124 Department of Justice:	Kentucky, Eighth district, janitor
Organist at penitentiary at Fort Leavenworth, Kans	New Jersey, Fifth district, deputy collectors.
Clerks to United States attorneys 3 Office deputy 1	North Carolina, Fourth district, deputy collector.
Total Department of Justice 5 Post-Office Department, railway postal clerks 84	Ohio, Tenth district, janitor 1 Ohio, Eleventh district, deputy collector 1

Oregon, at large, deputy collector	Treasury Department
Tennessee, Second district, deputy collector 1 Tennessee, Fifth district, deputy collector 1	Total excluded under clause (d) 844
Texas, Third district, deputy collectors. 2 West Virginia, at large, deputy collectors. 2 Wisconsin, First district, deputy collectors. 3	Total clause (a) Escapitulation of excluded places. 5,151 Total clause (b) 53
	Total clause (c) 53 Total clause (c) 3 Total clause (d) 844
Recapitulation, internal-revenue service: Deputy collectors	Total positions excluded from classification 6,051
Total internal-revenue service	The law and regulations of the Treasury Department provide that enlisted men in the Revenue-Cutter Service on the Atlantic, Gulf, and Pacific coasts shall enlist for three years; the enlisted men on the Great Lakes only for the season of navigation.
Departmental service 2,193 Post-office service 2,840	The clerks to paymasters in the Navy are subject to the navy regulations, and are therefore placed in the excluded class while on shore duty with the paymaster. If they were at sea, they would be considered in the Navy, and
Custom-house service 67 Internal-revenue service 51	paymaster. If they were at sea, they would be considered in the Navy, and therefore not in the executive civil service. PRESIDENTIAL OFFICES, CONFIRMED.
Total excluded under clause (a) 5.151 "Clause (b). Any person in the military or naval service of the United States Who is detailed for the performance of civil duties." Under clause (b) the following positions were excluded from classification:	The officers of the executive civil service nominated by the President and confirmed by the Senate are distributed generally among the several Executive Departments, the commissions, and offices as follows:
Treasury Department: Officers of high rank detailed from the Army or Navy for duty	The departmental service. Civil Service Commission 4 State Department 4 Treasury Department 367
with the Light-House Service. 28 Assistant surgeons detailed from the Marine-Hospital Service for duty with the immigration service. 1	War Department 2
Total Treasury Department 29	
War Department: Army officer on duty with the Chickamauga and Chattanooga National Park Commission	Navy Department
Army officers detailed by the President for duty as Indian	Department of Labor 1
agents 17 Army officers detailed for duty at the following national parks—	Total departmental service 901
Yellowstone	Total Government printing service 3,635
General Grant, Sequoia, and California parks 1	Total custom-house service 215 Total internal-revenue service 63
Total at national parks 3 With Rock Creek Park Commission 2	Total Presidential offices confirmed by Senate 4,815 UNCLASSIFIED LABORERS OR WORKMEN.
Total Interior Department 22 Superintendent State, War, and Navy building 1	The persons merely employed as laborers or workmen in the executive civil service are distributed by numbers generally among the several Executive Departments, the commissions, and offices as follows:
Recapitulation for clause (b). 29 29 29 29 20 29 20 20	The departmental service. State Department 4 Treasury Department 848
Interior Department 22 State, War, and Navy building 1	Treasury Department 848 War Department 6,459
Total excluded under clause (b) 53 "Clause (c). Any person employed in a foreign country under the State	War Department 6,459 Department of Justice 15 Post-Office Department 52 Navy Department 4
Department, or temporarily employed in a confidential capacity in a foreign country."	Interior Department 271 Department of Agriculture 74 Department of Labor 2
Under clause (c) the following positions were excluded from classification: State Department dispatch agent at London 1 The Smithsonian Institution foreign agents 2	Department of Lacor 2
The Smithsonian Institution foreign agents 2 Total excluded under clause (c) 3	Smithsonian Institution 63
"Clause (d). Any position whose duties are of a quasi-military or quasi-naval character and for the performance of whose duties a person is enlisted for a	Total departmental service
term of years." Under clause (d) the following positions were excluded from classification:	Total custom-house service213
Treasury Department: Revenue-Cutter Service—	Total laborers and workmen below classification
Crews of vessels on the Atlantic, Gulf, and Pacific coasts— Petty officers. 133 Seamen 295	The entire executive civil service of the United States, approximately correct, with a few outlying positions, the duties of a number of which are not yet accurately determined, but are under consideration by the Departments,
Stewards	may be distributed generally as follows:
Boys 114 Oilers 45 Firemen 63	Class A 20,033 Class B 8,621 Class C 1,667
Coal passers 46 Buglers 22	Class D
Crews of vessels on the Great Lakes— 798	Class 1. 6, 771 Class 2. 4, 699 Class 3. 1, 561
Petty officers 11 Stewards 5 Oilers 4	Class 4. 1,570 Class 5. 1,130
Oilers 4 Firemen 3	Class 6. 508 Positions in navy-yards registered under navy regulations 5,063 Pension examining surgeons 4,120
Total Treasury Department	Presidential officers not confirmed by Senate, now classified 38 Indians employed at Indian agencies and schools 2,061
Clerks to paymasters at the following—	Private secretaries and confidential clerks (excepted) 10 Cashiers in post-offices and custom-houses (excepted) 97
Navy-yards at— Portsmouth 2 Boston 2	Deputy collectors of customs (excepted) 6 Assistant postmasters (excepted) 570 Attorneys and assistant attorneys (excepted) 98 Excluded under clause (a) of Rule III, section 8 5,151
Brooklyn 2 League Island 2 Washington 2	Excluded under clause (b) of Rule III, section 8
Norfolk 2 Pensacola 1	Excluded under clause (c) of Rule III, section 8 3 Excluded under clause (d) of Rule III, section 8 844
Mare Island 2	Presidential officers confirmed by Senate 4,815 Laborers or workmen below classification 8,638 Miscellaneous positions not yet classified 71,803
Naval stations at— Newport 1 New London 1	Total in the executive civil service. 178,716
Port Royal I Key West 1 Puget Sound 1	The officers of the different Departments, offices, and commissions have been exceedingly courteous and at all times, so far as possible, ready to give
Puget Sound 1 5 Naval Academy 5	any information necessary to complete this work. I append to this report a folder which will give a general view of all the different branches of the service.
Total Navy Department. 25	Respectfully submitted. THEODORE L. DE LAND, Examiner.

THE EXECUTIVE CIVIL SERVICE OF THE UNITED STATES.

An approximate statement of the number of civil officers of the United States confirmed by the Senate above classification, the number of classification, the number of excepted places, the number excluded from classification, and the number of laborers or workmen below classification, and number not yet classified, carried on the rolls of the Evecutive Departments, bureaus, offices, and commissions, whether compensated by a fixed salary or otherwise, inside or outside the District of Columbia, on June 30, 1396.

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Bureau, office, or commission.	Α.	B.	C.		E.	1.	2.	3.	4.	-	6. . gj	Presidential, not confirmed by Senate.	Private secretaries confidential clerks			ors.	Assistant postmasters	Assistant attorneys
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	Less than \$720.	\$720, but less than \$840.	\$300	\$900, but less than \$1,000.	\$1,20	but \$1,40	\$1,400, but less than \$1,600.	Sit 8	\$2,0	SE,5	by c	enti	e se	esi .	13.	00 6	nti	inte
	s th	han	han	on o	than	\$1,200, 1 than	00, 1 nan	\$1,600, 1 than	\$1,800, l than	00,1 1811	, is	pis	vat	Indians.	Cashiers	put	dsta	dista
	Les	\$72	\$840	280	\$1,0	\$1.2	\$1.4	\$1.6	\$1.8 ti	3	Total	P	Pri	Ind	Cas	Del	Ass	Ass
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vy Department	225	156 736	30	756	239	160	117 643	978	43 302	201	3 1,163 78 6,880		1	2,061				2
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mmission of Fish and Fisheries	41	27	8	32	16	24 15 37	16	7 2	5	4 3	3 169							
terstate Commerce Commission perintendent State, War, and Navy building	2	100	99 1 8 1 2	48	24 11	37	9	2	1	3	5 137							
nithsonian Institution	109	23	2	25	10	21	10	3	7	11	6 227							
brary of Congress gistered under Navy Department regula- ions											5,063							
Total departmental service	9,513	5,654	1,048	4,566 7	,342	4,538	2,642	1,267	1,370	855 3	78 48,356	-	10	2,061				98 2,
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st-Office service vernment printing service stom-house service	1,109	66	37	23 1	251	256	29	7	29 24	12	2 2,816					0		
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Bureau, office, or commissi	on.				1				tial,	or	ot ve	Classified service.		Unclassified service	Aggregate number.			Aggregate salaries.
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Here a message from the Senate was received, and the committee rose. The Speaker having resumed the chair, Mr. Hepburn, from the Committee of the Whole, reported that they had had under consideration the bill H. R. 9643, the legislative appropriation bill, and had come to no resolution thereon.

Mr. CANNON. Mr. Speaker, before the House again goes into Committee of the Whole, there are a couple of Senate amendments to the prepart deficiency bill which I should like to be preparted.

to the urgent deficiency bill which I should like to have concurred

Mr. BROSIUS. It is understood that I shall have the floor when

the committee resumes its session.

Mr. CANNON. That is understood.

URGENT DEFICIENCY BILL.

Mr. CANNON. Mr. Speaker, I move that the House concur in the Senate amendments to the bill H. R. 9753, the urgent deficiency bill.

The amendments were read, as follows:

Page 3, strike out lines 12, 13, and 14. Page 5, after line 2, insert: "Senate: For folding speeches and pamphlets, at a rate not exceeding \$1 per thousand, \$5,523.07."

Mr. BRODERICK. Mr. Speaker, I desire to ask the gentleman from Illinois whether any change has been made in the appro-

priation for the penitentiary at Leavenworth?

Mr. CANNON. Oh, no.

The amendments of the Senate were concurred in.

On motion of Mr. CANNON, a motion to reconsider the vote by which the amendments were concurred in was laid on the table.

LEAVE TO PRINT.

On motion of Mr. BINGHAM, by unanimous consent, leave was granted to members to print remarks in the RECORD in connection with the legislative appropriation bill, the privilege being limited to ten days.

GEORGE JOHNSON.

Mr. HEPBURN. Mr. Speaker, I hold in my hand House bill No. 4281, in which two informal amendments have been made by the Senate. I move to concur in those amendments.

The amendments were read, as follows:

In line 8, after "Infantry," insert "in lieu of that he is now receiving."

Amend the title so as to read: "An act granting an increase of pension to George Johnson, of Lenox, Iowa."

The amendments were concurred in.

LEGISLATIVE APPROPRIATION BILL.

Mr. BINGHAM. Mr. Speaker, I move that the vote be taken upon the legislative appropriation bill and all amendments thereto

at 3 o'clock to-day, or earlier if debate shall sooner close.

Mr. RICHARDSON. Mr. Speaker, I hardly think that motion is in order now. The Committee of the Whole have given the gentleman from Pennsylvania [Mr. Brosius] unlimited time, and agraph under consideration, and it was distinctly understood when the gentleman's time was extended that we should have an opportunity to do so. General debate on the paragraph has not been closed.

Mr. BINGHAM. How much time does the gentleman want?

Mr. BINGHAM. How much time does the gentleman want?
Mr. RICHARDSON. The general debate has not been closed,
and I insist that we on this side should have a few minutes' time
after the gentleman from Pennsylvania [Mr. Brosius] has con-

Mr. BINGHAM (to Mr. BROSIUS). How much more time does

my colleague desire to occupy?

Mr. BROSIUS. I should be very glad to limit myself if I knew to what extent I am to be interrupted by interrogations, but after having been so kindly indulged by the committee, I do not feel at liberty to decline such interruptions.

Mr. BINGHAM. Can not the gentleman reach some conclu-

Mr. BROSIUS. I will conclude at the earliest moment I can.
Mr. BINGHAM. I trust the gentleman will name some definite hour, so that the House can reach a conclusion.
Mr. BROSIUS. As far as I am concerned, the vote can be taken

at 3 o'clock; but I can not tell what other gentlemen may have to

Mr. RICHARDSON. If the gentleman will conclude at half past 2 o'clock, I am willing that the vote shall be taken at 3.

Mr. BINGHAM. Can my colleague conclude at that time?

Mr. BROSIUS. I can, if nobody takes up my time by interruptions, but gentlemen will see my difficulty in refusing to answer questions, after the kind indulgence I have received from the committee with the distinct understanding that I would yield for unsertions. questions.

Mr. BINGHAM. Then, Mr. Speaker, I renew my motion.
Mr. TERRY. Mr. Speaker, I desire to know the exact terms of
the proposition upon which the question is now submitted.

The SPEAKER. The gentleman from Pennsylvania moves that the House resolve itself into Committee of the Whole for further that, he moves that all debate on the pending bill, and, pending that, he moves that all debate on the pending bill be closed and the vote be taken at 3 o'clock.

Mr. TERRY. Does the gentleman submit that proposition as a motion, or is unanimous consent asked?

The SPEAKER. The Chair is not quite sure in what form the gentleman submits it.

Mr. BINGHAM. I desire unanimous consent. The SPEAKER. The gentleman from Pennsylvania asks unanimous consent.

unanimous consent.

Mr. TERRY. I object.
Mr. BINGHAM. Then I make the motion.
Mr. RICHARDSON. Then a quorum will be required to carry it. We are not going to be cut off after the gentleman from Pennsylvania has occupied the whole time to-day and yesterday.
Mr. WILLIAM A. STONE. Would not the gentleman be satisfied to vote at half past 3?
Mr. RICHARDSON. I can not consent to that, if other gentlemen are to occupy all the time.
Mr. BROSIUS. I hope the gentleman from Tennessee [Mr. RICHARDSON] will correct the statement he just made.
Mr. RICHARDSON. What statement?
Mr. BROSIUS. The gentleman certainly did not mean to say what he did. I understood him to complain that "the gentleman from Pennsylvania"—referring, as I understood, to myself—had occupied the whole of yesterday on this proposition.
Mr. RICHARDSON. Oh, no. I said the gentleman had the whole time yesterday on this proposition—

whole time yesterday on this proposition

Mr. BROSIUS. Not at all.

Mr. RICHARDSON. And, after farming out ten minutes to the gentleman from Kentucky [Mr. EVANS], he asked to have the remainder of us cut off from debate. The gentleman remembers

Mr. BROSIUS. As the gentleman knows, the committee rose. I had no control over that. Let us be just and fair.

Mr. RICHARDSON. I think we agree exactly as to the facts.

Mr. WILLIAM A. STONE. Would not the gentleman from

Tennessee consent to have a vote taken at half past 3?

Mr. RICHARDSON. Certainly, if the gentleman from Pennsylvania will close his remarks at half past 2.

Mr. TERRY. I think the time had better be left indefinite for the present. All the talk thus far, or substantially all, has been on the other side. Now let us go into committee and see how much on the other side. Now let us go into committee and see how much time members may desire to occupy in further discussion. The gentleman from Tennessee on my right [Mr. RICHARDSON] is the only gentleman on our side who seems to manifest any desire to speak. But something may be said, as the debate progresses, which some of the rest of us may want to answer.

Mr. BINGHAM. Will an hour be ample for gentlemen on that side?

Mr. RICHARDSON. That would be satisfactory to me-an

hour on this side.

Mr. WILLIAM A. STONE. Then I move that at the end of one hour after the gentleman from Pennsylvania [Mr. Brosius] closes

his remarks we proceed to vote.

The SPEAKER. The gentleman from Pennsylvania asks unanimous consent that at the expiration of one hour from the close of the remarks of the gentleman from Pennsylvania [Mr. Brosius], who is now entitled to the floor in Committee of the Whole, a vote be taken, unless the debate should conclude earlier.

Mr. RICHARDSON. That will be entirely satisfactory, pro-

vided this side of the House is allowed to control that hour.

The SPEAKER. The gentleman from Tennessee desires, as a part of the arrangement, that the hour be controlled on his side of the House.

Mr. BINGHAM. That is all right.
The SPEAKER. With that qualification, is there any objection to the proposition?

Mr. TERRY. I object. Let us go into the Committee of the Whole, and see what may be done there in the way of discussion. We on this side are not going to be unreasonable; but I do not like to enter into a "blind-pool" arrangement.

Mr. WILLIAM A. STONE. You will have an hour under this

Mr. WILLIAM A. SIONE. You will have an nour under this proposition: that ought to be satisfactory.

Mr. TERRY. I do not know but what a number of gentlemen here may want to say something.

Mr. WILLIAM A. STONE. Your side will have one hour after the gentleman from Pennsylvania gets through.

Mr. BINGHAM. Does the gentleman from Arkansas [Mr. TERRY] desire to enforce his objection?

Mr. TERRY. Yes, sir. I desire that we go into Committee of the Whole and let the general debate run along. It may be that none of us on this side will want to speak. I am not going to be unreasonable; but we do not like to tie our hands in this way.

That is the point.

Mr. BINGHAM. I move, then, that the House resolve itself into Committee of the Whole, to resume the consideration of the

legislative appropriation bill.

Mr. BROSIUS. If it will in any way help my colleague in charge of the bill to bring the bill to a vote this afternoon, as I understand he desires, I will yield the floor at this moment and allow anyone who may wish it to occupy the floor for a reasonable time, not exceeding an hour. The meaning of my proposition is this: I will yield the floor at this moment for the sake of assisting my colleague to bring the House to a vote upon this bill. But if my yielding the floor will not result in that, then I do not desire to yield it.

Mr. BINGHAM. Will gentlemen on the other side accept the proposition of my colleague [Mr. Brostus]?

Mr. TERRY. I did not understand the last proposition.

Mr. BINGHAM. My colleague states that he is willing to yield the floor at once, in order that gentlemen on the other side may proceed with the discussion.

Mr. WILLIAM A. STONE. For a full hour.

Mr. TERRY. At the suggestion of some of my colleagues, I will assent to the proposition which has been made.

Mr. BROSIUS. I ask unanimous consent that when the House goes into Committee of the Whole for the purpose of again considering this measure a vote be taken at 3 o'clock. That will allow three-quarters of an hour for further discussion. For the purpose of making an arrangement agreeable to those gentlemen who desire to address the House, I will yield the floor at this time.

Mr. BINGHAM. The suggestion was for one hour, if my col-

league will permit me.

Mr. BROSIUS. Very well; I will make it one hour.
The SPEAKER. The gentleman from Pennsylvania asks unanimous consent that the Committee of the Whole on the state of the Union be directed to close the general debate on the legislative appropriation bill in one hour, and come to a vote thereon, with the understanding that he has presented to the House. Is there

objection?

There was no objection.

The motion of Mr. BINGHAM was then agreed to.

The House accordingly resolved itself into Committee of the Whole House on the state of the Union, Mr. Hepburn in the chair.
Mr. RICHARDSON. Mr. Chairman, I do not know that I
shall desire to occupy the attention of the committee more than
one-half of the time that has been allotted to me, and if other gentlemen wish to address the committee it will give me a great deal

of pleasure to yield them a portion of the time, provided I am allowed by the committee to control it.

I want to make one or two observations in respect to some declarations that were made in the committee on yesterday afternoon by the gentleman from Kentucky [Mr. Evans], as well as those which have been made to-day by the able and accomplished chairman of the Committee on Reform in the Civil Service [Mr. Bro-

I want to address myself for a little while to the charge that was asserted with a great deal of vehemence that the alterations or changes made in the Railway Mail Service early in the Administration of Mr. Harrison, beginning March 15, 1889, and extending through the first six weeks of his Administration, made this service vastly more efficient than it had been under the previous

Administration.

I am not mistaken when I say that the gentleman from Pennsylvania, who assumes to be very familiar with all of the facts in connection with this matter, asserted with marked vehemence that these changes in the service had made that service decidedly more efficient. Am I mistaken? He said it had become inefficient under the first Administration of President Cleveland and in a chaotic condition, and to improve its condition, to remedy that inefficiency, it had become necessary that these changes should be made, and he said that the records would sustain him in that charge. He said further that the record of the number of errors reported in the Railway Mail Service sustained him in the asser-He said further that the record of the number of errors tion he had made.

Now, fortunately for the truth of history, and unfortunately for the argument of the gentleman from Pennsylvania, I have at hand the record of the errors which occurred in the Railway Mail Service for the years immediately preceding the advent of Mr. Harrison into office, and the errors which occurred in the years following his advent into office, and this record does not sustain him. Let us see if the statement of the gentleman from Pennsylvania is borne out by the record.

Mr. BROSIUS. If the gentleman will allow me a correction of

his statement, the only figures I assumed to be able to give referred to the ratio of pieces of mail matter handled, and the errors committed in the handling of them at the time the change was made, or about that time, and the ratios of pieces handled and the errors committed at this time, or up to a short time ago, and I gave the figures as they appear. I did not pretend to do so for the intervening period. If I am incorrect in that statement I desire to be corrected, and will thank the gentleman from Tennessee for setting me right.

Mr. RICHARDSON. I propose to show, Mr. Chairman, from the records that the ratio of errors committed to pieces of mail matter handled in the Railway Mail Service was very much greater

matter handled in the Railway Mail Service was very much greater immediately following the changes made by Mr. Harrison as compared with the service prior to that date.

Mr. BROSIUS. My friend must remember that I gave no figures. I gave my impression that the service was benefited in the manner I had suggested.

Mr. RICHARDSON. But you made the positive statement, and not your impression, that the changes had impaired the efficience of the empires.

ciency of the service.

Mr. BROSIUS. I meant to assert, and think I did, that the

suspension of the order improved the service.

Mr. RICHARDSON. Certainly; and therefore that the changes must have made the service, according to your contention, much better. Now, let us see if the gentleman is correct. I say he is

I have a table showing the pieces of mail matter distributed and handled since July 1, 1883, down to 1890. I ask your attention, if

In 1884, there were 4,519,661,900 pieces of mail matter handled. The number of errors committed in 1884 amounted to 1,167,223. There was an increase of errors in 1884 over the previous year of 208,745. Now, that is the last year of Mr. Cleveland's Administration

Mr. BROSIUS. Oh, no; the first year of his Administration. Mr. RICHARDSON. I meant to say that it was the last year of the Administration immediately preceding Mr. Cleveland's.

Mr. BROSIUS. I made no statement in reference to any period of service, except that time of the suspension of Mr. Cleveland's order and from that time down to the present moment.

Mr. RICHARDSON. I shall refer to that in a moment. I have this table here, embracing all of the years 1885, 1886, 1887, down to 1890, but I will not take the time of the committee to read them all. I shall content myself with reference only to that point which answers emphatically the statement of the gentleman from Penn-

Now, on the 4th of January, 1889, President Cleveland issued a proclamation putting the Railway Mail Service under the civil-service rules. This order was to take effect on the 15th of March. He went out of office on the 4th of March. On the 11th of March, before the order became operative, Mr. Harrison suspended its effect until the 1st day of May. I want to show, first, the number of changes made by Mr. Harrison and his Railway Mail Superintendent during that time, and then I will come to the effect it had upon the service. Between March 15, 1889, and April 30, 1889, about six weeks, the time to which he suspended the operation of this order, there were 1,436 removals in the Railway Mail Service. For the same length of time the preceding year, under Mr. Cleveland, there were 54 removals. For the same period for 1887, two years before, there were 45 removals. For the same time in the preceding year there were 85 removals, and in 1885, the first year of his Administration, during the same period there were only 51 removals. When Mr. Harrison came into office and made this suspension which I have mentioned of the civil-service order of Mr. Cleveland, there were within six weeks, as I say, 1,436 removals and 216 resignations—the resignations possibly forced ones. What happened in the corresponding period of the next year?

Mr. WALKER of Massachusetts. How many removals were there during Mr. Cleveland's whole term of office?

Mr. RICHARDSON. During his whole four years he made 51 the first year, 85 the second, 45 the third, and 54 the fourth. The gentleman can add them up. There were 235 in all. And yet in less than six weeks Mr. Benjamin Harrison made 1,436 removals and received 216 resignations, nearly 1.700 in the short space of six weeks. Yet my friend from Kentucky [Mr. Evans] talked about "padding the service" before he put the civil service into operation down in Kentucky in some cases that he referred to.

Mr. EVANS. What case was that?

Mr. RICHARDSON. I should like to know if it was not particularly that the control of the co

I should like to know if it was not padding that Mr. Harrison did.

Mr. EVANS. The case that I referred to was not in Kentucky,

but in this city, and not by the President.

Mr. RICHARDSON. It does not matter by whom it was done. I am not defending the President necessarily, but I am trying to show the outrage that was then perpetrated. Now, Mr. Chairman, I present the table showing these changes:

Statement showing changes in the Railway Mail Service between certain periods, as stated below.

	Re- movals.	Resigna-	Expira- tions of appoint- ments.	Deaths.
Between Mar. 15, 1885, and Apr. 30, 1885. Between Mar. 15, 1886, and Apr. 30, 1886. Between Mar. 15, 1887, and Apr. 30, 1886. Between Mar. 15, 1889, and Apr. 30, 1887. Between Mar. 15, 1889, and Apr. 30, 1889. Between Mar. 15, 1890, and Apr. 30, 1889. Between Mar. 15, 1891, and Apr. 30, 1891. Between Mar. 15, 1882, and Apr. 30, 1892. Between Mar. 15, 1883, and Apr. 30, 1893. Between Mar. 15, 1894, and Apr. 30, 1894. Between Mar. 15, 1894, and Apr. 30, 1895. Between Mar. 15, 1895, and Apr. 30, 1896.	51 85 45 54 1,436 27 15 26 18 30 15 18	79 57 65 64 216 56 47 55 82 22 22	59 25 16 11 261 12 3 8 5 2 1	55 38 84 4 84 133 5 100 34 42

Gentlemen come and say that in some one Department of this Government to-day there are more Democrats than Republicans. The Secret Service, I believe, is the only instance cited, but I venture to say that 70 per cent of the departmental officers in the city of Washington are to-day Republicans. And why is it? When the civil-service law was first put upon the statute books, there was not a Department or bureau, or division in any bureau, in this Government presided over by a Democrat. Every Department and every bureau was under the control of the Republicans, and it was natural that Republicans were in office. Therefore, when the civil-service law was passed at first, and spread over the Departments and included the employees then in the service of the Government, it was quite natural that a large majority of

the Departments and included the employees then in the service of the Government, it was quite natural that a large majority of them were Republicans.

Mr. BROSIUS. Will my friend from Tennessee [Mr. RICHARDSON] allow me to ask him a question?

Mr. RICHARDSON. Certainly.

Mr. BROSIUS. Does he know any means of ascertaining the ratio of the respective parties in the service of the Government?

Mr. RICHARDSON. No; I do not. I think a great many of them have no politics; but when you arraigned the Democratic party for having its followers in office I wanted to show that I know it is a fact, from information given me by employees, that a large percentage of the employees are Republicans. While the gentleman was speaking I cited the Weather Bureau. Now, if I were going to complain as a party man, my complaint would be that the President of my party has not taken quite as many places for his followers as he might have taken. I do not care to boast particularly that I am a spoilsman, but I would not have appointed Republicans to important places if I had been President.

Mr. WILLIAM A. STONE and Mr. BOWERS rose.

Mr. RICHARDSON. I want to get through with this idea; otherwise I shall not be able to express it. I made the statement while the gentleman was speaking, and I believe it to be true, that every chief in the Weather Bureau except one is a Republican, appointed by Mr. Cleveland: the chief clerk is also

Republican. The Chief of the Bureau, a most efficient one, too, is a Republican, appointed by Mr. Cleveland; the chief clerk is also a Republican, appointed by the present Secretary of Agriculture, as I understand it.

as I understand it.

11. The Chairman, the complaint is made by these gentlemen of the inefficiency of the Railway Mail Service. They seem to overlook the fact that the Superintendent of the Railway Mail Service is a Republican who has not been removed by President Cleveland.

12. Mr. BROSIUS. If my friend will allow me, he will remember 1 made no complaint of inefficiency in the Railway Mail Service.

13. On the contrary I undertook to show its creat officiency.

On the contrary, I undertook to show its great efficiency.

Mr. RICHARDSON. But you charged—and there is no use in trying to get away from it—you charged that these changes made by Mr. Harrison when he came into office—these changes unprec-edented in number, unparalleled in the history of Administrations— had made that service more efficient. That was your charge. I say that they are unparalleled and unprecedented, because if you take the same length of time—a period covering six weeks in 1889—it makes 1,436 removals. Take the same period in 1890, and there were only 27; in 1891, only 15; in 1892 there were only 26 removals; and in 1893, when Mr. Cleveland again came into office, during these six weeks there were only 16 removals. During the same period in 1894 there were only 30 removals, and in 1895 only 15 removals and in 1896, covering the same six weeks, only 18 removals. Now, how do you, as a civil-service reformer, account for the fact that within the first six weeks of Mr. Harrison's term, immediately upon his suspension of the civil-service order of President Cleveland, he put into the Railway Mail Service 1,436 clerks? The gentleman further went on to account for it—

Mr. WILLIAM A. STONE. Will the gentleman allow me to

ask him one question?

Mr. RICHARDSON. Certainly; but I would prefer to get

through with my statement.

Mr. WILLIAM A. STONE. Do you not remember, in charging this all to the President's failures, that there are a large number of

Democrats who are not in accord with the President?

Mr. RICHARDSON. You are after having some wit or fun.
I know my friend is always very facetious.

Mr. WALKER of Massachusetts. I ask the gentleman to permit me to make a correction of what I said. I said that these three out of five were Democrats who were restored. They were men who had been removed by President Havingson. who had been removed by President Harrison and were restored. I wanted to correct that statement, instead of saying that they were men removed by President Cleveland.

men removed by President Cleveland.

Mr. RICHARDSON. I want to print in part of my remarks a table which will show exactly what I have said.

The next question that I wish to address myself to—these changes being unparalleled, and which the gentleman did not undertake to account for—is, How did they affect the Railway Mail Service? How are we to ascertain this fact? By taking the number of pieces handled, as the gentleman from Pennsylvania has said. I have a table which shows this. I propose to read from the Congressional Record, and from the debate which will be found in the Record on page 7787. Fifty-third Congress, July 21, 1894. the Record on page 7787, Fifty-third Congress, July 21, 1894. This table was placed in the Record by Mr. Bynum, of Indiana, then a member of this House. And what does it show? It shows that instead of making the service more efficient, this act of Mr. Harrison's and the changes mentioned made it inefficient.

Harrison's and the changes mentioned made it inefficient.

Let us see if I am not correct in that. In 1888, the last year of Mr. Cleveland's Administration, there were 6,528,000,000 pieces of matter handled by the railway mail clerks. The number of errors were 1,765,821. In 1889, immediately following these changes made by Mr. Harrison, the number of pieces handled by the Railway Mail Service increased to 8,026,837,130; the number of errors increased to 1,777,295. In 1890, under these clerks, the first full year of the service of the new clerks, the number of errors increased from 1,777,395 to 2,769,345, an increase in errors from 11,474 from the last year of Mr. Cleveland's Administration to 991,950 errors under these new clerks, put in to benefit the service in the railway mail department. mail department. Here is the table:

Table of pieces of mail distributed, etc., annually since July 1, 1883.

Year end- ing June 30—	Number of pieces distributed.	Increase.	Number of errors.	Increase of errors.	Decrease of errors.	Number correct to each error.
1884 1885 1886 1887 1888 1889 1890	4,519,661,900 4,948,059,400 5,329,521,475 5,834,690,875 6,528,772,060 8,026,837,130 7,847,723,600	538, 145, 620 428, 397, 500 381, 462, 075 505, 479, 398 694, 081, 185 498, 065, 070 820, 886, 470	1, 167, 228 887, 704 1, 260, 443 1, 734, 617 1, 765, 821 1, 777, 295 2, 769, 245	208, 745 372, 739 474, 174 31, 204 11, 474 991, 950	279,519	3, 872 5, 575 4, 228 3, 364 3, 694 3, 954 2, 834

Now, I want the gentleman from Pennsylvania to tell us if he had examined the record when he made his statement that the number of pieces showed that the service had been made more efficient by these changes.

Mr. TRACEY. Is there not a decrease in the percentage of

errors?

Mr. RICHARDSON. There is an increase.
Mr. TRACEY. That is a decrease.
Mr. RICHARDSON. No, sir; I will show you how it is. Mr. RICHARDSON. No, Sir; I will show you how it is. The number of pieces handled to one error in 1888 was 3,694; in 1889, to 3,954 pieces handled to one error, the largest number—

Mr. TRACEY. That was a decrease in the percentage.

Mr. RICHARDSON. It was an increase. There were more

Mr. TRACEY. Read that over again.
Mr. RICHARDSON. I will read it over again.
Mr. TRACEY. You will find it is a decrease in the percentage of error

Mr. RICHARDSON. But you should wait until I make the Mr. RICHARDSON. But you should wait until I make the statement in full. There were 3,364 pieces handled to one error in 1887; there were 3,694 in 1888; 3,954 in 1889; and in 1890, the first full year under Harrison, there were only 2,834 pieces handled to each error. For every 2,834 pieces handled by these new clerks put in to benefit the service, and to bring it out of chaos, there was an error; and under Mr. Cleveland they handled 3,700 pieces in round numbers to an error.

Mr. TRACEY. Thirty-nine hundred in 1889.
Mr. RICHARDSON. Thirty-nine hundred in 1889.
Mr. TRACEY. That is the first year of the new Administra-

Mr. WILLIAMS. Of which year most of the work was done by the old clerks.

Mr. RICHARDSON. Yes. During the first full year of Harrison's Administration for every 2,834 pieces handled there was 1 error, according to this record

Mr. TRACEY. That was an increased percentage, but in 1889

nere was a decrease.
Mr. RICHARDSON. Mr. Bynum said further, and I repeat it

It will be seen from the foregoing table that in 1885, the first year of Mr. Cleveland's Administration, there was an increase of nearly 500,000,000 pieces distributed, and a decrease in the number of errors of nearly 300,000. In 1884 there were 3.872 pieces correctly handled to each error, while in 1885 there were 5.875 pieces correctly handled to each error. During the year 1885, the last wholly under Democratic Administration, 7,023,837,130 pieces were handled, with a total of 1,777,235 errors.

I ask the gentleman to keep that in his mind.

Mr. COX. Will my colleague yield to me for one question? Mr. RICHARDSON. Certainly.

What was the number of errors committed before Mr. COX. the civil-service law was applied in that branch of the public

Mr. RICHARDSON. I have shown that in the last year of Mr. Cleveland's Administration, before the civil service was applied, 5,575 pieces were handled for each error. When the applied, 5,575 pieces were handled for each error. When the service was put under the civil-service law under Mr. Harrison, when these "more efficient" clerks that we have heard about were appointed, there was 1 error to about every 2,800 pieces.

Mr. COX. So that before the civil service was applied less

errors were committed than under the civil service?

Mr. RICHARDSON. That is true.
Mr. TRACEY. But is it not true that the method of marking errors was almost wholly changed after the Harrison Administration came in, and that errors were then marked that had never been marked before, which would account largely for the increase of which the gentleman speaks?

Mr. RICHARDSON. There may have been some change made

in the marking, but it would not account for the great increase in

the number of errors.

Mr. TRACEY. Certainly it would increase the number.

Mr. RICHARDSON. Mr. Bynum, on the occasion when he made these remarks, read a large number of interesting letters bearing upon this subject, which are printed in the RECORD at page 7786. I will not stop to read them all, but I will read one to which I ask the attention of my friend from Pennsylvania [Mr. Brosius]. It is a description of the condition of affairs that existed between the 11th day of March, 1889, and the 1st day of May following, during which time there was this carnival that I have described this large number of dismissals.

The letter is from Waterville, Me., is addressed to Mr. Bynum,

and is as follows:

WATERVILLE, ME., October 16, 1893.

WATERVILLE, ME., October 16, 1893.

DEAR SIR: I received a copy of the bill you introduced in the House a short time since, and I wish to say to you that the ex-postal clerks are very much pleased with your undertaking, and trust the bill may pass.

In their haste to remove us from the service they appointed one man who had been dead for more than one year, another who was nearly dead and who told the superintendent that he could not go back, he was too sick; but they made him go on, as they said, till they could straighten things out. He went on, and after a few months resigned, went home, and died.

Yours, respectfully,

Hon. WILLIAM D. BYNUM, Congressman, Washington, D. C.

It would seem that they could not get the changes made fast enough with the living, so that they actually appointed dead men and others who were nearly dead and not able to transact the business of the office, simply in order that they might have them "in;" and one of these letters says that these changes were made and inefficient Republicans appointed hurriedly, because it was easier to get rid of an inefficient Republican, and make a place for a more efficient one, than it would be to get rid of an efficient Democrat that they would wish to discharge later, to appoint a Republican.

Mr. BROSIUS.

Mr. BROSIUS. Who was the writer of that letter?
Mr. RICHARDSON. The gentleman did not give his name.
Mr. BROSIUS. Do you propose to place the responsibility upon President Harrison, or upon anyone else, by reading an anonymous

Mr. RICHARDSON. Did my friend direct that inquiry to his friend from New Hampshire [Mr. BAKER], who read an anonymous letter here this morning, in his presence, in respect to the employees now in the Departments?

Mr. BROSIUS. I perceive the purpose of reading the letter which the gentleman from Tennessee has just read.

Mr. RICHARDSON. And I perceived the purpose of the gentleman from New Hampshire in reading his letter.

Mr. BROSIUS. My comment is that the letter is of no conse-

quence whatever unless we know something about the writer of it.

Mr. RICHARDSON. Precisely; and I think the same is true

of the letter read by the gentleman from New Hampshire this morning.

Now, Mr. Chairman, what I took the floor for was to show that the record does not bear out the gentleman from Pennsylvania in the statement he has made. It shows that the statement of the gentleman from Kentucky [Mr. Evans], when he said that somebody had padded the Departments here before covering them by the civil-service law, in order that there might be members of certain party in office when that law should take effect, might easily be paralleled.

The object of this debate has been perfectly apparent throughout. The object is to prepare the country for some sort of executive order or proclamation of the President who is to be inaugurated on the 4th day of March next in relation to employees who have been appointed under the present Administration and who are now protected by the civil-service rules which the gentleman from Pennsylvania lauds so loudly. It is to prepare for action of some sort by which those employees shall be displaced in order that the incoming Administration may have some spoils to give away to its followers. That, I say, is clearly the object, because when the gentleman from Kentucky [Mr. McCreary] addressed a question on that point to the gentleman from Pennsylvania, that gentleman did not undertake to answer it in his usual ingenuous manner. So, Mr. Chairman, I conclude that the object is to prepare the country and to prepare us all for the great change which is to take place on the 4th day of March.

Now, when Mr. Harrison came into office in 1889, he found a civil-service order that was not completely executed. He found that he had until the 15th of March to "pad" the offices with Republican employees, but he saw that that was not sufficient time, and therefore he extended it. As I have already said, I have never been a radical civil-service reformer, but if the present distinguished Chief Executive, in his wisdom and in the exercise of the discretion given him by Congress, shall see fit to extend the civil-service rules over other divisions and bureaus of the public service, I trust he will make his proclamation operative or complete before the 4th day of March; and then we shall see whether our friends coming into power propose to stand by their own civil-service law which the gentleman from Pennsylvania [Mr. BROSIUS] praises so highly. And, I may add, we will see whether they live up to their platform upon which they nominated their candidate and made their canvass, not only in 1896, but in 1892 and 1888, I believe, for they have always declared in favor of civil-service reform.

Now, Mr. Chairman, I will yield to the gentleman from Massachusetts [Mr. Walker]. How much time does he desire?
Mr. WALKER of Massachusetts. Ten minutes.
Mr. RICHARDSON. I yield to the gentleman.
Mr. WALKER of Massachusetts. Mr. Chairman, if the results of the suspension of the order by President Harrison have been accurately stated in what has been presented to this House by the gentleman from Tennessee [Mr. Richardson], I submit that no stronger evidence has been given on this floor in thorough condemnation of the spoils system than those facts; and if they do accurately represent the results of that suspension of that order, I think it will be a warning to the incoming President that he make no such mistake.

Now, with reference to all the evidence that has been presented to this House of the violation of the civil-service rules by the pre-ceding Administration to the present, and by the Administration which preceded that, I have to say that such evidence simply justifies the policy of our adhering to the civil-service rules.

And I wish to call the attention of the House and the country to this further fact, that when you depart from a system that is confessedly wrong in order to adopt a system that is confessedly right, you will have conclusive evidence to justify the departure from the wrong system and the adoption of the right system in the continuance of the spirit of the old, debauched, and condemned system, exhibited in the violation of the spirit of the new and reformed system, while conforming to its letter. Is there a man on this floor at this moment who will not say that I have accurately delineated what always happens in passing from bad practices to the good in the weakness of human nature?

I want to say, secondly, that this spoils system, this turning of men out of their employment because of their political belief, is more contemptible and barbarous and wicked almost than actual war. We have had a little illustration of that down in Pensacola, where the Government proposed to establish, and did establish, a navy-yard; and for that purpose a few hundred mechanics were taken down there. But less and less appropriations were made, until finally the yard was discontinued. And the descendants of those people, with the lethargy and inertia of human nature in pulling up and breaking off old relations and establishing new, have been so far unable to adjust themselves to their surroundings, until the children and grandchildren of those first-class mechanics have gone back nearly to the ignorance of what were called "poor white trash" of the South before the war.

I want to say, Mr. Chairman, to this House and the country that the principle of civil service, the "merit rule," enters into and is

the controlling principle in every well-regulated factory in the United States. There is no employer in this country within my knowledge who allows a man to be dismissed from his employment unless for cause—even though he may have become disabled by old age in many cases. Why, sir, I had a man in my employment old age in many cases. Why, sir, I had a man in my employment in a very important place whose peculiarities were such that he made it uncomfortable for me and uncomfortable somewhat for the men over whom he had direction—some hundred or more. But he was an honest, faithful, industrious, loyal, skillful man. Because of his peculiarities there never was a time during twenty secause of ms peculiarities there never was a time during twenty years when I would not have felt relieved and rejoiced if he had resigned his position; I would have given quite a sum of money to have had him do so. Yet he continued to hold his place until he died; he was never dismissed from my employment. I would have cut off my right hand before I would have dismissed him.

Mr. TERRY. Do I understand my friend from Massachusetts

to say that the same rule is now applied in the civil service as in

our factories?

Mr. WALKER of Massachusetts. I said nothing of the kind. I said that the true civil-service principle, employment and promotion for merit only, governs and controls in all our large fac-

I want to say another thing. At one time I went into a factory at Buffalo, and I saw sitting around there three or four men who at Bullaio, and I saw sitting around there three or four men who seemed to me to be superannuated men, who were accomplishing but little. I said to the employer, "Why do you keep those men?" Knowing our customs, I asked the question simply to see what he would say. "Why," replied he, "these men have been in my factory twenty, thirty, or forty years, and I would rather fail in my business than disturb them in their old age and bring distress upon their wives and children."

Mr. Chairman around right and a superiod of the superiod of the

Mr. Chairman, every right-minded man employing his fellows Mr. Chairman, every right-minded man employing his fellows considers that every man in his employ has a "vested right" in his job, and would no more remove him, if he could avoid it, than he would dispossess a neighbor on an adjoining realty in order that he might possess himself of his land. Employing as I did some five hundred or a thousand men, I was constantly approached by good women of the church that I attend, and by others, seeking a job for themselves or others these in when the removed in the church that I attend, and the church is seeking the control of the church that I attend, and by others, seeking the church that I attend, and by others, seeking the church that I attend the church the church that I attend the church the church that I attend the church the church that I attend the church the church that I attend the church that I attend the church that I attend the chur job for themselves or others, those in whom they were interested. I uniformly meet such applications by saying, as President Lincoln once said, "I have no influence in this administration; you must go to the foreman having charge of that branch of the business, and if he has a vacancy, you can undoubtedly get it. But no influence of mine shall disturb a man in my employ."

One other remark and I am done. I think there is nothing that know of more pernicious in the government of this country than the influence of Congressmen upon appointments of this country than the influence of Congressmen upon appointments of every name and nature. Why, sir, when a man is dismissed from office here in Washington for his political opinions, a man with wife and children about him, and perhaps an aged mother dependent upon him—his dependents, perhaps, in ill health—it is a heart-rending spectacle, whether the man be Democrat or Republican. It is damnable. You can not use any language that is strong worden to abstract raise such conduct

enough to characterize such conduct.

Now, let me give you, on the other hand, an illustration of the nobility of some of these wage earners to whom I have referred. On one occasion a man came to me complaining that injustice had been done him by the very foreman of whom I spoke as not being the most pleasant man in his disposition. The man came to me

and related his story. I said to him:

"It seems to me that your cause is just. It seems to me that injustice has been done to you. I will call down the foreman and investigate the case. I am afraid, I am very much afraid, that I shall find him guilty of having done you an injustice. I hate to do it. He has been in my employ for thirty years without any

"Now, I will submit the whole case to you and let you determine it yourself. I have rarely had complaint of his doing injustice to anybody heretofore. I have never really observed before that he actually had done injustice to any of the employees; but I will call him down and lay the matter before him. I will try the case impartially, and if he did, if I recognize the fact that he has been guilty of this offense, I must dismiss him. Discipline is gone if I restore you and do not dismiss him; but I will enter upon his

"But remember, if I displace him and put another man in his place, the new man may do injustice ten times where this man, against whom this complaint is made, has done it once. That he has done injustice to you I do not deny. Clearly it has been done. But what shall I do? I leave the matter entirely to you."

He took his hat in his hand, and said, "Mr. WALKER, I would rather leave the factory than have him dismissed," when I confronted him with the difficulties that beset me.

So, Mr. Chairman, we must expect that these wrongs against the spirit of the law will occur under the law, until public sentiment has grown to so justify the law and condemn the evasion of its spirit as to compel its enforcement. When that time comes

there will be no infraction of its spirit any more than its letter. [Applause.

Mr. RICHARDSON. I now yield five minutes to the gentleman from Mississippi [Mr. WILLIAMS].

Mr. WILLIAMS. Mr. Chairman, before I address myself to

the subject immediately under consideration-about which I the subject immediately under consideration—about which I know nothing and care less—I want to note a single observation which fell, accidentally, I hope, from the lips of the gentleman from Massachusetts [Mr. Walker] who has just taken his seat. He mentioned in a very pathetic manner an instance of the exodus of some worthy mechanics from New England, who went somewhere down to Florida, I think, and in the lapse of time they had degenerated "to the level of the poor white trash," among whom they found themselves." I had hoped, sir, that, whether consciously or unconsciously, these thoughts, of which the remark of the gentleman from Massachusetts was an unconscious reflection. had passed entirely out of the public mind in this country.

of the gentleman from Massachusetts was an unconscious reflec-tion, had passed entirely out of the public mind in this country, and that these little sectional flings and innuendoes had for all time ceased to be bantered about between us.

I might say in response to the gentleman from Massachusetts that the phrase he uses, "poor white trash," is never used in the South except by the negroes or novelists. I might say, in response to what he has said, that if the mechanics of New England whom he mentioned fell to the level of the people among whom they had come, it violated my observation of the fact that they are already

at or below that level before they leave New England.

Mr. WALKER of Massachusetts. Will the gentleman allow me an instant?

Mr. WILLIAMS. A word, if you please, before yielding to the gentleman.

I rose, Mr. Chairman, principally because it struck me that that remark of the gentleman ought to be noticed, and also to remind the gentleman from Massachusetts of the fact, which I know to be a fact, that this class of poor people in the South to whom he refers as 'poor white trash" are the most magnificent raw material out of which to make superb manhood and womanhood that exists to-day anywhere on the face of the globe.

I would remind the gentleman and the committee that the only Americanism to-day in the United States, pure and unmixed, is to be found in the South. I would remind him that from the "poor white trash," if he will so designate them, and from amongst the poorest and "trashiest" of them sprang such men as Henry Clay and Andrew Jackson, and also that there has sprung from that very type Abraham Lincoln himself. I would remind him that from the very class of these poor white trash of the South Lincoln got his magnificent courage, his magnificent sense of humor and sympathy with humanity, and all that made him an American, and not merely a Western man, or an Eastern man, or a Southern man. The very bone of his bone and sinew of his sinew, the blood that was in him, was of the South; and it was to the poor white trash of the South that he owed character as well as his origin. And the same is true of Andrew Jackson; the same is true of Henry Clay, and it has been true, Mr. Chairman, of nearly every "tribune of the people" who has adorned American civilization and made American history.

So much for that fling of the gentleman from Massachusetts. Mr. WALKER of Massachusetts. I deny, Mr. Chairman, having made any such fling, and want to say that nothing could be any more unjust to me than the remarks of the gentleman from Mississippi.

Mr. WILLIAMS. I do not want to be unjust to the gentleman from Massachusetts. I said in the beginning that the expression dropped, perhaps, unconsciously from his lips.
Mr. WALKER of Massachusetts. Not at all.

Mr. WILLIAMS. But whatever may be the feeling of the people of New England, whether they speak them openly or indulge them unconsciously, the language of the gentleman from Massachusetts was doubtless an expression of habitual thought. Now, my friends, upon the question which is before the House I have only this to say: Is there a man in my presence who, put in charge of a great commercial or manufacturing business, would for one moment, as a man of common sense, undertake to conduct it upon a system of competitive book examinations?

There is a system of civil service which is right and which ought to be put in operation. The employees of the Government ought to be put in office for a fixed term and for a long term, not coinciding with the Presidential or party term, and they ought to be kept in office during good behavior during that time, not to be removed during the term except for cause set forth and proven, if you please. They ought to hold their offices as a sheriff or a clerk does in a State administration; but to undertake to carry on any sort of serious business on the principle that men are competent to carry it on in proportion to their ability to answer schoolbook questions is a piece of utter folly. I think that there ought to be a pass examination; in other words, that no man ought to be per-mitted to enter the service of the Government unless he presents a certain degree of intelligence; and the fact as to whether he possesses it or not could be arrived at by some sort of practical as well as theoretical examination. After that appointment he ought not to be removed for politics and politics solely. He ought to be removed only for cause, and cause stated, and ought to hold the

office for a given length of time.

The CHAIRMAN. The time of the gentleman from Mississippi [Mr. WILLIAMS] has expired.

Mr. RICHARDSON. I give the gentleman four minutes longer, if he desires it. May I ask how much time I have left?

The CHAIRMAN. The gentleman from Tennessee [Mr. RICHARDSON] has ten minutes.

ARDSON] has ten minutes. .

Mr. WALKER of Massachusetts. I ask for two or three minutes in which to reply to the gentleman from Mississippi [Mr.

Mr. RICHARDSON. I promised the gentleman from California

[Mr. Bowers] five minutes. I now give the gentleman from Mississippi [Mr. WILLIAMS] four minutes.

Mr. WILLIAMS. Then, to address myself rapidly to the question from a common sense standpoint, first, I lay down the proposition that no man would carry on a great business upon this system. Then I say that when you come to consider its practical effects in the Government you find that it leads to a bureaucracy. It leads to a more nearly perfect effectiveness in the clerical administration of the public service. You may go to Prussia to-day, and you will find nowhere on the face of the globe more effective public service than there. The man is mad who would deny that the civil-service system leads to a greater clerical and technical effectiveness upon the part of the employees. That is undoubtedly true. But you are obtaining effectiveness of work on the part of employees, effectiveness of clerical work, at the sacrifice of a great democratic principle. I use the word democratic spelled with a small "d" and not a big one—not in a partisan sense. You are sacrificing the idea that there must not be in a democratic Republic a class set aside by itself with no interest in common with the people, but that your official class ought to be a class that comes out periodically from the body of the people and goes back periodically into the body of the people, never losing this oneness of interest, this identity of purpose which the citizens should have under the Government.

That is not all. This system leads to another thing. After these officials are kept in for an indefinite length of time old age these officials are kept in for an indefinite length of time old age makes them ineffective in the service, and just when they become least effective they become most capable of appealing to the sympathies of their superiors and of everybody else to keep them in the service. People say, "Why, it would be a shame and a disgrace to discharge this old man or old woman who is unable to make a living." They have been taught to depend upon the Government to the bitter end for their sustenance. Therefore, they have saved nothing from year to year, and when the dark days of old age come, then they appeal to be kept in the public service upon the ground of pure sympathy and nothing else. It can lead to nothing in ordinary love and charity and pity and mercy but that; it must lead to that if the system is perpetuated. Now, would it not be infinitely better to have them serve like sheriffs, clerks, and the officers of your State administrations, and when they have served their terms go back among the people and lift up their served their terms go back among the people and lift up their own burdens, as the other people do, and carry them bravely, as

the other people do?

Mr. HARDY. For instance, change them with every Admin-

istration.

Mr. WILLIAMS. No; I do not think so. I am just as far removed from the blind spoilsman as I am from the doctrinaire civil-service reformer. I believe in a fixed tenure of office, but not a life tenure. I believe in holding office for competency, but not for competency demonstrated by answering book questions alone. I do not believe anybody ought to be in the service unless his competency is shown by examinations, but I do not think that his grade of competency can be shown by grades or marks in answering questions. You all remember Tom Brown at Oxford. The dean asked him what the twenty-seventh article of the Church of England was, or something else, and he could not answer. The dean said, "Why, I could have answered that when I was 14 years of age, and you ought to be ashamed;" and Tom Brown's answer was, "I could have done it then, too." [Laughter.] So it is with a great deal of this examination stuff. The boy newest

from school gets the place. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. WALKER of Massachusetts. I ask the gentleman to give

me three minutes.

Mr. RICHARDSON. I promised first the gentleman from

Mr. WALKER of Massachusetts. Two minutes, then. Mr. RICHARDSON. I can not withdraw that promise.

Mr. BOWERS. I yield to the gentleman two minutes of my

Mr. WALKER of Massachusetts. Let me say, Mr. Chairman, Mr. WALKER of Massachusetts. Let me say, Mr. Chairman, again, that it is impossible for the great manufacturing and mercantile business of this country to be successfully conducted upon any other system as to their employees than the "merit system," absolutely and completely, from the head down. That is what we ask of this Government in its business.

we ask of this Government in its business.

Now, a word in reference to the poor "white trash" in the South. [Laughter.] I want to say to that gentleman that he knows, and knew when he began his remarks, that I made that reference in no spirit of casting any slur on or to revile any people, or of contempt for any people at all. But everybody knows that in the days of slavery there were a class of white people where were a class of white people whom were heavily and early hills who were leaded. that in the days of slavery there were a class of white people who were banished to the mountains and sand hills who were called "crackers" and "poor white trash." They were an object of pity by the slave owners and of contempt by the negro slaves. They could not read or write, and he knew all that. He knew, we all knew, of these people being stranded there, and he knows that I meant no slur upon any of this white class. We have ignorant people in the North also. And yet he replied that when Yankees came down South they were on a level with these people called "crackers" or "poor white trash." When he said that he cast a contempt on the people of the North that I did not cast upon the people of the South in any sense, committing a worse offense than he had even charged upon me.

Now, I want to say these people of the South were in that condition out of no want of humanity or anything else, but under political and economical conditions that, God be thanked, have passed away from the South never to return. [Applause.] I have no apologies to make to him or to anybody else for referring to that class, which class is well known in the history of that com-

munity.

Mr. WILLIAMS. Nobody knows the class except novelists and

negroes.

Mr. WALKER of Massachusetts. I will simply say—[laughter]—I will let that go as to the truthfulness of a man who will

stand up in this place and say that.

Mr. BOWERS. Mr. Chairman, I am in favor of the merit system—the foundation of all successful business everywhere. But I am utterly opposed to this civil-service reform humbug that has lam utterly opposed to this civil-service reform humbug that has been foisted upon the American people by a few anglomaniacs. It is a system entirely at variance with the spirit and institutions of this Government. There is not a suspicion of Americanism about it. It is an imported English plant.

It is the first step—and a long one—toward the establishment of privileged classes in this country—a class privileged to hold office during life. The United States Senator, the Congressman State legislator, the lawymakers, must each and all go out of office.

State legislator, the lawmakers, must each and all go out of office at the end of a stated term, no matter how efficient and useful he may have become; but the great mass of those who must execute the laws are to be intrenched in their position, and through thorough organization will soon be able to dictate to every candidate for a

legislative office.

This talk of taking the civil service out of politics is too stupid to deceive any but the most ignorant, and these are deceived by the continued chatter of civil-service advocates about "spoilsmen" and "spoils of office." There has been nothing but politics, and the most shameful politics—and spoils of office in this tics—and the most shameful politics—and spoils of office in this civil-service business for the last three and a half years.

No Executive ever went to such lengths to secure the spoils of office for his party and his personal adherents as the present prophet of civil-service reform. He has prostituted the system for this purpose only.

It seems clear that it was understood from the first that as soon as a Department was cleared of Republicans and Democrats substituted in their places it would be put under civil-service rules and the crowd commissioned for life and nailed hard and fast in office. In several of the Departments great celerity was manifested in the "weeding-out" process, and they were soon ready

for the prophet's blessing.

But in the customs service this was slower, and he had to wait over three years before the weeding out of Republicans was accomplished; but the work was thoroughly done, and the protecting cloak of civil-service rules has been spread over it, and the present force empowered to pass upon the qualifications of anyone who may hereafter seek admission to the service.

The present Executive has carried into effect a shrewd scheme to keep in office indefinitely about 60,000 of his personal adherents and Democratic appointees after that party has been retired

by the people by over a million majority.

There is still time for the President to extend the protection of civil-service reform in several directions, particularly as to the consular service of the United States, so that the few consuls of the United States who are not now foreigners may become so for

all practical purposes.

It is generally believed that the President will not include the Cabinet officers in the batch to be covered with this voluminous civil-service cloak. These are about the only appointees now left

that the Executive may appoint without the gracious permission of the Senate. It will be an act of self-restraint and courtesy on the part of the present Executive that will be highly appreciated by the President-elect, because every argument advanced for the

extension of civil-service rules over other officers and employees applies with equal force to the Cabinet.

The logical, the inevitable, result of this civil-service system will be to give the country, in a few years, double the number of officers and employees necessary to do the public business. Very many of the employees are now well advanced in years, and in a very short time will be unable to perform the duties of their sta-

tions, but they must be kept on or pensioned and others appointed to do their work. This result any one can see is inevitable.

There is one other natural sequence of this life tenure of officers and employees. Being fortified in their positions, one of the strong incentives to be courteous and obliging in the discharge of their duties is removed; and this spirit of "What are you going to do

about it," is too often manifested in the service already.

There should be no life tenure attached to any office in this country, except to Army and Navy offices, and it is warranted in these cases only because these officers must surrender absolutely and completely their personal liberty as well as a large part of the rights and privileges, and particularly the opportunities, common to the American citizens.

Make stated terms for all offices, and insure against removal during such term, except for sufficient cause arising from the administration of the office. That will be an American system-a

administration of the office. That will be an American system—a true merit system.

Mr. McMILLIN. Mr. Chairman, I do not desire to discuss this question at length, but as I made the inquiry of the gentleman from Pennsylvania [Mr. Brosius] which brought up the discussion of the wrong that had been done in turning out railway-mail clerks, I wish to say that there was a bill introduced and referred to a committee of the House in the Fifty-third Congress to place on the eligible list for appointment in the Railway Mail Service the clerks who had been wrongfully discharged. I believe the bill passed the House, and I submit, to be incorporated into the Record, the report made upon that bill by an able, distinguished, and faithful Representative in that Congress, Mr. Goodnight, of Kentucky. It details many facts connected with the transaction, and goes far to show the manner in which the civil-service law was enforced by Mr. Harrison's Administration.

The report is as follows:

The report is as follows:

Mr. Goodnight, from the Committee on the Judiciary, submitted the fol-[To accompany H. R. 4017.]

[To accompany H. R. 4017.]

The Committee on the Judiciary, to whom was referred House bill No4017, submit the following report:

On the 1st day of December, 1888, the President issued an order placing the
Railway Mail Service under the regulations of the civil service on and after
the 15th day of March, 1889. Rules governing the service were promulgated
on the 4th of January, 1889. On the 11th day of March, 1889, president Harrison issued an order extending the time when the said order should take effect
from the 15th day of March, 1889, to the 1st day of May, 1889. Appointments
to the mail service prior to the time the same was placed in the classified
service were made under regulations of the Department. These regulations
restricted the age of appointees to 35 years and under, and required a probationary service of six months, during which time the efficiency of the applicant was tested by strict examinations before permanent appointment could
be made. Under such regulations the service was supplied with very efficient
clerks.

As the rules for the regulation of the service by the Commission that

he made. Under such regulations the service was supplied with very efficient clerks.

As the rules for the regulation of the service by the Commission had been promulgated more than two months before the extension thereof by President Harrison, it seems that the said extension was made simply to enable the Department officials to remove those in the service, and to appoint others in their stead. From the 15th day of March to the 1st of May, 1889, more than one thousand removals were made and inexperienced parties appointed in their places. The changes made greatly reduced the efficiency of the service. The clerks dismissed during this interval were dismissed without cause, other than political, most of them having unquestioned records for efficiency. Not only were a large number of removals made during this period, but clerks whose services could not be dispensed with at that time were retained until the months of August and September and then dismissed, and their notice of dismissal dated April 29. Also, appointments were made in August and September, regardless of the civil-service regulations, by dating the orders therefor April 29.

It appears evident from the facts that the object of the extension of the time fixed by President Cleveland from the 15th of March till the 1st of May, 1889, was to enable the new administration to make changes and appointments for political reasons alone. The purpose of this bill is to authorize the Postmaster-General to reinstate any of the clerks removed between said dates whenever vacancies may occur without examination and certification by the Civil Service Commission. As the Postmaster-General has a complete record of the efficiency of all the clerks so removed, your committee is of the opinion that from this he can ascertain the qualifications of the applicants better than from any other source, and that these clerks who have prepared themselves and proven their efficiency should, for the good of the service, and in justice to themselves, be reinstated as vacancies may oc

Mr. RICHARDSON. How much time have I left, Mr. Chair-

The CHAIRMAN. The gentleman has three minutes remaining.
Mr. RICHARDSON. I yield to the gentleman from Arkansas
[Mr. Neill].

Mr. NEILL. Mr. Chairman, I am well aware that it is very

doubtful whether I could in any length of time greatly enlighten this body on the great subject of civil-service reform, and most certainly I can not do it in three minutes. I must say, however, that while we have had some fine declamation, and even eloquence, this afternoon, I have not perceived that this Chamber was very much illumined until just now, when the electric lights

was very much illumined until just now, when the electric lights have been turned on. [Laughter.]

Judged by the standard of the distinguished chairman of the Committee on Civil Service Reform, the gentleman from Pennsylvania [Mr. Brostus], I doubt not that I would be classed as a "spoilsman," yet I am not opposed to the merit system or to efficiency in the public service. I believe in it. But, Mr. Chairman, when you talk about "spoilsmen" and about that "iniquitous" system, you ought to remember that it is the system that was in vocasin the days of Jackson and of Lincoln and their was in vogue in the days of Jackson and of Lincoln and their great compeers. Indeed, I think there has been a great deal of silly sentimentalism on the subject of civil-service reform—sentiment in which the great mass of the people of the United States do not take much stock. For my part, I take little interest in the question of how many removals President Harrison made, or how many removals President Cleveland has made. I have read the civil-service law, every line of it, time and again, and I have never found in it any restriction upon the right or power of removal from office, except that in certain instances men are not to be removed for refusing to do certain things. My understanding of the civil-service law is that it was intended to establish a system of competitive examination for men to get into the Government employ, but I have always thought that the back door was left open, and the only fault I have found with the present Chief Magistrate (whom, in a humble way, I helped to place in power) was that he did not turn enough of them out, as he had a right to do. [Laughter.]

Mr. Chairman, with the gentleman from Mississippi [Mr. WILLIAMS], I am opposed to life tenure of office. I subscribe to the doctrine of the Chicago convention of 1896, which opposes life tenure in office. I am aware that when I gave my adhesion and tenure in office. I am aware that when I gave my adhesion and support to the platform containing that among its provisions I subjected myself to the ordeal of being designated by gentlemen upon the other side of the Chamber and their allies as an "anarchist," but, Mr. Chairman, although I may be classed on that side of the House as an anarchist, I am happy in the knowledge that there are nearly 7,000,000 of us "anarchists" in the United States. [Here the hammer fell.]

The CHAIRMAN. The Clerk will now report by paragraphs the portion of the bill under consideration.

The Clerk read as follows:

The Clerk read as follows:

CIVIL SERVICE COMMISSION.

For three Commissioners, at \$3,500 each; chief examiner, \$3,000; secretary, \$2,000; eight clerks of class 4; ten clerks of class 3; thirteen clerks of class 1; fifteen clerks of class 1; three clerks, at \$1,000 each; two clerks, at \$900 each; one messenger; two laborers; engineer, \$840; and two watchmen; in all, \$91,340.

Mr. SETTLE. Mr. Chairman, I desire to offer an amendment, striking out, beginning with line 7, down to and including line 15.

I also announce my purpose to offer an amendment striking out the second paragraph, from line 16 down to and including line 19, if it is in order at this time.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from North Carolina.

The Clerk read as follows:

Beginning with line 7, strike out down to and including line 15.

Mr. SETTLE. Mr. Chairman, I do not desire to address the committee on this amendment. Other members have expressed their views with reference to the civil-service law and the manner of its enforcement. I desire to say that I am opposed to the method of enforcing the civil-service law, and desire to vote to strike out from this bill the appropriations contained in this paragraph and

from this bill the appropriations contained in this paragraph and to afford the House an opportunity of doing the same thing.

Mr. BINGHAM. Mr. Chairman, I ask for a vote.

Mr. BROSIUS. Before that motion is voted upon, Mr. Chairman, I want to say a word. I think it is suitable to direct the attention of this committee, especially of the Republicans of the committee, and more particularly the attention of my distinguished Republican friend who has offered this amendment, to certain historical considerations in relation to the civil-service law. It is a most remarkable spectacle after the history of the law. It is a most remarkable spectacle, after the history of the civil service of the United States has to some extent been reviewed here this afternoon, that such an amendment should be introduced into this body. For the purpose of directing the attention of all Republican members to the subject in a more distinct manner than I have hitherto done, I desire now to read from the Republican platform as adopted on the 16th of June, 1896. I want it to be fresh in the minds of members. I read:

The civil-service law was placed on the statute book by the Republican party, which has always sustained it, and we renew our repeated declarations that it shall be thoroughly and honestly enforced and extended wherever practicable.

And our standard bearer said in his letter of acceptance:

The pledge of the Republican national convention that our civil-service laws shall be sustained and "thoroughly and honestly enforced and extended wherever practicable," is in keeping with the position of the party for the past twenty-four years, and will be faithfully observed. * * The Republican party will take no backward step upon the question. It will seek to improve, but never degrade the public service.

Upon another occasion the same distinguished standard bearer of the Republican party, who will have control of the civil service of this country after the 4th of March next, declared that the civil-service law was a Republican measure. It was in this House in 1890 that he made this declaration, when the annual attempt was made to cripple the civil service by cutting down the appropriation to carry it into effect:

It is a Republican measure, and is in accord with the highest and best sentiments of the country, and no party will have the courage to wipe it from the statute book or to amend it, save in the direction of its improvement. The Republican party must take no step backward. The merit system is here and it is here to stay, and we may just as well understand and accept it now and give our attention to correcting the abuses, if any exist, and improving the law wherever it can be done to the advantage of the public service.

Mr. SETTLE. Mr. Chairman, I simply desire to say, in reply to the gentleman from Pennsylvania, that I am thoroughly familiar with the declaration contained in the Republican platform on this subject, and my offering an amendment to strike out the appropriation in this bill does not so much indicate hostility on my part to the merit system as my opposition to the extension of the civil-service law, making it embrace the number of offices it has been made to embrace by recent Executive orders. There seems to be in this House opposition to that line of policy; and I believe that this amendment, striking out the appropriation, should

be adopted by this committee.

Mr. BROSIUS. Does not the gentleman know that his amendment strikes down the civil-service law altogether?

Mr. SETTLE. Oh, no; if the amendment be adopted, we shall simply fail to make the appropriation under this provision of the bill. I agree that this would cripple the law a great deal, and I wish I could cripple it a great deal more. [Laughter and applause.

Mr. RICHARDSON. I suppose, Mr. Chairman, that when the gentleman from Pennsylvania quoted from an ex-Chief Magistrate of this country his opinion in respect to the efficiency of the civil service, he meant to answer the question which I propounded when I had the floor a short time ago; that is, whether the incoming President will make the radical changes that a former Republican President made wen he came into office in March, 1889?

Mr. BROSIUS. Mr. Chairman, have I permission to answer

the gentleman?

Mr. RICHARDSON. The gentleman has my permission. The CHAIRMAN. The gentleman from Pennsylvania will pro-

Mr. BROSIUS. I apprehend, indeed I feel quite sure, that the Executive-elect, when he comes to treat the question of the civil service, will do all he can to improve its effectiveness. Whether he will change the order that has been promulgated by the present Executive I have no means of knowing. But I know enough of the man to believe that he will pursue a conservative and cautious course in that respect, with the view he has himself so repeatedly declared, not only in his letter of acceptance but in his speeches on this floor, that the civil service of the United States is here; it is here to stay; and all we desire to do is to improve it all

we can and make it as efficient as possible.

Mr. RICHARDSON. Would it be inconsistent with the former course of the Chief Executive-elect if he should make the radical

change which President Harrison made in 1889?

Mr. BROSIUS. Does not my friend know that a great man, a statesman, a philosopher, has nothing to do with consistency? [Laughter and applause.]

Mr. BAKER of New Hampshire. Mr. Chairman, I have heretofore sent to the Clerk's desk an amendment looking to the perfection of the text of the bill. I ask that the amendment be

The CHAIRMAN. The Clerk will read the amendment sent to the desk by the gentleman from New Hampshire.

The Clerk read as follows:

Page 24, line 19, after the word "dollars," add as a new paragraph the fol-

Page 24, line 19, after the word donars, and as a new passage lewing:

"The head of each of the several Executive Departments, at his discretion, may reinstate or reappoint to any subordinate position which from any cause may become vacant in his Department any person now or formerly employed in the civil service of the Government who, in his opinion, was reduced in salary or was discharged from the service for causes not affecting his or her efficiency or moral character, and such prior service for that purpose shall be held to be equivalent to a civil-service certificate of eligibility, anything in any statute, rule, or regulation to the contrary notwithstanding."

Mr. McMILLIN. There is a point of order pending against that amendment, I understand.

Mr. BINGHAM. I make a point of order against the amend-

The CHAIRMAN. The Chair was under the impression that this was an amendment to the paragraph now under considera-tion. But, as a matter of fact, it applies to the following para-graph, and is not in order at this time. The present question is upon the motion to strike out, made by the gentleman from North Carolina [Mr. Settle].

The question being taken, there were on a division (called for by Mr. Settle)—ayes 29, noes 62.
So the amendment was rejected.

The Clerk read as follows:

For necessary traveling expenses, including those of examiners acting under the direction of the Commission, and for expenses of examinations and investigations held elsewhere than at Washington, \$7,000.

Mr. SETTLE. I move to strike out that section.

The CHAIRMAN. The gentleman from North Carolina [Mr. Settle] moves to strike out the paragraph just read. An amendment, however, to this paragraph is pending and will take precedence—the amendment of the gentleman from New Hampshire [Mr. Baker], which has just been read. Against this amendment the point of order is raised that it changes existing law. Does the gentleman from Pennsylvania desire to be heard on his point of order?

Mr. BINGHAM. I submit that the concluding language of the gentleman's proposition, "anything in any statute, rule, or regulation to the contrary notwithstanding," assumes or presupposes that the amendment is contrary to existing statute. I will, however, refer the Chair to the civil-service act, the first two divisions ever, refer the Chair to the civil-service act, the first two divisions under section 2. I also refer the Chair to the regulations adopted under that act—the first paragraph of section 2, and also Rule IX. The CHAIRMAN. The Chair has examined the citations made by the gentleman from Pennsylvania, and is clearly of the opinion that the point of order is well taken.

Mr. HILL. Mr. Chairman, I desire to submit an amendment, which is not a step backward, but a step forward.

The CHAIRMAN. The Clerk will read the amendment sent to the desk by the gentleman from Connecticut [Mr. HILL].

The Clerk read as follows:

Amend by adding at end of line 19, page 24:

"And such further sum, from any moneys in the Treasury not otherwise appropriated, as may be necessary to defray the expense of conducting civil-service examinations of all persons now in the classified list who have never taken such examinations; and the Civil Service Commission is hereby directed to hold such examinations and to certify for vacancies that may be due to failures to pass such examinations from the eligible lists, as in the cases of appointments made subsequent to the extension of the service."

Mr. BINGHAM. I make the point of order against the amendment; it is an indefinite appropriation, and it changes existing

The CHAIRMAN. The Chair will hear the gentleman from Connecticut, if he desires to be heard, on the point of order.

Mr. HILL. I did not care to discuss the question of order. I simply wanted to discuss the propriety of 40,000 employees being desired without civil-service examination. admitted without civil-service examination.

The CHAIRMAN. The Chair is prepared to rule, and sustains

the point of order.

The question now recurs on the motion made by the gentleman from North Carolina [Mr. Settle] to strike out the paragraph.

from North Carolina [Mr. SETTLE] to strike out the paragraph.

The motion was rejected.

Mr. BINGHAM. Mr. Chairman, I ask now, in order that the text of the bill may be corrected as to the sum total, to make a change in one of the paragraphs. The committee have changed the compensation of the Librarian from \$6,000 to \$5,000. The sum total, as pertaining to appropriations for the Library, is \$93,020. It should read now, owing to the change to which I have referred, \$92,020, which makes the bill consistent. I ask that the correction be made

correction be made.
The CHAIRMAN. The CHAIRMAN. In the absence of objection, the correction will be made as indicated by the gentleman from Pennsylvania.

There was no objection.

Mr. BINGHAM. I move that the committee rise and report the bill and amendments to the House with the recommendation that the bill as amended do pass.

The motion was agreed to

The committee accordingly rose; and the Speaker having resumed the chair, Mr. Hepburn reported that the Committee of the Whole House on the state of the Union, having had under consideration the legislative, executive, and judicial appropriation bill, had directed him to report the same to the House with sundry amendments, and as so amended that the bill do pass.

Mr. BINGHAM. I move the previous question upon the bill

and amendments.

The previous question was ordered, under the operation of which the amendments recommended by the committee were agreed to, and the bill as amended ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

On motion of Mr. BINGHAM, a motion to reconsider the last

vote was laid on the table.

ORDER OF BUSINESS.

Mr. WILLIAM A. STONE. Mr. Speaker, I move that the

House do now adjourn. Mr. RICHARDSON. Mr. RICHARDSON. I ask the gentleman to withhold the motion for a moment until I submit a privileged report from the Committee on Printing.

Mr. WILLIAM A. STONE. I shall not object, if it does not lead to debate.

ENROLLED BILLS SIGNED.

Mr. HAGER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills and joint resolution of the following titles; when the Speaker signed the

A bill (H. R. \$139) for the relief of M. R. William Grebe;
A bill (H. R. 5787) for the relief of Henry A. F. Worth;
A bill (H. R. 9700) authorizing the issuing and loaning of the ensigns, flags, signal numbers, etc., of the United States for the purpose of decorating the streets of the city of Washington on the occasion of inaugural ceremonies on the 4th of March, 1897;
A bill (H. R. 9789) making environmental team the deficient decoration of the control of the city of Washington on the city of Was

A bill (H. R. 9753) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1897, and

for prior years, and for other purposes;
A bill (S. 1883) to grant a pension to Charlotte O. Van Cleve, widow of Gen. Horatio P. Van Cleve;

A bill (S. 1631) granting a pension to Emeline Filgate; A bill (S. 1276) granting an increase of pension to John L. Britton:

A bill (S. 2711) granting a pension to Ira Harris; A bill (S. 1881) granting a pension to Lydia Chapman; A bill (S. 1265) for the relief of Emmart. Dunbar & Co.; and

Joint resolution (S. R. 162) continuing in force section 2 of the act approved June 3, 1896, entitled "An act to repeal section 61 of 'An act to reduce taxation, to provide revenue for the Government, and for other purposes,'" which became a law August 28,

CIVIL SERVICE STATISTICS.

Mr. RICHARDSON. I submit, Mr. Speaker, for present consideration a concurrent resolution, which I send to the desk. The Clerk read as follows:

Resolved by the House of Representatives (the Senate concurring), That 1,500 copies of the compilation of the statistics showing the exact state of the classified and unclassified parts of the executive civil service of the United States, so arranged as to include positions by Departments, offices, and commissions, with subdivisions by grades, the compilation containing a complete list of all positions, whether classified by compensation, whether appointed by the President solely or by confirmation by the Senate, whether the positions are in the classified service and excepted from examination, whether they are in the unclassified service by reason of their exclusion, whether they are mere laborers and unclassified, or whether they are positions classifiable but not yet classified, be printed, of which 1,000 copies shall be for the use of the House of Representatives and 500 copies for the use of the Senate.

The SPEAKER. Is there objection to the present consideration of the resolution? Mr. BRUMM.

Mr. BRUMM. I object. Mr. RICHARDSON. This is a privileged matter.

Mr. BROSIUS. I would like to say a word in regard to this question.

It is a privileged matter. I am told by the Civil Service Commission that they have received 150 letters from members of Congress inquiring for the information which the report embraces, and which the report, having been already compiled, will fully

I think it is something that would be very valuable to members of the House, and I do not know any other mode of making it available but the method now proposed.

Mr. HENDERSON. Why not include the proportion of the several States in this report?

Mr. BROSIUS. It does not include the apportionment by States,

I will say to the gentleman. That, I suppose, will be embodied in the report of the Civil Service Commissioners, which is now about ready. This report has involved a great deal of labor and care ready. This report has involved and will be a valuable document.

Mr. HENDERSON. Do you give that proportion in the statistics you have furnished in your speech to-day?

Mr. BROSIUS. Only to a limited extent. The information embodied in this resolution relates to the condition of the service, giving a complete list of all positions covered by it. This information, I think, embodied in the resolution presented by the gentleman from Tennessee, answers every possible inquiry the members of the House can make relative to the present state of the civil service

The SPEAKER. The question is on the adoption of the resolu-

tion

The resolution was agreed to. On motion of Mr. RICHARDSON, a motion to reconsider the last vote was laid on the table.

Mr. WILLIAM A. STONE. Mr. Speaker, I now renew my motion that the House adjourn.

The motion was agreed to.

The House accordingly (at 3 o'clock and 40 minutes p. m.) adjourned until Tuesday, January 5, 1897, at 12 o'clock m.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Acting Secretary of the Treasury, transmitting a copy of a communication from the Secretary of War, transmitting a supplemental estimate for appropriation for the support of the National Home for Disabled Volunteer Soldiers for the fis-

of the National Home for Disabled Volunteer Soldiers for the fiscal year ending June 30, 1898—to the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of War, transmitting a communication from the Chief of Engineers, with an inclosure, recommending action for the protection of the interests of the United States in the sale and disposal of certain lands situated in the Chippens Indian Reservation in the State of Minnesota, to the

Chippewa Indian Reservation, in the State of Minnesota—to the Committee on Indian Affairs, and ordered to be printed.

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of Mare Island Strait, California—to the Committee on Rivers and

Harbors, and ordered to be printed.

A letter from the Secretary of the Interior, transmitting a com-munication from the Commissioner of Indian Affairs, with a statement of the disbursements made from the several appropriations for the Indian Department for the fiscal year ending June 30, 1896 to the Committee on Indian Affairs.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, Mr. MARSH, from the Committee on the Militia, to which was referred the bill of the Senate (S. 1169) entitled "An act authorizing the Secretary of War to issue Springfield rifles to each State and Territory for the National Guards thereof, in exchange for other rifles now held," reported the same without amendment, accompanied by a report (No. 2363); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

By Mr. COX, from the Committee on Claims: The bill (S. 1583)

entitled "An act for the relief of L. Robert Coates & Co., of Bal-timore, Md." (Report No. 2364.)

timore, Md." (Report No. 2364.)

By Mr. HURLEY, from the Committee on War Claims: The bill (H. R. 9742) for the relief of Gen. Peter J. Claussen. (Report No. 2365.)

By Mr. MAHON, from the Committee on War Claims:

A resolution (House Res. No. 463) to refer the bill (H. R. 6622) for the relief of the estate of Edward Gallaher, deceased, late of

for the relief of the estate of Edward Gallaher, deceased, late of Richmond County, Ga., together with all the accompanying papers, to the Court of Claims. (Report No. 2366.)

The bill (H. R. 957) for the relief of Milton F. Colburn, administrator of the estate of Gilbert Colburn, deceased, late of Annapolis, Md. (Report No. 2367.)

By Mr. WILSON of Ohio, from the Committee on War Claims: A resolution (House Res. No. 464) to refer the bill (H. R. 8873) for the relief of Clara W. Stagg, widow of Jesse S. Stagg, deceased. (Report No. 2368.

By Mr. CROWTHER, from the Committee on Invalid Pensions: The bill (H. R. 9479) granting a pension to C. H. John. (Report

No. 2369.)
By Mr. WOOD, from the Committee on Invalid Pensions:

The bill (H. R. 9004) to place the name of Charles S. Devine on the pension roll. (Report No. 2370.)

The bill (H. R. 9495) granting a pension to James R. Zearing. (Report No. 2371.)

PUBLIC BILLS, MEMORIALS, AND RESOLUTIONS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as

By Mr. BROWN: A bill (H. R. 9799) to amend an act entitled "An act to authorize the Chattanooga Western Railway Company to construct a bridge across the Tennessee River near Chattanooga," giving the said company more time in which to begin and complete said bridge—to the Committee on Interstate and Foreign Commerce.

By Mr. WATSON of Ohio: A bill (H. R. 9800) to promote the safety of railroad employees by the blocking of frogs, etc.—to the Committee on Railways and Canals.

By Mr. HEPBURN: A bill (H. R. 9801) authorizing the Secretary of the Treasury to effect an adjustment between the United States and the Sioux City and Pacific Railway Company in relation to certain bonds issued by the United States in aid of the construction of said railway—to the Committee on Pacific Railroads.

By Mr. WELLINGTON: A bill (H. R. 9802) to improve the civil service by affording advancement to those in the classified service who have been denied advancement through circumstances beyond their control—to the Committee on Reform in the Civil

Service

Service.

By Mr. FLYNN: A bill (H. R. 9803) to amend an act entitled "An act authorizing the St. Louis, Oklahoma and Southern Railway Company to construct and operate a railway through the Indian Territory and Oklahoma Territory, and for other purposes"—to the Committee on Indian Affairs.

By Mr. MERCER: A bill (H. R. 9804) to amend an act entitled "An act to authorize and encourage the holding of a transmissispipi and international exposition at the city of Omaha, in the State of Nebraska, in the year 1898," approved June 10, 1896—to the Committee on Appropriations.

the Committee on Appropriations.

By Mr. BAKER of New Hampshire (by request): A bill (H. R. 9805) to promote aerial navigation—to the Committee on Military

By Mr. MILLIKEN: A bill (H. R. 9816) to authorize the Secretary of the Treasury to acquire square 574 for the erection thereon of a building for the Government Printing Office—to the Commit-

tee on Public Buildings and Grounds.

By Mr. SAYERS: A joint resolution (H. Res. 225) authorizing the Smithsonian Institution to participate in the Exposition of Gas Apparatus and Appliances, to be held in Madison Square Garden, New York City, January 27 to February 6, 1897—to the Committee of mittee on Appropriations.

PRIVATE BILLS, ETC.

Under clause 1 of Rule XXII, private bills of the following titles were presented and referred as follows:

By Mr. DENNY: A bill (H. R. 9806) for the relief of Hampton Wall, of Amite County, Miss.—to the Committee on War Claims.

By Mr. JOHNSON of California: A bill (H. R. 9807) to increase the pension of James R. McDavitt to \$30 per month—to the Committee on Invalid Pensions.

mittee on Invalid Pensions.

By Mr. MEREDITH: A bill (H. R. 9808) for the relief of Lemuel Tanner, of Lafourche Parish, La.—to the Committee on War

Also, a bill (H. R. 9809) for the relief of A. E. and M. E. Goodrich—to the Committee on War Claims.

rich—to the Committee on War Claims.

Also, a bill (H. R. 9810) for the relief of Mrs. Ozeine Boudreau, of St. Martin Parish, La.—to the Committee on War Claims.

By Mr. PHILLIPS: A bill (H. R. 9811) to remove the charge of desertion standing against the military record of Stewart Hodge, Company K, Sixty-third Regiment Pennsylvania Volunteers—to the Committee on Military Affairs.

Also, a bill (H. R. 9812) to increase the pension of Harriet J. Levis, widow of Hosea J. Levis, late of Company E, One hundred and third Ohio Infantry—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9813) to remove the charge of desertion standing against the military record of Andrew Donaldson, Company F, Second Regiment Pennsylvania Provisional Volunteers—

pany F, Second Regiment Pennsylvania Provisional Volunteers—
to the Committee on Military Affairs.

By Mr. WASHINGTON: A bill (H. R. 9814) for the relief of
Sarah McClay, administratrix of Robert McClay, deceased, late of
Davidson County, Tenn.—to the Committee on War Claims.

By Mr. FITZGERALD: A bill (H. R. 9815) for the relief of
David D. Smith to the Committee on Claims.

David D. Smith-to the Committee on Claims.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. HITT: Petition of the California Wool Association, favoring the passage of the Dingley tariff bill—to the Committee on Ways and Means.

By Mr. JOHNSON of California: Paper to accompany House bill to increase the pension of James R. McDavitt—to the Committee on Paperions.

mittee on Pensions

By Mr. LAYTON: Resolutions of numerous citizens of Columbus, Ohio, urging Congress to recognize the independence of Cuba without further delay—to the Committee on Foreign Affairs.

By Mr. PHILLIPS: Papers to accompany House bill to remove the charge of desertion standing against the military record of Andrew Donaldson, Company F, Second Regiment Pennsylvania Provisional Volunteers—to the Committee on Military Affairs.

Also, paper to accompany House bill to remove the charge of desertion against Stewart Hodge, of Company K, Sixty-third Pennsylvania Volunteers—to the Committee on Military Affairs.

Also, paper to accompany House bill to remove the charge of desertion against Andrew Donaldson, of Newcastle, Pa.—to the

desertion against Andrew Donaldson, of Newcastle, Pa.—to the Committee on Military Affairs.

By Mr. PITNEY: Petition of citizens of Chatham, N. J., proposing an amendment to the Constitution of the United States—to the Committee on the Judiciary.

By Mr. SORG: Resolutions adopted at a public meeting of citizens of Columbus, Ohio, W. S. Taylor, president; also paper of Rev. W. M. Bell, of Dayton, Ohio, in behalf of Cuban independence—to the Committee on Foreign Affairs.

By Mr. WATSON of Ohio: Resolutions of J. C. McCoy Post, No. 1, Grand Army of the Republic, of Columbus, Ohio; also resolution of Jasper Lodge, No. 579, Knights of Pythias, of Reynoldsburg, Ohio, expressing sympathy with Cuba—to the Committee on Foreign Affairs.

By Mr. WELLINGTON: Petition of 700 citizens of Hagerstown, Md., favoring free Cuba—to the Committee on Foreign Affairs.

Also, petition of Samuel Gantz, of Hagerstown, Md., for compensation for services—to the Committee on War Claims.

SENATE.

TUESDAY, January 5, 1897.

Prayer by the Chaplain, Rev. W. H. MILBURN, D. D. The Journal of the proceedings of December 22, 1896, was read and approved.

CURRENT SCIENTIFIC LITERATURE.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of State, transmitting the report of Prof. Simon Newcomb and Dr. John S. Billings, delegates from this country to the International Conference on a Catalogue of Scientific Literature, held in London, July, 1896, by request of the Royal Society, and having for its object an international agreement as to the steps necessary to the preparation, editing, and continuous publication of the current scientific literature of all countries; which, with the accompanying papers, was referred to the Committee on Foreign Relations, and ordered to be printed.

BONDS OF PACIFIC RAILROADS.

The VICE-PRESIDENT laid before the Senate a communica-tion from the Secretary of the Treasury, transmitting, in response to a resolution of December 21, 1896, a report as to the number and amount of the bonds of the Pacific railroads which he purposes to sell as per the terms of the advertisement dated December 16, 1896; the title under which the United States holds said bonds; the date of their maturity; the reasons which impelled him to advertise the same; the name of the guarantor, and a copy of the guaranty bid announced by him; and the authority of law, if any, under which the proposed sale is to be made, and what disposition is to be made of the proceeds of said sale, etc.; which, with the accompanying papers, was referred to the Committee on Pacific Railroads, and ordered to be printed.

PACIFIC RAILROADS SINKING FUND.

The VICE-PRESIDENT laid before the Senate a communica-tion from the Secretary of the Treasury; which was read, ordered to be printed, and referred to the Committee on Pacific Railroads, as follows:

TREASURY DEPARTMENT, OFFICE OF THE SECRETARY, Washington, D. C., December 31, 1896.

Washington, D. C., December 31, 1896.

Sir: In response to a resolution of the Senate of December 10, 1896—

"That the Secretary of the Treasury be directed to send to the Senate a copy of the account of the amount due the sinking fund of the Central and Union Pacific railroads on account of subsidies paid the Pacific hall Steamship Company by said roads and deducted from the gross earnings of said roads and charged to operating expenses, which account was transmitted to the Treasury Department by the Secretary of the Interior on the 5th day of March, 1896, together with a copy of the letter of the Secretary of the Interior transmitting said account."

I have the honor to state that, after a diligent search of the records of this Department, the papers referred to in the above resolution can not be found.

Respectfully, yours,

W. E. CULPTIC.

W. E. CURTIS, Acting Secretary.

The PRESIDENT OF THE SENATE.

CHIEF OF CENSUS DIVISION.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Treasury, transmitting a communication from the Secretary of the Interior of the 28th ultimo, submitting an estimate of appropriation for a chief of census division for the fiscal year ending June 30, 1898; which, with the accompanying paper, was referred to the Committee on Appropriations, and ordered to be printed.

RIVER AND HARBOR IMPROVEMENTS IN OREGON.

The VICE-PRESIDENT laid before the Senate a communica-tion from the Secretary of War, transmitting, in response to a resolution of December 15, 1896, a report of the Chief of Engineers.

United States Army, relative to the placing of proposed improvements at Yaquina Bay, Oregon, and the Willamette and Yamhill rivers, Oregon; which, with the accompanying papers, was referred to the Committee on Commerce, and ordered to be printed.

DISTRIBUTION AND SALE OF DOCUMENTS.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Interior, transmitting a report of the clerk in charge of documents of that Department, containing a statement of the number of documents received, distributed, and sold during the fiscal year ended June 30, 1896; which, with the accompanying report, was ordered to lie on the table and be printed.

THE WATER HYACINTH.

The VICE-PRESIDENT laid before the Senate a communica-tion from the Secretary of War, transmitting, in response to a resolution of December 15, 1896, the report of the Chief of Engineers, United States Army, concerning the obstruction of the navigable waters of Florida or the other South Atlantic or Gulf States by the aquatic plant known as the water hyacinth, etc.;

which was read.

Mr. PASCO. I ask that the communication be referred to the Committee on Commerce.

Mr. FRYE. Let it be printed, too.
Mr. PASCO. Yes; let it be printed.
The VICE-PRESIDENT. It will be so ordered.

Mr. PASCO subsequently said: I ask that the order with reference to printing the report on the water hyacinth be modified so as to exclude the printing of the plates. Let the report be printed

without the plates accompanying it.

The VICE-PRESIDENT. The Chair calls the attention of the Senator from Maine [Mr. FRYE] to the request of the Senator

from Florida.

Mr. FRYE. My opinion coincides entirely with that of the Senator from Florida. I do not think there is any necessity to print the plates, because it would take a great deal of time and would do no especial good.

The VICE-PRESIDENT. Without objection, the order to print

will be so modified.

ANNUAL REPORT OF THE BUREAU OF ANIMAL INDUSTRY.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of Agriculture, transmitting the annual report of the Bureau of Animal Industry for the fiscal year ended June 30, 1896; which, with the accompanying report, was referred to the Committee on Agriculture and Forestry, and ordered to be printed.

FISHERIES OF THE INDIAN RIVER, FLORIDA.

The VICE-PRESIDENT laid before the Senate a communication from the Commissioner of Fish and Fisheries, transmitting a report of an investigation of the condition of the fisheries of the Indian River, Florida; which, with the accompanying paper, was referred to the Committee on Fisheries, and ordered to be printed.

CERTIFICATION OF ELECTORS.

The VICE-PRESIDENT laid before the Senate eighteen commu-The VICE-PRESIDENT laid before the Senate eighteen communications from the Secretary of State, transmitting, in pursuance of the provisions of the act of February 3, 1887, certified copies of the final ascertainment of the electors for President and Vice-President for the States of Kentucky, West Virginia, South Carolina, Texas, Nebraska, North Dakota, Idaho, Florida, Massachusetts, Wisconsin, Minnesota, Vermont, Wyoming, Montana, Maine, Colorado, Washington, and Michigan; which were ordered to lie on the table. on the table.

on the table.

Mr. SHERMAN. I do not know whether it is usual to publish these certified copies. I should like to have information, if the Chair can give it to me, as to whether they are usually published.

The VICE-PRESIDENT. The Chair is advised that it is not usual to publish them. The law requires the Secretary of State to transmit them to the President of the Senate.

Mr. SHERMAN. My impression is that they ought to be printed.

printed.

The VICE-PRESIDENT. The Chair lays them before the Senate and they are placed on file. They are not printed.

Mr. SHERMAN. I shall not make any motion in regard to

them.

nem. I think they ought to be printed, however.

The VICE-PRESIDENT. The Chair will entertain the motion of the Senator from Ohio.

Mr. SHERMAN. I will withhold it for the present.

Mr. FRYE. The others received were not printed, but were

simply laid on the table.

Mr. SHERMAN. I withhold my motion.

The VICE-PRESIDENT. The communications are laid before the Senate for the Senate to take such action as it may desire.

JOHN KEHL.

The VICE-PRESIDENT laid before the Senate the request of the House of Representatives for a copy of the Senate amendment to

the bill (H. R. 1261) for the relief of John Kehl and to restore him to his former rating, to replace the original copy of the amendment, which was lost; and by unanimous consent the request was ordered to be complied with.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. Browning, its Chief Clerk, announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

A bill (H. R. 8053) granting a pension to Alice Gard;
A bill H. R. 8850) to amend an act passed at the first session of
the Fifty-fourth Congress entitled "An act to grant to railroad
companies in Indian Territory additional power to secure depot grounds, and to correct alignments;" and

A bill (H. R. 9643) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1898, and for other purposes.

The message also announced that the House had passed a concurrent resolution providing for the printing of 1,500 copies of the compilation of the statistics showing the exact state of the classified and analysis of the compilation of the statistics showing the exact state of the classified and analysis of the compilation of the statistics and the statistics and the statistics are stated to the classified and analysis of the statistics and the statistics are stated to the classified and the statistics are stated to the classified and the statistics are stated to the statistics are stated to the classified and the statistics are stated to the statistics are stated to the statistics are stated to the classified and the statistics are stated to the statistics are statistics are stated to the statistics are stated to the statistics are stated to the statistics are stated compilation of the statistics showing the exact state of the classified and unclassified parts of the executive civil service of the United States, so arranged as to include positions by Departments, offices, and commissions, with subdivisions by grades, the compilation containing a complete list of all positions, whether classified by compensation, whether appointed by the President solely or by confirmation by the Senate, etc.; in which it requested the comprehence of the Senate. the concurrence of the Senate.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills and joint resolution; and they were thereupon signed by the Vice-President:

A bill (S. 1265) for the relief of Emmart, Dunbar & Co.;

A bill (S. 1276) granting an increase of pension to John L.

A bill (S. 1631) granting a pension to Emeline Filgate;

A bill (S. 1881) granting a pension to Lydia Chapman;
A bill (S. 1883) to grant a pension to Charlotte O. Van Cleve,
widow of Gen. Horatio P. Van Cleve;
A bill (S. 2711) granting a pension to Ira Harris;
A bill (H. R. 3139) for the relief of M. R. William Grebe;

A bill (H. R. 5787) for the relief of Henry A. F. Worth;
A bill (H. R. 5787) for the relief of Henry A. F. Worth;
A bill (H. R. 9700) authorizing the issuing and loaning of the ensigns, flags, signal numbers, etc., of the United States for the purpose of decorating the streets of the city of Washington on the occasion of inaugural ceremonies on the 4th of March, 1897; and

A joint resolution (S.R. 162) continuing in force section 2 of the act approved June 3, 1896, entitled "An act to repeal section 61 of 'An act to reduce taxation, to provide revenue for the Government, and for other purposes," which became a law August 28, 1894,

PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented a petition of sundry citizens of Vernon, Ind., praying for the adoption of an amendment to the Constitution of the United States recognizing the Deity; which was referred to the Committee on the Judiciary.

He also presented petitions of sundry citizens of Colesburg, Iowa, praying for the enactment of legislation excluding from the

mails newspapers giving accounts of suicides; which were referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the Chamber of Commerce of Milwaukee, Wis., praying for the passage of the so-called Torrey bankruptcy bill; which was ordered to lie on the table.

He also presented a petition of the Chamber of Commerce of Milways with the Chamber of Commerce of Milway

Milwaukee, Wis., praying Congress to recognize the independence of Cuba; which was referred to the Committee on Foreign Rela-

Mr. HOAR. I present the memorial of Charles Francis Adams, president, and 10 other gentlemen, members of the council of the Massachusetts Historical Society, remonstrating against the destruction of the United States frigate Constitution, and praying that adequate provision be immediately made for renewing that ship and hereafter preserving her; and that when renewed she may be placed at the Washington Navy-Yard, and thereafter kept in complete repair and used as a naval museum.

This petition is very brief, about as brief as I could state it if I

undertook to make a compact statement of its contents under the rule. I respectfully ask that the petition be read in full.

The VICE-PRESIDENT. The petition will be read.

The Secretary read as follows:

To the Senate and House of Representatives of the United States;

Your memorialists, representing the Massachusetts Historical Society, and acting under instructions from it, would represent that it has come to the knowledge of the society that the U.S. frigate Constitution, now lying at the navy-yard in Kittery, Mo., has, through age and lack of adequate renewal, reached a condition when she must be either practically rebuilt or broken up, as the alternative to sinking at her moorings.

The oldest society of the kind in America, the Massachusetts Historical Society, and the frigate Constitution are almost coeval; for, while this society was still young in years, the Constitution was launched from the ways of a wharf in Boston still named "Constitution Wharf" in grateful memory of the event: and when, in 1829, her destruction was ordered, it was the spirited lyric of Oliver Wendell Holmes, subsequently for many years a prominent member of the society, which led to the revocation of the order and the preservation of the historic ship. The Massachusetts Historical Society thus feels a peculiar and almost personal interest in and reverence for the frigate Constitution.

Your memorialists would further represent that an historical interest

ervation of the historic ship. The Massachusetts Historical Society thus feels a peculiar and almost personal interest in and reverence for the frigate Constitution.

Your memorialists would further represent that an historical interest attaches to the Constitution which attaches to no other ship in the maritime annals of the English-speaking race in America; for it has been truly asserted by an American historian that it was the broadsides of the Constitution which, on the 29th day of Angust. 1812, in the conflict with the British frigate Guerrière, in the space of one short half hour, elevated the United States into the rank of a first-class power. The Constitution is also in the popular mind of the country associated with feats of devotion and daring than which none in our naval history are more skillful, more glorious, or more worthy of commemoration. Her name is synonymous with seamanship, courage, and unbroken triumph. In the view of your memorialists, therefore, as in the view of a large portion of the citizens of the United States, and especially of New England, the same interest should attach to the Constitution which in Great Britain attaches to the equally old, though hardly more famous, line-of-battle ship Victory, which bore the flag of Nelson at Trafalgar.

Under these circumstances your memorialists would pray that adequate provision be immediately made for renewing the Constitution and for hereafter preserving her, representing, as she ever will, a form of naval architecture now extinct, and associated, as she is and ever must be, with many of the most cherished recollections of the American people. The Victory is carefully perpetuated by Great Britain as an historical relic of unsurpassed value and abiding interest, and the American people regard the Constitution as to them in no way less precious.

Under the instructions of the society they represent, your memorialists, constituting the council of that society, would therefore respectfully pray that the Constitution, when renewed, may be perma

Mr. HOAR. I move that the petition be printed as a document, and that it be referred to the Committee on Naval Affairs.

The motion was agreed to.

Mr. HOAR presented the memorial of Mrs. A. J. Clifford and 244 other citizens of Boston, Mass., and a memorial of sundry citizens of Massachusetts, remonstrating against the passage of the so-called Loud bill, relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads. He also presented the petition of Daniel Burt and 16 other citi-

zens of Springfield, Mass., praying for the enactment of legislation prohibiting the sale of intoxicating liquors within the Capitol and Capitol Grounds; which was referred to the Committee on Public Buildings and Grounds.

He also presented a petition of the First Free Baptist Christian Endeavor Society, of Boston, Mass., praying for the enactment of legislation prohibiting the sale of intoxicating liquors in the District of Columbia; which was referred to the Committee on the District of Columbia.

Mr. MORRILL presented a petition of members of the Society of Colonial Dames of America, praying for the incorporation of the name "National Society of the Colonial Dames of America," as contained in Senate bill No. 3087; which was referred to the Committee on the Library.

Mr. SHERMAN presented a petition of the Ohio State Medical Society, praying for the passage of Senate bill No. 3127, to provide for the examination of immigrants at ports of debarkation; which

was referred to the Committee on Immigration.

He also presented a petition of the instructors and students of the Ohio Normal University, of Ada, Ohio; a petition of the exec-

utive committee of the Republican party of Cuyahoga County, Ohio, and a petition of the board of education of Springfield,

Ohio, and a petition of the board of education of Springfield, Ohio, praying Congress to recognize the independence of Cuba; which were ordered to lie on the table.

He also presented resolutions in the nature of a petition adopted at a mass meeting of citizens of Delhi, Home City, and Fernbank, Ohio, praying for the enactment of legislation relieving the suffering Armenians in Turkey; which was referred to the Committee on Foreign Relations.

He also presented a memorial of the Ohio State Medical Society, remonstrating against the passage of Senate bill No. 1552, for the further prevention of cruelty to animals in the District of Colum-

further prevention of cruelty to animals in the District of Colum-

bia; which was ordered to lie on the table.

He also presented the memorials of Edward R. Waite, editor of the Cycling News, of Toledo: of Webster Bros., publishers of the Democrat, of Defiance; of Webster Bros., publishers of the News, of Defiance; of E. B. Lewis, publisher of the Free Press, of Fredericktown; of Will E. Osborn & Son, publishers of the Triweekly Bee, of Antwerp; of Walter Hartpence, publisher of

the News, of Harrison; of R. F. Paine, publisher of the Press, of the News, of Harrison; of R. F. Paine, publisher of the Press, of Cleveland; of H. N. Clemens, publisher of the Buckeye Trail, of Cleveland; of C. P. Godfrey, publisher of the Gazette, of Ottowa; of Sam C. Scott, publisher of the Magnet, of New Waterford; of R. C. Shanover, publisher of the Weekly Review, of Wilmot; of McClung & Hinkle, publishers of the Herald, of Jackson; of Kenyon, publisher of the Reporter, of West Union; of A. C. Gorsuch, publisher of the News, of Woodville; of D. N. Belt, publisher of the News, of Thornville; of O. T. Corson, publisher of the Ohio Educational Monthly, of Columbus; of Mast, Crowell & Kirkpatrick, publishers of the Farm and Fireside and Woman's Home Companion of Springfield; of C. C. Waddle, publisher of publisher of the News, of Hariline; of Columbus; of Mast, Crowell & Kirkpatrick, publishers of the Farm and Fireside and Woman's Home Companion, of Springfield; of C. C. Waddle, publisher of the Chillicothe Daily News and Ross County Register, of Chillicothe; of A. R. De Fluent, publisher of the Doylestown Journal, of Doylestown; of J. P. Coates, manager of the Daily News, of Toledo; of H. C. Ray and E. H. Irwin, publishers of the Herald, of New Madison; of Jackson & Cooke, publishers of the Market Review and Farm Journal, of Akron; of the News and Telegraph Publishing Company, publishers of the Hamilton (Ohio) Daily News, of Hamilton; of A. E. Hough, editor of the Gazette, of Hillsboro; of E. W. Otwell, publisher of the Journal, of Greenville; of J. C. Ochiltree, editor of the Daily Evening Press, of Dayton; of Marshall & Beveridge, publishers of the Republican, of Xenia; of A. I. Root & Co., publishers of the Gleanings in Bee Culture, of Medina; of the Oatman Printing Company, publishers of the Massillon Gleaner, of Massillon; of Ernest Beach, publisher of Plain City Advocate, of Plain City; of the Williams Publishing and Electric Company, of Cleveland; of Robert Bandlin, manager of the Cleveland Citizen, of Cleveland; and of sundry newsdealers and booksellers of Cincinnati, all in the State of Ohio, remonstrating against the passage of the so-called Loud bill, relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads. Committee on Post-Offices and Post-Roads.

Mr. BERRY presented a memorial of sundry citizens of Little Rock, Ark., remonstrating against withdrawing the appropria-tion for the maintenance of the Hot Springs Hospital; which was

referred to the Committee on Appropriations.

He also presented a petition of the Arkansas River Deep Water Convention, of Fort Smith, Ark., praying that an appropriation be made for the continuance of the improvement of the Arkansas River; which was referred to the Committee on Commerce.

He also presented a memorial of sundry citizens and business men of Van Buren, Ark., remonstrating against granting further time to the Fort Smith and Van Buren Light and Transit Company in which to build a bridge across the Arkansas River at that city; which was referred to the Committee on Commerce.

He also presented a petition of the board of directors of the Commercial League of Fort Smith, Ark., praying Congress to recognize the independence of Cuba; which was ordered to lie on

the table.

He also presented a petition of the Arkansas River Improvement Convention, of Fort Smith, Ark., praying that an appropriation be made for the purpose of defraying the expense of cutting a channel 120 feet wide and 26 feet deep through Sabine Lake;

a channel 120 feet wide and 26 feet deep through Sabine Lake; which was referred to the Committee on Commerce.

Mr. HARRIS presented memorials of Cayoc & Turner, publishers of the Mail and Printing Pamphlet, of Martin; of William Caruthers, publisher of the Vidette, of Hartsville; of E. C. Rolingan, publisher of the Vanderbilt Observer (college magazine), Vanderbilt University of Nashville; of B. F. Haynes, publisher of the Tennessee Methodist, of Nashville; of W. E. Miller, publisher of the Waverly Sentinel, of Waverly; of J. W. N. Burkett, publisher of the Jackson Daily Sun, of Jackson; of the Review Publishing Company, publishers of the Review, of Knoxville; of Deering J. Roberts, M. D., publisher of the Southern Practitioner, of Nashville; of Watts & Co., publishers of Good Reading, of South Berlin; of P. J. Hanifin & Co., publishers of the Cooperative Detective and Police Journal, of Nashville; of Frank L. Fornshell, publisher of the Herald and Tribune, of Jonesboro; of W. M. Goodman, publisher of the Farm Magazine, of Knoxville; of the Ruskin Cooperative Association, publishers of the Coming of the Ruskin Cooperative Association, publishers of the Coming Nation, of Ruskin; and of Henry H. Dukes, publisher of the New-port Times, of Newport, all in the State of Tennessee, remonstrating against the passage of the so-called Loud bill, relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

Mr. COCKRELL presented resolutions adopted by the Commercial Club of Kansas City, Mo., favoring the enactment of legislation looking to the opening of the Indian Territory to settlement; which were referred to the Committee on Indian Affairs.

He also presented resolutions adopted at a public meeting of citizens of Sedalia, Mo., and a petition of the Ministers' Union of Kansas City, Mo., and Kansas City, Kans., praying Congress to recognize the independence of Cuba; which were ordered to lie on the table.

He also presented a memorial of the Cotton Exchange of St. Louis, Mo., remonstrating against the recognition of the inde-pendence of Cuba; which was ordered to lie on the table.

He also presented memorials of C. F. Ridings, of the Meadville Messenger, of Meadville; of N. J. Stanley, of the Haymaker, of Kansas City; of W. F. B. Goforth, of the Intelligencer, of Iberia; of W. R. Littell, of the Independent, of Tarkio; of A. C. Talley, of the Southwest News, of Greenfield; of Thomas R. Green, of the Lutesville Banner, of Lutesville; of A. J. Slack, of the Crawford County Democrat, of Steelville; of Goss & McEntire, of the Nevada Director, of Nevada; of D. B. Dorsey, of the Braymer Bee, of Braymer; of J. S. Webb, of the Waverly Times, of Waverly; of W. B. Rogers, of the Republican, of Trenton; of John F. Martin, of the Daily and Weekly Enterprise, of Charleston; of Pearson-Allendorph Manufacturing Company, of the Western Dental tin, of the Daily and Weekly Enterprise, of Charleston; of Pearson-Allendorph Manufacturing Company, of the Western Dental Journal, of Kansas City; of the Barrick Publishing Company, of the Kansas City Packer, of Kansas City; of Charles Fillmore, of the Unity, of Kansas City; of T. G. Wiler, publisher, Kansas City; of A. T. Still, M. D., of the Journal of Osteopathy, of Kirksville; of John B. Harris, of the Review Ruxvasse, of Callaway County; of J. H. Bode, of the Demokrat, of St. Charles; of Robert N. Bode, of the Monitor of St. Charles; of the St. Louis Tribune County; of J. H. Bode, of the Demokrat, of St. Charles; of Robert N. Bode, of the Monitor, of St. Charles; of the St. Louis Tribune Company; of Charles W. Lucas. of the National Threshermen and Tanners of Kansas City; of the Times Publishing Company and the Kansas City Times, of Kansas City; of E. J. Orr, of the People's Record, of Marshall; of Daniel J. Carey and sundry other newsdealers and booksellers, of Kansas City, all in the State of Missouri, and of James B. Goode, editor of the News at Lemont, Lockport, Spring Forest, and Summit, Ill., remonstrating against the passage of the so-called Loud bill, relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

Mr. CALL presented the memorials of E. T. Robinson, M. D., Mr. CALL presented the memorials of E. T. Robinson, M. D., publisher of the Atlas, of Port Orange, Fla.; of W. D. Williams, publisher of the Holmes County Advertiser, of Westville, Fla.; of M. D. Cushing, publisher of the Southern Pythian, of Tampa, Fla., and of J. T. Ball, Key West Advertiser, of Key West, Fla., remonstrating against the passage of the so-called Loud bill, relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

Mr. CALL. I present a communication in the nature of a petition from W. S. Norwood, of Titusville, Fla., and one from the East Coast Company, of Miami, Fla., relative to the Perrine land grant. I move that the communications be referred to the Committee on Public Lands.

The motion was agreed to. Mr. CALL. I present a petition from the Society of Colonial Dames of America, with an accompanying letter from Mrs. Angelica E. Gamble, of Tallahassee, Fla., praying that a charter be granted to the National Society of the Colonial Dames of America. I move that the communication and referred to the Committee on the Library.

The motion was agreed to. Mr. PASCO presented the memorial of Dr. E. T. Robinson, publisher of The Atlas, of Port Orange, Fla., remonstrating against the passage of the so-called Loud bill, relating to second-class mail matter; which was referred to the Committee on Post-Offices and Post-Roads.

Offices and Post-Roads.

He also presented the petition of the Florida Division of the United Confederate Veterans, praying for the enactment of legislation relieving the sufferings of the Cubans, and expressing sympathy with them in their struggle for freedom and independence; which was ordered to lie on the table.

Mr. FRYE presented a petition of the Saco Valley Local Union of Christian Endeavor, of Saco Valley, Maine, praying for the enactment of legislation for the relief of the suffering Armenians in Turkey; which was referred to the Committee on Foreign Relations.

Relations.

Relations.

He also presented memorials of the Lisbon Falls Fiber Company; of the Bowdoin Paper Manufacturing Company; of the Star Publishing Company, of Rockland; of the Pyepscot Paper Company; of Ladd Bros., of Dexter; of Herbert W. Rowe, of Bangor; of W. A. Newcomb, of Augusta; of F. Leon Gage, of Skowhegan; of D. H. Knowlton & Co., of Farmington; of Theo. Cary, of Houlton; of George H. Gilman, of Houlton; of M. N. Rich, of Portland, and of W. M. & A. C. Ladd, of Fairfield, all in the State of Majne remonstrating against the passage of the so-called State of Maine, remonstrating against the passage of the so-called Loud bill, relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

Mr. CULLOM presented the memorials of F. A. Brandecker, publisher of Kathalisches Wochenblatt, Chicago; of B. W. Baker, publisher of Kathalisches Wochenblatt, Chicago; of B. W. Baker, publisher of The Chaddock, Quincy; of A. Geavenhorst, publisher of Volksblatt, Effingham; of M. Teague, publisher of Duquoin Evening Call, Duquoin; of D. J. Brink, publisher of the Review, Coalsburg; of W. L. Puterbaugh, publisher of Carroll County Mirror; of A. L. Langdon, publisher of Saturday Review, Quincy; of J. C. Colllins, publisher of Mason County Record, San Jose; of D. M. Harkrader, publisher of the Alexis Argus, Alexis; of J. B. Martin, publisher of The Enterprise, Homer; of E. G. Mendenhall, publisher of Our Horticultural Visitor, Kin-

mundy; of James A. Fahs, publisher of Hinckley Review, Hinckley; of W. I. Larash, publisher of The Daily and Weekly Citizen, Rushville; of the Germania Printing and Publishing Comany, Rushville; of the Germania Printing and Publishers of the Daily Leader, Pon-Rushville; of the Germania Printing and Publishing Comany, Quincy; of Saul & Stinson, publishers of the Daily Leader, Pontiac; of C. W. Bliss, publisher of Montgomery News, Hillsboro; of John Trainer, editor and publisher of The Lesson Leaf, Decatur; of George R. Haines, publisher of Baylis Guide, Baylis; of J. Van Slyke, publisher of Plaindealer, McHenry; of M. J. Hartnett, publisher of Shawnee News, Shawneetown; of Frank M. Mungle, publisher of The Poultry Churn, Dekalb; of Williams & Gooves, publishers of Rankin Independent, Rankin; of A. Paessler, publisher of Volksblatt, Joliet, and of Charles E. Blankinship, publisher of The Pataka News, Pataka, all in the State of Illinois, remonstrating against the passage of the so-called Loud bill, relating to second-class mail matter; which were re-Loud bill, relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

ferred to the Committee on Post-Offices and Post-Roads.

He also presented sundry communications, in the nature of petitions, from Judge R. S. Tuthill, of Chicago; from Wilkinson & Onstott, of Petersburg; from J. Millikin & Co., of Decatur; from Lobdell, Farwell & Co., of Chicago; from James Wilde, jr., & Co., of Chicago; from A. M. Corwin, of Chicago; from C. P. Kimball & Co., of Chicago; from Snow & Watkins, of Sheldon; from Pitkin & Brooks, of Chicago; from The D. H. Ranck Publishing Company of Chicago; from Henry C. Lytton, of Chicago; from S. Gerber & Son, of Argenta; from William T. Robertson, of Rockford; from J. J. Glessner, of Chicago; from the Illinois State Press Association: from the Agricultural Press League: from the Press Association; from the Agricultural Press League; from the Associated Trade Press; from the American Trade Press Association, and from the American Newspaper Publishers' Association, all in the State of Illinois, praying for the passage of the so-called Loud bill, relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

Mr. McMILLAN presented the petition of Rev. James H. Potts, of the Michigan Christian Advocate, of Detroit, Mich., praying for the passage of the so-called Loud bill, relating to second-class mail matter; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a memorial of the Wayne County Medical Society, of Detroit, Mich., remonstrating against the passage of the bill to restrict the practice of vivisection in the District of Columbia; which was ordered to lie on the table.

He also presented a petition of the Michigan Society of Sons of the American Revolution, of Detroit, Mich., praying for the enactment of legislation providing for the publication of Revolutionary archives; which was referred to the Committee on Appropriations.

He also presented a petition of Welsh Post, No. 137, Grand Army of the Republic, of Ann Arbor, Mich., praying for the passage of the so-called Pickler pension bill; which was referred to

the Committee on Pensions.

He also presented a petition of the officers representing the Gurley Memorial Presbyterian church, of Washington, D. C., praying for the passage of Senate bill No. 1498, to raise the age of protection for girls in the District of Columbia to 18 years; which was referred to the Committee on the District of Columbia.

He also presented the memorials of the Washington News Com-

He also presented the memorials of the washington News Company and sundry other booksellers and newsdealers of Washington, D. C.; of James R. Taylor, of the Romulus Roman, of Romulus, Mich.; of Orville Dennis, of the McBain Chronicle, of McBain; of the Angelus Publishing Company, of the Angelus, of Detroit; of E. H. Beach, of The Bookkeeper, of Detroit; of N. L. Martin, of The Sault Ste. Marie Herald, of Sault Ste. Marie: of the Nivison Estep Company; of Zeeland Record, of Zeeland; of Chester Wood, of the Lansing Review, of Lansing; of Alfred S. Sewall, of the Michigan Independent, of Buchanan; of D. H. Bower, of the Buchanan Record, of Michigan; of George S. Stout, of the Plain Dealer, of Lake City; of William H. Marvin, of the Utica Sentinel, of Utica; of H. M. Pernin, of Pernin's Monthly Stenographer, of Detroit; of Olof Olson, of the Baneret, of Muskegon; of Scheffer & Zuiderveld, of the Vryheids Banier, of Grand Rapids; of Martin & Wuizburg, of the Germania, of Grand Rapids; of I. J. Goodman, of the Journal, of White Pigeon; of J. C. Sherman & Son, of the Vermontville Echo, of Vermontville; of D. W. Kunkerbacker of the Homer Index, of Homer; and of Thomas W. Brewer, of the Livingston Herald, of Howell, all in the State of Michigan, remonstrating against the passage of the so-called Loud bill, repany and sundry other booksellers and newsdealers of Washington, remonstrating against the passage of the so-called Loud bill, relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

Committee on Post-Offices and Post-Roads.

He also presented a petition of the Michigan State Horticultural Society, of Grand Rapids, Mich., praying that an amendment of the tariff laws be made relative to summer fruits, vegetables, and nursery stock which are shipped into the United States from Canada free of duty; which was referred to the Committee on Finance.

Mr. SHOUP presented the petition of P. H. Bell and 10 other citizens of Idaho, and the petition of George Holbrook, sr., and 37 other citizens of Boise County, Idaho, praying for the passage of the so-called Dingley tariff bill; which were referred to the Committee on Finance.

Committee on Finance.

Mr. BURROWS presented resolutions adopted by the Michigan State Horticultural Society at its annual meeting held in the city of Grand Rapids, December 2, 1896, favoring protective legislation for fruit growers and farmers whose products come into competition with Canadian products; which were referred to the Committee on Finance.

He also presented resolutions adopted by Welch Post, No. 137, Grand Army of the Republic, of Ann Arbor, Mich., praying for the passage of the so-called Pickler pension bill; which were

referred to the Committee on Pensions.

He also presented the petition of L. J. Nixon and 29 other woolgrowers of Eaton County, Mich., praying for the passage of the so-called Dingley tariff bill; which was referred to the Committee

on Finance.

He also presented the memorial of B. F. Browne and 8 other newspaper publishers of Michigan, and of John D. S. Hanson, publisher of the Hart (Mich.) Journal, and 15 other publishers of Michigan, remonstrating against the passage of the so-called Loud bill, relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

He also presented the petition of James H. Potts, D. D., publisher of the Michigan Christian Advocate, praying for the passage of the so-called Loud bill, relating to second-class mail matter; which was referred to the Committee on Post-Offices and

Post-Roads

Mr. SEWELL presented a petition of the town council of Stockton, N. J., praying for the enactment of legislation recognizing the beligerency of the Cubans in their struggle for independence; which was ordered to lie on the table.

He also presented the memorials of the Methodist Publishing He also presented the memorials of the Methodist Publishing Company, of Camden; of David Spencer, of the Morris Journal, of Dover; of Schultz & Pilgrim, Willanen Daily News and Warren Democrat, of Phillipsburg; of Benjamin Patterson, Monitor-Register, Morristown; of E. S. Allen, secretary Knickerbocker Guide Company, publisher of Travelers' Railroad Guide; of Alonzo Chamberlain, News-Letter, Hasbrouck Heights, and of August Koehler, Orange Sonntags Blatt, of Orange, all in the State of New Jersey, remonstrating against the passage of the so-called Loud bill, relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads. to the Committee on Post-Offices and Post-Roads.

Mr. PEFFER presented a memorial of the Free Silver Club, of Solomon, Kans., remonstrating against the removal of Federal officers "on account of their support of their own party ticket in the late campaign;" which was referred to the Committee on Post-Offices and Post-Roads.

He also presented the memorials of T. L. Newcomb, of Pomona, Kans.; of J. J. Henley, of Clyde, Kans.; of D. S. Gilmore, of Admire, Kans., and of Celsus S. Lamb, of the Daily Eclipse, of Parsons, Kans., remonstrating against the passage of the so-called Loud bill, relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

Mr. CLARK presented the petition of Walter B. Cowen and 33 other citizens of Wyoming, praying for the passage of the so-called Dingley tariff bill; which was referred to the Committee on

He also presented the memorial of John B. Wallace, publisher, of Carbon, Wyo., remonstrating against the passage of the so-called Loud bill, relating to second-class mail matter; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented the petition of A. T. Seymour and 116 other citizens of Wyoming, praying for the enactment of legislation providing for the entry of oil lands; which was referred to the Committee on Public Lands.

Mr. GEAR presented a petition of the Honey Creek Quarterly Meeting of Friends' Church of New Providence, Iowa, praying for the enactment of legislation raising the age of protection for girls in the District of Columbia to 18 years; which was referred to the Committee on the District of Columbia.

He also presented a memorial of the Honey Creek Quarterly Meeting of Friends' Church of New Providence, Iowa, remonstrating against the selling of liquor in Government buildings; which was referred to the Committee on Public Buildings and

Grounds

Mr. LODGE presented a petition of the Northampton Board of Trade, of Northampton, Mass., praying for the establishment of a department of commerce and manufactures; which was

referred to the Committee on Commerce.

He also presented a memorial of the Congregational Club of Boston, Mass., remonstrating against the sale of intoxicating liquors in the Capitol building; which was referred to the Committee on Public Buildings and Grounds.

He also presented a petition of the Massachusetts State Pharmaceutical Association, praying that alcohol used in the arts be admitted free of duty; which was referred to the Committee on

He also presented a petition of the Society of the Daughters of the American Revolution, praying that Mrs. Irena Wilkinson Gib-

son be allowed a pension; which was referred to the Committee on Pensions.

He also presented a memorial of sundry churches of Massachusetts, remonstrating against the sale of liquors in all buildings owned by the United States Government; which was referred to

owned by the United States Government; which was referred to the Committee on Public Buildings and Grounds,
He also presented the petitions of sundry manufacturers of mats and matting in the United States, praying for the retention of specific duties; which were referred to the Committee on Finance.
He also presented memorials of Procter Bros., publishers of Cape Ann's Weekly Advertiser, Gloucester, Mass.; of 243 newspaper and bookselling firms of Boston, Mass.; of the Daily Enterprise, of Brockton; of the Contributor, of Boston; of the Missionary Herald, of Brockton; of the Contributor, of Boston; of the Missionary Herald, of Boston; of the Wheelwoman, of Boston; of the Enter-prise, of Marlboro; of the Bicycling World, of Boston; of the Advertiser, of Fall River; of the Independent, of Ipswich; of the Cape Cod Independent and Falmouth Enterprise, of Falmouth; of John M. Wallace, the News, of Woburn; of the Bubiers Publishing Company, of Lynn; of John S. Lewis, of Stoneham; of Daniel G. Hitchcock, of Warren; of Allen Lindsey, of Marblehead; of the Lawrence Telegram, of Lawrence; of Education, of Boston; of the Everett Herald, of Everett; of the Record, of Stoughton; of the Tribune, of Lowell; of the Columbian, of Boston; of the Old Colony Memorial, of Plymouth; of the Business Folio, of Boston; Colony Memorial, of Plymouth; of the Business Folio, of Boston; of the Leader, of Boston; of the True Light, of Holyoke; of the New England Druggist, of Boston; of the Evening News, of Taunton; of Dr. Edward Hartshorn, of Boston; of the Guardian, of Boston; of A. C. Hodges, of Buckland, publisher of four religious papers in Massachusetts; of the Commercial Bulletin, of Boston; of the Banker and Tradesman, of Boston, and of the Popular Education, of Boston, all in the State of Massachusetts, remonstrating against the passage of the so-called Loud bill, relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

Mr. McBRIDE presented a petition of the Chamber of Commerce of Astoria, Oreg., praying that an appropriation be made for the improvement of the harbor at that city; which was referred

to the Committee on Commerce.

Mr. BAKER presented a petition of the Union Veterans' League of Kansas City, Kans., praying for the adoption of the so-called Cameron resolution, with reference to the independence of the

Island of Cuba; which was ordered to lie on the table.

Mr. MITCHELL of Wisconsin presented a petition of the Chamber of Commerce of Milwaukee, Wis., praying for the passage of the so-called Torrey bankruptcy bill; which was ordered to lie on

He also presented a petition of the Federated Trades Council of Milwaukee, Wis., praying for the enactment of legislation granting belligerent rights to the Cuban insurgents; which was ordered to lie on the table.

He also presented a memorial of the Chamber of Commerce of Milwaukee, Wis., remonstrating against the adoption of the so-called Cameron resolutions in relation to the independence of the

Milwaukee, Wis., remonstrating against the adoption of the socalled Cameron resolutions in relation to the independence of the
Island of Cuba; which was ordered to lie on the table.

He also presented memorials of Heyrman & Kuypers, publishers of the Brown County Democrat and De Valpastem,
Depere; of Ellaison & Berray, publishers of Wanshara Argus,
Wautoma; of Robert N. Schilling, publisher of Milwaukee Advance; of Henry E. Voight, publisher of Der Gefluegel Zuechter,
Wausau; of R. H. Johnson, publisher of the Central Wisconsin,
Wausau; of A. W. Horn, publisher of the News, Cedarburg; of
W. A. Colman, publisher of the Vilas County News, Eagle River;
of John Smith, publisher of De Gids, Depere; of Grant H. Lawton, publisher of the Gazette, Whitewater; of F. B. Grigg, publisher of the Wave, West Superior; of C. E. Mears, publisher of
Polk County Press, Osceola; of Short & Woolverton, publishers of
Brandon Times, Brandon; of Cassius L. Coward, publisher of
the Times, Waupun; of Ant. Novak, publisher of Dema'cuost,
Milwaukee; of S. W. Brown, publisher of the Journal, West
Salem; of Frank E. Noyes, publisher of Daily and Weekly Eagle,
Marinette; of B. F. Parker, publisher of International Good
Templar, Milwaukee; of Charles Bancroft, manager of the Wisconsin News Company, and of sundry other citizens of Milwaukee,
all in the State of Wisconsin, remonstrating against the passage
of the so-called Loud bill, relating to second-class mail matter;
which were referred to the Committee on Post-Offices and PostRoads.

Mr. PLATT presented a memorial of the Christian Endeavor

Mr. PLATT presented a memorial of the Christian Endeavor Society of Abington, Conn., remonstrating against the sale of liquors in the Capitol building; which was referred to the Commit-

tee on Public Buildings and Grounds.

He also presented the memorials of John W. Waters, publisher of the Morning Dispatch, of New Britain; of James R. Bolton & Co., Mother's Journal, New Haven; William N. Hamilton, New England Fancier, Danielson; of C. H. Scholey, the Shore Line Times, Guilford; of H. Loether, Neue Zeitung, Waterbury; of

. E. Loveland, Yale Medical Journal, New Haven, and of D. J. Moseley, the Religious Herald, of Hartford, all in the State of Connecticut, remonstrating against the passage of the so-called Loud bill, relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

the Committee on Post-Offices and Post-Roads.

Mr. BLANCHARD presented the memorials of William F. Ray,
St. Bernard Voice, of Arabi; of J. Y. Gihuire, Sugar Planters' Journal, of New Orleans, of Eaton & Mains, Southwestern Christian
Advocate, of New Orleans, and of Parey Bros., Bunkie Leader, of
Bunkie, all in the State of Louisiana, remonstrating against the
passage of the so-called Loud bill, relating to second-class mail matter: which were referred to the Committee on Post-Offices and Post-Roads.

THE RAMIE INDUSTRY.

Mr. PERKINS. By request I present a certain statement containing valuable information in relation to the ramie industry. I ask that it be printed as a public document.

The VICE-PRESIDENT. Is there objection? The Chair hears

none, and it is so ordered.

RECOGNITION OF FOREIGN GOVERNMENTS, ETC.

Mr. HALE. I present a memorandum on the method of the recognition of foreign governments and foreign states by the Government of the United States from 1789 to 1896. I ask that it be printed as a document.

The VICE-PRESIDENT. Is there objection? The Chair hears none, and it is so ordered.

REPORTS OF COMMITTEES.

Mr. GALLINGER, from the Committee on Pensions, to whom was referred the bill (S. 3370) granting a pension to Emily E. Atherton, reported it with amendments, and submitted a report

Mr. SHOUP (for Mr. GALLINGER), from the same committee, to whom was referred the bill (S. 3407) granting a pension to Ambrose J. Vanarsdel, reported it without amendment, and submitted a report thereon.

Mr. MITCHELL of Wisconsin, from the Committee on Pensions, to whom was referred the bill (S. 3035) granting a pension to Mrs. Elizabeth Gnash, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (H. R. 6378) for the relief of Eliza J. Holman, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (H. R. 3877) granting a pension to Henderson Marple, reported it without amendment, and submitted a report thereon.

BILLS INTRODUCED.

Mr. CALL introduced a bill (S. 3472) granting a pension to Laura Barnes; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 3473) granting a pension to John R. Roback; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 3474) granting a pension to James L. Colding; which was read twice by its title, and, with the accom-

panying paper, referred to the Committee on Pensions.

Mr. CLARK introduced a bill (S. 3475) to authorize the entry and patenting of lands containing petroleum and other mineral oils under the placer-mining laws of the United States; which was read twice by its title, and referred to the Committee on Public

Mr. MORRILL (by request) introduced a bill (S. 3476) to regulate expert testimony in the courts of the District of Columbia; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. PEFFER introduced a bill (S. 3477) to remove the charge of desertion from the military record of William H. Linton; which was read twice by its title, and referred to the Committee on Mili-

tary Affairs.

He also introduced a bill (S. 3478) to improve the banking system, to secure depositors against loss, to provide safe depositories

for the people's savings, and for other purposes; which was read twice by its title, and referred to the Committee on Finance.

Mr. McMILLAN introduced a bill (S. 3479) authorizing the Commissioners of the District of Columbia to charge a fee for the issuance of transcripts from the records of the health department; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. SHOUP introduced a bill (S. 3480) to better define and regulate the rights of aliens to hold and own real estate in the Ter-

ritories; which was read twice by its title, and referred to the Committee on Territories.

Mr. COCKRELL introduced a bill (S. 3481) to provide for the purchase of a site and the erection of a public building thereon at Joplin, in the State of Missouri; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

Mr. PROCTOR introduced a bill (S. 3482) to amend the act to incorporate the Washington Market Company, approved May 20, 1870; which was read twice by its title, and referred to the Committee on the District of Columbia.

He also introduced a bill (S. 3483) to open a street through block 205, from Fourteenth street to Fifteenth street northwest,

concurrent with the streets in the adjacent blocks called Wallach place and Caroline street, and for other purposes; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. CULLOM introduced a bill (S. 3484) for the relief of John Burns; which was read twice by its title, and referred to the Committee on Claims.

Mr. McMILLAN introduced a joint resolution (S. R. 185) giving authority for the erection of overhead wires for the illumination of the city of Washington during the inaugural ceremonies, March, 1897; which was read twice by its title, and referred to the Committee on the District of Columbia.

IMPRISONMENT OF JULIO SANGUILLY.

Mr. CALL. I submit two resolutions, which I ask may be read and printed and lie over under the rule until to-morrow morning, when I shall submit some observations upon them.

The following resolution was read, and ordered to lie over and to be printed:

Resolved. That the President of the United States be, and he is hereby, requested to send to the Senate, either in open or secret session, as he may prefer, if, in his opinion, not incompatible with the public interest, all the correspondence and reports of the consul-general of the United States at Habana relating to the arrest, imprisonment, trial, and condemnation to perpetual imprisonment in chains of Julio Sanguilly, a citizen of the United States, by the authorities of Spain in Cuba.

The following concurrent resolution was read, and ordered to lie over and to be printed:

Whereas Julio Sanguilly, an American citizen, arrested in his home in Habana the day before the outbreak of the present insurrection, has been confined in his cell in the Cabanas prison for the past twenty-three months;

confined in his cell in the Cabanas prison for the pass twenty-lines holds, and

Whereas the lawyer who defended him in his first trial has also been imprisoned in said prison; and

Whereas his principal witness, Lopez Coloma, was shot in said prison by order of the Spanish authorities immediately preceding the second trial of said Sanguilly; and

Whereas the attorney who conducted the proceedings in the appeal before the authorities at Madrid has since been deprived of his office and emoluments attached thereto by the authorities at Madrid in consequence thereof; and

and
Whereas the said Julio Sanguilly has been tried and condemned to perpetual imprisonment in chains, without evidence against him and without the opportunity of defense: Therefore,
Resolved by the Senate and House of Representatives of the United States in Congress assembled, That the President of the United States be instructed to demand the immediate release of the said Julio Sanguilly, with permission to return to the United States.

The concurrent resolution was changed to a joint resolution S. R. 186) instructing the President to demand the release of Julio Sanguilly; which was read twice by its title.

AMENDMENT TO DEFICIENCY APPROPRIATION BILL.

Mr. CHANDLER submitted an amendment intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Civil Service and Retrenchment, and ordered to be printed.

NORTH AMERICAN COMMERCIAL COMPANY.

Mr. PETTIGREW submitted the following resolution; which was considered by unanimous consent, and agreed to:

Was considered by unanimous consent, and agreed to:

Resolved, That the Secretary of the Treasury be, and he is hereby, directed to furnish for the information of the Senate a detailed statement of the public revenue derived from the North American Commercial Company in its annual settlements with the Treasury Department for the exclusive privileges which they enjoy by the terms of the lease of the seal islands of Alaska dated May 1, 1890; also giving in detail the reason why only \$1,100 is returned in his annual report for 1896 as the gross receipts from that company for the privilege of taking 30,000 seal skins in 1896.

STANDING RULES OF THE SENATE.

Mr. ALDRICH submitted the following resolution, which was considered by unanimous consent, and agreed to:

Resolved, That 2,000 copies of the Standing Rules of the Senate, with the index, be printed and bound in paper covers, for the use of the Senate.

CIVIL-SERVICE COMPILATION.

The VICE-PRESIDENT laid before the Senate the following concurrent resolution of the House of Representatives; which was

read:

Resolved by the House of Representatives (the Senate concurring), That 1,500 copies of the compilation of the statistics showing the exact state of the classified and unclassified parts of the executive civil service of the United States, so arranged as to include positions by Departments, offices, and commissions, with subdivisions by grades, the compilation containing a complete list of all, positions, whether classified by compensation, whether appointed by the President solely or by confirmation by the Senate, whether the positions are in the classified service and excepted from examination, whether they are in the unclassified service by reason of their exclusion, whether they are mere laborers and unclassified, or whether they are positions classifiable but not yet classified, be printed, of which 1,000 copies shall be for the use of the House of Representatives and 500 copies for the use of the Senate.

Mr. HALE. Instead of the resolution being referred to the Committee on Printing, I ask that it be put upon its passage. The document contains information for which every Senator and Representative is being applied to by constituents, and the sooner the resolution is passed the better.

The concurrent resolution was considered by unanimous con-

sent, and agreed to.

HOUSE BILLS REFERRED.

The bill (H. R. 8053) granting a pension to Alice Gard, was read twice by its title, and referred to the Committee on Pensions.

The bill (H. R. 8850) to amend an act passed at the first session of the Fifty-fourth Congress entitled "An act to grant to railroad

companies in Indian Territory additional power to secure depot grounds, and to correct alignments," was read twice by its title, and referred to the Committee on Indian Affairs.

The bill (H. R. 9643) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1898, and for other purposes, was read twice by its title, and referred to the Committee on Appropriations.

NATIONAL MONETARY COMMISSION.

Mr. PEFFER. Mr. President, in accordance with the notice I gave some time ago. I ask that the joint resolution (S. R. 169) providing for the appointment of a national monetary commission may be laid before the Senate.

The VICE-PRESIDENT. The morning business having been concluded, the Chair lays before the Senate the joint resolution indicated by the Senator from Kansas.

Mr. PEFFER. I ask that the joint resolution may be read at

The VICE-PRESIDENT. The joint resolution will be read. The Secretary read as follows:

The VICE-PRESIDENT. The joint resolution will be read.

The Secretary read as follows:

Whereas during the campaign immediately preceding the late Presidential election the monetary system of the country was the leading issue discussed by the country was the contending parties in that campaign proposed four distinct and different financial policies, namely: First, national gold monometallism; second, international gold and silver bimetallism at at the ratio of 16 to 1, with Government paper money; and with Government paper money; and whereas the result of the election for its country and gold bimetallism at the ratio of 16 to 1, supplemented by Government full legal-tender paper money; and

Whereas the result of the election does not show that a majority of the voters favor any of said policies; and does not show that a majority of the voters favor any of said policies; and does not show that a majority of the renness is is agreed on all sides that a permanent adjustment of these differences is of supreme Senote and House of Representatives, etc., That the President of the United States be, and he is hereby, directed to appoint four commissioners, one from the Democratic party, and one from the People is Party; these four shall choose a fifth, and together they shall constitute a national monetary commission, whose duty it shall be to examine and study the general subject of finance in its practical relations to the business affairs of the people of the United States. In such examination the commission shall invite suggestions, arguments, and plans by individual persons and by agents and representatives of organized bodies, and shall make diligent inquiry among farmers, wage carnors, merchants, manufacturers, bankers, of the people of the United States and shall make diligent inquiry among farmers, wage carnors, merchants, manufacturers, bankers, of the commission shall co

Mr. PEFFER. Mr. President, the object which it is sought by this joint resolution to accomplish is not only desirable—it is imperatively necessary in the public interest.

PRESENT FINANCIAL SYSTEM UNSATISFACTORY

Our financial system is not good; it is not satisfactory to any class of the people, nor to any political party. Nor are the objections and criticisms of recent origin. They appeared soon after

the disbandment of the Army, when the Government began a rapid conversion of our paper currency into 6 per cent bonds. The protest was strong enough and general enough to bring into life a new political party which maintained a national organiza-tion sixteen years and four times contended for the Presidency of the Republic.

the Republic.

The revision of our mint laws in 1873, whereby the coinage of silver dollars was discontinued, aroused an opposition which has continued to the present. The opposition first took form in resolutions introduced in the Senate by Hon. Stanley Matthews, then a member of this body, January, 1878. The Secretary of the Treasury (Mr. Sherman) in April, 1877, had asked the opinion of the Attorney-General whether resumption bonds could not legally be made payable in gold. On receiving a negative answer, the Secretary in his first annual report, recommended to Congress that retary, in his first annual report, recommended to Congress that such bonds be authorized. To set the matter at rest, the Matthews resolutions were offered.

I submit the correspondence and the resolutions without read-

TREASURY DEPARTMENT, OFFICE OF THE SECRETARY, Washington, D. C., April 21, 1877.

Washington, D. C., April 21, 1877.

Sir: I beg leave to call your attention to, and ask your opinion upon, the following questions growing out of the refunding act of July 14, 1876, to wit: Can I stipulate in the body of the 4 per cent bonds about to be issued that they shall be redeemable in coin of the present standard value, that is, the standard value at the date of their issue, or must it be the date of the law? I submit a statement prepared by the Hon. H. M. French, Assistant Secretary, having reference to the laws.

It may become important to the public interests to make the new bonds payable in coin of the present standard—that is, gold coin. Some doubts have been expressed upon whether previous bonds issued under acts passed prior to 1873 are not legally payable in silver coin. This question may become important, as any doubt upon the legal terms of a public security affects its value.

Very respectfully,

JOHN SHERMAN, Secretary.

Hon. CHARLES DEVENS, Attorney-General.

In answer, the Attorney-General wrote this letter:

DEPARTMENT OF JUSTICE, Washington, April 26, 1877.

In answer, the Attorney-General wrote this letter:

DEPARTMENT OF JUSTICE, Washington, April 26, 1877.

Sir: In answer to your letter of the 21st instant, requesting my opinion upon the following question growing out of the refunding act of July 14, 1870, to wit, "Can I stipulate in the body of the 4 per cent bonds about to be issued that they shall be redeemable in coin of the present value, that is, the standard value at the date of their issue, or must it be the date of the law?" I have the honor to reply:

The act provides for the issue of bonds "redeemable in coin of the present standard value." The word "present" undoubtedly refers as a matter of date to the time when the act was passed, and not to the time when the bonds were thereafter issued. It contemplated that a long period would elapse before it would finally be carried into effect, and that changes in the coinage of the country might occur during that period.

Whatever changes in the coinage should occur, these bonds were, however, to be redeemed in coin of the standard value as it existed at the date of the act. By this provision the holder was guarded against any depreciation that might take place in the value of the coin, and the Government would not be compelled to pay the additional value should the coinage be appreciated. All the bonds issued under the act were to stand alike, no matter what was the date when such bonds were issued. Each was to be redeemable in coin which was included in the authorized coinage of the country at the date referred to, it being of the standard value as it then existed. Since the law was passed no change has taken place in the standard value of the coin. It is understood that there has been a certain change in the coinage of the country, and that silver dollars have now ceased to exist practically as coin.

It has been further provided by the statute of February 12, 1873 (Revised Statutes, sections 3855, 3886), that "the silver coins of the United States shall be a legal tender at their nominal value for any amo

Hon. John Sherman, Secretary of the Treasury.

THE MATTHEWS RESOLUTIONS.

Whereas by an act entitled "An act to strengthen the public credit," approved March 18, 1869, it was provided and declared that the faith of the United States was thereby solemnly pledged to the payment in coin or its equivalent of all the interest-bearing obligations of the United States, except in cases where the law authorizing the issue of such obligations had previously provided that the same might be paid in lawful money or other currency than gold or silver; and

Whereas all the bonds of the United States authorized to be issued by the act entitled "An act to authorize the refunding of the national debt," approved July 14, 1870, by the terms of said act were declared to be redeemable in coin of the then present standard value, bearing interest payable semi-annually in such coin; and

Whereas all bonds of the United States authorized to be issued under an act entitled "An act to provide for the resumption of specie payments," approved January 14, 1875, are required to be of the description of bonds of the

United States described in the said act of Congress approved July 14, 1870, entitled "An act to authorize the refunding of the national debt;" and Whereas at the date of the passage of the said act of Congress last aforesaid, to wit, the 14th day of July, 1870, the coin of the United States of standard value of that date included silver dollars of the weight of 412½ grains each, declared by the act approved January 18, 1837, entitled "An act supplementary to the act entitled 'An act establishing a mint and regulating the coins of the United States,' "to be a legal tender of payment, according to their nominal value, for any sums whatever: Therefore, Beit resolved by the Senate (the House of Representatives concurring therein). That all the bonds of the United States issued or authorized to be issued under the said acts of Congress hereinbefore recited are payable, principal and interest, at the option of the Government of the United States, in silver dollars of the coinage of the United States, containing 412½ grains each of standard silver; and that to restore to its coinage such silver coins as a legal tender in payment of said bonds, principal and interest, is not in violation of the public faith nor in derogation of the rights of the public creditor.

An effort was made by Senator Edmunds, of Vermont, to have

the public faith nor in derogation of the rights of the public creditor.

An effort was made by Senator Edmunds, of Vermont, to have the resolution modified in favor of gold payments when demanded by the creditor, but the amendment was voted down—yeas 18, nays 48—and the resolution passed the Senate by a large majority. It was at once sent to the House, where in like manner similar amendments were defeated, and the original resolution passed by 180 years to 79 pays. by 189 yeas to 79 nays.

An effort to restore the old coinage laws resulted in the passage of the Bland-Allison Act over the President's veto February 28, 1878, and the faint-hearted execution of that law prompted another movement for free coinage twelve years later, which ended in the approval of the Sherman law of July 14, 1890. In May, 1891, steps were taken for the formation of a political party having as one of its cardinal doctrines the reformation of our currency system. In 1892 the Populist or People's Party candidate for the Presidency received over a million votes.

The Sherman law occasioned so much trouble in speculating circles that an extraordinary session of Congress was convened August 7, 1893, for the express purpose of repealing it, and that brought the money question to the front as the leading issue in the campaign of 1896.

A commission composed of eminent statesmen and economists, A commission composed of eminent statesmen and economists, with Hon. John P. Jones, then and now a member of this body, at its head, was appointed in 1876 to investigate and report fully upon the subject of money. Several international conferences have been held since that time for the purpose of determining whether an agreement could not be reached among the nations to establish a common ratio of value between gold and silver in coincident of the purpose of the purp age, and it is now proposed to appoint a commission to bring about

another conference to further consider the same subject.

In addition to these evidences of dissatisfaction with our financial methods, bills and resolutions in large number relating in some way to the currency have been before Congress at every some way to the currency have been before Congress at every session in the last thirty years, and the tension of the public mind is greater now than ever. Each and all of the great parties in the late campaign have given notice that they intend to continue the agitation of the money question until it is permanently settled and got out of the way.

For these reasons alone, Mr. President, if no others were as

signed, this joint resolution is appropriate and ought to pass. Nothing which concerns our domestic affairs is more timely than some measure of this kind. If passed and its provisions carried into execution, the views of all classes and conditions of the people will be heard and their opinions will have equal prominence in a hearing before Congress. It would seem reasonable that there ought to be some common ground on which we can all meet, and the proposed commission would try to find it. But there are other reasons why the resolution ought to pass.

At no time in the history of the country has the supply of coin been sufficient for the convenient transaction of the people's business. The colonies were compelled frequently to issue paper money. Virginia once legalized the use of tobacco as money. The first loan negotiated by the Continental Congress was, by stipulation, paid in tobacco. The only coin we had when the Government of the United States was formed was foreign coin. Coins of Great Britain, France, Portugal, and Spain were then in circulation here. The Spanish milled dollar was made the measure of our unit of value in the first mint act. our unit of value in the first mint act.

In 1791 Congress authorized the establishment of a United States bank in order to secure more currency. The next year a mint was authorized, that more coin might be obtained; and, by way of encouragement to miners and to induce them to bring to the mint for coinage all the gold and silver they could procure, the law provided for the free and unlimited coinage of both metals. The next year (1793) foreign coins were made legal tender, but the demand for currency was greater than the supply, and it became necessary to charter State banks and to authorize them to issue their notes to be used as money. In 1816 the second United States bank was chartered, and it continued in business twenty years. In the meantime, local banks multiplied in all the States, issuing notes until they were superseded by the national banks provided for by the acts of 1863-64.

The demand for local banks of issue has been renewed since the great war closed. Farmers in the Southern States, being dis-

tressed by lack of money, proposed what is known as the sub-treasury plan, that they might use warehouse receipts for tem-porary circulation. And now, in addition to the large stock of coin reported to be in the country, the paper circulation amounted to \$703,757,186 on the 1st day of December last, not including sil-

ver certificates, which represent an equal amount of silver dollars held in the Treasury for their redemption.

And yet, with a reported total circulation of coin and paper amounting to \$1,646,444,746, it supplies but 8 per cent of the total money and substitutes for money used in our enormous bank busi-From several examinations made in recent years it appears ness. From several examinations made in recent years to appears that about 1 per cent of the money passed over bank counters in a given time is gold coin, about 1 per cent is silver coin, 6 per cent is Government paper and bank notes, and 92 per cent is made up of notes, checks, drafts, and other forms of private paper.

INJUSTICE OF THE PRESENT SYSTEM.

The present system operates unjustly. It bears heavily on the people. It puts money before labor. It makes savings more valuable than the ability to earn. It allows charges of 6 per cent to 150 per cent a year for the use of borrowed money, while labor saves only 3 per cent, and it measures allowable profits on business investments and speculative enterprises by the interest standard. It multiplies redemption money by ten and charges interest on the whole just as it permits railway companies and other corporations. whole, just as it permits railway companies and other corporations to bond themselves for more than they are worth and charge the people toll on the inflated capital. It makes investments in credit more valuable than investments in land or mines or machinery. It fixes the value standard of money by law, while all other property finds its price level in open market. It affords the lender all advantages and the borrower none. It saves the creditor, though the debtor be destroyed.

Mr. President, the value of money ought to be measured by the walue of the property out of whose proceeds debts and taxes must be paid and means of subsistence procured. As the general price level is, so should the price of money be, and this whether to borrow or to buy. But under the present régime the standard of money is as rigid as the yardstick or the gallon measure, while market prices for the productions of labor fluctuate on a falling scale like the killows restens for activities leke

market prices for the productions of labor fluctuate on a falling scale like the billowy waters of a settling lake.

For example, take the single article of wheat. Its average price in 1867 was \$1.98; in 1873 it was \$1.15; in 1879 it was \$1.10; in 1885 it was 77 cents; in 1890 it was 83 cents; in 1895 it was 50 cents. Correspondingly, a dollar in 1867 was worth a little more than one-half of a bushel of wheat; in 1873 it was worth seveneighths of a bushel; in 1879 it was worth nine-tenths of a bushel; in 1885 it was worth a bushel and nearly one-third; in 1890 it was worth a bushel and one-fifth; in 1895 it was worth 2 bushels.

To put the same idea in another light, let it be said that at the average price of wheat in 1867 it would have required 1,135,000,000 bushels of that grain to pay the nation's interest-bearing debt as

average price of wheat in 1807 it would have required 1,135,000,000 bushels of that grain to pay the nation's interest-bearing debt as it then stood; at the average price in 1873 the debt at that time could have been paid with 1,487,000,000 bushels; in 1887 the number of bushels required to pay the debt then would have been 1,502,488,000 at the price that year; and in 1895 the debt then unpaid might have been extinguished with 1,432,000,000 bushels if seld at the average price of wheat that year.

sold at the average price of wheat that year.

Here are the figures showing the debt and the average home price of wheat in the years named:

National debt	1867.	\$2,248,067,387
Price of wheat per bushel	· · · · · · · · · · · · · · · · · · ·	\$1.985
National debt	1873.	\$1,710,483,950
Price of wheat per bushel		\$1.15
National debt Price of wheat per bushel	1887.	\$1,021,692,350 \$0.68
National debt	1895.	\$716, 202, 060 \$0. 50

Lest it be answered that wheat has fallen faster than other Lest it be answered that wheat has fallen faster than other grains and other farm products, and that therefore it is not fair to use the price of that article alone as a basis of comparison, if we will take all the cereals into account, we shall find substantially the same result. I submit a statement showing the aggregate production and value and the average price per bushel of all the corn, wheat, oats, barley, rye, and buckwheat in the United States the years mentioned:

Year.	Production.	Value.	Price per bushel.
1867. 1873. 1879. 1885.	Bushels. 1, 329, 729, 400 1, 538, 892, 891 2, 437, 482, 300 3, 015, 439, 000	Dollars, 1,284,037,300 919,217,273 1,245,127,719 1,143,146,759	Cents. 96 59 51 37
1890 *	3,572,309,277	1,007,316,936	28

^{*} No report on barley and buckwheat for 1890,

Mr. HOAR. I inquire of the Senator whether, in his very interesting statement, he has also put in proximity with the tables to which he has referred any tables showing the increased wheat area or its increased production?

Mr. PEFFER. I have not here the tables showing the increased area; but if the Senator desires it, I will have them incorporated

with the other figures

Mr. HOAR. If the Senator will pardon me—I do not wish to interrupt him—I have tried as well as I could to get at the truth in regard to the matter of the increased actual value of gold as compared with the various products of human industry, including agriculture.

Mr. PEFFER. I think that possibly the Senator will be satisfied upon that point as I proceed.

Mr. HOAR. If the Senator will allow me—I do not wish to disturb him at all—I have sometimes thought that that question was insoluble by the human intellect. In my judgment, it has got to insoluble by the human intellect. In my judgment, it has got to be one of the most difficult questions ever presented to the human brain. As the Senator is comparing what a bushel of wheat would buy in particular years, I should like to know as well from so careful and honest an investigator as is the Senator from Kansas, as we all know, how many bushels of wheat there were for sale in the world in those years, and therefore whether there has been, taking wheat alone, an increased production proportioned to the demand which accounts or partly accounts for the change?

Mr. PEFFER. For the information of the Senator I will collect the figures that he asks for—I have them all at my committee room—and will incorporate them in answer to the Senator's

[These are the figures asked for by the Senator from Massachu-

Table showing the aggregate production, area, and value of the cereals—corn, wheat, oats, rye, barley, and buckwheat—produced in the United States from 1867 to 1895, inclusive, except the years between 1888 and 1893, for which years no estimate was made by the Department of Agriculture.

Calendar year.	Total produc- tion.	Total area of crops.	Total value of crops.
	Bushels.	Acres.	Dollars.
1867 a	1, 329, 729, 400	65, 636, 444	1,284,037,300
1868 a	1,450,789,000	66, 715, 926	1, 110, 500, 583
1869	1,491,612,100	69, 457, 762	1, 101, 884, 188
1870	1,629,027,600	69, 254, 016	997, 423, 018
1871	1,528,776,100	65,061,951	911, 845, 441
1872	1,664,331,600	68, 280, 197	874, 594, 459
873	1,538,892,891	74, 112, 137	919, 217, 273
1874	1,454,180,200	80,051,289	1,015,530,570
1875	2, 032, 235, 300	86,863,178	1,030,277,099
1876	1,963,422,100	93, 920, 619	935, 008, 844
877	2, 178, 934, 646	93, 150, 286	1,035,571,078
1878	2, 302, 254, 950	100, 956, 260	913, 975, 920
879	2, 437, 482, 300	102, 260, 950	1,245, 127, 719
1880	2,718,193,501	120, 926, 286	1, 361, 497, 704
1881	2,065,029,570	123, 388, 070	1,470,957,200
1882	2, 699, 394, 493	126, 568, 529	1,469,693,393
1883	2, 629, 319, 088	130, 633, 556	1,280,765,937
1884	2, 992, 880, 000	136, 292, 766	1, 184, 311, 520
1885	3, 015, 439, 000	135, 876, 080	1, 143, 146, 759
	2,842,579,000	141, 859, 656	1, 162, 161, 910
	2,660,457,000	141, 821, 315	1, 204, 289, 370
1000	3, 209, 742, 000	146, 281, 000	1, 320, 255, 398
1888 1893	2,761,039,958	140, 013, 391	1,041,789,158
	2, 435, 920, 676	130, 392, 872	1,043,006,948
1894	3, 572, 309, 277		1,017,316,936
1895	0,012,000,211	149, 955, 163	1,017,010,900

a Oregon not included.

WORLD'S PRODUCTION OF WHEAT.

The world's production of wheat was not accurately reported by our Agricultural Department prior to 1891. Here is a table giv-ing the most reliable estimates for the years 1884 to 1890, and for the years since we have the official report:

Year.	Bushels.	Year.	Bushels.
1884	2,290,069,000	1890	2, 170, 123, 000
1885	2,104,034,003	1891	2, 482, 322, 000
1886	2,198,997,000	1892	2, 481, 805, 000
1887	2,227,415,000	1893	2, 562, 913, 000
1888	2,212,843,000	1893	2, 672, 341, 000
1889	2,085,505,000	1894	2, 552, 677, 000

While the prices of manufactured articles have fallen, the dewhile the prices of manufactured articles have fallen, the descent has not been as low as that of farm products; but that the general level of prices has been greatly depressed none deny. Mr. Sauerbeck's table of index numbers makes this perfectly clear. He took the average market price of forty-five different commodities in general use, and let the number 102 represent the average price for the year 1874, using that as an index number with which

to compare the average price of the same articles in the subsequent years to 1892. The showing is this:

Year.	Index numbers for 45 principal commodi- ties.	Year.	Index numbers for 45 principal commodi- ties.
1874	102 96 95 94 87 83 88 85 84 82	1884 1885 1886 1887 1888 1889 1890 1891	76 72 69 68 70 72 72 72 72 68

These forty-five articles were made up of provisions, clothing, groceries, fuel, etc., such as are in general use and regarded as necessaries among the people in common.

FALLING PRICES, RISING MONEY.

As an inevitable concomitant of falling prices we have rising money. As prices of articles in general go down, the price of money in particular goes up. Thirty years ago a dollar bought only half a bushel of wheat; two years ago it bought 2 bushels—four times as much. By using the Sauerbeck table we can get more nearly accurate figures as to the general market. I submit a statement made from that table, showing how many units \$100 would have purchased in each of the years mentioned, beginning in 1874 with a quantity represented by 98.05:

1874	93.05	1884	131.58
1875	104.16	1885	138.88
1876	105.26	1886	144.93
1877	106.39	1887	147.05
1878	114.93	1888	142.85
1879	120.48		138.88
1880	113.63	1890	138.88
1881	117.64	1891	138.88
1882	119.04	1892	147.05
1883	121.95		

These figures show that if the number 98 is used to represent what \$100 bought in 1874, it will require the number 147 to represent what the same money bought in 1892. In other words, money, measured by the necessaries of life, was worth 50 per cent more in 1892 than it was in 1874. I will add, it is worth 10 per cent more now than it was in 1892.

BURDEN OF DEBTS, TAXES, INTEREST, AND RENT INCREASED.

The rise in the purchasing power of money and the fall in the general level of prices have the effect of increasing the burden of debts, taxes, interest, and rent; and the reason of this oppression is that more of the products of labor to meet any given money demand is required now than formerly. A farmer has nothing to pay his debts with but the crops he raises, and it took 2 bushels of his 1895 wheat to get a dollar, while in 1867 it required only half a bushel—just one-fourth as much. Hence, if he had to pay a \$100 debt with wheat, it would have taken four times as many bushels in 1895 as it did twenty-eight years before.

The aggregate mortgage debt on the farms of the country in 1890 was more than two thousand million dollars. I have not the

1890 was more than two thousand million dollars. I have not the exact figures at hand. But whatever the amount was it would have required about two and a half times as much wheat to pay it that year as would have been necessary to pay the same amount twenty-three years before.

And so it is with all debts; they grow more burdensome as long as prices of things with which they must be paid are going down. A dollar is a fixed amount, but relatively to other things

down. A dollar is a fixed amount, but relatively to other things it grows dearer as they get cheaper.

Taxes, interest, and rent are affected the same way. They are fixed charges; they mean so many dollars, and they remain the same, while cotton and pork and shoes and productions in general are steadily falling. A hundred dollars regularly due every year is equivalent to adding three or four dollars at each payment. ment.

Rising money undermines the home; it multiplies renters; it

impoverishes the people.

impoverishes the people.

It will not answer to say that because prices in general have fallen, therefore the buyer and the seller are even, no matter how low the level is. If men had nothing to do but to buy and sell, the case would be altogether different. But it is a crime to kill people without just provocation. It is regarded as a heinous offense to kill one's self. We are all expected to live and to earn a living, to trade and accumulate property. It is often found to be necessary to incur debts, and they must be paid with interest. We need dwelling places, and if we do not own homes of our own, we must rent, and that costs money. We are taxed to support the Government, and taxes now mean money. Sickness or other misfortune befalls us, and physicians' charges, lawyers' fees—all such necessary

expenses are on the same level that they were years ago; but money has not fallen. If the farmer and the mechanic needed nothing more than they could procure from each other, they could get along more than they could procure from each other, they could get along without trouble. But each of them is constantly in need of something the other does not have—as professional services, insurance, a dwelling, and money. The ratio of local taxation on the \$100 of property is not increasing; it is about stationary, the country's average being \$1.83 in 1880, and \$1.85 in 1890; but a dollar in taxes grows larger in a time of falling prices the same as a dollar in any

other form of obligation.

We pray for our daily bread, but the demands of society grow more exacting with the spread of Christian civilization. We need more than bread, and we can procure it only out of the proceeds of our surplus productions. Hence it is that we are much more interested in the price of what we sell than in that of what we buy. Our surplus must pay for all we need of other people's productions, and in addition to that we must have means to pay insurance, rent, taxes, interest, and principal debts. Low prices of things we have to buy avail us nothing when we come to debts that we have to pay out of the low prices received for what we sell.

WAGES GREATLY REDUCED.

Nor will it do to say that wages of labor are as high as they ever were. If it were true, it would not help matters; but it is not true, except as to those persons who are fortunate enough to have regular except as to those persons who are fortunate enough to have regular and permanent employment. A recent report of the Commissioner of Labor shows that over 3,000,000 persons of work age were out of employment part of the time during the last year, and that about one and a quarter million were out of employment all the time. If all the money that has been paid for labor during the last five years had been divided among all the people who were able and willing to work, including the unemployed, the general level of wages would have been greatly lowered. If a hundred dollars be divided among a hundred men each will have \$1; but if one-quarter of the men are idle and three-quarters get the money, it means \$1.33\frac{1}{2} a day to those that work. Taking out 10 per cent of the workers, it leaves \$1.11 to each of them that work. If the average daily wage now is \$1.25 for 90 per cent of the working people of the country, it would be \$1.12½ if all the workers were employed and the aggregate amount of the wages were paid to all instead of to only 90 per cent. This would reduce wages 8 per cent.

And under the present conditions long continued labor will suffer most of all, for labor is nature's handmaid in the production of wealth, and ever and always the wage earner is the least able to bear society's burdens. The poor people are always found among those whose daily subsistence comes out of their daily toil. Deprive them of work, and their means of living is gone. Fair wages for one is not enough for two.

INFLUENCE OF THE MONEY POWER.

The influence which wealth exerts in the affairs of men is greater The influence which wealth exerts in the affairs of men is greater by far than any other force in Christendom. It directs the course of governments and dictates the policies of nations. It declares war and commands peace. It controls legislation and inspires judicial decisions. It is now permitted to exercise supreme power over the Treasury of the United States. It compels the President to sell the country's credit; it contracts to protect the Treasury six months against withdrawals of gold, and threatens to destroy

the public credit unless circulating notes of the Government are retired and the currency put in charge of the banks.

It suggests party platforms; it supplies money for campaign funds, and demands reward in legislative favors. "It moves the money that controls the affairs of the world." It covers the earth with debt and holds the people slaves.

While I speak, sir, the people of the United States are paying semiannual interest on an aggregate debt equal to the assessed value of all their taxable property, and our national taxes are increasing every decade, while the ability of the masses to pay is steadily diminishing.

Recently I read a statement prepared by a newspaper writer in London giving the amounts which each of fifty-six different nations—naming them—owed to bankers and brokers in that city. I do not remember the figures, but the aggregate was enormous. These debts, like all others, must be paid out of the earnings of the people, and failure to pay, as we all know, is cause

An investigation made during the first Administration of President Cleveland brought out the astounding fact that, taking the civilized world as a whole, one-half of the occupied lands of the people were mortgaged. It is not putting it too strongly to say that 90 per cent of the corporations are in debt. Indeed, the leadanat 50 per cent of the corporations are in debt. Indeed, the leading object of modern industrial capitalization appears to be the building of interest fountains. The annual interest charge on American railway bonds is not less than \$350,000,000, and other corporations are bonded in like manner. The farm and home mortgage debt of the country in 1890 was a little over \$6,000,000,000, and this, at only 6 per cent, produces \$360,000,000 annually.

For the purposes of argument it may be said, in a general way, that nearly everybody is in debt. There are exceptions, but it will not be claimed that more than 20 per cent of the people are free from debt. Fifty-two per cent of our families are renters, and they are all in debt and under bonds. The average proportion of renters in cities of 8,000 inhabitants and upward is 500 per cent of the entire population; and in the large cities—of 100,000 population and more—the average is 77 in the 100 families. In New York City, renting families constitute 94 per cent of the whole number of families residing there. Every renter is bonded to his landlord.

The aggregate indebtedness of the people is great beyond comprehension, and that it is increasing must be apparent to every reading person. And when the individual debts are added to the corporate, municipal, and national obligations the grand total is bewildering, even to the mathematician. These large debts are bewildering, even to the mathematician. These large debts are likewise growing in amount. The Pall Mall Gazette, in an article recently published in that journal and copied in the Scientific American, discusses this subject, showing the steady enlargement of the aggregate debt of the world's nations. The comparison is of the aggregate debt of the world's nations. The comparison is made between the years 1875 and 1895. England, Germany, Spain, and the United States have reduced their national debts, but the rest have increased theirs to such an extent that fourteen of the principal nations show an aggregate increase of about \$4,200,-000,000 in the twenty years. The aggregate of the national debts of the world in 1875 is put at £4,750,000,000—equivalent to \$22,285,-000,000. It had grown to £5,800,000,000 on \$29,188,000,000,000 in one 000,000. It had grown to £5.800,000,000, or \$28,188,000,000 in our money, in 1895. And these are only the public debts; they do not include corporate and individual obligations. The annual interest charge on this enormous burden is estimated at £230,000,000, or \$1,117,800,000.

I submit the article without reading, and ask that it may be printed with my remarks as an appendix. It is not very long.

The PRESIDING OFFICER (Mr. Pasco in the chair). The article will be printed as an appendix, in the absence of objection.

HOW THE MONEY POWER ACQUIRED ITS STRENGTH. Mr. PEFFER. Mr. President, they that own a country's debts are the rulers of its people. The money power has acquired its mastery over the people through the ownership of their securities. Let demand be made to-morrow on the nation, the States, the banks, the railroads and other corporations, the manufacturers, the merchants, and the farmers for what they owe, and the country is the manufacturers and the farmers for what they owe, and the country is the merchants, and the farmers for what they owe, and the country is the manufacturers. try would be bankrupt. In less than two years the Government borrowed nearly \$300,000,000 to redeem notes because the public creditors refused to accept anything but gold, though the notes were payable in silver.

were payable in silver.

To prosecute a great war Congress authorized the issue and circulation of large amounts of paper that might be used as currency among the people. Some of these notes were convertible into bonds, and they were depreciated in order to create a market for the bonds. The public debt July 1, 1866, was \$2,773,236,173, and of this amount \$1,900,000,000, in round figures, was in notes of different classes and issued at different times, some of which bore interest. July 1, 1869, the interest-bearing debt was \$2,162,060,522 in bonds. These bonds had cost their owners about 60 cents on the dollar. The value of the bonds was greatly enhanced by the credit-strengthening act of 1869, the refunding act of 1870, and the mint act of 1873, so that bonds which had not cost more than 60 cents on the dollar rose to a premium of 25 to 30 per cent in the eighties. The Government paid out upward of \$60,000,000 in premiums on the bonds it redeemed between 1880 and 1892.

In addition to the rise in value of bonds by reason of the enactment of these laws, the value or the purchasing power of a dollar has been greatly enhanced by the arbitrary action of the Treasury Department in discrediting our silver coin. Every bond now out is redeemable in coin of the standard value of July 14, 1870. It is so written in the bond. I present a copy of one of the one-thousand-dollar bonds issued in 1877.

COPY OF OBLIGATION.

Four per cent loan of 1907, consols.

(FACE OF BOND.)

1907. M

FOUR PER CENT CONSOLS OF THE UNITED STATES.

1877

Washington, July 1st, 1877.

Principal and interest payable in coin
One M Thousand
at the Treasury of
the United States.

THE UNITED STATES OF AMERICA

Are indebted to —— or assigns, in the sum of One Thousand Dollars. This bond is issued in accordance with the provisions of an act of Congress entitled "An act to authorize the refunding of the National Debt, approved July 14, 1870," amended by an act approved Jannary 20, 1871, and is redeemable at the pleasure of the United States after the first day of July, A. D. 1907, in coin of the standard value of the United States on said July 14, 1870, with interest, in such coin, from the day of the date hereof, at the rate of four per centum.

per annum, payable quarterly on the first day of October, January, April, and July in each year. The principal and interest are exempt from the payment of all taxes or duties of the United States, as well as from taxation in any form by or under State, municipal, or local authority. Transferable on the books of this office.

Date of issue

Entered

Recorded

Recorded

Register of the Treasury.

Act of July 14th, 1870.

Also one issued under date of February 1, 1895.

COPY OF OBLIGATION.

Four per cen't loan of 1925.

Act of January 14, 1875.

Washington, D. C., February 1, 1895.

1925

FOUR PER CENTS OF 1895.

No.

1000

1000

THE UNITED STATES OF AMERICA

Are indebted to —— or assigns, in the sum of One Thousand Dollars. This bond is issued under authority of an act of Congress entitled "An act to provide for the resumption of specie payments," approved January fourteenth, eighteen hundred and seventy-five, being one of the descriptions of bonds described in the act entitled "An act to authorize the refunding of the national debt," approved July fourteenth, eighteen hundred and seventy, as amended by the act of January twentieth, eighteen hundred and seventy, one, and is redeemable at the pleasure of the United States after the first day of Feb., nineteen hundred and twenty-five, in coin of the standard value of the United States on said July fourteenth, eighteen hundred and seventy, with interest in such coin from the day of the date hereof at the rate of four per centum per annum, payable quarterly on the first day of February, May. August and November in each year. The principal and interest are exempt from the payment of all taxes or duties of the United States, as well as from taxation in any form by or under State, municipal, or local authority. Transferable on the books of this office.

Becorded ——.

Recorded ——.

Register of the Treasury.

It will be seen that in both cases the bonds are expressly "redeemable in coin of the standard value of the United States on the 14th day of July, 1870"—the date of the approval of the refunding act. Our coin at that time consisted of gold and silver—gold at 25.8 grains to the dollar, and silver at 412.5 grains to the dollar. And such was our coin when the credit-strengthening act of March 18, 1869, was approved. Yet the Treasury Department persists in paying only gold for interest on the bonded debt and in redemption of Government notes.

The effect of this discrimination in favor of gold coin is to prac-The effect of this discrimination in favor of gold coin is to practically demonetize silver and to add largely to the value of gold, thus strengthening the power of the money interest and adding to the burdens of the masses of the people. The thirst for gold seems to be as great, sir, in the closing years of the nineteenth century, as was the demand for silver among the grasping Greeks and Romans, when slaves alone wrought in the mines; for now, as then, the profits of toil are absorbed by the wealthy few.

ABOUT THE REMEDIES PROPOSED.

This much, Mr. President, concerning the condition of the finances of the country. And now something about proposed remedies. The resolution refers to the different views of the political parties in the late Presidential campaign. For convenience of reference I present the money planks of four of the party platforms, beginning with that of the Republican party. I ask that the Secretary be permitted to read those planks in the platforms as I have marked them.

The PRESIDING OFFICER. Without objection the Secretary

The PRESIDING OFFICER. Without objection, the Secre-

tary will read as indicated.

The Secretary read as follows:

[From the platform adopted by the national Republican convention at St. Louis, June 18, 1896.]

The Republican party is unreservedly for sound money. It caused the enactment of the law providing for the resumption of specie payments in 1879; since then every dollar has been as good as gold.

We are unalterably opposed to every measure calculated to debase our currency or impair the credit of our country. We are, therefore, opposed to the free coinage of silver, except by international agreement with the leading commercial nations of the world, which we pledge ourselves to promote, and until such agreement can be obtained, the existing gold standard must be preserved.

All our silver and paper currency must be maintained at parity with gold, and we favor all measures designed to maintain inviolably the obligations of the United States and all our money, whether coin or paper, at the present standard, the standard of the most enlightened nations of the earth.

[From the platform adopted by the Democratic party in Chicago, July 9, 1896.] We demand the free and unlimited coinage of both silver and gold at the present legal ratio of 16 to 1, without waiting for the aid or consent of any other nation. We demand that the standard silver dollar shall be a full legal tender, equally with gold, for all debts, public and private, and we favor such legislation as will prevent for the future the demonetization of any kind of legal-tender money by private contract.

We are opposed to the policy and practice of surrendering to the holders of the obligations of the United States the option reserved by law to the Government of redeeming such obligations in either silver coin or gold coin.

Congress alone has the power to coin and issue money, and President Jackson declared that this power could not be delegated to corporations or individuals. We, therefore, denounce the issuance of notes intended to circulate

as money by national banks as in derogation of the Constitution, and we demand that all paper which is made a legal tender for public and private debts, or which is receivable for duties to the United States, shall be issued by the Government of the United States, and shall be redeemable in coin.

[From the National Democratic platform adopted at Indianapolis, September 3, 1896.]

The experience of mankind has shown that by reason of their natural qualities gold is the necessary namey of the large affairs of commerce and business, while silver is conveniently adapted to minor transactions, and the most beneficial use of both together can be insured only by the adoption of the former as a standard of monetary measure and the maintenance of silver at a parity with gold by its limited coinage under suitable safeguards of law.

Realizing these truths, demonstrated by long public incovenience and loss, the Democratic party, in the interests of the masses and of equal justice to all, practically established by the legislation of 1834 and 1853 the gold standard of monetary measurements, and likewise entirely divorced the Government from banking and currency issues. To this long-established Democratic policy we adhere, and insist upon the maintenance of the gold standard and of the parity therewith of every dollar issued by the Government and are firmly opposed to the free and unlimited coinage of silver and to the compulsory purchase of silver bullion.

But we denounce, also, the further maintenance of the present costly patchwork system of national paper currency as a constant source of injury and peril.

work system of haddonal paper currency as a constant source of injury and peril.

We assert the necessity of such intelligent currency reform as will confine the Government to its legitimate functions, completely separated from the banking business, and afford to all sections of our country a uniform, safe, and elastic bank currency under Government supervision, measured in volume by the needs of business.

[From the People's Party platform adopted at St. Louis July 24, 1896.]

1. We demand a national money, safe and sound, issued by the General Government only, without the intervention of banks of issue, to be a full legal tender for all debts, public and private; a just, equitable, and efficient means of distribution direct to the people and through the lawful disbursements of

the Government.

2. We demand the free and unrestricted coinage of silver and gold at the present legal ratio of 16 to 1, without waiting for the consent of foreign

present legal ratio of 16 to 1, without waters and productions.

3. We demand the volume of circulating medium be speedily increased to an amount sufficient to meet the demands of the business and population of this country, and to restore the just level of prices of labor and production.

5. We demand such legislation as will prevent the demonetization of the lawful money of the United States by private contract.
6. We demand that the Government in payment of its obligations shall use its option as to the kind of lawful money in which they are to be paid, and we denounce the present and preceding Administrations for surrendering this option to the holders of Government obligations.

Mr. PEFFER. It will be observed that there are three general propositions on which all of the parties are agreed, and they are

First. That gold coin ought to be used in our currency Second. That silver coin ought to be used in our currency.
Third. That paper money ought to be used in our currency.
But, while there is agreement on these as general propositions, there is difference of opinion with respect to details. All favor

there is difference of opinion with respect to details. All favor unlimited coinage of gold, but only one demands that gold shall be and remain the sole permanent standard of money. Two of them demand unlimited coinage of silver at the present legal ratio, two favor a limited coinage of that metal, and one of these two wants the ratio determined by international agreement.

The Republican party is satisfied with the present system of paper currency; at all events, no dissatisfaction with it is expressed in the party platform. All the party seems to demand on this head is that every dollar shall be as good as gold.

pressed in the party platform. All the party seems to this head is that every dollar shall be as good as gold.

The National Democratic party denounces what it denominates-The present costly patchwork system of national paper currency-

And demands a-

uniform, safe, and elastic bank currency under Government supervision, measured in volume by the needs of business.

The Democratic party and the People's or Populist party demand a paper currency issued only by the Government, but they differ in two important particulars. The Democratic party opposes national-bank notes, but it does not demand that they shall be superseded by Government paper. What it says on that point is this:

And we demand that all paper which is made a legal tender for public and private debts, or which is receivable for duties to the United States, shall be issued by the Government of the United States.

The Populists demand-

A national money, issued by the General Government only, without the intervention of banks.

The other point of difference is that the Democratic party insists that the paper money which is made legal tender shall be redeemable in coin, while the People's Party does not.

The object aimed at by the pending joint resolution is, if it be practicable, the bringing about of a substantial agreement upon these matters in dispute. And this ought not to be impossible. There is no material difference between the Republican contention and that of the National Democrats. It is altogether reasontion and that of the National Democrats. It is altogether reasonable to expect that when the Republicans have brought about an international agreement it will be promptly ratified by the National Democrats, if, indeed, they are not absorbed by the Republicans before the agreement is published.

And further, if the late advance made by the Democrats in their platform was made only for the purposes of a temporary alliance with other parties, and not to move itself permanently on a higher plane of politics, there would be little to displace in order to obtain plane of pointes, there would be little to displace in order to obtain their acquiescence in the Republican theory. A bill (S. 2642, third session Fifty-third Congress) introduced by the senior Senator from Arkansas [Mr. Jones] as a Democratic measure was entitled "A bill providing for the issue of bonds, the coinage of silver, and for other purposes," and after providing for the issue of bonds for the redemption of greenbacks, and the strengthening and continuation of national banks, it provided in the ninth section as follows:

That from and after the passage of this act the Secretary of the Treasury is hereby authorized and directed to receive at any United States mint, from any citizen of the United States, silver bullion of standard fineness, and coin the same into silver dollars of 412‡ grains each. The seigniorage on the said bullion shall be the difference between the coinage value thereof and the price of the bullion in London on the day the deposit is made.

Unless the Democrats have moved beyond the doctrine of that bill with the firm determination to never return, it would not require a long exercise of the diplomatic art to bring together require a long exercise of the diplomatic art to bring together three of the parties on the silver question; and even the People's Party might be brought to yield something on silver if other parties would yield something on the subject of legal-tender Government paper money. But that would undermine the metallic currency theory and terminate the rule of the money changers, And there, sir, is where the trouble lies. The Populist wants money that needs no redemption. Even the new Democrat wants legal-tender money redeemed in coin. In that respect, at least, he is in accord theoretically with the present Secretary of the Treasury, who has given notice that silver dollars will be redeemed with gold coin whenever that course is necessary to preserve the parity between the two metals.

Mr. President, the discussion, when narrowed down to the real issue, will turn on this theory of redemption, and I will now

address myself to that point.

I believe our monetary system is fundamentally wrong—false in theory and ruinous in practice. The device we use to represent values is not only made out of a valuable commodity, but it has a values is not only made out of a valuable commonly, but it has a fictitious and arbitrary value given to it by law, and then it is allowed free and unlimited mintage, so that all the gold outside of the mines may be brought to the level of the mint price by getting it coined, and that can be done without expense to the owner. By our laws we declare that the eagle, containing 258 grains of standard gold, is and shall be of the value of \$10; and by the same laws we provide-

That any owner of gold bullion may deposit the same at any mint, to be formed into coin or bars for his benefit—

And that-

hereafter no charge shall be made for that service.

And this falsely and arbitrarily valued metal is not only made full legal tender for all debts and to any amount, but it is pro-tected by the laws of the land against the competition of any other kind of currency in all cases where a contract stipulates that an obligation to pay money can be discharged only by the delivery of gold coin. This puts borrowers at the mercy of lenders and sets up a golden king. In plain words, the laws of the Republic select a single article, give it a fixed and unchangeable value, and require that all debts, dues, and demands shall be paid in that article at its legal value. If we are permitted to use any substitutes for gold, they must be redeemable in gold. And when danger approaches, or when bankers and speculators take on fright, what little gold there is is immediately put out of sight, and panic with its disasters

The true theory of money is that it discharges a function—a public function—a function imposed upon it by law, just as ministerial functions are imposed by law on executive officers. A piece of plain silver or gold bullion can no more perform money functions than a plain citizen can perform official functions. The value of money is imparted by law. The price of gold or silver or other metal on which certain devices are imprinted to make it what we call coin, has value in itself as a commodity; but its value as money is what the laws prescribe—that and only that.

This proposition is easily and plainly demonstrated by means of two coins of the same metal and denomination, one of which has had the money function withdrawn from it by melting.

For the purpose of demonstrating the proposition, I procured a few days ago two silver dollar coins and had one of them melted few days ago two silver dollar coins and had one of them melted in order to take the money function away from it. This is the American dollar [exhibiting.] Its legal functions attach to it by the law. This is the other dollar melted [exhibiting]. It is not a dollar now, though it is as fine and as heavy as it was before melting. It is simply a bar of silver bullion. The coin having the commission of a mighty people upon it is worth a dollar in all the markets of the country, while the bar is worth nothing as money. I might go into any merchant's room and lay down this coin and ask for the worth of it in anything that he has to sell and he imme-

diately would give me a dollar's worth. I lay the bar of bullion down and ask him to give me the worth of that in any article he has to sell and he laughs at my credulity and tells me, "Why, that is not money; that is only a bit of metal."

Mr. President, the simple question put to any sane man why one of these pieces is money and the other one is not will settle the matter in his own mind in favor of the proposition which I have just asserted. All there is in coin that gives it money value is what the law itself has imparted to it, and the lawmaking power

The functions of money are to enable persons to procure property or service; to effect exchanges of the values of their productions; to discharge their pecuniary obligations in cases of nonperformance of contract; to pay their debts and taxes, and to meet the demands of society upon them for aid and support in matters deemed necessary or important and provided for only by the unwritten laws of communities.

Money is representative in its character; it is charged with duties of supreme moment; it is the most subtle of all material agencies in the development of commerce and in social and religious progress. It has no value except what is imparted to it by the sovereign power of the nation, and that value consists chiefly in the fact that the coin is charged with these peculiar represent-ative qualities. It is an order for its face value on any person who has anything to sell; it is a tender of payment to the amount who has anything to sell; it is a tender of payment to the amount printed on its face, and it is a receipt for like amount. If the thing we call money were not thus endowed with purchasing and debt-paying power, it would be utterly worthless beyond what it would sell for as bullion or paper on the market. A man can carry in his vest pocket money enough to purchase his family supplies for a year at a department store, while if he were compelled to exchange for it property that is not money it might require a team of six horses to haul the stuff to town, and then it would have to be sold to a merchant or trader who deals in that kind of property in order to procure money to pay for the things desired.

When metal is coined and declared by law to be a lawful tender . in payment of debt to the amount stamped on its face, it is thus set apart—sanctified, if you please—for certain uses. This coining and printing is a certificate of authority, just as an officer's commission certifies to his official character; and he who repudiates the one does no better than he who defies the other.

Money is a tool of trade, a necessary instrument of commerceindispensable in the economy of modern civilization; and now that we find our present financial methods to be faulty as well as inadequate we ought to devise a better and more satisfactory system.

We are quite competent to do this, if we will only lay aside our prejudices and honestly work together to find a solid foundation that we may build upon it a suitable and comely superstructure,

durable as it shall be symmetrical.

We are an inventive people, and invention applies as well to statecraft as to mechanic arts. Principles are eternal in politics as in the realm of matter. Good government follows a wise application of sound theories in legislation and of wisdom and prudence in execution of the laws.

We have learned that commerce is the greatest factor in civilization, and that money is as necessary in commercial affairs as blood is in the lives of men. And we have learned, too, that an insufficiency of money, or a plethora, or a congestion, or an irregular circulation, or money of inferior quality, is as troublesome in the business affairs of the people as are like conditions of blood in

I believe, sir, that we are not only competent to solve this seemingly difficult problem of money, but that we have already discovered the essential factors in the solution. I have read with much interest that part of the last report of the Comptroller of the Currency in which that officer calls attention to the large use of private credit in the transaction of daily business.

The check-

He savs-

and not the note, is the symbol of banking progress, and in its extensive use is the best proof of a high plane of industrial and commercial life.

That officer regards this feature of modern finance as of great importance. He says:

The check system is therefore a subject of interest and importance in our business world—of so much interest and so much importance that knowledge of the extent and influence of it is necessary to a proper understanding of the machinery of exchange.

And there, sir, lies the secret. Credit is the life of modern trade; and whose credit is equal to that of the Government? Our nation's credit was sufficient to carry on to a successful conclusion the most gigantic war in history. During those four dreadful years over \$44,000,000 of business was done by the Treasury Department of the United States—virtually all of it done with paper money, and not a dollar lost to any citizen on account thereof. Money is credit coined, Mr. President. Let us, then, coin the public credit, and let the people have its use at a charge by way of

Interest that they can afford to pay, and the problem is solved.

As to the machinery necessary to carry out this plan, that is matter of detail for the work of such a commission as is proposed

in this resolution. I would suggest in a general way—
First. Provide for the coinage of gold and silver enough at the standard value of July 14, 1870 (and that is the present standard), to pay interest on the Government bonds outstanding and to redeem the bonds at maturity. All the bonds now out are redeem able in such coin. Revive the act of January 18, 1837, so far as it provides for the free and unlimited coinage of silver and gold.

provides for the free and unlimited coinage of silver and gold.

Second. Establish a system of public banking on capital secured by standard coin or bullion, or by United States bonds and par bonds of States, or by unencumbered real estate. Government paper only should be issued. Let interest rates be not to exceed 6 per cent per annum on short-time paper, and 2 or 3 per cent on long-time loans. Savings depositories should be connected with the banks, and deposits, whether of savings or of business funds, should be made secure against loss. To provide for flexibility in the currency, a legal-tender interest-bearing note might be issued to savings depositors. These could be used either as currency or as bonds, as the 7 30 notes were used thirty years ago and more.

as bonds, as the 7.80 notes were used thirty years ago and more.

This general plan, in a modified form, is presented somewhat in detail in the bill I introduced this morning, a copy of which I ask leave to insert with my remarks as an appendix, and without

While the change proposed would be radical, it need not be so sudden as to derange business or occasion general loss. The way from the treadmill to the electric motor is marked by individual misfortunes; but such is the experience of men. The way of progress is nature's way. Change comes from improvement. The old passes away as the new appears. And so, in changing our financial methods by improving them, the men whose business it is to deal in money will have to be satisfied with less profits and less power and influence than they now enjoy; but this will be many times compensated in the common good flowing to the people through a revived commerce and enlivened trade.

We must have a change in our financial methods. All parties sudden as to derange business or occasion general loss.

We must have a change in our financial methods. We must have a change in our manicial methods. All parties and all men of intelligence concede this. And coin is utterly inadequate, even if it were not objectionable on other grounds. We have outgrown the metallic system, just as the weaver has dispensed with the hand loom. Metal money is unjust, unfair, and grossly oppressive in its operations. It is based on false theories. In practice, it drains away the profits of toil and converts them into treasures of the rich. It takes from one and gives to another.

As I have said elsewhere

A monetary system which thus breeds wealth on one side and poverty on the other, that increases the value of the unit of measurement and correspondingly diminishes the value of the articles which are charged with the payment of debts and taxes, thus taking from the great body of the people and giving to a few, is vicious. It is evil and only evil, and that continually.

If gold and silver had nothing but their weight stamped upon them, they might be used in trade as corn and cotton are used; but when they have a fixed value attached to them by law and are made money in which all other money is to be redeemed, and to measure all other values which fluctuate as the market rises or

falls, then they become a means of evil.

To procure a livelihood is the object of toil—all toil—and for that reason values ought to be regulated by the market for things that people produce and out of the proceeds of whose sales they get their living. The waters of the ocean rise and fall in the ebbing and the flowing of the tides, and a placid surface is sometimes lashed into fury by the force of tempests and storms, yet the general level of the sea is maintained. So it ought to be in commercial life. The unit of value among men ought to be a common divisor of all values determined in the open market. It would rise and fall with the general price level and would be justly redeemable in such units. Money should need no redemption. It ought to be made to circulate and not to lie idle in tills and vaults. All money should be good money—money that the Government will receive in payment of taxes and all other dues and demands. What the Government receives as money the people of these United States will never repudiate. Reception of money is its redemption, no matter who pays it. The Government has no more authority to determine the value of gold than it has to determine the value of corn. It has no authority to fix the value of any commodity. Congress is authorized to regulate the value of coin, but not of bullion. And the coin value is a money value, not a market value.

The PRESIDING OFFICER. The hour of 2 o'clock having

The PRESIDING OFFICER. The hour of 2 o'clock having arrived, it is the duty of the Chair to lay before the Senate the unfinished business, which will be stated.

The Secretary. A bill (H. R. 3656) providing for free homesteads on the public lands in Oklahoma Territory for actual and bona fide settlers, and reserving the public lands for that purpose.

Mr. PETTIGREW. I ask that the unfinished business may be temporarily laid aside, not losing its place as unfinished business, until the Secretar force.

until the Senator from Kansas can complete his remarks.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and the Senator from Kansas will proceed.

Mr. PEFFER. Mr. President, the only redemption money needs is circulation. Money so redeemed is fair to rich and poor alike, and if borrowers could get the use of it at rates they can afford to pay, business would never lag, for men could not then afford to let their money lie idle. Farming and manufacturing would be as profitable as the lending of money.

We are now using private credit in more than 90 per cent of our business transactions; and it is matter of necessity. It has come about just as the use of commercial paper came about in the

come about just as the use of commercial paper came about in the come about just as the use of commercial paper came about in the early history of banking. But private credit is sometimes precarious, and especially is this true when we are doing business on a metallic basis, when all debts and dues must be paid in gold or in currency redeemable in gold. We are now using the public credit to some extent, but we need to nationalize it and coin it into money. Then it will not only afford ample capital and an abundant currency, but it will ease the force of panics and breed loyalty among the people.

APPENDIX A. [From the Pall Mall Gazette.] WORLD'S DEBTS INCREASING.

Whether it be a good or a bad thing for the nations, there is no room to doubt that the debts of the world are growing steadily. In 1875 it was computed that they stood at £4,750,000,000, as compared with a round £4,200,000,000 two years earlier. On the basis of figures, many of which have been obtained by us at first hand, and are likely on that account to be more accurate than some of the wild guesses to which certain irresponsible statisticians have treated us, we ourselves estimate that the indebtedness of the world to-day stands at £5,800,000,000. As probably everyone knows, France has the doubtful distinction of being the country which has the largest debt. The latest figures put the total at something like £1,200,000,000, which is nearly double the debt—£600,000,000—of Great Britain, which ranks as second on the list. Russia follows with a total of £575,000,000, and insignificant Italy comes fourth with £506,000,000—that is, if we count as separate items the joint debt of Austria-Hungary and the individual debts of the two portions of the nation. The joint debt stood in 1895 at £275,900,000; while the debt of Austria alone was £122,678,600, and that of Hungary alone £207,729,000, or £606,397,600 in all. The United States debt amounts to £339,000,000, and that of Spain—exclusive of the more recent loans in prosecution of the war in Cuba—at £279,000,000. In the following statement we give a comparison for 1875 and 1895 of the indebtedness of the nations which now owe, or did then owe, £100,000,000,000 or over:

Country.	1875. (Estimated.)	1895. (Estimated.)
France Great Britain. Russia Italy United States Spain Austria-Hungary Germany Australasia Turkey Portugal India Brazil Egypt	£900,000,000 780,000,000 340,000,000 340,000,000 440,000,000 375,000,000 200,000,000 46,000,000 135,000,000 69,000,000 130,000,000 94,000,000 75,000,000	£1, 290, 000, 000 680, 000, 000 575, 000, 000 339, 000, 000 279, 000, 000 84, 000, 000 180, 000, 000 180, 000, 000 153, 000, 000 127, 000, 000 118, 000, 000 100, 000, 000
Total	4,324,000,000	5, 172, 000, 000

In spite of the substantial reduction of the English, American, Spanish, and German debts, there is a net increase for the fourteen nations in the twenty years of £348,000,000. It may be added that in 1885 these same twelve nations owed £4,140,000,000, made up thus: France, £998,000,000; Great Britain, £740,600,000; Italy, £455,000,000; Russia, £381,000,000; United States, £379,000,000; Spain, £270,000,000; India, £127,000,000; Turkey, £127,000,000; Australasia, £98,600,000, and Portugal, £83,000,000. In the years 1875-1885 there was on this showing a net reduction of about £15,000,000 on the indebtedness of the nations enumerated; but the whole world's obligations in 1885 represented an increase on 1875, our calculations giving a total for the former of nearly £4,900,000,000. Among the minor debtors, Belgium has increased its obligations from £71,000,000 in 1875 to £91,000,000 in 1895, and in the same time the debt of the Netherlands has gone up from £80,000,000 to £92,500,000, and that of Canada from £30,000,000 to £51,300,000. The Greek debt stands at £32,984,000, and that of Mexico at £32,720,000 (as against £63,500,000 in 1875); while among the new borrowers must be reckoned Japan, which now owes £47,300,000, and the Argentine Republic, which owes about £74,000,000. For the small borrowers—Bulgaria, Denmark, Norway, Sweden, Chile, Peru, Servia, etc.—we have allowed £150,000,000, which is probably only two-thirds of the actual obligations of these nations.

The sum paid annually as interest on the world's debts approximates to £230,000,000. Twenty years ago the total was about £200,000,000, and the increase of only £30,000,000, with a capital addition of more than £1,000,000, is explained by the fact that money now is cheaper, provided credits are good, than it was in 1875, when, on some of its loans, England was paying \$\frac{3}{4}\$ per cent; India, \$4\$ per cent; Hulgary, \$7\$ per cent; Hulgary

be something wrong with Burdett's figures. In Portugal the amount is 15s. 10d. per head, and in Egypt 11s. 10d. per head. In Germany it is no more than 1s. 4d.

Can anyone say offhand what is the aggregate debt of all the English possessions in all parts of the globe? We will give the total—it is £1.097,166,600. After the mother country, India has the heaviest debt, the total being, as as we have seen, £127,600,000. Then comes New South Wales with £38,225,000, Canada with £51,288,000 (net), Victoria with £47,937,300, New Zealand with £30,639,500, Cape Colony with £27,675,178, and South Australia with £23,100,000. St. Helena brings up the rear with a modest £5,408.

APPENDIX B.

BILL (S. 368) TO IMPROVE THE BANKING SYSTEM, TO SECURE DEPOSITORS AGAINST LOSS, TO PROVIDE SAFE DEPOSITORIES FOR THE PEOPLE'S SAVINGS, AND FOR OTHER PURPOSES.

[Introduced by Mr. Peffer January 5, 1897.]

[Introduced by Mr. Peffer January 5, 1897.]

Be it enacted, etc., That any five or more persons, citizens of the United States, may associate themselves in manner and form as provided in sections 5 and 6 of the national bank act, approved January 3, 1894, for the purpose of engaging in and carrying on the business of banking under the provisions of this act; and every such association, when so formed, shall be a body corporate, as provided in section 8 of said national bank act, with powers, duties, and responsibilities as provided in section 9 of said act and following sections providing for the organization and management of national banking associations, except as herein otherwise provided.

SEC. 2. That the capital stock of such associations shall not be less than \$25,000 nor more than \$3,000,000; it shall be divided into shares of \$100 each, and no stockholder shall own more than 10 per cent of the shares. The capital shall consist of standard coin or bullion of silver and gold, as hereinafter provided, or of unincumbered real estate situated in the county where the bank is to be located, or of United States bonds; or of such coin or bullion and such real estate or bonds, or either of them in any proportion; but such proportions shall not be changed except on ninety days' public notice and by permission of the Comptroller of the Currency: Provided, That one-fourth part of the capital may consist of State bonds of any State when and as long as such State bonds are at or above par in the market. If at any time such bonds fall below par, they must be replaced by other forms of capital herein anthorized.

SEC. 3. The certificate of incorporation shall show what lands and lots, if

proportions shall not be changed except on ninety days' public notice and by permission of the Compritoller of the Currency: Provided, That one-fourth part of the capital may consist of State bonds of any State when and as long the control of the capital herein authorized.

SEC. 3. The certificate of incorporation shall show what lands and lots, if any, are included in the capital stock of every such association, together with the names of the owners thereof; such certificate, with the mortgages covering each parcel or tract of land, properly acknowledged and executed, executed, and shall be recorded and indexed, which record shall be notice to all men of the Government lien. No transfer of stock shall operate to release the lien until and unless other like security is first substituted or its value replaced by bonds or coin or buillion, as above, and not without the consent of the Comptroller of the Currency, in accordance with rules and regulations prescribed by his difference of the comptroller of the Currency, in accordance with rules and regulations prescribed by his difference for tracing connections on the records.

Size. 4. That no lands or lots of which the title is in dispute, or which are except as an accordance of the several classes of stock, a supplementary certificate showing the changes shall be made and recorded in like manner as the original certificate, with appropriate index references for tracing connections on the records.

Size. 4. That no lands or lots of which the title is in dispute, or which are except as homesteads, or divide the title is in dispute, or which are except as homesteads, or divide the title is in dispute, or which are association. Improvements of permanent nature on lands taken a stock shall be kept continuously so insured all the time the land is held as such bank stock. Such lands shall be taken as stock in any such bank in gassociation. Improvements of permanent nature on lands taken as stock shall be kept continuously so insured all the time the land is held as such

a legal tender in payment of all debts, public and private, within the United States, the same as the original United States notes. Stock may be increased in manner provided in the by-laws not inconsistent with the provisions of this act, and to any extent not exceeding \$3,000,000 approved by the Comptroller of the Currency. And additional notes to the amount of the increase of capital shall be issued and delivered, the same as in the beginning of the bank's operations.

Sec. 7. That the bank shall at all times have and keep on hand an amount of available cash funds equal to 50 per cent of its deposits which are subject to demand cheeks. The bank shall close its public business at 50 clock p. m. every day, and within one hour thereafter a notice printed in large letters or plainly written, signed by the cashier and bookkeeper, shall be posted securely on the outside of the front door of the bank, showing the exact condition of the bank's business at the hour of closing that day. The notice shall state the amount of liabilities, distinguishing by classes, as bills payable, deposits payable on demand, etc., and assets, stock, company property, bills receivable the average time to run shall be stated. Any willfully false statement in this matter is hereby declared to be a felony, punishable by imprisonment at hard labor not less than five years nor more than ten years, in the discretion of the jury trying the case. All losses sustained by depositors in the bank, in cases where the bank would be responsible in law, the United States will bear, and the Treasurer of the United States is hereby authorized and directed to pay the same, out of any moneys in the Treasury hot otherwise appropriated, on certificate by the Comptroller of the Currency.

Sec. 8. That no officer or stockholder of the association shall be permitted to borrow from the bank in any greater amount, including any sum or sums for which, at the time, he may be indebted or bound to the bank. The cashier is specially charged with the execution of this s

visions of this act shall be allowed their necessary traveling expenses incurred in the discharge of their duties on itemized statements verified by affidavit, and reasonable advances for this purpose shall be made by the Treasurer on warrant from the Secretary of the Treasury at the time of the Control of this act shall not exceed the rates of 6 per cent per animn on loans or discounts on paper having thirty days or less to run. 5 per cent on paper running from thirty days to sixty days, and 4 per cent on paper at sixty to ninety days; and no loan shall be made for a period longer than three months. All charges by way of commission or other means for securit; gain, profit.or compensation in buying or selling business paper shall be construed to mean interest for the purposes of this act. The demanding or receiving of charges at rates higher than these shall be deemed a criminal offense and shall be punished by imprisonment not less than three months, in the discretion of the court, and until the excess is repaid to the person entitled.

SEC. 11. That any and every such bank shall have connected with it, and of which it shall be the responsible head, a savings depository, in charge of a competent person, appointed as the cashier of the bank is appointed, who shall enter into bond in a sum not less than \$30,000. to be fixed and approved by the judge and attorney of the United States district court for the district in Judge and attorney of the United States district court for the district in Judge and attorney of the Judge shall be will faithfully discharge his care. Stockholders of the bank shall not be accepted as suretises on this bond. Such savings depositories shall be kept supplied with fireproof vaults and safes for the proper protection of moneys, deposits, papers, and books of the institution.

SEC. 12. The savings depository shall receive deposits of 5 cents and multiples thereof, but it shall not receive more than \$25 from or for one person in one day. All deposits greater than \$1 shall be in multiples

SEC. 14. In any case where a person wishes to deposit \$25, or any multiple of that sum, not exceeding \$100, the cashier shall receive the money and deliver to the denositor a savings note for the amount of the deposit, and immediately turn the money over to the bank for use, as provided in the last preceding section. The note shall be dated day of issue and shall bear interest from that date at the rate of 3.65 per cent per amum if not presented for redemption within six months thereafter. Reports showing the number, date, and amount of each and all of these savings notes issued shall be forwarded once in every ten days to the Comptroller of the Currency. All savings notes shall be made payable on demand after thirty days, and when paid they shall be immediately canceled by stamping or writing across their face in red mk the word "canceled" adding the day and year, and at the end of each calendar month all such canceled notes shall be forwarded by registered mail to the Comptroller of the Currency, to be by him examined and reported to the Treasurer of the United States for destruction as other canceled Government paper is destroyed. These savings notes while outstanding may pass from hand to hand, the same as bank notes; they will be receivable for taxos and all public dues, and shall be lawful money and legal tender in payments of all debts to the amount of their face value, excluding interest. And for the purpose of carrying out this provision the Secretary of the Treasury shall, from time to time, cause to be prepared Treasury notes of appropriate design, in denominations of \$25 and multiples of that sum not larger than \$100, bearing interest at the rate of 3.65 per cent per annum when out longer than six months. They shall have the name of the bank of issue printed on them as the place of redemption; they shall be numbered consecutively in each of the denominations; they shall have blank lines to be filled when issued to a depositor, showing date and amount, and they shall show on their face that they are

Fresident of the United States, by and with use advice and consent of the Senate. His term shall be fixed by the Secretary of the Pressury at not less than \$2,000 nor more than \$4,000 per year, according to the probable states, and the sales of the secretary of the Pressury at not less than \$2,000 nor more than \$4,000 per year, according to the probable three years.

SEC 17. That the business of the loan department shall be to lend money as hereinafter provided, under and subject to rules and regulations prescribed by the Comptroller of the Currency. The words "land" and "real estate," as they are used in this act, shall be held to include lots and small tracts in villages, towns, and cities, as well as lands in general, together with the improvements thereon.

SEC 18. Applications for the loan of money will be made on blanks prepared under the direction of the Comptroller of the Currency, showing the location, description, and estimated value of the particular lot, parcel, or piece of land offered as security, with the appraisement, under oath, of three disinterested freeholders of the neighborhood who have personal knowledge of the premises, showing the actual value of the land or lot, with and without improvements, estimated as other lands or lots in that locality are valued, and its assessed value, for good reason, the superintendent is of opinion that such examination is necessary. In case the land offered be public land, not subject to homestead entry, the Government price shall be taken as the assessed value of the land, and it may be taken as security for a loan for that amount. The application shall be greated at the security offered is sufficient, under the rules established, for the amount of money asked for, the application shall be granted; and after due execution of note or notes, as the case may be, with first mortgage on the land or lot, conditioned that taxes and insurance be kept paid, and that waste shall not be committed on the premises, nor any other act done or permitted that will reduce t

decrees in foreclosure proceedings, on application of the mortgagor, execution shall be stayed, and he shall have three years in which to redeem the land on payment of judgment, interest, and accruing costs: Provided, however, That the stay shall operate only from year to year, on condition that interest on the judgment, together with taxes and insurance on the property, be paid each year as they become due, and that no waste be committed. In other words, the stay may be extended from year to year for three years on condition that the annual charges be paid when due, and that the security be not impaired, but not otherwise. The proceeds of sale shall be paid over to not impaired, but not otherwise. The proceeds of sale shall be paid over to of the payment of loans, except one-half of the interest, shall be immediately transmitted by the bank's draft to the United States Treasurer, who shall cover the same into the Treasury, to be used as other public funds are used. One-half of the interest in every case shall be paid over to the bank as compensation for the use of building and appurtenances.

SEC. 23. That no loan under the foregoing provisions shall be for less than \$100, nor for more than \$2.500, too for any one person or family, nor to effect the purchase or redemption of a tract of land containing more than 160 acres; and no such loan shall be granted unless it be to procure or to save a home; that the applicant, pending the payment of the procure of the purchase of the pu

Their duties shall be to assist the Comptroller, as he shall direct, in the work of his office.

SEC 27. That banks herein authorized may, at any time when the owners of two-thirds of the stock shall so desire and shall so express themselves in the way provided in the by-laws, discontinue the business of banking upon showing to the satisfaction of the Comptroller of the Currency that all depositors have been paid in full and that all legal demands against the bank have been paid or satisfactorily secured. But before the lien of the United States on the lands of stockholders and on the lands and personalty of the bank association shall be released, the association shall pay into the Treasury of the United States lawful momey equal in amount to that issued and delivered to it during its banking career, together with a sum of money sufficient to pay all its outstanding notes, and unless such payment be made within three months after the day of closing its business, on notice by the Comptroller of the Currency the United States district attorney for the district in which the bank was located shall immediately proceed according to law to collect the amount due.

the amount due.

SEC. 28. That in every particular where they are applicable, the provisions of the national banking act shall be construed in aid of the provisions of

this act.

SEC. 29. That gold and silver bullion suitable for minting and in quantities worth \$50 or more may be brought to any mint of the United States, and it shall be received by the proper officers and coined into current standard coins for the benefit of the depositor and without expense to him. Such coins shall be lawful tender in payment of all debts to any amount whatever.

Mr. President, the joint resolution has been read twice. I ask that it may be now placed upon the Calendar.

The PRESIDING OFFICER. The Senator from Kansas asks that the joint resolution, which has been twice read, be now placed upon the Calendar.

Mr. FRYE. Has the joint resolution ever been referred to a committee?

Mr. PEFFER. It has not been referred to a committee, Mr. FRYE. Ought it not to be referred to the Committee on Finance

Mr. PEFFER. I would rather have it go on the Calendar, so

that it may come up in the regular order for discussion.

Mr. FRYE. Under the rule it should be referred.

Mr. PEFFER. The Senator will remember that the word "may" is used in the rule, and it is not used in such connection as to mean "shall."

Mr. PEFFER. That may be true, Mr. President, but we have

any number of instances within the recollection of all of us where a proceeding of this kind has been pursued after a second reading. It has been asked as a special favor in several instances, I know. I do not ask this as a special favor, but I think it is the rule.

Mr. FRYE. It ought not to be done, but at the same time I

shall not undertake to make any motion in regard to it.
The PRESIDING OFFICER. Is there objection?
Mr. HILL. Does it require unanimous consent?

Mr. PEFFER. I do not think it does require unanimous consent. I think it would require a motion to prevent it from going to the Calendar

to the Calendar.

The PRESIDING OFFICER. The Chair will state that a motion to refer is in order and will be entertained by the Chair if made.

Mr. HILL. That is not quite the precise question I asked.

The PRESIDING OFFICER. The Chair thinks the joint resolution will go to the Calendar unless such a motion is made.

Mr. PLATT. Has the joint resolution been read twice?

The PRESIDING OFFICER. The joint resolution has been twice read, the Chair will state.

Mr. HILL. I suggest to the Senator from Kansas the propriety of having a committee examine this proposition. The difficulty about it is that some day, when perhaps there is not a very large attendance in the Senate, the matter may be brought up immediately, and not having been considered by any committee, Senators attendance in the Senate, the matter may be brought up immediately, and not having been considered by any committee, Senators may not be prepared to act upon it as intelligently as they otherwise would. I suggest to the Senator whether in the end it would not expedite the measure to have it referred?

Mr. PEFFER. It undoubtedly would take the course of other measures. An objection would pass it over, under Rule IX, when it was reached in the regular way, and all Senators would have notice of it. It would certainly be taken up under Rule VIII first, and on an objection it would be passed over.

Mr. HILL. I assume that an important measure like this ought

Mr. HILL. I assume that an important measure like this ought Mr. Hill. I assume that an important measure like this ought to have the consideration of a committee of the Senate. I am not now going to discuss the merits of the proposition. It involves a good deal; it requires a large amount of investigation. It involves, to a certain extent, the whole financial subject; and everything that we have had upon that subject has been referred to a committee and reported. I do not know of any important measure such set his is that he not heave referred to a transition of the as this is that has not been referred to a standing committee of the as this is that has not been referred to a standing committee of the Senate, and I do not know why the joint resolution should not be referred. The Senator from Kansas does not ask any special favor about it. Therefore I think, like any other bill relating to the finances, it ought to be referred to the Committee on Finance.

The PRESIDING OFFICER. The Chair will have the rule relating to the matter read to the Senate. The Secretary will read a sindicated.

as indicated.

The Secretary read as follows:

RULE IV.

4. Every bill and joint resolution reported from a committee, not having previously been read, shall be read once, and twice, if not objected to, on the same day, and placed on the Calendar in the order in which the same may be reported; and every bill and joint resolution introduced on leave, and every bill and joint resolution of the House of Representatives which shall have received a first and second reading without being referred to a committee, shall, if objection be made to further proceeding thereon, be placed on the Calendar.

Mr. PLATT. The practice, I think, is that we have two Calendars. We have one on which bills reported go, and we have another to which resolutions and such matters as have not been another to which resolutions and such matters as have not been to a committee, but have been before the Senate and talked about, go, which is called in common phrase the table calendar. I understand that the request now is that the joint resolution shall go on the regular Calendar with matters which have been reported.

The PRESIDING OFFICER. The Senator from Kansas has not been specific in his request, but a motion to refer will be entertained. That will dispose of the matter.

Mr. HILL. I was going to appeal to the Senator from Kansas

Mr. HILL. I was going to appeal to the Senator from Kansas, to his sense of propriety, that he consent that the joint resolution be referred to the Finance Committee.

Mr. PEFFER. The only time since the Senator from New York and I have been associated in this Chamber that I did not consent to a request that he made was during our discussion upon the resoto a request that he made was during our discussion upon the resolution to appoint a committee to investigate the bond transactions. It was the only time, I say, that I did not concur in the Senator's request, and now I am willing to yield to the Senator's appeal and let the matter go to the Committee on Finance if he insists upon it.

Mr. HILL. The Senator consents to it. By unanimous consent the joint resolution can be referred to the Committee on Finance.

The PRESIDING OFFICER. The joint resolution will be referred to the Committee on Finance.

ferred to the Committee on Finance.

DEATH OF CHARLES GOVIN.

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States; which was read:

To the Senate:

I transmit herewith, in response to a resolution of the Senate of the 22d ultimo, a report from the Secretary of State, accompanied by copies of cor-

respondence concerning the death of Charles Govin, a citizen of the United States, in the Island of Cuba. GROVER CLEYELAND.

EXECUTIVE MANSION, Washington, January 5, 1897.

Mr. CALL. I ask that the message may be printed; and I sup-pose it should be referred properly to the Committee on Foreign Relations.

The PRESIDING OFFICER. The message will be printed and referred to the Committee on Foreign Relations.

FREE HOMESTEADS IN OKLAHOMA TERRITORY.

Mr. PETTIGREW. I ask that the unfinished business be laid. before the Senate.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 3656) providing for free homesteads on the public lands in Oklahoma Territory, for actual and bona fide settlers, and reserving the public lands for that purpose.

The PRESIDING OFFICER. The Chair will state that the bill has been read at length. There are now certain amendments

pending.

Mr. PETTIGREW. I ask to have the bill read at length, with the amendments reported from the Committee on Public

The PRESIDING OFFICER. The first amendment will be read.

Mr. PETTIGREW. I should like to have the bill read at length

Mr. PETTIGREW. I should like to have the bill read at length as proposed to be amended.
Mr. COCKRELL. Before the bill is read, I should like to ask a question. Has the report in the case been read?
The PRESIDING OFFICER. The Chair is informed that it has been read, and that it has also been printed in the RECORD.
Mr. COCKRELL. How about the minority report? I have

never heard it read.

The PRESIDING OFFICER. The minority report has been

printed in the RECORD, but it was not read at length.

Mr. COCKRELL. I should like to hear that read. I have not been able to find a minority report thus far.

Mr. MORRILL. Evidently the bill is of vastly too great importance to be considered when the Senate is as thin as it is to-day. There is hardly a quorum present at this time, and as the bill is a very important one, proposing to repeal laws that were established in relation to land equal in amount to thirty or forty million dollars, and involving the question whether the Government shall be reimbursed that sum or not, I ask that the measure be postponed for one week. I do not think that we are likely to have a full Senate week. I hope the bill will be restricted for a week.

nave a full Senate here the present week. I hope the bill will be postponed for a week.

The PRESIDING OFFICER. The Senator from Vermont asks unanimous consent that the bill be postponed for one week. The Chair understands the request to be that it be postponed without losing its place as unfinished business at that time.

Mr. PETTIGREW. Do I understand that the Senator from Vermont asks unanimous consent that the bill be put over for one week?

The PRESIDING OFFICER. That is the request which has

been submitted to the Senate.

Mr. PETTIGREW. To that, of course, I shall object.

Mr. FRYE. If the Senator will pardon me, in order to find out whether there is a quorum of Senators in the Chamber, I suggest

the lack of a quorum.

The PRESIDING OFFICER. The Senator from Maine suggests the want of a quorum. The roll will be called.

The Secretary called the roll, and the following Senators answered to their names:

Aldrich,	Cullom,	Lodge,	Proctor,
Allen,	Daniel.	McBride.	Pugh,
Bacon,	Davis.	McMillan,	Sewell.
Baker,	Faulkner,	- Martin.	Shoup,
Berry,	Frye,	Mitchell, Wis.	Smith.
Burrows,	Gear,	Morgan,	Stewart,
Call.	Gray,	Morrill,	Teller.
Cannon,	Hale,	Murphy,	Tillman.
Carter,	Harris,	Pasco,	Walthall.
Chandler,	Hawley,	Peffer.	Wetmore,
Chilton,	Hill,	Perkins.	White.
Clark.	Hoar,	Pettigrew,	
Cockrell.	Jones, Ark.	Platt.	

The PRESIDING OFFICER. Fifty Senators have answered

to their names. A quorum is present.

Mr. MORRILL. I ask unanimous consent that the bill may go over until to-morrow, when I trust the attendance will be larger than it is to-day.

The PRESIDING OFFICER. The Senator from Vermont asks unanimous consent that the bill go over until to-morrow as the unfinished business without losing its place. Is there objection?

Mr. PETTIGREW. I do not think I shall object to that request. I am simply desirous that the bill shall be considered by

the Senate and disposed of, and of course anxious that delay shall not place it in such a position that it will not be disposed of at this session. Believing, of course, that the request is made not for the purpose of delay or to hinder in any way the consideration of the bill, I will consent that it shall go over and be the unfinished business for to-morrow, but to-morrow I shall insist upon its consideration without further delay.

Mr. HOAR. I should like to suggest that if the Senate delays this matter it does not hurt the bill which is entitled to precedence so much as it does other bills that come after it. If the bill in charge of the Senator from South Dakota is to go over, I should like the consent of the Senate for the consideration of the not place it in such a position that it will not be disposed of at this

should like the consent of the Senate for the consideration of the should like the consent of the Senate for the consideration of the bill (H. R. 878) to reduce the cases in which the penalty of death may be inflicted, which is also a special order and has been such ever since the 15th of April, 1896. Our law in regard to the penalty of death is simply a relic of the barbarism of the past. I ask that that bill may be taken up.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Vermont [Mr. MORRILL]?

Mr. HARRIS. Let the title of the bill be read. I did not hear what it was

The PRESIDING OFFICER. The title of the bill referred to

The PRESIDING OFFICER. The title of the bill referred to by the Senator from Massachusetts will be stated.

The SECRETARY. A bill (H. R. 878) to reduce the cases in which the penalty of death may be inflicted.

The PRESIDING OFFICER. The immediate question before the Senate is the request of the Senator from Vermont, which is that the pending business be laid aside informally until to-morrow morning. Is there objection? The Chair hears none.

Mr. PETTIGREW. 1t is to retain its place as the unfinished business

business.

The PRESIDING OFFICER. It is to retain its place as the unfinished business, the bill being only informally laid aside.

INFLICTION OF DEATH PENALTY.

Mr. HOAR. I ask unanimous consent of the Senate for the consideration at this time of the bill which I have named.

The PRESIDING OFFICER. The bill will be stated by title.

Mr. FRYE. Let it be read in full for the information of the

Senate, please.

The PRESIDING OFFICER. The bill will be read in full for

the information of the Senate.

The Secretary read the bill (H. R. 878) to reduce the cases in which the penalty of death may be inflicted, as follows:

which the penalty of death may be inflicted, as follows:

Be it enacted, etc., That in all cases where the accused is found guilty of the crime of murder, or of rape under sections 5339 or 5345. Revised Statutes, the jury may qualify their verdict by adding thereto "without capital punishment;" and whenever the jury shall return a verdict qualified as aforesaid the person convicted shall be sentenced to imprisonment at hard labor for life.

Sec. 2. That except offenses mentioned in sections 5332, 1342, 1624, 5339, and 5345, Revised Statutes, when a person is convicted of any offense to which the punishment of death is now specifically affixed by the laws of the United States, he shall be sentenced to imprisonment at hard labor for life, and when any person is convicted of an offense to which the punishment of death, or a lesser punishment, in the discretion of the court, is affixed, the maximum punishment shall be imprisonment at hard labor for life.

Sec. 3. That the punishment of death prescribed for any offense specified by the statutes of the United States, except in sections 5332, 1342, 1624, 5339, and 5345, Revised Statutes, is hereby abolished, and all laws and parts of laws inconsistent with this act are hereby repealed.

Sec. 4. That nothing herein contained shall apply to or in any way affect any proceeding or indictment now found or pending or that may be found for any offense committed before the passage of this act, and all offenses committed before the passage of this act, and the sentences shall be imposed as therein provided.

By unanimous consent, the Senate, as in Committee of the

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill; which had been reported from the Committee on the Judiciary with an amendment, to insert as an additional section the following:

SEC. 5. That any Indian who shall commit the offense of rape within the limits of any Indian reservation shall be punished by imprisonment at the discretion of the court. So much of the ninth section of chapter 341 of the acts of the year 1885 as is inconsistent herewith is herewith repealed.

Mr. COCKRELL. I should like to ask the Senator in charge of the bill if this would not be a good place to insert a provision in regard to jurisdiction of the courts in offenses committed in the Indian reservations? Is there not such a bill as that pending before the committee of which the Senator from Massachusetts is chairman?

Mr. HOAR. I should think that would be the subject of a sepa-

Mr. HOAR. I should think that would be the subject of a separate report, but I hope it will not be permitted to interfere with this bill, as it would very likely embarrass or delay its passage.

Mr. COCKRELL. I hope the Senator and his committee will give attention to the matter to which I have referred.

Mr. HOAR. I will. The committee have that bill before them. I will state that the Senator from Wisconsin [Mr. VILAS] has, as a subcommittee, the matter of Indian jurisdiction, with which he is very familiar, in charge. He will make a report, I have no doubt, at an early day. doubt, at an early day.

Mr. HAWLEY. I see a feature of this bill the wording of which I do not quite like. I see it is provided in section 2—

That except offenses mentioned in sections 5832, 1342, 1624, 5339, and 5345, Revised Statutes, when a person is convicted of any offense to which the punishment of death is now specifically affixed by the laws of the United States, he shall be sentenced to imprisonment at hard labor for life, etc.

Mr. HOAR: If the Senator will pardon me, those are offenses provided for in the Articles of War, with the exception of treason, and treason has a special provision, so that the punishment of treason is much milder; that is, this bill reduces the punishment for certain offenses, if the jury shall so find, to imprisonment for life; but in cases of treason the punishment has already been reduced, at the discretion of the court, to imprisonment for a term of years. It would take a very long bill to enumerate all the offenses mentioned in the Articles of War and those regarding the

Mr. HAWLEY. All that is referred to here is contained in those sections of the Revised Statutes?

Mr. HOAR. Yes; it is all contained in those sections.

The PRESIDING OFFICER. The question is on agreeing to the amendment reported by the Committee on the Judiciary, which has been stated.

The amendment was agreed to.
The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

TERMS OF PRESIDENT AND REPRESENTATIVES.

Mr. PROCTOR. I wish to give notice that on Monday next, on the completion of the morning business, I shall ask to have taken up, for the purpose of briefly addressing the Senate regarding them, Orders of Business 62 and 63 of subjects on the table, being joint resolutions introduced by me relating to the Presidential term and the terms of members of the House of Representatives.

Mr. ALDRICH. I move that the Senate adjourn.

The motion was agreed to; and (at 2 o'clock and 27 minutes p. m.) the Senate adjourned until to-morrow, Wednesday, January 6, 1897, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

Tuesday, January 5, 1897.

The House met at 12 o'clock m., and was called to order by the

Prayer by the Chaplain, Rev. Henry N. Couden.
The Journal of the proceedings of Tuesday, December 22, 1896, was read and approved.

CERTAIN LANDS IN KANSAS.

CERTAIN LANDS IN KANSAS.

Mr. BRODERICK. Mr. Speaker—
The SPEAKER. The gentleman from Kansas [Mr. Broderick] desires to present a request. This requires unanimous consent, because the provisions of the rule already adopted require the House to go into Committee of the Whole. If there be no objection, the gentleman will be allowed to submit his request. The Chair hears no objection.

Mr. BRODERICK. I desire to submit a resolution, and ask unanimous consent for its present consideration. If it provokes any discussion, I will withdraw it.

The SPEAKER. The Clerk will report the resolution.
The Clerk read as follows:

The Clerk read as follows:

Resolution relating to Union Pacific Railway lands.

Whereas there are large and valuable tracts of land, situate in the State of Kansas, which were embraced in the grant made by the Government to the Union Pacific Railway Company to which patents have not yet been issued;

Union Pacific Railway Company to which patents have not yet been issued; and

Whereas most of these lands have been sold by said railway company to bona fide purchasers who are in possession and who have made lasting and valuable improvements thereon; and

Whereas the United States land officers at the Topeka, Kans., land office have allowed and are allowing homestead entries to be made upon these lands without any apparent legal authority: Therefore,

Resolved, That the Secretary of the Interior be, and he is hereby, directed to report to this House the cause of the omission to issue patents to said lands and the authority under which the United States land officers at Topeka, Kans., pretend to act in permitting these entries to be made.

The SPEAKER. Is there objection to the present consideration of the resolution?

of the resolution?

Mr. LACEY. I should like to hear some statement from the gentleman from Kansas [Mr. Broderick] before unanimous con-

sent is given.

Mr. BRODERICK. Mr. Speaker, the facts are recited in the preamble to the resolution. These lands were granted to the railroad company, but for some reason which is not generally understood patents have not been issued, and men are going to the Topeka land office now and making pretended homestead entries upon these lands.

These lands have been in the possession of the present owners in many instances for twenty or twenty-five years. They have been paid for, occupied, and the owners have made valuable improvements upon them, but the Department has omitted to issue the patents. We simply ask why this omission has been made, and ask under what authority, if any, these lands are being homesteaded.

Mr. LACEY. As I understand, then, this only asks for informa-

tion from the Department?

Mr. BRODERICK. It asks only for information. It is simply a resolution of inquiry. An official report of the facts is all that is desired at this time. Other steps may be taken later if the answer to this resolution warrants further action.

The SPEAKER. Is there objection to the present consideration

of the resolution?

There was no objection. The resolution was agreed to.

SECOND-CLASS MAIL MATTER.

Mr. MEREDITH. Mr. Speaker-

Mr. LOUD. Mr. Speaker, I am compelled to ask for the regular

Mr. MEREDITH. I ask my friend to allow me to introduce a

The SPEAKER. The gentleman from California [Mr. LOUD] demands the regular order. Consequently, under the rule already adopted, the House resolves itself into Committee of the Whole House on the state of the Union for the purpose of considering the bill H. R. 4566, and the gentleman from New York [Mr. PAYNE]

will please take the chair.

Accordingly, the House resolved itself into Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 4566) to amend the postal laws relating to second-class mail matter, with Mr. PAYNE in the chair.

The CHAIRMAN. The Clerk will report the bill.

The Clerk read as follows:

A bill (H. R. 4566) to amend the postal laws relating to second-class mail matter.

Mr. LOUD. Mr. Chairman, the bill has already been read and printed in the RECORD, and I ask that the reading of it be dispensed with.

The CHAIRMAN. The Clerk is simply reporting the title of

the bill.

Mr. QUIGG. Mr. Chairman, I ask that the rule under which

we are now proceeding be read.

The CHAIRMAN. Without objection, the Clerk will report

The Clerk read as follows:

Resolved, That on Tucsday, January 5, 1897, immediately after the reading of the Journal, the House shall resolve itself into Committee of the Whole House on the state of the Union for the consideration of H. R. No. 4596, a bill to amend the postal laws relating to second-class mail matter; that said bill shall be considered under the rules governing general debate during the said day and the following day, January 6, until the hour of 2 p. m., at which time general debate shall close, and said bill shall then be open to amendment and consideration under the five-minute rule until 4 p. m., at which time the committee shall rise and report the bill and pending amendments to the House. The previous question shall be considered as ordered on the pending amendments and bill to its final passage.

Mr. QUIGG. I should like to ask the gentleman from California [Mr. Loud] if he has any suggestion to make about the time to be consumed in general debate.

Mr. LOUD. In view of the limited time for debate, and the very many requests for opportunity to speak, it seems to me that the time can be better distributed by a gentleman on this side and one on the other; that it would be better to parcel it out in that manner than to allow individual members to secure the floor who

would be entitled to an hour each. I would make that suggestion.

The CHAIRMAN. The Chair will recognize the gentleman
from New York [Mr. Quigg] if he desires to be recognized.

Mr. LOUD. I make that request, Mr. Chairman, that the gentleman from New York be allowed to control the time in opposition to the bill, and that I may be allowed to control it on the

The CHAIRMAN. The gentleman from California asks unanimous consent that the gentleman from New York may be permitted to control one-half of the time against the bill, and the gentleman from California [Mr. Loup], on behalf of the committee, on the other side. Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

Mr. QUIGG. Does the gentleman from California desire to

roceed with the remainder of his time that was not used by him

the other day?

Mr. LOUD. If the gentleman from New York is ready to proceed, in view of the fact that I have occupied so much time, I

would prefer to wait until later on in the debate.

Mr. QUIGG. Mr. Chairman, in presenting this bill to the consideration of the House the other day, the gentleman from California [Mr. Loud] enlarged upon its importance. I desire to concur in the view that he then expressed—that this is the most important measure that has been under consideration here during

the present session of Congress, and it is likely to be the most important bill that we shall have to consider, save, possibly, the funding bill presently to be acted on. I concur in this view the more earnestly because there is very little else that the gentleman from California said with which I can entirely agree.

This bill is not only important, it is revolutionary; and it is not less reactionary than revolutionary. If this bill passes, for the first time since the Post-Office Department was established Congress will have taken a step backward in the liberal policy it has maintained with regard to the public uses of the post-office. If this bill passes, privileges and rights will be withdrawn and denied which have existed for half a century, privileges and rights so widely availed of that industries have been built upon them, trades and businesses established, and conditions of production and barter fixed. If this bill passes, a blow will be struck at every occupation connected with the art of printing and the business of publishing, circulating, and selling the product of the printing press. If this is so, and anybody can see at a glance that it is so, no argument is needed to enforce the assertion that we should be sure of our ground and be fully persuaded of compensating results to the public interest before we give our approval to such radical, such injurious and far-reaching legislation.

Two pretenses are made with which to justify this bill. The first is that the mails are now being used in a way that the law did not intend or contemplate and that by this bill we are simply providing against abuses. The second is that its passage will save to the public Treasury the sum which the gentleman from California, by mathematical processes that are altogether bewildering, variously estimates from ten to forty millions of dollars. If either of these pretenses could be established, if they were even credible, I should certainly support the bill in spite of the grievous injuries that its enactment must entail upon the industries and occupations to which I have just referred. But the facts in the case conclusively prove that the uses of the mails which this bill seeks to prevent were held in full contemplation when the law took its present shape, have since been repeatedly confirmed, and that the effect of the bill more the contemplation. that the effect of the bill upon the revenue and expenditure of the Post-Office Department is altogether problematical. Indeed, I think that the House will see before this debate is concluded that the inevitable loss of revenues in first and fourth class postage will be quite as great as any possible saving by reason of the reduc-tion of the cost of mail transportation and that the net effect of the bill will be to produce disaster to printers, binders, publishers, newsdealers, and paper manufacturers, without materially affect-

newsdealers, and paper manufacturers, without materially affecting the financial condition of the post-office.

The difficulty, Mr. Chairman, which the Post-Office Department has experienced in comprehending the fact that it is the positive and assured purpose of the law to permit all publications not obscene or indecent to be sent through the mails to subscribers and dealers when issued at stated intervals from a known of multiplication and who not account with a second with the second state of multiplication and who not account with a second with a second with the second state of multiplication and who not account with a second with a second state of multiplication and who not account with a second state of multiplication and subscribes and second state of multiplication and second secon office of publication, and when not covered with a permanent binding, is not easy to understand. The statute by which this privilege was expressly conferred was enacted in 1845, more than

fifty years ago. It contained this provision:

All letters, newspapers, and all magazines and pamphlets periodically published, or which may be published in regular series or in successive numbers under the same title, shall be designated as second-class matter.

I am not able to say at what particular time publishers of books began to issue their publications in serial form, but it was at some time subsequently to the passage of this law and prior to the act of 1879, which is the existing statute with regard to second-class matter and the statute which the pending bill purposes to amend. It came about as the result of the wonderful improvement in printing machines and the marvelous processes by which the cost of paper making was reduced. Now, I ask the committee while I run over the history of this matter to bear in mind the fact that of the history of this matter to bear in mind the fact that the gentleman from California, echoing the voice of the Post-Office Department, alleges that existing law did not intend to permit the circulation through the mails at pound rates of serial publications which are books. He said in this report with which he accompanied the bill:

We have oftentimes wondered why a long-suffering people have remained practically silent through all these years, for 60,000,000 people have long been taxed from thirty to forty million dollars a year more than it costs to transmit their mail matter in order that a very small privileged class, embracing but a few thousand, might be indulged in the luxury of pursuing a legitimate and in most cases a very profitable business.

From that language we might infer that our friend had reference to the whole of this second-class business, and not to the particular "abuses" at which he says this bill aims. But in his speech on December 15 he interpreted the remark in his report and commented on it as follows:

Now, this bill presents to this body the opportunity to relieve the country from a deficiency of \$10,000,000 already existing in the service of the Post-Office Department, and to give to it in addition a revenue of \$10,000,000 more, At the lowest calculation there is involved in this bill a saving to the Government of \$20,000,000 per annum, and if we may take the figures of Post-master-General Wanamaker, acknowledged to be a good business man, and who was at that time in a position to know whereof he spoke—if we may take his estimate made in 1892, we must come to the conclusion that this iniquity—I will term it iniquity—costs our people more than \$40,000,000 annually.

I called the gentleman's attention on December 19, when the rule under which this discussion is proceeding was brought into the House by the gentleman from Iowa [Mr. HENDERSON], to the the House by the gentleman from Iowa [Mr. HENDERSON], to the fact that he had said that we were thus going to save from \$20,000,000 to \$40,000,000 which were caused to be expended by this "iniquity." The gentleman from California did not wish to have it understood, evidently, that when he brought in his appropriation bill his forty-million-dollar saving would show there. I questioned him at that time particularly on this point of the saving to the revenue, because that is the only reason why anybody in this House will want to vote for the bill.

If this bill passes, it will pass because the gentleman from California has persuaded the House that the law never intended to confer these privileges, and because he has persuaded the House

confer these privileges, and because he has persuaded the House that a huge sum of money will be saved by forbidding the mails that a huge sum of money will be saved by forbidding the mails to periodically issued paper books and sample copies of newspapers. So that unless he comes in here with an appropriation bill that carries out his pretenses—I do not wish to use the word "pretenses" as relating to the gentleman from California, so I will say a bill that carries out his assurances—unless he comes in here with such an appropriation bill, certainly the House will, be in a position to say that it voted under a misapprehension. When I warned the gentleman from California on December 19 that it was from twenty to forty millions that he had claimed he was going to save—and I suggest here that there is a good, big "hedge" between twenty and forty millions—he replied as follows:

The chairman of the Post-Office Committee has made no statement that this bill will save from twenty to forty millions a year. The claim that he has made, which I have repeated to many gentlemen, is that this bill will probably save ten millions a year.

Now, Mr. Chairman, I have quoted the language of the gentleman from California where he said that this postal business which he proposes to stop costs \$40,000,000 annually; then I have read his language where he says that Mr. Wanamaker states that it costs forty millions; then I have read his language where he says that if his bill passes it will save twenty millions—ten millions by reducing expenditures and ten by adding to the revenues; and lastly, I have just read his statement that it is only ten millions he is going to save. Now, I want to say to the gentleman from California that he will not save even ten millions. When he talks about mail matter being carried at 8 cents a pound, he uses a thoroughly misleading expression, and it has misled him woefully. It assumes that there are no fixed charges in the Post-Office Department.

If this bill passes, the gentleman is not going to reduce the num-

If this bill passes, the gentleman is not going to reduce the number of post-offices by a single one; he is not going to reduce the number of postmasters; he is not going to reduce the number of post-office clerks; he is not going to reduce the number of railway mail clerks; he is not going to reduce the number of carriers. The only reduction that he can possibly effect is in the one solitary item of the cost of transportation on the railroads. That is the one place where any saving can be effected, and the saving that he will effect there will not be ten millions nor two millions. This second-class mail matter has not increased invariably from year to year, as the gentleman from California intimates that it has. It year, as the gentleman from California intimates that it has. It did not increase, for instance, in the year 1894 over the year 1893. On the contrary, there was a decrease in the amount of second-class matter carried; but there was an increase in the amount of postal expenditure for that year. The compensation to postmasters increased, the compensation to carriers increased, the cost of star routes increased, the cost of railroad transportation increased more than a million and a half of dollars, the cost of post-office car service increased, the cost for steamboat service increased, and the cost for railway mail clerks increased. There was an increase of expenditure all along the line. I have the figures here showing a large increase in every item.

Now, the weight of mail matter carried in that year was substantially the same as in the year before, and the weight of second-class matter slightly declined. What, then, accounts for the increased expenses? Why, the distance covered by the mails was 15,000,000 miles greater than in the preceding year. There were 716 new star routes; there were 77 new railroad routes; there were 207 additional mail clerks; there were 402 new post-offices; there were 211 additions to the postal clerks; there were 111 additions to the force of carriers. So the increase in the mail service of this vast and growing country of ours must go on from year to year, and the gentleman from California is not going to reduce it. I shall come presently in the course of my remarks to a clear statement of how the compensation of the railroads is determined, ment of how the compensation of the railroads is determined, and the committee will then see that a reduction of the weight of mail matter to be carried involves in no respect a proportionate reduction of expense even for transportation.

Mr. HENDERSON. Will the gentleman permit a question?

Mr. QUIGG. Yes, sir.

Mr. HENDERSON. Those of us who are not familiar with the evidence put before the Post-Office Committee, and who have not

had time to examine the reports, would like to know exactly what the issue is between the gentleman from New York and those representing the other side. If the gentleman will indicate the rates of the different classes of mail matter carried, and what kinds of matter will be transferred under this bill from one class to another, we shall probably be better able to follow his line of

Mr. QUIGG. I am extremely obliged to the gentleman from Iowa for his suggestion. Mr. Chairman, this bill proposes all sorts of changes in the existing law, but there are two which are especially radical. Before the debate is concluded I will try to indicate all of the proposed changes, but these two are the great, the serious and important ones. First, the bill forbids access to the mails to periodical publications which are books. Now, periodical publications, whether they are books or newspapers—their characteristics being defined by statute—are admitted to the mails under the act of 1879 as second-class matter, and by the act of 1885 the postage rate for second-class matter was fixed at 1 cent a pound. the postage rate for second-class matter was fixed at 1 cent a pound. The rate at which these second-class publications are carried has been variously altered during the last fifty years, but the original law, preceding that of 1879, giving to them second-class privileges, was passed in 1845, and has not been changed subsequently except in the direction of greater liberality. Its language I have already quoted. The present law, however, is the act of 1879, and it is this act which the pending bill amends.

The act of 1879 with regard to second-class matter says that it

The act of 1879 with regard to second-class matter says that it

must have these four characteristics:

First. It must be regularly issued at stated intervals, as frequently as four mes a year, and bear a date of issue, and be numbered consecutively.

That establishes its periodical character.

Second. It must be issued from a known office of publication.

That fixes its identity.

Third. It must be formed of printed sheets, without board, cloth, leather, rother substantial binding, such as distinguishes printed books for preseration—

Mark the language of the statute-" printed books for preservation

Yation—
from periodical publications.
And, fourth. It must be originated and published for the dissemination of and, formation of a public character, or be devoted to literature, the sciences, arts, or some special industry, and it must have a legitimate list of subscribers:

Provided, however, That nothing herein contained shall be so construed as to admit to the second-class rate regular publications designed primarily for advertising purposes, or for free circulation, or for circulation at nominal rates.

Now, Mr. Chairman, those are the statutory characteristics which a publication must possess in order to be admitted to the mails as second-class matter. It is proposed by the gentleman from California in this bill so to change the law that those periodical publications which are books shall not be carried as second-class matter, but must go into the third class, and pay 8 cents a pound instead of 1 cent.

odical publications which are books shall not be carried as secondclass matter, but must go into the third class, and pay 8 cents a
pound instead of 1 cent.

He proposes one other change. There has existed in this country since, I think, 1879—the gentleman from California will correct me if I am wrong in the date—a privilege to newspapers
that allows them to send, at the rate of 1 cent a pound, sample
copies of their publications to individuals everywhere—wherever
they are to be reached by the mails. The object of this law was
to enable newspapers to extend their circulation throughout the
country. The gentleman from California proposes to stop that
law; to cut off that privilege; to prevent the exercise of it by any
newspaper at any time under any circumstances.

Mr. HENDERSON. What is the regular rate on newspapers?
Mr. QUIGG. A cent a pound. But they must be sent to subscribers only—paid subscribers. The law does not give permission for newspapers to be sent at the pound rate to those who are
not subscribers unless the papers be sent as sample copies. And
if any newspaper is sent as a sample copy to the same person
repeatedly, every postmaster is directed to notify the fact to the
Department, which fact deprives that paper of its second-class
privilege, if the postmaster chooses to exercise his authority.

Mr. HEPBURN. Under this privilege of sending sample copies,
as the law is construed, is it not possible for a publisher to send
to one person, say, a hundred copies of his publication marked as
sample copies, under one cover—

Mr. QUIGG. Several copies; yes.

Mr. HEPBURN. And is it not possible for the person who
receives those hundred copies, if he should sell only 10 of them, to
return the 90 unsold copies at 1 cent a pound?

Mr. QUIGG. Oh, that is not possible. They must not be sent
for any such purpose. The law is carefully guarded. Sample
copies can not be sent to dealers.

Mr. HEPBURN. I want to get at the fact as to the manner in
which this privilege is used.

Mr. Publick. Here the precion

which the gentleman from California seeks to make in the law, I desire to return to his allegation that this privilege of sending books through the mail was never intended to be granted.

The gentleman from California [Mr. LOUD] referred in his speech to the decision of an Attorney-General from which he dates

the book privilege. This is his language:

For my part I do not believe that it was ever intended by Congress that serial novels should pass through the mails at pound rates, a privilege originally vested in the newspapers of the country, and confined to them up to 1879, when, by a ruling of the Attorney-General at that time, General Devens, it was held that books issued in serial numbers are entitled to be carried at second class rates, under the rather loose phraseology of the law.

And this is the view of the present Postmaster-General, as it has been the view of previous Postmasters-General; and the present official at the head of the Post-Office Department makes bold to say that if we do not pass this bill he will pass it himself. He says:

But for the hope that Congres

This, I will state, is from his report for the current year-

But for the hope that Congress would enact the bill now on the House Calendar, I should have taken the responsibility to modify and reverse the successive rulings through which this inroad on the service has been effected and to exclude from the benefit of second-class rates the serial libraries and other publications not in the policy of the law, even within the letter of its rather loose phraseology.

So that this present Postmaster-General gives us to understand that if we reject this bill he will enact it into a law himself; and now let us see what it is that he must ignore in addition to the

now let us see what it is that he must ignore in addition to the adverse action of the present Congress.

This decision of Attorney-General Devens was rendered with reference to a case that arose under the old law, not under the law of 1879. The question arose under that earlier law on the 27th of November, 1878, by the action of the postmaster at New York in refusing to permit one of these serial publications, that was a book, to go through the mail at second-class rates. Attorney-General Devens having interpreted the law, and having held that periodicals might be admitted to the mails provided they conformed with the statutory conditions then existing, and that this book did so conform, the Department came before the House Committee on the Post-Office and Post-Roads with precisely this proposition, and here is the language that it employed in its suggestion: osition, and here is the language that it employed in its suggestion:

The Post-Office Department submitted to the House committee the following: "Nothing herein contained"—

Now, understand that the House committee was then considering the rates bill, the bill which I have just read as existing law. The House committee was then considering what became the law of 1879, which it was about to bring into the House for its action; and the gentleman from Illinois, the present chairman of the Com-

and the gentleman from Illinois, the present chairman of the Committee on Appropriations, was a member of the committee at that time and can correct me if I err in any statement.

Mr. LOUD. If the gentleman from New York will permit me, I understood him to suggest, or he left the impression upon my mind, that the gentleman from Illinois [Mr. Hopkins] was a member of the committee in 1879. That I think is a mistake, as he could not have been here at that time.

Mr. QUIGG. My reference was to the gentleman from Illinois [Mr. Cannon], the chairman of the Committee on Appropriations. As I understand it, that gentleman's period of service as a mem-

As I understand it, that gentleman's period of service as a member of this House dates from the creation of the Government.

Now, the proposition submitted by the Post-Office Department to the House Post-Office Committee at that time, in 1879, and

prior to the enactment of the law, was this:

Nothing herein contained shall be so construed as to admit publications which, although issued in regular series or successive numbers, are but books, or reprints of books, to the benefit of the privileged rate, whether printed in this country or abroad.

And the committee took this proposition, which is the one we are now considering, and rejected it, and brought in the act as it stands. Does the gentleman from California mean to say now that this law did not intend that books should go through the mails at this reduced rate? Why, this is not all of it. The Postmaster-General who succeeded at that time, Thomas L. James, delivered an address in the city of New York in 1883, in which he referred to this law of 1879, the law that was passed with this Department amendment rejected. This was what Postmaster-General James said: General James said:

The constant tendency of our postal system has been toward the extension of the privileges of the mails in every branch of correspondence and every form of literary production. Its facilities first made possible the cheap publication of newspapers, and later on standard works of literature, by placing upon all periodical popular reading matter the lowest rate of postage ever known in a civilized land. In no other country have the masses ever before enjoyed such an inestimable intellectual privilege, and no money—

Listen to this, gentlemen-

no money expended by the Government in any of its multiform agencies has ever conferred such enormous advantages. This extension of reading good books by the masses—

Do you hear that language? "This extension".

is in itself one of the marks of progress, of civilization, and of the widening benefits of a government of the people and for the people. This impulse and direction, of course, must not be changed.

Why, it seemed absurd to that Postmaster-General. "There must be no steps backward," he said in conclusion. And now will the gentleman from California [Mr. LOUD] say that the law did not intend to permit these books to go through the mails?

the mails?

But that is not all the evidence. I mentioned a moment ago that the gentleman from Illinois [Mr. Cannon] was a member of the committee when this amendment was rejected and the existing law was brought in. In 1888 we had another of these bills before us to keep books out of the mails. This proposition has come up again and again, gentlemen, only to be defeated, and by ever-increasing majorities. When it was up in 1888 the gentleman from Illinois [Mr. Cannon] used this language:

Prior to 1879, while I was a member of the Committee on the Post-Office and Post-Roads, this class of literature was allowed to pass through the mail at 2 cents a pound. The policy of legislation—

Mark the gentleman's words. The very language which Post-master-General Wilson uses, only the gentleman from Illinois [Mr. Cannon] says it was the policy, and Mr. Wilson says it was not. Well, who knows, the man who made the law or the man who was not here then?

Says the gentleman from Wilsois IV.

Says the gentleman from Illinois [Mr. CANNON]

the policy of legislation being to encourage the dissemination of sound and desirable reading matter among the masses of the people of the country at cheap rates, the question was discussed and the legislation was advisedly had.

You see they were coming before that Congress telling them that the law did not intend to permit these books to go through the mails. That was the plea then, just as it is the plea now, and the gentleman from Illinois [Mr. Cannon] bore his testimony to the fact that "the legislation was advisedly had."

Then subsequently the question came up again and again, and the last time two years ago, when it appeared neatly tucked away in an appropriation bill. The bill was considered under the five-minute rule and the clause was passed before any body discovered.

minute rule, and the clause was passed before anybody discovered what it was, and then such a storm of criticism and protest arose that the gentleman in charge of that bill (Mr. Henderson, of North Carolina) gave us an opportunity in the House to debate that particular paragraph and to vote upon it. It was debated and voted on and rejected by a vote of 182 to 27.

Yet in the light of all these actions, the gentleman from California [Mr. Loud], echoing the Postmaster-General, says that this law did not intend to permit books to go through the mails, and the Postmaster-General gives us to understand that if our action to-day is the same as has heretofore been taken, he will legislate for himself and keep these books out by simply a stroke of his pen. minute rule, and the clause was passed before anybody discovered

Now, Mr. Chairman, I think it is pretty well established that the law did intend books to go through the mails, when issued serially, and when not bound for preservation.

But I admit that the policy of continuing the law may yet be considered. If, as the gentleman from California [Mr. Loud] says, the sample-copy privilege and the book privilege costs this Government \$40,000,000, there can not be any doubt that something ought to be done to check the expense. If, as he says, he is going to save forty millions, or thirty millions, or ten millions, or five millions, I think we ought to vote for his bill. I say he will not save five millions, nor four millions, nor three millions, and I doubt if he saves two. I doubt very much whether the net effect of this bill will be to save a cent. On the contrary, it is my sober belief that if this bill passes the result will be to increase the deficit of the Department. deficit of the Department.

deficit of the Department.

Mr. Chairman, the proposition on which the gentleman from California [Mr. Loud] relies to prove that this bill will effect this saving is about as follows—I am not claiming to quote the gentleman from California [Mr. Loud], but I undertake to give the argument of the Post-Office Department and of that gentleman with reference to this bill, and to express it in a few sentences that will enable the committee to understand it perfectly. It asserts that the second-class matter mailed by publishers and news dealers, including the matter circulated free within the county of publication, amounts to 348,988,648 pounds, or 68 per cent of the entire weight of the matter carried; that 52,348,348 pounds of this second-class matter were carried free, consisting of newspapers delivered through the mails to subscribers residing within the county where the paper was printed; that the 296,640,300 pounds remaining, which includes not only these serial publications and sample copies of newspapers, but all the periodical publications of the country, all the daily and weekly newspapers, all the reviews and magazines, paid to the Government a revenue of only \$2,966,403; that this matter increases enormously from year to year; that 403; that this matter increases enormously from year to year; that the cost of transporting the mails is about 8 cents a pound; that the second-class matter was therefore carried at an expense of about \$28,000,000, and the revenue derived from it being only about \$3,000,000, that there was a loss on transportation alone of nearly \$25,000,000, and a further loss in handling of even more; that the finances of the Department show a deficit, and that the way to economize is to shut down on books and sample copies.

Now, that is the argument of the committee, but does the committee give us any information to support the argument? Supposing that its statement is true, does the committee tell us what proportion of this second-class matter consists of books and sample copies? Not at all. There is not a word in the gentleman's speech nor a word in his report that throws any real light on the facts. There is only an extract from Mr. Wanamaker, from one of his reports, which went to show that the book matter amounts to

reports, which went to show that the book matter amounts to about 50,000 tons—that is, one hundred millions of pounds. That, so far as Mr. Wanamaker is concerned, is a guess. He does not claim to have the fact. He speaks of the amount as substantially 50,000 tons. The committee does not show us what it is.

Now, there exist in this country 2,000 daily newspapers. There are nearly as many weekly newspapers that circulate outside the county in which they are published. There are nearly 300 magazines, some of which circulate, as the Century Magazine, 250,000 copies monthly; and all of this matter goes to make up the 300,000,000 pounds which is carried as second-class matter.

What would be the effect if we should forbid the mails to these sample copies and these books? The gentleman from California says that if they carry 100,000,000 pounds at 8 cents a pound we shall save \$8,000,000. But he does not show that they amount to 100,000,000 pounds, nor any other weight, and when you come to

100,000,000 pounds, nor any other weight, and when you come to understand how the weight of matter is paid for you will easily see that the decrease of the heft to be carried does not proportionsee that the decrease of the heft to be carried does not proportionately decrease the expense. Here is the scale of compensation: If a railroad carries 200 pounds of matter per day over the whole of its route it is paid at the end of the year \$42.75. If it carries 500 pounds it is paid \$64.12. The rate diminishes, you see. If it carries a thousand pounds it is paid \$85.50. If it carries 5,000 pounds it is paid \$171. Now, note the difference. If it carries 200 pounds it gets \$42.75—and these rates are fixed by statute. If it carries ht gets \$42.75—and these rates are fixed by statute. If it carries 5,000 pounds it only gets \$171, and for every additional 2,000 pounds it gets \$21.37. So that a railroad that carries 200 pounds is paid more—is paid twice as much exactly—for its 200 pounds as another road carrying great weights is paid for any additional 2,000 pounds over the weight of 5,000. Not only does the rate fall as the burden increases, but in our contracts we pay for a great many things

Weight is one of the elements of cost, to be sure, but it is only one. We pay for speed, we pay for the length of the route, we pay for the frequency of the carrying, and then we pay for weight, and our rate for weight diminishes in proportion as the bulk of the matter and its weight increase. So that when the gentleman tells us that the rate is 8 cents a pound he says what is misleading, because it is neither accurate nor complete. It is true that we carry 500,000,000 pounds of matter of all kinds, and if we carry 500,000,000 pounds of all kinds of matter and if we spend \$90,000,000 for our postal service the cost per pound for handling, delivering, and transportation will be 18 cents. That is plain, and for certain purposes it is true; but it does not follow that you will save 18 cents every time you diminish that weight by a pound. We pay for transportation—I think it is—about \$36,000,000, and that would seem to establish a rate of 8 cents per pound. But when you examine the scheme by which the transportation is paid for, you perceive that you do not reduce the expense by 8 cents when you reduce the weight by a pound. Nor for every pound that we add us that the rate is 8 cents a pound he says what is misleading, reduce the weight by a pound. Nor for every pound that we add do we increase it 8 cents. Postmaster-General Wanamaker did not fall into the mistake of computation with which my friend from California has misled himself.

When the gentleman from California said the other day that he When the gentleman from California said the other day that he was going to save either ten, or twenty, or thirty, or forty million dollars, the gentleman from Pennsylvania [Mr. BINGHAM], who has been at the head of the Post-Office Committee, who considered this bill when he was at the head of that committee, and who is now opposed to it, called attention to the fact that Mr. Wanamaker's statement was that the saving by the exclusion of books would be only about \$1,000,000, and that the saving by the exclusion of sample copies would be only one million more. The gentleman from California replied that Mr. Wanamaker had made an obvious mistake, because the cost of transportation was 8 cents a pound, but I think I have shown that it is the gentleman from California who makes the mistake, and that it is erroneous to sav California who makes the mistake, and that it is erroneous to say that the cost is 8 cents a pound, or any other specific sum. Now, what did Mr. Wanamaker say? I will read his statement, and I ask gentlemen to notice closely his language, for it is extremely careful and exact. Mr. Wanamaker says that the weight of books carried is, he thinks, 50,000 tons, and if 50,000 tons, then 100,000,000 pounds. Now, what is going to be the saving by the proposed change according to Mr. Wanamaker? He says:

It is estimated that by the sample-copy abuse over \$1,000,000 is annually lost to the revenue.

Mark the language: "Annually lost to the revenue." does not mean that this amount would be added to the revenue by stopping what he calls the "abuse." Then he says further:

In the transportation of paper-covered books, considerably more than a million is kept out of the postal income.

"Kept out of the postal income. That, as gentlemen will see, is very guarded language, and it was doubtless chosen by Mr. Wanamaker because he knew, what the gentleman from California ignores, that the expenses of the Post-Office Department are to a great extent fixed charges, and that so far as they are not fixed they are bound to increase by reason of the extension of the service, and also because Mr. Wanamaker recognized, what the gentleman from California ignores, that the scheme of payment for transportation which is fixed by law does not permit anybody. to say that the cost is so much a pound, because the system of payment is complicated, based upon length of route, based upon frequency of service as well as upon weight, and, in so far as it is based upon weight, diminishing as to the rate in proportion as the weight increase

Now, where will the gentleman from California save this great sum when he comes in here with his appropriation bill? I hope the gentleman is keeping his appropriation bill carefully in mind when he makes his statements of the amount that he is going to when he makes his statements of the amount that he is going to save. One of the chief items of expenditure is the compensation of postmasters, for which we pay \$16,000,000; the gentleman from California is not going to pay any less. There is an item of \$9,000,000 for clerks; the gentleman from California is not going to pay any less. There is an item for free delivery, which includes carrier service, \$12,000,000, and it is going to continue to be just as

There is an item of \$6,000,000 for star routes. That is going to increase, and the gentleman from California knows it, because increase, and the gentleman from California knows it, because the needs of the country for mail service are increasing. There is an item of \$6,000,000 for postal-car service, and we are going to have the postal cars just the same. There is an item for steamboat service, and there is \$7,000,000 for railway mail clerks, and those expenditures are going to be just the same. There is an item for transportation over the railroads, \$27,000,000. Perhaps that may be slightly reduced. Perhaps the gentleman may make a saving there of \$1,000,000, or even of a million and a half. When you add all these items that I have enumerated, they make up \$83,000,000 out of the \$90,000,000 that we expend on the Post-Office Department, and the remainder is made up of the cost of manufacturing postage stamps and other items, all of which must go on anyhow. The gentleman from California, therefore, is not go on anyhow. The gentleman from California, therefore, is not going to save \$40,000,000, or \$20,000,000, or \$10,000,000, or any such sum. If he saves a million, he will be very lucky.

But what else will he do? In his remarks the other day the gentleman from California described to us this sample-copy

abuse, and I propose now to answer the question that was addressed to me by the gentleman from Iowa [Mr. Hepburn]. Here is what the gentleman from California said about the sample-copy abuse.

The CHAIRMAN (interposing). One hour of the gentleman's me has expired. The Chair presumes the gentleman may extend

time has expired. The Chair presumes the gentleman may extend his own time if there is no objection.

Mr. QUIGG. I shall not detain the committee very much longer, as I propose to be considerate of others. The gentleman from California said:

Here is an advertising journal seeking admission to the Post-Office Department with second-class privileges. Its nominal list of subscribers, of patrons, permit me to say, is 250 copies. It secures certain advertising and then circulates through sample copies as many as a million and a half or two million copies, an unlimited number, if you please, at the expense of the United States Government and the people.

Is that so? If it is, this is not the law that the gentleman should ask us to consider. He ought to bring in a bill impeaching somebody. What he describes as being done is as much an offense against the existing law as it possibly could be against the pending bill or any that could be devised. I read a few minutes ago the characteristics of second-class matter. Listen to this one:

Nothing herein contained-

Says the law-

shall be so construed as to admit to the second-class rate publications designed primarily for advertising purposes, or free circulation, or for circulation at nominal rates.

Why, Mr. Chairman, that law covers this case perfectly. What the gentleman from California says has been done could not be done except with the connivance and complicity of the post-office authorities. Every postmaster in the country is instructed to report all such abuses, and if any such abuse occurs the journal that commits it is written out of the mails at once, as it ought to be. And the rules made by the Post-Office Department to give effect to the statute cover this case in specific terms. Why, when a man applies for the pound rate, here is the affidavit that he is required to take. He must say whether he prints a newspaper or magazine, how often it is published, where it is published, who its proprietors are, whether he is in any way interested in any business that it advertises, who its editors are, and how their compensation is determined.

Do you see that point? The trade is

Do you see that point? That rule is made to reach the question whether his editors are paid out of the advertisers' profits, and if so, the journal can not circulate as second-class matter. He must

say, too, whether the editors have any pecuniary interest in any business or trade that is advertised; whether the publication is open to the advertisement of any reputable house. He must tell how many advertisements he prints. He must tell what his home open to the advertisement of any reputable house. He must tell how many advertisements he prints. He must tell what his bona fide circulation is. He must tell what the subscription price of his publication is per annum. And he must tell the average number of sample copies sent out with each issue, and how he gets the names of the persons to whom he sends these sample copies. then, if the Department is satisfied with his statements on these

then, if the Department is satisfied with his statements on these points, it allows the journal to circulate, and if the Department is not satisfied it has the right, under existing law, to rule it out.

The gentleman referred in his remarks to a newspaper called Comfort, which he said was one of the "abuses." He said it had an honest circulation of only about 1,000 copies, although it sends through the mails a million and a quarter. That, of course, could be a constitute of the course, could be a constitute of the course, could be a constitute of the course. not be so unless the Department chose to permit the fraud. But is it so at all? Here is a letter from the editor of Comfort, and he says that he has a circulation of three-quarters of a million—a paid circulation of voluntary subscribers who have sent in their subscription price—a paid circulation of 750,000; that he maintains an office in Boston where he pays \$50,000 a year to his editors to write his paper. He says, further, that he has taken an oath for the Post-Office Department as to the extent of his circulation, and has sent it to the Department, so that the Department knows that this paper has a paid-for circulation of 750,000 copies. And if the Department is not satisfied with the evidence, it can rule the paper out. He says, also, that he pays the Government \$2,000 a month

out. He says, also, that he pays the Government \$2,000 a month second-class postage.

And now I want to show why I do not believe this bill will make a net saving, but why, on the contrary, it will cost the Government more than the apparent saving of perhaps a million or two. This publisher says he pays the Government \$2,000 a month for second-class postage. Remember that all these statements I am now quoting the Government may disprove if the facts enable it to do so. The gentleman from California can verify by the receipts at Angusta. Me. from this newspaper every statement that ceipts at Augusta, Me., from this newspaper every statement that

I now read to the House.

Mr. LOUD. I wish to ask the gentleman what are the correct figures as to the amount of postage this publisher pays monthly on second-class matter?

Mr. QUIGG. Comfort pays about \$2,000 a month second-class

postage.

Mr. LOUD. The gentleman said \$200,000 a month.

Mr. QUIGG. If so, that was a slip of the tongue.

Mr. LOUD. One of those unfortunate slips for which the gentleman has been criticising me so much.

Mr. QUIGG. This paper pays often more than \$6,000 a month for first-class or letter postage. Now, the only thing that the publisher of Comfort does is to run a newspaper; that is all. He pays this sum for first-class postage as the result of the maintenance of a newspaper. He pays \$2,000 a month to the Government to take his newspaper and spread it broadcast. He pays \$6,000 to the Government for the stamps with which he conducts his correspondence with his patrons. He pays \$2,000 more that is paid to the Government by the patrons of Comfort in first-class postage. And that does not include, of course, any of the money that comes to the Government in first, third, and fourth money that comes to the Government in first, third, and fourth class postage from those readers of Comfort who answer the advertisements—some 300 advertisements that that paper prints. Those advertisements cost the advertiser 50 cents a line of 9 words to the line. The advertiser does not advertise if it does not pay him to do so. Of course he advertises because he gets answers through the mails to his advertisements, and for every answer that comes to him the Government receives 2 cents in first-class postage. And that answer is an answer looking to some transaction with the advertiser; and if a transaction is had, the Government is liable to receive more as the result of its pound rate from its third and fourth class postage.

Now, all that business is wiped out when you wipe out the \$2,000 receipts for second-class postage from Comfort. You save the Government the sum, whatever it is, which it costs to carry and handle Comfort's edition, but to do so you must lose at least \$12,500. It does not look as though there could be a large net

saving on that transaction.

The gentleman from California has readyou the names of a number of newspapers that approve this bill. He has had the indorsement of a newspaper association. I undertake to say that that newspaper association is not widely representative. It is entirely respectable, responsible, and excellent as far it goes. But you must understand that it is composed of daily newspapers, and daily newspapers are not the ones which this bill hits materially. It does hit them in denying the sample-copy privilege to some extent, but not materially. The daily newspaper is printed in cities where everybody knows of the publication and where it does not

need to rely upon sample copies for increasing its circulation. Yet the New York Tribune, which opposes this bill, says that "it aims materially to increase the expense of every honest newspaper and every honest newsdealer in the United States.

The American Publishers' Association-

Says the Tribune-

an organization useful to its own members, does not represent the Herald and the Tribune, two of the largest daily papers in New York City, and it only represents at the utmost iel out of a total of more than 1.890 daily newspapers published throughout the length and breadth of our country.

The sample-copy privilege is one on which all of the great weekly newspapers rely. It is of inestimable service to them. If it is cut off, if it is forbidden, the establishment of new periodical ventures is almost impossible if they seek for general circulation. Every great weekly throughout the land, such as the Independent, such as the Methodist Christian Advocate, such as the Youth's

such as the Methodist Christian Advocate, such as the Youth's Companion, use this privilege constantly, and by using it vastly increase their business, and thereby vastly increase their payments to the Government in first, second, third, and fourth class postage.

Mr. Chairman, this bill is one of those penny-wise and pound-foolish schemes that continually issue from the class of mind which occupies itself with only one phase of a great question. I have upon my desk a great burden of petitions which I shall presently deliver to the House, from paper manufacturers, printers, binders, ink makers, pressmen, publishers, and news dealers, every one of whom sees in this proposition a distinct menace to his trade. There are features of the bill which I have not the time to discuss that are scarcely less serious than those to which I have been dithat are scarcely less serious than those to which I have been directed. One of these is the provision that the Postmaster-General must be satisfied, before he admits a paper to the second-class privileges, that its readers have voluntarily subscribed and voluntarily paid their subscription. To give to the Postmaster-General such far-reaching authority as that is to establish a press censorship the like of which does not exist in the Empire of the Czar or Sul-Another is the provision that news agents shall not be allowed to return to news agents or publishers unsold periodicals or publications except at the third-class rate. This provision repeals existing law, and would operate to drive thousands of news dealers out of employment and greatly to curtail the circulation of every weekly journal and monthly magazine. The bill abounds with crudities and absurdities that are conceived in deplorable ignorance of the ruinous results they would have upon established busines

The House ought not to pass this bill. The Government's policy, Mr. Chairman, of circulating periodical publications and books as well as newspapers at the lowest possible rate has been one of as well as newspapers at the lowest possible rate has been one of the most civilizing agencies that were ever employed for the up-building of a nation. It ranks in its beneficent effect upon our people next to the common-school system. It has brought into the poorest cottage in the country all the treasures of learning and infinite entertainment. To take the step which this bill contem-plates, without the slightest assurance of benefit to the Treasury, would be to deny to the people sources of pleasure and of informa-tion which are no less necessary than heneficent. [Amplanse]

tion which are no less necessary than beneficent. [Applause.]
The CHAIRMAN. The gentleman has used one hour and seventeen minutes of the time.

MESSAGE FROM THE PRESIDENT.

The committee informally rose; and Mr. HENDERSON having taken the chair as Speaker pro tempore, a message from the President of the United States, by Mr. PRUDEN, one of his secretaries, announced that the President had on December 23, 1896, approved

announced that the President had on December 23, 1896, approved and signed bills of the following titles:

An act (H. R. 9473) making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1898, and for other purposes; and

An act (H. R. 9753) making appropriations to supply urgent deficiencies in the appropriations for the fiscal year ending June 30, 1897, and for prior years, and for other purposes.

SECOND-CLASS MAIL MATTER.

The committee again resumed its session.

The committee again resumed its session.

Mr. LOUD. Mr. Chairman, I yield thirty minutes to the gentleman from Mississippi [Mr. KYLE].

Mr. KYLE. Mr. Chairman, I would be perfectly safe, sir, in this contention, to take up this question where the gentleman from New York [Mr. QUIGG] left it, and in submitting the case to the House on that proposition—that is, the great educational features that are involved in the cheap rates of postage on second-class mail matter. I believe that I might accept the issue there, and go to this House on that proposition alone, and gain success for the mending hill.

pending bill.

But I shall not start, sir, to consume the few minutes of time allotted to me with this branch of discussion. I shall take up first the economic idea that is involved in it—the question as to whether there is a saving to the Government possible in the passage of this bill. Of course I must rely upon some one else for the information upon which I predicate my remarks, and I am not

going to that class of our citizens who are interested financially in defeating this proposition, but I am going to those men whose duty it has been, as a part of this great Government of ours, to study this question and arrive, if possible, at a true and satisfactory solution of the question, with a view of attaining the best

results for the greatest number of our fellow-citizens.

I will take Postmaster-General Wilson first, and, notwithstanding the gentleman's insinuations as to his ideas of propriety about the management of this great office and his declarations as to what he would do in case this House did not see proper to pass this bill, I will submit to the candid judgment of those who are doing me the credit to listen to me as to whether or not his statements do not bear upon their face the impress of reason and good sense. It has been his business to look into these matters, study them, and present them to this House, and no man upon this floor, I do not care what his politics or his prejudices may be, believes that Mr. Wilson would intentionally make a statement calculated to mislead.

to mislead.

The gentleman from New York [Mr. Quigg], with all of his ingenuity and all of his antagonism to this bill, has utterly failed to demonstrate that Mr. Wilson has made an incorrect statement when he tells you in his report that the passage of a bill similar to this will result in a great saving to the Government.

Now, Mr. Chairman, let us see what there is in this statement. Postmaster-General Wilson gives a summary of the business of the Post-Office Department, a statement of what it costs the Government to handle the postal business of the country. I shall call attention to the statements with reference to the income that the attention to the statements with reference to the income that the Post-Office Department receives from it:

First-class mail matter, both domestic and foreign -

That is the class of mail which includes our letters. The business interests of the country are concerned in this. I might say there is not a man, woman, or child from Maine to Texas who is not directly affected by the tax upon first-class mail matter. There are no classes about this. It is not the publisher of a serial library, or a newsdealer, or a newspaper man, or the publisher of a serial library, or a newsdealer, or a newspaper man, or the publisher of a periodical who is most directly concerned. There is no class especially interested in this, but the great body of the American people from the youngest to the greatest are interested. What is the statement with reference to this?

of first-class matter, both domestic and foreign, there was carried in the United States during the past fiscal year 65,337,343 pounds. What did the Government get for carrying that 65,000,000 pounds, in round numbers? It received something over \$60,000,000 for carrying it. That is the item that reaches the home of every individual in the land.

We will next take second-class mail matter, the matter which is under discussion now, the matter which carries the serial libraries, these great educational pieces of machinery that the gentleman talks about; this class of our public service which disseminates books and disseminates information among our people, as the gentleman says. And I want to take occasion a little later to gentleman says. And I want to take occasion a little later to call your attention to the character of some of the information that is being distributed. Second-class mail matter mailed by publishers and agents, including free county matter, during the past fiscal year, 348,000,000 pounds. Three hundred and forty-eight million pounds of this stuff that is in the interest of the classes, against 65,000,000 pounds that is in the interest of the masses. against 65,000,000 pounds that is in the interest of the masses. For the carrying of the first the Government gets \$60,000,000 a year, and for carrying the 348,000,000 pounds of second-class matter it gets, Mr. Chairman, \$2,000,000 a year. I submit this to the good sense and good judgment of this House for a candid verdict upon this question, responsive to the issue here presented. Are not the masses here taxed to make lucrative the business of the publishers and dealers in this cheap literature?

Now, Mr. Chairman, we will go to third-class matter. Of that class the Government carried seventy-eight million and some odd pounds during the past year, and received for it \$10,324,000. Of fourth-class mail matter, including parcels, etc., sent from foreign countries, the Government carried 19,000,000 pounds, in round

without going into the discussion of these last classes, I desire simply to call your attention to the grave discrimination that exists here between first-class matter and second-class matter.

Oh, but the gentleman says, it is the great distributer of infor-

Mr. RICHARDSON. Mr. Chairman, will the gentleman allow me to ask him if there is any difference in the relative cost to the Government of carrying these different kinds—first, second, third, and fourth class matter

Mr. KYLE. Oh, I think there is, but I do not know what it is.

I am not able to give it.

Mr. LOUD. There is no difference in the cost of transportation.
Mr. KYLE. There is no difference in the transportation.
There must be a difference in the number of clerks, and so forth,

costs as much to carry a pound of first-class matter as it does a pound of second-class matter.

Mr. KYLE. Certainly. The mail matter of the Government is weighed every four years, and the contracts are made based upon that weighing with the railroad companies.

Now, Mr. Chairman, I was about to call attention to some of the

information that is distributed, which my friend from New York

information that is distributed, which my friend from New York

[Mr. Quigg] talks about.

Mr. COX. Distributed as second-class matter.

Mr. KYLE. Now, I hold in my hand some of these books which are now passing through the mails of this country as second-class matter, and I want to ask you, as I presume some of you, most of you, are fathers, if you would like the Government to put its you, are lathers, if you would like the Government to put its machinery into operation to convey to your boy a book bearing the title of this book which I show you, If the Devil Came to Chicago [laughter]—"Entered at the post-office at Chicago as second-class matter," and which is carried at 1 cent a pound, while good books bound pay 8 cents per pound, thus making it easier to obtain the trash than solid reading matter?

Mr. MILLIKEN. Will the gentleman allow me to ask him a question there?

question there?

Mr. KYLE. Certainly.

Mr. MILLIKEN. How far do you think the devil would have to travel to get to Chicago?

Mr. KYLE. Well, sir, if you have a question you desire to ask, I will answer it, but will not reply to that which you have asked, with all due respect to you.

Mr. COX. He is there already.

Mr. KYLE. I want to call attention to another book. It is also entered as second-class mail matter. This is the kind of literature, gentlemen, that is being circulated as a part of the great educational system of this country, so to speak. It is known as The Seventh Commandment; and there are others here, such as Innocent Evils. I would like to exhibit some of these pictures to some of you gentlemen to show you something of the degrading stuff that passes through the mails at pound rates.

Mr. QUIGG. Will the gentleman yield?

Mr. KYLE (continuing). And mind you, gentlemen, you are taxing all the postal business of this country; you are taxing all the commercial interests and the interest of every man, woman, and child that ever writes a letter to sustain this sort of an undertaking in this country.

Mr. OULIGG. Will the gentleman yield to me?

taking in this country.

Mr. QUIGG. Will the gentleman yield to me?

Mr. KYLE. Certainly, sir.

Mr. QUIGG. Of course the gentleman is familiar with the law

that forbids the mail to any obscene and indecent literature?

Mr. KYLE. Yes, sir. These, I suppose, do not come quite to that point.

Mr. QUIGG. I desire simply to call the gentleman's attention to the fact that under the law it is just as much a violation of the law as it ever would be.

Mr. KYLE. Now, Mr. Chairman, I have to hurry on; but I want to stop right here and advert to a statement that the gentleman from New York made during his speech when he was discussing this matter and talking about the law not authorizing such and such a thing—that the law did authorize the admission of these books as second-class mail matter. Now Mr. Chairman of these books as second-class mail matter. Now, Mr. Chairman, it has been said more than once that the way to get rid of a bad law was to enforce it. I respectfully submit to this House that the demonstration that this is a vicious law has been made by its execution. Now, I want to call attention here to what Mr. Wilson says about the cost of the transportation of this matter, and see if there is not a fair chance for the saving of some money and see if there is not a fair chance for the saving of some money to the Post-Office Department and to the people of this country. And the gentleman from New York has asserted to this House, if I understood him correctly, that there had been no increase in this matter, in the face of what the Postmaster-General says upon that proposition.

Mr. QUIGG. I hope the gentleman will not so misquote me.
Mr. KYLE. I beg the gentleman's pardon, and shall be glad to be corrected if I do.

Mr. QUIGG. I said that it had not increased inevitably from year to year; that there was a year—1894—that it did not increase over 1893; and I said that the expenses in that year did increase I admit, of course, that the figures are quite correct. I have said

I admit, of course, that the figures are quite correct. I have said

Mr. KYLE. Your point is that in one year it did not increase?

Mr. QUIGG. That was half of my point. My point was that in one year there was no increase, but in that year the expenses increased all along the line.

Mr. KYLE. Now, Mr. Chairman, I want to call attention to what the Postmaster-General has to say in respect to the increase of the weight of the second-class mail matter. For the year it was 37,000,000 pounds, against 13,000,000 last year, showing how this stuff is crowding into the mails. The mere cost of the transportation of this matter is estimated at 8 cents a pound. The Govern-Mr. RICHARDSON. But the question I want to ask is, if it ment, for transporting this wholesome literature, pays at the rate

of 8 cents per pound for carrying it to its people; and what does it get in return for it? If the Postmaster-General is to be believed, the Government gets 8½ mills a pound for carrying, and pays out 8 cents for carrying. Why, if we do business enough of that sort in this country, it would not take us long to bankrupt the Treasury—paying at the rate of 8 cents a pound for distributing this stress and setting beats \$1 mills a proved for it. I call attention stuff, and getting back 8½ mills a pound for it. I call attention to this fact—the report of not only Mr. Wilson, but Mr. Bissell and Mr. Wanamaker—that in their opinion, if it were not for this extra tax levied by this second-class matter, the postal service would be self-sustaining. As it is, we have an annual deficit of something over \$8,000,000, which is to be made up from the

tibraries" composed largely of such works as If the Devil Came to Chicago, and If Christ Came to Congress? [Laughter.]

Mr. Chairman, I find that there are other things in the Postmaster-General's report that I would like to discuss, but which I shall have to pass over for want of time. I will, however, call attention to some more of these figures. The total amount of matattention to some more of these ngures. The total amount of matter is, in round numbers, 349,000,000 pounds, which, at 8 cents a pound for transportation, costs \$27,920,000. The revenue received, at 8½ mills a pound, is \$2,966,403, showing a loss on transportation alone of nearly \$25,000,000. Now, what are you going to do with the statement of the gentleman from New York [Mr. Quigg] that there is no loss from this source, and that there can not be a saving of the two millions, or of more than \$1,000,000? Which are you going to accept, the statement of the gentleman from New York or the statement of the man whose official duty it is to inform himself about these questions, and who has the ability to be informed about them?

I call attention now to some statements made by Mr. Wana-maker upon this subject. It is not only Postmaster-General Wil-son who has been struggling to get rid of this wrong, this impol sition upon the people of this country, but also Postmaster-Genera-Wanamaker and Postmaster-General Bissell. All three of these Postmasters-General have been calling attention to this evil and appealing to Congress to relieve the Department of this wrong. I call it a wrong because I believe it is a wrong, and I believe that if I had time I could demonstrate that it is a wrong. Here is what Mr. Wanamaker says about the carrying of these cheap books and the discrimination that is made in their favor:

books and the discrimination that is made in their favor:

First. The enjoyment of the privilege of low postage by these paper-covered books works an injustice to the publishers of all other books. We all know that unnumbered thousands of books are issued every year in this country bound in cloth, leather, or some other substantial form of binding. There are also many books published with paper covers, the publishers of which make no pretense of issuing them as parts of a series or library of publications, they having the fairness to issue them under their true name—books. Now, why should there be any discrimination against these books, either bound or unbound? Why should they be taxed, for carriage by mail. I cent for every 2 ounces, while those that come under what are called the serial class go through for a cent a pound? There are, indeed, actual instances of the same book precisely, issued with paper covers, but by different publishers, in the one case charged but a cent a pound and in the other eight times that amount. These distinctions are manifestly absurd and unjust, and while they operate advantageously to one class of publishers they are harmful to another.

I say so, too. Why should there be any discrimination against

Why should there be any discrimination against I say so, too. books? And I want the man on this floor who is able to give a satisfactory answer to that inquiry of Mr. Wanamaker to do so. Why should there be a postal rate of 8 cents a pound upon a book with a cloth back while there is a charge of only 1 cent a pound on these paper-covered publications? Can any gentleman tell why? I pause for an answer. If there is any reason for discrimination, it is the other way. I believe the man who is trying to accumulate a library for himself and his family should be encouraged, rather than the fellow who is dealing in this cheap paper-back literature which is poisoning the youth of the land to-day. [Applause.] Mr. Wanamaker puts the question in such a way as to appeal to every man who opposes this bill to answer it, but no man has yet responded. The gentleman from New York [Mr. Quige] occupied the floor for an hour and a half this morning talking to this committee, and he doubtless has read Mr. Wanamaker's presentation of this question and has been impressed with the injustice and the inequality of the existing law, and he did not undertake to answer. Let me call attention now briefly to what Mr. Wanamaker said with reference to this class of literature: And I want the man on this floor who is able to give a sat-

with reference to this class of literature:

There are many novels of that class which every librarian who has any regard for the morals of the community deplores the existence of, novels which depict, sometimes in the most seductive, sometimes in the most repulsive, aspects the decline and fall of woman—novels in which, where there is not a seduction there is an adultery, and where there is not an adultery there is a seduction, and very frequently there are both. Now, what kind of literature is that to bring into domestic circles, to be put forth by the thousand, and scattered all over your country, to the exclusion, or at least to the prejudice, of decent and elevating literature?

What kind of literature is that to bring into the domestic circle by these cheap rates of postage? The gentleman from New York [Mr. Quigg] has endeavored to impress this House with the idea

that nearly everybody is opposed to this bill. Well, sir, I have been in Congress for six years and during that time have served upon the Post-Office Committee. Not a great many bills have emanated from that committee, but among those that have I have never known one in which so great an interest was manifested by the good people of the country as has been exhibited in favor of this bill. If you go into our committee room, you will see stacks of letters there from presidents of colleges, from preachers, from business men, from newspaper men, from every class of good citizens appealing to this Congress to pass this bill. I have some of those letters before me, but I have time to call attention to only one.

How much time have I remaining, Mr. Chairman?
The CHAIRMAN. The gentleman has two minutes remaining.
Mr. KYLE. In that time I desire to call attention to one letter signed by Governor Matthews, in which he says:

Aside from the possible saving to the Post-Office Department, the moral good accomplished, it is believed, would be of decided advantage to the public by the passage of the Loud bill, which is the pending bill.

I have another from Mr. David K. Goss, superintendent of schools, Indianapolis, in which he makes this appeal for the dear young people of our country. He says:

young people of our country. He says:

1 am sure that every school-teacher in the land will rejoice if Congress passes what is called the Loud bill, for one of its provisions is to deny the privilege of second-class rates to the publishers of dime novels and other questionable literature, an evil of monstrous proportions that should have been corrected many years ago. My interest in this bill is due entirely to my desire to see the Government dissolve partnership with the publishers of a class of publications that depends almost entirely upon the young for purchasers, and I speak advisedly when I declare that there is no more dangerous element in society to-day than the bad influence of the bad books of the class referred to, for they give the young incorrect and perverted ideas of life and its duties, and have turned many an honest boy into a criminal career who would otherwise have been a useful and respected citizen. While I doubt whether imposing a rate of 8 cents a pound on these publications will very seriously curtail their sales, still it will discontinue a perverted use of the mail system of the country and free it from its responsibility in affording aid in the circulation of a literature that appeals only to the baser instincts of human nature.

And I might go on and call attention to the fact that the American Press Association met in the city of New York and passed resolutions in favor of this bill. Not only that, but there is a newspaper association known as the Agricultural Press Association, which met in convention and indorsed this bill and appealed to Congress to pass it. The President of the United States has called the attention of Congress to it and suggested that some remedial legislation ought to be had. The Postmasters-General of the country have called attention to the evil and said that it ought to be stopped. And, gentlemen, where does the opposition to it come from?

[Here the hammer fell.]

Mr. LOUD. I yield the gentleman five minutes more.

Mr. KYLE. Where does the opposition to this bill come from?

The American Trade Press Association says it is confined chiefly to those interested in the sale and distribution of such matter as I have been referring to, when the fact is that an overwhelming I have been referring to, when the fact is that an overwhelming majority of the newspapers which have expressed themselves on the subject are on record in favor of the proposed legislation. This association, says the opposition, comes first from the manufacturers of white paper; next, the printers of paper-covered novels; and third, those interested in the sale and distribution of such matter as paper-covered novels.

Mr. COX. Suppose the book the gentleman has exhibited here. which goes as second-class matter, and which I think is justly subject to his criticism, were bound in cloth, what postage would

it pay?
Mr. KYLE. It would go at the rate of 8 cents a pound. Under

the present system it goes at the pound rate.

Now, Mr. Chairman, I have not time, in the five minutes allowed Now, Mr. Chairman, I have not time, in the five minutes allowed me, to take up another branch of this discussion. I will simply call attention to the complaint made by the president of a Western university. He calls attention to the fact that these serial libraries, which we have been talking about, pass through the mails at the pound rate, while the publications emanating from his university, which are devoted to scientific subjects, can not pass through the mails except at a higher rate. Why? Because they do not get in under the law which requires that the publication shall appear periodically as many as four times a year, shall issue from a known place of publication, shall be numbered consecutively, etc. Yet, because these other men are willing to take advantage of the liberal opportunities afforded to publishers, while he is unwilling to eral opportunities afforded to publishers, while he is unwilling to do so, they may exercise a privilege which he or his institution can not. You may take this paper-covered book and send it to any part of this country at the pound rate; but if you take the Holy Scriptures or some religious tract and attempt to send it through scriptures or some religious tract and attempt to send it through the mails, you must pay the rate of 8 cents a pound. The wonder is, Mr. Chairman, as was remarked by the chairman of our com-mittee in presenting this proposition, that a long-suffering people have stood quietly by and permitted this wrong to exist without rising up and condemning it. [Applause.] [Here the hammer fell.]

MESSAGE FROM THE SENATE.

The committee informally rose: and Mr. Hepburn having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. Platt, one of its clerks, announced that the Senate had passed bills of the following titles; in which the concurrence of the House

A bill (S. 3415) granting a pension to Ella D. Cross;
A bill (S. 2355) to correct the military record of Peter Buckley;
A bill (S. 2268) for the relief of the legal representatives of Edwin De Leon, deceased, late consul-general of the United States

in Egypt; and
A bill (S. 2184) granting a pension to William F. Johnson.
The message also announced that the Senate had passed bills of the following titles with amendments in which the concurrence of the House was requested:

A bill (H. R. 6608) to remove the charge of desertion from the military record of George W. Taylor;
A bill (H. R. 3113) granting a pension to Margaret A. Kidwell;

and

A bill (H. R. 2328) for the relief of Patrick Rainey.

The message also announced that the Senate had passed the following resolution:

Resolved. That the Secretary be directed to furnish to the House of Representatives, in compliance with its request, a duplicate engrossed copy of the amendments of the Senate to the bill (H. R. 1261) entitled "An act for the relief of John Kehl, and to restore him to his former rating."

The message also announced that the Senate had passed without amendment House concurrent resolution relative to printing extra copies of a compilation of the statistics showing the exact state of the classified and unclassified parts of the executive civil service of the United States, etc.

The message also announced that the Senate had passed without amendment bills of the following titles:

A bill (H. R. 7500) to grant a pension to Mrs. Keturah Wilson, widow of James Wilson, deceased;
A bill (H. R. 7127) granting a pension to Samuel D. Gilman;
A bill (H. R. 5782) granting an increase of pension to Mrs. Anna Wedel;

A bill (H. R. 5710) granting a pension to Eleanor L. Curtiss; A bill (H. R. 3890) granting a pension to George William Hodgdon;

A bill (H. R. 3398) for the relief of Augusta Tuller; A bill (H. R. 2320) for the relief of Samuel Burrell; A bill (H. R. 1511) for the relief of Lydia Boynton Ferris; and A bill (H. R. 158) granting a pension to Mary Collins.

SECOND-CLASS MAIL MATTER.

The committee again resumed its session.

Mr. BURTON of Ohio. Mr. Chairman, I am in favor of the passage of this bill because it will diminish the public expenditures, and because it will destroy a special privilege enjoyed by a few, for the existence of which no satisfactory reason can be given. It is unquestionably true that during past years when the revenues of the Government were abundant some national expenses have been incurred which will not bear the closest examination, and if no other benefit should result from the present condition of business depression and from these times when the expenses of the Govern-ment exceed its receipts, good may result from a closer scrutiny of public appropriations.

I wish to call attention, in the first instance, to the great oppor-tunity under our postal laws for extravagant expenditure and unjust discrimination, due to the fact that there are four classes of postal matter, carried according to widely different rates. Firstclass matter, including letters and postal cards, goes at 32 cents a pound; and in view of the fact that a maximum is fixed, and the weight of the package does not usually equal that maximum, the revenue to the Government from first-class matter is, according to official statistics, 93 cents per pound. Next in rate comes matto official statistics, 93 cents per pound. Next in rate comes matter known as fourth-class matter, comprising general merchandise of divers kinds in packages not exceeding 4 pounds in weight, for which there is a charge of 16 cents per pound. Next comes third-class matter, including, generally, bound books—seeds and bulbs have also been included—the rate being 8 cents a pound. Then for second-class matter, including newspapers and periodicals, the rate falls to 1 cent a pound. Thus we have this extraordinary range—from 32 cents per pound to 1 cent a pound. Yet for the carrying of all these different classes of pestal matter the railway and steampship companies charge precisely the same figure with and steampship companies charge precisely the same figure without distinction. And, indeed, Mr. Chairman, the danger of discrimination and extravagance does not cease here, for the Government carries the package indiscriminately to every place within the limits of the United States at the same price. If it charges a certain price to carry a letter or a package from one place to another within the limits of the same township, it charges no more to carry it 4,000 miles, or to far-off Alaska. But the railway and steamship companies, carrying the mails according to their ordinary rules as to rates, grade their charges according to the distance the package is carried.

So it will be observed that the very greatest care should be exercised in allowing to any class of mail matter any special privilege, because there is the gravest danger of discriminating and involving the Post-Office Department in extravagant expenditures.

The argument was made by the gentleman from New York [Mr. Quigo] that it does not make very much difference, even if the QUIGG] that it does not make very much difference, even if the tonnage carried as mail matter is greatly increased, because there is a diminishing scale of charges, and as the quantity increases there is a diminution of the rate paid for its carriage. Now, that suggestion, if it establishes anything, proves too much. It proves that we might as well carry as part of the work of the Post-Office Department express matter and freight to an unlimited weight. But there are two conclusive answers to the argument of the gentleman. In the first place, we have no guide to know what the transportation of mail matter of any kind will cost except the average price, which up to this time will be found to be 8 or 84.

average price, which up to this time will be found to be 8 or 81 cents a pound on every package. Second-class mail matter pays but 1 cent a pound; so that there is a manifest loss of 7 or 7½ cents

a pound on every package of this class.

In the second place, when the weight of mail matter carried reaches a fixed amount, there is no decrease in rates on any quantity in excess of that. This fixed amount or maximum, as I now tity in excess of that. This fixed amount or maximum, as I now recollect it, is 5,000 pounds per day by any one route. Now, all the leading routes by which the bulk of second-class matter is carried haul a quantity far in excess of the maximum fixed, and would carry such excess if everything was excluded which this bill seeks to exclude. Consequently the cost of carrying any particular kind of mailable stuff, whether its admission to the mails tends to increase the aggregate quantity carried or not, does not fall materially below the average cost.

Now, what are the defects which have been found in the present

Now, what are the defects which have been found in the present postal system? First, I will say, the carrying of unbound books as periodicals. A sufficient reason why this practice should be discontinued is the incongruity and, I may say, the absurdity of its continuance. We all know what is meant by the word "periodical." It is a newspaper or publication having to do with current events or with subjects of present interest. It is not like a reprint, for example, of the works of Shakespeare or Dickens, but it is something which adds to the stock of literature already in existence. Nor is it presently a publication of that sensational class. ence. Nor is it properly a publication of that sensational class issued by many of the book-publishing establishments of the country

A few specimens selected at random from the titles of some of A few specimens selected at random from the littles of some of these so-called periodicals which are circulated as second-class matter at this cheap rate will enable us to judge exactly what they are. Among them we find Diamond Dick's Ride for Life. That is one of the "educational documents" which our friends say should be sent throughout the country. Diamond Dick's Pat Hand, The Black Mogul, Gentleman Joe in Pittsburg, The James Boys and the President's Special, and books of like character; and here is one author who has a taste for alliteration, Cool

Chris, the Crystal Sport, and so on.

But it is hardly necessary to quote titles to show the character of these books. The inevitable tendency among publishers who enjoy this doubtful privilege, and who, under an unnatural construction of the law, are enabled to transact business in this unusurable to the construction of the law, are enabled to transact business in this unusurable to the construction of the law, are enabled to transact business in this unusurable to the construction of the law, are enabled to transact business in this unusurable to the construction of the law, are enabled to transact business in this unusurable to the construction of the law, are enabled to transact business in this unusurable to the construction of the law, are enabled to transact business.

struction of the law, are enabled to transact business in this independent must be to send out books of a lower grade.

The argument has also been made that the so-called return privilege should continue. Everyone knows what that is. A hundred copies of a magazine are sent out to a news dealer. The news dealer sells, say, 10 copies. Under the present law he may send back to a news agent, who is practically the publisher himself, the other 90 copies at a cent a pound, although it costs the Government 8 cents a pound. Now, for this, I submit, there is no justification. There may be an excuse for a low rate on what the people do read, but is there any justification for these low rates on those period-

but is there any justification for these low rates on those periodicals which the people do not read?

Mr. COX. Mr. Chairman, will the gentleman yield to me for one moment for information?

Mr. BURTON of Ohio. Certainly.

Mr. COX. When they send out these periodicals to news dealers and a number are sold, is there anything in the law prohibiting the sending of those numbers out again at the same rate?

Mr. BURTON of Ohio. I fancy not.

Mr. COX. They send them back again?

Mr. BURTON of Ohio. Those which are not sold can be sent elsewhere.

elsewhere.

Mr. COX. They send them out again?
Mr. BURTON of Ohio. They could do so.
Mr. COX. They go out hunting a market, then, in which to sell them? They may send them back to the same place?

Mr. BURTON of Ohio. It would be a violation of the spirit of the law to send them back to the same place, but there is certainly

no prohibition on their going elsewhere.

A crucial test as to whether this Government ought to continue these low rates is to ask yourselves whether we would be willing to pass a bill for the printing gratis of these different kinds of

matter going as second-class periodicals. A publisher who strongly opposes the passage of this bill says:

A very important fact, which should not be lost sight of, is that in very many cases the publishers do not receive from consumers more than 10 cents per pound for this literature.

Yet this literature, counting the cost for handling, which should be added to the cost for transportation, costs the people of the United States, according to reliable estimates, 14 cents a pound, and it would be cheaper for this Government, at its own Printing Office or by private contract, to print these so-called periodicals for 10 cents a pound and give them away than it is to give them access to the mails under the present system. I do not believe a bill proposing the printing of this material gratis by the Government would have a dozen votes, and perhaps not one, in this

Passing to the next great abuse under the present system. It is that of the sample copy. Now, I do not believe we will any of us object to the sample copy, if restricted to its proper use, for which it was originally intended, namely, that of sending out copies of bona fide publications, so that persons may judge of their merit and decide whether to subscribe or not. But the trouble is an abuse has grown up from this system which can not trouble is an abuse has grown up from this system which can not be separated from its legitimate use. One single periodical sends out monthly, under the sample-copy privilege, 1,250,000 copies. It is not a newspaper. It is a travesty to call it such. There are many similar sheets. It appears from the report of the Postmaster-General that the increase during six years in master-General that the increase during six years in newspapers entered for circulation at the post-office as second-class matter was 24,304, but the actual number of periodicals which during that time obtained standing in the newspaper directory was 3,747. So, as Postmaster-General Bissell stated, only 15 per cent of those included under the designation of second-class matter were legiti-

mate newspaper publications.

These go in enormous quantities. They are a cheap advertising medium. They are sent indiscriminately over the country. Advertisers, realizing the fact that they go in the mail almost for nothing, and are scattered far and wide, are willing to pay large prices for the privilege of advertising in their columns. And right here I wish to pay attention to the leading argument made in favor of this sample-copy privilege. It is claimed that while these copies are carried at a loss to the Government, yet the Government makes up for the loss in other ways. It is said that letters come to the publisher of the sample copy. He offers prizes. All of which stimulates the post-office business. To that a sufficient answer is, that there is just so much money that the people of this country have to spend. There is just so much business they can transact, and they will transact just as much business, write just as many letters, and pay attention to a great deal better class of advertisements, if this business of advertising is restricted to the legitimate newspaper and the ordinary way of doing business. Indeed, there will be an improvement, because with the greater responsibility and degree of care which must be exercised by the regular newspaper in regard to matter in its col-umns, there will be a higher standard, and money will be invested

Now, Mr. Chairman, some other objections are made to the passage of this bill. One which I see stated is that it will prevent the sending of newspapers after the expiration of a term of subscription, because the bill describes a subscriber to a paper as one who "voluntarily orders and pays for the same." That clearly is not a correct interpretation of the proposed law. It has been decided by the Post-Office Department, according to my under decided by the Post-Office Department, according to my understanding, that a subscriber who receives a paper after the expirastanding, that a subscriber who receives a paper after the expiration of his term of subscription is voluntarily receiving that
periodical. Until he comes to the post-office and states that he
wishes it no longer, he is counted a subscriber. So there is no
objection to this law in that regard. But in any event there can
be no objection made to the phraseology used, for no one wishes
to subscribe for a newspaper unless he does so voluntarily.

Now, as to the statement that the passage of this bill will throw
out of employment hundreds and thousands of people. There is
always such an appeal made in such cases. Then, too, the claim
is made that the people will be deprived of good reading. They

always such an appeal made in such cases. Then, too, the is made that the people will be deprived of good reading. may exercise more discrimination, but they will have just as good reading. I do not believe that the number of publications, the amount of printing, the number of men employed, will be at all diminished under the proposed law. The present method is not a diminished under the proposed law. The present method is not a rational way to do business; and when we shut off these objectionable classes of matter, we will be better off by reason of this reform, and we will be more prosperous than under the present régime.

One word in conclusion. It must be very clear to everyone familiar with the course of things in this House that there is always a certain degree of inertia in the way of legislation. Wrongs may go unrighted, salutary reforms may not be adopted, avenues may be pointed out for increase in individual and national prosperity which are not taken advantage of because of the hesitancy of this body to act; but let a measure be presented for consideration that strikes at some special privilege, and we are, as it were, contending with an army intrenched for battle. The cry of "Injury to the people" is made, and it would seem from some of the arguments employed as if a great wrong were to be done. If the public expenditures are to be diminished and reform is to be accomplished, I do not believe this House can do better than to pass this bill. If it becomes a law, this branch of the public service will be more economically conducted and it will be more just for all. [Loud applause.]

for all. [Loud applause.]

Mr. QUIGG. How much time does the gentleman from California desire?

Mr. JOHNSON of California. Not a very large amount—twenty or twenty-five minutes.

or twenty-new minutes.

Mr. QUIGG. I have no desire to limit the gentleman. I yield half an hour to the gentleman from California.

Mr. JOHNSON of California. Mr. Chairman, there is an old adage that "fools rush in where angels fear to tread." I presume that will be exemplified in my case when I attempt to take some that will be and most those centlemen on the opposite side. part in this debate and meet those gentlemen on the opposite side whose many years' study of the question have doubtless enabled them to know all about it.

Now, I may misunderstand the importance of this question. may be that I have a misunderstanding about the language of the gentleman from California, the chairman of the Committee on Post-Offices and Post-Roads, in his opening remarks on this mat-ter. But if I correctly understood him, he stated that this was one of the most important—if not the most important—bills that would come before Congress. As I listened to his remarks I understood him to say that there would be a saving of at least \$40,000,000 to the United States if this bill, his pet measure, should pass. If that be true, what is the use of having tariff debates? What is the use of having hearings before the Conmittee on Ways and Means? What is the use of our doing anything on earth except to pass this bill, thus giving an increase of revenue and stopping all the defi-ciency, and thus ending all this talk that has been going on amongst the people of the United States in regard to deficiencies in the revenue?

Why, according to this Daniel who has come to judgment (I am proud the State of California has produced such a Daniel, who has given us such a judgment, if he can back it up)—according to him, all on earth that this suffering nation—which he says is suffering now—that this nation, which is now running behind, and which he said so many times on the stump—that this nation that is going to the "demnition bow wows," as my learned friends on the left, who represent the Populist party, said so frequently during the campaign—if this nation is going to this damnation and ruin, financially and otherwise, because we can not pay our debts as they come due, why on earth do we not take this measure that the learned gentleman from California has offered us, and, by simply passing a little innocent bill of this kind, to amend the postal laws of the country, stop all this discussion? [Laughter.] As I listened to his remarks, and as I read them [Laughter.] As I listened to his remarks, and as I read them afterwards, it seemed to me that we could express the situation in doggerel, and we might-

Let DINGLEY and REED, McKinley and Hanna about tariff worry no more; Let Bryan and free silver together lie in the tomb; Let the Ways and Means Committee shut, lock, and bolt their door, And give Loup and his postal scheme lots and lots of room.

Great laughter. If the gentleman's ideas are correct and are carried out, all that is needed is to pass this bill and save \$240,000,000 to the people in

the next ten years, thus ending the deficiency in our Treasury and giving us prosperity without any increase of our tariff.

Why, the golden sands of Pactolus' stream are as nothing compared to the wealth that will come to the United States if we only

pass this bill. Golconda's mountains themselves shrink into utter insignificance compared to the wealth that, according to the gentleman from California, will pour into our coffers if we only pass this bill. [Laughter.] Why, sir, all that will be necessary will be for the Secretary of the Treasury of the United States under the incoming Administration, whoever he may be, whether he be the leader of this House, whom we all honor and respect and esteem, and in whose behalf every man here, Republican, Democrat, Populist, all alike, would sign a petition to have him made Secretary of the Treasury—whether it be Nelson Dingley, or whether it be that leader of men who my learned friends on my whether it be that leader of men who my learned friends on my left seem to think is composed in equal parts of alligator, horse, and fighting man, because he led the battle in favor of the Republican party in the last campaign and led it to success—Mark Hanna, of Ohio; whether the next Secretary of the Treasury be either of these gentlemen, or whoever he may be, all that he will have to do if this bill passes will be to walk over to the Postmaster-General and say, "My dear sir, please exert a little of your authority upon the postal revenues and replenish our depleted Treasury and thus enable us to pay our bills when they become due." Now, Mr. Chairman, we all know that the talk of this kind indulged in by the gentleman from California is nonsense. [Laughter.] It is mere flapdoodle, such as is fit only to be doled out to fools and idiots. [Laughter.] It ought not to be presented to the members of this House. It does not appeal to us in any way except to our sense of the ridiculous. The idea that this bill will save two hundred and forty millions for the next ten years! Why, Aladdin and his wonderful lamp are as nothing to my colleague from California. He proposes to rub his brush upon the postal revenues and, lo, the genii of wealth will appear, and it will be at once poured into the Treasury. [Laughter.] Pshaw! What kind of an argument is that to present to this House? And yet that is the gentleman's statement. The learned gentleman from Ohio [Mr. Burton], a gentleman whom I esteem and revere as a lawyer and whom I believe to be honest in this regard—the learned gentleman from Ohio says that there are objections to this bill, and he asks those who are opposed to it to maintain their objections to it. Is that the manner in which the gentleman argues a case in court when he is for the plaintiff? I have always understood, in my brief life and with my feeble understanding, that those who suggest a change are required to give the reasons for the change, instead of calling upon their adver-

saries to maintain a negative.

If there is any good in this proposed new law, if there is any necessity for it, show us, oh statesman from Cleveland, who has basked in the smiles of Chairman Hanna [great laughter]—show us wherein the necessity or the advantage lies. I say to you that it is absolutely necessary that reasons should be given why we should make a change in the postal law, and you are bound to give them, and not to call upon us poor devils who are satisfied with the existing law to give reasons why there should be no change. Do not ask us to prove a negative, but give us the reasons why a change should be made. We are like the man who was thrown from his horse, with a colt right behind it, into the midst of the river, and as he rose to the surface he grabbed, as a drowning man will do, at the first thing that came within his reach, which happened to be the colt's tail, and as the colt was feebly endeavoring to carry himself and his master ashore the people on the bank shouted to the man, "Let go the colt and take hold of the mare." But he said, "Good God! I've got hold of something now, and I think I had better not change until I get ashore." [Laughter.] So it is with us, Mr. Chairman; we have got hold of something good now, and we do not want to let go what we have and attempt to take something new unless those who propose the change can show good reasons for it. [Laughter.]

"But,"say both the gentlemen who have preceded me, the gen-

"But, say both the gentlemen who have preceded me, the gentleman from Mississippi [Mr. KYLE], who follows in the wake of the chairman of the committee, and my learned friend from Ohio [Mr. BURTON], "bad books go through the mails." Now, that is a wonderful discovery! [Laughter.] Just think of it! There are bad books going through the United States mails! Who ever heard of that before? And myfriend from Mississippi [Mr. KYLE] has at last awakened to the fact that a book has been published called, If Christ Came to Congress. [Laughter.] He has been here six years, and he never knew of that before. Now, if my friend would only subscribe to some of these publications that he denounces, if he had subscribed, for instance, to the Howard Publishing Company, he would have found that out long ago, and if he had been a devout member of Congress he would have discovered that Christ comes to Congress, as he comes to every other place, regardless of the title of that novel. [Laughter.] These gentlemen say that bad books go through the mails, and they read you the titles of some of them, Jibbering Jack or Patsy McGallahan, or other fancy names like these, and they say that these books are going to injure the people.

are going to injure the people.

Just think of it, gentlemen! In the report presented by the committee they quote from that good man, that man whom I have heard the leaders of the party of the gentleman from Mississippi denounce, or rather I have read their speeches wherein they denounced him as a man who had bought a seat in the Cabinet for \$400,000; yet now this committee and my friend from Mississippi quote Postmaster-General Wanamaker to show that we ought to vote for this bill. [Laughter.] I congratulate the gentleman from Mississippi on his conversion to the goodness of Wanamaker. [Laughter.] They tell us that bad books go through the mails, Admitting that bad books go through the mails, are there not good books also going through the mails? I have one here now—Jane Eyre, by Charlotte Bronté—that has been handed to me by a gentleman who is opposed to this bill. I read that book forty or fifty years ago—I hate to think how old I am [laughter]—and I thought it was a good book then, and I think it is a good book now. That book goes through the mails, and I venture the assertion that for every bad book that the chairman of the committee, my colleague from California, can hold up before this House as a specimen of bad literature going through the mails, we can show at least ten good books that go through the mails.

Now, Mr. Chairman, I am nothing but a poor backwoods country lawyer, yet I have learned in the few years that I have practiced law in the small towns and villages of California that you may pass any number of laws that you choose in regard to crime and yet you never can prevent crime. You can punish crime; you can make men perhaps think twice before they commit it, because of the punishment which they will receive. But you can not prevent crime. No more can you prevent the sending of bad books through the mail. I venture the assertion that bad books were sent through the mail before the era of this Committee on the Post-Office and Post-Roads. I venture to assert that bad books were sent through the mail long before any agitation had been engendered in the United States for a change of the postal laws. Bad books will go through the mails forever and ever.

I am old enough to remember when there was a crusade against other books going through the mails; and I have read books—I dislike to admit it, because perhaps it will be said by men who favor this bill that I am not a good judge of books—but I have read books by Fielding and by Smollett that now, under the new order of things, would not be allowed to be sent through the mails—at least, objection would be made. Yet those works rank among the classics of England. Men's minds change, and they may change in reference to books as well as other things.

But there are good books going through the mails. Literature

may change in reference to books as well as other things.

But there are good books going through the mails. Literature is being disseminated cheaply. I dissent entirely from the view of my learned friend from Ohio as to the reprinting of old books. I say for one that, in my judgment, the reprinting of the English classics, the reprinting of the works of Bulwer, and Diekens, and Scott, and the sending of such books through the mails at reduced prices, so that the poor people may read them, is not an evil, but a great good to the results.

I beg pardon for speaking of "the people" or for intimating that they ought to receive any consideration at the hands of the gentleman from California [Mr. Loud], because in the next House I shall not be permitted to speak of "the people;" and when I speak of them now it is through a lapsus linguæ, because it is true, as the gentleman so kindly informed the House, that I shall not be in the next House. More is the pity for the next House. [Laughter.] But at the same time I am a member of the present House; and inasmuch as I am one of the people, I may be pardoned for saying again that I believe you can not bring those English classics too close to the people nor make them too cheap. And when you can buy a set of the works of Charles Dickens for 25 cents or less per volume by reason of the operation of the present postal laws of the United States, I say the good that will be done to the people of this country by reason of their being able to purchase the works of Dickens at such a price outweighs all the damage that may be done to any of the people by the dissemination of all the bad books, they will get them; if they want to read vicious literature, they will read it; and you can not pass laws which will prevent it.

Why, sir, I have sometimes heard talk against sumptuary laws.

Why, sir, I have sometimes heard talk against sumptuary laws. I have heard gentlemen—Republicans, Democrats, and Populists alike—animadvert at length upon sumptuary laws, contending that no such laws should be passed; that the people ought to be allowed in such matters to do as they please. Yet here we are called upon, it seems to me, to enact sumptuary legislation. We are called upon here to protect the people against themselves—to protect them against having literature sent to them that may debauch and injure them. I have faith in the plain people of the land. I have faith that they will not be injured by the literature which may be sent out under present laws. So it seems to me that the argument urged in favor of this bill, that we should prevent the dissemination of bad books, falls to the ground. The dissemination of bad books will continue, because wherever there is a demand for bad books there will be a supply. But it seems to me that the dissemination of good books under such legislation as is proposed here may largely be interfered with, because to get good books costs money; and in order to have them furnished to the people at cheap rates we must continue to give the publishers of these books the same privileges that they now enjoy. But the real reason for this bill—the real object of the bill, I may say, or the real argument which gentlemen have offered in its favor—is furnished by the report made by the Committee on the Post-Office and Post-Roads itself; and for the information of the committee, if I may be permitted, I will read from that very report to show you why I make that remark. On page 3 of the report I find this language:

There is much maudlin sentiment among many of our people about the Post-Office Department. Many compare it with the war and naval establishments and say it should not be run for profit or even to pay expense of operation, but should be supported by taxation and run in the interest of and for the people. To our mind, however, there is no comparison; the one is for the defense of the nation as a whole; no one individual needs their protecting arm more than another, and all are taxed according to their means for its support. The Post-Office Department is an accommodation to the great mass of our people, but not an absolute necessity; private means could as well, or better, be adapted to the transmission of our mails, and, in the opinion of the writer of this report—and that opinion is formed after many

years of practical and theoretical experience in postal affairs—could be so done much more cheaply, with quicker dispatch and better satisfaction to the people.

There is the meat of the whole thing. There is the occasion for this bill. It is an insidious attack on the Post-Office Department of the country. It is the beginning of the agitation that you shall take the post-office from the nation and put it into the hands of private individuals. And I congratulate the Committee on the Post-Office and Post-Roads that they have the courage to avow their desire to put into private hands that which I for one deem should be left for all time in the hands of the National Govern-

Mr. Chairman, I read that report of the committee, and I read it carefully, and when I found that sentence in it I read it over two or three times, and became convinced that it was my duty, and it was the duty of every member of this House, to vote against the bill if he believes in the United States Government managing the post-office; if he believes in the United States carrying on the communication between its own critizens in an of this broad land. If you are in favor of taking the Post-Office Department from the National Government and giving it into the hands of private individuals, all right; vote for the bill. If, ing on the communication between its own citizens in all parts the hands of private individuals, all right; vote for the bill. If, on the contrary, you are in favor of keeping the post-office in the hands of the nation, then vote against it.

For one I believe in the Post-Office Department. I believe it ought to be kept in the hands of the National Government. I believe it to be an advantage to the nation-to the advantage of all of our people. I disagree entirely with the report of the committee. I believe, in opposition to the report, that the Post-Office Department is an absolute necessity to the people, and that the business can be better conducted through the Department than in any other possible way. So believing, Mr. Chairman, I shall vote against this bill. I believe it to be wrong in principle and wrong in practice to admit at this time, at this age, and in this genera-tion that such a change should be made. I am opposed to put-ting the opening wedge into legislation which will serve to sever the Post-Office Department from the fostering care and protecting arm and supervision and control of the United States Government. So long as our Post-Office Department is conducted by the United States, it will do well. The moment we put it in the hands of private individuals trouble ensues—trouble to the writer and trouble to the receiver of the letter. Trouble on all hands will follow. Therefore, that reason alone ought to be sufficient, it seems to me, to justify any member in voting against the passage of such a bill as this. We must vote against it unless some strong reason, unless, indeed, potent reasons shall arise and be stated, other than were told about bad books going through the mails, for its support.

My friend from Colorado, a Bell that usually sounds true when struck in the interest of the people, even though a Populist, has handed me a memorandum and called my attention to the fact that the law now prohibits the sending through the mails of vicious literature, some of that class presented by the gentleman from Mississippi [Mr. Kyle]. It is even now denied the right of passage through the mails. I frankly confess that I am not as familiar with the law as I ought to be. I frankly confess that I presume the chairman of the committee and the committee itself know, or at least think they do, very much more about the matter than I do, and they have said that the law in this report was suf-ficient at the present time. On page 4 of their own report they claim it is sufficient now. But inasmuch as that information emanated from that committee, I was afraid I ought to take it in a Pickwickian sense, and understand that they meant something a little different from what they did say in their report, because I can not conceive that any set of men would come into the House, and in one breath say that the law ought to be amended in order to prevent the sending through the mails of vicious books and literature of that character, and in the next breath declare that the law was sufficient as it is now to prevent the very thing that they ask to have prevented. But if it be true that the law does prevent it as at present constituted, and my friend from Colorado says it does—if that is true (and I dilute the security of the statement; I weaken, in other words, the citation, and do not strengthen the precedent when I say that even the committee's report indorses the proposition of the gentleman from Colorado) [laughter]; if it be true that the present law is sufficient, and that under it the vicious publications, the literature of this class, is denied transmission through the mails, in the name of common sense why do you want to change it? [Laughter.]

Is it because of this great deficiency in the revenue? Is it because of the \$8,000,000 per year that they say this Post-Office Department costs? For one, I think the Post-Office Department should be carried on whether it makes money or loses money. I do not care a snap of my finger whether it costs the Government \$185 to send a letter to Alaska, as the gentleman from California [Mr. LOUD] intimated. If we have a United States citizen living

in Alaska under the protection of the Stars and Stripes, and there is a post-office there, it is the duty of this Government to send his mail to Alaska, even if it costs \$185 per letter to send it. I do not believe in this making fish of one and flesh of the other. I agree with my learned friend from Ohio [Mr. Burton] that there should be no privileged classes, and that is why I am opposed to this bill.

this bill.

They say that certain trade press associations have declared in favor of this bill. Why? Because it benefits them. Who have declared against it? Nearly every country newspaper in the United States of America; every cheap magazine in the United States. Where can you find better magazines than Munsey's, McClure's, the Cosmopolitan, and others that I might name, that are sold now for a dollar a year or 10 cents a copy, and which are enabled to be sold at that cheap rate because of the privilege given to them by the present liberal postal laws. I am not familiar with the facts connected with their circulation, but I understand that it increased from a few thousand to over a million by reason of the it increased from a few thousand to over a million by reason of the liberal operation of the postal laws. Why cut them off? Does any member of the Post-Office Committee think that those magazines are vicious literature? Does he think that the people ought to be deprived of the right to read those magazines simply because they are cheap? I do not know how the great newspapers of New York stand upon this question. I do know how one newspaper stands upon it; that is the New York Tribune. A friend has sent me a copy of it; and in the New York Tribune I have found editorial after editorial against this bill, urging Congress to defeat it. I do not speak of that as a matter that should have much weight with the members of this House. I regard it as a fatal confession of weakness on the part of the gentleman from California [Mr. Loud], the chairman of this committee, and of his colleague, the gentleman from Mississippi [Mr. Kyle], when they undertake to say that the newspapers favor it. Who and what are the newspapers of this land that they should dictate legislation to Congress? Who and what are the newspapers that they should say a law is good or a law is bad, and we should blindly accept their directions? There is not a member of Congress, always excepting the chair-man of the Post-Office Committee, but what has been abused by the newspapers, and when you were abused by them did you think that they were the ones entitled to tell you how to vote? [Laughter.]

It seems to me that every measure should stand upon its own merits, and we should discuss it regardless of what the newspapers say, whether they affirm or deny its goodness, whether they affirm or deny its wickedness; and, furthermore, that in deciding whether we shall support this bill we should ask ourselves, Have any reasons been assigned to justify us in changing the law? only reasons given, and they can be summarized, are three: First, that bad books go through the mails.

That amounts to nothing.

Second, that there is expense attending it.

That, as it seems to me, amounts to nothing, because of the good results

And third, that we would save \$40,000,000 a year.
That I have, I think, already shown to be a chimera of the imagi-

Now, what is left of the bill? Why should we pass it? They say Postmasters-General have recommended the bill. They say that a Democratic Postmaster-General and a Republican Post-master-General have recommended it. When and where did it become the law that the mere recommendation of a Cabinet officer entitled a bill to be passed through Congress? I do not know. Of course I am a new member of Congress. I have been here only one term, and owing to some mysterious dispensation of Divine Providence, for which He knows the reason and I do not, I shall not be here again. [Laughter.] In the short time that I have been here I never have yet found it the law or the rule that because a Cabinet officer recommended a bill, therefore it should necessarily pass.

The CHAIRMAN (Mr. SHERMAN) raised the gavel.

Mr. JOHNSON of California. Oh, now, don't do that, Uncle

ames! [Laughter.] The CHAIRMAN. James!

The Chair regrets to say that the time of

the gentleman has expired.

Mr. JOHNSON of California. If that be true, I suppose "the gentleman from California" must expire, unless my friend the gentleman from New York [Mr. Quige] will give me a few minutes more

Mr. QUIGG. How much time does the gentleman from California desire?
Mr. JOHNSON of California. Well, about five minutes more,

I think.

Mr. QUIGG. I yield to the gentleman five minutes.
Mr. JOHNSON of California. For what I have received I am
thankful. For what I shall receive I will be thankful. [Laugh-

Now, as I was saying, why should we pass this bill? Usually there is a demand for legislation found in the operation of the law in existence. Usually that demand for legislation can be succinctly presented to Congress by the advocates of the measure. We are not usually required to arise and say, "These are the objections to the bill," and receive answer to those objections. The wise man in presenting a case, when he is either a lover or a lawyer, speaks of the good results to flow from the marriage or from the verdict. But here it is reversed, and we find gentlemen saying there are certain evils which now exist in our imagination because we object to the bill. They say our objections are of no force. Let them show first wherein the law works badly. Let them go further. They merely speak of the titles of various books. Far be it from me to even intimate that the grave, sedate, and learned gentleman from California [Mr. LOUD] has ever read any of these books the titles of which he has called to our attention! [Laughter.]

attention! [Laughter.]
I know that the operation of his mind is so quick and the X-rays that scintillate from his intellect are so penetrating he is able to tell by a look at a book, on reading its title, whether it is a good or a bad book! Therefore he may be pardoned for saying all these or a bad book! are bad books. But "upon what meat hath this our Cæsar" from Mississippi "fed" [laughter] that he is also able to tell that these are bad books? Andmy kind friend from Ohio [Mr. Burton], have you read these books? [Laughter.] Is it possible that you have? I shrink from the thought that you have read these books. [Great

Now, the title of a book in itself amounts to nothing. One of the pleasantest books that any man here remembers is The Dam-nation of Theron Wade. I presume the gentleman from New York [Mr. Quige] has read it if anyone else has, and I presume a great many have read it. The title of that book would make us antagonize it; and yet it is interesting, it is eloquent and instructive. The title of the book itself is not sufficient to condemn it. I admit that the title of the book If Christ Came to Congress condemns that the title of the book it christ came to congress condemns that book without reading it; and it ought to be condenned. [Laughter.] I admit that if we could pass a law to keep that book and its sequel, which has been advertised, out of the mails, that we would be doing right to pass it, even if we had to do bodily violence to the gentleman the reputed author of the

But the question is as to whether the title of a book itself makes it bad. I do not think it does. The title of a book of itself does not make it bad. You must have waded through these books. Just think of it, gentlemen of the House of Representatives—just think of what the chairman of the Committee on the Post-Office and Post-Roads has suffered in behalf of the dear people, whom he loves! He has waded through hundreds and hundreds and thousands of these bad books in order that he might be able to tell you that they were bad, and in order that you might vote for this bill to they were bad, and in order that you might vote for this bill to prevent others from suffering. It reminds me of a story of cholera times in New York, when the doctor said, "You must not eat green-apple or rhubarb pie;" and when the man of the house came in one day and found a rhubarb pie, made in the good old-fashioned style—and it makes my mouth water to think of it—he asked what it was, and when his wife told him he said, "Good God! wife, in these cholera times, are you going to permit our dear, loved children to eat that rhubarb pie and die of cholera? No, no: take it away; put it in the pantry; keep it there." And they did so; and that evening, after the children had retired, true to his duty as a father, true to his duty as an American citizen. to his duty as a father, true to his duty as an American citizen, he went into the pantry, where that pie was, and to save the lives of his innocent children ate that pie himself. [Great laughter.]

And so to-day, Mr. Chairman, the learned chairman of the Committee on the Post-Office and Post-Roads has read all these bad

books to prove to us the necessity of passing this bill in order that we might be saved from evil by his vicarious punishment. [Great

laughter.

Mr. LOUD. I yield five minutes to the gentleman from Missis-

Mr. KYLE. Mr. Chairman, I understood from the remarks of the gentleman from California.

Mr. KYLE. Mr. Chairman, I understood from the remarks of the gentleman from California.

Mr. JOHNSON of California. Which one?

Mr. KYLE. Mr. JOHNSON. (Continuing.) That he stated that

he had read some speech of mine, where I charged Mr. Wanamaker

with having paid \$400,000 for a seat in the Cabinet.

Mr. JOHNSON of California. If the gentleman so understood me, or if I said so, that was an error. I presumed that he, like other Democrats, believed that. Of course, what a man intends to say and what he does say is frequently very different. [Great]

same satisfaction that I presume a visitor to St. Louis did the day after the cyclone. I am glad I did not come before the gentleman from California [Mr. Johnson], and that I have the privilege of

talking after him, so that I may have missed the cyclone with which he struck the other gentlemen on our side of this question.

Now, I do not know what the particular relations are between the two distinguished gentlemen from California. The thinly veiled sarcasm of the last gentleman in his attack upon the bill would indicate that in order to have a consolidated and a united Republican party in the State of California the two gentlemen should get together. They have been accusing us in Ohio of being divided. I think that the Republican party in California, if the remarks of the gentleman who has just concluded are any index of the situation, ought to get together and harmonize their differences.

Now, so far as any covert attack upon the chairman of the committee is concerned, I propose to make no defense, because I take it for granted that he is fully able to take care of himself; but so far as the attack made upon this bill is directed against the Post-Office Committee, of which I am a member, I propose to try,

Post-Office Committee, of which I am a member, I propose to try, in my feeble way, to reply to some of the comments and criticisms that have been made, not only by the learned gentleman from California [Mr. Johnson], but by the gentleman from New York [Mr. Quigg] who preceded him.

To begin with, and for fear that I should overlook it, the gentleman from California [Mr. Johnson], referring to page 3 of the report, quoted the language of the chairman of the committee, in which he says it is his opinion, formed after many years of practical and theoretical experience in postal affairs, that the transmission of the mails could be done more cheaply and with quicker dispatch and better satisfaction by private means then by the posts. dispatch and better satisfaction by private means than by the postoffice authorities, and the gentleman seemed to think that he had discovered in that statement the colored individual in the wood pile so far as this bill is concerned.

pile so far as this bill is concerned.

Upon that ground the gentleman charged the committee with undertaking to break down the Post-Office Department by bringing in and urging the passage of this bill. The gentleman appeared to think that we were engaged in an insidious attack upon the Post-Office Department in attempting to save for it an amount which has been variously estimated at from one to ten million dollars per annum, or even a larger sum. It strikes me, Mr. Chairman, that the gentleman from California must be entirely unfamiliar with the history of the legislation that is proposed in this bill. He must be entirely unaware of the fact that from 1879 down to the present time there has been hardly a report made by any Postmaster-General of the United States, Republican or Democrat, which has not called attention to the evils which this bill attempts to correct, or has not made recommendations for their correction. If, therefore, the chairman of the Post-Office Committee, and the members of that committee, who have adopted this report, are engaged in an insidious attack upon the Department, equally guilty are Postmasters-General Wanamaker, Bissell, and the present Postmaster-General, Wilson.

Again, the gentleman from California [Mr. Johnson] says that

we come here with our bill occupying a negative position, that we say in effect, "Prove that our bill is not a good bill," and that we do not rely upon the positive merits of the bill itself. In other we do not rely upon the positive merits of the bill itself. In other words, to use the gentleman's own illustration, according to him we come into court and say, "Here is our complaint; now let the defense prove that our allegations are not true." If the gentleman were aware, as he probably is not aware, of the hundreds and thousands of letters that have been mailed to the Post-Office Committee since the introduction of this bill, urging its passage, letters from business men, from the public press all over the country, even from the weekly newspapers which are supposed to be most injuriously affected by the bill—if the gentleman could have seen and read those communications, he would never have asked, "What is the demand for this bill?" The demand, sir, is universal. It comes from all classes of people and from all sections of the country. The bill is indorsed not only by the business men, the manufacturers, and others who by reason of frauds upon the postal service under the present law are comfrauds upon the postal service under the present law are compelled to pay more than their just proportion in the other grades of postage, but the indorsement cones also from the publishers of newspapers themselves, who, if any class are to be affected injuriously by the withdrawal of the privilege of sending sample

Mr. GUIGG. Will the gentleman—

Mr. BROMWELL. I decline to be interrupted.

The gentleman from New York in his statement that every measure of this kind which had been brought before Congress had Mr. KYLE. I accept the explanation. It is all satisfactory to me.

Mr. LOUD. I yield forty-five minutes to the gentleman from Ohio [Mr. Bromwell].

Mr. Bromwell].

Mr. Chairman, I feel a great deal of the many see the action which was taken at that time upon that bill I will occupy a moment in referring to the bill and also to the report which was made upon it. On February 27, 1890, Mr. BINGHAM introduced in this House—

A bill (H.R. 7559) to fix the rate of postage on periodical publications containing the print or reprint of books.

Be it enacted, etc., That from and after the passage of this act all publications purporting to be issued periodically and to subscribers, but which are merely books or reprints of books, whether they be issued complete or in parts, whether they be bound or unbound, or whether they be sold by subscription or otherwise, when offered for transmission by mail, shall be subject to postage at the rate prescribed by law for third-class matter.

The report on that bill was made April 7, 1890, by Mr. BING-HAM, the chairman of the committee. The opening paragraphs are as follows:

The Committee on the Post-Office and Post-Roads, having under consideration the bill (H. R. 7558) to fix the rate of postage on periodical publications containing the print or reprint of books, submit the following report:

A bill of like character passed the House of Representatives, Fiftieth Congress, and Mr. Blount of Georgia submitted the following report:

Then follows the report previously made by Mr. Blount.
This report of the gentleman from Pennsylvania then goes on to
quote the language of the Postmaster-General, on pages 43, 44, 45, and 46 of his report for 1889.

The report further states:

In letter under date of March 7, 1890, the Postmaster-General thus addresses the chairman of Committee on the Post-Office and Post-Roads.

Then, after giving the letter of Postmaster-General Wanamaker, the report concludes:

The committee therefore recommend the passage of the bill.

It seems, therefore, from the statement of this report that a bill of similar character to this was passed in the Fiftieth Congress, and that a similar bill was introduced, fathered, and favorably reported upon by the chairman of the Post-Office Committee, General BINGHAM.

Now, the gentleman from California [Mr. Johnson] asks us to state the reasons why this bill should be passed. Those reasons have been given. I can add but little to the statement as already made. There are two reasons that stand out preeminent. In a room adjacent to this Hall, the Committee on Ways and Means of this House are engaged day after day hearing from representa-tive business men of the country their views in regard to the revision of the tariff—a measure made absolutely necessary by the deficiency of the revenues under the present system, \$39,000,000 being the amount we are behind in receipts as compared with our expenditures for the fiscal year up to the present time. Taking in view this deficiency, it is proposed to increase the tariff duties. But, gentlemen, there is another way in which we can assist the revenues of the Government in addition to increasing the tariff. When a business man finds that he is running behind, he has the choice of two methods of improving his standing; one is to increase the receipts of his business if possible; the other is to cut down, if possible, its expenses. Both of these means are available to us. We hope shortly after the 4th of March of this year to enact a bill which shall increase the receipts of the Government: but it is none the less the duty of this House before the 4th of March, if possible, to assist in this good work of cutting off this deficit by a

possible, to assist in this good work of cutting off this dencit by a proper economy—a cutting down wherever it can properly be done in the expenses of the Government.

I care not whether the amount that will be saved if this bill be passed be placed at \$1,000,000 or \$40,000,000. The principle is the same. If we can save \$1,000,000 to this Government by the passage of this bill, it is our duty to do it. Gentlemen get up on the sage of this bill, it is our duty to do it. Gentlemen get up on the floor of this House and oppose the payment of the just debts of this Government in the way of war claims and other just obligations. When the amount is only a few hundred dollars, they debate and argue; they spend hours in opposition to the payment of just claims against the Government; yet they are willing to stand idly by and permit, or even directly to advocate, the continuance of an abuse in the postal system which year after year takes from the revenues of the Government not merely a few hundred or a few thousand dollars, but millions. The demand, therefore, is first on the ground of economical management of the Post-Office Department. But, Mr. Chairman and gentlemen of the committee, there is a very much higher duty than even that of economy; there is a higher duty than the mere saving of dollars and cents to the Government, and that is the duty we owe, so far as the question of these serial novels is concerned, at any rate of transmission through the mails, to the morality of the youth of this country.

The gentleman from California [Mr. Johnson] may ridicule the

idea that these novels are the means of transmitting immorality to the youth of our land. He says the transmission of one cheap edition of Dickens's novels through the mails at this cheap rate of postage more than compensates for the damage done by the transmission of the innumerable immoral novels that are sent to all parts of our land. But I say to you that one human soul saved is worth all of the intellectual development of the human mind that can be gathered by the use of Dickens's novels or the reading of Thackeray's novels or any other of the standard authors of the

world. I say that the evil of such transmission through the mails is so widespread in regard to the serial novels, that the good done, as compared with the evil, is as a grain of wheat to a barrel of chaff. To be convinced of this fact it is only necessary to take a list of these publications and read it through. How many of these books would you select to put into the hands of your son and your daughter to be convinced of their working great injury to the morality of youth?

But I have here an article which will command the attention and respect of, I hope, even the gentleman from California himself. It is an article in a work entitled Books and Reading for the Young, by J. H. Smart, who was for twelve years past president of Purdue University at Lafayette, Ind., an educator known not only throughout the United States, but throughout the world. In regard to this class of literature that is circulated through our mails at the 1 cent a pound rate under the pretense of educational value, he says:

The extent to which vicious literature is read by the youth of this country is alarming. Tons upon tons of it are sent out from the larger cities all over the country, and our children read it and are demoralized by it. If one doubts this, let him read the reports of Anthony Comstock, or let him spend an hour at the news stands in our larger cities and towns; or, what is better, let him inquire of any teacher of youth who has given the subject attention.

let him inquire of any teacher of youth who has given the subject attention.

I am reliably informed that a large part of the bad literature that goes out of New York is sent to the great West, and I know from personal observation that much of it comes to the State of Indiana. The circulation of bad literature has become so extensive in New England that it has called out the following appeal, signed by such men as Noah Porter, Theodore D. Woolsey, Francis A. Walker, Leonard Baoon, Francis Wayland, and James E. English: "We desire to call attention to the cheap, trashy literature which is demoralizing the youth of our country. In this class we notice the paper named The New York Boys' Weekly, with a reputed circulation of 40,000, and the Boys of New York, with a reputed circulation of 50,000. These papers contain stories of the most sensational and slangy character, judging by the titles, of which we name the following: Dashing Dick, King of the Highway; Yankee Claude Duval, the Dashing Knight of the Road; Corkey, or the Tricks and Travels of a Supe; Shorty, jr., or the Son of His Dad; Bang Up, or the Boy Ranchero, etc. We see not one redeeming trait in these or other papers of this class. We are informed that many of the advertisements in their columns are of the most villainous kind. Will you not do what you can to warn your readers against the peril that besets our youth? "Our object is not to advertise any periodical in place of those we deprecate, but only to warn the public of a danger suspected by few and realized by fewer still."

There is also here a quotation from Prof. William G. Summer, of

There is also here a quotation from Prof. William G. Sumner, of Yale College, which I will not take the time of the committee to read, but it is of the same general character.

Now, the gentleman says that you can not tell much from the title of a book about what it is, but I have here a collection of books, and I think the titles would indicate about their character. I will say that some of them are made up of fairly good literature. I will say that some of them are made up of fairly good literature. The collection which I hold in my hand is from the Munro Library of popular novels. This publication was started long before the decision of Attorney-General Devens, which admitted this class of literature to the mails. I am informed by reliable business men, who know the facts, that the proprietors of this library—of this series of books—had made an immense fortune before the favorable construction of law by Attorney-General Devens, which gave them the privilege of sending this matter through the mails at a lower rate. Originally issued as weeklies or monthlies, I have forgotten which, they now issue them daily, so that every day one of these cheap novels goes into the mails, or is supposed to go into the mails. As a matter of fact, dozens and hundreds of them are dumped in together, of all sorts of issues and of all sorts of days, and these go through the United States mail at the rate of a cent

and these go through the Chited States man at the rate of a central pound.

Now, I will take one of these, and from the catalogue which is published at the end will give you a sample of the general run of these books, and I will say also that George Munro & Sons, publishers—and this is only a type of the entire class—are not the publishers of one series only, but they have a great variety of names under which the publications are sent out, and a book which appears as number one of one series will appear as number. which appears as number one of one series will appear as number ten in another series or number fifteen in a third series. All they have to do is to tear off the paper back and paste a new one on, and instead of its being the Old Sleuth Series, for instance, or Old Sleuth Library, it will be The Boys Dashaway Library, or instead of that it may be Die Deutsche Library, or the Laurel Library, and so on

and so on.

Now, here are some of the publications of the "Old Sleuth Library," which is stated to be "a series of the most thrilling detective stories ever published, issued quarterly, price 5 cents each," and I will say that there are 69 of them altogether. Old Sleuth, the Detective; The King of the Detectives; Old Sleuth's Triumph; Under a Million Disguises; Night Scenes in New York; Old Electricity, the Lightning Detective."

I am reading them right along, and if any gentleman can find one of these books that he would like to put into the hands of his son or daughter. I shall be very glad to have him pick it out for

son or daughter, I shall be very glad to have him pick it out for me. The Robber Detective; Iron Burgess, the Government De-tective; The Brigands of New York, and so on for quantity and

Out of the entire 69 there is not one book that you or I would

want to see in our households.

Now, gentlemen say that the present law is sufficient to exclude Now, gentlemen say that the present law is sufficient to exclude this class of literature. The law, if enforced, is sufficient to exclude a certain class of this abominable literature. The law gives the Post-Office authorities the right to throw out of the mail books containing obscene matter, but the law, as construed by the Department and by the Attorney-General, does not give the right to throw out of the mails books that are almost equally as villainous

as those containing obscenity.

Let me read to you from a letter addressed by the Postmaster-General to the chairman of the Post-Office Committee, Hon. John S. Henderson, and found in the report of the committee on pages 21

Fourthly. The favoring of works of fiction, as is shown above, carries with it the circulation at practically the expense of the nation, of a very vicious class of literature. On this point I can not, perhaps, do better than to quote the views of the gentleman before alluded to. He says:

"But the worst side of this question I have not yet touched, and that is the wide diffusion of what, for want of a better name, may be termed the 'bigamy' school of fiction. I mean the writings of such novelists as Ouida, Adolphe Belot, Du Boisgobey, Dumas the younger, and the coarse and brutal pictures of Emile Zola.

"There are many novels of that class which every librarian who has any regard for the morals of the community deplores the existence of, novels which depict, sometimes in the most seductive, sometimes in the most repulsive, aspects the decline and fall of woman—novels in which where there is not a seduction, and very frequently there are both. Now, what kind of literature's is a seduction, and very frequently there are both. Now, what kind of literature is a that to bring into domestic circles, to be put forth by the thousand, and scattered all over your country to the exclusion, or at least to the prejudice, of decent and elevating literature?"

The gentlemen who advocate the allowance of this class of matter to go through the mails at the reduced rates, and thus to make the Government of the United States accessory to the distribution of this vicious stuff, have no plea to make for that higher class of literature which is really educational. The schoolbooks of the country do not go through the mails at a cent a pound. They have country do not go through the mails at a cent a pound. They have no plea to make for the Holy Bible. That does not go through the mails at a cent a pound unless it is cut up into sections, in order to defraud the Government, as these book publishers have done. Your religious tracts do not go through the mails in the same class with this literature. They pay 8 cents a pound. Why, then, should this special favor be given to this class of publishers. There is no sentimentality about it. The newspapers that are demanding free sample copies and these serial publishers who are demanding these privileges are business men. They are in the business for the purpose of making money. They do with their money when it is made just what every other business man does. There is no special appeal that they can make to us to favor them There is no special appeal that they can make to us to favor them in assisting their business. When it comes to the legitimate newspaper publications—the issues of the great dailies, the weeklies, and the monthly magazines—they form a different class of literature. It has been the policy of this Government to favor that literature for the general dissemination of information and knowledge. edge. But when it comes to this class of literature, they are nothing more than books—books with paper covers. There is no more reason why the mere manner in which a publication is bound shall make a discrimination in its favor of 7 cents a pound than there is why we should discriminate between a sample of merchandise sent through the mails in a canvas bag and the same sample of merchandise sent in a paper bag. They are exactly the same book. A work of Dickens is a book whether it is bound in paper or bound in cloth.

Now, why should a cloth-bound book of Dickens pay 8 cents a pound for transmission through the mails while a paper-bound book pays but 1 cent a pound? Not the difference in the binding. That can not be the reason. There never was any intention to include these books in this privileged class. The publishers saw that all that was necessary was to use the name of some series—Household Series, Favorite Series, Sleuth Series, Detective Series, or something else, then mark it volume 1, number 1, issued daily, weekly, or monthly, as the case may be, subscription \$12 a year, take it down to the post-office, make a false oath to the post-master, and they would get their books through the mail at a

Now, it may be thought that I am using extravagant language when I say "by making a false oath." I have had a communication handed me by the Postmaster-General, which consisted of an affidavit made by the former owner of a New York sample-copy paper. I refer to it as a sample-copy paper, because he admitted in his affidavit and made the statement that this paper had 7,000 legitimate paid-up subscribers: that on the strength of the 7,000 subscribers there were 68,000 copies sent out, and 32,000 sample copies of this publication. In other words, on the strength of a legitimate circulation and subscription of 7,000, 100,000 copies were sent out through the mails. This affidavit was filed with the Postmaster-General

Mr. CANNON. I will ask, for information, if the gentleman will allow me, was this against the law?

Mr. BROMWELL. I understand it was against the law, and

he may be prosecuted.

Mr. CANNON. Why was he not sent to the penitentiary if he

Mr. CANNON. Why was he not sent to the pententiary if ne was guilty of violating the law?

Mr. BROMWELL. Possibly he may have been; I do not know. I intended this as one illustration of the abuse of the sample-copy privilege. I am not here saying that he would not make himself amenable to the laws. I do not know what the circumstances were as to that; but in his affidavit he stated that on the basis of 7,000 subscription list he was able to send out 100,000 papers, 32,000 of which were sample copies.

Mr. CANNON. But that is clearly against the law.

Mr. BROMWELL. Undoubtedly it is.

Mr. CANNON. Does my friend think it is safe to repeal a law that some believe is beneficial in its general results because some

individual has violated that law?

Mr. BROMWELL. Well, so far as that is concerned, I will answer the gentleman this way: I believe that this Post-Office Department ought to be managed, if possible, in its different branches so as to pay its expenses. I believe that the sample-copy privilege is one of the reasons why a deficiency exists; and it seems to me, from all the information we can get, a reason why the sample-copy privilege ought to be withdrawn. Do I answer the

gentleman's question?

Mr. CANNON. The gentleman answers by giving one of the means of cutting down the deficiency, or of wiping out the defimeans of cutting down the deficiency, or of wiping out the deficiency; but I will point the gentleman to one other very important consideration. For instance, in each county a paper goes absolutely free of postage. In every county of the United States, as I understand, a paper published in that county has the franking privilege. Now, if the gentleman does not interfere with that, as I understand his bill, I would like to have him say so.

Mr. BROMWELL. I will answer the gentleman by saying that if the expenses of the Post-Office Department can be brought within its income by cutting off serial publications alone, then I would be willing to have sample copies go out so far as that could be done without entailing additional expense; and if it became necessary to curtail the expenses by curtailing the sample copies.

necessary to curtail the expenses by curtailing the sample copies, I would cut them off; and if it required additional economy to bring the expenses of the Post-Office Department within its receipts, I should be in favor of cutting off the county free matter. Of course, it has been the policy for years to allow free county matter to go through the mails. Whether it would be wise or politic to withdraw that privilege from county free matter is another question

politic to withdraw that privilege from county free matter is another question.

Mr. CANNON. I am not advocating that. I simply wanted to get at the theory on which the gentleman was proceeding.

Mr. BROMWELL. Reference was made, I think, by the gentleman from New York to the fact that the American Newspaper Publishers' Association represented only a small portion, numerically, of the newspapers published in the United States. I believe he said only 170 out of about 1,800 newspapers. I have here a circular of the American Newspaper Publishers' Association, indorsing this bill, which was adopted by the association, by the unanimous vote of the executive committee, on February 20, 1896, and afterwards by the unanimous vote of the association on February and afterwards by the unanimous vote of the association on February 21, 1896. I find by reference to the list of members of this ruary 21, 1896. I find by reference to the list of members of this association that it is composed of newspapers nearly all of which are of national reputation. The press of nearly every large city in the United States is represented. There are five papers from Albany, N. Y., two from Augusta, Ga., three from Baltimore, one from Bangor, eight or nine from Boston, five from Brooklyn, three from Buffalo, and I believe nearly every newspaper published in my own city, Cincinnati, is upon the list. There are eight or ten from Philadelphia, six or eight from Pittsburg, five or six from St. Louis, and so on through the list. I am also informed that while it is true that the number of these papers is but a small percentage of the whole number of publications of this kind in the United States, yet the actual output of the papers upon this list constitutes about 75 per cent of the newspaper matter issued in the country

Mr. MILLIKEN. What class of papers does the gentleman

refer to now?
Mr. BROMWELL. The papers that make up the American

Publishers' Association.

Mr. QUIGG. Daily newspapers, are they not?

Mr. BROMWELL. Yes, sir; daily newspapers, and they indorse this bill

Mr. MILLIKEN. Is it not just possible that they desire to get

rid of competition?

Mr. BROMWELL. These are for the most part daily newspapers; but gentlemen know that Harper's Weekly is not a daily publication, and I have here an article from Harper's Weekly, under date of April 11, 1896, indorsing this bill. I will read it:

THE LOUD BILL. It is to be hoped that Congress will not adjourn before passing the Loud bill, which seeks to limit second-class matter strictly to newspapers and

periodicals. A strong effort is being made to defeat the measure, and there seems to be some misconception at Washington as to the attitude toward it of some of the publishers of periodicals. The Weekly has favored this bill simply because it is for the general interest that it should become a law. The Government is now losing annually between \$18,000,000 and \$19,000,000 as the result of a perversion of the law.

The law of 1885 fixing the rate of postage on newspapers and periodicals at 1 cent a pound is a liberal law, and was intended primarily for the benefit of readers of such publications. It is the policy of the Government to extend the circulation of periodical literature, and to help to cheapen it to the people by reducing the charge for carrying it in the mails. Every abuse of this law which adds to the cost of maintaining the Post-Office Department is a menace to the law itself, for if the abuse continue, there will inevitably come a time when the Government must fix the charge for carrying second-class matter at a rate which will cover the cost of transportation. It will be remembered that the enormous loss resulting from the second-class matter of books, advertising circulars, enormous sample editions, and other publications not properly included in second-class matter. Recently the sample edition of one publication alone, as we learn from the report of the committee, weighed 300,000 pounds. Its carriage in the mails cost the Government \$24,000. As the postage paid was \$3,000, the Government tost \$21,000 on this one edition. We have the estimate of the Department that if the perversion of the law should cease, the post-office ould afford to carry periodicals for nothing, and this certainly indicates the extent of the abuse.

The abuse ought to be stopped not only because it is the cause of such enormous expense to the Government, but because it interferes with the rights of the great majority of those who use the post-office. The post-office is established primarily for the carrying of letters. At t

I have also the proceedings of the American Newspaper Publishers' Association to which I have already referred, and which I insert in my remarks at this point:

The American Newspaper Publishers' Association (composed of publishers f leading dailies) approve Mr. Loud's postal bill—
First, by the unanimous vote of the executive committee, February 20, 1896.

THE EXECUTIVE COMMITTEE.

[From the Brooklyn Times, February 21, 1896.]

[From the Brooklyn Times, February 21, 1896.]

The executive committee of the American Newspaper Publishers' Association entertained Congressman E. F. Loud, chairman of the Postal Committee of Congress, and Third Assistant Postmaster-General Craige at dinner last evening at the Hotel Waldorf, where they discussed the postal bill relating to second-class mail matter, which has lately been introduced in Congress by Mr. Loud, and after a full debate and a thorough examination into the merits of the bill, the members of the executive committee unanimously agreed to report back to the meeting of the association to-day that the executive committee fully indorsed the bill, and would ask the members to give it their hearty and earnest support.

The following were present: Charles W. Knapp, of the St. Louis Republic; Congressman E. F. Loud; Third Assistant Postmaster-General Craige; M. A. McRae, of the Cincinnait Post; J. A. Butler, of the Buffalo News; W. H. Seif, of the Pittsburg Times; Herbert F. Gunnison, of the Brooklyn Eagle; S. H. Kauffmann, of the Washington Star: H. Montgomery, of the Chicago Tribune; D. N. Houser, of the St. Louis Globe-Democrat, and William C. Bryant, of the Brooklyn Times.

The, by the unanimous vote of the association, February 21, 1896.

THE ASSOCIATION.

[From the New York Times, February 22, 1896.]

The American Newspaper Publishers' Association concluded its annual meeting at the Brunswick Hotel last evening with a banquet. The association has been in session for the last three days, the attendance has been very large, and the amount of work transacted greater than at any previous ses-

Nearly all the emount of work transacted greater than at any previous session.

Nearly all the officers of the association were present, including President Charles W. Knapp, of the St. Louis Republic; Vice-President J. A. Butler, of the Buffalo News: W. C. Bryant, of the Brooklyn Times; M. A. McRae, general manager of the Cincinnati Post, St. Louis Chronicle, and Cleveland Press; S. H. Kauffman, of the Washington Star, and W. H. Seif, of the Pittsburg

A vote of the association was then taken, and it was found to be unani-mously in favor of the Loud bill as it had been reported.

Publishers of legitimate newspapers advocate the passage of the Loud bill because it strikes at the root of the abuses which have led to a very large and growing loss in the postal revenues and have called forth the protests and recommendations of successive Postmasters-General.

So long as the newspaper rates were confined to copies mailed to subscribers the present difficulties had no existence; but since 1879, when these rates were extended to sample copies, thousands of publications, bearing sufficient resemblance to regular newspapers to obtain admission to the second class, have been established, mainly for the purpose of circulating sample copies, which, when once entered as second-class publications, they are entitled to send out in unlimited quantities.

This is a rapidly growing evil which is injuring both the revenues of the Government and the business of established newspapers.

If the Loud bill is passed, this privilege will be withdrawn. Second-class rates will apply only to copies mailed to regular subscribers and the temptation to evasions of the law, which are at present so ruinous to regular publishers and the post-office revenues, will cease.

The issuing of books as pretended serials, when in fact they have few or no subscribers, was never intended by the framers of the present law.

It is far preferable that a reasonable and moderate reform, such as would be accomplished by Mr. Loud's bill, should be carried into effect than that the abuses in connection with second-class matter should be allowed to continue until the loss to the Government becomes so tremendous that a recasting of the whole system shall become necessary.

Now, the gentleman from New York [Mr. QUIGG] seems to assume that the raising of the rate of postage for these periodicals must result in these publishers going out of business. That is his assumption. He figures that we get so much postage now, and that if we raise the rate we shall lose all of that postage and also the postage which is incidental to that; that the first-class postage, and also the incidental postage from third and fourth class matter, will be lost, because we shall have closed out this line of business.

Now, if such publications as Munro's could exist before the de-cision of the Attorney-General, and if the publishers could become wealthy while paying postage at the old rates, it is not very likely that, with the improved facilities they now have for getting out cheap literature, with the cheapening of paper, and the fact that in many instances, as I am told, the publishers have their own paper mills, so that they make the profit upon the paper as well as the profit upon the books—in view of these facts and considerations it is not at all likely that an increase from I cent to 8 cents a pound in the rate of postage would result in election them. tions it is not at all likely that an increase from 1 cent to 8 cents a pound in the rate of postage would result in closing them out. Here, for instance [illustrating], is a book that weighs about 2 ounces, one-eighth of a pound. If this were mailed at the pound rate, the postage upon it would be 1 cent. How much does that add to the cost of the book? Instead of selling it at 5 cents they could sell it at 6 cents and let the purchaser pay the additional postage. postage.

could sell it at 6 cents and let the purchaser pay the additional postage.

But gentlemen who are opposing this bill do not seem to have agreed together upon one point. In some of these boiler-plate protests that seem to emanate from some syndicate, from some central headquarters, modified in language just enough to keep them from being exactly the same—in some of these protests it is stated that if we pass this bill the poor publishers will be driven into bankruptcy, that the paper mills will be closed down, that the typesetters will all be thrown out of work, that the mail carriers will be discharged, that the news agents will have to go to the poorhouse, and, reasoning along that line, they appeal to us to let the existing law stand, so as to keep up the great body of manufacturers and distributers of this kind of literature. On the other hand, another class of the epponents of this bill speak from a directly opposite standpoint. They say it does not make any difference to the publishers whether we pass this bill or not. They take no interest in publishers, but they say that we are not attacking or injuring them, that it is not the publishers who are to suffer, but the consumers. The publisher will go right on, they say; he will simply add the additional postage to the price of his publications, and the consumer will pay just so much more for them, [Here the hammer fell.]

Mr. QUIGG. Mr. Chairman, I desire to take this opportunity of answering somewhat more fully than the gentleman from Ohio [Mr. Bromwell.] did the question that was addressed to him by the gentleman from Illinois [Mr. Cannon].

The CHAIRMAN. The gentleman from New York [Mr. Quigg] is proceeding by unanimous consent.

Mr. QUIGG. No, sir; I am proceeding in my own time.

is proceeding by unanimous consent.

Mr. QUIGG. No, sir; I am proceeding in my own time.

The CHAIRMAN. But the gentleman could not, without the unanimous consent of the committee, which has been given, occupy more than one hour.

Mr. QUIGG. The gentleman from Illinois inquired concerning the fraudulent character of a transaction which the gentleman from Ohio described. I wish to read the provision of the statute

on that subject.

That any person who shall submit or cause to be submitted to any post-master or to the Post-Office Department or any officer of the postal service any false evidence relative to the character of any publication, for the pur-pose of securing the admission thereof at the second-class rate for transpor-tation in the mails, shall be deemed guilty of a misdemeanor; and for every offense, upon conviction thereof, shall be punished by a fine of not less than \$100 nor more than \$500.

So that if the gentleman from Ohio has information from the Department that a crime of this sort has been committed, the duty of the Department under the statute is obvious.

Mr. LOUD. I now yield twenty minutes to the gentleman from Louisiana [Mr. Ogden].

Mr. OGDEN. Mr. Chairman, I recognize in this bill the culmination of a long-felt want. The object of the measure is to correct an abuse that has grown up in our postal service, as shown by the successive reports of various Postmasters-General, beginning with the recommendation of the Third Assistant Postmaster-General in 1892 followed by the report of Postmaster General. General in 1883, followed by the report of Postmaster-General Wanamaker, by that of Postmaster-General Bissell, by that of Postmaster-General Bissell, by that of Postmaster-General Wilson, and by the message of the President of the United States recently submitted to Congress. The Postmaster-General, after stating that the total deficit, omitting the amount credited to the Pacific railroads, was \$8,127,088.44, says:

There is no necessity for this annual deficit. The Department is powerless to prevent it, but a few lines of amendment by Congress to the postal laws will wipe it out and give in its place a steady surplus. It has its chief source in the transmission at second-class rates of a large and rapidly increasing volume of matter never in the contemplation of the law, which gives the nominal rate of I cent a pound on such matter, and assuredly outside of the policy of the law as to newspapers and periodicals.

For years the attention of Congress and of the people has been called by this Department to this gross and growing abuse. Vigorous efforts were made by my immediate predecessors, Postmaster-General Wanamaker and Postmaster-General Bissell, to secure legislation which would protect the postal service from this waste of its revenues and the taxpayers from the large burden imposed on them by the regular deficits.

The increase in the weight of second-class matter for the year was 37,000,000 pounds, as against 13,000,000 pounds last year. The mere cost of transportation of this matter is estimated at 8 cents a pound. The postage revenue received from it was 8½ mills a pound. Thus 349,000,000 pounds, in round numbers, at 8 cents a pound for transportation, cost \$27,020,000; postal revenue received, at 8½ mills per pound, \$2,966,403, a loss on transportation alone of nearly \$25,000,000.

It thus appears that from two-thirds of the matter handled the last fiscal year the revenue was less than one-thirtieth of the cost of the mail service.

Whether an abuse exists or not in connection with our postal system is a question which ought to be considered by this House. I do not say, because Mr. Wanamaker called the attention of Congress to this matter, or because Mr. Bissell did the same, or because Mr. Wilson has emphasized the existence of this evil, or because the President of the United States has indorsed the views of these several officials, that therefore a measure of this kind must nece sarily be right. But certainly the fact that these officers of the Government, following their duty, have thus called attention to the abuses which have grown up is no reason why gentlemen here should vote against this bill.

I always listen to the gentleman from California [Mr. Johnson] with a great deal of interest, and often with amusement. But his reasons for not supporting this bill seem to me in the main to amount to this: That because Mr. Wanamaker, and Mr. Bissell, and Mr. Wilson, and the President of the United States have called attention to this subject is reason why he and those who think with him should vote against the measure. I am not as good at relating an anecdote as my friend from California, but his attirelating an anecdote as my friend from California, but his attitude on this question reminds me of a story I heard of a little boy. About Christmas time, he had in his hand a nice piece of cake and was met by one of his companions, who asked, "Why don't you eat your cake; ain'tit good?" "Oh, yes," was the reply, "it is good, but grandma said I might eat it; and you know I don't do anything that grandma wants me to do." Now, I listered for helf an hour to the grandma wants from California from California and the said of the grandma wants from California tened for half an hour to the remarks of the gentleman from California, and after all, his position, it seemed, was that he did not want to do anything that the officers of the Government had recommended that Congress should do.

I confess, Mr. Chairman, that I do not always follow the advice of the officers of the Government; but I do think that when they offer important recommendations, those recommendations ought to be considered fairly and justly upon their merits and should not be opposed through a spirit of factious opposition. If the recommendation is wise, fair, just—if it commends itself to our judgment then it is our duty to follow it.

ment-then it is our duty to follow it.

The whole question presented here is whether this is a bill which Congress ought to pass. Under what auspices does it come before this body? As already stated, it had been recommended by three Postmasters-General and by the President of the United States. It was introduced by the distinguished genmended by three Postmasters-General and by the President of the United States. It was introduced by the distinguished gentleman from California [Mr. LOUD], referred to the Committee on the Post-Office and Post-Roads, and comes back here with the unanimous report of that committee in its favor. Is that report to be discredited without reason? Has any gentleman on this floor shown why it should be discredited? Is it not a fact that abuses have crept into our postal service? Is it not a fact, as stated by Postmaster-General Wilson, that the second-class matter, embracing in weight about two-thirds of all which passes through the mails, is handled for about one-tenth of the cost of transportation alone? transportation alone?

Does anyone deny it? Is there any gentleman here who will dispute that statement? Ought we not to be just before we undertake to be generous? Ought we not to be just before we undertake to be generous? Ought we not to listen to the story of the wants and the needs of the people of the United States rather than give transportation through the mails to millions of pounds of mail matter at one-tenth of what it actually costs to transport it? That

To show the extent of our generosity, I submit the following average postal revenue, as shown by the Postmaster-General's report, from each pound of mail matter:

 First-class matter
 cents
 93

 Second-class matter
 mills
 8.5

 Third-class matter
 cents
 13.1

 Fourth-class matter
 do
 15.6

It seems to me that these simple statements of facts is a sufficient answer to the assertion of my friend from California [Mr. Johnson] that the friends of the bill had given no reason for its sup-

or its passage.

I believe in the policy of the Government practiced for many years in allowing newspapers and other legitimate publications very low rates. The provisions of this bill in no wise affects very low rates. The provisions of this bill in no wise affects them. But we do propose to exclude from the benefits of this rate millions of pounds of matter that was never intended by the act of 1885 to be transported as second-class matter.

This bill is in no wise partisan. It was enforced by a number of Republican ex-Postmasters-General while they were in office, it has been indorsed by two Democratic Postmasters-General, nce, it has been indorsed by two Democratic Postmasters-General, and it has been indorsed by the President of the United States. It has been indorsed by the Committee on the Post-Office and Post-Roads of the House, at whose head is a distinguished Republican member of this body, and it comes before the House without any minority report whatever against it.

Now, Mr. Chairman, there has absolutely been no reason given by the opponents of this measure why it should not pass. And while Layer the floor. It want to give not be reason for some variety of the proposed of the second pass.

while I have the floor I want to give another reason for favoring the bill. I favor it because it would result in a saving to the Government, in my judgment, of not less than \$10,000,000 a year in the transportation of the mails; which, if that saving be made, would make it possible for a succeeding Congress to put into exe cution measures of relief to certain persons who have to perform their work for the Government at ridiculously low prices. I speak

of the fourth-class postmasters of the country.

In this connection I will say that since I have been a member of the Committee on Post-Offices and Post-Roads I have found that while we were giving largesses to some classes of our people, and while we were giving largesses to some classes of our people, and while we were being generous to certain publishers throughout the United States to the extent of \$10,000,000 a year of the people's money, we were pursuing a niggardly policy to many thousands of fourth-class postmasters. Mr. Chairman, in order to be able to frame some measure of relief for these deserving employees, I wrote to the Auditor of the Treasury for the Post-Office Department and afterwards to the Postmaster General Office Department, and afterwards to the Postmaster-General himself, requesting certain specific information relative to compensation of fourth-class postmasters. This information was de-nied me on the plea of a lack of clerical force. I then introduced a resolution in the House calling for the information, as follows:

Resolved, That the Postmaster-General be requested to furnish this House at an early date the following information in regard to the salaries of fourth-class postmasters, to wit:

Number of fourth-class postmasters whose salaries are \$50 per annum or less, and the aggregate amount of the same.

Number of fourth-class postmasters whose salaries exceed \$50 and are not above \$100 per annum, and the aggregate amount of the same.

Number of fourth-class postmasters whose salaries exceed \$100 and are not above \$200 per annum, and the aggregate amount of the same.

Number of fourth-class postmasters whose salaries exceed \$200 and are not above \$500 per annum, and the aggregate amount of the same.

Number of fourth-class postmasters whose salaries exceed \$500 and are not above \$500 per annum, and the aggregate amount of the same.

This resolution was introduced in the House on the 17th day of March, and was reported and passed on the 23d. The Postmaster-General made no direct response to this order of the House, but on page 19 of his annual report, recently submitted to Congress, he gives the exact information called for by the resolution. My reason now for calling the attention of the House to this matter is that if the pending bill is passed I believe that we can be able to take up and dispose of the matter of proper compensation of these fourth-class postmasters, as well as in respect to the com-pensation of the letter carriers, and in regard to the reclassifica-tion of clerks, whose request for a reform in this matter ought to

be listened to with respect.

Mr. MILLIKEN. Will the gentleman allow me to ask him a

question?

Mr. OGDEN. Certainly. Mr. MILLIKEN. How will the passage of this bill accomplish that result?

Mr. OGDEN. I will tell the gentleman. If you save the money in this direction, it can be applied in other ways. When asked why you do not increase the salaries of the fourth-class postmasters, the answer is always that we have a deficit of millions of dollars a year in the postal service, and an annual deficit in our public revenues of \$30,000,000 or \$40,000,000, and therefore it is idle to talk of remedying these abuses. When letter carriers come before Congress and ask a remedy, the same answer is given to them as is given to the postmasters, and, as has been stated by gentlemen on the floor, the same answer is unavoidably and invariably given in respect to any other question of claims against the Government, no matter how just they are.

But let me again state some of the reasons for the passage of

this bill. In the first place, I think we will be able to save eight

this bill. In the first place, I think we will be able to save eight or ten millions of dollars annually in the postal service—

Mr. MILLIKEN. Just a word, if the gentleman will permit me, in that very connection. That is just the point. The issue between the gentlemen and myself is on that proposition of knocking off a deficit, or of saving \$8,000,000 of expenditures. If the gentleman would make that perfectly clear, that we can save eight millions or ten millions, or even five millions of dollars, I will vote with him for the bill, just as the gentleman from New York said that he would

Will vote with find for the only just to the Santa San when we are informed as to the extent of its transmission through

the mails it is manifest that if we prevent its transmission at the present price we will not be involved in this great expense without

present price we will proper compensation.

Proper compensation.

Wr. MILLIKEN. Will my friend allow me to ask him a question.

Proper I do not suppose tion? I do not want to interrupt him, because I do not suppose he wants to be interrupted. I suppose the real purpose of this bill, and the purpose of the Post-Office Department in bringing it here—for they certainly were instrumental in bringing it here—and the purpose of the committee, was to curtail expenditures and make a saving to the Government. Now, my own belief is that they will not save a cent, and if they do not save a cent, why, they

are not correcting any abuses.

Mr. OGDEN. Well, when you have the opportunity, in your time, you may prove that it will not save a cent, if you can. We believe it will save millions, and are proceeding on that theory. Then, we have thousands of people behind us who, if we do save these millions, will have an opportunity to come up and present

their grievances to Congress.

Mr. MILLIKEN. I will help the gentleman to correct those grievances. I am with him on that.

Mr. FAIRCHILD. Does not the gentleman think that the burden of proof is upon those who favor the passage of this bill?

Mr. OGDEN. Oh, well, that matter of the burden of proof is

stale.

Mr. FAIRCHILD. But is not the burden of proof upon you?
Mr. OGDEN. I think it has already been proven. You must disprove it. Postmaster-General Wanamaker says it is proved, and he puts it at two millions.
Mr. FAIRCHILD. The report puts it at \$1,000,000.
Mr. OGDEN. Postmaster-General Wilson puts it at \$8,000,000.

Mr. OGDEN. Postmaster-General Wilson puts it at \$8,000,000. You must disprove the statement of these gentlemen. I take the statements as true. You must disprove those statements.

Now I propose to go on with my line of argument.

As I stated, I introduced a resolution, because as a member of the Committee on Post-Office and Post-Roads I found a bill which was introduced by the gentleman from New York [Mr. CUMMINGS]. I also found another bill, introduced by the gentleman from Alabama [Mr. WHEELER]. I also found other bills looking to the increase of the compensation of fourth-class postmasters. I found those bills, but could find no data to act upon. It is idle to come before this House, as gentlemen well know, and talk about passing measures without presenting proper data for talk about passing measures without presenting proper data for consideration.

Mr. CUMMINGS. Did you find a letter carriers' bill there? Mr. OGDEN. I did. I voted for it in committee, and it is upon the Calendar of this House.

Mr. CUMMINGS. Why did you not bring that up instead of

Mr. OGDEN. I am not the chairman of the committee, and I am not of the majority of this House. You might just as well ask me why I am not Jack the Giant Killer, or why I do not climb up to heaven, as another Jack tried to do. [Laughter.] But now

I want to put before this House and before the people of this country, because it is new matter to them, this information from the report of the Postmaster-General. I want to tell you that there are 21,875 fourth-class postmasters whose average salary is only \$25 a year. That is an astounding statement, but it is true. Their salary is only \$2.10 a month, or less than 7 cents a day. That is what 21,000 fourth-class postmasters get for their work. That is what 21,000 fourth-class postmasters get for their work. They are required to give bond, to keep their offices open six days in the week, and to keep a set of books, and render reports at stated intervals. It is a startling fact that the aggregate compensation of these over 21,000 postmasters is \$60,000 less than the allowance made for rent, light, and fuel to the third-class postoffices of the United States, numbering 2,776. There are 15,650 postmasters whose average pay is only \$75 a year. They are a little better off, for they get \$6.25 a month.

Mr. COX. Are those Presidential offices?

Mr. OGDEN. No; they are fourth-class postmasters. They get \$6.25 per month, or 21 cents a day. There are 13,000 more who receive an average of \$150 a year, or \$12.50 a month, or 42 cents a day.

Mr. TRACEY. Do you find any difficulty in finding candidates for those offices?

Mr. OGDEN. Yes: frequently for the smaller ones, and I will appeal to every member of this House who represents a country district that the trouble with reference to the smaller offices is to keep them from being discontinued. But there are often zealous men and women, too-

Mr. COX. Who want the office.

Mr. OGDEN. They do not know what is in store for them until they get a fourth-class post-office whose salary is less than \$50 a year, for then their troubles begin.

Mr. MILLIKEN. Will my friend allow me to ask him a

question?

Mr. OGDEN. Yes.
Mr. MILLIKEN. My friend was in Congress at the incoming of the present Administration of his own party?
Mr. OGDEN. No; I was not.
Mr. MILLIKEN. Then you escaped great misery. [Laughter.]
Mr. OGDEN. I agree with you. I hope you will escape an equally great one when your party comes in. [Laughter.]
Mr. McCREARY of Kentucky. We shall escape it, and those on his side will encounter it.

on his side will encounter it.

Mr. MILLIKEN. You will escape it because we will have it. But I was going to ask my friend if, for every post-office, no matter how small it might be, in his country, there were not plenty of candidates:

Mr. OGDEN. Only when it is a paying office. I believe the

mr. OGDEN. Only when it is a paying office. I believe the gentleman is from Maine?

Mr. MILLIKEN. Certainly.

Mr. OGDEN. If he will hunt around in Maine, he will probably find some trouble, especially if he has it to do under a Republican Administration instead of a Democratic, and without proper

Mr. MILLIKEN. There are very few cases where men are not willing to serve their Government in the civil service for a con-

sideration.

Mr. WILLIAMS. Not at 7 cents a day.
Mr. OGDEN. Maine patriots are not built that way.
Mr. MILLIKEN. They are well built.
The CHAIRMAN. The time of the gentleman from Louisiana has expired.

Mr. OGDEN. I ask leave to print the accompanying table with my remarks.

There was no objection.

The table is as follows:

Salaries of fourth-class postmasters averaging \$300 or less.

	Number.	Amount.	Equals—	Less than—
\$50 per year or less (average, say, \$25) Between \$50 and \$100 (average,	21,875	\$546,875	Per month. \$2.10	Per diem. \$0.07
say, \$75)	15,363	1, 152, 225	6.25	.21
Between \$100 and \$200 (average, say, \$150)	13,022	1,953,300	12.50	.43
Between \$200 and \$500 (average, say, \$300)	11,692	3,507,600	25.00	.84
Total for 4 classes (average, say, \$114) Receiving more than \$500 and	61,952	7, 102, 832	9.50	*.31}
less than \$1,000		3, 255, 700		

*About.

There are 3,635 Presidential postmasters, divided as follows:

	Number.	Amount.
Between \$1,000 and \$2,000 (third class) . Between \$2,000 and \$3,000 (second class) . Between \$3,000 and \$6,000 (first class) . At \$8,000 (New York) .	2,776 701 157 1	
Fourth-class postmasters (at average figures)	3,635	*\$6,176,665 +10,415,700
Total actual		‡16, 592, 365 16, 561, 181
		31,184

†Average. ‡Average of fourth class, and actual of first, second, and third classes.

Mr. QUIGG. I will yield to my colleague from New York. How much time does the gentleman desire?
Mr. CUMMINGS. Twenty minutes.

Mr. QUIGG. I yield twenty minutes to my colleague from New York.

Mr. CUMMINGS. Mr. Chairman, this bill came unexpectedly before the House in the morning hour. No notice was given to its opponents. It appeared so unexpectedly that the House was its opponents. It appeared so unexpectedly that the House was dependent upon the courtesy of the chairman of the committee for copies of the reports accompanying the bill. The measure comes before the House now as a special order. The men whose interests are affected by it have had a fortnight in which to put in a protest against it. They have not been idle. The House is being inundated with protests. When my friend from California boldly asserted that the American Publishers' Association, representing apparently all the daily papers published in the United States, favored this bill. I was somewhat astonished. If that were true, I felt as though it might be my duty to go back on my convictions as heretofore expressed on the floor of the House, and vote for the bill. But, sir, it was not true. I have here a copy of the New York Tribune of December 30. I read this extract:

The American Publishers' Association, an organization useful to its own members, does not represent the Herald and the Tribune—

Mr. MAHANY. But it does represent all the rest, I believe? Mr. CUMMINGS. You are welcome to the Journal and other papers favoring your party.
Mr. MAHANY. I am glad we have them.
Mr. CUMMINGS (continuing):

two of the largest daily newspapers in New York City, and it only represents at the utmost 161 out of a total of more than 1,860 daily newspapers published throughout the length and breadth of our country.

Upon the indorsement of this publishers' association you are to assume that the newspaper press of the United States is in favor of this bill. Gentlemen, 85 per cent of the newspaper press of the United States is composed of newspapers publishing less than 1,000 copies of each issue. You are feeding the "killies" to the sharks. copies of each issue. You are feeding the "killies" to the sharks. These are the newspapers that you strike at, in the interest of the American Publishers' Association.

Mr. MAHANY. How do you know that?

Mr. CUMMINGS. I have a statement prepared by Mr. George P. Rowell showing it. I can prove it, if you desire.

Mr. MAHANY. Can you give a list of them?

Mr. CUMMINGS. I can; every one of them. You will find them in Rowell's Newspaper Directory.

Now I read in the Tribune something further concerning the monits of this bill.

merits of this bill:

The purpose of his measure

The Tribune honestly says

is undoubtedly to stop abuses. Its actual object, therefore, is beyond criticism. * * * But—

It asks-

why tear down the whole building merely to get rid of one broken beam? .

And that is precisely what you propose to do. There is no sense whatever in some of the provisions of the bill. You charge a higher rate of postage upon alleged sample copies and compel publishers to insert their supplemental sheet in the main sheet. Now, let us see how that will work. The Daily News of New York every Sunday furnishes to its subscribers and buyers a supplemental sheet, containing a complete novel, either from Dickens, Thackeray, Barrie, or one of the latest novels issued either in England or America. By the passage of this bill you rob the country boy of his privilege. He buys the Sunday News to obtain that novel. You rob him in the interest of the rich and against

Mr. OGDEN. If my friend will allow me to interrupt him, let

him pay for his privilege.

Mr. CUMMINGS. He does pay for his privilege when he buys the newspaper.
Mr. OGDEN.

Mr. OGDEN. Not at all. Mr. CUMMINGS. That is the law, and you are changing it so

as to take his privilege from him.

Mr. MAHANY. Do you believe that the Post-Office Department ought to be a free circulating library?

Mr. CUMMINGS. I believe that the Post-Office Department ought to obey the law-that the head of the Post-Office Departought to obey the law—that the head of the Post-Onice Department ought not to do, as it has done, say to Congress, "You defeat the proposed legislation if you please; I shall carry it out despite your action." My friend here, Mr. MILLIKEN, asks me if the Department is originated for the purpose of making money out of the people. That is a very proper question. The Department is the servant of the people. It must carry out the wishes of the people by obeying the law.

is the servant of the people. It must carry out the wishes of the people by obeying the law.

Mr. MAHANY. It is not originated for the purpose of making money, but it is expected to pay its own expenses.

Mr. MILLIKEN. Why do not the Navy Department and the War Department pay their own expenses?

Mr. CUMMINGS. Another pat question. Now, Mr. Chairman, I have on my desk a petition from over a thousand news dealers and booksellers in the city of New York against the passage of this bill. They say:

It is inimical to the interests of the news dealers and their thousands of employees. It repeals rights and privileges and usages guaranteed by previous legislation, and especially by the postal acts of 1879 and 1885. It will decrease the business of the trade. Its hypothesis that it will save money to the Post-Office Department is a fallacy, because by its restrictions on second-class matter it will inevitably and greatly decrease the revenue on first and third and fourth class matter. It is from all business and political standpoints reactionary, revolutionary, and repressive. For these reasons, which a due consideration of the nature and inevitable results of this proposed measure will establish, we enter our earnest protest against the act.

You injure and possibly destroy business founded upon the law

You injure and possibly destroy business founded upon the law as it is by passing this measure.

I have here a communication from the editor of American

Gardening, an agricultural newspaper. He says:

The Loud bill, if enforced, will work great hardship to the publishers of legitimate periodicals, especially in that provision which allows only paid-in-advance subscriptions to be mailed at l cent a pound, inasmuch as it ex-

Copies sent to advertisers for the purpose of proving insertion of adver-tisements.

Marked copies—copies sent out drawing attention to certain passages. Exchanges—copies sent to other publications in exchange, for review, Sample copies—copies sent out with a view to obtaining new subsc Sample copies continued that the Loud bill in its present form, believe us,
Trusting you will not vote for the Loud bill in its present form, believe us,
Yours, respectfully,
A. T. DE LA MARE PTG. AND PUB. CO., LTD.,
Publishers American Gardening and The Florists' Exchange.

Mr. LOUD. Will the gentleman permit me to interrupt him for a moment?

Mr. CUMMINGS. Yes, sir. Mr. CUMMINGS. Yes, sır.

Mr. LOUD. That gentleman, in the communication you have just read, makes a point against this bill because it provides, he says, that subscribers must pay in advance. Does not the gentleman from New York know that this bill does not change the present law in that respect in the slightest particular?

Mr. CUMMINGS. Yes; but you avoid the point which he makes. You cut off all the country newspaper exchanges.

Mr. QUIGG. Yes; and the bill also provides that the Postmaster-General must be satisfied that the subscriptions are voluntary.

ter-General must be satisfied that the subscriptions are voluntary, so that if he does not like the color of a man's beard all he has to

do is to say that his subscriptions are not voluntary, and therefore exclude him from the mails.

Mr. CUMMINGS. Now, Mr. Chairman, having heard from the agricultural press, let us hear from the religious press. The Independent was edited for a long time by Henry Ward Beecher. From

its publisher I have this communication:

The better class of newspapers, in my opinion, do not favor the provisions of the Loud bill prohibiting sending as second-class matter-sample copies and back numbers of genuine periodicals.

Added to this I have a strong petition against the bill from the Rev. John J. Wynne, S. J.; Rev. Denis T. O'Sullivan, S. J.; Rev. James Conway, S. J.; Rev. Henry Van Renssalaer, S. J., publishers of Messenger of the Sacred Heart, Pilgrim of Our Lady of Martyrs, The Decade Leaflets, Calendar of Monthly Intentions, The Messenger of the Lagran Director senger Supplement, and The League Director.
I give an extract from the petition:

I give an extract from the petition:

It will throw out of employment hundreds of thousands of working men and women engaged in the printing, paper making, electrotyping, and allied trades, entailing distress and calamity the extent of which can hardly be estimated.

The advocates of the bill maintain that its purpose is to reduce the deficiency in the postal revenues. They claim that there is a heavy loss to the Government in the carriage of second-class matter. This claim is untenable, because whatever loss there may be upon the carriage of second-class matter is fully offset by the gain upon the carriage of the two profitable classes, the first and fourth, which are a direct outgrowth of the mailing of second-class matter. Every publisher receives large numbers of letters and mails large quantities of "premiums" (fourth-class matter) to his subscribers and club raisers, and almost every advertisement is a bid for correspondence by mail and the consequent mailing of merchandise in filling orders. There are other causes than the carriage of second-class mail matter to account for the annual deficiency in the postal revenues, which would still be operative should the bill become a law. How, then, could the enactment of this measure reduce the deficiency?

The real beneficiaries of the measure are the express companies. By cutting off competition with the postal service they would be enabled to increase their rates and thus reap a rich harvest.

Lastly, it creates a virtual censorship of the press by giving to post-office officials the absolute right to determine what newspapers and periodicals shall have the advantage of the rates of second-class mail matter. It confers on the post-office the power to determine what newspapers and periodicals shall have the advantage of the rates of second-class mail matter. It confers on the post-office the power to determine what nemspapers and periodicals shall have the advantage of the rates of second-class mail matter. It confers on the post-office the power to determine w

Next I have a communication from the manager of a newspaper with 169,000 paid subscriptions, the American Wheelman. It is a newspaper in which every man in America who rides the wheel is interested. What does this publisher say? I read:

a newspaper in which every man in America who rides the wheel is interested. What does this publisher say? I read:

Inasmuch as we consider that the passage of the bill would be detrimental to our interests and to the interests of the bicycle sport and industry which we represent, we write to request you to vote against its passage. You will doubtless hear or take part in the debate over the bill when it is brought up, and will hear all of the arguments that can be made for or against it. We will therefore not undertake in this letter to say all that can be said against its passage, but will merely call attention to those features of it which are particularly injurious to our interests.

The bill, by prohibiting the mailing of sample copies of publications at second-class rates, would have the effect of retarding if not entirely preventing, the legitimate growth of our circulation, as it would practically prohibit us from bringing our paper before the constantly increasing number of those who use bicycles and who are not familiar with the publications issued in its interests. This would not only injure us, but would also, we believe, be an attack upon the best interests of the entire country, because the introduction of the bicycle into any section thereof and the dissemination of literature published in its interests have had in the past and must continue to have in the future a very beneficial effect, inasmuch as it advocates the improvement of the highways of the country, which is recognized in all truly enlightened communities as a most beneficial thing, and is a powerful factor in the facilities for intercommunication and by increasing and diversifying their common interests.

The bicycle sport (if indeed it can be termed a sport; it has really come to be a good deal more than that) and industry, although it has already grown to large proportions and is supported by a large percentage of the population, is as yet in its infancy, and we think it would be unjust to place restrictions upon its further develop

debate and will appeal to you, if you have not already made a study of the

matter.

We feel warranted in making the request that you oppose the bill, as our company is a corporation organized under the laws of the State of New York, which you represent, and as the majority of the members of our staff are voters in the State.

Yours, truly,

THE AMERICAN WHEELMAN PUB. Co.,

THE AMERICAN WHEELMAN PUB. Co., H. L. SALTONSTALL, Manager, 23 Park Row, New York.

Now, I am a member of the American Wheelmen's Association. I shall vote against this bill because I believe the writer of that communication knows what he is talking about. Parenthetically,

I may say that I shall vote for good roads in every State in this Union, if the Federal Government has the power to give them.

Now, Mr. Chairman, having heard from the wheelmen and from the religious element and from the farmers, we come to the insurance interests. I have here a letter from the proprietor of the Insurance Critic, in which he says:

Insurance Critic, in which he says.

I take occasion to request that you will interest yourself, if you have not already done so, sufficiently to enable you to oppose the passage of Mr. Loub's bill (H. R. 4566) which, to my mind, is a very unjust one, and if enacted will work a very great hardship upon a large and very useful industry affecting many people conducting similar business to that which I am conducting. I take occasion to inclose to you a copy of the bill and trust that your sense of duty may enable you to comply with my request.

GEO. W. CORLISS, Proprietor.

Next I have a communication from the editor of a trade paper, a jewelers' paper. This editor says:

I wrote you in reference to the Loud bill (H. R. 4566), asking you to use your vote and influence against same, and enlarged to some extent upon what I then believed would be the evil arising, should such a bill be passed, in the way of restricting various industries upon which thousands of our people depend, and in cutting off the supply of valuable literature and information which our people now receive at a nominal expense. My opinion on the subject has not changed, and as I understand the bill is to be before the House on the 5th and 6th of January, 1897, and that on the 6th of the said month be brought to a vote. I again take this opportunity to ask you to do all in your power to suppress it.

I have also a letter from the McCall Company, publishers of the Queen of Fashion. Through this communication the ladies speak. It savs:

While we believe the Loud bill has some good features, it has too many that are not good, and, on the contrary, positively bad. On the whole, it is not for the best interests of publishers.

Next comes the theatrical profession. The editor of the Dramatic Mirror writes me as follows:

I am certain that the provisions of the bill which prohibit the return of unsold papers at the pound rate, and the exclusion from the same rate of sample copies of regular publications, are a serious blow to legitimate newspaper business, which, if the bill is enacted, will suffer incalculable injury there-

The publishers of this city are desirous that the disastrous import of the proposed legislation may be understood fully by our representatives.

Sincerely, yours,

HARRISON GREY FISKE

Now, gentlemen, times are hard enough, despite the result of the recent election. But this bill proposes to make them harder. On behalf of the 100,000 printers in the United States, I protest against the passage of this bill. It contracts work and injures their interests. On behalf of the 100,000 men employed in the paper manufacturing industries, I protest against its passage. It will lessen their output. On behalf of the thousands of pressmen, bookbinders, stitchers, and others employed in similar branches of industry, I protest against the passage of this bill. It is really a tariff on literature. It is an exaction from the boy who is thirsting for knowledge. When a boy, I picked up old iron and brass to raise money to buy a copy of Bourrienne's Napoleon. I had to work for three weeks before I got 47 cents' worth of the metals. The price of the book was 50 cents, and the bookseller (who, by the way, was a Methodist preacher) threw off the 3 cents. [Laughter.] He had more sympathy and humanity than is shown by the men who are advocating the passage of this bill. You can pick up Bourrienne's Napoleon now for 10 cents. They would increase it to 50.

Mr. CROWTHER. I will ask the gentleman from New York whether this proposed legislation is not an incubus upon intelligence.

whether this proposed legislation is not an incubus upon intelli-

gence? [Laughter.] Mr. CUMMINGS. Mr. CUMMINGS. Certainly it is. I am glad to have such a suggestion from a man who has stood at the case and set type. And I will allude to another printer to whom my friend and colleague Mr. Quigo referred to-day, Col. Thomas L. James, former Postmaster-General. Those of you who listened to the remarks

Postmaster-General. Those of you who listened to the remarks of that gentleman as read by my colleague will certainly benefit from them if your minds are in the right condition. [Laughter.]

This is the third time this bill has appeared in the House since I have been a Representative. It has been defeated twice by an overwhelming vote. It seems now that somebody is on a "still hunt" and is endeavoring to triumph through such methods. But the people are awake. I warn every man here who represents an agricultural district, with voters from 40 to 100 miles from a rail-road that his vote will be subjected to careful scrutiny. It is a road, that his vote will be subjected to careful scrutiny. It is a bill drawn in the interests of de luxe publishers. It is drawn in the interests of the express companies; and "don't you forget it."

[Laughter.] It is a bill not entitled to the support even of the economists of the House-and I am looking at one of the most economists of the House—and I am looking at one of the most celebrated of them as I talk [laughter]—a gentleman [Mr. Cannon] who was implicated in the passage of the law as it now stands, who stood up for it and advocated it. He saw no "abuses" in it then, and he knew what it meant. The "abuses" have been found since then. Under cover of one or two abuses you are trying to upset a law which has reduced the price of literature in this country, which has produced more books and created more circulating libraries than all other legislation since the foundation of the Government.

Mr. Chairman, let the Democratic side of the House remember that free literature ought to be inseparable from free trade. No Democrat at least ought to vote to put a tariff upon the literature

of his own country.

Mr. Chairman, I yield back any time I may have remaining to the gentleman from New York.

Mr. OGDEN. I should like to ask the gentleman from California—I mean New York—a question before he takes his seat.

Mr. CUMMINGS. I once lived in California. I will answer the gentleman's question.

The CHAIRMAN. The time of the gentleman from New York

has expired.

Mr. CUMMINGS. Then I will talk with my friend in the cloak-

room or elsewhere hereafter. [Laughter.]

Mr. LOUD. Mr. Chairman, I do not believe that anyone else is ready to go on with the discussion to-night. I move, therefore, that the committee rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. PAYNE reported that the Committee of the Whole on the state of the Union had had under consideration the bill (H. R. 4566) to amend the postal laws relating to second-class mail matter, and had come to no resolution thereon.

Mr. LOUD. I move that the House adjourn.

LEAVE OF ABSENCE.

Pending the motion to adjourn, leave of absence was granted as

To Mr. Pickler, for ten days, on account of important business. To Mr. HUFF, for three days, on account of important business.

To Mr. McRae, indefinitely, on account of sickness in his family. To Mr. Graff, indefinitely, on account of sickness in his family. To Mr. Dockery, indefinitely, on account of sickness in his family.

To Mr. HANLY, indefinitely, on account of important business.

SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, the following bills were taken from the Speaker's table and referred as follows:

A bill (S. 2355) to correct the military record of Peter Buckley—to the Committee on Military Affairs.

A bill (S. 2268) for the relief of the legal representatives of Edwin De Leon, deceased, late consul-general of the United States

in Egypt—to the Committee on Claims.

A bill (S. 2184) granting a pension to William F. Johnson—to the Committee on Invalid Pensions.

A bill (S. 3415) granting a pension to Ella D. Cross—to the Committee on Invalid Pensions.

ENROLLED BILLS SIGNED.

Mr. HAGER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

A bill (S. 337) to refer the claim of the owners of the brig TallyHo to the Court of Claims;

A bill (S. 1723) to approve and ratify the construction of a bridge over and across Caddo Lake, at Mooringsport, La., by the Kansas City, Shreveport and Gulf Railway Company;

A bill (S. 1724) authorizing the Kansas City, Watkins and Gulf Railway Company to construct and maintain a bridge across the Black River in Louisiana;

A bill (S. 2989) to increase the pension of Caroline S. Baker;

and

A bill (H. R. 4281) granting an increase of pension to George Johnson, of Lenox, Iowa.

The motion of Mr. Loud, that the House adjourn, was then agreed to; and accordingly (at 4 o'clock and 37 minutes p. m.) the House adjourned.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Acting Secretary of the Treasury, transmitting a copy of a communication from the Secretary of the Navy submitting additional estimates for navy-yards and stations—to the Committee on Naval Affairs, and ordered to be printed.

A letter from the Secretary of War, inclosing a copy of a com-munication from the German ambassador relating to the claim of Christopher Schmidt for damages for injuries sustained through

Christopher Schmidt for damages for injuries sustained through carelessness of United States soldiers at rifle practice—to the Committee on Foreign Affairs, and ordered to be printed.

A letter from the Acting Secretary of the Treasury, transmitting a communication from the Secretary of the Navy submitting estimates for the construction of a covered steel lighter for use at the Brooklyn Navy-Yard—to the Committee on Naval Affairs, and ordered to be printed.

A letter from the Secretary of War transmitting with a letter

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination of Black River, New York—to the Committee on Rivers and Harbors, and ordered

to be printed. A letter from the Secretary of War, transmitting a communica-A letter from the Secretary of War, transmitting a communica-tion from the Inspector-General of the Army, with accompanying reports of inspection of disbursements by officers of the Army during the fiscal year ending June 30, 1896—to the Committee on Expenditures in the War Department.

A letter from the Secretary of the Interior, submitting a copy of the report of the clerk in charge of the documents of the Interior

Department—to the Committee on Printing.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of William Strawhorn against The United States—to the Committee on War Claims, and ordered to be printed.

A letter from the Acting Secretary of the Treasury, transmitting a communication from the Secretary of the Interior submitting an estimate of an appropriation for an industrial boarding school at White Earth Indian Reservation, Minn.—to the Committee on

at White Earth Indian Reservation, Minn.—to the Committee on Indian Affairs, and ordered to be printed.

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of Charlevoix Harbor, Michigan—to the Committee on Rivers and Harbors, and ordered to be printed.

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of Alviso Creek, California—to the Committee on Rivers and Harbors, and ordered to be printed. bors, and ordered to be printed.

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of channel in New Bedford Harbor, Massachusetts—to the Committee on Rivers and Harbors, and ordered to be printed.

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of the Mississippi River from St. Paul to the mouth of the Missouri River—to the Committee on Rivers and Harbors, and ordered to

be printed.

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of East Chester Creek, New York—to the Committee on Rivers and Harbors, and ordered to be printed.

A letter from the Postmaster-General, transmitting the annual report of the expenditures of the contingent fund, report of the

finances, of contracts other than those for carrying mails, and of

postal business and agencies in foreign countries—to the Committee on Expenditures in the Post-Office Department.

A letter from the Secretary of Agriculture, transmitting a report of the operations of the Bureau of Animal Industry, together with a statement of disbursements from appropriations for salaries and expenses for the fiscal year ending June 30, 1896-to the Committee

on Agriculture, and ordered to be printed.

A letter from the Secretary of the Navy, complying with the provisions of the naval appropriation bill approved June 10, 1896, in regard to the cost of armor plate and the price for the same which should be equitably paid—to the Committee on Naval Affairs, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. SHERMAN, from the Committee on Indian Affairs, to which was referred the bill of the House (H. R. 9644) to abolish the office of Commissioner of Indian Affairs and the office of Assistant Commissioner of Indian Affairs, and to create in lieu Assistant Commissioner of Indian Affairs, and to create in lieu thereof a board of Indian commissioners, reported the same without amendment, accompanied by a report (No. 2383); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. CONNOLLY, from the Committee on the Judiciary, to which was referred the bill of the House (H. R. 9671) to detach the county of Marion from the northern division of the northern district of Alabama and attach the same to the southern division

Also, a bill (H. R. 9821) authorizing the Commissioners of the District of Columbia to charge a fee for the issuance of transcripts from the records of the health department—to the Committee on the District of Columbia.

By Mr. McCLELLAN: A bill (H. R. 9822) for the recognition of officers of the Army to whom the Congressional medal of honor has been awarded—to the Committee on Military Affairs.

By Mr. HILL: A bill (H. R. 9823) to increase the circulation of national banks—to the Committee on Banking and Currency.

of said district, reported the same without amendment, accompanied by a report (No. 2384); which said bill and report were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

By Mr. SHAFROTH, from the Committee on the Public Lands:
The bill (S. 1597) entitled "An act for the relief of William H. Tibbits." (Report No. 2372.)

Tibbits." (Report No. 2372.)

By Mr. ANDREWS, from the Committee on Invalid Pensions:
The bill (H. R. 9013) granting an increase of pension to John F.
Crawford. (Report No. 2373.)

By Mr. KIRKPATRICK, from the Committee on Invalid Pen-

sions: The bill (H. R. 9785) granting a pension to Rebecca A. Kirk-

patrick. (Report No. 2374.)

By Mr. LAYTON, from the Committee on Invalid Pensions:
The bill (H. R. 7147) to grant an increase of pension to Adrian Combe. (Report No. 2375.)
The bill (H. R. 9060) granting a pension to Mary A. Kibele.

Report No. 2376.)

By Mr. McCLELLAN, from the Committee on Invalid Pensions: The bill (H. R. 9070) granting a pension to Florence N. Waldron, helpless daughter of Capt. Samuel F. Waldron, Company I, Thirty-third Regiment New Jersey Infantry Volunteers. (Report No. 2377.)

By Mr. POOLE, from the Committee on Invalid Pensions: The bill (H. R. 6756) granting a pension to Auguste Whitmer. (Report

No. 2378.)

By Mr. THOMAS, from the Committee on Invalid Pensions:
The bill (H. R. 7893) granting a pension to Jane Innels. (Report No. 2379.)

The (bill H. R. 8704) granting a pension to John Keen. (Report No. 2380.)

The bill (S. 2126) entitled "An act granting an increase of pension to Mrs. Laura A. Nelson." (Report No. 2387.)

By Mr. WOOD, from the Committee on Invalid Pensions:
The bill (H. R. 4099) granting a pension to Mary S. Higgins, widow of Col. Jacob Higgins, late of Johnstown, Pa. (Report

The bill (H. R. 5669) to increase the pension of Salem Rice. (Report No. 2382.)

By Mr. PICKLER, from the Committee on Invalid Pensions:

By Mr. PICKLER, from the Committee on Invalid Pensions:
The bill (H. R. 9723) granting an increase of pension to Hiram
T. Abbott. (Report No. 2385.)
The bill (H. R. 9721) granting a pension to Eber Robbins.
(Report No. 2388.)
By Mr. SULLOWAY, from the Committee on Invalid Pensions: The bill (H. R. 3745) granting a pension to Benjamin L.
Nolan. (Report No. 2386.)

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Military Affairs was discharged from the consideration of the memorial of the Board of Trade of the city of Brunswick, Ga., praying for the proper fortification of the harbor of Brunswick; and the same was referred to the Committee on Appropriations.

PUBLIC BILLS, MEMORIALS, AND RESOLUTIONS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. LACEY: A bill (H. R. 9817) extending the jurisdiction of the United States circuit courts in cases involving patent rights—to the Committee on Patents.

By Mr. HOWELL: A bill (H. R. 9818) to remit the time penal-

ties on the light-house tender Rose—to the Committee on Interstate and Foreign Commerce.

By Mr. BROSIUS: A bill (H. R. 9819) for the retirement of Government employees in the classified civil service—to the Committee on Reform in the Civil Service.

By Mr. BABCOCK: A bill (H. R. 9820) for the regulation of insurance in the District of Columbia, and for other purposes—

Also, a bill (H. R. 9821) authorizing the Commissioners of the District of Columbia.

Also, a bill (H. R. 9821) authorizing the Commissioners of the District of Columbia to charge a fee for the issuance of transcripts from the records of the health department—to the Committee on

By Mr. MEREDITH: A bill (H. R. 9824) for retiring superintendents of national cemeteries—to the Committee on Military

By Mr. MINOR of Wisconsin: A bill (H. R. 9825) to correct a clerical error found to exist in an act entitled "An act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes," passed June 3, 1896—to the Committee on Rivers and Harbors.

By Mr. BABCOCK: A bill (H. R. 9826) to open a street through block 205, from Fourteenth street to Fifteenth street northwest, concurrent with the streets in the adjacent blocks called Wallach place and Caroline street, etc.—to the Committee on the District of

Columbia.

By Mr. MAGUIRE: A bill (H. R. 9840) relating to the jurisdiction of the court of appeals of the District of Columbia—to the Committee on Pacific Railroads.

By Mr. SNOVER: A joint resolution (H. Res. 226) granting a life-saving medal to Daniel E. Lynn, of Port Huron, Mich.—to the

Ifte-saving medal to Daniel E. Lynn, of Port Huron, Mich.—to the Committee on Interstate and Foreign Commerce.

By Mr. SULZER: A joint resolution (H. Res. 227) in regard to the independence of Cuba—to the Committee on Foreign Affairs.

By Mr. BABCOCK: A joint resolution (H. Res. 228) providing for additional telegraphic and electric-light facilities in the city of Washington, D. C., during the inaugural ceremonies on the third of March, 1897—to the Committee on the District of 4th day of March, 1897-to the Committee on the District of Columbia.

By Mr. FAIRCHILD: A concurrent resolution (House Con. Res. No. 61) for the printing of 7,000 additional copies of the Messages and Papers of the Presidents—to the Committee on Printing.

By Mr. BENNETT: A resolution (House Res. No. 466) relative to the consideration of House bill No. 9252 on Thursday, January

14, 1897—to the Committee on Rules

By Mr. MEREDITH: A resolution (House Res. No. 467) to investigate and discover what sums of money have been contributed by national banks for campaign purposes—to the Committee on Banking and Currency.

By Mr. WHEELER: A memorial of the legislature of the State

of Alabama, asking Congress to act favorably on the bill (H. R. 8925) donating land to the Alabama State Normal College, at Florence, Ala.—to the Committee on the Public Lands.

PRIVATE BILLS, ETC.

Under clause 1 of Rule XXII, private bills of the following titles were presented and referred as follows:

By Mr. ANDREWS: A bill (H. R. 9827) to increase the pension of Alexander G. Willis—to the Committee on Invalid Pensions.

By Mr. APSLEY: A bill (H. R. 9828) granting a pension to Mary A. Caulfield—to the Committee on Invalid Pensions. By Mr. BROWN: A bill (H. R. 9829) for the relief of William R. Rogers, of James County, Tenn.—to the Committee on Military Affairs.

By Mr. COOK of Wisconsin: A bill (H. R. 9830) to grant an honorable discharge to Joseph Scharbonaugh—to the Committee

on Military Affairs.

By Mr. TUCKER: A bill (H. R. 9831) for the relief of Charles
B. Rouss, of the State and city of New York—to the Committee on Claims.

By Mr. LACEY: A bill (H. R. 9832) granting an increase of pension to Thomas Allison—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9833) to increase the pension of Cyrus B.

Boydston-to the Committee on Invalid Pensions.

Also, a bill (H. R. 9834) granting an increase of pension to Martha A. L. Chamberlain—to the Committee on Invalid Pensions.

By Mr. LAYTON: A bill (H. R. 9835) for the relief of James Kelly—to the Committee on Military Affairs.

By Mr. OTEY: A bill (H. R. 9836) granting an increase of pension to Harriet Hutter—to the Committee on Pensions.

Also, a bill (H. R. 9837) to remove the charge of description from

Also, a bill (H. R. 9837) to remove the charge of desertion from

John D. M. Perron—to the Committee on Military Affairs.

By Mr. SIMPKINS (by request): A bill (H. R. 9838) for the relief of Johanna C. Haft, widow of John Haft, private Company C. Forty-first Massachusetts Infantry—to the Committee on Inva-

By Mr. TAYLER: A bill (H. R. 9839) granting a pension to Abram Cooper—to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ALDRICH of Illinois: Protest of Charles Macdonald and 54 others, merchants and dealers of Chicago, Ill., against the passage of the Loud bill (H. R. 4506)—to the Committee on the Post Office and Post Roads Post-Office and Post-Roads.

By Mr. BOATNER: Petition of G. B. Lutrick and others, of the State of Louisiana, for the recognition of the Deity in the Constitution of the United States—to the Committee on the Judiciary.

By Mr. BROWN: Petition of S. J. Gillespie, auditor of the city of Chattanooga, Tenn., for dredging the Tennessee River in front of the city wharf and Water street—to the Committee on Rivers and Harbors

By Mr. BROMWELL: Memorial of certain citizens of Hamilton County, Ohio, concerning Armenian atrocities—to the Committee

on Foreign Affairs.

Also, memorial of the Manufacturers' Club of Cincinnati, Ohio, in favor of Senate bill No. 2447, for a department of commerce and manufactures—to the Committee on Manufactures.

By Mr. COOK of Wisconsin: Petition of the Federated Trades

Council of the city of Milwaukee, Wis., expressing their sympathy for and urging the recognition of the Cubans as belligerents in their struggle for independence—to the Committee on Foreign Affairs.

Also, petition of the Chamber of Commerce of Milwaukee, Wis., expressing sympathy for the Cubans; but, believing that the business interests of this country require peace and not war, they deprecate the action of the Senate Committee on Foreign Affairs

also, petition of Joseph Scarbonaugh, in support of bill for the removal of charges of desertion, and to grant him an honorable discharge—to the Committee on Military Affairs.

Also, petition of publishers of the Times, Brandon, Wis.; also petition of publisher of the Journal, Berlin, Wis.; also petition of publishers of the Argus, Wautoma, Wis., protesting against the passage of House bill No. 4566, relating to second-class mail matter—to the Committee on the Post-Office and Post-Roads.

By Mr. COOPER of Florida: Petition of United Confederate

Veterans of Florida, in favor of Cuban independence-to the Com-

Veterans of Florida, in ravor of Cuban independence—to the Committee on Foreign Affairs.

By Mr. CUBTIS of New York: Petition of 325 citizens of the State of New York, favoring the passage of the resolution offered by Senator Cameron in relation to Cuban independence—to the Committee on Foreign Affairs.

Also, resolutions of the Scotch Presbyterian church of Waddington N. V. passayding the protection of American citizens and

Also, resolutions of the Scotch Presbyterian church of Waddington, N. Y., regarding the protection of American citizens and their property in Turkey, and the Armenian atrocities—to the Committee on Foreign Affairs.

By Mr. HENDERSON: Petitions of William Woeste and 64

others and Rev. B. D. Alden and 38 others, all residents of Colesburg, Iowa, favoring the passage of the Vilas bill, forbidding inter-state transmission of obscene matter by express or otherwise—to the Committee on Interstate and Foreign Commerce.

Also, petition of Rev. B. D. Alden and 41 other citizens of Coles-

Also, petition of Rev. B. D. Alden and 41 other citizens of Colesburg, Iowa, praying that newspapers giving details of suicide be excluded from the mails, unless authorized by the police for identification—to the Committee on the Post-Office and Post-Roads. Also, petition of Rev. B. D. Alden and 43 other citizens of Colesburg, Iowa, praying that the sale of liquors be prohibited in buildings owned or controlled by the Government—to the Committee on Alcoholic Liquor Traffic.

Also, petition of Ed. Madigan, of Clarksville, Iowa; also of Charles A. Joseph, of Farley, Iowa; also of H. B. White, of Waterloo, Iowa; also of L. & N. Gonner, of Dubuque, Iowa; also of C. D. Baldwin, of Cascade, Iowa; also of J. B. Swinburne, of Earlville, Iowa; also of the publisher of the Creamery Journal, of Waterloo, Iowa, protesting against the passage of House bill No. Waterloo, Iowa, protesting against the passage of House bill No. 4566, relating to second-class mail matter—to the Committee on the Post-Office and Post-Roads.

By Mr. HITT: Petition of R. R. Fisher, of Freeport, Ill.; also petition of W. L. Puterbaugh, of Mount Carroll, Ill., against the passage of House bill No. 4566, relating to second-class matter—to the Committee on the Post-Office and Post-Roads.

By Mr. LACEY: Petition of J. F. Edgerton and others, of Nassau, Iowa, favoring the passage of the Dingley bill—to the Committee on Ways and Means.

Also, petition of citizens of Fonda Jowa protesting spirit in

Also, petition of citizens of Fonda, Iowa, protesting against the atrocities upon the Armenians in Turkey—to the Committee on Foreign Affairs.

Also, petition and papers in behalf of Thomas Allison, to accompany House bill granting an increase of his pension—to the Committee on Invalid Pensions.

Also, papers to accompany House bill granting an increase of pension to Martha A. L. Chamberlain—to the Committee on Invalid Pensions.

vand Pensions.

Also, papers to accompany House bill granting an increase of pension to C. B. Boydston—to the Committee on Invalid Pensions.

By Mr. LAYTON: Resolutions of Robert Hamilton Post, No. 262, Grand Army of the Republic, of Bluffton, Ohio; also of Daniel Harpster and 10 other ex-Union soldiers, of West Cairo, Ohio; also of George W. Blackburn and 15 other ex-Union soldiers, of Cridersville, Ohio, urging the passage of service-pension bill (H. R. 9209)—to the Committee on Invalid Pensions.

Also, papers in support of House bill for the relief of James Kelly, of Company E, One hundred and eighteenth Regiment Ohio Volunteer Infantry—to the Committee on Military Affairs. By Mr. LEIGHTY: Memorial of Joseph Wingard, of Mount Hope, Ind., relating to homestead laws—to the Committee on Ways and Means.

By Mr. LEONARD: Petition of W. L. Shearer, of Wellsboro, Pa.; D. W. Butterworth, of Coudersport, Pa., and C. S. Whitman, of Loganton, Pa., against the passage of House bill No. 4566, relating to second-class mail matter; to the Committee on the

Post-Office and Post-Roads.

By Mr. LITTLE: Petition of the Arkansas River Improvement Convention, held at Fort Smith, Ark., for the improvement of Sabine Pass-to the Committee on Rivers and Harbors.

Also, resolution of the Commercial League of Fort Smith, Ark., protesting against recognizing the independence of Cuba or action which will result in war with Spain—to the Committee on Foreign Affairs.

Also, petition of citizens of Little Rock, Ark., for the mainte-nance of the Hot Springs Hospital—to the Committee on Military Affairs.

Also, petition of citizens of Little Rock, Ark., asking that the Indian Territory be opened for settlement—to the Committee on Indian Affairs.

By Mr. McCLEARY of Minnesota: Resolutions of the Mapleton (Minn.) Literary Society, favoring the recognition of Cuban independence—to the Committee on Foreign Affairs.

By Mr. MERCER: Petition of citizens of Omaha, Nebr.; also

petition of Delnicke Listy Publishing Company, of Omaha, Nebr., protesting against the passage of House bill No. 4568, relating to second-class mail matter—to the Committee on the Post-Office and Post-Roads.

and Post-Roads.

Also, resolutions of Master Car Builders' Association, protesting against the adoption of the metric system—to the Committee on Coinage, Weights, and Measures.

By Mr. MILLER of West Virginia: Petition of the publisher of the Mountaineer, of Jackson, W. Va.; also of publisher of the Monroe County Watchman, of Union, W. Va.; also of publisher of Odd Fellow's Advocate, of Huntington, W. Va., protesting against the passage of House bill No. 4566, relating to second-class mail matter—to the Committee on the Post-Office and Post-Roads.

By Mr. ODELLE Resolutions adopted by the Central Labor

By Mr. ODELL: Resolutions adopted by the Central Labor Union of Newburg, N. Y., protesting against the proposed change of law affecting postage on newspapers—to the Committee on the Post-Office and Post-Roads.

By Mr. OTEY: Petition of C. B. Cannaday, of Roanoke, Va., protesting against the passage of House bill No. 4566, relating to second-class mail matter—to the Committee on the Post-Office and Post-Roads.

Also, petition of Dingee, Weinman & Co., relating to barytes— to the Committee on Ways and Means.

By Mr. POOLE: Memorial of the board of supervisors of Onon-

By Mr. POOLE: Memorial of the board of supervisors of Onon-daga County, State of New York, relative to the recognition of the independence of Cuba—to the Committee on Foreign Affairs. By Mr. PRINCE: Resolutions of the Trades and Labor Assem-bly of Galesburg, Ill., favoring the recognition and independence of Cuba—to the Committee on Foreign Affairs. By Mr. RAY: Petition of citizens of Delaware County, N. Y., for

the passage of a tariff bill—to the Committee on Ways and Means.

Also, petition of citizens of Brooklyn, N. Y., favoring the passage of the Torrey bankruptcy bill—to the Committee on the Judiciary

Also, petitions of the publishers of the Independent and the Echo, of Lestershire, N. Y.; the Standard, of Windsor, N. Y.; the Telegraph and the Sun, of Norwich, N. Y.; the New Christianity, of Ithaca, N. Y.; the Gazette, of New Berlin, N. Y.; the News, of Downsville, N. Y.; the Advocate, of Sydney, N. Y., and the Times and Sun, of Owego, N. Y., protesting against the passage of House bill No. 4566, relating to second-class mail matter—to the Committee on the Post-Office and Post-Roads.

By Mr. REED: Post-Office and Post-Roads.

By Mr. REED: Petition of Samuel Harris and 90 others of the District of Columbia, Virginia, West Virginia, and Maryland; also petition of Fred Green and 115 others of Mississippi; also petition of George A. Reed and 72 others of South Carolina, in behalf of depositors who lost by the failure of the Freedman's Savings Bank and Trust Company-to the Committee on Claims

By Mr. SAYERS: Resolutions of the Master Car Builders' Association, opposing the metric system—to the Committee on Coinage, Weights, and Measures.

By Mr. STRODE of Nebraska (by request): Resolutions of Lincoln Federal Union, No. 6332, of Lincoln, Nebr., favoring the adoption of a constitutional amendment establishing a referendum—to

the Committee on the Judiciary. By Mr. WHEELER: Petition of W. M. Bunting, of Florence, Ala., protesting against the passage of House bill No. 4566, relating to second-class mail matter—to the Committee on the Post-Office and Post-Roads.

By Mr. WILSON of Ohio: Petition of the board of education of Springfield, Ohio, favoring the independence of Cuba—to the

Committee on Foreign Affairs.

Also, petition of Crowell & Kirkpatrick, publishers, of Springfield, Ohio; also petition of Ernest Beach, publisher, of Plain City, Ohio, protesting against the passage of House bill No. 4566, relating to second-class mail matter—to the Committee on the

Post-Office and Post-Roads.

By Mr. WOOD: Petition of Samuel W. Rhode and 39 other ex-soldiers of Brownstown, Ill., praying for a special pension to William Raeter, of Company F, Seventh Illinois Cavalry—to the

Committee on Invalid Pensions.

SENATE.

Wednesday, January 6, 1897.

Prayer by the Chaplain, Rev. W. H. MILBURN, D. D. The Journal of yesterday's proceedings was read and approved. COST OF ARMOR PLATE.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Navy, transmitting, in compliance with a provision in the naval appropriation act of June 10, 1896, a report of the actual cost of armor plate and the price for the same; which, with the accompanying report, was referred to the Committee on Naval Affairs, and ordered to be printed.

INTRODUCTION OF REINDEER INTO ALASKA.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Interior, transmitting, in response to a resolution of the 17th ultimo, the report of Dr. Sheldon Jackson upon the introduction of domestic reindeer into the District of Alaska for 1896; which, with the accompanying report, was ordered to lie on the table and be printed.

PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented a petition of the National Live Stock Exchange, of Chicago, Ill., praying for the enactment of legislation affording more adequate protection to mortgagees loaning money to mortgagors who are nonresidents of the Indian Territory; which was referred to the Committee on Indian Affairs.

He also presented a petition of sundry citizens of Dallas, Tex., praying for the enactment of legislation authorizing the President of the United States to take possession of the Island of Cuba with the military and naval forces of the United States, etc.; which was ordered to lie on the table.

He also presented a petition of the American Trade Press Association of New York City, praying for the passage of the so-called Loud bill, relating to second-class mail matter; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented the memorial of H. W. Talmage, publisher of the Light House, of McKeesport, Pa., remonstrating against the passage of the so-called Loud bill, relating to second-class mail matter; which was referred to the Committee on Post-Offices and Post-Roads

Mr. SHERMAN presented a petition of the Manufacturers' Club, of Cincinnati, Ohio, praying for the establishment of a department of commerce and manufactures; which was referred to the Committee on Commerce.

He also presented a petition of sundry citizens of St. Clairsville, Ohio, praying for the enactment of legislation prohibiting the sale of liquor in the Capitol building; which was referred to the Committee on Public Buildings and Grounds.

He also presented resolutions adopted by Eugene Reynolds Post, Grand Army of the Republic, of Bellefontaine, Ohio, expressing sympathy for the Cubans in their struggle for freedom; which was ordered to lie on the table.

He also presented a petition of the American Trade Press Association of New York City, praying for the passage of the so-called Loud bill, relating to second-class mail matter; which was referred to the Committee on Post-Offices and Post-Roads.

the Committee on Post-Offices and Post-Roads.

He also presented memorials of Keepers & Greenbank, publishers of the Monroe Gazette, of Woodsfield; of W. R. Allison, publisher of the Ohio Press, of Steubenville; of W. S. Richard, publisher of the Derrick, of Bloomdale, and of C. F. Alexander, publisher of the Bainbridge Observer, of Bainbridge, all in the State of Ohio, remonstrating against the passage of the so-called Loud bill, relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

Mr. SEWELL presented the petition of Charles Rhoads, of the American Literary Union of Philadelphia, Pa., praying for the enactment of legislation to amend the postal laws relating to sec-

enactment of legislation to amend the postal laws relating to sec-ond-class mail matter, and also to prohibit the transportation of

obscene matter through the mails; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented the memorials of W. H. Chew, publisher of the National Standard, of Salem; of R. J. Decker, of Hoboken; of

the American Sabbath Tract Society, of Plainfield; of George D. Roe, publisher of Times and Journal, of Lakewood; of John D. Stanton, publisher of the Milk Reporter, of Deckertown; of Alex-Stanton, publisher of the Milk Reporter, of Deckertown; of Alexander Schlesinger, publisher of New Jersey Staats Zeitung, Jersey City; of the National Railway Publishing Company, publishers of the Official Railway Guide, of South Orange; of Hugh Collins, publisher of the Pleasantville Press, of Pleasantville; of Benjamin H. Crosby, publisher of Tuckerton Beacon, of Tuckerton; of J. J. O'Sullivan, publisher of the Pilot, of Butler; of C. E. Pearsall, manager of Union County Standard, of Westfield; of Thomas R. Hoagland, publisher of Young Men's Christian Association Points, of Paterson; of William Stout, publisher of Church and Home, of Rockaway; of M. A. Bugle, publisher of Ocean Grove Times and Record, of Ocean Grove, and of W. R. Camp, publisher of the Parlor and Lodge and the New Jersey Sentinel, all in the State of New Jersey, remonstrating against the passage of the so-called Loud bill, relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

Mr. ALLEN presented the memorials of J. E. M. Kroupa, manager of the Delnicke Listy Bohemian Weekly, of Omaha; of C. S. Eonns, publisher of Tribune, of Meadow Grove; of William Breed

Eonns, publisher of Tribune, of Meadow Grove; of William Breed & Son, publishers of Nebraska Volksfreund; of C. C. McHugh, publisher of the O'Neill Sun, of O'Neill; of C. R. Schaffer, publisher of the Platte River Zeitung, of Fremont; of George F. Goodall, publisher of the Beemer Times, of Beemer; of Moses H. Sydenham, publisher of the Central Star of Empire, of Kearney; of A. J. ham, publisher of the Central Star of Empire, of Kearney; of A. J. Watrous, publisher of the Coleridge Blade, of Coleridge; of A. L. Riggs, publisher of the Iapi Oaye and of the Word Carrier, of Santee Agency; of Sinclair & Clements, publishers of the Bancroft Blade, of Bancroft; of F. H. Nagel, publisher of the Freie Presse, of Lincoln; of Sarah B. Harris, publisher of the Lincoln Courier, of Lincoln; of George W. Quimby, publisher of the Recorder, of Verdigre; of F. A. Gabur, publisher of the Brock Champion, of Brock; of the Western Cyclist Publishing Company, by E. B. Henderson, president, publisher of the Western Cyclist, of Omaha, and of sundry newsdealers and booksellers of Omaha, all of the State of Nebraska, remonstrating against the passage of the so-called Loud bill, relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

were referred to the Committee on Post-Offices and Post-Roads.

He also presented a memorial of the Master Car Builders' Association of the United States, remonstrating against the adoption of the metric system of weights and measurements; which was referred to the Committee on Finance.

He also presented a petition of the members of the People's Party

of Kaufman, Tex., praying Congress to recognize the independence of Cuba; which was ordered to lie on the table.

He also presented a petition of Lincoln Federal Labor Union, No. 6332, American Federation of Labor, of Lincoln, Nebr., praying for the adoption of an amendment to the Constitution of the United States providing a system or method of legislation through the initiative or referendum; which was referred to the Committee on Education and Labor.

He also presented a petition of sundry citizens of Nebraska, praying for the adoption of an amendment to the Constitution of United States recognizing the Deity; which was referred to the Committee on the Judiciary.

He also presented a petition of the Young People's Society of Christian Endeavor of Hay Springs, Nebr., praying for the enact-ment of legislation prohibiting the sale of liquor in the District of Columbia; which was referred to the Committee on the District

He also presented a petition of the Nebraska National Guard, praying that an appropriation be made to properly equip the troops of the National Guard of that State; which was referred to

the Committee on Appropriations.

He also presented sundry papers to accompany the bill (S. 2070) to remove the charge of desertion from the name of Miles F. Dur-

kee; which were referred to the Committee on Military Affairs.

He also presented an affidavit to accompany the bill (S. 3189) to remove the charge of desertion from the name of Emanuel Schamp;

which was referred to the Committee on Military Affairs.

Mr. PEFFER presented a petition of the Ministers' Union of Kansas City, Mo., and of Kansas City, Kans., praying Congress to recognize the independence of Cuba; which was ordered to lie on the table.

He also presented a petition of the American Trade Press Association of New York City, praying for the passage of the so-called Loud bill, relating to second-class mail matter; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented the memorials of D. E. Sanders, publisher of the Normal Journal, of Fort Scott; of C. H. Mitchell, publisher of the Sun, of Summerfield; of C. G. Pierce, publisher of Severyts, of Severy; of O. O. Outcalf, publisher of the Courier, of Burlington, and of James M. Jones, publisher of the News, of Seneca, all in the State of Kansas, and the memorial of G. A. Griffe, publisher of the News, of Pond Creek, Oklahoma Territory, remonstrating against the passage of the so-called Loud bill, relating to second-

class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

Offices and Post-Roads.

Mr. PASCO presented memorials of Rev. Josephus Anderson,
D. D., editor of the Florida Christian Advocate; of John M. Jolly,
editor of the Halifax Journal; of J. T. Ball, publisher of the Key
West Advertiser; and of M. D. Cushing, publisher of the Southern Pythian, all in the State of Florida, remonstrating against the passage of the so-called Loud bill, relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads

Mr. MORRILL presented a petition of the Society of Colonial Dames of America, praying that a charter be granted for the National Society of Colonial Dames of America, under Senate bill

National Society of Colonial Dames of America, under Senate bill No. 3087; which was referred to the Committee on the Library.

Mr. GORDON presented a petition of Division 123, Order of Railroad Conductors. of Atlanta, Ga., and a petition of Division 114, Order of Railroad Telegraphers, of Atlanta, Ga., praying for the enactment of legislation to provide for arbitration between corporations and their employees, and also to more fully regulate contempt proceedings in Federal courts; which were referred to the Committee on the Judiciary

the Committee on the Judiciary.

He also presented the memorials of George W. Markens, publisher of the Jewish Tribune, of Atlanta; of W. R. Holmes & Mason, publishers of the Southern Dental Journal, of Macon; of W. F. Carter, publisher of the Guidon, of Meldrim; of E. Z. Byrd, publisher of the Blackshear Times, of Blackshear; of the J. A. Showalter Company, publishers of the Musical, of Dalton; of Kenlock Nelson, publisher of the Church in Georgia, of Atlanta; of Charles D. Barker, publisher of the Southern Agent and Southern Star, of Atlanta; of D. G. Bickers, editor of the Georgia Cracker, of Gainesville; of Frank J. Cohen, editor of the Jewish Sentiment, of Atlanta; and of Mayers & Allen, publishers of the Observer, of Moultrie, all in the State of Georgia, remonstrating against the passage of the so-called Loud bill, relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads. Post-Roads

Post-Roads.

Mr. DAVIS presented the memorials of Benjamin E. Darley, publisher of the People's Press, of Owatonna; of James M. Melady, publisher of the Northwestern Chronicle, of St. Paul; and of Theo.

A. Lienan, of the Volkszeitung, of St. Paul, all in the State of Minnesota, remonstrating against the passage of the so-called Loud bill, relating to second-class and post-Roads.

Minnesota, remonstrating against the passage of the so-called Loud bill, relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

Mr. GEAR presented memorials of S. W. Young, publisher of the Herald, of Henderson; of James A. Throop, publisher of the Free Press, Mount Pleasant; of Snyder & Hard, publisher of Cedar Falls Gazette, Cedar Falls; of J. W. Kime, publisher of Iowa Medical Journal, Des Moines; of J. A. Digerness, publisher of the Chronicle, Ellsworth; of C. A. Warwick, manager of the Constitution-Democrat, Keokuk; of the Journal Printing Company, of Muscatine; of W. R. Mead, editor and publisher of Iowa Plain Dealer, Cresco; of Chas. L. Brown & Co., publishers of Chariton Herald, Chariton; of John J. Clark, publisher of Daily and Weekly Times-Republican, Bedford; of Messrs. Dyke & Olds, publishers of Charles City; Intelligence, of Charles City; of B. F. Wright, publisher of the Floyd Commercial Advocate, of Charles City; of George E. Taylor, publisher of the Negro Solicitor, of Askalvosa; of Ed. Madigan, publisher of the Star, of Clarksville; of Messrs. Dorcas Bros., publishers of the Mechanicsville Press, of Mechanicsville; of C. D. Baldwin, publisher of the Cascade Pioneer, of Boomhow; of Messrs. Thompson & Strong, publishers of the Semi-Weekly Madisonian, Winterset; of John T. Thornton, publisher of the Sentinel, of Farragut; of Dernombe Bros., publisher of the Earlville Phænix, of Earlville; of John R. Hart, publisher of the Republican, of Ottumwa, all in the State of Iowa, remonstrating against the passage of the so-called Loud bill, relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

Mr. COCKRELL. I present a petition from Kaw Valley Division, No. 55, Order of Railway Conductors, of Kansas City, Mo.,

Mr. COCKRELL. I present a petition from Kaw Valley Division, No. 55, Order of Railway Conductors, of Kansas City, Mo., praying for the passage of what is known as the Phillips arbitration bill. As the bill has been reported, I move that the petition lie on the table.

The motion was agreed to.

Mr. COCKRELL presented the memorial of S. H. Burt, publisher of the American Yeoman, of St. Louis, Mo., remonstrating against the passage of the so-called Loud bill, relating to second-class mail matter; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented the petition of Alonzo Mather, of Chicago, Ill., praying for the enactment of a uniform and fixed law governing the arrangement of the stars in the field of the national flag; which was referred to the Committee on the Judiciary.

REPORTS OF COMMITTEES.

Mr. MITCHELL of Wisconsin, from the Committee on Pensions, to whom was referred the bill (H. R. 7240) granting a pension to John W. Bruner, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (H. R. 3494) granting a pension to Frances M. Roberts, reported it with amendments, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (H. R. 1508) granting a pension to Anna M. Newton, widow of Gen. John Newton, reported it without amendment, and sub-

mitted a report thereon.

Mr. TELLER, from the Committee on Claims, to whom was referred the bill (H. R. 3075) for the relief of John A. Lynch, asked to be discharged from its further consideration and that it be referred to the Committee on Military Affairs; which was agreed to.

INVESTIGATION OF SOLDIERS' HOME AT LEAVENWORTH, KANS.

Mr. HALE, from the Committee on Printing, to whom was referred the following concurrent resolution of the House of Representatives, reported it without amendment; and it was considered by unanimous consent, and agreed to:

Resolved by the House of Representatives (the Senate concurring), That the special committee to investigate the Soldiers' Home at Leavenworth, Kans., be, and are hereby, authorized to procure the printing of the testimony taken by said committee, together with such exhibits used in said investigation as said committee shall deem necessary.

SUSAN WALLER.

Mr. CULLOM, from the Committee on Foreign Relations, to whom was referred the following resolution, submitted by Mr. VOORHEES December 19, 1895, reported adversely thereon; and it was postponed indefinitely:

Resolved, That the Secretary of State be, and he is hereby, authorized and directed to pay to Susan Waller, wife of John L. Waller, late an American consul at Tamatave, the sum of \$1,500 for her necessary support and the support of her children pending an investigation into the legality and justice of said Waller's imprisonment under sentence of court-martial by the French army in Madagascar.

BILLS INTRODUCED.

Mr. HAWLEY introduced a bill (S. 3485) relating to the adulteration of foods and drugs in the District of Columbia; which was

read twice by its title, and referred to the Committee on the District of Columbia.

Mr. COCKRELL introduced a bill (S. 3486) for the relief of W. H. Wade, late captain and acting regimental quartermaster Thirty-first Ohio Volunteers; which was read twice by its title,

and referred to the Committee on Military Affairs.

He also introduced a joint resolution (S. R. 187) relating to the laying of electric subways in the District of Columbia; which was read twice by its title, and referred to the Committee on the District

of Columbia.

Mr. COCKRELL. I hope an order will be made to print the joint resolution immediately, so that it can get early to the Committee on the District of Columbia in time for action in the morning.

The VICE-PRESIDENT. It will be so ordered.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. WALTHALL submitted an amendment intended to be proposed by him to the legislative, executive, and judicial appropria-tion bill; which was referred to the Committee on Claims, and

ordered to be printed.

Mr. CHANDLER submitted an amendment intended to be proposed by him to the District of Columbia appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. LODGE submitted an amendment intended to be proposed by him to the legislative, executive, and judicial appropriation bill; which was referred to the Committee on Appropriations, and

ordered to be printed.

Mr. DAVIS submitted an amendment intended to be proposed by him to the Indian appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. HAWLEY submitted an amendment intended to be proposed by him to the Army appropriation bill; which was referred to the Committee on Military Affairs, and ordered to be printed.

PREVENTION OF CRUELTY TO ANIMALS IN THE DISTRICT,

Mr. COCKRELL. I ask for the adoption of the following order:

Ordered, That 2,000 copies of Senate Document No. 31, Fifty-fourth Congress, second session, be printed for the use of the Senate, and placed in the Senate document room.

The document is a memorial of the joint committee of the medical and other scientific societies and educational institutions of the District of Columbia, and the cost of the printing will be \$56. I have had the cost estimated. The Senate has the right to

order printing up to \$500 without a reference to the Committee on

Printing.

The PRESIDING OFFICER (Mr. SEWELL in the chair). Is there objection to the adoption of the order? The Chair hears none, and the order is agreed to.

ACCOUNT OF PACIFIC RAILROADS.

Mr. PETTIGREW submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Secretary of the Interior be directed to send to the Senate a copy of the account of the amount due the sinking fund of the Central and Union Pacific railroads on account of subsidies paid the Pacific Mail Steamship Company by said roads and deducted from the gross earnings of said roads and charged to operating expenses, which account was transmitted to the Treasury Department by the Secretary of the Interior on the 5th day of March, 1886, together with a copy of the letter of the Secretary of the Interior transmitting said account.

RECOGNITION OF FOREIGN GOVERNMENTS, ETC.

Mr. HALE submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Secretary of State be, and he is hereby, directed to send to the Senate a statement concerning the action of the President or the Secretary of State touching the recognition of any foreign people or power as an independent government, as shown by papers and correspondence on file in the Department, and the connection with the same by any action or course of proceedings of any other branch of the Government.

GOVERNMENT PRINTING OFFICE EMPLOYEES.

LODGE submitted the following resolution; which was

considered by unanimous consent, and agreed to:

Resolved, That the Public Printer be, and he is hereby, directed to send to
the Senate the information called for in the resolution of June 10, 1895.

PRESIDENTIAL APPROVAL.

A message from the President of the United States, by Mr. O. L. PRUDEN, one of his secretaries, announced that the President had on this day approved and signed the act (S. 2306) to amend Title LX, chapter 3, of the Revised Statutes, relating to copyrights.

THE LAS ANIMAS GRANT.

Mr. WHITE. The bill (S. 2007) to authorize the United States Court of Private Land Claims to hear, try, and determine the issues as to the extent and boundaries of the Las Animas grant, was introduced by me some time ago and referred to the Committee on Public Lands. Since that time I have learned that it was improperly referred and should have gone to the Committee on Private Land Claims. I have speaker to the senior member of the Private Land Claims. I have spoken to the senior member of the Committee on Public Lands with reference to it, and I believe there is no objection to its recall from that committee. I ask that the committee be discharged from the further consideration of the bill and that it be referred to the Committee on Private

The VICE-PRESIDENT. In the absence of objection, the change of reference indicated by the the Senator from California will be made.

ENROLLED BILLS SIGNED.

A message from the House of Representatives, by Mr. W. J. Browning, its Chief Clerk, announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the Vice-President:

A bill (S. 337) to refer the claim of the owners of the brig Tally-Ho to the Court of Claims;

A bill (S. 1723) to approve and ratify the construction of a bridge over and across Caddo Lake, at Mooringsport, La., by the Kansas City, Shreveport and Gulf Railway Company;

A bill (S. 1724) authorizing the Kansas City, Watkins and Gulf Railway Company to construct and maintain a bridge across the Black River in Louisiana.

the Black River in Louisiana.

A bill (S. 2989) to increase the pension of Caroline S. Baker; and A bill (H. R. 4281) granting an increase of pension to George Johnson, of Lenox, Iowa.

IMPRISONMENT OF JULIO SANGUILLY.

The VICE-PRESIDENT. The Chair lays before the Senate the resolution of the Senator from Florida [Mr. Call] coming over from a previous day. The resolution will be read.

The Secretary read the resolution submitted yesterday by Mr.

CALL, as follows:

Resolved, That the President of the United States be, and he is hereby, requested to send to the Senate, either in open or secret session, as he may prefer, if, in his opinion, not incompatible with the public interest, all the correspondence and reports of the consul-general of the United States at Habana relating to the arrest, imprisonment, trial, and condemnation to perpetual imprisonment in chains of Julio Sanguilly, a citizen of the United States, by the authorities of Spain in Cuba.

Mr. President, there is another resolution upon the subject which was introduced yesterday. I desire them both to be considered by the Senate at the same time.

The VICE-PRESIDENT. The joint resolution will be read.

The Secretary read the joint resolution introduced yesterday by Mr. Call, as follows:

A joint resolution (S. R. 186) instructing the President to demand the release of Julio Sanguilly.

Whereas Julio Sanguilly, an American citizen, arrested in his home in Habana the day before the outbreak of the present insurrection, has been confined in his cell in the Cabanas prison for the past twenty-three months; and Whereas the lawyer who defended him in his first trial has also been imprisoned in said prison; and Whereas his principal witness, Lopez Coloma, was shot in said prison by order of the Spanish authorities immediately preceding the second trial of said Sanguilly; and Whereas the attorney who conducted the proceedings in the appeal before the authorities at Madrid has since been deprived of his office and emoluments attached thereto by the authorities at Madrid in consequence thereof; and

ments attached thereto by the authorities at Madrid in consequence thereof; and
Whereas the said Julio Sanguilly has been tried and condemned to perpetual imprisonment in chains, without evidence against him and without the opportunity of defense: Therefore,
Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President of the United States be instructed to demand the immediate release of the said Julio Sanguilly with permission to return to the United States.

Mr. CALL. Mr. President, there was laid before the Senate yesterday, under a resolution of the Senate, a message from the President transmitting a report from the Secretary of State accompanied by copies of correspondence of Consul-General Lee concerning the death of Charles Govin, a citizen of the United States, who, it is alleged, was captured without arms, without being engaged in the revolution, being there in the Island of Cuba merely as a reporter. It is stated that he was tied to a tree and chopped to pieces by the military forces of Spain. This report of the consul-general, communicated to the State Department, is from General Lee, which was made to the Senate yesterday, and was ordered to be printed. I had thought perhaps it was better that that report should be printed and in the hands of Senators before any consideration of these resolutions.

Mr. HARRIS. Govin was a citizen of the United States?

Mr. CALL. He was a citizen of the United States, the son of a former consul of the United States to Italy under one of the Republican Administrations, his father being a native of Cuba, but having left the Island of Cuba during the last revolution and becoming a citizen of the United States, resident in the State of Florida. This was his son, born in the United States, as I under-

stand, and a citizen in the full sense of the term.

While I had intended to ask that the resolution lie over until the report was printed, I think I can state the contents of the report so clearly that when it is received here my statement will be verified by the report of the consul-general. The consul-general states in a demand upon the Governor-General of Cuba that eral states in a demand upon the Governor-General of Cuba that it is charged, upon information which is satisfactory to him, that this citizen of the United States was captured without arms, without being engaged in the military service of the insurgents in Cuba, without participation of any kind in the military operations being carried on there, and that he was deliberately tied to two trees and cut to pieces by the Spanish soldiers, piece by piece. The Governor-General replies, in forwarding the communication of the officer immediately in command—whose name I do not now remember—that Govin was wounded while engaged in a battle and that he died from his wounds. The consul-general of the United States replies that the information which he has received justifies him in the belief that this statement is not true.

In the report of the consul-general as submitted to the Senate there are eliminated from it by stars showing omissions the state-ments referred to by the consul-general of the United States as being extra-official. To this it is replied by the Governor-General that he should not take the unofficial statements of persons who were prejudiced against Spain, nor should they be made the sub-ject of a communication between friendly governments; that the United States can not make use of these unofficial statements contrary to the official statements of the officers of Spain in command. These statements referred to are not given in this report. It is possible that it may be considered by the Department of State and the President that it is inconsistent with the public interests in his

the President that it is inconsistent with the public interests in his judgment to communicate these statements. We can not tell in regard to that. The fact, however, appears from the stars contained in the report that there are omissions of papers referred to in the communication of the consul-general.

Mr. President, I propose to read a statement, and the Senate in the present state of this question must accept my statement that it comes from a person who is entirely reliable; from a person who has received high consideration from the American people in the shape of official promotions, who has been or will be a member of one of the branches of this Government—its legislative branch. The statement was dictated by this person. I will not give his name. I am not authorized to do so. I have no doubt it will appear in due time. But I will state to the Senate that this statement was dictated by a person of character; by a person who stands high in the consideration of all who know him.

STATEMENT IN RELATION TO CHARLES GOVIN.

On Wednesday morning, December 30, I visited the Cabanas, the political prison situated in the city of Habana, in company with Consul-General Fitzhugh Lee, and a clerk from his department, who acted as interpreter. By appointment made the previous day, General Lee was permitted to see the American prisoners confined in this prison. There were, I think, about eight or ten of these brought out. No Americans are permitted to see the American prisoners confined in this prison. There were, I think, about eight or ten of these brought out. No Americans are permitted to enter this prison and no one to see these prisoners except on Wednesdays and Saturdays, and then only upon giving twenty-four hours' notice to the authorities. These prisoners were brought out and, during the interview, were surrounded by a company of soldiers. I presume about one hundred, bearing arms under the command of the officers of the prison. These men stood in a group in the center and we were permitted to pass in through this line of soldiers and speak with them.

Amongst the prisoners was a young man who. I learned subsequently from a satisfactory source, was with Charles Govin, an American citizenty of the company of the capture of the Spanish soldiers about the fit a correspondent, who was captured by the Spanish soldiers about the fit a correspondent, who was captured by the Spanish soldiers about the fit a correspondent, who was captured by the Spanish soldiers have the fit and the exhibited marks on his arms and hands made by the ropes. They remained together all night. He stated that Govin was entirely without arms and was not engaged in the war in any way. The officer struck these from his hand at the time, and the next morning he was separated from the witness and the state men the witness, and also his credentials as an authorized newspaper correspondent. He also stated that he was without arms and was not engaged in the war in any way. The officer struck these from his hand at the time, and

cell in the Casanas, where he had been imprisoned for a considerable time, and shot without any trial, as Sanguilly said, for the purpose of preventing him from testifying.

An appeal must be taken within a few days or unless the United States interferes the witness will be transported to the penal colony in North Africa in accordance with the sentence passed a few days ago. Sanguilly stated that he did not believe that he could get any lawyer to take his case and conduct his appeal, as the fate of his other two lawyers who conducted the former proceedings would deter others from undertaking his case again.

Sanguilly seems to be a man of about 60 years of age, quite gray, and complained that the imprisonment during the past twenty-three months was breaking his health so that he could not longer endure it: and he desired that the United States Government take action in his case at once by inquiring into the cause of his detention and the unfair method by which he has been tried and convicted. He claimed that there is no possible testimony as to his being implicated in the rebellion, but that he was simply confined because he might perhaps have been guilty of some offense in the future, but that he was guilty of no offense whatever when arrested, and nothing was proven or could be proven against him.

STATEMENT IN RELATION TO DR. BATTINCOURT.

proven or could be proven against him.

STATEMENT IN BELATION TO DR. BATTINCOURT.

On last Sunday night Dr. Battincourt, a man of 68 years of age, an American citizen, who has been for a number of years engaged in the practice of dentistry in the city of Habana. was arrested and thrown into prison. On Monday I saw his son, also an American citizen, at the American consulate, who made the following statement in substance:

When his father failed to return home on Saturday night, as was his custom, the housekeeper notified his son, who is married, and who lives in a different part of the city. The son immediately set out to find what had become of his father, and about 2 o'clock Sunday afternoon, upon making inquiry at the Spanish prisor in the city, he learned from the officer in charge that his father was in that prison in communicato—

That is, solitary confinement, not allowed to see or to have inter-

That is, solitary confinement, not allowed to see or to have intercourse by letter or otherwise with any person except the authori-

ties immediately in charge of him-

ties immediately in charge of him—
that is, no one will be permitted to speak to him, nor will he be permitted to
communicate to anyone—and had been there from some time the night before.
He inquired if his father had had anything to eat, and the officer stated he had
not. He then purchased a glass of milk and some cakes, and upon paying the
officer half a dollar was permitted to send them by a subordinate of the prison
in to his father. He asked if his father had a bed or chair to sit upon, and was
told that he had nothing but a small bench. He returned at a later hour, and
after waiting until about 7 o'clock in the evening and giving the officer \$1.50
he was permitted to send his father a cot to lie upon He inquired for the
charge upon which his father was taken and held, and could learn nothing of
what the charge was. He requested the United States consul to communicate with the anthorities at the palace and ascertain why his father was
detained and have him tried or set free. Up until the time of my departure
at 1 o'clock on Wednesday no reply had been received from the palace in
regard to this case.

Subsequently, in conversation with a young Cuban, also at the consulate, I learned that this young Cuban had been talking with Dr. Battincourt about 10 o'clock on Sunday evening, in front of the Hotel Inglaterra, in the park in front of which the military band was giving a concert, and the population generally had turned out, and that he had talked with the doctor for some time, in which the latter had stated that he was looking for a young man who he said was circulating a report about him that he was a Cuban sympathizer, and that he wished to see the young man and state to him that he was not in any way in sympathy with the Cuban cause and had neither spoken nor did anything of the kind. This was the last time the doctor was seen.

The son stated that his father was particularly careful about matters of this kind and had never said or done anything either in favor of the insurgents or the Spaniards. Whether he was taken on this charge or whether it was some other charge the American consultate was unable to learn up until the time of my departure on Wednesday.

The following resolution was given to me by a prominent citizen of the United States, who suggested that the attention of Congress should be called to it in this form:

"Whereas Julio Sanguilly, an American citizen, arrested in his home in Habana the day before the outbreak of the present insurrection, has been confined in his cell in the Cabanas prison for the past twenty-three months; and

and
"Whereas the lawyer who defended him in his first trial has also been imprisoned in said prison; and
"Whereas his principal witness, Lopez Coloma, was shot in said prison by order of the Spanish authorities immediately preceding the second trial of said Sanguilly, and
"Whereas the attorney who conducted the proceedings in the appeal before the authorities at Madrid has since been deprived of his office and emoluments attached thereto by the authorities at Madrid in consequence thereof;

ments attached thereto by the authorities at Madrid in consequence thereof; and

"Whereas the said Julio Sanguilly has been tried and condemned to perpetual imprisonment in chains, without evidence against him and without the opportunity of defense: Therefore,

"Resolved by the Senate and House of Representatives of the United States in Congress assembled. That the President of the United States be instructed to demand the immediate release of the said Julio Sanguilly, with permission to return to the United States."

The statements and the preamble of the above resolution were made by persons of character and veracity, and the evidence as submitted to me from such witnesses authorizes me to say that they are true. I am informed from reliable sources that evidence of the facts as above stated is to be found amongst the files of the State Department.

I am not at liberty to give the name. I state, however, that it is from a man who stands high in the country, a citizen of a Northern State, a Republican, a man who has been or will be con-nected at an early day with one of the departments of this Government of an important character. He has not authorized me to give his name, but I am satisfied it will be given in due time.

Mr. Sanguilly can not secure the services of any lawyer to prosecute his appeal, as the fate of his attorney who conducted his case in Habana—he being now in the prison in the Cabanas—and his attorney in Spain having been deprived of his office and emoluments, warns others not to assist him in his release from prison.

The American citizens in Habana are without protection, are subject to insults, and it is not safe for them to go about the city, and the need of imperative action on the part of our Government is manifest to all observers.

I have another letter from the wife of one of the prisoners who was captured on board the Competitor, a private sailor who was taken as a member of the crew of the Competitor, without any information or knowledge that he was bound for the coast of Cuba, and who has been repeatedly, during his long confinement for some months in the Cabanas, threatened with execution. This Amer-ican citizen, a common sailor on board this ship, in no way re-sponsible for the port to which she was bound, is held in confinement subject to execution and threatened with the penalty of death.

This is but one of a number of cases. Julio Sanguilly, a citizen of the United States, having the full privilege and character of citizenship, without any complicity whatever with the insurgents, without any evidence of any intention to join the military forces of Cuba, upon suspicion alone, was arrested at his home, his temporary place of residence, where he was residing under the pledge of the Governments of the United States and of Spain in their treaty that he should be permitted to enjoy the full protection of treaty that he should be permitted to enjoy the full protection of life and liberty and property. Twenty-three months ago he was incarcerated in a prison, and he was condemned to perpetual imprisonment in chains, violating the letter and the spirit of the treaty, which requires that to be tried by a military tribunal the person shall be captured with arms. In view of the former insurgent condition of the Island of Cuba, this treaty stipulation was made, and it was only upon the remonstrance of this Government that he was submitted to trial by what they call a civil tribunal, a tribunal under the civil law; and that tribunal, after appeal to Madrid to set aside the sentence, has condemned him to eight years Madrid to set aside the sentence, has condemned him to eight years

of imprisonment in chains.

Govin, a citizen of the United States, having no intention, as he testified and as the circumstances indicate, of participating in the

citizenship under our laws. They are protected under a treaty stipulation guaranteeing them safety of life, of liberty, and of property. The prisons of the Cabanas and Morro Castle are full of them. They are stained with the blood of American citizens, as is exhibited by the facts stated in this report of the consul-general and by statements from a reliable source. It only needs that this body shall investigate carefully the fact in order that the

this body shall investigate carefully the fact in order that the cover may be taken off from this scene of butchery.

Mr. President, the government that fails to protect its citizens in their lives, their liberty, and their property in foreign lands, to which they have a right to go under treaty stipulations, justly incurs the execration of mankind. A great Republic of 80,000,000 people, denying to its imprisoned citizens appealing to it to preserve the obligations of the treaty, and the pledge for their protection, sentenced to perpetual imprisonment in chains, hesitating as to the course it should pursue, presents a spectacle to the world discreditable not only to this great representative of freedom and discreditable not only to this great representative of freedom and individual rights, but to every government that claims to be sov-

reign and independent.

It is idle, Mr. President, to say that these things are not true.

They are true. I am informed by this statement that the facts are upon the files of the Department of State, and if they were not that proof could easily be obtained.

The reply is made to this demand, to this appeal from innecent citizens in confinement under the authority of Spain, in resolutions of boards of trade and of meetings in the country sent here, that it will disturb trade, it will interrupt commerce, it will produce a decline of the great staples of agriculture—and that Sanguilly shall remain in chains, that American citizens imprisoned in these fortresses shall be allowed to stay there, because, perchance, in the assertion of right, in the enforcement of treaty obligations, war might occur.

Mr. President, trade is not preserved by the neglect to enforce treaty stipulations for the protection of the lives and the liberty and the property of American citizens. Commerce is not preserved and left undisturbed by the permission of slaughter and of arbitrary imprisonment of our citizens engaged in commerce in foreign lands. Trade and commerce at home can not be preserved in prosperity and successfully if we neglect the obligations of our Government to our citizens abroad. If there were no question of Government to our citizens abroad. If there were no question of patriotism, if this god of business is to be allowed to suppress the sentiments of humanity, to suppress the demands of religion, to suppress the manhood and courage of our people, if we were to take this low ground and say that cowardice, the lack of public spirit, was to be preferred to the danger of war, it would be an unwise and ruinous policy. There can be no prosperity in a country where there is no sense of patriotism and national honor, where the name American citizen becomes a reproach and does where the name American citizen becomes a reproach and does not carry withit the sanction of protection to his life, his property, and his business. Upon every ground of patriotism, of self-respect, of the future character of this great people, of humanity, of civilization, and Christianity, this Government should demand the release of Julio Sanguilly and of all American citizens who have been captured without arms in their hands and without full and fair evidence of complicity with the insurgent movement in Cuba.

What answer can be made to that proposition? A denial of the facts. And that denial must rest upon the assumption that these statements are untrue, upon the assumption that the consul-general in the report which he has made here in the case of Govin—that the statements as to the manner of his death as given by the Spanish authorities are not true, but that the statements which are unofficially given are true. What a spectacle is presented when we become parties to this false assertion to cover up the murder, the brutal murder, of an American citizen.

Mr. President, the objection is made and published and cir-

culated in the newspapers-I have one here from New York in the Advertiser—that the great powers of Europe will intervene to aid Spain in a war to be declared upon the United States if peradventure we should exercise the sovereign right which we have of recognizing the existence of a de facto government as an independent and sovereign government.

Mr. President, it is an unreasonable proposition. It can not be There is no ground of public law, there is no precedent in the customs of nations, for the declaration of war as a ground of right—though as a ground of policy there may have been—upon a nation recognizing the existence of an actual power, a power which testified and as the circumstances indicate, of participating in the war in any capacity, a newspaper reporter, having a right under the treaty with Spain and under the pledge and guaranty of protection of this Government to go into the Island of Cuba, was arrested, tied to a tree, and brutally chopped to pieces by the soldiery, and the fact deliberately concealed and denied.

Mr. President, the case of Julio Sanguilly is but a type of what is occurring to hundreds of American citizens. What matters it that they were natives of Cuba? What matters it that they reside in the Island of Cuba? That is their right. They have acquired the interior of that island has been (except the soil actually occupied by the forces of Spain) in the control and subject to the jurisdiction of the Cuban forces, claiming to be a Republic and organized as a Republic.

But if it were so, if the great powers of Europe, if the monarchs of Europe should consolidate their power, should determine to make war upon the Republic of the United States because in the interest of suffering humanity, in the interest of civilization, in the interest of republican government, they have determined to exercise their power for these great ends, what effect would it have upon the masses of Europe? What effect would it have upon their own subjects? What statesman would be so unwise as to attempt to organize the power of monarchy, the power of imperialism, against this Republic standing in the interests of humanity and of right? No wise statesman, Mr. President, will do anything to inaugurate a struggle of this kind between the existing order of governments and the masses of the people, for it is easy to perceive that the sympathies of mankind, the sentiment of all Christian peoples, would be with this Republic in maintaining that which is right, that which they have a right to demand, and which they are bound to demand wherever a people assert their right to govern themselves successfully.

Have we not proclaimed to the world that governments exist by the just consent of the governed alone; that a people have inalienable rights of life, liberty, and property which every government must respect? Is that true or is it a falsehood? If it be true, have we no right to say that these rights must be respected, that they must not be destroyed, and that if a people asserting for themselves these rights upon which we have founded our Government assert them successfully for any considerable period of time, shall it be said that we are false to those pledges if we say to them, "We do not recognize that right for you which we have declared to be fundamental and the basis of government throughout the

Mr. President, there is no danger, and these considerations evidence that there is no danger, of any combination of European powers against this Republic. There is no advocacy of war in these propositions; there is no disrespect to the Spanish Government. Its methods in Cuba have marked the long period of its decadence. They have been the same causes that have led to that subordination of the great power of Spain from being the head of the European powers to being the least powerful amongst them now. There is no disrespect to her to say that the people of Cuba, who for so many years have followed the example of Mexico and the South American Republics, have found that the form of government given them by Spain did not answer their purposes, that it was not in accordance with their sentiments under the example of this American Republic, and that they have adopted as true that which we have proclaimed to the people of the world and asserted for ourselves. Is it any disrespect to Spain to say that in this long period of decay which has marked her public career it is to be attributed to the attempt to maintain a colonial subjection of these distant empires, to point to the difference between England and her colonial system of free government, and to say that now, when you have so incensed the population that they will not tolerate the idea, when, catching the example of successful revolution from the vast empires upon this hemisphere, they are penetrated with this idea, and you can not subdue it, and you must not subdue it by these barbarous methods, is it any disrespect to that Government to say that we are compelled to recognize as a fact an organized power which has successfully maintained itself and to recognize as a fact that these methods which you have pursued toward these American citizens are methods which render it impossible for you to succeed?

zens are methods which render it impossible for you to succeed? The suggestion, Mr. President, is without foundation that in this age any combination of European powers can deliberately assert that they will make war upon a people for recognizing the independence of another people who have successfully maintained that independence for several years when that assertion of their right to independence rests upon causes that are manifestly right, to wit, the impossibility of good government over that island from a country so far distant and in the conditions which exist there. The wise friend of Spain, Mr. President, the wise statesman in Spain, the counselor whose judgment should be followed, would be he who would say: "Sever these relations; go on and reassert for yourself the qualities which have made you great amongst the nations of the earth; proceed to establish the policies which will restore the spirit that characterized this nation when she was foremost among the nations of Europe; again reestablish your industries, cultivate the love of letters and of learning which at one time filled the University of Salamanca with 4,000 students, and again enter upon a course of prosperity with lighter taxation. Look to Africa if you wish to extend your colonial domination, not here, to a people imbittered and estranged by methods of government which would produce revolution anywhere, by arbitrary power vested in single persons far removed from the control of the Government of Spain, subjecting the lives, the property, the every-

thing of these people to the caprice of one man, of a soldier, perhaps a man indifferent to human suffering, and thus subjecting them, without trial, without tribunals, without reasonable processes of law, but being taken upon suspicion and condemned to perpetual imprisonment in chains.

It seems to me that we are degenerating in the character of our people and in the character of our Government; that we are going back some centuries when we fail to have courage, to have patriotism, to have Christianity, to have civilization, to have a sense of justice and right sufficient to demand, and imperatively demand, the release of American citizens held in captivity and condemned to chains upon suspicion without evidence, and then talk about delay. Mr. President, this is no new thing. The blood of the soldiers and the men of the Virginius will remind us that it is not a matter of to-day, as will the slaughter of the students in Cuba for the attempted mutilation of a statue, the shooting of sixteen boys to suppress the spirit of revolt and discontent. It would seem as if the manhood of the American people was disappearing. Are 80,000,000 people, the most powerful in the world, with institutions framed upon the declaration that a people have a just cause to assert their right of self-government, to permit Julio Sanguilly to be held in chains for suspicion that he sympathized with the insurgents, and without evidence to permit Govin to be tied to a tree and cut to pieces deliberately and the fact concealed?

Mr. President, there can be no prosperity, there can be no respect among the nations of the earth for a government that fails to protect the lives and the liberty of its citizens under treaty obligations. The spectacle is one that belittles the people of the United States and their Government in the consideration of the nations of the world, and ought to belittle it.

of the world, and ought to belittle it.

The idea of disturbing trade! What trade will there be when the name of American citizen is a word of reproach, when Govin is permitted to be cut to pieces and Julio Sanguilly to be taken from his bed and condemned by a military tribunal, in violation of the very words of the treaty, and then sentenced to eight years' imprisonment in chains after the reversal of his sentence by the supreme tribunal?

The Island of Cuba lies immediately upon our shores, but that is no reason, as has been stated, why she should be independent unis no reason, as has been stated, why she should be independent unless that independence is accomplished by peaceable measures or by force of her own. That is no reason why we should interfere. That island is capable of being a place where a vast portion of our population, unemployed, may find profitable employment; it is capable of sustaining 10,000,000 people. These are considerations which would point to the peaceable negotiation of this Government for the catablishment of a progression of this covernment. ment for the establishment of a proper government there; but surely, Mr. President, when these people have asserted for them-selves a government of their own, when they have maintained it for more than two years, aye, for three years, when they have, in every shape and form, asserted a power of governing themselves, surely that is a reason why we, having greater interests than other people, we, knowing that it is impossible to prevent the overflow of this great population into the adjacent countries; we, knowing that perpetual disturbance will continue and can not be suppressed because of the enterprise and adventure of American citizens crossing in a few hours a narrow channel; we, knowing that peaceable relations with the foreign Government of Spain itself demand that a free government should be established in Cuba, not asking nor seeking to assert power over it, knowing that there will be perpetual discord, and knowing that the people of the United States will not permit to pass unnoticed the murder of American citizens under the methods which have been pursued in Cuba in relation to Govin and in relation to Sanguilly; knowing that this people will not consent that women shall be put to death, children murdered and outraged; knowing that the sentiment of the American people is one of manhood and character, and that they will not be patient spectators of such things—are not these considerations which should address themselves to the minds of statesmen? How long will it be before these facts will so arouse the American people that no power can stay them from passing in such multitudes, even without the sanction of this Government, into any adjacent country that may be open to them. Mr. President, the Navy of the United States and all its armed force could not prevent, nor could the combined powers of the world, not only the American people, but the brave men of every country, if the war in Cuba progresses, from going to the support of any government which may be established there as a protest against despotism.

Instead of the Monroe doctrine of republicanism, have we gone back to the assertion of imperialism upon this continent, to the establishment of arbitrary government? Is that the progress of public opinion in this country?

The people of the State which I have the honor in part to represent are very closely connected with the people of Cuba. There is a constant intercourse going on. Many of the Cubans are educated; are a people of a high order of intelligence; many of them have been persons of large wealth. I am informed that there are very few native Cubans who are not engaged in the present

rebellion. Sanguilly happened to be one of those who was not so engaged. Ten years ago he was a general of the insurgent army in Cuba, but he laid down his arms under an arrangement made with the Governor-General of Cuba and accepted the amnesty and He was guaranteed complete absolution from his offense, and he became a citizen of the United States and resided in this country. Naturally his connections carried him back among his own people, not to become a Spanish subject, but to remain there quietly and contentedly. He had the right to do so. We extended naturalization to him without limit or restraint. He went back to Cuba, and what was the result? Within the Spanish lines in the city of Habana, in his own house, without a witness against him, without evidence of any complicity in the rebellion, in full loyalty to this Government and to its obligations to Spain that our citizens should not engage in armed insurrection, with the full right to his own opinions, he was arrested and is now in He appeals to this Government and to \$0,000,000 American people to release him and protect his life and the lives of other Americans who are confined in Cuba, and to let him return to the

I hope, Mr. President, that this question will not be postponed, that it will not be buried, that we shall have no more of these idle declarations of the disturbance of trade and business or the depreciation of the great staples of agriculture in the face of the fact that they can only rise and maintain their value when our com-merce is extended, when the relations of trade with other countries to this are properly adjusted, when we can exchange our products for the products of other countries—this idle declaration that we shall not protect American citizens and enforce treaty obligations because, perchance, there may be war with Spain, an impossible thing, or that there may be war with the great powers of monarchy in Europe, an impossible event; war to preserve monarchy against a Republic asserting its right to recognize another Republic and not interfering at all with Spain's power to

Mr. President, there is no law of civilized nations which permits the Spanish Government to hold as criminals men captured on board vessels carrying munitions of war to Cuba for insurgent There is no law of nations which permits the Spanish purposes. There is no law of nations which permits the Spanish Government to murder even the Cuban insurgents who are cap-Government to murder even the cuban insurgents who are captured in battle. By every custom of every civilized nation they have the right to be held as prisoners of war. That was our custom in the late civil war. We killed no prisoners because they were soldiers in the Confederate army. We outraged no women, we destroyed the lives of no children because they were found within the insurgent States. Why, then, should this body hesitate? Why, should an organized movement be carried on through Why should an organized movement be carried on throughtate? Why should an organized movement be carried on throughout the United States, from some central point, in the interest of Spain, by resolutions of boards of trade, that Sanguilly shall remain in chains; that the Govin butchery shall be concealed; that the walls of the fortresses of Spain shall not be cleansed of the blood of innocent Americans slain without a pretext of conformity with the laws of war between civilized nations? Yet it is true that setting is delayed in this body. It is true that for that action is delayed in this body. It is true that for two years there have been repetitions of the massacre of the passengers on the Virginius, repetitions of the slaughter of students in Habanainnocent noncombatants-and the whole force of the United States being directly used to protect and continue that condition of

Mr. President, the Government of Great Britain is justly esteemed throughout the world, because the Englishman can say, "The power of Great Britain surrounds me here." He can say what the captain of the little war ship said when he demanded that all British subjects taken upon board the Virginius should be returned on board his vessel before the sun sets. The answer was made that "the forces present are sufficient to destroy and blow your vessel into atoms." He made the proud reply, "But they are not sufficient to blow the Kingdom of Great Britain out of the water, nor to destroy the British Empire. I demand that before the sun sets every British subject shall be placed on the decks of this ship under the English flag." While our American citizens were slaughtered, the subjects of Great Britain were surcitizens were slaughtered, the subjects of Great Britain were sur-rendered and placed under the English flag. What an example to us! How idle to talk about suppressing this sentiment of the American people or of any civilized country! How long would England stand it if one of her subjects, having produced his papers of citizenship, which are struck from his hand with con-tempt, were tied to a tree and cut to pieces, having committed no offense, upon suspicion that he was going to engage with the insurgent forces? How long would England stand it if one of her subjects were taken upon suspicion, and, without fair trial, without witnesses, were held in confinement for twenty-three months and sentenced by a military tribunal to perpetual imprisonment in Spain? If, later, that sentence were changed to eight years, as in the case of Sanguilly, how long would she stand it?

The relations of the people of Florida to the Island of Cuba are

such as to bring to their notice these cases, and to bring to their notice the condition of feeling that exists among the people of Cuba, the intelligent portion of the people of Cuba, the men of character, and there are men of character, there are men of intelligence, there are men of education amongst them. The sentiment which pervades the people of the State of Florida is almost universal in favor, not of the annexation of the island, but of universal in favor, not of the annexation of the island, but of those people having a government based upon the principles of humanity, in favor of a government which shall protect the lives and liberty of the people, which shall advance the prosperity of the island, which shall furnish a place where the enterprising American can engage in business. That he will go, that they will be found there by the ten thousand in the near future, there can be no doubt.

While we do not advocate nor desire war, we are satisfied that there are worse things than war. If any part of the country be exposed to the possible chances of injury in a condition of war, it would be the peninsula of Florida, but her people are courageous, her people are a Christian people, her people sympathize with the progress of mankind, with liberal institutions, with republican governments, with patriotism, with the sentiment which would make the Stars and Stripes the symbol of power and protection to the citizen of the United States wherever the sun shines.

Mr. President, I ask that the resolution requesting information may now be adopted.

may now be adopted.

The VICE-PRESIDENT. The question is on agreeing to the resolution submitted by the Senator from Florida.

The resolution was agreed to.

Mr. CALL. The joint resolution which I introduced was prepared by an eminent citizen in Habana who is cognizant of all the facts connected with the case, a man of high character. It reflects the opinions, the feeling, and the judgment of a man whose name, if I were permitted to disclose it, would carry conviction with it everywhere. I move that the joint resolution be referred to the Committee on Foreign Relations, and I hope for speedy action in the matter

The motion was agreed to.

EXECUTIVE SESSION.

Mr. LODGE. In the absence of the chairman of the Committee on Foreign Relations, I move that the Senate go into executive session to consider two treaties which the committee desire to have considered.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After fifteen minutes spent in executive session the doors were reopened.

SIOUX RESERVATION IN SOUTH DAKOTA.

Mr. PETTIGREW. I ask unanimous consent for the immediate consideration of the bill (S. 3328) to amend an act entitled "An act to repeal the timber-culture laws, and for other purposes

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

Mr. PETTIGREW. I will state in explanation of the bill that it simply relates to lands opened to settlement on the Great Sioux Reservation. It is to obviate double payment for the land. lands were opened to settlement, and the settlers were required, if they commuted or paid for the land at the end of fourteen months' residence, to pay the Indian price. The bill does not relieve them from that payment. But afterwards Congress passed an act inadvertently, not intended to apply to those lands, which now requires the settlers to make two payments. It compels them not only to pay the Indians, but to pay the Government \$1.25 an acre.

I have in this connection a letter from the Interior Department which I desire to have read, as it explains the whole matter. The bill was unanimously reported from the Committee on Public Lands.

The VICE-PRESIDENT. The Secretary will read as requested. The Secretary read as follows:

The Secretary read as follows:

DEPARTMENT OF THE INTERIOR, GENERAL LAND OFFICE,
Washington, D. C., December 9, 1896.

SIR: I have the honor to acknowledge the receipt of your letter of December 5, 1896, requesting information as to the ruling requiring homestead settlers on lands formerly embraced in Indian reservations to pay the Government for the land in addition to the payment required for the benefit of the Indians, as you desire to have the law amended, if an amendment is required for the relief of the homestead settlers.

In reply I have to state that the only requirement of the nature indicated pertains to the lands formerly embraced in the Great Sioux Reservation in the States of North Dakota, South Dakota, and Nebraska.

These lands were opened to settlement and entry under the provisions of the act of March 2, 1899 (25 Stat., 889).

Said act provides that the lands "shall be disposed of by the United States to actual settlers only under the provisions of the homestead law (except section 2301 thereof) and under the laws relating to town sites: Provided, That each settler under and in accordance with the provisions of said homestead acts shall pay to the United States for the land so taken by him, in addition to the fees provided by law, the sum of \$1.25 per acre for all lands disposed of within the first three years after the taking effect of this act, and the sum of 51 cents per acre for all lands disposed of within the lirst three years after the taking effect of this act, and the sum of 51 cents per acre for all lands disposed of within the lirst three years after the taking effect of this act, and the sum of 51 cents per acre for all lands disposed of within the lirst three years after the taking effect of this act, and the sum of 51 cents per acre for all lands disposed of 51 cents per acre for all lands disposed of 51 cents per acre for all lands disposed of 51 cents per acre for all lands disposed of 51 cents per acre for all lands disposed of 51 cents per acre for all lands disposed of 51 ce

thereafter, and 50 cents per acre for the residue of the lands then undisposed of, and shall be entitled to a patent therefor according to said homestead laws, and after the full payment of said sums."

It will be noticed that under said act no commutation of homestead entries

laws, and after the full payment of said sums."

It will be noticed that under said act no commutation of homestead entries was permissible.

Section 6 of the act of March 3, 1891 (23 Stat. 1095), which amended section 2301, United States Revised Statutes, relating to commutation of homestead entries, provided:

"And the provisions of this section shall apply to lands on the ceded portions of the Sioux Reservation by act approved March 2, 1889, in South Dakota, but shall not relieve said settlers from any payments now required by law."

Under date of May 13, 1895 (22 L. D., 550), the honorable Secretary, having under consideration the application of the State of South Dakota. "for 5 per cent of the net proceeds of sales of lands within the boundaries of what is known as the opened portion of the Great Sioux Reservation," held that the provisions of section 6 of the act of March 3, 1891 (supra), "clearly recognizes the trust character of the payments originally required of entrymen of Sioux lands, and means that when such entrymen so elect, they may commute, after the time named, by paying the minimum price for the land, in addition to the payments required under the act of 1889."

In view of the honorable Secretary's decision, the district land officers having jurisdiction over the Sioux lands were instructed, by letter C of June 23, 1893, to collect from parties applying to commute homesteads for said lands \$1.25 per acre, in addition to the payments required under the act of March 2, 1899 (supra), and similar action was taken on all cases pending in this office unpatented.

Homestead settlers who make ordinary five-year proof are not affected by said ruling, which applies only to commuted homestead entries.

Very respectfully,

E. F. BEST, Assistant Commissioner.

Hon. R. F. Pettigrew, United States Senate.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ARMY APPOINTMENTS BY BREVET.

Mr. SEWELL. I ask for the present consideration of the bill (H. R. 3719) to provide for appointment by brevet of active or retired officers of the United States Army.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Millitary Affairs with an amendment, in line 5, after the word "war," to strike out "shall" and insert "may, at the discretion of the President;" so as to make the bill

Be it enacted, etc., That all officers of the Regular Army of the United States, active or retired, who served in the volunteer forces during the late war may, at the discretion of the President, receive a brevet in the Regular Army equal to the highest rank held or the highest brevet received in the said volunteer forces and be commissioned accordingly as of the date of such brevet: Provided, That they have not already received a brevet of equal or higher grade in the Regular Army.

The amendment was agreed to

Mr. COCKRELL. I should like to ask the Senator from New Jersey if the bill carries any increased compensation in any shape,

manner, or form?

Mr. SEWELL. In no shape, manner, or fashion. It gives nothing. It is purely honorary, and at the discretion of the President.

Mr. COCKRELL. There is no possibility by which they can have increased pay by reason of this commission?

Mr. SEWELL. Oh, no; not at all. There are only about seventy any way who will be liable to appointment.

The bill was reported to the Senate as amended, and the amend-

ment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

MRS. FLORENCE E. MAYBRICK.

Mr. HOAR. There is on the Calendar a joint resolution (S. R. 129) requesting the Government of Great Britain to pardon Mrs. Florence E. Maybrick as an act of magnanimity. The joint resolution was referred to the Judiciary Committee and unanimously reported adversely, but put upon the Calendar because it was supposed there might be some desire on the part of the Senator who introduced it to address the Senate. However, I believe he has no such desire, and I move that the joint resolution lie upon the table.

Mr. COCKRELL. Let it be indefinitely postponed.

Mr. HOAR. Well, I do not care which course is taken. I do

not want to have it kept upon the Calendar, where one will have

to watch for it

Mr. COCKRELL. Let it be indefinitely postponed.
Mr. HOAR. Very well.
The VICE-PRESIDENT. Without objection, that order will

Mr. HOAR. Perhaps I ought to state that the reason why I did mr. HOAR. Perhaps I ought to state that the reason why I did not move the indefinite postponement was because the Senator from Florida [Mr. Call] was not in his seat. Upon his return to the Chamber, if he should desire a different disposition made of the joint resolution, I shall not wish to take advantage of his

SANTEE SIOUX INDIANS, ETC.

The VICE-PRESIDENT. The Calendar under Rule VIII is in order. The first case will be called.

The bill (S. 2454) restoring the Santee Sioux Indians, of Nebraska, and the Flandreau Sioux Indians, of South Dakota, formerly known as and being a confederacy of the Medawakanton and Wapakoota Sioux Indians, to all rights, privileges, and benefits enjoyed by them and their ancestors under the treaties of 1837 and 1851, and for other purposes, was announced as the first bill on the Calendar.

Mr. COCKRELL. In the absence of the Senator who reported

Mr. PETTIGREW. I think the bill had better go over under Rule VIII, without prejudice. It is rather an important measure, and I think perhaps it should be taken up when it can receive more consideration than is possible at this time.

The VICE-PRESIDENT. Without objection, that order will be

FLAGS FOR SCHOOLHOUSES.

The bill (S. 1781) making an appropriation to furnish flags for the schoolhouses of the District of Columbia was announced as next in order on the Calendar, and the Senate, as in Committee of next in order on the Calendar, and the Senate, as in Committee of the Whole, proceeded to its consideration. It proposes to appropriate \$1,000 for the purpose of purchasing United States flags to be floated over every public schoolhouse in the District of Columbia on school days and during school hours, the sum to be expended by and under the supervision of the school trustees of the District and to become available immediately on the passage of this act.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading read the third time, and passage.

to be engrossed for a third reading, read the third time, and passed.

FREE HOMESTEADS IN OKLAHOMA TERRITORY.

The VICE-PRESIDENT. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which is House bill 3656.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 3656) providing for free homesteads on the public lands in Oklahoma Territory for actual and bona fide settlers, and reserving the public lands for that purpose.

Mr. PETTIGREW. The bill has been read at length, and I should now like to have the amendments read.

Mr. COCKRELL. I want to hear the report of the minority of the committee. The report of the majority was read, but not the report of the minority. I think perhaps it would be better to have the amendments read first and then the report. I shall call for the reading of the first part of the report of the majority.

The VICE-PRESIDENT. The Secretary will read the amendments reported by the Committee on Public Lands.

The Secretary. In section 1, line 5, it is proposed to strike out the words "in the Territory of Oklahoma," and at the end of line 15 to add the following proviso:

Provided, however, That all sums of money so released, which if not released would belong to any Indian tribe, shall be paid to such Indian tribe by the United States;

So as to make the section read:

That all settlers under the homestead laws of the United States upon the public lands acquired by treaty or agreement from the various Indian tribes, who have or who shall hereafter reside upon the tract entered in good faith for the period required by existing law, shall be entitled to a patent for the land so entered, upon the payment to the local land officers of the usual and customary fees, and no other or further charge of any kind whatsoever shall be required from such settler to entitle him to a patent for the land covered by his entry: Provided, That the right to commute any such entry and pay for said lands, in the option of any such settler and in the time and at the prices now fixed by existing laws, shall remain in full force and effect: Provided, however, That all sums of money so released, which if not released would belong to any Indian tribe, shall be paid to such Indian tribe by the United States: Provided, That the public land laws of the United States are hereby suspended until further legislation by Congress, in so far as they may affect the territory hitherto known as Green County, Tex.

The VICE-PRESIDENT. The Chair understood the Senator

from Missouri to ask for the reading of the minority report.

Mr. COCKRELL. Yes, sir. I understood the Senator in charge of the bill to ask for the reading of a part of the majority report.

Mr. PETTIGREW. I ask that the majority report be read to the annexed documents which accompany it.

The VICE-PRESIDENT. The report as indicated by the Senator from South Dakota will be read.

The Secretary read the report (which appears in Senate proceedings of December 21, 1896).

The VICE-PRESIDENT. The views of the minority of the

committee will now be read.

The Secretary read as follows:

VIEWS OF THE MINORITY.

The undersigned, a member of the Committee on Indian Affairs, being unable to concur in the report of the majority of said committee upon the bill (H. R. 3656) providing for free homesteads on the public lands of Oklahoma Territory for actual and bona fide settlers, and reserving the public lands for that purpose, submits herewith briefly his reasons for suggesting that the bill ought not to pass:

Commencing with the year 1889, the Government of the United States has

purchased, by agreement with the Indians, portions of their reservations, added them to the public domain, and opened the same to settlement, to the extent of 33,252,540 acres of land. For these lands it has paid or obligated itself to pay \$25,261,937.95, not including payment for the Great Sioux Reservation, \$9,053,985; the Colville Reservation, \$1,500,000, and the Chippewa Reservation, \$5,028,447; in all, \$15,590,382, which by the terms of the agreements, were mainly to be paid for from the amount realized upon the disposal of the lands.

ervation, \$5,028,447; in all, \$15,580,382, which, by the terms of the agreements, were mainly to be paid for from the amount realized upon the disposal of the lands.

As a condition of the cession of the Great Sioux Reservation, it was, however, provided that \$3,000,000 should be set apart in the Treasury as a trust fund for the benefit of the Indians. This sum of \$3,000,000 should, it is thought, be added to the amount of money expended for the purchase of such Indian lands as above stated, making in all \$28,201,937.95.

Each of the different acts passed providing for the opening of said lands to settlement contains a provision that the agricultural lands shall be opened and settled under the provisions of the homestead act, with the further requirement that each settler shall, in addition to compliance with the requirement that each settler shall, in addition to compliance with the requirements of the homestead act, pay a certain stipulated sum per acre for the land at the expiration of five years' residence in order to obtain a patent therefor, a different price per acre being fixed in the several statutes, sufficient to reimburse the Government when all the land shall be finally disposed of for the amount paid the Indians in order to obtain from them such cessions of the land. A large portion of the lands thus opened to settlement has been settled upon, but the undersigned have been unable to obtain information as to the precise number of acres which have been thus occupied by settlers. Various statutes have been passed extending the time for final payment upon representation of the settlers that on account of drought and from other causes it was hard for them to make the required payment at the end of their five years' residence. Some of these statutes apply only to single reservations, but the last two Indian appropriation bills have each contained a clause extending the time in all instances for one year. Thus the time of final payment for all of said lands has been extended until the full period of seve

paid by the settlers. If this amendment should be adopted and the bill pass, the Government would be called upon to pay in the future, including the amount not yet due on the Cherokee Outlet purchase, a sum approximating \$15,000,000.

has do the sections. It has amendment should be adopted and the bill pass, the Government would be called upon to pay in the future, including the amount not yet due on the Cherokee Outlet purchase, a sum approximating \$15,000,000.

It is proper to remark here that negotiations are now in progress for the purchase of other lands embraced in other reservations with a view to opening them for settlement upon the same terms with regard to the reimbursement of the Government which have been prescribed in the clases already alluded to. In the Indian appropriation bill of last year the Secretary of the Interior was authorized to appoint a commission to treat with Indians for the cession of portions of the Crow and Flathead Indian Reservation in the State of Montana, with the Fort Hall Reservation Indians in Indaho, with the Uintah Reservation Indians in the State of Utah, and the Yakima Indians in the State of Washington, which commission was appointed and is now negotiating with the Indians. In addition, there are pending in Congress bills to ratify and confirm agreements already made with Indians for the purchase and cession of lands as follows: Agreement with the Turtle Mountain Band of the Chippewa Indians in the State of North Dakota, with the Indians of the Shoshone or Wind River Reservation in Wyoming, of the Comanche, Kiowa, and Apache tribes of Indians in Oklahoma Territory, with the Lower Pend d'Orefile or Calispel Indians in Washington, and with the indians of Pyramid Lake and Walker River Reservation in Nevada. The number of acres of land affected by unratified agreements already made and by the negotiations of the commission heretofore alluded to can not be specified by the undersigned, nor the amount of purchase money involved, but may be generally stated as amounting to several millions.

All negotiations and agreements for such cessions have been made or are being conducted upon the understood policy of the Government that it shall be reimbursed for the amounts to be paid from the proceeds arising fro

Statement showing cost of Indian lands obtained by cession and subject to disposal under the homestead law, the amount which will be received therefor under existing law, the amount already received from disposals, and the loss to the United States if homestead settlers are relieved from further payment.

Name of reservation.	Estimated number of acres ceded.	Total amount paid for ces- sion.	Statute pro- viding for payment.	Area in acres opened or to be opened to settlement and entry.	Price per acre to be paid by set- tler.	Amount that will be re- ceived from set- tlers under existing law when all lands have been disposed of	1896.	Loss to United States if settlers are relieved from payment.	Remarks.
Great Sioux, N. Dak., S. Dak., Nebr.	9, 053, 935	(a)	Mar. 2,1889 (25 St.888).	8,550,938	\$0.50 75 1.00	\$4,785,879	\$111,337.63	\$4,624,541.37	Proceeds to be deposited in United States Treasury for benefit of Indians.
Lake Travers, N. Dak. and S. Dak.	606, 712	\$2,203,000.00	Sec. 27, act Mar. 3, 1891 (26 St.,	573,882	2.50	1,434,705	29, 271. 55	1,405,433.45	C Desicute of Intuities.
Yankton Sioux, S. Dak	161,606	610,000.00	1038). Aug. 15, 1894	151,692	3.75	568, 845	37,864.45	530, 980. 55	
Fort Berthold, N. Dak	1,946,880	800,000.00	(28 St., 319). Mar. 3, 1891	1,838,720	1.50	2,758,080	None.	2,758,080.00	
Cœur d'Alene, Idaho	185,060	650,000.00	(28 St., 1032). Mar. 3, 1891 (26 St., 1027).	174,690	1.50	262, 035	None.	282, 035. 00	Subject to entry under other than homestead law, but greatest proportion will probably be en-
Nez Perce, Idaho	530,000	1,668,622.00	Aug 15, 1894	550, 556	3.75	1,877,085	None.	1,877,085.00	tered under the homestead law. Do.
Colville, Wash	1,500,000	(b)	(28 St., 331). July 1, 1892 (27 St., 62).	1, 416, 668	1.50	2, 125, 002	None.	2, 125, 002. 00	Proceeds to be subject to future disposition by Congress. See section 2, act July 1, 1892 (27 Stat.,
Siletz, Oreg	177,000	142,600.00	Aug. 15, 1894 (28 St., 326).	177,000	1.50	265, 500	1,445.65	264, 054. 35	63). Subject to entry under other than homestead laws, but greatest proportion will probably be en-
Crow, Mont	1,800,000	946, 000.00	Mar. 3,1891	1,700,000	1.50	2,550,000	840.00	2,549,160.00	tered under homestead law.
Chippewa, Minn	5,026,447	(a)	(26 St., 1042). Jan. 14, 1889 (25 St., 642).	3, 322, 936	1.25	4, 153, 670	None.	4, 153, 670.00	Proceeds to be deposited in United States Treasury for benefit of
Cherokee Outlet (exclusive of Pawnee and Tonkawa bands), Okla.	6, 754, 486	9, 324, 125. 00	June 16, 1880 (21 St., 248). Mar. 3, 1881 (21 St., 422). Mar. 3, 1883 (22 St., 624). Oct. 19, 1888 (25 St., 609). Mar. 2, 1889 (25 St., 994). Mar. 3, 1893 (27 St., 640).	5,360,870	{1.00 {1.50 (2.50	} 7, 370, 410	c137, 496. 86	7, 232, 913.14	Indians.

a Proceeds from disposal.
b See remarks.
c No separate account was kept of the receipts from the disposals of lands in the several reservations in Oklahoma, and while the amounts apportioned to the several reservations have been estimated, it is believed that the aggregate receipts from all of the reservations is approximately correct.

Statement showing cost of Indian lands obtained by cession and subject to disposal under the homestead law, etc.—Continued.

Name of reservation.	Estimated number of acres ceded.	Total amount paid for ces- sion.	Statute providing for payment.	Area in acres opened or to be opened to settlement and entry.	paid by set- tler.	Amount that will be re- ceived from set- tlers under existing law when all lands have been disposed of	1896.	Loss to - United States if settlers are relieved from payment.	Remarks.
Pawnee, Okla	200,770	\$263, 065. 79	Mar. 3,1893 (27 St.,644).	169, 320	\$2.50	\$423,300	a\$7,000.00	\$416, 300.00	The Cherokee Indians were also paid for ceding their rights in these lands. Amount included in item "Cherokee Outlet."
Tonkawa, Okla	79,095	80,600.00	Mar. 3, 1893	68,950	2.50	172,375	a1,000.00	171, 375.00	Do. b
Sac and Fox, Okla	891, 184	950, 278. 00	(27 St., 643). Feb. 13, 1891 (26 St., 758).	864, 536	1.25	455, 670	a 52, 000.00	406, 670. 00	Cost of cession includes amount paid Creek Indians for these lands b
Iowa, Okla	219,446	205, 565. 46	Feb. 13, 1891	207,028	1.25	258, 785	a 30,000.00	228, 785.00	Do.b
Absentee Shawnee and Pottawatomie, Okla.	809, 134	773, 000. 31	(26 St., 753). Mar. 3, 1891 (26 St., 1021).	256, 896	1.50	885, 344	a 35, 000.00	850, 344. 00	Cost of cession includes amount paid Creek and Seminole Indians for these lands.b
Cheyenne and Arapahoe, Okla.	3, 732, 390	5, 400, 648. 87	Mar. 3,1891 (26 St., 1025).	8,500,562	1.50	5, 250, 843	a 3,000.00	5, 247, 843.00	Cost of cession includes amount paid to Creek, Seminole, and Choctaw and Chickasaw Indians for these lands b
Kickapoo, Okla	184, 386	264, 922. 92	Mar. 3,1893 (27 St., 363).	85,000	1.50	127,500	None.	127, 500. 00	Cost of cession includes amount paid to Creek Indians for these lands b
Wichita, Okla	574,010	929, 512. 59	Mar. 2,1895 (28 St., 897).	491,388	1.25	614, 235	None.	614, 235. 00	tands of Cost of cession is amount paid Choctaw and Chickasaw Indians for these lands. The proceeds from disposal are to be deposited in United States Treasury for future determination by courts as to amount to be paid the Wichita Indians.;
Total	83, 252, 541	25, 261, 937. 95		c28, 911, 632		35, 789, 263	446, 256. 14	d35,343,006.86	

a No separate account was kept of the receipts from the disposals of lands in the several reservations in Oklahoma, and while the amounts apportioned to the several reservations have been estimated, it is believed that the aggregate receipts from all of the reservations is approximately correct.

b 14 Stat., 785; 23 Stat., 767; 23 Stat., 1025; 23 Stat., 212; 25 Stat., 1004.
c The difference between area ceded and area opened to settlement and entry is due to reservations for schools, etc.
d This amount will be reduced by so much as may be received in payment for commutation of homestead entries if any of the settlers elect to commute instead of receiving patent without payment by a longer residence.

The bill under consideration has been given, in common phrase, an attractive name. An alleged "free-home" bill appeals to a certain sentiment that has heretofore found acceptance in the enactment of our homestead law, and the contention of the majority of the committee is that no discrimination should be made between the settlement of the lands to which the homestead act applied and the lands acquired as heretofore stated.

The committee says:

"The contention of your committee is that the application of the homestead law is that there should be no discrimination—that it should be applied to every portion of the public domain and to all the people who go out to subdue the wilderness. The argument that these lands were bought for a price from the Indians and that it was provided that the ultimate white owners of the land should compensate the General Government for its outlay has been given due consideration. The only possible conclusion, within lines of equity, is that the provision was an erroneous one and that its elimination from the statutes has been already too long delayed."

With this view the undersigned is entirely unable to agree. The public domain as it existed at the time of the passage of the homestead law, and upon which land was given to settlers in tracts of 160 acres after five years residence and cultivation without payment to the Government, was not acquired primarily to supply settlers with land. Territorial and political considerations mainly dictated the policy of obtaining the lands by purchase from and treaty with other nations. At the time of acquiring the same very large portions of said lands were not supposed to be adapted to or capable of cultivation. The statesmen of those days could scarcely have contemplated the possibility that they would ever be occupied by settlers for agricultural purposes. The acquisition of the same and payment for the same had thus been made in the first instance almost entirely without reference to any need that might ever exist that they should furnish h

It is probably not too much to say that not one of the agreements made with the Indians ceding their lands would have been ratified, and not an act opening them for settlement would have been passed if it had not been thoroughly understood and agreed that the settlers upon these lands should reimburse the Government for the amount expended by it to obtain them. The obligation of the settler to pay the Government the price stipulated is as definite, well understood, and binding as the obligation of any Government debtor. While we do not question the policy of our homestead laws, we insist that in relation to these lands, purchased and opened upon the demand of the settlers, it was right that another policy should be adopted. The attractive idea of free homes for the people was all very well while the Government had lands acquired for political and territorial reasons which it could donate to them. The purchase of 160 acres and the donation of the same to a citizen is entirely another thing, and can be justified, in the opinion of the undersigned, upon no consideration of public policy or governmental duty. As well might the Government be called upon to buy lands from individual owners or syndicates and donate them as free homes to settlers, as to be called upon to buy lands from the Indians for such purpose. As well may the Government be called upon to relinquish to the persons who have taken up these lands under contract the amount which they stipulated to pay for the same.

The propriety and right of reimbursement of the Government for the sum paid in the extinguishment of Indian titles had been settled several years earlier than the passage of the first of these acts under consideration. In 1890 Congress found it necessary in dealing with the Ute Indians in Colorado, as the result of serious disturbances which there occurred, to remove them frem contact with the citizens of Colorado. And accordingly an act was passed in 1850 providing for the acquirement of the summer of large sum of money, somewhat uncertain

the Government shall pay for the same from the money raised by taxation of the whole people, and then donate the lands thus acquired to individuals. Aside from being indefensible upon principle, the amount involved, it will be seen, is very much larger than any estimate heretofore made.

O. H. PLATT.

Mr. PETTIGREW. Mr. President, the bill now under consideration, as amended by the Committee on Indian Affairs, provides that the lands embraced in Indian reservations where the Indian title has been extinguished since 1889 shall be subject to entry under the homestead law, and where the homesteader resides upon the land for five years, making it his continuous home and exclusive residence, he shall receive title to the same upon paying the land-office fee, no other payment being required. Under existing law these homesteaders are required to pay to the Treasury of the United States not only the fees, but also the price per acre which the Indians received for the land when their title was extinguished. This price ranges from 50 cents to \$3.75 an acre. These lands are, however, subject to entry under the mineral laws of the United

States where there is mineral.

This bill does not affect that provision, but requires that the land shall be purchased as other mineral land. It also provides that these lands may be entered under the town-site law, and that payment shall be made if so entered. It also provides that wherever any settler, having taken a homestead upon these lands, chooses to prove up and pay for the same after fourteen months' residence, he shall pay the Indian price, but where he resides upon the land the full five years, that residence and occupation and cultivation shall be equivalent to payment. The bill is therefore restoring these lands to entry under the homestead law and makirg its provisions apply to them the same as they have been applied to all the vast area which has been occupied by American citizens during the last thirty or forty years under the provisions of that

act.

in fact, Mr. President, it has not been the custom of the Government to hold its public domain for the purpose of revenue, to strive to see how much money can be acquired on it, but, on the contrary, it has been the custom of the Government to extinguish the foreign and Indian title, to dispose of the land, and to encourage its occupation and settlement by the people of this

a think the first homestead law passed by this Government was in the closing days of the last century, in 1795. In the early days of the Republic the public lands were disposed of by direct act of Congress. A settlement of people existed on the Ohio River near the Big Sandy River. Congress passed an act setting out 24,000 acres of land and providing that it should be divided amongst those settlers and patents issued to them on condition that within five years after the survey and allotment of the land they should take up their residences upon the allotments and reside continuously thereon for five years, and that if they failed to do so the title should revert to the Government.

Before the passage of the original homestead law in 1862, the Government had disposed by grants to individuals of more than 15,000,000 acres of the public domain. Beginning with the very earliest days of our history that has been followed up by the grant of 63,000,000 acres for military services in the different wars in

which we have been engaged.

We have donated 30,000,000 acres for educational purposes to the different States, and also made other large grants to aid in the construction of canals and public works of different kinds, the

building of roads, etc.

So it has been the policy of the Government to use its lands to develop and build up a new country. The theory of the homestead law was that if a man would go forward into the wilderness beyond civilization, beyond schools, where there were no roads, take his family, cultivate the soil and make it his permanent home, that would be considered to a supplement to a work and the behalf that would be regarded as equivalent to payment, and he should be entitled to the land.

This policy has been pursued since 1862 up to 1889, and the great States of the West have been built up under it. Millions of acres of public land have been disposed of. During the dark days of the war, in 1862, this Government was not too poor to encourage the occupation of the public domain by the hardy pioneers, and Uncle Sam was willing to give to each man a home who would go forward and subdue the wilderness. It seems to me at this late day to change this policy is turning back. Perhaps, Mr. President, it is in accord with the economic interest of the age that we should turn back, for already our census shows that 52 per cent of our people are without homes; already our census shows that the property of this country is accumulated in the hands of less than 250,000 people. The objection to this measure seems to come from that locality in this country where the people live who own the wealth; but I doubt, Mr. President, if it is wise to check the effort of our people to become independent landowners, and I believe that that policy, inaugurated and approved in the past, is one that we should pursue in the future. of public land have been disposed of. During the dark days of

In the early days of this country President Jackson, in his annual message to Congress in 1832, said:

The wealth and strength of a country are in its population, and the best part of the population are the cultivators of the soil. Independent farmers are everywhere the basis of society and the true friends of liberty. * * *

To put an end forever to all partial and interested legislation on the subject, and to afford every American citizen of enterprise the opportunity of securing an independent freehold, it seems to me, therefore, best to abandon the idea of raising a future revenue out of the public lands.

Now, Mr. President, we do not propose to change the policy which has heretofore existed as to the disposal of the public lands, but we do propose by this legislation to make that policy apply to

those areas recently purchased.

I want to say, in this connection, that hope of revenue from this source, if this bill does not pass, will be a disappointment. These lands are in the semiarid area of this country, where the rainfall is inadequate to produce crops for more than half of the seasons.

is inadequate to produce crops for more than half of the seasons. These people went out upon these lands believing that they were like the lands of Iowa, Minnesota, and Illinois, fit to be cut up into small farms; but they have found that it is impossible to raise the money to pay for them.

I will review very briefly, Mr. President, the reservations in my own State. Take the Great Sioux Reservation. Eight and one-half million acres were opened up to settlement under the provisions of the homestead law in 1889, but only 700,000 acres have been entered. The remainder of that land is high prairie, the ridges between the streams only fit for grazing, and will not be entered under any provisions of the homestead law. By the passage of this legislation we can relieve and retain in that country the people who have already entered 700,000 acres; but if you fail to pass it, you simply drive them from their homes to crowd the ranks of the idle and unoccupied people all over this country. They can not produce upon those lands money enough to pay for them. But those people who are there have begun to raise stock. While agriculture does not flourish, they have begun to store water from the storms and to raise gardens, and if they are relieved from the payment required from them under existing law they will remain the total but if the part of develop and build up that experts to be the part of the payment between the payment required from them under existing law they will remain the payment required from them under existing law they will remain the payment required from them under existing law they will remain the payment required from them under existing law they will remain the payment required from them under existing law they will remain the payment required from them under existing law they will remain the payment required from them under existing law they will remain the payment required from the payment required from the payment required from the payment payment required from the payment payment required from the pay from the payment required from them under existing law they from the payment required from them under existing law they will remain there to develop and build up that country; but if the Government forecloses its claim upon these people, it will simply drive them from their homes. You can drive them from their homes on the land they now occupy, and the rest of these reservations will be simply occupied by the great cattle kings, whose cattle already roam over that land. No one will buy the land, as the Senator from Minnesota suggests. If the Government wishes to dispose of that land to obtain revenue for it, then you must make some other provision than the provisions of the homestead law: you must make provision for its appraisal and for its sale. law; you must make provision for its appraisal and for its sale. If the Government is ready to adopt that policy in order to acquire revenue, you must lease the land for the only purpose for which

it is fit to be used.

The report of the Commissioner of the General Land Office figures the revenue from these reservations as between four and five

ures the revenue from these reservations as between four and five million dollars; while, on the contrary, the revenue will be practically nothing. The people who live there will leave and no others will come under the provisions of the homestead law. It is for these people that I plead.

Mr. President, the counties adjoining these reservations in my State lost 18,000 in population between the years 1890 and 1895. While the State itself gained slightly in population, the people left the lands in the vicinity of these reservations because they were mortgaged and unable to pay the interest.

were mortgaged and unable to pay the interest.

I recollect an incident which occurred there. A citizen of the
State of New Hampshire held a mortgage of \$600 on a quartee section of these lands near the Great Sioux Reservation. Hr thought he would go out to the Dakotas, as the debtor had failed to pay the interest for two years, to see what was the trouble. This citizen of New Hampshire visited my State, drove 12 miles from the railroad station to see the farm upon which he held a mortgage and of which he was very liable to become the proprietor. He found a small house, one story in height, with two rooms, and a sod barn near by, three cows picketed out and two rooms, and a sod barn near by, three cows picketed out and grazing not far away, a young woman, and two young children. He drove up and asked the name of the residents, and found it was the place he was looking for. He asked the lady where her husband was. She said he was away working for one of the neighbors, but she would send one of the children for him, which she did. When the man came, the visitor told him that he was the person who held the mortgage on his land, and said, "I should like to know when you can pay me the interest." The settler said, "I think if we have two or three good crop years I can pay up the back interest." The gentleman from New Hampshire then asked if this was all the property the man had, who replied "Yes: asked if this was all the property the man had, who replied, "Yes; this is all I have. I have just this quarter section of land, these three cows, a few chickens, a pair of horses, and some farm machinery which I have not paid for yet." The New Hampshire man then asked the settler if he could stay there and work it out. "Yes," was the reply, "I think I will stay and try to do it." The gentleman from New Hampshire then took the papers out of his pocket, turned them over to the settler, and said, "If you can stay here and support your family, you will have no occasion to

pay the mortgage."

Mr. President, you can go into the State of South Dakota and into the western portion of Nebraska and into Kansas and buy these lands for less than the Indian price. Take the best lands in my State which are open to settlement—the Sisseton and Wahpeton On these reservations we opened for settlement about 550,000 acres. About one-half has been taken by actual settlers, who have been trying to make homes and make a living. They began in 1891. Five years have expired. We have extended the time for them to make payment for the lands, but they are unable to pay. The price is \$2.50 an acre. Each settler must produce \$400. He can not borrow the money at any bank in the State duce \$400. He can not borrow the money at any bank in the State and he can not borrow \$100 a quarter section from anybody in New England. This bill must pass or those people will leave that reservation and give up the struggle, and I think they would be wise to do it, for they can go 50 or 100 miles and purchase lands for a dollar or a dollar and a quarter an acre from the people of the East who have been obliged to take up the lands by mortgage foreclosure from homesteaders who had previously made the effort to pay for them and had failed.

I have received a telegram to-day from people on this reserva-

tion, which reads:

People on reservation all deeply in debt. Crop failure three years out of four. Banks will not loan enough to prove up. Not one in ten can save land. Statement mailed delayed by storm.

So I have not received it. The simple question now is, whether we shall drive those people from their lands or whether we shall give them an opportunity to remain there. There is no chance for a revenue to be derived from it.

Before I allude to the map, to which I desire to call the atten-tion of the Senate, I wish to make some reference to the minority

report.

Mr. ALLEN. I should like to ask the Senator to explain more fully who it is that says that four millions and a half of revenue can be derived from this land, and whether it can be derived

annually, and in what manner?

Mr. PETTIGREW. I suppose the Senator refers to the Sioux Reservation, which is opened to settlement, and lies partly in

North and South Dakota and Nebraska.

The diagram furnished in the minority report of the committee comes from the Commissioner of the General Land Office, and with it he says:

Loss to the United States, if settlers are relieved from payment, \$4,624,000.

Mr. ALLEN. How?
Mr. PETTIGREW. Of course that is based upon the idea that that land will all be taken up by homesteaders, that they will live there five years, and then pay the money for it, which, of course, is absolutely impossible and never can occur. After seven years but 700,000 acres of these lands have been taken, and those are lands along the streams where there is water, the best of all of them. The rest of the land can not be occupied by homestead settlers, for they will not produce crops which will support a family. Mr. PLATT.

Mr. PLATT. May I ask the Senator a question? Mr. PETTIGREW. Certainly. Mr. PLATT. There were a little over 9,000,000 acres of the Great Sioux Reservation, said to be eight million and a half, opened to settlement or entry. I suppose it will be admitted that the Government will have to pay 50 cents an acre for those lands, somehow.

Mr. PETTIGREW. Anyhow; and it has to do it right away.
Mr. PLATT. That is \$4,000,000, is it not?
Mr. PETTIGREW. There are 8,550,000 acres.

Mr. PLATT. Four million two hundred and fifty thousand dollars

Mr. PETTIGREW. That is true. The Government made an agreement with these Indians by which it promised ten years The Government made an after the treaty was ratified to pay 50 cents an acre for the land not taken by settlers, and as it is nearly all vacant and untaken, the Government will have to pay the Indians for it, as the ten years have nearly expired.

I wish to call attention to another fact. This land was bought

Indians who received it in compensation for the lands which they yielded in Minnesota, Iowa, and Nebraska, and it is part of the purchase price of the lands in those States which have

been given to homesteaders.

Mr. PLATT. I merely referred to that point to answer the question of the Senator from Nebraska [Mr. Allen] as to how the Government could lose that amount of revenue. It will have

to pay for it.

Mr. PETTIGREW. The Government has to pay for it any way. It makes no difference whether or not the settlers pay for it. I will read to the Senator, if he desires, the provision of the law in regard to that subject.

Mr. ALLEN. Will the Senator from South Dakota permit me? Mr. PETTIGREW. Certainly.
Mr. ALLEN. I wish to ask the Senator from Connecticut a question. If the Government takes back the lands—and it will be compelled to take them back; that is all there is to it—from what source is it likely to derive any revenue after they are taken

back? What are you going to do then?

Mr. PLATT. The Senator from South Dakota says the Government can not get any revenue; that it can not sell or dispose of

Mr. ALLEN. I, too, say you can not get any revenue. I say those lands are not only semiarid, but arid. Ordinarily they are not worth 15 cents a quarter section outside of their use for graz-

Then it will not help anybody to pass the bill

except a few settlers already on the land?

Mr. ALLEN. Except a few people who are on this land, trying to make a living, and who are making a precarious sort of living.

If they are not relieved, you will throw them on the balance of the nation to be supported in some form.

Mr. PETTIGREW. That is it exactly.

Mr. ALLEN. And they would be self-supporting in their way

if they were permitted to go on and make a pioneer struggle.

Mr. STEWART. Are these lands similar to those in western Kansas?

Mr. PETTIGREW. Yes.
Mr. STEWART. I had occasion in connection with a committee to make an investigation there some years ago with a view to irrigation. I ascertained that there had been three sets of settlers. When there was a good year, when there was rain, a large number of settlers would go out. Then there would be drought for five or six years, and the settlers would have to be taken away, and they were taken away by contributions of benevolent people, and large tracts of land were abandoned. Then, again, there would be a rainy season or two, and the railroads would represent that a rainy season or two, and the railroads would represent that there was a chance for settlement there, and another set of settlers would go upon the land. They would have to leave in the same way. There were three attempts in the course of the preceding years to settle a vast region of land—and I presume people will continue to make such attempts—but they were not able to support their families and stay there. Some of them even starved to death. The distress was very great among those who attempted to make homes there.

Now, if these are similar lands, and anybody is trying to live upon them, it seems to me the United States had better let the settlers stay there, because there is no possibility of their paying anything to the Government. The Government will get nothing in any event if they are similar lands, and I understand they are, to the lands in western Kanses where I seem to stay and it was a property of the lands. to the lands in western Kansas, where I spent several weeks investigating the irrigation question, for I am satisfied those lands

will never be worth a cent.

Mr. CARTER. Mr. President—
Mr. PETTIGREW. I yield to the Senator from Montana.

Mr. CARTER. The chairman of the Committee on Indian Affairs yields to me. I will ask him to state whether it is not a fact that the Indians from whom these various lands have been from time to time purchased by the Government are under the control of and dependent on the Federal Government for support, and if those titles were extinguished by and through the purchase, would not the Government, without the intervention of any transaction,

be compelled to appropriate money directly from the Treasury for the support of those people?

Mr. PETTIGREW. There is no question that that is a correct statement. Further than that, the Government has already paid statement. Further than that, the Government has already paid for nearly all these reservations. In the case of the Sioux Reservation a payment is yet to be made. It is not a very large payment. Three million dollars has already been deposited in the Treasury, and at the end of ten years after the ratification of the treaty, which will occur in 1899, the Government will be obliged, whether or not it disposes of any of the lands, to pay the remainder of the money to those people; to put it in the Treasury, where it will bear

interest for all time for their benefit.

I wish to state, in reference to the remarks of the Senator from Nevada [Mr. Stewart], that I have here a table of the western counties of Kansas—there are twelve or thirteen counties—showing the population in 1887 and the population in 1893. The population of those counties has fallen off 60,000 during that time. That numof those counties has fallen off 60,000 during that time. That number of people have moved away. The remainder can stay there and make homes in that country—inasmuch as they can graze cattle on the lands that the other people abandoned, because they were mortgaged, because they could not pay the interest, much less support their families.

Mr. FRYE. What percentage is that?

Mr. PETTIGREW. It is 60,000 out of 101,000.

Mr. PLATT. Sixty thousand people have gone?

Mr. PETTIGREW. They have gone. There were 101,000, leaving 41,000 people in that country. They can remain; but when

we undertook to settle that country and put a man on each quar-ter section it was impossible for them to stay there. Those who ter section it was impossible for them to stay there. Those who are left in western Kansas irrigate small tracts of land, the same as people do in my State, and graze cattle on the surrounding

unoccupied country.

If we wish to get revenue out of the sale of Indian reservations, we shall have to change our policy. We shall have to appraise the lands and sell them for what they will bring. The area of the public domain fit for homestead entry has already disappeared. We provide for the entry of lands under the desert-land act in the arid regions of the country where there is water, and we do not pretend to say that it is possible to occupy the land under the homestead law. So it is with nearly all the lands embraced within the provisions of the proposed law.

I wish to call attention to some portions of the minority report. The burden of the report is that the Government can not afford

it; that it can not spare the money; that it must wring it out of these poor people if we can get it. Perhaps, Mr. President, that would be very well if we could get it, but Shylock was unable to collect his claim, and we shall be equally unable to collect this one. In the first place, the report goes on to say that there are other treaties with other tribes for ratification, and it rather intimates that if the pending bill passes, then the other bills will not be considered favorably; that these Indian reservations will con-tinue as such, I suppose, forever. I propose to look into that branch

of the case for a moment.

The Senator says we are negotiating, and so we are to-day, with several Indian tribes for the cession of their small reservations. The area of the reservations for which we are negotiating embraces so small a portion of the public domain that I will not enter into that question in particular, but I will state that, as far as I am concerned, when those treaties come in for ratification, I shall be decidedly in favor of changing the policy of the Government in regard to disposing of lands thus acquired. I think the water should be saved; I think the timber lands should be reserved from sale for ever. I think the timber should be sold, only the ripe trees being cut; that agents of the Government should be put in charge to see that when the trees are cut down new trees are planted in their places and the forests protected and preserved from sale; that the sources of the water should be taken charge of, and the lands that

sources of the water should be taken charge of, and the lands that can be reached by water disposed of under some provision by which it will be possible to inhabit that country.

The minority also say there are bills pending before the committee which will be affected by this legislation, and the first one named is an agreement with the Turtle Mountain band of the Chippewa Indians in the State of North Dakota. If that agreement is ratified, and it ought to be ratified by Congress, it will not be affected by this legislation, for that treaty does not provide that the lands shall be sold and the proceeds applied to the support of the Indians. It simply provides for extinguishing the Indian title to those lands in North Dakota, many of which have already been disposed of under the homestead law and other land laws of the United States. Those lands were opened up to settlement without making an agreement with those people. Now, the agreement which is made proposes to pay them about 10 cents an acre without making an agreement with those people. Now, the agreement which is made proposes to pay them about 10 cents an acre and extinguish their title, and it ought to be done. But there is no provision for selling the lands under the homestead law or otherwise, and very many of them have already passed out of the control of the United States.

The next agreement which the minority say is here for ratifica-tion is one for the Shoshone or Wind River Reservation in Wyo-

ming. This, again, is the purchase of a very large spring, supposed to have medical properties. A small tract of land is to remain as a public park if the treaty is ratified, and the land is not to be opened to settlement or disposed of at all.

The next agreement is one with the Kiowas, Comanches, and Apaches of Oklahoma Territory. I understand it relates to a tract of land which has already been purchased from other Indians, and now these Indians come in and claim they have some right to it.

some right to it.

Mr. PLATT. Oh, no; it is a very large tract of land now in possession of the Indians and largely rented to cattlemen.

Mr. PETTIGREW. The Senator from Connecticut says I am mistaken about it. If that is the case, then the question as to how we shall dispose of those lands will come up when the treaty is ratified. It has no bearing upon this question whatever.

The Pend d'Oreille or Calispel Reservation in Washington contains about a township of land, and is hardly worth considering; and

tains about a township of land, and is hardly worth considering; and

tains about a township of land, and is hardly worth considering; and those are the only ones which are pending before the committee. Now, Mr. President, we have pursued the policy of disposing of these lands under the homestead law from 1862 up to 1889. The minority say that policy was changed in 1880, when we purchased certain land of the Ute Indians in Colorado. That is not the fact. That provision did not change the policy, for under that treaty the lands were not to be opened for settlement under the homestead law or to be disposed of under the public land laws of the United law or to be disposed of under the public-land laws of the United States, but a special provision was inserted for the sale of those

lands and the appropriation of the proceeds for the benefit of the Indians. As those lands were largely arid lands, mineral lands, it was a wise provision, and ought to be considered in the future. practically repealed the homestead law, and that reservations since purchased have been opened only under a provision requiring the settler to pay for his homestead after he had already paid for it by conquering the wilderness. The minority intimate that since 1880 we have changed the policy,

conquering the wilderness.

Let us see. In 1888 the Government purchased from the Blackfeet Indians in Montana 17,570,000 acres of land, and paid \$4,300,000 for it without any provision whatever for reimbursement; and the Government paid four times what it was worth at that. It is grazed over to-day and undisposed of, and it will continue to be grazed over and will never be disposed of under the homestead law. Although it is open to settlement under the homestead law, nobody will occupy it, and there is no provision requiring payment.

ment.

We purchased, March 20, 1889, 2,000,000 acres of land of the Seminole Indians in Oklahoma, and it cost\$2,000,000. We opened that land to homestead settlement without any provision in regard to repayment when the settler lived for five years upon the land. In 1882 we purchased 1,553,000 acres of the Crow tribe in Montana, at a cost of about \$1,000,000. These purchases between 1882 and 1889 aggregate 21,000,000 acres, costing the Government \$7,300,000. Most of the land was purchased in 1888 and 1889, and we threw it open to settlement under the homestead law, without any provision as to payment

Mr. President, aside from the lands in Montana, the lands in Mr. President, aside from the lands in Montana, the lands in North Dakota and South Dakota, the lands in Minnesota, the remainder of the lands affected by the provisions of the proposed law are located in the western part of Oklahoma, and almost the same conditions apply to those lands, at least they apply to most of them, that apply to lands on the Great Sioux Reservation in South Dakota.

These lands were purchased from the Indians and opened to settlement, requiring the settler, after residing five years, to pay \$2.50 an acre for those lands east of the ninety-seventh meridian, and \$1.50 an acre for the lands west of that meridian. Two-thirds of those lands are grazing lands. It is true there was wild excitement; lands are grazing lands. It is true there was wild excitement; that thousands of people rushed into that country. They supposed that because it was an Indian reservation it must be more valuable. The very proceedings in both Houses of Congress tended to excite among the homeless people of this country the feeling that perhaps there was a region where they could thrive and prosper. Our own acts, providing that the Army should be used to prevent people from entering that country until a certain day, when a proclamation should be issued; the talk in the Senate; the talk in committees, in order to boom the price and get as much as they could on the part of the exceedingly shrewd Cherokee Indians; the statement often made that they could sell the land for \$5 an acre statement often made that they could sell the land for \$5 an acre and that a syndicate was ready to take it, in order to get a good bargain out of Congress, excited people in this country, and they did rush in.

How did they rush in? If you had required that they should pay for the land in advance—and the same remark will apply to How did they rush in? If you had required that they should pay for the land in advance—and the same remark will apply to the reservations in my State—these homeless people could not have made the payment, and therefore they would not have gone. But if the land were fertile, they hoped at the end of five years to produce enough to make the payment. So we trapped them, as it were, into the purchase, by giving them five years of time in which to raise the money. They have gone upon the land. They have taken their families. They have taken what they had. They have mortgaged their personal property, everything that is movable, in order to sustain life. They have just begun to learn how to make a living on those semiarid lands; to learn to store such of the water as they can store to irrigate their gardens; to learn to raise and graze stock, and eke out an existence. In the past two years they have come to Congress and asked for an extension of the time in which they should make this payment, and we have granted it; and yet conditions do not improve.

It will be absolutely impossible for the people upon those lands for years to come, until they have accumulated capital, to earn more than a living, or to make any payment whatever to the Government. I believe that for those people it is the better and wiser

more than a living, or to make any payment whatever to the Government. I believe that for those people it is the better and wiser policy on the part of the Government of the United States to give them their homes than it is to drive them from them, and that is all that can be accomplished if the pending bill shall be defeated.

Mr. ALLEN. How many acres have been taken?

Mr. PETTIGREW. I do not know. The statement of the Land Department does not show just the number of acres which have been taken. In Oklahoma the area is large, covering quite a large portion of the reservations purchased, but in my State the area is not large. On one reservation it is about 250,000 acres; on another, 700,000 acres, and on another, the Yankton Reservation, which was opened recently, about 80,000 acres. The remainder in my State, which covers an area of between mine and nine and a half million acres, is still unoccupied.

One million acres out of about 9,000,000 acres? Mr. PETTIGREW. One million out of 10,000,000 acres, although those reservations have been open to settlement for the

last six or seven years.

I have had prepared a map, which I hope Senators will observe.

It shows the original area of the United States, the purchase from Spain, the purchase from France, the annexation of Texas, and the two purchases from Mexico. Any Senator can readily see that in two purchases from Mexico. Any Senator can readily see that in those purchases from foreign governments most of the lands disposed of under the homestead law are included—the great States of the West, Florida, Louisiana, Arkansas, Missouri, Iowa, Minnesota, Kansas, Nebraska, and the two Dakotas, and so on west to the Pacific Ocean. In addition to the purchases from foreign nations, we have purchased from Indian tribes in this country very much most than is shown on this mean.

more than is shown on this map.

I have had drawn upon the map a line showing the average annual rainfall. The east line on the map shows that the average rainfall is 30 inches along that line. The next line shows that the average rainfall is 20 inches. The average rainfall then decreases from the first line to the second line. From the second line to the third line the rainfall decreases from 20 inches to 15 inches per

annum.

Now, between those two lines lies nearly every acre of land affected by the proposed legislation, and everyone who has investigated the subject at all knows that an average rainfall of less than 25 to 30 inches is insufficient to mature crops.

Mr. DAVIS. What is the rainfall in the great space?

Mr. PETTIGREW. In the great space between the two lines, marked 15, is the arid region of the United States, and the rainfall there is from none at all to 15 inches. Vast areas of that country have from 5 to 10 inches of rainfall. There are some mountain peaks and groves of timber at high altitudes where the rainfall is greater. That country is almost entirely undisposed of. The only greater. That country is almost entirely undisposed of. The only large reservation outside of this area where the rainfall is from 15 to 30 inches, and where it is insufficient to mature crops, is the Crow Reservation in Montana, which is in a region where the rainfall is less than 10 inches.

Mr. ALLEN. Will the Senator permit me to direct his attention to the fact that the rainfall, even where it amounts to 18 or 20 inches, does not come at the season of the year that would mature crops? It comes early in the spring, leaving the crops half grown, and they are withered up by the sun and the atmos-

phere afterwards.

Mr. PETTIGREW. That is undoubtedly true, and from that fact arises another, that it does mature a scanty growth of very excellent grass. Those lands are excellent for grazing, although it takes several acres to maintain one animal. Therefore they are not adapted, except in very small areas, to homestead settle-

The Fort Berthold Reservation in North Dakota was opened to of it yet. The report of the minority of the committee shows that not an acre of that land has been disposed of. The report also shows that although those reservations have been opened to settlement from 1889 up to the present time, the total receipts of the Government from all of them have been \$\frac{146}{2},000\$, and most of that was accommentation from the set of town sites in Obleshows and from sum has come from the sale of town sites in Oklahoma and from settlers who have commuted lands where there were, perhaps, valuable water rights. Wherever there is a valuable water right the homesteader would go in and prove up and sell it to cattlemen, who use it to water the cattle that graze upon the adjoining

This is not the proper method to pursue if we wish to gain revenue from the disposal of those lands. If the pending bill is not passed, and we undertake to dispose of those lands under the provisions of existing law, the revenue from homesteaders, in my opinion, will not exceed two and a half million dollars, and even that sum will not be realized for several years. The revenue from other sources, from the disposal of the lands for town sites, from the disposal of mineral lands—for these smaller reservations in the western portion are mostly mineral, and therefore not subject to homestead entry—will not exceed five or six million dollars more. In other words, we must change the policy if it is the desire of the Government to obtain revenue. In the meantime, it seems to me the only wise thing we can do is to relieve these people who are struggling to maintain a foothold in this country. Let us give them the land they now occupy and allow them to go on and try to maintain homes. If it is thought desirable that another method of disposing of the remainder of the land shall be adopted, I shall be glad to assist in its adoption.

The PRESIDING OFFICER (Mr. Sewell in the chair). The question is on agreeing to the first amendment reported by the Committee on Public Lands.

Mr. MILLS. I suggest the want of a quorum.

The PRESIDING OFFICER. The absence of a quorum being suggested, the Secretary will call the roll.

The Secretary called the roll, and the following Senators asserted to their names:

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Allen, Bacon,	Davis, Frye,	Martin, Mills.	Sherman,
Berry,	Gear.	Mitchell, Wis.	Shoup, Stewart,
Brice,	Gordon,	Morrill,	Teller,
Brown,	Gray,	Murphy,	Tillman,
Burrows, Call.	Harris,	Pasco,	Turpie,
Carter,	Hawley, Hill.	Peffer, Pettigrew,	Vilas, Walthall,
Chandler.	Jones, Ark.	Platt.	Wetmore,
Chilton,	Lodge,	Pugh,	White.
Cockrell,	McBride,	Roach,	
Cullom	McMillan	Samall	

The PRESIDING OFFICER. Forty-six Senators have answered

The PRESIDING OFFICER. Forty-six Senators have answered to their names. A quorum is present.

Mr. PETTIGREW. Mr. President, I desire to add to my remarks extracts upon this subject from the platforms of the political parties of last year. The Republican platform adopted at St. Louis, under the head of "Homesteads," contains this paragraph:

We believe in an immediate return to the free-homestead policy of the Republican party, and urge the passage by Congress of a satisfactory free-homestead measure, such as has already passed the House and is now pending in the Senate.

ing in the Senate.

Mr. FRYE. What measure is that? This bill of yours?

Mr. PETTIGREW. Yes, sir; this bill of mine.

Mr. PLATT. About a third of it.

Mr. CHANDLER. Which platform does the Senator from South Dakota admire the most?

Mr. PETTIGREW. I admire the Democratic platform far the

most. Mr. CULLOM.

Let us hear it.

Mr. PETTIGREW. But I should judge that my New England friends do not care to stand on any platform.

The Democratic platform, adopted at Chicago, reads as follows:

The Democratic party believes in home rule and that all public lands of the United States should be appropriated to the establishment of free homes for American citizens.

The People's Party platform says:

We demand that bons fide settlers on all public lands be granted free homes, as provided in the national homestead law, and that no exception be made in the case of Indian reservations when opened for settlement, and that all lands not now patented come under this demand.

Mr. CARTER. Mr. President, from the fact that a number of citizens of the State I have the honor in part to represent are seriously interested in this bill, I ask the indulgence of the Senate a moment, to the end that I may make an explanation of the bill

as we understand it.

The bill does not propose to exempt from the payment of any legal dues persons entering lands under the laws of the United States relating to mineral lands, town sites, commutation of

States relating to mineral lands, town sites, commutation of homestead entries, or, indeed, under any law under which prior to 1889 the payment of money was exacted.

Between the time the Government was established under the Constitution and the year 1889 the United States had paid out in the extinguishment of Indian title to lands west of the Alleghany Mountains about \$400,000,000 in money. These disbursements were made in divers and sundry ways, in some instances because of direct negotiations with the Indians for the surrender of title; in other instances by and through the distribution of annuities for the support of the Indians found in indigent circumstances here and there on the various reservations. and there on the various reservations.

up to 1862 the policy prevailed of selling the land thus acquired from the Indians at public auction. This policy led to the most flagrant scandals ever perpetrated relative to the disposition of the public domain in this country. It led to the aggregation in the hands of speculators and individuals bent upon profit making rather than the development of the country of large areas of

rather than the development of the country of large areas of land purchased at public auction.

For the purpose of avoiding this abuse and giving a healthy growth to States and communities that were in embryo at that time, the homestead law was passed. One of the conditions of this law which could in no instance be waived was that the individual claiming its benefits should settle upon and continue to cultivate and improve the 160 acres of homestead land for at least five years. That statute constituted the basis of the upbuilding of the States of Iowa, Nebraska, Kansas, the Dakotas, California—indeed, the mighty empire that now exists west of the great Mississippi River, and much of the country east of that river as well. In 1865, I remember, the State of Illinois was a very sparsely

settled country. I happened to move there in that year, as a boy, and I remember that the people were then suffering from the land speculations that had obtained at the time cash entries were in force by the Government, and public sales occurred. Under the homestead law the great State of Illinois became an imperial Commonwealth in an incredibly short period of time. The same is true of Indiana and Missouri and the various States to which it

applied.
During all this period of time land was sold under the pre-emption law, under the town-site law, under the mineral laws, for

cash; but in no instance prior to 1889, regardless of the manner in which the Government acquired the title to the land, did the public policy of the United States as shown by our laws justify the collection of one dollar from the homestead settler who had resided upon his land for five years, except small office fees. This homestead settler blazed the trail, built the first schoolhouse, built the country church, helped to establish government, law, and order in the wilderness and on the broad and inhospitable plains. The Government gave to him his title to a quarter section of land, after the lapse of five years, as free as the summer air. He had earned it honestly, and it was wise policy to reward him with the

well-earned title.

In the year 1889 numerous Indian reservations were opened to settlement in the western and southwestern portions of the United States. Those reservations were purchased from the Indian tribes, and for the first time in the history of the Government an amendment was interjected requiring that the prospective homestead settler should reimburse the United States for the money paid out

for the title.

Let it be borne in mind that these titles were acquired from the wards of the Government, the Indian dependents on the reservations. The United States rests under a moral obligation to feed, clothe, and, to the extent of its ability, educate these wards. It can not in the face of the civilized world renounce this duty, nor can it avoid its performance. Instead of appropriating money direct without any semblance of consideration received in return, for over one hundred years the Government has adhered to the policy that the constant diminution of the Indian reservation is desirable, and that it is better for the Indian to feel that he is paying something to the Government for the food he receives rather than to feel at all times that he is a pauper, dependent upon the good will and generosity of the great father, the Government of the great father of the great father. ment of the country.

These Indians must be fed and clothed whether we ever get another acre of land from them or not. If these lands had not been purchased in 1889 and prior years, and the consideration agreed upon, we would have regularly appropriated money from the public Treasury to feed, clothe, and maintain these wards of

the public Treasury to feed, clothe, and maintain these wards of the nation independent of, and without regard to, the fiction of making a purchase of land from them.

The purchase merely made them feel they were not paupers.

Mr. PLATT. Why, Mr. President, we would not have had to feed the Five Tribes, from whom we bought all of the land which the bill as it passed the other House contemplated, I think.

Mr. CARTER. The Five Tribes, as I understand it, have been for an indefinite period of time, since their transportation from points east of the Mississippi River, dependent upon the Government of the United States in one form and another. It is true they have leased their lands from time to time to speculators. The speculators have grazed stock upon the lands, and out of the The speculators have grazed stock upon the lands, and out of the revenue thus derived they have lived; but primarily the Government made provision for their maintenance, and has always been obligated to protect and look after them as a dependent race of

Mr. PETTIGREW. Mr. President — The PRESIDING OFFICER. Does the Senator from Montana

yield to the Senator from South Dakota?

Mr. CARTER. Certainly.

Mr. PETTIGREW. I wish to call the attention of the Senator to the fact that the lands occupied by the Five Civilized Tribes were purchased from France; that the Five Civilized Tribes lived east of the Mississippi River, and that these lands were given to them as the purchase price of other lands which we acquired of

them as the purchase price of other lands which we acquired of them and opened to homestead settlement.

Mr. CARTER. Certainly.

Mr. PLATT. The reason why I interrupted (perhaps I ought not to have done so) was because the statement was made that if we had not purchased these lands of the Indians we would have had to support them. These Oklahoma lands were purchased of the Five Civilized Tribes, although they were not occupying them. The lands to which the bill as it passed the House refers are the lands which were purchased from the Five Civilized Tribes. We were not supporting them; we should not have supported them; we should not have paid them anything for subsistence, or any

were not supporting them; we should not have supported them; we should not have paid them anything for subsistence, or anything of the sort if we had not bought the lands, so far as the Oklahoma lands are concerned.

Mr. CARTER. There is manifestly a misunderstanding on the part of the Senator. The Five Civilized Tribes, so called, occupy what is known as the Indian Territory. They have a government of their own, and the highest development of tribal relationship, I believe, existing outside of the State of New York among the Seneca Indians. The Indians from whom we purchased the Territory known as Oklahoma are, I insist, measurably dependent Seneca Indians. The Indians from whom we purchased the Territory known as Oklahoma are, I insist, measurably dependent upon the proceeds of the lands sold for a livelihood.

Mr. PLATT. We purchased the Territory of Oklahoma from the Cherokees—the Cherokee Outlet was a large portion of it—and from the Creeks, Choctaws, Chickasaws, and Seminoles, prin-

cipally. There was some purchased from the Sac and Fox, and some from minor tribes, but the great bulk of it was purchased from those I have named.

from those I have named.

Mr. CARTER. A complication arose relative to the title of that country. The Cheyennes, Arapahoes, and other Indians claimed supremacy over the land opened. A portion of the Five Civilized Tribes, on the other hand, asserted some sort of title. A compromise was made and some payment made to each. The details of that matter need not be gone into. The fact is that the Indians, the Indians of the Northwest, all of the Indian tribes of this country outside of the State of New York and the Indian Territory proper, have been dependent upon the Government of the United States. The appropriation bills passed here from time to time will demonstrate that fact.

Mr. TELLER. They draw \$8,000,000 a year.

They draw \$8,000,000 a year.

These Indians draw in one shape and another Mr. CARTER. from the Treasury, either chargeable to their own funds or directly drawn from the public funds, about \$8,000,000 per year for their general support in fuel, food, clothing, and farming implements.

Mr. TELLER. If the Senator from Montana will allow me,

they draw between seven and eight million dollars, independent of their own funds, directly from the Government of the United

Mr. FRYE. The Maine tribes take care of themselves. There are two tribes in Maine.

Mr. TELLER. The trouble with the Maine tribes is that you killed most of them off so early that the Government did not have much of a burden.

Mr. CARTER. They were not egetting into the Treasury just then.

They were not educated up to the matter of

getting into the Treasury just then.

Now, the question arises, Shall we at this time, when all of the land between the two oceans belonging to the public domain upon which the rainfall is adequate to raise a crop has been taken up and appropriated, when the only remaining land subject to homestead on the continent rests in the arid or semiarid region, insist upon a change of a policy which has obtained since 1862 with reference to the administration of the homestead law? We insist that since the Government extinguished the Indian title to Illinois, Iowa, Minnesota, the Dakotas, Kansas, Nebraska, and other States South and West, and let the homestead law operate freely there without price, it is hardly just to those who remain now on the fringes of the mountains in the arid belt to suffer under oner-

ous burdens not heretofore imposed.

The insistence by the Government upon the extortion of this fee will result in what? In compelling the unfortunate who desires ultimately to acquire title to give a mortgage to the country banker or money lender. I will guarantee to day there is not one in fifty of the homesteaders in Oklahoma who has a particle of personal property which is not subject to a chattel mortgage paying from 1 to 3 per cent a month interest. That is true of these homestead-I to 3 per cent a month interest. That is true of these homesteaders as a rule. They go into a new country without means, without financial connections, with the burden of a large family to start with, with a hard line of difficulties to meet and overcome, with no means of reaching the market except as the railroads are built in and new avenues of trade are opened up. It is a hard lot, indeed, on the whole. The Delegate from the Territory of Oklahoma tells me that there are quite 40,000 people living in frail cabins, clay dugouts, or sod houses in that Territory to-day. I will guarantee that of the 40,000 there are not a dozen without a chattel mortgage bearing ruinously and usuriously high rates of interest. For the Government to extort now in addition from those people from 50 cents to a dollar an acre for the land upon which they live is to drive them to the hands of the usurer and which they live is to drive them to the hands of the usurer and compel them to give a mortgage to the money lender in the local market and ultimately to transfer the title the homesteader may acquire to the individual who advances the money to pay the Government.

To insist on these payments from the overburdened frontiers-man seems to me like extortion of money from the worthy and

struggling poor.

Such a course will result in the aggregation in single owner-ship of large areas of land to be used for grazing purposes. It can have no other result. That is contrary to the policy of the Government as often expressed and as made manifest in all other

Government as often expressed and as made manness in the existing laws.

But it is said that this measure is equivalent to buying a piece of land and giving it to the homesteader; that the individual who lives upon the land ought to pay for it. It happens to be true that this Government in its wisdom has determined that the building up of solid, virtuous, self-sustaining communities constitutes a prime purpose in our civilization and governmental policy. We have not heretofore sought to make profit out of the settlers upon the frontier. We have sought to make patriots out of them. We have sought to add to their wealth rather than to subtract from it. They, in turn, have come forward in times of need, baring their breasts to the steel of the enemy to protect the Union ing their breasts to the steel of the enemy to protect the Union and the flag regardless of the point at which it was assailed.

They are ready to do it to-day. They cheerfully pay their share of the general burdens for the support of the Government in of the general burdens for the support of the Government in whatsoever quarter the expenditures may be made. You never have heard, and you will not hear, coming from the Dakotas, or Montana, or Oklahoma, or Colorado any complaint whatever about the \$20,000,000 per year that is spent on the rivers and harbors of this country. Yet none of them have any rivers or harbors of consequence. You will not hear one solitary murmur from that region about the twenty or thirty million dollars per annum spent in naval vessels to float over and police the seas. No suggestion is made from quarters out there to the effect that the people living along the rivers and adjacent to the harbors should pay those bills for their improvement, but they feel that such work is in bills for their improvement, but they feel that such work is in the interest of a common country.

All the homesteaders now living upon the ceded reservations desire is that an ancient policy should not be changed to their disadvantage in the presence of conditions the hardest the homesteaders have ever encountered since the homestead policy was

inaugurated in this country.

The care for the Indians devolves upon the Government as a matter of course. The mere question here is, Shall the Government seek to shirk this responsibility, discourage further development upon the frontier, and fix the burden of maintaining the Indians upon the struggling homesteader, who can not, in the nature of things, discharge it?

Why, Mr. President, the manner in which this law has operated for the last eight years constitutes a sufficient condemnation of it. It is said that the Government is merely to recoup itself for expenditures made. We will take the case of the Crow Indians in the State of Montana. From the Crow Indians we acquired something like 900,000 acres of land. We paid the Indians for that land the sum of \$946,000—that is, we agreed to pay it—and we are paying it out in the way of cattle; in the way of the construction of irrigating ditches on that reservation, in order to make those Indians self-sustaining; in the way of wagons distributed to them, and in various ways looking to their present well-being and self-support ultimately.

Mr. FRYE. Does the Senator mean that the Government reserves in the treaties the right to act to a certain extent as a trustee

for those Indians?

Mr. CARTER. Unquestionably, to act as trustee for those Indians; and it provides that this money shall be expended under the direction of the Government itself. On the Crow Reservation an agent of the United States is in charge of the construction of irrigating ditches along the Little Big Horn River, near where the famous Custer battlefield is located. Those Indians are doing the work under the supervision of a Government agent, and to the Indians wages are being paid each and every day for the performance of the ditching or the canal digging.

The terms of the treaty most clearly elucidate the point presented by the Senator from Maine. It will be observed that not

one dollar in money has been paid to the Indians under the treaty, the terms whereof merely provided for the maintenance and bet-terment of the condition of the tribe. The following are the terms relating to consideration and the manner of its payment:

relating to consideration and the manner of its payment:

That in consideration of the cession of territory herein made by us as individual Indians and heads of families of the Crow tribe to the Government of the United States, the said Government of the United States, in addition to the annutities and sums for provisions and clothing stipulated and provided for in existing treaties and laws, hereby agrees to pay the sum of \$948,000, lawful money of the United States, in the manner hereinafter described:

First. That of the above-named sum there is hereby appropriated and set apart \$200,000 to be expended under the direction of the Secretary of the Interior in the building of dams, canals, ditches, and laterals for the purposes of frigation in the valleys of the Big Horn and the Little Big Horn rivers and on Pryor Creek and such other streams as the Secretary of the Interior may deem proper: Provided, That not to exceed \$50,000 shall be expended annually in performing this work: And provided further. That the superintendent in charge of said works shall in the employment of laborers be required to give preference to such Indians of the Crow tribe as are competent and willing to work at the average wages to common laborers for the same kind of work, and the labor so employed shall be paid in cash.

That the sum of \$55,000 is hereby appropriated and set apart as an irrigating fund, to be expended under the direction of the Secretary of the Interior for the maintenance and management of the system of irrigation provided for in this agreement.

Third. That the sum of \$25,000 or so much thereof as may be necessary, is hereby appropriated and set apart, to be expended under the direction of the Secretary of the Interior, for the construction of three grist mills, to be located one on Pryor Creek, one on the Big Horn, and one on the Little Big Horn River, at such points as the Indian agent may deem convenient and practicable, and at such times as the needs of the Indians may require.

Fourth. That the sum of \$50,000 i

agreement.

Fifth. That the sum of \$5,000, or so much thereof as may be necessary, is hereby appropriated, to be expended under the direction of the Secretary of the Interior in the building of schoolhouses at such points on the reservation and at such times as the indians may require, and upon the recommendation of the Indian agent.

Sixth. That the sum of \$10,000 is hereby appropriated and set aside as a fund to be expended under the direction of the Secretary of the Interior in repair-

ing and improving the houses of the Indians now erected on the reservation, and to make them, as far as possible, warm and comfortable dwellings.

Seventh. That the sum of \$3.000, or so much thereof as may be necessary, is hereby appropriated for the construction and equipment of three blacksmith shops, to be located at such places upon the reservation and to be built at such times as the Indian agent may recommend, subject to the approval of the Secretary of the Interior.

Eighth. That the sum of \$552,000 is hereby appropriated and set aside as an annuity fund, to be distributed as follows: Each Indian of the Crow tribe, male and female, shall receive an annual annuity of \$12 in cash for the period of twenty years from the date of this agreement, said annuity to be paid semiannually, in accordance with such rules and regulations as the Secretary of the Interior may prescribe.

Ninth. That the sum of \$46,000 is hereby appropriated and set aside, to be expended by the Indian agent, under the direction of the Secretary of the Interior, in the purchase of cattle, from time to time, as may be deemed advisable; the cattle so purchased to form a herd to be held in common by the Crow tribe. All cattle sold from said herd shall be paid for in cash, and the net proceeds of such sale shall constitute a fund to be known as the Crow herd fund. When such fund shall exceed the sum of \$15,000, it shall be the duty of the Indian agent, and he is hereby required, to apportion to each Indian entitled to the annual annuity provided for in section 8 the sum of \$5, to be paid in cash under such rules and regulations as the Secretary of the Interior may prescribe.

Tenth. That when each object for which a specific appropriation has been made in this agreement shall have been fully carried out and completed, then the balance remaining of such appropriation shall constitute a fund to be expended for the benefit of the Crow tribe in such manner as the Secretary of the Interior may determine.

When the treaty was executed and entered in

When the treaty was executed and entered into with these Indians, they were absolutely a dependent tribe. Since then they have been enabled to largely support themselves. They are a have been enabled to largely support themselves. They are a thrifty and energetic tribe of Indians, who have recently engaged in farming operations, which are rendered possible by the irrigating ditches which have been constructed by virtue of this policy.

Mr. FRYE. Does the Senator mean that the statement just

made by him applies to all of the lands now in question?

Mr. CARTER. I do not know that the exact conditions apply in every case, but the conditions apply substantially as I have suggested, except as to the Five Civilized Tribes, and as to them the land purchases constitute an indirect system of Government aid.

Mr. PLATT. Five hundred and fifty-two thousand dollars of

that Crow money was set aside as an annuity fund, and interest is paid on it annually.

Mr. CARTER. A portion was set aside as an annuity fund and a certain sum was invested in stock cattle, and another portion of the fund was set aside to be expended, as the Senator will observe, in sums not exceeding \$50,000 per year, in the construction of irrigating canals, and this course of construction has been in progress ever since. In order to analyze this matter, we were to pay out to our wards, people we were in conscience, equity, and good morals bound to support, the sum of \$946,000, and Congress provided that the settlers should pay to the Government on account of the lands thus acquired the sum of \$3,550,000. is the result? Into that country, 200 miles from a market of any kind, poor people have drifted, have built rude huts and small houses of one kind and another, are generally in debt, and are struggling heroically with hard conditions to build up homes. In the course of the seven or eight years that have passed since the treaty was made from that whole country we have only received \$840. If the Government of the United States insists either on ejecting these settlers from their homes or exacting payment, they simply return that section of country back into sheep and cattle ranges and throw the settlers upon the surrounding communities as homeless wanderers. The Government can not collect money to keep the Indians from the people who have not got the money to pay, and what I say with reference to the ceded portion of the Crow Reservation will hold good in reference to a number if not all of the others

As the Senator from South Dakota [Mr. Pettigrew] suggested, considerable money has been received from town-site ventures of the Government in Oklahoma and at other points on the ceded portions of the reservations. This bill will not interfere with that proceeding in the future. Considerable money has been received from the sale of mineral lands in the mining regions. That will continue to flow into the Treasure of the sale of the continue to flow into the Treasure of the sale of the continue to flow into the Treasure of the continue to flow into the

continue to flow into the Treasury as it has in the past.

I assert that little or no money has been collected from homestead settlers who have settled upon these ceded lands, and of all the thirty-five millions of prospective money to be collected from these settlers we have received from town sites and mineral entries and commuted homesteads, in the period of about eight years, in the neighborhood of \$400,000; and this has been received because of the taking of the town sites, because of the payment for mineral claims, and the selection of commuted homesteads on the best and most eligible sites on the vast tracts of land involved.

and most eligible sites on the vast tracts of land involved.

Mr. President, the timeto make a departure is inopportune, but
the Senator from Connecticut [Mr. Platt] suggests that these
good people are estopped from now coming in any manner through
any Senator, Representative, or other person, and seeking relief
from the onero usburdens placed upon them by the original act.
Let me suggest, in reply to that, that no settler sought the imposition of this extraordinary burden upon the homesteader; it was
an unexpected innovation. In the case of Oklahoma, men went
down to the border expecting that they were upon the very verge

of the Promised Land, a land literally flowing with milk and honey, according to the ancient description; that if they could but get within, they would be fortunate enough to get a fertile farm or a corner lot in one of the new town sites, and their fortunes would then be made forevermore. Where there was one acre of good land in the Territory of Oklahoma, at least three men went in to settle upon it. The result was that in the wild scramble murder, perjury, and crime in every form was committed by excited men vainly seeking exemption from the hard conditions from which they had fled, hoping to better their condition in the last alluring portion of the public domain. They did not stop to analyze laws or conditions.

alluring portion of the public domain. They did not stop to analyze laws or conditions.

These people estopped, perchance, as suggested by the Senator from Connecticut, because they went there knowing that this money was to be paid! They went there because they did not have any other place to go, and they have remained there implicitly believing that the Congress of the country would take notice of their condition and do justice by them in the end. It remains of their condition and do justice by them in the end. It remains with Congress to determine here and now whether the country, which has of late been opened up in various sections of the West and Southwest, shall be returned to the dominion of the cattle king and the great sheep grower, or shall be left under the control of these homesteaders who are unable to pay the Indian purchase price which the original law proposed to exact, making an aggregate sum nearly equal to the national debt at the close of the Revolutionary war.

Mr. PLATT obtained the floor.

Mr. CULLOM. As the Senator from Connecticut has the floor, and as there is not a full attendance at present, I think that the Senate might as well adjourn. I move, therefore, that the Senate adjourn.

Mr. FRYE. Will the Senator withdraw that motion for a

Mr. CULLOM. Yes, if the Senator from Connecticut does not object.

CONSIDERATION OF BILLS RELATING TO NAVIGATION.

The Committee on Commerce has on the Calendar four House bills of considerable importance—general legislation—all of which will undoubtedly go to conference, and I regard it as important that early action shall be had on them. I do not think they will lead to discussion, and I ask unanimous consent that at 4 o'clock to-morrow afternoon-which will be about the time the Senate seems inclined to adjourn—I may be allowed to have those bills considered

Mr. HILL. What bills are they?
Mr. FRYE. They are all bills relating to navigation.
The PRESIDING OFFICER. Is there objection to the request of the Senator from Maine?

Mr. HILL. I should like to know the character of the bills.
Mr. PLATT. Of course the agreement is not to displace the pending bill.
Mr. FRYE. Of course not.
Mr. HILL. I should like to hear the titles of the bills read

before the order is made.

Mr. FRYE. One relates to seamen, another to navigation, another to yachts—the provisions of which have all been agreed upon by the yacht owners and everybody else—and the other relates to the tonnage tax. It will take about an hour to read them.

Mr. COCKRELL. Do I understand that all of the bills have

been approved by the committee unanimously?

Mr. FRYE. Not unanimously, but approved by a large major-

ity of the committee.
Mr. PETTIGREW.

Mr. PETTIGREW. I desire to know what is the request.
Mr. FRYE. My request is, on behalf of the Committee on Commerce, that at 4 o'clock to-morrow afternoon certain bills relating to navigation, etc., may be taken up for consideration, and that the pending bill, if then under consideration, may be informally laid aside, 4 o'clock being the hour at which the Senate would ordinarily adjourn.

Mr. VILAS. I should like to ask the Senator from Maine about the yacht bill. There has been a great deal of opposition to that bill, which the Senator has seen manifested in the form of letters

and communications.

Mr. FRYE. It has all been settled. Mr. VILAS. Have all the difference

Mr. VILAS. Have all the differences been adjusted?
Mr. FRYE. They have all been adjusted. There were very heavy and costly yachts that were contracted for about a year ago, and it was the desire of the yachtsmen that this bill should not take effect until those yachts had been completed. The yachts have now all arrived.

Mr. VILAS. I had understood that there was a great deal of

in England shall be subjected to the same taxes as ordinary schoon-

m England shall be subjected to the same taxes as ordinary schooners if made in the United States. That is all.

Mr. ALLEN. That is proper.

Mr. TELLER. Is that all there is to the bill?

Mr. FRYE. That is practically all there is to that bill.

The PRESIDING OFFICER. Is there objection to the request made by the Senator from Maine? The Chair hears none, and the order is made.

Mr. CULLOM. I move that the Senate adjourn.

The motion was agreed to; and (at 3 o'clock and 55 minutes p. m.) the Senate adjourned until to-morrow, Thursday, January 7, 1897, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate January 6, 1897.

CONSUL.

Leonard C. H. Schlemm, of New York, to be consul of the United States at Cape Haitien, Haiti, to fill a vacancy.

ASSISTANT PAYMASTER IN NAVY.

Joseph Fyffe, a citizen of Massachusetts, to be an assistant paymaster in the Navy from the 28th day of December, 1896, to fill a vacancy existing in that grade on that date.

POSTMASTERS.

Thomas R. Jacoway, to be postmaster at Fort Payne, in the county of Dekalb and State of Alabama, the appointment of a postmaster for the said office having, by law, become vested in the President on and after January 1, 1897.

Watson S. Menefee, to be postmaster at Union Springs, in the county of Bullock and State of Alabama, in the place of Watson

county of Bullock and State of Alabama, in the place of Watson S. Menefee, whose commission expired December 14, 1896.

John F. Crampton, to be postmaster at Globe, in the county of Gila and Territory of Arizona, the appointment of a postmaster for the said office having, by law, become vested in the President on and after January 1, 1897.

Bedford F. Hamilton, to be postmaster at Wynne, in the county of Cross and State of Arkansas, the appointment of a postmaster for the said office having, by law, become vested in the President on and after January 1, 1897.

Gilbert S. Benham, to be postmaster at Hamden, in the county of New Haven and State of Connecticut, the appointment of a postmaster for the said office having, by law, become vested in the President on and after January 1, 1897.

R. O. Cresap, to be postmaster at Lakeland, in the county of

R. O. Cresap, to be postmaster at Lakeland, in the county of Polk and State of Florida, the appointment of a postmaster for the said office having, by law, become vested in the President on and after January 1, 1897.

John C. Jones, to be postmaster at Titusville, in the county of Brevard and State of Florida, in the place of William S. Norwood, removed.

Mary P. Dixon, to be postmaster at West Point, in the county of Troup and State of Georgia, in the place of Mary P. Dixon, whose commission expired December 14, 1896.

Meserve M. Getchell, to be postmaster at Silver City, in the county of Owyhee and State of Idaho, the appointment of a postmaster for the said office having, by law, become vested in the President on and after January 1, 1897.

Charles Hammond, to be postmaster at Montpelier, in the county of Bear Lake and State of Idaho, the appointment of a postmaster

Charles Hammond, to be postmaster at Montpelier, in the county of Bear Lake and State of Idaho, the appointment of a postmaster for the said office having, by law, become vested in the President on and after January 1, 1897.

Henry W. Booth, to be postmaster at Sheffield, in the county of Bureau and State of Illinois, the appointment of a postmaster for the said office having, by law, become vested in the President on and after January 1, 1897.

Charles W. Merrilies, to be postmaster at Winnetka, in the county of Cook and State of Illinois, the appointment of a postmaster for the said office having, by law, become vested in the President on and after January 1, 1897.

William R. Hamilton, to be postmaster at Warren, in the county of Huntington and State of Indiana, the appointment of a postmaster for the said office having, by law, become vested in the President on and after January 1, 1897.

Winfield S. Mercer, to be postmaster at Albany, in the county of Delaware and State of Indiana, the appointment of a postmaster for the said office having, by law, become vested in the President on and after January 1, 1897.

William C. Lee, to be postmaster at Wynne Wood, in the Chickasaw Nation and Indian Territory, the appointment of a postmaster for the said office having, by law, become vested in the President on and after January 1, 1897.

George F. Colcord, to be postmaster at Sutherland, in the county of O'Brien and State of Iowa, the appointment of a post-

opposition by the owners of very small yachts.

Mr. FRYE. None at all.

Mr. ALLEN. What is the general character of the bill?

Mr. FRYE. Simply that the yachts which rich men have built

Mr. FRYE. Simply that the yachts which rich men have built

George A. Crane, to be postmaster at Dexter, in the county of Dallas and State of Iowa, the appointment of a postmaster for the said office having, by law, become vested in the President on and after January 1, 1897.

Alva Humeston, to be postmaster at Humeston, in the county of Wayne and State of Iowa, the appointment of a postmaster for the said office having, by law, become vested in the President on and after January 1, 1897.

Winfred A. Torrey, to be postmaster at South Braintree, in the

and after January 1, 1897.

Winfred A. Torrey, to be postmaster at South Braintree, in the county of Norfolk and State of Massachusetts, in the place of Winfred A. Torrey, whose commission expired December 14, 1896.

Edward W. Wilcox, to be postmaster at Rocky Mount, in the county of Edgecombe and State of North Carolina, in the place of Benjamin H. Bunn, resigned. Benjamin H. Bunn now holds the office under a recess commission.

office under a recess commission.

A. L. Fairchild, to be postmaster at Gainesville, in the county of Cooke and State of Texas, in the place of Franklin L. Cleaves, whose commission expired December 14, 1896.

Henry L. Waite, to be postmaster at Omro, in the county of Winnebago and State of Wisconsin, in the place of James W. Samphier, whose commission expired December 14, 1896.

WITHDRAWAL.

Executive nomination withdrawn January 6, 1897.

Benjamin H. Bunn, to be postmaster at Rocky Mount, Edge-combe County. in the State of North Carolina. Mr. Bunn has resigned the office.

HOUSE OF REPRESENTATIVES.

Wednesday, January 6, 1897.

The House met at 12 o'clock m. Prayer by the Chaplain, Rev

The Journal of the proceedings of yesterday was read and ap-

CONGRESSIONAL DEMANDS FOR DEPARTMENTAL INFORMATION.

Mr. GROSVENOR. Mr. Speaker, I rise to a question of privi-

lege.
The SPEAKER. The gentleman will state it.
Mr. GROSVENOR. On the 20th day of May last, Mr. Speaker,
I introduced in this House a series of resolutions which were Government in relation to the administration of the provisions of a certain law upon the statute books, to wit, the law called the civil-service law. These resolutions were referred to the Committee on Reform in the Civil Service, and were reported back on the 5th day of June following, when they were duly adopted by the House and were officially communicated to the several heads of the Departments of the Government.

The resolution in each instance was couched in respectful language, directing the head of the Department to furnish certain information to Congress.

From that day to this no response has been made or received from any one of the Departments of the Government on the subject referred to, and while I realize the fact that under the present system, called the civil-service administration, the Departments have been greatly curtailed or crippled by the detention in service of inefficient clerks, and by other necessary incidents of this Administration, I nevertheless believe that I am justified in raising the question as to whether the demand of Congress, clearly within the scope of the powers and duties of Congress, has been treated respectfully by the heads of the Departments.

Therefore I offer for immediate adoption the resolutions I send to the desk, aimed and directed to each of the Departments of the

Government. I send the first one to the desk and ask to have it read. They are all alike, and I will follow this one with others in

their proper sequence.

Mr. TERRY. Mr. Speaker, I raise the question that the gentleman has not submitted any question of privilege.

The SPEAKER. The Chair of course knows nothing of the contents of the resolution which has just been presented. It will be read, subject to the right of any member to raise the point that it is not a privileged resolution.

Mr. GROSVENOR. I am ready to meet the gentleman from

Arkansas on the question of the privileged character of the reso-

The SPEAKER. The resolution will be first read.

The Clerk read as follows:

Resolved. That the Secretary of State be, and is hereby, requested to inform the House of Representatives why the State Department has falled to furnish the information requested of said Department by a resolution of the House of Representatives, No. 380, passed by this House on the 5th day of June, 1896.

Mr. GROSVENOR. That is all there is of it. It is merely a request for information, addressed to the head of the Department, for the purpose of ascertaining why the direction of the House, or,

in other words, the demand of the House, has been ignored by

that Department.

Mr. TERRY. I have always understood, Mr. Speaker, that the regular way to attain the object the gentleman has in view was to frame a resolution in the form which has heretofore been used, to wit, that the Secretary of State be requested to transmit such information to the House "if not incompatible with the public

Mr. GROSVENOR. But, Mr. Speaker, we have gotten a long way past that point. Will the gentleman hear what has already

transpired?

transpired?
Mr. TERRY. Certainly.
Mr. GROSVENOR. The resolution was adopted by the House on the 5th day of last June, calling for this information, which has not been supplied.
Mr. TERRY. I understand that. But I would ask the gentleman, for information, if that resolution, so adopted, was not in the usual form, namely, that the Secretary of State be requested to transmit to the House the information, "if not incompatible with the public interests."
Mr. GROSVENOR. Well, in response to the gentleman, I will state, in the first place, that it is not so couched, nor is it proper that such resolution should be so drawn. The House has a right to demand this information.

that such resolution should be so drawn. The House has a right to demand this information.

Mr. TERRY (interrupting). My understanding has always been that the phraseology I have quoted was used.

Mr. GROSVENOR. No; if the gentleman will allow me. This is an inquiry for a state of facts. We have a right to have the facts before us, and we have the right to assume that the statement of facts can not be incompatible with the public interest.

We have a right to determine the question as to the manual of the We have a right to determine the question as to the manner of the administration of a law in the various Departments of the Govern-

ment. The gentleman is confusing two sets of resolutions. The form in which the President is asked to communicate information to Congress is that which the gentleman suggests. But in no case does Congress allow a Department to determine for itself whether the information desired is incompatible with the public interest. The officers at the head of the Department are statutory officers, and they are required to answer the demands of Congress.

Mr. TERRY. Upon what point does the gentleman desire to receive information?

Mr. GROSVENOR. I have already stated—
Mr. TERRY. In the confusion I did not catch it.
Mr. GROSVENOR. The resolution was with reference to the administration of the civil-service law in each of the particular Departments to which it was addressed.

Mr. TERRY. There was so much confusion that I did not catch it.

Mr. GROSVENOR. And the present resolution is simply to ask why the demands of Congress, in the former resolution, have

Mr. TERRY. I was unable to gather the exact purport of the gentleman's remarks. If there is anything that you can find out about the civil-service law, I shall be very glad myself to aid in

getting the information.

Mr. GROSVENOR. That is the only question now. But I do not want, I will say to the gentleman—I do not want to allow a doubt to enter the mind of the Speaker that this is a question of

mr. HENDERSON. It is too late to raise the question of the form of the resolution. That was passed on when the resolution was passed.

Mr. GROSVENOR. Very well. The Speaker suggested that the question whether this was a question of privilege may be still open, and I do not want to get in here by any silence or waiver. I read:

Questions of privilege shall be, first, those affecting the rights of the House collectively.

The House has the right to ask for information from these Departments, and when a Department refuses compliance for seven long months it means simply that the Departments of this Government, as well as the Executive, have begun to ignore the demands of Congress.

Indicate of Congress.

I ask for the adoption of the resolutions.

Mr. HENDERSON. All of them?

Mr. GROSVENOR. Yes.

The SPEAKER. The question is on agreeing to the first reso-Intion.

The first resolution, heretofore read, was agreed to.
The SPEAKER. The Clerk will report the next resolution.
The Clerk read as follows:

Resolved. That the Secretary of the Treasury be, and he is hereby, requested to inform the House of Representatives why the Treasury Department has failed to furnish the information requested of said Department by the resolution of the House of Representatives No. 357, passed by this House on the 5th day of June, 1896.

The resolution was agreed to.

The SPEAKER. The Clerk will report the next resolution. The Clerk read as follows:

Resolved, That the Secretary of War be, and he is hereby, requested to inform the House of Representatives why the War Department has failed to furnish the information requested of said Department by the resolution of the House of Representatives No. 358, passed by this House on the 5th day of June, 1896.

The resolution was agreed to.
The SPEAKER. The Clerk will report the next resolution.

The Clerk read as follows:

Resolved. That the Secretary of the Navy be, and he is hereby, requested to inform the House of Representatives why the Navy Department has failed to furnish the information requested of said Department by the resolution of the House of Representatives No. 359, passed by this House on the 5th day of June, 1896.

The resolution was agreed to.

The SPEAKER. The Clerk will report the next resolution.

The Clerk read as follows:

Resolved, That the Attorney-General be, and he is hereby, requested to inform the House of Representatives why the Department of Justice has failed to furnish the information requested of said Department by the resolution of the House of Representatives No. 362, passed by this House on the 5th day of June, 1896.

The resolution was agreed to.
The SPEAKER. The Clerk will report the next resolution.

The Clerk read as follows:

Resolved, That the Secretary of the Interior be, and he is hereby, requested to inform the House of Representatives why the Interior Department has failed to furnish the information requested of said Department by the resolution of the House of Representatives No. 861, passed by this House on the 5th day of June, 1896.

The resolution was agreed to.
The SPEAKER. The Clerk will report the next resolution.

The Clerk read as follows:

Resolved, That the Postmaster-General be, and he is hereby, requested to inform the House of Representatives why the Post-Office Department has failed to furnish the information requested of said Department by the resolution of the House of Representatives No. 356, passed by this House on the 5th day of June, 1896.

The resolution was agreed to.
The SPEAKER. The Clerk will report the next resolution.
The Clerk read as follows:

Resolved, That the Secretary of Agriculture be, and he is hereby, requested to inform the House of Representatives why the Department of Agriculture has failed to furnish the information requested of said Department by the resolution of the House of Representatives No. 355, passed by this House on the 5th day of June, 1896.

On motion of Mr. GROSVENOR, a motion to reconsider the votes by which the several resolutions were agreed to was laid on the table.

Mr. LOUD. Regular order, Mr. Speaker. Mr. HENDERSON. There are some personal requests of members which should be granted.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows: To Mr. Barrett, for one week, on account of serious illness in his family

To Mr. Gamble, for three days, on account of being detained by

storms.

To Mr. Hutcheson (at the request of Mr. Savers), for the remainder of the week, on account of important business.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Platt, one of its clerks, announced that the Senate had passed without amendment the following resolution:

Resolved by the House of Representatives (the Senate concurring), That the special committee to investigate the Soldiers' Home at Leavenworth, Kans., be, and are hereby, authorized to procure the printing of the testimony taken by said committee, together with such exhibits used in said investigation as said committee shall deem necessary.

The message also announced that the Senate had passed with amendment the bill (H. R. 878) to reduce the cases in which the penalty of death may be inflicted in which the concurrence of the House of Representatives was requested.

ENROLLED BILLS SIGNED.

Mr. HAGER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

A bill (H. R. 158) granting a pension to Mary Collins;

A bill (H. R. 7500) granting a pension to Mrs. Keturah Wilson, widow of James Wilson, deceased;

A bill (H. R. 7127) granting a pension to Samuel D. Gilman;

A bill (H. R. 3398) for the relief of Augusta Tuller;

A bill (H. R. 5782) granting a pension to Mrs. Anna Wedel;

A bill (H. R. 5710) granting a pension to Eleanor L. Curtiss;

A bill (H. R. 1511) for the relief of Lydia Boynton Ferris;

A bill (H. R. 2320) for the relief of Samuel Burrell; and

A bill (H. R. 3890) granting a pension to George William

bill (H. R. 3890) granting a pension to George William

SECOND-CLASS MAIL MATTER.

Mr. TRACEY. Mr. Speaker, I desire to call up the bill (H. R. 9593) for the relief of W. H. Wade, late captain and acting regimental quartermaster, Thirty-first Ohio Volunteers.

Mr. LOUD. Regular order, Mr. Speaker.

The SPEAKER. The gentleman from California [Mr. Loud] demands the regular order.

Accordingly, under the order already adopted, the House resolved itself into Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 4566) to amend the postal laws relating to second-class mail matter, with Mr. PAYNE in the chair.

in the chair.

Mr. QUIGG. Mr. Chairman, if I understand the gentleman from California, he proposes to use all his time himself.

Mr. LOUD. Yes, sir. I would like to have an understanding with the gentleman from New York, so that there will be no misunderstanding hereafter. It was understood between the gentleman and myself that the time this morning, regardless of what time was consumed yesterday, should be equally divided between the two sides. Is that satisfactory?

Mr. QUIGG. Do I understand the gentleman to say that the time was to be divided this morning?

Mr. LOUD. To be equally divided this morning, regardless of the time used yesterday.

Mr. QUIGG. That is satisfactory.

The CHAIRMAN. Without objection, that will be the order. There was no objection.

Mr. QUIGG. I should like to ask the gentleman from California if he is going to give out any more time on his side?

Mr. LOUD. I think not.

Mr. QUIGG. Because if the gentleman is, I would rather that such time as he proposes to give out to somebody should be occurred as the such time as he proposes to give out to somebody should be occurred as the such time as he proposes to give out any more time on his side?

such time as he proposes to give out to somebody should be occu-

pied now.

Mr. LOUD. I will not have any trouble with the gentleman about that. If I desire to put a gentleman in for five minutes, and if that should not be satisfactory to him, I will not do so.

and if that should not be satisfactory to him, I will not do so.

Mr. QUIGG. I yield ten minutes to the gentleman from Maine
[Mr. MILLIKEN].

Mr. MILLIKEN. Mr. Chairman, I think ten minutes will be
ample time for me to say all I wish to say upon this subject, for it
was so exhaustively and fully treated by my friend from New
York [Mr. Quigg] yesterday, and the propositions made on the
other side were so conclusively answered, that I do not think it will
be necessary for me to go into a detailed argument upon the bill.

The avowed purpose of this bill, and the only purpose it seems
to me that it can have, is to reduce expenditures in the Post-Office
Department; and the gentleman from California has given us
some figures, which seem to be very extravagant, showing that he

Department; and the gentleman from California has given us some figures, which seem to be very extravagant, showing that he intends to make a large saving in the Department by its passage. As has been said by others, if I believed he could do that I should be, perhaps, willing to vote for his bill, although I know that its passage will be detrimental to some very large and important industries in this country. But, as was said by the gentleman from New York, his bill will not save to the Government the expense of one postagetar; it will not save to the Government. of one postmaster; it will not save the expense of one postal clerk; it will not save the expense of one mail route; and it is well enough for us to recollect that it will not save one dollar upon all the star routes in this country.

Upon the star routes the mails are carried for a specific sum, Upon the star routes the mails are carried for a specific sum, and it makes no difference to the Government of the United States whether they carry 1 pound or 3 pounds or 300 pounds. They do not take weight into consideration when they make their bids for carrying the mails. They are practically all subcontractors, under some big contractor, who has taken many of these routes. They do not take into consideration the amount which they carry. They rarely are loaded down. The question is, How long is the route, how much will it cost them for teams, how much will it cost them for expenses, how much can they get on their route for carrying passengers, how much for doing errands, and all that? So that upon all the star routes of this country this bill will not So that upon all the star routes of this country this bill will not save one dollar. On the contrary, I believe that the first-class mail matter, which pays the highest rate of postage, and the third-class and fourth-class mail matter will be so diminished by this bill that the Government will lose more in revenues than it will gain in the reduction of expenditures.

Now, I had occasion during the Forty-eighth Congress, because at that time I was trying to get a Government building in Augusta, Me., and succeeded in doing so, to look up the business of Mr. E. C. Allen, now dead, who was the pioneer in this great publishing business, and to learn what he was paying to the Government. I was astonished to find the fact that, incidentally to his business and the second alass mell retreated to the government. and the second-class mail matter which he was sending out, he paid to the Government \$100,000 a year for stamps. Now, my friend may think that if he shall succeed in passing his bill and it shall become law, all these business houses will go on the same, and that he will simply increase the amount of the postage which

they have to pay.

Mr. LOUD. Where is this business house?

The house has gone Mr. MILLIKEN. It was in Augusta, Me.

out of existence since Mr. Allen died.

Mr. LOUD. Does not the gentleman know that the receipts of Mr. LOUD. Does not the gentleman know that the receipts of the Augusta (Me.) post-office never yet amounted to \$90,000 a year? How, then, could one man have paid \$100,000 a year for stamps? Mr. MILLIKEN. Does not the gentleman know that Mr. Allen,

Mr. MILLIKEN. Does not the gentleman know that Mr. Allen, who had a business house in Augusta, Me., also had a branch house in Portland, Me., and was also doing business in Boston? I did not say that he paid \$100,000 a year for stamps to the Augusta office. I said that Mr. Allen, incidentally to the business that he did there in second-class postage, paid \$100,000 in one year to the Government for stamps. That came out during an investigation

Government for stamps. That came out during an investigation I made, and came out by the testimony of Mr. Allen, who was to be believed as much as you or I or anybody else.

Now, I say my friend will not get the increased postage, because, if he passes this bill, he is going to ruin all these publishing houses, except the very richest and strongest of them. If there ever was a bill introduced into this House to enable the big fish to swallow the little ones, this is the bill. There is a large publishing house in Augusta, in my State, conducted by Vickery & Hill, one of the most respectable concerns in this country, and I do not think they care much whether this bill passes or not, because, while its pascare much whether this bill passes or not, because, while its passage will cause them to pay more postage on their second-class matter, they know that it will at the same time destroy smaller concerns which are their competitors, and will thus give them an advantage which will probably be at least as valuable as that which they now enjoy through a low rate of postage on second-class

With reference to the revenue which the Government reaps incidental to this second-class mail matter, I have a letter from the Forbes Lithograph Company, of Boston, who say:

Boston, January 5, 1897.

We would respectfully submit the fact that we are in receipt of an order from the publishers of Comfort for a million form letters (a third of which we are to deliver this month). This is a repetition of orders of a similar nature that have gone before, which must necessarily swell the receipts of the post-office, as we understand from its publishers they are all mailed in envelopes as first-class matter, and are the direct results of the existence of the publication Comfort. If the proposed change in the postal regulations goes into effect it will cut out a large part of this revenue which accrues to the United States Government for the mailing of the above form letters.

I have also a letter from Pulsifer, Cook & Co., of Boston. They

In regard to the so-called Loud bill, permit us as business men of Boston to file an earnest protest. The passage of the bill we believe would be a serious business misfortune at a time when the country has had enough in that line. Clearly many members of Congress do not appreciate the immense interests involved. As an illustration, we have furnished for one paper alone—Comfort—several millions of envelopes in a single year, and are now doing work on a large order for its publisher. These envelopes are sent in the interest of that publication, and are used on letters which yield a revenue of from twenty thousand to thirty thousand dollars a year to the Government, and goes to the credit of first-class matter.

I have also a letter from Mr. Gannett, of Augusta, in my State, which throws much light on this subject. It is as follows:

AUGUSTA, ME., December 28, 1896.

Hon. S. L. Milliken,

House of Representatives, Washington, D. C.

Dear Sir: My interest as a publisher in the fate of the Loud bill and the fact that its author in a recent speech in Congress, using my publication, Comfort, as an illustration, most grossly misrepresented it, impels me to take the liberty to write you and correct some of Mr. Loud's erroneous statements.

ments.

It is simply amazing that a man, not to say a Congressman, who is the author and advocate of so important a bill should exhibit such dense ignorance regarding a subject which he has, or is supposed to have, studied for a

rance regarding a subject which he has, or is supposed to have, studied for a year or more.

Mr. LOUD'S assertion that of Comfort's 1,250,000 circulation not 1,000 are sent to bons fide subscribers in this country, is more than three-quarters of a million out of the way. If we relied on a sample-copy circulation, as Mr. LOUD assumes, we should not print our paper in five different colors on a press made especially for Comfort at a cost of nearly \$40,000, nor should we maintain an editorial department in the John Hancock Building in Boston, at an expense of \$50,000 in a single year for editorial, original, copyrighted, literary, and art matter, nor should we go to the expense of sending an artist to Europe for special work for our paper. We take all this trouble and put out all this money to make Comfort valuable, instructive, and attractive to subscribers, and for the purpose of building up and maintaining our enormons subscription list. If we were satisfied with a mere sample-copy circulation, we might save all this expense by substituting paste pot and scissors for our large staff of editors, writers, artists, and specialists on various subjects.

for our large staff of editors, writers, artists, and specialists on various subjects.

Mr. Loud, further referring to Comfort's enormous circulation, read a letter from an unnamed advertising agent at South Bend, Ind., calling Comfort the king of frauds simply because, as he claims, four copies were received by him in one day. It is often a trick of advertisers to establish with printed stationery an advertising agency, and to send an order to the publisher, to save the commission. As this runs anywhere from 10 to 25 per cent, the temptation is great. There is no known advertising agency at South Bend, although one or two young men doing business there and advertising under a dozen different women's names pretended to run an advertising agency in order to get a commission such as is given to agents on their business, being their own advertisements. Comfort refused to print their advertisements (in fact, we have refused as much as \$60,000 worth of undesirable advertising in one year), and the Post-Office Department, after an investigation, refused these parties the use of the mails. About four or five times a year we send one copy only to each name on a list of about 6,000 advertisers to keep in touch with their interests, and it is possible that one party, doing business under so many different names, might receive several copies of our paper through

ignorance on our part of the deception. To maintain that any publisher, merely to obtain larger circulation, would send a number of papers to one person, except as a news agent, is an absurdity, as such a circulation would never pay an advertiser and the paper would lose its advertising patronage. Self-preservation, if nothing else, would prevent such action on the part of the publisher.

Mr. Loud also makes a statement to the effect that a man answers an advertisement, saying "send a postage stamp and you will learn something to your advantage," and that such advertisement being answered "you get a copy of this paper, you have become a subscriber until the resurrection morn, and that is the way they get their subscribers."

It would be interesting to know where Mr. Loud obtained such information. There is not and never has been such an advertisement put in any paper, either by Comfort or any other paper. There has never in the whole history of this paper been a subscriber placed on the subscription list who had not actually paid the subscription price.

Further on it is alleged that such a paper seeks admission to the second-class privileges of the mail with a nominal subscription list of 250 and at once circulates from one and a half million to two million copies. If Mr. Loud was at all familiar with the rules of the Department about which he talks, he would know that in making application for second-class privileges the publisher is obliged to make oath to certain facts which effectually would prevent such a thing, and that any infringement thereafter would throw the paper once being admitted to the second-class rates, the postal laws state explicitly that sample copies shall not be sent in excess of the number of actual subscribers, and further, that they shall not continually be sent to the same persons.

Does not Mr. Loud know that the Postal Department has hundreds of trained inspectors and detectives and that on suspicion that any paper is infringing the postal law one or more may be sent and make the m

sending sample copies or advertising? It is an age of intense competition, and subscribers do not come flocking to any paper without being urged. The same push and activity are necessary to keep up a subscription list as are necessary to conduct any business or to win a seat in Congress, and much the same means are used.

Mr. Lour ignores the fact that the second-class matter, though handled at a loss to the Government, is directly productive of many times as much first, third, and fourth class business, on which he acknowledges the Government makes a profit. I will illustrate from my own experience:

While Comfort pays about \$2,000 a month second-class postage, it often pays more than \$3,000 for first-class or letter postage, and \$2,000 more for third and fourth class postage, and has received \$25,000 letters in a month, on which the postage amounted to \$2,500. Here is \$10,500 of first, third, and fourth class postage, and has received \$25,000 letters in a month, on which the postage growing out of \$2,000 a month of second-class business. This does not include the immense first, third, and fourth class business which is produced had the pay in the second clade the immense first, third, and fourth class business which is produced had to pay \$5 a line of nits words such lessed and so wer they concept, replies by mail to make it pay. The thousands of dollars in postage that the Government gots as a direct result of a single issue of Comfort is beyond calculation. When I state that we have evidence proving that as many as \$2,000 letters have been received from a single insertion of a two-line advertisement appearing in Comfort, and that from an advertisement costing \$190, calling for a small sum of money, an advertiser in comfort received over 15,000 in cash, you can form some idea of the revenue derived by the Government in letter postage and money-order business from two or three hundred such advertisements appearing in the paper, to say nothing of the postage paid on merchandise that was sent in return to the c

I do not think that my friend from California [Mr. LOUD], who I of course know is sincere in believing that he is going to secure a great benefit to the Government by his bill, has taken fully into account the facts and considerations set forth in these letters.

[Here the hammer fell.]

Mr. LOUD yielded five minutes to Mr. MILLIKEN. Mr. MILLIKEN. I thank the gentleman from California. not know, Mr. Chairman, why the Post-Office Department in particular should be required to be self-sustaining. Of course it would be gratifying to us all if every Department of the Government could be self-sustaining, but the Departments were not created for that purpose. The Post-Office Department was not created for the purpose of bringing revenue to the Government. If it were the

purpose to make money out of the business of that Department, then, carrying out the gentleman's ideas to their logical conclusion, we should have to abolish about three-fourths of the post-offices in this country, for I believe that more than three-fourths of them do not pay the expenses incident to their maintenance. The Post-Office Department was established for the purpose of accommodating the people of this country, giving them mail facilities—mail facilities not only for first-class matter, but for all kinds of mail matter they desire to receive. One of my friends on the other side, the gentle-man from Mississippi, I believe [Mr. KYLE], who urges the passage of this bill, said that he was in favor of the masses against the classes, and therefore wanted to give them 1-cent postage. Possibly my friend may have been on the stump during the late campaign and may have been in the habit of drawing a distinction between "the masses" and "the classes," and has not yet forgotten his stump speech. [Laughter.] As to 1-cent postage, let me ask the gentleman who it is that is chiefly interested in 1-cent postage. Is it the masses? Is it the working people, the laboring people of this country, the people who do not write, on an average, more than three or four letters during the year? What difference does it make to them whether they have 1 or 2 cent letter postage?

Ah, Mr. Chairman, if there is anybody in this country who is specially interested in having 1-cent postage, it is the great corporations, the great publishing companies among them. My friend Mr. Allen, of Augusta, in my State, whom I have already quoted, and who paid \$100,000 in one year for postage, would have and who paid \$100,000 in one year for postage, would have saved \$50,000 that year if we had had 1-cent postage; but how much would the fellow save who works every day, and, as I have said, does n t write more than half a dozen letters a year? I am interested in 1-cent postage; my friend from California undoubtedly is; probably every member of this House is interested in having 1-cent postage; but the great masses of the people of this country have really very little interest in it, and if there ever was an absurd plea, it is the plea of the man who declaims for 1-cent postage and puts it on the ground that he wants it for the benefit of the masses. The masses of the people, Mr. Chairman, are interested in receiving, at as little cost as possible, this very literature which they do now receive under the existing law.

I wish I had time to describe that literature. My friend from California selected some of the worst books that go through the mails and derided them; but, sir, why does not he, and why do not those who agree with him, hold up to derision the newspapers of the country, which contain all kinds of matter, much of it such as ought not to go into any man's family? If my friend is going as ought not to go into any man's family? If my friend is going to plow up the wheat because there are a few tares in it, if he is going to exclude from the mails the whole of this fourth-class matter because, forsooth, there are some books circulated in that way that ought not to go through the mails, then I think he is going to work a very large restriction upon the liberty of the press in this country. There is nothing in this bill to prevent this phiceticable watter being carried in the mails. The Lond hill press in this country. There is nothing in this bill to prevent this objectionable matter being carried in the mails. The Loud bill places it on the same basis as the best literature in the country. It makes no discrimination. Let the committee of which Mr. Loud is chairman—the Committee on the Post-Office and Post--report a bill to exclude all bad literature from the mails, and I will vote for it. But the committee does nothing of the kind. It allows all the vicious literature that is now carried in the mails still to be carried in them, and still holds up these objectionable books as constituting a reason why this bill should pass. At the same time we hear nothing of the thousands of tons of first-class literature which, under the present law, is brought cheaply within the reach of the people.

Mr. QUIGG. I yield to the gentleman from Pennsylvania
[Mr. WANGER].

Mr. WANGER. Mr. Chairman, a time when there has been

the great distress prevailing throughout the country which we have witnessed during the last three years seems to me the most inopportune of all times to enact a measure which, aiming to correct certain abuses, must nevertheless inevitably, according to the judgment of those best qualified to understand the subject, strike down a number of legitimate enterprises, among which are trade journals publishing information of the very highest value

to the people of the country.

Now, the Postal Committee deserves the thanks of this body and the public for frankly acknowledging that it prefers private enter-prise in the carrying of the mails to the public discharge of that With private mail service we would have it simply in the thickly populated parts of the country, which are able to care for themselves. With private mail service there would not be an efficient and frequent service in the thinly populated and poorer sections. Yet it has been the conviction alike of the founders of this Government and of our statesmen ever since that there should be service all over the land irrespective of whether it is profitable or not, and that it is a legitimate function of the Government to serve every citizen with mail matter (alike letters and newspapers) without regard to what the cost of such carriage may be.

In referring to this matter the argument is based entirely upon the fact that there is a deficiency of revenues in the Post-Office Department. Well, if we count the vast quantity of Government matter which goes free, there is no deficiency at all; and when we come to consider the saving which it is alleged would be made by the passage of this bill we find that a computation based upon all second-class matter is necessary in order to reach anything the proportions which are mentioned by the champions of the sure as its fair result.

Now, we all can know by experience and observation that the great bulk of second-class matter is made up of legitimate and honorable newspapers of the country. If the proposition is to put every enterprise, every industry, every class of mail matter upon wn foundation, to do its own paying, then the remedy is to be

had by an increase of the rate of carrying second-class matter—a proposition which nobody favors.

Now, as the advocacy of private enterprise in the carrying of the mails is in favor of the rich sections of the country as against the poorer sections, so the proposition to entirely exclude sample copies from the privileges of second-class matter is against the poorer and newer publications, which are not yet fully established, and is entirely in favor of those journals which have large sub-scription lists and which do not want rivals encouraged by enjoy-

ing the opportunity for sending out sample copies.

Postmaster-General Wanamaker, in all his allusions to this subject in the reports which he made, never went so far as is proposed by this committee. He always suggested that sample copies should be limited to a certain proportion of the regular subscribed edition of the journal; and that would meet the objections made that the privilege is abused by journals which are intended solely for adver-tising purposes. Why strike down legitimate trade journals which propose to confer and do confer great benefits upon the country by giving information and by fostering competition in the direction of these publications simply because there are some unscrupulous persons who abuse the opportunity which is presented? There can be no good reason for it. This committee does not propose to make up the deficiency. This committee says nothing about the tons of matter which are daily sent out-which are sent out especially on the first day of the week—and which are largely made up of advertising matter, which could be limited in size to the advantage alike of the postal service and of the reading public.

If newspapers were required to condense and if they were not

permitted to send out these enormous advertising sheets which make up pages of nearly every Sunday newspaper published throughout the land, there would be a much greater reduction in the bulk of the second-class matter than will result from the adoption of this bill.

So as this simply strikes at a very narrow line, as it simply can affect abuses of a small character compared with the great bulk of matter which causes the deficiency in revenue, therefore we are called upon to be particularly careful not to do injustice and inflict hardship upon laudable enterprises which employ many people, which encourage industry and enterprise, which dissemi-nate valuable information, and which constantly tend to elevate and to develop the character of all the publications known as trade journals, and those devoted to any particular interest or industry, as well as any other class of publications.

Now, a considerable number of the newspapers whose names are paraded as members of the various press associations that have indorsed the bill have changed their minds with regard to this question. I am in receipt of a letter from a constituent, the publisher of an agricultural journal, which sends out thousands of copies to voluntary paid subscribers, saying, "We were at first disposed to favor it [this bill], but after a more careful study of its features we believe it would do more harm than good." I submit that that is the statement of the attitude of a very large promit that that is the statement of the attitude of a very large proportion of the publishers of the journals whose names are given as members of the trade press associations favoring the measure now under consideration.

As the masses of the people generally are interested as well in the dissemination of the newspaper as in the circulation of the letter, let us not discriminate against journals which minister to the people in the remoter sections of the country and entirely in favor of those which are established in the large cities all over the

land.

[Here the hammer fell.]

Mr. QUIGG. I yield ten minutes to the gentleman from Missouri [Mr. Tracey].

Mr. Tracey].

Mr. Tracey.

Mr. Chairman, the arguments to which I have thus far listened in support of the bill under consideration have all been based, as far as I have been able to understand them, upon calculations averaging the cost of carrying all sorts of mail matter. Taking the whole number of pieces carried and the entire cost of maintaining the Post-Office Department, the average cost of carrying mail matter is stated to be 8½ cents a pound. This is the calculation presented by the committee. The distinguished chairman of the Committee on the Post-Office and Post-Roads, in his speech recorded in the RECORD on page 190, presents a table in which it is alleged that for the years 1887 to 1896, both inclusive, the total number of pounds of second-class matter carried was 2,097,640,300;

cost of handling, 8 cents per pound, \$167,811,224; receipts for handling, 1 cent per pound, \$20,976,403; deficiency, \$146,834,821.

Here, then, it is plainly stated that the cost of handling second-class matter is 8 cents per pound, and by inference that no one of the classes of mail matter is handled at less than 8 cents per pound. Further on the following language is used:

But some gentlemen say that this is a bill as it now stands in the interest of the express companies, and that we are driving this matter out of the hands of the Government to be carried by the express companies. Ido not care. I do not care who does the business.

Mr. Chairman, it would be immaterial who does the business unless it should be done at an increased cost to the people. But I submit if the effect of this legislation is to transfer the business now done by the Post-Office Department to the express companies, which, in the absence of the only competition possible, increases which, in the absence of the only competition possible, increases the cost of transportation and handling to the people, the legisla-tion is unwise and ought to be defeated. That the bill under con-sideration would have that effect appears to be recognized by the chairman of the committee, and he answers by saying he does not

Now, Mr. Chairman, it would seem to me that no argument should be necessary to convince anyone that the cost of carrying the different classes of mail matter varies materially. If the argument adduced from the position taken and the assumptions made finds itself based on a false assumption, then the argument itself necessarily falls to the ground. It must be apparent that the cost of handling and carrying first-class mail matter is much larger than the cost of carrying and handling second-class matter. handling of the pieces of mail matter known as first-class matter involves a large number of separate handlings. In the first place, the stamps must be printed, distributed, and canceled. Every piece of first-class mail matter passes through from three to four postmarkings. Then, in addition to that, the various distributions which do not obtain in second-class mail matter must be taken into consideration.

In handling second-class mail matter, under the present laws and regulations a large amount of the handling, perhaps one-half of it fully, is done by the publishers themselves. The publications are assorted into mail sacks for States, cities, counties, etc., and are delivered in that condition to the Post-Office Department. ment, and by it delivered to the various places along the various postal routes. It must be evident therefore that the cost of handling that class of matter is not at all equal to the cost of handling first-class matter.

But let us give an illustration of the methods of reckoning But let us give an illustration of the methods of reckoning adopted by the committee with reference to this matter. Now, it is alleged—and the attack made upon the existing law is based upon the allegation—that it costs 8½ cents per pound to carry all of this matter which it is sought by the bill to cut out of the privilege it enjoys under the present rate.

During the year ending June 30, 1894, there was an increase of 43,000,000 pounds of second-class mail matter carried. The methods of computation adopted by the committee give the expense of carrying this increase in the amount of second-class matter to the

carrying this increase in the amount of second-class matter to the Department, and according to their methods of computation it must have been the sum found by multiplying 43,000,000 pounds by 8½ cents per pound, which it is alleged to have cost, or in the aggregate \$3,655,000.

Now, it is shown by the report of the Second Assistant Postmaster-General of the same year that the total increase of the ex-

penses of the Department was but \$1,777,362.22, and that increase covered not only the cost of carrying the mails, but it covered also the cost of securing 766 new routes, representing an increase of 913.37 miles, with an actual increase in the distance traveled of 15,310,780.61 miles, and included the salaries of railway and post-office clerks necessary, and special facilities and mail equipment. The average cost of carrying the mails, per mile, for that year, is stated to have been 11.43 cents. At that rate, the cost to the Department of the increased facilities must have been \$1,750,022.21. Take away from the increased cost of running the Department in that year the cost of obtaining and conducting the increased mail facilities for that year and it leaves the total increase of cost of carrying the mails at \$27,340.01. And yet we are told by the committee in the face of these facts, which are in the reports cited by the committee and approved by them, that the chief cost due to the carrying of this second-class matter to which they object at the pound rate was \$3,655,000.

Now, if the committee can present any sort of demonstration to the House which will unravel that problem, it will do more than has been yet done by any member of the committee and more than I believe to be within the possibilities. If the increased expense for transportation and mail service generally costs \$1,777,-362.22 and the increased facilities thereby secured are valued at

\$1,750,022.21, how much did it actually cost the Department to carry the 43,000,000 additional pounds of second-class matter?

The cost of carrying the second-class matter is not at all what The cost of carrying the second-class matter is not at all what it is alleged to be. For the reason that I stated at the outset, a large proportion of the cost is paid by the publishers of these publications, who assort them, separate them, put them into sacks for delivery along the postal routes, at no expense to the Government other than the mere transportation and delivery by the Post-Office Department at the points of destination. It does not require a very wise carrier to understand that if he has a wagon and team capable of carrying 50 boxes of goods of any kind and he has but 40 to carry, the expense of his trip is not thereby reduced. On the contrary, the humblest drayman understands that the offer of 10 additional boxes would increase his receipts without increasing his expenses (wear and tear excepted). In fact, it would be just that much money found.

I have not time to say all that I should like to say upon this bill. Itseems to me that, instead of having the title which is given to it, it ought to be entitled "A bill to tax the dissemination of intelligence among the people."

While there have been and are abuses which ought to be remedied in the administration of the postal system, it is unquestionably true that under the operation of existing laws and regula-tions the United States leads the world in the production of newspapers and periodicals of the highest grade and at the lowest prices. The publishing business of the country is not conducted as a charity; it is a business, and is engaged in and conducted for a profit. When the profit ceases the business fails or is abandoned. The postage is an item of expense that is taken into account as is any other item of expense. Had this bill been in operation during the past twenty years the magnificent daily newspapers now published at 1 cent per copy in all parts of the country, a mirror of the world's doings up to the hour of going to press, would have been an "iridescent dream." If there were no other objection to the bill, this ought to be sufficient to insure its defeat.

But it strikes a harder blow, if possible, at the country newspapers, which, at best, have a hard row to hoe. And the country newspapers are entitled to the highest consideration in any legislation which proposes to change existing postal laws and regula-tions. The right to send out sample copies, the right to send a copy free to a friend, the right to exchange with other papers, the right to continue a subscription after the time paid for has expired, the right to offer as an inducement for additional subscribers a premium in the shape of a supplement containing some work of fiction, the right to combine his own paper with some metro-politan weekly which is furnished at a very low price, are all politan weekly which is furnished at a very low price, are all regarded as valuable, and, speaking from personal experience, they are valuable. All of these rights are jeopardized by this bill, if they are not entirely swept away. It is not a hazardous prediction to say that if this bill becomes a law the country press, the mainstay of patriotism and devotion to free institutions among the masses of the people, will be weakened financially and weakened in its ability for good. The splendid country weeklies of today, carrying to the homes of the people each week a volume of excellent and varied information, will in all probability be reduced to the decrepit weeklies of a quarter of a century ago, in which were merely chronicled the sayings and doings of the neighborhoods in which they were published. This would be a calamity. The bill proposes to drive out of the second class into the third class, or out of the mails entirely, all books or reprints of books, whether they be issued complete or in parts, whether they be bound or unbound, whether they be sold by subscription or otherwise, or whether they purport to be premiums or supplements or

wise, or whether they purport to be premiums or supplements or parts of regular newspapers; all sample copies of newspapers or periodicals; all exchange copies of newspapers or periodicals; all copies sent free by the publisher; all unsold copies returned to news companies or to the publishers. And in addition to all this, it invests the Post-Office Department with supreme power to adopt such rules and regulations for the determination of any question. such rules and regulations for the determination of any question affecting the right of a newspaper or periodical to be carried in the mails as second-class matter as practically creates a press censorship; narrows the field now occupied by a large portion of the press of the country, and necessarily cripples its usefulness. All this is proposed in the interest of economy in the service, upon a theory which has been shown to be visionary and unsound.

Third-class matter costs the Government to handle more than double what it costs to handle second-class matter. It covers

printed matter other than periodical publications. In addition to the handling and furnishing and canceling of stamps, the packages must be handled and sorted, both at the office of deposit and that of delivery. The mails are used as a rule only to send small packages, or to places remote from the railroads, and which are not reached by the express companies.

The express companies carry this class of matter to practically all of their delivery points, under a special "printed-matter" rate,

at 2 cents per package less than the mail rate. The rate is adverat 2 cents per package less than the mail rate. The rate is advertised as 10 cents for each 1½ pounds or less, and for single packages exceeding 1½ pounds, 1 cent for each additional 2 ounces. The third-class mail rate for 1½ pounds is 12 cents, and 1 cent for each additional 2 ounces or fraction. This "printed-matter" rate was evidently adopted by the express companies for the purpose of securing the handling of all such matter as can be handled profitably, leaving to the Government the handling of packages costing less than 10 cents per package, or destined to remote points not reached by the companies. This becomes very apparent when it is remembered that the "printed-matter" rate was not the result of competition among the companies, but was a "pool" agreement among them. For the year ending June 30, 1894, the pieces of third-class matter carried by the mails only amounted to about 12 per cent of the whole number of pieces of mail carried, and the percentage has not increased very much, if any, since. Under the operation of this bill, should it become a law, all of the matter transferred from the second class to the third class which can be profitably handled will be carried by the express companies

profitably handled will be carried by the express companies.

When the declaration of the chairman of the committee that "he does not care" is remembered, along with the significant fact that the express companies are all for the bill, is it wholly unwarrantable to inquire if the bill is not framed rather in the interest of the express companies than of the people? If the express companies continue to handle the profitable third-class matter, which they will do as long as they have a cheaper rate, how will the increase of third-class matter through the transfer to that class of matter now in the second class decrease the deficit in the revenues of the Department? Since it costs about as much to operate a postal car carrying 10 tops of mail as it does when it carries 20 tops. of the Department? Since it costs about as much to operate a postal car carrying 10 tons of mail as it does when it carries 20 tons, inasmuch as the operating expenses of the Department are not seriously decreased by a decrease in the amount of mail handled, the question of how this bill enacted into law will enable the Post-Office Department to become self-sustaining becomes a problem which will probably wait for a solution until it is demonstrated

which will probably wait for a solution until it is demonstrated how one 1 from 2 leaves 3.

The CHAIRMAN. The time of the gentleman has expired.

Mr. TRACEY. Mr. Chairman, I should like to have permission to extend my remarks slightly.

The CHAIRMAN. The gentleman asks permission to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. QUIGG. Mr. Chairman, how much time have I remaining?

The CHAIRMAN. The gentleman has twenty minutes re-

maining.

Mr. QUIGG. I yield five minutes to the gentleman from Massachusetts [Mr. Morse].

The CHAIRMAN. The gentleman from Massachusetts [Mr. Morse] is recognized for five minutes.

Mr. MORSE. Mr. Chairman, before the holiday recess I was rather inclined to vote for this bill, but since the recess I have received some additional light, and I think now I shall vote against it. Mr. desk is covered this morning with letters from certific My desk is covered this morning with letters from constituents, and they are not machine letters either, protesting against the passage of this bill, and it seems very clear that if it corrects any wrongs it creates greater ones. The country papers, and particularly the religious papers, get subscribers by sending out sample copies of their publications. This bill denies to religious papers the privilege which they have heretofore had in this direction of the protection of the protection which they can not afford and tion, except at a rate of postage which they can not afford, and the same to local papers out of the county in which they are printed.

printed.

I suspect, Mr. Chairman, that if this bill shall pass it will be followed by a bill in the interests of the express companies to increase the postage on merchandise. When you talk about patriotic measures, about measures to cement the Union together, I do not believe there is any single measure that goes so far to the company of the larger as a low rate. inspire patriotism and love of country and the flag as a low rate of postage upon printed matter and merchandise. I do not care a snap nor a pinch of snuff whether the Post-Office Department pays or not. Who gets the benefit of a low rate of postage, if it does not pay the Government, except the people, and the poorest of our people at that? The United States post-office is a great national blessing, and I would extend and not reduce this great

As stated by the gentleman from California [Mr. Loud], there may be some objectionable matter that has gone and is going through the mails under the provisions of existing law, but I want to tell you, Mr. Chairman, there is a great deal of matter going through the mails that is not objectionable. I want to say to you that log cabins on the prairie have standard works on little shelves which they would never have had; that they have reprints of the classics which the boys and young men and young women can read which they never would have had but for the provisions of existing law. I say if the bill corrects any wrongs, it creates greater ones.

I will use the balance of my time in reading two letters, among many covering my desk, protesting against the passage of this bill. The first is as follows:

BOSTON, December 30, 1890.

DEAR SIR: We fully believe all that is urged against the bill referred to in the inclosed. We know that it would practically ruin our business, and cause the suspension of thousands of useful publications throughout the country, We look to you confidently to do everything in your power to defeat the measure. With thanks for past favors,

We are, faithfully, yours,

KASSON & PALMER.

Hon. E. A. MORSE.

The other letter is from the publishers of a religious paper. It is as follows:

THE EVANGELIST PUBLISHING COMPANY, New York, January 5, 1897.

My Dear Sir: The Loud postal bill (H+R. 4566), which is to be acted upon by your body on Wednesday, is a vicious attack upon publishers to prevent them from sending out sample copies in order to add new subscribers to their lists. It will break upand destroy the religious papers of this country. Under this bill, as is constantly the case, parties send for back numbers to complete files; it would be practically a prohibition, except at rates which would be ruinous to publishers. I hope you will see your way clear to oppose any such legislation.

With kindest regards, I am, very truly, yours,

O. F. PRESBREY,

Business Manager.

Hon. ELIJAH MORSE, Washington, D. C.

Now, Mr. Chairman and gentlemen of the House of Representatives, I trust that this measure will be defeated, certainly defeated f it can not be amended in such a way as to remove these objections which I have raised.

tions which I have raised.

If I have any time remaining I yield it back to the gentleman from New York [Mr. QUIGG].

Mr. QUIGG. Mr. Chairman, I yield the balance of my time to the gentleman from Pennsylvania [Mr. BINGHAM].

Mr. BINGHAM. Mr. Chairman, I think there are some features of what is called the Loud bill that deservedly appeal to the consideration and wise action of this House; but at the same time the radical features of the bill, books, or reprints of books, whether issued complete or in parts, bound or unbound, sold by subscription or otherwise, and so forth, as set forth in the first paragraph of the bill, are of a character, I think, that should not be included in the provisions of any bill, unless there is to be a general revision the provisions of any bill, unless there is to be a general revision of the rates of postage, covering all mail matter. I believe that there should be a revision of postage rates, comprehensive, covering all, making but two classes of mail matter, and as the Government has entered upon the transportation of merchandise, the rates should be at cost. There should be but two, and at most but three, divisions of the mail matter, and therefore of postage rates The drift and current of public opinion and expression during the past ten years has been to the reducing of postal rates or postages. It is within my recollection as a member of this House when the It is within my recollection as a member of this House when the rate on letter matter was 96 cents a pound, the basis of weight being half an ounce. It is to-day but 32 cents a pound, and the basis of weight upon which that rate is fixed is 1 ounce. Seeds, bulbs, roots, scions, and plants are by the act of July 28, 1888, made mailable at the third-class rate, or 8 cents a pound—reduced from the old rate of merchandise at 16 cents a pound.

We have also by radical legislation during the last fifteen years We have also by radical legislation during the last lifteen years changed from the old system of newspaper postage under the quarterly payment to pound rate. The act of June 23, 1874, established a pound rate, and fixed the postage on newspapers at 2 cents per pound and on periodicals at 3 cents per pound. In 1879 we changed the law, and by the act of March 3 of that year fixed a uniform rate of 2 cents per pound on newspapers and periodicals. In the act of March 3, 1885, Congress reduced the rate of postage on second-class matter to 1 cent per pound. The following table shows the amount of mail matter that has been carried at 1 cent per pound since July 1, 1885.

per pound since July 1, 1885:

Number of pounds of second-class matter mailed annually at 1-cent rate, and annual increase of same.

	Number of pounds mailed.	Increase.	
Year ending June 30—		Pounds.	Per cent.
1886	109, 962, 589 126, 234, 883 143, 662, 918 161, 635, 127 174, 046, 764 196, 942, 092 222, 642, 392 255, 634, 218 254, 790, 306 265, 314, 382 296, 640, 351	16, 272, 294 17, 428, 035 17, 972, 209 12, 411, 637 22, 895, 328 25, 700, 300 32, 991, 821 *843, 907 10, 524, 076 31, 325, 969	14. 79 13. 80 12. 51 7. 67 13. 15 13. 05 14. 32 * . 39 4. 13 11. 81

* Decrease.

At the period of this legislation I was a member of the Committee on Post-Office and Post-Roads, and heartily concurred in the reduction; and why? Simply because we had recognized for many years past that the Post-Office Department is one of the great aiders or abettors of the Government in the education of the people. We have recognized that resultant in every change we have made with reference to newspaper, magazine, and periodical publications. It is not only in the postal laws, but in the whole trend of the Government administration and policies that we have appropriated liberally for the cause of humanity and educahave appropriated liberally for the cause of humanity and educa-

Congress has never assumed that the Post-Office Department should be a paying Department. Its legislation always looked to efficiency and conveniences for the people rather than revenue. It is under the Constitution a Government obligation for the people, and in addition to that, by legislation, it is wisely for the education of the people, whenever that result can be secured by an adjustment of postal rates.

What do we do as a Government for the cause of humanity and

education? What do we do that brings back any specific revenue return for the gifts of the Government for education? I have the bills in my hand for the admission of Utah, Arizona, and New Mexico. In the bill admitting these Territories as States we give one-ninth of all the public lands in the Territory for the support one-ninth of all the public lands in the Territory for the support of common schools; we give 64,000 acres of public lands for the public buildings at the capital; 48,080 acres of public lands for establishing the University of Utah; 110,000 acres of public lands for the use of the University of Utah; 200,000 acres of public lands for use of the agricultural college; 5 per cent of the net proceeds of sales of all public lands in Utah to be paid to the State for the support of common schools; and so in all these bills we have given millions upon millions of the acreage of the Government for the education of their people.

What have we done and are continually doing in other legislation and governmental policies? Here within sight of the Capitol is the greatest printing office in the world, none reaching it in annual output and work. We spend almost \$4,000,000 annually in that bureau, and two-thirds of its output goes direct to the people under the franking privilege of members of Congress, and

people under the franking privilege of members of Congress, and what for? For education. What have we done in the development of the great West and subsidies to our Pacific railroads? According to the report of the Commissioner of Railroads for 1893, page 224, we have given 196,569,372 acres. In bonds issued to railroads, according to the report of the Commissioner of Railroads for 1896, we have given \$64,623,512; interest paid by the United States thereon to June 30, 1896, \$109,178,231, giving a sum total in principal and interest of \$173,801,743. Of the interest paid by the United States the railroads had not repaid June 30, 1896, \$53,510,467. This has been given for the development of interstate commerce, for the interchange of labor results and

intercourse of our people.

Now let us see what has been given in the way of aid or loans to expositions and expenses of Government exhibits thereat:

Centennial Exposition, 1876:	
Loan (repaid)	\$1,500,000
Government exhibit	
New Orleans Exposition, 1884:	
Loan (never repaid)	1,000,000
	350,000
Government exhibit	300,000
	500,000
Cincinnati Industrial Exposition, 1884:	
Government exhibit	10,000
Louisville Southern Exposition, 1884:	
Government exhibit	10,000
World's Columbian Exposition, 1893:	
Gift	2,550,000
Expenses of commission, building, exhibits, etc	2, 102, 100
Atlanta Exposition, 1895:	
Government exhibit and building	200,000
Nashville (Tenn.) Exposition, 1897:	
Government building and exhibit	130,000
	200,000
Omaha (Nebr.) Exposition, 1898:	200,000
Government exhibit and building	200,000
m + 3	o nen ene
Total	8,960,606

What did we have the expositions for, so far as the Government exhibit was concerned, except for the education of the people in the

use and sense of that work?

Take the Agricultural Department. The Agricultural appropriation act for the current fiscal year 1897, including \$750,000 for agricultural experiment stations, \$150.000 for seeds, and \$883,772 for the Weather Bureau, and with other items, amounts to \$3,225,532 for the year. For the support of Indian schools the Government appropriated \$3,518,815, making a total appropriation for the

Indians of \$7,392,496. I submit the list of appropriations made in the legislative appropriation and sundry civil acts:

In legislative, etc., appropriation act:	
Library of Congress	\$67,320
Bureau of Education	57,520
Department of Labor	172, 170
	110,110
In sundry civil act:	
Life-Saving Service	1,538,590
National Museum	195, 725
National Zoological Park	67,000
Ethnological researches	45,000
Fish Commission	
Pish Commission Deaf and Dumb Institution	357, 360
Deaf and Dumb Institution	57,500
Howard University for Colored Youth	32,600
Education in Alaska	30,000
Purchase of building in which Lincoln died	31,000
Washington Monument	11,520
Yellowstone Park	35,000
Chickamauga Military Park	75,000
Gettysburg Military Park	50,000
National cemeteries, maintenance, etc	222, 938
	262, 000
Permanent appropriations:	
Colleges for agriculture and mechanic arts	
Instruction of the blind	6,000
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I could go on almost without limit making an exhibit of what we have done as a Government in the way of developing our resources, advancing our civilization, and educating our people, not by a temporary expedient, but by annual allowances and ap-

propriations.

The gentleman from California claims his bill will result in an economy to the service and a less deficiency. He informs us all about how much is going to be saved. I submit to the gentleman that when he is making up his bill covering the appropriations for the Post-Office Department for the next fiscal year, it will not show any diminution in either estimate or appropriation. The show any diminution in either estimate or appropriation. The passage of this bill will not change his allowance by appropriation one single cent. The Postmaster-General has made a statement, which has no doubt been referred to in this debate—I have not been present, having been detained elsewhere. The Postmaster-General says that if it was not for this projected legislation he would simply, by a movement of his pen, change the rulings of the Department so as to keep from the mails the matter that he believes should not be allowed to go in at these rates, and the gentleman comes in here and says this is the remedial legislation that the bill asks for.

It goes further. My time will not admit of my entering upon

It goes further. My time will not admit of my entering upon details. I call attention to the language of the Postmaster-General

in his report just sent to Congress:

That but for the hope that Congress:

That but for the hope that Congress would enact the bill now on the House Calendar, I should have taken the responsibility to modify and reverse the successive rulings through which this inroad on the service has been effected, and to exclude from the benefit of second-class rates the serial bibraries and other publications not in the policy of the law, even if within the letter of its rather loose phraseology. This would have imposed upon those who profit at the public expense by existing practices the necessity of seeking, through the courts or otherwise, the restoration of their special privileges.

The Postmaster-General, under the act of 1885, which put second-

The Postmaster-General, under the act of 1885, which put second-class matter at 1 cent a pound, could, by his own ruling, exclude from the mails the serial libraries and other publications not within the policy of the law. The responsibility rests with him. What else do we do? The gentleman talks to us about millions and millions being saved by this proposed legislation. He forgets that his bill reaches only a most limited line of second-class mail matter, a line which, as the Postmaster-General tells you, he could exclude by his own order to-day, but in the second class we send through the mails absolutely free a vast quantity of mail matter. The gentleman from California tells us that the cost of mail transportation is 8 or 8½ cents a pound. When the gentle-man makes that statement he knows that there is included in his figures the free matter which is sent through the mails for the figures the free matter which is sent through the mails for the Government, amounting to \$10,000,000 annually, and upon that basis he makes his computation that the cost of carrying the mails is 8 or 8½ cents a pound. He includes, I say, the \$10,000,000 that goes to the benefit of the Government in the transportation of all What do we do in the county districts? sorts of free matter. sorts of free matter. What do we do in the county districts? For almost half a century, or perhaps longer, county matter has gone free. What does that amount to? In the report of the Postmaster-General for 1896 he submits:

Of the 348,988,648 pounds of second-class matter handled during the year 52,348,348 pounds were "county-free" matter—that is, "newspapers, one copy to each subscriber in the county where same are printed in whole or in part and published"—which is carried free in the mails. This grant of free transmission is of long standing and rests on grounds of public policy which I have no disposition to question.

Fifty-two million three hundred and forty-eight thousand three hundred and forty-eight pounds "county free;" more than one-sixth of the whole amount of 1 cent a pound mail matter of the

second class goes free. In money that amounts to upward of \$4,000,000 a year. Why is that done? It is done on the ground of popular education. I do not take exception to it, but when the gentleman talks about saving millions, and when he submits to this Congress a report starting out with a declaration which he carries through in no particular, but which should be carried through if you are going to revise your rates of postage, I feel bound to call attention to these facts. What does the gentleman submit in his report? He says:

Your committee desire to be pardoned for a seeming larceny of expression, but can not refrain from trespassing upon the quotation of our illustrious President, and will assume what is an apparent fact, that we are very seriously confronted with the practical results of a "theory" in the management of the Post-Office Department. We assume it to be the duty of the Government to not alone treat all of its citizens in theory alike, but to do so in fact by actual practice.

And then the gentleman goes on with the detail of his report upon the bill. There is nothing in his bill, and the gentleman dare not include in his bill anything affecting the 52,000,000 pounds of "county-free" matter, amounting to upward of \$4,000,000 annually, as he ought to do, upon his principle that what is due to one is due to all.

Take the upward of 20,000 publications, daily, weekly, semiweekly, monthly, quarterly, and so on; the gentleman dare not deal with them on the basis of his declaration in his report that what is good for one is good for all, and that what is just for one is just for all, or, to use his exact language, "We assume it to be the duty of the Government to not alone treat all of its citizens in theory alike, but to do so in fact by actual practice." He dare not, and he does not impinge in his bill upon the rights or privileges of a single one of these periodical publications. And yet the gentleman comes in here and states that it costs 8½ cents a pound to transport all mail matter, and he makes that the ground for this proposed legislation, while at the same time his bill does not touch the great body of these daily, weekly, semiweekly, and other publications. The gentleman, therefore, predicates his report upon a statement which he does not carry out in any provision of his bill. If you are going to divest the Post-Office Department of its educational purposes, then let all who send matter through the mails pay alike, making that proper variance in your rates which is demanded by the requirements of the service wherein the necessity for larger and stricter care shall be more largely charged for, but let the business be equalized all around.

Now, what does this bill propose? The Loud bill contains two serious propositions. The gentleman proposes to exclude from the mails, as second-class matter carried at the 1 cent a pound rate, what are called serial publications. Now, a serial publication can be made up of any line of matter not forbidden by law to be carried through the mails. Shakespeare, the Bible, any of the standard works, any kind of matter not in violation of the law of Congress with reference to transportation through the mails, can be issued in serial form. Why should it not be so? Why should not I be permitted to subscribe to Harper's serial or to Lippincott's serial as well as to Harper's Magazine or Lippincott's Magazine? Lippincott's Magazine every month prints a novel covering from 80 to 100 pages. That novel can go through the mails in the magazine at 1 cent a pound, but the moment it is taken out of that publication and sent to subscribers it is to pay 8 cents a pound.

[Here the hammer fell.]
Mr. LOUD. I will yield the gentleman five minutes more if he

Mr. BINGHAM, I thank the gentleman, but I will content myself with asking permission to elaborate my remarks in the RECORD.

There was no objection.

Mr. LOUD. Mr. Chairman, before proceeding with this debate I wish to make a statement regarding a journal known as the Youth's Companion. The proprietor, a gentleman of the old school, high-minded, noble in his instincts, and is above seeking to defraud any individual, much less the Government of his country, assumes that we made an invidious distinction regarding his journal in alluding to it in our report wherein we refer to the great weight of and loss to the Government in sending out a special edition of a Christmas number.

Now, in justice to him, let me say that nothing of that character was intended, but used simply as an illustration of the great weight of matter sent through the mails. The Youth's Companion simply did what most of the legitimate publishers of this country have done, are doing to-day, and will continue to do under this bill, and no special criticism was intended of this most estimable journal, which we commend to the youth of the land. In justice to ourselves, permit me to say, however, that we did not think at the time, nor do we now, that that sort of special edition should be allowed to pass through the mails at pound rates, for the special matter is purely advertising. It was refused admission, then admitted by the Postmaster-General, and I assume

that it will continue, for we do not change the law; yet we readily acquit the Youth's Companion of any attempt to defraud the mail service. It is too reputable a journal and managed by a gentleman of too high character to even think of such practices.

Mr. Chairman, one thing regrettable to me more than anything else is that the gentleman from Pennsylvania [Mr. Bingham] and myself, after having stood side by side on this floor almost alone in many a hard-fought battle, are now compelled to part company upon this question. I have great admiration for his courage and great respect for his ability in relation to post-office matters. He has made an argument here which does not, of course, appeal to my mind, but in superficially covering the whole ground it will appeal strongly to the minds of many members of this House.

The gentleman, I think, however, unintentionally—I will give

The gentleman, I think, however, unintentionally—I will give him credit for sincerity by using the word "unintentionally"—referred time and again, with all the emphasis that repetition could give, to the supposed inconsistency contained in my report or in the report of the committee. And he pointed his finger at me and said, "The gentleman dare not impose this penalty upon county-free matter and upon the great press of this country." I think the gentleman did not intend that remark for me. He knows well that that is my true inherent position. But when you are seeking to accomplish anything by legislation, he knows as well as any other gentleman on this floor that you must concede to conditions. You must in this country of ours have certain support with you. I might say that to accomplish good at times you must even compromise with the devil. I "dare not!" It is my position to-day—well defined, as the gentleman knows. If I had the power, I would impose upon every branch of mailable matter the amount that it costs the Government to handle and transport it. But the gentleman well knows that we must be practical in all propositions. The gentleman, perhaps, can satisfy his conscience in voting against this measure, because we will not extend it over all the publications of this country.

tions of this country.

I will not quarrel with the gentleman, however, about his conscience or about what may be the sentiment of his own people. He is courageous and fearless; he must be the judge of his own course as well as accept the consequences. I shall do the same. Outside of the gentleman from Pennsylvania, with all due respect to the many gentlemen who have discussed this question, only the gentleman from New York has touched the question at issue before the House to-day. My friend from-Pennsylvania on the other side [Mr. Wanger], following the lead of a gentleman from somewhere else, claims that this is an attempt on the part of the President of the United States—a conspiracy, if you please, on the part of the President of the United States, the Postmaster-General, and the Post-Office Committee of the House to take the management and distribution of our mail matter out of the hands of the people and place it in the hands of a few private individuals and corporations. Why, sir, nothing of the sort is attempted, and that phase of the case is as pertinent to the measure up for discussion before us as many other points that have been made.

One gentleman yesterday dwelt at great length upon this phase of the question. One gentleman, sir, from somewhere—I do not know where—alluded to the position taken by the chairman of the committee intimating that he the each consuitator of the

One gentleman yesterday dwelt at great length upon this phase of the question. One gentleman, sir, from somewhere—I do not know where—alluded to the position taken by the chairman of the committee, intimating that he, the arch conspirator of this case, was seeking to take the management of the Post-Office Department out of the hands of the people. Oh, I felt so tired; that feeling of weariness and lassitude overcame me, and I said "bah!" but consoled myself with the thought that the self-styled champion and guardian of the common people was still following the course pursued for many years, was demagoging—playing to the gallery—to the end of his public career.

This is a greater question, Mr. Chairman, than a matter of personality. If the chairman of the committee on the floor of this

This is a greater question, Mr. Chairman, than a matter of personality. If the chairman of the committee on the floor of this House has objected to the private pension bill or the private claim of any person, if he can satisfy his conscience because of that fact to vote against this bill, why then he must take the consequences, not I. This is a measure, permit me to say, of greater importance than that. And it makes no difference who advocates it. If it be right, if it be based upon equity and sound business principles, then it should pass. If it be wrong, if the position assumed by the Post-Office Committee here does not appeal to your sense of justice and right, then, regardless of any local influence that may be exercised upon your minds, it is your duty to vote against the measure.

We are here as legislators of the great people of this country, not here to protect the interests of a small business college which happens to be located in our town. Neither are we here to protect the individual interests of any newspaper published in our district. Let me say to you again, if the propositions advanced here be right, then they should be sustained by this House; and if wrong, they should fall.

The gentleman from New York [Mr. Quige]—I took some notes of what he said yesterday—dwelt at great length upon the amount of saving which would result from the passage of this bill. He finally stopped, I think, at \$2,000,000. He criticised at

great length some possible slip of the tongue regarding figures made by the chairman of the committee in a former debate. Yet, let me say to the gentleman if he carefully scans his own remarks this morning in talking about a paper called Comfort, he will find this statement:

Comfort, now published in the city of Augusta-

This paper pays more than \$6,000 a month for first-class or letter postage.

He pays \$2,000 a month to the Government to take his paper and spread it broadcast.

More than \$8,000 a month, according to this statement, is paid-More than \$8,000 a month, according to this statement, is paid—where? At the place of publication of this paper, where it must be paid. Yet, permit me to say to the gentleman that the receipts of the post-office at Augusta never yet equaled \$90,000 a year. This very paper that the gentleman held up for our inspection paid, it would seem, \$96,000 of the \$89,000 received at that office!

Mr. QUIGG. Will the gentleman allow an interruption?

Mr. LOUD. Certainly.

Mr. QUIGG. I told the gentleman yesterday that this newspaper maintained an editorial office in the city of Boston. I do not know, of course, whether it buys its postage stamps in Boston

paper maintained an editorial office in the city of Boston. I do not know, of course, whether it buys its postage stamps in Boston or Augusta. I should have supposed, however, that they were purchased at the place of publication of the paper; but it does not necessarily follow that they may not be purchased in Boston.

Mr. LOUD. The presumption is that they are purchased at the place of publication.

Mr. LOUD. The presumption is that they are purchased at the place of publication.

Mr. QUIGG (continuing). At all events either at Boston or Augusta; and the gentleman can verify the facts which I have stated as to the amount of postage paid by that publication.

Mr. HEPBURN. If the gentleman from California will permit me, I find on one of the letter heads or advertisements of Comfort this language.

fort this language:

Send all letters and remittances to the home office, Augusta, Me.

Mr. LOUD. Certainly.

Why, the gentleman from New York well knows that the rules of the Post-Office Department require the mailing of newspapers

at the office of publication.

Mr. QUIGG. Undoubtedly. They are mailed where published; but it does not follow that the \$6,000 of first-class postage was not paid at Boston or Augusta, or at both. There is no occasion to dispute the statement of this man.

Mr. LOUD. Benkers, but let me say to the gentlemen from

Mr. LOUD. Perhaps; but let me say to the gentleman from New York that there are other papers published in Augusta; and I have great sympathy for the gentleman from Maine [Mr. MILLI-

I have great sympathy for the gentleman from Maine [Mr. MILLIKEN], because I know his better judgment tells him that this bill, in its every letter, is proper and just to the great American people.

Mr. MILLIKEN. Will the gentleman allow an interruption?

Mr. LOUD. Certainly.

Mr. MILLIKEN. I will say that I do not need the gentleman's sympathy. If he will be just, it is all I ask.

Mr. LOUD. That is what I propose to be, in so far as I am able.

I want to say a word further, however, in reference to this same point. Let us take as a starting point the fact that the city of Augusta, Me., with a population of 10,500, mails more than 2 per cent of all the second-class mail matter in this country.

Mr. MILLIKEN. That shows its enterprise.

Mr. MILLIKEN. That shows its enterprise.
Mr. LOUD. So that this paper Comfort is not the only paper published there. Why, Mr. Chairman, Vickery & Hill's list shows a guaranteed circulation outside of Comfort of 1,532,500. Brooks has a list, as you well know; and there are other publications there.

If you look at the Third Assistant Postmaster-General's report a startling fact confronts you. You find that as the ninth city on the list for mailing second-class publications appears that beautiful, rich, and wealthy city of Augusta, Me., with a population of but

Mr. MILLIKEN. If the gentleman will allow me a single word. I do not wish to be impertinent in interrupting him, but I would like to know if the gentleman from California thinks that city ought to be condemned for its enterprise?

Mr. LOUD. Not at all.

Mr. LOUD. Not at all. Mr. MILLIKEN (continuing). Or that Augusta ought to be

Mr. MILLIKEN (continuing). Or that Augusta ought to be proscribed for patronizing the mails as it does?

Mr. LOUD. By no means. I wish to commend the city.

Mr. MILLIKEN. A word more. Augusta has not only patronized the mails of the country perhaps greater than any other city of its population, but it has sent to this House and to the other end of the Capitol, and into the Cabinet, more brains than were ever furnished by any other city, big or little, throughout the country.

[Applause.]
Mr. LOUD. Oh, very well: I will let you put all that into the RECORD, and all the rest of it you want to, and will say amen. There is no doubt of the truth of the statement of the gentleman,

and I do not desire to dispute it in any way.

I reiterate that I do not desire to make any invidious insinuations against the city of Augusta. It is to be commended for the

fact that more than 2 per cent of the second-class mail matter is mailed in a city where the receipts of the postal service is less

The city of Augusta comes next to my own city in the amount of second-class matter mailed, and yet the receipts of the post-office where I reside are more than \$700,000 a year. Notwith-standing that fact, it mailed but a trifle more of second-class matter than the city of Augusta, where the receipts are but

Mr. MILLIKEN. They are behind the times out in the gentle-

man's city.

Mr. LOUD. Oh, yes; I know that. [Laughter.]

The gentleman from New York [Mr. QUIGG] said yesterday that this bill would not save the amount of money estimated by the committee. Well, I do not care whether it will save the amount committee or not. We are only giving our judgestimated by the committee or not. We are only giving our judgment, and do not claim to be infallible. If we take the estimates of Postmaster-General Wanamaker, in 1892, in which he stated, in his report, that there was mailed that year 50,000 tons of serial novels, then we must come to the conclusion that in that year we lost more than \$13,000,000 in the transmission of serial novels alone, and there has been an increase of 25 per cent in second-class matter since then. Or we may take the estimate made by the same gentleman, in which he figures the loss on one publication at \$2,000, and then compare his statement with one made by Postmaster-General Bissell, in which he said that there were more than 24,000 second-class entries in four years, and that the most reliable newspaper directories in the country gave an increase of only 3,157. Taking that statement, we must necessarily come to the conclusion that more than 20,000 of those entries were illegitimate—that the publications had passed out of existence, or were not classed among the legitimate publications in this country.

Mr. BINGHAM. Will the gentleman allow a statement in that connection?

connection?

Mr. LOUD. Why, certainly.
Mr. BINGHAM. I have sent the memoranda to the Reporters'
desk, but from the Post-Office Department I have the statement

desk, but from the Post-Office Department I have the statement that at the present time there are only 25,000 publications of all classes entered as second-class matter, and this includes the daily, weekly, triweekly, monthly, and quarterly publications.

Mr. LOUD. Twenty-five thousand on the list to-day?

Mr. BINGHAM. On the list to-day. I gave the gentleman a detailed statement of 20,000, coming from the regular newspaper publications, which detailed statement will appear in my remarks.

Mr. LOUD. I do not doubt the gentleman's statement. That has nothing whatever to do with the statement made by myself that 24,000 entries were made in four years, and only 3,157 were legitimate. Entries are made every day. Business men in this country are compelled to issue publications in order to protect themselves against others who pursue this course. In the busithemselves against others who pursue this course. In the business world you are brought in close competition with men who take advantage of every condition. Your adjoining neighbor issues an advertising sheet to advertise his own business. He is compelled under the law to get a few advertisements outside. He fixes his publication in such shape that it is admitted as secondclass matter. It is sent broadcast over the land at a cent a pound. It has fulfilled its mission. It goes out of existence, dies, perhaps to reappear again when the necessities of the case demand it.

Mr. QUIGG. Will the gentleman allow me a question there?

Mr. LOUD. Certainly, if the gentleman will confine it to a

Mr. QUIGG. I do not understand how that can be done under the law. Does not existing law declare that a publication designed primarily for advertising purposes shall not have admission as second-class matter?

Mr. LOUD. I can answer the gentleman's question without his

Mr. LOUD. I can answer the gentleman's question without his propounding it any further. I do not want to be rude to him, but he mentioned that matter yesterday, and I understand his inquiry. The CHAIRMAN. The gentleman declines to yield further. Mr. QUIGG. I do not understand that he declines to yield. Mr. LOUD. I understand the point, because the gentleman made the same point yesterday. I have said before, and I will take occasion to say again, that if you can show me the man who can draw the line between the legitimate and the illegitimate, if he be a disinterested party, so as to not include himself, then I say to you that verily Christ has come again upon this earth, and a perfect man is found.

a perfect man is found.

The gentleman dwelt at length yesterday on the fact that it was unnecessary for us to enact a law when the law was already sufficient. Why, legislative bodies every day, in all parts of the country, are enacting and reenacting laws when they find that the courts are construing a law contrary to the intent, or contrary to the convictions of the legislative body.

Mr. QUIGG. But the gentleman does not change the law in the courts are construing a law contrary to the convictions of the legislative body.

Mr. QUIGG. But the gentleman does not change the law in this respect. He simply cuts out sample copies. They can go on and perpetrate that fraud just as easily as they do now.

Mr. LOUD. But permit me to say that the gentleman knows:

as well as I do that I do not seek to change the law restricting the legitimate. Yet the gentleman intimated in very strong language yesterday that this bill would strangle the publishing interests of this country.

Mr. QUIGG. Why, so it will.

Mr. LOUD. This bill does not seek to change the law governing that. But much has been said about the power contained in this bill, vesting in the Postmaster-General greater censorship over the press. Why, it is the merest rot, and the gentleman knows it better than any member of this House, for there is to-day

knows it better than any member of this House, for there is to-day vested in the Postmaster-General, by reason of necessity, absolute power over the admission and circulation of second-class matter. This bill seeks to contract the power vested in him. This bill seeks to limit the power vested in him by stating emphatically what matter shall not hereafter be mailable at the pound rate. The gentleman dwelt yesterday at considerable length on the fact that the present chairman of the Post-Office Committee would not make the showing, in the bill brought into the House, of the saving claimed in his bill. That is not really pertinent to the question under consideration, Mr. Chairman, because the committee could not bring a bill into this House to meet the demands question under consideration, Mr. Chairman, because the committee could not bring a bill into this House to meet the demands of this bill until the bill became a law. But I will be perfectly frank to the gentleman, as I hope I have been to every other member of this House. If I am wrong, I want to be convinced of that fact. The effects of the reform contemplated by this bill can not be felt immediately. If this bill were to become a law to-morrow, I should not, in my official capacity, recommend the dismissal of clarks in the post offices of letter carriers of railway mail clarks. I should not, in my official capacity, recommend the dismissal of clerks in the post-offices, of letter carriers, of railway mail clerks, but, in my capacity as chairman of that committee, I should urge with all my ability that the increased amount asked for this year for railroad transportation, nearly \$2,000,000; the increase of post-office clerks, over \$600,000; the increase of railway mail clerks, over \$400,000; the increase in the amount asked for letter carriers, nearly \$600,000, be stricken from the bill that would be considered by this body. And let me say to you further, in full frankness, that if this bill should become a law, its full effect can not be felt for four years.

The full effect of this bill can not be felt until the quadrennial weighing shall have been fully completed, which will take three years; and its effect, permit me to say, will be felt so gradually along the line that no one will be an immediate sufferer. Of course it is easy to ascertain within a few million dollars what the Government is going to save in transportation. My friend from

Government is going to save in transportation. My friend from Missouri [Mr. Tracey] occupied ten or fifteen minutes saying it costs us more to transmit one class of matter than it does to transmit another. Now, the gentleman has fallen into the same error as the so-called Publishers' Association did last year—that this committee had taken into consideration the items of transportation and handling, yet the committee has confined itself in its report exclusively to the cost of transportation, because it was one easy to be ascertained, and we did not enter the field of handling. Permit me to say, with great respect to the gentleman from Missouri, his remarks are not pertinent to this question. The cost of handling is one that I understand no man can arrive at accurately; but it costs as much to transmit a pound of newspapers as it does to transmit a pound of registered first-class matter. We pay so much per pound per mile for transportation, and it is one of the simplest problems in arithmetic for us to ascertain what it costs to transmit all our matter, and then how much it costs to trans-

to transmit all our matter, and then how much it costs to transmit second-class matter per pound.

Now, then, when it comes to the field of handling, we have placed it at an estimate of 4 cents a pound, which is most conservative. Gentlemen might ask me why I put it at that. The report of Postmaster Bissell will show—mark me closely, because you should understand these things—that more than one-third of the total number of pieces of all mail matter handled in 1894 was second class. The gentleman from New York [Mr. QUIGG] must second class. The gentleman from New York [Mr. QUIGG] must admit that it costs the Post-Office Department as much—he knows well that it costs more—to handle one piece of second-class matter as it costs to handle one piece of first-class matter. I have had experience in the post-office. I can route ten letters hour by hour for distribution quicker than you can a piece of second-class matter. It is the same with the letter carriers and the same with the relived would class. railroad mail clerks. Now, then, when I put the estimate at 4 cents I am very conservative. One-third of the total cost of the Post-Office Department outside of transportation is legitimately chargeable to second-class matter.

Mr. QUIGG. You mean 4 cents a pound for the cost of trans-

portation?

Mr. LOUD. No; 4 cents for handling. Mr. QUIGG. Oh! for handling. I think that is very conserva-

Mr. LOUD. Is not that very conservative?
Mr. QUIGG. I think so.
Mr. LOUD. So then, one-third of the total expense of the Post-Office Department to-day, outside of the cost of transportation, is legitimately chargeable to second-class matter. It costs us, in round numbers, \$51,000,000; and then I put it at \$17,000,000. That

is very conservative. It is probably over \$20,000,000; and to put it at \$17,000,000 is a conservative estimate of what is chargeable to second-class matter. I will be conservative in another estimate. One-third of the second-class matter going through the mails to-day—the gentleman well knows that the great New York dailies and the great metropolitan journals are distributed by express within the limit of 500 miles to a great extent, and the Government does not get any of it. Now, I will make this estimate, and the gentleman knows it is a conservative one. I believe that one-third of the second-class matter now going through the mails will be eliminated by this bill.

Mr. QUIGG. Why does not the gentleman prove that? The Post-Office Department must have the figures, and if the gentleman's statement is correct he certainly can prove it.

Mr. LOUD. Oh, yes; in the course of a few years.

Mr. QUIGG. But the gentleman's estimates are—

Mr. LOUD. I must decline to be interrupted further at this time. I will even take the statement of the gentlemen who are most interested in this matter—gentlemen who spent last winter here looking after this business, the assumed "Publishers' Association." They are more interested and ought to know about this

ciation." They are more interested and ought to know about this better than anyone else, and they have charged that this bill will eliminate from the mails 100,000 tons of this matter. I believe that is all "rot," and they, in their revised statement, take it back; so I will be conservative and say that one-third of the second-class matter now going through the mails will either be eliminated or will pay us 8 cents a pound. Why not? The policy of this Government toward the legitimate press of the country has been to encourage it, and I am willing to accept that policy; but why, I ask, should the legitimate advertising of a business man—advertising, and nothing but advertising—be carried through the mails at the pound rate? Why, Mr. Chairman, it is debauching public sentiment. If I, as a merchant, seek to pursue an honest career, and if somebody else adopts methods by which the Government is made use of to aid his business in competition with mine, then it is evident that I must adopt the same course, or else must go out of business. ciation." They are more interested and ought to know about this else must go out of business.

Gentlemen have placed their defense of the existing policy upon educational grounds. Now, I do not care to deal specially with the book part of this question. I will merely say in passing that there is involved in it a great moral question, which I do not care to discuss at this time. I hold in my left hand a book, probably a very estimable publication, by the Hon. M. W. HOWARD. I have never read it, but it must be an estimable work, because its author is commended to our consideration by the present Vice-President of the United States and by a gentleman signing himself David B. Hill, Senator from New York.

Mr. MORSE. Mr. Chairman.

Mr. MORSE. The gentleman does injustice to the Vice-President. Gentlemen have placed their defense of the existing policy upon

dent.

Mr. LOUD. I am perfectly willing to admit, Mr. Chairman, that this is probably a work of high standing, but permit me to say that the name of Howard has not yet attained to such eminence in the literary world as the name of the author of this other book, Ivanhoe, by Sir Walter Scott, that great man whose works we all delight to read and reread. Gentlemen tell us that this system of cheap postage has given cheap books to the people. Well, If Christ Came to Congress costs 50 cents, I suppose there is some extra charge for this encircling of a serpent around faces which some of us might recognize. At all events, the book costs 50 cents. On the other hand, I have bought a copy of Sir Walter Scott's Ivanhoe, bound, for 25 cents, and could purchase ten copies for \$3, yet Scott's work, Ivanhoe, going through the mails must pay 8 cents a pound, while If Christ Came to Congress is carried for 1 cent a pound.

pay 8 cents a pound, while If Christ Came to Congress is carried for 1 cent a pound.

Mr. MILLIKEN. Now, is that difference made because Ivanhoe is Scott's work, or is it because the work is bound?

Mr. LOUD. The gentleman knows why it is made.

Mr. MILLIKEN. Of course I do. I simply wanted to know whether my friend knew. [Laughter.]

Mr. LOUD. Well, the gentleman can take me out after a while and tell me. [Laughter.]

Mr. MILLIKEN. I fear that I should have to spend too much time in making the gentleman understand. [Laughter.]

Mr. LOUD. Now, Mr. Chairman, I have here a lot of these papers, Vickery & Hill's list: Good Stories, Happy Hours, Hearth and Home, and so on, guaranteed circulation 1,522,500; Yankee Blade, 100,000; American Nations, 100,000; Fireside Gem, 150,000 circulation. Here is one published right in Washington with a guaranteed circulation of 150,000.

Mr. BOWERS. I never saw one of those publications.

Mr. BOWERS. I never saw one of those publications.
Mr. LOUD. No; and I venture to say that there is not a gentleman in this House who ever saw or even heard of any of them

Mr. BOWERS. I have never seen a copy of any one that you have mentioned.

Mr. LOUD. Read them and you will come to the conclusion

that they are published primarily for advertising purposes, but when the question is presented to the average mind the line of distinction is so faint that you will feel bound to call upon him who is wholly without sin to cast the first stone. Mr. Chairman, the Post-Office Department to-day is holding up its hands calling for assistance. It is powerless to stem the growth of the tide of "fake" newspapers in this country by reason of the sample-copy privilege. Why, gentlemen, if you could read what I have read during the two years that I have been specially interested in this orbits if you could read the hundreds of thousands of letters during the two years that I have been specially interested in this subject, if you could read the hundreds of thousands of letters that I have received from people all over the United States, it would appall you. Munro, the publisher of one library, has just entered at New York and is sending of one publication more than 2 tons a day through the mails. There is one of his publications, I do not know at this moment which one it is, a sample paper, which he guarantees to advertisers to have a circulation of 25,000,000. Think of it! A guaranteed circulation of 25,000,000. Yet it is a paper that circulates not to subscribers. It is what I regard as a legitimate advertising sheet; and I have no objection regard as a legitimate advertising sheet; and I have no objection

to the Government transmitting it as advertising matter.

Are papers published to-day for sentiment? What does Comfort get for advertising? Four thousand dollars a page, one insertion!

insertion!

Mr. MILLIKEN. Why not? It is a good advertising medium.

Mr. LOUD. Yes; but why should it not pay for its transmission through the mail? Why should the Government be engaged with it in disseminating its legitimate advertising throughout the length and breadth of this land? What sustains these papers and magazines? Look at this list and see their rates of advertising—The Century, \$250 a page; the Ladies' Home Journal, \$4,000 a page; Munsey's, \$500 a page, and so on. Are papers sustained by the proceeds of their circulation? No; those days have gone.

Now, a few words on this question from the educational standpoint. In connection with this view of the question, I asked this House before, would you be willing to-day, if you were to inaugurate this business, to devote \$25,000,000 a year for the support and furtherance of this class of educational matter? Yet that is what you are doing. We are not seeking to eliminate totally this

what you are doing. We are not seeking to eliminate totally this class of mail matter. Let me say to my friend from Pennsylvania that personally I am seeking to go as far as I can, recognizing the conditions that confront us

Mr. MILLIKEN. Will the gentleman allow me one moment?
Mr. LOUD. I have only two minutes left.
Mr. MILLIKEN. Well, I will not take any part of the gentleman's two minutes; I presume he will need them.
Mr. LOUD. Mr. Chairman, this subject presents a great field of discussion. I should perhaps have had a little more time; but probably the House has heard as much as is necessary upon the question. Very few members have remained here to listen to the debate. I suppose they are perfectly satisfied regarding the merits of this case. Whatever may be the fate of this bill (and in a short time it will be determined), permit me to say, Mr. Chairman, in all sincerity, to this House, more than a million anxious hearts to-day are watching for the result. Whatever may be the result to-day, the great principles of justice and truth and equity contained in this measure, like all great truths, must continue to march forward until we have attained in the end a better, a nomarch forward until we have attained in the end a better, a no-bler, a purer press—so admitted by most if not all the legitimate publishers of the country—a press that fulfills the original mission anticipated by the press—a press of high standard, devoted to the elevation of mankind, and not, as is its present tendency, the de-bauching of public sentiment. [Applause.] The CHAIRMAN. The time for general debate on this bill has expired under the order of the House. The bill will now be read

by sections for amendment. The Clerk read as follows:

Be it enacted, etc., That mailable matter of the second class shall embrace all newspapers and other periodical publications which are issued at stated intervals, and as frequently as four times a year, and are within the conditions named in sections 3 and 4 of this act: Provided, That nothing herein contained shall be so construed as to admit to the second-class rate publications purporting to be issued periodically and to subscribers, but which are merely books, or reprints of books, whether they be issued complete or in parts, whether they be bound or unbound, whether they be sold by subscription or otherwise, or whether they purport to be premiums or supplements or parts of regular newspapers or periodicals.

Mr. QUIGG. I move to amend by striking out after the word "three," in line 6, the word "and," and inserting in lieu thereof the word "or."

The amendment was read, as follows:

In line 6, after the word "three," strike out "and," and insert "or;" so as to ead: "and are within the conditions named in sections three or four of this

Mr. QUIGG. I call the attention of the gentleman from California [Mr. Loud] to the fact that if this bill passes with the word "and" retained in the sixth line any periodical, in order to circulate at the second-class rate, must conform to the provisions of both section 3 and section 4; in other words, the publication must be a benevolent or fraternal organ, or the organ of a trades union,

or of an order built up under the lodge system, and must also be

a newspaper.

The gentleman will observe that my amendment does not interfere with his bill, because section 3 establishes the periodical character of the publication and enumerates all the statutory characteristics defined in section 4, in so far as they must relate to any fraternal paper; that is to say, it must be regularly issued and from a known office of publication, and as often as four times a year; and then, if it be a fraternal organ, it may circulate at the second-class rate. But if the word "and" be retained such a publication, for instance, as the New York Tribune must be the organ of a fraternal or benevolent association before it can go into the mails as second-class matter.

Mr. LOUD. I do not think so.

Mr. QUIGG. Certainly. Let me read the language:

Be it enacted, etc., That mailable matter of the second class shall embrace all newspapers and other periodical publications which are issued at stated intervals, and as frequently as four times a year, and are within the conditions named in sections 3 and 4 of this act.

In other words, the New York Herald must make itself out to be a fraternal and benevolent organ before it can circulate as second-class matter. This bill, as I shall show as the reading for amendment proceeds, is full of just such crudities.

The question being taken on the amendment of Mr. Quigg, it

was adopted.

Mr. CANNON. Mr. Chairman, I move to strike out the last word for the purpose of saying a word about the pending bill.

As I understand it, and I hope the gentleman from California [Mr. Loup] will correct me if I am wrong, second-class mail matter of all kinds has substantially the franking privilege now. That is to say, the charge for postage is nominal—1 cent a pound, including country newspapers delivered absolutely free in the county where published; newspapers otherwise a cent a pound, periodicals a cent a pound, and sample copies 1 cent a pound.

Now, the gentleman seeks, if I understand this bill, to affect two

kinds of this matter substantially free now—one the sample copies, and the other a class of periodicals that are reprints of books merely, in whole or part. I think I am correct, if I understand the purpose of the bill—leaving all the balance of the matter sub-

stantially free.

Now, Mr. Chairman, I am not sure that the gentleman goes far enough in the proposed legislation, and I am not quite sure but that he goes a little too far. [Laughter.] I mean just what I say; so that I am rather inclined to think if he goes at all that he ought to go still further.

For instance, you take the question of sample copies of newspapers, and I read now from the gentleman's own report, which, referring to former legislation, says:

An important innovation was made by this act, in allowing sample copies the same rates as copies to subscribers, a sample copy being defined as one sent to a person not a subscriber for the purpose of inducing him to subscribe or advertise or become an agent therefor.

Now that is the propert law and I gon readily so that it would

Now, that is the present law, and I can readily see that it would be wise to restrict the use of the sample copy for trade purposes; to induce somebody to advertise, or possibly to become the agent for the periodical, both being trade purposes. But to induce him to subscribe to a periodical that goes free through the mails, I see no objection to it, if the law is right to allow it to go free, or sub-stantially free, and for reasons which are apparent. So it seems to me that there might be an amendment to allow

sample copies to go through the mails for purposes of inducing subscriptions, bearing in mind that the paper itself would go at a nominal charge after it was subscribed for.

Now, I apprehend that we can not cut up this abuse—if abuse it is—by the roots, and as the business of the country has adjusted itself under former legislation, we ought to be pretty careful that we do not interfere with it arbitrarily. I will say frankly, with we do not interfere with it arbitrarily. I will say frankly, with the information I have, and going no further than the gentleman himself proposes, I am afraid to vote for the legislation, because I do not know how far it would affect the revenues of the Department. The gentleman says that there will be less matter to be carried. How much less? I do not know. I do not believe the gentleman knows. How much the first-class postage would decrease, and the correspondence would fall off, when you cut off the privilege of sample copies from the class of periodicals that the gentleman strikes out I am sure I do not know, and I do not believe the gentleman himself knows.

Another thing that is worthy of consideration. This period is

Another thing that is worthy of consideration. This period is unlike any other period in the history of this country or the his-

tory of civilization.

The CHAIRMAN. The time of the gentleman has expired.

Mr. CANNON. Well, I should like to be permitted to proceed for a few moments longer.

The CHAIRMAN. Without objection, the gentleman from Illinois will proceed for five minutes longer.

There was no objection.

Mr. CANNON. The introduction, Mr. Chairman, of laborsaving machinery in the business of the people, the harnessing of

the forces of nature, the cheapening of products, the reorganization of labor itself, all of these things have come, and we can not stop them if we would.

Now, so far as the dissemination of information through the press is concerned, you can take the great metropolitan papers of press is concerned, you can take the great metropolitan papers of from 12 pages to 40 pages, and you buy them for 1 cent. They contain information, or misinformation as some people would say, but upon the whole, I suppose, information for the million. Well, now, 1 cent does not, as I understand it, pay for the white paper. How do they get their pay? By advertisements. I am not a publisher and do not understand the matter, but in various ways they receive a return through advertisements, and you can not very well stop it. It would be a bold man who would stop it if he had the power, unless he was quite clear that when he had substituted something else for it he was bettering the condition of

Now, I have said about all I want to about this matter. Many years ago I was heartily in favor of that policy which would cheapen good books, not bad books, to the million. Men of my age recollect when books were high and scarce. Under the operation of all these industrial and economic forces, and with the cooperation of the Post-Office Department and the publishers, great industries have been established and books have been made cheaper. You can buy bound books now for one-quarter, perhaps one-fifth, what they could have been bought for a generation ago, and they are better bound and better printed; and you can buy unbound books for a very small amount, whether printed in the shape of these periodicals or printed in connection with the daily press.

these periodicals or printed in connection with the daily press.

Now I want to ask the gentleman from California [Mr. Loud] one practical question. He would throw out those publications which are merely books or reprints of books. Now, suppose a man publishes ten lines or a page or three pages of something else, and then, if you please, puts in Dickens's Dombey and Son, or something else. Is that excluded? If so, the law means nothing. I suppose in point of fact it would not be.

Mr. LOUD. I should like to have the gentleman who is asking me the question put it in a little plainer form.

Mr. CANNON. I ask it in good faith.

Mr. LOUD. I understand that.

Mr. CANNON. The bill says:

Provided, That nothing herein contained shall be so construed as to admit to the second-class rate publications purporting to be issued periodically and to subscribers, but which are merely books, or reprints of books, whether they be issued complete or in parts—

And so on. Now, if they are books or reprints of books, they can not, as I understand it, go into the mails under the second-class rates if this bill passes; but suppose you put in a page of something

Mr. LOUD. If the gentleman will read the whole section I think he will find-

Mr. QUIGG. Whether they purport to be premiums or sup-

Mr. LOUD. I tried to get time to discuss the question with the gentleman before this came up.

Mr. CANNON. I understand that; but suppose a man prints five chapters from Dombey and Son and one chapter from one of the Waverley novels, and then puts in a page of general news about half a dozen different things, would that publication be excluded?

Mr. LOUD. I assume that it would, and I think the gentleman will come to that conclusion after he reads the whole section.

Mr. CANNON. Then, suppose he puts in five pages of something else, would it be excluded?

Mr. LOUD. I think so.

Mr. CANNON. Suppose he puts in ten pages of something else, would it be excluded?

else, would it be excluded?

Mr. LOUD. I assume so. You can put in a thousand—

Mr. CANNON. Well, then, if he puts in anything from any of
Dickens's publications or Thackeray's, in a periodical, he would
vitiate the whole periodical or paper so it could not go as secondclass matter; and I submit to my friend that he is going to cut
out what is, to my mind, the most valuable matter that is published in these periodicals, and, for that matter, in many newspapers. I think it would be better for us to go a little slow about
this matter. That is the way I feel about it. Therefore I am
inclined to vote "no" upon this bill. [Applause.]

Mr. MORSE. Mr. Chairman, I desire five minutes.

The CHAIRMAN. The gentleman from Massachusetts—
Mr. MORSE. I offer an amendment to strike out the last word

Mr. MORSE. I offer an amendment to strike out the last word of this section. I do so for the purpose of calling attention to a remark made by the gentleman from California [Mr. Loud] in his previous speech. I think he unwittingly and unmeaningly did a great injustice to a very high officer in this Government when he said that the Vice-President of the United States indorsed the miserable Howard book, if Christ Came to Congress. That book, as I understand it, is little else than a directory of the houses of prostitution in this city, and if he will kindly read what the Vice-

President says, he will see that he never did indorse that book, and probably what he wrote was written before that book was printed. I am sure the gentleman from California [Mr. Loud] does not desire to embody in the permanent Record of this House so serious a charge as he has made against the Vice-President of

the United States.

Mr. TRACEY. Mr. Chairman, I desire to offer the following amendment to section 1. Strike out lines 13 and 14 and insert the

The Clerk read as follows:

Strike out lines 13 and 14 and insert:
"Unless they are premiums for, supplements to, or parts of a regular newspaper or periodical."

Mr. TRACEY. Mr. Chairman, I desire to say that under the operation of the present postal laws we have had, and now have, a class of newspapers and magazines that it would be absolutely impossible to obtain under the operation of the bill under consideration. We have in every section of the country newspapers sold at 1 cent a copy that ten years ago were not sold anywhere for less than 5 cents; and they are much better as sold anywhere 1 cent than they were then when sold at 5 cents. I undertake to say that the fact is due absolutely to the operation of the present liberal postal laws, and that a reform which begins with an attack upon the means of information, and the greatest means of information within the reach of the people, is a reform in the wrong direction.

These newspapers and magazines have been built up because These newspapers and magazines have been built up betatake of the privilege they have had under the present postal laws. They never could have been built up under the illiberal system proposed in this bill. It would be a matter of impossibility. The people as a whole have received the benefits. It has been argued here constantly that the present system is a system in the interest of the publishers. It is not in the interest of the publishers. It is a system in the interest of the common people, because it leads is a system in the interest of the common people, because it leads to the dissemination of more information upon every subject than has ever obtained either in this country or in any other country; and there is not to-day in any other nation on earth as good newspapers and periodicals furnished to the people of such country at the prices they are furnished to the people of the United States; and this is all due to the liberal postal regulations and postal laws which we have had and which we now have. I believe in reform which we have had and which we now have. I believe in reform, but I do not believe in anything that operates as a tax upon the dissemination of information and intelligence among the people. The people of this country are nearer abreast of the age in which they live than are the masses of the people in any other country in the world, and it is due to the fact that we have had this means of building up the 10-cent magazines, that circulate and that contain excellent information, are magnificently printed, and distributed by the hundred thousands among the people, and the daily newspapers containing the news of the world distributed each day to hundreds and thousands of people-millions of people-at 1 cent to hundreds and thousands of people—minions of people—at I cent per copy. The great newspapers in this country, absolutely the greatest newspapers in the world, pay more for the collection and diffusion of intelligence among the people than the newspapers of any other country in the world, and are sold at from \$4 to \$6 a year. Why? Simply because of the fact that they have had these privileges given to them under the present postal system, which privileges this bill would absolutely destroy.

Mr. LOUD. Mr. Chairman, I call for the reading of the amend-ment so that I can understand it

ment, so that I can understand it.

The amendment was again reported.

Mr. LOUD. I will say, Mr. Chairman, that of course there is very little opportunity in five minutes to combat the various sentimental attacks that may be made on this bill. The merits of the question presented in this amendment should have been considered before we had gotten thus far with the measure. This amendment totally destroys the first section. The gentleman might just as well be honest, and move to strike out the first section entirely, because if you allow a paper—and that is what his amendment proposes to do—if you allow any second-class publication in the country to send as a supplement to its regular or special edition one of these books, why, then, the book dealers have accomplished all they desire in this bill, because they will simply change the particular form of sending direct to their agents, or combining with, which is done to a great extent, and sending by or through an assumed legitimate publication of this country.

Now, I simply call upon the House to vote this amendment down. I have not time-nor have you-in five minutes to present such raye not time—nor have you—in two minutes to present such considerations as to determine whether the merits of this bill be right or not. There are but two propositions in the whole measure of import. Do you desire to continue this privilege, now enjoyed by the publishers of this country, to send unbound books through the mails at a cent a pound? If you do, be honest and strike section 1 out of the bill. If you desire the iniquitous sample-copy privilege continued, which is flooding this country with privately true they have the property and have miserable trash, why, then, you should content yourself and have them continued. Permit me to say that in all candor to you,

whether you favor the bill or not, if you favor the bill, then you must favor these two provisions without any amendment whatever, or else you must vote against the bill.

Mr. HEPBURN. Mr. Chairman, I move to strike out the last word. It seems to me, sir, that the remarks of the chairman of the Post-Office Committee are exceedingly pertinent. This amendment does, in my judgment, destroy entirely the efficiency of this bill, for, under the cover that is furnished by the amendment, great almses will still continue, and the men who are engaged in floodbill, for, under the cover that is furnished by the amendment, great abuses will still continue, and the men who are engaged in flooding the country with objectionable mail matter will simply change the name or the form of their publications and go on. And right here, Mr. Chairman, I desire to say a word in regard to the manner in which the opponents of this bill always hide themselves and fight their battles behind the magazines. I would be glad if the gentleman from Missouri would inform the House how this bill interferes in any way with the dissemination of the literature of which he has spoken. In what way will the rights or privileges of any of these legitimate publications to which he has referred, the new magazines that have surung into existence within the last of any of these legitimate publications to which he has referred, the new magazines that have sprung into existence within the last three or four years, be affected? Every facility that they have now will be retained, and the demand for the kind of literature they supply will be increased by the destruction of that which is sought to be destroyed through the operation of this bill.

And yet, while this is true, gentlemen who oppose this measure always bring up the magazines and ask us, "Do you want to curtail the circulation of that class of literature?" "Do you want to take away the cheap magazines from the people?" Certainly not, and the provisions of this bill do not in any way harm that kind of publication. Will not some gentleman point out, if he can

and the provisions of this bill do not in any way harm that kind of publication. Will not some gentleman point out, if he can, the manner in which their circulation is to be affected by the passage of this bill? The provisions of the bill are designed to correct abuses, and they will in no way injure legitimate publications. But why should the publisher of a newspaper have the right to send as second-class matter an edition of his paper to right to send as second-class matter an edition of his paper to points hundreds of miles away, and then, in order to protect himself from the dishonesty of his agents, have the right to have the unsold copies of that edition returned to him through the mail at 1 cent a pound? The only purpose of it must be to enable him to keep watch and guard upon his own agents to see that they do not take advantage of him. The papers thus returned, amounting in weight to millions of pounds, are of no value to anyone, and the only object there can be in requiring their return is that when it is reported to the publisher that but 10 out of 100 papers have been sold, he may have evidence of the fact by the inspection of the 90 copies returned through the mails at a cost to the Governthe 90 copies returned through the mails, at a cost to the Government of 7 or 8 cents a pound. It is such abuses as this that this bill strikes at, and it does not in any way affect the magazines, behind which these gentlemen are at all times sheltering themselves while they hurl their lances at the bill.

Mr. TRACEY. Mr. Chairman, I only desire to say now that it would not be difficult to answer the remarks of my esteemed friend

from Iowa, but inasmuch as I have no desire, and had none in offering the amendment, to continue the sending of books through the mails, if the effect of that amendment would be to continue such sending of books as second-class matter, I shall not insist upon its adoption. Of course I do not myself believe it would have that its adoption. Of course I do not myself believe it would have that effect, or I would not have offered it. So far as the books are concerned, I think I would go with the committee in excluding them from the mails at second-class rates. My only object in offering the amendment was stated in my remarks, believing that the amendment would operate as I personally know it has operated, because I have had a great deal of experience along that line. Still, if it is considered by the chairman of the committee that the adoption of that amendment would destroy section 1 of his bill, I shall not insist upon it, and, if permitted, I will withdraw it.

The CHAIRMAN. In the absence of objection, the amendment will be considered as withdrawn.

Mr. SIMPKINS. Mr. Chairman, in common, probably, with

most of the members of this House, I have received protests against this bill, many of them signed by editors of small newspapers. I have in my hand a letter which, it seems to me, shows the animus of a good many of these printed protests, and I will ask the Clerk to read it.

The letter was read, as follows:

OFFICE OF THE INDEPENDENT,
Sandwich, Mass., December 31, 1896.

Dear Sir: I have received the inclosed petition from a committee of New York publishers, with a request that it be forwarded to my Representative in Congress.

I understand that the bill in question is aimed at a class of publications not entitled to second-class rates. But there are some provisions of the bill that will work injustice to legitimate newspapers.

It occurs to me that the committee from whom I have heard may be the very ones whom the bill is aimed at, and that they are trying to "work" other publishers to send in a flood of petitions to Congress. However that may be, I am sure that our Representatives will not suffer to pass a bill that will in any way oripple or injure a legitimate newspaper.

Very truly, yours,

Mr. SIMPKINS. Now, Mr. Chairman, that letter seems to be from an editor who did not get frightened before he was actually hurt. He did not sign the protest simply because some publishing firm in New York told him that he would be injured if this bill passed, but he seeks for legitimate information on the subject; and I wish now to ask the chairman of the Committee of Postal Affairs if this bill will work any injustice or injury to any legiti-

mate newspapers?

Mr. LOUD. Mr. Chairman, in answer to that I will say that this bill does not amend or change the law in any particular so far this bill does not amend or change the law in any particular so far as legitimate newspapers are concerned, either as to their quality or quantity or anything of that character. It does not affect the country newspapers, which I suppose the gentleman refers to particularly, because they are specially excepted. That reminds me that I saw a brilliant editorial in a Kansas newspaper a short time ago in which the writer said in substance: "Keep your eye on Congress. Those fellows down there are trying to raise the rate to 8 cents a pound on our county-free matter." Why do not gentlemen read the bill? The bill specially excepts county-free matter. Mr. BRODERICK. Does the gentleman know the politics of that paper?

Mr. LOUD. The editor is in favor of the ownership and operation by the Government of all means of transmission and transportation. He believes in "downing" the "plutocrats" and the aristocrats.

"aristocrats."
Mr. BRODERICK. That settles it.
Mr. LOUD. He publishes that at the head of his paper.
Mr. COX. He is a free silver man, I bet. [Laughter.]
Mr. LOUD. Let me say to this House in perfect good faith that 90 per cent of the legitimate press of this country have indorsed every provision of this bill; and I believe the other 10 per cent, if they had investigated it, would have done the same thing. The bill does not restrict the legitimate privilege enjoyed.

thing. The bill does not restrict the legitimate privilege enjoyed by any paper in the country to-day.

Mr. McCLEARY of Minnesota. I should like to ask the chairman of the committee whether this bill will permit the passage of

man of the committee whether this bill will permit the passage of college papers through the mails as second-class matter?

Mr. LOUD. I will say to the gentleman that this bill confers the same right upon college publications that is enjoyed by any other publication in America. It gives no special privileges. I assume, however, that what the gentleman wants to know is this—whether this bill will permit the business colleges, organized for profit as corporations, to send their legitimate advertising matter, seeking to get scholars for their particular institutions, through the mails broadcast to others than subscribers at 1 cent a pound. I will say no. Let me add that there is not a reputable college in this country, outside of those conducted for profit, that seeks or asks for this privilege.

Mr. TRACEY. The gentleman makes that statement rather too broad. I know of a reputable college, or rather a normal school, an institution of good character and standing—

Mr. LOUD. The gentleman is talking in his own time-not in

Mr. TRACEY. I merely wanted to state that I knew of such an institution that did ask this privilege.

Mr. LOUD. I will not deny that there are reputable institu-

tions asking it. I said there were none such except those con-

ducted for profit.

Mr. KYLE. Mr. Chairman, the question has been raised in this discussion as to how the country press would be affected by the passage of this bill. My attention was directed to this question the other day when I read the editorial in the Kansas paper, to which the attention of the committee was called a short time ago by the chairman of the Committee on Post-Office and Post-Roads [Mr. Loud]. It occurred to me that the editor of that paper had altogether missed the mark; that instead of this bill militating altogether missed the mark; that instead of this bill militating against the interest of the country newspaper it will be an advantage to it to have the bill passed. We all know that throughout the country the average country newspaper has a struggle for existence. Under existing conditions most of these papers are not prosperous. Their circulation possibly does not average over 500 to a paper. Now, take one of these papers that we have been talking about. Take this paper called Comfort. I received a circular letter here this morning from it, and I presume every other member received a similar letter—

Mr. RICHARDSON. Under special-delivery stamp.

Mr. KYLE. Yes; under special-delivery stamp. At the head of this circular letter, which I presume is sent out over the country in order to induce people to subscribe for this publication, it is stated that the circulation is 1,250,000. Each issue of this paper presumably reaches 1,250,000 people. Now, what is this paper? It is simply an advertising sheet. How does it affect the country newspapers? Here is a paper which, as has been stated, has no legitimate list of subscribers, but which sends out 1,250,000 copies and depends upon its advertisements for subsistence. And this paper goes through the mails practically free. It is in fact an advertising sheet; and its advertising equals what

Mr. SIMPKINS.

might be contained in 2,500 of these local newspapers—I mean the weekly issues of 2,500 of these country presses. Now, I submit that if the Government is to go on in this way and encourage such newspapers as this—and I make no invidious distinction such newspapers as this—and I make no invidious distinction against this paper known as Comfort—I merely bring it before the House as an illustration of what I am trying to show—this paper called Comfort, by reason of the greater mail facilities afforded it, is enabled with its practically free circulation to reach 1,250,000 people weekly with its advertisements, thereby depriving the country newspaper of a considerable part of the legitimate advertising business that it ought to have. Instead of this bill being a strike at the country newspaper, I say that if carried out to its legitimate extent it would in my opinion operate in the interest of the country newspaper, not against it.

Now, when we get through with our side of this discussion, the gentlemen who are working might and main to prevent the passage

gentlemen who are working might and main to prevent the pass of this bill continue to assert that the newspapers of the country are against the proposition, and they read isolated letters to sus-

tain their position.
The CHAIRMAN. The CHAIRMAN. The time of the gentleman has expired.
Mr. RICHARDSON. I ask unanimous consent that the gentleman's time be extended for five minutes.

There was no objection.

Mr. KYLE. I thank the House. I shall not consume the whole of the five minutes, if I can avoid it.

Now, Mr. Chairman, I want to call the attention of the committee to a sheet which I have received, and have not had the time to read carefully. It came to me through the mails to-day, and no doubt to all gentlemen present, and I notice this statement is embodied in it:

The Loud bill has been approved in emphatic terms by every newspaper association which has taken action upon it, as witness the following: The Illinois State Press Association; the Agricultural Press League; the Associated Trade Press, composed of leading Western trade papers; the American Trade Press Association, composed of leading Eastern trade papers; the American Newspaper Publishers' Association, and others.

Now, sir, I hold in my hand a resolution adopted on yesterday by one of these press meetings, the Agricultural Press League, which includes the fifty leading agricultural papers of the United States, representing more than 70 per cent of the circulation of the legitimate agricultural papers in America. This phrase, "legitimate agricultural papers," is meant to describe those whose business is based upon subscription lists as against fake and sample-copy publications.

At a meeting held in the city of Washington on the 5th day of January, 1897, the following resolution was adopted by representatives of the American Trade Press Association, the Agricultural Press League, and the Agricultural Newspaper Publishers' Asso-

Resolved, That we earnestly urge the passage of House bill 4566, known as the Loud postal bill, which will correct the abuses that have grown up under the present law, and which are even more injurious to the newspapers than they are to the postal revenues.

Now, in the face of this, how is it possible for gentlemen to say that the newspapers of this country are opposed to the passage of this bill, and be candid? If they are opposed to its passage, they do not indicate that fact by their utterances. They do not indi-cate it, either, by the resolutions which they adopt. I wish to call your attention to another thing.

In reference to this paper Comfort, I never saw but one copy of In reference to this paper Comfort, I never saw but one copy of it in my life; but I want to call your attention as to how they designate it as a "sample copy." A good many of these papers will write the words "sample copy," or stamp them on the wrapper or on the face of the paper. But Comfort, in the issuance of its 1,250,000 copies that go every issue to the American people, has printed right across the face of the paper as it runs through the press "sample copy." And yet this paper weights the malls down with tons upon tons of matter. It comes in competition with the interests of the country press; it comes in competition with the interests of the country newspapers, and deprives them of adverthe interests of the country press; it comes in competition with the interests of the country newspapers, and deprives them of advertisements that they should be entitled to, and in this way the rural press is deprived of business which I think, some of it, at least, would go to them. So I repeat, that taking papers of the character of Comfort, the legitimate deduction from their publication is that the Government by this practically free postage to them is discriminating against the small country papers.

[Here the hammer fell.]

them is discriminating against the small country papers.

[Here the hammer fell.]

Mr. QUIGG. Mr. Chairman, I move to strike out the last word.

Of course, sir, a complete answer to all that has been said by
the gentleman from Mississippi [Mr. KYLE] is merely that it is
in absolute defiance of existing law, and the Postmaster-General
with the stroke of his pen can take the paper thus violating the
law out of the mails, as he ought to do. If anything that the gentleman has said concerning Comfort is true, it is in violation of
the law, and the Postmaster-Generalis implicated in that violation
if he permits it to go on, and nothing that the pending bill proposes will stop such a violation of the law.

Now, I wish to answer the question propounded by the gentle-

man from Massachusetts [Mr. SIMPKINS], which I do not think was answered by the gentleman from California [Mr. Loud], and I want gentlemen who have the bill to take it up while I point I want gentlemen who have the bill to take it up while I point out to them exactly all the new legislation, not as to periodical books or sample copies, which the bill contains. I wish to be clearly understood in this statement. We have got here two great propositions embodied in this bill, to throw out books and to throw out sample copies. Now, setting them aside entirely, I want to point out the new legislation that is contained in the bill.

On page 2 of the bill, lines 13 and 14, you find the words: Or whether they purport to be premiums or supplements, or parts of reg-ular newspapers or periodicals.

That is to say, any book or reprint of a book, or part of a book or reprint of part of a book, which is issued by a newspaper—and your local county newspapers issue them all the time, every week—is cut out of the mails. Your local papers can no longer week—is cut out of the mails. Your local papers can no longer issue any book, whether it is a reprint or an original, in connection with their regular issues.

A Member. Why should not that be?

Mr. QUIGG. Because it is one of the best things they print,

worth more than all the rest.

Now, the next new legislation is contained in lines 9, 10, 11, and

12, on page 2, section 2:

Provided, nevertheless. That news agents shall not be allowed to return to news agents or publishers at the pound rate unsold periodical publications, but shall pay postage on the same at the rate of I cent for 4 ounces.

That is the third-class rate. Now, that is new legislation. Every newspaper and every monthly magazine—the gentleman wanted to know how this bill was going to hit the monthly magazines, and I am telling him-every monthly magazine always has some one specially attractive feature on which it expects to sell that issue. Before the day of publication it sends out to every news dealer over the United States—and there are hundreds of thousands of them—information about this article. They say to thousands of them—information about this article. They say to the news dealer: "Unless you give orders to the contrary, we will increase your regular order for this number," 5, 10, 15, or 20, or as many copies as they think the dealer can stand. Under the law he can return the unsold copies at the pound rate. Now, suppose he sells 2 out of his 5, 7 out of his 10, 12 out of his 20, and so on. That means to that magazine a circulation of from 10,000 to 25,000 copies that it would not otherwise have. The news dealer can now return the rest at the pound rate. So that 10,000 to 25,000 copies that it would not otherwise have. The news dealer can now return the rest at the pound rate. So that, if you pass this law, you will hit every news dealer in the United States, and I have just filed a petition from about 10,000 of them. You will hit every Sunday news paper which makes this appeal to news dealers, and you will hit every magazine that is published.

Mr. MOODY. Will the gentleman permit a simple question

for information?

for information?

Mr. QUIGG. I should rather not, because I have only five minutes, and I want to point out the new legislation in this bill.

The CHAIRMAN. The gentleman declines to yield. The gentleman's time has expired.

Mr. QUIGG. I should like to have five minutes more.

Mr. MOODY. Will the gentleman answer my question?

Mr. QUIGG. I will after I have pointed out the new legislation in the bill.

The CHAIRMAN. The gentleman asks that his time be ex-

The CHAIRMAN. The gentleman asks that his time be extended five minutes. Is there objection?

Mr. MAHANY. I reserve the right to object. If he will answer the question of the gentleman from Massachusetts [Mr.

moody] I shall not object.

The CHAIRMAN. Is there objection?

Mr. MAHANY. I object.

Mr. LOUD. I hope the gentleman will have the time he

desires.

Mr. MOODY. I ask the gentleman not to object on my account.

Mr. MAHANY. I withdraw my objection.

The CHAIRMAN. The gentleman withdraws his objection.

Is there further objection?

There was no objection.

Mr. QUIGG. Now, on page 3, section 7, there is an unimportant addition to the law, in the words:

Which shall be shown by the publication itself.

That relates to its home office of publication, and is an excellent amendment.

On page 3, lines 15 and 16, appears what is to my mind the most absurd thing contained in the bill. These words are new legisla-

Who voluntarily orders and pays for the same

That is to say, added to the four statutory characteristics of a periodical publication in order that it may get into the mails—and this, you will understand, applies to county newspapers, city newspapers, daily, weekly, and monthly—it must establish to the satisfaction of the Postmaster-General that its subscription list is a voluntary one, that its subscribers have not been asked to subscribe, that they have done it of their own volition, and unless the Postmaster-General is satisfied that the publisher has not asked anyone to subscribe for his paper, but that the man has subscribed of his own volition, he can strike anything out of the mails that is printed. This is the kind of a bill you are asked to vote for.

Mr. MILLIKEN. Will the gentleman allow me to ask him a

question?

Mr. QUIGG. I want to go on and complete the statement of this new legislation.

The CHAIRMAN. The gentleman declines to yield.

Mr. QUIGG. Now, the next new legislation is in lines 18 and 19, which adds the words:

Or any particular issue of any publication.

I do not see any particular fault with that. Now, lines 21, 22, 23, 24, and 25 make statute of a post-office regulation. Those lines are:

And provided. That all extra numbers of second-class publications sent by the publishers thereof, acting as the agent of an advertiser or purchaser, to addresses furnished by the latter, shall be subject to pay postage at the rate of 1 cent for every 4 ounces or fraction thereof.

That is a post-office regulation now, and I think a very good This makes statute law of that section 5, which is an amendment to the bill, and the same thing is true as to the four lines on the last page, which is now a post-office regulation, which this bill makes statute law. Now, section 5 is new legislation, and pro-vides in effect that every newspaper in the country that does a large business, although it does not say how large here, shall mainlarge business, although it does not say how large here, shall maintain within its own office a post-office, and shall separate all its matter, and shall do the work of post-office clerks before handing the mail into the office. Well, a great many of the great newspapers do that anyhow. All newspapers that have a very large circulation do that anyhow; but all the smaller newspapers of the country—the newspapers that circulate in the cities with a very small circulation—that is comparatively small—but send their publications out of the county, have to maintain a post-office in their office and separate all their matter. It means an addition of one or two clerks in every small newspaper office. Now, that is new legislation which this bill contains in addition to the sample-copy matter and the book matter. Now, if the gentleman from

new legislation which this bill contains in addition to the samplecopy matter and the book matter. Now, if the gentleman from
Massachusetts will ask me the question I will answer him.
Mr. MOODY. The question I desire to ask the gentleman from
New York relates to the return privilege of unsold periodicals. I
should like to ask the gentleman if the return privilege of unsold
periodicals is not now confined to the news agents returning to

their own agents?

Mr. QUIGG. Yes; it is.

Mr. MOODY. And the news agents can not return to the publisher?

Mr. QUIGG. Not directly. Mr. MOODY. Now, is not the practical effect of the continuation of that law to encourage the already great monopoly of the

American News Company—
Mr. QUIGG. No.
Mr. MOODY (continuing). By compelling the small news dealer to deal with the American News Company, and thereby

dealer to deal with the American News Company, and thereby gain the privilege of returning?

Mr. QUIGG. Oh, no; it is not a monopoly.

Mr. MOODY. I think it is.

Mr. QUIGG. If there is any part of the newspaper business I know, it is the part of the publisher. The American News Company is not a monopoly or anything of the kind.

Mr. MOODY. The gentleman knows. I supposed it was.

Mr. LOUD. Mr. Chairman, the gentleman from New York has laid great stress on this return-copy privilege, in that it will circumscribe the circulation of great magazines. I have a letter in my possession, which I have not time to read, from a gentleman, in my possession, which I have not time to read, from a gentleman, Cyrus Curtis, proprietor of the Ladies' Home Journal, a man who has been in the publishing business for many years, and he says at the end of this letter: "I believe there are more unbusinesslike business men in the publishing business than any other business in the country." Now, then, this return privilege is simply used by these gentlemen to protect themselves against their agents, and that is all. If they wanted to exercise good business judgment, instead of lumbering the mails and sending back a lot of useless paper, they would have a page in their magazines or a portion of their paper that their agent, who should be a reputable man, should return to them, and they should accept that as evidence that he has not sold that copy, and the continuance of the present provision is simply to permit the United States Government to protect an agent against his agent.

Now, there is one other provision that the gentleman has laid great stress upon. That is that portion of the bill on page 3 that the gentleman takes exception to. I want to call his attention

to it.

Mr. QUIGG. Lines 15 and 16. Mr. LOUD. The definition of a subscriber—

And must have a legitimate list of subscribers who voluntarily order and pay for the same.

Now, then, let me read from the present law, and I will show

you it is a mere juggling with words which has been attempted and consummated from the very beginning until the present time. The present law—it is a regulation, but the gentleman will say that is not a statute, but it is just as binding as a statute law, and gives the Postmaster-General now supreme control of the regulations, and he defines a subscriber. I hope the House will

SECTION 281. Postmasters must require satisfactory evidence that publica-tions offered for mail at the pound rate have a legitimate list of subscribers, by each of whom, or for each of whom, with his consent, expressed or implied, payment of the subscription price has been made or agreed to be made.

Let the gentleman go to Webster and find out what "subscriber" is. It is a mere juggling with words—

Mr. QUIGG. You require him to pay in advance.

Mr. LOUD. I do not require him to pay in advance, and permit me to say emphatically it is a juggling with words. It is simply in this bill in a little better grammatical form than that. I am perfectly willing, Mr. Chairman, to accept the present law, as one means the same as the other.

Why, if the gentleman will go to Webster and find the definition of "subscriber," which he well knows, he would not attempt to delay the proceedings of this House by attempting to juggle with the word "subscriber." I ask any man in this House to read the present law and compare it with the bill, and he will find what a "subscriber" is—a man who agrees to a condition, agrees to pay 50 cents, \$1, or \$1.50, \$2, or \$2.50 a year, or so much a month, payable in advance, and the subscriber subscribes to that if he becomes one. Why, gentlemen, let me say to you again it is a juggling with words and has nothing whatever to do with the merits of this bill.

Mr. MILLIKEN. Mr. Chairman, if the words in lines 15 and

merits of this bill.

Mr. MILLIKEN. Mr. Chairman, if the words in lines 15 and 16 mean anything in the world, they mean that the subscribers to newspapers shall be voluntary subscribers, and that they shall pay for their papers. Now, I have this to suggest in addition to what has been said by the gentleman from New York: Not only does the Postmaster-General have the power under this proposed law to decide who are and who are not voluntary subscribers, but in making his decisions he will almost invariably rely upon the information which he shall receive from local postmasters. There is hardly any other channel through which he can get the information, and certainly that would be the most convenient and the one upon which he would be most likely to depend. The bill, therefore, puts it in the power of a local postmaster who may have a grudge or a grievance against you or some whim in regard to you to rule your paper out of the mails if he shall see fit to do so. I regard this as one of the most unfortunate provisions of the bill. I think it clothes the Postmaster-General, in the first place, and the local postmasters, in the second place, with a power which and the local postmasters, in the second place, with a power which is dangerous to the people as well as contrary to the spirit of our institutions

My friend from Iowa [Mr. Hepburn], who is always forcible and eloquent, says that we who oppose this bill hide ourselves behind the periodicals. I wonder what the gentleman and his friends on the other side hide themselves behind? They select from all the books that are transmitted through the mails as second-class matter a few with picturesque titles and, I agree, with contents which none of us will approve, and they ask this House to strike out of the second-class mail matter all the books that now circulate in that second-class mail matter all the books that now circulate in that way simply on account of these few exceptions. Why, sir, the books to which these gentlemen have called attention are but a very small proportion of the whole. They are not even characteristic of the main body of the literature that circulates through the post-office as second-class matter. If they are objectionable, and I agree that they are, why has not the Committee on the Post-Office and Post-Roads, as I have already once said, reported a bill to exclude them entirely from the mails? That committee has had the subject under consideration and it has the power to report to exclude them entirely from the mails? That committee has had the subject under consideration, and it has the power to report such a measure, but this Loud bill does not exclude one of these reprehensible publications from the mails any more than it excludes a copy of Shakespeare or of Dickens or of Scott or of the Holy Bible. If they will report a kill to calcut the transfer of the Holy If they will report a bill to select the tares from the wheat and burn the tares, I will vote for it; but because there are a few tares in the wheat, these gentlemen want to set fire to the field and burn down all the wheat.

and burn down all the wheat.

Our friends on the other side have attempted to show also that there are certain publishers in this country who favor this bill. But who are they? The Harpers and some other large publishers. Ah, Mr. Chairman, those great publishers know that they are not to be injured by the passage of this bill. If they believed they were to be injured as others are to be, you would find them on the other side. They have a motive in taking the position which they do take with regard to this legislation. While they are not to be injured, they see that this bill, if it shall become law, will ruin certain others who are now their competitors.

ruin certain others who are now their competitors.

I wonder whether the Harpers do not want to drive out of existence the Youth's Companion and McClure's and Munsey's magazines? In these matters publishers are as selfish as men are

everywhere in the world. Who believes that the great publishers who favor this legislation are governed by patriotism when they come in here and ask to have certain publications other than their own excluded from the mails? I do not. No one does.

Mr. HEPBURN. I was about to ask my friend from Maine in what way would the passage of this bill enable rival publishers like the Harpers to get rid of McClures or of the Youth's Companion. Neither one of those publications will, I undertake to say, be affected by the passage of this bill, and, so far as I know, neither one of those publications has sought the aid of the gentleman from Maine or of any other gentleman to oppose the passage

of this measure.

Mr. MILLIKEN. Possibly they would have done so if I had been as distinguished as my friend from Iowa. [Laughter.]

Mr. HEPBURN. Now, Mr. Chairman, while I am talking to the gentleman from Maine, I want to refer to an enterprise in his own town, the publication known as Comfort.

Mr. MILLIKEN. That is not in my town.

Mr. HEPBURN. I understood the gentleman to say it was.

That is not in my town. I understood the gentleman to say it was. The gentleman misunderstood me. Mr. MILLIKEN.

Mr. HEPBURN. The gentleman said that the city of Augusta had sent more brains to this and to the other House of Congress than any other city of 10,000 inhabitants in this country. I know the gentleman's accuracy and truthfulness, but I knew also that that statement could not be true unless he was a resident of that city. [Laughter.]

Mr. MILLIKEN. The gentleman from Iowa is always compli-

Mr. MILLIKEN. The gentleman from Iowa is always complimentary, but I spoke of Augusta, and I do not live within 40 miles of that city, and therefore I did not refer to myself, but I have no doubt the gentleman would have done so for me if he had been making the speech. [Laughter.]

Mr. HEPBURN. I would. Now, Mr. Chairman, the gentleman from New York [Mr. QUIGG], it seems to me, made some serious blunders in the argument he sought to present yesterday, to the effect that by permitting these publications to go through the mails at the 1 cent a pound rate the Government received full compensation through the swelling of the other classes of mail matter incidental to such publications. To quote the gentleman accurately, he said, speaking of a publisher in Augusta, Me.:

He pays \$2.000 a month to the Government to take his newspaper and spread

He pays \$2,000 a month to the Government to take his newspaper and spread it broadcast. He pays \$6,000 to the Government for the stamps with which he conducts his correspondence with his patrons. He pays \$2,000 more a month for third and fourth class postage.

By the way, I am admonished by one of the circulars of this concern that this class of business is done, not in Boston, but in Augusta, for I read:

Send bills and remittances to the home office, Augusta, Me.

Now, Mr. Chairman, that statement was intended to mean that

Now, Mr. Chairman, that statement was intended to mean that \$10,000 a month, or \$120,000 a year, was paid by this concern to the postal revenues of the United States.

Mr. QUIGG. Yes; and I have no doubt of it.

Mr. HEPBURN. Yet there are other concerns in that city—two, at least, I am told—one larger and one nearly as large as this; and yet the total postal receipts of the city of Augusta for the last fixed year were but \$50,000

this; and yet the total postal receipts of the city of Augusta for the last fiscal year were but \$89,000.

Mr. QUIGG. The gentleman did not understand me. Will he let me interrupt him a moment?

Mr. MILLIKEN. Let me say—

Mr. HEPBURN. I will not yield to the gentlemen now.

Mr. QUIGG. The gentleman does not understand—

Mr. HEPBURN. I think I understand what the gentlemen said. I think I understood what the House understood from the declarations they made. I am satisfied that there was an error.

Mr. MILLIKEN. I can explain the matter to the gentleman, if he will allow me a word.

Mr. MILLIKEN. I can explain the matter to the gentleman, if he will allow me a word.

Mr. HEPBURN. But, Mr. Chairman, let us admit for the sake of argument that \$2,000 monthly is paid. What does that mean? It means that 200,000 pounds of that class of mail matter is sent out of that city each month. That means 100 tons each month. That means, when postal cars are loaded, 10 cars each month. These gentlemen say that their circulation extends all over the United States. From San Francisco to Augusta is 3,500 miles. Let us take the mean and assume that that is the average distance.

Let us take the mean and assume that that is the average distance traversed by this matter—1,750 miles. On the basis of this estimate they have car service for 1,750 miles for \$200. Is that right? If any one of you gentlemen seek a like car service—not in a postal car, but in the commonest freight car-you must pay largely in excess of this.

excess of this.

[Here the hammer fell.]

Mr. MOODY. Mr. Chairman, a few moments ago I asked a question of the gentleman from New York, and I received a reply to it. The question related to the publication of newspapers, and for the time being I yielded to the authority of the gentleman from New York. Since I took my seat, a letter has been handed me addressed to some other member of the House than myself, and signed by a gentleman whose authority I know the gentleman from New York will recognize as superior even to his own—

the business manager of one of the largest Republican newspapers in the city of New York—a paper which on the whole, I believe, is opposed to this bill. This letter contains the following language, which I commend to the attention of the House, because I conceive that when the section referred to, relating to the return privilege, is reached, an attempt will be made to strike it out:

How it ever came about that the postal laws gave news dealers the right to return unsold copies to their news companies, but not to the publishers of the papers, I never knew. But the effect of the regulation is to throw the sale and distribution of dailies into the hands of one powerful news company, which, with its branches, covers the whole United States. This is not right, and the law should be changed.

Now, I submit that the thought which was behind my question, and which was contradicted by the gentleman from New York, is true; that if we retain the return privilege in its present form, we are contributing to the overflowing coffers of the American News Company. I trust, therefore, that if the provision in section 3 relating to the return privilege is stricken out of this bill, it will be accompanied by an amendment which will extend the present privilege of return, so that returns may be made at the cheaper rate, not only to news agents, but to publishers of newspapers

and magazines. While I am on the floor, allow me to say one or two words more, and then I am of the floor, allow he to say one of two words hole, and then I am done. I received, as my colleague [Mr. Simpkins] and many other members of the House have received, a printed protest from many of the papers in my own district—a protest which at first I felt bound to heed. But having followed this debate from the beginning, I now believe that the country news-papers are being made cats'-paws in this matter to take out of the fire the chestnuts of these great publication companies, extending from Augusta City to New York. I believe that the gentleman from Mississippi [Mr. KYLE] struck the true note in his argument a short time ago when he told us that the real interest of the country newspapers was to strike down such competition as reaches them from the city of Augusta—a competition which cuts down their advertising income and their circulation. I propose, in spite of the protest that I have received, believing that I am voting for the true interest of the country newspapers, to vote for this bill. [Applause.

[Applause.]
Mr. BROMWELL. Mr. Chairman, in my remarks yesterday upon this bill I referred to an affidavit that had been filed with the Post-Office Department. I could not at the time find that affidavit, and it was omitted from my remarks as published. I have since found it attached to the publication referred to and I propose to read it. This is a copy handed to me by the Third Assistant Postmaster-General, the original being on file in his office.

NEW YORK, December 30, 1896.

office:

New York, December 30, 1896.

To the Assistant Postmaster,
New York City.

Dear Sir: Since my short interview with you on the 28th, I have decided to give you the facts in detail regarding Cheerful Moments.

In the latter part of April of the present year I purchased Cheerful Moments from the Cheerful Moments Publishing Company, a corporation existing under the laws of the State of New York.

Immediately thereafter, by an understanding had previous to my purchasing the paper, I transferred one-third interest to H. H. Hull, and one-third interest to — Bailey. This latter one-third interest was in fact the property of Charles E. Balley, but to deceive the Post-Office Department he had his interest made to his brother, whose initials I have forgotten, and who resides in New Mexico; but at all times Charles E. Balley owned the third interest, which was in the name of his brother, a fact which can be substantiated by more than a dozen business firms, and also by placing H. H. Hull on his oath.

Under our management the first issue of the paper was mailed in May, 1896. To us was turned over subscription books containing about 70,000 names, but by the advice of Mr. C. E. Bailey, and by his orders, only those who were paid in advance were continued as subscribers. There were about 7,000 names on the books who were paid in advance and to whom the paper was sent, all others being dropped but not erased from the books. A lady by the name of Miss Judge, yet in the employ of Cheerful Moments, copied the names from the subscription books for May. Afterwards Miss Judge and a Miss Cleaver copied names from subscription books, sending only to those who were paid in advance, but never erasing any names, but keeping the books as they were with 70,000 names to submit to post-office inspectors if called upon to do so.

From 100,000 to 105,000 copies of the paper were mailed in single wrappers each month, as will be seen by the sworn statement of C. E. Bailey and H. H. Hull. Being in the letter business (buying and renting

mailed apparently to subscribers and 32,000 copies were marked "sample copies."

From the start under our management the paper was run in the interest of the Cooperative Advertising Company, a "fake" concern owned by C. E. Bailey. To this I protosted, but Mr. Hull siding with Mr. Bailey, I could not force my objections, and every issue of the paper was largely devoted to Mr. Bailey's cooperative advertising scheme, as will be seen if the files of the paper are consulted from May, 1896, to December, 1896.

From the fact that the paper was run in Bailey's interest, I sold my interest in July to H. H. Hull, but continued with the paper up to about December 8, 1896.

About six weeks ago C. E. Bailey claimed to have sold his interest in the paper to a Mr. Willis, and the management was turned over to Mr. Willis, However, Mr. Bailey and Mr. Hull continued to receive all money and pay all bills, and the transfer of Bailey's interest is doubted by all conversant with the business.

I think it was in July that a contract was made with the Erie Medical Company, of Buffalo, N. Y., by which the Erie Medical Company purchased a half page, and in consideration of said half page they were to have the exclusive right to advertisements of their class, "general debility." At once all advertising of that nature was taken out of the paper and the half page for the

Erie Medical Company inserted. In addition to this space, the Erie Medical Company was to have certain numbers of the paper sent to their customers or prospective customers, names to be furnished by the Erie Medical Company. For the August issue, 1896, the Erie Medical Company furnished addressed wrappers and the paper was mailed to 60,000 of their prospective patrons. For this half-page advertisement and other privileges the Erie Medical Company pays \$225 per month. The facts as stated above can be substantiated by Mr. Courtney, manager of the Erie Medical Company, of Buffalo, N. Y.

There are now only about 4,000 names on the subscription books who are subscribers, and to whom the paper has been sent since under the present management.

management.
Should this statement be denied in any particular, I trust you will give me the opportunity to meet these gentlemen, with the representative of the Department.

Very truly, yours,

P. F. HIGKS

R. E. HICKS.

Sworn to before me this 30th day of December, 1896.

E. S. POST, Notary Public, New York County.

Mr. HALL. Mr. Chairman, as a member of the Committee on the Post-Office and Post-Roads, when this question was before our committee I did not see how there could be any opposition on the floor to this bill; and some of us not so well informed as the Postmaster-General and the chairman of our committee thought it master-General and the chairman of our committee thought it would be much better for us to take even more advanced steps in the direction in which this bill goes. When we had piled up before us periodicals like this which I hold in my hand, which I would not insult the ears of my colleagues on this committee by reading aloud, so indecent are they—when I found that matter such as this is registered as second-class mail matter and passes through the mails as a fraud—a shame to the circulating libraries of this country—I did not conceive how any man could get up on the floor of this House and oppose a measure of this kind.

But gentlemen come here opposing this measure indorsed, as

the floor of this House and oppose a measure of this kind.

But gentlemen come here opposing this measure indorsed, as they say, by the great newspapers of the country—the country newspapers, the agricultural papers, etc. Are not the newspapers themselves the best guardians of the newspapers and their interests? They have spoken with almost a unanimous voice—90 per cent of them at least—in favor of this measure.

Mr. CUMMINGS. I challenge the gentleman's statement. They have not; and I defy him to prove it.

Mr. HALL. I have taken the statement of the chairman of the Committee on the Post-Office and Post-Roads with regard to the 90 per cent. I believe it to be absolutely correct. I will take that statement and the investigations on which it is based as being accurate—

Mr. CUMMINGS (interrupting). You have 182 newspapers out of 1,865 daily newspapers printed in the United States. That

Mr. HALL. I repeat, I have simply used the statement printed in the published report of the committee, and prepared by the distinguished chairman of the Committee on the Post-Office and

Post-Roads. I am perfectly willing to rest the case on that statement without taking up further time.

Let us refer to the statement of the gentleman from Iowa, or Let us refer to the statement of the gentleman from Iowa, or rather the answer to it by the gentleman from New York [Mr. QUIGG], in which the gentleman from New York makes the statement that the paper Comfort pays, he believes, to the Post-Office Department as high as \$125,000 a year toward the revenues of the Government. In response to that statement, I wish to present the official, authentic record of the facts, which goes to show that the Government pays out \$\$50,624 more than it gets back for its work in circulating this paper. And that comes from the district of my friend from Maine who now seeks to interrupt me; but I can not yield to him.

The question is squarely before the committee and it seems a square and open case. There can be no doubt as to the point at issue. The Post-Office Department, through its Postmasters-General, has ruled so long in favor of letting this matter in that it has become a regulation as binding as law in the Department. Will you continue it? Will you continue to run the Government \$8,000,000 behind every year in the transportation of this class of mail matter? Will you allow this class of mail matter to go through the mails at the same low rate it has heretofore enjoyed—matter that you would not allow to come into your house, and

matter that you would not allow to come into your house, and you would kick a man out of your house if he attempted to bring it in?

it in?

Now, sir, a number of suggestions have been made to the Post-Office Department in regard to extending the privileges—I mean extending them to the people of the United States in the rural districts. A movement has been made, and proved effective, for the purpose of providing rural free delivery throughout the whole country. It has been said that we could try it, but that the bar is forever closed against such privileges to the rural communities as long as there is a deficit of \$8,000,000 a year in the revenues of the Department, caused by these nefarious and infamous publications being allowed to go through the mails at this low rate.

deficit which exists in the Department, and at the same time place ourselves in a position for extending the privileges of the Post-Office Department to all classes of our people, by barring out from the mails the infamous specimens of literature—the secondclass matter—to which I have referred?

Mr. Chairman, it seems to me that the question is plain, and one that has scarcely two sides. For that reason I must confess I was surprised this morning on returning to the House and examining the official Record to find that there was serious objection to the bill when it was proposed by the committee unani-mously, after a thorough investigation of all of the reports of Postmasters-General for years past, and recommended by the entire seventeen members of the committee without dissent.

Mr. WILSON of Ohio. Mr. Chairman, I have no interest either for or against those who claim the benefits of this bill other

than that which is common to the whole country.

I think one thing will turn the vote of the House on this question, and that is, How will it affect the country newspapers? I represent a district distinguished in many ways, but not for great newspapers. They would all be classed as "country newspapers" by the representatives of the great cities, and I therefore have scrutinized the bill to see how it would affect them. I can not see

that there is a single provision in the bill that would deny the country newspaper every privilege it enjoys under existing law.

The bill provides that every newspaper claiming matter entitled to pass through the mails as second class shall have a legitimate subto pass through the malls assecond class shall have a legitimate subscription list of subscribers who voluntarily pay their subscriptions. But I submit there is no provision in the bill which provides that a newspaper which has a legitimate subscription list may not send a copy of the paper anywhere throughout the country. There is nothing to prevent a newspaper which has a bona fide subscription list from enjoying every privilege that it is now entitled to enjoy. The only question is whether there ought not to be a limit on a paper; that a paper should have a bona fide subscription list of at least nine-tenths of its circulation; and if it has such a list at all it can send out anywhere copies to newspapers under the exchange system just as they do now. There is nothing to prevent them from soliciting subscribers.

Mr. Chairman, if a boy 10 years old had told me that under this Mr. Chairman, if a boy 10 years old had told me that under this bill a newspaper could not solicit subscriptions, I should have thought him below the average in intelligence. But when a distinguished member of this House, representing a great city district, rises and says the bill would prevent the proprietor of a newspaper from soliciting subscriptions, I must say I am astonished that the claim can possibly be made. There is nothing to deprive the country newspaper of any right. The petitions forwarded here are petitions prepared by the offices which send out second-class mail matter by tons and hundreds of tons, and who get the country editors and newspapers to sign the petitions and send them here, not knowing what provisions are embodied in the bill, I shall vote against the amendment, and will vote for the bill, believing that we should rise high enough to defend our country

believing that we should rise high enough to defend our country against the clamor of the people who are demanding that they shall be benefited especially by virtue of the postal laws.

Mr. LACEY. Mr. Chairman, I rise to ask a question for information, which I think the gentleman from Mississippi [Mr. KYLE], a member of the Committee on the Post-Office and Post-Roads,

owing to his long service in the House, can answer.

I wish to ask what effect the bill will have, if any, upon exchanges between newspapers as now carried on under existing

Mr. KYLE. Mr. Chairman, it occurs to me that there is nothing in the bill that would militate against the exchanges between newspapers as the right now exists. This bill provides for such newspapers as are paid for by the subscribers, and when one newspaper publisher exchanges his paper for another paper, it is payment for that paper, is it not? Can it be anything else? Can any other reasonable construction be put upon the proposition?

If I buy a bushel of corn from one of you gentlemen and pay for it with a bushel of wheat, it is payment, is it not? If one newspaper publisher sends his paper to another, and that pub-lisher, in payment for that paper, sends an exchange back to him,

lisher, in payment for that paper, sends an exchange back to him, it is payment, is it not?

Consequently there can be nothing in the objection that is being raised against this bill here, that it would cut off the exchanges of the country. It seems absurd to claim that such a condition as that could possibly arise out of this bill, to say that it would cut off the exchanges between newspapers, simply because it requires that there shall be a legitimate subscription, and that these newspapers shall be paid for. I trust that I have replied to the question of the gentleman from Iowa.

Mr. MILLIKEN. Mr. Chairman, I think our friends on the other side are not very complimentary to the country newspapers.

mous publications being allowed to go through the mails at this low rate.

Now, how can we offset that deficit and give to our people the benefits of the service which they require? Will we abolish the

the gentleman thinks that he understands better than they do

the gentleman thinks that he understands better than they do that the country newspapers would be benefited by this bill, because the great publications which now go through the mails as second-class matter compete with them and injure them.

Now, it is not true that these publications compete with the country newspaper. They are a different class of publications entirely. The country newspaper, as a rule, gives the local news, and it is most valuable to the people in the locality and the people who have gone away from the locality. And the strongest country newspaper, and the one that is best sustained, is the one that does give the local news. The publication of these periodicals does not compete with them in any degree at all.

Mr. MOODY. Will the gentleman permit a question?

Mr. MILLIKEN. In a moment.

My friend from Ohio [Mr. WILSON] says that the publishers of these papers have signed petitions that have come here, having been solicited to do so by the friends of these great publications, and being like the Jews when they crucified their Saviour, not knowing what they do. I should like to know by what authority my friend, for whom I have great personal respect, declares to this House that the country newspaper editors do not know what they do when they sign petitions. My acquaintance with them assures me that they are as intelligent a class of people as any in this country. Perhaps they would compare favorably with the membership of this House, and I think it is an unwarranted assumption on the part of my friend from Missouri [Mr. Hall.] that they sign petitions because they are oversolicited to do so, not they sign petitions because they are oversolicited to do so. sumption on the part of my friend from Missouri [Mr. HALL] that they sign petitions because they are oversolicited to do so, not

they sign petitions because they are oversolicited to do so, not knowing what they do.

One thing more. My friend from Iowa [Mr. Hepburn] made a statement as to the amount of postal receipts at the Augusta post-office. Let me tell him that the postal receipts to which he refers are shown by the number of stamps purchased at the Augusta office. But these great publications in Augusta receive a considerable part of their pay in postage stamps, which they use on mail matter that requires stamps, and these stamps are not accounted to the Augusta office. And while the report may show that the office pays only perhaps \$90.000 a year, yet I think the accounted to the Augusta office. And while the report may show that the office pays only perhaps \$90,000 a year, yet I think the Department knows that the office really paid from \$150,000 to \$200,000. That is to say, stamps to that amount go through the office, though not bought at the office. The gentleman knows that if he receives a dollar's worth of postage stamps in payment for something he has sent out, when he puts those stamps on his letters they are not accounted to the office where he mails the letters.

Now, Mr. Chairman, I look upon this bill as one perhaps not framed for the purpose, but which will have the result certainly of smashing certain great industries in this country, at a time when we can little afford to have it done. It will not only injure the great publishing houses, but it will injure the paper manufac-turers, the pulp mills, the lumber interests, and the railroads. It

will relegate many workingmen to idleness when we already have too many forced out of employment.

I do not believe that the effect of the bill will be to save one penny to this Government. As I have said before to-day, I believe that the loss in the postal revenues if this bill shall become a law will be more than equal to any reduction in expenses on second-

class mail matter.

Therefore, Mr. Chairman, I am opposed to the bill, and shall vote against it. I believe it will be a great injury to legitimate industries in this country and will do no good.

I see that my friend from Missouri [Mr. Hall] on the Post-Office Committee calls certain publications which have been mentioned. here nefarious and infamous. I repeat again, what I said before: Why, in the name of Heaven, if they are nefarious and infamous, did not this Committee on Post-Office and Post-Roads report to this House a bill to exclude them from the mails? His committee has not done that. It gives no remedy in that direction. Let us defeat this bill, so drastic and sweeping as to do immense mischief. Then, if there be abuses, let the committee report a bill which shall cure them without bringing disaster to legitimate business and destroying great investments made under and encouraged by the present law

Mr. CUMMINGS. Mr. Chairman—
Mr. TERRY. A parliamentary inquiry. Idesire to be advised as to the present status of amendments. I understood this bill was being read by sections in order that amendments might be offered?

The CHAIRMAN. The Chair would state that the first section has been read and one amendment adopted. This debate has been proceeding on an amendment to strike out the last word.

Mr. TERRY. There is no amendment pending, then?

The CHAIRMAN. No amendment is pending.

Mr. TERRY. I hope we will have the remainder of the bill read.

Mr. MOODY. Mr. Chairman, a parliamentary inquiry. Would it not be possible for the debate in some way to be closed, so that amendments might be offered to the second clause?

A motion might be made to close debate. Mr. Chairman, I believe I have been recog-The CHAIRMAN. Mr. CUMMINGS. nized.

The CHAIRMAN. The gentleman from New York.

The CHAIRMAN. The gentleman from New York.

Mr. CUMMINGS. Every word that I said yesterday, Mr. Chairman, concerning the effect of the passage of this bill upon the country newspaper is true. That paper will be injured in more ways than one; and if any gentleman desires to know how, he can read the remarks I made yesterday and ascertain. [Laughter.]

I wish now to address myself to another feature of the bill. I

received this telegram ten minutes ago:

NEW YORK, January 6.

Resolved, That the members of the Stationery Board of Trade, at their annual meeting, protest againt the passage of the bill now before the House of Representatives, known as the Loud bill, regulating the rates of postage on printed matter, as being injurious to the printing-paper manufacturers, bookmakers, and kindred trades.

This convention, Mr. Chairman, is now being held in New York ity. Who are the members of this Stationers' Board of Trade? et me read the names of some of the board of directors: Charles Watson Allen, of Little, Brown & Co.; Charles A. Appleton, of D. Appleton & Co.; James C. Aikin, of Aikin, Lambert & Co.; Charles F. Chichester, of the Century Company, and Charles T. Dillingham, of Charles T. Dillingham & Co.

Now let me read the names of some of the members. There

Charles F. Chichester, of the Century Company, and Charles T. Dillingham, of Charles T. Dillingham & Co.

Now let me read the names of some of the members. There are among them the best known publishers in the Union to-day. Here are some of the members: Henry Altemus, of Philadelphia; the American Book Company; American News Company; D. Appleton & Co., of New York; Bingham Bros. Company, of New York; Robert Bonner's Sons, of New York; Brentano's, New York; the Cassell Publishing Company, of New York; Caw's Pen and Ink Company, of New York; the Century Company, of New York; Henry T. Coates & Co., Philadelphia; Columbian Paper Company, of Buenavista, Va.; Thomas Y. Crowell & Co., of New York; Theo. L. DeVinne & Co., New York; Louis De Jonge & Co., New York; C. T. Dillingham & Co., New York; G. W. Dillingham and Dodd, Mead & Co., New York; E. P. Dutton & Co., New York; the Eagle Pencil Company, New York; Eberhard Faber, New York; Fishel, Adler & Schwartz, New York; Funk & Wagnalls Company, New York; Henry Holt & Co., New York; Houghton, Mifflin & Co., Cambridge, Mass.; George B. Hurd & Co., New York; Charles Eneu Johnson & Co., New York; Ketterline's Printing House, Philadelphia; Loe & Shepard, Boston, Mass.; J. B. Lippincott Company, Philadelphia; Longmans, Green & Co., New York; the F. M. Lupton Publishing Company, New York; MacMillan & Co., New York; the Matthews-Northrup Company, Buffalo, N. Y.: David McKay, Philadelphia; the Merriam Company, New York; the Mount Holly Paper Company, Mount Holly Springs, Pa.; National Wall Paper Company, New York; Perkins, Goodwin & Co., New York; Ed. A. Prior & Co., Baltimore, Md.; Publishers' Weekly, New York; G. P. Putnam's Sons, New York; A. G. Spalding & Bros., New York; Thomas Nelson & Sons, New York; Ontimus Printing Company, New York; Perkins, Goodwin & Co., New York; Ed. A. Prior & Co., New York; Charles Scribner's Sons, New York; B. H. Russell & Son, New York; Perkins, Goodwin & Co., New York; Ed. A. Prior & Co., New York; Charles Scribner's Sons, New York; Daniel Slo

Now, Mr. Chairman, here are the hames of other memores of this board of trade, and I commend them to the especial attention of my friend from Massachusetts [Mr. Moody], as they all are residents and manufacturers of his State: Agawam Paper Company, Mittineague Mass.; Albion Paper Company, Holyoke, Mass.; Allyn & Bacon, Boston, Mass.; Benton Bros, Lee, Mass.; Birnie Paper Company, Springfield, Mass.; L. L. Brown Paper Company, Adams, Mass.; Cambridgeport Diary Company, Cambridgeport, Mass.; the Carter's Ink Company, Boston, Mass.; Crane Bros, Westfield, Mass.; Z. & W. M. Crane, Dalton, Mass.; Crocker Manufacturing Company, Holyoke, Mass.; Estes & Lauriat, Boston, Mass.; Fairfield Paper Company, Fairfield, Mass.; D. C. Heath & Co., Boston, Mass.; Holyoke Paper Company, Holyoke, Mass.; Little, Brown & Co., Boston, Mass.; Logan, Swift & Brigham Envelope Company, Worcester, Mass.; the Lothrop Publishing Company, Boston, Mass.; Massasoit Paper Manufacturing Company, Holyoke, Mass.; G. & C. Merriam Company, Springfield, Mass.; National Blank Book Company, Holyoke, Mass.; Old Berkshire Mills Company, Dalton, Mass.; the Horace Partridge Company, Boston, Mass.; the Pierce & Bushnell Manufacturing Company, New Bedford, Mass.; the Prang Education Company,

Boston, Mass.; L. Prang & Co., Roxbury, Mass.; Robert Bros, Boston, Mass.; Southworth Company, Mittineague, Mass.; the Taber Art Company, New Bedford, Mass.; Valley Paper Company, Holyoke, Mass.; Samuel Ward Company, Boston, Mass.; Weston Byron Company, Dalton, Mass.; Whiting Paper Company, Holyoke, Mass.; the George C. Whitney Company, Worcester, Mass., and Worthy Paper Company, Mittineague, Mass.

Mr. MOODY. None of them in my district. [Laughter.]

Mr. CUMMINGS. None of them in your district! Have you no State pride? Has the State pride of Massachusetts left your breast entirely? Most wonderful anomaly! The manufacturers of Massachusetts are compelled to telegraph to a Democratic

breast entirely? Most wonderful anomaly! The manufacturers of Massachusetts are compelled to telegraph to a Democratic Representative from New York City to represent their interests on this floor in antagonism to an attack from their own Representatives! [Great laughter and applause.]

No, sir: this thing not only strikes at the country newspapers of this Union, but it strikes at every book publishing company here as well. This House ought to look to it. While you are feeding country "killies" to great newspaper sharks, you ought at least to have some regard for the great publishing interests which are intimately allied to the interests of States which you represent. Mr. Chairman, as a New York Democrat, I am proud to be called upon by these gentlemen from Boston and from other cities in intelby these gentlemen from Boston and from other cities in intellectual Massachusetts to protest against the work of one of their Representatives here in Congress. [Laughter.] I do so with great pleasure, indeed, and thank them for giving me the opportunity. [Renewed laughter and applause.]

Here the hammer fell.

Mr. MOODY. Mr. Chairman—
The CHAIRMAN. The gentleman from New York is rec-

ognized.

Mr. MAHANY. Mr. Chairman, the gentleman from New York who has just taken his seat laid great stress in his speech of yesterday upon the fact that his contention was supported by the influence of the New York Tribune and the New York Herald. the influence of the New York Tribune and the New York Herald. Over against that argument I set the New York Commercial Advertiser, the New York Evening Post, the New York Journal, the New York Mail and Express, the New York Press, of which the leader on the other side of this debate [Mr. QUIGG] was late the editor, the New York Sun, and the New York Times. The gentleman from New York in his speech of yesterday also said that the agricultural papers were opposed to the Loud bill, but I find that the Agricultural Press League, composed of a vast number of the more important agricultural papers in the country, has heartily approved and indorsed it.

heartily approved and indorsed it.

Mr. CUMMINGS. I beg your pardon. The gentleman does not wish to misrepresent me?

Mr. MAHANY. I certainly do not.

Mr. CUMMINGS. I quoted an agricultural paper that protested against the bill. I quoted no others.

Mr. MAHANY. Well, even so, this is the Agricultural Press League advocating the bill as against the only agricultural paper

which you instanced in opposition.

Mr. CUMMINGS. They have not had time to put in their protests. They will inundate you with protests if you give them time.

Mr. MAHANY. Your "boiler-plate" literary bureau seems to have syndicated the "protest" business.

Mr. McCREARY of Kentucky. They had two weeks' time at

Mr. MAHANY. Yes; as my friend suggests, they had two weeks at Christmas, with full knowledge that this bill was to come up after the recess.

I hold in my hand a letter addressed to another member of this House, the chairman of the Committee on the Post-Office and Post-Roads, from the head of the great publishing house which issues the Ladies' Home Journal, concededly a paper having one of the largest circulations enjoyed by any publication in the world. The writer, addressing the chairman of the committee,

PHILADELPHIA, March 10, 1896

MY DEAR SIR: The inclosed circulars, i. e., in opposition to the Loud bill, came to me by mail to-day, and as they concern your bill, permit me to say that this committee of New York publishers whose names are appended to the circular I never before heard of, although I have been in the publishing business for many years. I am familiar with the New York publishing world, and as these names are strangers to me, I can not but feel that they are not important factors in the publishing business.

I wish to write to you that I believe it to be the honest opinion of most reputable publishers that your bill will be a benefit to the trade. It will increase my expenses somewhat on returns from news agents, but will result in their being more careful in ordering supplies for actual needs instead of haphazard.

result in their being more careful in ordering supplies for actual needs instead of haphazard.

I believe it will be a good thing to exclude sample copies from the mails at present pound rates, for the reason that the reception of sample copies is generally considered a nuisance. And furthermore, I am of the opinion that there is a great deal of fraud in this sample-copy business toward advertisers. Large circulations are claimed on the basis of number of copies printed and sent out at this cheap rate, and, as a rule, a newspaper or periodical that has not been ordered or paid for carries little weight with the recipient, and therefore has but little influence and little value to reputable advertisers. Yours, truly,

CYRUS CURTIS.

Mr. Chairman, I led the fight against the Loud bill in the Committee on the Post-Office and Post-Roads (of which I am a member), and I desire to say now that after a very careful investigation consideration of all the various conflicting facts and arguments presented I came to the conclusion that on a last analysis there was absolutely no argument against this bill, and certainly none in favor of mulcting the United States Government from eighteen to twenty millions of dollars annually for the benefit of a few selfish and monopolistic corporations engaged in the publish-

ing business.

Mr. MOODY. Mr. Chairman, I desire to occupy the attention

My friend from New of the committee for only a few minutes. My friend from New of the committee for only a few minutes. My friend from New York [Mr. Cummings] a moment ago gave me a prominence in this discussion which I do not deserve. Until this morning I had not made up my mind which way I should vote in the committee upon this bill. I had the pleasure (and it is always a pleasure and a profit) of reading the gentleman's speech in the RECORD this morning, because I was detained from the House when it was made yesterday, but I confess I did not get as much light as I did amusement. [Laughter.] The principal thing that I saw in the speech was that the gentleman from New York took occasion to say to the bicyclists of this country, and especially of his own say to the bicyclists of this country, and especially of his own district, that he would vote for good roads in every State of the Union if the Federal Government had the power to give them, and

Now, sir, because I saw fit to reply to the gentleman from New York somewhat facetiously, and perhaps a little out of taste, by saying that none of the persons whose names he read resided and my district, the gentleman opened the vials of his wrath and

poured them down upon my devoted head and accused me of lacking proper State pride.

Mr. Chairman, I have some State pride. I have some desire to represent the State of Massachusetts as well as the district within which I live, and I believe that I can best represent my district and best represent my State and speak its truest voice, not by and best represent my State and speak its truest voice, not by considering the selfish interests of any one industry, but by considering the interests of the whole people of Massachusetts [applause], and by considering further than that—and I hope it will always be in my mind—the interests of the whole people of the American Union. [Applause.] I believe this bill is in the interest of the people and against the interest of the few, which has been nourished under the present law. I say again, that for that reason, in spite of the interests that may be marshaled against it in Massachusetts, in spite of the interests that there may be against it even in my own district, believing it to be for the interest of the whole people, I propose to vote for the passage of this bill. [Applause.] [Applause.] Mr. BLUE.

Mr. BLUE. Mr. Chairman, it is conceded on all hands that abuses exist that this bill is intended to correct. It is agreed, at least by a large portion of this body, that the provision in regard to second-class matter which is now existing law causes annually a deficit. The meritorious features of this measure are assailed by some on the ground that other abuses exist which the bill does by some on the ground that other abuses exist which the birdoes not seek to correct. If that argument is to prevail, then no reform can ever be enacted. Every effort that is made at reform is but a partial effort. If that contention is to succeed, then every bill that is introduced to correct any abuse can be defeated upon the same ground. Great stress has been laid upon the assertion that this bill interferes with the country newspapers.

A correful even in a time to the measure will show that that is not

A careful examination of the measure will show that that is not true. It is an extremely suspicious circumstance, also, that the petitions which come here from the country press in opposition to this bill seem to be printed upon the same character of paper, tinted precisely alike in all cases, and bearing the impress of having been prepared by some central agency interested in defeating this measure. Who antagonizes it? Chiefly the manufacturers of paper. Are they not already sufficiently protected in the tariff laws of this country? If they are not, they will be, I apprehend, when the next tariff bill passes. Let us not seek to

use the Treasury of the United States to protect these interests.

Let us look at this bill as it is presented here, and consider and dispose of it upon its merits. It is also urged that this bill should be defeated because it seeks to exclude from the mails copies of books which are of a high literary character, which are published books which are of a high literary character, which are published in the supplements and sample copies of newspapers. Under the shelter and protection of a few chapters of such books, tomes of advertisements and vicious literature are distributed broadcast over the country, corrupting the morals and debasing the sentiments of the people at the expense of the Government.

The argument made here that the word "voluntarily," as used in the bill, would exclude a newspaper that seeks subscriptions is anyworthy of the gentlemen who make it. If their position he

unworthy of the gentlemen who make it. If their position be correct, then every man who is asked to subscribe to a newspaper, and who in fact does subscribe, is coerced to that extent. Such an argument is mere sophistry; there is no merit in it.

This measure, Mr. Chairman, should become a law. In my judgment it will save the Treasury of the United States from ten

to fifteen million dollars annually. To permit the law to continue as it now stands is to give to the paper manufacturers and the advertising agencies of this country a bounty to that extent to carry on their business at the expense of the Government. I am in favor of the bill. I shall vote for it as it stands, and I trust that it will become a law.

The CHAIRMAN. The hour of 4 o'clock having arrived, the Committee of the Whole will rise and report the bill to the House. The committee accordingly rose; and the Speaker having resumed the chair, Mr. PAYNE reported that the Committee of the Whole House on the state of the Union had had under consideration the bill (H. R. 4566) to amend the postal laws relating to received class real investment of the order. second-class mail matter; and he now, in pursuance of the order of the House, reported the bill back with an amendment adopted by the Committee of the Whole and with the amendments which

were pending.

The amendments reported from the Committee of the Whole

were read and agreed to, as follows:

In line 6 of section 1 strike out after the word "three" the word "and," and insert "or;" so as to read: "Within the conditions named in sections 3 or 4 of this act."

After the word "special," in line 14 of section 4, strike out "interest" and insert "industry."

Insert the following as a new section:
"Sec. 5. That publishers and others whose publications shall be admitted as mail matter of the second class under the provisions of this act shall be required, before depositing such mail matter in the post-office, to separate the same into United States mail sacks or bundles by States, cities, towns, and counties, as the Postmaster-General may direct."

Change the numbering of sections 5 and 6 to 6 and 7.

The SPEAKER. The question is now on the engrossment and third reading of the bill as amended.

The question being put,
The SPEAKER. The Chair is in doubt.
Mr. QUIGG. I call for the yeas and nays.
The yeas and nays were ordered.
The question was taken; and there were—yeas 144, nays 104, not voting 108; as follows:

V			

Abbott,	Dinsmore,	Kyle,	Pugh,
Acheson,	Dolliver,	Lacey,	Richardson,
Adams,	Doolittle,	Lawson,	Rinaker,
Aldrich, T. H.	Draper,	Layton,	Royse,
Atwood,	Ellis,	Leighty,	Sayers,
Babcock,	Erdman,	Linney,	Scranton,
Bailey,	Evans,	Linton,	Settle,
Barham,	Faris,	Little,	Shafroth,
Bartlett, Ga.	Fenton,	Livingston,	Sherman,
Beach,	Foote,	Long,	Simpkins,
Bell, Tex.	Foss,	Loud,	Sorg,
Bishop,	Fowler,	Maddox,	Southard.
Black, Ga.	Gardner,	Mahany,	Spalding,
Blue,	Gillet, N. Y.	Marsh.	Spencer,
Bowers.	Gillett, Mass.	McClure,	Sperry,
Brewster.	Grout,	McCormick,	Steele,
Broderick,	Hall,	McCreary, Ky.	Stone, C. W.
Bromwell,	Halterman,	McCulloch,	Taft,
Burton, Mo.	Harrison,	McDearmon.	Tawney,
Burton, Ohio	Hart,	McMillin,	Tayler,
Calderhead,	Hatch.	Miles,	Terry,
Catchings.	Henderson,	Milnes,	Turner, Ga.
Clardy,	Henry, Ind.	Mitchell,	Turner, Va.
Clark, Mo.	Hepburn,	Mondell,	Van Horn,
Clarke, Ala.	Hermann,	Moody,	Wadsworth,
Cockrell,	Hilborn,	Neill.	Walker, Mass.
Codding,	Hill,	Newlands,	Walker, Va.
Connolly,	Hooker,	Ogden,	Washington,
Cooper, Tex.	Hubbard,	Otjen,	Watson, Ohio
Cox,	Hull,	Payne,	Wellington,
Crisp,	Johnson, Ind.	Pendleton.	White.
Culberson,	Johnson, N. Dak.	Perkins,	Williams,
Curtis, Kans.	Kendall,	Pitney,	Wilson, Ohio
Dalzell,	Kiefer,	Powers,	Woodman,
Danford,	Kirkpatrick,	Price,	Wright,
Denny.	Kleberg.	Prince.	Yoakum.

Donn's 1	Trionor Bi		A CHILL CELLA
	NA.	YS-104.	
Aitken. Allen, Utah Andrews, Arnold, R. I. Baker, Kans. Baker, N. H. Bartholdt, Belknap, Bell, Colo. Bennett, Berry, Boutelle, Brosius, Cannon. Chickering, Coffin, Cook, Wis. Cooke, Ill. Cooper, Wis. Corliss, Cousins, Coro	Dingley, Eddy, Fairchild, Fischer, Fitzgerald, Fletcher, Gibson, Goodwyn, Griffin, Grosvenor, Grow, Hainer, Nebr. Hardy, Harmer, Hartman, Heatwole, Hendrick, Hicks, Howard, Howel, Huling,	KNOX, Leisenring, Leonard, Lester, Loudenslager, Low, Mahon, Martin, McCleary, Minn. McEwan, McLaurin, Mercer, Miller, W. Va. Minor, Wis. Morse, Mozley, Murphy, Northway, Odell, Owens, Parker, Phillips,	Reeves, Reyburn, Russell, Conn. Shannon, Snover, Sparkman, Stable, Stephenson, Stewart, Wis. Stokes, Strode, Nebr. Strowd, N. C. Sulzer, Tate, Thorp, Towne, Tracey, Treloar, Updegraff, Van Voorhis, Wanner,
Cummings.	Hurley,	Poole,	Wheeler,
Curtis, N. Y. Dayton,	Jenkins, Johnson, Cal.	Quigg, Raney,	Wilson, N. Y. Wood,
Dayton,	Tomison, Cal.	Dem,	Wood,

NOT VOTING-108.

Aldrich, W. F.	Curtis, Iowa	Latimer,	Rusk,
Aldrich, Ill.	Daniels,	Lefever,	Russell, Ga.
Allen, Miss.	De Witt,	Lewis.	Sauerhering,
Anderson,	Dockery,	Lorimer,	Shaw,
Apsley,	Dovener,	Maguire.	Shuford,
Arnold, Pa.	Ellett.	McCall, Mass.	Skinner,
Avery,	Gamble,	McCall, Tenn.	Smith, Ill.
Baker, Md.	Graff.	McClellan,	Smith, Mich.
Bankhead,	Griswold,	McLachlan,	Southwick,
Barney,	Hadley,	McRae.	Stallings,
Barrett.	Hager,	Meiklejohn,	Stewart, N. J.
Bartlett, N.Y.	Hanly,	Meredith,	Stone, W.A.
		Meredita,	Strait,
Bingham,	Harris,	Meyer,	Change
Black, N.Y.	Heiner, Pa.	Miller, Kans.	Strong,
Boatner,	Hemenway,	Milliken,	Sulloway,
Brown,	Henry, Conn.	Miner, N. Y.	Swanson,
Brumm,	Hitt,	Money,	Talbert,
Buck,	Hopkins,	Moses,	Thomas,
Bull,	Huff,	Murray,	Tracewell,
Burrell,	Hulick,	Noonan,	Tucker,
Clark, Iowa	Hunter,	Otey,	Tyler,
Cobb,	Hutcheson,	Overstreet,	Watson, Ind.
Colson,	Hyde,	Patterson,	Wilber,
Cooper, Fla.	Jones,	Pearson,	Willis,
Cowen.	Joy.	Pickler,	Wilson, Idaho
Crowley,	Kerr,	Robertson, La.	Wilson, S. C.
Crump,	Kulp,	Robinson, Pa.	Woodard.

So the bill was ordered to be engrossed and read a third time. The following pairs were announced until further notice: Mr. AVERY with Mr. STALLINGS.

Mr. Avery with Mr. Stallings.
Mr. Bull with Mr. Money.
Mr. Joy with Mr. Allen of Mississippi.
Mr. Crump with Mr. Cowen.
Mr. Kulp with Mr. Strait.
Mr. Hopkins with Mr. Hutcheson.
Mr. Overstreet with Mr. Jones.
Mr. Smith of Michigan with Mr. Tucker.
Mr. Hemenway with Mr. Robertson of Louisiana.
Mr. Hanly with Mr. Talbert.
Mr. Bingham with Mr. Dockery.
Mr. Hitt with Mr. Maguire.
Mr. Strong with Mr. Miner of New York.
Mr. Apsley with Mr. Boatner.
Mr. Burrell with Mr. McRae.
Mr. Gamble with Mr. Meyer.
Mr. Lefever with Mr. Wilson of South Carolina.
Mr. Brown with Mr. Latimer.
Mr. Meiklejohn with Mr. Buok.

Mr. Meiklejohn with Mr. Buck.

The following pairs were announced for this day: Mr. WILLIAM A. STONE with Mr. ELLETT.

Mr. Aldrich of Illinois with Mr. Southwick, Mr. Patterson with Mr. Meredith,

Mr. THOMAS WITH Mr. BANKHEAD.
Mr. TYLER WITH Mr. OTEY.
Mr. WATSON of Indiana WITH Mr. RUSSELL of Georgia.
Mr. TRACEWELL WITH Mr. RUSK.
Mr. HENRY of Connecticut WITH Mr. McCLELLAN. Mr. McCall of Massachusetts with Mr. Brumm. Mr. Pickler with Mr. Bartlett of New York.

Mr. Arnold of Pennsylvania with Mr. WOODARD.

Mr. CLARK of Iowa with Mr. SHAW. Mr. Curtis of Iowa with Mr. Moses. Mr. DE WITT with Mr. CROWLEY.

Mr. DOVENER with Mr. COBB.

Mr. HICKS. Mr. Speaker, I desire to make a statement with reference to my colleague, Mr. Brumm. He is unavoidably absent, but wishes me to announce that if present he would vote against the bill.

Mr. BINGHAM. Mr. Speaker, I find in the list of pairs announced that I am paired with the gentleman from Missouri, Mr. Dockery. That is correct, but I was under the impression that

The was present. I therefore withdraw my vote.

The result of the vote was then announced as above recorded.

The bill was accordingly read the third time, and passed.

On motion of Mr. LOUD, a motion to reconsider the last vote

was laid on the table.

Mr. LOUD. I move that the House do now adjourn.

The SPEAKER. If the gentleman will withhold that motion for a little while, the gentleman from Massachusetts has a matter concerning the convenience of the House.

Mr. LOUD. I will withdraw the motion temporarily.

TELEPHONE LINE, DISTRICT OF COLUMBIA

Mr. MORSE. Mr. Speaker, I present the following joint resolution from the Committee on Public Buildings and Grounds. I ask that the committee be discharged from its consideration, and that the resolution be put upon its passage.

The SPEAKER. The joint resolution will be read, subject to objection.

The Clerk read as follows:

Joint resolution (H. Res. 205) authorizing the building of a telephone line in the District of Columbia.

Be it resolved, etc., That authority is hereby granted to William J. Browning, Chief Clerk of the House of Representatives, to build a telephone line from the House folding room to the new annex folding room in the McDowell Building, corner of North Capitol street and Massachusetts avenue, using the Government poles now on North Capitol street.

The SPEAKER. Is there objection to the present consideration

of the resolution?

There being no objection, the joint resolution was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.
On motion of Mr. MORSE, a motion to reconsider the last vote

was laid on the table.

CHANGE OF REFERENCE.

The SPEAKER directed the following change of reference: The joint resolution, H. Res. 225, from the Committee on Appropriations to the Committee on the Library.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows: To Mr. Joy, for one week, on account of important business. To Mr. Buck, for six days, on account of important business.

Mr. DINGLEY. Mr. Speaker, I move that the House do now

The motion was agreed to; and accordingly (at 4 o'clock and 32 minutes p. m.) the House adjourned.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as

A letter from the Secretary of the Treasury, transmitting a statement of expenditures in the United States Coast and Geodetic Survey for the year ending June 30, 1896—to the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of Wolf Lake and River, Illinois and Indiana—to the Committee on Privare and Horbors and ordered to be printed.

Rivers and Harbors, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting communications relating to the work of the offices of the Supervising Architect, the Auditor of the War Department, the Comptroller of the Treasury, the Treasurer of the United States, the Surgeon-General of the Marine-Hospital Service, and the Light-House Board; and communications from the Secretary of State, the Secretary of War, the Secretary of the Navy, the Secretary of the Interior, the Postmaster-General, the Attorney-General, the Secretary of Agriculture, and the Commissioner of Labor, showing

retary of Agriculture, and the Commissioner of Labor, showing the condition of the work in their respective Departments—to the Committee on Appropriations, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of Lucy Cox, administratrix of Elizabeth Cox, deceased, against The United States—to the Committee on War Claims, and ordered to

be printed.

A letter from the Acting Secretary of the Treasury, transmitting estimates of expenses incurred for the support of the militia of the District of Columbia—to the Committee on Appropriations, and ordered to be printed.

A letter from the Acting Secretary of the Treasury, transmitting estimates of appropriations on account of the revenue service—to the Committee on Appropriations, and ordered to be printed.

REPORTS OF COMMITTEES ON PRIVATE BILLS.

severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

By Mr. WOOD, from the Committee on Invalid Pensions: The bill (H. R. 8304) to increase the pension of John Purkapile. (Report No. 2389.)

By Mr. MINOR of Wisconsin, from the Committee on Claims; The bill (H. R. 4658) granting to Charles F. Leimer the sum of \$400. (Report No. 2390.)

By Mr. LAYTON, from the Committee on Invalid Pensions: The bill (H. R. 1261) entitled "An act for the relief of John Kehl, and to restore him to his former rating," with certain amendments of the Senate thereto. (Report No. 2391.)

By Mr. POOLE from the Committee on Invalid Pensions: The

By Mr. POOLE, from the Committee on Invalid Pensions: The bill (H. R. 9062) granting a pension to Mary M. Walrath, widow of Ezra L. Walrath, late lieutenant-colonel One hundred and fifteenth Regiment New York Volunteer Infantry. (Report No.

By Mr. LOUDENSLAGER, from the Committee on Pensions: The bill (H. R. 9306) granting a pension to Amanda Woodcock. (Report No. 2393.)

The bill (S. 2802) entited "An act granting a pension to Margaret. Rowsell." (Report No. 2394.)

PUBLIC BILLS, MEMORIALS, AND RESOLUTIONS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as

By Mr. DALZELL: A bill (H. R. 9841) to amend an act authorizing the West Braddock Bridge Company to construct a bridge over the Monongahela River from the borough of Rankin to Mifflin Township-to the Committee on Interstate and Foreign Com-

By Mr. McCORMICK: A bill (H. R. 9842) relating to the adul-

by Mr. McCods and drugs in the District of Columbia—to the Committee on the District of Columbia.

By Mr. COBB: A bill (H. R. 9843) to authorize compensation for postal service between St. Louis, Mo., and East St. Louis, Ill.—to the Committee on the Post-Office and Post-Roads.

By Mr. CUMMINGS: A bill (H. R. 9844) to amend section 5 of the act for the relief of certain enlisted men of the Navy and Marine Corps, approved August 14, 1888—to the Committee on Naval Affairs

By Mr. REEVES: A bill (H. R. 9845) to provide for the purchase of a site and the erection of a public building thereon at Streator, in the State of Illinois—to the Committee on Public

Buildings and Grounds.

By Mr. HERMANN: A bill (H. R. 9846) to amend an act entitled "An act to provide for the adjudication and payment of claims
arising from Indian depredations," approved March 3, 1891—to the Committee on Indian Affairs.

By Mr. WADSWORTH: A bill (H. R. 9861) for the erection of public building at Lockport, N. Y.—to the Committee on Public Buildings and Grounds.

PRIVATE BILLS, ETC.

Under clause 1 of Rule XXII, private bills of the following titles were presented and referred as follows:

By Mr. BAKER of Kansas: A bill (H. R. 9847) for the relief of Sylvester S. Van Sickel, a captain of the Twelfth Missouri Cavalry Volunteers—to the Committee on Military Affairs.

By Mr. BENNETT: A bill (H. R. 9848) for the relief of Peter Molyneaux—to the Committee on War Claims.

Molyneaux—to the Committee on War Claims.

By Mr. CATCHINGS: A bill (H. R. 9849) for the relief of J. R. Eggleston, of Hinds County, Miss.—to the Committee on Claims. By Mr. CRISP: A bill (H. R. 9850) granting a pension to Leander F. McCoy—to the Committee on Pensions.

By Mr. HURLEY: A bill (H. R. 9851) granting a pension to Ella Claassen, widow of Col. Peter J. Claassen—to the Committee

on Invalid Pensions.

on invalid Pensions.

By Mr. LAYTON: A bill (H. R. 9852) for the relief of Levi M.

Wells—to the Committee on Military Affairs.

By Mr. MOZLEY: A bill (H. R. 9853) to correct the military record of Joseph H. Curbo—to the Committee on Military Affairs.

By Mr. RINAKER: A bill (H. R. 9854) to grant a pension to Eli D. Walker—to the Committee on Invalid Pensions.

By Mr. SPENCER: A bill (H. R. 9855) for the relief of Mary

Ann Hendricks, Hinds County, Miss.—to the Committee on War

By Mr. TRELOAR: A bill (H. R. 9856) granting an increase of pension to George Whitehead—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9857) granting an increase of pension to John Jones—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9858) granting a pension to Mrs. Lydia Lollar, widow of George F. Lollar—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9859) granting a pension to Mrs. Mary F. Wright, widow of Stephen E. Wright—to the Committee on Invalid Pensions.

By Mr. WOOMER: A bill (H. R. 9860) granting a pension to Emma Handshaw—to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ADAMS: Resolutions of the Philadelphia Board of Trade, opposing the passage of House bill No. 8536, to amend the interstate-commerce law-to the Committee on Interstate and Foreign Commerce.

Also, resolutions of the Manufacturers' Club, of Philadelphia, favoring increased mail facilities in New York Harbor—to the Committee on Rivers and Harbors.

By Mr. APSLEY: Papers to accompany House bill No. 9828, granting a pension to Mary A. Caulfield—to the Committee on Invalid Pensions.

By Mr. ARNOLD of Rhode Island: Petition of citizens of Wickford, R. I., for the further improvement of Wickford Harbor—to the Committee on Rivers and Harbors.

By Mr. BARRETT: Petition of Damrell & Upham and 500 other booksellers and news dealers of the State of Massachusetts, remonstrating against the passage of House bill No. 4566, relating to second-class mail matter—to the Committee on the Post-Office and Post-Roads.

By Mr. BURTON of Ohio: Petition of the Ohio State Medical Society, in favor of House bill No. 8777, to provide for the examination of immigrants at ports of debarkation—to the Committee on Immigration and Naturalization.

By Mr. BULL: Petition of the Rhode Island Society, Sons of the Revolution, in favor of a law making June 14 flag day—to

the Revolution, in favor of a law making June 14 flag day—to the Committee on the Judiciary.

Also, petition of the publishers of the Providence Journal of Commerce; also of publishers of the Triangle; also of Walter B. Frost, all of Providence, R. I.; also of T. S. Hammond, of Auburn, R. I.; also of news dealers and booksellers of Rhode Island, protesting against the passage of House bill No. 4566, relating to second-class mail matter—to the Committee on the Post-Office and Post-Roads.

By Mr. CANNON: Memorial of the Methodist Episcopal church of Catlin, Ill., urging that the Government immediately secure satisfaction for damages to American citizens and property in Turkey—to the Committee on Foreign Affairs.

By Mr. HENDERSON: Petition of the Honey Creek Quarterly Meeting of Friends, representing a membership of 1,258, held at New Providence, Iowa, praying that the sale of liquors be prohib-ited in buildings owned or controlled by the Government—to the Committee on Alcoholic Liquor Traffic.

Also, petition of the Honey Creek Quarterly Meeting of Friends, asking that the age of consent be raised to 18 in the District of Columbia and the Territories—to the Committee on the Judiciary.

Also, resolutions adopted by the citizens of Fonda, Iowa, urging

the United States to take such action as it can to prevent the mas-

the United States to take such action as it can to prevent the massacre of the Armenians—to the Committee on Foreign Affairs.

By Mr. HENRY of Indiana: Affidavits of James Harrison,
Thomas J. Dragoo, and letter of the Pension Commissioner, in
support of House bill No. 7305, granting an increase of pension to
James Harrison—to the Committee on Invalid Pensions.

By Mr. HERMANN: Memorial of the Chamber of Commerce of

By Mr. HERMANN: Memorial of the Chamber of Commerce of Astoria, Oreg., asking for the construction of the Nicaragua Canal—to the Committee on Interstate and Foreign Commerce. By Mr. KIEFER: Petition of news dealers of St. Paul, Minn.; also, petitions of A. L. Graves, Theo. A. Lienau, W. B. Brewster, and James A. Melady, all of St. Paul, Minn., against the passage of House bill No. 4566, relating to second-class matter—to the Committee on the Post-Office and Post-Roads.

By Mr. KENDALL: Petition and papers in support of the claim of Mrs. Rebecca Harrison, widow of a soldier in the Mexican war—to the Committee on Pensions.

By Mr. LAYTON: Papers in support of House bill for the relief of Levi M. Wells—to the Committee on Military Affairs.

By Mr. OTJEN: Protest of the Wisconsin News Company and others, against the passage of House bill No. 4566, relating to second-class mail matter—to the Committee on the Post-Office and Post-Roads.

Post-Roads.

By Mr. PITNEY: Petition of Victory Council, Junior Order United American Mechanics, of Frenchtown, N. J., concerning Cuba—to the Committee on Foreign Affairs.

By Mr. QUIGG: Sundry petitions of 88 news dealers and booksellers of New York City; the American Wheelman Publishing Company; publisher of the Independent; publishers of the Queen of Fashion; editor of the Rosary Magazine; Frank Leslie's Publishing House; publisher of the Treasury; Gunton's Magazine; the Insurance Critic; Leader & Bookstaver; William Wood & Co.; Typographical Union No. 6; the A. D. Porter Company; the Paulist Fathers; J. W. Plummer; Jenness Miller Monthly; Anthony's Photographic Bulletin; the New York Dispatch; F. M. Lupton; F. B. Warner; H. L. Saltonstall; Stationers' Board of Trade; W. C. Conant; E. B. Treat; the Trade News Publishing Company; the Metaphysical Magazine; Morris Phillips & Co.; Kirtland Bros. & Co.; Samuel S. Blood; Edward H. Fallows; H. B. Sutherland; Theo. H. Babcock, all of the city of New York; Forbes Lithegraph Company and Pulsifer, Cook & Co., of Boston, Mass., and Mast, Crowell & Kirkpatrick, publishers, of Springfield, Ohio, protesting against the passage of House bill No. 4566, relating to second-class mail matter—to the Committee on the Post-Office and Post-Roads.

By Mr. RICHARDSON: Petition of Watts & Co., of South Pealing Tearn, edge of the publishers of the Cumberland Prechy.

By Mr. RICHARDSON: Petition of Watts & Co., of South Berlin, Tenn.; also of the publisher of the Cumberland Presbyterian, of Fayette, Tenn., against the passage of House bill No. 4566,

relating to second-class mail matter—to the Committee on the Post-Office and Post-Roads.

By Mr. RUSSELL of Connecticut: Protest of news dealers of the State of Connecticut, against the passage of House bill No. 4566, changing postal rates on second-class matter—to the Com-mittee on the Post-Office and Post-Roads. By Mr. TERRY: Memorial of the Arkansas River Improvement

Convention, held at Fort Smith, Ark., for the improvement of Sabine Pass—to the Committee on Rivers and Harbors.

Also, memorial of the Arkansas River Improvement Convention, held December 15, 1896, at Fort Smith, Ark., for the improvement of the channel of Arkansas River and the safety of the harbor at Van Buren, Ark.—to the Committee on Rivers and Harbors.

Also, resolution of the Fort Smith Commercial League, against the passage of a resolution recognizing the independence of Cuba—to the Committee on Foreign Affairs.

Also, resolutions of the Master Car Builders' Association, oppos-

ing the metric system-to the Committee on Coinage, Weights, and Measure

By Mr. UPDEGRAFF: Petition of A. B. Stickney, of St. Paul, Minn., for extension of time in which to equip cars with certain patent couplers—to the Committee on Interstate and Foreign

Also, petition of W. R. Mead, of Cisco; also of Dyke & Olds, of Charles City; also of B. F. Wright; also of S. R. Yager, of Colmar; also of C. H. Talmage, of West Union, all of the State of Iowa, protesting against the passage of House bill No. 4566, relating to second-class mail matter—to the Committee on the Post-Office and Post-Roads.

By Mr. WANGER: Resolutions of Colonel Croasdale Post, No. 256, Grand Army of the Republic, Department of Pennsylvania, favoring the recognition of Cuba—to the Committee on Foreign

Affairs.

Also, petition of H. L. Everett, of Philadelphia; also of U. S. Stauffer, of Quakertown; also of W. F. Goettler, of Souderton; also of A. E. Dambly's estate, of Skeppock, all of the State of Pennsylvania, protesting against the passage of House bill No. 4566, relating to second-class mail matter—to the Committee on the Post-Office and Post-Roads.

SENATE.

THURSDAY, January 7, 1897.

Prayer by Rev. HENRY N. COUDEN, Chaplain of the House of

Representatives.
The Journal of yesterday's proceedings was read and approved.

TREASURY SETTLEMENTS.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Treasury, transmitting, in response to a resolution of December 21, 1896, a report of the Auditor for the War Department showing that the allowance of claims to certain insurance companies for the loss of the steamer Osceola were of the same character as those heretofore made upon the steamer Peerless; which, with the accompanying papers, was referred to the Committee on Claims, and ordered to be printed.

CERTIFICATION OF ELECTORS.

The VICE-PRESIDENT laid before the Senate a communica-tion from the executive of the State of Nebraska, transmitting a copy of the final ascertainment of electors for President and Vice-President for that State; which was ordered to lie on the table.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. W. J. Browning, its Chief Clerk, announced that the House had passed the following bill and joint resolution; in which it requested the concurrence of the Senate:

A bill (H. B. 4566) to amend the postal laws relating to second-class mail matter; and

A joint resolution (H. Res. 205) authorizing the building of a telephone line in the District of Columbia.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the Vice-President:

A bill (H. R. 158) granting a pension to Mary Collins;
A bill (H. R. 1511) for the relief of Lydia Boynton Ferris;
A bill (H. R. 2320) for the relief of Samuel Burrell;
A bill (H. R. 3398) for the relief of Augusta Tuller;
A bill (H. R. 3890) granting a pension to George William Hodgdon;

A bill (H. R. 5710) granting a pension to Eleanor L. Curtiss; A bill (H. R. 5782) granting a pension to Mrs. Anna Wedel; A bill (H. R. 7127) granting a pension to Samuel D. Gilman; and A bill (H. R. 7500) granting a pension to Mrs. Keturah Wilson, widow of James Wilson, deceased.

PETITIONS AND MEMORIALS.

Mr. LODGE presented the memorials of J. W. Bowles, publisher of the Modern Art, of Boston; of E. W. Ellis, publisher of the City Press, of Malden; of F. A. D. Silva, publisher of Progresso, of New Bedford; of C. E. Twombly, publisher of the Pigeon News, of Boston, and of twelve firms of news dealers and booksellers of Springfield, all in the State of Massachusetts, remonstrating against the passage of the so-called Loud bill, relating to second-class mail matter; which were referred to the Committee on Post-Offices and

Mr. SHERMAN presented the memorial of George T. Weeks, publisher of the Independent, of Edon, Ohio, remonstrating against the passage of the so-called Loud bill, relating to second-class mail matter; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented resolutions adopted by Post No. 646, Department of Ohio, Grand Army of the Republic, of New Paris, Ohio, favoring recognition of the independence of Cuba; which were ordered to lie on the table.

He also presented a petition of the Methodist Ministers' Association, of Cleveland, Ohio, praying for the enactment of legislation to abolish the sale of liquor in the Capitol building; which

was referred to the Committee on Public Buildings and Grounds.
Mr. GEAR presented the memorials of Oscar A. Hoffman, publisher of the Sioux City Volksfreund, Sioux City; of D. Bed, publisher of the Allamakee Journal, of Lansing, and of Thockley Bros. & Cook, publishers of the Saturday Globe, all in the State of Iowa, remonstrating against the passage of the so-called Loud

of Iowa, remonstrating against the passage of the so-called Loud bill, relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

Mr. TURPIE (for Mr. Voorhees) presented a petition of Samuel Reid Post, No. 87, Department of Indiana, Grand Army of the Republic, praying Congress to recognize the independence of Cuba, and expressing sympathy for the Cubans in their struggle for freedom; which was ordered to lie on the table.

Mr. BATE presented the memorials of Morrison Bros., publishers of the Dental Headlight, of Nashville; of Cayce & Turner, publishers of the Mail and the Primitive Baptist, of Martin; of William Carruthers, publisher of the Vidette, of Hartsville, and of W. D. Wheatley, publisher of the News, of Big Sandy, all in the State of Tennessee, remonstrating against the passage of the so-called Loud bill, relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

Mr. MITCHELL of Wisconsin presented the memorial of Frank

State of Tennessee, remonstrating against the passage of the so-called Loud bill, relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

Mr. MITCHELL of Wisconsin presented the memorial of Frank B. Gesler, publisher of the Independent, of Bangor, Wis., and the memorial of Power & Hovel Bros., publishers of the Daily Republic, of Baraboo, Wis., remonstrating against the passage of the so-called Loud bill, relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

Mr. CULLOM presented petitions of the Crawford Lumber Company, of Raymond; of the Farmers' National Bank, of Knoxville; of G. L. Grant, of the American Florist, of Chicago; of James Peabody, of the Railway Review, of Illinois; of Dr. T. Y. Kayne, specialist, of Chicago; of J. M. Yeomans, of Chicago; of J. S. McDonald & Co., manufacturing stationers, of Chicago, all in the State of Illinois, and of C. H. E. Redding, secretary of the American Newspaper Publishers' Association of the United States, praying for the passage of the so-called Loud bill, relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

He also presented the memorials of H. Webb Pemberton, publisher of the Epicure, Confectioner, and Baker, of Chicago; of M. R. Fisher, publisher of the Poultry Tribune, of Freeport; of M. M. Rowley, publisher of the Clipper, of Biggsville; of J. E. Bangs, publisher of the Student, of Pontiac; of Nathan Collins, publisher of the Bunner of Gold, of Chicago; of N. A. Reed, publisher of the Bunner of Gold, of Chicago; of N. A. Reed, publisher of the Bunner of Gold, of Chicago; of Poultishing Company, of Chicago; of Edward E. Goff, of the Motocycle Publishing Company, of Chicago; of Edward E. Goff, of the Motocycle Publishing Company, of Chicago; of Edward E. Goff, of the Motocycle Publishing Company, of Chicago; of Sarah Pollock, publisher of the Franklin Reporter, of Franklin Grove; of Sarah Pollock, publishe

H. F. and A. E. Evans, publishers of the Highland Park News, of Highland Park; of T. O. Thompson, publisher of the Dairy World, of Chicago; of the Lanward Publishing Company, publishers of the General Manager, of Chicago; of C. E. Rouse, publisher of the Argus, of Chicago; of Frances L. Dusenberry, publisher of the Chicago Vegetarian, of Chicago; of O. L. Fox, publisher of the Indicator, of Chicago; of W. W. Burch, publisher of the American Sheep Breeder, of Chicago, and of Charles S. MacDonald and sundry other news dealers and booksellers of Chicago, all in the State of Illinois, remonstrating against the passage of the so-called Loud bill, relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

He also presented resolutions adopted by Council No. 14. Amer-

He also presented resolutions adopted by Council No. 14, American Protective Association, of St. Louis, Mo., expressing sympathy for the Cubans in their struggle for freedom; which were ordered to lie on the table

He also presented a petition of the Trades and Labor Assembly of Galesburg, Ill., and a petition of the Gulf City Farmers' Alli-

of Galesburg, Ill., and a petition of the Gulf City Farmers' Alliance, of Galveston, Tex., praying Congress to recognize the independence of Cuba; which were ordered to lie on the table.

He also presented a resolution of the Commercial Club, of Chicago, Ill., favoring the policy of the Administration in regard to Cuban affairs; which was ordered to lie on the table.

Mr. FRYE presented a petition of the Maine State Grange, praying for the passage of Senate bill No. 2005, to amend an act entitled "An act making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1895, "approved July 16, 1894; which was referred to the Committee on Post-Offices Post-Roads Post-Roads.

He also presented the memorials of Daniel H. Holmes and Fred He also presented the memorials of Daniel H. Holmes and Fred H. Haley, publishers of the Chronicle, of Westbrook; of W. E. Lewis, publisher of the Pemaquid Messenger, of Bristol; of Joseph Wood, publisher of the Maine Coast Cottager, of Portland, all in the State of Maine, remonstrating against the passage of the so-called Loud bill, relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

Mr. HOAR presented the memorial of C. E. Goldthwait and 13 other citizens of Springfield, Mass., and a memorial of sundry citizens of Massachusetts, remonstrating against the passage of the so-called Loud bill, relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

Mr. BURROWS presented the memorials of John B. Penfield, of the Commercial, of Vicksburg; of J. H. Kellogg, of the Modern Medicine, of Battlecreek; of Herber & T. Sawher, of the Evening News, of St. Clair; of Clement J. Strong, of the Sunfield Sentinel, of Sunfield; of Ihling Bros. & Everard, of Kalamazoo, and 3 other publishers of Michigan, and of the Detroit News Company and 12 other news dealers and booksellers of Detroit, all in the State of Michigan removes rating against the pressers of the second

and 12 other news dealers and booksellers of Detroit, all in the State of Michigan, remonstrating against the passage of the so-called Loud bill, relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

Mr. STEWART presented the petition of Robert C. Blossom, publisher of the Central Nevadon, of Battle Mountain, Nev., praying for the passage of the so-called Loud bill, relating to second-class mail matter; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. ALLEN. I present a petition and sundry letters from citizens of the State of Florida, relative to the Perrine land grant in that State. I move that the petition and accompanying papers be referred to the Committee on Public Lands.

referred to the Committee on Public Lands.

The motion was agreed to. The motion was agreed to.

Mr. CARTER presented a petition of sundry citizens of Madison County, Mont., and a petition of sundry citizens of Dawson County, Mont., praying for the passage of the so-called Dingley tariff bill; which were referred to the Committee on Finance.

Mr. CALL presented the memorial of Josephus Anderson, of the Florida Christian Advocate, of Leesburg, Fla., remonstrating

Florida Christian Advocate, of Leesburg, Fla., remonstrating against the passage of the so-called Loud bill, relating to second-class mail matter; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. McMILLAN presented petitions of the Mount Pleasant Congregational Church; of the Union Methodist Episcopal Church; of the Central Union Mission; of the Concordia German Lutheran the Central Union Mission; of the Concordia German Lutheran Church; of L. B. Wilson, presiding elder of the Washington district of the Baltimore Conference of the Methodist Episcopal Church; of Wesley Chapel Methodist Episcopal Church; of Emmanuel Protestant Episcopal Ladies' Society; of Dr. J. J. Muir, pastor of E Street Baptist Church; of the pastor and deacons of Calvary Baptist Church; of Mount Vernon Place Church, and of the Fifth Congregational Church, all in the city of Washington, D. C., praying for the passage of House bill No. 9515, to raise the age of protection for girls in the District of Columbia to 18 years; which were referred to the Committee on the District of Columbia.

He also presented memorials of C. J. Strong, of the Sentinel, of Sunfield: of John C. Van Duzer, of the Iron Port, of Escanaba; of the Wood Printing Company, of the Nonpareil, of Muskegon;

of H. C. Kudner, of the Lapeer County Democrat, of Lapeer; of Woessmer & Marson, of the Menominee County Journal, of Stephenson; of Herbert Thomas Sawher, of the Evening News, of St. Clair; of B. F. Browne, of the Huron Times, of Sand Beach; of John B. Penfield, of the Commercial, of Vicksburg; of Wesley Emery, of the Corner Stone (monthly), of Lansing; of J. H. Kellogg, of the Modern Medicine, of Battlecreek, and of J. H. Kellogg, of Good Health, of Battlecreek, all in the State of Michigan, remonstrating against the passage of the so-called Loud bill, relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads. mittee on Post-Offices and Post-Roads.

Mr. MILLS presented the memorials of S. A. Hayam, publisher of the Texas Baptist Herald, of Dallas; of Paulino Martinez, publisher of El Chinaco, of Laredo; of Justo Cardenas, publisher of El Correo de Laredo, Laredo; of the Stock Journal Publishing Company, publishers of the Texas Stock and Farm Journal, of Dallas; of L. A. Sanders, publisher of the Democrat, of Montague; of Clarence Ously, editor of the Tribune; of J. C. Cochran, publisher of the Texas Odd Fellow, of Austin; and of George H. Black, publisher of the Tioga North Texan, of Tioga, all in the State of Texas, remonstrating against the passage of the so-called Loud bill, relat-

remonstrating against the passage of the so-called Loud bill, relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

Mr. MORGAN presented the petition of Benjamin B. Cox and sundry other citizens of Mobile, Ala., praying for the passage of House bill No. 8320, for the improvement of the public service by optional and compulsory retirement of certain Government employees, and for the creation of a fund for the benefit of such

employees, and for the creation of a fund for the benefit of such employees, and for other purposes; which was referred to the Committee on Civil Service and Retrenchment.

Mr. COCKRELL presented the memorial of J. A. Mann, publisher of the Times, of Kingfisher, Okla., remonstrating against the passage of the so-called Loud bill, relating to second-class mail matter; which was referred to the Committee on Post-Offices and

Post-Roads.

Mr. BRICE presented a petition of the Methodist Ministers' Association of Cleveland, Ohio, praying for the passage of the so-called Morse bill, providing for the regulation of the sale of intoxicating liquor in the District of Columbia; which was referred to the Committee on the District of Columbia.

He also presented a petition of sundry citizens of Delhi, Home

He also presented a petition of sundry citizens of Delhi, Home City, and Fernbank, all in the State of Ohio, praying for the enactment of legislation for the relief of the suffering Armenians in Turkey; which was referred to the Committee on Foreign Rela-

He also presented a petition of the Cleveland Christian Endeavor Union, of Cleveland, Ohio, and the petition of Rev. A. E. Winter, of Cleveland, Ohio, praying for the enactment of legislation prohibiting the sale of intoxicating liquors in the Capitol building: which were referred to the Committee on Public Buildings and Grounds.

He also presented a petition of the Ohio State Grange, Patrons of Husbandry, praying for the enactment of legislation providing for more restrictive immigration laws; which was referred to the

Committee on Immigration.

He also presented a petition of the Ohio State Medical Society, praying for the passage of Senate bill No. 3127, providing for the examination of immigrants at ports of debarkation; which was referred to the Committee on Immigration.

He also presented a petition of sundry citizens of Bellefontaine, Ohio, and a petition of sundry citizens of Columbus, Ohio, pray-ing Congress to recognize the independence of Cuba; which were

remonstrating against the passage of Senate bill No. 1552, providing for the further prevention of cruelty to animals in the District of Columbia; which was referred to the Committee on the District of Columbia

He also presented a petition of the McMicken Mutual Aid Association of Cincinnati, Ohio, praying for the passage of the resolution now pending in the Senate recognizing the independence of Cuba; which was ordered to lie on the table.

He also presented a petition of the Manufacturers' Club of Cincinnati, Ohio, praying for the establishment of a department of commerce and manufactures; which was referred to the Commit-

tee on Commerce.

He also presented petitions of the Dayton Gas Light and Coke He also presented petitions of the Dayton Gas Light and Coke Company; of the Cooper Insurance Company; of the Gem Shirt Company; of Messrs. Thresher & Co.; of the Fourth National Bank; of the Stillwell-Bierce & Smith-Vaile Company; of the Rike Dry Goods Company; of the Craig-Reynolds Foundry Company; of Messrs. Canby, Ach & Canby; of Messrs. C. W. Raymond & Co.; of the Royal Remedy and Extract Company; of the Cast Steel Plow Company; of Messrs. Elder & Johnston; of the Crawford, McGregor & Canby Company of Dayton, and of the Case Manufacturing Company, all in the State of Ohio, praying for the enactment of legislation providing for the readjustment

of the rates of postage; which were referred to the Committee on Post-Offices and Post-Roads.

Post-Offices and Post-Roads.

He also presented the memorials of Keepers & Greenbaum, publishers of the Monroe Gazette, of Woodsfield; of 126 news dealers and booksellers of Cincinnati; of W. S. Richard, publisher of the Derrick, of Bloomdale; of the Cycling News, of Toledo; of the Advocate, of Plain City; of the publishers of the Church Life, of Cleveland, and of the publisher of the Beacon, of Akron; of the Ashtabula News, of Ashtabula; of the Toledo Daily News, of Toledo; of George T. Byland, of Hillsboro; of E. Wotwell, publisher of the Magnet, of New Waterford; of McClung & Hinkle, publishers of the Herald, of Jackson; of Jackson H. Cooke, publisher of the Market Review and Farm Journal, of Akron; of the Huron County News, of Norwalk; of A. E. Hough, editor of the Gazette, of Hillsboro; and of A. McLean, secretary of the Foreign Christian Missionary Society, of Cincinnati, all in the State of Ohio, remonstrating against the passage of the so-called Loud bill, relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

He also presented the petitions of John Orr Sons, of Steuben-

He also presented the petitions of John Orr Sons, of Steubenville, Ohio; of the D. Q. Fox Company, of Springfield, and of Babcock, Hurd & Co., of Cleveland, praying for the passage of the so-called Loud bill, relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-

Roads.

Mr. THURSTON presented a memorial of the Master Car Builders' Association, praying for the adoption of the metric system of weights and measures; which was referred to the Committee on Finance.

He also presented a petition of the Young People's Society of Christian Endeavor, of Hay Springs, Nebr., praying for the enactment of legislation prohibiting the sale of intoxicating liquor in the District of Columbia; which was referred to the Committee on the District of Columbia.

He also presented petitions of the American Trade Press Association, of New York, and of sundry citizens of Fremont, Nebr., praying for the passage of the so-called Loud bill, relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

He also presented the memorials of C.D. Horsey additional forms.

on Post-Offices and Post-Roads.

He also presented the memorials of C. D. Henry, publisher of the Christian News, of Bethany; of Moses H. Sydenham, publisher of the Central Star of Empire, of Kearney; of the Omaha and South Omaha news dealers; of M. O. Gentzke, publisher of the Nebraska Volksblatt and Cuming County Advertiser; of the Brock Champion, of Brock; of the Delnicke Listy Publishing Company, of Omaha; of Sinclair & Clements, publishers of the Bancroft Blade; of George F. Goodell, publisher of the Beemer Times; of the Western Cyclist; of A. J. Watrous, publisher of the Coleridge Blade; of A. L. Riggs, of Santee Agency; of F. H. Nagel, publisher of the Freie Presse, of Lincoln; of William Breed & Son, publishers of the Nebraska Volksfreund; of A. S. Evans, publisher of the Tribune, of Meadow Grove; of C. C. McHugh, publisher of the O'Neill Sun; and of E. C. Elving, publisher of the Svenska Journalen, all in the State of Nebraska; and the petition of Clara B. Colby, publisher of the Woman's Tribune, of Washington, D. C., remonstrating against the passage of the so-called Loud bill, reremonstrating against the passage of the so-called Loud bill, relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

THE CENTRAL PACIFIC RAILROAD DEBT.

Mr. WHITE. I hold in my hand a remonstrance from prominent citizens of California, and organizations, with reference to the Pacific Railroad funding bill. I do not wish to read it, but I should like to have it printed in the RECORD, and I make that

There being no objection, the memorial was ordered to lie on the table, and to be printed in the RECORD, as follows:

THE CENTRAL PACIFIC RAILROAD DEBT-CALIFORNIA'S REMONSTRANCE AGAINST REFUNDING IT.

Index.	
Reversal of established Congressional policy as to Pacific roads	1 2 4,5
The great fraud on the Central road by which it was made to furnish means to build the Southern Other frauds in Central Pacific management. The secret dividends of 1895-1896 and how brought about. Proofs of the foregoing, viz, editorial of the Economist (London),	7 10 11
March 23, 1895. Mr. Huntington's reply, confessing—From Economist (London), April 20, 1895. Mr. Crocker's confession	12 12 14 15
Other assets of the Central Pacific Company Other objections to the pending bill creating a Federal corporation of unlimited powers, in violation of the rights of the State and the cour- tesy due to it from the General Government.	15
Instances of gross abuses in transportation which have rendered the Central Pacific management odious and detested	17

Imposition of prohibitory duties on Eastern goods imported into Cali-fornia.

Establishment of an illegal special contract system with barbarous

Establishment of an illegal special contract system and penalties

Collustive suits and vexatious litigations with the State over a system of taxation adopted at their own suggestion—Deceptions practiced on the courts, etc.

Defrauding the Government and the public by failure to build the road contracted for—The contracts entire.

The Central Pacific can be reorganized on safe and solvent basis by calling in the sums due it from solvent debtors.

Résumé of grounds of opposition to refunding bill.

Appendix—Article from Nation, August 11, 1881.

Article from Nation, December 5, 1881.

THE CENTRAL PACIFIC RAILROAD DEBT-CALIFORNIA'S REMONSTRANCE AGAINST REFUNDING IT.

To the Senate and House of Representatives of the United States.

Gentlemen: In again appearing in opposition to the passage by Congress of a measure for refunding or extending time on the dobt of the Central Pacific Company, we beg to call to your recollection the many objections expressed in our memorial on behalf of the people of this State presented to the last session of Congress as well as to the following additional facts and considerations, some of which have been developed since that memorial was presented and others have been suggested by the course the discussion of the proposal has taken.

REVERSAL OF ESTABLISHED CONGRESSIONAL POLICY AS TO PACIFIC ROADS

sented and others have been suggested by the course the discussion of the proposal has taken.

REVERSAL OF ESTABLISHED CONGRESSIONAL POLICY AS TO PACIFIC ROADS.

I. In granting aid to the Texas Pacific road, and to the Southern Pacific Railroad, it was undoubtedly the intention of Congress to create a southern route across the continent which would constitute a rival to the central route on that side, as the Northern Pacific road was designed to do on the north. The purpose was to give to the people of the whole country the advantage of competition in overland transportation. Without accurate knowledge of the extent to which extortion in charges was practiced on the Central line (since brought to light by the Pacific Railroad Commission), it was common knowledge that the charges were excessively high, and the creation and maintenance of competing roads were recognized as necessary. Therefore, to insure their construction and maintenance, ald was liberally granted by Congress. Independent of its enormous subvention in bonds, the Central Pacific Company received as a donation of land aggregating, after all deductions, 8,000,000 acres, worth at minimum Government price \$20,000,000, but estimated at more by themselves, their sales, down to December 31, 1882, having produced an average price of \$4.85 per acre. (Vid. report of December 31, 1882, having produced an average price of \$4.85 per acre. (Vid. report of December 31, 1882, apace \$57, 59). The Southern Pacific land grant in California amounted to 10, 445, 227 acres, worth at minimum Government price \$20,113, 175, but of which their own report of December 31, 1882, says: "A very large portion of them is choice agricultural and timber land, and will command a much higher price." In fact, the subsequent table in same report shows the average price so far to have been \$4.38 per acre. (Annual report December 31, 1882, pages 48, 44, 51.)

This beneficent and well-considered policy of Congress in pursuit of which it has so bountifully endowed these two companies has

PALSE PRETENSES TO CONGRESS-CONCEALMENT OF MATERIAL FACTS

II. The indulgence and extension of time here involved are asked under false pretenses the disengenuousness of which should forbid entertaining the proposal. The demand for time to pay is based on the suggestion of poverty on the part of the debtor, whose earning power, it is said, can not reach beyond the pittance proposed to be required by the pending bill, but the pretense of poverty is entirely false. The Central Pacific Railroad Company is paying dividends to its shareholders to-day, with promise to double them as soon as the bill passes, and it has very large means, money claims, which should be called in and applied to the payment of its debts. Some of these are as follows:

I. Claims against its former directors and managers, amounting to many

are as follows:

I. Claims against its former directors and managers, amounting to many millions, for misappropriation of its funds and property by means of fraudulent contracts and dealings with themselves through the disguise of construction companies—the Contract and Finance Company, the Western Development Company, etc.

II. Claims of great magnitude against the Southern Pacific Railroad Company, its successful rival in business, to be explained below.

III. Claims against its directors for fraudulent mismanagement, whereby its revenues have been impaired for their own benefit.

Of these claims in their order. The proof of the dividends paid, afterwards.

of these canns in their cuter to prove the provided and specific Railroad Commission shows that the assets and resources of the Central Pacific Railroad Commission shows that the assets and resources of the Central Pacific Railroad Company were diverted and appropriated to their own private gain and in fraud of the company by the original directors, Huntington, Stanford, Crocker, and Hopkins, through the instrumentality of construction companies, and gives approximately the amount stolen. These proceedings are now in their outline familiar to all well-informed persons, and altogether the frauds practiced in the construction of the Pacific railroads are generally regarded as the most disgraceful public scandal in the annals of the country. No public man has ever dared to defend them, though several were shown to have profited by them and were relegated by

public opinion to merited obscurity; they have never received even tacit condonation from Congress, and to pardon them now, by extending the time for payment, as if the liability were an ordinary debt, would be to affirm by act of Congress that in the judgment of that body the acts in question came up to the standard of morals properly applicable to the disbursement of public funds intrusted, in a moment of great public peril, to the honor of private citizens. Better by far lose the whole amount of the debt than affirm such doctrine. But the debt need not be lost; every dollar of profit gained by these dishonest directors can be yet recovered by the company or by a receiver appointed in a foreclosure representing the interests of creditors and stockholders. The company has never brought such suit because its management has ever been controlled by the perpetrators of the frauds or those deriving from them. Individual stockholders have from time to time sued on behalf of the corporation, but, though vigorously defended, not one of them has been allowed to proceed to judgment. They have all been compromised for amounts and on terms which implicitly admit guilt. "The allegations," says the friendly majority of the Pacific Railroad Commission in their report (page 75), "contained in these complaints were such as would compel men of honor, if these allegations were false, to defend themselves at any cost. It appears from the evidence that all these suits were settled, and that the stocks owned by the plaintiffs were bought at rates varying from \$400 a share to \$1.000 a share." None of these settlements, however, condone the wrongs done the company, and no statute of limitation has barred its right. That right is an asset of great value, for the responsibility of Mr. Huntington individually and of the Crocker estate are undoubted. The latter has been, fortunately, kept undivided by transfer to a corporation composed of the heirs, and is distinctly recognizable in present hands.

Hand III. Claims against the Southern P

THE CALIFORNIA RAILROAD COMBINE—HOW COMPOSED—ITS CONTINUITY— THE SOUTHERN PACIFIC COMPANY.

ness. These, for brevity, will be treated together, but to do so requires some preliminary explanations.

THE CALIFORNIA RAHLROAD COMBINE—HOW COMPOSED—ITS CONTINUITY—THE SOUTHERN PACIFIC COMPANY.

It must then be premised that the management of the Central Pacific road has been substantially unchanged from its organization to the present day. The first of the continuity of design, system, policy, partners. There has been an absolute continuity of design, system, policy, methods, and practices from the beginning, so that we may speak of the management at all times as continuous. The form of the combine remained unchanged down to 1884, when it took a corporate shape, as to the "Southern Pacific Company."

The original Central Pacific combination consisted of Collis P. Huntington, Leland Stanford, Mark Hopkins, Charles Crocker, and E. B. Crocker. They madertook the building and financing of the Central Pacific road, and shared not here material. The last-name section of the partners is disputed and not here material. The last-name section of the presence of the survivors sought a volume of the company of the contral Pacific road, and childless; his widow retained his interest and took his place. The others were now growing old, and to husband their energies the survivors sought a volumer of the contral Pacific road, not husband their energies the survivors sought a volumer of the central Pacific road, northward up the Sacramento Valley, and southward through that of the San Joaquin, and building the Southern Pacific road. Colton was very active in the management. He died, however, concern to become an essential pack as and not be not progressed to buy his interest. This was done quite promptly, but in a manner and under circumstances that led to a subsequent action by Mrs. Colton to set aside the such as a continuous of the survivors south at he had rendered, it became necessary to outly his interest. This was done quite promptly, but in a manner and under circumstances that led to a subsequent action by Mrs. Colt

WHAT PROPERTY THE SOUTHERN PACIFIC COMPANY OWNS.

WHAT PROPERTY THE SOUTHERN PACIFIC COMPANY OWNS.

It never had any cash capital. The stocks held by the organizers were transferred to it at some agreed prices bearing no relation to their actual value, and its stock issued in payment therefor. Thus it owns the stocks of all the other railroad and transportation companies which its managers have from time to time built or purchased, except the Central Pacific, and nothing more. A few shares of each are placed in the names of dummies in their, employ, or under their control, to qualify them as directors of the various companies, and thus the doings of these corporations are dictated and controlled by the single will which controls the Southern Pacific Company. As every road whereof it owns the stock is mortgaged for far beyond its value or cost, the value of the stocks which constitute its whole capital is obviously

but nominal. Whenever additional property is acquired it is at once duly mortgaged for all it will possibly bear, and subject to such mortgage transferred to or held by the Southern Pacific Company.

The Southern Pacific Company chooses the directors and controls the management of all these roads of which it is the lessee, besides owning the stock. It finances them all, gets all their cash into a common purse, manages their sinking funds, lending the money of one to the other, and that of the other to a third, and so round the circle fill it comes back to where it started, and the whole thing becomes a mere matter of bookkeeping, needing no unnecessary and inconvenient payments of cash. The lease of the various roads other than the Central Pacific is styled the "Omnibus lease." It has been lauded as a method of insuring unity and economy of management, etc. The principal feature, however, which a studious reader will be apt to recognize in it is a clause which, reversing the old rule of reserving a rent to be paid by the lessee to the lessor, provides that the lessees shall have 10 per cent of the proceeds of the business for managing and taking care of the property of the company whereof they own the whole stock. While the lessees continue to own all the stock this may be harmless; but whenever they shall put any of those stocks on the market and succeed in making sales of them, the purchasers may be expected to discover its radical dishonesty when they find a portion of the stockholders, in their capacity of lessees, absorbing 10 per cent of the proceeds of the business before leaving a cent for them.

Members of Congress should also be informed that the Pacific Improvement Company (commonly writter P. I. Co.) is another of the protean corporate forms under which these railroad managers mask their operations, just as the Western Development Company was before it, and the Contract and Finance Company before it, in turn; continually changing in name, ever the same in fact.

Returning from this necessary introdu

THE SITUATION IN 1870—COMMENCEMENT OF THE SOUTHERN PACIFIC ROAD.

company to mind, for their own beenin, the Southern Facility Candidated to destroy the value of the Central. The process of this was as follows:

THE SITUATION IN 1870—COMMENCEMENT OF THE SOUTHERN PACIFIC ROAD.

What is now called the Southern Pacific Railroad began with the construction of a road from San Francisco 89 miles south to Gilroy. It was completed in 1889. Mr. Huntington intimates—in fact asserts—that it was done by his Southern Pacific Railroad Company; but this is one of those curious lapses of memory to which some persons are subject, by which they not only forget what occurred, but remember exactly what did not! The fact is, neither he nor any company he was connected with built a single mile of it. It was built by Peter Donahue, Henry M. Newhall, and Charles B. Polhemus (the last named is still living), under the corporate name of the San Francisco and San Jose Railroad Company, and that of the Santa Clara and Pajaro Valley Railroad Company; to build and equip it cost about \$1,300,000, and it was in use as a local road. In 1865 a company was organized in San Francisco by eight or ten gentlemen—William T. Coleman, Timothy Guy Phelps, Charles N. Fox, and others, under the name of "The Southern Pacific Railroad Company," but it had no actual capital and built no road; was in fact a mere paper organization. There was another company organized in 1870 called the Callfornia Southern Railroad Company, which was in similar plight. By this time some progress had been made in selling the shares of the Central Pacific Company, though Mr. Huntington and his associates continued to retain its management. They decided on building another road which by its more advantageous location, more favorable grades, and preferable approach to the city of San Francisco to direct, would be able to successfully rival it in business. With this view they purchased from Messrs. Newhall, Donahue, and Polhemus the stock of the two roads first above mentioned (from San Francisco to Gilroy). The route designated was from San Fran

In July, 1875, the Southern Pacific Railroad Company executed a mortgage for \$45,000,000 to trustees, dated April 1 of that year, covering the whole of their road existing and contemplated (being, as described, 1,150 miles in length, or at the rate of \$40,000 per mile of road). A large amount of these bonds was issued to the construction company, and the problem before Mr. Huntington and his associates was to sell these bonds, and, until sales could be effected, to give them an apparent or prospective value, which might meantime render them available as collateral security.

People investing in railroad bonds naturally look at the earnings of the road as a guide to estimate values, and as the San Joaquin Valley south of Goshen was then quite unsettled, and could furnish neither freight nor passengers to the new road, they determined to make a show of business over it by using the credit of the Central Pacific Company. For this purpose they made a lease, dated September 1, 1876, to the latter company of the branch of the Southern Pacific Railroad extending from Goshen southward to the Colorado River, constructed and to be constructed, for \$5,000 per annum for every mile thereof built and ready for operation. The rent would thus increase by six thousand per annum with every additional mile of road built. From this rent, however, the lessees were permitted to deduct \$3,000 per mile per annum for operating expenses. And, probably to divert the attention of the Central Pacific stockholders from the importance as well as the dishonesty

of this lease, it was made terminable by a notice of sixty days, as if it were a mere temporary arrangement. The very circultous mode here resorted to of reaching a rent of \$3,000 per mile per annum naturally suggests a sinister design, and there was one, quite in harmony with the whole knavish proceeding of which it formed a part. The object was to enable the Southern Pacific Railroad to appear in the financial publications of the day as earning from this branch of its road, while yet unfinished and without a terminus at either end, \$0,000 per mile per annum, and being operated at 50 per cent of its gress earnings. Obviously a road through a new country which, while yet in an unfinished condition—running, in fact, from no place to no place—could make so this fraudulent lease, therefore, were arranged for the purpose of deceiving the public, by holding out false and delusive prospects of earning the capacity of the road, and thus rendering the disposal of the bonds more easy. The making of this lease, and the particular form of reservation of rent in it, were both parts of a dishonest contrivance to bolster up the credit of the Southern Pacific Railroad Company at the expense of the Central, and to enable Messrs. Huntington and associates, while acting as directors and trustees of the latter company, to hypothecate and afterwards sell the bonds of the former. It need scarcely be said that this constituted a gross fraud on under that of all civilized countries, the last-named company is entitled to recover from its dishonest trustees all gains and profits of every kind derived from it, and this without any participation in or allowance for their labor or risk in the venture.

The disgraceful history of this issue of bonds of the Southern Pacific Railroad Company is not yet all told, nor the published evidence of the fraudulent design exhausted. They were inscribed on the stock list and offered on the New York exchange; tolds, offers, washed sales, and all means (even down to a lectitious sale of a lot of them un

OTHER FRAUDS IN CENTRAL PACIFIC MANAGEMENT.

1. We have already mentioned the ninety-nine-year lease of the Central Pacific road to the Southern Pacific Company (of Kentucky). Considering the relative positions of the several parties, the ownership by the lessees of the whole stock of the rival road and that of the Southern Pacific Company's

stock by those managing the Central Pacific direction, it can not be doubted that this lease would be pronounced by any court of equity a gross fraud on the Central Pacific Company. Its ruinous character is obvious.

We will not dwell on the diversion of traffic from the Central to the Southern route, though the loss of revenue by the former from that cause must have been enormous. Owning all the stock of the one road and having no interest in the other, while they managed both, it was perhaps but natural for such parties to favor their own road at the expense of the other. The power to do so was obviously a principal motive for the minety-nine-year lease, the terms of which, it may be remarked, left them at liberty to change the rent from time to time practically at discretion. To assert that they exercised with impartiality great powers so dishonestly obtained would be to invite derision, not belief. The Kentucky corporation, as lessee of both roads, did the carrying, issued the bills of lading, etc., so that unless the shipper took special pains (for which there was rarely a motive) to expressly direct his freight sent over the Central route, it was at the discretion of the carriers, and naturally went by the Southern. The arrangement of time schedules, greater promptness in delivering freight, adjusting reclamations, and like considerations helped to determine the choice of shippers in the same direction. The revenues of the Central Pacific road rapidly fell off, and its dividends went down to 3 and 2 per cent, and finally to zero.

2. For many years after the completion of the Central Pacific road its managers were the largest borrowers of money in the San Francisco market, and large borrowers wherever they could obtain it. Any person having a sum of any magnitude to loan could have from them the note or the indorsement of the Central Pacific Railroad Company. None of this money was for the use of the Central Pacific Company, but for that of the managers; yet the credit of the Central Pacific Company, but

THE SECRET DIVIDENDS OF 1895, 1896, AND HOW BROUGHT ABOUT.

secret—but it is the fact, and the history and proof of it are about as follows:

THE SECRET DIVIDENDS OF 1895, 1898, AND HOW BROUGHT ABOUT.

It is known that the great bulk of the Central Pacific stock is held in England. It was sold to English purchasers between 1875 and 1890 by the device of paying large dividends on it, while at the same time the sellers were building the Southern Pacific road to take away its business, as above related. The Englishmen were deterred from transferring their shares to their own names by the artful suggestion of individual liability for corporate debts, and more especially for the Government subsidy bonds under California law. Their holdings were therefore represented by certificates in the names of former holders, indorsed in blank. To facilitate concealment of ownership a form of certificates was invented, with dividend coupons attached; so that the holder need not have a receipt for his dividends or even present hinself to get them. No one could know his identity except the banker with whom he deposited his coupons. These former holders were employees of the company, to whom the managers had transferred their shares in lots of 10, 20, 30, 50, 100, 200, 300, and 500 shares, which, being indorsed, passed from hand to hand by delivery only. Proxies for voting were taken in all cases from these employee shareholders, which, as the stock remained on the companies' books in their names, have enabled the sellers ever since to elect the directors and control the management of the company. Dividends paid under a former arrangement ceased some two years since, and after a period of waiting the Englishmen became dissatisfied with the management, and after meetings and consultations dissatisfied with the management, and after meetings and consultations dissatisfied with the management, and after meetings and consultations details and the could for them from the directors of the company. Sir Rivers came to California, interviewed the officers of the company and his examinations, etc., a

[From the Economist (London), March 23, 1895, page 385.]

THE POSITION OF THE CENTRAL PACIFIC.

THE POSITION OF THE CENTRAL PACIFIC.

Some slight compensation, it appears, Mr. C. P. Huntington is willing to make to the Central Pacific shareholders, since he has stated, through Sir Rivers Wilson, that he will undertake to pay 1 per cent per annum in the shape of dividends until "satisfactory legislation has been obtained for the adjustment of the company's debt to the Government," after which rather vague date 2 per cent per annum is to be paid for the period of two years, during which the shareholders will have time to review their position and to consider the advisability of endeavoring to effect an arrangement of a more permanent and more profitable character. Sir Rivers Wilson takes the same view of the position of the company'as that of the Economist, and, indeed, that of most of those who have considered the facts. The Central Pacific is at present in the grasp of the Southern Pacific, which is virtually Mr. Huntington in what may be termed a corporate form. It would have remained a profitable undertaking if the present lessees had not worked its ruin. In the future, probably it can be best worked in connection with the Southern Pacific, provided equitable terms can be arranged; and finally, as there is nothing really to fear in the theoretical liability on the shares, holders should at once, without delay, register, so as to make their voting power efficient. If that be done, and if terms can be made with the Government. English investors may ultimately suffer less loss than once appeared probable. They will, however, have to be very careful in approaching Congress. They must remember that they have no claim to anything save that which is given by the strict letter of the law. If they have been swindled by the "bosses" in control of the company, which is often alleged, not only have many others suffered in the

same way, but few have been guilty of so much contributory negligence. It has also to be remembered that if the shareholders have not fared well, the United States Government made a bad bargain over the subsidy which it granted to the Central and Union Pacific companies. And, of course, it is scarcely necessary to assert that the fact of the credit of the United States having so greatly improved is no reason whatever why one of its debtors whose credit has not improved, to put it mildly, should get free from the obligation. As a matter of fact, the American Government does not, we think, want to foreclose, for simply as a question of expediency that would be unadvisable, and therefore if the company sues, as it is bound to do in forma pauperis, Congress will probably come to some fair arrangement, despite the apparently hostile position which it has recently assumed.

Four weeks after the publication of this article, Mr. Huntington replied to it under his own signature, as follows:

Mr. Huntington's reply.

Mr. Huntington's reply.

[From the Economist of April 20, 1895, page 519.]

MR. HUNTINGTON AND THE CENTRAL PACIFIC RAILROAD.

To the Editor of the Economist.

MR. HUNTINGTON AND THE CENTRAL PACIFIC RALLROAD.

To the Editor of the Economist.

Sir: Some one has sent me a clipping from your issue of March 23. The Economist has been sent to me occasionally for years, and I have heretofore considered it one of the best financial papers published in England. That being so, I do not think its editor would knowingly do any individual or corporation wrong.

I was the principal factor in building the Central Pacific road; that is, I organized the company, and sold all the securities, I believe. I intended to deal fairly with all people having dealings with the company, and I believe I have done so.

The Government, as you know, granted aid to two other lines—the Northern Pacific and Atlantic and Pacific (Atchison, Topeka and Santa Fe)—which not only divided the tonnage, but cut down the rates; and later other roads were built, so that there are now substantially seven roads crossing the continent when one double-track railroad could do all the business that is being done, and much more, without any particular inconvenience.

If anybody has any charge to make of any particular thing that I have done that was unfair, I would like to have him tell me what it is. No one up to this time has told me, or intimated that there was any particular charge, but in a general way some of the California mewspapers and some of the discharged employees have been wildly throwing words into the air to the effect that something had been done somewhere or at some time, but they do not state where or how.

The Central Pacific should have cost twice as much to build as any other road did, as the physical obstructions to overcome were much greater, and all the cost of construction, for grading, timber work, such as the bridges, ties, etc.—in fact, everything that was furnished in the building of the road, excepting rails, fastenings, and rolling stock—was paid for in gold in the six ties, when gold was at a high premium. The coal we had to use as fuel cost us for many years an average of over \$8 a ton

New York, April 3, 1895.

Mr. Huntington, it will be seen, does not deny the correctness of the Economist's statement of the agreement, but pleads in confession and avoidance, that he was the chief factor in building the road and sold all its securities, and that he has not put it in the hands of a receiver; he adds that he has not been informed of any specific charges of misconduct against himself. This defense, so far as it goes, is partly true. Mr. Huntington has not put the road into the hands of a receiver, probably because he preferred to receive himself. Buthe does, by his eloquent silence, distinctly confess that to pacify the English stockholders, represented by Sir Rivers Wilson, he agreed with that gentleman that they should be paid, in the shape of dividends on their stock, I per cent per annum until satisfactory legislation has been obtained for the adjustment of the company's debt to the Government, "after which 2 per cent per annum should be paid for two years more," to permit the shareholders to review their position and consider the advisability of endeavoring to effect an arrangement of a more permanent and profitable character. These statements can leave no doubt of the agreement with Sir Rivers Wilson, but they are at the moment of writing confirmed, if confirmation were needed, by an interview with Col. C. F. Crocker, vice-president of the Southern Pacific Company, published in the San Francisco Chronicle of December 2, 1896, wherein he says: "The Central Pacific is not on velvet, but it is not in the depths of despair into which the Northern Pacific has fallen, and the stockholders have been receiving a small dividend every year." The payment of this secret dividend is then established.

Amount of this Largess—By Whom Pall, and Why—Fallsifying Annual. NEW YORK, April 3, 1895.

AMOUNT OF THIS LARGESS—BY WHOM PAID, AND WHY—FALSIFYING ANNUAL REPORTS TO CONCEAL IT.

AMOUNT OF THIS LARGESS—BY WHOM PAID, AND WHY—FALSIFYING ANNUAL REPORTS TO CONCEAL IT.

To pay a dividend of 1 per cent on the stock of the Central Pacific Company requires \$672,000, an amount too large to be overlooked by a slip in book-keeping, or to be easily concealed under some general head. And the question whence comes the money wherewith they are paid is not without importance; for these great railroad companies, whether we regard them as quasi-public corporations, or as organized solely for private gain, are certainly exercising great public franchises and trusts which affect large numbers of people. They publish annual reports of their dealings and business, on the truth of which millions of dollars are invested, frequently the funds of unprotected and helpless people, and even legislation is predicated. The publication of falsehood or the suppression of truth in such reports is, therefore, an offense against public morals of the gravest sort, which not even the most devoted partisan would venture to defend, or propose to condone. We have searched the annual reports of the Southern Pacific Company and of the Central, both those made under eath and laid before the State Railroad Commissioners, and those printed by themselves for public information, without being able to find one word on these dividends or any alusion to them; the inference seems inevitable of an intent to conceal them from Congress and the public. Surely the Congress of the United States will exact from applicants for its bounty, at least the homage of respect for truth, in the representations on which it is called to act! The payment or amount of these dividends is not of so much importance as the duplicity and falsehood of the managers which it reveals. And the question comes right home to Mr. Huntington, personally, for the bargain was made with, and the promises made by him, and the reports from which it is suppressed bear his signature, and are distributed by himself and with his sanction. Failing to disclose the truth in a matter

Denied authoritative information as to the motives for or the source of this extraordinary dividend, which was paid to the stockholders without being earned by the company, declared by the board of directors, or shown on the books of account, we are driven to conjecture; and the suggestion arises that they may be paid by one or more of the guilty directors or other persons interested in placating the dissatisfied stockholders and passing the refunding bill. This conjecture is not without probability, and if accepted, public opinion will not be apt to hesitate long as to the name of the distributor of such lavish largess or in conjecturing its motive. A settlement made with the United States, embodied in an act of Congress, which at the same time condones so many and such monstrous frauds, insures his Southern Pacific road, or eighty-eight years to come against the competition of the Central Pacific road, and gives to his dishonest ninety-nine-year lease the sanction of the law of the land, may well be worth double or treble the sum required to pay these dividends—say §4.082,000.

Another probable conjecture is that the arrangement is designed to permit the English stockholders to sell out their holdings and shift the loss on other victims, which perhaps two years' time with dividends meantime at 2 percent per annum may enable them to do. Such a course may seem to them preferable to litigation with an adversary whom they have been led to believe the only man capable of handling the United States Congress, and who, if this measure passes, will readily be credited with like power to 'handle' the President, and thus capable of calling down on them the thunders of Olympian Jove in the shape of an Executive option to call in the debt the instant they dare to attack the lease which has been their ruin.

In any case for Congress, in face of the revelations here made, to pass a refunding act based, as all such propositions are, on the supposed inability of the company to pay its debt—without a previous clear explanation

understanding of this transaction, whether it represents dividends or hush money, would be to put itself in the position of appearing as either the dupo of designing men or their instrument in deceiving others, neither position very designing men or their instrument in deceiving others, neither position very designing men or their instrument in deceiving others, neither position very design of the content of

interior of California or Nevada, on the line of the road, had to be hauled to San Francisco and back to destination, to swell the cost. By special favor and on payment of the whole freight both ways, the interior merchant might obtain permisson to have his goods delivered as they passed his door. At another time they imposed a protective duty of a cent a pound on refined sugars coming here from the east, and, as believed, for a consideration of \$100,000 paid by parties interested. The charge was publicly made * at the time by responsible parties and never denied. Silence under such circumstances amounted to an admission. At another they introduced here a system of special contracts to be enforced by boycotting, twhich if long continued would infallibly have riven our community into two hostile factions. This infamous and doubtless illegal special-contract system was broken up by the construction of competing roads, but by their system of leases they undoubtedly aim to revive it. By their omnibus lease and the lease of the Central Pacific road, they have united practically all the roads in the State under the management of a foreign corporation, which in turn is under the control of a single individual, whose greed has no limits and who avows that he has no other or higher standard of right than his own opinion. He has never made public his general coderof morals, if he has any, but in letters to his former associate he exhibits his ideas on procuring Congressional legislation to be in brief to bribe those who will accept and villify those who will not.

By this combination they for years simultaneously withheld payment of railroad taxes, unhinging the machinery of the State government and throwing the public service out of gear. Public schools closed, supervisors, legislators, and executive officers bribed, injunctions defied, and all this under the pretense of ascertaining the constitutionality of an enactment procured by themselves and passed for their benefit. When, however, the opportunity of a decision pr

offenses would unduly expand this memorial, and they must be passed over with mere mention. But the tax litigation was so grievous an injustice to the State, and the dishonorable and collusive manner in which it was managed are so susceptible of record proof, that we give it briefly, as follows: THIRTEEN YEARS. LITIGATION OVER A SCHEME OF TAXATION EXACTED AT THERE OWN SUGGESTION AND FOR THIS BENEFIT—COLLUSIVE SUIT—INFOSITIONS PRACTED ON UNITED STATES COURTS, EXC.

In 1879 a provision was incorporated in our fatte constitution excepting. The control of the control of the constitution excepting to mortificate, it was done at the instance of the railroad people themselves, to enable them to sell their Southern Pacific bonds, which, if subject to local taxation in California, would obviously have been impossible. The measure was introduced in the convention by Mr. Henry Edgerton, one of their standing counsel, stated by him to be satisfactory to his cilents, and passed without amendment, nem. con. The taxes of 1881 having been levied under it, then to the properties of the convention of the conven

State.

It may almost be said that all the known operations of the Pacific railroad management in this State are saturated with fraud and dishonesty which recur at every turn of their proceedings.

*See the Nation, New York, December 8, 1881, pages 452, 453. +For details, see the Nation, New York, August 11, 1884, pages 113, 114. See this pamphlet, pages 25-29.

DEFRAULING THE GOVERNMENT AND THE NUMBER OF STATES.

THE ROAD CONTREMENT AND THE NUMBER OF STATES.

THE ROAD CONTREMENT AND THE NUMBER OF STATES.

Take for example the construction of the Southern Pacific road, of which we have spoken above. It map, which preceded construction, showed a road from San Francisco southward through the Santa Clara Valley to a first crossing which chain of mountains it was to extend through the upper San Joaquin Valley, and so on to the State line on the Colorado River. To said in the building of this road they obtained a land grant of over 19,00,000 and the state of the said in the building of this road they obtained a land grant of over 19,00,000 and in the building of this road they obtained a land grant of over 19,00,000 and states of the Guilf of Mexico. No object less important could justify the waters of the Guilf of Mexico. No object less important could justify the waters of the Guilf of Mexico. No object less important could justify the waters of the Guilf of Mexico. No object less important could justify the water of the Guilf of Mexico. No object less important could justify the water of the Guilf of Mexico. No object less important could justify the water of the Guilf of Mexico. No object less important could justify the water of the Guilf of Mexico. No object less important could justify the water of the Guilf of Mexico. No object less important could justify the water of the Color of the Proper of the Proper of the Color of the Proper of th

ever been party to a single honest transaction.

THE CENTRAL PACIFIC CAN BE REOBGANIZED ON SAFE AND SOLVENT BASES, BY CALLING IN THE SUMS DUE IT FROM SOLVENT DEBTORS.

The exigencies of space forbid further enlargement on this branch of the subject. Enough has been said to show the need of a thorough investigation of the relations of the Central Pacific Company to the parties who have so long held it in their grasp, and the enforcement of its just claims against them. This done, it will be found that so far from being insolvent, the company can easily be reorganized as a great trunk line to the Pacific Coast, competing fairly with all others, and, on the basis of solvency and honest management, manifestly to the advantage of the Government as a creditor and of its own stockholders. In any event the property, if it has to be sold, can be then offered with knowledge of what it consists of and what its carning capacity is—things at present absolutely unknown to anyone but the Southern Pacific combination, who have for so many years past managed its affairs to its own destruction. It must not be forgotten to extend the payment or refund this debt as proposed is practically to sell the road to its present man-

agement on a credit of a hundred years, taking their promise to pay in small installments. Congress does not, nor does any of its members, or any executive officer of the United States, or indeed anybody, know what property you are selling. No inventory of it exists; and this ignorance shuts off all competitive bidding. It is now fairly established and undeniable that for numerous important purposes the Central route has decided advantages for through business over all others. All the products of this coast destined for Eastern points, valuable enough to pay for transportation by rail, give it the preference for climatic reasons. For passenger traffic, which is 40 per cent of the whole business,* it has the call over all the others—the Southern (Sunset) line is, in fact, discontinued during summer. It does not admit of doubt that each of the great trunk lines would be prompt to compete for the Central Pacific property, if offered at auction, with inventory. Without such it would not probably elicit any reasonable bids, for however large or valuable the property, no purchaser would be likely to count on receiving from the tenants delivery of anything beyond the road itself, with a wretched skeleton equipment incapable of doing the business.

The stockholders of the road, who appear to have at last awakened to the necessity of inquiry into the wrongs perpetrated by their agents the directors, are organizing in defense of their property, and if they have an opportunity will scarcely permit the trunk lines to be the only competitors at such sale. As indicated by their published proceedings, they are making intelligent efforts to help themselves and resume control of their property. They will probably effect a reorganization of the company. The people of California, so far from offering factious opposition to a reorganization which shall preserve the Central road as an independent and competing line of transportation, managed by its actual owners as designed by Congress, will heartily welcome it.

We believe that al

We here resume briefly the grounds of our opposition to the pending measure to refund the debt of the Central Pacific Railroad Company to the United States (Senate bill No. 2894, House bill No. 2895).

1. The recognition and confirmation of the ninety-nine-year lease to the Southern Pacific Company reverses the settled policy of the United States with respect to these Pacific railroads as established by previous acts of Congress and promoted by grants of the public domain of many million acres. It substitutes consolidation and monopoly for competition and freedom of trade; it gives over the Central road to the management of its great competitor in business, depriving the people of the West of the advantages of competition in transportation for which they have paid these people liberally and Congress has subsidized them munificently.

The proposal is quite new; has never been publicly discussed, advocated, or even mentioned. It is furtively introduced in the ninth and nineteenth sections of the pending bill under the disguise of an advantage to the United States. In fact, it can serve no purpose but to confirm the grasp of the Southern Pacific Company on the Central road and enable it by routing freight to starve the Union Pacific into obedience to its commands.

2. The proposed guaranty of the Southern Pacific Company is worthless; a mere illusion. That company owns no property worth speaking of which is not already mortgaged for vastly beyond its cost or value.

The Southern Pacific Company is a fraudulent and predacions concern, got up to perpetuate the control of dishonest directors of the Central Pacific Railroad Company over the road after they had sold their interest in it, and of absorbing the profits of that and other companies by means of fraudulent leases. So plain was this attis origin that its original charter from the State of Kentucky forbid it to build or operate railroads within that Commonwealth.

3. The relief asked for the Central Pacific road is based on false suggestions

of Kentucky forbid it to build or operate railroads within that Commonwealth.

3. The relief asked for the Central Pacific road is based on false suggestions and concealment of material facts. So far from being unable to provide for the payment of its debt to the Government, it is possessed of assets of enormous value—collectible claims against its former directors for moneys and credits misappropriated by them amounting to many millions. These should be called in and applied to the sinking fund. Asking indulgence here on the ground of poverty, its stockholders are receiving dividends on their shares to-day, and have the promise of their lessee and advocate that they shall be doubled as soon as the bill passes. The secrecy of this dividend, the fact that it has not been earned by the road, declared by the directors, if such be the facts, and that it is not shown on the books of the company, so far from redeeming it from the imputation of frand, renders it more conspicuously objectionable. If this be the case, it is evidently "hush money" paid by the guilty parties to secure Congressional confirmation of the ninety-nine-year lease; and the sum agreed to be paid for it (which is essentially a bribe to silence opposition) bespeaks the nefariousness of the transaction and the value attached to a condonation of it.

4. By passing this bill, Congress will prolong the life of this railroad company for some seventy years beyond the limit fixed for its existence by the law of the State that created it. To do this without the consent or against the unanimous protest of the State would be not only an act of gross discourtesy to the State of California, but a grave injury and outrage to her people, who have for the past twenty-eight years suffered at the hands of these managers outrage and wrong past all endurance, rendering it justly odious and detested of all men.

*The Central Pacific road used to furnish statements of details of through and local business, and of the amounts derived from freight, express, passen-gers, and baggage, but since the year 1884 has withheld such information. From the printed report of December 31, 1884, we learn that—

The total earnings of the year were \$22,166,106.00
Of which 74 per cent was from local business \$16,216,902.00
And 26 per cent from through business, or 5,949,204.00

22, 166, 106, 00

Of the through earnings— The receipts from passengers and baggage

were \$2,383,096.00 or 40 per cent.
And from freight and express \$3,566,096.00 or 60 per cent.
The local business shows the same proportions between freight and pas-

5. The management of the road has been continuous from the beginning; they have shown themselves by their published correspondence among themselves to be corruptionists of the worst kind.

6. They have broken faith with Congress, by soliciting and accepting a land grant as the consideration for building the whole Southern Pacific road, a hundred or more miles of which was over a mountain pass. They have taken and appropriated the valuable part of the grant, and left the difficult mountain part of the road unbuilt. Their correspondence shows the breach of faith was intended from the beginning.

7. They have broken faith with the public in the same way as with the Government; borrowed \$22,000,000 on the undertaking to build a continuous line of rail from San Francisco to the Colorado River, and left a mountain gap of a hundred miles of it unbuilt, and have even renounced the building of it.

8. Similar frauds in the matter of terminals. They are unreliable.

9. Refunding the Central Pacific debt is wholly unnecessary. The company can be reorganized on the basis of solvency if Congress will but authorize a receiver appointed in foreclosure to avoid all fraudulent conveyances; get in the assets of the company and apply such as are not needed for transportation purposes to the sinking fund in the United States Treasury.

10. As 75 per cent of the revenues of the Central Pacific road are derived from local traffic, and from 15 to 18 per cent more from California products seeking a market abroad, and goods brought from abroad for consumption for sale here, on all of which we pay the freight, the people of California feel that all of the plunder which its former directors are permitted by Congress to retain will be saddled on them. There is little doubt that as much as from twenty-five to thirty millions can be recovered from the sinking fund from Huntington and the Crocker estate. Why should they be abandoned without an effort and saddled on the people of this State?

SAN FRANCISCO, CAL., December 26, 1896.

On behalf of the people of California.

Chas. Ashton, Joseph Britton, W. M. Bunker, J. H. Barry, E. S. Barney, J. M. Bassett, T. V. Cator, N. P. Cole, Dr. Frank Cornwall, W. M. Coward, H. Y. Cowell, H. L. Dodge, J. T. Doyle, Hon. J. L. Davie, B. F. Dunham, L. R. Ellert, Geo. K. Fitch, J. Richard Frend, Geo. T. Gaden, Adam Grant, H. E. Highton, N. C. Hawks, W. W. Thompson, I. J. Truman, J. C. Jens, Wm. Johns, J. C. Jordan, J. Leggett, Oscar Lewis, Stewart Menzies, C. A. Murdock, M. McGlynn, P. R. Martin, A. Miller, Jas. Madison, W. L. Merry, G. W. Montieth, Max. Popper, E. A. Phelps, Taylor Rogers, G. M. Reynolds, C. A. Sumner, J. E. Scott, C. M. Shortridge, F. J. Sullivan, L. Strauss, I. Upham, Hon. Adolph Sutro (the committee of fifty appointed by the monster meeting at Metropolitan Temple, December 7, 1895).

Mayor of San Francisco, Chairman.

SUBCOMMITTEE ON MEMORIAL.

IEMORIAL.
JOHN A. STANLEY.
THOS. F. BARRY.
JAS. M. BASSETT.
JAS. D. PHELAN.
E. W. MCKINSTRY.
TAYLOR ROGERS.
JOHN T. DOYLE, Chairman.

Extracts from the Nation referred to above. [The Nation, August 11, 1881, pages 113, 114.] OVERLAND RAILROAD RATES.

To the Editor of the Nation

OVERLAND RAILROAD RATES.

To the Editor of the Nation.

Sir: Two paragraphs in the Nation of July 14 (No. 837, pp. 22, 23) indicate that you are but imperfectly informed as to abuses on the overland railroads. As you appear willing to aid in remedying them, I give you some of the facts. The system of unlawful freight discriminations alluded to has not been recently revived; it has never for a moment been suspended since its formal introduction in the summer of 1878, but has been constantly enlarged and extended down to the present time, when it is more stringent and oppressive than ever before. The modus operand is this: By arrangement between the Central and Union Pacific railroad companies the rates of western-bound freights are fixed by the Union and those of eastern-bound by the Central Company. This arrangement is supposed to be nominal only; a sort of legal fiction to enable each concern to refer complaining parties to a "Mr. Jorkins," 2000 miles off; but that is the form of it. The Union Pacific Company has a printed classification of merchandise, and printed rates of freight for each class from New York and other Eastern points to San Francisco, ranging from \$6 per 100 pounds for first-class to \$1.50 per 100 pounds for freight for each class from New York and other Eastern points to San Francisco, ranging from \$6 per 100 pounds for first-class to \$1.50 per 100 pounds for freight for each class from New York and other Eastern points to San Francisco, ranging from \$6 per 100 pounds for first-class to \$1.50 per 100 pounds for freight for each class from these regular notes. But the company enters into contracts with the merchants here to carry for them at special rates, much reduced from these regular ones, on condition that the merchant shall import all his goods by their line; not only such as are usually sent by rail or via the 1sthmus, but also such as have herefore, and naturally, come by sea around Cape Horn; and they make him bind himself to ship by their road, and by such connecting roads as their

cover the expense of the round trip. The standing forced loan exacted from our merchants, without interest, by collecting and after thirty days repaying the difference between printed and contract rates, may amount to half a million dollars; it operates oppressively to individuals, but to the community is of minor importance. But the tax levied on our exports in the form of enhanced freights to Europe is a monstrous and shocking wrong. In the absence of full statistics it is impossible to compute its amount, but it is probably equivalent to about \$\pm\$4 per ton on the exportable crop of the State. San Francisco, under this nefarious system, has degenerated from the rank and position of a maritime city open to the commerce of the world to that of an interior town some 2,000 miles west of St. Louis, approachable only over the world to that of an interior town some 2,000 miles west of St. Louis, approachable only over With these facts before you, which are known to every well-informed man in San Francisco (except, of course, the railroad commissioners), you can understand why the tide of prosperity which has spread over the rest of the Union during the last few years has never yet reached California, why all business has been depressed and real estate has been steadily raillar or additionally and the same property of the state of the Union during the last few years has never yet reached California, why all business has been depressed and real estate has been steadily raillar roads) which has found expression in some of our recent legislation. Grant that it is unphilosophical, ill directed, stupid, and in some respects unjustitude it is unphilosophical, ill directed, stupid, and in some respects unjustitude it is unphilosophical, ill directed, stupid, and in some respects unjustitude it is unphilosophical, ill directed, stupid, and in some respects unjustitude it is unphilosophical, ill directed, stupid, and in some respects unjustitude it is unphilosophical, and in some respects unjustitude it is unphilosophical,

[The Nation, December 8, 1881.] OVERLAND RAILROAD RATES.

To the Editor of the Nation.

Overland Raliroad Rates.

To the Editor of the Nation.

Sir: Since the publication of my letter on overland railroad rates in the Nation of August II, Mr. Charies F. Adams, jr., has caled my attention to the origin of the system of special freight contracts and unlawful discrimination in freight charges, as set forth in the report of the Government directors of the Union Pacific Railroad for the year ending June 30, 1878. I quote from page 15 of the document:

"In the month of July last, a sudden announcement was made that the tariffs on through-freighting business over the Pacific roads had been altered, and that, while the classification of certain articles had been changed, the rates upon others had been advanced from 50 to 100 per cent. The reason of this movement, which naturally excited surprise as well as indignation among those affected by it, was not at first apparent. It was, however, soon learned. It was purely strategic. The company did not really propose to raise its tariff rates; on the contrary, it was ready to slightly reduce them; but it did propose to take full advantage of its position to secure as much as possible of the transcontinental business. As a first step toward this, it practically did away with its open tariff, by the very simple process referred to. Under the open tariff, at the old rates, the larger business firms dealing between the two coasts had a choice of routes—that by water and that by rail. They, in practice, availed themselves of this option by sending their coarser freights, or those in regard to which time in delivery was immaterial, by water, at the lower rates; while the more costly wares, or those requiring immediate delivery, were forwarded overland. The object of the Union Pacific was to put a stop to this practice. This they did by largely raising their freights, which put an effectual stop to shipments under the open tariff, while, at the same time, they offered to all the large firms which would contract to make their shipments wholly by land special rates at a

"It is unnecessary to comment on such a method of corporate management. It speaks for itself. Meanwhile, so far as the measure is concerned, the objections to it are apparent. The through business over the Union Pacific is mainly done by large houses. This is natural enough, for such houses can, of course, do it most cheaply. The measure under discussion, however, made it impossible that this business should be done by any but the large houses. They have special contracts covering it at less than the published tariff rates. More than this, it locks up, in secrecy, transactions which more than all others should be public. The special contracts may be equal as between shippers, or they may not. The directors have every reason to believe that they are, but they none the less are lacking in that element of publicity which in such matters will always remain the one real safeguard against discrimination."

More than this, it locks up, in secrecy, transactions which more than all others should be public. The special contracts may be equal as between shippers, or they may not. The directors have every reason to believe that they are, but they mone the less are lacking in that element of publicity which in such matters will always remain the one real safeguard against discrimination."

"Divociting" clause quoted in my former letter: they merely bound the merchant or transport all his freight by rail, in gods purchased by or for and shipped or consigned to him by his procurement, directly or indirectly, or with his previous knowledge or consent;" he was still free to deal in goods which had reached here by sea, though he could not import them so himself. Next year, or the year following, the "bought, sold, dealt in, or handled by "clause was introduced, which" boycotted "all goods not imported by rail, so far as the railroad companies' customers were concerned. They were forbidden to buy, sell, deal in, or handle them. Last January the railroad companies gave another turn to the screw and introduced a clause which boycotts not only the goods but the importers. The merchant who holds a goods to anyone who is in the habit of importing otherwise than by rail. To show that there is no mistake about this humiliating exaction, I inclose on a separate slip the text of the covenant, as well as that of the corresponding clause in the contracts of the preceding year. They are clipped from the columns of the Grocer and Country Merchant, a local trade journal, which published them, with a vigorous protest, at the time they were forced upon our merchants. The space of the Nation is too valuable to insert them in extense here, but let them go into your advertising columns with a note of reference. They divide the importing merchants of the whole Pacific Costrail and those who refuse to do so. These two classes are forbidden by the railroad company to have any dealings with one another.

I make no comment on this proceeding, for I

REPORTS OF COMMITTEES.

Mr. BERRY, from the Committee on Commerce, to whom was referred the bill (S. 3375) authorizing the construction of a bridge across the Columbia River, in the State of Washington, reported it without amendment.

Mr. PASCO, from the Committee on Commerce, to whom was referred the bill (H. R. 6750) to authorize the mayor and city council of Monroe, and the police jury of the parish of Ouachita, La., to construct a traffic bridge across the Ouachita River opposite

to construct a traffic bridge across the Ouachita River opposite said city, reported it without amendment.

Mr. PETTIGREW, from the Committee on Indian Affairs, to whom was referred the amendment submitted by Mr. SQUIRE December 21, 1896, intended to be proposed to the general deficiency appropriation bill, submitted a favorable report thereon.

Mr. McMILLAN, from the Committee on Commerce, to whom was referred the bill (H. R. 6776) to provide an American register

for the bark Vila, reported it without amendment, and submitted report thereon.

Mr. FRYE, from the Committee on Commerce, to whom the subject was referred, reported a bill (S. 3494) providing for an

examination of the improvements at the Pass of Aransas, Texas; which was read twice by its title.

He also, from the same committee, to whom was referred the bill (S. 3089) to provide an American register for the steamship Southery, reported adversely thereon, and the bill was postponed

indefinitely.

He also, from the same committee, to whom was referred the bill (S. 2973) to amend section 4488 of the Revised Statutes, relating to life-saving appliances on shipboard, reported adversely thereon, and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (S. 3398) to provide an American register for the bark E. C. Mowatt, of Philadelphia, Pa., reported it without amendment, and submitted a report thereon.

Mr. PLATT. From the Committee on Indian Affairs, I report

submitted a report thereon.

Mr. PLATT. From the Committee on Indian Affairs, I report back favorably an amendment to be proposed to the deficiency bill. I ask that it may be referred to the Committee on Appropriations. I submit a written report with it, which I ask may also be printed and referred to the Committee on Appropriations.

The PRESIDING OFFICER (Mr. Pasco in the chair). It will be so ordered, in the absence of objection.

Mr. BRICE, from the Committee on Pensions, to whom was referred the bill (H. R. 5938) for the relief of Pricilla R. Burns, reported it without amendment, and submitted a report thereon.

reported it without amendment, and submitted a report thereon.

THE NATIONAL ACADEMY OF SCIENCES.

Mr. HAWLEY. The act constituting the National Academy of Sciences requires the association to make an annual report, and a permanent statute provides for the printing of that report. I do not know that anything more is necessary than merely to present it. It will follow the usual course and the matter will be printed. The VICE-PRESIDENT. It will be so ordered.

CHANGE OF REFERENCE.

I desire to have the bill (S. 3385) to refer certain claims for Indian depredations to the Court of Claims, which was introduced by me on December 15, 1896, referred to the Committee on Indian Affairs instead of to the Committee on Indian Depredations. By the indorsement on the original bill it was to be referred to the Committee on Indian Affairs, but by mistake it went to the wrong committee.

The VICE-PRESIDENT. The change of reference will be made.

BILLS INTRODUCED.

Mr. MORGAN introduced a bill (S. 3487) relating to the jurisdiction of the court of appeals of the District of Columbia; which was read twice by its title, and referred to the Committee on Pacific Railroads.

Pacific Railroads.

He also introduced a bill (S. 3488) to create a board of trustees of the Union Pacific Railroad Company and the Central Pacific Railroad Company, and to fund the bond debts thereof, and for other purposes; which was read twice by its title, and referred to the Committee on Pacific Railroads.

Mr. ALLEN introduced a bill (S. 3489) to amend an act entitled "An act to authorize and encourage the holding of a transmississippi and international exposition at the city of Omaha, in the State of Nebraska, in the year 1893," approved June 10, 1896, to repeal certain portions thereof, and for other purposes; which was read twice by its title, and, with the accompanying paper, referred to the Select Committee on International Expositions.

Mr. GEAR introduced a bill (S. 3490) for the relief of Alanson D. Gaston, late of Company M, First Regiment Iowa Cavalry Volunteers; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Military Affairs.

Mr. TURPIE introduced a bill (S. 3491) granting an increase of pension to Capt. John W. Dodd; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Decirion to Capt. John W. Dodd; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Decirion to Capt. John W. Dodd; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Decirion to Capt. John W. Dodd; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Decirion to Capt.

and, with the accompanying papers, referred to the Committee on Pensions.

Mr. HALE introduced a bill (S. 3492) for the relief of Paymaster James E. Tolfree, United States Navy; which was read twice by its title, and referred to the Committee on Naval Affairs. He also introduced a bill (S. 3493) for the relief of Pay Clerk Charles Blake, United States Navy; which was read twice by its title, and referred to the Committee on Naval Affairs.

Mr. COCKRELL (for Mr. SMITH) introduced a bill (S. 3495) to remit the time penalties on the light-house tender Rose; which was read twice by its title, and referred to the Committee on Commerce

Mr. THURSTON introduced a bill (S. 3496) to promote the safety of employees and shippers upon railroads by compelling common carriers to equip their freight cars with safety appliances to protect such persons from injury resulting from falling between freight cars; which was read twice by its title, and referred to the Committee on Interstate Commerce.

INDEPENDENCE OF CUBA.

Mr. MILLS. I introduce a joint resolution, which I ask may be read and laid on the table. I shall wish to-morrow morning to submit some remarks upon it.

^{*}The transaction is alleged to be in the shape of a contract to transport for the refiner 5,000,000 pounds of sugar at 2 cents per pound. Of course they could not charge any dealer a less rate than that voluntarily paid by so large a customer who pays his freight and is not at all particular as to the trans-portation of the goods.

The joint resolution (S. R. 188) in reference to the recognition of the independence of foreign governments was read the first time by its title, and the second time at length, and ordered to lie on the table, as follows:

Resolved by the Senate and the House of Representatives of the United States of America in Congress assembled. That the expediency of recognizing the independence of a foreign government belongs to Congress, and when Congress shall so determine, the Executive should act in harmony with the legislative department of the Government.

SEC. 2. That the independence of the Republic of Cuba ought to be, and hereby is, recognized, and the sum of \$10,000 is hereby appropriated for salary and expenses of a minister to that Government whenever such minister shall be appointed by the President.

Mr. MILIS subsequently said: Lintroduced a joint resolution

Mr. MILLS subsequently said: I introduced a joint resolution and gave notice that I would submit some remarks on it in the morning. As the Senate has agreed to adjourn over until Monday, I give notice that I shall claim the attention of the Senate on Monday morning.

AMENDMENT TO SUNDRY CIVIL APPROPRIATION BILL.

Mr. ALLEN submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on International Expositions, and ordered to be printed.

CLASSIFICATION AND GRADING OF CEREALS.

Mr. SHERMAN. I have in my hand a bill which I think will command the attention of the Senate and its unanimous approval. A similar bill has already passed the Senate in the last Congress. It is now reported from the Committee on Agriculture and Forestry. It is a bill to provide for fixing a uniform standard of classification and grading of wheat, corn, oats, barley, and rye, and for other purposes. All the leading farming associations in the country have petitioned for the passage of the bill, and there can be no possible objection to it. The Committee on Agriculture and Forestry recommended it with some slight amendments. I have it will ness. Let it be read.

The VICE-PRESIDENT. The Senator from Ohio asks for the present consideration of a bill, which will be read for information,
The Secretary. A bill (S. 353) to provide for fixing a uniform standard of classification and grading of wheat, corn, oats, barley,

and rye, and for other purposes.

Mr. CULLOM. Mr. President—
Mr. TELLER. I should like to inquire what committee that bill comes from?

Mr. CULLOM. That is what I myself should like to know.
Mr. SHERMAN. The bill comes from the Committee on Agri-

of the country, and if there is any bill that affects the commerce of the country, and if there is any bill that properly belongs to the Committee on Interstate Commerce, I think this bill does. I never heard of the measure before.

Mr. SHERMAN. It was reported from the Committee on Agri-

Mr. SHERMAN. It was reported from the Committee on Agriculture and Forestry.

Mr. CULLOM. And not from our committee. I do not think the bill ought to be considered until some proper committee that has control of the subject has dealt with it.

Mr. CHANDLER. I suggest to the Senator that, in order to ascertain whether it is a classification for transportation by rail-

Mr. CHANDLER. I suggest to the Senator that, in order to ascertain whether it is a classification for transportation by railroads, we have the text of the bill read.

Mr. TELLER. I wish to inquire whether the bill is now reported for the first time or whether it is on the Calendar.

Mr. SHERMAN. I have already stated that the bill was reported from the Committee on Agriculture and Forestry, and that a similar bill was passed in the last Congress, I think by unanimous consent; but it was not acted upon in the other House. It is still pending in the other House. I am told the measure is supported by every farmers' organization from the highest to the lowest. It simply provides for a uniform classification of the grains raised by them. I can see no objection to it. However, the Senator from Iowa [Mr. Gear] can state definitely in regard to the bill.

Mr. CULLOM. I simply want to say that the question of the classification of freights is now under consideration by the Committee on Interstate Commerce.

Mr. SHERMAN. The bill does not concern freight at all, but the quality of wheat, the grades of wheat. That is all.

Mr. CULLOM. I have no objection to the bill being read, so that we can see what it provides.

Mr. SHERMAN. It does not deal with the question of freight.

Mr. GEAR. I will state that the bill simply relates to the classification of grain, and provides that, in the absence of a regular agreed classification by any board of trade or city, there shall be a classification of such grain, subject to the inspection of the Secretary of Agriculture. It has nothing to do with fixing the rate.

Mr. CULLOM. The bill ought to be read at any rate.

rate.

Mr. CULLOM. The bill ought to be read at any rate.

Mr. GEAR. It has nothing to do with any interstate-commerce matter. It does not infringe on the rights of that committee at all. Mr. CHANDLER. If it is a proposed national law to classify grain—that is the point I am trying to get at—perhaps the bill will

show for what purpose a law of Congress shall classify farm products

Mr. GEAR. It simply authorizes a classification under the

direction of the Secretary of Agriculture.

Mr. CHANDLER. For what purpose? Why is it to be done?
Mr. GEAR. Suppose the gentleman orders a carload of grain
from Chicago, or a shipload of grain from abroad to this country
by steamer. There is nothing said about the classification,
whether it shall be the Chicago classification or the New York classification. In the absence of such a classification, the bill provides that the purchaser shall be bound by the classification made under the bill, under the direction of the Secretary of Agriculture.
Mr. CHANDLER. If our States-rights friends are willing to

Mr. CHANDLER. If our States I gate vote for that, I am.
Mr. HOAR. Let us hear the bill read.
Mr. SHERMAN. It is a short bill.
Mr. CULLOM. Let us hear it read.
The VICE-PRESIDENT. The bill will be read.
The Secretary read the bill, as follows:

The Secretary read the bill, as follows:

Be it enacted, etc., That the Secretary of Agriculture be, and he is hereby, authorized and required, as soon as may be after the enactment hereof, to determine and fix, according to such standard as he may prescribe, such classification and grading of wheat, corn, rye, oats, and barley as in his judgment the usages of trade warrant and permit, having reference to the standard, classification, and grades now recognized by the several chambers of commerce and boards of trade of the United States: Provided, however, That reference to such various classifications and grades shall serve only as a guide and suggestion in the matter of determining and fixing by the Secretary the United States standard herein provided for; but he shall not be controlled thereby, but shall determine and fix such standard and such classifications and grades as will, in his judgment, best subserve the interest of the public in the conduct of interstate trade and commerce in grain.

Sec. 2. That when such standard is fixed and the classification and grades determined upon, the same shall be made matter of permanent record in the Agricultural Department, and public notice thereof shall be given in such manner as the Secretary shall direct, and thereafter such classifications and grades shall be known as the United States standard. All persons interested shall have access to said record at such convenient times and under such reasonable regulations as the Secretary may prescribe; and on payment of such proper charge as the Secretary may fix a certified copy of the classification and grades shall be those who may apply for the same.

Sec. 3. That from and after thirty days after such classifications and grades have been determined upon and fixed, and duly placed on record as herein provided, such classification and grading shall be taken and held to be the standard in all interstate trade and commerce in grain in all cases when no other standard is agreed upon: Provided, however. That in interstate t

Mr. HALE. That seems to me to be a very sweeping bill. It appears to be an assumption of great power on the part of the General Government. I did not discover in listening to the reading anything in the bill that reserves any classification that may have been made by a State or by any other authority. The only reservation is the sweeping enactment of the bill in favor of private contracts or agreements where a classification has been made. I do not suppose that would apply in hardly any case. It proposes to confer upon the Secretary of Agriculture the enormous power of fixing absolutely classifications touching these great subjects of trade.

I do not think that a bill of this kind ought to pass without Senators having an opportunity to examine it, and without debate, which, it seems to me, will certainly arise whenever it is put upon its passage

Mr. SHERMAN. The bill was passed by the Senate at the last

Mr. HALE. The Senator from Ohio says it was passed at the last Congress. The truth is, we passed a great many bills where requests are made for unanimous consent without Senators considering the subjects-matter, and they never get the illumination that only comes by debate. I do not think this is one of a class of

Mr. ALLEN. Did the bill pass the Senate in the last Congress?
Mr. HALE. I understand the Senator from Ohio to say it did.
But was there a discussion of it? I did not know it.
Mr. ALLEN. This is the first I ever heard of the bill.

Mr. ALLEN. This is the first I ever heard of the blit.
Mr. HALE. The Senator from Ohio says it was passed. Was it discussed?

Mr. CULLOM. The Senator from Nebraska says it is the first

time he ever heard of it.

Mr. ALLEN. I understand the Senator from Maine to object to the consideration of the bill.

Mr. HALE. Yes; I think it had better go over.
Mr. ALLEN. I think it ought to go over by all means. It is certainly destructive of the interests of the producer of grain to put all his rights in the hands of the Agricultural Department.
Mr. BATE. Has the bill been printed and laid on our tables, I should like to inquire?
The VICE-PRESIDENT. The bill is on the Calendar.

Mr. SHERMAN. It was printed long ago.

The VICE-PRESIDENT. It is Order of Business 950 on the Calendar

Mr. BATE. It is certainly a very important bill, and needs attention. I think it ought to be laid on our tables.

Mr. GEAR. Mr. President—
The VICE-PRESIDENT. The Chair will state that objection

is interposed to the present consideration of the bill.

Mr. GEAR. I will just state that the passage of the bill is desired by many boards of trade and by the agricultural societies of this country. It is indorsed, I believe, in a certain degree by the Secretary of Agriculture, and is asked by our farmer friends.

I will only state in one moment that the classification referred to simply relates to a case where there is no other classification

agreed upon. If you or I order a carload or shipload of grain sent at the classification of the Chicago Board of Trade, this measure

at the classification of the Chicago Board of Trade, this measure does not interfere, but where no agreement has been made the parties shall have a right to demand a national classification.

Mr. ALLEN. I do not know anything about who has petitioned for the passage of this bill. I can not say anything respecting that matter. But we all know that the producers of grain in this country sell without any special contract. They have practically nothing to do whatever with classifying their grain. Here the power to classify their grain is taken entirely out of their hands by the bill, and the classification made by the Secretary of Agriculture, which will be usually the classification made by boards of trade, becomes a legal classification, binding upon the producer of grain in the courts of the country, which he can not dispute, notwithstanding the grain may grade higher than it has been classified by the Secretary of Agriculture or by his agent.

Mr. SHERMAN. I should like to say a word. I have been requested to favor the measure by the farming associations in my State and I have also received communications from other States.

State and I have also received communications from other States. I introduced the bill at their request at this session, and in the last Congress I know it was passed by the Senate. I do not know whether there was any debate upon it or not. But I have read the bill very carefully and I do not find that it imposes any restriction whatever except such as will tend to protect not only the purchasers, but the consumers and producers, and by which a classification of the different kinds of grain may be fixed by some standard. It does not make so much difference what the standard is, so that we can have a standard, and wheat can be bought or sold according to a certain standard. This proposed law does not take away the right from anyone to make a contract for any

standard he chooses, but it expressly reserves that right.

So far as the bill is concerned, I have done my duty. It was referred to the proper committee, the Committee on Agriculture and Forestry, and reported with some slight amendments. The bill was passed by the Senate, as I said, in the last Congress. I do not recall whether there was any debate upon it or not, but at any rate I think it is a bill that if Senators will read they will favor,

especially those who represent agricultural States, like my friend from Nebraska [Mr. Allen]. With these remarks, I am perfectly willing to leave the matter to the Senate.

Mr. CULLOM. When I rose before in reference to this bill, from the reading of the title I supposed it was a bill affecting the

question of transportation.

Mr. SHERMAN. Oh, no; not at all.

Mr. CULLOM. Therefore I made the remark that it ought to be referred to the Committee on Interstate Commerce, having charge generally of that subject. But I find that it does not affect the question of transportation, and so far as I am concerned, while I should like to have an opportunity to read the bill over before it is put upon its passage, I do not desire to move to refer it to any other committee, unless the Senate seems to think it ought to be done. I think, though, the bill ought to go over until morning, so that we may see what there is in it.

Mr. ALLEN. Here the bill bear and a few many seems to the bill ought to go over until morning, so that we may see what there is in it.

Mr. ALLEN. Has the bill been reported from a committee?
Mr. CULLOM. It was reported from the Committee on Agriculture and Forestry, I understand.

Mr. ALLEN. I want to make a suggestion in answer to the Senator from Ohio. The Senator seems to think that it is something in favor of the bill that it has preserved the right of contracts. I submit to the Senator from Ohio that Congress has not the power to trench upon the right of contracts; that they must be preserved regardless of your law. But the trouble with this bill is that an arbitrary grade established by the Secretary of Agriculture becomes binding, in case of litigation, upon the seller of wheat or cereals of any kind who may come under its provi-

Mr. SHERMAN. It applies only in cases where there is no con-

tract as to grain.

Mr. ALLEN. Exactly.

Mr. SHERMAN. The right of private contract is preserved.

Mr. ALLEN. But we must legislate in the light of the fact that 99 per cent of the producers of grain make no contracts for their product.
Mr. HALE. And never make any.

Mr. ALLEN. And never make any contracts. Now, in consequence of a failure to make a special contract, are they to suffer quence of a failure to make a special contract, are they to suffer an arbitrary grading of their grain, which may, as a matter of fact, be far below its actual standard, but which is to be binding upon them in the courts of this country? The farmers of my State, for instance, do not follow their grain 600 miles to Chicago and have a contract for a specific grade.

Mr. CHANDLER. I am inclined to think from listening to the language of the bill that it is an entirely proper one to pass a State legislature. I was endeavoring to work in a suggestion in behalf of the Constitution of the United States. A bill classifying grain for the purposes of commerce may or may not be within the powers

for the purposes of commerce may or may not be within the powers of Congress. I am not certain that it is not, because I myself attach great weight to the general-welfare clause of the Constitu-tion. Possibly this bill may be based upon the right of Congress

to regulate weights and measures, or it may be a legitimate exer-

cise of the power to regulate commerce between the States.

What I should like to know is, upon which specific clause in the Constitution the bill is based, or whether, if not based upon any specific clause, it is based upon the general-welfare clause? Let us have an understanding on this subject. If bills of this kind, that could be passed under the exercise of the police power of the States, are to be brought into the National Legislature and passed under the paternal powers given to Congress under the general-welfare clause, let that be understood. I should like to ask the Senator from Ohio, who I see is rising, to tell me under what clause in the Constitution this bill emanates from the Committee on Agriculture and Foresti

and Forestry.

Mr. SHERMAN. I do not myself care to go into the constitutional question, although it is very easily answered. There is a full and able report accompanying the bill. I have read it partially, and I have it with me here. This report, made by the Committee on Agriculture and Forestry, covers these different points. I presume it was prepared by the Senator from Iowa [Mr. Gear]. At all events, there is ample information upon the record to show exactly the tenor of the bill, the nature of it, and the ground upon which it can be defended.

Mr. CHANDLER. Does the report state under what clause in the Constitution of the United States the Congress has power to

Mr. CHANDLER. Does the report state under what clause in the Constitution of the United States the Congress has power to

Mr. SHERMAN. It may be done under the power to regulate commerce. Now, this is not a small matter.

Mr. CHANDLER. So I understand.

Mr. SHERMAN. It is a matter amounting to hundreds of millions of bushels of grain. We produce seventeen hundred or two thousand million bushels of corn; we produce, say, three or four hundred million bushels of wheat. There is now no fixed way of grading the wheat, and we all know there is a great difference in the value of wheat. Sometimes it is worth considerably more than at other times. Somebody should fix a grade on the wheat so as to describe it—so as to say grade No. 1 shall have such and such qualities, etc. It is sold in that way now by private contract, but those contracts differ. It may be one thing in Chicago, and it may be another in New York. The result is a complication of difficulties.

This bill emanates from the farmers. The farming organiza-tions sent the bill tome for its introduction. That was at this ses-It was introduced in the previous Congress by some other

Senator.

Mr. ALLEN. I should like to submit to the Senator from Ohio a perplexing question, for the Senator is a great constitutional lawyer and is familiar with all its details and its history. Many of the States of the Union have laws by which their grains are graded.

Mr. CULLOM. That is true of Illinois. Mr. ALLEN. By those State laws the grains are inspected and

Mr. HALE. In almost all the States.

Mr. HALE. In almost all the States.

Mr. ALLEN. What will you do, for instance, under a law such as the bill before the Senate, with grain where it has been inspected and properly graded according to the law of the State before it was shipped from that State?

Mr. SHERMAN. I understand that the bill provides for that very thing. It only provides for the grading of wheat that is not otherwise provided for by contract or by law.

Mr. HALE. If the Senator will excuse me, that is not the provision of the bill. The bill provides that the Secretary of Agriculture shall consider what regulations already exist by boards of trade or by law, and in terms declares that he shall not be governed by those, but shall establish an absolute standard unless in case of private contract. So it sweeps away every regulation, case of private contract. So it sweeps away every regulation, either by States or by boards of trade, and substitutes the authority of the Secretary of Agriculture, unless the parties have made a private contract, which, as the Senator from Nebraska says, is

seldom the case.

Mr. ALLEN. But the Secretary of Agriculture may be guided altogether, if he sees fit, by the wishes of the boards of trade.

Mr. HALE. The bill provides that he may consult, but he shall

Mr. ALLEN. The bill provides that he may consult, but he shall not be governed thereby.

Mr. ALLEN. That is, he may, however.

Mr. HALE. He may consult.

Mr. ALLEN. He may. Then, suppose he is controlled by the action of boards of trade. There is no remedy, is there, to the

producer of grain?

Mr. HALE. Not the least.

Mr. ALLEN. So the producer of grain is then really at the mercy of the board of trade.

Mr. HALE. He is at the mercy of the Secretary of Agriculture.

Mr. DAVIS. Mr. President

Mr. DAVIS. Mr. President—
Mr. BATE. As the debate has been going on for some time, I rise to a point of order. I understand that an objection was made to the consideration of the bill. Its consideration requires unanimous consent, and I make that objection.

The VICE-PRESIDENT. The debate has been proceeding only by unanimous consent. Objection being interposed, the Chair recognizes the Senator from Minnesota.

Mr. DAVIS. I wished to submit a word on the bill. If objections

Mr. DAVIS. I wished to submit a word on the bill. If objection is made, I will refrain.

HOUSE BILL REFERRED.

The bill (H. R. 4566) to amend the postal laws relating to second-class mail matter was read twice by its title, and referred to the Committee on Post-Offices and Post-Roads.

DISTRICT TELEPHONE LINE

The joint resolution (H. Res. 205) authorizing the building of a telephone line in the District of Columbia was read the first time by its title.

Mr. McMILLAN. I ask unanimous consent that the joint reso-

lution may be put upon its passage.

The VICE-PRESIDENT. The joint resolution will be read at length for information.

The joint resolution was read the second time at length, as fol-

Resolved, etc., That authority is hereby granted to William J. Browning, Chief Clerk of the House of Representatives, to build a telephone line from the House folding room to the new annex folding room in the McDowell Building, corner of North Capitol street and Massachusetts avenue, using the Government poles now on North Capitol street.

Mr. McMILLAN. The joint resolution has just passed the other House, and it is a matter of importance.

The VICE-PRESIDENT. Is there objection to the present con-

sideration of the joint resolution?

There being no objection, the joint resolution was considered

as in Committee of the Whole. The joint resolution was reported to the Senate without amend-

ment, ordered to a third reading, read the third time, and passed. WESTERN JUDICIAL DISTRICT OF SOUTH CAROLINA.

The VICE-PRESIDENT. The morning business is closed, and the Calendar under Rule VIII is in order. The first case on the Calendar will be stated.

The bill (S. 811) to provide a district attorney and a marshal for the western judicial district of the State of South Carolina was

announced as first in order, and the Senate, as in Committee of the Whole, proceeded to its consideration.

Mr. CULLOM. I inquire if that bill comes from the Judiciary

Committee?
The VICE-PRESIDENT. It has been reported from the Judiciary Committee, the Chair understands.
Mr. PLATT. I should like to inquire of the chairman of the Judiciary Committee about this bill, for, although a member of the committee, I do not remember about it. Does it involve the salaries of two sets of officers in South Carolina when there is now only one set? If so, as to the district attorney and marshal for the district of South Carolina, their salaries being fixed with reference to the performance of all the duties in the State, will their salaries go on at the same figure at which they now are, and then will there be other salaries for these new officers? I do not think I understand the matter.

Mr. HOAR. This bill was considered by the Judiciary Committee and reported at the last session. It had the support of the Senators from South Carolina and also support from the legal profession in the State. Of course the Senate is familiar with the condition of South Carolina. There have been two judicial districts there for a good while, but the marshal and the district attorney for one of the districts have performed the duties for the other. This bill provides for a separate marshal and a separate

other. This bill district attorney.

If this bill should pass, then, of course, it will be necessary to have in the proper appropriation bill a new regulation as to the matter of the salary, which was regulated in the last appropriation bill with reference to one district alone; but it is not customary to make a new regulation of salaries until the law providing the salary has been first dealt with.

If this bill shall pass both Houses of the present Congress and

be signed by the President, then it will be necessary to insert in the proper appropriation bill such diminution of the salaries of the officials who now perform the duties of both districts as is proper; but it never has been the custom, in creating new districts

or providing new duties of this kind, to put such a provision into the special bill passed for the purpose.

Mr. CULLOM. If the Senator will allow me, I think that in the adjustment of salaries for the marshals of that State, with all the others, there was a reference in the statute to the peculiar condition of affairs in that State; but whether additional legisla-tion would not be required in order to specify the duties of the marshal and the district attorney, I am not sure. The Senator from South Carolina perhaps has before him the statute which was passed at the last session; and if so, I should like to hear what

Mr. TILLMAN. I have not the statute before me, but I know the substance of it. It provided that the duties of marshal and district attorney of the eastern district should be performed and their salaries fixed under it, but it provided for a division of the salaries—I have forgotten the exact amount—I think it was \$2,500 for the western district and \$1,500 for the eastern district. They are already differentiated or separated by the last statute fixing the salaries of the district attorneys and marshals of the various districts.

Mr. CULLOM. I hope the Senator will allow the bill to go over for a minute, in order that we may see what the exact language of the statute is.

Mr. HOAR. If the Senator will allow me, this bill was reported from the Judiciary Committee on full consultation, as I have stated. That committee also reported as to the matter of salaries in a general salary bill for all the district attorneys in the country. That was referred to the Appropriations Committee and put on an appropriation bill and was settled after going into conference. I met that conference committee—indeed, I think I was one of the conferees—but the final action of the two Houses on the conference report took place after I left for Europe. So I am not prepared to answer precisely how that matter was arranged, but I am

quite sure that is was arranged.

Mr. TILLMAN. If the Senator will allow me, it recognizes a difference in the districts, and fixes the salary for each district

separately.

Mr. CULLOM. I will suggest, if the Senator will allow it, that the bill be passed over for the time being, so that we can examine it and see if the statute does not already provide for just such a situation as will exist if this bill shall become a law.

Mr. HOAR. No; the statute does not provide for new courts.

Mr. TILLMAN. I should like the Senator to let the bill go

through to-day, and then if any change is found necessary it can be attended to in the other House. The time is very short, and unless we get the bill across we are not very likely to get it through at this session.

Mr. CULLOM. I have no objection to the consideration of the bill as soon as we can find the provision of the law which we are

looking for at this moment.

The VICE-PRESIDENT. If there be no objection, the bill will

lie over temporarily.

Mr. CULLOM. I believe I have the provision of the law here.

Mr. HOAR. I can give it to the Senator. It is just as I stated.

The provision is:

For the eastern and western districts of the district of South Carolina, \$4.500, \$2,500 of which shall be for the performance of the duties of district attorney for the western district.

Mr. CULLOM. That is all there is of it?
Mr. PLATT. The salary is also divided.
Mr. TILLMAN. The salaries are separated.
Mr. CULLOM. That is the point I wanted settled before the bill passed, so as to be able to determine whether any additional legislation was necessary. I have no objection to the passage of

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

PUBLIC LANDS IN GREER COUNTY, OKLA.

Mr. BERRY. I ask unanimous consent, out of order, for the consideration at this time of the bill (H. R. 7945) to provide for the entry of lands in Greer County, Okla., to give preference rights to settlers, and for other purposes. I will state it is important that legislation shall be had immediately. I therefore make this

request.
By unanimous consent, the Senate, as in Committee of the Whole,

proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

PRIVATE ARMED BRIG GENERAL ARMSTRONG.

The VICE-PRESIDENT. The next case on the Calendar will be stated.

The bill (S. 687) to apply the unexpended balance of the amount

heretofore appropriated for the relief of the captain, owners, officers, and crew of the late United States private armed brig General Armstrong, their heirs, executors, administrators, agents, or assigns, was announced as next in order; and the Senate, as in

Committee of the Whole, proceeded to its consideration.

Mr. HAWLEY. Has that bill been called up for consideration?

The VICE-PRESIDENT. It has been reached in regular order

on the Calendar.

Mr. HAWLEY. From what committee is it reported

Mr. HAWLEY. From what committee is it reported?
The VICE-PRESIDENT. The Committee on the Judiciary.
Mr. HAWLEY. I have no doubt the bill is all right, and I suppose the Senator from Massachusetts [Mr. HOAR] is familiar with it. I know there was something due to a number of people in connection with this matter, and I suppose the bill is properly guarded as to any future claims for any unexpended portion of

his appropriation.

Mr. HOAR. As the Senator appeals to me, I can not say that I have now in my memory all the details of the case. The Senator from Alabama [Mr. Pugh] who reported the bill undoubtedly will remember them.

I suggest that the report be read. Mr. CULLOM.

Mr. HOAR. I will, however, make the general statement about the bill that, on very full debate, both Houses of Congress passed a bill for the relief of this claimant, in which the Secretary of State was authorized to pay him out of a certain fund in the State Department. That was misdescribed in some way in the law. The consequence was that the Secretary of State said he did not think he was authorized to make payment unless Congress amended the law and made the description of the fund more accurate, which he thought they ought to do. This bill is practically covered by the old law, and the bill is made necessary by an error of description in that law.

Mr. HAWLEY. As I remember the case I thinks considerable. Mr. HOAR. I will, however, make the general statement about

Mr. HAWLEY. As I remember the case, I think a considerable

Mr. HAWLEY. As I remember the case, I think a considerable portion of that appropriation has been paid out, and there has been some little controversy as to the persons to whom it should be paid; but I have forgotten exactly what the details are. I have great admiration for the gallant action in which the General Armstrong participated, as I believe everybody has who knows anything about that extraordinary affair. The Senator from Alabama will probably be able to give us the facts regarding the case.

Mr. CULLOM. I think the report should be read; it is not a long one, will not take much time, and will enable us to understand the history of the case.

Mr. PUGH. The report contains a letter from Solicitor-General Conrad which gives the history of this claim, with which he is perfectly familiar, and it is set forth in full in the report of the Judiciary Committee. I hope there will be no objection to the consideration of this claim. It is an old one, and Congress has made two attempts to take this unexpended balance of the appropriation and pay it over to the claimants, and it has passed two acts, which have failed of execution for reasons stated in the letter of the Solicitor-General and in the report of the Judiciary Comof the Solicitor-General and in the report of the Judiciary Committee

Mr. HAWLEY. I think that all the claims have been satisfied, as the matter now stands, and the only question is as to the unex-

pended balance.

Mr. CULLOM. If they are all satisfied, why dispose of this balance by giving it to somebody? We had better have a little

money in the Treasury.

Mr. PUGH. I think we had better have the report read.

Mr. HAWLEY. I mean the claims aside from those of Mr.
Reid have been satisfied. That is what I meant. Is that not so?

Mr. CULLOM. I should like to have the report read, Mr.

President, in order that we may know the history of the case.

The VICE-PRESIDENT. The Senator from Illinois calls for the reading of the report, which will be read.

The Secretary read the following report, submitted by Mr. Pugh

March 23, 1896:

The Committee on the Judiciary have had under consideration the bill (S. 687) to apply the unexpended balance of the amount heretofore appropriated for the relief of the captain, owners, officers, and crew of the late United States private armed brig General Armstrong, their heirs, executors, administrators, agents, or assigns, and make the following report thereon:

On May 1, 1882, Congress passed an act "authorizing and directing the Secretary of State to examine and adjust the claims of the captain, owners, officers, and crew of the late United States private brig General Armstrong, growing out of the destruction of said brig by a British force in the neutral port of Fayal in September, 1814, upon the evidence established before the Court of Claims, and to settle the same upon the principles of justice and equity."

Court of Claims, and to settle the same upon the principles of justice and equity."

On March 21, 1895, Congress passed another act entitled "An act making appropriations for the fiscal year ending June 30, 1895, and for prior years, and for other purposes," in which it is provided "that the unexpended balance made by the act of May 1, 1882, for the relief of the captain, owners, officers, and crew of the United States brig of war General Armstrong, their heirs, administrators, agents, or assigns, now under the control of the Department of State, shall be applied for the liquidation and settlement of the claim of Samuel C. Reid according to the vouchers now on file in said Department."

On the 3d of April, 1895, the Secretary of State submitted to the Solicitor-General the foregoing acts of 1882 and 1895, together with eighteen inclosures, asking the Solicitor-General to advise him as to what amount, if any, he was authorized to pay to Mr. Samuel C. Reid from the unexpended balance of the appropriation made by the said acts of 1882 and 1895.

PRECORD—SENATE.

JANUARY 7,

On April 9, 1885, the Solictor-General answered the communication of the Sechary of Sinds as follows:

Implayers, ascertained that the amount originally appropriated for the payment of these claims was \$01,738.

Implayers, ascertained that the amount originally appropriated for the payment of these claims was \$01,738.

Implayers, ascertained that the amount originally appropriated for the payment of these claims was \$01,738.

Implayers, ascent comprising fifteen persons and firms, assigned, transferred, and set over unto the said Sammel C. Reid, his heirs and assignated transferred, and set over unto the said Sammel C. Reid, his heirs and assignated to represent the payment of the vessel.

"That \$28,000 was the amount awarded by the Court of Claims as indemnity for the losses of the owners of the vessel."

"That by a further instrument a working of C. Reid, jr., 'all my right, title, and interest to and in the undivided half of skytoen shares of stock in the late "That by a further instrument in writing, dated the 18th of December, 1863, the said Capt. Samuel C. Reid assigned to Samuel C. Reid, jr., 'all my right, title, and interest was a stock of the said brig made over by me to the said Sammel C. Reid, jr., by deed dated October 31, 815, and also all moneys in virtue states of the said sammel C. Reid, jr., by deed dated October 31, 815, and also all moneys in virtue states of the said sammel C. Reid, jr., was entitled to receive the said sammel C. Reid, jr., was entitled to receive the court of Claims of the United States."

In the court of Claims of the United States.

The court of Claims of the United States.

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Mr. HAWLEY. The Senate will have seen by this time that I was not unreasonable in making an inquiry as to what was done with the unexpended balance. It appears that the proper officer of the Attorney-General's Office was at one time opposed to disposing of the remainder, but he now thinks it quite equitable and just that Congress should make Mr. Reid a sort of residuary legatee of all that remains. Probably nobody will ever come, after

this lapse of time, to claim a share of it. I find that the bill has had thorough consideration, and I make no further objection to it.

Mr. CULLOM. I have listened to the reading of the report, and I think it discloses the fact that the Government may hereafter be to acquire any portion of this sum for sixty years, I am not inclined to make any further opposition to the bill.

The bill was reported to the Senate without amendment, ordered

to be engrossed for a third reading, read the third time, and passed.

The Committee on the Judiciary reported an amendment, to strike out the preamble; which was agreed to.

JOHN N. QUACKENBUSH.

Mr. HOAR. I do not like to interfere with the regular order of the Calendar, but I ask the Senate to take up the bill (S. 3313) for the relief of John N. Quackenbush, late a commander in the United States Navy. At the last session the bill passed both Houses, but it did not get to the President in time to receive the attention. It was called up the other day and was before the Senate, but went over temporarily on account of a suggestion of the Senator from New Hampshire [Mr. Chandler], who now withdraws his opposition to the bill. I suppose it will not be necessary to read the bill except by title, as it was read at length the other day.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It authorizes the President to nominate and, by and with the advice and consent of the Senate, to appoint John N. Quackenbush, late a commander in the Navy of the United States, to the same grade and rank of commander in the United States Navy as of the date of August 1, 1883, and to place him on the retired list of the Navy, as of the date of June 1, 1895. But he shall receive no nav or employments assent June 1, 1895. But he shall receive no pay or emoluments except

from the date of such reappointment.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed. ADJOURNMENT TO MONDAY.

I move that when the Senate adjourn to-day it be Mr. HALE. to meet on Monday next.

The motion was agreed to.

OSCAR A. BULETTE.

Mr. HAWLEY. I ask unanimous consent to call up the bill (H. R. 5407) to remove the charge of desertion now standing against Oscar A. Bulette, known in his military title as Austin Bulette, late private Company E, Fifty-second Illinois Infantry Volunteers, during the late war.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered

to a third reading, read the third time, and passed.

WILLIAM B. ELLIS.

Mr. COCKRELL. I ask unanimous consent for the present consideration of the bill (H. R. 2259) for the relief of William B. Ellis. The bill has been reported favorably by the Committee on Military Affairs, and proposes to correct the record of the soldier.

There being no objection, the Senate, as in Committee of the

Whole, proceeded to consider the bill, which had been reported from the Committee on Military Affairs with an amendment, in line 4, after the words "directed to," to strike out all of the bill down to and including the word "date," in line 9, and insert in line the following. lieu thereof the following:

Revoke Special Field Orders, No. 194, from the Headquarters Department of the Cumberland, dated July 16, 1863, accepting the resignation of William B. Ellis, late captain of Company I, Seventy-ninth Regiment Indiana Volunteer Infantry, and discharging him from the service "for worthlessness as an officer," and then to accept said resignation and to issue to him an honorable discharge as of date July 16, 1863, and to correct his record accordingly.

So as to make the bill read:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to revoke Special Field Orders, No. 194, from the Headquarters Department of the Cumberland, dated July 16, 1863, accepting the resignation of William B. Ellis, late captain of Company I, Seventy-ninth Regiment Indiana Volunteer Infantry, and discharging him from the service "for worthlessness as an officer," and then to accept said resignation and to issue to him an honorable discharge as of date July 16, 1863, and to correct his record accordingly: Provided, That no pay, bounty, pension, or other allowances shall become due or payable by reason of the passage of this act.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

WILLIAM E. BOND.

Mr. PASCO. I ask unanimous consent that the first bill in order on the Calendar may now be considered. It is the bill (S. 2393) for the relief of William E. Bond.

There being no objection, the Senate, as in Committee of the bill to be combined whole, proceeded to consider the bill. It authorizes the Secre-

tary of the Treasury to pay to William E. Bond, of Edenton, Chowan County, N. C., \$307.43. The bill was reported to the Senate without amendment, ordered

to be engrossed for a third reading, read the third time, and passed.

DONATION OF CONDEMNED CANNON.

Mr. CARTER. I ask unanimous consent for the present consideration of the bill (S. 3219) donating condemned cannon and cannon balls to the Wadsworth Post, Grand Army of the Republic, of Helena, Mont.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

Mr. CARTER. I move to amend the bill by striking out the words "the Navy" in line 3 and inserting the word "War."

The PRESIDING OFFICER (Mr. BLACKBURN in the chair).

The amendment will be stated.

The Secretary. In line 3 it is proposed to strike out the words "the Navy" and insert the word "War;" so as to read:

That the Secretary of War be, and he is, directed to deliver to Wadsworth Post, Grand Army of the Republic, Helena, Mont., two condemned cannon.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JOSHUA BISHOP.

Mr. COCKRELL. Let us now proceed with the Calendar. The PRESIDING OFFICER. The next case on the Calendar will be stated.

Will be stated.

The bill (S. 2338) for the relief of Joshua Bishop was announced as next in order, and the Senate, as in Committee of the Whole, proceeded to its consideration. It confers on the Court of Claims jurisdiction to try and determine the claim of Joshua Bishop against the United States for pay alleged to be due and unpaid to him as lieutenant-commander of the Navy from February 9, 1999, 48 February 98, 1871

1868, to February 28, 1871.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

FISH HATCHERY IN THE STATE OF WASHINGTON.

The bill (S. 470) granting to the State of Washington certain lands therein situated for the purpose of a fish hatchery was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

DONATION OF CONDEMNED CANNON.

Mr. LINDSAY. I ask unanimous consent for the present consideration of the bill (H. R. 7777) to authorize the Secretary of the Navy to furnish condemned cannon to Fort Thomas, Ky.

There being no objection, the Senate, as in Committee of the

Whole, proceeded to consider the bill.

Mr. HILL. What is that fort? Is it a United States fort?

Mr. LINDSAY. It is a United States fort, a garrison, and

regimental station.
Mr. HILL. The only point about it is that I was about to suggest to the Senator from Kentucky whether the case is not cov ered by the general bill which we have already passed, authorizing the Secretary of the Navy and the Secretary of War to give or loan to municipalities and various organizations condemned cannon. The reason why I ask him if it is not covered by that meas-

ure is because he speaks of it as Fort Thomas.

Mr. LINDSAY. I do not think it is covered by that measure. It is a United States fort, regimental station, and barracks.

Mr. HILL. I should suppose, then, that the Secretary of the Navy could do it at his discretion without any bill. I have no objection to the bill, however, unless it is covered by the general

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

PROPOSED INDUSTRIAL COMMISSION.

The PRESIDING OFFICER. The next case on the Calendar will be stated.

The bill (H. R. 9188) authorizing the appointment of a nonpartisan commission to collate information and to consider recommend legislation to meet the problems presented by labor, agriculture, and capital, was announced as next in order.

Mr. PLATT. Let the bill go over.

The PRESIDING OFFICER. The Senator from Connecticut

asks that the bill shall be passed over.

Mr. PERKINS. This bill has been upon our Calendar since last June. We have been waiting anxiously to reach it, and it seems to me it should be disposed of at this time. It is a measure of great importance, I think, and it is entitled to the consideration of the Senate. It should either be passed or defeated. I hope the Senator from Connecticut will therefore permit the bill to be considered at this time, as we have reached it in its regMr. PLATT. The bill can not be considered under the five-tinute rule. It is a very important bill, and there are serious

Mr. PERKINS. Then I move that it be made the special order for next Monday at 2 o'clock.

The PRESIDING OFFICER, The Senator from California

The PRESIDING OFFICER. The Senator from California moves that the bill shall be made the special order for 2 o'clock

on Monday next.

Mr. PETTIGREW. I have no objection to its being made the unfinished business after we shall have disposed of the homestead

Mr. PERKINS. I will be satisfied if that course can be pursued. Mr. PLATT. The Senator from California does not propose that

Mr. ALDRICH. It can not be done except by unanimous con-

Mr. PEFFER. I suggest to the Senator from California that if he would move to make the bill to which he refers the regular order, to be taken up immediately after the conclusion of the bill which is now the regular order, perhaps he might attain his object.

order.

Mr. ALDRICH. Oh, yes,
The PRESIDING OFFICER. In the judgment of the Chair,
the motion of the Senator from California is clearly in order.

the motion of the Senator from California is clearly in order.

Mr. ALDRICH. Undoubtedly.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from California, that the bill the title of which has been stated by the Secretary shall be made a special order for 2 o'clock on Monday next.

Mr. PETTIGREW. I do not desire that the bill shall be made a special order so as to interfere with the unfinished business.

The PRESIDING OFFICER. The Chair will state to the Senator from South Dakota that the unfinished business takes precedence under the rule.

dence under the rule.

Mr. PETTIGREW. Very well.
Mr. PERKINS. To remove any possible objection, I will suggest Wednesday next at 2 o'clock.
The PRESIDING OFFICER. The Senator from California

moves that the bill shall be made a special order for 2 o'clock on

Wednesday next

Mr. CALL. I suggest to the Senator from California that the resolution reported by the Committee on Foreign Relations in relation to the independence of Cuba ought to receive the consideration of this body, and no order ought to be made providing for the consideration of any measure upon a particular day which would exclude the consideration of that resolution.

Mr. PERKINS. I am in deep sympathy in the abstract with the cause which my friend the Senator from Florida is advocating. This measure, however, is for our own people. It is in the interest of the people of this country, and I think we ought to do a little talking and perhaps some legislating for our own people as well as for the oppressed of Cuba and Armenia. Therefore, I

shall insist upon my motion.

Mr. ALDRICH. I suggest that the bill can not be made a special order until it is brought before the Senate. The first thing to be done is to get the bill before the Senate. A motion to make a special order is not in order except when the bill is before the

Mr. COCKRELL. The bill is before the Senate.
The PRESIDING OFFICER. The Chair suggests to the Senator from Rhode Island that the bill was regularly reached in its place upon the Calendar,
Mr. ALDRICH. Subject to objection,
The PRESIDING OFFICER. The objection applied only to the

present consideration of the bill

Mr. ALDRICH. I object to the present consideration of the bill.
The PRESIDING OFFICER. Objection has been made by the
Senator from Connecticut [Mr. PLATT].
Mr. ALDRICH. Then the bill has passed from the considera-

tion of the Senate

The PRESIDING OFFICER. The Chair hardly agrees with the Senator from Rhode Island, the bill having been brought up, not subject to objection, but reached in its regular order upon the Calendar.

Mr. ALDRICH. Undoubtedly—
The PRESIDING OFFICER. Its present consideration was antagonized by the Senator from Connecticut. Then the Senator from California undertook to have it fixed as the special order for some future day,
Mr. ALDRICH. But in order to do that he must first move to

bill being up, he can move to make it a special order for a special

day,
The PRESIDING OFFICER. The Chair hardly agrees with
the Senator from Rhode Island. If the bill had been called up or its consideration called for by any Senator, subject to objection to the request for unanimous consent, it would not have been before the Senate had objection been made. But the bill was before the Senate, having been reached in its regular order on the

Calendar.

Mr. ALDRICH. I should be glad if the Chair would call the attention of the Senate to any rule on the subject.

Mr. PLATT. I ask that Rule VIII be read.

Mr. ALDRICH, Let Rule VIII be read.

The PRESIDING OFFICER. The Senate is now proceeding under the rule to which the Senators refer. The Secretary will read the rule.

The Secretary read as follows:

RULE VIII.

ORDER OF BUSINESS.

At the conclusion of the morning business for each day, unless upon motion the Senate shall at any time otherwise order, the Senate will proceed to the consideration of the Calendar of Bills and Resolutions, and continue such consideration until 2 o'clock; and bills and resolutions that are not objected to shall be taken up in their order, and each Senator shall be entitled to speak once and for five minutes only upon any question; and the objection may be interposed at any stage of the proceedings, but upon motion the Senate may continue such consideration; and this order shall commence immediately after the call for "concurrent and other resolutions," and shall take precedence of the unfinished business and other special orders. But if the Senate shall proceed with the consideration of any matter notwithstanding an objection, the foregoing provisions touching debate shall not apply.

All motions made before 2 o'clock to proceed to the consideration of any matter shall be determined without debate.

The PRESIDING OFFICER. The Chair will ask the Secretary

The PRESIDING OFFICER. The Chair will ask the Secretary to read the first section of Rule X. The Secretary read as follows:

RULE X.

SPECIAL ORDERS.

1. Any subject may, by a vote of two-thirds of the Senators present, be made a special order; and when the time so fixed for its consideration arrives, the Presiding Officer shall lay it before the Senate unless there be unfinished business of the preceding day; and if it is not finally disposed of on that day, it shall take its place on the Calendar of Special Orders, in the order of time at which it was made special, unless it shall become by adjournment the unfinished business.

Mr. ALDRICH. I think the two rules which have just to read show clearly that my contention in regard to this matter must be right. We are acting under Rule VIII. Under the provisions be right. We are acting under Rule VIII. Under the provisions of that rule, bills are in order subject to objection. If objected to, a bill goes over, retaining its place on the Calendar, unless a motion is made to take up the bill notwithstanding the objection. The moment the objection was made this bill passed from the consideration of the Senate, unless the Senator—

Mr. HILL. Will the Senator from Rhode Island allow me a

moment?

Mr. ALDRICH. Certainly,
Mr. HILL. Does the Senator say that we have to take up the
bill first before we can make a special order of it?

Mr. ALDRICH. Undoubtedly, in the morning hour, when we are proceeding under Rule VIII. If the motion was made after 3 o'clock or at some other time, a different rule might apply, but during the morning hour, up to 2 o'clock, when proceeding under Rule VIII, nothing is in order except unobjected cases or cases which have been taken up by a vote of the Senate notwithstanding the objection. ing the objection.

Mr. HILL. It strikes me that when the bill is reached it is duly reached to be disposed of in any proper way, except that its present consideration shall not be proceeded with; it is then before the Senate, and any other motion can be made that is pertinent to its disposition. Can not a motion then be made to refer it?

Mr. ALDRICH. Not at all, unless it was taken up.

Mr. HILL. To recommit it?

Mr. ALDRICH. Not unless the bill was before the Senate for

consideration.

Mr. JONES of Arkansas, Will the Senator from Rhode Island

Mr. ALDRICH. Certainly.
Mr. JONES of Arkansas. It seems to me the contention of the Senator from New York is absolutely indisputable from the language of Rule VIII. It says:

And the objection may be interposed at any stage of the proceedings, but, upon motion, the Senate may continue such consideration.

Showing plainly that the language of the rule means that the bill has not gone from the consideration of the Senate by reason of the objection alone.

Mr. ALDRICH. Mr. President, when the objection is made, nothing is in order, it seems to me, except a motion to take up the

bill notwithstanding the objection which was interposed to its take up the bill.

Mr. PLATT, Notwithstanding the objection,
Mr. ALDRICH. Notwithstanding the objection; and then the able might be made, and the time of the Senate might be taken up with the consideration of a bill when no vote at all had been taken upon the subject, notwithstanding the objection.

The object of the eighth rule was that unobjected cases on the Calendar which had received favorable report should be considered in the morning hour, or when objection did take place and the will of the Senate was the other way, that then the bill should be taken up notwithstanding the objection. A motion to make a special order is practically a motion to postpone the consideration to a fixed day, it occurs to me, and certainly we can not postpone the consideration of a bill unless the bill itself is before the Senate.

Mr. PERKINS. Mr. President, the Senator from Rhode Island is the chairman of the Committee on Rules and the author of

many of them. I am charitable enough to believe that all of these many of them. I am charitable enough to believe that all of these rules were made for the purpose of expediting the business of the Senate and at the same time giving us an opportunity to express our views upon the pending question. We reached this measure on the Calendar in its regular order. The Senator from Connecticut said that the limited time of five minutes would not be sufficient for him to discuss the measure. Therefore, out of consideration for him, while the bill was before the Senate and in its possession, I moved to make it a special order for 2 o'clock next Wednesday. It seems to me that this course is in perfect accord with the rule. It seems to me that this course is in perfect accord with the rule read by the Senator from Arkansas.

The PRESIDING OFFICER. The Chair entertains no doubt

about the proper decision of the question pending.

Mr. ALDRICH. I should like to have the bill read on which

the motion is made.

The PRESIDING OFFICER. The Chair will first rule upon the point the Senator from Rhode Island has raised.

Mr. ALDRICH. I understood the Chair to decide against it.
The PRESIDING OFFICER. The only question between the
Senator from Rhode Island and the Chair is as to whether the bill
was before the Senate. It was reached in its regular order upon the Calendar. The Chair does not understand that Rule VIII takes away from the Senate the power to dispose of a bill except by present consideration reached in the morning hour under the operation of that rule. Objection being made to the present consideration of the bill, it went over, and that objection may, under the rule, be made at any time; but it did not take the bill, in the judgment of the Chair, from before the Senate. The Chair has no doubt that it was perfectly competent and in order for the Senator from California to move to make the bill, regularly reached in its order and before the Senate, a special order for any given time.

Mr. ALDRICH. I have no disposition to appeal from the decision of the Chair; but I would suggest, if that is a good ruling, that a motion to amend or any other motion which is pertinent to a bill may be made after a bill had been objected to and after, under

objection, it had passed from the consideration of the Senate.

The PRESIDING OFFICER. The Chair thinks not, because the submission of an amendment would involve the consideration of the bill, but a motion to fix a day for its hearing does not involve its consideration at this time.

Mr. ALDRICH. I have great regard for the opinion of my predecessor upon the Committee on Rules, and therefore I will not appeal from the decision of the Chair; but I ask that the bill which it is proposed to make a special order may be read.

The PRESIDING OFFICER. The bill will be read.

The SECRETARY. A bill authorizing the appointment of a non-

partisan commission to collate information and to consider and recommend legislation to meet the problems presented by labor,

agriculture, and capital.

Mr. PERKINS. I desire to appeal to the Senator from Rhode Island. I want him first to see that his plan is very transparent to anyone. The hour of 2 o'clock has about arrived, and the to anyone. The hour of 2 o'clock has about arrived, and the measure goes over. I want the Senate to vote upon the measure "aye" or "no," and, while he is opposed to it, let him beat it fairly. The bill I will read to him in private in his committee room after we adjourn, if he wishes to hear it; but I say it is unfair to take up the time of the Senate at this moment for the purpose of having it go over.

Mr. ALDRICH. I have a very shadowy idea about what the bill is a larger that in a general way it involves the expenditure.

bill is. I know that, in a general way, it involves the expenditure of two or three hundred thousand dollars a year at least, perhaps a half million, in what, according to my notion, is the most chimerical idea that was ever presented to the American Senate. I think it is rather desirable, in view of that fact, that the Senate should know something about the character of the bill which it is proposed to make a special order. I have never known a case where, at the request of a Senator or anybody else, a bill of importance was made a special order without being read. So, it strikes me that the criticism of the Senator from California is a little wide of the mark. I shall ask that the bill may be read.

The PRESIDING OFFICER. The Secretary will read the bill.

The Secretary read the bill, as follows:

Whereas many of those engaged in the various fields of labor and also many of those engaged in agricultural pursuits are organized and, together with ings.

those engaged in commerce, are presenting grievances to Congress and to the various State governments, seeking and demanding legislation in their behalf: Now, therefore, in order to give a hearing and to meet the requirements of this large number of citizens,

Be it enacted, etc., That the President of the United States is hereby authorized and directed to appoint a commission, to be called the "Industrial Commission," composed as follows: Three men representative of labor, three men representative of agriculture, three men representative of labor, three men representative of agriculture, three men representative of business. A majority of this commission shall not belong to any one of the political parties which took part in the last Presidential election. The President shall have the power to remove any member of said commission for inefficiency, neglect of duty, or malfeasance, or for any other reason duly set forth.

SEC. 2. That each division of three shall have the right to employ one legal adviser, whose compensation shall be the same as hereinafter provided for a member of the commission, and one secretary, at a salary of \$200 per month. The commission shall convene in the city of Washington, D. C. within sixty days after its appointment, and shall organize by the selection of one of its members as president, who shall designate from time to time one of the secretaries provided for in this section to act as secretary of the commission. The president and officers shall be chosen by a majority vote of the commission and may be removed from office at any time by a vote of two-thirds of the commission; the president shall serve for such term as the commission may determine; a majority of the commission shall determine the composition of its standing committees and their duties, and shall appoint any subcommissions that may be required as provided for in section 5, and commission may determine; a majority of the commission. The commission shall be the duty of this commission to investigate questions pertaini

Mr. ALDRICH. I caused the bill to be read because I believe that when its extraordinary provisions become apparent to the Senate it will never vote to make it a special order. in the Senate some sixteen years, and it is certainly the most extraordinary proposition that has ever been presented to this body by any standing committee. I should like to call attention, very briefly, to some of its provisions. It provides for the appointment

of a commission of fifteen, as I remember it.

Mr. PERKINS. Twelve.
Mr. ALDRICH. A commission of twelve, at a salary of \$5,000 a year. To do what? To do the very things that Congress is elected to do; that is, to suggest legislation for the benefit of the people of the United States. These gentlemen are to be divided into subdivisions, and each one of the subdivisions is to employ an interest of the confidence of the subdivisions is to employ an interest of the confidence of the subdivisions is to employ an interest of the confidence of the subdivisions is to employ an interest of the confidence of the subdivisions is to employ an interest of the confidence of the subdivisions is to employ an interest of the confidence of the subdivisions is to employ an interest of the confidence of th attorney at a salary of \$5,000 a year (if I am correct, and I think I am), making sixteen men in all to be appointed as a commission at a salary of \$5,000 a year, to consider questions of legislation. In addition to these salaries the expenses of the commission are to be paid. They are authorized to employ clerks and employees of all kinds to aid them in their work.

I do not desire to say anything or to do anything that my friend from California will consider unkind, but I do say that there is not a member of the Senate, in my opinion, who will carefully consider the measure and agree to vote for the bill at all, to say

nothing about making it a special order at any time.

Mr. PERKINS. There were but 2 votes against it in the

House of Representatives.

Mr. ALDRICH. I am sorry for the House of Representatives,

Mr. PERKINS. The Senator's colleagues in the House supported it

Mr. ALDRICH. I am very sorry for my colleagues.

Mr. PLATT. If the Senator is in order—
The PRESIDING OFFICER. Will the Senator from Rhode

Island suspend?

Mr. HILL. The committee presented the bill in the presence of the Senate.

Mr. ALDRICH. I suppose so. I am not sure but that the Senator from New York is a member of that committee. I will not say anything to hurt his feelings.

Mr. HILL. The Senator will not say anything to hurt my feel-

The PRESIDING OFFICER. The Senator will suspend. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business coming over from its last session, which will be stated.

The Secretary. A bill (H. R. 3656) providing for free homesteads on the public lands in Oklahoma Territory for actual and bona fide settlers, and reserving the public lands for that purpose. The PRESIDING OFFICER. The pending question is on the first committee amendment, which has been read. The Senator

first committee amendment, which has been read. The Senator from Connecticut [Mr. Platt] is entitled to the floor.

Mr. FRYE. Where does the Senator from California understand his bill to be now?

Mr. PERKINS. It will come up as unfinished business in the morning hour at the next legislative session.

Mr. PLATT. Oh, no.

Mr. FRYE. When objection was made, Mr. President, the bill went to the Calendar under Rule IX; and unless the Senator from California asks that it may preserve its place under Rule VIII he will find it under Rule IX, and not to come up in the morning hour at all.

The PRESIDING OFFICER. The Chair will state that there

The PRESIDING OFFICER. The Chair will state that there is no unfinished business in the morning hour.

Mr. PERKINS. Mr. President—

Mr. ALDRICH. I agree with the Chair finally.

Mr. FRYE. The Senator from California had better ask unanimous consent that the bill retain its place under Rule VIII.

Otherwise it goes under Rule IX.

Mr. PERKINS. I thank the Senator from Maine for the suggestion. I ask unanimous consent that the bill may retain its place.

place

The PRESIDING OFFICER. Is there objection to the request of the Senator from California? The Chair hears none.

Mr. ALDRICH. What was the suggestion?

The PRESIDING OFFICER. The Senator from California asks unanimous consent that the bill may retain its place under Rule VIII on the Calendar. The Chair hears no objection.

FREE HOMESTEADS IN OKLAHOMA TERRITORY.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 3656) providing for free homesteads on the public lands in Oklahoma Territory for actual and bona fide settlers, and reserving the public lands for that purpose, the pending question being on the first amendment reported by the Committee on Public Lands.

Mr. Pl. ATT. Mr. President I do not wish to detain the Senate

Mr. PLATT. Mr. President, I do not wish to detain the Senate

long with reference to the bill now under consideration.

The objections which I have to the bill were embodied in the

views which I submitted as a member of the committee and were read upon the consideration of the bill yesterday. Perhaps I might leave the whole subject there if it were not that some of the suggestions which were made by the Senators advocating the passage of the bill seem to require some explanation and some

The question is a simple and at the same time an important one. It is a single issue, and is this: Congress has adopted the policy, when extinguishing the Indian title and the opening to settlement of lands in the reservations, that the Government shall be reim-bursed for the amount which it may pay to extinguish the Indian

Congress has been acting on that policy certainly since 1889, and whenever it has made an agreement with the Indians by which it purchased from them a portion of their reservation or paid to them sums of money for the purpose of procuring from them the extin-guishment of their title it has provided in the act by which they were opened to settlement that persons settling upon those lands should settle under the homestead laws and in addition should pay a sum per acre for the lands which would be equivalent to what the Government had been called upon to pay the Indians.

Under this policy about 35,000,000 acres of land have been bought from Indians, taken out from the Indian reservations, and opened to settlement. I say bought from the Indians, for that is practically what has been done. The Indians have been paid to relinquish their titles to the lands, and in every instance a sum per acre has been fixed in the act providing for the opening of the lands to

settlement which the settler was to pay.

For seven or eight years Congress has recognized this policy, has acted upon it, and during the whole time there has not been a suggestion from any quarter in the United States that that was not what the Government ought to do. The people who are now asking that the Government shall release to the settlers the sum which they were to pay at the end of their five years' homestead occupa-tion have seen all these acts pass in Congress, have known the principle upon which they were framed—I may say have urged the passage of these bills in Congress knowing the principle upon which the bills were framed—and have never suggested that it was not what the Government ought to do.

It is very strange, Mr. President, that now it should all at once

be discovered that Congress has been acting upon an entirely wrong principle during these seven or eight years, that it has been perpetrating a great wrong upon the people who desired to settle upon the public lands, a wrong which ought to be remedied even at a great expense to the Government. It seems to me that the statement which I have made, which

will not be contradicted, which can not be contradicted, ought to be decisive of this question. I might go further.

Mr. ALLEN. Will the Senator from Connecticut permit me at

that point?

Mr. PLATT.

Mr. PLATT. Certainly.
Mr. ALLEN. So far as the settlers upon Indian lands in my
State are concerned, they have protested against the Government
exacting \$2.50 an acre out of them for the last five or six years; in fact, since the Great Sioux Reservation was opened to settlement. But in this connection, if the Senator will permit me, there is some pride in American citizenship. The people who occupy these lands have desired, if they could, by economy and industry, to pay for them, but the condition of the seasons and the climate has been such as to render it absolutely futile for them to attempt to

do so. Knowing that fact, they now come here and ask the Government to resume the policy of free homesteads.

Mr. PLATT. Well, Mr. President, I think I will touch upon all those subjects. It has been my fortune to be a member either of the Territorial Committee or of the Indian Committee of the Senate during all the period covered by the passage of such acts. I was a member of both committees at the time the bill for the opening of the Great Sioux Reservation was passed. I can state of my own knowledge that the importunities of the people who desired the opening of that reservation were coupled with a promise that the settlers should pay a sum sufficient to reimburse the Government, or a sum which should be fixed by the Government, for the

ment, or a sum which should be fixed by the Government, for the benefit of the Indians. There was no objection to it, but it was conceded that it was right that it should be so done.

Mr. PETTIGREW. What case was that?

Mr. PLATT. The Great Sioux Reservation. I remember all about the opening of that reservation. This question does not range around the Great Sioux Reservation particularly, Mr. President as I shell show; but were after were the committees of the dent, as I shall show; but year after year the committees of the

dent, as I shall show; but year after year the committees of the Senate were persistently urged to open that reservation in the interest of the people who wanted to settle upon it, and then it was represented to be the very garden of the earth. The policy of the Government in allowing such fertile, rich land to remain in the possession of the Indians when white settlers were anxious to take it and pay for it a fair price was denounced. Oh, no, Mr. President, I know all about the opening of these Indian reservations. I know all about the passage of these bills.

Right here, perhaps, I might as well allude to a suggestion which was made yesterday by the Senator from South Dakota [Mr. Pettigrew] that the objection to the passage of the pending bill came from the East, although he did not use the word "East," but that section of the country where the wealth is. Now, Mr. President, that was hardly kind. I think that as an Eastern Senator I have, perhaps, been as liberal to Western sentiment as any Western Senator. There are six States in the West not very largely populated, and about the admission of which has been directed toward me, and I think perhaps it is safe to say I had as much to de with the herican intertact. toward me, and I think perhaps it is safe to say I had as much to do with the bringing into the Union those States as any one Senator, an action which I do not feel called upon to defend, an action which I would take again, because I believe in the admission of the same sion as a State of any Territory which comes to that condition where it has a self-supporting, a free, and a prosperous people. But I am not to be charged with prejudice against the West, and I think that my conduct here in the Senate may certainly be appealed to to exonerate me from any such charge.

I was going on to say that during all the time when these lands were being opened for settlement, during all the time when Congress was being important and the given the white nearly appeared to give the white nearly appeared to give the white

gress was being importuned to give the white people an opportunity to go upon them, there has never been heard, so far as I know, an objection that there was anything wrong in the policy of requiring the settlers to pay a sufficient sum of money to reimburse the Government. I might go to the CONGRESSIONAL RECORD and show that over and over again, when these bills have been under consideration, Senators and Representatives advocating them have referred to the fact that the Government was to be reimbursed by payment from the settlers for its expenditure in extinguishing the Indian title.

guishing the Indian title.

So this thing has not been done in a corner, Mr. President. Now the objection is made—and it is a plausible claim and a plausible objection—that the principles of the homestead act should apply to the settlement of these lands. If that had been urged when the lands were being opened, when the people were clamoring for opportunity to settle upon these lands, it would have been a very different question from what it is now. Even then I do not think that the application of the principle which underlies the homestead act would have been proper; but now,

when these bills have been passed, and passed without the sugges-tion that these lands ought to be opened under the homestead law without any payment on the part of the settlers, it seems to me that as to these lands the case ought to be considered closed. If in the future opening of Indian reservations and extinguishment of Indian titles Congress shall be asked to adopt a different policy and go back to the homestead law, under which it is desired that the lands shall be settled and that the Government shall pay these large sums of money which it has to pay for the extinguishment of the Indian title and then donate the land, the question would then fairly come up. It would be naturally and properly an issue as to whether such lands should be settled under the homestead as to whether such lands should be settled under the homestead act; but if there be a possibility of anybody being stopped by conduct in a case before Congress, the Senators and Representatives who desired these lands to be opened in this way, the settlers, "boomers," as they were called, who desired them to be opened, and desired to settle upon them under this understanding, ought to be considered as estopped, for their line of conduct, their action, has been such as to induce the Government to an expenditure of over \$30,000,000 which it otherwise would not have made. At least I think I am fairly entitled to say that the Government would never have made this expenditure if it had not been with the understanding that the settlers were to reimburse the Government.

Take the opening of the Cherokee Outlet. Senators know how

Take the opening of the Cherokee Outlet. Senators know how long that matter was pending before the Senate and how much objection there was to it. It was \$8,000,000 the Government paid—or about that—to the Cherokee Nation for the extinguishment of their title in the Cherokee Outlet, and for the lands when settled there was to be paid at the end of five years' occupation, under the homestead act, for the eastern portion of the land, \$2.50 an acre, for the middle portion \$1.50, and for the western portion \$1, according to the value of the land. Does anybody suppose that Congress would have expended that \$8,000,000, have run in debt for it and made a future subsisting obligation, which must be paid, if it had not been understood that the Government was to be reimbursed? In the discussions here in Congress the fact was alluded to that the Government, paying down a portion only, and luded to that the Government, paying down a portion only, and agreeing to pay interest on the rest, had to wait until the end of five years before it received anything in the way of reimbursement, and then was not to be reimbursed for the interest. It was made a ground of objection to the legislation in the Senate that the Government was not going to be reimbursed for the interest which it would have to pay on \$8,000,000 for five years, quite a large sum. I think I may say the same with reference to every

large sum. I think I may say the same with large sum. I think I may say the same with one of these reservations.

Take the very last reservation, or almost the last one, the Nez Perces Reservation, where the agricultural lands were settled upon, and the settlers promised to pay \$3.75 per acre, and where the act was only passed and the President's proclamation opened the lands for settlement in 1895. Is it supposed that we would have negotiated with those Indians and paid them a price which was equivalent to \$3.75 an acre for their lands—this desert, arid land that is talked about—if it had not been understood that the Government was to be reimbursed? There were settlers there

who were quite ready to take those lands at \$3.75 an acre, as there were in Oklahoma in relation to the Cherokee Outlet.

Mr. PETTIGREW. I should like to ask the Senator a question.

The PRESIDING OFFICER (Mr. Bacon in the chair). Does the Senator from Connecticut yield to the Senator from South

Dakota.

Mr. PLATT. Yes, sir.

Mr. PETTIGREW. The Senator says there were settlers there ready to take those lands. Who were the settlers who were ready to take the lands? The people of those Territories and States all the settlers who were ready to take the lands?

Mr. PLATT. I do not know where they came from, but I think that within a year's time two-thirds of the agricultural lands of that Indian reservation had been entered for settlement.

Mr. ALLEN. Will the Senator allow me to ask him a question?

The PRESIDING OFFICER. Does the Senator from Con-

necticut yield to the Senator from Nebraska?

Mr. PLATT. Yes, sir.
Mr. ALLEN. I only wanted to call the attention of the Senator from Connecticut to the Republican platform of 1896 on this

Mr. PLATT. Do not undertake to break me up in that way. If it is anything about the Nez Perces, I shall yield.

Mr. ALLEN. Will the Senator permit me to read it in this connection?

Mr. PLATT. It was read yesterday, and it has been alluded to several times since this matter was before the Senate.

Mr. ALLEN. It is as follows:

We believe in an immediate return to the free-homestead policy of the Republican party, and urge the passage by Congress of a satisfactory free-homestead measure—

Referring to this identical bill.

Mr. PLATT. If I am accused of violating any portion of the

Republican platform, I prefer the accusation shall come from a member of my own party, rather than from members of other

Mr. ALLEN. Mr. President, if the Senator will permit me, it is barely possible that a member of another party might be in a Mr. President, if the Senator will permit me, it position to judge whether a Republican is living up to the faith of his party, or whether the platform was simply promulgated to

Mr. PLATT. I may as well say one word on that subject, and I hope I may be able to get back to the Nez Perces Reservation, which I shall keep carefully in one corner of my brain while I am

talking about another matter.

We all understand how matters creep into national platforms; and I venture to say that when that resolution and that platform was adopted there were not fifty delegates in the St. Louis convention who paid any attention to it or knew what it was about, or had any idea of what it involved.

Mr. ALLEN. But are they not bound by it?

Mr. PLATT. Iam not; and I think that before we get through the discussions of this Congress I shall be able to refer to some planks or resolutions in some of the Populist platforms, or the platforms of the party with which the Senator from Nebraska has acted since he broke into national politics, which he scarcely would

feel like saying he was bound by.

Mr. ALLEN. Mr. President, I think, if the Senator will permit me, there is nothing in the Populist platform of 1892 that I do not fully agree with, except the subtreasury plan, which I have openly denounced from the time it was adopted, and which is not now a part of the Populist faith, but there is nothing in the platform of 1896 that I do not accept from the opening to the closing words and I shall be glid to have the Senator from Connections. words, and I shall be glad to have the Senator from Connecticut

point out any defect in it.

Mr. PLATT. Well, Mr. President, I shall try to talk about the pending bill, which has been given the name of a free-homestead

Mr. TELLER. I should like to make one suggestion to the Senator from Connecticut, if he will allow me.

Mr. PLATT. Certainly.

Mr. TELLER. I understand the Senator seems to think that the convention did not understand what was in the platform. I should like to say to him that this provision in the platform was put in by a subcommittee, reported to the whole committee, and reported by the whole committee to the convention, and read with

the other provisions of the platform.

Mr. PLATT. Oh, I have no doubt about that, Mr. President.
I have no right to comment on what happened on the passage of this bill through the House of Representatives; but I venture to say that when it was made a special order in the Senate not half the Senators had an idea of what the bill involved, or what it was, or what the principle of it was. It is easy to get resolutions passed in convention, and it is easy to get the consideration of bills. That

binds nobody

Now, about the Nez Perces Reservation, the price was \$3.75 er acre. I am asked where the settlers came from. I do not per acre. I simply know upon information that since we passed that law within a year's time people have been found to take up at least half of the agricultural lands in that reservation upon the understood agreement that they were to pay \$3.75 an acre for those lands; and when it came to the opening of the Cherokee Outlet, men who had been all over that Outlet, and who had looked at the land and knew the section number of any particular tract, who had been familiar for months and years with those lands, encamped on the border weeks and months for the sake of rushing in and selecting the best lands in the Outlet. They had fleet horses on which to race to those lands. They stole into the Outlet by every possible means. We were told here in the Senate that there were lands there worth \$50 an acre, and these people knew perfectly well that upon whatever quarter section of land

they located there was to be a payment made to the Government. I am one of the last men in the world, Mr. President, to be without sympathy for the "hardy pioneer." I think I have probably as much sympathy for the hardy pioneer as some of the people who live nearer to him. At least we are told in the argument here that if the sum which these settlers agreed to pay is not re-linquished to these men, there will be men right on the ground who will be glad to get the lands. I have a good deal of sympathy and great respect for the men who have struggled with the wilderness; but they were not all homestead settlers who went into the Cherokee Outlet, and they are not all honest homestead settlers who are there to-day. I received a letter this morning from a gentleman who has been quite prominent in Oklahoma, who describes the opening. I shall not give his name, because he desires to have it withheld. He says:

The "runs," when the land was opened, are matters of familiar history. There were four or five claimants for every three claims available. Men evidently wanted the land for something, for they fought over it like tigers, sacrificed many lives, and spent thousands of dollars in litigation, well knowing the terms under which alone the property could be acquired, and apparently

satisfied therewith. But, as a whole, it was and still is a speculative movement. The number of real home seekers out there is comparatively small. A great majority of the occupants are adventurers and ne er-do-weels, willing and anxious to sell their claims for a song and then move on. I spent a good deal of time in traveling over the country investigating the actual condition, antecedents, and real purposes of the so-called settlers. Very few were really attempting to make homes; those few seemed to think they had a hard bargain, but understood their obligations, offered no complaint, and were inclined to make the best of it. The condition of many was pitiable, and would naturally arouse one's sympathy. But they are not the kind of people to be benefited by homestead gifts. A remittal of the obligations under which they now hold Oklahoma lands would simply add to the unrest and speculative tendency of the whole Territory. And this at the expense of actual home makers, farm owners, and taxpayers all over the country, who have a right to vigorously protest.

Mr. TELLER. Will the Senator tell us who is his authority? Mr. PLATT. I said I could not give the name because the gentltman asked me to withhold it. I wish I could give it.

Mr. PETTIGREW. Then it is anonymous.

Mr. TELLER. 1 was not here when the Senator from Connecticut made that statement.
Mr. ALLEN. Does the writer live in Oklahoma?
Mr. PLATT. He has been in Oklahoma, but he is not there

Mr. President, Oklahoma is not a desert. People will stay in Oklahoma even if those men who have said that they would pay the Government or assumed an obligation to pay the Government in order to get the land should be required to keep their contract; but I want here to defend Oklahoma a little against the aspersions which it seems to me are by implication put upon her.

We shall be called pretty soon to act upon the proposition to admit Oklahoma as a State. We shall be told that it has all the admit Oklahoma as a State. We shall be told that it has all the population and the wealth and the ability to support itself that a State should have when it comes into the Union. That argument has been made for the last three or four years, and a glowing picture has been drawn of the wealth, the resources, and the prospective future of Oklahoma, and it will be again. Scenes change according to what is wanted. When men wanted to get lands to which the Indians had the title, the lands were fertile; they were like the Garden of Eden; they were the best lands in the United States, it was said. Now, when they do not want to pay for the States, it was said. Now, when they do not want to pay for the lands, nobody can live on them, and it is very doubtful whether anybody will continue to live on them even if the Government relinquishes to them what they agreed to pay. That is true with reference to the opening of all of these reservations. reference to the opening of all of these reservations. I do not mean to say that there has been any false pretense about it. The imagination of Senators and Representatives who urged the opening of these lands was probably excited, and the vision of land that happened for the time being to be in possession of the Indians dazzled them; anything that the Indian had the white man ought to have, and so undoubtedly the lands were esteemed to be received to the property when the property were selected to the property when the property were selected. somewhat more valuable, more fertile, more desirable, and more to be coveted than there was really any occasion for. But Oklahoma will not perish, Mr. President, even if its citizens should be required to cancel their obligations to the Government in order to retain their land.

After hearing about it yesterday and getting the idea that a very large proportion of the settlers in Oklahoma were living in dugouts and sod houses and that they would be obliged to abandon their lands, it occurred to me that I would get the report of the governor of Oklahoma to see what he said about it. He makes report to the Secretary of the Interior, and made one up to June, 1896. The astonishing thing about it is that never in his report is it suggested that the Government ought to relinquish what is is it suggested that the Government ought to reiniquish what is to be paid to it by the settlers under the homestead act and the other acts which have been passed for the opening of this Territory. If there was the destitution, if there was the misery, the hardship, the chattel mortgage covering every piece of furniture and every pig in the Territory that we were told about yesterday, is it possible to conceive that the governor of the Territory would not have suggested that the people might properly and ought to be relieved from this burden which they were under, which they had yountarily assumed?

had voluntarily assumed?

Mr. President, if there were nothing else required to show that the passage of this bill is not a necessity, is not called for, it would be the fact that the governor of Oklahoma in his report to the Secretary of the Interior does not allude to any distress there. I had an idea that Oklahoma was quite a nice place, and so I got the report of the governor, and I am going to read something from it. He says:

The development of the Territory in the year past has been equal to if not greater than that of other portions of the United States.

In this "arid" belt, inclosed with blue lines, with which the Senator from South Dakota [Mr. Pettigrew] disfigured the map, where the rainfall is so scant-

The development of the Territory in the year past has been equal to if not greater than that of other portions of the United States.

Nowhere has the year past been one marked for material progress. Oklahoma has, however, held its own and made some progress.

It has done better than other places.

The acreage of land in cultivation has steadily increased, and has very nearly eached the proper ratio of farm land to pasture.

Not quite yet.

The prospect for crops is good.

To listen to the debate yesterday you would not suppose there had been any crops in Oklahoma in the last three years. Perhaps there were not. There is nothing said about that in this report of the governor, but he says the prospect is good.

The prospect for crops is good, and the antebellum declaration, "Cotton is king," seems applicable to Oklahoma. Oklahoma will shortly rank among the cotton States of the Union. The quality of the cotton, as shown by the World's Fair awards, is the best. Unless the present indications fail, the present cotton crop of Oklahoma will be by far the greatest ever gathered, and I predict for the coming year one of genuine prosperity.

Even to those sadly misused people whom the Government expects to pay for the lands which they settled upon according to

the terms upon which settlement was made.

The climate is delightful, except for a short period in midsummer. The spring, fall, and winter weather can not be excelled anywhere. The atmosphere is dry, but never sultry. The Territory is gaining considerable notoriety as a health resort for all persons affected with throat and lung troubles, or rheumatism, and all kindred diseases. Many wonderful cures have been effected. The growth of the Territory is solid and substantial, because it arises from the development of natural resources, and is not due to borrowed capital to be paid back in future with interest added.

Mr. President, you would suppose, for we heard it said here, that there was not a homestead settler in Oklahoma who had not mortgaged his property, not to some Eastern shark, but to some

other Oklahoma man.

About the people of the Territory the governor says:

The people of the Territory are largely American by birth. Perhaps in few States are they more distinctly so. They are thrifty, industrious, and economical. There are many difficulties and discouragements connected with settling in a new country and tilling the virgin soil, but the entire people of Oklahoma glory in the triumph they have achieved.

I began to think when I listened to the reasons which were given for the passage of this bill yesterday that the people must be fleeing from the Territory as it was said they had fled from western Kansas and Nebraska. But no; the population is increasing. The governor says:

The population has steadily increased since the last census, in 1894, when it was 212,625. According to the returns made by the assessors for the year 1895, the population is now 275,587.

There is an increasing population and an increasing development of wealth, the governor says. Here is the population by counties; here is the taxable property by counties: For 1894 they had taxable property of about \$20,000,000. In 1896 it had increased to over \$24,000,000—almost \$25,000,000—which the governor says is a very low estimate. He says:

This is very much under the true value of the property, but for the reason stated the board permitted it to stand.

They had some crooked work, the governor says, about the taxation in the year 1895, when it jumped from about \$20,000,000 to about \$40,000,000, and then was reduced in 1896 to about \$25,000,000. He states why it was done, but I want to go on with what the governor says about Oklahoma.

There has been a steady and healthy increase in taxable property since the beginning, and the next few years will witness a very decided increase in the property of the Territory, both real and personal.

Even though the Government should be paid by these people who have taken up the lands upon an understanding that they were to pay for them.

The work of proving up has begun, and when patents for all the homesteads have been issued there will be a vastly increased showing in taxable property.

He does not intimate that there ought to be anything donated to the people of Oklahoma. They have banks down in Oklahoma, too. They have these wicked bankers. I do not think they are all from They have these wicked bankers. I do not think they are all 11000 the East, either. You would not suppose from what has been stated here that there was any occasion for a bank in Oklahoma; not a homestead settler in all Oklahoma able to pay this \$2.50 or \$1.50 or \$1.25 or \$1 to save his farm! One would scarcely suppose there would be any banks there, but the governor says there are fifty-two banks in the Territory of Oklahoma.

He asked them to report, and only eighteen of them did. He had not any power to compel them to report. But he has given here, in case of those reported, the loans and discounts and all the items which are usually given. He says:

I observe that there is a very considerable decrease in deposits in the last

I observe that there is a very considerable decrease in deposits in the last year, and an actual increase in the amount of cash on hand. There is a decrease in the amount of securities held and also in loans and discounts.

The loans and discounts are \$519,000—the stocks, bonds, war-

rants, etc. I will not give the items.

It seems, Mr. President, that, according to the ideas of Senators, there was great misapprehension in the minds of the people about Oklahoma, to which the settlers went, and we are told now that if the Government insists upon payment for these lands the men will simply abandon them, and they will be gobbled up for cattle grazing. If the Government will let the people have the lands for nothing, Senators think they will manage in some way or another to stay on them; and they probably will. But according to the idea of Senators who desire to have this debt given to

the people who owe it, if that is not done the people will relinquish their homes. Oklahoma, instead of struggling with agriculture, will relapse into a cattle-grazing country. I suppose it is Oklahoma—all these lands—for Senators class them all together. The governor has something to say about agriculture:

Agriculture comprises such a wide scope that as brief a report as this furnishes a meager synopsis of the great agricultural interests of the Territory. There is a great diversity in the crops of the Territory. Wheat, Indian corn, cotton, castor beans, kaffir corn, oats, barley, saccharine, sorghum, and the great forage plants, alfalfa, clover, and timothy, in the eastern and central portions of the Territory are the principal products. Horticulture, with its concemitants, within the short period of a little more than six years, rivals any of the States in the Union.

Famine-stricken, poverty-stricken Territory! The says horticulture rivals that of any State in the Union. The governor

One and one-half million fruit trees have been planted; several millions of smaller fruits have found a home to stay, and are thriving under our peculiar climatic influences. It is not claiming too much to say that the Oklahoma peach has found its way into nearly all of the markets of the western world. It is recognized by the rich red cheek and the excellent flavor it possesses. The Oklahoma watermelon and muskmelon are in demand in the principal markets. One small station alone shipped during the summer of 1895 about 100 carloads of this delicious fruit, which bids fair to be exceeded in 1896. Potato culture is of no mean importance and should not be lost sight of, as it, too, is of great commercial value. One hundred carloads of sweet potatoes is a low estimate of the surplus.

In this arid region which can not be farmed!

It has been said that the best stock country that can be found is the best grain country.

I am quoting from the governor of Oklahoma. An Eastern man is not expected to know much of his own knowledge about Okla-homa. I have been there several times, and I confess that I never saw finer looking agricultural lands in any portion of this country over which I have traveled than I saw in Oklahoma. I confess that I am not to be expected to know much about agricultural lands, and being an Eastern man, I might, in the estimation of the people in Oklahoma who wish to be relieved from the payment of their obligations, be supposed to be prejudiced, and so I quote on them their own governor.

It has been said that the best stock country that can be found is the best grain country. It this be true, Oklahoma carries the banner.

Think of that, Mr. President! This bill passed the House of Representatives for Oklahoma alone. It has been threefolded since it came here, and yet its governor says that Oklahoma carries the banner as a stock and grain country.

A conservative estimate gives Oklahoma for the year 1896, 50,000,000 bushels of indian corn, and more than half that amount of kaffir corn, to say nothing of the great wheat, oat, and barley crops.

What are we to believe about the matter? We have extended the time of payment two years on account of drought, and the people of that country have had my earnest and sincere sympathy, because I have supposed that for two or three successive years they have suffered from serious drought. But here comes the governor and says that a conservative estimate gives Oklahoma for the year 1896, 50,000,000 bushels of indian corn, and so on, with

the year 1896, 50,000,000 bushels of indian corn, and so on, with regard to the other great crops.

Mr. PETTIGREW. What is the date of the report?

Mr. PLATT. It is the report for the year ending June 30, 1896. It is not dated, so far as I know.

Mr. PETTIGREW. I should like to say to the Senator, then, that on June 30 the governor stated what the crop was going to be. It appears they had no crop for the two prior years.

Mr. PLATT. The governor does not say anything about that.

Mr. PETTIGREW. He estimates what the crop is going to be. The report is dated in June and the harvest is in September.

Mr. PLATT. I think I am equal in my knowledge to that of

Mr. PLATT. I think I am equal in my knowledge to that of the Senator from South Dakota when I say that they harvest corn in the Indian Territory before September. I am quite sure of that. There is a great deal more good reading here. Here is a para-

graph about cotton:

Cotton, castor beans, flax, and peanuts are the great money-makers, thought that the weather for the last few weeks has been too humid—

Not arid, humid-

but with the sunny days that are to follow Oklahoma will market the greatest crop of cotton and castor beans ever produced.

Even if the Government does not relinquish.

The cotton is of excellent quality, the best in fact, as shown by the awards at the World's Fair at Chicago. There is no higher tribute to the excellence of Oklahoma agricultural products than that paid by the awards at that great fair, where were collected the products of all nations.

This terrible arid region, these desert lands, where, if the persons who have settled there are, after seven years of settlement, required to pay an average of \$1.50 an acre, they are going to abandon their farms and go no one knows where.

Never were the prospects for cotton better than at present, and there is every reason to believe that Oklahoma will make a creditable showing in the list of cotton-producing States or Territories.

Guthrie, it is estimated, will market 12,000 bales, while Oklahoma City, Shawnee, and Norman will each market nearly that much.

There is every reason to believe that the ruling prices will be from 7 to 8 cents per pound.

He is a little of the control of th

He is a little short in his guesswork on that point.

Mr. STEWART. A little long.
Mr. PLATT. Well, long. I am not familiar with the terms "long" and "short." I believe that cotton is worth about 7 cents a pound. So the governor got pretty near it.

The average crop will be one-half bale per acre. This places the value of the crop at from \$17.50 to \$20 per acre.

If they are economical on one of these cotton-homestead farms and can get a cotton crop off it worth \$17 to \$20 an acre it would seem that in seven years they would be able to save enough money to pay \$1.50 an acre for their lands.

The principal cost in raising cotton is the picking, which, if the farmer can not do it all himself, he can have it done at about 50 cents per 100 pounds. At this busy season the farmer often calls the whole family to his assistance, the work being of such a character that any person can do it, though some work much faster than others. It is simply wonderful how much money this article brings into the country.

It would not be anything very hard, since money is flowing into that country in this wonderful way, according to the governor, if after a year or two more of extension we should ask the men who are getting cotton crops at the rate of \$20 an acre to pay up a little something which they have agreed to pay.

A conservative estimate, given me by a farmer from a township east of this point, places the acreage of cotton in that township at 8,000, with a probable average yield of one-half bale, which would mean \$148,000 for that township alone.

Then he goes on to speak about native grasses, about fruit growing, the natural adaptation of Oklahoma to stock raising, etc. But here is something. I do not know that I ought to read it.

Water is everywhere abundant.

[Laughter.]

Mr. BURROWS, In the arid region. Mr. PLATT. The governor continues:

Water is everywhere abundant, and even salt is distributed up and down such rivers as the Salt Fork, Cimarron, and Canadian.

Mr. STEWART. Did the Senator from Connecticut vote for the appropriation to examine that country with a view to ascertaining the possibility of irrigation by artesian wells?

Mr. PLATT. I think that I struggled as well as I could in my

humble way to create a committee on irrigation and to have the Senator from Nevada appointed its chairman, but I never before heard that the arid belt which would require irrigation extended into Oklahoma

Mr. STEWART. It certainly does.
Mr. PLATT. The governor says otherwise.
Mr. STEWART. I do not know what he says. Mr. PLATT. The governor says further:

There are fertile valleys where corn, kaffir corn, and other grain may be raised in abundance. While the western portion of the Territory seems specially adapted and endowed by nature for cattle raising, the eastern portion is equally well adapted to raising hogs, and the people of that section have not been slow to recognize that fact,

Mr. President, I do not think this is an overdrawn picture on the part of the governor of Oklahoma, but it is a wonderful commentary on the pictures of that Territory which were drawn here

Now, the pending bill as it passed the other House applied only to Oklahoma Territory. I wish we had the reports of the governors of the States, for I should like to read them. I should like to read the report of the governor of the State of South Dakota or the governor of Montana or the governor of any of those States, and put it alongside the sad picture that was drawn here yesterday. I do not know how they would compare. I know how the report of the governor of Oklahoma compares with the picture painted here, even the picture which was exhibited, the map picture of the arid region where rainfall was scarce and crops could not be raised and the land was adapted only to stock raising.

As I say, when the bill came over here of course every Senator who saw that the other House had passed a bill donating to the settlers in Oklahoma the amount which they had expected to pay for their lands, and without paying which they could not get their lands, wanted to have the same principle applied to reservations in their States, and I do not blame them at all. If it is going to be done in Oklahoma it ought to be done in South Dakota, and it ought to be done everywhere.

to be done everywhere.

Now, to allude for a moment to another side of this case, I will state that the amount of money involved is perhaps not the strongest objection which can be urged to the passage of the pending bill. The committee differs with the Secretary of the Interior and the Commissioner of Indian Affairs as to how much will be relinquished by the Government, and the committee differs with itself. When it made its report, it thought the Government might lose \$17,500,000 by it. Yesterday when the chairman of the committee made his argument here, as I remember it—I have it before me, but I have not the opportunity to refer to it—he thought that the loss to the Government by giving to the settlers on the agricultural lands what they had expected to pay for the lands could not amount to more than two or three million dollars, and five or six million dollars, as I remember it, for the mineral lands. He

reduced his estimates from his written report about one-half. He reduced them in the written report one-half from the report of the Secretary of the Interior, and then in his speech he reduced them one-half below what was put in the report. I say perhaps that is not the greatest thing to be looked at. The Senator from South Dakota thought that was really the principal trouble in my mind, that the Government could not afford it, and therefore it must go into the business of "wringing" millions from these poor people. I think it is of a good deal more importance for the people to learn to keep their bargains in this world and to abide by them. I think it is of a good deal more importance whether the people of the United States are going to be encouraged in the idea that when things do not go as they want them to go individually they have a right to ask the Government to make them satisfactory, for that is what is back of this bill. tory, for that is what is back of this bill.

The Senator from New Hampshire [Mr. CHANDLER] this morn-

The Senator from New Hampshire [Mr. CHANDLER] this morning, in discussing some question here, spoke, as I suppose, somewhat jocosely about the paternalistic power in the Constitution of the United States. I do not believe it is there.

I am not going to quarrel with the homestead law; I think the country has derived great advantages and great benefits from it. But if it has fixed in the minds of the people of the country the idea that when things go a little hard with them, when they are

not making as much money as they wish to make, when they are they ought to be better off than they are, they can come to the Government and have it righted, it will have damaged the country and the Government and the future of the Government more than enough to offset all its benefits and advantages. That is just what the pending bill does

Mr. ALLEN. Will the Senator from Connecticut permit me?
Mr. PLATT. Certainly.
Mr. ALLEN. I desire to make a suggestion to the Senator from
Connecticut. The people to whom he refers have no desire whatever to escape the consequences of any legal contract they have made or may make. It occurs to me that the Senator from Connecticut has entirely a misconception of their purposes. ple question, and it reduces itself to that, is this: Are these people, or can they be, in a condition to pay their obligations to the Government? The Government must either relinquish these lands to those people under the general homestead act or it must resume control of the lands again and use them for purely pastoral purcontrol of the lands again and use them for purely pastoral purposes. That is all there is to that. The Government will not lose one cent by giving these lands to the people, because it can not make any money out of the lands in any form. If the settlers have the land, the potential power that they possess and the wealth they will be able to produce eventually will be a hundredfold more than what the Government relinquishes to them.

M. D. ATT. Mr. President this is your strange. That lock

Mr. PLATT. Mr. President, this is very strange. Just look at it for a moment. I do not overstate this matter when I state that every representation made to Congress on the opening of these lands was that they were fertile. Now, they are not adapted to agriculture, they are not fitted for agriculture, and therefore the Government should relinquish them to the homestead settlers. If the Government does not relinquish, the lands are going to be given up. If the Government does relinquish, the settlers are going on to "produce wealth a hundredfold." I think I use the exact language of the Senator from Nebraska. Look on this pic-

ture, then on that.

Mr. ALLEN. If the Senator will permit me—I do not like unnecessarily to disturb him—I will state that the deductions made by him are absurd in the light of facts. These lands are fertile.

Many of them are as fertile lands as can be found between the Atlantic and the Pacific oceans, but in consequence of a lack of sufficient rainfall they will not produce anything more than grasses in the spring that will support cattle. It is not the fault of the quality of the land. It is the fault of nature in not precipitating enough rainfall to produce moisture sufficient to mature crops. The Senators who said these lands were among the most fertile in the United States were correct in their statements, and it is unwarranted to draw the conclusion that there was any misrepresentation in a statement of that kind.

Mr. PLATT. It was not only represented that they were the most fertile lands in the United States, but that the people were very anxious to get upon them for agricultural purposes, not for grazing purposes. As I remarked some time ago, it makes a good grazing purposes. As I remarked some time ago, it makes a good deal of difference how the picture looks; whether somebody wishes to get something from the Government, or whether he wishes to

to get something from the Government, or whether he wishes to avoid paying the Government something.

Mr. President, the Government has not paid for all these lands yet. I do not know exactly how much it has still to pay. It will approximate \$15,000,000 which is still to be paid. There is still due on the Cherokee Outlet \$4,980,000, which is drawing interest at the rate of 4 per cent per annum, I believe. How much will necessarily be paid on the Great Sioux Reservation, on the Chippewa Reservation, on the Colville Reservation, it is impossible exactly to say; but at the lowest price more money, and considerably more money, has to be paid to the Indians for the Great Sioux

Reservation than has already been paid, and so, I apprehend, with regard to the Colville and the Chippewa reservations.

I do not think that what is contemplated is exactly fair to the dians. We opened the lands in the Great Sioux Reservation upon the understanding that they were to be settled up at \$1.50 an acre for those taken within a certain period of time; \$1 an acre or \$1.25 an acre, I believe, for those taken within another number of years, and 50 cents an acre for those not taken within ten years. Is it fair to the Indians to make them wait until the end of the ten years and then to pay them for the land at the rate of 50 cents an acre? As I understand the bill, for the 800,000 acres that have already been taken up in homestead settlement, the Government will be expected to pay the Indians \$1.25 or \$1.50 an acre, and the Indians

Indians—
Mr. PETTIGREW. I should like to correct the Senator from Connecticut in regard to that matter, if he will permit me. After the lands were opened to settlement the homestead settler was to pay \$1 an acre for the lands entered during the first three years, for the next two years 75 cents an acre, and thereafter 50 cents an acre. Very little of the land was taken during the first three years; and a little more was taken during the next two years. Seven hundred thousand acres out of 9,500,000 acres are all that have yet been taken.

have yet been taken.

Mr. PLATT. The lands ought to be paid for at the price stipulated to be paid.

Mr. PETTIGREW. One hundred and eleven thousand dollars

has been paid. Mr. PLATT. However that may be and whatever the amount may be—and it is a considerable amount—it has to be paid by the Government in the future, whether or not it receives anything

from those lands.

from those lands.

Now a single word about the difference between these lands and the lands to which the homestead act applied and to which it does yet apply. As I have said in my views as minority member of the committee, I conceive that there is an entirely different principle involved. At the time of the passage of the homestead law we had a large public domain. We had acquired the land for Territorial purposes. The treaty by which we acquired what is known as the Louisiana purchase was a political movement on the part of Mr. Jefferson—a political necessity. The lands were acquired for self-defense, and I venture to say it never entered the wildest imagination of Mr. Jefferson that the lands acquired by the Louisiana purchase were going to be needed for homes for the wildest imagination of Mr. Jefferson that the lands acquired by the Louisiana purchase were going to be needed for homes for American settlers. When the homestead law was passed we had been giving away land. We had not been giving them away to individuals, unless you make all the land grants to railroads gifts and donations to individuals, but we had been giving them away to States and to soldiers. Giving them to soldiers was giving them to individuals. That was not a donation, however. That was in a measure payment for their services in the Mexican war and the war of 1812. There was a good deal of feeling about the giving away of lands, donating them, to aid in the construction of railroads, and it was deemed much better for the interests of the country to dispose of the lands to actual settlers. And it was much better, Mr. President. much better, Mr. President.

But we never bought any land in this country from individuals or Indians, or from anyone, to open the same to homestead settlement. I apprehend that even the father of the bill, now sitting within reach of my eye, would have hesitated to have proposed a principle the English of which should be that the Government, with the money of all the people, should buy lands and then donate them to people who proposed to settle on them. That is what this measure is. In that it is entirely taken out both of the reason and the purpose of the homestead act.

Mr. President, we might just as well buy lands from any other individuals as from the Indians to make "free homes" for settlers

or speculators, as the case may be. I hear a great many tirades here in the Senate about abandoned farms up in Connecticut and other parts of New England. There are not so many of them as there are supposed to be, but there are some farms there that could be bought very cheap, and if the Government will buy them and give them away in quantities of 160 or 40 acres there will be people without means found there who will be glad to go upon them and who will cultivate them, and, by economy and industry and saving, will support themselves and add to the wealth of the State. You might just as well ask the Government to go into Connecticut and buy the cheap farms there, or into Kansas and other States and buy the mortgaged farms that are going to be forcelesed as it is said and then denote them to somebody to set the foreclosed, as it is said, and then donate them to somebody to settle

on, and to have them after five years' residence and occupation.

That is not the principle of the homestead act, Mr. President.
But that is the principle of this proposed act, and it is a principle applicable not only to the particular lands that have been opened to settlement on ceded Indian reservations and actually settled upon, but it is a principle to be applied to all the new lands that are to be settled upon hereafter in the United States. These Indian reservations are not yet as much diminished as in the

nature of things they will be. These purchases have not been for the benefit of the Indians, as was suggested yesterday. The Indians have been almost dragooned into giving their consent to and ans have been almost dragooned into giving their consent to such purchases in order that white people might go upon them. Indian reservations have been Naboth's vineyards in the eye of certain people of this country. They were near at hand, they were coveted, and they were taken. But, Mr. President, we have not gotten through with this matter yet. So far as the speculative element enters into this desire for new lands, and it opters in largely it is like the daughters of the barsalcach. enters in largely, it is like the daughters of the horse-leech-it cries, "Give, give."

There are two classes of these homesteaders on ceded Indian reservations—I do not know but three. There are those who are looking for every fertile piece of land in every Indian reservation in the United States, and wanting to get it for nothing, or for far less than its value. That is one class that went into Oklahoma. There is another class of industrious, honest, intelligent people who were driven, perhaps by the spirit of adventure and the faswho were driven, perhaps by the spirit of adventure and the faswho were driven, perhaps by the spirit of adventure and the fascination which has always prevailed with regard to frontier life, to move on still nearer to the frontier, to get away, so to speak, from civilization, and they are industrious, they are intelligent, and they are thrifty. They deserve all that can be bestowed upon them properly and honestly. Then there is a third class, the restless, or, as described in this letter the other day, the ne'er-do-well, who would not stay long on the land even if they got it under the homestead laws. They are the shiftless class.

There are these three elements continually seeking for new land, and the Indian reservations have not yet been entirely despoiled

and the Indian reservations have not yet been entirely despoiled for the benefit of these people. That will go on in the future. I wish I had the number of acres in Indian reservations still in the possession of Indians. As the work of allotment goes on and each Indian is given 160 acres there will be more lands available for white settlement. If this bill passes, the policy will prevail that the Government must buy these lands of the Indians and then donate them to the home seekers of the three classes of which I have spoken. And I have spoken plainly, and I think that even the Senator from Kansas who sits near me [Mr. Peffer] will not say that I have been invidious in the description of this homeseeking class.

So it is not solely a question whether the Government is going so it is not solely a question whether the Government is going to relinquish now a couple of million dollars, or \$10,000,000, or \$17,500,000, or \$35,000,000, according to the report of the Secretary of the Interior. It is a question for the future. It is a question whether the Government is going to go into the business of buying something and giving it away. You can not disguise it; indeed, no attempt is made to disguise it. If the passage of the bill were urged alone on the ground of hardship for the settlers, that would be a good argument for a further extension of time only.

The country is full of hardship, Mr. President. There are more people in straits in this country than there are on these ceded Indian reservation lands. But the Government will not be called upon to donate anything to them. We have fires, and pestilence, and floods, and earthquakes, and men have hard luck who do not suffer calamity—they get out of employment. But they do not ask the Government to buy something and give it to them or to relinquish what they have assumed to pay the Government.

Mr. ALLEN. I should like to ask the Senator from Connecticut

if the Government of the United States did not give the State of

Connecticut several million acres of land?

Mr. PLATT. No, sir.

Mr. ALLEN. Did it not give the State of Connecticut a strip in Ohio

Mr. PLATT. Connecticut got that under its charter from King

Mr. ALLEN. Which was sold by the State of Connecticut and from which it got much of its wealth originally?

Mr. PLATT. My colleague [Mr. HAWLEY] is a better historian than I am, but my recollection is that Connecticut gave up to the General Government a good deal of land to which it was entitled under its charter, and I think on an investigation of history it will

Mr. ALLEN. Connecticut, Virginia, and many of the original States got a great portion of the public domain and sold it. The State of Massachusetts got all of the territory now known as the State of Maine.

Mr. PLATT. Connecticut had a charter for lands which extended from the Atlantic to the Pacific, and if Nebraska is on the same line of latitude and Connecticut had insisted on its rights it would have the land which is now embraced within the territory of the State that the Senator from Nebraska represents. do not know whether it is on exactly the same parallel of latitude.

Mr. ALLEN. What I want to call the attention of the Senator to is this: It seems to me that it is inconsistent to arraign the people of the section living on these arid lands for asking the Government to do something for them under the circumstances when the Senator's own State (and I say it without any feeling

whatever) and every State in New England was the recipient at the hands of the Government of millions of acres of the finest lands we have, which were sold for a great many dollars. You were participants in these things in the best lands. Why do you

mow deny to these poor settlers a claim upon the arid lands?

Mr. PLATT. The Senator is referring to the land given to agricultural colleges, to agricultural college scrip?

Mr. ALLEN. No; I am referring to the early history of this

Mr. PLATT. I understand that Connecticut under its charter claimed as of right all these lands and a great many more than it finally retained, but the whole matter was adjusted by a compromise between the Government and Connecticut, in which Connecti-

got the worst of the bargain. There is nothing to that point.

Mr. ALLEN. But you got a great many million acres of very fertile land in Ohio and sold it.

Mr. PLATT. Connecticut got it under a charter from King

Mr. ALLEN. It is questionable whether you had it or not; you

got it at least

Mr. PLATT. We had possession of a portion of Pennsylvania, the Susquehanna Valley and Wyoming. We had a settlement there, two organized counties, with representation in our legisla-

Mr. President, I have been somewhat diverted from the thread of my thought and argument. There are individuals suffering in Connecticut, people in hard luck, people who, with all their industry and thrift, can scarcely manage to support large families. The Senators who are advocating the passage of the pending bill would be loudest in opposing any bill that might be proposed donating something to them. No matter how the case may be presented, it amounts simply to a donation, and I object to it most strongly, because I do not want to see the spread and extension of the idea that the Government is to take care of the individual. That idea has been running very fast, Mr. President, in these later days. Possibly the homestead law has to some extent resulted in the encouragement of it; and there is another thing which I will not speak of now, and which I think more than anything else has fostered this spirit of going to the General Government to have individual affairs righted, and that is our system of Government paper money. I am not going to bring that into this debate, however; but owing to one or another of these causes men seem to have lost sight of the true principles of government. The man who should now say that governments were organized and administered for the protection of life and property, and stop there, would be supposed to be dwelling in the past, and not to have come—

Mr. ALLEN. Does the Senator apply his argument to a pro-

tective tariff law?

Mr. PLATT. Oh, I am not to be diverted from this argument into a tariff argument. I can show, and I will show at the proper time, that there is no class legislation in a tariff law; but I am not going to be drawn or diverted into that. However, I do want here and now to enter my protest against what I will not offensively call the Populistic idea in this country, that the people who want anything are going to go as individuals to the Government and get it.

Mr. ALLEN. Nobody believes that that I know of.
Mr. PLATT. That is the tendency of everything. We talk
about its being a crime to buy and sell votes, and yet too often about its being a crime to buy and sen votes, and yet too orien in voting the voter thinks only how he is to be materially benefited by his vote. There is not a very great deal of difference, Mr. President, between the idea of so voting and the idea of selling a vote. If a man votes simply to better himself financially, as he supposes, he does not differ a great deal in principle from the man who sells his vote. We are running wrong, Mr. President, and this bill and hundreds of other bills which are here illustrate it, and illustrate the dangerous tendency of the doctrines which are promulgated at the present time.

I said that if I were to announce what was acknowledged in the early history of the Government, that the object of the Govern-

ment was to protect life and property and ended there, I would lay myself open to the charge of being an old fogy, behind the age.

I need not pursue the subject, Mr. President, but if we are going to do what this bill asks us to do, why should we stop there? If we are going to buy lands in order that we may give a man 160 we are going to buy lands in order that we may give a man 100 acres of land to settle upon free, why should we stop there? Why not buy him his agricultural implements; why not buy him his horses? I will not refer again to the way the governor of Oklahoma describes this "arid" land, but if a person makes a homestead entry upon arid land, supposing that it is agricultural, why should he not call on the Government to irrigate it for him? Where is the Government to stop?

Mr. CARTER. Mr. President, will the Senator from Connecti-

cut yield for a question?

The PRESIDING OFFICER. Does the Senator from Connecticut yield to the Senator from Montana?

Mr. PLATT. For a question, yes.

Mr. CARTER. If it is proper according to the view of the Senator from Connecticut, and that is manifestly his view, to tax to the settler upon the public domain the cost to the Government of acquiring the title to the land upon which the settler locates, why should not the principle be applied to the extent of charging to each settler his proportionate share of the amount paid for the Louisiana purchase, likewise the amount of cost connected with the acquisition of territory from Mexico, which is to some extent

included in the particular section of country involved in the bill?

Mr. PLATT. Oh, Mr. President, I have been unfortunate in the statement of my views as a member of the committee and of my statement this morning. The very thing I was talking about is this: We have never until now been asked to buy land for the

purpose of donating it to individuals.

Mr. CARTER. For whom was the land purchased originally,

Mr. CARTER. For whom was the land purchased originally, then, in the case of the purchase of Louisiana?

Mr. PLATT. It was purchased for the public defense, and Jefferson never supposed, nobody supposed, that it was bought for the purpose of giving it to somebody to settle upon. There is the distinction in these cases. It is the manifest, obvious distinction which Senators seem unable to see. The land that was included in the Louisiana purchase was in my schoolboy days marked on the map, a greater portion of it, as "The Great American Desert." The idea

Mr. ALLEN. I should like to call the attention of the Senator, if he will permit me, to the fact that our integrity as a nation was not menaced in the slightest degree when Mr. Jefferson purchased the southwestern lands of the French Government. Our Government had not been threatened by France, nor by Spain, nor by any other nation. While the purchase had in a certain

nor by any other nation. While the purchase had in a certain sense a political significance, the great purpose of it, as announced by Mr. Jefferson at the time and subsequently, was to furnish homes for the citizens of the United States.

Mr. PLATT. We will look that up hereafter. I think I am right. I do not wish to be diverted, and I repeat that now, for the first time in our history, it is urged that the Government ought to buy land for the avowed purpose of giving it away to individuals who will settle upon it. uals who will settle upon it.

Now, Mr. President, I think I have said all I need to say in relation to the subject. I think the picture of suffering has been overdrawn, and I have cited a pretty intelligent witness (the governor of Oklahoma) to show that it has.

If it be a question of the inability of the settlers to pay for these lands because of successive droughts, I am perfectly willing to do what the Government has already done, extend the time. But if there will be but little benefit in relinquishing to settlers the money due for these lands. If the drought every year is to make it impossible for them to cultivate these lands, it is little benefit that they will derive from such relinquishment.

I have no doubt, Mr. President, that in some instances lands have been settled upon which are not adapted to agriculture, but of the 33,000,000 acres which have been opened, a third of it or a half of it is as beautiful land, is as fertile land, as rich land, as valuable land as ever lay under the sun.

It is not alone the man who is hard pushed who is to receive the benefit of this legislation. This donation is to fall upon all alike, upon the man who has got a fortune in his farm and the man who is living in the arid region in the sod dugout. Like the rain falling on the just and unjust, this benefit, this donation, is to be showered upon all without discrimination.

I do not know that I desire to say anything further on this sub-I only intended to speak for a few minutes, but I have been

somewhat diverted during my line of argument and have exceeded the time which I thought I should take.

Mr. STEWART. Mr. President, I have listened with much surprise to the strange sentiments which have been expressed by the Senator from Connecticut [Mr. Platt]. He says that he does not want people to get into the habit of coming to Congress for relief when their business does not pay. I have read with much interest the published reports of the various delegations which have visited the Committee of Ways and Means of the other House have visited the Committee of Ways and Means of the other House with regard to their business, and every one of them placed their demands for higher rates of duty on the ground that their business did not pay, and on no other ground. We have a committee of the other House and we shall have one here to listen to those engaged in particular kinds of business as to whether their business pays, and I supposed that the Senator from Connecticut was in favor of that kind of policy which would relieve men when their business did not pay. I think there have been several delegations already from Connecticut and there will be more.

As to the position that the homestead act ought not to be

As to the position that the homestead act ought not to be extended to these settlers because the land was bought by the Government, it seems to me that that is in violation of every principle of disposing of the public lands which has been approved by all parties for the last thirty years or more. The Government was some time coming to the conclusion that the country at large

would be benefited by allowing settlers to occupy the public land would be benefited by allowing settlers to occupy the public land and to acquire homes without charge. That was, however, adopted as a public policy. The greater portion of the great Mississippi Valley was disposed of under that policy, and a more beneficent policy never was adopted by any nation, as witness the progress of that section of our country.

It makes no difference how the Government got those lands.

If it is the best policy to encourage settlement on them, why vio-late that principle? If you will take the rich lands a little farther east you will find that they were taken by homestead settlers. Now, why should people who are going on poorer lands be de-prived of the privileges which have been extended to all under a policy which has enriched the Government? There is nothing in that argument. There should be no discrimination against those people, and particularly now, when there is not a crop produced people, and particularly now, when there is not a crop produced in that region which will pay to-day the cost of production and of getting it to market. How that may be hereafter I do not know. I know, however, that there is but a small portion of Oklahoma which has sufficient rainfall to produce regular crops. I have been over that country, and there is about one-third, or nearly that, of Kanass, and of Nebraska, and as you go north you will find it in the Deketes and as row secret receivilged. will find it in the Dakotas, and as you go south you will find it in Oklahoma and Texas, where it is very hard to make settlements at all. The picture of the distress there has not been overdrawn; and when the Senator from Connecticut speaks of the eagerness of those people to acquire homes and go upon this land, he uses that as an argument why they should be discriminated against. I think their enterprise in going upon a country situated as that is and trying to make a living should be commended and encouraged. If by their efforts they can make that country and encouraged. If by their enerts they can make that country produce, if they can make it furnish a market to the other sections, if they can make it a tax-paying country. I say let them do it. By the same policy you have made great States, and it seems to me pitiable higgling to say that those people shall be discriminated against on account of what the Government has paid for

The Government has applied the homestead principle to all lands it has acquired, and it should be applied in this case. It should be applied particularly to all the lands that are left, because of the difficulty of settlement. It is doubtful whether they can be occupied, and it is to the interest of all that every acre of land which can be cultivated and occupied and made a home shall be We have the Indians to support anyway. We are makso used. We have the Indians to support anyway. We are making an arrangement with the Indians. There is one-third—I do not know but one-half—of all the land in the Mississippi Valley which has been bought from Indians. You make trades with them; you make donations to them. You have supported them at an expense of millions of dollars each year, and when you acquired those lands you opened them to homesteads, and it has been the invariable rule where an Indian reservation was removed been the invariable rule where an indian reservation was removed to provide that the homestead law should prevail. Why this exception was made I do not know. The exception was wrong, Now, you say the Government will lose by it. The Government will lose nothing. The millions spoken of never can be collected from the settlers. A man in his natural life upon one of those farms at the present price of production can not raise and sell enough to feed and clothe his children and then pay the amount the Government demands.

I know times are hard; but it is not the fault of the settlers on the frontier that they are hard. The Senator intimates that they complain of the monetary condition that starves them to death, and might want paper or something else if you let them live. might want paper or something else if you let them live. If he is going to exterminate everybody who is opposed to contraction and hard times, if he is going to apply the iron rule, let him apply it to Connecticut; let him apply it to Massachusetts; let him apply it to the army of supplicants for special privileges which is visiting the committee of the other House to-day. If you want to discipline them and make them vote right, and starve them to do it, commence at home and starve your own people first.

commence at home and starve your own people first.

But we are not asking for any Government aid, we are not asking for any special privileges to these people. We are asking for the application of a principle which has been commended by every wise statesman for the last thirty years; we are asking for the application of a principle which has built up States; we are asking for the application of a principle which has made independent homes; and there is no reason now to come forward and violate it on account of some piggardly hand trade when the conpendent homes; and there is no reason now to come forward and violate it on account of some niggardly, hard trade when the conditions are worse than they ever have been. The Government has to take care of the Indians in any event, and we are paying out to the Indians six or eight million dollars a year for that purpose. You have removed them from place to place and opened reservations for settlement, and now when you come to this arid region, where the people have to undergo the greatest privations and sufferings to live at all, to say that they must leave their homes or pay a price which is impossible to pay under present conditions, seems to me repugnant to common sense, justice, and conditions, seems to me repugnant to common sense, justice, and fair play.

All the Indian reservations which are opened to settlement should be opened under the homestead law. They are not intended for speculation. A man who travels over that country and would attempt to speculate upon those people who are attempting to make homes, a man who would propose to do it, knowing the conditions which prevail there, has a heart which ought not to be in an American breast. It is an outrage to change the principle as against these people. They ask for no donations. We ask none for them. We ask for the principles of the land laws to be applied to them as they have been applied to settlers in the great Mississippi Valley; we ask that they shall have the poor privilege of building up homes in that arid region if they can.

Senators talk about it being a bad principle to make these people dependent upon the Government; to encourage them to come here and ask privileges from the Government by extending to them the

and ask privileges from the Government by extending to them the "laws under which all the great States have grown up and been populated. It would be a bad principle in the Government and unjust and detrimental to discriminate against them. Give them the same privileges that other American citizens have had who the same privileges that other American citizens have had who wanted to obtain public lands so far as they can get them. They can not get the same privileges. The best of the public lands are gone, and they are gone into the hands of settlers who have made the country great. To now attempt to reimburse ourselves out of the remainder of the desert lands, and to persecute the people who are trying to live there with the hardest struggle that any people ever had in the world, it seems to me is the essence of cruelty and a violation of every principle of justice and good government. I hope we shall not hear any more sentiments of that kind in the Senate.

I do not want to criticise those who are selving the Government.

kind in the Senate.

I do not want to criticise those who are asking the Government to give them special privileges, because the protective principle, properly applied, is beneficial to protect all; but the protective principle can not reach the farmers of this country. They have properly applied, is beneficial to protect all; but the protective principle can not reach the farmers of this country. They have to rely on their exports, and we have to rely on their exports to pay our foreign obligations and to buy what we buy from abroad. We have by legislation, the legislation of New England and New York, placed them in a position of competition where their products are below the cost of production. We have given the standard silver countries a hundred per cent advantage in the European markets. We do not propose any tariff for them. We do not propose any relief for the great agricultural interest. Nobody proposes that. Here the poorest of all the agriculturists of the United States are to be punished and dealt with on a different principle from that applied in the Mississippi Valley. It is unjust. If New England wants a market for her products, it is for her

principle from that applied in the Mississippi Valley. It is unjust. If New England wants a market for her products, it is for her interest and her benefit that that section of country should be settled. She has made millions and hundreds of millions, and perhaps thousands of millions, of dollars by the beneficent policy of the Government in giving away public lands, making homes, bringing their products into market, and furnishing a market for the products of New England. That was the theory, that the United States would prosper more by having these lands settled, so as to furnish a market for manufactures, so as to aid in paying taxes, than it would by extorting money from settlers by the sale so as to furnish a market for manufactures, so as to aid in paying taxes, than it would by extorting money from settlers by the sale of these lands. That is not the policy of the Government. If the old policy is to be reversed and the poor people who go upon the poor desert lands and attempt to reclaim them and make homes there are to be treated in this harsh manner, in violation of what has been done for all others, let us know it, and the people will keep out of those regions; but to talk about those people as unjust and dishonest, to talk about them as asking special privileges, is too repugnant to the facts and common sense to escape severe condemnation.

IMPRISONMENT OF JULIO SANGUILLY.

Mr. CALL. I ask unanimous consent to present a paper from a gentleman who has been elected as a Republican member of the next Congress, who has recently been in Habana, and I ask that the statement be read and printed in the RECORD.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Florida? The Chair hears none, and the state-

ment will be read.

The Secretary read as follows:

STATEMENT IN RELATION TO JULIO SANGUILLY.

I also had a talk with Julio Sanguilly, who stated that he had been confined in the Cabanas for a period of twenty-three months. It appears from his statement that the day before the rebellion broke out in Cuba, while taking a bath in his house, he was arrested and thrown into prison. He was tried and condemned to punishment by a military tribunal, the sentence being that he should be punished perpetually in chains, etc. The United States authorities protested on the ground that Sanguilly was a citizen of the United States, he having been naturalized in New Orleans and having resided there for some time, and that he was taken without arms and should be tried by the civil authorities and not the military authorities. An appeal was taken to the authorities at Madrid, and this sentence was set aside. He was retried, and a few days ago a similar sentence imposed on him. The lawyer who conducted the first trial of Sanguilly was also thrown in prison and is now in the cabanas along with Sanguilly. The lawyer who managed the appeal in Spain has been deprived of his office and all emoluments attached thereto by the authorities at Madrid. A witness who could have proven Sanguilly's entire innocence, namely, Lopez Coloma, was a few days before this last trial taken

from his cell in the Cabanas, where he had been imprisoned for a considerable time, and shot without any trial, as Sanguilly said, for the purpose of preventing him from testifying.

An appeal must be tak-n within a few days, or, unless the United States interferes, the witness will be transported to the penal colony in North Africa in accordance with the sentence passed a few days ago. Sanguilly stated that he did not believe that he could get any lawyer to take his case and conduct his appeal, as the fate of his other two lawyers who conducted the former proceedings would deter others from undertaking his case again.

Sanguilly seems to be a man of about 60 years of age, quite gray, and complained that the imprisonment during the past twenty-three months was breaking his health so that he could not longer endure it; and he desired that the United States Government take action in his case at once by inquiring into the cause of his detention and the unfair method by which he has been tried and convicted. He claimed that there is no possible testimony as to his being implicated in the rebellion, but that he was simply confined because he might perhaps have been guilty of some offense in the future, yet that he was guilty of no offense whatever when arrested, and nothing was proven or could be proven againt him.

EDWARD E. ROBBINS.

EDWARD E. ROBBINS.

MRS. ELIZABETH GNASH.

Mr. GEAR. I ask unanimous consent for the consideration at this time of the bill (S. 3035) granting a pension to Mrs. Elizabeth

The PRESIDING OFFICER. Is there objection?
Mr. COCKRELL. Has that bill just been reported?
Mr. GEAR. It was reported on the 5th instant, I will say to the Senator from Missouri

The PRESIDING OFFICER. The Chair is informed that the bill is on the Calendar with a favorable report. The Senator from Iowa now asks unanimous consent for its consideration.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (S. 3035) granting a pension to Mrs. Elizabeth Gnash. It proposes to place on the pension roll, at \$12 per month, the name of Elizabeth Gnash, widow of Thomas Gnash, late private Company G, Third Regiment Iowa Cavalry. The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

HENDERSON MARPLE.

Mr. COCKRELL. I ask unanimous consent for the present consideration of the bill (H. R. 3877) granting a pension to Henderson Marple. It is a bill which has been reported favorably from the Committee on Pensions.

Mr. FRYE. It will take the next two hours to consider the bills which, by unanimous consent, were to be taken up at this hour. Is the bill to which the Senator refers a very short one?

Mr. COCKRELL. It is only a short bill, and will not take half

Mr. FRYE. Then I shall not interpose an objection. Mr. FRYE. Then I shall not interpose an objection.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 3877) granting a pension to Henderson Marple. It proposes to place on the pension roll the name of Henderson Marple, late a private in Capt. A. J. Hart's company, Morgan County Provisional Enrolled Missouri Militia, at \$12 per month; and provides that the pension shall be paid to him and that no part of it shall be retained by any official of the Government by reason of any pension heretofore paid to Henderson Marple.

Henderson Marple. The bill was reported to the Senate without amendment, ordered

to a third reading, read the third time, and passed.

PACIFIC RAILROADS SINKING FUND.

Mr. MORGAN. I desire to offer a resolution, and after it has been read I shall ask for its present consideration, unless there be objection to it

The PRESIDING OFFICER. The resolution submitted by the Senator from Alabama will be read, subject to objection.

The Secretary read the resolution, as follows:

The Secretary read the resolution, as follows:

Resolved, That the Committee on Organization, Conduct, and Expenditures of the Executive Departments are hereby authorized and instructed to make examination into the means by which certain papers mentioned in the report of the Acting Secretary of the Treasury, which is hereto attached, have disappeared from the records of the Treasury Department.

And said committee will inquire and report whether any and what person has abstracted said papers from the files or records of said Department, and whether any officer or employee of said Department had knowledge of, or was in any way party or privy to, any unlawful act connected with the loss, destruction, or removal of such papers. And said committee in the execution of this order shall have power to require the appearance of witnesses, and to examine them under oath.

By unanimous consent the Senate proceeded to consider the

By unanimous consent, the Senate proceeded to consider the resolution.

resolution.

Mr. HOAR. Mr. President, I merely heard the reading of the concluding part of the resolution. I do not know whether it is liable to the suggestion I am about to make or not. It is very convenient in all such cases to have the phrase used, "said committee or a subcommittee of their number."

Mr. MORGAN. It will not be necessary to provide for a subcommittee, because the transaction to be investigated is right here in the Treasury Department.

in the Treasury Department.

Mr. HOAR. I do not know how that may be, but it is very convenient sometimes to have the power of a committee to send for persons and papers and administer oaths, etc., exercised by a

subcommittee, and it brings such subcommittee of the Senate for that purpose within the statutory provision.

Mr. MORGAN. I will modify the resolution by inserting the

words " or a subcommittee thereof."

The PRESIDING OFFICER. The question is on agreeing to the resolution as modified.

The resolution as modified was agreed to.

AMENDMENT OF NAVIGATION LAWS.

Mr. FRYE. Under the order adopted yesterday assigning this hour for the consideration of certain bills from the Committee on Commerce, I call for the consideration of the bill (H. R. 2663) to amend the laws relating to navigation.

I will state that there is no need of reading the bill as it came from the House of Representatives, as, when I reported from the Senate committee an amendment as a substitute, the substitute was adopted in place of the bill as it came from the other House. Therefore, there is no need of reading the original bill, which is erased. It is simply necessary to read the amendment.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 2663) to amend the laws relating to navigation.

The amendment reported by the Committee on Commerce-was to strike out all after the enacting clause and insert:

That section 4507 of the Revised Statutes be, and is hereby, amended to

That section 4507 of the Revised Statutes be, and is hereby, amended to read as follows:

"SEC 4507. The Secretary of the Treasury shall assign in public buildings or otherwise procure suitable offices and rooms for the shipment and discharge of seamen, to be known as shipping commissioners' offices, and shall procure furniture, stationery, printing, and other requisites for the transaction of the business of such offices."

SEC 2. That on and after June 30, 1899, every place appropriated to the crew of a seagoing vessel of the United States, except a fishing vessel, yacht, or pilot boat, and all vessels under 100 tons register, shall have a space of not less than 22 cubic feet and not less than 12 superificial feet measured on the deck or floor of that place for each seaman or apprentice lodged therein. Such place shall be securely constructed, properly lighted, drained, and ventilated, properly protected from weather and sea, and, as far as practicable, properly shut off and protected from the effluvium of cargo or bilge water.

Fishing vessels, yachts, and pilot boats are hereby exempted from the provisions of section 1 of chapter 130 of the laws of 1835, entitled "An act to provide for deductions from the gross tonnage of vessels of the United States," so far as said section prescribes the amount of space which shall be appropriated to the crew and provides that said space shall be kept free from goods or stores not being the personal property of the crew in use during the voyage.

And on and after June 30, 1898, every steamboat of the United States plying upon the Mississippi River or its tributaries shall furnish an appropriate place for the crew, which shall conform to the requirements of this section so far as they shall be applicable thereto by providing sleeping room in the engine room of the steamboats properly protected from the cold, winds, and rain by means of suitable awnings or screens on either side of the guards or sides and forward, reaching from the boiler deck to the lower or main deck, und

Seam Vessels, and shall be properly heated. Any failure to comply with this section shall subject the owner or owners to a penalty of \$50.

SEC. 3. That section 4576 of the Revised Statutes be, and is hereby, amended to read as follows:

"SEC. 4576. The master of every vessel bound on a foreign voyage or engaged in the whale fishery shall exhibit the certified copy of the list of the crew to the first boarding officer at the first port in the United States at which he shall arrive on his return, and also produce the persons named therein to the boarding officer, whose duty it shall be to examine the men with such list and to report the same to the collector; and it shall be the duty of the collector at the port of arrival, where the same is different from the port from which the vessel originally sailed, to transmit a copy of the list so reported to him to the collector of the port trom which such vessel originally sailed. For each failure to produce any person on the certified copy of the list of the crew the master and owner shall be severally liable to a penalty of \$400, to be sued for, prosecuted, and disposed of in such manner as penalties and forfettures which may be incurred for offenses against the laws relating to the collection of duties; but such penalties shall not be incurred on account of the master not producing to the first boarding officer any of the persons contained in the list who may have been discharged in a foreign country with the consent of the consul, vice-consul, commercial agent, or vice commercial agent there residing, certified in writing, under his hand and official seal, to be produced to the collector with the other persons composing the crew, nor on account of any such person dying or absconding or being forcibly impressed into other service of which satisfactory proof shall be then also exhibited to the collector."

SEC. 4. That section 4540 of the Revised Statutes be, and is hereby, amended by substituting the words "circuit judge."

SEC. 5. That rule 11 of section 423 of the

the Treasury of the United States, and such moneys shall form a fund for, and be appropriated to, the reliaf of sick and disabled and destitute seamen belonging to the United States merchant-marine service."

SEC. 8. That chapter 97 of the laws of 1895, entitled "An act to amend an act entitled 'An act to amend the laws relative to shipping commissioners,' approved Angust 19, 1890," is amended by striking therefrom the word "seventh," in the twelfth line, and inserting the words "and four thousand six hundred and two" in the twenty-eighth line after the words "four thousand five hundred and fifty-four."

SEC. 9. That fees for the entry direct from a foreign port and for the clearance direct to a foreign port of a vessel navigating the waters of the northern, northeastern, and northwestern frontiers of the United States otherwise than by sea, prescribed by section 482 of the Revised Statutes, are abolished. Where such fees, under existing laws, constitute in whole or in part the compensation of a collector of customs, such officer shall hereafter receive a fixed sum for each year equal to the amount which he would have been entitled to receive as fees for such services during said year.

SEC. 10. That section 465 of the Revised Statutes be, and is hereby, amended to read as follows:

"SEC. 465. A vessel registered pursuant to law, which by sale has become the property of a foreigner, shall be entitled to a new register upon afterwards becoming American property, unless it has been enlarged or undergone change in build outside the United States."

SEC. 11. That section 13 of chapter 344 of the laws of 1874 be, and is hereby, amended to read as follows:

"SEC. 18. That the Secretary of the Treasury may, upon application therefor, remit or mitigate any penalty provided for in this act, or discontinue any prosecution to recover the same, upon such terms as he, in his discretion, shall think proper, and shall have anthority to ascertain the facts upon all such applications in such manner and under such remains as he

and disposed of in the manner prescribed by section 4305 of the Revised Statutes."

Sec. 12. That rule 14 and rule 15 (a), (b), and (c) of section 4233 of the Revised Statutes be, and are hereby, amended to read as follows:

"Rule 14. The exhibition of any light on board of a vessel of war of the United States may be suspended whenever, in the opinion of the Secretary of the Navy, the commander-in-chief of a squadron, or the commander of a vessel acting singly, the special character of the service may require it. The exhibition of any light on board of a revenue cutter of the United States may be suspended whenever, in the opinion of the commander of the vessel, the special character of the service may require it.

"Rule 15. (a) Steam vessels under way shall sound a steam whistle placed before the funnel, not less than 8 feet from the deck, at intervals of not more than one minute. Steam vessels, when towing, shall sound three blasts of quick succession repeated at intervals of not more than one minute. (b) Sail vessels under way shall sound a fog horn at intervals of not more than one minute.

Sec. 13. That section 4236 of the Revised Statutes be, and is hereby, amended by adding thereto:

SEC. 13. That section also of the new iset beautiful by adding thereto:

"Rule 25. A sail vessel which is being overtaken by another vessel during the night shall show from her stern to such last-mentioned vessel a torch or a flare-up light.

"Rule 25. Nothing in these rules shall exonerate any ship, or the owner, or a convention of from the consequences of any neglect to carry lights.

"Rule 25. A sail vessel which is being overtaken by another vessel during the night shall show from her stern to such last-mentioned vessel a torch or a flare-up light.

"Rule 25. Nothing in these rules shall exenerate any ship, or the owner, or master, or crew thereof, from the consequences of any neglect to carry lights or signals, or of any neglect to keep a proper lookout, or of the neglect of any precaution which may be required by the ordinary practice of seamen or by the special circumstances of the case."

Sec. 14. That the Secretary of the Treasury be, and he is hereby, authorized to direct the inspection of any foreign vessel admitted to American registry, its steam boilers, steam pipes, and appurtenances, and to direct the issue of the usual certificate of inspection, whether said boilers, steam pipes, and appurtenances are or are not constructed pursuant to the laws of the United States, or whether they are or are not constructed or iron stamped pursuant to said laws. The tests in the inspection of such boilers, steam pipes, and appurtenances shall be the same in all respects as to strength and safety as are required in the inspection of boilers constructed in the United States for marine purposes.

Sec. 15. That section 25% of the Revised Statutes be, and is hereby, amended by repealing the following words therein:

"The master of any vessel bound to any district in Connecticut, through or by the way of Sandy Hook, shall, before he passes the port of New York and immediately after his arrival, deposit with the collector for the district of New York a true manifest of the carge on board such vessel. The master of any vessel bound to the district of Burlington shall, before he passes the port of Philadelphia, and immediately after his arrival, deposit with the collector thereof a like manifest; and the collector shall, after registering the manifest, transmit the same, duly certified to have been so deposited, to the officer with your and the section 25%, and 500 of the Revised Statutes be, and is he

The PRESIDING OFFICER (Mr. Pasco in the chair). substitute which has been read has heretofore been adopted.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time.

Mr. SEWELL. I should like to ask a question for information.

On page 18, line 10, there is a provision that "steam vessels under way shall sound a steam whistle placed before the funnel"

Mr. FRYE. That is the same requirement for what are called inland waters as is now required by the international rules of navigation. That is why that is adopted.

Mr. SEWELL. "At intervals of not more than one minute."

Mr. SEWELL. "At intervals of Mr. FRYE. Yes, sir: in a fog.

Mr. SEWELL. It does not say in a fog. That is the trouble. The section does not say that it shall be done in a fog. Mr. FRYE. It does in the sections to which that relates.

Mr. SEWELL. It would not be required, except in a fog?
Mr. FRYE. Certainly not.
Mr. WHITE. I attract the attention of the Senator from Maine
to a criticism that has been made of the bill which we have reported from the Committee on Commerce, so that he may explain it. On page 12 there is a provision to this effect:

All vessels under 100 tons register shall have a space of not less than 72 cubic feet and not less than 12 superficial feet measured on the deck or floor of that place for each seaman or apprentice lodged therein.

That would be a room, say, 6 feet long and 6 feet in altitude and 2 feet wide, or, say, 4 feet in altitude, 4 feet in length, and 2 feet in width. The bill as it came from the other House provided for 100 feet. Am I not right? Mr. FRYE. Yes.

Mr. FRYE. Yes. Mr. WHITE. It is said by those who are more interested perhaps in the seamen than those who own the vessels that 72 feet are I have also been told, and I presume it to be a fact, that in England, Germany, and other countries but 72 feet are allowed. The seamen contend, however, that the arrangements of the vessels there are such that 72 feet are more valuable than 72 feet upon our ships as constructed in this country. I should like to hear from the Senator from Maine regarding this matter.

Mr. FRYE. I do not understand there is any maritime nation in the world which requires a larger space for the crew than that which is provided for in this bill, and I do not understand that there is any difference in the construction of ships which compels an American ship to have a larger space than a foreign ship. will be observed that the space required here for the seaman is larger than the space which we get in Pullman cars. It is larger than the space which we get in the cabin of any of our steamboats. It is open to the free air, to ventilation, and so on; and I think it is larger than the midshipman gets upon ships of war to-day. I found on inquiry that in all probability more than one-half of the vessels that are to-day on the ocean could not comply with the requirements contained in the bill as it came to us from the other House

Mr. WHITE. That is the important feature which I wish to et at. The Senator from Maine has investigated the subject, and get at. he finds that it would be impossible for our vessels to comply with

the House provision.

Mr. FRYE. Yes, sir; and still be freighters.

Mr. WHITE. Was there any evidence taken before the House committee on the matter of the 100-feet allowance which they made?

Mr. FRYE. I understand only from the sailor who represents

the San Francisco union.

Mr. WHITE. He has complained to me that it is not sufficient, and I have similar complaints from other sources. Personally I have no technical knowledge about it, and I am unable to say of my own knowledge whether the space is sufficient or insufficient.

The PRESIDING OFFICER. The question is, Shall the bill

The bill was passed.

Mr. FRYE. I move that the Senate request a conference with the House of Representatives upon the bill and amendment.

The motion was agreed to.

By unanimous consent, the Presiding Officer was authorized to appoint the conferees on the part of the Senate; and Mr. FRYE, Mr. Nelson, and Mr. White were appointed.

LAWS RELATING TO AMERICAN SEAMEN.

Mr. FRYE. I ask the Senate to take up the bill (H. R. 6399) to amend the laws relating to American seamen.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The PRESIDING OFFICER. The Chair understands that the Committee on Commerce reported an amendment in the nature

of a substitute, which has heretofore been agreed to.

Mr. FRYE. That is correct.

Mr. PERKINS. I notice by the history of the bill that the amendment has already been agreed to. Yesterday when the bill was made the special order for consideration to-day at 4 o'clock I had not need to bill. had not read the bill. There are a number of amendments which

I should like to offer, and I think they will commend themselves to the Senator from Maine, who is an authority upon maritime law and affairs, and who has given the subject matter a great deal of attention. I feel confident that they will appeal to his sense of justice and fairness, and that he will accept the amend-ments. Therefore, if it is agreeable to the committee, I should like to have them considered while the bill is as in Committee of the Whole. They relate, I will say to the Senator from Maine, particularly to the imprisonment clause.

Mr. FRYE. We are just entering upon the consideration of

the bill.

Mr. PERKINS. So I understand, but it has been read.
Mr. FRYE. No; it has not been read.
The PRESIDING OFFICER. The Chair will state that the amendment reported by the Committee on Commerce in the nature of a substitute for the House provision has heretofore been adopted. It will be needless to read the bill as it came from the other House. The substitute will be read.

The SECRETARY. Strike out all after the enacting clause and

That section 4516 of the Revised Statutes be, and is hereby, amended so as

That section 4516 of the Revised Statutes be, and is hereby, amended so as to read as follows:

"SEC. 4516. In case of desertion or casualty resulting in the loss of one or more seamen, the master must ship, if obtainable, a number equal to the number of those whose services he has been deprived of by desertion or casualty, who must be of the same grade or rating and equally expert with those whose place or position they refill, and report the same to the United States consul at the first port at which he shall arrive, without incurring the penalty prescribed by the two preceding sections."

SEC. 2. That section 4522 of the Revised Statutes be, and is hereby, amended so as to read as follows:

"SEC. 4522. At the foot of every such contract to ship upon such a vessel of the burden of 50 tons or upward there shall be a memorandum in writing of the day and the hour when such seaman who shipped and subscribed shall render himself on board to begin the voyage agreed upon. If any seaman shall neglect to render himself on board the vessel for which he has shipped at the time mentioned in such memorandum without giving twenty-four hours' notice of his inability to do so, and if the master of the vessel shall, on the day in which such neglect happened, make an entry in the log book of such vessel of the name of such seaman, and shall in like manner note the time that he so neglected to render himself after the time appointed, then every such seaman shall forfeit, for every hour which he shall so neglect to render himself, one-half of one day's pay, according to the rate of wages agreed upon, to be deducted out of his wages. If any such seaman shall wholly neglect to render himself on board of such vessel, or having rendered himself on board shall afterwards desert, he shall forfeit all of the wages or emoluments which he has then earned; and, also, in the discretion of the court, he shall be liable to imprisonment for not more than one month."

Mr. PERKINS. I desire to move an amendment.

Mr. PERKINS. I desire to move an amendment.
Mr. FRYE. The reading of the substitute has not yet been concluded.

Mr. PERKINS. I desire to offer an amendment to this section. Mr. FRYE. To which section? Mr. PERKINS. To the one which has just been read by the

The PRESIDING OFFICER. The Chair will state that the text of the amendment can not be amended except in the Senate. The Chair presumes, however, that amendments can be received by unanimous consent.

Mr. PERKINS. I suggest to my friend the Senator from Maine that unanimous consent be given to consider these amendments

at this time

Mr. WHITE. Let me make an inquiry, if my colleague will permit me. Has the bill been reported to the Senate?

Mr. PERKINS. No; it has not been.

The PRESIDING OFFICER. It has not been reported to the

Senate. It is now being considered by the Senate as in Committee of the Whole.

Mr. WHITE. I presume amendments can be offered when the

bill shall have been reported to the Senate.

The PRESIDING OFFICER. That is what the Chair saidthat amendments can be made when the bill is reported to the

Mr. FRYE. I do not think there is any objection to the Senator from California offering his amendments as the various sections are reached. I have no objection.

Mr. PERKINS. I ask the Secretary to read an amendment

which I now propose.

The PRESIDING OFFICER. It is asked that there be unanimous consent to amend the bill in its present shape as in Committee of the Whole. Is there objection? The Chair hears none, and by unanimous consent amendments will be received. ment offered by the Senator from California will be stated.

The Secretary. In section 2, line 23, page 26, after the word "earned," it is proposed to strike out the remainder of the section

in the following words:

And, also, in the discretion of the court, he shall be liable to imprisonment for not more than one month.

The PRESIDING OFFICER. The question is on agreeing to the amendment submitted by the Senator from California.

Mr. FRYE. I should very decidedly object to the amendment. Mr. PERKINS. I have had some experience in nautical affairs, as well as in civil business matters. There is no law of which I

am aware on the statutes of the United States or upon the statute books of any State of the Union by which a person can be imprisoned for the violation of a civil contract. Many years ago England and many European countries passed such a law, but to their credit England and Norway have repealed those laws, and England and Norway have to-day a larger tonnage plying the ocean in the foreign trade and following the flags of their respective countries than have all the other nations of the world.

The United States have not heretofore taken a back seat in the

treatment of their seamen and in recognizing the duty which they owe to their fellow-man of doing unto others as they would wish them to do unto them. It seems to me we can well afford in this case to punish the seaman by having him forfeit his wages and his effects, but I do not think we should go to the extent of imprisoning him because he has failed to perform a civil contract.

Mr. HILL. Will the Senator from California allow me for a

moment? Did any such law ever exist in this country? Did imprisonment ever exist in this country for such a cause?

Mr. FRYE. Yes; and it was made a positive duty of the court

to imprison the seaman.

Mr. HILL. It does not now exist; it has been repealed? Mr. WHITE. It was repealed, and it is not exactly son Mr. WHITE. It was repealed, and it is not exactly sought to reenact it. The imprisonment clause in modified form is put into this bill. We have no provision for imprisonment as the law now

exists. Am I not right?
Mr. FRYE. In the coastwise trade.
Mr. WHITE. In the coastwise trade.
Mr. HILL. How long ago was it repealed?

Mr. WHITE, Two years ago, I think.
Mr. FRYE. About two years ago.
Mr. HILL. I should like to hear some reason why we propose

to reenact it now.

Mr. FRYE. I can give the Senator from New York a reason, Mr. FRYE. I can give the Senator from New York a reason, and I will give it with an illustration. Three or four months ago a ship was lying loaded in the city of Bath waiting for a crew. Our crews are nearly all shipped in Boston. An agent was sent to Boston to get the crew. He obtained a crew, and paid for obtaining the crew. They were duly shipped by the shipping commissioner. He then paid their traveling expenses from Boston to Bath. They stayed overnight on board the ship, and then, without any average at all deserted and went back to Boston. without any excuse at all, deserted and went back to Boston, leaving the ship at a large demurrage for at least a week.

Now, the penalty which exists to-day is the forfeiture of the wages earned. They had not earned any wages. It is no penalty at all; it does not amount to anything, and our shipmasters say it is impossible for them to undertake to do business unless there is a greater penalty than simply that of forfeiture of the wages. This is in the coastwise trade, let me say to the Senator from New York. It always happens in these cases that the desertion is when the first shipment is made. It is not when they are off on a voyage, or anything of that kind, but when the first shipment is made, and the forfeiture of the wages is a mere nothing, a bagatelle, and you can not hold a crew a moment by it.

Now, the law which has existed heretofore compelled the court to imprison for a given length of time. This provision simply says in the discretion of the court the seamen may be imprisoned

for thirty days. Mr. HOAR.

Is there a law in existence now that compels the

court to imprison?

Mr. FRYE. It was repealed two years ago. This provision is simply put in the bill as a deterrent on the sailors, so that they will not treat their contracts with utter levity and leave without any decent excuse at all. Of course if there were nothing in the case which called for the court to inflict a further penalty, the court would not do it, it being left in the discretion of the court.

Mr. HILL. Will the Senator allow me to make a further inquiry? The Senator stated, of course, an extreme case, where the

seamen obtained their moneys in advance on a promise, which of course would not make it obtaining money under false pretenses; but is the imprisonment limited to those cases where they obtain

moneys virtually on false pretenses?

Mr. FRYE. No, sir; it is not limited.

Mr. HILL. But it goes further, does it not, and inflicts imprisonment to follow the simple violation of the penalty?

Mr. FRYE. Wherever the sailors have made a contract to ship

at a given time on a certain ship and desert, then, in the discretion of the court, they may be imprisoned for thirty days.

Mr. PERKINS. The illustration given by my friend from Maine is quite familiar to me, but I do not see that it differs materially from one I will cite that occurred a short time ago in my own State. A mining company, engaged in mining, having a property worth more than twice the value of an ordinary coast. a property worth more than twice the value of an ordinary coasting vessel, met with an accident, and they sent to San Francisco for a large number of miners. They were paid their expenses of passage, board, brokerage, etc., and taken to the mine to operate it. When they reached there, the mine they believed to be unsafe, or for other reasons which were satisfactory to them, they declined

to commence work in the mine, and those who had advanced the

But what would my friend from Maine say if we had a law upon our statute books in California imprisoning those men in the discretion of the court, a country justice of the peace, and in some of our Western States the justices of the peace have not been students of Blackstone all of their lives? What would he say if the law had imposed the penalty for their violation of this civil con-

aw had imposed the penalty for their violation of this civil contract of sending them to prison?

I think the same rule should apply to our coasting vessels. We have some bright, able, sober, conscientious men who are following the coasting trade upon the Atlantic, the Pacific, and the Gulf coasts. They are conscientious and honest. There are others, as is the case in all other trades, who are not so reliable. I believe that we can force them to their contract without having this penal clause attached to our laws. Our whole nature revolts at the idea

that we can force them to their contract without having this penal clause attached to our laws. Our whole nature revolts at the idea that when a man has committed no wrong, not even petty larceny, a justice of the peace may, in his discretion, send him to prison for thirty days. I hope the amendment I have offered will prevail.

Mr. WHITE. I wish to say a word with relation to this matter. The section to be amended is 4522 of the Revised Statutes of the United States. That section I will read as it existed two years ago, and, as far as I can see, as it stands to-day. If Senators will follow the reading and take the proposed amendment of the law, they can observe the difference between the measure now before they can observe the difference between the measure now before the Senate and the old statute. I will read the old statute. Sec-tion 4522 of the Revised Statutes is as follows:

tion 4522 of the Revised Statutes is as follows:

At the foot of every such contract to ship upon such a vessel of the burden of 50 tons or upward there shall be a memorandum in writing of the day and the hour on which the seamen who ship and subscribe shall render themselves on board to begin the voyage agreed upon. If any such seaman shall neglect to render himself on board the vessel for which he has shipped at the time mentioned in such memorandum, and if the master of the vessel shall, on the day on which such neglect happened, make an entry in the log book of such vessel of the name of such seaman, and shall in like manner note the time that he so neglected to render himself, after the time appointed, every such seaman shall forfeit for every hour which he shall so neglect to render himself one day's pay, according to the rate of wages agreed upon, to be deducted out of his wages. If any such seaman shall wholly neglect to render himself on board of such vessel, or having rendered himself on board shall afterwards desert and escape, so that the vessel proceed to sea without him, he shall be liable to pay to the master, gwner, or consignee of the vessel a sum equal to that paid to him by advance at the time of signing the contract, over and besides the sum so advanced, both which sums shall be recoverable in any court, or before any justice of any State, city, town, or county within the United States, which, by the laws thereof, have cognizance of debts of equal value, against such seaman or mariner, or his surety or sureties, in case he shall have given surety to proceed the voyage.

That is the whole of the section. Hence the former penal clause

That is the whole of the section. Hence the former penal clause to which the Senator from Maine referred, and which, my recollection is, was incorporated in the old statute, must be in some other section of the Revised Statutes, for there is no clause in section 4522 of the Revised Statutes providing for any imprisonment whatever. I mention that as perhaps from a remark I made a few moments ago the Senate might be led into error as to the former law.

At the time this matter was under consideration, not this par-ticular amendment, but at the time we considered a similar bill, perhaps worded as this amendment is worded, I stated in the committee that I felt an aversion to providing for the infliction of a penalty by imprisonment in any civil action. Formerly, as we all know, debts were collected to a large extent in that way, and gradually, as we have progressed somewhat, we have abolished that method of enforcing obligations. When it seemed to be conceded that England, Germany, France, Norway, and Sweden were able to get along without such a penal provision, it struck me. and I am still of the impression, that this Government can not afford to enact more drastic regulations for seamen than those nations

I have an aversion, as I have already stated, to enforcing provisions of this kind. It is true that there is a discretion lodged in the judge.

themselves have found essential.

And, also, in the discretion of the court, he shall be liable to imprisonment for not more than one month.

But if we are to enforce this law at all the man must be arrested

But if we are to enforce this law at all the man must be arrested practically to bring him within the jurisdiction of the court. He will be arrested, and when brought before the court it will be within the power of the man who sits upon the bench to send him to jail. It is against the conference of that power, not the fear of its extremely wrongful exercise, that I feel like protesting.

It is true that the judge may be lenient and that he may never punish anyone except in an extreme case. Loss often comes to men who have invested their capital by reason of the malconduct of men who are employed to act as sailors. Yet that is but an example of the many instances which we find every day in every walk of life. We may violate our civil contracts, and if unfortunately we have no pecuniary resources, it may be that the person mately we have no pecuniary resources, it may be that the person whom we have wronged can never compensate himself.

But I am opposed to making a discrimination against this class of men. I am opposed to enacting a law which will give to the gentlemen who are engaged in the transaction of commerce on the seas, the shipowners, ability to incarcerate their fellow-man, when we and the civilized world generally have abandoned imprisonment in civil cases, at least in the absence of fraud; and in some

States we do not imprison them at all.

Mr. HOAR. I should like to ask the Senator to explain, if he pleases, his statement that this is an imprisonment in a civil

Mr. WHITE. It is not. The expression "in a civil case" was, of course, inaccurate. When I said "case" I did not refer to an action in court, but a matter which was purely one of dollars and cents between the individuals and not involving anything which

cents between the individuals and not involving anything which in the ordinary sense could be called criminal.

Mr. HOAR. The Senator, I suppose, or the Senator reporting the bill, understands that this must be by a complaint according to due process of criminal law, as the Constitution requires; and all the rights preserved in criminal cases are preserved.

Mr. WHITE. I understand that, but I object to making that a crime. This, of course, is not a case of something that is bad in itself, I mean in a penal sense. It is merely violating an agreement to do some work. It is not a default which in the ordinary sense would be termed criminal, or against which, I conceive, Congress ought to denounce any penalty.

Of course, I understand that a complaint would have to be filed, but what would that complaint recite? It would merely recite

but what would that complaint recite? It would merely recite the entering into a contract for the performance of certain work, the entering into a contract for the performance of certain work, and upon the plea of guilty being entered, the evidence showing that the contract was made and that the sailor in violation of the contract, under the terms of the section, deserted, then he would be guilty of the crime, and it would be discretionary with the judge to punish him by imprisonment.

Mr. HILL. I suggest to the Senator from California, if he will permit me, whether, if there is to be any imprisonment at all tolerated, which may be questionable, it should not be limited to those cases where the sailor has obtained moneys in advance, substantially under false pretenses.

stantially under false pretenses.

Mr. WHITE. I think so, but—
Mr. HILL. Not technically false pretenses, but in substance.
Mr. PERKINS. If my colleague will permit me, I will state that this very same bill makes it illegal to advance a sailor any money. I should like to ask if that is not making a felony out of a civil contract?

Mr. HILL. That is a different question.
Mr. PERKINS. Or a crime.
Mr. WHITE. Is the Senator from New York through?
Mr. HILL. I merely made the suggestion for your consider-

In view of the statement made by the Senator from New York, I will merely remark that if the sailor obtained money in the way of an advance, at the same time having made up his mind that he would not perform the obligation which he entered upon and comply with the agreement, and upon the faith of his promise to do the work the money was given to him, it would have all the elements of that turpitude which is involved in the crime called obtaining money under false pretenses, and would be indictable in some States even as larceny. I do not know but that the law now would reach such a case; certainly it ought to do so, I think. But the criticism upon the section is that the mere violation of the contract to do the work is made an offense punish-

Mr. ALLEN. I should like to call the Senator's attention to another fact, which I regard as important.

The PRESIDING OFFICER. Does the Senator from California

yield to the Senator from Nebraska?

Mr. WHITE. Certainly.

Mr. ALLEN. I know but little about navigation or sailors; but suppose a sailor who had signed a contract such as is provided for in this section should be suddenly taken ill, or some member of his family was taken ill, or there was some other excuse that all reasonable men would recognize as being a reasonable excuse for not rendering himself on board the vessel. Should not some pro-

vision be made for cases of that kind?

Mr. FRYE. The bill provides for a twenty-four hours' notice.

Mr. ALLEN. I know, but suppose he is taken sick within that

Mr. FRYE. No court would imprison him, of course, if he were

Mr. WHITE. If the Senator from Nebraska will permit me, the section is perhaps not amenable to that criticism, because it uses the word "neglect," and I take it if a person be detained by reason of illness or by any paramount cause which it would be im-

reason of illness or by any paramount cause which it would be impossible for him to overcome, he could not be considered even technically guilty of contempt. I should think not.

Mr. ALLEN. But I construe the word "neglect" to be synonymous with "fail." "That he shall fail to render himself on board the vessel." It does provide for twenty-four hours notice, but suppose he is taken sick, or that some member of his family is taken with the shall bear and the state of the is taken sick, five or ten hours before he shall render himself on

board the vessel, under such circumstances that he could not do

so or ought not to desert his family.

Mr. WHITE. Of course there should be no ambiguity in this regard, if the Senator will permit me; but I hardly think that he could find any authority to the effect that "neglect" and "fail" are synonymous. Of course the neglect to come would involve the proposition that there had been a failure, but a failure to come would not mean that there had been any neglect, because in the case to which I refer I do not think that negligence could be predicated upon an absence over which the individual had no control.

Still that could be reached by an amendment.

Mr. ALLEN. I do not know what American court is to pass upon this statute or what construction it will give to it, but I

think the Senator can call to his mind many instances in which the words "neglect" and "fail" were evidently used by courts as

mr. WHITE. Very likely; but it is hardly accurate.

Mr. ALLEN. The purpose of the bill, of course, is to require the seaman to appear in fulfillment of his contract. He contract be absolutely and without condition to appear. Now, should it be merely left to the construction of a country justice, as my friend the junior Senator from California suggests, to determine whether he has neglected or not? Of course, a country justice is not supposed to know

Mr. WHITE. Mr. ALLEN. Will the Senator from Nebraska allow me? Will the Senator excuse me until I finish the

sentence?

Mr. WHITE. Certainly; excuse me.

Mr. ALLEN. A country justice who lives out in the country, where there are but very few people, and where social and intellectual privileges are very limited, is not supposed to know much law. He is not supposed to have the enlarged opportunities and the intellectual field in which to roam at will that a justice or magistrate residing in a larger municipality has. Is this question to be left simply to his discretion, to his uneducated mind, to his untutored mind, I might say? We might put in some provision in the construction of which not even an ordinary country justice can

Mr. WHITE. I intended to inquire of the Senator from Nebraska when I last interrupted him as to whether an amend-ment interpolating the word "willfully" would not cover the

Mr. ALLEN. That would probably cover the whole question, so that the element of inability of the seaman to appear upon the Mr. WHITE. I have no doubt the Senator from Maine who has charge of the bill would accept an amendment to that effect.
Mr. FRYE. I have no objection to accepting it.
Mr. ALLEN. So it may become an issue in the trial?
Mr. FRYE. Yes.
Mr. ALLEN. Very well. Then

Mr. ALLEN. Very well. Then I move to insert the word willfully" before the word "neglect" wherever it occurs in the section

Does that cover it? Under the circumstances it strikes me that is not sufficient. Ordinarily, of course, the word "willfully" would help out a statute, but where the simple question is as to whether a man violates his contract and fails to serve or not, of course he does it willfully; he does it intentionally; he does it knowingly.

does it knowingly.

Mr. ALLEN. If the Senator from New York will excuse me—
Mr. HILL. Therefore I do not think it helps him out.
Mr. HOAR. I suggest to the Senator from New York the words
"without reasonable cause." The whole matter is in the discretion of the court. The court would deal with that question.
Mr. HILL. That is a different thing. That might do.
Mr. ALLEN. I do not want the Senator from New York or
the Senator from Massachusetts to understand that I acquiesce, so
far as I am concerned in the penal portion of this section. I far as I am concerned, in the penal portion of this section. I shall at the proper time (and if this is the proper time, I do so now) move to strike out the lines which impose upon a seaman the penalty of imprisonment for failure to observe his contract.

Mr. WHITE. If the Senator from Nebraska will permit me,

there is an amendment to that effect now before the Senate.

Mr. ALLEN. That is an amendment to strike out?
Mr. WHITE. Yes, sir.
Mr. ALLEN. I will vote for that amendment.
Mr. HILL. I wish to make a suggestion to the Senator from Mr. HILL. I wish to make a suggestion to the Senator from Massachusetts, who made the further suggestion of the words "without reasonable cause." At first I thought that possibly it would answer the purpose. But will it? Is reasonable cause the illness of his family? He still can complete his contract; he still can go. Is it not leaving it open? If he wants to get married, is that a reasonable cause for him to violate his contract?

Mr. ALLEN. The Senator from New York ought to know,

Mr. President.

Mr. HILL. That is the reason why I am asking the question—I might want to volunteer and enlist myself. What is a reasonable cause; some reasonable, sufficient excuse for violating the contract? He might become intoxicated, be arrested, and put in contract. He might become marketed, be arrested, and put in jail, and could not go. That might be held, perhaps, in Massachusetts a reasonable cause. He might be detained for some reason. Sickness would be a reasonable cause, but there is a large number of instances, like sickness in the family—something of that kind—which could not be strictly held to be a reasonable That is the question I suggested.

Mr. HOAR. I do not want to interfere with the pending bill, which my honorable friend from Maine is much better able to take care of than I am, and I merely made the suggestion thinking it might save debate. I suppose when you say that if a sailor neglects to return on board a ship at a given time he may be imprisoned, in the discretion of the court, not exceeding a month, if we have a decent magistracy, as we always have had and always I think shall have in this country, the man is pretty safe against being punished for one of those excuses which the common sense and common feeling of all mankind considers sufficient. So if it had said, "If the man shall neglect, he may be punished in so it it had said, "It the mai shall neglect, he may be published in the discretion of the court," and it turned out that his mother or his wife or his child were lying dead in his house or were sick with a dangerous illness, no judge would punish him for that neglect. Of course it would be willful neglect. The word "willful" would not help it, because it would be willful neglect if neglect at all. But if in addition to that you put in the words neglect at all. But if in addition to that you put in the words "without sufficient excuse," then the judge is compelled to pass on the question whether the thousand cases that may be supposed are a sufficient excuse, in addition to his having this discretion on the whole thing. Any judge whom I suppose fit to be a judge would say that any of the cases which have been suggested on the floor of the Senate would afford an ample excuse for not complying with a civil contract, and would act accordingly. If a judge can not be trusted in that case he can not be trusted in any case in which the life or property or liberty of a citizen is imperiled.

I remember an incident that I am sometimes reminded of when we are making such legal provisions to govern a case. A very brilliant and witty friend of mine, who was clerk of the Massachusetts house of representatives for a great many years, saw in a paper a statement that he was going to publish a treatise on par-liamentary law. He wrote a letter to the paper, in which he denied the statement; but he said if he did undertake such a work he would sum it up in a single sentence, "Never have an ass in the chair." I think that doctrine may be applied to these provisions regulating courts. If you have a donkey in the judicial seat nobody is safe, whatever law you pass, and if you have a sensible man in the judicial seat you are safe certainly with a law like

The PRESIDING OFFICER. The question is on agreeing to the amendment proposed by the Senator from California [Mr.

Mr. FRYE. I desire to say a word before the amendment is

acted upon.

Mr. ALLEN. Will the Senator from Maine allow me to put

my amendment in a little different shape?

The PRESIDING OFFICER. The Senator from Nebraska proposes to change the language of the clause which the Senator from California has moved to strike out.

from California has moved to strike out.

Mr. ALLEN. I want to change section 2, in line 9, on page 25, section 4522, by striking out the word "neglect" and inserting the words "without reasonable cause fail;" in line 13, by striking out the word "neglect" and inserting the word "failure;" in line 17 by striking out the word "neglect" and inserting the word "fail;" in line 20, on page 26, by striking out the word "neglect" and inserting the words "fail without reasonable cause."

Mr. FRYE. I have no objection to any of these amondments.

Mr. FRYE, I have no objection to any of those amendments.

The PRESIDING OFFICER. The Chair understands that a
part of the amendment now proposed relates to the text which the
amendment offered by the Senator from California proposes to
strike out. By unanimous consent all of the amendments sug-

gested by the Senator from Nebraska can be considered as adopted,
Mr. WHITE. Is not the Chair in error as to that? The words
which the Senator from California [Mr. Perkins] moved to strike
out I do not think were involved in the amendment of the Sena-

tor from Nebraska.

Not at all.

Mr. PERKINS. Not at all. If the Secretary will refer to the amendment, he will see that I have simply proposed to strike out

the imprisonment clause.

The PRESIDING OFFICER. If the amendments do not relate to that text, as the Chair supposed, then they will be postponed until after the amendment offered by the Senator from California shall have been disposed of; and the amendment offered by the Senator from California will now be stated.

The Secretary. In section 2 of the amendment reported by

the committee, in line 23, on page 26, after the word "earned," it is proposed to strike out "and also, in the discretion of the court, he shall be liable to imprisonment for not more than one month."

The PRESIDING OFFICER. The Chair will entertain the amendments of the Senator from Nebraska when the amendment

of the Senator from California shall have been disposed of.

Mr. FRYE. I understood they were all adopted by agreement.

I desire to call the attention of the Senate to this matter. It is said that foreign countries have nothing of this kind. Great Britain has a law to-day that if a sailor signs the papers of a ship and then declines to serve on that ship the master may call on any policeman who is in view or who can be found to take the sailor and carry him on board the ship, put him in irons, and keep him there until the ship sails.

What are ships going to do without some such provision as this bill makes? You can not run a ship as you can a coach; you can not run a ship as you can a railroad. Here is a ship loaded for sea, the crew engaged, the papers signed. She is subject to a demurrage of hundreds of dollars a day for every day she is detained. A sailor having been brought and put on board of that ship, the next morning, without the slightest cause, leaves, and thus the ship is left without the requisite crew, and she is obliged to pay demurrage for every day she is detained. A storm may arise, and she may be delayed by head winds for a week, a fortnight, or three weeks. There is nothing of the kind about a coach; there is nothing of the kind about a railroad. I wish to say right here that I have had something to do with these sailors. There is a sailors' union in California which has had its attorney here for the last six years, and he is here now—a sailor. There is a sailors' union in Philadelphia; there is a sailors' union in New York. If Senators suppose that the sailors are not being taken care of, they are entirely mistaken. There is not a port where there is not a sailors' lawyer. The sailor has every advantage of the ship and every advantage of the shipmaster in any port into which a vessel may go. The ships are entitled to some consideration.

When the bill was pending two Congresses ago in the first place, I had conferences with these sailors and the sailors' unions. lasted over three or four days; Governor DINGLEY was with me; and we finally drew up that which seemed to satisfy the sailor from

and we many drew up that which seemed to satisfy the sallor from California, and it was enacted into law. But there is no satisfying them without giving them the earth; you can not do it.

Mr. PERKINS. They do not want to be imprisoned.

Mr. FRYE. It is utterly impossible to satisfy them without giving them the earth. They still cry "Give!" after we have made them all these concessions. Taking this entire Congress, this bill has been under consideration for six months, and the sailors have had been increased and over again in our committee, and the ship. had hearings over and over again in our committee, and the shipowners have had their hearings. Finally shipowners and sailors undertook to get together and see if there could not be some agreement by which the condition of the sailor might be ameliorated. There is not a line in that bill, except this particular one, that is not for the amelioration of the condition of the sailor—not one. Wherever there was imprisonment before, and it was compulsory on the court to imprison, it has been made in the discretion of the court, and wherever the imprisonment was for four months before it is two months now, and where it was six months before it is three months now in that bill. In that bill there is provided a menu for these sailors almost equal to that which any hotel in the city of Washington furnishes. In every single item in that bill, except this single one, there is what the sailors have demanded, what they have prayed for, and what has been granted by the shipowners and by our committee, except as to the single matter of what they call "crimping."

Now, what is crimping? That will come up. The Senator, undoubtedly following his constituent from the sailors' union in

California, will offer an amendment to that clause; I have no doubt about that; and then to the clause allowing \$10 advance of wages. What is this matter of "crimping?" I might just as well spend time now on this subject as on another occasion. We have been trying for twenty years, and I have been trying my very best as chairman of the Committee on Commerce here and over in the House of Representatives, to do something for sailors, who very seldom do anything for themselves; few of them do, at who very sedom do anything for themserves, few of them do, avery any rate. We have placed them under guardianship, and in every conceivable way tried to protect them against whom? To protect them against boarding-house keepers. Every attempt that we have made in that direction has been a dead failure. We have had humanitarians, we have had Bethel ministers from New York and Bestern before our committee we have adopted their York and Boston before our committee, we have adopted their recommendations and enacted them into law for the benefit of sailors to save them from the boarding-house keepers, and we not saved a sailor from the boarding-house keeper. boarding-house keeper has just the same power and control of every sailor to-day that he had before we passed the law.

What is "crimping?" It is a bad name. It means simply that any captain of a ship needing sailors may employ an agent to go

and hire them. That is "crimping." This bill provides that no man shall be permitted to go and hire a sailor until the Secretary of the Treasury has investigated his character and given him a certificate. Will the Secretary of the Treasury give a certificate to the boarding-house keeper into whose clutches the sailor falls? Not at all. That is for the benefit of the sailor; and yet the sailor demands, and the Senator from California will demand, that the "crimping" provided for in this bill shall be stricken out; yet you can not get sailors on the eastern coast without. It is utterly impossible. When one of these great liners comes in, where are the shipping masters to be found? In England they have them every few rods, with their shipping offices wide open, ready to receive the sailor, with notices posted all along the great corridors that a certain ship will sail on a certain day on a certain voyage, and any sailor who desires to join that ship may step into the shipping office and ship. You have nothing of that kind here, and you can not have on account of the distance from each other of the great ports of this country. Between us and them there is nothing like the same conditions.

Take a liner, and let her come to the city of New York with 400 hands on board. Perhaps she needs a hundred more hands, and is to sail within three days. How is she going to get them? The shipping master has no time to secure them, and up to the present time he has had not even an office. He has been a curb stone broker, and nothing more. This bill provides that they shall have offices furnished to them. The only way under the sun for the captain of that liner to get a crew is to hire a man to go out and hire a crew. If he can not employ any man except a man who has been recommended by the Secretary of the Treasury, as matter of course the sailor is protected so far as he can be against the boarding-house keepers, because they will not be appointed to

do this business—not at all.

There is a portion of the sailors of the United States just as intelligent, just as good, as industrious, as saving, as careful, as any laboring men in the United States or any other men. Those sailors do not require protection from boarding-house keepers; they do not go into boarding houses; they do not get drunk the moment they get on shore, and stay drunk until their money is entirely gone and the boarding-house keeper has got it, and they are ready to ship again. The man who needs the protection is the man who can not protect himself; and I have come to the deliberate conclusion, forced upon me by experience in this matter, that it is an utter impossibility to assume guardianship by the Government over a bodily and mentally sound man. You can not do it. If the sailor will not protect himself you can not protect him by law, and it is no use to try it. If he will get drunk when he goes on shore, he will go to the boarding house, the boarding-house keeper will keep him drunk until his money is all exhausted, and then, if you have no authorized agent to hire that caller and not him on board ship he is in the heard of the board. sailor and put him on board ship, he is in the hands of the board-ing-house keeper, and the boarding-house keeper will ship him, take every dollar out of him, and even the clothes he has on his back, and then he goes on board the ship and gets clothes. It is no use for Congress to undertake to deal with that matter senti-It has to face the existing condition of things

As to the coastwise trade, in order to take care of the sailors, we repealed the law which permitted their imprisonment. What was the result? Every once in a while a ship is held up and compelled to pay heavy demurrage because the crew which she shipped, and which agreed to go on her, refused to go after the ship's papers were signed. There was no punishment and no penalty, except the forfeiture of wages, and there were no wages to be forfeited. What does the forfeiture of wages amount to in the case of a ship that carries 20 sailors and has 4,000 tons of freight on board, bound for Liverpool? It is a bagatelle, utterly useless, of no account. for Liverpool?

In this bill we put that single provision for the benefit of the ships and the men who run the ships and for the benefit of commerce; and the Senator from California can not point to another item in that bill which is for the benefit of the ship and is not for

the benefit of the sailor.

Mr. President, I hoped to have completed this bill to-night, but, judging from present conditions, I do not believe that it can be

completed.

Mr. CALL. I should like to suggest to the Senator from Maine that it seems to me that the point to guard against in the matter of the protection of the sailor would be to see that he does not sign papers of the ship unless he is in a proper condition and under

proper supervision.

Mr. FRYE. The Senator from Florida must understand that the ship captain and the owners of the ship never know whether the sailor is in a proper condition when he signs the papers or not. They must be signed before the shipping commissioner, who is an officer of the United States, under oath to do his duty, and un-

doubtedly does his duty. There is where the papers are signed.

Mr. CALL. Then I understand that no other signature is binding except that made before an officer of the Government?

Mr. FRYE. No, sir. The man called the "crimp" simply

makes a trade with the sailor to join such a ship. Undoubtedly he gets a dollar or two dollars from the captain of the ship for

doing the work.

Mr. CALL. But the agreement is not binding unless made under the supervision of the Government officer?

Mr. FRYE. No; it is not. Mr. CALL. Is that officer required to see that the sailor is in a

Mr. CALL. There ought to be some provision of that kind.
Mr. WHITE. If the Senator from Maine will permit me, he Mr. WHITE. If the Senator from Maine will permit me, he stated the law of England with reference to shipping masters and the power of a shipmaster. I should like to ask the Senator whether he has investigated the laws of Norway, Sweden, Denmark, and also of Germany, in that regard, and what they are? I have heard statements that there was no penal provision whatever in those countries. I am not personally aware of the condition of the statutes of those nations.

Mr. FRYE. There is no penal provision in England. The law there simply provides that the captain of a ship may call on a police officer to take the sailor and put him in irons on board the ship, and there is no sailor in Christendom who would not rather have the discretion of the court as to thirty days' imprisonment

than to be carried in irons and to be placed on board ship.

Mr. CHANDLER. I will ask the Senator if there is any doubt as to the duty of the shipping commissioner to refuse to allow a contract to be made with a man who is not in a condition to make it?

Mr. FRYE. Of course it is the duty of every intelligent officer

to see that a man knows what he is about.

Mr. CHANDLER. The Senator seemed to be replying differ-Mr. CHANDLER. The Senator seemed to be replying differently to the Senator from Florida when he said the owner of the ship could not know what took place before the shipping commissioners. I do not know whether or not there are specific provisions of law which require the shipping commissioner to see, before he certifies a sailor's contract, that the sailor is not drunk or unfit to make a contract, but I do know, as a matter of common sense, that it is his duty, and that the shipping commissioner is provided for the very purpose of requiring that the contract shall be deliberately entered into by the seaman.

Mr. HILL. Will the Senator from Maine or the Senator from California, whoever is entitled to the floor, yield for a brief execu-

Mr. HILL. Will the Senator from Maine or the Senator from California, whoever is entitled to the floor, yield for a brief executive session? It is evident that we can not conclude the bill to-night, and I will therefore move an executive session.

Mr. FRYE. One moment, if the Senator please.

The PRESIDING OFFICER. Does the Senator from New York yield to the Senator from Maine?

Mr. HILL. Certainly. Mr. FRYE. I do not think the Senator from California [Mr. Mr. FRYE. I do not think the Senator from California [Air. Perkins] had any purpose except a good one in offering his amendment, but I think that some of the discussion which has taken place has helped delay this bill so that another very important one can not come under consideration this afternoon. If it is true that any Senator has had that purpose, I hope the next time, if I shall ask unanimous consent, that no objection will be interposed to considering those bills. They are very important bills.

Mr. HILL. How many of them have we passed now?

Mr. FRYE. We have passed one, but there are four House bills

Mr. FRYE. We have passed one, but there are four House bills that ought to be in conference, and all four of them are very im-

Mr. HILL. So far as I am concerned, I have no objection to the Senator making a request to have the bills made special orders. Mr. HOAR. I think there is no objection to going on and passing the pending bill to-night.

Mr. FRYE. I should be compelled, if the vote was declared to be in favor of striking out that clause, to call for the yeas and nays, which would develop no quorum, and that would be the

end of the bill.

Mr. WHITE. The yeas and nays will be called for in any event.
Mr. PERKINS. The Senator from Maine only does me justice
when he says that he thinks I had no ulterior motive in offering the amendment. I am surprised myself at the tempest which has raged in a teapot on account of my moving to strike out— Mr. HILL. I object to the Senator calling the Senate "a tea-

Mr. HILL.

Mr. HILL. I object to the Senator calling the Senate "a teapot." [Laughter.]

Mr. FRYE. I was going to object to the same thing. I do notwant to be called that. [Laughter.]

Mr. PERKINS. I simply proposed to strike out a provision imprisoning a man for the violation of a civil agreement.

Mr. HILL. How did the Senator from California get the floor away from me?

away from me?

Mr. PERKINS. I will yield, but I want to say a word, if the Senator from New York will allow.

Mr. HILL. Yes.
Mr. PERKINS. I am going to offer half a dozen more amendments to the bill. If I had any doubts before, I know I am right in my position now.

Mr. CHANDLER. If the Senator from New York will allow me, I suggest that the Senator from Maine ask that the pending bill shall be made the unfinished business after the present un-

finished business is out of the way.

Mr. FRYE. No; because if I can have my way, the Pacific funding bill will be the next unfinished business. I think it has

funding bill will be the next unfinished business. I think it has waited long enough for a hearing.

Mr. HILL. Then these sailors will have to wait for some time.

Mr. CHANDLER. I will ask the Senator how he hopes to get another day in court for this bill?

Mr. FRYE. If the bill is to be amended as the Senator from California proposes, the Senator from Maine has no desire to have it considered any further—not the slightest.

Mr. CHANDLER. That can not be decided until there is a full Senate. How does the Senator from Maine propose to again bring this bill before the Senate if we await his pleasure on that subject?

Mr. FRYE. The Senator from Maine is not prepared just now to say.

Mr. BATE. The Senator from Maine promised us the other evening when he secured an agreement for the consideration of bills from the Committee on Commerce that there would not be any debate about them; and here we have had debate on one of the bills which has occupied all the evening.

EXECUTIVE SESSION.

Mr. HILL. I renew my motion for an executive session.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After seven minutes spent in executive session the doors were reopened, and (at 5 o'clock and 31 minutes p. m.) the Senate adjourned until Monday, January 11, 1897, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate January 7, 1897.

POSTMASTERS.

Oliver Z. Glenn, to be postmaster at Lebanon, in the county of Smith and State of Kansas, the appointment of a postmaster for the said office having, by law, become vested in the President on and after January 1, 1897.

Nellie Lehane, to be postmaster at Fort Riley, in the county of Geary and State of Kansas, the appointment of a postmaster for the said office having, by law, become vested in the President on and after January 1, 1897.

Alfred B. Gowdy, to be postmaster at Campbellsville, in the county of Taylor and State of Kentucky, the appointment of a postmaster for the said office having, by law, become vested in the President on and after January 1, 1897.

Miss Sebelle Knox, to be postmaster at Clinton, in the parish of East Feliciana and State of Louisiana, the appointment of a postmaster for the said office having, by law, become vested in the President on and after January 1, 1897.

William B. Taylor, to be postmaster at Mansfield, in the parish of De Soto and State of Louisiana, the appointment of a postmaster for the said office having, by law, become vested in the President on and after January 1, 1897.

Emma L. Lombard, to be postmaster at South Ashburnham, in the county of Worcester and State of Massachusetts, the appointment of a postmaster for the said office having, by law, become vested in the President on and after January 1, 1897.

Gilmore Campbell, to be postmaster at Schoolcraft, in the county of Kalamazoo and State of Minnesota, the appointment of a postmaster for the said office having, by law, become vested in the President on and after January 1, 1897.

Nicholaus Koenigs, to be postmaster at Melrose, in the county of Stearns and State of Minnesota, the appointment of a postmaster for the said office having, by law, become vested in the President on and after January 1, 1897.

Nicholaus Koenigs, to be postmaster at Melrose, in the county of St. Louis and State of Minnesota, the appointment of a postmaster for the said office having, by law, become vested in the President o

the President on and after January 1, 1897.

Hugh M. Quinn, to be postmaster at Mapleton, in the county of Blue Earth and State of Minnesota, the appointment of a postmaster for the said office having, by law, become vested in the President on and after January 1, 1897.

James Reid, to be postmaster at South St. Paul, in the county of Dakota and State of Minnesota, the appointment of a postmaster

James Reid, to be postmaster at South St. Paul, in the county of Dakota and State of Minnesota, the appointment of a postmaster for the said office having, by law, become vested in the President on and after January 1, 1897.

Martin Shea, to be postmaster at Perham, in the county of Ottertail and State of Minnesota, the appointment of a postmaster for the said office having, by law, become vested in the President on and after January 1, 1897.

Charles Ray, to be postmaster at Cassville, in the county of Barry and State of Missouri, the appointment of a postmaster for Barry and State of Missouri, the appointment of a postmaster for law of George Mason, to be postmaster at Walsenburg, in the county of Huerfano and State of Colorado, in the place of George Mason, whose commission expired January 4, 1897.

William Gallagher, to be postmaster at Sandersville, in the county of Washington and State of Georgia, in the place of William Gallagher, whose commission expires January 17, 1897.

William G. Messler, to be postmaster at Chatsworth, in the county of Livingston and State of Illinois, in the place of Frank H. Bangs, whose commission expires January 14, 1897.

the said office having, by law, become vested in the President on and after January 1, 1897.

Clara L. Lawyer, to be postmaster at Belt, in the county of Cascade and State of Montana, the appointment of a postmaster for the said office having, by law, become vested in the President on and after January 1, 1897.

Benjamin L. Williams, to be postmaster at West Orange, in the county of Essex and State of New Jersey, the appointment of a postmaster for the said office having, by law, become vested in the President on and after January 1, 1897.

Mary A. S. Kavanagh, to be postmaster at Lawrence, in the county of Queens and State of New York, the appointment of a postmaster for the said office having, by law, become vested in the President on and after January 1, 1897.

Mary Green, to be postmaster at Warrenton, in the county of

Mary Green, to be postmaster at Warrenton, in the county of Warren and State of North Carolina, the appointment of a postmaster for the said office having, by law, become vested in the President on and after January 1, 1897.

Duncan D. McIntyre, to be postmaster at Laurinburg, in the county of Richmond and State of North Carolina, the appoint-

Duncan D. McIntyre, to be postmaster at Laurinburg, in the county of Richmond and State of North Carolina, the appointment of a postmaster for the said office having, by law, become vested in the President on and after January 1, 1897.

John S. Conyers, to be postmaster at Cando, in the county of Towner and State of North Dakota, the appointment of a postmaster for the said office having, by law, become vested in the President on and after January 1, 1897.

William Palmer, to be postmaster at Wyoming, in the county of Hamilton and State of Ohio, the appointment of a postmaster for the said office having, by law, become vested in the President on and after January 1, 1897.

Edward A. Petty, to be postmaster at Glouster, in the county of Athens and State of Ohio, the appointment of a postmaster for the said office having, by law, become vested in the President on and after January 1, 1897.

David Stephens, to be postmaster at Bradner, in the county of Wood and State of Ohio, the appointment of a postmaster for the said office having, by law, become vested in the President on and after January 1, 1897.

Andrew J. Bard, to be postmaster at Slippery Rock, in the county of Butler and State of Pennsylvania, the appointment of a postmaster for the said office having, by law, become vested in the President on and after January 1, 1897.

Ransom L. Clark, to be postmaster at Galeton, in the county of Potter and State of Pennsylvania, the appointment of a postmaster for the said office having, by law, become vested in the President on and after January 1, 1897.

Jacob P. Criss, to be postmaster at New Wilmington, in the county of Lawrence and State of Pennsylvania, the appointment of a postmaster for the said office having, by law, become vested in the President on and after January 1, 1897.

Jacob P. Criss, to be postmaster at New Wilmington, in the county of Lawrence and State of Pennsylvania, the appointment of a postmaster for the said office having, by law, become vested in the President on and after January 1, 1897.

in the President on and after January 1, 1897.

Margaret B. Doonan, to be postmaster at Dunbar, in the county of Fayette and State of Pennsylvania, the appointment of a postmaster for the said office having, by law, become vested in the President on and after January 1, 1897.

George Huhn, to be postmaster at Etna, in the county of Allegheny and State of Pennsylvania, the appointment of a postmaster for the said office having, by law, become vested in the President on and after January 1, 1897.

Amasa A. Swingle, to be postmaster at Peckville, in the county of Lackawanna and State of Pennsylvania, the appointment of a postmaster for the said office having, by law, become vested in the President on and after January 1, 1897.

John W. Clark, to be postmaster at Ripley, in the county of Lauderdale and State of Tennessee, the appointment of a postmaster for the said office having, by law, become vested in the President on and after January 1, 1897.

Daniel D. Scott, to be postmaster at Jellico, in the county of

Daniel D. Scott, to be postmaster at Jellico, in the county of Campbell and State of Tennessee, the appointment of a postmaster for the said office having, by law, become vested in the President on and after January 1, 1897.

Mira Johnson, to be postmaster at Mount Pleasant, in the county of Titus and State of Texas, the appointment of a postmaster for the said office having a by law, become vested in the President of the said office having a by law, become vested in the President of the said office having a by law, become vested in the President of the said office having a by law, become vested in the President of the said office having a by law, become vested in the President of the said office having a by law, become vested in the President of the said office having a by law, become vested in the President of the said office having a by law, become vested in the President of the said office having a by law, become vested in the President of the said office having a by law, become vested in the President of the said office having a by law, become vested in the President of the said office having a by law, become vested in the President of the said office having a by law, become vested in the President of the said office having a by law, become vested in the President of the said office having a by law, become vested in the President of the said office having a by law, become vested in the president of the said office having a by law, become vested in the president of the said office having a by law, become vested in the president of the said office having a by law, become vested in the president of the said office having a by law, become vested in the president of the said office having a by law, become vested in the said office having a by law, become vested in the said office having a by law, become vested in the said office having a by law, become vested in the said of the said of the said office having a by law, become vested in the said of the said of the said of the said office having a by law, become v

the said office having, by law, become vested in the President on and after January 1, 1897.

James Hughes, to be postmaster at Mercur, in the county of Tooele and State of Utah, the appointment of a postmaster for the said office having. by law, become vested in the President on and after January 1, 1897.

Peter Freyman, to be postmaster at Dyersville, in the county of Dubuque and State of Iowa, in the place of Evan Gibbons, whose commission expires January 14, 1897.

M. J. Kelly, to be postmaster at Parkersburg, in the county of Butler and State of Iowa, in the place of John Knapp, whose commission expires January 14, 1897.

commission expires January 14, 1897.

David H. Kerby, to be postmaster at Seymour, in the county of Wayne and State of Iowa, in the place of James H. Morrison, whose commission expired January 5, 1897.

whose commission expired January 3, 1837.

Stephen C. Maynard, to be postmaster at Grand Junction, in the county of Green and State of Iowa, in the place of Henry Kettell, whose commission expires January 14, 1897.

W. J. Semmons, to be postmaster at Primghar, in the county of O'Brien and State of Iowa, in the place of George P. Clark, whose

commission expires January 14, 1897.

Charles E. Monell, to be postmaster at Kirwin, in the county of Phillips and State of Kansas, in the place of Mary L. White, whose commission expired January 5, 1897.

Frank F. Philbrick, to be postmaster at Merrimac, in the county of Essex and State of Massachusetts, in the place of Elizabeth W.

Smart, whose commission expired December 20, 1896.

Smart, whose commission expired December 20, 1896.

William H. Torrey, to be postmaster at Foxboro, in the county of Norfolk and State of Massachusetts, in the place of Florence M. Carpenter, whose commission expired January 4, 1897.

Grovenor D. McCubrey, to be postmaster at Barnesville, in the county of Clay and State of Minnesota, in the place of Grovenor D. McCubrey, whose commission expires January 23, 1897.

Lang C. Allen, to be postmaster at Clarksdale, in the county of Coahoma and State of Mississippi, in the place of Anna Durham, whose commission expired December 14, 1896.

William V. Leech, to be postmaster at Cape Girardeau, in the county of Cape Girardeau and State of Missouri, in the place of Oscar Cramer, whose commission expired December 14, 1896.

Oscar Cramer, whose commission expired December 14, 1896.

Alexander Devine, to be postmaster at Anaconda, in the county of Deerlodge and State of Montana, in the place of Rogers Edwards, whose commission expires January 21, 1897.

Grace Lamont, to be postmaster at Dillon, in the county of Beaverhead and State of Montana, in the place of Grace Lamont, whose commission expired Lamont, 1802.

Beaverhead and State of Montana, in the place of Grace Lamont, whose commission expired January 4, 1897.

John B. Taylor, to be postmaster at Boulder, in the county of Jefferson and state of Montana, in the place of George Pfaff, whose commission expired December 14, 1896.

Francis A. Simons, to be postmaster at Cedar Rapids, in the county of Boone and State of Nebraska, in the place of Dennis Tracy, whose commission expires January 7, 1897.

Herman J. Kohlhaas, to be postmaster at Paterson, in the county of Passaic and State of New Jersey, in the place of A. H. Demarest, deceased.

deceased. Charles W. Blackman, to be postmaster at Caledonia, in the county of Livingston and State of New York, in the place of R. W. Matteson, whose commission expires January 14, 1897.

Virginia Jones, to be postmaster at Cortland, in the county of Cortland and State of New York, in the place of Benton B. Jones,

H. M. Bennett, to be postmaster at Derry Station, in the county of Westmoreland and State of Pennsylvania, in the place of John-

westmore and state of Pennsylvania, in the place of Johnson D. Neely, whose commission expires January 14, 1897.
William Grier, to be postmaster at New Bloomfield, in the county of Perry and State of Pennsylvania, in the place of Henry C. Shearer, whose commission expires January 7, 1897.
Milton F. Moyer, to be postmaster at Lykens, in the county of

Dauphin and State of Pennsylvania, in the place of Jacob Alvord,

whose commission expires January 25, 1897.

Isaac G. Pfautz, to be postmaster at Lititz, in the county of Lancaster and State of Pennsylvania, in the place of J. B. Goble, whose commission expired December 14, 1896.

William M. Farrington, to be postmaster at Memphis, in the county of Shelby and State of Tennessee, in the place of Robert B. Armour, resigned.

CONFIRMATIONS.

Executive nominations confirmed by the Senate January 7, 1897.

George Sawter, of Connecticut, formerly commercial agent at Glauchau, Germany, to be consul of the United States at that place.

POSTMASTERS.

Norman W. Kelso, to be postmaster at Mechanicsville, in the county of Saratoga and State of New York.

William F. Sponenburg, to be postmaster at Manlius, in the county of Onondaga and State of New York.

Nettie J. Van Inwegen, to be postmaster at Ortonville, in the county of Bigstone and State of Minnesota.

R. Lindsay Kent, to be postmaster at Verona, in the county of Allegheny and State of Pennsylvania.

B. Frank Palmer, to be postmaster at Larchmont, in the county of Westchester and State of New York

James S. Boyd, to be postmaster at Cold Spring, in the county of Putnam and State of New York.

Charles W. Anderson, to be postmaster at Fishkill on the Hudson, in the county of Dutchess and State of New York.

HOUSE OF REPRESENTATIVES.

THURSDAY, January 7, 1897.

The House met at 12 o'clock m., and was called to order by the Speaker.

Prayer by the Rev. W. H. MILBURN, D. D., Chaplain of the Senate

The Journal of the proceedings of yesterday was read and approved.

CERTAIN OFFICERS, ALASKA TERRITORY.

Mr. LACEY. Mr. Speaker, I ask unanimous consent for the present consideration of two House bills, which are dependent upon each other. Action upon one necessitates the passage of the other.

The SPEAKER. The Clerk will read the first bill.

The Clerk read as follows:

A bill (H. R. 7087) to amend section 8 of the act entitled "An act providing a civil government for Alaska," approved May 17, 1884.

Be it enacted, etc., That section 8 of an act entitled "An act providing a civil government for Alaska" be, and the same is hereby, amended by striking out the words "the commissioner provided for by this act to reside in Sitka shall be ex officio receiver of public moneys, and the marshal provided for by this act shall be ex officio receiver of public moneys, and the marshal provided for by this act shall be ex officio surveyor-general of said district."

Mr. LACEY. Mr. Speaker, the next bill (H. R. 7088) should be considered in connection with the one which has just been read. considered in connection with the one which has just been read. One of them is a repealing act, which would leave the law imperfect without the passage of the other.

Mr. McMILLIN. Mr. Speaker, reserving the right to object, I should like to have the report read.

Mr. LACEY. The report may be read, or I can make a brief explanation which I think will be satisfactory.

Mr. DINGLEY. Mr. Speaker, let the second bill be read.

The Clerk read as follows:

The Clerk read as follows:

A bill (H.R. 7088) to create the office of surveyor-general in Alaska. Be it enacted, etc., That there shall be appointed by the President, by and with the advice and consent of the Senate, a surveyor-general for the District of Alaska, embracing one surveying district.

SEC. 2. That the surveyor-general of Alaska shall receive a salary at the rate of \$2,500 per annum.

The Committee on the Public Lands recommended an amendment striking out of line 2, in section 2, the words "five hundred."

Mr. LACEY. Now, Mr. Speaker, the report on the bill H. R.
7087 will explain the whole matter, or perhaps I can make it clear to the House in a briefer way.

Mr. DINGLEY. Reserving the right to object, I should like to

hear the report read.

Mr. LACEY. I will ask the Clerk to read the report on the bill

H. R. 7087. The report (by Mr. LACEY) was read, as follows:

The report (by Mr. LACEY) was read, as follows:
The Committee on the Public Lands, to whom was referred the bill (H. R. 7087) to amend section 8 of an act entitled "An act providing a civil government for Alaska," approved May 17, 184, submit the following report:
Your committee recommend the passage of this bill for the reasons set forth in the annexed letters from the Commissioner of the General Land Office and the Secretary of the Interior.
The bill was prepared by the Commissioner of the General Land Office.

DEPARTMENT OF THE INTERIOR, GENERAL LAND OFFICE, Washington, D. C., February 28, 1896.

DEPARTMENT OF THE INTERIOR, GENERAL LAND OFFICE, Washington, D. C., February 28, 1896,

SIR: In my annual report for 1895, pages 62, 63, and 64, I set forth at some length the great importance and necessity for the enactment of a law creating the office of United States surveyor-general for Alaska.

This matter also formed the subject of a special remark in my reports for 1893 and 1894. The need for this office, in view of the development of the mining interests, is constantly increasing, and the duties devolving upon the ex officio surveyor-general, who is also the United States marshal, are such as to require his entire time in the former capacity.

I have therefore prepared a bill which is herewith inclosed, and urgently recommend that the same be introduced in both Houses of Congress under your sanction and approval.

I also transmit a draft of a bill repealing that portion of section 8 of the act of May 17, 1884 (23 Stat. L., p. 26), which provides that the commissioner, clerk, and marshal shall act as ex officio register, receiver, and surveyor-general, respectively.

Your attention is called to the fact that section 2234 of the Revised Statutes provides that a register and receiver shall be appointed for each land district established by law, and to the further fact that the first sentence in said section 8 (23 Stat. L., p. 26) provides "that said district of Alaska is hereby created a land district, and the United States land office for said district is hereby located at Sitka."

You will note that with that portion of said section 8 (23 Stat. L., p. 26), repealed, a register and receiver may be appointed for this district under said section 2234 of the Revised Statutes.

The necessity for this action is constantly brought to my notice, and, for the reason stated in my annual report for 1895, page 64, I am satisfied that the legislation asked will be in the interests of the public service.

Very respectfully,

S. W. LAMOREUX, Commissioner.

S. W. LAMOREUX, Commissioner.

The SECRETARY OF THE INTERIOR.

DEPARTMENT OF THE INTERIOR, Washington, March 10, 1896.

Washington, March 10, 1896.

SIR: I have the honor to hand you herewith copies of two bills prepared by the Commissioner of the General Land Office, one of which creates the office of surveyor-general in Alaska, and the other seeks to amend section 8 of an act entitled "An act providing a civil government for Alaska," approved May 17, 1894 (23 Stat. L., page 25). I also transmit herewith a copy of the Commissioner's letter, dated the 28th ultimo, submitting said bills for my consideration.

I know of no reason why the bills should not be enacted into law.

Very respectfully,

HOKE SMITH. Secretary

HOKE SMITH, Secretary,

Hon. John F. Lacey, Chairman Committee on the Public Lands, House of Representatives.

Mr. DINGLEY. I should like to ask the gentleman if the effect of the passage of these two bills is to create three new offices,

namely, surveyor, receiver, and register?

Mr. LACEY. The effect of the bill is to create one new office, namely, a surveyor-general, at a salary of \$2,000 a year. At present the other parties perform the duties of register and receiver and receive the compensation. There will be no extra expense on

and receive the compensation. There will be no extra expense on account of that. The only expense added to the administration of affairs in Alaska will be the \$2,000 for surveyor-general.

Mr. DINGLEY. Twenty-five hundred dollars.

Mr. LACEY. No; \$2,000. There is an amendment proposed to strike out the \$500; and the increased business in opening up that country for settlement will more than pay this expense. It will be not account the strike of the property be an asset rather than a liability, in my judgment. ment has asked this relief for several years.

Mr. DINGLEY. And the committee are satisfied that the creation of this officer, the surveyor-general, is absolutely necessary for the protection of the public interest?

Mr. LACEY. Unquestionably so. The marshal is now required to perform the duties of that office, without being qualified to do

Mr. DINGLEY. Does he receive the compensation?
Mr. LACEY. He receives the compensation.
Mr. McMILLIN. We are unable to hear the gentleman's state-

Did the gentleman hear the report read?

Mr. McMILLIN. I heard the report read.

Mr. LACEY. I was only explaining, Mr. Speaker, that the only additional expense would be the salary of the surveyor-general. The marshal now receives the fees of that office, which are about enough to pay the surveyor-general. Practically it will involve no expense, and it will facilitate the transaction of the land business there. There is quite a settlement opening up in Alaska, and

large mining interests are being developed in that country.

Mr. McMILLIN. Have the duties of the office increased to that

Mr. MCMILLIN. Have the duties of the office increased to that degree that they can not be properly performed by those upon whom they were devolved by the original act?

Mr. LACEY. The original act requires double duty on the part of the marshal. It is reported to us from the Secretary of the Interior and the Commissioner of the General Land Office that the marshal can not perform these duties satisfactorily.

Mr. RICHARDSON. I would like to ask the gentleman if this is the same bill that was considered last session?

Mr. LACEY. It has never been considered. It was reported, but never considered.
Mr. RICHARDSON. Does this provide for the representation

of the Territory?

Mr. LACEY. It is nothing but a land bill.

Mr. RICHARDSON. The gentleman will remember that we

Mr. McCharleson, The general will remember the had the other bill pending last session. It is not that, is it?
Mr. LACEY. It is not that bill.
Mr. BAKER of New Hampshire. I would like to ask the tleman if this opens the lands of Alaska to settlement? Is any change in the existing land laws of that Territory? I would like to ask the gen-Is there

any change in the existing land laws of that Territory?

Mr. LACEY. There is no change whatever. This is simply to carry out the existing law.

The SPEAKER. Is there objection to the consideration of the two bills reported to the House? [After a pause.] The Chair hears none. The question is on the engrossment and third reading of the bill H. R. 7087.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and pas The SPEAKER. The Clerk will now report the next bill. The Clerk read as follows:

A bill (H. R. 7088) to create the office of surveyor-general in Alaska.

The SPEAKER. To this the committee reports an amendment, which the Clerk will report.

The Clerk read as follows:

In section 2, line 2, after the word "thousand," strike out the words "five hundred;" so as to read "at the rate of \$2,000 per annum."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

On motion of Mr. LACEY, a motion to reconsider the votes by which the several bills were passed was laid on the table.

ORDER OF BUSINESS.

Mr. POWERS. I call for the regular order. The SPEAKER. The regular order is demanded.

RESIGNATION OF A MEMBER.

The SPEAKER. The Chair will submit the following communication from the secretary of state of New York.

The Clerk read as follows:

STATE OF NEW YORK, OFFICE OF SECRETARY OF STATE,
Albany, January 4, 1897.

DEAR SIR: Hon. FRANK S. BLACK has resigned the office of Representative in Congress for the Nineteenth district of the State of New York.

Very truly, yours,

INO. BALMED. Secretary of State.

JNO. PALMER, Secretary of State.

Hon. Thomas B. Reed, Speaker House of Representatives, Washington, D. C.

PACIFIC RAILROAD FUNDING BILL.

The SPEAKER. The regular order is that the House resolve itself into Committee of the Whole House on the state of the Union for the purpose of considering the Pacific railroad funding bill (H. R. 8189), and the gentleman from New York, Mr. PAYNE, will take the chair.

The House accordingly resolved itself into Committee of the Whole House on the state of the Union, Mr. PAYNE in the chair. The CHAIRMAN. The House is in Committee of the Whole

for the consideration of the bill H. R. 8189. The Clerk will first report the order.

The Clerk read as follows:

The Clerk read as follows:

Resolved, That on Thursday, January 7, 1897, immediately after reading the Journal, the House shall resolve itself into Committee of the Whole House on the state of the Union for the consideration of H. R. 8189, entitled "A bill to amend an act entitled 'An act to aid in the construction of a railroad and telegraph line from the Missouri River to the Pacific Ocean, and to secure to the Government the use of the same for postal, military, and other purposes,' approved July 1, 1862; also to amend an act approved July 2, 1884, and also an act approved May 7, 1878, both in amendment of said first mentioned act and other acts amendatory thereof and supplemental thereto, and to provide for the settlement of claims growing out of the issue of bonds to aid in the construction of certain railroads, and to secure the payment of all indebtedness to the United States of certain companies therein mentioned;" that said bill shall be considered under the rules governing general debate during the said day and the day following, until the hour of 5 o'clock p. m., at which time general debate shall close, and then said bill shall be open to amendment and consideration under the five-minute rule until 5 p. m. the following day, at which time the committee shall rise and report the bill and pending amendments and the pending amendments and the bill to its final passage, and the final vote thereon shall be taken immediately after the reading of the Journal on Monday, January II.

The CHAIRMAN. The Clerk will report the bill.

The CHAIRMAN. The Clerk will report the bill. The Clerk read as follows:

The Clerk read as follows:

A bill to amend an act entitled "An act to aid in the construction of a railread and telegraph line from the Missouri River to the Pacific Ocean, and to
secure to the Government the use of the same for postal, military, and other
purposes," approved July 1, 1862; also to amend an act approved July 2, 1884,
and also an act approved May 7, 1878, both in amendment of said first-mentioned act, and other acts amendatory thereof and supplemental thereto, and
to provide for the settlement of claims growing out of the issue of bonds to
aid in the construction of certain railroads, and to secure the payment of all
indebtedness to the United States of certain companies therein mentioned.

Mr. POWERS. Mr. Chairman, this bill has been in print now for several months, and I suppose every gentleman of the House has examined it. I therefore ask unanimous consent to forego the reading in extenso of the bill at this time, and in connection with

The CHAIRMAN. The gentleman from Vermont asks unanimous consent that the reading of the bill be dispensed with. Is

there objection:

Mr. RICHARDSON. Mr. Chairman, I want to ask a question before I give consent. I understand the views written by the gentleman from Texas [Mr. Bell] have been exhausted also. I

think we ought to have a reprint.

Mr. POWERS. I would suggest to the gentleman from Tennessee that in consequence of the fact that this bill in its terms provides that it should take effect on the 1st of January, 1897, it will be necessary to reprint the bill; and I propose when the committee rises to ask a reprint of the bill, making the necessary changes to conform to the change of dates.

Mr. RICHARDSON. And will you include with that request

that there be a reprint of the views written by the gentleman from

Texas [Mr. Bell]? Mr. POWERS.

Mr. POWERS. I will, with a great deal of pleasure.
Mr. HEPBURN. Mr. Chairman, there is one matter to which
I would like to call the attention of the chairman of the Committee on Pacific Railroads.

The CHAIRMAN. The first question is, whether there is objection to dispensing with the reading of the bill? [After a pause.]

The Chair hears no objection.

Mr. BELL of Texas. Mr. Chairman, I desire to ask the gentleman from Vermont a question. I have a substitute which I have prepared and which I desire to offer and have voted upon, and I would ask him if he would not be willing to have an order made

to have it printed at the same time? Will you include that in your

Mr. POWERS. I will include that in my request when the committee rises this afternoon.

Now, Mr. Chairman, by an understanding had with the members of the Committee on Pacific Railroads, the time for debate is to be equally divided between the friends and the opponents of this bill; and the same understanding contemplates that I shall control the time on behalf of the majority, and that the gentleman from Missouri [Mr. Hubbard] shall control the time on the part of the minority. I ask unanimous consent that that understanding be confirmed by an order of the committee.

The CHAIRMAN. Unanimous consent is asked that the time for general debate be divided equally between the two sides, the affirmative to be controlled by the gentleman from Vermont and the negative by the gentleman from Missouri [Mr. Hubbard]. Is there objection? [After a pause.] The Chair hears none, and it is so ordered. The gentleman from Vermont.

Mr. POWERS. Mr. Chairman, in opening the discussion upon this question, which I think the House will soon perceive is the most important question that will come before us for consideration at this session, I shall endeavor to address myself to the canto be equally divided between the friends and the opponents of

tion at this session, I shall endeavor to address myself to the cantion at this session, I shall endeavor to address myself to the candor and sound judgment of the House. If there be any attempt during the progress of this debate to make appeals to the prejudices of men, the opponents of this bill will have a monopoly of that privilege. It is a straight, simple, business proposition that we intend to submit to the consideration of the House. It is a proposition in the consideration of which an appeal is to be made to the judgment of the members of this House as candid men. Very likely I can best serve the purpose that I am charged at this Very likely I can best serve the purpose that I am charged at this time with forwarding by calling attention for a few moments to the history of this Pacific railroad legislation, and, before going further, I would say that if any gentleman should desire to submit to me any inquiries he will receive a more elaborate and intelligent answer if he will be kind enough to withhold them until I shall have concluded the main part of my remarks, because interruption will break the continuity of the story, and I think a more useful purpose will be served, and it will be more satisfactory to those who seek information in good faith, if they will make a note of any questions they desire to put and submit them when I shall have concluded my remarks.

In 1862 begins the history of this great enterprise of constructing a railroad from the waters of the Missouri to the waters of the Sacramento in California. Many men, who had been called visionaries by the public, had, before 1862, advanced the theory that it was possible to build such a railroad, but none of those theories took form or shape until the war broke out in 1861, and the Administration then in power discovered that there was a sort the Administration then in power discovered that there was a sort of wavering loyalty to the American flag on the Pacific Coast, and, for patriotic reasons, desired the construction of a transcontinental railroad, an object which the people of California and of that section of country had long hoped for and that many men had had fond anticipations would some time be accomplished. The opportunity was a favorable one, but still you are to remember that the country was then in the very throes of the greatest wave of product times.

war of modern times.

Notwithstanding all the obstacles that were presented by the condition of things then existing, the promoters of this enterprise, backed by an indulgent consideration on the part of Congress, set their faces toward the completion of this great work, and in a short time thereafter were enabled to see the full fruition of In 1862 the promoters of this enterprise came and their hopes. knocked at the doors of Congress for a charter and for such substantial aid as the magnitude of the work seemed to demand. It was plain to everybody that private capital could not accomplish the desired result and that Government aid must be obtained; and thereupon Congress, listening with a willing ear to this appeal, in view of the considerations to which I have already referred. passed the act of July 1, 1862, by which the Union Pacific Railroad Company was chartered and endowed with all the usual franchises of a railroad corporation, with power to construct a railroad from the Missouri River on the east to the Pacific Ocean on west. At the same time, and as part of the same act, Congress endowed the Central Pacific Railroad Company of California, a corporation created by the legislature of that State, with the same Federal franchises that were conferred upon the Union Pacific Company. That is to say, instead of incorporating a distinct company for the western end of the proposed line, they took an existing corporation, which they had a perfect right to do, and endowed it with the additional Federal functions which would enable it to build this railroad not only through California, but also through the intervening territory between California and the Missouri River.

The act of 1862 provided that the two companies, the Union Pacific Company and the Central Pacific Company of California, should have, as substantial aid for the building of their respective portions of the road, a magnificent land grant of each alter-

nate section of land on either side of the line for a distance of 10 miles—5 sections for every 10 miles. These lands were granted to these two corporations for the purpose of enabling them to construct the railroad which the Government so much desired. In addition to that, Congress gave to these companies a subsidy, as it is termed and will be termed in this discussion. sidy consisted of this, that the Government should issue thirty-year 6 per cent bonds and deliver them to the companies as fast as they completed the several sections of the road.

The act of 1862 provided that on the completion of a section of 40 miles of road and upon proof of that fact being made to the Secretary of the Treasury he should issue to the company, per mile, the subsidy bonds in the ratio provided in the act. That ratio was that in the open country between the Missouri and the foothills of the Rocky Mountains the subsidy should be at the rate of \$16,000 per mile. I call attention specifically to the fact rate of \$16,000 per mile. I call attention specifically to the fact that this subsidy was granted by the mile, and not as an entire amount. It was a subsidy by the mile upon completed sections of the railroad, and nothing else. The act further provided that in crossing over the Rocky Mountains, and also in crossing over the Sierras on the California end, the subsidy of \$16,000 per mile should be tripled, making \$48,000 per mile, and that between the Rockies and the Sierras, where the work of construction was more difficult than on the outside ends of the line, the subsidy should difficult than on the outside ends of the line, the subsidy should be twice the original amount, or \$32,000 per mile. That was the magnificent grant, the splendid aid, which the Government of the United States rendered toward the completion of this great

national highway.

Now, Mr. Chairman, it is important for us to remember that to-day the building of a transcontinental line of railroad from the Missouri River to the Pacific Ocean is not a difficult work. We look upon it in the light of the past history of railroad building, and we see that four or five of these great transcontinental lines have been built. But when you go back to 1862 you find that this was looked upon as an almost impossible venture. The debates which were had here in Congress demonstrate that not one man in three had at that time the slightest idea that a road across what was then supposed to be the Great American Desert could be built, or that engineering skill was adequate to the task of mastering the summits of the Rocky and the Sierra mountains. But it was done. Looking at it from the standpoint of the men who took this work in hand, it is not strange that in spite of the great patri-otic purpose which the Administration had in view at that timethe demand for the construction of this road for the public goodthere was still great hesitation at the almost impassable obstacles that presented themselves to the promoters of this enterprise.

But these companies went forward. Under the act of 1862 they endeavored to enlist private capital in the enterprise. But it looked so chimerical—it looked to business men so practically absurd—that very little money was raised, and the scheme seemed to be paralyzed from the start. So those men came back to Congress in 1864 and said to the members of both Houses: "We can not raise the processory contint not raise the necessary capital to construct these railroads; we are hampered by the fact that the Government itself, under the act of 1862, is to have a bottom mortgage on the railroad; we can not raise money ourselves to build the road. But we ask you to permit these companies to place upon the road a first mortgage underlying the claim of the Government; and with the sale of the bonds and the proceeds of that mortgage, plus the aid that is to be rendered by the Government, we can assure Congress that the road can be constructed.

In 1864 Congress had the same patriotic ardor for the construc-tion of these roads that it had in 1862. It very readily, therefore, granted this request, and the distinctive characteristic of the leg-islation of 1864 is the fact that the Government stepped back one pace in the lien which it was to impose on these roads and the securities for the repayment of the subsidy which had been given them, and allowed the companies themselves to place beneath the mortgage of the Government a mortgage of prior obligation upon which they could realize money for the prosecution of this enter-

Now, those two acts—the act of 1862 and the act of 1864—contain the charters of the Union and Central Pacific railroads, so far as the provisions of these charters are important for us to consider to-day. The whole legislation is there found, and it is readily accessible to members. It is embraced in the report of the Commissioner of Railroads for 1895, and this is accompanied with the digest of the decisions of the Supreme Court on this sub-ject. In passing, I may say that from the time this legislation was enacted down to this day various questions have arisen between the Government and these companies, and all necessary information on this subject is comprised in a nutshell in the report of the Commissioner of Railroads for 1895.

Now, the Supreme Court has decided that under this legislation

the security of the Government rests upon that portion of the railroad line that was actually aided by the Government. As everybody knows, the Union Pacific Railroad is now or was until

recently a great system of railroad lines embracing nearly 8,000 miles, whereas the original line as projected under the legislation of 1862 and 1864 embraced only about 1,800 miles. The Central Pacific Railroad of California, as it existed under the original legislation, embraced only the line from Ogden, in the State of Utah, to San Jose, in the State of California, a distance of about 860 miles; but to-day the Central Pacific system embraces a large number of additional lines that have been brought into it by pur-

Chase and by new construction.

But before I go any further, I desire to call the attention of the House for a moment to the geography of this situation. When the legislation of 1862 was first proposed, there arose an earnest contention between different towns on the Missouri River for the eastern terminus of the road. In fact, there were as many towns and cities contending for that terminus as contended for the honor of the birthplace of Homer. Sioux City (then a trading post up in the northern part of Iowa), Omaha (or Council Bluffs, on the opposite side of the river), Atchison, Leavenworth, Kansas City, and other towns were thus contending. By reason of this fact the friends of the measure itself were divided into factions, each body of the friends of the road clamoring for the locality in their own particular section. Such things, perhaps, are in accord with the judgment and observation of members here as to what human nature is in this world. The result was that Congress, in order to compose this difficulty and to quiet this contention, provided that the starting point upon the Union Pacific Railroad should be on the one hundredth meridian of longitude. Instead of starting on the Missouri River, they went away out 394 miles into Kansas and 250 miles or some such distance into Nebraska, to the one hundredth meridian, and provided that the line of road should start at that common point. They also provided that from that point—the one hundredth meridian—branch lines should be constructed to all these contending cities and towns. Thus everybody's desire was met, and the railroad became an accomplished

When, however, they came to construct the road, it soon became apparent that all these branch lines were uncalled for. To make a long story short, and without going into a recital of the various legislation that was had on the subject, I may say that it all came down at last to this: The main line of the Union Pacific Railroad started from Omaha, in the State of Nebraska, and ran west to Og-den, in the State of Utah. Here is the line traced by this black line on the map. [Illustrating.] Another branch of the main line started from Kansas City and ran west to the one hundredth meridian, a distance of 394 miles. Practically, the distance is a few rods less than that, but that statement is near enough. So that the Union Pacific Railroad when constructed consisted of its main line from Omaha to Ogden and the lower line from Kansas City running 394 miles west. And, Mr. Chairman, in that connection, I would say to the committee that this lower line to which I have just called your attention is the old Kansas corporation known as the Leavenworth, Pawnee and Western Railroad. They had a charter from the Territorial legislature of Kansas authorizing them to build a Pacific railroad. Congress, in the act of 1862, provided that that road should be a part of the Union Pacific system; that it should participate in the subsidy and in the land grant as well as any other portion of the main line of road.

The black line on this map, to which I have called your attention, indicates that portion of the Union Pacific system that was

subsidized by the Government of the United States-that portion of the road which received Government aid.

Now, I wish to call the attention of the committee to the fact Now, I wish to call the attention of the committee to the fact that the Supreme Court of the United States decided that the bond-aided portion of the upper line began at a point about 3½ miles west of the bridge across the Missouri River, that initial point having been fixed by the President of the United States, and that the aid only extends to a point 3½ miles west of this Omaha Bridge. On the lower line, or the Kansas City line, this portion of the railroad entitled to the subsidy and covered by the mortgage begins at a point one-half mile distance from the union station at Kansas City, and, as I have already stated, runs out a distance of some 394 miles. That, in short, is the story of the legislation and the geographical routes of the roads as well as the part of the line

that is covered by the subsidy.

In 1864 Congress relieved the Union Pacific Company of any obligations to build the road to Sioux City. Afterwards another company took it and built the road down the east side of the Missouri River to a point about 100 miles distant, and there crossed the river and joined the main line at Fremont, in Nebraska, I think, if I am correct in the name; and that was aided by the Government. So also was the Central Branch of the Union Pacific. The various towns, as I have shown, were contending for the road, and it was provided that what is known as the Central Pacific Branch, midway between the upper and lower branches of the Union Pacific, should be granted aid for a distance of 100 miles, but it terminated at that point. So much for the Union Pacific.

Now, the Central Pacific Railroad started originally as a California corporation. They were authorized by the act of Congress of 1862 and the act of 1864 to continue the construction of their road not only to the western line of Nevada—the limit of the State line—but also to enable them to build eastwardly until they met the Union Pacific, which was being constructed westward. That is the story in brief of the beginning of the construction of these

It is easy to see, Mr. Chairman, that with this magnificent land grant given to the Union Pacific and the Central Pacific system, as well as the subsidy granted to each, it became a question of rivalry between them as to which should get the largest share. It became a race of diligence between the Central road, building from the west, and the Union Pacific, from the east, to see which could get the most of this grant by the Government, because the land grant and the subsidy were paid to both of them by the mile, and the more miles that any road could get in, the more land and the more subsidy it would be entitled to. The result of it was that these roads built right by each other in the vicinity of Salt Lake for a distance of about 80 miles, which was graded by the Central Pacific east of Ogden, the present terminus of the road; and the Union Pacific had shot by where the work of the Central Pacific was going on; and then each of the roads came to Congress claiming the land grant and subsidy for the additional mileage thus constructed. Congress settled the matter by the act passed in 1869, which provided that the point of junction between the two roads should be at a certain point about 5 miles west of Ogden. could get the most of this grant by the Government, because the two roads should be at a certain point about 5 miles west of Ogden.

This diligence resulted in another strange fact. Under the legislation of 1864 the roads had up to July 1, 1876, to complete the line, a distance of more than 2,000 miles. They had to cross the Rocky Mountains, the Sierras, as well as to traverse the great intervening arid space between the two. But this race of diligence enabled these companies, under the most formidable obstacles, to haid the complete reads to the satisfaction of the Government. build the complete roads to the satisfaction of the Government; and they were accepted by the Government on the 10th day of May, 1869, four years after they had struck the first blow in the

Now, why did the Government want these roads built? I will show you. They were paying for the transportation of the mails overland to California, as well as to other points on the Pacific coast, a sum total of between seven and eight million dollars a year. After the roads were built this was cut down from \$8,000,000 a year to a little over \$1,000,000. They were compelled, before the building of the roads, to incur very heavy expense in the transportation of their supplies for the Indian agencies, their

munitions of war, their troops, and other matters of freight. By the building of this road they were enabled to cut down this expense in an equally large ratio.

Not only that. Prior to the building of these roads that great and almost boundless empire that lies between these two ranges of mountains, with millions of public lands for sale, was practically cut out from the world. No man wanted to go there and settle, and therefore no man would buy an acre of that land. But by pushing this line of railroad through it opened these lands to sale and to settlement, and thousands and millions of inhabitants are and to settlement, and thousands and millions of innabitants are to-day living in that region that was opened up by the enterprise of these men that had this matter in charge. And I may say right here in passing, that if the Government of the United States should lose every dollar of its indebtedness against these companies, should make a free gift of it, it could still credit the companies and itself with more than ten times as much in dollars and cents as it has ever expended in the construction of these roads. Why, the building of this Union Pacific through Nebraska and Kansas has strung together towns and cities like beads, and has carried civilization out through that country and across the Rockies, through its open portals to that great plain beyond; and we to-day are enjoying the blessings of it, not least among which is the presence on this floor of the genial gentlemen from Colorado and Utah, and Nevada, and other States out there that we should never probably have heard of had it not been for the building of this road. It opened up the great silver-mining industries of the country. Colorado, Utah, and Nevada were opened up, and the mines of that country were worked. Why, we never should have heard of a free-silver party if it had not been for the opening up of that country. I do not know that that is any argument in support of the passage of this bill. [Laughter.]

Now, in short, this is the way in which the Government got into

this fix. The Government away back, under the act of 1862, undertook to secure to itself the payment of these subsidy bonds, and the plan which they then adopted, in the light of the facts then existing, was undoubtedly a safe one to calculate upon. They provided that the issue of these subsidy bonds upon the completion of each 40 miles of railroad—the delivery of these bonds to the companies-should ipso facto create a statutory lien upon that section of road, and to secure payment they provided that this statutory lien should be a first lien, and that the roads, in addition to that security, should pay into the Treasury of the United States a sum of money equal to 5 per cent of its net earnings after the road was constructed. It was supposed that this 5 per cent of the net earnings would be sufficient to meet the current obliga-

tions of the Government as they matured

At that time, as you will remember, this was the only line in contemplation. Nobody dreamed that the Atlantic and Pacific, the Texas Pacific, the Northern Pacific, the Canadian Pacific, or three or four other competing lines that have since been built, would ever be constructed. Everybody supposed that all the freight and all the passengers that were moved between the East and the West were to go over this line and that the business therefore would be immense. But in the progress of time, these promoters having demonstrated that a road could be built over the Rockies, other men interested themselves in competing lines, and Rockies, other men interested themselves in competing lines, and in a very short time four or five of these lines have been constructed. Therefore the receipts of these two companies have been lessened by that active competition on the part of other lines. We are not to say that the Congress of 1862 acted in a short-sighted manner, because as things then appeared to them it was

doubtless a sound piece of reasoning to say that the 5 per cent of the net earnings of these companies paid into the sinking fund would pay off this indebtedness in the end.

Now, matters ran along in this way until 1878. Mind you, the road was finished in 1869 and accepted by the Government. The Government, indeed, during the whole progress of construction had its commissioners to inspect the work as it went along, week by week, month by month, and year by year, and if there was any criticism to be made, those commissioners had the right to point it out to these companies and have any wrong corrected. But the work was accepted.

It was soon seen, after the roads started in and these other competing lines were projected and completed, that the provision made under the legislation of 1862 and 1864 would be insufficient

The Supreme Court of the United States had meantime decided The Supreme Court of the United States had meantime decided that the interest upon the subsidy bonds was not due from the companies until the maturity of the bonds. The provision in the statute is that the bonds shall be issued running thirty years, the interest thereon payable semiannually, and that these companies should meet and pay that interest. But the court says, and I think it is a unanimous opinion, that under the language used in that enactment the interest upon the subsidy bonds paid by the Government could not be taken from the company until the principal of the debt matured. And the result of that is the interest has been accumulating against these companies, and to-day we are confronted with a vast amount of unpaid interest, as well as the balance of principal.

the balance of principal.

In 1878 this matter was again taken in hand by Congress, and Judge Thurman, then a Senator from the State of Ohio, prepared and secured the passage of a bill known as the Thurman Act, the essential provisions of which, so far as this question is concerned, are these: That instead of paying into the Treasury 5 per cent of its net earnings, which upon an actual experience had proved to be insufficient, the Thurman Act provides that there shall be 25 per cent of the net earnings paid in. I ought to have said, in passing, what the two acts of 1862 and 1864 provides. The act of 1862 provided that the whole amount of the indebtedness from the Government to the railroads for the transportation of mails, for the ernment to the railroads for the transportation of mails, for the transportation of its troops, and for other purposes, should be

retained by the Government.

In 1864 Congress modified that by providing that of these transportation charges only one-half should be retained in the Treasportation. ury and the other half paid to the company. You observe that the Government thus was one of the very best customers of these roads. It had to pay these roads an enormous sum, and they took care to provide in the act itself that they should not be charged any higher rate than that charged private individuals for similar sarving. similar service. These transportation charges, which were enormous in amount, were to be retained, under the act of 1862, altogether in the Treasury; under the act of 1864 one-half only, and under the act of 1878, the Thurman Act, the whole was to be retained, but one-half of it should be applied to the current interest on the subsidy bonds, and the other half go to the sinking fund, the theory of the Thurman Act being that one-half of its

fund, the theory of the Thurman Act being that one-half of its transportation charge, plus some other reserve, would take care of the current interest on these bonds, and the sinking fund itself would at the maturity of the bonds be large enough, if well invested, to take care of the principle.

Now, I will restate these propositions, because it is a pretty important piece of arithmetic. Under the act of 1862 the security retained by the Government was a first mortgage on the road, plus 5 per cent of the net earnings and the whole transportation charges; under the act of 1864 the security of the Government was a second mortgage on the road, plus 5 per cent of the net earnings and one-half the transportation charges; under the Thurman Act of 1878 the security of the Government was 25 per cent of the net of 1878 the security of the Government was 25 per cent of the net earnings, made up in this way: First, the transportation charges that the Government would be owing to the road as a debtor; sec-

ond, 5 per cent of the net earnings; third, such a proportion of the ond, 5 per cent of the net earnings; third, such a proportion of the aggregate sum of \$1,200,000 in the case of the Central Pacific, and \$800,000 in the case of the Union Pacific, should be paid into the Treasury of the United States, which with the other two reservations, transportation charges, and 5 per cent, would aggregate in the whole 25 per cent of their net earnings.

Now, if I have not made myself understood on that proposition, I desire that some gentleman advise me of the fact, because it is an important consideration.

Now, then, Indee Thurman, in one of the most claberate 2:

Now, then, Judge Thurman, in one of the most elaborate dis-cussions of this question that has ever been made in its entire his-Now, then, Judge Intiman, in one of the most elaborate discussions of this question that has ever been made in its entire history, practically demonstrated, as the reader will see, the facts that his provision amply secured the repayment of this money. Why did it fail? Why, it failed, Mr. Chairman, just as many times the best laid plans of men as well as mice fail. The reduction in the rates of transportation was a very important contributing factor to bring about this result. The freight rates from the east to the west have been going down, down, down, as time advanced, to such a point that they hardly pay the charge made necessary by that transportation. This, however, is not peculiar to the history of these roads. It is peculiar to the history of all railroads in this country. How many of these roads have gone into the hands of receivers from the same cause exactly? Not only that, but the Government itself has divided this patronage with the Pacific roads. Instead of sending all its freight, all its transportation business over this line, the child of its own creation, the child that it should nourish and encourage, especially if it expected a repayment of its debt, it has divided its patronage. Some of it has gone to the Central Pacific, much of it to the Santa Fe, and much of it has gone to the other roads, thereby reducing Fe, and much of it has gone to the other roads, thereby reducing the receipts in the treasury of the company, and to a corresponding degree the receipts in the Treasury of the United States have necessarily been cut down.

But that is no fault of the railroads. It was a wise policy that promoted the building of these other lines. Other sections of this country needed opening and development as well as that central portion, and therefore the Government was wise in encouraging it, and no man has a right to criticise that policy; but the necessary result of it was to diminish the earning capacity of these roads which the Government itself had assisted in building, and therefore that policy contributed very largely to bringing the road

therefore that policy contributed very largely to bringing the road into its present insolvent condition.

The Thurman Act was based upon the theory that Government money was worth 5 per cent interest, and if that theory had proved correct, no doubt the Thurman Act would have worked out the result anticipated by its author. But instead of the Government borrowing money at 5 per cent interest, it can borrow at a rate nearer to 2 per cent, and this appreciation in the credit of our Government, which ought to thrill with pleasure the heart of every patriotic American, has also contributed very largely to the disastrons result which has overtaken these roads. disastrous result which has overtaken these roads.

Mr. BOATNER. Does the gentleman from Vermont advocate the passage of this bill on the ground that the management of the companies has been such that they have paid to the Government all that judicious and proper management would have enabled

them to pay?

Mr. POWERS. I do; and I might as well come right to that point now as at any other time. My friend from Louisiana [Mr. BOATNER] was a member of the Committee on Pacific Railroads two years ago, and I know what his views are. His views are that the promoters of these railroads are a set of rascals, that they that the promoters of these railroads are a set of rascals, that they have got rich, and that they ought to disgorge and pay off this debt themselves. Now, if they have got rich out of the United States of America, I say amen to his proposition. But if, on the other hand, they have discharged every obligation they were under to the Government and have got rich from other sources, I say it is none of our business. I say that men who will build a railroad through snow banks 35 feet deep, and who will shed over miles of a railroad so that they can go on through the storms of winter and complete their road and operate it, men who undertook an entercomplete their road and operate it, men who undertook an enterprise that nobody had any faith in when they started upon it, ought to get rich if they succeed in accomplishing what people generally supposed to be an impossible task. I do not mean that they ought to get rich out of the Government, but if in the exer-

display ought to get rich out of the Government, but if in the exercise of their wits they get rich I say that is their business.

Mr. BOATNER. The gentleman from Vermont—

Mr. POWERS. I decline to yield further, Mr. Chairman. I would yield to the gentleman, but I know he is going to have time in this debate, so that he will have full opportunity to advocate

his side of the question.

Let me suppose a practical case by way of illustration. Let me suppose a practical case by way of illustration. The Government has been engaged for several years past in building in this city the most magnificent Library building on the face of the earth. I think it was Mr. Batterson, of Connecticut, who took the contract for that work. My friend from Connecticut [Mr. Hill] nods his assent. Mr. James G. Batterson, of Connecticut, took the contract to construct that Library for \$6,000,000, a large sum of money. The Government made its plans and specifica-tions and said to Mr. Batterson: "If you will go ahead and con-

tions and said to Mr. Batterson: "If you will go ahead and construct that building we will pay you six millions."

Now, suppose that Mr. Batterson made a net profit of \$2,000,000 npon the work, is that any reason why he should be called upon to "disgorge" those two millions? Is it any reason why we should mark him down as a "rascal" because he has succeeded by his wit, by his enterprise, by his intelligence, in making a handsome profit on the job? Certainly not. The Government said to these Pacific road companies: "Gentlemen, we want a line of railroad constructed from the Missouri River to the Pacific Coast; we want to open up our great possessions between the two great ranges of to open up our great possessions between the two great ranges of mountains; we want to lessen the cost of transporting supplies and munitions of war across the continent, and supplies for the Indians to the interior of our country; we want a cheaper mode of transportation. If you will take all the risk and peril of building the road and will construct it to our satisfaction, we will give

ing the road and will construct it to our satisfaction, we will give you so much money, we will give you such and such a land grant, and we will lend you each \$33,000,000 by way of subsidy, which you may repay according to the terms of contract. If these conditions are acceptable to you, go on and build the road."

Now, if those companies went on and built the road, what man is there outside of a lunatic asylum who will say that they have got rich out of the Government? They have gotten out of the Government just exactly what the Government contracted to give them; no more. Not only that, but under the provisions of the acts of 1862 and 1864, as well as the Thurman Act of 1878, they have paid into the Treasury of the United States, notwithstanding the fact that the Union Pacific Company during the last three years has been in the hands of a receiver, every dollar that the years has been in the hands of a receiver, every dollar that the Government required of them. Not a cent has been defaulted. Where, then, is the ground for saying, as my friend from Louisiana [Mr. Boatner] will say when he comes to discuss this question, that the men who built this railroad ought to "disgorge" and pay this debt themselves? They are nothing but stockholders and pay this debt themselves? They are nothing but stockholders in a railroad company. If any of you gentlemen are stockholders in an insolvent bank, do you pull out your own pocketbooks and pay its debt, or do you insist that the bank itself must pay?

Mr. BOATNER. Mr. Chairman—

Mr. POWERS. I decline to be interrupted, Mr. Chairman.

Mr. BOATNER. Well, if the gentleman declines to be interrupted, I beg him not to undertake to state what I am going to

say. [Laughter.] Mr. POWERS.

Mr. POWERS. Well, Mr. Chairman, I know what the gentle-man is going to say. [Laughter.] We might just as well under-stand it now as at any other time. Now, I repeat, these railroad companies have discharged every obligation which they were under to the Government, and you are to note, gentlemen, that the obligations imposed upon these roads were imposed by you. Your predecessors, who occupied these seats, imposed the obliga-Your predecessors, who occupied these seats, imposed the obliga-tions. They fixed the requirements to which the companies should be held. They provided that the companies should pay so much into the Treasury every year, and if it was not enough you might just as well scold about your predecessors here as to scold about the companies, and you might do it more reasonably, because the company had no voice in fixing the obligation. The Congress of the United States, the supreme power, fixed that requirement at its own will, and usually the companies had no voice in the mat-ter. If they fixed it at too low a sum, we must simply scold about ter. If they fixed it at too low a sum, we must simply scold about the faulty judgment of our predecessors. We all know that there never was a Congress assembled on this continent that was so wise, so pure, and so handsome as the present Congress. [Laughter.]

They fulfilled all those obligations. What has been the result?

Why, gentlemen, the result of those requirements exacted of those companies has been this, that the Union Pacific Railroad Company has actually paid into the Treasury \$5.000.000 more than the total amount of the subsidy bonds originally granted to them. I reiterate that statement: The Union Pacific has returned to the Treasury of the United States the total principal of the subsidy bonds issued to it plus \$5,000,000, and the Central Pacific has returned into the Treasury under those various requirements a sum that lacks only about \$10,000,000 of the amount originally granted to that read

granted to that road.

Mr. McCREARY of Kentucky. Will the gentleman state the

whole amount paid in?

Mr. POWERS. I will give those figures in a few moments. will state, however, that they appear in the report of the majority of the committee.

So that these railroad companies have actually returned to the United States Treasury all the money that was originally granted to them, less about \$5,000,000. That leaves, therefore, this difference of \$5,000,000, plus the accrued interest; and that is the most important item of the whole; that is the subject-matter of this proposed legislation.

Now, without taking more time on this branch of the subject, I will go at once to the provisions of the bill which the majority of this committee have proposed for your consideration.

Mr. CORLISS. If the gentleman will allow a question, I would like him to state, before he proceeds further, what the indebtedness of these roads to the Government was at the time the roads were practically completed.

Mr. POWERS. The gentleman will find those figures in the majority report; but I may as well call attention to them now.

I should say that the report to which I now refer was made up at the last session of Congress, and therefore it is six months short in the computations of interest that should be allowed. I make this explanation so that gentlemen may not be misled. I have, however, in my desk a statement, which I may as well now refer to, of the exact amount of this indebtedness as it will be on the to, of the exact amount of this indebtedness as it will be on the 1st day of July next. As I have already said, the bill under consideration was prepared last winter. Its terms contemplate that it shall go into effect on the 1st day of January, 1897. That time having passed, it is necessary to revise the bill, substituting July for January at the appropriate places in the bill.

On the 18th of last December, after it was understood that this bill was to be brought up at this time for consideration. I wrote to the Transpary Department asking for a computation of the appropriate places.

the Treasury Department, asking for a computation of the amount of the debt of both these roads as well as the amount of the sinking fund applicable to them. I have here a letter of Mr. Curtis, the Assistant Secretary, transmitting this statement. The actual amount due, I will say to the gentleman from Michigan [Mr. Conlines], on the 1st day of next July from the Central Pacific will be \$57,904,177.36, as appears from the report of the Government actuary, which I hold in my hand. On the same date the actual amount due from the Union Pacific Railroad will be \$53,289,593.45; that is the net balance.

that is the net balance.

Mr. SPALDING. That includes the accrued interest?
Mr. POWERS. It includes everything; it is the grand total of

the whole debt. Mr. CORLISS. Mr. CORLISS. Neither the statement which the gentleman has made nor the report to which he has referred us gives distinctly the information for which I asked.

Mr. POWERS. Did the gentleman want the original amount

of the indebtedness: Mr. CORLISS.

Yes, sir; the indebtedness when the roads were completed. Mr. POWERS. The gentleman will excuse me; I thought he

wanted the present amount.

When the first subsidies were granted, the Union Pacific and the Kansas Pacific (that is this upper line displayed on the map and this lower line extending 394 miles, which is all one road received from the Government \$33,539,512; and the Central Pacific Railroad of California and also the Western Pacific, which is now a part of the Central Pacific, received \$27,855,680.

Mr. FAIRCHILD. Is the difference between the amount of the

original indebtedness and the figures at the present time made up solely by the interest that has not been paid?

Mr. POWERS. By that and by the application of the sinking fund. Now, then, this Congress is confronted with this condition: These subsidy bonds have some of them already matured, and the balance of them mature on the 1st day of January, 1898, and the 1st day of January, 1899. The time for action has come. The Government must do something to close out its relations with these roads. The President of the United States under the act of 1887 already has authority to foreclose the lien of the Government, and if necessary, pay off the underlying first mortgage. The first question, therefore, that presents itself to us is this: Is it wise business policy for the Government to foreclose its lien or to seize the property, as some gentlemen contend it may be seized under the act of 1862, and get out of it what it can by the foreclosure?

Supposing that these gentlemen are right—that the Government can seize this property; the act of 1862 provides that upon a default in the payment of this interest as it matures the Government shall be authorized to take possession of the property; but every lawyer knows that that does not mean at all that the Secretary of the Treasury can walk into the office of this company and demand possession of the road and its property, and by force of arms or otherwise actually take possession. It means that he can take possession only by judicial process. He must resort to some judicial process if his request is not granted peaceably. That implies litigation. That raises all the questions that the company might raise as to the right of the Government to do that. It does more: It would require that the Government pay off its underlying first mortgage in order to realize any benefit from the seizlying first mortgage in order to realize any benefit from the seizure. Suppose that the Government, instead of taking that course, should foreclose the mortgage by proceedings in the courts. Now, under the practice of the Federal courts where this case would go, the Government does not have what is known in New England as a strict foreclosure; that is, when the mortgage upon the fore-

Closure takes the property itself.

Under the Federal Legislature the procedure must be to expose the property to public sale. The Government, therefore, if it forecloses the mortgage, must put the road and its property up at auction subject to the lien of the first mortgage, or it must pay off the

lien and sell the fee of the property. Is that wise? Now, let us consider that matter for a moment. What would it amount to? It will cost the Government, to pay off the underlying mortgages upon the road, between sixty and seventy millions of dollars. the condition of the Treasury at this time, and the condition of the business of the country, warrant us in imposing on the Treas-ury a burden of sixty or seventy millions of dollars for the purpose of trying an experiment-for the purpose of trying the experiment of foreclosing the mortgage, and trying to get something for the property or the land that is left behind? Is it a wise proceed-ing? Would we do that in our dealings with individuals? Why, gentlemen, it seems to me that the absurdity of the propo-

sition needs no illustration. Take a common case familiar in your own business experience and illustrated in everyday life. have a man who owes you a debt—and every man who hears me has undoubtedly some time in his business life had an insolvent debtor to deal with—if he had an insolvent debtor, and he held a second mortgage on the farm, a farm encumbered by an underlying mortgage big enough to sweep it all away, would he send for the debtor and say to him what you propose to say to these railroads? How would be conduct the business? Would be do it by pounding his debtor, swearing at him, calling him a thief, abusing him for the faults committed in the past; or would he deal with him on a business footing and proceed to get the very best settlement available? Would he say to him, "My dear sir, you are a gambler, or a thief; you are dabbling in politics, or worse, you have been dabbling with Polly, and to punish you for your sins I decline to deal with you on a sound business basis or on ordinary business principles. I will sacrifice your property as a punishment for your past sins, although probably by the same operation I lose the amount of my debt." Would any sensible man act in that way? That would be the act of a child. It would be simple.

The CHAIRMAN (Mr. Hull in the chair). The time of the gentleman from Vermont has expired.

Mr. POWERS. I believe, Mr. Chairman, that I have, by the

consent of the House, entire control of the time.

The CHAIRMAN. That is correct; but under the rules of the House, even where unlimited time is within the control of a member, he is not allowed, except by unanimous consent, to occupy the floor for more than one hour.

Mr. POWERS. I ask unanimous consent to proceed. I shall

not detain the committee very much longer.

Mr. WATSON of Ohio. I move that the gentleman be permit-

ted to conclude his remarks.

The CHAIRMAN. Without objection, the gentleman from The CHAIRMAN. Vermont will proceed.

There was no objection.

Mr. CURTIS of Kansas. I would like to ask the gentleman from Vermont a question in connection with the matter he has just been discussing.
Mr. POWERS. Very well.

Mr. CURTIS of Kansas. If this property is now unable to pay the debt, why have you increased by your bill the first lien on the Union Pacific road for \$21,000,000 and the first lien on the Central

Pacific over \$24,000,000?

Mr. POWERS. Because we get two dollars for one of additional security. But I will meet that point further on, if the gentleman will permit me to proceed.

Mr. CURTIS of Kansas. I make the suggestion for this reason, that the Union Pacific, according to the appraised value of the increased securities, is only worth \$36,000,000 to-day, and the land is put in at \$16,000,000. No one acquainted with the facts will dispute the assertion that that land is not worth \$16,000,000

Mr. POWERS. I will come to that later on.

Now, Mr. Chairman, as I was saying, as individuals dealing with an insolvent debtor we would be very likely to say "My dear sir, what I want to find out is your debt-paying capacity; the ability of your farm to meet the obligations. I want to know the average income of your farm under ordinary conditions?" When we have ascertained that fact we will adjust the burden to his shoulders in such way as he can bear it. Now, if by reducing our rate of interest and extending the debt for four or five years, it will enable him to work out from under the load and permit him to pay in full, why, manifestly every man here would adopt that plan. We have adopted the same plan in all of our dealings hereplan. We have adopted the same plan in all of our dealings here-tofore. We say that a foreclosure would be unavailing; that the receipts of the property would be unavailing from the fact that the thing you seize or foreclose is nothing in the world but an interior or underlying property.

But suppose, for instance, the Secretary of the Treasury should go to Denver and take possession of the Union Pacific line, under the act of 1862, and begin to operate it. What would be the effect? Why, he would start his trains from Denver and get within 3 miles of the bridge across the Missouri River, and be stopped there. There would be a fence built across his line and he could

not get a mile farther without the consent of the parties who control the remainder of the line.

Mr. OGDEN. But could he not expropriate to get into the

terminal point?
Mr. POWERS. You mean that it could be condemned under the right of eminent domain?

Mr. OGDEN. Yes.
Mr. POWERS. I should say, no. If one road has the property condemned under that right already, there is no authority, as far as I know, that would allow another road to come in and con-

demn again and take away the possession.

Mr. OGDEN. Not if they are not using it.

Mr. POWERS. But they can use it. The city of Omaha is a great city, and the roads from the East want to get in there.

There is not any trouble but what the bridge will be used, and these terminals down in Kansas City will be used. If he wanted to start out his train for Denver over that line he would have to jump over a half mile of track belonging to some one else before he could get onto his own road.

Mr. MAGUIRE. Will the gentleman permit a question?

Mr. POWERS. Yes.

Mr. MAGUIRE. Is not Omaha as great a city from the

Mr. MAGUIRE. Is not Omaha as great a city from the West as an eastern terminal as it would be from the East for the other

Mr. POWERS. Well, I hope so. I do not know what the

Mr. MAGUIRE. Well, I should hope so.
Mr. POWERS. It is a pretty big city from the East.
Mr. SWANSON. I should like to ask the gentleman a question
for information, because I could not find it in the report. I see you have, as the gentleman from Kansas [Mr. Curtis] has said, an additional amount of \$21,000,000-

Mr. POWERS. I will explain that. Mr. SWANSON. What I want to know is how that item is

Mr. POWERS. I should prefer not to be diverted from my line of thought, because I am coming right to that point.

Mr. BARHAM. Will it interrupt the gentleman—Mr. POWERS. I can not be interrupted by the gentleman from California [Mr. BARHAM]. He is going to talk, and he must talk in his own time.

Mr. BARHAM. I wanted to ask about the Omaha Bridge.

Mr. POWERS. I will give you all the information I have about

it presently.

Now, as I have already said, if we are going to seize the property, or if we are going to foreclose the mortgages, it is important for us to consider what we are going to get under that proceeding. And, as you see, instead of getting a road with terminals, and with these branch lines, a network of which, as you will observe, runs all along in connection with these roads; instead of getting a system that can be worked as a railroad, we get an empty trunk, without terminals anywhere, and we have got to take our chances in dealing with somebody else.

Now, it may be said that these owners of these terminals, per-

haps, and the owners of these branch lines are in just as bad a predicament as we are, that they want the trunk lines as much as we want their help. That is true, but how does that help the argument at all? It makes no difference what they want. The question is, What shall we have as a matter of legal right? And we have got to depend upon the graciousness of these parties or upon some inducement that we can hold out to them in order to have a completed railroad. That is what we are going to get.

have a completed railroad. That is what we are going to get.

Not only that. This road would have to be put up at public sale under foreclosure proceedings. Who on earth would be likely to bid it off? Would you or I or any outside party take the risk of stepping in and bidding on that property that was nothing but an interior property, without terminals or anything else? Certainly not. We should not dare to. The ownership of these branch lines, the very ownership of these terminals, the very ownership of everything essential to make that railroad worth a copper is in the hands of other parties and probably hostile parties. Now, where will you find the man with capital, the man who has millions of money to invest, who will step into a hornets' nest of that kind and make a bid? What is the practical result? These very men whom you are now scolding about, the very men who own the terminals and own these connecting lines are the only ones who can safely bid on the property, and probably they will be the only bidders. They would get the property at their own figures.

Every man can see what that would necessarily lead to. that the procedure of a foreclosure compels the Government to raise sixty or seventy millions more of money to put into this hop-per, and also leaves the Government with an insecure property

after they have got their decree.

Mr. NORTHWAY. Will the gentleman permit me?

Mr. POWERS. Certainly.
Mr. NORTHWAY. If we accept the bill of the committee, do

we get security upon all of these terminals and branch lines clear

Mr. POWERS.

Mr. POWERS. We do. I am coming right to that.

Now, it struck the committee, and it has struck every committee that has ever considered this subject since the Pacific railroads have been built, it has struck all the railroad commissioners. everybody who has investigated the matter, and they have all reported with one voice, that the true way to solve this problem was to fund this debt by an extension at a lower rate of interest, get a security upon a line which, if we are obliged to take it, will be a railroad line and not a section of a railroad line.

This committee have therefore proposed this bill, the essential features of which are these: That the amount of the Government indebtedness shall be ascertained as of July 1 next. The present bill before you reads January 1; but, as I said before, this will have to be corrected, and I will ask for an amendment. On the 1st of July this indebtedness is to be ascertained by getting at the present worth of the subsidy bonds that have not yet matured, bringing them down to the 1st day of July, 1897, so that on that day we will know just exactly what is the debt from the railroad company to the Government; and that thereupon the companies themselves shall issue first-mortgage bonds, taking up the existing mortgage, not only on the aided portions of the lines, but on ing mortgage, not only on the aided portions of the lines, but on their entire system, issuing a first mortgage equal in amount to the principal of their existing first mortgage; and that the Government shall take a second mortgage, lapping over the same property, lapping over the terminals, the Omaha Bridge, worth \$2,000.000, and lapping over the Denver and Pacific road that runs from Denver to Cheyenne, and lapping over the branches forming the Union Pacific. In other words, a blanket mortgage, resting upon all this property, from branch to branch, to the same extent as the first mortgage that we allow to be put on.

Now, will we gain anything by that? My friend from Kansas called my attention to this fact. I say we do. We get a mortgage on a system of roads. We get a mortgage on a railroad instead of a mortgage on a portion of a line. It covers the whole thing, the terminals at Council Bluffs, the Omaha Bridge, the Omaha terminals, and on the line clear through. Essentially it covers also this line from Kansas City out to the three hundred and ninety-fourth milepost, where it now ends, to Denver, together

covers also this line from Kansas City out to the three hundred and ninety-fourth milepost, where it now ends, to Denver, together with all the branches and feeders that supply this line. So that if the worst comes to the worst in the end and the Government is obliged to foreclose its indebtedness, it can then take a property that can be operated as a railroad. There is one advantage.

Mr. FAIRCHILD. Mr. Chairman, will the gentleman allow me to ask him a question?

Mr. POWERS. Certainly.

Mr. FAIRCHILD. What would be the western terminus of that road that would be covered in the new mortgage to the Government?

ernment?

ernment?
Mr. POWERS. Ogden.
Mr. FAIRCHILD. How about the road still west of Ogden?
Mr. POWERS. That is the Central Pacific.
Mr. FAIRCHILD. That is operated by the Southern Pacific?
Mr. POWERS. That is now operated by the Southern Pacific.
Mr. FAIRCHILD. And this proposition would not include any of the property of the Southern Pacific?
Mr. POWERS. Certainly not. We can only deal with these two corporations as the Government has always dealt with them. The debt of the Government has not run against them jointly, but severally.

severally.

Mr. FAIRCHILD. One more question. Can the gentleman state how many alterations have been made as to the security given the original subsidy was granted to them?

by these roads since the original subsidy was granted to them?

Mr. POWERS. Three.

Mr. FAIRCHILD. What better position would we be in fifty years from now, in view of the fact that we have no road farther west than Ogden, if they again should come in and ask for a fifth alteration?

Mr. POWERS. The original act provides that these two lines shall be operated as one continuous line, and they always have

Mr. NORTHWAY. But not a continuous mortgage.
Mr. FAIRCHILD. But not a continuous mortgage.
Mr. POWERS. Congress could not make a continuous mortgage over the two corporations. The Union Pacific is our several debtor, and the Central Pacific is our several debtor, and the Central Pacific is our several debtor, and the Central Pacific is our several debtor. not our joint debtor; therefore we can not impose a joint mort-

gage upon the two.
Mr. FAIRCHILD. Mr. FAIRCHILD. But they are operated by the same men? Mr. POWERS. Not at all; they are operated by distinct cor-

porations. Mr. FAIRCHILD. By distinct railroad corporations, but by

the same interest. Mr. POWERS. No, not in the same interest. The Union Pacific is separate in its interests from the Central Pacific, and the Central Pacific is separate in its interests from the Union Pacific.

Mr. FAIRCHILD. Are not the men of the same interest making

the same proposition as to both railroads?

Mr. POWERS. Both railroads will take this bill, but they do not have a joint interest in this property, and this bill is not framed

Mr. FAIRCHILD. My question is as to the individuals in interest in both companies, not as to the corporate identity. I understand that these companies are both here asking for this legislation and that the same people who are interested in them are also interested in the Southern Pacific.

Mr. POWERS. You say they are here asking for this legislation. I can not say that.

Mr. FAIRCHILD. Will the gentleman deny it?

Mr. POWERS. Yes; I will deny it.

Mr. HILBORN. Then who is asking for this bill?

Mr. POWERS. The Pacific Railroad Committee of the House of Representatives, representing the Government of the United States, are asking for it. This bill is objectionable to both companies

Mr. MAGUIRE. Then they can simply refuse to accept it.
Mr. POWERS. They can refuse, and it is not certain but that
they will do so. This legislation is objectionable to them, and we have had to force upon them an unwilling dose.

Mr. MAGUIRE. Let me ask the gentleman—
Mr. POWERS. Mr. Chairman, I can not be interrupted by a gentleman who is doubtless going to talk upon this subject three times as much as I shall.

times as much as I shall.

Now, the bill proposes that this indebtedness shall be extended with interest at the rate of 2 per cent.

Mr. SWANSON. I wish to ask the gentleman a question for information, to see if I understand this matter. I understand that from the three hundred and ninety-fourth milepost on the Kansas Pacific up to Denver the Government has at present a first-mortgage lien?

Mr. POWERS. No, sir.

Mr. SWANSON. I do not mean the subsidized portion—

Mr. POWERS. No; the Government has no lien on that road from the three hundred and ninety-fourth milepost to Denver. The Denver and Pacific Railroad Company has an outstanding first mortgage, and we propose to allow the Union Pacific Company, under a reorganization, to place a first mortgage on its own propunder a reorganization, to place a first mortgage on its own property that shall be equal to the face value of the existing mortgages

on the same property.

Mr. SWANSON. Now, from the three hundred and ninety-fourth milepost to Denver and to Cheyenne, Wyo., the first-mortgage bonds are included in the \$21,000,000, are they not?

Mr. POWERS. Certainly.
Mr. SWANSON. What is the earning capacity of that road to
pay off the existing mortgage bonds?
Mr. POWERS. I will come to that in a moment, if the gentlepay off the existing mortgage bonds?

Mr. POWERS. I will come to that in a moment, if the gentleman will be a little patient. As I was saying, Mr. Chairman, the provisions of this bill are simply these, that this debt shall be extended at 2 per cent interest. That looks like a small rate of interest, and the committee did their best to make it 3 per cent, but they studied and took into consideration the debt-paying capacity of the debtor, and they found that if they levied 3 per cent interest they would simply leave the debtor worse off than he was before. He would not be able to meet the obligations of the first year, and the whole arrangement would fall to the ground.

Mr. SMITH of Michigan. Let me ask the gentleman upon what the committee's estimate was based?

Mr. POWERS. Upon the net earnings for a series of years.

what the committee's estimate was based?

Mr. POWERS. Upon the net earnings for a series of years, down to the present time.

Mr. SMITH of Michigan. Another question for information. You stated a while ago that the Government had diverted its traffic and had sent it over competing lines. I would like to know whether there has been any other diversion of traffic by the people

whether there has been any other diversion of traine by the people owning the Union Pacific.

Mr. POWERS. Do you mean the Union or the Central Pacific?

Mr. SMITH of Michigan. The Union and the Central both.

Has there been any other diversion of traffic to competing lines which are within the influence of the owners of the Central and

which are within the influence of the owners of the Central and the Union Pacific?

Mr. POWERS. You will be told by my friends from California as this debate progresses that the Southern Pacific road has absorbed the earnings of the Central Pacific. That is not true. I shall not stop at this time to demonstrate that it is not true, but I can do it. I propose to wait, however, until they make the statement, and then I will undertake to show the House that there is not a particle of truth in it. As to the Union Pacific, I know of

no diversion of its earnings to any other road whatever. I never heard any intimation made that it had diverted its earnings.

Mr. SMITH of Michigan. Is the gentleman from Vermont prepared to say that the Union Pacific has had its proportion of the business; that there has been no diversion of traffic from it? I understand that there are competing lines, and it has been stated that the traffic her hear diverted to these lines.

that the traffic has been diverted to those lines.

Mr. POWERS. It is quite true that there are competing lines running from Chicago to Denver. I think there are three of them;

running from Chicago to Denver. Tenna eact and certainly two.

Mr. SMITH of Michigan. Are they not controlled by the same people who control the Pacific roads?

Mr. POWERS. No, sir; they are not controlled by the same people, and one of those roads, as we are informed, is here now, trying, in its own interest, to defeat this bill. There are competing roads, but no man has asserted, and I do not think any man will assert that either the Burlington or the Missouri Pacific or will assert, that either the Burlington or the Missouri Pacific or the Rock Island is part and parcel of the Union Pacific.

Mr. SMITH of Michigan. I am not hostile to the gentleman's plan. I am asking for information.

Mr. POWERS. Well, these other roads are hostile to the Union

That is the fact

Now, then, as to the Union Pacific and the Central Pacific, it may be generally said that, in order to get at what the companies have paid on this indebtedness, the committee made a careful study of their net earnings in the situation in which they are placed and with the circumstances surrounding them, for several years back, including not only years of prosperity, but years of adversity. All railroads, like all other business enterprises, are the beneficiaries of good times and the victims of bad times. In order, therefore, to get at a fair average we have studied that question very deeply; and we have come to the conclusion that \$4,000,000 in each case will cover the last dollar that can be safely counted upon as certain net earnings of this company. We have placed and with the circumstances surrounding them, for several counted upon as certain net earnings of this company. We have started on that basis; and starting upon that basis we have prepared this bill, which figures out like this—

Mr. LACEY. I would like to ask the gentleman a question in connection with the dividends. Why does the bill provide for

connection with the dividends. Why does the bill provide for dividends at 4 per cent on the stock, when the Government can get only 2 per cent on the bonds that are held for the stock?

Mr. POWERS. Well, my dear sir, if you expect a railroad company to undertake to pay a debt, do you imagine you can ignore the stockholders? Can you say to the stockholders of a railroad corporation under these circumstances, "Gentlemen, you never these circumstances," shall hope to get a dollar out of this property; but we are going to compel you to pay this debt?"

Mr. LACEY. The point of my question was why the dividends should be larger than the interest on the bonds?

Mr. POWERS. We propose to allow a 4 per cent dividend in order to bring the stockholders into this arrangement. We want them to undertake this burden, and we can not get them to do so unless they can see a chance some time of getting something out of the property for themselves; and 4 per cent is a small dividend with which to tempt them into this arrangement.

Mr. MOODY. Will the gentleman tell us what is the present

Mr. MOODY. Will the gentleman tell us what is the present market value of the stock upon which it is now proposed to pay a

4 per cent dividend?

Mr. POWERS. The market value of the Central Pacific stock, so far as I have known anything about it during the last six months, is about 17. The market value of the Union Pacific is nil. You will see the Union Pacific stock quoted in the papers as selling at \$9 and \$10; but the explanation of that is this: The Union Pacific stock quoted in the papers as selling at \$9 and \$10; but the explanation of that is this: Pacific reorganization committee has corralled 95 per cent of this stock—has gathered in the certificates under an agreement with the holders that they will stand an assessment of \$15 a share, and has issued to each stockholder a certificate that the stock is so held. Those certificates, coupled with that obligation, are put on the market and sold to-day for nine or ten dollars. The last market quotation which I saw was about \$10; and those same certificates obliged the holder to stand an assessment of \$15 a share.

Mr. HILBORN. Will the gentleman allow me to ask what dividend the Central Pacific is now paying on its stock?

Mr. POWERS. My friend from California [Mr. HILBORN] is

going to make a very eloquent and plausible speech before this debate closes, and I suggest that he ask that question of himself and answer it

I should go back, perhaps, a step in this debate and say that in addition to this mortgage which it is proposed to place upon the whole property of the system, it is provided in the bill that the companies shall secure the payment of the annual requirements made of them by giving the Government the right to withhold the money that will be due from the Government to the company

addition to this mortgage which it is proposed to place upon the whole property of the system, it is provided in the bill that the companies shall secure the payment of the annual requirements made of them by giving the Government the right to withhold the money that will be due from the Government to the company for transportation services until these current annual requirements are met.

As I have already said, the Government is a patron of these ments are met.

As I have already said, the Government is a patron of these freighting that it has occasion to do in that part of the country. Their patronage has amounted in the past to a large sum of money. In the case of the Central Pacific, a much larger sum, I think about double that amount—about \$1,200,000 a year. So that by giving the Government the right to retain their money in its Treasury until the companies have met and discharged their

annual obligations, the entire interest charge, at least, due from the companies will be met by that money alone, leaving nothing to be provided for on the part of the companies except the annual cash payment, which, as I shall presently show, is a requirement that both of the companies must come under. We provide that they shall pay this rate of interest semiannually; we secure the payment of it and the payment of all the obligations we assume by this first mortgage, plus the right on the part of the companies to retain in its own hands money enough to meet the sannual ment to retain in its own hands money enough to meet the annual

ment to retain in its own hands money enough to meet the annual interest charge.

Now, in addition to that interest we require them to pay an annual installment upon the principal of the debt, amounting in the case of each road to \$365,000, so that each road, as will be seen, will pay into the Treasury, if it complies with these requirements, \$1,000 a day, or, for the two roads, \$2,000 a day, for the first ten years that this contract will be in force. For the second decade they are to pay the sum of \$550,000 each, plus the interest as it matures, or a little over \$1,500 each per day. And thereafter, until the whole debt is paid, they are to pay annually the sum of \$750,000.

Mr. McCREARY of Kentucky. I wish to ask the chairman of the Committee on Pacific Railroads, who is now on the floor,

the Committee on Pacific Railroads, who is now on the floor, whether he believes that these companies can comply with these obligations if the relief contemplated in this bill be granted them? Mr. POWERS. I am very glad the gentleman has put that question. It is a pertinent one. My friend from Kentucky has struck the very kernel of this whole question. That is the question—Can the companies comply? There is no use in harassing your debtor so that he can not comply. The question is a very pertinent one, and coming from the source it does, I am very grateful to my friend for asking it.

Now, we think the companies can comply with these require-

Now, we think the companies can comply with these requirements. As I have already said, their net earnings per year are safely enough counted at \$4,000,000, and that under the most adverse conditions that we can reasonably expect the companies

to rest under in the future

Now, Mr. Chairman, I think I may say, without undertaking to prophesy, that the times could clearly be worse in the future than they have been in the past three years, and yet during that time these roads certainly had earnings enough to comply with the requirements of the Government.

In the case of the Central Pacific Railroad we require, inasmuch as they are leased to the Southern Pacific, that the Southern Pacific Company shall be required to enter into an obligation and guarantee to the Government, or rather to assume the payment of this annual requirement of the Government: The Southern Pacific Railway Company is a large corporation. It was chartered in the gentleman's own State. It has a vast amount of property. Some of our friends will no doubt tell you in the course of this discussion that it is not good for anything. But it is one of the heaviest corporations in the country. Certainly it does not hurt your security to have a second indorser, even though he may not be regarded as strictly good. We say in this case that the indorser

be regarded as strictly good. We say in this case that the indorser is good.

Not only that, but there is a sum of money, amounting to \$2.414,000, or thereabouts, now in the Treasury of the United States belonging to the Southern Pacific Company—not the Central Pacific, but belonging to the indorser, the guarantor, of the Central Pacific—which we demand shall be presently applied in reduction of the Central Pacific debts of the Government. We have no right to it as a matter of law. It is a question that has been in contention as to whether it belonged to the Central or the Southern Pacific road for a long time. The courts have decided that it belonged to the Southern Pacific, and we can not legally demand payment of the same; but the committee exacts, as a requirement for this bill and to bring this company to a strict compliance with for this bill and to bring this company to a strict compliance with the terms of the bill, that this payment shall be made, and they

have filed an assurance that it may be done.

Now, to answer the question of my friend from Kentucky.

The payment of both the Central Pacific Company and the other roads will be about as follows: The payments on behalf of the

\$1,153,630.58; and installment of principal, \$365,000; making a total of \$3,825,890.85. You will see that this is some \$100,000 less

less than the \$4,000,000 limit.

The question may be asked, Why do we leave it at that? The answer is, We can not make it 3 per cent interest, because that would add some \$550,000 to the burden of the Union Pacific road and carry it beyond the limit. In the case of the Central Pacific it would carry it above the average by some \$570,000 beyond the four-million limit. And so you see we are necessarily tied down

Besides that, Mr. Chairman, these companies should have a little margin in their treasury. Who does not know that every railroad is compelled to meet unexpected demands, such as a valuable bridge burning down, a valuable depot property being destroyed by fire; accidents by which personal injuries are received and compensation necessarily demanded therefor. In other words, the compensation necessarily demanded therefor. In other words, the debtor must have a little pocket money to meet the contingencies. Is that not the case in all business matters? What business man does not conduct his business on something of that same principle? Would he say to the debtor, "Give me the last cent you have left in your pocket; I will not leave you anything; your family may be sick, your house may burn up, a thousand and one things may happen to you; but I don't care, I will leave you nothing?" What sensible man would not leave him something to cover contingencies gencies.

Mr. WATSON of Ohio. If the gentleman will allow me, in that connection, I wish to call his attention to a statement in the reconnection, I wish to call his attention to a statement in the report. On page 10 of the report you say that the Government would receive from both roads annually, for the first decade, for principal and interest, some \$3,000,000. Is that not a mistake? Should it not be \$5,000,000 as the receipts from both?

Mr. POWERS. Possibly there may be an error there. I will be glad if the gentleman will make the computation.

Mr. WATSON of Ohio. I think it is a mistake in the print, It ought to be something over \$5,000,000.

Mr. POWERS. Now, the Union Pacific will make the following payments:

ing payments:

Interest at 4 per cent on first mortgage	\$2,189,240.00 1,074,308.17
Installment of principal	365,000.00
5157. J.M., 1,574. J. (1988) 1. 30. J. (1988) 1. 1. 1. 1. 1. 1. 1. 1. 1. 1. 1. 1. 1.	the state of the s

Now, if I have not answered the question of my friend from Kentucky [Mr. McCreary], I shall be glad to do so.

Mr. McCreary], I shall be glad to do so.

Mr. McCreary of Kentucky. I am very much obliged to the gentleman. I think he has answered the question very fully. I desire to ask another question in that connection. I think the gentleman touched upon it before. In your bill you provide for the extension of the Government lien on certain property.

Mr. POWERS. Yes.

Mr. McCREARY of Kentucky. If you have stated it, I did not hear it, and I ask you to state it again. What do you value the property at which is covered by this extended lien?

Mr. POWERS. In reference to the valuation of this additional property that the Government will have a mortgage upon, of course it is a question that every gentleman must judge of for himself.

Now, take the case of the terminals at Denver. I have a statement which shows the amount of property. This railroad owns 2,000 acres of land there. I am speaking now of what appeared in 1890, six years ago. They owned 2,000 acres of land and 60 miles of side tracks, together with their warehouses, their depots, and everything of that sort. At Kansas City they owned 233 acres of land and 30 miles of siding. At Omaha they owned 319 acres in the very heart of the city, and 45 miles of side track. At Council Bluffs they owned 1,000 acres of land, together with all their warehouses and everything of that sort.

Well, now, to say how much that property is worth in dollars and cents is a very difficult question to answer. Connected with this railroad and as a part of this railroad, it is invaluable. If you want to get at it by asking me how much it will take to duplicate it, I answer that Mr. Choate, the division superintendent of the Union Pacific, says you can not duplicate the terminals in Denver for less than \$10,000,000. Not only that, they say that the coal lands that are owned by the Union Pacific Railroad are themselves worth the entire Government debt. Now, take the case of the terminals at Denver.

selves worth the entire Government debt. Why, the Union Pacific Company has coal beds along its line, so that it is supplied with coal at a nominal price per ton. It costs them hardly anything. These coal lands of the railroad are

invaluable adjuncts.

And of course if they are so valuable to the railroad, they must

and of course if they are so valuable to the railroad, they must necessarily be so to the Government, if the Government is compelled in the end to take the railroad.

Mr. McCREARY of Kentucky. Just one more question. Your report shows that the Government lien is extended over very valuable properties indeed, including about 20 per cent of the mainline mileage of the Union Pacific Railroad. The point I desire to

get at is this: The prior lien, which is now about \$61,000,000, will be increased, as I understand it, by your bill, \$21,000,000 on the Union Pacific and about \$24.000,000 on the Central Pacific. I want to see if the property that the lien would be extended to,

want to see if the property that the lien would be extended to, not now embraced, would cover about that?

Mr. POWERS. I will say in answer to my friend from Kentucky [Mr. McCreary] that in 1890 the Senate appointed a committee, of which Mr. Frye was chairman. They went out over this property and made an extended examination of it. They had experts with them. They looked into the question of the value of this property, and they reported unanimously that in their judgment these railroads were worth \$47,000 per mile of main line, and that the terminals were worth the figures which I have been quoting

the terminals were worth the figures which I have been quoting from their report.

They reported a bill which was very similar to the one now under consideration. It provided for an extension of time, at 2 per cent interest. It provided for an annual payment, not so much as we provide, but they estimated at that time the value of that property, and made out that the excess of security over and above what we now have was not less than \$92,000,000.

Now, that was six years ago. Whether the property is worth more in dollars and cents to-day I leave to every man here to consider. Of course, these railroad terminals have been expanded; new sidings have been put in; new buildings have been completed; so that I think it is fair to reason, although we have no expert testimony on the subject, that the terminals at all these places are worth more to-day than they were worth six years ago.

Now, then, I have taken more time than I intended to in the discussion of this measure.

Mr. PERKINS. Before the gentleman concludes: I have listened with much interest to the debate. I have heard nothing in regard to the Sioux City and Pacific road. The gentleman is aware that the people of the Northwest are somewhat interested with reference to connection along the line originally proposed by

with reference to connection along the line originally proposed by the Sioux City and Pacific. Now, I would like to inquire of the gentleman if there is any consideration involved for the Sioux City and Pacific road?

Mr. POWERS. I am very sorry to say, in reply to my friend from Iowa, that this committee has not felt itself permitted or justified in according any aid to the Sioux City enterprise. I suppose, and I have no doubt my friend knows that fact, that some amendment will be proposed covering that ground, and when it is it will be time enough to discuss that. I prefer not to exhaust my time and be diverted in that way. This bill does not do any good to the Sioux City road.

Mr. PERKINS. The Sioux City and Pacific road is a branch

of the Union Pacific?

Mr. POWERS. Yes.

Mr. PERKINS (continuing). And that property is not considered in this bill?

sidered in this bill?

Mr. POWERS. Nor is the property of the Central Branch considered another one of the parts of the Union Pacific Railroad Company. They have nothing to do with it.

Mr. PERKINS. I do not understand at this time anything in the way of aid is asked for the Sioux City and Pacific Branch, but it is proposed to ask for recognition in the way of connection, etc., if that line is built. An amendment to accomplish that purpose will be offered if an opportunity is afforded.

Mr. POWERS. Very good. I will assure my friend that no objection will be made to any proper amendment that he or any other gentleman may offer.

I have already taken more time than I intended in the discussion of this measure, my purpose mainly being to bring to your

sion of this measure, my purpose mainly being to bring to your mind a little résumé of the history of this transaction, so that, mind a little resume of the history of this transaction, so that, knowing what the past of these roads has been, you would be betber able to know what their future ought to be and what you should do in disposing of this question. This committee are in accord with every committee in either House that has considered this subject. They present a plan here similar to that which has received the sanction of other committees, and one that has has received the sanction of other committees, and one that has received the sanction of every person that has ever investigated the matter. It may be imperfect. I wish it were better. I wish we could get a mortgage with ample security paying 6 per cent interest. But we have taken the best we could, and we have squeezed them, to use a homely expression, to the last cent. We have approached the very verge of their possible pecuniary ability in the requirements we have imposed upon them.

Now, the practical question remaining is, Will this Congress undertake to collect this debt from these companies, or will it ruthlessly throw it away? You will doubtless be regaled by some of the bitterest denunciations against the managers of these com-

of the bitterest denunciations against the managers of these comof the bitterest denunciations against the managers of these companies. I have tried to forefend against that by saying they have not taken a dollar from the Government. If they have taken it from somebody else, let somebody else do the fighting. We can not go into the fight between Mr. Huntington and Mayor Sutro, of San Francisco. We are engaged in making an effort to collect a debt from an insolvent debtor, and the question, gentlemen, with

all its momentous issues, is submitted to your sound judgment in the hope that you will find, after you have investigated it, that this is the best possible way to get along with this uncomfortable

Mr. HENDERSON. Before the gentleman takes his seat, perhaps my attention was diverted, but the gentleman from Kansas [Mr. Curris] asked a question about the increased stock, and the increased amount in bonds and mortgage bonds upon the lines. Did the gentleman touch upon that?

Mr. POWERS. I intended to. The gentleman did not com-

Mr. HENDERSON. I knew the gentleman asked the question.
Do I understand that it is a doubling up of its indebtedness?
Mr. POWERS. We take the exact first mortgages on every foot of this system and put them in a hotchpot at their face value and say that the company may issue a new first mortgage of the same amount as the first mortgages now existing on the property, and that we then put our debt on the top of that.

that we then put our debt on the top of that.

Mr. PATTERSON. I apprehend that the gentleman's inquiry goes to this point, whether the contemplated mortgage increases the first-mortgage lien on the subsidized line.

Mr. HENDERSON. That is exactly the point I wished to get at.

Mr. POWERS. It increases it in one sense, and in another it does not. Take this line [indicating]; in ascertaining the amount of the new mortgage we count the existing first mortgage on this line, plus the existing first mortgage on that line [indicating], and add them together, which gives the amount of the general first mortgage, and the debt to the Government goes on top of that.

Mr. SWANSON. I see in the report that you make this amount \$21,999,000, but the report does not state the names of the securities of which that sum is made up. Now, I would like to know the names of the securities that make it up, so that we may ascertain their value in the market.

Mr. POWERS. I have stated once or twice that they are the

Mr. FOW EAS. I have stated once of the control of t think they ought to be stated, so that we might be enabled to see what is their value to-day.

Mr. POWERS. I can not give the names of the securities without consulting the reports, because they are quite numerous.

Mr. CURTIS of Kansas. The gentleman will find that infor-

mation in Mr. Bell's report.

Mr. SWANSON. I have Mr. Bell's report. He simply gives the estimated value. What I want to know is what the securities are. As I understand, this estimate puts them at par. Now, if the securities are not worth that amount, it might perhaps be better for us to pay \$10,000,000 for them rather than extend them over the entire line.

Mr. POWERS. There is no question, Mr. Chairman, as to the

value of the property, and before the discussion ends I will submit a table which will satisfy the gentleman.

Mr. PARKER. Did I understand the gentleman correctly when I understood him to state that the new first mortgage would cover all of the system?

Mr. POWERS. The entire system of the Union Pacific Com-

Mr. PARKER. And all of the first-mortgage debt?
Mr. POWERS. The first mortgage on the entire system will be made up of existing first mortgages on the different parts of it. There are several corporations, each of which has a first mortgage.

Mr. PARKER. In the receiver's report I find: First-mortgage bonds, \$40,000,000, with \$2,500,000 interest also, other bonded debt, \$40,000,000, and \$2,500,000 interest; making \$45,000,000 on that

system. Now—
Mr. POWERS. If the gentleman will pardon me, I have not seen that report, and I do not like to talk about it without having examined it, but I will try to answer the gentleman's inquiry before the debate ends.

before the debate ends.

Mr. PARKER. Another question. Why is the description of the property of the Union Pacific Railroad so different from the description of the Central Pacific Railroad's property? I notice that the description of the Central Pacific property includes every property of that railroad company, all bonds, stocks, etc., owned by it, and that those words are left out of the description of the property of the Union Pacific.

Mr. POWERS. The gentleman, I think, is laboring under a mistake. The description covers the same thing in both cases. A more careful examination will show the gentleman that the descriptions are alike and we require an inventory of the property.

descriptions are alike and we require an inventory of the property

to be filed in the Treasury.

Mr. PARKER. I think the gentleman himself is mistaken on

that point.

Mr. POWERS. Mr. Chairman, I do not like to be discourteous, but I have taken so much time that I must decline to answer

further questions at this time, and now I leave the matter in other

hands, reserving the balance of my time.

Mr. HUBBARD. Mr. Chairman, that the House may be a lit-Mr. HUBBARD. Mr. Charman, that the House may be a little further informed as to the history of this property, more particularly in its financial aspects, that it may act more intelligently, I wish to state that, in pursuance of the laws of 1862 and 1864, while there were privileges granted these railroads, there were also some restrictions, to one of which only I wish to call attention at this time. A portion of the second section of the act of 1864 provides:

That the said company shall make assessments upon its stockholders of not less than \$5 per share, and at intervals of not exceeding six months from and after the passage of this act, until the par value of all shares subscribed shall be fully paid, and money only shall be received for such assessments, or as an equivalent for any portion of the capital stock hereinafter authorized.

The Union Pacific Railroad Company was incorporated with a capital stock of \$60,800,000, of which there was paid in, under capital stock of \$60,800,000,000, of which there was paid in, under assessments, 16 per cent, instead of 100 per cent as required by this law. The Central Pacific was incorporated for \$68,000,000 capital, upon which but a little over 10 per cent was paid in accordance with the provisions of the act. The Western Pacific organized with a capital stock of \$7,900,000, upon which 2½ per cent was paid. The Kansas Pacific was organized with a capital stock of \$9,000,000, and not one dellar was even paid for any of that stock \$9,000,000, and not one dollar was ever paid for any of that stock. It would be interesting to go over the history of the construction of these roads—the manner in which they were built; but I do not propose to do so. Suffice it to say that in the construction of the Central Pacific Railroad there accrued to those who built it a profit of \$62,000,000.

In the construction of the Union Pacific there was a profit to those who built it of \$44,000,000. That was prior, of course, to the time when the roads were completed and when they were earning money on the other lines. Upon this profit of \$62,000,000 on the Central Pacific (which is now joined for all practical purposes with the Western Pacific) there was paid \$43,000,000 in dividends. Upon the Union and the Kansas Pacific, which have been consolidated and now constitute one road, there has been paid in dividends \$28,000,000

dividends \$28,000,000.

Now, understand, Mr. Chairman, I do not speak in any hostile Now, understand, Mr. Chairman, I do not speak in any hostile spirit of the gentlemen who have made this money. If they have violated any law, the proper executive officers of this Government are the ones to attend to that matter; if they have not violated any law in the accumulation of this money, neither myself nor anyone else has any right to complain. My object in stating these profits, first upon the construction of the roads and second upon the dividends that have been earned and paid upon the properties, is to show that the railroads themselves are strong financially, while the corporations that have control of them are bankrupt and unable to discharge to-day, as they claim, a single dollar of their indebtedness to the Government.

I agree with the gentleman from Vermont [Mr. Powers] that this is a business proposition. I am glad that he wishes to have the matter submitted to the House on that theory. Now, the first principle for us to investigate is as to the earning powers of these roads. Surely the net earnings of these properties ought to be our guide in ascertaining what the companies could pay. The only statement that we had in regard to the earnings of the Central Pacific was given by Mr. Tweed, who appeared as attorney for the Central Pacific Railroad. Here is his statement:

In 1890 the earnings were \$898,000; in 1891, \$2,144,000; in 1892 (the year after the abnormal year), \$861,000; in 1893, \$784,000; in 1894, \$144,000; in 1895, estimated at \$42,000.

I say that such a decline as this requires some explanation. Mr. Tweed went on to show that upon the company's net earnings that

Tweed went on to show that upon the company's net earnings that company could stand practically the requirements of this bill—that is, about \$1,200,000 a year. The money would be secured by refunding its debt at 4 or 5 per cent interest, and also by the company being permitted to withhold from the sinking fund of the United States the payment of about \$530,000 a year.

Now, in opposition to the statement of Mr. Tweed, I wish to call attention to Poor's Manual, page \$15. The net earnings of that road for 1890, as given in Poor's Manual, were (I am giving merely round figures) \$6,000,000. Mr. Tweed gives the amount as \$898,000. In 1891, according to Poor's Manual, the earnings were \$7,000,000; according to Mr. Tweed, \$2,000,000. In 1892, according to Poor, the earnings of the road were \$5,707,000; according to Mr. Tweed, \$831,000. In 1893 the earnings, as given by Mr. Poor, were \$5,739,000; by Mr. Tweed, \$784,000. In 1894, according to Poor's Manual, the earnings were \$4,854,000; according to Mr. Tweed, \$144,000.

Mr. MAGUIRE. Will the gentleman permit a single suggestion?

Mr. HUBBARD. Yes, sir.
Mr. MAGUIRE. I think it is fair to state, in justice to Mr. Tweed and other gentlemen who appeared before the committee,

that none of them were put under oath.

Mr. HUBBARD. Well, I assume that all men are honest; they ought to be, if they are not.

Mr. ARNOLD of Pennsylvania. Does Poor's Manual give the

Mr. ARNOLD of Pennsylvania. Does Poor's Manual give the gross earnings or the net earnings?

Mr. HUBBARD. It gives the net earnings. Very likely it will be said in answer to this that if we deduct the interest on other bonded indebtedness of this road, the net earnings would be reduced to the amounts stated by Mr. Tweed. Prima facie, this can not be pertinently done to any great extent. The indebtedness underlying the lien of the Government, and which is the first mortgage, with the application of the sinking fund already accumulated and which is applicable to the discharge of that first mortgage, need not be over \$19,000,000, which at 5 per cent would make less than \$1,000,000 to be taken from the figures given in Poor's Manual. If we refer to the report of the Railroad Commissioner for 1895, page 29, we will find this view sustained. It gives the total net earnings at \$13,622,000. That is the revenue received from all departments of the railroad, operating departments and all. The expenses are as follows: ments and all. The expenses are as follows:

 Operating expenses
 \$8,624,534.99

 Interest on first-mortgage bonds
 1,671,180.00

 Interest on other funded debt—
 1,671,200.00

Now, I wish gentlemen to bear this item in mind, because I am going to call attention to it again in a very few minutes—

	\$1,678,772.50
Interest on other debt, credit	86, 024. 41
New construction and equipment	111, 288, 60
Rintals, nonaided road	8, 100, 42
Expenses of land department, including taxes	162, 525. 55
Sinkinz-fund requirements, company	647, 451, 67
Losses on stocks of other companies	695, 466, 41
United States sinking-fund requirement	599, 700, 90
Land receipts paid to trustees of land mortgage	161, 262, 43
Miscellaneous	323, 616. 33

It will thus be seen that the miscellaneous expenses amount to almost \$1,000 a day. I submit that this matter of miscellaneous expenses ought to be very carefully dissected in order to ascertain waere so much money has gone. The amount, I repeat, is almost where so much money has gone. The amount, I repeat, is almost \$1,000 a day—the sum which it appears under the pending bill this company proposes to pay every day in liquidation of its debt to this Government, amounting now to practically \$57,000,000, and which will require eighty-three years to extinguish.

This statement, as I have given it, shows a deficit of \$975,871.

The question we have to consider, therefore, is the amount of the interest of the statement of the statement.

The question we have to consider, therefore, is the amount of the income above operating expenses and taxes to carry fixed charges. Before going into that, however, let me premise:

On page 28 of the same report of the Commissioner of Railroads we are given a table showing the bonded debt of the Central Pacific Railroad Company as \$37,879,000 in round numbers, made up roughly of four classes—about \$28,000,000 of the first-mortgage bonds, about \$28,000,000 of the subsidy bonds, about \$15,000,000 of bonds on the land—land-mortgage bonds, they call them—and about \$17,000,000 on the California and Oregon and the San Joaquin Valley Railroad. The interest on these bonds is 5 per cent, save the interest on the San Joaquin Valley Railroad, being \$6,080,000, which is 6 per cent.

\$6,080,000, which is 6 per cent.

From these facts it will be seen that the item of interest, to which I called attention a moment ago and which I asked you to bear in mind—that that interest, while not being exactly right for the interest on the subsidy bonds of the Government or the combined interest on the land-mortgage bonds and the California and Oregon and San Joaquin Valley bonds, may mean either for the purpose of showing a deficit. The Railroad Commissioner could not tell me to what bonds that interest was to discharge.

But, Mr. Chairman, it does not make any difference whether it

means the Government subsidy bonds, or the interest on the land means the Government subsidy bonds, or the interest on the land mortgages, or the California and Oregon, or the San Joaquin Valley Railroad. If it meant interest on the subsidy bonds, since it was never paid there is no deficit, but a surplus of \$702,901.41. The item of losses on the stock, amounting to \$695,466, is not an ordinary railroad expense, and has no business there. Here is a company's sinking-fund requirement of \$647,000; the United States requirement of \$599,000, making a total available to show the net earning capacity of the road to sustain new bonds of \$2,648,000. There are also other items of expense not necessarily or usually included in this connection. For instance, the interest on other debts, credits, \$\$0,000; new construction and equipment, \$111,000, making about \$200,000 more. This brings up the ment, \$111,000, making about \$200,000 more. This brings up the surplus to almost \$3,000,000. Then if you apply the sinking fund that is in the California sinking fund to the reduction of the first mortgage, it leaves that debt at about \$19,000,000, which, refunded mortgage, it leaves that debt at about \$19,000,000, which, refunded at 5 per cent, would be a further saving of some \$700,000 a year to go into the fund available to carry new bonds. Then the Government's own mortgage of about \$27,500,000, reduced by the sinking fund of about \$3,000,000, will make a further increase in the earnings sufficient to run that fund above operating expenses and taxes to about \$4,000,000.

If the hypothesis in respect to the third item of the expenditures be wrong, and that item refers to interest paid on the California and Oregon and San Joaquin Valley Railroad Company's bonds, the result is quite as inconsistent with the proposition in the bill

reported, for if the company must assume those bonds to realize the above income, then the company is entitled to the security of the bonds, and in that event equal benefit would be derived from the application of the company's sinking fund to any of the bonds; but the Railroad Commissioner's report shows that the consolidated companies received Government land grants of 12,500,000 acres, enough of which have been sold at \$3.50 per acre to realize over \$9,000,000, and that the balance—something short of 10,000,000 acres—are held by the company at an average price of \$3 per acre, which amounts to nearly enough to pay off both the \$15,000,000 land mortgages and the San Joaquin Valley and California and Oregon Ballered Company's bonds to fornia and Oregon Railroad Company's bonds, too.

The material inference as to earning capacity to be drawn from these figures is, of course, entirely inconsistent with the impres-sion made by Tweed's statement. Very likely the inference is erroneous somewhere, but we have no information to correct it. Others who are accustomed to speak intelligently upon such matters seem to be as little advised. Thus the Railroad Commissioner has deemed it important to insert in his report a statement from Poor's last manual, as follows:

It is reported that an arrangement has recently been made whereby the Southern Pacific guarantees a minimum of 1 per cent yearly on the stock of this company until satisfactory legislation has been obtained for the adjustment of the debt to the Government, when the dividend will be increased to 2 per cent for a guaranteed period of two years. Payments will be made half-yearly the 1st of July, 1895.

The par of the outstanding stock is \$67,275,500, and the Manual shows a 2 per cent dividend paid upon it in 1893, amounting to

\$1,345,510.

For these reasons we do not know what Mr. Tweed was taking For these reasons we do not know what Mr. I weed was taking into account or to what purpose he was speaking when he said that the net earnings of the road last year—the same year of the Commissioner's report which we have quoted and analyzed—were \$42,000, and the earnings in 1893, \$784,000; that the average earnings were \$812,000 per year for five years, and yet his statements and that of Mr. Huntington—that the company could not carry out Mr. Hubbard's plan, hereinafter mentioned, and that this bill is the best he could do—are all the foundation we know of for the terms fixed in the bill terms fixed in the bill.

Recommendation of this bill by the committee, as qualified to advise, as a bill adapted to the assets or resources of either com-

advise, as a bill adapted to the assets of resources of either company, would therefore seem to be founded on mere assumption.

The only knowledge we have peculiar to this bill is that it is satisfactory to the companies. That does not mean that it would be carried out, for they are both insolvent, and their undertakings are, of course, idle. The bill, so far as the Union Pacific is concerned, is an option to its successors—it is substantially so stated—unlimited in time and hindier on the Government while the class. unlimited in time, and binding on the Government, while the Government's own lien may be extinguished by the foreclosure of the

first mortgage.
In 1893, when Mr. Tweed says that the net earnings on that property were but \$784,000, Poor's Railroad Manual says that there was a dividend paid on the stock of the Central Pacific Railroad of \$1,345,510. Of course, if you can deduct dividends paid on the capital stock, you can cut the net earnings of any road down very seriously. You can make a deficit easily if that is to be the kind seriously. You can make a deficit easily if that is to be the kind of calculating and the method of mathematics employed in demonstrating the net earning capacity of the road.

Mr. COOPER of Wisconsin. Will the gentleman allow a ques-

tion?

tion?

Mr. HUBBARD. Certainly.

Mr. COOPER of Wisconsin. Is it not a fact that in 1893 there was \$600,000 more paid by the Central Pacific Company in dividends—that is to say, \$1,345,510 in all—than Mr. Tweed, their attorney, said to the committee was the amount of the net earnings of the road in 1893? He said the net earnings were \$700,000.

Mr. HUBBARD. That is correct.

Mr. COOPER of Wisconsin. Yet that same year that road paid over thirteen hundred thousand dollars in dividends?

Mr. HUBBARD. That is what I tried to say. There came before that committee representatives of the various companies, and they submitted plans. Those plans at first were not alike. They were very different indeed. I will give you first the plan submitted by the reorganization committee of the Union Pacific Railroad Company, represented by their attorney, Mr. Pierce, and Railroad Company, represented by their attorney, Mr. Pierce, and their secretary, Mr. Krech. They came before the committee and offered in settlement for the debt due the Government \$35,000,000 of 4 per cent first-mortgage bonds, out of a total authorized issue of one hundred millions, limited to an actual issue of eighty-seven millions, and that for the unreimbursed interest, amounting in millions, and that for the unreimbursed interest, amounting in round numbers to \$20,000,000, they would give the Government a 4 per cent preferred stock in the discharge of the debt of practically fifty-five millions. They showed that the company was sufficiently strong to carry this obligation of \$100,000,000 4 per cent bonds, and also the authorized issue of \$75,000,000 preferred stock limited to an actual issue of \$68,000,000.

Those bonds were to be fifty-year bonds, but in order to compare with the bill that has been adopted by the committee and

which is sought to be passed, I have proposed to carry the figures out to the full term that the bonds will run under the present

bill, as for comparison this is fair.

In the case of the Union Pacific Railroad it will require eightythree years to discharge their debt. Now, 4 per cent on \$35,000,000 first-mortgage bonds for eighty-three years amounts to \$111,000,000. Your principal will still be unimpaired. Adding that to the interest that you receive, you will have collected and due

\$146,000,000 in the eighty-three years.

This plan was not looked upon favorably by the committee, was not accepted, and they offered then, instead of giving the twenty millions of preferred stock, to issue a second mortgage for the twenty millions at 2 per cent, to go annually to the reduction of the principal, and the bond itself to bear no interest. That is, they would virtually pay the bond in fifty years; but in case they did that they wanted the interest reduced from 4 per cent to 3 per cent on the first-mortgage bonds. Now that is just about \$5,000,000 better proposition for the company than the first proposition. Neither one found favor with the committee

Neither one found favor with the committee.

Then appeared the present bill, the Smith-Frye-Huntington bill—I scarcely know what to call it, but it is the bill introduced by Mr. Smith of Illinois, and is practically the bill that the company say they can comply with. They seek to pass through this House this bill, giving an eighty-three-year bond, with 2 per cent interest on the decreasing capital, with a small payment every year to go to the reduction of the principal.

Now the Hubbard plan was made first by the Central Pacific.

Now, the Hubbard plan was made first by the Central Pacific Railroad Company. General Hubbard, of New York, as attorney for the former Hopkins estate, thinking that the bill we have now could not pass, came before the committee and said that that company would undertake to do something which has never yet been pany would undertake to do something which has never yet been ingrafted in a bill, and which has introduced a new element in the discharge of these debts. He said that the Central Pacific Company, after the application of the sinking fund that now is in the Treasury, and which can be applied to the reduction of the subsidy bonds—that if the Government will apply that to the extinguishment of the subsidy mortgage as far as it will go, the Central Pacific Company would raise money enough to discharge the balance of the subsidy bonds, and thereby stop the interest the Government has to pay in carrying these mortgages interest the Government has to pay in carrying these mortgages

The Government would stop by that plan the carrying of any Pacific railroad mortgages. For the unreimbursed interest he proposed to give what he called an income bond, which should bear interest at the rate of 2 per cent per annum with no sinking fund. The Government was to retain in the Treasury of the United States the earnings which those roads make every year by carrying the mails, munitions of war, and similar transportation as a further guaranty of the payment of this annual interest on the income bonds. That income bond would have amounted to about \$38,000,000. The interest on that \$38,000,000 at 2 per cent

is \$760,000 a year.

Now, it will be observed that that is an entirely new feature in this transaction. By the company coming forward and relieving the Government from paying a dollar on these subsidy bonds that the Government from paying a dollar on these subsidy bonds that are now rapidly maturing, and of which about twenty millions are now matured and due on two roads, the balance coming in two years, and which will have to be paid by the Government—they propose to furnish the money to extinguish those bonds, to stop the Government paying interest to carry them along.

Now, take the Hubbard plan for the eighty-three years, and you

have \$760,000 a year interest for eighty-three years, which amounts to \$63,422,000. Adding that to your principal of \$38,000,000 gives a total of \$101,628,000.

It will be observed that under the Pierce plan the Government will receive \$144,000,000. Let us see how the plan adopted by the committee will work out. Under this, we take a second mortgage for \$55,000,000 on the Union Pacific Railroad. The interest on this \$55,000,000 for eighty-three years is \$50,000,000, making a total payment, in interest and in the extinguishment of the debt, of \$105,000,000. But in order to do that, in order to carry the balance of the subsidy bonds which the Government must carry, practically \$16,000,000—I put it down low: I give them every advantage—these bonds must be carried at an interest of 3½ per cent, if we take the average of the last bond sale, which is the only thing we have to go by, the interest on that \$16,000,000 at 3½ per cent for eighty-three years is \$46,000,000, and that added to the subsidy bonds that yet must be paid, requires the Government to pay \$62,480,000 to carry our part of this debt alone. That is, the difference between what the Government has to pay and that which the railroad company is to pay must be the profits and the sum total of the payments that are to be made in the discharge of this debt. interest on this \$55,000,000 for eighty-three years is \$50,000,000, this debt.

In the Powers bill they pay \$105,000,000. The Government pays \$62,000,000, leaving the net sum of \$43,000,000 at the end of eighty-three years to discharge a debt that is to-day \$55,000,000. If they will pay into the Treasury of the United States \$29,000,000 in cash,

it is a better proposition than is contained in this bill. The present worth of that money is about \$29,000,000. In the Pierce plan that same element exists. The Government must carry along that \$16,000,000 of bonds. Under the Pierce bill the Government receives \$144,000,000. It cost the Government \$62,000,000, leaving a balance to the Government of \$82,000,000. Now subtract the difference between what the Government receives under the Pierce plan and what it receives under the present plan, and there is a difference of \$39,000,000 in cash to the Government in favor of the Pierce plan.

It is still worse under the Hubbard plan. Under that the Government only receives \$101,000,000, without carrying the \$16,000,000 of subsidy bonds along. That is eliminated, and you have to subof subsidy bonds along. That is eliminated, and you have to subtract nothing from the \$101,000,000 that he pays in eighty-three years except the \$43,000,000 that the Government gets under the present plan, and that leaves you \$58,000,000 in favor of the Hubbard plan over the one adopted by the committee and sought to be passed through this House. The same argument applies to the Central Pacific, only more so. The same condition exists there, and they could comply with it. General Hubbard never gave up his position that the Central Pacific could not carry out this plan, and afterwards submitted a draft of a bill for the purpose of carrying this method out. The Union Pacific assented to the Hubbard plan and said they could and would carry it out although it. plan and said they could and would carry it out, although it would be hard for the Union Pacific to match the peerless Central Pacific.

It is worthy of notice that the cost of transportation is more than ample to pay the interest of 2 per cent on these bonds. The companies were both asked to make a similar proposition. Just why I do not know. I do not see that it was necessary that they should both make the same proposition and the same terms. But if they must do that it is clear that those terms must be such only as the

poorer could afford.

Since, however, this bill treats both alike, which if it be just to each is a marvelous coincidence, and as a basis for a judgment of the claim that it has been hard for the Union Pacific to match the Central, we submit the following brief comparison of the Union

and Central Pacific.

and Central Pacific.

The proposed reorganized Union and Kansas Pacific (they are now consolidated) will be between 1,800 and 1,900 miles long; the aided Central is about half as long. The former owes the Government a principal debt of \$33,500,000, with a sinking fund of nearly \$17,000,000 to apply in reduction. The Central owes the Government a principal debt of nearly \$28,000,000, with a sinking fund of about \$7,000,000 to apply. The former has paid the Government on bond and interest account, to go in reduction of unreimbursed interest paid by Government on subsidy bonds, about \$20,000,000; the latter less than \$8,000,000. The unreimbursed interest already paid by the Government on the subsidy bonds issued to the former company is about \$35,000,000, and on those to issued to the former company is about \$35,000,000, and on those to the latter it is about \$34,500,000.

The present balance of indebtedness from the former to the

Government is about \$52,000,000 (it will mature at about \$55,000,000), and that of the latter about \$58,000,000. The net earnings of the former while undergoing dismemberment in the hands of receivers, in the darkest railroad year in our history—year before last—were \$4,315,000. Last year they were \$4,800,000. And those And those of the Central for the same years, respectively, were apparently about half as much, but Mr. Tweed said that after taking out interest on first bonds and about \$530,000 for present sinking fund the earnings of the Central in 1894 were \$144,000, and in 1895

The former company (the Union) has millions of collateral resources; the Central is leased to the Southern Pacific, and has nothing but a rental of its earnings. The Union Pacific could refund its first-mortgage and whole Government debt in 4 percents, imposing a charge much within its average net income. was put into the hands of receivers by its stockholding interest, and but for its guaranty of interest and dividends on the bonds and on stock of other but unsubsidized roads need never have failed at all.

A man simply does not know what he is talking about when he says that the Union Pacific is not stronger financially than the Central Pacific. As to which of the two companies showed the most strength there is no room for doubt, because the negotiation offering the same terms to each was carried to a point where the Central broke down, or said it must do so, and the Union still stood up.

The very last time I saw Mr. Pierce, the attorney for the Union Pacific, I told him that I could not agree to this bill which had been introduced here, and he asked me if I would not urge as a substitute his last proposition, to redeem the subsidy bonds and give the income mortgage for the \$38,000,000 of unreimbursed interest.

Now, Mr. Chairman, it would be useless to follow these figures further, but I will present them in another way, for I know how members feel when they are tangled up without warning in a

maze of figures like these. If the Central Pacific would pay these subsidy bonds and then pay \$800,000 a year interest on their income bonds, it would be worth to the Government just the same as if they paid \$1,500,000 a year under this bill. If the Union Pacific would discharge the subsidy bonds and pay \$760,000 a year, that would be equal to the payment of \$1,350,000 a year under this bill.

under this bill.

Again, putting it another way, take the Union Pacific debt at \$55,000,000; under this bill the Government receives the first year 2 per cent interest on that, or \$1,100,000. But in order to do that we must carry, say, \$16.000,000 of subsidy bonds. That, at \$\frac{3}{2}\$ per cent, is \$600,000. The Government receives for interest \$1,100,000, and it pays out for interest, say, \$600,000. That leaves \$500,000 interest which the Government gets. Under the Hubbard plan the payment made for interest would be \$760,000 a year; while under this plan we receive \$500,000, making a difference of \$260,000 a year in favor of the Hubbard plan. This is a simple matter; it is not like figuring out a tariff schedule: it is a simple matter of is not like figuring out a tariff schedule; it is a simple matter of

mathematical calculation.

Mr. NORTHWAY. Why was not the proposition accepted?

Mr. HUBBARD. The gentleman will have to ask that question of some other member of the committee.

Now, Mr. Chairman, another statement in regard to this bill in this connection. The bill is not so good, even, as the existing law. Under the requirements of laws now on the statute book, the Union Pacific Company has paid to the Government \$1,500,000 a year on an average since 1879.

Mr. BARHAM. Under the Thurman Act? Mr. HUBBARD. Yes; since the Thurman Yes; since the Thurman Act went into oper-Gentlemen will remember that our principal debt has not ation. Gentlemen will remember that our principal debt has not diminished. It has remained just what it was, less this Union Pacific sinking fund of \$17,000,000. The annual average payment of the Union Pacific has been \$1,500,000, while under the bill here proposed the annual payment would be only \$1,250,000. Not only that; the \$1,250,000 would pay not merely the interest, but would extinguish the debt as well, in eighty-three years. It is idle to dwell longer upon these figures. They are too plain.

Now, I want to call the attention of the House to the conditions that surround these railroads and the security that ought to be taken to preserve the interest of the Government in that property.

taken to preserve the interest of the Government in that property. You can not expect this money to be paid. There is nobody who can assemble a sufficient amount of money to discharge this debt, especially the first and second mortgages. Now look at the situation. The Union Pacific road, just before it reaches Ogden, and at Granger, joins the Oregon Short Line. That road practically parallels the Central Pacific to the coast. The Central Pacific, coming east, meets at Ogden the Rio Grande Western and the Denver and Rio Grande, which, in connection with the Missouri Pacific, the Burlington, or with the Rock Island and Pacific, parallels the Union Pacific to the Missouri River.

Whatever value may attach to any security that the Government takes from the Central Pacific will be measured by the indissolubility of the tie of the Central Pacific with the Union Pacific. Once put it into the power of each of these roads to carry on competition with each other, and either one of them can be "bottled up" until even the first mortgage will not be worth a continental. Suppose that in the future the Central Pacific—not the Union, not both roads, but just the Central—should fail, how much would the Government's \$60,000,000 second-mortgage. how much would the Government's \$60,000,000 second-mortgage lien be worth? All that would be necessary would be for the Union Pacific to join with the Oregon Short Line (and that road was, until the Union Pacific went into the hands of a receiver, under the control of the Union Pacific)—all that would be necessary would be for the Union Pacific road to join with the Oregon Short Line and thus bottle up the Central so that the Government

The same is true of the Union Pacific. It also could be bottled up, because the Fremont, Elkhorn and Missouri Valley runs out to Caspar, Wyo., going through the northern part of Nebraska, and, by building about 150 miles of road, that line also could reach the Oregon Short Line, so that there would be not only two or three competing lines on the south, but also another one on the north. In that way the Union Pacific would absolutely be bottled up, so that the Government could not get anything out of it. But, fortunately for the Government, fortunately for the people, those roads have both failed, and now, if we avail ourselves of the opportunity, we can put them in a condition so that one mortgage shall extend over the entire line from the Missouri River to the Pacific Ocean.

Pacific Ocean.

I would not insist on a high rate of interest. Whatever these railroads pay to the Government in the future must be paid from charges levied on the people and the property along their lines, and if the Government can keep supervision over them, so as to compel them to give the people reasonable rates and prevent them from making exorbitant charges, then it will not be necessary to insist on a high rate of interest. It is better in the first place to have your debt secured than it is to have a big rate of interest,

which the roads can not carry. Why these roads were ever permitted to be separate I am unable to explain. It would be as wise to now divide the Union Pacific at the North Platte.

Mr. NORTHWAY. A single question, if the gentleman will allow me. It has been said or intimated by the gentleman from Vermont [Mr. Powers] that these are separate corporations and that it is not possible to get one consolidated mortgage. Will the

gentleman kindly explain whether that is possible or not?

Mr. HUBBARD. That is one of the conditions under which the companies come to us. They say the companies have nothing whatever to do with each other.

The suggestion that the various companies owning these roads have no relation to each other as companies, and do not want to be mixed up with each other in their settlements with the Government, is wholly irrelevant. If we have a controlling mortgage on each of the two halves or four quarters of a railroad that is worth enough as a whole to pay all the debts of every part, we do not mix up the mortgagors by refusing to compromise with any of them for 50 cents on the dollar. This is not our side of the

Mr. WATSON of Ohio. What does the gentleman mean by the expression "a controlling mortgage?"

Mr. HUBBARD. The Government is the greatest creditor of these roads. It is assumed that the party who has the most money these roads. It is assumed that the party who has the most money involved in a given piece of property, and who in that way holds the controlling mortgage, will not let it go, but will take advantage of his control before consenting to lose his money.

Mr. WATSON of Ohio. Do you mean that the party that holds the highest amount of indebtedness will control the property?

Mr. HUBBARD. Not processerily in every case.

Mr. HUBBARD. Not necessarily in every case.

Mr. WATSON of Ohio. The gentleman's expression struck me as a rather odd one.

as a rather odd one.

Mr. HUBBARD. By a controlling mortgage I mean that the Government holds the largest amount of the indebtedness.

Mr. WATSON of Ohio. I would like to have the gentleman's definition of a "controlling mortgage."

Mr. HUBBARD. It is this—that the Government does not propose to see this debt extinguished without payment when it has so large an interest in this proposition.

Mr. WATSON of Ohio. In other words, the Government, in order to save itself, as the matter now stands must assume still further indebtedness.

further indebtedness

Mr. HUBBARD. I do not know that it is necessary to do that. The Government owns the controlling mortgage on these lines.

The Government owns the controlling mortgage on these lines. Not only that, but there is the Sioux City and Pacific Railroad and the Central Branch of the Union Pacific. About \$7,000,000 is due from both those roads. The subsidy was granted at the same time as it was to the main lines. But those lines were not even considered in the committee. We do not know what they propose to do with them—whether to give them away or just to let them "hang fire." All these roads ought to have been before the committee and treated the same way. They ought all to be put up and sold and the first mortgage cleared off.

The gentleman from Vermont says it will take \$60,000,000 or \$70,000,000 to clear off the incumbrances that precede the Government lien. With the application of the sinking fund that is available for the discharge of the debts of these companies, the United States can, with less than \$30,000,000, have a clean title to that road, including the terminals and everything else from the Missouri River to the Pacific Ocean. That does not mean Government ownership of railroads, but the Government has the power to bring those roads to a foreclosure, so that men who have power to bring those roads to a foreclosure, so that men who have business qualifications, who have the capital and the brains to run these roads, may take hold of them. If such men come here and ask the Government what it has to sell and the Government replies that it has an equity in these roads, that offers no sufficient inducement to capitalists. People do not run into the purchase of equities very fast. But if you tell them that you have a clear railroad from the Missouri River to the Pacific Ocean, that there is not a dollar against it, and ask them what they will give for it, I guarantee you will have bidders for these properties offering much better terms to the Government than those embodied in this bill. The net earnings of the Union Pacific Railroad for the last ten years have averaged \$7,500,000 a year, yet the committee proposes to make this settlement on the hypothesis that \$4,000,000 is all the money that the company can have available for the purpose of liquidating the annual interest charges after paying operating expenses and taxes.

With these railroads united and with the Central Pacific cut loose from the lease that it has made with the Southern Pacific of Kentucky, what would be the situation? Now, I want to call attention to the statement of one of the Government directors, and a receiver of the Union Pacific Railroad Company, in regard to the freights hauled by the Central Pacific. He ought to know something about this matter. He is a man who has given his life almost to the attempt to save the interest of the Government in these roads. I refer to Mr. E. Ellery Anderson. He says that we ought to foreclose. But let me read his exact statement as made before the Senate Committee on Pacific Railroads:

Senator Stewart. You suggest that if the Central Pacific and the Union Pacific were sold together, the line would be more valuable than if they were sold separately?

Mr. Anderson. Yes.
Senator Stewart. Would that be because it would have a monopoly as against those other roads that are attempting to get to the Pacific Ocean?

Mr. Anderson. There would be no monopoly; but the Union Pacific orrolling the Central Pacific, would be protected from the plans of construction which now exist in those several other roads, and would also be able to take for itself a larger portion of the California business than it now obtains. Our relations to the Central Pacific are friendly and pleasant in many ways; but they naturally take all they can by the Southern road, and only give us what is necessary to preserve friendly relations with us; whereas, if we owned the Central Pacific, we would take very much more business than the Central Pacific now gives us.

That is the testimony of a man who knows something. the evidence that comes to show that these roads ought to be united. So far as the line of the Central Pacific and the Southern Pacific of Kentucky is concerned-and understand that that is not a railroad company; it is not a railroad corporation-it does not own a mile of railroad; it was not a purchase of capital stock in the road, but it was trade of stock in the road for the purpose of securing a controlling interest, and it is an arrangement that could be dissolved at any time. Whatever benefit possible to accrue from the Southern Pacific Company to the Government under this bill could go up into the air at any moment.

Mr. ARNOLD of Pennsylvania. Will the gentleman allow me

to ask him a question?

Mr. HUBBARD. Certainly.

Mr. ARNOLD of Pennsylvania. How is it possible, I would ask the gentleman, by any legislation of this Congress to unite the

Mr. HUBBARD. Am I urging any such legislation?
Mr. ARNOLD of Pennsylvania. I understand you to suggest that they should be united.

that they should be united.

Mr. HUBBARD. Certainly. That is one of the features—one of the objections to your bill. It does not unite them.

Mr. ARNOLD of Pennsylvania. But that is just the question I ask you. How can they be united by any legislation?

Mr. HUBBARD. We are not suggesting legislation for that purpose; we are only combating your bill.

Mr. WATSON of Ohio. Let me ask the gentleman how he prepages to make the many statements.

proposes to unite them?

Mr. HUBBARD. I am not making any such proposition.
Mr. WATSON of Ohio. But you say you are combating the
bill because you claim that it does not propose to unite them.
Now, if you propose to combat the bill on that ground, you are bound, in good faith, to show how the bill could accomplish that purpose, and how they could be united. I think myself that ought to be done. And if it could be done, I would vote for the proposition in a minute.

Mr. HUBBARD. I say let the Government proceed as the

President is proceeding—

Mr. BARHAM. That is it.

Mr. HUBBARD (continuing). Let him proceed to clear off the first mortgages; and let me say to the gentleman that it would require less than \$30,000,000 to do it. We have then the united road from Omaha to the Pacific Ocean.

Mr. WATSON of Ohio. But they are not any more united than

Mr. HUBBARD. Wait a moment; I am making the statement against the argument of the gentleman from Vermont. I say that you will have a united road from Council Bluffs, Iowa, to the Pacific Ocean, including the terminal at Council Bluffs, Iowa, and including the terminal at Kansas City, Mo. It will be taking all of the liens made by the Union Pacific, for what purpose I do not know, and the line can be extended from Kansas to Cheyenne, by way of Denver, without the expenditure of a dollar. And I deny the position of the gentleman, both as a matter of fact and of law, that the lien of the Government does not attach to the terminals.

Mr. WATSON of Ohio. Will the gentleman allow me a question? Mr. HUBBARD. In a moment. It covers the terminals at Omaha; it covers the bridge; it is a continuous line from the point fixed by the President, in pursuance of the acts of 1862 and 1864,

and the Government lien extends to all.

Now I yield to the gentleman.

Mr. WATSON of Ohio. Does not the gentleman from Missouri know that the Supreme Court has decided that the Government lien extends to any of the bond-aided portions of the road?

Mr. HUBBARD. On the contrary, I am aware of nothing of

Mr. WATSON of Ohio. Do you deny it?

Mr. HUBBARD. As a matter of fact and as a matter of law, as to the Supreme Court decisions you are wrong.

Mr. WATSON of Ohio. Do you deny that the court has so

decided?

Mr. BARHAM. I do.

Mr. WATSON of Ohio. I am asking the gentleman from Mis-

Mr. HUBBARD. I construct it differently. I say that the decision of the Supreme Court saying the lien did not extend farther than 394 miles was as clear a decision as was ever given. There can be no question about it. It does not extend west of the three hundredth milepost.

The CHAIRMAN. The time of the gentleman has expired.
Mr. CURTIS of Kansas. I ask unanimous consent that the
gentleman be permitted to conclude his remarks.
The CHAIRMAN. Is there objection to the request of the gen-

tleman from Kansas?

Mr. HEPBURN. Amoment, before the consent is given. is not to encroach upon the arrangement already made? It sim-

The CHAIRMAN. That is all.

Mr. HEPBURN. I have no objection to that.

The CHAIRMAN. That decision was correct; it was right; it was law. The reason why the line of railroad west of the three hundred and ninety-fourth milepost to Cheyenne by way of Denver can be subjected to the Government mortgage without costing a dollar I will explain in a few minutes. The United States Supreme Court has never decided that the lien of the Government does not extend to the Omaha bridge and to the terminals at Kansas City and at Council Bluffs. It has never passed upon that question. You can not cite a decision of the United States Supreme Court in which it has decided that in any way, shape, or form. It never has been passed on; but I will tell you what was done. After that proceeding of 1887, they took advantage of that, and have been insisting all the time since that the Government had religious exerct ways such specific miles as its means had. ment had no lien except upon such specific miles as its money had gone into. In other words, if the money of the Government went into 20 miles of road here, and did not go into 20 miles at another place, the railroad companies have been insisting that the lien of

place, the railroad companies have been insisting that the lien of the Government did not attach to the last property.

I say that that position is absurd. The officials of the Govern-ment, the men who have had the interests of the Government in their care, to guard them against these Pacific railroads, seem to have acquiesced in that opinion that the Government lien did not attach; but understand that acquiescence does not make nor construe law. Then the question came up on the earnings of the Omaha bridge. If the Omaha Bridge was not a part of the Union Pacific system, if the Government had no lien on that, as it had not on that line west of the three hundred and ninety-fourth milepost, then that the earnings on that bridge should not have been attached under the 25 per cent net earnings fixed by the Thurman Act. Not a dollar of the Government's money went into that bridge. You all understand that. The railroad company brought a suit for the purpose of testing that, but they never pressed their suit. Why

did they not?

The Supreme Court of the United States has declared strongly and specifically, in language that could not be improved upon, that the Union Pacific Railroad commences at Council Bluffs, in that the Umon Pacific Raifroad commences at Council Biulis, in Iowa, includes the Omaha Bridge, and runs to a point 5 miles west of Ogden; and if the Government lien does not attach to that, the Supreme Court will have to reverse itself.

Mr. WATSON of Ohio. In what case was that decided?

Mr. BARHAM. In 91 U. S., 343.

Mr. HUBBARD. The case of Hall vs. Union Pacific Railroad.

Now, in regard to the property west of the three hundred and ninety-fourth mile post, the Denver extension and the Denver Pacific Railroad, or the Cheyenne Division, as it is sometimes called: As appears from the statement of the gentleman who presented the report and the bill from the committee, the reason why the Government is to raise, as it were, its present lien a little bit higher and permit, in so far as the Union Pacific Railroad Company is concerned, the putting of an additional first-mortgage lien of \$21,000,000 beneath us, was because the Government was securing property against which we had now no lien, and which was worth many million dollars.

Now I want to take one of the trusts, the tenth, as it is given in Poor's Manual.

This trust is a mortgage to Russell Sage and George J. Gould to secure mortgage bonds to the authorized amount of \$30,000,000, of which amount about \$11,000,000 has been issued and are outstanding. It is called the consolidated mortgage. It covers the Kansas Pacific from Kansas City to Denver. It is subject to the first mortgage and Government lien on the Eastern and Middle of the Kansas Pacific—the Eastern Division extending from Kansas City west to the one hundred and fortieth milepost and the Middle Division from the one hundred and fortieth to the three hundred and ninety-fourth milepost. consolidated mortgage is a third mortgage on the Eastern Division, a fourth mortgage on the Middle Division, a second mortgage on the Denver Extension, and a mortgage on the terminals at Kansas City, but we do not know the order of its lien on the terminals.

It is also a first mortgage on one and a second mortgage on another large body of land and land contracts, and is further secured by the pledge with the trustees of a good many millions in par of stocks and bonds, including a little less than \$1,000,000 of the

stocks and bonds, including a little less than \$1,000,000 of the bonds on the Cheyenne Division.

The third mortgage on the Middle Division, which precedes it, is an income mortgage of about \$5,000,000, but all of those income bonds except \$20,000 appear to be up as collateral to the consolidated mortgage itself. The mortgage which precedes it on the Denver Extension secures bonds outstanding on that extension to the amount of \$5,887,000, but the Denver Extension mortgage securing these bonds is also secured by a first mortgage on one of the bodies of land covered by the consolidated mortgage and by a sinking fund, which are sufficient to pay off the Denver Extension. the bodies of land covered by the consolidated mortgage and by a sinking fund, which are sufficient to pay off the Denver Extension mortgage and yield a surplus to go to the security of the consolidated mortgage of nearly \$5,000,000. This surplus, with the lands on which the consolidated mortgage is a first lieu (and the land contracts), are, as stated by the company, of sufficient value to pay off the consolidated mortgage to within \$2,415,679.22. This would free the \$5,000,000 income bonds on the Middle Division and allow them to be expected and there would still be left to make good the them to be canceled, and there would still be left, to make good the them to be canceled, and there would still be left, to make good the above deficit on the consolidated mortgage, other bonds pledged under it to the par value of \$4,314,000 and stocks to the amount of \$1,797,500 more. So that there would seem to be a premium in assuming the consolidated mortgage, besides freeing the Denver Extension wholly, and the Cheyenne Division for the most part, from any mortgage whatever; but if not, then we may turn to another of the trusts—the third or 8 per cent sinking-fund trust, in which there is a clear surplus of nearly \$3,000,000.

Wherefore, in any event, if the Government can reach these assets or has any lien under the Thurman Act or otherwise, even on the equity or right to redeem it is easy to give to the Government.

the equity or right to redeem, it is easy to give to the Government the equity or right to redeem, it is easy to give to the Government the property the company purports to contribute for the completion of the Kansas Pacific system, and seemingly free from all mortgages and without cost. But it may be said this is not all; that there is the Union Pacific Railway Company Kansas Division and collateral mortgage of \$5,000,000 mentioned in the Drexel-Morgan securities. This, it is true, purports to rest upon the Kansas Pacific Division clear through to Cheyenne. It was made in May, 1891. In respect to this mortgage Mr. Pierce made a somewhat startling claim. He said:

The \$5,000,000 of Kansas Division and collateral trust 5 per cent bonds are

The \$5,000,000 of Kansas Division and collateral trust 5 per cent bonds are secured by mortgage to the Mercantile Trust Company, and constitute a lien on the entire Kansas and Cheyenne divisions. It is also the claim of that mortgage that it constitutes a first lien on the equipment on that part of the property, inasmuch as all the equipment which had originally been bought by the constituent companies consolidated into the present Union Pacific Railway Company had been worn out, and the present equipment was purchased by the present consolidated company—the Union Pacific Railway Company. Company

If that is the effect of consolidation upon prior mortgages that included the rolling stock of the constituent companies, we think the information will astonish investors. It is timely for us, however, for the proposed mortgages in the bill do not cover afterever, for the proposed mortgages in the bill do not cover afteracquired property; or if so, that would not seem to matter in the
event of any consolidation. An amendment, put into this bill on
motion of my friend from Iowa [Mr. Hepbun], intended to
secure equal privileges to all companies that should build lines to
connect with these Pacific roads, impliedly gives to them the
power to enter into any consolidation not in conflict with the
terms of that amendment. We assume that the present equipment of these companies will be worn out long before our claim
will be paid under this bill, and a good way to release new equipment from the Government lien will be to consolidate with somebody.

But glance at the history of this five-million-dollar mortgage. It contains the curious provision that it may be further secured at the election of the company by the pledge of all or any of the following mortgage bonds:

mg mortgage bonds.	
Colorado Central Railroad Company Oregon Short Line and Utah Northern consolidated first-mortgage	\$1,378,000
bondsOregon Short Line and Utah Northern collateral trust	1,810,000
Union Pacific, Denver and Gulf consolidated first-mortgage bonds Utah and Northern	
Utah Southern Railroad Extension Company	898,000

These securities were worth much more than the \$5,000,000 to which they were to be collateral, and were more salable, too. Indeed, the \$5,000,000 were not sold, any of them; but, with the foregoing optional collaterals, were apparently, only four months later, all put up with the Drexel-Morgan loan, from which, the

indications are, a large part of them has been sold; but, in any event, a taking up of the Drexel-Morgan loan would release any collateral to the five-million-dollar loan, for all of the bonds of that loan itself would be released.

This kind of financiering seems, on the slightest examination, to have been guided by no business foresight or prudence.

We are aware that such transactions lend some little color to

the rumor that the Pacific roads have been fixed to meet the Government claim. We do not think they warrant such a charge. We do, however, submit that the making of bonds unsalable and never to be sold, even seemingly absurd bonds like the foregoing and the income bonds on the Middle Division of the Kansas Pacific, and other bonds to be pledged and themselves to be secured at the option of the company, by large amounts of salable bonds, challenge attention. They indicate that the right key to the right trust unlocks many millions of bonds in excess of the debt secured,

which bonds in turn dissolve other trusts, whose securities, thus freed, release one mortgage after another, and so on.

In short, if there had been a design to embarrass the company by unnecessary incumbrances as foundation for extraordinary claims, and to create trusts to secure bonds never to be issued, and to stuff the trusts with securities which it was desirable to protect, assert, or cover for a time, and then get rid of or retain, those purposes could have been accomplished by mortgages and trusts such as are manifest here, which, nevertheless, in this instance, we have but little doubt will be found to have been availed of for

fair purposes

However, I do not know. It is impossible to get full informa-tion in regard to these roads. You have to get your information from half a dozen different books, from newspaper clippings, and

from the wind and streets.

Just a few words at this time in regard to the pending bill. The gentleman from Vermont was asked the very pertinent question why the bill did not include the personal property, stocks, and bonds of the Union Pacific Company, as it included those of the Central Pacific, and he said that it did. I deny that statement. It does not do anything of the kind. It covers the personal property, stocks, and bonds of the Central Pacific, and that company has not a stock or bond to its name. It is leased to the Southern Pacific of Kentucky, and depends upon its rental for its income. The Union Pacific, on the other hand, is not required by this bill to mortgage any of its bonds or stocks, and it has millions of them. There are nine y-odd millions, par value, up behind that Drexel mortgage alone, although there are only about \$8,500,000 of that loan outstanding to-day. There was an authorized issue of \$24,000,000, an actual issue of \$18,000,000 or \$19,000,000, and the property down to \$8,500,000. or \$24,000,000, an actual issue of \$18,000,000 or \$19,000,000, and the amount outstanding has been brought down to \$8,500,000. My report says that the amount was \$11,000,000 last year, but it has been reduced so that it is now only about \$8,500,000, and proceedings have been already instituted to foreclose that trust in order to eliminate the claim of the Government. Lest the Government should have any right in equity to redeem that property, the foreclosure is going on, in order to put the property beyond our reach in this settlement.

This bill, I say, does not require the Union Pacific to mortgage its bonds and stocks. The bill further permits the Central Pacific Railroad Company to remain under lease to the Southern Pacific of Kentucky, which is certainly in violation of laws passed by several of the States, and in violation of a principle which has been recognized even by Congress, feeble as it has been in its effort to legislate to prohibit the consolidation of parallel or competing

lines of road

lines of road.

This bill, I say, permits that to be continued and carried on. The time that the bonds are to run under this mortgage is eighty-six years for the Central Pacific and eighty-three years for the Union Pacific, taking a second-mortgage 2 per cent bond, which is practically worthless, and giving away these properties, because if they should fail again it would require over a hundred million dollars to come in and clean off the underlying mortgage, whereas now it can be cleaned off for less than thirty millions and give the Government a clear road to sell. The bill is inadequate to guard the interests of the Government, delusive, and visionary, and the results of its practical amplication will be to destroy, not conserve. results of its practical application will be to destroy, not conserve, the rights it vainly assumes to protect.

I reserve the balance of my time. [Applause.]

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. Hainer of Nebraska having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. Platt, one of its clerks, announced that the Senate had passed without amendment bills and a joint resolution

of the following titles:
A bill (H. R. 7945) to provide for the entry of lands in Greer County, Okla., to give preference rights to settlers, and for other

A bill (H. R. 5407) to remove the charge of desertion now standing against Oscar A. Bulette, known in his military title as Austin Bulette, late private in Company E, Fifty-second Illinois Infantry

Volunteers, during late war;
A bill (H. R. 7777) to authorize the Secretary of the Navy to furnish condemned cannon to Fort Thomas, Ky.; and
Joint resolution (H. Res. 205) authorizing the building of a telephone line in the District of Columbia. The message also announced that the Senate had passed bills of the following titles; in which the concurrence of the House was

A bill (S. 3328) to amend an act entitled "An act to repeal the timber-culture laws, and for other purposes;" and A bill (S. 1781) making an appropriation to furnish flags for the schoolhouses of the District of Columbia.

The message also announced that the Senate had passed with amendment the bill (H. R. 3719) to provide for appointment by brevet of active or retired officers of the United States Army in which the concurrence of the House was requested.

PACIFIC RAILROAD BILL.

The committee again resumed its session.

Mr. Bell of Texas rose.

Mr. Powers was recognized.

The CHAIRMAN. To whom does the gentleman from Vermont yield?

Mr. POWERS. I do not yield to anyone, Mr. Chairman, but I understand that the gentleman from Missouri [Mr. Hubbard] yields to the gentleman from Texas [Mr. Bell].

Mr. HUBBARD. That is right.

Mr. BELL of Texas. I suppose that I had a right to the floor as a member of the committee.

The CHAIRMAN. The time is controlled by the gentleman from Vermont on the one side and by the gentleman from Mis-

souri [Mr. Hubbard] on the other.

Mr. BELL of Texas. Mr. Chairman, I am aware that a great number of gentlemen whose constituents are much more directly interested in the proper settlement of the Pacific railroad debts than are those whom I represent desire to address the committee on the pending measure, and I should not occupy any of the limited time which has been allowed for debate but for the fact that I think the gentleman from Vermont has fallen into error as to many of the propositions which he has submitted. Most of what I have to say will be directed to attempting to correct some of the erroneous impressions which, I fear, his remarks might have created.

To begin with, as a member of the Committee on Pacific Railroads, I of course, in common with others, have become somewhat

familiar with the details of the legislation proposed by this bill and with the previous legislation on the subject, as well as with the history of the construction of the subsidized railroads and

their subsequent operations.

The gentleman who opened the discussion [Mr. Powers] has very clearly and fairly stated the history of the legislation authorizing the building of the roads, but in order that my remarks may be reasonably complete I desire to repeat briefly some of the things

which he has so well said:

The act of Congress approved July 1, 1862, authorized the Secretary of the Treasury to issue bonds to certain companies named therein, which bonds were to be a loan to them, and to secure the payment of which, together with the interest thereon, the Government was to have a first lien on the roadbed, the property of the companies, to aid in the construction of which the bonds were

issued. No work was done under t is law.

By the act approved July 2, 1864, the companies were authorized to issue first-lien mortgage bonds of even tenor, date, and amount of the Government bonds, and the lien of the Government was to

be subordinate thereto.

The Government was to retain one-half of all the compensation for services rendered it by the several companies, which sum, together with an amount equal to 5 per cent of their net earnings, was to be applied to the payment of the said bonds and interest. Five companies accepted the benefits of the act. They were

The Sioux City and Pacific road, which extends from Sioux City, Iowa, 101.77 miles in a southwesterly direction, and to it subsidy bonds were issued to the amount of \$1,628,320 The Central Branch of the Union Pacific, which extends

from Atchison, Kans., 100 miles westerly, and to which were issued subsidy bonds to the amount of 1,600,000

3, 228, 320

As it is not proposed in this bill to legislate with reference to these properties, it is not necessary to go further into details with reference to them.

The Union Pacific, which extends from Omaha, Nebr., to Ogden, Utah, a distance of 1,038.68 miles, and to which were issued subsidy bonds to the amount of \$27,236,512

The Kansas Pacific, which extends from Kansas City,

Kans., westward 393.94 miles, and to which were issued subsidy bonds to the amount of..... 6, 303, 000

33, 539, 512

These two companies have been consolidated and are now parts of the Union Pacific Railway system, and in the subsequent discussion I shall refer to them collectively as the Union Pacific Railway Company.

The Western Pacific, which was absorbed at an early date by the Central Pacific, the two roads constitut-ing a continuous line from San Jose, Cal., to Ogden, Utah, a distance of 860.66 miles, and to the two companies, which are designated as the Central Pacific, bonds were issued to the amount of ...

\$27, 855, 680

It was thought when the bonds loaned the companies were issued that the one-half of the compensation due by the Government for services rendered it by the respective companies and the 5 per cent of the net earnings which was to be applied to the payment of the bonds and interest as stated would pay the interest and supply something to be devoted to the gradual extinction of the debt due the United States.

This proved to be a delusion, and the companies having failed This proved to be a delusion, and the companies having failed to keep the interest paid, a suit was instituted to recover judement for the amount they were in default. It was decided by tgh Supreme Court in 1875, in the case of the United States vs. The Union Pacific Railway Company (91 U. S., 72), that the interest paid by the Government was not due from the companies until the bonds matured.

As the companies made no effort to provide a fund with which to discharge their indebtedness secured by the prior lien on the property upon which the Government had a lien, or to satisfy the government had a lien had a li erry upon which the Government had a hen, or to satisfy the Government's debt when it should become due, and as it was rapidly increasing owing to the fact that the interest it was paying annually largely exceeded the amounts paid by the companies, it was apparent that the claims against the subsidized portions of the roads would, before the Government debt matured, amount to make heart they also of the property whom which the Government. much more than the value of the property upon which the Govern-ment had a lien to secure its debt.

In 1878, by what is known as the Thurman Act, in order that a sinking fund might be accumulated with which to pay off the debts of the companies when they should become due, it was provided that the whole amount of compensation due to the Union Pacific and Central Pacific Railway companies, respectively, for the services rendered for the Government should be retained, one half to be applied to the liquidation of the interest paid by the United States upon the bonds loaned the said companies and the other half to be turned into a sinking fund. By the same act, in addition to the 5 per cent of their net earnings which was to be applied to the payment of the interest on the bonds, as I have explained, the said companies were required to pay into the sinking fund a certain portion of their net earnings. The amounts paid into the sinking fund were to be invested in bonds of the United States, and the semiannual income thereof was to be in like manner invested, and the fund thus accumulated was to be held for the protection, security, and benefit of the lawful and just holders of any mortgage or lien debts of said companies, respectively, paramount to the rights of the United States. This law, having been tested in the courts and having been held to be a proper exercise of legislative authority, has been enforced, and consequently there has been accumulated in the sinking fund and is held in the United has been accumulated in the sinking fund and is held in the United States Treasury securities and cash which is now available for the purpose of paying off the mortgage debts of the Central Pacific Railroad Company \$6,493,126.94, and of the Union Pacific Railroad Company \$15,825,985.63.

It is proposed by the bill reported by the committee to apply the amounts in the respective sinking funds to the extinguishment pro tanto of the Government's debt, and to this suggestion there can be no chiestion.

can be no objection.

A careful computation of the amounts which would be due the Government on the 1st of January, 1897, after deducting the amount which the Government would realize from the securities in the sinking fund, shows that the Union Pacific Railroad Company will be indebted to the Government is the company will be indebted to the Government is the company will be indebted to the Government is the company will be indebted to the Government is the company will be indebted to the Government is the company will be indebted to the Government in the company will be indebted to the Government in the company will be indebted to the Government in the company will be indebted to the Government in the company will be indebted to the Government in the company will be indebted. pany will be indebted to the Government in the sum of \$53,715,408.78 and the Central Pacific \$57,681,514.29.

To secure the indebtedness of the Union Pacific Railroad Company, the Government has a lien on the 1,038.44 miles of road extending from Omaha, Nebr., to a point 5 miles west of Ogden, Utah, and on the 393.94 miles of road extending from the eastern line of the State of Kansas to a point 393.94 miles west therefrom, making in all 1,432.38 miles; but the Government lien on this property is subordinate to a prior lien to the amount of \$33,532,000.

To secure the indebtedness of the Central Pacific the Government has a lien upon the 737.50 miles of railroad extending from a point 5 miles west of Ogden, Utah, to Sacramento City, Cal., and from Sacramento City to San Jose, a distance of 123.16 miles—in all, 850.66 miles—but the lien of the Government upon this property is subordinate to a prior lien of \$27,855,680.

A part of the Government's debt against each road has matured and the remainder will mature in a short time; consequently it is necessary that some steps be taken to protect the interest of the Government at an early date.

About the facts which I have repeated there can be no dispute.

but I do not agree at all with the gentleman from Vermont that the owners of the stock of the Union Pacific and the Central Pacific railroad companies are in an attitude which entitles them to the least favorable consideration at the hands of this body. I did not suppose there would be anyone who would attempt to defend either the builders of these railroads or those who have subsequently operated them. The scandals that grew out of their construction, and particularly out of the construction of the Union Pacific, are a disgrace to the civilization of the age and ought to be a warning to all who might be inclined to loan the credit of our Government to the prosecution of private enterprises. I do not, however, intend to be diverted from a discussion of the real merits of the proposed settlement by questions of this kind, and would not refer to them except for the fact that it has been assumed that those who have been the beneficiaries of outrageous peculations and frauds had conferred some great favor upon our country, and especially upon that section of it which is traversed by the roads which they constructed and have subsequently wrecked.

It has been asserted that it should make no difference to us and was none of our concern, if the Government of the United States

was not directly defrauded, whether the manipulators who conwas not directly defrauded, whether the manipulators who constructed the roads acquired a fortune or not. From this proposition I utterly dissent. I entirely agree that if any man by his labor, or by his superior judgment, can accumulate a fortune honestly and honorably, he ought to do so, and that he ought to be commended for doing so; but I dissent entirely from the proposition that it is honest or honorable to accumulate a fortune in building railroads, or in other public enterprises, by watering stock or issuing bonds which do not represent an actual investment. I deny that those who accumulate fortunes in this way are public benefactors, and I particularly dissent from the suggestion that we, as representatives of the people, are not interested in preventwe, as representatives of the people, are not interested in preventing such transactions, or in preventing those who have been the beneficiaries of them from enjoying the fruits of their ill-gotten gains. If gentlemen see proper to build a railroad, and if they issue stock or bonds in excess of the actual cost of the enterprise, the excess represents so much indebtedness which the public, who from the very nature of the thing are compelled to patronize the road have to pay the interest upon. If I were not anxious to explain the details of the substitute which I propose to offer for the bill, and if I had sufficient time, I would like to elaborate upon this particular subject at length; for, while I am one of those who believe that we can not have the prosperity to which we are entitled in this country under the financial legislation which now prevails, and while I believe in the injurious effects which have followed the high-tariff systems of the past, still it is my deliberate judgment that far more injurious than all these has been the effect of the fictitious debts which have been created upon our great transportation systems, and which have occasioned (and I fear will continue to occasion) the transportation charges to be so op-pressive upon our people; but I shall forego any discussion of this subject, and shall recur to the measure under consideration.

Enormous land grants were made to the railroad companies, but it is unnecessary to discuss the disposition which has been made of those lands, as they were a gift and not a loan, but so far as the subsidy bonds are concerned the case is entirely different. It was not intended, and never was suggested, that these bonds should be given to the companies, but only that they should be loaned, and it was always understood that the Government was to be repaid the entire principal and interest upon them; but it has been suggested by the gentleman from Vermont that inasmuch as there had been repaid to the United States an amount equal to the original amount of the bonds granted, that, therefore, the Government ought to deal more lemently with its debtors in collecting the remainder of its debt. It is a familiar principle of law that partial payments upon a debt must be applied first to the payment of the interest, and this was in contemplation at the time the bonds were loaned. It was expressly provided, as I have already stated, that the Government should be paid one-half of the amount that might be due the companies, respectively, for transporting mails, troops, etc., and 5 per cent of their net earnings, and these amounts were to be applied to the payment of the interest, and if there should be any surplus then it was to be applied to the payment of the principal of the indebtedness, and it was thought, as I have already stated, that these payments Government ought to deal more leniently with its debtors in colit was thought, as I have already stated, that these payments would not only extinguish the annual interest charges but would furnish something to discharge the principal of the Government's debt. If those who constructed the railroads had used the money which they realized from the sale of the bonds secured by the first mortgage, as well as from those which had been loaned by the Government, to the construction of the roads, and had issued no stock except for the money which was used in the construction of the roads, the annual charges against the companies would not have been so great but that the amounts which were to be applied under the law of 1864 to the Government's debt would have been sufficient to have paid the interest on the Government's debt, and inasmuch as that was not done, and as those who constructed the

roads made use of these moneys to accumulate immense fortunes, and did do so, I think they at least are in no position to ask favors at the hands of this body.

When the Thurman Act became a law it was believed by those

who passed it, as the discussion on the measure shows, that the sinking fund would be sufficiently large by the time the Government's debt matured to pay it off; and it is probable that if the roads had faithfully carried out the law such would have been the case; but as soon as the law was tested, and was sustained by the courts, efforts to divert the earnings of the companies from the sinking fund were made, and they have been very successful. So far as the Central Pacific Railroad is concerned, a lease was made to the Southern Pacific Railroad under which there could be no net earnings to amount to anything, and as to the Union Pacific, the construction of branch lines or feeders, as they are called, was undertaken, and the Union Pacific guaranteed the payment of the interest on the debts of these lines; and the result has been that very little has come into the sinking fund from either of the roads, except from the compensation due by the Government to them for services. We can well understand how this could be accomplished if we will imagine a more simple case. plished if we will imagine a more simple case. Let us suppose, for instance, that some one is the owner of a livery stable and that he is compelled to pay one-fourth of the net earnings of it to another person. Suppose, then, that the same man owns the horses and vehicles which are used in the stable, but does not have to divide any profits that may arise from their use. It can readily be seen that there would probably be a good profit on the stock and vehicles and none on the stable. And so it has been with these railroads. The same gentlemen who own the stock in the subsidized portions of the railroad systems own the stock in the feeders, as they are called, and the main line having guaranteed the payment of the charges against the auxiliary lines, they have received the benefits from the diverted traffic and an excessive proportion the benefits from the diverted traffic and an excessive proportion

of the earnings of the system.

I concede that most of what I have been saying on this subject

I concede that most of what I have been saying on this subject

We must recognize the I concede that most of what I have been saying on this subject is foreign to the real question at issue. We must recognize the fact that, as a matter of law, we are confronted with conditions for which we are in nowise responsible, and must secure the best settlement we can of a debt which we did not create and the security for which was fixed by others. But I have made these statements for the purpose of showing that we are under no moral obligation to deal leniently with those who have made immense fortunes out of the bounty of the Government and who have shamefully abused the confidence and generosity of our predecessors. Nor do I agree at all with the statement that these companies have built up and turned into a garden the waste places. panies have built up and turned into a garden the waste places which formerly existed where the roads now run. It is a great mistake to suppose that the railroads make the country. The hardy and honest people who have settled up our frontiers have made the railroads possible, and the railroads have shared but not made the railroads possible, and the railroads have shared but not occasioned the prosperity, so far as it has prevailed. Prosperous communities were planted on the banks of the Mississippi and Ohio, and the fertile lands of Illinois and other Western as well as Southern States were occupied before there was a railroad.

I maintain that from the time the first contract was made for the construction of either of the roads concerning which we are

now legislating, every step has been taken with a view of render-ing it more difficult, if not absolutely impossible, for the Government to collect its debt; but at the same time we are not in nearly as bad a condition as some of the gentlemen seem to imagine. For instance, it was stated by the gentleman from Vermont that inasmuch as our lien did not attach to that part of the Union Pacific road which was within 3 miles of its eastern terminus, therefore we could not use it in the event the Government should become the owner of the road, or that the purchaser of that part of the road upon which the Government has a lien could not do so. There is an express provision in section 15 of the original act chartering the road which covers this case, and no one need have

the least fear of such a catastrophe as the gentleman anticipates.

Mr. POWERS. Will the gentleman allow me a question in that connection?

Mr. BELL of Texas. Yes, sir.

Mr. POWERS. Is it not true that there was no Government aid extended to that portion of the line?

Mr. BELL of Texas. I think the gentleman is right on that point. I do not concur with the gentleman from Missouri in his contention on that score.

Mr. POWERS. The Government has no mortgage on that part

the road.

Mr. BELL of Texas. So I think. I listened with interest to that part of the argument of the gentleman from Missouri and did not agree with him. That, however, is not the point to which I was referring. The contention of the gentleman from Vermont, as I understand it, was that the company could prevent the use by the Government or of any purchaser of that part of the road upon which the Government has a lien of the 31 miles of road west of its eastern terminus. It is in opposition to this theory that I called

attention to the provision in the fifteenth section of the act of 1862, which covers that very case. I think, however, the general provision of law with reference to common carriers would have covered it anyway, but the provision to which I have referred is

Mr. POWERS. My position was that if we foreclose our mort-gage or seize the property of the road we could only foreclose or seize a line which would end at the Omaha Bridge.

Mr. BELL of Texas. But the gentleman went further, as I understood, and stated that the company could fence off that part

of the road and we could not get into Omaha.

Mr. POWERS. What I meant was that we could not own the

line beyond the point I have named.

Mr. BELL of Texas. Then I see that I misunderstood the gen-

Mr. BELL of Texas. Then I see that I mediately the gentleman's position entirely.

Mr. BOATNER. Does the gentleman consider the ninth section of the Thurman Act as void?

Mr. BELL of Texas. No. I do not.

Mr. BOATNER. Well, that expressly declares that the United

States shall have a lien on the entire line of the road, and was evidently intended to correct the interpretation of the law given to

it by the Supreme Court in the Kansas Pacific case.

Mr. BELL of Texas. I do not think Congress could or that it has attempted to interfere with vested rights. A mortgage that existed at the time was a lien, and Congress could not, if it desired

do so, interfere with it.

Mr. BOATNER. Certainly not; but could not the ninth section of the Thurman Act be enforced without interfering with any other rights? Of course Congress can not dispossess existing liens. It can not divest them of existing rights, but could it not declare that a lien could exist to secure the entire indebtedness of

Mr. BELL of Texas. There is no controversy on that point. Mr. BOATNER. And the reason I make the suggestion was on account of the concession the gentleman has made to the posi-tion taken by the gentleman from Vermont, that the United States has no lien except on the portion of the line against which the

Mr. BELL of Texas. That was not the contention, as I understand, of the gentleman from Vermont. I did not understand the gentleman to claim, and I certainly do not intend to concede, that the Government has no lien on the property of the company other than that in aid of the construction of which bonds were issued. The only point that I intended to concede, and all that I understood the gentleman from Vermont to contend for, was that the Government's claim on the terminal properties was not only subject to the lien to secure the \$35,000,000 debt, commonly called the first-mortgage debt, but was subject to other debts against the company. Of course, the Government could pay off all the debts of the Union Pacific Railroad Company and take all this property.

Mr. BQATNER. The gentleman from Texas was mistaken as to the contention of the gentleman from Vermont, who contended that the Government has no lien on that part of the line.

Mr. BELL of Texas. Well, I do not so understand the gentleman's contention, and state that I do not intend to concede that

it is correct, if that was what he stated

But all this, Mr. Chairman, is merely preliminary to what I wish to say. After all, the whole question is a plain business proposition, and we should decide it from purely a business standpoint. We should not allow ourselves to be swayed by any prejudice against those who may have abused the generosity of our Government; nor, on the other hand, should we allow ourselves to be influenced in their favor on account of imaginary benefits which they have conferred upon our country, for as a benefits which they have conferred upon our country, for, as a matter of fact, if they have conferred any favors they have been remarkably well paid for them.

But now to come to the real merits of this controversy. It is a fact that these railroads owe an enormous debt of \$112,000,000 to the Government, and to secure the payment of this debt the Government has a second mortgage on certain lines of railroad. Some people contend that the property upon which we have a second lien is not worth as much as the debt secured by the first

If this was true, then there is no occasion for us to legislate on the subject. No railroad corporation cares to pay more for property than it is worth, and if the debts secured by the first mortgage is for a greater amount than the value of the roads, it is gage is for a greater amount than the value of the roads, it is useless for the railroad companies to pretend that they are going to secure our debt by giving us a lien on other property. We would not do this in our ordinary business affairs, and certainly there has been nothing in the conduct of those who are in control of the Pacific railroads to justify us in supposing that they at this late day are going to do something as a favor that they can not be conveiled to the control of the Pacific railroads. compelled to do as a matter of law. But I do not concede the correctness of the statement that our debt is in no wise secured. We had a number of gentlemen before the committee which reported this bill, and they were persons who were entirely familiar with

the subject. We asked them time and again what they thought of the value of the property. I particularly remember that Mr. Anderson, who has been connected for many years with the management of the railroad as a representative of the Government, gave it as his opinion that, so far as the Union Pacific was concerned, that part of it upon which the Government had a second lien would sell for enough to pay off the debt secured by the first mortgage and at least one-half of the Government's debt. So the Government is not absolutely without security. We are not entirely driven to the wall. We are not so far embarrassed as to justify us in surrendering our debts or settling on the terms that may be proposed by those who owe them. But what is it that this bill proposes to do? So far as the Union Pacific Railroad is concerned, the proposition is that we allow the debt which is secured by a mortgage prior to that of the Government to be increased from \$33,539,512 to \$54,731,000. If it is not proposed to lose our entire debt, the question is whether we would be in a better position and more able to collect it if the settlement is allowed than before. It is true that our second mortgage will cover some other property, but the trouble is that this property is not worth \$21,000,000, the amount by which the debt secured by a lien prior to that of the Government is to be secured. Of course, there is a difference of opinion among gentlemen as to the value of this property. Those who appeared before the committee and gave their estimates of the value of the property did not think that the Government's position would be materially improved by the additional security.

The bill proceeds upon the theory that we ought to accept the proposition made by the railroad companies themselves instead of making a proposition of our own for them to accept or decline. No business man would ever make a settlement upon that princi-No business man would ever make a settlement upon that principle. When people are dealing with others, they get the best offer they can, instead of taking the most favorable offer from the other party to the proposed contract. We have accepted, or it is proposed that we shall accept, the offer of the railroad company, just as if they were entirely insolvent, and as if all we could do is to take what they are willing to give us. Now, I believe that by submitting a fair and reasonable offer to the companies, with the distinct and reasonable offer to the companies, with the distinct understanding that they may accept or decline it, we can reach a satisfactory adjustment of our debt; that is, an adjustment that will be satisfactory to all those who are simply trying to collect the Government's debt, instead of trying to secure legislation by which their particular section would be benefited to the exclusion of other portions of the United States. It is true that these roads have not been making satisfactory earnings for several weers past but the reasons for this are very plain. It is not to the years past, but the reasons for this are very plain. It is not to the interest of those who have managed and operated these roads that

they should make money.

There are two reasons for this: First, and one which by all means should be considered, is the fact that if the roads had been making a satisfactory showing this body would not be disposed to making a satisfactory showing this body would not be disposed to settle on so liberal terms as they otherwise would; and another reason is the one which I have explained—that is, that one-fourth of the net earnings of the roads would have to go into the sinking fund. But the settlement proposed by the committee proceeds upon the theory that we should take the present net earnings of the roads as a basis for settlement, and that we should fix only such charges as the present complete of the road result asset. such charges as the present earnings of the road would meet. I think this is entirely an erroneous basis upon which to proceed. If those who own the stock in and the properties of the companies are not going to raise money in some way for the purpose of putting the corporations on a more solid basis than they are now, then we had better refuse to treat with them and let some other person get control of the property who will be disposed to do person get control of the property who will be disposed to do right by the Government. What is it that we propose to do for these companies? If they, or others who may be their successors, have to go into the market and borrow money, they would be com-

pelled to pay probably 6 per cent per annum interest upon it.

I do not discuss the proposition to extend the debt at the rate of 2 per cent per annum, because I do not believe that proposition will meet with favorable consideration at the hands of any considerable number of the members of this body, but at the rate of 3 per cent per annum there is a saving in round numbers of \$3,000,000 per annum to these companies in interest charges alone. This is a bonus greater than has ever been conferred by any government upon any corporation. It is one which we ought not to be compelled to consider the propriety of extending, but we must face the conditions as we find them. Without any fault of ours the conditions exist, and if we do not act cautiously and wisely our Government may lose its enormous dobt. So then, it is not our Government may lose its enormous debt. So, then, it is proour Government may lose its enormous deal. So, utell, it is posed that we confer upon these corporations a privilege which is equivalent to loaning them the credit of the Government, and thereby saving them \$3,000,000 annually for an average period of forty-four years. What is it we ask in return? According to the bill recommended by the committee, absolutely nothing. We do forty-four years. What is it we ask in return? According to the bill recommended by the committee, absolutely nothing. We do not ask that they materially increase our security and make our debt more safe; in fact, that they do anything that will place the

Government in a better condition than it has heretofore been. But I assert that we are in a position which enables us by exer-But I assert that we are in a position which enables us by exercising some degree of firmness in dealing with these corporations to compel them to deal justly with the Government in settling its debt, and if they will not do so there are others who will. I think the theory upon which the committee has proceeded—that is, that we determine what the companies can pay and accept that—is entirely wrong. We must insist, if we are going to confer the great favor of loaning our credit, and thereby enabling these companies to obtain cheap money, money, in fact, so cheap that no other company has ever been able to get money at nearly so low a -we ought to exact something considerable of them in return. But if the theory of the committee that the earning capacity of the roads affords a correct basis for determining the amount of the debt which could be placed upon them is accepted, then I maintain that what the roads can earn is not properly shown by returns

I have already explained some of the reasons for this, but I shall repeat part of what I have said. The black lines upon this map represent the main system of the Union Pacific Railway Company, while the red lines represent the feeders or auxiliary lines. testimony of the witnesses before the committee was that these short lines were operated at a loss to the main system. They were built as feeders to the main system and the payment of the fixed charges upon them was guaranteed by the Union Pacific Railway Company, and from the time the process of extension began the whole system has been drifting into bankruptcy. But if we sever the branches from the trunk and let those who own the stock and bonds of the branch lines take their property, and if the main line should then be operated in its own interest, a very different return of net earnings would become apparent. Besides, owing to the universal depression which has prevailed in our country for the last five years, railroad earnings throughout the entire country have fallen off greatly, and perhaps in no section of the country has the depression been more acute and more protracted than in that traversed by the Pacific railroads.

For these reasons, as well as others which I have already mentioned, the Union Pacific Railroad's earning capacity is not properly reflected by the recent showings. Conditions have been even more unfavorable to the Central Pacific. I have already discussed at length the motives of those who have control of the Central Pacific, but there is another reason which is even more control-ling than those I have mentioned. The Southern Pacific Railroad of Kentucky has leased the Central Pacific Railroad. It also controls the line of railroad commonly known as the Southern Pacific, which extends from California to New Orleans. Is it not plain that, not only for the purpose of having the net earnings of the Central Pacific Railway as small as possible, so as to avoid the necessity of paying a considerable amount into the sinking fund, and also so as to make as bad a showing as possible as to the earning capacity of the Central Pacific Railroad, for the purpose of influencing legislation, but also for other reasons, it would be to the interest of the Southern Pacific Company, which controls the Central Pacific, to divert as much traffic as possible from the Central Pacific road? Freight shipped over the Central Pacific from California to Ogden would at that point have to be transferred to the Union Pacific, and the Union Pacific would of course receive a part of the charges for transporting such freight. On the other hand, the Southern Pacific, having a through line, as I have stated, from the Pacific Ocean to New Orleans, would not

have to divide with any other road.

Mr. HUBBARD. And from New Orleans they have a water

Mr. BELL of Texas. Yes; so I understand. For these reasons, and others which I have stated, the several roads have not been operated for years past in the interest of the roads themselves, and the showings they have been making can not be assumed as correct showings of their real earning capacity. Therefore, in any event, what they have been earning does not afford a proper test as to the terms upon which we ought to settle with them. But we ought, as I have stated, to proceed upon the theory that if those who owned the properties of the roads will not do something in some way to place us in a very materially better condition than we are at present, then we will not treat with them; and when I speak of a materially better condition, I

mean in a very much better condition.

Our debt is an enormous one, and if we are not to receive Our debt is an enormous one, and if we are not to receive materially better security than we already have, we had better take what we can get as the result of a forced sale and make the best of a very bad bargain. At present if the Union Pacific Railroad Company should refuse to provide for its debts, the Government, to protect itself, will be compelled to pay in round numbers \$33,000,000. If within, say, six months after the consummation of the settlement proposed in the committee's bill they should refuse to carry out the conditions of the pay obligation. should refuse to carry out the conditions of the new obligation which they have assumed, the Government, to protect itself, would have to pay off \$55,000,000 indebtedness which would be secured by the lien prior to that of the Government.

Mr. POWERS. Fifty-five million dollars on the same amount of mileage

of mileage.

Mr. BELL of Texas. No; \$55,000,000 on the whole road.

Mr. POWERS. Then we would get the whole road.

Mr. BELL of Texas. Yes; we would get in addition to that which we would get now by paying \$33,000,000 certain other property, which I do not believe would be worth near the \$21,000,000 which we would have to pay for it. The portion of the road upon which we have a lien mostly runs through a very fine agricultural country. The eastern part of Kansas is perhaps as fine agricultural country as there is in the United States, whereas the western part of Kansas and Colorado, through which the other parts of the road run, is very broken and almost worthless from an agricultural standpoint. It is not susceptible of supporting a dense population, and, as all understand, the profit to a railroad company is principally derived from the local traffic, the rates on through traffic being so low that little is derived from that source. through traffic being so low that little is derived from that source. So again I say that if the additional property upon which the Government gets a lien is worth more than the \$21,000,000 which we have to pay to secure it we would be benefited; if it is worth less we would be injured.

Now, as to the Central Pacific it is not assumed that we will receive any additional security except that which will be derived from having the Southern Pacific Company of Kentucky guarantee the payment of its obligations. We must not confuse the Southern Pacific Company of Kentucky with the Southern Pacific Company proper. The Southern Pacific Company of Kentucky is a corporation chartered by the legislature of the State of Kentucky is a corporation chartered by the legislature of the State of Kentucky. It was organized for the purpose of and is engaged in leasing and operating railroads. It does not, as I am informed, own any railroads. It simply has leased a great many railroads, and has leased and operates lines which extend from California to New Orleans. This corporation could wind up its affairs at probably an expense of a hundred thousand dollars. Suppose probably an expense of a hundred thousand dollars. Suppose that this corporation should determine six months after it had guaranteed the payment of the obligations of the Southern Pacific Railway Company that it did not wish to longer comply with its contract, the holders of the mortgages against the Southern Pacific Company of Kentucky could institute suit and have the property of the Southern Pacific Railway Company of Kentucky

sold; and, if the Government should obtain a judgment against it, there would be no property which would be subject to sale out of which the Government could collect its judgment. Mr. MAGUIRE. Is it not a fact that the Southern Pacific Company of Kentucky, which is the company spoken of by the gentleman, has limited liability for its stockholders, and limited

to a small proportion?

Mr. BELL of Texas. I must acknowledge that I did not know of that fact; but it is very easy for stockholders to transfer their stock and avoid liabilities anyway. I am not supposing an imaginary case. Practically all of the large railroad companies in the United States have at one time or other gone through the bankrupt courts, and in this way have wiped out all of their existing liabilities, except those which were secured by a lien of certain property. Those whose indebtedness was secured by a mortgage in rem generally secured payment of their debts, all others having to lose. This is the case with many of the railroad corporations in the State in which I live, and, I understand, has been the case everywhere else. Of course, if the debt is so small that it would not be profitable for the corporation to wind up its affairs and be converted into a new corporation, the debt would be paid. But it is proposed to have the Southern Pacific Company of Ken-But it is proposed to have the Southern Pacific Company of Kentucky guarantee a debt of \$24,000,000. It could avoid the liability, as I have shown, and I think it is perfectly safe to assume that it would do so. I remember when Mr. Huntington, who is president of this corporation, was asked the question as to the value of the stock of the Southern Pacific Company, he stated that it had only a nominal value, and that dividends were not paid upon it. Mr. Chairman, I think the facts which I have stated show that we would not materially improve the condition of the Government and not increase to any considerable extent the prospect of the col-

and not increase to any considerable extent the prospect of the collection of the Government's debt by adopting the bill reported by the committee. For that reason I oppose the legislation. But I do not wish to appear in the attitude of antagonizing measures that others recommend without suggesting some other remedy.

There are three courses which naturally suggest themselves as those which ought to be pursued in attempting to settle the Pacific railroad debts.

First. That the Government should pay off the indebtedness which is secured by a prior lien, and should thus become the owner of the roads. I do not desire to enter into a discussion of the merits of this proposition. I do not at all favor the proposition that the Government should become the owner of railroads or engaged in the railroad business. I am aware that there are very few members of this body who favor that policy, and so it is useless to con-

sume any time in attempting to antagonize it.

Second. A foreclosure of the Government lien and a sale of the property. Of course, if the property would bring the amount of the Government's debt, as well as that which is secured by the prior lien, this would be the most satisfactory way in which a settlement could be effected; but there has been no evidence before the committee, and, so far as I know, no one believes that if the property should be sold at forced sale it would bring anything like enough to satisfy the debt due us; that is, after satisfying the debt secured by the first lien. Hence, if it can be avoided, we ought

not to adopt the second proposition.

Third. An extension of the debt due the Government by the respective railroads for a long period of time, at a low rate of interest. If it was likely that at a forced sale the property would bring very nearly enough to satisfy the Government's debt after paying off that which is secured by the prior lien, I should be in favor of having the Government take what it could realize and sever itself entirely from the railroad business; but the debt is so enormous that if there is any possibility of our being able to secure a reasonably satisfactory settlement, we ought to forego our individual preferences and attempt by every possible means to preserve the Government from loss.

The bill recommended by the committee provides for funding respective railroads for a long period of time, at a low rate of inter-

The bill recommended by the committee provides for funding the Government's debt at 2 per cent per annum interest. Inas-much as the Government can not obtain money at this rate, but must pay 3 per cent per annum, I do not think we ought to enter-

must pay 3 per cent per annum, I do not think we ought to entertain any suggestion of a lower rate.

The other question then is, How can the company secure the Government in the collection of its debt? I have prepared a substitute for the committee's bill which I propose to offer at the proper time. This substitute provides that the moneys in the sinking fund shall be applied as a payment upon debt which is now due the Government, and that if the companies will pay off and discharge the debts which are secured by mortgage, which is prior to that of the Government, then the debt shall be extended for an average period of about forty years at 3 per cent per annum interest.

I presume everyone will agree that this settlement would be much more satisfactory and beneficial to the Government than that proposed by the committee's bill. But the question arises, Can the companies comply with the terms of the proposed substitute? I agree fully that if the present owners of the stock and properties of the companies do not propose to assess themselves or in some other way raise money for the purpose of disselves or in some other way raise money for the purpose of discharging and paying off the debts secured by the prior lien, then it can not be done; but I insist that they can and will do so. It is true that the evidence which we have had on the subject shows that the properties if sold under forced sale would not bring the amount of the debts which are secured by the first mortgage upon it and what will be owing the United States; but I am confident that in order to secure the use of the \$112,000.000 at the low rate of interest of 3 per cent per annum efforts will be made, and successfully, too, to raise the money and accept the terms of the proposed substitute. If the companies would settle upon the terms I suggest, the Government would probably be able in a short time to sell its bonds; and the substitute bill expressly confers authority upon the Secretary of the Treasury to do so.

Mr. BOATNER. Will the gentleman yield for a question?

Mr. BELL of Texas. Certainly.

Mr. BOATNER. I have been very much impressed with the gentleman's proposition, but I should like to know what course he would suggest in the event the railroad companies refused to

accept the proposition which his substitute contemplates.

Mr. BELL of Texas. The substitute bill provides fully for the contingency which the gentleman speaks of, and I will now dis-

constrigency which the gentleman speaks of, and I will now dis-cuss that particular branch of it.

The substitute provides that if within three months of the time it becomes a law the railroad companies, through their proper officers, do not signify their acceptance of the settlement proposed, officers, do not signify their acceptance of the settlement proposed, and if within a given period thereafter they do not comply with the terms of the bill, then the Attorney-General shall institute proceedings for the foreclosure of the Government's lien and proceed as directed in the act of March 3, 1837, which authorizes the proper officers to fully protect in every way the interest of the United States. It is not suggested how the United States, if it has to acquire title to the respective roads, will dispose of them. I suppose that it would be better to leave that question for subsequent legislation.

Mr. MAGUIRE. The contlement of the settlement proper officers.

Mr. MAGUIRE. The gentleman will let me suggest that the

Mr. MAGUIRE. The gentleman will let me suggest that the Attorney-General has asked for some legislation.

Mr. BELL of Texas. Yes; he asked that the venue of these suits shall be fixed in the District of Columbia. I have copied in full as a part of my substitute the bill prepared by the Attorney-General, and which has been introduced into both branches of Congress, and which confers jurisdiction upon the courts of this District to try these cases. I also embodied the suggestion of District to try these cases. I also embodied the suggestion of the Attorney-General that the foreclosure proceedings could run against each of the roads at the same time and that the two properties should be sold together.

Mr. HEPBURN. So that is included in the substitute?

Mr. BELL of Texas. Yes, sir.
Mr. TERRY. If the gentleman will permit me, instead of directing the suits for foreclosure to be brought under certain conditions, why not stand on the rights reserved under the act of 1862? Mr. BELL of Texas. We could do that, of course, if it were

thought best

Mr. TERRY. It is more effective.

Mr. BELL of Texas. I do not think so. I think it would be better to have the foreclosure proceedings and have the property sold and all questions of conflicting liens adjudicated in the suit;

sold and all questions of conflicting liens adjudicated in the suit; and, besides, I do not want Congress to do anything which might be regarded as committing it in the direction of Government ownership of the railroads of this country.

Mr. TERRY. In regard to that proposition, permit me to say to the gentleman that we would be committing ourselves to no new doctrine. We would be standing on the doctrine that this Congress stood on in 1862, when it was declared that in the event of a default in the payment of the debt due the Government the Secretary of the Treasury could take possession of the roads for the use and benefit of the United States. It is, therefore, no new departure

Mr. BELL of Texas. If it be not a new departure, still I believe in repudiating that feature of the act of 1862. If it be the law, it is one which is more honored in the breach than in the observance.

Mr. Chairman, I hope I have made the propositions which are embraced in the substitute clear. I regret as much as anybody the necessity of our being compelled to even consider the proposition to refund the debts which are owing to the Government by the Pacific railroads, but we must face the conditions as we find them, and we must collect the enormous debts which are owing to the Government if we possibly can. This, I believe, we can do if we give those with whom we have to deal to understand that we propose to insist upon our rights and not allow them to dictate terms of settlement which certainly will not be beneficial to the

terms of settlement which certainly will not be beneficial to the Government and which may not be creditable to us.

Mr. PERKINS. Mr. Chairman, if the gentleman from Missouri will yield to me for a moment, I wish to ask permission to present an amendment which I propose to offer at the proper time to the bill, in order to have it now printed in the RECORD.

Mr. HUBBARD. I yield to the gentleman for that purpose.

Mr. PERKINS. I simply desire to present the amendment and have it printed in the RECORD, now waiving the reading of it.

The CHAIRMAN (Mr. SHERMAN in the chair). Without objection, the proposed amendment of the gentleman from Iowa will be printed in the RECORD for the information of the House.

There was no objection.

There was no objection.

The proposed amendment of Mr. Perkins is as follows:

There was no objection.

The proposed amendment of Mr. Perkins is as follows:

An amendment to be inserted in House bill \$189:

"And for the purpose of enabling a connection between said Union Pacific Railroad and Sloux City, Iowa, and the benefit and advantages thereof as originally intended, Daniel L. Plumer, of Wausau, in the State of Wisconsin; Thomas A. Stoddart, of St. Louis, in the State of Missouri; Fred W. Estabrook, of Nashna, in the State of New Hampshire; William Reynolds, of Marblehead, Commonwealth of Massachusetts; William B. Weedon, of Providence, in the State of Rhode Island; Joseph C. Head, of Latrobe; Adolph Woll, of Philadelphia; E. O. Macfarlano, of Towanda, in the State of Pennsylvania; John Ellis, of Kewanee, and James S. Huey, of Chicago, in the State of Illinois; Isaac C. Elston, of Crawfordsville, in the State of Indiana; Robert McCurdy, of Youngstown, in the State of Ohio; W. C. McNeil, of Postville, and Fred L. Eaton. of Sioux City, in the State of Iowa; W. R. Kinyon, of Owatonna, in the State of Minnesota; B. S. Spofford, of Coldwater, in the State of Michigan, and S. T. Jones, of Oakland, in the State of Maryland, and their associates and successors, be, and hereby are, created a body corporate under the name of the Northwestern and Union Pacific Railroad Company, with the usual powers of railroad corporations and with all such powers as Congress may bestow in the premises, to construct, acquire, assemble, operate, and maintain a railroad from Sioux City, in the county of Woodbury and State of Iowa, in a general southwesterly direction to and connecting with the main line of the Union Pacific Railway Company at North Platte, or any point on said main line to the east thereof, and using the bridge recently constructed across the Missouri River at or near Sioux City, in pursuance of an act of Congress entitled "An act authorizing the construction of a high wagon bridge across the Missouri River at or near Sioux City, Iowa, approved March [18]. Isse, and amendments thereof, all, howev

Pacific Railway Company, its successors, lessees, or assigns, intended for or resulting in any preference or advantage whatsoever over the line of the company herein incorporated and in behalf of any other railroad so connect ing with the road of said Union Pacific Railway Company, or which shall subject the road of the company herein incorporated to any prejudice or disadvantage whatsoever, is hereby declared to be unlawful, and the Federal courts having territorial jurisdic ion in the premises shall have jurisdiction to prevent the same and to secure the observance thereof."

Mr. POWERS. Mr. Chairman, the gentleman from Pennsylvania [Mr. Arnold], if present, will be entitled to the floor under an arrangement that I have made with him.

Mr. OWENS I suggest to the gentleman that I have several amendments I desire to have printed. I ask that I may have permission to offer them now, simply to have them printed in the RECORD.

The CHAIRMAN. Does the gentleman from Vermont yield to

the gentleman from Kentucky?

Mr. POWERS. If the gentleman from Kentucky will withhold the amendments for a few minutes, I shall have no objection to his request. I want to occupy the time, if possible, until the usual hour of adjournment, and had intended to yield to the gentleman from Pennsylvania [Mr. Arnold]. I do not see him at present on the floor, and I will yield to the gentleman from Pennsylvania

[Mr. Grow].

The CHAIRMAN. How much time does the gentleman yield?

Mr. POWERS. All the time he desires.

Mr. GROW. Mr. Chairman, not expecting to discuss any of the features of this bill, I shall not trespass long upon the atten-

tion of the committee.

The gentleman from Texas [Mr. Bell] has just given us a statement of his plan for disposing of this important question. He informs us that under all the information the committee had received, if the road was sold under foreclosure proceedings the received, if the road was sold under foreclosure proceedings the first mortgage would be paid off, and perhaps one-half the Government lien, and possibly not so much. This is all that could probably be received from the foreclosure proceedings. And yet he proposes and assures us with great confidence that moneyed men will be ready to take the road and pay off the first lien and allow the Government lien to be made first lien at 3 per cent interest. Who will invest money in the purchase of property that is not worth, by your own showing, the amount of money that would have to be invested?

Supposing, for instance, that the road should sell for \$5,000, or Supposing, for instance, that the road should sell for \$5,000, or \$10,000, we will say; the Government lien is \$2,000, the first lien is \$8,000. Now, by the testimony, according to the gentleman's own statement, if sold, the \$8,000 would be paid and \$1,000 on the second lien. That is all the property is worth. It would bring \$1,000 less than the amount of the investment. Who is going to invest money to make a first lien of our second one? Why should they make it a first lien? That is not a Yankee speculation, and if the gentleman had come from one of the New England States, where the boysserve apprenticeship in making wooden nutmegs, he would not have much confidence in such a proposition.

not have much confidence in such a proposition.

not have much confidence in such a proposition.

Now, Mr. Chairman, we represent the United States here as a board of directions, having a junior lien on property.

The reorganization of railroads has been a common thing in the country during the past few years. The first rule in reorganization is that the junior creditor must be the loser, if anybody. If the property is not worth the first lien, then the junior has no remedy. If the property is not worth both liens, the junior loses, not the first creditor. Now, we are here as junior creditors—

Mr. HUBBARD. May I ask the gentleman a question?

Mr. GROW. Yes.

Mr. GROW. Yes. Mr. HUBBARD. Suppose you have a second mortgage for \$10,000 on a piece of property. You are preceded by a mortgage of \$8,000 on that property. If that property shows by its net earnings that it would earn a sufficient amount of money to pay a fair rate of interest, say 4 per cent, on the entire debt, would you permit the first lien to be foreclosed without bidding for it and protecting yourself?

Mr. GROW. The gentleman can make all the suppositions he

pleases

Mr. HUBBARD. That is not a supposition; it is a fact.
Mr. GROW. Gentlemen can make all the suppositions they please. The gentleman himself claimed that the only basis of

please. The gentleman himself claimed that the only basis of value on railroad property is its earnings, and there is no use in issuing a bond beyond what the earnings will pay interest on.

Now, the first thing in reorganizing a railroad is the question of issuing new mortgages. There may be a first, second, third, or any number of liens. The first mortgage, if the property is good for anything, is a perfectly good security. Hence first mortgages are not required to make much if any sacrifices, unless in a fair business way they might be required to reduce their rate of interest. In reorganizations everywhere the first point is the securing of the principal of each of the liens if it can be done. By reducing the rate of interest the principal of all liens may be saved ducing the rate of interest the principal of all liens may be saved. But without a reduction of the rate of interest and extension of time for payment some lien must lose. It is expected that the greatest reduction should be on the junior mortgage. Our junior

mortgage has been receiving 6 per cent interest on its principal, and, as was shown by the chairman of the committee [Mr. Powers], the Government has received back an amount substantially equal to the principal invested, if there had been no interest to calculate. to the principal invested, it there had been no interest to calculate. The interest is calculated at 6 per cent, which is above the rates of interest paid by solvent debtors for a few years back. Six per cent is the interest reckoned to make up the sum that these people owe the Government. The junior creditor has been receiving a greater amount of interest on its money than his money was worth. Its principal has been paid back. What is owing row is only an accountation of interest. now is only an accumulation of interest.

The question is, what can this property pay in indebtedness? That depends upon its net earnings, and if its net earnings are not enough to pay the interest on \$10,000,000, there is no use of issuing \$15,000,000, because it will be sure to go into bankruptcy again after its reorganization. There is no railroad in the United States, managed by any directors who are business men or whose stockholders have any business capacity, that expects upon reor-

ganization of the property to have greater liens upon it than its net earnings will pay interest on.

As I said before, I do not propose to enter into the details of this question; but under the showings which have been made by gentlemen on both sides of this question, if you let this property go to public sale the Government can not collect the amount of its claim. That is conceded by the gentleman from Texas [Mr. Bell] in his proposition; and it is conceded on all hands, under the information which the committee bring before the House, that on a foreclosure and sale the Government must lose about one-half of its debt or perhaps more.

Now, Mr. Chairman, if I had my say, I would say to these people,

"Pay the Government the largest amount of money that you can raise" and let us pocket the loss of the difference. Mr. MAGUIRE. Is not that the thing to be done by foreclosure

Mr. GROW. The evidence is that foreclosure and sale will not give you your debt.

Mr. MAGUIRE. It will give you more than you can ever get The evidence is that foreclosure and sale will not

in any other way.

Mr. GROW. Oh, no; it will not. We had a rate once on the public lands of this country of \$1.25 an acre, and a proclamation was issued by the President. Who ever heard of an acre of public land at these sales selling for more than \$1.25? Put up these railroads at public sale on foreclosure, and in my judgment, unless this Government raises the money to pay the first lien, they will not pay a cent more than the first lien, for the reason that

Mr. MAGUIRE. We have testimony that they will sell for \$120,000,000, which would give the Government \$60,000,000.

Mr. GROW. There are some more suppositions and beliefs.

With the testimony before us that these roads are not worth the first and second liens, what is the use in talking about somebody giving more than that amount on a supposition or belief?

Mr. MAGUIRE. This committee had no testimony taken; not

a word of testimony was taken.

Mr. GROW. The gentleman from Texas who last spoke stated that they had gentlemen before them, and spoke of the whole evidence they had collected, and that they went into a full examination of the subject. He says that the Government could not get more than one-half of its debt from the sale of the property.

Mr. MAGUIRE. That testimony was unsworn statements.
Mr. GROW. What is your statement but an unsworn statement? [Laughter.] Your statement is just as good as theirs.
Mr. MAGUIRE. Exactly; and theirs is worthless and should not be acted upon.

Mr. GROW. And yours is worthless if you have not the

Mr. MAGUIRE. Mine is negative.

Mr. GROW. You have not got the money and do not guarantee Mr. GROW. You have not got the money and do not guarantee that any amount of money would be paid. Money is the most timid of all things; and there is nothing more timid than \$1,000,000 except \$2,000,000. [Renewed laughter.] Moneyed men do not invest their money in any kind of enterprise without knowing as to its value; and when they have the net earnings of a railroad they know how to invest. If the evidence as to the net earnings do not show that they are sufficient to pay the interest on the first mortgage and on our lien, which is second, at a rate of interest not greater than 2 per cent on the bonds, why expect moneyed men to put their money into this property and give us a first lien and they take a second? There is no money circle in the world charitable enough to do that for our Government.

Should these roads be put up for sale on foreclosure, the Government would have either to take out of the Treasury money enough to pay the first lien, or the owners of the first lien will make the same combination that was always made when we made a sale of public lands by the Government, fixing the price at \$1.25 per acre. There would be no probability of the Government realizing anything unless the Government pays the first mortgage. Are we ready to raise money and pay off the first lien? Right here let it be distinctly understood the Government has no more right in this case than any other junior creditor that has invested his money

in an enterprise, I do not care what it is.

The Government passed a law in 1862, as was stated by the chairman of the committee [Mr. Powers], when the bands of this Union were loosened, when the spirit of disintegration swept over the country, and when on the western limits of the country, over the Sierras, a spirit was growing up that if there was to be a dis-memberment of the Union they would have a republic on the shores of the Pacific. The great motive for the passage of the act was to bind the country together, when the last spike was driven in the connecting rails of these roads that bound the Pacific to the Atlantic with iron and steel bands. At a time when the air vibrated with the boom of hostile cannon, and the continent shook under the tread of armed men, this enterprise was com-menced, and it was an enterprise on the part of Congress of

patriotism.

Congress did not care then whether the Government ever got back a cent or not if anybody would build the road; and a hundred million dollars would have been voted just as quickly if we could have had a certain guaranty that a road of this kind would be built within five years. If it had been proposed to make it a donation even, it would have passed that Congress, if necessary. It was not an investment of money for percentage of profit. It was an investment for a percentage in patriotism, an investment that would bind the Union together and hold it forever. While onewould bind the Union together and hold it forever. While one-half, almost, of our territory was in arms against the other, that law passed. It was a year and a half before any capital made any move to build the Union Pacific. It stood for a year and a half without capital seeking it as an investment. We are told now that money is ready to take this road and pay off the first mortgage; and yet the evidence shows that it is not worth the amount of the first and second mortgage, and would not on foreclosure sale pay more than 50 or 75 cents on the dollar of our claim.

Mr. Chairman, to go back to my first point. We are a board of directors in council settling a plan for reorganizing a railroad, and to submit to the stockholders a proposition by which the road is to be reorganized and continued instead of being disintegrated and sold at foreclosure at whatever it will bring in the market. The Government has no more right, and in fairness and in business honesty, because we have a vote in our power to give as we please, we have no more right, as the junior creditor, to put an exaction upon the first mortgage than we would have as men sitting on the board of a private corporation and because of some power to do so we might have to compel the first-mortgage bond-holders to release a part of their claim. We are bound in good business faith to do the same as we would as individuals (without any vote or power to coerce a particular course of action) of a board of directors in reorganizing a road in which we had indi-vidual interests as junior creditors.

Money seeks investment, and those who put money into great Money seeks investment, and those who put money into great public enterprises are entitled to the benefits that come from them if they take the risk. In this case the capital of this country stood back a year and a half after we passed the law for giving the bonds and the public lands in aid of this enterprise. And right here permit me a diversion. I was always in favor, from the time the bill for the construction of a Pacific railroad came into the House of passing it and building the road. I did not into the House, of passing it and building the road. Idid not care what amount of bonds per mile were to be given, but I would not vote for the land grant, because in my whole life I never gave voice or vote for any disposition of the public lands except to actual settlers. Hence I was opposed to the land grant and would not vote for it, and as I could not vote for the bill without it, I am not on the record either one way or the other. If I stood in the same position to-day, I should favor the bill for bonds, caring nothing about what amount per mile should be given if necessary to secure the building of the road; but I would withhold the land

to secure the building of the road; but I would withhold the land grant, and if necessary I would make the amount of bonds large enough to take their place—if absolutely necessary. But that is among the bygones, and I refer to it now only as a historic incident of a personal character.

Mr. Chairman, the question is now, What shall we do in this case? We are legislators voting to give legal power for reorganization to those who invested their money in a great enterprise. It was an enterprise which has made the dream of Columbus a reality. The people of the land of his birth now go westward to reality. The people of the land of his birth now go westward to find the Indies. It opened this great central line of communication around the globe. Our Government invested \$64,000,000 of bonds in that great undertaking and now legislation is necessary for reorganization, and we as legislators, in dealing with this question, have no more right to govern our action according to our view of the character of the men who engaged in the enter-prise and carried it through than we would have in dealing with any merely individual enterprise. Neither this enterprise itself nor the men who carried it to success ever received from the Government one bond more than the law gave them. The law fixed

the amount at so much per mile, and they never received one dollar in bonds or one acre in land more than the law gave. If they could make money out of the enterprise under those condi-tions, that was their good fortune. They took the risk of losing it. The Central Pacific Company, under a law of California, first commenced work, and soon after Congress passed the law for the

building of the roads was in full force in construction. the idea of building a railroad to the Pacific was first taken up, three railroads were in contemplation. One was to be a southern road and there was a controversy between the city of Memphis and one or two other points in the South as to which should be the eastern terminus of the Southern Pacific. Another was to be a northern road, starting somewhere on Lake Superior, and, of course, there was to be this great central road. These projects of three lines across the continent were presented to Congress before the time when a part of the people's representatives here went forth to the battlefield to destroy the Union of our fathers.

Soon after that event this single line was started, and the effort was made to have it completed in as short a time as possible. That effort was successful. The enterprise has been accomplished. The country has received its benefits. We, sitting here to-day, are not required to determine whether the legislation of that day was wise or unwise, or whether the men who engaged in that great enterprise have made money or have lost money by it. Neither are we to inquire whether they have managed their railroads differently from the way the directors and stockholders in other enterprises have managed their roads. The question before us is not one that we can settle by the main strength of our votes if we propose to act fairly and justly with the men who invested their money in this great enterprise which originated in legislation for

the unity and benefit of the country and of mankind. [Applause.]
Mr. POWERS. Mr. Chairman, I understand that there is no other gentleman who desires to speak upon the bill this evening.
As I have already said in the hearing of the members of this committee, it was intended when the bill was presented that it should go into operation the 1st of January. That time having passed, it now becomes necessary to change the word "January" wherever it occurs in the bill to the word "July," and also in one or two instances to change "July" to "January." My desire is to offer this amendment and ask the committee to agree to it, in order that the bill may be printed in correct form to-morrow morning. I propose now to offer the amendment for the purpose

I have stated.

The CHAIRMAN. That would require unanimous consent under the rules

Mr. POWERS. I am aware of that, so I ask unanimous con-

I did not quite finish my statement. My proposition embodies one or two other very slight amendments designed to make the language of the bill conform to the differences in the computation of interest. On sundry pages which are specified in the amendment the word "January" should be erased and "July" inserted. Everybody familiar with the bill will understand the reason for

that change.

Further amendments which we propose are as follows:

Page 6, lines 7 and 8, strike out "beginning on the 1st day of July, 1897," and insert "beginning on the 1st day of January, 1898."

Page 17, line 24, and page 18, line 1, strike out "beginning on the 1st day of July, 1897," and insert "beginning on the 1st day of January, 1898."

Page 27, lines 6 and 7, for "\$2.409,818.20" insert "\$2.414,326.21."

Page 27, line 12, before "upon the constituent parts," insert "to the 1st day of July, 1897."

That has reference, I will say, to the computation of interest on the amount of the sinking fund.

Page 27, line 15, after "officers of the Treasury," insert "except that on amounts ascertained to be due on account of services for the Post-Office Department, interest to be computed from the dates of the respective certificates of the Post-Office Department."

That relates to the section of the bill providing that the officers of the Treasury Department shall ascertain the amount which will be due the companies on the 1st day of July for transportation charges. I understand that as to postal transportation charges it is necessary to wait until a certificate can be obtained from the Post-Office Department as to the amount due. This amendment is

designed to make that matter plain,
Mr. MAGUIRE. I understand the committee reporting this
bill now asks leave to make those corrections in its own bill.

Mr. POWERS. That is all.
Mr. MAGUIRE. You do not want the Committee of the Whole to adopt any of these amendments now?

Mr. POWERS. Not at all.

Mr. MAGUIRE. Then I have no objection to the gentleman's

Mr. POWERS. There is one further amendment:

Page 2, line 23, add at the conclusion of clause 2 the following; "And any amounts heretofore forming part of the sinking fund applicable to said companies which shall have been applied toward payment or satisfaction of such subsidy bonds."

I understand that the Treasury Department has sold, or is about to sell, certain bonds in the sinking fund. When this bill was drawn, there was no such sale contemplated. The object of the amendment is that if there should be such a sale before the bill goes into effect the amount of the bonds which may actually have been sold may be applied to the discharge of indebtedness due the Government. I ask unanimous consent that the bill be amended Government. in these respects

in these respects.

Mr. MAGUIRE. The gentleman proposes that the committee which reported the bill be allowed to correct it in this way?

Mr. POWERS. Exactly.

Mr. MAGUIRE. I am perfectly willing that all those corrections be made, but I do not want it understood that they are adopted by the Committee of the Whole as amendments to the bill.

Mr. POWERS. Well, I ask that the bill be amended so that it can embrace these points. When we get back into the House, I shall offer a resolution to print some extra copies.

The CHAIRMAN. The gentleman from Vermont asks unanimous consent, as the Chair understands, that the amendments which the Clerk will read be reported to the House—

Mr. MAGUIRE. As I understand, the gentleman's request is

Mr. MAGUIRE. As I understand, the gentleman's request is that the Committee on the Pacific Railroads have leave to make these corrections and have them printed in the bill. That, of course, I am willing to consent to.

The CHAIRMAN. The reprinting of the bill can only be or-

dered by the House.

Mr. POWERS. With a view to having the bill reprinted, Iask that before the Committee of the Whole rises the Committee on the Pacific Railroads have leave to make these corrections in the

The CHAIRMAN. The Committee of the Whole can not make The CHARMAN. The Committee of the Whole can not make the order which, as the Chair understands, the gentleman requests. The Committee of the Whole might agree to these amendments and report them to the House.

Mr. MAGUIRE. The gentleman had better make his request in the House. I shall object to it in the way in which the Chair

states it. I will make no object to the in the way in which the Chair states it. I will make no objection to the committee being allowed to make those corrections in the House.

Mr. POWERS. That is all I ask. I yield for a moment to the gentleman from Texas [Mr. Bell].

Mr. Bell of Texas. I desire to offer a substitute for the bill,

that it may be printed.

The CHAIRMAN. That can only be done in the House.

Mr. POWERS. I move, then, that the committee rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. PAYNE reported that the Committee of the Whole on the state of the Union, having had under consideration

Whole on the state of the Union, naying had under consideration House bill No. 8189, had come to no resolution thereon.

Mr. POWERS. Mr. Speaker, I now ask unanimous consent that the Committee on Pacific Railroads be allowed to amend their bill in the particulars that I have already indicated in the Committee of the Whole, respecting a change of dates when the bill is to take effect, and also that 1,000 extra copies of the bill shall be printed for the use of the House.

Mr. McF.W. Lebiect Mr. Speaker, for the purpose of sale.

Mr. McEWAN. I object, Mr. Speaker, for the purpose of ask-

Mr. McEWAN. I object, Mr. Speaker, for the purpose of asking a question.

Will not the amendments which have already been stated, that are to be made to the bill, be printed in the Record to-morrow morning? I refer to the amendments you have just now sent up.

Mr. POWERS. That is probably true. But I will say to the gentleman that several members who have been using the original bill to-day find it difficult to follow the changes that have been made, and at their request and for the convenience of the members of the House I have asked that the bill be printed in the amended form. the amended form.

Mr. KYLE. I suggest to the gentleman that he also ask for a

Mr. Notes. I suggest to the gentleman that he also ask for a reprint of the report.

Mr. POWERS. I think there is a sufficient number of the reports, if the gentleman will permit me.

Mr. McEWAN. I withdraw the objection.

Mr. POWERS. There are several amendments indicated on a

slip of paper that the Clerk has, and also on a copy of the bill as prepared by the committee. The request is for unanimous consent for the adoption of these amendments by the committee, and then that the bill be printed as so amended to the number that I have stated.

The SPEAKER. The gentleman from Vermont asks unanimous consent that the bill, amended in accordance with the suggestion submitted by him to the Committee of the Whole, be printed, 1,000 extra copies for the use of the House; and that that bill be considered as the pending bill before the Committee of the

Whole. Is there objection?

Mr. MAGUIRE. I understand that these are mere corrections made in the bill by the Committee on Pacific Railroads, for which the gentleman asks consent. To that I have no objection. Mr. POWERS. That is correct.

The SPEAKER. The Chair hears no objection, and that order

will be made.

Mr. POWERS. Now, Mr. Speaker, to further complete the bill, I ought to say, in the hearing of the House, that an amendment proposed by the gentleman from Iowa [Mr. Hepburn] was agreed to by the Committee on the Pacific Railroads, but in his absence it was inadvertently omitted in preparing the printed bill. We have assured him that he should lose no standing by reason of that fact. I therefore ask unanimous consent to incor-porate that amendment in the bill which is to be acted upon by the Committee of the Whole.

On page 30 of the bill, after the word "service," in the fourth line, proposes to strike out the remainder of that section and insert

in lieu thereof what I send to the desk.

The SPEAKER. The Clerk will read the proposed amendment. The Clerk read as follows:

The Clerk read as follows:

Strike out, in line 4, on page 30, section 22, all after the word "service," down to and including the word "thereon," and insert:

"And that said companies hereinbefore mentioned, their successors, lessees, and assigns, shall cooperate in making track connections with all railroads of other companies now or hereafter built to points of junction with their roads; and at any point where two or more railroads shall connect with their roads or either of them they and their successors, lessees, and assigns shall afford to all such connecting roads equal times, terms, rates, and facilities for the interchange of traffic, both passenger and freight, between such connecting roads and their respective roads and every part thereof. And any contract, arrangement, or device by sale, lease, consolidation, through-car service, or otherwise, intended for or resulting in any preference or advantage whatsoever to any such railroad so connecting at any such common point, or which shall subject any such railroad so connecting at any such common point to any prejudice or disadvantage whatsoever, is hereby declared to be unlawful."

The SPEAKER. Is there objection to the additional correction

The SPEAKER. Is there objection to the additional correction proposed by the gentleman from Vermont?

There was no objection.

The SPEAKER. The bill will therefore be printed, and submitted to the committee with the changes indicated.

Mr. HUBBARD. Mr. Speaker, I ask unanimous consent that those members who have addressed the House on this subject may be permitted to extend their remarks in the RECORD.

There was no objection.

Mr. BELL of Texas. Mr. Speaker, I have a substitute for the bill which I propose to offer at the proper time, and I ask unanimous consent that it be printed in the RECORD.

The SPEAKER. Without objection, that order will be made.
There was no objection.

The proposed substitute is as follows:

There was no objection.
The proposed substitute is as follows:
Strike out all after the enacting clause and insert the following:

"That the Secretary of the Treasury be, and he is hereby, authorized and divide the Secretary of the Treasury be, and he is hereby, authorized and divide the Secretary of the Treasury be, and he is hereby, authorized and divide the Secretary of the Treasury be, and he is hereby, authorized and divide the Secretary of the Treasury be, and he is hereby, authorized and divide the Secretary of the Treasury be, and he is hereby, authorized and divide the Secretary of the Treasury be, and he is hereby, authorized and accompanies of the United States thereon and not theretofore repaid by credits on account thereof were to be paid to the United States in cash on said day; and the said sum shall be computed and ascertained as follows:

"First. To the whole of the principal of said subsidy bonds attributable to each of said companies shall be added the interest paid or to be paid by the United States upon the same, so as to ascertain the total amounts that would have been due the United States for principal and interest paid on the bonds issued to each of said companies at their maturity if no payments or reimbursements made by or on behalf of either of said companies upon their indebtedness at any time before the ist day of January, 1898, as shall appear in the bond and interest accounts of the said companies respectively, with the United States, or from the sinking fund thereof, or otherwise.

"Third. Compute the present worths of the amounts so found as of the lat day of January, 1898, on the basis that money is worth 3 per cent per annum during the period between the date of average maturity of the said bonds and the ist day of January, 1898. From the sums so ascertained there shall be deducted the amounts in the sinking fund at their marker was a serial and the said is the property of the purpose of completely discharging their entire debta to the United States.

"SEC 2. That the said la

United States as payment of said aggregatic amounts of indebtedness arrived lieu, which is prior to the Government's lieu, shall have been satisfied and discharged of record, in Pacific Railway Company shall account and deliver—State. 4. That the londs to the United States for the debts of the United States, and the said bonds shall be numbered consecutively from one-prior of the control of the Company shall account and deliver—States, and the said bonds shall be numbered consecutively from one-prior that the said bonds shall be numbered consecutively from one-prior that the said bonds shall be numbered consecutively from one-prior that the said bonds shall be not seen that the said bonds shall be not seen that the said bonds shall be not seen that the said bonds so to be issued and delivered to him, the sum of \$80,000 of principal per annum; and for ten years, commencing on the said so of annuary. Disk said company shall, then be due on its said bonds, the sum of \$50,000 of principal per annum; and the said bonds shall have been fully paid. The payments of the said so the said bonds shall have been fully paid. The payments of amount of said bonds shall have been fully paid. The payments of amount equal to such payment and in the order of the number of said bonds, respectively and the said bonds. The sum of \$70,000 of principal per annum until the whole amount of said bonds shall have been fully paid. The payments of amount equal to such payment and in the order of the number of said bonds, respectively the said bonds and more and the said bonds and have said bonds and been said property entranced and property entranced in said mortgage shall be issued by said company in lieu thereof. When the said bonds and mortgage souring the same shall be delivered to the stine. The lieu of the United States upon any of the rail-read and property entranced in said mortgage and all charge or claim of the United States upon any part of the revenues of said property indeed on the said shall be said bonds and interest payment o

then be due on its indebtedness, the sum of \$265,000 of principal per annum, and for ten years, commencing on the list day of January, 106, and company as hall then be due on its indebtedness, the sum of \$500,000 of principal per annum, and thereafter, commencing on the list day of January, 108, said company hall then be due on its indebtedness, the sum of \$750,000 of principal per annum, and thereafter, commencing on the list day of January, 108, said then be due on its indebtedness, the sum of \$750,000 of principal per annum, until the whole amount of each bonds shall have been fully bonds of said company to an amount equal to such payment and in the order of the number of such bonds, beginning with the highest unpaid number in the sumber of such bonds, beginning with the highest unpaid number in the sumber of such bonds, beginning with the highest unpaid number in the sum of the sum berein provided, the indebtedness of the said company herein the sum of the sum

"Sec. 15. That either of said companies may at any time after the excention and delivery of their said bonds, pay the whole or may portion of said bonds, by paying the amount thereof, together with the accrued interest thereon, to the Secretary of the Treasury, who shall thereupon cancel the bonds so paid and deliver the bonds so canceled to the said company. Not by direction of the President of the United States, sell any of the said bonds which may be unpaid at any time, and the purchase price shall be paid in lawful money of the United States, sell all copy the provisions of this and the said of the United States, sell all copy the provisions of this and the temperature of the said adjustment and settlement, all provisions of law relating to the appointment of Government directors shall be, and the same are hereby repealed, and the said office is hereby abolished, earlings, and to the withholding or application of any moneys due or to become due from the United States for any services rendered by either of the said companies or any of its branches or auxiliaries or leased lines, other shall (provided the said company shall not be in default in the payment of the said company said not be in default in the payment of the said company said one as amounts shall have been ascertained, and all releging its property shall be repealed, and either of said company sas soon as amounts shall have been ascertained, and all releging its property shall be repealed, and either of said companies shall, after the acceptance of the terms of this act, as hereinbefore provided, have and possess all the usual powers of borrowing money on its credit or on the constant of the property shall be repealed, and either of said companies shall after the acceptance of the terms of this act, as hereinbefore provided, have and so seed the provisions of the said companies of the said compan

Mr. HARRISON. Mr. Speaker, I desire also to ask unanimous consent to have printed in the RECORD a substitute which I desire

The SPEAKER. The gentleman asks that the substitute which he proposes to offer may be printed in the RECORD for the information of the House. Is there objection?

There was no objection.

The proposed substitute is as follows:

Strike out all after the enacting clause in the bill and insert the following,

Strike out all after the enacting cause in the bin and inservation land to wit:

"Section 1. That the Secretary of the Treasury, the Secretary of the Interior, and the Attorney-General, and their successors in office be, and they are hereby, appointed a commission with full power to settle the indebtedness of any and all the bond-aided Pacific railroads to the Government, upon such terms and in such manner as may be agreed upon by them and the owners of said railroads: Provided, That any and all settlements thus made shall be submitted in writing to the President for his approval or disapproval, and unless approved by him shall not be binding.

"Sec. 2. That said commission or any member of the same is hereby authorized and empowered to administer oaths, to summon and compel the attendance and take the testimony of witnesses, and cause to be produced all papers and documents needed in the course of their negotiations.

"Sec. 3. That said commission shall within sixty days after the assembling of the next regular session of Congress report their action to it, and, in case of their failure to settle said indebtedness or any part thereof at the time of making such report, to recommend such legislation as in their judgment may be necessary or proper to protect the interests of the Government and to enforce the prompt collection of any of said indebtedness that may then be due and unpaid.

"Sec. 4. That the sum of \$5,000, or so much thereof as may be necessary, be, and is hereby, appropriated, out of any funds in the Treasury not otherwise appropriated, to defray the expenses of said commission in carrying out the provisions of this act."

SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, the following Senate bills were taken from the Speaker's table and referred as follows:

A bill (S. 3328) to amend an act entitled "An act to repeal the timber-culture laws, and for other purposes"—to the Committee on the Public Lands.

A bill (S. 1781) making an appropriation to furnish flags for the schoolhouses of the District of Columbia—to the Committee on Appropriations.

LEO L. JOHNSON.

Mr. OWENS. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 5808) which I send to the Clerk's desk.

The bill was read, as follows:

A bill (H. R. 5808) for relief of Leo L. Johnson.

A bill (H. R. 5808) for relief of Leo L. Johnson.

Be it enacted, etc., That the Court of Claims is hereby empowered to hear and adjudicate the claim of Leo L. Johnson for the net proceeds of 461 hogsheads of sugar taken from his plantation, situate in the parish of Lafourche, La., under orders of General Butler, in November, 1862, and shipped to New Orleans and sold by the sequestration commission, and the net proceeds, amounting to \$37,351.49, paid to Colonel Holabird under orders from General Banks, and by him credited to the United States and afterwards covered into the Treasury.

Mr. PAYNE. I object; and I move that the House do now

adjourn.

The SPEAKER. The gentleman from New York objects to the present consideration of the bill, and moves that the House do now adjourn. Pending the motion, the Chair will submit a report from the Committee on Enrolled Bills.

ENROLLED JOINT RESOLUTION SIGNED.

Mr. HAGER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled joint resolution (H. Res. 205) authorizing the building of a telephone line in the District of Columbia; when the Speaker signed the same.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows: To Mr. LITTLE, for ten days, on account of important business. To Mr. Brown, indefinitely, on account of sickness in his family. To Mr. Allen of Mississippi, for five days, on account of sick-

And then, on motion of Mr. PAYNE (at 5 o'clock and 7 minutes p. m.), the House adjourned.

EXECUTIVE COMMUNICATION.

Under clause 2 of Rule XXIV, a letter from the Secretary of the Treasury, making a statement as to why the information called for by the resolution of the House, dated June 5, 1896, has not been furnished, was taken from the Speaker's table and referred to the Committee on Reform in the Civil Service.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally

reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. PENDLETON, from the Committee on Indian Affairs, to which was referred House bill No. 9565, reported in lieu thereof a which was referred House bill No. 9563, reported in heu thereof a bill (H. R. 9863) to extend and amend an act entitled "An act to grant the right of way to the Kansas, Oklahoma Central and Southwestern Railway Company through the Indian Territory and Oklahoma Territory, and for other purposes," approved December 21, 1893, accompanied by a report (No. 2400); which said bill and report were referred to the Committee of the Whole House

bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. MILLIKEN, from the Committee on Public Buildings and Grounds, to which was referred sundry bills of the following titles, reported the same, accompanied by reports; which said bills and reports were severally referred to the Committee of the Whole House on the state of the Union, as follows, to wit:

The bill (H. R. 10) to provide for a public building at Cleveland, Ohio. (Report No. 2401.)

The bill (H. R. 344) to provide for the construction of a public building at Tacoma, Wash. (Report No. 2402.)

The bill (H. R. 2184) to provide for the purchase of a site and

the erection of a public building thereon at Pekin, in the State of Illinois. (Report No. 2403.)

The bill (H. R. 1697) to provide for the erection of a public building at Kansas City, Kans. (Report No. 2404.)

The bill (H. R. 829) to erect a public building at Lawrence, Mass. (Report No. 2405.)

The bill (H. R. 296) for the erection of a custom-house and post-office building at Brunswick, Ga. (Report No. 2406.)

The bill (H. R. 7048) for the erection of a public building at Bowling Green, Ky. (Report No. 2407.)

The bill (S. 772) entitled "An act to provide for the purchase of sites for public buildings in the cities of Hastings and Norfolk, in the State of Nebraska, and for other purposes." (Report No. 2408.)

The bill (H. R. 826) to provide for the erection of a public building at Bradford, Pa. (Report No. 2410.)

The bill (H. R. 4460) to provide for the construction of a public building at York, Nebr. (Report No. 2411.)

The bill (H. R. 2630) to provide for the erection of a public building at San Diego, Cal. (Report No. 2412.)

The bill (H. R. 7380) for the erection of a public building at Talladega, Ala. (Report No. 2413.)

Talladega, Ala. (Report No. 2413.)

The bill (S. 131) entitled "An act to provide for the purchase of a site and the erection of a public building thereon at Nashua, in the State of New Hampshire." (Report No. 2414.)

The bill (H. R. 844) supplemental to an act entitled "An act

to provide for the erection of a public building in the city of Nor-folk, in the State of Virginia," approved January 2, 1891. (Report

No. 2415.)

The bill (H. R. 3834) providing for the erection of an addition to the United States public building at Canton, Ohio. (Report

No. 2416.)

The bill (H. R. 4790) for the purchase of a site and the erection of a public building thereon in the city of New Brunswick, N. J. (Report No. 2417.)

The bill (H. R. 2790) providing for the erection of a public building at Shamokin, Pa. (Report No. 2418.)

The bill (H. R. 1207) to provide for the purchase of a site and the erection of a public building thereon at the city of Eau Claire, in the State of Wisconsin. (Report No. 2419.)

The bill (H. R. 7217) to increase the limit of cost for the erection of a public building at Stockton, Cal. (Report No. 2420.)

The bill (H. R. 3022) providing for the purchase of additional property for the use of the post-office and other Government offices in the city of Brooklyn, State of New York. (Report No. 2421.)

The bill (H. R. 864) for the erection of a public building at Malden, Mass. (Report No. 2422.)

The bill (H. R. 864) for the erection of a public building at Malden, Mass. (Report No. 2422.)

The bill (H. R. 839) for the erection of a public building in the city of Hopkinsville, Ky. (Report No. 2423.)

The bill (H. R. 2711) for the construction of a public building at Clinton, Iowa. (Report No. 2424.)

The bill (H. R. 820) to provide for the purchase of sites and the erection of public buildings at Salt Lake City and Ogden City, Utab. (Report No. 2425.)

erection of public buildings at Salt Lake City and Ogden City, Utah. (Report No. 2425.)

The bill (H. R. 802) for the erection of a public building at Waterbury, Conn. (Report No. 2426.)

The bill (H. R. 1995) to provide for a public building at Winston, N. C. (Report No. 2427.)

The bill (H. R. 233) for the erection of a public building in the city of Woonsocket, R. I. (Report No. 2428.)

The bill (H. R. 6263) to provide for the erection of a public building at Lebanon, Pa. (Report No. 2429.)

The bill (H. R. 2704) for the erection of a public building at Green Bay, Wis. (Report No. 2430.)

The bill (H. R. 1465) to provide for the purchase of a site and the erection of a public building thereon at Alameda, in the State of California. (Report No. 2431.)

The bill (H. R. 5919) to provide for the acquisition of additional land and the erection of an addition to the custom-house, post-office, etc., building at Bridgeport, Conn. (Report No. 2432.)

office, etc., building at Bridgeport, Conn. (Report No. 2432.)

The bill (H. R. 834) to provide for the erection of a public building in the city of Portsmouth, in the State of Virginia. (Report No. 2433.)

The bill (H. R. 253) to provide for the erection of a public build-

The bill (H. R. 233) to provide for the erection of a public building at Freeport, Ill. (Report No. 2434.)

The bill (H. R. 783) to provide for the purchase of a site and the erection of a public building thereon at Deadwood, in the State of South Dakota. (Report No. 2435.)

The bill (H. R. 6252) to provide for the purchase of a site and the erection of a public building thereon at Rome, in the State of New York. (Report No. 2438.)

New York. (Report No. 2436.)

The bill (H. R. 2267) for the erection of a public building at Lebanon, Ky. (Report No. 2437.)

The bill (H. R. 850) for the construction of a public building at Owosso, Mich. (Report No. 2438.)

The bill (S. 260) entitled "An act to provide for the construction of a public building at Butta City Mont" (Report No. 2429.)

of a public building at Butte City, Mont." (Report No. 2439.)

The bill (H. R. 1979) to provide for the purchase of a site and the erection of a public building thereon at Santa Rosa, in the State of California. (Report No. 2440.)

The bill (S. 1717) entitled "An act to grant to the city of Charleston, S. C., the use of certain real estate in said city on which is situated the building known as 'The Exchange.'" (Report No. 2441.)

The bill (H. R. 3540) to provide for the erection of a public building in the city of St. Cloud, Minn. (Report No. 2442.)

The bill (H. R. 5163) for the erection of a public building in

building in the city of St. Cloud, Minn. (Report No. 2442.)

The bill (H. R. 5163) for the erection of a public building in Reno, Nev. (Report No. 2443.)

The bill (S. 717) entitled "An act for the erection of a public building at Fergus Falls, Minn." (Report No. 2444.)

The bill (H. R. 4695) for the erection of a public building at Paris, Ky. (Report No. 2445.)

The bill (H. R. 1652) for the erection of a public building at Fulton, Mo. (Report No. 2446.)

The bill (H. R. 252) for the erection of a public building at Menominee, Mich. (Report No. 2447.)

The bill (H. R. 5165) to provide for the purchase of a site and the erection of a public building thereon at Woodland, in the State of California. (Report No. 2448.)

The bill (H. R. 2002) for the erection of a public building at Wausau, Wis. (Report No. 2449.)

The bill (H. R. 9897) to provide for the erection of a public building at Grand Haven, in the State of Michigan. Reported in lieu of House bill No. 3136. (Report No. 2450.)

The bill (H. R. 2627) to provide for the purchase of a site and the erection of a public building thereon at Fresno, in the State of California. (Report No. 2451.)

The bill (H. R. 3620) for the erection of a public building at Janesville, Wis. (Report No. 2452.)

The bill (H. R. 1689) to provide for the erection of a public building at Washington, Pa. (Report No. 2453.)

Mr. GILLET of New York, from the Committee on Public Buildings and Grounds, to which was referred the bill of the House (H. R. 6197) to provide for the erection of a custom-house in the city of New York, reported the same with amendment, accompanied by a report (No. 2409); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

By Mr. LAYTON, from the Committee on Invalid Pensions: The bill (H. R. 7242) granting pension to Mrs. Elizabeth Dennon, widow of the late John Dennon. (Report No. 2395.)

By Mr. SULLOWAY, from the Committee on Invalid Pensions: The bill (H. R. 9553) granting a pension to Verona Harriman. (Report No. 2396.)

By Mr. ANDREWS, from the Committee on Invalid Pensions.

By Mr. ANDREWS, from the Committee on Invalid Pensions: The bill (H. R. 3977) granting a pension to Frank J. Hood, of Georgetown, Colo., and late of Company D, Thirty-seventh New Jersey Volunteer Infantry, and Company A, Two hundred and fourteenth Regiment Pennsylvania Volunteers. (Report No.

By Mr. CROWTHER, from the Committee on Invalid Pensions: The bill (H. R. 9617) granting a pension to John N. Smith. (Re-

The bill (H. R. 9617) granting a pension to John N. Smith. (Report No. 2398.)

By Mr. BAKER of Kansas, from the Committee on Invalid Pensions: The bill (H. R. 8331) granting an increase of pension to Adam Crawshaw. (Report No. 2399.)

By Mr. COFFIN, from the Committee on Pensions: The bill (S. 1501) entitled "An act granting an increase of pension to Mrs. Lucy Alexander Payne, widow of Capt. J. Scott Payne, Fifth United States Cavalry." (Report No. 2454.)

By Mr. MOZLEY, from the Committee on Pensions: The bill (S. 396) entitled "An act granting a pension to Henry Farmer."

396) entitled "An act granting a pension to Henry Farmer." (Report No. 2455.)

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Pensions was discharged from the consideration of the bill (H. R. 9481) to increase the pension of Alice De K. Shattuck; and the same was referred to the Committee on Invalid Pensions.

PUBLIC BILLS, MEMORIALS, AND RESOLUTIONS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. GOODWYN: A bill (H. H. 9862) to amend the act of July 1, 1862, relating to the tax on fermented liquors (section 3339 of internal-revenue laws of August 28, 1894)—to the Committee on Ways and Means.

By Mr. VAN HORN: A bill (H. R. 9864) to enact a general railroad bridge law—to the Committee on Interstate and Foreign Commerce

By Mr. McCORMICK: A bill (H. R. 9865) extending the time for the completion of the bridge across the East River, between the city of New York and Long Island, now in course of construc-

the city of New York and Long Island, now in course of construction, as authorized by the act of Congress approved March 3, 1887—to the Committee on Interstate and Foreign Commerce.

By Mr. DALZELL: A bill (H. R. 9866) to authorize the construction of bridges across the Ohio, Monongahela, Mississippi, Great Kanawha, Tennessee, Cumberland, and Illinois rivers, and to prescribe the dimensions of the same—to the Committee on Interstate and Foreign Commerce.

Interstate and Foreign Commerce.

By Mr. BANKHEAD: A bill (H. R. 9895) to authorize the Attorney-General to appoint assistant district attorneys to aid the Solicitor of the Treasury in collecting judgments in favor of the United States upon which execution has been returned by the various United States marshals, "No property found"-to the Committee on the Judiciary.

By Mr. MINOR of Wisconsin: A bill (H. R. 9896) to correct a clerical error found to exist in an act entitled "An act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes," passed June 3, 1896—to the Committee on Rivers and

PRIVATE BILLS, ETC.

Under clause 1 of Rule XXII, private bills of the following

titles were presented and referred as follows:

By Mr. BANKHEAD: A bill (H. R. 9867) for the relief of W.
H. Bickerstaff, of Walker County, Ala.—to the Committee on

War Claims By Mr. BROWN: A bill (H. R. 9868) for relief of James A. Lance, of Warren County, Tenn.—to the Committee on Military

By Mr. BRUMM: A bill (H. R. 9869) granting a pension to Mrs. Mary McVeigh—to the Committee on Invalid Pensions.

By Mr. CATCHINGS: A bill (H. R. 9870) for the relief of the estate of Samuel Stowers, deceased, late of Warren County, Miss.—

to the Committee on War Claims.

By Mr. CLARK of Missouri: A bill (H. R. 9871) to correct the military record of Washington Kellogg—to the Committee on Military Affairs.

By Mr. CURTIS of Kansas: A bill (H. R. 9872) for the relief of

By Mr. CURTIS of Kansas: A bill (H. R. 9872) for the relief of Peter, alias Louis, Heck—to the Committee on Military Affairs. By Mr. GILLET of New York: A bill (H. R. 9873) granting a pension to Rachel Aber, dependent mother of William Aber, jr., Company K, Ninetieth Regiment Pennsylvania Volunteers—to the Committee on Invalid Pensions.

By Mr. HARTMAN: A bill (H. R. 9874) granting an honorable discharge to William Miller—to the Committee on Military Affairs. Also, a bill (H. R. 9875) granting a pension to Mrs. Winifred Rignig—to the Committee on Invalid Pensions.

By Mr. HULING: A bill (H. R. 9876) granting a pension to Paul Summers—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9877) for the relief of Joseph Loudermilk, of Monroe County, W. Va.—to the Committee on War Claims.

By Mr. LACEY: A bill (H. R. 9878) granting a pension to Sarah C. Ward—to the Committee on Invalid Pensions.

By Mr. McCREARY of Kentucky: A bill (H. R. 9879) for the benefit of Joseph Ronan—to the Committee on Invalid Pensions.

By Mr. MORSE: A bill (H. R. 9880) granting an increase of

By Mr. MORSE: A bill (H. R. 9880) granting an increase of pension to Charles W. Brown—to the Committee on Invalid Pen-

By Mr. OTEY: A bill (H. R. 9881) to increase the pension of Harriet J. Hutter—to the Committee op Pensions.

By Mr. SOUTHARD: A bill (H. R. 9882) to increase pension of Charles S. Ely—to the Committee on Invalid Pensions.

By Mr. SPENCER: A bill (H. R. 9883) for the relief of the estate of Levi Elmore, deceased, late of Claiborne County, Miss.—to the Committee on War Claims.

Also, a bill (H. R. 9884) for the relief of Mrs. Catherine P. Byrnes, of Claiborne County, Miss.—to the Committee on War Claims.

By Mr. VAN HORN: A bill (H. R. 9885) granting a pension to Clarence St. Clair—to the Committee on Pensions.

By Mr. WHEELER: A bill (H. R. 9886) for the relief of George Caperton, Jackson County, Ala.—to the Committee on War Claims.

Also, a bill (H. R. 9887) for the relief of the estate of Presley W. Harden, of Lauderdale County, Ala.—to the Committee on

War Claims Also, a bill (H. R. 9888) for the relief of Willis Darby, of Conecuh County, Ala.—to the Committee on War Claims.

Also, a bill (H. R. 9889) for the relief of Andrew J. Esslinger, of Madison County, Ala.—to the Committee on War Claims.

Also, a bill (H. R. 9890) for the relief of Lemuel Hannah, of Madison County, Ala.—to the Committee on War Claims.

Also, a bill (H. R. 9891) for the relief of Jessie Vann, of Madison County, Ala.—to the Committee on War Claims.

Also, a bill (H. R. 9892) for the relief of the estate of Hamilton

G. Bradford, deceased, late of Huntsville, Ala.-to the Committee on War Claims.

Also, a bill (H. R. 9893) for relief of James K. Johnson, of Huntsville, Ala.—to the Committee on War Claims. Also, a bill (H. R. 9894) for the relief of Anderson Hamer, of Madison County, Ala.—to the Committee on War Claims.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. BINGHAM: Protest of news dealers and booksellers of

Philadelphia, against the passage of House bill No. 4566, relating to second-class mail matter—to the Committee on the Post-Office and Post-Roads

By Mr. BROMWELL: Petition of M. B. Mooney and other citizens of Cincinnati, Ohio; also petition of Walter Hartpence, of Harrison, Ohio, protesting against the passage of House bill No. 4566, relating to second-class mail matter—to the Committee on the Post-Office and Post-Roads.

By Mr. CHICKERING: Resolutions of citizens of Belleville, N. Y., relative to American citizens in Turkey subjected to peril and insult—to the Committee on Foreign Affairs.

By Mr. CURTIS of Kansas: Resolutions of the Master Car Build-

ers' Association, opposing the metric system—to the Committee on Coinage, Weights, and Measures.

By Mr. DALZELL: Resolutions of the Master Car Builders'

Association, opposing the metric system—to the Committee on Coinage, Weights, and Measures. By Mr. GROUT: Resolutions adopted by the Master Car Build-

ers' Association, opposing the obligatory use or the introduction of the metric system into the United States at any time—to the

Committee on Coinage, Weights, and Measures.

By Mr. HARMER: Memorial of the members of the Societies of the Colonial Dames of America, asking for the incorporation of the name "National Society of Colonial Dames of America," as provided for under Senate bill No. 3087-to the Committee on the

provided for under Senate bill No. 3087—to the Committee on the Library.

By Mr. HENDERSON: Sundry petitions of Mount Vernon Place Church; Fifth Congregational Church; Mount Pleasant Church; Union Methodist Episcopal Church; Wesley Chapel Methodist Episcopal Church; Central Union Mission; Concordia German Lutheran Church; Central Union Mission; Concordia German Lutheran Church; Emmanuel Protestant Episcopal Ladies' Society; pastor and deacons of Calvary Baptist Church; Rev. J. J. Muir, D. D., pastor of E Street Baptist Church; and Rev. L. B. Wilson, presiding elder Washington district, all of the city of Washington, D. C., urging the passage of House bill No. 9515, to raise the age of protection for girls in the District of Columbia to 18 years—to the Committee on the Judiciary. the Committee on the Judiciary.

the Committee on the Judiciary.

Also, paper of James F. Brerton, recording secretary Branch No. 371, National Association of Letter Carriers, Keokuk, Iowa, favoring the passage of Senate bill No. 3058—to the Committee on Rules.

Also, paper from the Waterloo Order of Railway Conductors, favoring the passage of the arbitration bill, the contempt-of-court bill, and the Phillips commission bill—to the Committee on Rules. By Mr. HOWARD: Resolutions of the People's Party of Kaufman, Tex.. relating to the independence of Cuba—to the Committee on Foreign Affairs.

By Mr. HURLEY: Petition of William Fawcett, of Brooklyn, N. Y., for increase of duties on harness and saddlery—to the Committee on Ways and Means.

mittee on Ways and Means.

mittee on Ways and Means.

Also, petition of Edward N. Loomis, John Nix & Co., and other produce merchants of New York City, in relation to the duties on potatoes and onions—to the Committee on Ways and Means.

By Mr. LACEY: Papers to accompany House bill for the relief of Sarah C. Wood—to the Committee on Invalid Pensions.

By Mr. LAYTON: Papers in support of House bill No. 8393, for the relief of Mark Guyton—to the Committee on War Claims.

By Mr. LOUDENSLAGER: Resolutions of surviving members of the Twenty-fourth Regiment New Jersey Volunteers; also resolutions of W. B. Hatch Post, No. 37, Grand Army of the Republic, of Camden, N. J.; also resolutions of Bethlehem Lodge, A. P. A., of New Jersey; also resolutions of the town council of Stockton, N. J.; also resolutions of Thomas Jefferson Council, No. 138, Junior Order United American Mechanics, of Camden, N. J., expressing sympathy for the Cubans in their struggle for

No. 138, Junior Order United American Mechanics, of Camden, N. J., expressing sympathy for the Cubans in their struggle for freedom—to the Committee on Foreign Affairs.

Also, petition of Benjamin Patterson, of Woodstown, N. J.; also petition of the Methodist Publishing Company, of Camden, N. J.; also petition of William H. Clew, of Salem, N. J., protesting against the passage of House bill No. 4566, relating to second-class mail matter—to the Committee on the Post-Office and Post-Roads.

By Mr. MEREDITH: Petition of the heirs of Coleman Reid, deceased, late of Fauquier County, Va., praying that his war claim be referred to the Court of Claims under the Bowman Act—to the Committee on War Claims.

By Mr. REYBURN: Resolutions of Fairmont Lodge, No. 338,

Brotherhood of Locomotive Firemen, favoring the independence

of Cuba—to the Committee on Foreign Affairs.

Also, petition of Henry Berkowitz and others, of Philadelphia,
Pa., praying for favorable action on House bill No. 4566, to amend
the postal laws relating to second-class matter, and Senate bill No. 1675, to prohibit transportation of obscene matter-to the Committee on the Post-Office and Post-Roads.

By Mr. SORG: Petition of Post No. 646, Grand Army of the Republic, Department of Ohio, favoring the recognition and independence of Cuba—to the Committee on Foreign Affairs.

By Mr. WADSWORTH: Petition of R. D. Ashford and other citizens of Lockport, N. Y., for a post-office building, to accompany House bill No. 9861—to the Committee on Public Buildings

and Grounds.

By Mr. WANGER: Petition of George C. Ewart and 32 other members of the Baptist church of Doylestown, Pa., praying for favorable action on House bill No. 4566, amending the postal laws relating to second-class matter, and Senate bill No. 1675, prohibiting the transportation of obscene matter-to the Committee on the Post-Office and Post-Roads.

HOUSE OF REPRESENTATIVES.

FRIDAY, January 8, 1897.

The House met at 12 o'clock m., and was called to order by the Speaker.

Prayer by the Chaplain, Rev. HENRY N. COUDEN.

The Journal of the proceedings of yesterday was read and ap-

PRINTING OF TESTIMONY BEFORE CIVIL SERVICE COMMITTEE.

Mr. BROSIUS. Mr. Speaker, I ask unanimous consent for the present consideration of the resolution which I send to the Clerk's

The resolution was read, as follows:

Resolved, That the Committee on Reform in the Civil Service be authorized to have printed, for the use of the committee, the testimony taken before the committee on important bills pending before it.

The SPEAKER. The gentleman asks unanimous consent for the present consideration of the resolution just reported to the Is there objection?

Mr. McMILLIN. I should like to ask the gentleman what

printing this embraces?

Mr. BROSIUS. Oh, some testimony taken on two bills. It is a very small amount and will cost very little.

Mr. McMILLIN. What are the measures upon which the tes-

timony was taken?

What we call the retiring-fund bill and a bill Mr. BROSIUS. for the extension of the civil-service law to the District of Columbia. The amount of testimony is very small, and it will cost very little money to print it.

The SPEAKER. Is there objection to the present consideration

Mr. GROSVENOR: Mr. Speaker, I shall object unless I can know one thing. I want to ask the gentleman whether these hearings have all been ex parte, whether any notice of these hearings has been given, and whether anybody else has been heard except

the affirmative side of this question.

Mr. BROSIUS. Every person has been heard who expressed a desire to be heard, and both sides have been heard. Testimony

has been taken on both sides.
The SPEAKER. Is there objection?
There was no objection.

The resolution was agreed to.

CORRESPONDENCE RELATIVE TO DISTURBANCES IN CHICAGO IN 1894.

Mr. TURNER of Georgia. Mr. Speaker, I ask unanimous consent for the present consideration of the resolution which I send to the Clerk's desk.

The SPEAKER. The gentleman from Georgia [Mr. TURNER] asks unanimous consent for the present consideration of a resolution which will be reported by the Clerk.

The Clerk read as follows:

Resolved by the House of Representatives (the Senate concurring), That the Attorney-General be, and is hereby, authorized and instructed to print as an appendix to his last annual report full copies of all telegraphic and other correspondence between the Department of Justice and public officers, private persons, railroad companies and their officers and agents, in the year 1894, relative to the disorders in the city of Chicago, Ill., during said year, and to the action taken by the Government of the United States in suppressing the same.

The SPEAKER. Is there objection to the present consideration of the resolution?

There was no objection.

The resolution was agreed to.

PACIFIC RAILROAD FUNDING BILL.

Mr. POWERS. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union to consider House bill 8189.

to consider House bill 8189.

The SPEAKER. It is not necessary to make the motion. Under the rule adopted by the House, the House resolves itself into Committee of the Whole House on the state of the Union for the purpose of considering the bill H. R. 8189, and the gentleman from New York, Mr. PAYNE, will please take the chair.

The House accordingly resolved itself into Committee of the Whole House on the state of the Union, Mr. PAYNE in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the purpose of considering the bill H. R. 8189.

bill H. R. 8189.

Mr. POWERS. Mr. Chairman, I yield thirty minutes to the

mr. FOWERCS. Mr. Chairman, 1 yield thirty influtes to the gentleman from Tennessee [Mr. PATTERSON].

Mr. PATTERSON. Mr. Chairman, as a member of the Committee on Pacific Railroads, and in view of the very great importance of this measure, I deem it to be a duty which I owe to the House to briefly recount the reasons which have influenced my judgment in coming to the conclusion that I ought to support this bill. As the time given is very limited, I hope that the House will permit me to assign these reasons without interruption.

There is a side to this question which may be termed the sentimental side. It finds expression in the declaration that the promoters of these railroads were great public benefactors; that they practically converted a wilderness into a land of promise, and that the Government has made vast sums of money by reason of the

construction of these railroads.

I confess I do not subscribe to this idea. The truth about the matter is, while the construction of these railroads may have contributed to the more rapid development of the country, it is furthermore true that the same spirit which developed the great

thermore true that the same spirit which developed the great Mississippi Valley during the first fifty years of this century would have constructed the railroads to the Pacific Ocean and would have developed our Western domain.

And then, again, I thoroughly concur with my friend from Texas [Mr. Bell], that giving subsidies to these railroad schemes has had an evil tendency, fostered paternalism, and given birth to ideas which are dangerous to our institutions. I attach no importance to the sentimental view of this question.

On the other hand, there is another view of it which might be

On the other hand, there is another view of it which might be called the popular side. It goes to the effect that the men who constructed these railroads were in point of fact public robbers; that they misappropriated a very large amount of public moneys, and that they ought to be held accountable in the courts of justice for the wrongs they have committed. I confess I have no sympathy with this view of the case.

Mr. POWERS. Will the gentleman yield for a moment? Mr. Chairman, I ask that we have order in the House. It is difficult

The CHAIRMAN. All gentlemen will be seated and cease con-

wersation.

Mr. PATTERSON. It is entirely useless to discuss wrongs before this House for which there is no remedy in the courts; and I am thoroughly of the opinion, and the majority of the committee concur in that opinion, that there are no wrongs, however greedy the proportions of these enterprises may have been, which can be the promoters of these enterprises may have been, which can be corrected by the United States in any court of justice. The truth about the matter is the Government of the United States lent its bonds to these railroad companies and took a security from these companies for their payment, and there is no trust relation between the Government and the promoters of these enterprises. No right of action has accrued on the part of the Government. And when Llay down these level precedition in this way. I have there right of action has accrued on the part of the Government. And when I lay down these legal propositions in this way I am thoroughly in accord with the decision of the Supreme Court of the United States in the case of the United States against The Union Pacific Railroad Company, reported in 98 United States Reports. I am in thorough accord with the opinion given this committee by the Attorney-General of the United States. We have no legal rights, so far as wrongs complained of are concerned, against the promoters of this enterprise. For whatever wrongs were committed, if they were accountable at all they were accountable to the companies and the stockholders of the companies, and not to the United States. not to the United States.

Now, for the purposes of what I am about to say, I shall treat the entire line extending from the Missouri River to San Jose, Cal., and from Kansas City to the three hundred and ninety-third milepost out west as one line, simply for the reason that the same laws and the same conditions are precisely applicable to both lines. Now, the facts are that these various lines of subsidized railroads amount to 2,293.4 miles. This embraces neither the terminal facilities at Omaha, Denver, Ogden, Kansas City, nor San Francisco.

Again, the first-mortgage bonds on these 2,293 miles of railroad amounted to \$61,385,000. The Government bonds loaned to these railroad companies amounted to \$61,395,680. Now, mark you, these subsidy bonds were not the bonds of the railroad companies. They were the bonds of the United States Government, loaned to them; and the only security which the Government of the United States took was a second mortgage on these 2,293 miles of railroad; and the Supreme Court of the United States, in the case referred to, so holds—that this was the security, and the only security, which the Government had for the payment of this loan.

Mr. BOATNER. What case does the gentleman refer to?
Mr. PATTERSON. It is the case of the Union Pacific Railroad
Company against The United States, reported in 98 United States
Reports. I called the case a moment ago.

Reports. I called the case a moment ago.

Now I desire to call attention to the fact that the incumbrance Now I desire to call attention to the fact that the incumbrance on these lines amounted to \$53,545 per mile, and it is no wonder that these two railroad companies in the rapid construction of their lines lapped as described by my friend from Vermont [Mr. Powers]. It is no wonder, I say, that each of these companies should have been anxious to construct as many miles of railroad as possible under these conditions, and I have no doubt that the promoters of these enterprises, out of the opportunity given them by the Government, made very large sums of money.

The next fact to which I desire to call attention is this: By the acts of 1862 and 1864 the Congress provided that one-half the compensation paid by the Government to these railroad companies for transportation should go into the Treasury of the United States

transportation should go into the Treasury of the United States for the purpose of raising a fund sufficient to meet the interest annually accruing upon the bonds of the Government, and 5 per cent of the net earnings of the companies was to go into a sinking fund for the purpose of redeeming the bonds at maturity. This provision, deemed at the time ample to protect the Government, became wholly insufficient by reason of the rapid decline in freight rates, in passenger rates, and in the compensation for carticles. rying the mails, army stores, and all other supplies transported by these railroads on account of the Government. The interest at 6 per cent remained, but all these charges were greatly diminished, and the high rate of interest and the constant diminution in the amounts paid by the Government to the companies brought about anounts paid by the Government to the companies brought about a condition of affairs which made this provision wholly inadequate for the purposes originally in view. Thereupon an effort was made on the part of the Government, by a suit against the railroad companies, to enforce the collection of the interest which it had paid upon its bonds, but the Supreme Court of the United States held in 1875, that the Government having and States held, in 1875, that the Government having made such provision as it had deemed sufficient to meet the interest upon the bonds it had loaned to the companies, no interest matured until the maturity of the bonds themselves, and that therefore the companies were not liable in that suit. Thereupon, in 1878, Judge Thurman introduced his act, which became a law. Instead of requiring but half the compensation due from the Government to the railroad companies to be paid into the Treasury, that act required that the whole of it should be paid in, one-half to go to the interest account and the other half to go into the sinking fund for the purpose of retiring the bonds. It provided, furthermore, that the 5 per cent of net earnings which was to go into the sinking fund under the acts of 1862 and 1864 should still be paid, and then it provided that if the entire compensation and that 5 per vision as it had deemed sufficient to meet the interest upon the then it provided that if the entire compensation and that 5 per cent should not equal 25 per cent of the net earnings of the road, then the companies should pay a sum not exceeding \$850,000 in addition, so as to make the amount which would go into the Treasury annually equal to at least 25 per cent of the net earnings of the railroads.

Let us see how this account stands with the Government of the United States. The Government mortgages, as I have stated, amount to \$61,395,680. The interest which had accumulated up to the 1st day of January, 1897, amounted to the enormous sum of \$106,557,125, making the entire debt due to the Government of the United States from these companies \$168,152,805. But in the meantime, under the acts of 1862 and 1864, and also under the Thurman Act, a fund was accumulating in the Treasury to the credit of these railroad companies and it amounted to \$56,755,394; which, taken from the gross sum, leaves a net balance on the 1st day of January, 1897, of \$111,396,411 due to the Government of the United States. Now, when you add to this the \$61,385,000, the amount of the first-mortgage bonds which rest upon this property, you have an aggregate of \$172,702,411 of incumbrance on these 2,293 miles of railroad. That amounts to \$75,352 a mile, without embracing the terminal facilities at any of the points along the

entire route.

Mr. BOATNER. Will the gentleman yield for a question?
Mr. PATTERSON. I would rather not. I requested at the beginning that I should not be interrupted, and I prefer not to be.
Mr. BOATNER. Very well.

Mr. PATTERSON. Now, the question is, Mr. Chairman, What is the Government going to do with this enormous indebtedness which is due to it of \$111,000,000? We ought to look at it as a

business question. I submit, Mr. Chairman, that we must take one of two alternatives. It means the foreclosure of the mortgage upon these railroad companies and the Government ownership of this entire line or it means a settlement with the existing railroad this entire line or it means a settlement with the existing railroad companies. I desire to say that, so far as I am concerned, my face is set like flint against any proposition which looks to the Government ownership of a mile of railroad in this Republic. [Applause.] I would, so far as I am concerned, rather see this entire debt canceled than to see the Government engaged in the operation of a railroad. I have done what I could since I entered public life to take the Government out of the banking business, and I now enter my protest against the Government going into and I now enter my protest against the Government going into the railroad business.

If we go into a settlement with these companies, we must go into it intelligently and on terms which will enable them to liquidate ultimately this enormous debt due the Government. the very first remark I wish to make in this connection is that time is an important and essential element of the transaction. There is not a railroad in the United States, so far as my observation extends, on which a mortgage does not rest. The whole system of building railroads in the United States consists in placing mortgages upon these properties for long terms of years and then paying the interest upon those mortgages semiannually out of the incomes of the roads.

The fact is that these bonds have matured or are about to ma-

ture, and this whole indebtedness, amounting to \$172,000,000, is now practically due. The only way in which we can take care of that indebtedness is to do as is done in every other similar case extend the time by placing bonds upon the property at such a rate of interest as will enable the companies, within the limitations prescribed, to pay the interest and to pay ultimately the principal of the indebtedness.

In this connection, I submit that it is very important to embrace in the security of the Government not only the 2,293 miles of railroad extending from the Missouri River to San Jose, but all the other properties of these companies, embracing about 1,000 additional miles of railroad, and also the terminal facilities at Omaha, Kansas City, Denver, Ogden, and San Francisco. These lines, having been constructed in conjunction with the roads of those companies, are important in the progress of their administration; and it is very material that the mortgage of the Government should extend so as to embrace the entire mileage of the companies and all their facilities for transportation.

panies and all their facilities for transportation.

As to the additional security, in respect to the Central Pacific Railroad, the mortgage extends over 442 miles of railroad not embraced in the aided line, and the railroad running into San Francisco and all the terminal facilities at San Francisco and Oakland. There is one important fact in this connection to which I desire to call attention, and it is that the fixed charges upon this additional mileage of railroads are being paid to-day by the Central Pacific Company. There is no default in the payment of interest. The Central Pacific Railroad Company has paid the interest at maturity upon these liens; and as, under the provisions of the bill, the first mortgage is to be reduced so that the bonds shall bear a rate of interest not exceeding 5 per cent, it is safe to say bear a rate of interest not exceeding 5 per cent, it is safe to say that the mortgage extending over these terminal facilities and this additional mileage of 442 miles will be an additional security and better for the Government. In addition to this, the Southern Pacific Railroad Company indorses this contract for the Central Pacific Railroad Company and guarantees the payment of all the obligations assumed by it under the proposed settlement.

In respect to the Union Pacific Railroad, I regret that my friend

from Iowa [Mr. Henderson] is not in his seat, because since he put the question to the gentleman from Vermont [Mr. Powers] yesterday I have looked a little more carefully into the matter he referred to. The Union Pacific Railroad proposes to embrace in the mortgage the line of road beginning 393 miles from Kansas City, which extends to Denver and from Denver to the junction on the main line at Chevenne a distance of 281 miles. It is proposed the main line at Cheyenne, a distance of 381 miles. It is proposed to put that property into this settlement at the rate of \$17,500 a mile. In other words, while this part of the line is just as important as the 393 miles east and is to all intents and purposes a part of the main line and is just as valuable, it goes into the arrangement at the rate of \$17,500 a mile, while the mortgage upon the main line amounts to more than \$25,000 a mile.

Again, there are 194 miles of branch lines, and these go into the

Again, there are 194 miles of branch lines, and these go into the arrangement at a valuation of only \$8,000 per mile. Then there are the bridge at Omaha, the terminal properties at Omaha, Kansas City, Denver, and Ogden, together with the lands, which, in my judgment, are not worth \$16,000,000 or anything like that sum. On that proposition I agree with my friend from Texas [Mr. Bell]. Then there is the equipment, amounting to \$1,400,000. All these are embraced in the settlement and are to be covered by

the proposed mortgage to the Government.

Let us see how it will work. The interest charges on the unaided and aided line belonging to the Union Pacific system amounts to \$3,323,300 annually. Under this bill the mortgage bonds provided

for in this settlement are to bear a rate of interest not exceeding 4 per cent. Now, when the first mortgage is placed upon all these properties, including all the terminal facilities, the interest charges annually will amount to \$2,171,520; that is to say, there will be an annual reduction of \$1,151,780.

annual reduction of \$1,151,780.

The present annual interest charge upon the first-mortgage bonds on the aided portions of these roads is \$2,011,920, whereas interest charges upon the subsidized lines of the Union Pacific Railroad under the proposed bill will amount only to \$1,341,280, or a saving of \$670,640 in favor of the Government. The present annual interest charge of \$2,110,920 will be increased under the operation of the bill to \$2,271,520. In other words, the entire interest charges upon all the property of the Union Pacific, including the aided and the unaided portions of the line and all the terminal facilities, will be only \$160,000 more annually than it is to-day on the aided portion alone.

portion alone.

The CHAIRMAN. The time of the gentleman has expired.

Mr. PATTERSON. I would like very much to be permitted to

Mr. PATTERSON. I would like very finder to be permitted to proceed for a few minutes longer.

Mr. POWERS. I yield to the gentleman ten minutes longer.

Mr. PATTERSON. As I was saying, on the aided portion of the roads the interest on the first-mortgage bonds accruing now is within \$160,000 of the amount of the entire interest that will be paid on the first-mortgage bonds, embracing all of the aided and unaided portions of the lines, and all the terminal facilities at all

mr. HERMANN. Let me ask the gentleman a question.

Mr. PATTERSON. I would prefer not to yield at present.

Mr. HERMANN. I only wish to ask the gentleman what remedy the Government reserves in the bill in the event of default of payment of the semiannual interest by the railroad?

Mr. PATTERSON. I was just coming to that point, and my friend anticipates only for a moment what I have to say.

On the point I am just leaving, I submit that it is a substantial increase of the security of the Government, and the security of the Government is greatly strengthened by the proposed settle-

But there is another view of the question to which I wish to call the attention of the committee. It is this: There are embraced in the bill 1,017 miles of additional railroad. On these lines the Government transports its troops, its mails, its supplies, its munitions of war, and everything that the Government needs to transport in the country through which the lines run. Therefore the compensation which the Government pays these two railroads is very largely increased by means of the inclusion of these unaided lines and terminal facilities in its mortgage.

And now to the point, to which my friend from Oregon called

And now to the point to which my friend from Oregon called my attention. In the event the railroad companies make default in the payment of the interest, under the provisions of the bill the President of the United States has the right to retain the entire compensation otherwise to be paid by it to the railroad companies, and it is to be instantly covered into the Treasury to protect the

Government from loss.

Mr. HERMANN. Does the same remedy extend to the non-payment of the principal at the rate of \$1,000 a day as fixed in the bill?

Mr. PATTERSON. The same, precisely. In other words, the remedy that the Government has for the nonpayment of the principal and semiannual payment of the interest, as provided in the bill, is that the Government can stop payment of any compensation to the companies for transportation; and this includes not only the compensation accruing upon the aided lines, but also upon the unaided lines. And, Mr. Chairman, not only do we stop that by the provisions of the bill on account of the failure to make the required payments on the principal, but we stop it also on account of the default in the payment of the semiannual interest. So that in either event the Government is amply protected.

Mr. HERMANN. What lien does the Government retain for

Mr. HERMANN. What hen does the Government retain for the charges which have accrued in the meantime?

Mr. PATTERSON. As long as the companies pay their semi-annual interest into the Treasury of the United States and the sum required to be paid annually on the principal the Government will pay them for the transportation of its troops, supplies, mails, and munitions of war, just like it would pay any other corporation for such services. poration for such services

One other point and I will conclude. We required the railroad companies to come before the committee and submit a statement of the gross and net earnings of the road for the preceding five years. It was perfectly apparent to the committee that these companies could not carry out this arrangement if as much as 3 per cent was imposed in the way of interest on the debt, and while the companies might make an annual payment on the principal, and semiannually pay 2 per cent interest on this enormous indebt-edness, it was clear that they could not go beyond those figures. Now, I have stated to the House the reasons which have influ

enced my judgment in coming to the conclusion that I ought to

support this bill. I desire to say in conclusion that the committee gave the most careful and painstaking investigation to the subject. They have listened to arguments both for and against the propostion. The committee have gone to all of the sources of informa-tion that were available, and I shall vote for this measure believing

that if it be enacted into a law these companies will accept and comply with the terms of settlement.

I will vote for it because under all the circumstances I believe it to be the best settlement we can make for the Government. We are not responsible for the conditions which confront this Con-They have come down to us from the last generation. can only deal with them as they are, and do that which we believe

to be best for the country.

I yield the balance of my time, if I have any remaining, to the gentleman from Vermont [Mr. Powers].

The CHAIRMAN. The gentleman has three minutes remain-

ing.
Mr. POWERS. I suggest that the gentleman from Missouri

Mr. HUBBARD] go ahead.
Mr. HUBBARD. I yield an hour and thirty minutes to the gentleman from Alabama [Mr. HARRISON], with the privilege of distributing that time as he pleases.

MESSAGE FROM THE PRESIDENT.

The committee informally rose; and Mr. Grow having taken The committee informally rose; and Mr. Grow having taken the chair as Speaker pro tempore, sundry messages in writing from the President of the United States were communicated to the House of Representatives by Mr. PRUDEN, one of his secretaries, who also announced that the President had approved and signed the bill (H. R. 9700) authorizing the issuing and loaning of the ensigns, flags, signal numbers, etc., of the United States for the purpose of decorating the streets of Washington on the occasion of inaugural ceremonies on the 4th of March, 1897.

PACIFIC RAILROAD BILL.

The committee again resumed its session.

Mr. HARRISON. Mr. Chairman—

Mr. NORTHWAY. Will the gentleman come over this way, so that he can be heard?

Mr. HARRISON. I should like very much to accommodate the gentleman, but I have some papers before me which I desire to use in my argument. If I am not heard, however, I will change my

ostition.

Mr. Chairman, I agree with the distinguished chairman of the Committee on Pacific Railroads [Mr. Powers] in believing that this is a great business proposition. I further agree with him that the time for action has come. But, Mr. Chairman, I do not and can not agree with him and the majority of the committee in believing that the bill now pending is the remedy or is such action as Congress should adopt as a settlement of this important business transaction, a transaction involving, as we have been told, \$110,000,000 or \$112,000,000.

\$110,000,000 or \$112,000,000.

I propose, Mr. Chairman, first briefly to submit my reasons why I believe the report of the majority should not be adopted. I must do so rapidly, for a number of my colleagues and associates desire to be heard, and I have consented to divide my time with three or four other gentlemen.

First, I say that the proposition embraced in the report of the majority is too liberal to the railroad companies. I agree with my friend and colleague the gentleman from Texas [Mr. Bell], who so eloquently showed this committee on yesterday that the owners of these railroads have not so acted in the past as to entitle them to any further privileges or favors at the hands of the American Government. Yet I have no harsh words for them. Mr. Chairman, I propose to treat with them as I will further show; but I propose to treat with them simply on the basis of a business but I propose to treat with them simply on the basis of a business proposition, and to treat with them because I believe they are in a condition to make a better trade with the Government, that is, to pay the Government more on their indebtedness than any other person or persons will or can do.

I have endeavored as a member of this committee to gain all the information that I could upon this subject. During the last session of this Congress I devoted all the time I could spare from other Congressional duties to the hearings before the committee and to reading all of the Government and other reports on the subject. I have reached the conclusion, as the result of my investigations, that this proposition is not only the proposition of the debtor railroad companies, but the proposition of the weaker of the two, and even a worse proposition than that which the Union Pacific Railroad Company had indicated, by the testimony of its attorney, Mr. Pierce, that it was willing and able to make when he first came before the committee. It is true that he afterwards withdrew it,

and agreed that perhaps the Union Pacific could not do better than is proposed in this bill.

But, Mr. Chairman, it is an indisputable fact that in these two railroad companies there is a great difference in ability, so great that any reasonable man must admit that the Union Pacific is in better condition to pay, or in a condition to pay more on their

indebtedness, than is the Central Pacific. If so, pray tell me why we should accord to it the same terms that we do to the Central Pacific, unless we are under some obligations to grant to this company some special privilege—some privilege not accorded even to its associate, the Central Pacific. That reason alone, Mr. Chairman, would influence me not to adopt the report of the majority of the committee.

Then, sir, upon what sort of testimony is the report based? Examine the report of the hearings before the committee during the past session and you will find that the testimony was in effect ex parte testimony, and that not under oath, but merely upon the statements of gentlemen who had come before the committee of their own accord. Your committee had no power, or at least exercised none, in sending for persons and papers. No witness was sworn. No one came before the committee except those who voluntarily appeared. The majority report is based upon a statement of the earnings and capacities of these companies, based upon the opinions of parties who are in the main friendly to this scheme. Is that the sort of evidence that the House of Representatives, treating this as a grave business proposition, are willing to act upon in disposing of a debt of \$110,000,000 or \$112,000,000? For one I can never consent, either as a member of the committee or as a member of this House, to make a settlement of a question

of the magnitude of the one now before us upon such testimony.

Again, the distinguished chairman of the committee, the gentleman from Vermont [Mr. Powers], on yesterday, in reply to the question whether or not the railroad companies could carry the question whether or not the railroad companies could carry into effect the pending bill, answered that they could. I have no doubt that they can. I have some doubt, however, whether or not they will, some time in the far future, be willing to do so. That they not only can do it, but are anxious to accept it is one reason why I am opposed to the bill. It is in effect their proposition.

It is, as I understand it, the proposition of the Central Pacific Railroad Company, the weaker, financially, of the two. I believe this company can carry it out, and feel assured that the Union Pacific Company can do so much more easily.

this company can carry it out, and feel assured that the Pacific Company can do so much more easily.

The distinguished gentleman from Vermont [Mr. Powers] said that his estimate was based on hard times. It looks to me as though it was not only based on hard times, but, if you believe what was so eloquently said by the gentleman from Texas [Mr. Bell.] on the said of the said yesterday, that it was based on some very hard practices. Mr.
Bell showed you how they at least had the opportunity to reduce
their net incomes so as to prevent the paying into the Government
Treasury what might have been expected under the Thurman Act.

I ask the Committee of the Whole House, Are you willing to make a settlement based upon the figures of the distinguished gentleman from Vérmont, based, as he says, upon hard prices, and, as the gentleman from Texas has shown you, upon hard practices? I call the attention of the committee to the fact that when the attention of the gentleman from Vermont was called to this, he used this language, "that everyone must determine for him-self as to whether that would be a proper basis." Now, I ask the members of this committee, How many of you can determine for yourselves, by the facts and figures presented by the committee, what is the income of these railroad companies? Upon what basis can you make this settlement? Are you satisfied in your minds what are the earnings of these railroad companies? The distinguished chairman of the committee frankly tells you that you

must determine this for yourselves.

Now, I insist and will further on attempt to show to you that we have no information before us upon which we can intelligently settle this question. I submit that the adoption of the report of the committee would be a losing business to the Government, even if it were carried out in good faith by the railroad companies and the 2 per carried out in good faith by the railroad companies. and the 2 per cent interest, as well as the entire principal, paid as provided for in the bill. As has been well said, if we extend this favor, ought we not to receive something for it? Are we under any special obligations to these companies or either of them? Certainly not. I have not time to go into it, but I believe this House will concur with me in answering that we are not. Is this extension of so large a debt worth anything? If so, ought not these companies to give us some additional security for the favor? I say they should, and that they are able to do so. They have pro-I say they should, and that they are able to do so. They have proposed to do better in the past. Should they not be required to do

so now? I insist that they should be.

Under the proposed bill the Government will be no better protected than under the existing law. While an increase in the second mortgages are given over the subsidiary lines and the terminal facilities are included in the proposed bill, the increase in the first-mortgage debt, which this permits, will more than equal the security proposed to be given, and then, in my humble judgment, we will have no better security than we have at present. I respectfully submit, too, in this connection that according to the best evidence, according to the evidence that we have had before this committee, this debt is worth somewhere at least from \$50,000,000

to \$70,000,000; and it does occur to me that these railroad compa nies who owe it, having underlying securities, something which they wish to save, ought to and will do more, and give us a better proposition than this now presented by the majority report of the committee. I submit upon the evidence, upon the first proposition of the Union Pacific Railroad Company, and upon the fact that two years ago both of these railroad companies were willing to accept the Reilly bill, that there is more in this controversy for the Government than it will receive under the pending bill. At least we have not satisfactory evidence to induce us as Representatives to make a settlement without further inquiry and more information.

I am not content simply to oppose this bill, but propose, after spending six months of investigation on the Committee on Pacific Railroads, to submit such suggestions as have occurred to me. My colleague, the gentleman from Missouri [Mr. Hubbard], who first spoke in opposition to this bill, as I understand him, proposes nothing. In fact, he said that he had no measure to propose, and was attempting to put no measure before Congress. While I agree in much that he said, I disagree with him in so far as his conclusions are concerned; yet he offers no remedy. Will it do to simply kill the bill? I think not, for as I said at the beginning, I think the time for action has arrived, and something ought to Some of these bonds have already matured, and many of them will soon mature.

What is the remedy? Must we simply kill the bill as offered without bringing in some remedy? If I understand the temper of this House, it is likely to do it. We at least have the precedent of the Fifty-third and Fifty-second Congresses for killing bills of this the Fitty-third and Fitty-second Congresses for Killing bills of this sort. Are we to neglect our duty by doing nothing? For if the time of action has arrived we should at least legislate on this subject. If we do not settle it, we should authorize some one to do it. My friend and colleague from Texas [Mr. Bell] has prepared an admirable substitute, which I frankly say if I believed the railroad companies could work up to I would cheerfully support. There is nothing in it that I object to, except that I believe it to be so stringent that the railroad companies could not comply with it. I think the railroad companies would be unable to live up to it, and thus practically there will be no legislation. I think that his bill leans too far against the railroad companies, while I think the bill of the majority leans too much toward their interests and does not properly protect the Government. Entertaining these views, I have submitted a substitute, which the committee will find in the RECORD of yesterday, page 578, which at the proper time I propose to offer, and which I think under all the circumstances the best that Congress can now do. This substitute provides for the circumstance of the congress can now do. vides for the appointment of a commission, consisting of the Secretary of the Treasury, the Secretary of the Interior, and the Attorney-General, with full power to settle the questions pending between the Government and these bond-aided railway companies. It also provides that any settlement they may agree upon shall be submitted in writing to the President of the United States, and that before it becomes binding it must have received his approval.

Now, why should Congress adopt such a plan? I say, first, because Congress has not and can not readily acquire the necessary information upon which to properly act; second, because both Houses of Congress will probably never agree upon a settlement; and in substantiation of that opinion I call attention to the fact that this question has already been before both the Fifty-second and the Fifty-third Congresses and failed. Many gentlemen here will at least remember the discussion in the Fifty-third Congress on the Reilly bill, which, it is conceded, was a much better measure for the Government than the bill which is now pending, but it was defeated, and as I understand, no bill for a settlement but it was defeated, and as I understand, no bill for a settlement of this question has as yet passed either House of Congress. Such a bill has not merely to run the gantlet here, but also in the Senate, and has to secure the approval of the President. Now, judging the future by the past, are we likely to enact any such measure? If not, what is to become of this indebtedness? This is no new theory, Mr. Chairman. In investigating this matter and trying to find out what remedy ought to be pursued, I have noted the fact that President Harrison, in his third annual message, sent to the Fifty-second Congress, referred to this subject, and I desire to read a short recommendation which he then made:

The report of the Commissioner of Railroads shows that the total debt of the subsidized railroads to the United States was on July 31, 1899, \$112,512,613.06. A large part of this debt is now fast approaching maturity, and no adequate provision exists for its payment. Some policy for dealing with this debt with a view of its ultimate collection should be at once adopted. It is very difficult and well-nigh impossible for so large a body as the Congress to conduct the necessary negotiations and investigations. I therefore recommend that provision be made for the appointment of a commission to agree upon and report a plan for dealing with this debt.

Again, I find in the first report of the Commissioner of Railroads, General Hampton, a paragraph upon this subject embody-ing substantially the same recommendation, which also I will

ing substantially the same recommendation, which also I will read:

In view of the magnitude of the interests involved and of the fact that the funding bill (\$.751, Fifty-second Congress, first session), which was made the subject of a special report, and with sundry amendments recommended for adoption by my predecessor, does not meet with favor by certain officials of the Central Pacific Railroad Coupany, I would recommend the appointment by the President of a commission with full power to settle the indebtedness of the bond-aided Pacific railroads to the Government on terms which shall be honorable to the companies and just to the United States. The appointment of such a commission was urged by my predecessor and recommended by President Harrison, and in view of the many and complex questions involved in the final settlement of all differences between the Government and the subsidized roads, I regard it as of the utmost importance that such action should be taken. It would be difficult, if not impossible, for a satisfactory adjustment of all the grave questions which must necessarily be considered to be arrived at by so large a body as Congress, pressed as the members always are in the ordinary discharge of their public duties; nor is it probable that any agreement could be reached which would, while protecting the vast interests of the Government, be just and equitable to the railroad companies concerned. Some settlement must be made promptly, for a large portion of the indebtedness of the companies to the Government will mature in a short time, and as the companies are not in a condition to meet their Habilities, the only alternative which will be left to the Government will mature in a short time, and as the companies are not in a condition to meet their Habilities, the only alternative which will be left to the Government will be to assume ownership of the roads, or to accept such terms as may be proposed by the officials of the companies.

As the Government holds only a second mortgage on these roads, in

Mr. Chairman, how much time have I consumed? The CHAIRMAN. The gentleman has occupied twenty-two minutes

Mr. HARRISON. I will ask the Chair to stop me at the end of thirty minutes, as I have promised to divide my time with other

gentlemen. I have read to this committee the recommendation made by the Commissioner of Railroads in his first report. I find that in the last report of the same officer he renews the recommendation made by

Mr. Chairman, have not these opinions of President Harrison and of the Railroad Commissioner, expressed three or four years ago, been fully justified by the inability of Congress to act upon this question up to this time? In my substitute I change the recommendation of the Commissioner of Railroads in this: He recommends the appointment of commissioners by the President, but, after consulting with other members and reflecting upon the subject, it is my opinion that we had better appoint certain officials of the Government to constitute this commission. My bill, therefore, names three heads of Departments as the members of the proposed commission. Are not the gentlemen now occupying those positions, and those who will likely succeed them, in every way qualified to render this service? Mark it, no action upon their part is to be binding until it is approved by the President of the United States.

My substitute relegates this matter to a commission composed of three Cabinet officers, and makes their action subject to the apof three Cabinet onicers, and makes their action subject to the approval of the President. Are they not as well equipped to act as this body or the Senate? I submit to you, as rational men, if you were dealing simply in an individual matter and undertaking a settlement with an insolvent debtor, could you not arrive at a better conclusion and reach a more satisfactory settlement by talking to him face to face? Under the provisions of this substitute the officers designated to act as this commission can send for witnesses, can administer oaths, can secure documentary evidence; and they can talk with the representatives of these railroad companies face to face. They need not accept the first proposition which the companies may make; they themselves may submit counter propositions. They can treat this whole question as business

men. Are they not capable of doing so? I insist that they are.

Mr. COX. I wish to ask the gentleman whether the settlement which may be made by this proposed board or commission is to be final, or will it come back to Congress for approval?

Mr. HARRISON. If a settlement is made by the commission, it will be final. The bill proposes to give them full power.

Mr. COX. Final when approved by the Development.

Mr. HARRISON. It a settlement is all the superior of the full power, Mr. COX. Final when approved by the President?

Mr. HARRISON. Yes, sir. My substitute proposes to go on further and provide what shall be done in case there should be a failure to reach any agreement. Let me read the provision of the substitute in regard to that matter:

SEC: 3. That said commission shall within sixty days after the assembling of the next regular session of Congress report their action to it, and, in case

of their failure to settle said indebtedness or any part thereof at the time of making such report, to recommend such legislation as in their judgment may be necessary or proper to protect the interests of the Government and to enforce the prompt collection of any of said indebtedness that may then be due and unpaid.

The substitute, as I have said, proposes to give this commission full power to make, with the approval of the President, any settlement which they may deem right. Representing the Government and dealing with these railroad companies face to face, they will, as I have already suggested, have better facilities for reaching a settlement than we have. It seems to me the only question is, whether Congress is willing to intrust the settlement of such a greation to a commission such as the substitute provides for. a question to a commission such as the substitute provides for, whose action, subject to the approval of the President, is to be final.

Mr. HERMANN. Is there any limitation whatever prescribed in this substitute as to the settlement which this commission shall be empowered to make? In other words, will it be within the power of the commission to remit entirely the indebtedness of these companies to the Government?

Mr. HARRISON. The substitute proposes to give them full

power.

Mr. HERMANN. Absolute power?
Mr. HARRISON. Yes; absolute power. Whatever settlement they may reach, subject to the approval of the President, is to be

Mr. DOCKERY. Will the gentleman state what is the estimated value of these railroads—the entire line exclusive of ter-

Mr. HARRISON. I do not remember the exact figures, but my friend will find them set out in the report of the majority of the committee.

A MEMBER. Sixty or seventy million dollars.

Mr. HARRISON. I believe, Mr. Chairman, the thirty minutes

to which I limited myself have expired.

The CHAIRMAN. The gentleman has two minutes remaining. The CHAIRMAN. The gentleman has two minutes remaining.
Mr. HARRISON. Then, in conclusion, let me ask you to consider this proposition fairly and carefully. I desire to urge upon the members of the House the necessity of some action. I ask you gentlemen if you have any reasonable belief that we shall pass this funding bill or any other funding bill? I ask you whether you will be discharging your duty to the great American people if you let this Congress expire without taking action on this question—a question involving \$110,000,000 or \$112,000,000? Ought not something to be done? If we will not pass this substitute, then let us pass the Attorney-General's bill or some other measure. Whatever may be our differences, we should enact some legislation on this subject. Let us perfect some bill and protect the interests of the Government.

I regret that the time allowed for the consideration and discussion of this matter is so short. I trust that members of the House will give it proper consideration and will recognize the fact, so ably urged by the chairman of the committee, that the time for action has arrived. For one, while wedded to no theory, I submit that so far as the House of Representatives is concerned, we should place ourselves upon record as having legislated in some

way upon this important subject.

The CHAIRMAN. Thirty minutes of the gentleman's time have

The CHAIRMAN. Inityminutes of the gentleman's time nave now expired.

Mr. HARRISON. I will now yield ten minutes to the gentleman from Massachusetts [Mr. McCall].

A Member. Mr. McCall is not now in the House.

Mr. HARRISON. Then I yield twenty minutes to the gentleman from Louisiana [Mr. Boatner].

Mr. Boatner. Mr. Chairman, it is a matter of profound regret to me that the consideration and discussion of probably the most important business matter with which this House will be called moon to deal should be participated in by so small a portion called upon to deal should be participated in by so small a portion of the membership of the body, and were I not impelled by a sense of duty to do so, I should not trouble the House with any

Sir, the gentlemen who have spoken in behalf of the bill have not only confined their remarks to a single aspect of the question, but have resented all efforts to call attention to manifest objections to it by curtly declining to yield to any interruptions. Such a course can have no effect, because the freedom of debate in the Committee of the Whole renders it easy to bring out all objections, and I do not doubt but that the opponents of the measure will avail themselves of the opportunity.

This House, Mr. Chairman, is asked to accept the settlement pro-

posed by the railroad companies, because this bill is substantially their offer of settlement, on the ground that the Government is powerless, and that we ought to take the best the companies will

give us.

It is argued, sir, that our lien and mortgage affects only broken and disjointed portions of the lines, that the terminals and very valuable parts of the systems are free of the Government lien, and that with respect to the unsubsidized portions of the property the Government has no rights and can enforce no remedies. We are told that if we reject the proposition submitted to us,

We are told that if we reject the proposition submitted to us, the first mortgage will be immediately foreclosed, and we will be compelled either to advance money enough to pay all the companies' debts which have priority over those due the United States, which amount to many millions of dollars, or see the roads sell for the first mortgages, resulting in a total loss of the debt due the United States, amounting to over \$100,000,000.

We are told, sir, that it is simply a question of business, whether we will accept what we can get for a second mortgage on property the prior lien on which is about equal to its value; in fine, we have heard all the disadvantages of our position so movingly depicted that one unacquainted with the subject would suppose that we would do well to get rid of the claim upon any terms at all that released us from liability to the railroads for damages for breach of contract. breach of contract.

Mr. Chairman, I agree most heartily with the gentleman from Vermont [Mr. Powers] that the question at issue is one of business and of vital importance; but there is also involved a question of morals not second in importance to the money which it is claimed we are about to lose, which the gentlemen who have framed the bill and who support it appear to have entirely over-

If, however, sir, we look at it from a purely business standpoint— if we ignore the moral question to which I will refer later—we ought at least to give the Government the benefit of all the means of recovery which are available. The majority of the Committee on Pacific Railroads have proceeded on the assumption, first, that the Government's lien and mortgage rest upon portions of the lines only, the Omaha bridge and valuable terminals being excluded; that these fragments upon which the lien rests are of little value comparatively, and can be paralleled at less cost than the mortgages which take priority over the Government; and, second, that the Government has no recourse against the officers and directors of these companies to make them account for the money and property unlawfully converted to their own use and against the stockholders for the payment of their subscriptions to the capital stock unlawfully issued to them without money and without price.

We, the representatives of the United States and guardians of

We, the representatives of the United States and guardians of the people's interests, are complacently asked to ignore a plain and unambiguous statute, which declares that the United States has a lien and mortgage upon the entire line and on the property of every kind, nature, and description of these roads to secure the payment of all sums due by them to the United States, because the Supreme Court decided before the passage of the law that our lien upon the income of these roads extended to only part of the lines, and are also asked to ignore the existence of a perfectly lawful and valid claim of these companies against their officers. lawful and valid claim of these companies against their officers, directors, and some of their stockholders for an amount suffi-

cient, or nearly so, to pay the debt due the United States, and which can be made available by the United States.

In the case of The United States vs. Kansas Pacific Railroad Company, reported in 99 United States, page 445, et seq., it was held that the mortgage and lien retained, or rather attempted to be retained, by the acts of 1862 and 1864, incorporating the Pacific Railroad companies, did not extend to certain portions of the

roads, which in the view of the court were unsubsidized.

Under the provisions of those acts the companies availing themselves thereof were entitled to receive bonds of the United States, in sums of \$1,000 each, at the rate of sixteen—and in some cases thirty-two—thousand dollars per mile, bearing 6 per cent per annum interest, and payable thirty years after date, the bonds to be issued to the companies on the completion and acceptance by the officers of the Government of the road in sections of 20 miles; and to secure the payment of principal and interest it was declared in the act that "the issue of said bonds and delivery to the company shall ipso facto constitute a first mortgage on the whole line of the snail ipso facto constitute a first mortgage on the whole line of the railroad and telegraph, with the rolling stock, fixtures, and property of every kind and description, and in consideration of which said bonds may be issued." It is perfectly apparent to my mind that the obligation of the companies to pay the bonds at maturity in principal and interest and the mortgage of its whole line and all its property of every kind and description was the consideration of the issue of the kends referred to in the law and that the tion of the issue of the bonds referred to in the law, and that the construction given this section by the Supreme Court would confine the mortgage of the United States to the particular miles of the roads against which bonds were issued. The construction placed upon it by the court seems to be at war with the plain and unambiguous language of the law, which reserved, or attempted to reserve, a mortgage on the whole line, but, "as the law awards it and the court doth give it," we must needs accept the decision of the court as final, and as the authoritative construction of this

But, Mr. Chairman, Congress, in anticipation that such a decision might be rendered, the case cited being then pending and

this contention being made by the railroad companies, sought to set the question at rest by the enactment of what is commonly known as the Thurman Act, which is so plain that misconstruction is impossible.

Section 9 of that act provides as follows:

Section 9 of that act provides as follows:

SEC. 9. That all sums due to the United States from any of said companies, respectively, whether payable presently or not, and all sums required to be paid to the United States or into the Treasury, or into said sinking fund under this act or under the acts hereinbefore referred to, or otherwise, are hereby declared to be a lien upon all the property, estate, rights, and franchises of every description granted or conveyed by the United States to any of said companies, respectively or jointly, and also upon all the estate and property, real, personal, and mixed, assets, and income of the said several railroad companies, respectively, from whatever source derived, subject to any lawfully prior and paramount mortgage, lien, or claim thereon. But this section shall not be construed to prevent said companies, respectively, from using and disposing of any of their property or assets in the ordinary, proper, and lawful course of their current business, in good faith and for valuable consideration.

Now. Mr. Chairman, if that act is not void, it is conclusive of

Now, Mr. Chairman, if that act is not void, it is conclusive of the question under discussion.

If void, for what reason?

It violates none of the limitations of Congressional power contained in the Constitution. It impairs the obligation of no contract. It divests no vested right. It takes no property without due process of law. It is not expost facto nor retroactive in its

How, then, is it void? And why does it not create a mortgage and lien in favor of the Government, to date from its enactment? The act of which it is a part was framed by the late Senator Thurman, of Ohio, it was understood, with the assistance of Senator Edmunds, of Vermont; certainly very high legal authority to draw or propose a void and unconstitutional statute.

It was elaborately construed by the Supreme Court in the sinking fund case, reported in 99 United States, 700, and the clause under consideration by the court in that case found constitutional.

The provision of the law assisted by the Central Pacific Reil

The provision of the law assailed by the Central Pacific Railroad Company was the section of the act which amended the act of 1864 by providing that all instead of one-half of the compensation for services rendered for the Government by said companies should be required to be applied to the payment of the bonds issued by the Government in aid of the construction of said roads.

Sections 2 and 3 of the act of 1878 provided that the whole amount of compensation which may from time to time be due amount of compensation which may from time to time be due to said several railroad companies for services rendered for the Government shall be retained by the United States; one-half thereof to be applied at once to the liquidation of the interest which the United States had paid on the subsidy bonds issued in aid of the roads, and the other half turned into a sinking fund, and to be annually invested by the Secretary of the Treasury in bonds of the United States, and to be applied at the maturity of the debt due the United States to its payment and to the payment

of the first-mortgage bonds upon the roads.

This amendment of the law, Mr. Chairman, was vigorously attacked as void, because it changed the terms of the contract between the United States and the railway companies without their consent; because it compelled them to pay a large part of their debt before it was due; because it increased the security of the Government for its debt, by impounding a part of the revenues of the roads upon which it had no lien, and that for all these reasons it deprived them of their property without due process of law.

Mr. Justice Field, Mr. Justice Bradley, and Mr. Justice Strong maintained these views in opinions of great strength, but the majority of the court, through Chief Justice Waite, held otherwise.

This corporation

Says the court-

sa creation of the United States. It is a private corporation created for public purposes, and its property is to a large extent devoted to public uses. It is therefore subject to legislative control so far as its business affects the public interests. * * * Giving full effect to the principles which have been thus authoritatively stated, we think it safe to say that whatever rules Congress might have prescribed in the original charter for the government of the corporation in the administration of its affairs it retained the power to establish by amendment. In doing so it can not undo what has already been done, and can not unmake contracts that have already been made; but it may provide for what shall be done in the future, and may direct what preparation shall be made for the due performance of contracts already entered into.

In other words, Congress, having found that the provisions in the act of 1864 for the payment of the principal and interest of the subsidy bonds were wholly inadequate, was authorized to make adequate provision therefor by withholding payment of all that the Government might owe for transportation from time to time, and by requiring the companies to pay 25 instead of 5 per cent of their annual net earnings.

These changes in the contract were sustained on the ground that Congress might direct the preparations to be made for the due performance of the contract already entered into with the United States.

Section 9 of the act, Mr. Chairman, constituted no material change, and was manifestly designed for the same purpose. Congress, it is to be supposed, realized the necessity of securing the

entire amount of the Government indebtedness by a lien upon the entire line of the road. The omission in the act of 1862, or, rather, the construction which the court had placed upon that act, rendered it absolutely necessary that an amendment of the law should be had in order to secure a lien in behalf of the Government on the unsubsidized portion of the line and terminals which the companies had acquired. In my judgment, the objections to the provisions of the statute which took all instead of onehalf of the compensation due by the Government to the roads, and 25 instead of 5 per cent of the net earnings, constituted more radical and important changes of the contract—one more subversive of the rights of the parties—than the creation of the lien, which interfered with no rights, impaired no obligations, did not even embarrass the companies in the use of their property, and was only a conservative measure taken for the security of the rights of the Government.

I do not agree, however, Mr. Chairman, that the existence or nonexistence of a Government lien on the unsubsidized portions of the line is a matter of the vital importance which the supporters of the bill seem to attach to it. It is, of course, if it exists, second to all other liens which existed upon these properties at the time of the enactment of the statute of 1878, and would be useful only in foreclosure proceedings. The absence of the lien, however, would not seriously interfere with foreclosure proceedings if the United States should see fit to institute them. Whether was the dakt due the Government is secured by a lien upon the or not the debt due the Government is secured by a lien upon the unsubsidized portion of the roads, the debt, undeniably, is one due by the companies, and even as an ordinary and unsecured claim, could be used to force a sale of the company's property. In fact, it not infrequently occurs that the unsecured and floating debts of corporations are the basis of proceedings by which their affairs are placed in the hands of receivers, and liquidated under the

It is argued that the decision of the court in United States vs. Central Pacific Railway Company (118 U.S.) is conclusive upon

this question.

this question.

I do not find, Mr. Chairman, that the question of liens was at all involved. In that case the Treasury officials withheld the compensation for transportation rendered the United States by the Central Pacific Company over 2,175 miles of its railroad which had been constructed without the aid of the United States. The contention of the United States was that they were justified in withholding the compensation due by virtue of the provisions of section 2 of the act of May 7, 1878, commonly known as the Thurman Act, and the court said that the contention was not well founded. The the court said that the contention was not well founded. The court held that section 2 of the act of 1878 only authorized the retention of compensation due for transportation on the roads to which had been issued the bonds of the United States to aid in their construction, and did not apply to branch and leased roads which belonged to the Central Pacific Company or to those portions of the line in aid of which no bonds had been issued. In fact, the decision here is a mere reiteration of the conicon rendered tions of the line in aid of which ho bonds had been issued. In fact, the decision here is a mere reiteration of the opinion rendered in the case of the United States vs. The Kansas Pacific (99 U. S., page 455), and does not at all bear upon the question of liens. Contra to the position maintained by the supporters of the bill, the Supreme Court said in the case of the Union Pacific Railroad Company vs. The United States (99 U. S., page 424):

It may perhaps be urged that the first-mortgage bondholders have no lien on the net earnings, but it has the same lien that the Government has. Both liens are coextensive with the whole property of the company, so far, at least, as relates to the railroad and telegraph lines and their equipment, and

all property appurtenant thereto.

It may be, Mr. Chairman, that the Supreme Court will hold, as maintained by the supporters of the bill, that section 9 of the act of 1878 is void, but to do so they must reverse the principle announced by them in the Sinking Fund case, and must hold that Congress was without the power, after having made the contract embraced in the acts of 1862 and 1864, to change or alter the same without the consent of the railway companies.

Mr. Chairman, the friends of the bill display a great deal of impatience at the discussion of the frauds which were perpetrated in the construction of these roads. They seem to think that no good can be accomplished by their recital, and that it serves only to prevent a reasonable and businesslike settlement of the questions at issue between the United States and the Pacific Railway companies. If I agreed with their conclusions that both the Government and the railway companies are remediless to recover from panies. If I agreed with their conclusions that both the Government and the railway companies are remediless to recover from their officers and stockholders the value of stock not paid for and profits unlawfully obtained by their officers in contracts with themselves, I would agree that no useful purpose could be subserved by exposing to public view the colossal frauds committed many years ago, and which amount to a national scandal.

But, sir, in my judgment, the obligation of the great capitalists and the great estates which are the outgrowth of these frauds to account to the Union Pacific, the Central Pacific—in fact, all the roads in which they occurred—is an asset of these companies of very great value, and, in my opinion, it is a duty of the House of Representatives not only to use all legal means to force the recov-

ery of the sums from the money standpoint, but because it is contrary to good morals and public policy that we should appear to give our indorsement to such malversation of corporate funds and abuse of the confidence reposed by the Government and people

of the United States.

By an act approved March 3, 1873 (17 Statutes at Large, page 509), the Attorney-General was directed "to institute a suit in equity in the name of the United States against the Union Pacific Railroad Company, and against all persons who may in their own names or through any agents have subscribed for or received capital stock in said railroad, but which stock had not been paid for in full in money, or who may have received as dividends or otherwise portions of the capital stock of said road, or the proceeds or values thereof, or other property of said road, unlawfully and contrary to equity, or who may have received as profits or proceeds for construction or equipment of said road, ceeds for construction or equipment of said road, or other contracts therewith, moneys or other property which ought in equity to belong to said railroad corporations, or who may under pretense of having complied with the acts to which this is an addition, have wrongfully and unlawfully received from the United States bonds, moneys, or lands which ought in equity to be accounted for and paid to said railroad company or to the United States and to company or to the United States, and to compel payment for said stock and the collection and payment of said moneys and the restoration of said property or its value either to the said railroad corporation or to the United States, whichever shall in equity be held entitled

The revelations and disclosures made by the Wilson committee of that year were the direct cause of the enactment of this statute, which was placed as an amendment on one of the appropriation

which was placed as an amendment on one of the appropriation bills, and, in my opinion, Mr. Chairman, is the reason why no Congress since that time has ever been willing to pass a funding bill. Nor do I believe, sir, that any Congress will be found consenting to a funding bill until the charges contained in the report of the Wilson committee and in the report of the commissioners appointed by the President in 1887 are disproved, or the liability of the colossal embezzlers of public money is determined by law. The Attorney-General instituted the suit in accordance with the directions of Congress, and reiterated substantially the charges made in the Wilson report. He charged substantially that the stock of the company had been fraudulently issued without payment either in money or property; that the officers of the Union Pacific had made contracts with Hoxie, Ames, and Davis, each one of these parties being a mere trustee for the officers and directors, all of whom were interested in the contract; that they directors, all of whom were interested in the contract; that they virtually paid to themselves excessive prices for construction and all services rendered to the company. In other words, that they prostituted their offices as officers and directors of the company to plunder it and to unlawfully appropriate to themselves everything of value which the company possessed. The suit was against the company, the officers who had betrayed their trusts, and the stockholders who had failed to pay for their stock. None denied the charges, but all united in demurring to the bill. The Supreme Court sustained the demurrers as to the Government, because it held that the Government had no interest to be subserved by the suit, nor could any decree be rendered in which the Government would have such an interest as to entitle it to stand in judgment. The court found that the railroad companies were complying with their contracts to the Government. There was no allegation in the bill to the contrary. Under the terms of the contract—to wit, the acts of 1862 and 1864—the companies were contract—to wit, the acts of 1862 and 1864—the companies were only bound to pay 5 per cent of their net earnings to go into a sinking fund, and to leave in the hands of the Treasury one-half the compensation which should be found due to them for transportation of mails, troops, etc. The court was of opinion that Congress, having made these provisions for the protection of its rights, had no interest in the management of the company until by a default of the company action for the protection of the Government's interest should become necessary; that the Government had retained no visitorial power over the companies; that it was not in any manner bound, nor did it have the right, to protect the rights and interests of stockholders of the corporations, these people being able to protect themselves. The bill was therefore discussed. In discussion the kill the court caves. fore dismissed. In dismissing the bill, the court says

fore dismissed. In dismissing the bill, the court says:

The substance of the charge is that the board of directors of the railroad company made contracts for building the road, and for running the Pullman cars on it, and for mining its coal lands and purchasing the coal so mined, which were a fraud upon the company; that these contracts allowed exorbitant prices for work done and material furnished; that otherwise they were very advantageous to the other contracting parties and injurious to the company; that in all of them the directors, or a controlling majority of them, were interested adversely to the company; that, in fact, they were, in the name of the company, making contracts with themselves as the other party. In short, it may be taken for granted that if these allegations are true, as they must be held to be on demurrer, frauds more unmitigated than those set forth in this bill were never perpetrated on a helpless corporation by its managing directors.

That these frauds are such as a court of equity would relieve against in a proper case may be seen in the opinion of the circuit court for the Nebraska district, in a suit growing out of the Wyoming Coal Company's contract. (Wardell vs. The Union Pacific Railroad Company, 4 Dill., 330.)

The first inquiry arising on these facts is, What relief can be given, and who is entitled to it?

The obvious reply to the first branch of the question is, that the parties who made this contract and received the pecuniary benefit of it can at law be made responsible in damages or held in equity to compensation for the loss suffered. There would be no difficulty in adjudging in a proper suit that such contracts (i.e., the contracts made by the directors of the Union Pacific with the Crédit Mobilier, which was another name for themselves, and the directors of the Central Pacific with the Contract and Finance Company, another name for themselves) were void, and then ordering an accounting on the basis of a fair compensation for what had been done in the way of construction, building, opening mines, furnishing coal, etc., and what had been received for such work and materials. The difficulty is, to whom shall this money be paid when recovered, and can it be recovered in this suit! If the railroad company, falling into purer hands, had brought such a suit, the bill might be sustained.

But the company is not the complainant here. It seeks no relief for these wrongs, etc.

wrongs, etc.

No reasonably well-informed lawyer will deny that an action lay in behalf of the Union Pacific Railway Company, in fact, in behalf of all of them, against any stockholder who had obtained stock without compensation to the company. The law positively forbade the issuance of stock except for money, and no one who obtained it in violation of the law could evade the demand of the company for payment for it if made by its proper officers.

Likewise, Mr. Chairman, I apprehend that no lawyer will dispute the proposition that the contracts made by the officers of

those companies with themselves under another name were void, and that whatever construction and work was done by them nominally as contractors would be held to have been done by them in their capacity as officers of the company, and while they would be entitled to receive credit for the actual cost of the work,

would be entitled to receive credit for the actual cost of the work, they would be held to account for all that they had received from the company in excess of such cost. This is plainly and explicitly decided in the case that I have referred to (98 U. S., page 610).

I find, sir, according to the report of the Pacific Railroad Commissioners, that out of an issue of \$54,000,000 of the capital stock of the Central Pacific Railway Company, \$760,000 only was paid for. Out of an issue of \$36,824,000 by the Union Pacific, only \$400,650 was paid for, leaving an amount due to these two companies on stock account only of \$89,773,000.

It is useless to go into the details of the other frauds. They are gigantic; and if the Union and Pacific railroad companies could to-day recover from the managing directors and officers who had charge of their affairs when they were in process of construction, who received and sold the subsidy bonds of the United States, who issued and sold their first-mortgage bonds, who embezzled who issued and sold their first-mortgage bonds, who embezzled the proceeds of the magnificent land grant, these roads would be able to pay off their entire indebtedness to the United States, and would have a handsome surplus in their respective treasuries.

The gentlemen, however, who advocate the passage of this bill sneer at the idea that anything can be recovered, and claim that if no other obstacle stood in the way the statute of limitations would bar all the actions. I confess I know of no statute under which they would be barred. Fortunately for the United States, a suit was brought by the Attorney-General against Mrs. Stanford, the widow of Leland Stanford, to make the estate of her deceased husband liable for a certain proportion of the debt due to the United States by the Central Pacific Railway Company, under the provisions of a statute of the State of California, which renders the stockholders of corporations personally liable for their debts in proportion to their holdings of stock, and Leland Stanford having been a large holder of stock of the Central Pacific, the effort was made by the Government to hold his estate liable for his proportion of the debt due by the company to the United States. The Supreme Court of the United States maintained a demurrer to the bill, and held in substance that the rights of the United States and the obligations of the stockholders of the Central Pacific to the United States were to be decided entirely by the tral Pacific to the United States were to be decided entirely by the acts of Congress incorporating that company, authorizing the construction of the road, issuing of bonds, etc. This decision has been referred to in this debate as settling adversely the right of the United States to proceed against the officers, directors, and stockholders of these roads. In my opinion, it is just the contrary. It deprives these parties of the benefit of the statutes of limitations of the several States. It eliminates the questions of State law and hinges the whole case on the construction of the

statutes of the United States to which I have referred.

The Supreme Court said in 1878 that the United States could not proceed against the stockholders and officers of the Union Pacific because at that time its right of action had not arisen. The bonds issued in aid of the road were not due either in principal or interest. The companies had not defaulted on any of their obligations, and non constat but that the Union Pacific would be prepared at the maturity of the obligations to meet them. Their maturity has now been reached, and the court which said in 1878 that the United States could not sue until 1897 can hardly say when suit is filed in 1897 that it is barred by the statute of limitations. It is an elementary principle of the civil law as old as the Pandects of Justinian that prescription (at common law of the statute of limitations) does not run against those who are un-

able to act, and the application of the maxim, which is founded in reason and justice, as well as law, to the facts in this case would certainly operate as a suspension of the statute of limitations during the period that the Supreme Court had tied the hands of the officers of the Government by declaring that their right of action had not arisen. The very contingency which was anticipated by Congress when it directed the suit to be brought against the actors only the Credit Mobilier scandal has arisen. The officers of that company looted its treasury and have rendered it unable to comply with its obligations to the Government. By thirty years of intentional mismanagement, peculation, and fraud; by thirty years of resistance to the acts of Congress intended to secure a compliance with the company's obligations to the United States, they have reduced its states. its stock to a merely nominal value; they have mortgaged every available piece of property which it possesses; they have appropriated to themselves all the resources and means of the company which could be abstracted, and present it to-day, at the maturity of its obligations to the Government, a financial wreck, seeking an extension of eighty-five years on its debt to the United States as a result of the peculation and fraud to which its affairs have been subjected.

I confess, Mr. Chairman, that I see no legal difficulty in the way of exercising the remedies of the United States against the property of this road, and the others also, and of thus proceeding by a suit in the nature of a creditor's bill against the stockholders who have not paid for the stock that was issued to them, and against the officers who have violated their trusts, for the recovery of whatever amounts they may owe to their respective companies. But this course would be attended with the danger of the Government's being compelled either to buy in the roads and pay the ernment's being compelled either to buy in the roads and pay the prior mortgages and liens or to let them go for the first mortgages and trust to the proceedings against the stockholders and directors for the recovery of the amount due the United States. This course, I apprehend, will not be pursued, and as there is a better and more practical one, I am surprised that the committee, in the absence of a better proposition from these companies, has not introduced a bill which would enable the officers of the Government to assert our rights by this means.

Under section 11 of the act of 1878 it is provided that—

If either of said railroad companies shall fail to perform all and singular the

If either of said railroad companies shall fail to perform all and singular the requirements of this act, and the acts hereinbefore mentioned, or of any other act relating to said act to be by it performed, for the period of six months next after such performance may be due, such failure shall operate as a forfeiture of all the rights, privileges, grants, and franchises derived or obtained by it from the United States, and it would be the duty of the Attorney-General to cause such forfeiture to be judicially enforced.

It would be easy to amend this provision of the act by providing for the appointment of receivers or liquidators, in whom should be vested the entire powers of the corporations for the purposes of liquidation and settlement, and to authorize and require those liquidators to institute all such suits as the company itself could have instituted against its stockholders for payment of the stock issued to them, and against the officers and directors for the frauds and peculations committed by them.

Pending these suits, and until the ascertainment of their result, the railroads might be operated as they have been operated for several years past—by receivers—under the control and direction of the court. If at the end of these proceedings it should be ascertained that the facts stated by the Wilson committee, and reiterated by the commissioners of the Pacific Railroads, are untrue in point of fact; or if it shall be found that the stockholders who fraudulently received millions of dollars of the stock of these companies, with which ceived millions of dollars of the stock of these companies, with which they have since controlled it, to the wrong and injury of the United States, are beyond the reach of legal processes; or if it be established that the Credit Mobilier was a lawful corporation and lawfully conducted its business with the Union Pacific; if it be found that the Contract and Finance Company of California was likewise a lawful corporation, and that the directors and officers of the Central Pacific did not use it as a disguise to plunder that company, and in doing so, its bona fide stockholders and creditors, then we will be in a position to decently accept the best settlement which the financial condition of the companies would admit of. But until we have instituted these remedies we will, if we accept the settlement proposed, or any other funding bill, condone and the settlement proposed, or any other funding bill, condone and give our approval to the frauds to which I have referred.

But, sir, the gentlemen in charge of the bill maintain that the actions against the stockholders and officers of the companies can

be maintained, notwithstanding the acceptance of the settlement

proposed by the railway companies, and refer to a section of the bill under consideration which substantially reserves them.

I am astonished, Mr. Chairman, that any well-informed lawyer will maintain for a moment that such a reservation is possible. The moment the United States accepts the settlement that the companies propose its rights for the time being are discharged. It will occupy exactly the same position which it occupied in 1873, when the suit which I have cited was brought by the Attorney-General, and when the Supreme Court said it had no right of action because the obligations of the company to it were not due.

It would be an absolute discharge of all collateral obligations. Let no man deceive himself on that subject.

Mr. MAGUIRE. Is not that the very purpose for which the

owners of the Southern Pacific Railway are trying to get this bill

through? They are the responsible men.

Mr. BOATNER. It appears to me, Mr. Chairman, that that is true. It has always been the motive at the bottom of this legislation. The owners of the accumulated and colossal fortunes which grew out of these peculations are more interested in being relieved from their obligation to the Government of the United States than they are in attling the wights of the United States as States than they are in settling the rights of the United States as against these companies. But two difficulties would present themselves in pursuing this course—one, the statute of limitations; the other, the difficulty at this length of time in procuring the evidence necessary to sustain the actions. Since the decision of the Supreme Court in the Stanford case, I apprehend that there will be no serious difficulty with the statute of limitations. If the stockholder sued for the value of the stock issued to him plead the statute of California or New York in bar of the action, the decision in the Stanford case would be a full reply. The stock was issued under the act of Congress. The act of Congress provided that he should pay for it. The act of Congress provides no statute of limitations for the action. Nor do the statutes of the United States establish any time as a bar to any action resting in the enforce-

ment of its provisions.

If, however, Mr, Chairman, the House is determined to effect a settlement of this question upon purely a business basis, as my friend from Vermont puts it; if it is a matter of no consequence how the officers and directors of corporations created by the United States for a great and beneficent purpose have betrayed their trust, and we are to deal with them as honest debtors, reduced by misfortune to a condition of bankruptcy, then, sir, we should adopt the suggestion of the gentleman from Alabama [Mr. Har-RISON] and commit the settlement into the hands of a commission who will deal with it to the best advantage of the United States. It is impossible for so large a body as the House of Representatives, or even the Committee on Pacific Railroads, to deal with this question with the accuracy and judgment with which it could be handled by a smaller commission. They could negotiate, not only with the companies, but with other companies who might desire to obtain control of the property. They might sell the Government lien, foreclose, or take such action as would seem for the best interests of the Government, after ascertaining by negotiation the very best arrangement that could be made, and while I am opposed to the bill under discussion or to any funding bill at present, if we are to make a settlement on the lines proposed by the committee I shall vote to place it in the hands of the commission proposed by the substitute offered by the gentleman from Alabama.

Mr. HARRISON. I yield fifteen minutes to the gentleman from Virginia [Mr. SWANSON].

[Mr. SWANSON addressed the committee. See Appendix.]

Mr. HARRISON. I yield ten minutes to the gentleman from Massachusetts [Mr. McCall].

Mr. McCall of Massachusetts. Mr. Chairman, I am somewhat reluctant to say anything about this measure in the time of those who are opposing its passage, but there is one matter which I have discovered in my limited investigation of the subject which I think should be brought clearly to the attention of the House. I find that the report of the committee and the report of previous committees in Congress—the Reilly report and the report of the minority of that committee—have proceeded upon the assumption that the Government has no lien upon the bridge and Omaha ter-minals of the Union Pacific Railroad. The gentleman from Ver-mont [Mr. Powers], the chairman of this committee, is not apt to overlook any proposition of law; but he seems to have been misled by the uniform tenor of the reports on this subject.

The Kansas Pacific case has been referred to repeatedly in this debate. That case covers some five pages in the report of the United States Supreme Court. Nearly four pages are taken up by a statement of the case and collateral matters which are not important, while one page of the report apparently disposes of this great question which involves many millions of the money of the

Government of the United States.

It would appear to an ordinary lawyer, casually examining the question, that the court could not have had in view in its decision any such momentous consequences as the decision is regarded as involving. But I find upon investigating the matter that that decision was not the only one made by the court at that time. There were four other Pacific railroad cases which were argued substantially at the same time and were decided upon the same day, involving precisely the same question; and the opinion in every one of these cases was rendered by the same justice.

The Kansas Pacific case sustains apparently the proposition made by the gentleman from Vermont, that the Government has

no lien upon such portions of the road as are not shown by affida-

vits to have been built with the aid of the subsidy bonds. The court says, in the Kansas Pacific case:

From a careful examination of the statutes relating to this subject we are of opinion * * * that the subsidy bonds granted to the company, being granted only in respect of the original road, terminating at the one hundredth meridian, are a lien on that portion only, and that the 5 per cent of the net earnings is only demandable on the net earnings of said portion.

The question at issue in all these suits was upon what portions of these various lines the Government could claim 5 per cent of the net earnings. In, I think, three cases the Government was the plaintiff, attempting to recover its 5 per cent; in the other two cases it was the defendant, being sued for the cost of transporting the mails; but it put in as a set-off its claim of 5 per cent upon the net earnings, so that in all the cases the issue was precisely identical. The question was upon what portions of the road could the Government claim 5 per cent of the earnings; and the court held that it could only claim its 5 per cent of earnings upon those portions of the road on which it had a lien.

A MEMBER. To what column and page does the gentleman

refer.

Mr. McCALL of Massachusetts. Ninety-nine United States Reports, page 458, in which the court took the position that the Government's right to its net earnings was practically coextensive

with its lien; that the one is as long and as broad as the other.

Now, in turning to the first case decided on that day, which is the principal case on this subject, I find that the court passes upon the claim of the Government against the very railroad here in question—the Union Pacific Railroad Company. It endeavors in the first place to ascertain what are the net earnings to which the Government is entitled. It says:

In the first place they are the "net earnings of the road;" that is, the net earnings of the road as a railroad, including the telegraph. These earnings, however, must be regarded as embracing all the earnings and income derived by the company from the railroad proper, and all the appendages and appurtenances thereof, including its ferry and bridge at Omaha, its cars, and all its property and apparatus legitimately connected with its railroad.

So, Mr. Chairman, we have here a positive decision by the court upon the very matter at issue that the Government had a lien on

upon the very matter at issue that the Government had a hen on the earnings, and consequently it follows from the doctrine in the Kansas Pacific case, to which I have referred, that the lien of the Government extended over the bridge and ferry as well.

The same question was considered and the same decision was reached by the court in a prior case—I think the case against Hall, which I do not happen to have at hand. President Lincoln fixed the eastern terminus of the road, and did not in the order mention the State of Lowe although it was clearly described. When tion the State of Iowa, although it was clearly described. it was afterwards brought in question, he wrote a letter explaining the original order, in which he said that he had intended to fix the eastern terminus in the State of Iowa, opposite "a place called Omaha," a city that has become very much more famous now than it was then, or the President would not have alluded to it in that indefinite manner. Now, of course, if the Government has no lien on the terminals at Omaha its security is not worth near as much as it otherwise would be.

Mr. POWERS. Will the gentleman allow me to interrupt him

for a moment?

Mr. McCALL of Massachusetts. Certainly.

Mr. McCALL of Massachusetts. Certainly.

Mr. POWERS. The gentleman refers to the case reported in
99 United States Reports?

Mr. McCALL of Massachusetts. Yes.

Mr. POWERS (continuing). In which the court held that for
the purpose of determining the net earnings of the whole Union
Pacific system the principle there laid down would be followed.
But they held, to all intents and purposes, that the lien of the Government only extended to the portion of the road that had received aid.

I refer the gentleman, however, to 118 United States Supreme Court Reports, where this question came up and where the deci-sion was rendered, referring to the former case. If the gentleman will listen to me for a moment, I will read the exact text of the decision. I refer now to the case of United States vs. The Central Pacific Railway Company, in which the court say:

In the case of United States vs. Denver Pacific Railway Company (99 U. S., 460), decided at the same term, and in which the judgment was delivered by the same justice, it was held that the United States had no right, under the sixth section of the act of 1862, to retain compensation for services rendered upon a road the construction of which it had not aided by its bonds. The ground upon which the court placed its decision was that the Government had no lien except upon a road which it had so aided, and could retain neither the 5 per cent of the earnings of a road to which it had issued no bonds, nor compensation for transportation services thereon.

Now, this case in 118 Reports rose under this very section of the Thurman Act which the gentleman from Louisiana [Mr. Boat-NER] contended to-day changed the law on that subject. The court go on to say:

This court having thus interpreted the act of July 1, 1862, we can not, consistently with the established rules of construction, give a different meaning to substantially the same words in the act of May 7, 1878. (Reiche vs. Smythe, 13 Wall., 162.) In the act of July 1, 1862, the provision is, that "all compensation for services rendered for the Government shall be applied to the payment of said bonds." In the act of May 7, 1878, the words are, that "the

whole amount of compensation * * * for services rendered for the Government shall be retained by the United States," one half to pay interest and the other half to be turned into the sinking fund. If the two acts are to be construed together and as one act, we must give the same meaning to like expressions in both. We can not say in one case that the compensation mentioned means compensation only for services on aided roads, and in the other that it includes compensation for services on roads not aided.

So I reiterate the statement which I made on yesterday that the Supreme Court has decided that the lien of the Government only extended to that portion of the road that received the subsidy

Mr. McCALL of Massachusetts. I am very grateful, Mr. Chair-

The CHAIRMAN. The time of the gentleman from Massa-

chusetts has expired.

Mr. POWERS. Mr. Chairman, I yield the gentleman from Massachusetts five minutes on account of the time that I occupied which properly belonged to him.

Mr. McCALL of Massachusetts. I am very much obliged to

the gentleman from Vermont for the interruption as well as for the time that he has extended to me. I am obliged to the gentleman for reading from such an authority as the Supreme Court of the United States, but I do not see that what he has read, with all due deference to him, affects the decision I have already cited. It is distinctly decided in the case to which I called the attention of the committee that the Government lien does extend to the earnings of the ferry and the bridge at Omaha.

Mr. POWERS. You agree that these terminals received no aid

from the Government.

Mr. McCALL of Massachusetts. Well, I am not so sure that

they did.

Mr. POWERS. They did not.

Mr. McCALL of Massachusetts. Ithink they are proper append-

ages to the railroads.

ages to the railroads.

Now, Mr. Speaker, I am not in opposition to the gentleman's position, but I think it is a material matter for the House to consider what rights the Government has here before we pass any law on the subject. I do not agree with a great deal of the invective which is brought into this case. I think the interest of the Government requires that there shall be some final settlement of this matter and that this railroad shall be permitted to reorganize. But I think that the bill before the House is not sufficiently favorable to the Government. It rests upon a false fundamental orable to the Government. It rests upon a false fundamental assumption that the Government does not have a lien upon certain valuable property that the courts hold it does have a lien upon.

I want to say, sir, that my position upon this question is entirely in line with the almost uniform conduct of the officers of this Government, and in line with the position of the Commissioner of Railroads, and of the Secretary of the Interior. You will find this view amplified in a letter written by Mr. Secretary Lamar, when he was Secretary of the Interior, to Charles Francis Adams, who was then the president of this railroad.

who was then the president of this railroad.

Mr. WATSON of Ohio. May I ask the gentleman a question?

Mr. McCALL of Massachusetts. I have only a minute. Mr.

Lamar was a great jurist. He had carefully considered this question, and took the ground explicitly, and it seems to me he demonstrated, that the Government had a lien on these properties at Omaha that the committee say it does not have a lien upon. think the Government can not expect to have its second-mortgage bonds converted into first-mortgage bonds, and that it should look at this as a business matter, and that it should ask for the same security that it has now. But I believe that it should have a rate of interest upon its bonds which will at least be equal to its own or which and the net earnings of this company for a rate of five and the net earnings of this company for a rate of the same and the net earnings of this company for a rate of the same are the same and the net earnings of this company for a rate of the same are the same of interest upon its bonds which will at least be equal to its own credit, and the net earnings of this company for a period of four or five years, embracing two or three bad years, will show that the company can easily afford to pay the Government 3 per cent interest upon these second-mortgage bonds. I trust that the committee, or the gentleman from Vermont [Mr. Powers], before this matter shall come to a vote, will see fit to offer an amendment making the rate of interest in the bonds 3 per cent instead of 2, and if he shall do that, it seems to me that he will make a proper concession on account of the Omaha property, which I believe the Government has a lien upon.

concession on account of the Ghala property, ...

Government has a lien upon.

Mr. HARISON. I yield the remainder of my time, fifteen minutes, to my colleague [Mr. Wheeler].

The CHAIRMAN. The gentleman from Alabama [Mr. Wheeler] is recognized for fifteen minutes.

[Mr. WHEELER addressed the committee. See Appendix.]

The CHAIRMAN. Will the gentleman from Missouri [Mr. Hubbard] or the gentleman from Vermont now occupy time?
Mr. POWERS. Has the hour and a half been used?
The CHAIRMAN. There remain an hour and forty minutes to the gentleman from Vermont and an hour and two minutes to the opposite side, represented by the gentleman from Missouri.
Mr. POWERS. I yield twenty minutes to the gentleman from California

California.

Mr. JOHNSON of California. Mr. Chairman, it is related that

there were two men in the wilds of North Carolina who had grown up to manhood there, never had been away from home, knew nothing of the riches of other countries or of civilization. Impelled by a desire to increase their knowledge, it is stated that they took their blankets and started off to find new fields. They walked down the mountains and over the plains, and finally came to two parallel lines of iron, as they thought, nailed upon wood, of which they knew nothing and could imagine nothing. They walked along for a time, and it became evening, and they were sleepy. They walked to the bank adjacent, spread their blankets, and went to sleep. Shortly there came along an express train, somewhat behind time, and as it came rumbling and roaring and thundering down the grade it awakened one of these men, and as he looked up he saw the headlight of the locomotive making everything light and turning night into day, and as it passed him, with its clattering noise, seeming powerful enough to wake the dead, and when he saw the fireman, reinty and colored by the redestion with the former and colored by the redesting the grimy and enlarged by the reflection, with the furnace door wide open, the sparks flying, the coals dropping, the fire roaring, and heard the whistle's shrill shriek, he grasped the man with whom he had walked and said, "Sam, the devil is moving hell, and here is the first load!" [Laughter.]

So, Mr. Chairman, there are men in this Congress who, when-ever anything is presented here touching the Pacific railroads, ever anything is presented here touching the Facinc ranroads, awake from a sleep, grasp their neighbors, and exclaim, "Huntington is moving the United States Treasury, and this is the first load!" [Laughter.] They do not seem to realize that this matter should be discussed in a business way. They do not seem to realize that the question for consideration is how the United States of America shall get back the money it has invested in this Pacific Railroad enterprise. As to the construction of the reads Pacific Railroad enterprise. As to the construction of the roads, I have not time to speak now, nor of the motives of the men who built them, nor of the work that they did, nor of how the whole subject was considered by Congress at that time. I hope to be subject was considered by Congress at that time. I hope to be able, in extending my remarks, to say something on that subject. I will, however, say a word now about the land grants of which we have heard so much. More than twenty other railroads in the United States have received greater land grants than did the Pacific railroads. It must also be remembered that the land granted was absolutely valueless until the road was built. Hence the land grant so much discussed becomes of very small moment in deciding upon the bill before us.

Mr. Chairman, when we are called upon to settle the question

Mr. Chairman, when we are called upon to settle the question as to what the United States shall get out of its second mortgage, which is the only matter before us, we are met by the gentleman from Louisiana [Mr. BOATNER] and other gentlemen with this old talk that the men who built these roads made money. All right; suppose they did make money. They did only what everybody else would do if they had had the chance. Just imagine! If these gentlemen who now denounce so fiercely the men who built the Pacific railroads had only been in their positions at the inception of that enterprise, how differently they would have acted. Suppose some of the gentlemen from the great State of California who are members of this Congress, and who—especially one of them—fight this railroad question at all times and without regard to sense or reason [laughter]—suppose that some of those gentlemen, in connection with the gentleman from Louisiana [Mr. Boatner] and the gentleman from Wisconsin [Mr. Cooper], who out-Heroded Herod in the last Congress in denunciation of those who constructed these reads. who constructed these roads-suppose they had been engaged in that great work.

Suppose that they had built the road, and after they had completed it, seven years ahead of time, they had come together, and when the last spike had been driven at Promontory Point, and when the last spike had been driven at Promontory Point, and when all the nations of the earth were rejoicing that we had succeeded in binding together the East and the West, the waters of the Atlantic and the waters of the Pacific, I suppose that just the moment these gentlemen had finished the work they would have started for Washington, they would have invaded the East Room of the White House, they would have presented themselves before the then President of the United States (that silent man and silent general whose memory we all honor)—they would have presented themselves before him, and the gentleman from Louisiana, or perhaps the gentleman from the Fourth district of California, or the gentleman from Wisconsin would have been the spokesman, and gentleman from Wisconsin, would have been the spokesman, and

"Mr. President, we have built this road, and we have built it seven years ahead of time, but we find that by some strange miscalculation we have made some money out of it. [Laughter.] We have tion we have made some money out of it. [Laughter.] We have made some legitimately, and we have gobbled all we could get, and, on the whole, we have made a good deal of money. We have kept every agreement we have made with you; we have built the road as you wanted it built; your Government directors and your Government commission have inspected and accepted the road; we have kept every part of our contract, but, mirabile dictu, we have made money, and our consciences will not permit us to retain it; so we come now to pour it back into the Treasury of the United States." [Laughter.]

That, doubtless, is what these gentlemen would have said and done. The gentleman from Wisconsin [Mr. Cooper] might have said that he would like to have some of the money saved for the said that he would like to have some of the money saved for the improvement of the harbor of Manitowoc. [Laughter.] The gen tleman from the Fourth district of California [Mr. MAGUIRE] would probably have expressed a desire to have some of it appropriated for the propagation of the doctrine of the single tax. [Laughter.] And the gentleman from Louisiana [Mr. Boatner] might have asked for some to pay the expenses of his contested elections. [Laughter.] Some of it might have gone in the interest of my colleagues to Petaluma Creek, and some to building a public building at Oakland, Cal. [Laughter.] But the balance would certainly have been covered into the Treasury of the United States.

Certainly have been covered into the Treasury of the [Laughter.]

Now, Mr. Chairman, would those gentlemen really have done that? Why, if Adolph Sutro, who has been bombarding Congress with letters on this subject, or if that blackmailer, Hearst, who runs the Examiner in San Francisco, had been connected with this great enterprise, they would not only have made all the money that the other men made, but they would have brought the Government itself into contempt and ruin, and would have usurped the entire control. [Laughter.] But, Mr. Chairman, the real question for us to consider is, How shall we get back our money? It is purely a business question with us. Abuse of the men who built the roads, animadversion upon their motives, or denunciations of their acts will not avail us. We must deal with the matter as it is in 1897. Our ancestors made the mistakes, if any were

made, that resulted in the present status of the case.

Now, there are three ways to deal with this question. The first is to sell these roads under foreclosure to the highest bidder; the second is for the Government to take the road and run it; the second is for the Government to take the road and run it; the third is to extend the time for the payment of the indebtedness. I apprehend that everybody in this House is opposed to the Government ownership of railroads. Every speaker so far has denounced it. No sound argument can be presented in its favor. We can eliminate that factor from the problem. The next question, then, is, Shall we foreclose? If we foreclose, how much shall we get? Who will bid? I do not ask any of these gentlemen from California to approximate that constitution because they are all mostly. we get? Who will bid? I do not ask any of these gentlemen from California to answer that question, because they are all wealthy, and if they did not have the money themselves they could call upon the committee of fifty in San Francisco and get the money from them—from Sutro or from Hearst—and thus they could bid on this property. [Laughter.] But I ask gentlemen from other parts of the United States, who would bid in these properties if they were offered at auction? Name somebody. Name some corporation or some body of individuals that would or could make such a bid. There are just three parties that could bid. One would be the United States. The United States could, of course, bid could nay off the first mortgage, and then carry on the railwould be the United States. The United States could, or course, bid, could pay off the first mortgage, and then carry on the railroads. Butnobody wants that to be done. The Vanderbilts could bid, because they own a line of road leading into Omaha. But they say they do not want the property. The only other parties that could bid would be the same men who now control the Central Pacific and the Union Pacific roads. They might bid the property in at their own price, and thus get rid of paying the debt due to the Government.

If the men who control the Central Pacific—the men who have been roundly abused indirectly and directly upon the floor of this House (and who are abused by men who are here lobbying in this House to-day as ex-members of Congress against this bill) if those men should, at foreclosure by the United States, bid in this property, what could hinder them from so doing? Who could outbid them? And then what would they do? If, when this property were put up at auction, they should undertake to bid it in, who could bid against them? Nobody on earth. You all know that could bid against them? Nobody on earth. You all know that no corporation could be formed to bid against them, for corporations of that magnitude are not easily formed, especially to fight other corporations, and no individual has sufficient means to undertake the job. They would bid only enough to pay the first mortgage. Any opposing bidder, if such could be found, would bid no more, for by an expenditure of that amount they could parallel the road with a new line with less bridges, lower grades, easier curves and straighter line. No new corporation would easier curves, and straighter line. No new corporation would buy an old road at a greater sum than they could build a new one. Hence there would practically be no competition at the sale. The testimony taken before the Railway Commission and the statements made before our committee were to the effect that these roads could be duplicated for less than the amount of the these roads could be duplicated for less than the amount of the first mortgage upon them. Sixty-one million dollars in round numbers is the amount of the first mortgage upon both roads; and the roads could be duplicated for that amount. The Central Pacific road could be duplicated for less than the amount of the first mortgage upon it. Who, then, would bid? Who could, as a safe business proposition, bid against the railroad people who are in possession of the property, and who by purchase can rid themselves of a large debt. Every dollar less than the amount due the United States that these companies could secure the roads

for at forced sale would be that much clear gain and the Government's loss

Did any of you ever have a second mortgage on a man's property? If so, when the second mortgage became due and you found that the property would not sell for enough to pay the first mortgage, did you foreclose and sell simply for the purpose of enabling your lawyer to make some money? Such would be the inevitable result of foreclosure in this case. Whoever buys these roads at foreclosure sale must of course purchase subject to the first mortgages, and that amount is gigantic of itself. No persons could overbid the men who now control these companies except the United States. If the Government overbid, it must, like an individual, pay the first mortgage, and that means taking \$61,000,000 from an already depleted National Treasury to engage in the unwise policy of Government ownership and management of railroads.

Therefore it seems to me that from a business point of view a sale under foreclosure proceedings would be of no advantage, but a positive loss to the Government. All agree that a sale under foreclosure would result in losing at the very least one-half of the debt due the United States unless the Government bid the property in. None of us wish to lose this amount of money.

The next question is—and this I understand to be the agreement of all who have spoken—whether or not this debt should be

extended. Gentlemen do not oppose the proposition for extension as a matter of principle, but only as to its details. It is said that the Government ought to get a larger rate of interest. Let us examine that question. Every man knows that a railroad is valuable only for the money that it can make; it is of no value for any other purpose. Everyone knows that a railroad company can only pay its debts out of its earnings. Everyone knows that the United States Government itself could not pay its debts if they were all presented at once. A railroad company in debt is not in were all presented at once. A railroad company in debt is not in a different position from anybody else, nation, corporation, or individual, who is indebted. There is not a bank in the United States, except one, I believe, that could pay its debts if they were States, except one, I believe, that could pay its debts if they were all presented at once. There is not a bank in California (and it is the greatest State in the Union, as you all know)—and it has some Congressmen who are bank directors—there is not a bank in California that could pay its debts if they were presented all at once. These railroad companies, then, are in no worse condition than the United States Government or the banks or the general people. The question being, How shall we extend their indebtedness? its solution depends solely upon the ability of the railroad companies to comply with our conditions and to pay us our debt from panies to comply with our conditions and to pay us our debt from their only source of revenue, their earnings. If we agree to extend the indebtedness, clearly we can do nothing but impose such terms as they can comply with. What is the good of calling upon a man to pay \$1,000,000 when he can not do it? What is the good of askto pay \$1,000,000 when he can not do it? What is the good of asking a man to pay 6 per cent, or 5 per cent, or 4 per cent interest upon his debt due us when he can not do it? Therefore, in making terms with these railroad companies, we should look, as I have before said, solely at their earning capacity? Is that not true?

Now, the question is, What is the earning capacity of these roads? What are the net earnings of the railroads? It will not do for us to assume that the gentleman from Missouri is correct when he says that the net earnings of the railroad companies are

when he says that the net earnings of the railroad companies are the amounts that they receive over and above their operating expenses. Those are not net earnings. The net earnings of a rail-road company are the earnings that they have to apply to a reduc-tion of their indebtedness or payment of dividends after they have paid all of their fixed charges, including interest upon their debts. The Central Pacific road—and I speak of that because I am more familiar with it—the Central Pacific road for the last five years has had an average of \$291,967 as a surplus applicable to the payment of our indebtedness, and that is all. Is that too much to leave for emergencies that frequently arise? In the committee's estimate of the amount to be paid by these companies we have put an item for payment of interest at 4 per cent upon their first-mortgage indebtedness. Is this correct? Should we estimate that mortgage indebtedness. Is this correct? Should we estimate that they can refund their old debt at 4 per cent? I do not think so. Money is not plentiful for railroad corporations at such a low rate of interest. I think they would have to pay at least 4½ per cent, and if so, that will use up all of the surplus and consume all the earnings of these roads. We are estimating the earnings upon the figures as given by the officers of the Central Pacific.

Now, it may be, as has been intimated, that they lied. Now, it may be, as has been intimated, that they lied. But, Mr. Chairman, let us consider the facts for a moment. When the gentlemen insinuate that the officers of these roads, in their statements made under oath to the officers of the Government, are lying, they are simply having a reflex of their own minds, it seems to me. We must assume that they tell the truth to the stockholders and to themselves. Men may lie on the outside, especially when engaged in business which would make such a system profitable. But when they are dealing with themselves it is to be able. But when they are dealing with themselves, it is to be assumed that they will at least tell the truth to themselves. These are reports that they make themselves to themselves about the

condition of their business. It must be conceded that they are correct. They cover their affairs for five years last past. They are accepted by the officers of the United States charged with that duty in dealing with the companies, and must therefore be treated by us, as other officers of the United States, as being true.

In reference to the Central Pacific, these are the earnings. say they can not pay more. The books of the company justify their statement. We must show error or accept these figures. No error has been charged or insinuated. The amount, then, of earnings the committee has named being correct, it naturally fol-lows that the payments to be exacted from the company can not exceed the sums named by the committee, and that the rate of interest can not be increased. In the Central Pacific we receive additional security. That road, Mr. Chairman—that is, that portion covered by the Government mortgage—is like one of Gunter's novels, "Miss Nobody of Nowhere." It commences in the plains of Utah and ends 50 miles from San Francisco. It runs for 580 miles from Utah to Truckee in California, through a country that does not have business enough to pay for the oil that greases that does not have business enough to pay for the oil that greases the locomotives that draw the trains through that region. [Laughter.] All the business that pays them is from California and the through travel. We can rely only on the California and through business for revenue to the company from which to pay us our debt; clearly, then, we should get the road into such condition that it can get that business.

What is the chiest of a milroad company? It is to get from

What is the object of a railroad company? It is to get from somewhere to somewhere, from some city to another city. What makes the Baltimore and Ohio, and the Pennsylvania, and the New York Central valuable? It is because they begin at some great city and end at another. They have business between, it is true, in the thickly settled portions of the East, but the Central Pacific has no paying way business except in California. What is the object of reaching California by a railroad? To get to the city of San Francisco. If it did not get to San Francisco it would have no value, The aided portion of the Central Pacific does not reach San Francisco. Now, the proposition of the bill is to permit the United States to have a mortgage on property that will mit the United States to have a mortgage on property that will mit the United States to have a mortgage on property that will enable the Government, if it is obliged to take the road, to get into the city of San Francisco. They propose, in addition to what the Government now has, to have a mortgage on a road leading north, as you will see by reference to the map, up into Oregon, through a very fertile valley that will make money. There is another mortgage on a road leading directly south, as you will also see hyperference to the lines on that man into the San Josquin also see by reference to the lines on that map, into the San Joaquin Valley, and another from Niles to Oakland, and the ferry from Oakland to San Francisco, and the terminals at both cities, thus giving us a road commencing at some place and ending at the center of wealth and business and civilization on the Pacific Its arms thus extended, one to the north, the other to the south, and its head resting in San Francisco, will enable the road, in case the United States is obliged to take possession of it in the future, to obtain business from California's fertile valleys and enterprising cities, and thus secure revenue from other than mere overland traffic. If taken now, the United States will have absolutely no business save the through overland trade, and that is not enough, and it will be in possession of a road without beginning or end, barred from the Bay of San Francisco, and dependent upon connecting lines for paying business. If this bill passes and de-fault is made, and the United States is obliged to take possession, it will have a road which will be able to do business without asking the permission of anyone. So if the United States is obliged

to take it at all, it will be in a position where it can make money.

Now, what are the other propositions embodied in this bill? We Now, what are the other propositions embodied in this bill? We provide that they shall make payment of principal and interest every six months. At the end of the first six months they must make such payment, at the end of another six months a further payment, and unless these payments are made the bill provides that the entire debt of the road shall become immediately due, at the option of the President. We have a guarantee, therefore, of the good faith of the company. In addition to that there is a guarantee of the Southern Pacific Company, a gigantic corporation, as my friends from California often say, a wealthy corporation, as I hear them say continually; a corporation that has dominated everything throughout that country, and wealthier than any other corporation. thing throughout that country, and wealthier than any other corporation in the country, as I have often heard them say—and that corporation guarantees the performance of the contract of the Central Pacific.

tral Pacific.

We are absolutely safe, then, in getting the money, and we ought to pass the bill and get the money due to the Government. Individually, as I have said, I would be in favor of wiping out the entire debt. That, of course, would help my people in California. If the roads did not have this debt upon their shoulders, they could reduce their rates of fare and transportation, and that would help my people; but as a citizen, and for the welfare of the whole country, I am in favor of making these railroads pay their debts, and on that theory I favor the bill because I believe that will be the result of it if it goes into operation. But they say that the

State of California is against this bill. Well, now, the mere fact that the State of California is against a bill is entitled to considerable weight, perhaps, but it does not settle the question. But siderable weight, perhaps, but it does not settle the question. But before this point can be considered it must be conclusively established that the people of California are against the bill. I know of one man from California that is not against this bill, and that is myself. I am not at all afraid to express my sentiments. I will show later that the voice of my State is not unanimous against this bill, but that a fair majority are for it, as evidenced by the newspapers of California.

I hope the chairman of the assemble with the control of the chairman of the assemble with the control of the chairman of the assemble with the control of the chairman of the assemble with the chairman of the control of the control of the chairman of the chairman of the control of the control of the control of the chairman of the chairman of the control of

I hope the chairman of the committee will give me ten minutes

Mr. POWERS. I yield to the gentleman ten minutes more.
Mr. JOHNSON of California. There is not a man from California in this House, if he dared to express his honest sentiments, but what would be in favor of this bill, always excepting the gentleman from the Seventh [Mr. Bowers]. Every other man, if he dared to express his honest sentiments, would be in favor of this bill, but they are all afraid of a blackmailing newspaper in San Francisco. They are afraid of the attacks made upon them and upon others by this blackmailer.

The opposition in California is unreasonable and hollow. It makes up in noise what it lacks in solidity. It mistakes vituners

makes up in noise what it lacks in solidity. It mistakes vituperation for argument, abuse for reason, caricatures for facts.

The traveler across the Western plains has frequently been deprived of needed rest and felt compelled to mount guard all night by hearing the most unearthly and hideous noises coming seemingly from every quarter of the horizon, and apparently from the lungs of a thousand wild animals anxious to rend his limbs the lungs of a thousand wild animals anxious to rend his limbs and feast upon the bodies of his horses, his family, and himself. Often has he paced the weary rounds of his camp with heart quickly beating, rifle in hand, finger on trigger, nervously waiting an assault while praying for the morning to come that he might face and fight in daylight the fierce wild beasts that, as he thought, encircled him. When at last the glorious orb of day came rising above the eastern horizon, illumining the whole earth, driving darkness away and giving renewed vigor to man and beast and flower and shrub alike he has carefully scanned the country rount. darkness away and giving renewed vigor to man and beast and flower and shrub alike, he has carefully scanned the country round about him that he might see the hordes that he thought had all night watched and waited for his death, when lo he found that two measly, gaunt coyotes had furnished all the noise and given him all the terror of his wasted night. So with this California opposition to this funding bill. If you turn the sunlight of truth upon it, destroy its secrecy, and show its true relations to the subject, you will find that all this noise, this opposition, this denunciation of the funding bill and its friends, all this fearful wail against Huntington and the railroad and the friends of funding comes from two persons gifted like the coyote, with leather lungs. comes from two persons gifted, like the coyote, with leather lungs, innate wickedness, and an infernal desire to injure all that they can not control.

These two are Adolph Sutro, by some mischance mayor of San Francisco, and William R. Hearst, by the gift of his parents the proprietor of the San Francisco Examiner—arcades Ambo.

of Sutro but little need be said. He admits his opposition to be founded upon personal spite against C. P. Huntington. Poor old man. I have naught but pity for him. He is undoubtedly crazy. The city and county attorney of San Francisco, Hon. H. T. Creswell, a Democrat, a lawyer of high standing, a citizen well known and respected, has on two occasions publicly stated that, in his opinion, based upon official and personal intimacy with him, Satro is inseen and should be examined by a compission of lungary. Sutro is insane and should be examined by a commission of lunacy and sent to the insane asylum. Hon, William Broderick, county auditor of San Francisco, a Democrat, a man of sterling integrity and great ability, indorses and echoes the views of Mr. Creswell. Hence we can afford to let the lurid-covered envelopes and liter-ature of Sutro pass unheeded as being the emanations of a brain diseased, the product of a mind gone mad.

Of the other of this precious pair of literary coyotes, William

R. Hearst, much could be said.

He is a young man, rich not by his own exertions, but by inheritance from his honored father and gifts from his honored mother.

He became possessed of the idea that he wanted to run a newspaper. Like the child in the song, "he wanted a bow wow," and his indulgent parents gave him the Examiner. By the reckless expenditure of large sums of money he has built up a great paper, The Examiner has a very large circulation. It did have a great in Colifornia.

influence in California.

It has done great good in California. It has exposed corruption, denounced villainy, unearthed wickedness, pursued criminals, and

rewarded virtue.

rewarded virtue.

At first we Californians were suspicious of "Our Willie," as Hearst is called on the Pacific Coast. We did not know what he meant. But we came to believe in him and his oft-repeated boasts of independence and honesty. Daily editorials written by "Our Willie's "hired men praising his motives and proclaiming his honesty had their effect. Besides, "Our Willie" through his paper was doing some good.

We knew him to be a debauchee, a dude in dress, an Anglomaniac in language and manners, but we thought he was hones

We knew him to be licentious in his tastes, regal in his dissipa-

we knew him to be incentious in his tastes, regal in his dissipations, unfit to associate with pure women or decent men, but we thought "Our Willie" was honest.

We knew he was erotic in his tastes, erratic in his moods, of small understanding and smaller views of men and measures, but we thought "Our Willie," in his English plaids, his Cockney accent, and his middle-parted hair, was honest.

We knew he had sought on the banks of the Nile relief from loathsome disease contracted only by contagion in the haunts of

oathsome disease contracted only by contagion in the haunts of vice, and had rivaled the Khedive in the gorgeousness of his harem in the joy of restored health, but we still believed him honest, though low and depraved.

We knew he was debarred from society in San Francisco because

of his delight in flaunting his wickedness, but we believed him honest, though tattooed with sin.

We knew he was ungrateful to his friends, unkind to his employees, unfaithful to his business associates, but we believed he was trying to publish an honest paper.

We knew he had money, not earned by himself (for we knew he was unable to earn any money save as a statue for a cigar store), but given him by honored and indulgent parents; we knew he needed no bribes with which to pay his way, hence, while we knew all these things, we did believe "Our Willie" to be honest.

We thought that he was running an independent newspaper on a

plane far above the ordinary altitude of newspapers, with a sincere desire to do good to the world, with an honest wish to expose shams, to speak the truth, and to establish a paper that, while it might be a personal organ, would still be an honest one. We came finally to admire "Our Willie" and to speak well of him and his paper.

When William R. Hearst commenced his abusive tirades against C. P. Huntington and the Southern Pacific Company and the Central Pacific Railroad Company and all who were friendly to them, and to denounce the funding bill and all who favored it as thieves and robbers, we thought his course was wrong, his meth-ods bad, and his attacks brutal, but we believed "Our Willie" to

be honest in it.

When C. P. Huntington told the truth about "Our Willie" and showed that he was simply fighting the railroad funding bill because he could get no more blackmail from the Southern Pacific because he could get no more blackmail from the Southern Pacific because he could get no more blackmail from the Southern Pacific because he could get no more blackmail from the Southern Pacific because he could get no more blackmail from the Southern Pacific because he could get no more blackmail from the Southern Pacific because he could get no more blackmail from the Southern Pacific because he could get no more blackmail from the Southern Pacific because he could get no more blackmail from the Southern Pacific because he could get no more blackmail from the Southern Pacific because he could get no more blackmail from the Southern Pacific because he could get no more blackmail from the Southern Pacific because he could get no more blackmail from the Southern Pacific because he could get no more blackmail from the Southern Pacific because he could get no more blackmail from the Southern Pacific because he could get no more blackmail from the Southern Pacific because he could get no more blackmail from the Southern Pacific because he could get no more blackmail from the Southern Pacific because he could get no more blackmail from the Southern Pacific because he could get no more blackmail from the Southern Pacific because he could get no more blackmail from the Southern Pacific because he could get no more blackmail from the Southern Pacific because he could get no more blackmail from the Southern Pacific because he could get no more blackmail from the Southern Pacific because he could get no more blackmail from the southern Pacific because he could get no more blackmail from the southern Pacific because he could get no more blackmail from the southern Pacific because he could get no more blackmail from the southern pacific because he could get no more blackmail from the southern pacific because he could get n Company, we were dazed with the charge, and as Californians we were humiliated.

We looked eagerly for "Our Willie's" denial, but it came not. On the contrary, he admitted that he had blackmailed the Southern Pacific Company into a contract whereby they were to pay him \$30,000 to let them alone, and that he had received \$22,000 of his blackmail, and that C. P. Huntington had cut it off as soon as he knew of it, and that he was getting even now on Huntington and the railroad company because he had not received the other \$8,000 of his bribe. He admitted by silence that the Southern Pacific

of his bribe. He admitted by silence that the Southern Pacific Company was financially responsible, but that he dared not sue it for the \$8,000 he claimed to be due because of fear that his blackmail would be exposed in court.

With brazen effrontery only equaled by the lowest denizen of the haunts of vice "Our Willie" knows so well in every city of the globe, he unblushingly admitted he had blackmailed the railroad company, but pleaded in extenuation that he did not keep his contract, but swindled them out of their money.

He showed himself to be the correct exponent of a scoundrel, as defined by Bill Tweed, namely, "A man who wouldn't stay bought." I can not tell how sad I felt to learn of this phase of Hearst's life. I had been his attorney. I had regarded Hearst as honest. I had praised his Examiner for its course, because I believed it to be dictated by honest, although at times mistaken, ideas.

To learn "Our Willie" was nothing but a common, ordinary, everyday blackmailer—a low highwayman of the newspaper world—grieved the people of California, myself included.

I regret it. For the honor of California I wish this exposé had never been necessary; but it is true, sadly true.

We have lost on the Pacific Coast an idol. We mourn a leader.

We have lost on the Pacific Coast an idol. We mourn a leader. We grieve over a dead and wicked newspaper.

People read the paper because it gives the news in large type, but they say while reading it, "Isn't it too bad Hearst should have sold himself. We did not expect it. He must be wicked at heart, for he didn't need the money."

If it be given to spirits of the departed to know the actions of those left behind them on this earth, the honored and respected father of "Our Willie" is suffering now from the blackmailing conduct of his son. [Laughter.]

And that is the man who has created all this furor in California. He has intimidated men. He has intimidated people. You do not know the terrorism that he has exercised in California with his paper. It is a paper that has a large circulation. You know his paper. It is a paper that has a large circulation. You know how it has abused and maligned and caricatured people in this House, the honored chairman of our committee [Mr. POWERS],

and other members of our committee, and our honored Speaker. I will not speak of myself, because I do not know but what I can get reasonably even with this man before I get through with him. [Laughter.] But he has carried it on for years. While we knew [Laughter.] But he has carried it on for years. While we knew all these things about him, we believed he was honest because he said he was, because he had his newspaper; but he has debauched the public mind in California by terrorism, he has terrorized over the public mind in California by terrorism, he has terrorized over everyone, he has issued his edicts that any man who dares to favor this funding bill shall be driven from public life, shall be ruined in private life, and shall be disgraced before the people and before the gods. But for one, knowing that I am right, knowing that this is a business settlement of the question, I am willing to stand for what I believe to be right, even if this blackmailing paper does continue to assault me.

continue to assault me.

These two persons have caused great opposition to the funding bill in San Francisco, but even there, where they have been aided by another paper owned by a business rival of the Southern Pacific company, they are alone practically.

A number of papers in San Francisco of equal prominence with Hearst's organ, not smarting under loss of blackmail, favor the funding bill. Nearly if not quite nine-tenths of the newspapers in California outside of San Francisco favor a funding bill.

In the Congressional district that I have the honor to represent I do not know of but four newspapers that empose the funding

In the Congressional district that I have the honor to represent I do not know of but four newspapers that oppose the funding bill. In the cities of Stockton, Marysville, Nevada, Grass Valley, and Sacramento, the papers, I believe, are unanimous for the bill. The city of Auburn has two papers favoring it. The thriving town of Jackson has two papers favoring it. The city of Oroville, one paper favoring it. So I could go on all over the district giving names and location of the papers that favor the funding bill. All of them are representative papers. They represent all shades of political belief.

of political belief.

The Chamber of Commerce of Sacramento, the capital of the State, composed of 176 representative business men of all classes of a city of 30,000 inhabitants, adopted unanimously the following resolution in favor of the bill:

SACRAMENTO, February 12, 1896.

At the regular annual meeting of the Sacramento Chamber of Commerce the following resolution was offered and passed unanimously:
Whereas it is important for the welfare of our community and our State that an early solution be had of the question of the indebtedness of the Central Pacific and Union Pacific railroads to the Government; and
Whereas we believe that any measure which will require the payment of said indebtedness upon reasonable terms would best subserve the interests of the people; and
Whereas the application of business principles to this indebtedness would indicate that an extension of the time for the payment of this indebtedness would be the best solution of the question to the end that the future finances of said railroads may be clear, and said properties be used, improved, and extended to their utmost capacity, with the object of insuring corresponding benefits to producers and shippers: Therefore,

Bett resolved, That our representatives in Congress be requested to favor any measure which will provide for the settlement of such indebtedness upon reasonable terms within a period of fifty years.

JOSEPH STEFFENS, President.

So it is all over the State. A majority, as I am informed of the

So it is all over the State. A majority, as I am informed, of the newspapers in the district represented by Mr. McLachlan, and that represented by Mr. Bowers, and that represented by Mr. Barham support the bill.

Why, then, all this talk about California being opposed to the proper settlement of this question?

I may remark right here that there is a man from California.

I may remark right here that there is a man from California, who is a member of this House, who has undertaken at certain times to defend this man Hearst, and no doubt he will now. If he does, I hope he will fool no man in reference to the matter. It is a question of defending a blackmailer, and not of defending a

newspaper.

Now, in conclusion, in reference to this matter, shall we pay any attention to the wailings of this blackmailer; shall we pay attention to the shrieks of this man Sutro; or shall we pay attention to the settlement of a business matter, and settle it once and forever upon business principles? It is purely and solely a business question. It does not rise to the dignity of anything else. All talk of the past should be forgotten. Let us look at the present. Let us not think whether or not we would have done better than those men who built the road. I hate to think of what some many would have done if they had had the chance of these men who men would have done if they had had the chance of these men who built the road. [Laughter.] Of course I do not allude to any man in this House, but I hate to think of what would have been the result if others I could name had been given the opportunity to construct these railroads.

Now, is not this a business question? In regard to the Union Pacific, I frankly confess I am not familiar with that road. I have read their statement and the proposed settlement, and it seems fair and full. So far as the Central Pacific is concerned, I am familiar; and I want to say that as a Californian I am proud of its action. Under the act of 1862 the Central Pacific built 31 miles of its road where the Union Pacific did not build a single mile and could not until the act of 1864 was passed. As a Californian I am proud on the could not until the act of 1864 was passed. mile, and could not until the act of 1864 was passed. As a Californian I am proud of the Central Pacific, because of all of the railroads aided by the Government that is the only road that never

has defaulted on its interest and never has failed to keep every contract it made with the Government and with everybody else. It is the only aided road that has never gone into the hands of a receiver. When gentlemen speak here about that railroad being unable to keep its contract, they do not speak with reference to the fact. They are simply speaking of their own feeling; for I repeat, that road so far has kept every contract it made with the Government. It has never defaulted. It has paid every dollar of its indebtedness as it became due.

its indebtedness as it became due.

It stands ready to-day to take up this contract and to carry it on. But gentlemen say the rate of interest is too small. They say 2 per cent is too small a rate. Why is it too small? It is all they can pay. You say they could pay more. Why? The mere fact that a man says so does not prove anything. The earnings are shown for five years by the report, and they show that this road can not pay any larger sum than it is proposed to pay. This debt the railroad will commence paying immediately. In the first year \$1,500,000 of principal and interest, in addition to \$2,400,000 of old debt. The charges upon this road are fixed by law, and they can be ascertained by everyone. The charges fixed for 1896 are \$4,326,000. I ask every member of this House to drop everything except the common-sense, business view, and to accept the settlement of this question on a business line. Remove it from politics; remove it from Congress; remove it so that the blackmailer no longer can hold it in terrorem against men, but will be obliged to allow everybody to carry out their ideas as to them obliged to allow everybody to carry out their ideas as to them seems proper. [Applause.]

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. Grosvenor having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. Platt, one of its clerks, announced that the Senate had passed bills of the following titles; in which the concurrence of

passed bills of the following titles; in which the concurrence of the House was requested:

A bill (S. 3219) donating condemned cannon and cannon balls to Wadsworth Post, Grand Army of the Republic, of Helena, Mont.;

A bill (S. 3035) granting a pension to Mrs. Elizabeth Gnash;

A bill (S. 2393) for the relief of William E. Bond;

A bill (S. 2338) for the relief of Joshua Bishop;

A bill (S. 811) to provide a district attorney and marshal for the western judicial district of the State of South Carolina;

A bill (S. 687) to apply the unexpended balance of the amount heretofore appropriated for the relief of the captain, owners, officers, and crew of the late United States private armed brig General Armstrong, their heirs, executors, administrators, agents, General Armstrong, their heirs, executors, administrators, agents, or assigns; and

A bill (S. 470) granting to the State of Washington certain

lands therein situated for the purpose of a fish hatchery.

The message also announced that the Senate had passed without amendment the bill (H. R. 3877) granting a pension to Henderson Marple.

The message also announced that the Senate had passed with amendment the bill (H. R. 2663) to amend the laws relating to navigation, asked a conference with the House of Representatives on the bill and amendment, and had appointed Mr. FRYE, Mr. NELSON, and Mr. WHITE as the conferees on the part of the Senate.

The message also announced that the Senate had passed with amendment the bill (H. R. 2259) for the relief of William B. Ellis in which the concurrence of the House was requested.

PACIFIC RAILROAD BILL.

The committee again resumed its session.

Mr. POWERS. I yield ten minutes to the gentleman from Penn-

sylvania [Mr. Arnold].

Mr. Arnold].

Mr. Arnold].

Mr. Arnold].

Mr. Chairman, I will detain the House but a very few moments, as my time is limited. I desire in the first place to repeat what has been frequently said upon the floor of this House, and that is that this is a business proposition. All these allegations of peculation and of fraud in connection with the building of these roads has, I believe, no place in the discussion before this House. It may be true, as alleged, that a large amount of money was made in the construction of these roads. It may be true that they have paid large dividends, some of which money should at least have been paid to the Government. It is true beyond question that when Congress many years ago postponed by an act of Congress the Government lien, a mistake was committed. But with all these things we have nothing to do. We are confronted, in the language of another gentleman, with "a condition and not a theory" about peculations and any allegations in reference to fraud. These all may have occurred. I know nothing about it, and many members here know nothing about it whatever. We do know to-day, however, there are due this Government something like \$110,000,000 from the Union Pacific and Central Pacific railroads, and it becomes our duty as members of All these allegations of peculation and of fraud in connec-Central Pacific railroads, and it becomes our duty as members of this House to ascertain, if we can, how we may best get our money back and how certainly we may get it back.

As the gentleman from California stated, and as I have said,

there are practically two propositions before this House. One is to extend this indebtedness according to the terms of this bill, and the other is Government ownership of these railroads; indeed, it was asserted time and time again before the Committee on the Pacific Railroads, by gentlemen who will argue against this bill to-day, that the very purpose of preventing the funding of this debt was that the Government might become the owner of the roads. I desire to state further that the committee in considering and preparing this bill had two objects in view, the first being that the Government should get its money, and the second that it should get that money as rapidly as the earning power of these roads would permit.

The gentleman from Missouri [Mr. Hubbard], my genial friend the Doctor, who has spent a large portion of his time in prescribing for dead patients [laughter], stated that the net earnprescribing for dead patients [laughter], stated that the net earnings of these roads were largely in excess of the amounts stated by Mr. Tweed before the committee. As the gentleman from California stated, we obtained the very best information possible, and the gentleman from Missouri misleads this body when he states that the net earnings of these roads ran in 1890 to over \$6,000,000, in 1891 to \$7,400,000, in 1892 to over \$5,000,000. The gentleman, I say, is not fair, because he omitted to state that he had not deducted from these alleged net earnings the moneys paid into the sinking fund, or the interest on the mortgage indebtedness, which, with other sums, would reduce the net earnings to about the

sinking fund, or the interest on the mortgage indebtedness, which, with other sums, would reduce the net earnings to about the amount claimed by Mr. Tweed.

The net earnings in 1890 were \$898,000; in 1891, a little over \$2,000,000; in 1892, \$861,000; in 1893, \$784,000; in 1894, \$441,000, and in 1895, \$420,000; an average of \$812,000. During that time there was \$530,000 taken out of the net earnings and paid annually into the Treasury. The committee examined this question very carefully, and they deemed it especially important to ascertain how far and to what extent we could tax these companies to tain how far and to what extent we could tax these companies to pay the debt due the Government. In that connection the ques-tion of interest was all important—whether we could afford to fix such a high rate of interest as would make it absolutely impossible for them to pay it, and whether we should require such a large sum during each year as to defeat the whole purpose of the bill.

bill.

We examined these questions with great care, and our calculation is that after paying under this plan on the principal at the rate of \$365,000 the first year—\$1,000 for every day in the year—\$550,000 the second year, and \$750,000 annually thereafter until the debt is paid, with interest at the rate of 2 per cent per annum on the extended indebtedness, and with the payment of these sums on the principal of the debt, the earning power of these roads would be taxed to its utmost limit. In other words, as was suggested by the gentleman from California [Mr. Johnson], an addition of even one-half per cent to the rate of interest which they propose on the first-mortgage lien would more than eat up the small tion of even one-nair per cent to the rate of interest which they propose on the first-mortgage lien would more than eat up the small balance that would be left in the Treasury, and, as the gentleman from Vermont [Mr. Powers] has stated, it is very important that some small amount shall remain in the Treasury. So, in framing this bill, we have simply done the very best we could in view of the earning capacity of the roads. I have no doubt in my mind of the shill treasury these roads to pay for two reasons. First because earning capacity of the roads. I have no doubt in my mind of the ability of these roads to pay, for two reasons: First, because we do not tax them beyond their ability, and second, because the next generation, after all of us have gone, will see such magnifi-cent development in the West as will increase the value of these properties immensely. As the gentleman from California has stated, they are valuable only because of their earning power, and as the great West settles up the earning power of these roads will largely increase.

Again, to show the safeguards which the committee have endeavored to throw about this bill, let me suggest this point. The companies, under the terms of this bill, can not pay any dividends upon their stock until they shall have first made these annual payments on the principal and shall have paid all the interest under the terms of the bill, and then they can not pay over 4 per cent dividends. Any amount in excess of that is to go to the liquidation of

Again, it was alleged that this was simply an extension sought by the Central Pacific road for the purpose of getting rid of payment altogether; that they had no intention to pay. It was alleged by gentlemen from California that the Southern Pacific

alleged by gentlemen from California that the Southern Pacific was a great and rich corporation; that it had absolutely ruined the Central Pacific property, and that the Central Pacific, therefore, could not earn its share of the money to pay this debt; in fact, that the property was not worth even the first lien.

Now, in order to protect the Government against those allegations, whether they be true or false, we have previded in this bill that the Southern Pacific Company shall guarantee the payment of the principal and interest as it becomes due. We have gone further and have investigated the charter of the Southern Pacific road to ascertain whether under the charter it has the power to make the gnaranty—whether it would be bound in law by such & make the guaranty-whether it would be bound in law by such &

guaranty. All these questions have been carefully examined. Now, I want to say, without boasting and without attempting to flatter any of the members of the committee, that I know this committee has labored earnestly and most assiduously in the preparation of this bill. The subject has been before Congress for years. The time has come for the settlement of the question. The President of the United States in his last message has stated that some action would necessarily be taken by the Executive unless Congress would move in this matter. I believe this is a just and heavet hill. The principal expectation to it comes from just and honest bill. The principal opposition to it comes from the Pacific Coast. Now, I have nothing to say as to the allega-tions against Mr. Huntington, either for or against them. I do not know anything about them, so far as I am concerned. But I do know this, that in all departments of life—in political life, in to know this, that in all departments of life—in political life, in business life, in professional life—success, wherever you find it, succeeds only a short time before there follows a lot of mud slinging in the rear. You have all experienced that. Furthermore, the principal opposition to this bill comes from the State of California.

California.

[Here the hammer fell.]

Mr. POWERS. I yield to the gentleman two minutes more.

Mr. ARNOLD of Pennsylvania. I simply wish to say to the
House that we are not to legislate for the State of California.

Much as I admire that State, much as I want to see that prosperous
State still more prosperous, much as I want to see the prosperity
of the people of that State advanced, I wish to say that we are
legislating for the entire Union. Let the fight as between Mr.
Sutro and Mr. Hearst on the one side and Mr. Huntington on the
other go on to the hearts' content of the combatants. But let us
address ourselves to the question before us, which is not their
fight, but the question how the Government can save its money.

The proposition to defeat this bill is simply in the interests of
Populism pure and simple—the Government ownership of rail-

Populism pure and simple—the Government ownership of rail-roads. I might say, as I have stated before, that there are just two questions before this House—either pass this bill or have the Gov-ernment ownership of railroads. I am opposed, as I believe the ernment ownership of railroads. I am opposed, as I believe the vast majority of this House is, to any Government ownership of railroads. We are trying to get out of the railroad business instead of getting into it. [Applause.]

Mr. POWERS. Mr. Chairman, I believe that under the rules we on our side have the closing of this debate.

The CHAIRMAN. The gentleman from Vermont has fifty-government of the gentleman from Vermont has fifty-governments.

even minutes remaining, and the gentleman from Missouri [Mr.

seven minutes remaining, and the gentleman from Missouri [Mr. Hubbard] has an hour and one minute.

Mr. Hepburn. I call the attention of my colleague on the committee [Mr. Powers] to the fact that there will not be to-day that full amount of time, because under the rules there must be a recess taken promptly at 5 o'clock.

Mr. POWERS. I am aware that four or five minutes will be lost by somebody; and I am willing to divide the loss with the gentleman from Missouri, one-half the time to be taken for his side and one-half for ours. Is that fair?

Mr. Hubbard. Yes, sir.

I now yield fifteen minutes to the gentleman from Wisconsin.

now yield fifteen minutes to the gentleman from Wisconsin [Mr. COOPER].

[Mr. COOPER of Wisconsin addressed the committee. See

Mr. HUBBARD. I yield thirteen minutes to the gentleman from Colorado [Mr. SHAFROTH].

[Mr. SHAFROTH addressed the committee. See Appendix.]

Mr. HUBBARD. I yield one-half minute to the gentleman from

Mr. COOPER of Wisconsin. Mr. Chairman, there is only a word that I want to say at this time. I desire to call attention to a fact which I think some members are not familiar with, and it is this: The Government directors of the Pacific railroads are unanimously in favor of a foreclosure by the Government. Their report for 1895 so recommends, and they indorse that recommendation in their report of this year, and among them are such men

[Here the hammer fell.]
Mr. HUBBARD. Mr. Chairman, I now yield seven minutes and a half to the gentleman from New Jersey [Mr. PARKER].
Mr. PARKER. Mr. Chairman, I have given weeks of study to this matter ever since I heard it was coming before this body at this session of Congress.

How I can tell my conclusions in seven minutes and a half I do not know, but I have studied this question from the ground of

not know, but I have studied this question from the ground of what a prudent man would do in a case of this kind.

None of these reports puts before Congress the net average earnings of these companies for the last ten years. This is information which must be obtained from various books. None of these reports shows the average fixed charges. I have that information from the Railroad Commissioner. I find that in the last eight years the Central Pacific paid all its first-mortgage interest on all

classes of securities; that it paid \$7,400,000 of dividends; that it put five and three-quarters millions into its sinking funds and put four and a half millions into the United States sinking fund; and that its net earnings over the first-mortgage interest, instead of being nothing, were \$2,400,000 a year, and were sufficient to pay over 4 per cent on the claim of the United States against it, a claim, instead of being, as originally, \$27,000,000 of principal, has been increased until the net claim now is somewhere near \$60,000,000.

\$60,000,000.

The Union Pacific is in the hands of receivers. Their reports show the same result. Their net earnings over the first mortgage, if you take out sinking funds, were, per year, \$2,778,000—enough to pay 5 per cent on the claim of the United States. And these are the figures for the last ten years—bad years for railroads. Under these circumstances the United States Government is going to borrow money to pay off \$60,000,000 worth of bonds. Is it then to receive in return 2 per cent, not only on that, but on what it has already paid for interest, on which payments for interest it has already lost a sum of money which, I believe, amounts to about \$26,000,000? about \$26,000,000?

about \$26,000,000?

These roads are not insolvent; nor need the Government take possession; nor need they be foreclosed; nor need it foreclose. Receivers are now operating the Union Pacific for the benefit of those concerned. The Government lien applied by the original statute of 1864 to all property of the whole line of road and all property of both these railways. The Supreme Court has not said that the lien does not extend to all that property, but that it does not affect any road which has not been helped by subsidies. If the lien be defective, we as the holders of a mortgage on part of a plant have a right to insist that the first mortgage on the whole plant shall be so administered and marshaled as to give us the benefit of the lien on the whole. That is law and equity. We have this right in any foreclosure which may be made.

What is more, the Government can not be foreclosed. The first mortgagees can take possession; they can hold the property and apply the rents and profits through a receiver and prevent the Government in all fairness from taking any more for sinking

Government in all fairness from taking any more for sinking funds and can pay off their mortgage with the income, rents, and profits, which would pay it off, even at 6 per cent. But they can not say that the Government has been guilty of laches in not exercising an equity of redemption; and they can not foreclose, and it is not fair that they should foreclose, the people of the United States.

Now, when, after thirty years of waiting, the right has accrued to the Government of the United States to insist upon the payment of its debt out of whatever assets the company has, is this Congress to accept the very first proposition that is made to it—a proposition that the one hundred and thirteen and a half million dollars which these companies owe shall be paid on an average in fifty years, with interest at 2 per cent, and that we shall lose from

fifty years, with interest at 2 per cent, and that we shall lose from 1 to 1½ per cent every year in the interest we pay on the money that we have borrowed to pay interest, or shall borrow to pay the principal, now coming due?

One and a half per cent for fifty years on \$113,000,000 is somewhere about \$80,000,000, which this bill would give away, although the property that is left, without counting any right of recourse to anyone to restore the lien of the Government on property that has been taken away, is amply sufficient to pay the whole debt included in both the first mortgage and the Government lien at any fair rate of interest.

any fair rate of interest

any fair rate of interest.

[Here the hammer fell.]

Mr. HUBBARD. I yield the balance of my time to the gentleman from Colorado [Mr. Bell].

Mr. BELL of Colorado. Mr. Chairman, as strange as these proceedings may seem, we are now trying to pass a bill for the Pacific railroad companies and in derogation of the sacred rights of the people of the United States. The act creating these roads gives possession, control, and management of them to the Governgives possession, control, and management of them to the Government without legal process or hindrance upon default of the payments required by the act; hence the Government is now amply protected. No doubt but the country, as well as this House, was greatly surprised at the special plea and specious defense made of these companies by the distinguished chairman of the Railroad Committee. For the first time, probably, since the organization of these companies, we have found a distinguished United States official not financially interested who commends, extols, and upholds what every historian as well as the public press and traditions of the people consider the most disgraceful piece of legerdetions of the people consider the most disgraceful piece of legerde-main and unpardonable corruption and scandal that has ever blotted the bright escutcheon of the American Government.

The chairman declared that after the United States granted the charter the contrivers of these roads failed to build, that they returned to Congress and reported that by reason of the Government's first mortgage they could not secure money, and that Congress patriotically withdrew its first lien and took a second mortgage. Mr. Larrabee, an old railroad manager, an ex-Republican governor of the State of Iowa, and the author of that splendid

book on the evolution of railroads, as a historian, has given a different version of this transaction. He says it is true that the manipulators of these roads assumed the garb of patriotism and appealed to the Government for help, warning them that if they did not connect the West with the East they would lose the great country west of the Mississippi River. That Congress, without hesitation, much consideration, or debate, granted the charter of 1802. That these manipulators of men, seeing their efforts so fruitful and the obstacles so trifling, reached the con-clusion that they might, with a small effort, obtain most anything from Congress they might demand. Therefore, they doubled their demands and secured all they asked. He, and every committee and every man that has ever written upon the subject, pronounces the building and operation of these roads the most scandalous and fraudulent transaction with which the American people have ever been connected. Mr. Larrabee further says:

and every man that has ever written upon the subject, pronounces the building and operation of these roads the most scandalous and fraudulent transaction with which the American people have ever been connected. Mr. Laurabee further says:

The charter of the Union Pacific Railroad Company was granted by Congress on the 1st day of July, 1822. Shortly after the beginning of the ward from the second of the ward of

This company now comes to Congress and not only asks Congress to give it the whole of the debt that it owes the people, but to also loan it the credit of the Government for fifty more years. I understand it has been figured out that the difference between 2 per cent and the value of money, even at the lowest rate for which it can be had, for the time the Government credit is to be extended will equal the debt that the roads owe the Government. Therefore it would be much better for the people of the United States to give this debt to these roads without quibble than to loan them their credit for another half century with all of the

Central Pacific, a competing line; has complete control of it; has one traffic manager for the two roads. The Southern Pacific, owned by the lessee, and extending from California to New Orleans, has a connecting line of steamships from there to New York, and thence across the Atlantic and to all the world, and by extending this charter, and giving them a monopoly of these two great transcontinental lines, they will continue their plunder, to the ruin and injury of the people of the great Pacific Slope.

I was surprised at the chairman of the committee and the gen-

I was surprised at the chairman of the committee and the gentleman from Pennsylvania [Mr. Grow] lauding the builders of these roads as patriots and as entitled to great consideration at the hands of Congress and at the hands of the people of the United States. The evidence of Mr. Huntington, the chief moving spirit in the Southern Pacific and Central Pacific, frankly admits that these roads were built by the Contract and Finance Company, consisting of himself Laland Stanford Mark Hopkins and Mr. consisting of himself, Leland Stanford, Mark Hopkins, and Mr. Crocker, and maybe some other small interests, the same men that owned and were building the Central Pacific Railroad. He frankly admits in his testimony that the directors of the Central Pacific contracted with the directors of the Contract and Finance Pacific contracted with the directors of the Contract and Finance Company, being the same men in each board, for the building of the Central Pacific road. The Central Pacific directors took the stock and bonds, turned them over to the Finance Company, and the Finance Company built the road. When the committee of Congress investigated the subject, the railroad companies were alarmed to think the people of the United States should question their right to trade with themselves and cheat or defraud themselves are they always the rights to trade with themselves are they always the rights to trade with themselves and cheat or defraud themselves are they always the rights to trade with themselves and cheat or defraud themselves are they always the rights to trade with themselves are they always the rights to trade with the rights to trade with themselves and cheat or defraud themselves are they always the rights to trade with the rights to trade with themselves and the rights to trade with the rights to trade with the rights to trade with the rights the rights the rights to trade with the rights the r their right to trade with themselves and cheat of derrand themselves, as they claimed the right to make such contracts with themselves as they saw fit. They said to the committees of Congress that when they contracted as directors of the Central Pacific road with the directors of the Contract and Finance Company, the road with the directors of the contract and Finance Company, the same individuals, "the rule of equity, as it is written in the injunction, 'no man can serve two masters,' certainly did not apply to them, because they were acting in their own interest and were not charged with the duty of caring for others' rights, there being no

other persons interested in the subject-matter."

Mr. Huntington very boldly admits that the companies spent two millions of dollars in employing lobbyists, or agents as he calls them, to appear before Congress, legislatures, and other organizations and explain their interests to the lawmakers, and admits that he is spending money now in Washington in explaining his interests to the members of Congress. In his examination before the Senate committee this colloquy took place between Senator Morgan and Mr. Huntington, viz:

Senator Morgan. I do not want to try to prove that you paid money to members of legislatures or to members of the House or Senate. I do not think that has any particular bearing on this particular case at this particular

bers of legislatures or to members of the House or Senate. Ido not think that has any particular bearing on this particular case at this particular time.

Mr. HUNTINGTON. Still, I would like to say as a witness, when that question comes up, that I never did pay any money to anybody directly to influence his vote. Of course I might hire somebody to go and explain a bill to a member of the legislature or to a member of Congress, and get him to vote for it by giving him all the facts in the case. I understand the trouble to be that legislators have so much to do that they can not examine every subject; and while I can not get to talk with them, almost every member has somebody in his district who knows him and who can sit down beside him and talk the matter over with him. I can not do so if I would, and I have to get it done by others. I see that the great London and Northwestern Railway spent £50,000 to get their charter through Parliament, and nobody supposed that they bought a vote with it.

Senator MORGAN. If they did not buy votes, they violated the English custom. We have not yet got to that as a regular business.

Mr. HUNTINGTON. I supposed that it was paid to attorneys.

Senator MORGAN. This report of the commission states that you had paid out a very large sum of money in this way.

Mr. HUNTINGTON. They state it at over \$2,000,000. I told them that it must be more than that.

Senator MORGAN. You told them so in your deposition?

Mr. HUNTINGTON. I think I did. One railroad man told me not long ago that in Albany he always calculated to spend \$250,000 a year for attorneys to go there and explain matters.

Senator MORGAN. Did that \$2,000,000 which you spent come out of your private pocket?

Mr. HUNTINGTON. No.

private pocket?

Mr. HUNTINGTON. No.
Senator Morgan. Where did it come from?

Mr. HUNTINGTON. From the Contract and Finance Company, I suppose.

Leland Stanford stated upon oath that they had declared dividends or divided up stocks amounting to fifty-two millions of dol-lars at the completion of the roads. I do not mean to say or for one moment to intimate or infer that a single member of this or the other House has or could be influenced by the use of Mr. Huntington's or any other man's money. I believe such things are beneath any member of either House, and I would not have it go to the country as coming from me that any member of this body or the other was subject to influence by the direct use of money, and neither have I ever seen anything during my service to justify the slightest suspicion that any member of Congress has been corruptly influenced. But these managers and manipulators of men and lobbyists undoubtedly wield a great power in shaping legislation in this and all other countries by intrenching states to give this dent to these roads without quibble that to shaping legislation in this and an other countries by intredining loan them their credit for another half century with all of the their sympathizers and legal departments in office and by supporting expense and attending scandals.

There is more in this controversy than the mere securing of the Government debt. The Southern Pacific Railroad has leased the General Wheeler, from Alabama, than whom there is no better or more commendable Representative, weakens upon the fear that the Government might own and control a railroad. This is his

weak point.

The gentleman from Texas [Mr. Bell] has the groundless fear that intimidates him—that is, should these roads be taken by the Government to be operated in the interests of the people, that the patrons of the road would have a lower rate of tariff than the other people of the United States. If that would be the result of the Government ownership of railroads, the suffering people of this country would welcome it in every part of the land. But we ask no such advantage. Let the Government charge a reasonable rate on its investment. It is not the high railroad rates that destroy prosperity so much as the discrimination between different interests and combinations to make different articles pay every cent that the traffic will stand and induce the shipment, instead of placing the traffic on the actual cost of transportation with a reasonable income on the actual investment. Our demand is not that the Government build a road, or that the Government buy a road, but simply that the Government shall use the right it has already bought and paid for. It has paid for the building of this already bought and paid for. It has paid for the building of this road, and the promoters thereof have made a vast fortune out of it. There is no law in morals or elsewhere that requires the people to pay toll to outsiders on their own donations. It is not necessary that there should be any great machinery for operating these roads. They may be operated under a receiver; they may be operated by the Government directors, or they may be operated under a lease.

And, in further answer to our friends, Judge Dillon, of the United States court, in an order appointing Hon. J. B. Grinnell receiver for the Central Railroad of Iowa in 1876, said:

The railroads in the hands of the court, and in the circuit there are eight or ten, have all been run with less expense and have made more money than when they were operated by the companies, and I hope and believe under your supervision that this road will prove no exception, and that the property will be worth more at the end of the litigation.

Upon Mr. Grinnell's resignation, after nearly three years of service, Judge Grant, in asking for the discharge of his bondsmen, said:

I concur entirely in the opinion of the state commissioners that he has very much improved the condition of the road, and he left it in far superior condition to that in which he received it.

Mr. Larrabee says, in his excellent work on railroads:

Mr. Larrabee says, in his excellent work on railroads:

A number of European States, notably Prussia, France, and Belgium, as well as Australia, British India, and the British colonies in southern Africa, have adopted government ownership of railroads. The motives which led to this step in the various countries differ greatly. * * * The experiment of state ownership and management of railroads has been longest tried in Belgium, and with the best results. With an excellent service, the rates of the Belgium state roads are the lowest in Europe. Their first-class passenger tariffs are, next to the zone tariff recently adopted in the State of Hungary, the lowest in the world, and are, for the same distance, lower than those of American roads. In Prussia the state service, upon the whole, is also superior to that of private companies, and is probably equal to the public demand. In France the Government only owns and operates less important lines, but furnishes upon these a more efficient and cheaper service than private companies would either be able or disposed to furnish. The oftrepeated statement of those opposed to government regulation to the contrary notwithstanding, government ownership and management of railroads is a decided success in Europe.

Mr. Jeans (an English author on railroads) says of state railroads:

Notwithstanding the superior financial result, the lines worked by the state are those kept in the best order, and the working of which gives the greatest satisfaction to the commercial world and the public in general as regards regularity of conveyance, cheapness of transit, and the comfort of

"It is difficult to see how any unbiased person can travel on any of the state roads of Europe without coming to the same conclusion. State management offers certainly some advantages to the sion. State management offers certainly some advantages to the public. Above all, the business of the roads is not conducted for the pecuniary advantage of a few, but for the common good. Commerce is not arbitrarily disturbed to aid unscrupulous managers in their stock speculations. New lines are not built for speculative purposes, but for the development of the country. Rates are based more upon the cost of service than upon what the traffic will bear, and the ultimate object of the state's policy is not high profits, but a healthy growth of the country's commerce, while the sole aim of a private company is to get the largest revenue possible."

The weak points of Mr. Powers, of Vermont, and Mr. Grow, of Pennsylvania, are influenced through their extreme patriotism. Notwithstanding the conclusive evidence that the Government subsidy bonds and lands granted have paid for the entire building of the roads, and the proof showing that Stanford, Huntington, Crocker, and Hopkins, who at the time they built these roads at a cost of forty or fifty million dollars, were assessed for not to exceed a quarter of a million dollars, came out multimillionaires, among the richest men of the country, our friend from Pennsylvania, Mr. Grow, seems to regret that, in addition to the land grant large enough to make an empire and a subsidy of over \$50,000,000 in bonds, they did not give them a bonus of \$100,000,000 more in cash, and says that Congress would have readily done it had it been The weak points of Mr. Powers, of Vermont, and Mr. Grow,

asked. Congress did give them in bonds and land more than suffi-cient to build the roads.

It will be remembered that the proof taken by the Wilson committee established substantially the following propositions:

First. That the Union Pacific Railroad, from Omaha to Ogden, was constructed under three contracts, known as the "Hoxie contract," the "Amer contract," and the "Davis contract."

Second. That through the intervention of assignments made by the holders of these contracts to trustees, and through the intervention of a constructed company known as the "Credit Mobilier of America," the profits derived from these contracts were secured to the officers and promoters of the Union Pacific Railroad itself. The persons who received these profits determined the amount thereof by their own votes.

Third. The result of these three contracts was as follows:

Cost to railroad company:

Ames contract Davis contract	\$12,974,416.24 57,140,102.94 23,431,768.10
Total	93, 546, 287.29
Cost to contractors: \$7,806,183.33 Hoxie contract 27,285,141.99 Davis contract 15,629,633.62	50, 720, 958, 94
The shift of the 12 has 22 at the second and the 25 has 25	42, 825, 328.34
To this should be added the amount paid Credit Mobilier on account of 58 miles	1, 104, 000.00
Total profit on construction	43, 929, 328. 34
Fourth. The actual cost of construction under these three c substantially equivalent to the proceeds of the first-mortgage company and of the Government bonds, as shown by the follow	bonds of the
First-mortgage bonds issued	\$27,213,000.00 3,494,991.23
Net proceeds	23, 718, 008, 77
Government bonds issued	27, 236, 512, 00 91, 348, 72
Net proceeds	27, 145, 163. 28
Aggregate net proceeds of both classes	EO 000 100 OF
Cost of whole road to the contractors	50, 863, 172, 05 50, 720, 953, 94

Fifth. That the actual profits realized from the three contracts, after reducing the bonds issued to their cash value and charging the stock issued at 30 cents on the dollar, were \$23,386,819.81. These profits are stated as follows:

Difference between proceeds of bonds and costs.

Ames and Davis contracts.

Bonds (cash value) Twenty-four million stock, at 30 Cash	\$11,310,900,00 7,200,000.00 2,346,000.00
Total	20, 856, 900.00

(2) In 1873 the disclosures made by the examinations conducted by the Wilson committee excited much public attention and indignation with reference to similar practices affecting the Union Pacific Railroad Company through the intervention of the Credit Mobilier. Comparatively little attention was given by that committee to the affairs of the Central Pacific Railroad Company. Mr. Huntington, however, was examined as a witness. He was examined as to the profits resulting from the construction of the Central Pacific road. He described them as being confined to the stock of the company, and that the share received by him amounted to \$1,00,000 of this stock. (See report of the Wilson committee, evidence of Huntington, page 703.) This evidence was given more than two years after the completion of the Central Pacific Railroad, and Mr. Stanford has testified that each of the parties in interest received \$13,000,000 of the stock of the company as his share of the profits. (See evidence of Stanford, volume 5, pages 2855 and 2856.)

The report of the Wilson and Pattison Pacific Railroad Committees unite in these conclusions as the reasons for passing these railroad acts:

railroad acts:

This act was not passed to further the personal interests of the corporators, nor for the advancement of commercial interests, nor for the convenience of the general public alone; but in addition to these, the interests, present and future, of the Government, as such, were to be subserved. A great highway was to be created, the use of which for postal, military, and other purposes was to be secured to the Government "at all times," but particularly in time of war. Your committee deem It important to call especial attention to this declared object of this act, to accomplish which object the munificent grant of lands and loan of the Government credit was made. To make such a highway and to have it ready at "all times," and "particularly in time of war," to meet the demands that might be made upon it; to be able to withstand the loss of business and other casualties incident to war and still to perform for the Government such reasonable service as might under such circumstances be demanded, required a strong solvent corporation, and when Congress expressed the object and granted the corporate powers to carry that object into execution, and aided the enterprise with subsidies of lands and bonds, the corporators in whom these powers were vested and under whose control these subsidies were placed were, in the opinion of your committee, under the highest moral, to say nothing of legal or equitable, obligations to use the atmost degree of good faith toward the Government in the exercise of the powers and disposition of the subsidies.

Our friends say the Government does not want to go into the

Our friends say the Government does not want to go into the transportation business. Why has the Government gone into the transportation business by keeping up the great Mississippi River and the Missouri River, and other great rivers of the country? It is that the country to the country may circulate cheaply from the interior of the country to the country to the country. the interior of the country to the coast lines. Why not take the Pacific railroad, a road built by the Government of the United

States, a road that was never built by the Huntingtons, never built by the Hopkinses, except as agents of the Government of the

United States, for the construction?

Now, if these roads are taken possession of by the Government, let them never pay off anything except the original bonds, and let every railroad in the United States that desires make reasonable traffic arrangements to run their trains over the track, just as they run their boats up and down the great Mississippi River. When that is done, Mr. Chairman, let the Government charge what is pages any to pay the running expenses only with a graph

When that is done, Mr. Chairman, let the Government charge what is necessary to pay the running expenses only, with a small precautionary sinking fund, and we will get a cheaper rate of transportation than we get now and a rate alike to all of the people. Now, there has never been any competition over this line, and I want to say that in this hearing before the Senate another combination has been shown. Mr. Huntington owns these great railroads and steamship line, and his company and others contracted with the Pacific Mail Steamship Line and bought every particle of room in those vessels, that there might be no competition between land and water transportation. I here append their agreement:

or room in those vessels, that there might be no competition between land and water transportation. I here append their agreement:

This agreement, between the Transcontinental Association, an association consisting of the following railroad companies, namely, the Southern Pacific Company; the Atchison, Topeka and Santa Fe Railroad Company; the Atlantic and Pacific Railroad Company; the California Central Railway Company; the California Southern Railroad Company; the Burlington and Missouri River Railroad Company; the Oregon Railway Company; the Denver and Rio Grande Western Railway Company; the Northern Pacific Railway Company; the Oregon Short Line Railway Company; the Union Pacific Railway Company; the Texas and Pacific Railway Company; the Oregon Short Line Railway Company; the Union Pacific Railway Company; the Texas and Port Worth Railroad, and the St. Paul, Minneapolis and Manitoba Railway Company; the Chicago, Kansas and Nebraska Railway; Denver, Texas and Fort Worth Railroad, and the Pacific Mail Steamship Company, a corporation created by and existing under the laws of the State of New York, party of the first part, and the Pacific Mail Steamship Company, a corporation created by and existing under the laws of the State of New York, party of the first part, made and entered into this 1st day of October, 1888, witnesseth:

First. That the said party of the first part, in consideration of the undertakings and agreements of the said steamship company hereinafter contained, undertakes, promises, and agrees to and with said steamship company to grantnee, and does hereby guarantee, that the gross earnings upon through freight and passengers between New York and San Francisco to be provided to said steamship company by said party of the first part shall be \$75,000 per month. All the gross earnings of said steamship company brosside to said steamship company.

Second. In consideration of said guaranty of said party of the first part shall be \$75,000 per month. All the gross earnings of said steamship company

a monthly average of 400 tons per vessel in case three steamers per month are run.

All above steamers to be first class and equal to those now maintained, and in case of the loss of a steamer or its withdrawal for any cause, the Pacific Mail Steamship Company shall as soon as possible furnish a steamer of equal capacity and rating. In the event of failure on the part of said steamship company to furnish proper and adequate facilities for the transportation of at least 1,200 tons of freight each way per month, at the rate of at least 400 tons per vessel, then the guaranty herein provided for shall be reduced prorate.

at least 1,200 tons of freight each way per month, at the rate of at least wotons per vessel, then the guaranty herein provided for shall be reduced prorata.

The steamship company is to bear and pay all the expenses and charges of every kind of transporting such goods, passengers, and freight from New York to San Francisco and from San Francisco to New York, including all charges and expenses of every kind in the ports of New York and San Francisco, and all supplies of passengers with food and sleeping accommodation, giving them proper accommodation according to class, and to continue to use all efforts to obtain first-class and other passengers as heretofore.

Third. The understanding and intention of this agreement is that the party of the first part shall, through agents appointed by itself, have entire and exclusive control of all the through business of the said steamship company between New York and San Francisco each way, and that no through freight or passengers shall be taken except at prices to be fixed by the party of the first part and by its consent, it being understood that said control shall be exercised through the established agencies of said steamship company. If the said steamship company shall have room or capacity for more than 600 tons, in the event of its running two steamers per month each way, of through freight on any steamer, and the party of the first part shall desire to fill it, the said party of the first part shall be at liberty to do so at rates fixed jointly by duly authorized representatives of the parties hereto, the party of the first part to half.

Fourth. The Pacific Mail Steamship Company shall render to the party of the first part to here half.

ness of each month on or before the 10th day of the succeeding month, showing the amount claimed to be due from the party of the first part under this agreement, and on or before the 30th day of the succeeding month the chairman of the party of the first part shall draw his draft in favor of the Pacific Mail Steamship Company upon each of the railroad companies constituting the party of the first part for the portion payable by it to said steamship company on account of the aggregate amount payable by the party of the first part to the said steamship company according to the foregoing provisions hereof. The portions of such aggregate amount payable from time to time by the respective companies forming the party of the first part shall be such as has been or may be fixed or prescribed among themselves; and each of the said companies forming the party of the first part shall be liable for the portion payable by the others or any other of such companies. Provided, nevertheless, that in the event of default in payment by any one or more of the companies constituting the party of the first part of its proportion herein provided for, it shall be optional with the party of the second part to terminate this agreement on giving ten days' notice to the party of the first part of the proportion herein provided for, it shall be optional with the party of the same, may, at any time, on demand, examine the books and accounts of the said steamship company for the purpose of obtaining full details as to freight and passengers transported by said steamship company under this agreement, and verifying the accounts and statements of the steamship company. Fifth, it is mutually understood and agreed that this contract shall be deemed to have commenced on the 1st day of October, 1889, and to include the earnings from through business on steamers sailing on and after that date, and as to each and all of the foregoing provisions shall continue in force thereafter until ninety days after written notice of the intention to terminate the

Attest:
Jos. Hellen, Secretary pro tem.

When these companies bought all the ship capacity of the Pacific Mail Steamship line, they had a monopoly and put the tariff at just what they desired, by land and by water. I want to say to our Eastern friends they have but little idea of what the people of the struggling West have stood and what they have to stand from the great Eastern corporations that come up and appeal to you for protection. You have but little idea of the combinations and the protection. You have but little idea of the combinations and the destruction that has stripped that country through the monopoly of railroads. I have seen in my own State, through the combinations of railroads, between two days, coal oil go from 55 cents to a few cents per gallon, and not an oil well at Florence, Colo., could operate a pump until the owners agreed to pump just so many barrels and sell it at such prices and within such range of territory as the Standard Oil trust determined; and it has stood that way for twenty years. We have seen manufacturing enterthat way for twenty years. We have seen manufacturing enter-prises strangled one after another through railroad combinations, discrimination, and rebates.

discrimination, and rebates.

I want to say to you my friends here that when you talk of putting another mortgage on the road you simply put another burden upon the shoulders of the people of the West. When you say you will assume a mortgage that is on the branch lines of the road, amounting to millions of dollars, and add it to the present debts of the company, to be paid before our debt, you simply say to the people of the Pacific Coast you must pay that additional sum in freight rates. We should not be burdened with any further debt.

Great changes are taking place in railroad sentiment in this country because of their fostering the great trusts. It is conclusively shown by Mr. Larrabee, by Mr. Lloyd, by Mr. Brooks Adams, Mr. Stickney, and other noted economic writers that there must be a radical change in railroads, else the interior of the coun-

must be a radical change in railroads, else the interior of the country where there is no competition will be stripped and impoverished and there will be a plethory of people in the cities at competitive points. They have reached the irresistible conclusion that there can be no competition between railroads where combi-

mation is possible.

Mr. Stickney declares, as a lifelong railroad man, that while a railroad can deal with one great concern by giving it a drawback, and thereby secure the business, it is not going to deal with

the smaller concerns.

Mr. Lloyd says the trusts, syndicates, and combinations are always made with the railroads behind them. "They hold back the riches of earth, sea, and sky from their fellows, who famish and freeze in the dark. They declare that there is too much light and warmthand food. They assert the right for their private profit

to regulate the consumption by the people of the necessaries of life and to control production, not by the needs of humanity, but by the desires of a few for dividends. The coal syndicates think there is too much coal. There is too much iron, too much lumber, too much flour for this or that syndicate. The majority have never been able to buy enough of anything, but the minority have too much of everything to sell. Liberty produces wealth, and wealth destroys liberty."

Mr. Stickney, manager of the Great Western Railroad Company,

said a short time ago, before the Interstate Commerce Committee:

You charge the Kansas and Nebraska farmer 13 cents to haul his grain 200 miles. You charge the grain dealer 6 cents to haul that same grain 400 miles to Chicago. I tell you, gentlemen, it is that kind of business that is making anarchists out of the farmers west of the Missouri River.

A newspaper adds:

Now, one never hears any complaint about the post-office monopoly selling postage stamps to the rich corporations for less than the farmer is asked, or of the New York World getting a lower rate of postage on its edition of many tons a day over the small country weekly with an issue of 25 pounds.

A few days ago there was a hearing in this city before the Inter-state Commerce Commission. The railroad people pleaded for a suspension of the long and short haul clause in the interstate-commerce law between Denver and the Pacific Coast. Two Colorado gentlemen took part in opposition of the suspension. I notice in one of my home papers, upon their return, that one of them received this notice from a shipper:

That Dave Day is not the only person in southern Colorado who kicks against being robbed by railroad corporations is attested by a few simple figures and just twenty-five words sent this office on Tuesday last from Rohde & Konig, butchers, of Rico. The memoranda on one of their monthly statements are in figures and words as follows:

77 sheep pelts, 18 cents each \$13.86 Freight to Montrose 10.00

Net received for 77 sheep pelts.....

These pelts were shipped to Henry Cadwell, Montrose, Colo. What do you think of it?
Well, gentlemen, we think a d—n thief had considerable to do with the making out of the freight schedule, and that the thief, thus far, has the eternal cinch on the suckers.

The distance these pelts were shipped was 77 miles only

The distance these pelts were snipped was 77 miles only.

These things are the products of private ownership. These are the things our friends so much admire; but the final verdict of the people will be that rather than be owned by the railroad companies they will prefer to own and manage their own transportation.

Mr. POWERS. I yield now the balance of the hour to the gentleman from Iowa [Mr. Hepburn].

The CHAIRMAN. The gentleman from Iowa is recognized for

fifty-seven minutes. Mr. HEPBURN. Mr. HEPBURN. Mr. Chairman, it seems to me that it would be well if we could strip this discussion of a good deal of the extra-neous matter and a great many of the improper considerations that have occupied the attention of gentlemen. We are not discussing have occupied the attention of gentlemen. We are not discussing a question of benefit to this man or that man or the other. It is a plain, open, business proposition of how the Government of the United States, finding itself a creditor, dealing in a large amount, with a bankrupt debtor—what course shall be pursued to secure some portion of that which is due to the Government. I confess at the outstart, Mr. Chairman, that I am not satisfied with the kill new predicts before the comparing. the bill now pending before the committee. It is not such and as I would prefer to have presented; but I believe it is the best proposition that is attainable. I would be glad if these debtors of ours could be compelled to pay every cent they owe to the United States, and do it quickly. I am not, like some gentlemen who are opposing this bill, in that condition of mind that I would suffer that it is a sea the debtors were able to reveal that great disappointment in case the debtors were able to pay all that they owe.

Mr. Chairman, in order to show to some extent the animus of some of the gentlemen who have argued against this bill, who are opposing this method of settlement, who have opposed every method of settlement, and will oppose all propositions looking to an adjustment that will leave these roads in the hands of the correction owners. I want to call attention to a frank and candid poration owners, I want to call attention to a frank and candid statement made by a great newspaper that has been already men-tioned in the course of this debate. One of the characteristics of that great paper is its frankness. It states without hesitation, without disguise, the actual proposition that it advocates.

me read briefly:

Mr. POWERS. What paper is it?

Mr. POWERS. What paper is it?
Mr. HEPBURN. I read from the Examiner, of San Francisco, of Friday morning, January 3, 1896, the leading article on the editorial page. Commenting upon an article on this subject in another paper, this editor says:

Our contemporary has put the cart before the horse. The people of this Coast are interested in the collection of the debt chiefly as a means of forcing the roads into the hands of the Government. If the hope of Government ownership were eliminated, they would take very little interest in the arrangements that might be made for the recovery of the money lent. Their interest in that point is precisely the same as that of every other section of the Union. As taxpayers, the people of California are no more directly concerned in the settlement of the debt than the people of Maine. The thing

that roused a flame of hostility to all funding schemes in California, while Maine remained cool, was the hope that the debt might be made a lever to pry open the fetters that bound this Coast under the rule of an arrogant and greedy corporation.

If Mr. Huntington should pay his debts in full and keep his road we could not legally object, but the people of this Coast would be bitterly disappointed. If there should be a foreclosure sale and he should bid in the property for half the amount of his obligations the disappointment would be greater yet. We should have neither emancipation nor money. The only satisfactory outcome would be foreclosure, followed by purchase on Government account and operation for the public benefit. That is what the 200,000 signers of the Examiner's petition demanded. The whole scheme hangs together and can not be segregated. To prevent foreclosure from being an even greater sacrifice of the public interests than funding would be, it must be coupled with a provision for Government purchase. Without that provision, foreclosure would be simply another name for the gift of the roads to Huntington, free of incumbrance.

Mr. Chairman, that discloses the animus of much of the opposite

Mr. Chairman, that discloses the animus of much of the opposi-tion that this bill has encountered, and especially from members from California. Perhaps it is not necessary that I should remind gentlemen who were in the last Congress of the bitter assault that was made upon the proposition then presented from the Committee on Pacific Railroads. Yet that proposition was, in all of its substance, precisely like that which was made here yesterday by the gentleman from Texas [Mr. Bell], and which received the plaudits of these gentlemen from California; but I undertake to say that if that proposition was the one pending, if that was the say that if that proposition was the one pending, if that was the measure before us here looking to securing the debt of the United States, every one of those acclaiming gentlemen of yesterday would be heard in the same bitter hostility to it that they manifested two years ago, and that they manifest to-day against the bill of the committee. They do not want any settlement that does not look to the ownership of this road by the Government, and its operation as a great highway upon which the owners of trains can compete with each other. They propose that we shall inaugurate the new but not untried experiment of Government ownership and operation of railroads. We have had experiences in that line. No less than seven of the States of this Union have, at different times, tried the burdensome and costly experiment, and in every instance the result has been loss to the public, disand in every instance the result has been loss to the public, dis-satisfaction on the part of the shippers, and emancipation from the business at great loss to the State.

The gentleman from Colorado [Mr. Bell] tells us of the admira-The gentleman from Colorado [Mr. Bell] tells us of the admirable manner in which this experiment is resulting in some of the European countries. I say that it has never been a success in any country as compared with proper management, or with the average management, of railways in the United States. In every instance it has been more expensive and less satisfactory. I have studied that phase of this question. I have read of the experiments that have been made, and, save in the two countries the gentleman names, it has been the effort of every nation in Europe to divorce itselffr om railroad business, and wherever the gove to divorce itselffr om railroad business, and wherever the governments have been able to do that, they have done it. The experiment generally has been a failure. In Belgium, with a dense population, with short roads having an immense traffic, the Government has been enabled to run its roads without loss, and there ernment has been enabled to run its roads without loss, and there are two roads in Hungary of which the same may be said; but, with those exceptions, neither the gentleman from Colorado nor any other gentleman in this House can point to a single instance where satisfactory results have been secured.

Mr. BELL of Colorado. How about France?

Mr. HEPBURN. France has abandoned the experiment in a great majority of instances, though there are still two or three roads in which the Government participates in ownership and in operation.

operation.

Mr. BELL of Colorado. They tried it only in sparsely settled

portions of the country.

Mr. HEPBURN. At one time the Government either owned or operated nearly all of the roads in France, but they have abandoned it, or are abandoning it as rapidly as they can.

Mr. Chairman, there has been much of misstatement with regard to alleged propositions which have been laid before the Committee on the Pacific Railroads. I do not mean to say that anyon gard to alleged propositions which have been laid before the Committee on the Pacific Railroads. I do not mean to say that any of these misstatements are willful, but I do say that they misrepresent the actual facts. The gentleman from Missouri [Mr. Hubbard] declared that very much better propositions had been made to the committee than the one it has reported to the House, and there was something of a sneer in what he said to the effect that the committee, abandoning those that were better, had selected the worst of all that had been brought to its attention. I deny it worst of all that had been brought to its attention. I deny it. The gentleman spoke of the "better" proposition made by Mr. Pierce. That proposition was that the Union Pacific road should be authorized to place a mortgage of \$100,000,000 upon the property, with which they would remove the now prior lien.

Of that one hundred millions of bonds the Government was to account thirty for million.

accept thirty-five millions. Its lien, mind you, not superior, but only equal to that of the other bondholders—in amount, \$65,000,000. Then, for the balance of its debt, it was to accept stock or a 2 per cent bond, secured by a second mortgage. That was the so-called Pierce proposition. The gentleman from Missouri made his figures upon that as though each year there would certainly be a

payment, as though the interest on the whole would be met, and as though the Government would be taking no risk in participating in this mortgage where there would be \$65,000,000 of liens, at least equal to its own, which it might be compelled to advance in order to protect its own; and he assumes that is a better proposition than that of the bill. Again, the gentleman referred to what he called the Hubbard proposition. What was that? It was that the principal of the debt of the Government should be paid at the principal of the debt of the Government should be paid at once; the balance of the debt to be extended and paid with a 2 per cent income bond. That is, the bond would be paid if the company had the income. But, sir, the possibility of the company making good this proposition depended upon its ability to extend its first mortgage so as to enable them to borrow the money which would be paid to the Government.

How could we do that? Where is the authority? This Hubbard proposition was not made authoritatively. It was not made by

proposition was not made authoritatively. It was not made by the Central Pacific Company. It was the idea of a single man who represented an estate that held some of the securities of one of the Central Pacific roads. No authoritative proposition of that kind has been made, and no man has the authority to say that it is within the limit of possibility. Yet the gentleman from Missouri, without that ingenuousness that ought to have charac-terized him, discussed this as a feasible business proposition, and terized him, discussed this as a feasible business proposition, and censured the committee for accepting the proposition they had advocated rather than the other. I thought this course was scarcely fair, and I would have been greatly astonished if it had not been for some other astonishing statements that the gentleman made. He told us that the Central Pacific Railroad had made a clear net profit in the building of its road of \$52,000,000, and the Union Pacific a profit of \$44,000,000 out of construction.

Mr. Chairman, the entire resources of the Central Pacific road were \$27,000,000 in subsidy bonds and \$27,000,000 in first-mortgage bonds. Remember, gentlemen, that those bonds were currency bonds. Gentlemen talk of the bountiful largess of the United States in passing the act of 1862 and the act of 1864. The act of 1862 provided for the subsidies and largely the land grant that subsequently came to the road; yet for more than two years those

sequently came to the road; yet for more than two years those companies were absolutely powerless to move. We were in the companies were absolutely powerless to move. We were in the midst of a great war. Within sixty days after the passage of the second act the notes of the United States were sold in the market for 38 cents on the dollar. The Government did not give to these corporations dollars; it gave to them all it had; it gave them bonds-depreciated bonds.

Under the first act the provisional companies fruitlessly attempted to raise money. Congress at that time recognized the gigantic character of this enterprise; and in addition to the land grants, in addition to the subsidies, it authorized a stock subscription of \$100,000,000. It was believed that the land grants and the subsidies and the stock would all be needed to build these roads.

Gentlemen will remember the differing conditions now and then—the difference in the cost of construction now and then. Now the construction of those roads would be a simple matter, with our knowledge of the geography and topography of that country.

All men know now that the road is feasible; then the fact was known only to the explorers and the few people who had crossed the thousands of miles of wilderness between the settlements upon the Mississippi River and the Pacific coast. Men could not be induced to engage in the enterprise. The law required that the stock books of the company be opened in all the principal cities of the United States for stock subscriptions. It limited the amount of stock that each single individual might take to inconsiderable sums. Yet with all the efforts that were made—the president of that provisional company was an honored citizen of my own State—we knew what was going on—we in Iowa were as much interested in this enterprise as any one of you people—we observed with solicitude and constant watchfulness what was being done we were compelled to note that the money of this country would not flow into this questionable enterprise

Then came the act of 1864. During those two years, be it remembered, no progress of any kind had been made; not a pound of iron had been secured—not a spike, not a spade had yet gone into the earth. Then Congress extended the land grant and authorized the issuance of bonds in amounts equal to the subsidies, which were to have the preference over the Government's mortgage. Yet, with that wonderful stimulus, it was a year and a half before any operations were begun on this side; and they were very meager ones in the valley of the Sacramento River, upon the other coast. Less than 20 miles had been built there—none at all here—up to the fall of 1865. After the close of the war the bonds had somewhat appreciated and were sold, the first ones at

Now, I want to call the attention of the gentleman to the serious error he made. The total amount of the receipts of the Central Pacific road from the sale of bonds at 70 cents—a few of them were sold at a higher price—was \$39,200,000. Remember that in construction the land-grant mortgage was not available. Remember that there was scarcely a dollar of stock available, gentle-

men tell us, that could have been sold; the enterprise was so questionable that the stock had no market value. Still the gentleman from Missouri, in his haste to bring some obloquy upon this proposition of the committee, makes the astounding statement that out of a possible \$39,200,000 the Central Pacific Company, this ravenous and rapacious corporation, managed to gobble \$62,-000,000. In the case of the Union Pacific road the sum available for its construction from sale of bonds at 70 cents was \$46,200,000,

for its construction from sale of bonds at 70 cents was \$46,200,000, and it realized \$44,000,000 of profit. It is by such statements as these that this question has been beclouded.

I do not know whether money was made out of this enterprise. I presume it was. I am not here to defend or to arraign those men who were engaged early in the enterprise. I know this, that if they made money out of this enterprise, it was because of the rise in the securities that they received. When they received the stock of those roads, it was valueless; no dividends had been the stock of those roads, it was valueless; no dividends had been paid, nor were any dividends made for years afterwards. Whatever there was of value in the stock came from the successful building of the road and the successful management afterwards. I only refer to this because I think gentlemen, whether their propo-

sitions are true or not, ought not to bring them here as make-weights against the proposition of the committee.

I am advised of this fact, that among all of the men connected with the Union Pacific road during its inceptive and constructive period there is not, so far as my knowledge goes, any one man to-day living who owns one of the securities of the road—that is to say. living who owns one of the securities of the road—that is to say, one of the security holders—who is trying to effect this arrangement. These men who are the present holders, at least of the Union Pacific securities, are not the men at whom these gentlemen have been leveling their lances. Those men have passed off the stage of life long, long ago. These men are, in large numbers, the foreign bondholders of the road, and are trying to save something for themselves; not the first-mortgage bondholders alone, but also some of the third-mortgage bondholders, and to some extent the stockholders, who recognize the fact that under a foreclosure all is lost to them.

is lost to them. Mr. Chairman, I desire this committee to look the facts that confront us squarely in the face. These two companies owe the United States, after appropriating every available dollar in their respective sinking funds, something more than \$100,000,000. This debt is secured by a second mortgage on about 2,200 miles of trunk railroad, but the mortgage does not cover any of the terminals in Omaha, Kansas City, Denver, or San Francisco. Prior to the mortgage of the United States on these same miles of railroad there is a first mortgage, given to secure bonds amounting, with interest, to about \$64,000,000. It is the opinion of the most competent experts that the mortgaged 2,200 miles of railroad is worth but little more than \$64,000,000. At all events, before the Government can expect to realize anything on its debt by a foreclosure of its second mortgage, it must pay off the \$64,000,000

Now, Mr. Chairman, there are three propositions, three courses that may be pursued by the Government in dealing with this question. I want to discuss them briefly.

First, that of allowing events to take their own course, and to be met under the legislation which we now have.

In order to protect itself, the Government finds that it must care for its own bonds and care for those bonds that have an overlying lien on the property. There are \$61,000,000 and a little over of the first-mortgage bonds, about \$64,000,000, with interest. Suppose that the Secretary of the Treasury appropriates all of the available funds now in the sinking fund of the two roads to meet the obligations to the Government. That will reduce the indebtedness to the Government of these roads several millions of dollars, perhaps as much as twenty millions. We will still have a debt, however, of \$41,000,000 of principal and pearly \$60,000,000 of several perhaps as much as twenty millions. We will still have a dept, now-ever, of \$41,000,000 of principal and nearly \$70,000,000 of accrued interest. We will have to pay off the first-mortgage bonds. There are \$61,000,000—with interest \$64,000,000—therefore, that the Government must advance before it can have any title to the road. After the Government has title to the road, the great bulk of its indebtedness is still unvaid because the roads are not worth one.

indebtedness is still unpaid, because the roads are not worth one-half of its debt and the first-mortgage bonds. Now, this is the actual situation: If the Government were to bid the amount of the first-mortgage bonds and the subsidy bonds, over \$100,000,000 for the two roads, there would still be that great mass of interest that has been accumulating on \$61,000,000 since 1868—more than \$70,000,000. Do we want to do that? We are bound to be the loser. The property we will take will not be worth these two sums. It has been suggested by every man who worth these two sums. It has been suggested by every man who has spoken with anything like authority on this subject, save one—and he at one time agreed with all the balance—that these roads would not sell to-day for the amount of the first-mortgage bonds. I believe that they could be duplicated to-day for a sum equal to that amount. I have no doubt, in fact, about it. I have talked with many experts in railway construction, and I think it is the opinion of all men that these roads—that is, that portion of the roads on which the Government has a lien—could now be built

for \$25,000 a mile. I know there are many enterprising men in the United States who would be glad to take the contract at that snm.

Now, Mr. Chairman, if we would bid this colossal sum of which I have spoken, we should have a railroad on our hands worth at the most fifty or sixty millions of dollars.

Mr. LACEY. Does that include the rolling stock and other

equipment?

equipment?

Mr. HEPBURN. I think so, sir.

If true, we are losing the whole of the debt. It is all wiped out, because I assume that the Government would want to dispose of its railroad in some way. I do not believe that we would be ready to enter upon an experiment in railroad operation. Why, Mr. Chairman, just think what that would mean. Suppose this—the purchase of these roads at the foreclosure sale—to be that entering wedge that will find full lodgment in the policies of the United States Government. It must mean that beyond the officers and employees now serving the Government the list must be extended to the enormous number of 900,000 men beyond the number that find their names upon the Blue Book—and 150,000 names are found upon the Blue Book at the present time—for all of the employees and servants of railroad companies in the United States will be come officers of the Government when it takes upon itself the ownership and operation of all the railroads, and there are 900,000 persons now employed by the railroads in the United States. There are prophets of the future who have told us that the great peril to our institutions lies in the fact of the great number of officers we have—150,000—giving added interest to the quadrennial elections; that this is a constant menace and a constant peril. As an adjunct to this control of railroads we must have the telegraph. There are 100,000 more officers to be added. In other words, we are to extend the Blue Book to six and one-half times its present limit. Are we ready for that? Do gentlemen want to do that? And yet that is what is involved in this proposition of Government ownership and Government control of railroads.

Mr. COOPER of Wisconsin. Mr. Chairman—

The CHAIRMAN. Does the gentleman from Iowa yield to the gentleman from Wisconsin?

Mr. HEPBURN. For what purpose?
Mr. COOPER of Wisconsin. For the purpose of asking a queson. I understand you to say that—
Mr. HEPBURN. Well, will the gentleman come to his ques-

Mr. COOPER of Wisconsin. Do you assert that this question of Government ownership of these railroads in the United States is involved in the foreclosure of the Government lien on these roads?

Mr. HEPBURN. I do not. I did not say so. If the gentleman had paid me the compliment to listen at the proper time, he would

have known that I did not say that.

Mr. COOPER of Wisconsin. I heard you discussing that.

Mr. HEPBURN. I said this was the entering wedge, and that the advocates of it were so persistent now because they recognized the fact that it was an entering wedge—that it is the begin-

of what they desire.

Mr. COOPER of Wisconsin. Will you answer one more ques-

tion?

Mr. HEPBURN. Oh, I should prefer not to be interrupted. The CHAIRMAN. The gentleman declines to yield. Mr. HEPBURN. Ask the gentleman from Colorado [Mr. Bell],

does he believe that this is the entering wedge? Does he not does he believe that this is the entering wedger. Does he had believe that it will be followed on and on, no matter at what expense, until every mile of railway in the United States is under the control and operation of the United States Government? Look at every platform, repeated over and over again as the years go by. If there is any one thing above all others that that somewhat whimsical Populist party is addicted to, it is to this proposition of railway ownership by the Government. Each year proposition of railway ownership by the Government. Each year it changes, in part, "the fundamental and eternal" principles that underlie its organization, but never this. It is always consistent in insisting that railway ownership and operation by the Government are essential to the happiness and prosperity of the American people. Ownership and operation by the Government of the Pacific roads is what the gentlemen from California desire. It is because of that desire they fight the pending bill. It is for such ownership that the Examiner article that I read contends. I do not believe that we are ready to go into that approximate

I do not believe that we are ready to go into that experiment. And yet, whatever the Populist party may mean, we know that

all of the indebtedness due now from these corporations. only that, but it means the expenditure of \$61,000,000, which, with delinquent interest, amounts to about \$64,000,000, or nearly that, that we shall have to pay before we shall have the title. Then comes the question, If we do not desire to continue the owner-

Mr. CANNON. Will the gentleman allow me to ask him a question of fact right there? Do I understand him to say that if there is no legislation under existing law, with foreclosure, the

Government would have to pay off, without any further legislation, say \$64,000,000 of the first lien?

Mr. HEPBURN. I am not positive that the Secretary of the Treasury could pay that off without legislation. I am not prepared to say whether these payments could be made to that extent. The sinking fund, however, could certainly be used for that

purpose.

Mr. POWERS. The act of 1887 expressly provides that the Sec-

mr. Fow Ens. The act of 1997 expressive provides that the storest provides the storest provides the storest provides that the storest provides the st Treasury to redeem from the first mortgage. Now, another question. The road is to be sold under that act of 1887. Am I correct about that?

Mr. POWERS. Under the act of 1887.
Mr. CANNON. For what it will bring?
Mr. POWERS. The process of foreclosure in the Federal courts always results in a sale. That is the proper Federal procedure.

Mr. CANNON. To sell for what it will bring.
Mr. POWERS. To sell for what it will bring, to the highest

bidder.

Mr. CANNON. Now, has the gentleman any information that if that decree were entered to-day, and this sale advertised, the road would bring any more than the \$64,000,000 that the Govern-

ment would have to advance, or less?

Mr. HEPBURN. All the information that we have is to the effect that the roads could not sell for more than the subsidy bonds. Only one gentleman has ever said, so far as my knowledge goes, anything to the contrary, and he said the same in a formal report that he made to the President. Afterwards he changed his opinion, and thought perhaps it would sell for 50 per cent of the principal, in addition to the amount of the first-mortgage bonds. But that was simply a conjecture. He did not

assume to have any information upon the subject.

Now, gentlemen, that is the situation. We would then, instead of having a loss of our debt, have a new expenditure by the Govof having a loss of our debt, have a new expenditure by the Government of the United States amounting to nearly \$64,000,000, and we would have no compensation for that and no justification of our act to our constituents. Now the Government has invested in the roads more than \$100,000,000. Then it would have invested in the roads more than \$164,000,000. We would have a railroad without terminals on our hands, that we could build or replace for less then the roads. for less than the money-this \$64,000,000-that we would have to

Now, that is a business proposition, and that is the one that stares the members of this House in the face now. Gentlemen say that they think that the railroad companies, the corporations, ought to do something better than this; that we ought to have a better proposition than this. The Committee on the Pacific Roads better proposition than this. The Committee on the Pacific Roads in the last Congress brought in a proposition. The companies said they could not comply with its terms, but some of the Committee on Pacific Roads then believed they could. It provided that the subsidy bonds should be paid off, and that we would extend the interest for a series of years at 3 per cent.

Mr. POWERS. If the gentleman will pardon me to interrupt him, it provided that the first-mortgage debt should be paid off, not the subsidy bonds.

Mr. HEPBURN. Now, you will notice how these gentlemen assailed that proposition. They insisted then that that was not a security. Mind you, it removed everything that lay above the lien of the United States; everything superior to it; and we would have a first lien upon every mile of the aided roads. They told us that that was not sufficient security. And these gentlemen

us that that was not sufficient security. And these gentlemen that are now opposing this measure attacked that with the same vehemence that they do the present proposition. Then they were disposed to deny the ulterior or underlying purposes that animate I do not believe that we are ready to go into that experiment. And yet, whatever the Populist party may mean, we know that the gentlemen from California mean that; for here, without disguise, they tell us that the payment of the debt, the doing of all that the Government is interested in, the complete wiping out of the relation of creditor and debtor between these corporations and the United States—that if that could be accomplished by laying down the money in the Treasury, the people of California States. Do you believe that if the exactions were so during the United States. Do you believe that if the exactions were so during the United States. Do you believe that if the exactions were so during the United States. Do you believe that if the exactions were so during the United States. Do you believe that if the exactions were so during the United States. Do you believe that if the exactions were so during the United States. Do you believe that if the exactions were so during the United States. Do you believe that if the exactions were so during the United States. Do you believe that if the exactions were so during the United States. Do you believe that if the exactions were so during the United States. Do you believe that if the exactions were so during the United States. Do you believe that if the exactions were so during the United States. Do you believe that if the exactions were so during the United States. Do you believe that if the exactions were so during the United States. Do you believe that if the exactions were so during the United States. Do you believe that if the exactions were so during the United States. Do you believe that if the exactions were so during the United States. Do you believe that if the exactions were so during the United States. Do you believe that if the exactions were so during the United States. Do you believe that if the exactions were so during the United States. Do you believe that if the exactions were so during the United States. Do you believe that it was all the United S content themselves with whîmpering to Congress? Not a bit of it. They would parallel the Central Pacific road and have competition in their traffic.

Mr. POWERS. Will the gentleman yield to me? I desire to ask the gentleman from Iowa if it did not appear before the committee that the freight rates and the passenger rates of the State of California were to-day, under the load of this octopus, lower than they are in New England?

Mr. MORSE. I know that is so from personal knowledge of

Mr. MORSE. I know that is so from personal knowledge of shipment of freight to San Francisco.

Mr. HEPBURN. I believe that is so.

Mr. POWERS. Did it not appear that the regulation of the freight rates in the State of California is under a board of railroad commissioners elected by the people of that State?

Mr. HEPBURN. That appeared. There is no question about

Mr. LACEY. Will my colleague yield for a correction of a

Mr. LACEY. Will my colleague yield for a correction of a statement made by the gentleman from Vermont as to the compulsory payment of the debt? I find on an examination of the statute it is optional with the President to order the payment.

Mr. HEPBURN. Very well. Undoubtedly the President of the United States would do that. He certainly would not seize upon this property and hold it, relying upon the fact that the owners of the first-mortgage bonds could not sue the United States, had no compulsory process against the United States, and no power to compel them to do right and justice. I take it that he would make that payment just as certainly as though the statutes said he should do that.

Mr. Chairman, we have one other proposition, and that is to do

Mr. Chairman, we have one other proposition, and that is to do nothing. We could sit here quietly; we could instruct the Secretary to do nothing in this behalf, and allow the first-mortgage bondtary to do nothing in this behalf, and allow the first-mortgage bondholders to proceed. Who would probably be the bidders? Certainly it would be those persons who have an interest other than that of the mere shippers. Who are those? Those persons who hold the securities of the railroad—the first-mortgage bondholders. They would be the active ones who would move in this enterprise, and if the present company were content to stand out of the way and let them have the roads they would probably take them by securing that lien, which would give them title. We are confident, however, that no bidder would appear who would offer the amount of the principal of the Government debt and the first-mortgage bonds. the principal of the Government debt and the first-mortgage bonds. Remember that those aggregate now \$126,000,000, less the sum that is in the sinking fund, something like \$20,000,000. They aggregate at least \$106,000,000, but the Government would probably apply the sinking fund to the payment of the interest, in which case the two

debts—without interest—would be more than \$126,000,000.

Now, is it probable that any bidder can be found within the length and breadth of the United States or elsewhere who would length and breadth of the United States or elsewhere who would pay \$126,000,000 for these roads, more than \$50,000 a mile, when there are men standing ready to-day to duplicate the roads for half that sum per mile? Gentlemen seem to think that there is nothing in the fact that we do not own or have a lien upon the terminals. I presume that some kind of an arrangement could be terminals. I presume that some kind of an arrangement could be made. I recognize the fact that in some instances the terminals are not of great advantage without connection with the Union or the Central Pacific road, but there are certain other cases where participation in the business of the terminals would not be a matter of trifling importance. At all events, the right to use them could only result from purchase, and the fact of the necessity of paying for that right would, to that extent, diminish the value of the roads to the purchaser under foreclosure proceedings. So that it is a matter of importance from any point of view.

Now Mr. Chairman, as I have said, for my part this proposi-

that it is a matter of importance from any point of view.

Now, Mr. Chairman, as I have said, for my part this proposition is not just what I would desire. I undertake to say that no member of the committee is entirely satisfied with it. We would have been better pleased if we could have secured larger annual payments and shorter time, but we present it to you as the best and most feasible settlement that we believe to be attainable. We have no hope of anything better, and from the estimate I have been able to make of the probable earnings of these roads, that is all that can be got from them, and that a demand for larger sums would simply mean continued and renewed periods of bankruptcy. would simply mean continued and renewed periods of bankruptcy, when "the roads would be operated, to their great advantage," according to my friend from Colorado [Mr. Shafroth], by a reaccording to my friend from Colorado [Mr. SHAFROTH], by a receiver. According to my friend's theory, a corporation is always better off the nearer it approaches to absolute poverty and bankruptcy. When it becomes utterly unable to meet its obligations and falls into the hands of a receiver, an officer of the United States, presto, it is at once rejuvenated, its condition is immediately bettered, and the results—he did not say the results to the stockholders and bondholders, however—are immensely improved. [Langhter] What a boom the gentleman's advice will be to all stockholders and bondholders, however—are immensely improved.

[Laughter.] What a boon the gentleman's advice will be to all

struggling corporations in this country, the officers of some of
which are lying awake nights in fear of the losses and the ignominies that will result from the strong hand of the United States
being placed upon their properties and those properties being operated without their experience, their aid, their consent.

I admit, Mr. Chairman, that we do not get by this bill that per-

fect security which I wish we could get; but this proposition gives fect security which I wish we could get; but this proposition gives us better security than we have now. I have no hesitation in affirming that we increase the security, even in the case of the Union Pacific Company, and we largely increase the security in the case of the Central Pacific, notwithstanding the fact that in both instances we authorize an increase in the first mortgage. Gentlemen belittle the security that is to be given to the Government in the cooperation of the Southern Pacific Railroad Company in the payment of the debt of the Central. In the first place, Mr. Chairman, there is the donation of \$2,500,000 belonging to the Southern Pacific road, which comes in as a first payment. That certainly seems to indicate good faith. That is the first step to be taken. Then we have the guaranty of the Southern Pacific Company. I do not know just what it is worth, but I know that Poor says, in his last Railroad Manual, that the assets of the company are worth \$189,000,000, and it seems to me that the indorsement are worth \$189,000,000, and it seems to me that the indorsement of that kind of a guarantor is worth something. I do not know what value the Southern Pacific Company sets upon its lease of the Central, but I suppose they regard it as valuable. I assume that they desire its continuation. I assume that they know or believe that it will be lost if they should fail in their guaranty, and I believe that no other condition than that of impossibility will prevent the meeting of all the obligations of that guaranty.

Now, gentlemen, this House can of course refuse to accept this measure. We can turn the question over to another Congress.

We can turn the question over to another Congress. We another hearing. We can gather more literature on this measure. We can turn the question of the can have another hearing. We can gather more literature on this subject. The gentleman from Missouri [Mr. Hubbard] complains that there were not facts enough brought out for him. Why, Mr. Chairman, there are volumes of facts bearing upon this subject. that would have answered every question that seems to agitate the gentleman's mind had he seen fit to examine and investigate them. The gentleman seems to think, however, that testimony which is not adduced before himself fails to convince, and he has refused to look to the testimony heretofore given, setting forth facts no more pertinent when they were narrated than they are now. The gentleman claims that there are no proofs such as would operate on his mind. [Applause.]

[Here the hammer fell.]
The CHAIRMAN. The hour of 5 o'clock having arrived, the

committee will rise.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. PAYNE, from the Committee of the Whole, reported that they had had under consideration House bill No. 8189 and had come to no resolution thereon.

SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, the following Senate bills were taken from the Speaker's table and referred as follows:

A bill (S. 3035) granting a pension to Mrs. Elizabeth Gnash—to the Committee on Invalid Pensions.

A bill (S. 2338) for the relief of Joshua Bishop—to the Committee on Claims.

A bill (S. 811) to provide a district attorney and a marshal for the western judicial district of the State of South Carolina—to

the Committee on the Judiciary.

A bill (S. 470) granting to the State of Washington certain lands therein situated for the purpose of a fish hatchery—to the Committee on the Public Lands.

ORDER OF BUSINESS.

The SPEAKER. The Chair desires to ask permission of the House that the session be extended until he can present one or two messages from the President of the United States. Is there objection? The Chair hears none.

SLAUGHTER OF CATTLE.

The SPEAKER laid before the House the following message of the President of the United States; which was read, and, with the accompanying documents, referred to the Committee on Agriculture, and ordered to be printed:

To the House of Representatives:

I transmit herewith, in response to the resolution of the House of Representatives of May 8, 1896, requesting information as to what had been done by the Department of State to carry out the provision in the act of March 2, 1895, making appropriations for the Department of Agriculture for the year 1896, as to negotiations with Great Britain to secure the abrogation or modification of the regulations requiring the slaughter of cattle from the United States at the port of entry, a report from the Secretary of State, with accompanying papers.

GROVER CLEVELAND.

GROVER CLEVELAND.

EXECUTIVE MANSION, Washington, January 8, 1897.

OFFICIAL FORCE OF STATE DEPARTMENT.

The SPEAKER laid before the House the following message of the President of the United States; which was read, and, with the accompanying documents, referred to the Committee on Reform in the Civil Service, and ordered to be printed:

To the House of Representatives:

I transmit herewith the report of the Secretary of State in response to the resolution of the House of Representatives of June 5, 1896, calling for information concerning the changes made in the force of his Department since the 4th day of March, 1896.

This report has been in my hands since the 9th day of December, 1896, and its transmission to the House of Representatives has been delayed by my inadvertence.

GROVER CLEVELAND.

EXECUTIVE MANSION, Washington, January 8, 1897.

The SPEAKER (at 5 o'clock and 4 minutes p. m.). In accordance with the rule of the House, the House now stands in recess until 8 o'clock this evening for the pension session, when the gentleman from New York, Mr. PAYNE, will please act as Speaker.

EVENING SESSION.

The recess having expired, the House at 8 o'clock p. m. resumed its session and was called to order by Mr. PAYNE as Speaker pro tempore.

ORDER OF BUSINESS.

The SPEAKER pro tempore. The Clerk will report clause 2 of Rule XXVI.

The Clerk read as follows:

The House shall on each Friday at 5 o'clock p.m. take a recess until 8 o'clock, at which evening session private pension bills, bills for the removal of political disabilities, and bills removing charges of desertion only shall be considered, said evening session not to extend beyond 10 o'clock and 30

Mr. THOMAS. I move that the House resolve itself into Committee of the Whole House for the consideration of business on the Private Calendar under Rule XXVI.

Mr. ERDMAN. I rise to a point of order.

The SPEAKER pro tempore. The gentleman will state it.
Mr. ERDMAN. The point of order is that the special order under which the House is now acting provides for the discussion at this time of the Pacific Railroad bill under the five-minute rule, and does not permit our going into Committee of the Whole for pension business, as indicated in the motion of the gentleman from Michigan [Mr. Thomas]. I will read the special rule:

That the said bill—the Pacific Railroad funding bill—shall be considered under the rules governing general debate during the said day and the day following until the hour of 5 o'clock p. m., at which time general debate shall close, and then said bill shall be open to amendment and consideration—

Mr. ARNOLD of Pennsylvania. Will the gentleman read a

Mr. ERDMAN (continuing the reading)-

under the five-minute rule until 5 p. m. the following day, at which time the committee shall rise, etc.

Now, that was the special order which abrogated the standing order of business making Friday private bill day. I have an amendment which I propose to offer to the Pacific Railroad bill. That business is in order now, not the consideration of pension

That business is in order now, not the consideration of pension business. There was no reservation anywhere in the special order saying that this evening should be devoted to pensions. The special rule abrogates the general rule; and therefore the motion of the gentleman from Michigan is not in order.

Mr. LACEY. I suggest that the point of the gentleman from Pennsylvania [Mr. ERDMAN], even if it were well taken, comes too late. At 5 o'clock this afternoon the question arose as to the recess under the general rules of the House until 8 o'clock for the consideration of private pension business. The House took that recess. If the objection that the gentleman now urges was good, it should have been made at that time. It is too late to make the point after the House has taken the recess and has reconvened under the rule, because the House has already conclusively acted under the rule, because the House has already conclusively acted

upon the matter.

Mr. ERDMAN. I will ask the gentleman how the point of order could have been raised at that time?

Mr. LACEY. Just as you raise it now.
Mr. ERDMAN. No, sir; this is raised on a motion.
Mr. LACEY. When the Speaker made his announcement, the gentleman could have suggested that the recess could not be taken under the general rule, because that rule had been suspended by the special rule under which the House was acting. That was the time to make the spirit if at all. It is to letter.

Mr. THOMAS. If anything could be assumed from the special order with respect to the Pacific Railroad bill, the fact that the time for the closing of general debate was fixed at 5 o'clock to-day, with a provision that amendments should then be offered until o'clock to-morrow, would justify the assumption that the special order was not intended to override the session of this evening under Rule XXVI, which has been read by the Clerk. With that suggestion, I am willing to leave the question for the decision of

The SPEAKER pro tempore. Whether the special order adopted by the House is in conflict with clause 2 of Rule XXVI may The SPEAKER pro tempore. be a question; but in the opinion of the Chair the point of order if good, should have been raised at 5 o'clock. The House could not be declared in recess by the Speaker from 5 o'clock until 8 except under clause 2 of Rule XXVI. When that announcement was made by the Speaker, it was in the power of any member to raise the point of order; and it should have been raised then, if ever;

because, had not the House been declared in recess until this time by the Speaker under the rule, it would have continued in session until a motion to adjourn or to take a recess had been made. Speaker having determined at that time that clause 2 of Rule XXVI was in operation with respect to this evening's business, a point of order now comes too late. The Chair therefore overrules the point of order made by the gentleman from Pennsylvania.

Mr. ERDMAN. Mr. Speaker, I respectfully appeal from the ruling of the Chair.

The SPEAKER pro tempore. The gentleman from Pennsylvania appeals; and the question is, Shall the decision of the Chair stand as the judgment of the House?

The question was taken; and on a division (demanded by Mr. ERDMAN) there were—ayes 56, noes 1.

Mr. ERDMAN. No quorum.

The SPEAKER pro tempore. Evidently no quorum is present.

Mr. THOMAS. I move a call of the House.

A call of the House was ordered.

Mr. THOMAS. I move a call of the House.

A call of the House was ordered.

The Clerk proceeded to call the roll, when the following members failed to answer to their names:

Abbott, Acheson, Adams, Altken, Aldrich, W. F. Aldrich, Ill. Allen, Miss. Anderson. Little, Livingston, Long, Lorimer, Loud, Dinsmore, Dockery, Dolliver, Draper, Ellett, Russell, Conn. Russell, Ga. Sauerhering, Sayers, Sayers, Scranton, Settle, Shafroth, Shannon, Shaw, Shuford, Loud,
Maddox,
Maddox,
Maddox,
Maguire,
Mapuire,
Mahon,
McCall, Mass.
McCall, Tenn.
McClure,
McCormick,
McCreary, Ky.
McEwan,
McLaurin,
McMillin,
McMae,
Melaurin,
Mesae,
Melaurin,
Mercer,
Meredith,
Meyer,
Miller, Kans.
Milliken,
Milnes,
Miller, Kans.
Millier, Kans.
Milliken,
Minor, N. Y.
Minor, Wis.
Mitchell,
Moneyl,
Mondell,
Money,
Morse,
Moses,
Murphy,
Murray,
Northway,
Odell,
Oddell,
Odden,
Otey,
Overstreet, Enlett,
Frischer,
Frischer,
Frischer,
Frischer,
Foote,
Foss,
Foss,
Fowler,
Gamble,
Gillet, M. Y.
Gillett, Mass.
Goodwyn,
Graff,
Griffin,
Griswold,
Grosvenor,
Grout,
Grout,
Hadley,
Hall,
Halterman,
Hartman,
Hartman,
Hartman,
Hartman,
Heatwole,
Heiner, Pa,
Hemenway,
Henner, Conn.
Hepburn,
Hitt,
Hopkins,
Howe,
Hulbard,
Hulf,
Hullek,
Huling,
Hunter,
Hutcheson,
Hyde,
Johnson, Cal
Johnson, Cal
Johnson, N. Dak.
Jones,
Kerr,
Kleberg,
Kulp,
Lawson,
Lefever,
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Lester,
Leiser,
Lester,
Leste Apsley, Arnold, R. L Atwood, Simpkins, Skinner, Smith, Mich. Snover, Atwood, Avery, Babcock, Bailey, Baker, Md. Bankhead, Sorg, Southwick, Spalding,
Spalding,
Spanding,
Spancer,
Stable,
Stable,
Stable,
Stewart, N. J.
Stokes,
Stone, C. W.
Stone, C. W.
Stone, C. W.
Stone, W. A.
Stratt,
Strowd, N. C.
Sulloway,
Sulzer,
Swanson,
Talbert,
Tawney,
Talbert,
Tawney,
Tayler,
Terry,
Towne,
Tracewell,
Tucker,
Traner, Ga,
Tracewell,
Tucker,
Turner, Ga,
Turner, Van
Von Horn,
Van Voorhis,
Wadsworth,
Walker, Mass,
Walker, Va,
Washington,
Watson, Ind.
Watson, Ohio,
Wellington,
Wheeler,
White,
Williams,
Willis,
Willson, S. C.
Woodard,
Woodman, Barham, Barney, Barrett, Bartlett, N. Y. Beach, Belknap, Bell, Tex. Bennett, Berry, Bingham, Black, Boatner, Boutelle, Brewster, Barham. Brewster, Bromwell, Brosius, Brown, Brumm, Brown Brumr Buck, Bull, Cannon. Cannon, Catchings, Chickering, Clark, Iowa, Clarke, Ala. Cobb. Overstreet Owens, Parker, Patterson, Pearson, Pendleton, Cockrell, Cockreil, Coffin, Colson, Cooper, Fla. Cooper, Tex. Cooper, Wis. Corliss, Pendleton,
Perkins,
Phillips,
Pickler,
Pitney,
Powers,
Price,
Price,
Prince,
Quigg,
Ray,
Reyburn,
Richardson,
Robertson, La.
Robinson, Pa.
Rusk,
Rusk, Corliss,
Cousins,
Cowen,
Cowen,
Crowley,
Crump,
Culberson,
Curtis, Kans.
Dalzell,
Danford,
Dayton,
De Armond,
Dingley,
The follow

The following members subsequently reported "present" under the rule:

Mr. CHICKERING, Mr. DINSMORE, Mr. DE ARMOND, Mr. GIL-LET of New York, Mr. Pugh, Mr. Snover, Mr. Sparkman, Mr. Sorg, Mr. Tate, and Mr. Wilson of New York. During the call the following proceedings took place: Mr. EVANS. Mr. Speaker, I think it is evident that we will not be able to get a quorum to-night within the time that the

ession can continue under the rule. I therefore move that the House do now adjourn.

The question was taken; and on a division there were—ayes 19, noes 39.

So the House refused to adjourn.

Mr. CRISP. Mr. Speaker, I ask that my colleague, Mr. Les-Ter, be excused from attendance to-night on account of sickness.

There was no objection, and it was so ordered.

Mr. BRODERICK. Mr. Speaker, the gentleman from Pennsylvania, Mr. Brosius, is absent on account of illness, and I ask that he be excused.

There was no objection.

The SPEAKER pro tempore. One hundred and twelve mem-

bers are present, as shown by the roll call.

Mr. THOMAS, Mr. Speaker, I offer the resolution I send to the desk.

The Clerk read as follows:

Resolved, That the Sergeant-at-Arms take into custody and bring to the bar of the House such of its members as are now absent without the leave of the House.

The question was taken on the adoption of the resolution; and on a division there were—ayes 55, noes 32. So the motion was agreed to.

Mr. SHERMAN. Mr. Speaker, I move that the House do now

adjourn.
The question was taken; and on a division there were—ayes 33, noes 50.

So the motion was rejected.

Mr. HENDRICK. Mr. Speaker, I desire to ask unanimous consent to put upon its passage at this time a bill to pension a blind woman, the widow of a soldier.

The SPEAKER pro tempore. No quorum b Chair can not entertain the gentleman's request. No quorum being present, the

Mr. HENDRICK. I thought the Chair had announced the pres-nce of a quorum. [Laughter.]
Mr. SHERMAN. If in order, I will move to take a recess until ence of a quorum.

12 o'clock to-morrow.

The SPEAKER pro tempore. That motion would not be in

order without a quorum.

Mr. BOWERS. Mr. Speaker, I move that further proceedings under the call be dispensed with.

The question was taken; and on a division there were-ayes 45, noes 48.

So the motion was rejected.

Mr. HOOKER and Mr. BOWERS moved that the House ad-

The question was taken; and on a division there were-ayes 39, noes 52.

So the motion was rejected.

Mr. HARDY. Mr. Speaker, I rise to a parliamentary inquiry. I want to know if it would be in order to submit a few remarks on the general perversity and cussedness of human nature in gen-

on the general perversity and classedness of infinial nature in general and of the gentleman from Pennsylvania [Mr. Erdman] in particular? [Laughter.]

The SPEAKER pro tempore. The Chair thinks that in the judgment of the gentleman from Indiana [Mr. HARDY] that is not in order, and the Chair is of the same opinion. [Laughter.]

Mr. THOMAS. Mr. Speaker, I move that further proceedings under the call be dispensed with.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

On a division (demanded by Mr. Cooke of Illinois and Mr.

THOMAS), there were—ayes 40, noes 52.

Mr. THOMAS. I ask for tellers. Tellers were refused, 34 members, not a sufficient number, vot-

ing in favor thereof. Mr. HULL. Mr. Speaker, I understood a parliamentary inquiry was submitted to the Chair a few moments ago, and we have not yet heard the decision of the Chair

The SPEAKER pro tempore. The Chair announced that the proposition of the gentleman from Indiana was not in order, and had been so decided

Mr. THOMAS. Mr. Speaker, I move that the House do now adjourn.

The question was taken; and there were—ayes 46, noes 47.
Mr. THOMAS. Tellers, Mr. Speaker.
Tellers were ordered; and the Speaker pro tempore appointed
Mr. THOMAS and Mr. ERDMAN.

The House divided; and the tellers reported—ayes 52, noes 47.

Mr. FAIRCHILD and Mr. MAHANY demanded the yeas and

The yeas and nays were ordered.

The question was taken; and there were—yeas 47, nays 72, not voting 236; as follows:

voting 200, as	TOTTO MO.		
	YE	CAS-47.	
Arnold, Pa. Baker, Kans. Bartlett, Ga. Bishop, Bowers, Calderhead, Clark, Mo. Cooke, Ill. Crisp, Curtis, Iowa Curtis, N. Y. Daniels,	Denny, Doolittle, Ellis, Erdman, Evans, Gardner, Hager, Hainer, Nebr. Hart, Henry, Ind. Hooker, Howell,	Hull, Hurley, Jenkins, Knox, Kyle, Lacey, Linton, Marsh, McClelan, McClellan, McCulloch,	McDearmon, Payne, Sherman, Stephenson, Stephenson, Strong, Tate, Thomas, Treloar, Tyler, Yoakum.
	N.	AYS-72.	
Aldrich, T. H. Allen, Utah Andrews, Baker, N. H. Bartholdt, Bell, Colo.	Blue, Broderick, Burrell, Burton, Mo. Burton, Ohio Chickering,	Clardy, Codding, Connolly, Cook, Wis. Cox, Crowther,	De Armond, De Witt, Dinsmore, Dovener, Eddy, Fairchild,

Kirkpatri Latimer, Layton, Leighty, Leonard, Low, Mahany, Martin, McLachla Miller, W. Mozley, Neill,
1

Official.	
Poole,	
Prince.	
Pugh,	
Raney,	
Reeves.	
Rinaker.	
Royse,	
Shannon,	
Smith, Ill.	
Snover,	
Sorg,	0.00
TING-236.	

n, Va.

Southard, Sparkman,
Sperry, Strode, Nebr.
Taft,
Tracey, Updegraff,
Wanger,
Warner, Wilson, N. Y.
Wilson, Ohio
Wood.

Robinson, Pa.

Robinson, Pa. Rusk, Russell, Conn. Russell, Ga. Sauerhering, Sayers, Scranton, Settle, Shafroth,

	1
Abbott,	Dockery,
Acheson,	Dolliver
Adams,	Draper,
Aitken,	Ellett,
Aldrich, III. Aldrich, W. F.	Fischer,
Aldrich, W. F.	Fitzgerald
Allen, Miss.	Fletcher,
Anderson,	Foote,
Apsley,	Foss,
Arnold, R. L.	Fowler,
Atwood,	Gamble, Gillett, Ma
Avery, Babcock,	Gillett, Mi
Babcock,	Goodwyn,
Bailey, Baker, Md.	Graff,
Baker, Md.	Griffin,
Diffigurance	Griswold,
Barham,	Grosvenor
Barney,	Grout,
Barrett,	Grow,
Bartlett, N.Y.	Hadley,
Beach,	Hall,
Belknap, Bell, Tex.	Halterman Hanly,
	Harmer;
Bennett,	Harris,
Berry, Bingham,	Harrison,
Black,	Hartman,
Boatner,	Heatwole,
Boutelle,	Heiner, Pa
Brewster,	Hemenwa
Bromwell,	Henderson
Brosius,	Henry, Co
Brown,	Hepburn,
Brumm,	Hicks,
Buck,	Hilborn,
Bull.	Hitt,
Cannon,	Hopkins,
Catchings,	Howe,
Clark, Iowa	Hubbard,
Clarke, Ala.	Huff,
Cobb,	Hulick,
Cockrell. Coffin,	Huling,
Coffin,	Hunter,
Colson,	Hutchesor
Cooper, Fla. Cooper, Tex. Cooper, Wis. Corliss,	Hyde,
Cooper, Tex.	Johnson, I
Cooper, W19.	Johnson, I
Cornss,	Johnson, 1
Cousins,	Jones,
Cowen,	Joy,
Crowley,	Kem,
Crump,	Kerr,
Culberson,	Kleberg,
Cummings,	Kulp,
Curtis, Kans.	Lawson, Lefever,
Dalzell,	
Danford,	Leisenring
Dayton,	Lester,

NOT VO	TING-236.
ockery, colliver, colliver, coraper, colliver, coraper, colliver, coraper, colliver, coraper, colliver, co	Little, Livingston, Long, Lorimer, Loudenslager Maddox, Magdire, Magdire, MacCall, Mass McCall, Tenn McCall, Tenn McCall, Tenn McCall, Mass McCarry, K. McCormick, McCreary, K. McEwan, McLaurin, McMillin, McRae, Meillejohn, Meredith, Meyer, Meredith, Meyer, Miles, Miller, Kans. Milliken, Milnes, Miller, Kans. Milliken, Milnes, Miner, N. Y. Minor, Wis. Mitchell, Mondey, Morse, Moses, Murphy, Murray, Mordy, Murray, Newlands, Noonan, Northway, Odell, Ogden, Otey,
iarmer;	Milliken,
iarris,	Milnes,
iarrison,	Miner, N. Y.
iartman,	Minor, Wis.
leatwole,	Mitchell,
leiner, Pa.	Mondell,
Iemenway,	Money,
ienderson,	Moody,
ficks,	Moses,
lilborn,	Murphy,
litt,	Murray,
lopkins,	Newlands,
lowe,	Noonan,
luft,	Northway,
luft,	Odell,
lulick,	Ogden,
fuling,	Otey,
funter,	Overstreet,
lutcheson,	Owens,
lyde,	Parker,
ohnson, Cal.	Patterson,
ohnson, Ind.	Pearson,
ohnson, N. Dak.	Pendleton,
ones,	Perkins,
oy,	Phillips,
lem,	Pickler,
terr,	Pitney,
leborg,	Powers,
tulp, awson, efever, eisenring, ester, ewis,	Price, Quigg, Ray, Reyburn, Richardson, Robertson, L

Sharroth, Shaw, Shuford, Simpkins, Skinner, Smith, Mich. Southwick, Southwick, Spalding, Spencer, Stahle, Stallings, Steele, Stewart, N. J. Stewart, N. S. Stokes, Stone, C. W. Stone, W. A. Strait, Strowd, N. C. Sulloway, Sulloway,
Sulzer,
Swanson,
Talbert,
Tawney,
Tayler,
Terry,
Thorp,
Towne,
Tracewell,
Tucker,
Turner, Ga.
Turner, Va.
Van Horn,
Van Voorhis,
Wadsworth, Van Voornis, Wadsworth, Walker, Mass. Walker, Va. Washington, Watson, Ohio Wallington Wellington. Wellington, Wheeler, White, Wilber, Williams, Williams, Wilson, Idaho Wilson, S. C. Woodard, Woodman, Woomer, Wright.

So the House refused to adjourn.

Dayton, Dingley,

The result of the vote was announced as above recorded.

Mr. THOMAS. If it is not out of order, I wish to inquire if the warrants for the arrest of absent members are in the hands of the

Sergeant-at-Arms?
The SPEAKER protempore. The Chair is informed that they are.
Mr. FAIRCHILD. Mr. Speaker, I rise to a parliamentary in-

The SPEAKER pro tempore. The gentleman will state it.

Mr. FAIRCHILD. I should like to know what proceedings have been taken by the Sergeant-at-Arms in pursuance of the resolution that was passed by this House.

The SPEAKER pro tempore. The Sergeant-at-Arms has not yet

reported.
Mr. FAIRCHILD. Well, then, I rise to another parliamentary inquiry, and that is, What proceedings can we take to ascertain what proceedings have been taken by the Sergeant-at-Arms under the resolution?

The SPEAKER pro tempore. The Chair thinks that is hardly a parliamentary inquiry. The Chair will state, for the information of the gentleman from New York [Mr. FAIRCHILD], that it took some time for the Clerk to copy the names, to make out the warrants, and they have not been in the hands of the Sergeant-at-Arms for a great length of time, and that is probably the reason why no report has been made.

Mr. FAIRCHILD. One more question. Have the warrants

been signed by the Speaker yet?
The SPEAKER pro tempore. The warrants have been signed

by the Speaker.

Mr. BOWERS. If I may be permitted at this time—
The SPEAKER pro tempore. There is no question before the
House, and the gentleman would not be in order.

Abbott.

Cockrell, Coffin,

Collin, Colson, Cook, Wis. Cooper, Fla. Cooper, Tex. Cooper, Wis. Corliss.

Sauerhering.

Mr. BOWERS. I ask unanimous consent to make a little state-ent. [Cries of "I object!" and "Regular order!"] Mr. HARDY. I move that the House resolve itself into Com-

mittee of the Whole for the consideration of private pension bills

The SPEAKER pro tempore. That motion is not in order.
Mr. THOMAS. That motion is pending.
Mr. SHERMAN. I move to suspend all further proceedings under the call.

The question was taken; and the Speaker pro tempore announced that the noes seemed to have it.

Mr. JENKINS. Division!
The House divided; and there were—ayes 36, noes 50.

So the motion was rejected. Mr. BOWERS. I move, Mr. Speaker, that the House do now

The question was taken; and the Speaker pro tempore announced

that the noes seemed to have it.

Mr. BOWERS. Division, Mr. Speaker.

The House divided; and there were—ayes 46, noes 52.

Mr. JENKINS. I ask for a vote by tellers.

The question was taken on ordering tellers.

The SPEAKER pro tempore. Twenty-nine gentlemen have arisen—not a sufficient number; tellers are refused. The noes have it, and the motion is rejected.

Mr. JENKINS. Mr. Speaker, I ask for leave of absence on

account of sickness.

The SPEAKER pro tempore. The gentleman from Wisconsin asks that he be excused from further attendance on account of

sickness. Is there objection?
Several Members. I object.
Mr. THOMAS. Mr. Speaker, many members have been coming in since the order for the call of the House. Has a record been kept so as to know the number now present?

The SPEAKER pro tempore. The Chair is informed from the

Clerk's desk that 118 members are present.

Mr. THOMAS. Mr. Speaker, it would seem to me the number present is greater than that. There may possibly be an error, and I am inclined to insist that there is a quorum.

Mr. JENKINS. Mr. Speaker, I move that all further proceedings under the call be dispensed with.

The question was taken; and the Speaker pro tempore announced

that the noes seemed to have it.

Mr. JENKINS. Division!

The House divided; and there were—ayes 46, noes 50.

Mr. McCULLOCH. The yeas and nays, Mr. Speaker.
The question was taken on ordering the yeas and nays.
The SPEAKER pro tempore. Twelve gentlemen have risen—
not a sufficient number; the yeas and nays are refused. The noes
have it, and the motion is rejected.

Mr. IACEY. I move that we take a recess until twenty-nine minutes after 10 o'clock.

The SPEAKER pro tempore. That motion is not in order. Mr. LACEY. Then I move that the House do now adjourn. The question was taken; and the Speaker pro tempore announced

that the noes seemed to have it.

Mr. LACEY. Division!

The House divided; and there were—ayes 49, noes 48.

Mr. BAKER of New Hampshire. The yeas and nays!

The yeas and nays were ordered.

The question was taken; and there were-yeas 52, nays 61, not voting 242; as follows:

YEAS-52. Hull, Hurley, Jenkins, Kiefer.

Andrews, Arnold, Pa. Baker, Kans. Bartholdt, Bartlett, Ga. Bishop, Bowers, Broderick, Calderhead, Clark, Mo. Cooke, Ill. Crisp, Crowther,	Curtis, Iowa Denny, Doolittle, Eddy, Ellis, Erdman, Gardner, Hager, Haner, Nebr. Hart, Henry, Ind. Hermann, Hooker,	Hull, Hurley, Jenkins, Kiefer, Knox, Kyle, Lacey, Latimer, Linney, Linton, Marsh, McCleary, Minn, McClellan,	McCulloch, McDearmon, McLachlan, Otjen, Parker, Payne, Shannon, Sherman, Strong, Tate, Treloar, Uvdegraff, Wilson, Ohio.
	N.	AYS-61.	
Aldrich, T. H. Allen, Utah Baker, N. H. Beil, Colo. Blue, Burton, Mo. Burton, Mo. Burton, Ohio Chickering, Clardy, Codding, Connolly, Daniels, De Armond, De Witt, Dinsmore,	Dovener, Fairchild, Faris, Fenton, Gibson, Gillet, N. Y. Hardy, Hatch, Hendrick, Hieks, Hill, Howard, Howell, Kendall, Kirkpatrick, Layton,	Leighty, Leonard, Low, Mahany, Martin, Miller, W. Va. Mozley, Neill, Poole, Prince, Pugh, Raney, Reeves, Rinaker, Royse, Smith, Ill.	Snover, Sorg, Southard, Sparkman, Sperry, Strode, Nebr. Taft, Thomas, Tracey, Wanger, Wanger, Wilson, N. Y.

NO
Dingley,
Dockery,
Dolliver,
Draper,
Ellett,
Evans,
Fischer,
Fitzgerald,
Fletcher,
Foote,
Foos,
Fowler,
Gamble,
Gillett, Mass,
Goodwyn, TING—242.
Livingston,
Long,
Lorimer,
Loud,
Loudenslager,
Maddox,
Maguire,
Mahon.
McCall, Mass,
McCall, Tenn.
McChure,
McCormick,
McCreary, Ky.
McEwan,
McLaurin, Acheson, Adams, Aitken, Aldrich, III. Aldrich, W. F. Allen, Miss. Sauerneri Sayers, Seranton, Settle, Shafroth, Shaw, Shuford, Allen, Miss.
Anderson,
Apsley,
Arnold, R. I.
Atwood,
Avery,
Babcock,
Bailey,
Baker, Md.
Bankhead,
Barnam,
Barney,
Barrett,
Bartlett, N. Y.
Beach, Simpkins. Skinner, Smith, Mich. McLaurin,
McMar,
McMar,
McRae,
Meilejohn,
Mereer,
Meredith,
Meyer,
Miles,
Miller,
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Miller,
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Murphy,
Murray,
Newlands,
Noonan,
Northway,
Odell,
Ogden,
Otey,
Overstreet, Goodwyn, Goodwyn, Graff, Griffin, Griswold, Grosvenor, Grout, Grow, Hadley, Hall, Halterman, Beach,
Belknap,
Bell, Tex.
Bennett,
Berry,
Bingham,
Black, Harris, Harrison, Boatner. Harrison,
Hartman,
Heatwole,
Heiner, Pa.
Heiner, Pa.
Hemenway,
Henderson,
Henry, Conn.
Hepburn,
Hilborn.
Hitt,
Hopkins,
Howe,
Hubbard,
Huff,
Hulick,
Huling,
Hutcheson,
Hyde,
Johnson, Cal.
Johnson, Ind.
Johnson, N. Dak.
Jones, Boutelle Hartman. Brewster, Bromwell, Brosius, Brown, Brumm, Buck, Bull, Cannon, Catchings, Clark, Iowa Clarke, Ala. Cobb,

NOT VOTING-242.

Southwick, Spalding, Spancer, Stallings, Spencer, Stallings, Steele, Stephenson, Stewart, Wis. Stokes, Stone, C. W. A. Strait, Strowd, N. C. Stlloway, Sullzer. Swanson, Talbert, Tawney, Tayler, Terry, Thorp, Towne, Tracewell, Tucker, Turner, Ga. Turner, Van Horn, Van Voorhis, Wadsworth, Walker, Van Washington, White, Williams, Williams, Williams, Willis, Wilson, S. C. Woodard, Woodman, Woodman, Overstreet,
Owens,
Patterson,
Pearson,
Pendleton,
Perkins,
Phillips,
Pickler,
Pitney,
Powers,
Price,
Quigg,
Ray,
Reyburn,
Richardson.
Robertson I

Woomer.

Wright, Yoakum.

Corliss,
Cousins,
Cowen,
Cox.
Crowley,
Crump,
Culberson,
Cummings,
Curtis, Kans,
Curtis, N. Y.
Dalzell,
Danford,
Dayton, Johnson, N.
Jones,
Joy,
Kem,
Kerr,
Kleberg,
Kulp,
Lawson,
Lefever,
Leisenring
Lester,
Lewis, Robertson, La. Robinson, Pa. Rusk, Russell, Conn. Russell, Ga.

Mr. THOMAS (at the end of the call). Mr. Speaker, I ask unanimous consent to interrupt the roll call for the purpose of offering a resolution. The SPEAKER protempore. The roll call has been completed,

but the vote has not yet been announced.

Mr. THOMAS. I wish to offer the resolution before the vote is announced.

The SPEAKER pro tempore. It is not in order until after the announcement of the vote.

Mr. THOMAS. Not by unanimous consent?

The SPEAKER pro tempore. Not by unanimous consent. There is not a quorum present. On this question the yeas are 52 and the nays are 61. The nays have it, and the motion to adjourn is lost.

Mr. THOMAS. Mr. Speaker, I offer the resolution which I send to the desk.

The resolution was read, as follows:

Resolved, That the Speaker be requested to ascertain and report to the House what progress, if any, has been made by the Sergeant-at-Arms, or his deputies, in arresting absent members.

The SPEAKER pro tempore. The Chair thinks the motion is in order, but would suggest that the inquiry be made directly of the Sergeant-at-Arms.

Mr. THOMAS. I have offered the resolution in good faith, for the purpose of ascertaining how efficient the officers of the House

are, as nearly two hours have elapsed since this call began.

Mr. WANGER. Mr. Speaker, I move to amend the resolution
by striking out "Speaker" and inserting "Sergeant-at-Arms."

Mr. THOMAS. I do not accept that amendment, Mr. Speaker,

Mr. THOMAS. I do not accept that amendment, Mr. Speaker, for the reason that I suppose the Sergeant-at-Arms is now engaged in the active discharge of his duty under the order of the House. The SPEAKER pro tempore. The Clerk will report the amendment of the gentleman from Pennsylvania.

The amendment was read, as follows:

Strike out the word "Speaker;" so that the resolution will read: "Resolved, That the Sergeant-at-Arms be requested," etc.

Mr. TRACEY. I move to amend the amendment by inserting, after the word "report," the word "immediately." The amendment was adopted.

Mr. BAKER of New Hampshire. Mr. Speaker, I move to amend by striking out the word "requested" and inserting "directed."

The question being taken on the amendment of Mr. Baker of New Hampshire, the Speaker pro tempore declared that the ayes seemed to have it.

Mr. CHICKERING. I ask for a division.

On a division the amendment was adopted-ayes 45, noes 4. The resolution as amended was adopted in this form:

Resolved, That the Sergeant-at-Arms be directed to report immediately to the House what progress, if any, has been made by him or his deputies in arresting absent members.

The Sergeant-at-Arms, accompanied by three members, appeared at the bar of the House and reported as follows:

Mr. Speaker, the Sergeant-at-Arms begs leave to report that, in compliance with the order of the House, sundry warrants have been issued for the arrest of absent members. Some of them are now in process of execution, and in the meantime the Sergeant-at-Arms has the honor to report the presence of Mr. STALLINGS, Mr. WOODARD, and Mr. KLEBERG, who have been arrested by order of the House.

The SPEAKER pro tempore. Mr. STALLINGS, you have been absent from the sitting of the House without leave. What excuse

have you to offer?

Mr. STALLINGS. I have not been well for some time, Mr.

Speaker, and therefore I did not come out to-night.

Mr. HICKS. Mr. Speaker, I move that the gentleman be excused.

The motion was agreed to-ayes 75, noes 0; and Mr. Stallings was excused.

The SPEAKER pro tempore. Mr. WOODARD, you have been absent from the House during its session without leave. What

excuse have you to offer?

Mr. WOODARD. I regret to say, Mr. Speaker, that I have not so good an excuse as that of the gentleman from Alabama. Indeed, I have none. I did not suppose that my presence would be needed this evening, but I came as soon as I learned that there was no quorum.

Mr. HULL. Mr. Speaker, I move that the gentleman be ex-

cused.

The motion was agreed to.
Mr. BAKER of Kansas. Mr. Speaker, I rise to a parliamentary inquiry. Can the House excuse a member when it finds itself without a quorum?

The SPEAKER pro tempore. The House has a right to do any-

thing in the matter of procuring the attendance of a quorum, and this is a step in that direction. The gentleman is excused.

Mr. KLEBERG, you have been absent from the House during its session. What excuse have you to offer?

Mr. KLEBERG. I was behind with my correspondence on account of sickness, and I did not think my presence would be required this evening. I have been present on every other occasion, and I hope the House will excuse me.

Mr. SMITH of Illinois. Mr. Speaker, is debate in order?

Mr. SMITH of Hilliols. Mr. Speaker, is debate in order.

[Laughter.]

The SPEAKER pro tempore. The Chair thinks it is.

Mr. SMITH of Illinois. Mr. Speaker, I do not rise to say anything in the way of levity, but to say that since, under the rules of the House, we have Friday night sessions for special business, it does seem to me that every member who has the interest of his constituents at heart ought to be present to aid in the transaction of the business of these sessions the same as at any other time

constituents at heart ought to be present to aid in the transaction of the business of these sessions the same as at any other time during the sitting of Congress. Now, I know, Mr. Speaker.—
Mr. HICKS. I rise to a point of order, Mr. Speaker. What is the question pending before the House?

The SPEAKER pro tempore. The question is on the motion to excuse the gentleman from Texas for his absence.

Mr. SMITH of Illinois. I know, Mr. Speaker, that there are many members who, during the eight years I have served in Congress, have never absented themselves during Friday night sessions and who never absent themselves during the day sessions of Congress. I consider attendance on the one just as important as the other. And sometimes I think that such a great body of Representatives of this country of ours ought to take into consideraresentatives of this country of ours ought to take into consideration the seriousness of all our legislative deliberations and of all the sessions of this House. I know that during the time I have served here there have been scores of members who have never been seen on this floor at Friday night sessions. Yet we have a Committee on Pensions, a Committee on Invalid Pensions, and a Committee on Fensions, a committee on Invand Fensions, and a Committee on Military Affairs, the reports of which are all to be considered at our Friday night sessions. And I believe that every member ought to attend and assist in disposing of the business which those committees have presented to this House.

No man on this floor, however, is more willing than myself to excuse any brother member for nonattendance, if he has a reason-able excuse. There is none of us who has not plenty of work; able excuse. none of us who has not more work than any single member can

do; none of us who does not need a clerk, and most of us need at least two, besides doing all the work we can ourselves.

I do not consider that matters of this character ought to be treated as schoolboys' pranks in school. We ought to sit here as business men and attend to the business we are elected to attend to and agricustly consider the interests of our continuous consideration. to, and seriously consider the interests of our constituents in every

matter pertaining to their welfare.

matter pertaining to their welfare.

I am more than willing that our colleague shall be excused tonight. I simply wanted to enter my protest against absenteeism
from Friday night sessions by those who ought to be here assisting in performing the duties of this House. There are no questions coming up for consideration of more vital importance to
individuals than the bills that are brought up for consideration
at Friday night sessions. They are bills to relieve those who are
supposed to be worthy individuals whose cases are not covered
by the general law, and who have not received and can not receive
under the general law the relief which they seek. We are not supresed to be here at our Friday night sessions as a body doling out

by the general law, and who have not received and can not receive under the general law the relief which they seek. We are not supposed to be here at our Friday night sessions as a body doling out charity. We are supposed to consider carefully cases not covered by the general law, and as men of intelligence, as men of patriotism, and as American citizens, to deal out justice to those who are entitled to it under such circumstances. [Applause.]

I am willing on any occasion to spend the time from 8 o'clock on Friday night of each week until half past 10 in helping the old soldier who has sustained this country, made it what it is, carried his flag, "the Stars and Stripes," through the valleys, over the mountains and the hills, and who under the general law can not obtain the relief which he deserves. I am willing also to sit during the same time to aid his widow whose case is not covered by the general law, and his orphans who are in the same situation. the general law, and his orphans who are in the same situation.

[Applause.]
But during the eight years I have been here there have been many members who carried their muskets and marched under the flag,

members who carried their muskets and marched under the flag, and who, session after session, have taken pride in making long speeches for home consumption in favor of the old soldier—too many of such men I have known have never been present on Friday nights to help an old soldier, his widow, or his orphan needing assistance. [Applause.]

As I have said, I am willing to vote and shall vote to excuse our colleague to-night; but I do hope that during the remainder of this session Representatives on this floor, whether on the one side or the other of this House, will rise equal to the occasion and exhibit their patriotism, their love of country, their love for the old soldier—especially if they themselves have marched under the same flag—by being here to aid him when the services of a mem same flag-by being here to aid him when the services of a mem-

ber of Congress are necessary. [Applause.]
Mr. THOMAS. Mr. Speaker, in support of the motion that I have made to excuse the gentleman from Texas, I wish to say that the excuse offered by him presents a case very natural to any of us; and I hope the motion will prevail.

The question being taken on the motion of Mr. Thomas, it was

agreed to.

The SPEAKER pro tempore. The gentleman from Texas is Mr. THOMAS. Inffer the resolution which I send to the desk.

The Clerk read as follows:

Resolved, That the order directing the Sergeant-at-Arms to take into custody and bring to the bar absent members be made returnable to-morrow (Saturday) morning, after the reading of the Journal.

Mr. HICKS. Mr. Speaker, I rise to a parliamentary inquiry. Does not the pending special order concerning the consideration of the Pacific Railroad funding bill preclude any matter of this kind?

The SPEAKER pro tempore. The Chair is of opinion that it would, and that the resolution of the gentleman from Michigan [Mr. THOMAS] is out of order.

Mr. THOMAS. I should like to be heard on that question.

I should like to be heard on that question. The SPEAKER pro tempore. The Chair will hear the gentle-

Mr. THOMAS. I will modify my resolution by fixing Monday or Tuesday instead of to-morrow, if that will obviate the objection of the Speaker.

Several Members. Do not modify the resolution. Mr. THOMAS. I read from the Manual, page 300:

The House may, however, by resolution continue in force beyond an adjournment the order that the Sergeant-at-Arms take into custody and bring to the bar absent members, and may make such order returnable on a day subsequent to the day of adjournment.

I ask the Chair whether the resolution which I present is not a matter of the highest privilege—above all other orders, even the special order under which the House has been acting?

Mr. WANGER. I move that the House do now adjourn.

Mr. THOMAS. I insist on the pending resolution.

The SPEAKER pro tempore. The gentleman from Pennsylvania [Mr. Wanger] moves that the House do now adjourn, which motion takes precedence.

motion takes precedence.

The question was taken; and on a division there were ayes 12, noes 66.

So the motion was rejected.

The SPEAKER pro tempore. The Clerk will report the resolu-tion as modified by the gentleman from Michigan.

The Clerk read as follows:

Resolved, That the order directing the Sergeant-at-Arms to take into custody and bring to the bar absent members be made returnable on Tuesday morning next, after the reading of the Journal.

I wish to submit for the consideration of the Chair that the Friday night session is held under a special order of the House, which prescribes that it shall consider certain business on the Private Calendar only; that because of that it has jurisdiction of no other matter, and has not the jurisdiction to prescribe or make a special order for the House at any other

Mr. THOMAS. The gentleman is wrong in that, because we are not now in Committee of the Whole. The House is in session, and we are acting under an order for a call of the House. No business is in order under that call except that which pertains to it, and no motion except with reference to the call or a motion to adjourn could be considered as in order now. The motion that I have made has direct reference to the call of the House now pro-

gressing.

The SPEAKER pro tempore. The Clerk will read clause 2 of

Rule XXVI.

The Clerk read as follows:

The House shall on each Friday at 5 o'clock p. m. take a recess until 8 o'clock p. m., at which evening session private pension bills, bills for the removal of political disabilities, and bills for removing charges of desertion only shall be considered, said evening session not to extend beyond 10 o'clock and 30 min-

Mr. LACEY. I would like to suggest that the right of the House to have a quorum on Friday night is just as sacred as it is on Monday, or at any other time in the week; and the same power to secure and preserve a quorum on Friday night necessarily inheres in the House as well as at any other session which they hold.

Mr. GARDNER. That is a fact that nobody disputes. The Friday night session has the same power to take the same means to get a quorum as any other session of the House; but the prescribing of the return of the warrant as the special order of the House for some other time than the Friday night session is not necessarily a part of the power for getting a quorum, and does not pertain to the power of the House at all under the rule for the Friday night sessions. On the contrary, the resolution providing for the return of the warrants on Tuesday next is in direct con-

flict with the attempt to get a quorum to-night.

Mr. THOMAS. But the rule provides that the return can be put off to some other date, and this is the session of the House this evening just as well as it was this afternoon when the House was

considering the other matter.

Mr. GARDNER. But limited to a special order only.
Mr. THOMAS. Not limited for this purpose.
Mr. WANGER. I suggest to the gentleman from Michigan that he address his remarks to the Chair, and not to the gentleman from New Jersey. [Laughter.]
The SPEAKER pro tempore. There is a point of order already

pending.

Mr. THOMAS. Let us have a ruling.

The SPEAKER pro tempore. The Chair thinks the motion of the gentleman from Michigan is in order. This is a proceeding to compel the attendance of members at this session of the House. It is the prerogative of the House, when the members are brought in, either to excuse or to punish them as the House may see fit, and this resolution provides that the return of the warrants for the arrest of absent members shall be made at some future day to the House, namely, next Tuesday.

the House, namely, next Tuesday.

The Chair thinks under the rule that the House has the power to compel a quorum at these Friday night sessions, and has the power also to provide for the return of the warrant at such time

as it shall determine at this session.

The question, therefore, is on the motion presented by the gentleman from Michigan.

Mr. WILSON of Ohio. Mr. Speaker, I desire to submit a parliamentary inquiry. What will be the effect if the Sergeant-at-Arms should bring in other members to-night? Will the adoption of this resolution discharge the Sergeant-at-Arms from bringing in any person who might be arrested before we addiscurrent.

adjourn.

Mr. GARDNER. Certainly.

Mr. THOMAS. Certainly not.

Mr. WILSON of Ohio. It seems to me that would be the result

if the resolution were adopted.

The SPEAKER pro tempore. The Chair will decide that question when it comes up, if it ever arises.

The question was taken; and on a division there were-ayes 68,

Mr. CHICKERING. Yeas and nays, Mr. Speaker.
The yeas and nays were refused, 10 members, not a sufficient number, voting in favor thereof.
Accordingly, the motion of Mr. Thomas was agreed to.
Mr. THOMAS. Mr. Speaker, I move that the House do now

Mr. BRODERICK. I ask the gentleman to withdraw the motion for a moment.

motion for a moment.

Mr. THOMAS. I withdraw it temporarily.

Mr. BRODERICK. I have just received a telephone message from my colleague [Mr. Curtis]. He is absent on account of sickness in his family. I ask to have him excused.

The SPEAKER pro tempore. The gentleman from Kansas [Mr. Broderick] asks that his colleague [Mr. Curtis] be excused on account of sickness in his family. Is there objection?

on account of sickness in his fainty. Is there objection.

There was no objection.

Mr. BURTON of Ohio. Mr. Speaker, I am informed that my colleague [Mr. Northway] is detained at home by serious illness in his family, and I ask that he be excused.

The SPEAKER pro tempore. The gentleman from Ohio [Mr. Burton] asks that his colleague [Mr. Northway] be excused, on account of illness in his family. Is there objection?

There was no objection.

Mr. LINNEY. Mr. Speaker, I am informed that my colleague
[Mr. Strowd] is absent by reason of sickness. I move that he be excused.

The SPEAKER pro tempore. The gentleman from North Carolina asks that his colleague [Mr. STROWD] be excused. Is there

lina asks that his colleague [Mr. STROWD] be excused. Is there objection?

There was no objection.
Mr. DOOLITTLE. I ask that my colleague [Mr. Hyde] be excused on account of sickness.

The SPEAKER pro tempore. The gentleman from Washington [Mr. DOOLITTLE] asks that his colleague [Mr. Hyde] be excused on account of sickness. Is there objection?

Mr. RANEY. I object.
Several Members. Oh, no.
Mr. RANEY. I withdraw the objection.

The SPEAKER pro tempore. The gentleman from Missouri [Mr. RANEY] withdraws his objection. Is there further objection?

There was no objection.

Mr. POOLE. Mr. Speaker, my colleague [Mr. Howe] is unavoidably detained to-night on account of sickness in his family. I ask that he be excused.

Mr. RANEY. I object.

Mr. POOLE. I move that he be excused.

The motion was agreed to.

Mr. BLUE. Mr. Speaker, I should like to know what effect this order will have on the Speaker of the House. I ask that he

The SPEAKER pro tempore. The gentleman from Kansas [Mr. Blue] asks that the Speaker of the House be excused. Is there objection?

There was no objection.

Mr. PRINCE. I ask that my colleague [Mr. Hadley] be excused, because he is at home sick, and has not been present at this

session of Congress for that reason.

The SPEAKER pro tempore. The gentleman from Illinois [Mr. Prince] asks that his colleague [Mr. Hadley] be excused on [Mr. Prince] asks that his colleague [Mr. Hadley] be excused on account of sickness, he having been absent on that account during this session of Congress. Is there objection?
There was no objection.
Mr. BARTHOLDT. I move that the Sergeant-at-Arms be directed to make an additional report.
Mr. THOMAS. Mr. Speaker, I call attention to the fact that the hour of half past 10 has arrived.
Mr. CHICKERING. A parliamentary inquiry, Mr. Speaker. The SPEAKER pro tempore. The gentleman will state it.
Mr. CHICKERING. How does this leave the members of the House who will be arrested before to-morrow morning's session and who will be brought here under arrest? They can not yote.

and who will be brought here under arrest? They can not vote. The same will be true on Monday, because this warrant is not returnable until Tuesday, and in the meantime the members will be under arrest

The SPEAKER pro tempore. The Chair will say to the gentle-

The SPEAKER pro tempore. The Chair will say to the gentleman from New York [Mr. CHICKERING] that these questions will be decided by the Chair when they shall come up.

Mr. CHICKERING. Well, they will come up.

Mr. BARTHOLDT. Has my motion been recognized?

The SPEAKER pro tempore. The gentleman from Missouri [Mr. BARTHOLDT] moves that the Sergeant-at-Arms be instructed to report at once. The hour of 10 o'clock and 30 minutes having arrived, the House stands adjourned until to-morrow at 12 o'clock noon.

noon.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of the Mississippi River from St. Paul to the mouth of the Missouri River—to the Committee on Rivers and Harbors, and ordered to

A letter from the Secretary of the Treasury, transmitting a report as to the suitableness of a public reservation at the intersection of Ohio and Louisiana avenues with Tenth and Twelfth streets, in the city of Washington, D. C., as a site for the proposed hall of records-to the Committee on Appropriations, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the cases of Peter R. Andrews, administrator of Peter Andrews, deceased; T. E. Hendricks, administrator of Catherine E. Sumner, deceased, and James Watterson, against The United States--to the Committee on War Claims, and ordered to be printed.

A letter from the Postmaster-General, transmitting a report of all contracts made for carrying the mails within the year; a report on land and water mails established; of allowances made to contractors, of curtailments of expenses, fines imposed, etc.-to the Committee on the Post-Office and Post-Roads.

A letter from the Secretary of the Navy, transmitting statements in reply to the resolution of the House of Representatives of June 5, 1896, concerning employees of the Department—to the Committee on Reform in the Civil Service, and ordered to be printed.

A letter from the Attorney-General, transmitting a reply to the resolution of the House of Representatives of June 5, 1896, concerning employees and explaining the delay of the reply—to the Committee on Reform in the Civil Service, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS.

Under clause 2 of Rule XIII, Mr. RAY, from the Committee on the Judiciary, to which was referred the bill of the Senate (S. 2984) entitled "An act in relation to contempts of court," reported the same with an amendment in the form of a substitute, accompanied by a report (No. 2471); which said bill and report were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS.

REPORTS OF COMMITTEES ON PRIVATE BILLS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

By Mr. GRIFFIN, from the Committee on Military Affairs: The bill (H. R. 5756) to correct the military record of Samuel Steinman, of Scottdale, Pa. (Report No. 2456.)

By Mr. ANDREWS, from the Committee on Invalid Pensions: The bill (H. R. 9382) granting an increase of pension to John L. Sanders. (Report No. 2457.)

The bill (S. 2605) entitled "An act granting an increase of pension to James M. Simeral." (Report No. 2458.)

The bill (S. 2439) entitled "An act granting a pension to Jackson Lucas." (Report No. 2459.)

By Mr. BAKER of Kansas, from the Committee on Invalid Pensions: The bill (H. R. 9413) granting a pension to William Hoffner, of Junction City, Kans., late of Company B, Fifty-fifth Pennsylvania Infantry. (Report No. 2460.)

By Mr. CROWTHER, from the Committee on Invalid Pensions: The bill (S. 2481) entitled "An act granting an increase of pension to Charles Edson." (Report No. 2461.)

By Mr. KIRKPATRICK, from the Committee on Invalid Pensions:

The bill (S. 1690) entitled "An act granting a pension to Richard Brookins." (Report No. 2462.)

The bill (S. 1690) entitled "An act granting a pension to Richard Brookins." (Report No. 2462.)

The bill (H. R. 9318) granting an increase of pension to Catharine Clifford. (Report No. 2464.)

By Mr. PICKLER, from the Committee on Invalid Pensions: The bill (S. 3152) entitled "An act granting an increase of pension to Ransom S. Angell, late private of Company G, First Regiment Wisconsin Cavalry." (Report No. 2463.)

By Mr. POOLE, from the Committee on Invalid Pensions: The bill (H. R. 3785) granting a pension to Lowell H, Hopkinson. (Report No. 2465.)

By Mr. SULLOWAY, from the Committee of Invalid Pensions.

(Report No. 2465.)
By Mr. SULLOWAY, from the Committee on Invalid Pensions:
The bill (S. 3415) entitled "An act granting a pension to Ella D.
Cross." (Report No. 2466.)
By Mr. FENTON, from the Committee on Military Affairs: The
bill (H. R. 1841) authorizing the restoration of the name of
Thomas H, Carpenter, late captain, Seventeenth United States

Infantry, to the rolls of the Army, and providing that he be placed on the list of retired officers. (Report No. 2467.)

By Mr. SNOVER, from the Committee on Claims: The bill (H. R. 981) for the relief of William C. Dodge. (Report No. 2468.)

By Mr. HUTCHESON, from the Committee on Claims: The bill (H. R. 9475) for the relief of Calvin T. Hazelwood. (Report No. 2469.)

By Mr. BISHOP, from the Committee on Military Affairs: The bill (H. R. 8706) to correct the military record of Patrick Hanley. (Report No. 2470.)

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills; which were referred as follows

The bill (H. R. 9798) for the relief of F. W. Thomas, postmaster at Dyersburg, Tenn.—Committee on the Post-Office and Post-Roads discharged, and referred to the Committee on Claims.

The bill (H. R. 9885) granting a pension to Clarence St. Clair-Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

PUBLIC BILLS, MEMORIALS, AND RESOLUTIONS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. HURLEY: A bill (H. R. 9898) for the erection of an equestrian statue of Maj. Gen. Henry W. Slocum in the city of Washington, D. C.—to the Committee on the Library.

By Mr. KEM: A bill (H. R. 9899) to restore medical freedom to

the people of the District of Columbia-to the Committee on the

the people of the District of Columbia—to the Conditions of the District of Columbia.

By Mr. FISCHER: A bill (H. R. 9900) donating two condemned cannon and cannon balls to Grand Army of the Republic, G. K. Warren Post, Department of New York, No. 286, of Brooklyn, N. Y.—to the Committee on Naval Affairs.

By Mr. TRELOAR: A bill (H. R. 9901) to detach the county of Audrain from the western district of Missouri and to attach the

same to the eastern district of said State of Missouri-to the Committee on the Judiciary.

By Mr. BABCOCK: A bill (H. R. 9902) to regulate the sale of

poisons in the District of Columbia—to the Committee on the District of Columbia.

By Mr. MAHON: A bill (H. R. 9903) to authorize the readjust-ment of the accounts of certain army officers—to the Committee on War Claims.

By Mr. MAHANY: A joint resolution (H. Res. 229) authorizing the Secretary of War to deliver a condemned cannon to the National Encampment of the Grand Army of the Republic, to be held at Buffalo-to the Committee on Military Affairs.

PRIVATE BILLS, ETC.

Under clause 1 of Rule XXII, private bills of the following titles were presented and referred as follows:

By Mr. BENNETT: A bill (H. R. 9904) removing charge of

desertion from record of James Carolan—to the Committee on Military Affairs

Also, a bill (H. R. 9905) removing the charge of desertion from the record of Conrad Schindler—to the Committee on Military

By Mr. BERRY: A bill (H. R. 9906) for relief of Charlotte H.

By Mr. BERRY: A bill (H. R. 9906) for relief of Charlotte H. Fenton—to the Committee on War Claims.

By Mr. CLARK of Missouri: A bill (H. R. 9907) for the relief of Elenor W. Smith—to the Committee on Claims.

By Mr. CURTIS of Iowa: A bill (H. R. 9908) for the relief of Alanson D. Gaston—to the Committee on Claims.

By Mr. GIBSON: A bill (H. R. 9909) for relief of John C. Buckner, of Union County, Tenn.—to the Committee on War Claims.

By Mr. HOWARD: A bill (H. R. 9910) for the relief of Lewis King, of Selma, Ala.—to the Committee on War Claims.

Also, a bill (H. R. 9911) for the relief of Richard Smith, of Dallas County, Ala.—to the Committee on War Claims.

Also, a bill (H. R. 9912) for the relief of Mary Ann Jackson, of Selma, Ala.—to the Committee on War Claims.

Also, a bill (H. R. 9912) for the relief of Mary Ann Jackson, of Selma, Ala.—to the Committee on War Claims.

Also, a bill (H. R. 9913) for the relief of A. S. Keener, of Blaine, Ala.—to the Committee on War Claims.

By Mr. SMITH of Illinois: A bill (H. R. 9914) for the relief of Jasper N. Elder, of Saline County, Ill.—to the Committee on Claims.

By Mr. SMITH of Michigan: A bill (H. R. 9915) granting a pension to Sarah F. Smith—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9916) granting a pension to Catherine E. Babcock—to the Committee on Invalid Pensions.

By Mr. SOUTHARD: A bill (H. R. 9917) to grant an increase

of pension to Nathaniel Haughton, late colonel Twenty-fifth Ohio Volunteer Infantry—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9918) to pension George E. Welles, late colonel Sixty-eighth Ohio Volunteer Infantry—to the Committee on Inva-

By Mr. PATTERSON: A bill (H. R. 9919) for the relief of Mrs.
 Parmella B. Finney, of Memphis, Tenn.—to the Committee on War

By Mr. PICKLER: A bill (H. R. 9920) to correct the military record of H. G. Dow—to the Committee on Military Affairs.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. FENTON: Petition of Frank Ehrman and 150 other citizens of Beaver, Ohio, praying for relief for Charles L. Buehler—to the Committee on Claims.

By Mr. FLECHER, Resolution of the Minrocate Historical

By Mr. FLETCHER: Resolution of the Minnesota Historical Society of Colonial Wars, in favor of a bill against the desecration of the American flag—to the Committee on the Judiciary.

Also, resolutions of the Minneapolis Trades and Labor Council,

in favor of Government postal savings banks-to the Committee

on Banking and Currency.

By Mr. GIBSON: Petition of Mrs. Isabella R. Boyd, of Knoxville, Tenn., asking reference of her claim to the Court of Claims under the provisions of the act of March 3, 1883—to the Committee on War Claims.

By Mr. HENDERSON: Petition of the First Baptist Church of Vineland, N. J., asking the passage of a bill to raise the age of protection for girls to 18 years in the District of Columbia—to the Committee on the Judiciary.

Also, paper from Governor Claude Matthews, of Indianapolis, Ind., favoring the passage of House bill No. 3273—to the Committee on Rules.

By Mr. HILL: Resolution of the Bridgeport (Conn.) Board of Trade, favoring a permanent tariff commission—to the Committee on Ways and Means.

Also, paper from of the Possad of Trade, favoring a permanent tariff commission—to the Committee on Ways and Means.

Also, resolution of the Board of Trade of Bridgeport, Conn., favoring a department of commerce and manufactures—to the Committee on Manufactures.

By Mr. KENDALL: Papers relating to the claim of James E. all—to the Committee on War Claims.

By Mr. KIEFER: Resolution of the St. Paul Chamber of Commerce, favoring a gold standard—to the Committee on Banking and Currency

merce, favoring a gold standard—to the Committee on Banking and Currency.

By Mr. LEISENRING: Petition of the Christian Endeavor Society and members of the Presbyterian church of Hazleton, Pa., praying for the protection of life and property in Armenia—to the Committee on Foreign Affairs.

By Mr. MAGUIRE: Protest of the board of supervisors of the city and county of San Francisco, Cal.; also protest of citizens of California, against refunding the Pacific railroad debts—to the Committee on Pacific Railroads.

By Mr. McCORMICK; Resolutions adopted by the Riverhead Chautauqua Literary Society, favoring the independence of Cuba—to the Committee on Foreign Affairs.

By Mr. McEWAN: Resolutions of the Greenville Republican Club, favorable to the recognition and independence of Cuba—to the Committee on Foreign Affairs.

By Mr. MOODY: Petition of John G. Whittier Association, No. 24, American Protective Association, favoring the recognition of Cuba—to the Committee on Foreign Affairs.

By Mr. REYBURN: Sundry petitions of William G. Nebig and others, Chris. Halberstack and others, Simon Friedman and others, also of the Philadelphia Conference of Baptist Ministers, praying for favorable action on House bill No. 838, to reduce letter postage to 1 cent per half ounce, and bill No. 4566, to amend the postal laws relating to second-class matter—to the Committee on the Post-Office and Post-Roads.

By Mr. SMITH of Illinois: Resolutions of the Board of Trade of Cairo, Ill., appealing to Congress to close the crevasse in Pass a Loutre and to improve the Southwest Pass—to the Committee on Rivers and Harbors.

By Mr. STRODE of Nebraska (by request): Resolutions adopted at a mass meeting of the citizens of Omaha, Nebr., favoring the recognition of the independence of Cuba—to the Committee on Foreign Affairs.

Also, resolutions of the Master Car Builders' Association, op-

Foreign Affairs.

Also, resolutions of the Master Car Builders' Association, opposing the metric system—to the Committee on Coinage, Weights, and Measures.

By Mr. WHEELER: Petition of O. E. Comstock, sr., of Sheffield, Ala., protesting against the passage of House bill No. 4566, amending the postal laws relating to second-class matter—to the Committee on the Post-Office and Post-Roads.

By Mr. WILSON of Ohio: Petition of J. T. Van Vickle, of New Holland, Ohio, protesting against the passage of House bill No. 4566, relating to second-class mail matter—to the Committee on the Post-Office and Post-Roads.

By Mr. WOOD: Evidence in support of House bill No. 755, to remove the charge of desertion against Edward Wesner—to the

Committee on Military Affairs.

Also, evidence in support of House bill No. 4771, to correct the military record of John H. Neidigh—to the Committee on Military Affairs.

Also, evidence to accompany House bill No. 4952, for the relief of Jubal Grant—to the Committee on Military Affairs.

HOUSE OF REPRESENTATIVES.

SATURDAY, January 9, 1897.

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. HENRY N. COUDEN.

The Journal of yesterday's proceedings was read and approved.

BRIDGE ACROSS THE RED RIVER BETWEEN THE STATES OF ARKANSAS AND TEXAS.

Mr. TERRY. Mr. Speaker, in behalf of my colleague [Mr. McRae], I ask consideration of the following bill. It is a very short one

The Clerk read as follows:

A bill (S. 1723) to approve and ratify the construction of a bridge across the Red River between the States of Arkansas and Texas, at a point above the town of Fulton, in Arkansas, on said river, built by the Texarkana Northern Railway Company, but now operated and owned by the Texarkana and Fort Smith Railway Company, and to authorize the latter company to maintain said bridge over said waterway, subject to certain stipulations and conditions.

The bill was read at length. The amendments recommended by the committee were read, as

Add the following new section 7, to be inserted between sections 6 and 7, and change number of present section 7 to 8:
"Sec. 7. That this act shall be null and void if actual construction of the bridge herein authorized be not commenced within one year and completed within three years from the date of approval thereof."

Mr. TERRY. Mr. Speaker, I move the adoption of the amendment recommended by the committee.

The SPEAKER. Is there objection to the present considera-

tion of the bill?

Mr. PAYNE. I should like to ask the gentleman from Arkan-

Mr. PAYNE. I should like to ask the gentleman from Arkansas a question. This seems to be a bill to validate the construction of a bridge already built, and not the construction of a new bridge. It is not in the usual form, and I should like to have some explanation before unanimous consent is given.

Mr. TERRY. The report of the Chief Engineer explains the whole matter. This is a bill that I have called up at the request of my absent colleague [Mr. McRae], who is detained at home by the sickness of his daughter. I do not know very much about the bill; but I know this, that it has been approved by the Chief of Engineers, General Craighill, has the unanimous indorsement of the committee, and is in the usual form of bridge bills.

Mr. PAYNE. Well, I have no objection.

Mr. TERRY. I move the adoption of the amendment recommended by the committee.

The SPEAKER. Is there objection to the present consideration of the bill? [After a pause.] The Chair hears none. The question now is on agreeing to the amendment.

The question was taken; and the amendment was agreed to. The bill as amended was ordered to a third reading; and it was

The dueston was taken, and the amendment was agreed to.

The bill as amended was ordered to a third reading; and it was accordingly read the third time, and passed.

On motion of Mr. TERRY, a motion to reconsider the vote by which the bill was passed was laid on the table.

ORDER OF BUSINESS

Mr. POWERS. I call-for the regular order.
Mr. HENDERSON. Pending that, I make a motion to reconsider. On page 607 of the RECORD I find the following resolution was adopted by the House last night:

Resolved, That the order directing the Sergeant-at-Arms to take into custody and bring to the bar absent members be made returnable on Tuesday morning next, after the reading of the Journal.

I move to reconsider the vote by which that resolution was

adopted.
Mr. BENNETT. Mr. Speaker, it was impossible to hear what the gentleman said.

The SPEAKER. The gentleman from Iowa moves to reconsider the vote by which the following resolution was passed last evening.

Resolved, That the order directing the Sergeant-at-Arms to take into custody and bring to the bar absent members be made returnable on Tuesday morning next, after the reading of the Journal.

Mr. THOMAS. Is that in order, after the regular order has been demanded?

The SPEAKER. It is.

Mr. THOMAS. I desire to be heard on the motion of the gentleman from Iowa

The SPEAKER. The gentleman from Michigan desires to be

Mr. DOCKERY and Mr. HENDERSON. The motion is not

The SPEAKER. It is.

Mr. HENDERSON. I will hear what the gentleman from Mich-

igan has to say.

Mr. POWERS. I call for the regular order.

The SPEAKER. The Chair thinks this is the regular order.

Mr. THOMAS. Mr. Speaker, first I desire to state that the gen-

tleman was not present.

Mr. WATSON of Ohio. Mr. Speaker, I hope we shall have order. We can not hear one single word.

The SPEAKER. Gentlemen will please take their seats and

cease conversation.

Mr. THOMAS. Mr. Speaker— Mr. DOCKERY. I desire to submit a parliamentary inquiryto know whether it is too late to submit a question of order against the resolution?

The SPEAKER. The Chair thinks it is too late to submit a

point of order against the resolution.

Mr. RICHARDSON. I would like to inquire if the Chair has Mr. RICHARDSON. I would like to inquire it the Chair has decided on the regularity of the motion now pending; that is to say, whether it displaces the special order of to-day? Now, I understand a motion to reconsider is a privileged motion, and that it might be entered as a privileged motion; but how does that bring up the resolution?

The SPEAKER. The resolution involves the arrest of members of the House, which would seem to be a question of privilege.

Mr. HENDERSON. Mr. Speaker, in order to avoid interfering with the regular order, I am willing that the motion may be entered and disposed of after the regular order is disposed of.

Mr. RICHARDSON. The special order is a matter of privilege.

Mr. THOMAS. I am willing that it should go over until Tues-

Mr. HENDERSON. Let it go over until Monday, after the regular order is exhausted. I do not want to interfere with the regular order.
Mr. BAKER of New Hampshire. A parliamentary inquiry,

Mr. Speaker.

Mr. BAKER of New Hampshire. A parliamentary inquiry, Mr. Speaker.

The SPEAKER. The gentleman will state it.

Mr. BAKER of New Hampshire. I wish to know if it is competent for the gentleman from Iowa to enter a motion to reconsider, he not having been here and voted for the resolution itself? Mr. HENDERSON. You do not know.

Mr. BAKER of New Hampshire. Yes, I do.

Mr. HENDERSON. You just tell what you do.

The SPEAKER. There not having been a yea-and-nay vote, the Chair can not take cognizance of that. The gentleman from Iowa asks unanimous consent that this matter may be postponed until after the vote is taken upon the Pacific funding bill.

Mr. THOMAS. I will agree to that if the gentleman will consent to have it go over until Tuesday.

Mr. HULL. Mr. Speaker, I rise to a parliamentary inquiry. I understand that the House last evening ordered the Sergeant-at-Arms to place under arrest a large majority of the House of Representatives. [Laughter.] Now, if this question goes over until Tuesday, will not those members be at least constructively under arrest, and can they participate in the business of the House?

The SPEAKER. Some such difficulty might arise if the question should go over until Tuesday.

Mr. HULL. For that reason, Mr. Speaker, I think the matter ought to be decided now, because those members will undoubtedly desire to vote on the pending bill.

Mr. HENDERSON. Mr. Speaker, I think I have a right to enter my motion and let it go over.

The SPEAKER. The matter is now before the House, and the

Mr. HENDERSON. Mr. Speaker, I think I have a light to eller my motion and let it go over.

The SPEAKER. The matter is now before the House, and the gentleman from Michigan [Mr. Thomas] has been recognized.

Mr. BAKER of New Hampshire. Mr. Speaker, I make the point that the gentleman from Iowa [Mr. HENDERSON] did not vote for the resolution which was passed last evening, and that therefore it is not competent for him to move to reconsider it.

Mr. HENDERSON. That makes no difference. I did not vote, and therefore I am competent to move to reconsider.

and therefore I am competent to move to reconsider.

The SPEAKER. The gentleman from Michigan has the floor to discuss the motion, unless some arrangement is made for postponement.

Mr. THOMAS. Mr. Speaker, this resolution was adopted in good faith and in the interest of securing a quorum of this House at the Friday evening sessions. It devolves upon me, as ranking member of the Committee on Invalid Pensions, to defend, to the best of my ability, the action taken by the House last night with that end in view. Therefore, in the first place, I think the objection is well taken that the gentleman from Iowa [Mr. HENDERSON] has no right to enter this motion, because the records of the House show that he was not present at the serious et which the House show that he was not present at the session at which the resolution was adopted, and I propose to object to the vote of every member who attempts to record his vote upon this proposition who was not present last evening, and who appears as being under arrest. The record of the House shows that certain members were absent and that the House directed the Sergeant-at-Arms to take them into custody and to report on Tuesday next. That was entirely in order, as will be seen by reference to page 300 of the Manual and Digest:

The House may, however, by resolution continue in force beyond an adjournment the order that the Sergeant at Arms take into custody and bring to the bar absent members, and may make such order returnable on a day subsequent to the day of adjournment.

Now, that the members put under arrest in pursuance of the order of the House would not have a right to vote on this question is clearly shown from clause 2 of Rule XV, which provides that "the House shall determine upon what conditions the members shall be discharged," and from clause 1 of Rule VIII, which provides that "every member present shall vote unless he has a direct personal interest." personal interest.

That the gentleman from Iowa [Mr. Henderson] has no right to make the motion to reconsider or to vote is shown from clause 1 of Rule VIII, which provides that "every member present shall vote unless he has a direct personal or pecuniary interest in the event of such question." Now, every member who was absent has a personal interest, and clearly, under the rule, is not entitled

to vote.

Mr. Speaker, if it is permissible for members of this House to absent themselves from the Friday evening sessions and then to come in here on Saturday morning and vote to do away with the come in here on Saturday morning and vote to do away with the action of the House for the purpose of securing a quorum at those sessions, it is obvious that that can go on indefinitely, and that no legislation can be accomplished on Friday evenings. A few gentlemen, I know, say that a part of the legislation enacted at these Friday evening sessions is unjust; but, however that may be, it is the duty of every member to be in his seat, so as to give the House a quorum, in order that justice at least can be done to the defenders of this country. I desire to be placed on record, first, as having objected to the gentleman from Iowa [Mr. Henderson] making the motion to reconsider, and second, as objecting to the vote of every member whom the Record shows to be under arrest, and I ask the Clerk to read, as a part of my remarks, the rest, and I ask the Clerk to read, as a part of my remarks, the names of the absentees—first those who were absent without leave, and then the report of the Sergeant-at-Arms of the names of the members whom he has already arrested and those that are yet to be arrested.

Mr. GROSVENOR. Mr. Speaker, I rise to a parliamentary inquiry. If this question is to stand over until next Tuesday, I desire to know whether the Sergeant at-Arms will furnish transportation, lodging, and food for the prisoners during that time? Laughter.

[Laughter.]
The SPEAKER. The Chair does not think that a parliamentary inquiry in precisely that form. [Laughter.]
Several members addressed the Chair.
The SPEAKER. The gentleman from Michigan [Mr. THOMAS] has not yet finished his remarks.
Mr. HENDERSON. Has the gentleman a right to have the names read as part of his remarks?
Mr. THOMAS. I desire to have the names of the absentees

The SPEAKER. The Chair would suggest to the gentleman that they are already a part of the record.

Mr. THOMAS. I understand that, but for the information of the House and of the country, I desire to have them read as a part of my remarks

Mr. HENDERSON. The gentleman might put in the whole RECORD.

Mr. STEELE. I ask consent that the gentleman be allowed to print. He is, of course, more zealous in the discharge of his duties than any other member of the House. We all concede that. [Laughter.]

[Confusion in the Hall.] The SPEAKER. The House must be in order. The gentleman from Michigan is entitled to have the names read as a part of his remarks

Mr. STEELE. Would not the gentleman be satisfied to have us write to his constituents admitting his superior attention to his

The SPEAKER. The Chair does not know.

Mr. THOMAS. The gentleman from Indiana will find, before ne is through with this matter, that he will not desire to have all his remarks in the RECORD.

Mr. STEELE. All of whose remarks? Mr. THOMAS. Your own remarks. Mr. STEELE. My remarks will remain in the Record, I pre-

The SPEAKER. The gentleman from Michigan will please furnish to the Clerk what he desires to have read.

Mr. HEPBURN. I should like to make a parliamentary

Mr. THOMAS. I ask that the Clerk read the list of those members absent and not excused.

The SPEAKER. The gentleman from Michigan has the floor

and is now engaged—
Mr. HEPBURN. I rose to a parliamentary inquiry, Mr. Speaker.
The SPEAKER. Has it reference to the question before the House

Mr. HEPBURN. Yes, sir; to this subject.
The SPEAKER. The gentleman will state it.
Mr. HEPBURN. I desire to know whether it is competent for

less than a quorum of this House to make a continuing or continnous order?

Mr. THOMAS. It is a matter of the highest privilege—
Mr. HEPBURN. Less than a quorum, as I understand, may remain continuously in session, but—
The SPEAKER. The Chair does not understand the statement of the gentleman from Iowa [Mr. HEPBURN] to be a parliamentary inquiry proper to be presented in the time of the gentleman from Michigan, and would not like to pass upon that question in this incidental way. The Clerk will read.

Mr. OWENS. Mr. Speaker, I make the point of order that a minority of the House can not make a continuing order. Where a quorum is lacking, less than a quorum may make an order for the arrest of absent members, but—
The SPEAKER. The Chair does not regard that as a point of

The SPEAKER. The Chair does not regard that as a point of order at this stage, but an expression of opinion.

Livingston.

Russell, Ga.

The Clerk read as follows:

Abbott,
Acheson,
Adams,
Aitken,
Aldrich, W. F.
Aldrich, Ill.
Allen, Miss.
Anderson,
Apsley,
Arnold. R. I.
Atwood,
Avery,
Babcock,
Bailey,
Baker, Md.
Bankhead,
Barham,
Barney,
Barrett,
Bartlett, N. Y.
Beach, Dockery, Dolliver, Draper, Ellett, Fischer, Fitzgerald, Fletcher, Russell, Ga.
Sauerhering,
Sayers,
Scranton,
Settle,
Shafroth,
Shamon, Long,
Lorimer,
Loud,
Maddox,
Maguire,
Mahon,
McCall, Mass.
McCall, Tenn.
McCure,
McCormick,
McCreary, Ky.
McEwan,
McLaurin,
McMillin,
McRae,
Meiklejohn,
Mercer,
Meredith,
Meyer,
Miles,
Miller, Kans.
Milliken,
Milnes,
Milnes,
Milnes,
Miner, N. Y.
Minor, Wis.
Mitchell,
Mondey,
Morse,
Moses,
Murphy,
Murray,
Nowlands,
Noonan,
Northway,
Odell,
Ogden,
Odey,
Overstreet, Foote, Foss, Fowler, Gamble, Gillet, N. Y. Gillett, Mass. Shaw, Shuford, Simpkins, Skinner, Smith, Mich. Snover, Goodwyn, Graff, Griffin, Griswold, Grosvenor, Grow, Hadley, Hall, Halterman, Hanly, Harmer, Harrison, Harrison, Harrison, Goodwyn, Sorg. Southwick, Southwick, Spalding, Spencer, Stallings, Steele, Stewart, N. J. Stokes, Stone, C. W. Stone, W. A. Strait, Strait, Strowd, N. C. Sulloway, Sulzer, Beach, Belknap, Bell, Tex. Bennett, Berry, Bingham, Harrison,
Harrison,
Hartman,
Heatwole,
Heiner, Pa.
Hemenway,
Henderson,
Henry, Conn.
Hepburn,
Hicks,
Hilborn,
Hitt,
Hopkins,
Howe,
Hubbard,
Huff,
Hulick,
Huling
Hunter,
Hutcheson,
Hyde,
Johnson, Cal.
Johnson, Ind.
Johnson, N. Dak.
Jones,
Joy,
Kem,
Kerr,
Kleberg,
Kulp,
Lawson,
Lefever. Sulloway,
Sulzer,
Swanson,
Talbert,
Tawney,
Tayler,
Terry,
Thorp,
Towne,
Tracewell,
Tucker,
Turner, Ga.
Turner, Va.
Van Horn.
Van Voorhis,
Wadsworth. Black, Boatner, Boutelle, Boutelle, Brewster, Bromwell, Brown, Brumm, Buck, Bull, Bull, Cannon, Catchings, Chickering, Chickering, Clark, Iowa Clarke, Ala. Colb, Cockrell, Coffin, Colson, Cooper, Fla. Cooper, Fla. Cooper, Wis. Corliss, Cousins. Van Voorhis,
Wadsworth,
Walker, Mass.
Walker, Va.
Washington,
Watson, Ind.
Watson, Ohio
Wellington,
Wheeler,
Williams,
Wilson, Idaho
Wilson, N. Y.
Wilson, S. C.
Woodard,
Woodman,
Woomer, Owens, Owens, Parker, Patterson, Pearson, Pendleton, Perkins, Corliss,
Cousins,
Cowen,
Crowley,
Crump,
Culberson,
Curtis, Kans.
Dalzell,
Danford,
Dayton,
De Armond,
Dingley,
Dinsmore, Phillips, Pickler, Pickler,
Pitney,
Powers,
Price,
Prince,
Quigg,
Ray,
Reyburn,
Richardson,
Robertson, La.
Robinson, Pa.
Rusk, Lawson, Lefever, Leisenring, Lester, Woomer, Wright. Rusk, Russell, Conn. Lewis, Little,

Mr. THOMAS. I now desire to have read by the Clerk, in justice to members, the names of those who were absent with leave.

Mr. CHICKERING. And those who came in under the rule

and were recorded as present.

Mr. THOMAS. Those absent with leave or who were excused. The Clerk read the names of members who were absent on leave, as follows:

Mr. Little, Mr. Brown, Mr. Allen of Mississippi, Mr. Joy, Mr. Buck, Mr. Barrett, Mr. Gamble, Mr. Hutcheson, Mr. Pickler, Mr. Huff, Mr. McRae, Mr. Graff, Mr. Dockery, Mr. Hanly, Mr. Kulp, Mr. Russell of Georgia, Mr. Lewis, and Mr. Crump.

Members excused:

Mr. Curtis of Kansas, Mr. Northway, Mr. Strowd of North Carolina, Mr. Hyde, Mr. Howe, the Speaker, Mr. Reed, and Mr. Hadley.

The following members subsequently reported "present" under

Mr. CHICKERING, Mr. DINSMORE, Mr. DE ARMOND, Mr. GILLET of New York, Mr. Pugh, Mr. Snover, Mr. Sparkman, Mr. Sorg, Mr. Tate, and Mr. Wilson of New York.

Mr. THOMAS. I now desire to submit as part of my remarks the names of members for whom warrants have been issued and are now in the hands of the Sergeant-at-Arms. I ask the Clerk to read the names marked on the list which I send to the desk.

Mr. HENDERSON. That is not a proper matter to be presented—a statement of what the Sergeant-at-Arms has in his hands. That is no part of the record. The gentleman has no

right to introduce that.

Mr. THOMAS. It is a part of my remarks.

The SPEAKER. The gentleman introduces it as part of his

Mr. HENDERSON. But how can he make that statement—
Mr. THOMAS. I will state to the House that I get this information directly from the Sergeant-at-Arms.
Mr. HENDERSON. That is just why I object to it. The Sergeant at Arms is the proper officer to make that showing, and it

geant-at-Arms is the proper officer to make that showing, and it should be made at a proper time.

The SPEAKER. The gentleman from Michigan is having this list read as a part of his remarks. It has no official standing.

Mr. RICHARDSON. I ask that order be restored. We can not understand what is being done or said.

The SPEAKER called the House to order, and, after order had been restored, said: The Chair hopes that members, having resumed order, will keep order. The Chair will try to insist upon that; and he hopes to have the cooperation of all the members of the House. Gentlemen will cease conversation and remain in their seats unless they desire to retire to the cloakroom. The gentleman from Michigan will proceed.

man from Michigan will proceed.

Mr. THOMAS. If there be no objection, I will ask that this list be published as part of my remarks without being read by

the Clerk. The SPEAKER.

the Clerk.
The SPEAKER. Is there objection?
Mr. WELLINGTON. I object.
Mr. THOMAS. Then let the names be read.
Mr. McCALL of Massachusetts. I rise to a point of order.
The SPEAKER. The gentleman will state it.
Mr. McCALL of Massachusetts. I make the point that it is not in order for any member in the course of his remarks to call other members by name. I understand that the gentleman from Michigan proposes to make this list a part of his remarks, and in doing gan proposes to make this list a part of his remarks, and in doing so he is naming members of the House.

The SPEAKER. The Chair does not think the point well

taken in this instance. The Clerk read as follows:

	Abbott,	Catchings,
	Acheson,	Clark, Iow
	Adams.	Clarke, Ala
	Aitken,	Cobb,
	Aldrich, W. F.	Cockrell,
	Aldrich, Ill.	Coffin,
	Anderson,	Colson.
	Apsley,	Cooper, Fla
	Arnold, R. I.	Cooper, Te
		Corliss,
	Atwood,	
	Avery,	Cousins,
	Babcock,	Cowen,
	Bailey,	Crowley,
	Baker, Md.	Culberson.
	Bankhead,	Cummings
	Barham,	Dalzell,
3.1	Barney,	Danford,
	Bartlett, N. Y.	Dayton,
	Beach,	Dingley,
	Belknap,	Dolliver,
ш	Bell, Tex.	Draper,
	Bennett,	Ellett.
	Berry,	Fischer,
338	Bingham,	Fitzgerald,
01	Black,	Fletcher,
	Boatner,	Foote,
	Boutelle,	Foss,
17	Brewster,	Fowler,
	Bromwell,	Gillett, Mas
66	Brumm,	Goodwyn,
	Bull.	Griffin,
ы	Cannon,	Griswold,
	· Cumulations	Cra 20 W Olding

rrosvenor,	Livingston,
Frout,	Long,
Frow,	Lorimer,
Hall,	Loud,
Ialterman,	Maddox,
Harmer,	Maguire,
Harris.	Mahon,
Harrison,	McCall, Mass
Hartman,	McCall, Tenr
Teatwole,	McClure.
leiner, Pa.	McCormick,
Hemenway,	McCreary, K
Henderson,	McEwan,
Ienry, Conn.	McLaurin,
lepburn,	McMillin,
lepburn, lilborn,	Meiklejohn,
litt.	Mercer.
lookins,	Meredith.
Iubbard,	Mever.
Iulick,	Miles.
Tuling.	Miller, Kans.
Iunter,	Milliken,
Hutcheson,	Milnes.
ohnson, Cal.	Miner, N. Y.
ohnson, Ind.	Minor, Wis.
ohnson, N. Dak.	Mitchell,
ones,	Mondell.
Cem,	Money,
Cerr.	Moody,
awson.	Morse,
efever.	Moses,
eisenring,	Murphy,
9)	and the same of th

Livingston

Reyburn, Richardson, Robertson, La. Robinson, Pa. Rusk, Russell, Conn. Sauerhering, Sayers Murray, Newlands. Newlands, Noonan, Odell, Ogden, Otey, Overstreet, Sauerhering, Sayers, Scranton, Settle, Shafroth, Shafroth, Shaw, Shuford, Simpkins, Skinner, Smith, Mich. Southwick, Spalding, Spencer, Overstreet Owens. Patterson, Pearson, Pendleton, Perkins, Phillips, Pitney, Powers, Price, Prince, Quigg, Ray,

Stahle, Steele, Stewart, N. J. Stokes, Stone, C. W. Stone, W. A. Strait, Sulloway, Sulloway,
Sulzer,
Swanson,
Talbert,
Tawney,
Tayler,
Terry,
Thorp,
Towne,
Tracewell,
Tucker,
Turner, Ga.

Turner, Va.
Van Horn,
Van Voorhis,
Wadsworth,
Walker, Va.
Washington,
Watson, Ind.
Watson, Ohio
Wellington,
White,
Williams,
Williams,
Wilson, Idaho
Wilson, S. C.
Woodman,
Woomer,
Wright.

Mr. PRINCE. I want to correct that roll. I claim the right

The SPEAKER. This is not a roll which is in any way official or subject to correction. It is a statement made by the gentleman from Michigan. It may or may not be true. It is not a question of privilege to correct the statement of a member on the ground that it is untrue. The gentleman from Michigan will

Mr. THOMAS. It must be presumed until the contrary is shown-

Mr. PRINCE. Will not the gentleman yield.
Mr. THOMAS. No; I decline to yield.
Mr. PRINCE. I was here; and that list is incorrect.
Mr. THOMAS. All right, if the gentleman wants to make that orrection. Members should bear in mind that this action on my decrease of the standard state of the standard standard state of the standard stan part is not directed toward individuals. Many of those whose names are on this list have been constant attendants at the Friday names are on this list have been constant attendants at the Friday night meetings, and are leading members of the House. If the order is carried out, everyone will have an opportunity to present his reasons for being absent, and there will be no injustice done. On the other hand, I have been informed that an attempt would be made to prevent business on Friday evenings, so I deem it a duty to emphasize the necessity of a quorum.

Mr. PRINCE. If the gentleman will turn to page 608 of the RECORD he will see that I was here and asked that one of my colleagues be excused. If those members who were here are to be punished as well as those who were away, all might as well remain away.

Mr. THOMAS. The inclusion of the gentleman's name in that list is undoubtedly an error, and I beg his pardon. The list was copied from that of the Sergeant-at-Arms.

Mr. PRINCE. I hope the gentleman will have my name stricken

from that list.

Mr. MEREDITH. I suggest that the gentleman from Michigan have printed as a part of his remarks his petition for appointment

have printed as a part of his remarks his petition for appointment as Commissioner of Pensions.

Mr. THOMAS. I know of no such petition, and therefore am unable to present it for publication.

Mr. MEREDITH. I so heard, sir.

Mr. THOMAS. I presume, Mr. Speaker, that the Sergeant-at-Arms has been engaged in the active discharge of his duty since the order of the House was issued; and therefore it may be assumed that every gentleman whose name was read on that list, and for whom the warrant was issued, is under arrest.

Clause 4 of Rule XV provides that after being discharged from arrest they shall be given an opportunity to vote. So it is plainly to be inferred from this rule, and the other clause to which I called the attention of the Chair a few moments ago, that these gentlemen who are under arrest should not be allowed to vote until they are discharged from custody by the House; and further that the gentleman from Iowa [Mr. HENDERSON] who made the motion to reconsider this resolution was out of order for the same

reason. And with this statement I am ready for the decision of the

Chair.
Mr. HENDERSON. Mr. Speaker, on the point that I had no Mr. HENDERSON. Mr. Speaker, on the point that I had no of right to submit the motion it is unnecessary to consume any of the time of the House, because that point should have been made at the time the motion was submitted. It was too late afterwards.

Mr. THOMAS. I did submit it at the time.

Mr. HENDERSON (continuing). And I now demand the pre-

vious question on the motion to reconsider.

The previous question was ordered.

The question was taken on reconsidering the vote adopting the resolution; and on a division (demanded by Mr. Thomas) there

were—ayes 180, noes 19.

Mr. THOMAS. On this I demand the yeas and nays. I desire to have it appear of record that the House refused the yeas and nays on this question.

The yeas and nays were refused, 16 members only voting in

fayor thereof.

So the motion to reconsider was agreed to.

The SPEAKER. The question now is on the adoption of the original resolution.

The question was taken; and on a division (demanded by Mr. Thomas) there were—ayes 16, noes 165.

Mr. THOMAS (before the announcement of the vote). I rise

Thomas) there were—ayes 16, noes 165.

Mr. THOMAS (before the announcement of the vote). I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.
Mr. THOMAS. I desire to ask the Speaker if he has counted on this vote any of those members who are under arrest?

The SPEAKER. The Chair is not aware that any of the members are under arrest. The Chair has no such information.

Mr. THOMAS. I would like to ask—
Mr. STEELE. Regular order.

The SPEAKER. The gentleman from Michigan has risen for a parliamentary inquiry, and will state it.
Mr. THOMAS. I would like to ask if it is not a part of the record of this body that certain members are under arrest?

The SPEAKER. There is no record of which the Chair has any knowledge to that effect. Can the gentleman from Michigan point out such a record?

Mr. THOMAS. I do not desire to have any controversy with the Speaker; I only asked for information.

The SPEAKER. The Chair will be very glad to answer the gentleman's inquiry, and if he can point to any such record, the Chair will consider the question that he has raised.

Mr. HENDERSON. I was informed, Mr. Speaker, that no arrests were made under that resolution.

Mr. THOMAS. The gentleman is mistaken in that.

Mr. HENDERSON. Not one.

The SPEAKER. If there is a record showing that there have been such arrests, the Chair would be very glad to have the gentleman furnish it.

Mr. THOMAS. Certain arrests were made last night; certain

tleman furnish it.

Mr. THOMAS. Certain arrests were made last night; certain members were brought before the bar of the House and excused, and I am informed by the Sergeant-at-Arms that he has made

some arrests this morning.

The SPEAKER. Neither the Chair nor the House has such

information.

Mr. THOMAS. Of course the writ was not returnable until Tuesday next, and so the information is not officially before the House; but as a matter of fact certain members are under arrest.

The SPEAKER. The Chair can not take cognizance of the question except on official information.

question except on official information.

On this question the yeas are 16, nays 165. The noes have it, and the resolution is rejected.

Mr. HENDERSON. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. HENDERSON. I take it for granted that the adjournment last night suspended all further proceedings under the call; so that a motion would not be necessary. that a motion would not be necessary.

The SPEAKER. The Chair has not had the matter brought

officially to his notice, but such has been the precedent hereto-

Mr. THOMAS. If that is done, I understand that it would set aside the ruling in former Congresses, notably in the Thirtieth Congress, and in the Fifty-second Congress, in which it was decided that the House had a right to continue the proceedings beyond adjournment.
The SPEAKER. The Chair will decide that question whenever

it comes up.

Mr. HENDERSON. I move, in order that there may be no confusion with reference to the matter, that all further proceedings under the call be dispensed with. There are important matters are important matters. to be considered to-day, important votes to be taken, and we had better settle the matter now.

The SPEAKER. If there be no objection, all further proceedings under the call will be dispensed with.

There was no objection, and it was so ordered.

PACIFIC RAILROAD FUNDING BILL.

Mr. POWERS. I call for the regular order.

Under the special order, the House resolved itself into Committee of the Whole House on the state of the Union, with Mr. PAYNE in the chair, for the further consideration of the bill (H. R. 8189) to amend an act entitled "An act to aid in the construction of a railroad and telegraph line from the Missouri River to the Pacific Ocean, and to secure to the Government the use of the same for postal, military, and other purposes," approved July 1, 1862; also to amend an act approved July 2, 1864, and also an act approved May 7, 1878, both in amendment of said first-mentioned act, and other acts amendatory thereof and supplemental thereto, and oprovide for the settlement of claims growing out of the issue of bonds to aid in the construction of certain railroads, and to secure the payment of all indebtedness to the United States of certain companies therein mentioned.

The CHAIRMAN. By order of the House, general debate is closed, and the Clerk will report the first section of the bill.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to ascertain the amounts of the respective indebtedness of the Union Pacific Railroad Company and the Kanasa Pacific Railway Company to which the subsidy bonds of the United States were advanced in aid of the construction of the Pacific railroads and branches as of the 1st day of January, 1897, upon the same principle as if the whole sum of said bonds and interest paid and to be paid by the United States thereon, and not theretofrer repaid by credits on account thereof, were to be paid to the United States in cash on said day; and the said sum shall be computed and ascertained as follows.

M. DOWEDS:

Mr. BOWERS. I move to strike out the last line of the para-

The CHAIRMAN. The gentleman from California [Mr. Bow-

ERS] is recognized.

Mr. HUBBARD. Will the gentleman yield to me for one

minute?

Mr. BOWERS. If the gentleman will give me a minute by and by. I have only five minutes. I yield one minute to the

and by. I have only five minutes. I yield one minute to the gentleman from Missouri [Mr. HUBBARD].

Mr. HUBBARD. I desire to say, Mr. Chairman, in reply to what the gentleman from Iowa [Mr. HEPBURN] stated yesterday in reference to the four propositions that were submitted to our committee, wherein he attempted to prove that fifty-five million 2 per cent bonds are better than thirty-five million 4 per cent bonds, I have made a careful computation, and have the four different propositions worked out in parallel columns, and have had them printed for distribution to the members of the House for their information. They are so simple that any 10-year-old boy can them printed for distribution to the members of the House for their information. They are so simple that any 10-year-old boy can understand them, and I shall be glad to have members of the House look at the printed statement, copies of which I have here. The CHAIRMAN. The proceedings of the committee can not be interrupted by the distribution of printed matter now.

Mr. HEPBURN. I simply desire to say that "the gentleman from Iowa" made no such statement as the gentleman from Missey in Mr. Hunt and has asserted.

Mr. HUBBARD] has asserted.

Mr. HUBBARD. You did make such statement.

I yield back the balance of my time to the gentleman from California [Mr. Bowers].

The CHAIRMAN. The gentleman from California [Mr. Bowers].

ERS] is entitled to the floor.

Mr. BOWERS. Mr. Chairman, it would be better by far for Mr. BOWERS. Mr. Chairman, it would be better by far for the Government to cancel all claims it now has for money and bonds advanced to the Union and Pacific roads than to pass this vicious bill. Better to say to these corporations that have misused the bounty, diverted it from the intended public benefit to private gain, "Here, take your ill-gotten gains; we make you a present of the \$113,000,000 you owe the peope, and now go away; we have had enough of the people's money. It is shapeful for you have had enough of the people's money. It is shameful for you to ask for millions more, and don't ask the Government to sustain and indorse your rascality and uphold your damnable monopoly longer. Go!"

Let it be remembered that no legislation is necessary at this time

to protect the interests of the United States—of the people—in connection with these roads. Remember that this bill is brought in nection with these roads. Remember that this bill is brought in by the managers and manipulators who have made great fortunes out of these roads, whose private fortunes increased in an almost exact ratio with the fraudulent indebtedness of the roads, and who also now have this Capitol swarming with lobbyists and paid attorneys, urging the passage of this bill. Remember that this bill is wholly in the interests of these corporations; that it surrenders all the security the Government now has for its loans; that the aggregate liabilities of the Union Pacific are \$186,868,161 on 1,038.68 miles of road, being at the rate of \$158,461 per mile, \$100,000 per mile of such liabilities being dishonest and fraudulent in every respect, for the honest cost of that road was less than

\$58,000 per mile.
The Central Pacific liabilities are \$185,033,682 for 860.66 miles

The Central Pacific liabilities are \$185,033,682 for 860.66 miles of road, being at the rate of \$215,153 per mile, of which not less than \$140,000 per mile of liabilities are dishonest and fraudulent in every particular, for the honest and true cost of the Central Pacific did not exceed \$75,000 per mile. The total fraudulent indebtedness of these roads is not less than \$224,200,000, and this bill provides for the payment of 4 per cent interest on this fraud. That is one of the business propositions in this bill.

The supporters of this bill assert that these two roads, with a mileage of 1,899.34 miles, and capitalized, or having, as they claim, a bona fide indebtedness of \$371,891,843, are not worth the amount of the first-mortgage bonds, about \$62,000,000—not worth one-sixth of the indebtedness, and that they would not sell for over \$40,000,000, not one-ninth of their indebtedness. And in the same breath they tell us that under the operations of this bill these corporations can and will, from the earnings of these almost worthless properties, pay the Government the \$113,000,000 owing it, and at the same time pay 4 per cent interest on \$258,891,843 of indebtedness outside of the Government's lien and 2 per cent on the Government claim. This is another of the preposterous business propositions contained in this bill.

Remember that this bill provides that the Government shall pay

\$62,000,000 more of the debts of these corporations, and as the Government is in debt about \$1,000,000,000, upon which it is paying from 3½ to 6 per cent interest, it therefore must borrow money to make the payments called for in this bill at not less than 3½ per cent. And this further loan these corporations promise to repay within about eighty years, with 2 per cent interest. This is another of the business propositions of this bill.

How long will the credit of a nation or of an individual last that

does business on such lines, borrowing money by the millions at 3½ per cent and loaning it at 2 per cent?

Remember that this bill, if it becomes a law, extends indefinitely

the life and power of the most tyrannous and oppressive railroad monopoly that ever existed in the United States. That it indorses Pacific to the Southern Pacific of Kentucky, and which lease the Government directors say is the "main cause of the present deplorable conditions of the Union Pacific, being absolutely at the

deplorable conditions of the Union Pacific, being absolutely at the mercy of the Southern Pacific, compulsion being brought to bear upon shippers who wish to ship by the central route to the east to compel them to ship by the Southern route."

Remember, when you pass this bill you give official notice to the people that there is one law for the great corporations and another for the plain people; that corporations are to be favored in court and Congress at the expense of the people. We had better lose many millions than do that. That is what makes Populists. Let it be remembered that this anaconda of the Pacific Coast, the Southern Pacific Company of Kentucky, proposes to swallow bodily the Central Pacific Railroad, through the infamous ninety-nine-year lease—it has it halfway down its rayenous maw ninety-nine-year lease-it has it halfway down its ravenous maw already, and this bill is to enable it to finish the job. It proposes to steal a railroad, and comes here to ask the Government to become an accomplice in the crime. The owners of the Southern Pacific Company of Kentucky sold millions of the stock of the Central road and now propose to freeze the purchasers out. Will the United States Government become a party to such a crime? I think not.

Realizing the poverty of their arguments in support of this bill, and to some extent the enormities contemplated in this attempted and to some extent the enormities contemplated in this attempted raid upon the Treasury, its supporters turn to romance and appeal to prejudice, and declare that this is the entering wedge of Populism. They know better, but they are hard pushed to make this scheme possible and plausible.

The Secretary of the Interior, regarding these roads, says:

In determining what course should be pursued, two objects should receive consideration: First, the collection of the debt due the Government: second, the creation of a great through line from the Missouri to the Pacific. This was the original purpose of the Government leading to the issue of these

Mr. Chairman, this bill will absolutely defeat both these objects. The Secretary goes on to say:

I will not undertake to review the conduct of those who have managed this property, and who have misused the Government's aid. A most interesting presentation of the facts will be found in the report of the commission appointed under authority of an act of Congress approved March 3, 1887, consisting of Messrs. Anderson, Littler, and Pattison. If a suggestion of leniency on the part of the Government should be made in the interest of those who received the Government's bounty, a study of the facts which this commission developed will show that the time has come to regard only the interests of the Government.

The following table states the amount due on the subsidy bonds and the first-mortgage bonds, and also gives the credits on account of the sinking fund. It shows what would be the investment of the Government in these properties if it is compelled to pay off the first-mortgage bonds, which alone are superior to the Government lien. It would be an increased investment of \$64,613,000 to save an investment already made of \$117,436,000. As the properties are worth very much more than the first-mortgage bonds, and as the Government has the second-mortgage bonds, the Government occupies the position of being forced to make good the first-mortgage bonds in order to secure its own claim. If the first-mortgage bonds, on any plan of extension, are simply those of the railroad company, they could not be disposed of at the low rate of interest at which the Government bonds would sell. As the interest which they would draw comes out of the property to which the Government must look for payment of the second-mortgage bonds, it would seem clearly better that the Government should assume the first-mortgage bonds, guarantee them, and put the rate of interest at the figure for which the Government bonds sell if the bonds are to be renewed or extended.

He says further, referring to the tables in his report:

He says further, referring to the tables in his report:

He says further, referring to the tables in his report:

It will be seen that the average annual net earnings of the Union Pacific and Central Pacific main lines during the past ten years have been \$8.181,220, while the total amount of the first-mortgage bonds and the Government bonds issued upon the main lines, less the sinking fund for the main lines, is \$152,-245,551.66. This annual net profit shows the properties to have earned nearly 6 per cent on the entire amount which the Government has paid and would pay if it were compelled to pay off the first-mortgage bonds. This being the case, it would seem to be a clear business proposition that the Government ought not to lose any large amount if it should be compelled through fore-closure to collect its debt.

As the original Government bonds and the first-mortgage bonds are about due, they can be paid off at their face value, and as a Government 3 per cent bond is worth more than par at the present time, there would be no difficulty in utilizing a new 3 per cent bond to pay off or call in both of the other issues. It will be seen that if such a course were pursued by the Government, and this property averaged in the future the same net profit that it has during the past ten years, it would earn sufficient to pay the 3 per cent on be bonds which the Government would be compelled to issue and yet have a yearly net margin of \$3,089,963.

The Government should therefore be able easily to provide for the sale of

the bond-aided roads to a new corporation which could meet the annual interest on a guaranteed 3 per cent bond equal to the first-mortgage and the subsidy bonds, and also pay a reasonable sum annually into the Treasury toward the liquidation of the entire bonded indebtedness.

the liquidation of the entire bonded indebtedness.

Mr. Chairman, these properties are valuable, and these men who, through the provisions of this bill, are attempting to get rid of the Government lien, know it. Let the Government remove that infamous incubus, the ninety-nine-year lease, from these properties, enforce the law, commence foreclosure proceedings, place a receiver in charge of the properties, and the revenues of both roads will be immediately doubled when they can be operated as one independent line. The Government is better entitled to its revenues in settlement of its debts than \$200,000,000 of fraudulent liabilities. The Government is the sovereign. It should control these roads until it gets its just dues, which these roads can pay. This bill seeks to make corporations the sovereign and Govern-

This bill seeks to make corporations the sovereign and Govern-

these roads until it gets its just dues, which these roads can pay. This bill seeks to make corporations the sovereign and Government the vassal.

Mr. JOHNSON of North Dakota. Mr. Chairman, let no man deceive himself with the idea that these roads were built by the private fortunes of citizens. Where did they get the money to build these roads? In the first place, they got \$61,000,000 from these subsidy bonds, on which the Government has been paying interest at 6 per cent for thirty years. In the second place, by the law of 1864 they got permission to subordinate the claim of the Government to another mortgage, which was not to exceed in amount the Government mortgage. They ran right up to the limit. They got \$61,000,000 out of that. That makes \$122,000,000. Then they got a land grant of 26,000,000 acres. They have already sold enough of the lands to take in \$50,000,000 from that source. They have a lot of land left. I say nothing about the value of that. Add the fifty millions that they have already taken in for the sale of land to their one hundred and twenty-two millions that they got for the sale of bonds, that makes \$172.000,000. That we have furnished them, without any call upon their own private fortunes. The law creating these corporations forbade them to sell one dollar of the stock for less than par, or for anything except money or money value. There may be a question as to how much they got for the stock. That is the only thing I am in doubt about, and that is the thing on which I have the oath of the officers of these companies.

Mr. LACEY The affidavits.

and that is the time on which I have the oath of the chicks of these companies.

Mr. LACEY. The affidavits.

Mr. JOHNSON of North Dakota. Yes; the affidavits. On the 27th of September, 1870, Mr. Oliver Ames swore that the Union Pacific received \$36,000,000 and some more from this source. the 28th of September, 1872, Mr. R. E. Carr filed an affidavit in the Interior Department, where all these affidavits are now on file, that the Kansas Pacific received \$5,000,000 and some over from that source. On the 12th of September, 1871, Mr. Leland Stanford swore that the Central Pacific received \$54,000,000 from that

ford swore that the Central Pacific received \$54,000,000 from that source, and the 21st of September, 1868, Mr. Pomeroy swore that the Central Branch got some \$900,000.

In support of this I refer to page 140 of the Report of the United States Pacific Railway Commission of 1887–88.

Taking the amount received for stock as sworn to by these men, they got \$97,000,000 for stock.

Add this item to the foregoing and we have the following cash resources furnished them by the Government with which to build the road:

First-mortgage bonds. United States 6-30 Government subsidy bonds. Land already sold. Stock	\$61,000,000 61,000,000 50,000,000 97,000,000
Actual cost of roads	259, 000, 000 95, 000, 000
Profit on building the roads	164,000,000

(For actual cost of constructing the roads, see page 24 of Sena-

(For actual cost of constructing the roads, see page 24 of Senator Morgan's report of April, 1896.)

There was a clear profit of \$164,000,000. How was that profit divided? On the Union Pacific the Credit Mobilier was organized, a ring inside of a ring, a wheel within a wheel, and these officers were making bargains with themselves as officers of their own companies. They had all the assets of the company. As directors of the Credit Mobilier they built the road for themselves as directors of the Union Pacific, and voted to pay themselves therefor the entire assets of the Union Pacific Company. On the other end, the Credit and Finance Company, composed of the officers of the Central Pacific, made the same kind of bargain with the Central Pacific, and the entire assets of the Central Pacific were in the Central Pacific, made the same kind of bargain with the Central Pacific, and the entire assets of the Central Pacific were in like manner swallowed up. In that way they made \$164,000,000 in the construction of those roads. That is something that we can not recall, and of which we should not complain if they would only pay their debts. The gift was princely, but there was some consideration. We got the opening of the country, binding together East and West, surmounting the obstacle to navigation

discovered by Columbus, and all that; but what excuse are you and I, gentlemen, going to have, and what new and valuable consideration do we get for our country, if we now vote to give them a present of \$228,000,000 more? That is what we would give them if this bill passes. Take, for instance, the Central Pacific. They are now owing us \$57,000,000. We propose to lend them the money for eighty-five years at 2 per cent interest. We will have to borrow the money elsewhere to loan it to them. We must pay \$\frac{3}{2}\$ per cent or \$171,000,000 of interest on that sum during those eighty-five years.

Statement of the practical operation of the Powers funding bill as applied to the Central Pacific Railroad Company alone.

The amount due the United States (1897)	\$57, 681, 514. 29 171, 602, 505. 00
Principal paid by railroad (first ten years)	229, 284, 019. 29 111, 091, 588. 29
Loss to the United States	118, 192, 431. 00
Interest paid by the United States (eighty-five years) Interest paid by the railroad	171, 602, 505. 00 53, 410, 074. 00
	118, 192, 431.00
Average annual payment of principal by railroad	678, 606, 05 631, 547, 22

The same analysis applied to the Union Pacific shows that combining the two we shall lose in the transaction \$228,000,000. It amounts to abandoning the debt and giving them a present of \$116,000,000 besides. Now, those who went ahead of us thirty years ago could make some excuse to their constituents; but we can not. They got something; we get nothing. Do you expect, or do the railroads promise, to put on one more train a day or to run one train one hour fasterif we vote them this princely bounty? No. So far as the service to the public is concerned it is secured. No. So far as the service to the public is concerned, it is secured and paid for. The trains will run just the same, and never miss a day or slow up one mile by any vote here giving a new subsidy, collecting an old debt, or changing ownership.

What we would now like to know more than anything else is,

what we would now like to know more than anything else is, what is this property worth on which we have a second lien? On that point we are hungering and thirsting after knowledge. On that point we turn from a reading of the report of the Committee on Pacific Railroads of this Congress in disappointment.

It is well enough to say that "the committee has given much study to the question," and that "from a conservative estimate of the earnings of the roads the committee finds that \$4,000,000 is a fair across of their nearly across that are the same as the same and the same across the committee finds that \$4,000,000 is a fair across of their nearly across that are the same across the same across

fair average of their annual earnings that can be used as a basis of calculations," etc. But why not state the facts? What are the net earnings? If we have the facts we can make "estimates" and draw conclusions as well as the chairman of that committee.

Right there is where the failure to command the confidence of the House has come. Finding nothing on this point in the report, we must look for information elsewhere in scattered authorities as to the net earnings. All are agreed that that is the fairest basis for estimating the value of the property. From the report of the United States Railway Commission of 1887–88 and other sources, I have collected the following:

Net earnings of Union Pacific: 1870-79 1880-83 1884-87 1888-94 Net earnings of Central Pacific: January, 1870, to December, 1873 (4 years) January, 1874, to January, 1884 (11 years) 1885-1894 (10 years)	\$58, 357, 133 45, 834, 986 24, 798, 267 80, 530, 711 23, 643, 246 85, 694, 971 59, 916, 082
Total net earnings, both companies (25 years)	358, 765, 396 14, 350, 000

On that basis of net earnings the property should be worth \$280,000,000 (5 per cent net).

If honestly managed, the net earnings would long ago have paid all the debt.

From Senator Morgan's report to the present Congress I have

taken the following: I will here insert a table of these figures for each company, taken from the best and only sources of information to which I have had access. They may not be exactly accurate, but they closely approximate accuracy:

UNION PACIFIC SYSTEM.

To June 30—	Gross earn- ings.	Operating expenses.	Net income.
1874	\$10,559,880	\$4,854,703	\$5,705,176
1875	11,993,832	4,982,047	7,011,784
1876	12,886,858	5,268,211	7,618,647
1877	12,473,203	5,273,421	7,199,782
1877	12,873,658	5,376,586	7,407,072

VINTON 3	A COTTO	SVSTEM-	aant	Lound

To June 30—	Gross earnings.	Operating expenses.	Net income.
1879	\$13, 201, 078	\$5,475,503	\$7,725,575
1880	25, 766, 893	12, 121, 993	12, 944, 954
1881	28,971,250	18,840,080	13, 131, 170
1883	29, 430, 318	15,241,961	14, 188, 387
1883	28, 629, 222	16, 144, 359	12, 484, 88
1884	25, 657, 290	14,868,115	10, 789, 14
1885	25, 674, 674	15, 987, 233	9, 687, 441
1886	26,603,797	17,608,618	8, 995, 17
1887	28,557,766	17,667,733	10,890,03
1888	30, 195, 523	19,734,888	10, 460, 63
1889	39,669,600	26,013,553	13,656,04
1890	43, 049, 248	30, 811, 164	12, 238, 08
1891	42, 699, 588	29, 160, 278	13, 539, 310
1892	43, 135, 098	28, 764, 979	14, 370, 11
1893	36,053,402	26,057,159	9,996,24
1894	22, 319, 144	16,008,870	6, 310, 27

CENTRAL PACIFIC RAILROAD.

To June 30—	Gross earnings.	Operating expenses.	Earnings over operating expenses.
1872 1873 1874 1875 1876 1876 1877 1878 1879 1880 1881 1882 1883 1883 1884 1885 1888 1888 1889 1889 1889 1889 1889 1889 1889	\$11, 963, 640 12, 863, 952 13, 611, 690 15, 165, 081 16, 996, 216 16, 471, 144 17, 530, 858 17, 153, 163 20, 508, 112 13, 984, 825 13, 173, 183 13, 736, 822 10, 546, 809 11, 599, 486 13, 604, 682 15, 530, 215 15, 937, 004 16, 629, 104 14, 612, 990 14, 221, 224 13, 022, 970	\$5,011,278 4,969,271 5,285,131 6,487,199 7,887,211 11,296,788 11,296,788 12,873,609 5,988,361 12,873,609 5,998,386 4,671,167 5,959,386 4,671,167 5,648,874 1,271,923 9,662,067 9,764,271 9,875,018 9,211,749 9,875,018 8,521,885	\$6, 952, 361 7, 894, 681 8, 342, 998 9, 177, 882 9, 136, 074 8, 696, 674 8, 696, 744 7, 798 8, 492, 115 7, 986, 492 7, 203, 588 9, 105 7, 203, 588 9, 205, 744 117, 574 5, 707, 578 5, 707

These tables foot up for both companies gross earnings amounting to \$886,992,020.

Operating expenses Net income.....

What has been done with this money is a matter of the deepest concern to the Government, to whom it was, in large part, justly owing, and to the people, whose resources of industry and labor have been taxed to earn every dollar.

These figures indicate net earnings of \$15,000,000 a year from 170. We have other guides as to the value of this property. We have the second lien. Our claim is certainly senior to that of the stockholders. Central Pacific stock has never failed any year to bay dividends. In proof of this I quote from an interview of Col. C. F. Crocker, vice-president of the Southern Pacific, published in the San Francisco Chronicle December 2, 1896, wherein

The Central Pacific is not on velvet, but it is not in the depths of despair into which the Northern Pacific has fallen, and the stockholders have been receiving a small dividend every year.

In the Weekly Financial Review of Henry Clews & Co. of January 2, 1897, we find that Central Pacific stock pays dividends of 1 per cent January and July. We also find in same authority the stock itself quoted at from \$12 to \$16.25, and the stock of the Union Pacific quoted at \$8.50.

That would indicate that in the judgment of the men whose business it is to buy and sell these stocks every day in the open market the property is worth at least \$15,000,000 over and above all the bonded debt.

And yet this bill is brought in on the astounding assumption that this great property will not sell for more than \$61,000,000. The committee says: "The roads would, of course, go for what they would fetch, subject to the first-mortgage bonds, which it is believed would yield little or nothing for the Government on its

These railroads now owe the Government \$112,000,000; prior liens (less \$33,000,000 sinking fund), \$61,000,000. If the property sells for \$173,000,000 at foreclosure sale, it will pay the Government debt, principal and interest, dollar for dollar. Five per cent is considered good profit on property of this kind.

The question now is, Will a railway system which earned a net profit of 5 per cent on \$280,000,000 from 1870 to 1894 now sell for \$172,000,000?

\$173,000,000?

There is a margin of over \$100,000,000, besides the value of the stock, now selling daily in the markets for about \$15,000,000.

For fear that the property may not bring enough to pay all our claim in the regular, orderly proceeding contemplated by exist-

ing law, the bill proposes to give these people the whole debt of \$112,000,000 and a bonus of \$116,000,000 straight from the Federal Treasury besides.

Treasury besides.

Instead of collecting this debt now due the Government, the bill proposes to loan these people \$112,000,000 for eighty-five years at 2 per cent interest. We are paying 3½ per cent.

The difference between 3½ per cent (what the money costs us) and 2 per cent (what it is proposed to charge them) is a clear donation in money and would amount to \$228,000,000 in eighty-five

Therefore I say that this bill, when stripped of all disguises, means not only an abandonment of the debt now due the Govern-

ment, but a gratuitous donation of over \$100,000,000 besides.

By skillfully dividing the proposed annual payments and parading some of them as principal and some as interest, it is made to appear as if the debt would all be paid, interest and principal, in eighty-five years. But the fact remains that if all the payments were counted as interest they would never amount to 3 per cent in any one year. Heretofore the prior lien has only been \$61,000,000, less the sinking fund. Now it is proposed to increase the first mort-gage to \$107,000,000 and make it cover the terminals and branches, which are already mortgaged for more than they are worth. This would have the effect of not only increasing the prior lien by \$47,000,000, but it would also place the Government in the position of guarantor of the first mortgage thus increased. Few, if any, of the branch lines pay operating expenses, while the business they furnish the main line is about 60 per cent clear profit to the main line.

Instead of applying the earnings to the extinguishment of the debt, they have been divided among the stockholders as dividends on watered stock or squandered on fraudulent contracts in the construction of other railroads, sometimes competing lines. The Southern Pacific was built out of the earnings of the Central Pacific. Thus were the earnings not only diverted from the Federal Treasury, but used to destroy the road on which the Govern-

ment had a lien by creating a rival and by so running both roads as to give the Southern Pacific the profitable business.

The branches will never be abandoned. The capital invested in their construction can never be reclaimed. Somebody will operate them, even if they must be run at a loss, and as long as they run they are bound to furnish more or less business—of a very profitable character—to the main line. As it is, the owners of the main line get all, or nearly all, the benefit of the branches without in-

curring the loss and risk of operating them.

In this view of the case the owners of the main line would clearly be better off to have somebody else own and operate the branches. If I owned the main line, I would not take the branches as a gift,

although I would be very glad to have other people operate the branches, even if I had to pay them 50 per cent of the gross receipts from whatever business they might furnish to or from the main

So with regard to terminals. If they can not be bought or leased, they can be duplicated. It is nearer from Fremont to Blair, where the Government practically owns a bridge, than it is from Fre-

mont to Omaha. Any city on the Missouri would gladly donate a bridge, as any city on San Francisco Bay would gladly give the ground and buildings to be made a terminus.

Advocates of the bill seem appalled, and are trying to stagger the House on account of the magnitude of the first mortgage. Sixty-one million dollars seems a large amount of money, but it must be become in mind that we have \$23,000,000 actual account lates. must be borne in mind that we have \$33,000,000 actual accumulated cash in the sinking fund now at our command, available to apply on the first mortgage, and that the roads are actually earning about \$15,000,000 a year over and above operating expenses.

The gentleman from Missouri has shown us that it will only be necessary to raise about \$30,000,000 to pay off the first mortgage.

and buy all necessary terminals.

If we are afraid of the first mortgage now, how can we expect our successors to be any braver if we now add to it \$47,000,000 more and leave the way open to run it up to \$500,000,000 when the accumulated interest of nearly a century shall have done its

They tell us, sir, we are weak, but when shall we be stronger?

Never.

The Government directors in their report in 1895 advised foreclosure. In 1896 they renewed the same recommendation. have never advised funding or extending in any such way as proposed in this bill. They have from long years of training in the service of the Government become experts and specialists. Their advice should count for something. What are we to do, then? My answer is simply, Do nothing. There is nothing for us to do, My answer is simply, Do nothing. There is nothing for us to do, unless we want to give away the rights and the money of the United The laws creating these railroads provided all the machinery for enforcing the rights of the Government when the fullness of time should come and the default occur. The time has come, and the default. The clock has at last struck the hour. We can now either foreclose or the Secretary of the Treasury can simply take possession of the property without foreclosure, as provided in the original act.

In neither event is Government operation necessary. We have of late years been too well accustomed to seeing the Government operate railroads through receivers to be scared at that.

The enforcement of our rights is now an executive function and not a legislative one, and I for one am willing to rely with confidence on any administration in the belief that the President of the United States will protect the rights and the property of the United States. He is sworn to faithfully execute the laws. I believe he will do it. There are laws enough now on this subject. All they need is enforcement, and if given a chance the President All they need is enforcement, and if given a chance the President will do it. The Reilly bill of last Congress proposed to give us first mortgage and 3 per cent interest. This bill offers a second mortgage and only 2 per cent. We who spurned that bill and rejected it by an overwhelming vote certainly can never vote for

Mr. DANIELS. I move to strike out the last word. In my judgment we can not adequately determine what is the obligation and the duty of the United States at the present time without looking at the circumstances which existed prior to and contemporaneous with the construction of these railroads. At that time the States were disintegrating themselves, and threatened the destruction of the Union. There was no means of communication between the East and the West except by sea and by crossing the Isthmus of Darien. This communication was liable to be intermediated and broken up at any time by the intermediate. to be interrupted and broken up at any time by the interposition of the war vessels of the Southern Confederacy. It was regarded as an imperative necessity, therefore, that a means of communication should be created through the country that could not be subjected to these risks. Every loyal person from one end of the country to the other felt the necessity of establishing communications between the East and the West and connecting these extremities substantially together.

ties substantially together.

The people at that time were earnest in their desire that these railroads should be built for the purpose of so uniting the country. try and operating this means of communication. There was no private company, no private interest, that could raise the funds necessary to construct the railways, and accordingly the Government, actuated by the highest patriotism, concluded it to be necessary to aid and assist, by its subsidies in land and otherwise, the construction of the railroads. The circumstances were all looked upon carefully and weighed deliberately, and it was concluded that it was the only manner in which the construction of these roads could be assured. The people were all desirous that the object should be attained and secured, too, by the interposi-tion of the Government of the United States; and they were all satisfied at the time that these measures were enacted that what the Government had done for the purpose of securing this great

enterprise assured the success of its operation.

There was no feeling at that time, and none until long after these roads had been constructed, against the action of the Gov-ernment, that the people had not received what they regarded as a full equivalent for all the Government had given by its subsi-dies and assistance; and the railways have hitherto connected and united the East and the West together, and secured a means of transit which at the time when it was first projected was beyond the attainment of all possible private enterprise. The country has received what it deemed to be just and proper, and a fair return for what was given to assure the success of this great enterprise in that time. These are the circumstances under which we are in that time. These are the circumstances under which we are required to look at the situation. We must look at the circumstances and facts which were contemporaneous with this action of stances and facts which were contemporaneous with this action of the Government to judge of its wisdom. The Government deemed it to be proper, deemed it to be wise, to make these concessions and to expend these resources upon these companies; and if the companies and their promoters did, as they undoubtedly did, make a large profit out of this assistance, the Government considered that itself received an equivalent for it from the success of this great enterprise, and the profit has resulted to the companies by reason of the circumstance that it was not then adequately un-derstood, and could not be understood, what would be the benefits resulting to the companies and their promoters from the great conresulting to the companies and their promoters from the great concessions that were made to promote the construction of these railways. These benefits are beyond the power of the present to

recall.

It was also believed, as the fact turned out to be, that this enterprise, in its success, would tend to promote the settlement of new States in that part of our country, as well as to unite the East and the West internally together. These railroads have rendered great services to the people of the United States, and to a very great extent certainly have furnished an equivalent for that which they received from the Government for the purpose of aiding in their construction. We can not recall or rectify the past; neither can we say that the concessions that were made, either in the form of subsidies or by grants of land, in view of all the circumstances, were improperly made. They have become a fixed fact in the

legislation of the country, and now the question before us is simply what we shall do to settle this long-standing controversy.

[Here the hammer fell.]
Mr. POWERS. Mr. Chairman, I ask unanimous consent that
the time of the gentleman from New York be extended for three minutes

Mr. MAGUIRE. Mr. Chairman, I have no objection to any extension of time on the other side, but every man from the Pacific Coast has been shut out from the general debate, and I will consent to this extension only on condition that some of us on this side may have additional time.

Mr. HEPBURN. There will be no consent of that kind given, Mr. Chairman. If the gentleman was shut out yesterday, it was by his own election, and not as a basis for this kind of proposition. The CHAIRMAN. Is there objection to the request that the time of the gentleman from New York be extended three minutes?

There was no objection.

Mr. DANIELS. Without detaining the House unnecessarily,
I will simply add that the settlement of this indebtedness between the Government and these companies has become an urgent matter—one of the most urgent before the Congress of the United States. Heretofore several propositions have been advanced with the view of securing a settlement, propositions much more advan-tageous to the companies than the one now before the House. One the latest of those propositions was rejected by the House of Representatives, in part because it proposed to surrender the sinking fund to the companies, and also proposed to sure them great advantages beyond that surrender. The bill before us has been drawn carefully and plainly. It is a measure which is believed to be the best that can be obtained at this time for ending this dispute which has come so frequently before the United States Congress, and in my judgment no better service can be rendered to the people of this country than the prompt passage of this bill and the adjustment of this controversy in the manner proposed by it, instead of leaving it as a legacy to the new Administration, to annoy, embarrass, and torment that Administration when it shall come into existence.

The message of the President of the United States shows that the present Administration is in favor of an adjustment of this question, and, as I have already said, this bill seems to be the best that the circumstances will permit us to expect. Therefore, for the purpose of closing up the controversy and securing to the Govthe purpose of closing up the controversy and securing to the Government the best results that it can probably get under all the circumstances of the case, I think the House should pass this bill, and let the past be buried without further animadversions, criticisms, or condemnation. The passage of this bill will promote the interests and the quiet of the country, and will give the Government all that there is any reasonable ground to expect it can possibly secure from these companies. The controversy has been too long open. The people expect it to be closed, and no proposition for the purpose of closing it has been brought before the House that seems to be so well adapted to that object as the one now under consideration, which the House will soon be called upon to either adopt or reject. In conclusion, I can do no better than to add the following letter, received this morning from a distinguished merchant and trader of the city of New York.

New York Insurance 1862.

NEW YORK, January 8, 1897.

DEAR SIR: The National Board of Trade, at its last annual convention, appointed a committee, of which I am chairman, to present to Congress, its views on certain measures connected with transportation interests, among which is the Pacific railroads funding bill, which is before the House at the present time. The business interests of the country believe that a settlement of this question would be an important factor in reestablishing confidence in commercial and financial circles, and that the Powers bill should pass.

Whatever differences of opinion exist, the facts remain that the original roads were a necessity; that the Government gave land grants to encourage competing roads, which reduced the earning power of the original roads and made it impossible for them to meet their obligations at the time stipulated, and that the realized advantages of their construction have been so great that the benefit of any doubt should be given on the side of refunding the obligations. Outside of a small socialistic minority, who would be glad to see all the agencies of production and distribution "nationalized," the great majority of the American people believe in individual effort. If one section can have its products transported below cost at the expense of the other sections, we would have commercial chaos, the consequences of which no one can foresee. I therefore hope that when the question comes to a vote you will be present and vote according to your own good judgment as to what is for the greatest good of the greatest number.

Faithfully, yours,

F. B. THURBER.

P. S.—We also need an amendment to the interstate-commerce law, giving railroads the same right of contract enjoyed by all other persons and corporations. In no other way can unjust discriminations be prevented. Pooling by railroads is necessary to secure reasonable, uniform, and stable rates, and under the supervision of the Interstate Commerce Commission there is no danger of an abuse of this power. The National Board of Trade, representing the views of the average shipper, as distinguished from that of the favored few, is in favor of this amendment as well as a uniform classification of freight.

debate on this question, but I was an attentive listener to the debate of yesterday and to the debate so far as it has progressed to-day. In the light of the statements, estimates, and arguments, I shall cast my vote against this bill. It seems to me that the House is entitled to a complete financial exhibit of the affairs of this corporation in its relation to the Government. We ought to have an ample and complete fiscal exhibit. We are dealing with an alleged insolvent debtor. The information thus far furnished to the House—at least so far as the debate of yesterday and to-day is concerned—relates mainly to the indebtedness of the Government and the amount of the first-mortgage bonds. It appears by the statements of gentlemen who have examined this question that the Government has loaned its bonds upon which it has paid interest, and that these companies are thus liable to the Government to the amount of, perhaps, \$112,000,000. It also appears that there are first-mortgage bonds ahead of the second-mortgage bonds of the Government amounting to about \$61,000,000. In other words, the aggregate of the first and second mortgage liabilities is In the light of the statements, estimates, and arguments, words, the aggregate of the first and second mortgage liabilities is about \$175,000,000-something near that, in round numbers.

about \$175,000,000—something near that, in round numbers. Now, it becomes material to us as business men to know the value of the railroad property upon which these two mortgages rest. What is the value of the 2,200 or more miles of road upon which the Government has a second lien? What is the value of the terminal facilities that are proposed to be included in the mortgage contemplated by this bill? What is the value of the unaided lines proposed to be included in the bill? What is the amount of the mortgages already existing upon these unaided lines? What is the amount of the liability, if any, upon these terminal facilities? The House is entitled to this information. The gentleman from Vermont—the chairman of the committee—is an able and well-informed gentleman, and can no doubt give us this information. informed gentleman, and can no doubt give us this information.

If it has been already given I have not heard it—

Mr. POWERS. I wish to say—

Mr. DOCKERY. We are entitled to a complete exhibit, so that when we make a statement of assets and liabilities this House and the country will know the resources of these companies available

the ccuntry will know the resources of these companies available for the payment of this debt.

Mr. POWERS rose.

Mr. DOCKERY. I yield to the gentleman.

Mr. POWERS. The gentleman has said that he was not present during the first day's debate on this subject—

Mr. DOCKERY. That is true.

Mr. POWERS. At that time this matter was fully stated. If the gentleman will examine the Record and the reports on this case, he will find all this information.

Mr. DOCKERY. I should be glad to have the gentleman state.

Mr. DOCKERY. I should be glad to have the gentleman state to the House the total estimated value of the terminal facilities

Mr. POWERS. The total value, at the very lowest possible estimate, is certainly not less than \$15,000,000. Some well-informed persons say that the terminals at Denver alone are worth \$10,000,000.

Mr. DOCKERY. What are the liabilities existing to-day against those terminal facilities?

Mr. POWERS. Those liabilities consist simply of a first mort-gage which goes into and forms a part of the fifty-four-million-dol-lar mortgage that covers the whole thing.

Mr. DOCKERY. Then, as I understand from the gentleman,

the net value of the terminal facilities, according to his estimate, is \$15,000,000 over and above existing liabilities.

Mr. POWERS. Yes; at the very lowest estimate.

Mr. BOATNER. The gentleman does not mean over and above

existing liabilities? Mr. POWERS. existing liabilities?

Mr. POWERS. No; not over and above existing liabilities.

There is a small first mortgage on all these properties; but that first mortgage, by the way, is included in the new first mortgage that the bill contemplates shall be executed.

Mr. DOCKERY. Now, there are certain unaided lines to be

Mr. POWERS. All are covered by the first mortgage, I think.
Mr. DOCKERY. What is the amount of the first Mr. POWERS. I can state it in a word.
Mr. DOCKERY. I shall be glad to hear the gentleman's state-

Mr. POWERS. The first mortgage on the entire system, including terminals, including branch lines, including aided and unaided portions, aggregates \$54,000,000. The first mortgage prior to that of the Government on the aided lines is included in that estimate.

Mr. DOCKERY. But what I want to get at are the existing conditions. First, we want to know what is the fiscal situation,

and then we desire to understand what you propose.

Mr. POWERS. On the aided portion of the lines the mortgage in round numbers is \$33,000,000 in the case of the Union Pacific and twenty-seven or twenty-eight million dollars—

Mr. DOCKERY. I hope the gentleman will give us the totals.

The CHAIRMAN. The time of the gentleman from Missouri [Mr. Dockery] has expired.

Mr. POWERS. I ask that the gentleman may have three min-

Mr. DOCKERY. I should be glad to have that much additional

The CHAIRMAN. Is there objection to extending the time of the gentleman from Missouri [Mr. DOCKERY]? The Chair hears

Mr. DOCKERY. The gentleman states that the complete exhibit for which I have been asking was given in his remarks on the first day of this debate. I stated at the outset of my remarks that I had not heard the gentleman speak and had not had time to read his speech in the RECORD. But what I want to know and what the House is entitled to know is the amount of the first mortgage upon the total line, then the amount of the Govern-ment lien as it exists to-day. Now, it is proposed, as I understand, ment lien as it exists to-day. No to include certain unaided lines.

Mr. POWERS. Yes, sir.
Mr. DOCKERY. And certain terminal facilities. I assume that mortgages exist upon these unaided lines and these terminal facilities

Mr. POWERS. They do.
Mr. DOCKERY. If we can get at the estimated value of the new lines, the unaided lines, and the terminal facilities, over and above the amount of the existing mortgages, and a practical estimate of the value of the 2,200 miles of road, we may then be able to determine something as to the solvency of the debtor.

Mr. POWERS. I would state to the gentleman from Missouri that on the aided portion of the line the underlying existing first mortgage on the Union Pacific is \$33,000,000 in round numbers. The new obligation of the road will amount to \$54,000,000, which shows about \$21,000,000 more than the first mortgage, which covers the unaided lines, plus the terminals and plus the branch lines. Now, the branch line of what is known as the Kansas Pacific system extend from Korea City mortgage distance. Pacific system extends from Kansas City westward for a distance of some 394 miles. As I have just stated, the addition of these lines carries the amount to \$54,000,000. The Government mortgage at present rests only on the aided portions of the line, and carries a maximum of, say, \$33,000,000 in round numbers. So, under this proposed arrangement, we will own all of these lines; that is, that we will have a mortgage upon them all for the amount of \$54,000,000, and thus get possession of property estimated within the last six years by the commission appointed for that purpose to be worth \$92,000,000; and this has been enhanced by recent increases in the way of depots, side tracks, facilities, and so on.

Mr. DOCKERY. Now, then, if the gentleman will permit me—and I desire to deal in round numbers, for it is impossible to fix in the memory with the precessory account these detailed for the

in the memory with the necessary accuracy these detailed figures—but I would like to know, in round numbers, his estimate of the value of all the properties included in the bill that he has presented, covering the 2,200 miles of road, the terminal facilities, and the unaided lines? Let us have in round numbers the value of all of them.

The CHAIRMAN. The time of the gentleman from Missouri has expired.

Mr. POWERS. I would like to ask another minute's time. The CHAIRMAN. In the absence of objection, the gentleman will proceed for a minute longer.

will proceed for a minute longer.

There was no objection.

Mr. POWERS. There is no question, I would say to the gentleman from Missouri, from the most conservative estimates made with reference to the value of this property, including the depots, side tracks, equipment, and so on, that the property is worth from forty-five to fifty thousand dollars a mile.

Mr. DOCKERY. Well, what is the total? We have been dealing with totals in recard to the indebtedness of the Government.

Mr. DOCKERY. Well, what is the total? We have been dealing with totals in regard to the indebtedness of the Government. What is the gentleman's estimate of the value of this property? Mr. POWERS. Well, it is forty-five times two thousand, or about ninety-odd million of dollars, I should say, in round numbers, without stopping to calculate exactly.

Mr. DOCKERY. Is that the total?

Mr. POWERS. But, if the gentleman will permit me, I have only included one read.

only included one road.

Mr. DOCKERY. Well, what is the total, including all of them?
Mr. POWERS. Taking the whole of them, it is in the neighborhood of \$170,000,000 in value.
Mr. DOCKERY. That I understand to be the estimated value of all of the property included in your bill, against which stands the indebtedness of the roads, including the first and second

Mr. POWERS. If the gentleman will pardon me an interruption, I can give him the exact figures quoted by the commission. We have, in this report of the commission, a total value, estimated, in the Union Pacific system, of about \$230,900,000.

[Here the hammer fell.]

Mr. BOATNER. Mr. Chairman, the gentleman from Ohio [Mr. GROSVENOR] a few minutes ago cited the case of the United States against Stanford in support of the proposition that the Government had no right of action against the directors and officers of these railway companies for the restitution of the property and assets of the companies of which they had unlawfully possessed

themselves. But the Stanford case has no reference whatever to this question, and it does not bear upon it directly or indirectly. In that case the United States undertook to avail itself of a statute of the State of California which makes the stockholders of all corporations liable for the debts of the corporation in proor all corporations hable for the debts of the corporation in proportion to the stock they hold in such corporation. The Supreme Court merely held in that case that the rights of the United States in the premises depended upon the statutes of the United States creating the corporation itself, and authorizing the issue of stock, and that the United States could not avail itself of the statutes of California for the purpose of maintaining a personal action not authorized and permitted by the statutes of the United States in the act creating the corporation. So that proposition, as quoted by the gentleman, has no reference to the question now pending before the House and to which the gentleman from Ohio addressed himself.

himself.
So far as this question is concerned, it appears to me that if the gentlemen who are so industriously investigating its legal aspects would look at it from the standpoint of the interests of the United States there would not be very much difficulty in reaching a satisfactory mode of obtaining a business settlement of it. If a private individual owned the debt of the United States against these railroads, the first step he would take would be to get in the hands of the officers of law all of the assets of the corporation which could be subjected to the payment of his debt. That can easily be accomplished. It can be accomplished readily if this body will enact the simple business legislation necessary to reach it. These railroads have defaulted on their obligation to the United States Government, or they will do so unless they pay reach it. These railroads have defaulted on their obligation to the United States Government, or they will do so unless they pay what they owe the Government. If they do this, that renders any action on our part unnecessary. If they do not, then the United States must take the necessary steps to protect its rights.

Under the plain terms of the decision of the Supreme Court of

the United States, rendered in 1878, the time for action by the Government has arisen. It is now perfectly competent for Congress to forfeit the charters of these companies, to direct that their affairs be put in the hands of receivers or of liquidators, and to direct those liquidators to bring the actions which these companies should have brought long ago, and which they would have brought had they not always been dominated by the very individuals whose interests would be affected by the suit to recover what was due these companies. We could easily put these companies into the hands of liquidators or receivers, who might be authorized to bring suit against the directors and officers for the funds of which they have unlawfully deprived the companies, and against the stockholders for the stock which they have received and for which those stockholders have never paid.

Mr. WATSON of Ohio. Will the gentleman allow me to ask

him a question?
Mr. BOATNER. Just one moment. If these suits shall be decided adversely; if it shall be decided by the courts of the United States that these actions do not lie; if the Supreme Court reverses its decision of 1878 in the case of The United States vs. The Union Pacific Railway Company, it will be time for us to take into consideration what we ought to do in the way of funding and extendsideration what we ought to do in the way of funding and extend-ing these debts. But certainly, sir, in advance of a legal decision, in advance of any accurate and reliable knowledge of what the decision of the court will be, or what the result of this litigation will be, we ought not to give the indorsement of this Government to the most flagitious frauds which have ever been committed in the administration of a public trust. I now yield to the gentleman from Ohio.

man from Ohio.

Mr. WATSON of Ohio. Is there anything in this bill which prevents these suits from being brought, if this bill is passed?

Mr. BOATNER. Why, most unquestionably.

Mr. WATSON of Ohio. Have you read the bill?

Mr. BOATNER. Yes, I have read the bill.

Mr. WATSON of Ohio. Do you not know that the last lines of the bill provide that very thing?

Mr. BOATNER. Mr. Chairman, I will meet that question. The gentleman certainly must know, as a lawyer, that the very moment he makes a settlement with his principal debtor, anything in the line of a creditor's bill, anything in the shape of a collateral action against anyone else for that debt, immediately perishes, and can not be preserved. perishes, and can not be preserved.

Mr. WATSON of Ohio. Have you read the last lines of this

Mr. BOATNER. Congress can not do it. This is one of the things beyond the power of Congress to do.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BOATNER. I should like to have another minute.

The CHAIRMAN. The gentleman asks that his time be extended one minute. Is there objection?

There was no objection.

Mr. BOATNER. Why, the gentleman knows that the United States can not receive in payment from the Union Pacific and from the Central Pacific bonds in settlement of its debt, and then the property and the state of the debt, and then the property and the state of the turn around and sue anybody else with respect to that debt. These people would plead this settlement as a discharge, and that the United States had no interest to prosecute the claim to which I have referred.

Mr. WATSON of Ohio. When the act under which the settle-

ment is made expressly provides that we may do so?

Mr. BOATNER. That is a necessary consequence of the passage of any funding bill, that it would give a complete discharge. These parties who are indebted to the Union Pacific and to the Central Pacific can only be reached by actions brought through

those corporations.

Mr. ARNOLD of Pennsylvania. Mr. Chairman, I desire to add Mr. ARNOLD of Pennsylvania. Mr. Charman, I desire to add a few remarks to what I said yesterday. In the first place, I want to refer to some alleged facts and figures submitted by the gentleman from Missouri [Mr. Hubbard]. It is said that figures will not lie, but it depends largely on who makes the figures.

In the first place, in his calculation as to the proposition by the reorganization armittee the gentleman only sent terms 20,000 cm.

In the first place, in his calculation as to the proposition by the reorganization committee, the gentleman only counts some \$30,000,000 of principal in that calculation, when he should have counted approximately \$55,000,000. In the second place, that proposition, which I now hold in my hand, provided, among other things, that the Government should be coequal with the first lien as it now exists to the extent of \$35,000,000, and that a blanket mortgage of \$100,000,000, a first mortgage, should be placed on this property, thirty-five millions of which should go to the Government. For the balance of our indebtedness we were to take stock. Now it made the Government practically a partner with that ment. For the balance of our indebtedness we were to take stock, Now, it made the Government practically a partner with that first mortgage to the extent of \$35,000,000, and practically, as you will see, obligated the Government to look after the interest. The other parties to the mortgage would say, "We can not pay the interest, the earnings of the roads will not permit us to do it, and therefore let the Government come down and pay our 4 per and interest." cent interest."

cent interest."

That was one of their propositions. In other words, the syndicate comes in, represented by Mr. Marvin Hewitt, of the Chicago and Northwestern, and Mr. Depew, of the New York Central, and they ask the small sum of \$6,000,000 of this preferred stock for services in getting this proposition through. Our committee abandoned that and took up the calculations. We have submitted it here to the gentleman from Missouri [Mr. Hubbard] and every member of the committee, except, perhaps, the gentleman from Louisiana, who is very rarely present in the committee, as he has been continuously engaged in a contest. We have made calculations ad infinitum, and we have brought before this House a bill which we submit in good faith, and I believe it is the best possible so tions ad infinitum, and we have brought before this House a bill which we submit in good faith, and I believe it is the best possible solution of this difficulty. What more does this involve? It was suggested here in the argument yesterday that a bill should have been presented covering the entire road and making this one line. Any gentleman who is a member of the legal profession will see that it is absolutely impossible by any act of Congress or by any court in existence to say that we can legislate so that we can make one line of these two. That can only be accomplished by a foreclosure and a purchase of both lines, and operating them under a new charter as one road. charter as one road.

There is another proposition that I desire particularly to call the attention of the committee to in this matter, and that is this: That if this bill does not pass it means Government foreclosure. It means Government ownership of the road. Now, what does foreclosure mean? It simply means the United States must pay off this first-mortgage lien of \$60,000,000 against the two companies, and that \$60,000,000 more of Government bonds shall be increased. Within the last time property was here bed \$200,000,000. issued. Within the last two years we have had \$262,000,000 of Government bonds issued; and I want to say to the people of this House now, that the people of the United States are tired of issuing Government bonds. The defeat of this bill simply throws upon the United States and the next Administration the necessity of the issuance of at least \$60,000,000 to protect itself against the first lien against this property. Neither admitting nor denying any alleged frauds of a generation ago, it must be admitted that the building of the Pacific railroads was great in conception, marvelous and masterful in execution, and most beneficent in results. It is such genius and force as that possessed by men like Mr. Huntington which have made this a great nation and us a great people. [Here the hammer fell.]

[Mr. HILBORN addressed the committee. See Appendix.]

Mr. HARRISON. I desire to offer a substitute for the pending

The proposed substitute of Mr. Harrison was read, as follows: Strike out all after the enacting clause in the bill and insert the following.

Strike out all after the enacting clause in the bill and insert the following to wit:

"Section 1. That the Secretary of the Treasury, the Secretary of the Interior, and the Attorney-General, and their successors in office be, and they are hereby, appointed a commission with full power to settle the indebtedness of any and all the bond-aided Pacific railroads to the Government, upon such terms and in such manner as may be agreed upon by them and the owners of said railroads: Provided, That any and all settlements thus made shall be submitted in writing to the President for his approval or disapproval, and unless approved by him shall not be binding.

"Sec. 2. That said commission or any member of the same is hereby authorized and empowered to administer oaths, to summon and compel the attendance and take the testimony of witnesses, and cause to be produced all papers and documents needed in the course of their negotiations.

"Sec. 3. That said commission shall within sixty days after the assembling of the next regular session of Congress report their action to it, and, in case of their failure to settle said indebtedness or any part thereof at the time of making such report, to recommend such legislation as in their judgment may be necessary or proper to protect the interests of the Government and to enforce the prompt collection of any of said indebtedness that may then be due and unpaid.

"Sec. 4. That the sum of \$5,000, or so much thereof as may be necessary, be, and is hereby, appropriated, out of any funds in the Treasury not otherwise appropriated, to defray the expenses of said commission in carrying out the provisions of this act."

The CHAIRMAN. Without objection, this substitute will be

The CHAIRMAN. Without objection, this substitute will be considered as pending. The Chair hears no objection.

Mr. BELL of Texas. Mr. Chairman, the other day I had printed

in the RECORD a substitute which I now ask unanimous consent

In the RECORD a substitute which I now ask unanimous consent to offer as a substitute for the substitute of the gentleman from Alabama and for the pending bill.

The CHAIRMAN. The gentleman from Texas [Mr. Bell] asks permission to offer a substitute, which has already been printed in the Record, and which he now sends to the Clerk's desk—a substitute for the substitute offered by the gentleman from Alabama. Is there objection to the substitute of the gentleman from Texas being considered as pending? The Chair hears none, and it is so ordered. ordered.

Mr. BELL of Texas. This substitute is very lengthy, and I think perhaps it will not be necessary to take up time in reading it just now. I ask that the reading be dispensed with.

The CHAIRMAN. The gentleman from Texas asks that the reading of his substitute, which has already been printed in the Record, be dispensed with. Is there objection? The Chair hears

Mr. MAGUIRE. Mr. Chairman, the bill under consideration is decidedly the worst measure for the settlement of the Pacific rail-road debts ever offered to Congress, the worst proposition that has ever come from those companies. Two years ago, in the Fifty-third Congress, the Reilly bill, an infinitely better bill than this, was voted down because of its viciousness, yet it was far more favorable to the Government than this bill. Here are the differences between the two: The Reilly bill extended the period for the payment of these debts for fifty years at 3 per cent per annum interest, while this bill extends the debts for eighty-six years at 2 per cent per annum interest. The Reilly bill provided for a first mortgage on each of the roads to secure the Government; this bill provides for a second

mortgage to secure the Government.

The Reilly bill put no mortgages ahead of the lien of the Government except those now superior to it; this bill puts other mortgages on terminals and feeders, amounting in the case of the Central Pacific road to at least \$14,000,000 more than the value of the so-called additional security now offered, ahead of the Govern-ment's claim. The majority of the committee has not stated what those additional securities are, has not stated what title the companies have to any of them, has not stated what are the incum-brances now upon them, and has not stated whether any of those incumbrances overlap the aided portions of the road and are now subordinate to the Government liens. The only excuse for this is that the committee has not knowledge of the subject sufficient to give the information. The fact is, that there is a sixteen-million-dollar blanket mortgage resting on the Central Pacific system, which is a first mortgage on the Oakland Mole, the western terminus, so far as the proposition before the House is concerned, of the Central Pacific Railroad. It is a third mortgage on the remainder of the system, and is now subordinate to the present Government lien. Under the Powers bill it will all be included in the first mortgage and become prior to the Government lien.

Now, the Oakland Mole is not worth more than two to three

Now, the Cakland Mole is not worth more than two to three million dollars, and at least \$13,000,000 of the mortgage now subordinate to the Government lien is to be made prior to it. In that item alone the Government is made \$13,000,000 worse off, with respect to its security, than it is to-day. Every other piece of so-called additional security is mortgaged beyond its value. The California and Oregon Railroad has a first mortgage resting upon it which amounts to \$4,000,000 more than the road is worth

The other feeders of the Central Pacific are mortgaged, every one of them, to the amount of not less than \$40,000 a mile; how much more none of us know. The committee does not know enough about those properties or the titles or the incumbrances or the relation of the liens to each other to advise this House what it

should do with respect to them. Not a word of testimony was taken before the committee. Not a witness before it made his statement under oath. The committee invited gentlemen to come before it and make voluntary unsworn statements—the statements of interested parties and their agents, who for thirty years have been lying to Congress and to all others who have had to deal with the interests of the Government in these matters.

The surviving partner of Leland Stanford made an unsworn statement which is accepted as gospel truth by the committee about matters concerning which Mr. Stanford refused to testify before the Pacific Railway Commission, and was released from the obligation to testify by the United States circuit court on beloes communications.

habeas corpus proceedings.

This failure of evidence to establish any of the facts essential to this settlement should of itself cause the House to reject this bill. I have repeatedly called the attention of the House and of the chairman of the committee to this glaring and fatal defect in their showing. They do not deny it. They can not deny it. Yet, with amazing pertinacity, they still ask the House to be satisfied and pass the bill. I say to you that this House will never be in a position to be desirated in the line of these claims position to be desirated in the line of these claims position to be desirated in the line of these claims position. tion to legislate intelligently for a settlement of these claims until a court of competent jurisdiction shall have tried and determined all questions relating to the validity of all alleged liens and the relation of all valid liens to each other. Such a decree is absolutely sary as a basis for legislative action, if any legislative action shall then seem wise or necessary, but to legislate now in the dark in utter ignorance-on a question of such importance, would be monstrous

monstreus.

The interests of the Government are not in any danger. The Government will have no payments to make on the first mortgages until foreclosure, nor after foreclosure, unless it becomes the purchaser at the sale. The Government must pay its subsidy bonds, no matter whether the debts are funded or not, and nothing more, except the expenses of the litigation, need be paid at any time, unless the Government buys the roads.

The Attorney-General has suggested certain amendments to the Thurman Act in mere matters of procedure, which should be

Thurman Act in mere matters of procedure, which should be

made, and let foreclosure proceed.

Why, sir, for twenty-five years the validity of a large proportion of the so-called first-mortgage bonds of the Central Pacific Railroad has been in issue. To the extent of several millions of

Railroad has been in issue. To the extent of several millions of dollars they were issued contrary to law, and not for the purpose of constructing the road. The Thurman Act expressly reserved the question of their validity.

This question was submitted to the Committee on Pacific Railroads on an able brief prepared by Mr. John T. Doyle, of San Francisco. The committee has made no report on that question. but by its bill waives the rights of the United States in this behalf

reserved by the Thurman Act.

I raised this question on the discussion of the Reilly bill two years ago, and then insisted that the reservation in the Thurman Act must have been made advisedly and for substantial reasons. Members of the committee then assured the House that the res-

ervation was due merely to Senator Thurman's cautious method of drafting bills and had no definite purpose.

I have since examined the record of that debate and find that in answer to a question asked of him by Senator Sargent, while the bill was under consideration, Senator Thurman stated that the reservation was made and must be retained, because of the certain invalidity of some of the first-mortgage bonds and the alleged invalidity of a great number of them. This reservation means several million dollars to the Government and should not be

Four million dollars and upward have been unlawfully paid by these two companies to the Pacific Mail Steamship Company as a

subsidy to keep up freight rates, and were fraudulently charged to operating expenses of the roads.

These expenditures can be recovered for the Government in the courts, but this bill will waive its right to compel the return of

the money so diverted.

The directors of both roads have been found to have diverted to themselves through fraudulent contracts made with close corpo rations controlled by them-the Credit Mobilier in the case of the Union Pacific and the Contract and Finance Company in the case of the Central Pacific Railroad. The Pacific Railway Commission shows in its report that they have diverted enough of assets to pay the present debts due the Government. Most of these

diverted assets can be recovered by proper suits in equity, yet this bill waives the right of the Government to pursue them. The stockholders' subscriptions have never been paid. They may be compelled to pay those subscriptions if the Government should fail to realize enough by a sale of the roads. This present right of the Government the committee asks Congress to waive by

this bill. All of these questions should lie judicially before Congress undertakes to make a compromise with the debtor companies.

Again, the Central Pacific Railroad Company will cease to exist on the 1st of June, 1911, by operation of the constitution and laws of the State of California, under which it was incorporated.

Its lease of life can not be constitutionally extended unless it is

expected to make an act of Congress override the constitution of the State in a matter of purely domestic concern, such as the life of an artificial person created under the laws of the State.

It is therefore absurd to contract with that company for payments to be made after 1911.

I am opposed to the whole refunding scheme. Foreclosure is the only sensible business method of dealing with these properties

and claims as they now stand.

I can not close these remarks without noticing some of the extraordinary statements made by the gentleman from California [Mr. Johnson] in his speech of yesterday. That speech is the most remarkable instance that has ever come to my knowledge of the resident of a glass house throwing stones, but I am concerned only about answering the attacks made and shall confine myself to that purpose.

The gentleman said that I, among other Representatives from California, would support and vote for the Powers refunding bill if left free to follow my own convictions and judgment in the matter, and that I am opposing it against my conscientious convictions solely on account of my fear of the San Francisco Examiner and its proprietor, Mr. Hearst. By that statement he sought to brand me before this House as an unfaithful Repre-

sentative.

He further sought in the same speech to smirch my reputation by stating that I was the personal friend and official defender of Mr. William R. Hearst, whom he attacked in terms of foulest

With respect to the first statement of the gentleman to which I have called attention, I say that it is absolutely false and without the slightest shadow of foundation in fact. I am opposing the Powers bill, as I have opposed all similar bills, solely on my own judgment and because I am conscientiously convinced that

it is a vicious measure.

As to the second statement of the gentleman to which I have called attention, I say that I am the personal and political friend of Mr. William R. Hearst. I have known him personally since of Mr. William R. Hearst. I have known him personally since his childhood and know him to be a man of honorable character and strong human sympathy. In his journalistic career he has shown himself a man of the highest genius and of sterling worth. He sympathizes with the afflicted and gives largely of his means to relieve distress. He loves justice and contends for it. He hates injustice and opposes it practically. He hates oppression and fraud and scourges them in high as well as in low places. He has done more than any other hundred men to purify the politics of California, and he is doing more to-day to purify the polities and the political institutions of the United States than any other man within its horders. But he has one grievous fault. other man within its borders. But he has one grievous fault. He is not merciful to the tyrants or the corruptionists whom he assails. This fault causes bitter and sometimes powerful enemies (I do not refer to the gentleman from California) to rise up against him. Every human reptile that formerly reveled in the corruption with which his efforts have interfered hates him as it hates sunlight and spouts venom at him whenever it gets into a place of comparative safety. In their rage for revenge the vicious ones whom he has assailed are not restrained by any consideration of conscience or veracity. The worst falsehoods that polluted minds are capable of breeding are by them preferred to truth. I am speaking now of the sources of the gentleman's information against Mr. Hearst.

Now, sir, I sat here on Friday last and heard with mingled feelings of horror and disgust the scurrilous attack made by the gentleman from California [Mr. Johnson] upon Mr. Hearst. That attack was false in every sentence—false in every charge. I brand it now as false in whole and false in every detail.

Mr. Hearst needs no defense at my hands in this or in any other matter. When the historian shall come to estimate his

character, the venom of all the enemies that he has made in the service of his country and of civilization will not weigh against it. But I would not feel that I had done my duty if I should permit so virulent an attack to be printed in the permanent record of Congress without placing in the same record the brand of its

falsity.

I will not further notice any of the contemptible falsehoods concerning Mr. Hearst's private life, but the charge that he levied blackmail on the Southern Pacific Company is tangible and requires some attention. The facts upon which this charge is based, as nearly as I can remember them, are these: About five or six years ago the Southern Pacific Company made a contract with the San Francisco Examiner for advertising, during the World's Fair period, for thirty months, at the rate of \$1,000 per month.

The advertising matter was published and the agreed price paid by the company for twenty-two months. Then a controversy arose. The Examiner had occasion to editorially denounce some

schemes in which the company was interested. The company insisted that because of its advertising patronage the Examiner should refrain from attacking its interests editorially.

Mr. Hearst, through his business manager, immediately replied, repudiating that principle of business, and stating that under no

repudiating that principle of business, and stating that under no circumstances could the advertising patrons either affirmatively or negatively control the editorial or news columns of the paper. There the matter ended, until Mr. Huntington, a few months ago, in a moment of impotent anger, stated that he, or the company, had paid the \$22,000 to the Examiner as blackmail. Mr. Hearst immediately published the contract and the correspondence concerning it. The gentleman from California [Mr. Johnson] said that Mr. Hearst had admitted receiving \$22,000 from Mr. Huntington as blackmail. That statement is simply false.

The gravamen of the charge of the gentleman from California in that transaction is that Mr. Hearst was not honest because he would not stay bought.

would not stay bought.

I deny that Mr. Hearst was ever bought in that or in any other transaction; but far be it from me to deny that his accuser believes in the Tweedian definition of honesty, which he quotes with such

hearty approval.

I have said that the charges made by the gentleman from California against Mr. Hearst were false in whole and in detail. Need I say that they were maliciously made? I leave their characterization in that respect to the members who heard the speech and saw its author during the delivery of that portion of it. Enough of Mr. Johnson. "Too much Johnson."

Mr. HENDERSON. Mr. Chairman, when I had the honor of reporting the rule for the consideration of this bill to the House I made quite a careful examination, not of the merits of the question, sir, for I had not the time to do that, but to ascertain what had been the position of the executive officers of the Government on the point as to whether we ought to take up the question and on the point as to whether we ought to take up the question and on the point as to whether we ought to take up the question and do something about it or not. I found almost an unbroken line of recommendations, from the President down, favoring some action by Congress upon the subject. I stated at the time we brought in the rule that however members might vote on the rule reported, it would not interfere with their voting, of course, as they pleased after the consideration of the bill had been completed in the

But I was struck with one fact. If those having the power to foreclose the Government's mortgage did not proceed to do so, and turned toward the legislative branch of the Government for help, by the substitution of some other mode of action, it was to my mind prima facie evidence of the fact that there was not in their opinion a satisfactory remedy by foreclosure. And this discussion, Mr. Chairman, has confirmed in my mind the impres-

sion made by that investigation.

I have endeavored to avoid, in listening to this discussion, any influence whatever upon my mind by the local motives of any member of the committee. I am not here to criticise local motives

member of the committee. I am not here to criticise local motives or local interests. I assume that every member of this body is, like myself, trying to represent his people; and my own judgment is that little is to be gained by crimination, recrimination, or personal abuse, or by assaults made on the motives of the advocates of either side of the question.

We have all of us discovered, no matter how long in years our term of service has been, the impossibility of obtaining a detailed knowledge of the various matters pending before the various committees of which we are not members. To a large degree we are compelled to accept the information given to us by our colleagues on the several committees who have made careful and detailed examination and determination of the matters referred to them. I find tion and determination of the matters referred to them. that out of 14 members on the Committee on the Pacific Railroads, 12 of them are unanimous in recommending to this House that foreclosure proceedings is not the best thing for the Government in this matter. Eleven of them unitedly urge the proposition under discussion reported by the committee. One of them, the gentleman from Texas [Mr. Bell], has a proposition of his own; but he was forcible in his remarks in the expression of his opinion that foreclosure would not give the best results to the Government creditors.

Now, stripping this question of a thousand matters that stand out in the past, we are brought face to face with the question of out in the past, we are brought face to face with the question of what is best for us to do for ourselves as members of this body in respect to this indebtedness. I am not going to attempt to enter into the old, stale questions and allegations that have been thrown into this discussion in battalions, and which go back of and do not touch the vital question at issue. I try to look at this matter as if I owned this claim myself, or if a client had come to

me and said, "Mr. Henderson, counsel me as to what is best to be done to get as much money as I can out of this claim, an inferior lien." In that light alone do I look at it.

There are two things clearly demonstrated in my mind by the discussion. First, we all agree that the claim of the Government is a second and inferior lien and that the claim of the first lien holder takes precedence over ours and is first to be settled.

The CHAIRMAN. The time of the gentleman has expired. Mr. HENDERSON. I should like very much to be permitted The CHAIRMAN. The gentleman asks for an extension of his time for five minutes. Is there objection?

Mr. RICHARDSON. Preliminary to consenting, I would like

to ask how it is that other gentleman can not have their time extended?

The CHAIRMAN. Does the gentleman object?
Mr. RICHARDSON. I shall not object. I only wanted to get that information

The CHAIRMAN. The Chair hears no objection.

Mr. HENDERSON. I never have made an objection in my life to such an extension.

Mr. RICHARDSON. The gentleman must not understand me as having made an objection. I only wished to ask why others could not have the privilege extended to them. I made no objec-

Mr. HENDERSON. I understand the position of my friend from Tennessee, and I believe in a full discussion of the matter. I shall not transgress beyond the five minutes kindly given to me

by the committee.

This first lien, it is evident to my mind, substantially exhausts the assets of the debtor companies. I am satisfied with the statements made in this debate that if the Government mortgages are foreclosed on the properties of these companies, the Government

claim will be left substantially unsettled. Of that I feel satisfied from all that I have learned in the course of the discussion.

Another thought occurs to my mind in considering this question. I believe that the plan proposed will substantially secure the Government's debt. There are conflicting views in regard to the Government steet. There are connecting views in regard to this matter, but one fact stands out clearly in my mind in the event that we make this effort. If it does fail, we will know it within a reasonable length of time, and we will certainly be no worse off then than we are now. Standing here, then, trying to save \$111,000,000 hopelessly lost by foreclosure proceedings, are we not justified in endeavoring by this plan to save that sum for the Government, or at least to save the most of it? Are we not justified in taking what seems to be, and what the committee says is, the very best step in the premises? I have examined the bill carefully to see whether a default on the part of these companies carefully to see whether a default on the part of these companies authorizes prompt action by the Executive, and I find that point carefully and fully guarded in the bill. Default makes all come due; so that if we are being played with, and good faith does not underlie the propositions presented by this bill, we lose but little time, and if default comes it is within our power to move along the lines now open to us and still protect ourselves so far as that

protection will go.

In brief, then, I feel this: All, or substantially all, will be lost by foreclosure. I hope that we may save all, or most of it, by compromise. If it were my own property, Mr. Chairman, I should endeavor by this proposition to save my claim, rather than rush into the vortex of the courts by foreclosure, when this investigating and recommending comparison. ing and recommending committee, substantiated by my own judgment, gives no encouragement for any satisfaction.

These are all the observations I care to make. [Here the hammer fell.]

Mr. McLACHLAN. Mr. Chairman, in the brief space allowed

me for the discussion of this bill there is not time to refer but briefly to the history of the railroads under consideration. the law of 1862 the right of way was granted these railroads, 12,600 acres of land given for every mile to be built, and subsidy bonds issued at the rate of \$16,000, \$32,000, and \$48,000 per mile, according to the character of the country through which the roads were to be built. These bonds were to constitute a first-mortgage

lien upon the property and were to be repaid in thirty years.

This was a princely donation, but the originators realized that they could do better, and took no active steps for two years, when the land grant was doubled, the lien of the Government subordinated to a second place, and a first mortgage allowed to be placed upon the property equal to the original grant of subsidy bonds, amounting to about \$64,000,000.

Then the gentlemen comprising the original projectors of this scheme, whose combined capital was insignificant, built the Central Pacific for \$58,000,000, capitalized it at \$139,000,000, and divided the profits and Government subsidy among themselves. The Union Pacific was manipulated in a like manner through the Credit Mobilier, and as a result \$324,000,000 was paid to stockholders of the Pacific companies. In addition to the \$64,613,000 of bonds received, there were \$1,900,000 acres of land granted. But notwithstanding these princely fortunes accumulated by reason of the fabulous liberality of the United States Government, from the very incention of the enterprise there seems to have been a standar very inception of the enterprise there seems to have been a steady design on the part of those who had grown rich by this liberality to prevent the Government from ever realizing anything upon the advances it had made or the obligations it had assumed. From

being the lessors of the Southern Pacific Railroad lines in Califor, nia, New Mexico, and Arizona, the Central Pacific was placed under control of the latter company and its earnings practically

limited to a 2 per cent guaranty.

The roads were completed on May 10, 1869, and the Government delivered the last of the bonds. Five years later, when the railroad companies were asked to account for the 5 per cent of their road companies were asked to account for the 5 per cent of their earnings provided by law to be paid the United States, they denied that the roads were completed. This point was decided against them by the United States Supreme Court, and they then insisted that there were no earnings, because they had been expended in building branch lines upon which the Government had no legal claim. They denied the rights of the United States to a lien on the towningle and the Omele Bridge and these greatings are the states. the terminals and the Omaha Bridge, and these questions are now pending in court. Both companies brought exorbitant charges against the Government for carrying mail and troops, and these were disallowed by the Court of Claims. They denied the right of the Government directors to meet with the directors of the Union Pacific Railroad Company. The Union Pacific, with an original mileage of 1,821.86 miles, now has 7,672.09, the difference being built out of the profits of the original grant, but upon which the Government has now no legal lien.

These railroad companies went openly into politics and put out railroad tickets in the Western States. So notorious did this become that when the Credit Mobilier scandal was exposed but little surprise was manifested. Then came the Wilson investigation of 1873; and the reports of that committee present a most astounding state of affairs. Then the Thurman Act of 1878 was astounding state of affairs. Then the Thurman Act of 1878 was passed, requiring the roads to pay in all of their earnings from transportation of mail, troops, munitions of war, and 25 per cent of their net earnings, which constituted a sinking fund. The railroad companies at once tested the constitutionality of this law. It was sustained by the United States Supreme Court, and suddenly, in 1880, seventeen years before the debt became due, the railroad companies started an active effort to have their indebtedness to the Government funded. There had been no intimation of insolvency prior to that time by either company. Their stock ranked high in the market; dividends were paid with clock-like regularity, but suddenly it developed that they were "about to become insolvent,"

according to their own claims.

In 1887 another commission reported, and this report, as in case of the Wilson committee, charged gross frauds from the inception of these companies. Acting upon these reports, the Fiftieth Congress passed a law authorizing the Executive and Attorney-General to proceed to foreclosure in case the indebtedness was not paid. Every Congress since that time has been besieged by these companies. Is their past record such as to inspire confidence in the stability of any agreement they might make in the future?

The first thing that a prudent man does when entering upon a

contract is to put in figures just what he obligates himself to pay and what the other party is obligated to pay or do.

It is a well-known fact that United States bonds can not be

floated bearing a less rate of interest than 3½ per cent.

This bill provides that the Central and Union Pacific shall pay

2 per cent interest on the uncanceled portions of their debts to the Government. In addition they are to pay "installments of principal" aggregating \$730,000 a year for the first ten years, \$1,000,000 a year for the next ten, and \$1,500,000 annually thereafter until the debt is "paid."

The principal of the debts amounted on the 1st of the present month to about \$121,140,942.39.

The funding bill provides for certain offsets which reduce this

figure slightly.

The first annual payment made by the Central and Union Pacific will be \$2,422,818.84 for interest and \$730,000 for "installment," or

will be \$2,422,818.84 for interest and \$730,000 for "installment," or \$3,152,818.84 in all. After that the railroads will pay less and less for ten years, when they will be paying for interest and installment combined \$3,021,418.84, or 2.5 per cent.

During all this time the Government will be paying its own creditors on an equal amount of debt \$4,239,932.98 a year in interest, none of which will be counted as an installment on the principal. In this period of ten recent the will be dead of the property o interest, none of which will be counted as an installment on the principal. In this period of ten years the railroads will have reduced the principal of their debt by \$7,300,000, and yet they will lack \$11,528,141.43 of having paid the Government as much for interest and principal combined as it will have paid its creditors for interest alone on the money it has been obliged to borrow by reason of the nonpayment of this railroad debt.

The next year the "installment" will increase to a million dollars, and that will bring up the total railroad payments for the year, including interest, to \$3,276,818.84, or 2.7 per cent on the original debt.

From this point they will decline for ten years more, until in the tenth year they will amount to \$3,096,818.84, or 2.56 per cent. In this period of ten years the total railroad payments for interest and principal combined will lack \$10,531,141.43 of meeting the cost of similar loan to the Government for interest alone.

The railroads will then owe the Government \$103,840,942.39, which they will pay off at the rate of \$1,500,000 a year until it is

all extinguished.

The first year this "installment," plus interest at 2 per cent, will amount to \$3,576,818.84, which will be equivalent to 2.95 per cent on the original debt. That is the largest payment that will ever be made in any one year during the whole course of the liquidation, and it will fall short by \$663,114.14 of the amount the Government will have to pay its creditors for interest alone during every one of the eighty-nine years the process will last, and every year thereafter until it chooses to pay the principal in full.

These installments will clear off the entire debt in about sixtynine years more, making about eighty-nine years from the begin-

The last full year's payment for interest and installments combined will amount to \$1,540,000, or 1.27 per cent on the original debt, and about \$2,700,000 less than the Government charges for

interest alone on a similar debt.

The state of the account at the end of the process will be this: In the first ten years the Government will have paid its creditors in interest on the money it has been obliged to borrow by reason of the nonpayment of this railroad debt \$11,528,141.43 more than it will have received from the roads for interest and principal combined. In the next ten years its excess of payments will reach

\$10,531,141,43.

In the remaining sixty-nine years it will pay \$117,025,125.64 more than it will receive. By the time the railroads have "extinguished" their debt their aggregate payments to the Government for interest and principal combined will lack \$139,084,408.50 of the Government. ment's payments for interest alone, taking no account for interest on interest. And while the railroads will then be free of the debt, the Government will still owe the whole original principal, amounting to \$121,140,942. Its total loss from the funding operation, therefore, will be \$260,225,350. The total amount of the payments for principal and interest under the provisions of this bill will amount to about 2.3 per cent on the principal debt for eighty-nine years, and at this rate would leave the principal debt still unpaid and the the Government. due the Government.

This is not a proposition for the railroads to pay the United States Government, but purely and solely for the United States to present it with millions of dollars more than they have already

There is not a railroad company in the United States that would not pay liberally to have its indebtedness funded for ninety years at 2 per cent. No such proposition was ever made before, and I venture to say that no such proposition would ever be entertained for a moment by any money lenders in the world under similar circumstances

That it should have received the indorsement of the committee is astounding, and I can not think that they ever carried the fig-

tres out and learned what the proposition actually meant.

This bill in effect provides that the companies shall be given a clear receipt for all they have obligated themselves to pay, and, in addition to that, be presented with a further subsidy.

It has been well stated in one of the minority reports that it is

not shown this is the best we can do, and on the face of the propo-

sition it is evident that it is the worst we could do.

The bill provides that the companies shall double the amount of the present first-mortgage indebtedness, and, in return for this reducing the present value of the security to the Government, collateral lines are included, all of which are heavily mortgaged Are they worth the amounts they are already mortgaged for? Are they not already mortgaged for more than they are worth? We have no information upon that subject. In fact, the bill shows that the committee possesses no information. It in terms makes a contract in ignorance of the facts upon which it rests, and makes it the duty of the Secretary of the Treasury to ascertain the facts after the contract is made. He is not empowered to change the contract, should the facts show it to be a bad one. It makes the contract absolutely without the facts, and calls upon the Secretary of the Treasury to ascertain them afterwards. such a dealing in the dark be justified?

But it is said, and emphasis given to the statement on the floor of this House, that something must be done, and the time is short in which to do it. The question must be settled. Why must something be done? The time is short in which to do what? Has

not the question been settled?

The United States Government at enormous expense formed a commission composed of three of the ablest lawyers in America. They heard testimony which fills ten immense volumes. They rendered their decision. That decision was ratified nine years ago by the Congress of the United States with the evidence before ago by the Congress of the United States with the evidence before it, and after long, exhaustive debates upon every phase of the ques-tion, Congress acted and passed a law.

Under the act of March 3, 1887, the President is authorized to direct the Secretary of the Treasury to "redeem or otherwise clear off such (any) paramount lien, mortgage, or other incum-

brance" on these roads prior to that of the United States "by paying the sums lawfully due in respect thereof out of the Treasury. is also authorized to direct the Attorney-General "to take all such steps and proceedings in the courts and otherwise that shall be needful to redeem such lien, mortgage, or other incumbrance, and to protect and defend the rights and interests of the United States in respect of the matter in this section mentioned, and to take steps to foreclose any mortgage or liens of the United States

on any such railroad property."

Congress has declared that the matter should be settled in the only branch of Government where all of the law and equity can be adjusted—the judicial. Who has ever objected to this very proper mode of collecting this indebtedness, the only one which a private individual or a corporation would ever think of adopting through their attorneys? Have there been any protests, any demands upon Congress that it should independently of the courts and the duly constituted legal authorities of the United States take this matter out of their hands? Have the people expressed a lack of confidence in the Executive and the Attorney-General? the plenary power to make such settlement as will best subserve the interests of the people given by this law, has anyone accused the Attorney-General of incompetency to fulfill the duty imposed upon him? It is a matter of personal knowledge to every member of this House that there have been no such protests from 70,000,000 people. They are not only satisfied to let the law take its course, but through the columns of the press, in political conventions, in mass meetings, and by petitions they have demanded that the law take its course. For whom is the time short? Not for the Government, for this is not a proposition to effect a settlement, but to extend the time for a century and to burden an already bankrupt Treasury with great additional obligations. Whose interests are in jeopardy? To say that those of the Government are is a reflection upon the Executive and the Attorney-General. Whence, then, comes this clamor? From the debtors only. Usually it is the creditors who insist that a debt shall be adjusted, but every session of Congress since that which placed the whole matter in the law department where it properly be Congress has been besieged by emissaries of these railroad companies, claiming that the people's interests demanded that a settlement be made of a debt that was not due. Are they afraid the courts will do justice, and do they believe they can influence Congress to prevent justice being done? The proposition is an insult to every member of this body, but it is the only legitimate explanation of the constant presence of the Pacific railroad lobbies.

In this case the Government is the creditor, the railroad companies the debtors. Nine years ago the creditor placed this entire matter in the hands of its attorneys, with full power to protect the interest of the Government, and the debtors were notified of that Ever since that time the debtors have been importuning the creditor to take the matter out of the hands of its attorney with-out even consulting him and settle it without the assistance of legal counsel. No course of that kind would ever be justified in case of an individual or a private corporation, and should not be in case of the Government. What will be the result if Congress fails case of the Government. What will be the result if Congress fails to act? Why, there will be a full hearing in a court of competent jurisdiction and a decree rendered in accordance with the law and facts, protecting so far as possible the interests of all concerned. Is such a course a calamity calling for the hasty interposition of

Congress?

I use the word "hasty" intentionally, for it would be hasty, to use the mildest term, for this Congress, without the assistance of a judicial commission and without exhaustive sworn testimony, to overrule the decision of the Fiftieth Congress, which had the benefit of those aids, and that, too, when no one except the railroad companies objects to the decision then reached. What will be What will be the result if we do pass this bill? We must receive less than we pay out, relinquish even what control we have of these companies, and tax posterity for the next ninety years—a monument of folly! Is this result so desirable that we will be chargeable with neglect of duty if we allow the law to take its course and thus fail to provide this legacy of debt to our children and our children's

But this has been likened unto a composition with creditors by which time is extended. It shows no such phase as presented in this Congress. Robbed of all superfluous verbiage, it is simply a proposition that one creditor—the Government—pay the debts of the other creditors at 100 cents on the dollar, reduce the rate of interest more than one-third below actual cost of carrying, turn the property over to the debtors, allow them to retain all of the profits, and their remote descendants will pay the principal in case they feel so disposed. Any court in the United States would appoint a guardian over any man who would accept such a proposition, and treat him as non compos mentis upon the applica-tion of any relative. It has not even the advantage of being ingenious

It is objected that only one-seventh of these systems are embraced in the main lines upon which the Government liens rest,

and that with these branches in the hands of the companies the main line can not do business. While I am not inclined to dispute that the tail may wag the dog, yet if the tail is cut off I do not think the dog will die and the tail continue to wag. As these branches are feeders to the main lines, they can only be operated in connection with the main lines, not in competition with them. The branches may represent more mileage and be more profitable than the main lines, but the former can not be operated at all without the latter, and as the more they carry the more profitable they are, they will carry just as much to the main lines if they pass out of the hands of the owners as they do now. At any rate, the insolence of the argument is too great for it to be accorded much respect. The railroad companies say: "You advanced the money and we built the lines. Out of the profits we bought and built branch lines that belong to us and not to you. Our roads that we bought with the profits of your roads are more profitable than your roads; therefore, as you can not do anything with your roads without ours, you ought to give them to us."

The prospect that the Government may have to buy in the roads

The prospect that the Government may have to buy in the roads frightens some people. It is not necessary that the Government should buy them in if that course does not appear desirable. Nor will the court confirm a sale where the price bid is grossly inadequate. Take judgment as in any other foreclosure suit, and let the railroad be run by receivers until an adequate bid is received. The fact that his client did not want to buy a railroad would not deter a lawyer from proceeding to collect a debt against one.

The "bogy man" of the Government ownership of railroads has seemingly been conjured up by the railroad people to frighten timid legislators, and every time it is mentioned there are loud cries of "Paternalism!" It has not usually been supposed that the Governments of France, Germany, Belgium, and Bavaria were paternal. These are the prominent countries that have tried the Government ownership of railroads. In all of them it has been a success. There have been no failures to record against the system in Europe. Charles Francis Adams, jr., a former Government director of the Union Pacific Railroad, and subsequently president of that company, wrote a treatise against the Government ownership of railroads, taking the ground that an entirely different state of affairs existed in the United States from that found in Europe. But he was honest enough to make the following statements. I quote from his book:

To satisfy everyone always is a result not likely to be attained under any system or in any country. Meanwhile it may, with tolerable safety, be asserted that the Belgium system is as satisfactory to the people of Belgium as the nature of things human permits that it should be. Certainly the public feeling points very distinctly toward the acquisition of the remaining lines of the system by the Government, while the sale of the Government lines to promote corporations has never been urged by any considerable party. Financially the undertaking has proved a decided success.

As to France he says:

Though not especially enterprising, the companies are, as a rule, solvent, impartial, and reliable. Indeed, those managing them look with simple astonishment on the wild fluctuations in the railroad tariffs incident to the American method of operation, and they do not hesitate to say that if any similar outrages were perpetrated on the French people and business public by them the question of the state ownership of railroads would immediately assume a new shape. Such proceedings would not be tolerated.

I do not intend to discuss at length the pros and cons of the question of Government ownership or operation of railroads, or to take any ground upon that question as an independent proposition. But under the existing conditions of these Pacific railroads and their relations to this Government, rather than pass this bill I would prefer to see this Government try the experiment of the Federal ownership and control of these roads, charging the people only sufficient for freight and passengers to pay the running expenses, keeping the roadbed in repair, and paying the interest on whatever debts might exist against them, together with a reasonable sinking fund to pay off the existing debt, and giving the people the benefit of the lowest possible rates.

The whole nation is clamoring to-day for the building of the Nicaraguan Canal under the control and management of the Government. Upon the same theory and under the existing conditions of these roads, I would like to see the experiment tried of this Government owning and controlling one transcontinental railroad from the Pacific to the Atlantic Seaboard. Such a railroad would tend to regulate the rates of all transcontinental railroads, and might successfully solve one of the most difficult and complex questions that now confront the American people.

To the extent that the right of way is conferred upon railroad corporations it is a delegation of sovereignty, and such delegations are always dangerous. They are not amenable to all the laws concerning corporations. The courts make them a class unto themselves on the ground that they are quasi public corporations. It must be admitted that this quasi public character has operated in favor of the railroad companies and not of the public.

So universal has this idea become that railroads are operated against the interests of the people that it is notorious that in the courts American juries will mulc railroad companies in the heaviest damages possible. Every attorney who represents a rail-

road company has had frequent cause to complain of the prejudice existing against that class of corporations. The American people love justice. In no country do juries bring in as fair verdicts as a rule as in the United States. The love of Americans for fair play is proverbial. Bankers, manufacturers, merchants, are all accorded justice by juries, and the fact that railroad companies alone encounter as an obstacle to the obtaining of their legal rights a universal prejudice is proof conclusive that the people have suffered at their hands. And among such offenders the Pacific railroad companies have never been backward. They have oppressed the farmers by extortionate charges, by insufficient service, and by granting low rates to favored shippers until the fertile country through which their lines pass is almost ruined. The farms are mortgaged, corn is burned for fuel, and wheat and fruit rot because they will not bring a price that will pay for shipment to market. That I am telling the truth will be borne out by every man familiar with our Western States. This has caused, more than everyything else combined, the spirit of unrest that is found throughout that section. Throughout the States where these railroad lines pass there has been for years a general demand that the Government control. Now Congress has an opportunity, without incurring a dollar of extra expense, to allow the experiment to be tried in the very section where the demand for it is strongest.

It would in the past have saved the \$324,000,000 paid in dividends by these same roads, even though they had not been conducted more honestly than these companies operated the lines. That saving to the producers along these roads would have rendered them independent and prosperous. Their farms would not now be so heavily mortgaged and they be suffering for the necessities of life. If the experiment proved a failure, the railroads could be sold. It will cost nothing to try it, and it will settle one way or other this widespread popular demand. It will not do to predict a failure ex cathedra. It is successful in Europe and has never been tried in the United States. It is true that Illinois, Indiana, Massachusetts, Pennsylvania, and Georgia have tried it in a very limited way. It has not been altogether satisfactory nor altogether unsatisfactory, but there are difficulties in the way of a State operating a railroad that do not exist as against the United States, for the States can not regulate shipments from or into other States.

In this case the people furnished the money, and I believe they have a right to demand that they, through their Government, shall have control of the property, at least till this debt is paid.

I therefore oppose any funding scheme, believing that the Attorney-General should act in accordance with the terms of the act of 1887 and buy in the property for the people.

act of 1887 and buy in the property for the people.

But if any funding bill is passed, certainly the arrangement should be the best one possible. It is admitted that the Union Pacific can afford to offer better terms than the Central, and here is what Creed Haymond, attorney of the latter company, stated his company could do:

The company could without any difficulty, and without assuming a burden nearly as great as is now upon it for interest, pay into the United States Treasury four millions annually, which would pay off the last dollar of this indebtedness long before the expiration of forty years. This indebtedness could be made to constitute a mortgage upon the property, and it would be a first mortgage readily available to the Government or to any person who desired to use the security.

If Congress is to act at all, it should only do so after a thorough examination of all the facts and the law and equities of the case. We have nothing before us but the reports of the committee, of which there are three, all of them stating the facts differently, and the bill reported, leaving the facts for the Secretary of the Treasury to learn. If the members of the committee who heard the evidence can not agree upon a statement as to the facts substantiated, how can those members who did not hear the evidence base any conclusion upon these reports? We know that the Central and Union Pacific Railroad companies will owe the United States Government some money—as to how much, we have different statements. We know that no effort has been made by the law officers to collect it. We are informed by the debtors that they are insolvent, but we do not know that this is true, while we do know that they have not always been truthful in the past. We have no schedule of assets and liabilities that would be accepted by any court as such, or acted upon in any creditor's meeting.

We know from the reports of the Pacific railroads commission in 1887, the Wilson commission in 1873, the reports of the Government directors of the Pacific railroads each year for the past twenty years, and the messages of Presidents Harrison and Cleveland, that extensive frauds have been charged; that it is claimed there have been diversions of funds; that immense sums have been paid to stockholders, and that the companies are charged with gross violations of the provisions of their charters. We are told that there is not enough property to pay the first-mortgage bondholders and the United States, too, but there is no sworn statement or appraisal of the property. We have no evidence

that there is not enough, except the statement of the debtors them-selves. Taking for granted that this is true; going further, and taking it for granted that there is not more than enough property to pay the first-mortgage liens, as a matter of law, there are still some important questions to consider. What is the value of the equities? That is a matter a statute-making body can not inquire into properly or reach. It can be determined only by the judiciary. It is a well-settled principle of law that the statute of limitations

does not run against the Government; hence a judicial inquiry would probe the frauds, if any existed, and every commission ever appointed has charged that extensive frauds were perpetrated. These frauds must have been to the injury of the United States, and the courts would follow all funds diverted by fraud and give judgment for their recovery. Pass this bill and we condone these alleged frauds without a legal investigation, cut off the possibility of reaching them in the future, give the railroads a clean record up to the date of its passage, and hereafter we must be governed by the provisions of this bill alone. These companies had practically no money except that furnished by the United States. Does this create a resulting trust in favor of the United States in all property purchased with money belonging to the United States? It is a well-settled principle of equity that where property is bought with funds of another, the title being taken in the name of the purchaser, the owner of the funds has a resulting trust in the property so purchased. Is this a case within that rule? If so, every dollar of the Government money can be recovered. Has there ever been an attempt made to bring this case within this well-

known rule of equity? Never.

An attempt was made to hold the stockholders of the Central Pacific liable under the California statute. This failed, the United States Supreme Court holding that they were not liable under that statute because it was a Federal and not a State corporation. That being true, the liability of the stockholders is under the Federal law. What is that law? The statutes being silent, would not the common law prevail, and the stockholders be liable under the common law? If the common-law liability could be enforced, every dollar of the indebtedness to the United States could be re-Has there been any attempt to enforce it? None whatcovered. ever. Should the courts hold that either of these principles applied, the debt could be collected in full, even though there was not a dollar's worth of property available under direct legal proceedings.

In connection with foreclosure proceedings, a bill of discovery could be filed, setting forth the allegations of fraud that have been made. Congressional committees have tried in vain to get the made. Congressional committees have tried in vain to get the books, or information as to what they contained. If a subpoena duces tecum is not powerful enough to bring them forth, a writ of sequestration, coupled with the authority of the courts to imprison for contempt, would secure the evidence. The hearing before Congressional committees has largely been ex parte. We have only the evidence of the defendants. We know nothing about the strength of our own side of the case. There is not a about the strength of our own side of the case. There is not a lawyer in this body who would risk his legal reputation by writing a legal opinion upon the intricate legal and equitable questions involved with the confused and conflicting statements of facts before us for consideration. According to the provisions of this bill, even the amount of liabilities to be assumed is left for the Secretary of the Treasury to ascertain after the bill has passed.

If the decision of the court was against the United States on all

of these points, no fraud was proved, no funds had been diverted, and the stockholders were not liable, we would be in no worse position than we are now. We could still fund the debt if thought best. It may be feared that the present foreclosure suits would be pushed and not await the action of Congress. Making the parties to the present suits party defendants will hold them in court; and if the judgment be adverse to the United States, and the Government does not want to purches the property and the the Government does not want to purchase the property, and the first-mortgage bondholders refuse to wait until Congress acts, a suit for the annulment of the charter, for which there is ample ground if reports are true, will bring the first-mortgage bond-holders to terms at once. Let us have a judicial determination of the facts, a schedule of assets and liabilities, with proper appraise-ments, a determination of the questions of law and equity; then we will have information upon which we can act intelligently. Until then, theories and opinions are absolutely valueless, for we know nothing about the case.

Let us go into the courts, where the stockholders, the unsecured creditors, the bondholders, the Government, all, can be heard. Let us have a decision upon the merits of the case. Let us probe the charges of fraud to the bottom. Let us recover the funds that have been diverted, if any. Let us determine whether the stockholders, who have grown enormously wealthy, can not be made to account for a portion of their dividends. I believe we will collect all of our money. If not, we will be in no worse position than

It is evident from the clamor about insolvency these debtors have made, and their desperate efforts to effect a long-term com-

promise before their debt is due, that they are afraid of the courts; promise before their debt is due, that they are afraid of the courts; but the United States has nothing to fear from its judiciary. If, as they claim, they have nothing to pay with as corporations, and are not individually liable, why should they object to legal investigation? Is it purely and wholly a proposition for their advantage, and only a plan to induce the Government to pay their debts and allow them to continue in control of the property? If it is, Congress has no right to consider such a proposition for a moment. If not, it is inexplicable that they should keep up an expensive lobby in order to prevent the present law from being carried out. While I am opposed to this funding bill, I can see how others might be earnestly in favor of funding this debt. But I can not see how any member of this House can favor funding at a rate of interest below the actual cost to the Government of carrying the

interest below the actual cost to the Government of carrying the debt. Nor can I see how any member can favor taking action until the courts have passed upon the important questions involved, with all parties in interest in court. When that is done, the conclusions can be entered upon the records as a decree of Nor can I see how any member can favor taking action court, all creditors and parties in interest would be bound by it, and Congress would know just what the Government's rights are and what the companies could afford to do. I believe that the strongest friends of this bill will vote against it if they give careful consideration to the lack of definite facts and of judicial interpretation upon which we can act.

Are we justified in overruling these commissions and Congresses when every political convention and every mass meeting of citizens that has acted upon the subject has indorsed what they have done? Let me beg of the members of this House to remember that we are considering the question of collecting a debt. It has already been placed in the hands of the Attorney-General for collection, and he has not reported that it is uncollectible. We do not know whether or not the holders of the senior liens will bid enough to enable us to realize something upon our claims. We do not know whether or not other bidders can be secured. We only know that if we do not resort to legal proceedings our debtors, who, it is claimed, have persistently defrauded us in the past, agree to continue in control, provided we pay their preferred Two Congresses have favored compelling the collection of the debt; two commissions have reported against both the insolvency and good faith of our debtors; three Congresses have refused to entertain similar offers of compromise to that made now. The conduct of these debtors in the past has not been such as to command our confidence that they will carry out even the as to command our confidence that they will carry out even the liberal provisions of this bill. They have strained every point in former enactments against the Government and have grown rich. While they have amassed fabulous fortunes by the liber-ality of the Government toward them in the past, they have studiously avoided making preparation against this day of settlement.

Let us now deal with them as with an ordinary individual under similar circumstances. Let the law take its course. Let exact justice be done to all, and we shall have done our duty.

Mr. WATSON of Ohio addressed the committee. See Appen-

Mr. POWERS. Mr. Chairman, the gentleman from Ohio is a member of the Committee on the Pacific Railroads, and I ask that

he have a few moments more.

The CHAIRMAN. The gentleman from Vermont asks unanimous consent that the time of the gentleman from Ohio may be extended for five minutes. Is there objection?

Mr. MAGUIRE. I object. The extensions have always been

Mr. MAGUIRE. I object. The extensions have always been made to those in favor of this bill.

Mr. BARTLETT of New York. Mr. Chairman, in behalf of the people of the United States, and in behalf of the Government, although not authorized so to do by any Government official, I protest against the passage of this indefensible bill. The gentleman from Ohio [Mr. WATSON] has said that this was a controversy between the State of California and the Government of the United States. I say, gentlemen, that this is rather a controversy between the people and their Government on the one hand and certain railroad men on the other. Show the report of any Governtain railroad men on the other. Show the report of any Government director of the Union Pacific Railway in favor of this new

Mr. WATSON of Ohio. Will the gentleman allow me to ask

him a question?

Mr. BARTLETT of New York. I certainly can not yield, as I have only five minutes.

Mr. WATSON of Ohio. The Government commissioners get 18,000 a year, and this bill abolishes their office.

Mr. BARTLETT of New York. Show me the advocacy by any member of the Cabinet of the measure now before us for consideration. No gentleman can accuse me in this place of being an enemy of capital; no one can say that I have ever led a raid against a corporation, or have ever made an attack upon corporate investments; but because I believe in dealing just as fairly with a corporation as with a partnership or an individual, I do not propose

to consent to the lending of the money of the people of the United States to an insolvent corporation, to a corporation as to which it is admitted that it can not pay its debts to-day; and yet, forsooth, they ask us now to lend our money—not ours, but the money of the people—\$112,000,000 for nearly a century to come.

I say advisedly, after careful examination of every provision of this bill, that it is the worst, most reckless, and most improvident measure, in so far as the people and the Government are concerned, that has ever been offered to the Congress of the United States. Look at the report. I would that I had time to criticise its singular language. Let me point out to you, gentlemen, that it is claimed by the chairman of the committee, the distinguished gentleman from Vermont, that it is a great merit on the part of these railroad companies that the aggregate sum of the repayments heretofore made amounts to nearly the sum originally lent. these railroad companies that the aggregate sum of the repayments heretofore made amounts to nearly the sum originally lent. Is it so in Vermont that the aggregate sum of interest on any loan can not, within a given number of years, equal the principal? Yet this partial payment of interest by these companies is considered so meritorious that three times within three successive pages it is urged in behalf of the passage of this measure.

The gentleman tells us that we have additional security. He tells us that the Omaha Bridge is a new security. Was the distinguished chairman of the committee ignorant of the fact that the Supreme Court of the United States had decided in the case of the Union Pacific Bailroad Company against Hall in 91 United

of the Union Pacific Railroad Company against Hall in 91 United States that that bridge formed an essential part of the Union Pacific Railroad, and that the railroad started from the Iowa side

of the river?

Mr. POWERS. Mr. Chairman, I desire to ask the gentleman if the Omaha Bridge or the terminals received any aid?

The CHAIRMAN. The time of the gentleman from New York

has expired.

Mr. POWERS. I ask that the gentleman be allowed five min-

utes more

Mr. ARNOLD of Pennsylvania. I object.
Mr. CANNON. Mr. Chairman, I have read this report carefully. For ten years I have been familiar with this question, and have heard many debates on various bills introduced touching the settlement of this indebtedness. I almost have by rote the speeches of the gentleman from California, for I have heard them

many times on several bills.

many times on several bills.

Now, sir, it seems to me that, from the practical standpoint, this matter is in a nutshell. People ahead of the Government have a lien on these roads for \$64,000,000, which is due, so that they can foreclose. The Government has \$112,000,000 (in round numbers) due it, subject to this prior claim of \$64,000,000. The debt to the Government also is substantially due, so that we can foreclose. By a law now on the statute book, in the act of 1887, there goes from the Treasury, in the absence of new legislation, \$64,000,000 to pay off that first mortgage, so that we shall have \$64,000,000 more "blown in," and then, if there is no further legislation in the meantime, foreclosure comes.

Mr. TERRY. Is not the gentleman in error in saying that the first mortgage is due and can be foreclosed?

Mr. CANNON. I am not. Now, Mr. Chairman, I undertake to state that in my judgment if these roads were put up to-day and sold under the hammer, nobody would come forward with the \$64,000,000, the amount of the first mortgage. Therefore I am for legislation; first, because I do not want \$64,000,000 more to go out of the Treasury.

The gentleman from California is against legislation because he does want the money to go out of the Treasury.

of the Treasury. The gentleman from California is against legislation because he does want the money to go out of the Treasury, hoping and believing that the Government will take the road and operate it. I would rather that the railroad should sink a thousand feet deep than that the Government should undertake to own and operate it. [Applause.] But gentlemen say we get only 2 per cent interest. We have an unsecured debt of \$112,000,000, and the precedition is that the Courtage Pacific Pailroad the property. cent interest. We have an unsecured debt of \$112,000,000, and the proposition is that the Central Pacific Railroad, the moment this act passes, shall advance \$2,500,000 in money as an evidence of good faith. Gentlemen may say that is nothing. Well, it is \$2,500,000 that we have not got now and that we will have then. [Laughter.] We shall be \$2,500,000 better off then than we are before we pass this bill. The interest thereafter is to be 2 per cent. There is also a payment of \$1,000 a day from each of these roads for ten years, and if there is a default in that payment there is power in the Government to declare the whole debt due at once. With two and a half millions paid down we shall have that much additional security that we shall have the whole debt raid. With additional security that we shall have the whole debt paid. additional security that we shall have the whole debt paid. With the first year's interest paid and twice \$365,000, our security will be so much better. During the second and the third and the fourth years, and all the while, our security grows better. The gentleman says the rate of interest is too small. My only fear about this bill has been as to whether or no these companies will or can comply with this legislation if we enact it. That is my only fear. The gentleman compounds the interest at 2 per cent to show what we shall lose if we pass this bill. Well, gentlemen understand what compounding interest means understand what compounding interest means.
[Here the hammer fell.]

Mr. HARRISON. Mr. Chairman, in view of the controversy Mr. HARRISON. Mr. Chairman, in view of the controversy which arose a few moments ago between the chairman of the committee [Mr. Powers] and the gentleman from California [Mr. HILBORN], relative to the property of the Central Pacific Company not being embraced in the pending bill, I feel it my duty as a member of the committee, notwithstanding the fact that I am opposing and shall continue to oppose the report of the majority of the committee, to say that in view of the evidence which came before the committee I must substantiate the statement of the chairman of the committee; and I would add that if the gentleman from California had the information which he states he now has when he appeared before the committee which he did do that he did he appeared before the committee, which he did do, that he did not treat the committee properly in failing then to furnish the in-

formation which he now states he has.

Mr. KYLE. Mr. Chairman, more than thirty-two years ago this Government loaned to the Central Pacific and the Union Pacific Railroad companies a sum of money. From that day to this a portion of that money has been owing to the Government by these corporations. The business that we have in hand to-day by these corporations. The business that we have in hand to-day is to devise some means by which the Government can get its money back. All of this talk about the rascality of these people, all of this talk about their unfair dealing with the Government, may or may not be true. In the condition with which we are confronted to-day the question that presents itself to us is, How can we get back for the people of the United States the money that these corporations have received from the Government? That is the practical question which concerns us, it is the practical question that concerns the Committee on the Pacific Railroads, and it is the question with which we have been dealing roads, and it is the question with which we have been dealing during these many years.

We have taken up these matters in committee and have heard

people from all sections of the country for and against the propositions submitted. We have made earnest, faithful, and honest efforts to arrive at the very best possible solution of the problem. We come here now and present the bill which is the result of our

examination and deliberation.

But the gentleman from California [Mr. Maguire] says that we propose to extend to this corporation the privilege of owing this debt for eighty-six years. Now, I ask you gentlemen to deal fairly with us in considering this proposition. I think you ought to treat us fairly; I believe we have tried to be fair with you and

with the country.

I ask you to take this bill which we have presented to you and read it for yourselves and see whether the gentleman from California [Mr. MAGUIRE] can legitimately draw such a conclusion as will justify him in making the statement he has made before this House, that this debt is extended for eighty-six years. Take the bill, gentlemen, and read it. It provides that on the 1st day of next labely what? That these companies shall begin to discharge the July—what? That these companies shall begin to discharge the principal of this debt; that they shall pay at the rate of \$1,000 a day for the first ten years that the debt runs and pay up the interest every six months. So that upon an average at the end of about forty-seven years this debt and interest will be extinguished. That is the provision of the bill. That is not my statement. It is the statement of the bill, the gentleman from California to the contrary

notwithstanding. Mr. MAGUIRE. Mr. MAGUIRE. Can the gentleman show any statement in the bill that this debt is to be extinguished at the end of forty-seven

Mr. KYLE. No. I say that is the average; which, if the gentleman will figure it out, he will find is the fact. If he makes the calculation he will reach the same conclusion I have reached.

Mr. MAGUIRE. I have figured the average at fifty-five years.

Mr. KYLE. Then not eighty-six years, as you stated a while

Mr. MAGUIRE. Eighty-six years is the total.
Mr. KYLE. I do not want to be interrupted.

Mr. MAGUIRE. Eighty-six years is the total—
Mr. KYLE. I do not want to be interrupted.
Mr. MAGUIRE. Eighty-six years is the total period; the average is fifty-five years.
Mr. KYLE. Now, gentlemen, you have that proposition. The Government begins to get its money at the end of six months. A portion of it is paid during the first ten years, at the rate of \$365,000 a year; during the next decade payments are to be made at the rate of \$750,000 a year; and so on until all the debt has been extinguished. And gentlemen should remember that these companies, under the provisions of the bill, are required to pay every cent of interest every six months; if they fail to do so—if they fail for six months to pay the principal or the interest of the debt—this bill provides that the whole of this indebtedness shall be considered as due; and in that case the Government officials are charged with the duty of proceeding to collect and enforce the lien provided for in this bill.

Now, why do we fix the interest at 2 per cent? Why, gentle-

Now, why do we fix the interest at 2 per cent? Why, gentlemen, for the best reason in the world. I do not suppose there is any lawyer in this House who has not during some period of his life had to deal with an insolvent debtor. What do good business sense and good business principles suggest in that sort of a case?

Why, to do the very best you can. Suppose we exact more from these people than they are able to pay, and thus break them down? The result is, we simply destroy one of the great arteries of com-

The result is, we simply destroy one of the great arteries of commerce in this country and put ourselves in such a position that we can not realize our debt.

The committee carefully took into consideration the income of those roads. We had men before us to testify as to their income; we had documentary evidence before the committee. As men who, I believe, were trying to deal honestly with the proposition, we took it up and, after considering the ability of those companies to pay, we concluded that 2 per cent was all that their earnings would permit them to pay. How else than from their earnings can the companies pay this money? What is the use of requiring more than they can pay? Is it sensible to exact of them an impossibility—something that they can not accomplish?

Besides the provisions for payment of the bonds that will be due

Besides the provisions for payment of the bonds that will be due the Government under this bill, I call attention to the fact that there are now in the Treasury of the United States, to the credit of the Union Pacific Railroad Company, known as the sinking fund provided under what is known as the Thurman Act, \$15,825,985.63, and to the credit of the Central Pacific, under the provisions of the same act, \$6,493,126.94. In addition to this, there is a sinking fund to the credit of the Southern Pacific of \$2,409,818.20, over which the Government has no control so far as power to appropriate to the payment of its debt. All these sums are to be applied to the Government debt against these roads, and then the remainder is to be paid as I have before stated.

* [Here the hammer fell.]
Mr. BELL of Texas. Mr. Chairman, I had not expected to detain the committee again, but I desire now to repeat and indorse particularly what has been so well said by the gentleman from Alabama [Mr. Harrison]. The gentleman from California [Mr. Hilborn] is certainly mistaken in the position he has taken, and, I understand, has been misled by a telegram received from some person, who it is I do not know. I would have said something more on the same subject, but the very full and accurate statement of the gentleman from Alabama has covered the ground thoroughly.

But there are one or two other things to which I wish to call the

attention of the committee. It has been assumed by the gentleman from Ilwa, by the gentleman from Illinois, and various other gen-tlemen who have addressed the committee, that we have no secur-ity at all for our debt against the Pacific roads. That is an entire ity at all for our debt against the Pacific roads. That is an entire misapprehension of the facts. Why, sir, the debt which is secured by the mortgage which has precedence over the Government debt, leaving out of consideration the question as to whether we have a lien on any of the property excepting that part with reference to which there is no dispute—that debt only amounts to an average of about \$22,000 a mile. There is hardly a railroad in the United States that is not mortgaged for more than that. We have in the State in which I live, and in that section of country, which is not so populous as that traversed by portions of the Union Pacific line, various railroads, some of which are mortgaged to the extent of \$48,000 or \$50,000 a mile. Nobody questions the fact that they can collect that much out of their security.

Our mortgage covers 1,442 miles of the road, and about that

there is no dispute, and the amount of the mortgage which is ahead of ours is \$33,000,000, or about \$22,000 a mile. Another thing that is worthy of consideration is that that portion of the road on which we have unquestionably a lien runs through and traverses the most densely populated section of the entire country through which the line passes. If they had to get the right of way again through eastern Kansas and Nebraska, through such cities as Topeka and many other magnificent towns along the line of the road, it would cost them for the right of way alone, over a portion of the road at least, as much as \$22,000 a mile, without taking into consideration the question of the cost of construction.

We may be treating with an insolvent creditor, but we are not treating with a creditor against whom we can not collect at least a portion, and a large portion, of what is due to us by a lawsuit. That is the fundamental mistake into which the advocates of the bill fall. If we insist on our right, and, if necessary, if we resort to foreclosure proceedings under the act of 1887, we can get possession of the road and sell to some other company for fifty or sixty

thousand dollars a mile.

So, Mr. Chairman, I repeat, that we are going to confer a great favor by the plan proposed. I know that if the road is sold at forced sale, and no condition attached, it would not bring more than one-half of our debt in addition to the debt secured by the first mortgage. But in order to induce men to put into the enterprise their own private means, and thereby to increase our security, we propose to extend to them the use of money for a long time at an extremely low rate of interest, and if we will only stand firmly for our rights we will save our Government a large amount of

Another thing to which I wish to call the attention of the com-I occupy pretty much the same attitude with reference

to the funding bill as does the gentleman from Louisiana [Mr. BOATNER]. But there are some things in his remarks which I fear might lead some to vote against any kind of settlement. There is an impression which has gained currency that we have a legal remedy against the men who accumulated the fortunes, as we understand they have, out of these roads. If we had such a we inderstand they have, out or these roads. If we had such a remedy, I would be in favor of losing half of our debt in order to recover what they owe rather than to allow them to enjoy their ill-gotten gains. But I assert, as a lawyer who is perfectly willing to risk what reputation he has, if he has any, upon the statement, that there is not the least chance under the sun to get one dime's handle for the Covernment at the end of a lawsuit against such that there is not the least chance under the sun to get one dime's benefit for the Government at the end of a lawsuit against such parties. The Government of the United States can not maintain such a suit. It is simply a creditor of the company, and the directors of the company, if they have diverted any of the funds of the company or have defrauded anybody, have defrauded the company itself, not the United States, and the company alone has the right of action. This cause of action was barred years ago. The committee has considered that point fully, and a subcommittee submitted the question to the Attorney-General, who gave an opinion in accordance with the statement I have made. The only effect of such questions as this is to obscure the real issue and perhaps prevent us from effecting a settlement which issue and perhaps prevent us from effecting a settlement which may save us millions of dollars. In fact—
[Here the hammer fell.]

Mr. GROUT. Mr. Chairman, I agree with those gentlemen who advocate the passage of this bill that the real question before us is how we can save to the public Treasury this one hundred and eleven or twelve millions of dollars due to the Government from these roads; but I do not agree with them when they say that it is a matter of no consequence that the men who received the money from the sale of the bonds which we loaned these companies and expended it, made themselves rich through the dishonest and fraudulent practices with which they are charged.

I can not, for instance, agree with my friend the gentleman from Iowa [Mr. Hepburn] in his statement that if these men became rich it was from the rise of the securities which they received honestly received, as he would have us understand-in the con-

struction of the road.

Mr. Chairman, I can not agree to this when I find on page 143 of the report of the Pacific Railroad Commission, which I hold in my hand, that there were large sums paid for improper purposes, to wit, \$263,812.08 on account of the Sioux City and Pacific Railway, which went improperly for the benefit of the directors of that On account also of constructing 1,171 miles of feeders to the Central Pacific, Stanford, Huntington, Hopkins, and Crocker issued to themselves \$33,722,000 of bonds and \$49,005,800 of stock, when the cost of these adjunct lines was but \$27,216,931.01, thereby leaving a clean steal on this alone of \$55,509,554. Then as directors of the Central Pacific they took a lease of these lines which they owned, at a rental of nearly 13 per cent.

How can I agree with my friend when I read further in said

report as follows:

Fifteen months ago three of these directors contracted with themselves to build an extension of the California and Oregon division of the Central Pacific from Delta to the boundary line of Oregon, a distance of 105 miles. In payment they issued stock to the amount of \$8,500,000 and bonds to the amount of \$8,500,000, the market value of the stocks and bonds at that time being \$8,340,000. The actual cost of construction was \$3,505,600, so that they personally profited by their own votes by that single transaction to the extent of \$4,834,391. Mark Hopkins is dead, but his interest is still maintained for his estate and heirs.

The summary of the stealings from the Central Pacific is presented by the commission in the following language:

In following up the dealings of the Central Pacific Railway directors with the adjunct companies it is found that Messrs. Stanford, Huntington, Hopkins, and Crocker received over \$142,000,000 in cash and securities. And in addition to this sum of \$142,000,000 they also made large profits in the operation of fifteen or more companies which were directly or remotely sapping the revenues of the Central Pacific Company.

How can I agree with my friend from Iowa when I turn to page 107 of this report and find the provision contained in the charters of these companies that no stock was to be issued until fully paid up in cash, and then read the following findings of the commission; that more than \$60,000,000 of the stock of the Union Pacific was issued, but only \$9,000,000 paid in cash; of the Kansas Pacific stock \$9,000,000 was issued, and not a cent paid; of the Western Pacific \$7,900,000 in stock was issued and only \$200,000 paid; of the Central Pacific \$68,000,000 stock was issued and only \$7,000,000 paid in upon it; and of the Sioux City Pacific there were \$4,260,000 of stock and only \$1,894,000 paid—a total of over \$139,000,000 of stock issued, and but \$18,094,000 paid into the treasuries of these different companies. Then when I turn to page 51 of this report, and find that the total profit of construction of the Union Pacific was \$43,000,000, as this commission figured it, giving the items and spreading them before us, which sum included \$1,104,000 on account of the Credit Mobilier, how can I agree with my esteemed friend that these gentlemen became rich from the rise in the securities which they legitimately received? They really stole themselves rich and stole

1897.

these roads poor. Nor can I agree with my friend and colleague, the gentleman in charge of this bill [Mr. Powers], when he says it is none of our business how much these men cheated other people if they did not cheat the Government.

It seems to me, Mr. Chairman, that it is not impertinent on the part of the American Congress to have a care that a corporation created by it be kept clean and honest, not only in its transactions with the Government but with all men. Why, these railroads are the children of Congress: they are our children if you please: created by it be kept clean and honest, not only in its transactions with the Government but with all men. Why, these railroads are the children of Congress; they are our children, if you please; and can it be said that because our children have not cheated us it is none of our business that they cheat everybody else?

But the trouble is, Mr. Chairman, these men have cheated us. You will recall how, after they went away with their charters for these roads granted in 1862, and started the construction of them, they came back in 1864 and said they were not provided with money.

they came back in 1864 and said they were not provided with money enough to build the roads, that the stock and bonds were not suffi-cient in amount, when in fact they were more than sufficient only for the grand larceny of these men. They said, in short, that they for the grand larceny of these men. They said, in short, that they must have another mortgage equal to the amount of the Government loan, and that it must be a first mortgage and the Government mortgage made second. And, Mr. Chairman, you will remember, astounding as the fact now seems, how, through the legerdemain of the Credit Mobilier, the stock of which was held by legerdemain of the Credit Mobilier, the stock of which was held by many a Member and Senator, whom it followed like a shadow to the grave, these men hoodwinked and wheedled the American Congress into making the Government mortgage a second mortgage and allowing them to sell, as a first mortgage, an amount of bonds equal to those loaned by the Government, and then they went to work and stole every dollar of that first mortgage and two or three times as much more. So I say, Mr. Chairman, they have cheated us.

They also cheated the Government at the same time by falsely representing that the Sioux City road could not be built on a straight line from Sioux City to the North Platte, according to the original charter, and obtained permission to build on a circuitous route at very much greater cost and to the inconvenience and great damage of the whole Northwest, but to the advantage

of a connecting railway, which was in the conspiracy.

By this line, as fraudulently built, after one had gone 79 miles from Sioux City on his way to San Francisco he would actually

be more than 20 miles farther east than when he started.

Not only this, but when they defaulted in payment of interest—that is, the Union Pacific—I believe the Central Pacific has not defaulted

The CHAIRMAN. The gentleman's time has expired.
Mr. BARHAM. I ask that the gentleman have five minutes in

The CHAIRMAN. Unanimous consent is asked that the gentleman have five minutes in addition. Is there objection?

There was no objection.

Mr. GROUT. Mr. Chairman, when they defaulted in the payment of interest any lawyer would suppose that possession of the road could be taken by foreclosure proceedings, and the Attorney-General so supposed, and instituted suit for that purpose. But, when the Government got to the Supreme Court, it was discovered that the gilded hand of the Credit Mobilier had so shaped the act of 1864 that the Government could not foreclose in default of interest alone, but must wait till the debt itself fell due. None of

the principal fell due till January 1, 1896.

And here a word in reply to the gentleman from Iowa [Mr. Henderson], who said the Government had confessed its inability to deal with this subject by not having already taken action. The fact is the Government could not take action. There was not a dollar of the principal due till January 1, 1896, and under the decision already referred to nothing could be done till the debt

itself matured.

Since then they have been awaiting the action of Congress, and

very properly, only a year.

Now, Mr. Chairman, after having been held up for thirty-five years, the Government has at last got where it can put its hand on this corporation; where it can foreclose its mortgage. And now these gentlemen and their successors and representatives appear upon the scene again and ask Congress to forget the falsehoods and frauds and robberies that have been committed by them during the thirty-five years they have kept the Government out of this debt. They ask not only this, but also ask the Government to tie its hands as to this debt again, and this time for eighty-six years and at 2 per cent interest. In other words, they ask the Government to hire money at 4 per cent and let to them at 2 per cent. Why, the loss to the Government in interest alone on this transaction would amount to as much or more than the whole debt at the present time. My colleague said in his speech presenting this matter that the Government had its choice, to accept this bill or throw the debt away.

If the bill is accepted, the debt would be absolutely thrown away through the loss on the interest item alone. But, Mr. Chairman, the debt will not be lost should this bill fail. It could only be

lost on the ground that the first mortgage could foreclose and shut out the Government mortgage. But this can not be done till Congress gives permission to be made a party to the suit.

Sovereignty does not allow itself to be sued, does not allow itself to be taken into court by a dapper constable or a deputy marshal with a writ of summons except by permission of Congress, and that permission has not taken marshal. If you will look at the Attorney-General's report for 1896, you will find the Department of Justice stands upon this ground. The Government can not, without further legislation, be foreclosed out of its rights in this property. Of course the first mortgage must be paid first, and property. Of course the first mortgage must be paid first, and whether in the hands of a receiver as now, or however it may be administered, that must be paid before anything can go to the Government. But the advocates of this bill say it will give us a mortgage on additional lines of railway. Mr. Chairman, in my opinion the Government is better off with the security it now has than it will be with that proposed by this bill; and if power could than it will be with that proposed by this bill; and if power could be vested in somebody to settle, as proposed by the substitute bill of the gentleman from Alabama [Mr. Harrison], I believe it would result much more profitably for the Government than to pass this bill. The fact is, little if any additional security would be obtained by extending the mortgage over the unaided portions, while the first mortgage would be increased, if this bill passes, by the amount of \$24,000,000. This is well illustrated by the Kansas and amount of \$24,000,000. This is well illustrated by the Kansas Pacific, on which we have a mortgage now to the three hundred and ninety-fourth milepost. This is really a valuable piece of road, every rod of it runing through a rich and productive country. Between that point and Denver the road goes through an alkali region practically worthless. That portion on which we now have our mortgage will always be a valuable property, made so by the fertility of the country. But the other part is worth nothing only for its connections. And so it is throughout the whole system. It is by no means clear that we shall not lessen, rather than increase our security by passing this bill It is by no means clear that we shall not lessen, rather than increase, our security by passing this bill.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MAGUIRE. I make the point of order that debate is closed on this amendment, and demand a vote.

The CHAIRMAN. The point of order is sustained. The Clerk will report the amendment.

Mr. POWERS. Mr. Chairman, the only amendment offered was an amendment to strike out the last word.

The CHAIRMAN. The pending amendment is a motion to strike out the last word.

strike out the last word.

Mr. DOCKERY. I withdraw the amendment.

The CHAIRMAN. The amendment is withdrawn, and there is no pending amendment. The gentleman from Massachusetts

Mr. KNOX. Mr. Chairman, it seems to me that we are engaged in passing one of the most important bills of this session or we are engaged in a mere idle discussion which will amount to nothing but boys' play, and be utterly futile. Now, the question of whether we shall succeed in this important business and pass something usewe shall succeed in this important business and pass something useful, in my opinion depends more than anything else upon whether we shall pass a bill that some corporation or some body of men with sufficient money, capable and willing to take hold of this road and run it and provide the payments, principal and interest, required by the bill may accept. The estimate of the committee is that the net earnings of this road properly applicable to the fixed charges are only \$4,000,000. We know that at the present time of railroad competition a road must be kept up—new rails must be laid, rolling stock repaired and kept in condition; and the real question is expressed in the thought put forward by the gentleman from Illinois [Mr. Cannon]. Is there a corporation, is there a body of men now that are willing to take this road for the first mortgage bonded indebtedness and the subsidy indebtedness to the Government and pay the annual payments? That is, then, the question. then, the question.

There is a large opinion in this House that this rate of interest should be larger; that it should be 3 per cent. But, Mr. Chairman, I think we ought to concede that everyone on that committee was as anxious to obtain the highest rate possible for the Government as any one of us. They have looked into this matter, and have said that all that can be provided and paid is 2 per cent. and have said that all that can be provided and paid is 2 per cent. I am willing to take their statement, and trust and believe that there will be some corporation or some body of men that will take this road and pay the Government indebtedness. But, Mr. Chairman, there are other parties interested in the road besides the bondholders. There are unsecured creditors. There are poor stockholders. Is the State of California the only State that has suffered by the Union Pacific Railroad? Have not the people of New England and New York and the East generally honestly invested their money in the securities of these roads, without guile and fairly, money honestly earned? Have not hundreds of millions of dollars of the people of New England gone into this road, and other like roads, where the money was honestly acquired, the fortunes of widows and of orphans? Would it be an objection to this bill that there is in it some hope, some remote hope, that in the years that are to come, the eighty years or the fifty-five years that are to pass while this indebtedness is being paid, and at the end of that time, there may be something left of the wreck; that there may be some little substance to be gathered in of the great fortunes and the great amount of money that have gone into this road that has helped to develop the country of the people that are now objecting to this bill?

Why, the gentleman from California said that the first scheme in respect to the Union Pacific was to have it end nowhere, and then have a company to get terminal facilities and rent to the Union Pacific. That was not the first time that game has been played. That has been played for New England people over and over again, and it has been played over and over again in the railroads of the West; and if the officers of the Western railroads that have intentionally cheated and defrauded the American people had their just deserts, the penitentiaries would have to be enlarged. There is no way to punish a crime that has been committed by laws passed after the offense. The money has been lost. We can not legislate for ourselves. We must legislate here for the Government; and this, it seems to me, is not only the best chance, but it is the last chance. What will be the prospects of another Congress? Will the President allow the time to elapse between this time and another Congress before a foreclosure?

The CHAIRMAN. The time of the gentleman has expired. The Chair desires to recognize somebody in the affirmative.

Mr. MITCHELL. Mr. Chairman, I have listened intently and with great interest to the debate in the House on this bill, and one fact seems to me not to have been stated as clearly and briefly as it might have been, namely, a comparison between the reduction Why, the gentleman from California said that the first scheme

it might have been, namely, a comparison between the reduction the Government will suffer, the reduction the first-mortgage bondholders will suffer, and the tax put on the stockholders by the assessment on the stock of the Union Pacific Railroad.

assessment on the stock of the Union Pacific Railroad.

Under the reorganization plan and the proposed bill the security of the Government is cut down 2 per cent, and therefore it is contended that the Government is the only party that is to suffer by this measure, but as I understand the case, the stockholders are to be assessed \$15 or \$16 a share on the stock of the Union Pacific Company, which stock is now selling for about \$9 a share, and the first-mortgage bondholders in this road, whose interest now runs from 5 to 6, 7, and 8 per cent, are to have their interest cut down to 4 per cent, so that the interest of the first lienors in this property is reduced one-third, and the stockholders are taxed by assessment over 150 per cent of the present value of the stock.

I have made these few remarks simply to bring these facts to

I have made these few remarks simply to bring these facts to the attention of this committee, as they do not seem to have been brought out clearly during the course of the debate. There is one other point which seems to me to have misled some

There is one other point which seems to me to have misled some gentlemen here. There seems to be an impression that the stockholders are to receive 4 per cent per annum. Now, as I understand the provisions of this bill, the stockholders are limited to 4 per cent; but the earnings of the roads, judging from the past, do not indicate that there is any chance for a long time and for many years to come for the stockholders to get 4 per cent, or, in fact, to get anything in the way of a dividend

get anything in the way of a dividend.

The following figures show the proposed reduction in the interest on the first-mortgage bonds:

\$3,933,000 at 8 per cent.	\$314,640
\$19,000 at 7 per cent.	1,330
\$48,553,000 at 6 per cent.	2,913,180
\$1,883,000 at 5 per cent	94, 150

Lost in	n in	terest	ner	annum	to	first-mortgage	bond-	
holde	ars 11	nderm	ropos	ed reorg	ani	zation plan-pro	posed	

Annual interest charges upon first-mortgage bonds un-

That is, about one-third loss to first-mortgage bondholders. Mr. PERKINS. Mr. Chairman, on the day of the opening of this debate I called the attention of the distinguished chairman of the Committee on the Pacific Railroads to the Sioux City and Pacific branch. I have been unable to ascertain that any consideration of that road was given by the committee in the formation of this bill. Now, I am not concerned here to day with what may be alleged as to the wrongdoings of the men who constructed these Pacific roads originally, but I am here to assert that this Congress has to do with its own wrongdoings, and that it should correct them so far as possible at this time. The Sioux City and Pacific Railroad, a branch intended for the development of the northern part of the United States, was originally authorized to run from Sioux City southwesterly to a junction with the Union Pacific Railroad; but upon reports made, fraudulent reports, alleging that a road could not be constructed in that direction by reason of the proximity of the Black Hills, on the Missouri River, although the Black Hills were 500 miles away, the route was changed. In fact,

it is as easy to construct a railroad southwesterly from Sioux City as it would be to construct one across these Capitol grounds eastward. Upon those false reports the road was diverted by act of Congress down the bottom of the Missouri to a point now called California Junction, and then west to Fremont, 2 or 3 miles west of the starting point.

Now, it has been proposed to this committee that so far as pos-

Now, it has been proposed to this committee that so far as possible that robbery of the people of the Northwest should be corrected; but the committee has refused to consider that proposition. I submitted the other day, for the information of the House, an amendment, which was printed in the Record, and which was designed, so far as possible at this date, to correct the wrong done to that portion of the country; but I am informed by the chairman of the Pacific Roads Committee that the committee will fight

man of the Pacific Roads Committee that the committee will fight that amendment, and therefore I have to announce that I shall not offer it. I was induced to propose that amendment very largely by the amendment offered by the gentleman from Iowa—the amendment known as the Hepburn amendment—which entirely destroys all right or opportunity to construct a road on that line and gain any advantage from the connection.

Now, this Sioux City and Pacific road, as originally projected, was intended to serve the great interests of that northwestern country—a line coming down from St. Paul, the Sioux City and St. Paul, and the St. Paul and Sioux City, the McGregor and Missouri River, the Dubuque and Sioux City—great lines coming in like the fingers of a hand to get connection with the Union in like the fingers of a hand to get connection with the Union Pacific. All that region has been robbed of its rights by an act of Congress, and we are to-day invited to confirm that wrong; and I am here to enter my protest against it in the name of the people of that great northwestern country. At the city in which I live steps have already been taken, with a view, trusting to the justice of Congress, to build that line on the original survey, or at least in that direction, without any expense to the Government of the United States, and my own city has contributed \$320,000 to the enterprise. A bridge has been built there at a cost of a million dollars, and now Congress refuses to consider the application of those people. Whether California has been wronged or not, it is for California to say, but the Northwest has been denied the privileges which were granted to it under the original act, and this Committee on Pacific Railroads is deaf to any appeal for redress. [Applause.]

[Applause.]
Mr. POWERS. Mr. Chairman, I ask that the time of my friend from Iowa be extended for two minutes, as I would like to ask— Mr. BARTLETT of New York. I object, Mr. Chairman, be-

cause I did not receive any courtesy from that side.

The CHAIRMAN. Objection is made.

Mr. SPENCER. Mr. Chairman, there is a tiny plant springing up from out of the bosom of mother earth with peculiar characteristics. Toy with it and it will sting you; clasp it and it is harmless.

As a coordinate branch of the Government, we are confronted with a duty that requires no toying with, else it may sting us, to our vain regret. We are not responsible for the conditions antedating this matter. Criminations and recriminations are usaless in this condition. Whatever peculation or frauds have existed we are not responsible for; but for the performance of our duty we are responsible; we must meet that duty as men. in this condition.

It is necessary that something be done with this question. have before us here the fruits of the labors of a committee. formulating our views and opinions upon these matters of legislation we must defer to the action of committees established for our guidance. They receive the subject in the committee room, digest and analyze it, and give us the results of their investigation; and we must accept them. We must accord to the members of the committee patriotism and intelligence in all their actions and findings. In view of that fact, confronted as we are with such responsibility, I accept it as an individual, and I trust that those with whom I am associated will not let passion or prejudice or misconceived ideas of what has been done in the past thwart them in the performance of their duty now to go ahead, grasp the situation, accept the fruits of the committee's report (made after a painstaking investigation), and settle for this Government a vexed question which has been a thorn in our flesh for so long a time. Under these circumstances and in accordance with the findings of the committee, I shall support in toto the bill as reported from the Committee on the Pacific Railroads, conscientiously believing it

Committee on the Pacific Railroads, conscientiously believing it to be the best solution that can be satisfactorily accomplished.

Mr. GROW. Mr. Chairman, I rise simply to correct the statement of the gentleman from Vermont [Mr. GROUT], who brought into this discussion the Credit Mobilier. The mortgage of the United States on these roads was changed from a first to a second mortgage by Congress two years before the Credit Mobilier ever came into existence. The Credit Mobilier, of which we have heard so much, had nothing in the world to do with the changing of that mortgage from first to second. It was done because the syndicate that was expected to raise the money to construct the road said that if was expected to raise the money to construct the road said that if the Government would make its mortgage a second lien, thus

taking the risk of the enterprise, they would put in the rest of the money for its construction. But they would not invest their money in second lien if their lien was to come after the Government's first mortgage. So much for that.

But, Mr. Chairman, we are dealing to-day with the living, not with the dead. It is a third of a century since this enterprise began. Most of those who took part in its inception have passed from the scene of action. New men and new interests have arisen; new investments have been made. The House of Representatives sit here to-day in a double capacity. In the first place, we represent a junior creditor of an insolvent corporation. That creditor is the people of the United States. There is no question, I take is the people of the United States. There is no question, I take it, for us to settle outside of this one proposition: Representing a claim against an insolvent corporation—insolvent because it can not pay its fixed charges—how is that corporation to be reorgan-

In all reorganizations of railroads, the first question coming up between the senior and the junior creditors, if there are sacrifices between the senior and the junior creditors, if there are sacrifices to be made, is, Which have received the greater advantage from the enterprise? And if there are sacrifices to be made, the party that has received the greatest advantages is expected to make most of the sacrifices. Here the great question is as to reducing in rate of interest. The first-mortgage bondholders are to receive 4 per cent on their mortgage. That is fair and all that can be asked. The junior mortgage bore 6 per cent. The only question is as to reducing the interest to 2 per cent. But can this insolvent debtor of ours pay any more? The representatives of the junior creditor themselves have selected a committee to examine that question and that committee reports that 2 per cent is as large a question, and that committee reports that 2 per cent is as large a rate as the net earnings of this debtor will warrant it in paying. Now, sir, if a board of directors representing any railroad in the United States were considering the question of reorganization, and in a question between junior and senior creditors, the junior creditor should refuse to enter into an arrangement after receiving the greater advantage from the enterprise which his own committee recommended, is there a man here who would say that his conduct was honorable and fair? I would take care, if I were dealing with such a man individually, that I had the most ample security for any money that I might loan him.

The junior creditor in this case is the people of the United States. They have received greater advantage from this road than any-body else. They have received a far greater amount of money than the amount of their debt in money saved on the transportation of Indian supplies, munitions of war, troops, and expenses of Indian Nothing ends Indian outbreaks and threatened warfare more quickly than a locomotive passing over the Indian country. Are we any worse off if we accept the report of the committee, a committee selected by ourselves, representing the junior creditor? If a junior creditor is not to take the report of the committee selected by himself, I would like to know what fairness there is in business or money transactions of this kind? It is our committee that has made the report; and we represent the junior creditor here. Is each man to undertake to settle this matter for himself after he has selected a committee to do this business, and then give as an excuse for rejecting their action that he has not had

time to examine the question?

Mr. Chairman, what do we get under this arrangement? As the committee has reported, and as everybody agrees, we get a lien of the same amount as now on a large number of miles of unaided railroad to which the same considerations for Government business apply as on the aided lines. The amount of the Government's ness apply as on the aided lines. The amount of the Government's business would apply on our debt. If we should allow the mortgage to be foreclosed and the property sold, the Government would be obliged to pay cash for all its transportation over all these lines. If the companies succeed in paying their indebtedness under this arrangement, then the Government, of course, has lost nothing; on the other hand, if there should be a failure, the Government can not be any worse off under the new arrangement than it is now.

[Here the hammer fell.]

Mr. BRODERICK. I believe, Mr. Chairman, no amendment is

pending to this section.

The CHAIRMAN. No amendment is pending to the first

Mr. BRODERICK. I ask for the reading of the second section. The Clerk proceeded to read the second section, as follows:

The Clerk proceeded to read the second section, as follows:
SEC. 2. That the Union Pacific Railway Company, successor to the Union Pacific Railroad Company and the Kansas Pacific Railway Company, be, and it is hereby, authorized to make, issue, and deliver to the Secretary of the Treasury, who is hereby authorized and directed to receive the same, its certain indenture of mortgage, which shall bear date the 1st day of July, 1897, covering and embracing all the lines of railway, rights of way, terminals, terminal properties, bridges, rolling stock, lines of telegraph, and all the then unsold land grant and other lands, and all the then outstanding land and town lot contracts, and all property appurtenant thereto embraced in and covered by existing mortgages of the Union Pacific Railway Company, including all its unsubsidized as well as subsidized lines of railway and the branches and spurs connected therewith now owned by the Union Pacific Railway Company, the main lines whereof extend from Council Bluffs, in the State of Iowa, to a point about 5 miles west of Ogden, in the State of Utah,

and from Kansas City, in the State of Missouri, to Denver, in the State of Colorado, and from Denver to Cheyenne, in the State of Wyoming, and from Leavenworth to Lawrence, in the State of Kansas, together with all appurtenances thereto belonging, and all rights, tranchises, and privileges owned by the Union Pacific Railway Company in connection therewith of with the operation thereof. Said mortgage shall constitute a lien upon said properties junior and subject only to the new first mortgage hereinafter provided for, and shall cover and embrace all the lines of railway, property, tranchises, and rights embraced in and covered by the said first mortgage. A proper and complete description and inventory of all the property affected by such mortgage shall be prepared under the direction of the Secretary of the Treasury, which, when approved by him, shall be filed in his office; and such mortgage on the property therein described shall be held as securify for the payment of the principal and interest of the bonds issued thereunder and authorized by this act; but this section or such mortgage shall not be construed to prevent the said company from using or disposing of any of its property or assets, in the ordinary, proper, and lawful course of its current business, in good faith and for valuable consideration, and said company may sell and convey for valuable consideration any lands included in its land grant and apply the proceeds thereof as required by the provisions of the new first mortgage hereinafter provided for: Provided, That every such disposition of any stocks, bonds, securities, or other property owned by said company, whether by sale, pledge, or otherwise, shall be reported to the Secretary of the Treasury within thirty days after such disposition has been made, and that the bonds, stocks, obligations, or other property acquired, with the proceeds of the property so disposed of, shall, except as hereinbefore provided, in like manner and with the same power to dispose of the same, be subject to the lien

Mr. BRODERICK. Mr. Chairman, I desire to submit the amendment that I send to the desk.

The Clerk read as follows:

Amend on page 5, in line 21, after the word "Treasury," by inserting the following:
"Provided further, That the said Union Pacific Railway Company shall relinquish and abandon any and all claim, right, title, interest, and demand to or in a right of way exceeding 100 feet in width through the lands formerly known as the Delaware and Pottawatomie Indian reservations in the State of Kansas."

Mr. POWERS. Mr. Chairman, I desire to reserve the point of order on the amendment for the present. I have not looked into it. The CHAIRMAN. The point of order will be considered as

Mr. BRODERICK. Mr. Chairman, under an early statute enacted in Kansas by the Kansas Territorial legislature organizing the Leavenworth, Pawnee and Western Railroad, which afterwards was merged into and became a part of the Union Pacific, 400 feet in width was allowed as a right of way through the two Indian reservations named, and by the statute incorporating the Union Pacific road that amount was allowed along the entire line or lines. But the act of Congress was amended by a subsequent statute. The Territorial statute has never been modified, and this has raised the question. The owners of land along the Union Pacific Railroad through the Delaware and Pottawatomie Union Pacific Railroad through the Delaware and Pottawatomne reservations, a distance of nearly a hundred miles, have fenced their lands up to within 50 feet of the roadbed on either side. There has been no claim on the part of the railroad company until recently for this 400 feet of right of way.

But a few years ago, some four or five years past, I believe, there was some claim asserted in a suit pending and prosecuted in the court of Kanson. The court of majority of the indees—held

the courts of Kansas. The court—a majority of the judges—held that the railroad company had abandoned its claim to the land and that the statute of limitations would run against the railroad claim. But it was intimated by one of the judges that the United States Government had an interest in the road, and because of this possibly the statute of limitations would not run. however, never asserted any further claim, but allowed the owners on either side to inclose the lands, as I have said, to within 50

feet of the road.

The bill reported two years ago by Mr. Reilly contained the substance of the amendment I have submitted. It was omitted, however, in this bill. I simply ask that the provision of the Reilly bill regarding this right of way be inserted in this one. It does not take from the road any property. The road is not using this 400 feet and it does not need it; does not even claim it as a matter of fact, but if it ever does assert a right of possession it will be as a matter of speculation on their part and not because they need it. It is valuable land, and the owners have been in actual possession for twenty-five or thirty years. They are clearly entitled to this land and of right should have this cloud removed and the question settled for all time.

settled for all time.

I trust, therefore, that the amendment will be adopted.

Mr. FARIS. Mr. Chairman, in the hearings before our committee, when these charges of misdoing and peculation in the early days of the Pacific roads were presented before us and discussed, I confess I felt that infinite injury had been done to and infinite advantage taken of the Government of the United States. I therefore do not wonder, when we have heard recited on this floor the alleged facts in connection with the history of the early days of these roads, that members who are not familiar with this great subject feel their blood warm and their judgment harden against any proposition of settlement.

Why, sir, if we were to listen to the gentlemen opposed to this bill, we would think we were dealing with and considering the first and only simon-pure case of railroad mismanagement in the entire history of the country. But what are the facts? What is the history of our railroad building?

Why, sir, as the mileposts along the routes and the telegraph poles along the rights of way are strewn the wrecks of men, women, and estates who have lost their fortunes in the blunders and crashes attending railroad enterprises promoted by private capital. I am here to admit that in the building of these great properties there were engaged quite human men, whether they

properties there were engaged quite human men, whether they had connection with private enterprises or with these quasi public enterprises. There is no question of that.

But what is our situation as it stands to-day? What are the conditions that confront us? It is that the Government of the United States has a claim of about \$112,000,000 against the Union and Central Pacific companies, and we are to deal with it in a manner that will probably save it or certainly lose it, according to the judgment of good men.

The distinguished gentleman from California [Mr. Magure]

The distinguished gentleman from California [Mr. Maguire] a while ago said that there was a third mortgage on certain of this a while ago said that there was a third mortgage on certain of this railroad property. I presume his meaning was that it would stand as a bar to the execution of the provisions of this bill in the Government getting a second mortgage. But I call the attention of the distinguished gentleman to the fact that there is a provision in the bill which says that all incumbrances, prior and junior, shall be relieved, and that the first incumbrance now resting upon the road shall rest upon all the property, and that the Government shall have the second lien on all the property, instead of upon a part of it as now. upon a part of it as now.

Mr. MAGUIRE. If the gentleman will allow me to state—
Mr. FARIS. 1 decline to yield.

Mr. MAGUIRE. That is right. That is the way to deal with

the question.

Mr. FARIS (continuing). I further note the fact that the distinguished gentleman from one of the Dakotas says that under the provisions of this bill the Government must borrow \$61,000,000 at 3 per cent interest, or something like that, and says that that fact alone is a serious objection to the bill. That would be true if the fact existed.

Why, Mr. Chairman, I would not be offensive to the gentleman (and I regret he has left his seat), but from my point of view the proposition is nonsense and misleading. The Government pays no money to execute the provisions of this bill beyond which it is already liable for. The first-mortgage indebtedness already resting on these properties shall continue, and the Government gets a second mortgage on all the property, securing a debt already matured and maturing to the Government. Not a dollar of pub-lic money will be expended to carry out the provisions of this bill beyond the Government's present liability.

Other objections that have been mentioned might be disposed

of, but, as you know, it is impossible to go into details in such matters in five minutes of time.

Mr. Chairman, where should we expect wholesome public sentiment on a proposition of this kind? Would it come from California—which has stood here solidly for years opposing every proposition of settlement—when it is known that every member from California who would dare come here and favor any plan of settlement would that instant, and by that act, meet his political destruction? I mention this not to reflect on those able gentlemen, but to suggest they are not safe leaders in this case. Why, sir, I have the San Francisco Examiner of December 10, 1896, commenting on the President's message.

It savs:

President Cleveland has declared that he will use the power granted him by the act of 1887 to secure the Government's interest in regard to the Union Pacific if the funding bill or other instruction does not come from Congress by that date. While no threat is made in regard to the Central Pacific, a defeat of the funding bill will probably result in the same action toward that

The fight of California is cut out for her. The object of battle is to defeat action on the funding blil.

There is no need to divide the anti-Huntington forces at this day with a discussion of the proper way of disposing of the roads. That question can be settled when the Government gets them. The thing to do now is to let the law take its course.

This indicates a purpose and hope that legal proceedings would result in the Government obtaining the properties, a purpose and hope indulged alone by some people of the Pacific Coast and by

the Populist party of the country.

I have the New York Tribune of December 8, 1896, which editorially comments on this bill as follows:

It is now pretty generally understood that the opposition to any and all plans for revising the relations of the Government with the roads so as to secure their safe continuance comes solely from a small number of Popocrats in both Houses, whose ultimate purpose it is to bring about Government control and management of the roads. That consummation seems to them so desirable that they are quite willing the Government should lose the en-

tire debt, if necessary, in order to effect it. From recent utterances of the San Francisco Call, as well as from other evidences, it would appear that our fellow-citizens in California are somewhat stirred up over this matter. They are apparently anxious to have the Government own and operate railroads on its own account, and especially anxious that the experiment should begin in their own State with the confiscation of the Central Pacific. The reason for their solicitude is not difficult to discover, but the advantage of such an experiment to the rest of the country is by no means so clear. The sale of these roads under foreclosure would, it is true, settle the question of their indebt-edness for good and all; but what would the Government have to show for it? The Government lien is forestalled by the first mortgages, which must be paid before any of the purchase money received from the sale can be applied to the payment of that lien. The roads were constructed in war times, when the prices of labor and materials were abnormally high, and it is stated on the authority of those who are best fitted to form an intelligent judgment that the properties would not sell for more than would satisfy the first mortgages. Assuming that this unbiased judgment, based upon careful consideration of the subject, after years of the most searching investigation into the financial affairs of those companies, is correct, the result of a sale under foreclosure would pay the first-mortgage bondholders and leave practically nothing for the Government.

The people of California may view such a prospect with complacency, counting the loss of a hundred millions as the merest trifle so long as they lose nothing, but hope to reap some advantage by it. * * They insist that the Government ought to take these roads and operate them largely for the benefit of California. This might be an excellent thing to do-for California—but the Pacific railroads are growing properties, and they can earn, beyond any doubt, sufficient to pay the Government

This is the opinion of one of the great newspapers of the Atlantic Coast, reflecting, I assume, a great public sentiment there.

I also quote the following from an editorial in the Indianapolis Journal of Saturday, December 26, 1896, which I submit reflects the unbiased judgment of the people of Indiana, who are equally interested with those of other States in this great public question:

interested with those of other States in this great public question:

The question—and now it is an imperative one, as the bonds are falling due—
is whether the Government will treat the important matter from a business
point of view. The owners of the Pacific reads owe the Government a large
sum of money, principal and interest. Business men, under such circumstances, would seek an adjustment upon a basis which would give the creditors the best security attainable and at the same time leave the debtor in a
position to meet his obligations. The history of the construction and management of the roads is not a factor in the problem, because there is nothing
in them that can be utilized. It can not help the settlement to denounce the
managers, since if that could have promoted settlement it would have been
accomplished years ago. * * * The plan proposed and approved by the
best men in both branches of Congress is to accept a funding scheme which
will substitute a low-rate bond for the obligations of the roads to the Government, embracing a plan for the gradual extinction of the debt.

Here is the opinion of a leading newspaper of the great Central

ernment, embracing a plan for the gradual extinction of the debt.

Here is the opinion of a leading newspaper of the great Central West, equally removed from railroad manipulators of the far East and from railroad haters of the far West. Mr. Chairman, let this question be divested of personal animosities, of studied malice, and be invested, as your committee has endeavored to do, with consideration for the public interest, and this bill affords a rational solution of this great question.

The CHAIRMAN, Debate on this amendment is exhausted. The question is on agreeing to the amendment of the gentleman from Kansas.

from Kansas

Mr. BARHAM. Mr. Chairman, I move to strike out the last

Mr. POWERS. By an arrangement with the gentleman from Kansas he has consented to hold this amendment a little while,

until we can consider its effect.

The CHAIRMAN. That can only be done by unanimous consent or by an amendment to the amendment.

Mr. POWERS. I move to strike out the last word.

Mr. BARHAM. Mr. Chairman, I moved to strike out the last word before the gentleman from Vermont [Mr. Powers] made

Mr. POWERS. I want to give the gentleman [Mr. Barham] an opportunity to be heard.

The CHAIRMAN. The gentleman from California [Mr. Bar-

HAM] is recognized.

Mr. BARHAM. Mr. Chairman, I desire to say that the Examiner used all of its efforts to defeat me for a seat in this Congress

and the next.

Mr. FARIS. I am glad it did not succeed.

Mr. BARHAM. Well, I do not know about that. Now, I want to call the attention of the committee to a dispatch which I have received from the governor of California, notifying me of the action of the legislature of that State. It is as follows:

SACRAMENTO, CAL., January 7, 1897.

Hon. John A. Barham,

House of Representatives, Washington, D. C.:

The following joint resolution was this day adopted by the California leg-

Assembly joint resolution No. 6 (substitute for assembly joint resolutions Nos. I and 2).

Whereas there is now pending in Congress a measure known as the Powers-Gear bill, which has for its object the refunding of the debts of certain Governmut-aided railroads; and Whereas any scheme for refunding the Pacific railroads' indebtedness to

the United States Government, or any extension of the time for payment of the same, must result in maintaining an excessive capitalization of these roads, thus requiring high rates of fares and freights to get the interest payments thereon, to the great burden and disadvantage of the people of the State of California: Therefore,

Be it resolved by the assembly of the State of California (the senate concurring). That we are unalterably opposed to any and all extensions of the time for payment of said debts, and also the Powers-Gear bill or any other bill of like import, and we hereby instruct our Senators and request our Representatives in Congress to oppose, by all honorable means, the enactment of any such measure.

sentatives in Congress to oppose, by all honorable means, the enactment of any such measure.

And be it further resolved, That we favor the immediate collection of said debts, or in the event that the same can not be collected, then we urge the enforcement of existing laws of the United States concerning the question.

And be it further resolved, That we petition in behalf of the State of California for a hearing before the respective committees of Congress having jurisdiction of the subject, and the Senate and House of Representatives of the United States are hereby further petitioned to recommit the measure now under consideration, and delay final action thereon until such hearing can be had:

Be it further resolved, That the governor be requested to immediately transmit by telegraph a copy of these resolutions to our Congressional delegation at Washington.

Assembly Chamber, Sacramento, January 7, 1897.

ASSEMBLY CHAMBER, Sacramento, January 7, 1897.

Thereby certify that the foregoing is a true copy of assembly joint resolution No. 6, as adopted by the assembly on the 5th day of January, 1897.

S. J. DUCKWORTH, Chief Clerk, JAMES H. BUDD, Governor of California.

The California delegation, as I understand, are not now, and never were, in favor of governmental ownership of these roads or any roads. So far as I am concerned, I disclaim any such purpose.

I want to call the attention of the committee to a remark made yesterday by the gentleman who is in charge of the bill.

Mr. HILBORN. I hope that the gentleman will deny the state-

ment made vesterday that we were all intimidated.

Mr. BARHAM. Oh, everybody knows that a Californian is never intimidated by anything—the Examiner; or anything else.

Mr. Chairman, the distinguished gentleman who has charge of this bill said yesterday—and I deem it of most importance in this inquiry, as to whether we have a mortgage lien or a statutory lien upon the terminals—he said yesterday, in a statement to the gentleman from Massachusetts [Mr. McCall], that the section to which the gentleman from Louisiana [Mr. Boatner] referred had been directly passed upon by the Supreme Court, and that the Supreme Court had held in that case that our statutory lien

or mortgage did not extend to the terminals.

Now, I challenge that statement. If the gentleman ever read the opinion, he knows that that is not the effect of the decision. The court, in 118 United States, as the gentleman from Vermont [Mr. Powers] knows, passed upon but one question, and that was section 2 of the Thurman Act. It was not upon section 9, as the gentleman undertook to make the committee believe yesterday. What is section 9? It is part of the Thurman Act, drawn by that great constitutional lawyer, who knew all the facts governing this case. Section 9 covers like a blanket all of the property which is referred to in this bill. It was written to cover it all. It covers the Omaha Bridge; it covers all of the terminals, and no man can read section 9 of the Thurman Act without confessing, if he is a lawyer, or if he can understand the English language, that it covers the

terminals and all parts of this road. And yet we are told by these gentlemen that we are getting additional security.

Mr. WATSON of Ohio. May I ask the gentleman a question?

Mr. BARHAM. I can not be interrupted. If you will give me

time I will answer any question you may ask.

Section 9 says:

That all sums of money due the United States from any of these companies respectively, whether payable presently or not, and all sums required to be paid by the United States into the Treasury or into the sinking fund under this act, or under the acts hereinbefore referred to, or otherwise, are hereby declared to be a lien on all of the property, assets, rights, franchises of every description granted or conveyed by the United States to any of said companies, respectively or jointly, and also upon all of the estate and property, real, personal, and mixed, assets, and incomes of said several corporations.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BARHAM. I ask five minutes more.

The CHAIRMAN. The gentleman from California asks that his time be extended for five minutes. Is there objection? [After

The Chair hears none.

a pause.] The Chair hears none,
Mr. BARHAM. Mr. Chairman, it appears from section 9 that all the property owned by the Union Pacific or Central Pacific is covered by the Thurman Act; and there can not be the least question in the world about it. Now, the gentleman from Vermont cites 118 United States Reports. All you have got to do in the world, gentlemen, is to read 118 United States to see that that decision is confined solely to section 2. And what is section 2? It provides for compensation for transportation. That is a debt from the Government to the companies, and does not require security, as section 9 does.

Mr. WATSON of Ohio. Your time has been extended; will you

answer a question?

Mr. BARHAM. Certainly.
Mr. WATSON of Ohio. How could the Government get a lien or a mortgage upon this portion of the road which the Government did not assist in building?

Mr. BARHAM. By declaring as was declared in the Thurman

Act. We never had, and have not now, anything but a statutory lien, just as has been declared in this act, and as in the act of 1862. We never had anything but a statutory lien, nothing else; and the gentleman is a lawyer and knows what I say is true.

Mr. WATSON of Ohio. I do not know anything of the kind.

Mr. BARHAM. Then you do not know much law. [Laughter.] Mr. WATSON of Ohio. I would rather have somebody pass on that who does know some law.

Mr. BARHAM. I am going to pass on it.

Mr. WATSON of Ohio. Do not you know that the Supreme Court has decided that the only lien the Government has is on the

bond-aided portion of the line?

Mr. BARHAM. I am glad the gentleman asked that question.

The Supreme Court of the United States has decided nothing of the kind, under the Thurman Act, on causes of action. If you have read the decisions, you will find that they are upon causes of action that arose before and not under the Thurman Act.

Mr. WATSON of Ohio. No, sir; not at all.
Mr. BARHAM. Yes, sir; at all; and if you have read them

Mr. WATSON of Ohio. You seem to speak with a great deal of positivenes

Mr. BARHAM. You seem to be attempting to mislead the House about the matter.

Mr. WATSON of Ohio. I am not endeavoring to mislead the

House. Mr. BARHAM. The great constitutional lawyer, Senator Thurman, drafted this act, and this act has been declared constitutional by the Supreme Court of the United States.

Mr. WATSON of Ohio. Will the gentleman allow me to ask

Mr. WATSON of Ohio. Will the gentleman allow me to ask him another question?

Mr. BARHAM. Certainly.

Mr. WATSON of Ohio. Do you not know 118 United States, the case to which you refer, decided that the act of 1878, the Thurman Act, and the act of 1864—

Mr. BARHAM. Are in pari materia.

Mr. WATSON of Ohio. In pari materia, to be construed together; and therefore that the lien of the Government only attached to the bond-aided portion of the road.

Mr. BARHAM. They did not decide anything of the kind.

Mr. WATSON of Ohio. Well, lawyers will disagree.

Mr. BARHAM. They decided just what I have said, that the compensation for transportation—

compensation for transportation—

Mr. POWERS. Will the gentleman from California print in his remarks the opinion in the case of 118 United States? That will test your honesty in what you are saying.

Mr. BARHAM. I hardly think it necessary to print the report

in my remarks.

Mr. WATSON of Ohio. Will you print any part of it in your

remarks?

Mr. BARHAM. Will you?
Mr. POWERS. Here it is; will you read it?
Mr. BARHAM. I will if the House will give me time. Is there objection to the time to be taken in reading this report? Mr. POWERS. Wait until somebody objects before you ask

Mr. BARHAM. Now, I say to this House that section 9, to which the gentleman from Vermont referred, is not construed in this opinion; only section 2, which refers to compensation for transportation—over 2,165 miles of leased road which these roads did not own. That was the question under investigation, and which the court determined.

Mr. Chairman, the Government has a plain legal remedy against the stockholders of the bond-aided roads for any deficiency which

may exist after sale of the roads on foreclosure.

I call the attention of the House to the fact stated in the report of the United States Pacific Railway Commission at page 140 (Senate Executive Document No. 51, Fiftieth Congress), where it is shown that of the subscribed capital stock only \$1,797,350 was paid up, when \$97,098,590 should have been paid up. That is, of the subscription to the capital there remains unpaid by the stockholders over \$95,000,000.

By section 2 of the act of 1864 the stockholders are required to

pay in for the capital stock at the rate of \$5 per share every six months, in money, until the same is fully paid in, and that there now remains of the subscribed capital stock \$95,000,000 which has

never been paid in.

It is an elementary principle of equity that the capital stock of a corporation, whether paid into the treasury of the corporation or retained by the stockholders of the corporation, is a trust fund to which the creditor of the corporation has the first lien and the equitable right to look to and subject it to the payment of his debts.

Thompson on Liability of Stockholders, section 11, says:

This fund (the capital stock) is the stock held out to the public upon the faith of which the company obtains credit.

The Government of the United States is a creditor of the Union Pacific, the Kansas Pacific, Central Branch, and the Central Pacific in the sum of about \$112,000,000. Of these companies the stock-holders have only paid \$1,797,350, although the amount which should have been paid in by the stockholders is \$97,098,590, leaving an unpaid balance of capital stock of over \$95,000,000. Now, it is an admitted fact that these companies are notoriously insolvent.

The companies being insolvent, the United States being a credi tor, there is no reason in the world why the stockholders should not pay this trust fund—this \$95,000,000—to this Government.

In Adler vs. Milwaukee (13 Wis., 60) the supreme court of Wisconsin said:

It would be contrary to the plainest principle of law and equity, as well as common sense, after having subscribed to the capital stock, to allow the stockholders, through their own or the willful neglect and dishonest practice of its officers, to refuse to pay in unpaid stock to discharge the fair and just debts due from the company.

There is no conflict in the authorities upon this question; all law writers and commentators and all decisions which treat of

It seems that some members have taken the view that the Government, though being a creditor, could not sue the stockholders directly, but must work out its rights through the corporation; that the Government must have the corporation sue its stockholders, or that the Government must sue the corporation, obtain judgment, issue execution, and have it returned nulla bona, and that because of the great lapse of time since the money should have been paid by the stockholders the Government is barred by the statute of limitations.

They are, I submit, in error on all these propositions. It is elementary law—a maxim—that the law never requires the doing of an idle act. The corporations being confessedly insolvent, it is not required that the creditor should be compelled to pursue the idle process of suing the corporation, obtaining judgment, issuing execution, and have it returned unsatisfied.

In 2 Cook on Corporations, section 11, page 251, lays down the universal rule thus:

When a corporation is notoriously insolvent, the remedy against the corporation need not be pursued. The action may be brought by the creditors against the stockholders.

There is no conflict in the authorities upon this question. is an unbroken chain of authorities laying down this rule, besides which it is an elementary principle of common sense. It is so announced in Camden vs. Doremus, 3 How., 515, 533; Terry vs. Tubmab, 92 U. S., 156; Stutz vs. Handy, 41 Fed. Rep., 531; Kimber vs. Bank of Fulton, 49 Ga., 419; 9 Oreg., 200, and in many other authorities. So that there remains no question about the right of the Government to maintain the action directly against the stockholders when the corporation is insolvent.

The next point urged by the advocates of the measure is that the

Government is barred by the statute of limitations, and the chairman of the committee upon this question obtained the opinion of the Attorney-General of the United States. The Attorney-Gen-eral gave the committee a written opinion in which he holds that the Government of the United States is barred by limitation from

maintaining the action.

The question propounded by the chairman of the committee [Mr. Powers] is whether, if such liability exists, the United States will be barred in any action which might be brought for the enforcement thereof by the statute of limitations which would bar the companies if the actions were brought in their name and behalf. In other words, whether the United States would be entitled to maintain action as creditors of said corporations against its directors and officers which the corporations themselves could not maintain.

The Attorney-General answered in this way:

As the United States would be merely asserting the rights of the companies as assets to be applied to the payment of their creditors, any statute of limitations which would bar the companies would also bar the United States.

This is manifestly erroneous. There is a great mass of authority, without conflict, holding that the United States when asserting rights as a sovereign power is not barred.

In United States vs. Nashville and Chattanooga Railway Company (118 U. S., 125), the United States had taken certain Cherokee bonds, which if at the time the action was brought had been held by the Cherokee helder it would have been head by the Cherokee

by the Cherokee holders, it would have been barred by limitation. It is not possible to get a more precise case, one on all fours with the one I am now discussing. The Supreme Court, Justice Gray delivering the opinion, said:

It is settled beyond doubt or controversy, upon the foundation of the great principle of public policy, applicable to all governments alike, which forbids that the public interests should be prejudiced by the negligence of the officers or agents to whose care they are confined, that the United States, asserting rights vested in them as a sovereign Government, are not barred by any statute of limitations unless Congress has clearly manifested its intention that they should be so barred.

Congress has never manifested such intention. It is perfectly apparent that the Attorney-General has fallen into error in his opinion to the committee. It is to be regretted that an official high in office should upon such great questions of public and national importance fall into error against and to the great danger of the public interests.

Yet this only illustrates the necessity of the rule laid down by the Supreme Court of the United States which I have just read,

The great principle of public policy forbids that the public interests should be prejudiced by the negligence of the officers or agents to whose care they are confided.

The committee have, however, recognized the error of the Attorney-General upon this subject in this bill, and have attempted to preserve the rights of the Government upon the question which I present.

It is provided at the end of the bill that-

Nothing herein contained shall be held to deny, exclude, or impair any right or remedy in the premises now existing in favor of the United States.

It is manifest that this provision has no purpose except to mislead. It is perfectly meaningless. What right or remedy is preserved in favor of the United States, and against whom?

served in favor of the United States, and against whom?
Could any court construe that provision as retaining in the
United States any right or remedy it now has against a stockholder
who has not paid up his capital stock? Clearly not. It does not
so provide. Besides which, the Government is extending the debt
of the corporations for many years, taking other security, and providing that all liens upon the railroad, the property, and the revenue by virtue of any existing laws "shall cease and determine,"
and placing \$45,000,000 more prior to the Government lien.

Does not anybody know that the doing of these things ipso facto
releases the claim against the stockholder? The only result of this
provision is to mislead, bewilder, and confuse.

provision is to mislead, bewilder, and confuse.

Is it possible that it can be in good faith claimed that this pretended saving clause can be of any benefit to the United States? Already the question which I present is surrounded and beset with quite enough difficulty without encumbering it with the dead weight which this measure proposes.

But, in answer to all this, it is thought by some that in the case

of United States vs. Stanford, recently handed down by the Su-preme Court, the question has been settled against the Government. If gentlemen who have such views will simply read the opinion of the court in that case they will at once see that such is not the case. The point which I have just called the attention of the House to was not involved in that case. The only point decided or involved in that case was as to the liability of a stockholder of the Central Pacific under the constitution and laws of California, that is, the statutory liability is California and the California—that is, the statutory liability in California; and the court held that, the California company having accepted the terms of the acts of Congress, the road became national, and that the liability of the stockholder was no longer governed by the constitution or laws of California.

The laws of California have imposed an additional liability.
The liability of the stockholder to pay the full amount of his subscription is fundamental for the benefit of creditors of the corporation. Our constitution has added a further liability which makes the stockholder liable not only to the extent of his sub-scription to the capital stock, but to whatever remains beyond for scription to the capital stock, but to whatever remains beyond for his proportion of the debt according to the amount of stock which he holds bears to the whole amount of capital stock. That is, although a stockholder may have paid in the full amount of the capital stock for which he subscribed, yet he is liable beyond this for his share of the debt of the corporation, measured by the amount of stock he holds. If he holds one-tenth of the stock, he must pay one-tenth of the debt.

But I say the liability of a stockholder for his subscription to the capital stock is not passed upon in United States as Stanford.

In that case (161 U. S., page 429) the Court holds that the acts of Congress do not impose upon the stockholders a personal responsibility to pay the debts of Central Pacific, but in this connection says:

They (the stockholders) were bound, of course, to make good the amount of their subscriptions; but that being done, their personal responsibility to creditors of the corporate body ceased. (Pollard vs. Bailey, 20 Wall., 520; Terry vs. Little, 101 U. S., 216; 3 Thompson on Corp., sec. 2925, citing other authorities.)

The court then proceeds to show that the stockholders of the Central Pacific are upon equal terms with the Union Pacific, and that their responsibilities are the same. The fact that the Central Pacific is a California corporation does not impose additional liability on its stockholders. And at page 431 the court expressly reserves the question I am presenting, and says:

It should be remembered that the question here is not whether the stock-holders of the California company can be made liable for its debts to the United States arising in some other way than under the Pacific railroad

The court must of necessity refer to the liability of a stock-holder to pay in his subscription to the capital stock. There is no other liability, except the statutory liability under the laws of California, against which the court held in the Stanford case.

I submit that with a cause of action in favor of the Government so apparent, and one which will bring to this Government \$95,000,000, the people of this country will not instify Courses in release.

50 apparent, and one which will bring to this Government \$90,000,-000, the people of this country will not justify Congress in releasing and in condoning what is claimed to be one of the greatest frauds of this or any other century.

This measure provides for the leasing of the roads which accept

the terms of the act

the terms of the act.

This is provided for in section 21. The law as now construed by our courts does not permit one competing road to lease or control another and competing line. This rule has its foundation in public policy, and is intended to prevent monopoly. I think this provision in the bill is the very Pandora's box of evil, and will overturn a principle which has been long established.

The company which accepts the terms of this bill may by express authority lease its railway and property, or any part of it, to a competing road. Our courts, after many long and wearisome contests, have held, and the Supreme Court of the United States

contests, have held, and the Supreme Court of the United States has just recently handed down two opinions, one from Kentucky and one from Montana, holding that the leasing of competing lines is illegal and void, being contrary to public policy. This provision will confer upon the accepting roads rights and privileges which no other roads have.

It can not be that this House will change such a salutary rule of existing law in a bill of this nature when the attention of the members is not supposed to be directed to it, and in the nature of things it would not be found in such a bill.

I think a change of such importance should not be considered

in a bill of this nature.

Let us inquire for a moment into the result of one competing

road leasing another and competing.

Take, as an illustration, one of the involved roads, the Central Pacific, which is now leased to the Southern Pacific. This lease, of course, is void; but see how it has operated upon the income of the Central Pacific.

In 1894 a lease was made for ninety-nine years of the Central to

the Southern.

In 1891 the net earnings of the Central were \$2,144,000; in 1892, \$861,000; in 1893, \$784,000; in 1894, the year the lease was made, \$144,000; and in 1895, \$42,000.

It is inconceivable how the income of a road could be reduced.

from \$2,000,000, and inside of four years, to \$42,000—that is, the income of 1895 was only one fiftieth part of that of 1891—except by manipulation peculiar to Pacific railroading; and yet this is just what happened, according to the statement of Mr. Tweed, made before the committee who reported this bill.

And this leads to another thought in considering this measure, and that is, that under the Thurman Act in 1891 the Central

and that is, that under the Thurman Act, in 1891, the Central Pacific paid in, or should have paid, the percentage on \$2,144,000, and in 1895 there was paid in a percentage on \$42,000 only. The loss to the Government is apparent.

I submit to the House that if this is only a coincident, it is a coincident that I think the courts should inquire into, and that this, with a mass of similar coincidents, should not be released and condoned without even an inquiry of any nature, but rather to offer a reward for future acts or coincidents of the same nature, offer a reward for future acts or coincidents of the same nature, by expressly providing in this bill that any accepting road under this act may lease its railway and property to a competing line.

Considerable stress is laid upon the fact that the Government should, if it takes the roads, have the feeders and branches.

In the first place, it is apparent that the feeders and branches have been constructed by the earnings of the trunk lines, and at

a continuous loss to them. The distribution of earnings between the feeders and the trunk has always been in favor of the feeders, and has taken from the net earnings of the main line and decreased the percentage to the Government under the Thurman Act. These feeders are now and always have been operated at a loss, and as applicable to the aided roads the loss has continually fallen

Many of the so-called feeders have been built as competing lines to roads already built. Some have been built to open up the properties of the stockholders of the trunk lines, and at a loss to it. These branch lines in 1886 had debts to the amount of \$48,000,000,

with an interest charge of over \$3,000,000 a year.

In making returns of net earnings, these companies have never reported the amounts deducted by them for pools, rebates, and discriminations. They have deducted without right over \$25,000,000 criminations. They have deducted without right over \$25,000,000 for pools, rebates, and discriminations—a loss to this Government of \$8,000,000. (Ex. Doc. No. 51, pp. 142, 143.)

The Central and Union Pacific between them have paid over

\$4,000,000 to the Pacific Mail Steamship Company to maintain

panies, and owns stock in 13 other corporations, including the Union Elevator at Council Bluffs and Union Elevator at Omaha. In addition to all these stocks and bonds, the Union Pacific Company owns coal and other lands valued at over \$198,000, and the Laramie Soda Works, worth \$64,000.

An examination of the reports of the helping or feeding roads will show a system carried on inconsistent with honesty.

To inflate the capital of the Oregon Short Line, its cost was reported at \$29,000,000, while in fact it cost less than \$15,000,000. (Ex. Doc. No. 51, p. 173.)

The California and Oregon division of the Central Pacific is reported as costing \$8,340,000, when in fact the actual cost of construction was only \$3,505,609.

The CHAIRMAN. The time of the gentleman has expired, and the gentleman from Wyoming is recognized.

Mr. MONDELL. Mr. Chairman, House bill 8189, now under consideration, and commonly known as the "Pacific Railroad funding bill," sets forth in its title, among other things, that it is intended thereby "to provide for the settlement of claims growing out of the issue of bonds to aid in the construction of certain railroads, and to secure the payment of all indebtedness to the United States of certain represents the construction of certain railroads, and to secure the payment of all indebtedness to the railroads, and to secure the payment of all indebtedness to the

United States of certain companies therein mentioned."

I am opposed to the passage of this bill, because in my opinion the enactment of its provisions into law would not accomplish the very desirable objects thus set forth, namely:

First. The final settlement of claims growing out of the issue of

bonds to aid in the construction of certain railroads.

Second. The payment of all indebtedness to the United States

of certain companies therein mentioned.

I think there is no gentleman on the floor of this House but will agree that it is highly desirable and exceedingly important that the questions involved in connection with the Government's relawith the Union Pacific and Central Pacific railways be settled finally and forever, and that it is equally desirable and important that the Government shall receive full returns for the important that the Government shall receive full returns for the debts owing by these roads to the Government. In common, therefore, with probably every member of this House, I would hail with satisfaction any proposition of settlement which would finally and fully dispose of the matter.

When the original acts of 1862 and 1864 were passed, providing for Government aid to certain lines of railway under certain conditions, provisions were then made for payments to the General

Government by the companies, which undoubtedly, in the opinion of the framers of that legislation, would be amply sufficient to secure the payment of the interest upon the subsidy bonds and entirely liquidate in due time the principal of those bonds. No better illustration of the seeming impossibility of making provisions in legislation of this character which shall fulfill the expectations of the framers of such legislation could be had than a knowledge of the results of these enactments. For many reasons which I shall not stop to detail, but some of which have caused vast scandal and tended to fasten in the public mind the conviction that no honest effort was being made by those in control of the roads to provide for the payment of either interest or principal on the debt to the Government, the provisions in the original act for the protection of the Government proved utterly inadequate to provide for the payment of the interest on the Government subsidy bonds. The notorious scandals connected with the management of the road and the fact that the Government seemed each year to be placed in a position which gave less and less hope of the ultimate extinction. in a position which gave less and less nope of the ultimate extinc-tion of the debt owed by the roads called forth the Thurman Act of 1878, with its provisions for larger annual payments to the Government by the roads for the liquidation of the principal and interest of their governmental indebtedness and the extension of the Government lien to other properties than those included in the acts of 1862 and 1864. Owing again to numerous causes, the acts of 1862 and 1864. Owing again to numerous causes, among which figured prominently many acts of railway financial manipulation, which have subjected the management of the companies to a vast amount of merited criticism, the bill failed to realize the expectation of its framers, and now we find the Union Pacific and Central Pacific railways in the hands of receivers, confessed bankrupts, defaulters to the Government of the United States for many years' interest, and finally for a part of the principal of their debts, seeking some settlement with the Government and other creditors whereby they may resume operations as solvent railway corporations. tions as solvent railway corporations.

The ambition of the owners of these roads to settle their difficulties and resume operations in the normal manner are praise-worthy and laudable, but, Mr. Chairman, in my opinion, the passage of the bill now pending before this House would only continue for an almost interminable length of time the same unsatisfactory conditions, or even more unsatisfactory conditions than have existed between the roads and the Government in the

high rates.

The Union Pacific Railway Company has a proprietary interest in 41 corporations, and owns stocks and bonds in 36 railroad com-

embracing the original Union Pacific and Kansas Pacific bondembracing the original Union Pacine and Ransas Pacine cond-aided lines. The State which I have the honor to represent on the floor of this House has within its borders over 500 miles of this road. It is the only line of railway which traverses the southern portion of the State and is the only line which extends entirely across it. On this line of railway are located nearly all of the fowns of any considerable size within the State, and over two-thirds of our population are entirely dependent upon this road as a means of communication and transportation. The country on both sides of the road is wonderfully rich in mineral products—coal in inexhaustible quantities, the precious minerals, iron, copper, soda, and petroleum abound, and are awaiting development. We of Wyoming have been eagerly and anxiously looking forward to the time when the settlement, in some way, of the Government claim upon the road would once more place it in the hands of and under the management of the men who actually own it at a figure approximately measuring the actual value and earning capacity of the road under fair freight and passenger rates. We have felt that so long as this enormous Government debt is hanging over the road as a second mortgage we could not hope for the building and extension of feeders and branches tending to the development of any of our manifold resources, for the reason that the temptation to each successive management was not to develop the country through which the road passed with the view of increasing the value of the property thereby, but simply to get every dollar out of our population are entirely dependent upon this road as a means through which the road passed with the view of increasing the value of the property thereby, but simply to get every dollar out of the road possible to obtain for the benefit of the management and the first-mortgage bondholders, without in any way enhancing the value of the property upon which the Government's lien existed or to pay more than was absolutely required of the Government obligation. "After us the deluge" seems to have been the motto of the gentlemen who have been connected with the road in the past. I do not know but that it is entirely natural that these gentlemen should endeavor to protect their own interests prior to the interests of the Government, but, as I have before stated, some of the means by which this has been accomplished have been, to say the very least, exceedingly questionable.

the means by which this has been accomplished have been, to say the very least, exceedingly questionable.

Now, Mr. Chairman, what we want—what the people at large want; what every succeeding American Congress will thank us for doing—is to forever eliminate this question from American politics and settle it once and for all time, and close up the unsatisfactory copartnership of the Government with these private corporations. Does this bill, in any particular, accomplish this?

The bill provides that for the next ten years the Union Pacific Company shall pay annually to the Government the sum of \$365,000 of the principal of its debt, and interest at the rate of 2 per 000 of the principal of its debt, and interest at the rate of 2 per cent; that for the ten years following the company shall pay on the principal of its debt the sum of \$550,000 per annum, and thereafter \$750,000 annually, on the principal of its indebtedness—a scheme that will delay the final extinction of the Union Pacific debt to a date eighty-three years from now; a settlement, for sooth, which is not consummated until three generations of men shall have passed away, and which provides for the final payment of the debts of the company in the third century of the Republic the debts of the company in the third century of the Republica time so distant and remote that no man can say that there will be any property to levy upon, what shall be the conditions sur-rounding the property, or what will be the value of the road or its earning capacity—a settlement which seems to be founded on the assumption that this company will be in a condition twenty the assumption that this company will be in a condition twenty years hence to pay the Government annually, on the principal of its debt, double what it is now able to pay or will be for the next ten years; a settlement the real test of the success of which would not come for ten or twenty years hence, for the paltry sum proposed to be paid annually for the next ten years on principal and interest would more than be covered by the Government transportation and well acceptants, a settlement that does not settle. portation and mail contracts; a settlement that does not settle, for the reason that we have no means of knowing that the companies now operating these roads, or that may be organized to operate them, will accept these conditions; and, further, for the more important reason that the bill provides that the roads may be thrown upon the Government whenever the company finds it

for its interest so to do.

Section 13 of the bill provides that whenever, in the opinion of the President of the United States, it shall be deemed necessary to the protection of the interests and the preservation of the securto the protection of the interests and the preservation of the security of the United States in respect of its lien, mortgage, or other interest in the property, the President shall direct the Secretary of the Treasury to redeem or pay off any paramount lien by paying the sums lawfully due in respect thereof out of the Treasury of the United States, and no man knows at what time in the eighty years during which the settlement shall be pending the President may be called upon to pay off paramount incumbrances, or to what extent he may be forced to do so. It is not entirely clear to my mind what the intent of this section is, for I can not conceive that it gives the Government any further security or any advantage in the collection of its debt further than are conferred by the remainder of the act. I can readily understand, however,

that under the provisions of the first part of this section the company might reap a considerable advantage.

Mr. Pierce, who appeared before the Senate and House committees in the interest of the reorganization committee, claimed that under the act of Congress subordinating the Government lien to the first-mortgage bonds the consent of the Government to be sued was involved. Taking this view of the case, it seems to me these world be no question but that these world be no question but the these world be no question but the this section the company world be no question but the this section that company world be no question but the this section that the company world be no question but the this section that the company world be not considerable advantage. to me there would be no question but that these gentlemen would hold that under the provisions of this act the Government could be made a party to a suit in equity for the foreclosure of the first-mortgage bonds. If conditions should arise (and such conditions are by no means impossible) whereby the property of the Union Pacific Railway should be decreased in value to an extent that would jeopardize the interests of the first-mortgage bondholders, and there was any danger that the road under forced sale would not bring the amount of the first-mortgage bonds, by the simple act of failure to pay interest on these first-mortgage bonds a suit could be instituted for the foreclosure, and, under the provisions of this act, the people of the United States would be compelled for the "protection of the interests and the preservation of the security of the United States in respect of its lien" to redeem or otherwise clear off the first-mortgage lien by paying to me there would be no question but that these gentlemen would to redeem or otherwise clear off the first-mortgage lien by paying the "sums lawfully due in respect thereof out of the Treasury of the United States." Really, this is a very clever arrangement, whereby in no event can the first-mortgage bondholders receive

whereby in no event can the first-mortgage bondholders receive less than par for their bonds.

The provisions of this bill will not settle the question of the Pacific railways, for the reason, further, that under those provisions there are created, prior and paramount to the Government lien and mortgage, a first mortgage on the Union Pacific lines, amounting to at least the sum of \$54,388,000.

The present indebtodoes of the Union Pacific aggregated lines.

amounting to at least the sum of \$54,388,000. The present indebtedness of the Union Pacific associated lines on first-mortgage bonds is \$33,532,000. Under foreclosure at the present time this sum would be prior to the mortgage to the Government. Under the provisions of this bill the Government allows the sum of \$20,656,000 to be made prior to its lien in addition to the amount which now occupies that favored position. In view of allowing this further amount to be placed as a prior lien upon all of the property of the company, the supposition is, from reading the bill, that the Government secures a lien which it does not now have on the unaided portions of the road and certain other property of the company. As to this property, it is claimed. I now have on the unaided portions of the road and certain other property of the company. As to this property, it is claimed, I presume, by those who are advocating the passage of this bill, that it would for the first time become subject to the Government lien under the provisions of this bill. On that point some very good lawyers, among them Senators of the United States, are of the opinion that the so-called Thurman Act of 1878, by the provisions of the United States. visions of section 9, which are as follows

That all sums due to the United States from any of said companies, respectively, whether payable presently or not, and all sums required to be paid to the United States or into the Treasury, or into said sinking fund under this act, or under the acts hereinbefore referred to, or otherwise, are hereby declared to be a lien upon all the property, estate, rights, and franchises of every description granted or conveyed by the United States to any of said companies respectively or jointly, and also upon all estate and property, real, personal, and mixed, assets and income of the said several railroad companies, respectively, from whatever source derived, subject to any lawfully prior and paramount mortgage, lien, or claim thereon—

extends the lien of the Government over all of the property owned by the Union Pacific Railway Company. I know that it is contended that the decision of the Supreme Court in the case of the United States against the Central Pacific Railway, of May 10, 1886 (118 U. S. Rep.), is to the effect that the United States has no lien under the Thurman Act other than upon the bond-aided portions of the road and property referred to in the acts under which this road was organized. But it is also the opinion of many able attorneys that that decision does not take up or decide the question as to the extension of the Government's lien for the payment of the principal and interest of the debt owed by the road to the Government's renment. So it appears to be a grave question whether the provisions of this bill, which adds twenty-odd millions of dollars to the debt of the road made prior to the lien of the Government, really adds a dollar's worth of property to the security the Government now has or would have under a foreclosure carried out under the provisions of existing law. On the other hand, it is the opinion of many who are competent to judge of the value of the properties which it is claimed by the advocates of this bill are for the first time made subject to the Government lien that the properties are highly valued at the sum of over \$20,000,000, which is by this act made prior to the Government lien, in addition to the amount of the present first mortgage, and that, therefore, even when admitting that these properties are for the first time added to those on which the Government has a lien, the Government does not receive any additional security thereby. It is assuming altogether too much to say that, as a matter of fact, this proposed extension of the Government lien really embraces any property not embraced in the extensions of the Thurman Act, in view of the expressed opinion of eminent lawyers to the contrary, and I therefore insist that that is not a settlement in any sense of the word which increases prior and paramount indebtedness without, with any considerable degree of certainty, furnishing any further

The provisions of this bill, in my opinion, will not settle the question of the Government's unsatisfactory condition in its connection with the Union Pacific Railway, for the very important reason that this bill provides for the payment of the companies' debts to its public and private creditors by starting out with an assumption of an amount of indebtedness largely in excess of the received the property and payable under conditions which real value of the property, and payable under conditions which, in my opinion at least, the company can never meet. It is all very well to say that we insist that the Union Pacific Railway shall pay every dollar of the indebtedness owing to the Government, principal and interest, but it is not carrying out the idea embodied in that statement in good faith to propose or to agree to a so-called settlement the conditions of which, taking into consideration the condition of the property and the business the road is now doing and is likely to do in the future, impose burdens which the management of the road are quite sure to find it impossible or not to the interest of the first-mortgage bondholders to attempt to fulfill. If, as a private individual, you are making a settlement with a creditor who has other debtors having claims prior, antecedent, and paramount to yours, you will first endeavor to ascertain the earning capacity of the property upon which the total indebtedness is a lien, and then arrive at some settlement whereby, under the conditions which prevail, and which to your best understanding and knowledge of the conditions will prevail in the future, and that the property, to the best of your knowledge and belief, under all the circumstances, can, under ordinary conditions, meet accruing obligations. It would be the extreme height of folly to agree to a settlement simply to make a good showing on which the management of the road are quite sure to find it impos folly to agree to a settlement simply to make a good showing on paper, the conditions of which would relieve your creditor to a very considerable extent over a period of years during which human foresight can form a reasonable estimate of the earning capacity of the property, and providing for heavy payments only at a period so distant in time that business foresight and sagacity could not possibly form an estimate of the earning capacity of the property at that time.

We now propose to lighten the burden of the Union Pacific Railway Company in payments to the Government for the next ten way Company in payments to the Government for the next ten years to the amount of about \$1,400,000 per annum on principal and interest accounts. Under the requirements of the Thurman Act the company has owed the Government, since the passage of that act, an average amount of \$1,468,931 per annum, so that by the provisions of this bill, while claiming to extend the Government lien over a greater amount of property, and which should result in the ability of the company to pay a greater sum per annum, it accepts conditions which places the final payment of the Government indebtedness junior and subsequent to the payment of over twenty millions of the first-mortgage bonds, and at the same time actually reduces the amount of annual payment.

The Government will not receive within the next ten years from the company under the provisions of this bill as much as has been

the company under the provisions of this bill as much as has been due it annually for the last seventeen years under the Thurman Act, without taking into account the interest which accrued and should have been received by the Government from the roads on the subsidy bonds during that period. During the next ten years thereafter the Government is to receive \$185,000 more per annum thereafter the Government is to receive \$185,000 more per annum than for the first ten years in payment on the principal, and at the expiration of ten years more, or beginning at the year 1917, \$200,000 more in payment on the principal, or \$750,000 per annum. Now, if the Union Pacific Railroad is ever going to be able to pay its indebtedness to the Government, it is my opinion it will be in better position to do so within the next twenty years than at any time in its history thereafter, and if, in the opinion of the framers of this bill, the Union Pacific Company shall not be able in the next ten or twenty years to pay more than the amounts provided under this bill, they confess to the world that in their opinion the company will never be able to meet its Government obligations, for, if they have any grounds on which to base the assumptions, for, if they have any grounds on which to base the assumption that the roads will be in better financial condition in the dim and distant than in the near future, they have not made them known. I submit that there is nothing in the conditions surrounding these properties which gives promise of ability to pay greater amounts to the Government in the third and fourth and fifth decades hereafter than in the next ten or twenty years. In fact, the Union Pacific Railroad has handled more cars and tons of freight at certain periods during the last twelve months than it has ever handled in the same length of time in its history. The next twenty years will witness the development of the mineral next twenty years will witness the development of the mineral and agricultural resources along the line of its road and in the country tributary to it, which will add to the earning capacity of the road, unvexed by reductions in its tonnage by further competing lines. But this same development will in course of time encourage the building of lines which will draw more and more from its territory, and no man can foresee or tell to what extent

its business shall be reduced by the narrowing of its territory in that length of time, or to what extent invading lines shall keep down the natural increase in its local business or competing trans

continental lines shall share with it the natural increase of through passenger and freight business.

The past twenty years has seen an enormous decrease in the cost of railway construction. It is not probable that the coming twenty years will witness any further great decrease in the cost of construction, but it is a well-known fact that at this time competing lines can be constructed more direct, and therefore shorter, between competing points than the Union Pacific, with lighter grades and at a cost representing but a fraction of the indebted-

grades and at a cost representing but a fraction of the indebtedness per mile with which you propose to burden this road by the plan of reorganization now before us.

Taking all these matters into consideration, can any business man believe that there is the slightest probability that the road will be able to earn more and pay more to the Government twenty years from now than at any time in the next two decades? In my opinion, the golden era of the Union Pacific Railroad is to be in the immediate future when the increased prosperity of the country in general, which we confidently hope for and expect, and the development of the territory along its line shall largely increase its present business before further competition shall tend to reduce its proportion of through and local traffic.

I do not know by what process of reasoning the framers of this bill have arrived at the conclusion that the amounts to be paid in the coming years provided therein are all that can be reasona-bly asked of the roads. I presume that they are judging the future bly asked of the roads. I presume that they are judging the future by the ability of the roads to pay in the past; and, taking into con-sideration the fact that the Union Pacific has claimed to be unable to pay the interest on its first-mortgage bonds and pay the Government the amount required by the Thurman Act, how do they expect that the road shall in the immediate future pay an increased interest charge prior to the Government's lien, by reason of the addition of \$20,000,000 to its first-mortgage indebtedness, and then, in a dim and uncertain future, which the keenest human foresight can not fathom or explore, pay a largely increased amount of

indebtedness per annum?

It seems to me that this bill simply opens up an endless tangle and labyrinth of complications between the Government and the roads; continues a copartnership between the Government and private corporations repugnant to the spirit of our institutions, and, judging from past experience, one in which the Government always gets the worst of the deal.

Let us imagine, if you please, that this bill goes into effect, and that the Union Pacific Company accepts the provisions of this bill, and that for the next ten years the company continues to pay the Government its average yearly stipend of fourteen hundred thousand dollars. Now, it is provided in section 21 of the bill that the companies taking advantage of the bill shall have the cover of construction or extending its reliable to the second of the bill shall have the power of constructing or extending its railway by consolidation, lease, or otherwise, and of leasing its railway and property or parts thereof. I leave to others the discussion of the legal questions involved in the proposition of consolidation and lease and content myself with the single statement that this section confers owers on these railroad companies to consolidate with or lease to competing lines which are contrary to decisions of the Supreme Court of the United States, the tenor of the statutes of the United States and of the States of this Union, and menacing the public good and welfare.

That part of the provision which empowers the leasing of the railway or its property or any part thereof, those who are at all familiar with railway management will understand. One of the most prolific sources of injury to railway properties is the power exercised by railway managements to lease portions of their property to other corporations at figures and under conditions which

the public has come to recognize as being in the interests of those in immediate control of the railway properties but not in the interest of the general creditors of the road.

Under the provisions of this bill, no matter how much increased shall be the business of the Union Pacific in the next twenty years, no matter how enormous its earnings in the management of its properties might be the Government will receive whether years, no matter how enormous its earnings in the management of its properties might be, the Government will receive only the paltry sum provided for in the bill. You can rest assured that the opportunity to lease certain properties of the road, which might include coal properties which are immensely valuable, would be used in a way that would not leave the apparent earnings of the company large enough to entitle the Government to any further annual payments than are provided for on account of principal and interest in this bill. I do not make this statement because I believe that the Union Pacific Railway will be in the hands of men who will not conduct the affairs of the road within the lines of legitimate management as it is understood in certain railway. of legitimate management, as it is understood in certain railway circles, but because they will exercise their sagacity in the management of affairs, as the interests of those in the control of the road shall dictate, after fulfilling their statutory obligations to the Government. Therefore it does not require any stretch of

the imagination to presume that after ten or twenty years, or even sooner, if business judgment shall suggest it, the Union Pacific Railway, having been drained, as it has been in the past, of every possible dollar that can be gotten out of it by high rates and shrewd manipulation of its auxiliary property, shall, by a refusal to pay for six months the accrued interest to the United States, be thrown upon the people of the nation like a Dead Sea apple, with neither flavor nor substance. Then the Government would be called upon to pay not the amount which it would be compelled to pay to-day in order to meet the first mortgage, if its aw fit so to do, but an amount increased to the extent of \$20,000,000, or, in other words, to protect its interest in the road by the payment of other words, to protect its interest in the road by the payment of

What better position will the Government be in then than it is to-day? It may be in an infinitely worse position, for we do not know when this will occur, and we do not know what the value of these properties will be when it does occur. It might be the case that the road would not be worth a dollar more and not be able to earn a dollar more than the interest on the fifty-five-million-dollar first-mortgage bonds, and then the Government would be in the business of railroading with a vengeance, having purchased a railroad at twice its value. If the Government does not see fit to operate the road at that time, it can sell the same for what the to operate the road at that time, it can sell the same for what the property is worth. If the property sells for more than the \$55,000,000, the Government will save the amount of the excess, whatever that might be, and there is no reason to suppose that it would be more—and it might be vastly less—than the excess over the amount of the much smaller present first-mortgage indebtedness of the companies should the road be sold under foreclosure at this

time.

I am opposed, Mr. Chairman, to the provisions of this bill, because they do not in any particular materially change the status of the Government in its very unsatisfactory relations with the Union Pacific railways. Some of the astute attorneys for these railroads endeavor to create the impression that the Government has but a very precarious tail hold on the property of the companies at this time. However that may be, we certainly have a grip upon the companies' property firm and solid, although it may be only upon the caudal appendage, and it is my opinion that we should not let go this firm hold upon the brush of the animal with the hope that as it goes fleeting past we may be able to grasn

we should not let go this firm hold upon the brush of the animal with the hope that as it goes fleeting past we may be able to grasp it again, with a probability that our grasp will be very much nearer the end of the brush than formerly.

I am opposed to the bill for the reason that it offers no ray of hope to the people living along the line of the Union Pacific Railway for relief from the very unsatisfactory conditions that have existed there for years past. With our people it is not a matter of so great importance how the Government connection with the Union Pacific Railway shall be settled as that it shall be settled now and for all time. We look upon the darkened vista of the future which this bill seems to open with fear and apprehension. We can not fail to realize that it means the capitalization of a railroad on which we are largely dependent to an extent which We can not fail to realize that it means the capitalization of a railroad on which we are largely dependent to an extent which in our opinion renders it impossible for it to compete in freight and passenger rates with roads now completed, or building, or in contemplation, in our State or adjoining territory. The workingmen of my State—the employees of this road—look with apprehension on a bill which shall give the management the excuse for hension on a bill which shall give the management the excuse for a reduction of wages, on the plea of a vast indebtedness to the Government which must be paid, and I protest most emphatically in the names of the employees of the Union Pacific Railroad, whose interests are jeopardized by the continued unnatural and unsatisfactory relations existing between the railroad and the Government, jeopardized by immense capitalization of the road upon which they are employed, which would almost compel the reduction of wages to bring the net earnings up to an amount sufficient to pay annual fixed charges.

I protest in the name of the business communities which I represent against the provisions of an act which will give an excuse.

resent against the provisions of an act which will give an excuse, nay, even demand, the maintenance of high local rates in order to meet interest charges on a road bonded for nearly twice what it is worth, and possibly double the amount for which it could be duplicated.

protest in the name of common business judgment against a settlement which does not settle, and against a proposition which brings up before us possibilities and probabilities of a long time of litigation, auxiliary legislation, and probable final liquidation, with the Government holding the empty sack.

I can not, in the brief time allotted to me for the discussion of

this subject, even suggest legislation to meet the conditions now this subject, even suggest legislation to meet the conditions now confronting us in the settlement with these roads. But I insist that no legislation that could possibly be conceived, or no conditions that under any contingency could arise under existing legislation, could bring about a condition so harmful to the people living along the lines of these roads, so fraught with future dangers and complications, so absolutely unfair to the Government, and, in the long run, so sure to prove unsatisfactory and damag-

ing to the interests of the roads themselves and the owners thereof, as this bill.

as this bill.

If the Government has, by acts of legislation, been placed in a position where it is impossible to recover what it has advanced to these railroads, the sooner we know this the better it will be for the people of the nation, and especially for the people living along the line of the roads. No fear of the possible scaling of the debt owed to the Government should swerve those charged with the duty of legislation or administration from winding up and severing for evermore all connection of the Government and the people of the United States with the bond-aided corporations.

[Here the hammer fell]

[Here the hammer fell.]
The CHAIRMAN. Does the gentleman from California with-

draw his formal amendment?

Mr. BARHAM. Yes, sir.

Mr. PARKER. Mr. Chairman, I desire to offer an amendment to the section just read. I understand from the gentleman from Kansas, who offered an amendment just now, that he will reserve

Kansas, who offered an amendment just how, that it is to the present.

Mr. BRODERICK. The chairman of the committee, the gentleman from Vermont [Mr. Powers], and I have agreed that, if there be no objection on the part of the House, my amendment shall be considered as pending for a short time until he can ascertain whether it will be acceptable or not.

There was no objection.

Mr. PARKER. Mr. Chairman, I ask that my amendment be

The amendment was read, as follows:

Strike out, in line 5, page 4, to the word "thereof" in line 23, same page, and insert the following: "97, covering and embracing the entire property of said company, as at present consolidated, real, personal, and mixed, including all the rights, titles, and interests of such company in any stock, bonds, or securities, on lines or any branch lines or auxiliary companies in which such company has now any interest, and all radiroads now owned or hereafter acquired or constructed by said Union Pacific Railroad Company and all their franchises, telegraph lines, rolling stock, fixtures, and property of every kind and description, as well as those which it, its successors, or assigns may hereafter acquire.

Mr. PARKER also offered the following:

Strike out in, line 21, page 5, the words "within thirty days after such disposition has been made" and insert "approved by him before such disposition shall be made."

Mr. PARKER. Mr. Chairman, I am not opposed to a funding bill. I only ask that any funding bill which we shall pass may provide for paying to the Government as much interest as the Government has to pay out—3 per cent interest at least—and that the lien of the Government shall cover all the property of these companies. I told this committee yesterday that the business of companies. I told this committee yesterday that the business of these roads for eight or ten years past, according to information derived from the Railroad Commissioner, shows that they have earned above their other mortgage interest nearly 5 per cent on the whole Government debt. The interest on that other mortgage debt it is proposed to reduce from 6 per cent to 4 per cent. If that be done, there will be over 2 per cent more which could be applied to the Government debt. There is ample security for 4 per cent first mortgages—they should not be blanket mortgages—and for 3 per cent to the Government and for proper sinking funds. But that is only so if all the property reported by the Railroad Commissioner is included in the mortgage.

Now, I have no hesitation in saying that property of the Union

Now, I have no hesitation in saying that property of the Union Pacific Railroad Company, valued by the Railroad Commissioner at \$53,000,000, including stocks, bonds, and control of feeders, is left out of the description embraced in the bill. My amendment left out of the description embraced in the bill. My amendment proposes in the first place that the description used in the bill as to the property of the Central Pacific Company shall be used with reference to that of the Union Pacific, and include all property. In the second place, instead of the general provision that the railroad company may dispose of any of its stocks, lands, or other assets or securities in any way that it chooses, provided that such disposition be reported within thirty days to the Treasurer of the United States, my amendment proposes to provide that this shall not be done without the consent of the Treasurer of the United States. This corresponds with the provision always included in This corresponds with the provision always included in cases. When trust mortgages are executed, the trustees States. similar cases. must always consent.

Now, let us see what property this bill proposes shall be made subject to the mortgage in the case of the Union Pacific. Not all its property, but a certain line of road, together with certain land grants. The terminals are stated; and then, describing the property to be covered by the mortgage, the language is:

All property appurtenant thereto embraced in and covered by existing mortgages of the Union Pacific Railway Company.

That is all. What do those mortgages cover? Do they cover stocks and bonds? Those are not mentioned here. Was this difference intentional? I find similar phraseology at the top of page 5:

Shall cover all the lines of railway property, franchises, and rights embraced in and covered by said first mortgages.

Again, in lines 9 and 10 of page 9, I find the same phrase:
All other property embraced in said existing mortgages.
Again, on page 10, lines 11, 12, 13, 24, and 25—I need not read the particular clauses—the language is repeated over and over again, that the new mortgage which the Government is to obtain again, that the new mortgage which the Government is to obtain is not to cover all the property of the company—its stocks, and bonds, and interest, and feeders, and whatever makes up the plant of which we know the income. Instead of that, this mortgage of the Government is to cover only certain parts of that property, carefully described as being included in the existing mortgages of that company. Does that language cover all the property—

Mr. POWERS. Will the gentleman allow a suggestion?

Mr. POWERS. I see that the gentleman in framing his amendment has followed the text of the original bill, so that the amendment is not applicable to the reprinted bill, in which the lines vary.

Mr. PARKER. But there is no change in the language that I have been reading. It is exactly the same in the bill last printed as in the original print.

Mr. POWERS. The object of my suggestion is to assist the gentleman. His references to lines are wrong when applied to the bill as it is now before us.

Mr. PARKER. I am very much obliged to the gentleman for

his suggestion.

[Here the hammer fell.] Mr. POWERS. I ask that the gentleman from New Jersey may

Mr. POWERS. I ask that the gentleman from New Jersey may have a fair opportunity to present his amendment.

Mr. PARKER. I should like to have a few minutes more.

Mr. POWERS. I hope I may be allowed to complete my suggestion to the gentleman. The bill has been reprinted, and in reprinting the numbering of the lines has been changed. The gentleman in drawing his amendment has inadvertently referred to the original bill with the lines as originally numbered. I suggest that he take his amendment and recast it so as to conform to gest that he take his amendment and recast it so as to conform to the present reprint.

Mr. PARKER. I will do so.

Mr. POWERS. If the gentleman will recast the amendment,

we shall be glad to examine it and take it into consideration.

Mr. PARKER. I should like a minute or two more if I can

have it. I ask unanimous consent to occupy three minutes more.

The CHAIRMAN. The gentleman from New Jersey [Mr. Parker] asks unanimous consent that his time be extended three

There was no objection.

Mr. PARKER. I do not know what may have been the intention of the committee in inserting the language that I have read.

We have no valuations of particular parts of the property. We have no statements in the report of the Railroad Commissioner as to the earnings of the different parts of the property. But we do find in the statement of the assets of the Union Pacific Railroad, on page 20 of the report of 1896, a recital of "other stocks and bonds," amounting to forty-seven millions and some odd thousands; and also a reference to "stocks and bonds held in trust for the company," amounting to five millions and some odd thousands

We likewise have a statement of the liabilities of the road. There is under the first mortgage forty millions or more of indebtedness; under the other funded debt forty millions more, and interest in arrears of two and a half millions on each, making \$55,000,000 in all. And this bill proposes to place the funded debt at \$54,000,000. Therefore, the question arises, What becomes of the other thirty or thirty-five millions? What has become of the other sixty millions (or ninety millions, as stated here by some one) of property on which the other thirty millions of debt is a lien? Why take a mortgage on part of the property instead of all of it? Give a lien on the whole of it, provide that it shall not be released without the consent of the Secretary of the Treasury, or any other persons you may name; fund the existing prior mortgages at 4 per cent instead of 6. Why make them a blanket mortgage? Give the Government 3 per cent interest instead of 2, include the interest in default that the Government has been out of for thirty years, and you will have a funding bill which is still backed by We likewise have a statement of the liabilities of the road.

interest in default that the Government has been out of for thirty years, and you will have a funding bill which is still backed by plenty of property, that is managed by Government directors, and through this extension of the Government indebtedness the whole amount can finally be paid.

And I protest against taking a part of the property and allowing millions and millions to be taken away from the Government lien. I protest against changing the debt to the Government due by these roads into one payable only after eighty years with interest at only 2 per cent. I am for an honest, straightforward funding bill, but I am sorry to say that I can not support the provisions of the pending bill without radical amendment in these regards.

[Here the hammer fell.]

[Here the hammer fell.]
Mr. SWANSON. Mr. Chairman, this proposition can be sustained only on the ground that the Government has an additional security or receives an additional security for the \$21,000,000 in

the Union Pacific and \$24,000,000 in the case of the Central Pacific, which is made a prior lien to the Government lien on the main line of the road.

It seems to me that if the House understood the proposition they would readily concede that this is the very worst bill that was ever presented for the settlement of the obligations of these roads. The proposition is wholly untenable. In the Union Pacific there are 1,822 miles of road, and the Government has a second mort-gage on most of the road, there being a prior lien of \$33,000,000. This bill provides to put \$21,000,000 ahead of the Government lien, that sum of \$21,000,000, as conceded by these gentlemen, being no lien on 1,428 miles of the road.

Now, what is the excuse for putting \$21,000,000 to-day, that is not a lien on 1,428 miles of the road, as a mortgage upon the road, and making the Government lien subsequent to it? They do it on the ground that the Government gets additional security for its claim. On what is this additional security based? On the 394 miles of the road westward, to the rights pertaining to the Omaha Bridge, and to the land on which they claim that the Government has no lien to-day.

But, Mr. Chairman, I say that these properties are already mort-gaged to their full value. This is shown by the fact that the securities based on them are selling on the market now at less

But further than that I want to say, and will show it by the decisions of the Supreme Court of the United States, that we have already as much of a mortgage on this property as we will get if this bill shall become a law. By the ninth section of the Thurman Act the lien of the United States and all of the debts due the United States by these roads are extended to all the assets, real and personal, of this road, as well as all of the assets of the Central Pacific and the United Pacific resilrends.

and the Union Pacific railroads.

Now, we have a lien, subject to this \$21,000,000 worth of bonds, on the 394 miles of the road, on the Omaha Bridge, and on the land. This bill simply provides for a second mortgage on all this property, subject to the existing claims; and we will give these people the right of putting \$21,000,000 of mortgage, prior to ours, on the 1,428 miles of road that they have not a particle of lien on to day.

to-day.

But let us see what the decisions of the courts are. In 99 United States Reports, the Supreme Court, in the Sinking Fund Case, appropriating the funds of the Omaha Bridge and the assets of the Union Pacific road, decides this question. They hold that the Thurman Act was constitutional; that Congress retained the power to amend the charters of these incorporations; and that Congress had a right to sequestrate the earnings of the Omaha Bridge, and of the entire system of the road, in order to provide for the sinking fund requirement of the act.

of the entire system of the road, in order to provide for the sinking-fund requirement of the act.

The gentleman from Vermont [Mr. Powers] cited a case in 118 United States to overthrow the decision in 99 United States Reports. The 99th United States Reports, in the decision of the Supreme Court, sustains the Thurman Act. It said that Congress had the power to prevent the Union Pacific from making contracts had the power to prevent the Union Pacine from making contracts subsequent to that time. The 118th United States sustains the Thurman Act also. It simply said, in passing under the second section of that act, that it applied to the subsidized portion and not to the unsubsidized portion in retaining on the part of the Government the compensation paid for certain services on the road. In the very language of it, on page 238, it says:

The case turns on the true interpretation of this section of the Thurman

Now, the United States gets its lien by the ninth section of the Thurman Act, which says that the United States shall have a lien on all the assets, all the estate, real, personal, and otherwise, of the Union Pacific Company; and consequently these gentlemen do not give us a single additional lien on the terminals, the Omaha Bridge, or the unsubsidized portion of the railroad, but we waive

our lien on 1,425 miles of road.

The CHAIRMAN. The question is on the amendment of the gentleman from New Jersey [Mr. Parker].

The question being taken, Mr. Parker demanded a division.

Mr. POWERS. I rise to a parliamentary inquiry. I arranged with the gentleman from New Jersey [Mr. Parker] to defer this until his groundwart enable he corrected. until his amendment could be corrected.

Mr. PARKER. My amendment is right.

Mr. POWERS. The gentleman acknowledged that it should be

corrected.

Mr. PARKER. It does not need correction.
Mr. POWERS. I ask that this matter be laid aside temporarily. I am very confident the gentleman has made a clerical error in reference to the numbers of the lines in the bill to which the amendment applies. He thinks he has not. Now, for his own protection he ought to be sure that the amendment is in proper form, at all events. The mistake grows out of the reprint of the

Mr. PARKER. I am right according to the reprint of the bill, and I had the reprint of the bill after all.

The CHAIRMAN. Debate is not in order.

Mr. POWERS. I ask unanimous consent that the consideration of this amendment be deferred for thirty minutes

The CHAIRMAN. The Chair can hardly entertain that re-

Mr. PARKER. If the amendment can hold the floor for thirty minutes, I do not mind. I do not want any other to come in.
The CHAIRMAN. The committee is dividing. The Chair

not see how the request can be entertained.

Mr. POWERS. I ask unanimous consent that the considera-

tion of the amendment may be deferred for thirty minutes.

The CHAIRMAN. The gentleman asks unanimous consent that the consideration of the amendment may be deferred. Is

Mr. OGDEN. I object.

The committee divided; and there were—ayes 52, noes 36.

Mr. POWERS. I demand tellers. The House does not know what this amendment is.

The CHAIRMAN. The gentleman from Vermont demands

Tellers were ordered; and the Chairman appointed Mr. Powers and Mr. PARKER

Mr. NORTHWAY. I ask to have the amendment read again for the information of the House.

The CHAIRMAN. The gentleman from Ohio asks unanimous

consent that the amendment be again reported. The Chair hears

The Chair hears no objection. The Clerk will report the amendment.

The amendment of Mr. PARKER was again read.

The CHAIRMAN. As many as favor the amendment will pass between the tellers and be counted.

The committee divided; and the tellers reported-ayes, 92;

Accordingly the amendment was agreed to.

Mr. BRODERICK. Mr. Chairman, the next amendment was offered by myself, and there is an arrangement between the gentleman from Vermont [Mr. Powers] and myself as to a modification of the amendment. I have handed the Clerk a note which will state the modification.

The CHAIRMAN. The Clerk will report the amendment.

Mr. PARKER. I rise to a point of order. I have another
amendment to the same section, which is in the hands of the Clerk.

Mr. BRODERICK. Mine takes precedence.
The CHAIRMAN. The Chair is informed by the Clerk that both amendments of the gentleman from New Jersey [Mr. PARKER] were read together when first reported to the committee. The Clerk will report the amendment offered by the gentleman from Kansas.

The Clerk read as follows:

On page 6, line 3, after the word "Treasury," insert the following: "Provided further, That the said Union Pacific Railway Company shall relinquish and abandon any and all claims, right, title, interest, and demand to or in a right of way exceeding 100 feet in width, through the lands formerly known as the Delaware and Pottawatomie Indian Reservation, in the State of Kansas, except where said right of way is now in actual use for railway purposes."

Mr. POWERS. I have no objection to that amendment.
Mr. BRODERICK. The chairman of the committee says there
is no objection. I ask that the amendment be agreed to. Mr. POWERS. The amendment was agreed to.

Mr. WATSON of Ohio addressed the committee. See Appen-

Mr. COOKE of Illinois. Mr. Chairman, I desire to say that this subject seems to my mind so deeply important that it is overpowering. There is here involved a sum of money or property reaching to \$112,000,000; and yet the members of this House have not be-fore them any complete report or record upon which they are to judge of this matter. Its intricacy, its extent, and its volume are so great that I confess for my part, though I have gathered much material and have been quite diligent in my researches, I have not been able to obtain all nor nearly all the documents upon which to conduct the studies that I feel it is necessary for me to conduct before I vote upon a question of this magnitude. I call the attention of the methors of this Heure and the received of the conduct before I vote upon a question of this magnitude. I can the attention of the members of this House and the people of the country to the fact that we are sitting here in deliberation upon this great question without having before us a report from any committee of this House, or of the Senate, that even purports to give a list or catalogue of the documents, papers, records, or public proceedings upon which we must necessarily form our judg-

ment. We are necessarily in the dark to a very great extent.

The report made by the majority of the Committee on Pacific Roads in favor of this bill I hold in my hand. It is a mere leaflet, containing only 13 pages. The report of the Senate committee upon this same subject, favoring the adoption of the bill to settle this enormous indebtedness, I hold in my hand. It consists of another leaflet of but 10 pages. There is nowhere in either of these reports, or in any report which I have been able to examine or place my hands upon, a list, a catalogue, anything that would

answer to a bibliography of this great and appalling subject. For that reason, Mr. Chairman, I insist that this House is in no condition, and will be in no condition to vote upon this question until it has before it something that it can in self-respect call a record upon which to act. Therefore, Mr. Chairman, I would favor the adoption of a resolution something like this, which I now read simply for the information of the House:

simply for the information of the House:

Resolved, That the pending bill be recommitted to the Committee on Pacific Railroads, and that that committee be, and it is hereby, directed to report to the House of Representatives at the earliest practicable moment a list or catalogue of all the public documents and official reports which were made use of or relied upon by said committee in the preparation of the majority report by said Committee on the Pacific Railroads, submitted to the House of Representatives on April 25, 1896 (being H. R. Report No. 1497, Fifty-fourth Congress, first session), with a statement as to each of such documents or reports showing where copies of the same may be obtained, to the end that the House of Representatives may order to be printed such portions as may be unobtainable, and have before it for convenient reference a full list or catalogue of the documents, information, reports, and data which are referred to by said committee in its said report of April 25, 1896, in the following words, to wit:

"Very exhaustive inquiries have been conducted by committees and commissions appointed by Congress into all the facts affecting the relations between the Pacific railroads and the Government, and into the conditions which affect the settlement of their indebtedness. This committee avoid, in the present report, any unnecessary repetition of detailed matters embraced in other familiar and easily accessible reports."

Mr. NORTHWAY. Mr. Chairman, I. do not rise for the pur-

Mr. NORTHWAY. Mr. Chairman, I do not rise for the purpose of entering into a discussion of the main question. pose of entering into a discussion of the main question. The time is insufficient for that. I barely wish to state some of the reasons which actuate me in the vote which I shall give against the passage of this bill. In voting against the bill, I wish it to be understood that I do not impugn the intelligence, the integrity, the patriotism, or the devotion to the public interest of the Committee on Pacific Railroads in the report that it has submitted to this House. I want to say, however, supplementing the remark of the gentleman who last addressed the committee [Mr. Cooke of Illinois], that while I have attempted to acquaint myself with this subject and have spent nearly all my vacation in the effort, I am compelled to admit that I stand here to-day pretty much a stranger to it, and I do not believe that I impugn the intelligence of any member of this House when I say that very few of us appreciate the com-plexity or the magnitude of the subject with which we are here called upon to deal.

I have been a lawyer and have practiced law for thirty years, I have been a lawyer and have practiced law for thirty years, and I have never seen the day, poor a lawyer as I might be, when I would permit a client of mine to be dictated to by the party on the other side until I fully understood all of my client's case. [Applause.] We stand here acting in behalf of the Government, not in opposition to the debtors of the Government, but for the best interests of the Government itself, and if there is a single gentleman here, outside of the members of the Committee on Pacific Parliance, outside of the members of the Committee on Pacific man here, outside of the members of the Committee on Pacinc Railroads, who dares say that he fully understands all of the facts and all of the evidence so clearly as to entitle him to vote intelligently upon this subject, I would like to see the gentleman and to visit with him, for he can enlighten me. [Laughter.]

Mr. WATSON of Ohio. May I ask the gentleman a question?

Mr. NORTHWAY. I have not time to answer questions. You

have been on the floor a good deal; now let me talk a little.

[Laughter.]

[Laughter.]

Now, Mr. Chairman, rather than vote for a bill that I know nothing about, which may compromise the Government's claim to \$112,000,000, I will let the Government continue to occupy the position which it holds at present. [Applause.] I do not see any necessity for our running a foot race in the settlement of this business. We occupy a controlling position. No one can force us to act. I do not believe in permitting these debtors of the Government to dictate terms. [Applause.] They have done it for thirty years, but I think it ought to stop. The gentleman from Tennessee [Mr. Patterson], whom I regard highly for his intellect, as equal to any gentleman in this House, an able and patriotic man, stood here yesterday and proposed to put into the hands of the stood here yesterday and proposed to put into the hands of the debtors of the Government a bludgeon with which they can dictate a settlement. He is opposed to foreclosing for fear that we shall have to buy the road. I do not believe that that gentleman, after thinking it over, would make the same speech to-day or would sanction the speech he made yesterday. I want to see this Government stand upon its rights and have all the rights of a creditor, even though that policy does force it to buy those roads. [Applause.]
There is no use in playing the coward and saying to these peo

There is no use in playing the coward and saying to these people, "We will not enforce our rights; now tell us what you will do?" The moment you take that position they will offer you the worst possible terms that they think you will accept. I believe in standing for the rights of the American people in this matter. I believe in saying to these parties, "We will stand upon our rights, even though we should be compelled to take the roads." And I do not see how we can suffer by taking that position any more than we should suffer under this bill, which provides that the President of the United States may, when he thinks proper, cer tify to the Secretary of the Treasury that, in his opinion, the

security of the Government has become insufficient, whereupon the Secretary shall be compelled to pay off the prior lien out of the Treasury of the United States. That is the provision of this bill. Now, what is to hinder the owners of this road, if they make this settlement with the Government, from putting the money, as they have done during the last few years, into improvements upon the road, while they default upon the interest on their first-mortgage bonds, thus practically compelling the Government to forego what is due it in order that the amount may be spent to forego what is due it in order that the amount may be spent

Another thing. I should like to know why the Government by this bill should permit the stockholders to receive a dividend of 4 per cent on the stock while we accept 2 per cent on the bonds. This road in the course of the next eighty years may become a profitable road, and may be able to earn more than would pay 4 per cent dividends on its stock. But under the provisions of section 17, if the companies earn more than 4 per cent—in other words, if they should earn 6 per cent dividends—they can, after paying 4 per cent, take the other 2 per cent and give us only one-half, thus enabling 5 per cent to be paid upon the stock. I submit that the stockholders ought not to have more than 4 per cent until the obligation of the Government has been paid off. They ought not to be permitted to derive in that way the excess over 4 per cent.

[Here the hammer fell.]
Mr. POWERS. I ask unanimous consent that the gentleman from Missouri [Mr. Hubbard] be allowed ten minutes on behalf of the opponents of the bill, and that I, following him, may be allowed the same time to close the debate, which must close, as I understand, at 5 o'clock to-day. This proposition, I believe, is acceptable to both sides.

The CHAIRMAN. The gentleman from Vermont asks that the remaining time be divided equally between the gentleman from Missouri and himself.

Mr. BARTLETT of New York. I object. I want to occupy

five minutes

Mr. NORTHWAY. If this debate should proceed until 5 o'clock, will there be then opportunity to offer further amendments to the substitute or to the bill?

The CHAIRMAN. The Chair thinks not.
Mr. NORTHWAY. Then I should like to offer an amendment

The CHAIRMAN. Is there objection to the request of the gentleman from Vermont [Mr. Powers] as to the division of the

remaining time?

Mr. BARTLETT of New York. I object.

Mr. NORTHWAY, I desire to offer an amendment to the amendment of the gentleman from Alabama [Mr. HARRISON], and to have it pending, so that if his amendment should come up to be voted on, mine will be voted upon as an amendment to it.

The CHAIRMAN. The gentleman from Ohio [Mr. Northway] offers an amendment, which will be read, to the substitute

of the gentleman from Alabama [Mr. Harrison]. The Clerk read as follows:

Strike out all of section 1, after the words "Section 1," and insert the fol-

Strike out all of section 1, after the words "Section 1," and insert the following:

"That a commission consisting of three persons, to be named, one each, by the Secretary of the Treasury, Secretary of the Interior, and Attorney-General, shall be constituted, with full power to settle, adjust, or compromise the indebtedness of any and all of the bond-aided Pacific railroads to the Government of the United States upon such terms and in such manner as may be agreed upon by such road or roads and such commission: Provided, That any and all settlements thus made shall be submitted in writing to the President for his approval or disapproval, and when approved by him shall be binding as a valid agreement."

In lieu of section 4 insert the following:

"Sec. 4. That each of said commissioners shall receive pay at the rate of \$30 per day for the time necessarily spent by them as such commissioners, and the sum of \$15,000, or so much thereof as may be needed to pay such commissioners and to pay the expenses incident to such settlement and to carry out the provisions of this act, is hereby appropriated out of any funds in the Treasury not otherwise appropriated."

The CHAIRMAN. This will be considered pending as an amendment to the substitute of the gentleman from Alabama.

Mr. BARTLETT of New York. Mr. Chairman and gentlemen, I did not wish to treat the leaders of the debate on either side with any discourtesy; but after having carefully studied this subject and having prepared a speech, I was very rudely cut off this

morning.

The committee in their report say that additional security is The committee in their report say that additional security is given by the Government lien covering unsold lands. If you will examine the bill you will find it especially provided that the lands unsold shall be sold for the benefit of the holders of the first mortgage. So that the security is not additional. In fact, it is of but little value to-day, because, as I am informed, the lands are covered by millions upon millions of land-grant bonds.

The reason I am opposed to any extension of the payment of this debt is that the Government of the United States is in a stronger position to-day with reference to these railroads than it can ever be at any future time. The hour of deliverance, thank God, has at last come. For thirty years the Government of the United States has been powerless to enforce the payment of the

interest on its debt. And now it is proposed that instead of a mortgage at 3 or 3½ per cent, the lowest just rate according to the market rate of interest generally when the security is undoubted, we shall scale down the interest, so that by a reduction of 1 or 1½ per cent on the interest the whole of the principal shall be canceled and the Government of the United States shall receive in reality nothing whatever on account of the principal of the debt.

The rights of the United States are conditioned upon the maturity of the bonds. That period has come at last. I believe that if these mortgages are foreclosed that, in so far as the Union Pacific road is concerned, the Government would receive some \$46,000,000. That is the whole of its principal and 3½ per cent interest on that principal. But why do Iso believe? I believe it, gentlemen, because the various propositions offered by the Union Pacific in the past show that enough bonds—that is to say bonds of the value of show that enough bonds—that is to say, bonds of the value of forty-seven or forty-eight millions of dollars—would be set aside in their plan of organization with which to provide for the payment of the Government liens. Moreover, it must be borne in any time by any act of Congress, has the United States abandoned its privilege as a sovereign not to be sued by the subject, so that without the Government's consent, without a voluntary appearance in the suit by the Attorney-General on behalf of the United States, no foreclosure by the first-mortgage bondholders can give good title, no plan of reorganization can be efficacious or successful. In other words, before the railroad can be reorganized in ful. In other words, before the railroad can be reorganized it must first settle with the United States by guaranteeing an upset price which shall be satisfactory to the Government, and shall protect sufficiently the lien of the United States.

Now, so far as the Central Pacific is concerned, if you pass this

bill you do not benefit the innocent stockholders of that road. Do they come here and ask for legislation? No; it is another corporation. It is the Southern Pacific which desires to throttle the Cen-

tral Pacific.

Were that road to be sold under foreclosure proceedings, there would of necessity be three or four great bidders for the property. We should have the stockholders of the Central Pacific, we should have the Southern Pacific, we should have the reorganized Union Pacific, and we should probably have the Denver and Rio Grande to bid. So, as a business proposition, the road can be now sold for the best advantage of the Government and the people of the United States.

Now, Mr. Chairman, a word further. While I do not believe, as an initial proposition, in the Government ownership of railroads, I do not believe any more in subvention, aid, or subsidy paid by the Government of the United States to the railroads. But this was a great national work, a national undertaking, born of a national necessity, and if to protect our rights—the rights of the people of the United States—we have to buy the lines, I say it will be far better than to fund this debt under the provisions of this bill. We are not to blame for the misfortunes of the past, for any loss thus far entailed upon the United States, but we are responsi ble for any unwise legislation in the present, and we shall be held accountable by the people as their trustees for any loss or damage which may come in the future by reason of the passage of this bill or the enactment of this proposed law.

Mr. HUBBARD. Mr. Chairman, nothing could be more apparent to this House than that those who have sought to pass this bill have ceased trying to do so on its merits. They have abandoned the merits of the bill, and three weapons only have been used in their discussion to induce members to lend it their support

on this floor.

The gentleman from Iowa on yesterday asserted in his observa-tions on the measure a proposition to which I wish to call atten-tion for a moment. He wanted the House to understand that the failure to support this bill possibly meant Government ownership and Government operation of these roads; that is their first weapon. Far be it from me, Mr. Chairman, and other members of the Pacific Railroad Committee who opposed the passage of this measure, to lend our aid in any way, shape, or form to Government ownership or Government operation of railroads. We stand here as representatives of the Government—Representatives of the people of the United States—and ask that this Government be treated fairly when it comes to the question of settling its debt with these wealthy corporations. This bill does not deal fairly with us, and we ask its defeat on that ground alone. Nor does such defeat tend, either directly or indirectly, toward Government ownership of such roads.

The second weapon being used is that the Treasury of the United States will be invaded. The gentleman from Iowa [Mr. Hepburn] also displayed this club, and the distinguished gentleman from Illinois [Mr. Cannon], always careful and always keeping his weather eye on the Treasury of the United States, to guard and protect our moneys, came to his rescue, and advocates this proposition on that the rescue, for the rescue, and advocates this proposition on that the rescue, and the Green that the Green t sition on that theory; for otherwise, he contends, the Government will have to issue bonds or take from the Treasury money to pro-

tect its interests.

Let me call the attention of the committee for a few moments to Poor's Railway Manual of 1896, where, on page 894, you will find a statement that there is now in the sinking fund in the State of California \$9,966,132.57, and in the sinking fund of the United States the sum of \$6,259,127.15, belonging to the Central Pacific Railroad, and there is another sum further on of some \$17,000,000 belonging to the United States sinking fund of the Union Pacific Railroad, not a dollar of which is in the United States Treasury, but is available to be applied in liquidation of the first-mortgage

Mr. LACEY. What is the total of the sinking fund?
Mr. HUBBARD. The total is somewhat in excess of \$33,000,000, more than enough to meet all maturing first-mortgage bonds

that will fall due for more than a year to come.

Mr. LACEY. What is the form of the sinking fund?

Mr. HUBBARD. Part cash and part bonds that are worth par in the market, and for which cash can be secured any moment. The gentleman from Illinois referred also to the \$2,000,000 to be The gentleman from Illinois referred also to the \$2,000,000 to be paid in, and he claims that the Government is that much richer for getting it. That money to-day, Mr. Chairman, is in the Treasury of the United States. Although it belongs to the railroad companies they can not get it unless Congress provides for paying it to them. It is on their earnings, and the passage of this bill will not add an additional dollar to the Treasury of the United States. The third weapon being used on members to pass the measure-I under-

third weapon being used on members to pass the measure—I understand it is being urged with great energy by the lobby—is that the incoming Republican Administration does not want to be embarrassed by the settlement or readjustment of these debts. Shame on such a thought! Away with it! Is the incoming Administration afraid to meet any contingency under the sun?

Mr. Chairman, I want to say in behalf of the Republican party that I have the highest possible degree of confidence, and that unlimited, too, in the ability of that great party to successfully meet its obligations and promises as it has met all propositions in every way, manner, shape, form, and fashion heretofore. [Applause.] And there is not a line or page of her history that needs to be blotted from the record she has made. [Applause.] Within sixty days the next Administration will be in control of the Within sixty days the next Administration will be in control of the Government, and I am very certain that this Congress will be convened, and long before anything would need to come from the Treasury to liquidate the debt, or any part thereof, we will have had an opportunity to examine further into this matter and determine the first the least of the same of the mine more fully the best course to pursue. Let us have a little more information; we have not enough now to act intelligently or in the manner suggested here by the pending bill. [Applause.]
Mr. POWERS. I yield to the gentleman from Ohio [Mr. Grosvenor].

[Mr. GROSVENOR addressed the committee. See Appendix.]

Mr. POWERS. Mr. Chairman, in the thirty seconds that I have remaining I desire to say some intimation has been made on the floor that this bill was the bill of these railroad companies. Now, I desire to disabuse the minds of the members of this House of that insinuation. There is not a particle of truth in it. This or that instinuation. There is not a particle of truth in it. This committee have labored earnestly and assiduously to study this subject and to prepare the best possible bill that they could for the interest of the Government. The railroad companies have come before us through their attorneys and agents and submitted their propositions, but we have in every single case refused to accept their suggestions and have adopted the conclusions that we arrived at ourselves, after studying the ability of these roads to respect and we have given you the only bill that the companies respond, and we have given you the only bill that the companies can ever possibly comply with. [Applause.]

The CHAIRMAN. The hour of 5 o'clock having arrived, under the order of the House the committee will rise and report the

the order of the House the committee will rise and report the bill, with the amendments pending.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. PAYNE, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 8189) to amend an act entitled "An act to aid in the construction of a railroad and telegraph line from the Missouri River to the Pacific Ocean, and to secure to the Government the use of the same for postal, military, and other purposes," approved July 1, 1862; also to amend an act approved July 2, 1864, and also an act approved May 7, 1878, both in amendment of said first-mentioned act and other acts amendatory thereof and supplemental thereto, and to provide for the settlement of claims growing out of the issue of bonds to aid in the construction of certain railroads, and to secure the payment of all indebtedness to the United States of certain companies therein mentioned, and had directed him to report the same back

to the House with amendments, and also with amendments pending, under the order of the House.

Mr. POWERS. I move that the House do now adjourn.

Mr. PAYNE. Will the gentleman withhold that motion until the Chair can lay before the House a House bill with a Senate

Mr. POWERS. I withhold the motion for the present. The SPEAKER. The Chair will lay before the House the following House bill with a Senate amendment.

LAWS RELATING TO NAVIGATION.

The Clerk read as follows:

A bill (H. R. 2663) to amend the laws relating to navigation.

A bill (H. R. 2663) to amend the laws relating to navigation.

The SPEAKER. The Clerk will have to read the bill.

The Clerk proceeded to read the bill.

Mr. PAYNE (during the reading). Mr. Speaker, this is a long bill, and the Senate has put in one amendment in the way of a substitute. I only ask the House to nonconcur in the Senate amendment so as to get the bill in conference. I ask unanimous consent that the further reading of the bill be dispensed with.

The SPEAKER. The gentleman from New York asks unanimous consent that the further reading of the bill be dispensed with. Is there objection?

Is there objection?

with. Is there objection?

Mr. RICHARDSON. I only desire to ask the gentleman if it is the intention to put the bill in conference?

Mr. PAYNE. We want to get the bill in conference.

Mr. RICHARDSON. And not to act on the Senate bill?

Mr. PAYNE. My request is simply to nonconcur in the Senate amendment and to agree to the conference requested by the Senate.

Mr. RICHARDSON. That is all right.

The SPEAKER. Is there objection? [After a pause.] The

Chair hears none.

Mr. PAYNE. Mr. Speaker, I move that the House nonconcur in the Senate amendment, and agree to the conference requested

by the Senate.

The motion was agreed to.

The SPEAKER. The Chair will appoint the following conferees: Mr. Payne of New York, Mr. Simpkins of Massachusetts, and Mr. Berry of Kentucky.

Mr. POWERS. I move that the House do now adjourn.

The question was taken.

The SPEAKER. Prior to announcing the result, the Chair will submit the following personal requests of members.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows: To Mr. Tracewell, until the 14th instant, on account of important business.

To Mr. OVERSTREET, until the 14th instant, on account of im-

portant business.

To Mr. HEMENWAY, until the 14th instant, on account of important business

To Mr. Hadley, indefinitely, on account of illness.
To Mr. Sulloway, indefinitely, on account of sickness in family.
To Mr. Fowler, for six days, on account of important business.
The motion to adjourn was then agreed to; and accordingly (at 5 o'clock and 5 minutes p. m.) the House adjourned until Monday

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as

A letter from the Acting Secretary of the Treasury, transmitting a communication from the Secretary of the Interior, submitting an estimate of appropriation for a chemical laboratory for the Geological Survey—to the Committee on Appropriations, and ordered to be printed.

A letter from the Acting Secretary of the Treasury, transmitting a copy of a communication from the Secretary of the Interior, inclosing an estimate of appropriation for the erection of additional buildings at Navajo Springs, Colo.—to the Committee on Indian Affairs, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. HULL, from the Committee on Military Affairs, to which was referred the bill of the House (H. R. 9710) to authorize

was referred the bill of the House (H. R. 9710) to authorize officers who served during the war of the rebellion in the Regular Army to bear the title and, on occasions of ceremony, wear the

army to bear the late and, on occasions of ceremony, wear the uniform of their highest rank, reported the same without amendment, accompanied by a report (No. 2472); which said bill and report were referred to the House Calendar.

Mr. FISCHER, from the Committee on Indian Affairs, to which was referred House bill No. 3541, reported in lieu thereof a bill (H. R. 9921) to ratify and confirm an agreement with the Turtle Mountain band of Chippewa Indians, in the State of North Debetard translations. North Dakota, and to make appropriation for carrying the same

into effect, accompanied by a report (No. 2473); which said bill and report were referred to the Committee of the Whole House on

the state of the Union.

Mr. CATRON, from the Committee on the Territories, to which was referred the bill of the House (H. R. 9709) to better define and regulate the rights of aliens to hold and own real estate in and regulate the rights of affects to note and own rear established the Territories, reported the same without amendment, accompanied by a report (No. 2474); which said bill and report were referred to the House Calendar.

Mr. BANKHEAD, from the Committee on Public Buildings

and Grounds, to which was referred the bill of the House (H. R. and Grounds, to which was referred the birds the House (H. E. I) to provide for the purchase of a site and the erection of a public building thereon at Americus, in the State of Georgia, reported the same with amendment, accompanied by a report (No. 2475); which said bill and report were referred to the Committee of the

Whole House on the state of the Union.

Mr. BENNETT, from the Committee on Interstate and Foreign Mr. BENNETT, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R. 9865) extending the time for the completion of the bridge across the East River between the city of New York and Long Island, now in course of construction, as authorized by the act of Congress approved March 3, 1887, reported the same with amendment, accompanied by a report (No. 2476); which said bill and report were referred to the House Calendar.

Mr. FLETCHER, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R. 9752) to amend an act entitled "An act to authorize the construction of a steel bridge over the St. Louis River, between the States

to aniend an act entitled "An act to authorize the construc-tion of a steel bridge over the St. Louis River between the States of Wisconsin and Minnesota," approved April 24, 1894, as amended by an act approved August 4, 1894, entitled "An act to amend an act to authorize the construction of a steel bridge over the St. Louis River between the States of Minnesota and Wisconsin,"

reported the same without amendment, accompanied by a report (No. 2477); which said bill and report were referred to the House

Mr. MILLIKEN, from the Committee on Public Buildings and Grounds, to which was referred the bill of the House (H. R. 2287) for the erection of a public building at Fond du Lac, Wis., reported the same without amendment, accompanied by a report

ported the same without amendment, accompanied by a report (No. 2478); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. SHERMAN, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R. 9736) authorizing the construction of a bridge across the Columbia River, in the State of Washington, reported the same with amendment, accompanied by a report (No. 2480); which said bill and report were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS.

Under clause 2 of Rule XIII, Mr. WOOD, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 9129) granting a pension to Emma T. Martin, reported the same without amendment, accompanied by a report (No. 2479); which said bill and report were referred to the Committee of the

PUBLIC BILLS, MEMORIALS, AND RESOLUTIONS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows

By Mr. TOWNE: A bill (H. R. 9922) to amend an act entitled "An act for the relief and civilization of the Chippewa Indians in the State of Minnesota," approved January 14, 1889—to the Committee on Indian Affairs.

Also, a bill (H. R. 9923) to confirm title to purchasers of certain lands under the timber and stone law—to the Committee on the

Public Lands

Public Lands.

By Mr. DRAPER (by request): A bill (H. R. 9924) to incorporate the Abraham Lincoln, Ulysses S. Grant, and David G. Farragut Memorial Building Association, and for other purposes—to the Committee on the District of Columbia.

By Mr. JONES: A bill (H. R. 9925) giving to any State having a claim for expenses incurred in defense of the United States the right to have the same adjudicated by the Supreme Court of the United States—to the Committee on War Claims.

By Mr. DOOLITTLE: A bill (H. R. 9931) to amend an act providing for the sale of desert lands in certain States and Territories, approved March 3, 1877, and the acts amendatory thereto, and for the relief of persons who have made entries thereunder—to the Committee on the Public Lands. Committee on the Public Lands.

By Mr. BULL: A joint resolution (H. Res. 230) providing for a survey at Tiverton, R. I., to ascertain the proper location for a drawbridge over the Sakonnet River—to the Committee on Rivers

and Harbors.

Also, a resolution (House Res. No. 480) providing for the employment of an additional clerk in the file room of the House—to

the Committee on Accounts.

By Mr. FAIRCHILD: A resolution (House Res. No. 481) to amend the rules of the House of Representatives—to the Commit tee on Rules.

PRIVATE BILLS, ETC.

Under clause 1 of Rule XXII, private bills of the following titles were presented and referred as follows:

By Mr. BARHAM: A bill (H. R. 9926) to authorize the United States Court of Private Land Claims to hear, try, and determine the issues as to the extent and boundaries of the Las Animas grant—to the Committee on Private Land Claims.

By Mr. BULL: A bill (H. R. 9927) granting an increase of pension to Sarah C. Taylor—to the Committee on Invalid Pensions.

By Mr. CLARK of Missouri: A bill (H. R. 9928) granting a pension to Benjamin Sutton—to the Committee on Invalid Pensions.

ension to Benjamin Sutton-to the Committee on Invalid Pen-

By Mr. FISCHER: A bill (H. R. 9929) for the relief of Henry J. Turner—to the Committee on War Claims.

Also, a bill (H. R. 9930) granting an increase of pension to Eliza N. Roscher-to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. BINGHAM: Petition of the Keystone Limited Glass Works; also petition of William Reith and others, and Alfred Godwin and others, glass manufacturers, all of the city of Philadelphia, Pa., relating to tariff duties on glass—to the Committee on Ways and Manne. Ways and Means.

Also, petition of the Philadelphia Board of Trade, favoring an appropriation for the purchase of a steam mail boat for the carriage of foreign mails from incoming steamers from New York—

to the Committee on the Post-Office and Post-Roads.

Also, petition of the Philadelphia Conference of Baptist Ministers, praying for favorable action on House bill No. 4566, to amend the postal laws relating to second-class matter, and Senate bill No. 1675, to prohibit the transportation of obscene matter—to the Committee on the Post-Office and Post-Roads.

Also, resolutions of the Grocers and Importers' Exchange of Philadelphia, Pa., indorsing Senate bill 2447, for a department of commerce and manufactures—to the Committee on Interstate and

Foreign Commerce.

By Mr. DALZELL: Resolutions of the Grocers and Importers' Exchange of Philadelphia, Pa., in favor of the establishment of a department of commerce and manufactures—to the Committee on Interstate and Foreign Commerce.

By Mr. FISCHER: Petition of Henry J. Turner, for adjustment of account, to accompany House bill for his relief—to the Committee on War Claims.

Also position of Fligs N. Roscher, for increase of parsion to

Also, petition of Eliza N. Roscher, for increase of pension, to accompany House bill for her relief—to the Committee on Invalid Pensions.

Pensions.

By Mr. HENDERSON: Resolutions adopted by the Iowa Academy of Sciences, favoring the passage of Senate bill No. 1552, for the further prevention of cruelty to animals in the District of Columbia—to the Committee on the District of Columbia.

Also, paper and memorial from Sarah Clay Bennett, of Richmond, Ky., on the subject of election of members of Congress and President of the United States—to the Committee on Election of President, Vice-President, and Representatives in Congress.

Also, paper from the National Board of Trade, urging the passage of the Powers Pacific railroads funding bill and amending the interstate-commerce law—to the Committee on Interstate and Foreign Commerce.

Foreign Commerce

Also, paper of Albert J. Beveridge, of Indianapolis, Ind., favoring the passage of the post-office clerks' classification bill—to the Committee on Rules.

By Mr. HENRY of Indiana: Resolutions of the governing board of the Indianapolis Board of Trade, protesting against the passage of the Cameron resolutions for recognizing the independence of Cuba—to the Committee on Foreign Affairs.

By Mr. KIEFER: Petition of J. Q. Adams, of St. Paul, Minn.; also petition of A. M. Lawton, of White Bear, Minn., remonstrating against the passage of House bill No. 4566, relating to second-class mail matter—to the Committee on the Post-Office and Post-Roads Roads.

By Mr. McCREARY of Kentucky (by request): Memorial of the National American Woman Suffrage Association (Mrs. James Bennett, chairman) relative to the fourteenth amendment to the Constitution—to the Committee on the Judiciary.

By Mr. TAFT: Resolutions of the Manufacturers' Club of Cin-

By Mr. TAFT: Resolutions of the Manufacturers' Club of Cincinnati, Ohio, in favor of Senate bill No. 2447, establishing a department of commerce and manufactures—to the Committee on Interstate and Foreign Commerce.

By Mr. WATSON of Ohio: Petition of Samuel M. Hyneman and other Government employees at Columbus, Ohio, opposing the passage of House bill No. 8320, for the creation of a civil service retirement fund—to the Committee on Reform in the Civil Service.

SENATE.

MONDAY, January 11, 1897.

Prayer by the Chaplain, Rev. W. H. MILBURN, D. D. WILLIAM B. ALLISON, a Senator from the State of Iowa, appeared

in his seat to-day.

The Journal of the proceedings of Thursday last was read and approved.

CERTIFICATION OF ELECTORS.

The VICE-PRESIDENT laid before the Senate two communications from the Secretary of State, transmitting, in pursuance to the provisions of the act of February 3, 1887, certified copies of the final ascertainment of the electors for President and Vice-President for the States of Iowa and Virginia; which were ordered to lie on the table.

ACCOUNT OF PACIFIC RAILROADS.

The VICE-PRESIDENT laid before the Senate a communication The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Interior, transmitting, in response to a resolution of the 6th instant, a copy of the account of the amounts due the sinking fund of the Central and Union Pacific railroads on account of subsidies paid the Pacific Mail Steamship Company by said roads and deducted from the gross earnings and charged to operating expenses, etc.; which, with the accompanying papers, was referred to the Committee on Pacific Railroads, and ordered to be printed. to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. Browning, its Chief Clerk, announced that the House had passed the following bills; in which it requested the concurrence of the

A bill (H. R. 7087) to amend section 8 of the act entitled "An act providing a civil government for Alaska," approved May 17, 1884; and

A bill (H. R. 7088) to create the office of surveyor-general in

Alaska.

Alaska.

The message also announced that the House had disagreed to the amendment of the Senate to the bill (H. R. 2663) to amend the laws relating to navigation, agrees to the conference asked for by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. PAYNE, Mr. SIMPKINS, and Mr. BERRY managers at the conference on the part of the House.

The message further announced that the House had passed a concurrent resolution authorizing the printing of the correspondence relative to the disturbances in Chicago in 1894; in which it requested the concurrence of the Senate.

requested the concurrence of the Senate.

ENROLLED BILL SIGNED.

The message also announced that the Speaker of the House had signed the joint resolution (S. R.205) authorizing the building of a telephone line in the District of Columbia; and it was thereupon signed by the Vice-President.

PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented a memorial of the Iowa Academy of Sciences, remonstrating against the enactment of legislation providing for the further prevention of cruelty to animals in the District of Columbia; which was ordered to lie on the table.

Mr. HALE presented a petition of the Saco Valley Local Union of Christian Endeavor, of Saco Valley, Maine, praying for the enactment of legislation for the relief of the suffering Armenians in Turkey; which was referred to the Committee on Foreign Relations.

Relations.

He also presented the memorials of the publishers of the Board of Trade Journal, of Portland; of the Rockland Daily Star, of Rockland; of the Aroostook Pioneer, of Houlton; of the Aroostook Times, of Houlton; of the School Days, of Farmington; of the School World, of Farmington; of the Sunnyside, of Augusta; of the Chronicle, of Westbrook; of the Maine Coast Cottager, of Portland; of Odd Moments, of Bangor; of the Pemaquid Messenger, of Bristol; and of seven different weekly papers edited by W. M. & A. C. Ladd, of Fairfield, all in the State of Maine, remonstrating against the passage of the so-called Loud bill, relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

He also presented a memorial of the Board of Trade of Indianapolis, Ind., remonstrating against the passage of the resolutions favoring the recognition of Cuba, and praying that the United States extend its friendly offices toward bringing to a speedy ter-

states extend its friendly offices toward bringing to a speedy termination the contest now going on between Spain and the people of Cuba; which was ordered to lie on the table.

Mr. ALLEN presented petitions of James A. Garfield Post, No. 80, Grand Army of the Republic, of Red Cloud, Nebr.; of sundry citizens of Lincoln, Nebr., and of sundry citizens of Omaha, Nebr., praying that Congress shall recognize the independence of Cuba; which were ordered to lie on the table.

praying that Congress shall recognize the independence of Cuba; which were ordered to lie on the table.

He also presented the memorials of J. H. Stafford, of the Record, of Marshall, Okla.; of Murray & Gorman, of the Nashua Reporter, of Nashua, Iowa; of W. M. L. Knotts, of the Times, of Beatrice, Nebr.; of L. H. Weller, of the Farmers' Advocate, of Independence, Iowa; of M. O. Gentzke, of the Nebraska Volksblatt and Advertiser, of West Point, Nebr.; of the Southwest Publishing Company, of the Svenska Journalen, of Omaha, Nebr.; of J. M. Burnham, of the Wymorean, of Wymore, Nebr.; of L. H. Weller, of the Farmers' Advocate, of Independence, Iowa; of the American Publishing Company, of the American, of Omaha, Nebr.; of C. W. Henry, of the Christian News, of Bethany, Nebr.; of Clement Chase, of the Omaha Excelsior, of Omaha, Nebr.; of R. D. Kelley, of the Leader, of Fremont, Nebr., and of Adam Breed, of the Hastings Tribune, of Nebraska, remonstrating against the passage of the so-called Loud bill, relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

Mr. McMILLAN. I present a memorial of the North Capitol and Eckington Citizens' Association, of the District of Columbia, relative to the enactment of proposed legislation in the matter of street-railway facilities. I move that the memorial be printed as a document, and referred to the Committee on the District of

Columbia.

Columbia.

The motion was agreed to.

Mr. McMILLAN presented a petition of the Presbyterian church of Vinita, Ind. T.; a petition of the Worcester Academy, of Vinita, Ind. T.; a petition of 12 citizens of Vinita, Ind. T., and a petition of the First Baptist Church, of Vineland, N. J., praying for the enactment of legislation raising the age of consent in the District of Columbia to 18 years; which were referred to the Committee on the District of Columbia.

Mr. PERKINS. I present a memorial of the legislature of California, which has been transmitted by wire to this body. It is short, and I ask that it be read for information.

The VICE-PRESIDENT. The Secretary will read as requested. The Secretary read the memorial, as follows:

The Secretary read the memorial, as follows:

[Telegram.]

SACRAMENTO, CAL., January 7, 1897.

Hon. George C. Perkins, United States Senator, Washington, D. C.:

The following joint resolution was this day adopted by the California legislative assembly:

Joint resolution No. 6 (substitute for assembly joint resolutions Nos. 1 and 2).

Joint resolution No. 6 (substitute for assembly joint resolutions Nos. 1 and 2).

Whereas there is now pending in Congress a measure known as the Powers-Gear bill, which has for its object the refunding of the debts of certain Government-aided railroads; and

Whereas any scheme for refunding the Pacific railroads indebtedness to the United States Government, or any extension of the time for payment of the same, must result in maintaining an excessive capitalization of these roads, thus requiring high rates of fares and freights to meet the interest payments thereon, to the great burden and disadvantage of the people of the State of California: Therefore,

Be it resolved by the assembly by the State of California, the senate concurring, That we are unalterably opposed to any and all extensions of the time for payment of said debts, and also the Powers-Gear bill, or any other bill of like import; and we hereby instruct our Senators and request our Representatives in Congress to oppose by all honorable means the enactment of any such measure; and

Be it further resolved, That we favor the immediate collection on maturity of said debts, or, in the event that the same can not be collected, then we urge the enforcement of existing laws of the United States concerning this question; and

Be it further resolved, That we petition in behalf of the State of California for a hearing before the respective committees of Congress having jurisdiction of the subject; and the Senate and House of Representatives of the United States are hereby further petitioned to recommit the measure now under consideration and delay final action thereon until such hearing can be had;

Be it further resolved, That the governor be requested to immediately transmit by telegraph a copy of these resolutions to our Congressional delegation at Washington.

Assembly Chamber, Sacramento, January 7, 1897.

Assembly Chamber, Sacramento, January 7, 1897. I hereby certify that the foregoing is a true copy of assembly joint resolu-tion No. 6, as adopted by the assembly on the 5th day of January, 1897. S. J. Duckworth, clerk.

S. J. DUCKWORTH, Chief Clerk. JAMES H. BUDD, Governor of California.

Mr. WHITE. The communication which has just been read is similar to one which was received by me, and being a memorial of the legislature of a State, I presume it will be spread upon the record.

The VICE-PRESIDENT. The memorial will lie on the table

Mr. SHERMAN presented a memorial of the Ohio State Academy of Sciences, remonstrating against the enactment of legislation restricting vivisection in the District of Columbia; which was ordered to lie on the table.

He also presented memorials of the publisher of the Banner, of Bremen; of the Weekly Call, of Bremen; of the Argus, of North Amherst, and of the Leader, of New Holland, all in the State of Ohio, remonstrating against the passage of the so-called Loud bill,

Committee on Post-Offices and Post-Roads.

Mr. BATE presented a petition of the Chamber of Commerce of Chattanooga, Tenn., praying for the passage of the so-called Torrey bankruptcy bill; which was ordered to lie on the table.

Bankruptcy bill; which was ordered to lie on the table.

He also presented memorials of the publishers of the Jackson Daily Sun, of Jackson; of the Tennessee Methodist, of Nashville; of the Coming Nation, of Ruskin; of the Vanderbilt College Magazine, of Nashville, and of the Southern Practitioner, of Nashville, all in the State of Tennessee, remonstrating against the passage of the so-called Loud bill, relating to second-class mail matter; which were referred to the Committee on Past Offices and Past Pands.

the so-called Loud bill, relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

Mr. WALTHALL presented memorials of the publishers of the East Mississippi Tribune, of Macon; of the Blue Mountain Breeze, of Blue Mountain; of the Westville News, of Westville; of the Head-Block, of Lumberton, and of the Tunica Commercial, of Tunica, all in the State of Mississippi, remonstrating against the passage of the so-called Loud bill, relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads Post-Roads.

Post-Roads.

Mr. VILAS presented a petition of the Chamber of Commerce of Milwaukee, Wis., praying for the passage of the so-called Torrey bankruptcy bill; which was ordered to lie on the table.

Mr. BLANCHARD presented the memorials of H. L. Brian, publisher of the Louisiana Populist, of Natchitoches; of Robert Benefield, publisher of the Southland, of Maurepas; of R. M. Boone, publisher of the Baptist Chronicle, of Alexandria; of John H. Humble, publisher of People's Tribune, of Opelousas; of John Dymond, publisher of the Louisiana Planter and Seya Manufacturer, of New Orleans, and of P. M. Kakanam, publisher of Jennings Times, of Jennings, all in the State of Louisiana, remonstrating against the passage of the so-called Loud bill, relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads. tee on Post-Offices and Post-Roads.

Mr. TURPIE presented petitions of Samuel Reid Post, No. 87, Department of Indiana, Grand Army of the Republic, and of the Spencer County Silver League, of Rockport, Ind., praying Congress to recognize the independence of Cuba; which were ordered to lie on the table.

He also presented a memorial of the Board of Trade of Indian-apolis, Ind., remonstrating against the passage of the resolutions favoring the recognition of Cuba by the Government, and pray-ing that the United States extend its friendly offices toward bringing to a speedy termination the contest that is now going on between Spain and the people of Cuba; which was ordered to lie on the table. on the table.

on the table.

He also presented the memorial of C. W. Dufendach, of the Independent, of Huntingburg, Ind., and the memorial of E. A. Von Douhoff, of the New Albany Medical Herald, of New Albany, Ind., remonstrating against the passage of the so-called Loud bill, relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

He also presented the memorial of Joseph Lay, of Ridgeville, Ind., remove tration, against any change in the present duty on

Ind., remonstrating against any change in the present duty on reed used in the manufacture of brooms and brushes; which was

reed used in the manufacture of brooms and brushes; which was referred to the Committee on Finance.

Mr. BURROWS presented memorials of the publishers of the Daily Herald, of Menominee; of the Michigan Free Press (German weekly), of Bay City; of the Helios, of Grand Rapids, and of the News, of Sault Ste. Marie, all in the State of Michigan, and the memorial of A. S. White, secretary of the Michigan Artisan Company, of the State of Michigan, remonstrating against the passage of the so-called Loud bill, relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

Mr. PEFFER. I present the petition of C. B. Bryan and a number of others, formerly of the State of Kansas, now residents and citizens of Oklahoma Territory, praying for the passage of the free-homestead bill. As the bill is now the unfinished business of the Senate, the petition had better lie on the table.

The VICE-PRESIDENT. It will be so ordered.

Mr. PEFFER. Lake present the resistion of La Grand Bring.

Mr. PEFFER. I also present the petition of Le Grand Byington, of Iowa City, Iowa, praying for the enactment of legislation

embodying certain views:

First. To prohibit any further issuance of Government bonds for any purpose, or in any form.

Second. To reduce public expenditure all along the lines of appropriation by sums amounting to 40 per cent of the aggregate voted at last session.

voted at last session.

Third. To repeal the national banking act and require speedy redemption of their circulating notes in the gold and silver coins of the United States.

Fourth. To compel by mandatory legislation the Executive Departments to disburse said coins, as shall be most convenient to the Government, in the payment of all public dues, and to

punish willful discriminations in such payments.

Fifth. To open the mints to the equal and unlimited coinage of both gold and silver into standard legal-tender money of the Republic, and compel the immediate coinage of all the bullion in the Treasury, and disbursement of the same, and of all surplus in payment of existing debts.

Sixth. To make forcible seizure of the subsidy Pacific railroads and declare them public highways and mail routes, subject to use by all citizens on payment of tolls sufficient to keep them in good

Seventh. To submit to the States for adoption amendments of the Constitution abolishing life offices and the so-called electoral college, prohibiting government by injunction and by "commison," and allowing election of Senators by popular suffrage.

I move that the petition be referred to the Committee on Civil

Service and Retrenchment.

The motion was agreed to.

The motion was agreed to.

Mr. PEFFER presented the memorials of the publishers of the Star and Kansas Independence; of the Educational Echo, of Norton; of the Southwestern Banner, of Wichita; of the Times, of Oskaloosa; of the Enterprise, of Elsmore; of the New Era, of Spring Hill; of Cromwell's Kansas Mirror, of Kansas City, and of the Empire, of Alton, all in the State of Kansas; of the Echo, of Erie, Pa.; of the News, of Woodward, Okla.; of the Record, of Marshall, Okla., and of the Magnet, of Bartlesville, Ind. T., remonstrating against the passage of the so-called Loud bill, relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads. mittee on Post-Offices and Post-Roads.

Mr. GEAR. I present certain papers containing information concerning the ramie industry. I move that the papers be referred to the Committee on Agriculture and Forestry, to be considered in connection with a bill pertaining to the subject before

the committee, and that they be printed. The motion was agreed to.

Mr. GEAR presented a memerial of the Iowa Academy of Sci-

Mr. GEAR presented a memerial of the lowa Academy of Sciences, remonstrating against the passage of Senate bill No. 1552, for the further prevention of cruelty to animals in the District of Columbia; which was ordered to lie on the table.

He also presented the memorial of Boardman Cooley, publisher of the Mail-Press, of Strawberry Point, Iowa, remonstrating against the passage of the so-called Loud bill, relating to second-class mail matter; which was referred to the Committee on Post-Offices and Post Poster. Post-Roads.

He also presented the petition of Mrs. Sarah Clay Bennett, of Richmond, Ky., praying that the right of suffrage for white and black women be granted equal to that accorded white and black men; which was referred to the Select Committee on Woman

Suffrage.

Mr. LODGE presented a petition of the New England Furniture Exchange, of Boston, Mass., praying for the establishment of a nonpartisan tariff commission, to whom all tariff matters now. and hereafter shall be referred for careful and disinterested con-

to the Committee on Finance.

He also presented resolutions adopted by John G. Whittier Council, No. 25, American Protective Association, of Haverhill,

Council, No. 25, American Protective Association, of Haverhill, Mass., expressing sympathy for the Cubans in their struggle for independence, and praying Congress to recognize the Cuban Republic; which were ordered to lie on the table.

He also presented a petition of the Baptist Social Union, of Boston, Mass., praying for the enactment of legislation prohibiting the sale of intoxicating drink in the Capitol or on the Capitol Grounds; which was referred to the Committee on Public Buildings and Grounds.

He also presented a memorial of the publisher of the Cottager

He also presented a memorial of the publisher of the Cottager and Ready Record, of Athol, Mass., and a memorial of the publisher of the News, of Easthampton, Mass., remonstrating against the passage of the so-called Loud bill, relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

Mr. COCKRELL presented the memorial of the publisher of the Sabbath Advocate, of Stanberry, Mo., and the memorial of the publisher of Humanity, of Kansas City, Mo., remonstrating against the passage of the so-called Loud bill, relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads

Mr. HOAR presented a petition of the Massachusetts State Board

of Trade, praying for the enactment of restrictive legislation relative to second-class mail matter; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the Ministerial Union, of Taunton, Mass., praying for the enactment of legislation to prohibit the sale of intoxicating liquors in the Capitol building; which was referred to the Committee on Public Buildings and Grounds.

He also presented resolutions adopted by the American Historical Association, expressing its strong approval of the action taken by the Massachusetts Historical Society in regard to the preservation of the United States frigate Constitution; which were referred to the Committee on Naval Affairs.

He also presented the petition of Amos Cross, late first lieuten-

He also presented the petition of Amos Cross, late first lieutenant, United States Army, praying that relief be granted him on account of being illegally confined in an insane asylum; which was referred to the Committee on Military Affairs.

Mr. CULLOM presented the petition of Ferguson & Goodnow, of Chicago, Ill., praying for the passage of the so-called Loud bill, relating to second-class mail matter; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented memorials of the publishers of the Woodstock Sentinel, of Woodstock, Ill.; of the Universal Truth, of Chicago, Ill.; of Charles A. Tracy, of Chicago, Ill.; of the Werner Company, of Chicago, Ill.; of the David C. Cook Publishing Company, of Chicago, Ill.; of the news dealers and booksellers of Chicago, of Chicago, Ill.; of the news dealers and booksellers of Chicago, of Chicago, Ill.; of the news dealers and booksellers of Chicago, Ill.; of the News Company, of Joliet, Ill.; of the McCormick estate and Gray, of Chicago, Ill.; of publishers of the American Journal of Sociology, of Chicago, Ill.; of the American Journal of Education, of St. Louis, Mo.; of the Republican, of Ashmore, Ill.; of the Gibson Courier, of Gibson City, Ill.; of the National Harness Review, of Chicago, Ill.; of the Wool Markets and Sheep, of Chicago, Ill.; of James A. Hawley, of Dixon, Ill., and of the S. B. Frank Publishing Company, of Chicago, Ill., remonstrating against the passage of the so-called Loud bill, relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

Mr. FRYE presented the memorial of Harry P. Dill, publisher

Mr. FRYE presented the memorial of Harry P. Dill, publisher of the Rangeley Lakes, of Rangeley, Me., and the memorial of Waldo Pettengill, of Rumford, Me., remonstrating against the passage of the so-called Loud bill, relating to second-class mail matter; which were referred to the Committee on Post-Offices and

Mr. QUAY presented a petition of the Board of Trade of Philadelphia, Pa., praying that an appropriation be made providing for the transfer of foreign mails with a view to expediting their de-livery in Philadelphia; which was referred to the Committee on

Appropriations.

He also presented a petition of the Atlantic Coast Seamen's Union of Philadelphia, Pa., praying for the enactment of legislation to better the condition of American seamen; which was ordered to lie on the table.

He also presented a memorial of the Board of Trade of Phila-delphia, Pa., remonstrating against the enactment of legislation to so amend the interstate-commerce law as to relieve violators of section 10 of that act from imprisonment; which was referred to

the Committee on Interstate Commerce.

He also presented sundry petitions of citizens of Pennsylvania, praying for the enactment of legislation to amend the postal laws relating to second-class mail matter, and also to prohibit the transportation of obscene matter through the mails; which were referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the War Veterans' Association of Allegheny County, Pa., praying for the appointment of a Congressional committee to examine into and report upon the alleged abuses in the present pension system; which was referred to the Committee on Pensions.

He also presented petitions of Red Lion Council, No. 125, Order of United American Mechanics, of Pennsylvania; of Judson Kilpatrick Camp, No. 233, Division of Pennsylvania, Sons of Veterans, of Easton, Pa., and of Washington Camp, No. 533, Patriotic Sons of America, of Pennsylvania, praying Congress to recognize the independence of Cuba; which were ordered to lie on the table.

Mr. THURSTON presented the me morials of John Bradford. publisher of the Times, Fulton, Kans., and Prescott Standard; of the publisher of the Tribune, of Hastings; of Lewis T. Waltson, publisher of the Pulpit of the Cross, of Omaha; of Clement Chase, publisher of the Excelsior, of Omaha, and of J. M. Burnham, pub-lisher of the Wymorean, of Wymore, all in the State of Nebraska, remonstrating against the passage of the so-called Loud bill, relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

REPORTS OF COMMITTEES.

Mr. DAVIS, from the Committee on Territories, to whom was referred the bill (H. R. 8676) to enable the town of Flagstaff, in the Territory of Arizona, to issue bonds to construct a water sys-

tem, reported it without amendment, and submitted a report

Mr. PROCTOR. I report without amendment, from the Committee on the District of Columbia, the bill (H. R. 6713) to extend North Capitol street northward through the property of the Prospect Hill Cemetery, to pay for land to be taken for such purpose, and for other purposes. I ask that it take the place on the Calendar of the bill (S. 2332) to extend North Capitol street to the Solizionia. diers' Home, being Order of Business 830, and that the Senate bill

be indefinitely postponed.

The VICE-PRESIDENT. In the absence of objection, the House bill will take the place indicated, and the Senate bill will

be indefinitely postponed.

Mr. BACON. I am directed by the Committee on the District of Columbia, to whom was referred the joint resolution (H. Res. 214) authorizing the Secretary of War to grant permits to the executive committee on inaugural ceremonies for use of reservations or public spaces in the city of Washington on the occasion of the inauguration of the President-elect on March 4, 1897, etc., to report it favorably with amendments. I am further instructed by the committee to ask for the immediate consideration by the

Senate of the joint resolution.

The VICE-PRESIDENT. The joint resolution will be read for information.

The Secretary read the joint resolution and the amendments. Mr. PEFFER. I ask that the joint resolution as amended may be printed and lie over until I can have an opportunity to exam-

The VICE-PRESIDENT. There is objection to the present consideration of the joint resolution, and it will go over under the

RAILROAD TRACKS IN WASHINGTON.

Mr. BACON. I am instructed by the Committee on the District of Columbia, to whom was referred the joint resolution (H. Res. 213) to permit railroads in the District to occupy additional parts of streets to accommodate the traveling public attending the inaugural ceremonies, to report it without amendment. I am further instructed by the committee to ask the unannous consent of Senate for the immediate consideration of the joint resolution.

Mr. ALLEN. I should like to have the joint resolution read in

The Secretary read the joint resolution.

The VICE-PRESIDENT. Is there objection to the present con-

Mr. ALLEN. I do not know that I shall object if I can get an answer from the Senator from Georgia to my inquiry. What provision will be made respecting the cost of tearing up the streets and repairing them?

and repairing them?

Mr. BACON. If the Senator will observe the terms of the joint resolution, he will see that everything is placed under the control of the Commissioners. All of the regulations with reference to where the tracks are to be laid, in what manner they shall be laid, how the expense shall be borne of repairing the streets, are within the discretion and control of the Commissioners of the District. The railroad companies, by the joint resolution, are not authorized to do anything except by the direct permission of the Com-

Mr. ALLEN. I think as far as putting under the charge of the Commissioners the authority to determine where the tracks are to be laid is concerned, their control of that matter is all right, but to place in charge of the Commissioners the question of who shall pay for the damage done to the streets in laying the tracks and repairing the streets after they are taken up, that question ought to be determined by Congress. It the railroad companies are to get the benefit of the additional traffic and passenger carriage during the kingly ceremonies that are to take place in this city in March, then the railroad companies ought to pay for the damage done to the streets.

Mr. BACON. I quite agree with the Senator that the railroad companies should pay whatever cost may be incurred in repairing the streets, and I have not the slightest doubt but that will be required of them. In fact, that was a matter so patent and so obvious that I presume it never occurred to the committee that it

would be necessary to express it in the joint resolution.

Mr. ALLEN, Mr. President—

Mr. BACON. If the Senator will pardon me a moment, I will state that the Commissioners have no authority under the joint resolution to impose any of this expense either upon the Government or upon the treasury of the District. It is not to be presumed that such will be done. Every influence, of course, will be on the other side, so far as those considerations which control this question are concerned. I presume there will be no objection, while we think it unnecessary, for the Senator to offer an amendment to that effect, because that is the intention of the joint resolution.

I will state further, while I am on the floor, that it is the sole purpose of this measure to enable the railroad companies to do what they have done heretofore, I am informed, at every inauguration, which is to lay additional tracks along their present lines simply for the accommodation of the increased number of cars which a large crowd will necessarily require.

Mr. ALLEN. To that I enter no objection. I am perfectly willing that the company shall have the right to lay additional

tracks, under the supervision of the Commissioners of the District; but I do not want, after a time, some Senator to come in here and offer an amendment to an appropriation bill to cover the expenses of repairing the streets and charge that expense to the Government.

Mr. BACON. I will ask the Senator if, in the past, any such claim has ever been made for similar service?

Mr. ALLEN. I can not say that there has ever been any such claim made, but I know that it has been the policy heretofore to saddle every conceivable expense upon the Government in connection with the improvement of streets, the laying of railroad tracks, and, in fact, everything that is done in this District.

Mr. FAULKNER. Will the Senator from Nebraska permit me

a moment?

Mr. ALLEN. Certainly.
Mr. FAULKNER. I had charge of this matter four years ago, and I will state to the Senator that it is the same joint resolution and I will state to the Senator that it is the same joint resolution which has been uniformly passed since I have been in the Senate. This measure will not apply to nor will permission be granted to lay tracks upon any asphalt streets at all, but they are the same streets on which the present tracks are running. The railroad companies have always been required by the Commissioners, under a similar joint resolution, to enter into an agreement with them to pay all the expenses of putting down the tracks and in putting the streets back in the same condition in which they were found at the time the additional expense was in which they were found at the time the additional expense was incurred. That has always been provided by an agreement between the railroad companies and the Commissioners.

Mr. ALLEN. With the understanding that the Commissioners will do so in this case, I shall not object to the consideration of the

joint resolution.

The VICE-PRESIDENT. Is there objection to the present con

sideration of the joint resolution?

There being no objection, the joint resolution was considered as in Committee of the Whole.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed. BILLS INTRODUCED.

Mr. McMILLAN introduced a bill (S. 3497) to define the duties of the secretary of the District of Columbia; which was read twice by its title, and, with the accompanying paper, referred to the Committee on the District of Columbia.

He also introduced a bill (S. 3498) to punish the impersonation of inspectors of the health and other departments of the District of Columbia; which was read twice by its title, and, with the accompanying paper, referred to the Committee on the District of Columbia. Columbia.

Mr. LODGE introduced a bill (S. 3499) granting a pension to Mrs. Lucy P. Demon; which was read twice by its title, and referred to the Committee on Pensions.

ferred to the Committee on Pensions.

Mr. GEAR (by request) introduced a bill (S. 3500) for the relief of Stewart & Co., A. P. H. Stewart, agent; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Claims.

Mr. QUAY introduced a bill (S. 3501) granting a pension to Matilda F. Gageby; which was read twice by its title, and referred to the Committee on Pensions.

Mr. NELSON introduced a bill (S. 3502) granting an increase of pension to Jacob Myers; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 3503) for the relief of Samuel A. Lundborg; which was read twice by its title, and referred to the Committee on Pensions.

Committee on Pensions.

Mr. QUAY introduced a bill (S. 3504) granting arrears of pension to H. Morris Husband; which was read twice by its title, and, with the accompanying papers, referred to the Committee on

Mr. CHANDLER (for Mr. PRITCHARD) introduced a bill (S. 3505) for the relief of Cyrus W. Thompson; which was read twice by its title, and referred to the Committee on Privileges and Elections.

THE TENNESSEE CENTENNIAL EXPOSITION.

Mr. BATE. I introduce a joint resolution and ask for its pres-

ent consideration. It is rather a matter of urgency.

The joint resolution (S. R. 189) providing for the erection of a Government building at the Tennessee Centennial Exposition was

ing for the Government exhibit at the Tennessee Centennial Exposition authorized by the act of Congress approved December 22, 1896, without public advertisement.

The VICE-PRESIDENT. Is there objection to the present consideration of the joint resolution?

There being no objection, the joint resolution was considered as in Committee of the Whole.

The joint resolution was reported to the Senate without amend-ment, ordered to be engrossed for a third reading, read the third time, and passed.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. LODGE submitted an amendment intended to be proposed by him to the legislative, executive, and judicial appropriation bill; which was referred to the Committee on Foreign Relations, and ordered to be printed.

He also submitted an amendment intended to be proposed by

him to the District appropriation bill; which was referred to the

Committee on the District of Columbia, and ordered to be printed.

Mr. GIBSON submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was ordered to be printed, and, with the accompanying papers, referred to the Committee on the Library.

Mr. NELSON submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Commerce, and ordered to be printed.

Mr. ALLEN submitted an amendment intended to be proposed

by him to the sundry civil appropriation bill; which was ordered to be printed, and, with the accompanying papers, referred to the Committee on Military Affairs.

Mr. MORGAN submitted an amendment intended to be proposed

by him to the legislative, executive, and judicial appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. CHANDLER (for Mr. PRITCHARD) submitted an amendment intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

PRESENTATION OF MORNING BUSINESS.

Mr. LODGE submitted the following amendment to the standing rules of the Senate; which was referred to the Committee on Rules:

AMENDMENT TO RULE VII.

In section 1, after the words "following order," strike out as follows: "The presentation of petitions and memorials" and "the introduction of bills and joint resolutions."

Strike out sections 3 and 4 and insert in lieu thereof the following:

"3. Members having petitions or memorials or bills of a private nature to present may deliver them to the Secretary, indorsing their names and the reference or disposition to be made thereof; and said petitions and memorials or bills of a private nature, except such as, in the judgment of the Vice-President, are of an obscene or insulting character, shall be entered on the Journal with the names of the members presenting them, and the Secretary shall furnish a transcript of such entry to the Official Reporters of Debates for publication in the Record.

"4. Any petition or memorial or private bill excluded under this rule shall be returned to the member from whom it was received, and petitions and private bills which have been inappropriately referred may, by the direction of the committee having possession of the same, be properly referred in the manner originally presented, and an erroneous reference of a petition or private bill under this clause shall not confer jurisdiction upon the committee to consider or report the same.

"5. All other bills, memorials, and resolutions may in like manner be delivered, indorsed with the names of members introducing them, to the Vice-President, to be by him referred, and the titles and references thereof and of all bills, resolutions, and documents referred under the rules, shall be entered on the Journal and printed in the Record of the next day, and correction in case of error of reference may be made by the Senate on any day, immediately after the reading of the Journal, by unanimous consent, or on motion of a committee claiming jurisdiction, or on the report of the committee to which the bill has been erroneously referred.

"6. When a bill, resolution, or memorial is introduced 'by request,' these words shall be entered upon the

ALLEGED VIOLATION OF THE EIGHT-HOUR LAW.

Mr. ALLEN. I submit a resolution for which I ask present con-

The resolution was read, as follows:

Resolved, That the Secretary of the Navy be, and he is hereby, directed and required to inform the Senate—
First, whether Isaac Waiker & Sons, of Philadelphia, Pa., who are engaged in constructing additions to and making repairs on the naval hospital at Brooklyn, in the State of New York, have violated, or are violating, or suffering violations of the act of Congress of August 1, 1892, commonly known as the "eight-hour labor law," by requiring those engaged in laboring for them on said work to work more than eight hours per day; and if so, what steps, if any, have been taken by the Navy Department to prevent such violations; and if like violations are being committed by P. J. Carlan, a contractor, of Brooklyn, N. Y., and what steps, if any, are being taken to prevent the same; and

The joint resolution (S. R. 189) providing for the erection of a Government building at the Tennessee Centennial Exposition was read the first time by its title and the second time at length, as follows:

Resolved, etc., That the Secretary of the Treasury be, and he is hereby, authorized to solicit proposals and to contract for the erection of the build-

The VICE-PRESIDENT. Is there objection to the present con--sideration of the resolution?

Mr. CHANDLER. I think the resolution had better go over

until to-morrow.

The VICE-PRESIDENT. An objection being interposed, the resolution will go over under the rule.

Mr. ALLEN. Can I have the attention of the Senator just a

Mr. CHANDLER. Certainly.
Mr. ALLEN. This resolution only covers one suggestion. It is alleged, and I presume there is no doubt about the truthfulness of the statement, that Isaac Walker & Sons, who are engaged in repairing the hospital and making additions to the hospital at Brooklyn, N. Y., are violating the eight-hour law in requiring their laborers to work nine hours, and that by such means they are interfering with the established price of eight hours' labor in that market

The resolution simply calls for such information as the Secretary of the Navy may possess respecting this matter, and if he has no power to prevent a violation of the law it asks for his opinion as to the measures necessary to prevent a repetition of such a violation of it. I hope the Senator will withdraw his objection.

Mr. CHANDLER. If it is a mere call for information I shall not object, but I ask to have the resolution read again.

Mr. ALLEN. It is a mere call for information.

The VICE-PRESIDENT. The resolution will be again read.

The Secretary again read the resolution.

Mr. CHANDLER. In the first place, the words "and required" should be stricken out. The language is "directed and required." should be stricken out.
One direction is enough.
Mr. COCKRELL. That is enough.
Mr. CHANDLER. The words "and required" should be

stricken out.

Mr. ALLEN. Very well; let those words go out.

The VICE-PRESIDENT. The resolution will be so modified.

Mr. CHANDLER. Now, I ask the Senator whether he understands that these employments are in violation of an existing law of Congres

Mr. ALLEN. I do so understand, Mr. President. If the Senator will indulge me just a moment, I will state that I understand the established custom in Brooklyn and in that part of the country has approved the eight-hour system, and that all day labor is based upon eight hours of labor by the employee. I think there is no doubt about the fact that Isaac Walker & Sons, and possibly Carlan, have ignored the law, and required their men to work nine hours for the same wages that other men receive who perform like services for private parties, and who are accredited with eight hours of labor. Now, if that is being done, and there is information in the Navy Department of that fact, it occurs to me the Senate ought to know it and the country ought to know it, and if the Secretary of the Navy has no power to put a bit upon Isaac Walker & Sons of the Navy has no power to put a bit upon Isaac Walker & Sons and other contractors who are doing Government work, then it is high time for Congress to know that fact and to know what further legislation may be necessary to authorize restraint upon contractors on Government works.

Mr. CHANDLER. Mr. President, I may be very dull and not well informed, but I did not know that contractors for Government works.

ment work could not employ men more than eight hours a day. The law prohibits employing men for more than eight hours a day in the navy-yards and other Government establishments, and that law I had the honor to strictly enforce when I was in the Navy Department. There had been an adjustment of the hours of labor that was not in exact accordance with that law. The error was corrected. The law is in force in the navy-yards and in the arsenals of the country, but I did not know that contractors with the Government were limited as to the hours of labor in which their men should be employed.

The objection to the Senator's resolution is that it assumes all the way through that we have a law upon the statute book limiting Government contractors in their hours of labor for their men. I am informed by Senators around me that they are ignorant of any such law, and I think the Senator must be mistaken about it.

Mr. ALLEN. I have no doubt the Senator from New Hampshire was a most excellent Secretary of the Navy and carried out

shire was a most excellent Secretary of the Navy and carried out the provisions of all laws.

Mr. CHANDLER. I do not doubt that myself [laughter], but what I do doubt is whether there is any law which prohibits contractors employing men for more than eight hours a day.

Mr. ALLEN. Oh, Mr. President, the Senator from New Hampshire is throwing a spear at a gnat. That is not the question at all.

Mr. CHANDLER. The Senator should not regard himself as a gnat. [Laughter.]

Mr. ALLEN. No.

Mr. CHANDLER. I have always disclaimed any idea of ever belittling the proportions of the Senator from Nebraska. [Laughter.]

belittling the proportions of the Senator from Nebraska. [Laugh-

Mr. ALLEN. I agree with the Senator from New Hampshire that he was a great Secretary of the Navy, and that I am physically a fair-sized statesman—I think we will agree upon that—but what I mean by saying the Senator is throwing a spear at a gnat is this: Congress passed an eight-hour law that controls all work ander the supervision of the Government in all Departments. The Senator from New Hampshire and the Senators who are sitting around him are all good lawyers, and I believe intend to carry out the provisions of every law that is made and to enact such other laws as may be necessary to bring about the ends of justice. Now, here are men who are occupying a quasi-official position in this country. The law of respondent superior applies to the relation existing between these contractors and this Government. There can not be any doubt about that. The Secretary of the Treasury or the Secretary of the Navy has power, when he makes a contract with contractors to do work upon public buildings or a contract with contractors to do work upon public buildings or in the construction of naval vessels, to prescribe the hours that shall constitute a day for the performance of that work. I am satisfied my friend from New Hampshire, if he were in the Navy Department again, as he probably will be under the incoming Administration [laughter], would enforce a law of that kind. I feel confident that he would do that.

Mr. President if it shauld so haven that the Secretary of the

dent that he would do that.

Mr. President, if it should so happen that the Secretary of the Navy technically does not possess this power, I appeal to my friend from New Hampshire, as the friend of down-trodden labor and of men who are compelled to earn their living by their daily toil, that it is eminently proper that the Secretary of the Navy should inform us upon this subject, and that we should enact such further legislation as many heavestrial to restort this place of well.

is upon this subject, and that we should enact such further legislation as may be essential to protect this class of people. That is all that the resolution calls for.

Mr. CHANDLER. Mr. President, the resolution is objectionable in that it assumes that there is a law prohibiting contractors with the Government from employing their men more than eight hours a day. There is no such law, and the Secretary of the Navy has no right whatever to interfere with the heart of the Court of t hours a day. There is no such law, and the Secretary of the Navy has no right whatever to interfere with the hours of labor of Gov-ernment contractors. He has control over the laborers employed

ernment contractors. He has control over the laborers employed directly by the Government, and no others.

I think that the resolution is also objectionable at this time because it conveys an impression that there is a violation of law when there is no violation of law, as the Senator and every other Senator well knows. If the Senator will allow the resolution to go over, and it is in such a form that it does not create a false implication, then I shall have no objection to its passage.

Mr. ALLEN, I want to submit to my friend just this one property.

Mr. ALLEN. I want to submit to my friend just this one proposition, and then he can make his objection if he will. I want to ask the Senator if he takes the position that the Secretary of the

Navy has not the power to insert in the contract with Isaac Walker & Sons a provision that they shall observe the eight-hour law and to cancel their contract if they violate it?

Mr. CHANDLER. He may do it if he pleases, but he is not under the slightest obligation to do it. The Senator knows that the new Navy of the United States has been built mainly by contracts with outside parties, and the Secretary of the Navarrance. tracts with outside parties; and the Secretary of the Navy never has undertaken to prescribe the hours of the day during which the workmen upon those ships should labor. It would have made an enormous difference in the contract price of the vessels if he had. The Government has strictly limited itself so far to prescribing the hours of labor for its own employees, and the Sena-

scribing the hours of labor for its own employees, and the Senator's implication ought not to go in a resolution. The Senator, the more he talks, convinces me the more that the resolution ought to be carefully examined before it is adopted.

Mr. ALLEN. If I had known that, I might have started out with the Senator's views, and possibly I could have reconciled them with my present views, but I submit, if the Senator insists upon his objection, that while our Navy has been gotten up largely in the manner suggested by the Senator from New Hampshire, it has been at the expense of the life and the health and the rights of the men who did the work; and if this great Government has not the power to protect these people, and its Secretary of the Navy has not the manhood to protect them when he canbecause he has ample power to insert a provision in the contract for their protection—it is pretty near time the people of the United States should know that fact.

Mr. MILLS. Is this discussion by unanimous consent, Mr.

Mr. MILLS. Is this discussion by unanimous consent, Mr. President?

The VICE-PRESIDENT. The discussion is proceeding by unanimous consent.

Mr. MILLS. Then I object.

Mr. CHANDLER. Will the Senator from Texas allow me one word more?

Mr. MILLS. Very well.
Mr. CHANDLER. The Senator from Nebraska believes in an eight-hour day for all workmen, and possibly that proposition has some merit.

Mr. ALLEN. I work sixteen hours a day myself.
Mr. CHANDLER. But the law has not yet been put upon the

statute books that would authorize the Secretary of the Navy to do this thing

Mr. ALLEN

Mr. ALLEN. I disagree with the Senator. Mr. CHANDLER. Therefore the Senator ought not to make an implication in the resolution that there is such a law, when everyone knows there is no such law.

Mr. ALLEN. I think there is,

The VICE-PRESIDENT. Objection being interposed, the reso-

lution will go over.

HOUSE BILLS REFERRED.

The following bills were severally read twice by their titles, and referred to the Committee on Territories:

A bill (H. R. 7087) to amend section 8 of the act entitled "An act providing a civil government for Alaska," approved May 17,

A bill (H. R. 7088) to create the office of surveyor-general in Alaska.

CHICAGO RAILWAY STRIKE OF 1894.

The VICE-PRESIDENT laid before the Senate the following concurrent resolution of the House of Representatives; which was referred to the Committee on Printing:

Resolved by the House of Representatives (the Senate concurring), That the Attorney-General be, and is hereby, authorized and instructed to print as an appendix to his last annual reportfull copies of all telegraphic and other correspondence between the Department of Justice and public officers, private persons, railroad companies, and their officers and agents, in the year 1894, relative to the disorders in the city of Chicago, Ill., during said year, and to the action taken by the Government of the United States in suppressing the same.

UNIFORM SYSTEM OF BANKRUPTCY

Mr. HOAR. I ask that House bill 8110, being the bankruptcy bill, be made the special order for January 25, a fortnight from

bill, be made the special order for January 25, a fortnight from to-day.

The VICE-PRESIDENT. Is there objection?

Mr. COCKRELL. Let the title of the bill be read.

The VICE-PRESIDENT. The bill will be read by title.

The SECRETARY. A bill (H. R. 8110) to establish a uniform law on the subject of bankruptcies throughout the United States.

Mr. HOAR. What I desire is to have that bill made a special order not to come up before the 25th of January. That is by agreement with the Senator from Colorado [Mr. Teller], who is absent at this moment, and also to accommodate the Senator from Mississippi [Mr. George] who is absent. The Senate will then have the matter completely in its power.

Mr. ALLEN. I should like to ask the Senator from Massachusetts if the proposed arrangement is satisfactory to the Senator from Mississippi?

Mr. HOAR. I have no doubt it is, as it is satisfactory to the Senator from Colorado, who agrees with the Senator from Mississippi.

sissippi.

The VICE-PRESIDENT. Is there objection to the request of the Senator from Massachusetts? The Chair hears none, and it is so ordered.

TERMS OF PRESIDENT AND REPRESENTATIVES.

Mr. PROCTOR. I ask that Orders of Business 62 and 63 on the

table Calendar be taken from the table, read by the Secretary, and laid before the Senate for a very brief consideration.

The VICE-PRESIDENT. The resolutions will be read by title. The SECRETARY. A joint resolution (S.R. 180) providing that the Constitution of the United States be so amended that the President shall hold his office for one term of six years, and shall not be eligible for reelection, and a joint resolution (S.R. 181) pro-yiding that the Constitution of the United States be so amended that the members of the House of Representatives shall be chosen

that the members of the House of Representatives shall be chosen every third year.

Mr. PROCTOR. Mr. President, I believe in the wisdom of the changes proposed because:

First. A longer Presidential term and ineligibility for reelection are more in accord with the ideas and purposes of the framers of the Constitution than is the present system as it has developed in practical results.

Second. The proposed change is not radical or revolutionary, but is in the line of true conservatism. It is a change of the letter to preserve the spirit of the Constitution.

Third. Reeligibility is wrong in theory and vicious in practice, for it results in the use of the patronage of his office by the President for the promotion of his chances of reelection, or else subjects him to the impatrition of such page 2.

him to the imputation of such use.

Fourth. The change will more thoroughly divorce the legislative and executive branches of the Government, an end most strongly desired by the Constitutional Convention.

Fifth. Even if the present system was wise in the beginning,

the changed conditions, the growth of the country in population, especially in cities, the great increase in our territory, and the growing danger of sudden popular revulsions make the change now desirable

saved from such frequent disturbances, and the time and expense

saved from such frequent disturbances, and the time and expense incident to campaigns will be proportionately reduced.

Seventh. By lengthening the terms of Representatives to three years, laws will be better considered and will have a longer and fairer trial before their friends go out of power in Congress.

The American people rightly regard the Constitution with great reverence. It has proven itself wonderfully adapted to conserve to them equally the blessings of liberty and the protection of law. Our own judgment of its merits is perhaps influenced by our affection; but the verdict of affection is also the verdict of disinterested criticism. Mr. Bryce, whose commentaries upon our institutions are probably the most thoughtful foreign criticism since that of De Tocqueville, says:

It ranks above every other written constitution for the intrinsic excellence of its scheme, its adaptation to the circumstances of the people, the simplicity, brevity, and precision of its language, its judicious mixture of definiteness of principle with elasticity in detail.

We are naturally conservative with respect to any proposal to change it in any way. Surely such a proposal is not to be made

lightly nor without good reason.

The amendment proposed by the resolution is one of detail. Its purpose is not to change but really to strengthen the most fundamental principle of the Constitution—the separation of the execnertal principle of the Constitution—the separation of the executive and legislative powers. Nor is the proposal a new one. A longer Presidential term, without reeligibility, was the original decision of the Constitutional Convention. It was not changed without much wavering and many misgivings. A prominent member who declared near the close of the discussion that he had never made up an opinion on the question entirely to his own satisfac-tion, apparently spoke the sense of the whole. Since then it has

the third is the constitution and common law, from their own colonial and State constitutions, from former experiments in republican government, and from the writings of political philosophers they

took their precedents.

The Constitution-

Says a distinguished writer-

is no exception to the rule that everything which has power to win the obe-dience and respect of men must have its roots deep in the past.

But when they came to the discussion of a National Executive, precedents failed them. It was practically a field of original investigation. They wisely discarded, with practical unanimity, the idea of a plural Executive; but how to elect the Executive, the length of his term, and whether he should be eligible to a second term occasioned much discussion in the convention, and certainly more vacillation than any other problem before it.

On the 1st day of June

Says Mr. Bancroft in his History of the Constitution-

Says Mr. Bancrort in his History of the Constitution—
the convention took into consideration the National Executive. The same
spirit of conciliation prevailed, but with a chaos of ideas and a shyness in the
members to declare their minds. Should the National Executive be one or
many? a question, from a difference among themselves, the plan of the Virginia delegates had left undecided. Should it be chosen directly by the people, or by electors, or by the State legislatures, or by the executives of the
States, or by one branch of the National Legislature, or by both branches?
And if by both, by joint or concurrent ballot or by lot? How long should be
its term of service? and how far should its reeligibility be limited? * * *
Here the convention marched and countermarched for want of guides.

The old saying that intuitions are more reliable then effer.

The old saying that intuitions are more reliable than after-ing the word "seven," by a vote of five and a half to four and a half States, and the following day the ineligibility of the President for a second election was affirmed by a vote of eight and a half to one and a half States. In that shape it was reported June 19 from the committee of the whole. July 17 the convention voted to strike out the words "to be ineligible a second time," by a vote to strike out the words "to be ineligible a second time," by a vote of six States to four; but the same day they unanimously voted to reconsider their action. Two days later the convention voted to make the term six years, without the ineligibility clause. But on the 26th of the same month, by a vote of seven to three, they reverted to the original proposition of a seven-year term, the President to be ineligible a second time, and in that form it appeared in the proposition of the Continuing reserved to t dent to be ineligible a second time, and in that form it appeared in the original draft of the Constitution reported to the convention August 6 by the committee on detail. August 31 the convention referred such parts of the Constitution as had been postponed and such parts of reports as had not been acted upon to a committee of one from each State, and on September 4, or only thirteen days before the convention finally adjourned, that committee reported the provision in question of the Constitution substantially as finally adopted.

Since then the proposal has often been made, and from the

Sixth. Thereby the business interests of the country will be

second term. Jefferson was in favor of it. President Jackson urged Congress in several of his messages to propose to the States an amendment to the Constitution rendering the Executive ineligible after one term of service, and such a resolution was introduced in 1830.

Mr. President, I have noticed on a very recent anniversary occasion that associations of widely different political views have in their separate meetings paid their tributes of respect and affection to President Jackson. From another political standpoint I wish to indorse the views he gave on this subject.

In his annual message that year, after stating that he had before recommended that the President be made ineligible for reelection,

President Jackson said:

President Jackson said:

I renew the recommendation with an increased confidence that its adoption will strengthen those checks by which the Constitution designed to secure the independence of each department of Government and promote the healthful and equitable administration of all the trusts which it has created. The agent most likely to contravene this design of the Constitution is the Chief Magistrate. In order, particularly, that this appointment may, as far as possible, be placed beyond the reach of any improper influences; in order that he may approach the solemn responsibilities of the highest office in the gift of a free people uncommitted to any other course than the strict line of constitutional duty, and that the securities for this independence may be rendered as strong as the nature of power and the weakness of its possessor will admit, I can not too carnestly invite your attention to the propriety of promoting such amendment of the Constitution as will render him ineligible after one term of service.

In due time the Whigs took up the one-term principle, and they put it in their platform in 1844. Henry Clay advocated it with his accustomed vigor. The Southern Confederacy embodied it in its constitution. In 1866 and 1871 it was urged by Wade and Summer, who introduced resolutions in its behalf. Writing in 1871, Horace Greeley said:

All that is needed is an intelligent, earnest, widespread conviction that the practice of reelecting a Chief Magistrate while in office is fraught with evil and peril—that it distracts his attention from the proper cares and duties of his station, and compels him to consider not who are fittest and most worthy to fill the offices in his gift, but what choice will be most likely to improve his chances of renomination.

And again:

Office seeking is our national vice, divesting our workshops of apprentices and our farms of half the intelligent, energetic, aspiring youth who ought to make our agriculture of the next thirty years exhibit a series of brilliant advances and improvements upon all that preceded it. But vainly shall we hope for such reform through the lopping off of branches while the root of the upas remains intact and vital. That root is the reelection while in office of Presidents, governors, and other dispensers of vast patronage, with their consequent temptation to use that patronage in aid of their own continuance in power.

In 1876 Mr. Tilden, in his letter accepting the nomination for the Presidency, expressed himself as follows:

It might encourage delusive expectations if I withheld here the expression of my convictions that no reform of the civil service in this country will be complete and permanent until its Chief Magistrate is constitutionally disqualified for reelection, experience having frequently exposed the futility of self-imposed restriction by candidate or incumbent. Through this solemnity only can he be effectively delivered from his greatest temptation to misuse the power and patronage with which the Executive is charged.

August 18, 1884, President Cleveland wrote in his letter of acceptance:

When an election to office shall be the selection by the voters of one of their number to assume for a time a public trust instead of his dedication to the profession of politics; when the holders of the ballot, quickened by a sense of duty, shall avenge truth betrayed and pledges broken, and when the suffrage shall be altogether free and uncorrupted, the full realization of a government by the people will be at hand. And of the means to this end not one would, in my judgment, be more effective than an amendment to the Constitution disqualifying the President from reelection.

When we consider the patronage of this great office, the allurements of power, the temptation to retain public places once gained, and, more than all, the availability a party finds in an incumbent when a horde of office-holders, with a zeal born of benefit received and fostered by the hope of favors yet to come, stand ready to aid with money and trained political service, we recognize in the eligibility of the President for reelection a most serious danger to that calm, deliberate, and intelligent political action which must characterize a government by the people.

From the very foundation of the Government many of our

From the very foundation of the Government many of our ablest and most thoughtful public men have favored an amend-

ment to the Constitution prohibiting the reelection of a President.

In the Constitutional Convention the decision of the question actually turned upon the settlement of that other vexed question of how to elect the Executive. Choice by the National Legislature was proposed by the Virginia plan, and it seems to have been at the proposed by the Virginia plan, and it seems to have been at the proposed by the Virginia plan. in the beginning by far the most popular plan. The first vote for a seven-year term and ineligibility for a second term was taken when the greater part of the members regarded this as the most probable manner of election, and it was proposed by removing the possibility of a second term to make the Executive less dependthe possibility of a second term to make the Executive less dependent on the Legislature. As the plan to elect otherwise than by the National Legislature gained favor, it was urged that rotation in office was not necessary if the choice of the Executive was not to be lodged in the Legislature. All the various plans crystallized into two, election by the National Legislature with a long term and ineligibility, and choice by popular elections through the electoral college with a short term and reeligibility.

The chief arguments put forward in opposition to ineligibility were two. Roger Sherman urged that it kept out of the office men were two. Roger Sherman urged that it kept out of the once men who were best qualified to execute its duties; but the experience of the last half century has proven that the influence of an able and faithful administration is not a match for the personal disappointments of the army of favor seekers whom the President must turn away unsatisfied. Gouveneur Morris and Hamilton urged that it tended to destroy the motive to good behavior. In practice, reeligibility has proved to be a temptation in the opposite direction, to use the power and patronage of the office to promote reelection. The relation of patronage to the National Executive seems to have been little regarded. Indeed, the prospective patronage was not then large.

age was not then large.

It was also suggested that as a strong and popular Executive came to the close of his term and could not be reelected, there might be great danger that the people would be tempted beyond control to set aside the Constitution for their temporary gratification. Such fears were perhaps not groundless when the Constitution was but an experiment. But the stability of our institution has been said to the constitution has been said to the constitution was but an experiment. tutions has long since banished such fears, and no man can rival

tutions has long since banished such fears, and no man can rival the Constitution in the affection of the people.

The resolution proposes a modification of the Constitution, but it is a modification of a detail in order to strengthen its most fundamental principle. The very basis of the Constitution is the complete separation of the legislative and executive powers. So long as the Constitutional Convention contemplated the election of the Executive by Congress, it favored ineligibility for a second term, in order that the ambition of a President to succeed himself might not make him dependent upon Congress.

By the scheme of the electoral college-

Says Mr. Bancroft-

the convention hoped to escape from the danger of a corrupt traffic between the National Legislature and candidates for the Executive.

And again:

From confidence in the purity of the electoral body thus established the reeligibility of the Executive was again affirmed.

They foresaw the difficulty, but they were in error in thinking they had corrected it. There is no other part of the Constitution which in practice has worked so differently from what was expected as the machinery of Presidential elections. It was contemplated that the people would simply delegate their elective powers to Presidential electors and to Presidential electors, and

No Senator or Representative, or person holding an office of trust or profit under the United States—

Says the Constitution-

shall be appointed an elector.

Members of Congress and Federal officeholders were to be excluded from the electoral college. Thus they expected that the President would neither be dependent upon Congress nor upon

his own appointees for a reelection.

How different is it all in practice! The position of Presidential elector, though still regarded as one of dignity, is purely clerical. In honor he is excluded from the exercise of any choice. National elections are simply contests of the candidates of the political parties before the people. A President ambitious to succeed himself must secure the nomination from his party, and the most potent elements in national conventions are the very persons whom the Constitution intended to exclude from taking any part in the election of the President. Senators and Representatives in Con-gress and Federal officeholders may not constitute the majority gress and Federal officeholders may not constitute the majority of representation by actual count in national conventions, but their influence is the most potent in their constitution. The very dependence, therefore, upon Congress and upon Federal officeholders for election to a second term which the Constitution intended to prevent in fact exists. It can not be doubted for one moment that if the framers of the Constitution could have foreseen how little they were correcting the dangers they so evidently feared, they would never have abandoned their original intention of requiring rotation in the Presidential office. of requiring rotation in the Presidential office.

I will ask the Secretary to read what De Tocqueville said in

The VICE-PRESIDENT. The Secretary will read as requested. The Secretary read as follows:

The Secretary read as follows:

When a simple candidate seeks to rise by intrigue, his maneuvers must necessarily be limited to a narrow sphere; but when the Chief Magistrate enters the lists he borrows the strength of the Government for his own purposes.

* * * The private citizen who employs the most immoral practices to acquire power can only act in a manner indirectly prejudicial to the public prosperity. But if the representative of the Executive descends into the lists, the cares of Government dwindle into second-rate importance, and the success of his election is his first concern. All laws and negotiations are then to him nothing more than electioneering schemes; places become the reward of services rendered, not to the nation, but to its Chief; and the influence of the Government, if not injurious to the country, is at least no longer beneficial to the community for which it was created.

It is impossible to consider the ordinary course of affairs in the United States without perceiving that the desire of being reelected is the chief sim

of the President; that his whole Administration, and even his most indifferent measures, tend to this object; and that, as the crisis approaches, his personal interest takes the place of his interest in the public good. The principle of reeligibility renders the corrupt influence of elective governments still more extensive and pernicious. It tends to degrade the political morality of the people, and to substitute adroitness for patriotism.

Mr. PROCTOR. This De Tocqueville wrote in dispassionate and friendly criticism in 1835, when the patronage was relatively small. In the light of our subsequent experience and present conditions, can we say that he put the matter too strongly?

If a President aspires to a second term—and the best Presidents.

usually have so aspired-his acts and his appointments, if not his policy, are necessarily influenced and colored by that fact. if perchance he does not aspire to reelection, he is still hampered by the fact of the constitutional possibility of such reelection. His most unselfish and patriotic acts will be charged by some to that ambition, whether he entertains it or not. It promotes captious criticism. It induces distrust of the President's disinterestedness and patriotism, and it belittles and detracts from the dignity of the office itself. And not only does it weaken the President and his Administration at home, but the possibility of reeligibility actually weakens the effectiveness of our foreign policy. In the beginning of our present Venezuelan crisis the most common comment abroad upon the patriotic position taken by the President was that it was an electioneering dodge. Thus does the world discount an official expression of the patriotic sentiment of our people, because, in view of the possibility of the reelection of the President, the outside world also has become accustomed to look to that fact for the deepest motives of a President's actions.

We sometimes speak of the practical limit established by precedent against a third term. The wise and patriotic declension of Washington to serve a third time was based upon the very idea that there ought to be a limit to eligibility. But the limit thus imperfectly established does not meet the case, because actual prohibition of a third election does not relieve the first term from the evils of reeligibility, and because such a limit is so imperfectly established that in fact it scarcely relieves it of evil during the second. Reeligibility is wrong in theory, vicious in practice, and there should be a definite prohibition against it.

The greatest objection of which I am aware to this proposed.

The greatest objection of which I am aware to this proposed change is that it might deprive us, in time of some great national exigency, of the services of a leader who seems to be peculiarly equipped to be at the head of the Government. Such a thing is possible, yet I can hardly conceive of an emergency in which one man, and one man only, shall be fit to be at the head of the Government; and it is hard to believe that an emergency will arise that will last for more than six years, the term for which a President will be chosen under the proposed amendment. It is impossible to perfect any detail of a constitutional system so that it may not work unfavorably in some emergency. Constitutional systems, however, though intended to cover all exigencies so far as possible, are designed more to meet the everyday life and existence of the Government than some exceptional complication that may never occur. The question is, how to safeguard the public interests in the most cases and in the largest degree; how to obtain the most disinterested administration of the Government from day to day of our national existence. If a single term with prohibition of a second will do that, then we need not fear the other. In this very connection De Tocqueville says that "to reserve an expedient for extraordinary perils the country has been expected." dient for extraordinary perils, the country has been exposed to daily dangers.

To the objection that reeligibility is an incentive to good administration and therefore should not be removed, we answer that such an argument is as strong for reeligibility to a third term, and as strong for reeligibility to a fourth. There must be some final administration in which such incentive loses its force, and

it may as well be the first.

The principle of ineligibility for a second term has always been coupled with the proposal to lengthen the term. Though less important, it is perhaps not an unnatural correlative of the other. In the convention the question was between a longer term without reeligibility and a shorter one with it. The latter was regarded as the equivalent of the former, as it was expected that a President, if worthy, would ordinarily be reelected. And such was generally the rule during the first half century. Now it is the exception. Frequent Presidential elections disturb the business interests of the country, which in their present complicated conditions have become very sensitive to changes. At the foundation of the Government these interests were comparatively simple. Labor was largely its own employer, and its relations were not easily disturbed. Producer and consumer were more often than now combined in one. Telegraphs and railroads were unknown. The developing resources of the country had not yet brought with them the increased complexity of business relations between the different sections, and especially between this country and foreign lands—relations that now exist and are so quickly affected by the shifting fortunes of politics. Competition had not

become the fierce war of recent years. Not so nicely adjusted, business relations were not so easily disturbed. The influence of a Presidential election upon the business interests of the country a Presidential election upon the business interests of the country was not contemplated by the framers of the Constitution. They thought of the Executive and his election only in relation to the Government they were forming. They contemplated the Executive as a factor in that Government. They did not consider the effect upon the governed of the process of electing him. To-day, in a manner unforeseen by them, the Presidential elections raise the utmost havoc with all business interests. The unrest and lack of confidence in business circles truthfully reflect the uncertainty of the result of each election. In a recent paper, I find the following language attributed to Dr. Depew: lowing language attributed to Dr. Depew:

Every four years business is virtually paralyzed for fully six months, partly on account of the utter absorption of the people in the canvass and partly because such issues are raised in the campaign that business conditions are bound to be affected by the result. We have hardly recovered from the effects of one Presidential campaign before we are plunged into the midst of another. With a six-year term and a constitutional prohibition of reelection, we would have a President free during his term of office from any temptation to use his power in any way to secure a renomination or reelection, and free also from the suspicion of such an attempt, which is almost as bad.

Furthermore, the time taken up by a campaign and the expense Furthermore, the time taken up by a campaign and the expense incident thereto are matters of no small moment aside from the disastrous effects upon business interests. I realize that campaign funds are enveloped in a haze of obscurity, and that in speaking of them I am treading upon delicate ground; but it is safe to say that the expense of a campaign has increased many fold in the last twenty years. Grant's first campaign fund is said to have been \$150,000, but now it would require more figures to express the amount devoted to campaign purposes.

to have been \$150,000, but now it would require more figures to express the amount devoted to campaign purposes.

It has been suggested that the change might lengthen the term of a bad President, but there is not so much strength in the objection as there might seem. We have not often, if ever, had bad Presidents, and there would be much less danger of getting one with a six-year term than there is now with the four-year term, for there would be a longer time for the policy of the preceding Administration to have a fair trial and be approved or condemned. Administration to have a fair trial and be approved or condemned Administration to have a fair trial and be approved or condemned by the deliberate judgment of the people, and there would be much less danger of hasty political revulsions. If we were so unfortunate as to have an undesirable President who did not command the confidence and respect of the people, his power would soon be checked by the Congressional and Senatorial elec-tions; and if we were so unfortunate as to have a corrupt President, a calamity which has never yet occurred, he would always be subject to impeachment.

It seems to have been the experience of a good number of the States that long terms for their executive officers are desirable, Eleven of the States—California, Connecticut, Delaware, Indiana, Maryland, Mississippi, Pennsylvania, South Carolina, Vermont, Virginia, and West Virginia—have lengthened the terms of their governors from what they originally were, while of the eight States which formerly had gubernatorial terms of one year Massachusetts

which formerly had gubernatorial terms of one year massachusetts and Rhode Island only hold to the practice.

Even if wise in the beginning, the changed conditions, our growth in population, especially in the cities, the great increase in our territory, and the growing danger of sudden popular reaction make the change advisable as a matter of safety. It is not a radical or revolutionary change, but one in the line of true conservatism. It is a change in the letter of the Constitution to preserve its spirit. It is more in accord with the ideas and purposes of the framers of the Constitution than are the practical results that have developed

from the present system.

In what I have said of the dangers of the present situation, I speak with great deference of the great men who have filled the high office of President and who have been candidates for reelection. I doubt not but that they have been as little influenced and controlled by the selfish considerations mentioned as one placed in so inconsistent a position could be. The difficulty, however, controlled by the seinsh considerations mentioned as one piaced in so inconsistent a position could be. The difficulty, however, is that the position is inherently an inconsistent and antagonistic one. One person can not in the nature of things be at the same time a perfect President and a Presidential candidate. I believe that the people are becoming more and more dissatisfied with having the high office of President used, or having it possi-They are becomble to use it, to prolong the incumbent's tenure. ing more and more dissatisfied with seeing Presidential campaigns run from the White House. It will be tried just as long as it is possible. It will only cease when the Congress and the States by constitutional amendment return to the spirit of the Constitution and the original plan of the framers. Then no personal ambition of a Chief Magistrate can ever compete with his ambition to serve his country well and leave an honorable record for his Administration.

The extension of the terms of Representatives in Congress should go with the extension of the Presidential term. The practical benefits sure to result from this change and the advantages of it to legislation are self-evident. Now the Representatives have

hardly concluded their first session before they come up for reelec-This long session must necessarily become longer with the h of the country. The legislation of the long session has growth of the country. The legislation of the long session has had no trial, and often, I may say usually, in the case of important new legislation on lines of party policy, there is a popular reaction before it can have a fair trial. Then comes the short session, in which little is done except to pass appropriation bills. With a three years' term, instead of the present single inordinately long session, there would be two sessions unlimited by the end of a Congress, and of more moderate duration, which would end of a Congress, and of more moderate duration, which would practically nearly double the time for deliberation and considerate legislation. The laws of the first session would have been in operation for a year or more, which would give time for a fairer trial and consideration by the people, with much less danger of too hasty legislation and too hasty condemnation of laws when once made—a danger to which the country is more and more sub-

jected as it grows older.

I believe that the amendments suggested, if adopted, will lead to more stable administration and to better legislation and to better and more conservative consideration of public questions by the people.

Mr. MILLS. The Senator from Nevada has the floor.
Mr. STEWART. I will take but a moment. The recommendation that the President shall not be eligible for reelection I fully approve. There is no doubt that it would be a great gain. I concur with the recommendation of General Jackson in that respect. But to lengthening the term I see grave objections. There would be too much at stake. The country would be too much disturbed to have an election pending which would put the Chief Executive in office for the term of six years. That would be reform in the wrong direction. The Senator from Vermont suggests that it is wrong direction. The Senator from Vermont suggests that it is

wrong direction. The Senator from Vermont suggests that it is very expensive to elect—

Mr. MILLS. I hope the Senator from Nevada will not take me off the floor. I gave notice that I would address the Senate this morning, and if he wishes to discuss this question, he can do so at some other time. I think I am entitled by the courtesies of the Senate and under the rule to proceed with my argument.

Mr. STEWART. I did not know that the Senator from Texas was entitled to the floor. Let the joint resolutions lie on the table, and I will complete my remarks to-morrow morning.

and I will complete my remarks to-morrow morning.

The VICE-PRESIDENT. It will be so ordered.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. O. L. PRUDEN, one of his secretaries, announced that the President had on the 8th instant approved and signed the following act and joint resolution:

An act (S. 2047) extending the time within which the University of Utah shall occupy lands heretofore granted to it; and

A joint resolution (S. R. 162) continuing in force section 2 of the act approved June 3, 1896, entitled "An act to repeal section 61 of an act to reduce taxation, to provide revenue for the Government, and for other purposes," which became a law August

28, 1894.

The message also announced that the President of the United States had on the 9th instant approved and signed the following

An act (S. 337) to refer the claim of the owners of the brig Tally-Ho to the Court of Claims; and

An act (S. 1265) for the relief of Emmart, Dunbar & Co.

INDEPENDENCE OF CUBA.

The VICE-PRESIDENT. The Chair lays before the Senate a joint resolution introduced by the Senator from Texas [Mr. MILLS], which will be read.

The joint resolution (S. R. 188) in reference to the recognition of the independence of foreign governments was read, as follows:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the expediency of recognizing the independence of a foreign government belongs to Congress, and when Congress shall so determine, the Executive should act in harmony with the legislative department of the Government.

SEC. 2. That the independence of the Republic of Cuba ought to be, and hereby is, recognized, and the sum of \$10,000 is hereby appropriated for salary and expenses of a minister to that Government whenever such minister shall be appointed by the President.

Mr. MILLS: Lock the appropriate of the Senate that

Mr. MILLS. I ask the unanimous consent of the Senate that when 2 o'clock arrives I may be permitted to continue my remarks until I have closed.

The VICE-PRESIDENT. Is there objection?
Mr. HOAR. Before consent is given, I desire to inquire what will be the order of business after that?

The VICE-PRESIDENT. The homestead bill will come up as

the unfinished business at the conclusion of the remarks of the Senator from Texas.

Mr. HALE. I do not think the Senator in charge of the unfinished business would object to the request of the Senator from Texas if he were here.

Mr. MILLS. If there is objection, I shall not take the floor.
Mr. HOAR. I do not rise to object, but to learn what is to be
the order of business later in the day. Is it the purpose of the Senate after the Senator from Texas concludes to go on with the homestead bill?

The VICE-PRESIDENT. So far as the Chair is advised, that

will be the order of busines

Mr. HOAR. I do not think that that bill should stand from day to day having precedence over all other business and at the same time not to be taken up. I do not object to the Senator from Texas proceeding, but I should like to have it understood that when he concludes the homestead bill is to be taken up and proceeded with.

The VICE-PRESIDENT. The Chair will lay that bill before the Senate as the unfinished business at the conclusion of the remarks

of the Senator from Texas.

Mr. FRYE. Then let the request of the Senator from Texas be put in a little different form—that at 2 o'clock the unfinished business shall be temporarily laid aside in order that he may complete

Mr. MILLS. It is all the same thing. There is no objection to

Mr. FRYE. It is air the same thing.

Mr. FRYE. It is hardly the same thing.

The VICE-PRESIDENT. Without objection, it will be so ordered. The Senator from Texas will proceed.

Mr. MILLS. Mr. President, on the 18th day of December last the Committee on Foreign Relations agreed to report to the senator of the United States a joint resolution recognizing the independence. the United States a joint resolution recognizing the independence of the Republic of Cuba. On the morning of the 19th of December a statement was given to the public press by authority of the Secretary of State, challenging the authority of the Congress of the United States to deal with that question. He stated that in order to allay misapprehension and injurious results that might follow at home and abroad he thought it his duty to announce to the world that the President had the "exclusive" right to deal with the question of the recognition of a foreign state, and that if both Houses of Congress should pass a joint resolution recognizing the independence of a foreign state, and it should be vetoed by the President and then be passed by a two-thirds majority over the President's veto,

then be passed by a two-thirds majority over the Fresident's veto, the law would be inoperative and of no effect.

I propose to meet that contention. It is an extraordinary contention, and this is the second time in the history of the Republic that it has been presented. When it was first presented, it met with a signal rebuke by the Congress of the United States, and I have the content of the doubt not it will meet with the same rebuke now. Where the distinguished Secretary obtains his authority I know not. The Congress of the United States and the executive department are both the creations of the Constitution. Whatever authority the President and the Secretary of State have comes from the words of that great charter, either by an express provision or by a just

of that great charter, either by an express provision or by a just and necessary implication from an express provision.

The Constitution of the United States gives the President the power to appoint an ambassador to a foreign government, but the foreign government must exist before the President can appoint an ambassador or a minister. The Constitution gives the President power to appoint to an office, but the office must be created before the President can appoint, and the power to create an office in this Government is vested in the legislative department of the Government, and so far as the relations of the people of the United States are concerned, the power to create a foreign of the United States are concerned, the power to create a foreign government rests with the Congress of the United States, for the power to recognize its existence is the power to create our relations with it.

I will not stop, Mr. President, further to discuss the constitutional provisions, but I will deal with some of the precedents that have provisions, but I will deal with some of the precedents that have been made for us by the illustrious men who have gone before us. The Secretary says that it is an "exclusive right" and power of the President, and the President alone, and in order to allay disturbances abroad and in the United States he feels constrained to say to all the world that the Congress of the United States has no power to deal with this question. This is a most remarkable statement. The great respect I have for the Secretary personally, and for his high position, and the respect I have for his chief, and the for his high position, and the respect I have for his chief, and the high station he fills, forbid me to say more. He has his duty to perform and I have mine, and however high his station I will not refrain from criticising him when in my judgment he has gone beyond the boundaries assigned him by the Constitution and laws of the United States.

In 1822, after the provinces of Spain on this hemisphere had been in revolt about twelve years, the House of Representatives called upon President Monroe for information, if any existed in the Department of State, in reference to the condition of those provinces, whether they were ready to be admitted into the family of nations. President Monroe did not say to the Congress, "This is none of your business; this is my 'exclusive right' and power, and you are inquiring about something as to which you have no authority to speak or to judge." He did nothing of the sort. March 8, 1822, he sent his message in response to the inquiry of Congress, and he says to the Senate and House of Representatives:

In transmitting to the House of Representatives the documents called for by the resolution of that House of the 30th January, I consider it my duty to invite the attention of Congress to a very important subject and to communicate the sentiments of the Executive on it, that, should Congress entertain similar sentiments, there may be such cooperation between the two departments of the Government as their respective rights and duties may require.

He seemed to understand that Congress had something to say about the recognition of the independence of a nation. He seemed to understand that both the executive and the legislative branches had a duty imposed upon them by the Constitution. He seemed to understand that they had to act in cooperation in this work, and after giving his views about the situation, after recommending to Congress, according to his views, that those provinces were entitled to be received into the family of nations, he does not say "I have recognized their existence; I have sent ambassadors to them; I have received their ambassadors." No. He says, in concluding, after giving his views:

Should Congress concur in the view herein presented, they will doubtless

Should Congress concur in the view herein presented, they will doubtless see the propriety of making the necessary appropriations for carrying it into effect.

Mr. GRAY. From whom does the Senator read? Mr. MILLS. I was reading from the message Mr. MILLS. I was reading from the message of President Monroe of the 8th of March, 1822.

When this communication of the Executive was sent to Congress it was referred to a committee, the Committee on Foreign Affairs of the House of Representatives. That committee reported on the resolution, and they say:

Your committee having thus considered the subject referred to them in all its aspects, are unanimously of opinion that it is just and expedient to acknowledge the independence of the several nations of Spanish America without any reference to the diversity in the form of their governments; and in accordance with this opinion they respectfully submit the following resolutions:

Resolved, That the House of Representatives concur in the opinion expressed by the President in his message of the 8th of March, 1822, that the American provinces of Spain which have declared their independence and are in the enjoyment of it ought to be recognized by the United States as independent nations.

Resolved, That the Committee of Western 2.2.

Resolved, That the Committee of Ways and Means be instructed to report a bill appropriating a sum not exceeding \$100,000 to enable the President to give due effect to such recognition.

How, in the face of this precedent, can the President and the Secretary of State now stand before the American people and say that the lawmaking power of this Government has no right to speak as to the recognition of a foreign state with which the people of the United States have to enter into commercial and other relations?

If this, sir, were the only precedent, they would be estopped by it. The President of the United States in 1822 did not recognize the independence of these States until he was fully authorized by the Congress to do it. In the law which they passed on the 4th day of May, 1822, Congress made the appropriations required according to the recommendation of the Committee on Foreign Affairs. On the 18th day of May, only a short time after, the President recognized the independence of Granada, Venezuela, and Ecuador. On May 27, 1823, he recognized the independence of Buenos Ayres, Chile, and Mexico. On the 26th day of May, 1824, he recognized the independence of Brazil, and on the 2d day of May, 1826, John Quincy Adams, his successor in the Presidential chair, carrying into effect the same provision of the statute of May 4, 1822, recognized Peru as an independent nation.

In all these instances the President cooperated with Congress, believing that Congress could rightfully pass upon the expediency and policy of recognizing the independence of a foreign state, and when Congress had passed upon that as a fact then it was his duty to accept that fact as conclusive, and to carry it into execution by appointing and receiving the necessary ambassadors and

by making treaties with those governments.

Now, sir, there is another instance in our history, and that is as to the great State one of whose public servants I am in this body. On the 2d day of March, 1836, the representatives of the people of Texas, then a State in the federal union of the United States of Mexico, met and declared their independence. On the 21st day of April her armies met in battle array the armies of the parent State and overwhelmed them with defeat and captured the President of the Mexican Republic. On the 18th day of June, 1836, Henry Clay offered a resolution in the House of Representatives providing for taking the initiatory steps toward the recognition of the independence of Texas. Andrew Jackson was then President of the United States. It was not a joint resolution. It did

not propose to bind by force. It simply expressed the opinion of the people of the United States, speaking through their Repre-sentatives and Senators. Andrew Jackson did not say that he had the exclusive right to deal with the question; and he always maintained that the executive department had the right to construe the Constitution for itself. But Andrew Jackson maintained that it was the prerogative of Congress to determine the expediency of the recognition of a foreign State, and it was the duty of the Executive to cooperate.

On December 21, 1836, after both Houses of Congress had passed this separate resolution—the resolution offered by Mr. Clay—the

President said to the Senate of the United States:

During the last session information was given to Congress by the Executive that measures had been taken to ascertain "the political, military, and civil condition of Texas." I now submit for your consideration extracts from the report of the agent who had been appointed to collect it relative to the condition of that country. No steps have been taken by the Executive toward the acknowledgment of the independence of Texas; and the whole subject would have been left without further remark on the information now given to Congress were it not that the two Houses at their last session, acting separately, passed resolutions "that the independence of Texas ought to be acknowledged by the United States whenever satisfactory information should be received that it had in successful operation a civil government capable of performing the duties and fulfilling the obligations of an independent power."

Now, the difference between President Jackson and President Monroe was that President Monroe and Congress concurred that the condition had been reached when the foreign States ought to be acknowledged. Congress, in the instance of General Jackson, said that Texas had reached that condition, but General Jackson did not believe it. Here was a severe test to the old warrior. He did not believe the time had come when the United States ought to acknowledge the independence of Texas. He was a man of strong will power. His convictions were strong and deep. His reliance upon their correctness made him almost immovable. But he, like President Monroe, felt that the two branches of governments. ernment ought to move harmoniously together. Hear what he

The acknowledgment of a new state as independent and entitled to a place in the family of nations is at all times an act of great delicacy and responsibility; but more especially so when such state has forcibly separated itself from another of which it had formed an integral part and which still claims dominion over it. A premature recognition under these circumstances, if not looked upon as justifiable cause of war, is always liable to be regarded as a proof of an unfriendly spirit to one of the contending parties. All questions relative to the government of foreign nations, whether of the old or New World, have been treated by the United States as questions of fact only, and our predecessors have cautiously abstained from deciding upon them until the clearest evidence was in their possession to enable them not only to decide correctly but to shield their decisions from every unworthy imputation.

Nor has any deliberate inquiry ever been instituted in Congress or in any of our legislative bodies as to whom belonged the power of originally recognizing a new state—a power the exercise of which is equivalent, under some circumstances, to a declaration of war, a power nowhere expressly delegated, and only granted in the Constitution, as it is necessarily involved in some of the great powers given to Congress; in that given to the President and Senate to form treaties with foreign powers and to appoint ambassadors and other public ministers; and in that conferred upon the President to receive ministers from foreign nations.

Having thus discharged my duty by presenting with simplicity and directness the views which, after much reflection I have been led to take of this important subject, I have only to add the expression of my confidence that if Congress shall differ with me upon it their judgment will be the result of dispassionate, prudent, and wise deliberation, with the assurance that during the short time I shall continue connected with the Government I shall promptly and cordially unite with you in such measure as may be deemed best fitted to increase the prosperity and perpetuate the peace of our favored country.

I call the attention of the Senate particularly to these words:

In the preamble to the resolution of the House of Representatives it is distinctly intimated that the expediency of recognizing the independence of Texas should be left to the decision of Congress. In this view, on the ground of expediency, I am disposed to concur.

That is what I have stated in the resolution now under consideration. The question of the expediency of recognition of a foreign state is within the province of Congress and not with the Executive. That, General Jackson says, is his opinion; that, the House of Representatives said, was its opinion; that, the House of Representatives said, was its opinion; that, the Senate of the United States said, was its opinion. And, going still further, General Jackson's message, in December, 1836—

Mr. GRAY. Will the Senator from Texas read the sentence just following the one last read, separated by a semicolon?

Mr. MILLS. Will the Senator just read it? I have closed the beek.

Mr. GRAY. Shall I read it?
Mr. MILLS. Yes.
Mr. GRAY. I will read the whole sentence, repeating the part the Senator has read:

In this view, on the ground of expediency, I am disposed to concur; and do not, therefore, consider it necessary to express any opinion as to the strict constitutional right of the Executive, either apart from or in conjunction with the Senate, over the subject.

Mr. MILLS. The first sentence embraced the whole, that on the question of expediency he concurred.

Mr. CHILTON. If my colleague will read a little further, he will find a still further recognition of that doctrine in the same

Mr. MILLS. I think I will put the whole of it in my speech. It is well in these days to go back to General Jackson and read all

he says.

Mr. GRAY. It is.

Mr. MILLS. In order to emphasize this still further, Robert J. Mr. MILLS. In order to emphasize this still further, Robert J. Walker, then a Senator from the State of Mississippi, afterwards in the Cabinet of President Polk as Secretary of the Treasury, and one of the most distinguished men this country ever produced, introduced a resolution in the Senate of the United States January 12, 1837, which I shall read. General Jackson's message was in December, 1836.

The resolution is as follows:

Resolved, That the State of Texas having established and maintained an independent Government, capable of performing those duties, foreign and domestic, which appertain to independent governments, and it appearing that there is no longer any reasonable prospect of the successful prosecution of the war by Mexico against said State, it is expedient and proper, and in conformity with the laws of nations, and the practice of this Government in like cases, that the independent political existence of said State be acknowledged by the Government of the United States.

Submitted January 12, 1837.

That resolution was adopted by the Senate, and then, on the 3d

day of March, 1837—
Mr. HALE. Mr. President—
The PRESIDING OFFICER (Mr. VILAS in the chair). Does the Senator from Texas yield to the Senator from Maine?

Mr. MILLS. Certainly.
Mr. HALE. Was the resolution cited by the Senator as having been submitted by the then Senator from Mississippi, Mr. Robert

J. Walker, a joint resolution?

Mr. MILLS. No, sir; I said it was a Senate resolution.

Mr. GRAY. It was an expression of opinion.

Mr. MILLS. It was a Senate resolution.

Mr. HALE. Does it in terms, like the resolution reported from the Committee on Foreign Relations, declare an assertion of the Republic of Texas, or is it only an expression that it should be recognized by the Government? The resolutions reported by the Committee on Foreign Relations, of which the Senator is a member, in terms assume the whole thing. I have found nowhere any resolution of either branch-

Mr. MILLS. I hope the Senator from Maine will let me pro-

ceed and answer me hereafter.

Mr. HALE. I will not interrupt the Senator. I do not pro-

pose, I will say, to take part at the present time in the debate.

Mr. MILLS. The Senator is proposing to answer my argument.

Mr. HALE. I wanted to call attention to the fact. Then I wished the Senator also to state by what yote the Walker resolution—a mere expression of opinion in a Senate resolution—passed

ton—a mere expression of opimion in a Senate resolution—passed that great body.

Mr. MILLS. By a vote of 23 to 19.

Mr. HALE. Has the Senator looked—

Mr. MILLS. But, in a republican government, Mr. Jefferson said that a majority of 1 is as good as if the whole body were unanimous; it is the expression of the body of the people; and all our institutions stand upon a majority.

Mr. HALE. If the Senator will look a little further on, he will find that the least action which took place on the resolution is that

find that the last action which took place on the resolution is that on a motion to reconsider it was only saved by a tie vote—24 to 24—

and that was the end of it.

Mr. MILLS. I hope the Senator will answer me fully when I get through, and not attempt to answer every position that I take

Mr. HALE. I will not interrupt the Senator. But will the Senator allow me to ask him one more question? I do not wish to interfere improperly, but before he leaves this branch of the subject does he purpose to submit to the Senate the action the House of Representatives took?

Mr. MILLS. Upon what?

Mr. HALE. Tree does not be senated as the senated action the senated acti

Mr. HALE. Upon this resolution?
Mr. MILLS. It never was sent to the House of Representatives. It was simply a resolution of the Senate of the United

Mr. HALE. I do not mean the Senate resolution, but upon this subject-matter and the message of President Jackson. I do not ask the Senator to do it; I shall do it myself at some future time.

Mr. MILLS. All right; that is satisfactory.

Mr. HALE. But I ask the Senator if he is going into the House action at the time he cites the Senate action?

Mr. MILLS. If the Senator will possess his soul in patience, I shall show him in the course of the next hour what I am going

Mr. HALE. I should like, as the Senator is—
Mr. MILLS. I want to go back to the point where I started. I hope the Senator will not disturb me by questions of this sort. It is not fair in debate—

Mr. HALE. The Senate will judge whether it is a good practice or not

Mr. MILLS. To ask me to state what I am going to say in the next hour

Mr. HALE. I shall not interrupt the Senator further. There

Mr. HALE. I shall not interrupt the Senator turther. There will be ample time to give to the Senate these precedents.

Mr. MILLS. Of course there will be, and no one can do it better than the Senator from Maine. He is thoroughly informed on all these questions and is a gentleman of acknowledged ability. I simply say that when a Senator rises to discuss a question it is not

simply say that when a Senator rises to discuss a question it is not proper for others to rise and constantly take his mind from the subject by putting to him a catechism.

Mr. HALE. Certainly it is not, unless he is willing.

Mr. MILLS. It is permitted every day to ask a question of a Senator when he is speaking, but I never have done so in twenty, five years in either House unless on his side of the question, and I could suggest something to him that he would everless as he could suggest something to him that he would overlook as he

could suggest something to him that he would overlook as he went along.

To close this point on the history of Texas, Congress passed a law, signed by President Jackson on the 3d day of March, 1837, making provision for the appointment and pay of a representative or minister from the United States to Texas, and that finished the recognition of the independence of Texas by General Jackson, so the history says, in the very last act of his Administration.

Mr. HALE. On what condition was that act passed?

Mr. MILLS. The consular and diplomatic appropriation bill made an appropriation of so much money to pay the expenses of a minister or a diplomatic agent to Texas.

minister or a diplomatic agent to Texas.

Mr. HALE. "Provided." What was the proviso?

Mr. MILLS. Of course, I say, provided the President sends him. I said that this is a coordinative function between the legnim. I said that this is a coordinative function between the legislative and executive departments. I am answering the extraordinary position assumed by the Secretary of State, that this whole question devolves exclusively on the President. I do not deny the President's part in that performance, but I deny his exclusive assumption of all authority over the subject. I will not stop to discuss the question of taste as to the Secretary of State announcing to the world before an act was passed by the Congress that they had not authority to do what they were going to de and that they had not authority to do what they were going to do, and that if they did do it it would produce disaster throughout Christendom.

Mr. MORGAN. May I ask the Senator from Texas whether on

that subject

The PRESIDING OFFICER. Does the Senator from Texas yield to the Senator from Alabama?

Mr. MILLS. Oh, certainly.
Mr. MORGAN. Has the Senator examined the report made by
Henry Winter Davis?
Mr. MILLS. I have it before me. I will come to it in due order.

Mr. MILLS. I have it before me. I will come to it in due order. This, Mr. President, concludes two memorable instances. The first is the case of President Monroe, one of the noblest men this country ever produced, a man over whose shoulders boards of trade and stock exchanges never threw their tentacles, a man who had led the fighting squadrons of Virginia on many of the fields of the Revolution, and himself had fallen leading his gallant troops on the field at Princeton. He stood for the liberties of his people, and he sympathized with all struggles for liberty all over the world, and especially in this hemisphere, where he maintained that there was a peculiar set of principles adapted to this hemisphere with which Europe should have nothing to do. He was supported by many great men in council, one of whom succeeded him in the Presidency. All the members of his Cabinet doubtless concurred with him in the position he took.

It is something strange at this late day, after so many illustri-

It is something strange at this late day, after so many illustri-ous statesmen in the United States have led the way and marked the jurisdiction of the legislative and executive departments of the jurisdiction of the legislative and executive departments of the Government on this question, that the President in the closing hours of the nineteenth century has just discovered the fact that he alone has control of this whole question, and that he will set Congress at defiance if they dare to pass a joint resolution, and pass it by a two-thirds vote over his veto. Should such an occa-sion ever present itself, this Government will not be wanting in ability to enforce the decisions which are made by the legislative branch of the Government within the jurisdiction given to it by the Constitution.

Mr. President, during the Hungarian revolution in 1848 Zachary Taylor was President of the United States and John M. Clayton, of Delaware, was his Secretary of State. He sent a special agent to Hungary to go among its people secretly and obtain informa-tion of the existing condition of the revolution, and ascertain and report to the President whether the revolution had attained a condition that Hungary ought to be recognized as a member of the family of nations. I will read what Mr. Clayton said to his special agent:

Should the new government prove to be in your opinion firm and stable-Quoting the very language, I believe, of James Monroe-the President will cheerfully—

Do what?

recommend to Congress at their next session the recognition of Hungary, and you might intimate, if you should see fit, that the President would in that event—

What event? In the event that Congress authorized it-

in that event be gratifled to receive a diplomatic agent from Hungary in the United States by or before the next meeting of Congress, and that he entertains no doubt whatever that in case her new government should prove to be firm and stable her independence would be speedily recognized by that enlightened body.

He did not say, "Obtain information and I will recognize it;" he did not say, "I have the exclusive authority by the Constitution to recognize or not to recognize;" but he said, "Obtain information, bring it to the State Department," and the President would "make it the basis of a communication to Congress, under the authority given to him by the Constitution to make recommendations to Congress." It will be laid before Congress, its recognition will be recommended by the President, and he had no doubt that that enlightened body would follow his recommendation and authorize him to send and receive ambassadors.

Here are three Administrations proclaiming this doctrine without a challenge. Zachary Taylor died while this agent was abroad. He was succeeded by Millard Fillmore, President of the United States, and John M. Clayton was succeeded by a man whose name stands easily first among the constitutional lawyers of the United States, Daniel Webster. Chevalier Hulsemann arraigned the Government of the United States for unjustly interfering with the local affairs of Austria, and talked somewhat flippantly about the He did not say, "Obtain information and I will recognize it;" he

ernment of the United States for unjustly interfering with the local affairs of Austria, and talked somewhat flippantly about the power of Austria. Webster was not of that character of diplomats who use words to conceal ideas. He spoke boldly, he spoke like an American citizen, and when Chevalier Hulsemann intimated that Mr. Mann might be executed as a spy, he did not call on the Government of Austria to know what they would do and pass communications back and forth for ten or fifteen years. He said, "Sir, had you dared to do that, the Government of the United States would have exhausted all its military and naval resources to avenge the deed." He said, "The Government of the United States has a perfect right, by the law of nations, to send a special agent of its own into an insurrectionary country to see and special agent of its own into an insurrectionary country to see and obtain information upon which to act, and you have no right, nor have the House of Austria, to object." When the Austrian minister spoke about the House of Austria and its importance, he said it is but a patch upon the face of the earth as compared to the dimensions of the Republic. And he said in that letter to Hulsemann substantially what Clayton had said. He tells him, "It was only in the event that the new government should appear, in the opinion of the agent, to be firm and stable that the President proposed"—what? To recognize its independence? No. sir: that the President what? To recognize its independence? No, sir; that the President proposed "to recommend its recognition." To whom? To the only body on the face of the globe that had the power to recognize it, the lawmaking power of the Union.

Going on further, here are three illustrious instances to which the Secretary of State and Chief Magistrates of the nation have closed their great.

the Secretary of State and Chief Magistrates of the nation have closed their eyes. When it was proposed to recognize the Republics of Haiti and Liberia, Congress passed a law June 5, 1862, in which it is stated "that the President of the United States be, and hereby is, authorized, by and with the advice and consent of the Senate, to appoint diplomatic representatives of the United States to the Republics of Haiti and Liberia, respectively. Each of said representatives so appointed shall be accredited as commissioner," etc.

There was no ambassador sent to either one of those Governments until Congress authorized it by that act.

Subsequently to that time the Republic of Haiti was recognized by this Government in sending a commissioner and consul-general,

by this Government in sending a commissioner and consul-general, Mr. Benjamin F. Whidden, July 12, 1862, he having been authorized by the act of June 6, 1862.

Here is evidence enough, conclusive and overwhelming; and up to this period in our history the thought never seemed to have entered the brain of any American statesman that the executive

branch of this Government was alone authorized to dispose of this

Now, Mr. President, I reach the year 1864, during the Presidency of Mr. Lincoln, when Mr. Seward was Secretary of State, and this was the first instance in the history of the country when the Secretary claimed that the executive branch of the Government was exclusively empowered to recognize the independence of a foreign state. During the French invasion of Mexico in 1864, when a monarchy was established by military order, and the revolution was progressing by the republicans of Mexico to overthrow it, Mr. Seward wrote a letter to William L. Dayton, who was our minister to France, in which he took the position which Secretary Olney takes to-day. He says:

I send you a copy of a resolution which passed the House of Representa-tives on the 4th instant by unanimous vote, and which declares the opposi-tion of that body to a recognition of a monarchy in Mexico. M. Geofrey has lost no time in asking for an explanation of this proceeding.

Mr. MORGAN. What is the date of that letter?
Mr. MILLS. April 7, 1864. Here was the unanimous declara-

tion of the House of Representatives that they were opposed to the establishment or recognition of a monarchy in this continent, keeping their feet strictly in the paths of their fathers, who said that this hemisphere was dedicated to liberty, secured by governments owing all their just powers to the consent of the governed. Mr. Seward then goes on to say, and Mr. Dayton said it, doubtless, to the prime minister of France in Paris:

less, to the prime minister of France in Paris:

It is hardly necessary, after what I have heretofore written with perfect candor for the information of France, to say that this resolution truly interprets the unanimous sentiment of the people of the United States in regard to Mexico. It is, however, another and distinct question whether the United States would think it necessary or proper to express themselves in the form adopted by the House of Representatives at this time. This is a practical and purely executive question, and the decision of its constitutionality belongs, not to the House of Representatives, nor even to Congress, but to the President of the United States. You will, of course, take notice that the declaration made by the House of Representatives is in the form of a joint resolution, which, before it can acquire the character of a legislative act, must receive, first, the concurrence of the Senate, and secondly, the approval of the President of the United States; or, in case of his dissent, the renewed assent of both Houses of Congress, to be expressed by a majority of two-thirds of each body.

While the President receives the declaration of the House of Representatives with the profound respect to which it is entitled, as an exposition of its sentiments upon a grave and important subject, he directs that you inform the Government of France that he does not at present contemplate any departure from the policy which this Government has hitherto pursued in regard to the war which exists between France and Mexico. It is hardly necessary to say that the proceeding of the House of Representatives was adopted upon suggestions arising within itself, and not upon any communication of the executive department, and that the French Government would be seasonably apprised of any change of policy upon this subject which the President might at any future time think it proper to adopt.

Here is the authority upon which Secretary Olney and the Presi-

The President of the United States submitted the correspondence on a request from the House of Representatives. This correspondence was submitted to the Committee on Foreign Affairs of the House of Representatives. That committee reported, and I will read an extract from its report:

The Committee on Foreign Affairs have examined the correspondence submitted by the President relative to the joint resolution on Mexican affairs with the profound respect to which it is entitled because of the gravity of its subject and the distinguished source from which it emanated.

They regret that the President should have so widely departed from the usage of constitutional governments as to make a pending resolution of so grave and delicate a character the subject of diplomatic explanations. They regret still more that the President should have thought proper to inform a foreign government of a radical and serious conflict of opinion and jurisdiction between the depositories of the legislative and executive power of the United States.

No expression of deference can make the denial of the right of Congress constitutionally to do what the House did with absolute unanimity other than derogatory to their dignity.

They learn with surprise that, in the opinion of the President, the form and term of expressing the judgment of the United States on recognizing a monarchical government imposed on a neighboring republic is a "purely executive question, and the decision of it constitutionally belongs, not to the House of Representatives, nor even to Congress, but to the President has ever claimed such an exclusive authority. No Congress

This assumption is equally novel and inadmissible. No President has ever claimed such an exclusive authority. No Congress can ever permit its expression to pass without dissent.

Mr. MORGAN. Before the Senator proceeds to discuss that, I wish to ask if he has any objection to having that entire message and the entire report put into the RECORD as an appendix to his remarks?

Mr. MILLS. None in the world. Mr. MORGAN. I will therefore make that request, and that it also be printed as a document.

The PRESIDING OFFICER. Unless there be objection, it will be ordered to be printed in the RECORD as part of the remarks of the Senator from Texas, and separately printed as a document.

Mr. MILLS. That message of President Lincoln and this cor-

mr. MILLS. That message of President Lincoln and this correspondence was referred, as I have said, to the Committee on Foreign Affairs. The committee reported, and at the end of their report submitted a resolution, which was not adopted, but was laid upon the table because of an objection to the verbiage of the resolution. Everyone knows how close to the hearts of the people of the United States at that time President Lincoln was, and everyone knows how strong was the hold that Secretary Seward had. The Congress of the United States was almost exclusively Republican in both branches, with only a few Democrats in either body, and they did not feel like using any language that would reflect upon either one of those illustrious chiefs at a time when the country was involved in war-a great civil war, the greatest in the history of the world. But when the objection to the peculiar language of the resolution reported was removed, another resolution was offered affirming the doctrines maintained in this report. That resolution was capable of division, and the proposition being made, it was divided. The first subdivision of that resolution reads as

Resolved, That Congress has a constitutional right to an authoritative voice in declaring and prescribing the foreign policy of the United States as well in the recognition of new powers as in other matters; and it is the constitutional duty of the executive department to respect that policy not less in diplomatic negotiation than in the use of force when authorized by law.

What was the vote on that resolution? Out of 126 members in that body, 118 voted in favor of this resolution and only 8 against it. Does that show to the President or to the Secretary of State, or to anybody else in the country, that Congress was disposed to acquiesce in the decision—first made in 1864—that the executive de-

acquiesce in the decision—inst made in 1864—that the executive department of this Government alone had the authority to deal with the question of the recognition of a foreign state?

The second branch of that proposition was a rebuke to the Secretary of State for having informed the French Government of the division between the Senate and the House of Representatives and the French Government of the division between the Senate and the House of Representatives. on one side and the Executive on the other, and it read as follows:

And the propriety of any declaration of any foreign policy by Congress is sufficiently proved by the vote which pronounces it: and such proposition while pending and undetermined is not a fit topic of diplomatic explanation with any foreign power.

That was adopted by a vote of 68 to 58, and among those voting for it was a distinguished Republican who afterwards became President of the United States, Mr. Garfield; another I see before me, the venerable father of the body, the Senator from Vermont [Mr. Morrill]; and the Senator from Iowa [Mr. Allison], who, if the public press is to be believed, is soon himself to be Secretary of State, and a more capable one can not be found within the Repub-

lican party in the United States.

Mr. President, I have shown by the long and illustrious line of precedents in the days of the giants of this Republic that no one ever intimated that the President of the United States had the ever intimated that the President of the United States had the exclusive right to recognize or not to recognize the existence of a foreign state, and that when the proposition was first presented, even during the Administration of so great a man and one so strong in the affections of the people of the country as was. Mr. Lincoln, and in a time of war, the Congress of the United States, with almost absolute unanimity, denounced it; and I hope it will meet with no better fate now. Congress has the power, as General Jackson said and as the resolution said, to determine the question of expediency, and the Executive has the power when that is determined, and it is his duty, as President Jackson said, to act in harmony with the legislative department of the Government, and go forward and finish the joint act, the power to perform which is conferred by the Constitution upon the two branches of the Government. Government.

But, Mr. President, it may be said there are instances, and numerous ones, where the President has acknowledged the independence of foreign states without the intervention of Congress. Yes, when there was no question, when it followed as a matter of course, when a dynasty was overthrown and a new government instituted within an hour, our ministers have been authorized by the President to acknowledge the new government. When Dom Pedro was overthrown in a revolution that began and was finished record was overthrown in a revolution that began and was finished in five or six hours, he accepted the result of the revolution, took his family on board a ship, and announced to the people of Brazil that he was going to Portugal never to return. There could be no question whether the new government should be acknowledged or not; and its independence was acknowledged by the action of the executive department of the Government; but all that only shows that when the President, as the head of the executive department, assumes such a responsibility, he assumes it upon the supposition that the act is so confessedly just and right that the Congress will support him, just as it will in the case of a gallant naval officer off in a foreign country who sees a citizen of the United States spired by the armed shire of author supports. gallant naval officer off in a foreign country who sees a citizen of the United States seized by the armed ship of another government. He can not stop to report if he knows a citizen of the United States is going to be slaughtered; he can not legitimately make war, for that can only be done by a declaration of Congress; but he knows what his armed ship is scouring the seas for. He knows that it is for the protection of the citizens and the commerce of the United States.

It is that for which his flag is floating on the ocean. He is sent there for that purpose. When such a case occurred, what did the gallant old commodores, such as we had many long years ago, do? I believe they have not degenerated, for I believe we have as gallant a set of officers in our Navy now as ever stood on the quarter-deek of any vessel of any power on the earth. In Jefferson's ter-deek of any vessel of any power on the earth. In Jefferson's Administration, when the pirates had been levying tribute on the commerce of all the maritime powers who navigated the Mediterranean Sea, one of our old tars said he wanted to pay his tribute from the mouths of his cannon; and this Republic, which barely had come into existence on the Western Hemisphere, was the first power which laid down the principle that tribute would not be paid to the pirates of the Mediterranean, and that where we had a right to go we would go by force.

I recall a memorable instance in our history. I have often spoken of it. It is one of the brightest and most illustrious pages that has ever been written in our history. During that same Hungarian insurrection of which I spoke a poor fellow who had taken a part in that insurrection, and who had seen the fall and ruin of his country, fled to the United States. He declared his intention to become a citizen of this Government; he had re-

nounced allegiance to all foreign princes and potentates on the earth; he had sworn he would bear true faith and allegiance to the Government of the United States, and defend it against all enemies and opposers. The contract was made that invested him with the robe of citizenship of the United States. He went back to Smyrna, a neutral power belonging to Turkey, was seized by an Austrian officer, and taken on board of an Austrian man-of-war. His papers entitled him to the protection of that flag that we call "Old Glory." Commodore Ingraham happened to be there with one of our ships, the St. Louis. Around him were five armed war ships of Austria. Knowing that this man was a citizen entitled to our protection, though knowing that he was not authorized to make war, yet he battened down his hatches, sanded his decks. make war, yet he battened down his hatches, sanded his decks, shotted his guns to the lips, laid his vessel broadside to the Austrian vessel in whose hold Martin Koszta lay bound, and said: "I will give you until 4 o'clock to-day to release him, and if you do not release him, I will force his release." He was released. Commodore Ingraham, in reporting to the Secretary of the Navy, who called on him because Austria had complained of his conduct, said:

I know, sir, I have taken a fearful responsibility upon myself by this act; but after Mr. Brown had informed me Koszta had taken the oath of allegiance to the United States and forsworn all allegiance to Austria; that he was an American citizen, and had been under the protection of the legation at Constantinople, I could not hesitate to believe he was fully entitled to protection. It was a case of life and death, for if Koszta had been taken to Trieste, his fate was sealed; and could I have looked the American people in the face again if I had allowed a citizen to be executed, and not used the power in my hands to protect him, for fear of doing too much?

He was not authorized to levy war, but he knew what his ship was at Smyrna for, he knew what it was on the high seas for, and he knew what that flag symbolized when it floated at the masthead of an armed vessel of the United States. He knew that he must protect the citizens of the United States, and he did protect the conduct to the Secretary of the Navy, who

must protect the citizens of the United States, and he did protect them, and reported his conduct to the Secretary of the Navy, who said, "You did right, and I approve of everything you did."

So it is, sir, about the recognition of a foreign government without the intervention of Congress. So Mr. Jefferson thought when he purchased Louisiana. He said he was not authorized to purchase any territory. Mr. Jefferson was a strict constructionist, and he did not believe that the Constitution of the United States authorized the acquisition of foreign territory. He believed that the power to admit new States meant the power to admit them out of territory then belonging to the United States. But here was territory that was vital to the very existence of republican government about to pass out of the power of a weak, decaying, and dying monarchy into the hands of the most powerful monarchy in the world. Mr. Jefferson stepped in and said to Napoleon Bonaparte that he would fight him on all the waters of the earth before he would permit him to take possession of Louisiana and before he would permit him to take possession of Louisiana and the mouth of the Mississippi River. Mr. Jefferson then offered \$15,000,000 for Louisiana, which Napoleon took, and Mr. Jefferson then reported his action to Congress.

No, Mr. President, if there is a question raised, if Congress assumes that it has a right to speak and claims it, the President

can not act until Congress has passed upon the expediency of the

action.

action.

Here I leave this question and take up the question that follows. Congress having the power to recognize a foreign state, should it now recognize the existence of the Republic of Cuba? Why not? Cuba has a government; she has a president; she has a legislative assembly; she has courts; she has officers collecting the revenue; and I see by a statement just made by a gentleman who is soon to be a member of this body, already elected, who has been to Cuba, that the Cuban Republic even compels Spain to pay taxes to that Government, and that even General Weyler has to pay his share of such taxation. Nothing purchased in the island outside of Habana enters that city which does not pay taxes to the Republic before it enters the Spanish lines. All of the flour, beef, bananas, potatoes, every vegetable which appears on the table; every cigar that is smoked by General Weyler, if produced in Cuba, pays taxes to the Government of the Republic of Cuba, of which Mr. Cisneros is president. Here is a Government in full operation, levying taxes, administering the laws, ment in full operation, levying taxes, administering the laws, raising and supporting armies, fighting battles, and still the President says it is not ready for recognition. He tells us that it occupies two-thirds of the territory of the island—if he had said occupies two-thirds of the territory of the Island in his and nine-tenths he would have been more accurate—and the Secretary of State says it occupies two-thirds of the territory. The distinguished gentleman soon to be here as a colleague of my friend from Mississippi [Mr. Walthall] says, I believe, that the armed power of Spain can not get 25 miles from Habana without going out and making a raid and running back again for shelter; and yet the President thinks that because the Cubans do not come out and give nitched battle to the Spaniards they are not worthy of and give pitched battle to the Spaniards they are not worthy of recognition! The Cubans fight in their own way. The Cubans do not fight without arms and without munitions of war to enable the Spaniards to take them all and shoot them to death. They

fight so as to break down the power of Spain; they fight in the only way they can fight; and they fight to the death. The same criticism, however, might have been made by the President if he had lived two thousand years ago. He might have said that Rome had no government because Fabius would not fight Hannibal in open battle when Hannibal was encamped around the walls of Rome for seventeen years. The historian says Fabius baffled Hannibal by refusing to fight until Rome got ready to give battle in her own way; and when she did it was in Africa, where she overturned the government of Carthage and destroyed Hannibal and his army.

Now, we are told that Cuba is not to be recognized because she does not go out without arms in her hands, when she has only ten or fifteen or twenty thousand to fight one hundred or two hun-dred thousand; and the President says—and I suppose he is a great military genius—if they will do that the whole thing can be settled right off, and we should have peace in our neighboring nation. Yes, they could; but how is Cuba to obtain arms? How is she to obtain munitions of war? She can not build a ship like the South American provinces. Their armies had a vast extent of territory to go over. They could drive Spain and her armies; they could beat them occasionally; they could obtain munitions of war, but beat them occasionally; they could obtain munitions of war, but Cuba is surrounded by a chain of fire, surrounded by Spanish gunboats, which are constantly going in and out of all her ports. She can only obtain munitions of war by occasionally passing by the gunboats and running in and slipping in the munitions, which are obtained by the friends of Cuba in the United States; but while the armed forces of Spain are found around that island, keeping the Cubans from getting anything with which to defend their lives, the President of the United States has so administered the neutrality laws of this Government as to make his Administration a devoted friend of Spain. The Spaniards compliment and praise a devoted friend of Spain. The Spaniards compliment and praise him. I do not envy the President while he enjoys their enco-I do not envy him the tributes he receives from Castellar and Weyler, men who curse and denounce the Senate and House of Representatives of the United States and the people of the United States, while they laud the President with praises for his

The neutrality laws of the United States only bind the Administration to prevent the sailing of armed expeditions, and over and over and over again has it been ruled that the sailing of a vessel with arms and munitions of war is no violation of the neutrality laws of the United States, nor is it a violation of the neutrality laws of other countries. We have the neutrality laws passed in the Administration of President Monroe; and not only has it been held that arms and munitions could be shipped, but it has been held that an armed ship may be sent to insurgents lawfully by the laws of nations, only it has to run the peril of being captured by the enemy. Whenever the insurgents in Cuba come to the United States to buy arms and munitions with which to defend their liberties and to save themselves from destruction, they have to apply to the customs officer when their boat is loaded. The customs officer telegraphs to the Secretary of the Treasury, and the telegraphs orders from the Treasury are made public. He telegraphs orders from the Treasury to the customs The neutrality laws of the United States only bind the Admin-

and the telegrams to the Secretary of the Treasury are made public. He telegraphs orders from the Treasury to the customs officer, "Let the ship go, on her stating that she is going from a certain port to a certain port." That information is given to Spain by the public press, and Spain's gunboats can go to that port or seize the vessel on the way.

Is that fair and just? Would it be fair and just with any people of the earth outside of this hemisphere? President Washington in his Farewell Address to the people of the United States cautioned them against favoritism to governments, cautioned them against partialities. Neutrality means impartiality; means that all shall be treated alike; and yet the whole course of the policy of the present Administration in this Cuban struggle has been to strengthen the power of Spain and hasten the hour of the been to strengthen the power of Spain and hasten the hour of the destruction of the insurrection in Cuba. The President says in his message that the question of granting them belligerent rights is now no longer urged. Where did the distinguished Chief Magistrate of the nation get that remarkable information? He did not get it from Congress. Congress passed a law or a concurrent resolution, which is the expression of its opinion, and it is upon the statute book yet. If it were no longer urged, somebody would offer a resolution to repeal it on the ground that we had made a mistake; but instead of retracing our steps of last year, Congress is proposing to advance. I do not know where the President got that remarkable information. He did not get it from the people of the United States. The people of the United States are repub-licans and democrats in the broadest sense of both those terms. They believe in a government of the people founded on the consent of the governed. They are opposed to monarchy; they have no sympathy with Spain. Ninety-nine out of every hundred patriots in the United States deeply and profoundly sympathize with the insurrection in Cuba. It may be possible that the boards of trade, the stock exchanges, and the commercial clubs of the

great exporting cities on the Atlantic Seaboard and in the North and West have had access to his ears and given him that information.

Mr. MORGAN. The Senator will allow me to say that the Mr. MORGAN. The Senator will allow me to say that the Committee on Foreign Relations, when they first passed on this question, had before them resolutions adopted by, I think, not less than fifty boards of trade in the United States, urging the recognition of the belligerency of the Cuban insurgents.

Mr. MILLS. They do not do it now; they have gone back; because I have received communications from some of them, and

some very interesting letters from some of the distinguished comsome very interesting letters from some of the distinguished commercial gentlemen in the United States, criticising me for the part I have taken. They say: "Business has just begun to revive, and now you are going on tearing it all to pieces again; you want to bring on war. What have we got to do with Cuba? We are exporting and importing to Cuba; we are making money. Let us alone." It is this mercantile spirit in this country that is fighting against its honor. The President says we ought to do the right thing; not to use might, but to use right; and he speaks in his message of what we owe to Spain. We owe to Spain a certain duty that we ought to observe. He says:

Deferring the choice of ways and methods until the time for action arrives, we should make them depend upon the precise conditions then existing; and they should not be determined upon without giving careful heed to every consideration involving our honor and interest or the international duty we owe to Snain.

Do we owe no duty to the poor, struggling people whom Spain is butchering every hour? We have said for one hundred years, and we say it to-day, and the President repeats it in this very message, that we will let no other power interfere in Cuba. We will not let them go and assume a protectorate over that island. We have so said; we have shut them out from all houses of refuge; we have condemned them to slavery and to the despotism of the assassin who occupies the throne of Spain. We have done it; and we repeat it day by day, and yet shall we sit still in the Senate and in the House of Representatives and in the Executive chair of this nation and talk about our duty to Spain? We owe no duties to a despot, except the duties that we have covenanted in treaties that we have and with her and which shake presidents. that we have made with her, and which she has persistently refused to execute.

that we have made with her, and which she has persistently refused to execute.

We owe a duty to the people of Cuba. We said in the very beginning of our history that Cuba should remain under the dominion of Spain. We said no other European Government should acquire it. We said France should not have Louisiana, and we compelled her to sell it to us. We took the same ground with reference to Florida in 1811. We were then in a condition of quasi war with England and France. It was apprehended by our people that Great Britain was trying to get possession of Florida. On the 3d of January, 1811, Mr. Madison sent a message to Congress in which he said the country east of the Perdido River was so intimately connected with the security and tranquillity of the United States that he asked Congress to say by a declaration "that the United States could not see, without serious inquietude, that country pass from the hands of Spain into that of any other foreign power." Congress passed the act, and authorized him to take forcible possession of the territory, which he did, and occupied it with the Army, notwithstanding Spain was the proprietor of the territory; and from that day on to the day when the gallant Colonel Monroe, as President of the United States, threw the gauntlet of the young Republic at the feet of the Holy Alliance and dared them to lift it have we said that this hemisphere was not to be dominated by European influence.

President Washington said in his Farewell Address that Europe

not to be dominated by European influence.

President Washington said in his Farewell Address that Europe had a set of primary interests that did not concern us; that we should not entangle ourselves with them. When he sent his minister to negotiate the treaty of 1795, France and Spain proposed to the United States to enter into a triple alliance or tripartite treaty to guarantee the possession of Spain to all those provinces on this hemisphere. The proposition was instantly spurned, and for a hundred years that proposition has been made by France. for a hundred years that proposition has been made by France and England and Spain to the United States, and on every occasion it has been refused. We have refused to consider it or to talk about it. We have said: "This hemisphere belongs to the people in this country. Your interests are different from our interests; you have a set of interests and we have a set of interests wholly different. You have monarchies; we have republics. You have a balance of power by which, with vast standing armies, you maintain each other's boundaries, and by which you ally these great powers together to prevent a strong power from obliterating those boundaries and extending its dominion; we have nothing of the sort. You have colonization schemes; we know nothing about colonization. Under the Constitution of our country all territory which is acquired is acquired for the purpose of forming an equal State in the Union, with its Senators and Rep-resentatives. Your system is not our system."

That thing has been repeated by Jefferson and Madison and

Monroe and John Quincy Adams. Daniel Webster, Clayton, Crittenden, Clay, all of our great statesmen have repeated it, and we stand on it to-day, and it is by virtue of that declaration that we say to all foreign governments, "You shall not take that island from Spain. Our safety demands it, not yours. These people must be sacrificed, but our safety demands that the island shall not pass out of the dominion of Spain. It lies close to our shores. It commands the mouth of the Gulf of Mexico, which washes the shores of five of our States. Into that great holy of water are It commands the mouth of the Gulf of Mexico, which washes the shores of five of our States. Into that great body of water are poured the tributary streams that ramify the whole country. We can not permit it to go into the dominion of any other power except the poor and dying power that holds it merely as a tenant at will. We are the residuary legatees of that estate. The time is coming when we will take it. We have a right to grow just as you have a right to grow."

We ought to read the magnificent letter of Edward Everett, wherein he asked the British and French ministers, when they proposed to enter into a tripartite agreement to maintain the

wherein he asked the British and French ministers, when they proposed to enter into a tripartite agreement to maintain the sovereignty of Spain to Cuba: "How would you feel if there were an island at the mouth of the Thames or of the Seine that commanded the entrance to your capital, and if we, in the United States, who have no interest in Europe, should come and propose that that island, by a tripartite agreement, supported by the armed powers of those three powerful States, should remain in the hands of some one you can not control?"

armed powers of those three powerful States, should remain in the hands of some one you can not control?"

Cuba is in chains! Cuba is under a sentence of life condemnation! We talk about slavery. We talk about what we have done. We have deluged our land to blot it from our own continent when our own souls are defiled by the slavery that now exists in Cuba, and a just God will call us to account for it. We can not stand and see these people butchered—men, women, and children—their arms and legs torn from them; raids made into the cities, and unoffending citizens of every age and condition taken out and shot to death, and we still say we can not interfere. "We put you there. We will keep you there. You shall not go to England, who is ready to take you at any moment. You shall not go to Germany, who is ready to take you, and powerful enough to do so. You shall not go to France. You shall stay in your dungeon until Spain shoots you to death." And then, in their death struggle, in a war in which the motto is "Independence or extermination," we are throwing the whole power of this Administration in the interest of the monarchy of Spain.

the interest of the monarchy of Spain.

Mr. President, we owe something to our own people, as my distinguished friend the Senator from Alabama [Mr. Morgan] said awhile ago, in conjunction with the debt we owe to the poor, oppressed people of Cuba. The President says that the people of the United States look with wonder and admiration—wonder and admiration!-upon the monstrous armaments that are leaving Spain; upon the monstrous resources which she is pouring into this terrible and unequal conflict; upon the gigantic number of soldiers which she is concentrating upon that island for its desolation and the extermination of its people; that we, a people whose liberty has been bought with the sacrifice of our fathers and their blood; that been bought with the sacrifice of our fathers and their blood; that we who have erected, as a gift from a free people, a statue of Liberty upon our borders, naming it Liberty Enlightening the World, look with wonder and admiration upon the tremendous resources of Spain sent to that country to annihilate the poor, defenseless, unarmed people of Cuba. For my part, I repudiate the statement. I look with horror and indignation on it, and if I had the place which the President has, I would call upon the Congress of the United States to give me the power to take the armed fleets of this Government to Habana, and I would there protect the people of the United States or I would reduce those fortresses to a mass of

the United States or I would reduce those fortresses to a mass of mortar and ruin. [Applause in the galleries.]

Why are not our own people protected? There can not be any question about that point. Why is it that in this age when the press is running in every direction over the earth to get information to distribute to the brains of the American people, a newspaper correspondent without a penknife, with a certificate in his received showing that he is a newspaper correspondent without a penknife, with a certificate in his paper correspondent without a penknife, with a certificate in his pocket showing that he is a newspaper correspondent, with a certificate showing that he takes no part in the armed insurrection on the island, is taken out, strung up between two trees, and a squadron of cavalry rides by—at a dash—a gallant dash—and hews his flesh from his bones with machetes? Then what do we do? What does this great Republic do? She writes a note, and that note calls upon another officer to write another note, and, as poor Sanguilly said, it is words, words, words. Lying in prison in violation of the provisions of the treaty of 1877 for a year, and now condemned to perpetual imprisonment! Words! Why can not we demand of Spain that the perpetrators of this vile deed under Spain shall be punished? Why call upon Spain for words?

By military order when Sanguilty was captured, he was con-demned, I believe, to be shot or to be transported for life to the penal colony in Africa. The sentence was one or the other. Our Government called the attention of the Spanish Government to the fact that by treaty he must be tried by the civil courts. The

civil courts in Cuba! They have had the laws of the machete since 1825. Cuba has no courts but the courts that are decreed from the mouth of the Captain-General. "Well," Spain said, "if that will relieve you, all right." The judgment of the court at Madrid is set aside. The prisoner is ordered back to trial in Cuba by the civil courts, and a civil court is the creature of Weyler, and when the time comes for the trial, he takes out the only witness who can prove that the man was a noncombatant, the only witwho can prove that the man was a noncombatant, the only witness who can prove his innocence, and boldly shoots him to death, and imprisons the atttorney who defends him—and then brings the prisoner up for trial and, without any evidence, repeats the same condemnation. Then, what does our Government do? Some more words, words, words. They say, "He has been tried according to treaty. He has been tried by the civil courts. There is nothing to do now except to stand by and see an American shot to death for nothing." I say, Oh to God that we had one hour of Franklin Pierce, William L. Marcy, and Commander Ingraham! I say it is the duty of the Government of the United States to see that her citizen has a fair trial upon the merits of the accusation made against him, and to take some part in that controversy hermade against him, and to take some part in that controversy herself to see whether or not he is punished justly; and I care nothing about the verdicts of the courts of Spain or the courts of any other country on earth. If the citizen of the United States, in the judgment of his own Government, has violated no law, if he does not merit the punishment prescribed by a foreign government, I would make the atmosphere around Madrid smell of sulphur for

As I said about Govin a while ago, he was a newspaper correspondent for the Journal, I understand. He went there properly accredited, intending to go into the lines and among the people to get information. He had his papers showing that he was a newspaper correspondent for the Journal, I understand. get information. He had his papers showing that he was a newspaper man. He did not even have a penknife, and yet he was taken off and cut to pieces; and when called on for an explanation Weyler said he was wounded in battle one day and died of his wounds the next day, while other American citizens saw him strung between two trees and a charging squadron of cavalry come up and cut him to pieces with machetes. Is that satisfactory? It was not satisfactory to General Lee. He called for more information, and there were more words. He told the Captain-General that there must be some mistake; that he must have given him the case of some other person; that it was not the case of Govin. The Captain-General said no more except that his general said the man was taken in a battle that nobody ever heard of, and that he was severely wounded and died of his wounds the next day.

Then we fold our arms, and our representative at Habana asks, "What else can we do? I have pursued the inquiry until the Captain-General says the man is dead, and that he died from his wounds," when witnesses say he never was in battle and he never was wounded until he was wounded by the machete in the hands

of the Spanish soldiers.

of the spanish soldiers.

If it were not for the boards of trade and the stock exchanges and the commercial gamblers in the great cities who are interested in the exports and imports, it might be possible for the Government of the United States to show some virility all over the earth when the lives of its citizens and their persons are in danearth when the lives of its citizens and their persons are in danger. Now they are trying to scare the Congress of the United States with the tremendous power of Italy. Signor Crispi has declared, for the delectation of the American people, that Italy would regard it as a very serious complication of foreign affairs if we should recognize the independence of the people of Cuba. Who is Signor Crispi? There was a day when the Roman name was known throughout the whole earth. There was a time when it was feared by barbarians and loved by all those living within the protection of its flags. There was a day when the eagle rode in triumph before its conquering legions, from the Danube to the Indian Ocean. There was a day when the eagle was the symbol of Indian Ocean. There was a day when the eagle was the symbol of

her power. But that day has passed, and the symbol of her power. But that day has passed, and the symbol of the power of Italy to-day is a monkey and an organ grinder. [Laughter.]

Now, if Signor Crispi takes offense at the action of the Congress of the United States, and in conjunction with Spain he is desirous to make a holy alliance to attack the people of the United States, let them come with their monkeys and their organ grinders; let them come with their hot tomales and chile con carne. [Laughter].

Let them come

* * * like sacrifices in their trim,
And to the fire-ey'd maid of snoky war,
All hot, and bleeding, will we offer them.

This Government is too powerful to deliberate under the threat of the armed powers of the earth. [Applause.] It has power enough to defend its citizens under all skies and on all the waters of the globe, and in its past history it has done so.

Premier Castellar also has complimented the President. He talks about the crazy Senate and people of the United States. He talks about the greatness and the glory of the President of the United States. I do not envy the President that man's compliment. His hands are besmeared with the blood of fifty-seven

innocent American citizens who were executed while he was chief executive of Spain, murdered without trial. God grant that the day may come sometime when this great nation with all its power may once more be relieved from the shackles of the mercantile spirit of this country, when it may stand out in the face of the earth and assert and maintain the rights of its people everywhere, granting the rights of all other people honestly and religiously, observing them everywhere, and compelling every Government on the earth to respect the rights of its citizens.

on the earth to respect the rights of its citizens.

The President pays a high tribute to the national honor of Spain. I do not know at what period in her history his admiration begins. I do not know whether it begins when Torquemada was illuminating all the skies of southern Europe with the fires that burned to death those who opposed his views in religion and yet were loyal to the King of Spain. I do not know whether he refers to that period when the Duke of Alva was baptizing by immersion in blood the Netherlands and exterminating the whole population loyal to the King and loyal to his Government.

I do not know whether it was in that heroic age when Spain

I do not know whether it was in that heroic age when Spain first put her foot on Cuba's soil; when she found 3,000,000 of first put her foot on Cuba's soil; when she found 3,000,000 of her poor, simple-minded, kind, and inoffensive people, who received them with open arms, labored for them cheerfully, and with glad hearts ministered to all their wants. They erected the altars of Christianity and told them of the Nazarene who said they must love one another, visit the sick, clothe the naked, feed the hungry, and help the needy. They told them there was a time coming when the dead should rise again, and the good should ascend to heaven. The innocent and unsuspecting crowded around the altars of the Christians and joined them in mass. Before the Spaniard came they had an abiding faith that they would live again in another and a happier and fairer land than even beautiful Cuba. They rushed into the arms of the church and accepted that beautiful religion which the Spaniard preached. Soon the tiful Cuba. They rushed into the arms of the church and accepted that beautiful religion which the Spaniard preached. Soon the missionaries who had brought them the good tidings began to butcher them. They gathered them and hung them up and built fires under them and laughed when they writhed in contortions. They threw them over precipices, hundreds of feet high. They tore them limb from limb. They took women with their babes on their breasts, and the mothers falling over their little ones, yet them the Spaniard, pinioned each to the earth

their breasts, and the mothers falling over their little ones, vainly struggling to save them, the Spaniard pinioned each to the earth with the same lance; and as the mothers died they cried with tears streaming down their cheeks, "We do not want to go to the heaven where the Christian goes." Is this the period in her history that attracts the wonder and admiration of the President?

Mr. President, I feel that the people of the United States are in honor bound to interfere for the deliverance of those people; that they are in honor bound to protect our own people on that island and to see that when they are in possession of their rights not a hair on their heads shall fall to the ground. Whether the Congress of the United States or the President shall go forward to the discharge of their high duty, so long as I remain in this body as a representative of the people of Texas I will speak their views in favor of the discharge of every obligation of this Government and in favor of rescuing those poor people from the dungeon into which we have committed them. [Applause in the galleries.]

APPENDIX A.

PRESIDENT JACKSON'S MESSAGE IN RELATION TO TEXAS.

To the Senate of the United States:

PRESIDENT JACKSON'S MESSAGE IN RELATION TO TEXAS.

To the Senate of the United States:

During the last session information was given to Congress by the Executive that measures had been taken to ascertain "the political, military, and civil condition of Texas." I now submit for your consideration extracts from the report of the agent who had been appointed to collect it, relative to the condition of that country.

No steps have been taken by the Executive toward the acknowledgment of the independence of Texas, and the whole subject would have been left without further remark, on the information now given to Congress, were it not that the two Houses at their last session, acting separately, passed resolutions "that the independence of Texas ought to be acknowledged by the United States whenever satisfactory information should be received that it had in successful operation a civil government capable of performing the duties and fulfilling the obligations of an independent power." This mark of interest in the question of the independence of Texas and indication of the views of Congress make it proper that I should, somewhat in detail, present the considerations that have governed the Executive in continuing to occupy the ground previously taken in the contest between Mexico and Texas.

The acknowledgment of a new state as independent and entitled to a place in the family of nations is at all times an act of great delicacy and responsibility; but more especially so when such state has forcibly separated itself from another of which it had formed an integral part, and which still claims dominion over it. A premature recognition under these circumstances, if not looked upon as justifiable cause of war, is always liable to be regarded as a proof of an unfriendly spirit to one of the contending parties. All questions relative to the government of foreign nations, whether of the Old or New World, have been treated by the United States as questions of fact only, and our predecessors have cautiously abstained from decidi

has been the action of our Government that we have, under the most critical circumstances avoided all counts and encountered no other orit that circumstances avoided all counts and encountered no other orit that the trust make known to the world that the uniform policy and practice is the provided of the country of the provided that the uniform policy and practice is the third of the prevailing party without reference to our particular that the uniform policy and practice is the internal government of other nations and eventually to recognize the authority of the prevailing party without reference to our particular original properties that the prevailing party without reference to our particular original properties that the prevailing party without reference to our particular original properties that the prevailing party without reference to our particular original properties that the prevailing party without reference to our particular original properties of command at periods when the prevailing party without reference or the policy of the properties of the prevailing party without reference or the properties of the prevailing party of the prevailing that the prevailing party of the prevailing that the prevailing that the prevailing prevailing the prevailing prevailing that the preva

ANDREW JACKSON.

No. 461.1

APPENDIX B.

[Thirty-eighth Congress, first session. House of Representatives. Executive Document No. 92.]

MEXICO.

Message from the President of the United States, in answer to a resolution of the House of 23d instant, in relation to Mexico.

MAY 25, 1864.—Referred to the Committee on Foreign Affairs, and ordered to be printed.

JANUARY 11, 1897 .- Ordered to be reprinted.

To the House of Representatives

In answer to the resolution of the House of Representatives of yesterday on the subject of the joint resolution of the 4th of last month relative to Mexico, I transmit a report from the Secretary of State, to whom the resolution was referred. ABRAHAM LINCOLN.

WASHINGTON, May 24, 1864.

DEPARTMENT OF STATE, Washington, May 24, 1864.

The Secretary of State, to whom has been referred the resolution of the House of Representatives of yesterday, requesting the President to communicate to that House, "if not inconsistent with the public interest, any explanations given by the Government of the United States to the Government of France respecting the sense and bearing of the joint resolution relative to Mexico, which passed the House of Representatives unanimously on the 4th of April, 1864," has the honor to lay before the President a copy of all the correspondence on file or on record in this Department on the subject of the joint resolution referred to.

Respectfully submitted.

WILLIAM H. SEWARD.

To the PRESIDENT.

List of papers accompanying the report of the Secretary of State to the President of May 24, 1864.

Mr. Seward to Mr. Dayton, 7th April, 1864.—Extract, Mr. Dayton to Mr. Seward, 22d April, 1864.—Extract, Mr. Dayton to Mr. Seward, 2d May, 1864.—Extract, Mr. Seward to Mr. Dayton, 9th May, 1864.—Extract, Mr. Seward to Mr. Dayton, 21st May, 1864.—Extract.

Mr. Seward to Mr. Dayton.

DEPARTMENT OF STATE, Washington, April 7, 1864.

No. 525.] STR.

I send you a copy of a resolution which passed the House of Representatives on the 4th instant, by a unanimous vote, and which declares the opposition of that body to a recognition of a monarchy in Mexico. M. Geofrey has lost no time in asking for an explanation of this proceeding.

It is hardly necessary, after what I have heretofore written with perfect candor for the information of France, to say that this resolution truly interprets the unanimous sentiment of the people of the United States in regard to Mexico. It is, however, another and distinct question whether the United States would think it necessary or proper to express themselves in the form adopted by the House of Representatives at this time. This is a practical and purely executive question, and the decision of its constitutionality belongs not to the House of Representatives, nor even to Congress, but to the President of the United States. You will, of course, take notice that the declaration made by the House of Representatives is in the form of a joint resolution, which, before it can acquire the character of a legislative act, must receive, first, the concurrence of the Senate, and secondly, the approval of the President of the United States; or, in case of his dissent, the renewed assent of both Houses of Congress, to be expressed by a majority of two-thirds of each body. While the President receives the declaration of the House of Representatives with the profound respect to which it is entitled, as an exposition of its sentiments upon a grave and important subject, he directs that you inform the Government of France that he does not at present contemplate any departure from the policy which this Government has hitherto pursued in regard to the war which exists between France and Mexico. It is hardly necessary to say that the proceeding of the House of Representatives was adopted upon suggestions arising within itself, and not upon any communication of the executive department; and that the French Government would be seasonably apprised of

WM. L. DAYTON, Esq., etc., etc., etc.,

Mr. Dayton to Mr. Seward.

(Extract.)

PARIS, April 22, 1864.

No. 454.]

SIR: I visited Mr. Drouyn de l'Huys yesterday at the department of foreign affairs. The first words he addressed to me on entering the room were: "Do you bring us peace, or bring us war?" I asked him to what he referred, and he said he referred more immediately to those resolutions recently passed by Congress in reference to the invasion of Mexico by the French, and the establishment of Maximilian upon the throne of that country. I said to him, in reply, that I did not think France had a right to infer that we were about to make war against her on account of anything contained in those resolutions; that they embodied nothing more than had been constantly held out to the French Government from the beginning; that I had always represented to the Government here that any action upon their part interfering with the form of government in Mexico would be looked upon with dissatisfaction in our country, and they could not expect us to be in haste to acknowledge a monarchial government, built upon the foundations of a republic which was our next neighbor; that I had reason to believe you had held the same language to the French minister in the United States. This allegation he did not seem to deny, but obviously viewed the resolutions in question as a serious step upon our part; and I am told that the leading secessionists here build largely upon these resolutions as a means of fomenting ill feeling between this country and some others and ourselves. Mr. Mason and his secretary have gone to Brussels to confer with Mr. Dudley Mann, who is their

commissioner at that place. Mr. Slidell, it is said, was to have gone to Austria, although he has not yet got off.

I am, sir, your obedient servant,

WM. L. DAYTON.

Hon. WM. H. SEWARD, Secretary of State, etc., etc., etc.

Mr. Dayton to Mr. Seward.

[Extract.]

PARIS, May 2, 1864.

No. 461.]

PARIS, May 2, 1864.

SIR: Immediately upon the receipt of your dispatch No. 525, I applied to Mr. Drouyn de l'Huys for a special interview, which was granted for Saturday last. I then said that I knew that the French Government had felt some anxiety in respect to the resolution which had recently been passed by the House of Representatives in reference to Mexico, and inasmuch as I had just received a copy of that resolution, together with the views of the President of the United tates, I begged, if agreeable, to read to him your dispatch in reference to ——* latter. To this he assented, and as the shortest and most satisfactory mode, following out my instructions, I read to him that entire portion of your dispatch which applies to this subject, stating at the same time that I thought it was a remarkable illustration of the frankness and straightforwardness of the President. When the reading was closed, Mr. Drouyn de l'Huys expressed his gratification, and after asking some questions in regard to the effect of laying a resolution upon the table in the Senate, the conversation terminated.

The extreme sensitiveness which was manifested by this Government when the resolution of the House of Representatives was first brought to its knowledge has, to a considerable extent at least, subsided.

**

I am, sir, your obedient servant,

I am, sir, your obedient servant,

WM. L. DAYTON.

Hon. WILLIAM H. SEWARD, Secretary of State, etc., etc., etc.

Mr. Seward to Mr. Dayton.

[Extract.]

No. 542.]

SIR: Your dispatch of April 22 (No. 454) has been received.
What you have said to Mr. Drouyn de! Huys on the subject of the resolution of the House of Representatives concerning Mexico, as you have reported it, is entirely approved. The resolution yet remains unacted upon in the Senate.

Mr. Corwin was to leave Vera Cruz on the 3d instant under the leave of absence granted to him by this Department on the 8th of August last.

I am, sir, your obedient servant,

WM. L. DAYTON, Esq., etc., etc., etc.

WILLIAM H. SEWARD.

Mr. Seward to Mr. Dayton.

No. 561.7

DEPARTMENT OF STATE, Washington, May 21, 1864.

SIR: I have the honor to acknowledge the receipt of your dispatch of May 2 (No. 461), and to approve of your proceedings therein mentioned. We learn that Mr. Corwin, our minister plenipotentiary to Mexico, is at Habana, on his return to the United States, under leave of absence.

I am, sir, your obedient servant,

WM. L. DAYTON, Esq., etc., etc., etc.

WILLIAM H. SEWARD.

[Thirty-eighth Congress, first session. House of Representatives. Report No. 129.]

JOINT RESOLUTION ON MEXICAN AFFAIRS. JUNE 27, 1864.—Laid on the table, and ordered to be printed.

JANUARY 11, 1897.—Ordered to be reprinted.

JANUARY 11, 1897.—Ordered to be reprinted.

JANUARY 11, 1897.—Ordered to be reprinted.

Mr. Henry Winter Davis, from the Committee on Foreign Affairs, made the following report:

The Committee on Foreign Affairs have examined the correspondence submitted by the President relative to the joint resolution on Mexican affairs with the profound respect to which it is entitled because of the gravity of its subject and the distinguished source from which it emanated.

They regret that the President should have so widely departed from the usage of constitutional governments as to make a pending resolution of so grave and delicate a character the subject of diplomatic explanations. They regret still more that the President should have thought proper to inform a foreign government of a radical and serious conflict of opinion and jurisdiction between the depositories of the legislative and executive power of the United States.

No expression of deference can make the denial of the right of Congress constitutionally to do what the House did with absolute unanimity other than derogatory to their dignity.

They learn with surprise that, in the opinion of the President, the form and term of expressing the judgment of the United States on recognizing a monarchical government imposed on a neighboring republic is a "purely executive question, and the decision of it constitutionally belongs, not to the House of Representatives, nor even to Congress, but to the President for the United States."

This assumption is equally novel and inadmissible. No President has ever claimed such an exclusive authority. No Congress can ever permit its expression to pass without dissent.

It is certain that the Constitution nowhere confers such authority on the President.

All questions of recognition, sufficiently numerous in this revolutionary era, do not countenance this view; and if there be one not inconsistent with it, the committee have not found it.

All questions of recognition have heretofore been debated and considered as grave questions

The correspondence now before us is the first attempt to depart from that usage and deny the nation a controlling deliberative voice in regulating its The following are the chief precedents on recognition of new governments and the policy of the United States Government on that topic:

"For an outift and one year's salary to such minister as the President, by the following clause:

"For an outift and one year's salary to such minister as the President, by the following clause:

"For an outift and one year's salary to such minister as the President, by an an order of the salary to such minister as the President, by the following clause:

"For an outift and one year's salary to such minister as the President, as a minister of the salary to such that the people of the United States in the deep interest which her feel for the success of the Spanish provinces of South America which are truitional grouper to the President of the United States whenever he may deem it expedient to recognize the sovereignty and independence of any of the said province.

It was the success of the Spanish provinces of South America which are strutional growth and another. That the House approves of the course aeretoforp purpover," and another. That the House approves of the course aeretoforp purpover, and another. That the House approves of the course aeretoforp purpover, and another. That the House approves of the course aeretoforp purpover, and another. That the House approves of the course aeretoforp purpover, and another that the House approves of the course aeretoforp purpover, and another that the House approves of the course aeretoforp purpover, and another than the second purpover, and the second purpover, and

"Resolved, That the Committee of Ways and Means be instructed to report a bill appropriating a sum not exceeding \$100,000 to enable the President to give due effect to such recognition."

It is, therefore, equally apparent that the House of Representatives of the Seventeenth Congress was clearly of opinion with President Monroe that the question of recognition was not purely executive, but that it constitutionally belongs to Congress as well as to the President; that the legislature declares the will of the United States, which the Executive gives effect to, each concurring in the act of recognition according to their respective constitutional functions.

In obedience to that resolution the following bill recognizing the new

the will of the United States, which the Executive gives effect to, each concurring in the act of recognition according to their respective constitutional functions.

In obedience to that resolution, the following bill, recognizing the new nation, was reported and passed, and approved on the 4th of May, 1822:

"That for such missions to the independent nations on the American continent as the President may deem proper, there be, and hereby is, appropriated a sum not exceeding \$100,000, to be paid out of any money in the Treasury not otherwise appropriated."

The approval of that law completed the recognition of the new nations. The sending ministers to some or all of them was matter of executive discretion, not at all essential to or connected with the fact of recognition. Ministers were appointed to Mexico, Colombia, Buenos Ayres, and Chile on the 27th of January, 1823. None was appointed to Peru till May, 1829; yet it is certain Peru was as much recognized by the United States as the other governments from the 4th of May, 1822.

This great precedent has governed all that follow it.

The acknowledgment of the independence of Texas stands next in our history. It is a most instructive precedent, strictly following the forms observed respecting the governments of Spanish America.

On the 18th of June, 1836, on the motion of Henry Clay, the Senate adopted the resolution—

"That the independence of Texas ought to be acknowledged by the United States whenever satisfactory information shall be received that it has in successful operation a civil government capable of performing the duties and fulfilling the obligations of an independent power."

The House of Representatives, on the 4th of July, 1836, adopted a resolution in the same words; and added a second:

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"The House of Representatives, on the 4th of July, 1836, adopted a resolution in the same words; and other president of the United States has

and in that conferred on the Fresident to receive ministers from foreign nations."

"In the preamble to the resolution of the House of Representatives, it is distinctly intimated that the expediency of recognizing the independence of Texas should be left to the decision of Congress. In this view, on the ground of expediency, I am disposed to concur; and do not, therefore, think it necessary to express any opinion as to the strict constitutional right of the Executive, either apart from or in conjunction with the Senate, over the subject. It is to be presumed that on no future occasion will a dispute arise, as none has heretofore occurred, between the Executive and legislature in the exercise of the power of recognition. It will always be considered consistent with the spirit of the Constitution and most safe that it should be exercised, when probably leading to war, with a previous understanding with that body by whom war can alone be declared and by whom all the provisions for sustaining its perils must be furnished. Its submission to Congress, which represents in one of its branches the States of this Union and in the other the people of the United States, where there may be reasonable ground to apprehend so grave a consequence, would certainly afford the fullest satisfaction to our own country and a perfect guarantee to all other countries of the justice and prudence of the measures which ought to be adopted."

After forcibly stating why he thought "we should still stand aloof," he leaded with the "Allowing declaration".

satisfaction to our own country and a perfect guarantee to all other countries of the justice and prudence of the measures which ought to be adopted."

After forcibly stating why he thought "we should still stand aloof," he closed with the following declaration:

"Having thus discharged my duty, by presenting with simplicity and directness the views which, after much reflection, I have been led to take of this important subject, I have only to add the expression of my confidence that if Congress should differ with me upon it, their judgment will be the result of dispassionate, prudent, and wise deliberation; with the assurance that during the short time which I shall continue connected with the Government I shall promptly and cordially unite with you in such measures as may be deemed best fitted to increase the prosperity and perpetuate the peace of our favored country."

The concurrent resolutions of the Senate and House of Representatives and that message of President Jackson leave no doubt that the views which presided over the recognition of the South American governments still prevailed, and that the President was as far from asserting as Congress from admitting that the recognition of new nations and the foreign policy of the United States is a purely executive question.

The independence of Texas was finally recognized in pursuance of the following enactment in the appropriation bill of the second session of the Twenty-fourth Congress, which appropriated money—

"For the outfit and salary of a diplomatic agent to be sent to the Republic of Texas, whenever the President of the United States may receive satisfactory evidence that Texas is an independent power, and shall deem it expedient to appoint such minister." (5 Statutes, 170.)

That law was approved by President Jackson.

Not only is this exclusive assumption without countenance in the early history of the Republic, but it is irreconcilable with the most solemn acts of the present Administration. The independence of Haiti is nearly as old as that of

That was a formal recognition of those republics by law, whether the President sent diplomatic representatives or not.

Quite in the spirit of these precedents is the well-considered language of the "Those questions which respect the rights of a part of a foreign emptre which asserts and is contending for its independence, belong more properly to those who can declare what the law shall be, who can place the nation in such a position with respect to foreign powers as to their own judgment shall appear wise, to whom are intrusted its foreign relations, than to that tribunal whose power as well as duty is confined to the application of the rule which the legislature may prescribe for it."

But the joint resolution of the 4th of April does more than declare the refusal of the United States to recognize a monarchical usurpation in Mexico. It declares a general rule of policy, which can be anthentically and authoritatively expressed only by the body charged with the legislative power of the United States.

"Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Congress of the United States of America in Congress assembled, That the Congress of the United States are unwilling, by silence, to leave the nations of the world under the impression that they are indifferent spectators of the deplorable events now transpiring in the Republic of Mexico; and they therefore think fit to declare that it does not accord with the policy of the United States to acknowledge a monarchical government erected on the ruins of any republican government in America, under the auspices of any European power."

The committee are of opinion that this authority to speak in the name of the United States to acknowledge a monarchical government erected on the ruins of any republican government in America, under the auspices of any European power, it is president Monroe's declaration of this kind in our history, which events seem now likely to make of as grave practical interest as whe

tions I made during my conference with the Mexican plenipotentiaries, I alluded only to the message of the President of the United States to Congress in 1823.

"That message, declared, in my opinion, by the soundest policy, has been regarded both in Europe and America as a solemn declaration of the views and intentions of the Executive of the United States, and I have always considered that declaration as a pledge, so far as the language of the President can pledge the nation, to defend the new American Republics from the attacks of any of the powers of Europe other than Spain. That the people of the United States are not bound by any declarations of the Executive is known and understood as well in Mexico, where the Government is modeled on our own political institutions, as in the United States themselves. But in order to correct any erroneous impressions these words might have made on the minds of the Mexican plenipotentiaries, I explained to them in the course of our conference this morning their precise meaning: That the declaration of Mr. Monroe in his message of 1823, to which I had alluded, indicated only the course of policy the Executive of the United States was disposed to pursue toward these countries, but was not binding on the nation unless sanctioned by the Congress of the United States; and when I spoke of the United States having pledged themselves not to permit any other power than Spain to interfere with the independence or form of government of the American Republics, I meant only to allude to the above-cited declaration of the President of the United States in his message of 1823, and to nothing more."

This explanation is the more significant from the fact that Mr. Clay's instructions to Mr. Poinsett directed him to bring to the notice of the Mexican Government the message of the late President of the United States to their Congress on the 2d of December, 1823, asserting certain important principles of intercontinental law in the relations of Europe and America; and, after stating and enlar

entirely to coincide in both, and you will urge upon the covernment of a salico the propriety and expediency of asserting the same principles on all proper occasions."

And in reply to the resolution of inquiry of the 27th of March, Mr. Clay accompanied his instructions with the declaration—entirely in the spirit of Mr. Poinsett's letter—"that the United States have contracted no engagement nor made any pledge to the Governments of Mexico and South America, or either of them, that the United States would not permit the interference of any foreign power with the independence or form of government of those nations. * * *

"If, indeed, an attempt by force had been made by allied Europe to subvert the liberties of the southern nations on this continent, and to erect upon the ruins of their free institutions monarchical systems, the people of the United States would have stood pledged, in the opinion of the Executive, not to any foreign state, but to themselves and their posterity, by their dearest interests and highest duties, to resist to the utmost such attempt; and it is to a pledge of that character that Mr. Poinsett above refers."—Congressional Debates, Nineteenth Congress, first session, Appendix, 33, 84.

Such were the views of the Administration of President John Quincy Adams, whose Secretary of State was Henry Clay, and whose minister to Mexico was Mr. Poinsett, upon the supremacy of the Legislature in declaring the foreign policy of the United States, the diplomatic execution and conduct of which is confided to the President.

It is impossible to condense the elaborate message of President Adams of the 15th of March, 1826, dedicated to persuading Congress to concur in and sanction the Panama mission; but that message and the great debate which

consumed the session in both Houses are unmeaning on the assumptions of approval of its recommendation and approval of its recommendation of the object of the united States are expected to take part in the deliberations of that consideration of President Monroe above quoted, and on that topic said:

"Among other subjects of deliberation, the President mount and the property of the

But this correspondence requires us to say, that in view of the historic precedents, it is not a purely executive question whether the United States would think it necessary to express themselves in the form adopted by the House of Representatives at this time; it does belong to Congress to declare and decide on the foreign policy of the United States, and it is the daily of the President to first to that policy by means of diplomatic negotiations, or The President is not less bound to execute the national will expressed by law in its foreign than in its domestic concerns.

The President appoints all officers of the United States, but their duties are regulated, not by his not were to his it except when the law points out the occasion and the object. He appoints foreign ministers, but neither in this case are they, by reason of their appointment, anything but the ministers of the law. If it be true that the appointment of an ambassador to a nation implies the recognition of that athat does not exist by the recognition of Congress as that the President can recognize alone because he can appoint. But we prefer to waive the question. We are anxious not to depart from the approved precedents of our history. Our desire is to preserve, not to change. We will not furite excession will a dispute arise, as none has heretolore occurred, between the Executive and legislature in the exercise of the presumed that on no future excasion will a dispute arise, as none has heretolore occurred, between the Executive and legislature in the exercise of the power of the presumed that on no future excasion will a dispute arise, as none has heretolore occurred, between the Executive and legislature in the exercise of the power whose present and important occasions by and in pursuance of law in the particular cases.

On the most important occasions by and in pursuance of law in the particular cases.

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He can be a considered to the presence of the presen

Mr. HALE. Mr. President, I do not propose now to take up much of the time of the Senate in debating either the joint resolution or the subject-matter. It is simply to-day a most court procedure. No vote can be taken upon the joint resolution, and under the rules it will go either to the Committee on Foreign Relations or to the Calendar for future action by the Senate, if it choose such action hereafter. The whole subject-matter is presented in the resolutions submitted by the Committee on Foreign Relations, which now rest on the Calendar of the Senate, and it is presumable that at some day near or distant the committee will seek to take them up, which will open the whole subject-matter.

At that time this question will be debated in full. Every phase of this great, most important, critical question before the American people will then be discussed.

Eloquent as has been the Senator from Texas [Mr. MILLs], who is undoubtedly in favor of extremities to the point of war, I shall

not seek to answer him now, but will leave that to the real debate when the real question is before the body.

I will not, however, let the opportunity go without amplifying somewhat upon the citation that he has given of the action of this Government in the case of Texas, upon the technical point as to where lies the power of recognition. The Senator has cited the

action of President Jackson and the Congress of the United States as fortifying his contention. If there is any case in the history of this Government which clearly and plainly and overwhelmingly maintains the other side, that the power rests with the Executive, it is the Texas incident. I do not think the subject is bounded by that question. I do not think that is the chief part of the subject which is before us. I can understand that if I agreed with the Senator from Texas as to the question where the power of recognition lies I might then, unlike him, believe that the time had not muon les I might then, unlike him, believe that the time had not come for recognition; and when this question shall be launched upon general debate it will not be confined to the issue whether the Executive or Congress has lodged in it the power of recognizing a government of a foreign people, but the greater question, whether in the domain of wisdom and patriotism and careful action the time has come for such recognition. All that will be fully presented when the real debate opens, but I shall not attempt it now.

I have the authorities on the Texas case however and as the

I have the authorities on the Texas case, however, and as the Senator from Texas has cited the instance of his own State with so much confidence, I will in a very few moments give them to the Senate. The Senator cited the Walker resolution. I have here the original record of the Senate. January 12, 1837, Mr. Walker,

of Mississippi, submitted the following resolution:

That the State of Texas having established and maintained an independent government-

And so forth, as the Senator read it-

that the independent political existence of said State be acknowledged by the Government of the United States.

I call attention in passing to this, which will be found true of every resolution, so far as I have searched the records, submitted upon the question of recognition by either House of Congress, that, unlike the resolution of the Senator from Texas or the resolutions of the Committee on Foreign Relations, it does not of itself recognize, and none of them recognize, the Government, but declare, as in this case, "that the independent political existence of said State should be acknowledged by the Government of the United States." This resolution on February 10, 1837, as appears on page 286 of the records of the Senate of that day—the Senate Journal-was laid on the table.

On February 13—Senators will bear in mind that the session was waning, that the Congress was expiring—Mr. Walker again attempted to bring up the resolution before the Senate. By a vote of 32 to 12, found on page 244 of the Senate Journal, he was defeated, and the Senate refused to consider the resolution.

On February 27, found on page 292, he again made the motion and was defeated, and the resolution was postponed, although at so late a day as February 27, five days before the death of the

Congress had been reached.

On March 1 it was passed by a vote of 23 to 19, as found on page 310, and on March 2, the day after this vote, the final vote was taken on reconsideration, and the resolution barely escaped defeat

taken on reconsideration, and the resolution parely escaped decrease by a vote of 24 to 24, page 318. I wish to call the attention of the Senate to some of the Senators who are found voting at that time. On the motion to reconsider the vote adopting the Senate resolution the vote was 24 to 24, and the motion failed. Among those who voted in the affirmative to reconsider the vote by which the resolution was adopted are found Mr. Buchanan, afterwards President, who, two days before the expiration of Congress, was not willing to vote either that the time for recognition had come or whing to vote either that the time for recognition had come or that any power rested in the Senate to so recognize; Mr. Clayton, who afterwards became Secretary of State; Mr. Ewing, of Ohio; Mr. King, of Alabama, afterwards Vice-President; Mr. Page, Mr. Prentiss, Mr. Southard, Mr. Swift, Mr. Tallmadge, Mr. Wall, Mr. Webster, Mr. Wright—Silas Wright.

Mr. WHITE. Will the Senator from Maine kindly give the

volume and page from which he is reading?

Mr. HALE. I am reading from the Journal of the Senate, second session of the Twenty-fourth Congress, the vote being found

on page 318.

Mr. President, upon almost the expiring day of that Congress it was only upon a tie vote that a Senate resolution, not in itself claiming to recognize Texas as an independent government, but only advisory, was barely saved from defeat, and after that nothing further was done. If the Senator from Texas can gain any strength in this point of law from that record, he is certainly welcome to it.

But it is greatly surpassed by the House record. I have here the Journal of the House of Representatives of the second session of the Twenty-fourth Congress, and I find that on page 492 Mr. Howard submitted not a joint resolution, only an expression from

the House:

Resolved by the House of Representatives of the United States, That the independence of the government of Texas ought to be recognized.

Resolved, That the Committee of Ways and Means be directed to provide, in the bill for the civil and diplomatic expenses of the Government, a salary and outfit for such public agent as the President may determine to send to Texas.

Upon which Mr. Ingersoll moved to lay the resolution on the table. This was as late as February 21, twelve days before the closing of the Congress. On page 492, February 21, the vote is taken and recorded upon the resolution, and it was laid on the table by a vote of 98 to 86.

Mr. BACON. Will the Senator from Maine permit me to ask

whether he considers that vote as an expression upon the constitutional power of Congress or upon the policy of the action pro-

Mr. HALE. Upon both.
Mr. BACON. Why?
Mr. HALE. Upon both, as the Senator will see when I come to the final action.

On February 28, then within four days of the close of the session, on February 28, then within four days of the close of the session, an amendment to the diplomatic appropriation bill was offered by Mr. Thompson providing for a diplomatic representative to the Republic of Texas. It is found on pages 546 and 547 of the House Journal, which I commend for perusal and study to the Senator from Texas, as well as the report on page 268 of the House proceedings of March 2 or 3, 1887, to which I will immediately refer. The amendment of Mr. Thompson was amended by the addition of the following words:

Whenever the President of the United States may receive satisfactory evidence that Texas is an independent power and shall deem it expedient to appoint such minister.

I do not know how it will be possible for Congress in acting upon this subject-matter to more definitely recognize the power and admit it to be in the President than in the language of the final action of the House, the only way in which it could be passed. As the Senator from Massachusetts [Mr. HOAR] suggests to me, they did not prescribe facts or conditions, but declared in terms that it should only be when the President himself should have decided in his executive function that the time had come. That was why I asked the Senator from Texas when he was re-ferring to this matter what condition was finally added by the House; and no answer was given until I read it here. It is most distinct and clear.

Mr. BACON. The Senator will recognize that even though the

mover of the resolution, and even though Congress might maintain the ultimate power of Congress, he and it might still be willing to allow the executive department to determine when the particular state of facts would authorize the exercise of that

power

Mr. HALE. It is interesting, Mr. President, when we take this Texas incident and see upon which side it is an authority, to look at the debate in the House, which is found on page 268 of the Congressional Globe, of the second session of the Twenty-fourth Congress, in 1837, where Mr. Thompson's proposition for a diplomatic agent to Texas was so modified as to clearly recognize the whole power as to when recognition should be granted as lying with the President.

I quote from the Congressional Globe of the proceedings of March 3, 1837, page 268, as follows:

CIVIL AND DIPLOMATIC APPROPRIATIONS.

CIVIL AND DIPLOMATIC APPROPRIATIONS.

The House then took up the bill making appropriations for the civil and diplomatic expenses of the Government for the year 1837, the amendment providing outfits and salaries for ministers to Prussia and Austria being taken up separately.

Mr. Mercer inquired of the chairman of the Committee of Ways and Means if the President had recommended a mission to Austria. That to Prussia he [Mr. Mercer] had no objection to.

Mr. Howard (chairman of the Committee on Foreign Affairs) said that he could answer the question probably better than the chairman of the Committee of Ways and Means, and would doso. The proposition emanated from the Committee on Foreign Affairs, and was adopted by them to aid, as far as they could, the views of the select committee of the House, who had made a report as to the best mode of increasing the consumption of tobacco in foreign countries, and particularly Germany. He believed that the gentleman from Virginia represented in part a tobacco interest, or at least he must feel anxious for its prosperity. After the Committee on Foreign Affairs had decided on the propriety of the measure, he (Mr. H.) had inquired at the Department of State if there existed any reasons why the plan should not be carried out, and was informed that on the contrary our Government was at the present time engaged in the discussion of a delicate question with both Austria and Prussia, arising out of treaties which we had with those powers. What this question was it is not now necessary to state. Mr. H.'s only object was to say that although the proposed measure met with the concurrence of the Executive, he (Mr. H.) wished the responsibility of it to rest upon the Committee on Foreign Affairs.

Mr. Thompson, of South Carolina, then moved to amend the amendment by providing for the outilt and salary of a diplomatic agent, to be sent to the independent Republic of Texas.

Mr. Griffin called for the yeas and nays on this amendment, which were ordered.

Mr. Cushing said this question lay

Mr. Grimn called for the yeas and nays on this amendment, which were ordered.

Mr. Cushing said this question lay within the compass of a nutshell as a diplomatic question. He admitted and asserted the right of recognition on our part in all cases, but he insisted that the time of recognition was a question of discretion, to be exercised according to our own convictions of our own interest. In the present case, in Mr. C.'s judgment, the time had not arrived, and therefore he should vote against the amendment.

Mr. Adams objected to the proposition of the gentleman from South Carolina for the further reason—

ing the responsibility from the hands of the Executive, where it properly belonged.

ing the responsibility from the hands of the Executive, where it properly belonged.

After some remarks by Messrs. Jenifer, Mercer, Pickens, Hamer, Chilton Allan, and William B. Shepard.

The last gentleman suggested the following modification:

"Whenever the President of the United States may receive satisfactory evidence that Texas is an independent power, and shall deem it expedient to appoint such minister."

Mr. Thompson accepted this as a modification.

After some remarks by Mr. White of Kentucky,

Mr. Cambreleng remarked that the phraseology of the amendment involved an incongruity as it was now modified, inasmuch as the first branch set forth that "Texas" was an "independent Republic," and the second left the "evidence" of that fact to the "satisfaction" of the President, and limiting his sending the agent to that fact.

Mr. Mercer moved to strike out the words "the independent Republic."

The Chair ruled the motion to be out of order.

Mr. Thompson would compromise the difference between gentlemen and modify the amendment by striking out the word "independent."

After some conversation between Messrs. Hoar, Thompson, and Cambreleng, the question was taken on the amendment of Mr. Thompson as modified, and decided in the affirmative—yeas 121, nays 76.

So the amendment to the amendment of the Committee of the Whole was agreed to.

The amendment of the Committee of the Whole as amended was concurred in; and the whole appropriation was increased to meet the change involved in the amendment.

There would have been no action of the House of Representa-tives, there would have been no action in the direction of recognition, except that the mover of the amendment upon the diplomatic appropriation bill accepted the amendment which declared in terms the powers of the President. The whole force of the Texas incident is in favor of the Executive prerogative. He who examines the record thoroughly will find this to be the history.

examines the record thoroughly will find this to be the history.

Mr. President, I am not going to amplify the point; but in no case can any precedent be found where Congress—as is attempted in this Congress at the present session—has undertaken to absorb and assume the power of recognition. There are cases where the President has conferred with Congress, has submitted questions to Congress for its advice; there are cases where Congress has passed what may be called advisory resolutions; but there are no cases where Congress has sought to clutch or has clutched the power of recognition and taken it away from the Executive.

Mr. ALLEN. I should like to ask the Senator from Maine a question.

Mr. HALE. Certainly.

Mr. HALE. Certainly,
Mr. ALLEN. Does he contend that the power to recognize either belligerency or independence is a power which resides exclusively in the executive department, and with which the legislative department has nothing to do?
Mr. HALE. I believe that it does, Mr. President. I believe that after trying in the Continental Congress the experiment of conducting diplomacy and negotiations by a body legislative in its nature, the fathers of the Constitution were so wearied with that experiment that they lodged the power with the Executive, and intended to maintain it there. The only question that was ever raised when the State Department was created by law was that it took too much from that power of the President which had been lodged with him by the Constitution.
Mr. ALLEN. Then I should like to ask the Senator a further question. If the power to recognize belligerency or independence is exclusive in the Executive, and the Executive is entirely independent of the legislative in that respect, the power to recognize carries with it then the implied power to terminate the recognition at the discretion or caprice of the Executive. Is not that

tion at the discretion or caprice of the Executive. Is not that

Mr. HALE. Oh, it does not follow. After a government has been recognized it has a status not only with the nations of the world, but with this country. Neither do I claim that in all the incidentals the Executive is independent of Congress. Most of incidentals the Executive is independent of Congress. Most of this controversy has come up because the Executive is not independent of Congress in the incidentals. He can not carry out recognition, he can pay no accredited agent, he can not put the machinery afloat, he can not move an inch, unless Congress appropriates money. The underlying reason that will be found in almost all the cases which have been cited by the Senator from Texas or by others upon that side, where any action of Congress has been taken, is in the fact that in the incidentals the Executive is not independent, but goes to Congress for the money that is needed to carry out his policy. But that the initial act, the recognition of a state, was intended to be lodged with the Executive, I, from my examination and research, can have no doubt whatever.

or a state, was intended to be lodged with the Executive, I, from my examination and research, can have no doubt whatever.

Mr. ALLEN. I suppose the Senator from Maine does not doubt that the establishment of commercial relations by Congress with the Republic of Cuba would be of itself a recognition of Cuban independence, or at least of Cuban autonomy. That is, the establishment of commercial relations would be one of the means of

interest. In the present case, in Mr. C.'s judgment, the time had not arrived, and therefore he should vote against the amendment.

Mr. Adams objected to the proposition of the gentleman from South Carolina for the further reason—

I call the attention of the Senator from Georgia to this—

that the President had not recommended the recognition of the independence of Texas to Congress, and Mr. A. was not disposed to set the example of tak-

mistaken) that the establishment of commercial relations with a nation or people is itself recognition of the political existence of those people.

those people.

Mr. HALE. I do not think the report has gone so far, but I do not take direct issue on the point as to whether a statute of that kind might be a practical recognition. But that is only incidental. No one can claim that any act of Congress approved by a President or passed over his veto regulating the commerce of a nation or touching the neutrality laws is of itself a primal act for the purpose of recognition. We do not deal with foreign nations in that way. We deal directly with them by something that is clear and explicit and either does or does not recognize.

Mr. ALLEN. Suppose Congress should pass a law declaring that commercial relations should be established with the Republic of Cuba; that the Executive in his wisdom would veto that act, but we would pass it by the constitutional majority essential to pass a measure over the President's veto, and that law were in force now, would not that of itself be a complete recognition of the independence and the political autonomy of the Cuban Republic?

Mr. HALE. I do not answer that question, because I am by no means certain; but I repeat that we do not go here to the question of recognition in that indirect way. It is not sought so here. It is sought by direct and explicit resolution, having the force of law, to declare that Congress is the Government and, as the Government recognizes Cales.

ernment, recognizes Caba.

Mr. ALLEN. In that connection, if the Senator will permit

Mr. HALE. And, as the Senator from Massachusetts [Mr.

Hoar] suggests to me, without exercising any Congressional power that may be incident to the subject.

Mr. ALLEN. I think the Senator will find that there is little doubt of the fact that that would be a recognition of the independence of Cuba. That being true, and Congress being invested with the power to regulate commerce with foreign nations, it carries with it the power to establish, for that is one of the means of regulating. Therefore, is not the power through that provision of the Constitution exclusive in Congress to recognize the independence of Cuba, or a people struggling for their liberty?

Mr. HALE. I do not agree with the Senator, but I do not wish

Mr. HALE. I do not agree with the Senator, but I do not wish to go into that discussion now, as I told the Senator from South Dakota [Mr. Pettigrew] that I would not consume much time.

Mr. WHITE. If the Senator from Maine will excuse me, I wish simply to make one remark. It was suggested by the question of the Senator from Nebraska [Mr. Allen] regarding the power of the President to revoke recognition. It was settled, I think, by almost all the writers on international law, at all events, howsever it may be regarding our municipal laws, that a recognition.

howsoever it may be regarding our municipal laws, that a recognition once given can not be revoked.

Mr. HALE. This whole subject-matter at my request has been gone over very carefully in an elaborate discussion of the subject, which I intend at some future time to use and quote from. It was prepared for me, and rather than quote from it now and read from it I ask that it may be printed in the Record as part of my remarks.

part of my remarks.

Mr. HOAR. I should like to ask the Senator from Maine one

Mr. WHITE. Will the Senator from Maine allow the paper presented by him to be printed as a document also?
Mr. HALE. Yes.

Mr. HALE. Yes, Mr. HOAR. I will wait until the Senator's request for print-

ing be acted on.

The VICE-PRESIDENT. Is there objection to the printing in the RECORD of the paper referred to by the Senator from Maine?

The Chair hears none.

Mr. HALE. Let it be printed as a document also.

The VICE-PRESIDENT. It will be so ordered.

Memorandum upon Power to Recognize Independence of a New Foreign State.

STATEMENT OF QUESTION.

The present question arises mainly upon the two following proposed joint resolutions:

1. That the independence of the Republic of Cuba be, and the same is hereby, acknowledged by the United States of America.

2. That the United States will use its friendly offices with the Government of Spain to bring to a close the war between Spain

and the Republic of Cuba.

and the Republic of Cuba.

First resolution: It will be noticed that this resolution is not an act of legislation. It does not purport to direct any course of action for the future. It is simply a finding of fact.

Regarded as the finding of a present fact, this obviously sugaction for the future.

gests two comments:

that of the Island of Cuba, and the part of that island which it does not possess is the most valuable and populous part of the island. This raises some doubt as to whether the intent of the resolution really is to acknowledge a present state of independence as distinguished from a hope of early future independence; for if the former be the true construction of the first resolution, the second resolution would imply a desire for an immediate settlement of the present conflict between Spain and the "Republic of Cuba" as now independent—or, in other words, a peace which would leave Habana, Matanzas, Cienfuegos, and the other most valuable portions of the island in the hands of Spain. If the resolution be intended to declare, not the existence of a present fact, lution be intended to declare, not the existence of a present fact,

valuable portions of the island in the hands of Spain. If the resolution be intended to declare, not the existence of a present fact, but a hope for the immediate accomplishment of a desired result, then there can be no question of power between the legislative and the executive branches of the Government. The expression of a hope is neither a legislative nor an executive act. It is a privilege which the legislative, executive, and judicial branches of the Government all equally enjoy and occasionally make use of.

Second, that the adoption of such a resolution, whichever construction is put upon it, will be of no direct advantage to the insurgents in Cuba. It will cause no abatement in the enforcement of the neutrality laws. These laws were, indeed, originally drawn for application to wars between two powers whose independence had been recognized. Their application to insurrections like the present was the result of amendments made at the instance of President Monroe in 1818. Nor would the obligations of this Government to the Kingdom of Spain be any less urgent if the independence of the Cuban insurgents were recognized. It will be shown, both by the terms of the Constitution itself and by the uniform practice thereunder, that the recognition of independence of a new foreign power is an act of the executive (President alone, or President and Senate) and not of the legislative branch of the Government, although the executive branch may properly first consult the legislative.

While the legislative branch of the Government can not directly exercise the power of recognizing a foreign government, because that is a power executive or indical in nature (and one which the

exercise the power of recognizing a foreign government, because that is a power executive or judicial in nature (and one which the judiciary, by refusing independently to examine the question, cast entirely upon the executive), nevertheless, if a recognition of such independence is liable to become a casus belli with some other foreign power, it will be shown that it is most advisable, as well as proper, for the executive first to consult the legislative branch as to its wishes, and postpone its own action if not assured of legislative approval. If, on the other hand, the Executive did not consider that the time had arrived to act, expressions of opinion by the Legislature should be made with some caution, as an expression of its opinion in too positive a form might create such international complications as to make effective action on behalf of the

nation seeking recognition more difficult.

It is also to be noticed that while the legislative branch of the Government is not charged with the duty of ascertaining whether or not an insurrection in a foreign country has reached the stage or not an insurrection in a foreign country has reached the stage of independence in fact, nevertheless it has the power and may recognize a duty to assist the insurrectionists. In other words, the power of Congress, either with the President's approval or with the concurrence of two-thirds of both Houses in case of the President's veto, to help the present Cuban insurgents by legislative action is not disputed. It may be exercised by declaring war against Spanish commerce; by suspending the operation of the neutrality laws; by enacting that the neutrality laws shall not apply to expeditions in aid of the insurgents, or by making any desired changes in our present legislation which may be desired by the "Republic of Cuba" or its supporters. These actions will be violations of international law, but no more so than a recognition of independence of the "Republic of Cuba" at the present tion of independence of the "Republic of Cuba" at the present juncture. Any one of them would be a casus belli, but none except the first two would necessarily result in a declaration of war by Spain.

Second resolution. The extension of "friendly offices" is a purely diplomatic act, and, as will be shown, one not only confided to the Executive, but almost impossible of practical effect if attempted

by the legislative branch of the Government.

The following propositions can be clearly established:

NEITHER THE LEGISLATIVE NOR THE EXECUTIVE BRANCH OF THE GOVERN-MENT IS SUBORDINATE TO THE OTHER. THEY WERE INTENDED TO BE AND ARE COORDINATE

This has been from the beginning so familiar and elementary a doctrine of our constitutional law that it would not have been mentioned here if it had not been recently by some disputed.

The distinction between the legislative, executive, and judicial departments of the Government is as old as Aristotle (quoted gests two comments:

First, that the word "Cuba" is used in a novel and restrictive sense. The "Republic of Cuba" is not coextensive with the Island of Cuba. Assuming the Republic to be a settled and independent Government, republican in form, its territory is less than States. Mr. Bancroft, quoted in Foster's work, supra, points out

that Montesquieu's Spirit of the Laws was in constant use in debates on the Constitution, as well as by the authors of the Federalist, and that an abstract made by Madison had been studied and copied with his own hand by Washington when preparing for the convention. Mr. Foster quotes Montesquieu's remarks as to this threefold division of the powers of government. He says:

By the first, the prince or magistrate makes the laws, * * * and changes or repeals those which have been made. By the second, he makes peace or war, sends or receives ambassadors, establishes security, prevents invasions. By the third, he punishes crimes or judges the disputes of individuals. This latter is called the power of judging and the previous one simply the executive power of the state, etc.

Montesquieu proceeds to say that "when in the same person or the same body of magistrates the legislative power is joined with the executive power there is no liberty." No law book was more familiar in 1787 than Mr. Justice Blackstone's Commentaries, then recently issued. His adoption of Montesquieu's reasoning is pointed out in 1 Story on the Constitution, section 522.

The Constitution assumes, without expressly saying, that the three powers shall be independent and coordinate. Article I commences with the words "All legislative powers herein granted shall be vested in a Congress." Article II commences with the words "The executive power shall be vested in a President." Article III begins with the words "The judicial power of the United States shall be vested in one Supreme Court and in such inferior courts," etc. The same fundamental division of powers is even more clearly recognized in many of the State constitutions of that time and since. Thus, in the constitution of Massachusetts it is declared that "in the government of this Commonwealth the legislative department shall never exercise the executive and judicial powers, or either of them; the judicial shall never exercise the legislative and succutive powers, or either of them, to the end that there may be a government of the property of them." (Constitution of 1750 Bill of them). tive powers, or either of them, to the end that there may be a government of laws, and not of men." (Constitution of 1780, Bill of Rights, Article XXX, quoted in 1 Story on the Constitution, section 520.) Mr. Justice Story says (1 Story on the Constitution, section 524):

And it is no small commendation of the Constitution of the United States that, instead of adopting a new theory, it has placed this practical truth as the basis of its organization. It has placed the legislative, executive, and judicial powers in different hands.

Mr. Justice Story then proceeds to point out the care with which the framers of the Constitution had provided for the exceptions to this general subdivision of powers in order the better to preserve the balance of the whole. He points out the natural tendency of the legislative power, through its control of the appropriations and otherwise, to become supreme, but treats this, not as a tend-

and otherwise, to become supreme, but treats this, not as a tend-ency which should result in absorbing the others, but as one which was to be checked as far as possible.

The first commentator on the Constitution was Mr. Justice Wilson, of the Supreme Court, who had in the constitutional con-vention of 1787, according to Curtis, ranked only next to Madison and Hamilton in influence. He says (1 Wilson's Works, pages 407, 409, 410):

Though the foregoing great powers—legislative, executive, and judicial—are all necessary to a good government, yet it is of the last importance that each of them be preserved distinct and unmingled in the exercise of its separate powers with either or with both of the others. * * * Let us suppose the legislative and executive powers united in the same person. Can liberty or security be expected? No. * * But further, each of the great powers of government should be independent as well as distinct. When we say this it is necessary—since the subject is of primary consequence in the science of government—that our meaning be fully understood and accurately defined, for this position, like every other, has its limitations, and it is important to ascertain them.

The independency of each power consists in this, that its proceedings and the motives, views, and principles which produce those proceedings should be free from the remotest influence, direct or indirect, of either of the other two powers. But further than this the independency of each power cought not to extend. * * *

We are now led to discover that between these three great powers of government there ought to be a mutual dependency as well as a mutual independency. We have described their independency; let us now describe their dependency. It consists in this, that the proceedings of each, when they come forth into action and are ready to affect the whole, are liable to be examined and controlled by one or both of the others.

The most familiar recent statement of this principle is by Mr. Justice Miller in Kilbourn vs. Thompson (103 U.S., 168, 190-191), quoted in 1 Foster on the Constitution, page 297. Mr. Foster also quotes the following words of Chief Justice Waite in the Sinking Fund Cases (99 U.S., 700, 718), repeated by Mr. Justice Harlan in Clough vs. Curtis (134 U.S., 361, 371):

One branch of the Government can not encroach on the domain of another without danger.

In re Tyler (149 U.S., 164), Chief Justice Fuller said:

The maintenance of the system of checks and balances, characteristic of a republican constitution, requires the coordinate departments of Government, whether Federal or State, to refrain from any infringement of the independence of each other.

An examination either of Congressional debates or of executive documents from the beginning of the Government will show the great care with which each of these departments has endeavored, with rare exceptions, not to infringe upon the province of the other; and in no instance is this more clearly shown than in the other; and in no instance is this more clearly shown than in the debates upon the power to recognize a new foreign government—Congress on the one hand (except one House in 1869) confining its action to proffers of advice or assistance, while the President, on the other hand, when any international complication from such recognition seemed probable, so that recognition would involve contingencies requiring legislation, would ascertain the wishes of the legislative branch of the Government.

IF ANY GIVEN POWER BELONGS TO THE EXECUTIVE BRANCH OF THE GOV-ERNMENT, PRESUMPTIVELY IT DOES NOT BELONG TO THE LEGISLATIVE BRANCH.

It is clear all through the Constitution, and has never been disputed, that the intention was to distribute the powers of the Government between its three branches, subject to such checks as the veto of the President or advice and consent of the Senate, and not to place any given power in two or all three branches of the Government concurrently.

The existence of the same power for the same purposes in both the legislative and executive branches of the Government might lead to most unfortuned assemble.

lead to most unfortunate results. For instance, if the legislative and executive branches both possessed the power of recognizing the independence of a foreign nation, and one branch should declare it independent, while the other denied its independence,

then, since they are coordinate, how could the problem be solved by the judicial branch?

The distinction must be borne in mind between the existence of a constitutional power and the existence of an ability to effect certain results.

For instance, Congress alone has the power to declare war. The Executive, however, can do many acts which would constitute a casus belli, and thus indirectly result in war; but this does not imply in the Executive a concurrent power to declare war, and the war which would result would be one declared by a foreign power. It is possible, even, that the judiciary, by declaring some act of Congress at an inopportune moment to be unconstitutional, or otherwise incapable of execution according to its intent, or by

or otherwise incapable of execution according to its intent, or by some decision in a prize cause or otherwise, could give rise to a war with a foreign power; yet no one would claim that the judiciary had the power to declare war.

Going yet further, even, a State of the Union, although having admittedly no power whatever in foreign relations, may take action, uncontrollable by the Federal Government, and which, if not properly a casus belli, might nevertheless as a practical matter afford to some foreign country the excuse for a declaration of ter afford to some foreign country the excuse for a declaration of war. We may instance the action which might have been taken by the State of Wyoming in relation to the Chinese massacres, or the State of Louisiana in relation to the Italian lynchings; or by the State of New York in its recent controversy with German insurance companies with relation to the treatment of its own insurance companies by Germany.

III.

WHEREVER AFFIRMATIVE ACTION OF EITHER THE EXECUTIVE OR THE LEGISLATIVE BRANCH OF THE GOVERNMENT MAY INVOLVE A CALL UPON THE ASSISTANCE OF THE OTHER, THE BRANCH ABOUT TO TAKE ACTION SHOULD, IF POSSIBLE, FIRST OBTAIN INDICATIONS OF THE OTHER'S DESIRES.

It is of the highest importance that these two independent and coordinate branches of the Government should be always in accord, and that neither should endeavor to force action of the accord, and that neither should endeavor to force action of the other by indirect means. For this reason Monroe consulted Congress before recognizing the independence of the South American Republics in 1822, and Jackson similarly consulted Congress before recognizing the independence of Texas in 1837; while, on the other hand, when recognition of the independence of a new country is not a probable casus belli, the President always acts without a consultation even when Congress is in session, as has recently been done in the case of the great Republic of Central America.

EITHER BRANCH MAY PROPERLY EXPRESS ITS OPINION OR WISHES TO THE OTHER.

This was at first to some degree questioned, but has been a longsettled practice.

The Executive, indeed, is expressly directed by the Constitution to recommend legislation to Congress:

He shall from time to time give to the Congress information of the state of the Union, and recommend to their consideration such measures as he shall judge necessary and expedient. (Constitution, Article II, section 3.)

It has always been customary for the President to indicate to Congress his views of the constitutionality of proposed measures; and with eminent propriety, since the time of Congress should not

be taken up with the consideration of measures which the President is secretly intending to veto. The relations between them dent is secretly intending to veto. should be full and frank.

On the other hand, either House of Congress may, and sometimes does, by resolution express its wishes for certain Executive action or its willingness to effectuate such action by legislation; and occasionally both Houses have joined in such an expression by a concurrent resolution. Such resolutions are to be adopted with some caution when they affect the foreign relations of the Government, because they may unwittingly be passed at inopportune moments, and thus jeopardize negotiations of which Congress is necessarily ignorant, and tend to defer rather than to hasten the accomplishment of objects which both branches of the Government equally desire. Thus President Monroe and his Cabinet, who were anxious both for the independence of the South American republics and the aggrandizement of our own territory by the acquisition of Florida and confirmation of title to Oregon, believed that the accomplishment of their wishes was hampered by the declaration of a certain party in the legislative branch of the Government who desired to hasten the former end.

It is to be remembered that effective intervention in foreign

affairs sometimes requires the cooperation of other nations, while, on the other hand, the expectancy of future intervention sometimes stirs up foreign governments to take preventive measures. Intervention, like other matters of diplomacy, sometimes calls for secret preparation, careful choice of the opportune moment, and swift action. It was because of these facts that the superintendence of foreign affairs was intrusted to the Executive and not to

the legislative branch of the Government. For these reasons care should be taken not to embarrass the President, who is intrusted with the initiative in all matters of diplomacy; while, on the other hand, the conditions will rarely be such as to require action by the President in matters affecting the peace and dignity of the United States without opportunity to satisfy himself that he has Congressional support.

V.

ACTS CONCERNING FOREIGN RELATIONS—EXECUTIVE IN THEIR NATURE AS SHOWN BY HISTORY.

[English practice.]

That in Great Britain, the principal constitutional Government of Europe when our Constitution was adopted, the making of treaties and all matters affecting her relations with foreign countries were prerogative—that is, executive—appears from Todd (Parl. Gov., volume 1, page 369). Until of late years treaties were not laid before Parliament until after ratification (page 367), and

the initiation of a foreign policy, not taking the form of a treaty, belongs to the executive exclusively (page 369).

It is in the light of this conception of the executive character of foreign negotiations and acts concerning foreign relations that our Constitution gave the President power to send and receive ministers and agents to or from any country he sees fit and when he sees fit, and not to send or receive any, as he may think best; also, the power to make treaties—that is, to negotiate with or without agents, as he may prefer, when he may prefer, or not at all, if he prefer; to draw up such articles as may suit him, and to ratify the acts of his plenipotentiaries, instructed by him, the only qualification of his power being the advice and consent of the States in the Senate to the treaty he makes.

These grants confirm the executive character of the proceedings and indicate an intent to give all the power to the President which the Federal Government itself was to possess—the general

control of foreign relations.

In Great Britain Parliament can refuse to pass laws to carry out treaties when ratified and binding between the nations; what Parliament can and habitually does do passes into a constitutional precedent. But powers wrested by Parliament from the Crown stand upon a different footing from powers granted in our written Constitution. They partake more of the character of mere might than of functions created to be exercised to given ends. Parliament can do what it has the ability to compel the Crown to submit to; but Congress and the President are not the result of struggles between hostile forces. While, therefore, Congress can refuse to appropriate to carry a treaty into effect, since no one can compel it to do so, and the President can refuse to carry on a war authorized by Congress, or to execute any law passed by Congress. gress, yet such proceedings are not constitutional and could never become constitutional by habit, for our Constitution is written, and each part of the Government represents the will of the whole nation in exercising the functions assigned to it, and rebels against the will of the nation in preventing another part from exercising its functions to the fullest extent.

The President, in making a treaty, is the United States, and speaks the whole mind of the United States. For this very reason it was deemed advisable to safeguard what he does by the advice and consent of the special representatives of the sovereign States in the Senate, since treaties are the most important and binding

acts concerning Federal relations, except making war. The solemn power of authorizing war is for the same reason made an exception. But not even the Senate is concerned with the matter of negotiating or preparing treaties, and all that great body of international business which may lead up to treaties or even to a war, which the refusal to receive a minister might occasion, is given to the Executive by the express grants concerning treaties and ministers

That this is a great power is true; but it is a power which all great governments should have; and being executive in the conception of the founders, and even from its very nature incapable of practical exercise by deliberative assemblies, was given to the

The judicial branch of the Government has set a proper example of respect for the other branches in declining to inquire into for-eign affairs even for the purpose of deciding cases. Congress should follow this example, which is but a recognition of the principle that each branch in its proper functions is the ultimate sovereignty of the United States, the sole and final spokesman of the will of the nation.

Otherwise, the principle of mere right will be introduced, and each branch proceed to do or omit whatever the other branches have not means to effectually prevent, which will be the end of government of and by the people and the beginning of an usurped government over the people. Written constitutions, being, like all human contrivances, imperfect, will then have been proven impracticable.

During the first session of the Senate we find that the question of directing the President in regard to foreign affairs was a matter of consideration. In Maclay's Sketches of Debate in the First Senate, page 104, the bill under discussion being one to organize a department of foreign affairs, Senator Maclay says:

The first clause was: "There shall be an executive department," etc. There are a number of such bills, and may be many more, tending to direct the most minute particle of the President's conduct. If he is to be directed how he shall do everything, it follows he must do nothing without direction. To what purpose then is the executive power lodged in the President, if he can do nothing without a law directing the mode, manner, and, of course, the thing to be done? May not the two Houses of Congress, on this principle, pass a law depriving him of all powers? You may see it will not get his approbation. But two-thirds of both Houses will make it a law without him, and the Constitution is undone at once.

It thus appears that even the establishment of an executive department of foreign affairs was regarded as trenching upon the free action of the Executive in its proper sphere.

Prior to the adoption of the Constitution, when all powers were in Congress, a resolution was adopted (1 Stat., 28) which shows the general conception of the business of foreign affairs. It was resolved that an officer have control of the descriptor. resolved that an officer have control of the department of foreign affairs, to reside where Congress or a committee of the States shall sit; that all books and papers relating to the department should be in his custody, no copy of any paper of a secret nature to be made without special leave of Congress; that the correspondence and communications with the ministers, consuls, and agents of the United States in foreign countries, and with the agents of the United States in foreign countries, and with the ministers and other officers of foreign powers with Congress, be carried on through the office of foreign affairs by the said secretary, who is also empowered to correspond with all other persons from whom he may expect to receive useful information relative to his department: *Provided always*, That letters to the ministers of the United States, or ministers of foreign powers, which have a direct reference to treating or convention of the contract. direct reference to treaties or conventions proposed to be entered into, or instructions relative thereto, or other great national sub-jects, shall be submitted to the inspection and receive the appro-bation of Congress before they shall be transmitted; that he may concert measures with the ministers or officers of foreign powers amicably to procure the redress of private injuries which any citizen of the United States may have received from a foreign power or the subjects thereof, making minutes of all his transactions relative thereto, and entering the letters at large which have passed on such occasions; that he shall use means to obtain from the ministers and agents of the said United States in foreign countries an abstract of their present state, their commerce, finances, naval and military strength, and the characters of sovereigns and ministers, and every other political information which may be useful to the United States; that all letters to sovereign powers, letters of credence, plans of treaties, conventions, manifestoes, instructions, passports, safe-conducts, and other acts of Congress relative to the department of foreign affairs, when the substance thereof shall have been previously agreed to in Congress, shall be reduced to form in the office of foreign affairs, and submitted to the opinion of Congress; and when passed, signed, and attested, sent to the office of foreign affairs to be countersigned and forwarded.

In passing the act to which Maclay objected (July 27, 1789) the title of this officer was merely abbreviated, and he was to "perform and execute such duties as shall from time to time be enjoined on or intrusted to him by the President of the United States,

agreeable to the Constitution, relative to correspondence, commissions, or instructions to or with public ministers or consuls from the United States, or to negotiations with public ministers from foreign states or princes, or to memorials or other applications from foreign public ministers or other foreigners, or to such other the constitutions of the constitution of the constitutio matters respecting foreign affairs as the President of the United matters respecting foreign affairs as the President of the United States shall assign to the said department; and, furthermore, that the said principal officer shall conduct the business of the said department in such manner as the President of the United States shall from time to time order or instruct."

This was, practically speaking, the whole law, except that "the secretary for the department of foreign affairs to be appointed in consequence of this act shall forthwith after his appointment

be entitled to have the custody and charge of all records, books, and papers in the office of the secretary for the department of foreign affairs heretofore established by the United States in Congress assembled.

It is thus clear that all the power of Congress over foreign affairs was conceived to be transferred by the Constitution from Congress to the President. A secretary to assist him in performing his functions was provided by Congress; but the objection that he was in any way directed how to perform them could not be well taken, at least as the bill, after amendments in the Senate, was passed.

The President was expected to do all that Congress had been doing, and this law provides for no report to Congress about nor any interference by Congress in foreign affairs. Not one of the matters in the resolution above quoted was attempted to be reserved to Congress; but all were evidently believed to be transferred by the Constitution to the Executive, so far as Congress was concerned.

It is needless to say that the proceedings of the Government were conducted accordingly; that correspondence was carried on, ministers received, negotiated with, and sent, and that "such other matters relating to foreign affairs as the President of the United States" chose to assign to the said department were conducted without Congressional interference or comment for many

Mr. Greuhm said that he had mentioned the matter when his letter was made out, but had been informed that but one letter from the King of Prussia to this Government was of record, and that was the one written when Mr. Adams himself took leave (as minister at Berlin, 1801). That was addressed to Congress, and they supposed it had been drawn up according to advice from Mr. Adams.

Mr. Adams rejoined that he remembered it very well; that it had not been drawn up by his advice, and that he had received it as drawn up and delivered to him without objection because he did not wish to make any difficulty at parting and never supposed it would operate as a precedent afterwards. (IV Memoirs of John

Quincy Adams, 17, 18.)

Later the Secretary of State sent the following circular letter on the subject:

DEPARTMENT OF STATE, Washington, March 28, 1853.

No. 18.]

**Mashington, March 28, 1833.*

Sir: It is observed that special communications from foreign powers intended for the Executive of the United States have been usually addressed to the President and Congress of the United States.

This style was introduced under the old confederation, and was then perfectly proper, but since the Federal Constitution has been formed its inaccuracy is apparent, the whole executive power, particularly that of foreign intercourse, being vested in the President. You will therefore address a note to the minister for foreign affairs, apprising him that all communications made directly to the head of our executive Government should be addressed "To the President of the United States of America" without any other addition.

You will, of course, observe that this relates solely to those communications of ceremony which are made from one sovereign to another—for example, notices of births, deaths, changes in government, etc.—and does not relate to the ordinary diplomatic intercourse, which is to be carried on as usual through this Department.

I am, respectfully, your obedient servant,

EDWARD LIVINGSTON.

To Henry Wheaton, Esq., Chargé d'Affaires of the United States to Denmark.

(The above letter is a circular and was sent, with the necessary variation in the address, to T. L. L. Brent, chargé d'affaires to Portugal, as No. 36; to C. P. Van Ness, minister to Spain, as No. 38; to C. Hughes, chargé d'affaires to Sweden, as No. 10, and to H. S. Legare, chargé d'affaires to Belgium, as No. 5.)

In 1793 the questions of recognizing the new French Republic, and recognizing or not the treaties with King Louis as still binding, were discussed in the President's Cabinet, and there

*Mr. Frederick Greuhm, minister resident and consul general from Prussia to the United States, was informally requested by Mr. J. Q. Adams, Secretary of State, on November 8, 1817, to make known to his Government that all credential letters from foreign soverigns should be addressed to the President, who, by our Constitution, receives foreign ministers, and not to Congress (to which body Mr. Greuhm's letter was addressed).

decided. A minister from the new Republic was accordingly received, and a proclamation issued by the President, in which he says:

I have therefore thought fit to declare the disposition of the United States to observe the conduct aforesaid (friendly and impartial) toward those powers, respectively, and to exhort and warn the citizens of the United States, etc.

Notwithstanding the bitterness occasioned by our failure to take part with France in the war, the right of the President to thus speak for the United States does not seem to have been questioned by Congress. On the contrary, when the excited French Committee of Public Safety sent a letter addressed to Congress, the House resolved, April 25, 1794, that it be transmitted to the President, "and he be requested to cause the same to be answered on behalf of this House in terms expressive of their sensibility," etc. This was a distinct recognition of the President as the authority to receive and act upon such communications, however addressed.

A bill to make additions to the act for punishing crimes against the United States (debated in the House on May 31 and June 2, 1794), known as the neutrality law, afforded an opportunity for questioning the right of the President, but the debate proceeded on other lines and the law passed was in strict accordance with and in aid of the policy of the President and was urged by him for that purpose.

It seems to have been left for the Jay treaty with England, though hardly more exasperating to the partisans of France, to furnish the first explosion of discontent with the power given to the President over foreign affairs.

That gave rise to a long and memorable debate, when it became necessary to pass laws to carry it into effect, and a call was made upon the President for the instructions he had given to the minister who negotiated it

ister who negotiated it.

In the course of this debate powers of Congress in regard to foreign affairs were, it seems, first asserted, based on the right to impeach, the right to regulate foreign commerce, the right to withhold legislation required by treaties, etc.

Mr. Gallatin, favoring the resolutions calling for papers, said that Congress possesses the power of regulating trade. "The treaty-making power delegated to the Evecutive may be considered as clashing with that. The question may arise whether a treaty made by the President and Senate, containing regulations touching obmaking power delegated to the Evectuive may be considered as clashing with that. The question may arise whether a treaty made by the President and Senate, containing regulations touching objects delegated to Congress, can be considered binding without Congress passing laws to carry it into effect. * * He concluded by observing that the House were the grand inquest of the nation, and that they had a right to call for papers on which to ground an impeachment."

Mr. Nicholas said:

It had been said that if the powers of the President and Senate as to treaties were complete, then the House had no right to claim participation; this would not be denied. * * * In the present case he contended the House had a voice.

He argued that the power of the House over the money matters stipulated in the treaty qualified the powers of the President and Senate. In England, "the country from which we had borrowed, and with many other matters, this part of our Constitution," their House of Parliament had exercised a control over the moneyed articles of treaties, and he contended that the House of Representarticles of treaties, and he contended that the House of Representatives has an equal authority here as chief guardians of the purse strings. "Shall it be said that we have borrowed only the form from Great Britain, and not touched the substance? Shall it be said that the House have a discretion as to appropriations, and yet they must make them as directed by a treaty? Unless the House chose and grant that money, it was so far no treaty."

Mr. Swanwick said (page 449) that Congress not only had power to regulate commerce but to make all laws necessary and proper for carrying into execution the powers vested by the Constitution in any office or Department, and that there was no authority out of the purview of this general legislative control—not the treaty-

of the purview of this general legislative control-not the treatyor the purview of this general legislative control—not the treaty-making power more than others. He said great stress had been laid on the proposition that treaties are the supreme law of the land, but this means supreme over "anything in the constitution or laws of any State," and does not affect the powers of the House. The laws are equally supreme, and it is absurd that treaties should repeal laws. The House would dwindle into a mere board of assessors and all powers by with the President and Senetal It had sessors and all powers be with the President and Senate. It had been said that no nation would treat with us if the House refused to carry out a treaty by appropriations, but gentlemen would probably be surprised to be told that the British House of Company and the probably be surprised to be told that the British House of Company and the probably be surprised to be told that the British House of Company and the probably be surprised to be told that the British House of Company and the probably be surprised to be told that the British House of Company and the probably be surprised to be told that the British House of Company and the Probably British House of Company and the British Ho mons possesses the same power now claimed. He quoted the Federalist (pages 101 and 103) to the effect that "although the House of Representatives is not immediately to participate in foreign negotiations and arrangements, yet from the necessary connection between the several branches of public affairs those particular branches will frequently deserve attention in the ordinary course of legislation and will sometimes demand particular legislative sanction and cooperation," etc.

Mr. Smith said (page 452), referring to the arguments from the British constitution:

Mr. Smith said (page 402), referring to the arguments from the British constitution:

But why introduce this by way of precedent to guide us in construing our own Constitution? They have no such written Constitution as we have; their constitution is entirely made up of usages and laws. Whenever you prove, therefore, that they have an usage like the one that is mentioned, of judging on treaties, you have then proved that such is their constitution, and if our Constitution expressed in terms what theirs expressed by their usages, there could be no doubt but that the House should have the right. In construing a written constitution, to introduce the practice in a country who have no written constitution and have no effect but to mislead. If gentlemen could show us a written constitution in England wherein the treaty-making power is exclusively vested in the King, with the advice of the House of Lords, and under such constitution the House of Commons claiming a right to interfere in the subject, their precedent would then apply; unless, indeed, it were too absurd to be considered as a precedent. He said the two Governments were perfectly dissimilar. Why, then, introduce the practice of that Government as a guide for this? He was well suited with the Constitution of America and wished not to assimilate it to any foreign constitution, and he hoped it would not be usurped and twisted to become like them. Were they about to form a constitution it might be desirable to take whatever was found good in any other; but when the Constitution was already formed and marked out by direct boundaries, in a manner too plain to be mistaken, could it be of any use to inquire what was the constitution and avoided that part of the British constitution as absurd. In England, the King has the sole power of making treaties, but, after the treaty is made, Parliament claim a right, in certain cases, to judge their merits. In this country the convention, in framing their Constitution, had seen fit to add the Senate to the President in the b

Mr. Gallatin (page 465) said that the House had a discretion to cooperate or refuse cooperation, and therefore, where their cooperation was necessary, the treaty could not have full effect and be, properly speaking, the law of the land, if they chose to use their discretion by refusing cooperation. A treaty may not be unconstitutional, but yet not the law of the land, if it embraces objects exclusively granted to a particular branch of the Government. The Constitution does not say what treaties the President may make. The general grant of power is limited by the other parts of the Constitution. The specific legislative powers granted were limitations upon the undefined power of making treaties. The Constitution says the treaty shall be a law. Some gentlemen had declared that the treaty-making power is executive; but a power of making laws can not be termed executive without an absurdity.

He did not claim for the House the power of making treaties,

He did not claim for the House the power of making treaties, but a check upon the treating-making power—a mere negative power. We, he said, are for this stigmatized as rebellious, disorganizers, as traitors against the Constitution; but our opponents claim an unlimited power for the treaty-making authority capable of absorbing all other powers.

Mr. Hartley (page 481) recurred to the argument from the British constitution and denied that Great Britain has a similar constitution to ours. "If the Parliament of Great Britain was to pass a law vesting this power in the King and House of Lords, would the Commons then claim the right of ratifying treaties? But still gentlemen ask, Have not the House as much power as the British House of Commons? He would answer this question by British House of Commons? He would answer this question by saying that the House has as much and no more power than the saying that the House has as much and no more power than the Constitution had given it. And if gentlemen required a further answer he would say that the Legislature of the United States did not possess as extensive power as the Parliament of Britain. That body can change the constitution, alter the religion of the country, and, in short, its powers are really omnipotent. Such unbounded powers are not claimed here. But whether the British House of Commons have the power or not is a question of no consequence. The inquiry was not into the powers of British Parliaments or Houses of Commons, but into the powers of that House, and those powers were found only in the Constitution."

Mr. Madison (page 488) very elaborately discussed questions as

Mr. Madison (page 488) very elaborately discussed questions as to whether a treaty and law were or could be equal or the treaty power paramount, etc., but, it having been determined by the Supreme Court that the later law repeals a treaty, municipally considered, because they are equally the law of the land, it is deemed unnecessary to quote him further.

I have quoted principally from the advocates of the power of the House for two reasons, first, to show that the British continuous are relied more by them, as it was by the relief to the relief.

former showing thereby that treaty making, if not necessarily an executive act, philosophically speaking, was an act which the executive authority always performed, and the latter that, though this might have the executive authority always performed, and the latter that, though this might be so, the executive's authority was qualified or controlled to some extent by Parliament; and secondly, to show that no active power to take the initiative in foreign affairs was claimed, but only a power to withhold cooperation in carrying out

The doctrine that the active management of our foreign affairs

was committed to Congress beyond the express grants of legislative power on particular subjects was distinctly repudiated on behalf of his side by Mr. Gallatin, as we have seen.

Mr. Smith referred to the practice of the Government in regard

to treaties with Indian tribes as follows:

Having stated the general opinion of the public, as manifested by the friends as well as the enemies of the Constitution, Mr. Smith said he would proceed to show the practice that Congress had, from the commencement of its existence, been conformable to that opinion. Several treaties had been concluded with Indian tribes under the present Constitution. These treaties embraced all the points which were now made a subject of contest—settlement of boundaries, grants of money, etc.; when ratified by the President and Senate, they had been proclaimed by the Executive as the law of the land; they had not even been communicated to the House; but the House, considering them as laws, had made the appropriations as matters of course, and as they did in respect to other laws. The treaties were never discussed, but the requisite sums, as reported in the annual estimates, were included, as matters of course, in the general mass of moneys voted for the war establishment in the item of Indian Department. It was not pretended that the Constitution made any distinction between treaties with foreign nations and Indian tribes; and the clause of the Constitution which gives to Congress the power of regulating commerce with foreign nations, and on which the modern doctrine is founded, includes as well Indian tribes as foreign nations.

He also referred to another practice:

That this House considered a treaty, when ratified by the President and Senate, as the law of the land was further evident from a resolve of the House of the 4th of June, 1790, in these words:
"Resolved, That all treaties made, or which shall be made and promulgated under the authority of the United States, shall from time to time be published and annexed to their code of laws by the Secretary of State."

In consequence of this resolution, the several Secretaries of State had annexed the treaties which had been made to the code of laws as soon as they were ratified by the President and Senate and promulgated by the President.

The resolution calling for papers was adopted and the papers refused, the President saying (Messages and Papers of the Presidents, volume 1, page 194):

refused, the President saying (Messages and Papers of the Presidents, volume 1, page 194):

The nature of foreign negotiations requires caution, and their success must often depend on secrecy, and even when brought to a conclusion a full disclosure of all the measures, demands, or eventual concession which may have been proposed or contemplated would be extremely impolitic, for this might have the pernicious influence on future negotiations or produce immediate incoveniences, perhaps danger and mischief in relation to other powers. The necessity of such caution and secrecy was one cogent reason for vesting the power of making treaties in the President, with the advice and consent of the Senate. The principle on which that body was formed, confining it to a small number of members. To admit, then, a right in the House of Representatives to demand and to have, as a matter of course, all the papers respecting negotiations with a foreign power would be to establish a danger ous precedent.

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Having been a member of the general convention, and knowing the principles on which the Constitution was formed, I have ever entertained but one opinion on this subject; and from the first establishment of the Government to this moment my conduct has exemplified that opinion—that the power of making treaties is exclusively vested in the President by and with the advice and consent of the Senate, provided two thirds of the Senators present concur; and that every treaty so made and promulgated thenceforward became the law of the land. It is thus that the treaty-making power has been understood by foreign nations, and in all the treaties made with them we have declared and they have believed that, when ratified by the President, with the advice and consent of the Senate, they became obligatory. In this construction of the Constitution, exert fine not a doubt or a suspicion has appeared, in my knowledge, that this construction was not the true has acquiesced; for till now, without controverting the obligation of such treaties, th

After this Congress passed an appropriation for carrying the treaty into effect.

treaty into effect.

In 1798 the question of abrogating the treaties with France arose, and Congress, the President cooperating, passed a law declaring the treaties abrogated by the act of France. But not only did the President cooperate, but this was done as a war measure. The Supreme Court regarded the series of acts, including this, as authorizing or declaring war. (Bar. vs. Tingy, 4 Dallas, 41.) No question was raised as to the power of Congress without the President. On the contrary, the law was reported by a committee to whom had been referred a part of a speech of the President to Congress advocating measures of defense against France, and after he had informed Congress of the violation of the treaties by France. (Special message, May 16, 1797.) the treaties by France. (Special message, May 16, 1797.)

The law was only carrying out the general policy of the President, and with his cooperation, but the manner of passing it was the result of the President's vigorous denunciation of the conduct of the French authorities upon the dismissal of Monroe as minister, when they complimented Monroe and praised the American people, but attacked the American Government. (Special-session

message, May 16, 1797.)

The House of Representatives especially was exhorted to beware of endeavors to foster and establish a division, which was insinuated as existing between the Government and people of the United

ated as existing between the Government and people of the United States, and told that "to repel by decided and united counsel insinuations so derogatory to the honor and aggressions so dangerous to the Constitution, Union, and ever independence of the nation is an indispensable duty."

It was not a time, therefore, for nice discrimination between the branches of the Government, but to show France that as against her hostile proceedings all branches were united. That was the spirit in which this law was passed, while Congress was engaged in exercising its power to authorize or declare war against France. It should not, therefore, be regarded as evidence of what two-thirds of Congress could do against the will of the President. In the same year, 1798, a question arose as to appropriations for

In the same year, 1798, a question arose as to appropriations for foreign intercourse and the right of the President to appoint ministers, and Mr. Otis said (Annals of Congress, 1798, page 1157):

foreign intercourse and the right of the President to appoint ministers, and Mr. Otis said (Annals of Congress, 1798, page 1157):

After so much had been said respecting the constitutional right of the House to refuse an appropriation, Mr. O. observed that he should add but a few remarks. To prevent confusion on this subject, it might be well to state the points in which both sides of the House were agreed and those in which they dissented. It was not denied that the President had the right of nominating public ministers, nor had it been contended that the House possessed the right of fixing their salaries; the doctrine of his friends was merely that the appointment of a minister imposed a moral obligation to give a reasonable salary, and that being once determined it was unjust to reduce it without the best reasons. It was doubted by the gentleman from Pennsylvania whether the office of minister was created by the Constitution and whether it was not competent for this House to fix the destination of a minister, and it was asserted by him that in all cases the House had an anthority to refuse every appropriation. On these last points they were at issue. To explain the reason of his doubt respecting the right of the President to designate the courts to which the ministers should be sent, that gentleman had replied that the same clause in the Constitution which gives the power of appointing ministers to the Executive also gives that of appointing judges of the Supreme Court, which he never pretended to exercise until the number of judges had been ascertained by law. In this argument he hardly appeared to be serious, but he would answer that the same Constitution provides that "a Supreme Court shall be established by law," and it has no existence until created by law. A court is a jurisdiction committed to one or more persons; the jurisdiction is constituted by a law which describes the number of persons to whom it shall be established by that," and it has no existence until created by law. A court is a jurisdicti

But the law and practice as to appointing and receiving ministers and consuls has been elaborately set forth and discussed by Attorney-General Cushing (7 Op., page 242), who concludes:

Further to show that this act can not be reasonably construed as intending to require the President to do what the Constitution, on considerations of public policy, has intrusted to the sole discretion of the Executive, may be mentioned the clause of the act which says, in words, that the President shall appoint a "consul" at Port au Prince. This, if done, would have the effect, according to international usage, of placing the Haitien Empire in diplomatic relation with the United States. It is not presumed that such was the purpose of the lawmakers; yet such is the necessary effect of the law, if the words "shall appoint" are mandatory in operation. If they are mandatory in any case, they are in all; if not mandatory in one case, they are so in none. * * *

The President can, with concurrence of the Sanata, appoint correlation.

The President can, with concurrence of the Senate, appoint consuls at any place whatever, whether they be mentioned in the act or not.

The Attorney-General shows clearly that the appointment of ministers was committed by the Constitution to the discretion of the Executive, and so as to all diplomatic and even consular officers, all the instruments of international intercourse being thus

placed in his discretion.

The ordinary method of recognizing a new government was always to receive a minister from it or send one to it; and all such acts are expressly assigned to the President's control, as part of the business of foreign affairs, both by the Constitution and the law organizing the Department of Foreign Affairs.

NATURE OF THE POWERS REQUIRES SECRECY.

In the Madison Papers we find that secrecy was a main object in giving the President and the Senate the treaty power.* On September 7, 1787, a motion was made to add the House of Representatives, because, if treaties were to have the operation of laws, they should have the sanction of laws. The only argument reported against this is "that the necessity for secrecy in the case of treaties forbade a reference to the whole legislature." The motion was defeated—10 States against 1.

The Senate in the uncompleted Constitution having been given the power to make treaties, appoint ambassadors, etc., Mr. Wilson (Madison Papers, page 245) said:

Every nation may be regarded in two relations—first, to its own citizens:

Every nation may be regarded in two relations—first, to its own citizens; secondly, to foreign nations. It is, therefore, not only liable to anarchy and tyranny within, but has wars to avoid and treaties to obtain from abroad. The Senate will probably be a depository of the powers concerning the latter

In this conception of the framers, to avoid wars and make treaties evidently stands for the whole management of foreign relations, and it was intended to give all to the Senate. On page 428 an argument is made against the Senate's having the power to make treaties, wherein it is objected that the treaty power belongs to the Executive, and the British constitution is referred to. On page 469 an attempt is made by Mr. Morris to require legislative ratification of treaties, and Mr. Madison suggested the inconvenience of requiring a legal ratification of treaties of alliance, for purposes of war, etc." Mr. Gorham said:

Many other disadvantages must be experienced if treaties of peace and all negotiations are to be previously ratified; and if not previously the ministers would be at a loss how to proceed. What would be the case in Great Britain if the king were to proceed in this manner? American ministers must go abroad not instructed by the same authority (as will be the case with other ministers) which is to ratify their proceedings.

Mr. Wilson said:

In the most important treaties, the King of Great Britain, being obliged to resort to Parliament for the execution of them, is under the same fetters as the amendment of Mr. Morris will impose on the Senate. It was refused yesterday to permit even the Legislature to lay duties on exports. Under the clause without the amendment, the Senate alone can make a treaty requiring all the rice of South Carolina to be sent to some one particular port.

Mr. Dickinson concurred in the amendment, as most safe and proper, though he was sensible it was unfavorable to the little States, which would otherwise have an equal share in making

Mr. Johnson thought there was something of solecism in saying that the acts of a minister with plenipotentiary powers from one body should depend for ratification on another body. The example of the King of Great Britain was not parallel. Full and complete power was vested in him. If the Parliament should fail to provide the necessary means of execution, the treaty would be violated.

Mr. Gorham, in answer to Mr. Gouverneur Morris, said that negotiations on the spot were not to be desired by us; especially if the whole Legislature is to have anything to do with the treaties. It will be generally influenced by two or three men, who will be corrupted by the ambassadors here. In such a Government as ours, it is necessary to guard against the Government itself being seduced.

An attempt was also made, but defeated, to except treaties of peace from the power of the President and Senate.

In the State conventions to discuss the Constitution arguments as to the treaty power continually repeated that it was executive, and the British constitution, with Blackstone on the King's prerogative right to make treaties, were constantly referred to. (Elliott's Debates, volume 3, pages 506, 508, and 512; volume 4, pages 116, 120, 267, 269, etc.)

CELERITY REQUIRED.

The necessity for executive control to seize with celerity "tides in the affairs of men" is fully discussed in the Federalist, No. 63.

EXPERT KNOWLEDGE REQUIRED.

One idea which finds expression in Todd on the British Constitution, ubi supra, in the resolution of Congress prior to the Constitution as above quoted, in the law forming the Department of

^{*}Mr. Middleton, chairman of the Amelia Island committee, was also with me, and I gave him all the additional information that I possessed concerning it. I showed him the secret laws, those singular anomalies of our system which have grown out of that error in our Constitution which confers upon the legislative assemblies the power of declaring war, which, in the theory of government, according to Montesquien and Rousseau, is strictly an executive act. But as we have made it legislative, whenever secrecy is necessary for an operation of the Executive, involving the question of peace and war, Congress must pass a secretiaw to give the President the power. Now, secrecy is contrary to one of the first principles of legislation, but this absurdity flows unavoidably from that of having given to Congress, instead of the Executive, the power of declaring war. Of these secret laws there are four, and one resolution, and one of the laws, that of June 25, 1812, is so secret that this day it could not be found among the rolls at the Department. Another consequence has also followed from this clumsy political machinery. The injunction of secrecy was removed on the 6th of July, 1812, from the laws previously passed by a vote of the House of Representatives, and yet the laws have never been published. (Memoirs of John Quincy Adams, volume 4, page 32.)

Foreign Affairs, in the Federalist, and in the provision of the Constitution which says that the President shall, from time to time, give to Congress information of the state of the Union, should not be lost sight of in this discussion. And that is that exact information about the relations of the Government with foreign nations and of those nations with each other were regarded, when the Constitution was adopted, not as common property, but as derived from official correspondence with diplomatic agents. Journals were then published; but newspapers entitled to be so called, telegraphs, ocean cables, steamboats, railroads, the multiplicity of books, and the general education of the masses have produced a more or less exact knowledge among the people of matters formerly executive secrets, or, at least, buried in archives and costly tomes. In those days the President alone was supposed to know all that was needed to be known to manage foreign affairs and to get his knowledge from undisclosed correspondence with agents appointed by him. The Constitution is to be read in the light of this fact, and, so read, we can not doubt that foreign affairs were intended to be conducted as they had been in all European countries. tries by the possessor of such knowledge, and that even the initiative in making war was expected to be taken upon a communica-tion from the President of such information, and not upon idle rumors and the tales of travelers. Certain it is that the war with France was begun in that way, Congress following the lead of and seeking knowledge from the President at every step.

It were unreasonable to interpret the Constitution as the work of prophets of such an age as we now live in; but even now really exact knowledge of our relations with Spain and other countries remains an executive possession, and reasons for the wisdom or expediency of any course derived from rumor or newspapers may be wholly refuted by secret information of the Executive from some of our agents abroad. It still remains true, therefore, that the general management of foreign affairs should be left to the one having charge of the diplomatic agents and in continual correspondence with them.

Vattel (first published in 1773) thus speaks of treaties:

But all rulers of states have not a power to make public treaties by their own authority alone; some are obliged to take the advice of a senate, or of the representatives of the nation.

It was undoubtedly either from the British constitution or from this general European conception of the kingly or other personal sovereign-making treaties, with or without the advice of a deliberative body, that the President's power was derived, he being, in a limited sense, the nearest representative we have of the kings of the prevailing monarchical systems.

Vattel speaks of the ordinary way of making treaties through instructed plenipotentiaries, their work to be ratified. To give

the President authority to appoint such plenipotentiaries in his discretion was to place him on a par with sovereigns in the manner of making treaties, and confirms the conception of him as similar to personal heads of monarchies.

In No. 63 of the Federalist, which discusses the treaty-making power, every reason advanced for giving or confining the power to the President and Senate is based on a view, not so much of treaties alone, as of foreign affairs generally. Nothing is there said to intimate that any part of foreign affairs is withheld from the exclusive control of the President and Senate.

It has now been shown that under express grants the President is to make treaties as he may see fit, and appoint and receive ambassadors and other ministers. The only qualifications seriously contended for are by reason of express grants on particular subjects to Congress, which subjects do not embrace the subject-matter of the resolution in question. It has also been shown that foreign affairs generally were understood by the great formative first Congress to be transferred to the President and Senate.

Disregarding the particular grants to Congress, treaties on all other subjects at least are to be made by the President and Senate or not at all. The President and Senate are thus granted power to make a treaty with the Republic of Cuba and a fortiori to recognize its existence. So the President and Senate are granted power to send a minister to the Republic of Cuba and a fortiori to recognize its existence, and the President alone is granted power to receive a minister from the Republic of Cuba and a fortiori to recognize its existence. The President and Senate are general managers of foreign affairs, and part of such management is to recognize or deal with new governments, and so are empowered to deal with and recognize the Republic of Cuba.

All duties in connection with foreign relations not otherwise specified fall within the sphere of the Executive.

The Constitution, by its own internal evidence, shows that all duties in connection with foreign relations not otherwise speci-

First. The general principle has been already noticed that if a power is confided to one branch of the Government, it can not be presumed to be granted also to one of the other branches of the Government, to be exercised in the same cases and for the same independent, yet its independence may not yet be recognized by

purposes. To make such an assumption would be to deny the wisdom of our forefathers and the homogeneity of their work.

Second. It is among the executive powers.

The following powers are expressly granted to the executive branch of the Government:

By and with the advice and consent of the Senate, to make treaties, provided two-thirds of the Senators present concur—

And the President-

Shall nominate and, with the advice and consent of the Senate, shall appoint mbassadors, other public ministers, and consuls—

Congress having no power to alter the method of their appointment; and-

He shall receive ambassadors and other public ministers.

The power to receive public ministers, which is confided in the President alone, implies the power to decide who should be received; and this implies the power to examine their credentials and ascertain whether the foreign potentates by whom the cre-

dentials are made out are in fact sovereigns.

dentials are made out are in fact sovereigns.

The power to make treaties implies a complete power over diplomatic negotiations. A treaty is an express contract or agreement with a foreign government. All contracts or agreements with foreign governments may be put into the form of treaties, although many of temporary character and minor importance remain in the rank of informal understandings. Diplomatic negotiations are negotiations toward the formation of agreements or contracts, formal or informal. These pegotiations are agaried on contracts, formal or informal. These negotiations are carried on through the Secretary of State, who is appointed by the President, with the advice and consent of the Senate, our public ministers, who

with the advice and consent of the Senate, our public ministers, who are likewise appointed, and the public ministers of other governments, who are received and recognized by the President alone.

Treaties or formal agreements with other Governments are made, drafted, and informally agreed to by the President before they are submitted to the Senate, although, on very rare occasions, as in the Administrations of Washington and Polk, the President may request the advice of the Senate beforehand. The "advice and consent" of the Senate, however, is a phrase which has a technical meaning, signifying simply a vote, being adopted from the language of the British act of Parliament. In connection with treaties and appointments it has always been practically construed treaties and appointments it has always been practically construed as referring to a vote taken after the preliminary signature of the

treaty or after the nomination.

The President, therefore, is charged by the Constitution with the drafting of all public treaties, as well as with the conducting of all negotiations leading up to them. These treaties, when they

of all negotiations leading up to them. These treaties, when they receive the "advice and consent" of the Senate, become part of "the supreme law of the land" by Article VI of the Constitution; and thus come within the provision that the President "shall take care that the laws be faithfully executed."

Thus, by the ordinary rules of construction of a document of this kind, the President becomes charged with the diplomatic affairs of the United States. All diplomacy, apart from such trivial matters as the exchange of compliments or procuring of social introductions, consists in the making of international agreesocial introductions, consists in the making of international agree-ments, either temporary and informal or permanent and formal. The President's power is subject simply to two of the famous "checks" of the Constitution, namely, that he must obtain the ratification of the Senate to the appointment of his diplomatic agents, and to the promulgation of any diplomatic agreement which is intended to be sufficiently formal and permanent in its nature to have the force of law

which is intended to be sufficiently formal and permanent in its nature to have the force of law.

The "recognition" of independence or belligerency of a foreign power, technically speaking, is distinctly a diplomatic matter. It is properly evidenced either by sending a public minister to the government thus recognized, or by receiving a public minister therefrom. The latter is the usual and proper course. Diplomatic relations with a new power are properly and customarily inaugurated at the request of that power, expressed through an envoy sent for the purpose. The reception of this envoy, as pointed out, is the act of the President alone. The next step, that of sending a public minister to the nation thus recognized is priof sending a public minister to the nation thus recognized, is primarily the act of the President. The Senate can take no part in it at all until the President has sent in a nomination. Then it acts in its executive capacity, and, customarily, in "executive session." The legislative branch of the Government can exercise no influence over this step, except, very indirectly, by withholding appropria-

There is another consideration also, which conclusively shows that the recognition of a foreign power belongs to the sphere of diplomacy, and, therefore, to the executive branch of the Government. Two points are first to be decided before the independernment. Two points are first to be decided before the independence or belligerency of a foreign body is "recognized:"

First. Whether the independence or belligerency in fact exists;

the older nation from which it has separated itself. War may still be waging between them, and the recognition of the independence of the new nation may be regarded as a casus belli by the old one. National sympathy may be aroused in the United States to the extent of being willing to go to war with the old nation for the sake of encouraging the new one. Such was the feeling of France toward the United States in the Revolutionary war and of the United States toward Tevres in 1897. National nation for the sake of encouraging the new one. Such was the feeling of France toward the United States in the Revolutionary war, and of the United States toward Texas in 1837. National sympathy, on the other hand, may not be aroused with sufficient unanimity to justify the nation's agents, whether executive or legislative, to take such a step. The question may, therefore, be left to be decided partly by questions of expediency, and these questions are mainly diplomatic in methods of solution. It is the executive branch of the Government which is best qualified to judge whether recognition would be a casus belli; whether neutral nations would join in it; whether it would jeopardize negotiations pending with the nation which would be expected to resent the recognition. Questions of expediency may arise which affect the interests not of the United States alone, but of the new government which seeks recognition. Hasty action by the United States alone might be of no avail, and, at the same time, might tend to prevent other neutral nations from taking the same step. If, on the other hand, the United States, by diplomatic negotiations, would obtain cooperation from other neutral nations, their joint action might force the independence of the new country to be immediately recognized even by the country

new country to be immediately recognized even by the country from which it was endeavoring to separate.

The interaction of these various questions of expediency is familiar to anyone who has studied the history of our relations to the South American insurrectionists during Monroe's Administration. The United States was then recovering from the effects of the war, and required caution in championing the affairs of would-be sister republics. President Monroe was continually con-sidering three different classes of problems: First, whether South American independence was actually an

accomplished fact;

Second, whether Great Britain or other European countries

would join him in its recognition; and

would join him in its recognition; and
Third, whether premature action on the part of the United
States, while valueless for purposes of assistance to the insurrectionists, would jeopardize the making (and afterwards the ratification) of the treaty ceding Spain's possessions in Florida and
abandoning its claims to Oregon.

We have said that the first act of recognition is, customarily,
the receiving formally of an envoy from the country recognized.

We may add that simple recognition per se in its ultimate

We may add that simple recognition per se in its ultimate analysis is not an executive any more than it is a judicial act. The simple finding of the existence of a fact is not a complete executive act any more than it is a complete legislative or judicial act. In judicial procedure a finding of fact, in order to have the effect of an adjudication, must be followed by a judgment, which has of an adjudication, must be followed by a judgment, which has the effect of requiring some person or persons to do or refrain from doing some thing or things. So a simple declaration of fact by the executive department is directly operative only so far as it is, in effect, information that certain action will be taken by the executive under its express constitutional powers; or that such and such municipal laws of the United States will be executed in a certain way; or that certain rules of international law will be admitted by the executive as in present operation. The municipal a certain way; or that certain rules of international law will be admitted by the executive as in present operation. The municipal laws of the United States may be changed at will by Congress, although their enforcement must be intrusted to the executive. So far as municipal laws are concerned, Congress can, in effect, control the future operations of the executive by enacting, for instance, that under such and such circumstances the laws should apply to the case of a foreign people not yet independent as if they really were independent; or that they should apply to the specific case of some foreign people actually named as if they were independent. Congress can thus, by changing the municipal law to that extent, make the question of independence of any foreign nation an entirely immaterial circumstance. It has, however, no control over international law further than to enact that the rules of international law shall not be respected by the United States. Nor can it enact that something is a fact which is not a fact. It can not make a foreign people independent, although it can enact that, for any specified purpose or purposes, it shall be regarded as independent by our executive department or by our Congress. Meither can Congress control international law, which is based upon the consensus of different nations. International law regards independence as a question of fact, and does not recognize it until it is a fact, irrespective of sympathy. Nor can the legislative branch of the Government hold any communication with foreign nations. The executive branch is the sole mouthpiece of the nation in communication with foreign sovereignties. Foreign nations communicate only through their respective executive departments. Resolutions of their legislative departments upon diplomatic matters have no status in international law. In the department of international law, therefore, properly speaking, a

Congressional recognition of belligerency or independence would be a nullity.

All of these considerations were familiar to the statesmen who framed the Federal Constitution; and it is clear, from the terms of that instrument, that all findings of fact as to emergencies be-yond the sea, for purposes of international law and diplomacy, were intended to be infrusted to the executive department; while as to such findings of fact for the purposes of the administration of our municipal law, the only doubt could be whether they belong to the executive or to the judiciary.

This disposes of the first of the two proposed joint resolutions now under consideration.

now under consideration.

now under consideration.

The second of these proposed joint resolutions contemplates negotiations for a future treaty to be carried on by the legislative branch of the Government. No such proposal could receive recognition by a foreign country; and if such a proposal had emanated from the House of Representatives in the early days of our constitutional history there can be little doubt that it would have been resented by the Senate as an infringement upon its own prerogatives, as well as upon the sphere of the Executive.

This view is confirmed by examination of the express powers granted to the legislative branch of the Government. That branch is intrusted with "all legislative powers," but with no powers that are not properly legislative. Legislation is the making of laws, and laws are rules of conduct. A simple declaration of the existence of a fact is not a legislative act; neither is an offer to another nation to open negotiations. If a mere finding of fact is not in general a legislative act, especially is it not a legislative act when the fact to be found is one occurring in a foreign country. It would not be a legislative act to declare that in a lative act when the fact to be found is one occurring in a foreign country. It would not be a legislative act to declare that in a suit of Smith vs. Jones, pending in a Federal or State court, the truth of the controversy was with Smith and not with Jones. Is it any more a legislative act to declare that in the case of Smith vs. Jones, pending in a Spanish court and involving a question of possession of real property, Smith and not Jones has the truth on his side in swearing that he is in possession of the property? Is it, then, any more a legislative act to declare that in the controversy with Cuba Gomez and not Weyler has the facts on his side?

Undoubtedly not. For the purposes of the administration of our municipal law, it is an executive act when it relates to a question which the Executive must decide, and a judicial act when it arises in court (although, for reasons which will be stated, the judiciary in deciding the question follows the executive).

the judiciary in deciding the question follows the executive).

Congress can help the Cuban insurgents by legislation in many ways, but it can not help them legitimately by mere declarations, or by attempts to engage in diplomatic negotiations, if our interpretation of the Constitution is correct. That it is correct will be shown by the opinions of jurists and statesmen of the past.

NATURE OF LEGISLATIVE POWER

Legislation is universally defined substantially as the power to enact laws

The following definitions of law are familiar:

A rule of civil conduct, prescribed by the supreme power in a state, commanding what is right and prohibiting what is wrong.—Blackstone.

A command to a course of conduct; a command being the expression of a wish or desire conceived by a rational being that another rational being shall do or forbear, coupled with the expression of an intention in the former to inflict some evil upon the latter, in case he do not comply with the wish.—

The present claim that the mere assertion of the existence of a state of fact in a foreign country is legislation makes the following remarks of Judge Penrose in the matter of American Banking and Trust Company (17 Penn. Co. Ct. R., 274, 280) pertinent:

There are some things, however, beyond the power of the legislature, even irrespective of constitutional restrictions. It can not change the laws of nature, the properties of numbers, or the meaning of words. It can not modify an axiom. Water will not boil at 110° nor freeze at 52°; 12 times 12 will always be 144; insufficient can not be made the equivalent of sufficient, bad the equivalent of good, and things which are not equal to the same thing will not, in spite of the most solemn enactment to the contrary, be equal to each other.

VII.

THESE VIEWS ARE SUSTAINED BY THE WEIGHT OF OPINION AMONO JURISTS.

While the question of boundary between the executive and legislative spheres in their foreign relations has been frequently a subject of discussion, there never has been, and probably never a subject of discussion, there never has been, and probably never will be, an actual conflict between these two branches of our Government in this particular. There are, therefore, no judicial opinions of controlling authority. Such references as may be found in reported cases are obiter and valuable only as indicating the general understanding of the Constitution among the judges. The subject has been little considered by text writers. The importance of the citations under this heading is therefore much portance of the citations under this heading is therefore much less than that of the citations from legislative and executive proceedings which will be made under our next and last heading.

Judicial utterances relating to the power to recognize the independence or belligerency of a foreign government.

For the reasons above stated some of the judicial utterances upon this point fail to indicate whether the power to recognize a

foreign government resides in the executive or legislative departforeign government resides in the executive or legislative department, the court saying simply that it resides in the "political department" or in the "Government." Strictly speaking, it resides for the purpose of a case in court in the judiciary; but the judiciary have no means of deciding the question by taking evidence, and must for this reason, as well as because the existence of a foreign government is a fact which must be decided in the same way for the purpose of all private litigations, take judicial notice of it. Upon questions of judicial notice the court consults the best attainable means of information—dictionaries, public documents, or whatever else it may be. The question thus arises: What authority shall the court consult in the ascertainment of a What authority shall the court consult in the ascertainment of a treaty by the processes of judicial notice? The courts have very wisely looked to the other departments of the Government, both as the best means of information and in order that there should be no conflict. There never has been any conflict between the legislative and the executive, and hence, when the Legislature has in any way indirectly recognized the existence of such a fact, the court may take notice of its action. Sometimes the recognition has been by the executive alone, in which case the court can look to executive action. When the executive has not yet recognized independence or belligerency, as the case may be, the court holds that the fact is not established for the purpose of judicial notice. Where the Supreme Court has referred to the legislative as well as to the executive department, the question thus referred has

Where the Supreme Court has referred to the legislative as well as to the executive department, the question thus referred has always, with one exception, been one not strictly foreign. Thus in Foster vs. Neilson (2 Pet., 253, 307), United States vs. Arredondo (6 Pet., 691, 711), and Garcia vs. Lee (12 Pet., 511) the controversy related to the ownership of property within the United States which had formerly, indeed, belonged to Spain, and whose title depended upon the former boundary between the United States and Spain; but the treaties upon which the title in part depended were not self-executing, and the question before the court was really a question of boundary, and not of belligerency or independence. The not altogether consistent dicta in Jones vs. United States (137 U. S., 202) are in a case where the question at issue was whether certain territory belonged to the United States. So far as the question before the court was one of foreign belligerency or independence at any given period, the court, if it specified at all to what department it referred for information (with the one exception aforesaid), has specified the executive

(with the one exception aforesaid), has specified the executive

department of the Government.

United States vs. Hutchings (2 Wheeler's Criminal Cases, 543), in 1817, was a prosecution for piracy. The question arose whether at a certain date the Republic of Buenos Ayres was independent. Counsel argued that our independence began with the Declara-tion of Independence in 1776, and therefore that the independence of Buenos Ayres "commenced with their declaration of independence," was a matter of notoriety throughout the world, and was proved by certain correspondence between President Monroe and the Spanish minister. Chief Justice Marshall was of opinion—

That a nation became independent from its declaration of independence only as respects its own government and the various departments thereof. That before it could be considered independent by the judiciary of foreign nations it was necessary that its independence should be recognized by the executive authority of those nations. That as our Executive had never recognized the independence of Buenos Ayres, it was not competent to the court to pronounce its independence.

In United States vs. Palmer (3 Wheat., 610, 634), arising two months later, the Chief Justice used language applicable to the legis ative as well as to the executive department, and this is the only exception to the general rule above stated in regard to such

cases.
Williams vs. Suffolk Insurance Company (3 Sumn., 270, 273) involved the question whether the fisheries at the Falkland Islands belonged to Buenos Ayres. It was decided by Mr. Justice Story, whose remarks are of especial interest, because he had discussed this very question in his Commentaries on the Constitution, and had, according to the general plan of the Commentaries, left it there an open one. He now said:

It is very clear that it belongs exclusively to the executive department of our Government to recognize from time to time any new governments which may arise in the political revolutions of the world; and until such new governments are so recognized they can not be admitted by our courts of justice to have or to exercise the common rights and prerogatives of sovereignty.

Mr. Justice Story further goes on to say that "this doctrine was fully recognized by the Supreme Court of the United States in Gelston vs. Hoyt (3 Wheat., 246, 324)." In that case the opinion had been written by himself and used simply the word "government." The learned justice's interpretation of the opinion would indicate that whenever the word "government" had been used in this connection the executive department has been intended; and it is also noticeable that the case thus referred to was decided at the same term of court with the Palmer case above referred to at the same term of court with the Palmer case, above referred to, so that these remarks of Mr. Justice Story tend to confirm the inference which may be drawn from the Hutchings case that the reference to the legislative department of the Government in the Palmer case was an inadvertence.

Williams vs. Suffolk Insurance Company, above quoted, came

up for review in the Supreme Court of the United States (13 Pet., Mr. Justice McLean said (page 420):

And there can be no doubt that when the executive branch of the Government, which is charged with our foreign relations, shall in its correspondence with a foreign nation assume a fact in regard to the sovereignty of any island or country it is conclusive on the judicial department. And in this view it is not material to inquire, nor is it the province of the court to determine, whether the Executive be right or wrong. It is enough to know that in the exercise of his constitutional functions he has decided the question. Having done this under the responsibilities which belong to him, it is obligatory on the people and the Government of the Union.

In Kennett vs. Chambers (14 How., 30), the question arose whether Texas was an independent government in September, 1836. Chief Justice Taney said (page 46) that it "belonged to the Government" to decide when Texas became independent. He then refers to the President's message of December 22, 1836, as evidence that it had not yet become independent at that time, and says (pages 50 and 51):

It is a sufficient answer to the argument to say that the question whether Texas had or had not at that time become an independent state was a question for that department of Government exclusively which is charged with our foreign relations.

The department thus referred to is clearly indicated by its further characterization (page 51) as "the treaty-making power."

The Prize Cases (2 Bl., 635) are not strictly in point, because they refer to domestic, not to foreign, difficulties. Mr. Justice Grier (page 670) says:

Whether the President, in fulfilling his duties as commander-in-chief, in suppressing an insurrection has met with such armed hostile resistance and a civil war of such alarming proportions as will compel him to accord to them the character of beligerents is a question to be decided by him, and this court must be governed by the decisions and acts of the political department of the Government to which this power was intrusted.

The italics are the court's own.

In the recent case of United States vs. Trumbull (48 Fed. Rep., 99, 104), referring to the late civil war in Chile, Judge Ross says: It is beyond question that the status of the people composing the Congressional party at the time of the commission of the alleged offense is to be regarded by the court as it was then regarded by the political or executive department of the United States. This doctrine is firmly established.

In the *Itata* (56 Fed. Rep., 505, 510) the circuit court of appeals for the ninth circuit, speaking through Judge Hawley, said:

The law is well settled that it is the duty of the courts to regard the status of the Congressional party in the same light as they were regarded by the executive department of the United States at the time the alleged offenses were committed.

2. Utterances of text writers relating to the power to recognize the independence or belligerency of a foreign government.

This is a subject not touched upon in some commentaries, for the reason that such commentaries often undertake to show only the judicial exposition of the Constitution, and say but little upon the judicial exposition of the Constitution, and say but little upon subjects which have not been of judicial cognizance. Of the few jurists who have treated this subject, probably the only one who has supposed any right of recognition to reside in Congress was Mr. Rawle. He states that the legislative branch has a higher right than the executive in this particular, but does not discuss the point, and cites no authority, apparently supposing it to be an undisputed one, and consequently giving it no careful consideration. (Second edition, pages 195, 196.) He seems ignorant of the constitutional debates, which had practically settled the point to the contrary, and under the circumstances his opinion is not to be regarded as of much weight. regarded as of much weight.

regarded as of much weight.

The first real discussion of this question by a text writer is to be found in the Commentaries of Mr. Justice Story. It was not the plan of these commentaries to decide open questions. He therefore simply states the arguments, although, in dictating his personal opinion, in favor of the executive power. Afterwards, as has already been pointed out, in the case of Williams vs. Sufas has already been pointed out, in the case of williams vs. Suffolk Insurance Company, he has stated most positively that the power resided solely in the executive. He says of the power to receive ambassadors and ministers that it "is always an important, and sometimes a very delicate, function, since it constitutes the only accredited medium through which negotiations and friendly relations are ordinarily carried on with foreign powers."

He proceeds as follows (2 Story on the Constitution, sections 1566 and 1567):

But a much more delicate occasion is when a civil war breaks out in a nation, and two nations are formed, or two parties in the same nation, each claiming the sovereignty of the whole, and the contest remains as yet undecided, flagrante bello. * * The exercise of this prerogative of acknowledging new nations or ministers is therefore under such circumstances an executive function of great delicacy, which requires the utmost caution and deliberation. * * If such recognition is made, it is conclusive upon the nation, unless, indeed, it can be reversed by an act of Congress repudiating it. If, on the other hand, such recognition has been refused by the Executive, it is said that Congress may, notwithstanding, solemnly acknowledge the sovereignty of the nation or party (citing Rawle). These, however, are propositions which have hitherto remained as abstract statements under the Constitution, and therefore can be propounded not as absolutely true, but as still open to discussion if they should ever arise in the course of our foreign diplomacy. The Constitution has expressly invested the Executive with power to receive ambassadors and other ministers. It has not expressly invested Congress with the power either to repudiate or acknowledge them. * * *

properly be conferred on any other than the executive department will admit of little doubt. That it should be exclusively confided to that department without any participation of the Senate in the functions—that body being conjointly intrusted with the treaty-making power—is not so obvious. Probably the circumstance that in all foreign governments the power was exclusively confided to the executive department, and the utter impracticability of keeping the Senate constantly in session, and the suddenness of the emergencies which might require the action of the Government, conduced to the establishment of the authority in its present form. It is not, indeed, a power likely to be abused, though it is pregnant with consequences often involving the question of peace orwar. And in our short experience the revolutions in France and the revolutions in South America have already placed us in situations to feel its critical character and the necessity of having at the head of the Government an Executive of sober judgment, enlightened views, and firm and exalted patriotism.

Clearly only the general plan of not deciding open questions in these commentaries was the learned justice's only reason for not more positively expressing dissent from the propositions of Mr. Rawle; and, as has already been shown, his views upon this point were in accord with those of Chief Justice Marshall as expressed upon the Hutchings trial in 1817. He refers also to the chapter on M. Genet and the neutrality proclamation of 1793 in Marshall's Life of Washington; and all through that chapter it is clear that the Chief Justice agrees with Washington and his Cabinet in considering the recognition of a new government to be an executive

Mr. Pomeroy is much more positive in the statement of his opin-m. He says (Pomeroy's Constitutional Law, 669, 670, and 672):

All foreign relations are thus confided exclusively to the President or to him in connection with the Senate. * * * * Of the unlimited extent and transcendent importance of this function thus confided to the Executive, either alone or in connection with the Senate, there can be no doubt. * * *

can be no doubt. * * *
Congress may pass resolves in relation to questions of an international character; but these can only have a certain moral weight; they have no legal effect; they can not bind the Executive. The necessity for this is evident; negotiations generally require a certain degree of secrecy; one mind and will must always be more efficient in such matters than a large deliberative assembly. * *
The President can not decare war; Congress alone possesses this attribute. But the President may, without any possibility of hindrance from the legislature, so conduct the foreign intercourse, the diplomatic negotiations with other governments, as to force a war, as to compel another nation to take the initiative; and this step once taken, the challenge can not be refused.

Mr. Wharton expresses his opinion in the following headnote: "Such recognition determinable by Executive." (Wharton's International Law Digest, second edition, page 551.)

3. Utterances of courts and text writers on extent of legislative power.

No attempt, so far as we are aware, has ever been made by the Federal Legislature to decide the merits of a pending controversy by a mere declaration. We have already argued that such a declaration would be merely the expression of an opinion, and that it would not have any further force, because it would not in its nature be a legislative, but rather a judicial, act, and that it therefore would not be included within the grant of legislative powers by the first article of the Constitution; that, in other words, while Congress may have power to help one party or the other to a controversy by legislation, it can not decide the controversy by a quasi judicial utterance.

It is a general principle that acts by a legislative body which are not an exercise of legislative power are utterly void, even though they may not be expressly forbidden (Cooley's Constitutional Limitations, sixth edition, page 207):

But when only the legislative power is delegated to one department and the judicial to another it is not important that the one should be expressly forbidden to try causes or the other to make laws. The assumption of the judicial power by the legislature in such a case is unconstitutional, because, although not expressly forbidden, it is, nevertheless, inconsistent with the provisions which have conferred upon another department the power the legislature is seeking to exercise.

The following definition is given by Judge Cooley, page 108:

And it is said that that which distinguishes a judicial from a legislative act is that the one is the determination of what the existing law is in relation to some existing thing already done or happened, while the other is a predetermination of what the law shall be for the regulation of all future cases falling under its provisions.

He quotes also the following definition from Ervine's Appeal (16 Pa. St., 256, 266):

That is not legislation which adjudicates in a particular case, prescribes the rule contrary to the general law, and orders it to be enforced.

Legislative attempts to decide controversies between individuals are therefore held to be void, not merely because they contravene provisions of the constitutional bills of rights, but because they are not contained within the grant of legislative powers.

reasoning is applicable as well to controversies between foreign bodies as to those between individual citizens of our own country.

Legislation is always defined as the power to make laws—the treaty-making power under our Constitution being regarded as quasi legislative (2 Story on the Constitution, 1519). A law is not a statement of a fact, but the establishment of a rule of conduct; although, of course, rules of evidence may be established by enactments whose effect is to provide that certain things which are not true shall for certain purposes be taken as true.

VIII

THAT THE POWER TO RECOGNIZE BELLIGERENCY OR INDEPENDENCE OF A FOREIGN GOVERNMENT IS EXECUTIVE IN ITS NATURE, HAS BEEN RECOGNIZED BY THE WEIGHT OF AUTHORITY IN CONGRESS, AND ALMOST WITHOUT EXCEPTION BY THE LEGISLATIVE BRANCH.

1. Acquiescence by Congress.—It is entirely erroneous to sup-1. Acquiescence by Congress.—It is entirely erroneous to suppose that the present question is a novel one. The boundaries between the legislative and executive powers in relation to foreign affairs have been debated since the very foundations of the Government. The right to recognize the independence of a foreign state was discussed with great ability at the time of the South American revolutions, and received some attention again at the time of the revolution in Texas. The weight of authority, legislative as well as executive, was strongly against the right of Congress to interfere. In each case the President, when the time ame for recognition, acted in concert with Congress for the obvious reason that affirmative action might involve the nation in war, and thus force Congress to make large appropriations and otherwise assist in the settlement of the controversy thus opened. The question has occasionally arisen since for discussion, as in 1864 and 1877. It has never been fully debated, however, since the time of Monroe.

The number of instances in which the Executive has recognized a new foreign power without consulting Congress (because not anticipating consequences which made such consultation necessary) has been very great. No objection has been made by Congress in any of these instances. The legislative power has thus for one hundred years impliedly confirmed the view that the right to recognize a new foreign government belonged to the Executive; and if it is correct doctrine that the same power can not be exercised for the same purposes by two different branches of the Govern-ment, this implied approval is conclusive of the whole present

controversy.

Before quoting the discussions which have arisen directly from the point now involved, it may be well to refer to other interesting Congressional debates upon the general boundaries of the treaty-making power. A treaty is, by the express language of our Constitution, part of the supreme law of the land. In its self-executing provisions, therefore, it repeals all prior acts of Congress with which it conflicts, as has repeatedly been ruled. It may repeal not only acts of Congress, but acts of State legislatures, as by repealing laws prohibiting aliens from owning real estate. It may add territory to the Union, as in the cases of Louisiana and Florida. add territory to the Union, as in the cases of Louisiana and Florida, in which case concurrence of the legislative branch of the Govm which case concurrence of the legislative branch of the Government is necessary only in case an appropriation is required for the purchase money. It may surrender territory to which the United States has long confidently laid claim, as in the case of the surrender of Texas by the Spanish treaty of 1819, the surrender of a part of Maine by the Ashburton treaty of 1842, and the surrender of British Columbia by the Oregon treaty of 1846. In the celebrated resolution of 1796, with reference to Jay's treaty, the House of Representatives attempted to secure a share in our foreign relations, but its claim was denied by the President with the support of the Senate. In 1820 the attempt was renewed by Mr. Clay in of the Senate. In 1820 the attempt was renewed by Mr. Clay in proposing a resolution reciting that as Congress has the power to dispose of the territory of the United States, "no treaty purporting to alienate any portion thereof is valid without the concurrence of Congress." After opposition by Mr. Lowndes, the leader of the House, the resolution was dropped, and the treaty, with its abandonment of Texas, went through without further protest. In 1846 a large part of the session of Congress was taken up with debates over the Oregon boundary question, but when the President and the Senate abandoned the whole of our claim to the territory north of latitude 49°, the House of Representatives made no protest.

of latitude 49°, the House of Representatives made no protest.

Many treaties imperatively demand Congressional legislation in order to carry out the good faith of the Government. The fact, therefore, that, whether by affording a casus belli or otherwise, the treaty-making power is one which enables the President and Senate to force the hand of the House of Representatives, as it enables them to repeal almost any previous legislation in which the House of Representatives has taken part, does not affect the existence of this power as an Executive function. There are, as has already been stated, two ways in which the

There are, as has already been stated, two ways in which the existence of a new foreign sovereignty would naturally be recognized: First, and most properly, by the President alone in receiving its envoy; and, second, by the President and Senate in sending an envoy (the latter method not needing previous legislation, as the envoy would be an officer whose position is established by the Constitution itself, and who could either give his services gratuities. tously or be reimbursed out of a contingent fund, as was done in the case of President Monroe's Scath American commissioners in 1818). Clearly a recognition by treaty would be proper, and a claim by the House of Representatives of a superior right would be resented by the Senate as an infringement of its prerogatives in its executive functions. But the right of the President to act in this way upon consultation with the Senate is no higher than his right to proceed in the other and more customary way entirely upon his own responsibility.

SOUTH AMERICAN REVOLUTIONS UNDER MONROE'S ADMINISTRATION.

Apparently the first discussion of the right to recognize a foreign power was in 1818 in reference to the new Republics of Buenos Ayres, Colombia, and Chile. Statesmen took part in those debates who were familiar with all of our history after 1789, and the state-ments that the question then raised was a novel one may be ac-

ments that the question then raised was a novel one may be accepted as true.

These discussions were precipitated by Mr. Henry Clay, then Speaker of the House of Representatives. It will be remembered that the recognition of the South American republics was his pet measure and the one upon whose success he was mainly basing his aspirations for future leadership; and that he was assuming a position of opposition to President Monroe and his Cabinet, whose hands he was endeavoring to force, claiming that they were lag-gard in this matter. The fact, therefore, that he never in these debates claimed any power in Congress to recognize the independ-ence of a foreign government by a declaratory act or joint resolu-tion is one of very great weight. He clearly bore in mind during the whole controversy the distinction between legislative and nonlegislative measures, and endeavored in vain to find some method of accomplishing his desires by genuine legislation which should be within the constitutional powers of the House over which he presided and in whose debates he took, at the same time, a leading

On March 24, 1818 (Annals of Congress, page 1468), he began the contest in Committee of the Whole upon the appropriation bill, by a motion to amend the bill so as to appropriate the sum of \$18,000 as the outfit and one year's salary of a minister to be deputed from the United States to the independent provinces of the River Plata in South America.

He accompanied this motion with some remarks upon the question involved in his motion of a formal recognition of the independence of the South American States mentioned.

Evidently his attention was called over night to the unconstitutional feature of his proposition in that it purported to recognize independence before the Executive had acted, for on the following day he redrafted his amendment and put it in the following form from 1500. lowing form (page 1500):

For one year's salary and an outfit to a minister to the united provinces of the Rio de la Plata, the salary to commence and the outfit to be paid whenever the President shall deem it expedient to send a minister to the said united provinces, a sum not exceeding \$18,000.

In his speech upon this amendment he said, in answer to the objection that the Executive had not yet acted (page 1499):

objection that the Executive had not yet acted (page 1499):

If we make the previous appropriation we act upon our constitutional responsibility, and the President afterwards will proceed upon his; and so if he make the previous appointment. * * * Each branch of Government, moving in its proper sphere, would act with as much freedom for the influence of the other as was practically attainable.

There was great reason, Mr. C. contended, from the peculiar character of the American Government, in there being a perfect understanding between the legislative and the executive branches in relation to the acknowledgment of a new power. Everywhere else the power of declaring war resided with the executive. Here it was deposited with the legislature. If, contrary to his opinion, there were even a risk that the acknowledgment of a new state might lead to war, it was advisable that the step should not be taken without a previous knowledge of the will of the war-making branch. He was disposed to give to the President all the confidence which he must derive from the unequivocal expression of our will. This expression he knew might be given in the form of an abstract resolution declaratory of that will; but he preferred at this time proposing an act of practical legislation.

He expressed his conviction (page 1500):

He expressed his conviction (page 1500):

That, without unconstitutional interference with the Executive power, with peculiar fitness we might express in an act of appropriation our sentiments, leaving him to the exercise of a just and responsible discretion.

Mr. Clay was answered by Mr. Forsyth, of Georgia, afterwards Secretary of State, and then the chairman of the Committee on Foreign Affairs. Mr. Forsyth said upon this point (page 1502):

Another objection, not less obvious, was presented by the constitutional division of the powers of the Government. Heretofore the President and Senate were left to the exclusive management of the foreign intercourse of the United States. Ministers were received from other powers, and sent from this country to other governments with whom political or commercial interest required us to negotiate, and the House of Representatives contented itself with its constitutional check upon the exercise of this authority, satisfied that they could at all times prevent its improvident exertion by withholding appropriations from those missions the public interest did not require.

Mr. Forsyth proceeded with these significant remarks (page

Were it really true that the Executive Magistrate had discovered a criminal indifference on this subject, Mr. F. said he would be among the most eager to express such an opinion in the only form in which an opinion could be expressed, by a resolution of the House boldly and openly declaring its dislike of the course which had been pursued and recommending the necessary change. * * Let us not at least pretend to give the Executive a discretion already possessed, thus diminishing his responsibility without adding to our own.

The most important speech against Mr. Clay's resolution seems to have been made by Mr. Lowndes, of South Carolina, then chairman of the Ways and Means Committee, and universally acknowledged to be the leader of the House. Mr. Lowndes spoke for an hour and a half (page 1525), but unfortunately his speech has not been preserved, except so far as it may be gathered from references by the other speakers. He said (page 1526) "that

it is the exclusive right of the Executive to manage our foreign relations;" that (page 1607) this was a wise provision; that "we should present a single front," since the President only can communicate, negotiate, and treat with foreign nations (page 1571).

Mr. Smith, of Maryland, one of the oldest and most prominent members of the House, opposed the proposition as "novel and wholly unprecedented," saying (page 1538):

The Constitution has given to Congress legislative powers; to the President the direction of our intercourse with foreign nations. It is not wise for us to interfere with his powers; his plans may be digested with wisdom; our interference might destroy them, and perhaps at the moment when they would otherwise have succeeded. Each branch had better confine itself to the duties assigned to it by the Constitution.

Referring to the conduct of our first Administration during the French Revolution, he said (page 1539):

Did Congress on that occasion direct the conduct of General Washington? Did that Congress tell him that he did not understand what he ought to do, and that they would instruct him? No, sir; they left him to exercise the powers vested in him by the Constitution—to the exercise of his own judgment; they sustained him by no act. Let us act in like manner by the present Chief Magistrate; he has not asked for our assistance; he has asked no outfit for a minister to La Plata. When he does, it will be time to consider the subject.

Mr. Smyth, of Virginia, made a long argument upon the constitutional question in favor of the position that "the measure proposed is an act of usurpation, an invasion of the executive author-(page 1570). He said (pages 1570 and 1571):

ity" (page 1570). He said (pages 1570 and 1571):

The Constitution grants to the President, by and with the consent of the Senate, power to appoint ambassadors and public ministers and to make treaties. According to the usage of the Government, it is the President who receives all foreign ministers and who determines what foreign ministers shall or shall not be received. It is by the exercise of some one of these powers, in neither of which has this House any participation, that a foreign power must be acknowledged. Thus the acknowledgment of the independence of a new power is an exercise of executive authority; consequently, for Congress to direct the Executive how he shall exercise this power is an act of usurpation. To give such direction must be an act of usurpation, if it shall have any effect. * * * You possess the power of impeachment, and consequently may discuss and by resolution express an opinion on any past act, either of the executive or of the judiciary, but you have no right to give a direction to either. The President is responsible for the proper execution of his constitutional powers; he may be punished for abusing them or for neglect of his duty. This House is the proper body to prosecute him if he shall fail to do his duty. * *

Mr. Holmes, of Massachusetts (Maine), also one of the leaders, and speaking in support of the amendment, claimed that it was only in aid of the President, and not an interference with his discretion (page 1583). Mr. Henry St. George Tucker, of Virginia, took the same ground (pages 1589-1591, and 1596), saying:

We command nothing—we leave everything to the control of the Executive discretion.

Mr. Clay, in summing up the debate, said (pages 1607 and 1608): Mr. Clay, in summing up the debate, said (pages 1607 and 1608):

That no part of the Constitution had said which should have precedence—
the act making an appropriation for paying a minister, or the act of sending
one. * * * [They] should be simultaneous, or if either had preference, the
act of appropriating for his pay should precede the sending of the minister
* * * [quoting certain acts], from which it appeared, he said, that Congress
had constantly pursued the great principle of the theory of the Constitution
for which he now contended, that each department of the Government must
act within its own sphere, independently and on its own responsibility. * *
Mr. C. said his theory of the Constitution on this particular subject was that
Congress had the right to appropriate money for foreign missions—the President the power to use it. * * * Both being before him—the power and the
means of executing it—the President would judge on his own responsibility
whether or not it was expedient to exercise it. In this course, Mr. C. said,
each department of the Government would act independently without influence from or without interference with each other.

Mr. Clay, in the same speech, made the following further remarks

Mr. Clay, in the same speech, made the following further remarks (pages 1616 and 1618):

(pages 1616 and 1618):

There are three modes under our Constitution in which a nation may be recognized: By the executive receiving a minister; secondly, by its sending one thither; and, thirdly, this House unquestionably has the right to recognize in the exercise of the constitutional power of Congress to regulate foreign commerce. To receive a minister from a foreign power is an admission that the party sending him is sovereign and independent. So the sending a minister, as ministers are neversent but to sovereign powers, is a recognition of the independence of the power to whom the minister issent. * * This House, Mr. C. said, had the incontestable right to recognize a foreign nation in the exercise of its power to regulate commerce with foreign nations. Suppose, for example, we passed an act to regulate trade between the United States and Buenos Ayres, the existence of the nation would be thereby recognized, as we could not regulate trade with a nation which does not exist.

Mr. Clay always maintained that the clause that Congress had power to regulate commerce with foreign nations gave Congress the power to recognize the independence of a foreign country; but, although he was often very anxious to secure such a recogni tion by legislative action, he never found any practical means of carrying out his theory.

The practical construction of the Constitution from the beginning has shown that the theory is unsound for the following reason: That a regulation of commerce need not apply to the whole of the territory of any foreign nation. In other words, if a foreign nation is divided into various provinces, colonies, etc., Congress has the undoubted power to make regulations of commerce which shell apply to only one or more of such subdivisions. Such regulations shall apply to only one or more of such subdivisions. Such regulations might be casus belli, but do not constitute recognitions of the independence of the subdivision with which commerce is regulated.

One very ancient provision is that by which commercial regulations are made to depend upon the question whether importa-tions are from this side of the Cape of Good Hope or beyond it— a line which represents no national boundary. This distinction dates from the First Congress, which was controlled by the men who established the Constitution, and which itself adopted the first ten amendments. (Act of July 31, 1789, chapter 5, section 2; act of August 4, 1790, chapter 35, sections 2 and 39.) Section 3095 of the Revised Statutes provides for importations into the collection districts "adjoining the Dominion of Canada." This is evidently intended to apply to importations from Canada, as it permits importations in a manner which would not be applicable to transactions in a manner which would not be applicable. to transatlantic commerce. This provision is taken from section 92 of the revenue-collection act of 1799, which also applied to "the districts on the rivers of Ohio and Mississippi." These districts adjoined the Spanish province of Louisiana; but no similar privileges were permitted to the Spanish province of Florida.

An act of 1866 (Revised Statutes, sections 2508 and 2509) makes a special regulation with regard to certain commerce with New Brunswick. Special regulations with respect to tonnage fees affect the Dominion of Canada alone (sections 1723 and 4222). These statutes speak of that Dominion as if it were an independent power, but never have been considered as importing a recognition of an unclaimed independence. The power of Congress would be very much cut down if it had in each regulation of

commerce to treat a foreign nation as a whole.

Section 3006 recognizes "the proper authorities of the British Provinces." Section 3008 makes special regulations with regard to forfeitures of merchandise from "the British North American Provinces." Section 3002 makes special provision for exportations to Chihuahua, in Mexico. (See also sections 3003 and 3004.) Special privileges were given to "merchandise imported from the British North American Provinces adjoining the United States" by an act of 1846 (Revised Statutes, 3053). Further privileges are given by an act of 1850 (section 3054) and by an act of 1845 (section 3056). Another act of 1850 provides for reciprocity in certain matters with "the colonies hereinafter mentioned," namely, "Canada, New Brunswick, Nova Scotia, Newfoundland, and Prince Edwards Island, or either of them."

The act of May 24, 1890, chapter 292, provides that certain privi-leges to Canadian vessels shall cease when a "reciprocal privilege has been annulled, revoked, or rendered inoperative by said Government of the Dominion of Canada." Does this recognize the independence of that "Government?"

To claim that the power to regulate commerce with foreign na-tions involved a recognition of the independence of the nations with whom commerce is regulated would imply that no nation which is not independent can regulate commerce. It is, on the contrary, a familiar fact that Canada and many other colonies of Great Britain regulate their own commerce with practical independence to that extent.

From 1789 to the present day the legislative branch of our Government to make a regulation of foreign commerce turn upon the

ernment to make a regulation of foreign commerce turn upon the independence of the country whose commerce is to be regulated, while to give the word "nations" in the Constitution so narrow a meaning would give to the grant of legislative powers an unsuspected and unreasonable interpretation.

Mr. Clay declared (page 1616) that all he desired by the present amendment was to convey to the President an expression of our willingness that the Government of Buenos Ayres should be recognized. His amendment, however, was defeated by a vote of 115 to 45 (page 1646) on March 28, 1818.

On the previous evening, as reported by John Quincy Adams, then Secretary of State, President Monroe had had an interview with a member of the Senate with reference to the power in question, and had informed the Senator that he was very willing to

tion, and had informed the Senator that he was very willing to receive advice as to the feelings of Congress, complaining only of "the angry, acrimonious course pursued by Mr. Clay." He also said with reference to Cabinet meetings in the fall of 1817 (4 Memoirs of John Quincy Adams, page 71):

That at the time the questions were proposed whether the Executive was competent to acknowledge the independence of Buenos Ayres, and, if so, whether it was expedient; that it had been concluded the Executive was competent; but that it was not expedient to take the step without the certainty of being supported in it by the public opinion, which, if decidedly favorable to the measure, would be manifested by measures of Congress.

This remark possibly referred to a Cabinet meeting on December 6, 1817, with reference to Mr. Clay's then projected "motion to acknowledge the Government of Buenos Ayres and perhaps

Chile" (id., page 28).

Doubtless the failure to offer this motion was due to Mr. Clay's conviction that it would be unconstitutional and therefore ineffective. The President had already during the recess of Congress consulted the Cabinet as to an immediate recognition of Buenos

Ayres (id., page 13).

On January 2, 1819, (id., pages 204 and 206), Monroe's Cabinet considered the question of the power to recognize Buenos Ayres.

Mr. Calhoun advised acting in concurrence with Great Britain

(an act clearly practicable only by the Executive). Mr. Crawford advised acting by sending a minister there—

Because the Senate must then act upon the nomination, which would give their sanction to the measure. Mr. Wirt added that the House of Representatives must also concur by assenting to an act of appropriation. And the President, laughing, said that, as those bodies had the power of impachment over us, it would be quite convenient to have them thus pledged beforehand.

Mr. Adams thought that the first minister should come from the country seeking recognition, and said:

As to impeachment, I was willing to take my share of risk of it for this measure whenever the Executive should deem it proper. And, instead of admitting the Senate or House of Representatives to any share in the act of recognition, I would expressly avoid that form of doing it which would require the concurrence of those bodies. It was, I had no doubt, by our Constitution, an act of the Executive authority. General Washington had exercised it in recognizing the French Republic by the reception of Mr. Genet. Mr. Madison had exercised it by declining several years to receive, and by finally receiving Mr. Onis; and in this instance I thought the Executive ought carefully to preserve entire the authority given him by the Constitution, and not weaken it by setting the precedent of making either House of Congress a party to an act which it was his exclusive act and duty to perform.

Mr. Crawford said:

Mr. Crawford said:

He did not, however, deny, but admitted, that the recognition was strictly within the powers of the Executive alone.

On March 30, 1818, Mr. Clay's amendment, which had been made in Committee of the Whole for the purpose of taking the yeas and nays, was renewed by Mr. Anderson, of Kentucky, when the bill was reported to the House. The only speech on the renewal of the motion was made by Mr. John C. Spencer, of New York, who said mages 1850. said (page 1654):

I believe most firmly that we have the constitutional power to legislate on this and every other subject connected with our foreign relations or with the regulation of commerce. I hold it to be a power concurrent with that of the executive branch, and believe it to be one of the most important which this House possesses. I would make a perpetual claim to the right on every proper occasion, and I would place it on the records of the nation as an eternal evidence of that claim. Since then, no injury can flow from its adoption, because it will be left to the Executive discretion.

The motion was again defeated by a vote of 115 to 45 (page 1655).

The position thus taken by Mr. Spencer is clearly correct from a constitutional point of view. A provision for a foreign mission "whenever the President shall deem it expedient" to send a minister is a strictly legislative act. The objection to the resolution is not in its words, but in its probable effect. It was premature, and thus likely to embarrass the executive in its diplomatic work, and thus postpone rather than hasten the end which all desired.

On May 10, 1820, the House of Representatives debated the following resolution, introduced by Mr. Clay (Annals of Congress, page 2223):

Resolved, That it is expedient to provide by law a suitable outfit and salary for such minister or ministers as the President, by and with the advice and consent of the Senate, may send to any of the governments of South America which have established and are maintaining their independence of Spain.

This resolution was opposed by John Sergeant and by Lowndes, but was carried, amid much surprise, by a vote of 80 to 75 (Id., page

but was carried, amid much surprise, by a vote of 80 to 75 (Id., page 2230; 5 Memoirs of John Quincy Adams, page 108).

Mr. Lowndes, at an earlier period of the same session, had endeavored to force the hand of the President by legislation, introducing a bill authorizing and directing him to occupy Florida and establish a temporary government there.

On February 9, 1821, Mr. Clay again moved his ten-thousand-dollar appropriation for a minister to any South American government "which has established and is maintaining its independency of Spain." The resolution was opposed by Lowndes and others, and defeated by a vote of 86 to 79. (Annals of Congress, pages 1071 and 1077.) On the following day he introduced the following resolution (page 1081):

Resolved, That the House of Representatives participates with the people of the United States in the deep interest which they feel for the success of the Spanish provinces of South America which are struggling to establish their liberty and independence, and that it will give its constitutional support to the President of the United States whenever he may deem it expedient to recognize the sovereignty and independence of any of the said provinces.

A debate ensued upon this resolution, in which some members opposed it as an encroachment upon the Executive, while others defended it as not attempting to interfere with his discretion, but merely assuring him of the support of Congress if he should decide to take affirmative action. Others still somewhat curiously insisted that the recognition of a new foreign government must be a conjoint action of the three branches—legislative, executive, and

John Sergeant, of Philadelphia, a well-known commentator of the Constitution, and one of the leaders of the American bar, as well as chairman of the Judiciary Committee, declared the inter est of the House in the success of the South American revolutions and its willingness to support the President "whenever he may deem it expedient to recognize the sovereignty and independence of any of the said provinces." Mr. Sergeant stated his objections

to the last clause of the resolution as follows (Annals of Congress, 1820 and 1821, page 1089):

1820 and 1821, page 1089):

His objections were, in general terms, that it expresses an individual opinion, and professes to give a pledge which must be utterly inefficacious: that it is not a legislative act, and is not to lead to a legislative act; that it contains a declaration by which neither this House, the President, nor the Senate would be bound; that it would involve the House in difficulties on a constitutional ground; that if Congress wish a recognition, having the power equally with the executive, they should effectuate their wish by a legislative act. * * * That however independent of the executive as an individual this House might be, yet with respect to the executive as an ananch of the Government, it was important that this House should not disturb the harmony of the different departments of the Government as adjusted by the Constitution itself, and that it should not rush from its sphere and jostle others in their course.

Apparently Mr. Sergeant, while conceding the constitutional queston to be an open one (speaking as he was to a hostile House), was himself of the opinion that a concession of this right to Congress would "disturb the harmony of the different departments of the Government as adjusted by the Constitution itself." He was referred to by another member as an upholder of the execu-

tive power (page 1087).

Mr. Clay (page 1088) "concluded that both Congress and the Executive had this power, but that the most regular, ordinary, and usual course was by the Executive, and it was therefore proper to assure him of the support of this House." His conclusion as to Congressional power probably was based upon his argument above. quoted concerning the commerce clause of the Constitution. first clause of the resolution was carried by a vote of 134 to 2; the second clause by a vote of 87 to 68.

Mr. Adams says of this resolution that it "was ingeniously adapted to its only object, which was that of covering its defeat of the preceding day." (5 Memoirs of John Quincy Adams, page

A committee of two members was appointed to lay these resolutions before the President. Mr. Clay, on February 19 (pages 1179 and 1180), made the following report from the committee:

That the committee had, according to order, presented the resolution to the President; that the President assured the committee that, in common with the people of the United States and the House of Representatives, he felt great interest in the success of the provinces of Spanish America which are struggling to establish their freedom and independence, and that he would take the resolution into deliberate consideration with the most perfect respect for the distinguished body from which it had emanated.

It will be noticed that this language would apply equally well

It will be noticed that this language would apply equally well to a resolution presented by any State legislature.

On January 31, 1822, Mr. Trimble of Kentucky, one of the most radical supporters of Mr. Clay, introduced a joint resolution, by which the President was "authorized and requested to acknowledge the independence of the Republics of Colombia," and to exchange ministers; and declaring that "Such of the Spanish provinces in South America as have established and are maintaining their independence of Spain ought, in like manner, to be acknowledged," etc. This resolution was a covert attempt to extend the function of the legislature, by claiming a power to "authorize" without assuming to direct. At Mr. Trimble's request it was referred to the Committee of the Whole House on the state of the Union (page 982), but was there dropped. Meanwhile, on January referred to the Committee of the Whole House on the state of the Union (page 982), but was there dropped. Meanwhile, on January 30, the House, on motion of Mr. Nelson of Virginia, had requested the President to lay before it the documents bearing on the South American question "as it may be consistent with the public interest to communicate." (Pages 825, 828.)

In response thereto the President sent in his well-known message of March 8, 1822 (Annals of Congress, page 1238), in which, after stating that in his opinion the time had come to recognize these Republics, he said:

Should Congress concur in the view herein presented, they will doubtless see the propriety of making the necessary appropriations for carrying it into effect.

This message he prefaced with the statement that he considered it his duty-

To invite the attention of Congress to a very important subject, and to communicate the sentiments of the Executive on ft, that should Congress entertain other sentiments, then there may be such cooperation between the two departments of the Governments as their respective rights and duties may require

This clearly refers to the right of the executive department President) to receive ministers, the right of the executive department (President and Senate) to send ministers in return, and the right of the legislative department to decide whether or not these latter ministers should be paid salaries and provided with suitable

The House resolutions, very carefully drawn with reference to the distribution of constitutional power, were passed substantially as reported from the Foreign Affairs Committee by Mr. Russell, of Massachusetts (pages 1320 and 1403):

Resolved, That the House of Representatives concur in the opinion expressed by the President in his message of the 8th of March. 1822, that the late American provinces of Spain which have declared their independence and are in the enjoyment of it ought to be recognized by the United States as independent nations.

Resolved, That the Committee of Ways and Means be instructed to prepare a bill appropriating a sum not exceeding \$100,000 to enable the President of the United States to give due effect to such recognition.

It has been claimed by some that President Monroe finally admitted power in the legislative branch to recognize a new government. This is not correct. What he did acknowledge was the importance of consulting the legislative branch when a step was about to be taken whose expediency might be doubted, and which would necessarily result in a request for appropriations.

A note by the President, supposed to date from 1820 or 1821,

has been found among his papers. It seems to refer to the resolu-tion of May 10, 1820, or February 10, 1821. Referring to the attitude which had been taken by the Administration, he said:

It is believed that that attitude would have been perfectly safe, while it was undoubtedly very strong and imposing. The vote of the House of Representatives reenforced it, and being not obligatory as a measure, ought not be considered in any other light. It is hoped that it will not. On that side, it must be admitted, is the danger.

TEXAS

Early in 1836 resolutions of the legislature of Connecticut and various memorials were referred to the Committee on Foreign Relations of the Senate, praying for the recognition of the inde-pendence of Texas. Mr. Clay, on June 18, 1836, reported the fol-lowing Senate resolution (Gales & Seaton, page 1848):

Resolved, That the independence of Texas ought to be acknowledged by the United States whenever satisfactory information shall be received that it has in successful operation a civil government capable of performing the duties and fulfilling the obligations of an independent power.

Mr. Clay said (pages 1847 and 1848):

Mr. Clay said (pages 1047 and 1040):

The recognition of Texas as an independent power may be made by the United States in various ways: First, by treaty; second, by the passage of a law regulating commercial intercourse between the two powers; third, by sending a diplomatic agent to Texas, with the usual credentials; or, lastly, by the Executive receiving and accrediting a diplomatic representative from Texas, which would be a recognition as far as the Executive only is competent to make it. In the first and third modes the concurrence of the Senate in its executive character would be necessary; and in the second, in its legislative character. The Senate alone, without the cooperation of some other branch of the Government, is not competent to recognize the existence of any power.

power.

The President of the United States, by the Constitution, has the charge of their foreign intercourse. Regularly he ought to take the initiative in the acknowledgment of the independence of any new power. But in this case he has not yet done it for reasons which he without doubt deems sufficient. If in any instance the President should be tardy, he may be quickened in the exercise of his power by the expression of the opinion, or by other acts, of one or both branches of Congress, as was done in relation to the republics formed out of Spanish America.

formed out of Spanish America.

These remarks show that Mr. Clay still maintained the theory of the right of recognition under the commerce clause; a theory which, as already pointed out, is based upon misapprehension, and which has never yet been expressed in any practical form.

It is clear that Mr. Clay did not consider that the Senate "in its legislative character" could take part in the recognition of a foreign government by a direct declaration.

The resolution is merely an expression of the sense of the Senate, and is of unquestionable constitutionality.

In the debate upon the resolution on July 1, Mr. Preston said "that he had with difficulty restrained himself from offering an amendment to recognize the independence of Texas immediately."

amendment to recognize the independence of Texas immediately." Mr. Webster said (page 1915):

He was willing to go so far as to vote funds to enable the President to send out a proper minister. But against a direct recognition he thought there existed strong objections. It was the proper function of the President to take the lead in this matter.

The resolution was adopted unanimously (page 1928). In the House of Representatives, Mr. Bell moved on June 27 for an outfit and salary for a minister to Texas. His resolution was laid on the table by a vote of 135 to 56, on the ground that the Foreign Relations Committee had the matter under advisement (page 4499). On July 4 that committee reported through its chairman, Mr. John Y. Mason, of Virginia. This report sets up no claim that Congress has the right to recognize a foreign power. It says (Report No. 854, Twenty-fourth Congress, first session):

By the Constitution of the United States the duty of conducting negotia-tions and of superintending our relations with foreign states is devolved on the President.

Two resolutions were reported by Mr. Mason, the first being similar to that which had been adopted by the Senate, and the second expressing pleasure that the President had taken steps to inquire into the matter. The House was about to adjourn sine die, and hence the resolutions were passed under the previous question, cutting off the desire of John Quincy Adams and others to delay them. o debate them (page 4621).

At the following session, on December 21, 1836, President Jackson sent in his well-known message, stating in detail "the considerations that have governed the Executive in continuing to occupy the ground previously taken in the contest between Mexico and Texas." It contains the following familiar passage (Gales & Seaton, pages 1138 and 1139):

In the preamble to the resolution of the House of Representatives it is distinctly intimated that the expediency of recognizing the independence of Texas should be left to the decision of Congress. In this view, on the ground of expediency, I am disposed to concur, and do not therefore consider it necessary to express any opinion as to the strict constitutional right of the Executive, either apart from or in conjunction with the Senate, over the subject. It is to be presumed that on no future occasion will a dispute arise, as none has heretofore occurred, between the Executive and Legislature in the exercise of the power of recognition. It will always be considered consistent with

the spirit of the Constitution, and most safe, that it should be exercised, when probably leading to war, with a previous understanding with that body by whom war can alone be declared, and by whom all the provisions for sustaining its perils must be furnished. Its submission to Congress, which represents in one of its branches the States of this Union and in the other the people of the United States, where there may be reasonable ground to apprehend so grave a consequence, would certainly afford the fullest satisfaction to our own country, and a perfect guarantee to all other nations, of the justice and prudence of the measures which might be adopted.—Congressional Debates, Volume XIII, part 1, pages 1138 and 1139.

President Jackson plainly was of the conjuion that in a doubtful

President Jackson plainly was of the opinion that in a doubtful case, when international complications might be involved, the President should not recognize a revolutionary government without the assent of Congress. His language is so carefully guarded that no inference can be made with entire confidence as to the proper course if the Executive were strongly of the opinion that facts justifying the recognition of independence did not exist.

On January 11, 1837, Mr. Walker, of Mississippi, offered in the Senate a resolution (not a joint resolution) which recited the practical independence of Texas, and resolved as follows:

It is expedient and proper, and in perfect conformity with the laws of nations and the practice of this Government in like cases, that the independent political existence of said State be acknowledged by the Government of the United States.

The resolution was not adopted until March 1 (page 1013).

In the House the Committee on Foreign Affairs, to which the message had been referred, reported the following resolution from Mr. Howard on February 21 (page 1880):

Resolved, That the Committee of Ways and Means be directed to —— in the bill for the civil and diplomatic expenses for the Government a salary and outfit for such public agent as the President may determine to send to Texas.

On February 27 a motion was made to amend the civil and diplomatic appropriation bill by inserting the following provision (page

The proposed amendment was vigorously debated as to the existence of independence and the advisability of recognizing it. Little was said as to the representative functions of the Executive and the Legislature.
Mr. John Quincy Adams said (page 2060):

He objected to this proposition on the ground that the act of recognition of a foreign power had heretofore always been an Executive act of this Government. It was the business and duty of the President of the United States, and he, Mr. A., was not willing to set the example of giving that recognition on the part of the legislative body without recommendation of the Executive.

Mr. Hamer, answering this argument on behalf of the Committee on Foreign Affairs, said (page 2061):

The Executive had referred it to us for the expression of an opinion on our part. He did not choose to act without some such expression. Why, then, do we send it back to him without action on the part of Congress? Let us give an intimation of our wishes on the subject which will respond to the call of the President, and serve as a guide to his proceedings in the future.

Mr. Shepard moved the following amendment, which was ac-

which was accepted (page 2064):

Whenever the President of the United States shall receive satisfactory evidence that Texas is an independent power, and that it is expedient to appoint such a minister.

Thereupon, on the suggestion of Mr. Cambreleng, the constitu-tional doubt as to the propriety of the provision was removed by striking out the word "independent" before the words "Republic

It thus appears that great care was taken by both Houses not to assume for the legislative branch any power directly to recognize a new foreign government, but that the responsibility was left entirely with the Executive.

Not even in connection with the recognition of the South American Republics have the real facts been so misunderstood as here.

MISSION TO MEXICO, 1842.

On April 13, 1842, in the debate upon the appropriation act, Mr. Linn, of New York, moved to strike out the provision for a minister to Mexico. In the course of his remarks he said (Congressional Globe, Appendix, page 514):

One of the most important functions bestowed on the Executive of this nation is his control of our foreign intercourse. * * * The power of this House as a coordinate branch of our Legislature over our foreign intercourse is rather incidental than direct or express, and yet may, as it should be both potent and controlling. Accordingly, from the orgigin of this Government to the present time, this House has exercised this power, in the negative form, of either confining the appropriations within the limits of its own judgment and discretion or of withholding them from particular branches of the service.

Mr. Linn then proceeded to show how powerful a weapon this right to appropriate or withhold appropriations had become.

Mr. Pickens, in reply, made the following remarks (Congres-

sional Globe, page 418):

He did not intend to enter into this debate, but when he heard the remarks of the gentleman from New York he could not repress the feelings they excited. He believed that some alterations in our diplomatic arrangements were necessary, but he was willing to leave that matter to the direction of the Executive, who was constitutionally charged with it.

The debate upon Mr. Linn's amendment was protracted and exciting, but no further references were made to the constitutional question; and the amendment was finally withdrawn.

In the Presidential campaign of 1844 one of the issues was the In the Presidential campaign of 1844 one of the issues was the maintenance of the claim of the United States that Oregon extended to latitude 54° 40′, or the southern boundary of Russian America. President Polk was elected partly upon this issue. At that time, by the conventions of October 20, 1818, and October 6, 1827, the United States and Great Britain were in joint occupancy of the disputed territory, an occupancy which either contracting party could, "in case either should think fit at any time after the 20th of October, 1828, on giving due notice of twelve months to the other contracting party, terminate." Early in 1846 it was understood that the Administration were contemplating the surrender of our claim to the whole of Oregon north of latitude 49°. This called forth a number of resolutions in both Houses of Con-This called forth a number of resolutions in both Houses of Congress with the aim of forcing the President's hand by compelling him to give notice of termination of the joint occupancy.

In the Senate Mr. Hannegan, of Indiana, introduced a resolution declaring that our title extended to latitude 54° 40°, and that its abandonment would be dishonorable. Mr. Calhoun introduced a set of resolutions including the following:

set of resolutions, including the following:

Resolved, That the power of making treaties embraces that of settling and fixing boundaries between the territories and possessions of the United States and those of other powers in cases of conflicting claims between them in reference to the same.

Senator Haywood, of North Carolina, pronounced both sets of resolutions as premature, the President as yet having taken no action (Congressional Globe Appendix, page 46), Mr. Calhoun's resolutions also expressing views upon the question.

On January 8, 1846, the Committee on Foreign Affairs reported

On January 8, 1846, the Committee on Foreign Affairs reported a joint resolution in mandatory form that the President give the desired notice. On February 10 this was taken up for consideration, together with Mr. Hannegan's and Mr. Calhoun's resolutions, and a resolution of Mr. Crittenden authorizing the President to give the notice in his discretion (pages 350 and 351).

Meanwhile the Committee on Foreign Relations of the House of Representatives, through Mr. C. J. Ingersoll, of Pennsylvania, had also reported a joint resolution directing the President to give this notice. The minority of the committee (Messrs. Garrett Davis, of Kentucky; Truman Smith, of Connecticut, and Caleb B. Smith, afterwards in Lincoln's Cabinet) reported that it "is not a matter for the decision of Congress, and upon it this House at presmatter for the decision of Congress, and upon it this House at present refrains from expression of any opinion" (pages 138 and 139.)
On February 9 the majority resolution was adopted by a vote of

163 to 54.

The Senate debated the various resolutions until April 16, when, The Senate debated the various resolutions until April 16, when, on motion of Senator Allen, of Ohio, that of the House of Representatives was substituted for the one which had been reported to the Senate. Mr. Reverdy Johnson then moved a substitute similar to the Crittenden resolution, containing the words "at his discretion." Mr. Breese, of Illinois, moved to strike out the words "at his discretion." The motion was defeated, 30 to 22, and Mr. Johnson's adopted, 30 to 24. The resolution was then passed, 40 to 14

(pages 680-683).
On April 18 the House of Representatives, on motion of Mr. Robert Dale Owen, of Indiana, struck out the words "at his discretion" and inserted the words "as requested," by a vote of 100 to 87, and the resolution as thus amended passed, 144 to 40 (pages to 87, and the resolution as thus amended passed, 144 to 40 (pages 691 and 692). A conference committee was appointed, consisting of Messrs. Berrien, Corwin, and Haywood from the Senate, and C. J. Ingersoll, Owen, and Hilliard from the House (pages 703 and 704). This committee reported a resolution substantially in the form proposed by Mr. Johnson, and it was carried in the Senate by a vote of 42 to 10, and in the House by a vote of 142 to 6 (pages 717, 720, and 721). The resolution, omitting the preamble, was as follows:

was as follows:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled. That the President of the United States be, and he is hereby, authorized, at his discretion, to give to the Government of Great Britain the notice required by the second article of the said convention of the 6th of August, 1827, for the abrogation of the same.

It was approved April 27, 1846. (9 Stat., 10.)

In June of the same year the President, with the advice and consent of the Senate, by treaty abandoned our claim to the territory north of latitude 49°. This treaty became part of the supreme law of the land, although not concurred in by the legislative branchof the Government (the Senate acting in its executive capacity). It was even an irrepealable law, for the territory in dispute having been once surrendered to Great Britain, it was no longer in the power of any branch of our Government to recover it, except in the power of any branch of our Government to recover it, except by arms. The question was one of vastly greater importance than the mere recognition of a new foreign government, but the House of Representatives entered no protest.

RECIPROCITY TREATY OF 1854.

This treaty also contained a provision for its termination upon one year's notice. It provided for reciprocal free trade between the contracting parties in certain articles, and therefore entirely disarranged the revenue system at the time of the war. The notice to terminate it was given in pursuance of a joint resolution of January 18, 1865 (13 Stat., 566), which not only passed the Senate

without question on the ground of its interference with executive functions, but was approved by President Lincoln, who in the previous year had taken very high ground against the right of the legislative branch of the Government to recognize or refuse to recognize a foreign government. The desire for the termination of this treaty was almost unanimous. The only references to any constitutional question were raised by Mr. Collamer, of Vermont (Congressional Globe, pages 210 and 211), who took the ground that a treaty interfering with the revenue system of the Government was either unconstitutional or at least inconsistent with the theory of the Constitution except so far as it might be ratified by theory of the Constitution except so far as it might be ratified by statute. Mr. Collamer stated that the Cabinet of which he had been a member was of this opinion, and for that reason disapproved of the proposed reciprocity treaty.

Either to this reason or because of a desire to avoid constitu-

tional collisions over a measure which was certain to be adopted (for Mr. Lincoln and an overwhelming majority of the Senate were in favor of the measure) the failure to raise constitutional points is probably due. Mr. Lincoln had just been in sharp conflict with the House of Representatives upon a similar constitutional point, as will be shown, and doubtless in this matter he was as desirous of obtaining the advice of Congress as had been Mr. Monroe in 1822 and General Jackson in 1836.

EMPEROR MAXIMILIAN-1884.

On April 6, 1864, a joint resolution was introduced by Mr. Henry W. Davis, chairman of the Foreign Affairs Committee of the House of Representatives, as follows (page 1408):

It declares that the Congress of the United States are unwilling by silence to leave the nations of the world under the impression that they are indifferent spectators of the deplorable events now transpiring in the Republic of Mexico, and that they therefore think fit to declare that it does not accord with the policy of the United States to acknowledge any monarchical government erected on the ruins of any republican government in America under the auspices of any European power.

Speeches were made in support of this resolution by himself and by Mr. S. S. Cox, of Ohio, and it was passed unanimously, no constitutional question being suggested. Mr. Brooks, of New York, however, said: "I have no objection to the joint resolution

York, however, said: "I have no objection to the joint resolution if it be not a mere paper fulmination. I do object, however, to paper thunder. If it means anything, I am in favor of the resolution. If not, I am opposed to it." He voted for it.

In consequence of an article in the Moniteur, the official journal of the French Government, the House on May 23 requested the President to communicate "any explanations given by the Government of the United States to the Government of France" respecting this resolution. President Lincoln in turn, on May 25, communicated to the House certain correspondence between Mr Seward, the Secretary of State, and Mr. Dayton, the minister to France (page 2475). France (page 2475).

Mr. Seward writes that the French minister having asked an explanation of the resolution, he inclosed it with the statement that it "truly interprets the uniform sentiment of the people of the United States in regard to Mexico." He says, however:

It is, however, another and distinct question whether the United States would think it necessary or proper to express themselves in the form adopted by the House of Representatives at this time. This is a practical and purely executive question, and a decision of it constitutionally belongs, not to the House of Representatives, nor even Congress, but to the President of the United States.

He further points out that a joint resolution must pass the Senate, etc., "before it can acquire the character of a legislative act;" and transmits the following message from President Lincoln:

and transmits the following message from President Lincoln:

He directs that you inform the Government of France that he does not at present contemplate any departure from the policy which this Government has hitherto pursued in regard to the war which exists between France and Mexico. It is hardly necessary to say that the proceedings of the House of Representatives were adopted by suggestions arising in itself and not upon any communication of the executive department, and that the French Government would be seasonably apprised of any change of policy upon this subject which the President might at any future time think it proper to adopt.

On December 15, 1864, Mr. Davis reported from the Committee on Foreign Affairs the following resolution:

Resolved, That Congress has a constitutional right to an authoritative voice in declaring and prescribing the foreign policy of the United States as well in the recognition of new powers as in other matters, and it is the constitutional duty of the President to respect that policy not less in diplomatic negotiations than in the use of the national force when authorized by law; and the propriety of any declaration of foreign policy by Congress is sufficiently proved by the vote which pronounces it; and such proposition while pending and undetermined is not a fit topic of diplomatic explanation with any foreign power. (Page 48.)

This resolution

This resolution was the first attempt in our history to establish This resolution was the first attempt in our history to establish the doctrine that Congress had a paramount authority in foreign affairs. It was at first laid on the table. Mr. Davis thereupon asked to be relieved from further service on the Committee on Foreign Affairs. A debate ensued, in which most of the members participating took the side of Mr. Davis upon the constitutional question. The only member who opposed him was Mr. Blaine, who cited the declarations of Jefferson to Minister Genet (2 Randolph's Life of Jefferson, pages 158 and 159) and said (page 49):

To adopt this principle is to start out with a new theory in the administration of our foreign affairs, and I think the House has justified its sense of self-respect and its just appreciation of the spheres of the coordinate departments of Government by promptly laying the resolution on the table.

On December 19 the resolution was again offered, and amended by striking out the word "President" and inserting the words "executive departments." In this form it passed almost unanimously, Mr. Blaine not voting, the temper of the House evidently being much excited by some of the phraseology of Mr. Seward's dispatch. In view of the attitude of the Senate, Mr. Davis very wisely did not draw it in the form of a joint resolution.

PRETORIA RESOLUTION, 1876-77.

In 1876 the Republic of Pretoria (now the South African or Transvaal Republic) sent to Congress its congratulations upon the first centennial of our national independence. Mr. Swann, of Maryland, on December 15, 1876, reported from the Committee on Foreign Affairs (CONGRESSIONAL RECORD, page 228) the following resolution:

Resolved, That the Secretary of State be requested to communicate to the Republic of Pretoria the high appreciation by the House of Representatives of the complimentary terms in which said Republic has referred to the first centennial of our national independence in their resolutions to this House in May last.

On motion of Mr. Kasson, of Iowa, the resolution was amended so as to make it a joint resolution. It was then passed unanimously, no constitutional objection being raised; and a similar resolution was at the same time passed in relation to congratulations from the Argentine Republic. On January 11, 1877, the two resolutions were reported by Senator Simon Cameron, of Pennsylvania, from the Committee on Foreign Relations in the Senate, vania, from the Committee on Foreign Relations in the Senate, and passed unanimously without debate (page 568), except that Mr. Edmunds inquired as to the situation of the Republic of Pretoria, which Mr. Cameron was unable to describe, as he had "never heard of it until recently."

On January 26, 1877, President Grant vetoed the resolutions on constitutional grounds (page 1112). His veto message was referred to the Committee on Foreign Affairs and never reported therefrom. The President said:

therefrom. The President said:

Sympathizing as I do in the spirit of courtesy and friendly recognition which has prompted the passage of these resolutions, I can not escape the conviction that their adoption has inadvertently involved the exercise of a power which infringes upon the constitutional rights of the Executive.

* * The Constitution of the United States, following the established usage of nations, has indicated the President as the agent to represent the national sovereignty in its intercourse with foreign powers, and to receive all official communications from them, * * * making him, in the language of one of the most eminent writers on constitutional law, "the constitutional organ of communication with foreign states." * * * If Congress can direct the correspondence of the Secretary of State with foreign governments, a case very different from that now under consideration might arise when that officer might be directed to present to the same foreign government entirely different and antagonistic views or statements.

RELATION OF THE UNITED STATES TO THE SOUTH AMERICAN STATES.

RELATION OF THE UNITED STATES TO THE SOUTH AMERICAN STATES.

In 1808 Charles IV of Spain transferred to Napoleon, by the treaty of Bayonne, all his right and titles to the Throne of Spain and the Indies, which included the colonies of South America. Self-government was thus forced upon the colonies, as they were determined to resist the French. (2 Lyman's Diplomacy of the United States, second edition, 408-431.) France was resisted by the juntas of South America in the name of Ferdinand VII, son of the King, whom Bonaparte had compelled to abdicate.

The real impulse to independence came from the refusal of the Regency of Cadiz to recognize the South American juntas. colonists saw that the Spaniards were resolved to keep them in absolute subjection, and the idea of independence gradually gained ground all over South America. When the European struggle was over and Spain had been freed from the French, the colonies were punished for having acted independently. (European Colonies, Payne, 234.)

PROGRESS TOWARD THE ACHIEVEMENT OF INDEPENDENCE PRIOR TO RECOGNITION IN 1822.

Venezuela.

Venezuela was the first to send agents to the United States.* These were John Vincente Bolivar and Talesfero Orca, who were furnished with credentials dated Caracas, April 25, 1810, and comfurnished with credentials dated Caracas, April 25, 1810, and competent powers to transact business. (Lyman, 425: Papers relative to revolted Spanish colonies, manuscript, Department of State.) A copy of the declaration of independence made by the provinces of Venezuela was communicated to this Government by the congress composed of deputies from those provinces assembled at Caracas, and was transmitted to Congress December 9, 1811. (Annals of Congress, Twelfth Congress, Part I, page 335.)

The two agents mentioned had no official intercourse with the Government, and the restoration of the royal authority in their country shortly after their arrival put an end to their diplomatic character. (Lyman, 425; foot note.)+

(Lyman, 425; foot note.)+

*The principal inhabitants of Caracas ever since the abdication meditated the formation of a provisional government on the model of the juntas of Spain. In 1810, when Napoleon's victory appeared complete, they, in the name of Ferdinand VII, deposed the Spanish colonial officers and elected a supreme junta. Other similar juntas were soon established in New Granada, Santa Fe, Quito, Carthagena, etc. They were opposed by the Regency of Cadiz. A congress of all the provinces of Venezuela met at Caracas and published a declaration of independence July 5, 1811. (European Colonies, Payne, 23° and 238.)

†In 1812 an earthquake destroyed the capital and 20,000 inhabitants. The colonial troops were smitten with despair. Miranda capitulated and Venezuela fell again into the hands of the Royalists. At this time (June, 1812) Congress, on Calhoun's motion, appropriated \$50,000 for the sufferers at Caracas.

December 11, 1818, Mr. Clemente informed the Secretary of State that he had been appointed Venezuela's representative "near the United States," and requested an interview.

He was informed that on account of certain misconduct of his,

He was informed that on account of certain misconduct of his, no conference could be held with him and no communication received from him.* His correspondence was submitted to the Honse of Representatives with message of January 29, 1819. The report of Mr. J. Q. Adams, Secretary of State, which accompanies this message, gives the reasons in full for delaying recognition at this time. (IV American State Papers, Foreign Relations, 412-417.)

First Federal Republic of Colombia.

This was composed of the provinces of New Granada and Venezuela, together with the Presidency of Quito. The convention was held in Cocuta in 1821, and the union of the countries was decreed under the above title.

Bolivar became President, and he completed their liberation, the second decisive victory of Carabobo, in 1822, finally securing Colombian freedom. The Spanish commander capitulated Decem-ber 23, 1823, at Puerto Cabello. (European Colonies, Payne, 241.)

Buenos Ayres

The Province of Buenos Ayres made a formal declaration of independence July 9, 1816.† This declaration was made by the representatives of the United Provinces of Rio de la Plata in general congress assembled in the city of Tucuman, and was communicated to this Government by Don Manuel H. de Aguirre, who came hither as a public agent from La Plata and a private one

He addressed several letters to the Secretary of State in 1817 and 1818, soliciting the acknowledgment of the Provinces of Buenos

Ayres, formerly the vice royalty of La Plata.

No answers were given to those letters, though conferences were eld with him. The President declined to enter into any arrange-No answers were given to those letters, though conferences were held with him. The President declined to enter into any arrangements with this individual, for he did not appear furnished with powers to negotiate, and the independence of the provinces was far from being established at that period, several portions of it being in possession of the Spaniards, Montevideo of the Portuguese, and the eastern shore under the government of General Artigas, who, though independent of the mother country, still maintained his independence of the Provinces of Buenos Ayres. (Lyman, 425.)

short time after the declination of Aguirre's application, David C. De Forrest renewed the consideration of the same claim in May, 1818, by soliciting of this Government to be admitted as a consul-general.

a consul-general.

The President did not grant the permission, because it was not clear that the province even claimed an entire independence, Buenos Ayres having the intention at that time to offer special commercial favors to Spain as a consideration for the relinquish-

ment of her claims to sovereignty

The reservation of "an indefinite right to grant hereafter special favors to Spain for the remuneration of her claims of sovereignty left it uncertain whether the independence of Buenos Ayres would be complete or imperfect. * * * While the supreme director (Puerreydon) was insisting upon this reservation, a mediation between Spain and her colonies had been solicited by Spain and agreed to by the five principal powers of Europe, the basis of which was understood to be a compromise between the Spanish claim to sovereignty and the colonial claim to independence. (Secretary Adams's report, IV American State Papers, 173; Ly-

The following extracts from the diary of Mr. John Quincy Adams relate to the attitude of the Executive Government in 1818 and 1819 toward the Spanish American provinces and especially toward Buenos Ayres. (Memoirs of John Quincy Adams, Charles

Francis Adams.)

"January 13, 1818.—Mr. Adams speaks of the President's message to the two Houses sent in that day, relating to Amelia Island, South America, and Spain. Speaking of Clay's system of opposition to the Administration, he mentions a conversation with Crawford, showing that Clay was anxious to avoid collision if possible and proposed to make merely an appropriation for a minister to Buenos Ayres. On the same day Mr. Adams had a long conversation with Mr. Agnirre who preed answers to his demand for the tion with Mr. Aguirre, who urged answers to his demand for the acknowledgment of the Government of Buenos Ayres." (Volume

IV, page 40.)

"July 25, 1818.—The President gave Mr. Adams two letters to read in confidence. One was from Judge Bland at Buenos Ayres to J. S. Skinner, the postmaster at Baltimore. It contains much infor-

mation concerning the state of the country, a decided opinion that they will never again submit to the dominion of Spain, and an opinion equally strong that the Government of the United States ought not at present to recognize that of Buenos Ayres. Adams asked the President whether the other two commissioners entertained the same opinion as Judge Bland. He said he did not know. Adams said much would depend upon that, as Congress would doubtless look to their report particularly with a view to the ques-tion whether Buenos Ayres was to be acknowledged or not. The President said the commissioners would only state facts and give no opinion of their own. Adams said that would be very well if would state all the facts, but many of those stated by Judge Bland, and precisely those upon which the President had made up his opinion, were of a nature not to be officially and publicly stated, and yet if they were suppressed it would be impossible to give a view of the state of things upon which any reliance could be based. The President showed some little impatience of manner at these remarks and passed to another subject." (Id., pages 117 and 118.)

"July 28 .- Calhoun informs Adams that Rodney is of a different opinion from Bland, and so is Brackinridge, the secretary to the commissioners; and although no report has yet been made to the Government, Rodney and Brackinridge are filling the newspapers with publications to operate upon public opinion in favor of recognition." (Id., page 119).

"November 2 .--Adams mentions the displeasure of the President in learning that the late commissioners to South America-Rodney, Bland, and Graham—are so far from agreeing in the report they are to make that probably no two of them will agree upon the same. They will make their reports separately. The Presi-dent hinted that Rodney was under the influence of Brackinridge, who was a mere enthusiast, and that his report would be purposely adapted to the views of Clay and the opposition rather than

posety adapted to the views of Clay and the opposition rather than to the views of the Administration." (Id., page 156).

"November 4.—Adams speaks again of the lack of harmony among the commissioners." (Id., page 159.)

"November 6.—Cabinet discussed the propriety of laying before Congress an argument to prove the inexpediency, for the present, of a public acknowledgment of the Spanish American governments." of a public acknowledgment of the Spanish American governments. Crawford thought the reports of the commissioners should be communicated to Congress and the reasons stated by the Executive for still postponing the acknowledgment of the revolutionary governments. Mr. Adams thought there was no objection in the President stating to Congress that he did not contemplate any departure from the impartial neutrality hitherto observed in the contest, and referring to the message at the commencement of the last session, he observed that the communication to Congress of the reports of the commissioners after their return naturally followed from the manner in which their mission was mentioned therein; and although Mr. Rodney's report was a permentioned therein; and although Mr. Rodney's report was a per-petual argument in favor of the recognition of Buenos Ayres, yet the facts disclosed in it, as well as the opinions of the other commissioners, afford ample reason for postponing its acknowledgment. Another reason for postponement was the mediation undertaken by the European allies between Spain and South America then in operation, which must certainly fail. That it was our true policy to let this expedient have its full effect, and after its failure we would be at perfect liberty to recognize any of the South American governments without coming in collision with the allies. Another reason for not acknowledging them at present was that though the Government of Buenos Ayres pretended to the sovereignty of the whole viceroyalty of the La Plata, yet Portugal was in possession of Montevideo, Artigas of the Banda Oriental, Paraguay under separate government, and the Spanish Royalists in five other provinces." (Id., pages 165 to 168.)
"December 14.—Adams told Mr. De Forrest, who came the pre-

ceding May with an application to be recognized as consul-general from the Provinces of South America, and who had recently renewed the application, that the President considered it would be a formal recognition of the Government of Buenos Ayres to issue to him an exequatur; that the President thought the time had not yet arrived when that recognition ought to take place, having in view both their interests and our own; that the Government was using their influence to produce a simultaneous acknowledgment of Buenos Ayres by other powers as well as by the United States; and that when the proper time should come the acknowledgment would not be withheld." (Id., page 190.) "January 1, 1819.—Read to the President draft of his dispatch

to Richard Rush, announcing it as the President's intention at no remote period to recognize the Government of Buenos Ayres. Crawford and Wirt were startled; Adams added that he had always considered and declared the question of acknowledging the South American Governments as a question of time; that besides the return of our commissioners other great changes had occurred in that question since last year; the time itself that had elapsed had given additional proof of the stability of the Government of Buenos Ayres; the victory of Maipu had strongly confirmed their capacity to maintain their independence. Mr. Crawford thought

^{*}From 1812 to 1819 the Spanish under General Morillo held Venezuela, though Bolivar's successes in 1817 and 1818 in New Granada were brilliant, and wholly triumphant in August, 1819. (European Colonies, Payne.)

'Government hardly existed there at that time. The Buenos Ayres junta was powerless outside the town, and the country was fast lapsing into the utmost disorder and confusion. (European Colonies, Payne, 258.) In 1820 the tederal system collapsed. Artigas led the revolt in the Banda Oriental, and the Riverine provinces soon followed the example. (Id.)

1 See these letters in 4 American State Papers, 175, 179, 180, 181, 182. They were communicated to the House of Representatives March 25, 1818, with a report from Secretary Adams of that date. (See page 178.)

if the acknowledgment was to take place it should be done, not by granting an exequatur to a consul, but by sending a minister there, because the Senate must then act upon the nomination, which would give their sanction to the measure. Mr. Wirt added that the House of Representatives must also concur by assenting to an act of appropriation. The President, laughing, said that as those bodies had the power of impeachment over us it would be quite convenient to have them thus pledged beforehand. Adams took a different view. He thought it not consistent with our national dignity to be the first in sending a minister to a new power. It had not been done by any European power to ourselves. If an exchange of ministers was to take place the first should come from them. Instead of admitting the Senate or House to any share in the act of recognition, Adams would expressly avoid that form of doing it which would require the concurrence of those bodies. 'It was, I had no doubt, by our Constitution, an act of the executive authority. General Washington had exercised it in recognizing the French General Washington had exercised it in recognizing the French Republic by the reception of Mr. Genet. Mr. Madison had exer-Republic by the reception of Mr. Genet. Mr. Madison had exercised it by declining several years to receive and by finally receiving Mr. Onis; and in this instance I thought the Executive ought carefully to preserve entire the authority given him by the Constitution and not weaken it by setting the precedent of making either House of Congress a party to an act which it was his exclusive right and duty to perform. Mr. Crawford admitted that the recognition was strictly within the powers of the Executive alone."

(Id. pages 205 and 206) (Id., pages 205 and 206.)

In reference to our recognition of the independence of Buenos Ayres, Mr. John Quincy Adams, Secretary of State, wrote to President Monroe, under date of August 24, 1818:

Ayres, Mr. John Quincy Adams, Secretary of State, wrote to President Monroe, under date of August 24, 1818:

In the draft of a letter to Mr. Aguirre * * * I have stated to him the grounds upon which the Government of the United States have been deterred from an acknowledgment of that of Buenos Ayres as including the dominion of the whole viceroyalty of the La Plata. The result of the late campaign in Venezuela, by comparing the royal and the republican bulletins, has been so far disadvantageous to the latter that they have undoubtedly failed in obtaining possession of any part of the coast. They have, therefore, at least one more campaign to contest, to go through, for which they will need several months of preparation. Bolivar appears to have resigned the chief military command to Paez, and the army is to be reorganized. But the royalists do not appear to have gained any ground, and are evidently too much weakened by their losses to act upon the offensive. In this state the independence of Venezuela can scarcely be considered in a condition to claim the recognition of neutral powers. But there is a stage in such contests when the parties struggling for independence have, as I conceive, a right to demand its acknowledgment by neutral parties, and when the acknowledgment may be granted without departure from the obligations of neutrality. It is the stage when independence is established as a matter of fact, so as to leave the chances of the opposite party to recover their dominion utterly desperate. The neutral nation must, of course, judge for itself when this period has arrived; and as the belligerent nation has the same right to judge for itself, it is very likely to judge differently from the neutral and to make it a cause or pretext for war, as Great Britain did expressly against France in our Revolution and substantially against Holland. If war thus results in point of fact from the measure of recognizing a contested independence, the moral right or wrong of the war depends upon the justice and sincerity a

No revolutionary movement took place in Peru before 1819-20, the landed proprietors, slaveholders, being fearful that a change of government would result in a loss of their property, and that the contest might end as that of St. Domingo ended. The Peruvians even sent an army into Chile in 1813 to reestablish the royalist government. General San Martin, a distinguished character, with an army from Buenos Ayres, drove out the Peruvians in 1821, took Lima and afterwards Callao, the only places remaining in the possession of the King's forces. Peru's independence was proclaimed July 5, 1821. (2 Lyman.)

Chile. The first symptoms of revolution appeared in September, 1810. At a meeting of the junta in that year several parties were found to exist. One desired absolute independence, another favored compromise. Civil strife broke out, and the Royalists won a decisive battle in October, 1814, but in February, 1816, "the patriots" regained Chile by the help of General San Martin and 2,000 free negroes from Buenos Ayres. O'Higgins was made supreme director, who declared independence January 1, 1818.* (2 Lyman.)

Attitude of the United States prior to 1822. Mr. Lyman says that these revolutionary struggles did not awaken any great general interest in our citizens. Our Government was "left free and unembarrassed to pursue its steady course of good faith and exact neutrality toward Spain and of justice and policy toward the colonies." He says: "Neither the vicinity of some portions of their respective territories, nor the circumstance

*In this year was won the decisive victory of Maypo, April 5.

of being members of the same continent, nor the benefit to be derived from commercial relations, nor the similarity of their struggles for independence, appear in the least to have influenced the definite arrangements of this Government. On the contrary, the business was conducted with the utmost caution and circumspection, and nothing done to give offense to Spain or awaken in other nations the slightest suspicion of the loyalty with which this country was determined to adhere to its system of neutrality." (423, 424.)

SPECIAL COMMISSIONERS OF THE UNITED STATES TO SOUTH AMERICA. Between 1810 and 1820 the President sent commissioners on three different occasions to South America in order to obtain just and precise notions of the real situation of affairs there

First commission.

The instruction of Mr. Monroe, Secretary of State, to Mr. Joel Poinsett, "agent to Buenos Ayres," is dated June 28, 1810, and is found in British and Foreign State Papers, volume 1, pages 1219 and 1220. His instruction to Mr. Alexander Scott, "agent to Venezuela," is dated May 14, 1812. (Ibid., 1220–1222; see also Report No. 72, House of Representatives, Twentieth Congress, second session, 1829.) Mr. Poinsett's report on the condition of South America, dated November 4, 1818, is contained in American State Papers, Foreign Relations, Volume IV, pages 323–348.

Second commission.

Some progress having been made by several of the Spanish American provinces toward independence, and the representa-tions of the colonial agents not being satisfactory, the President, in 1817, sent Mr. Theodorick Bland, Mr. Cæsar A. Rodney, and Mr. John Graham to examine into the condition of Buenos Avres and Chile.

and Chile.

Mr. Rodney's report, dated November 5, 1818, is in American State Papers, Foreign Relations, Volume IV, pages 217–224; Mr. Graham's, of the same date, follows on pages 224–227. Appended to these reports is an "Historical sketch of the revolution of the United Provinces of South America from the 25th of May, 1810, until the opening of the national congress on the 25th of March, 1816. Written by Dr. Gregorio Funes, and appended to his history of Buenos Ayres, Paraguay, and Tucuman." (228–245.) Notwithstanding the title, the account comes down to April, 1818. There are also other documents attached to these reports—a manifesto directed to all nations by the General Constituent Congress. There are also other documents attached to these reports—a manifesto directed to all nations by the General Constituent Congress of the United Provinces of Rio de la Plata; notes prepared by the Secretary of State in the department of foreign relations for the information of the President of the United States and placed in the hands of our deputies, etc. (See pages 245–270.) Mr. Bland's separate report, dated November 2, 1818, appears on pages 270–212, and is followed by appendices. 312, and is followed by appendices.

These reports were communicated to Congress November 17 and

December 15, 1818.

Third commission.

In 1820 Mr. T. B. Prevost and Mr. John M. Forbes were sent as agents for commerce for Chile and Buenos Ayres.

Their reports were communicated to Congress March 8 and April 26, 1822, and are contained in American State Papers, Foreign Relations, Volume IV, pages 818 and 854.

PRESIDENT MONROE'S MESSAGE OF MARCH 8, 1822, RECOGNIZING THE INDE-PENDENCE OF THE SPANISH-AMERICAN COLONIES.

In replying to the resolution of the House of Representatives of January 30, 1822, asking for the reports of our agents to the Governments south of the United States which had declared their independence, the President mentioned the following facts as to their condition:

their condition:

Buenos Ayres assumed that rank (of an independent nation) by a formal declaration in 1816, and had enjoyed it since 1810 free from invasion by the parent country.

The provinces composing the Republic of Colombia, after having separately declared their independence, were united by a fundamental law of the 17th of December, 1819.

A strong Spanish force occupied at that time certain parts of the territory within their limits, and waged a destructive war; that force has since been repeatedly defeated, and the whole of it either made prisoners or destroyed, or expelled from the country, with the exception of an inconsiderable portion only, which is blockaded in two fortresses. * * * * Chile declared independence in 1818, and has since enjoyed it undisturbed; and of late, by the assistance of Chile and Buenos Ayres, the revolution has extended to Peru. * * * tis distinctly understood that the new Government (of Mexico) has declared its independence, and that there is no opposition to it there nor a force to make any. For the last three years the Government of Spain has not sent a single corps of troops to any part of that country; nor is there any reason to believe it will send any in future.

His message was accompanied by reports from agents to those

His message was accompanied by reports from agents to those countries, as follows:

- 1. Ext. letter from Mr. Forbes, Buenos Ayres, September 2, 1821.
- Ext. letter from Mr. Forbes, Buenos Ayres, September 11,1821.
 Ext. letter from Mr. Forbes, Buenos Ayres, October 8, 1821.
 Ext. letter from Mr. Forbes, Buenos Ayres, October 26, 1821.
 Letter from Mr. Forbes, Buenos Ayres, November 8, 1821.
 Ext. letter from Mr. Forbes, Buenos Ayres, November 13, 1821.
- Ext. letter from Mr. Prevost, agent to South America, June 30, 1821.

8. Ext. letter from Mr. Hogan, agent, Valparaiso, August 18,

- Letter from Mr. Brent, chargé, Madrid, July 10, 1821.
 Letter from Mr. Torres, chargé, of Colombia, February 20, 1821.
 - Letter from Mr. Torres, of Colombia, November 30, 1821.
 - 12. Letter from Mr. Torres, of Colombia, December 30, 1821.
 13. Letter from Mr. Torres, of Colombia, January 2, 1822.
 14. Letter to Mr. Torres, of Colombia, January 18, 1822.
 15. Letter from Mr. Wilcocks (concerning Mexico), October 25,

Mr. Monroe also laid this same report before the Senate March 11 (Annals Seventeenth Congress, first session, Volume I, page 284), so that "should Congress entertain similar sentiments there may be such cooperation between the two departments of the Govern-ment as their respective rights and duties may require."

REPORT OF THE COMMITTEE ON FOREIGN AFFAIRS TO THE HOUSE OF REPRESENTATIVES MARCH 19, 1822.

They reported that the President's message of March 8, and the documents accompanying it, having been referred to them, they had examined them with "profound attention" and "unanimously" reported the following facts:

mously" reported the following facts:

That the provinces of Buenos Ayres, after having, from the year 1810, proceeded in their revolutionary movements without any obstacle from the Government of Spain, formally declared their independence of that Government in 1816. After various intestine commotions and external collisions, those provinces now enjoy domestic tranquillity and a good understanding with all their neighbors, and actually exercise, without opposition from within or the fear of annoyance from without, all the attributes of sovereignty. of sovereignty.

The provinces of Venezuela and New Granada, after having separately declared their independence, sustained for a period of more than ten years a desolating war against the armies of Spain, and having severally attained, by their triumph over those armies, the object for which they contended, united themselves on the

19th of December, 1819, in one nation, under the title of the "Republic of Colombia."

The Republic of Colombia has now a well-organized Government, instituted by the free will of its citizens, and exercises all the functions of sovereignty, fearless alike of internal and foreign enemies. The small remnant of the numerous armies commissioned to preserve the suprement of the parent State is now missioned to preserve the supremacy of the parent State is now blockaded in two fortresses, where it is innoxious and where, deprived as it is of all hope of succor, it must soon surrender at discretion. When this event shall have occurred, there will not remain a vestige of foreign power in all that immense Republic, containing between three and four millions of inhabitants.

The province of Chile since it declared its independence in the

The province of Chile, since it declared its independence in the year 1818, has been in the constant and unmolested enjoyment of the sovereignty which it then assumed.

the sovereignty which it then assumed.

The province of Peru, situated, like Chile, beyond the Andes and bordering on the Pacific Ocean, was for a long time deterred from making any effectual effort for independence by the presence of an imposing military force which Spain had kept up in that country. It was not, therefore, until the 12th of June of the last year that its capital, the city of Lima, capitulated to an army chiefly composed of troops from Buenos Ayres and Chile, under the command of General San Martin. The greater part of the royal troops which escaped on that occasion retreated to the mountains, but soon left them to return to the coast, there to join the royal garrison in the fortress of Callao. The surrender of that fortress soon after to the Americans may be regarded as the termination of the war in that quarter. termination of the war in that quarter.

When the people of Peru found themselves by this event free to express their will, they most unequivocally expressed it in favor of independence and with a unanimity and enthusiasm which have nowhere been excelled.

The revolution in Mexico has been somewhat different in its character and progress from the revolutions in the other Spanish-American provinces, and its result in respect to the organization of its internal government has also not been precisely the same. Independence, however, has been as emphatically declared and as practically established since the 24th of August last by the "Mexican Empire" as ever it has been by the republics of the South, and her geographical situation, her population, and her resources eminently qualify her to maintain the independence which she has thus declared and now actually enjoys.

The committee declared that the people of Spanish America did notoriously govern themselves by their own authority and laws, and that the right of the United States to recognize the governments which they had instituted was incontestible.

The committee concluded their report with an expression of their unanimous opinion "that it is just and expedient to acknowledge the independence of the several nations of Spanish America, without any reference to the diversity in the forms of their govern-American provinces, and its result in respect to the organization of

out any reference to the diversity in the forms of their governments," and they submitted two resolutions:

First. That the House "concur in the opinion expressed by the

President in his message of the 8th of March, 1822, that the American provinces of Spain, which have declared their independence and are in the enjoyment of it, ought to be recognized by the United States as independent nations." This was passed in the House March 28, 1822, unanimously with the exception of one vote. (Annals of Congress.)

Second. That the Committee on Ways and Means be instructed

to report a bill appropriating not exceeding \$100,000 "to enable the President of the United States to give due effect to such recognition." (See debate thereon, Annals of Congress, Seventeenth Congress, first session, Volume II, pages 1382 et seq.).*

PRESIDENT MONROE'S MESSAGE TO THE SENATE, APRIL 26, 1822

On April 25 the Senate requested the President for information "from our minister at Madrid or from the Spanish minister resident in this country concerning the views of Spain relative to the recognition of the independence of the South American colonies." Replying on the next day, the President transmitted the Spanish minister's protest, dated March 9, 1822.

The minister, Don Joaquin de Anduaga, expressed surprise at the President's message of March 8, which he had seen in the National Intelligencer. He declared that Buenos Ayres was sunk in the most conclude anorthy a new decree terrains.

in the most complete anarchy, a new despot appearing each day; that Peru, conquered by a rebel army, had near the gates of its capital another Spanish army, aided by part of the inhabitants; that in Chile an individual suppressed the sentiments of the inhabitants, and his violence presaged a sudden change; that on the coast itants, and his violence presaged a sudden change; that on the coast of Fernia the Spanish banners waved, and the insurgent generals were occupied in quarreling with their compatriots; that in Mexico there was no government. He inquired: "Where, then, are those governments which ought to be recognized; where the pledges of their stability; where the proof that these provinces will not return to a union with Spain, when so many of their inhabitants desire it; and, in fine, where the right of the United States to sanction and declare legitimate a rebellion without cause, and the event of which is not even decided?" (IV American State Papers, Foreign Relations, 845, 846.)

which is not even decided?" (IV American State Papers, Foreign Relations, 845, 846.)

The reply of Mr. J. Q. Adams, Secretary of State, dated April 6, 1822, was also transmitted.

Mr. Adams asserted that "the civil war in which Spain was for some years involved with the inhabitants of her colonies in America has, in substance, ceased to exist. Treaties equivalent America has, in substance, ceased to exist. Treaties equivalent to an acknowledgment of independence have been concluded by the commanders and viceroys of Spain herself with the Republic of Colombia, with Mexico, and with Peru; while in the provinces of La Plata and Chile no Spanish force has for several years existed to dispute the independence which the inhabitants of those countries had declared."

He refused to discuss the details of facts "upon which your information appears to be materially different from that which has been communicated to this Government." (IV American State

Papers, Foreign Relations, 345, 346.)

The Senate does not appear to have discussed the message and reports, but passed the appropriation bill after a short debate on April 29, 1822.

Mr. Lyman says (Volume II, page 447) that the recognition by this country was the first, but it was delayed till not a shadow of hope for the restoration of Spanish dominion remained. The last strand had fairly parted, and it had fully ceased to be matter of

doubt whether injury was done to Spain.

Under the leadership of Mr. Clay, the House of Representatives endeavored, on several occasions between 1818 and 1822, to recognize or procure the recognition of the independence of the South

American provinces.

On March 25, 1818, Mr. Clay offered an amendment to the appro-On March 25, 1818, Mr. Clay offered an amendment to the appropriation bill providing for one year's salary and an outfit for a minister to the United Provinces of Rio de la Plata, the salary to commence and the outfit to be paid whenever the President shall deem it expedient to send a minister to the said provinces.

Mr. Clay said, in support of this amendment, that from the peculiar character of the American Government there was great

reason for there being a perfect understanding between the legislative and the executive branches in relation to the acknowledgment of a new power. Everywhere else the power of declaring war rested with the executive; here it was deposited with the legiislative. If there was even a risk that the acknowledgment of the new State might lead to war, it was advisable that the step should new State might lead to war, it was advisable that the step should not be taken without a previous knowledge of the will of the war-making branch. He wished to give to the President all the confidence which he must derive from an unequivocal expression of the will of Congress. He was aware that this expression might be given in the form of an abstract resolution declaratory of that will, but he preferred proposing an act of practical legislation.

Mr. Forsyth, in opposition to Mr. Clay, not only mentioned the absurdity of this method of acknowledging the independence of those provinces as following it would not be acknowledging their

those provinces, as following it would not be acknowledging their

^{*} This resolution was unanimously adopted March 28, 1822.

independence, but asking them to acknowledge ours, but presented also this objection:

also this objection:

Heretofore the President and Senate, were left to the exclusive management of the foreign intercourse of the United States. Ministers were received from other powers and sent from this country to other countries with whom political or commercial interest required us to negotiate, and the House of Representatives contented itself with its constitutional check upon the exercise of this authority, satisfied that they could at all times prevent its improvident exertion by withholding appropriations from those missions the public interest did not require. This, however, proposes a new system; this House, instead of checking, is made to stimulate the executive to a further extension of its patronage. * * * The suggestion that under the present extraordinary circumstances of the war the expression of the public opinion by the representatives of the people ought to precede the movements of the Executive was not entitled to the weight which was given to it. The President does not require to be told that the representatives of the people who selected him to preside over their Government are prepared at all times and at every hazard to do their duty * * *

Mr. Forsyth added:

If our interference is necessary, let us act effectively, marking the steps necessary to be taken and taking the responsibility for the result—claiming all the honor and bearing all the disaster. Let us not at least pretend to give the Executive a discretion already possessed, thus diminishing his responsibility without adding to our own. (Benton's Abridgment of the Debates of Congress, Volume VI, pages 145 and 146.)

Mr. A. Smyth, of Virginia, said, on March 27, in opposing Mr. Clay's motion:

Clay's motion:

The Constitution grants to the President, by and with the consent of the Senate, power to appoint ambassadors and public ministers and to make treaties. According to the usage of the Government, it is the President who receives all foreign ministers and determines what foreign minister shall or shall not be received. It is by the exercise of some one of these powers, in neither of which has this House any participation, that a foreign power must be acknowledged. Thus the acknowledgment of the independence of a new power is an exercise of executive authority; consequently, for Congress to direct the Executive how he shall exercise this power is an act of usurpation.

* * * It is for the executive branch of the Government to decide to whom and when a public minister shall be sent. * * * You possess the power of impeachment, and consequently may discuss and by resolution express an opinion on any past act either of the executive or of the judiciary, but you have no right to give a direction to either. The President is responsible for the proper execution of his constitutional powers; he may be punished for abusing them or for neglect of his duty. This House is the proper body to prosecute him if he shall fail to do his duty. We are not in like manner responsible and punishable. If we direct the President to do an act, however injurious to the nation it may prove, we can not make him responsible. Is it proper thus to deprive the people of the security which they have reserved to themselves in the President's constitutional responsibility? (Id., 162.)

Mr. Robertson, of Louisiana, said it could not be otherwise than

Mr. Robertson, of Louisiana, said it could not be otherwise than agreeable to the President to know the opinion of Congress on so momentous a subject. If that opinion, independently expressed, shall concur with his own, he will act conformably to it; on the other hand, if, from the position he occupies in the Government, from his better information, or from any other circumstances unknown to the public, he shall think it best to continue unchanged the state of our relations with South America, he will do so. nals of Congress, Fifteenth Congress, first session, Volume II,

March 26, 1818, page 1526.)

Mr. Smith, of Maryland, considered the course of conduct on the part of Congress in this case novel and wholly unprecedented.

the part of Congress in this case novel and wholly unprecedented. The Constitution has given to Congress legislative powers; to the President the direction of our intercourse with foreign nations. It is not wise for us to interfere with his powers. His plans may be digested with wisdom; our interference might destroy them, and perhaps at the moment when they would otherwise have succeeded. * * We are told by Mr. Robertson that we should pursue the course of conduct adopted by General Washington with the French Republic. Did Congress on that occasion direct the conduct of General Washington? Did that Congress tell him that he did not understand what he ought to do and that they would instruct him? No, sir: they left him to exercise the powers vested in him by the Constitution; to the exercise of his own judgment. They sustained him by no act. Let us act in like manner by the present Chief Magistrate. He has not asked for our assistance. He has asked no outfit for a minister to La Plata: when he does it will be time to consider the subject. (Id., pages 1538 and 1539).

Mr. Nelson of Virginia expressed views similar to Mr. Smith's.

Mr. Nelson of Virginia expressed views similar to Mr. Smith's.

(Id., page 1596 et seq.)
Mr. Clay rejoined on the 28th. He contended that though the administration of the foreign concerns of the country was confided to the executive branch, the House also had a participation fided to the executive branch, the House also had a participation in such matters when called upon to defray the expenses of foreign missions or to regulate commerce; that the Constitution did not say which should have precedence, the act of making the appropriation for paying a minister or the sending of one. He contended that they should either be simultaneous, or if either had the preference the appropriation should precede the sending. He quoted several instances where this had been done. The act authorizing the establishment of certain consulates in the Mediterranean and affixing salaries thereto, in consequence of which the President affixing salaries thereto, in consequence of which the President had subsequently appointed consuls. He maintained that each department of the Government must act within its own sphere department of the Government must act within its own sphere independently and on its own responsibility. He was willing to say to the President, "Here is the money which we alone have the right to appropriate which will enable you to carry your power into effect if it seems expedient to you." Congress had authorized appropriations without any official call from the Executive to do so in two recent acts, Volume III of the Laws, page 27, to defray the expense of such treaties as the President might deep proper. the expense of such treaties as the President might deem proper to make with certain Indian tribes, and as he believed, in the case of the two millions appropriated for the purchase of the Floridas. (Id., page 1607.)

Mr. Poindexter, of Mississippi, made the point (page 1630) that the amendment proposed to vest the President alone with author-ity to send a minister. If the object was to place the money at his disposal it could be done by simply making that addition to his disposal it could be done by simply making that addition to the contingent fund, in which case it could be expended or not, according to the exigencies which might arise, but if it was intended to clothe the President alone with power to appoint a foreign minister, it was manifestly unconstitutional. The Presi-dent needed no legislation to enlarge his powers whenever he deemed it expedient to send ambassadors to foreign countries. No such appointment can be made without the concurrence of the Senate, and if they approve it the salary and outfit are already provided for by a general law, and needs not the aid of a special appropriation. The proposition then was nugatory unless considered directory of the President on a point of duty devolved on him by the Constitution. It was an indirect censure. Foreign nations by the Constitution. It was an indirect censure. Foreign nations and perhaps our own citizens would imbibe that impression, and the Chief Magistrate would be considered as having incurred the frowns of the representatives of the people, whose interposition had become necessary to urge that high officer to a faithful discharge of the trust imposed in him by his countrymen.

Mr. Poindexter called attention to the communication at the beginning of the session of the views of the President contains.

beginning of the session of the views of the President contained in his message on the subject of internal improvements and stat-ing that the power to construct roads and canals within the respective States was not possessed by Congress, and that he would feel bound to withhold his signature from any bill which might be passed establishing a general system of internal immight be passed establishing a general system of internal improvements. Mr. Clay at that time condemned this peremptory expression of executive opinion as an unwarrantable encroachment upon the freedom of legislation and the privileges of the House of Representatives, to whom the right of originating all laws was given by the Constitution. It was urged that though the President was an integral branch of the legislature, he should have reserved his objections until he was called on to act in the regular constitutional order of proceeding. Mr. Poindexter insisted that it equally belonged to the President to originate foreign missions and by and with the advice and consent of the Senate to appoint ambassadors and other public ministers, yet Senate to appoint ambassadors and other public ministers, yet Mr. Clay claimed for the House the coordinate right to institute a mission to the Rio de la Plata, and considered it no encroachment upon the powers delegated by the Constitution to the President and Senate.

On March 28 Mr. Forsyth said that all who had addressed the committee on the subject desired to recognize the independence of the southern countries whenever it could be done consistently with our own interests and safety.

The only difference between us is that we do not wish to precede the proper official organ of the nation in order to recognize the independence of these countries, and those in favor of the motion wish to do so. (Annals of Congress, March 28, 1818, page 1637.)

On the 30th of March, when Mr. Clay's amendment was under reconsideration, having been voted down, Mr. Anderson, of Ken-tucky, renewed it in the Committee of the Whole House in order to take the yeas and nays. Mr. Spencer, of New York, said:

I believe most firmly that we have the constitutional power to legislate on this and every other subject connected with our foreign relations or with the regulation of commerce. I hold it to be a power concurrent with that of the executive branch, and believing it to be one of the most important which this House possesses, I would make a perpetual claim to the right on every proper occasion, and I would place it on the records of the nation as an eternal evidence of that claim. (Id., 1654.)

Mr. Clay declared that his amendment, if adopted, would impose no obligation on the President, but put in his power to apply the same to the purpose specified whenever he chose to do so, if the Senate consented. (Annals of Congress, Fifteenth Congress, first session, volume 2, page 1645.) It was defeated 115 to 45 (Id., 1646), and again defeated by the same vote on reconsideration (Id., 1655). February 5, 1821.—Mr. Clay moved an amendment to the general appropriation bill in order to provide "for an outfit and one year's salary to such minister as the President by and with the advice of the Senate may send to any government of South America which has established and is maintaining its independency of Spain." (7 Benton's Debates of Congress, 93.) This is very similar to the amendment proposed by Mr. Clay March 25. ency of Spain." (7 Benton's Debates of Congress, 93.) This is very similar to the amendment proposed by Mr. Clay March 25, 1818 (6 Benton's Debates of Congress, 145), which was voted down after long discussion. It in turn was rejected by a vote of 77 to (Page 94.)

February 10 Mr. Clay submitted the following resolution:

That the House of Representatives participates with the people of the United States in the deep interest which they feel for the success of the Spanish provinces of South America which are struggling to establish their liberty and inflependence; and that it will give its constitutional support to the President of the United States whenever he may deem it expedient to recognize the sovereignty and independence of any of the said provinces (page 95).

Objected to by Mr. Wood:

1. It made needless professions, and not therefore consistent with self-respect.

2. If it had any object it was an encroachment on the power of

the executive and might produce collision between the two departments of Government, which was much to be deprecated.

Favored by Mr. Floyd, who referred to an early message of Washington to Congress to show that at that time the previous consent of Congress was thought necessary to the institution of foreign missions

Thence and from other considerations this resolution, so far from interfering with the executive prerogative, was a fair exercise of the undoubted rights of the House.

Also, it was expedient as tending to counteract the policy of the

Holy Alliance.

Mr. Archer required a division of the question, so as to take the first vote on the first member of the resolution.

Mr. Robertson deprecated the passage of the whole resolution.

It was intended to goad the executive into a departure from its

hitherto wise policy on this subject. He was decidedly opposed to it.

Mr. Montgomery adopted the view of Mr. Robertson and was
not convinced that the people took a deep interest in the matter.

Mr. Tyler and Mr. Walker favored both members of the reso-Intion

Mr. Mercer gave reasons for his support; doubted whether the President could recognize the independence of a foreign state by receiving a minister without the consent of the House.

Mr. Clagett, believing that the power of recognition was confided to another branch of the Government both competent and dis-posed to exercise it when proper, and for other reasons assigned, was opposed to the resolution.

Mr. Cobb considered sound policy against the second portion of the resolution, and there was no occasion for passing it

Mr. Baldwin objected because it proposed to refer to the President an act which not he, but all three branches of the Government collectively, should perform.

Mr. Maclay opposed because the subject had been long before

the executive and much deliberated upon, and the House, passing such a resolution, ought to be possessed of full information on the subject—of all which the executive possessed and by which its course had been influenced—that they might judge whether that department had or had not performed its duty. Believing it had done so and would hereafter do so, he was against the resolution.

Mr. Stevens defended the constitutional right of the House to corress its opinion on any topic of public interest. This would not

express its opinion on any topic of public interest. This would not interfere with the executive authority, but facilitate its exercise.

As to its being a goad to the Executive, there was no reason to believe that at this day he was to be driven from his course by any such measure.

Mr. Smith, of Maryland, opposed, because it attributed to the President the power of recognition, too important to be exercised by any authority less than the three branches of the Government; because it made the House, incompatibly with the Constitution, the adviser of the President; that it made a bad precedent, which might be used in future times, through the influence of the President, in the House; that it proposes that this House shall compromit its successors, which it could not do and which it was therefore improper to attempt to do.

Mr. Clay cited the precedent of the resolution of Congress to support the President in any consequences which might follow the dismission of Mr. Jackson, the British minister, some years before.

dismission of Mr. Jackson, the British minister, some years before. He ridiculed the argument that the resolution would encroach upon the authority of the Executive. On the contrary, it assumed only a fair responsibility, and added strength to the Executive. With respect to the mode of recognition of foreign powers, he said that both Congress and the Executive had this power, but that the most regular, ordinary, and usual course was by the Executive, and it was therefore proper to assure him of the support of this House. (Page 98.)

Mr. Sergeant, of Pennsylvania, opposed, among other reasons, because—

That it is not a legislative act and is not to lead to one.
 That it contains a declaration by which neither the House, the President, nor the Senate would be bound.

3. That it would involve the House in difficulties on constitu-

4. That if Congress wished a recognition, having the power equally with the Executive, they should effectuate their wish by a legislative act.

5. That if the House expressed its opinion, it should be done after due inquiry and examination of facts, none of which had been placed before it in anything like official shape.

6. That the House ought not to lose sight in acts of kindness and expressions of good will to other powers of the duty which it owed to this nation—to the interests of the people.

7. That general and vague oral information was not a sufficient

ground for Congress to act upon, and that if official information was before it requiring it to act, its act should be something plainer than this and presenting on its face a direct proposition; that its not doing so caused it to be more lightly considered and voted upon than it ought to be.

8. That however independent of the Executive as an individual the House might be, yet with respect to the executive as a branch of the Government it was important for the House not to disturb the harmony of the different departments of Government as adjusted by the Constitution itself, and that it should not rush from its sphere and jostle the others in its course. (Pages 98 and 99.)

The first member of the resolution was carried, 134 to 12; second

member, 87 to 68. (Page 99.)

February 19, 1821.—Mr. Clay, from the committee to present the resolution of the 10th instant to the President, reported that the President assured the committee that in common with the people of the United States and the House of Representatives he felt great interest in the success of the provinces of Spanish America which are struggling to establish their freedom and independence, and that he would take the resolution into deliberate consideration, with the most perfect respect for the distinguished body from which it had emanated. (Page 124.)

January 31, 1822.—Mr. Trimble offered the following joint resolution:

Intion:

That the President of the United States be, and is hereby, authorized and requested to acknowledge the independence of the Republic of Colombia, and by an interchange of accredited ministers to place the political relations of that Government with the United States on an equal footing with those of all other independent nations; that such of the Spanish provinces in South America as have established and are maintaining their independence of Span ought in like manner to be acknowledged by the United States as free, sovereign, and independent governments.

This was read twice and laid on the table, and ordered to be printed. (Annals of Congress, January 31, 1822, page 854.)

February 11, 1822.—Mr. Trimble's resolution was committed to the Committee of the Whole House on the state of the Union.

the Committee of the Whole House on the state of the Union. (Annals of Congress, page 982.)

The views of the Executive are found recorded in a memorandum of Mr. Monroe, made while the question was under discussion in Congress. It is as follows:

The object of the Executive has been to throw the moral weight of the United States into the scale of the revolutionary movement without such a deep compromitment as to make them a party on that side.

With that view the mission to Buenos Ayres was adopted, all the messages to Congress were drawn, and other measures have been since pursued, particularly the mission of Commodores Perry and Morris to Venezuela and Buenos Ayres. With that view was the proposition made to Great Britain directly by Mr. Rush, and to France and Russia through their ministers in the United States, to recognize the colonies in concert with those powers, a proposition which it was thought would have the best effect in that respect—that is, by throwing our weight into that scale, and in a way to do no harm, as it would be a manifestation of respect for them, as well as of moderation on our part. With the same view has the correspondence with the present Spanish minister been conducted, as well as the message to Congress announcing it.

Spanish minister been conducted, as well as the message to consider standing it.

The object of the Executive has been to leave the affair where it was placed by the attitude assumed in that correspondence and message, to witness its effect on Spain and other powers before other measures should be taken.

It is believed that that attitude would have been perfectly safe, while it was undoubtedly very strong and imposing. The vote of the House of Representatives reenforces it, and, being not obligatory as a measure, ought not to be considered in any other light. It is hoped that it will not. On that side, it must be admitted, is the danger. (Mr. Monroe's note, without date, supposed to be 1820 or 1821, Monroe's writings, manuscript, Volume VI, 696.)

Mr. HOAR. It is true that the time for a full debate of this

Mr. HOAR. It is true that the time for a full debate of this matter, as the Senator from Maine has so well intimated, has not arrived. I do not understand that he has by any means said all that he will say before the debate is over upon this general question, but at the same time it is perhaps the first considerable discussion of the matter as it now stands with the pending resolution which will go out to the country, and what the two Senators today have said will attract attention in the press and from thoughtful students, and will make up public sentiment. Therefore, I wish to bring out very distinctly, if I can, by a question to the Senator from Maine, whether, in his researches into the history of this country for a hundred years, in which we must have recognized foreign governments more than a hundred times, taking all the numbers of the governments of the world and their political changes and revolutions which have established new govern-

Mr. HALE. Over a hundred. Mr. HOAR. There must be over a hundred cases, as the Sena-Mr. HOAR. Mr. HOAR. There must be over a numbered cases, as the second tor says. Is there a single instance where in fact our relations with the foreign country have not been determined by the act of recognition by the President of the United States and without Congress? Has there been a single one?

Mr. HALE. As the result of some considerable, and what I

have tried to make faithful, examination of the subject and of what others have done for me, I answer the Senator from Massa-

chusetts that I do not find one.

Mr. ALLEN. As this question is very important and going out to the country to be criticised, I ask the Senator from Maine whether he will not state to the Senate whether he finds any instance in the history of this country where the question of independency was determined to belong to the executive department exclusively?

Mr. HALE. In every one of the cases that have been referred to by the Senator from Massachusetts [Mr. Hoar] the recognition was made by the executive department, acted upon, submitted to, and not questioned.

Mr. ALLEN. I think the Senator from Maine does not understand my question. I do not contend that the Chief Executive is not the instrument through which we must act in recognizing the existence of another government; but I do contend that there

the existence of another government; but I do contend that there is not a precedent to the contrary in the history of this country—
Mr. HALE. The precedents are all the other way.
Mr. ALLEN. Wait a moment. I contend that the power to recognize is a power that must be exercised by the Executive after action upon the part of the Legislature.
Mr. HALE. If the Senator will examine the precedents, he will give up that contention, because he is capable of careful examination, he is a lawyer who knows the force of precedents and he will tion; he is a lawyer who knows the force of precedent; and he will find that in nineteen cases out of twenty the act of recognition has been by the President; that Congress has never lifted its voice or made a protest; and history has been made by the act of the Executive alone, and exclusively, except in a few cases, as in Jackson's action in the Texas case where, in his wisdom—I think it was wise—when Congress was in session, reserving all the rights of the Executive, declaring that he would not assert them, putting it upon the question of expediency alone, he did confer with Congress. All the instances of Congressional intervention in any way on this great subject came about in that way and have never crystallized themselves into the form of attempting to recognize a government as is attempted by the resolutions of the Committee on Foreign Relations or the resolutions of the Senator from Texas.

Mr. ALLEN. If the Senator will permit me—and I shall retire from the discussion after making this statement—I desire to state, and have it go in connection with the statement of the Senator from Maine, that there is not a syllable in the Constitution, from its opening to the closing of the amendments, nor in the history of the time when it was formed and promulgated, nor is there a thing in the genius and spirit of our republican form of government which lends any color in the slightest degree to the careful student or thoughtful man to hold that the Chief Executive has the exclusive power of recognizing the independence of a country. On the other hand, the very atmosphere of the time when the Constitution was formed, the very spirit of liberty that was breathed by our people, the very genius of our institutions, and the language of the Constitution as well as its policy as the known policy of this Government is against the conclusion urged by the Senator from Maine.

Mr. HOAR. Mr. President, I do not wish to prolong this de-bate this afternoon, as I expect to take some part in the discussion of the question hereafter; but I think I should like to make one observation before the matter passes from the discussion of the Senate to-day in connection with what has been said by the Sena-

tor from Nebraska [Mr. Allen].

It seems to me that it is utterly incredible that the framers of our Constitution should not have expected that the mere act of recognition, not as an incident to some other power, should not have been lodged in the President of the United States. I hold that it is, as everybody will agree, an incidental power, if it exists anywhere, to some authority conferred on some department of the Government. I agree and believe that it is an incidental power to the power to regulate commerce, which is lodged in Congress; to the power to regulate by law the action and conduct of our citizens in our foreign relations, which, where lawful, we are bound to stand by to the extent of going to war for their protection, if need be; and I hold that Congress, the lawmaking power, without the assent of the President where it is not necessary, where there is a two-thirds vote, or where he keeps a bill without his signature, may rightfully regulate the action of citizens of the United States in regard to the Island or the inhabitants of the Island of Cuba in a matter which must necessarily involve the determining for all American citizens the question whether that is or is not an independent nation.

Independent nation.

The existence of such a power in Congress is no more inconsistent with the existence of a like power in the President than the treaty-making power, lodged in the President with the assent of this body, which is a lawmaking power, is inconsistent with the ordinary legislative power. The last treaty abrogates all previous laws; the last law abrogates all previous treaties where they are inconsistent with each other. But with that reservation it seems to me utterly incredible that the mere power of recognition, of a stablishing the status of a foreign government in its relation to establishing the status of a foreign government in its relation to our citizens and as a government for their conduct, should be lodged anywhere else but in the President of the United States

It is a very important question if an American ship be in the Caribbean Sea and a Cuban vessel approach her, claiming that she is the representative of an independent power at war with Spain and has the right of search, whether that action of invasion of our ship is piracy or whether the resistance to that action is a violation of the law of nations, which is in itself an act in the nature of piracy, and perhaps literal piracy. I am not prepared to say how that is, and it is not necessary to say how that is at this moment. But suppose that Congress to-day passes this naked resolution to recognize Cuba and adjourns to-morrow, and day after to-morrow the Spanish army captures every insurgent in

Cuba, reduces the island to absolute subjection, occupies every inch of its territory, and the Spanish law extends over it peacefully and quietly and without further resistance, is the President of the United States obliged to treat Cuba as an independent nation for ten months, or until we meet again in December? nation for ten months, or until we meet again in December? The mere power of determining whether a foreign nation is independent or not is a power which, in the nature of things, must be exercised from week to week and day to day, and sometimes even from hour to hour. It seems to me, with great deference, utterly preposterous to pretend that that is, can be, or ever could be by any sensible makers of the Constitution lodged in a legislative bedy, which conservation is assessed but three months cut of the body, which some years is in session but three months out of the twelve. That is the proposition of a naked resolution, which is to last not five minutes, but, if it has any power, is to last until the Congress that makes it repeals it. Now, add to that suggestion of the reason and the necessity of

the case the further suggestion that for the one hundred and eight years since the Constitution went into actual operation-it is one hundred and ten years since it was formed-there has not been a single instance in all our history, though this very question of authority has come up again and again, where our relations with a foreign country, relations which settle the question whether a citizen of the United States, in the defense of his own vessel and of his own deck, is acting lawfully or is a pirate, have not been determined solely by the President of the United States; and never in a single instance has Congress exercised the power to do it, and never in a single instance has Congress asserted the power to do it, although you will find one or two reports in one or the other

Mr. CHILTON. Mr. President, I have taken occasion to examine this question with some care and have listened with great interest to the suggestions concerning it made in this Chamber It does not seem to me at all necessary that it shall be held that

of the Houses where some individual Senator or Representative

power to recognize the independence of another nation is exclusive in its nature. The fact is that I have reached the con-clusion that it is not exclusive in either the Congress or the clusion that it is not exclusive in either the Congress or the Executive. It has been argued here by several Senators that the power of recognizing the independence of another country is incidental. That is true; clearly true. You do not find the question of the recognition of independence or belligerency treated in express terms in any part of the Federal Constitution. Therefore, when you come to find the authority you must locate it under some clause of the Constitution which does not refer to it directly. Make this search, and where do you find it? The power, it seems to me, is incidental to the power to make war and the power to regulate foreign commerce, both of which are vested in the President, the Senate, and the House of Representatives—that is, in the Congress. Again, it is clear to me that it is a power incidental to the making of treaties, which is vested in the President and the Senate. Nor do I feel any doubt that it is a power incidental to the reception of ambassadors, which is vested in the

Senators who have examined this subject can not have failed to read the report of John Quincy Adams while Secretary of State. What does he say about it? He suggests that the proper method of recognizing the independence of another government is by treaty, and he calls attention to the fact that the recognition of the independence of this very Government of ours was first achieved by a treaty made with France. He goes on to set out in the same report that he does not maintain that a treaty forms the only method of recognizing the independence of another govern-

We all know what a great character in the history of our Republic Mr. Adams proved himself, and yet, occupying the position of Secretary of State in the Cabinet of Monroe, he never for one moment asserted the pretension that the power to recognize the independence of a foreign government was an executive function

Mr. HALE. Did the Senator notice the reference I made to Mr. Adams's action, taking part in the debate, where the resolution was modified, giving the discretion absolutely to the President, in which Mr. Adams said that it was exclusively an executive matter?

Mr. CHILTON. You can find where the distinguished Senator from Alabama [Mr. Morgan] made a similar statement on one occasion, and yet in his well-considered speech on the Brazilian question he maintained the true doctrine that it is a function

belonging to the Congress as well as the President.

Mr. HALE. As the Senator from Connecticut [Mr. Platt]
just suggests, the treaty-making power is executive; the Senate
is joined to the President in executive action. That is not legis-

Mr. CHILTON. I do not say that it is legislative solely, but I say it belongs to different departments of the Government. It is not necessary that the President of the United States should come out with a formal proclamation acknowledging the independence of another country. If he were to receive an ambassador from the Republic of Cuba, that would constitute a recognition of the independence of that nation.

Mr. MORGAN. Will the Senator from Texas allow me a moment?

Mr. CHILTON. Certainly.

Mr. MORGAN. My opinion has been quoted here, but the quotation does not do justice to my statement. Whenever I stated that the President of the United States had the exclusive right to recognize the independence of another country, it was in connection with the fact that that exclusive right was a right that belonged to him ex officio, and did not at all affect the people of the United States. I always put that qualification in. It is a mere piece of

diplomatic authority which he derives under the laws of nations, which are recognized in the Constitution.

Mr. CHILTON. I hope the Senator will not understand me as twitting him about his position at all. On the contrary, I was merely using that suggestion to illustrate how distinguished men, sometimes improvidently, use expressions which do not maturely

state their real opinions.

Mr. MORGAN. I would not have made the slightest statement in regard to it but for the fact that the Secretary of State is reported in the newspapers to have made that quotation upon me, as if I had stated it as a proposition of universal law that the President of the United States had the exclusive right to recognize the independence of a foreign country. As soon as the Senator from Texas has concluded, if I can get the floor for five minutes, I want

to explain that a little further.

Mr. CHILTON. I will explain to the Senator from Alabama and to the Senate that he will find in the speech which he made on the question of the Brazilian recognition a very fair view of this subject. In that speech he states in very clear language the true

doctrine which governs.

But I will get back to the report of John Quincy Adams. The Senator from Maine has read, and no doubt remembers, that while Mr. Adams claims that the recognition of the independence of another country can be most feasibly accomplished by treaty, yet there are still other methods of doing it. That is all which is nec-

essary to be said now, in my judgment.

In the judicial authorities there is outlined the idea that the recognition of independence or belligerency (functions of the same general kith and kin) is not an exclusive power of either branch of the Government. In the well-known case of Kennett vs. Chambers the court alludes to the recognition of independence as a part of the treaty-making power. You can find in other judicial opinions—one I remember by Mr. Justice Field, when he was on the circuit—a reference to the power as one which belongs to the executive and legislative departments of the Government. It seems to me that is a sound doctrine. If the President of the United States should receive an ambase der from the Pennshlic of United States should receive an ambassador from the Republic of Cuba, that would constitute a recognition of that Government. If the President and the Senate should make a treaty in which they recognized the Island of Cuba as an independent republic, that would also constitute a recognition of its independence. If that would also constitute a recognition of its independence. In the President, the Senate, and the House of Representatives, or Congress, as I should say, should pass a law which recognized the independence of Cuba, that, too, would constitute its effective recognition. It does not make any difference about the form it takes. The distinguished Senator from Massachusetts a moment ago seemed to intimate that Congress can do it under the lawago seemed to intimate that Congress can do it tinder the law-making power, as under the power to regulate foreign commerce. I believe he intimates also that perhaps the President and the Senate could do it under the treaty-making power, but I gather that he thinks Congress can not do it by saying it in so many words. But, sir, the President's only authority to recognize the words. But, sir, the President's only authority to recognize the independence of another country is incidental. It is incidental just as the power of Congress to deal with the same subject is incidental, and just as the same authority is incidental to the power of the President and the Senate. All I maintain and want to say here

Mr. HOAR. Will the Senator allow me to put a question there, because my mind and his seem to have traveled very much in the

same channel, so far as I understand the Senator?

Mr. CHILTON. Thank you.

Mr. HOAR. I agree with the Senator that the power of recognizing a foreign country is incident to certain legislative powers; it is incident to certain purely executive powers, as the receiving and sending of ambassadors; it is incident to certain powers which are shared by the President and Senate, which are sometimes spoken of as executive powers, but are, in strictness, legislative powers, because the Constitution, if I remember the phraseology correctly, declares that treaties are the laws of the land, and therefore to make a treaty is to make a law of the land. Therefore the President and the Senate legislate when they make a treaty, in my But that is a question of name and not of substance.

But what I want to get the Senator's view upon, to see whether he differs or agrees with me, is, when you are not doing the principal thing at all to which this recognition of a foreign government is an incident, where there is any power lodged in Congress, then

to say simply not, "We regulate by law the behavior of a citizen in Cuban waters in his dealing with Cuba and require him to obin Cuban waters in his dealing with Cuba and require him to observe the rules which apply to an independent government," but where we say purely and simply, "We recognize the independence of Cuba," and say nothing else, because you have an incidental power to do that when you are doing something else, and it is your business to do it, have you a right to declare the independence of Cuba by the legislative branch of the Government of the country and make that an act binding on citizens and binding on other departments of the Government? That is the question.

Mr. CHILTON. I think so clearly.

Mr. HOAR. In other words suppose we pass a law declaring

Mr. CHILTON. I think so clearly.

Mr. HOAR. In other words, suppose we pass a law declaring the independence of Cuba on the 3d day of March, 1897, over the veto of the President and adjourn and do not come together until the following December, has the President of the United States, for all his constitutional purposes, got to deal with Cuba as an independent power until the first Monday of next December, or if Spain occupied every foot on that island by the 1st of April, has the President any right to accommodate the action of this Government to that new condition? There is the practical question before us. before us

Mr. CHILTON. I want to say, in reply to the Senator from Massachusetts, that the President has not any express authority to do this as the principal thing either. Here is the mistake the

Senator makes, in my humble judgment.

Mr. HOAR. I have not said anything about that, and whether I have made a mistake or not will appear when I have made a statement on that subject, which I have not yet done.

Mr. CHILTON. The Senator seems to think the President has

some express power to do it, and that the other departments of

the Government have only an incidental power to do it.

Mr. HOAR. I did not say any such thing.

Mr. CHILTON. Excuse me. Here is the true position: The President only has the authority to recognize the independence of another country as incidental to his power to receive ambassadors.

Mr. HOAR. I agree to that

Mr. HOAR. I agree to that.

Mr. CHILTON. Therefore, if he concluded to issue a proclamation in formal terms and should say, "The independence of the Island of Cuba is hereby recognized," Congress can do the same thing as one of its incidental powers.

Mr. HOAR. I hate to interrupt the Senator, because I agree with so much that he has said, but I should like, with his leave, to put the proposition in my own way. I have sent for a resolution, which is now pending in the Senate, introduced by the honorable Senator from Georgia [Mr. Bacon] and referred to the Judiciary Committee, of which I am a member, and it is this:

Resolved by the Senate (the House of Representatives concurring). That the question of the recognition by this Government of any people as a free and independent nation is one exclusively for the determination of Congress in its capacity as the lawmaking power;

Resolved further. That this prerogative of sovereign power does not appertain to the executive department of the Government, except in so far as the President is, under the Constitution, by the exercise of the veto, made a part of the lawmaking power of the Government.

want to understand what the Senator thinks about that

Mr. CHILTON. I do not concur in that statement at all.
Mr. BACON. If the Senator from Texas will permit me, if I understand him, he maintains that this is a concurrent power?
Mr. CHILTON. That is right; a concurrent power, just like the powers of the Federal and State courts.

Mr. BACON. If the Senator will permit me a moment further, I want to see to what that leads. Under that view, whichever power first takes jurisdiction its action will be legal and binding; in other words, whichever makes the recognition first makes a valid recognition.

Mr. CHILTON. That is right—whichever makes the recognition

Mr. BACON. One step further, if you please. Therefore, the Senator's contention must necessarily lead to the conclusion that where one department fails to act the other can act?

Mr. CHILTON. Not at all. Mr. BACON. There is no possibility of an escape from that,

Where there is a failure to act on the part of one department, necessarily when the other acts its action must be valid.

Mr. CHILTON. The trouble about the Senator's position is that it confuses two things which ought to be separated. I maintain that whenever one of these departments exercises this power as incidental to some other authority conferred by the Constitution, then the recognition is complete; but until one or the other does act, the

other may act. That is the true position, in my judgment.
Mr. HOAR. To what power is the resolution before the Senate incident?

Mr. CHILTON. It is incident to the power to regulate foreign commerce; it is incident to the power to make war-to either of

Mr. HOAR. Are we making war or regulating foreign commerce now? If the Senator will pardon me, this is a form of recognition by Congress with nothing attached to it, not incident to anything, and with nothing incident to it.

Mr. ALLEN. Will the Senator from Texas allow me?
Mr. CHILTON. In one moment I will yield to the Senator, after
I have replied to the Senator from Massachusetts. It seems to me the Senator from Massachusetts comes back to the same theory, that the Constitution gives the President some express authority concerning the subject. But I repeat that you do not find in that instrument any express authority conferred on the President to recognize independence, and you might as well say when he issues a proclamation recognizing the independence of the Republic of Cuba that he is not thereby receiving an ambassador. Yet we know he derives the authority to recognize independence from we know he derives the authority to recognize independence from that clause of the Constitution which confers upon him the jurisdiction to receive ambassadors. So, now, if we were to recognize the independence of Cuba, we might not be, in so many words, dealing with commerce; we might not be, in so many words, making war, but our authority to recognize independence would depend upon those clauses of the Constitution which gave us the authority to regulate commerce and to make war. The power to recognize is expressed nowhere. That is the point. Wherever you find it, this power is incidental—that is the proposition which I make—but it is incidental to the functions which are conferred upon several different departments of the Government. Now I yield

Mr. ALLEN. The Senator has got right to the point where I desire to ask him a question. The Senator from Massachusetts and the Senator from Texas seem to agree to this proposition: That the power to recognize the independency of a people or a government is simply an incidental power, or a power incident to the exercise of some other power expressly conferred by the Con-stitution. Now, does the Senator deny the proposition that Con-gress and the President, acting concurrently, could, by a mere declaration, an act of Congress authorizing the declaration, and a

declaration, an act of Congress authorizing the declaration, and a declaration itself, or a proclamation by the President, recognize the independence of Cuba?

Mr. CHILTON. I have been talking here for five or ten minutes endeavoring to maintain that very proposition, that Congress does have the authority to do it.

Mr. Allen. I understood the Senator from Massachusetts and

the Senator from Texas, who were interchanging courtesies, which was perfectly proper, to agree that the power to recognize the independency of a government was only incident to the exercise of some other power expressly conferred by the Constitution.

Mr. CHILTON. Yes, sir; but I do not think it is necessary to say in the resolution, "We are regulating commerce," or, "We are making war." You may do it, and then after it is done you have to refer it to some one of those powers of government. That is the

proposition.

Mr. ALLEN. Suppose we should pass a resolution here declar-ing it to be the sense of Congress that there is a well-established Republic in Cuba, and that it should be recognized, and following that the President of the United States should issue a proclamation or in some other public form recognize the existence of that Republic; that would be a direct recognition and not an incident to the exercise of any other power. Do we not possess that power under our Constitution?

Mr. CHILTON. I think it is very clear that our resolution is valid, no matter what form it takes. In fact, I do not think it requires any proclamation of recognition at all. That form is not necessary. If the President of the United States to-morrow were necessary. If the President of the United States to-morrow were to receive an ambassador from the Republic of Cuba and never say a word about recognizing its independence, that would nevertheless constitute a recognition of its independence. The very act of receiving an ambassador is an acknowledgment of the independence of the country from which the ambassador comes.

Therefore I say the power to recognize independence does not depend upon the form that it takes at all. It does not depend upon depend upon the form that it takes at all. It does not depend upon any particular language being used, but whenever independence is recognized either by the President, or by the Senate and the President, under the treaty-making power, or by the President, the Senate, and the House as a Congress, it is final. That is my proposition. It is a concurrent power to recognize, and whenever either authority actually makes the recognition the jurisdiction is exhausted.

exhausted.

Mr. MORGAN obtained the floor.

Mr. CHANDLER. Will the Senator from Alabama yield to me that I may move that the Senate proceed to the consideration of executive business?

Mr. MORGAN. I merely wish to say a very few words, and I would rather have them go into the Record now.

Mr. President, the particular point of constitutional power and of the regularity of governmental procedure which is involved in this debate is about to have, I suppose, a very practical illustra-tion in our own history. We have here in Washington City, I am informed by the papers, a gentleman who has been accredited to the United States Government and received by the President on an exchange of felicitations between them, who comes from a new Government, that is, the Government called the Greater Republic of Central America. I can not call his name, because I am

not informed of it and do not know it personally. The Congress of the United States has no official knowledge of his presence in

of the United States has no official knowledge of his presence in this city that I am aware of. That gentleman professes to represent a new institution down there, called the Greater Republic of Central America, composed, if I remember it correctly, of the States of San Salvador, Nicaragua, and Honduras.

Now, we have laws which authorize a minister to be sent to each of those Governments, I believe. I know we have such laws as to two of those countries, and I believe we have laws that authorize a minister to be sent to each. Those three Governments have abolished their office of foreign affairs, and we now have ministers there from the United States to those Governments who have no chance to communicate with them because they have abolished the office of foreign affairs and have intrusted all of their diplomatic powers to this diet, as it is called, which sends the gentleman here powers to this diet, as it is called, which sends the gentleman here

powers to this diet, as it is called, which sends the gentleman here as minister from the Greater Republic.

I desire, for the purpose of giving a forcible illustration of the real practical question involved in this debate, to ask a question. Does the recognition of that gentleman as a minister from the Greater Republic of Central America repeal the laws of the United States by which we send ambassadors to Honduras and San Salvador and Nicaragua? I think almost anybody would hold that those laws are not repealed; that the President of the United States, by recognizing the new Government there, which in its diplomatic function combines the powers of all three of those States, has not succeeded in repealing the laws of the United States which authorize and require that ministers shall be sent to those Governments.

those Governments.

those Governments.

Mr. HOAR. They do not require it.

Mr. MORGAN. Now, why so? Why is that? Do I deny the validity of the President's act in receiving that gentleman here? Not at all. But I deny its binding force upon the legislative power of this country. I deny that it has in any respect changed the laws of the United States, and that until Congress acts, either by a confirmation of some nomination which the President may send have to the Senate or by some legislative act or some legislative. here to the Senate, or by some legislative act or some legisla-tive recognition, those three Republics of Central America will stand there as sovereign States, entitled to receive ministers from us, and so far as we are concerned entitled to hold with us diplomatic correspondence. But so far as they are concerned that power has lapsed, and it has been merged into the centralized functions of the diet which sends the minister here.

Now, that presents the whole situation. What are we going to do in a case of that kind? I have been very much in hope that the President would honor Congress with some statement about the matter, but it seems that we have so far departed out of his recognition that he does not consider that we have anything to do even with a matter of that magnitude. Perhaps he will change his opinion if he ever sends here the nomination of an ambassador or a minister to be sent to that diet, or if he sends the recall of the ministers from these other Governments on the ground that he and the diet have abolished those offices. Suppose he shall come out and tell us that he and the diet of the Greater Republic have abol-ished the missions to Nicaragua, San Salvador, and Honduras. Then we would have a practical illustration of where the division

Then we would have a practical illustration of where the division line is between the powers of the President and the powers of Congress. That would present it, and when that question comes here it will be presented, and it will be decided.

I think that so far as I am personally concerned I am not without the guide of the Constitution in the statement I make here, that I believe that gentleman has the right which belongs to a minister of a foreign government at this seat of government; that is to say, he has the right to the preservation of his personal security, and that of his servants, his attachés, and members of his staff. Probably he would have a right, recognized by the Supreme Court of the United States, to go into that tribunal on an original suit for some wrong that might have been done him. The President's recognition of him is so far a valid and binding official act dent's recognition of him is so far a valid and binding official act as that it confers upon him the functions and characteristics of a minister while he is within our jurisdiction.

Therefore it is not an idle act, but it is one that he may perform

without the consent or the assistance of Congress. It is one that falls within the classification I have mentioned every time I have had occasion to present the subject at all, which, while it concludes the President, concludes the minister, concludes the foreign government, as to this gentleman being the authenticated minister from that country, with due credentials, affects the people of the United States not at all. Now, why? Because the President in the performance of that act has merely executed a law. He has performed an executive function, not a legislative function. He had the right to perform it, fully to perform it, but it is an executive act and no more. It is not in any sense a legislative act.

Where then does he get the power to reafewer this executive accountive.

Where, then, does he get the power to perform this executive act? We look about through the Constitution. It is not a power derived from the right to do anything that the President has the right to do, to make treaties or to make nominations to office. Where does it come from? It comes from the laws of nations. What are the laws of nations to us? A recognized code named

in the Constitution. Congress, by the Constitution, shall have power to pass laws to punish violations of the laws of nations. Therefore we recognize the laws of nations in the Constitution itself. That falls in line with a theory of mine, and I take great pride in being a devotee to it, which is that the Government of the United States, in all its external functions, powers, relations, and duties, is the equal of any other government in the world. It has all the power of an extraterritorial character of any other government in the world. How does it get those powers? By placing itself amongst the family of nations and accepting in its Constitution all the laws of nations.

The Constitution says that the executive power is devolved upon

The Constitution says that the executive power is devolved upon the President of the United States, and further it says he shall take care that the laws be faithfully executed. What laws? Intake care that the laws be faithfully executed. What laws? International as well as local—all laws that bind the people of the United States, and all laws that make for their advantage. The President shall see that they are faithfully executed. Now we come to what the laws of nations prescribe or permit in respect, come to what the laws of nations prescribe or permit in respect, for instance, of the reception of foreign ministers. They permit and they prescribe that one holding credentials to a foreign government, no matter where that government may be, from another government, shall present his credentials to the diplomatic head of the country, whether that may be a sovereign who has the right to send an ambassador abroad or a limited sovereign who has not that right perhaps as an individual or as a personal sovereign right. It makes no difference what the character may be, whoever repre-

It makes no difference what the character may be, whoever represents the diplomatic powers of the government, as they are recognized under the laws of nations, is the proper person to whom those credentials shall be presented.

After we did that in our Constitution, we commenced to put restrictions upon the President of the United States. He shall exercise his function of executing the laws of nations, but Congress has the right to pass laws to inflict punishment for a violation of the laws of nations. Congress has the right to repeal the laws of nations so far as they affect our people. Congress did it when it passed all this series of acts under which we have hid so much commention lately in respect to the security of foreign much commotion lately in respect to the security of foreign countries because of the disposition of our own people to go out and raid and furnish others with military munitions and sup-plies. Congress has exercised that function beyond the function and power and scope of the laws of nations. We have gone fur-

plies. Congress has exercised that function beyond the function and power and scope of the laws of nations. We have gone further than the laws of nations in that particular.

I come back now to the simple proposition, What, then, is the office of the President of the United States in respect of the recognition of a foreign government? So far as it relates to any executive function of his, he has the right and must have the exclusive right, but when by such a recognition he wants to change the legal relation or status between us and any other country, there his right, but when by such a recognition he wants to change the legal relation or status between us and any other country, there his power stops. He can bow a minister into the doors of the Government; he can pass upon his credentials; he can welcome him to our shores; he can throw around him the ægis of the protection of this Government, but he can not compel us to respond to that. He can not compel us in any legislative sense to recognize the combination of those three Governments constituting the Central

combination of those three Governments constituting the Central American Greater Republic—not at all.

Mr. HOAR. I should like to put a question to the Senator from Alabama right here, which seems to be the proper point in his argument. I desire to put this illustration, if the Senator pleases: We recognize Cuba by joint resolution passed over the President's veto, or it becomes a law by his retaining it in his pocket ten days, or in any other way. In the meantime Spain makes war upon us. We declare war on her and adjourn on the 4th of March. Now, there is Cuba recognized as a free and independent nation, if the act of Congress can do it, without the President's action, and there is Spain at war with us.

Spain conquers Cuba; the rebels submit, and she takes possession of every part of the island by the 1st of May, Congress not being in session, and it becomes a base of supplies and of warlike operations against us. Is the President of the United States bound, until we get together in December and repeal our action, to treat Cuba under those circumstances as a friendly nation which we shall not attack or fight with?

Mr. MORGAN. I think I can answer the question by a very simple illustration, which I think the Senator will admit to be a correct one. If at any time during the period between the adjournment and the acts weeting of Congress and before meaning the period between the adjournment and the acts weeting of Congress and before meaning the period between the adjournment and the acts weeting of Congress and before meaning the period between the adjournment and the acts weeting of Congress and before meaning the period between the adjournment and the acts weeting of Congress and before meaning the period between the adjournment and the acts weeting of Congress and before meaning the period between the adjournment and the acts weeting of Congress and before meaning the period between the adjournment and the acts weeting of Congress and before meaning the period between the adjournment.

simple illustration, which I think the Senator will admit to be a correct one. If at any time during the period between the adjournment and the next meeting of Congress, and before we changed our attitude, after we had recognized the Republic of Cuba by a joint resolution of the twe Houses of Congress in the most formal possible way, aship bearing the flag of the Republic of Cuba should enter the port of Boston, the officers of the port would be compelled to recognize her not merely as belonging to a government, but as belonging to a friendly government, and to give her hospitality and all that. It would be a law passed by Congress which binds all officers of the United States until it is repealed.

Mr. HOAR. Including the President?

Mr. MORGAN. Now, suppose, as the Senator says, the next day after we adjourn Spain overwhelms Cuba; they make peace; the subjugation comes, and all that, so that the revolution no

longer exists and peace prevails there by the consent of Cuba. That does not repeal the act of Congress, Mr. President.

Mr. HOAR. Can the President fit out an expedition during that time to capture Moro Castle?

Mr. MORGAN. That depends upon the war-making power.

Mr. HOAR. I understand that.

Mr. MORGAN. Oh, yes; if we are at war it changes the whole relation of the United States. When we are in a state of war with Spain about Cuba or anything else every man in the United States is by law an enemy of every Spaniard in the world.

Mr. HOAR. Exactly.

Mr. MORGAN. His status is fixed by law. But the state of war, as it is known to the law, is utterly different from the state of peace, and the rules of law applicable to war do not apply at all to a state of peace. Idid not remember that that category was in the Senator's question. So the other one is perfectly plain.

I will suppose that we are not at war, but that we have recognized the independence of Cuba. Congress has adjourned. Spain and Cuba are at war. Spain overwhelms Cuba. Cuba makes peace, surrenders, and submits. Until Congress changes the law, if a ship comes into a port of the United States bearing the flag of the Republic of Cuba, we are bound to respect it, and so is every officer, because the laws of the United States are paramount, and the Republic of Cuba, we are bound to respect it, and so is every officer, because the laws of the United States are paramount, and

the Republic of Cuba, we are bound to respect it, and so is every officer, because the laws of the United States are paramount, and they stay there until they are repealed.

Mr. HOAR. We are bound, the Senator would say, to give the necessary papers at the custom-house to this ship, which is bound for Cuba, although it is in the possession of the enemy and the stores would at once become supplies of war against us.

Mr. MORGAN. Exactly so, unless the Secretary of the Treasury has some latitude in the regulations he may form which would relieve him of the difficulty. I hope he has, and I expect he has, although I am not quite sure of it. But in a case of that kind I suppose the Secretary of the Treasury would have some power of regulation that would relieve the country of the anomalous embarrassment and situation.

Mr. SHERMAN. I move that the Senate proceed to the consideration of executive business.

Mr. BACON. Will the Senator from Ohio yield to me-before his motion is acted upon, simply to ask that the pending joint resolution may lie upon the table?

The VICE-PRESIDENT. Does the Senator from Ohio yield to the Senator from Georgia?

Mr. SHERMAN. Certainly, for one moment.

Mr. BACON. I merely wish to ask that the joint resolution introduced by the Senator from Texas may lie on the table, in order that on Wednesday morning next at the conclusion of the morning business I may submit some remarks thereon.

Mr. PETTIGREW. I believe the debate has been proceeding.

morning business I may submit some remarks thereon.

Mr. PETTIGREW. I believe the debate has been proceeding by unanimous consent, and I desire now to have the unfinished business laid before the Senate.

FREE HOMESTEADS IN OKLAHOMA TERRITORY.

The VICE-PRESIDENT. The Chair lays before the Senate the unfinished business, which will be stated by title.

The Secretary. A bill (H. R. 3656) providing for free homesteads on the public lands in Oklahoma Territory for actual and bona fide settlers, and reserving the public lands for that purpose.

Mr. PETTIGREW. I now ask unanimous consent that the
unfinished business may be taken up to-morrow morning immediately after the routine morning business.

The VICE-PRESIDENT. Is there objection? The Chair hears

none, and it is so ordered.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. Browning, its Chief Clerk, announced that the House had passed the bill (S. 1726) to approve and ratify the construction of a bridge across the Red River between the States of Arkansas and Texas, at a point above the town of Fulton, in Arkansas, on said river, built by the Texarkana Northern Railway Company, but now owned and operated by the Texarkana and Fort Smith Railway Company, and to authorize the latter company to maintain said bridge over said waterway, subject to certain stipulations and conditions, with an amendment in which it requested the concurrence of the

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the Vice-President:

signed by the Vice-President:

A bill (H. R. 3877) granting a pension to Henderson Marple;
A bill (H. R. 5407) to remove the charge of desertion now standing against Oscar A. Bulette, known in his military title as Austin Bulette, late private in Company E, Fifty-second Illinois Infantry Volunteers, during late war;
A bill (H. R. 7777) to authorize the Secretary of the Navy to furnish condemned cannon to Fort Thomas, Ky.; and
A bill (H. R. 7945) to provide for the entry of lands in Greer County, Okla., to give preference rights to settlers, and for other purposes.

purposes.

USE OF MONEY IN ELECTIONS.

Mr. ALLEN. With the consent of the Senator from Ohio, I desire to ask unanimous consent to have printed in the RECORD a careful analysis of the vote at the recent election as bearing upon the result of the Presidental election in support of the resolution introduced by me a week or two ago.

Mr. HILL. What is the paper?
Mr. ALLEN. It is an analysis of the Presidential vote of the United States, and is very brief.
Mr. HILL. Who makes it?
Mr. ALLEN. It was prepared by Mr. Emerson, a very com-

petent gentleman.

Mr. HILL. I object. Let it be printed as a document. I do not believe in encumbering the RECORD with everybody's effusions.

Mr. ALLEN. I am willing to take it as a document, by the

grace of the Senator from New York.

Mr. HILL. I have no objection to that.
The VICE-PRESIDENT. The paper will be printed as a document, in the absence of objection.

EXECUTIVE SESSION.

Mr. SHERMAN. I renew my motion for an executive session. The motion was agreed to; and the Senate proceeded to the consideration of executive business. After one hour and twelve minntes spent in executive session the doors were reopened, and (at 5 o'clock and 47 minutes p. m.) the Senate adjourned until to-morrow, Tuesday, January 12, 1897, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate January 11, 1897. PROMOTIONS IN THE NAVY.

Capt. William T. Sampson, United States Navy, to be Chief of the Bureau of Ordnance, in the Department of the Navy, from the 28th day of January, 1897. Commander Joseph B. Coghlan, to be a captain in the Navy, from the 18th day of November, 1896, vice Capt. Alfred T. Mahan,

Lieut. Commander William I. Moore, to be a commander in the Navy, from the 18th day of November, 1896, vice Commander Joseph B. Coghlan, promoted. P. A. Engineer William N. Little, to be a chief engineer in the

Navy, from the 14th day of December, 1896, vice Chief Engineer David Smith, retired.

Asst. Engineer Cleland N. Offley, to be a passed assistant engineer in the Navy, from the 14th day of December, 1896, vice P. A. Engineer William N. Little, promoted.

PROMOTIONS IN THE ARMY.

Pay Department.

Lieut. Col. George William Candee, deputy paymaster-general, to be assistant paymaster-general with the rank of colonel, January 7, 1897, vice Canby, retired from active service.

Maj. Alfred Elliott Bates, paymaster, to be deputy paymaster-general with the rank of lieutenant-colonel, January 7, 1897, vice

Candee, promoted.

POSTMASTER.

August Pein, to be postmaster at Eureka, in the county of Mc-Pherson and State of South Dakota, in the place of Frank H. Hooper, whose commission expired January 6, 1897.

HOUSE OF REPRESENTATIVES.

Monday, January 11, 1897.

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. HENRY N. COUDEN.

The Journal of the proceedings of Saturday last was read and approved.

PACIFIC RAILROAD FUNDING BILL.

The SPEAKER. The first business under the special order is the vote upon the various propositions connected with the bill H. R. No. 8189. The Chair desires to state the condition of affairs the vote upon the various propositions connected with the bill H. R. No. 8189. The Chair desires to state the condition of affairs to the House. As the Chair understands it, there are no amendments offered to the original bill. There are two substitutes, to one of which an amendment is offered. It will be necessary first to vote upon that amendment to the substitute in order to perfect it. And when that has been done the substitute offered by the gentleman from Texas [Mr. Bell] will first be voted upon, and if it is adopted it will take the place of the original bill, as being, in the judgment of the House, the position it ought to take; and there will be no vote upon the other substitute. If the substitute of the gentleman from Texas is not adopted, then the question will recur with regard to the first substitute. That will then be voted upon. The Chair has an idea that is the understanding of the House and that that will do justice to the condition of the bill.

House and that that will do justice to the condition of the bill.

Mr. POWERS. Mr. Speaker—

The SPEAKER. The Chair is mistaken in saying that there are no amendments to the original bill. There are committee

amendments that have been adopted in the Committee of the Whole. There were no amendments pending in the Committee of the Whole. The question will be taken first on the committee amendments to the original bill.

amendments to the original bill.

Mr. POWERS. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. POWERS. I apprehend the Chair is in error as to the status of the two substitutes. The substitute offered by the gentleman from Texas [Mr. Bell] is offered as a substitute for the substitute offered by the gentleman from Alabama [Mr. Harrison].

Mr. BELL of Texas. And for the bill.

Mr. POWERS. And for the bill. It is first a substitute for the proposition of the gentleman from Alabama, not, as I understand, antagonizing the bill in the first instance, but first antagonizing the substitute of the gentleman from Alabama.

the substitute of the gentleman from Alabama.

The SPEAKER. The Chair understands that the amendment offered to the other substitute is in the nature of a substitute itself.

Mr. POWERS. It is. The amendment offered by the gentleman from Ohio [Mr. NORTHWAY] practically substitutes one section for another, if my understanding is correct.

Mr. NORTHWAY. There are four sections in the amendment offered by the gentleman from Alabama [Mr. HARRISON], and I propose to amend only two of those sections. Mine is an amend-

ment to the substitute.

Mr. TERRY. A parliamentary inquiry, Mr. Speaker. I understood the Chair to announce a while ago that there was only one amendment, an amendment to the substitute of the gentleman from Alabama. As I understand it, the Committee of the Whole

The SPEAKER. The Chair corrected his original statement.

The Chair had been told that there were no pending amendments, and technically there are no pending amendments in the sense of

and technically there are no pending amendments in the sense of their being pending in the committee. The Chair subsequently announced that there were amendments made in Committee of the Whole on which the vote would first be taken. The gentleman from Vermont [Mr. Powers] seems to think that the Chair is misinformed as to the order of the substitutes.

Mr. POWERS. I beg the Chair's pardon—not as to the order, but as to the form in which the substitute of the gentleman from Texas was ordered. The gentleman from Alabama [Mr. Harrison] first offered his substitute. The gentleman from Texas, of course, would have no parliamentary status to offer an independent substitute to the bill, but he could offer his amendment as a substitute for the substitute proposed by the gentleman from as a substitute for the substitute proposed by the gentleman from Alabama, and he did so offer it in form.

The SPEAKER. Was that done by unanimous consent?

Mr. DOCKERY. It was.
The SPEAKER. Will the gentleman from Vermont read the form in which the substitute of the gentleman from Texas was offered? The Chair was informed that the way in which the consent of the House was given was as the Chair stated it.

Mr. BELL of Texas. Here is what took place. I read from

page 619 of the RECORD:

Mr. Bell of Texas. Mr. Chairman, the other day I had printed in the RECORD a substitute which I now ask unanimous consent to offer as a substitute for the substitute of the gentleman from Alabama and for the pending bill.

The SPEAKER. If by consent of the House the proposition was offered as a substitute for the substitute of the gentleman Mr. BELL of Texas. And also, by consent of the House, it was offered as a substitute for the pending bill.

The SPEAKER. It can not be both.

Mr. BELL of Texas. It can by unanimous consent, can it not? The SPEAKER. It makes very little difference, inasmuch as

was all done by consent of the House.

Mr. BELL of Texas. When I offered my substitute, the Chair stated it in this way:

The CHAIRMAN. The gentleman from Texas [Mr. Bell] asks permission to offer a substitute, which has already been printed in the Record, and which he now sends to the Clerk's desk—a substitute for the substitute offered by the gentleman from Alabama. Is there objection to the substitute of the gentleman from Texas being considered as pending? The Chair hears none, and it is so ordered.

Mr. POWERS. That is correct.
The SPEAKER. The first question is on agreeing to the amendments of the committee adopted in Committee of the Whole. If no separate vote is asked for, the Chair will put the question on the

no separate vote is asked for, the Chair will put the question on the amendments as a whole.

Mr. POWERS. Those amendments are entirely satisfactory to the committee, Mr. Speaker.

Mr. RICHARDSON. Mr. Speaker, as I understand it, those are amendments to the original bill.

The SPEAKER. They are amendments to the original bill.

The amendments were adopted.

The SPEAKER. The question is now upon the amendment of the gentleman from Ohio [Mr. NORTHWAY] to the substitute offered by the gentleman from Alabama [Mr. Harrison]. The Clerk will report the amendment.

Acheson.

Settle.

The amendment of Mr. Northway was read, as follows:

Strike out all of section 1, after the words "Section 1," and insert the fo

Strike out all of section 1, after the words "Section 1," and insert the 10-lowing:

"That a commission consisting of three persons, to be named, one each, by the Secretary of the Treasury, Secretary of the Interior, and Attorney-General, shall be constituted, with full power to settle, adjust, or compromise the indebtedness of any and all of the bond-aided Pacific railroads to the Government of the United States upon such terms and in such manner as may be agreed upon by such road or roads and such commission: Provided, That any and all settlements thus made shall be submitted in writing to the President for his approval or disapproval, and when approved by him shall be binding as a valid agreement."

In lieu of section 4 insert the following:

"SEC. 4. That each of said commissioners shall receive pay at the rate of \$30 per day for the time necessarily spent by them as such commissioners, and the sum of \$15,000, or so much thereof as may be needed to pay such commissioners and to pay the expenses incident to such settlement and to carry out the provisions of this act, is hereby appropriated out of any funds in the Treasury not otherwise appropriated."

The amendment was rejected.

The SPEAKER. The question now recurs on the substitute of the gentleman from Texas [Mr. Bell] for the substitute offered by the gentleman from Alabama [Mr. Harrison].

The question being taken, the Speaker declared that the noes

seemed to have it.

Mr. BELL of Texas. Mr. Speaker, I ask for the yeas and nays. The yeas and nays were ordered, 71 members voting therefor. Mr. POWERS. Mr. Speaker, a parliamentary inquiry. Of course I shall vote against both substitutes, but should like to know, for my own guidance, whether, if the Bell substitute is adopted, that will not eliminate the Harrison substitute from further consideration? The SPEAKER. It will. The question will then come upon the adoption of the substitute of the gentleman from Texas [Mr. Bell] for the original bill. The question now is on the adoption of a substitute of the gentleman from Texas for the substitute of the gentleman from Alabama.

The question was taken; and there were—yeas 110, nays 157, not

The question was taken; and there were—yeas 110, nays 157, not voting 88; as follows:

LI	140-110.	
De Witt,	Leonard,	Snover,
Dinsmore,		Sparkman,
Dockery,		Stallings,
Doolittle,		Steele,
Ellett,	Martin,	Stephenson,
Erdman.	McCulloch.	Stokes,
Fairchild.	McDearmon.	Strode, Nebr.
		Strong,
	McMillin	Swanson,
	Maiklaichn	Talbert,
	Morroom	Tayler,
	Mercer,	Tayler,
Hager,		Terry,
Hainer, Nebr.		Thorp,
	Northway,	Towne,
	Ogden,	Tracey,
	Otey,	Tyler,
Howell,	Parker,	Van Horn,
Hubbard.	Pearson,	Walker, Va.
	Pendleton.	Wanger,
	Pitney.	Warner,
	Price.	Washington,
		White,
Kom		Williams,
Vandall	Pichandson	Wilson, Ohio
		Wood,
Kirkpaterick,		Wood,
		Woodard.
Latimer,	Sharroth,	
		Dinsmore, Dockery, Dockery, Linton, Livingston, Martin, McCulloch, McDearmon, Fenton, Fitzgerald, Foss, Grout, Hainer, Nebr. Hall, Hart, Howard, Howell, Hubbard, Hull, Hull, Hull, Hull, Hult, Kendall, Kirkpatrick, Kleberg, Livingston, Merklejonn, McCulloch, McCulloch, McCulloch, McMillin, McMillin, McMillin, Mercer, Moody, Neill, Northway, Otey, Parker, Pearson, Pendleton, Pitney, Prince, Prince, Prince, Rinaker, Sayers, Lacey, Scranton,

	N.	A Y 5-107.	
Adams.	Curtis, N. Y.	Hyde,	Powers,
Aitken,	Dalzell,	Jenkins,	Quigg,
Allen, Utah.	Daniels,	Johnson, Cal.	Raney,
Anderson,	Dayton,	Johnson, N. Dak.	Reeves.
	De Armond,	Joy,	Robertson, La
Apsley, Arnold, Pa.	Denny,	Kiefer,	Robinson, Pa.
Arnold, R. I.	Dolliver,	Knox,	Royse,
Atwood,	Dovener.	Kyle,	Rusk.
Avery,	Draper,	Lawson,	Russell, Conn.
Babcock,	Ellis,	Layton,	Shannon,
Dankhood	Evans,	Leighty,	Sherman.
Bankhead,	Faris,	Lester,	Smith, Ill.
Barney,	Fischer,	Linney,	Southard,
Bartholdt,	Fletcher,	Long,	Southwick,
Bartlett, N. Y.		Loud,	Spalding,
Beach,	Foote, Gamble,	Low,	Spencer,
Bennett,	Gardner,	Maguire,	
Berry,	Gibson,	Mahany,	Sperry, Stable,
Black,	Gillet, N. Y.	Mahon,	Ctownest Win
Bowers,		Marsh,	Stewart, Wis. Stone, C. W.
Brewster,	Gillett, Mass.		Stone, U. W.
Broderick,	Grow,	McClellan,	Stone, W. A.
Bromwell,	Halterman,	McCreman,	Sulzer,
Brosius,	Harmer,	McCreary, Ky.	Taft,
Buck,	Harrison,	McLachlan,	Tate,
Bull,	Hartman,	Meredith,	Tawney,
Burrell,	Hatch,	Miller, W. Va.	Thomas,
Burton, Ohio	Henderson,	Milnes,	Turner, Ga.
Calderhead,	Hendrick,	Minor, Wis.	Turner, Va.
Cannon,	Henry, Conn.	Mitchell,	Updegraff,
Catchings,	Hepburn,	Morse,	Van Voorhis,
Chickering,	Hermann,	Murray,	Watson, Ohio
Clarke, Ala.	Hicks,	Newlands,	Wellington,
Cobb	Hilborn,	Odell,	Willis,
Codding.	Hill	Otjen,	Wilson, Idaho
Cook, Wis.	Hooker,	Overstreet,	Wilson, N. Y.
Cooper, Wis.	Hopkins,	Owens,	Woodman,
Cowen.	Howe.	Patterson.	Wright.

Payne, Perkins, Poole,

Huff, Huling, Hunter

Cummings, Curtis, Iowa

Aldrich, W. F.	Grosvenor,	McClure.	Shaw,
Aldrich, Ill.	Hadley,	McCormick,	Shuford,
Allen, Miss.	Hanly,	McLaurin,	Simpkins,
Andrews,	Hardy,	McRae,	Skinner,
Baker, Md.	Harris,	Meyer,	Smith, Mich.
Barrett,	Heatwole,	Miles.	Sorg,
Bishop,	Heiner, Pa.	Miller, Kans.	Stewart, N. J.
Boutelle,	Hemenway,	Milliken.	Strait,
Brown,	Henry, Ind.	Miner, N. Y.	Strowd, N. C.
Brumm,	Hitt.	Mondell.	Sulloway,
Clark, Iowa	Hulick,	Money,	Tracewell,
Clark, Mo.	Hurley,	Moses,	Treloar.
Colson,	Kerr,	Mozley,	Tucker.
Cousins,	Kulp,		Wadsworth.
Crump,		Murphy,	wadsworth,
	Lefever,	Noonan,	Walker, Mass.
Dingley,	Leisenring,	Phillips,	Watson, Ind.
Eddy,	Little,	Pickler,	Wheeler,
Fowler,	Lorimer,	Ray,	Wilber,
Goodwyn,	Loudenslager,	Reyburn,	Wilson, S. C.
Graff	Maddox	Rnegoll Go	Woomer

NOT VOTING-88.

McCall, Tenn.

Watson, Ind. Wheeler, Wilber, Wilson, S. C. Woomer, Yoakum. Leisenring, Little, Lorimer, Loudenslager, Maddox, McCall, Mass. Ray, Reyburn, Russell, Ga. Sauerhering, Graff, Griffin, So the substitute of Mr. Bell of Texas was rejected.

Mr. HAINER of Nebraska. My colleague, Mr. Andrews, was suddenly called to Chicago yesterday by a telegram announcing what is feared may be the fatal illness of a sister. I therefore ask that he be excused from this vote and that he have leave of ab-

sence for ten days.

The SPEAKER. Without objection, the request will be granted.

There was no objection.

The following pairs were announced: Until further notice:

Griswold.

Until further notice:
Mr. MILLIKEN with Mr. MONEY.
Mr. HANLY with Mr. MOSES.
Mr. HEMENWAY with Mr. MINER of New York.
Mr. WOOMER with Mr. SCRG.
Mr. WATSON of Indiana with Mr. MEYER.
Mr. CLARK of Missouri with Mr. ALLEN of Mississippi.
Mr. HITT with Mr. MCRAE.
Mr. COUSINS with Mr. MCLAURIN.
Mr. TRACEWELL with Mr. RUSSELL of Georgia.
Mr. HULLICK with Mr. YOAKUM.

Mr. HULICK with Mr. YOAKUM.

Mr. Kulp with Mr. Strait. Mr. Henry of Indiana with Mr. Strowd of North Carolina. For this day:

Mr. ALDRICH of Illinois with Mr. MILES.

On this question:

Mr. Leisenring with Mr. Bishop.

Mr. LOUDENSLAGER with Mr. TUCKER.

Mr. Brown with Mr. Little. Mr. Hurley with Mr. Fowler. Mr. Lorimer with Mr. Shuford.

Mr. Crump with Mr. Maddox. Mr. Grosvenor with Mr. Acheson. Mr. McCall of Massachusetts with Mr. Wilson of South Caro-

Mr. WOODARD with Mr. SKINNER.

On this vote:

Mr. BOUTELLE with Mr. SIMPKINS.

The result of the vote was announced as above stated.

The SPEAKER. The question now recurs on the substitute of the gentleman from Alabama [Mr. Harrison].

Mr. HOPKINS. Can we have that substitute read?

The SPEAKER. Without objection, the Clerk will read the

substitute.

The proposed substitute of Mr. Harrison was read, as follows:

Strike out all after the enacting clause in the bill and insert the following,

Strike out all after the enacting clause in the bill and insert the following, to wit:

"Section 1. That the Secretary of the Treasury, the Secretary of the Interior, and the Attorney-General, and their successors in office, be, and they are hereby, appointed a commission with full power to settle the indebt-edness of any and all the bond-aided Pacific railroads to the Government, upon such terms and in such manner as may be agreed upon by them and the owners of said railroads: Provided, That any and all settlements thus made shall be submitted in writing to the President for his approval or disapproval, and unless approved by him shall not be binding.

"Sec. 2. That said commission or any member of the same is hereby authorized and empowered to administer oaths, to summon and compel the attendance and take the testimony of witnesses, and cause to be produced all papers and documents needed in the course of their negotiations.

"Sec. 3. That said commission shall within sixty days after the assembling of the next regular session of Congress report their action to it, and, in case of their failure to settle said indebtedness or any part thereof at the time of making such report, to recommend such legislation as in their judgment may be necessary or proper to protect the interests of the Government and to enforce the prompt collection of any of said indebtedness that may then be due and unpaid.

"Sec. 4. That the sum of \$5,000, or so much thereof as may be necessary, be, and is hereby, appropriated, out of any funds in the Treasury not otherwise appropriated, to defray the expenses of said commission in carrying out the provisions of this act."

The question having been put,

The question having been put,
The SPEAKER. The noes seem to have it.
Mr. HARRISON. I ask for the yeas and nays.
The question being taken on ordering the yeas and nays, there

were—ayes 47.

The SPEAKER. In the opinion of the Chair, not a sufficient number have voted to order the yeas and nays. Mr. HARRISON and Mr. HOPKINS. Let us have the other

The negative vote having been taken on ordering the yeas and

nays, there were—ayes 47, noes 127.

So (one-fifth voting in favor thereof) the yeas and nays were ordered.

The question was taken; and there were—yeas 55, nays 214, not voting 86; as follows: YEAS-55.

Abbott, Bankhead, Barham, Bartlett, Ga. Bell, Tex. Boatner, Clarke, Ala. Cooper, Fla. Cox,	Fletcher, Grout, Hager, Hainer, Nebr. Hall, Harrison, Hermann, Hopkins,	Lewis, McCreary, Ky. McCulloch, McDearmon, McEwan, McMillin, Minor, Wis. Neill,	Steele, Stone, C. W. Strong, Talbert, Terry, Thorp, Turner, Va. Updegraff, Van Horn,
Dinsmore, Doolittle, Ellis,	Howe, Hubbard, Hutcheson, Johnson, Ind.	Northway, Otey, Otjen, Owens,	Walker, Va. Wanger, White,
Erdman, Fitzgerald,	Kleberg, Lacey,	Pendleton, Sparkman,	Wood.
	NAY	7S-214.	
Adams, .	Curtis, Iowa	Joy,	Raney,
Aitken,	Curtis, Kans.	Kem,	Reeves.
Allen, Utah Anderson,	Curtis, N. Y. Dalzell,	Kendall, Kiefer,	Richardson, Rinaker,
Ansley.	Danford,	Kirkpatrick,	Robertson, La.
Apsley, Arnold, Pa. Arnold, R. I.	Daniels,	Knox,	Robertson, La. Robinson, Pa.
Arnold, R. I.	Dayton,	Kyle,	Royse,
Atwood,	De Armond,	Latimer,	Rusk,
Avery, Babcock,	Denny, De Witt,	Lawson, Layton,	Russell, Conn. Sayers,
Bailey.	Dockery,	Leighty,	Scranton,
Bailey, Baker, Kans. Baker N H	Dolliver,	Leonard,	Shafroth,
	Dovener,	Lester,	Sherman,
Barney,	Draper,	Linney,	Simpkins,
Bartholdt, Bartlett, N. Y.	Eddy, Ellett,	Linton, Livingston,	Smith, Ill. Snover,
Beach,	Evans,	Long.	Southard,
Bell, Colo.	Fairehild,	Long, Loud,	Southwick.
Bennett,	Faris,	Low, Maguire, Mahany,	Spalding, Spencer,
Berry, Bingham,	Fenton,	Maguire,	Spencer,
Bingham,	Fischer, Foote,	Mahany, Mahon,	Sperry, Stable, Stallings,
Black, Blue,	Foss,	Marsh,	Stallings.
Boutelle,	Gamble,	Martin,	Stephenson,
Bowers,	Gardner,	McCleary, Minn.	Stewart, Wis.
Brewster,	Gibson,	McClellan,	Stokes, Stone, W. A.
Broderick,	Gillet, N. Y. Gillett, Mass.	McClure,	Strode, Nebr.
Bromwell, Brosius,	Grow,	Meikleichn.	Sulzer,
Buck,	Halterman,	Mercer,	Swanson,
Bull.	Harmer,	Meredith,	Taft,
Burrell, Burton, Mo.	Hart,	McLachlan, Meiklejohn, Mercer, Meredith, Miller, W. Va.	Tate,
Burton, Mo. Burton, Ohio	Hartman, Hatch,	Milnes, Mitchell,	Tawney, Tayler,
Calderhead,	Heatwole,	Moody.	Thomas,
Cannon,	Henderson,	Moody, Morse,	Towne,
Catchings,	Hendrick,	Mozley,	Tracev.
Chickering,	Henry, Conn.	Murray, Newlands,	Treloar, Turner, Ga.
Clardy, Cobb,	Hepburn, Hicks,	Odell,	Tyler,
Cockrell,	Hilborn,	Ogden,	Van Voorhis,
Codding,	Hill,	Overstreet,	Warner,
Coffin, Connolly,	Hooker,	Parker,	Washington,
Cook, Wis.	Howard, Howell,	Patterson, Payne,	Watson, Ohio Wellington,
Cooke, Ill.	Huff,	Pearson,	Williams,
Cooper, Tex.	Huling,	Perkins,	Willis,
Cooper, Tex. Cooper, Wis.	Hull,	Pitney,	Wilson, Idaho
Cornss,	Hunter,	Poole,	Wilson, N. Y.
Crisp. Crowley,	Hyde, Jenkins,	Powers, Price,	Wilson, Ohio Woodman,
Crowther,	Johnson, Cal.	Prince,	Wright.
Culberson,	Johnson, Cal. Johnson, N. Dak.	Pugh,	to a few days that
Cummings,	Jones.	Quigg.	

Corliss, Crisp, Crowley, Crowther, Culberson, Cummings, Pugh, Quigg, Jones. NOT VOTING-86. NOT
Griffin,
Griswold,
Grosvenor,
Hadley,
Hanly,
Hardy,
Harris,
Heiner, Pa.
Hemenway,
Henry, Ind.
Hitt,
Hulick,
Hullek,
Hurley,
Kerr,
Kulp,
Lefever,
Leisenring,
Little,
Lorimer,
Loudenslager,
Maddox,
McCall, Mass. Shaw,
Shuford,
Skinner,
Smith, Mich.
Sorg,
Stewart, N. J.
Strait,
Strowd, N. C.
Sulloway,
Tracewell,
Tucker,
Wadsworth,
Walker, Mass.
Watson, Ind.
Wheeler,
Wilber,
Wilber,
Wilber,
Wilber,
Woodard,
Woomer,
Yoakum. TING—86.

McCall, Tenn.
McCormick,
McLaurin,
McRae,
Meyer,
Miller, Kans.
Milliken,
Miller, Kans.
Milliken,
Mondell,
Money,
Moses,
Murphy, Acheson, T. H. Aldrich, W. F. Aldrich, III. Allen, Miss. Andrews, Baker, Md. Barrett, Belknap, Bishop, Brown, Brumm, Brumm Moses, Murphy, Noonan, Phillips, Pickler, Ray, Reyburn, Russell, Ga. Sauerhering, Settle, Chappen Brumm,
Clark, Iowa
Clark, Mo.
Colson,
Cousins,
Cowen,
Crump,
Dingley,
Fowler,
Goodwyn,
Graff,

So the proposed substitute of Mr. Harrison was rejected. Mr. HUBBARD. I rise to a parliamentary inquiry. I wish to be informed by the Chair whether this is the proper time to make a motion to recommit.

The SPEAKER. After the bill has been ordered to be engrossed and read a third time that motion will be in order. And the next question is upon ordering the bill to its engrossment and third

reading.

Mr. POWERS. On that question I call for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 103, nays 168, not

voting 84; as fo			100, 111, 15 100, 11
A 3		AS-103.	Description
Adams,	Crowley,	Hooker,	Powers,
Aitken, Aldrich, T. H.	Culberson,	Huling,	Quigg, Raney,
Angler	Curtis, Iowa	Hunter,	Page 2
Arnold Pa	Curtis, N. Y. Dalzell,	Jenkins,	Reeves, Robinson, Pa.
Apsley, Arnold, Pa. Arnold, R. I.	Daniels,	Johnson, Cal. Kirkpatrick,	Royse,
Atwood,	Dayton,	Knox,	Rusk
Avery	Denny	Kyle,	Rusk, Russell, Conn.
Avery, Babcock,	Denny, Dovener,	Layton,	Sherman
Bankhead,	Draper,	Leighty,	Sherman, Smith, Ill.
Barney.	Evans,	Linton,	Southwick,
Barney, Bennett,	Faris,	Long,	Spencer,
Berry,	Fischer,	Low,	Sperry.
Berry, Boutelle,	Foote.	Mahon, McClellan,	Stahle, Stone, C. W.
Brewster,	Gardner, Gillet, N. Y.	McClellan,	Stone, C. W.
Brosius, Bull,	Gillet, N.Y.	Meredith, Miller, W. Va. Mitchell,	Suizer,
Bull,	Gillett, Mass.	Miller, W. Va.	Taft,
Caldernead.	Grow,	Mitchell,	Thomas,
Cannon, Catchings, Chickering,	Halterman,	Morse,	Van Voorhis,
Catchings,	Hardy,	Mozley,	Wadsworth,
Chickering,	Harmer,	Murray,	Watson, Ohio
Clarke, Ala.	Hatch, Henderson,	Odell,	Weilington, Wilson, N. Y.
Cobb, Codding, Connolly,	Henderson,	Overstreet,	Wilson, N. Y.
Connoller	Henry, Conn.	Patterson,	Woodman,
Cowen,	Hepburn, Hill,	Payne, Poole,	Wright.
Conon,		/S—168.	
Abbott			Dinalan
Abbott, Allen, Utah	Dolliver,	Lacey,	Rinaker,
Anderson	Doolittle,	Latimer,	Robertson, La.
Anderson, Bailey, Baker, Kans. Baker, N. H.	Eddy, Ellett,	Lawson,	Sayers,
Baker Kana	Ellis,	Leonard, Lester,	Scranton, Shafroth,
Baker N H	Erdman,	Lewis,	Shannon,
Barham,	Fairchild,	Linney,	Simpkins,
Bartholdt,	Fenton,	Livingston,	Smith, Mich.
Bartlett Ga	Fitzgerald,	Loud,	Snover,
Bartlett, Ga. Bartlett, N. Y.	Fletcher,	Maguire,	Southard,
Beach	Foss,	Mahany,	Spalding,
Beach, Belknap,	Gamble,	Marsh,	Sparkman,
Bell, Colo.	Gibson,	Martin,	Stallings,
Bell, Colo. Bell, Tex.	Grout,	McCleary, Minn.	Steele,
Bingham,	Hager,	McClure,	Stephenson,
Black,	Hainer, Nebr.	McCormick,	Stewart, Wis.
Blue,	Hall,	McCreary, Ky.	Stokes,
Boatner,	Harrison,	McCulloch,	Strode, Nebr.
Bowers,	Hart,	McDearmon,	Swanson,
Broderick,	Hartman,	McEwan,	Talbert.
Buck,	Heatwole,	McLachlan,	Tate,
Burrell, Burton, Mo.	Hendrick,	McMillin,	Tawney,
Burton, Mo.	Hermann,	Meiklejohn,	Tayler,
Burton, Omo	Hicks,	Mercer,	Terry,
Clardy, Cockrell,	Hilborn,	Milnes, Minor, Wis.	Thorp,
Cockrell,	Hopkins,	Minor, Wis.	Towne,
Cook, Wis.	Howard,	moody,	Tracey,
COOKA III	Howell,	Neill,	Treloar, Turner, Ga.
Cooper, Fla.	Howell,	Newlands,	Turner, Ga.
Cooper, Tex.	Hubbard,	Northway,	Turner, va
Cooper, Fla. Cooper, Tex. Cooper, Wis. Corliss,	Huff, Hull,	Ogden,	Tyler,
Corr.		Otey,	Updegraff, Van Horn,
Cox,	Hutcheson, Hyde,	Otjen, Owens,	Walker, Va.
Crisp, Crowther,	Johnson, Ind.	Parker,	Wanger,
Cummings,	Johnson, N. Dak.	Pearson,	Warner,
Curtis, Kans.	Jones,	Pendleton,	Washington,
Danford,	Joy,	Perkins,	White,
De Armond,	Kem,	Pitney,	Williams,
De Witt,	Kendall,	Prince,	Willis,
Dinsmore,	Kiefer,	Pugh,	Wilson, Idaho
Dockery,	Kleberg	Richardson,	Wood.
	NOT VO	TING-84.	
Acheson.	Griffin,	McCall, Tenn.	Shaw.
Aldrich, W. F.	Griswold,	McLaurin,	Shuford,
Aldrich, W. F. Aldrich, Ill.	Grosvenor,	McRae,	Skinner,
Allen, Miss.	Hadley,	Meyer.	Sorg,
Andrews.	Hanly,	Meyer, Miles,	Stewart, N.J.
Andrews, Baker, Md.	Harris,	Miller, Kans.	Stone, W.A.
Barrett,	Heiner, Pa.	Milliken, Miner, N. Y.	Strait,
Bishop,	Hemenway,	Miner, N. Y.	Strong,
Bromwell,	Henry, Ind.	Mondell,	Strowd, N.C.
Brown,	Hitt,	Money,	Sulloway,
Brumm.	Hulick,	Moses,	Tracewell,
Clark, Iowa	Hurley,	Murphy,	Tucker,
CIRPR, MO.	Kerr,	Noonan,	Walker, Mass.
Coffin,	Kulp,	Phillips,	Watson, Ind.
Colson,	Lefever,	Pickler,	Wheeler,
Cousins,	Leisenring,	Price,	Wilber, Wilson, Ohio
Crump,	Little.	Ray, Reyburn.	Wilson, Onio
Dingley,	Lorimer,	Presell Co	Wilson, S. C.
Fowler,	Loudenslager,	Russell, Ga.	Woodard,
Goodwyn,	Maddox, McCall, Mass.	Sauerhering,	Woomer,
Graff,	mccan, mass.	Settle,	Yoakum.

So the House refused to order the bill to be engrossed and read a third time.

[The announcement of the result was received with applause.]
Mr. HUBBARD. Mr. Speaker, I desire to ascertain now if a
motion to reconsider and lay on the table would be in order.
The SPEAKER. It would.
On motion of Mr. HUBBARD, a motion to reconsider the last

vote taken and to lay that motion on the table was adopted.

ORDER OF BUSINESS.

Mr. BABCOCK. Mr. Speaker, this being the day set apart by the rules for the consideration of business reported from the Com-mittee on the District of Columbia, and that committee having teveral important matters to present which are not yet perfected, I would ask unanimous consent that next Monday may be considered as District day instead of this.

The SPEAKER. Is there objection to the request of the gentle-man from Wisconsin?

There was no objection.

PRINTING ON FUNDING BILL.

Mr. TALBERT. Mr. Speaker, I desire to submit a parliamen-

Mr. TALBERT. Mr. Speaker, I desire to tary inquiry.

The SPEAKER. The gentleman will state it.
Mr. TALBERT. I wish to ask if the permission to extend remarks in the RECORD upon the Pacific Railroad bill, which has just been rejected, applied only to those who have addressed the House upon the subject, or whether it embraced any members who desired to do so?

The SPEAKER. The recollection of the Chair is that it applied to persons who have spoken upon the subject.

only to persons who have spoken upon the subject.

Mr. TALBERT. I ask unanimous consent that this consent be extended to all members for ten days.

There was no objection.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Platt, one of its clerks, announced that the Senate had passed without amendment joint resolution (H. Res. 213) to permit railroads in the District to occupy additional parts of streets to accommodate the traveling public attending the inaugural ceremonies.

The message also announced that the Senate had passed the bill (S. 3313) for the relief of John N. Quackenbush, late a commander in the United States Navy; in which the concurrence of the House

was requested.

SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, the following Senate bills were taken from the Speaker's table and referred as follows:

A bill (S. 3219) donating condemned cannon and cannon balls to Wadsworth Post, Grand Army of the Republic, of Helena, Mont.—to the Committee on Military Affairs.

A bill (S. 3313) for the relief of John N. Quackenbush, late commander in the United States Navy—to the Committee on Naval

ENROLLED BILLS SIGNED.

Mr. HAGER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the fol-

lowing titles; when the Speaker signed the same:
A bill (H. R. 7945) to provide for the entry of lands in Greer County, Okla., to give preference rights to settlers, and for other

A bill (H. R. 7777) to authorize the Secretary of the Navy to

A bill (H. R. 7777) to authorize the Secretary of the Navy to furnish condemned cannon to Fort Thomas, Ky.;

A bill (H. R. 5407) to remove the charge of desertion now standing against Oscar A. Bulette, known in his military title as Austin Bulette, late private in Company E, Fifty-second Illinois Infantry Volunteers, during late war; and

A bill (H. R. 3877) granting a pension to Henderson Marple.

PACIFIC RAILROAD FUNDING BILL.

Mr. POWERS. Mr. Speaker, I move to recommit this bill to the Committee on the Pacific Railroads. It is apparent that the temper of the House is against the principle embodied in the bill, but it is equally apparent, to my mind at least, that every member wants something to be done to adjust this indebtedness.

Mr. HARRISON. Mr. Speaker, we can not hear the gentle-

man's suggestion.

Mr. POWERS. I will repeat. I say that it is manifest by the vote just taken that the House is opposed to the principle embodied in the bill. I believe, though, that every member here desires some action in the premises, and if this is recommitted to the committee we will attempt to formulate a bill that will meet the approval of the House.

I move, therefore, that it be recommitted to the Committee on Pacific Railroads.

The SPEAKER. The gentleman moves that this bill be recommitted to the Committee on the Pacific Railroads.

Mr. DOCKERY. Is that motion in order?
Mr. HUBBARD. Mr. Speaker, a point of order against that motion.

The SPEAKER. The gentleman from Missouri will state the

point of order.
Mr. DOCKERY.
The SPEAKER. I desire to raise the point of order against it.

On what ground? Because the motion is not in order at this time. Mr. DOCKERY. Mr. HUBBARD. The motion is not in order because the House has killed the bill by the action just taken.

Mr. DOCKERY. The motion to recommit, as I understand it, can be made after the previous question is ordered and after the bill has been ordered to its engrossment and third reading. I have not the rules before me. But the House, by an overwhelming vote, refused to order the engrossment and third reading of this bill. I desire to submit, further, that there has been intervening business. The chairman of the Committee on the District of Columbia claimed the floor, and under the rule secured the consent of the House to substitute next Monday for to-day. Other matters of business have also intervened.

The SPEAKER. By the order of the House it was provided that the "previous question be ordered on this bill to its final passage, and the final vote thereon should be taken immediately after the reading of the Journal" to-day (Monday). So the previous

question was ordered.

Mr. DOCKERY. That is true; but in this case, as I understand the parliamentary situation, the vote has been taken on the proposition to engross the bill and order it to a third reading. The House refused to order the bill to be engrossed and read a third time, and thereupon a motion was made to reconsider and lay on the table the vote by which the House refused to order its engrossment. The gentleman from Vermont now seeks to interpose a motion to recommit.

The SPEAKER. But the House, although it might have refused

The SPEAKER. But the House, although it might have refused the bill on its passage in the House, may desire to recommit it for further action on the part of the committee.

Mr. DOCKERY. I have been looking for the section of the rule that applies to this situation, but have so far been unable to find it. I am of the opinion, however, that the motion to recommit is not in order until after the bill has been ordered to be engrossed and read a third time.

The SPEAKER. The situation, the Chair will state, is rather an unusual one, and unless there is some authority on the subject to be submitted now perhaps the matter had better go over until

to be submitted now perhaps the matter had better go over until

to-morrow

Mr. DOCKERY. I am quite content that it shall go over until to-morrow morning immediately after the reading of the Journal.

Mr. TERRY. Mr. Speaker, there is another suggestion I would

like to make in this connection. By an overwhelming vote of the House, not only has this bill been killed by refusing to order it to engrossment and third reading, but it has been killed and put into its coffin, and by the "eternal-cinch" effect of the motion to reconsider and lay on the table the coffin has been nailed up. I do not see how the motion of the gentleman from Vermont can resurrect

see how the motion of the gentleman from vermont can resurrect a body as dead as that is. [Laughter.]

The SPEAKER. The gentleman may possibly mislead the House by too much metaphor.

Mr. DOCKERY. I understand this will go over until after the reading of the Journal to-morrow?

The SPEAKER. The Chair would like to look into it. The

Chair does not remember any such occurrence heretofore.

TITLES AND UNIFORMS OF EX-ARMY OFFICERS.

Mr. HULL. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 9710) to authorize officers who served during the war of the rebellion in the Regular Army to bear the title and, on occasions of ceremony, wear the uniform of their highest rank.

The bill was read, as follows:

Be it enacted, etc., That all officers who have served during the rebellion as officers of the Regular Army of the United States, and have been honorably discharged or resigned from the service, shall be entitled to bear the official title and, upon occasions of ceremony, to wear the uniform of the highest grade they have held, by brevet or other commission, as is now authorized for officers of volunteers by section 1226, Revised Statutes.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. BAILEY. Reserving the right to object, I should like to hear some explanation of the bill.

Mr. HULL. With the consent of the House, I want to make a very brief statement. Immediately after the war Congress passed wauthorizing the officers of the volunteer service to wear their uniforms on occasions of ceremony, but did not provide for offi-cers who served during the war in the Regular Army and who resigned. This bill is simply to extend the provisions of that sec-tion of the statute, so that officers of the Regular Army who served during the war and who have resigned or been honorably discharged may have the same right that the volunteer officers have

had ever since the war closed.

Mr. BAILEY. It involves no charge on the Treasury?

Mr. HULL. Absolutely none. It is simply a matter of sentiment.

Mr. CANNON. I suppose the officer will continue to wear his uniform of actual grade at all other times except on ceremonious occasions?

Mr. HULL. It does not affect the officers now in the Army at It only affects those who have resigned and who are no longer connected with the Army.

Mr. BOUTELLE. What grade of uniform do they wear?
Mr. HULL. The highest grade that they had during the war.
Mr. WADSWORTH. Why should they wear the uniform at
all now, if they are not connected with the service?

Mr. HULL. Why should the volunteer officers?
Mr. WADSWORTH. For services rendered.
Mr. BOUTELLE. I should like to have the bill read again.
The SPEAKER. The Clerk will again report the bill.
The bill was again read.
The SPEAKER. Is there objection to the present consideration

of the bill?

There was no objection.

The bill was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

On motion of Mr. HULL, a motion to reconsider the last vote

was laid on the table.

W. H. WADE.

Mr. TRACEY. Mr. Speaker, I ask unanimous consent for the present consideration of the bill which I send to the Clerk's desk. Mr. CURTIS of New York. Mr. Speaker, will the Chair entertain a motion to go into Committee of the Whole House on the state of the Union for the consideration of appropriation bills?

The SPEAKER. The gentleman has the right to make that

The SPEAKER. The gentleman has the right to make that motion.

Mr. CURTIS of New York. I move that the House resolve itself into Committee of the Whole House on the state of the Union for the purpose of considering appropriation bills, with a view to calling up the Military Academy appropriation bill.

Mr. TRACEY. I trust the gentleman will withhold that motion just a minute, in order that the House may consider the bill (H. R. 9593) for the relief of W. H. Wade, late captain and acting regimental quartermaster Thirty-first Ohio Volunteers. It will take only a minute.

Mr. CURTIS of New York. I consent to the consideration of that bill.

that bill.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he hereby is, authorized and directed to credit the account of W. H. Wade on the books of the Department, as captain and acting regimental quartermaster of the Thirty-first Regiment of Ohio Volunteers, with the sum of \$420.15, received by him as such captain and acting regimental quartermaster and disbursed by him to extra-duty men for extra duty as of date the 13th day of September, A. D. 1862, and transmit to said W. H. Wade a receipt in full of all demands against him on said account; and that he cause all proceedings in the circuit court of the United States for the western district of Missouri against said W. H. Wade to be dismissed and satisfaction entered on the records of said court of any judgment therein rendered against him as such captain and acting regimental quartermaster on account of said receipt and disbursement of funds, of principal, interest, and costs of suit.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. RICHARDSON. I should like to hear some explanation by

the gentleman.

Mr. TRACEY. I will cheerfully make an explanation, Mr. Speaker. This bill has the unanimous report of the committee because of the merits which were apparent on the testimony offered, which testimony shows that in September, 1862, W. H. Wade was an officer in the Army of the United States, being captain of the Thirty-first Ohio Volunteers. At that time he was acting regimental quartermaster, and there was transmitted to him, through Col. A. J. Mackay, assistant quartermaster, \$485.15, to be paid out by him on rolls to extra-duty men for extra duty performed. The money was paid out by him, as the proof shows to be paid out by him on rolls to extra-duty men for extra duty performed. The money was paid out by him, as the proof shows, on the rolls and vouchers, to the amount of \$420.15. The remainder of the money, being withheld from payment by reason of the absence of a part of the men, was subsequently turned over by Captain Wade to M. D. W. Harman, acting assistant quartermaster of the United States Army, so that all of the money was accounted for by him, having been paid out to the men who were entitled to it, with the exception of that balance. He made a settlement with the Second Auditor of the Treasury, with whom he filed all of his vouchers, including the pay roll, but was not aware at the time that he was required to make a settlement with the Third Auditor of the Treasury.

He was given credit for the payment on his account, and he supposed his accounts were entirely settled, and had no other infor-

posed his accounts were entirely settled, and had no other information until a number of years after the war, when the Third Auditor of the Treasury informed him that this amount was still standing against him. In the first place, they said that Mr. Mackay was refused credit for the payment of this money to Wade; but subsequently he was allowed credit and his account settled. It would, therefore, be apparent that Mr. Wade ought to be allowed credit; and the officers of the Treasury think he ought to be allowed credit; but find themselves technically prevented from giving him credit. They themselves suggested this action of Congress in order that he may be credited with the amount asked, \$420.15.

Mr. RICHARDSON. I would like to ask the gentleman if

there has been any adverse report by any committees of the House or Senate on this bill.

or Senate on this bill,

Mr. TRACEY. There never has been.

Mr. RICHARDSON. I do not object. [Cries of "Vote!"]

The SPEAKER. Is there objection to the present consideration of the bill? [After a pause.] The Chair hears none.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed. On motion of Mr. TRACEY, a motion to reconsider the vote by which the bill was passed was laid on the table.

MILITARY ACADEMY APPROPRIATION BILL.

Mr. CURTIS of New York. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the purpose of considering appropriation bills.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole House on the state of the Union, Mr. Hepburn in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the purpose of considering

House on the state of the Union for the purpose of considering general appropriation bills.

Mr. CURTIS of New York. Mr. Chairman, I desire to call up the bill (H. R. 9707) making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1898; and I ask unanimous consent to omit the first reading of the bill, and to proceed at once to reading the bill by sections.

The CHAIRMAN. The gentleman from New York calls up the bill H. R. 9707 for present consideration, and asks unanimous con-

bill H. R. 9707 for present consideration, and asks unanimous con-

sent that-

Mr. RICHARDSON. Let the title be reported. The CHAIRMAN (continuing). The first reading of the bill be omitted. Is there objection?

omitted. Is there objection?

Mr. RICHARDSON. I would like to hear the title of the bill reported, so that we may know what it is.

The CHAIRMAN. The Clerk will report the title of the bill. The Clerk read as follows:

A bill (H. R. 9707) making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1898.

The CHAIRMAN. Is there objection to the request of the gentleman from New York? [After a pause.] The Chair hears none. The Clerk will report the bill by sections.

Mr. DOCKERY. Before that is done—
Mr. RICHARDSON. I suppose general debate has not been closed on the bill. The bill is certainly open to discussion.

The CHAIRMAN. The gentleman from New York is recognized.

Mr. CURTIS of New York. Mr. Chairman, this is the bill for the support of the Military Academy, and carries an appropriation of \$489,772.83, which is about \$40,000 greater than the appropriation for the last year. That is occasioned by an increased attendance of cadets, which makes in the permanent establishment an increase of \$4,000. For the extra pay of army officers at the Military Academy there is a reduction of \$156 as compared with the last appropriation bill. For the pay of the military band there is a decrease of \$2,220; for the civilian employees there is an increase of \$1,000; for current and ordinary expenses an increase of \$123; for miscellaneous and incidental expenses an increase of \$1,826; for buildings and grounds an increase of \$35,000.

There has been no material change in respect to any feature of the bill except in the division of buildings and grounds. The committee have recommended increased facilities for the purpose of providing pure water for the Academy. Until we reach that provision I can not think that there will be any question raised as to the action of the committee. All variation in the various items result from the fact that the officers detailed there are younger men and receive less compensation, or else in some of the miscellaneous items which are not usually carried at a uniform rate. The action of the committee has been taken with due regard to the condition of the Treasury, and they have avoided recommending such appropriation asked for which in the opinion of the committee the Treasury is not in a condition to meet.

I ask that the bill may be read under the five-minute rule.

Mr. DOCKERY. I desire to ask the gentleman in charge of this

Mr. DOCKERY. I desire to ask the gentleman in charge of this bill whether or not there are any increases of salary carried in the bill, and if so, to indicate to the House where they may be found.

Mr. CURTIS of New York. There is an increase of two clerks, one in the adjutant's and one in the quartermaster's department.

The salaries of these clerks were reduced some four or five years.

ago, I believe, and the last Congress restored all the salaries, except-

ing in these two cases.

Mr. DOCKERY. What does it amount to?

Mr. CURTIS of New York. The amount of increase is \$200 in each case.

Mr. DOCKERY. That is the only increase of salaries carried? Mr. CURTIS of New York. Those are the only increases of

Mr. RICHARDSON. I desire to ask the gentleman in charge of the bill if it makes any changes in existing law?

Mr. CURTIS of New York. It makes no change in existing law.

Mr. DOCKERY. Mr. Chairman, when we reach the items involving increases in compensation, I trust the gentleman will indicate them. At this point I will only express my regret that the gentleman in charge of this bill, at a time when there is profound commercial stagnation throughout the land, should have found commercial stagnation throughout the land, should have thought it necessary to make an increase in this bill of \$47,000

above the amount carried in the current law.

Mr. CURTIS of New York. Only \$40,000, and that arising almost entirely out of the necessity of improving the water facilities at the Academy. Mr. Chairman, if there are no further questions, I ask that the Clerk read the bill by paragraphs.

The Clerk (reading the bill by paragraphs) read as follows:

For extra pay of officers of the Army on detached service at the Military

For extra pay of officers of the Army on detached service at the Military Academy:
For pay of one Superintendent of the United States Military Academy (colonel), in addition to pay as major of engineers, \$1,000;
For one commandant of cadets (lieutenant-colonel), in addition to pay as captain, not mounted, \$1,200;
For pay of one instructor of practical military engineering (major), in addition to pay as captain, mounted, \$500;
For pay of one instructor of ordnance and science of gunnery (major), in addition to pay as captain, mounted, \$500;
For pay of eight assistant professors (captains), in addition to pay as first lieutenants, not mounted, \$4,000;
For pay of four senior instructors of cavalry, artillery, infantry tactics, and ordnance and gunnery (captains), in addition to pay as first lieutenants, not mounted, \$2,000;
For pay of four assistant instructors of cavalry, artillery, and infantry tactics (captains), in addition to pay as second lieutenants, not mounted, \$2,400;
For pay of one adjutant, in addition to pay as second lieutenant, not mounted, \$2,400;
For pay of one treasurer, quartermaster, and commissary of cadets, in addition to pay as captain, not mounted, \$700;
Additional pay of bibrarian, \$120;
For additional pay of professors and officers (and officers on increased rank) for length of service, \$9,144.51;
In all, for extra pay of officers of the Army on detached service at the Military Academy, \$21,894.51.

Mr. BLUE. Mr. Chairman, I would like to get some informa-

Mr. BLUE. Mr. Chairman, I would like to get some information from the gentleman in charge of this bill about these extra allowances. For instance, "additional pay of librarian, \$120."

allowances. For instance, "additional pay of librarian, \$120." What is the necessity for that?

Mr. CURTIS of New York. Mr. Chairman, this appropriation for extra compensation for the librarian has been customary from a period beyond which the memory of no man in this House runs. An officer is appointed to the position of librarian, and we allow him this extra compensation for the discharge of those duties.

Mr. HULL. And I will say further to the gentleman from Kansas that this is for extra work, and it is only fair that an officer who does extra work should receive some additional pay.

Mr. BLUE. If that is the case, why is this carried from year to year as an extra allowance, instead of being embodied in the general law?

general law?

Mr. CURTIS of New York. Each grade of officer has his pre-scribed salary, but when an officer is detailed to this special duty he gets extra compensation. The librarian of the institution receives this extra allowance, and the instructors get a somewhat larger amount.

larger amount.

Mr. HULL. The librarian may be one man of a certain rank one year and another man of another grade the next year.

Mr. BLUE. Mr. Chairman, if it is not too late, I would like also to get some explanation of the increased aggregate appropriated in the first paragraph of the bill. The total in that paragraph of the pending bill is \$202,000, while I see that the appropriation last war were colly \$198,000.

year was only \$198,000.

Mr. HULL. That is under the head of "Permanent establishment" of the Academy. The small increase there results very largely from the detail of officers and the increased number of largely from the detail of officers and the increased number of cadets. Officers detailed for special duty at the Academy receive increased compensation according to their length of service, the older ones certain amounts and the younger ones smaller amounts, and the increase in this aggregate appropriation results from that and also from the increased number of cadets. I believe that we have at the Academy now about as large an attendance as we have ever had at any time. I will say to the gentleman from Kansas that this increase is due entirely, I believe, to the increase in the number of cadets.

compensation. To illustrate the principle, take the case of an officer in charge of public buildings and grounds here; his pay is always that of a colonel, whatever may be his rank, so that if a lieutenant were detailed to take charge of the public buildings and grounds, his pay would be that of a colonel.

Mr. BLUE. Has there been any attempt to increase salaries in this bill?

this bill?

Mr. CURTIS of New York. I will say again to the gentleman from Kansas that there has been no attempt to increase salaries, but on looking at the details, which have just been handed to me by the clerk of the committee, I find that the increase for cadets is \$5,000, while there is a decrease in extra compensation to officers of \$1,000, so that there is only a net increase of \$4,000, and that is entirely due to the increased number of cadets. There is not the slightest change or modification of the existing law. The Clerk read as follows:

For constructing a set of filter beds and connecting the same with the new reservoir and otherwise purifying the water, including all necessary appurtenances, to be immediately available, \$40,000.

Mr. HULL. Mr. Chairman, I do not want to propose any amendment unless it meets the approval of the gentleman from New York in charge of the bill, but I want to call attention to the fact that the report of the Board of Visitors is very full and exhaustive on this question of the water supply, and among other things the writer of the report says that he believes that a well and thoroughly writer of the report says that he believes that a well and thoroughly protected filter capable of containing 500,000 gallons could be constructed at West Point for about \$25,000. The appropriation, therefore, makes an increase of \$15,000 over the estimate in the report of the Board of Visitors, but I understand that the War Department's estimate is \$40,000. Now, if it is possible to cut down this amount without injury to the Academy, it seems to me that the gentleman from New York in charge of the bill would do well to your to reduce this items from \$40,000 to \$25,000.

that the gentleman from New York in charge of the bill would do well to move to reduce this item from \$40,000 to \$25,000.

Mr. CURTIS of New York. The gentleman from Iowa [Mr. Hull] has correctly stated the matter, and perhaps as fully as it needs to be stated. This is a question which is attracting a great deal of attention among scientific men. The officers at the Academy and those at the War Department, after considering the subject, sent us an estimate of \$40,000. One of the officers who acts in the capacity of an expert, being a physician, said that \$25,000 would be sufficient for the purpose of making these changes. This is a question between the officer detailed to go there and the Secretary of War. If the amount appropriated now should not be enough, another Congress can make a further appropriation; and as there seems to be a desire on the part of my friend the chairman of the committee [Mr. Hull] to have this reduced, and as my friend from Missouri [Mr. Dockery] is looking anxiously for some modification of this bill which may counterbalance the \$400 which has been given to old and experienced clerks, I will, to satisfy those gentlemen, ask that this appropriation be made \$25,000 instead of \$40,000. I move that amendment.

The amendment was read, as follows:

The amendment was read, as follows:

In line 21, page 23, strike out "forty" and insert "twenty-five;" so as to make the amount \$25,000.

The amendment was agreed to.

The Clerk resumed and concluded the reading of the bill, the last paragraph being the following:

In all, for public buildings and grounds, \$97,244.

Mr. FENTON. I move the amendment which I send to the desk.

The Clerk read as follows:

After "dollars," in line 13, page 24, insert:
"Provided, That no sectarian church or chapel shall be erected upon the Government reservation at West Point."

Mr. CURTIS of New York. I hope that amendment will not be adopted—
Mr. McClellan. I make the point of order that the

amendment embraces new legislation and can not be entertained. Mr. HULL. Before the Chair decides the point of order, I would like to ask a question—whether there is any legal authority under which any building not expressly provided for by law may

be erected?

that this increase is due entirely, I believe, to the increase in the number of cadets.

Mr. BLUE. Then it does not result from any increases of salary?
Mr. CURTIS of New York. Not at all. We have simply recommended the appropriations required to carry out existing law.

Mr. BLUE. One other question. I notice that the provisions for additional pay occur in several places on page 3. Now, have those allowances been carried as permanent law all the time?

Mr. HULL. It is the law that when an officer is detailed for duty at the Academy he receives a certain amount of extra pay regardless of his rank. In some cases he may have the rank of major, in other cases he may have the rank of captain, but if he is a licutenant or any grade below that, he gets corresponding extra

many years. And no sectarian religion is taught there under the direction of the Federal Government. I think the motion of my friend [Mr. Fenton] is entirely out of order. I submit that it should be rejected, either upon the point of order raised by my friend from New York [Mr. McClellan] that it is new legislation, or upon its merits.

Mr. BLUE. Before the Chair passes upon this question, I should like an explanation in regard to the appropriation provided for in the bill for "public building and grounds, \$97,244." If any part of that appropriation is for erecting a church I think the amendment may be in order, as it would have the effect of limit-

amendment may be in order, as it would have the effect of limiting the appropriation.

Mr. CURTIS of New York. My friend from Kansas [Mr. Blue] has referred to the provision in the bill, "For public buildings and grounds, \$97,244," and asks whether any portion of that is to be used for the erection of a church. If he will turn back in this bill to page 19 he will find under the heading "Buildings and grounds," line 18, a specification of every improvement or modification contemplated in the way of public buildings and grounds. No work not there specified can be ordered by the Academy Board. Board.

Mr. BLUE. But the gentleman from New York [Mr. Curtis] is familiar with this bill, being a member of the committee; and I ask him to answer the question I have put. I have not found anything in the bill to indicate the answer. And I would like

anything in the bill to indicate the answer. And I would like him to say squarely whether there is anything in this bill that provides for the erection or repair of a church building.

Mr. CURTIS of New York. I have already said that there is no provision in this bill appropriating a single cent for the erection, improvement, or modification of a house for religious worship. There is no improvement of a chapel provided for, and there is none in contemplation. Is that a full answer to the gentleman's mostion?

Mr. BLUE. It is a full answer.
Mr. FENTON. I should like to know whether the Secretary of
War has power to give permission for the erection of a building

there to be used by any religious denomination.
Mr. CURTIS of New York. No, sir.
Mr. FENTON. He has no such power?

Mr. CURTIS of New York. I am not aware there is any such ower. The Secretary of War simply administers the laws relating to the Army. This institution has been established by law, and certain provisions are made from time to time for the erection of buildings. Congress provides in each case for the erection of such buildings as may be desired. Outside of any such provision no one has authority to enter upon the grounds and erect any buildings whatever.

The CHAIRMAN. The Chair is prepared to rule on the point

of order.

The Chair thinks that this is new legislation as here proposed, that it is obnoxious to the rule, and therefore sustains the point

of order.

Mr. BLUE. One more question, Mr. Chairman. I would like the gentleman from New York in charge of this bill to give us some light on the fifteen-thousand-dollar item in lines 1 and 2 on

Mr. CURTIS of New York. The gentleman refers to the lines

beginning on page 23:

For laying a water main and appurtenances to connect the new reservoir with the existing system of water distribution, so as to afford an adequate fire pressure, to be immediately available, \$15,000.

I will state to the gentleman from Kansas that there has been a reservoir erected upon the side of the mountain at some distance from the lower reservoir, and money is needed to connect the one with the other—that is to say, to connect this reservoir with the

with the other—that is to say, to connect this reservoir with the present fire apparatus at the post.

Mr. BLUE. Will it require that much?

Mr. CURTIS of New York. That is the estimate of the Secretary of War, it is the opinion of the Military Committee, and it is the opinion, and so stated, of the faculty of the Academy.

The CHAIRMAN. The Chair would suggest to the gentleman from New York that a change in one provision of the bill makes

from New York that a change in one provision of the bill makes necessary a change in the aggregate.

Mr. CURTIS of New York. I was going to suggest an amendment to correct that. It is a mere clerical matter.

There is an amendment that I will suggest, however, Mr. Chairman. It will be seen on pages 2, 3, 7, 9, 19, and elsewhere throughout the bill that a note is appended showing the amounts appropriated last year. This was only done for the convenience of the committee in considering the bill, and I move that those words be stricken out wherever they occur in the bill.

Mr. HULL. Mr. Chairman, a word or two about the amendment offered by the gentleman from Ohio [Mr. Fenton]. Of course, it is entirely out, but in reference to the bill I want to be heard for a few moments.

My understanding is that the Military Academy grounds, being public property, are not open to the erection of any buildings other than those existing, or which may hereafter be provided by law. I am aware of the fact that there is a rumor or a newspaper report am aware of the fact that there is a rumor or a newspaper report to the effect that one denomination has had permission granted to it to erect a church on the Academy grounds, independently of the action of the Government in reference to the matter. I do not know anything as to the truth of the assertion. I think, however, know anything as to the truth of the assertion. I think, however, that such a statement, which has received currency throughout the newspapers, is the motive which prompted the gentleman from Ohio in offering the amendment. But if this be a fact, if such authority has been granted, I believe it is a consent made yb the officers of the Government that is entirely unauthorized by law, and that the Congress of the United States, when it knows that such a thing has been done, should pass some sort of an indethat such a thing has been done, should pass some sort of an independent bill, or a provision not on an appropriation bill, to make it impossible in the future. If one denomination can enter upon the grounds at the Military Academy and erect a church, other denominations in the United States can have and will have a perfect right to claim the same privilege, and you will have diverted from the public purposes for which it was contemplated this reservation.

reservation.

I do not suppose it is contended that anybody who goes to the Academy must belong to the church maintained there by the Government, although, if I understand it, no sectarian doctrines whatever are taught. But certainly this ought to be true—that the religious instruction provided by the Government on public reservations should be of such character that it would not injure reservations should be of such character that it would not injure anyone, no matter what may be his religious beliefs, who is desirous of such instruction. And, for my part, I wish to take this time and occasion to say that if the Secretary of War, as a mere executive officer of the Government, has by order given authority to any denomination to erect a church edifice at West Point, in my judgment he has exceeded his authority, and the Congress of the United States should take prompt action when officially noti-

fied of the fact.

Mr. CURTIS of New York. Now, Mr. Chairman, if the committee will consider the motion I have made to strike out the lines to which I referred, I believe that will complete the consideration

The motion of Mr. Curtis of New York to strike out the lines indicated by him was agreed to.

Mr. CURTIS of New York. I move that the committee rise and report the bill as amended favorably to the House.

The motion was agreed to.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. Hepburn reported that the Committee of the Whole House on the state of the Union having had under consideration the Military Academy appropriation bill, had directed him to report the same to the House with sundry amendments, and as so amended to recommend its passage.

The amendments recommended by the Committee of the Whole

were agreed to.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed. On motion of Mr. CURTIS of New York, a motion to reconsider

the last vote was laid on the table

WILLIAM B. ELLIS.

The SPEAKER laid before the House the bill (H. R. 2259) for the relief of William B. Ellis, with a Senate amendment thereto.

The Senate amendment was read.

Mr. OVERSTREET. I move that the House concur in the Senate amendment.

The motion was agreed to.

APPOINTMENT OF ARMY OFFICERS.

The SPEAKER also laid before the House the bill (H. R. 3719) to

provide for the appointment by brevet of active or retired officers of the United States Army, with a Senate amendment thereto.

Mr. BLUE. Mr. Speaker, I would inquire if that bill is intended to in any way give additional compensation to anybody by reason of that brevet rank? In the form in which it is read I can not tell. I shall be glad to have the gentleman who is in charge of the bill

I shall be glad to have the gentleman who is in charge of the bill enlighten us upon that subject.

Mr. CURTIS of New York. Mr. Speaker, I have not this bill in charge, nor am I aware what member of the committee did have charge of it, but I can answer the question of the gentleman from Kansas [Mr. Blue] by saying that it makes no provision for an increase of compensation, or an expenditure of money in connection with the carrying out of any of the provisions of the

Mr. HULL. Mr. Speaker, I think I will move that that bill be referred to the Committee on Military Affairs, as the gentleman who has it in charge is not here.

Mr. BLUE. I think it ought to go there.

The motion of Mr. Hull to refer the bill to the Committee on Military Affairs was agreed to.

The SPEAKER also laid before the House the bill (H. R. 1261) for the relief of John Kehl, and to restore him to his former rating, with Senate amendments thereto.

The Senate amendments were read. Mr. BROMWELL. Mr. Speaker, I move that the House concur in the Senate amendments.

The motion was agreed to.

THE DEATH PENALTY.

The SPEAKER also laid before the House the bill (H. R. 878) to reduce the cases in which the death penalty may be inflicted, with a Senate amendment thereto.

The Senate amendment was concurred in.

PATRICK RAINEY

The SPEAKER also laid before the House the bill (H. R. 2328) for the relief of Patrick Rainey, with a Senate amendment thereto. The Senate amendment was concurred in.

MARGARET A. KIDWELL.

The SPEAKER also laid before the House the bill (H. R. 3113) granting a pension to Margaret A. Kidwell, with a Senate amendment thereto.

The Senate amendment was concurred in.

GEORGE W. TAYLOR.

The SPEAKER also laid before the House the bill (H.R. 6608) to remove the charge of desertion from the military record of George W. Taylor, with a Senate amendment thereto.

The Senate amendment was concurred in.

CHANGE OF REFERENCE

The SPEAKER. The Chair desires to lay before the House a request for a change of reference. The Committee on the District of Columbia ask to be discharged from the further consideration of the bill (S. 2237) providing for the appointment of a guardian for pensioners in certain cases in the District of Columbia, and that the bill be referred to the Committee on Pensions.

objection, that change of reference will be made. Without

There was no objection.

CALL OF COMMITTEES.

The SPEAKER. This finishes the business on the Speaker's table. The next thing in order is the call of committees. The call rests with the Committee on the Alcoholic Liquor Traffic.

The Clerk proceeded to call the committees.

Mr. HULL. Mr. Speaker, as the members of the House have nearly all gone away on the theory that the appropriation bills would take up the afternoon, I move that the House do now ad-

Mr. LINNEY. Will the gentleman allow me to ask unanimous consent to have a pension bill passed?

Mr. HULL. Oh, certainly, if the gentleman desires to pass a particular bill, but I know the chairmen of committees have nearly all gone away. Mr. LINNEY. Mr. Speaker-

The SPEAKER. Does the gentleman from Iowa withdraw his motion?

Mr. HULL. I withdraw my motion.

The SPEAKER. The Clerk will proceed with the call of committees. The Chair desired to call the committees because there were one or two matters, like bridge bills, etc., that the Chair

thought could be passed.

Mr. HULL. I have no desire to interfere with the business of the House, and my only idea was that gentlemen who have left the Hall of the House would feel that they had been deceived by the fact that their committees were called during their absence, they supposing that the consideration of the appropriation bill would consume the remainder of the day. If the Speaker desires it, I will withdraw the motion, because I have no desire to inter-

The SPEAKER. The Clerk will proceed with the call.

BANKING AND CURRENCY.

Mr. HILL (when the Committee on Banking and Currency was called). Mr. Speaker, would it be in order to ask that the committee be passed without prejudice, in order that it may be called up at some other time, without losing its place on the call? I know that the committee desires to call up two measures on the first call of the committee, but the gentlemen in charge of them are absent at this time.

The SPEAKER. That can be done by unanimous consent.

Mr. HILL. I ask unanimous consent that the Committee on
Banking and Currency be passed without prejudice.

The SPEAKER. The gentleman asks unanimous consent that
the Committee on Banking and Currency be passed without
prejudice. Is there objection? [After a pause.] The Chair hears

INSPECTION OF SMALL CRAFTS PROPELLED BY GASOLINE, ETC.

Mr. BENNETT (when the Committee on Interstate and Foreign Commerce was called). Mr. Speaker, I desire to call up the bill

The Clerk read as follows:

A bill (S.1846) providing for certain requirements for vessels propelled by gas, fluid, naphtha, or electric motors.

gas, fluid, naphtha, or electric motors.

Be it enacted, etc. That all vessels of above 15 tons burden, carrying freight or passengers for hire, propelled by gas, fluid, naphtha, or electric motors, shall be, and are hereby, made subject to all the provisions of section 4426 of the Revised Statutes of the United States, relating to the inspection of hulls and boilers and requiring engineers and pilots; and all vessels so propelled, without regard to tonnage or use, shall be subject to the provisions of section 442 of the Revised Statutes of the United States, relating to the regulation of steam vessels in passing each other; and to so much of sections 423 and 423 of the Revised Statutes, relating to lights, fog signals, steering, and sailing rules, as the Board of Supervising Inspectors shall, by their regulations, deem applicable and practicable for their safe navigation.

Mr. BARTLETT of New York, Mr. Speaker, I should like to ask the gentleman from New York a question.

The SPEAKER. Does the gentleman from New York yield?
Mr. BENNETT. Yes, sir.
Mr. BARTLETT of New York. Is this bill agreeable to the builders of naphtha launches at Morris Dock, New York?
Mr. BENNETT. I understand so.
Mr. BARTLETT of New York. And is it agreeable to private owners?

Mr. BENNETT. It is generally agreeable to all that I have heard from.

heard from.

Mr. BARTLETT of New York. Is there no objection to it?

Mr. BENNETT. None that I know of. Mr. Speaker, I ask
that the report from the Committee on Interstate and Foreign
Commerce on this bill be printed as a portion of my remarks.

The report (by Mr. Bennett) is as follows:

The report (by Mr. Bennett) is as ioliows:

The Committee on Interstate and Foreign Commerce, to whom was referred the bill (H. R. 4242) requiring small craft to comply with certain regulations of the Treasury Department, report that they have accepted Senate bill 1648 as a substitute for the House bill.

The Senate bill provides for the protection of navigation to an extent rendered necessary, in the opinion of your committee, by the large increase in the number of small craft on the waters of the United States. It provides that vessels run for hire above 15 tons burden shall be subject to inspection by the Treasury Department, and requires compliance with section 4428 of the Revised Statutes of the United States, and further, that all vessels propelled by machinery of whatever tonnage shall obey all the rules of the road as required by section 4412, relating to steam vessels in passing each other, and so much of sections 4233 and 4234 of the Revised-Statutes, relating to lights, fog signals, steering, and salling rules, as the Board of Supervising Inspectors shall, by their regulations, deem applicable and practicable for safe navigation.

Your committee have authorized a favorable report on the bill, requesting enactment into law for the benefit and protection of navigation.

The Supervising Inspector of Steam Vessels in the letter attached presents the facts forcibly and fully:

TREASURY DEPARTMENT,

TREASURY DEPARTMENT, OFFICE OF THE SUPERVISING INSPECTOR-GENERAL, Washington, D. C., February 1, 1896.

Washington, D. C., February 1, 1896.

SIR: I have the honor to acknowledge the receipt, by reference to this office for report, of a communication from the Committee on Interstate and Foreign Commerce, House of Representatives, inclosing bill H. R. 4242, Fifty-fourth Congress, first session, "To amend section 4426, Title Lill, Revised Statutes, requiring ferryboats, canal boats, yachts, and other small craft of like character propelled by gasoline, gas fluid, naphtha, or motive power, to be inspected under the provision of this title," requesting the honorable the Secretary of the Treasury to furnish the committee with such suggestions as he may deem proper "touching the merits of the bill and the propriety of its passage."

I have the honor to report thereon that the bill referred to purposes to bring within the law vessels propelled by motor power other than steam, namely, "gasoline, gas fluid, naphtha, or motive power." If amended to include all vessels propelled by machinery, which would include electricity, evidently inadvertently omitted in the bill, it would meet the entire approval of this office. At present the class of vessels referred to are, except on the Great Lakes, "free lances," entirely exempt from all laws governing steam or sail vessels, and because of the absence of any law governing them they frequently endanger themselves as well as the vessels that are navigated under lawful rules and regulations.

Respectfully, yours,

JAS. A. DUMONT,
Supervising Inspector-General.

JAS. A. DUMONT, Supervising Inspector-General.

The SECRETARY OF THE TREASURY.

Mr. PARKER. My colleague from New Jersey [Mr. GARD-NER] takes an interest in this question. Does he know that it is

to be called up?

Mr. BENNETT. The gentleman from New Jersey [Mr. GARD-NER] understood that this bill was to be brought up at the first

opportunity.
Mr. PARKER. Does he object to it now?

Mr. BENNETT. I will say for the information of the gentleman from New Jersey, that I have talked the matter over with the gentleman from New Jersey [Mr. GARDNER].

Mr. BAKER of New Hampshire. Does the gentleman from New Jersey [Mr. GARDNER] give his formal adherence to the bill

now?

Mr. BENNETT. On the last occasion this bill was up the gentleman from New Hampshire asked me the same question, and I replied at that time that I had submitted it to the gentleman from New Jersey [Mr. GARDNER] and that he had given his consent

Mr. BARTLETT of New York. Will the gentleman allow me one question? Was not this bill objected to by the gentleman from Pennsylvania [Mr. ADAMS]?

Mr. BENNETT. No, sir; not that I remember.

Mr. CUMMINGS. If the gentleman will allow me, I will state that when the bill was last up I made objection to it. On returning to New York I consulted with the men whose interests were affected by it, and they told me that they were perfectly satisfied. I withdraw my objection, and shall vote for the bill.

Mr. BENNETT. Mr. Speaker, I move the previous question.

The previous question was ordered, and under the operation thereof the bill was ordered to a third reading; and it was accordingly read the third time, and passed.

On motion of Mr. BENNETT, a motion to reconsider the vote by which the bill was passed was laid on the table.

BRIDGE BETWEEN NEW YORK CITY AND LONG ISLAND.

Mr. BENNETT. Mr. Speaker, I ask for the present consideration of the bill (H. R. 9865) extending the time for the completion of the bridge across the East River, between the city of New York and Long Island, now in course of construction, as authorized by the act of Congress approved March 3, 1887.

The bill was read, as follows:

Be it enacted, etc., That the time for the completion of the bridge of the New York and Long Island Bridge Company across the East River, between the city of New York and Long Island, authorized by the act of Congress entitled "An act authorizing the construction of a bridge across the East River, between the city of New York and Long Island." approved March 3, 1887, and the various acts amendatory thereof or supplementary thereto, is hereby extended to and including the 1st day of January, in the year 1902.

Mr. BENNETT. As a portion of my remarks, I ask for the reading of the report.

The report (by Mr. BENNETT) was read, as follows:

The Committee on Interstate and Foreign Commerce, to whom was referred the bill (H. R. 9865) "extending the time for the completion of the bridge across the East River between the city of New York and Long Island, now in course of construction, as authorized by the act of Congress approved March 3, 1887," submit the following favorable report:

The construction of this important bridge (commonly called the Blackwells Island Bridge) was begun as required by the act of Congress, and has been continued to this date, excepting for the time during which the condemnation proceedings for the right of way were under consideration in the courts of the State of New York.

Two of the main piers in the East River have been built and completed and another is in course of construction. The company has condemned or purchased and paid for much of the land necessary for the right of way. The company has acted in good faith throughout, and promises prompt and diligent prosecution of the work, and has the means necessary to meet the costs of the same.

The committee suggest that the bill be amended by striking out the words

of the same.

The committee suggest that the bill be amended by striking out the words "and two," in line 12 of the bill, thus curtailing by two years the extension, and as thus amended your committee feel justified in approving the bill and recommending its passage at the present session of Congress, as without such action the rights of the company, as granted by the Government, will expire on the 3d day of March ensuing, and great pecuniary loss will result to those who have furnished the capital for the construction of the bridge.

The following report of the Chief of Engineers of the War Department was submitted to the House of Representatives when the bill was originally considered, and is annexed to this report for its information:

Office of the Chief of Engineers, United States Army, Washington, D. C., December 22, 1886.

SIR: I have the honor to return herewith H. R. 19044, a bill "authorizing the construction of a bridge across the East River, between the city of New York and Long Island," and to invite attention to the following copy of the report of the Board of Engineers for Fortifications and for River and Harbor Improvements, to whom it was referred.

The views of the Board are concurred in by this office.

"Office Board of Engineers, Army Building, "New York, December 17, 1886.

"Respectfully referred to the Chief of Engineers.

"The Board of Engineers has carefully considered the Senate and House bills 'authorizing the construction of a bridge across the East River between the city of New York and Long Island,' and have the honor to report that a bridge joining the city of New York and Long Island City, crossing the channels at about right angles near the middle of Blackwells Island, having its piers or abutments on the land side of the harbor lines of the East River, and a clear elevation of its lower chord, 150 feet above mean high water, at the middle of each channel of the river, and no part of the lower chord of the channel span less 142 feet above mean high water, will not 'obstruct,

impair, or injuriously modify the navigation of the river,' as provided by said bridge.

"On behalf of the Board.

"THOMAS LINCOLN CASEY, "Colonel of Engineers, President of Board."

Very respectfully, your obedient servant,

ent servant,
J. C. DUANE,
Brigadier-General, Chief of Engineers.

Hon. WILLIAM C. ENDICOTT, Secretary of War.

Mr. RICHARDSON. Do I understand from the gentleman that the bill authorizing the construction of the bridge was passed in

Mr. BENNETT. The act authorizing the construction of this bridge was approved March 3, 1887.

Mr. RICHARDSON. Now, that has been nine years, and do I understand that no steps have been taken toward completing the bridge?

Mr. BENNETT. Yes, sir; several hundred thousand dollars have been expended in construction. The piers on either side of the river are completed, but in consequence of the enormous undertaking it has been impossible to finish the structure. The president of the Long Island road, Mr. Austin Corbin, was suddenly killed last spring, and as he had conducted the affairs of the road for a number of years, after his death it was impossible to carry the work forward and complete the bridge within the time required by the act of Congress, and an extension is therefore asked.

Mr. RICHARDSON. This extension, as I gather it from the

mr. RICHARDSON. This extension, as I gather it from the reading, was to 1902—five years later.

Mr. BENNETT. To 1900. There is an amendment offered to the bill by the committee. If the bill was read "1902," the amendment of the committee makes it 1900.

Mr. RICHARDSON. Is the bill unanimously reported by the

committee:

Mr. BENNETT. The bill is unanimously reported by the committee. Mr. Speaker, I ask for the previous question.

The previous question was ordered on the bill and amendment,

and under the operation thereof the amendment recommended by the committee was agreed to, and the bill as amended ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

On motion of Mr. BENNETT, a motion to reconsider the vote by which the bill was passed was laid on the table.

Mr. BENNETT. Mr. Speaker, I ask unanimous consent that

the call of the Committee on Interstate and Foreign Commerce be suspended temporarily.

There was no objection, and it was so ordered.

RECEIVERS OF NATIONAL BANKS.

Mr. VAN VOORHIS (when the Committee on Banking and Currency was called). Mr. Speaker, I am directed by the Committee on Banking and Currency to call up House bill No. 1708, to amend an act entitled "An act authorizing the appointment of receivers of national banks, and for other purposes," approved June 30, 1876, as amended by an act approved August 3, 1892.

The bill was read, as follows:

The bill was read, as follows:

Be it enacted, etc., That section 3 of an act entitled "An act authorizing the appointment of receivers of national banks, and for other purposes," approved June 30, 1876, as amended by an act approved August 3, 1892, be, and hereby is, amended so as to read as follows:

"Seu. 3. That whenever any association shall have been or shall be placed in the hands of a receiver, as provided in section 5234 and other sections of the Revised Statutes of the United States, and when, as provided in section 5236 thereof, the Comptroller of the Currency shall have paid to each and every creditor of such association, not including shareholders who are creditors of such association, whose claim or claims as such creditor shall have been proved or allowed as therein prescribed, the full amount of such claims, and all expenses of the receivership and the redemption of the circulating notes of such association shall have been provided for by depositing lawful money of the United States with the Treasurer of the United States, the Comptroller of the Currency shall call a meeting of the shareholders of such association by giving notice thereof for thirty days in a newspaper published in the town, city, or county where the business of such association was carried on, or if no newspaper is there published, in the newspaper published in the town city, or county where the business of such association was carried on, or whether an agent shall be lected for that purpose, and in so determing the said shareholders shall wind up the affairs of such association, or whether an agent shall be lected for that purpose, and in so determining the said shareholders shall vote by ballot, in person or by proxy, each share of stock entitling the holder to one vote, and the majority of the stock in value and number of shares shall be necessary to determine whether the said receiver shall be continued, or whether an agent shall be continued, the said receiver shall be continued, or whether an agent shall be continued, the

claim that may thereafter be proved and allowed by and before a competent court, and for the faithful performance of all and singular the duties of such trust, the Comptroller and the receiver shall thereupon transfer and deliver to such agent all the undivided or uncollected or other assets of such association then remaining in the hands or subject to the order and control of said Comptroller and said receiver, or either of them; and for this purpose said Comptroller and said receiver are hereby severally empowered and directed to execute any deed, assignment, transfer, or other instrument in writing that may be necessary and proper; and upon the execution and delivery of such instrument to the said agent the said Comptroller and the said receiver shall by virtue of this act be discharged from any and all liabilities to such association and to each and all the creditors and shareholders thereof. Upon receiving such deed, assignment, transfer, or other instrument the person elected such agent shall hold, control, and dispose of the assets and property of such association which he may receive under the terms hereof for the benefit of the shareholders of such association, and he may in his own name, or in the name of such association, sue and be sued and doall other lawful acts and things necessary to finally settle and distribute the assets and property in his hands, and may sell, compromise, or compound the debts due to such association, with the consent and approval of the circuit or district court of the United States for the district where the business of such association was crimited for the district where the business of such association were circuit court a full account of all his proceedings, receipts, and expenditures as such agent, which court shall, upon due notice, settle and adjust such accounts and discharge said agent and the surcties upon said bond. And in case any such agent so elected shall refuse to serve, or die, resign, or be removed, any shareholder may call a meeting of the shareholders of

Mr. VAN VOORHIS. I ask for the reading of the report. The report (by Mr. VAN VOORHIS) was read, as follows:

The report (by Mr. VAN VOORHIS) was read, as follows:

The Committee on Banking and Currency, having had under consideration the bill (H. R. 1708) to amend an act entitled "An act to authorize the appointment of receivers of national banks, and for other purposes," approved June 30, 1876, submit the following report:

By the law with reference to the winding up of the affairs of broken national banks, as amended in 1892, full provision was made for the distribution of assets among creditors in satisfaction of their claims, and the appointment of an agent by the shareholders to act for them in distributing whatever might be left after claims were satisfied. There is, however, no provision for the case of the failure to serve, death, etc., of the agent appointed, and instances have already occurred where, on account of the death of the agent first named, there has resulted great embarrassment and delay in distribution of the remnant left to which the shareholders are entitled. The same reasons which justify the appointment of an agent in the first place, instead of relegating the shareholders to the jurisdiction of the courts of equity, are equally strong for the appointment of a successor to an agent whose service ceases before the fulfillment of his duties.

The bill herewith reported reenacts section 3 of the act of June 30, 1876, as amended by the act of August 3, 1892, with an amendment providing for the selection of a successor to the agent first named, in case the latter shall refuse to serve, die, resign, or be removed.

Your committee recommend that the bill do pass.

The bill was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

On motion of Mr. VAN VOORHIS, a motion to reconsider the

vote by which the bill was passed was laid on the table.

NATIONAL BANKS IN SMALL TOWNS.

Mr. VAN VOORHIS. Mr. Speaker, on behalf of the Committee on Banking and Currency, I call up the bill (H. R. 7210) to amend section 5138 of the Revised Statutes, to provide for the organization of national banks in towns of not exceeding 3,000 inhabitants

The bill was read, as follows:

Be it enacted, etc., That section 5138 of the Revised Statutes is hereby so amended as to read as follows:

"SEC. 5138. No association shall be organized with a less capital than \$100,000, except that banks with a capital of not less than \$50,000 may, with the approval of the Secretary of the Treasury, be organized in any place the population of which does not exceed 6,000 inhabitants; and except that banks with a capital of not less than \$25,000 may, with the sanction of the Secretary of the Treasury, be organized in any place the population of which does not exceed \$,000 inhabitants. No association shall be organized in a city the population of which exceeds 50,000 persons with a capital of less than \$20,000."

The report (by Mr. Van Voorhis) was read, as follows:

The report (by Mr. VAN VOORHIS) was read, as follows:

The Committee on Banking and Currency, to whom was referred the bill (H. R. 7210) to amend section 5138 of the Revised Statutes of the United States, to provide for the organization of national banks in towns not exceeding 3,000 inhabitants, submit the following report:
Under the existing law the minimum capital stock required for the organization of a national bank is \$50,000. In some sections of the country there has been a growing need for bank issues as well as for other banking accommodations in small towns in which the amount of \$50,000 can not readily be raised for banking purposes. The inequality in the distribution of national banks is one of the marked features of our national banking system. In the Eastern and Middle States banks are abundant, and this alteration in the law would not be availed of to any considerable extent. But in the Western and Southern States there is a dearth of banks in many sections, due no doubt to the lack of capital in those sections.

The following statement illustrates the situation:

Statement of banks, bank stock, and bank circulation in the States named.

State.	Number of banks.	Bank stock.	Bank cir- culation.
Massachusetts Pennsylvania New York Ohio Illinois Indiana New Jersey Iowa North Carolina South Carolina Georgia Florida Alabama Mississippi Louisiana Arkansas	268 412 334 248 220 114 102 168 27 16 29 18 26 10 21	\$97,017,500 74,233,129 87,136,060 45,645,338 38,696,000 14,372,000 14,385,000 13,510,000 1,918,000 1,918,000 3,666,000 1,485,000 3,565,000 3,755,000 3,735,000 1,220,000	\$31, 511, 706 27, 609, 870 35, 623, 522 15, 714, 986 7, 322, 015 5, 521, 096 4, 966, 527 3, 865, 399 830, 067 540, 473 1, 143, 504 388, 688 1, 206, 823 1, 349, 892 279, 916

It thus appears that a marked discrepancy exists in the bank circulation and accommodations in the different sections of the country. This inequality may be remedied, in part at least, and the existing need met to some extent in the sections where there is a dearth of bank issues and banks are so remote from each other as to afford grossly inadequate accommodations. Relief of this character has been recommended by those best qualified to judge, and meets the approval of the Comptroller of the Currency, who is most familiar with the banking needs of the country.

Your committee therefore recommend the passage of the bill, with the following amendments:

lowing amendments:
In line 11 strike out the word "five," making it read "\$20,000;" and in line 14 strike out the word "three" and insert "four," making it read "4,000 inhabitants."

Amend the title of the bill by striking out the word "three" in the last line and inserting the word "four," so as to make it read "4,000 inhabitants."

Mr. BROSIUS. Mr. Speaker, this bill has been very carefully considered by the Committee on Banking and Currency and unanimously reported by that committee. I am not aware of any opposition to the bill from any section of the country. The South and West are desirous of having it passed for the purpose of increasing their banking facilities. I think it is within the observation of all who have carefully looked at the situation that the need of additional banking facilities in those sections is pressing with extreme urgency and ought to be met as far as it is in our power without jeopardizing the currency of other sections of the Union or impairing the general banking interests of the country, in which all our citizens have a stake. That we may have a view of the conditions with which we have to reckon in devising a means of relief for the suffering sections, I have prepared some tabulated statements illustrating the diverse conditions existing in different sections of our country and which I believe create a real difficulty in the way of making any uniform system of banking equally efficacious in all parts of the Union. These conditions relate to area, population, resources, capital, industries, production, currency, and banking as they are found in the different sections of our country.

The first table shows the area, population, personal property, real property, farm lands, farm products, mortgages, average rate of interest, manufactured products, wages of employees in manuof interest, manufactured products, wages of employees in manufacturing, silver product, and savings-bank depositors in the several States of the Union. The second table shows the number of national banks, capital stock, bonds to secure circulation, bank-note circulation, individual deposits, loans and discounts, money due by national banks, State banks, and reserve agents, and stocks and securities held by the national banks in each State.

stocks and securities held by the national banks in each State.

For the purpose of the comparison, I have classified the States as McKinley States and Bryan States, embracing, of course, in the former class all that gave their vote in the recent election for McKinley, and in the latter all that voted for Mr. Bryan. This mode of classification is adopted for convenience only and not for the purpose of appealing to political feeling, for on the money question there can be no politics. There is, however, a coincidence worthy of notice, that the States which voted for Bryan are those in which the greatest need for additional banking facilities is supposed to exist. This fact suggested the mode of classification adopted.

TABLE L*—Showing area, population, school expenditures, personal and real property, farm lands and products, real-estate mortgages, rate of interest, manufactures, wages, silver product, and savings-bank deposits.

States	A	Popula-	Schoole	xpendit	ures.		12	To	tal value.	110		
States.	Area.	tion.	Total		er pita.	Personal perty.	rop-	Real property.	p- Farr	a lands.		prod- cts.
	2	3	4		5	6		7		s		9
Maine	1, 085 4, 845 47, 620 7, 455 44, 985 1, 960 9, 860 24, 645 40, 760 35, 910 56, 000 57, 430 54, 450	661, 086 376, 530 332, 422 2, 238, 943 345, 506 746, 258 5, 997, 853 1, 444, 933 5, 258, 014 168, 493 1, 042, 390 762, 794 3, 672, 316 2, 192, 404 3, 672, 316 2, 192, 404 1, 66, 880 1, 301, 82e 1, 911, 896 1, 826, 831 1, 826, 831 1, 838, 635 1, 831, 767 1, 208, 130	\$1,114, 684, 8,286, 917, 2,123, 17,342, 13,457, 12,828, 329, 1,910, 1,284, 10,755, 5,900, 11,288, 3,71,46, 3,711,4,033, 6,477,626, 6,206, 8,119, 8,11	394 9162 990 990 274 525 645 600 663 991 246 233 529 5416 256 946 256 946 256 946 256 369	\$1.69 2.16 2.08 2.85 2.90 2.44 1.95 2.93 2.44 1.95 2.93 2.293 2.44 1.95 2.93 2.60 2.20 3.39 3.45 1.12 4.24	\$235, 084 148, 997 127, 189, 995, 007 169, 422 291, 698 2, 758, 997 454, 271 2, 409, 559 340, 165 190, 227 1, 421, 127 807, 012 1, 772, 709 945, 725 734, 957 7657, 688 1, 025, 647, 161, 089 460, 438 210, 221, 862, 619,	740 129 653 350 328 328 324 142 265 276 131 404 366 889 279 818 962 772 323 407	\$254, 069, 176, 131, 138, 378, 1 1, 898, 637, 740, 6 543, 421, 5 543, 740, 6 74, 740, 740, 740, 740, 740, 740, 740,	000 66 994 88 994 122 991 996 772 155 885 922 1177 155 118 1,056 154 155 154 155 155 155 156 157 155 158 169 177 155 158 177 155 158 177 155 158 178 178 178 178 178 178 178 178 178 17	, 567, 730 , 427, 490 , 427, 490 , 538, 284 , 573, 479 , 600, 595 , 202, 840 , 240, 233 , 586, 680 , 658, 550 , 681, 580 , 681, 580 , 770, 587 , 190, 670 , 524, 507 , 681, 622 , 310, 305 , 339, 360 , 311, 638	200 28. 417. 161. 288. 288. 220. 133. 94. 184. 184. 83. 70. 71. 71. 159. 21. 66. 67. 67. 67.	2, 049, 222, 761, 050, 364, 988, 072, 500, 218, 300, 328, 344, 481, 599, 443, 366, 439, 000, 232, 499, 759, 261, 328, 238, 234, 347, 84, 238, 234, 347, 84, 238, 234, 948, 481, 948, 948, 948, 948, 948, 948, 948, 948
TotalPercentage	938, 495	39, 624, 035 63. 8	107, 415,	656	2.71	17, 189, 807	, 388 68. 3	29, 599, 995, 6 76	524 9, 439 5.1	, 358, 156 71. 2	1,462,	59.4, 738 59.6
Bryan States.'	10 101					-						
Virginia North Carolina South Carolina Georgia Florida Missouri South Dakota Nebraska Kansas Tennessee Alabama Mississippi Louisiana Texas Arkansas Montana Wyoming Colorado Utah Nevada Idaho Washington	58, 980 54, 240 68, 735 76, 850 76, 840 81, 700 41, 750 51, 540 46, 340 45, 420 262, 290 97, 575 103, 645 82, 190	1, 665, 980 1, 617, 947 1, 151, 149 1, 837, 353 391, 422 2, 679, 184 328, 808 1, 058, 910 1, 427, 096 1, 767, 518 1, 513, 017 1, 289, 600 1, 118, 587 2, 225, 523 1, 128, 179 132, 159 60, 705 412, 198 207, 905 45, 761 84, 385 349, 390	1, 577, 7180, 967, 476, 5, 128, 1, 173, 3, 301, 4, 972, 1, 300, 547, 1, 007, 704, 3, 173, 1, 019, 364, 1, 681, 3, 681, 162, 162, 162, 162, 162, 162, 162, 16	260 508 260 508 260 507 757 757 1119 967 351 988 996 104 060 063 379 677 597 318	.95 .44 .53 1.22 1.91 3.57 3.12 3.52 .85 .63 1.42 .97 2.75 2.52 4.08 1.99 2.70	391, 675, 305, 173, 324, 382, 437, 070, 193, 874, 959, 171, 218, 218, 567, 272, 859, 813, 404, 194, 351, 409, 245, 849, 223, 339, 245, 384, 177, 280, 542, 386, 166, 293, 88, 100, 112, 289, 244, 333, 244, 333, 349, 344, 333, 349, 344, 333, 349, 344, 333, 349, 344, 333, 348, 349, 344, 333, 348, 349, 344, 333, 344, 333, 348, 348, 349, 344, 333, 344, 333, 348, 348, 348, 349, 344, 333, 344, 333, 348, 348, 348, 349, 344, 333, 344, 333, 348, 348, 348, 348	773 851 065 990 744 098 416 325 633 560 664 751 995 291 412 353 102 981 696 784	470, 642, 5 278, 975, 2 176, 528, 4 415, 339, 3 195, 614, 3 195, 614, 3 206, 922, 2 708, 413, 0 939, 520, 3 201, 333, 0 271, 961, 8 1, 220, 417, 2 33, 855, 1 207, 366, 326, 1 183, 117, 2 92, 626, 8 95, 666, 8	226 188 552 99 884 152 998 72 001 625 001 107 107 108 440 108 440 119 124 111 124 111 124 111 124 127 131 118 139 137 25 146 85 157 12 157 25 12 17 17 17 18 18 18	,490, 600 ,977, 010 ,104, 600 ,006, 230 ,745, 180 ,858, 361 ,466, 335 ,358, 913 ,726, 046 ,051, 390 ,051, 390 ,051, 390 ,971, 289 ,574, 422 ,512, 340 ,460, 880 ,460, 880 ,460, 880 ,460, 890 ,460,	50, 51, 83, 12, 109, 22, 66, 95, 55, 66, 73, 54, 111, 111, 13, 4, 4, 2, 3,	, 244, 455, 337, 988, 371, 488, 337, 988, 371, 488, 3771, 488, 3771, 488, 3771, 488, 37751, 029, 047, 278, 837, 617, 070, 086, 194, 181, 240, 190, 343, 955, 273, 415, 221, 590, 128, 155, 273, 415, 281, 136, 810, 891, 460, 705, 666, 848, 930, 674, 930, 674, 930
Total Percentage	1,726,235 64.8	22, 492, 776 36. 2	30, 487,	087	1.37	7, 963, 946	575 31. 7	9,311,353.4 23	18 3,809	,479,173 28.8	993,	, 538, 484 40. 4
Total of States		62, 116, 811	137, 902,	743	2.23	25, 153, 753,	, 963	38, 911, 349, 0	13, 248	,837,329	2,456,	, 463, 219
	San C	Real e	state mo:	rtgages.		Total	valu	ie.	Line.	Saving	s bank	depos
States.				Average	Mar	ufactured roducts.	ploy	ees in man-	Produc- tion of si ver mines	-	Re	atio to
		1 32	0	rate.	-	12	ur	acturing.	14	15		ation.
Maine New Hampshire Vermont Massachusetts Rhode Island Connecticut New York New York New Jersey Pennsylvania Delaware Maryland West Virginia Ohio Indiana Illinois Michigan Wisconsin Minnesota Owa North Dakota Kentucky Oregon Zalifornia		\$32, 18, 27, 323, 36, 79, 1,607, 613, 16, 64, 19, 259, 110, 384, 150, 121, 197, 197, 199, 25, 45,		Per cent. 6.15 5.98 5.97 5.44 5.79 5.64 5.49 5.73 5.61 5.71 5.86 6.86 6.70 7.13 6.84 7.63 9.35 6.25 9.451	1,5	\$95, 689, 500 85, 770, 549 88, 340, 066 888, 160, 403 442, 500, 625 488, 336, 364 111, 577, 671 531, 794, 901 531, 794, 901 531, 794, 901 531, 794, 901 541, 688, 064 226, 825, 082 541, 688, 064 286, 825, 082 541, 688, 064 686, 640, 280 677, 896, 708 688, 546, 164 592, 063, 478 596, 198 50, 198 50, 198 50, 198 50, 198 50, 198 50, 198 50, 198 51, 198 5		\$26, 526, 217 24, 248, 054 10, 096, 549 239, 670, 509 37, 927, 921 75, 990, 606 466, 846, 642 98, 922, 37 41, 526, 832 8, 330, 997 41, 526, 832 8, 330, 997 41, 526, 832 8, 330, 997 171, 523, 579 66, 347, 798 51, 843, 708 51, 843, 708 88, 189, 239	Ounces. 14,607 17,851 1,062,578	1555 1633 94 - 1,247 1811 1337 1,615 144 284 148 148 155 94 177 777	Pe 7704 702 994 090 623 254 1778 160 648 342 183 636 724 439 7777 809 803	er cent. 23.4 41.9 28.5 46.6 34.5 41.1 24.6 8.8 4.5 10.4 31.5 2.2 3.8
		-	582,018	6.20	-	52, 123, 307	-	999, 567, 269	1,095,038			11

^{*}Taken from Circular No. 3, issued by the Secretary of Agriculture.

Table I.*-Showing area, population, school expenditures, personal and real property, farm lands and products, etc.-Continued.

	Real-estate m	ortgages.	Total	value.	Produc-	Savings-ba itors, Ju	nk depos- ne, 1895.	
States.	Total amount.	Average interest rate.	iterest manufactured	Wages of em- ployees in man- ufacturing.	tion of silver mines.	Number.	Ratio to popu- lation.	
	10	11	12	13	14	15	16	
Bryan States.								
		Per cent.			Ounces.		Per cent.	
Virginia	\$28,691,726	6.02	\$88, 363, 824	\$19,644,850	10			
North Carolina	21, 471, 428	7.72 8.37	40, 375, 450	7,830,536	3,000	6,039		
South Carolina	13,780,302 27,387,590	8.09	31, 926, 681	6,590,983	179	17,418	1.1	
Georgia	15, 505, 119	9.78	68, 917, 020	17, 312, 196	359	5,747	1	
Florida	214, 609, 772	7.68	18, 222, 890	6,513,068		1,148	1.2	
Missouri South Dakota	36, 115, 773	9,46	324, 561, 993	76, 417, 364	701 000		*********	
	132, 902, 322	8.30	5, 682, 748 93, 037, 794	1,098,418 12,984,571	104,672	***********		
Nebraska Kansas	243, 146, 826	8.68	110, 219, 805	16, 328, 485				
Tennessee	40, 421, 396	6.00	72, 355, 286	16, 828, 489		0 700	**********	
Alabama	30, 027, 983	7.98	51, 226, 605	12, 676, 029	77			
	19,075,980	9,50	18, 705, 834	4, 913, 863		ALCOCACA AND AND AND AND AND AND AND AND AND AN		
Mississippi Louisiana	28, 513, 909	7.67	57, 806, 713	13, 159, 564		9,918		
Pexas	93, 864, 178	9.60	70, 433, 551	18, 586, 338	323, 438	0,010	.8	
Arkansas	14, 366, 595	9.06	22,659,179	5,749,888	060, 200			
Montana	8,729,907	10.61	5,507,573	1,948,213	13, 511, 455	2,844	1.8	
Wyoming	4,967,065	10.22	2, 367, 601	878, 646	10,011,400	W, 011	1.0	
Colorado	85, 058, 793	8.57	42, 480, 205	12, 285, 734	18, 375, 551	***********		
Jtah	8,040,829	9.70	8,911,047	2,715,805	7,005,193	6,271	2.1	
Nevada	2, 194, 995	9.48	1,105,063	445, 503	4,696,605	OFFILE	20.0	
Idaho	3, 167, 249	10.60	1,396,096	324, 202	3, 137, 508			
Washington	44,078,449	8.84	41, 768, 622	12, 658, 614	28, 464	5,512	1	
Total	1, 125, 118, 186	8.36	1,178,030,980	267, 962, 221	47, 186, 511	68,600	.8	
Percentage	18.9		12.6	11.8	97.7	1.3		
Total of States.	5,958,700,204	6.60	9, 330, 154, 287	2, 267, 529, 490	48, 281, 547	4,873,946	7.1	

^{*}Taken from Circular No. 3, issued by the Secretary of Agriculture.

A brief statement will bring into more distinct view the conditions which these tables reveal. It shows that the McKinley States have in round numbers 35 and the Bryan States 65 per cent of the total area, while in population the ratio is substantially reversed, the McKinley States having 64 and the Bryan States 36 per cent of the total.

In school expenditures the McKinley States rise to 78 and the Bryan States fall to 22 per cent of the total. In the former the per capita expenditure for education is \$2.71, and in the latter \$1.37.

Of personal property the McKinley States possess 68 and the Bryan States 32 per cent of the total. Of real property the former hold 76 and the latter 24 per cent of the total. Of farm lands the McKinley States have 71 and the Bryan States 29 per cent of the total is relied.

Of farm products the McKinley States produce 60 and the Bryan States 40 per cent of the total product. Of real-estate mortgages the McKinley States are burdened with 81 and the Bryan States with 19 per cent of the total incumbrance. Of manufactured products the McKinley States produce 87 and the Bryan States 13 per cent of the total product. Of the wages paid labor in manufacturing the McKinley States pay 88 and the Bryan States 12 per cent of the total wage paid. In silver product the Bryan States are far in the lead, producing 98 and the McKinley States but 2 per cent of the total product. In number of savings-bank

depositors the McKinley States show over 98 and the Bryan States less than 2 per cent of the whole number, reversing the ratio in the

case of silver.

It must be admitted that these are most pregnant facts and are of the profoundest significance in the consideration of the banking and currency question and its bearing upon those sections of the Union which exhibit such marked inferiority in all the elements which constitute the basis of modern economy in the mechanism

of commercial exchange.

It is not my purpose at this time to submit any reasoning from the conditions I have brought into view. Every member of this House will be sensible enough of the influence they must exert upon the problem of supplying currency and credit to communities so deficient in the very breath of life to fiscal institutions. It is not to be expected that communities comparatively weak in the material resources which must precede banking facilities can maintain a banking system suitable to stronger, more developed, wealthy, and populous sections any more than we can expect the feebleness of childhood or the decreptude of age to admit of the regimen suitable to the vigor of mature manhed. Banks can not regimen suitable to the vigor of mature manhood. Banks can not be maintained where there is no banking to do; credit money is unavailable where credit does not exist; but these will grow up in every community just as fast as material development, capital, wealth, and business require them.

States.	No. of banks.	Capital stock.	Bonds to secure cir- culation.	Note circu- lation.	Individual deposits.	Loans and discounts.	Due from national banks.	Due from State banks.	Due from reserve agents.	Stocks and securities.
McKinley States. Maine New Hampshire Vermont Massachusetts Rhode Island Connecticut New York New Jersey Pennsylvania Delaware Maryland West Virginia Ohio Indiana Illinois Michigan Wisconsin Minnesota Iowa North Dakota Kentucky Oregon	50 49 286 57 82 327 102 419 18 68 33 251 113 221 91 86 166 20	\$11, 156, 000 5, 830, 000 6, 985, 000 19, 337, 550 19, 337, 650 22, 301, 070 85, 486, 040 14, 395, 000 74, 663, 820 2, 133, 985 17, 054, 960 3, 451, 000 45, 330, 100 14, 282, 000 13, 109, 000 14, 850, 000 14, 850, 000 14, 850, 000 13, 095, 000 13, 084, 430 3, 170, 000	\$5, 724, 490 4, 074, 000 3, 901, 500 8, 182, 500 9, 038, 500 42, 084, 900 6, 033, 250 32, 649, 050 795, 000 5, 258, 750 1, 288, 000 18, 605, 000 5, 293, 550 7, 750, 500 4, 028, 500 4, 160, 950 4, 160, 950 4, 160, 950 4, 160, 950 1, 107, 550	\$5, 082, 555 3, 616, 887 3, 436, 035 30, 612, 288 7, 284, 530 8, 068, 404 37, 128, 339 5, 319, 982 28, 999, 464 703, 657 4, 653, 285 1, 151, 120 16, 577, 348 4, 744, 727 6, 649, 120 4, 111, 682 2, 828, 530 2, 291, 665 3, 713, 375 4, 673, 690 983, 047	\$15, 620, 057 8, 824, 362 8, 542, 360 169, 847, 187 19, 337, 534 32, 435, 961 383, 903, 438 52, 130, 195 132, 143, 550 4, 748, 878 33, 110, 307 7, 100, 781 92, 019, 431 29, 604, 637 103, 544, 298 34, 808, 153 354, 331 31, 184, 739 23, 725, 111 5, 047, 948 15, 640, 253 7, 347, 681	\$22, 619, 689 10, 580, 433 12, 190, 138 244, 741, 613 55, 022, 769 43, 497, 818 423, 984, 986 51, 426, 436, 444 242, 803, 386 5, 220, 704 41, 524, 83 8, 405, 921 116, 110, 919 31, 906, 376 126, 476, 844 42, 548, 967 33, 498, 075 36, 063, 155 30, 881, 727 4, 982, 140 26, 035, 66 6, 372, 213	\$746, 086 196, 737 214, 977 17, 517, 081 949, 309 1, 870, 931 10, 105, 494 170, 111 2, 373, 139 265, 307 5, 201, 560 15, 202, 463 1, 158, 173 758, 945 1, 466, 038 1, 158, 173 83, 346 900, 998 431, 511	\$98,690 59,583 57,462 594,000 65,923 5,376,147 468,231 1,363,343 49,659 425,543 171,312 1,689,952 569,894 4,682,001 743,385 352,342 943,898 479,560 71,478 408,213 289,813	\$3,007,252 1,938,240 1,602,572 3,204,303 6,139,305 6,139,305 6,1866,212 7,702,973 4,530,423 1,014,183 4,530,423 53,432 53,536 5,834,422 5,834,425 5,834,425 5,834,425 6,637,685 5,832,474 889,556 2,332,474 006,877	\$2, 225, 800 2, 788, 477 1, 670, 122 16, 223, 075 3, 082, 332 7, 130, 708 52, 527, 533 8, 548, 248 33, 989, 335 440, 488 9, 106, 788 2, 750, 66, 978 1, 173, 689 1, 173, 689 1, 173, 689 2, 244, 082 2, 250, 689 1, 173, 689 1, 173, 689 2, 244, 082 3, 244, 082 3, 244, 082 3, 244, 082 3, 244, 082 3, 244, 082 4, 1717, 278
California Total Percentage	2,735	9,525,000 526,162,925 82,9	1,775,750 206,676,940 88.6	1,478,780 184,560,767 88,4	16, 181, 295 1, 250, 151, 392 85, 1	16,974,363 1,615,859,374 91.4	409, 526 89, 090, 265 84, 0	852,662 21,125,029 72.6	1, 372, 458 155, 182, 471 85, 3	1, 174, 268 165, 635, 611 86, 8

TABLE II.—Showing the banking conditions in the States named—Continued.

States,	No. of banks.	Capital stock.	Bonds to secure cir- culation.	Note circu- lation.	Individual deposits.	Loans and discounts.	Due from national banks.	Due from State banks.	Due from reserve agents.	Stocks and securities.
Bryan States.										
Virginia	37	\$4,796,300	\$2,176,750	\$1,891,145	\$13,591,874	\$15,261,317	\$730,847	\$499,473	\$1,793,919	\$1, 157, 518
North Carolina	28	2,766,000	806,000	705, 385	4,869,968	6, 432, 705	402,308	246, 368	577, 955	316,603
South Carolina	15	1,848,000	499,750	446,785	3,744,481	5, 856, 344	169,817	181, 460	440, 120	931, 496
Georgia	28	4,016,000	507,000	1, 109, 457	6, 634, 493	8, 925, 609	615, 165	387,691	692,456	823, 814
Florida	17	1,350,000	405,000	362,930	3,911,651	3,567,624	169,057	212,956	579,572	744, 427
Missouri	65	16, 615, 000	2,862,050	2,568,320	32, 230, 542	45, 174, 149	3,978,314	1,961,085	4,992,864	7,040,668
South Dakota	30 1	1,885,000	535,750	476,572	3,909,709	3,148,994	266,059	86,566	859, 727	621, 154
Nebraska	113	10, 975, 000	2,512,400	2, 235, 640	17,037,122	19,903,647	599, 364	594, 049	3,725,437	1,205,022
Kansas	116	9, 552, 100	2,593,000	2, 305, 802	15, 585, 139	17,006,348	981, 202	110,689	3,401,849	944, 988
Tennessee	48	8,275,000	1,691,250	1,495,880	13, 926, 620	18, 179, 688	997,012	359,760	1,910,307	970,020
Alabama	27	3,405,000	1, 215, 500	1,063,669	5, 727, 797	6, 417, 525	361,037	256, 646	729,766	1, 152, 953
Mississippi	10	855,000	242,650	216, 790	2,032,424	2,034,329	177,538	35, 122	210,655	414, 522
Louisiana	18	2,860,000	1, 115, 000	997, 232	14,081,010	12,882,970	387, 333	284, 649	1,321,199	2, 229, 525
Texas	207	20,920,000	5, 064, 700	4,515,340	30, 552, 776	38, 948, 048	2,746,738	866, 121	4, 242, 004	1,362,977
Arkansas	9	1,220,000	248,500	268, 190	1,651,422	2,355,437	67,493	36,017	243, 154	117,671
Montana	25	3, 350, 000	739, 350	659,740	11,418,179	9, 619, 487	670, 130	196, 413	1,669,257	1,231,133
Wyoming	11	860,000	240,000	214, 085	1,865,321	1,721,965	42,354	6,348	302, 120	217, 961
Colorado.	42	5, 487, 000	1, 235, 500	1,107,030	24, 289, 416	18,001,633	2,220,104	584, 375	3,577,046	1,725,506
Utah	11	1,900,000	812,500	460,450	2,586,555	2,690,633	200,070	252,945	225, 187	273, 093
Nevada	1	82,000	20,500	18,450	151,442	118,517		524	5,557	9,565
Idaho	11	575,000	206, 250	162, 825	1,846,374	1, 197, 733	742, 123	371.043	6,637,685	517, 488
Washington	40	4,778,000	1,018,500	911, 200	6, 468, 977	7,038,013	454, 850	451,583	528,712	1,149,172
Total	909	108, 470, 400	26,747,900	24, 192, 908	218, 123, 292	246, 482, 715	16, 988, 918	7,981,883	38,666,548	25, 157, 276
Percentage	24.9	17.1	11.4	11.6	14.9	8.6	16.0	27.4	14.7	13.2
Total of States	3,644	634, 633, 325	233, 424, 840	208, 753, 675	1,468,274,684	2,862,342,089	106, 079, 183	29, 106, 912	193, 849, 019	190, 792, 887

This table presents the banking situation in all sections of the This table presents the banking stuation in all sections of the Union and reveals in some the weakness which comes from the lack of nourishment. With sparse population, limited capital, small resources in wealth and production, and a limited use of the instruments of economy in finance there will be in the nature of things inferior facilities for conducting commercial exchange. What we would expect from an a priori view is precisely what we find in the banking statement to which I have directed your attention. A brief recapitulation will help us to a realization of the meaning of the figures contained in Table II.

This exhibit shows that the McKinley States contain 75 and the

the meaning of the figures contained in Table II.

This exhibit shows that the McKinley States contain 75 and the Bryan States but 25 per cent of the total number of national banks. Of the capital stock the McKinley States have 83 and the Bryan States 17 per cent of the total. Of bonds deposited to secure circulation the McKinley States have 89 and the Bryan States 11 per cent of the total. Of bank-note circulation the McKinley States have 88 and the Bryan States 12 per cent of the total. Of individual deposits the McKinley States have 85 and the Bryan States 15 per cent of the total. Of loans and discounts the McKinley States have 91 and the Bryan States 9 per cent of the total. Of the money due from national and State banks and from reserve agents the McKinley States have between 80 and 85 and the Bryan States and McKinley States have between 80 and 85 and from reserve agents the McKinley States have between 80 and 85 and the Bryan States an average of about 20 per cent of the total. Of the stocks and securities held by the banks the McKinley States have 87 and the Bryan States 13 per cent of the total.

But a glance at these percentages will show how completely they conform to those in Table I, demonstrating that banks will exist were they are most needed and will multiply in proportion to the means of greating them and the need for their means of greating them and the need for their means.

means of creating them and the need for their use.

Now, let me, in the way of an object lesson, submit an illustration of the disparity of banking benefits enjoyed in different sections on account of differences in the conditions under which banking operations are carried on.

Lancaster County, Pa., which constitutes the Tenth Congres sional district of Pennsylvania, contains an area of less than 1,000 square miles and has a population of about 150,000. It is an agricultural county, containing 500,000 acres of cultivated land divided into 9,000 farms which are assessed at nearly \$90,000,000. Its agricultural product in 1890 was \$7,657,790, exceeding by at least 25 per cent that of any other county in the Union. Its people have \$21,500,000 invested in indements and mortgages. If here 26 re-\$21,500,000 invested in judgments and mortgages. It has 26 national banks, with a capital stock of \$3,650,000 and a note circulation of \$1,087,430. No citizen in the county need travel from his resiof \$1,087,430. No citizen in the county need travel from his residence more than 12 miles at most to a national bank, where he can obtain all the accommodations he needs if he possesses the neces-

sary collaterals.

The following table exhibits the banking situation in that county on October 6, 1896:

Bank statement for Lancaster County, Pa

Number of banks.	Capital stock.	Bonds to secure cir- culation,	Notes in circulation.	Individual deposits.	Loans and discounts.
26	\$3,650,000	\$1,344,500	\$1,203,920	\$5,568,909.60	\$7, 985, 301. 78

I now present, in order to bring the contrast fully into view, a corresponding statement of the banking situation in the seven Southern States named.

State.	Num- ber of banks.	Capital stock.	Bonds to secure circula- tion.	Note circulation.	Individ- ual de- posits.	Loans and dis- counts.
North Carolina	28	\$2,766,000	\$806,000	\$705, 385	\$4,869,968	\$6, 432, 705
South Carolina	15	1,848,000	499,750	446, 785	3,744,481	5, 856, 344
Georgia	28	4,016,000	507,000	1, 109, 457	6,634,493	8, 925, 609
Florida	17	1,350,000	405,000	362, 930	3,911,651	3, 567, 624
Alabama	27	3,405,000	1,215,500	1, 063, 660	5,727,797	6, 417, 525
Mississippi	10	855,000	242,650	216, 700	2,032,424	2, 034, 329
Arkansas	9	1,220,000	248,500	208, 190	1,661,422	2, 355, 437
Total	134	15, 460, 000	3, 924, 400	4, 173, 197	28, 582, 236	35, 589, 573
Average	19	2, 208, 571	560, 628	596, 171	4, 083, 176	5, 084, 224

In the foregoing comparison we see side by side two agricultural sections of our country—one a single county, with an area of 973 square miles, with a population of 150,000 and one Representative in Congress; the other, seven sovereign States, with an average area of 48,985 square miles, an average population of 1,225,524, and an average representation in Congress of seven members. The result of the comparison shows that the former area, limited in extent and population as it is, has 37 per cent more banks, 65 per per cent more capital stock, 140 per cent more bonds deposited for circulation, 100 per cent more circulating notes, 36 per cent more individual deposits, and 57 per cent more loans and discounts than the average number and amounts in the States embraced in the latter extended area

The conditions which account for such disparity in banking facilities as are revealed in the foregoing comparison are conspicuous factors in the problem of national banking. They render impossible of attainment the proposal of some enthusiastic curinposation. rency reformers, viz, a banking system which will furnish equal rency reformers, viz, a banking system which will furmish equal facilities to and make credit equally available in all portions of the country and distribute the Ioanable capital of the country so as to meet the needs of all sections. This might be possible in a country of more homogeneous conditions than ours, but here and now it is one of the "iridescent dreams" of financial Utopia, for distribution and the property is a similar and applying the property is a similar and the country side in the country sends to be a similar and the country side in the country side in the country side in the country side is similar and the country side in the country side is similar and side is side is side in the country side is side i dissimilar conditions will never yield similar or equal results in banking any more than in other realms. The best we can do will be an approximation to this ideal; to so amend our system as to secure the least of the worst and the most of the best results of a uniform national banking system. That such a scheme will be evolved in due time out of the chaos of suggestions submitted, I do not doubt. It will not be done, however, in mass meeting, but by the deliberate and painstaking action of the Committee on Banking and Currency of Congress, aided by the best light, the latest thought they can obtain on the subject. The bill before the House is an important step in that direction, and its passage will afford no inconsiderable relief in the sections of the country where the need is greatest.

In conclusion, I submit the following observations from the last report of the Comptroller of the Currency. They leave no doubt of the wisdom of this bill.

ORGANIZATION OF NATIONAL BANKS WITH A LESS CAPITAL STOCK THAN

The national banking system was for many years protested against by those who looked upon its creation by national statute as an innovation of the rights reserved to the States under the provision of the Federal Constitution. Whether or not the prejudice against the system upon that ground has yielded through the decision of the Supreme Court upholding the constitutionality of the law, or for other reasons, the fact is that throughout the whole country whatever complaint is now urged against it is placed upon a different basis. It has drawn to itself support and inspired general confidence because of its central and uniform governmental supervision and examination, the frequent publica-tion of sworn reports of condition, the double liability of share-holders, the percentage of reserve to be held against deposits required, and the necessity of having the bank's funds invested in quick assets rather than tied up in real-estate investments. features have been the means of giving it a strength beyond any State system, and guarantee its future continuance. Its usefulness, however, can still be enlarged and its benefits to the people made more widespread.

The complaint to-day is mainly directed against it because the minimum capital stock required is so large that small towns and villages can not have the banking advantage which, if less capital were required, they might and would. The allegation laid is not without force, argument, and reason. In many sections of the country under existing requirements national banks, though needed, can not be supported from a want of surplus investable capital necessary to establish them. These places suffer more for want of banks of deposit and discount than from any need of banks of isone but radar areadonants. banks of issue, but under amendments 6 and 7, to which attention is called, either banks of issue, deposit, and discount or banks of deposit and discount alone could be had.

The minimum capital stock required at present for the organization of a national bank is \$50,000, with a deposit with the Treasurer of the United States of United States bonds of \$12,500. The proposed reduction of capital stock to \$25,000, with a proportionate reduction in the amount of bonds to be deposited with the Treasurer, in places of less than 2,000 inhabitants, would give independent banks of issue to communities in the South and independent banks of issue to communities in the South and West which, owing to the conditions surrounding them, can not take from their daily business needs a greater sum and invest in banking. The result is that they are deprived both of the use of foreign and local capital and the utilizing of their own credits. The safety of banking upon a reduced capital stock in such localities would be not less than that which attaches at present in larger cities and towns upon a greater capital stock. State banks are, under proper regulations and safeguards, conducted upon the basis of a small capital and, with the methods of examinations employed and the requirements exacted, there is no reason to the basis of a small capital and, with the methods of examinations employed and the requirements exacted, there is no reason to believe that banks in the national system would be less safe. It would be far better for depositors in all towns and villages of limited population if officers and directors of national banks had dividends to pay upon but half of fifty thousand of capital instead of upon the whole amount. It would lessen the hazarding of loans upon uncertainties in order to make a profit which can not be legitimately earned, and therefore diminish the number of resultant failures.

The enabling of these communities to have national banks would bring them in touch with those portions of the country where bring them in touch with those portions of the country where there is a surplus of investable capital. For many years this capi-tal has been invested in other States, largely in national-bank stocks; and it has thus come about that facilities for commercial exchange have been afforded many places where local capital could not be furnished for the purpose, and the loanable capital needed increased, with the effect of lowering rates of interest beyond those previously prevailing. In evidence of the extent of this investment it was shown by an investigation made in 1889 that nearly one-third of the capital stock of 520 national banks in Iowa, Minnesota, Missouri, Kansas, and Nebraska had been con-tributed by Northern and Eastern shareholders, while in Dakota, tributed by Northern and Eastern snareholders, while in Dakota, Idaho, Montana, New Mexico, Utah, Washington, Wyoming, and Arizona more than one-half of that of 144 national banks was held by nonresident shareholders. In the States of Virginia, West Virginia, North Carolina, South Carolina, Georgia, Florida, Alabama, Mississippi, Louisiana, Texas, Arkansas, Kentucky, and Tennessee, of the shares of 410 national banks a little more than one-sixth of the total was held by nonresidents. The investments of this character made by nonresidents since the date given, and especially so during the years from 1890 to 1892, have been at least especially so during the years from 1890 to 1892, have been at least as large, if not larger, than in the years prior, but the figures are not at hand to state with accuracy the proportion. The facts alluded to, however, form of themselves such data upon the point made as to make them worthy of consideration.

Mr. McCLELLAN. May I ask the gentleman whether this bill has been submitted to the Comptroller of the Currency?

Mr. BROSIUS. Oh, yes, and he warmly recommends it.

Mr. COX. I ask the gentleman from Pennsylvania to yield to

me a moment

resultant failures

Mr. BROSIUS. Certainly.
Mr. COX. Mr. Speaker, the whole object of this bill lies in be prudent.

this—and this is the only important point in it—that it gives to the people of small towns an opportunity to organize national banks upon a capital of less than \$50,000. I have never been able to see why national banks with twenty thousand or twenty-five thousand dollars capital could not well be organized to suit the convenience of small communities, just as well as banks with \$50,000 capital or more. The whole object of this bill, I say, is to give small towns an opportunity, under the regulations that exist in relation to national banks, to organize banks with less than \$50,000 capital, and I can not see any objection to it.

Mr. LACEY. With the existing law modified as this bill proposes, what capital is required in towns from eight to twelve thousand.

poses, what capital is required in towns from eight to twelve thousand population?

Mr. BROSIUS. Fifty thousand dollars.
Mr. LACEY. The bill says that a capital of not less than \$50,000 shall be required for any national bank organized in a place with a population not exceeding 6,000.
Mr. VAN VOORHIS. One hundred thousand dollars is required

for a place of eight or ten thousand inhabitants.

Mr. LACEY. Then the existing law is not changed in that respect?

Mr. COX. Not at all.

Mr. BROSIUS. This bill does not change existing law as to towns of more than 6,000 inhabitants.

Mr. LACEY. Why would it not be right to extend that 6,000 limit to places of 10,000 or 15,000 population?
Mr. BROSIUS. Oh, do not change the existing law in that

Mr. LACEY. It is all very well to say "Do not do it," but why ot? A town of 6,000 inhabitants or less, provided the population is not less than 4,000, can have a fifty-thousand-dollar bank, and if it is less than 4,000 it can have a twenty-thousand-dollar bank, while a town of 6,500 must have a one-hundred-thousand-dollar bank. There is too much difference between the requirements of the law as to towns of very nearly the same size and importance.

Mr. GROUT. Mr. Speaker, I would like to inquire of the gentleman in charge of this bill if the committee considered the question whether it might be wise to limit the articles of association to ten years, or to a less period, where these banks are organized on

a small capital?

Mr. VAN VOORHIS. I will say to the gentleman that that was not the intention.

Mr. GROUT. Well, now that the matter is brought to the gentleman's attention, does he not think that as a prudent step it might be well not to give a bank with small capital so long a life as twenty years, but to limit it to ten years? At the end of ten years it could reorganize and could probably then be able to take a larger capital. Twenty years is the longest life a bank can have

under existing law.

Mr. VAN VOORHIS. I do not think it would be advisable to create in this way two classes of banks. I do not know any reason why there should be such a limitation to time as the gentleman

Mr. COX. Will the gentleman from Vermont [Mr. GROUT]

yield for a question?

Mr. GROUT. Certainly.

Mr. COX. Why does the gentleman propose to put restrictions upon small banks different from those imposed upon larger banks?

Mr. GROUT. Twenty thousand dollars is a very small capital for a bank. A bank with no larger capital would be understood to be a very weak institution.

Mr. COX. I do not know as to that.

Mr. GROUT. Certainly it would be, so far as capitalization is concerned. Now, to say that a bank with \$20,000 capital shall

that a bank with \$20,000 capital shall start on a career of twenty years is quite different from saying that a bank of \$50,000 capital shall do so.

Mr. COX. If in any given town or locality a bank with so large a capital as \$50,000 could not be organized, does the gentleman think it would be right to exclude such locality from the privi-

leges proposed when they might organize with a capital of \$20,000?

Mr. GROUT. I would not exclude them; I would admit them.
But my individual opinion is that the life of a bank with so small a capital as \$20,000 should be limited to ten years, at the end of which time it might reorganize, very probably with a larger cap-

Mr. COX. Do you want to squeeze out the small fellows because they can not get up to the amount of capital that some others can raise?

Mr. GROUT. I am making no proposition to "squeeze out the small fellows;" I propose to admit them and give them a fair start on their career. But it seems to me only right to provide that where a bank organizes with so small a capital it shall not run for so long a time as ten years without coming to a settlement. In an organization of banks with so small a capital as \$20,000, I think such a proposition as I suggest—a limitation of ten years—would

Mr. COX. I differ with the gentleman. Mr. KIEFER. Can not any bank under the present law wind

Mr. KIEFER. Can not any bank under the present law wind up its affairs at any time?

Mr. GROUT. But under such a provision as I propose—fixing a limitation of ten years—a bank with this small capital would be compelled to wind up at the end of the ten years; whereas, otherwise it might run on and at the end of twenty years might be found to be utterly unsound, and that might be because of the small amount of the capital. When a bank has a capital of, say, \$100,000 to meet deposits the case is different. But without the limitation I suggest, a bank with only \$20,000 capital might take as large a sum in deposits as an institution with larger capital, and would have nothing with which to meet those deposits except its small capital and the small reserve set aside for that purpose.

I do not wish to prolong this discussion; but it seems to me such a provision as I suggest should commend itself as a sound financial

a provision as I suggest should commend itself as a sound financial measure. With such an amendment it appears to me this bill

measure. With such an amendment it appears to me this bill would meet more hearty and general approval.

Mr. COX. Right there allow me to ask the gentleman why the little banks should be put under a ten-years limitation and the large banks under a longer limitation?

Mr. GROUT. I have stated fully the reason for it, but if the friends of the bill are opposed to it, as they seem to be, I shall not force the proposition in the form of an amendment, though I think it the part of prudence to bring the affairs of a twenty-thousand capitalization to a settlement at the end of ten years at

A MEMBER. What is the ordinary limit with the larger banks?
Mr. GROUT. Twenty years. But, Mr. Speaker, as I have said, I will not submit any amendment.
Mr. VAN VOORHIS. I now call for the previous question.
The previous question was ordered; and under the operation thereof the amendments reported by the committee were agreed to.

The bill as amended was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed. The SPEAKER. Without objection, the amendment to the title, as reported by the committee, will be considered as agreed to.

There was no objection.

On motion of Mr. VAN VOORHIS, a motion to reconsider the vote by which the bill was passed was laid on the table.

LEAVE TO PRINT.

Mr. BROSIUS. Mr. Speaker, I alluded some time ago to some figures which I would like to add to my remarks upon the bill just disposed of. I ask unanimous consent for that purpose.

The SPEAKER. Without objection, the gentleman will have unanimous consent to extend his remarks.

There was no objection.

ORDER OF BUSINESS.

Mr. VAN VOORHIS. There is another bill which I have been Mr. VAN VOORHIS. There is another bill which I have been instructed by the committee to bring before the House; but by reason of the absence of the chairman of the committee, who desires to be heard on the bill, I will ask that the committee be passed temporarily without prejudice.

The SPEAKER. The gentleman asks that the committee be again passed without prejudice. Is there objection? The Chair bears rope.

Mr. BENNETT (when the Committee on Interstate and Foreign Commerce was called). Mr. Speaker, I ask that this committee be passed without prejudice.

The SPEAKER. The gentleman from New York [Mr. BENNETT]

asks unanimous consent that the Committee on Interstate and Foreign Commerce be passed without prejudice. Is there objection? The Chair hears none.

The Committee on the Merchant Marine and Fisheries was

called.

AMERICAN REGISTER-BARK CERES.

Mr. SIMPKINS. Mr. Speaker, by instruction of the committee I call up for present consideration the bill (H. R. 8190) to provide an American register for the bark Ceres.

The bill was read, as follows:

Be it enacted, etc., That the Commissioner of Navigation is hereby authorized and directed to cause the bark Ceres, built in Maine, recently owned by foreigners, but now owned by citizens of the United States, to be registered as a vessel of the United States, under the name of Lichtenfels Brothers.

Mr. SIMPKINS. I ask for the reading of the report, The report (by Mr. SIMPKINS) was read, as follows:

The Committee on the Merchant Marine and Fisheries, having carefully considered the bill (H. R. 8190) to provide an American register for the bark Ceres, beg leave to report, recommending that the bill do pass.

The Ceres is an American-built vessel, having been built in Maine in 1859. She was for some years sailed as an American vessel, and subsequently sold to foreign owners. She is now owned by American oitizens, who desire to convert her into a barge for the coastwise trade, at an expense of about \$3,000. The laws which barred American-built vessels from an American register after once being sold to foreigners were enacted in 1797 and 1804. The reasons for such a law no longer exist.

Mr. SIMPKINS. I demand the previous question.

The previous question was ordered, and under the operation thereof the bill was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

On motion of Mr. SIMPKINS, a motion to reconsider the last

vote was laid on the table.

AMERICAN REGISTER-BARGE BLACK DIAMOND.

Mr. SIMPKINS. I call up now the bill (H. R. 7781) to provide an American register for the barge Black Diamond.

The bill was read, as follows:

Be it enacted, etc., That the Commissioner of Navigation is hereby authorized and directed to cause the foreign-built barge Thomas S. Falck, owned by the Mobile Coal Company, of Mobile, Ala., a corporation under the laws of Alabama, to be registered as a vessel of the United States under the name of Black Diamond.

The bill was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

On motion of Mr. SIMPKINS, a motion to reconsider the last

vote was laid on the table.

AMERICAN REGISTER-STEAMER KAHULUI.

Mr. SIMPKINS. I also call up the bill (H. R. 1706) to provide an American register for the steamer Kahului.

The bill was read, as follows:

The bill was read, as follows:

Be it enacted, etc., That the Commissioner of Navigation is hereby authorized and directed to cause the foreign-built steamer Kahului, purchased and owned by Charles Nelson, a citizen of the United States, and repaired in the United States, to be registered as a vessel of the United States.

SEC. 2. That the Secretary of the Treasury is hereby authorized and directed to cause the inspection of said vessel, steam boilers, steam pipes, and their appurtenances, and to cause to be granted the usual certificate issued to steam vessels of the merchant marine, without reference to the fact that said steam boilers, steam pipes, and appurtenances were not constructed pursuant to the laws of the United States, and were not constructed of iron stamped pursuant to said laws; and the tests in the inspection of said boilers, steam pipes, and appurtenances shall be the same in all respects as to strength and safety as are required in an inspection of boilers constructed in the United States for marine purposes.

Mr. Speaker, Lwish to move an expendence.

Mr. SIMPKINS. Mr. Speaker, I wish to move an amendment by substituting Senate bill No. 206 for the House bill. This bill has passed the Senate, and is identical with the bill just read by the Clerk; and I ask that the House bill lie on the table.

The SPEAKER. Is there objection to the request of the gen-

tleman from Massachusetts?

There was no objection.

The Senate bill was ordered to a third reading; and it was accordingly read the third time, and passed.

On motion of Mr. SIMPKINS, a motion to reconsider the last vote was laid on the table.

The bill H. R. 1706 was laid on the table.

MARKING OF VESSELS' NAMES.

Mr. SIMPKINS. Mr. Speaker, I call up for present consideration the bill (S. 1424) to amend an act entitled "An act to amend section 4178, Revised Statutes, in relation to the marking of vessels' names at bow and stern, and also to provide for marking the draft," approved February 21, 1891.

The bill was read, as follows:

The bill was read, as follows:

Be it enacted, etc., That the act entitled "An act to amend section 4178, Revised Statutes, in relation to the marking of vessels' names at bow and stern, and also to provide for marking the draft," approved February 21, 1891, is hereby amended to read as follows:

"That section 4178 of the Revised Statutes be, and the same is hereby, amended to read entire as follows:

"SEC. 4178. The name of every documented vessel of the United States shall be marked upon each bow and upon the stern, and the home port shall also be marked upon the stern. These names shall be painted or gilded, or consist of cut or caved or cast roman letters in light color on a dark ground, or in a dark color on a light ground, secured in place, and to be distinctly visible. The smallest letters used shall not be less in size than 4 inches. If any such vessel shall be found without these names being so marked, the owner or owners shall be liable to a penalty of \$10 for each name omitted: Provided, however, That the names on each bow may be marked within the year 1896."

"SEC. 2. That the draft of every registered vessel shall be marked upon the stem and stern post, in English feet or decimeters, in either arabic or roman numerals. The bottom of each numeral shall indicate the draft to that line."

The SPEAKER. The Chair will call the attention of the gen-

The SPEAKER. The Chair will call the attention of the gentleman from Massachusetts to the fact that the proposition in the bill is that the names shall be marked, as indicated, "within the year 1896.

Mr. SIMPKINS. I move to insert "1897" for "1896."
The amendment was adopted.
The bill as amended was ordered to a third reading; and being

read the third time, it was passed.

On motion of Mr. SIMPKINS, a motion to reconsider the last vote was laid on the table.

ORDER OF BUSINESS.

Mr. SIMPKINS. Mr. Speaker, the chairman of the Committee on Merchant Marine and Fisheries being absent, I move that the committee be passed over without prejudice for the present.

The SPEAKER. The gentleman asks unanimous consent that the call of the committee may be temporarily suspended without prejudice. Is there objection?

There was no objection.

The Committee on the Territories was called.

RIGHTS OF ALIENS TO REAL ESTATE IN THE TERRITORIES.

Mr. CATRON. Mr. Speaker, I call up the bill (H. R. 9709) to better define and regulate the rights of aliens to hold and own real estate in the Territories.

Mr. CATRON. Mr. Speaker, I call up the bill (H. R. 9709) to better define and regulate the rights of aliens to hold and own real estate in the Territories follows:

The bill was read, as follows:

Be it enacted, etc., That an act entitled "An act to restrict the ownership of real estate in the Territories to American citizons, etc.," approved March 35 at the same is hereby, amended so as to read as follows:

"That no alien or person who is not a citizen of the United States, or who has not declared his intention to become a citizen of the United States in the Territories of the United States except as herelandter provided. Provided, That the prohibition of this section shall not apply to cases in which the right to hold or dispose of lands in the United States is secured by existing treaties to hold or dispose of lands in the United States is secured by existing treaties controlled to the control of the United States is secured by existing treaties are in force, and no longer.

"Sec. 2. That this act shall not apply to land now owned in any of the Territories of the United States and long of the Carlotter of the United States and any alien who shall become a bona fide resident of the United States, and any alien who shall become a bona fide resident of the United States, and any alien who shall become a bona fide resident of the United States, and any alien who shall become a bona fide resident of the United States, and any alien who shall become a bona fide resident of the United States, and any alien and the states. Provided, That if any such resident alien shall cause to be a bona fide vesident of the United States, and any alien who shall become a bona fide resident of the United States, and any alien who shall become a bona fide resident of the United States, and any alien who shall become a bona fide resident of the United States, or prevent any persons not citizens of the United States from acquiring in holding lots or parcels of lands in any incorporated or platted city, town, or village, or "The Carlot

Mr. BLUE. Mr. Speaker, I would ask if that is not the same bill that was defeated in an attempt to pass it a few weeks ago? A bill referring to alien ownership of land in the Territories was considered and defeated in the House.

The SPEAKER. Does the gentleman make that point of order? Mr. BLUE. I do, sir. I think that bill has been defeated once this session

Mr. CATRON. This is not the same bill, I will state to the gentleman. While it contains many provisions of that bill, it contains others that were not embodied in it.

Mr. BLUE. Is this a House or a Senate bill?
Mr. CATRON. A House bill.
The SPEAKER. Was the bill ordered to be brought up by the committee?

Mr. CATRON. Yes, sir; and it was reported by the committee. The SPEAKER. And this is brought up under the order of the committee?

Mr. CATRON. The committee directed me to report the bill and bring it up at the earliest moment. They did not order me to bring it up now, but to report the bill and call it up as soon as I could. The committee has been called, and this bill is in order under the call, and under the direction given to me I call it up for consideration.

Mr. BLUE. Mr. Speaker, I understand that some modifications have been made in this bill, and I am told that it is satisfactory now to the gentleman from Iowa [Mr. Hepburn] who the other day opposed it in its then condition. I am informed that it has been changed so as to meet with his approval. If that is true, I do not care to press this point of order, but I should like to be cartain that my information is correct.

certain that my information is correct.

Mr. CATRON. I will state that the gentleman from Iowa [Mr. Hepburn] who made the objection told me he would make no objection to the bill. I spoke to him about it.

Mr. McEWAN. Mr. Speaker, I renew the point of order. I think that some time ought to be given to us, when we are asked to change the organical or of the local asked to the process of the local asked to the local think that some time ought to be given to us, when we are asked to change the organic law of the land, a law that has been in existence in this country and in England for many years, and which is a proper principle. I raise the point of order, and ask that the bill go over sufficiently long to enable us—

The SPEAKER. Will the gentleman state his point of order?
Mr. McEWAN. It is that this bill, substantially, has been before the House at this session, and has been defeated.

The SPEAKER. Will the gentleman give the Chair some authority for his point of order?

Mr. McEWAN. I submit it to the Speaker.
The SPEAKER. The Chair does not see that the point of order would be good. If the bill is changed, it ceases to be the same bill.
Mr. McEWAN. I say it is substantially the same bill that was defeated.

defeated.

The SPEAKER. The Chair does not think that point of order

could be sustained.

Mr. McEWAN. Then, if you will pardon me for saying so, I submit it to the superior knowledge of the Speaker on parliamentary matters, recalling that less than two weeks ago the Chair voluntarily tried to take me off my feet three times inside of two minutes, without being asked by anybody in the House, and I thought perhaps the Speaker in this instance would have used the same knowledge that he had at that time.

The SPEAKER. Well, the Chair does use it, and overrules the

point of order.

Mr. McEWAN. Very well.

The SPEAKER. The question is on the engrossment and third

The bill was ordered to be engrossed and read a third time.

Mr. CANNON. Wherein does this bill change the existing law?

Mr. DOCKERY. It seems to me there ought to be some explanation of it.

nation of it.

The SPEAKER, The question is on the passage of the bill.

The question being taken, Mr. McEwan demanded a division.

The House divided; and there were—ayes 45, noes 4.

Mr. McEWAN. No quorum.

The SPEAKER. The gentleman from New Jersey [Mr. McEwan] makes the point of no quorum.

And then, on motion of Mr. Loud (at 4 o'clock and 12 minutes p. m.), the House adjourned.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive com-munications were taken from the Speaker's table and referred as follows:

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of Ahnapee Harbor, Wisconsin—to the Committee on Rivers and Harbors, and ordered to be printed.

A letter from the Acting Secretary of the Treasury, transmit-ting a communication from the Secretary of the Interior, submit-ting an increase in the estimate of appropriation for the continu-ation of the investigation and exploration of the coal and gold

resources of Alaska-to the Committee on Appropriations, and

ordered to be printed.

A letter from the Secretary of the Treasury, recommending an appropriation for the construction of a money vault in the subtreasury portion of the Boston post-office-to the Committee on

Appropriations, and ordered to be printed.

A letter from the Secretary of the Interior, transmitting, in compliance with the House resolution of June 5, 1896, lists of appointments and changes of employees in the Interior Department—to the Committee on Reform in the Civil Service, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. DE ARMOND, from the Committee on the Judiciary, submitted the views of the minority of said committee on the bill of the Senate (S. 2984) entitled "An act in relation to contempts of court;" which said views (Report No. 2471, part 2) were referred

to the House Calendar.

Mr. HICKS, from the Committee on Public Buildings and Grounds, to which was referred the bill of the House (H. R. 172) to increase the limit of the appropriation for a public building at Newport, Ky., reported the same without amendment, accompanied by a report (No. 2481); which said bill and report were referred to the Committee of the Whole House on the state of the

Union. He also, from the same committee, to which was referred the bill of the House (H. R. 2718) for the erection of a public building at Mayfield, Ky., reported the same with amendment, accompanied by a report (No. 2482); which said bill and report were referred to the Committee of the Whole House on the state of the

Union. Mr. MERCER, from the Committee on Public Buildings and Grounds, to which was referred the bill of the House (H. R. 1215) providing for the erection of a public building at the city of Plattsmouth, Nebr., and for other purposes, reported the same with amendment, accompanied by a report (No. 2483); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

By Mr. HALTERMAN, from the Committee on Pensions:
The bill (H. R. 1541) granting a pension to Henry Schnetberg,
of Indiana, Pa. (Report No. 2484.)
The bill (H. R. 8909) granting a pension to Esther Jackson. (Re-

By Mr. MOZLEY, from the Committee on Pensions: The bill (H. R. 3692) granting a pension to Mrs. Annie M. Clemens. port No. 2486.)

By Mr. DENNY, from the Committee on Claims: The bill (S. 2338) entitled "An act for the relief of Joshua Bishop." (Report No. 2487.)

PUBLIC BILLS, MEMORIALS, AND RESOLUTIONS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. COOPER of Florida: A bill (H. R. 9932) to provide for removing obstructions to navigation from the St. Johns River, Florida, and its tributaries—to the Committee on Rivers and

Harbors.

By Mr. FISCHER: A bill (H. R. 9933) to reduce taxation and to provide revenue for the Government, and for other purposes—to the Committee on Ways and Means.

By Mr. HOWARD (by request): A bill (H. R. 9934) to regulate the use of care in the transportation of persons upon interstate the use of cars in the transportation of persons upon interstate railways, and for other purposes—to the Committee on Interstate and Foreign Commerce.

By Mr. COCKRELL: A bill (H. R. 9935) to authorize the construction or acquisition of a bridge across the Rio Grande River, at El Paso, in the State of Texas—to the Committee on Interstate

and Foreign Commerce.

By Mr. WILLIS: A bill (H. R. 9936) to amend the naval appropriation bill (House bill No. ——) for the fiscal year ending June 30, 1898—to the Committee on Appropriations.

By Mr. MILNES: A bill (H. R. 9944) to authorize the purchase

of a site for the Government Printing Office—to the Committee on Public Buildings and Grounds.

on Public Buildings and Grounds.

By Mr. PEARSON: A bill (H. R. 9945) to amend an act to incorporate the Washington Market Company, approved May 20, 1870—to the Committee on the District of Columbia.

By Mr. WASHINGTON: A concurrent resolution (House Con. Res. No. 63) to print 15,000 additional copies of Messages and Papers of the Presidents—to the Committee on Printing.

PRIVATE BILLS, ETC.

Under clause 1 of Rule XXII, private bills of the following titles were presented and referred as follows:

By Mr. BARRETT: A bill (H. R. 9987) granting an increase of pension to John Newton Breed—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9938) granting a pension to James F. Burch-stead—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9939) to amend the military record of George

W. Wilder—to the Committee on Military Affairs.

By Mr. DINSMORE: A bill (H. R. 9940) for the relief of Daniel
McKeever, of Fayetteville, Ark.—to the Committee on War Claims

By Mr. PICKLER: A bill (H. R. 9941) granting an increase of pension to James Parsloe—to the Committee on Invalid Pensions.

By Mr. THOMAS: A bill (H. R. 9942) granting a pension to George Francis—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9943) granting a pension to Emma Francis—to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ADAMS: Resolutions of the Grocers and Manufacturers' Exchange of Philadelphia, Pa., favoring the creation of a department of commerce and manufactures—to the Committee on Interstate and Foreign Commerce.

Also, petitions of T. S. Johnson and others, and John H. Kramer and others, all of Philadelphia, Pa., favoring the passage of Senate bill No. 1675, forbidding the transportation of obscene matter by express or otherwise—to the Committee on Interstate and ter by express or otherwise-to the Committee on Interstate and

Foreign Commerce.

By Mr. APSLEY: Papers to accompany House bill No. 9449, for the relief of Egbert A. Stricksma—to the Committee on Claims.

By Mr. BARRETT: Paper to accompany House bill granting a pension to James F. Burchstead, of Company H, Thirty-first Regiment Maine Volunteer Infantry—to the Committee on Invalid Pensions

By Mr. BULL: Resolutions of the Young Islanders' Association, Clan na Gael, of Pawtucket, R. I., in favor of the passage of Senate resolution No. 163, for the independence of Cuba—to the

Committee on Foreign Affairs.

By Mr. BURTON of Ohio: Petition of the Bronze Club, of Cleveland, Ohio, in favor of Senate resolution No. 163, relating to the recognition of Cuba—to the Committee on Foreign Affairs.

By Mr. CHICKERING: Petition of board of supervisors of Os-

wego County, N. Y., in favor of Cuban independence—to the Committee on Foreign Affairs.

By Mr. CURTIS of Iowa: Resolutions of the Iowa Academy of Science, against Senate bill No. 1552, "for the prevention of cruelty to animals in the District of Columbia"—to the Committee on the District of Columbia.

Also (by request), petition of Le Grand Byington, of the State of Iowa, asking the repeal of the national-bank act and a reform in Treasury Department methods; also to bring public expenditures and income to parity-to the Committee on Banking and Currency.

By Mr. DALZELL: Resolutions of the Master Car Builders'

Association, opposing the metric system—to the Committee on Coinage, Weights, and Measures.

By Mr. FENTON: Petition of George W. Schachleiter, to accompany House bill No. 2826, for his relief—to the Committee on Invalid Pensions

By Mr. FLETCHER: Resolutions of the St. Paul (Minn.) Chamber of Commerce, in favor of maintaining the gold standard—to the Committee on Banking and Currency.

By Mr. HARMER: Memorial of Francis Remmlein, in connec-

tion with House bill for the removal of the charge of desertionto the Committee on Military Affairs.

Also, memorial relating to the military service of the late Charles G. Augeroth, jr.—to the Committee on Military Affairs.

By Mr. HOWELL: Petition of the New Jersey Society, Sons of the American Revolution, urging prompt action of Congress in the Cuban matter—to the Committee on Foreign Affairs.

By Mr. MERCER: Resolutions adopted at a mass meeting of citizens of Omaha, Nebr., in favor of Cuban independence—to the Committee on Foreign Affairs.

Also, petitions of Clement Chase and Lewis T. Watson, of Omaha, Nebr., publishers, against the passage of House bill No. 4566, relating to second-class mail matter—to the Committee on the Post-Office and Post-Roads.

By Mr. PARKER: Resolution of the Newark (N. J.) Board of Trade, relative to the extension of the term of the Precident of

of Trade, relative to the extension of the term of the President of the United States-to the Committee on Election of President,

Vice-President, and Representatives in Congress.

Also, resolutions of the Board of Trade of Newark, N. J., relative to the delay in the matter of postal facilities and building—to the Committee on Public Buildings and Grounds.

Also, petition of General Sedgwick Council, Order United American Mechanics, No. 22, of Newark, N. J., favoring the intervention of the United States in favor of Cuban independence—to the Committee on Foreign Affairs.

By Mr. STRODE of Nebraska: Petition of citizens of Lincoln, Nebr., respecting Cuban independence—to the Committee on Foreign Affairs.

By Mr. SULZER (by request): Resolutions of voters of the Eleventh Congressional district of New York, favorable to the recognition and independence of Cuba—to the Committee on Foreign Affairs.

By Mr. TERRY: Paper of the Arkansas River Improvement Commission, giving statistics of commerce to be benefited by the improvement of Arkansas River—to the Committee on Rivers and Harbors.

By Mr. UPDEGRAFF: Petitions of Dunlevy Bros., of Lansing, Iowa, and Boardman Cooley, of Strawberry Point, Iowa, against the passage of House bill No. 4566, relating to second-class mail matter—to the Committee on the Post-Office and Post-Roads.

SENATE.

TUESDAY, January 12, 1897.

Prayer by the Chaplain, Rev. W. H. Milburn, D. D.
The Secretary proceeded to read the Journal of yesterday's proceedings, when, on motion of Mr. Nelson, and by unanimous consent, the further reading was dispensed with.

CERTIFICATION OF ELECTORS.

The VICE-PRESIDENT laid before the Senate four communications from the Secretary of State, transmitting, in pursuance of the provisions of the act of February 3, 1887, certified copies of the final ascertainment of the electors for President and Vice-President for the States of New York, New Hampshire, Nevada, and Utah; which were ordered to lie on the table.

PETITIONS AND MEMORIALS.

Mr. NELSON. I present resolutions of the Atlantic Coast Seamen's Union, and ask that they may be read and spread upon the RECORD. I make the request because the secretary and the president of the association have asked me to prefer such a request. The resolutions are short. I should like to have them read and spread upon the record.

spread upon the record.

The VICE-PRESIDENT. Is there objection to the request of the Senator from Minnesota?

Mr. HILL. What is the nature of the request?
The VICE-PRESIDENT. The Senator from New York makes

an inquiry of the Senator from Minnesota.

Mr. HILL. I wish to learn what is the

Mr. HILL. I wish to learn what is the precise request.
Mr. NELSON. It is to have the resolution read and printed in
the RECORD. The petition comes to me from a sailors' association with that request.

with that request.

Mr. HILL. It strikes me that we must have some rule upon the subject. A year or two ago my distinguished friend from Tennessee [Mr. HARRIS], who is now absent from his seat, uniformly objected to having all petitions and resolutions of this character printed in the RECORD. Of late everything of the kind pretty much has been printed in the RECORD. While I sympathize with the resolutions, I think, and the object the petitioners have in view, I do not believe we ought to lumber up the RECORD with such matters. I objected yesterday to a matter presented by the Senator from Nebraska [Mr. ALLEN], and it strikes me that I shall be compelled to object to this request, suggesting to the Senator from Minnesota that it will answer every purpose if the petition is printed as a document.

Mr. NELSON. I ask to have it read to the Senate this morning. I presume I would have the right to read it in my own time, but in place of doing so I ask to have the Secretary read it.

Mr. HILL. There are ways, of course, to evade the rule. I

realize that fact. The Senator, of course, can take any course he

sees fit.

Mr. NELSON. I hope the gentleman will withdraw his objection. The resolutions are very short.

Mr. HILL. I will withdraw it by reason of the appeal, but hereafter I shall object to printing such matters in the Congression.

The VICE-PRESIDENT. The Secretary will read the resolu-tions presented by the Senator from Minnesota. Mr. HALE. I submit, if the Senator from New York has withdrawn his objection, that there is no need for the reading of the petition. Let it be printed in the RECORD, as requested by the Senator from Minnesota.

The VICE-PRESIDENT. Is that course satisfactory to the

Senator from Minnesota?

Mr. NELSON. It is satisfactory.

The petition was referred to the Committee on Commerce, and ordered to be printed in the Record, as follows:

ATLANTIC COAST SEAMEN'S UNION.

[General office: 152 Commercial street, Boston, Mass.]

Port of New York, January 4, 1897.

(Columbia Hall, Brooklyn, N. Y.)

Whereas American seamen under the present laws enjoy that measure of personal liberty accorded to all men by the Constitution of the United States, being subject to imprisonment and forfeiture of their wages and clothing for violation of a civil contract to perform labor (Revised Statutes, sections 4506, 4598, 4599, and 4601); and

Whereas by section 10 of the act of Congress of 1884, as amended in 1886, seamen are permitted, and by the combinations of the crimps compelled, to sign away to an "original creditor," whether they owe it to him or not, more than 50 per cent of their wages before having earned the same, thus keeping them in a perpetual state of debt and poverty amounting virtually to slavery; and

Whereas seamen are subject on the high seas to corporal punishment for any triffing offense which may by the master be construed as "justifiable cause to beat, wound, or imprison" them (Revised Statutes, section 5347); and

whereas those provisions allotted to American seamen by law are decidedly less in quantity, and generally inferior in quality, to the rations served out to convicts in our penitentiaries, thereby causing American ships, in proportion to their tonnage, to furnish five times as many cases of scurvy and beri-beri as those of Great Britain, the leading maritime nation of the world: Therefore

as those of Great Britain, the leading martine metors of the work, in mass meeting fore,

Resolved, That we, the seamen of the port of New York, in mass meeting assembled, hereby earnestly urge upon the Senate Committee on Commerce to report favorably on bills H. R. 2003 and 6309, as passed by the House of Representatives on the 8th of June, 1896, and we appeal to all United States Senators to interest themselves in the speedy enactment into law of the aforesaid bills before the adjournment of the Fitty-fourth Congress.

The above resolution was carried by acclamation, after which the meeting adjourned at 12.30 p. m.

F. H. BURYESON, Secretary.

F. H. BURYESON, Secretary. TIMOTHY CARROLL, Chairman.

Mr. CALL. I present a petition of sundry citizens of Florida living in Brevard County, who are interested and concerned in the improvement of the waterway between Titusville and Canaveral Landing, on the Banana River. The petitioners show that if a small appropriation were made it would make a vast and desirable improvement on this waterway and open the whole of that region of country to cheaper navigation. I move that the petition be referred to the Committee on Commerce, and ask the committee to give it early and favorable consideration.

The motion was agreed to.

Mr. SHERMAN. I think it is a matter of some importance, and I move that the Senate proceed to the consideration of executive business for a few moments.

business for a few moments.

Mr. VEST. Will the Senator from Ohio permit me to present

some petitions?

Mr. SHERMAN. The executive session will take but a few

Mr. VEST. I desire first to present some petitions.
Mr. SHERMAN. Very well.
Mr. VEST presented a petition of the Ministers' Union, of Kansas City, Mo., and of Kansas City, Kans., praying Congress to recognize the independence of Cuba; which was ordered to lie on the table.

He also presented a memorial of sundry news dealers and book-sellers of Kansas City, Mo., remonstrating against the passage of the so-called Loud bill, relating to second-class mail matter; which was referred to the Committee on Post-Offices and Post-

Mr. GORDON. Will the Senator from Ohio allow me to present some petitions?

Mr. SHERMAN. I have no objection to formal business being

transacted.

transacted.

Mr. GORDON presented a memorial of the Board of Trade of Savannah, Ga., and a memorial of the Peacock & Hunt Naval Stores Company, of Savannah, Ga., remonstrating against the removal of the duty from alcohol used in the arts; which were referred to the Committee on Finance.

He also presented the memorial of W. D. Tutt, publisher of the Elberton Star, of Elberton, Ga., and the memorial of J. H. Devereaux, publisher of the Tribune, of Savannah, Ga., remonstrating

against the passage of the so-called Loud bill, relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

Mr. ALLEN presented a petition of sundry citizens of Florida, relative to the Perrine land grant; which was referred to the Committee on Public Lands.

Mr. SHERMAN presented a petition of the Bronze Club, of Cleveland, Ohio, praying for the passage of the so-called Cameron resolution, favoring the recognition of Cuban independence; which was ordered to lie on the table.

was ordered to lie on the table.

He also presented the memorial of T. C. Raynolds, publisher of the Republican, of Wooster, Ohio; the memorial of Horace E. Dunlap, publisher of the Arizona Range News, of Willcox, Ariz., and the memorial of A. B. Flesler, publisher of Dress, of New York, remonstrating against the passage of the so-called Loud bill, relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

Mr. PLATT presented a petition of the Board of Trade of Bridgeport, Conn., praying for the establishment of a department of commerce and manufactures; which was referred to the Committee on Commerce

mittee on Commerce.

He also presented the petition of Mohegan Lodge, No. 33, Independent Order of Good Templars, of Abington, Conn., praying for the enactment of legislation prohibiting the sale of intoxicating liquors in the Capitol building; which was referred to the Committee on Public Buildings and Grounds.

He also presented a memorial of the publishers of the New England Medical Monthly and the Prescription, of Danbury, Conn., remonstrating against the passage of the so-called Loud bill, relating to second class mail matter; which was referred to the Committee of the Connection of the Connect

ing to second-class mail matter; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. SEWELL presented a petition of Jackson Circle, No. 4, Brotherhood of the Union, of Camden, N. J., praying for the passage of the so-called Phillips bill, authorizing the appointment of a nonpartisan commission to collate information and to consider and recommend legislation to meet the problems presented by

labor, agriculture, and capital; which was referred to the Committee on Education and Labor.

He also presented the memorial of W. A. Summervill, publisher of the Penns Grove Record, of Penns Grove, N. J., remonstrating against the passage of the so-called Loud bill, relating to

scond-class mail matter; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented the petition of Rev. J. Madison Hare and sundry other citizens of Burlington, N. J., and a petition of Louis F. Russi, of Bordentown, and sundry other citizens of New Jersey, praying for the enactment of legislation to amend the postal laws relative to sevent class and leave to republish the transrelating to second-class mail matter, and also to prohibit the trans-

portation of obscene matter through the mails; which were referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the Central Woman's Christian Temperance Union of Camden, N. J., praying for the enactment of legislation providing for the better observance of the Sabbath in the District of Columbia; which was referred to the Committee on the District of Columbia.

Mr. PEFFER presented the memorial of W. P. Morrison, representing the Central Kansas Democrat, of Sterling, Kans., remonstrating against the passage of House bill No. 4566, known as the Loud bill, relating to second-class mail matter; which was referred to the Committee on Post-Offices and Post-Roads

He also presented the petition of T. J. Hudson and sundry other citizens of Wilson County, Kans., praying for the recognition of the rights of Cuba as a belligerent power and that all the rights of independence be accorded to that people; which was ordered to

Mr. GEAR presented the memorial of H. R. Gregory, publisher of the Montgomery County Independent, of Iowa, remonstrating against the passage of the so-called Loud bill, relating to second-class mail matter; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. COCKRELL presented the memorials of E. K. Lyles, publisher of the Herald, of Houston; of William Arsti, publisher of Waterways Journal, of St. Louis; of N. D. Thompson, publisher of the Journal of Agriculture, of St. Louis, all in the State of Missouri, remonstrating against the passage of the so-called Loud bill, relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads

Mr. BURROWS presented the petition of Willard Williams and 36 other citizens of Branch County, Mich., praying for the passage of the so-called Cameron resolution, favoring the recognition of Cuban independence; which was ordered to lie on the table.

Mr. McMILLAN. I present a memorial of the Northeastern Suburban Citizens' Association of the District of Columbia, relative to increase the control of the District of Columbia, relative to the control of the District of Columbia, relative to the control of the District of Columbia, relative to the control of the District of Columbia, relative to the control of the District of Columbia, relative to the control of the District of Columbia, relative to the control of the District of Columbia, relative to the control of the District of Columbia, relative to the control of the District of Columbia, relative to the control of the District of Columbia, relative to the control of the Columbia.

tive to improvements in certain parts of the District. I move that the memorial be printed as a document and referred to the Com-I move that mittee on Appropriations.

The motion was agreed to.

Mr. HOAR presented a memorial of the Atlantic Coast Seamen's Union, remonstrating against the enactment of legislation providing for corporal punishment or imprisonment of seamen; which was referred to the Committee on Commerce.

He also presented the memorial of John H. Perkins, editor of the Grand Army Record, and the memorial of George L. Munn,

the Grand Army Record, and the memorial of George L. Munn, of Easthampton, Mass., remonstrating against the passage of the so-called Loud bill, relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

Mr. THURSTON presented a memorial of the publishers of the Bugle, of Chambers, Nebr., remonstrating against the passage of the so-called Loud bill, relating to second-class mail matter; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. TELLER presented a memorial of the Chamber of Commerce of Denver, Colo., remonstrating against the passage of the Pacific Railroad funding bill; which was ordered to lie on the table. Healso presented a petition of the Society of the Sons of the Revo-

Pacific Railroad funding bill; which was ordered to lie on the table. He also presented a petition of the Society of the Sons of the Revo. Intion of Colorado, praying for the publication of all the archives of the Government relating to the formative period of our Government from about the year 1720 to the close of the war of 1812; which was referred to the Committee on the Library.

He also presented a petition of the Society of the Colonial Dames of Colorado, praying that a charter be granted the National Society of Colonial Dames of America; which was referred to the Committee on the Library.

He also presented a memorial of the Rocky Mountain Stamp

Dames of Colorado, praying that a charter be granted the National Society of Colonial Dames of America; which was referred to the Committee on the Library.

He also presented a memorial of the Rocky Mountain Stamp Publishing Company, of Denver, Colo., and a memorial of the publisher of the Alliance of the Rockies, of Denver, Colo., remonstrating against the passage of the so-called Loud bill, relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

Mr. MURPHY presented the memorials of William Cowper Courant, publisher of the Modern Medical Science, of New York; of W. N. Whittingham, publisher of the Looker-On, of New York; of Luke McHenry, publisher of the Madison County Times, of Chittenango; of the Putnam Company, publishers of the Peterson Magazine, of New York; of the London Needle Company, of New York; of Charles N. Stecker, editor of the Argus, of Mount Vernon; of Frank M. Cornell, publisher of the Patriot, of Fulton; of J. M. Williams, publisher of the Register, of Phœnix; of Rev. J. J. Wynne, publisher of the League Director, of New York; of Rev. J. L. O'Neil, publisher of the Rosary Magazine, of New York; of Brooklyn; of Alvin P. Chapin, publishers of the Brooklyn Blade, of Brooklyn; of Alvin P. Chapin, publisher of the Educational Gazette, of Rochester; of O'Connor Bros., publishers of the Fort Plain Standard, of Fort Plain; of George Gunton, publisher of the Church Union, of New York; of Samuel T. Carter, publisher of the Republican Watchman, of Greenport; of George W. Corliss, publisher of the Insurance Critic, of New York; of Frank Dromgoole, publisher of the Recorder, of Mount Kisco; of A. F. Ballinger, publisher of the Religious Liberty Library, of New York; of Charles S. Wilber, publisher of the Prine Hills Sentinel, of Pine Hills; of the Modern Stories Publishing Company, of New York; of the Modern Stories Publishing Company, of New York; of the Catholic Journal, of Rochester; of Albert Turner, publisher of the Currier Publisher of the Catholi Wesley Hagan, manager of the New Education Publishing Company, of New York; of the Christian Literature Company, of New York; of C. H. Hufrich, M. D., publisher of the Homeopathic Eye, Ear, and Throat Journal, of New York; of Stumpf & Steurer, publishers of the American Banker, of New York; of C. Bissell, secretary of the Household Words and Grape Leaf Company, of New York; of Aaron M. Powell, publisher of the Philanthropist, of New York; of Augustus William Abbott, secretary of the City Vigilance League, of New York; of C. P. Conard, president of the Railway Equipment and Publication Company, of New York; of W. B. Templeton, president of the Trade News Publishing Company, of New York; of Morris Phillips & Co., publishers of the Home Journal, of New York; of Henry Livingston, Son & Co., publishers of the Signal, of Babylon; of the Metaphysical Publishing Company, of New York; of the American Druggist Publishing Company, of New York; of C. E. Irwin, manager of Munro Publisher of the Advocate, of Sidney; of Elbert & Hubbard, publisher of the Advocate, of Sidney; of Elbert & Hubbard, publishers, of East Aurora; of L. P. & E. E. Carpenter, publishers of the Morris Chronicle, of Morris; of P. Mann, publisher of American Fabian, of New York; of A. E. Cowles, publisher of Allegany County Democrat, of Wellsville; of Louis S. Chapin, publisher of the Metropolitan and Rural Home, of Rochester; of W. John Hinchey, publisher of the Herald,

of Middleport; of Frank N. Lattin, publisher of the Oologist, of Albion; of the Sun Publishing Association, publishers of the Sun, of Alfred; of Robert Hartcourt, publisher of Stillwater Journal, of Stillwater; of R. A. Anthony, publisher of Anthony's Photographic Bulletin, of New York; of C. E. Merritt, publisher of the Chenango Telegraph, of Norwich; of S. H. Spencer, publisher of New Christianity, of Ithaca; of Stillman & Spooner, publisher of the Courier, of Brookfield; of F. L. Northrup, editor of the Advocate and Family Guardian, of New York; of R. N. Plummer & Co., publishers of the American Medical Review, of New York; of O. N. Bane & Co., publishers of the Glovers Journal, of Gloversville; of B. Holmes, jr., publisher of the Poultry Monthly, of Albany; of A. C. Kessinger, publisher of the Rome Sentinel, of Rome; of S. N. Moore & Co., publishers of the Ladies' World, of New York; of the Art Amateur, of New York; of sundry booksellers and news dealers of Buffalo, and of sundry booksellers and news dealers of Albany, all in the State of New York, remonstrating against the passage of the so-called Loud bill, relating to second deac mail action. ing against the passage of the so-called Loud bill, relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

Post-Offices and Post-Roads.

He also presented the petitions of W. C. Stitt, of New York; of Clifford Thomson, publisher of the Spectator, of New York; of C. R. Clifford, of New York; of the American Trade Press Association, of New York; of Clifford & Lawton, of New York, and of W. N. Lawton, of New York, praying for the passage of the so-called Loud bill, relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

EXECUTIVE SESSION.

Mr. SHERMAN. I now move that the Senate proceed to the consideration of executive business

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After twenty minutes spent in executive session the doors were reopened.

RED RIVER BRIDGE.

The VICE-PRESIDENT laid before the Senate the amendment The VICE-PRESIDENT laid before the senate the amendment of the House of Representatives to the bill (S. 1726) to approve and ratify the construction of a bridge across the Red River, between the States of Arkansas and Texas, at a point above the town of Fulton, in Arkansas, on said river, built by the Texarkana Northern Railway Company, but now owned and operated by the Texarkana and Fort Smith Railway Company, and to authorize the latter company to maintain said bridge over said

waterway, subject to certain stipulations and conditions.

The amendment of the House of Representatives was, after section 6, to insert an additional section; and it was read, as follows:

SEC. 7. That this act shall be null and void if actual construction of the bridge herein authorized be not commenced within one year and completed within three years from the date of approval thereof.

Mr. BLANCHARD. I move that the Senate concur in the

House amendment.
Mr. FRYE. It is the House amendment which has just been read?

Mr. BLANCHARD. It is. The Senate bill was passed by the House with an amendment suggested by the House committee and adopted by the House. It just adds another section to the bill to the effect that the bridge must be commenced within a certain time and finished within a certain time. That is all there is in it.

Mr. FRYE. I have no objection to the amendment.

The amendment was concurred in.

A message from the House of Representatives, by Mr. W. J. Browning, its Chief Clerk, announced that the House had passed

Browning, its Chief Clerk, announced that the House had passed the following bills:

A bill (S. 206) to provide an American register for the steamer Kahului; and

A bill (S. 1646) providing for certain requirements for vessels propelled by gas, fluid, naphtha, or electric motors.

The message also announced that the House had passed the bill (S. 1424) to amend an act entitled "An act to amend section 4178, Revised Statutes, in relation to the marking of vessels' names at bow and stern, and also to provide for marking the draft," approved February 21, 1891, with an amendment in which it requested the concurrence of the Senate.

The message further announced that the House had agreed to the amendments of the Senate to the following bills:

A bill (H. R. 878) to reduce the cases in which the penalty of death may be inflicted;

A bill (H. R. 1261) for the relief of John Kehl and to restore him

A bill (H. R. 1261) for the relief of John Kehl and to restore him

to his former rating;
A bill (H. R. 2259) for the relief of William B. Ellis;
A bill (H. R. 2328) for the relief of Patrick Rainey;
A bill (H. R. 3113) granting a pension to Margaret A. Kidwell; and

A bill (H. R. 6608) to remove the charge of desertion from the military record of George W. Taylor.

The message also announced that the House had passed the fol-

The message also announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 1708) to amend an act entitled "An act authorizing the appointment of receivers of national banks, and for other purposes," approved June 30, 1876, as amended by an act approved

August 3, 1892;
A bill (H. R. 7210) to amend section 5138 of the Revised Statutes, to provide for the organization of national banks in towns of not exceeding 4,000 inhabitants;

A bill (H. R. 7781) to provide an American register for the barge Black Diamond;

A bill (H. R. 8190) to provide an American register for the bark

A bill (H.R. 9593) for the relief of W. H. Wade, late captain and acting regimental quartermaster Thirty-first Ohio Volunteers;
A bill (H.R. 9707) making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1898;
A bill (H.R. 9709) to better define and regulate the rights of

aliens to hold and own real estate in the Territories;

A bill (H. R. 9710) to authorize officers who served during the

A bill (H. R. 9/10) to authorize officers who served during the war of the rebellion in the Regular Army to bear the title and on occasions of ceremony wear the uniform of their highest rank; and A bill (H. R. 9865) extending the time for the completion of the bridge across the East River, between the city of New York and Long Island, now in course of construction, as authorized by the act of Congress approved March 3, 1887.

SENATOR FROM DELAWARE.

Mr. CHANDLER. Mr. President, I rise to a question of privi-lege having reference to the vacant seat in this body belonging to the State of Delaware, and I will read the following memorial:

To the honorable the Senate of the United States:

To the honorable the Senate of the United States:

Your petitioner, Henry A. Du Pont, who is now a citizen of the State of Delaware, and has been such continuously during his whole life, begs leave to state and show that on the 9th day of May, 1895, he was duly and legally elected to the Senate of the United States by the legislature of the State of Delaware for the term of six years beginning on the 4th day of March, 1895, and in due time his credentials as such Senator-elect were presented and filed; but objection being made as to the legality of such election, the said credentials were referred to the Committee on Privileges and Elections with directions to investigate such election and report to the Senate; and this was done by such committee and a report submitted favorable to the validity of such election, with a resolution for adoption by the Senate that your petitioner was entitled to his seat under and by virtue of such election.

After debate upon the matter, the committee's resolution was not adopted, and your petitioner was denied a seat.

Your petitioner respectfully claims that his said election was legal and that he is entitled thereunder to a seat as a Senator from the State of Delaware, and further respectfully claims that injustice has been done the State of Delaware and your petitioner by the refusal of your honorable body to seat him as a Senator from the said State.

Your petitioner therefore submits that, under the circumstances, the question of the validity of his election should again be investigated and acted upon by the Senate as a fixed, continuing body which never loses and never can lose control and jurisdiction over its membership, and which can not forfeit or surrender its right at any time to inquire into the claim of any person as a member thereof.

Your petitioner further states that he hopes and expects to show on another

or surrender its right at any time to inquire into the claim of any person as a member thereof.

Your petitioner further states that he hopes and expects to show on another consideration of the subject that he is entitled legally to such seat.

Wherefore he respectfully prays that all the papers and documents on file in such case be taken therefrom and again referred to the Committee on Privileges and Elections, with directions to such committee to reinvestigate such election and to reconsider the same in full and in all particulars, and report to the Senate, that it may reconsider the case and seat your petitioner, as he deems law and justice to the State of Delaware and to himself require to be done, and for such other relief as he may be entitled to.

Very respectfully,

H. A. DU PONT.

H. A. DU PONT.

The undersigned, who were members of the Delaware legislature on the 9th day of May, 1995, and who voted on that date for Henry A. Du Pont for the office of United States Senator from Delaware, most heartily join in the foregoing petition, and respectfully request that it be granted.

WILLIAM WILSON, JR.
FREDERIC PYLE.
HENRY H. MCMULLEN,
Speaker of the House of Representatives.
FRANCIS M. WALKER.
SAMUEL ALRICHS.
JOHN W. JOLLS.
WALTER S. MONEY.
JOHN M. C. MOORE.
GEO. F. PIERCE.
G. H. TOWNSEND.
GEORGE W. REYBOLD.

I ask that the memorial may be received, and, with all the other papers in the case relating to the vacant seat, may be referred to the Committee on Privileges and Elections.

The PRESIDING OFFICER (Mr. HILL in the chair). Is there

objection? The Chair hears none, and it is so ordered.

REPORTS OF COMMITTEES.

Mr. PEFFER (for Mr. BRICE), from the Committee on Pensions, to whom was referred the bill (S. 3319) to increase the pension of Alice de K. Shattuck, widow of Lucius H. Shattuck, Company I,

Fifth Massachusetts Infantry, three months, reported it with amendments, and submitted a report thereon.

He also (for Mr. Gallinger), from the same committee, to whom was referred the bill (H. R. 2941) granting increase of pension to Alfred P. Buss, reported it without amendment, and sub-

mitted a report thereon.

Mr. CANNON, from the Committee on Pensions, to whom was referred the bill (S. 3196) granting an increase of pension to George W. Walton, reported it without amendment, and submitted a report thereon.

He also (for Mr. PRITCHARD), from the same committee, to whom was referred the bill (S. 3185) granting an increase of pension to John McGrath, reported it with an amendment, and submitted a

report thereon.

He also (for Mr. Gallinger), from the same committee, to whom was referred the bill (S. 3311) to increase the pension of Arabella V. Washburn, reported it with amendments, and submitted a report thereon

Mr. ROACH (for Mr. Gallinger), from the Committee on Pensions, to whom was referred the bill (S. 3361) granting a pension to Sarah R. Frary, reported it without amendment, and submitted a report thereon.

Mr. BAKER, from the Committee on Pensions, to whom was referred the bill (S. 3324) granting a pension to Allen Buckner, of Baldwin, Kans., reported it with amendments, and submitted a

report thereon.

Mr. SHOUP, from the Committee on Pensions, to whom was referred the bill (H. R. 94) increasing the pension of Melancthon McCoy, of Company K, One hundred and forty-eighth Illinois Infantry, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 1640) granting a pension to Catherine L. Nixon, reported it

without amendment, and submitted a report thereon.

Mr. MARTIN, from the Committee on the District of Columbia,
to whom was referred the bill (H. R. 8726) to provide for the payment of certain claims against the District of Columbia by drawback certificates, reported it without amendment, and submitted a report thereon.

Mr. BRICE, from the Committee on Pensions, to whom was referred the bill (S. 2672) granting a pension to John J. Shockey, reported it with an amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 3190) granting a pension to Amos L. Hood, reported it

without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 3191) granting a pension to Milton T. Bedford, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 3103) granting a pension to Jesse O. Davy, reported it with an amendment, and submitted a report thereon.

Mr. MILLS. I ask unanimous consent to call up for consideration a little bill reported from the Committee on Commerce that will take only a minute. It is Senate bill 3490, to provide for the appointment of a board of engineers to examine a work and report upon it.

Mr. PLATT. Is the morning business through? Mr. SEWELL. Will the Senator from Texas allow me to introduce a bill?

Mr. MILLS. I will withdraw the request for the present.

BILLS INTRODUCED.

Mr. SEWELL introduced a bill (S. 3506) for the relief of Emma R. Rusling; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. PLATT introduced a bill (S. 3507) to provide for light-

houses and other aids to navigation; which was read twice by its

title, and referred to the Committee on Commerce.

Mr. BURROWS introduced a bill (S. 3508) to authorize the purchase of a site for the Government Printing Office; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

Mr. NELSON introduced a bill (S. 3509) to increase the pension of Gen. James W. McMillan; which was read twice by its title, and referred to the Committee on Pensions.

Mr. CANNON introduced a bill (S. 3510) for the relief of Ve rona E. Pollock; which was read twice by its title, and referred to

the Committee on Claims.

He also introduced a bill (S. 3511) amending the military record of and granting an honorable discharge to Nelson A. Potter; which was read twice by its title, and referred to the Committee on Military Affairs.

He also introduced a bill (S. 3512) increasing to \$12 per month the pensions of widows of survivors of the Mexican war; which was read twice by its title, and referred to the Committee on PenMr. HOAR introduced a bill (S. 3513) to authorize the appointment of an additional judge of the United States court in the Indian Territory, and for other purposes; which was read twice by its title, and referred to the Committee on the Judiciary.

Mr. THURSTON introduced a bill (S. 3515) to grant a pension to Rev. Warren Cochran, of Omaha, Nebr.; which was read twice by its title, and referred to the Committee on Pensions.

Mr. SHOUP (for Mr. GALLINGER) introduced a bill (S. 8516)

granting a pension to Louise Van Atter; which was read twice by its title, and referred to the Committee on Pensions.

Mr. CLARK introduced a bill (S. 3517) to provide for the purchase of a site and the erection of a public building thereon at Evanston, in the State of Wyoming; which was read twice by its title, and referred to the Committee on Public Buildings and

Mr. WILSON. I ask, out of the usual order, unanimous consent to call up Senate bill 3375, authorizing the construction of a bridge across the Columbia River, in the State of Washington.

The VICE-PRESIDENT. Is there objection to the request of

the Senator from Washington?

Mr. PLATT. I desire to introduce a resolution before we pro-

ceed to business on the Calendar.

The VICE-PRESIDENT. Objection is interposed. The introduction of bills and joint resolutions is still in order.

TERMS OF POSTMASTERS.

Mr. HILL. I introduce a bill which I ask may be read, when I shall ask the unanimous consent of the Senate to make a brief explanation of the bill, and I will then ask that it be referred to the Committee on Post-Offices and Post-Roads. The bill (S. 3514) to regulate the term of office of postmasters,

was read the first time by its title, and the second time at length,

as follows:

Be it enacted, etc., That the term of office of all postmasters hereafter appointed shall be four years, subject to the power of removal or suspension according to law. That in case of a vacancy occurring in the office of a postmaster, occasioned by death, removal, resignation, or otherwise, the same shall be filled by appointment for the remaining unexpired term.

That the term of office of a postmaster shall be deemed to commence from the date of his assumption of the discharge of the duties of his office, a record of which shall be kept in the office of the Postmaster-General.

That the term of office of all postmasters now in office shall be four years (subject to the power of removal or suspension according to law), and such terms shall be deemed to have commenced from the date of the assumption of the duties of the office by the occupant: Provided, however, That where the present occupant shall have been appointed to fill a vacancy occasioned by the death, removal, resignation, or otherwise, of his immediate predecessor, he shall only hold his office for the remainder of the unexpired term of four years, provided he was appointed from the same political party to which such predecessor belonged, or is a member of the family of such predecessor.

Sec. 2. All acts and parts of acts inconsistent herewith are hereby repealed. Sec. 3. This act shall take effect immediately.

Mr. HILL. Mr. President, the object of this bill is to remedy

Mr. HILL. Mr. President, the object of this bill is to remedy the present situation of post-office appointments. The matter is now in a sort of a hotch-potch condition, and I think it important at this particular time to commence political bookkeeping upon correct principles and fair and honorable policies.

The object of the bill is to determine definitely and certainly

exactly what ought to be done in regard to post-office appointments. I call the attention of the Senate, in the first place, to the material alteration proposed in the existing law. The bill provides that all postmasters shall hold their terms for the definite period of four years. Fourth-class postmasters have always held their terms of office at the pleasure of the appointing power. This is a "reform," if I may use that expression, whereby a defi-nite term shall be fixed for those offices.

nite term shall be fixed for those offices.

Permit me to call the attention of the Senate to the fact that both political parties have used this power for the arbitrary and summary removal of fourth-class postmasters. It has been deemed that as they hold their offices at the pleasure of the appointing power the appointing power should remove them at will without any reason being given whatever. The policy was pursued, perhaps, to the satisfaction of all parties at that period, when the office of Assistant Postmaster-General was held by the distinguished Presiding Officer of this body. Subsequently, under the administration of a "reform" Postmaster-General, Mr. Wanamaker, of Pennsylvania—and I trust I do not offend the distinguished junior Senator from Pennsylvania [Mr. QUAY] by thus speaking of that Postmaster-General—that same policy was pursued, and he removed fourth-class postmasters at will. sued, and he removed fourth-class postmasters at will.

Since the advent of the present Administration to power, a new

policy has been pursued with regard to fourth-class post-offices; whether wisely or unwisely, whether to the demoralization of the party to which the President belongs or otherwise, I do not now propose to discuss. The present Administration has permitted fourth-class postmasters to serve out a full four years' term, although there is no term fixed by law. Removals have been very rare, and made for good and sufficient cause.

Mr. President, I know not what the new Administration of Mr. McKinley may do. I do not know of anyone around this circle

who is authorized to speak for him; but it may be that we must trust to the generosity of the incoming President to pursue the policy of the present Administration. I think the matter had better be regulated by law. I think if the policy pursued by the present Administration is to be continued at all, it should be settled, determined, and continued by law, and that the appointing power should be relieved of the importunities which will be made upon it to immediately remove these Democratic postmasters and appoint Republican partisans in their places. Therefore this bill is presented. In the end it will be the fairest for both parties. appoint Republican partisans in their places. Therefore this oill is presented. In the end it will be the fairest for both parties. All post-offices of whatever grade should be placed upon a par. Therefore, the first point in favor of this bill is that it makes the term of fourth-class postmasters a definite and fixed term of four years, subject to the right of removal for good and sufficient cause. I think it will be productive of much good if Congress shall now pass this bill and establish the principle that these offices which, whether wisely or unwisely, foolishly or necessarily, have been made the football of party politics shall be placed upon some basis which is definite. Let it not be said that one Administration by reason of its wisdom or its caprice, or whatever you may please to term it, allowed all these officers to remain for four years, and another Administration arbitrarily and unwarrantedly turned them out of office.

What next does the bill provide? It provides a method by which political bookkeeping can be made accurate. The difficulty now is that a nomination may be made, and it may be held up by the Senate for a long period of time. It may be a recess appointment. The person takes possession of the office. I know of several cases where nominations have been held up for a year or so, the President persisting in making the appointment and the Senate not choosing to confirm. Subsequently the Senate relents and the postmaster is confirmed. It is held that under existing law he holds his office from the date of his confirmation. That gives the That gives the office. When a officer in all such cases a five or six years' term of office. new Administration comes into power, it must trump up charges to satisfy the conscience of the President—and sometimes it does not take very much to satisfy the consciences of our Presidents where they desire to make removals—in order to make an immewhere they desire to make removals—in order to make an inime-diate change. I would relieve every Administration from the responsibility for this state of affairs. I would relieve all Admin-istrations from the importunities of their party friends in asking that in such cases a removal shall be made.

Mr. President, there is another class of cases. A postmaster

holds for three years and over—a Democratic postmaster, for instance. Few die and none resign. Once in a while a Democratic

stance. Few die and none resign. Once in a while a Democratic postmaster dies, and the President sees fit to send in the name of his widow for that office. The Democrat may have held the office for a period of three years and a half, and our Republican friends naturally object, under the existing political situation, to having the widow confirmed for four years.

Without endeavoring or intending now to divulge any of the secrets of the Post-Office Committee, I speak upon this subject with full knowledge of the situation, being one of the minority members of that committee. I have been importuned by Democratic all parts of the Union to look after their rights. There is a large number of States where there are no Democratic representatives number of States where there are no Democratic representatives in this Chamber, and Democratic Senators are becoming gradually less, especially in the Northern States. There are postmasters writing to me from all parts of the North calling attention to the fact of their nomination and asking what can be done. There are to-day 250 Democratic nominations in the hands of the Post-Office to-day 250 Democratic nominations in the hands of the Post-Office Committee awaiting some action. There are postmasterships now about which there will be some friction, which will continue to become greater until the 4th day of March.

Mr. CHANDLER. Is it convenient for the Senator to have me ask him a question at this time?

Mr. HILL. I hope the Senator will wait until I get through. Then I shall be pleased to answer.

Mr. CHANDLER. It is right in this connection.

Mr. HILL. Very well.

Mr. CHANDLER.
Mr. HILL. Very well.
Mr. CHANDLER. The Senator stated that the present Administration had not made removals of postmasters during the terms in their commissions. I want to ask the Senator whether he is able to say removals have not been made since the

whether he is able to say removals have not been made since the 3d day of November last of postmasters on account of their political action in the election of that day?

Mr. HILL. Mr. President, what I was particularly saying was that fourth-class postmasters had been allowed to serve out a full term of four years, although there was no law fixing the term. That, as a general rule, is absolutely true. It is further absolutely true that every postmaster whose appointment is fixed by law has been allowed to serve out his term with possibly a half dozen exceptions, where they have been removed for alleged political or pernicious activity. Allow me to say right here, Mr. President, that I take but little stock in those removals. But that is now foreign to the real question involved.

Mr. CHANDLER. Will the Senator allow me to say he has not answered my question. The question is whether since the 3d of November last Presidential appointments, officers confirmed by the Senate, have not been removed during the term for which they were appointed on account of their political conduct at that elec-

Mr. HILL. Yes; I think that is so as to a few of them, a half dozen of them.

Mr. CHANDLER. Is the Senator informed as to the number?

Mr. HILL. I think about half a dozen.
Mr. CHANDLER. Judging from the complaints that have

come to me, there are a great many more than that.

Mr. HILL. By the clamor one would think there were a thou-

Mr. CHANDLER. I should think there were many more than half a dozen. The complaint is specifically made to me as a member of the Committee on Post-Offices and Post-Roads that postmasters have been removed for no other reason than because they voted for Mr. Bryan for President; and I want to present that fact, if it is so, in opposition to the statement of the Senator from New York that while Mr. Wanamaker made removals of postmasters during his term this Administration has not removed any postmasters during the terms for which they were appointed.

masters during the terms for which they were appointed.

Mr. HILL. Mr. President, the defense of the former Postmaster-General, Mr. Wanamaker, is entirely superfluous and uncalled for. The Senator will recollect what I said. I said Mr. Wanamaker had pursued the policy pursued by his predecessors in office of removing at pleasure all fourth-class postmasters. That is the proposition I made. I did not speak of Mr. Wanamaker's action in regard to Presidential offices. I know he made some removals in such cases. Let me give the Senator an instance.

stance.

Mr. PLATT rose

Mr. HILL. I decline to from Connecticut to wait. I decline to be interrupted now. I ask the Senator

In the city of Elmira a Republican postmaster was appointed In the city of Elmira a Republican postmaster was appointed by Mr. Harrison very early in his Administration in the place of a Democrat, whose term of office had expired. He was confirmed and held office for three years and a half. Then, by reason of a factional squabble in the Republican party, an inspector was sent to Elmira, and he trumped up some charges against as good a postmaster as there ever was in that city. That Republican postmaster was removed under the "reform" administration of Mr. Wanamaker, and another Republican was put in his place. If the present Administration had not taken action about it, we should have had the spectacle presented of seven years and a half should have had the spectacle presented of seven years and a half of a Republican postmaster and a half year of a Democratio postmaster.

Let me go further, and be entirely frank, because there is no politics involved in this question—I mean no political advantage to be gained by either party by this bill, but there is fair politics involved in an honorable disposition of this question. Mr. Cleveinvolved in an honorable disposition of this question. Mr. Cleveland kept that Republican postmaster in office until about a year or so ago, and then the Post-Office Department here, in the usual way, sent an inspector up there, who trumped up some charges against the postmaster, and the present Administration put him out, and a good Democrat occupies the office to-day. But it is against just that miserable way of doing business that I protest. It is just such a method that I desire to have avoided in the future. Let these men hold their offices for four years.

What was the remedy? After the Republican had held this office for three years and a half, and by reason of a factional squabble it was desired to remove him another Republican should have

ble it was desired to remove him, another Republican should have been appointed for only the remaining six months. That is what this bill provides. Not that every commission shall be for four years—that is the existing law—but that every appointment shall be for four years, and where a vacancy occurs by removal, by resignation, or by death that the new appointee shall hold for the remainder of the unexpired term, provided he is of the same political faith.

I have also provided in the bill for a case where the appointee belongs to the same family, thus covering the case of the widows and daughters of a deceased postmaster. That is a fair proposition. This question has got to be settled. It will be as fair for one party

as for another in the end.

When the new Administration comes in, what spectacle will confront it? Within the last ten days there have been several appointments sent to the Senate of widows of deceased postmasters. Of course, our Republican friends will dislike to object to their confirmation. Republican members of the other House will naturally not desire them to be confirmed. Why? Because the new appointees will hold over three years and a half of a new Administration, and no political party should get an advantage over another party by death, removal, or resignation. That is the point involved, and that is the effect of this bill. It is a simple measure, Our Democratic friends will want this measure in 1901. Both parties ought to have it now. It prevents a scramble from now until the 4th of March in regard to the appointment or confirma-

tion of these various postmasters.

Mr. President, I have already said that there are 250 nominations now pending before the Post-Office Committee. What is to be done with them? Am I to appeal simply to the generosity of my opponents for action upon those nominations? Are we to have my opponents for action upon those nominations? Are we to have a squabble which will become more and more severe every three months during the closing days of every Administration? I think we should not. I think the best policy would be to define exactly the status of these postmasters, and let them thoroughly understand what is to be done.

That is the effect of this bill. It gives no political party any advantage over another. In other words, there is no injustice to us and no injustice to our Republican friends. Possibly my friend from New Hampshire [Mr. CHANDLER] will say that I need not worry about the Republicans, that they are competent

need not worry about the Republicans, that they are competent to take care of themselves. They are usually, and they generally get the advantage of the Democratic people. We Democrats do not wish to be taken for chumps, if I may use such an expression. Let us have the rights of our respective parties defined by law, and let not the terms of office depend upon the importunity of members of Congress, upon the good nature of Senators, upon their ability to persuade and induce their colleagues to confirm certain nominations.

A fourth-class postmaster holds, as I said before, during the pleasure of the appointing power. There has been a large number of fourth-class postmasterships raised to the third class durfor or fourth-class postmasterships raised to the third class during the present Administration, and they have been raised to the third class after the Democratic appointee had held the office for over three years, and if we confirm the Democratic appointee many of these particular Democratic appointees will hold for seven-odd years. That is unjust to the Republican party, and undoubtedly there will be more or less contention before the 3d day

of March on the question of nominations. I want to avoid that.

Mr. President, when you have made a third-class office out of a
fourth-class office and appoint the man who has held the place for
three years, that Democrat should be satisfied when his four years
are out, and he should turn the office over to a Republican. That are out, and he should turn the office over to a Republican. That can not be done under the existing law. The only way a new Administration can make all things even for the party is to go to the miserable subterfuge of trumping up charges to satisfy the conscience of the President in order to put the incumbent out. What has been done under the present Administration has been done under all Administrations, except that the present Administration has allowed all fourth-class postmasters to fill out a full period of four years just as though the law provided for a fouryear term.

Mr. ALLEN. May I ask a question of the honorable Senator from New York?

Mr. HILL. Certainly.

Mr. ALLEN. I ask the Senator from New York if he can recall any instance in the history of the country where the President of the United States has removed any postmaster or other officer for loyally and intelligently supporting the nominee of his party for

loyally and intelligently supporting the nominee of his party for President?

Mr. HILL. Mr. President, I am not going to stir up old bygones; but away back in the time when Mr. Douglas was the candidate for President of the regular Democratic party, and Mr. Breckinridge was the candidate of another wing of that party, postmasters were removed by President Buchanan for the simple offense of supporting Mr. Douglas for the Presidency; and the records are full of just such instances.

Mr. CHANDLER. Will the Senator allow me to interrupt him?

Mr. HILL. I am not to be diverted into a discussion of this last subject, because that question is not involved. This bill will not prevent any President from removing a man from office upon charges. You can not so provide. You have got, should this bill become a law, still to trust the appointing power, because he must have the inherent right to remove for cause; but I want to relieve every Administration from the necessity of trumping up charges in order to equalize political advantages. That is what this bill

If any President shall see fit to remove an official because of "pernicious activity," as it is called—a phrase which I do not fully comprehend, understand, or appreciate—there is no way of preventing it, because he has the absolute power to remove under the Constitution of the United States and under our existing laws. Take the case of a Democrat whose post-office has just been made a third-class office. He has held office for three years and a half, and now under his commission he is going to hold for four years more. The Republican member of Congress from that district wants to oust that man. Naturally he does not want him, because his political friends at home will say: "This is not right. Simply because that office was made a third-class post-office is no reason

why this man should be permitted to remain in his office." is the effect of it? His party friends get around the Postmaster-General and trump up this charge and that charge against him in order to secure his removal, whereas if the term of the office should expire after a man had held for the full term of four years, he could honorably retire from the office. It is to prevent these removals, which more or less carry a stigma with them, that I have introduced this bill and because my extention has been called to introduced this bill, and because my attention has been called to them on account of the fact that I am an humble member of the minority of the Committee on Post-Offices and Post-Roads, where, to a large extent, the burden of looking after the interests of the

minority falls.

Therefore, Mr. President, I submit my proposition, which I hope will be taken up by the Committee on Post-Offices and Post-Roads in the spirit in which I have introduced it, and that they may be induced, in the interest of better government and in the interest of fair political dealing, to report favorably on this bill. What else I desire to say on this subject may better be said in executive

I ask that the bill be referred to the Committee on Post-Offices and Post-Roads

The PRESIDING OFFICER (Mr. Bacon in the chair). That reference will be made.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. JONES of Arkansas submitted an amendment intended to be proposed by him to the Indian appropriation bill; which was referred to the Committee on Indian Affairs, and ordered to be printed.

Mr. PLATT submitted an amendment intended to be proposed

by him to the Indian appropriation bill; which was referred to the Committee on Indian Affairs, and ordered to be printed.

Mr. BLANCHARD submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. CLARK submitted an amendment intended to be proposed

by him to the sundry civil appropriation bill; which was referred to the Committee on Military Affairs, and ordered to be printed.

Mr. McBRIDE submitted an amendment intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Finance, and ordered to be

ORDER OF BUSINESS.

Mr. WILSON. I again ask unanimous consent for the consideration of the bill (8.3375) authorizing the construction of a bridge across the Columbia River, in the State of Washington.

Mr. PLATT. I wish the Senator would withhold his request

until resolutions can be introduced.

Mr. ALLEN. I hope we may be permitted to get through with the morning business.

The PRESIDING OFFICER. Objection is made to the request

of the Senator from Washington.

NATIONAL BANKRUPTCY BILL.

On motion of Mr. HOAR, it was

Ordered, That 4,000 copies of Senate Document No. 237, first session Fifty-fourth Congress, be printed for the use of the Committee on the Judiciary.

REPRINT OF PACIFIC RAILROAD BILL.

Mr. MORGAN. I ask for a reprint of Senate bill 8488, which has been incorrectly printed, partly through my fault and partly through the fault of the Printing Office.

through the fault of the Frinting Office.

The order was agreed to, as follows:

Ordered, That the bill (S. 3488) to create a board of trustees of the Union Pacific Railroad Company and the Central Pacific Railroad Company, and to fund the bond debts thereof, and for other purposes, be reprinted. ABBREVIATION OF CONGRESSIONAL REPORTS.

Mr. PLATT submitted the following resolution; which was

Resolved, That the Committee on Rules is instructed to consider the practicability of abbreviating the daily reports of the proceedings of Congress as published in the CONGRESSIONAL RECORD.

Mr. HOAR. Who will abbreviate the reports?

Mr. PLATT. I do not wish to make any remarks about the resolution, except to say that there is a growing necessity for lessening the volume of the Congressional Record. I desire that the resolution may be referred to the Committee on Rules. I have introduced it simply to call the attention of the Committee

on Rules to the subject.

Mr. GORMAN. I suggest to the Senator from Connecticut that that resolution ought to go to the Committee on Printing, as that committee has special charge of the matter of the printing of

the RECORD.

Mr. PLATT. I have no objection to that reference.
Mr. HALE. I think the Committee on Printing would be very glad to have the valuable suggestions of the Committee on Rules before acting upon the resolution, and I should prefer that the resolution in its travels should go first to the Committee on Rules, and then, after a proper delay, it will come to the Committee on Printing for proper delay there. [Laughter.]

Mr. PLATT. It is a resolution instructing the Committee on Rules to consider the question. I ask, therefore, that it may be referred to the Committee on Rules.

Mr. HALE. I think that is better.

The PRESIDING OFFICER. Without objection, the resolution will be referred to the Committee on Rules.

tion will be referred to the Committee on Rules.

Mr. CULLOM submitted the following resolution; which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved. That the stenographer reporting the hearings before the Committee on Interstate Commerce under the resolution of the Senate of December 9, 1896, and also the hearings pending before the Committee on the Census, be paid out of the contingent fund of the Senate.

ALLEGED VIOLATION OF THE EIGHT-HOUR LAW.

Mr. STEWART. Yesterday the Senator from Vermont [Mr. Proctor] spoke on a joint resolution to amend the Constitution with reference to the term of the President of the United States, and I was about to make a few suggestions on that joint resolu-Is it now before the Senate?

Mr. ALLEN. If the Senator will permit me, there is a Senate

resolution now on the table coming over from yesterday morning which should be laid before the Senate.

Mr. CHANDLER. I hope the Senator from Nevada will allow the resolution of the Senator from Nebraska to be laid before the

Mr. STEWART. Very well. The PRESIDING OFFICER. The Chair lays before the Senate the resolution submitted yesterday by the Senator from Ne-braska [Mr. Allen], which will be read.

The Secretary read the resolution, as follows:

The Secretary read the resolution, as follows:

Resolved, That the Secretary of the Navy be, and he is hereby, directed and required to inform the Senate—

First, whether Isaac Walker & Sons, of Philadelphia, Pa., who are engaged in constructing additions to and making repairs on the naval hospital at Brooklyn, in the State of New York, have violated, or are violating, or suffering violations of the act of Congress of August 1, 1892, commonly known as the "eight-hour labor law," by requiring those engaged in laboring for them on said work to work more than eight hours per day; and if so, what steps, if any, have been taken by the Navy Department to prevent such violations; and if like violations are being committed by P. J. Carlan, a contractor, of Brooklyn, N. Y., and what steps, if any, are being taken to prevent the same; and

Second, what measures, if any, have been taken by the Navy Department to prevent violations of the so-called eight-hour labor law on Government works under its supervision; and if no such measures have been taken, what further legislation, in the opinion of the Secretary of the Navy, is necessary to empower the Navy Department to supervise, control, and restrain the action of contractors and builders engaged in the construction and repairs of Government property.

Government property.

Mr. CHANDLER. I desire to say that when this resolution was under consideration yesterday, the Senator from Nebraska was right and I was wrong. There is a law upon the statute book which prohibits the employment for more than eight hours a day of laborers and workmen by any contractor on the public works of the United States, and therefore a resolution which suggests violations of that law is a proper resolution to be adopted. I send the act to the desk and ask that it may be read.

The PRESIDING OFFICER. The Secretary will read as represted if there he no objection.

quested, if there be no objection. The Secretary read as follows:

CHAPTER 352, LAWS OF THE FIFTY-SECOND CONGRESS, FIRST SESSION. An act relating to the limitation of the hours of daily service of laborers and mechanics employed upon the public works of the United States and of the District of Columbia.

mechanics employed upon the public works of the United States and of the District of Columbia.

Be it enacted, etc., That the service and employment of all laborers and mechanics who are now or may hereafter be employed by the Government of the United States, by the District of Columbia, or by any contractor or subcontractor upon any of the public works of the United States or of the said District of Columbia, is hereby limited and restricted to eight hours in any one calendar day, and it shall be unlawful for any officer of the United States Government or of the District of Columbia or any such contractor or subcontractor whose duty it shall be to employ, direct, or control the services of such laborers or mechanics to require or permit any such laborer or mechanic to work more than eight hours in any calendar day except in case of extraordinary emergency.

Sec. 2. That any officer or agent of the Government of the United States or of the District of Columbia, or any contractor or subcontractor whose duty it shall be to employ, direct, or control any laborer or mechanic employed upon any of the public works of the United States or of the District of Columbia, who shall intentionally violate any provision of this act shall be deemed guilty of a misdemeanor, and for each and every such offense shall upon conviction be punished by a fine not to exceed \$1,000 or by imprisonment for not more than six months, or by both such fine and imprisonment, in the discretion of the court having jurisdiction thereof.

Sec. 3. The provisions of this act shall not be so construed as to in any manner apply to or affect contractors or subcontractors or to limit the hours of daily service of laborers or mechanics engaged upon the public works of the United States or of the District of Columbia for which contracts have been entered into prior to the passage of this act.

Mr. CHANDLER. I ask that the date of the act be read.

The SECRETARY. An act approved August 1, 1892.

Mr. Allen obtained the floor.

Mr. HALE. Before the Senator from Nebraska proceeds, let me ask him a question. At what place is the allegation that the law was violated fixed by the Senator? I did not notice that point in the reading of the resolution.

Mr. ALLEN. At what locality?
Mr. HALE. Yes.
Mr. ALLEN. Brooklyn, N. Y.
Mr. HALE. In the navy-yard?
Mr. ALLEN. Yes, in the hospital.
Mr. HALE. I call the attention of the Senator from Nebraska. to what I understand is a fact, that the law which has just been read has been construed as applicable to men employed under contract upon public works, that is, upon buildings, and that it has been construed as not applicable to outside work upon materials been construed as not applicable to outside work upon materials before they enter into or are entering into the construction of the building. Whether that is true about navy-yards I do not know. Mr. ALLEN. I do not think there can be any doubt about its application in this case.

Mr. CHANDLER. The first clause specified in the resolution is work upon the naval hospital in Brooklyn.

Mr. ALLEN. It refers to men engaged in work upon constructing an addition to and making repairs of the naval hospital itself.

itself.

Mr. HALE. Upon the building?
Mr. ALLEN. Yes, and not engaged in planing lumber or sawing lumber preparatory to its going into the building.
Mr. HALE. I think the law has been construed as applying

Mr. HALE. I think the law has been construed as applying clearly to such a case.

Mr. ALLEN. I quite agree with the Senator on that point.

Mr. CHANDLER. It is not stated what P. J. Carlin, the contractor at Brooklyn, is doing, and I should like to call attention to the distinction drawn by the Senator from Maine that the law does not apply to contracts for ships. It applies to nothing except repairs upon real estate, public works of the Government, such as buildings and river and harbor improvements.

Mr. ALLEN. This is purely a resolution calling for information, and I desire to submit simply a word in its support and not to argue it at length.

to argue it at length.

Under the first section of the act of August 1, 1892, volume 27, page 340, of the United States Statutes at Large, it occurs to me that no man can mistake the fact that Congress by that act prohibited the employment of men in its service or men engaged in contract work for more than eight hours per day. Now, I will read that section, although it has been read by the Secretary:

That the service and employment of all laborers and mechanics who are now or may hereafter be employed by the Government of the United States, by the District of Columbia, or by any contractor or subcontractor upon any of the public works of the United States or of the said District of Columbia, is hereby limited and restricted to eight hours in any one calendar day, and it shall be unlawful for any officer of the United States Government, or of the District of Columbia, or any such contractor or subcontractor whose duty it shall be to employ, direct, or control the services of such laborers or mechanics to require or permit any such laborer or mechanic to work more than eight hours in any calendar day except in case of extraordinary emergency.

So that section, prohibits the Government and the District of

hours in any calendar day except in case of extraordinary emergency.

So that section prohibits the Government and the District of Columbia and contractors and subcontractors with the Government from working their men more than eight hours a day.

Now, the singular fact about this matter is that the attention of the Secretary of the Navy was called in a respectful manner by Mr. Charles Burns, secretary of the Board of Delegates of the Building Trades of Brooklyn and vicinity, 123 Smith street, Brooklyn, N. Y., to this violation of the law by Walker & Sons, and to the letter of Mr. Burns the Secretary of the Navy on the 8th of December, 1896, replied as follows: December, 1896, replied as follows:

December, 1896, replied as follows:

Sir: This Department is in receipt of your letter of the 7th instant, in which you state that you are instructed by the Building Trades of the city of Brooklyn to invite attention to an alleged violation of the eight-hour law on the part of the contractor for the naval hospital, and ask that this Department see that the law be not violated by the contractor in connection with the work upon said building.

In reply you are advised that it has been and is the policy of this Department to insist upon an absolute observance, both in letter and spirit, of the requirements of the act of August 1, 182, commonly called the eight-hour law, so far as all laborers or mechanics employed under its direction or control are concerned, and I am not aware of any instance in which the provisions in the law are being violated by any of the subordinate officers or employees of this Department. By reference to the law itself, however—

Have in the remarkable next of the latter of the Secretary of the

Here is the remarkable part of the letter of the Secretary of the Navy, in view of the language of the law which I have read-

you will perceive at once that the Navy Department is not charged with the duty, and is not given the power, to enforce the law with respect to laborers and mechanics employed under the direction or control of con-tractors or subcontractors, the latter being themselves directly responsible for any disregard of its provisions of which they may be guilty.

The Secretary of the Navy takes the position that under the eight-hour law he has no power to enforce the provisions of that law upon contractors and subcontractors doing work upon Government buildings. I disagree with the Secretary of the Navy entirely upon this subject. I have no doubt in my own mind that he has ample power by the language and the spirit and the evident policy of the law, but if he does not possess power and Congress desires to vitalize the law of 1892 and make it effectual,

then it is proper for us to know to what extent the law is being violated by contractors and subcontractors, and what provisions, in the judgment of the Secretary of the Navy, would be essential to preserve the rights of labor.

Now, respecting P. J. Carlin, of whom the Senator from New Hampshire has spoken, I read from a letter written by Mr. Burns to John W. Hayes, the general secretary and treasurer of the Knights of Labor, dated December 19, 1896:

During the past week the contract for building the addition to the hospital, to cost, I believe, about \$40,000, was awarded to P. J. Carlin, of this city—

a firm that the board has been at odds with for some time. This may be very likely a subcontract from Walker & Sons, but am not sure, and if Carlin can work his men nine hours without interference, he will certainly do so. You can imagine what effect that will have on the firms who employ union men and pay the wages. It is the desire of the board that you should bring this matter before Congress.

So Carlin is either an independent contractor with the Government, the same as Walker & Sons, or he is a subcontractor from Walker & Sons, and in either event he is subject to the provisions of the act of August 1, 1892.

I do not desire to make any political capital at all; I am not inspired by any motive of that kind, but it seems idle that the Congress of the United States should pass laws from time to time respecting policies that are to be pursued by our Departments and yet a great Department officer, who has under his control thousands and possibly hundreds of thousands of men, certainly the disbursement of hundreds of thousands if not millions of dollars, should by inaction, in a negative way, if not in a positive manner, constantly, persistently, and without reason set at defiance those laws. Chief Justice Marshall said this was a Government of laws laws. Chief Justice Marshall said this was a Government of laws and not of men; and it was upon the supposition that law reigned supreme in the United States, or should reign supreme, that our Government was formed as a republic. And yet because these men who are compelled to labor for a dollar or a dollar and a half a day, struggling from early morning until late at night to support themselves and families, are made defenseless to a certain extent in consequence of their excessive physical labor, we find great officers of the Government neglecting the enforcement of the law and by that means impinging upon their rights. I do not know what conception a man can have of his obligation to discharge a great public duty conscientiously and to the interest of all involved who can sit down complacently and congratulate himself that he is a great statesman when he is not enforcing the laws made by the Congress of the United States.

The PRESIDING OFFICER. The question is on agreeing to the resolution submitted by the Senator from Nebraska [Mr. Allen].

ALLEN].

The resolution was agreed to.

TERMS OF PRESIDENT AND REPRESENTATIVES.

The PRESIDING OFFICER. Morning business is now con-

Mr. STEWART. I ask unanimous consent that the joint resolutions introduced by the Senator from Vermont [Mr. Proctor] in regard to certain amendments to the Constitution may be laid before the Senate. The joint resolutions were laid over yesterday

before the Senate. The joint resolutions were laid over yesterday by unanimous consent. I was then about to make a few remarks on the subject, but yielded.

The PRESIDING OFFICER. The Senator from Nevada asks unanimous consent that the joint resolutions indicated by him may be laid before the Senate. Is there objection? The Chair hears none. The joint resolutions will be stated by title.

The SECRETARY. A joint resolution (S. R. 180) providing that the Constitution of the United States be so amended that the President shall hold his office for one term of six years, and shall not be eligible for reelection, and a joint resolution (S. R. 181) providing that the Constitution of the United States be so amended that the members of the House of Representatives shall be chosen that the members of the House of Representatives shall be chosen

wery third year.

Mr. STEWART. Mr. President, I desire to say a few words in reference to the joint resolution proposing an amendment to the Constitution to extend the term of the President of the United States from four to six years, and to limit the Executive to one term. So far as the limitation to one term is concerned, I am heartily in favor it. I believe that that has been the concensus of opinion among statesmen for many years, so much so that candidates for the Presidency have frequently pledged themselves that they would not be candidates for reelection. I think Mr. Cleveland, before he was elected the first time, made such a pledge in a

rand, before he was elected the first time, made such a pledge in a very solemn manner and with the approval of the country.

The suggestion to extend the term to six years, however, is, to my mind, most objectionable. I would much prefer to have it limited to two years. The strain in electing a President for four years is about all the country can stand. The prize is too great, and the struggle we have just passed through shows what efforts are made to secure it. It is alleged that millions were expended,

every engine of power was brought into requisition to secure the great prize of the Presidency. It must be remembered that the patronage is growing very rapidly. It has become an all-absorbing subject. The salaries were fixed when prices were much higher

patronage is growing very rapidly. It has become an all-absorbing subject. The salaries were fixed when prices were much higher than now. The money now, in its purchasing power, is double as much as it was when those salaries were fixed. Times are hard; Government employment is a great boon, and it is sought after with a vigor that threatens the stability of the Government. If the elections could occur every two years, at the same time that Representatives in Congress are elected, the President would go into office in harmony with the Congress, and the will of the people would be expressed frequently and easily. There would be no great excitement. The elections would pass off quietly. I believe in trusting the people, to make this a despotism instead of a Republic, is manifested in every great struggle where the Presidential office is at stake. We know very well that other republics have failed over a disputed succession to the presidency. That was recognized by the framers of the Constitution as the great danger to this Republic. Some of the delegates to the Convention were afraid to have a president at all. It was a matter of great discussion. The term was finally limited to four years. If they had put in the other limitation, that a man should be eligible to but one term, it would have been better. If we had an election for President every two years, there would be no great struggle, and the people would submit for two years without making a contest which would destroy the Government. But if a six-year term is involved, there is great danger that a time will come—and it seems if human nature remains the same that the time will term is involved, there is great danger that a time will come—and

test which would destroy the Government. But if a six-year term is involved, there is great danger that a time will come—and it seems, if human nature remains the same, that the time will come—when there will be such a struggle over the succession that it will destroy the Republic.

I hope there will be no effort to lengthen the term, making the danger greater at Presidential elections. Congressional elections pass off every two years without a ripple. Everybody submits; everybody acquiesces. If the Executive could be elected at the same time there would merely be a spirited election, and everybody would be satisfied to wait for two years. On the other hand, if you should make the term six years and a struggle should come on that would endanger the Republic, there would then be a clamor to continue to lengthen the term in order to avoid such danger. That is not the way to avoid political dangers in this country. The way to avoid political dangers is to trust the people, to go often to the people, and to let them know and feel that it is their Government and the Government which they control. Whenever you put this Government out of the control of the people, when you remove it from them, when you make it what you call conservative, you are moving toward despotism, and when you get it very conservative you will produce revolution.

I am a conservative in this respect. I am a conservative who trusts the people and believes in frequent elections. They disturb business less than elections at long periods, when great interests are involved. There is no danger if the neonle are consulted.

business less than elections at long periods, when great interests are involved. There is no danger if the people are consulted often that they will ruin their Government. They will preserve it. The oftener you take the public sentiment upon great questions the better for the Government, and the better for the preservation of free institutions.

I did not intend to elaborate upon this point at all, but I thought, inasmuch as the question was brought up, that this suggestion

ought to be made.

Mr. PROCTOR. If there is no other Senator who wishes to be heard on the joint resolutions, I move that they be referred to the Committee on Privileges and Elections.

The motion was agreed to.

HOUSE BILLS REFERRED.

The following bills were severally read twice by their titles, and referred to the Committee on Commerce:

A bill (H. R. 7781) to provide an American register for the bark Black Diamond;

A bill (H. R. 8190) to provide an American register for the barge

Ceres; and
A bill (H. R. 9865) extending the time for the completion of the bridge across the East River, between the city of New York and Long Island, now in course of construction, as authorized by the act of Congress approved March 3, 1887.

The following bills were severally read twice by their titles, and

The following bills were severally read twice by their titles, and referred to the Committee on Finance:

A bill (H. R. 1708) to amend an act entitled "An act authorizing the appointment of receivers of national banks, and for other purposes," approved June 30, 1876, as amended by an act approved August 3, 1892; and

A bill (H. R. 7210) to amend section 5138 of the Revised Statutes to provide for the organization of national banks in towns of not exceeding 4,000 inhabitants.

The following bills were severally read twice by their titles, and referred to the Committee on Military Affairs:

A bill (H. R. 9593) for the relief of W. H. Wade, late captain

and acting regimental quartermaster Thirty-first Ohio Volun-

A bill (H. R. 9710) to authorize officers who served during the war of the rebellion in the Regular Army to bear the title, and, on occasions of ceremony, wear the uniform of their highest rank.

The bill (H. R. 9707) making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1898, was read twice by its title, and referred to the Committee on Appro-

The bill (H. R. 9709) to better define and regulate the rights of aliens to hold and own real estate in the Territories was read twice by its title, and referred to the Committee on Public Lands.

FREE HOMESTEADS IN OKLAHOMA TERRITORY.

Mr. PETTIGREW. I now desire to call up the unfinished busi-

ness.
The PRESIDING OFFICER. The Chair calls the attention of the Senate to the fact that yesterday, by unanimous consent, it was agreed that the bill to which the Senator from South Dakota refers should be taken up to-day immediately after the conclusion of the morning business. That bill is now in order.

of the morning business. That bill is now in order.

Mr. McMILLAN. If there is no objection to House joint resolution 214, in regard to the inaugural ceremonies, reported yesterday by the present occupant of the chair [Mr. BACON], I should like to have it disposed of at this time.

Mr. PETTIGREW. I desire to have the unfinished business

laid before the Senate.

The PRESIDING OFFICER. The Chair lays before the Senate the unfinished business, which will be stated by title.

The Secretary. A bill (H. R. 3656) providing for free homesteads on the public lands in Oklahoma Territory for actual and bona fide settlers and reserving the public lands for that purpose.

Mr. McMILLAN. The Senator from South Dakota yields to

me, I understand?

Mr. PETTIGREW. I will yield if the joint resolution leads to no debate

Mr. McMILLAN. The joint resolution was read yesterday, and went over upon objection from the Senator from Kansas [Mr.

Peffer].

Mr. PEFFER. I do not object to the consideration of the joint resolution. I shall offer an amendment to it when it is taken up. I do not think it will lead to very much discussion.

Mr. PETTIGREW. If there is to be a controversy over the joint resolution I shall decline to yield.

Mr. PEFFER. I will state to the Senator from South Dakota that I do not think there will be a controversy. I wish to offer an amendment, and perhaps it will be accepted upon being mentioned. If not oned. If not—— Mr. PETTIGREW. I think I must insist upon proceeding with

the unfinished business.

the unfinished business.

The PRESIDING OFFICER. The Senator from South Dakota declines to yield. The unfinished business is now before the Senate.

Mr. PETTIGREW. I suggest the absence of a quorum.

The PRESIDING OFFICER. The absence of a quorum being suggested, the Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their represent.

swered to their names:

Allen.	Chilton.	Hoar,	Pugh,
Bacon,	Cockrell,	Lodge,	Quay,
Baker,	Daniel.	McBride.	Sewell,
Bate,	Davis,	McMillan,	Sherman,
Berry,	Faulkner.	Martin,	Shoup,
Blanchard,	Frve,	Morgan,	Stewart.
Brice,	Gear,	Morrill,	Teller.
Brown,	Gibson,	Nelson,	Thurston,
Burrows,	Gordon.	Peffer,	Turpie,
Call.	Gorman,	Perkins,	Vilas.
Cannon,	Hale.	Pettigrew,	Walthall,
Conton	Hawley	Platt	Wilson.

The PRESIDING OFFICER. Forty-eight Senators having answered to their names, a quorum of the Senate is present.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 3656) providing for free homesteads on the public lands in Oklahoma Territory for actual and bona fide settlers and reserving the public lands for that purpose, the pending question being on the first amendment reported from the Committee on Indian Affairs.

The PRESIDING OFFICER. The Secretary will state the rending amendment.

pending amendment.

The Secretary. In section 1, line 5, after the word "tribes,"

Mr. COCKRELL. What is the effect of the amendment? Let it be read in connection with the text.

The Secretary read as follows:

That all settlers under the homestead laws of the United States upon the public lands acquired by treaty or agreement from the various Indian tribes, who have or who shall hereafter reside upon the tract entered in good faith for the period required by existing law, shall be entitled to a patent for the land so entered, upon the payment to the local land officers of the usual and

customary fees, and no other or further charge of any kind whatsoever shall be required from such settler to entitle him to a patent for the land covered by his entry.

The amendment was agreed to.

The next amendment of the Committee on Indian Affairs was, in section 1, line 15, after the word "entry," to insert the following proviso:

Provided, however, That all sums of money so released, which if not re-leased would belong to any Indian tribe, shall be paid to such Indian tribe by the United States.

The amendment was agreed to.
The PRESIDING OFFICER. This completes the amendments of the committee. The bill is open to amendment as in Committee of the Whole. If there be no further amendments, the bill will be reported to the Senate.

Mr. VILAS. I understand the Senator from Minnesota [Mr.

NELSON] wishes to take the floor to make some remarks.

The PRESIDING OFFICER. The Senator from Minnesota had not indicated his purpose so to do.

Mr. VILAS. I should like to hear the Senator from Minnesota. The PRESIDING OFFICER. The Senator from Minnesota had

not addressed the Chair.

Mr. PETTIGREW. I understand the Senator from Minnesota has some remarks that he wishes to submit upon the bill.

Mr. VILAS. I so understand. However, I do not wish to intrude upon the Senator from Minnesota.

Mr. NELSON. Mr. President, I am aware that considerable prejudice exists in the minds of some Senators in reference to the object and purport of the pending bill. I am satisfied if Senators could be induced to look at the subject-matter in its proper light, from the actual standpoint of the case and the actual facts of the case as they exist, the bill would have the unanimous support of

this body.

In 1862 we adopted the free-homestead law. Under that law In 1862 we adopted the free-homestead law. Under that law thousands of acres were conferred upon active, intelligent, and enterprising settlers, who built up great States. Those lands were among the best lands in the entire borders of the United States, They were lands that we had acquired from the Indians, in one form or another, by treaty and purchase. They had all from first to last cost the United States large sums of money. Still we gave those, the very best of our lands, freely—as free as water—to the settlers on the frontier. The result is that great States have grown up from the adoption of that land policy. You may take a large portion of the State of Wisconsin, my own State, the State of Minnesota, the two Dakotas, Kansas, Nebraska, and most of the States to the west of those I have named, and they have all grown up under this liberal land policy.

up under this liberal land policy.

The lands which are still left, that are the subject-matter of the pending bill, are, so to speak, the mere remnants of our public domain. They are mere remnants in more senses than one. They are not only remnants as being the balances that are left of the large bodies of land that were once occupied and roamed over by

large bodies of land that were once occupied and roamed over by the Indians, but they are remnants in the sense that they are the inferior and scrubbiest portion of our public domain.

Now, most of these lands, the lands in Oklahoma, the lands of the Big Sioux Reservation in Dakota, the lands in Montana, and the other reservations to the south and west, are within what is known as the arid belt of the country—lands that are of little value for agricultural purposes except with irrigation. They are lands which, if not occupied by homestead settlers, would be occupied by the cattle men and the sheep men.

Take the lands in my own State that once belonged to the Chipnewa Indians. These are to a large extent of the poorest and most

Take the lands in my own State that once belonged to the Chippewa Indians. These are to a large extent of the poorest and most inferior grade of lands in the State of Minnesota. The settlers who have gone there are of the very poorest class, so far as pecuniary means are concerned. The lands are in the extreme northern part of the State, and it is a very important matter to get them settled up and developed as soon as possible; and without offering inducements of this kind—that of free homesteads—these lands will settle up slowly and at great sacrifice and suffering to the will settle up slowly and at great sacrifice and suffering to the settlers, who are handicapped with poor lands, a northern zone, and the scantiest of means

The facts as reported by the Land Department in reference to these reservations do not entirely do the question justice. Take, for instance, in the State of Minnesota, the Chippewa Indian res ervations, which in that State are composed of two classes of land, divided by the act opening them for settlement into lands known as pine lands and agricultural lands. The lands that are known as pine lands are not subject to the provisions of this bill. On those lands the pine is examined, estimated, and appraised, and the lands are sold for cash at public sale, to the highest bidder, for not less than the appraised value, which can not in any case be less than \$3 a thousand feet, board measure, for the pine on the land.

A large share of the reservations in Minnesota are of that class of lands which can not be affected by the provisions of the pending bill, because it is simply limited to homestead lands and homestead settlers. The part of the lands in Minnesota to which the bill applies does not exceed in all 2,000,000 acres. By the report made by the minority of the committee it is represented that there are between four and five million acres of those lands subject to homestead entry. That is a mistake. If you take out the lands that are still unceded, if you take out the lands that are subject to appraisal and sale under the pine-land provisions, there are scarcely more than 2,000,000 acres that would be subject to homestead entry, and a large portion of those lands are in the extreme northern part of the State on what is known as the Rainy Lake and Rainy River basin, the basin bordering on the Province of Manitoba upon the north. Much of the land is of a wet and swampy character.

Those lands were thrown open to settlers a year ago. There was a great rush of people up to that country. When they came there they found that a large extent of the lands were flooded and under water, and over 90 per cent of the settlers who had rushed to that water, and over 90 per cent of the settlers who had rushed to that country left and abandoned that region. The few people who finally concluded to stay there, and have settled there for the purpose of making homes, have the greatest trouble in the world to subsist and maintain themselves, and it is inflicting upon them a serious and heavy burden to compel them to pay for those, the poorest and most wretched lands that have been opened for settle-

ment under the land laws in the State of Minnesota

Now take the lands in the other States. Most of them are of the class known as arid lands, and if they are not taken under the homestead law by homestead settlers, they are left undeveloped and untaxed, to be used simply as a range for the cattlemen.

I take it that it is for the interest of the country that these

lands, poor as they are—the arid lands and the swampy and wet lands of the Red Lake reservations—be settled, cultivated, and improved, and be made into farms and homes for those who have

no other means than their strong hands and stout hearts.

The price that is to be paid to the Indians for these lands is but small item. It will cut but a small figure in the aggregate of our disbursements. The Government will more than make up for what it will be compelled, under the pending bill, to pay the Indians for the lands, by their early settlement, by having the lands made productive, and by making them subject to taxation and the other burdens of government. It is better that the lands within the arid belt and the lands in the extreme northern part of our country bordering on the Rainy Lake region should be cultivated and occupied by settlers than that they should remain in the condition they are now in—that of an unsettled

Mr. President, after we have given away oceans of our best and most valuable lands to settlers under the homestead law, without money and without price, surely it would be an act of injustice, when it comes to the disposal of the mere remnants of the poorer and more inferior portions of our public domain, to load the settlers with a burden, a charge that we did not impose upon the settlers

who got the better class of our public lands.

Take the Red Lake Reservation, in the State of Minnesota. There are perhaps about 2,000,000 acres in all that would come under the homestead features of the law. But of those I apprehend that not to exceed a million acres can possibly be settled and improved within the next ten years. By and by, in course of time, if a system of drainage is inaugurated connecting the head waters of Red Lake with the Rainy Lake region, perhaps good portions of that land may be opened to settlement and occupied by actual settlers; but years will elapse before this can be accom-

plished.

We are discussing in the public prints, our public officials are considering, and the question has been agitated here in Congress, what to do with our arid lands, how to promote their settlement and development. Mr. President, there is one way to promote the settlement and development of the arid lands. It is to push forward an army of pioneer homestead settlers by giving them this heavy of five horsesteads. That is one way of selections and forward an army of pioneer homestead settlers by giving them this bonus of free homesteads. That is one way of colonizing and settling a country that would otherwise for years remain a dreary waste. The same is also the case and true with the wet and overflowed lands in northern Minnesota to which I have called your attention. By and by it will be a question how to settle them. In the northern part of Minnesota, within recent years, the legislature of the State has expended thousands of dollars in draining wet lands in order that they can be opened to cultivation and tillage. The sooner we can develop and open such country, whether wet or arid, by public aid, State and national if need be, the sooner will our country reach that state of high development to which we all aspire.

The giving of free homesteads to the settlers who have gone on The giving of free homesteads to the settlers who have gone on these lands is simply a little bonus, a little encouragement to speed them and to fortify them in their task and mission. We give protection by means of a tariff, Mr. President, to the manufacturers, the producers, and the farmers. A few years ago, until it was repealed by the so-called Wilson law, we gave encouragement to the cane-sugar producers of Louisiana and the maple-sugar producers of New England and the beet-sugar producers of the West

in the shape of a bounty of 2 cents per pound. In view of these facts it is no more than just and right that we should give the pioneers who go into the outer verge of civilization, into our frontier country, into this dreary waste of arid and wet land, this pittance of protection and encouragement that is afforded by free

homesteads. This is a protective tariff that can come nearer to them and be more effective than any other.

What is a paltry amount of thirty or thirty-five million dollars to the great Government of the United States? And yet, Mr. President, to these settlers it is everything in the world. It does not begin to equal the amount of sugar bountles we paid under the McKinley Act. What is involved in this bill does not begin the McKinley Act. What is involved in this bill does not begin to equal the amount we are appropriating year by year for the improvement of our rivers and harbors. This is a great country. We must look after all its interests. It is just as much our duty to aid and assist these poor people on the frontier as it is to aid the large cities by improving their harbors, as it is to aid the manufacturer, the laboring man, the miner, the lumbermen, and the farmer, by means of a protective tariff. It seems to me that it is but just and proper that we should aid these poor settlers; and I farmer, by means of a protective tariff. It seems to me that it is but just and proper that we should aid these poor settlers; and I trust that you gentlemen who live here in the Eastern and Middle and older States, who enjoy the benefits of a protective tariff, and who hope to enjoy it in days to come in a more perfect degree, will accord this little tariff benefit to the poor settlers of the frontier. I think they are fairly entitled to it. I think it is a narrow policy to look upon this subject as a mere matter of dollars and cents.

Mr. President, there are some people who fancy that when you talk about public lands, when you talk about Indians, when you talk about pine lands and free homesteads, there must be of necessity some kind of a job in it, some kind of a land scheme. Why, in this little bill there is everything but a land scheme. What-ever there is in it is against the greatest of all land schemes that is possible in this country, and that is the scheme of the cattle kings, the scheme of occupying and using large areas of the public domain without taxes, without any color of title, without any attempt at improvement, simply utilizing them as a naked cattle range. They are the parties who would be benefited and interested by leaving these lands in the condition that they now are in—unimproved. The sooner we can get these lands occupied by bona fide homestead settlers, with their houses and barns, their little gardens, and their little fields, the sooner we can make them into cultivated farms, the better for the country. After we have given acres and acres of land to canal companies, to transportation companies, and to railroad companies, to companies that have become great monopolies, it comes with bad grace at this late day

become great monopolies, it comes with bad grace at this late day to attempt a picayunish spirit of economy at the expense of a few pioneers on the frontier.

Mr. President, there is congestion in the labor world, and has been for more than three years past. Our laboring men are to-day swarming our large cities, idle, and with nothing to do. They are there helpless, a burden to themselves and to their surroundance. ings, many of them living in the most wretched state of poverty. What a blessing it would be if we could get all of those poor, idle men out on the frontier upon quarter sections of land, where they could in time make themselves happy homes, build railroads, churches, and schoolhouses, and develop the country!

Mr. President, we can surely afford to aid the laboring men; we can surely afford to relieve the congested labor situation of to-day this little petty bonus, by saving to them, "If by holding out this little petty bonus, by saying to them, "If you will only go out there on these reservations in Oklahoma, in the Dakotas, in Montana, in Minnesota, if you can pay your transportation to reach these places, Uncle Sam will give you 160 acres of land as a free home." Many of those people may be able to pay their transportation. They may be able to go there and build a little cabin; they may be able to buy an ox team, or a pair of ponies, and a cow or two, and get a breaking plow. They may in fact be able to buy a few of the necessaries that are required to start on the frontier. But when they have procured these things and paid their transportation, and landed on the quarter section where they intend to make their homes, they find themselves utterly empty in pocket, with no money to pay for the land. Now, when a poor man is able to leave the overcrowded city; is able to secure transportation; is able to make a start, but still lacks the requisite amount to pay for the land, would it not be a short-sighted policy, a poor policy, to say to him, "My poor fellow, you can not have what your more fortunate brethren had a generation ago; you can not have these lands unless you pay from a dollar and a quarter to a dollar and a half, or two dollars and a half an acre

Mr. President, the condition that is to-day confronting us did not confront us a generation ago as strongly and palpably as it does to-day, and why? Because we had the great West, the great undeveloped West, our great body of unsettled and undeveloped land, open to homestead settlers, and whenever the realm of labor became overcrowded, whenever there became want of employment and want of the became want of employment. ment and want of room for the laboring men in our large cities,

they could wend their way to the great West, obtain Government homesteads, make themselves happy homes, and build up the country. And thus we were able to stave off the evil days that

are now upon us.

flow to these settlers?

Mr. President, if these lands were of the kind and the quality Mr. President, if these lands were of the kind and the quality that we gave away as a free gift a generation ago, they would to-day be readily taken and paid for at this price; but the lands are the most inferior and poorest of all the lands of our public domain, and we shall, by and by, as I said a moment ago, have one problem to confront, and that is how best to get these arid and unsettled sections of the West, these waste lands, these poor lands, settled and occupied by homestead settlers.

and unsettled sections of the West, these waste lands, these poor lands, settled and occupied by homestead settlers.

There can be no monopoly in this measure, Mr. President. No one can get these lands except homestead settlers. They have to go there and make their homes, improve and settle and cultivate the land. The speculator, the land shark, can not do that. He does not want to get land in that way.

Even if we relieve those poor people from the burden of making this payment, they would still have to comply with the homestead laws in all other respects. Under our legislation the only practical way by which lands of this kind can now be obtained, I mean agricultural lands, is as homesteads under the homestead law.

These men still have to go there; still have to improve, settle, and cultivate the land, and live there five years, unless they are ready to pay for it. The settlers have still, if you relieve them from the burden of paying for those lands, to live on them five years, improve them, and cultivate them in order to obtain them free. No land shark, no speculator, no land schemer is going to do that. Under the provisions of the homestead law, requiring five years' settlement, improvement, and cultivation, none but bona fide settlers can get these lands.

I submit again, as I did a moment ago, that in view of the condition existing in this country at this time among laboring men, it ought to be the duty and it ought to be the inspiration of every statesmen to do all he can to encourage and aid the idle laboring men and mechanics to leave our large cities, go to the frontier, and make themselves homes. In no way can we aid them and encourage them to do this more practically, more effectively.

laboring men and mechanics to leave our large cities, go to the frontier, and make themselves homes. In no way can we aid them and encourage them to do this more practically, more effectively, more justly, than by giving them free homesteads without money and without price; and I appeal to you, my friends from the older States, who have had the benefits and advantages of a protective tariff; you who have had the benefits and advantages of a bounty upon your sugar; you who are not subject to the toils, tribulations, and annoyances of pioneer life; you who are our older and stronger brethren—I appeal to you under these circumstances and conditions to aid us in giving our people in the far West this little bonus, this little protection, and this little advantage contemplated by the amended bill. What will the paltry sum of thirty or forty million dollars in the course of time be to the great Government by the amended bill. What will the paltry sum of thirty or forty million dollars in the course of time be to the great Government of the United States as compared with the advantages which will

I hope, Mr. President, without taking up further time of the Senate, that Senators will look at this question, not from the narrow standpoint of the "almighty dollar," but from a broad, humanitarian standpoint; that they will look at it in its good results, that they will look at the question from the standpoint of how much good it will do for our poor, suffering, needy humanity. If they look at it in that light, I feel assured that this bill will pass with but few dissenting votes.

Mr. ALLIEN. Mr. President, I desire to offer but a word or

pass with but lew dissenting votes.

Mr. ALLEN. Mr. President, I desire to offer but a word or two in support of the pending measure.

Mr. PETTIGREW. I suggest the absence of a quorum.

Mr. ALLEN. I hope the Senator will not do that.

Mr. CHANDLER. It is too late to object. The suggestion having once been made, it can not be withdrawn.

Mr. ALLEN. 1 thought possibly the Chair did not hear the

The PRESIDING OFFICER (Mr. HILL in the chair). Senator from South Dakota withdraws it, the Chair did not hear it.
Mr. CHANDLER. I yield to the deafness of the Chair, though
it has never been observed before in that position.
The PRESIDING OFFICER. The Senator from Nebraska has

the floor.

Mr. ALLEN. Mr. President, I desire to offer but a very few words in support of the pending measure. I shall cast my vote for the passage of this bill, and I desire to detain the Senate long enough only to give some of the reasons that will actuate me in

It has been the policy of this nation to dispose of its public lands in aid of works of internal improvement on the supposition that actual settlement would result in greater good to the public than doling them out for a mere pittance. The reasoning applies with double force in the disposition of the public domain to homestead

Both of the old political parties possess a history on the subject of homesteads well worthy of consideration at this time.

In 1860 the Republican party declared in its national platform-That we protest against any sale or alienation to others of the public lands held by actual settlers, and against any view of the free-homestead policy which regards the settlers as paupers or suppliants for public bounty—

I call the attention of the Senator from Connecticut [Mr. PLATT] to that language-

and we demand the passage by Congress of the complete and satisfactory homestead measure which has already passed the House.

In 1872 it was said by that party that-

We are opposed to further grants of the public lands to corporations and monopolies, and demand that the national domain be set apart for free homes for the people.

In 1876 the Republican party again said:

We reaffirm our opposition to further grants of the public lands to corporations and monopolies, and demand that the national domain be devoted to free homes for the people.

In 1884 it said:

The public lands are a heritage of the people of the United States, and should be reserved as far as possible for small holdings by settlers.

In 1888 the same party declared:

We reaffirm the policy of appropriating the public lands of the United States to be homesteads for American citizens and settlers, not aliens, which the Republican party established in 1862.

In 1892 it was declared:

We favor cession, subject to the homestead laws, of the arid public lands to the States and Territories in which they lie under such Congressional restric-tions as to disposition, reclamation, and occupancy by settlers as will secure the maximum benefits to the people.

In 1896 it said:

We believe in an immediate return to the free-homestead policy of the Republican party, and urge the passage by Congress of a satisfactory free-homestead measure such as has already passed the House and is now pending in the Senate.

At this point I think it advisable to call the attention of the Senate to the remarks of the Senator from Connecticut made in this body on the 7th of this month in discussing this question. On page 539 of the Congressional Record of that date this colloquial discussion took place:

On page 539 of the Congressional Record of that date this colloquial discussion took place:

Mr. Allen. Will the Senator allow me to ask him a question?

The Presiding Officer. Does the Senator from Connecticut yield to the Senator from Nebraska?

Mr. Platt. Yes, sir.

Mr. Allen. I only wanted to call the attention of the Senator from Connecticut to the Republican platform of 1898 on this subject.

Mr. Platt. Do not undertake to break me up in that way. If it is anything about the Nez Perces, I shall yield.

Mr. Allen. Will the Senator permit me to read it in this connection?

Mr. Platt. It was read yesterday, and it has been alluded to several times since this matter was before the Senate.

Mr. Allen. It is as follows:

"We believe in an immediate return to the free-homestead policy of the Republican party, and urge the passage by Congress of a satisfactory free-homestead measure."

Referring to this identical bill.

Mr. Platt. If I am accused of violating any portion of the Republican platform, I prefer the accusation shall come from a member of my own party, rather than from members of other parties.

Mr. Allen. Mr. President, if the Senator will permit me, it is barely possible that a member of another party might be in a position to judge whether a Republican is living up to the faith of his party, or whether the platform was simply promulgated to deceive voters.

Mr. Platt. I may as well say one word on that subject, and I hope I may be able to get back to the Nez Perces Reservation, which I shall keep carefully in one corner of my brain while I am talking about another matter.

We all understand how matters creep into national platforms; and I venture to say that when that resolution and that platform was adopted there were not fifty delegates in the St. Louis convention who paid any attention to it or knew what it was about, or had any idea of what it involved.

Mr. Allen. But are they not bound by it?

And here is the remarkable language of the Senator from Conpecticut.

And here is the remarkable language of the Senator from Con-

Mr. Platt, I am not; and I think that before we get through the discussions of this Congress I shall be able to refer to some planks or resolutions in some of the Populist platforms, or the platforms of the party with which the Senator from Nebraska has acted since he broke into national politics, which he scarcely would feel like saying he was bound by.

The particular language, or perhaps I should say idea, to which I desire to call attention is the open declaration of the Senator from Connecticut that he is not bound by the plain declarations of his party platform, and the implied admission that this declaration in favor of free homes, in favor of this precise measure— because it was pending before Congress at the time the platform was adopted—has no force whatever, and was simply designed to mislead honest voters and obtain their votes upon the supposition that that was an honest declaration upon the part of the party which it intended to execute.

I have no desire at this time, Mr. President, to comment upon what I believe to be a very grave vice of American politics, and that is to be found in good men coming together in a convention and promulgating a platform in which certain doctrines are announced, with the distinct understanding at the time that the declarations have no force; that they are simply to be used as a means to lift the party into power, and when the party comes into power it is not bound to execute the doctrines as therein announced.

Mr. HOAR. May I ask the Senator a question? Mr. ALLEN. Certainly.

Mr. HOAR. I should like to ask him on what theory of morals he speaks of such people as "good men?"

Mr. ALLEN. I shall have to ask the Senator from Massachu-

Mr. ALLEN. I shall have to ask the Senator from Massachusetts to be a little more specific and definite in his question.

Mr. HOAR. Perhaps I misunderstood the Senator, but I understood him to say that he was about to speak of a practice which prevailed in American politics by which "good men" got together and announced a platform containing a declaration for political purposes, and then said afterwards that it was merely

together and announced a platform containing a declaration for political purposes, and then said afterwards that it was merely intended to carry the election and get people to support their candidate. Perhaps I have not quoted the Senator's exact language.

Mr. ALLEN. Perhaps I would better qualify the statement by saying "good men in all other respects."

Mr. HOAR. And scoundrels in that respect.

Mr. ALLEN. Not necessarily so.

Mr. HOAR. I should think so.

Mr. HOAR. I should think so.

Mr. ALLEN. Politicians in that respect.

Mr. HOAR. I should say scoundrels.

Mr. ALLEN. Possibly the Senator would. He is plainer in his language than I am. I do not intend to make the charge which the honorable Senator from Massachusetts, I suppose, would have me make if he could have his way about it—that all such men are scoundrels. I would not be guilty of a charge of that kind, but I say that a spirit has grown up in this country, and it has been practiced in the Republican party, according to the admission of the honorable Senator from Connecticut, of making declarations of great doctrines to be applied in the administration of our affairs and crystallized in the form of statutes when there is not the slightest purpose on the part of the persons when there is not the slightest purpose on the part of the persons who engage in formulating these doctrines and platforms that they shall ever become laws or be acted upon. It is a thing, Mr. President, to be deprecated, not to be commended or excused under any circumstances, and I was forcibly struck with this language of the Senator from Connecticut, whom I regard as one of the algorithms of American tetratory.

language of the Senator from Connecticut, whom I regard as one of the ablest and fairest of American statesmen.

The Democratic party also has a history on this subject of "free homes." In 1868 it declared that the public lands should be distributed as widely as possible among the people, and should be disposed of either under the preemption or homestead laws or sold in reasonable quantities, and to none but actual occupants, at the minimum price established by the Government.

In 1872 it advanced a step further, declaring that:

We are opposed to all further grants of lands to railroads or other corpora-tions. The public domain should be held sacred to actual settlers.

In 1880 it said that-

Public money and public credit for public purposes solely, and public land for actual settlers.

In 1884 the party said again:

We believe that the public land ought, as far as possible, to be kept as home-steads for actual settlers. * * *

In 1892 it was declared by them—
That every acre * * * shall be reclaimed and restored to the people.

In 1896 the party said:

The Democratic party believes in home rule, and that all public lands of the United States should be appropriated to the establishment of free homes for American citizens.

While this last declaration does not pronounce in favor of the pending measure, as the Republican platform of 1896 does, yet it was drafted and put out with the knowledge of those who participated in the Democratic national convention that such a measure was pending before Congress. The same policy respecting public lands has been repeatedly asserted by other political parties.

In 1872 the Labor Reform party declared—

That all public lands of the United States belong to the people and should not be sold to individuals nor granted to corporations, and should be held as a sacred trust for the benefit of the people, and should be granted the landless settlers only in amounts not to exceed 160 acres of land.

In 1876 the Prohibition party declared for

The appropriation of the public lands, in limited quantities, to actual settlers only.

In 1884 the Greenback party demanded the reclamation of public lands that had been granted to corporations where the terms of the grant had been unfulfilled, and said that they should be— Held as a sacred trust, to be granted only to actual settlers in limited quantities

In 1892 the Populist party said:

The land, including all the natural sources of wealth, is the heritage of the people, and should not be monopolized for speculative purposes, and allen ownership of land should be prohibited. All land now held by railroads and other corporations in excess of their actual needs and all lands now owned by aliens should be reclaimed by the Government and held for actual settlers

only.

I call attention, Mr. President, to this splendid declaration of a great truth, that "the land, including all the natural sources of wealth, is the heritage of the people, and should not be monopolized for speculative purposes," or in any other form.

In 1896 it was said by that party:

We demand that bona fide settlers on all public lands be granted free homes, as provided in the national homestead law.

And upon that declaration, Mr. President, in fulfillment of the

And upon that declaration, Mr. President, in fulfillment of the requirements of the great political party to which I owe allegiance, I take my stand.

There is no difference, however, in the principle announced by the political parties. They have all demanded, down through the years from 1860 to the present, that the public lands of our country which were not fit for agricultural purposes should be held as a sacred trust for actual settlers; and now we are told for the as a sacred trust for actual settlers; and now we are told for the first time, after the Republican party has won a great victory on this with other declarations that it made, that this plank in the platform amounts to nothing; that the honorable Senator from Connecticut will not be bound by it; that it does not bind the party to which he belongs; and therefore, as a sequence of his position, it was made simply to mislead voters.

How do these declarations which I have just read from the Republican platform sound in comparison with this language of the Senator from Connecticut?

For seven or eight years Congress has recognized this policy, has acted upon it, and during the whole time there has not been a suggestion from any quarter in the United States that that was not what the Government ought to do-

speaking of the policy of charging actual settlers so much per acre for those lands. In fact, there had never been a declaration from any authoritative source that there should be any other permanent policy pursued by this Government respecting the public lands than to open them to the poor and needy for homestead pur-

lands than to open them to the poor and needy for homestead purposes. Every declaration of every political party had committed the party to that policy.

Now let me call attention to another thing, and I put my support of this bill above the mere question of the dollars and cents to this Government which there may be in the transaction at this time. What will become of these settlers whose interests are involved at this time if we are to pursue the grasping policy of requiring them to live up to the letter of the contract? I think it is quite evident to Congress, it is evident to the people of the United States, that those people can not live up to their contract. But the Senator from Connecticut seems to assume that they

are anxious to recede from their contracts and anxious to throw themselves upon the Government and receive aid from it, as he themselves upon the Government and receive aid from it, as he puts it. He tells us that there has grown up in this country a disposition upon the part of certain citizens whenever the affairs of the world do not go to suit them and they meet with some difficulty in financial matters to appeal to the Congress and the Government for aid. Mr. President, if there is a spirit of that kind in this country outside of those who are constantly appealing to Congress to give protection to their industries by the imposition of additional tariff taxes, I do not know it. I do not know of such persons persons.

The honorable Senator from Connecticut spoke of paternalism, and he connected that expression with the people who are occupying the public lands. It has become quite common of late, when seeking to defeat a measure, to point out that it is paternalistic in its character, and by that means to hold it up to ridicule. I challenge the honorable Senator to point out a government on the face of the habitable globe now or in the past which was not or is not in its first conception paternalistic. Our Government is a paternalistic government in a qualified sense. The very fact that human beings come together and form a government for mutual protection, giving authority to congresses presidents and indeed numan beings come together and form a government for mutual protection, giving authority to congresses, presidents, and judges, is of itself evidence of paternalism in a qualified form. But I do not myself believe in that species of paternalism which would have the Government assume responsibility for all the misfortunes and financial ills of the individual. However, we have pursued this policy of opening our public domain to actual settlers, to homestead settlers, and why now, with the few remaining acres of land that is not highly desirable, should we change and require the settlers to pay \$2.50 an acre? settlers to pay \$2.50 an acre?

settlers to pay \$2.50 an acre?

It will be impossible for the homestead settlers on these lands to pay their obligations to the United States; this fact is practically settled. They have not the means to do so, nor is it probable that they will be able to do so for many years to come, if ever; and the Government will be reduced to the necessity of expelling them from their homes, unless it shall see proper to pursue the policy that has been pursued in the past; and I know of no reason why it should not pursue that policy. Why should we, at this time in our national history, reverse the course that has been pursued by the Government respecting the opening and settlement of sued by the Government respecting the opening and settlement of our public lands, and especially as the lands we are now offering to settlers are not equal in value or productiveness to those heretofore given away?

It is claimed in the minority report that the Government would lose several million dollars if these lands are not paid for by the settlers, but the settlers can not pay for them, and therefore the loss must take place, whether they are permitted to occupy them or are expelled from them. But what is the loss of four or five million dollars in comparison to the potential loss to be sustained by the Government by hundreds of thousands of people being

driven from their homes and becoming charges on the balance of the nation, by being deprived of earning their own living on these lands, even if it be of a very meager character? Good citizens can only be produced from men and women who have homes of their only be produced from men and women who have nomes of their own. A tenantry never make the most valuable citizenry of a country; being without homes and without the sacred memories that cluster around them, they are robbed of the inspiration that comes from owning a habitation, however humble and unpretentious it may be, while those who have homes, even though they may be of the most moderate kind, are usually citizens of resolute may be of the most moderate kind, are usually citizens of resolute character and determined purpose, and their homes are as sacred to them as the most pretentious palaces of the land. To such a people, ultimately, the nation must look for its defense in times of war, for the payment of taxes, and for the manifold services that are required of, and are essential to be rendered by, a people in support of their nation.

And looking at the question in this breed and are described.

And looking at the question in this broad and comprehensive light, I distinctly assert that the United States can not afford to drive these people from their homes, and all this, sir, apart from any sentiment that may attach to the question.

It should be remembered that these lands are distant from mar-

any sentiment that may attach to the question.

It should be remembered that these lands are distant from market, and what little they produce is made very cheap and almost unsalable as a consequence of that fact, but their products will sustain life; they will feed the few animals they are able to raise, and after long and weary years of privation on the part of husband, wife, and children, a home may eventually be established and some of the comforts of life acquired.

There are other hardships incident to pioneer life, of which many of us can speak from personal knowledge. There are diseases incident to new and undeveloped countries that must be subdued and overcome, as we subdue and overcome the physical difficulties. There are obstacles to be found in the absence of church, school, and social privileges that must be overcome after years of perseverance and energy. Cities, towns, and homes must be constructed, churches and schools erected, after these citizens have taxed their property and their energies to the utmost. These are blessings that must be made by thrift, by economy, and by energy, and they should be considered by the Senate in determining whether this bill shall become a law or not. I leave out of view the question of mere "cent per cent" in this matter, and assert that we can not afford to higgle, dicker, and deal, as hucksters would, respecting the disposition of public lands. These lands must either be settled by a courageous class of American men and women who are willing to undergo the hardships of pioneer life in the erection of homes and the founding of communities, or they must be turned back to the public domain to remain an unbroken wilderness save as they may be used by cattle kings, who will must be turned back to the public domain to remain an unbroken wilderness, save as they may be used by cattle kings, who will

pay nothing for their use.

Under such circumstances there is little doubt in my mind as to the course that reason and humanity dictate we should pursue. And what, in the event these people are turned from their homes, as they must be, if this bill is defeated, will become of the slight improvements they have made upon their lands? All the money they had when they began their settlement was invested in their homes, in breaking out a portion of the land, in building stables, sheds, yards, and pastures, and in the construction of other improvements that can not be taken with them if they shall be improvements that can not be taken with them if they shall be expelled. These improvements, in many instances, are of more actual value than the lands themselves. What will become of them? Are these poor and worthy people to lose the money and labor they have invested in the lands by our action, through no fault of their own? Is it not enough that they should be required to undergo the privations and dangers incident to life in a new country without being forced to lose the money they have invested in the forms and improvements and the time they have uncomin the farms and improvements and the time they have uncomplainingly devoted to the cultivation and building up of communities in an attempt to subdue a new country, grow crops, and establish commerce, and would not the benefit to be derived to the United States by the final conquering of this portion of our country, and the adoption of some means that will make it productive, be a thousandfold greater than the mere pittance that would be received from compelling these people to pay for their homesteads, if the amount can be squeezed out of them, or be expelled from them in consequence of lack of ability to pay?

Mr. President, there are no circumstances under which Congress

Mr. President, there are no circumstances under which Congress can afford to deprive these people of their homes. We can not commit such injustice in the eyes of an intelligent and God-fearing people. The settlers should be given a complete title by occupying and cultivating the lands the requisite length of time under the provisions of the general homestead act. Open these lands to actual settlers, and through the honest toil and privation of a brave and generous race, pioneers' homes will be built that will bless their owners, their posterity, and the Government that magnanimously gives them.

The declarations of the different political parties so repeatedly made and reiterated respecting the opening of the public domain to homestead settlement render it impossible for any of them to

deny that the granting of free homes has become an established policy of the United States. Is this policy now to be reversed in the disposition of the semiarid lands of our country? The reasonthe disposition of the semiarid lands of our country? The reasoning underlying the granting of public lands in aid of works of

ing underlying the granting of public lands in aid of works of internal improvement supports with more force the granting of our lands to private individuals and to actual settlers.

I place my support of this measure on higher ground than has yet been stated. The United States possesses the power to give its lands to actual settlers, and as the right to occupy the earth and draw sustenance from the soil is as complete and perfect in every individual as the right to enjoy the sunlight and the air, and is as indispensable and necessary for that matter to the maintenance. indispensable and necessary, for that matter, to the maintenance of life, a wise and judicious policy, and the dictates of duty, mingling with the merciful and just, prompt the adoption of this course. The world has become altogether too sordid and grasping, and now that we have reached the reign of bankruptcy and suicide, logical sequences of the financial policy recently adopted by the country, I believe it is wise for us to pause and retrace our steps as speedily as possible and enter on an era of unqualified justice to all.

Mr. PLATT. I suggest that there is not a quorum present.

The PRESIDING OFFICER (Mr. CARTER in the chair). The absence of a quorum being suggested, the Secretary will call the

The Secretary called the roll, and the following Senators answered to their names:

Jones, Ark. Lodge. McBride, McMillan, Mantle, Martin, Murphy, Nelson, Peffer, Perkins, Pettigrew, Platt, Clark, Cockrell, Cullom, Daniel, Davis, Faulkner, Frye, Gear, Gibson, Gordon, Hawley, Hill, Allen, Allison, Pugn, Quay, Roach, Sewell, Shoup, Stewart, Teller, Turpie, Vilas, Walthall Alison, Bacon, Berry, Blanchard, Brown, Burrows, Call, Cannon. Walthall, Wetmore Carter, Chandler, Chilton,

The PRESIDING OFFICER. Forty-seven Senators have an-

swered to their names. A quorum is present.

Mr. VILAS. Mr. President, this bill hardly seems to attract
much interest, and yet it is a bill which proposes to surrender much interest, and yet it is a fill which proposes to surrender some \$35,000,000 of money, according to the report of the Secretary of the Interior, in part at least now due to the United States upon contracts which have already been made between the Government and various individuals. It is due from the several individuals in small amounts, varying from \$160 or less, perhaps, to as much as \$400 or even \$480 in amount. It is therefore a bill to bestow upon individuals these several sums of money which in

as much as \$400 or even \$480 in amount. It is therefore a bill to bestow upon individuals these several sums of money which in the aggregate is very large.

It would seem to require strong reasons, granting the rightful power of Congress to do it at all, to justify its passage, and it is interesting to note what are the reasons proposed for the measure. So far as I have been able to discern by listening to the arguments of its friends, they are of a twofold character. One relates to a question of public policy. It is proposed to reverse, to repeal the laws which have been enacted during the last eight years in respect to the disposition of certain parts of the public domain, and it is said that this ought to be done as a matter of sound public policy, that the people should recur again to the principles of the homestead law and bestow these lands without money and without price upon them who have entered on the land for the purposes of settlement and making homes. The other reason is one based simply on alleged fact. It is contended that the various persons who have made these contracts with the United States are too poor to enable them to perform their contracts.

Now, a different method of consideration is required of these different reasons. The two ought not to be confused. If it is desired to reverse the policy which has been adopted during the last eight years, and to relinquish entirely the contracts which have been made with the United States under that policy, then necessarily it follows that the proposal of the Committee on Indian Affairs is a correct one, and that the policy should be extended to all cases of public land. But it seems to me worth while to consider with a little more care whether this policy ought to be reversed.

The homestead law was a very different thing from the proposal

reversed.

The homestead law was a very different thing from the proposal The homestead law was a very different thing from the proposal which is now before the Senate, and the principles of the homestead law as it was originally enacted do not support the proposition now urged for adoption. At the time when the homestead law was first proposed the people of this country did not number one-half so many as at present compose its population. The public lands of the United States were wild, remote from civilization, lands of the United States were wild, remote from civilization, unprovided with roads or other means of easy communication, and the settler who was invited to experiment in the forests or upon the remote plains was challenged to a life of privation and hardship very different from that which exists in connection with the lands to which the pending bill relates.

The homestead law was one of the measures which arose out of the great contest between slavery and its opponents in this country, and if we recur to the arguments which were proposed in support of that law we do not by any means find in them the motives which really underlay the proposal of it at that time. The homestead law had its origin in that body of men who were known as Free Soilers, and the contest was a contest on the one hand for the establishment of free States and was resisted lest there should come to be an undue proportion in the arrangement of the Federal Union between the States which were free and the States which maintained the institution of slavery. The argument against the homestead law was at that time that it was unconstitutional, and the first homestead measure was vetoed by Mr. Buchanan on that ground among others, and his veto was sustained in the Senate. Yet that homestead bill proposed a paysustained in the Senate. Yet that homestead bill proposed a payment of 25 cents per acre by the homestead settler after he should have completed the term of years required to entitle him to the land. That price, the President said, was merely a nominal price, and hence in reality the question was whether the Congress of the United States possessed the power under the Constitution to bestow upon individuals the public property of the Government.

The homestead law was passed as an outcome of the great slavery controversy. It was passed in the first Congress which met after war was developed between sections of the country. But the principle upon which that law went was, as I have already said, very different from that now proposed. Then it invited the settler to enter upon lands which had no value except a prospective one, and in order that he should obtain the lands the settler was required by his labor, as well as by that of others like him, in privation, in suffering, even in peril, to furnish a consid-eration moving from him to the Government quite equal to the value of the land he would obtain in the end, and, on the other hand, the Government derived, by the action of the settlers in building up communities where it possessed only a wilderness, a consideration moving to the Government much exceeding the value of the lands which it bestowed.

value of the lands which it bestowed.

The conditions came to be very different by the year 1889. Indeed, some time before that period settlement had extended over the area of the UnitedStates. There were many reservations of Indians which were of excellent land. The value of that land in the market had already become established as a present, not a prospective, value. On all sides of such reservations settlement existed; railroads had been built; many of the reservations were traversed by trunk lines of railroads; there wanted nothing but the mere experiment to take them to realize at once an immediate. the mere opportunity to take them to realize at once an immediate

the mere opportunity to take them to realize at once an immediate and present value, generally far exceeding the price which was proposed by the United States.

So Congress adopted a new policy, gradually coming to it, as such things are usually done. In the first place, Congress made such treaties as were made with the Osages in Kansas and with the Utes in Utah and Colorado. The Government undertook as trustee for the Indians to sell the lands to settlers at prices stipulated in the treaties and to receive into the Treasury of the United States the moduce of such sales and to hold it as a trust fund for States the produce of such sales, and to hold it as a trust fund for the Indians. That was the case with the Osages; and by that action the Government of the United States, as the mediator between that tribe and settlers who wanted their lands, obtained for the Indians a vast sum of money, sufficient to make that people to-day the richest people on the face of the earth, every Indian of that tribe being entitled to receive in the interest annually paid by the Government upon the trust funds a sum of money almost if not quite sufficient to support him; a family of that tribe, father and mother with three children, receiving annually about \$800 in money from the Government, besides being possessed of an abundant farm, with house, and equipment of horse, wagon, and utensils for agriculture.

If the policy of a free homestead is to prevail, why should not the settlers in Kansas who paid for those lands be reimbursed by

the United States?

The next step in the mediation between tribes and settlers covetously seeking the lands of the Indians was for the United States to agree directly with the Indians to pay them a specific price; and, on the other hand, to sell the lands directly to the settler. That was the course pursued in Oklahoma in respect to Indian reservations, and in Minnesota, in Oregon, Montana, and some other

The third policy was that adopted with reference to the Great Sioux Reservation. There the Government paid first a partial sum of money, \$3,000,000, as an advancement on the price which the Indians should receive, and agreed that they should have all the residue over and above that sum which would result from the sales to settlers at prices stipulated, guaranteeing at least 50 cents

per acre in ten years.

Now, let us observe for a moment the operation of this new policy: Take the case, for example, of the Cherokee Outlet. Before the Indian title, such as it was, to the lands in that strip, embracing about 6,000,000 acres, was extinguished, there was settlement on the south of it, settlement on the north of it, on the

west of it, and on the eastern end was the Cherokee Nation, one of the Five Civilized Tribes, maintaining a government superior to anything which any other Indians except the Five Civilized Tribes have ever succeeded in attaining. That strip was already crossed by several trunk lines of railroads. The lands were described as being among the best lands of the United States; their fertility was universally lauded; and for years men who knew all about the circumstances pressed in great bodies to enter upon that property and enjoy it. The United States was obliged, in order to maintain its treaty with the Indians, to use its troops to repress the avidity of the settlers to take possession of that delectable land. table land.

After long negotiation, and after the application to those Indians of something very like governmental duress, they yielded their desire to retain their property and sold it to the United States, and the United States opened it to settlement upon condition that a new system of preemption should take the place of the former laws for preemption and sale. The old preemption law was repealed. That law provided that any person who wished to buy the lands of the United States might by first settling upon the lands of the United States might by first settling upon the lands, cultivating and improving them, and building a home, become entitled to buy at the fixed price. The new preemption law, which was passed in pursuance of the policy I have spoken of, was a wise one, calculated to be for the benefit of the honest settler. It gave, first, the right to buy those lands only to the genuine homesteader who should enter upon them, cultivate, and improve them, and reside there for five years. It thus gave that settler a chance as against the speculator. It gave that settler an opportunity to earn the money to pay for the land by a cultivation of it as his own for five years without the payment of local taxes.

Mr. President, that was a generous preemption law. At the time when it was devised for the Cherokee Outlet those lands were estimated to be worth, and I suppose they were worth, on an average, at least \$5 per acre, perhaps \$10, and in some instances more than \$10 per acre; and yet it was proffered to the settler to choose his home of 160 acres, build his house, raise his crops, and at the end of five years of effort he had to accumulate on some of lands only \$160; on other lands, \$240; on other tracts he would be required to accumulate as much as \$400. That was all that was asked of the settler, to save in five years' time money to that amount, in order to purchase a farm of 160 acres.

Mr. President, it seems to me that from every point of view that policy, instead of being repealed, ought to be maintained. Of course there may be a difference with respect to different tracts of land in different portions of the country. In some of the reservations, and I suppose that is true of the Great Sioux Reservation, there are lands of little value. Those the settlers for whose relief this bill is proposed did not select. They had the first pick of the land. The especial beneficiaries of this measure had the first land. The especial beneficiaries of this measure had the first choice in every case of the lands upon which they were to enter. They excluded by their choice others who were as eager as they to obtain the lands and pay the price. More than that, sir, to pass this bill now for their benefit would be a peculiar injustice to poor men who at that time would have been glad to take those lands if they had had the opportunity open to them then to take them without price.

without price.
Mr. PETTIGREW. Will the Senator from Wisconsin allow

me a moment?

Mr. VILAS. Certainly.
Mr. PETTIGREW. There are 8,000,000 acres of these lands still untaken by anyone in the United States to which those people can

go. There are several million across the have an opportunity to take lands.

Mr. PLATT. May I ask a question right there?

Mr. VILAS. Let me remark with reference to the Great Sioux min the State of South Dakota (extending also, I believe, into Nebraska and North Dakota), there are doubtless many bad lands. They are known as such and so marked on the map. They, however, are paid for at the price of but 50 cents per acre because of that fact. I suppose there are very few lands in fertile Oklahoma which have not already been taken.

Mr. PLATT. I wish to inquire whether it is not true with reference to the Great Sioux Reservation that the lands which control the grazing of that entire reservation have been entered upon under the law?

Mr. VILAS. I suppose it is true; but I will ask the Senator from South Dakota if that is not the case?

Mr. PETTIGREW. I will answer the Senator by saying that

Mr. PETTIGREW. I will answer the Senator by saying that there are still large areas of this reservation containing water. I suppose that is what the Senator refers to.

Mr. PLATT. That is what I mean; whether there is water.

Mr. PETTIGREW. There are still large areas of it open to settlement under the law, and any citizen of the United States who has not had a homestead right can go there and take it. There are hundreds yet of those claims.

Mr. VILAS. On the question of fact which is urged in support

of this measure I shall address some observations before I am through. I am speaking now generally of the question of policy, whether the United States should now reverse for the benefit of the settlers the policy which was devised originally for the benefit of their class, wisely devised for their benefit, as well as with justice to the public, and by which they have succeeded in obtaining possession of the very best lands which the United States offered for sale out of this tract of 33,000,000 acres.

Now, let us not confuse the question of fact with this question of policy. There lie in other parts of the United States still other Indian reservations which have not yet become the property of the United States except in its sovereign capacity. The proprietary title of the Indian there still remains in Indian ownership. Some of those lands are among the very best. In the State of Washington there are lands within one of the Indian reservations which I suppose are worth on an average from \$50 to \$75 per acre. which I suppose are worth on an average from \$50 to \$75 per acre. There are other lands within that Indian reservation (or were the last time my attention was attracted to it) which white men were striving to get, that were said to be worth very much more than that, even a thousand dollars per acre—lands within the reserva-

that, even a moderate control of Tacoma.

In many parts of the United States there still remain Indian lands which undoubtedly will eventually come into the possession lands which undoubtedly will eventually come into the possession of white owners that are of a present value far exceeding any price that was ever proposed to be charged to the settler. Are we to deny to the general public who will buy these lands of the Indians the right to have the price which they shall be compelled to give repaid by the settlers upon whom the right of purchase shall be bestowed, the Government being in truth only a mediator? This new species of preemption by a homestead settler, I repeat, is a most fair, generous, and beneficent provision; fair to the whole people of the United States, and considerate and beneficial to those who will have the advantage of it.

Mr. ALLEN. I should like to ask the Senator from Wisconsin a question.

a question.

The PRESIDING OFFICER. Does the Senator from Wisconsin yield to the Senator from Nebraska?

Mr. VILAS. Certainly.

Mr. ALLEN. Does the Senator desire to reverse the policy of his party, declared no later than July last? The party at that time, if the Senator will permit me, expressed itself in favor of the rending bill.

the pending bill.

Mr. VILAS. Mr. President, there was almost nothing in the platform to which the Senator alludes which I do not consider inimical to the welfare of the people of the United States.

Mr. PETTIGREW. I should like to ask the Senator what plat-

form he refers to? Mr. VILAS. I refer to the platform to which the Senator

Mr. PETTIGREW. I presume he alluded to the Republican platform, which I suppose the Senator from Wisconsin supported.

Mr. VILAS. Oh, no, sir; the Senator from Wisconsin, if we are to be diverted for a moment into party politics, supported the platform promulgated at Indianapolis, and if there be any Senator on this floor who can say that there is one word or line in it which is not based upon the sound, ancient faith of the Democratic party, I should like to hear him point it out.

Mr. PETTIGREW. The Senator, then, is opposed to a homestead law at all, under any circumstances? He is opposed to the giving away of the public domain to anyone?

Mr. VILAS. Mr. President, I am not called upon to enter into moot questions. The homestead law is a thing of the past. The homestead law has been practically repealed. All of the lands which are of desirability to settlers to be taken under the homestead law have nearly or quite been taken. The lands which were offered under the special acts of Congress to which the pending bill relates, and which the bill proposes to repeal, were in one bill relates, and which the bill proposes to repeal, were in one respect very different from those which were offered to settlers under the homestead law. They were lands which at the moment they were offered had a greater present value than was asked of the settler to be paid after he should occupy them for five years to earn the money.

Mr. ALLEN. Will the Senator from Wisconsin permit me to

Mr. ALLEN. Will the Senator from Wisconsin permit me to read a couple of lines from the Democratic platform?
Mr. VILAS. The Senator from Nebraska can read anything he chooses from a Democratic platform, but if he is reading from the platform adopted at Chicago last summer as the Democratic platform, and reading it to me, I should prefer to ask his attention to the Democratic platform adopted at Indianapolis; and if he finds anything there on this subject which requires me to abandon the principles of the Constitution and in favor of bestowing this land upon settlers, I will yield to it.

Mr. ALLEN. I read from the regular Democratic platform. I do not read from the rump affair at Indianapolis:

to read anything he chooses on the subject, but I can neither adopt it nor pursue it as obligatory on me.

The PRESIDING OFFICER. Does the Senator from Wiscon-

sin yield to the Senator from Nebraska?

Mr. ALLEN. Of course I have no desire unnecessarily to interfere or interrupt the Senator at all, but he is making some statements that do not bear analysis. If the Senator will let me pass from this point, upon which he seems to be a little tender, I wish

from this point, upon which he seems to be a little tender, I wish to—

Mr. VILAS. Not the least; not the least tender.

Mr. ALLEN. I wish to call the Senator's attention to an important fact in this discussion, and possibly he may throw some light upon it. From 1867 to 1896 this country, through the instrumentality of the Republican party and the Democratic party, of which the Senator from Wisconsin was then a loyal member, donated to homestead settlers 157,878,796 acres of the finest land in the world. Now, the Senator says that we have established a new policy, which he does not want to see reversed. I want to know from the Senator from Wisconsin if by charging the settlers \$2.50 an acre for these semiarid lands that have practically no value except for grazing purposes he is not inclined to abandon the tenets of the Democratic party and establish a new policy?

Mr. VILAS. Mr. President, I again wish to challenge the Senator's attention to the fact that he is confusing two things in his question. He is insisting upon the question of fact as being already settled in his favor that these are semiarid lands of no value. Thus he is throwing the question of value into consideration at this moment. I am not dealing with the question of what should be the policy of the United States with reference to such Indian reservations as we have sold under the several acts to which this bill relates, and such other Indian reservations as the United States still owns, which are of great value, worth much more in their immediate present market price than the price asked of the settlers.

Mr. ALLEN. But does the Senator pretend to claim that the

settlers.

Mr. ALLEN. But does the Senator pretend to claim that the Government of the United States now owns as proprietor, or that the Indians own, any lands which are equivalent in fertility and value to the lands along the Missouri and Mississippi basins which were given away under the general homestead act?

Mr. VILAS. I think there are Indian tribes—

Mr. ALLEN. There may be exceptions.

Mr. VILAS. Which still own lands as good, perhaps, as any which have been relinquished; not a very great amount, perhaps, for we have been very rapidly extinguishing the Indian title.

Mr. ALLEN. But what I want to call the attention of the Senator to—and I hope he will not think I am unnecessarily captious in interrupting him—

in interrupting him-

Mr. VILAS. Not at all.
Mr. ALLEN. Is the fact that these lands, as a whole, 90 per cent of them in round numbers, in consequence of the climate where they are located, in consequence of the lack of precipitawhere they are located, in consequence of the lack of precipitation in winter and in summer, are arid lands, as a rule, not fit for farming purposes; and are altogether inferior, I should say by 50 per cent, if not more, to the 157,000,000 acres that have been given away under the general homestead law.

Mr. VILAS. The Senator is again dealing with the second branch of this argument, which is a pure question of fact, and not with the question of policy as to how the Government shall dispose of valuable Indian reservations. I am going to deal with the question of fact presently

the question of fact presently.

The lands in the Cherokee Outlet were, at the time it was opened. for settlement, held to be worth universally twice as much as was asked per acre of any settler. The Cherokee Outlet was lauded by Senators who wanted to obtain possession of it for settlers as among the very finest, most delectable, and fertile lands in this

among the very finest, most delectable, and fertile lands in this country.

Mr. ALLEN. Has not the Senator visited the Cherokee Strip?
Mr. VILAS. No, sir. I am taking all my information in respect to it from credible testimony, and I shall presently discuss the question of the value of the land.

Mr. ALLEN. Will the Senator permit me to interrupt him for just a moment to make a suggestion?

Mr. VILAS. Yes, sir.

Mr. ALLEN. The Senator has not, he says, been to the Cherokee Strip. Should he ever go there he would find this to be true, that the soil itself is a fertile soil; there is no doubt about that; but aside from the little valleys along the creeks and rivers, which ion to the Democratic platform adopted at Indianapolis; and if the finds anything there on this subject which requires me to abandon the principles of the Constitution and in favor of bestowing his land upon settlers, I will yield to it.

Mr. ALLEN. I read from the regular Democratic platform. I o not read from the rump affair at Indianapolis:

The Democratic party—

Mr. VILAS. Mr. President, I yield with pleasure to the Senator

Mr. President, I yield with pleasure to the Senator

Mr. VILAS. Mr. President, I yield with pleasure to the Senator

Mr. PETTIGREW. I should like to say that there are twenty one counties in western Kansas, lying right alongside of the Chero-kee Outlet, of which the Senator from Wisconsin is speaking, which had a population in 1887 of 101,000. Sixty thousand of them have moved away since that time and abandoned the lands to the people who held mortgages upon them, because of the fact that the rainfall was so light that they could not make a living upon the land, which, as I have said, adjoins this territory.

Mr. VILAS. I have heard that fact stated several times in the

course of the debate, and I do not care particularly to challenge it; but I suspect there were a good many other reasons which have caused the population of that portion of Kansas to leave, if we were to inquire particularly into it. Political reasons have had their effect upon the prosperity of that State.

Mr. PETTIGREW. If the Senator will allow me, the population of the eastern part of the State of Kansas has increased 18,000

during the past year, while the western part, comprising these twenty-one counties, lost 21,000. So, instead of leaving the State when they could not make a living on this arid land, they preferred to make a living in another part of the State instead of moving to Wisconsin.

Mr. ALLEN. The Senator from Wisconsin does not pretend that those people went over to Illinois and Ohio and voted the Republican ticket last fall, does he?

Mr. VILAS. The Senator from Wisconsin makes no pretense on the subject. He is perfectly satisfied with the intelligence on the subject. He is perfectly satisfied with the intelligence which was manifested by the vote of the people of his own State, and challenges no other State in the Union. I am not debating political matters. The Senator from South Dakota is not referring to the land to which this bill relates when he turns aside to discuss the question of the lands in Kansas.

Mr. ALLEN. Do I understand the Senator from Wisconsin to

discuss the question of the lands in Kansas.

Mr. ALLEN. Do I understand the Senator from Wisconsin to state that he fully approves of the State of Wisconsin going Republican last fall? He seems to think it was an intelligent act.

Mr. VILAS. I most cordially approve of the decision of the people of the State of Wisconsin, by which a majority of nearly 110,000 in a voting population of about 425,000 was cast against a policy which, if it had been adopted, would, in my opinion, have worked great trouble and woe to the people of the United States.

Mr. ALLEN. Then the Senator approves of McKinley carrying that State and its vote being cast for McKinley's election?

Mr. VILAS. I do not intend to pursue a mere political contro-

Mr. VILAS. I do not intend to pursue a mere political controversy and indulge in partisan quips. I am discussing a measure of great public consequence to the people of the United States.

Mr. ALLEN. I understand, then, the Senator approves of dis-

loyalty to his own party?

Mr. VILAS. I do most assuredly approve what I did. There is nothing about it which was done under cover, no step taken without careful reflection, and no act of mine in reference to the political affairs of the last year with which my conscience reproaches me in any way.

Mr. ALLEN. That is the same plea which Wat Tyler made a

number of years ago.

Mr. VILAS. Mr. President, there may have been the same plea made by other men, perhaps during this year, who were no better than the person to whom the Senator alludes; but we have no occasion for that sort of discussion here. In the political affairs of the country I did my duty as I understood it; and I again say that if, in the declaration of principles which was enunciated at Indianapolis, there be any Democrat who can find one line or word that is not bottomed and founded on the ancient principles of that party, I shall be glad to hear what it is.

Mr. President, let us return to the subject that we have under

I have no desire to engage in the Senate in the badidiscussion. I have no desire to engage in the Senate in the paurage of politics. We have an important measure here proposed for adoption. I say that the policy which the Congress of the United States has adopted for the last eight years is a sound and right policy, just to the whole people, fair to the settlers, enabling them to obtain good lands, with a right of preemption so guarded in the circumstances which attend it as to secure its exercise by genuine and honest settlers, and to afford fair opportunity to earn

upon the land the cost of it.

Now let us look to the other reason for a moment which is urged for this measure. It is said that these lands are semiarid, the "semi" being thrown in to apologize for classifying them as They have always been reckoned among the most fertile lands, and the Senator from Nebraska, who, I judge, has been there, could not hesitate in his acknowledgment that they are fertile lands. When these settlers went there they were supplied with railroads, while settlements and civilization embraced them on every hand. The lands were easy to develop. It was a simple thing to effect settlement there. Neither privation nor suffering nor remoteness from civilization was imposed upon those settlers. Sir, are they arid or are they semiarid? That is a question of fact. If we are to bestow these lands upon the homesteaders who have entered into contract with the Government to

pay the \$2.50 in some instances for the best land, and \$1.50 for other land, and \$1 only for still other land-if we are to repeal the laws under which they made their bargains because the lands are poor, worthless in value—ought we not to have proof of it furnished to us? If this bill is to be passed on a basis of fact, ought there not to be some inquiry into the truth of the assertions?

Is this Senate to assume that every acre of the 33,000,000 acres, some in Oklahoma, some in Minnesota, some in North Dakota,

some in South Dakota, some in Montana, in Idaho, in Oregon, in Nebraska, that everywhere throughout the public domain all these lands that the United States offered for homestead preemption for a price, and which the settlers rushed on with such avidity to seize that they swept over the land like an army of occupation—is the Senate to assume that all these lands are worthless because somebody chooses to baptize them with the name of "semiarid"? Are we to yield perhaps \$20,000,000 already contracted to be paid, \$35,000,000 in the aggregate amount which Congress has justly expected to receive, and which the lands are worth upon the terms proposed—are we to yield that upon an assertion of fact, without a particle of evidence being produced to justify it, without discrimination between one body of those lands

and another? I think the proposition a most extraordinary one.

What is the evidence on the subject? The Senator from Connecticut [Mr. Platt] produced one piece of evidence to which we ought at least give some heed, the report of the governor of Oklahoma, made only during last summer, in which he does not intimate a particle of difficulty with the productiveness of those farming lands. On the contrary, in that report he sets forth the fact that they are especially productive of cotton and various other articles mentioned in the report, from which the farmers, he says, are deriving good returns in money. Who is it that gainsays this report of the governor of Oklahoma? Upon what testimony are we to surrender \$15,000,000 due to us for purchases of land in Oklahoma? Not a word or scintilla of evidence is proffered to support assertions directly contrary to this report and to all that has heretofore been heard of these lands in Congress.

If that land is of the character which Senators would seem to arry the idea that it possesses, we had better, if we are to pass this bill, pass also another to repeal some of the measures which were taken at the last session of this body to secure possession of the remainder of the Indian Territory.

Think of it, sir! It is said here, or we are asked to believe here, that those lands are so poor that upon 160 acres the settler can

not in five years save \$160 to pay the price to the United States at which he was so eager to buy the land five years before; that he can not upon 160 acres of other lands, which were valued much higher and supposed to be worth \$10 or even more per acre, in five years pay \$400. If that is the character of the land in Oklahoma, let us proceed further with our work, and repeal the laws which we have been passing to break down the rights of the Five Civilized Tribes; let us recall the Dawes Commission, which is there now insisting upon some measures being taken by those governments to yield up the rights of the Indians solemnly guaranteed to them by the United States forever.

If the report of the governor of Oklahoma is not true, if these lands are indeed so poor and miserable that an honest settler on them can not in five years save \$1 per acre with which to pay the United States the price he promised to pay, I think it would be better that he should leave, better that we should not try to maintain him there in pauperism and suffering; far better that the land should go back again to the Indian tribes who enjoyed a government of their own under which they had progressed to a very notable degree in civilization. If this be the true character of those lands, let us recall our Dawes Commission; let us repeal those laws by which we have put a tremendous duress upon those Indians in defiance of the treaty rights which were guaranteed to them; let us lower the legal bludgeon raised against them and maintain at least the good faith of the United States by leaving to them the occupancy and enjoyment of what this Government promised should be theirs forever.

Will the Senator permit me to make a suggestion Mr. PLATT.

at that point?
The PRESIDING OFFICER. Does the Senator from Wisconsin yield to the Senator from Connecticut?

Mr. VILAS.

Yes, sir. In the Indian appropriation bill that has been Mr. PLATT. eported in the other branch of Congress is a provision to pay \$2,000,000 to the Kiowa, Commanche, and Apache Indians to extinguish their title to the same character of land.

Mr. VILAS. If there had been produced a particle of testi-

Mr. VILAS. If there had been produced a particle of testimony to support the accusation against the nature of the Territory of Oklahoma, we might spend some little time in debating it, but I again put the question, Is the Senate to yield this vast sum of money, destroy all those contracts, repeal its policy, because somebody urges simply a statement of fact upon us without evidence? If we are to proceed upon the conditions of soil, upon the

conditions of the settlers in different parts of the various States where these 38,000,000 acres lie, let us send out a commission of

inquiry, let us know what the truth is.

With what justice shall we release to some and keep the money With what justice shall we release to some and keep the money which others have paid? Are we to assume that the same condition exists throughout the Territory of Oklahoma and thence to the State of Washington, throughout all these different bodies of land to which this bill relates? There may be special instances—I remember a statement made on the floor by the Senator from Montana who now occupies the chair [Mr. Carter]—there may be particular instances, such as were spoken of with reference to the Crow Reservation, where some relief may be due by reason of facts applicable to such cases. Let us distinguish those cases by facts applicable to such cases. Let us distinguish those cases by fair inquiry, and not pass a sweeping law of such injustice in its

general nature as this.

I noted the reasons—a third class of reasons—given by the Senator from Minnesota [Mr. Nelson] this afternoon. He appeals to his political brethren who believe, as I do not, that it is lawful for the Congress of the United States to bestow bounties under the tariff law, either directly in money, as was done to the sugar planters, or indirectly in other sums still more enormous, as is done every day by the operation of the tariff laws, to manufacturers-to give the settlers a share, and on that basis it may be an appeal can be made to share this plunder of the public; upon that basis it may well perhaps be claimed by Senators who are willing to support the tariff iniquities perpetrated upon the people of this country that these Government debtors ought to participate in the division of the spoil which the "confederacy of rapine" secures from the United States. Why, then, do we not also provide for irrigating those lands at the expense of the Government? Why not supply these poor homestead settlers with the water at public cost, which shall make these fertile lands blossom with the riches of productiveness:

Mr. President, it may be quite useless to mention another consideration, for I am perhaps in the class the Senator from Connecticut rates himself as possibly belonging to, that of old fogies. I am still one of those who believe that the Constitution of the United States imposes upon legislators in this body an obligation to observe the principles upon which it is based. I still believe that the Constitution of the United States gives this body no right to enact a law unless you can find within its terms the distinct and direct authority to enact it, or a just and rightful implication

from some power given.

I understand this Government to be one of delegated powers, and I know of no line of the Constitution which warrants this body in bestowing the public moneys gratuitously upon any class of persons whatever. If this bill is to be enacted, then in justice to those who have paid for their lands under similar legislation it would be incumbent on Congress to take from the Treasury the money they paid in there and restore it to them from whom it has been taken. What difference can you draw between surrendering a promise to pay by a debtor of the United States, made upon sufficient consideration, which he is able to keep and ought to keep by every reason which enters into the obligation of contracts, and

by every reason which enters into the obligation of contracts, and taking the money directly from the Treasury? It can be done by no authority which the Constitution of the United States has vested in this body.

As I said, sir, in the beginning of the argument, the original homestead law was challenged for that reason. The Democratic party withstood the enactment of the homestead law upon that foundation; a President of the United States vetoed the bill because it was a reconstitutional and wat we are scaling here to find cause it was unconstitutional, and yet we are seeking here to find a power not to invite settlers upon a wild domain in order to build up States—we are seeking to find a power which shall authorize us to surrender moneys promised to be paid upon a fair contract for a fair and just consideration, and in respect of which no sort of complaint is or can be made, except a general assertion that they

are poor and do not want to pay.

Mr. President, I leave the question there, having said more than I intended when I took the floor.

Mr. PEFFER. Mr. President, before the pending bill is disposed of I wish to offer a suggestion or two. In the first place, these people and their friends in Congress are not asking alms at the hands of the Government of the United States. They are not asking a donation of money. They are not asking an appropriation of money from the Treasury of the country. They are simply asking that they may be permitted to enjoy the benefits of the homestead law. The object of that law was to procure and to secure homes for the people. The battle cry of the young Republicans thirty-six years ago last fall was "Lands for the landless and homes for the homeless." The theory of American government, the philosophy of American society, is that where the people have homes of their own they are bound to the soil by ties of ownership, which breeds loyalty, perpetuates patriotism, and will conosed of I wish to offer a suggestion or two. In the first place, ership, which breeds loyalty, perpetuates patriotism, and will continue the Republic down through the ages to come. The philosophy of our whole social system is based upon the homes of the people. The homes are the nurseries of the Republic. There is

where the most sacred relations of life are formed. There is where republicanism is taught in its infancy and in its purity, and there is where the principles of republican and popular institutions are first taught to the young citizen.

Mr. President, the people who are asking that they may be relieved from the payment of debts which they find themselves

relieved from the payment of debts which they find themselves unable to pay have not done so until they discovered their utter inability to complete those payments. When a debtor is unable to meet his pecuniary obligations, courts are called to the assistance of the creditor; the laws and the machinery of the courts are put into action; the property of the debtor is seized, and he may be destroyed, he and his family may be turned out of their home that the creditor may be saved. So it would be in this case. If these people, being unable to pay the obligations which have been imposed upon them by Congress, remain unable to pay the Gov. imposed upon them by Congress, remain unable to pay, the Government would simply have to remove them. That would be all. The Government would save nothing; it would make nothing, but a number of the best people in the world would be turned out of their homes and no good accomplished in any direction.

Now, our attention has been called by the Senator from Connecticut [Mr. Platt] and also by the Senator from Wisconsin [Mr. VILAS], who has just left the floor, to the message of the governor of Oklahoma, who speaks in very high terms of the Territory and its natural resources. Men who have been long resident in the Western country understand the force of messages of that character. The people of Oklahoma are now in the advertising stage, if I may use that expression. We have all passed through a fever of that kind, and if a governor can be found in a new State or even in an old State anywhere who would not defend his State and put its best possible condition forward and conceal the worst ones, he

would not be elected to office a second time, certainly.

In the earlier stages of the Oklahoma excitement that Territory was pictured to the world as a sort of second-hand Eden. So it was in Nebraska, so it was in Kansas, so it was in Montana, so it was in Idaho, and in all the new States. I remember that in the earlier history of Kansas our State board of agriculture published earlier history of Kansas our State board of agriculture published a large volume every year in which maps of our counties were given; the county seats were located; the townships and principal towns and the railroads and streams were all given on beautifully colored maps. Those works were almost wholly, I might say wholly, for advertising purposes. The railway companies came to our assistance and spread broadcast advertising literature throughout all the nations of the world from which it would be likely that emigrants would come to us. In the last report, recently published, I discover, very much to the credit of the secretary and the board, that the policy has been changed, and the secretary takes occasion in the opening to call attention to the fact that he is occasion in the opening to call attention to the fact that he is now proceeding to look after the interests of agriculture and not so much to advertising. The plain truth is known concerning the Western country to all of us who are resident there. We are better able, because of our knowledge, to speak advisedly about these matters than are persons who are not familiar with them.

Now, it is charged that it is paternalism to relieve those people

of their indebtedness, and yet we have time and time again donated lands by the thousands and hundreds of thousands and by the millions of acres to railway companies, ostensibly for the purpose of operating as pioneers to open settlement, to direct the course of population to these newer regions. We paid them for doing it. Six years ago we passed a law providing for the payment of bounties to such of our citizens as would engage in the manufacture of Sugar. Our object in that instance was to establish the industry. We proposed to pay for it. So, in the laying out of railways into the new Territories, we were paying the companies to do the work. We gave nearly 28,000,000 acres of land—more than twice as much as there is in the whole State of Kansas—to the Union Pacific

Railroad Company alone, for the purpose of paying the company to build a railway across the country.

We made appropriations, I have forgotten now the number, but a large number, in the earlier history of the Republic for the opening and the construction of national roads from the city of Washington. ington. Roads were projected to Maine, one to Buffalo, and another one through Wheeling and Cincinnati and through various other one through wheeling and Chrimmati and through various towns in Ohio to St. Louis and on west. There were two others to the southwest, diverging somewhere about Louisville or Nashville, one going farther south and the other one farther west. I have gone through the record, but I do not now recall the number of appropriations or the exact amount of money set apart, but there were a great many of them.

So it has been in our manufacturing industries. voted large sums of money by way of protective tariffs to encourage our national industries. One of the first acts, indeed I believe it was the first general act approved by the first President of the United States, was a tariff act "to protect and encourage domestic manufactures"

manufactures.

The Senator from Wisconsin argued, and it was urged, I think, by the Senator from Connecticut, that if this policy is now to be pursued, if the pending bill is to become a law, therefore, in justice

to the citizens who have in the past paid for lands, the Government should refund the amount of money they have paid. Mr. President, a philosophy of that kind would overturn the structure of Government. When a court reverses its decision, is there any law, is there any custom, is there any rule, either of law or practice, by which persons who have in the past time lost property, character, or reputation by reason of the decisions of courts that are now reversed are reimbursed or by which their property is are now reversed are reimbursed or by which their property is restored? The idea is utterly impracticable. In the march of restored? The idea is utterly impracticable. In the march of progress there are constantly wrecks of fortune and of property left in the way. We can not account for those things. It would be a recoupment that would destroy every government under heaven. The way from the grain cradle to the combined mower and reaper has been one of loss. The way from the wheelbarrow to the railway car has been one of loss and destruction, but we can not store to the account of these things and to make good the can not stop to take account of those things and to make good the

can not stop to take account of those things and to make good the losses which have occurred as society is moving forward.

It is charged that this is paternalism, that we are establishing a system by which when men become troubled in their financial affairs they may appeal to the Government, which will take them in its gentle arms and care for them in the future as the shepherd does his lambs. That is not the theory of this bill, Mr. President. Government is paternalism. Government ought to be paternalism. It is made for the purpose of taking care of the interests of the people. Shall we abolish our splendid postal system because it is paternalistic in its character? Shall we give out the carrying of our mails by private contracts? If you go up and down our broad streets you will see daily and hourly a two-horse wagon, nicely arranged, with two or three men on the inside of the box, busy assorting mail as they go up and down the street. It stops at the boxes along the principal streets of the city, the men gather the mail, and then distribute it for the proper points of destination. That is the hand of the Government operating in the people's That is the hand of the Government operating in the people's business for their interest. That is paternalism. Are we to abolish that?

You may go into any State of the Union, you may go to the statutes of any of our States, you may go to the ordinances of our cities, and you will find that the individual conduct of the citicities, and you will find that the individual conduct of the citizens, the personal habits of the people as to their buildings, and in many instances as to their clothing, and as to their modes of living, are regulated. Those things are necessary in the structure of society, in the maintenance of order, in the enforcement of discipline, in the preservation of health. All those things are natural in their order, and yet when people come to the Government and ask for relief it is called paternalism.

Look at our own records here. Day by day pension bills in large numbers are passed, and I dare say that more than 25 per cent of the bills that are read from the Clerk's desk are pension cases. Is it paternalism that this good-hearted people should take care of the needy ones? Are you going to destroy the people? Are you going to slaughter the children as they come into the world, so that we shall not be expected to care for them in time of need?

I believe that men and women have a right to the soil. I believe they have a right to live where they were born. I believe that men and women have just as much right to the soil as they have to the sunlight and water and to the air they breathe. These are God's bounties given to men for our use and enjoyment. If

are God's bounties given to men for our use and enjoyment. If this be paternalism, what will the Senator from Massachusetts [Mr. Hoar] think about it when he calls up the bankruptcy bill? During the last two or three days he has been urging the Senate to take up that bill for consideration. There are people by the thousands and hundreds of thousands all over the country who have become embarrassed and unfortunate in their business. thousands and hundreds of thousands all over the country who have become embarrassed and unfortunate in their business, unable to pay their debts, and now they appeal to the same Government that the people in Oklahoma are appealing to. They do not ask for a donation; they do not ask that the Government shall reach its hand into the Treasury and pour money into the laps of the unfortunate, but simply that they may be relieved from their debt burdens, that the great heart of a mighty people, feeling out through its arms of power, will take up these unfortunate ones and set them on their feet again. That is all that is asked for by the pending bill the pending bill.

The Senator from Wisconsin says that the homestead law is practically repealed by our recent course of legislation and conduct. If that be true, it is time that we retrace our steps and get back again to the principle of the homestead law—lands for the landless and homes for the homeless.

Attention is called from different directions to Kansas settlers. Attention is called from different directions to Kansas settlers, and the Senator from Wisconsin in his eloquent address reminded the Senate that a great many citizens of Kansas are now living upon lands that were in the beginning Indian lands. That is true; and no one there is asking to be relieved. No one in Kansas has ever asked to be relieved in that respect. The only requests that have ever come to Congress from the people of Kansas for relief were of the same character as those that came from Nebraska, that came from Colorado, that came from the settlers on public lands everywhere in the great West and the Northwest—that

when misfortunes and drought or other unavoidable misfortunes came in the pathway of the settler, the time for payment on lands might be extended; and it has been done time and time again.

That is all they have ever asked.

But, Mr. President, there are two classes of lands in all that magnificent region in the midst of which Kansas happens to be located. The eastern portion of that country from the north to the south has more regular seasons and greater rainfall than the the south has more regular seasons and greater rainfall than the western section. A record has been kept by the officers of our State University in Kansas for a number of years, running back more than thirty years, if I remember it correctly, and the average rainfall in the eastern one-third of our State has been about 36 inches, or 3 feet, to the year, an abundance of rainfall; whereas in the southwestern portion of our State near the western border, at Fort Dodge, where the Government has been keeping records for many years, it appears that the average rainfall is about 10 inches to the year, and from that to 15 inches.

If that quantity of rain would fall upon the soil at just such times as the farmer most needs it, it would be enough to mature all the crops that grow well in that region of the country. But the rains do not come just at the times when the farmers most

the rains do not come just at the times when the farmers most need them. It is for that reason that agriculture in the western portion of our State and the western portion of Nebraska and all that region north and south is more or less precarious, and we have found in our experience that farming and agriculture in general in the western portion of the State has not been in the main profitable. But where men with large means were able to procure water from under the surface by pumping it, or where they were able to draw water from the streams and carry it through irrigating ditches onto their farms, they have uniformly been prosperous. I have never seen better crops of any kind, and especially of fruit and vegetables, than are grown in the semiarid regions of western Kansas under irrigating ditches. I have seen readers the grown that the semiarid regions of western Kansas under irrigating ditches. regions of western Kansas under irrigating ditches. I have seen gardens—the gardens of women who were keeping boarding houses in villages—that were as oases in the desert, while the prairies around were gray and brown and sere; and in the hot simmering sunshine those gardens were green with vegetation, made so by reason of an abundance of water brought from under the surface by pumping. So it is that large numbers of people in all that semiarid region have found it necessary, in order to save themselves and their families, to move away in times of trouble and to go to other places.

In the earlier history of Kansas settlement nearly all of the Indian lands that were purchased from the Indians were paid for at the time of purchase either by money belonging to the purchaser as

lands that were purchased from the Indians were paid for at the time of purchase either by money belonging to the purchaser as his own or by money borrowed from others. It was common at that time, as it has been in every one of the newer States, for loan agencies to be established in all parts of the country. You might go into a town of 200 or 300 people, and among the business signs you would see quite as numerously as any others those of the loan agents—"money loaned," "bonds bought and sold," "mortgages negotiated," etc. There was a mortgage period throughout all that Western region, and during that time the lending of money was a regular business. Men came from the East and from the South and from the Northeast, and some of our own citizens became South and from the Northeast, and some of our own citizens became agents for Eastern money lenders and started up in business, urging people to borrow money. All of those lands, I say, or nearly all of them, were paid for in one way or another; but you have never yet found a citizen of Kansas coming to Congress asking for relief from any of that class of burdens, and, Mr. President, you

never will.

These homestead settlers in Oklahoma did not go there in the condition in which our Kansas settlers came to us. Our Research settlers were nearly all well-to-do people. They either had money of their own or they were energetic, enterprising people and borrowed money. But the homestead settlers in Oklahoma went there near they were poor when they crossed the border. They condition in which our Kansas settlers came to us. Our Kansas rowed money. But the homestead settlers in Oklahoma went there poor. They were poor when they crossed the border. They were poor when they lay along the line for weeks and months waiting for the hand of the clock to point to the hour of 12 on a certain day when they might rush across the line and procure homes. After having settled upon the lands, and finding that by reason of climatic conditions they are unable to raise money enough to meet the payments to the Government when they are due, and at the same time to maintain their own families and to meet the demands that are made upon them by reason of the social sur-roundings, they come to Congress, and honestly, not in a spirit of suppliance, not as beggars, ask to be relieved, exactly the same as men who are unfortunate in other lines of business come and ask

men who are unfortunate in other lines of business come and ask to be relieved through bankruptcy laws.

When I plead the cause of these people I do it not as a suppliant. I ask it as an act of justice due these people. Suppose the pending bill is not passed and the people are compelled to leave their homes. Who will be the gainer? The people who are now there are acclimated. They know what they can do, and by perseverance, energy, and a little act of justice upon the part of the Government they will yet improve their lands, save their homes, and become good citizens of the Republic.

When it was suggested by the Senator from South Dakota [Mr. When it was suggested by the Senator from South Dakota [Mr. Pettigrew] that a large number of the present residents of Oklahoma and upon this particular portion of territory had gone there from the State of Kansas, the Senator from Wisconsin, in the goodness of his heart, expressed the thought that possibly political considerations had something to do with that fact. I regret very much that the Senator did not proceed to explain what he meant by political considerations; how he meant to apply his thought. Whether it was that men regarded the going into the Territory as notificial movement for their political preferment. I do not know I rather think, however, that the Senator's thought was running along the lines that were preached to us during the last year; that is, that the people of Kansas had become infatuated with a sort of political mania, with a view of revolutionizing the State government and the National Government and throwing themselves

ment and the National Government and throwing themselves upon the country by repudiating their debts.

Now, in that connection and in answer to that charge, I wish to have something inserted in the Record. If the Senate will not object, I ask that the Secretary may read it. It is a printed letter by Mr. P. I. Bonebrake, one of the most conspictious citizens of Kansas. He is president of the Central National Bank, of Topeka. He was for eight years clerk of Shawnee County, in which the capital is situated. He was afterwards four years or more auditor capital is situated. He was afterwards four years or more auditor of the State, and he is to-day one of our most respected citizens. While this nonsense was going on about the repudiators of Kansas and what would take place when the new Populist administration came into power, Mr. Bonebrake wrote this letter, which I

ask may be read.

The PRESIDING OFFICER. The Secretary will read as

requested.

Mr. PEFFER. Before the Secretary reads, I am asked by a Senator on my right whether Mr. Bonebrake is a Populist. No, Mr. President, he is a radical Republican of the old-fashioned abolition stamp.

The Secretary read as follows:

Mr. President, he is a radical Republican of the old-fashioned abolition stamp.

The Secretary read as follows:

The following is a copy of the letter sent by P. I. Bonebrake, president of the Central National Bank, to Governor Woodbury, of Vermont, relating to Kansas affairs:

"At the request of your friend, Mr. E. B. Merriam, I submit to you a few thoughts on affairs in Kansas. I know that Eastern parties who have investments in Kansas are anxions about their outcome.

"This anxiety is induced much more by assaults on the State by Eastern papers than because of the actual result of the election. I beg to say that we are not all cranks nor repudiators, nor has Kansas 'gone to the dogs' yet. We still have the same climate and soil that in one year produced 70,000,000 bushels of wheat, 207,000,000 of corn, more beef and pork than any State in the Union, while all lesser cereals, vegetables, and fruit have kept pace therewith. We still have 9,023.6 miles of railroad in the State; \$35,500,023.23 of property as taxed, with a real value of three times that amount, with a State debt of only \$256,000; a permanent school fund of \$0,057,634.15; an annual disbursement of \$430,122.05 to the common schools; 9,180 schoolhouses, valued at \$10,980,031, with a university, normal school, agricultural college, institutions for the blind, deaf and dumb, insane, penitentiary, reform school, Soldiers' Home, soldiers' orphans home, and State capital, all costing \$8,230,23, without the equipments. From this it will be seen that the State can and will continue to do business

"It is undoubtedly true that the result of the election will largely stop permanent investments of Eastern money. Had this been done the or officen years ago it would have been a bless, East and West, chased the people over years ago it would have been a bless, East and West, chased the people over the properties of the Mississippi and north of Mason, and Dixon's line. It is a slander on our fathers and mothers, most of whom yet live in the "had times" that preva

a billion was better. They were instance, the manded of the state of the state. If they do that, they will be quickly 'turned down' in the state. If they do that, they will be quickly 'turned down' in the state.

"I am a lifelong Republican, and have been connected with the management of every campaign in this State for twenty years, and have no sympathy with the 'isms' of any party, but when the integrity, intelligence, loyalty, and patrictism of the whole people of Kansas is assailed, I am always ready to 'stand up for Kansas.'

"As to your investments in Kansas, as stated to me by your friend, they are as secure as a bond of the State of Vermont.

"Yours, truly,

"P. I. BONEBRAKE."

"P. I. BONEBRAKE."

Mr. HOAR. I should like to ask the Senator from Kansas, if he will allow me, whether that statement of the wealth and resources

will allow me, whether that statement of the wealth and resources of the State is, in his judgment, substantially correct?

Mr. PEFFER. I think it is, sir. The writer is one of the most careful, painstaking citizens we have.

Mr. HOAR. Then it is true, is it not, that Kansas is one of the most remarkable examples of the rapid and great prosperity of an agricultural population that exists in human history?

Mr. PEFFER. The statement of the writer is to the same effect that careful and the same effect.

Mr. PEFFER. The statement of the writer is to the same effect that any similar statement would be in a general way. He gives the figures of our population; he gives the figures of our production, as to our railways, and our agricultural production; he refers to one year when we produced upward of 70,000,000 bushels of wheat; to another year when we produced in the neighborhood of 250,000,000 bushels of corn; he speaks of our live stock. That is a statement embracing the whole State of Kanssa.

Now I was saving a moment ago, and it is.—

statement embracing the whole State of Kansas.

Now, I was saying a moment ago, and it is—
Mr. HOAR. Will the Senator from Kansas allow me?
Mr. PEFFER. Pardon me a moment. If the Senator will read it carefully, when he sees the letter in the RECORD, he will discover that there was a time in our history when our State was overrun with loan agents. You will find a passage that is marked in my own hand, if you will examine the original slip, where reference is made to that fact; and Mr. Bonebrake goes so far as to say that it would have been better for us now if some years ago our wild progress had been checked.

our wild progress had been checked.

Mr. HOAR. This is what I want to ask the Senator: Kansas Mr. HOAR. This is what I want to ask the Senator: Kansas was forty years ago—forty-two years ago, certainly—with the exception of a very few settlements, an uninhabited waste, roamed over by tribes of Indians. Now, does the Senator know another instance on the face of the earth, unless it be some neighboring American State, where a territory has grown up in forty-two years containing such a population, such wealth, such value of agricultural lands, such vast agricultural products, and the money-makers of the earth chasing them to get them to borrow their money? I should like to know if there is another instance of such prosperity.

of such prosperity.

Mr. PEFFER. I have frequently said on this floor, Mr. President, and I now repeat, that to take the people of Kansas as a whole, and the State of Kansas as a State, they have no parallel

whole, and the State of Kansas as a State, they have in human history.

Mr. HOAR. Now, would it not—

Mr. PEFFER. I hope the Senator will allow me to get through with my statement, so that it may be properly expressed.

Mr. HOAR. Certainly; I do not wish to disturb the Senator.

Mr. PEFFER. This chopping up of ideas never serves a good

Mr. PEFFER. This chopping up of ideas never serves a good purpose upon either hand.

Our people have grown in about thirty-five years from a mere handful of squatters to in the neighborhood of a million and a half of people. When I went to Kansas in 1870, we had but a few miles of railway. I remember riding out from Topeka 18 miles on the Atchison, Topeka and Santa Fe road to the end of it. I went from there to Emporia, in the adjoining county, riding on a stagecoach drawn by four horses. From that place, the next day, I went down to the second adjoining county in a two-horse math lack, and the third day, going to another adjoining county. mail hack, and the third day, going to another adjoining county, I rode an Indian pony. The farther I got, the nearer I approached the Indian country, the less comfortable and the less capacious were the means of transportation.

Well, we have grown until now we have nearly 10,000 miles of railway. We have upward of 9,000 schoolhouses. Our churches afford a seating capacity for more than 25 per cent of the people. afford a seating capacity for more than 25 per cent of the people. Ninety out of every hundred of the people are native-born citizens of the United States. And in what we call good crop years we produce enormous crops of wheat and corn. Our State is a splendid agricultural and grazing region. So we have an abundance of stock, and our people are living well. We have a great deal of property. That has nothing to do—

Mr. HOAR. May I ask the Senator from Kansas one other question?

question?

question?
Mr. PEFFER. Yes.
Mr. HOAR. Has not a large part of that prosperity, rather the largest part, come to Kansas since the year 1873?
Mr. PEFFER. I think so.
Mr. HOAR. Now, I should like to put one other question. Is it not on the whole the part of good statesmanship to keep on with the policy which has produced these results of prosperity and wealth and comfort, and schoolhouses and churches, and railroads by the ten thousand miles, rather than to depart from it and try a new one?

Mr. PEFFER. Some of the things connected with that progress have been most deleterious. I have stood by and seen men and women sign notes and mortgages agreeing to pay as high as 40 per cent interest on borrowed money. That is a destructive policy, I will say to the Senator from Massachusetts. During the decade from 1880 to 1890 Kansas people borrowed over \$500,000,000, and the average rate of interest that it cost the borrowers was at least 10 per cent. If the Senator wishes me to include that policy in the system of progress to which he refers, I then say we do not want any more of it; for it is that which, with all of our thrift and all of our energy, has brought about the political revolution in Kansas. These mortgage hunters, these loan agents, no matter in Kansas. These mortgage hunters, these loan agents, no matter where they came from, no matter whose agents they were, have done Kansas and Nebraska and all that great region of country more harm than all of the visitations of Providence which have ever befallen us.

Mr. President, Kansas people have become more noted perhaps than some of our neighbors because of our energy, because of our peculiar characteristic of going ahead and taking care of ourselves, and of being good to our neighbors at the same time. You will remember that when the Atchison, Topeka and Sante Fe Railroad Company began their work (the Union Pacific as well, but more especially the Sante Fe) they sent their advertising matter like especially the Sante Fe) they sent their advertising matter like leaves of the forest, scattering it over the habitable globe, and sent their agents to every civilized nation, proclaiming the richness of our soil, the delightfulness of our climate, the salubrity of our atmosphere, the energy of our people, and the vastness of the empire that was round about us. So from the very beginning of our history Kansas people have always been in the front, advertising ourselves and building up our Commonwealth.

To-day we are still in debt; and it is largely because of the oppressive burden of these debts that a political revolution has come about in the State. Our people are as honest to-day as they ever

about in the State. Our people are as honest to-day as they ever about in the State. Our people are as nonest to-day as they ever were; our lands are as good as they ever were; our sunshine as shimmering and our climate as salubrious as it ever was, and our people are as enterprising as they ever were. From year to year, through this sad, hard experience, we are learning wisdom, and we will come out in the end master of the situation. We have not up to this hour asked the Government for a penny. Two years ago, when a bill was brought before the Senate asking for relief to ago, when a bill was brought before the Senate asking for relief to settlers in some of the other States on account of losses occasioned by drought, while I voted for the bill and urged its passage, I took occasion to say at the time that the people of Kansas were suffering in like manner, but that we were able to help ourselves, and we did not propose to ask the Government for help.

The rights which Indians have in these reservations are possessive rights. That was determined loss ago. The shiest in

sessory rights. That was determined long ago. The object in purchasing them from the Indians is to procure homes for our people. I need not recall to the attention of the Senate the scrampeople. I need not recall to the attention of the Senate the scramble and the rushing, the tumbling and the racing, the anxiety of the people who were anxious to get across the line in order that they might secure homes on Indian lands just opened to white settlement. While it is true that the town builders were there, and the speculators, yet the great body of the people who engaged in that dreadful race was composed of men and women who were in search of homes for themselves and their families. It has come to a time in this country, Mr. President, when homes are in demand, and the object of the homestead law was to procure homes for the people.

homes for the people.

There are two reasons, Mr. President, why the pending bill is proper. One of them is that in a large measure in the region of western Nebraska, western Kansas, western Indian Territory, and Texas the lands are not well adapted to the ordinary processes of agriculture common among the people from the Eastern States, who move upon those lands to cultivate them. It required a long time in Kansas for our farmers in the western portion of the State to adapt themselves to the climatic conditions, to the peculiarities of the soil. The traveler in passing over that region will observe as he goes from the eastern part of the State away beyond that the native prairie grass is from 2 to 6 feet high, and I have seen it as high as 11 feet in the low grounds, for horses and men riding would be lost in the prairie grass, because the tops were above the would be lost in the prairie grass, because the tops were above the men's heads. Go to the western part of the State, and you will find the grass growing from 4 to 6 inches in height, a fine, peculiarly colored grass, known as buffalo in that region. Not only is the climate different, not only is the rainfall less, but the soil conditions themselves are different. Different crops necessarily are adapted to the different regions. All these things have to be

Most of the settlers in Oklahoma have discovered that the climatic and soil conditions there are not favorable to the methods of cultivation to which they have been accustomed. Those people are not yet able to master the natural difficulties that are in the way, but doubtless they will be in time, if they are permitted to remain where they are.

In addition to that, modern methods of agriculture have oper-

ated to reduce the profits upon labor the same as modern methods

of manufacture have reduced the profits of manufacturing, and this adds to the troubles of the Oklahoma people.

There is one further idea I wish to impress upon the Senate.

Men and nations have certain rights within and of themselves, but their rights do not extend beyond those that naturally belong but their rights do not extend beyond those that naturally belong to their individuality, either as persons or as nations or communities. For example, the head of one family has no natural or moral right, no legal right, to interfere with the management, the home discipline, or any of the affairs of another family so long as they are not violating the orderly laws of society. So it is with nations. Nations have no right to govern people at arm's length. On that theory alone I favor the independence of Cuba. We see Spain, a monarchy 3,000 miles away, in the closing years of the nineteenth century, governing by the harsh rule of the sword another people. The thing in itself is preposterous. The civilization of the age has gone beyond that kind of government.

The power of Britain is felt in every part of the civilized world. The footprints of the Englishman are everywhere, but every

The footprints of the Englishman are everywhere, but every dependency of Great Britain has local autonomy, and so much attached are the people there to the Government of their mother country and to the habits of the people in England that they are now talking about forming an empire which will be world-wide,

now taking about forming an empire which will be world-wide, advancing and establishing the imperialism of the English people. But here in Cuba we have an armed revolution against the foreign power recurring every few years.

So upon general principles, the principles of natural right, I would argue in favor of the independence of Cuba, and, if I were not a Senator of the United States, I would go so far as to say that I believed it to be the duty of the Government of the United States to say to the Government of Spain: "We want this war stopped; we want Cuba to be free, no matter what it costs here or alsowhere"

So it is, Mr. President, as to the rights of individuals. I said a moment ago that I believe men have rights. The boys who are sitting in front of me here have the same rights exactly that you and I have, Mr. President, and that these venerable Senators around me have. When a child is born into the world, he comes with the same rights that the mother who bore him had and that his father before him had. They have no right to banish him when he comes to what we in law call the age of majority, 21 years and past—the father has no right to banish him from the home where he was born. I believe the Government ought to establish as a permanent policy that whenever it purchases a foot of land from Indians or from any other person or corporation it should be purchased for the use of the people as homes. Mr. President, the people of this country have a right to live here, they and the children who are coming after them. I hope the bill will pass upon its merits. So it is, Mr. President, as to the rights of individuals. I said a

children who are coming after them. I hope the bill will pass upon its merits.

I am pleased to see that the opposition which has been thus far manifested against the bill is farfetched and upon technical grounds. Two of the Senators who have argued in opposition to it say they may possibly be considered old fogies, as men behind the age. Those Senators need not be sensitive upon that point. There is such a thing, however, as progress. The world is moving. The old States-rights Democrat is one of the things of the past. He has come to understand as all the rest of us do understand. He has come to understand, as all the rest of us do understand, that the sphere of the State government is purely local and for local purposes; that we have neither time nor inclination to take a surveyor with us when we travel across the country at the rate of 50 or 60 miles an hour to mark the location of State lines, that we may know under what different laws we are as we pass through the different jurisdictions. The people of the United States constitute a nation, and now we are big enough to take care of ourselves and to take care of those of our people who are unfortunate and who need relief at our hands.

Mr. PETTIGREW. I ask unanimous consent that to-morrow, immediately after the disposal of the routine morning business. stand, that the sphere of the State government is purely local

immediately after the disposal of the routine morning business. the pending bill may be made the unfinished business and be then

taken up. Mr. FRYE. Does the Senator expect to get a final vote on the

Mr. PETTIGREW. I think we can.

The PRESIDING OFFICER (Mr. THURSTON in the chair).
The Senator from South Dakota asks unanimous consent that the pending bill be taken up as the unfinished business immediately

after the morning business to-morrow.

Mr. PETTIGREW. Immediately after the disposal of the rou-

Mr. HOAR. I will

Mr. HOAR. I will not object to that unanimous consent if the Senator will further ask unanimous consent that some time to-morrow be assigned for taking the vote. I think the Senate

is ready to vote.

Mr. PETTIGREW. I am perfectly willing to embrace in my request the further request that the vote be taken at 4 o'clock

Mr. ALLEN. I suppose there are Senators who are not now here who ought to be advised when the vote is to be taken; and I suggest that the day after to-morrow be fixed as the time.

Mr. PETTIGREW. I think we had better leave that question

mr. PETTIGREW. I think we had better leave that question until to-morrow.

Mr. HOAR. I shall object unless the proposition be included that the vote be taken to-morrow; but if the Senator from Nebraska [Mr. Allen] prefers the latter time, I will not object to that.

Mr. ALLEN. I was going to suggest that if we take the vote to-morrow, as there are but few Senators now present who would be retained to the order it would be retained to the senators of the order.

know of the order, it would be rather taking snap judgment on those who are absent

Mr. HOAR. I will consent to an arrangement being made that the vote be taken the day after to-morrow.

Mr. ALLEN. Perhaps the Senator from South Dakota will be willing to-morrow to ask that a time be fixed when the vote shall

be taken. Mr. HOAR. I think the Senate is ready to fix an hour, but if the Senator from Nebraska thinks that the fixing of the hour to-morrow may disappoint some Senators who would like to be here, I shall not object if the next day be fixed as the time when the vote shall be taken, but I shall object to any unanimous consent unless it is accompanied with a proposal of some time for taking the final vote. Of course, if the Senate is ready to vote

before then, it can be done.

Mr. PETTIGREW. I should like to make an inquiry. I am told the Senator from Georgia [Mr. Bacon] gave notice that he desired to address the Senate to-morrow in regard to some resolution now pending before the body. Is that the case?

Mr. PLATT. Yes; on the resolution in relation to the recog-

nition of Cuba.

Mr. PETTIGREW. If that is the case, I should prefer to make the request for a vote to-morrow, and to see what we accomplish to-morrow. I do not know that we can accomplish anything, for when a Cuban debate arises here it takes up all the time of the Senate; and therefore I renew my request.

Mr. HOAR. I shall object.

Mr. PETTIGREW. Very well, then, the bill can go over as the unfinished business for to-morrow.

Mr. HOAR. The Senator can get the bill up to-morrow.

The PRESIDING OFFICER. The Senator from South Dakota requests that the pending bill be taken up as the unfinished business immediately after the routine business in the morning hour o-morrow. Is there objection?

Mr. FRYE. I understood that the Senator withdrew that re-

Mr. PETTIGREW. No; I did not withdraw that request. The Senator from Massachusetts has objected to it, as I understand. Mr. FRYE. Then that ends the request.
Mr. HOAR. It is obvious, for the reason the Senator has stated, if he is correctly informed, as unquestionably he is, that a Senator proposes to take the floor to-morrow after the routine morning business to speak on Cuba, that unanimous consent will be of no value to the Senator from South Dakota, because his bill will be laid aside for that speech. So I object.

Mr. FRYE. The Senator from Georgia gave notice that he would ask leave of the Senate to address the Senate to-morrow

Mr. PETTIGREW. I think that there can be no harm in granting the request, because if the Senator from Georgia should conclude his speech in the morning hour we can then take up the pending bill, and hasten with it.

Mr. HOAR. We can take it up as it is.
Mr. CALL. I propose to move, if there be no objection, that

the Senate adjourn.

Mr. FRYE. There are some papers on the table of the President which I should like to have laid before the Senate before adjournment, if the Senator will withdraw his motion.

Mr. CALL. Very well.

MARKING OF VESSELS' NAMES.

The PRESIDING OFFICER laid before the Senate the amendment of the House of Representatives to the bill (S. 1424) to amend an act entitled "An act to amend section 4178, Revised Statutes, in relation to the marking of vessels' names at bow and stern, and also to provide for marking the draft," approved February 21, 1891, which was, on page 2, line 24, to strike out the word "six" and insert "seven."

Mr. FRYE. 1 move that the Senate concur in the House amend-

ment, which is rendered necessary by the fact that this bill passed the Senate a year ago, and provided that the marking should be done during the year 1896, but the bill having just been passed by the other House, of course "1897" has to be substituted for

The PRESIDING OFFICER. The question is on concurring in the amendment of the House of Representatives.

The amendment was concurred in.

EXECUTIVE SESSION.

Mr. CALL. The Senator from Maine [Mr. FRYE] desires to move an executive session, and I will yield to him for that purpose. Mr. FRYE. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After sixteen minutes spent in executive session the doors were reopened, and (at 5 o'clock and 32 minutes p. m.) the Senate adjourned until to-morrow, Wednesday, January 13, 1897, at 12 o'clock meridian.

CONFIRMATIONS.

Executive nominations confirmed by the Senate January 12, 1897. CONSUL.

Thomas S. Doyle, of Virginia, to be consul of the United States at Beirut, Syria.

UNITED STATES ATTORNEY.

William H. White, of Virginia, to be attorney of the United States for the eastern district of Virginia.

PROMOTION IN THE REVENUE-CUTTER SERVICE.

Second Lieut. Frank H. Dimock, of Massachusetts, to be a first lieutenant in the Revenue-Cutter Service of the United States.

POSTMASTERS.

William M. Farrington, to be postmaster at Memphis, in the county of Shelby and State of Tennessee.

Daniel D. Scott, to be postmaster at Jellico, in the county of Campbell and State of Tennessee.

James Devereux, to be postmaster at Shell Lake, in the county of Washburn and State of Wisconsin.

David Thompson, to be postmaster at Black River Falls, in the county of Jackson and State of Wisconsin.

Grace Lamont, to be postmaster at Dillon, in the county of Beaverhead and State of Montana.

Ole C. Vinzent, to be postmaster at Berkeley, in the county of Alameda and State of California.

Alameda and State of California.

Ralph W. Putnam, to be postmaster at Paso Robles, in the county of San Luis Obispo and State of California.

Addison M. Gooding, to be postmaster at Hartington, in the county of Cedar and State of Nebraska.

David Macartney, to be postmaster at Antioch, in the county of Contra Costa and State of California.

George McCracken, to be postmaster at Dover, in the county of Morris and State of New Jersey.

Amelia H. Bates, to be postmaster at Sonoma, in the county of Sonoma and State of California.

Howard Melvin, to be postmaster at Denton, in the county of

Caroline and State of Maryland.

Caroline and State of Maryland.

John C. Stowers, to be postmaster at West Palmbeach, in the county of Dade and State of Florida.

May J. Munson, to be postmaster at Millington, in the county of Morris and State of New Jersey.

William J. Whelan, to be postmaster at Elizabeth, in the county of Union and State of New Jersey.

Frank B. Dailey, to be postmaster at Bloomfield, in the county of Essex and State of New Jersey.

Patrick H. O'Hara, to be postmaster at Graceville, in the county of Bigstone and State of Minnesota.

Thomas J. Butler, to be postmaster at Mount Jewett in the

Thomas J. Butler, to be postmaster at Mount Jewett, in the county of McKean and State of Pennsylvania.

county of McKean and State of Pennsylvania.

Michael J. Hickey, to be postmaster at Raritan, in the county of Somerset and State of New Jersey.

William Pintard, to be postmaster at Redbank, in the county of Monmouth and State of New Jersey.

William Gallagher, to be postmaster at Sandersville, in the county of Washington and State of Georgia.

Bedford F. Hamilton, to be postmaster at Wynne, in the county of Cross and State of Arkansas.

James F. Corbett, to be postmaster at Punta Gorda, in the county of De Soto and State of Florida.

Albert F. Derouen, to be postmaster at Jennings, in the parish

Albert F. Derouen, to be postmaster at Jennings, in the parish

of Calcasieu and State of Louisiana.

William B. Taylor, to be postmaster at Mansfield, in the parish of De Soto and State of Louisiana. A. L. Fairchild, to be postmaster at Gainesville, in the county of Cooke and State of Texas.

John W. Clark, to be postmaster at Ripley, in the county of Lauderdale and State of Tennessee.

Orrin L. Mickel, to be postmaster at Woodbine, in the county of Harrison and State of Iowa.

Michael F. Bowler, to be postmaster at Groton, in the county of Brown and State of South Dakota.

HOUSE OF REPRESENTATIVES.

TUESDAY, January 12, 1897.

The House met at 12 o'clock noon, and was called to order by

Prayer by the Chaplain, Rev. HENRY N. COUDEN.

The Journal of the proceedings of yesterday was read and approved.

CHANGE OF REFERENCE.

Mr. HENDERSON. Mr. Speaker, I wish to make a change of reference. At the last session of Congress we passed what was known as the Quackenbush bill; for the relief of John N. Quackenbush. It passed both Houses, but failed to get the approval of the President. It has again passed the Senate and reached this House yesterday, being referred to the Committee on Naval Affairs. The Judiciary Committee has passed upon the bill again, and it is on the Calendar as reported from our committee. By some mistake it was referred yesterday to the Committee on Naval Affairs. I move that the Committee on Naval Affairs be discharged from its further consideration and that it he referred to the Committee its further consideration, and that it be referred to the Committee

The SPEAKER. That is a question for the House to determine. As many as are in favor of the motion of the gentleman from Iowa [Mr. Henderson] will say "aye."

The motion was agreed to.

PACIFIC RAILROAD FUNDING BILL.

The SPEAKER. On the question of the Pacific Railroad funding bill, the Chair thinks that the motion made yesterday by the gentleman from Vermont [Mr. Powers] to recommit the bill was not in order. The Chair thinks that such a motion could have been made if the House had passed the bill to a third reading or in other was a such a motion could have been made if the House had passed the bill to a third reading or in other was a such as the such as t ing, or if other business had not intervened.

OFFICERS AND CREW OF THE BRIG GENERAL ARMSTRONG.

The SPEAKER. The Chair desires to call the attention of the House to the bill (S. 687) to apply the unexpended balance of the amount heretofore appropriated for the relief of the captain, owners, officers, and crew of the late United States private armed brig General Armstrong, their heirs, executors, administrators, agents, or assigns. On the face of it, it seems to relate to a war claim, and did remotely so relate; but the Chair is informed that the question involved is a legal question, as to the meaning of a resolution passed by a previous Congress. Therefore the Chair asks unanimous consent that the bill be referred to the Committee on the Judiciary. Is there objection? on the Judiciary. Is there There was no objection. Is there objection?

R. M. RIDGELY.

The SPEAKER. The Chair will submit the following communication from the office of the Postmaster-General.

The Clerk read as follows:

OFFICE OF THE POSTMASTER-GENERAL, Washington, D. C., January 11, 1897.

Washington, D. C., January 11, 1897, SIR: I beg leave to call your attention to my letter of December 11, 1896, in which I requested the return to this Department of certain papers in the case of the claim of R. M. Ridgely, postmaster at Springfield, Ill., which were transmitted by me on the 3d of April, 1896, to the Speaker of the House, in compliance with the act of May 9, 1888. Congress, by act approved June 11, 1896, having extended the limit in such claims of the jurisdiction of the Postmaster-General, I desire to take up this case for decision under the authority of that act. Will you kindly direct that these papers be returned to the Department? ment? Very respectfully,

W. L. WILSON, Postmaster-General.

Hon. Thomas B. Reed,

Speaker House of Representatives.

The SPEAKER. If there be no objection, the Chair will direct the papers to be returned. The Chair hears no objection.

CALL OF COMMITTEES.

The SPEAKER. There being no other business on the Speaker's table except one matter which the Chair will submit later, the Clerk will resume the call of committees.

ALJEN OWNERSHIP OF LANDS IN THE TERRITORIES.

Mr. CATRON. Mr. Speaker, there was a matter pending last

night.
The SPEAKER. There was an unfinished matter before the House from the Committee on Territories, and the question was on the passage of the bill the title of which the Clerk will read.

A bill (H. R. 8615) to amend an act entitled "An act to restrict the owner-ship of real estate in the Territories to American citizens, etc.," approved March 3, 1887.

The question was taken. Mr. McEWAN. Mr. Speaker, I rise to a question, for infor-

The SPEAKER. The gentleman will state it.

Mr. McEWAN. Is not that the same bill that was defeated in the House the 10th day of December?

The SPEAKER. The Chair does not know.
Mr. McEWAN (continuing). Except as to one section. Yes;

The question was taken; and the Speaker announced that the ayes seemed to have it.

Mr. DE ARMOND. Division!

The House divided; and there were—ayes, 59; noes 26.

So the bill was passed.
On motion of Mr. RICHARDSON (at the request of Mr. CATRON), a motion to reconsider the vote by which the bill was passed was laid on the table.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Platt, one of its clerks, announced that the Senate had passed joint resolution (S. R. 189) providing for the erection of a Government building at the Tenessee Centennial Exposition; in which the concurrence of the

House was requested.

The message also announced that the Senate had agreed to the amendment of the House of Representatives to the bill (S. 1726) to approve and ratify the construction of a bridge across the Red River, between the States of Arkansas and Texas, at a point above the town of Fulton, in Arkansas, on said river, built by the Texarkana Northern Railway Company, but now owned and operated by the Texarkana and Fort Smith Railway Company, and to authorize the latter company to maintain said bridge over said waterway, subject to certain stipulations and conditions.

PROCEDURE IN CONTESTS BETWEEN CLAIMANTS TO MINERAL LAND AND AGRICULTURAL LAND.

Mr. HARTMAN (when the Committee on Mines and Mining was called). Mr. Speaker, I call up for consideration the bill (H. R. 6780) to amend section 2335 of the Revised Statutes. The bill was read, as follows:

The bill was read, as follows:

Be it enacted, etc., That section 2335 of the Revised Statutes be amended to read as follows:

"Sec. 2335. All affidavits required to be made under this chapter may be verified before any officer authorized to administer oaths in any State or Territory in the United States or in the District of Columbia having an official seal; and all testimony and proofs may be taken before any such officer, and when duly certified by the officer taking the same, attested by his seal of office, shall have the same force and effect as if taken before the register and receiver of the land office. In cases of contest as to the mineral or agricultural character of land the testimony and proofs may be taken under such notice and regulations as the Commissioner of the General Land office may prescribe: Provided, That the presence of rock in place or of deposits bearing gold, silver, cinnabar, or other valuable mineral, shall be regarded as prima facie evidence that the land containing the character of land, with a view to ascertaining whether it is more valuable for mineral than agricultural purposes, evidence may be taken of the mineral discovered or developed adjacent to such land, proof of which shall be corroborative evidence that the land in question is mineral in character: And provided further, That wherever land is proven to be within a well-defined mineral belt it shall be deemed prima facie evidence of the mineral character of said land."

Mr. DOCKERY. Is that bill on the House Calendar?

Mr. DOCKERY. Is that bill on the House Calendar? The SPEAKER. The Chair understands that it is on the House Calendar.

Mr. DOCKERY. It aims indirectly to provide for the dispo-

Mr. DOCKERY. It aims indirectly to provide for the disposition of public lands.

Mr. RICHARDSON. Itought not to be on the House Calendar.

Mr. DOCKERY. It seems to be a very important bill.

Mr. RICHARDSON. I make the point of order that it ought not to be on the House Calendar.

Mr. HARTMAN. Now—

The SPEAKER. What is the purport of the bill?

Mr. HARTMAN. The purport of the bill is to permit applicants for mineral lands to make their evidence before other officers than registers and receivers of the United States land office, and thereby to prevent the long travel which is necessary in order to appear before those officers; and there is one other phase of the to appear before those officers; and there is one other phase of the

Mr. DOCKERY. But it does more than that. Mr. HARTMAN. I was about to say there was

I was about to say there was one other phase,

but I can not say it all in one sentence.

Mr. DINGLEY. Mr. Speaker, before this discussion proceeds, the chairman of the Committee on Public Lands desires to raise the question of jurisdiction.

Mr. LACEY. I do not know that I desire to raise the question

Mr. LACEY. I do not know that I desire to raise the question of jurisdiction.

The SPEAKER. All points are reserved.

Mr. LACEY. I reserve the point of order until I can hear further what is the nature of the bill.

The SPEAKER. The point of order is already made.

Mr. HARTMAN. The second purpose of the legislation is to establish a rule of procedure in contests between claimants to mineral and agricultural lands. The bill was introduced by the gentleman from Utah [Mr. ALLEN], and is favorably and unanimously reported by the Committee on Mines and Mining. If further explanation of the bill is desired, I will yield to the gentleman from Utah, who is entirely familiar with it.

Mr. LACEY. What I desire to ascertain is, why this bill was

not sent to the proper committee having charge of matters of this kind. I do not see what jurisdiction the Committee on Mines and Mining would have as to the disposition of lands that are mineral in their character. It would lead to endless confusion if there should be legislation proposed from two committees on the same subject.
Mr. HARTMAN.

Mr. HARTMAN. Unquestionably the Committee on Mines and Mining has jurisdiction of legislation in respect to the business of mines and mining.

Mr. LACEY. Certainly; but not as to the question of public

lands

The SPEAKER. The rules prescribe that if by any error or misunderstanding a bill has been sent to the wrong committee, it is the duty of the committee who desire jurisdiction to present the matter to the House for a change; and no question having been raised, and the committee having reported, the Chair thinks it is too late to raise the question of consideration. On the other point—of its being on the House Calendar—the Chair hardly knows where

of its being on the House Calendar—the Chair hardly knows where it could be but on that Calendar.

Mr. DOCKERY. The ruling of the Speaker of the last House was that you could raise the question of jurisdiction at this point. But perhaps the rule of that House is different in this respect.

The SPEAKER. The rules differ in some respects.

Mr. LACEY. At any rate, inasmuch as the Committee on

Public Lands has been examining these questions and are responsible for this class of legislation, and inasmuch as that committee had no knowledge of the existence of this bill, I would at least like to hear a full statement of the merits of the bill.

Mr. HARTMAN. In that case I will yield to the gentleman from Utah [Mr. ALLEN], the author of the bill, who will explain

from Utah [Mr. ALLEN], the author of the bill, who will explain it fully.

The SPEAKER. Of course the gentleman from Iowa [Mr. Lacey] can, if he desires, move at the proper time to refer the bill to the Committee on Public Lands, and if the House sees fit to do that, the mistake can be rectified, if a mistake has been made.

Mr. ALLEN of Utah. Mr. Speaker, this bill was introduced in the Fifty-third Congress, and was referred to the Committee on Mines and Mining. That committee reported it favorably to the House, and when it was reintroduced in the present Congress it went to the same committee that had passed upon it in the Fifty-third Congress, and it seems to me that the Committee on Mines and Mining clearly has jurisdiction of the questions involved. This is not, in the broad sense, a bill coming within the jurisdiction of the Committee on Public Lands, of which committee I also am a member. There are but two points in the bill which would am a member. There are but two points in the bill which would change existing law. One is in relation to the making of affidavits, the law now requiring that they be made before the register and receiver of the land office of the district within which the claim is located.

Now, many of these land districts are very large. The State of Utah constitutes but one, and there are 84,000 square miles in that State; so that, under the present law, extensive travel is required, and in many instances great expense is incurred in order to make the necessary affidavits for the entry of claims, and the committee are quite satisfied that no harm can come to anybody from the change proposed in this bill, allowing those who have the right, under the State law, to administer oaths, to take these affidavits and attest them with their seals.

Mr. DOCKERY. Has this bill been submitted to the Commissioner of the General Land Office or to the Secretary of the

Interior?

Mr. ALLEN of Utah. This same bill was submitted to the Department in the Fifty-third Congress and a favorable report

Department in the Fifty-third Congress and a favorable report upon it was made to the committee.

Mr. DOCKERY. Do I understand that the Commissioner reported favorably upon the bill, in writing?

Mr. ALLEN of Utah. Yes, sir. The committee's report shows that. The second point in the bill which would change existing law is intended to fix the burden of proof, in the case of an entry of mineral lands situated within or adjacent to a mineral-bearing zone, which is contested by an agricultural claimant, upon the agricultural claimant, where it should be. These are the only two points involved, and it seems to me that the bill ought to pass, because it will afford relief in many instances. because it will afford relief in many instances.

The SPEAKER. The question is on the engrossment and third

The SPEAKER. The question is on the engrossment and third reading of the bill.

Mr. LACEY. Mr. Speaker, I move to commit this bill to the Committee on Public Lands, and upon that motion I desire to make just a few remarks. The gentleman who introduced this bill is a member of the Committee on Public Lands, so that no injury can come to the bill from its being referred to that committee, which is the proper committee. It is utterly impossible for the members of that committee to give the bill proper consideration at this time, owing to the hasty manner in which it is brought up in the House. Were the questions involved of minor importance I should not feel inclined to make this motion, but the bill is really a very important one, involving the whole subject of

the disposition of mineral lands and a change of the methods of proof in such cases. Evidently it ought to be considered by the proper committee and ought to be referred to the Department for information. I believe that no delay will result from referring the bill to the Committee on Public Lands, and it certainly ought

the bill to the Committee on Public Lands, and it certainly ought to go there.

Mr. HARTMAN. Does the gentleman really consider that this bill makes an entire change in the method of obtaining titles to mineral lands, when in fact all that it does is this: It says to the applicant for a mineral land patent, "You may appear before the clerk of the court in your own town, or before a notary public in your own town, and make your affidavit there, instead of getting on the train, traveling two or three or four hundred miles, and making the same affidavit before the register of the land office?"

Mr. LACEY. That is merely a change of procedure.

Mr. HARTMAN. And the gentleman really thinks that is so important a question that the Committee on Mines and Mining is not capable of dealing with it?

Mr. LACEY. No. If that was all there was in the bill I would not make the point; but there is more than that. There are questions involved as to the burden of proof, and as to the presumption arising from the location of rock as affecting the mineral character

arising from the location of rock as affecting the mineral character of the land, and other questions. This bill was introduced only on the 19th of December last. I do not see any occasion for such a hasty disposal of it, and I insist that it ought to be referred to

on the 18th of December 18st. I do not see any occasion for such a hasty disposal of it, and I insist that it ought to be referred to the proper committee.

Mr. ALLEN of Utah. Mr. Speaker, the gentleman from Iowa is under an entire misapprehension as to this bill. In the first place, it was not introduced hastily.

Mr. LACEY. I did not say hastily. I said lately.

Mr. ALLEN of Utah. Nor lately.

Mr. ALLEN of Utah. Nor lately.

Mr. ALLEN of Utah. It was introduced at the first session of this Congress by me. It was introduced by the gentleman from California, Mr. Caminetti, in the Fifty-third Congress, and was then referred to the Committee on Mines and Mining. That committee took jurisdiction and returned it to the House with a favorable report, that report being practically the same as the one now presented. The bill was referred to the Interior Department during the Fifty-third Congress and was favorably reported upon by that Department. On the 19th of December, 1896, the committee reported the bill to the House, and the report contains what the officers of the Department had said concerning the two points in the bill that would change existing law, and I remind the gentleman that the Land Office has now the same head that it had when this bill that the Land Office has now the same head that it had when this bill was favorably recommended by the Department during the Fiftythird Congress. Therefore, I can not see that anything will be gained by referring the bill at this time to the Committee on Public Lands, even though it might have gone there in the first place; though I have my doubts as to the jurisdiction of that committee in this case

The question being taken on the motion of Mr. Lacey to refer the bill to the Committee on the Public Lands, the Speaker declared that the noes seemed to have it.

Mr. LACEY. I ask for a division. The House divided; and there were—ayes 26, noes 43.

The House divided; and there were—ayes 26, noes 43.

So the motion was rejected.

The bill was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

Mr. HARTMAN. Mr. Speaker, I move to reconsider the vote by which the bill was passed, and to lay that motion on the table.

Mr. LACEY. I object to laying the motion to reconsider on the table. I would be glad to have the motion lie over until further time has been given for the examination of the bill. I ask unanimous consent that the motion to reconsider lie over until to-moreover morning.

row morning.
Mr. HARTMAN. I think we had better have the question set-

tled at this time.

The SPEAKER. Objection is made.

The question being taken upon laying on the table the motion to reconsider, it was agreed to; there being—ayes 53, noes 7.

PREFERENCES IN THE CIVIL SERVICE.

Mr. BROSIUS (when the Committee on Reform in the Civil Service was called). I call up from the House Calendar the bill which I send to the desk.

The bill (H. R. 5635) to amend section 1754 of the Revised Statutes of the United States, relating to preferences in the civil service was read as follows:

incurred in the line of duty; second, to all honorably discharged Union soldiers and sailors of the war of the rebellion and the widows of such honorably discharged persons: *Provided*, That they are found to possess the business capacity for the proper discharge of the duties of such offices."

Mr. BROSIUS. I ask that the report of the committee be read in my time.

The report (by Mr. VAN VOORHIS) was read, as follows:

The report (by Mr. Van Voorhis) was read, as follows:

The Committee on Reform in the Civil'Service, to whom was referred the bill (H. R. 5635) to amend section 1734 of Revised Statutes of the United States, report the same back to the House with a recommendation that it do pass, amended by inserting the word "necessary" after the word "capacity," in the last line of the bill.

Under existing law the class to which preference is given in appointments is extremely limited, so much so that in the year 1894 there were but 14 of that class placed upon the eligible list for the entire classified service of the United States, and only 10 secured appointments. In the year 1893, 15 were placed on the eligible list and 13 received appointments. From June 30, 1894, to January 1, 1896, only 4 were appointed in the departmental service.

After the lapse of thirty years from the close of the late war, and in view of the widely prevailing sense of gratitude and generosity toward the surviving defenders of the Union, it is believed that the extension of the preference, not to interfere with the surviving remnant who now enjoy the preference, but as a second preferred class, to all honorably discharged soldiers and sailors of the late war would be an act of justice which the people of the United States, in grateful recognition of the services and sacrifices of those who served in the Army and Navy in the war for the Union, will highly commend.

It is believed that the average age of those passing examinations is about 30 years, while the average age of those passing examinations is about 30 years, while the average age of those passing examinations is about 30 years, while the average age of those passing examinations is about 30 years, while the average age of those passing examinations of about 37 years. It is therefore apparent that the number of this class who will pass the merit test under our civil-service rules will be very limited.

The extension of a preference to the widows of soldiers and sailors who were honorably

Mr. BROSIUS. Mr. Speaker, if there are no inquiries to be made about this measure, I will ask the previous question.
Mr. RICHARDSON. I should like to have some explanation of

the bill. It was almost impossible for us to gather the full tenor

of it from the reading.

Mr. BROSIUS. I asked to have the report read because it states clearly the object of the bill.

Mr. RICHARDSON. It was impossible for us to understand it.

Mr. BROSIUS. Very well. Then I will endeavor to make the

matter clear by an explanation.

Mr. WASHINGTON. Will the gentleman yield a moment? I should like to have the bill read again. I think that no member in this neighborhood understood the reading.

The SPEAKER. If there be no objection, the bill will be again

read.

The bill was again read.

Mr. BROSIUS. Now, Mr. Chairman, if there are no inquiries,
I will ask the previous question.

Mr. RICHARDSON. I hope the gentleman will first make the
explanation which he offered to make.

Mr. BROSIUS. Certainly.

Mr. RICHARDSON. I wish to call the gentleman's attention
rectionlarly to the language of the proviso:

particularly to the language of the proviso:

Provided, That they are found to possess the business capacity necessary for the proper discharge of the duties of such offices.

for the proper discharge of the duties of such offices.

That proviso seems to limit the qualifications to simple business capacity, saying nothing about intellectual or other qualifications.

A MEMBER. Or moral qualifications.

Mr. RICHARDSON. I should like to hear the gentleman's explanation of the bill.

Mr. BROSIUS. It is understood by all that a limited number of the soldiers of the late war enjoy a preference under the existing civil-service law and rules. The number is very limited, because it only refers to those who have been discharged from the service by reason of wounds or sickness contracted in the service. As the report states, the number of those who have enjoyed the privilege of that preference by admission to the civil service has been extremely limited. This bill does not propose to abolish the privilege of that class in any way; they will remain in the same position in reference to the service; but it proposes to extend the privilege to the remaining honorably discharged soldiers of the late war, giving these a second preference.

Mr. RICHARDSON. I do not wish to interrupt the gentleman unnecessarily, but I should like to call his attention to one matter.

Mr. RICHARDSON. I do not wish to interrupt the gentleman unnecessarily, but I should like to call his attention to one matter. Mr. BROSIUS. Certainly.

Mr. RICHARDSON. The language of the existing law, section 1754, which this bill is designed to amend, reads:

Persons honorably discharged from the military or naval service by reason of disability, etc.

Now, I notice that the proposed amendment varies this language so that the provision of the section will apply—

First, to persons honorably discharged from the military or naval service of the United States by reason of disability resulting from wounds or sickness incurred in the line of duty; second, to all honorably discharged Union soldiers and sailors, etc.

Now, I observe that in this second provision different language is used from that embraced in the first clause; and the question in my mind is whether the language "all honorably discharged Union soldiers and sailors" might not apply to others than regular

Mr. BROSIUS. Oh, no; I do not think there is any possibility

Mr. RICHARDSON. Might it not apply in some cases to persons who were in the militia? They might be designated "Union soldiers," but I imagine the gentleman would not want to extend the provision of the bill so far.

Mr. BROSIUS. I am not sure that I recall the reasons for the distinction embraced in the language used. But I want to direct my friend's attention to the language of the existing law:

Persons honorably discharged from the military or naval service

Mr. RICHARDSON. That language is not objectionable. Mr. BROSIUS. I know it is not objectionable to my friend; of

Mr. BROSIUS. I know it is not objectionable to my friend; of course, it is not.

Mr. RICHARDSON. Then why not retain it?

Mr. BROSIUS. Because, literally taken, it might include the Confederate service as well as the Union service. There is nothing in that language which makes any discrimination as to the side on which or the service in which the soldier served. I do not remember distinctly the reason for that change of language, but I see every reason, as far as I understand the objection of the gentleman from Tennessee, for retaining that language in the bill.

But, in order to make entirely clear the language as used in the bill, "discharged Union soldiers and sailors of the war of the rebellion," it seems to me that the express terms used should be retained, for it leaves it beyond all doubt and makes perfectly clear the intention of Congress in the matter. Certainly it can

Mr. RICHARDSON. Undoubtedly; but if the gentleman will

allow me a moment—
Mr. BROSIUS. Certainly.
Mr. RICHARDSON. In the first place, it says in the first

Persons honorably discharged from the miltary or naval service by reason of disability—

And so on.

Mr. BROSIUS. Because that is the language of the existing law

law.

Mr. RICHARDSON. No, sir; the gentleman is mistaken. It is not the language of the existing law; and if the gentleman will adopt that language it will remove all of the objections.

But, secondly, this bill applies to all "honorably discharged Union soldiers and sailors of the war of the rebellion." Now, in the first place, let me state to the gentleman that I do not object to the insertion of the words "United States" in the first provision, because although that is not in the language of the original sion, because, although that is not in the language of the original act, it was so understood and has always been so applied, although these words do not appear in the section the gentleman proposes to amend.

The gentleman in the first clause of this bill limits the provision of this act to soldiers and sailors of the United States; then in the second clause he says to "all honorably discharged Union soldiers and sailors." Why not use the same terms in the second clause and sailors." Why not use the same terms in the second clause that are used in the first, namely, that is all "honorably discharged soldiers and sailors of the United States?" Why make such a change?

Mr. BROSIUS. I do not know of any cogent reason why one Mr. BROSIUS. I do not know of any cogent reason why one should have been used more than the other, or why the words should have been changed in drawing the bill. But inasmuch as they are already in the bill, unless my friend can show that they are ambiguous, and are likely to result in harm, I do not see where the objection comes in.

Mr. RICHARDSON. Why, the objection is that this might include militia as well as the discharged officers and soldiers of the Regular Army of the United States.

Mr. BROSIUS. I have no objection whatever to the change that the gentleman suggests by inserting the words "United States."

But let me call the attention of the gentleman to another possible reason for using different language in the two sections. It is a part of the existing law in making any reduction of the force in any of the Executive Departments of the Government the head of such Department shall retain those persons who may be equally qualified and have been "honorably discharged from the military or naval service of the United States." My friend will mark the words: "And the widows and orphans of deceased soldiers and sailors." sailors."

Now, the preference that the bill contemplates over and above the existing preferences is just this: To give them, when they apply for admission to the service, the precise privilege which they already enjoy under the law after they are within the service; and that is the purpose of the bill, to make it uniform.

Now, in order to make it not only identical in sentiment, but in language as well, I am quite willing to amend by striking out the

word "Union" and inserting the words "United States," in order to keep it not only in harmony with existing purposes, but in har-mony with phraseology of the existing law. Is my friend content with that?

Mr. RICHARDSON. That is all I have sought. Mr. DOCKERY. Then the section would read as amended:

Second, to persons honorably discharged from the military or naval service of the United States, and the widows of such honorably discharged persons.

Mr. BROSIUS. That would be the modification.
Mr. DOCKERY. That, I understand, would meet the suggestion of the gentleman from Tennessee?
Mr. BROSIUS. Yes.

Mr. BROSIUS. Yes.
Mr. RICHARDSON. Does the gentleman offer that amendment, or does he wish me to offer it?
Mr. BROSIUS. The gentleman can offer it, and I will not

Mr. RICHARDSON. I move to amend, then, in section 1, so that the paragraph will read, "first, to persons honorably discharged from the military or naval service of the United States in the war of the rebellion."

The SPEAKER. The Clerk will read the amendment suggested

by the gentleman from Tennessee.
The Clerk read as follows:

Page 2, line 18, amend the paragraph so as to read:
"Second, to all honorably discharged soldiers and sailors of the United States of the war of the rebellion, and the widows of such honorably discharged persons."

Mr. RICHARDSON. I would suggest that the language would be a little better if the gentleman would use the exact language embodied in the first clause—that is, "persons honorably discharged from the military or naval service of the United States," and the widows of such honorably discharged persons.

Mr. BROSIUS. I understand that would be the amendment.

Mr. RICHARDSON. I will offer that amendment.

Mr. RICHARDSON. I will offer that amendment.

Mr. BROSIUS. It occurred to me, and perhaps it occurred to the gentleman who drew the bill, that this would include not only soldiers of the late war, but all soldiers of the United States. That is a possible reason for drawing it in this manner. It would include soldiers of the Regular Army as well as those of the late war of the rebellion, which was not the purpose of the bill. If my friend will include in his amendment soldiers and sailors of the United States in the late war of the rebellion, that will be satis-

The SPEAKER. The gentleman from Tennessee had perhaps

better reduce his amendment to writing.

Mr. RICHARDSON. That is right.

Mr. HARDY. Mr. Speaker—
The SPEAKER. Does the gentleman from Pennsylvania yield?
Mr. RICHARDSON. I think it would be better to get the amendment adopted.

The SPEAKER. The Clerk will report the amendment proposed by the gentleman from Tennessee.

The Clerk read as follows:

On page 2, line 17, strike out all after the word "second." Strike out all of lines 13 and 19, and insert "all persons honorably discharged from the military and naval service of the United States in the war of the rebellion, and the widows of such honorably discharged persons."

Mr. RICHARDSON. Now I ask for a vote on the amendment.

The amendment was agreed to.

Mr. RICHARDSON. Now, Mr. Speaker, I desire to call the attention of the gentleman to the proviso in line 20, and ask him if he does not think that the proper grammatical construction of that proviso would make it apply alone to the second law and not to the first? I think he meant that it should apply to both, and it seems to me that it ought to be made to apply to both classes. In other words, I think it should read:

Provided. That they are found in each case to possess the business capacity ecessary for the proper discharge of their duties.

That will make the proviso perfectly plain.

Mr. BROSIUS. I think that the language of the bill is not subject to the objection made. I think grammatically the proviso refers to both classes named. I think that was put in the bill in order to keep it in harmony with existing law. Section 1754 of the Revised Statutes contains the same proviso:

Provided, They are found to possess the business capacity necessary for the proper discharge of the duties of such offices.

Mr. RICHARDSON. I call the gentleman's attention to the

fact, however, that there is but one class referred to in the law which he has just read.

Mr. BROSIUS. I know.

Mr. RICHARDSON. While in the law, as he now offers it, there are two classes. Therefore the proviso ought to apply to

Mr. BROSIUS. I understand my friend's point, but I do not think it is well taken, because the proviso refers, I think, gram-matically to both classes, and it does not require a discriminating

word to make it cover both classes. I think there is no possibility of misconstruing the language of the bill.

Mr. RICHARDSON. Still, then, the gentleman would not object to having it made so in so many words.

Mr. BROSIUS. I do not see any objection, except the objection that always lies to introducing needless and useless verbiage into a bill.

Mr. RICHARDSON. Imove that the bill be amended by inserting after the word "that," in line 20, the words "as to both

Mr. DOCKERY. As to both classes. Mr. BROSIUS, I do not object to that. The Clerk read the amendment, as follows:

On page 2, line 20, after the word "that," insert the words "as to both classes."

Mr. BROSIUS. I have no objection whatever to that.

The amendment was agreed to.
Mr. JOHNSON of California. Mr. Speaker—
The SPEAKER. Does the gentleman from Pennsylvania [Mr. BROSIUS] yield to the gentleman from California [Mr. JOHNSON]?
Mr. BROSIUS. I have not yet yielded.
Mr. JOHNSON of California. Is it in order, Mr. Speaker, to rise to a question of personal privilege now?
The SPEAKER. Not unless it has connection with this case.
Mr. JOHNSON of California. Then I must wait until this bill is disposed of?

disposed of?

is disposed of?

Mr. BROSIUS. It will be disposed of in a minute.

Mr. JOHNSON of California. Then I shall ask the floor at that time upon a question of personal privilege.

Mr. WASHINGTON. I wish to ask the gentleman from Pennsylvania [Mr. BROSIUS] a question.

Mr. BROSIUS. Certainly.

Mr. WASHINGTON. I believe you are an advocate of the merit system and the enforcement of the civil-service rules. Does not system and the enforcement of the civil-service rules. Does not this set aside the merit system and the competitive examination

theory on which it is based entirely?

Mr. WILLIAM A. STONE. Only partially.

Mr. BROSIUS. Well, in the matter of sentiment there is an order of precedence as well as in other matters, and the people of

order of precedence as well as in other matters, and the people of the United States have always been willing to relax the merit principle sufficiently to give a preference to those who saved the country. That is all I care to say in response to that question.

Mr. WASHINGTON. Mr. Speaker, I want to know from the gentleman if he can give us any information as to how far this sentiment is to be applied. Does this set aside the list of those who have passed the civil-service examinations from civil life, and give the preference, regardless of their merits, to those who have served in the military and naval service, and for which service they have always received compensation? If that is sufficient to get them on the eligible list, then I think it is a great and gross injustice to the young men and young women of the country who are trying to prepare themselves for the civil service of the Government. Will the gentleman answer that question?

Mr. BROSIUS. I will be glad to answer that question in the best way I can when the case arises; but I shall now ask the pre-

best way I can when the case arises; but I shall now ask the pre-

wious question.

Mr. HARDY. Will the gentleman yield to me for a question?

Mr. BROSIUS. Certainly.

Mr. HARDY. I should like to ask the gentleman whether, under this beautiful civil-service system as now developed, if he knows of any Union soldier who votes the Republican ticket who has ever been found of sufficient business capacity to enter the civil service under this Administration? Can you name one Republican soldier who has been given a preference during the past three years?

past three years?

Mr. BROSIUS. Mr. Speaker, if I were to answer that question I would show that I had been making inquiry into the politics of those who have applied for admission to the civil service in the country—a thing that is forbidden by the law and the spirit of the merit system [laughter]—and therefore I am unable to say, in reply to my friend, whether any soldiers who have gone into the civil service have been Republicans or Democrats.

Mr. HARDY. As the gentleman is such a close student of civil—

Mr. HARDY. As the gentleman is such a close student of civil-service reform, I supposed he had investigated the question in all its details and knew all about it. You evidently do not know anything about civil service as practiced by this Administration.

[Laughter.]
Mr. WASHINGTON. Will the gentleman allow me to ask him

a question?

Mr. BROSIUS. Of course anything relating to politics in the civil service, which is the essence of the spoils system, is something with which a real advocate of the merit system in the civil service of the country is not supposed to be conversant. I now ask for the previous question.

Mr. WASHINGTON. And now will you allow me to ask you one question?

Mr. BROSIUS. Why, with pleasure.

Mr. WASHINGTON. In that same line? You decline to inquire into the politics of any applicant for this civil-service examination, and say that the merit system eliminates all questions of politics; but the gentleman nevertheless insists on an additional sentiment other than politics, which shall be recognized in appointments to positions in the civil service, regardless

Mr. BROSIUS. Well, now, I will let my friend have the benefit of the last remark; and will demand the previous question on

Mr. WILSON of Ohio. I would like to inquire if there is any opportunity to offer an amendment to this bill?

The SPEAKER. Not unless the House votes down the demand

for the previous question.

Mr. BROSIUS. I yield to the gentleman from Ohio for a ques-

tion.

Mr. WILSON of Ohio. Mr. Speaker, in order that I may understand the operations of this bill, if it should become a law, I want

to ask two or three questions, seriously.

Mr. DOCKERY. That is right; go ahead.

Mr. WILSON of Ohio. First, I desire the gentleman from Pennsylvania to state whether these soldiers are required to take the examinations necessary for entering the civil service?

Mr. BROSIUS. My friend will excuse me; my attention was diverted and I did not catch the beginning of his question.

Mr. WILSON of Ohio. My question is, whether these soldiers who are to have the preference are required to take the civil-service

Mr. BROSIUS. Oh, yes.
Mr. WILSON of Ohio. Then how do they get a preference after
the examination has taken place and they have passed the civil-

the examination has taken place and may have place service examination?

Mr. BROSIUS. They get the advantage they now have in the percentage. The soldier in the limited class under the existing law who gets an average percentage of 65 goes upon the eligible list; and the soldiers included in the present bill would have the same advantage. Seventy is the lowest average that will place an applicant upon the eligible list—that is, the ordinary applicant. But in the limited class, soldiers who enjoy the preference under But in the limited class, soldiers who enjoy the preference under the existing law will be placed upon the eligible list if they have

a percentage of 65; so that they have an advantage of 5 points.

Mr. WILSON of Ohio. Then, after they have passed the examination, is there any preference in taking them on the list that is

Mr. BROSIUS. They go to the head of the eligible list and are certified. That is the whole of that. I ask for the previous question

Mr. DINGLEY. Suppose three are certified; does that give any

preference?

Mr. BROSIUS. No; not at all.
The previous question was ordered.
The SPEAKER. There is a committee amendment which the Clerk will report.

The amendment was read, as follows:

Page 2, line 21, after the word "capacity," insert the word "necessary."

The amendment was adopted.

The bill was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

Mr. BROSIUS moved to reconsider the vote by which the bill was passed, and also moved that the motion to reconsider be laid on the table.

on the table.

The latter motion was agreed to.

Mr. BROSIUS. Mr. Speaker, a parliamentary inquiry. I have a small bill which really ought to be passed, but it is not on this Calendar, and my inquiry is, whether it is permissible in this hour to move that the House resolve itself into Committee of the Whole? The SPEAKER. The Chair thinks not.

Mr. BROSIUS. Then I have nothing further at this time.

QUESTION OF PERSONAL PRIVILEGE.

Mr. JOHNSON of California. Mr. Speaker—
The SPEAKER. The gentleman from California rises to a question of personal privilege. The gentleman will state it.
Mr. JOHNSON of California. Mr. Speaker, last Friday I made

Mr. JOHNSON of California. Mr. Speaker, last Friday I made some remarks upon the bill then pending before the House, known as the Pacific Railroad funding bill. In the course of my remarks, in order to illustrate the weakness of the opposition to the bill coming from California, I undertook to state the real, secret, underlying causes of that opposition, and I did it openly, boldly, knowing whereof I spoke, and being responsible for what I said. During the debate the gentleman from Wisconsin [Mr. Coonwill made some personal remarks] in reference to average I. COOPER] made some personal remarks in reference to myself. I was unable to get the floor on Friday to reply to him. On Saturday I was unable to reply to him because he was not in the Hall, The floor was tendered to me two or three times by the gentleman from New York [Mr. PAYNE] then in the chair, but I declined to accept it because the gentleman from Wisconsin was still absent

from the Hall. Yesterday I was unable to get the floor. The gentleman from Wisconsin is absent now, and therefore I shall have nothing to say in reference to his attack. The House, on the 7th day of this month, upon the motion of the gentleman from Missouri [Mr. Hubbard], passed a resolution authorizing members who had participated in the debate upon the funding bill to extend their remarks in the Record. I am not familiar with the rule or the practice of the House with reference to the extent of that privilege. Speaking as one man and as a humble member of the legal profession, I would understand such a resolution to mean that a member, having addressed the House upon a pending measure, would be permitted to amplify the remarks that he had made upon the bill, and not to go outside of that.

I was informed yesterday by two or three members of this House, among them my honorable friend from North Carolina [Mr.

Linney], that the gentleman from California, from the Fourth Congressional district [Mr. Maguire], intended to assail me personally upon the floor yesterday, and to call me to account for what I had said, not with reference to himself, but with reference what I had said, not with reference to himself, but with reference to some one else. I waited here yesterday all day, though not well, in order to be prepared for the "roasting" that I was to receive, and to endeavor, with the permission of the Chair, in a feeble manner, to reply to anything that might be said. This morning my attention is called to the CONGRESSIONAL RECORD, where I find, upon pages 706 and 707, what purports to be a speech delivered by the gentleman from California [Mr. MAGUIRE], in which one whole column is devoted to a bitter personal assault upon myself. That speech was not delivered upon the floor of this House. That speech was not delivered anywhere, except by writing it upon paper, handing it to the Reporter, and having it printed in the RECORD. RECORD.

I am not here, Mr. Speaker, to say anything in reference to whether or not that is a violation of the rules of the House. I leave that question for other, older, and more experienced members to determine. But I am here to endeavor to say a few words with reference to the matters contained therein, in order that the antidote may go with the poison, for whatever may be the view of the House with reference to that which I deem to be a violation of its rules, whatever may be the action of the House with referor its rules, whatever may be the action of the House with regrence to what I deem to be a wanton and malicious disregard of the rights of a member of this House, and a wanton breaking of a rule of this House in publishing a personal attack upon a brother member, in his absence, under the guise of extending remarks made upon the floor, whatever may be the action of this House, whether it shall permit this matter to stand in the RECORD, or shall expressed it or shall take no action the attack has already shall expunge it, or shall take no action, the attack has already gone broadcast all over the United States under the sanction of having been delivered in this House, when it never was, and I therefore have a right to speak upon it. In addition, I am handed to-day by a brother member of this House, the gentleman from Missouri [Mr. Mozley], a copy of the St. Louis Globe-Democrat of Monday morning, in which the correspondent of that paper says Mr. Maguire is going to roast me; is going to allude to what has happened in my life; is going, in his language, to "cause Grove Johnson's alleged skeletons to be led forth," and he states what Mr. MAGUIRE says he is going to say in reference to the

Therefore, Mr. Speaker, this was no sudden burst of wrath. was intended by the gentleman from California to be given to the people, and to be given without allowing me an opportunity to be heard, and to be given in what it seems to me is a cowardly and unmanly manner. I would not, in order to secure the success of any measure in which I may be interested, assail a member of this House in his absence to secure a unanimous vote; and my

this House in his absence to secure a unanimous vote; and my action with reference to the gentleman from Wisconsin [Mr. COOPER], which is known to the gentleman from New York [Mr. PAYNE], shows that I would not.

Now, what is said in reference to me? And I have a right to speak of it now, because telegraphic advices that I have received from California state to me that Mr. William R. Hearst has already with lighted in the columns of his paper, the San Francisco Francisco from California state to me that Mr. William R. Hearst has already published in the columns of his paper, the San Francisco Examiner, the speech alleged to have been made by Mr. MAGUIRE upon this floor, and in addition, that he has published the echoes of a speech delivered against me in 1871, in which certain of my youthful actions were brought to light, and in which I was made to appear in every manner possible for a man to appear when he was not being put in a proper attitude. Inasmuch, therefore, as this has been published; inasmuch as every member of this House receives a copy of the Examiner free of charge; inasmuch as on Friday morning that paper will be placed upon the desk of every member, again reiterating the statements of the gentleman from California, I may just as well face this matter and answer this question now as to wait until then

question now as to wait until then.

In this speech alleged to have been made by the gentleman from California [Mr. Maguire] he does not speak of matters directly. He dares not. In this House he made no remarks, and the gentleman from Iowa [Mr. Hepburn] told him the reason why. In

this speech he makes a cowardly insinuation against me, but has not the courage to state it openly and frankly. In that he is lacking the courage of the man that ordered him to assail me, William R. Hearst.

I accept the insinuation. I am not here to seek shelter behind anything. I am here to meet any charge that can be made against me and to explain every action in my life, if need be, that has been alluded to by this man in what I think a cowardly and

unmanly attack upon me.

It is true, sir, that thirty-four years ago I was in trouble in the State of New York. It is true, sir, that thirty-four years ago I was indicted. It is true, sir, that thirty-four years ago I did go to the State of California to endeavor to rear a new home for myself. It is untrue that I went there under any name except myself. It is untrue that I went there under any name except that of Grove L. Johnson, as the gentleman from Syracuse [Mr. Poole], who has known me from boyhood, knows. I went to Sacramento. I settled there in 1865 as Grove L. Johnson, well knowing the charge against me, the people in Syracuse well knowing it and my residence in Sacramento. I worked in Sacramento day in and day out, and by the blessing of God and the help of my wife and through my own labor I was able to pay back every dollar of indebtedness that I owed in the city of Syracuse in the State of New York. Houd applause.] Every charge cuse, in the State of New York. [Loud applause.] Every charge against me was dismissed. The very men that had suffered pecuniary loss at my hands were the first ones to congratulate me upon my success. And I visited Syracuse in 1870, and nearly every year since—always as Grove L. Johnson.

year since—always as Grove L. Johnson.

Now, while in Sacramento every man knew me, I am not of that sort, as you all know, that can sit idly by without taking part in any fight or discussion. Why, sir, it is natural to me to indulge in politics and to fight, and I always fight hard. I am perfectly willing to receive as well as to give blows. And California is not the most peaceable country in the world. I have always been indulging in political battles there. Every man in California, every man in Sacramento, knew of my past history. I never concealed it. Why, sir, with full knowledge of all these charges against me, I became a member of the Independent Order of Odd Fellows; and notwithstanding that every Odd Fellow in my city and in my State knew of these charges I was elevated to the highest position nearly in the order, and met in sovereign grand lodge with my learned friend from Connecticut [Mr. Hill] as a representative of the grand lodge of the State of California. They knew what I had done, but they knew that I had tried to live an honest life in California, and unlike this human hyena from the Fourth district [Mr. MAGUIRE] they did not dig up the grave of the past in order to injure my wife, my children, and myself, but they met me as one man should meet another.

I became, Mr. Speaker, with a full knowledge of these matters, a member of the Improved Order of Red Men, and have filled the

I became, Mr. Speaker, with a full knowledge of these matters, a member of the Improved Order of Red Men, and have filled the highest offices in the gift of that order in the State of California, and met with its great council of the United States, as the honorand met with its great council of the United States, as the honorable gentleman from Massachusetts [Mr. Moody] can testify, and as the honorable gentleman from New Jersey [Mr. LOUDENSLAGER] knows. And every man in that order knew of these charges and this talk against me, and that I had been assailed in this manner. With reference to other orders, it was the same. I am a member and officer of the Druids, the Knights of Pythias, and other kindred fraternal societies just the same, and I became a member of and president of the Exempt Firemen's Association of Sacramento with all of this knowledge before those who elected me in all of these organizations. And in 1877 I was a candidate for a member of the assembly in Sacramento County. I went before that convention, and I said to the members of the convention, "Gentlemen, I will tell you my history." I told them the truth about these charges. I said I had been indicted, but that I had paid off every dollar of my indebtedness. I said to them, "I do not want any member of this body to vote for me and after he has cast his vote be permitted to say that had he known of these things he would have voted against me." president of the Exempt Firemen's Association of Sacramento

would have voted against me."

After that statement these men of Sacramento, with a knowledge of all of these charges, gave me the nomination by a three-fourths majority, and I was elected by an overwhelming majority in my own county. Afterwards I served my term as an assemblyman, and was nominated unanimously to the State senate and elected, receiving the highest vote of any candidate. That was the condition of affairs then, although every man in that county knew of my life and the circumstances connected with my going to California.

Afterwards I was renominated for the State senate, and afterwards I carried my county unanimously, as the nominee for member of Congress in 1892, in the face of these charges, although I was beaten in the nomination in the district. In 1894 I was unanimously nominated for Congress, and again had the support of the people of my district, and notwithstanding the fact that these charges were again scattered throughout the district, with a full knowledge of my history, I was unanimously nominated and triumphantly elected, being the first Republican elected from the

I speak of these things, Mr. Speaker, to show that I never concealed that sad blot on my life. I speak of it to show to you and to this House and to the country that I am not afraid of my life. Can every man in the United States, can every member of this House, say the same thing as boldly and courageously as I do? I know I did wrong. I have repented of it, and I have paid up all of the obligations that I contracted. I have made amends for it, and the people with whom I have lived and have been associated have known of the facts. Since then in Sacramento I have built up a name and fame and I have been honored with the nomina-

up a name and fame and I have been honored with the nominations and elections to important offices, and the confidence of the men who know me in that community has been given unto me.

In 1896 I was renominated for Congress, and the bitterest fight against me was made that was ever made against any man on earth. You, Mr. Speaker, yourself have knowledge of that fact, because you were present in California and took part in that campaign; the honorable gentleman from Maine [Mr. Boutelle] knows of the fact, for he was present and participated in the campaign, as also did the honorable gentlemen from Massachusetts [Mr. MoCall and Mr. Apsley]. They can all testify to the condition of affairs existing when they were present in my district. And yet, Mr. Speaker, in view of those facts, despite the bitter fight made against me personally, and although Sacramento County gave 300 majority for Bryan, I carried every election district in the city of Sacramento, my home, receiving nearly 1,200 majority in the county. [Applause.] The district is Democratic; it gave Bryan over 2,000 majority.

I refer to this, sir, to show that the people of Sacramento, who

I refer to this, sir, to show that the people of Sacramento, who know me well, and who knew of the charges made against me, regarded them as they would the rattle in the tail of a toothless snake, which is heard without exciting alarm. But during that entire campaign, from the very beginning to the end of it, I was the recipient of the vilest abuse from the paper conducted by this man Hearst-the vilest abuse that was ever heaped on a man. That paper was filled with the bitterest slanders and the vilest caricatures of myself. Every man here has received a copy of it. caricatures of myself. Every man here has received a copy of it. You gentlemen who were present in our State during that canvass know the facts of which I speak. You know how our honored Speaker was caricatured by that paper during the campaign, because you were present and saw it. You know how bitter were the assaults that were made upon him. The gentleman from Maine [Mr. BOUTELLE] knows how he was assailed by that infamous paper; but the bitterness of the assaults upon our honored Speaker were but as drops of water compared to the roar of the cataract of Niagara to the assaults that were made on me. I am a man, with all the sentiments and feelings of a man, and can stand a reasonable amount of punishment, although I am not invulnerable to every shaft. But in addition, while my wife lay sick upon her bed during the campaign, from which sickness the doctors said she might not perhaps recover, this infamous wretch sent copies of his paper to my wife; and in order that she might be given the agony of reading the abuse of her husband, he cut out the editorials and the caricatures from his paper, put them in envelopes, sealed them, and sent them to her as correspondence, until opes, sealed them, and sent them to her as correspondence, until the doctor directed my daughters never to give my wife a letter until they had first read it themselves to know what was in it.

Is it wonderful that, having been assailed in this manner, I struck back when the opportunity came? Is there a man here who would do less, except the gentleman from the Fourth district, I was G. Macquare. Is there a man here who would not proved the second of the second

who would do less, except the gentleman from the Fourth district, JAMES G. MAGUIRE? Is there a man here who would not protect his wife? Is there any man here who would not protect his wife? Is there any man here who would not protect himself? I have no newspaper. I did what I did boldly. I knew the attacks would be made upon me. I knew I would be assailed in the columns of this paper. I knew I would be assailed by others, but I did not expect to be attacked in this cowardly, this unmanly, this underhanded method of printing in the Record a speech that never was delivered in the House. There is a race of men in Ireland called "informers." There is a race of men in Italy called "bravos." There is a race of men in Russia called "paid police spies." Either one of those would have scorned to do what the gentleman from California [Mr. MAGUIRE] did with reference to me. Now, Mr. Speaker, I say to you, I say to the House, that in this

tleman from California [Mr. Maguire] did with reference to me. Now, Mr. Speaker, I say to you, I say to the House, that in this matter I did what I thought was right. I had a right to oppose any measure or to favor it. I had the right to favor the funding bill. The gentleman running the San Francisco Examiner had a right to oppose it. He had no right to abuse and to vilify me because I favored it. He had a right to discuss it freely and logically, and yet he saw fit, without other cause—for I appeal confidently to the columns of that paper, to the fact that they never assailed anything in my Congressional life except my friendship for the funding bill—without other reason he abused and maligned me, as I have stated, and I struck back. I think I did right. It may be that other men are so tinctured with the teachings of the meek and lowly One who taught us from Calvary's Mount that meek and lowly One who taught us from Calvary's Mount that they would sit quietly by and not attempt to defend themselves. It may be that other members of this House would do that, but I can not. I have never been taught to believe that it was good doctrine in public life, "if a man smite thee on one cheek, to turn the

other," and if he smote you on that cheek, then I always thought it was right, in the language of Brigham Young, to do the best you could to defend yourself and punish him. So in this I have attempted to explain Hearst's connection with the matter. I have attempted to speak of his conduct with reference to this matter in proper terms. I feel that I did what was right.

Every charge that I and what was right.

Every charge that I made against Hearst is capable of proof.

I do not shelter myself behind my constitutional privilege.

Whatever I say as a Congressman I am responsible for personally and pecuniarily as a man. I have nothing to hide. My life is and pecuniarily as a man. I have nothing to hide. My life is open. I have told you here to-day of it because of the assault made upon me. I ask you now is it right, I ask you is it manly, I ask you is it decent, for one man to assail another in this underask you is it decent, for one man to assair another in this underhanded and what I deem cowardly manner as the gentleman from California [Mr. MAGUIRE] has so wickedly attacked me. I ask you gentlemen from the Sunny South, in whose veins is supposed to run blood that is hotter than in those from the other parts of the nation, I ask you if you indorse that kind of an attack, to assail a man without notice, to give notice to all the newspaper reporters that you propose to attack a man in the House, and then to print your remarks in the RECORD that you never made upon the floor of the House?

the floor of the House?

Go you to the mountains and plains of Tennessee, go you to the mountains and plains of South Carolina, go you to the mountains and plains of Mississippi, go you to the vast plains of Missouri, go you all over the South, go you to Virginia, that mother of States and statesmen; ask your people there if they indorse that kind of treatment of one man by another. And the answer you know, for you know it in your hearts, you know what the answer wald be, that they would say to you as one man, RICHARDSON, and CATCHARDSON, and TALBERT and HALL, and OTEY, and SWANSON. be, that they would say to you as one man, RICHARDSON, and CATCHINGS, and TALBERT, and HALL, and OTEY, and SWANSON, and McMillin, they would say, "Repudiate such attacks upon a brother member, or we will forever hurl you from power in these States." And I appeal to you men from the North, men whose blood does not course with the same fiery vigor, but men that knowing your rights, dare maintain them, men who in the cooler winds of the North think twice before you act once, I appeal to you; is it right, is it decent, is it manly thus to attack a man behind his back? I appeal to you, the patriarch of this House, that men are glad to honor, the man who was Speaker thirty-four years ago. Search your recollection and see if even the antebellum days brought out an incident like this.

So, if you can take your mind back to the time when Pryor and

days brought out an incident like this.

So, if you can take your mind back to the time when Pryor and Potter and Burlingame had their discussions, see if any man attacked another in this cowardly and underhanded method. And you, from the great States of Pennsylvania and New York; and you from the State of Ohio; and you gentlemen from New England, that is always true to the right, I ask you is it right, is it decent, is it manly, that a man should be attacked in this underhanded—in my judgment cowardly, indecent, and unmanly—way in which I have been assailed by the person who represents the Fourth Congressional district of California? I ask you to answer to yourselves; I ask you to ask your wives as to whether it is right. I ask you to ask your God when you go before him in the solitude of your chamber is it right. I submit that it is wrong. [Applause.]

It may be said I assailed a man that was not present; and the gentleman from Wisconsin [Mr. COOPER], speaking of it, said I was cowardly in so doing. Cowardly in assailing a man who had assailed me for more than a year, that lives in New York, that is safely ensconced in the fortress of his house in New York, who sends his order 3,500 miles to California to have me attacked when I can not reply nor see him! Is that cowardly? If the gentleman from Wisconsin thinks that I am at all cowardly, or if the gentleman from California thinks I am at all cowardly, let either of them repeat to me outside this Chamber what they said in this Chamber, and their curiosity will be appeased. [Applause.]

Now, Mr. Speaker, I have no desire to trespass longer upon your time. I have to say to you that I have spoken out of the fullness of my heart. It is not an easy matter to be compelled to speak of these things. It is not an easy matter; but I submit to you that in every civilized nation on earth there is a statute of limitations So, if you can take your mind back to the time when Pryor and

of my heart. It is not an easy matter to be compelled to speak of these things. It is not an easy matter; but I submit to you that in every civilized nation on earth there is a statute of limitations running against every grade of crime. The physiologists tell us that man changes every seven years; and here for thirty-four years I have lived in California. For thirty-four years I have tried to make a living for myself, my children, and my grandchildren who have been born unto me (and I have taken good care of them); and now, in my old age, when I can only look backward and not forward in life; when but few more years are given to me; when I ought to be permitted to enjoy a few years of peace, is it right I ought to be permitted to enjoy a few years of peace, is it right that a man should go back thirty-four years and unlock the doors of the secret recesses of the past to bring up the skeleton of my youthful conduct before you and exhibit it to the people of the United States, especially in this sneaking, cowardly manner? Is it right? Ought not there to be a statute of limitations to the past of a man? Is it right that a man should thus be cowardly assailed? If I should say what I was going to say, it would not be proper. I say, is it right, is it proper to go back thirty-four years in the life of a man and bring out the follies and crimes of his

youth and forever throw them at him?

I beg of you to deal in this matter fairly; and I say, Mr. Speaker and gentlemen, in conclusion, that I have tried to do my duty as a member of Congress, that I have always done what I deemed to be proper. Sometimes I may have spoken perhaps harshly, but always I have been willing to do everything to help my brother members. I have tried to do my duty. I have never concealed my feelings or my thoughts in my life—I never have here in this House—and I submit this question to you now. I submit to you older men, upon whose heads has fallen that frost that knows no melting until the summons of Azrael, the King of Death, is heard melting until the summons of Azrael, the King of Death, is heard by you. I submit it to you younger men, who rejoice in the future pleasures of life; I submit it to you all—is it right that a man should be assailed in this manner? Is it right that there should be no limit to the abuse of newspapers when they seek to terrorize a man from the performance of what he deems to be his duty? Is it right for a coward thus to strike a secret blow, as this man from California [Mr. MAGUIRE] has done? May the day come in the history of this nation when men will be judged absolutely by their acts in the present, when no man, no newspaper, will be in the history of this nation when men will be judged absolutely by their acts in the present, when no man, no newspaper, will be permitted to assail a man by delving into the mysterious recesses of the past, to bring sorrow to his wife, sorrow to his children, sorrow to his grandchildren, and sorrow to his gray hairs, when he is trying to make a living for his children and doing his duty to his God. [Applause.]

Mr. MAGUIRE. Mr. Speaker, in reply to the speech of the gentleman from California [Mr. Johnson], I desire to say that I never printed anything anywhere in my life or asked another to print it or to say it that I was not myself ready to say in the presence of any man on earth.

nce of any man on earth.

On Friday last, sir, one of the most remarkable, one of the most outrageous, one of the most malicious speeches that I ever heard, or that in my opinion was ever delivered in a respectable assembly of geutlemen, was delivered by the gentleman from California. It contained an assault upon an absent man, upon a man who had no right to defend himself or even to say nay in this presence; upon a man who had no legal right to put even his presence; upon a man who had no legal right to put even his denial of the false charges made against him in the permanent RECORD of this House to which the gentleman from California

committed his charges.

I was unable on Saturday to complete my speech, which was interrupted by the expiration of my time before I reached the part of which the gentleman complains. I could not get the floor again to complete it, although I had been assured by gentlemen who would, I thought, be able to control the matter that I should have fifteen or twenty minutes, as I had been excluded from the general debate. or twenty minutes, as I had been excluded from the general debate. I was unable to finish my speech because of the persistent objection of the gentleman from Iowa [Mr. Hepburn]. On Monday I came here with the intention of delivering that part of my speech to which the gentleman from California refers upon a question of personal privilege, and discussed with the Speaker the question of my right to rise to a question of privilege concerning these particular matters. The Speaker, after consideration, took the view, and I think properly, that I had no right to deliver that part of my Saturday's speech upon a question of privilege. There was then no means left to me to defend the man whom the gentleman from California had so unjustly, so cowardly, so falsely assailed upon this floor but to print in the Record, under the permission given by the House, the remainder of my speech as it would have apon this floor but to print in the RECORD, under the permission given by the House, the remainder of my speech as it would have been delivered had it not been for the objections of the gentleman from Iowa. The only difference between that part of the speech as it appears in the RECORD and as it would have been delivered on the floor if I had had the opportunity to so deliver it is that the speech in the RECORD is mild by comparison.

That part of the speech to which the gentleman refers makes

no direct assault upon the gentleman from California, except that no direct assault upon the gentleman from California, except that it brands as false certain statements which he made. Any member of the House might read the speech from beginning to end without discovering any unparliamentary reference to the gentleman. [Expressions of dissent.] It was only because his knowledge enabled him to identify the man described in the picture I had drawn of the author of the most malicious, malignant charge relating to the early life, to the boyhood of an absent man whom he had so cowardly assailed, that he felt so outraged. He has spoken of a statement published in the St. Louis Globe-Democrat numbering to set forth what I was going to say. I have no recolspoken or a statement published in the St. Louis Globe-Democrat purporting to set forth what I was going to say. I have no recollection of having been interviewed by anybody representing the St. Louis Globe-Democrat, and I have not seen the article to which the gentleman refers, but it was an open secret that I intended to defend and vindicate my friend Mr. Hearst, whom the gentleman had foully assailed, and to whose noble and honored mother he sought to bring the grief and anguish which he whines about having brought to members of his own family by statements which he knew Mr. Hearst himself would allow to pass him as the idle wind which he respects not.

It was well known that I would reply. It was well known to

the gentleman himself that if I had an opportunity I would not permit the character or reputation of a friend of mine to stand undefended or unvindicated any more than I would permit the same assault upon myself to pass unchallenged. The gentleman whines about what he calls the attack upon himself. He thinks only of himself—his own self-loving self. He thinks not of grief, thinks not of trouble, thinks not of anguish, until it strikes the only man on earth he cares about—himself. Why did he not think of these things before making an assault on Mr. Hearst. Why did he not think of what the people of the Southern States, and the people of the Northern States, and the people of the Western States, would think of such a cowardly assault? The man who has made this whining, weeping, tearful speech before you this morning, pleading with you to believe that I should not have replied to him as I did, used this language concerning an absent man, whose character or whose life, either in boyhood or in manhood, was not in question here. He said:

(Reading paragraphs 7, 8, 9, and 10 of the first column on page 710 of the daily Record.)

The gentleman from California said these things of an absent man. They are false, and it ill becomes him, after using that language, to whine about my answer to his charges. [Applause.] He need not concern himself about my courage or that of the gentleman from Wisconsin [Mr. Cooper]. In California I should pay little heed to what the gentleman says; but here, with his right to print in the Record, with his right to make a permanent record of whatever he may choose to say in the way of vilification of other men, it is quite different.

He states, by way of justification of his attack on Mr. Hearst on Friday last, that Mr. Hearst during the last campaign had sent editorials and caricatures denouncing him and holding him up to ridicule to his wife while she was sick. Mr. Hearst has not been in California for over a year, except perhaps for two or three days on business, when he had no time to thi

into the RECORD under the circumstances which I have detailed. It was a part of my speech of Saturday, only a portion of which I had an opportunity to deliver. It was in answer to an argument made in favor of the Pacific Railroad funding bill, and the part of which the gentleman complains is confined strictly to answering the charge. I have no apology to make for having pursued that course. I would have made the statements on the pursued that course. I would have made the statements on the floor if I had had the opportunity. Not having that opportunity, I printed the whole of the speech that I was here to deliver, under the permission given by the House to members speaking, to complete their speeches in the RECORD when they had not time to deliver them in full on the floor.

Mr. POOLE. Mr. Speaker, I very much dislike being brought into this controversy, but I find my friend of nearly fifty years ago assailed in a bitter and a cowardly manner, and I can not sit in my seat and keep quiet under such a condition of things.

my seat and keep quiet under such a condition of things.

Mr. RICHARDSON. Mr. Speaker, I rise to a question of order.

It is impossible for us to hear what the gentleman is saying. I ask for order.

The SPEAKER. The House is somewhat in confusion, but the Chair has no doubt it will be in order at once.

Order having been restored,
Mr. POOLE. The gentleman from California, GROVE L. JOHNSON, was my playmate in youth, and I feel honored by his acquaintance to-day.

Mr. McMILLIN. Mr. Speaker, I rise to a point of order. So far as the parties to this controversy are concerned, I take the same view that every other member of the House seems to have taken, in favor of giving the greatest latitude to their statements, but it strikes me there ought to be something before the House before the gentleman from New York [Mr. POOLE] proceeds with his remarks. If the gentleman will state any question of privilege to which he has the right to rise, I would be the last to controver his right in that respect. But as the two principals in this controversy have been heard, it strikes me, unless what the gentleman from New York is about to submit pertains to a question of privilege, this debate should not be extended.

Mr. POOLE. Before I conclude my remarks, which will be very short—

The SPEAKER. The gentleman from New York can only address the House by unanimous consent, in view of the objection.

Mr. POOLE. Well, I ask unanimous consent.

The SPEAKER. The gentleman from New York asks unanimous consent to make a statement to the House. Is there objections.

Mr. McMILLIN. To what does the gentleman propose to direct his remarks? I think that is a pertinent inquiry, because if the gentleman obtains unanimous consent he will have the floor for an hour.

Mr. POOLE. I shall move, at the proper time, to expunge from

Mr. FOOLE. I shall move, at the proper time, to expunge from the RECORD a portion of the remarks—

Mr. McMILLIN. Then I suggest, if the gentleman is going to move any proceeding of the House, that his remarks will more properly come on his motion. With all kindness, I suggest to him that that is the letter way to the state.

properly come on his motion. With all kindness, I suggest to him that that is the better way to proceed.

Mr. POOLE. Mr. Speaker, I move now to expunge from the Record the speech said to have been delivered by Mr. Magures and published in this morning's Record.

Mr. McMillin. I will inquire of the gentleman whether he proposes to do that without having read at the desk the remarks to be expunged? The proper course, it seems to me, would be to dispose of the matter upon a motion to refer it to the appropriate committee, as was done in the case of the controversy of the gentleman from Massachusetts [Mr. Walker] with Mr. Williams and others in a former session. I shall not resist any motion the gentleman may make in that direction, but I hope that whatever may be done will be regularly done, and think reference to a committee of the House best.

may be done will be regularly done, and think reference to a committee of the House best.

Mr. POOLE. Mr. Speaker, I will send to the desk the Record and ask that the portions I have marked be expunged from the Record; and on that motion I wish to speak.

Mr. MITCHELL. Is it proper, Mr. Speaker, to offer an amendment at this time? If so, I should like to move an amendment that the remarks of a personal character which have been delivered by the gentleman from California [Mr. Johnson] against Mr. Hearst and reflecting on his past be also expunged. Mr. Hearst and reflecting on his past be also expunged.

The SPEAKER. The Chair does not think that would be in order. The Clerk will report the proposition of the gentleman from New York.

The Clerk read as follows:

Strike out, on page 707 of the Congressional Record, the following words: "The foulest and falsest of the gentleman's charges—"

The SPEAKER. The Clerk will simply indicate the part of the RECORD the gentleman from New York proposes to strike out. The Clerk read as follows:

Strike out all after the word "detail," in the second paragraph.

The SPEAKER. The gentleman from New York must put his proposition in writing.

Mr. POOLE. Very well, Mr. Speaker.

I now move to strike out the language that I have marked in

the RECORD.

The SPEAKER. The Clerk will indicate the language.

The Clerk read as follows;

Strike out in the second column on page 707 of the RECORD the paragraph commencing with the words "The foulest and falsest," and ending with the words "unscrupulous revenge."

Mr. McMILLIN. I make the point, with the view to determining the matter, that this must be referred to the proper committee under the rules of the House.

The SPEAKER. The Chair thinks if it is a question of privilege

the House must pass upon it.

Mr. McMILLIN. I had no doubt about what the ruling of the Chair would be. I therefore move, Mr. Speaker, its reference to the Committee on Rules.

Chair would be. I therefore move, Mr. Speaker, its reference to the Committee on Rules.

The SPEAKER. The Chair thinks the gentleman from New York is first entitled to be heard.

Mr. McMILLIN. Certainly.

Mr. POOLE. Mr. Speaker, in making this motion I am actuated by only one motive. The attack of the gentleman from California [Mr. Magure] upon my friend from California, Grove L. Johnson, erroneous in many important particulars, as I think I can explain to the House, and as such I do not think that the gentleman from California himself [Mr. Magure] can afford to have the language which he has inserted in the Record remain as a part of the official records of this body.

I have known Grove L. Johnson, as I was saying a few moments ago, ever since boyhood. We were schoolmates almost fifty years ago, and I have known him all his life, and am proud to have been always his friend. He was as bright a scholar as any in the district school in the city of Syracuse, where he was born, and where he was raised. He comes of an excellent family, his father, whom I well remember, being a member of the bar. After graduating with honor at the high school of Syracuse he studied law and built up a good practice. He was elected time after time a member of the school board of the city, and was

popular and respected because of the same good qualities which

he has exhibited upon this floor.

It is true, Mr. Speaker, that at one time in his life he had the misfortune to become very heavily involved in debt. He then did what other men in similar circumstances have done—left his home and went westward; but he went under his own name, and we all knew where he could be found. There was no concealment about it. We all knew where he was; we knew where he could be found, and that he could have been returned at any time if desired. But we did not care to send for him. We all had faith in GROVE L. Johnson; we knew that he was a man of honor, and that although he had made mistakes, if he was given time he would redeem himself, as he did. It was but a very few months before the charge that he was in hiding was proved to be false. It was scarcely two months after leaving his home before he sent money back to partially redeem the outstanding indebtedness, and to-day he deemed ever a deller. And not only that Mr. Speaker not he does not owe a dollar. And not only that, Mr. Speaker, not only did he pay the principal of the debt, but he paid interest upon it. He comes back there year after year, and GROVE L. JOHNSON is respected and liked by all of our people.

Mr. Speaker, when a man in after life has, as GROVE L. JOHNSON has done, attempted to prove and sustain his honor, he should not be said the provent of this door who knows nothing of

has done, attempted to prove and sustain his honor, he should not be assailed by a gentleman on this floor who knows nothing of the circumstances except what he may have heard through the slanders in the San Francisco Examiner, and I think it would be unjust to the gentleman from California [Mr. MAGUIRE] to allow the words that he has uttered to remain in the permanent records of this Congress in the speech which was published in the RECORD

this morning.

I hope, sir, the motion will prevail. I reserve the remainder of

my time.

my time.

Mr. McMILLIN. Mr. Speaker, I do not desire to discuss the motion at the present time, and I address my remarks to the gentlemen on the other side. I think the proper course is to refer this to an appropriate committee. We had just such a precedent in a former Congress under the alleged abuse of the privilege of printing by a gentleman from Massachusetts against one of his colleagues from that State, Mr. Williams, and the House on that occasion, when its attention was called to it, took the course I have suggested and referred the matter to a committee of the House for consideration and report, and finally disposed of it upon the comconsideration and report, and finally disposed of it upon the committee's report.

mittee's report.

The committee can report what, if anything, ought to be stricken out. I make this suggestion the more readily because the committee can take cognizance of the whole speech; can say what ought to go out and what should not, if anything. I hope there will be no objection, therefore, to that suggestion, and they can report at any time. I would suggest that it be referred to the Committee on Printing. They have charge of matters of printing; or any other committee to which it is referred will be satisfactory to me.

factory to me.

factory to me.

Mr. PERKINS. Mr. Speaker, if it is proposed to refer this matter to the Committee on Printing, I may as well say now for myself that I would be unwilling to review matter that has gone into the Record by consent of the House in debate on the floor. If it was objectionable, any member at that time could have risen in his place and objected, and it would not have appeared. Now, the only question involved is as to this matter printed in the Record, under consent of the House, as to whether if it had been offered or spoken on the floor it would have been objected to at that time. Repeatedly, for myself, I have protested against this general consent to print. I do not believe in it. I believe that the Record should contain only the matter spoken here upon the floor, or some paper which the House directly gives its consent to be printed in the Record. The only question that would come before the committee upon this reference would be this language which is cited to the House now, upon page 707 of the Record. which is cited to the House now, upon page 707 of the RECORD. It occurs to me that if the House desires to act upon this matter, It occurs to me that if the House desires to act upon this matter, it has all the information that any committee could give, and is competent to act now as well as at any other time. The committee, I can say for myself, would not be willing to consider this matter which has preceded and which has been spoken on the floor in the presence of the members, when an opportunity was open for any member to object if he saw fit.

Mr. McMILLIN. I would suggest to the gentleman that the course I have indicated is the one always taken in cases of this kind. I have known no variation from it; and it strikes me that another day is a better time to settle a matter of this sort, and if

another day is a better time to settle a matter of this sort, and if

another day is a better time to settle a matter of this sort, and if for no other reason, I think the reference should be made.

Mr. PERKINS. For myself, I am as ready now to report as at any other time. I am in favor of striking that language out of the permanent RECORD. [Applause.]

Mr. MAGUIRE. Mr. Speaker—

Mr. TOWNE. Mr. Speaker—

The SPEAKER. For what purpose does the gentleman from

Mr. TOWNE. I desire to move an amendment.

The SPEAKER. The gentleman offers an amendment. Mr. MITCHELL. I should like to ask whether the motion which suggested before might not come in now as an amendment.

The SPEAKER. There is already one amendment offered, which the Clerk will report.

The Clerk read as follows:

Amend by adding "to strike out also paragraphs 8, 9, and 10 on page 705 of the RECORD, beginning with the words, 'We knew he was erotic' and ending with the words 'though tattooed with sin.'"

Mr. NORTHWAY. I rise to a point of order—that that is not

germane amendment.
The SPEAKER. It is not at all germane.
Mr. MITCHELL. I should like to move an amendment to

Mr. TOWNE. Is the point of order made against the amend-

The SPEAKER. The point of order is made by the gentleman from Ohio [Mr. NORTHWAY].

Mr. DOCKERY. Would it be in order to move to refer the whole matter to the Committee on Rules?

The SPEAKER. The gentleman from Tennessee [Mr. McMillann] has moved to refer it to the Committee on Printing.

Mr. McMULLIN As the chairman of the Committee on Print-

Mr. McMILLIN. As the chairman of the Committee on Printing says he has prejudged the case, I have no objection to referring the matter to the Committee on Rules, inasmuch as there is some indication of preference that it should go to the Committee on

Mr. DOCKERY. Let it go to the Committee on Rules.
Mr. McMILLIN. I have no objection and no preference as to
what committee it is referred to. I think it ought to be referred.
The SPEAKER. The gentleman from Missouri moves that the
matter be referred to the Committee on Rules.

The question was taken; and the Speaker announced that the noes seemed to have it.
Mr. DOCKERY demanded a division.

Adams, Aitken, Apsley, Arnold, Pa, Arnold, R. I. Avery, Baker, N. H.

Baker, N. H.
Barney,
Barrett,
Bennett,
Bishop,
Boutelle,
Brosius,
Bull,
Burton, Mo,
Burton, Ohio
Calderhead,
Chickering,
Clark, Mo.
Codding,
Connolly,
Cook, Wis.
Corliss,
Crowther,
Curtis, Iowa
Curtis

Danford, Daniels, Dayton,

Mr. DOCKER's demanded a division.

The House divided; and there were—ayes 52, noes 87.

Mr. McMILLIN. Let us have the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 67, nays 123, not voting 165; as follows:

YEAS—87

YEAS-67.

Latimer,
Lawson,
Layton,
Livingston,
Loud,
McClellan,
McCreary, Ky.
McCulloch,
McDearmon,
McMillin,
Neill, Abbott, Aldrich, T. H. Allen, Utah Anderson, Bailey, Bartlett, Ga. Bell, Colo. Black, Broderick, Sayers, Simpkins, Southard, Spencer, Stokes, Sulzer, Swanson De Armond. Dingley, Dolliver, Ellett, Erdman, Fairehild, Fitzgerald, Sulzer,
Swanson,
Talbert,
Tate,
Terry,
Towne,
Tucker,
Washington,
Williams,
Wilson, Idaho
Woodard. Fitzgerald,
Hager,
Hager,
Hainer, Nebr.
Harrison,
Hartman,
Hendrick,
Hilborn,
Howard,
Hutcheson,
Lones Buck, Clardy, Cobb, Cockrell, Cooper, Tex. Crisp, Culberson, McMillin, Neill, Ogden, Otey, Owens, Patterson, Pendleton, Richardson, Jones, Kleberg, Cummings

NAYS-123.

Doolittle, Eddy, Ellis, Evans, Fenton, Fletcher, Leighty, Leisenring, Leonard, Lewis, Linney, Linton, Loudenslager, Pugh, Raney, Reeves, Rinaker, Royse, Russell, Conn. Scranton, Smith, Ill. Fletcher,
Foote,
Gardner,
Gibson,
Gillet, N. Y.
Gillett, Mass.
Grow,
Halterman,
Hardy,
Hatch,
Heatwole,
Hepburn,
Hermann,
Hicks,
Hill,
Hopkins,
Huff,
Hulick,
Hullet,
Jenkins,
Joy, Loudenslage:
Low,
Mahom,
Marsh,
McCormick,
McEwan,
McLachlan,
Mercer,
Minor, Wis.
Mitchell,
Moody,
Morse,
Mozley,
Murray,
Northway,
Otjen,
Overstreet,
Parker,
Payne,
Pearson, Snover, Spalding, Sperry, Stable, Stahle,
Steele,
Steele,
Stephenson,
Stewart, Wis,
Stone, C. W.
Stone, W. A.
Strong,
Taft,
Tayler,
Thomas,
Tracey,
Van Voorhis,
Wadsworth,
Wanger,
Warner,
Watson, Ohio
Willis,
Wood,
Wright. Joy, Kiefer, Kirkpatrick, Knox, Lacey, Pearson, Perkins, Pitney, Poole, Powers,

NOT VOTING-165.

Acheson, Aldrich, W. F. Aldrich, III. Allen, Miss. Andrews, Atwood, Babcock, Baker, Kans. Baker, Md. Bankhead, Barham, Bartholdt, Bartlett, N. Y. Beach, Belknap, Bell, Tex.

Burrell, Cannon, Catchings, Clark, Iowa Clarke, Ala. Coffin, Colson, Cooke, Ill. Berry,
Bingham,
Blue,
Boatner,
Bowers,
Brewster,
Brown,
Brumm,

Henry, Conn.
Henry, Ind.
Hitt,
Hooker,
Howel,
Hubbard,
Hulling,
Hurley,
Hyde,
Johnson, Cal.
Johnson, Ind.
Johnson, N. Dak.
Kem, Sorg,
Southwick,
Sparkman,
Stallings,
Stallings,
Strode, Nebr.
Strode, Nebr.
Strode, Nebr.
Strode, Nebr.
Strode, Nebr.
Tacowell,
Tracewell,
Tracewell,
Tracewell,
Truner, Ga.
Turner, Va.
Tyler,
Updegraff,
Van Horn,
Walker, Mass.
Walker, Va.
Watson, Ind.
Wellington, Meredith,
Meyer,
Miller, Kans.
Miller, K. Va.
Miller, W. Va.
Milliken,
Milliken,
Milliken,
Mines,
Mondell,
Money,
Moses,
Newlands,
Noonan,
Odell,
Phillips,
Pickler,
Price,
Price,
Quigg,
Ray,
Ray,
Reyburn,
Robertson, La.
Robinson, Pa.
Russell, Ga. Meredith, Cooper, Fla. Cooper, Wis. Cousins, Cowen, Cox, Crowley, Crump, Curtis, N. Y. Denny,
De Witt,
Dinsmore,
Dockery,
Dovener,
Draper,
Faris,
Fischer,
Foss Johnson, N. Dak Kem, Kemdall, Kerr, Kulp, Kyle, Lefever, Lester, Little, Long, Lorimer, Maddox, Maguire, Martin, McCall, Mass. McCall, Tenn. McClure, McLaurin, McRae, Meiklejohn, Fischer,
Foss,
Foss,
Fowler,
Gamble,
Goodwyn,
Graff,
Griffin,
Griswold,
Grovenor,
Grout,
Hadley,
Hall,
Harmer,
Harris,
Hart, Watson, Ind.
Wellington,
Wheeler,
White,
Wilber,
Wilson, N. Y.
Wilson, Ohio
Wilson, S. C.
Woodman,
Woomer. Robinson, Pa. Rusk, Russell, Ga. Sauerhering, Settle, Shafroth, Shannon, Shaw, Sherman, Shuford, Skinner, Hart, Heiner, Pa. Hemenway, Henderson, Skinner, Smith, Mich. So the motion was lost. The following pairs were announced:
Mr. McCall of Massachusetts with Mr. Hart.
Mr. McCall of Tennessee with Mr. McLaurin.
Mr. Pickler with Mr. Wilson of South Carolina.
Mr. Stewart of New Jersey with Mr. Stallings. Until further notice:
Mr. Cousins with Mr. Cowen.
Mr. Kulp with Mr. Strait.
Mr. Tracewell with Mr. Russell of Georgia. Mr. HITT with Mr. McRae. Mr. Watson of Indiana with Mr. Meyer. Mr. WILBER with Mr. SORG. Mr. WOOMER with Mr. Shaw.
Mr. Hemenway with Mr. Miner of New York.
Mr. Hanly with Mr. Moses.
Mr. Milliken with Mr. Money. Mr. CRUMP with Mr. MADDOX. Mr. CRUMP WITH Mr. MADDOX.
For this day:
Mr. Cook of Wisconsin with Mr. Turner of Virginia.
Mr. Hubbard with Mr. Dinsmore.
Mr. Prince with Mr. Meredith.
Mr. Grosvenor with Mr. Cox.
Mr. Henry of Indiana with Mr. Cooper of Florida.
Mr. Harmer with Mr. Catchings. Mr. Harmer with Mr. Catchings.
Mr. Robinson of Pennsylvania with Mr. Berry.
Mr. Henderson with Mr. Bankhead.
Mr. Bingham with Mr. Dockery.
Mr. Huling with Mr. Allen of Mississippi.
Mr. Baker of Maryland with Mr. Yoakum.
Mr. Sulloway with Mr. Sparkman.
Mr. Walker of Virginia with Mr. Turner of Georgia.
Mr. McClure with Mr. Little.
The result of the vote was then announced as above recorded.
Mr. POOLE. Mr. Speaker. I move the previous question. Mr. POOLE. Mr. Speaker, I move the previous question.
The previous question was ordered.
The SPEAKER. The question is on the motion of the gentleman from New York.

The question was taken; and the resolution was agreed to.

Mr. TOWNE. A privileged motion, Mr. Speaker.

The SPEAKER. The gentleman from Missouri has a privileged Mr. TRACEY. Mr. Speaker, I desire to present the following report from the Committee on Accounts.

Mr. McMILLIN (to Mr. Towne). Yours is a privileged motion.

Mr. TOWNE. I desire to present a motion of privilege. It pertains to the CONGRESSIONAL RECORD. The SPEAKER. Is that the purpose for which the gentleman Mr. TOWNE. It is.
The SPEAKER. The gentleman is recognized.
Mr. TOWNE. I offer the motion which I send to the Clerk's The Clerk read as follows: Strike from the RECORD the following language, being the seventh, eighth, ninth, and tenth paragraphs in the first column of page 705.

The SPEAKER. The question is on agreeing to the motion. The question was taken; and the Speaker announced that the

noes seemed to have it.
Mr. TOWNE. Division!
The House divided; and there were—ayes 47, noes 77.

Mr. TOWNE and Mr. McMILLIN. Let us have the yeas and The yeas and navs were ordered.

Mr. GROUT. Mr. Speaker, I ask to have the matter read that is to be stricken out. It has not been read.

The SPEAKER. The Chair thinks it is too late to ask that.

The House has just ordered the yeas and nays.

Mr. GROUT. It can be read by unanimous consent. I desire to vote, and I do not know how to vote.

Mr. HICKS. What is the language? Mr. HICKS. What is the language?
The SPEAKER. The gentleman will find it in the RECORD.
Mr. HICKS. On what page?
The SPEAKER. If there be no objection, the Clerk will read the resolution. Mr. McMILLIN. I believe the yeas and nays have been ordered, and we may just as well proceed.

The SPEAKER. Objection is made.

Mr. HICKS. I just wanted to know what the matter was.

Mr. McMILLIN. I withdraw my objection.

Mr. HICKS. I merely wanted attention called to where it is in the RECORD. Mr. McMILLIN. I withdraw my objection to its being read, if the gentleman desires it. Mr. SWANSON. It is a very small part to be stricken out, and I ask that all of it be read.

The SPEAKER. The difficulty about describing it in the resolution is, you put it in at the same time you order it to be stricken Mr. McMILLIN. That was the cause of my objection.
Mr. PAYNE. I would like to inquire of the gentleman from
Minnesota if his resolution refers to the same language that was
read by the gentleman from California [Mr. MAGUIRE] in his resolution this morning?

Mr. TOWNE. It does, substantially.

Mr. DOCKERY. It is off the same piece of cloth; the other goods just went out. The question was taken; and there were—yeas 81, nays 95, not voting 179; as follows: Abbott,
Adams,
Anderson,
Atwood,
Bailey,
Bartlett, Ga.
Bell, Colo.
Bell, Tex.
Black,
Catchings,
Clarke, Ala.
Cockrell,
Cooke, Ill.
Cooper, Tex.
Crisp,
Crowley,
Culberson,
Cummings,
De Armond,
Dingley, YEAS-81. AS-81.

McEwan,
McMillin,
Meredith,
Mitchell,
Neill,
Ogden,
Otey,
Owens,
Patterson,
Payne,
Pendleton,
Richardson,
Robertson, La.
Sayers,
Shannon,
Simpkins,
Southard,
Spalding,
Stallings,
Stokes,
Sulzer, Dinsmore, Ellett, Erdman. Fairchild, Gillet, N. Y. Hainer, Nebr. Hall, Hendrick, Hilborn, Johnson, N. Dak. Jones, Kem, Kleberg, Knox, Latimer, Layton, Swanson,
Taft,
Talbert,
Talbert,
Tate,
Terry,
Towne,
Turner, Ga.
Turner, Va.
Tyler,
Updegraff,
Van Horn,
Wadsworth,
Walker, Va.
Wanger,
Washington,
Williams,
Woodard. Swanson, Layton, Livingston, McClellan, McCreary, Ky. McCulloch, McDearmon, IS-05.
Linton,
Loudenslager,
Low,
Mahon,
Marsh,
McCormick,
Milnes,
Minor, Wis.
Moody,
Morse,
Mozley,
Mozley,
Murphy,
Murray,
Otjen,
Overstreet,
Parker,
Perkins,
Pitney,
Poole,
Powers,
Pugh,
Quigg,
Raney,
TING-179. NAVS-95. Doolittle,
Eddy,
Gamble,
Gardner,
Gibson,
Grow,
Hager,
Halterman,
Hardy,
Hardy,
Henry, Conn.
Hepburn,
Hill,
Hopkins,
Huff,
Hunter,
Jenkins,
Kiefer,
Kirkpatrick,
Lacey, Acheson, Arnold, Pa. Arnold, R. I. Avery, Baker, N. H. Reeves, Rinaker, Royse, Scranton, Smith, Mich. Baker, N. H.
Barney,
Bennett,
Blue,
Brosius,
Burton, Mo.
Burton, Ohio
Calderhead,
Cannon Snover, Shover, Sperry, Stahle, Steele, Stephenson, Stewart, Wis Stone, W. A. Stone, W. A.
Strong,
Thomas,
Tracey,
Treloar,
Van Voorhis,
Warner,
Watson, Ohio
Willis,
Wood,
Woodman,
Wright. Calderhead, Cannon, Chickering, Clark, Mo. Codding, Connolly, Crowther, Curtis, Kans. Dalzell, Danford, Daniels, Dayton,

Lacey, Leighty, Leisenring, Lewis, Linney, NOT VOTING-179.

Aitken,
Aldrich, T. H.
Aldrich, W. F.
Aldrich, III.
Allen, Miss.
Allen, Utah
Andrews,
Apsley,
Babcock,
Baker, Kans.
Baker, Md.
Bankhead,
Barham,
Barrett,

Buck,
Bull,
Burrell,
Clark, Iowa
Cobb,
Coffin,
Colson,
Cook, Wis.
Cooper, Fla.
Cooper, Wis.
Corliss,
Cousins,
Cowen,
Cox, Bartholdt, Bartlett, N. Y. Beach, Belknap, Belknap, Berry, Bingham, Bishop, Boatner, Boutelle, Bowers, Brewster, Broderick, Brown, Brumm,

Crump,
Curtis, Iowa
Curtis, N. Y.
Denny,
De Witt,
Dockery,
Dolliver,
Dovener,
Draper,
Ellis,
Evans,
Faris,
Fenton,
Fischer,

Pitzgerald, Fletcher, Foote, Foss, Fowler, Gillett, Mass, Goodwyn, Graff, Griffin, Griswold, Grosvenor, Grout. McLaurin,
McRae,
Meiklejohn,
Mercer,
Meiklejohn,
Mercer,
Miles,
Miller, Kans,
Miller, Kans,
Miller, W. Va.
Milliken,
Mondell,
Money,
Moses,
Newlands,
Noonan,
Odell,
Pearson,
Phillips,
Pickler,
Price,
Price,
Ray,
Rayburn,
Robinson, Pa. Hubbard, Hulick. Sherman. Shuford. Shuford, Skinner, Smith, Ill. Sorg, Southwick, Sparkman, Hullek,
Hullek,
Hulley,
Hurley,
Kondall,
Kerr,
Kulp,
Kyle,
Lawson,
Lefever,
Leonard,
Lester,
Little,
Long,
Lorimer,
Loud,
Maddox,
Maguire,
Maddox,
Maguire,
Mahany,
Martin,
McCall, Mass.
McCall, Tenn.
McCleary, Minn.
McCleary,
McClare,
McLachlan, Sparkman, Spencer, Stewart, N. J. Stone, C. W. Strait, Strode, Nebr. Strowd, N. C. Sulloway, Tawney. Grovenor Grout, Hadley, Hanly, Harmer, Harrison, Hart, Hartman, Sulloway,
Tawney,
Tayler,
Tayler,
Thorp,
Tracewell,
Walker, Mass.
Watson, Ind.
Wellington,
Wheeler,
Wilber,
Wilber,
Wilson, Idaho
Wilson, N. Y.
Wilson, Ohio
Wilson, S. C.
Woomer, Hartman, Heatwole, Heiner, Pa. Hemenway, Henderson, Henry, Ind. Hermann, Hicks, Hitt, Hooker, Howard, Howe, Howell, Robinson, Fa. Rusk, Russell, Conn. Russell, Ga. Sauerhering, Settle, Shafroth,

Mr. DOCKERY. Mr. Speaker, I am paired with the gentleman from Pennsylvania, Mr. BINGHAM. If he were present, I should vote in the affirmative.

The following additional pairs were announced on this question:
Mr. Grout with Mr. Charles W. Stone.
Mr. Wellington with Mr. Hicks.
Mr. JOHNSON of California. Mr. Speaker, I voted on this question, but I am not certain that I had a right to do so. Therefore, in order to be certainly on the safe side, I withdraw my vote.

The SPEAKER. On this question the yeas are 82 and the nays are 94. Mr. Foote of New York, Mr. Barrett of Massachusetts, Mr. Hubbard of Missouri, Mr. Dockery of Missouri, Mr. Wheeler of Alabama, and Mr. Johnson of California are present and not voting. These members, together with those voting, constitute a quorum, and the resolution is rejected.

J. HERMAN BARNESLEY.

Mr. TRACEY. Mr. Speaker, I now call up the report from the Committee on Accounts which I have already sent to the desk.

The report was read, as follows:

The report was read, as follows:

"Resolved, That the compensation of J. Herman Barnesley, now on the folders' roll of the department of the Doorkeper, be increased from \$720 per annum to \$1,200 per annum, he, the said J. Herman Barnesley, performing in an efficient and satisfactory manner the duties of an assistant doorkeeper and of messenger to the Committee on Interstate and Foreign Commerce, and said increased sum being the minimum customary rate for such services; and that said extra compensation be paid by the Clerk out of the contingent fund of the House."

The Committee on Accounts, to whom was referred the resolution providing that the compensation of J. Herman Barnesley, now on the folders' roll, be increased from \$720 per annum to \$1,200 per annum, he, the said Herman J. Barnesley performing in an efficient and satisfactory manner the duties of an assistant doorkeeper and of messenger to the Committee on Interstate and Foreign Commerce, said extra compensation to be paid out of the contingent fund of the House, beg to report that they respectfully recommend that the same do not pass, for the reason that the resolution is in violation of the law which prohibits any increase of salaries to be paid out of the contingent fund of the House.

Mr. TRACEY. I ask for a vote.

Mr. WANGER. Mr. Speaker—

The SPEAKER. For what purpose does the gentleman rise?

To discuss the resolution?

Mr. WANGER. Yes, sir. Mr. TRACEY. I move the previous question on the resolution. The previous question was ordered.
On a vote, the report was adopted; and the resolution was re-

lected.

INVESTIGATION OF SOLDIERS' HOME, LEAVENWORTH, KANS.

Mr. TRACEY. Mr. Speaker, I have sent up also another report, which I desire to have read.

The report was read, as follows:

The report was read, as follows:

Resolved, That the chairman of the Special Committee to Investigate the Soldiers' Home at Leavenworth, Kans., be, and is hereby, authorized to expend the sum of \$1,000, or such part thereof as may be necessary, to complete the investigation of said Home, to be accounted for in the manner prescribed by House resolution ordering said investigation, adopted June 9, 1896.

The Committee on Accounts, to whom was referred the accompanying resolution authorizing the chairman of the Special Committee to Investigate the Soldiers' Home at Leavenworth, Kans., to expend the sum of \$1,000, or such part thereof as may be necessary, to complete the investigation of said Home, beg to report that they respectfully recommend the passage of the same.

Mr. TRACEY. Mr. Speaker, I desire to say with reference to this resolution that I have here the items of account—

Mr. RICHARDSON (interposing). Mr. Speaker, is this appropriation to be made out of the contingent fund of the House?

Mr. TRACEY. Yes, sir.

Mr. TRACEY. Yes, sir.
Mr. RICHARDSON. I did not understand the resolution as read to so provide. If it does not, I want to make a point of order

Mr. TRACEY. Mr. Speaker, the original resolution authorizing the appointment of the committee made appropriation for the

ayment of its expenses out of the contingent fund of the House. Mr. RICHARDSON. But I do not think this resolution does b. I may have misunderstood it in the reading, but I do not

think it contains that provision.

Mr. TRACEY. My understanding is that it does.

Mr. RICHARDSON. I will submit the question to the Speaker.

The SPEAKER (reading from the resolution). "And to be

The SPEAKER (reading from the resolution). "And to be accounted for in the manner prescribed by the House resolution ordering said investigation adopted June 9, 1896."

Mr. TRACEY. Mr. Speaker, let me suggest that that continues the first resolution and practically appropriates this money out of the contingent fund of the House, because the original resolution makes the appropriation from the contingent fund.

The SPEAKER. The Chair does not think it is quite clear from the language of this resolution that the money is to come from the contingent fund of the House.

Mr. RICHARDSON. That is the point that I have made, Mr. Speaker. Unless that is the provision, the resolution is not privileged.

speaker. Onless that is the provision, the leged.

Mr. TRACEY. Mr. Speaker, I desire to say that it is well known to the House that the original resolution providing for the payment of the expenses of this special committee appropriates the money out of the contingent fund, and this is intended to fol-

the money out of the contingent fund, and this is intended to follow the original resolution.

Mr. DINGLEY. I suggest to the gentleman that it would be well to amend the resolution so as to make its meaning certain. It might be amended by inserting the words "to be paid from the contingent fund of the House."

Mr. TRACEY. Mr. Speaker, I move that the resolution be so

The SPEAKER. Does the gentleman from Tennessee withdraw

his point of order?

his point of order?

Mr. RICHARDSON. I do not know anything about the merits of this proposition, Mr. Speaker, but I withdraw the point of order to let the gentleman make an explanation of the resolution.

The SPEAKER. The point of order is withdrawn. The question now is on the amendment proposed by the gentleman from Missouri, which is to insert after the words "said Home" the words "to be paid out of the contingent fund of the House."

Mr. BLUE. Mr. Speaker, if the gentleman from Missouri will permit me, I will suggest that there are two of these resolutions. The resolution originally introduced provided for an investigation. That resolution went to the Committee on Military Affairs. Subsequently a resolution of similar character went to the Committee. sequently a resolution of similar character went to the Committee on Accounts; and it was upon the latter resolution that the investigation was had. I think the gentleman from Missouri [Mr. Tracey] will remember—the chairman of the investigating committee would remember if he were here—that the resolution provided for the payment of this expense out of the contingent fund of the House. I apprehend that the Speaker has before him the resolution that went to the Committee on Military Affairs instead of the one that went to the Committee on Accounts.

The SPEAKER. The Chair read from the resolution now pending; but by the amendment of the gentleman from Missouri the

objection will be obviated.

The question being taken on the amendment of Mr. TRACEY, it was agreed to.

The resolution as amended was adopted.

FUNERAL EXPENSES OF HON. CHARLES F. CRISP.

Mr. TRACEY also reported from the Committee on Accounts the following:

Resolved, That the Clerk of the House be, and he is hereby, authorized and directed to pay out of the contingent fund of the House to the widow of Charles F. Crisp, late a Representative in Congress from the State of Georgia, the expenses of the last illness and funeral of said Charles F. Crisp, such expenses amounting to \$1,480.38.

The resolution was adopted.

ORDER OF BUSINESS.

The SPEAKER. The Clerk will proceed with the call of com-

Mr. BENNETT. The Committee on Interstate and Foreign Commerce was passed yesterday without prejudice. I wish to know whether it is in order for that committee to be called.

The SPEAKER. If the gentleman desires it, that committee will be called now.

BUTLER AND PITTSBURG RAILROAD COMPANY.

The Committee on Interstate and Foreign Commerce having been called,

Mr. BENNETT. I desire to call up House bill No. 9072, to authorize the Butler and Pittsburg Railroad Company to construct a bridge across the Allegheny River. A Senate bill similar in its provisions to this has passed both Houses, has been approved by the President, and has become a law. In order that this House bill may be removed from the Calendar, I move that it lie on the table.

The motion was agreed to.

BRIDGE ACROSS SULPHUR RIVER, ARKANSAS.

Mr. BENNETT. I call up the bill (S. 1722) to approve and ratify the construction of a bridge across the Sulphur River, in the State of Arkansas, by the Texarkana and Fort Smith Railway Company

The bill was read.

The amendments reported by the committee were read, as fol-

Add the following new section 5 between sections 4 and 5, and change number of present section 5 to 6.

"Sec. 5. That this act shall be null and void if actual construction of the bridge herein authorized be not commenced within one year and completed within three years from the date of approval thereof."

Mr. BENNETT. I submit the report of the committee as a

portion of my remarks.

The report (by Mr. Bartlett of New York) was read, as fol-

The Committee on Interstate and Foreign Commerce, to whom was referred the bill (S. 1722) entitled "A bill to approve and ratify the construction of a bridge across the Sulphur River, in the State of Arkansas, by the Texarkana and Fort Smith Railway Company," beg leave to submit the following report, and recommend that said bill do pass, with an amendment.

Add the following new section 5 between sections 4 and 5, and change number of present section 5 to 6.

"Sec. 5. That this act shall be null and void if actual construction of the bridge herein authorized be not commenced within one year and completed within three years from the date of approval thereof."

The committee attach the following letter from Brigadier-General Craighill, Chief of Engineers, and make the same a part of this report:

OFFICE OF THE CHIEF OF ENGINEERS, UNITED STATES ARMY,
Washington, D. C., February 14, 1896.

Washington, D. C., February 14, 1896.

Sir: I have the honor to return herewith a letter, dated the 24th instant, from the Senate Committee on Commerce, inclosing, for the views of the War Department thereon, S. 1722, Fifty-fourth Congress, first session, "A bill to approve and ratify the construction of a bridge across the Sulphur River, in the State of Arkansas, by the Texarkana and Fort Smith Railway Company," and, in reply to its reference to this office, I beg to say that I know of no objection to the passage of the bill by Congress, so far as the interests of navigation are concerned.

Very respectfully, your obedient servant,

W. P. CRAICHILL.

W. P. CRAIGHILL, Brigadier-General, Chief of Engineers.

Hon. DANIEL S. LAMONT, Secretary of War.

The amendments reported by the committee were agreed to. Mr. OGDEN. I ask that this bill be ordered to a third reading and put on its passage.

The bill was ordered to a third reading, read the third time, and

passed.

On motion of Mr. BENNETT, a motion to reconsider the last vote was laid on the table.

BRIDGES ACROSS CUMBERLAND AND TENNESSEE RIVERS

Mr. BENNETT. I call up the bill (H. R. 8551) to establish railroad bridges across the Cumberland and Tennessee rivers in Kentucky

The bill was read.

The amendments reported by the committee were read, as

At the end of line 11, section 2, add:
"Provided, That the length of the drawspans may be increased if, in the opinion of the Secretary of War, the interests of navigation demand it."
After the word "construction," in line 19, section 5, add "or after completion."

In the 2 of a think a construction.

tion."
In line 3 of section 6 strike out "five" and insert "three," and in line 4 strike out "eight" and insert "five."
Strike out section 7 and insert in lieu thereof the following:
"That the right to alter, amend, or repeal this act is hereby expressly reserved."
Strike out section 8.

Mr. BENNETT. I submit the report of the committee as a portion of my remarks.

The report (by Mr. Sherman) was read, as follows:

The report (by Mr. Sherman) was read, as follows:

The Committee on Interstate and Foreign Commerce, to whom was referred the bill (H. R. 8551) to construct railroad bridges across the Cumberland and Tennessee rivers, in Kentucky, submit the following report:

The bill gives authority to the Cairo and Tennessee River Railroad Company to erect, construct, establish, and maintain railway bridges and approaches thereto across the Cumberland River, in the State of Kentucky, at points to be selected by said railroad, or its successors or assigns, between Rock-castle and Tobaccoport, in Trigg County, and also another bridge across said river between Burksville, on said river, in Kentucky, and the Tennessee State line, and also a bridge across the Tennessee River, between Pine Bluff, in Calloway County, Ky., and Birmingham, in Marshall County, Ky., to be selected by said railroad, or its successors or assigns, between said described points on said rivers, which said bridges shall not interfere with the free navigation of said rivers.

The bill has been submitted to the War Department, and under date of May 12 General Craighill suggests certain amendments to the bill; and if thus amended knows of no objection to its passage, so far as the interests of navigation are concerned.

The committee adopt the amendments, which are as follows:

At the end of line II, section 2, add:

"Provided, That the length of the drawspans may be increased if, in the opinion of the Secretary of War, the interests of navigation demand it."

After the word "construction," in line 19, section 5, add "or after comple-

tion."
In line 3 of section 6 strike out "five" and insert "three," and in line 4 strike out "eight" and insert "five."
Strike out section 7 and insert in lieu thereof the following:
"That the right to alter, amend, or repeal this act is hereby expressly reserved."
Strike out section 8,
As thus amended, the committee recommend the passage of the bill.

The amendments reported by the committee were agreed to. The bill as amended was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed. On motion of Mr. BENNETT, a motion to reconsider the vote by which the bill was passed was laid on the table.

BRIDGES ACROSS THE RED RIVER OF THE NORTH.

Mr. BENNETT. I call up the bill (H. R. 8814) to authorize the construction by the Duluth and North Dakota Railroad Com-pany of two bridges across the Red River of the North, between the States of Minnesota and North Dakota.

The bill was read at length.

Mr. BENNETT. Mr. Speaker, I submit, as a part of my remarks, the report of the committee accompanying the bill.

The report (by Mr. Sherman) was read, as follows:

The Committee on Interstate and Foreign Commerce, to whom was referred the bill (H. R. 8814) to authorize the construction by the Duluth and North Dakota Railroad Company of two bridges across the Red River of the North, between the States of Minnesota and North Dakota, submit the following

between the States of milinesous and North Dakota Railroad Company, report:

The bill provides "that the Duluth and North Dakota Railroad Company, a corporation duly created and existing under the law of the State of North Dakota, its successors or assigns, be, and it is hereby, authorized to construct and maintain a bridge and approaches thereto across the Red River of the North at two points on said river."

It has been submitted to the War Department, and, under date of May 19, General Craighill says:

"The bill makes ample provision for the protection of navigation interests, and I know of no objection to its passage by Congress, so far as those interests are concerned."

are concerned."

The bill is therefore reported with a recommendation that it do pass.

The bill was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

On motion of Mr. BENNETT, a motion to reconsider the last

vote was laid on the table.

BRIDGE ACROSS THE MONONGAHELA RIVER.

Mr. BENNETT. I also call up for present consideration the bill (H. R. 9733) to authorize the Union Railroad Company to construct and maintain a bridge across the Monongahela River.

The bill was read at length.

The bill was ordered to be engrossed and read a third time; and

it was accordingly read the third time, and passed.
On motion of Mr. BENNETT, a motion to reconsider the last vote was laid on the table.

BRIDGE ACROSS RED RIVER, ALEXANDRIA, LA.

Mr. PATTERSON. Mr. Speaker, on behalf of the Committee on Interstate and Foreign Commerce, I call up the bill (S. 1725) authorizing the Kansas City, Watkins and Gulf Railway Company to construct and maintain a bridge across Red River at the city of Alexandria, La.

The bill was read at length.

The bill was ordered to a third reading; and being read the third time, it was passed.
On motion of Mr. PATTERSON, a motion to reconsider the last

vote was laid on the table.

AWARDS OF LIFE-SAVING MEDALS.

Mr. WANGER. Mr. Speaker, by instruction of the Committee on Interstate and Foreign Commerce, I call up for present consideration the bill (S. 2334) construing the acts of Congress in relation to the awards of life-saving medals.

The bill was read, as follows:

The bill was read, as follows:

Whereas the Attorney-General, under date of January 30, 1895, has rendered an opinion that the statutes authorizing the award of life-saving medals apply to the rescue of those persons only who, in the vicinity of a life-saving station, lifeboat station, or house of refuge, are in danger of drowning in any of the waters over which the United States, by reason of their right to regulate foreign and interstate commerce, have jurisdiction, and that the purpose of such statutes is to cause such medals to be bestowed upon the members, whether regular or volunteer, and whether permanent or temporary, of the life-saving crews; and that the terms "succoring the ship-wrecked" and "saving persons from drowning," employed in section 12, act approved June 18, 1878, authorizing the bestowal of life-saving medals of the second class, were intended to embrace only those persons who were suffering from the perils of the sea, either by actual shipwreck or from being upon or connected with any vessel in distress: Therefore,

Be it enacted, etc., That so much of the acts relating to life-saving stations and the Life-Saving Service approved June 20, 1874, June 18, 1878, and May 4, 1882, as provided for the award of life-saving medals shall be construed so as to empower the Secretary of the Treasury to bestow such medals upon persons from drowning in the waters over which the United States has jurisdiction, whether the said persons making such exertions were or were not members of a life-saving crew, or whether or not such exertions were or were not members of a life-saving station.

The report (by Mr. WANGER) is as follows:

The Committee on Interstate and Foreign Commerce, to whom was referred the bill (S. 234) construing the acts of Congress in relation to the award of life-saving medals, report in favor of the passage of the same without amend

ment.

A letter from the Secretary of the Treasury respecting the subject-matter of the bill is printed in Senate Report No. 600. The Secretary suggested the insertion of the word "hereafter" after "persons," in line 9, but the Senate did not insert it, and your committee think it should not be inserted.

There have been many acts of great heroism in saving the lives of persons by others than members of the Life-Saving Service, and they merit recognition as well although performed since the opinion of the Attorney-General of January 30, 1895, as if performed before, or as if performed after the pending bill has become a law in case it is enacted.

The bill was ordered to a third reading; and being read the third

time, it was passed.
On motion of Mr. WANGER, a motion to reconsider the last vote was laid on the table.

ORDER OF BUSINESS.

The SPEAKER. The Clerk will proceed with the call of committees

The Committee on Election of President, Vice-President, and

Representatives in Congress was called.

Mr. CORLISS. I would ask unanimous consent that that com-

mittee be passed over without prejudice for the present.

There was no objection, and it was so ordered.

Mr. RICHARDSON. I ask that the other committees be called.

The Committee on Printing was called.

UNLAWFUL USE OF FRANKING PRIVILEGE.

Mr. RICHARDSON. Mr. Speaker, I am instructed by the committee to call up for present consideration the bill (H. R. 9601) to amend an act entitled "An act providing for the public printing and binding and the distribution of public documents," approved January 12, 1895.

The bill was read, as follows:

The bill was read, as follows:

Be it enacted, etc., That section 85 of the act aforesaid be amended so the section may read as follows, to wit:

"Sec. 85. The Vice-President, Senators, Representatives, and Delegates in Congress, the Secretary of the Senate, and Clerk of the House of Representatives may send and receive through the mail free all public documents printed by order of Congress; and the name of the Vice-President, Senator, Representative, Delegate, Secretary of the Senate, and Clerk of the House shall be written thereon, with the proper designation of the office he holds; and the provisions of this section shall apply to each of the persons named therein until the 1st day of December following the expiration of their respective terms of office, except in the case of the Secretary of the Senate and Clerk of the House of Representatives, whose franking privilege shall expire upon the qualification of their successors in office. The Vice-President, Members, and Members-elect of and Delegates and Delegates-elect to Congress shall have the privilege of sending free through the mails, and under their frank, any mail matter to any Government official or to any person, correspondence, not exceeding 1 ounce in weight, upon official or departmental business: Provided, That if any person shall make use of any franked envelope to avoid the payment of postage on his private letter, package, or other mail matter, or shall insert in such envelope printed or written matter not entitled to be transmitted free of postage, or shall use the frank of another without special written authority therefor, to secure the free transmission of books or public documents, the person so offending shall be deemed guilty of a misdemeanor and subject to a fine of \$300, to be prosecuted in any court of competent jurisdiction."

Mr. RICHARDSON. I ask to have the report accompanying

Mr. RICHARDSON. I ask to have the report accompanying the bill read.

The report (by Mr. RICHARDSON) was read, as follows:

The report (by Mr. Kichardson) was read, as follows:

The Committee on Printing, to whom was referred the bill (H. R. 9601) to smend an act entitled "An act providing for the public printing and binding, and the distribution of public documents," approved January 12, 1895, have had the same under consideration and submit the following report:

This provision of the act above referred to was incorporated in the public printing bill by an amendment offered while the bill was pending before the House, and was agreed to without full discussion and not after due investigation of the subject. A penalty for the abuse of the franking privilege of members was probably inadvertently left out. The necessity for the adoption of some measure of this character is so apparent that it seems unnecessary for your committee to dwell at any length upon these sufficient reasons. That the frank of members is indiscriminately used now by a great many people no person will deny. The Post-Office Department is unable to prevent this.

The bill is recommended by the Post-Office Department, and your committee would respectfully recommend that it do pass.

The SPEAKER. The question is on ordering the bill to be engrossed and read a third time.

Mr. CANNON. Wherein does this bill change existing law, I

would ask the gentleman from Tennessee?

Mr. RICHARDSON. This bill was introduced by the gentleman from California [Mr. Loud], and I yield to him for the pur-

man writing to me a letter acknowledging the receipt of a bound copy of the statutes. He rather facetiously, in his letter, stated that he would like to get the statutes, but would much prefer to have them sent direct, rather than through a law publishing firm in San Francisco, because, of course, I would not charge him anything for them, while those that were sent to him came at a charge of \$3.50.

Again, I have a return registered receipt—I have received many Again, I have a return registered receipt—I have received many of them during the last year—but here is a return registered receipt, for instance, received from the town of Delano, in my own State. I am assumed to have sent a package to this gentleman, and this is the return receipt. I never sent any package of that kind to the gentleman, neither do I know him.

Mr. CANNON. That is a registered package, is it?

Mr. LOUD. A registered package.

Mr. CANNON. That is a registered package, is it?

Mr. LOUD. A registered package.

Mr. CANNON. Well, postage was paid on that, was it not?

Mr. LOUD. No, it was not; and it is not necessary. You can register anything that is frankable.

Mr. CANNON. Do you mean you can register anything that is frankable without the payment of postage?

Mr. LOUD. Ob certainly: you can register a sack. I have

Mr. LOUD. Oh, certainly; you can register a sack. I have done it, and probably the gentleman has done it himself. You can register a sack of books by the payment of 8 cents.

Mr. CANNON. Let me ask the gentleman further—I am quite in harmony with a penalty for the improper use of the frank—does this interfere with the right of a Representative or Senator to anthorize another to use his frank?

does this interfere with the right of a Representative or Senator to authorize another to use his frank?

Mr. LOUD. It does not. This simply provides a penalty for the use of the frank except by consent of a member.

Mr. RICHARDSON. I only want to say a word. This bill is an amendment to the printing bill. It will be recalled by gentlemen who were here in the Fifty-third Congress, when the printing bill passed, that this provision, giving the franking privilege to members, was not in the bill. It is no part of the framework of that bill, but this provision, allowing the franking privilege to members in a modified form, was put into the bill on the floor as an amendment by a gentleman then on the floor of the House. It was not carefully prepared, as I have stated, and for that reason, possibly, this amendment is more necessary.

I think the amendment should be adopted.

Mr. LACEY. I wish to ask the gentleman from California [Mr. LOUD] two questions.

Loud] two questions.

Mr. BOUTELLE. I wish to ask the gentleman if he has in-

cluded a clause enlarging the penitentiary? [Laughter.]
Mr. LACEY. I wish to ask the gentleman from California
whether this interferes with the transmission of seeds?

Mr. LOUD. It does not interfere. I will say to the gentleman in perfect good faith that this simply provides a penalty for the use of a member's frank without his authority.

Mr. LACEY. It seems to go a little further.

Mr. RICHARDSON. We simply repeat the law as it now ex-

ists; that is all.

Mr. LACEY. Then another question. You say the frank shall be written. Does that preclude the use of a stamp?

Mr. RICHARDSON. That is the present language, but it is construed to mean that it may be written by another, with the

authority of the member. Mr. LACEY. The que Mr. LACEY. The question is, whether a stamp can be used.
Mr. FOOTE. If a member should inadvertently send some matter through the mails that he thought was frankable, if it should turn out that it was not frankable, he would be liable to a fine of \$300.

Mr. LOUD. I assume that is so.

Mr. RICHARDSON. A member is authorized now to frank letters that do not exceed an ounce in weight, if they are on official business. Now, suppose the gentleman was to send a letter that exceeded an ounce in weight, or suppose he should make a mistake and put into the letter correspondence which did not relate to official business. He would be subject to a penalty now. Therefore the argument fails, it seems to me.

Mr. FOOTE. Is there a penalty to-day on the matter franked

by a member? Mr. RICHARDSON. There is a penalty for any violation of the postal laws.

Mr. FOOTE. For everybody but members, is it not?
Mr. LOUD. For everyone except members.
Mr. FOOTE. This extends it to members themselves, a most

man from California [Mr. Loud], and I yield to him for the purpose of making an explanation.

Mr. LOUD. Mr. Speaker, I will say in answer to the question of the gentleman from Illinois that this bill simply provides a penalty, not now provided in the law, for the unlawful use of a frank of a member of Congress—without his permission.

I want to say to the members present that probably they have discovered before now that the frank of members is being indiscriminately used by a great many people. It was brought to my attention very forcibly in the late campaign by a gentle-

Mr. RICHARDSON. No. We do not change it in that respect, as I understand it

Mr. BOUTELLE. It must be a change, if there is no such thing in the law and you propose to make such a thing.

Mr. LOUD. It provides a penalty on all frankable matter.

Mr. FOOTE. It says "any person."

Mr. FOOTE. It says "any person."
Mr. RICHARDSON. If members willfully violate the law, why

should they not be liable?

Mr. BOUTELLE. I am not discussing that question. I only want it understood that you are making a change. It has been supposed up to this time that a member of Congress was trust-

worthy in regard to the use of these envelopes.

A MEMBER. I am glad to hear that. [Laughter.]

Mr. BOUTELLE. That seems to be a matter of ridicule with some gentlemen. I allow every man to place his own estimate upon himself and his trustworthiness. [Laughter.] Down in my part of the country the people are inclined to trust me with the use of a 2-cent envelope. But this proposition makes a radical change. I do not know whether it is an undesirable change or not, but it has a three-hundred-dollar penalty for the use of an envelope which we are now authorized to employ in the transmission of replies to correspondence in regard to public business; and it may be just as well that members who are supplied by law, by Congress, with the assistance of clerks, to understand if one of

their assistants should put an unmailable, unfrankable paper in one of these envelopes they would be subject to a fine of \$300.

Mr. BRODERICK. The clerk, or member?

Mr. BOUTELLE. The clerk, or member, or any other person.

Mr. LOUD. There is no doubt but what the violation of the law would have to be willful in order to convict the gentleman from Maine.

Mr. BOUTELLE. I do not know. Mr. DOCKERY. But does not the law say that the penalty is to be imposed where the use of the envelope is made to avoid the

payment of postage on private matter?

Mr. BOUTELLE. There are a great many cases where the line is very difficult to draw, and my judgment would be that it would be a great deal better for an occasional slip of that kind to be made, with the trivial loss of 2 cents, than it would be to run a quorum of the members of the House of Representatives into jail some time when we might need them on the floor. [Laughter.

Mr. WASHINGTON. Not if they were all trustworthy like

the gentleman from Maine.

Mr. BARRETT. I desire to offer an amendment.

Mr. BOUTELLE. You might have to spend more in having the Sergeant-at-Arms bring the members into the House than the

loss on postage.

Mr. LOUD. Mr. Chairman, I will not yield the floor at the present. I want the House to understand just what they are doing in this matter. There is no doubt but what there is being sent through the mails to-day tons of matter where the frank of a member is used without his knowledge or consent. Now, it seems plain to any person, I think, that that evil ought to be remedied. There is no other way to remedy it except by providing a penalty. I have been in consultation with the Post-Office Department for a long time about this matter. They say there is no law providing a penalty, that Congress has not seen fit to take any action in this matter, and if they were to begin to prosecute for the wrongful use of the frank of a member, they can not punish the guilty party. Hence the Post-Office Department has continued to take no cognizance of it whatever. I do not assume that this bill would trench on the individual privileges of any member of this House. I think the act, by the reading of this bill, must be willful. I do not think there is any doubt about that. And, so far as I am concerned, I would be willing to stand a penalty if I willfully committed a wrongful act; and I think the gentleman from Maine What amendment does the gentleman from Massa-

would, too. What amendment does the gentleman from Massachusetts desire to offer? I retain the floor.

Mr. EVANS. I want to offer an amendment which, it seems to me, will obviate the trouble suggested by the gentleman's remarks.

The SPEAKER. Does the gentleman from California yield to the gentleman from Kentucky to offer an amendment?

Mr. LOUD. I yield for the reading of it, Mr. Speaker.

Mr. EVANS. The amendment which I would suggest, Mr. Speaker, would be, in line 24, on page 2, to insert after the word "person" the words "other than one entitled to the franking privilege: "so that it will read in such a way as to exclude a memprivilege;" so that it will read in such a way as to exclude a member of Congress, for example, from the provisions of the section, and make it apply to a person using his frank entirely unauthorized by him; and then it seems to me it would meet the objection

entirely.

Mr. LOUD. I can not hear the gentleman. [After a pause.]
I am willing to accept that amendment.
Mr. DOCKERY. I hope the gentleman in charge of the bill will not accept that amendment. By implication that gives members of Congress clearly the right to violate the law.

Mr. LOUD. I think it would be so by implication.

Mr. DOCKERY. I do not think members want to be put in any such attitude as that.

Mr. LOUD. I do not think the House, on proper second thought, would want to put itself in the position of exemption from the

Mr. RICHARDSON. I would not like to vote on a provision that exempted me from the law.

Mr. DOČKERY. There has been no extension of the franking privilege by the bill?

Mr. LOUD. Not at all. This bill cuts off some of the franking

privilege.

Mr. DOCKERY. I would say to the gentleman that I regret that the Postmaster of the House, the Clerk, and the Sergeant-at-Arms are not included in this provision, because the House ap-

propriates a sum of money for that purpose every year.

Mr. CANNON. Mr. Speaker, I would like to hear.

The SPEAKER. The Chair would be very glad to know what is being said. If gentlemen would take their seats, most of them, and cease conversation, it might be possible to understand what

is going on.
Mr. WILLIAM A. STONE. Will the gentleman from California let me ask him a question?

The SPEAKER. Does the gentleman from California yield to

the amendment of the gentleman from Kentucky? Mr. LOUD. I believe I will not, on second thought. I yield to

Mr. Holder and the sent leman from Pennsylvania for a question.

Mr. WILLIAM A. STONE. I understand that the gentleman's complaint against the abuse of the present privilege is that people use the franks of Congressmen without authority. Is that it?

Mr. LOUD. That is it.

Mr. WILLIAM A. STONE. There is no complaint, then, that any Member of the House, or any Delegate, has ever abused the privilege granted to him by the legislation of last Congress?

Mr. LOUD. Not that I have heard of.

Mr. WILLIAM A. STONE. Then why is it necessary to include in this bill restrictions and penalties on ourselves? If clerks

or others are abusing the privilege, it may be well enough to prowide a penalty for their acts, but I can not see any reason why we should not uphold the dignity of our office as members of Congress.

Mr. LOUD. Why should we exempt ourselves?

Mr. WILLIAM A. STONE. Why should we put ourselves in the penal class unless from some sense of wrongdoing?

Mr. WASHINGTON. Any member who violates the law will put himself in the penal class.

Mr. LOUD. 1 yield to the gentleman from Illinois [Mr. Can-

Mr. CANNON. Mr. Speaker, I would like to offer an amend-ment striking out from lines 23 and 23 the words "not exceeding ounce in weight." I desire to take the sense of the House on

that amendment.

Mr. LOUD. I will say to the gentleman that I would greatly prefer that he should bring that proposition before the House in some other manner. It is an extension of the franking privilege which perhaps ought to be considered by the House, but, consulting my own wishes, I do not think that under the conditions which Mr. CANNON. I hope the gentleman will allow the House to express its sense upon the amendment.

Mr. LOUD. I hope the gentleman from Illinois will not press

the amendment at this time.

Mr. CANNON. I can offer it only in the event that the pre-vious question is voted down, and I hope the gentleman from

California will not require me to make that test with him.

Mr. LOUD. I earnestly hope, Mr. Speaker, that the gentleman from Illinois will not press that amendment upon this measure. If we want to extend the franking privilege, let us do it in another

Mr. BARRETT. Mr. Speaker, a parliamentary inquiry. I wish to ask the gentleman having this bill in charge if it is his intention, as evidenced by his statements to the gentleman from Illinois and the gentleman from Kentucky, to move the previous question upon this bill without allowing amendments to be

The SPEAKER. The Chair thinks that is hardly a parliamentary inquiry, but rather an inquiry to be addressed to the gentleman from California. Does the gentleman from California

ask for the previous question?

Mr. LOUD. I will say, Mr. Speaker, that that is my intention.

I yield now to the gentleman from Iowa [Mr. Perkins], unless the gentleman from Massachusetts desires to propound some question.

Mr. PARDERES.

Mr. BARRETT. Mr. Speaker, I do desire to ask a question. I would like to ask the gentleman whether it is his intention to move the previous question on this bill without affording to the gentleman from Illinois and the gentleman from Kentucky an opportunity to offer the amendments which they have already indicated. indicated.

Mr. LOUD. I will say to the gentleman that that is my intention

Mr. BARRETT. Then, Mr. Speaker, I trust that the House will vote down the demand for the previous question.

Mr. LOUD. They have that privilege, of course. I yield now to the gentleman from Iowa [Mr. PERKINS].

Mr. PERKINS. Mr. Speaker, the provisions of this bill change existing law in only two particulars. In the first place, a limitation is placed upon the right of the Secretary of the Senate and of the Clerk of the House of Representatives to use the franking privilege: that is, the right is not extended to them after the expiration. the Clerk of the House of Representatives to use the franking privilege; that is, the right is not extended to them after the expiration of their terms of office. The only other change is contained in the provise in the end of the bill which provides that any person who shall use the franking privilege without authority, or in a manner violative of the law, shall be subject to the specified penalty. At the present time there is no penalty upon the statute books for the violation by anybody of this privilege which is extended by law to members of Congress. Anyone, anywhere, can use the frank of a member and there is no penalty for it. The provision of this bill is intended not to reflect upon members of Congress, but to prevent the fraudulent use of franks by those who are not entitled to use them. I can see no objection to the qualifi-Congress, but to prevent the fraudulent use of franks by those who are not entitled to use them. I can see no objection to the qualification of this proviso in line 26 by inserting before the word 'shall' the word 'willfully;" but certainly there ought to be some penalty for the fraudulent use of the franking privilege as extended to members of Congress by law. That can now be done promiscuously, and no penalty attaches. The provision of this bill is intended to stop that abuse, or subject those who perpetrate it to the same penalty which now applies in the case of departmental business.

Mr. LACEY. I notice in lines 26 and 27 the words "or shall insert in such envelope printed or written matter not entitled to be transmitted free of postage," etc. Now, suppose a member receives a letter in regard to a pension matter, and after looking it receives a letter in regard to a pension matter, and after looking it up answers the inquiry, and in doing so adds the compliments of the season, or, perhaps, sends a message of some private character to one of his friends. In such a case the member would be, as I understand, subject to a penalty of \$300.

Mr. PERKINS. I do not so understand. I suppose any gentleman would be permitted, in such a case, without violating his

privilege, to write a courteous letter.

Mr. BOUTELLE. Not under this bill.

Mr. LOUD. I will say to the gentleman from Iowa that, if the amendment will obviate objection on the part of any members, I will assent to inserting the word "willfully "after the word "shall"

The SPEAKER. The gentleman from California, as the Chair

understands, moves to amend by inserting after the word "shall," in line 26, the word "willfully."

Mr. TRACEY. If there is any merit in that amendment, the word "willfully" should also be inserted after the word "shall"

in line 24. It is just as necessary in the one case as in the other.

Mr. LOUD. I assent to the amendment simply for the purpose of relieving the sensitive feelings of some members of Congress.

Line 24 does not refer to members of Congress.

Mr. TRACEY. It says "any person." I assume it might include a member of Congress.

Mr. LOUD. I assume that the bill would be construed as implying the term "willfully." I do not think there is any necessity

for the amendment.

Mr. TRACEY. If the amendment be inserted in line 26, it certainly ought to be inserted also in line 24.

Mr. LOUD. I do not think so.

Mr. TRACEY. The effect is precisely the same in each case.

Mr. WILLIAM A. STONE rose.

The SPEAKER. Does the gentleman from California yield to the gentleman from Pennsylvania?

Mr. LOUD. Yes. sir.

Mr. LOUD. Yes, sir.

Mr. WILLIAM A. STONE. Would not the gentleman consent to add, after the word "Congress," in the twentieth line of page 2, the words "Secretary of the Senate and Clerk of the House?" These officers have now no franking privilege at all, except in reference to books. It would seem proper to give them the same privilege that is intended to be conferred in the first section.

Mr. LOUD. I hope the gentleman will not press that amendment now, because this bill does not seek to extend the franking privilege. If the House wants to consider that question, I prefer it should be taken up in another manner.

Mr. WILLIAM A. STONE. But at the present time the Clerk of the House and the Secretary of the Control of the House and the Secretary of the House and the Secretary of t

of the House and the Secretary of the Senate have to pay their own postage on official correspondence. They have not been included in previous legislation on this subject at all. It would

seem to be proper that they should be covered by this bill.

Mr. DOCKERY. Allow me to suggest that the law now makes an appropriation for postage of \$100 each year to the Postmaster of the House, \$300 to the Clerk of the House, and \$200 to the

Sergeant-at-Arms.

Mr. WILLIAM A. STONE. So do members receive an appro-

Mr. WILLIAM A. STONE. So do members receive an appropriation for postage.

Mr. DOCKERY. Certainly.

Mr. WILLIAM A. STONE. I had hoped that when this question came up these officers would be included among those entitled to the benefit of the franking privilege.

Mr. DOCKERY. Certainly, they ought to be.

Mr. WILLIAM A. STONE. I will not press the amendment now, however, if the gentleman from California objects to it.

Mr. LOUD. I see no objection to the proposition or its merits.

But to be frank with the gentleman, there is this objection: If the

But to be frank with the gentleman, there is this objection: If the door be opened in one direction he can readily see that there may be no end to amendments of this sort. I should prefer, therefore, that any measures for the extension of the franking privilege should be dealt with in another manner than on this bill

Mr. DOCKERY. Allowme a suggestion in this connection. It is not my purpose to offer any amendment, because I can see that the offering of one amendment may lead to the offering of others, and thus perhaps embarrass this bill. But if there were submitted to the House a measure to which the amendment would be proper, should offer an amendment to include among those entitled to the franking privilege the Clerk, the Sergeant-at-Arms, and the Postmaster of the House. I believe that money would be saved to the Government by such a provision. In the current legislative appropriation bill we have appropriated for postage on official letters \$300 for the Clerk, \$100 for the Postmaster, and \$200 for the Sergeant-at-Arms.

A MEMBER. And those officers use the money, do they not? Mr. DOCKERY. I have no doubt they do. Still, I think that by granting them the franking privilege the Government would save money

Mr. WILLIAM A. STONE. I should prefer to offer the amendment I have indicated, if the gentleman from California will

allow it to be offered.

Mr. LOUD. If the gentleman can get unanimous consent for his amendment, I will not object to its insertion.

Mr. WILLIAM A. STONE. The proposition is simply to permit the Clerk of the House, the Doorkeeper, the Sergeant-at-Arms, and the Postmaster to have the same privilege now accorded to members in reference to the franking of public documents.

Mr. HULL. Have they not already a fund provided for postage?
Mr. WILLIAMA. STONE. Precisely the same as we have, but
that does not cover the expense. I ask unanimous consent to offer that amendment.

Mr. BARRETT. I will certainly object if it contemplates only

a single amendment-

Mr. DOCKERY. I will object if it contemplates this privilege in addition to the postage already authorized. My understanding was that this was to be in lieu of that, and would in the end be a saving of expense. In other words, that while the franking privilege was extended, it would result in cutting off the allowance for postage hereafter.

Mr. LOUD. Your committee will have the control of that.
Mr. WILLIAM A. STONE. If we are going to do this at all,
we must do it properly, and extend this privilege where it is so
much needed, in the manner I have suggested, all at once.
Mr. PERKINS. What is the gentleman's amendment?
Mr. WILLIAM A. STONE. In general terms, to extend the
franking privilege to the Clerk of the House, Doorkeeper, Ser-

geant-at-Arms, and the Postmaster.

Mr. BARRETT. I object to the request of the gentleman from Pennsylvania unless all others are permitted to offer amendments.

Mr. WILLIAM A. STONE. I have not stated all of my proposition yet, Mr. Speaker.

The SPEAKER. But the gentleman objects to a part of it.

[Laughter.]
Mr. BARRETT. I object unless all other members are granted

the right to offer amendments.

Mr. LOUD. Mr. Speaker, I think I shall have to call for the previous question.

Mr. WILLIAM A. STONE. Then I hope the demand will be

voted down.

Mr. BARRETT. Pending that demand, Mr. Speaker, I offer the following motion.

The SPEAKER. What motion does the gentleman submit?

Mr. BARRETT. A motion to recommit the bill.

I move to recommit this bill to the Committee on the Post-Office and Post-Roads with instructions not to report the bill again except with the words "not exceeding 1 ounce in weight," in lines 22 and 23, stricken out, and the words "not entitled to the franking privilege under this act" be first inserted after the word "person," in line 24. This motion embraces the amendments offered by the gentleman from Kentucky and the gentleman from Illinois.

Mr. WILLIAM A. STONE. Will you include my amendment also among them?

Mr. BROMWELL. The gentleman makes his motion to recommit this to the Committee on the Post-Office and Post-Roads. It should be the Committee on Printing.

Mr. RICHARDSON. I am perfectly willing, I will say to the gentleman, that it shall go to the Committee on the Post-Office and Post-Roads. It ought to go to a committee having jurisdiction of the matter if it is to be recommitted at all.

Mr. BARRETT. I will change my motion and move that it be

recommitted to the Committee on Printing.

Mr. LOUD. How can that motion be submitted now?

Mr. DOCKERY. It can be done after the previous question has been ordered, under the rule.

The SPEAKER. After the demand for the previous question on the passage. It could not be done until after the bill had been passed to its engrossment.

The first question is on the motion for the previous question. Does the gentleman from California make his demand up to the

engrossment, or to the passage of the bill?

Mr. LOUD. On the bill to its passage.

The SPEAKER. The question is, Shall the previous question be ordered?

The question was taken; and on a division there were-ayes 37,

Mr. RICHARDSON. I make the point of order that no quorum has voted; but pending that, I will withdraw the point and the

bill from consideration.

Mr. BOUTELLE. I rise to a point of order.
The SPEAKER. The gentleman will state it.
Mr. BOUTELLE. Can the gentleman from

Can the gentleman from Tennessee with-

Mr. BOUTELLE. Can the gentenant from the draw the bill now, at this stage?

Mr. DOCKERY. There has been no vote upon it.

Mr. RICHARDSON. And no amendment adopted.

The SPEAKER. There has been no vote or amendment, as the Chair is informed. The question would arise whether, the committee having presented the bill, or directed it to be presented, it

can be withdrawn in this way.

Mr. BOUTELLE. Is the bill not now in the possession of the House to determine whether it will order the previous question and cut off all debate, or go on debating it? We seem to have a sort of clutch on it, one way or the other. [Laughter.]

The SPEAKER. Under the rules of the House, a bill may be

But the Chair would like to understand exactly the motion and the condition of the bill. Was the amendment proposed by the gentleman from California agreed to?

Mr. LOUD. Amendments were accepted.

Mr. RICHARDSON. But there was no vote. They were not

submitted to the House.

The SPEAKER. The Chair will hear the gentleman from Tennessee on the question of the right to withdraw a bill which has been presented by a committee.

Mr. BARRETT. Pending that decision, I desire to submit to the Chair that I have already, under the rule, a motion pending for a recommittal with instructions, and until that motion is discreted of it is not in order to withdraw the bill from the House.

or a recommittal with instructions, and until that motion is disposed of it is not in order to withdraw the bill from the House.

Mr. RICHARDSON. That motion would not be in order until after the previous question.

The SPEAKER. That motion could not be voted upon until the bill had passed to engrossment.

Mr. BARRETT. The rule says that "pending the motion for the previous question upon the final passage it shall be in order for the Speaker to entertain and submit a motion to recommit."

A motion has been made and was pending for the previous questions. A motion has been made and was pending for the previous ques-

The SPEAKER. But it is the previous question on the passage

which is referred to.

Mr. BARRETT. The gentleman from California [Mr. Loud]

which is referred to.

Mr. BARRETT. The gentleman from California [Mr. Loud]
expressly stated that he moved the previous question up to and
including the passage of the bill.

The SPEAKER. Precisely. A motion can be made for the previous question upon the engrossment and third reading of a bill,
or it can be double and made on the engrossment and third reading
if the bill and its passage, but the place where the motion to reof the bill and its passage; but the place where the motion to re-commit comes in is after the bill has passed to its engrossment and

third reading, and when the question of its passage is pending.

Mr. BARRETT. Mr. Speaker, the rule is very explicit—

The SPEAKER. The rule seems to the Chair to be explicit, and the practice of the House agrees with the understanding which the

Chair is trying to present.

Mr. BARRETT. Then, Mr. Speaker, I wish to submit this proposition: That where a rule of the House states a case as clearly as it is possible for the English language to express it, members who may not be used to the practice of the House are entitled to have the rules enforced as they are printed. This rule is as clear as the English language can make it. It says that pending the motion for the previous question on the final passage it shall be in order for the Speaker to entertain a motion to recommit.

The SPEAKER. The Chair has endeavored to explain to the The SPEAKER. The Chair has endeavored to explain to the gentleman—probably it is the fault of the Chair in not being able to explain it clearly—but the proposition is that it is the motion for the previous question upon the final passage that is spoken of as pending, and during the pendency or after the passage of which a motion to commit may be submitted. Now, the rule of the House permits a double motion, which is to move the previous question on the engrossment to the passage, so that when under the operation of that double motion, or a motion double in its effect, a motion to recommit is presented it must wait until the effect, a motion to recommit is presented, it must wait until the bill has passed to be engrossed before it can become pending, Such has always been the ruling in the House, and such, as it seems to the Chair, is the plain meaning of the rule.

Mr. BARRETT. Mr. Speaker, will the Chair allow me for a

Mr. BOUTELLE. One moment. Does that involve a condition of things in which a gentleman, by asking for the previous question, including the engrossment and up to the passage, would deprive members of the privilege of moving to recommit?

The SPEAKER. Not at all.

Mr. BOUTELLE. Then the Chair understands that the motion must still be acted upon—

The SPEAKER. It is simply a question as to when the motion to recommit becomes effective in the proceedings.

Mr. BOUTELLE. But the point is that the previous question,

as the question is now, does not include the passage of the bill.

The SPEAKER. The bill could be passed in this way: First, by a motion for the previous question upon the engrossment of the bill, and then the previous question would exhaust itself, and the bill, and then the previous question would exhaust itself, and the question might become a subject of discussion if the previous question were not renewed on the passage; and it is at that time that the motion to recommit is admissible under our rules, upon the theory that the House, having amended the bill, and having ordered it to be engrossed, and having presumably examined the engrossed copy, is not satisfied with the amendments which have been made in the bill, and therefore wants to recommit it, and then the House has a last chance to send it to a committee. According to our system, the bill is up. The House has the right to send it to a committee or a right to amend it. It chooses to amend it. Having amended it, and having had it engrossed, and having examined it, the House comes to the conclusion that it is not satisfied with the bill, and therefore, by its rules, gives itself

naving examined it, the House comes to the conclusion that it is not satisfied with the bill, and therefore, by its rules, gives itself the right to send it again to a committee, to enable them to make such changes as may make it more acceptable to the House.

Now, where the gentleman from Massachusetts [Mr. BARRETT] is misled is in the joining together, by the rule of the House, of the two motions for the previous question—the one on the motion that the bill be engrossed, and the other on the motion for the passage.

Now, that some to the Chair to be clear.

Now, that seems to the Chair to be clear.
Mr. BARRETT. Mr. Speaker, will the Chair allow me to weary

him for one moment?

The SPEAKER. Certainly.

Mr. BARRETT. The point I make is in a different line. Now, the question is whether or not a motion for the previous question is pending after it has already been adopted. I contend that a question is pending in this House before it is voted upon, and that after it has been voted upon it is no longer pending. I think any gentleman in this House or in the chair will agree to that proposition. Then the only time to make the motion to recommit, under the rule which says it may be made "pending" the motion for the previous question, is to make it before the motion for the previous question is voted on. It is only voted on once, and the time I suggest is the only time the motion can be made "pending" the motion for the previous question.

Now, the rule says that while a motion for the previous ques-

tion is pending on the final passage of the bill, then a motion to recommit may be made. The Chair says that only after the pre-vious question is ordered—and therefore the motion for it is no longer pending—a motion to recommit may be made on the final passage, after the bill has been engrossed.

I claim that the rule clearly states that either before or after the previous question is ordered—and in this proceeding it is only voted on once—the motion to recommit may be made and must be submitted.

I contend that if this rule means anything it means that a I contend that if this rule means anything it means that a motion to recommit may be made when the previous question is pending—the previous question that is voted on—and it certainly is not pending after it has been adopted. When I offered my motion to recommit the bill, it was pending. The Chair says that after the motion for the previous question has been adopted—it certainly is not then pending—then it is in order to move to recommit. I concede that. But the rule says that it shall be in order both while the previous question is pending and after it is adopted. This practice deprives the House of its right to vote on recommittal pending the previous question. recommittal pending the previous question.

The SPEAKER. That refers to the principal motion, for the previous question on the final passage of the bill.

Mr. BARRETT. It was for the passage of the bill that the gentleman from California asked the previous question.

The SPEAKER. The motion to recommit cannot come in until

after the bill has been engrossed.

Mr. BARRETT. I ask the Chair, in order that I may understand this matter, and I know many members desire to understand it, whether or not when the gentleman from California moves the previous question on the final passage of this bill that that motion

previous question on the final passage of this bill that that motion is pending after it has been adopted?

The SPEAKER. It is pending but as to two places. The motion for the engrossment and the motion for the final passage; and under the practice of the House, for the reasons which the Chair has given, the motion to recommit comes in before the motion for passage and after engrossment.

Mr. BARRETT. I appreciate the point made by the Chair, and can see where the practice may have arisen; but I respectfully contend that a motion that may be made pending any certain motion must be made before that motion is adopted, for after it is adopted it is no longer pending. I do not deny the practice. I affirm that the practice is in violation of the plain reading of the rule.

The SPEAKER. The gentleman will see that the original rule did not allow two motions for the previous question to be made at the same time, and when the change was made it was made pending the custom already established, and that attached itself to the

ing the custom already established, and that attached itself to the practice of the House, as the Chair has described; and such has been the practice of the House.

Mr. DOCKERY. That is the history of it.

The SPEAKER. That has been the history of it.

Mr. BARRETT. Mr. Speaker, I do not contend but that it may have been the practice of the House, but I do most certainly say that, so far as my knowledge of interpretation of the English language. guage is concerned, there can only be one interpretation of the English language is concerned, there can only be one interpretation put upon this rule, and that is that the motion to recommit can be made while the previous question is pending. The language of the rule, if explicit, is final, and when adopted abrogated all previous customs inconsistent with it. That is the point.

The SPEAKER. The Chair does not know whether the interpretation of the English language of the rule, if explicit, and the second of the explicit of the English language is concerned, there is a supplied to the explicit of the English language is concerned, there is a supplied to the explicit of the English language is concerned, there is a supplied to the explicit of the English language is concerned, there is a supplied to the explicit of the English language is concerned, there is a supplied to the English language is concerned, there is a supplied to the English language is concerned, the English language is concerned in the English language is concerned in

pretation can be properly placed there or not; but the House has

placed it there for a great many years.

Mr. LOUD. I move that the House do now adjourn.

ENROLLED BILLS SIGNED.

Mr. HAGER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

A bill (H. R. 878) to reduce the cases in which the penalty of death may be inflicted;

A bill (H. R. 1261) for the relief of John Kehl and to restore

A bill (H. R. 1261) for the relief of John Keni and to restore him to his former rating;
A bill (H. R. 2328) for the relief of Patrick Raney;
Joint resolution (H. Res. 213) to permit the railroads in the District to occupy additional parts of streets to accommodate the traveling public attending the inaugural eremonies;
A bill (H. R. 6608) to remove the charge of desertion from the

military record of George W. Taylor;

A bill (H. R. 2259) for the relief of William B. Ellis; and
A bill (H. R. 3113) granting a pension to Margaret A. Kidwell. LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows: To Mr. Kulp, indefinitely, on account of sickness. To Mr. Huling, for four days, on account of important busi-

To Mr. Mahon, for three days, on account of important business.

To Mr. Dovener, for five days, on account of important busi-

To Mr. WILLIAM F. ALDRICH, indefinitely, on account of im-

portant business.

To Mr. McLaurin, for five days, on account of important busi-

To Mr. Sorg, for ten days, on account of important business. To Mr. Henry of Indiana, for four days, on account of impor-

tant business.

To Mr. NOONAN, for ten days, on account of sickness.

To Mr. Faris, for one week, on account of important business. COMMITTEE APPOINTMENTS. The SPEAKER. The Chair desires to announce the following

committee appointments: Mr. Stokes of South Carolina, to the Committees on Agriculture

and Expenditures on Public Buildings.

Mr. Crisp, to the Committees on the Post-Office and Post-Roads and Mileage.

Mr. Boatner, to the Committee on Ways and Means.

Mr. Balley, to the Committee on Rules.

The motion to adjourn was then agreed to; and accordingly (at

5 o'clock and 3 minutes p. m.) the House adjourned.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive commu-nications were taken from the Speaker's table and referred as follows

A letter from the Secretary of War, transmitting in detail information concerning changes in the force of the office from March 4, 1893, to June 5, 1896—to the Committee on Reform in the Civil Service, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a reply to the resolution of the House of June 9, 1896, relating to the material of minor coins—to the Committee on Coinage, Weights, and Measures, and ordered to be printed.

Weights, and Measures, and ordered to be printed.

A letter from the Acting Secretary of the Treasury, transmitting a communication from the Secretary of the Interior relating to the reimbursement of David F. Day, United States Indian agent at the Southern Ute Agency, Colo.—to the Committee on Indian Affairs, and ordered to be printed.

A letter from the Acting Secretary of the Treasury, transmitting a communication from the Secretary of the Interior, submitting an estimate for an appropriation for compiling a digest of certain decisions and onlying relating to Indian affairs—to the

certain decisions and opinions relating to Indian affairs—to the Committee on Indian Affairs, and ordered to be printed.

A letter from the Acting Secretary of the Treasury, transmitting a copy of a communication from the Commissioner of Fish

ting a copy of a communication from the Commissioner of Fish and Fisheries, submitting certain changes in estimates—to the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of War, transmitting a list of leases granted during the calendar year 1896—to the Committee on Military Affairs, and ordered to be printed.

A letter from the Postmaster-General, transmitting, in response to the resolution of the House of June 5, 1896, a statement relating to changes in the force of employees in the Post-Office Department—to the Committee on Reform in the Civil Service, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting in

A letter from the Secretary of the Treasury, transmitting, in response to the resolution of the House of June 5, 1896, a statement showing certain conditions relating to the employees in the Department—to the Committee on Reform in the Civil Service, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to

the several Calendars therein named, as follows:

Mr. FLETCHER, from the Committee on Interstate and For-eign Commerce, to which was referred the bill of the House (H. R. 9733) to authorize the Union Railroad Company to construct and maintain a bridge across the Monongahela River, reported the same without amendment, accompanied by a report (No. 2488); which said bill and report were referred to the House Calendar.

Mr. BRODERICK, from the Committee on the Judiciary, to which was referred the bill of the Senate (S. 8050) entitled "An act to validate the appointments, acts, and services of certain deputy United States marshals in the Indian Territory, and for other purposes," reported the same without amendment, accompanied by a report (No. 2489); which said bill and report were referred to the House Calendar.

Mr. TATE, from the Committee on Naval Affairs, to which was Mr. TATE, from the Committee on Naval Affairs, to which was referred the bill of the Senate (S. 1211) entitled "An act authorizing and directing the Secretary of the Navy to contract for the purchase of a lot of land opposite the Gosport Navy-Yard," reported the same without amendment, accompanied by a report (No. 2499); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. BURTON of Missouri, from the Committee on the Judiciary, to which was referred the bill of the House (H. R. 9901) to detach the county of Andrain from the western district of Mis-

detach the county of Audrain from the western district of Missouri and to attach the same to the eastern district of said State of Missouri, reported the same without amendment, accompanied by a report (No. 2500); which said bill and report were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS.

Under clause 2 of Rule XIII, private bills and resolutions were

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

By Mr. NEILL, from the Committee on War Claims: A resolution (No. 485) to refer the bills (H. R. 9441) for the relief of estate of Alice Hardaway, deceased, late of Benton County, Miss., and (H. R. 6051) for the relief of the estate of Samuel N. White, deceased, late of West Feliciana Parish, La., to the Court of Claims. (Report No. 2490.)

By Mr. MAHON, from the Committee on War Claims: A resolution (No. 486) to refer the bill of the House (H. R. 8097) for the

relief of the heirs of the late J. H. McVeigh, of Alexandria, to the

Court of Claims. (Report No. 2491.)

By Mr. ANDERSON, from the Committee on Invalid Pensions: By Mr. ANDERSON, from the Committee on Invalid Pensions: The bill (H. R. 5327) to grant a pension to James J. Gibbs, of Knox County, Tenn. (Report No. 2494.)

By Mr. BAKER of Kansas, from the Committee on Invalid Pensions: The bill (S. 3035) entitled "An act granting a pension to Mrs. Elizabeth Gnash." (Report No. 2495.)

By Mr. MILES, from the Committee on Invalid Pensions: The bill (H. R. 9481) to increase the pression of Alice De K. Shattach.

bill (H. R. 9481) to increase the pension of Alice De K. Shattuck.

(Report No. 2496.)

By Mr. THOMAS, from the Committee on Invalid Pensions: The bill (H. R. 7122) granting a pension to Maria E. Hess, widow of Florian Hess. (Report No. 2497.)

By Mr. WOOD, from the Committee on Invalid Pensions: The bill (H. R. 9337) granting an increase of pension to Mazie V. Sullivan. (Report No. 2498.)

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills; which were referred as

The bill (H. R. 9719) granting arrears of pension to H. Morris Husband—Committee on Invalid Pensions discharged, and referred to the Committee on Claims.

Petition of Catherine C. Smith, praying for an appropriation of \$1,200 on account of service of her brother in the late war—Committee on Claims discharged, and referred to the Committee on War Claims.

Petition of John C. Richey, praying for a pension—Committee on Claims discharged, and referred to the Committee on War Claims.

PUBLIC BILLS, MEMORIALS, AND RESOLUTIONS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as

By Mr. QUIGG: A bill (H. R. 9946) to prevent the importation of impure and unwholesome tea—to the Committee on Ways and

Means.

By Mr. HARRISON: A bill (H. R. 9947) appointing a commission to settle the indebtedness of the bond-aided Pacific railroads to the Government—to the Committee on Pacific Railroads.

By Mr. LACEY: A bill (H. R. 9948) to amend subdivision 10 of section 2238 and to repeal subdivision 12 of section 2238 of the Revised Statutes of the United States—to the Committee on the

By Mr. BARHAM: A bill (H. R. 9949) to provide a life-saving station at or near Point Arena, Mendocino County, in the State of California—to the Committee on Interstate and Foreign Commerce

By Mr. WHEELER: A bill (H. R. 9960) to continue the improvement of the Tennessee River between Chattanooga and Rivertonto the Committee on Rivers and Harbors.

By Mr. HENDERSON: A resolution (House Res. No. 482) relative to the consideration of such bills as are in order at Friday evening sessions on Tuesday, the 19th instant-to the Committee on Rules.

By Mr. COBB: A resolution (House Res. No. 483) to pay \$100 to Kendall Lee for caring for room of Committee on Accountsto the Committee on Accounts

By Mr. TRACEY: A resolution (House Res. No. 484) to pay to widow of John Ryan a sum equal to six months' salary and \$250 for funeral expenses—to the Committee on Accounts.

By Mr. BULL: A resolution (House Res. No. 487) to compensate

William Tyler Page for services rendered in the Clerk's office

Whilsh Tyler Fage for services relatered in the Cierk's olince during the Fifty-fourth Congress—to the Committee on Accounts, By Mr. LEWIS: A concurrent resolution (House Con. Res. No. 64) to print 15,000 additional copies of Messages and Papers of the Presidents—to the Committee on Printing.

By Mr. O'TJEN: A concurrent resolution (House Con. Res. No. 65) to print 15,000 additional copies of Messages and Papers of the Presidents-to the Committee on Printing.

PRIVATE BILLS, ETC.

Under clause 1 of Rule XXII, private bills of the following titles

were presented and referred as follows:

By Mr. APSLEY: A bill (H. R. 9950) granting a pension to
Egbert A. Stricksma—to the Committee on Invalid Pensions.

By Mr. CLARDY: A bill (H. R. 9951) for the relief of John J.

Stodghill—to the Committee on War Claims.

By Mr. CLARK of Missouri: A bill (H. R. 9952) granting increase of pension to Jonathan Welch—to the Committee on Invalid Pensions.

By Mr. FENTON: A bill (H. R. 9953) for the relief of Gabriel R. Bartley, of Portsmouth, Ohio—to the Committee on Military

By Mr. GIBSON: A bill (H. R. 9954) for the relief of the National Guards of East Tennessee—to the Committee on Military Affairs.

By Mr. HENDERSON: A bill (H. R. 9955) for the relief of the city of Dubuque, in the State of Iowa—to the Committee on Claims

By Mr. TUCKER: A bill (H. R. 9956) for the relief of George D. Wise, of Richmond, Va.—to the Committee on Appropria-

Also, a bill (H. R. 9957) for the relief of the legal representatives of Paul McNeel, deceased, of Pocahontas County, W. Va.—to the Committee on War Claims.

By Mr. WILLIAMS: A bill (H. R. 9958) for the relief of William F. Haralson, of Scott County, Miss.—to the Committee on War Claims

By Mr. WOOD: A bill (H. R. 9959) to grant an honorable dis-charge to Thomas J. Goolman, private Company I, Third Indiana Cavalry—to the Committee on Military Affairs.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ACHESON: Petition of Joseph C. Marshall, of Broad-

ford, Pa., for the passage of an act pensioning Union soldiers who were confined in rebel prisons—to the Committee on Invalid Pen-

sions.

Also, remonstrance of L. H. Turner, of McKees Rocks, Pa., and the Master Car Builders' Association, opposing the obligatory use or the introduction of the metric system into the United States at any time—to the Committee on Coinage, Weights, and Measures.

Also, petition of Dr. Byron Clark, of Washington, Pa., for a duty on hides—to the Committee on Ways and Means.

Also, resolution of the National Board of Trade, favoring an amendment of the interstate commerce law—to the Committee on

Interstate and Foreign Commerce.

Also, resolutions of the Grocers and Manufacturers' Exchange of Philadelphia, Pa., favoring the creation of a department of commerce and manufactures-to the Committee on Interstate and Foreign Commerce.

Foreign Commerce.

Also, petition of H. W. Talmage, publisher of the Lighthouse, McKeesport, Pa.; also petition of Oscar E. Lindborn, publisher of the Swedish Weekly, of McKeesport, Pa., against the passage of House bill No. 4566, relating to second-class mail matter—to the Committee on the Post-Office and Post-Roads.

By Mr. CLARK of Missouri: Petition of Jonathan Welch, of Macon, Mo., to accompany House bill for increase of pension—to the Committee on Invalid Pensions.

By Mr. HICKS: Petition and resolutions of citizens of Everett.

By Mr. HICKS: Petition and resolutions of citizens of Everett, Pa., praying that Congress shall take proper steps to protect the interests of Americans in Turkey—to the Committee on Foreign

By Mr. LACEY: Resolutions of the Iowa Academy of Science, against Senate bill No. 1552, "for the prevention of cruelty to animals in the District of Columbia"—to the Committee on the District of Columbia.

By Mr. LOUDENSLAGER: Petition of Jackson Circle, No. 4, Brotherhood of the Union, of Camden, N. J., favoring the passage of House bill No. 6119, known as the Phillips bill—to the Committee on Labor.

By Mr. MEIKLEJOHN: Petition of the Congregational church of Neligh, Nebr., urging that the Government immediately secure

of Neigh, Neor., urging that the Government immediately secure satisfaction for damages to American citizens and property in Turkey—to the Committee on Foreign Affairs.

By Mr. MERCER: Protest of the American Publishing Company; also of publisher of the Western Cyclist; also of the Svenska Journalen, all of Omaha, Nebr.; also of the Times, Beatrice, Nebr., and of the Gazette, of Waterloo, Nebr., against the passage of House bill No. 4566, relating to second-class mail matter—to the Committee on the Post-Office and Post-Roads.

By Mr. QUIGG: Sundry petitions of members of the Tea Trade

By Mr. QUIGG: Sundry petitions of members of the Tea Trade residing in San Francisco, Cal., Chicago, Ill., Philadelphia, Pa., Baltimore, Md., and Portland, Me., for the passage of an act to prevent the increasing importations into the United States of impure and unwholesome teas-to the Committee on Ways and Means.

By Mr. SMITH of Michigan: Petition of J. L. Thomas and others, of the State of Michigan, asking for the passage of the Dingley bill—to the Committee on Ways and Means.

By Mr. WHEELER: Protests of Edgar James, of Florence, Ala.; R. W. Massey, of Montgomery, Ala.; Forbes Lithographic Manufacturing Company, of Boston, Mass., and others, against the passage of House bill No. 4566, relating to second-class mail matter—to the Committee on the Post-Office and Post-Roads.

By Mr. WOOD: Evidence in support of House bill No. 9525, to correct the military record of Andrew J. NcNamur—to the Committee on Military Affairs.

SENATE.

WEDNESDAY, January 13, 1897.

Prayer by the Chaplain, Rev. W. H. MILBURN, D. D. The Journal of yesterday's proceedings was read and approved. GOVERNMENT PRINTING OFFICE EMPLOYEES.

The VICE-PRESIDENT laid before the Senate a communication from the Public Printer, transmitting, in response to a resolution of June 10, 1896, a report of Mr. James E. Teale, cashier of the Government Printing Office, relative to employees of that office who have accrued and unpaid leaves of absence; which, with the accompanying papers, was ordered to lie on the table and be wrinted

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. Browning, its Chief Clerk, announced that the House had passed

The following bills and joint resolutions:

A bill (H. R. 1725) authorizing the Kansas City, Watkins and Gulf Railway Company to construct and maintain a bridge across Red River at the city of Alexandria, La.;

A bill (S. 1741) to authorize the Muskogee, Oklahoma and Western Railroad Company to construct and operate a line of railway through Oklahoma and the Indian Territory, and for other pur-

A bill (S. 2334) construing the acts of Congress in relation to the award of life-saving medals; A joint resolution (S. R. 133) authorizing Surg. P. M. Rixey to

accept from the King of Spain the grand cross of naval merit with the white distinction mark in recognition of services rendered to the officer and sailors of the Santa Maria who were injured by an explosion on that ship; and
A joint resolution (S. R. 189) for the erection of a Government

building at the Tennessee Centennial Exposition.

The message also announced that the House had passed the bill (S. 1722) to approve and ratify the construction of a bridge across the Sulphur River, in the State of Arkansas, by the Texarkana and Fort Smith Railway Company, with amendments in which it requested the concurrence of the Senate.

The message further announced that the House had passed the following hills; in which it requested the concurrence of the Senate:

A bill (H. R. 5635) to amend section 1754 of the Revised Stat-ntes of the United States, relating to preferences in the civil service; A bill (H. R. 6780) to amend section 2335 of the Revised Statutes; A bill (H. R. 8551) to establish railroad bridges across the Cumberland and Tennessee rivers in Kentucky;

A bill (H. R. 8814) to authorize the construction by the Duluth and North Dakota Railroad Company of two bridges across the Red River of the North between the States of Minnesota and North Dakota; and
A bill (H. R. 9733) to authorize the Union Railroad Company to

construct and maintain a bridge across the Monongahela River.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills and joint resolution; and they were thereupon signed by the Vice-President:
A bill (H. R. 878) to reduce the cases in which the penalty of

A bill (H. R. 878) to reduce the cases in which the penalty of death may be inflicted;
A bill (H. R. 1261) for the relief of John Kehl, and to restore him to his former rating;
A bill (H. R. 2259) for the relief of William B. Ellis;
A bill (H. R. 2328) for the relief of Patrick Rainey;
A bill (H. R. 3113) granting a pension to Margaret A. Kidwell;
A bill (H. R. 6603) to remove the charge of desertion from the military record of George W. Taylor; and
A joint resolution (H. Res. 213) to permit the railroads in the District of Columbia to occupy additional parts of streets to accommodate the traveling public attending the inaugural ceremonies.

EXECUTIVE SESSION.

Mr. SHERMAN. I wish to move an executive session for a few minutes. I make that motion.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After two hours and ten minutes spent in executive session the doors were reopened.

PETITIONS AND MEMORIALS.

Mr. McMILLAN presented the memorials of H. O. Fifield, publisher of the Daily Herald, of Menominee; of Benno Muehlen, publisher of the Freie Presse, of Bay City; of A. S. White, secretary of the Michigan Artisan Company; of Charles A. Osborn, publisher of the News, of Sault Ste. Marie, and of W. H. Egabroad, of Dundee, all in the State of Michigan, remonstrating against the passage of the so-called Loud bill, relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads. Post-Roads.

He also presented the petitions of Paul Griffith, pastor of St.

Augustine's Church; of the Woman's Home Missionary Society; of St. Paul's English Lutheran Church; of Plymouth Congregational Church; of the First Congregational Church; of the united faculties of Howard University, and of the Universalist Church Society (Church of Our Father), all in the city of Washington, D. C., praying for the passage of the so-called Shannon bill, rais-ing the age of protection for girls in the District of Columbia to 18 years; which were referred to the Committee on the District of Columbia

Mr. ALLEN presented resolutions adopted at a mass meeting of citizens of every race and color, held at New York City December 18, 1896, favoring action by the Senate to do all in its power to give immediate relief to the victims of oppression and despotic rule in Cuba; which were ordered to lie on the table. Mr. GEAR. I present a communication from C. P. Huntington,

together with a copy of the lease of the Central Pacific Railroad Company to the Southern Pacific Company and amendments thereto to date. I move that the communication and accompanying papers be printed and referred to the Committee on Pacific Railroads.

The motion was agreed to.

Mr. GEAR. I also present a communication from E. Ellery Anderson, on the part of the receivers, containing a detailed state-ment of the stocks and bonds of the Union Pacific Railway Company, referred to in the resolution submitted by the Senator from South Dakota [Mr. Pettigrew]. I move that the communication and accompanying documents be printed and referred to the Committee on Pacific Railroads.

The motion was agreed to.

Mr. BRICE presented a petition of the Bronze Club of Cleveland, Ohio, praying for the passage of the so-called Cameron resolution in regard to the Cuban situation; which was ordered to lie on the table.

He also presented a memorial of the New Holland Leader, of New Holland, Ohio, remonstrating against the passage of the so-called Loud bill, relating to second-class mail matter; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. FRYE presented the petition of Judson B. Bryant and 73 other citizens of Wayne, Me., praying for the enactment of legislation prohibiting the sale of intoxicating liquors in the Capitol building; which was referred to the Committee on Public Buildings and Grounds.

Mr. DANIEL presented a petition of Post A, Virginia Division Travelers' Protective Association of America, praying for the es-

tablishment of a department of commerce and manufactures; which was referred to the Committee on Commerce.

He also presented the memorials of W. H. W. Moran, publisher of the Manassas Journal; of James Cannor, jr., publisher of the Methodist Recorder; of B. J. Hillegi, publisher of the Normal News; of M. L. Harmon, publisher of the Normal News; of M. L. Harmon, publisher of the Normal News; of Nathan T. Stout, publisher of the Measurement of Creal D. Person and the Normal News; of Nathan T. Stout, publisher of the Measurement of Creal D. Person and the Normal News; of Nathan T. Stout, publisher of the Measurement of Creal D. Person and the Measurement of Creal D. Person a News; of M. L. Harmon, publisher of the Normal News; of Nathan T. Stout, publisher of the Messenger; of Greek D. Brown, publisher of the Grayson Gazette; of C. B. Cannady, publisher of the Roanoke Collegian; of J. F. Winn, M. D., publisher of the Richmond Journal of Practice; of John Mitchell, jr., publisher of the Planet; of Frank St. Clair, publisher of the Southern Virginia Enterprise; of Gilbert N. Knight, publisher of the Big Stone Gap Post; of W. H. Stroud, publisher of the Southern Clinic, all in the State of Virginia, remonstrating against the passage of the so-called Loud bill, relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads referred to the Committee on Post-Offices and Post-Roads.

INSURANCE CLAIMS.

Mr. BRICE. I present a communication from the Secretary of the Treasury, together with one from the Auditor for the War Department, transmitting a list of claims allowed by the Second Comptroller and Acting Second Comptroller, in favor of sundry insurance companies, for amounts paid for the loss of steamboats, which was settled for under the act of March 3, 1849. I move that the communications be printed and referred to the Committee on Appropriations.
The motion was agreed to.

REPORTS OF COMMITTEES.

Mr. ALLEN, from the Committee on Claims, to whom was referred the bill (S. 2588) for the relief of George S. Simon, reported it with an amendment.

Mr. STEWART, from the Committee on Claims, to whom was referred the amendment submitted by himself on December 21, 1896, intended to be proposed to the sundry civil appropriation bill, reported it favorably, and moved that it be referred to the Committee on Appropriations, with the accompanying report, and

ordered to be printed; which was agreed to.

Mr. McMILLAN, from the Committee on the District of Columbia, to whom was referred the bill (H. R. 9647) to authorize the extension of the lines of the Metropolitan Railroad Company of the District of Columbia, reported it with amendments, and sub-

mitted a report thereon.

Mr. HAWLEY, from the Committee on Military Affairs, to whom was referred the bill (S. 3477) to remove the charge of desertion from the military record of William H. Linton, reported it without amendment, and submitted a report thereon.

He also, from the same committee a report thereon.

He also, from the same committee, to whom was referred the bill (S. 1427) to provide for promoting Capt. William N. Tisdall, United States Army, now on the retired list, to the rank of major, reported it without amendment, and submitted a report thereon.

Mr. BURROWS, from the Committee on Claims, to whom was referred the bill (S. 3423) for the allowance of certain claims for

stores and supplies reported by the Court of Claims under the provisions of the act approved March 3, 1883, and commonly known

as the Bowman Act, reported it with amendments.

He also, from the same committee, to whom was referred the bill (H. R. 130) to carry out the findings of the Court of Claims in the case of Augustus P. Burditt, reported it without amendment, and submitted a report thereon.

Mr. LODGE, from the Committee on Foreign Relations, reported an amendment intended to be proposed to the consular and diplomatic appropriation bill; which was referred to the Commit-

diplomatic appropriation oill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. BRICE, from the Committee on Pensions, to whom was referred the bill (S. 2752) granting a pension to Wilson S. Hulse, reported it with an amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 2995) granting a pension to James M. Dennison, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the

bill (S. 3516) granting a pension to Louise Van Atter, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 1190) for the relief of Lizzie M. Sibley, reported it without

amendment, and submitted a report thereon.

Mr. SHOUP, from the Committee on Pensions, to whom was referred the bill (S. 3451) granting a pension to Rebecca P. Quint, reported it with an amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 3445) to increase the pension of Capt. John H. Mullen, reported it with an amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 3408) granting a pension to Ann King, widow of Samuel King, deceased, reported it without amendment, and submitted a

report thereon.

He also, from the same committee, to whom was referred the bill (S. 3504) granting arrears of pension to H. Morris Husband, asked to be discharged from its further consideration, and that it be referred to the Committee on Claims; which was agreed to.

He also, from the Committee on Claims; which was agreed to.

He also, from the Committee on Education and Labor, to whom
was referred sundry petitions from the Congregational Church of
Danville, Iowa, and 300 citizens of New London, Iowa, praying
for the enactment of legislation to prohibit the sale of intoxicating liquors in any building owned by the United States Government, asked that it be discharged from the further consideration
of the retitions and that they be referred to the Committee or

ment, asked that it be discharged from the further consideration of the petitions, and that they be referred to the Committee on Public Buildings and Grounds; which was agreed to.

Mr. TELLER, from the Committee on Claims, to whom was referred the amendment submitted by Mr. WALTHALL on the 6th instant, intended to be proposed to the legislative, executive, and judicial appropriation bill, reported it without amendment, and moved that it be referred to the Committee on Appropriations

and printed; which was agreed to.

JOHN KEEFE.

Mr. TELLER. I am directed by the Committee on Claims, to whom was referred the bill (H. R. 4538) for the relief of John Keefe, to report it favorably, and submit a written report thereon. I will say that this bill involves a little matter of but \$220 to pay

I will say that this bill involves a little matter of but \$220 to pay a laborer in Syracuse, N. Y., and that it has the approval of the Treasury Department. I therefore ask that it may be considered at this time and put on its passage.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to pay to John Keefe, of Syracuse, N. Y., the sum of \$220, in full compensation for his services as engineer in the United States court-house and post-office building in Syracuse, N. Y., for the months of July and August, 1888, and from June 1 to August 17, 1889.

The bill was reported to the Senate without amendment, ordered to a third reading read the third time and passed.

to a third reading, read the third time, and passed.

USE OF THE LIBRARY BUILDING.

Mr. MORRILL. I am directed by the Committee on Additional Accommodations for the Library of Congress to report back the resolution which I send to the desk.

The PRESIDING OFFICER (Mr. HILL in the chair). The resolution will be read.

The Secretary read as follows:

Resolved by the Senate (the House of Representatives concurring), That the building providing additional accommodations for the Library of Congress shall not be used or occupied, nor any part thereof, for any purpose other than that legitimately connected with the aforesaid Library of Congress.

Mr. MORRILL. I am directed by the committee to ask immediate consideration of the resolution, to which I think there will be no objection.

Mr. TELLER. Let it be read. The PRESIDING OFFICER. Is there objection to the present

consideration of the resolution?

Mr. ALLEN. Let it be again read.

The PRESIDING OFFICER. The resolution will be again read.

The Secretary read the resolution.

Mr. HALE. I wish the Senator who has reported the resolution would state to the Senate just what is meant to be covered by it. If it is simply intended to prohibit any inauguration ball or ceremonies of that kind in the new Library building, that is one thing, and perhaps nobody would object to it; but if there are spaces in the building which need not be devoted to the Library for years to come, I do not know of any reason why they may not be utilized in some way. I have seen reports in some of the newspapers that some of the rooms were intended to be occupied for what perhaps would not be strictly Library purposes, some scientific or semi-scientific purposes, and, for one, I do not see, considering that there is a great deal of waste space in the building, any objec-tion to that. I should like the Senator to explain, before I give consent that the resolution be considered to-day, just what he

intends by the resolution.

Mr. MORRILL. Mr. President, the resolution was very carefully considered by the full committee, and has been before the committee for some time, and there has been no opinion expressed in opposition to it. I will say that it is intended to exclude everything which is not pertinent to the Library itself. The Library perhaps is larger than will be needed for the present for the amount of books which we now have, but it is not any larger than will be necessary in years to come for the Library alone. If we are to begin by letting in one Department and then another, and they are apt to make applications from all sources for accommodation in the new Library, I think we shall find ourselves in some

trouble.

I understand that the Geographical Society desire that room shall be assigned them. It has also been proposed that the Com-mittee on Education and Labor shall have a place in the Library building, and still further that a part of the National Museum shall be placed there, as that might obviate the building of addi-

tional accommodations for that institution.

I hope, therefore, that the resolution will be allowed to pass, and yet if the Senator from Maine desires to have it lie upon the

and yet it he sender from maine desires to have to be upon the table, I shall not object.

Mr. HALE. Mr. President, I think the resolution had better The Library building is a most magnificent one. It is a credit to the designers, to the officers who had its construction in hand, to the Congress which has furnished the money which has built it, and to the country; but it has immense space divided and partitioned into different rooms that for a few years to come may be occupied for some useful purpose, and not in the slightest degree interfere with the Library; occupied for purposes where a removal may be made at any time; occupied where it will be no reproach to the Librarian or to the Library for it to be so occupied. I should like that the resolution stand over for the present until Senators can look into and examine it.

The PRESIDING OFFICER. Objection being made, the reso-

lution will go over.

BILLS INTRODUCED.

Mr. BROWN introduced a bill (S. 3518) for the relief of Edward Byrne; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. CHILTON introduced a bill (S. 3519) to authorize the conat El Paso, in the State of Texas; which was read twice by its title, and referred to the Committee on Commerce.

Mr. MURPHY introduced a bill (S. 3520) to provide for the erection of a custom-house in the city of New York; which was read

twice by its title, and referred to the Committee on Public Build-

of desertion from the name of James K. Parker, who served as a private in Company B, Third East Tennessee Infantry, and also as a private in Company B, Ninth Tennessee Cavalry Volunteers; which was read twice by its title, and, with the accompanying cover referred to the Committee of Williams.

paper, referred to the Committee on Military Affairs.

Mr. GEAR introduced a bill (S. 3522) to amend an act entitled 'An act to aid in the construction of a railroad and telegraph line "An act to aid in the construction of a railroad and telegraph line from the Missouri River to the Pacific Ocean, and to secure to the Government the use of the same for postal, military, and other purposes," approved July 1, 1862; also to amend an act approved July 2, 1864; and also an act approved May 7, 1878, both in amendment of said first-mentioned act and other acts amendatory thereof and supplemental thereto, and to provide for the settlement of claims growing out of the issue of bonds to aid in the construction of certain railroads, and to secure the payment of all indebtedness to the United States of certain companies

therein mentioned; which was read twice by its title, and referred to the Committee on Pacific Railroads.

Mr. HOAR introduced a bill (S. 3523) to provide for further proving the genuineness of handwriting by comparison; which was read twice by its title, and, with the accompanying papers, referred to the Committee on the Judiciary.

He also introduced a bill (S. 3524) to remove doubts concerning

He also introduced a bill (S. 3524) to remove doubts concerning the jurisdiction of district judges; which was read twice by its title, and, with the accompanying paper, referred to the Committee on the Judiciary.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. McBRIDE submitted an amendment intended to be proposed by him to the legislative, executive, and judicial appropriation bill; which was referred to the Committee on Public Lands, and ordered to be printed.

He also submitted an amendment intended to be proposed by

him to the Indian appropriation bill; which was referred to the Committee on Indian Affairs, and ordered to be printed.

Mr. SHOUP submitted an amendment intended to be proposed by him to the Army appropriation bill; which was referred to the Committee on Military Affairs, and ordered to be printed.

Mr. FRYE submitted an amendment intended to be proposed by him to the diplomatic and consular appropriation bill; which was referred to the Committee on Committee and ordered to be proposed by him to the diplomatic and consular appropriation bill; which

was referred to the Committee on Commerce, and ordered to be printed.

STATISTICS OF THE PRODUCT OF MINES.

Mr. STEWART submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Committee on Mines and Mining be instructed to examine and report as to the best method of gathering statistics of the product of the mines of the United States.

HOUSE BILLS REFERRED.

The following bills were severally read twice by their titles, and referred to the Committee on Commerce:

A bill (H. R. 8551) to establish railroad bridges across the Cum-

A bill (H. R. 8814) to authorize the construction by the Duluth and North Dakota Railroad Company of two bridges across the Red River of the North between the States of Minnesota and

The bill (H. R. 5635) to amend section 1754 of the Revised Statutes of the United States, relating to preferences in the civil service, was read twice by its title, and referred to the Committee on Civil Service and Retrenchment.

The bill (H. R. 6780) to amend section 2335 of the Revised Statutes was read twice by its title, and referred to the Committee on

Public Lands

The bill (H. R. 9733) to authorize the Union Railroad Company to construct and maintain a bridge across the Monongahela River

was read twice by its title.

Mr. QUAY. I ask that that bill may lie on the table for the present, as a similar bill has been passed upon by the Committee on Commerce, which I wish to substitute for the House bill.

The PRESIDING OFFICER. The bill referred to by the Senting Propagation will lie on the table if there be no objection.

ator from Pennsylvania will lie on the table, if there be no objec-

WATER SYSTEM BONDS IN FLAGSTAFF, ARIZ.

Mr. DAVIS. Mr. President—
The PRESIDING OFFICER. The Senator from Georgia [Mr.

Bacon] is entitled to the floor.

Mr. DAVIS. I ask the Senator from Georgia to yield to me for a moment

The PRESIDING OFFICER. Does the Senator from Georgia

yield to the Senator from Minnesota?

Mr. BACON. Yes, sir.

Mr. DAVIS. I should feel greatly obliged for unanimous consent of the Senate to enable me to call up House bill 8676. It is an exigent and meritorious bill for the relief of a town in Arizona.

The PRESIDING OFFICER. The title of the bill referred to by the Senator from Minnesota will be read for information, subject to objection.

ject to objection.

The Secretary read the bill (H. R. 8676) to enable the town of Flagstaff, in the Territory of Arizona, to issue bonds to construct

a water system.

Mr. ALLEN. I supposed the bill was simply being read for information. I did not know that consent had been given to take

The PRESIDING OFFICER. Is there objection to the present

consideration of the bill?

Mr. DAVIS. I hope the Senator from Nebraska will not object. Mr. ALLEN. I want to ask the Senator from Minnesota what I want to ask the Senator from Minnesota what is the necessity for Congress passing such a bill? Can not that authority be given by the Territorial legislature?

Mr. DAVIS. Not under the Territorial charter.

Mr. ALLEN. Does not the enabling act authorize the Terri

tory to do so?

Mr. DAVIS. It does not. They could not negotiate a bond without the passage of this bill.

By unanimous consent, the Senate, as in Committee of the

Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

USE OF MONEY IN ELECTIONS.

Mr. ALLEN. Mr. President, on the 11th of January I obtained permission to have printed as Miscellaneous Document No. 55 a statement of the vote at the recent Presidential election. statement of the vote at the recent Presidential election. My attention has been called to two subheadings which I think ought to be corrected. Where the subheading "Successes of Mark Hanna" is printed, I wish that stricken out and the subhead "Contested States" inserted in lieu thereof. The next subheading, "Failures of Mark Hanna," I ask to have stricken out and instead that the words "States not carried by the Republican party" be inserted.

The PRESIDING OFFICER. The changes asked for by the Senator from Nebraska will be made, in the absence of objection. The Chair hears none, and it is so ordered.

The Chair hears none, and it is so ordered.

FREE HOMESTEADS IN OKLAHOMA TERRITORY.

Mr. GORMAN. I ask that the joint resolution on which the Senator from Georgia [Mr. BACON] desired to submit some remarks may now be laid before the Senate.

The PRESIDING OFFICER. The Senator from Maryland

asks unanimous consent that the unfinished business be temporarily laid aside, and that the Senate proceed to the consideration of a joint resolution, the title of which will be stated, in order that the Senator from Georgia may submit some remarks thereon. Is there objection? The Chair hears none.

Mr. PETTIGREW. I ask if the unfinished business has been laid before the Senate?

The PRESIDING OFFICER. It has not yet been laid before the Senate. The Chair lays before the Senate the unfinished business coming over from yesterday, the title of which will be stated. The Secretary. A bill (H. R. 3656) providing for free homesteads on the public lands in Oklahoma Territory for actual and

steads on the public lands in Oklahoma Territory for actual and bona fide settlers, and reserving the public lands for that purpose.

Mr. PETTIGREW. I wish to ask unanimous consent that the unfinished business shall be taken up to-morrow immediately after the routine morning business, and that the vote be had to-morrow afternoon at 4 o'clock.

The PRESIDING OFFICER. The Senator from South Dakota asks unanimous consent that the unfinished business be taken up

to-morrow immediately after the routine morning business, and that a vote be had upon the bill at 4 o'clock to-morrow. Is there objection? The Chair hears none; and it is so ordered.

The bill will now be laid aside temporarily, in the absence of objection.

objection.

INDEPENDENCE OF CUBA.

Mr. HALE. I hope the joint resolution on which the Senator from Georgia desires to address the Senate may now be laid before the body

before the body.

The PRESIDING OFFICER. The Chair lays before the Senate the joint resolution (S. R. 188) in relation to the recognition of the independence of foreign governments.

Mr. MORGAN. I have an amendment in the way of a substitute for that joint resolution, which I ask may be printed.

The PRESIDING OFFICER. The amendment will be ordered to be printed, in the absence of objection.

The Senator from Georgia is entitled to the floor.

Mr. BACON. Mr. President, I regret exceedingly the lateness of the hour and the circumstances under which I am now called upon to address the Senate on this very important question. I of the hour and the circumstances under which I am now called upon to address the Senate on this very important question. I should ask the further indulgence of the Senate for a postponement until some other time but that I fear the pressing business of the Senate might not, in that case, give me the opportunity to present certain views which I am anxious that I may have the opportunity to present to this body.

In December I introduced a concurrent resolution, which has been referred to the Committee on the Indicious I will read it.

been referred to the Committee on the Judiciary. I will read it:

Resolved by the Senate (the House of Representatives concurring), That the question of the recognition by this Government of any people as a free and independent nation is one exclusively for the determination of Congress in its capacity as the lawmaking power;

Resolved further, That this prerogative of sovereign power does not appertain to the executive department of the Government, except in so far as the President is, under the Constitution, by the exercise of the veto, made a part of the lawmaking power of the Government.

The resolution being before the Committee on the Judiciary, it is not competent for me to call it up, and I therefore avail myself of the opportunity presented by the pendency of the joint resolution introduced by the Senator from Texas [Mr. MILLS] to address myself to the general subject, which is also embraced in the first section of his joint resolution, which I ask the Secretary to

read.
The PRESIDING OFFICER. The Secretary will read as re-

The Secretary read as follows:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the expediency of recognizing the independence of a foreign government belongs to Congress, and when Congress shall so determine, the Executive should act in harmony with the legislative department of the Government.

Mr. BACON. Mr. President, the general subject of the powers of the Executive and of Congress as the lawmaking power is raised as well by the first section of the joint resolution of the Senator from Texas as by the resolution offered by myself, and in the discussion I shall treat the subject generally, having more particular reference to the phraseology and direct provisions of the resolution offered by myself, which is now before the Committee on the

This, Mr. President, may be said to be a question which has not come before us incidentally. It is true that the question arises out of the pendency of the question of the recognition of Cuban independence, but it has been brought before us in a much more direct way than could possibly be accomplished by the simple pendency of that matter. The Committee on Foreign Relations, composed of Senators of experience and ability, men not only eminent in this body, but eminent as the foremost men of the nation, have reported to the Senate a resolution in which they affirm indirectly the power of Congress to deal with this subject. They have recommended the adoption of a resolution by which the independence of Cuba would be acknowledged by this Government, and thereby have affirmed that in their opinion it is competent for the law-making power by the adoption of a joint resolution to acknowledge such independence.

Immediately thereafter an officer of another department of the Government, the Secretary of State, publishes what we may accept as an authorized interview, in which he denies the power of Congress to take such action, denies its authority to pass upon the question whether or not a government shall be acknowledged as a free and independent government, and claims that under the Continuous contraction. stitution the exclusive power so to do rests with the Executive. In pursuance of the expression of that opinion, and in the same interview, he announces that if Congress should take such action it would be treated by the Executive as of no authority, and he particularly invites the attention of foreign nations to the fact that the executive department of this Government, as regards this question, acknowledges no such authority in the lawmaking department of the Government.

We have here, Mr. President, a direct, most undisguised issue; one which has been presented in such a manner that this department of the Government must either meet and assert its prerogative or by its silence must consent to the assertion that it has no ave or by its silence must consent to the assertion that it has no such prerogative. Therefore I say that this question has not been incidentally raised. It has been presented to us as the sharpest, the most distinct of issues. We must either meet it, or we must assent to the proposition that we are not entitled to exercise this prerogative; and when I say "we" I mean the lawmaking power of the Government. of the Government.

This question is to be decided by a consideration of what are the powers of these two great departments of this Government as conferred upon the several departments by the provisions of the Constitution of the United States. There has never before been a time in the history of this Government, during a period of more than one hundred years, since its foundation, when this question has been distinctly raised. There have been claims and assertions on the one side and on the other as to what were the rights of either of the departments, but there has never been an instance, so far as I know or have been able to ascertain-and if I am in error I shall be glad if some Senator who has had more experience will correct me—where the question has been distinctly raised between the legislative department, the lawmaking department of the Government, and the executive department as to which department has the right to exercise this great power. In the consideration of the question it is necessary that we should appeal to the grants of power found in the Constitution to each of these departments, and that we should endeavor to judge both by the letter and the spirit of the Constitution which of these departments. ments has a right to exercise this great power.

Mr. President, I submit that this is a very grave question; that it is a question of the highest importance; that it is a question the importance of which is not measured by the influence which it may have upon the further question of the independence of any foreign government, but that it is a question the importance of which is measured by the fact that it must have in its decision a large influence in determining the lines which divide the authority and the power of one great department of this Government from the power and authority of another department of the Government. Furthermore, it is a question the importance of which is measured not simply by the decision so far as it may affect the particular question of the right to recognize the independence of a government, but it goes further, for the reason that the principles which are involved and which will control this par-ticular question will also control very many more questions that closely concern the interests of the people of this country.

In considering the question as to where this power lies it is necessary to see what the Constitution has granted to the executive department. It is necessary that we should endeavor to see what was the design of the Constitution as to where the great sovereign powers should be vested, and that we should endeavor then to classify this particular power to see where it should lie.

Anyone who reads the Constitution must be impressed by the fact that the great central object in the formation of that instrufact that the great central object in the formation of that instru-ment was to make this a representative government, not simply a government representative in form, but a government which should be representative in fact, and a government which the people, through those whom they might elect as their lawmakers, should determine what should be the measures, what should be the policies, and what should be the laws of this country. In accordance with that design, all lawmaking power is committed to Congress, and the very first section of the first article in the Constitution, the very first line in the Constitution after the pre-amble is one which asserts that all legislative powers conferred amble, is one which asserts that all legislative powers conferred by that instrument are conferred upon a Congress of the United States to consist of a Senate and House of Representatives

This is not only a broad and a general grant, but it is an exclusive grant, and when we come to examine the powers conferred upon the Executive, we find no vestige, no scintilla of an inten-tion to confer upon the President any legislative power whatever except in so far as the veto power may make him a part of the lawmaking power of the Government. Thus it is that when a power is claimed for the executive department, and the question arises whether it is a power which belongs to the executive department or is a power which belongs to the legislative department, one infallible test is this: Will the effect of the exercise of that power by the executive department be to enable it to accomplish that which is equivalent to the creation of law? Will it be to make that law which was not law before? If it does, then it is in the nature of a lawmaking power, and the test will decide that it is not one to be exercised by the Executive, but that it must be

it is not one to be exercised by the Executive, but that it must be exercised by the legislative department.

Mr. President, if we apply this test to the particular question (I shall endeavor to hurry through this part of what I have to say, because it is only necessary to speak of it in general terms) whether the executive department has the right and the power under the Constitution, the exclusive power, to acknowledge the independence of a country, and endeavor to ascertain whether or not the acknowledgment of the independence of a country has the effect to accomplish that which would be in the nature of the effect to accomplish that which would be in the nature of the creation of law, what do we find? What is the effect of the acknowledgment of the independence of a nation? One necessary effect of it is to make that law in this country which was not law before. One necessary effect of it is to make all the obligations which apply under international law to any independent nation the law of this country as to that nation.

If under this test such a recognition is in its nature and effect of

If under this test such a recognition is in its nature and effect a legislative act, even though not in the usual form of a statute, the power rests exclusively with Congress in its lawmaking capacity, and in the absence of express grant in the Constitution it can not possibly belong to the Executive.

Is, then, such a recognition an act legislative in its nature and effect? An act, whatever be its form or guise, is legislative in effect whenever it imposes binding obligations and imperative duties upon the community which did not theretofore exist. Whatever is commanded by competent authority becomes law, and any such command, operating upon a whole people and also upon the departments and officials of the government, is a public

The recognition of the independence of a people does impose upon the people and officials of this Government new obligations and new duties. It lays upon them commands to observe such new duties and obligations to the new nation, its people, and its officials, and forbids them to infringe on rights which did not theretofore exist, rights which are created by such recognition.

International law, although never enacted in statutory form by any congress or parliament, is a recognized code of law of binding authority, and is so recognized and administered by our courts. It guarantees certain rights and imposes reciprocal obligations between independent nations. So soon as the independence of a nation is recognized by this Government, the duty is imposed upon our people and upon our officials that they shall regard those rights and observe those obligations in and to the people and government of the new nation. As respects a people not an independent nation no such obligation of law rests upon us. But when, by legal authority, the independence of a people is recognized, the act of recognition instantly, without more, lays upon our people and upon our officials the command to observe these obligations. As regards the relations between the people and officials of this Government and those of the newly independent people, that is made law for us which was not theretofore law. If to lay these commands upon the people and officials of the Gov-ernment is in the nature of a legislative act, then the official act which necessarily operates to create such commands is not within the province of the Executive except in so far as it may be performed with the assent of Congress

Mr. President, in addition to the view which I have thus far suggested, in a still broader sense has such recognition the nature

and effect of a legislative act.

The act of recognition, when legally done, makes the independence of the new nation the law of this country. The object of the recognition is to change the legal status in this country of the people whose independence as a nation is thus declared. so, what is the purpose and what is the effect of such recognition by this Government? The purpose and effect can not be to change the legal status of such people in the contemplation and laws of other governments. That would be an impossibility. It can not be only to extend the expression of sympathy to the people of the recognized government. It is not simply intermeddling bravado. Nor is it merely a defiance to the one and a message of encouragement to the other of two contending parties. On the contrary, by such recognition is intended, and in fact found, something more

material, something more practical.

It is a declaration of law in this country, with all of its attendant consequences, that a new nation has come into existence and that in its relations with this Government and this people it has all of the attributes and all of the rights of sovereignty; that it has the right to enforce every duty of citizenship upon those owing it allegiance; that it may declare war and make peace; that it may raise and maintain armies and build and commission ships of war; that it may lay and collect duties on imports, and that it may make

treaties with foreign nations recognizing its independence.

I repeat, Mr. President, that the recognition makes the independence of the new nation a part of the law of this land. It becomes law binding upon the citizen, the official, and the Government; law recognized and administered by our courts; law under which in our own courts title to property is vested and divested; law which can be made the test of alleged crime; law which no judge of our courts could wantonly and capriciously ignore and refuse to administer without subjecting himself to impeachment and

removal from office.

The declaration of a simple fact as a fact can not accomplish such result. The mere declaration of a fact as such can not coerce the action of a whole people and command the judgments and determine the decrees of courts as to property and personal liberty and life. Only law can do this, and only Congress can by the exercise of this power of recognition of the independence of a nation declare this law. When the act of recognition is by the Executive, it derives its validity from the assent of Congress, actual or implied. Such recognition by the Executive, in an undisputed case, is entirely consistent with the implied assent of Congress, and entirely consistent with the recognized existence of the final or supreme constitutional power being in Congress.

Mr. GRAY. Would the Senator from Georgia object to an

interruption?

Mr. BACON. Not in the least.
Mr. GRAY. I am very much interested in the argument the Senator is making, and it is new, so far as I know. I understand him to say that there can be a law which exists and is binding as a law directing conduct and controlling the action of officials and it is that exists by the implied consent of Congress.

citizens that exists by the implied consent of Congress

Mr. BACON. The proposition is this: International law is a part of the law of this land and will be administered by the courts of this country, both Federal and State, without any distinct legal enactment either by Congress or by any State government. When through legal action by proper authority a nation is recognized as an independent nation, all the rights which that nation has under international law are rights which under the law of the Federal Government, rights which under the law of State governments, can be enforced either in the courts of the Federal Government or of the States by reason of the fact that such independence has been acknowledged. That is the proposition, and, Mr. President, I did not suppose it would be questioned. If the learned Senator from Delaware does question it, while I have not the books here I can undertake to furnish him with authorities, both Federal and State, to the effect that international law is a law which, while it has never been enacted by the authorities of this country, is binding upon the courts, both Federal and State, and will be enforced in either of those jurisdictions.

Mr. GRAY. I do not question at all the proposition the Senator

has just advanced. I only asked him a question in order that I might understand his proposition. I perhaps misunderstand it, and I wish to be corrected if I am wrong. I understand that the Senator's opposition to the proposition that the Executive can recognize the independency of a new government not heretofore existing in the family of nations is based on the ground that such an act is essentially a legislative act, because it creates a rule of conduct for officials and citizens that hitherto has not been created.

Mr. BACON. Yes.
Mr. GRAY. I understand that part of his argument correctly. Then I understand the last proposition, as to which I took the

liberty of asking the question preceding this, to be that heretofore wherever the Executive has recognized the independence of a

fore wherever the Executive has recognized the independence of a government the only validity that it had as a lawmaking act was from the implied or tacit acquiescence of Congress.

Mr. BACON. Exactly.

Mr. GRAY. My question is, whether any law can be created by the implied sanction of the Congress of the United States?

Mr. BACON. The distinguished Senator, I presume, would like to lead me off into a very hair-splitting discussion. The general proposition is this: There are a great many acts performed by the Executive which depend for their ultimate authority upon the fact that the Executive, as the executive arm of the Governthe fact that the Executive, as the executive arm of the Govern-ment, is doing that which, while not specifically and directly in terms authorized by the lawmaking power, is with its implied assent; and if the distinguished Senator will do me the honor to hear me to my conclusion I hope to satisfy him that the act of the Executive in the recognition of the independence of a nation does not depend upon the ultimate power and exclusive authority of the executive department to make such recognition, but depends upon the fact that Congress, which alone has this ultimate power,

Now, Mr. President, if the ultimate power is with Congress, and if Congress assents to it, it is a legal act, and whether it is an express or implied act, all legal consequences must flow from it as if

it were directly authorized by Congress.

Mr. GRAY. I understand the Senator's proposition, and I shall

Mr. GRAY. I understand the Senator's proposition, and I shall not interrupt him further.

Mr. BACON. I have no objection to interruption.

Mr. PLATT. Mr. President—

The PRESIDING OFFICER (Mr. Chilton in the chair).

Does the Senator from Georgia yield to the Senator from Connections.

Mr. BACON. Certainly.
Mr. PLATT. How does the Senator claim that Congress assents?
Because it does not dissent?

Mr. BACON. Where it has knowledge of the facts, where the Mr. BACON. Where it has knowledge of the facts, where the Executive is proceeding and Congress has full opportunity to know and does know everything which is done, of course Congress assents. If the Senator from Connecticut will pardon me for a moment, and will allow me to get further into my argument, he will see what I mean. But in order that he may not misunderstand me now, I say the proposition which I shall endeavor to receive it is that the religious proposition is that the religious proposition is that the religious proposition which I shall endeavor to maintain is, that the ultimate power to determine whether a nation shall or shall not be recognized by this Government is a power in the lawmaking department of the Government, and that where the lawmaking department sits by in full knowledge of what is going on and permits the Executive to act as the agency, the medium through which this is always done, appropriates money to pay ministers, as is suggested to me by the Senator from Montana [Mr. Carter], or in any other way acquiesces in it, it is a con-

Mr. CARTER, or in any other way acquiesces in it, it is a confirmation of the act.

Mr. GRAY. The appropriation of money is an affirmative act.

I agree with the Senator.

Mr. BACON. It is an affirmative act, but it is an indirect affirmation. I will say to the Senator from Delaware and the Senator from Connecticut that if they will permit me to develop the average of a little further, they will see what I mean without the argument a little further, they will see what I mean without causing me to explain each step as I go along. I do not, however, object to interruptions, and I shall be more than happy to answer any question, so far as my ability will enable me to do so, that may be asked by either of the distinguished Senators or by others.

Mr. GRAY. I recognize the Senator's courtesy in the matter. Mr. BACON. I had said that the simple declaration of a fact could not accomplish in the way of making a law which is to be enforced by courts what is accomplished whenever the legal declaration is made by competent authority of the independence of a nation, that that could only be accomplished by law, and that only Congress can, by the exercise of this power of recognition of the independence of a nation, declare such law.

Mr. President, there is yet another view, still more controlling, in my judgment, in support of the proposition (and I ask the attention of the Senator from Delaware and the attention of other Senators to this point, because it largely answers, I think, or rather bears upon the solution of the question which they propounded to me) that this power rests, under the Constitution, with Congress, and not with the Executive.

The recognition of the independence of a people, with all of the consequences which may flow from such recognition, is necessarily an act of the highest sovereignty. Mr. Seward, when Secretary of State, used this language in a letter addressed to Mr. Adams, then minister to England:

To recognize the independence of a new state, and so favor, possibly determine, its admission into the family of nations, is the highest possible exercise of sovereign power, because it affects in every case the welfare of two nations, and often the peace of the world.

The prerogative to determine upon the exercise of this highest possible sovereign power belongs properly and necessarily to that authority in the state which in its constitutional functions most fully represents its sovereignty. That authority in this Govern-

ment is the lawmaking power.

The Government in its entirety is the sovereignty. But the Constitution has invested Congress with almost all of the prerogatives of that sovereignty. The broad, unlimited, and exclusive grant of all legislative powers under the Constitution, without more, carries with it the larger and most important part of the powers of sovereignty. But the enumeration in the Constitution of the powers of Congress goes further, conferring upon it, among others, the powers—
To lay and collect taxes.
To provide for the common defense and general welfare of the

To regulate commerce with foreign nations.
To coin money and regulate the value thereof.
To define and punish offenses against the law of nations.

To declare war.

To raise and support armies. To provide and maintain a navy.

To provide and maintain a navy.

To suppress insurrections and repel invasions.

Each of these, besides others of which I have omitted to make mention, is a distinct power of sovereignty—the powers which kings with unlimited power personally wield; and in addition thereto, after enumerating these most sovereign powers, there is the following comprehensive grant of power to Congress:

To make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this Constitution in the Government of the United States, or in any department or officer thereof.

By this, not only is Congress clothed generally with all power of legislation necessary to carry into effect all the powers granted to Congress, but Congress is further and exclusively vested with the power to make any and all laws necessary and proper for the execution of any of the powers of the Government of the United execution or any of the powers of the Government of the United States and of any department of the Government. Mr. President, when to these great powers is joined the power to impeach and remove from office any officer of the Government, from the President to the lowest civil officer, little could be added to completely invest Congress with every attribute of the sovereignty of the Government.

Compared to this great array of sovereign powers granted to Congress, those conferred on the President present a most strik-Congress, those conferred on the President present a most striking contrast. He is clothed with the great power and responsibility of the execution of the laws, but beyond this the only pre-rogative of sovereignty with which he is exclusively invested is the pardoning power, and even that is denied to him in cases of impeachment by the House and conviction by the Senate. Least of all is there to him the slightest grant of the greatest of all pow-

the power to make law.

Mr. President, the fact can not be too distinctly announced, it can not be too highly appreciated, that the only distinct prerogative of sovereignty which is granted to the President of the United States is the pardoning power, and in that he is limited in cases of impeachment, where he is denied the exercise of it. Least of all, Mr. President, is there the least grant of the slightest legislative function to the Executive of the Government.

We have passed by more than two hundred years the period in the history of our race when one man could assume and exercise the power to determine, independently of the legislative department, what should be, even in part, the laws of the government. The framers of the Constitution stood nearer by a hundred years than we do to the time when a king sought to rule without par-liament and in defiance of parliament, when he sought to take to himself all the powers of government and set at naught the laws and wishes of the country's constitutional legislators. The great and wise men who framed our fundamental law stood in the century next removed from that which had witnessed the culmination of that great struggle from the events of which they gathered the lesson that the material interests and the liberties of a people are safest when the great powers of government are lodged not in the control of one man, of whatever title or office, but in the hands of their elected representatives. They had learned from it that one man invested with such powers was quick to consider his own for-tunes and the fortunes of his favorites of more consequence than the prosperity of a whole people. They were taught by that his-tory to fear that one so girt with power would grow great in his own conceit, that he would attempt to draw to himself all the authority of government, and that, puffed up with the estimate of his own greatness, not only one born to the kingly office, but also one who held but temporarily the elective office of President, might come to think himself compassed with "the divinty that doth hedge

a king."
These framers of the Constitution at that time, when they were defining the powers of the Executive doubtless then had in anticipation that the first President under the new Government would be Washington. They would not have feared to invest him with all power; but they looked beyond. While they hoped that only

good and wise men would be chosen to that high office, they forgot not the frailties of the weak nor the grasping ambitions of the strong. They guarded against the worst. They designed that in the hands of a weak Executive the Government should not fail, and that in the hands of one strong, self-willed, and ambitious there should not be imperiled the free institutions which they sought to establish. Therefore while they created a great and noble office, one within its legitimate sphere the greatest and the noblest of all the earth, they designed that its greatness and noblity should not consist in the arbitrary powers of the kingly office. The greatness of the Presidential office does not consist in his will being the law to 70,000,000 people, but in the fact that the President in himself personifies the will of a great and free people as that will is expressed by them through another depart good and wise men would be chosen to that high office, they forpeople as that will is expressed by them through another department of the Government. No man can shut his eyes to the fact that, to that end, while they invested the President with all the dignity and power of the Executive office, they carefully withheld from him the grant of the powers of sovereignty. Every power given to him was most carefully restricted and guarded.

While they gave him the power of the veto, they gave to Congress the power to override his veto by a two-thirds vote of each House.

While they gave him power to negotiate treaties with foreign nations, they made such treaties of no effect until agreed to by

They gave him power to pardon those convicted of crime, but denied to him the power to pardon in cases of impeachment.

They gave him the power to appoint all civil officers, but except temporarily, when Congress is not in session, such appointments are of no validity until confirmed by the Senate.

They made him Commander-in-Chief of the Army and Navy, but they left it to Congress to determine what should be the size and constitution of the Army and Navy and whether there should and constitution of the Army and Navy, and whether there should be any Army and Navy. They denied him the power to appoint a single officer of either the Army or the Navy, from the commanding officers to the lowest subalterns, unless each of such appointments should receive the confirmation of the Senate. They gave him no power to equip and maintain either Army or Navy for a day. They gave him no power to equip and maintain either Army or Navy for a day. They gave him no power to make war, nor can he of him-self conclude peace. The power to make rules for the government-and regulation of the Army and Navy is denied to him and is expressly conferred upon Congress. It is evident that as Com-mander-in-Chief of the Army and Navy he is but the executive arm, and that in that capacity he is himself in every detail and particular subject to the commands of the lawmeling.

arm, and that in that capacity he is himself in every detail and particular subject to the commands of the lawmaking power.

Finally they made the Chief Executive, as well as every other civil officer, from the head of the Cabinet to the most obscure civil official, subject to trial and removal from office, without appeal, upon impeachment by the House and conviction by the Senate—a power in much conservatism and wisdom but seldom exercised, but nevertheless a power, resting as it does, without defined limits

but nevertheless a power, resting as it does, without defined limits as to what shall be deemed a high crime or misdemeanor, almost exclusively in the discretion of the House and Senate, which is the great safeguard against encroachment and official misconduct.

Mr. President, in this analysis I am attempting, by an examination of the various and relative powers conferred upon the legislative department on the one hand and those conferred upon the examination of the various and relative department on the one hand and those conferred upon the executive department on the other, to ascertain where properly rests the function of sovereign power in the exercise of which a people is recognized by this Government as a free and independent nation.

Upon this general analysis it would seem to be established that almost all of the functions of the sovereignty of the Government are vested in their ultimate power in the legislative department. It is further true that all the functions of the sovereignty of the Government, in so far as they necessitate affirmative determination and command, the directing of what shall be done and what shall not be done, are vested exclusively in the lawmaking power.

If the recognition of the independence of a people as a free and sovereign nation is in itself an act of high sovereignty—and who will gainsay it?—it would seem to be a necessary conclusion that in the absence of express grant to any particular department such act can only be legally performed under the determination, express or implied, of that department of the Government which has been

invested with those functions of sovereignty involving the determination of all affirmative action by the Government.

Mr. President, if I am wrong in this view, if there is a single function of the executive department outside of the treaty-making power in which he is clothed with the power of a determination of any affirmative action other than that which he gets in the executive of the large I cheefed like for some Souther to rejud out of the large I cheefed like for souther to rejud out of the large I cheefed like for souther to rejud out of the large I cheefed like for souther to rejud out of the large I cheefed like for souther to rejud out of the large I cheefed like for souther to rejud out of the large I cheefed like for souther to rejud out of the large I cheefed like for souther to rejud out of the large I cheefed like for souther to rejud out of the large I chee of any amrinative action other than that which he gets in the execution of the laws, I should like for some Senator to point out where, under the Constitution of the United States, is the President authorized to perform one single affirmative act imposing new duties, outside of the treaty-making power, for which he does not get the authority by express statutory provision.

Mr. Gray and Mr. Platt addressed the Chair,

The PRESIDING OFFICER. Does the Senator from Georgia

yield to the Senator from Delaware? Mr. BACON. Certainly.

Mr. GRAY. I call the attention of the Senator to what he has already no doubt considered, the power expressly given to the President to appoint ambassadors, ministers, consuls, etc., and to

receive ministers from foreign governments.

Mr. BACON. I am speaking of an individual act of the President that he is authorized to perform, which shall have the effect to create a duty which theretofore did not exist. I am not speak-ing of an act that he is authorized to perform which has to be coning of an act that he is authorized to perform which has to be confirmed by this body. I shall have something to say upon the subject of the reception of ministers.

Mr. GRAY. But the fact that no ambassador or other public minister can be appointed except by the advice and consent of the Senate does not support the contention that Congress has any participation in the text.

Mr. BACON. I am not on that point now, Mr. President.
Mr. GRAY. The Senate is merely the advisory council of the executive branch, created by the Constitution.
Mr. BACON. I shall come to that question later. I am now upon a distinct question, and I am ready to answer any question the Senator will ask me upon that particular point. The question is whether there is under the Constitution of the United States authority to the President of the United States, not in conjunction with any other department, but of himself alone, to perform a single act the performance of which shall have the effect to create an obligation which did not theretofore exist.
Mr. GRAY. Suppose he receives a minister from a foreign

Mr. GRAY. Suppose he receives a minister from a foreign

nation.

Mr. BACON. I am coming to that as a separate matter.
Mr. GRAY. Very well; then I will not anticipate the Senator.
Mr. BACON. I am ready to answer the Senator any question
he may desire to ask me, so far as I may be able, which relates to
the receiving of ambassadors.
Mr. GRAY. I pointed out one; but I do not want to anticipate

Mr. GRAY. I pointed out one; but I do not want to anticipate the Senator's argument, of course.

Mr. BACON. I am speaking of an act which the President is to perform, which is binding upon our people, not an act performed in the reception of a minister.

Mr. GRAY. Is not that act binding upon our people?

Mr. BACON. I shall discuss that as a separate matter.

Mr. PLATT. Mr. President—

The PRESIDING OFFICER. Does the Senator from Georgia yield to the Senator from Connecticut?

yield to the Senator from Connecticut?

Mr. BACON. Certainly.

Mr. PLATT. How does the Senator from Georgia suppose the President gets the authority to make a demand upon a foreign power for an indemnity to be paid to this Government for losses

which have been sustained by a citizen of the Government?

Mr. BACON. Certainly upon the ground that he is the executive officer, and he makes a demand as such, but a demand which Congress may at any time come in and stop and say he should not make. Therefore, he makes it by the implied assent of Con-Does the Senator dispute that if a demand were made upon gress. Does the Senator dispute that it a demand were made upon a foreign government by the President, Congress by joint resolution or by an act could say that that demand should not be proposed. I am speaking of ultimate power when I am talking about power. I say the ultimate power would be in Congress by act or by joint resolution to stop the President and say he shall not do it. Therefore, if that is the case it must be done by the invalid assent of Congress.

implied assent of Congress.

Mr. PLATT. Then I understand the Senator's position to be that the President as the executive officer is clothed with certain

powers, but that Congress may overrule them. Is that it?

Mr. BACON. I mean to say that so far as the execution of the laws is concerned the President derives his authority from the Constitution, and so far as he exercises any other function where there is an express grant to him in the Constitution he exercises it by virtue of that express grant; but that in the general admin-istration of the executive office he is in the main executing the laws passed by Congress, laws over which Congress has the ultimate power either in their enactment or their repeal, and laws, therefore, in the execution of which Congress can at any time arrest him.

Mr. PLATT. Suppose the President makes a demand upon a foreign power to surrender a citizen unlawfully detained by that foreign power, where does he get that authority under the Consti-

he was here at the time when I spoke of the Presidential office as one of the highest and noblest of all on earth, and gave the reasons one of the highest and noblest of all on earth, and gave the reasons upon which I based that opinion. I will say, in answer to the honorable Senator, that the President is undoubtedly clothed with every function which is expressly conferred upon him as the Executive for the purpose of carrying into effect the laws of the land, The great injunction imposed upon him by the Constitution is that he shall take care that the laws be faithfully executed; and within the exercise of that power he is certainly supreme, except that it is within the power of Congress at any time to change any one of the laws that he is called upon to execute. Therefore, the

ultimate power is in Congress.

Mr. HALE. Precisely. Is it not the logical result of the Senator's reasoning that the whole power of the Government is in the legislative branch; that the President is in operation only carrying out the laws of the Government enacted by the legislative branch; that he may at any time be arrested by the legislative branch in carrying out a law; and that therefore the sum and substance of all the Constitution is that the fathers ordained and established a legislative Government as the primal power? Is not

that the contention of the Senator?

Mr. BACON. It is the lawmaking power, which consists not simply of this House and the other House, but consists of the majority of the Senate and of the House of Representatives in connection with the President, or two-thirds of the Senate and of the House without the President, and in despite of his disapproval.

That is the lawmaking power.

Mr. HALE. When the Senator says that the only duty of the President is to execute the law, that in the field of administration there is nothing but that, and that the legislative branch may at any time arrest him in executing the law, certainly if there is any logical force in that, it follows that as a component part of the Government, as a branch by itself independent, there is no such

thing left, and the Executive is annihilated.

Mr. BACON. Will the distinguished Senator permit me to ask him if he doubts the proposition that it is within the power of Congress to repeal any law which is upon the statute book; and if when so repealed is not the power of the Executive to further execute that law gone; and if that applies to one law, does not it

apply to all?

Mr. HALE. This is about the way I understand that. Another Senator has said, referring to the pardoning power which we believe to be lodged with the President, that Congress may

we believe to be lodged with the President, that Congress may open the doors of every prison—

Mr. BACON. Not at all.

Mr. HALE. But another Senator said that. Can it not do so? Undoubtedly, but it would be revolutionary; undoubtedly it can do so, but it would not be within the scope, as I understand it, of the intention of the framers of the Constitution, who did make these distinct departments and serve artistic to the constitution. these distinct departments, and gave certain powers, some incidental, some direct.

My fault with the contention of the Senator is-and I see how

My lattic with the contention of the Senator is—and I see how closely he is pursuing it and how logical his march is in his reasoning—that it practically annihilates the Executive.

Mr. BACON. I think not, Mr. President. The Executive has a distinct office. The distinct office of the President is to execute the will of the lawmaking power so far as the general executive powers go. He has, in addition to that, other distinct and express grants of power the treaty making power, that is, the origination. grants of power, the treaty-making power; that is, the origination grants of power, the treaty-making power; that is, the origination of treaties, the reception of ambassadors and ministers, the appointment of civil officers, and other things which do not depend upon the legislative department. But the contention of the distinguished Senator that because, pursued to its legitimate end, the exercise of these powers would be revolutionary, certainly is no argument against the fact of their existence. That would be a very good argument against the revolutionary exercise of these powers, but we are not discussing the question as to whether or not the power should be abused. We are discussing the question as to where the power rests, and the fact that if abused it would be revolutionary does not controvert the proposition as to whether be revolutionary does not controvert the proposition as to whether that power does exist.

My proposition, in brief, Mr. President, is that the ultimate, final, supreme power is with the lawmaking power. I shall have something more to say hereafter which I hope may lead my distinguished friend from Maine to agree with me upon that subject.

Mr. HALE rose.

Mr. BACON. He gets it from the fact that he does it with the assent of the lawmaking power, for the reason that the lawmaking power could at any time step in and stop him.

Mr. HALE. May I ask the Senator from Georgia a question?

Mr. BACON. Certainly.

Mr. BACON. Certainly.

Mr. HALE rose.

Mr. BACON. I desire to say, if my friend will pardon me a moment, that in the consideration of this question I am, so far as I know myself, controlled by a desire to arrive at the truth, independent of what influence it may have upon any pending question now exciting the public mind or engaging the attention of Congress. This question, in my opinion, Mr. President, of what are the legitimate bounds of the Executive authority and how far the legislative authority goes, is a question much higher, much more important to us than any question connected with the recognition or the nonrecognition of any particular people who may claim to be independent.

Mr. HALE. I understand the Senator not to be arguing the

general subject of the Cuban revolution.

Mr. BACON. No, sir; not at all.

Mr. HALE. But only the law of the matter.

Mr. BACON. Yes, sir.

Mr. HALE. Iask the Senator what would happen if, in the contingency of a people claiming recognition and sending an accredited agent to Washington, the President should receive that minister, that ambassador, that agent, by whatever name his credentials entitle him, and Congress in session being of a contrary opinion, that the nation was not entitled to recognition, and being entirely opposed to the President, and it being the lawmaking power, how

opposed to the President, and it being the lawmaking power, now then would the Senator have Congress assert itself?

Mr. BACON. Mr. President, in the subsequent part of my argument I am intending to deal with the particular question of the reception of ambassadors. If the distinguished Senator from Maine will pretermit his question for the present, and propound it again when I reach that branch of the argument, I shall be very

happy to do what I can to answer it.

Mr. HALE. I shall be very glad to have an answer to it.

Mr. BACON. But at the present time it would not be exactly

in the order of my argument.

Mr. HALE. I do not ask the Senator to do it now if it will interfere with his argument.

Mr. BACON. I shall be very happy to do so later, and the post-ponement of the answer will give me the assurance that I shall have the continued attention of the Senator until I come to that

Mr. GRAY. I do not intend to interrupt the Senator any longer nor to trespass upon his extreme courtesy in the matter of yielding to interruption, but he was speaking a moment ago in answer to the question as to where the Constituion had given the Presi-

dent any ultimate power over Congress—

Mr. BACON. Oh, no; that was not the question.

Mr. GRAY. Then I am mistaken in the Senator's proposition

Mr. BACON. It was the question, though I did not state it in

Mr. GRAY. The Senator alluded to the power to receive foreign ministers by and with the advice and consent of the Senate, to send ambassadors to foreign countries, and omitted to mention the power absolutely ultimate, free from any participation on the part of Congress or control by Congress—I mean the pardoning power.

Mr. BACON. I am extremely unfortunate if I can not so express myself as to be understood on that particular point. There is no question about the fact that wherever there is an express power granted in the Constitution to the President and I express power granted in the Constitution to the President it does not depend in any manner upon the control of Congress, and I expressly said when enumerating the powers of the Executive that the only power of sovereignty which had been vested in the President was the pardoning power, and that all other important powers of sovereignty—those which are usually personally exercised by unlimited sovereigns—were in the lawmaking power, but that the pardoning power was the exception, although that was limited not to apply to cases of impeachment.

Mr. HOAR. I do not wish to ask the Senator a question for the purpose of antagonizing or testing his argument, but I should

purpose of antagonizing or testing his argument, but I should like to understand, if I can, exactly the length to which he goes. I was obliged to be absent from the Chamber a few minutes during the first part of his argument. I want to ask the Senator's view of this proposition to see what he understands is exactly the constitutional position. Suppose that the lawyaking power constitutional position. Suppose that the lawmaking power enact—the President not assenting, but keeping the enactment ten days without any objection, or by a two-thirds vote, in either way in which we can pass laws—in these terms: "The Island of Cuba is hereby, and shall be, recognized as an independent power by the United States"—

Mr. BACON. If the Senator will pardon me, I presume he intends to propound the same question he did the other day in reference to the happening of a case during the recess of Congress?

Mr. HOAR. Perhaps the Senator will allow me to state my

question in a single sentence.

Mr. BACON. I was only going to suggest to the Senator that
I shall come to that matter in a later part of my argument.

Mr. HOAR. Then I do not wish to interrupt the Senator.
Mr. BACON. I will hear the Senator.
Mr. HOAR. Suppose Congress should say, "The Island of Cuba is hereby, and shall be, recognized as a free and independent State until the 1st day of December next," then adjourn to the 1st of December next, and in the meantime the President of the United States desires to receive an ambassador from Spain; or suppose we say, "Cuba shall not be recognized," and Cuba meantime establishes her independence, and the President says, "I should like to receive an ambassador from Cuba, and in order to make arrangements for the exchange of ambassadors I will first recognize Cuba." Does that enactment of the lawmaking power bind the

President during the recess of Congress, it having enacted in terms that he shall be so bound? That is what I want to know.

Mr. BACON. Do I understand the Senator to state the case

where Congress has passed a law that a foreign country shall not

be recognized?

Mr. HOAR. Either; put it that way if the Senator prefers.

Mr. BACON. I say when Congress passes a law that a foreign I say when Congress passes a law that a foreign country shall not be recognized there is no power in this country, the Executive or any other, which has power to make such recognition. But I will say to the Senator from Massachusetts that in a later part of my argument I shall come to a discussion of that precise question, as to what is the effect of an enactment by Congress that it will or will not maintain diplomatic relations with another government. If the Senator will pardon me until that time, and will put his question later, I shall endeavor to answer

Mr. HOAR. I did not put the question for the purpose of antagonizing the Senator's argument, but simply to get at an understanding of the Senator's position.

Mr. BACON. Perhaps fortunately for the Senator from Massachusetts, but unfortunately for me, he has not been in the Senate

during the hour I have been trying to state what my position is.

Mr. President, the legislative department, which is invested with the exercise of these great powers of sovereignty, has been most conservatively organized by the Constitution. The law-making power does not consist in the majorities of the two Houses, but in such majorities with the approval of the President, or two-thirds of each House despite the disapproval of the President. It is safer that the exercise of this high act of sovereignty should be committed to the House of Representatives, the Senate, and the President than to the President alone. The exercise of this power by the President alone is, in my judgment, diametrically opposed to the fundamental principles upon which our representative Government is founded.

Sir, it is a sound proposition of law that the President has only such powers as are directly conferred on him by the Constitution, and such other powers as are inherent in the office of Presidentthose which are necessary to the proper exercise of those directly granted. It is conceded by all that there is no such express grant in the Constitution. Unless, therefore, the right to the exercise of such power by the President is inherent in the office—unless, in other words, the exercise of this power by the President is necessary to the full and proper exercise of some power directly granted to him by the Constitution, the power does not exist at all as one of the functions of the executive office. I presume that as an inherent power from an express grant, it does not exist.

Mr. GRAY. In either branch of the Government?

Mr. BACON. Yes, that is true.

The important and controlling question, therefore, is, Is there such an inherent power; and if so, where is it to be found? To what power directly granted does it attach as an inherent power?

It can not be contended that it is a power generally inherent in the executive office. It is a power which may in other governthe executive office. It is a power which may in other governments, and under other systems, be frequently attached to the power of the executive office. It may be that the executive head under those governments and systems most usually exercises this power. But that fact does not establish the proposition that the power is inherent in the executive office. The general function of the Executive under our Government is to execute the laws, and no other power belongs to it except where specifically granted to it by the Constitution. I am speaking now of the general functions of the Executive, not of special grants. The recognition of the independence of a people has no relation to the exercise of such general executive function. The exercise of the power of recognition can not by any strained construction be shown to be essential to the proper and full exercise of the power to execute existing laws. It can not be made to appear that any single law would fail of execution at the hands of the President because of would fail of execution at the hands of the President because of his inability to exercise the power of recognizing the independence of a foreign people. If it can, I should be very glad for some Senator, if not now, at a time when this question may be further discussed, to point out the single law which the President could not properly execute if, he did not have the power to recognize the independence of a foreign government—one single law, the execution of which would fail if he did not have that power. I am not now speaking of a special grant, but of a single law which he would not have the power to execute in the exercise of his general functions as the Executive. his general functions as the Executive.

The recognition of the independence of a people is in no sense the execution of a law, unless a law has been enacted that there shall be such recognition.

Where such recognition is the independent act of the President, so far from it being in any sense an execution of law, so far from its having any relation to the execution of law, it is, as I have endeavored to show, an act in the nature of making law.

So that I think it may be safely assumed that the power to recognize the independence of a people is not an inherent power essential to the proper and full discharge of the general powers of

the Executive office.

We must therefore examine to see whether it is an inherent power essential to the proper execution of any particular function specifically devolved by the Constitution upon the President. There are but three powers conferred by the Constitution upon the President which relate to foreign peoples or govern-

The first of these powers, which is found in the second section of the second article, is that-

He shall have power, by and with the advice and consent of the Senate, to make treaties, provided two-thirds of the Senate present concur.

The very most that could possibly be contended under this provision is that the recognition of the independence of a nation is in the nature of a treaty; but if so, it disposes of the contention that the power rests exclusively in the President, for if the power of recognition lay here it would require the consent of the Senate. So that nothing can be taken by those who claim the recognition of independence as an exclusive executive power, from that provision of the Constitution.

I will not stop now to discuss whether the power of recognition is a part of the treaty-making power, as I am now discussing the proposition that the power is not exclusively in the President. That it is his exclusive power is the contention of the Secretary of State, and that, as I understand, is the contention of the Senators

who oppose the view which I take of this matter.

The second of these powers is found in the same section of the Constitution, and provides-

And he shall nominate, and by and with the advice and consent of the Senate shall appoint, ambassadors, other public ministers, and consuls.

It is true of this provision, as it is of the preceding, that all power granted by it is shared by both the Senate and the Executive, and any inherent power arising under either provision must necessarily belong to both the Executive and the Senate, and does not belong to either exclusively

long to either exclusively.

I do not understand that the exclusive power of recognition is claimed for the Executive under either of these provisions, and I only cite them in order that every line in the Constitution relating to any connection of the President with foreign affairs may be

brought within the scope of this examination.

The third and only remaining power relating to foreign governments or peoples which the Constitution confers upon the President is in the third section of the second article, which is as follows:

He shall receive ambassadors and other public ministers.

Upon this slender grant, this single line, imposing the duty of a ceremonial, is attempted to be rested this vast power with its farreaching consequences, the exercise of which must be conceded by all to be one of the highest attributes of sovereignty. There is no legitimate construction of this clause which will sustain this conclusion.

There can be no question that the design of the Constitution is that the Executive shall be the medium of official intercourse between this Government and those of foreign nations. The conbetween this Government and those of foreign nations. The conferring of the power to initiate the making of treaties evidences sufficiently that design. The imposition of the duty to receive ambassadors and ministers is further evidence of it. It is necessary that a foreign minister accredited by his government should be officially received, and the President is designated to formally and officially receive him. That is the plain language of the grant. The inherent power under this grant is to hear officially whatever message or communication such ambassadors or ministers may bear from their governments to this Government.

As the President is the medium through which this Government.

As the President is the medium through which this Government receives communications from foreign governments, as he is the medium through which this Government communicates with foreign governments, as he is the officer designated to negotiate the treaties which are to be submitted to the Senate, the design of the Constitution in designating him as the officer of the Government to receive ambassadors and ministers is very plain; and it is not necessary to look beyond the functions the exercise of which is required to carry out these purposes in order to determine what inherent powers go along with this grant to the President.

By no legitimate construction can the imposition by the Consti-tution of the duty to receive ambassadors and ministers carry with it such inherent power as makes the President the arbitrary and absolute controller of the relations between this Government and all foreign governments, the making of treaties alone

excepted.

Mr. HALE. Will the Senator allow me to ask him a question? Mr. BACON. Certainly. Mr. HALE. I see clearly the Senator's reasoning strips the President, under the constitutional provision which gives him the

power to receive ambassadors, of everything except a ceremonial

power. Let me ask the Senator— Mr. BACON. I beg the Senator's pardon. If he had observed

what I said-

Mr. HALE. I have listened to every word the Senator has said. I went further than a ceremonial. I spoke of Mr. BACON. the fact that the President is the medium through which this Government makes its negotiations, which is more than a cere-

Mr. HALE. Let me ask the Senator whether that provision of the Constitution does not clothe the President not only with the power of receiving—a ceremonial—but with the critical, underlying

power of selecting the time that he shall receive that ambassador?

Mr. BACON. When the President shall receive him?

Mr. HALE. Is not the one essential question as to recognition,
When has the time come that this Government shall receive?

and is there not in that power given to the President something clearly beyond ceremonial?

Mr. BACON. Does the Senator ask me whether or not that power does not carry with it the inherent power to determine whether that ambassador represents such an independent government as will justify the President in receiving him? Is that the question?

Mr. HALE. The question amounts to that. When I ask if it does not give the President power to select the time when he shall receive, does not that carry with it the power of deciding the time

when a foreign government shall be recognized?

Mr. BACON. When the Senator speaks of the time, does he mean the time in the history of the country or the time in the

period of the year?

Mr. HALE. The date, the hour, at which the President will receive the representative of a people claiming to be an independent government.

Mr. BACON. Does the Senator mean as to what time in his business can the President spare the particular minute when he will receive such a representative? I am asking for information, for I really do not understand the Senator's question.

Mr. HALE. I will put it as the Senator says. Does not the constitutional provision which gives the President power to receive ministers, ambassadors, and agents, give him necessarily the authority to settle the critical time when that nation shall be recognized?

Mr. BACON. I am asking the Senator, in order that I may answer his question, whether he refers to the time in the history

answer his question, whether he refers to the time in the history of the government, or the proposed or alleged government, or whether he means a particular time as to the President's own personal engagements?

Mr. HALE. It is the same thing. If the President decides that he will not receive the minister, then there is no recognition; but if the President decides that he will, on next Friday, receive the accredited agent of a people claiming to be an actual government, does not that power that he has of fixing the time clearly lodge in him the whole question of recognition?

Mr. BACON. I will say, in answer to the Senator, that I am

Mr. BACON. I will say, in answer to the Senator, that I am going to discuss at this immediate time the particular question as to how far the right to receive ambassadors clothes the President with the power of deciding the question whether or not an alleged nation is entitled to be recognized as an independent nation, if

that is the question.

Mr. HALE. I hope the Senator, then, if he thinks it is worth

tor desires me to answer it.

Mr. HALE. I hope the Senator will, if he thinks it is worth while, tell us what his view is upon the very subject of the right of the President to receive—which must be done at some particular time in the history of the country asking to be received—whether that does not leave with the President the power of recognition?

Mr. BACON. If the Senator means by his question to ask me whether there is anything in the grant of power to the President to receive an ambassador or a minister which carries with it the inherent power, either directly or indirectly, to determine finally, absolutely, and without appeal, whether a government is an independent nation or not an independent nation, I answer him no, I do not think there is any such. If that is not comprehensive I do not think there is any such. If that is not comprehensive, I will say that I do not think under any circumstances that that inherent, final, unlimited power exists; and it can not be accomplished by the President through his supreme, unlimited power, either by direction or by indirection.

Mr. HALE. What would be the result for the time being, if Congress were not in session, if the President—

Mr. BACON. Mr. President, it is now past 4 o'clock. I should be more than willing to follow the Senator from Maine through a general discussion as to any questions which he might desire to propound, but I wish to present a connected argument, and many of the questions which the Senator is now asking me I shall endeavor to answer in the progress of this argument.

Mr. HALE. Of course I could not understand what the Senator's line was, and I waited

Mr. BACON. But the best way, I submit to the Senator, is to give me the opportunity to develop it, and I can not have the opportunity if the Senator, before I have developed the argument, anticipates and asks questions which will be answered later.

Mr. HALE. I see the force of what the Senator says, but the

Senator will remember that when some questions were asked by other Senators at a former time during his very able and entertaining speech, he suggested that they wait until he came to this part of his speech.

Mr. BACON. I have just simply touched it.

Mr. HALE. As the Senator had reached that part, I ventured to

put two or three questions. But I will not trouble the Senator

Mr. BACON. I have reached it, but I have not got into it. The

Senator stops me at the threshold.

Mr. HALE. I will not trouble the Senator again.

Mr. BACON. I have remarked that by no legitimate construction, in my opinion, can the exercise of this simple duty to receive ambassadors and ministers be so extended as to make the Presiamnassadors and ministers be so extended as to make the Frest-dent of the United States, as is claimed by those who say that he has this exclusive power, the absolute, unqualified, uncontrolled, and uncontrollable power to decide as to all matters relating to our foreign relations, so far at least as they include any question of the recognition of the independence of a people claiming to be free and independent; and yet that is the result to which the contention must lead. If it had been intended—and I ask the Senator's consideration of this proposition—by the grant of power to receive ambassadors and ministers to confer with it the power to recognize the independence of a foreign nation, the exercise of that power by the President would doubtless also have been guarded as was the treaty-making power, by requiring the advice and conas was the treaty-making power, by requiring acceptance sent of the Senate to act.

Mr. HALE. Now the Senator asks me a question.

Mr. BACON. I was not conscious of the fact. If the Senator so construes it, it is all right.

Mr. HALE. The Senator put it in that form. I will not take

Mr. HALE. The Senator put it in that form. I will not take advantage of that lapse of the Senator. The Senator did ask me a question.

Mr. BACON. I certainly have not indicated any indisposition

to have the Senator interrupt me. I am always more than happy to agree with the Senator, and always very much distressed when I differ with him. It gives me very great distrust when I do. The contention is that the duty imposed upon the President to

receive ambassadors and ministers necessarily involves the duty of determining what governments are such free and sovereign governments as are entitled to send ambassadors or ministers to this Government; and further, that as he can not determine whom to receive and whom to refuse to receive as ambassadors or ministers unless he also exercises the power to determine what states are sovereign and independent, therefore the power to determine and recognize the independence of a nation is a power inherent in the power to receive ambassabors and ministers. That is the whole argument in a nutshell, as I understand it, and there is no other single line or letter in the Constitution upon which this power is claimed than the single line that the President shall have the power and it shall be his duty to receive ambassadors

and ministers and consuls.

If it be true (and I ask the attention of Senators who are law-yers to this proposition) that there is no reasonably practical way in which the President can be informed what government is enti-tled to send ambassadors or ministers to this Government, unless the Executive has the original, absolute, and exclusive power to determine what nation is a free and independent nation, and what nation is not a free and independent nation, then the argument is sound. I concede it, if that be true. In that case the power claimed for him is one of his inherent powers, because without it he could not perform the duty of receiving ambassadors and

ministers.

But if, on the contrary, it be true that it is entirely practical for the Executive to receive from the lawmaking power of the Government the necessary direction through joint resolution, in cases of doubtful or disputed independence, then the argument is not sound. In that case the power claimed for him is not one of his inherent powers, because without its exercise by him he can perform the duty of receiving ambassadors and ministers.

Mr. President, let me suggest an illustration, and I ask the attention and consideration of the distinguished Senators who have so kindly given me their attention during the progress of this argument to this illustration upon the point whether or not the duty to receive ministers carries with it the inherent power to determine, as a supreme constitutional power, whether or not a government is an independent nation. By some, in times past, Senators have indicated.

The position that Congress is the ultimate power to determine whether in a disputed case a nation is or is not an independent nation is fortified by the consideration that the necessary meaning of this provision of the Constitution is that the President shall receive ambassadors or ministers from such governments as the law which shall prescribe what shall be done in such cases as the Senators have indicated.

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right to receive a Senator except from a State which is one of these United States—a member of the Federal Union. When a Senator presents himself to be received here, how does the Senate determine that the State whose credentials he holds is one of this class? Is it determined arbitrarily, under its own judgment, and in obedience to its own will? No. It turns to the records and ascertains that the State in question is one of the original thirteen, or it turns to the statute book and finds that this same sovereign lawmaking power has enacted that it has become one of the United States entitled to send Senators here. It matters not whether the designation of Senators as ambassadors is apt, the purpose of the illustration is served. It would be just as logical to claim it as one of the inherent rights of this Senate to determine, by its own judgment and will, independently of any statute and in defiance of the lawmaking power, whether a community offering to send a Senator to this body was or was not a State in the Union as to claim that the President must necessarily exercise the exclusive power to determine upon and recognize the independence of a people in order that he might properly perform the duty of receiving ambassadors and ministers.

Mr. WHITE, Will the Senator from Georgia permit me to ask

him a question? Mr. BACON.

Certainly.

Mr. WHITE. Suppose the case of a country which by means of a revolution has actually severed itself from another country; that Congress had not recognized its independence, but that a party claiming to be and actually being the accredited party representing the government presents himself to the President and claims to be the ambassador or minister of that government. Would the reception of such minister or representative by the President be a recognition of the independence of that govern-

As a final recognition, I should certainly say no.

Mr. BACON. As a final recognition, I should certainly say no.

It would be a recognition upon which courts could act.

Mr. WHITE. Allow me to present another question. Could such recognition be revoked at all by anybody?

Mr. BACON. I recognize the principle of law—there is no question about this—that whenever there has been an authoritative recognition of a government it can not be revoked; but I say that whenever there has been simply a tentative reception of an ambassawhenever there has been simply a tentative reception of an ambassa-dor from a government not theretofore independent, done during a recess of Congress by the Executive, while it would give him a certain quasi position which the courts would recognize so long as he occupied it, it would be competent for the lawmaking power, when Congress assembled, to determine whether or not that government which claimed to be independent and which represented a people who had sundered a certain portion of territory from another country with which this Government was in amicable relations, should so stand as an independent country, or whether this Government should refuse to recognize it and say it still constituted an integral part of the mother country. I will come in a moment to a line of argument which sustains that

proposition.

Mr. HALE. Then the Senator would say that after recognition, in the manner which has been indicated by him, had been granted by the Executive and the minister had been received and had assumed the functions of a minister, Congress could order him

sent home?

Mr. BACON. Most undoubtedly. I do not hesitate on that

proposition, sir—not a particle.

But, Mr. President, right in that connection I wish to say that But, Mr. President, right in that connection I wish to say that while of course the argument of inconvenience is a proper argument for consideration, it is never an argument which can settle finally the question of legal power. The illustrations as to the argument of inconvenience which the distinguished Senator from California and the distinguished Senator from Maine suggest to me are both of them illustrations which would be met easily by the lawmaking power if it would take up this subject and legislate on it as it ought to do. If the power rests with Congress to determine when a nation is an independent nation, if that is the highest act of sovereignty, as Mr. Seward said it was, if it belongs properly to the department of government which exercises almost without exception all of the powers of the sovereignty of this Government, the fact that it can not be conveniently exercised by Congress by act or joint resolution during a recess, does not pre-Congress by act or joint resolution during a recess, does not prevent this Congress or any future Congress from passing a general law which shall prescribe what shall be done in such cases as the Senators have indicated.

which heasked me, although not direct. The legitimate construction of that is that he shall receive ambassadors and ministers from such governments as Congress shall consent to have diplomatic relations with.

This consent is assumed to be given in the cases of all civilized independent nations with which this Government is at peace. But will anyone contend for a moment that it is beyond the power of Congress to say by statute or joint resolution that this Government will not hold diplomatic relations with any particular gov-

ernment it may designate? Mr. President, it is understood to be true that during the past twelve months or so there have been thirty or forty thousand or more of Armenians—defenseless men, women, and children—mercilessly butchered in Turkey, and that this has been done, if not by the command, with the wish and approval of the Turkish Government. Suppose that Congress by a joint resolution or statute regularly enacted should declare the Turks to be without the pale of civilization, that they are savages and fiends, and order that this Government thereafter shall hold no diplomatic relations with the Turkish Government. Will it be contended for a moment that when diplomatic relations with that Government were thus sundered by Congress the President could refuse to obey the law and still receive a minister from Turkey? If Congress has the power to sunder diplomatic relations with Turkey and send away her minister and prohibit the reception of any diplomatic representative from that Government, it has the power to do the like, in its discretion and judgment, in the case of any other govern-

It is difficult to see any ground upon which an argument can be based denying the power of Congress in such case. The power to declare war, which is by the Constitution vested in Congress exclusively, must of necessity include the inferior power to sunder diplomatic relations, not only when war is declared, but at any time, and for any cause by it deemed to be sufficient. The power to declare war must involve the ultimate supreme control of all these relations out of which war near conw. It must therefore those relations out of which war may grow. It must therefore follow logically that if Congress has the power in its discretion thus to sunder diplomatic relations and to forbid the reception of an ambassador or minister from that government, then Congress is the final power to determine from what countries ambassadors or ministers shall be received. If so, the President is but the agency designated for the reception of ambassadors or ministers from governments with which Congress directly or tacitly consents to hold diplomatic relations.

It is idle to say that power to the contrary rests with the Executive unless we are prepared to go further and admit that the President would still have the right to officially receive in the Executive Mansion and negotiate with a foreign minister after Congress had by law duly enacted declared there should be no diplomatic relations between this Government and the government of that minister. I must believe, Mr. President, that the most ardent advocate of extreme executive prerogatives will hesitate before he will undertake to maintain that the President has any such antecratic power.

tate before he will undertake to maintain that the President has any such autocratic power.

To what conclusion then, Mr. President, does this proposition, if successfully maintained, inevitably lead? The inherent power to recognize and determine, so far as this Government is concerned, the question of the independence of a nation is claimed for the Executive upon the ground that it is for him to determine what government is entitled to send an ambassador or minister to this Government. But if this premise is not true, if on the contrary the controlling power rests with Congress to determine whether any ambassador or minister shall be received by this Government from any designated people or government, then the inherent power does not belong to the Executive. The inherent power must follow the original power, and it also must vest with such original power in Congress. It is impossible as a proposition of law that the inherent power shall rest exclusively in the President, while the original power, which alone gives existence to the inherent power, rests ultimately and absolutely with Congress.

gress.

Sir, I must utterly dissent from the proposition that the duty of receiving ambassadors and ministers in the contemplation of the Constitution devolves upon the President the power, in his single will, to determine without regard to the sanction of the lawmaking power, whether a minister is accredited to this Government by a government of a free and independent nation where that question is in dispute. The ambassadors and ministers which the Constitution has in contemplation—directs the President to receive—are those from recognized independent government. dent to receive—are those from recognized independent governments—governments the existence and independence of which are so universally recognized and undisputed that courts would take so universary recognized and undisputed that courts would take judicial knowledge of their status, and of which the President would take like knowledge, without proof. The whole theory of our Government, as well as the genius and purpose of our free representative institutions, are utterly at war with the construction that out of the simple duty imposed to receive ambassadors

and ministers should be evolved the sovereign power in the Executive, in his unrestrained discretion and in pursuance of his unbridled will, to say authoritatively and finally that a people theretofore a part of a recognized foreign sovereignty either had or had not won the right to be a new, independent nation, and thus say and authoritatively decree, even though his judgment were opposed by the opinions and wishes of the entire Congress and of the entire people.

Mr. ALLEN. I should like to make a suggestion to the Senator from Georgia at this point. I do not want to interrupt him, however.

Mr. BACON. It is no interruption.

Mr. ALLEN. It is a point in connection with the thought he is now developing. If the position of the Senator from Maine be true, that the power to recognize is an original and exclusive power of the Chief Executive, then, if he shall see fit to do so, he is the contraction of the chief that the contraction of the chief that the contraction of the chief that t might recognize a straggling community of a few hundred people,

which would be binding upon us.

Mr. BACON. I will come to a case of that kind in a moment.

Mr. BACON. I will come to a case of that kind in a moment. Mr. ALLEN. Or he might deny recognition to a perfectly established nation of a million or more people.

Mr. BACON. That is right. I will come to that point later. If this power is vested by the Constitution in the Executive it is an unlimited power. There is no escape from that proposition. There are in such case no bounds set within which he is authorized to act and beyond which he can not go. There is in such case no other power in the Government which can either command or stay his action. The score of his discretion is without limit. or stay his action. The scope of his discretion is without limit, and his single will is absolute law. What he refuses to do no other power in the Government can do or compel him to do. What he does no other power in the Government can oppose or prevent. His uncontrolled and uncontrollable action in the exercise of an act of the highest sovereignty of the Government—one which, so far as the action of this powerful Government can affect it, alters the map of the world, and changes the relation of this Government to other governments—one which may in strong probability involve it in war—such an action, within his sole power, is final, without appeal and without power of reversal!

Those who claim that this power rests exclusively in the Execu-

tive must follow their argument to its final results, and they can not escape the conclusion that if this contention is correct no monarch in the day of arbitrary and unlimited rule ever wielded more absolute and unquestioned power than does the President of the United States in this regard. I will add that there is not on earth to-day a constitutional monarch who personally wields such

power; not one.

If there should be an insurrection in Manitoba and its leaders should set up a government for the whole of Canada, and the President should recognize the independence of Canada against the opinion and wish of Congress and of the whole country, it the opinion and wish of Congress and of the whole country, it would, if their contention be true, be a final act beyond the power of question or control by Congress. On the other hand, if at the time of the beginning of an Administration the Cubans should drive every Spaniard off the island and set up and maintain a government complete in all its functions and recognized by every other nation on the earth and the President should refuse throughout his term of office to recognize Cuban independence, such refusal would prevent recognition for four years even though every member of Congress and every other man in the United every member of Congress and every other man in the United States favored such recognition. It will be said that these are extreme and improbable cases, and I reply that the correctness of propositions is tested by extreme cases.

Mr. President, it is the evident purpose of the Constitution, in case the President and Congress should unfortunately come in conflict, that the latter should control the former. It limits the President's exercise of almost every important function by requiring thereto the approval and cooperation either of the two Houses of Congress or of the Senate. But more than this, it puts absolutely within the power of Congress, two-thirds of each House concurring, without his approval, and despite his disapproval, to dictate to him every law that he shall administer. And as a final evidence of this intent, the Constitution places within the power of a majority of the House and of two-thirds of the Senate to impeach and remove the President from office for any alleged mispeach and remove the President from office for any alleged misconduct which they may deem to be a high crime and misdemeanor. How is it possible to recognize such intent to place controlling power in the hands of Congress, with the contention that the Con-stitution has clothed the President with exclusive, absolute, un-limited power, regardless of the will of Congress, in dealing with all the foreign relations of this Government, the making of treaties alone excepted.

The utter unreasonableness, the monstrosity of such a contention, is found in the fact that the management and control of the foreign relations is one of the chief functions of the Federal Government. Of the two principal objects which led to the formation of the Federal Government, one was to regulate and control the reciprocal relations between the several States, and the other was

to regulate and control the relations between foreign governments and the States in the aggregate. The position is unreasonable and untenable that in the formation of a government where such care was taken to deny the Executive every attribute of sovereignty, the pardoning power alone excepted, there should be found, not by express grant, but by inference only, an intention to confer upon the President royal power, unrestrained and unlimited, in the widereaching and important matter of foreign relations, excepting only in the matter of treaties.

The contention that it was the intention of the Constitution to confer the unlimited and exclusive power upon the President in dealing with any branch of foreign affairs is utterly irreconcilable with the fact that the Constitution does not permit him to declare war, that it only permits him to make a treaty with a foreign nation when two-thirds of the Senate consents to it, and that it requires him to procure the consent of the Senate to every

that it requires him to procure the consent of the Senate to every foreign appointment he makes, from the ranking ambassador to England down to the humblest consul in the Island of Haiti.

Mr. President, it is not only opposed to the spirit of our representative institutions and to the letter of the Constitution that such unlimited power should be placed in the hands of one man, but it would be unsafe to do so. The President is but one man taken from the ranks of the public men of the country, in most instances not superior either in ability or experience to the average of those standing in the front rank.

of those standing in the front rank.

In this day of the powerful influences exerted by powerful interests it is safer that the determination of such great questions should not be within the will and discretion of any one man, but that these questions should be under the control of the great law

making power, which has been invested by the Constitution with almost every function of sovereignty in the Government.

Mr. President, there are strong and ingenious arguments urged in favor of the possession of this exclusive and sovereign power by the Executive, but I submit that no argument is conclusive on this question which does not rest upon a grant of power in the Constitution, either express or implied. These arguments are in the main rested upon the facts that the executive department has in a number of instances assumed to exercise the power; that the officers of the executive department have, in their diplomatic correspondence, claimed the right in that department to exercise the power, and that there are cases in which the dicta of the courts

speak of it as an executive power.

These facts, while entitled to weight and consideration, are none of them conclusive in the settlement of this question.

In the many instances which have been cited in which the Executive has recognized a change of government or the independence of a nation there is not one in which it may not be shown ence of a nation there is not one in which it may not be shown that the act was with the actual or implied assent of Congress. There is not a single instance in which there is the least evidence of opposition by Congress and action by the Executive contrary to the will and wishes of Congress. The Executive is the agency through which the lawmaking power of the Government deals with foreign governments. Much is left to the judgment and discretion of the executive department, and so long as the acts of the department are not objected to by Congress they are tacitly acquiesced in by the lawmaking power.

Furthermore, it is true that a very large number of these recognitions as shown by the memorandum submitted by the Sen-

ognitions, as shown by the memorandum submitted by the Senator from Maine, were made by accrediting diplomatic agents or consuls to the new governments, all of whom were necessarily confirmed by the Senate. In such cases there was not only the implied assent of Congress to the act of recognition, but the direct action of the Senate.

So that the instances cited of the exercise of this power by the Executive do not constitute precedents establishing the rule in

Executive do not constitute precedents establishing the rule in favor of this exclusive right or power in the Executive and in denial of the final right of control in the lawmaking power.

The Senator from Maine, who does me the honor to be interested in this argument, was engaged at the time I stated the proposition—in which, if I am incorrect, I hope the Senator at some future time will set me right—that there is no instance in the history of this Company to have the Executive has a considered.

future time will set me right—that there is no instance in the instory of this Government where the Executive has exercised this power in conflict with the express will of Congress to the contrary.

Nor do the writings and diplomatic correspondence of officers of the executive department furnish a sufficient basis for the contention in favor of this exclusive Executive power, except in so far as they are shown to be rested upon constitutional grant of power. That these officers of the executive department should endeavor to magnify their office is not to be wondered at. That their claims thus expressed have provoked the utterance of no dissent from Congress is due to the fact that in no instance prior to the utterances of Secretary Olney have they, in asserting them, directly antagonized the legislative department and made an issue as to the right and power of Congress to deal authoritatively with the question. That antagonism has now been directly made and that issue has now been distinctly raised by the present Secretary of State. In anticipation of the action of Congress he has in the

most public manner denied its power, defied its authority, and proclaimed through the press to foreign nations that even if such proposed action should be formulated and put upon the statute books in due form of law, the President would not obey it. He has practically threatened Congress with the veto of the President, and added that if passed over his veto it would be flung back in the face of Congress as so much waste paper. Never was challenge of power more sharply made; never was defiance of authority more boldly given. If Congress is acquiescent, if the challenge is unheeded, if the defiance is permitted to pass without the assertion by Congress of its preparent in much be conferred that tion by Congress of its prerogative, it must be confessed that there will be in such case at least one precedent of claim of exclu-sive power by the executive department which will in the future count against the right of Congress to claim this power as one of its prerogatives.

Neither do the advocates of this exclusive power find support in any judicial decision on this question. All the utterances of the courts, in so far as they appear to class this as an exclusive Executive power, are mere obiter dicta, which these courts themselves would refuse to regard as decisions if the question were now directly presented for their adjudication. There is no single case in which the issue therein presented was whether this power belonged exclusively to the Executive or to the lawmaking power. The issue in each of these cases was simply whether there had been recognition by the Government, and while deciding that issue the ascription of the power to any one department was, as every lawyer must recognize, mere obiter.

And, sir, in the consideration of these utterances by the courts, the fact is not to be overlooked that wherever the power rests to determine upon the act of recognition, the performance of the act of recognition undoubtedly rests with the Executive. It is through the Executive that the fact of recognition by the supreme power is made known to the people thus recognized. In dealing with the question whether there had or had not been recognition in a particular case the courts, in speaking of such recognition by the Executive, can only be legitimately construed to have reference to the particular function of the act of recognition by the Executive, without reference to the particular department of the Government

having the final power to determine upon and direct such act. I will not attempt now to discuss the question of the power of the courts to decide upon the exercise by Congress of its political powers. It is sufficient to say that the question has so far never been decided by the courts. And the case has never been made which would have justified them in attempting so to decide; not one can be found in the books.

Mr. GRAY. May I ask the Senator whether in making that assertion he has in view the case in 3 Sumner, in which Judge

Mr. BACON. Possibly the Senator did not understand the statement which I made. The statement I made was that there never had been a case made where the distinct issue, where the question to be decided, that upon which and under which rights were to be determined, was whether a recognition by the executive department in contradistinction to the right of the legislative was a valid recognition.

Mr. GRAY. But there is a case reported in 3 Sumner—
Mr. BACON. There are plenty of cases where they speak—
Mr. GRAY. In which the only recognition had been the executive recognition, and the court decided distinctly there that it was a recognition which the judicial department would recognize as valid.

Mr. BACON. Most undoubtedly, and in accord with what I have said. All this recognition was through the executive department. There is no other medium by which recognitions are My contention is that the ultimate power to decide whether it shall be done or not is in the legislative department, and that where there is no disavowal by the legislative department, and that where there is no disavowal by the legislative department, especially where they go forward and do acts which show that they confirm it, it is an affirmation of it—a ratification.

Mr. HOAR. Will the Senator from Georgia permit me to ask him there what he says as to the case which—

him there what he says as to M.

Mr. BACON. Which the Senator suggested?

Mr. HOAR. Not exactly that, but upon this particular point:
Suppose on the 5th day of March of a year when Congress adjourned the 3d, the President recognizes a new government. Now, there is no meeting of Congress until December, and of course there is no implied acquiescence of Congress. Does that have any lawful effect whatever, or any lawful relation to conduct of American citizens during the summer? Is the ambassador who is received entitled to sue in the Supreme Court of the United States

for that summer? Mr. BACON. I will state to the distinguished Senator from Massachusetts that the same question has already been asked me, at a time when the Senator was not in the Chamber, by the Senator from California [Mr. White], and that I have already answered it. But I will answer it again in brief. I say that of course the reception by the President is good so far as an official

recognition that the courts will enforce, that it is in the nature of a tentative recognition. All intervening rights, of course, would be preserved under that recognition, just like the de facto acts of any government or officer; but it is within the power of Congress when it convenes to say as to that particular piece of territory which the President had determined should thereafter be an independent government and should not thereafter be a part of the mother country, that the action is reversed and we do not approve of it, and it is still a part of Great Britain, for instance, or Spain, or any other country.

Mr. HOAR. Then, until Congress has negatived the President's

act, it is valid?
Mr. BACON. Mr. BACON. Until Congress negatives the President's act it is in the nature of a tentative recognition, and in that case it entitles them to legal rights.

Mr. HOAP

Mr. HOAR. And the recognition is binding on our courts and

on our citizens?

Mr. BACON. I will say to the distinguished Senator from Massachusetts that that particular illustration and that particular answer was suggested to me by one of the strongest constitutional lawyers known to this country, and one who has held (I will not say whether he does not now hold) a very high judicial position.

Mr. HOAR. I simply wanted to understand the Senator. Then, taking the ground, as the Senator does, that the Executive may

make a recognition which shall be binding on the courts and on American citizens and every portion of the country until Congress has negatived it, does the Senator say we should pass a resolution declaring that the power is exclusively one in Congress?

Mr. BACON. I think so most undoubtedly, because the ulti-

mate power is there and the validity of it depends upon the implied

assent of Congress.

Mr. HALE. Does the SenatorMr. BACON. But, if the Senat Mr. BACON. But, if the Senator will pardon me just a moment and then I will hear him, I want to finish this point. I wish to say that the distinguished and honorable Senator from Massachusetts has not done me the honor to hear my argument, and he comes in momentarily and propounds a question which, if he had heard the whole of it, he would not have put. I desire also to repeat that the argument of inconvenience does not overthrow a legal proposition; that the argument of inconvenience is one to be met by appropriate legislation. I would suggest that the proper legislation in this case is in the recognition by Congress of its supreme and ultimate power, and in a provision which will meet all of the cases that the distinguished Senator suggests might produce inconvenience. It is perfectly competent, if the ultimate power is in Congress, for Congress to pass a law which shall regu-late the manner in which the President shall proceed under such circumstances, and to preserve the rights of all parties. shall be glad to hear the distinguished Senator from Maine.

Mr. HALE. I was only going to suggest that the Senator's argument, ingenious as it is, enforces more strongly than ever upon me the strength of the proposition in the Constitution that the President may receive ambassadors. Otherwise the contention of the Senator must amount to this, that the receiving of ambassadors does not fix the status of the state received; that it

ambassadors does not fix the status of the state received; that it is only a temporary act to be overridden by Congress, and that the provision should have been, in order that the language might measure the effect, "temporarily receive."

Mr. BACON. No, sir; not by any means.

Mr. HALE. Clearly that is the result that the Senator reaches.

Mr. BACON. Not at all.

Mr. HALE. Because he says that, although on the 5th of March, after the adjournment of Congress, the President receives an ambassador, it does not fix the status of the country received; it does not fix its recognition except temporarily and that when it does not fix its recognition except temporarily, and that when Congress assembles it may at once, without stretch of power but

by powers clearly granted to it, overthrow the whole thing. If that be true, it is certainly only a temporary reception.

Mr. BACON. Let me give an illustration to the distinguished Senator from Maine, the force of which I think he will appreciate. suppose we all understand that the Senator from Maine regards it as an unheard-of proposition that in the present condition of affairs the independence of the Island of Cuba should be recognized. That is the emphatic statement in substance which he has frequently made in private and in this Chamber.

Mr. HALE. Hardly "unheard of," because we have heard a

great deal of it.

Mr. BACON. Possibly I am in error in that, but that it would

be an extremely improper thing to do. Mr. HALE. Not a wise thing to do.

Mr. BACON, Not a wise thing to do. The illustration I want to submit to the Senator is this: We are at amity with Spain. We hold all the relations with her that we hold with other civilized nations with which we are at peace. There is no doubt about the fact that Spain has a title to the Island of Cuba; that as it now stands it is an integral part of her territory; that it is subject to her sovereignty.

There are distinguished gentlemen who are members of this

Congress who are eminently fit to be President, who, by experience and capacity, are recognized by the country as fit for that office, who think that the Island of Cuba ought to be recognized as an independent country. Suppose that one of these gentlemen was in the Presidential office. The condition of affairs exists as it does now, and on the 4th of March Congress adjourns. That President, thinking directly opposite from the manner in which the distinguished Senator from Maine thinks in the present condition. dition of affairs, immediately upon the adjournment of Congress recognizes the Island of Cuba as an independent republic under these circumstances, where there is so little to justify it, as there is in the opinion of the Senator from Maine.

Now, here is this Government having amicable relations with the Government of Spain. Here is this great lawmaking power invested with all the attributes of sovereignty except and saving the single attribute of exercising the pardoning power. comes back here in December and the condition of affairs has not changed. There is still the great want of evidence as to whether independence in the Island of Cuba would be proper that there is now. Under those circumstances, if every Senator in this Chamber and every member of the House of Representatives thought that the President had done wrong, if they thought that it had been an outrage on Spain, that Spain was still legit mately entitled to rule over that island, will the Senetar from Meineaus that the to rule over that island, will the Senator from Maine say that the action of that President would be final and that the lips of every Senator and every Representative would be closed and dumb, and that the matter could never be reversed?

that the matter could never be reversed?

Mr. HALE. In a case like the one the Senator has given, applied to Cuba, or as it has been applied to other people seeking recognition, if the President formally receives a minister, as has been done in the history of this Government, and he comes to Washington, and the President in return sends an agent duly accredited by him to that power, I should say that any case against the recognition of that people would be practically hopeless, and that no instance would ever be found where under such circumstances that recognition will be reversed. The history of every precedent shows exactly what the presumption is, that the Executive will be conservative in his action; and when he does what the Senator himself has put as a President doing, and all the accompanying acts go with it, I should say that when in December Congress assembles there never will a case arise where that recognitions. Congress assembles there never will a case arise where that recognition will be taken back.

Mr. BACON. I do not agree with the Senator in that proposi-tion. I am inclined to think that if the position were reversed, and the Senator had the same view as he has now of the right of Cuba to be recognized as an independent government, and if a President should assume to exercise that great sovereign power in the name of this Government, the distinguished Senator from Maine, while I doubt not the honesty and sincerity of the present expression of what he would anticipate, would be one of the first to assert the power of the department of the Government in which all these great powers of sovereignty have been lodged, and to say to the President, "You shall not do this great wrong to a country with which this Government is at peace, and it shall be reversed;" and that it would be a legal action I have not the shadow of a doubt so far as my limited ability as a lawyer permits me to judge of it.

Mr. HALE. Go still further in my theory of acquiescence in recognition. If it followed that by the action of the Executive in recognizing a province of a country with which we were at peace war ensued between that country and this country because of such recognition, no instance would be found where there would not be (while it would be called and believed to be a calamity) a disposition to sustain the Government in the war that followed.

I should regret it

Mr. BACON. We would all stand by the Government, of course, in case of war.

Mr. HALE. Everybody would regret it; but the acquiescence would be such that if war came we would pursue the war and maintain the honor of the country; and if war did not come I should look upon the case as hopeless after the recognition.

Mr. BACON. Mr. President, I beg the indulgence of the Senate only a few minutes. I have occupied very much longer time than I anticipated, but of course it has not all been consumed by me.

I think I may say that if neither in the prior exercise of this power by the executive department, nor in the writings and diplomatic correspondence of the officers of that department, nor in the decisions of the courts there has been a settlement of this question, it then stands now for determination by the test of argument upon it then stands now for determination by the test of argument upon the constitutional grant of power. It is not a question for determination by precedents, because there are no controlling precedents, and it must be decided on original constitutional principles.

Mr. President, the fact is not to be disguised that the actual exercise of power by the executive branch of the Government in this day far exceeds the bounds set for it by the Constitution. The correspondence in relative position of a president in a republic and of a king in a monarchy; the glamour of a great office in which one man among 70,000,000 is chosen as the sole head of a

great department of the Government, while in the other departments the honors are divided among many; the gigantic measure of patronage and removal where he seems to have unlimited power to bestow, or to withhold, or to take away—these and other influences combine to elevate in the popular mind the prerogatives of the President far above the point fixed for them in the Constitution.

It is a remarkable fact that in England, a monarchy, the constant progress has been toward restraint of executive power and the enlargement of the power of the legislative branch of the Gov-ernment, until now practically all political power is in the con-trol of the elected representatives of the people. It is a fact still more remarkable that in the United States, designed distinctively as a representative republic, there has been a no less steady prog-ress in the direction of the absorption of power by the Executive

and its practical surrender by Congress.

Mr. President, this is a most vital question. Its great importance is not due to the fact that it has arisen out of the progress of the Cuban question, or that its determination may affect the future of Cuba. Its chief importance is because it concerns the proper of Cuba. Its chief importance is because it concerns the proper exercise of the great functions of our Government, and because its decision is to affect the future of the American people. With this arrogant avowal and assumption of power, with this outspoken deflance of law when duly enacted, silence on the floor of Congress invites further encroachment by the executive department. Acquiescence by Congress in such encroachment is to encourage and increase the growth and exercise of the great oneman power, which the framers of the Constitution studiously sought to deny to the executive head. They set bounds to the great powers with which they invested him, and there is no more binding obligation on Congress than to see to it that he does not binding obligation on Congress than to see to it that he does not pass them.

pass them.

The history of the struggles of centuries to free the peoples of the earth from the domination of one-man power is the world's history of the struggle of all mankind for liberty.

The great struggle of centuries has been to free the people from the domination of one-man power. The culmination and triumph in that struggle was typified in the formation of this Government. So long as the executive head is confined in the exercise of power to these bounds set for him by the organic law, there can be no to these bounds set for him by the organic law, there can be no

one-man domination.

one-man domination.

To guard and fortify against the growth of power centered in one man, which all experience had shown to be aggressive and dangerous, the legislative is, under the Constitution, made the highest branch of this Government. While it is in no manner answerable to either of the other branches of Government, on the contrary all officers of all other branches of the Government are answerable to Congress as to a tribunal of final power. The great governmental functions, the exercise of the great powers of the sovereignty of the Government, have been committed to it by the sovereignty of the Government, have been committed to it by the Constitution with the particular design and intent that they shall not be exercised by the Executive; that, at great cost of blood and treasure, wrested as they had been from the grasp of kings, these great powers should never be again within the control of any one man.

The fundamental purpose was to elevate the people rather than

to exalt any man who of necessity should be set up to rule. The supreme design was that their commands should be executed by him, rather than that they should be subjected to his will, "to the end, that this may be a government of laws and not of men."

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. Browning, its Chief Clerk, announced that the House had passed

the following bills:

A bill (S. 1448) to withdraw from the Supreme Court jurisdiction of criminal cases not capital, and confer the same on the cir-

cuit courts of appeals;
A bill (S. 3050) to validate the appointments, acts, and services of certain deputy United States marshals in the Indian Territory, and for other purposes; and
A bill (S. 3210) granting a pension to Anna P. Johnson.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills:

A bill (S.1646) providing for certain requirements for vessels propelled by gas, fluid, naphtha, or electric motors; and

A bill (S. 1726) to approve and ratify the construction of a bridge across the Red River, between the States of Arkansas and Texas, at a point above the town of Fulton, in Arkansas, on said river, built by the Texarkana Northern Railway Company, but now owned and operated by the Texarkana and Fort Smith Railway Company, and to authorize the latter company to maintain said bridge over said waterway, subject to certain stipulations and conditions.

SULPHUR RIVER BRIDGE, IN ARKANSAS.

The PRESIDING OFFICER laid before the Senate the amendment of the House of Representatives to the bill (S. 1722) to approve and ratify the construction of a bridge across the Sulphur River, in the State of Arkansas, by the Texarkana and Fort Smith Railway Company, which was, on page 3, after section 4, to insert:

SEC. 5. That this act shall be null and void if actual construction of the bridge herein authorized be not commenced within one year and completed within three years from the date of approval thereof.

Mr. FRYE. I move that the Senate disagree to that amend-

Mr. FRYE. I move that the Senate disagree to that amendment and ask for a conference with the House of Representatives.

Mr. BATE. What is the bill?

Mr. FRYE. It is a bridge bill, and the House of Representatives put on an amendment providing that the building of the bridge must be commenced within one year and completed within three years, when the bridge is already in existence.

Mr. BATE. Do I understand that the bridge is located in Arkenese?

kansas?

Mr. FRYE. Yes, sir.

The PRESIDING OFFICER. The question is on the motion of the Senator from Maine, that the Senate disagree to the amendment of the House of Representatives and ask for a conference with the House thereon.

The motion was agreed to.

By unanimous consent, the Presiding Officer was authorized to

appoint the conferees on the part of the Senate; and Mr. Vest, Mr. Nelson, and Mr. Berry were appointed.
Mr. HALE. I move that the Senate adjourn.
The motion was agreed to; and (at 5 o'clock and 12 minutes p. m.) the Senate adjourned until to-morrow, Thursday, January 14, 1897, at 12 o'clock meridian.

NOMINATIONS. -

Executive nominations received by the Senate January 13, 1897. POSTMASTERS.

Alexander A. McPhee, to be postmaster at Wagoner, in the Creek Nation and Indian Territory, in the place of Frank W. Barnes, removed.

Creek Nation and Indian Territory, in the place of Frank W. Barnes, removed.

John H. Whelan, to be postmaster at Weymouth Center, in the county of Norfolk and State of Massachusetts, in the place of Robert F. Shaw, whose commission expired January 7, 1897.

John J. Winn, to be postmaster at Haverhill, in the county of Essex and State of Massachusetts, in the place of Henry H. Johnson, whose commission expired December 14, 1896.

Peter A. Peterson, to be postmaster at Cannon Falls, in the county of Goodhue and State of Minnesota, in the place of Peter A. Peterson, whose commission expires January 23, 1897.

James F. Maher, to be postmaster at Litchfield, in the county of Meeker and State of Minnesota, in the place of John W. Wright, whose commission expired December 22, 1896.

John Schmelz, to be postmaster at Springfield, in the county of Brown and State of Minnesota, in the place of Michael Huiras, whose commission expires January 23, 1897.

William Gill, to be postmaster at Rockaway, in the county of Morris and State of New Jersey, in the place of Edward H. Todd, whose commission expired January 7, 1897.

Edwin L. Drake, to be postmaster at Winchester, in the county of Franklin and State of Tennessee, in the place of Jesse M. Littleton, whose commission expired December 14, 1896.

John A. Isaacson, to be postmaster at South Superior, in the county of Douglas and State of Wisconsin, in the place of Frank C. Cerveny, whose commission expired January 5, 1897.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, January 13, 1897.

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. HENRY N. COUDEN.

The Journal of the proceedings of yesterday was read and approved.

CHANGE OF REFERENCE.

Mr. PAYNE. Mr. Speaker, House bill No. 2668 was erroneously referred to the Committee on Merchant Marine and Fisheries, as it is a bill for the amendment of the existing tariff law, and by direction of the committee I ask that it be referred to the Committee on Ways and Means.

There was no objection, and the change of reference was made. AGRICULTURAL APPROPRIATION BILL.

Mr. WADSWORTH, from the Committee on Agriculture, reported the bill (H. R. 9961) making appropriations for the Department of Agriculture for the year ending June 30, 1898, and moved that it be referred to the Committee of the Whole House on the state of the Union.

Mr. DOCKERY and Mr. RICHARDSON asked to have all points of order reserved.

The bill was referred to the Committee of the Whole House on the state of the Union, with all points of order reserved.

TENNESSEE CENTENNIAL EXPOSITION.

Mr. WASHINGTON. Mr. Speaker, I ask unanimous consent for the consideration at this time of the Senate joint resolution (S. R. 189) which is now on the Clerk's desk.

The joint resolution was read, as follows:

Resolved, etc., That the Secretary of the Treasury be, and he is hereby, authorized to solicit proposals and to contract for the erection of the building for the Government exhibit at the Tennessee Centennial Exposition authorized by the act of Congress approved December 22, 1896, without public advertisement.

The SPEAKER. Is there objection to the present consideration

of this joint resolution?

Mr. BAILEY. I reserve the right to object, Mr. Speaker. I take it that this joint resolution is intended merely to expedite the construction of the building, and does not increase the appropriate the construction of the building, and does not increase the appropriate the second to the second that the secon priation or authorize the Secretary to contract beyond the amount

priation or authorize the Secretary to contract beyond the amount of the appropriation already made.

Mr. WASHINGTON. Mr. Speaker, in answer to the inquiry of the gentleman, I will state that this joint resolution does not change the bill as it passed here some days ago in any particular whatever. It does not increase the appropriation nor authorize the Secretary to contract beyond the \$30,000 appropriated in the bill. It simply allows him to advertise for a shorter time than is now required by law. The resolution was introduced at the request of the Secretary for the reason that the exposition will open on the 1st day of May next, and if he is compelled to advertise for thirty days for tenders for the construction of this buildopen on the 1st day of May next, and if he is compened to advertise for thirty days for tenders for the construction of this building, it can not be completed and ready for the opening. The Secretary will advertise all the same, but for a shorter time, and will communicate with all the persons who are accustomed to take contracts for the erection of Government buildings.

The joint resolution was ordered to a third reading; and it was recordingly read the third time, and personal times are contracted.

accordingly read the third time, and passed.

On motion of Mr. WASHINGTON, a motion to reconsider the vote by which the joint resolution was passed was laid on the

PHILLIP KIRSHNER.

Mr. CORLISS. Mr. Speaker, I ask unanimous consent for the present consideration of House bill No. 3851, to reimburse Col. Phillip Kirschner for money paid for the services of a band for the Sixteenth Regiment of Ohio Infantry Volunteers.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be authorized and directed to reimburse and pay to Col. Phillip Kirschner the sum of \$388.52, with interest thereon from August 6, 1866, for money paid by him as a commissioned officer in the Army for the services of a band for the Sixteenth Regiment of Ohio Infantry Volunteers during the war, on proper proof of the payment of the said sum by said Kirschner duly submitted to and approved by the auditing or accounting officer of the Treasury, which sum is hereby appropriated for the purpose out of any money in the Treasury not otherwise appropriated.

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. McMILLIN. Reserving the right to object, I would like to have the report read, or else a statement of the merits of the bill.

Mr. CORLISS. The report explains the matter in detail, and I ask that it be read.

The report (by Mr. SNOVER) was read, as follows:

ask that it be read.

The report (by Mr. SNOVER) was read, as follows:

The Committee on Claims, to whom was referred the bill (H. R. 8851) to reimburse Col. Phillip Kirshner for money paid for the services of a band for the Sixteenth Regiment of Ohio Infantry Volunteers, respectfully report that a careful examination of this claim shows the following facts:

That Col. Phillip Kirshner responded to the President's proclamation of April 15, 1881, and enlisted and became captain of Company E, Sixteenth Ohio (three months) Infantry, on April 23, 1881, and served until August 18, 1881, on which latter date his company was mustered out of service. The army records further show that he reenlisted in the service October 13, 1881, as major of the Sixteenth Ohio Infantry Volunteers, and served in the Army until October 31, 1884, receiving the rank of colonel for distinguished service. It also appears from the army records that the band of Company E, Sixteenth Ohio Infantry, was enlisted April 23, 1861, at Springfield, Ohio, and continued in service until August 18, 1881.

This claim is for money paid by Col. Phillip Kirshner upon a judgment obtained against him for services of the band rendered to the Sixteenth Ohio Infantry in the services of the Government, which he, in connection with other commissioned officers, engaged and became responsible for their services, at a price exceeding that which was afterwards allowed by the Government. It appears that on July 22, 1861, an act was passed by Congress authorizing the engagement of bands and fixing the compensation for such services.

By an act approved July 31, 1861, the Secretary of War was authorized and directed to refund, out of any money in the Treasury not otherwise appropriated, to the volunteers called out by the President's proclamation of the 18th of April, 1861, such amounts of money as may have been expended by said volunteers in the employment of regimental or company bands during the period of their service under said proclamation.

It would seem from the

forth the terms of the contract and the reasons for the nonpayment of the full amount thereof by the Government.

It also appears, to the satisfaction of the committee, that the reason for the long delay in the presentation of this claim arose from the fact that Colonel Kirshner, until within a few years, has had ample private means, and did not intend to call upon the Government until forced by adverse circumstances and blindness to ask for this relief. The claimant is at the present time blind, and in financial distress, and your committee recommend that the bill for his relief do pass, with the following amendments:

Amend by striking out lines 5 and 6 and the words "and sixty-six," in line 7, and substitute therefor "\$337.52."

The letter "c" in Kirshner's name appears to be a clerical error, and should also be stricken out.

Mr. McMILLIN. I notice that there are several amendments provided for. Am I correct in understanding that the item for interest is stricken out?

Mr. CORLISS. Yes, sir; on the recommendation of the com-

Mr. McMILLIN. It appears from the report that this man was authorized to make the employment.

Mr. CORLISS. A large number of similar claims were paid, but Colonel Kirshner never expected to have to call for the payment of this claim.

Mr. McMILLIN. But it was a liability of the Government under the law existing at that time.

Mr. CORLISS. It so appeared to the committee.

The SPEAKER. Is there objection to the present considera-

tion of this bill?

Mr. COX. Mr. Speaker, there is quite a number of these claims, and although I have no objection to their merit, I do not think they ought to be passed by unanimous consent; so I object.

The SPEAKER. Objection is made.

Subsequently
Mr. COX withdrew his objection.
The SPEAKER. The Chair desires to say that he will be disposed hereafter to regard objections as final

There being no further objection, the House proceeded to the

consideration of the bill.

The amendment reported by the committee was agreed to.

The bill as amended was ordered to be engrossed and read a

third time; and it was accordingly read the third time, and passed.

The SPEAKER. Without objection, the title will be amended

as proposed.

There was no objection.

On motion of Mr. CORLISS, a motion to reconsider the vote by which the bill was passed was laid on the table.

BARZILLA C. HUDSON.

Mr. OVERSTREET. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 2253) for the relief of Barzilla C. Hudson.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of War be, and is hereby, authorized to remove the charge of desertion from the military record of Barzilla C. Hudson, late of Battery D, Fourth United States Artillery, and grant him an honorable discharge.

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. DOCKERY. Mr. Speaker, reserving the right to object, I will ask that the report be read.

The report (by Mr. PARKER) was read, as follows:

The report (by Mr. Parker) was read, as follows:

The Committee on Military Affairs, to whom was referred the bill (H. R. 2253) for the relief of Barzilla C. Hudson, having considered the same, recommend that the bill do pass with amendment.

This is a bill to remove the charge of desertion and grant an honorable discharge.

Amend by adding "to date May 26, 1865: Provided, That no pay, bounty, or other allowance shall become due or payable by virtue of this act."

This is a similar case to that of John H. Willis (H. R. 4379), already reported favorably. These soldiers served from April 22, 1861, to May 28, 1865, having been meanwhile transferred to the regular artillery and reenlisted. They insisted that they understood they were not to stay after the war. Hudson swears his captain told him he could not discharge him, but he could go home.

The report of a like bill at the last Congress (Fifty-third, third session, Report 1663) is as follows:

"Barzilla C. Hudson enlisted in Company K, Thirteenth Indiana Volunteers, on April 22, 1861, to serve three years.

"On the 9th day of November, 1862, he was honorably discharged from this service for the purpose of enlisting in Battery D, Fourth United States Artillery, in accordance with General Order, No. 154, of the War Department. The object of the order was to recruit the artillery service from the ranks of the Volunteer Army.

"His service in the Thirteenth Indiana Volunteers was honorable and faithful.

"He immediately enlisted in Battery D, Fourth United States Artillery, for the unexpired term of Company K. Thirteenth Lates Artillery, for the unexpired term of Company K. Thirteenth Lates Artillery, for the unexpired term of Company K. Thirteenth Lates Artillery, for the unexpired term of Company K. Thirteenth Lates Artillery, for the unexpired term of Company K. Thirteenth Lates Artillery, for the unexpired term of Company K. Thirteenth Lates Artillery, for the unexpired term of Company K. Thirteenth Lates Artillery, for the unexpired term of Company K. The cont

faithful.

"He immediately enlisted in Battery D, Fourth United States Artillery, for the unexpired term of Company K, Thirteenth Indiana Volunteers, and served to the end of that term, and was discharged therefrom January 31, 1864. He again enlisted the following day in Battery D, Fourth United States Artillery, and served until May 26, 1865, when he is reported as having deserted.

"His entire term of service covers a period from April 22, 1861, until May 26, 1865, during all of which time he was faithful and prompt in the discharge of his duties.

"It will be remembered that at the date of his alleged desertion the war was practically closed. The volunteer armies were disintegrating, and thousands of the volunteer seldiers returned to their homes without the formality of a discharge. He would be entitled to his discharge upon these facts had he served entirely in the Volunteer Army, but having been transferred to the United States troops, the general law does not cover his case.

"It is a fact well known that the ranks of the Regular Army were greatly depleted, and that the service in the artillery was extrahazardous, and that his enlistment in that service was of no advantage to him, but rather a favor to the Government. The fact that he enlisted in the volunteer service during the war would justify the impression which he seems to have had that his term of service was limited to that war. He says that he so understood it, and that he only followed the example of others in that respect.

"He is a man of good reputation and returned immediately to his home and gave no evidence of any intention to avoid detection, but has remained continuously at his home up to this date.

"Under all these facts, your committee think the charge of desertion should be removed."

There being no objection, the House proceeded to the considera-

tion of the bill.

The amendments reported by the committee were agreed to.

The bill as amended was ordered to be engrossed and read a
third time; and it was accordingly read the third time, and passed.

On motion of Mr. OVERSTREET, a motion to reconsider the vote by which the bill was passed was laid on the table.

COGSWELL & CO.

Mr. COBB. I ask unanimous consent for the present consideration of the bill (H. R. 939) for the relief of Cogswell & Co.

The bill was read, as follows:

Be it enacted, etc., That the Commissioner of Internal Revenue be, and is hereby, authorized and directed to reopen the refunding claim of Cogswell & Co., of St. Louis, Mo., for \$1.306, which claim is now on file in his office, to examine it, and allow so much thereof as he may find to have been paid in excess of the amount required by law; and the Secretary of the Treasury is hereby authorized and required to pay such amount as is allowed by the Commissioner of Internal Revenue, out of any money in the Treasury not otherwise appropriated.

There being no objection, the House proceeded to the consideration of the bill, which was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

On motion of Mr. COBB, a motion to reconsider the vote by which the bill was passed was laid on the table.

HARRIET F. HERRICK.

I ask unanimous consent for the present consid-Mr. MOODY. eration of the bill (H. R. 2859) granting a pension to Harriet F. Herrick.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, at \$12 per month, subject to the provisions and limitations of the pension laws, the name of Harriet F. Herrick, of Beverly, State of Massachusetts, widow of Moses S. Herrick, deceased, late a member of Company E, Eighth Regiment Massachusetts Volunteer Infantry.

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. CROWTHER. Reserving the right to object, I should like

to hear an explanation.

Mr. MOODY. Let the report be read, and I think that will satisfy every gentleman of the justice of the bill.

The report (by Mr. POOLE) was read, as follows:

The report (by Mr. Poole) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 2899) granting a pension to Harriet F. Herrick, report as follows:

Moses S. Herrick, husband of the beneficiary of this bill, enlisted April 30, 1861, and was mustered in as fourth lieutenant Company E, Eighth Massachusetts Volunteer Militia Infantry. He was honorably discharged May 20, 1861, on surgeon's certificate of disability on account of amputation of right leg near the ankle, for gunshot wound of foot received while quartered in the Rotunda of the Capitol at Washington, in consequence of the fall of a stack of loaded muskets. The evidence does not show that soldier's death was due to service. The claim under act of June 27, 1890, was rejected because soldier did not serve ninety days. He could not, because he lost his foot in line of duty. This case comes clearly within the class where it is the province of this committee to recommend and of the Congress to render relief, and the passage of the bill is recommended. The widow is 60 years old, and was married to the soldier in 1852. She owns a small house and lot which she occupies, has no other property, and depends upon her daily labor for support.

There being no objection the House proceeded to the consider.

There being no objection, the House proceeded to the consideration of the bill, which was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

On motion of Mr. MOODY, a motion to reconsider the vote by which the bill was passed was laid on the table.

HENRY MACKRILL.

Mr. HATCH. I ask unanimous consent for the present consideration of the bill (H. R. 3690) restoring a pension to Henry Mackvill, alias Henry Macky.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and is hereby, authorized and directed to place or reinstate on the pension roll the name of Henry Mackvill, alias Henry Mackey, a late landsman in the United States naval service during the war of the rebellion, and cause him to be paid a pension of §15 per month on account of catarrh, disease of rectum, disease of kidneys, and disease of eyes, and necessary results thereof, subject to the provisions and limitations of the pension laws.

The amendments reported by the committee were read, as fol-

Strike out the words "or reinstate" in line 4; substitute the name "Mackrill" for "Mackvill" in line 5; strike out the word "fifteen" in line 7 and insert "twelve" in line thereof, and strike out all after the word "month," in line 8.

Also amend the title of bill so as to read: "Granting a pension to Henry Mackrill, alias Henry Mackey."

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. DOCKERY. I suggest that the report be read; or very lengthy, that the gentleman make a statement.

The report (by Mr. Kirkpatrick) was read, as follows: I suggest that the report be read; or, if it is

The report (by Mr. KIRKPATRICK) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 3690) granting a pension to Henry Mackrill, alias Henry Mackey, late landsman in the United States Navy, having carefully considered all the facts and circumstances presented, respectfully report as follows:

The Auditor for the Navy Department says:

"Henry Mackrill, landsman, enlisted at the naval station at Chicago, and was entered on the rolls of the Princeton January 23, 1864, and served to March 3, 1864; on the Theonderoga to May 4, 1895, as landsman; on the Princeton as ordinary seaman to May 11, 1865, and was discharged from the Sabine as ordinary seaman August 3, 1865. The rolls do not show anything in reference to his being a Confederate prisoner or having served in the Confederate army."

ence to his being a Confederate prisoner or having served in the Confederate army."

The War Department records show:

"Henry Mackrill, private, Company D, Ninth Mississippi Infantry, Confederate States army, enlisted April 11, 1862, at Vicksburg, Miss., for three years, and is reported on rolls to August 31, 1863, 'present.' October 31, 1863, 'absent, sick since October 20, 1863, by order Surgeon Williams.' December 31, 1863, 'absent, missing in action since day after Missionary Ridge, November 25, 1863. Reported as deserter.' Name not found on rolls of later date. Nature of disability not stated. Prisoner-of-war records show Henry Mackeral, Company D, Ninth Mississippi Infantry, captured at Chickamauga, Tenn., November 26, 1863. Confined at Rock Island, Ill., December 13, 1863, where he enlisted in the United States Navy, and sent to naval rendezvous, Camp Douglas, Ill., January 25, 1864."

Claimant alleges that at breaking out of the war he was a British subject and engaged in cutting wood on the Lower Mississippi: that the floods washed his wood away, and it was impracticable to get any work or even anything to eat unless he enlisted, and under the pressure of his surroundings he enlisted in the Confederate States army, intending to get away at first opportunity, which came at battle of Mission Ridge, when he and eight others surrendered to one Union soldier.

When he enlisted in the United States Navy he asked to have his name put on rolls as "Henry Mackey," for fear that he might be taken prisoner; but this was not done. After the war he was known as Henry Mackey; had the legislature of Indiana change his name to Henry Mackey; became a naturalized citizen under that name, and has been known as Henry Mackey ever since.

He applied for pension under act of June 27, 1890 (filed July 4, 1890), and

since.

He applied for pension under act of June 27, 1890 (filed July 4, 1890), and again May 9, 1891, and with the latter an affidavit stating his prior Confederate service. His pension was allowed October 2, 1891, at \$12 per month from July 25, 1890, for "catarrh. disease of rectum, kidneys, and eyes."

He was dropped from the rolls for "disloyalty" September 23, 1895, under authority of section 4716, Revised Statutes, having voluntarily aided or abetted the rebellion against the authority of the United States.

There is no question in this case but that the applicant is disabled for performing manual labor. The board of examining surgeons at Delhi, Ind. July 15, 1891, rated him four-eighteenths for nervous debility, six-eighteenths for post-nasal catarrh, two-eighteenths for disease of eyes, four-eighteenths for kidneys, and four-eighteenths for ples, and his disabilities have progressed since then.

The construction of the act of June 27, 1890, which prevailed several months without objection, while the Congress which enacted it was still in session, that ninety days' service and an honorable discharge without regard to previous loyalty were the prerequisites to a pensionable status under that act, gave this sailor a pension, to which your committee believe he was justly entitled, he having faithfully served more than one and one-half years and being honorably discharged.

Your committee therefore recommend the passage of the bill with the following amendments:

Your committee therefore recommend the passage of the bill with the following amendments:

Strike out the words "or reinstate "in line 4; substitute the name "Mackrill" for "Mackvill" in line 5; strike out the word "fifteen "in line 7 and insert "twelve" in line 4 the theory, and strike out all after the word "morth" in line 8.

In the 8.

Also amend the title of bill so as to read: "Granting a pension to Henry Mackrill, alias Henry Mackey."

Mr. DOCKERY. I wish to ask the gentleman in charge of this bill how long this applicant was in the Confederate service.

Mr. HATCH. About a year or a little over. He was in the Union service a year and a half. The fact is that he was in a starving condition when he joined the Confederate army; and at the first conceptuality he igned the Union Army. After the war the first opportunity he joined the Union Army. After the war he received a pension, which was granted notwithstanding his own statement that he had been in the Confederate army. After receiving that pension for some years he was last year stricken off the rolls on account of it having been found that he had served

on the rolls on account of it having been found that he had served in the Confederate army.

Mr. DOCKERY. Has this bill been unanimously recommended by the Committee on Invalid Pensions?

Mr. HATCH. Yes, sir.

Mr. DOCKERY. I shall not interpose any objection if it is the policy of the other side to pension ex-Confederates with a record when he is shown by the properties this case.

such as is shown by the report in this case.

Mr. LOUD. This case may have some merits; but I do not think it has such extraordinary merit that it should be passed by unanimous consent. Let it take its turn on the Calendar. There are other bills there which have equal merit.

The SPEAKER. Objection being made, the bill is not before

the House.

UNITED STATES COURTS IN ALABAMA.

Mr. BANKHEAD. I ask unanimous consent for the consideration of the bill which I send to the desk.

The bill was read, as follows:

A bill (H. R. 9671) to detach the county of Marion from the northern division of the northern district of Alabama and attach the same to the southern division of said district.

Be it enacted, etc., That the county of Marion, in the State of Alabama, be, and the same is hereby, detached from the northern division of the northern judicial district of the State of Alabama and attached to the southern division of said northern judicial district.

SEC. 2. That all process, civil and criminal, hereafter issued against persons residing in said county of Marion shall be made returnable to the courts held at Birmingham, in the State of Alabama; and all suits and prosecutions now pending in the circuit or district courts of the United States against persons residing in the said county of Marion, at the city of Huntsville, in said State, shall be determined in said courts.

The SPEAKER. Is there objection to the consideration of this

Mr. PAYNE. Let us have some explanation of it.
Mr. BANKHEAD. The report is very short, and I will ask
that the Clerk read it.

The report (by Mr. CONNOLLY) was read, as follows:

The Committee on the Judiciary, to whom was referred the bill (H. R. 19671) to detach the county of Marion from the northern division of the northern district of Alabama and attach the same to the southern division of said district, report:

The sole purpose of the bill is to transfer the county of Marion from the northern to the southern division of the northern district of the State of Alabama. It affects no public interest, except in so far as it concerns the single county of Marion, and it appears to the committee that by reason of proximity to the place of holding the court and directness of routes of travel litigants of the county of Marion will be better accommodated in the southern than in the northern division of said northern district, and as we have had no objections to said bill presented, we therefore recommend that the bill do pass.

Mr. HENDERGON.

Mr. HENDERSON. I will state to the gentleman from New York [Mr. PAYNE] that this matter has been carefully examined by a subcommittee

Mr. PAYNE. The bill seems to be all right. I am not dis-

posed to object to it.

There being no objection, the House proceeded to the consideration of the bill, which was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

On motion of Mr. BANKHEAD, a motion to reconsider the

vote by which the bill was passed was laid on the table.

DAVID SAMPLE.

Mr. SPALDING. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 3926) to correct the war record of David Sample.

The SPEAKER. The bill will be read, subject to the right of

The bill was read, as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized to so amend the records of the War Department as to remove the charge of mutiny, conduct unbecoming an officer and a gentleman, and disobedience and defiance of orders from his superior officers from the record of Second Lieut. David Sample, late of Company E. Fifteenth Michigan Infantry Volunters, and that an honorable discharge be granted to the said David Sample, with all the pay and other emoluments due him at the time of discharge for all services.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. LOUD. I ask that the report accompanying the bill be

The report (by Mr. Fenton) was read, as follows:

The report (by Mr. Fenton) was read, as follows:

The committee on Military Affairs, to whom was referred the bill (H. R. 1928) entitled "A bill to correct the war record of David Sample," beg leave to submit the following report, and recommend that said bill do pass:
This is a bill enacting that the records of the War Department be so amended as to remove the charge of "mutiny, conduct unbecoming an officer and a gentleman, and disobedience and deflance of orders from his superior officers" from the record of Second Lieut. David Sample, late of Company E, Fifteenth Michigan Infantry Volunteers, and that an honorable discharge be granted to the said David Sample, with all the pay and other emoluments due him at the time of discharge from the service.

The beneficiary of this bill, David Sample, who was a second lieutenant in Company E, Fifteenth Michigan Infantry Volunteers, was, on or about the 8d day of July, 1865, stationed with his regiment at or near Devalls Bluff, Ark.
On this same day, July 3, Sample and Lieutenant McBride, of the same regiment, were walking about the town of Devalls Bluff, and coming to a bowling alley they went in and played a game of tenpins. After this they went upstairs to a saloon to get a drink. It seems there were quite a number of other soldiers in the saloon at the time, and the provost guard came in to arrest one, Lieutenant Autenreith, who was in the saloon. There was a good deal of ill feeling between the soldiers who were in the saloon and the provost guards, who were new troops, and the question was raised, according to the testimony, as to whether the guard could arrest an officer without written authority. It further appears that Lieutenant Autenreith resisted arrest, and after the party had gone out of doors he (Autenreith) was knocked down by a blow from the guard before he would submit to an arrest. Sample asked the guard refused, which resulted in an angry altercation, in which Sample took part, and the result was that he (Sample) was arrested and taken to the guardh

Sample took part, and the result was that he (Sample) was arrested and taken to the guardhouse.

Charges were subsequently preferred against Sample for "mutiny, conduct unbecoming an officer and gentleman, burglary, and disobedience and defiarce of orders from his superior officers." He was tried by a court-martial, found guilty of the charges, except the charge of burglary, and was sentenced to be dishonorably dismissed from the service, with forfeiture of all pay and allowances, and the sentence was approved and carried out. Sample's record as a soldier is an enviable and most honorable one. He was enfolled as a private early in 1861, and gave four years of honest and faithful service to this country. He participated in the battles of Shiloh, Vicksburg, Missionary Ridge, Atlanta, and was with Sherman on his historic march to the sea. He was also through the campaigns in North and South Carolina which culminated in Johnston's surrender, and everywhere his gallantry and efficiency were highly recommended. His colonel, Fred S. Hutchinson, pays him the highest compliments for bravery and efficiency, and says that the bill for his relief is only a matter of the simplest justice, and ought to pass. In view of the fact that the war was over at the time the offense was committed, and that Sample's previous record was especially meritorious, your committee are of opinion that the bill ought to pass.

Mr. LOUD. Mr. Speaker, I would like to make a suggestion to the gentleman from Michigan which may obviate objection to the consideration of the bill at this time. If this person had been a consideration of the bill at this time. It this person had been a private soldier, he would have been punished by imprisonment. The bill proposes to return to him all the pay and allowances due, and which were withheld. Now, if the gentleman would strike out those words by an amendment, and provide that no pay or allowances shall become due by reason of the act, I am performed that it shall be considered now.

willing, so far as I am concerned, that it shall be considered now.
Mr. SPALDING. Very well, Mr. Speaker; I am willing that
that should be done. The purpose of the bill is simply to give this

man an honorable discharge.

The SPEAKER. Is there objection to the consideration of the bill as proposed to be amended?

Mr. STEELE. Let us hear how it will read as amended.

The bill was read as proposed to be amended.

Mr. DOCKERY. That does not cover exactly the ground. The amendment should be appended to the bill that no pay, emoluments, or allowances shall become due or payable by reason of the passage of this act. I mean, to insert the usual proviso in such

Mr. SPALDING. I have no objection to that.
The SPEAKER. Then the proposition is to amend the bill?
Mr. SPALDING. Yes, sir; by inserting the usual provision that it will not entitle the beneficiary to the receipt of emoluments or allowance

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.
Mr. DOCKERY. Now, let the Clerk report the amendment.
The Clerk read as follows:

In line 10, after the words "David Sample," strike out the following words, "with all the pay and other emoluments due him at the time of discharge for all services," and insert "*Provided*, That no pay, emoluments, or allowances be made to the said David Sample."

The amendment was adopted.

The bill as amended was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed. On motion of Mr. SPALDING, a motion to reconsider the last vote was laid on the table.

RIGHT OF WAY THROUGH THE INDIAN TERRITORY.

Mr. DINSMORE. Mr. Speaker, I ask unanimous consent that Mr. DINSMORE. Mr. Speaker, I ask unanimous consent that the House proceed now to the consideration of Senate bill 1741, to authorize the Muskogee, Oklahoma and Western Railroad Company to construct and operate a line of railway through Oklahoma and the Indian Territory, and for other purposes, and that the House bill on the same subject be ordered to lie upon the table. The SPEAKER. The Clerk will report the bill.

Mr. DINSMORE. Mr. Speaker, this bill, I will state, is in the usual form of all bills of a similar character granting rights of way, and unless the reading be insisted upon I ask to dispense with it.

Mr. PANNE. Is this a bridge bill?

Mr. PAYNE. Is this a bridge bill?
Mr. DINSMORE. No, a right of way for a railroad company.
Mr. PAYNE. Through the Indian Territory?
Mr. DINSMORE. Yes, sir.
Mr. PAYNE. Is there still room there for another railroad? [Laughter.

Mr. DINSMORE. I think so.
Mr. PAYNE. If the gentleman is satisfied with that fact, I shall not interpose objection. But it seems to me that we have been granting a very great number of rights of way there.

Mr. DINSMORE. I can assure the gentleman from personal knowledge that there is enough room for this one.

Mr. STEELE. What is the width of the proposed right of way?
Mr. DINSMORE. One hundred feet.
I will state that I introduced the same bill in the House, which was favorably considered by the House Committee on Indian Affairs and placed upon the Calendar. The Senate has passed a similar bill, identical in terms, and I now ask unanimous consent to lay the House bill on the table and take up for consideration the Senate bill.

The SPEAKER. Is there objection?

The SPEAKER. Is there objection?
There was no objection; and the House bill (H. R. 5486) of the same title was ordered to lie on the table.
The SPEAKER. The Clerk will report the Senate bill.
The Clerk proceeded to read the bill.
Mr. DINSMORE. Mr. Speaker, I think my request or statement a few moments ago was misapprehended. I asked to dispense with the reading of the bill. I made the statement that it is in the usual form of all such bills heretofore passed by the House.
The SPEAKER. Is there objection to omitting the reading of the bill, which the gentleman states is in the usual form?
There was no objection.

There was no objection.

The bill was ordered to a third reading; and being read the third time, it was passed.

On motion of Mr. DINSMORE, a motion to reconsider the last. vote was laid on the table.

SURG. P. M. RIXEY.

Mr. BOUTELLE. Mr. Speaker, I ask unanimous consent for the present consideration of Senate joint resolution 133, authoriz-ing Surg. P. M. Rixey, of the Navy, to accept from the King of Spain the grand cross of naval merit with the white distinction mark, in recognition of services rendered to the officer and sailors of the Santa Maria who were injured by an explosion on that ship.
The bill was read, as follows:

Resolved, etc., That Surg. P. M. Rixey, of the United States Navy, be, and is hereby, authorized to accept the grand cross of naval merit with the white distinction mark, conferred upon him by the King of Spain in recognition of the services rendered by that officer to an officer and sailors of the Santa Maria injured by an explosion on that ship in New York Harbor.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

On motion of Mr. BOUTELLE, a motion to reconsider the last

vote was laid on the table.

ANNA P. JOHNSON.

Mr. UPDEGRAFF. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (S. 3210) granting a pension to Anna P. Johnson.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place upon the pension roll of the United States the name of Anna P. Johnson, widow of Paul Johnson, late a private in Company I, Sixteenth Iowa Volunteers, at the rate of \$12 per month.

The SPEAKER. Is there objection to the present consideration

of the bill?

Mr. ERDMAN. Mr. Speaker, pending the reading of the report, I reserve the right to object.

The SPEAKER. The gentleman asks for the reading of the

report.
The report (by Mr. Baker of Kansas) was read, as follows:

The SPEAKER. The gentleman asks for the reading of the report.

The report (by Mr. Baker of Kansas) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 1728) granting a pension to Anna P. Johnson, widow of Paul Johnson, late private Company I, Sixteenth Iowa Volunteer Infantry, at \$12 per month, having carefully examined and considered the same, respectfully report:

The War Department records show:

"Paul Johnson was drafted into service and received at draft rendezvous, Davenport, Iowa, November 5, 1864; forwarded to regiment December 5, 1864; assigned as private Company I, Sixteenth Iowa Volunteer Infantry, and delivered at headquarters Provisional Division of the Cumberland, Nashville, Tenn., December 28, 1864, with acute rheumatism, and was transferred January 2, 1865; admitted to Seclewick General Hospital, Louisville, Nashville, Tenn., December 28, 1864, with acute rheumatism, and was transferred January 2, 1865; admitted to Seclewick General Hospital, Louisville, Ky., January 20, 1865; admitted to Seclewick General Hospital, March 14, 1885; entered Brown Hospital, Louisville, Ky., March 14, 1895, convalescent from fever.

"Medical records also show that a man described as Paul Johnson, Company —, Ninth Iowa Cavalry, or Infantry, was admitted to Clay General Hospital, Louisville, Ky., April 71, 1865, with insanity, and transferred May 18, 1885. He is reported deserted from Brown General Hospital, Louisville, Ky., April 71, 1865, with insanity, and transferred May 18, 1865. He is reported deserted from Brown General Hospital, Louisville, Ky., April 71, 1865, with insanity, and transferred May 18, 1865, by order of the Secretary of War."

"Medical records also show that a man described as Paul Johnson, Company —, Ninth Iowa Cavalry, or Infantry, was admitted to Clay General Hospital, Louisville, Ky., April 71, 1865, with insanity, and transferred May 18, 1865.

Wie March 2, 1865, by order of the Secretary of War.

"Secretary Secretary of the Secretary of War."

"I

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

There was no objection.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

On motion of Mr. UPDEGRAFF, the corresponding House bill (H. R. 7128) was ordered to lie on the table.

EDWARD H. MURRELL

Mr. OTEY. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (S. 1590) for the relief of Edward H. Murrell

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, directed to pay, out of any moneys in the Treasury not otherwise appropriated, to Edward H. Murrell the sum of \$1,409.34, said amount having been collected by the Treasury agents of the United States from property in New Orleans, La., belonging to him, and by them turned over to the Treasury Department.

The SPEAKER. Is there objection to the present consideration of the bill?

of the bill?

Mr. PAYNE. Let the report be read.

Mr. OTEY. Mr. Speaker, I should like just to say a word or two on this bill. This is to pay a gentleman by the name of E. H. Murrell, who is a resident of the city of Lynchburg, Va., and has never changed his domicile, but who had property in New Orleans at the surrender of the city to General Butler. In the cartel of surrender private property was to be respected. He had some property there which he had leased. A Treasury agent took charge of that property, collected the rent, and covered it into the Treasury. He asks that this money be paid him. He had the papers from New Orleans and came here for the purpose of collecting the money. His overcoat, in which the papers were, was stolen, and he was thereby prevented from getting the money at that time. The Supreme Court has decided the case of the Planters' Bank, exactly similar to this, and I hope that there will be no objection to the bill. It has passed the Senate twice. It has been reported by two committees of this House unanimously, and comes here now unanimously reported by the committee. and comes here now unanimously reported by the committee. Here is the report.

Mr. PAYNE. Mr. Speaker, I think this case ought to take the regular course. I shall have to object.
Mr. OTEY. I ask the gentleman from New York [Mr. PAYNE]

to hear the report read.

Mr. PAYNE. I will read the report. It is useless to take up the time of the House with the reading of the report now.

The SPEAKER. Objection is made.

JOSEPH A. BLANCHARD.

Mr. PITNEY. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 6686) to correct the military record of Joseph A. Blanchard, late first lieutenant of Troop E, First New York Mounted Rifles.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to correct the military record of Joseph A. Blanchard, late first lieutenant of Troop E, First New York Mounted Rifles, and to grant him an honorable discharge, to date from July 23, 1864.

The Committee on Military Affairs recommended the following amendment:

Add to the bill the following:
"Provided, That no pay, bounty, or other allowances shall become due and payable by reason of the passage of this act."

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. DOCKERY. Let the report be read.
Mr. LOUD. It would be better to have the report read, Mr.

Mr. DOCKERY. I understand the report is of some length, and a brief statement will probably be satisfactory.

Mr. PITNEY. I can make a statement that I think will satisfy gentlemen who are interested in this matter.

gentiemen who are interested in this matter.

This bill is to remove not a charge of desertion, but a dishonorable dismissal of the soldier, which was ordered without notice, trial, hearing, or opportunity to be heard, and without reasonable cause. The soldier enlisted on the 24th of July, 1861, as a private in Company A, First New York Mounted Rifles, to serve three years. He served for that period without a blemish on his record, and was promoted, on his own merits, through the several grades of corporal sergeant, and first sergeant to second lieutenent. and was promoted, on his own merits, through the several grades of corporal, sergeant, and first sergeant, to second lieutenant and first lieutenant. He was first lieutenant when the expiration of his three years' term arrived. He then tendered his resignation on the ground that the term of his enlistment had expired. He was informed, in response, that his commission as a first lieutenant bound him in the service for an additional term of three years. To that he replied, in writing, stating that when he accepted the commission as first lieutenant he did not understand that he was bound for an additional term of three years; but, on

the contrary, was assured that it made no difference; that he would not be bound beyond the original term. He thereupon again replied by tendering his resignation in writing, explaining his understanding at the time of his commission. Upon receipt of that communication his superior officer recommended that he be dishonorably discharged "for tendering his resignation in the face of the enemy;" and without notice or opportunity of explanation, without trial by court-martial or otherwise—

Mr. STEELE. I object.

Mr. STEELE. I object.
Mr. PITNEY. I have not finished my statement.
Mr. STEELE. But you have made enough statement for me to object.

Mr. PITNEY. I hope the gentleman will be courteous enough to allow me to finish my statement before he objects.

Mr. STEELE. I have no objection to that, but I will object to

Mr. PITNEY. If the gentleman will permit me, I should like to complete my statement. On the day the news of this officer's dismissal reached the command in which he had served a written testimonial was prepared, which I have on my desk, and a copy of which is appended to the committee's report. It was signed by all the other officers, except the one who had recommended his dismissal, and expressed their desire to testify to "his uniform centlements conduct to his callentry and heaven and the redismissal, and expressed their desire to testify to "his uniform gentlemanly conduct, to his gallantry and bravery, and the undaunted courage which has characterized his career as a soldier for the past three years." Some of the signers of that testimonial I know personally, and they have told me that the dismissal of this man was an outrage, and I think that justice requires that he be given an honorable discharge at this time. If any punishment was required, he has been sufficiently punished by the odium which has rested upon him during all these years. He procured a receipt showing that he was not chargeable with any public property whatever. I hope the gentleman from Indiana will not object.

Mr. STEELE. I object to the bill.

The SPEAKER. Objection is made.

CAPT. BRADBURY W. HIGHT.

Mr. HAGER. Mr. Speaker, I ask unanimous consent for the present consideration of the bill which I send to the Clerk's desk. The Clerk read as follows:

A bill (S. 1949) granting an additional pension to Capt. Bradbury W. Hight. Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll the name of Bradbury W. Hight, late of Company C, Second Regiment Vermont Volunteer Infantry, at the rate of \$72 per month, in lieu of his present pension of \$17 per month.

Mr. LOUD. Let us have the report read. The report (by Mr. BAKER of Kansas) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (S. 1949) granting an increase of pension to \$72 per month to Bradbury W. Hight, late captain Company C, Second Vermont Volunteer Infantry, having carefully examined and considered the facts presented, respectfully adopt the report of the Senate Committee on Pensions as embodying the salient features, and recommend the passage of the bill. The Senate committee's report is as follows:

The Committee on Pensions, to whom was referred the bill (S. 1949) granting an additional pension to Capt. Bradbury W. Hight, have examined the same, and report:

The Committee on Pensions, to whom was referred the bill (S. 1949) granting an additional pension to Capt. Bradbury W. Hight, have examined the same, and report:

Claimant enlisted June 20, 1861, and was discharged for disability said to have been disease of the eyes June 29, 1884. He was pensioned June 28, 1866, at \$7.50 per month for disease of eyes. Pension was increased November 17, 1895, to \$15 per month for amaurosis, and it was further increased September 17, 1895, to \$17. On January 15, 1895, soldier filed declaration for further increase, alleging total blindness, but the application was rejected by the Pension Bureau.

To properly understand this case, it is essential to keep in mind the fact that soldier was pensioned for amaurosis, which, according to Dunglison's Medical Dictionary, is—

"Diminution or complete loss of sight without any perceptible alteration in the organization of the eyes; generally owing to loss of power of the optic nerve or retina—from primary or degenerative atrophy of that nerve."

It will thus be seen that as long ago as November, 1884, soldier had a disease of the eyes, for which he was pensioned, that must inevitably result in total blindness sooner or later. It appears, further, that in about ten years thereafter it did so result in total blindness; and there seems to be no valid reason assigned why the pension was not then increased to the rate for total blindness, which is the amount asked for in this bill.

On the question of total blindness, it is only necessary to refer to the findings on the part of the medical officers of the Government. The medical examining board at Council Bluffs, Iowa, under date of January 25, 1895, closed its report in these words:

"He is totally and hopelessly blind, and can not distinguish light from darkness."

Another examination was made by the same board twelve days later, the

"He is totally and hopelessly blind, and can not darkness."

Another examination was made by the same board twelve days later, the closing paragraph of the report being as follows:

"Claimant is totally blind, and so incapacitated as to require the constant attendance of another person."

Apparently not content with this, an examination of the soldier was ordered to be made by Dr. H. Gifford, a distinguished coulist of Omaha, Nebr., on March 20, 1895, who reported:

"Patient is totally blind from glaucoma. Disability is total—of first degree."

Yatient is totally that the gree."
Your committee are unable to discover any reason for the rejection of this claim. It certainly must have been made upon a technical medical point too fine to be grasped by ordinary minds. They therefore recommend the passage of the bill, after being amended by striking out all after the word "month," in line 8, being a provision for the payment of arrears, which are never allowed by special act, and they also recommend that the bill be amended by striking out the preamble.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. ERDMAN. Mr. Speaker, I object.

A. B. PEDIGO.

Mr. COOPER of Texas. Mr. Speaker, I ask unanimous consent for the present consideration of the bill which I send to the Clerk's desk

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Treasury is hereby authorized and directed to pay to A. B. Pedigo, out of any money in the Treasury not otherwise appropriated, the sum of \$31.06 cents, the same being balance due for carrying United States mails in the State of Texas from October 1, 1800, to May 31, 1861.

The SPEAKER. Is there objection?

Mr. PAYNE. I there objection?
Mr. PAYNE. I hope the report will be read.
Mr. LOUD. Let us have the report read.
Mr. COOPER of Texas. I ask that the report be read, and the accompanying papers. They are a letter from the Auditor for the Post-Office and two affidavits.
The SPEAKER. Without objection, the report will be read.
The report (by Mr. HUTCHESON) was read, as follows:

The Committee on Claims, to whom was referred the bill (H. R. 1280) for the relief of A. B. Pedigo, submit the following report:

It has been shown to the satisfaction of your committee that A. B. Pedigo (the party seeking relief by this bill) was the mail contractor on Route No. 8610, Woodville to Beaumont, in the State of Texas, under a contract commencing July 1, 1853, and that he was paid in full to September 30, 1860, and that a balance is due him for service from October 1, 1830, to May 31, 1861, amounting to \$331.06. Said sum of money has never been paid to him by the United States Government or the late Confederate States government, and during the late civil war the said A. B. Pedigo was a loyal citizen of the United States; wherefore your committee unanimously recommend that the bill do pass.

TREASURY DEPARTMENT,
OFFICE OF AUDITOR FOR THE POST-OFFICE DEPARTMENT,
Washington, D. C., January 27, 1898.

Sir: In reply to a verbal inquiry relative to the claim of Mr. A. B. Pedigo for carrying the mail in Texas in 1860, I have the honor to inform you that the records of this office show that A. B. Pedigo was the mail contractor on Route No. 8619, Woodville to Beaumont, in the State of Texas, under a contract commencing July 1, 1885; that he was paid in full to September 30, 1860, and that a balance stands to his credit for service from October 1, 1860, to May 31, 1861, the date to which service has been certified, amounting to \$331.06. The record of payments made by the Confederate States government of claims of contractors for service performed prior to June 1, 1861, is found in a register which is incomplete, there being a number of leaves and parts of leaves missing; but so far as the record goes there is no evidence of any payment having been made to Mr. Pedigo by the Confederate States government for service under his contract with the United States.

Very respectfully,

Hon. S. B. Cooper, House of Representatives, Washington, D. C.

STATE OF TEXAS, County of Tyler:

I, A. B. Pedigo, a citizen of the State of Texas and county of Tyler, do solemnly swear that I have never received payment from the United States of America for carrying United States mails in the State of Texas from October I, 1860, to May 31, 1861, and that the Confederate States government never paid me for said mail service, and that the \$331.06 is a just debt and has never been paid.

Sworn to and subscribed before me by A. B. Pedigo, well known to me, on this the 6th day of February, A. D. 1896.

W. E. ADAMS, A Notary Public Duly Qualified and Acting in and for Tyler County, Tex.

THE STATE OF TEXAS, County of Tyler: I, William S. Durham, a citizen of the State of Texas and county of Tyler, do solemnly swear that I am well acquainted with Mr. A. B. Pedigo, who is also a citizen of said State and county, and have been acquainted with him from the year 1860 up to the present date, and have always known him to be a loyal citizen of the United States of America.

W. S. DURHAM.

W. S. DURHAM.

Sworn to and subscribed before me, the undersigned notary public duly qualified and acting in and for Tyler County, Tex., on this the 6th day of February, A. D. 1896.

W. E. ADAMS, A Notary Public in and for Tyler County, Tex.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. PAYNE. Mr. Speaker, I think there is no finding of the Court of Claims that this man was loyal but the evidence of one

man in general terms. I object.

Mr. COOPER of Texas. It is not the character of claim that can go to the Court of Claims, for that court has no jurisdiction of such cases

The SPEAKER. Objection is made.

BRIDGE OVER THE ST. LOUIS RIVER BETWEEN THE STATES OF WISCONSIN AND MINNESOTA.

Mr. JENKINS. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 9752) to amend an act entitled "An act to authorize the construction of a steel bridge over the St. Louis River between the States of Wisconsin and

Minnesota," approved April 24, 1894, as amended by an act approved August 4, 1894, entitled "An act to amend an act to authorize the construction of a steel bridge over the St. Louis River between the States of Minnesota and Wisconsin."

The bill was read, as follows:

The bill was read, as follows:

Be it enacted, etc., That sections 3 and 9 of the above-entitled original act and section 3 of the same as amended by the said act approved Angust 4, 1894, entitled "An act to amend an act to anthorize the construction of a steel bridge over the St. Louis River between the States of Minnesota and Wisconsin," be amended so as to read, respectively, as follows:

"SEC. 3. That the accessory works referred to in the preceding section shall be such booms, dikes, piers, or other suitable and proper structures for confining the flow of water to a permanent channel, and for the guiding of steamboats, rafts, and other water craft safely through the draw and rafting spans, as shall be required by the Secretary of War; and in addition thereto, and before the construction of the bridge to be built under this act, the company or persons owning or holding such bridge shall be required, under the direction of the Secretary of War or such officer as he shall designate, to dredge above and below said bridge to such depth and for such distance as in the judgment of the Secretary of War or of such other officer as he shall designate shall have been rendered necessary by the erection of the piers to said bridge.

designate shall have been removed.

Said bridge.

"SEC. 9. That this act shall be not commenced within one year and completed on or before August 1, A. D. 1897."

SEC. 2. That all acts or parts of acts in conflict with the provisions of this act are hereby repealed.

Mr. PAYNE. I would like to inquire if this bill is reported by the committee?

Mr. FLETCHER. It is reported unanimously.

Mr. JENKINS. The bill has been reported by the committee.

The SPEAKER. Is there objection to the present consideration
of the bill? [After a pause.] The Chair hears none.

The bill was ordered to be engrossed for a third reading; and
being engrossed, it was accordingly read the third time, and passed.

On motion of Mr. JENKINS, a motion to reconsider the vote by which the bill was passed was laid on the table.

SAMUEL C. TOWNE.

Mr. BAKER of New Hampshire. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (S. 146) granting an increase of pension to Samuel C. Towne.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Samuel C. Towne, late of Company G. Ninth Regiment New Hampshire Volunteer Infantry, and pay him a pension at the rate of \$30 per month, in lieu of that he is now receiving

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. LOUD. Let the report be read. The report (by Mr. Sulloway) was read, as follows:

The report (by Mr. Sulloway) was read, as follows:

The Committee on Invalid Pensions, to whom was referred Senate bill 146, having carefully considered the same, respectfully report:
Claimant was a member of Company G. Eighth Regiment New Hampshire Volunteer Infantry, serving from July 26, 1862, to June 10, 1865. He was pensioned for chronic diarrhea, piles, and injury to back, first receiving \$4 per month, which was subsequently increased to \$10. His necessities were such that he took advantage of the act of June 27, 1890, and was granted a pension under that act at the rate of \$12 per month, which amount he is now drawing.

The pensionable disabilities have continued, and in addition soldier is practically blind, requiring some one to care for him. He is also in destitute circumstances.

There is medical testimony on file to the effect that the blindness resulted from the injury to the back. That is possible, but the proof is not conclusive on that point.

Being now pensioned at the maximum rate under the act of June 27, 1890, no increase can be secured through the regular channel, and hence an appeal is made to Congress.

The bill passed the Senate February 19, 1896. After a careful examination of the evidence your committee are unanimously of the opinion that the bill should pass, and so recommend.

The SPEAKER. Is there objection to the present consideration

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. ERDMAN. I object.

MARY A. WIDDORES.

Mr. HENDRICK. Mr. Speaker, I ask unanimous consent for the present consideration of House bill No. 8788, granting a pension to Mary E. Widdores

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mary A. Widdores, of Murray, Ky., widow of Joseph F. Widdores, who served in Company K, Fifth Regiment Ohio Volunteers, and pay her a pension of \$20 per month.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. LOUD. Let us have the report read, Mr. Speaker. The report (by Mr. Anderson) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 8788) granting a pension to Mary A. Widdores, widow of Joseph F. Widdores, late private, Company K. Fifth Ohio Volunteer Cavalry, having carefully examined and considered the facts presented, respectfully report as follows: Joseph F. Widdores enlisted as private, Company K. Fifth Ohio Volunteer Cavalry, October 23, 1861, and served until honorably discharged June 9, 1865, under the name of Joseph F. Widdores. He had no hospital record, never applied for pension, and died near Murray, Ky., November 2, 1889, of "chronic entero colitis."

Applicant was married to Joseph F. Widdores on November 29, 1888. She applied for pension September I, 1890, under act of June 27, 1890, and was pensioned from that date at \$8 per month on December 21, 1891.

Applicant filed the testimony of nine neighbors with the committee, who testify that Mary A. Widdores is hopelessly blind and helpless, and that she has no property or income of any kind except her pension of \$8 per month, and a little home which she purchased for \$300, and on which she has given a mortgage of \$300 to a building and loan association, and which property she is liable and likely to lose unless relief is granted her by increase of her pension, and that she has no relatives or others who are able to assist her. Her aged mother (72 years old) is living with her, but can bring but little to her aid.

In yiew of the helpless and reconstitute of the same and the same relative and reconstitute of the same relative and reconstitute of the same relative and reconstitute of the same relative to the same relative and reconstitute of the same relative to the same relative tor the same relative to the same relative to the same relative to

aid.

In view of the helpless and necessitous condition of the applicant your committee urgently recommend the passage of the bill, after being amended by striking out "of Murray, Kentucky," in line 6; by striking out "who served," in line 7, and inserting in place thereof "late private," and by inserting the word "Cavalry" between the words "Ohio" and "Volunteers," in lines 7

Mr. LOUD. Mr. Speaker, I would like to ask the gentleman how much this applicant would be entitled to provided she could prove that her husband had died as a result of his service in the

Mr. HENDRICK. I suppose she is receiving the maximum amount now, \$8 a month. I do not know whether it would make any difference if she could show that her husband had died as the result of his service.

Mr. LOUD. Then she is receiving the maximum amount to which she is entitled under the law?

Mr. HENDRICK. So I understand. I desire to say to the gentleman, however, that the statements in the report are literally true. This woman is totally blind, her home is about to be taken from her, and she has an aged mother who is more or less depend-

ent upon her.

Mr. LOUD. Still, under the theory of our pension laws, we do not pension widows on account of their own disabilities. I recognize that this is a very pitiful case, but there are a hundred thousand, aye, 300,000, just as bad.

Mr. HENDRICK. I do not believe there are a dozen others in the country as helpless as I know this woman to be.

Mr. LOUD. Oh, yes; I know of several. I shall have to object,

Mr. Speaker.

NANCY HOLLENBANK.

Mr. CONNOLLY. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 4184) granting a pen-sion to Nancy Hollenbank, formerly Nancy Boaz, formerly Nancy Yeley, a hospital nurse during the war of the rebellion.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and is hereby, authorized and directed to place on the pension roll, at the rate of \$12 per month, the name of Nancy Hollenbank, who was formerly named Nancy Boaz and Nancy Yeley, a hospital nurse in the war of the rebellion, and cause the same to be paid to her quarterly in the same manner as other per-

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. ERDMAN. Mr. Speaker, I think the report ought to be read.

Mr. ERDMAN. Mr. Speaker, I think the report ought to be read.

The report (by Mr. Wood) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 4184) granting a pension to Nancy Hollenbank, submit the following report:

Under the army regulations in force at the beginning of the war of the rebellion, enlisted men only could be used as army nurses. After the first battle of Bull Run it was discovered that enlisted men were more useful as soldiers in the field than as nurses in hospitals, so in August, 1881, Congress passed an act which provided "that in general or permanent hospitals female nurses may be substituted for soldiers when, in the opinion of the Surgeon-General or medical officer in charge, it is deemed expedient to do so."

The evidence in this case abundantly shows that Mrs. Hollenbank, who is now over 60 years of age, began serving as an army nurse in the hospital at Paducah, Ky., in September or October, 1861. This hospital was established by Dr. Hamilton, who was then surgeon of the post at Paducah, its regiment then being in charge of said post. When the army moved to the attack of Fort Donelson she was left as a nurse at the Paducah hospital. The wounded from Fort Donelson were removed to that hospital, and she continued giving all her time to her duty as such nurse there under the direction of Surgeon-Hamilton.

In June, 1882, the Paducah hospital was, by order of the Surgeon-General, converted into a general marine hospital, and Mrs. Hollenbank went to the camp hospital at Fort Henry, under the direction of Dr. Hamilton, and from there, in September, 1882, she went, still under the direction of Surgeon Hamilton, as a nurse at the army hospital on the Ohlo River at Mound City, Ill, where she remained on duty as nurse until November, 1882, when this hospital was also made a general hospital, and a new set of surgeons and nurses were installed, and Mrs. Hollenbank, with other nurses, were transferred on duty as a nurse under the direction of the surgeons in

have been employed in general hospitals or employed by an authority recognized by the War Department as competent, and have rendered six months' service in any regimental, post, or camp hospital, and being now unable to earn support. Mrs. Hollenbank rendered over two years' service in all these classes of hospitals, under the direction of the army surgeons in charge of them at the time of her service, and it seems very unjust now to deprive her of a pension for the very technical reason now given, that the War Department has no record of the surgeons actually in charge of these hospitals, or is not willing to recognize the regimental, post, camp, or hospital surgeons under whom she served as nurse.

Your committee therefore recommend the passage of the bill, with an amendment to the title by striking out the words "formerly Nancy Boaz, formerly Nancy Yeley, a hospital," and inserting in lieu thereof the words "an army;" also, amending bill by striking out between the words "Hollenbank," in line 5, and "nurse," in line 7, the words "who was formerly Nancy Boaz and Nancy Yeley, a hospital," and inserting in lieu thereof "an army; and also by striking out all of the printed bill after the word "rebellion" in line 7.

The SPEAKER. Is there objection to the present consideration.

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. COX. I object.

DEWITT EASTMAN.

Mr. TAWNEY. Mr. Speaker, I ask unanimous consent for the consideration at this time of the bill (H. R. 1628) for the relief of Dewitt Eastman.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to remove the charge of desertion from the name of Dewitt Eastman, late of Company B, Second Minnesota Volunteers, and of the Fourth United States Artillery.

The SPEAKER. Is there objection to the present consideration of this bill?

There was no objection.

The bill was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

MICHAEL KRIES.

Mr. LIVINGSTON. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 997) for the relief of Michael Kries.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed, out of any money in the Treasury not otherwise appropriated, to pay to Michael Kries the sum of \$15,872 for property and supplies taken by the United States Army in the year 1864 and used by said Army.

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. PAYNE. The report ought to be read, Mr. Speaker. The report (by Mr. LESTER) was read, as follows:

Mr. PAYNE. The report ought to be read, Mr. Speaker.

The report (by Mr. Lester) was read, as follows:

The committee on War Claims, to whom was referred the bill (H.R. 997) for the relief of Michael Kries, submit the following report:

The claim is for totacco furnished General Sherman's army in 1864, and for property destroyed by United States troops. Claim stated at \$16,872.

Claimant resided in Atlanta, Ga., and furnished General Sherman's army with 4,936 pounds of tobacco, of the value of \$4,936.

Claimant filed his claim before the Southern Claims Commission, and that commission disallowed the claim for the reason that they were not convinced of Mr. Kries's loyalty.

The following is from a report of the commissioners of claims on the subject of tobacco furnished the Army:

"Tobacco.—Until the act of March 3, 1885, tobacco was not furnished to the Army. Under that act it has been issued to those who use it, and charged to them on the pay rolls.

"In the claims that have come before us, tobacco has not usually been regarded as a supply, and therefore has been disallowed.

"Claims for tobacco alleged to have been taken and issued to the troops at Atlanta, Ga., under the order of General Sherman of September 8, 1864, are pending before us. The examination of them is still going on, and they will be reported upon hereafter.

"After the capture of Atlanta, in September, 1884, General Sherman found that he was short of rations for his army, and that the soldiers were subject to many privations. To make his army contented, and, as far as possible, to make up to them for their usual rations, of which they were for the time deprived, he issued an order on the 8th of September, 1864, athorizing the chief commissary of subsistence to take possession of and issue to the troops all the tobacco in Atlanta, and give certificates thereof to the owners, to be accounted for in accordance with existing orders.

"Pursuant to this order, tobacco belonging to George J. Stubblefield was taken, and upon his making claim for paym

amendments:
In line 6 strike out "16,872" and insert in lieu thereof "4,936."
Strike out the whole of lines 7, 8. and 9 and insert in lieu thereof "4,936 pounds of tobacco furnished the Army of the United States at Atlanta, Ga., during the late war for the suppression of the rebellion, which shall be in full discharge of all claims against the United States."

The SPEAKER. Is there objection? Mr. PAYNE. I object.

WINSLOW WARREN.

Mr. DRAPER. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 7281) for the relief of Winslow Warren.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to said Winslow Warren the sum of \$500, in full for the claim due him as aforesaid.

The SPEAKER. Is there objection to the present consideration

of this bill?
Mr. PAYNE. Mr. Speaker, I desire to ask the gentleman from

Massachusetts what was the extent of this service?

Mr. DRAPER. It was the examination of the files of the court at the time of the change of clerks. The judge appointed Mr. Warren commissioner to examine the files and report to him, and he testifies that the report was worth many thousands of dollars.

Mr. PAYNE. And there is no other way, I understand, of providing for the compensation except by special act?
Mr. DRAPER. No other way except by special act.
The SPEAKER. Is there objection to the present consideration

of this bill?

Mr. COX. I object.

JAMES A. CROUCH.

Mr. WOOD. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 710) to remove the charge of desertion against James A. Crouch.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to remove the charge of desertion against James A. Crouch, late of Company I. Thirty-third Regiment Indiana Volunteers, and grant him an honorable discharge as of date January I, 1863.

The SPEAKER. Is there objection to the present consideration of this bill?

There was no objection.

The bill was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

MRS. LUCY ALEXANDER PAYNE,

Mr. MEREDITH. Mr. Speaker, I ask unanimous consent to take up and consider at this time the bill (S. 1501) granting an increase of pension to Mrs. Lucy Alexander Payne, widow of Capt. J. Scott Payne, Fifth United States Cavalry. The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to put the name of Mrs. Lucy Alexander Payne, widow of Capt. J. Scott Payne, Fifth United States Cavalry, on the pension roll at \$30 per month, in lieu of the pension she is now receiving.

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. BARRETT objected, but immediately withdrew the objec-

The SPEAKER. The objection is withdrawn. Is there further objection? Mr. COX.

Mr. COX. I object, Mr. Speaker, and demand the regular order.

The SPEAKER. Objection is made and the regular order is demanded. The Chair will first submit a report from the Committee on Enrolled Bills.

ENROLLED BILLS SIGNED.

Mr. HAGER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

A bill (S. 1646) providing for certain requirements for vessels propelled by gas, fluid, naphtha, or electric motors; and A bill (S. 1723) to approve and ratify the construction of a bridge across the Red River, between the States of Arkansas and Texas, at a point above the town of Fulton, in Arkansas and river, built by the Texarkana Northern Railway Company, but now owned and operated by the Texarkana and Fort Smith Railway Company, and to authorize the latter company to maintain said bridge over said waterway, subject to certain stipulations and conditions and conditions.

UNLAWFUL USE OF FRANKING PRIVILEGE.

The SPEAKER. The regular order being demanded, the call of

committees will proceed.

Mr. RICHARDSON. Mr. Speaker, under that call there is a bill pending and undisposed of, the bill (H. R. 9601) to amend an act entitled "An act providing for the public printing and binding and the distribution of public documents," approved January 12,

The SPEAKER. The gentleman from Tennessee, as the Chair understood, proposed to withdraw that bill. Has he the authority of the committee to do so?

Mr. RICHARDSON. Yes, sir; I have such authority. I wish

to say, if I may be indulged a moment by unanimous consent, that it occurred to the committee that it was necessary to make some it occurred to the committee that it was necessary to make some kind of an amendment to the existing law in order to prohibit the indiscriminate use of the frank of members. That was the object which the committee had in view. But inasmuch as gentlemen on the floor seemed to think that this bill went further than that and would interfere with some of their prerogatives, I thought if any amendment could be agreed on which would obviate that objection without destroying the essential features of the bill, I would cheerfully accept the amendment, so that a proper correction might be made of the existing law. I do not want to withdraw the bill unless gentlemen desire to make radical changes in the franking privilege. If they do, I think it would be best that the bill be withdrawn.

Mr. PAYNE. It has already been withdrawn.
Mr. RICHARDSON. I asked to do so; but objection was made.
The SPEAKER. This matter is proceeding by unanimous con-

Mr. RICHARDSON. Entirely. If we can not agree by unani-

Mr. BOUTELLE. I wish to inquire of the gentleman whether the present franking law under which members of Congress are allowed, for departmental and other official business, the use of franking envelopes, was intended to invest members with the same privilege theretofore enjoyed by the heads of Departments and bureaus in the use of the penalty envelope? I will say to the gentleman that, somewhat to my surprise, I have found in the present law a limitation to the weight of 1 ounce as applied to the cor-

respondence of members.

Mr. RICHARDSON. Yes, sir; that is the law.

Mr. BOUTELLE. I have been trying to look this matter up; and if I am mistaken I want some gentleman familiar with this subject to enlighten me. I understand, contrary to my previous impression, that under the law as it stands—the law of January 112, 1895—the use of these franking envelopes for official or public business of members is limited to 1 ounce.

Mr. RICHARDSON. That is right.

Mr. BOUTELLE. But I further understand that the penalty

envelopes provided for the use of heads of Departments or bureaus may be used on all public documents, reports, etc., as well as all correspondence which relates entirely to public business, without

limitation as to weight.

Mr. RICHARDSON. Will the gentleman allow me a moment?

The law is not the same in respect to public documents franked

by members as it is in respect to correspondence.

Mr. BOUTELLE. When I used the terms "public documents,"

Mr. BOUTELLE. When I used the terms "public documents," I meant correspondence.
Mr. RICHARDSON. In this case the limitation of weight in the case of members is 1 ounce.
Mr. BOUTELLE. But the law as it stands to-day, and as it was enacted years prior to the present law in regard to the privilege of members, permits the use of penalty envelopes by heads of Departments and bureaus for all matters of public or official

orrespondence without limitation as to weight.

Mr. RICHARDSON. That is correct, as I understand.

Mr. BOUTELLE. Now, in the debate (which I remember very well) at the time this provision was extended to members of Conwell) at the time this provision was extended to members of Congress it was understood, I think, by a majority of members that the change in the law was to extend to members of the House and the Senate and the other officials mentioned the privilege thereto-fore exercised by the heads of Departments for franking to people who had correspondence with them upon matters of purely Government business any response or document that might be involved in the correspondence. I do not think it was generally understood by the transfer of the correspondence of the correspondence of the correspondence. by the House or the Senate that the use of such envelopes by Representatives or Senators was limited to documents not exceeding 1 ounce. I am very sure that I have inadvertently used those envelopes for the transmission of documents that would weigh more than an ounce. Perhaps I ought to have studied the law

Mr. RICHARDSON. The law does not prevent the sending of documents exceeding in weight 1 ounce.

documents exceeding in weight 1 ounce.

Mr. BOUTELLE. I spoke of correspondence.

Mr. RICHARDSON. The gentleman said "documents."

Mr. BOUTELLE. Well, in speaking of documents, I did not mean printed books; I used the word "documents" as applied, for instance, to a report of the Secretary of State, in manuscript. When I have made an inquiry of the Secretary of State, for instance, in regard to some business pending between our State Department and some foreign government in relation to a ship, or the right of an American citizen, and in reply to my inquiry the the right of an American citizen, and in reply to my inquiry the Secretary of State has forwarded to me (as he did in relation to the Armenian difficulty some time ago) an official reply inclosing other official communications on very heavy paper, weighing undoubtedly considerably more than an ounce, I have not hesitated to place that in one of these franked envelopes and to send it to the party with whom I was corresponding. I did so because

I was laboring under the impression that the envelopes provided for the use of members of the House and the Senate carried with them exactly the same privilege that had been extended to the Departments and bureaus under the old system.

Now, in order to make this matter clear, let me suppose this case. I send a communication from some constituent of mine if

case: I send a communication from some constituent of mine, if you please, to the Secretary of the Treasury making a certain inquiry in regard to public business. The Secretary of the Treasury replies to me; and his reply would weigh 4 ounces. Now, it seems under the present construction that I can be permitted to make some kind of a reply to my constituent in which I may inclose an ounce of that correspondence, but for the other 8 ounces I have got to secure stamps, put it in another envelope, and pay the legitimate postage on it. I do not believe that that was the understanding of the members; nor do I think it was their

the understanding of the members; nor do't difficult was then intention in passing that act.

It covers all correspondence in which members of the House or of the Senate are called upon to take action in dealing with their constituents; and frequently, in reference to requests made in the various Departments of the Government for information, covernments of the correspondence are interested, the correspondence in which individuals are interested, the correspondence in which individuals are interested. ing matters in which individuals are interested, the correspondence is more or less voluminous and could not come under this ounce rule. That, of course, has to be transmitted through the mails, under this construction, at the cost of the member himself. My understanding has been that the purpose of the law was to enable the members of Congress to transact their business with their constituents, without personal expense as far as practicable to themselves, and therefore to transmit, under the franking privilege, any legitimate correspondence, with any of the Departments of the Government, and with a constituent, concerning public business of the United States, that all such matters shall hereafter be protected by the frank of the departmental officers, under the penalty-envelope system; and I certainly think if there is any reason for the maintenance of the law at all, it ought not to be limited to the weight of an ounce. It would be very difficult be limited to the weight of an ounce. It would be very difficult for a member to adjust his correspondence on that basis.

for a member to adjust his correspondence on that basis.

For instance, it is common in our correspondence with the Departments—more common formerly than it is now—to have a reply returned to the member asking for the information, stating that it was "inclosed herewith," and there would be also inclosed a letter to the person making the inquiry, and an envelope directed to that person, supplied with the frank of the Department to carry it through the mails. It was regarded, as I remember, at the time this matter was under discussion in the House, a somewhat of an indignity upon members of Congress that we should invest the heads of divisions, or the chief clerks of the Departments of the Government, with a power to grant in their partments of the Government, with a power to grant, in their discretion, to us the privilege of using a franked envelope to transdiscretion, to us the privilege of using a franked envelope to transmit business correspondence between the Department and our constituents with which we were legitimately connected. And you can readily see how that will operate now. If we receive from the Departments a reply to an inquiry, and the departmental officer should see fit, in his discretion and liberality, to send an addressed envelope with the frank of the Department upon it, we could send the correspondence under that frank. But if he did not, we would be obliged to write a letter within the ounce limit to our constituent, and then pay postage on the response of the

hot, we would be obliged to write a letter within the odince limit to our constituent, and then pay postage on the response of the Department on the remainder and send it in another envelope.

Mr. LOUD. Will the gentleman allow a suggestion just there?

Mr. BOUTELLE. In a moment. I only wish to make a brief steement, and do not wish to trespass upon the patience of the

It seems to me to be a matter that seriously concerns us all, and I make the suggestion that I personally, as a member of the House, should not be willing to assist in the reenactment of that condition, if that is the construction. We certainly would not have voted for it if we had been aware of the fact that such a limitation was placed upon this right at the time.

I think I would prefer, for my own part, not to have the franking privilege at all, unless the members of the House and Senate can be invested with this privilege for the transmission of the same character of public correspondence which we have by law accorded to all of the Departments of the Government, to be used at their dispartion.

at their discretion.

Mr. LOUD. Will the gentleman allow me?
Mr. BOUTELLE. Certainly; I have concluded what I desired

to say.

Mr. LOUD. I hope the gentleman will retain the floor for a moment.

It seems to me that this penalty which is proposed to be invoked

here should be enacted into a law.

Whether the franking privilege should be extended or not is an entirely different question, which we think should come before the House on its merits, and not in connection with a bill of this charac-There is to-day an indiscriminate and unwarranted use of the franks of the members of this body. I say an indiscriminate use, and I apply the term with a perfect knowledge of the facts, Mr. BOUTELLE. I do not think that is so. I believe the geneman is mistaken. I have no knowledge of it.

Mr. BOUTELLE. I do not think that is so. I believe the gentleman is mistaken. I have no knowledge of it.

Mr. LOUD. I will state to the gentleman from Maine that it is absolutely true. It is a fact to my own knowledge. A large number of documents have come back to me with my frank on them; and I do not know who has used that frank. I have in my pocket to-day, that I presented to the House on yesterday, a return register receipt on which they sent a document privileged by Congress and, I suppose, necessarily, bearing my frank. I do not know the man who sent it. Certainly he had no authority.

Mr. BOUTELLE. But you can easily call him to account.

Mr. LOUD. That I am trying to find out, permit me to say; but there is no law or penalty for such unlawful use of it at present. Now, the gentleman well knows that the abuse of the franking privilege a number of years ago was what caused its repeal. The

Now, the gentleman well knows that the abuse of the franking privilege a number of years ago was what caused its repeal. The indiscriminate use of the frank of members brought it into discredit before the country. Now, if this House wants, when the question is up for discussion, to extend the weight of such frankable matter, let us do it on that proposition. But personally I do not think it wise, because the ease with which the frank of a do not think it wise, because the ease with which the frank of a member is used permitted, as in days gone by, as has been strongly intimated, the sending of washing 500 miles and its return through the mails. There is a legitimate privilege extended to members in this matter of public correspondence. Let us see that it is used with care and discretion, and circumscribe it as nearly and as closely as possible by law. But if we open the doors, then the abuse becomes so great that we must deny ourselves a privilege that we should legitimately enjoy.

Mr. EVANS. May I ask the gentleman a question?
The SPEAKER. Does the gentleman from California yield?
Mr. BOUTELLE. I hold the floor by unanimous consent and yielded to the gentleman from California [Mr. Loud] at his request.

yielded to the gentleman from California [Mr. Loud] at his request.

Mr. BOWERS. The gentleman had taken his seat.

Mr. BOUTELLE. Oh, no. I was requested by the gentleman from California [Mr. Loud] to retain the floor.

Mr. EVANS. Will the gentleman yield for a question?

Mr. BOUTELLE. I wish to say just a word, and then anybody can have the floor. The gentleman from California [Mr. Loud] is addressing himself to something to which I made no reference whatever. I see that in applying this penalty we reenact the present law, and however I might act or vote in regard to applying a penalty for the misuse of franks, I will not vote to reenact that law as it stands, because I understand it to-day as I did not understand it before, and I will not vote for this proposition because I can see no possible reason, if you should change this law, why you can not put it in such shape as we want it to remain in—

Mr. LOUD. We do not change the law.
Mr. BOUTELLE (continuing). Why we should not recommit
the bill and then bring in a law in the form in which we want

Mr. HOPKINS. Why can we not amend it here?
Mr. BOUTELLE. Let the committee amend it and put it into reasonable shape, or let us do it now. I want an opportunity to move to strike out that limitation. I want the people of this country to trust me to use a frank for the transmission of correspond-

try to trust me to use a frank for the transmission of correspondence upon the public business, just as this House and the Senate have, over and over again, trusted to the honesty, the integrity, and the discretion of the departmental clerks of this Government.

Mr. BARRETT. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. BARRETT. The RECORD shows that the gentleman from Tennessee yesterday withdrew the bill. I should like a decision of the Chair as to whether the bill is now pending before the House. House.

The SPEAKER. The gentleman announced that it was by authority of the committee, and the Chair thinks that in accordance with previous rulings he would have the right to withdraw

ance with previous rulings he would have the right to withdraw the bill.

Mr. BARRETT. The point is that the RECORD shows that the gentleman did, last night, in terms withdraw the bill. I ask if the bill is now pending.

The SPEAKER. The bill is not now pending. The Chair has already stated that it was by unanimous consent that all this discussion took place, and the gentleman from Tennessee [Mr. RICHARDSON] stated the same.

Mr. BARRETT. I desire to ask for the regular order.

The SPEAKER. If there is any objection to the continuance of the discussion, the Chair will bring it to an end.

Mr. BOWERS. Mr. Speaker, am I recognized?

The SPEAKER. The Chair will hear the gentleman, unless there is objection.

Mr. BARRETT. I shall object, unless the gentleman from Tennessee [Mr. Richardson] will afford me an opportunity to offer an amendment.

The SPEAKER. Objection is made. The Clerk will proceed with the call.

The Committee on the Judiciary was called.

APPEALS IN CRIMINAL CASES.

Mr. HENDERSON. Mr. Speaker, I desire to call up Senate

The SPEAKER. The gentleman from Iowa [Mr. HENDERSON], chairman of the Judiciary Committee, presents a bill, which the Clerk will report.

The bill was read, as follows:

Be it enacted, etc., That so much of section 5 of the act entitled "An act to establish circuit courts of appeals and to define and regulate in certain cases the jurisdiction of the courts of the United States, and for other purposes," approved March 3, 1891, as reads "in cases of conviction of a capital or otherwise infamous crime," be amended by striking out the words "or otherwise infamous," so that the same will read "in cases of conviction of a capital crime;" and that appeals or writs of error may be taken from the district courts or circuit courts to the proper circuit court of appeals in cases of conviction of an infamous crime not capital: Provided, That no case now pending in the Supreme Court or in which an appeal or writ of error shall have been taken or sued out before the passage of this act shall be hereby affected; but in all such cases the jurisdiction of the Supreme Court shall remain, and said Supreme Court shall proceed therein as if this act had not been passed.

Mr. HENDERSON. Mr. Speaker, I desire to say to the House that this bill was called up at the last session of Congress, under a suspension of the rules, and failed to receive the necessary two-thirds vote. It was then antagonized by the gentleman from Texas [Mr. Culberson], who has since examined the authorities and the law, and is now favorable to the passage of the bill.

The purpose of it is simply to cut of expects from the circuit.

and the law, and is now favorable to the passage of the bill.

The purpose of it is simply to cut off appeals from the circuit courts of appeals to the Supreme Court in criminal cases other than capital. Capital cases may yet be appealed, and I desire to say that until the act of 1891 this power was never given to the Supreme Court. We have now pending in the Supreme Court over forty cases, many of them of a petty character, taking up the time of the Supreme Court and blocking the other legitimate and proper business of that court. I believe this bill to be needed and to be in line with the spirit of legislation which gave us the court of appeals, which was for the purpose of relieving the Supreme Court of the more inferior class of cases.

Mr. NORTHWAY. Will the gentleman allow me?

Mr. HENDERSON. I will now yield to the gentleman from New Hampshire [Mr. BAKER] who reported the bill.

Mr. NORTHWAY. I should like to ask the gentleman a question.

Mr. HENDERSON. Certainly.
Mr. NORTHWAY. How does it affect the right of appeal from the district courts of the United States to the court of appeals?
Mr. HENDERSON. It does not interfere with that. That is

not interfered with.

Mr. NORTHWAY. It does not interfere with that; it only interferes with the right of appeal to the Supreme Court?

Mr. HENDERSON. That is all.

Mr. McMILLIN. Do I understand the gentleman to say that this jurisdiction was only conferred on the Supreme Court in 1891?

Mr. HENDERSON. Yes, sir.

Mr. McMILLIN. That the jurisdiction over the class of offenses now to be taken from the Supreme Court had only been cognizable.

now to be taken from the Supreme Court had only been cognizable

now to be taken from the Supreme Court had only been cognizable by the Supreme Court in 1891?

Mr. HENDERSON. That is right, sir.

Mr. BAKER of New Hampshire. Mr. Speaker, at present I ask to have the report of the Attorney-General, where I have marked it, upon this subject read. This is his report for 1896, and his report for 1895 is in equally strong terms; but I will not ask that that he read at present that be read at present

The Clerk read as follows:

CRIMINAL APPEALS.

CRIMINAL APPEALS.

The unfortunate results of the present law governing writs of error to the Supreme Court in criminal cases are still apparent. Defendants in criminal cases are generally poor. It is hard for them to obtain counsel to defend them at home, but it is generally beyond their power to obtain counsel to argue their cases before the Supreme Court. While the criminal jurisdiction of that court is now so extensive as to take up a considerable part of the time spent by the justices in the study of records and briefs, yet the oral arguments of these cases are, largely for the reason above stated, comparatively few. They are mainly confined to cases against the wealthier classes of defendants, such as sungglers and bank officers.

The questions raised in these criminal cases are for the most part comparatively trivial and not of general importance. I think that a transfer of the criminal appeals to the circuit courts of appeals, with the present system of permitting important questions to be presented to the Supreme Court by certification, is highly desirable for various reasons. It would enable more defendants to have their cases orally argued instead of being submitted upon briefs. It would save the very large amount of time which is now spent by the Supreme Court in studying large records of cases involving comparatively unimportant questions, and would thus probably very soon result in the clearing of the dockets, so that cases could be argued and decided without the present long delays. It would not cut off the right of review by the Supreme Court of important questions, for the courts are very regardful of the interests of defendants in criminal cases, and if the circuit courts of appeals should fail to certify such questions when asked to do so, the Supreme Court could readily bring them before it by the writ of certiorari, and, I am advised, would adopt the practice of doing so. Questions would then be sharply and clearly

presented, disencumbered from the voluminous records in which they are now often hidden, the cost of printing which is alone very great and generally falls on the Government.

Mr. BAKER of New Hampshire. Mr. Speaker, unless some question is to be asked, as this is a united report of the Committee on the Judiciary, I shall ask for a vote.

The bill was ordered to a third reading; and it was accordingly

read the third time, and passed.
On motion of Mr. BAKER of New Hampshire, a motion to reconsider the vote by which the bill was passed was laid on the

TO PREVENT THE PURCHASE OF CLAIMS AGAINST THE GOVERN-MENT.

Mr. HENDERSON. Mr. Speaker, I now call up the bill (H. R. 6834) to prevent the purchasing of or speculating in claims against the Federal Government by United States officers, and I yield to the gentleman from Massachusetts [Mr. Gillett] who reported the bill.

The bill was read, as follows:

The bill was read, as follows:

Be it enacted, etc., That it shall hereafter be unlawful for any United States marshal or deputy marshal, or any clerk or deputy clerk of any court of the United States or of any Territory thereof, or any United States attorney or assistant attorney, or any United States judge, or United States commissioner, or other person holding any office, employment, or position of trust or profit under the Government of the United States to purchase, either directly or indirectly, any witness fee or claim, or the fee or claim of any jurror, or the fee or claim of any deputy marshal, or the fee or claim of any other person whatsoever against the United States Government.

SEC. 2. That any person who shall be guilty of a violation of the first section of this bill shall be liable to an indictment by the grand jury of the United States and, upon conviction, shall be fined in any sum of not less than fifty nor more than five thousand dollars, and final judgment against the defendant shall ipso facto operate as a removal of the person convicted and render his office or position vacant.

SEC. 3. That all laws or parts of laws in conflict with this bill are hereby repealed.

Mr. GHLLETT of Massachusetts. Mr. Speaker, I ask for the

Mr. GILLETT of Massachusetts. Mr. Speaker, I ask for the

reading of the report. It is very short.

The report (by Mr. Gillett of Massachusetts) was read, as fol-

The Committee on the Judiciary, to whom was referred the bill (H. R. 6834) to prevent the purchasing of or speculating in claims against the Federal Government by United States officers, recommend its passage.

The main abuse against which this bill is aimed is the purchase by officers of the courts of witness fees at much less than their face value, and thereby not only are the witnesses taken advantage of and deprived of their proper compensation, but inducement is created for the officers to promote unnec essary litigation. There are many other cases where the present practice is permicious which this bill would remedy, and the few possible cases where it might work hardship are deemed by the committee insignificant compared with those where its operation would be beneficial.

Mr. CHILE FIT of Messagehyeatts. Mr. Speaker, unless some one

Mr. GILLETT of Massachusetts. Mr. Speaker, unless some opposition is manifested or questions asked, I will ask for the previous question. This is a unanimous report of the committee

The previous question was ordered, and under the operation thereof the bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

On motion of Mr. GILLETT of Massachusetts, a motion to reconsider the vote by which the bill was passed was laid on the table-ADDITIONAL UNITED STATES JUDGES FOR THE INDIAN TERRITORY.

Mr. HENDERSON. Mr. Speaker, I now call up the bill (H. R. 4154) to amend section 9 of an act entitled "An act to provide for the appointment of additional judges of the United States court in the Indian Territory, and for other purposes," and yield to the gentleman from Illinois [Mr. CONNOLLY] who reported the bill.

The bill was read at least to The bill was read at length.

Mr. FLYNN. Mr. Speaker, let us have an explanation of the

bill, please

Mr. HENDERSON. Let the report be read.
The Clerk proceeded to read the report.
Mr. HENDERSON (during the reading of the report). Mr. Speaker, I desire to lay that bill aside temporarily, and pass it for

The SPEAKER pro tempore. The gentleman from Iowa asks unanimous consent that the bill be laid aside temporarily. Is

there objection?

Mr. HENDERSON. I will call up in place of that the bill
H. R. 6883.

Mr. FLYNN. May I ask the gentleman from Iowa a question?
Do you contemplate taking this bill up this afternoon, during this

Mr. HENDERSON. No, sir; we will not take it up this afternoon. Some gentlemen desire an opportunity to examine it, and I desire to give them that opportunity.

CONVENTION OF AMERICAN INSTRUCTORS OF THE DEAF.

Mr. HENDERSON. I now call up the bill (H. R. 6883) to incorporate the Convention of American Instructors of the Deaf. The bill was read, as follows:

Be it enacted, etc., That Edward M. Gallaudet, of Washington, in the District of Columbia; Francis D. Clarke, of Flint, in the State of Michigan; S. Tefft Walker, of Jacksonville, in the State of Illinois; James L. Smith, of Faribault, in the State of Minnesota; Sarah Fuller, of Boston, in the State of

Massachusetts; David C. Dudley, of Colorado Springs, in the State of Colorado, and John R. Dobyns, of Jackson, in the State of Mississippi, officers and members of the Convention of American Instructors of the Deaf, and their associates and successors, be, and they are hereby, incorporated and made a body politicand corporate in the District of Columbia by the name of the "Convention of American Instructors of the Deaf," for the promotion of the education of the deaf on the broadest, most advanced, and practical lines; and by that name it may sue and be sued, plead and be impleaded, in any court of law or equity, and may have and use a common seal and change the same at pleasure.

or equity, and may have and use a common seal and change the same at pleasure.

SEC 2. That the said corporation shall have the power to take and hold personal estate and such real estate as shall be necessary and proper for the promotion of the educational and benevolent purposes of said corporation, which shall not be divided among the members of the corporation, but shall descend to their successors for the promotion of the objects aforesaid.

SEC 3. That said corporation shall have a constitution and regulations or by-laws, and shall have power to amend the same at pleasure: Provided, That snot constitution and regulations or by-laws do not conflict with the laws of the United States or of any State.

SEC 4. That said association may hold its meetings in such places as said incorporators shall determine, and shall report to Congress, through the president of the Columbia institution for the Deaf and Dumbat Washington, D. C., such portions of its proceedings and transactions as its officers shall deem to be of general public interest and value concerning the education of the deaf.

Mr. COX. I desire to have an explanation of that bill. Mr. HENDERSON. An explanation would be best given by what is said in the report:

The incorporators are actively interested in promoting the education of the deaf and dumb and desire a corporate organization that they may more effectively and systematically carry on their efforts, and that gifts and legacies for the purpose may be encouraged and preserved. It is purely a charitable and educational organization.

This is done at the instance of Professor Gallaudet, who is really This is done at the instance of Professor Gallaudet, who is really the father of this great work of educating the deaf and dumb. The bill was introduced by the gentleman from Maine [Mr. Ding-LEY], and has been pressed upon us by all who take an interest in this matter. It is simply to incorporate them, in order that they may more effectively carry on their efforts.

Mr. BAILEY. I think I understand the bill makes this a District expectation.

trict corporation.

Mr. HENDERSON. Well, it is an organization in the District of Columbia, as I understand it.

Mr. BAILEY, I think it makes it a body corporate of the Dis-

trict of Columbia.

Mr. HENDERSON. It is to incorporate them in the District of Columbia

of Columbia.

Mr. BAILEY. Then that is all right.

Mr. HENDERSON. It is expressly so stated in the bill.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

On motion of Mr. HENDERSON, a motion to reconsider the vote by which the bill was passed was laid on the table.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Platt, one of its clerks, announced that the Senate had passed without amendment bills of the following titles:

A bill (H. R. 8676) to enable the town of Flagstaff, in the Territory of Arizona, to issue bonds to construct a water system; and A bill (H. R. 4538) for the relief of John Keefe.

The message also announced that the Senate had agreed to the

amendment of the House of Representatives to the bill (S. 1424) to amend an act entitled "An act to amend section 4178, Revised Statutes, in relation to the marking of vessels' names at bow and stern, and also to provide for marking the draft," approved February 21, 1891.

POLICE COURT JURISDICTION, DISTRICT OF COLUMBIA.

Mr. HENDERSON. Mr. Speaker, I call up the bill (H. R. 3623) to amend section 4 of an act entitled "An act to define the jurisdiction of the police court of the District of Columbia," and I yield to the gentleman from New Hampshire [Mr. BAKER] who reported

The bill was read, as follows:

The bill was read, as follows:

Be it enacted, etc., That section 4 of the act entitled "An act to define the jurisdiction of the police court of the District of Columbia," approved March 3, 1891, be, and the same hereby is, so amended as to read as follows:

"Sec. 4. That in all cases tried before said court the judgment of the court shall be final, except as hereinafter provided. If, upon the trial of any such cause, an exception be taken by or on behalf of any defendant to any ruling or instruction of the court upon matter of law, the same shall be reduced to writing and stated in a bill of exceptions, with so much of the evidence as may be material to the question or questions raised, which said bill of exceptions shall be settled and signed by the judge within such time as may be prescribed by rules and regulations which shall be made by the court of appeals of the District of Columbia for the transaction of business to be brought before it under this act, and for the time and method of the entry of appeals, and for giving notice of writs of error thereto from the police court of the District of Columbia; and if, upon presentation to any justice of the court of appeals of the District of Columbia of a verified petition setting forth the matter or matters so excepted to, such justice shall be of opinion that the same ought to be reviewed, he may allow a writ of error in the cause, which shall issue out of the said court of appeals, addressed to the judge of the police court, who shall forthwith send up the information filed in the cause and a transcript of the record therein, certified under the seal of said court, to said court of appeals for review and such action as the law may require, which record shall be filed in said court of appeals within such time as may be prescribed by the court of appeals, as hereinbefore provided. Any defendant desiring the benefit of the provisions of this section shall give

notice in open court of his intention to apply for a writ of error upon such exceptions, and thereupon proceedings therein shall be stayed for ten days: Provided. That the defendant shall then and there enter into recognizance with sufficient surety, to be approved by the judge of the police court, conditioned that in the event of a denial of his application for a writ of error he will, within five days next after the expiration of said ten days, appear in said police court and abide by and perform its judgment, and that in the event of the granting of such writ of error he will appear in said court of appeals of the District of Columbia and prosecute the writ of error and abide by and perform its judgment in the premises. Upon failure of any defendant to enter into the recognizance provided for in this section the sentence of the police court shall stand and be executed pending proceedings upon his application for a writ of error and until the final disposition thereof by the said court of appeals.

Mr. BAKER of New Hampshire. Mr. Speaker, I ask that the

Mr. BAKER of New Hampshire. Mr. Speaker, I ask that the

report be read. It is quite brief.

The report (by Mr. BAKER of New Hampshire) was read, as follows:

The Committee on the Judiciary, to whom was referred the bill (H. R. 3823) entitled "A bill to amend section 4 of an act entitled "An act to define the jurisdiction of the police court of the District of Columbia," "having had the same under consideration, beg to submit the following report:

By section 4 of the act of Congress approved March 3, 1891 (28 Stat. L., 849), writs of error in matters of law were authorized from the police court of the District of Columbia to the supreme court of the said District upon the approval of a judge of that court.

This provision of the statute was satisfactory to both the bench and the bar, but was repealed by the act creating the court of appeals of the District, approved February 9, 1893 (27 Stat. L., 436). This repeal was incidental, and so far as appeals from the police court were concerned, was probably inadvertent. The act referred to destroyed the general appellate jurisdiction of the supreme court of the District, and did not authorize writs of error from the police court to the court of appeals.

The purpose of the present bill is to restore writs of error on law points from the police court, by permitting such writs to the court of appeals of the District upon the approval of any justice of that court.

Section 4 of the said act is unchanged in other particulars, and your committee report the bill and recommend its passage.

The bill was ordered to be engrossed and read a third time; and

The bill was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

AUDRAIN COUNTY, MO.

Mr. HENDERSON. Mr. Speaker, I call up the bill (H. R. 9901) to detach the county of Audrain from the western district of Missouri and to attach the same to the eastern district of said State

The bill was read, as follows:

The bill was read, as follows:

Be it enacted, etc., That the county of Audrain, in the State of Missouri, be, and the same is hereby, detached from the western judicial district of the State of Missouri and attached to the eastern judicial district of said State of Missouri.

SEC. 2. That all process, civil and criminal, hereafter issued against persons residing in said county of Audrain shall be made returnable to the courts held at St. Louis, in the State of Missouri, and all suits and prosecutions now pending in the circuit or district courts of the United States against persons residing in the said county of Audrain, at Jefferson City, in said State of Missouri, shall be determined in said courts.

Mr. HENDERSON. I yield to the gentleman from Missouri [Mr. BURTON] who reported the bill.
Mr. BURTON of Missouri. Mr. Speaker, this is simply a change of this county from one district to the other as a matter of convenience. This legislation is prayed for generally by the bar of that county who practice in the Federal courts, and I believe the

the bill ought to pass.

The bill was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

On motion of Mr. BURTON of Missouri, a motion to reconsider the vote by which the bill passed was laid on the table.

DEPUTY MARSHALS, INDIAN TERRITORY.

Mr. HENDERSON. Mr. Speaker, I call up Senate bill No. 3050, to validate the appointments, acts, and services of certain deputy United States marshals in the Indian Territory, and for other

The bill was read, as follows:

The bill was read, as follows:

Be it enacted, etc., That the appointments of deputy United States marshals in the Indian Territory made by the marshal in either district of said Territory since the 1st day of March, 1895, and prior to April 15, 1896, and all oaths taken by such deputy United States marshals in good faith, and all acts and services rendered by such deputy United States marshals in pursuance of law and in good faith, are hereby ratified and validated. All accounts for the payment of such deputy United States marshals shall be subject to the approval of the Attorney-General.

Sec. 2. That hereafter United States marshals in said Territory shall give bond, with two or more sureties to be approved by the judge of said district, in the sum of \$20,000, conditioned as by law required in regard to the bond of other United States marshals: Provided, That whenever the business of the courts in said Territory shall make it necessary, in the opinion of the Attorney-General, for the United States marshal of any district therein to furnish greater security than the official bond herein required, a bond in the sum not exceeding \$50,000 shall be given by said marshal when required by the Attorney-General, who shall fix the amount thereof.

Mr. HENDERSON. I vield to the gentleman from Kansas [Mr.

Mr. HENDERSON. I yield to the gentleman from Kansas [Mr.

Mr. BRODERICK. Mr. Speaker, the act organizing the courts in the Indian Territory provided for the appointment of a marshal in each district, and also provided for the appointment of a marshal in each district, and also provided for the appointment of deputy marshals by the marshals. Under the law the deputies were required to take the oath of office before the judges of the several districts, but in fact many of them who were appointed took the

oath before the clerks, the judges not being present. There was no provision in the statute authorizing the taking of the oath of office before the clerk in the absence of the judge, but these deputies did it and then went on and rendered service. An appropriation has been made for payment for their services, but the accounts have not been audited or paid. This bill is intended simply to legalize what has been done irregularly, but in good faith; and the services of these men have been actually rendered. This is a Senate bill, and the Committee on the Judiciary has reported the bill

just as it passed the Senate.

Mr. HULICK. This is to confirm what has been done without authority of law; but does it also authorize the clerks to admin-

ister the oath of office to deputies?

Mr. BRODERICK. No; the statute provides that the judge

Mr. BRODERICK. No; the statute provides that the judge shall administer the oath.

Mr. HULICK. That is the provision in the existing statute; but does your bill provide for clerks swearing in these officials, the very thing that you are now proposing to ratify?

Mr. BRODERICK. No; it simply legalizes what has been done

in this respect.

Mr. HULICK. Then why not authorize the clerks of these courts to administer the oaths?

Mr. BRODERICK. We propose to do that in another bill which

is now pending before the committee. The bill was ordered to a third reading; and it was accordingly

read the third time, and passed.

On motion of Mr. BRODERICK, a motion to reconsider the vote by which the bill was passed was laid on the table.

Mr. HENDERSON. Mr. Speaker, the committee has no further business to call up at this time.

OLEOMARGARINE, ETC.

Mr. WADSWORTH. Mr. Speaker, I call up the bill (H. R. 1221) to make eleomargarine and all other imitation dairy products subject to the laws of the State or Territory into which they are transported.

The bill was read, as follows:

Be it enacted, etc., That all articles known as eleomargarine, butterine, imitation butter, or imitation cheese, or any substance in the semblance of butter or cheese not the usual product of the dairy and not made exclusively of pure and unadulterated milk or cream, transported into any State or Territory, or remaining therein for use, consumption, sale, or storage therein, shall, upon arrival in such State or Territory be subject to the operation and effect of the laws of such State or Territory enacted in the exercise of its police powers to the same extent and in the same manner as though such articles or substances had been produced in such State or Territory, and shall not be exempt therefrom by reason of being introduced therein in original packages or otherwise.

Mr. WADSWORTH. Mr. Speaker, the member of the committee having this matter in charge being unavoidably absent at this time, I yield to the gentleman from Vermont [Mr. Grout] who introduced the bill.

Mr. GROUT. Mr. Speaker, I think this subject can not be better presented to the House than by the reading of the report of the committee, which quite fully explains the necessity for

this legislation.

The report (by Mr. Wilber) was read, as follows:

The report (by Mr. Wilber) was read, as follows:

The committee on Agriculture, to whom was referred House bill 1221, makes the following report:

The object sought to be obtained by the legislation proposed by this bill is to place oleomargarine and all other imitation dairy products under the regulation of the laws in the States and Territories into which such articles shall have been transported from other States for sale.

The doctrine was announced by our Supreme Court in the case of Leisy vs. Hardin, known as the "original package" decision, that where any article of commerce is manufactured in one State and transported into another State and placed on the market, that the sale of such article of commerce should be protected to the extent of one transfer while the goods remained in the original package, and until they became part of the commercial products of the State into which they were shipped.

The Agricultural Committee, to whom was referred this bill, has given the subject careful consideration, and recommend the passage of this bill with the following amendment:

In line 9, after the word "arrival," erase the word "in," and substitute the words "within the limits of."

Most of the States of the Union, it seems, have passed laws regulating the sale of eleomargarine, etc. These laws, so far as the committee has been able to ascertain, do not prohibit either the manufacture or sale, at wholessale or retail, of these articles; but all such legislation of the States seems to be for the purpose of preventing the sale of eleomargarine, etc., for butter, etc., in other words, no exception has been taken to the sale of oleomargarine, etc. under the sale of the sale of the sale of imitation articles as the genuine, and it seems that most of the States have upon their statute books laws of this character; but as soon as the "original package" decision was rendered, the dealers in oleomargarine and other imitation dairy products saw an opportunity by which they could evade those laws and effect at least one s

the market, and the sale of said imitation dairy products as genuine immensely increased.

The opponents of this bill place their opposition on the grounds that the farmer will receive decreased prices for the ingredients used in the manufacture of these imitation products; and that it is an oppression to the poor man, preventing him from buying a cheap substitute for the genuine dairy product, palatable and wholesome in its character.

The first objection is too trivial to be seriously considered. No honest farmer expects a permanent demand for any of his products except for honest

and legitimate purposes. As to the second ground of opposition, it is a well-known fact that no one ever purchases oleomargarine or any other imitation dairy product, knowing it to be such, except the dealers and persons who may conduct restaurants, boarding houses, and hotels. No man ever buys it for family use, knowing it to be imitation; and when the laboring man does buy it for family use, he pays about the same price to the retail dealer that he would pay for the genuine article, for the simple reason that if the retail dealer made any great difference in the price between the genuine and the imitation article it would expose the fraud, and the consumer would purchase the genuine and not the imitation article. But the enormous profits to the retail dealer induces him to palm off the imitation article whenever an opportunity offers.

The manufacturers of pure dairy products have never asked for prohibitory laws as to the manufacture or sale of the imitation dairy products, but they have, with much force and unquestioned justice, insisted that these said imitation dairy products shall be sold upon their merits, and not disposed of to unsuspecting consumers as the genuine article; and it seems to the committee that an interest so large and important as the dairy interests of the United States—an interest the yearly products of which amount to \$1,000,000,000—should be recognized in any reasonable legislative demands.

Mr. GROUT. Mr. Speaker, it would seem to me that there

Mr. GROUT. Mr. Speaker, it would seem to me that there ought not to be any necessity for discussing this bill, but I have just been informed by the gentleman from Mississippi [Mr. WIL-LIAMS] that he would like to be heard upon it. Of course there is

no objection to that, and I now yield to the gentleman such time as he may desire to present his views.

Mr. WILLIAMS. Mr. Chairman, this is one of those measures which look very innocent upon their face, but mean a great deal, and it is proper that Congress should know, before it enacts it into law, just exactly what the bill does mean. This is a bill to annihilate the interstate-commerce feature of the Constitution of the United States in so far as it protects dealing in oleomargarine. The bill reads that-

All articles known as oleomargarine, butterine, imitation butter, or imitation cheese, or any substance in the semblance of butter or cheese not the product of the dairy and not made exclusively of pure and unadulterated milk or cream, when transported into any State or Territory, or remaining therein for use, consumption, sale, or storage therein, shall, upon arrival within the limits of such State or Territory, be subject to the operation and effect of the laws of such State or Territory.

That means not only all such laws as now exist in the said States or Territories, but all laws that may, after the passage of this bill, be enacted by such States or Territories. It puts oleomargarine, a wholesome product, upon the same footing with whisky, and takes the same measures with regard to it that Congress took after the "original-package" decision of the Supreme Court in the case of whisky to stamp out dealing in it in interstate commerce, to prevent its being protected in the States by the interstate-commerce clause of the Constitution of the United States. Now, understand me distinctly. Mr. Speaker, I have no objection to any understand me distinctly, Mr. Speaker, I have no objection to any bill which the gentleman will introduce here which forbids any transaction in commerce between the States in oleomargarine, or in butterine, or in anything else, when shipped or sold under any name except its own name, or under any guise or semblance except its own.

its own.

Mr. GROUT. That is all that this bill provides.

Mr. WILLIAMS. That is not all that this bill provides. This bill does exactly as to oleomargarine what the whisky legislation which followed the "original-package" decision did as to whisky. It absolutely prohibits, for instance, within the State of Vermont, dealings in oleomargarine or any similar products, whether sold as oleomargarine or as butter if the State chooses to enact such a prohibition. This bill will absolutely enable Pennsylvania or any other State of the Union having dairy products which come into competition more or less with these other products to stamp these competing food products altogether out of existence within the competing food products altogether out of existence within the State, just as they may stamp out whisky or any other poisonous or deleterious substance—to prohibit its sale or manufacture in or importation into the State.

Now, sir, oleomargarine and similar products are not whisky, are not upon the same footing, are not injurious to the human race. All the testimony that was brought before the committee shows that these articles are made of wholesome substances and are as healthful and as fit for use as food by the human race as butter made from the milk of the cow.

I concede that the dairy farmers have a right to complain if

these products are sold, as they too frequently are, for butter. People should not be deceived into buying oleomargarine thinking that they are buying butter. If the gentleman will introduce a bill seeking to prevent such deception, and closing, if you choose, the channels of interstate commerce altogether to the access of any product, I care not what, which passes under a name not its own—which assumes a deceptive semblance or guise—that will be all right. But when the gentleman attempts to take a product made of the oil of cotton seed, from lard, from various other things, vegetable oils, etc., products perfectly pure and whole-some, much purer and more wholesome as a rule than butter— and when he proposes to enable the State of Vermont, for instance, to stamp out of existence commerce in these products, because their sale conflicts with the sale at higher prices of certain products of the people of the State of Vermont, then, Mr. Chairman, he is undertaking to make the Constitution, which was intended

to protect us all, a shield of defense for a part of the country and

a sword of attack against another part.

This sort of legislation may be justifiable in the case of whisky, This sort of legislation may be justifiable in the case of whisky, upon the broad and general ground of the conviction of humanity that whisky is injurious to the human race and that its sale ought to be prohibited or regulated, or at any rate upon the ground that the community ought to have the right to prohibit or regulate it because of its injurious character, or because they think it injurious, whether it is so or not—in short, because whisky, like lotteries and gambling, falls within the "police powers" of the State. But no man can assert that these products are of that character. character.

I ask gentlemen of the House to pause before taking a step which will be a precedent for the Iliad of all our woes in the way of a certain class of new legislation, new legislation in the direction of making the Constitution of the United States, or at least a particular clause of it, a thing which shall protect some products of some sections everywhere, while it shall not protect others anywhere in the rights guaranteed to them by the Federal Constitu-

tion in matters of legitimate interstate commerce.

Now, let me read this bill and ask whether I can possibly be mistaken in my construction of it. Leaving out repetitions, it provides

That all articles known as oleomargarine-

not made exclusively of pure and unadulterated milk or cream, transported into any State or Territory, or remaining therein for use, consumption, sale, or storage therein, shall, upon arrival within the limits of such State or Territory, be subject to the operation and effect of the laws of such State or Territory enacted in the exercise of its police powers—

"Of its police powers!" It will be seen that the bill puts the suppression or extinction of these products upon exactly the same footing as the suppression of gambling or whisky or a hundred other things of that sort, the "police powers" of the State being so broad that it has been held by the courts that the Constitution of the United States does not contemplate any interference of any description by the General Government with them.

I say my statement that after this bill is passed any State of this Union may pass a law to prohibit the sale of cleomargarine in its natural color, under its own name, is undeniable—is a correct statement of the effect of this measure.

The clause which I have already read continues—

The clause which I have already read continues

to the same extent and in the same manner as though such articles or substances had been produced in such State or Territory, and shall not be exempt therefrom by reason of being introduced therein in original packages

Thus it will be seen that these products, if any State chooses to prohibit them, may be within that State entirely stamped out. And, of course, a great dairy State—any dairy State—would choose to make the prohibition, because these products, even in their own semblance and under their own name, furnish a food product

own semblance and under their own name, furnish a food product which enables humanity to eat something besides butter, and hence make butter somewhat cheaper. At any rate, that is the ground upon which the legislation would be based.

Now, I ask members of Congress to reflect before they take again in this case a step which was a doubtful precedent in the case of whisky, and only justified in that case by the character of the product itself. In that instance Congress went out of its way to pass a law which it would not have passed in relation to any other substance, in relation to any food product. In this case you are asked to take a perfectly wholesome product—pure vegetable oil, much purer than the average butter, much more wholesome oil, much purer than the average butter, much more wholesome as food than ordinary butter—and treat it to a dose of the "police powers" of any section of the country with whose products it may happen to come into competition—coming into competition, mark you, not as butter, but as what it really is. Whenever you propose to prevent articles of this description from competing as butter—under the name and semblance of butter—with genuine butter—under the hame and semiciance of butter. I am ready to go with you; but we must not give to any State of the Union the right, under the broad police powers of a sovereign State, to prohibit absolutely the manufacture and sale of the wholesome product of other States under their own name and in their own color. I thank the gentleman for the time he

has yielded me.

Mr. COX. If I understand the gentleman correctly, his opposition to this bill is based on the ground that it prohibits any of these products, such as oleomargarine, from being sold in a State.
Mr. WILLIAMS. No, sir; but the bill will enable any State,

after the measure takes effect, to prohibit the manufacture or

sale of such product if it chooses.

Mr. COX. Suppose that the State does make such a prohibition—and that is the object of the bill, as I understand the gentleman-

Mr. WILLIAMS. It is one of the possible and natural and necessary effects, whether it is or is not one of its objects. I think myself that it is one of its objects; but I do not like to make that statement, because other gentlemen here are of course the fairest

judges of their own motives. But that is one of the possible effects of the measure.

Mr. GROUT. Mr. Speaker, I am very sorry to find my friend from Mississippi so exercised about the effect of this bill. He says that on its face it is harmless, but that concealed within it is all manner of mischief and wickedness.

He says he is in favor of having oleomargarine go upon the market for just what it is, and then declares that this bill will accomplish some other terrible purpose, but does not make it clear what calamity will follow, and to prove his words reads a clause from the bill.

Now, allow me to read the whole bill, which is very short. It is as follows:

That all articles known as oleomargarine, butterine, imitation butter, or imitation cheese, or any substance in the semblance of butter or cheese not the usual product of the dairy and not made exclusively of pure and unadulerated milk or cream, transported into any State or Territory, or remaining therein for use, consumption, sale, or storage therein, shall, upon arrival within the limits of such State or Territory, be subject to the operation and effect of the laws of such State or Territory enacted in the exercise of its police powers to the same extent and in the same manner as though such articles or substances had been produced in such State or Territory, and shall not be exempt therefrom by reason of being introduced therein in original packages or otherwise.

As you see, all that this bill provides is that when oleomargarine, imitation cheese, or "any substance in the semblance of butter or cheese" is transported into one State from another it shall be subject to the laws of the State into which it is taken. be subject to the laws of the State into which it is taken. Now, is there anything so very terrible about that? The bill contains no other provision, only that all these false and imitation dairy products shall be subject to the laws of the State into which they are transported. The language is unequivocal.

Mr. WILLIAMS. If the gentleman will permit an interruption. Mr. GROUT. Certainly. I yield to the gentleman.

Mr. WILLIAMS. I think you will find that you are mistaken.

I think the gentleman has not gotten the real gravity of the lan-

That all articles known as oleomargarine.

Now, if this bill stopped right there, without any disjunctive or conjuntive word following, until you came to the verb, there could be no question as to its meaning. But you have added other articles—butterine, imitation butter, "or any substance in the semblance of butter or cheese"—which changes the entire construction and meaning of the sentence.

Mr. GROUT. But the gentleman is entirely in error as to his contention. Let us read the language of the bill to which he

refers. Here it is again:

That all articles known as oleomargarine, butterine, imitation butter, or imitation cheese, or any substance in the semblance of butter or cheese not the usual product of the dairy, and not made exclusively of pure and unadulterated milk or cream, transported into any State or Territory, shall be subject to the operation and effect, etc.

Now, there can be no possible question about that language. It is as clear as language can be. It simply places these imitation products under control of the law of the States into which they are taken for consumption or sale, and that is all there is to it.

Nevertheless, Mr. Speaker, if the bill is not sufficiently explicit
on this point, I am entirely willing that any amendment shall

be adopted to make it so.

The only object of the bill is to prevent these false and fraudulent imitations of butter and cheese from being transported from the State in which they are manufactured into a State where they are not manufactured, and there put on sale in such a way as to deceive the purchaser as to the real character of the article as could have been done under the decision known as the original-package decision, which allowed one sale while in the original package in spite of the laws of the State where the sale was made, no matter how great the fraud that may have been practiced upon those who consumed it. This, I repeat, is the only object of the bill, to make certain that when this imitation, this fraudulent substance, is taken from the State where it is manufactured into another State the police law of the State may become operative to the same extent and in the same manner as though the article had been produced in said State or Territory. That is all that the

Mr. COX. But, let me ask the gentleman, if you go that far why do you not put it within the power of the State to prohibit its coming into the State altogether?

Mr. GROUT. The bill leaves to each State the right to regulate the sale in its own way. There is nothing in it to justify the conclusion that its sale may be prohibited.

Mr. LIVINGSTON. May I ask the gentleman a question?
Mr. GROUT. Certainly.
Mr. LIVINGSTON. If I understand the purpose of the bill, it places that article—oleomargarine—when carried into a State, within the local invision of the State?

within the local jurisdiction of that State?

Mr. MORSE. That is exactly where it ought to be.

Mr. GROUT. And that is precisely what the bill does, and all

Mr. LIVINGSTON. Then the bill is a good one, and it ought

Mr. COX. It ought not to be passed.

Mr. GROUT. Well, I am very sorry that gentlemen so distinguished on this floor differ so radically.

Now, Mr. Speaker, just a word as to the history of the imitation. butter business in connection with the legislation and the decisions of the courts respecting it. It will be remembered that in 1886 the oleomargarine act was passed, and under that law the production and sale of it were checked to some extent, as you will see by the following statistics: In 1887, the year after the passage of the law, the number of manufacturers was 37, wholesale dealers 288, and retail dealers 6,977, or a total of 7,302 persons engaged in the business as manufacturers and dealers, wholesale and retail, in oleomargarine. Under that law the manufacturers and dealers went down from this total of 7,302 in 1887 to 6,035 in 1889, a reduction of over 1,000 in two years. In 1889 came the original-package decision, under which, as I have said, oleomargarine could taken from one State into another, and one sale made in spite of local laws, which put it into the hands of the retail dealer and started it on its way of cheating the purchaser, who invariably buys it for butter. Nobody buys oleomargarine for consumption except the boarding-house keeper and the restaurant and hotel keeper. The purchaser always buys butter, but often gets oleomargarine, because this stuff so closely counterfeits butter that few except experts can tell the difference between the two.

And now again, in 1887, the first year after the oleomargarine law was passed which put restrictions upon it, the total revenue from oleomargarine was but \$723,904.04. But when the original-package decision came, protecting it in its transfer to the retailer, package decision came, protecting it in its transfer to the retailer, who could work it off to the unsuspecting purchaser as butter, the total receipts jumped in the following year from that figure to over a million and a half of dollars. The receipts from the tax upon it a good deal more than doubled in a single year. Now, as badly as the Government wants revenue just now, it does not want it from such fraudulent sources as this. And this was the boom which the original-package decision gave to oleomargarine throughout the country, by putting it everywhere into the hands of the

which the original-package decision gave to oleomargarine throughout the country, by putting it everywhere into the hands of the retail dealer, who really practices the fraud upon the people.

But in 1893 there came another decision of the Supreme Court, which lays down the doctrine contained in this bill. That was rendered, however, by a divided court, the opinion being given by Mr. Justice Harlan. The Chief Justice and Justices Field and Brewer dissented. Now, I want to read from that opinion, in answer to my friend the gentleman from Mississippi [Mr. Will. LIAMS] and in answer to my other friend the gentleman from Tennessee [Mr. Cox]. I will say, however, before doing so, that the reason for this legislation is that this decision was by a divided court, and the dairy interests of the country fear that possibly—

The court, some fine day, May hold the other way.

Mr. Speaker, the dairy interests of the country are of immense proportions in the aggregate, though made up from a vast number of small interests, many of them weak and comparatively insignificant when standing by themselves, but in their united strength they are a power in the land, and they demand this legislation. They ask that this decision of the Supreme Court be writlation. They ask that this decision of the Supreme Court be written in the statutes of the country, and not left to the possibly fluctuating opinion of the court. And now let me read from that decision of the court. By it, all the constitutional arguments and fictions of the gentleman from Mississippi [Mr. WILLIAMS] and others opposing this bill are at once wiped away. It is in the case of Plumley vs. Massachusetts (155 United States Reports), in which or Flumley vs. Massachusetts (100 United States Reports), in which the plaintiff in error had been prosecuted and fined under a Massachusetts statute prohibiting the sale of oleomargarine in the guise of butter. He pleaded his constitutional right to handle this product from another State, in the absence of Federal prohibition, the Massachusetts statute to the contrary notwithstanding. But, as I say, he was convicted and fined under that statute, and, being held in jail for nonpayment of the fine, brought a writ of habeas corpus before the supreme court of Massachusetts, which decided against him and in favor of the constitutionality of the State statute. The case came to the United States Supreme Court on appeal, and the following is the closing part of the opinion by Mr. Justice Harlan:

We are of opinion that it is within the power of a State to exclude from its markets any compound manufactured in another State which has been artificially colored or adulterated so as to cause it to look like an article of food in general use, and the sale of which may, by reason of such coloration or adulteration, cheat the general public into purchasing that which they may not intend to buy. The Constitution of the United States does not secure to anyone the privilege of defrauding the public. The deception against which the statute of Massachusetts is aimed is an offense against society; and the States are as competent to protect their people against such offenses or wrongs as they are to protect them against crimes or wrongs of more serious character. And this protection may be given without violating any right secured by the National Constitution, and without infringing the authority of the General Government. A State enactment forbidding the sale of deceitful imitations of articles of food in general use among the people does not abridge any privilege secured to citizens of the United States, nor, in any

just sense, interfere with the freedom of commerce among the several States. It is legislation which "can be most advantageously exercised by the States

Mr. MORSE. Massachusetts does not allow soap grease to be sold for butter.

Mr. GROUT (continuing)-

Mr. GROUT (continuing)—

We are not unmindful of the fact—indeed, this court has often had occasion to observe—that the acknowledged power of the States to protect the morals, the health, and safety of their people by appropriate legislation sometimes touches in its exercise the lines separating the respective domains of national and State authority. But in view of the complex system of government which exists in this country, "presenting," as this court, speaking by Chief Justice Marshall, has said, "the rare and difficult scheme of one General Government whose action extends over the whole, but which possesses only certain enumerated powers, and of numerous State governments, which retain and exercise all powers not delegated to the Union," the judiciary of the United States should not strike down a legislative enactment of a State—especially if it has direct connection with the social order, the health, and the morals of its people—unless such legislation plainly and palpably violates some right granted or secured by the national Constitution or encroaches upon the authority delegated to the United States for the attainment of objects of national concern.

We can not so adjudge in reference to the statute of Massachusetts, and as the court below correctly held that the plaintiff in error was not restrained of his liberty in violation of the Constitution of the United States, the judgment must be affirmed.

Now, from this opinion you will see that this bill only proposes

Now, from this opinion you will see that this bill only proposes to put this decision into statute law, and for the sole purpose of giving it greater permanency. It does not enlarge or take from the law of this decision a single iota in any particular.

Mr. MORSE. Will the gentleman from Vermont allow me to ask him a question?

Mr. GROUT. I yield to the gentleman from Massachusetts

Mr. MORSE. I want to ask the gentleman from Vermont [Mr. GROUT] if there is anything in this bill which prevents the sale of oleomargarine or any imitation of butter in States where it is allowed by law?

Mr. GROUT. Why, of course there is nothing. It simply leaves that matter to the States.

Mr. MORSE. Gentlemen here say so. Gentlemen are deluded who think that.

Mr. COOKE of Illinois. Mr. Speaker, I desire to be heard in my own time.

Mr. GROUT. What time does the gentleman desire?

Mr. COOKE of Illinois. Ten minutes.

Mr. GROUT. I will yield ten minutes to the gentleman as soon as I have concluded my remarks. I had merely concluded the

reading of this opinion.

Mr. FITZGERALD. Under the operation of this law, if it should be enacted, is it not possible for the States to enact a law

forbidding the sale of oleomargarine in those States?

Mr. GROUT. Not by authority of this law. The bill is drawn within the provisions of the law laid down by the court; it is drawn strictly in accordance with it; and if it admits of that view, he must argue with the court and not with myself.

he must argue with the court and not with myself.

Mr. Speaker, now a word as to another view of the matter.

Gentlemen talk about interfering with the sale of a product designed for the subsistence of the poor. Ah, Mr. Speaker, this is a mere pretense, as false as the product itself. Oleomargarine now goes in the garb of butter—"semblance of butter" in the words of the bill—to the poor and is sold as butter, not at the price for oleomargarine, but at the price butter bears; and so neither the poor nor the rich get oleomargarine except at an enormous profit. Most of the States now have laws if they are allowed to the poor nor the rich get oleomargarine except at an enormous profit. Most of the States now have laws, if they are allowed to take charge of this stuff as this bill proposes, which will secure its sale for just what it is. Then the poor will get oleomargarine at somewhere near its cost, instead of paying the price of butter for it as now. And then, too, butter will be sought by those who are able and want to pay a good price for a good article. The producer of butter will thus be benefited at the same time that producer of butter will thus be benefited at the same time that the poor man is furnished with eleomargarine at one-half or one-third what he pays now. No one will be hurt but the manufacturer and dealer in this false and fraudulent article, who, between them, now realize enormous profits in palming it off for butter. And even they will not be hurt, but will only be confined to reasonable profits; and, as we have seen, all for the benefit of those who feel themselves unable to buy butter.

Besides the fraud on the public in imposing upon them a counterfeit product of doubtful wholesomeness, the damage to the honest dairy interests of the country is immense in dragging down the price of butter by the sale of vast quantities of the cheap greases that go into eleomargarine, but which are colored for butter and so flavored by the use of buttermilk as to give the product every appearance of butter and even the taste of butter. It is one of the boasted merits of this product, but really its chief infamy, that an ordinary person can not detect the difference between the genuine and the false; and I agree that it is so disguised that it is

difficult to tell. Now, nobody objects to its going on the market in its own color. The court says so expressly in the opinion which I read. It is only when it assumes the semblance of butter, and so is calculated to

practice deceit and fraud, that it is proposed to make it subject to the police laws of the State where it is sold. The bill says the same thing. It is only where it goes on the market in the "semblance of butter or cheese" that this bill authorizes the police laws of the State into which it goes to take hold of it. If it goes on the market as oleomargarine, with the color of oleomargarine, and undertakes no cheat or falsehood as it goes, there is no objection to it. There is nothing in this bill that will allow any State to touch it by way of prohibition if it goes on the market for what

Mr. LIVINGSTON. Will the gentleman accept an amendment?
Mr. GROUT. In a minute. We only insist that this uncertain stuff shall not sail under false colors, so that the poor man shall have the product at a cheap price with a reasonable profit only upon it. We shall thus be helping the poor man and protecting an honest industry at the same time. Besides, it allows this product to be brought out of its disguise in every State that sees fit to do it. If a State chooses to let it be sold for butter, it can do so; but there is no State in the Union that is willing to do that; and there is no honest man in this country who is willing it should be done.

Mr. TERRY. Will the gentleman allow me to ask him a ques-

tion on that point?

Mr. GROUT. Certainly.

Mr. TERRY. Does not the United States legislation already provide that the product "oleomargarine" shall be sold as oleomargarine?

Mr. GROUT. Yes; it provides that it shall be stamped and put

Mr. GROUT. Yes; it provides that it shall be stamped and pay on the market in the original package.

Mr. TERRY. How is it possible, then, to deceive anybody?

Mr. GROUT. I did not yield to the gentleman for remarks.

You asked me a question. Nowlet me answer. It is an easy matter for the retailer to slip the tub off the stuff and set it on the counter alongside of butter and sell it as butter in small lots as called for. Remember, it is so like butter that only an expert can tall the difference in appearance or taste. Frequently nothing tell the difference in appearance or taste. Frequently nothing short of the microscope can make the difference certain.

Now I yield to the gentleman from Georgia.

Mr. LIVINGSTON. Will the gentleman accept this amend-

Shall not be interfered with by the State or by State regulations in a State when sold as oleomargarine.

when sold as oleomargarine.

If you will put that amendment in, I think it will be agreed to.
Mr. GROUT. But that would defeat the express purpose of
the bill, which is to give to the States the right to regulate the
sale of oleomargarine. We do not ask for the power in the States
to prohibit the sale of it. The Supreme Court says the States
have the right to regulate its sale, and I am surprised that my
friend the gentleman from Mississippi [Mr. WILLIAMS], from a
State-rights State, and my friend from Tennessee [Mr. Cox],
from a State-rights State, and now also my friend from Louisiana
[Mr. BOATNER], who, I see, is ready with a question, also from a
State-rights State, are willing to stand in the way of the rights
of the States under the Constitution, as determined by the Supreme
Court in the opinion which I have just read.

Court in the opinion which I have just read.

Mr. BOATNER. Will the gentleman yield for a question?

Mr. GROUT. Certainly.
Mr. BOATNER. Does not the gentleman from Vermont think that this bill and all bills of a similar character rest on the authority of the Federal Government to regulate commerce between the

States?

Mr. GROUT. The Supreme Court says not in case of articles like false butter and cheese, calculated to deceive, or at least the Supreme Court says that the States may regulate and suppress falsehoods and frauds of this character. Mr. Speaker, I do not believe the dairymen, who are intelligent men, throughout this country, having knowledge of this decision of the court, would have asked more, but they felt that it being by a divided court, it rested upon too uncertain a basis. They realize that the specious arguments which the gentlemen are suggesting in opposition to this bill now may be at some evil but more favorable time thrust upon the court, and the decision perhaps overturned. They want upon the court, and the decision perhaps overturned. They want

to see this law on the statute book also—
Mr. BOATNER. But does not the gentleman from Vermont concede that this bill if enacted into law is a concession of a part of the authority and power of the Federal Government to

regulate commerce between the States?

Mr. GROUT. No, it is rather an indorsement of or acquiescence on the part of Congress in the decision of the court, which is to the effect that the States may exercise this power without leave of

Mr. BOATNER. Otherwise, what necessity is there for the bill, if it takes nothing away from the power of the Federal Gov-

on the federal Government and adds nothing to the different States?

Mr. GROUT. It does not contravene the powers of the General Government to control interstate commerce, as stated by the court in their opinion. This question lies close to the line

between the authority of the General Government and of the States, but to prevent a fraud the court holds that the States may act through their police power, and I believe it is sound doctrine, and this bill simply puts into statute law the decision of the court; that is all.

Mr. COOKE of Illinois. Mr. Speaker, I desire to be recognized

Mr. GROUT. Very well; I have not yielded the floor. If the gentleman desires time, I will give it to him; but I do not propose to yield the floor. If I yield the floor I lose control of the bill.

Mr. COOKE of Illinois. Mr. Speaker, I desire ten minutes, and I understand that the gentleman from Vermont has yielded me

Mr. WILLIAMS. Mr. Speaker, I submit that the time in this discussion ought not to be controlled entirely by one side, and that some agreement on that subject ought to be arrived at. The gentleman in favor of the bill assumes to control all the time.

Mr. GROUT. Oh, gentlemen need not raise that question at all; they will have as much time as they want. There is not the

least disposition to suppress discussion.

Mr. COOPER of Florida. Mr. Speaker, I rise to a point of

The SPEAKER pro tempore. The gentleman will state it.
Mr. COOPER of Florida. As I understand it, there has been
no previous question ordered, nor any limitation placed upon the

debate upon this bill?

The SPEAKER pro tempore. That is correct.

Mr. COOPER of Florida. Then the gentleman from Vermont has no more control of the time than any other gentleman upon this floor.

The SPEAKER pro tempore. During his hour he has control

of the time.

Mr. COOPER of Florida. But when he sits down his hour ends.

Mr. GROUT. Oh, no. I am willing to yield to the gentleman from Illinois ten minutes. Mr. Speaker, I hope there will be no feeling about this matter, because there is not the slightest disposition on our side to prevent the discussion of this bill. We are perfectly willing to give the gentlemen all the time they want.

Mr. COOKE of Illinois. Mr. Speaker—

The SPEAKER pro tempore. Does the gentleman from Vermont yield to the gentleman from Illinois?

Mr. GROUT. I will first ask the gentleman from Illinois whether he intends to support or to oppose the bill.

Mr. COOKE of Illinois. I intend to oppose it.

Mr. GROUT. Well, Mr. Speaker, since gentlemen want some division of the time and are desirous of controlling the time in opposition to the bill, let us try to reach an agreement about it.

Mr. WILLIAMS. That is what I proposed a while ago, but the gentleman seemed not to understand me.

Mr. GROUT (to Mr. WILLIAMS). There was so much confu-

Mr. GROUT (to Mr. WILLIAMS). There was so much confusion I did not understand you. How much time do you want?
Mr. WILLIAMS. I suppose an hour on each side.
Mr. GROUT. Taking out of your hour the time that you have used, and out of mine the time I used?
Mr. WILLIAMS. Taking the time that I have used out of the time of the properties and taking the time that I have used out of the time of the properties and taking the time that I have used out of the time of the properties and taking the time that I have used out of the time of the properties of th

time on our side, and taking the time that you have used out of the time in favor of the bill.

Mr. GROUT. Does the Chair understand the proposition of the gentleman from Mississippi?

the gentleman from Mississippi?

The SPEAKER pro tempore. The Chair does not understand that there has yet been any proposition made.

Mr. GROUT. The gentleman's proposition is that there shall be an hour allowed in favor of the bill, which I am to control, and an hour in opposition to the bill, to be controlled by the gentleman from Mississippi.

and an nour in opposition to the bill, to be controlled by the gentleman from Mississippi.

The SPEAKER pro tempore. Two hours in addition to the time that has already been consumed?

Mr. GROUT. No; two hours in all, the time the gentleman from Mississippi has occupied to be deducted from his hour, and the time I have occupied to be taken out of my hour.

Mr. BOATNER. May I ask how much time the gentleman from Mississippi occupied?

The SPEAKER pro tempore. The Chair is informed that the gentleman from Mississippi occupied fifteen minutes.

Mr. GROUT. How much time did I occupy, Mr. Speaker?

The SPEAKER pro tempore. The gentleman from Vermont occupied twenty minutes.

Mr. WILLIAMS. Now, Mr. Speaker, I yield twenty minutes to the gentleman from Illinois [Mr. COOKE].

Mr. GROUT. Wait until we get an arrangement. Will the Chair take the sense of the House on the proposition?

The SPEAKER pro tempore. Unanimous consent is asked that debate on this bill be limited to two hours, to be equally divided between those who favor and those who oppose the bill, the time already occupied being deducted from the two hours. Those in

favor of the bill have occupied twenty minutes and those opposed

Mr. STEELE. And at the end of the time the previous ques-

The SPEAKER pro tempore. That is understood.

Mr. McEWAN. Mr. Speaker, a parliamentary inquiry. Is it in order at this time to present an amendment?

The SPEAKER pro tempore. During general debate any gentleman who has the floor will have an opportunity to present any

amendment he may desire.

Mr. McEWAN. Perhaps this amendment will be accepted by the gentleman in charge of the bill.

Mr. GROUT. It is further suggested to me, Mr. Speaker, and I suggest to the gentleman on the other side, that as the attendance in the House may not be very full toward the hour of adjournment to-day, we take the vote on the bill and such amendments as may be adopted to-morrow morning, after the reading of the Journal.

Several Members. That is right.

Mr. WILLIAMS. I do not know about that. As far as I am personally concerned, I have no objection, but I have no authority

to make any agreement of that kind.

Mr. GROUT. No; but I ask the gentleman to help get an agree-

ment.

The SPEAKER pro tempore. The Chair desires now to have an understanding with regard to amendments. Inquiry has been made as to whether amendments will be in order. There is one committee amendment now pending, and if, as the Chair under-stands, the previous question is to be considered as ordered at the close of the debate, there will be no opportunity after that to offer other amendments

Mr. WILLIAMS. I do not understand that to be the agree-

The SPEAKER pro tempore. Then the Chair will say to gentlemen that there must be some definite agreement upon that

Mr. GROUT. Mr. Speaker, I propose that we have all the amendments submitted to-day, and that the bill and amendments be voted upon to-morrow morning, after the reading of the Journal.

Mr. TAWNEY. The gentleman means that the vote shall be taken on the amendments then pending.

Mr. GROUT. Certainly.

Mr. WILLIAMS. And amendments may be introduced any

Mr. GROUT. Certainly.
Mr. WILLIAMS. And amendments may be introduced any

time to-day

The SPEAKER pro tempore. The Chair will state to the gentleman from Mississippi that only one amendment to the bill can be pending at a time unless by general consent.

Mr. WILLIAMS. Two can be pending; one amendment and one substitute.

The SPEAKER pro tempore. Now, will the gentleman from Vermont state the proposition that he desires to have submitted to the House?

Mr. GROUT. The proposition as to amendments is, that the bill be open to amendment under the rule during the discussion this afternoon, that all amendments shall be offered this afternoon, and that to-morrow, after the reading of the Journal, the House shall proceed to vote upon the bill and amendments.

The SPEAKER pro tempore. The gentleman from Vermont asks unanimous consent that debate on this bill be limited to two hours including the time already occupied by those who favor

hours, including the time already occupied by those who favor and oppose the bill; that at the close of the debate the previous question shall be considered as ordered; that a vote be taken on the bill and such amendments as may be pending immediately after the reading of the Journal to-morrow; that pending the general debate any mambar shall have the privilege of offering and eral debate any member shall have the privilege of offering an amendment, and that the same shall be considered after the close of the debate when the bill is taken up to be voted on to-morrow. Is there objection?

Mr. McEWAN. For the purpose of understanding the matter thoroughly, I object. If this arrangement be made, would I be

at liberty at any time during the debate to offer an amendment?

A MEMBER. That is a part of the agreement.

Mr. GROUT. If the gentleman had listened to the statement of the Chair I think he could not have misunderstood it. The object of the proposition is to offer an opportunity for amend-ments to the bill this afternoon, all proper amendments under the rules

Mr. DOCKERY. The amendments to be offered under the rule, as I understand.

Mr. GROUT. Certainly.

Mr. DOCKERY. That is, there may be pending at one time an amendment, an amendment to the amendment, a substitute, and an amendment to the substitute.

The SPEAKER pro tempore. Is there objection to the arrangement proposed by the gentleman from Vermont?

Mr. COOPER of Florida. I object.

The SPEAKER pro tempore. Objection is made.
Mr. GROUT. Objection is made, as I understand, to taking the vote to-morrow morning. I ask the Chair to submit the request for unanimous consent to close the debate at the time indicated.

Mr. COOPER of Florida. My objection is to the whole proposition. Let the bill take its regular course.

The SPEAKER pro tempore. Does the gentleman from Ver-

mont yield the floor?

Mr. GROUT. I do not. Unless there can be some understanding with reference to this matter, we will proceed until the hour is up, and then vote on the bill. We are perfectly willing to make any fair arrangement; but unless some agreement can be reached, we will try and get along without it.

Mr. TERRY. Go ahead, and see what you can do.
Mr. GROUT. All right. Let it be understood we are ready

now to make any fair agreement.

Mr. WILLIAMS. I do not understand that the gentleman from Vermont has the control of the time of the House or can do anything except to move the previous question whenever he has the floor to do so.

Mr. GROUT. And that I shall do at the end of the hour unless

an agreement is made. I so notify gentlemen.

A MEMBER. You can not do so if you give up the floor.

Mr. GROUT. Of course not. I shall do so within my hour.

Mr. BOATNER. Will not the gentleman yield a portion of his time to some of us who would like to discuss the option feature of this bill? I should like to have ten or fifteen minutes.

Mr. GROUT. Certainly. I will yield first to the gentleman from Illinois [Mr. COOKE], because I have agreed to do so.

Mr. COOKE of Illinois. Mr. Speaker, I agree with the gentleman from Mississippi [Mr. WILLIAMS], that if we pass this bill we shall be entering upon such changes in legislation as will be very sweeping and far-reaching in their character. It is true, as stated sweeping and far-reaching in their character. It is true, as stated in the report of the committee, that the Supreme Court of the United States has laid down a rule applying to articles of the character here in question where they enter into interstate commerce. The Supreme Court, as stated in the report of this committee, decided, in the case of Leisy vs. Hardin, known as the "original-package" decision, that where any article of commerce is manufactured in one State and transported into another State and placed on the market the sale of such article of commerce should be protected to the extent of one transfer while the goods remained in the original package, and until they became part of the commercial products of the State into which they were shipped.

Now, the object of this bill, as I understand it, is to do away

Now, the object of this bill, as I understand it, is to do away with the effect of that decision by the Supreme Court of the United with the effect of that decision by the Supreme Court of the United States, so as to place eleomargarine in the category of articles which may be prohibited from manufacture by the laws of the several States, and so that they can not be shipped from one State into another and there sold in original packages, which was recognized to be the right of shippers under the Constitution of the United States by the decision from which I have quoted and which is referred to in the report.

Mr. Speaker, I do not think it necessary to amplify the remarks made by the gentleman from Mississippi [Mr. Williams] to show that this bill in its effect and tenor proposes to leave to the Soles.

the entire power to regulate the manufacture and sale of oleomargarine, butterine, and these other articles which are made in imitation of butter. In other words, it seems to be clear that this bill contemplates putting it in the power of the States, for the first time, to so regulate or prohibit the manufacture or sale, or the receipt into the States, of oleomargarine, etc., as to make a very great change in the law.

Now, I submit that I am willing to go as far as any other member on this floor in the strict regulation of the manufacture and sale of oleomargarine and butterine and other imitations of dairy products. I am willing to go as far as any other member here in the regulation of the sale, so that a purchaser shall be able to determine what he is buying, and that none shall be deceived by purchasing articles for real butter which are only imitations. But such legislation as that ought to be by a general law of the United States. I submit to the House that we ought not to permit the matter to be regulated by the several States according to the shifting and varying views that may there obtain.

Now, the United States statutes on the subject regulate the

Now, the United States statutes on the subject regulate the manner of the manufacture, exposure, and sale of these various articles. That law is now in force, and if we pass this bill we will entirely change that regulation, and thereby set aside the general statutes of the United States, which are of universal operation and effect throughout the entire Union. I refer, sir, to the act known as the "Act defining butter, and also imposing a tax upon and regulating the manufacture, sale, importation, exportation, etc., of oleomargarine," which became a law on August 2, 1886, and is printed on page 200 of the Revised Statutes. That is a very long act, and it contains minute provisions regulating the manufacture, as well as the exposure and sale, in the various

States of the Union of all the articles to which the present bill refers. Among other sections is the sixth section, which provides:

refers. Among other sections is the sixth section, which provides:
Sec 6. That all oleomargarine shall be packed by the manufacturer thereof in firkins, tubs, or other wooden packages not before used for that purpose, each containing not less than 10 pounds, and marked, stamped, and branded as the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, shall prescribe; and all sales made by manufacturers of oleomargarine and wholesale dealers in oleomargarine shall be in original stamped packages. Retail dealers in oleomargarine must sell only from original stamped packages, in quantities not exceeding 10 pounds, and shall pack the oleomargarine sold by them in suitable wooden or paper packages, which shall be marked and branded as the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, shall prescribe. Every person who knowingly sells or offers for sale, or delivers or offers to deliver, any oleomargarine in any other form than in new wooden or paper packages as above described, or who packs in any package any oleomargarine in any manner contrary to law, or who faisely brands any package or affixes a stamp on any package denoting a less amount of tax than that required by law, shall be fined for each offense not more than \$1,000, and be imprisoned not more than two years. than two years.

The act so in force thus complies with the decision of the Supreme Court of the United States on the particular point referred to by the gentleman from Vermont [Mr. Grout], as to original packages, and I will not take the time of the House to read the law in full. But I will say that that section 6, together with the preceding sections and other sections following, covering in all about four pages of the Revised Statutes, forms a complete regulation of the manufacture and sale of eleomargarine and butterine in all of the States of the Union. If we pass this bill reported from the committee by the gentleman from Vermont, we will, in effect, abrogate and nullify, set aside, and change in toto the entire law of 1886, to which I have referred, and will be authorizing the substitution for it of new laws, different in all of the States of the Union. In other words, I hold that it should be by a law of the United States and not by the acts of the particular States that we should regulate a subject of this kind, involving, as it necessarily does, articles of interstate commerce. This is upon the principle, sir, that there is nothing inherent in the character of these readacts which become the states of the states of the states. facture and sale so that the purchaser may not be deceived.

Now, an attempt has been made, by the Revised Statutes to which I have referred, to so regulate and so determine the manufacture and sale of oleomargarine, imitation butter, and so on, as to prevent deception; and if the law is not sufficiently stringent, if it does not go far enough, if it is not operative in the direction contemplated, I should favor amending it, but not in this questionable method. I refer to its being questionable in the sense of its being an unwise system of legislation, whereby we would permit the entire interstate commerce of the country, in articles of this sort, to be regulated by separate State enactments.

this sort, to be regulated by separate State enactments. We shall enter upon new and untried legislation when we open that door.

Mr. TUCKER. Will the gentleman yield to me for an inquiry?
Mr. COOKE of Illinois. Certainly.

Mr. TUCKER. If I understand the gentleman's argument, and I listened somewhat carefully to it, it is an objection to this specific bill rather than to a general bill in reference to this class of business. I desire to ask the gentleman whether he would agree to an amendment to the bill striking out in line 3 the words "that all articles known as oleomargarine, butterine, imitation butter, or imitation cheese," and so on, down to and including the word "cream," in line 6, so that it will read: "That all articles transported into any State or Territory, or remaining therein cles transported into any State or Territory, or remaining therein for use, consumption, sale, or storage therein, and so on, shall be subject to the operation and effect of the laws of such State or Territory"?
Mr. COOKE of Illinois. I ask unanimous consent to reply to

the gentleman for a moment.

Mr. GROUT. I yield the gentleman a minute for that purpose. Mr. COOKE of Illinois. I would not consent to the proposition made by the gentleman from Virginia, for the reason that it would still leave the subject open to all these objections which I have mentioned, and because we ought to have the subject regulated by general law and not by the particular laws of the several States, which this act will allow

Mr. BAKER of New Hampshire. Will the gentleman answer

question?
Mr. COOKE of Illinois. I will gladly do so, if I may be allowed the time.

Mr. GROUT. I will yield to the gentleman another minute.
Mr. BAKER of New Hampshire. Will the gentleman point out
the provision of the statute of 1886 which would be nullified or in

any way repealed by the enactment of the proposed bill?

Mr. COOKE of Illinois. Yes; I will do so, Mr. Speaker. Every section of that act, from the beginning to the end, would be changed in every State of the Union, according to the views pertaining in

Mr. BAKER of New Hampshire. Only as they relate to oleo-margarine or butterine within that specified State.

margarine or butterine within that specified State.

Mr. COOKE of Illinois. I think so; yes.

Mr. BOATNER. It would recognize the doctrine of nullification so far as this particular subject was concerned.

Mr. BAKER of New Hampshire. It simply permits the people of a State to regulate their own affairs in their own way.

Mr. COOKE of Illinois. Yes; permitting them to do so on this subject, instead of having Congress make the regulations, as is done by the act of 1886.

Mr. TUCKER. I wish to ask whether such an amendment as I have suggested to the gentleman will be satisfactory to him, so that all articles transported into any State shall be subject to the same regulations? same regulations?

Mr. GROUT. I have not had time to look into this proposition, and I need not, for it is entirely aside from the purpose of this bill. It is too much of a load, anyway. I think if we take care of imitation butter—if we deal with that in this bill—we shall

Mr. TUCKER. My friend will find that it will relieve the load

that he is now carrying to do so.

Mr. GROUT. The principle the gentleman suggests may be a good one, but it will be out of place in this bill.

Mr. BOATNER. I ask the gentleman to yield to me ten min-

Mr. GROUT. I can not yield the gentleman ten minutes. I have not sufficient time.

Mr. BOATNER. Then yield to me five minutes.

Mr. GROUT. I yield five minutes to the gentleman from

Louisiana

Mr. Speaker, I have never obtained my own Mr. BOATNER. Mr. Speaker, I have never obtained my own forgiveness for having been seduced into voting for a bill of a similar character, introduced here a few years ago under the pretense that it was in execution of the doctrine that every State should be permitted to manage its own affairs in its own way. It seems to me, Mr. Speaker, that the limits of jurisdiction defined in the Constitution should be preserved and perpetuated, and that the Federal Government should not by legislation delegate any of its authority to the States, any more than it should trench upon the jurisdiction of the States. Now, sir, it is perfectly manifest that unless the subject-matter of this bill fall under the jurisdiction of the Federal Government under that clause of the Constitution which declares that Congress shall regulate commerce tion of the Federal Government under that clause of the Consti-tution which declares that Congress shall regulate commerce between the States, the passage of the bill would be entirely unnecessary. Unless Congress properly has jurisdiction of the question, why, the State has. If the State has jurisdiction, it requires no enabling act from us to permit it to exercise it. If the State has no jurisdiction, we can not give it jurisdiction with-out taking away a part of the jurisdiction which properly belongs to the Federal Government. to the Federal Government.

Now, Mr. Speaker, as the years roll by the wisdom of that provision of the Constitution which directs that Congress shall regulate commerce between the States becomes more manifest. The framers of that instrument put that provision there to provide against the jealousies and rivalries and the local influences and the tyrannies of local majorities over minorities, which were going to arise in the development of this great Government. Hence, sir, I arise in the development of this great Government. Hence, sir, I say that this Congress ought not to abrogate any part of the jurisdiction given to it by the Constitution, and it ought not to throw upon any State the power to exercise the jurisdiction which it itself should exercise. Why, sir, this bill might be entitled "A bill to authorize the several States of the Union to nullify the law of Congress upon the question of elementaring and counterful." of Congress upon the question of oleomargarine and counterfeit

butter.

Mr. BARHAM. Is not that just what it does?
Mr. BOATNER. We have a statute here which was intended Mr. BOATNER. We have a statute here which was intended to meet the very difficulties and grievances of which the gentleman from Vermont complains. It was argued that the makers of oleomargarine were palming it off on the public as genuine butter, carrying on practically a fraudulent trade. After careful consideration a statute was enacted, putting the manufacture of this commodity under the direction of an officer of the Government, providing that it should be put upon the market in certain ways, and after certain stamps had been put upon it, and that it should be sold everywhere upon its merits. Now, here comes a bill declaring that any State may prohibit or authorize the sale of this commodity, not in accordance with the provisions of the act of Congress, but in accordance with such statute as the people of that State may see fit to enact; and the very moment any State of that State may see fit to enact; and the very moment any State in the Union sees fit to enact a law upon this question, that moment the act of Congress which we have passed becomes superseded and suspended in its effect, and the State law comes into operation.

Now, Mr. Speaker, I think we violate one of the fundamental principles of constitutional law whenever we take away from Con-gress any power or jurisdiction vested in it by the Federal Consti-

tution, as much, sir, as when we undertake to trench upon the authority of the State.

No one questions the right of the State governments, in the exercise of the police power conferred on them by the Constitution, to regulate the sale of anything which may be deleterious to the public health, which may be injurious or which may constitute a fraudulent business, and such a statute does not trench upon the authority of Congress to regulate commerce between the States; but whenever, under the pretense of exercising police power, the legislature of a State crosses the line and does interfere with the regulations of commerce between the States, that moment a Federal question arises, which can be determined by the Federal courts, and the statute of the States is set aside and annulled in so far as it trenches upon Federal authority.

For the reasons which I have given, I earnestly oppose not only this bill, but any bill of this character which interferes with the even operation of the laws under the Constitution of the United

Mr. GROUT. Mr. Speaker, how much time have I left? The SPEAKER pro tempore. The gentleman has nine minutes emaining

Mr. GROUT. I yield to the gentleman from Virginia [Mr.

TUCKER].

Mr. TUCKER. I move to amend this bill by striking out, in
Mr. TUCKER. I move to amend this bill by striking out, in line 3, after the word "article," all down to line 6, including the word "cream;" so that it will read:

Be it enacted, etc., That all articles transported into any State or Territory, or remaining therein for use, consumption, sale, or storage therein, shall, upon arrival within the limits of such State or Territory, be subject to the operation and effect of the laws of such State, etc.

Mr. GROUT. Mr. Speaker, I raise a point of order against the gentleman's amendment. I did not yield for an amendment. I supposed the gentleman was going to submit some remarks. I said to him some time ago in open House that I did not feel like admitting that amendment; that we had enough to do to take care of the bill as it is.

The SPEAKER pro tempore. The Chair sustains the objection. The Chair thinks that the yielding of five minutes to the gentleman for discussion would not authorize him to offer an amend-

man for discussion would not ment in that time.

Mr. TUCKER. Of course, I do not desire to take advantage of my friend's courtesy. If I have a right under the rules of the House, and with proper regard for that courtesy which is due from one member of the House to another, I desire to offer the month of the House to another, I desire to offer the month of the house to another, I desire to offer the month of the house to another, I desire to offer the month of the house to another the month of t amendment. If I have not the right, well and good. I am sure, however, that the proposition which I lay down by the amendment must commend itself to my friend from Vermont as substantial and correct. Why single out the article of oleomargarine, when the principle applies to all articles? My friend from Louisiana [Mr. Boatner] has well said Congress has undoubtedly, under the Constitution, the power to regulate commerce with forging patients among the expert States and with the Indian tribes. eign nations, among the several States, and with the Indian tribes, but that provision comes in conflict with another article of the Constitution, which my friend from Vermont invokes in this bill, namely, Article IV, section 2, which provides that the citizens of each State shall be entitled to all the privileges and immunities of citizens of the several States. No more, no less; all. That is, that the citizen of each State has the right to do business in a foreign State, and to do that business under the same conditions that the citizen of the State does the business under. A man comes down from the city of Baltimore to the State of Virginia to do business as a merchant. Under the decisions of the Supreme Court quoted by my friend that man has the right, under the interstate-commerce clause, to go there and do business as a merchant without paying the State tax; whereas the citizen of Virginia is compelled to pay the State tax under the State law. I say that the true policy is that no man should be permitted to enter a State to do business in that State except in accordance with the laws of the State.

Mr. COOKE of Illinois. Will the gentleman permit a question?
Mr. TUCKER. Yes, sir.
Mr. COOKE of Illinois. Suppose that the law of that State comes in conflict with some provision of the Constitution of the United States, as construed by the Supreme Court of the United

States?
Mr. TUCKER. Then it must give way, and, for the very reason that it must yield to the decision of the Supreme Court, Congress is here, in the person of my friend from Vermont, trying to get rid of that difficulty.

Mr. COOPER of Florida (to Mr. Tucker). That is, you propose to do in whole what my friend from Vermont [Mr. Grout] proposes to do in part—repeal the Constitution of the United States by giving each State the power to interfere with interstate commerce

Mr. COOKE of Illinois. That is precisely what he is proposing, is it not?

Mr. TUCKER. Yes, sir.
I propose to do exactly what my amendment states. As I have said, it seems to me that there ought to be no principle better fixed and settled than that the people of each State know better than anybody else what is best for them, and when a stranger comes by courtesy to do business in a particular State, surely he ought not to claim that he is entitled to greater advantages from the State

than its own citizens enjoy.

Mr. BOATNER. Does the gentleman mean to say that a man coming into a State to do business ought to be put on a par with the citizens of the State in which he proposes to do business, or does he mean that each State ought to have the right to regulate its own affairs, allowing or refusing importations of goods from other States according as its laws may prescribe?

The SPEAKER pro tempore. The time of the gentleman from

Virginia has expired.

Mr. TUCKER. A parliamentary inquiry, Mr. Speaker. I desire to know if it is in order to offer the amendment which I have

suggested?
The SPEAKER pro tempore. The Chair rules that it is not.
Mr. TUCKER. Then I desire to know whether, under the ruling of the Chair and the understanding which was arrived at, I be-lieve, when I was not present, it will be in order to offer the amendment at any time between now and the taking of the vote on the

The SPEAKER pro tempore. The Chair will state to the gentleman from Virginia that objection was made to the proposed arrangement, and that the gentleman from Vermont [Mr. Grout] has the floor, with the understanding that before the expiration of his hour he will demand the previous question. That is the par-

liamentary situation of the bill.

Mr. GROUT. How much time have I left, Mr. Speaker?

The SPEAKER pro tempore. The gentleman has four minutes

remaining.
Mr. CANNON. Mr. Speaker—
Mr. GROUT. I do not yield to the gentleman.
Mr. CANNON. I want to get accommodation for a little time, by unanimous consent, to represent my constituents, if I can.

Mr. GROUT. Very well; I am willing to have an arrangement made after I have asked the previous question.

Mr. CANNON. That cuts off discussion.

Mr. GROUT. Mr. Speaker, I call for the previous question, without further remarks. Let me say, while I call for the previous question now, I am still willing to make any arrangement as to time that is fair and reasonable. The other side have occupied all but twenty minutes of the hour.

Mr. WILLIAMS. A point of order.

Mr. GROUT. You can have all the time you want to discuss

the bill.

Mr. CANNON. I ask unanimous consent for an extension of the time for thirty minutes, to be divided half and half, for discussion; and that will leave the gentleman in full possession of the bill, and he will still be able to call for the previous question at the expiration of that time.

Mr. GROUT. I will agree to that after I call the previous

question

Mr. TUCKER. I hope the gentleman, in that connection, will

Mr. TUCKER. I hope the gentleman, in that connection, will accept my amendment.

Mr. GROUT. Mr. Speaker, I demand the previous question.

Mr. CANNON. I ask unanimous consent that the time may be extended thirty minutes before the previous question is ordered.

Mr. GROUT. A parliamentary inquiry. If my time expires before the Chair states my call for the previous question, will I still be recognized to make that call?

The SPEAKER pro tempore. The gentleman from Vermont has already demanded the previous question within his hour. The Chair holds that if hy upparimons consent the time for debate

Chair holds that if, by unanimous consent, the time for debate is extended, pending this, for thirty minutes, the rights of the gentleman from Vermont will be the same as they are in force

Mr. GROUT. How, if refused? The SPEAKER pro tempore. If refused, then the vote will be

on ordering the previous question.

Mr. WILLIAMS. But, Mr. Speaker, he can not yield to the

gentleman thirty minutes—
Mr. CANNON. I ask unanimous consent to extend the time thirty minutes.

Mr. WILLIAMS. How is the time to be controlled in the

thirty minutes?

Mr. CANNON. I suppose half and half.

Mr. CANNON. I suppose half and half.

The SPEAKER pro tempore. Pending the motion of the gentleman from Vermont, that the previous question be ordered on the amendment, and to the engrossment, third reading, and passage of the bill, the gentleman from Illinois asks unanimous consent that the time for debate be extended thirty minutes, to be equally divided between the friends and the opponents of the bill,

and that at the expiration of that time the vote be taken on the

motion of the gentleman from Vermont.

Mr. WILLIAMS. Before that is submitted to the House, Mr. Speaker, under whose control is the time to be?

The SPEAKER pro tempore. The Chair would recognize the gentleman from Illinois to occupy the time in opposition to the bill and the gentleman from Vermont to control the time in favor of the bill.

Mr. TRACEY. A parliamentary inquiry, Mr. Speaker.
The SPEAKER pro tempore. The gentleman from Missouri.
Mr. WILLIAMS. I want to ask a question.
Mr. TRACEY. I want to make this parliamentary inquiry:
Will there be any opportunity to offer an amendment to the bill during that time?

The SPEAKER pro tempore. Not under existing conditions. Mr. CANNON. If the previous question is voted down, there will be.

Mr. TRACEY. Then let us vote it down.
Mr. CANNON. Let us have a discussion for thirty minutes.

Mr. CANNON. Let us have a discussion for thirty minutes.
The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?
Mr. WILLIAMS. I want to submit a parliamentary inquiry, and I will be excused for making it, because I am not as old and experienced as many other gentlemen around me. The gentleman from New York [Mr. WADSWORTH], chairman of the Committee on Agriculture, in control of this bill, yielded to the gentleman from Vermont. Does he yield for an hour, or does he yield the control of the bill to him?
Mr. WADSWORTH. I yielded the control of the bill to the

Mr. WADSWORTH. I yielded the control of the bill to the

gentleman from Vermont.

Mr. WILLIAMS. There are other members of the Committee on Agriculture, one of whom I am, who desire to debate this bill.

Mr. STEELE. I call for the regular order.

Mr. CANNON. I hope that my friend from Indiana will not

do that.

Mr. STEELE. I will yield for the purpose of discussion, but

not for these side speeches. The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois for an extension of the time of

debate as stated by the Chair?

Mr. WILLIAMS. Provided that the previous question is not coupled with it, I will not object.

Mr. CANNON. It leaves the previous question just where it

Mr. WILLIAMS. If it is the understanding that the demand

Mr. WILLIAMS. If it is the understanding that the demand for the previous question is not coupled with the request, then I will not object. If it is, I object.

The SPEAKER pro tempore. The Chair has stated the request. Mr. DOCKERY. A parliamentary inquiry—

Mr. WILLIAMS. If it has coupled with it, according to the statement of the gentleman from Vermont—

Mr. DOCKERY (continuing). In the event the time is extended, one-half to be controlled by the gentleman from Illinois, will he have the right in his fifteen minutes to offer any amendments?

one-half to be controlled by the gentleman from Illinois, will he have the right in his fifteen minutes to offer any amendments?

The SPEAKER pro tempore. The Chair thinks not.
Mr. WILLIAMS. Understanding, Mr. Speaker, that the demand for the previous question goes with the request for the extension, I object. Now, if the gentleman from Illinois will put his request in his own way I will not object.

Mr. CANNON. My request is that the time for discussion be extended thirty minutes.

Mr. WILLIAMS. To that I do not object.
Mr. CANNON. Then at the end of the thirty minutes the previous question will be voted upon.

The SPEAKER pro tempore. Is there objection?
Mr. COX. I object.

Mr. COX. I object.

The SPEAKER pro tempore. Objection is made.

Mr. CANNON. I wish you would not do that.

The SPEAKER pro tempore. The gentleman from Vermont

has demanded the previous question—
Mr. CANNON. I hope the previous question will be voted

The SPEAKER pro tempore. The gentleman from Vermont has asked for the previous question on the amendment, and to the engrossment, third reading, and final passage of the bill.

The question was taken on ordering the previous question, and the Speaker pro tempore announced that the noes seemed to

Mr. GROUT. I call for a division.
The question being taken, there were—ayes 62, noes 66.
Mr. GROUT. I call for tellers.

Tellers were ordered; and Mr. Grout and Mr. Cannon were appointed.

Mr. CANNON. I hope the Chair will appoint some one in my

The SPEAKER pro tempore. The Chair appoints the gentleman from Illinois [Mr. COOKE] to act as teller in place of the gentleman from Illinois [Mr. CANNON].

The House again divided; and the tellers reported—ayes 72, noes 70.

Mr. WILLIAMS. No quorum.

The SPEAKER pro tempore. The point is made that no quorum

Mr. WILLIAMS. I withdraw that point, and I call for the yeas and nays.

Mr. GROUT. I hope the yeas and nays will be ordered. Let

us all rise.

Crowther, Crowther, Curtis, Iowa Curtis, Kans. Danford, Daniels, Dolliver,

The yeas and nays were ordered.

The question was taken; and there were-yeas 90, nays 100, not voting 165; as follows:

Aldrich, T. H. Sabcock. Saker, Md. Saker, Md. Saker, N. H. Sarney, Sennett, Silve, Sromwell, Burrell, Burr	vans, airchild, letcher, cote, amble, aardner, illet, N. Y. tager, laterman, arris, eatwole, tenry, Conn. licks, ill, towe, tull, tullck, tull, enkins, ohnson, N. Dak. iefer, acey, eighty.	Leonard, Linton, McCleary, Minn. McLachlan, Miller, W. Va. Minner, Wis. Minor, Wis. Mitchell, Mondell, Morse, Murray, Northway, Otjen, Overstreet, Payne, Perkins, Phillips, Pitney, Poole, Pugh, Scranton, Smith, Mch. Southwick.	Spalding, Sperry, Stahle, Stephenson, Stewart, Wis. Stone, C. W. Strode, Nebr. Strong, Taft, Tawney, Tayler, Thomas, Updegraff, Van Voorhis, Wadsworth, Wanger, Warner, Warner, Wellington, Willis, Woomer, Wright.
omver, L		Southwick,	

NAVS_100

MAID-104						
Abbott,	Cooper, Tex.	Knox,	Richardson,			
Allen, Utah	Corliss,	Kyle,	Robertson, La.			
Anderson,	Cox,	Latimer,	Sayers,			
Arnold, R. I.	Crisp,	Layton,	Shafroth,			
Atwood,	Crowley,	Linney,	Smith, Ill.			
Avery,	Culberson,	Little,	Southard,			
Bailey,	Cummings,	Livingston,	Stallings,			
Baker, Kans.	De Armond,	Maguire,	Stokes,			
Bankhead,	Dinsmore,	Marsh.	Stone, W. A.			
Barrett,	Dockery,	Martin,	Tate,			
Bartlett, Ga.	Ellis,	McClellan,	Terry,			
Belknap,	Erdman,	McDearmon,	Towne,			
Bell, Colo.	Fitzgerald,	McEwan,	Tracey,			
Berry,	Foss,	Mercer,	Treloar,			
Black,	Gibson,	Money,	Tucker,			
Boatner,	Grout,	Mozley,	Turner, Ga.			
Bull,	Harrison,	Murphy,	Turner, Va.			
Burton, Mo.	Hartman,	Neill,	Tyler,			
Cannon,	Hendrick,	Ogden,	Van Horn,			
Catchings,	Hopkins,	Otey,	Walker, Va.			
Clardy,	Howard,	Pendleton,	Washington,			
Clarke, Ala,	Jones,	Price,	White,			
Connolly,	Kem,	Quigg,	Williams,			
Cooke, Ill.	Kirkpatrick,	Raney,	Wood,			
Cooper Fle	Wlohowe	Pagraga	Voolenm			

NOT VOTING-165.

Adams,	Faris,	Lefever,	Rinaker,
Aitken,	Fenton,	Leisenring,	Robinson, Pa
Aldrich, W. F.	Fischer,	Lester,	Royse,
Aldrich, Ill.	Fowler, Gillett, Mass.	Lewis,	Rusk,
Allen, Miss.	Gillett, Mass.	Long,	Russell, Con
Andrews,	Goodwyn,	Lorimer,	Russell, Ga.
Apsley,	Graff,	Loud,	Sauerhering
Arnold, Pa.	Griffin,	Loudenslager,	Settle,
Barham,	Griswold,	Low,	Shannon,
Bartholdt,	Grosvenor,	Maddox,	Shaw,
Bartlett, N. Y.	Grow,	Mahany,	Sherman,
Beach,	Hadley, Hainer, Nebr.	Mahon,	Shuford,
Bell, Tex.	Hainer, Nebr.	McCall, Mass.	Simpkins,
Bingham,	Hall,	McCall, Tenn.	Skinner,
Boutelle,	Hanly,	McClure,	Snover,
Bowers,	Hardy,	McCormick,	Sorg,
Brewster,	Harmer,	McCreary, Ky.	Sparkman,
Brosius,	Hart,	McCulloch,	Spencer,
Brown,	Hatch,	McLaurin,	Steele,
Brumm,	Heiner, Pa.	McMillin,	Stewart, N. J
Buck,	Hemenway,	McRae,	Strait,
Calderhead,	Henderson,	Meiklejohn,	Strowd, N. C
Clark, Mo.	Henry, Ind.	Meredith,	Sulloway,
Cobb,	Hepburn,	Meyer,	Sulzer,
Cockrell,	Hermann,	Miles,	Swanson,
Coffin,	Hilborn,	Miller, Kans.	Talbert,
Colson,	Hitt,	Milliken,	Thorp,
Cook, Wis.	Hooker,	Miner, N. Y.	Tracewell,
Cousins,	Howell,	Moody,	Walker, Mas
Cowen,	Hubbard,	Moses,	Watson, Ind.
Crump, Ourtis, N. Y.	Huff,	Newlands,	Watson, Ohio
Ourtis, N. Y.	Huling,	Noonan,	Wheeler,
Dalzell,	Hurley,	Odell,	Wilber,
Dayton,	Hutcheson,	Owens,	Wilson, Idah
Denny,	Hyde,	Parker,	Wilson, N. Y.
De Witt,	Johnson, Cal.	Patterson,	Wilson, Ohio
Dingley,	Johnson, Ind.	Pearson,	Wilson, S. C.
Doolittle,	Joy,	Pickler,	Woodard,
Dovener,	Kendall,	Powers,	Woodman.
Draper,	Kerr,	Prince,	
Eddy,	Kulp,	Ray,	
Ellett,	Lawson,	Reyburn,	

So the House refused to order the previous question.

Mr. GROUT (before the result was announced) changed his vote from "aye" to "no."

The following pairs were announced:

Until further notice:

Until further notice:
Mr. Kulp with Mr. Hutcheson.
Mr. Cousins with Mr. Cowen.
Mr. Crump with Mr. Maddox.
Mr. Hanly with Mr. Moses.
Mr. Hemenway with Mr. Miner of New York.
Mr. Woomer with Mr. Shaw.

Mr. Wilber with Mr. Sorg.

Mr. Watson of Indiana with Mr. Meyer. Mr. Hitt with Mr. McRae. Mr. Tracewell with Mr. Russell of Georgia.

For this day:

Mr. BROSIUS with Mr. COCKRELL. Mr. Bowers with Mr. Kendall. Mr. Woodard with Mr. Skinner.

Mr. WOODARD WITH Mr. SKINNER.
Mr. LEISENRING WITH Mr. STRAIT.
Mr. LOUDENSLAGER WITH Mr. TALBERT.
Mr. HULING WITH Mr. ALLEN OF Mississippi.
Mr. HENRY OF Indiana WITH Mr. STROWD OF NOrth Carolina.
Mr. GROSVENOR WITH Mr. McCreary Of Kentucky.
Mr. McCall of Massachusetts WITH Mr. HART. Mr. Stewart of New Jersey with Mr. Ellett. Mr. Pickler with Mr. Wilson of South Carolina. Mr. McCall of Tennessee with Mr. McLaurin.

Mr. Bingham with Mr. Swanson. Mr. Snover with Mr. Spencer. Mr. Reyburn with Mr. McMillin.

Mr. McClure with Mr. Meredith.
Mr. Aitken with Mr. Cobb.
Mr. Hainer of Nebraska with Mr. Lester,
Mr. Harmer with Mr. Lawson.
Mr. Cook of Wisconsin with Mr. Hall.

Mr. MILLIKEN with Mr. BELL of Texas.

Mr. SULLOWAY with Mr. SPARKMAN.

Mr. SIMPKINS with Mr. OWENS.

Mr. Lefever with Mr. Sulzer. The result of the vote was announced as above stated.

Mr. GROUT. I move to reconsider the vote just taken, and pending that-

The SPEAKER. The gentleman from Vermont [Mr. Grout] moves to reconsider the vote by which the House refused to order the previous question.

Mr. WILLIAMS. I move that the motion to reconsider be laid

on the table.

Mr. GROUT. I move that the House adjourn.
The SPEAKER. The gentleman from Vermont moves that the House adjourn. The Chair will state that if the House should now adjourn, the right to lay on the table the motion to reconsider will still remain.

The question being taken on the motion to adjourn, there were on a division (called for by Mr. WILLIAMS)—ayes 116, noes 17. So the motion to adjourn was agreed to.

ENROLLED BILLS SIGNED.

Before the result of the vote on the motion to adjourn was announced

Mr. HAGER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

lowing titles; when the Speaker signed the same:
A bill (S. 2334) construing the acts of Congress in relation to the award of life-saving medals;
A bill (S. 1424) to amend an act entitled "An act to amend section 4178, Revised Statutes, in relation to marking of vessels' names at bow and stern, and also to provide for marking the draft," approved February 21, 1891;
A bill (S. 1725) authorizing the Kansas City, Watkins and Gulf Railway Company to construct and maintain a bridge across Red River at the City of Alexandria, La.; and
A bill (S. 206) to provide an American register for the steamer Kahului.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows: To Mr. Draper, for two days, on account of important business. To Mr. Howell, for five days, on account of sickness.

REPRINTING OF A REPORT.

On motion of Mr. MILLIKEN, by unanimous consent, a reprint was ordered of House Report No. 1021.

The result of the vote on the motion to adjourn was then an-

nounced; and accordingly (at 4 o'clock and 45 minutes p. m.) the House adjourned.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. PAYNE, from the Committee on the Merchant Marine and

Fisheries, to which was referred the bill of the House (H. R. 9734) to provide an American register for the bark E. C. Mowatt, of Philadelphia, Pa., reported the same without amendment, accompanied by a report (No. 2503); which said bill and report were referred to the House Calendar.

Mr. CUMMINGS, from the Committee on Naval Affairs, to which was referred the joint resolution of the House (H. Res. 223) relative to the medal of honor authorized by the acts of December 21, 1861, and July 16, 1862, reported the same without amendment, accompanied by a report (No. 2504) in writing thereon; which said bill, amendment, and report were referred to the Committee of the Whole House on the state of the Union.

Mr. LACEY, from the Committee on the Public Lands, to which

Mr. LACEY, from the Committee on the Public Lands, to which was referred the bill of the House (H. R. 9948) to amend subdivision 10 of section 2238, and to repeal subdivision 12 of section 2238 of the Revised Statutes of the United States, reported the same without amendment, accompanied by a report (No. 2506); which said bill and report were referred to the House Calendar. Mr. BRODERICK, from the Committee on the Judiciary, to which was referred the bill of the Senate (S. 2037) entitled "An act to provide times and places for holding terms of United States courts in Utah," reported the same with amendment, accompanied by a report (No. 2518); which said bill and report were referred to the Committee of the Whole House on the state of the Union. the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

By Mr. MOZLEY, from the Committee on Pensions: The bill (H. R. 9619) granting a pension to Mirum C. Peck. (Report No. 2005)

2505.)

By Mr. THOMAS, from the Committee on Invalid Pensions: The bill (H. R. 9689) for the relief of Daniel E. De Clute. (Report No. 2507.)

The bill (H. R. 4929) granting a pension to Mary J. Secor.

(Report No. 2508.) The bill (H. R. 8204) granting a pension to Ellen Charlton.

(Report No. 2509.)
The bill (H. R. 9943) granting a pension to Ellen Charlton.
(Report No. 2510.)

The bill (H. R. 9942) granting a pension to George Francis.

(Report No. 2511.) By Mr. TRACEY, from the Committee on Military Affairs: The bill (H. R. 9666) to correct and amend the military record of John Long, late private, Company H, Thirty-first Regiment Mis-souri Volunteers. (Report No. 2512.)

PUBLIC BILLS, MEMORIALS, AND RESOLUTIONS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. BERRY: A bill (H. R. 9962) for the erection of a public building at Carrollton, Ky.—to the Committee on Public Buildings and Grounds.

By Mr. BARRETT: A bill (H.R. 9963) granting thirty days' leave of absence with pay to the employees of the Government Printing Office and the Bureau of Engraving and Printing—to

the Committee on Printing.

By Mr. COCKRELL: A bill (H. R. 9964) to provide for the purchase of a site and the erection of a public building thereon at Abilene, in the State of Texas—to the Committee on Public Build-

ings and Grounds.

By Mr. BARRETT: A bill (H. R. 9965) for the improvement of the United States Naval Hospital at Chelsea, Mass.—to the Com-

mittee on Naval Affairs.

By Mr. BURTON of Missouri: A bill (H. R. 9966) to further define certain duties of the Sergeant-at-Arms of the House of Representatives, the same being supplementary to an act under the same caption approved October 1, 1890—to the Committee on the Judiciary.

By Mr. HILBORN: A bill (H. R. 9973) to authorize the purchase of the property known as the Corcoran Art Gallery, in the city of Washington, D. C.—to the Committee on Public Buildings and Grounds.

By Mr. BABCOCK: A bill (H. R. 9974) to define the duties of the secretary of the District of Columbia—to the Committee on the District of Columbia.

Also, a bill (H. R. 9975) to amend an act approved March 2, 1895, entitled "An act for the removal of snow and ice from the sidewalks, cross walks, and gutters in the cities of Washington and Georgetown," etc.—to the Committee on the District of Colum-

Also, a bill (H. R. 9976) to punish the impersonation of inspectors of the health and other departments of the District of Columbia—to the Committee on the District of Columbia.

By Mr. CLARKE of Alabama: A joint resolution (H. Res. 231) relative to the improvement of the waterway between Birmingham, Ala., and the Black Warrior River-to the Committee on Rivers and Harbors.

By Mr. OTEY: A resolution (House Res. No. 488) directing the Secretaries of War and Navy to furnish Senators and Representa-tives with copy of Rebellion Records, Army and Navy—to the Committee on Printing.

PRIVATE BILLS, ETC.

Under clause 1 of Rule XXII, private bills of the following titles were presented and referred as follows:

By Mr. BARHAM: A bill (H. R. 9967) for the relief of Daley & Zollner—to the Committee on Patents.

By Mr. CLARK of Missouri: A bill (H. R. 9968) granting a pension to Isabella Sacket—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9969) to correct the military record of James Dutton—to the Committee on Military Affairs.

By Mr. HICKS: A bill (H. R. 9970) to remove charge of desertion against James J. Fluke—to the Committee on Military

By Mr. WILLIAMS: A bill (H. R. 9971) for the relief of Miss M. O. Chapman, postmaster of Paulding, Jasper County, Miss.—to the Committee on Claims.

By Mr. WOOD: A bill (H. R. 9972) granting a pension to Charles M. Layman—to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ACHESON: Petition of Col. William P. Tyler, of Wash-

By Mr. ACHESON: Petition of Col. William P. Tyler, of Washington, Pa., for the preservation of the old frigate Constitution—to the Committee on Naval Affairs.

By Mr. BARRETT: Petition of C. S. Goddard & Sons, of Worcester, Mass.; also of A. F. Cox & Son, of Portland, Me.; also of Isaac Prouty & Co., of Spencer, Mass., protesting against imposing a duty on hides—to the Committee on Ways and Means.

Also, memorial to accompany a bill granting thirty days' leave of absence with pay to the employees of the Government Printing.

Office and the Bureau of Engraving and Printing-to the Com-

mittee on Printing.

By Mr. BREWSTER: Resolutions of E. G. Marshall Post, No. 397, Department of New York, Grand Army of the Republic, in favor of granting belligerent rights to the Cubans—to the Com-

mittee on Foreign Affairs.

By Mr. BROWN: Petition of John Powell, of Franklin County,
Tenn., praying that his war claim be referred to the Court of Claims under the Bowman Act—to the Committee on War Claims.

By Mr. COOKE of Illinois: Resolutions of the John A. Logan

Club, of Chicago, Ill., relative to the recognition of the independence of Cuba—to the Committee on Foreign Affairs.

By Mr. CURTIS of New York: Petition of Fred. W. Smith and 27 other citizens of Blue Mountain Lake, N. Y., favoring the recognition of the independence of Cuba—to the Committee on Foreign Affairs.

By Mr. DOLLIVER: Petition of the Woman's Christian Temperance Union of Algona, Iowa, urging the passage of House bill No. 6119, known as the Phillips bill—to the Committee on Labor.

Also, petition of the Woman's Christian Temperance Union of Algona, Iowa, praying for the passage of House bill No. 7441 and Senate bill No. 2846, for the prevention of gambling—to the Com-

Also, petition of the Woman's Christian Temperance Union of Algona, Iowa, favoring the passage of House bill No. 3203, known as the Broderick bill, and Senate bill No. 1498—to the Committee on the Judiciary

By Mr. FLETCHER: Petition of Thomas Gibson and 248 other citizens and ex-Union soldiers of the city of Minneapolis, Minn., in favor of House bill No. 9209, granting a service pension to honorably discharged officers and soldiers of the war of the rebellion—to the Committee on Invalid Pensions. By Mr. MOODY: Petition of councils of Junior Order of American Mechanics of the State of Massachusetts, urging the recogni-

tion of the Cubans as belligerents in their struggle for liberty—to the Committee on Foreign Affairs.

By Mr. LEISENRING: Protest of J. E. Lentz, of Packerton, Pa., representing the Lehigh Valley Railroad Company's Car Builders' Association, opposing the metric system—to the Committee on Coinage, Weights, and Measures.

By Mr. STRONG: Sundry resolutions and petitions of professors and students of the Ohio Normal University, of Ada, Ohio; Eugene Reynolds Post, Grand Army of the Republic, of Bellefontaine, Ohio; Bigelow Council, No. 342, Junior Order United American Mechanics, of Richwood, Ohio, and 140 citizens of New Richland, Ohio, urging the passage of a resolution recognizing the independence of Cuba—to the Committee on Foreign Affairs.

By Mr. WOOD: Evidence in support of House bill No. 2002.

By Mr. WOOD: Evidence in support of House bill No. 9959, to grant an honorable discharge to Thomas J. Goolman, of Company I, Third Indiana Cavalry—to the Committee on Military

Affairs.

Also, petition of Charles M. Layman, of Company D. Forty-seventh Ohio National Guard, for pension—to the Committee on Invalid Pensions.

SENATE.

THURSDAY, January 14, 1897.

Prayer by the Chaplain, Rev. W. H. MILBURN, D. D. The Journal of yesterday's proceedings was read and approved. CERTIFICATION OF ELECTORS

The VICE-PRESIDENT laid before the Senate two communications from the Secretary of State, transmitting, in pursuance of the provisions of the act of February 3, 1887, certified copies of the final ascertainment of the electors for President and Vice-President for the States of California and Kansas; which were ordered to lie on the table.

ENROLLED BILLS SIGNED.

The VICE-PRESIDENT announced his signature to the following enrolled bills; which had previously been signed by the Speaker of the House of Representatives:

A bill (S. 1646) providing for certain requirements for vessels propelled by gas, fluid, naphtha, and electric motors; and A bill (S. 1726) to approve and ratify the construction of a bridge across the Red River, between the States of Arkansas and Texas, at a point above the town of Fulton, in Arkansas, on said river, built by the Texarkana Northern Railway Company, but now owned and operated by the Texarkana and Fort Smith Railway Company, and to authorize the latter company to maintain said bridge over said waterway, subject to certain stipulations and conditions.

THOMAS POLLOCK.

The VICE-PRESIDENT laid before the Senate the amendment of the House of Representatives to the bill (S. 2176) granting a pension to Thomas Pollock.

The amendment of the House of Representatives was, in line 7, after the word "at," to strike out the words "the rate of \$20 per month" and insert "such rate as the degree of his alleged disability may entitle him to."

Mr. SHOUP. I move that the Senate concur in the amendment

of the House of Representatives. The motion was agreed to.

PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented a petition of sundry citizens

of Philadelphia, Pa., praying Congress to recognize the independence of Cuba; which was ordered to lie on the table.

Mr. BURROWS presented a petition of the Michigan State board of health, praying for the passage of the so-called Wright bill, providing for a permanent census service; which was referred to the Committee on the Census.

He also presented a petition of state heard of health of

He also presented a memorial of the State board of health of

Michigan, remonstrating against the passage of Senate bill No. 1552, for the further prevention of cruelty to animals in the District of Columbia; which was ordered to lie on the table.

Mr. JONES of Arkansas. I present a petition of certain Catawba Indians, praying that the Secretary of the Interior be directed to inform them as to the status of the tribal lands of the Catawba Indians formerly compiled by the tribe in the Carolines and the Indians formerly occupied by that tribe in the Carolinas, and to secure anything that may be due them as accruing from these lands. The petition is accompanied by a resolution. I move that the petition and accompanying resolution be referred to the Committee on Indian Affairs.

The motion was agreed to.

Mr. FRYE presented a memorial of the Boston Paper Trade on Interstate Commerce.

Association, of Boston, Mass., remonstrating against the passage of the so-called Loud bill, relating to second-class mail matter; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. ALLISON presented a petition of the Woman's Christian Temperance Union of Algona, Iowa, praying for the passage of the so-called Broderick bill, to punish the carnal and unlawful knowing of any female under the age of 18 years; which was referred to the Committee on the District of Columbia.

He also presented a petition of the Woman's Christian Temperance Union of Algona, Iowa, praying for the passage of Senate bill No. 2846, to protect State antigambling laws from nullification through interstate gambling by telegraph, telephone, and otherwise, etc.; which was referred to the Committee on Interstate Commerce.

Healso presented a memorial of Local Union, No. 4, International Brotherhood of Bookbinders, of Washington, D. C., remonstrating against the enactment of legislation reducing the salaries of Gov ernment employees; which was referred to the Committee on

Appropriations.

Appropriations.

He also presented the memorials of Thompson & Strong, publishers of the Semi-Weekly Madisonian, of Winterset, Iowa; of S. M. & F. E. Stauffer, publishers of the Sac Sun, of Sac City, Iowa; of A. H. Rudd, publisher of the Enterprise, of Dow City, Iowa; of F. A. Gates, publisher of the Boone Valley Gazette, of Eagle Grove, Iowa; of James M. Haskins, publisher of the Republican, of Sioux Rapids, Iowa; of J. B. Swinburne, publisher of the Earlyille Phœnix, of Earlyille, Iowa; of Charles A. Joseph, publisher of the Farley Advertiser, of Farley, Iowa; of L. Gonner, publisher of the Kathalischer Wester and Luxemburger Gazette, of Dubuque, Iowa; of Will M. Narvis, of the Six Journals Printing Company. of the Kathalischer Wester and Luxemburger Gazette, of Dubuque, Iowa; of Will M. Narvis, of the Six Journals Printing Company, of Muscatine, Iowa; of S. R. Yager, publisher of the Courier, of Calmar, Iowa; of W. R. Mead, publisher of the Iowa Plain Dealer, of Cresco, Iowa; of Charles D. Brown & Co., publishers of the Chariton Herald, of Chariton, Iowa; of John J. Clark, publisher of the Daily and Weekly Times-Republican, of Bedford, Iowa; of George E. Taylor, publisher of the Negro Solicitor, of Oskaloosa, Iowa; of Ed. Madigan, publisher of the Star, of Clarksville, Iowa; of Dorcas Bros., publishers of the Mechanicsville Press, of Mechanicsville, Iowa; of Oscar A. Hoffmann, publisher of the Sioux City Volksfreund, of Sioux City, Iowa; of Boardman Cooley and Clarence Marsh, publishers of the Mail-Press, of Strawberry Point, Iowa; of C. O. Stout, publisher of the Jackson Journal, of Maquoketa, Iowa; of Dyke & Odds, publishers of the Intelligencer, of Charles City, Iowa; of E. M. Jenison, publisher of the Republican, of Ottumwa, Iowa; of John Westley Geiger, publisher of the Freemason and the Fez, of Cedar Rapids, Iowa; of George B. Boatman, publisher of the Iowa Medical Journal, of Des Moines, Iowa; of E. E. Nichols, publisher of the Register, of Manilla, Iowa; of E. E. Nichols, publisher of the Register, of Manilla, Iowa; of of E. E. Nichols, publisher of the Register, of Manilla, Iowa; of J. A. Digerness, publisher of the Chronicle, of Ellsworth, Iowa; of Snyder & Hurd, publishers of the Gazette, of Cedar Falls, Iowa; of E. A. Bryan, publisher of the Bulletin, of Perry, Iowa; of S. W. Young, publisher of the Herald, of Henderson, Iowa; of John T. Young, publisher of the Herald, of Henderson, Iowa; of John T. Thornton, publisher of the Sentinel, of Farragut, Iowa; of C. D. Baldwin, publisher of the Pioneer, of Cascade, Iowa; of Duncombe Bros., publishers of the Chronicle, of Fort Dodge, Iowa; of B. T. Holst, publisher of the Boone County Teacher, of Boonesboro, Iowa; of C. A. Warwick, publisher of the Constitutional Democrat, of Keokuk, Iowa; of A. J. Kynett, publisher of the Christianity in Earnest, of Philadelphia, Pa.; of H. R. Gregory, publisher of the Montgomery County Independent, of Iowa; of Dunlevy Bros., publishers of the Allamakee Journal, of Iowa, and of Schockley Bros. & Cook, publishers of the Saturday Globe, the Iowa Helper, the Penn Chronicle, and the Western Work, of Iowa, remonstrating against the passage of the so-called Loud bill, relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

Mr. CULLOM presented a petition of the Lake Seamen's Union.

Mr. CULLOM presented a petition of the Lake Seamen's Union, of Chicago, Ill., praying for the enactment of legislation giving better protection to American seamen; which was referred to the Committee on Commerce.

He also presented a petition of the Hersman Church and the Christian Endeavor Society of Hersman, Ill., praying for the enactment of legislation abolishing the saloon in the National Capitol; which was referred to the Committee on Public Buildings and Grounds.

He also presented the memorial of William C. Hollister, publisher of the Eight-Hour Herald, of Chicago, Ill., remonstrating against the passage of the so-called Loud bill, relating to second-class mail matter; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented resolutions adopted at a meeting of the Methodist ministers of Cincinnati, Ohio, favoring the passage of inter-state antigambling laws; which were referred to the Committee

Mr. HILL presented a petition of E. G. Marshall Post, No. 397, Department of New York, Grand Army of the Republic, of Rochester, N. Y., and a petition of sundry citizens of Blue Mountain Lake, N. Y., praying Congress to recognize the independence of Cuba; which were ordered to lie on the table.

Mr. BATE presented the memorials of Waters & Co., publishers of Good Reading, of South Berlin, Tenn.; of Bald Vance, publisher of Messenger-Review, of Humboldt, Tenn.; of P. J. Hanifin & Co., publishers of Cooperative Detective and Police Journal, of Nashville, Tenn., and of the Review Publishing Company, publishers of the Review, of Knoxville, Tenn., remonstrating against the passage of the so-called Loud bill, relating to second-class mail matter; which were referred to the Committee on Post-Offices mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

Mr. DAVIS presented a petition of the Trades and Labor Council of Minneapolis, Minn., praying for the establishment of postal savings banks; which was referred to the Committee on Post-

Offices and Post-Roads.

He also presented resolutions adopted by the Chamber of Commerce of St. Paul, Minn., in favor of upholding the gold standard of money; which were referred to the Committee on Finance.

He also presented a petition of Duluth Division, No. 336, Order of Railway Conductors, of Two Harbors, Minn., praying for the passage of the so-called Phillips commission bill, the arbitration bill, and the contempt bill; which was referred to the Committee on the Judiciary.

He also presented a memorial of 30 firms of news dealers and booksellers of St. Paul, Minn., remonstrating against the passage of the so-called Loud bill, relating to second-class mail matter; which was referred to the Committee on Post-Offices and Post-

Roads.

Mr. CHANDLER. I present the memorial of William Hale, editor of the Hickory Press, of Hickory, N. C., earnestly protesting against the passage of the so-called Loud bill, regulating the transmission of second-class matter through the mails. As the bill has come to the Senate from the House and is now before the Committee on Post-Offices and Post-Roads, I move that the memorial be referred to that committee.

The motion was agreed to.

Mr. SEWELL presented a petition of the Woman's Christian Temperance Union of Vineland, N. J., praying for the enactment of legislation to amend the postal laws relating to second-class mail matter, and also prohibiting the transportation of obscene matter through the mails; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented the memorial of Joseph A. Door transported.

on Post-Offices and Post-Roads.

He also presented the memorial of Joseph A. Dear, treasurer of the Evening Journal Company, of Jersey City, N. J., remonstrating against the passage of the so-called Loud bill, relating to second-class mail matter; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. GEAR presented a partition of the Bantist church of West

Mr. GEAR presented a petition of the Baptist church of West Union, Iowa, and a petition of the Methodist church of West Union, Iowa, praying for the enactment of legislation raising the age of protection to girls to 18 in the District of Columbia and the Territories; which were referred to the Committee on the District of

He also presented a petition of the Baptist church of West Union, Iowa, and a petition of the Methodist church of West Union, Iowa, praying for the enactment of legislation prohibiting the sale of intoxicating liquors in Government buildings; which were referred to the Committee on Public Buildings and Grounds.

Mr. WETMORE presented a petition of the Young Irelanders' Association, Clan na Gael, of Pawtucket, R. I., praying for the passage of the so-called Cameron resolution recognizing the independence of Cuba; which was ordered to lie on the table.

He also presented the memorial of John W. Tillinghast and sun-

dry other citizens of Rhode Island, remonstrating against the passage of the so-called Loud bill, relating to second-class mail matter; which was referred to the Committee on Post-Offices and

Mr. PROCTOR presented a memorial of the Business Men's Association of Burlington, Vt., remonstrating against any interference by the United States in the Cuban-Spanish war; which

was ordered to lie on the table.

He also presented a petition of the Woman's Christian Temperance Union of Addison County, Vt., praying for the passage of the so-called Broderick bill, to punish the carnal and unlawful knowing of any female under the age of 18 years; which was referred to the Committee on the District of Columbia.

He also presented a petition of the Woman's Christian Temperance Union of Addison County, Vt., praying for the passage of Senate bill No. 2846, to protect State antigambling laws from nullification through interstate gambling by telegraph, telephone, and otherwise, etc.; which was referred to the Committee on Interstate Commerce.
Mr. McMILLAN presented petitions of the Woman's Christian

Temperance Union of Vineyard, N. J.; of the Methodist church of Okum, Okla.; of 600 citizens of Chester County, Pa.; of the Trinity Episcopal Church of Vineland, N. J., and of 14 citizens of Okum, Okla., praying for the enactment of legislation raising the age of protection of girls to 18 years in the District of Columbia and the Territories; which were referred to the Committee on the District of Columbia of Columbia.

Mr. SHERMAN presented a memorial of sundry citizens of Youngstown, Ohio, remonstrating against the privation of rights of people and lawlessness in the South; which was referred to the

Committee on Education and Labor.

He also presented the memorial of the Moore Printing Company, publishers of the McComb Record, of McComb, Ohio, remonstrating against the passage of the so-called Loud bill, relating to second-class mail matter; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. THURSTON presented a petition of sundry citizens of Omaha, Nebr., praying Congress to recognize the independence of Cuba; which was ordered to lie on the table.

He also presented the memorial of George A. Payant publishers

He also presented the memorial of George A. Bryant, publisher of the Waterloo Weekly Gazette, of Waterloo, Nebr., and the memorial of Homer E. Moore, publisher of the Primitive Chrismemorial of Homer E. Moore, publisher of the Frimilive Christian, of Panama, Nebr., remonstrating against the passage of the so-called Loud bill, relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

Mr. McBRIDE presented a petition of sundry citizens of Oregon, praying for the passage of the so-called Dingley tariff bill; which was referred to the Committee on Finance.

Mr. CALL. I present a petition of the citizens of St. Approximation.

was referred to the Committee on Finance.

Mr. CALL. I present a petition of the citizens of St. Augustine, Fla., accompanied by a letter from Henry Marcotte, praying that an appropriation be made for the preservation of the old fort at Matanzas Inlet, now in danger of complete destruction through the washing away of the foundation. I will state that this is an old fortification of the Middle Ages. I move that the petition be referred to the Committee on Military Affairs, and I request the committee to give it special consideration.

The motion was agreed to.

Mr. HOAR presented a memorial of the Boston Paper Trade

Mr. HOAR presented a memorial of the Boston Paper Trade ssociation, remonstrating against the passage of the so-called

Association, remonstrating against the passage of the so-called Loud bill, relating to second-class mail matter; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. COCKRELL presented a petition of the banking institutions of St. Louis, Mo., and a petition of the Live Stock Exchange of St. Louis, Mo., praying for the passage of the bill (H. R. 8298) relating to mortgages in the Indian Territory; which were referred to the Committee on the Live Indian Territory.

Mr. GORDON presented the memorial of Bickert & Blumenthal, of Atlanta, Ga., remonstrating against the enactment of legislation allowing distillers to bottle whisky in bond; which was referred to the Committee on Finance.

referred to the Committee on Finance.

Mr. PLATT presented a memorial of the Young People's Society of Christian Endeavor of Norwich, Conn., remonstrating against the sale of intoxicating liquors in the Capitol building; which was referred to the Committee on Public Buildings and Grounds. He also presented a memorial of the Boston Paper Trade Association, remonstrating against the passage of the so-called Loud bill, relating to second-class mail matter; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. SMITH presented a petition of the Young Men's Club of the First Congregational Church of Newark, N. J., praying Congress to recognize the independence of Cuba; which was ordered to lie on the table.

He also presented the memorials of David Spencer, editor of the

to lie on the table.

He also presented the memorials of David Spencer, editor of the Morris Journal, of Dover; of H. J. Decker, of Hoboken; of William H. Chew, publisher of the National Standard, of Salem; of C. E. Pearsell, publisher of the Union Standard, of Westfield; of Augustus Koehler, publisher of the Orange Sonntage Blatt, of Orange; of E. Corcia, publisher of La Montagwa, of Newark; of B. H. Crosby, publisher of the Tuckerton Beacon, of Tuckerton; of Eltweid Pomeroy, publisher of the District Legislative Record, of Newark; of Hugh Collins, publisher of the Pleasantville Press, of Pleasantville; of J. J. O'Sullivan, publisher of the Pilot, of Butler; of W. W. Bugle, publisher of the Ocean Grove Times-Record, of Ocean Grove; of F. B. Hoagland, publisher of the Points, of Paterson; of E. P. Roberts, publisher of the Unionist Gazette, of Somerville; of Stanton & Wilson, publishers of the Sussex Independent, of Deckertown; of Alexander Schlesinger, publisher of the New Jersey Staats Zeitung, of Jersey City; of George D. Roe, publisher of the Times and Journal, of Lakewood; of Benjamin Patterson, publisher of the Monitor-Register, of Woodstown; of the American Sabbath Tract Society, of Plainfield; of Schultze Pilgrim, publisher of the Daily News, of Phillipsof Schultze Pilgrim, publisher of the Daily News, of Phillipsburg; of the Rising Sun Publishing Company, of Nutley; of William Stout, publisher of the Church and Home, of Rockaway, all in the State of New Jersey; and a memorial of the American Trade Press Association of New York, remonstrating against the passage of the so-called Loud bill, relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-

Roads.

Mr. COCKRELL. I present a petition from leading St. Louis banking institutions, and one from leading members of the St. Louis Live Stock Exchange, in regard to the laws governing chattel mortgages in the Indian Territory, favoring the passage of House bill 8298, which was passed on the 18th of May last by the House off Representatives, sent to the Senate, and is now pending before the Committee on the Judiciary, and urging its passage as an absolute necessity. I move that the petitions be referred to the Committee on the Judiciary.

The motion was agreed to.

REPORTS OF COMMITTEES.

Mr. FRYE, from the Committee on Commerce, to whom was referred the amendment submitted by himself on the 18th instant, intended to be proposed to the diplomatic and consular appropriation bill, reported favorably thereon, and moved that it be referred to the Committee on Appropriations; which was agreed to.

Mr. HAWLEY, from the Committee on Military Affairs, to whom was referred the bill (H. R. 9710) to authorize officers who served during the war of the rebellion in the Regular Army to bear the title and, on occasions of ceremony, wear the uniform of

bear the title and, on occasions of ceremony, wear the uniform of their highest rank, reported it without amendment, and sub-

mitted a report thereon.

Mr. QUAY. I am instructed by the Committee on Appropriations, to whom was referred the bill (H. R. 9638) making appropriations for the support of the Army for the fiscal year ending June 30, 1898, to report it with amendments, and submit a written

report theron.

I desire to give notice that after the expiration of the morning business at the next session of the Senate I shall ask the Senate to

put the bill upon its passage.

Mr. WETMORE, from the Committee on the Library, to whom was referred the bill (S. 1499) to purchase a portrait of Daniel D. Tompkins, late Vice-President of the United States, painted by Jarvis in 1812, reported it without amendment, and submitted a

report thereon.

Mr. COCKRELL, from the Committee on Military Affairs, to whom was referred the bill (H. R. 4853) for the relief of John Duncan, reported it with an amendment, and submitted a report

He also, from the same committee, to whom was referred the bill (H. R. 6143) for the relief of Peter Young, reported it with

amendments, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (H. R. 9593) for the relief of W. H. Wade, late captain and acting regimental quartermaster Thirty-first Ohio Volunteers, reported it without amendment, and submitted a report thereon.

reported it without amendment, and submitted a report thereon. He also, from the same committee, to whom was referred the bill (S. 3486) for the relief of W. H. Wade, late captain and acting regimental quartermaster Thirty-first Ohio Volunteers, reported adversely thereon, and the bill was postponed indefinitely.

Mr. BATE, from the Committee on Military Affairs, to whom was referred the bill (H. R. 3772) to correct the muster roll of Company I of the Seventh Iowa Infantry Volunteers, reported it without amendment, and submitted a report thereon.

Mr. NELSON, from the Committee on Commerce, to whom was referred the amendment submitted by Mr. Mills December 17, 1896, intended to be proposed to the sundry civil appropriation

1896, intended to be proposed to the sundry civil appropriation bill, reported a bill (S. 3525) to provide for an examination and survey of a water route from the mouth of the jetties, at the city of Galveston, Tex., through the ship channel and up Buffalo Bayou to the city of Houston, Tex., and appropriating money therefor; which was read twice by its title.

Mr. PROCTOR, from the Committee on Military Affairs, to whom was referred the bill (H. R. 1836) granting an honorable discharge to Wilson Kale, reported it without amendment, and sub-

mitted a report thereon.

Mr. BRICE, from the Committee on Pensions, to whom was referred the bill (S. 2912) increasing the pension of William C. Forsythe, reported it without amendment, and submitted a report

He also, from the same committee, to whom was referred the bill (S. 3145) to increase the pension of William Hulsizer, reported it with an amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the

bill (S. 2991) granting a pension to George G. Eakins, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 2813) granting an increase of pension to Joseph Brown, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 2097) granting a pension to Joel M. Gibson, reported it without amendment, and submitted a report thereon.

Mr. HAWLEY, from the Committee on Military Affairs, to whom was referred an amendment submitted by Mr. CLARK on the 12th instant, intended to be proposed to the sundry civil appropriation bill, reported favorably thereon, and moved that it be referred to the Committee on Appropriations and printed; which was agreed to.

ARBITRATION TREATY WITH GREAT BRITAIN.

Mr. HALE, from the Committee on Printing, reported the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the usual number of the recent treaty between the United States and Great Britain in relation to arbitration be printed as a legislative document, and that in addition thereto there be printed 3,000 copies, 2,500 of which shall be for the use of the Senate and 500 for the use of the State Department.

RECOGNITION OF FOREIGN GOVERNMENTS.

Mr. HALE, from the Committee on Printing, reported the following resolution; which was considered by unanimous consent. and agreed to:

Resolved, That there be printed 2,500 additional copies of Senate Document No. 40, Fifty-fourth Congress, second session, being "Memorandum on the method of recognition of foreign governments and foreign states by the Government of the United States, 1789 to 1897," 2,000 of which shall be for the use of the Senate, and sent to the Senate document room, and 500 for the use of the Department of State.

BILLS INTRODUCED.

Mr. DAVIS introduced a bill (S. 3526) to provide for the naturalization of certain Indians residing upon the Annette Islands, Alaska; which was read twice by its title, and referred to the Committee on Territories

He also introduced a bill (S. 3527) granting a pension to Joseph Koehler; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. CULLOM introduced a bill (S. 3528) for the classification of clerks in first and second class post-offices; which was read twice by its title, and referred to the Committee on Post-Offices and Post-Roads.

Mr. QUAY introduced a bill (S. 3529) to correct the military record of William Gilfoyle; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Military Affairs.

Mr. SHOUP (for Mr. GALLINGER) introduced a bill (S. 3530) granting a pension to Emma Francis; which was read twice by its title, and referred to the Committee on Pensions.

Heales (for Mr. GALLINGER) introduced a bill (S. 2521) great.

He also (for Mr. Gallinger) introduced a bill (S. 3531) granting a pension to George Francis; which was read twice by its title, and referred to the Committee on Pensions.

He also (for Mr. Gallinger) introduced a bill (S. 3532) grant-

He also (for Mr. GALLINGER) introduced a bill (S. 3532) granting a pension to Jane B. Johnston; which was read twice by its title, and referred to the Committee on Pensions.

Mr. PERKINS introduced a bill (S. 3533) to amend an act to permit the use of the right of way through public lands for tramroads, canals, and reservoirs, and for other purposes; which was read twice by its title, and referred to the Committee on Public

Lands.
Mr. THURSTON introduced a bill (S. 3534) to grant a pension to Rev. Warren Cochran, of Omaha, Nebr.; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 3535) granting an increase of pension of Aurelius Roberts; which was read twice by its title, and

referred to the Committee on Pensions.

Mr. SHERMAN introduced a bill (S. 3536) to remove the charge of desertion from the military record of John Percella; which was read twice by its title, and referred to the Committee on Military

Affairs.

Mr. MANTLE introduced a bill (S. 3537) for the relief of Mary
L. Le Fevre, Mrs. Jennie G. Bell, Thomas Jefferson Green, and
Hal W. Green, heirs of Hal W. Green, deceased, late of Warren
County, Miss.; which was read twice by its title, and, with the
accompanying paper, referred to the Committee on Claims.

Mr. HILL introduced a bill (S. 3538) to amend section 8 of the
act of Congress entitled "An act to establish a court of appeals
for the District of Columbia, and for other purposes," approved
February 9, 1893; which was read twice by its title and referred.

February 9, 1893; which was read twice by its title, and referred to the Committee on the Judiciary.

Mr. CULLOM introduced a bill (S. 3539) providing for the adjudication of certain claims by the Court of Claims; which was read twice by its title, and referred to the Committee on Claims.

Mr. COCKRELL introduced a bill (S. 3540) granting a pension to Mirum C. Peck; which was read twice by its title, and referred to the Committee on Pensions.

Mr. BRICE introduced a bill (S. 3541) granting a pension to Jane B. Johnston; which was read twice by its title, and referred

to the Committee on Pensions. Mr. HILL introduced a bill (S. 3542) granting a pension to Mrs. Susan T. Pratt, wife of Maj. Gen. Calvin E. Pratt; which was read twice by its title, and referred to the Committee on Pensions

Mr. VEST introduced a joint resolution (S.R. 190) for the relief of Robert L. Lindsay; which was read twice by its title, and referred to the Committee on Military Affairs.

AMENDMENTS TO BILLS.

Mr. CHANDLER submitted an amendment intended to be proposed by him to the general deficiency appropriation bill; which was ordered to be printed, and, with the accompanying paper, referred to the Committee on Finance.

He also submitted an amendment intended to be proposed by him to the bill (H. R. 4566) to amend the postal laws relating to second-class matter; which was referred to the Committee on Post-Offices and Post-Roads, and ordered to be printed.

Mr. McMILLAN submitted an amendment intended to be pro-

posed by him to the District appropriation bill; which was referred to the Committee on the District of Columbia, and ordered to be printed.

Mr. BLACKBURN submitted an amendment intended to be proposed by him to the Military Academy appropriation bill; which was referred to the Committee on Appropriations.

Mr. PERKINS submitted an amendment intended to be pro-

posed by him to the general deficiency appropriation bill; which was referred to the Committee on Public Lands, and ordered to be printed.

THE CIVIL SERVICE COMMISSION.

Mr. CULLOM submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the United States Civil Service Commission is hereby directed to report to Congress whether, in obedience to the requirements of the civil-service law of January 16, 1883, the said Commission has made to the President, for transmission to Congress, an annual report for the fiscal year 1895, and also for the fiscal year 1896. And if so, give the dates thereof, and if not, give the reasons for such failure or neglect.

INTERSTATE COMMERCE INVESTIGATION.

Mr. CHANDLER submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved. That the Committee on Interstate Commerce be directed, in connection with its investigations under the resolution of the Senate of December 9, 1896, to inquire into the agreement recently made by the managers of the lines of steamers on the Great Lakes to maintain such rates of freight transportation as may be fixed by the managers of the rallroads constituting the Joint Traffic Association.

PACIFIC RAILROADS.

Mr. MORGAN. I submit a resolution and ask that it may be read and lie over until a later day, when I propose to make some remarks upon it.

The resolution was read, and ordered to lie over, as follows:

The resolution was read, and ordered to he over, as follows:
Whereas it is alleged that certain bonds issued by the United States in aid
of the Central Pacific Railroad Company and also of the Union Pacific Railroad Company have fallen due and remain unpaid, and that by reason of the
default in the payment thereof the property held and owned by each of said
companies at that time became the property of the United States, and that
said property of every description so held and owned by said companies at
the time of such default now rightfully belongs to the United States:

Resolved, That the Committee on the Judiciary is directed to examine into
and report whether such allegation is true in fact and in law, and that they
report the nature and character of the right and title of the United States in
and to said property, and the descriptions of or classes of property that have
so inured to the United States under the law, and whether either of said railroad companies has any lawful right or equity of redemption of said property.

MRS, DAISEY JOHNSON.

Mr. COCKRELL submitted the following resolution; which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Secretary of the Senate be, and hereby is, authorized and directed to pay out of the appropriation for miscellaneous items of the contingent fund of the Senate to Mrs. Daisey Johnson, widow of the late Thomas R. Johnson, deceased, a laborer and acting watchman under the Architect of the Capitol, the sum of \$960, being an amount equal to six months' salary as such laborer and acting watchman, and including all funeral and other allowances.

ORDER OF BUSINESS.

I move that when the Senate adjourn to-day it be Mr. HALE. to meet on Monday next.

Mr. MILLS. I hope the Senator from Maine will hold that mo-

tion and let me call up a little local bill for Texas.

Mr. HALE. This is only the usual motion.

Mr. MILLS. I understand; but there may be some opposition to it, and I should like to get the bill up now.

Mr. HALE. Very well.

ARANSAS PASS IMPROVEMENTS.

Mr. MILLS. I ask unanimous consent for the present consideration of the bill (S. 3494) providing for an examination of the improvements at the Pass of Aransas, Texas. The bill has been unanimously recommended by the Committee on Commerce.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It provides that for the purpose of ascertaining the character and value of the improvements made at the Pass of Aransas, on the Gulf coast of Texas, by the Aransas Pass Harbor Company, a board of three engineers shall be appointed by the President, as follows: One a civil engineer and the other two from the Engineer Course of the Aransas and such the other two from the Engineer Corps of the Army; and such board shall personally make examination of the work done by the company for the purpose of deepening the channel and removing the bar at or near the Pass of Aransas.

It proposes to appropriate \$5,000 to pay the expenses of the board and for the services of the engineers, the amount of compensation for the services to be fixed by the Corpstant of the compensation.

for the services to be fixed by the Secretary of War.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ADJOURNMENT TO MONDAY.

Mr. HALE. I renew my motion.

The VICE-PRESIDENT. The question is on the motion of the Senator from Maine, that when the Senate adjourn to-day it be to meet on Monday next.

The motion was agreed to.

COLUMBIA RIVER BRIDGE.

Mr. WILSON. I ask unanimous consent to call up the bill (S. 3375) authorizing the construction of a bridge across the Columbia River, in the State of Washington.

There being no objection, the Senate, as in Committee of the

Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

INAUGURAL CEREMONIES.

Mr. BACON. Three days since, by direction of the Committee on the District of Columbia, I reported from that committee a joint resolution looking to regulations with reference to the inaugural ceremonies. Upon the request of the Senator from Kansas [Mr. Peffer], the consideration was at that time postponed until the amendments of the committee could be printed. The amendments have been printed and laid on the desks of Senators for two days. I now ask the Senate to consent to the present consideration of the joint resolution, as it is important that the parties who are to be in charge of this work should know what they

can be allowed to do.

The VICE-PRESIDENT. The Senator from Georgia asks for the present consideration of a joint resolution, which will be read for information.

The Secretary read the joint resolution (H. Res. 214) authorizing the Secretary of War to grant permits to the executive committee on inaugural ceremonies for use of reservations or public spaces in city of Washington on the occasion of the inauguration of the President-elect on March 4, 1897, etc., as follows:

Resolved, etc., That the Secretary of War is hereby authorized to grant permits to the executive committee on inaugural ceremonies for the use of any reservations or other public spaces in the city of Washington on the occasion of the inauguration of the President-elect on the 4th day of March, 1897, which, in his opinion, will inflict no serious or permanent injuries upon such reservations or public spaces or statuary thereon; and the Commissioners of the District of Columbia may designate for such and other purposes on the occasion aforesaid such streets, avenues, and sidewalks in said city of Washington as they may deem proper and necessary: Provided, however, That all stands or platforms that may be erected on the public spaces aforesaid shall be under the supervision of the said executive committee and in accordance with plans and designs to be approved by the Architect of the Capitol, the Commissioner of Public Buildings and Grounds, and the building inspector of the District of Columbia.

The Committee on the District of Columbia reported to amend the joint resolution by adding the following additional sections, which were read:

which were read:

SEC. 2. That the Commissioners of the District of Columbia are hereby authorized to permit the committee on illumination of the citizens' executive committee for the inaugural ceremonies, March, 1897, to stretch suitable con ductors, with sufficient supports, wherever necessary, for the purpose of effecting the said illumination: Provided, That the said conductors shall not be used for the conveying of electrical currents after March 5, 1897, and shall, with their supports, be fully and entirely removed from the streets and avenues of the said city of Washington on or before March 15, 1897. Provided further, That the stretching and removing of the said wires shall be under the supervision of the Commissioners of the District of Columbia, who shall see that the provisions of this resolution are enforced, that all needful precautions are taken for the protection of the public, and that the pavement of any street, avenue, or alley disturbed is replaced in as good condition as before entering upon the work herein authorized: Provided further. That no expense or damage on account of or due to the stretching, operation, or removing of the said temporary overhead conductors shall be incurred by the United States or the District of Columbia.

SEC. 3. That \$8,200, or as much thereof as may be necessary, payable from any money in the Treasury not otherwise appropriated and from the revenues of the District of Columbia to maintain public order and protect life and property in said District from the 28th of February to the 9th of March, 1897, both inclusive. Said Commissioners are hereby authorized and directed to make all reasonable regulations necessary to secure such preservation of public order and protection of life and property,

and fixing fares by public conveyances during said period. Any person violating any of such regulations shall be liable for each such offense to a fine not to exceed \$100 in the police court of said District, and in default of payment thereof to imprisonment in the workhouse of said District for not longer than sixty days.

SEC 4. That the Secretary of War and the Secretary of the Navy be, and they are hereby, authorized to loan to the committee on inaugural ceremonies such ensigns, flags, etc. (except battle flags), that are not now in use and may be suitable and proper for decoration and may be spared without detriment to the public service; such flags to be used by said committee under such regulations and restrictions as may be prescribed by the said Secretaries, or either of them, in decorating the fronts of public buildings and other places on the line of march between the Capitol and the Executive Mansion, and the interior of the reception hall: Provided, That the said committee shall indemnify the said Department, or either of them, for any loss or damage to such flags not necessarily incident to such use.

SEC 5. That the Commissioners of the District of Columbia be, and they are hereby, authorized to permit the Western Union Telegraph Company to extend overhead wires into the Pension building and to such points along the line of parade as shall be deemed by the chief marshal convenient for use in connection with the parade and other inaugural purposes, the said wires to be taken down within ten days after the conclusion of the ceremonies on the 4th day of March, A. D. 1897.

Mr. HALE. So far as I could gather in the confusion, that is a bill somewhat regulating matters in the District connected with the inauguration ceremonies.

The VICE-PRESIDENT. It is a joint resolution,
Mr. HALE. I should like to examine it before it is acted upon.
Mr. HOAR. What is the joint resolution?
Mr. HALE. I do not think any Senator exactly knows. I could

not hear it very well.

Mr. BACON. I can not hear what the Senator says. Mr. HALE. I could not get at the scope of the joint resolution

Mr. HALE. I could not get at the scope of the joint resolution from the reading; there was so much confusion in the Chamber.
Mr. BACON. I will state to the Senator that the joint resolution embraces about the ordinary provision of the joint resolutions which have been agreed to by Congress on previous occasions when a President was to be inaugurated, looking to the use of streets and squares in such manner as the Secretary of War shall direct and consent to. I have been furnished by the clerk of the committee with a number of the joint resolutions agreed to upon previous occasions, and I have compared them with the present measure. While they are not identical in all particulars, they are substantially so.

are substantially so.

I will further state to the Senator from Maine that this joint resolution was reported from the Committee on the District of Columbia by me, by the direction of that committee, several days ago, with a request for immediate consideration, as it is important that the inaugural committee charged with this work shall know what permission is to be granted in order that they may make corresponding arrangements. Upon the request of a Senator the joint resolution, for which present consideration was then asked, was allowed to lie over to be printed for the convenience of Senators. Of course if the Senator has not seen the joint resolution in print, and desires time to examine it, there will be no objection to a further delay.

Mr. HALE. I should like to do that. Some of these things that have been permitted heretofore I do not think should be permitted now. I would not be willing that everything should be done as it has been done heretofore. I should look with great scrutiny and some jealousy upon giving the Commissioners of the District of Columbia very much power in relation to this matter. I will promise the Senator that I will examine it carefully, as other Senators desire to do, so that at the next meeting of the Senate he can call it up

Mr. HOAR. I should like to be permitted to say one word at this time.

Everybody well knows that in some years we have had a very inclement day for the inauguration of the President. People come from all parts of the country and stand out in the area east of the Capitol and catch their deaths by the exposure. I suppose in the year of the second inauguration of President Grant and in the year of the inauguration of President Harrison there were hundreds of persons who got serious diseases—perhaps hundreds got fatal diseases-by exposure.

It does seem to me that it must be practical and feasible to have some shelter, which shall be erected of plain boards, which will protect the gathering from rain or high wind or severe cold, withprotect the gathering from rain or high wind or severe cold, without limiting the number who can be present to see the inaugural ceremonies, the shelter to be put up before the inauguration, the material to be sold afterwards or kept for another occasion, and taken away immediately after. It appears to me that the capacity of the architects of this country ought to be sufficient to furnish a design for such a building. Mr. Clark, the Architect of the Capitol, seemed disinclined to take up the subject four years ago when it was suggested; he was unwilling to enter upon new and doubtful experiments in the matter; but I hope the executive committee will get the aid of some skilled architect and will see whether that thing can not be accomplished.

Mr. HALE. If the joint resolution goes over, it will be printed?

The VICE-PRESIDENT. The joint resolution goes over, objec-

The VICE-PRESIDENT. The joint resolution goes over, objection being interposed.

Mr. HALE. I hope it will be printed. I want Senators to examine into it very thoroughly.

The VICE-PRESIDENT. It has been printed, and is on the Calendar, the Chair will state.

Mr. HALE. The District Commissioners, in defiance of law and in, I think, an impudent manner, have permitted the streets of Washington to be torn up, so that everywhere we are confronted with work upon streets that Congress has prohibited. I do not want to give any more power or discretion to the Board of Commissioners until I look into the proposition thoroughly.

A message from the House of Representatives, by Mr. W. J. Browning, its Chief Clerk, announced that the House had passed the following bills:

A bill (S. 347) to remove the charge of desertion and grant an honorable discharge to Helmuth F. Seeckel; and
A bill (S. 1075) for the relief of the heirs of D. Fulford.

The message also announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 710) to remove the charge of desertion against James A. Crouch;

A bill (H. R. 989) for the relief of Cogswell & Co.;
A bill (H. R. 1628) for the relief of Dewitt Eastman;
A bill (H. R. 2253) for the relief of Barzilla C. Hudson;
A bill (H. R. 2859) granting a pension to Harriet F. Herrick;
A bill (H. R. 3623) to amend section 4 of an act entitled "An act

define the jurisdiction of the police court of the District of

Columbia;"
A bill (H. R. 3851) to reimburse Col. Phillip Kirshner for money paid for the services of a band for the Sixteenth Regiment of Ohio Infantry Volunteers;
A bill (H. R. 3926) to correct the war record of David Sample;
A bill (H. R. 6834) to prevent the purchasing of or speculation in claims against the Federal Government by United States officers; A bill (H. R. 6883) to incorporate the Convention of American

Instructors of the Deaf;
A bill (H. R. 9671) to detach the county of Marion from the northern division of the northern district of Alabama and attach

the same to the southern division of said district;

A bill (H. R. 9752) to amend an act entitled "An act to authorize the construction of a steel bridge over the St. Louis River between the States of Wisconsin and Minnesota," approved April 24, 1894, as amended by an act approved August 4, 1894, entitled "An act to amend an act to authorize the construction of a steel bridge over the St. Louis River between the States of Minnesota and Wisconsin: and

A bill (H. R. 9901) to detach the county of Audrain from the vestern district of Missouri and to attach the same to the eastern district of said State of Missouri.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills and joint resolution:

A bill (S. 206) to provide an American register for the steamer

Kahului;
A bill (S. 1424) to amend an act entitled "An act to amend section 4178, Revised Statutes, in relation to the marking of vessels' names at bow and stern, and also to provide for marking the draft," approved February 21, 1891;
A bill (S. 1725) authorizing the Kansas City, Watkins and Gulf

Railway to construct and maintain a bridge across Red River, at the city of Alexandria, La.;

A bill (S. 1741) to authorize the Muskogee, Oklahoma and Western Railroad Company to construct and operate a line of railway through Oklahoma and the Indian Territory, and for other pur-

A bill (S. 2334) construing the acts of Congress in relation to the award of life-saving medals;
A bill (H. R. 4538) for the relief of John Keefe;
A bill (H. R. 8676) to enable the town of Flagstaff, in the Territory of Arizona, to issue bonds to construct a water system; and A joint resolution (S. R. 189) providing for the erection of a Government building at the Tennessee Centennial Exposition.

FREE HOMESTEADS IN OKLAHOMA TERRITORY.

The VICE-PRESIDENT. The morning business is closed, and the Chair lays before the Senate the unfinished business coming

the Chair lays before the Senate the unfinished business coming over by unanimous consent from yesterday.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 3656) providing for free homesteads on the public lands in Oklahoma Territory for actual and bona fide settlers and reserving the public lands for that purpose.

Mr. JONES of Arkansas. Mr. President, I hope that this bill will pass. Some of the speeches made here would seem to

indicate that some Senators think that the homestead laws were designed simply to fill up the Western country and to provide freight for railroads. I am one of those who believe that the purpose of the homestead law was to permit the building of American homes; and I think it would be a desirable thing if every quarter section of land in this country had a home on it.

The public domain has been set apart absolutely for the use of The public domain has been set apart absolutely for the use of homes and homesteaders. I can see no difference whether the public domain has been derived from the French or from Indians. Lands that were bought years ago from France and paid for are open to homestead settlement, and no price is required to be paid by the homesteader except the expenses of the land office. When lands are acquired from Indians for the public domain, they because the state of the public domain, they because the state of the sta come a part of the public domain just as other lands are, and I can see no reason why the settlers on lands acquired from Indians should be required to pay for their homes when settlers on other lands are not. There is no just distinction between the two. It is true that when we acquired these lands a few years ago it was done with the understanding that the Government would be reimbursed for the appropriate that the Holious for the appropriate that the Government would be reimbursed. for the amounts of money paid to the Indians for the extinguishment of their title. If farming had been reasonably prosperous, this could easily have been done, but under the conditions which exist now it is a practical impossibility for a man to do more than

make a living on his homestead.

make a living on his homestead.

These people have gone on wild land; they have built houses and fences, and have cultivated the land. They have brought it under tillage; they have spent what little money they had in erecting houses and fences, and have been unable to save money enough, ing houses and fences, and have been unable to save money enough, in addition to making a living, to pay the small debt they owe the Government. Now, Mr. President, I ask what is to be done. If the lands are not remitted to these homesteaders, what will the Government do? Will it proceed to evict these people from their homes? Will it drive them out, and confiscate the houses and the fences they have built and the labor of their hands in bringing the land under tillage? This Government, strong and mighty and reversified as it is is not strong enough for that. There is a and powerful as it is, is not strong enough for that. There is a power behind the Government which will check and restrain any power beaind the Government which will check and restrain any such act of vandalism and ruthless robbery as that would be. Public opinion will not permit the Government of the United States to deprive these people of the pittance they have paid upon their homes in an honest effort to provide a place for their wives and children simply because of the hard conditions by which they are surrounded, which make it impossible for them to pay the Government the 50 or 75 cents or the \$1.25 an acre which they promised to pay for the land.

Under these circumstances, it seems to me there is but one thing for the Senate to do. That is to concur in the action of the House of Representatives and remit this small amount of money in favor of these homesteaders, that they may be allowed to live in peace and not be harried by this great Government as if it was

The exact similarity between the lands acquired from Indians and the lands acquired from the French, it seems to me, is a sufficient reason why these homesteaders should have exactly the same right on this land that they would have on other public land.

There is another feature connected with this bill that commends

I have been here for some years and I it very warmly to me. have seen bills introduced to protect manufactures, bills introduced to extend the powers and rights and privileges of national banks, of railroads, and other corporations; but this, I believe, is about the first time that I have ever seen a bill introduced in this body which was intended to be of some benefit to a handful of farmers scattered through the homes of the West. I should like to see that sort of legislation encouraged to the extent of passing to see that sort of legislation encouraged to the extent of passing this bill. We have been in the habit of just legislating in favor of those people who are able to take care of themselves, who appear represented by lobbyists and attorneys around the Halls of Congress; but these people, who are unable to send anybody to represent them, simply make a plain statement that they are unable to pay this money for their homesteads, and they think it unfair that they should be required to do so, when homesteads have been freely given to other people.

freely given to other people.

If I had no other reasons, these would seem to me to be sufficient

that this bill should pass.

Mr. GRAY. How much money will the bill take out of the

Treasury?
Mr. JONES of Arkansas. It does not take out any. It will put

Mr. TELLER. Mr. President, the objection that has been invariably urged to the passage of this bill is the claim that it is taking from the Government of the United States a certain amount of money. The Senator from Connecticut [Mr. Platt] who addressed the Senate on the subject some days ago, I believe placed the possible loss to the Government at \$35,000,000. That was the theory that all the land embraced in all of these several grants shall be sold for the price provided for in the statute.

It is well known to those who are familiar with the country where these reservations are located that a very small percentage of the land can ever be sold at the prices named. Take the reservation in the State of Colorado called the Ute Reservation. I vation in the State of Colorado called the Ute Reservation. I think to-day that practically all the available agricultural lands in that reservation may be said to be taken up. There remains a large quantity of mountain lands, mineral lands, which are not capable of being converted into farms, undisposed of, and which never will be disposed of except in a few cases where mineral claims may be made, which are not disturbed or interfered with by this proposed legislation. If every acre of the land should be taken, the Senator from Connecticut stated that there would be received for it by the Government \$35,000,000, as I recollect. I have not myself attempted to figure it. We were told by the Senator from South Dakota [Mr. Pettigrew] that while the lands had been opened in that State for some time, yet comparatively a small number of acres had been taken; and that of those that had been taken for farms a number were in danger of being abandoned.

I have some personal knowledge of a goodly portion of these reser-

I have some personal knowledge of a goodly portion of these reservations. I have been twice across the Territory of Oklahoma from north to south on different lines; I have been on its borders, and I horth to south on different lines; I have been on its borders, and I know something of the climatic conditions as well as of the geography of the country. It is true that when this purchase was being made it was stated here and elsewhere that these lands were fertile and valuable lands. They are fertile lands, as stated by the Senator from Nebraska [Mr. Allen] the other day, and there are no more fertile lands anywhere than may be found in the Territory of Oklahoma and in other sections of that Western country; but it does not follow that they are so valuable for farning purbut it does not follow that they are so valuable for farming purposes, unless there shall be a sufficient quantity of water provided for irrigating purposes, for those lands lie in what we call the

"arid belt."
The Senator from Connecticut seemed to think that he had made a great point against the bill when he read the report of the governor of the Territory of Oklahoma. The Senator ought to recollect—and I suppose it could not have escaped his notice, because he is on the committee which has been dealing with this provider of the Territory of pecause he is on the committee which has been dealing with this question—that there is a considerable portion of the Territory of Oklahoma which does not fall within the provisions of the pending bill. I do not remember how many, but there are several counties at least that were purchased of the Indians by the Government years ago, long before there was any settlement in the Oklahoma country, where we have not exacted from the settlers in that section any compensation whatever for the land. In seven counties, I am told by the Delegate from that Territory, lying in the eastern part, the most valuable of all that section of country, the settlers have been allowed to make settlement under the old homestead act

Again, much of the valuable land on the line of the streams was selected by the Indians in the first instance. A large number of Indian locations were made on the Canadian and other streams. On the best land, on that which was most easily cultivated, that which was lying near the streams where it might be irrigated with less expense, the Indian has already made his allotment. I can not say that he has settled on those allotments, because I think in most cases he has not. But we gave to the Indians the choice, the preference. He could take from this fertile country the best of it before the white man could go upon it. Upon the residue a large number of white people have gone; I do not know how many; but as Oklahoma cast somewhere between fifty-three and fifty-four thousand votes at the last election, there must be a very fifty-four thousand votes at the last election, there must be a very large population in that section of the country. Most of this country taken under the provision of the paid homestead lies west of what we call the arid line. It lies west of that section of country where you can not depend on timely rains for the cultivation of the crops. If that country ever becomes a successful farming country, it must depend on irrigation, and it is a country where, unfortunately, during the period when irrigation is required there is a great searcity of water. Some day when can required there is a great scarcity of water. Some day, when capital can be induced to construct reservoirs, that country will be very valuable; but it will take a long time before that can be done. It may be done to some extent by farmers combining; it may be done by capital; but it must be done by the expenditure of a large amount of money whenever it is done.

Settlers have gone there. They went there under the impression that they could pay for those lands. Their experience has demonstrated, as I understand, that it is almost, if not quite, impossible, under present conditions, to pay for those lands. I believe we have extended the time of payment. We shall be required to extend it again if we do not pass the pending bill; we shall be required to extend it again after awhile, and ultimately at some time in the future we shall come to the point when we shall give to these people this land which we ought to have given them in the

first instance.

The Senator from Connecticut said that in 1880 we made a departure in our land system. Mr. President, nobody connected with this Senate, nobody connected with this Government, supposed in 1880 that we had made any departure from the established policy of the Government of the United States, and that was a policy of free homesteads. The Senator from Montana [Mr. Carter] the other day told us, and rightly, too, that the title we had extinguished to the Indian lands had cost the Government of the United States more than \$400,000,000. Millions of acres of land held by the Indians were taken up in the Northwest and in the West under the homestead law and were paid for by the Gov-ernment of the United States; and yet up to 1880 it was never supposed that the settlers should pay for the land. In 1880 the Government concluded a contract with the confederated bands of Ute Indians in the State of Colorado, and acquired from them about eleven or twelve million acres of land. The agricultural land of that reservation is the best on this continent. Some of the valleys are equal in richness and natural wealth to the valley of the Wiley Land of the valley are level to the valley of the wiley are equal in richness and natural wealth to the valley of the Nile. In all those valleys there was an abundance of water. of the Nile. In all those valleys there was an abundance of water. There was no question of the paucity of water, although there was great paucity of rain. Those valleys have been taken up. They lie contiguous to a mining community, where higher prices are paid for all the products of the soil than in any other place on this continent, New York City not excepted. The agriculturist raised grain and sent it into the mountains and sold it to the mining population; the fruit grower and the vegetable grower sent their products into the mountains and sold them to the mining population. There has been no complaint from that section, and there would be none from this if the people were situ-ated as they were situated on the Ute Reservation. This bill will not materially relieve anybody in the State of Colorado, and I am not making this plea in behalf of anybody on the Ute Reserva-tion, but in the interest of the people who have gone upon less favored reservations and are there trying to make a living.

If the Senator from Connecticut and the Senators who agree

with him think that a loss of \$35,000,000 is a loss too great to justify the Government of the United States in inducing settlement tify the Government of the United States in inducing settlement upon these arid lands, they would not think so if they could have seen what I have seen, if they could have seen what other Senators who represent Western States have seen, the settlement of a new country. If the entire \$35,000,000 were to be lost, which it never will be, because it could never be got out of these lands—if the whole \$35,000,000 were in issue here, it would be a mere nothing compared with the advantage of spreading over those great plains civilization and settlement. Ultimately those plains must be settled, ultimately they will be settled. I know what it has cost those people to settle there. We are told that in the western part of Kansas, where there were 100,000 people, there are now but 40,000. What does that mean, Mr. President, to the 60,000 people who moved out of that country? How much hardship, how much deprivation, how much distress did that mean to those people who had attempted to brave a climate which was inhospitable to them, without water, and, having been unable to continue there, have

without water, and, having been unable to continue there, have moved themselves to more favored sections?

I have seen the West settled. I have traversed the State of I have seen the West settled. I have traversed the State of Kansas when there was no settlement except upon the Missouri River; I have traversed the State of Nebraska when there was no settlement except on the river. Now there are two and a half or three millions of as good people in those two States as live upon the American continent. They have made them great States, not with the ease that they made the State of Iowa, not as they settled the State of Illinois and some of the more easterly of the great Western States. They went there with a climate which was not so favorable, and yet by diligent and systematic cultivation they have made those States blossom, and they are as productive and as valuable States as any in the Union. You can build ultimately in the Dakotas just such States as have been built in Kansas and Nebraska, but it will take time. It must be done by the settler by the hardest kind of methods. You can build up a State in by the hardest kind of methods. You can build up a State in Oklahoma which will support a large population; but there is no reason why you should say that the people who go there now and who have gone there within the last five years shall be subjected to hardships and demands which were never made upon people in

any other portion of the country.

These people are far from markets. Even if their lands were well watered, if they could irrigate them without great expense by the natural streams which run through them, still they are under difficulties which should appeal to the charity of the great

American people.

Mr. President, the farmers of this country for a few years have had hard times; they have suffered great hardships, and in no place have they suffered more than in the extreme West. Take the States which I have mentioned, or take the Territory of Oklahoma. There, with all the disadvantages of a new country and with a somewhat difficult climate on account of its aridity, those people are away from a market, they are distant from the market centers, and the corn, the wheat, and the vegetables of that section of country must be marketed at a very low price. To say that the people who go upon the arid lands of Oklahoma or those of South or North Dakota shall, in addition to all they have to encounter in settling a new country, be subjected in some in-stances to a payment of \$400 in the first instance, with the inter-est which is to be attached and the interest which is to accumulate, when they are unable to pay, is practically to say to them that they must get out and leave those lands.

I submit to the Senate, if the time ever comes when it shall be

demonstrated that those people can not pay for those lands, do we expect to have the spectacle of the American people evicting the settlers from those lands? Are they to be put out? If they are, where are they to go? Mr. President, there is not anybody here who would be willing to vote to put those men off those lands if they fail to pay, if they say they are unable to pay and can not pay, and that they will pay if they are able. Every man who settles down upon a quarter section of land desires to have his title. The very thing that is nearest and dearest to his heart is that he The very thing that is nearest and dearest to his heart is that he may have a title to his land. He will pay for it if he can; but if he can not, will the Senator from Connecticut say that this great Government of ours shall turn itself into an evictor and put those people off those lands? It is a difficult question to meet. If those people can not pay, you will be obliged ultimately to give them the lands. American sentiment will never submit to the eviction of a great community the members of which have made every effort to pay for the lands according to the statute. It should be our policy to increase the number of farms and to draw as many people as possible from the congested centers of population out upon those agricultural lands, if agricultural they may be called. In almost every instance, if the farmer is not compelled to pay for his land, if he can use the \$400 that he would otherwise have

to pay the Government, he can get a few head of cattle and a few appliances about him by which he may make a living. I remember not long since receiving a letter from a citizen of my State, who said he had been in controversy with the Government of the United States concerning the title to his land. One of those officious, intermeddling Government agents had conceived the idea that that settler had not complied with all the technical requisites of the law, and so he instituted a contest against him in the land office and compelled the settler to go to the land office, a long distance from his home, to prove affirmatively that he had complied with every technicality of the law. When he had established his title, he sat down and wrote to me that upon this title, which the Government was supposed to have given him, and under which he had then been living for a number of years, he had expended, in defense of what he had supposed to be an actual and perfect title, \$400. He said, "I am without stock; I am without the needed appliances for cultivating my land; but if the Government had let me alone I should have had \$400 with which I could have bought me alone I should have had \$400 with which I could have bought some implements of agriculture." If you give to these people the \$400 that they pay for a quarter section of land, they will use it in making themselves homes upon the land, and you will secure their adherence to the land; you will keep them there; and, Mr. President, the great threatened danger to this American Republic to-day is the content of result in the great commercial centers. Every effort gestion of people in the great commercial centers. ought to be made to spread out the people, to encourage them to go upon the public lands to make homes, to make rural settlements, rural communities, where, as we all know, virtue and patriotism reside even when it may be lost in the large gathering of men in the great commercial centers

men in the great commercial centers.

Thirty-five million dollars! Mr. President, we put that much in a river and harbor bill. We put twice that much in the last river and harbor law for the promotion of commerce and trade, in which the great mass of the American people have but little interest, and in which the great West does not participate at all except as it furnishes and as it has furnished the great body of exports which go to make this country rich and great. We have no local interest in the measure, and yet you put into the last river and harbor law, either in direct appropriations or in authority to make contracts, a sum amounting, as I recollect it, to more than twice the sum involved in this bill, if it should happen to be 35,000,000, which it never will be and never can be. I am asked what I think it will be. I think at the most it will not be more than one-third of that amount. These lands can not be sold at such an extravagant price. You can find now in many sections of the country better lands than these are, better situated lands, for less money, even where the title is uncontested and unques-

Mr. President, I disclaim having for my people any special interest in this matter, but I know that there is a demand which every American Senator ought to respect. There is a demand by the people who have taken upon themselves burdens which they find they can not carry, and which we ought to have known, when we exacted the terms of them, that they could not. They were poor people who went upon these lands. They went upon the lands practically with nothing, in many cases, except their hands; built themselves sod houses, built themselves caves in the hillside, and lived there, as many settlers have lived there, hoping and hav ing reason to hope that they could better their condition ultimately. Shall the Government put a weight upon them that they can not support and can not endure? Shall it turn them out and evict from a quarter section a man and his family in order that the Government may claim from some other man three or four hundred dollars to fill up its depleted revenue?

Mr. President, we may be without revenue, but the American people is not a people that needs to oppress any class of its citizens in the interest of its revenue. We are not without untouched means of taxation. We have, as I once heard the Senator from Ineans of taxation. We have, as 1 once heart the Senator from Iowa [Mr. Allison] say, more unfouched taxable means than any other nation in the world, and if we are out of revenue we can get it in legitimate ways that will correspond with the dignity of a great people, and not take it out of the hardy pioneers of the West.

Mr. ALLISON. I desire to make an inquiry or two respecting the scope and extent of the pending bill. I have not had time to give it examination as to its details. I should like to have the Senator from South Dakota state whether the bill now applies to all Indian reservations. Is there any exception as to Indian res-

Mr. PETTIGREW. I will state, in answer to the Senator from Iowa, that there are many Indian reservations to which the bill does not apply, but they are reservations which have not yet been ceded, no negotiations having been had with the Indians. The bill simply applies to the homesteader who has taken a home upon the reservations which have been ceded by the Indians since 1889, and allows the settler to secure title after five years' residence. does not relieve the person who chooses to commute after four-teen months' residence. It does not relieve any other person than the man who has 160 acres and has resided upon it for five years and made it his exclusive home and residence.

years and made it his exclusive home and residence.

Mr. ALLISON. Now, will the Senator—

Mr. PLATT. If the Senator from Iowa will permit me, I will state that it does apply, as I understand it, to all lands where the Government has by negotiation with the Indians acquired portions of their reservations. It applies to all the lands that have been so acquired, as I understand it.

Mr. PETTIGREW. Not at all. It does not apply to those

reservations which embrace mineral lands.

Mr. PLATT. Oh, of course not.

Mr. PETTIGREW. The same reservations embrace, according to the statement made by the minority, large areas of mineral lands not subject to homestead entry. The Government will still sell those lands and get revenue therefrom. The bill does not relieve anyone except the settler who has taken 160 acres and has resided upon it for five years. It relieves no one else whatever. Very large areas of these reservations are timber land, and there is special provision made for its sale. It is not subject to homestead entry. I estimate that three-fourths of the area of the reservations embraced in these treaties will never be taken under Therefore the area the provisions of the homestead law at all.

that is embraced is comparatively small.

Mr. ALLISON. I desire to ask the Senator whether or not the bill embraces timber lands, so known, in the State of Minnesota

and other States where large reservations have been ceded?

Mr. PETTIGREW. I will state, so far as Minnesota is concerned, that the bill does not provide for the disposal of timber lands. There is a special provision in the treaty by which the timber land is to be appraised and sold at not less than \$3 a thousand stumpage and the money deposited in the Treasury for the benefit of the Indians. Where there is no timber were the land. benefit of the Indians. Where there is no timber upon the land, where it is purely agricultural land within the Minnesota reservations, the bill does apply. But those lands are not of the best quality, and the area that is not timber is mostly swamp, and therefore the number of people affected in Minnesota is not large

Mr. ALLISON. I see by the statement of the minority report made by the Senator from Connecticut that the Chippewa Minnesota Reservation, embracing 5,000,000 acres, is included. That must certainly include a very large area of timber land.

Mr. PLATT. If the Senator from Iowa will examine the table

a little more closely he will find against that statement that the proceeds are to be devoted to the Indians. The Government did

proceeds are to be devoted to the Indians. The Government did not pay for the land.

Mr. PETTIGREW. The reply to that statement is that the timber land is not subject to entry under the homestead law, and therefore is not affected by this legislation.

Mr. ALLISON. I was led to this inquiry largely by the difference between the statements made by the Senator from Colorado [Mr. Teller] and the Senator from Connecticut [Mr. Platt] in reference to the actual loss to be sustained by the United States in case the bill shall pass. Of course, if the bill embraces practically all Indian reservations heretofore ceded, or which may hereafter be ceded, which, I take it, when ceded, will come within the provisions of the pending bill, unless some special arrange-

ment is made, then the moment the remainder of the lands in the Indian Territory are ceded to the United States under some treaty already made or to be made very soon, those lands will be embraced within the provisions of the pending bill. Am I right about that?

about that?

Mr. PETTIGREW. I did not hear the Senator's question.

Mr. ALLISON. Does the bill apply to any future acquisitions?

Mr. PETTIGREW. No.

Mr. ALLISON. To none whatever?

Mr. PETTIGREW. No, sir. It leaves Congress free to make such disposition of lands hereafter acquired as it may choose. If

we are to get revenue from this source, we must change our policy.
We can not get it under our present policy.
Mr. COCKRELL. Suppose we dispose of other lands as we did dispose of these; then a bill similar to this one will come in to give

the land away.

Mr. PETTIGREW. I think so. It ought to.

Mr. TELLER. Will the Senator from Iowa allow me to say a word in reference to that point?

Mr. ALLISON. I am only making an inquiry, because I wish to ascertain the scope of the bill.

Mr. TELLER. The Senator from Iowa asked about the Indian Territory. I suppose he means the lands occupied by the Five

Territory. I suppose he means the lands occupied by the Five Civilized Tribes, as they are called?

Mr. ALLISON. I refer to reservations not already acquired.

Mr. TELLER. We have acquired all the land we can acquire from those Indians. We shall never acquire another acre, in my judgment. What kind of an arrangement the Dawes Commission was secure for the division at a of their reports. may secure for the division, etc., of their property I am not now able to say. But it is to go to the Indians. There is no purpose and no plan, and it would be utterly impossible for the Government to buy that land; and if we did, what would be the result? On that land there are at least five white men where there is an Indian. In the Indian Territory there are at least three or four hundred thousand people, white farmers, in addition to sixty or seventy thousand Indians. That need not be a matter for future concern, because we shall expend no money to buy that land, and we shall not be called upon to donate any of it to settlers.

The difference between the Senator from Connecticut and myself in the estimate grows out of the fact that the Senator from Connecticut assumes that all of this land, every particle of it, is to

be occupied at the prices—
Mr. PLATT. I did not.
Mr. TELLER. If the Senator did not, he could not make it \$35,000,000.

Mr. PLATT. I never said, either in the report which I made or in my speech, that the loss would be \$35,000,000. I said what had been stated by the Land Office. I stated in my report that I thought it was more than the majority report allowed it to be. According to the majority report it was thought that it would not be more than \$17,500,000, but I stated that I think that is too low. When I came to speak about it, I did not put the objection upon the ground of the amount particularly that was going to be relinquished by the Government.

While I am on my feet, if the Senator from Iowa will permit

me, I wish to make a single remark.

Mr. ALLISON. Certainly. I merely rose to make an inquiry.

Mr. PLATT. I did say in my report, and in the remarks which
I made, that we are now proposing to establish a policy for the
future; that these Indian reservations would undoubtedly be largely diminished in the future, and that if the policy was to be that the Government should pay the Indians for the lands and then donate them to settlers, it would undoubtedly be a larger amount than has been mentioned, either by the Commissioner of the Land Office or any other person in this discussion. That, I think, is true.

think, is true.

We are establishing a policy now. This very year in the Indian appropriation bill as reported to the House of Representatives there is a proposition to pay \$2,000,000 to the Indians to relinquish their title to the Kiowa, Comanche, and Apache Reservation, which is west still of these semiarid lands, as they are called. That is at the rate of \$1.25 per acre. So the policy of the Government is undoubtedly to be to go on and extinguish the title to more and more of the Indian reservations, and of course if we say that the land is to be given to anybody who will homestead upon it, all of that will have to be added not to the immediate expenses, but to the future expenses of the Government. the future expenses of the Government.

the future expenses of the Government.

Take the Osage Reservation. The time is coming—it may not be immediately—when those 1,500 people will undoubtedly part with a considerable portion of their reservation. I undertake to say that it is as fertile land as lies under the sun in any country. Is it to be the policy for the Government to pay the Indians for the land and then to give the land to settlers?

Now, if that is to be the policy, we may as well understand it now for the present as for the future. That is the claim which is made here—that whenever anybody desires a home, desires land to settle upon, the Government must look around and see where there

is any land, buy it, pay for it, and then give it to the people who will settle upon it for five years. That is the point I have been making all along, and in the replies which have been made nobody seems to apprehend the point. Perhaps it has not been made so that it could be apprehended, and possibly it is not a good point anyway.

Mr. TELLER. I did apprehend it, but it seemed to me absurd that anybody should have made any such claim. I did not supthat anybody should have made any such claim. I did not suppose that because we relieve these people who have already demonstrated that they can not pay for their lands we would buy lands that were fertile, valuable, in the State of Kansas or somewhere else and give them to other people. I supposed that Congress had sense enough to determine each case as it arose, and I do not understand how we create any legislative precedent which you can not avoid. In fact, I never before heard of a legislative

The Senator may think that this would be dangerous—it may be that it would be somewhat persuasive—and that if you gave one piece of dry land to one man you shall give another piece of dry land to another. But by no logic with which I am familiar can it be said that if you give a piece of worthless land to one man you must give to some other man a good piece, a valuable piece like the Osage land, which, if it is ever sold, will be sold by the Indians and not by the Government.

Mr. PLATT. We opened last year the Nez Perces Reservation. We paid for it to the Indians at the rate of \$3.75 an acre, and we put that price upon the lands. Now, does not the Senator from Colorado know that a large portion of those lands have been eagerly sought for at \$3.75, and that they are worth it anywhere?

Mr. TELLER. I know they have been eagerly sought. In the first place, they are not worth that price and were never worth it.

Mr. PLATT. The Nez Perces lands?

Mr. TELLER. Yes. It may be that a settler thinks he can pay that price for them, and he may be willing to pay it for them, but he can not pay it for them. There is not one settler out of twenty who can pay \$3 an acre. The average man who moves upon public lands in the West in these days is too poverty stricken to do that. He goes upon Government land because he can there have a place where for a time at least he can make a hone, but he can better his condition. The Senator may think that this would be dangerous—it may be

have a place where for a time at least he can make a home; but he goes there hoping that in some way he can better his condition. When he finds he can not, and the Government gets after him, as the Senator from Connecticut hopes it will, with a writ of evic-tion, he will be hunting another place. If somebody offers him a place at twice that amount, he will take it and go upon it, and if he can not pay for it, and he finds after a while that he can not, he will move again, and he becomes an agricultural tramp. That is what the policy of the Senator from Connecticut would make of the people who have gone upon this land in Oklahoma.

The people who are in the far West have enough burdens upon them if they get the land for nothing. They are carrying the flag of civilization and decency and morality in the West. They are recorded for whom every decent man ought to feel sympathy and the

people for whom every decent man ought to feel sympathy, and the fact that some persons may ask you later to give them other land is no answer when we say these men can not pay for their lands, when we say that those lands are not worth what the Government when we say that those lands are not worth what the Government is exacting for them, nor is it an answer when the Senator says we have paid \$3 an acre for land. What right had you to pay \$3 an acre for it? It was land that belonged to the people. The lands of the United States never belonged to the Indians. They belonged to the United States in trust for the people who chose to occupy them, and if, in defiance of good legislation, we have given to the Indians, as we have, millions of acres for which they had no use and to which they had no title, it is no reason why anyone should say, "We have made a bad bargain with the Indians, and we will take it out of the people of the United States."

You gave to the Indians two-thirds of the State of Colorado in

the first treaty that was made by you, and not an Indian inside of the borders of the State of Colorado had the slightest title to the land or ever did have under the Government from which we derived the land. No Spanish Government or Mexican Govern-ment had recognized title in Indians to the lands, and we took the State of Colorado absolutely without any embarrassment of Indian title. Yet the Government of the United States, after we and an title. Yet the Government of the United States, after we had been organized into a Territory, by a treaty gave two-thirds of that great State to less than 5,000 Indians, and now shall the Senator say here that against the people of the United States those Indians have title? You can not give a title of that kind which in morals or in law shall estop us from saying that the great mass of people who are seeking homes shall have an opportunity to make them upon this land. tunity to make them upon this land.

You have no right to take it away, and because you made a bad bargain or a wicked trade with the Indians in an early day, say, "You shall pay now the value of this land," to which, I repeat, the Indians have no claim. The Indian title in this country has never been a title in fee except as we gave it to them. It has never been a title which has been recognized as more than an occupation. We are the only people in the world who have ever

recognized the aborigines as entitled to full compensation for the land over which they roamed. It is against civilization to insist that the Indians now have such title that the Government shall pay them the full value for it, or, if they have, to say then that this land shall be held to those who are fortunate to have the most

money and can buy it.

Mr. President, the policy of the Republican party in its early day, when it was the party of the people, was for free homes and free soil, and the very ticket for which the Senator voted at the last election was nominated upon a platform that declared for this identical bill. The American people declared in both of their great conventions that they intended that the people should have free homes, and if the policy to which the Senator refers was adopted, as he says it was, in 1880, the two great conventions repudiated it. The Senator said the other day that he knew that these things got through conventions. That provision of the Republican platform came into the subcommittee prepared, and it went into the whole committee. With the consent of every member of the subcommittee and every member of the whole committee, it went into the national convention and met the approval of every man there. But now the Senator says he is not obligated and that none of us is obligated to support it. The Democratic convention at Chicago declared for the same thing, the Populist convention declared for the same thing, and if it can be said that there is any one matter on which the American people have been heard, it is that they intend as long as there is any land to be occupied that it shall be free to the American citizen who is willing to go upon it and make

Mr. President, \$35,000,000 is a bagatelle. You waste more than that every year on your Army. You waste more than that upon your ships that will rot in your harbors, and you do it that you may protect the great Eastern Coast. You do it at the demand of the great corporations who want to make armor and build ships, but when an American settler wants, not \$400 out of the public Treasury, but to be relieved from the payment of that which he asserts, and which we who know his condition assert, he can not pay and ought not to be required to pay, then the Senator from Connecticut and the men who stand with him, who have made these great demands of us for twenty years here, to which we have responded, ask us to turn out the settler, put him afloat, and

make him a tramp.

make him a tramp.

Mr. President, so far as I am concerned, I will give every acre of unoccupied land to the men who will occupy it, and I shall be doing my duty to my country when I do it. The great danger to the Republic, I repeat, is that you have not farmers enough. You have too many men in your factories and in your mines and in your mills, and not enough on farms. The fathers of the Republic saw the danger, and they said, "We do not want to have a great manufacturing people, because the manufacturers and the people who work in shops are not the men to carry liberty and law; they are not the men to be patriotic in every hour of the country's distress." Every time we have called upon the American people we have found the agricultural body responding, and there is we have found the agricultural body responding, and there is where our hope lies.

Thirty-five million dollars, Mr. President! Any Senator on this floor ought to be ashamed to talk about it, if we are correct in our

statements of facts, which the Senator does not deny.

Mr. PLATT. Mr. President, I have not quarreled with the

statement of facts made here, but I wish to call attention to the fact that there have been no petitions to Congress from settlers asking for this relinquishment. I wish to call attention to the fact that there has not been a memorial from any State or from the people settled upon any Indian reservation asking for this legislation. I wish to call attention to the fact that the governor of Oklahoma—and there seems to be some attempt to cast discredit upon his representation of the condition in his Territory—in his annual report does not mention that it is required.

Mr. PETTIGREW. I should like to interrupt the Senator from

Connecticut for one moment. I am informed by the Delegate from Oklahoma that petitions signed by 200,000 people are on file in the

Oklahoma that petitions signed by 200,000 people are on file in the House committee, requesting the passage of the pending bill.

Mr. PLATT. Possibiy. Right here, while on this subject, I wish to say a word about the people of Oklahoma. The Delegate from Oklahoma is undoubtedly responsible for the passage of the pending bill through the other House. It was by his solicitation and his earnest effort that it was passed through the other House.

I think perhaps I should see here.

I think perhaps I should say here—
Mr. PETTIGREW. Fourteen million voters voted for this

proposition. Mr. PLATT. Mr. PLATT. Oh, well, 14,000,000 voters voted that we should have a Delegate in Congress from Alaska. Whom does that bind? It is to be determined on principle and by what may be supposed to be public policy when the question comes here.

But I was speaking of Oklahoma. The Delegate from Oklahoma was earnest and active in securing the passage of this legislation through the other House. He did not think of the necessities of the great Northwest, which has added three times as much

to the bill as was affected by it when it came from the other House. But he became a candidate for reelection. He made this an issue before the people of Oklahoma. He asked to be reelected on that issue, and they voted him down. Neither the governor of Oklahoma asked for it, nor have the people of Oklahoma, in a direct issue made in the campaign, seconded this demand from Oklahoma.

Several days ago the question was asked by the Senator from Massachusetts [Mr. Hoar] of the Senator from Kansas [Mr. Peffer] whether he thought that in any period of the world there had been any such progress made as had been made during the last forty-two years in the State of Kansas; and I believe it was agreed here practically that in the development of wealth and population and resources and all that goes to make a State great and prosperous there really had been no such development during the period of forty-two years as had taken place in Kansas. But I want to say that, from my knowledge of Oklahoma, from what the governor says about it, from some little personal observation of it, comparing the time of seven years since the establishment of the Territory of Oklahoma with the forty-two years since Kansas was first made a State, the progress, the development in wealth, in population, in resources, in ability to take care of themselves far surpass that of Kansas or any other instance in American or in

the world's history.

That may be stating it pretty strongly, Mr. President, but I believe it. I believe that never in the history of civilization has there been a development within seven years' time of any portion of the globe that has resulted in the same progress, the same development, the same advancement toward wealth, which have occurred in Oklahoma, where it is asked that this law shall be

I presume there have been petitions in the House. There have

been none here.

Now, Mr. President, a single other word. It is an ungracious Now, Mr. President, a single other word. It is an ungracious thing to oppose a farmer, an agriculturist, a settler, in any demand that he may make. I may repeat what I said when I was on my feet the other day, that I think I have respect for the pioneer and sympathy with the pioneer fully equal to that of some of the people who live nearer to him. I think I may go further and say that I am as proud of the development of this country which has been wroughtby the people who since its settlement have taken up the march of civilization toward the West as any man living in that part of the country.

taken up the march of civilization toward the West as any man living in that part of the country.

And I may say another thing, that while the West, or some portions of the West, or some people in the West, as frequently illustrated on this floor, think that something is to be gained for that section of the country by sneering at the East, by throwing accusations in the face of Senators and Representatives who come from the East, I have never heard any Eastern Senator making any such accusations with regard to the West. I have never known an Eastern Senator or an Eastern Representative who had any prejudice for the population of the West. We regard them as our own kith and kin. We know that the influences which built up the magnificent territory of the West, that new empire of the earth, had its home and its development in the East; and we regard the West, when we have developed the West, when when have developed the West, when we have developed the West, when we have developed the west was at least the property that the west was at least the west that the west was at least the west was at least the west than the west was at least the west than the west was at least the west than the the Western settlers, the pioneers, the men who have developed the resources and the enterprise and the wealth and the strength of the West, as members of our own family, and we are sorry to see them at any time so far forget their origin as to feel that they gain anything by taunting the people in the section from which they came. It is no use to the West to have an army or a navy; it is no object to the West to spend any money on rivers or harbors; it is all for the East.

Mr. President, I had not supposed that this was a sectional coun-y. I have never since I have been a Senator cast a vote with reference to what I supposed was a sectional measure or a measure involving sectional interest pending before the Senate. I dislike to hear this talk about sectionalism, about the West and its interests being opposed to those of the East, and the East and its interests being opposed to those of the West. I believe that I have a mind and a heart broad enough to recognize and take in every section of

this country in my admiration and in my love.

It is quite time, Mr. President, that we cease taunting one another about the section of the country from which we come and in which we live. This is one country, thank God, from the Atlantic to the Pacific, and what helps the West helps the East and what helps the East helps the West. It is a common country, and a Western man can no more divorce his interest from the East than the Eastern man can payore divorce his interest from the West. The Northern man can no more divorce his interest from the West. The Northern man can no more divorce his interest from the South than the Southern man can divorce his interest from the North. There is no measure which is calculated to help any section of

Let us get rid of this sectionalism, Mr. President. Let us get rid of this sectionalism, Mr. President. Let us get rid of this sectional prejudice. For one, if I should be permitted to remain in the Senate, it will be a great provocation, to say the least, which makes me so far forget that I am a citizen of the United States and that all the citizens of the United States are

my brethren as to retort in kind whenever an attack is made

upon the East.

I did not intend to make any remarks beyond what I made the other day upon the pending bill. I have no doubt there are many people who have taken up land under the homestead law with the obligation to pay at the end of five years who find it difficult and who, perhaps, will find it impossible to make the payment, but there are others, Mr. President, who will achieve under their settlement what to some men seem a fortune, even if they pay for the lands the price which was stipulated. There has been no investigation; there is no discrimination. A man who has been successful is to receive this donation as much as the man who has been unfortunate.

The point I make about it is that the homestead law has nothing to do with it. These lands have been acquired upon a condition precedent, so far as the settlement is concerned. They have been acquired with the understanding that they were wanted for settlement, and that the settlers would reimburse the Govern-

Mr. ALLEN. I should like to ask the Senator a question.
Mr. PLATT. I beg pardon for a moment.
The PRESIDING OFFICER (Mr. CHILTON in the chair). The Senator from Connecticut declines to yield to the Senator from Nebraska

Mr. ALLEN. All right.

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Mr. PLATT. The Senators upon this floor who have seen the Government paying out its money for these lands, who have been familiar with these lands, or who ought to have been familiar with them, never intimated that the Government was paying too much money for them. They come in now and say that the Government has squandered its money in the purchase of them because the lands were good for nothing. But during all the time these payments and purchases have been urged upon Congress there has not been an indication that the Government was paying for these lands beyond their real value. It was only in 1895 that the opening of the Nez Perces Reservation was made. We were told here that these lands were righty weeth \$2.75 are accepted.

that those lands were richly worth \$3.75 an acre, and now they are classed with the arid lands on which nobody can get a living.

The homestead question does not touch this. Free homes; land for the landless. Yes, as long as the Government has it to give to them, but not when the Government has got to buy it to give it to them. There is the distinction. It seems that in the desire to benefit these people that distinction is wholly lost sight of.

It was the proposition when these lands were purchased that we must buy them so as to afford an opportunity for settlement under these conditions. If the homestead act means that we must buy lands for people to settle upon as fast as the desirable lands are taken up, then the matter must go on as I suggested in reply to some inquiries of the Senator from Iowa. If it be the bounden duty of the Government to provide homes for the homeless and lands for the landless at whatever cost, then we can not stop with the Indian lands; we must buy other lands. That is the position which is taken here when you analyze it, that the Government find lands or the landless at the landless at the covernment find lands or the landless at the government find lands. ment must find lands for the landless and homes for the home-

Mr. TELLER. Nobody has taken it except the Senator himself.
Mr. PLATT. That is the logic of the position here. We bought
these lands not to give away. Nobody supposed that we bought
them to give them away. We bought them upon the understand-

these lands not to give away. Nobody supposed that we bought them to give them away. We bought them upon the understanding that the Government was to be reimbursed.

Now, it is said that was a bad policy; that it was the Government's business to supply lands to the landless and homes to the homeless, and therefore it was perfectly proper that we should buy them and give them away. If that is the policy, if there are no limitations, no qualifications to it, it must go on to the full extent of the wildest doctrine of paternalism. The Government must support those who can not support themselves. The Government must furnish land to anyone who has not got it and who wants it and who is willing to live five years on it, and if the Government is the support of the sup wants it and who is willing to live five years on it, and if the Government has not got the land it must get it.
Mr. ALLEN. Who makes that claim?

Mr. ALLEN. Who makes that claim?
Mr. PLATT. That is the logic of the claim which is made here.
Senators talk about its being a part of the principle of the home-

stead law. Not at all.

I take the new case that is coming up for our consideration before we get through with the present session. Here is the Kiowa, Comanche, and Wichita Reservation. It lies west of the Chickasaw Reservation, and between that and Green County, in Oklahoma, still farther west than where it is said these arid lands are which nobody can get a living on. Now, the proposition is that we shall put out \$2,000,000 more of the Government's money to get lands for the landless and homes for the homeless. Pretty soon some other Indian reservation lands will be wanted for settlers. Then the Government must buy them of the Indians and give them to people who desire to settle upon them, in order that there may be lands for the landless and homes for the homeless. There must be some limitation, Mr. President, upon that

principle; otherwise we have to go into the business of buying lands from private owners and donating them to individuals.

The Senator from Colorado thinks we ought not to have paid

the Indians anything; that the land belongs

Mr. TELLER. I have never made any such statement at all.
Mr. PLATT. Well, Mr. President, the Senator from Colorado,
like myself, gets excited sometimes in talking.
Mr. TELLER. I never get enough excited to make that state-

Mr. PLATT. If I did not misapprehend the Senator from Colorado, I understood him to say in effect that the Indians had no title to these lands, that the Government ought not to have paid for them, that the Government could not have given them any for them, that the Government could not have given them any title which they claimed, and did not give them any title to the lands which they claimed. I heard him, I think, refer to his own State of Colorado, in which he said that although the Government paid the Indians for the title the Indians had no title; that the Government could not give them any title.

Mr. TELLER. If the Senator from Connecticut will allow me, I said that in Colorado the case was different from that in the other section. We took that country from Marica, which did not

We took that country from Mexico, which did not recognize any burden of Indian occupation. Now, what I said was that the title was in the United States, subject, of course, to the embarrassment of the Indian occupation. I never have intimated that the Government of the United States should not have paid them something. But when the Senator puts this upon the ground that we bought the land as we would buy it of him, that is not correct. The Government all the time had a title, as he

Mr. PLATT. If the Senator will look at the remarks which he made when the manuscript is handed him this evening, he will

find that in his zeal-

Mr. TELLER. I will leave it just as it is.
Mr. PLATT. He will find that in his zeal he went even to the
extent of saying that the public land of the United States belonged

extent of saying that the public land of the United States belonged to the white people.

Mr. TELLER. No, I did not. I said "the people."

Mr. PLATT. Well, meaning the white people. He said that it belonged to the people who wanted to settle upon it; that they had a right to settle upon it; and he will find that the unmistakable inference of his language was that the white people were entitled to the lands which were occupied by the Indians if the white people wanted them for settlement; that it did the Indians no good, and that the Indians had no right to claim large tracts and hodies of land when the white people wanted them for settlement. and bodies of land when the white people wanted them for settlement. I thought as I was listening to that statement that the Senator from Colorado would hardly, in his cooler moments, abide

by it.

Mr. TELLER. If the Senator will allow me, I should like to state what my theory is upon that point, and then he may dilate

on it as he sees fit.

The PRESIDING OFFICER. Does the Senator from Connecticut yield to the Senator from Colorado?

Mr. PLATT. Certainly.

Mr. TELLER. My theory as to the public land is that the public land belonging to the United States nominally belongs to the people of the United States; that the Government holds it in trust; and that any man, without reference to his color or anything else, if he is a citizen of the United States, has a right to occupy a certain limited amount of the public domain under proper regulations. I do not think the Government of the United States has the legal power to set aside a great tract of country and say it shall never be occupied. I do not say that the Government should not have paid the Indians something for this shadowy title. I say they should have extinguished any title that they had recognized. If they paid too much for it, that is another question.

In my twenty years of public service I have never been for despoiling the Indian, and the Senator knows that as well as any-

body on this floor; he knows I have always insisted that the Government should keep its contracts with the Indians; that if it was an unfortunate contract it still should keep it; but if it made a contract that was bad, it had no right to shoulder the unfortunate contract on the agriculturists of the country, who, in my judgment, were entitled to this land if they would occupy it.

Mr. PLATT. Well, Mr. President, I do not know whether we made had bargains or not. I have no right to speak of the representations.

made bad bargains or not. I have no right to speak of the representations made by members of the other House, but I know that Senators residing in the vicinity—perhaps in the States—where we have opened these reservations, when the proposition came here that the Government should make the appropriation came here that the Government should make the appropriations to pay for the lands, have never lifted their voices to say that it was not a fair price paid for the lands. I think even the Senator from Colorado at last acceded to the purchase of the Cherokee Outlet. I do not think that any Senator here, knowing the property, knowing what the Government was paying for it, has ever intimated that the Government was paying to the Indians any more than it ought to pay to them. ought to pay to them.

That is what I object to, Mr. President. I believe in lands for the landless and homes for the homeless, furnished under the homestead law, so far as it can be done. But I do not believe in buying lands from Indians, from individuals or syndicates, to give them

away because of the homestead act.

That is all the objection I have made here. I have said that this has been perfectly understood from the first; that it was understood when these payments were made and these lands were opened that the Government was to be reimbursed; that we have had no evidence here that as to any considerable portion of the people who have taken up homesteads they can not comply with the terms upon which they were taken up; that both in the open-ing of the lands, so far as getting them from the Indians and openthem to settlement was concerned, and in the very settlement of the lands themselves, there was a contract with the Govern-ment which ought to be observed if the parties are able to observe it, and which, if it is to be relinquished, ought to be not by whole-sale, not by sweeping in all ceded reservations, whatever their character and whatever the character of their lands, but relinquished upon some wise understanding, upon evidence, upon facts as to those cases in which it is proper to relinquish it. I do not as to those cases in which it is proper to reiniquish it. I do not know why a man who under these acts acquired 160 acres of land in the eastern portion of the Cherokee Outlet, which he can sell the moment he gets his patent for from \$15 to \$20 an acre, should have the price that he agreed to pay relinquished to him.

Mr. PLATT. I do not say that all of them can; but I believe we were teld there were sections there that were worth \$50 an acres.

we were told there were sections there that were worth \$50 an acre; and I believe there are many holdings in the eastern portion of the Cherokee Outlet that could easily be sold for from \$10 to \$15 and

\$20 an acre.

That is not right, Mr. President. If it be right to extend relief to some person who has gone out to the semiarid regions, who has gone out too far and got lands that he can not pay for and that he can never get a living upon, there should be some discrimination. You can not determine whether this ought to be done by the four words "land on ceded reservations." That is not a test by which to determine it ought in justice and fairness and equity to be

Referring again to the Nez Perces Reservation, I understand, and I think I am not mistaken about it, that that land is very valuable agricultural land, opened only a year ago to settlement. The proposition is that because valuable land happened to come The proposition is that because valuable land happened to come from a ceded Indian reservation the persons who have taken up that land in this way, with the understanding that they were to pay for it, shall be relieved from the payment just as much as if they were living in a sod house on the very western portion of the Great Sioux Reservation, where the rains never fall and where no human being, as it is said, can get a living by agriculture.

There is nothing in the principle of the homestead act, in the idea of land for the land loss and homestead act, in the

idea of land for the landless and homes for the homeless, of sympathy with the struggling pioneer, of admiration for the character of the men who are building up the great West, or in the fact that these lands come from ceded Indian reservations purchased with the money of the Government for the sake of opening them,

which justifies the enactment of this wholesale policy.

Mr. ALLISON. Mr. President, this bill, it strikes me, is too general in its character. When it came to us from the House of Representatives it related only to the lands in the Territory of Oklahoma. Now it seems to be extended to all lands that have been hitherto ceded to the United States by the Indians, and when ended hereafter without medial previous of severe its will related. ceded hereafter without special provision, of course it will apply to them.

I do not agree with the Senator from Connecticut in what is implied at least by his remarks, that when we buy lands from an Indian tribe the United States is bound to recoup the cost of the

purchase price of the lands from the actual settlers.

The Senator from Connecticut says that there is no claim that The Senator from Connecticut says that there is no claim that we have paid too much for extinguishing the Indian titles. Mr. President, I believe we have paid too much for many of them, and I think the Senator from Connecticut knows of at least one or two recent purchases, including these in the Territory of Oklahoma, where we paid far beyond the amount which should have been paid to the Indian tribes which claimed the lands. But, as I understand this question of the acquisition of the Indian title, it is that we pay for them so much or so little as will enable us to acquire the territory we seek to obtain. Therefore, I think that the question of price should be segregated from the question of what we should do with those lands after they have been purchased from the Indians.

As I understand the situation as to many of these tribes, we have paid too much for the land. I undertake to say that we have paid far too much for the 9,000,000 acres which were purchased from the Sioux tribe in South Dakota. Those 9,000,000 acres of land which were acquired from the Sioux tribe are worth nothing for agricultural purposes without irrigation, and it will be difficult to irrigate them. That land may be of some value, and is of some value, for pasturage purposes; and yet it is treated in this bill as though it was agricultural land.

I made this inquiry because the Senator from Colorado seems to dwell upon the idea that it makes no difference if we are giving \$35,000,000 which belongs to the Treasury by the passage of this bill. Mr. President, I do not know the character, and I regret that we have not information showing us the character, of each the reservations which are embraced within the policy of this bill. I do not find the information in the majority report

The Senator from Connecticut says that the land in the Nez Perces Reservation is worth \$3.75 an acre. That is what we paid for it. I have no doubt, without any special knowledge of the subject, that that sum is less than it is worth. Many of the Indian reservations have been scaled down from time to time by the encroachments of settlements upon them from the east and from the west, and all around them. For one, I do not believe we are obliged to pay the Indians a high price for the lands, whether it be \$3.75 an acre or any other sum, and then leave it open to the scramble of the men who may live near the reservations who can first get upon them and take them as homesteads. I am perfectly willing, so far as the settlers are concerned who have gone upon those lands under the authority of law, who have promised to pay for them but can not pay for them, and who wish to retain their settlement and occupation of them, to relieve them so far as we can without regard to the promise that they have made, but I do not like to go into this wholesale business of releasing all lands, whether they be in close proximity to cities or towns in Oklahoma or in other Territories or States of this Union, thereby having acquired a value of forty or fifty dollars, or it may be \$500 an

I snall, however, vote for this bill. Before we have finished the I shall, however, vote for this bill. Before we have finished the discussion the Senator from Colorado will, perhaps, think I will not. But I think, as it stands, it is too general in its character, and that it ought to be so limited as that it will apply exclusively to settlers on agricultural lands who have gone there and attempted to make homes, but who have been unable to pay for their homes, and not to those who have speculated in homes within a mile or two of what may have hitherto been prosperous cities in Oklahoma or elsewhere Oklahoma or elsewhere.

Okianoma or eisewhere.

The Senator from Connecticut says that there is a policy about this bill. I am glad to hear both the Senator from South Dakota, who is in charge of the bill, and the Senator from Colorado say there is no policy in it. I want, as one Senator, if I remain in this body, and while I do remain here, to deal with each Indian reservation, the price paid for it, and what we shall do with it at the time the question properly arises, and not now bind myself by

law to a policy respecting it.

As to the original policy of the homestead law, I see the venerable father of that law listening to this debate in the Senate.

What was its original scope and object, as explained in the House of Representatives? It was that the lands, which were far distant from the settled portions of our country, should be opened to those who wight such them, whother living a year our shores or coming who might seek them, whether living upon our shores or coming to us from abroad, to build up homes and communities. When the homestead law passed, in my State there was not a farmer who lived within 100 miles of the Mississippi River who could secure for his crops a sufficient price to pay for their transportation from his home to the river, which was his only way to market. Therefore our people thought the object of the homestead law and its policy at that time was that the new prairie States should be opened to settlement, thereby inducing the occupation of that vast section, and also inducing railways and other transportation companies to reach their homes to take away their products. That has been the policy of the homestead law from that time to this.

Ido not think, however, that in its proper scope that law embraces the idea that all lands of the United States which have been taken in close proximity to cities and towns, and are used and held by speculators for speculative purposes, shall be relinquished to them because of their purchase. Therefore, while I am willing for one to relinquish, so far as the United States can relinquish, to these homestead settlers the price they have agreed to pay, I dislike exceedingly to vote for a sweeping bill which is to apply to all lands acquired from Indian tribes, whether worth \$50 an agree whether worth \$50 an acre.

As to the provision which we are told has been inserted in the Indian appropriation bill for the purchase of certain Indian lands, I have no special knowledge; but I venture the statement that they are not worth one-half of the price named in that bill. Every man who enters upon those lands hereafter and tries to secure a homestead, unless he can secure it by means of irrigation, will only find himself, as the people of western Kansas in many instances found themselves some years ago, starving because of the impossibility

territory of the United States, without accurate knowledge cer-tainly upon the part of the Senate—the committee may possessit, but they have not furnished it to us—of what is the actual value of those lands which were recently or remotely ceded to the United States.

I have said what I know of the Sioux Reservation. The lands already taken up as homesteads on the Sioux Reservation are not only unfit for homesteads, but absolutely unfit for anything except grazing purposes. Therefore it is holding out a hope to those people that we are giving them homesteads, whereas we are not giving them homesteads; and for one, I want to protest against it. giving them homesteads; and for one, I want to protest against it, I shall vote for this bill against the idea that I am voting out of the Treasury \$35,000,000, or one-half of it, or more than one-third of it for those lands, but I do not like to vote, I will state frankly, for a bill so sweeping in its character. I shall therefore move to amend the bill, in line 5 of section 1, in lieu of the words stricken out, "in the Territory of Oklahoma," to insert "prior to the passage of this act." So that we at least shall know that this proposed law will not include lands hereafter acquired. not include lands hereafter acquired.

Mr. TELLER. The Senator from Iowa [Mr. Allison] will see, if he will think for a moment, that it is impossible to deal with these cases individually. You can not go to work and select from the people who are on the ground those who can and those who can not afford to pay. That would be an impracticable and an impossible thing. If you grant relief at all, you must grant it in a general way. It is very possible and very probable that some of impossible thing. If you grant relief at all, you must grant it in a general way. It is very possible and very probable that some of this land could be made profitable at the price fixed and that some this land could be made profitable at the price fixed and that some of the people who have gone upon it can pay for it. When you speak in general terms, you do not mean that there may not be exceptions; and I want to disabuse the mind of the Senator from Connecticut [Mr. Platt] who has gone out of the Chamber, or that of any other Senator, from any impression they may get from anything I have said that there can not be farms made upon this arid land. There can be farms made upon that land, and most of the men who have gone on the land and are there now will event-ually, if they are allowed to remain, make homes, and good American homes.

There is not time now to go into a discussion of what may be done upon arid land, but I may say in a moment that I live in a section of country the most arid of any in the United States; at least in my State there is a point where there is less rainfall than in any other place in the United States. I can show the Senator from Iowa one of the finest orchards he ever saw which has been made with water falling only the first year that the trees were put out; but I should have to tell the Senator that it is land that every week in the season, from early in the spring—and our springs are early and our falls late—from early in the spring until late in the fall every acre of that land has to be plowed and harrowed once a week. In that way cares on he reised went these arid leads

fall every acre of that land has to be plowed and harrowed once a week. In that way crops can be raised upon these arid lands. But think of the labor of a man who raises 15 or 20 bushels of corn, who must cultivate his corn day in and day out systematically. In that way even in the arid region a man may raise a crop.

This is not an arid region of which we are speaking; it is a semi-arid region, capable of being converted into agricultural land by the industry, the diligence, the skill, and the intelligence of the settler; but it is of that character which requires the utmost labor, the utmost skill, the utmost intelligence, and the utmost diligence, and I have felt that when you attempt to build up a community in a country like that, it is unfair for the Government to exact from the settlers day in and day out the little earnings that they from the settlers day in and day out the little earnings that they could get by such diligence and such zeal. If any man will go over that country and see what it costs to settle it, he will think that the people have got the land very dearly, that they have taken it only because the better regions of the country have been settled,

it only because the better regions of the country have been settled, and because the best land is now gone they are taking the inferior.

Mr. President, we did not buy these lands; we extinguished the Indian occupation and the Indian title, but the land all the time remained in the United States. I will admit with the Senator from Connecticut and the Senator from Iowa that in some instances we paid the Indians more than we should have paid; but it was better that we should have paid them than that we should stand before the public in the position of taking from them, without their consent that which we had nominally accorded to them out their consent, that which we had nominally accorded to them

and recognized as belonging to them.

Take the purchase of the millions of acres of the Cherokees.

We had given to the Cherokees a title which they claimed to be an absolute title. We had made a deed, a patent, to them unlike that granted in any other section of the country. There was a title which we were bound to respect, and they were the owners in fee of that land, subject only to this limitation, that when they abandoned it, it became the property of the United States and not the property of the State in which it would have been located. They demanded of us an extortionate sum; there is no doubt about that; but I was in favor of paying it. I have said that two of raising grain or farm products upon those lands.

What I object to in this bill is its sweeping nature, By the striking out of one or two words in the bill which came to us it is made to apply not only to Oklahoma, but to sweep over the entire make you a deed." In addition to that we said to this tribe of

Indians, "No settlement shall go west of your reservation; for all time we will keep that country open to you."

Mr. President, the State which I in part represent was included in that semigrant. We took that land away from the Indians, we filled it up with people, we destroyed the game, we destroyed the Indians' opportunity of living in the manner they had been living, and in the manner they desire to live. When they came here and said, "We want a dollar and a quarter an acre," I knew that price was extortionate. We did not want it for homesteaders, but I said, "It is better to pay that sum," and I would myself rather have the Government of the United States pay \$20,000,000 than to have the people of the world say, "You have repudiated an honest obligation that you made with these semidependent nations." How did we pay it? We made a treaty with the Indian tribes. We have extinguished their title and paid more than the land was worth, and we will continue in all such cases to pay more because of the improvident manner in which we proceeded to legislate in the early days. It is one of the taxes and burdens put upon us because of our lack of proper care and proper attention when we recognized their title to the 2,000,000 acres that they say we are to pay for. It is better to pay the Kiowa and Comanche tion when we recognized their title to the 2,000,000 acres that they say we are to pay for. It is better to pay the Kiowa and Comanche Indians than to have the Indians and other people say we are despoiling and robbing them. There is in the Indian appropriation bill \$2,000,000 to be paid to the Turtle Mountain Band of Indians, now amounting to some 2,500 or 3,000, when originally there were but 220 or 230 Indians, the number having been increased by the accretion from other tribes or sections. Those people have no title whatever to that land. Every particle of title the Chippewas ever had to that land has been extinguished, and yet all through the United States there is a great mass of our people who believe that these Indians have been despoiled. So long as that sentiment prevails it will be better for us to pay a large sum to the Indians than to have the people believe we are despoiling our wards and robbing them. ing our wards and robbing them.

We have the Indians outside of the Five Civilized Tribes practically on our hands. We made a treaty with the Ute Indians in Colorado—a most important treaty—in 1880, by which we said, "We we will support you until you become self-supporting." Mr. President, they will never be self-supporting. They are no nearer self-support now than they were sixteen years ago, and yet they are occupying the very cream of the land of that State, the very heart of it, the very best of it. I would not despoil them; I would not take it away from them; but I would pay them for it if they would cede it to us, so that the citizens of our country might go upon it and make homes.

I have noticed what the Senator from Connecticut has said about I have noticed what the Senator from Connecticut has said about an attack upon the East. His words were evidently leveled at me. Because I had said that the East received benefits from the Government that we of the West did not; because I had said that we in the West have stood for everyting that the East demanded, the Senator charges that I am making an attack upon the East. Mr. President, during twenty years of public life I have never failed to respond to any demand from any section of my country that I believed to be just and right. I have had no feeling of sectionalism, and there is none whatever in my portion of the country. As the Senator said, we are the children of the East. We have not forgotten our origin. We have left behind us more relatives and forgotten our origin. We have left behind us more relatives and friends in the neighborhoods from which we went than we have in the land to which we have gone; we are as dearly connected with the East—and the extreme East—many of us, as the people who live there. All their associations of the past are ours, all their reputation and their glory are ours, but we do feel sometimes that you in the East have not realized that we are encountering obstacles which you upon the coast do not encounter, that we are obstacles which you upon the coast do not encounter, that we are away from the great avenues of trade, and that when you ask us to appropriate money for rivers in Maine, in Massachusetts, and in other sections on the Atlantic Coast, it is not for our benefit, except, as I agree with the Senator, that whatever is for the benefit of the East is likewise for the benefit of the West.

I wish, Mr. President, that I could feel in my heart that at all times in the East that feeling was responded to as I believe we

times in the East that feeling was responded to as I believe we have responded to it in the West. I wish that the East would always feel that what is the interest of the West is the interest of the East. But we have had reasons sometimes to think that the East did not appreciate that fact, and sometimes when we knew hast did not appreciate that fact, and sometimes when we knew that we had responded to every patriotic demand, and when we have seen benefits withheld from us, we have felt that it was not through prejudice, but ignorance of our condition and ignorance of our wants. That is all I meant to say. When you have asked us for coast-defense appropriations, you have found the entire West at your back; when you have asked us for ships, when you have asked us for river and harbor improvements, you have always found us noting for them.

found us voting for them.

This bill is of vast interest to the West; it is of vast interest to a class of people who ought to be entitled, I repeat, to the sympathy of the American people; it is in the interest of a class of people who lie very near at least to my heart if they do not to the

hearts of other Senators; it is in the interests of the men who have carried the flag of civilization and morality and religion in the West, and who have built up those great Commonwealths. These are the men who have built up Kansas and Nebraska, and, having been unfortunate, left those States where land had become too high for them and emigrated to the newer regions. They are the pioneers; they are the men who have made farms in other States and failed. They may be failures, but they are American citizens, and they are good American citizens; and if the Government relinquishes to them a few dollars an acre it is a paltry sum, and

the Government will get back thousands and thousands of dollars where it has expended one.

Mr. HOAR. I desire to ask the Senator from Colorado if he has in mind any specific instance where the Commonwealth of Massachusetts has failed to support any desire of the Western people for their adventure?

their advantage?

Mr. TELLER. Well, Mr. President, I should not care to go into any specific charge, for I am not making any. I only said that sometimes we felt that they did not appreciate our condition. I have no complaint to make of any Senator or of any section of the

country beyond what I have said.

Mr. HOAR. I understood the Senator to say that when the West had done everything that the East desired in the way of rivers and harbors, and ships and coast defenses, the East had failed to understand the conditions in the West—through ignorance, he was kind enough to say, but not through malice or prej-udice—and I want to know if there is any specific instance in his

mind in reference to my own State?

Mr. TELLER. I do not recall any reference to Massachusetts, and if I did, I should not care to detail it. I want to say, in explanation of that statement, which may seem peculiar, that the Senators who represent the West are, with rare exceptions, not Western born. I have served now in the Senate and in another capacity in public life for twenty years; I have known the men who represented the West, and very largely they have been men born east of the Alleghany Mountains. They are familiar with the East; they go and they come. There is not a Senator in the West who does not every year go to the East. Your coasts of Maine and Massachusetts are as familiar to us as is the interior. Not so with the Senators from the East. They rarely come to our section of the country. I have sat in this Chamber with men for years who had never been west of Chicago, who absolutely knew nothing about the great West; who have no comprehension of its great population and its great wealth; and that may be the reason—I do not pretend to say that it is owing to sectionalism or prejudice-but they are unacquainted with our wants; and as we prejudice—but they are unacquainted with our wants; and as we men from the West are pretty aggressive, active, and pushing in matters that we believe to be in the interests of our section of the country, it may be they have come to think that perhaps we are sometimes unduly making demands upon them. It is not worth while for us to bandy words. I agree with the Senator from Massachusetts that the great West and the great East are so closely linked together with the center, that what is the interest of one is the interest of all; and upon that I think I can stand upon my record in the Senate. No man can accuse me of ever having voted against any Eastern interest because it was an Eastern interest, if he can find that I ever voted against an Eastern interest all, which I think he would have a great deal of difficulty in doing.

Mr. President, I have said a great deal more about this question

Mr. President, I have said a great deal more about this question than I intended to say, but I have said it because, as I said before, the interests of these people lie very close to me. They are not in my State, but they are the class of men with whom I have been in contact now for more than a generation. For nearly forty years I have been coming in contact with the men who broke the prairie sod and made the settlement of the West. When all the history shall be written when the truth shall be told it will be sent that shall be written, when the truth shall be told, it will be seen that there was never a better class of men than the men who have done this great work and built up those great States. They may be called by hard names in political campaigns; but there is as much called by hard names in political campaigns; but there is as much patriotism, as much love of country, as much love of God and law in the West as there is in any part of this country of ours. It is for that class of men, unfortunate and now in distress, that I have appealed to the Senate in the way I have.

Mr. President, if my zeal has led me to say what I ought not to have said, I shall regret it, and yet I believe that I have not told one helf of the truth per hear I presented this ease aid careful.

told one-half of the truth, nor have I presented this case as it ought to be presented to the American people. If it could be presented we would have got the full verdict of the people, as I claim we did when the two conventions declared for this principle and for this law. I believe that if this question were submitted to the American people there would not be any question as to what they would do. They would say, "These hardy sons of toil are entitled to the mere pittance of \$2.50 an acre; take it, and make your home a fit place upon which to rear American citizens, a fit place for an American citizen, an American freeman, to live."

American citizen, an American freeman, to live."

Mr. COCKRELL. Mr. President, this is a proposition to give free homes to certain classes of persons now occupying the land

and to those who may hereafter occupy similar lands—necessarily so. What were the circumstances under which those lands were occupied? Before discussing that, let us see what the homestead

law was intended for.

The senior Senator from Iowa [Mr. Allison] touched upon the truthful point in regard to homesteads. The homestead measure was introduced at a time when there were millions and hunure was introduced at a time when there were millions and hundreds of millions of acres of unoccupied lands in the West. Practically the whole Western country was unoccupied. Born and reared in the county in Missouri where I now reside, I have some knowledge of the Western country. I have traversed Kansas when there was scarcely a white man within its borders. Here was an invitation given to the people of the United States, to immigrants from every nation and clime, to come here and occupy those lands. They were invited to make homes on the lands, and they were told that when they had complied with those laws they should have title.

Now was that law enacted or was it ever intended to apply to

Now, was that law enacted or was it ever intended to apply to lands which were surrounded by walls of homes and firesides, as these lands are—the wall in Kansas, people living right down to the border; the wall in Missouri, people living right to the border? Was it ever intended to apply to lands which we bought, lands for which we obligated ourselves to pay, and lands for which we shall have to pay? The homestead law was never intended for any such tracts of land as these subgread in the rendired kill.

shall have to pay? The homestead law was never intended for any such tracts of land as those embraced in the pending bill. It is a perversion of the object and purpose of that law to undertake to make it applicable to such lands.

These lands were not made subject to entry and disposition under the general land laws. They were not public lands in the true sense of the word. They were not opened to settlement under the general law. They were opened to settlement under a specific law. That law was advertised. The result of it was that ten times as many people as could secure land stood there in a great wall, ready to rush over and make the grab. What was the result? I will read a letter which I have received from one of the men who made the struggle for a home and hear what he says. He is there. made the struggle for a home and hear what he says. He is there, and knows the situation:

we trust that you and Senator Vest will not vote for the unjust free-home bill. This is a good county and is settled by many Missourians. It is a fact that not more than one in five of the citizens from Missourigot a homestead. The other four either settled in towns on the "Strip" or else returned to Missouri. Any of them would have been glad to have had the chance to get a good farm for \$2.50 per acre. It is this way: Some 2,500 voters from Missouri made the run for homesteads in one county in Oklahoma, but of these only 500 men got claims. The other 2,000 either settled in little towns here or returned to Missouri. Will you make a present of \$400 apiece to only such of the men in this county from Missouri who obtained homes—for you do this when you pass the free-home bill—and not give one cent to the other 2,000 men who failed to get farms? They all were at great expense, and they got nothing who failed to get farms. Even the citizens here do not expect to get free homes. It is a movement of local politicians who expect to get office by this agitation. There have never been 100 voters at a free-home meeting here on the "Strip." They expect to pay for their homes. If you give aid give it to all in towns and on farms.

Mr. TELLER. Will the Senator from Missouri give the name

of his correspondent?

Mr. COCKRELL. No, sir; I will not give his name. I will not subject him to the harsh criticism of the few men who are pressing this measure. It would not be just to do it. I know the gentleman personally, and he is an honorable and truthful man. The Senator from Iowa knows him, too.

Mr. President where her the demand come from? These people.

man. The Senator from Iowa knows him, too.

Mr. President, where has the demand come from? These people settled upon those lands. They made the race for them. It was a struggle, a fearful struggle, and a contest. They wanted to take the lands at the terms upon which they were offered. They were lucky; they were fortunate. Some of them have splendid homes, as good as there are in any State of this Union, for there are agricultural lands in that section of the country just as good as you will find in Iowa or Illinois. Yet those settlers got them for \$2.50 an acre, and we now propose to release them from the payment of it and turn around and make the men in Missouri and elsewhere, who failed to get homes, may \$2.50 an acre for these elsewhere, who failed to get homes, pay \$2.50 an acre for these lands for which we are bound to reimburse the Indians. Where is the justice, where is the equality, where is the honesty in any such measure?

I have as much sympathy for those people as has any Senator upon this floor, for an immense number of them were formerly citizens of my State; but shall I vote to tax the 2,000 Missourians who tried to get homes in Oklahoma and failed, and who came back after having incurred expense and delay, and after having expended their labor, in order to give free homes to the 500 who were successful in securing them? I can not see the justice of it. I wish I could help these people. I have as much sympathy for those who are unable to pay for their homes as has anyone on this floor, and I have coval any set of the bandard statement of the second in the sec floor, and I have equal sympathy for the hundreds, at least, if not thousands, of men in Missouri who have gone to the land office and paid \$1.25 an acre in cash for their homes, have settled upon them, have borrowed money for the purpose of making homes, and have been unsuccessful by reasons of failure of crops and other contingencies against which they were not able to provide,

and whose homes have been sold from under them, and they have had to vacate. They have been unfortunate. Shall they be taxed to pay for homes for the comparatively few who went into Oklahoma? I can not see the justice of it. I can not see why I should let my sympathy go out to the few farmers in Oklahoma who have been unfortunate to the extent of imposing burdens for their ben-efit upon the equally meritorious and honest citizens of Missouri and other States who have been unfortunate and who have lost their homes.

You make no distinction. Where is the justice of that? There is a man who got 160 acres of land which to-day he can sell for twenty-five or thirty dollars an acre, and here is another man who got too far west, got into the semiarid region—this is not all semiarid land—got where it was probably too sandy or too rocky. He undertook to make a home, and he failed. Now, shall the man with the 160 acres of rich land, as fertile as any in the Mississippi Valley, be given the 160 acres of land and all the people of the United States be taxed to pay for it, simply because you want to benefit an unfortunate one? Discriminations can be made. If sympathy is the cause, let sympathy run only where it is deserved. You can make distinctions. I beg to say, by a proper commission. You make no distinction. Where is the justice of that? You can make distinctions, I beg to say, by a proper commission. The matter can be adjusted and there can be relief where it properly belongs, and not for the enrichment of the rich. There is an easy way. The Government has power, by a commission or otherwise, to distinguish between the meritorious, the just, and the deserving, and those who are not.

deserving, and those who are not.

There are plenty of men occupying these lands to-day who are as rich as one-third of the Senators upon this floor. Shall they be given free homes? Shall they be given this privilege and the whole people be taxed to reimburse the Indians? For reimbursement comes; it is inevitable. In addition you set a precedent which in the future will make many honest men, who have paid for their homes in cash and lost them by reason of the failure of crops and other causes of that kind, believe that they ought to have their purchase money back: that they are just as much enhave their purchase money back; that they are just as much entitled to have it refunded as these men are entitled to have the Government pay this money to the Indians and release them from their payments to the Government.

Mr. President, as I said, I wish this were a case where I could

Mr. Fresident, as I said, I wish this were a case where I could honestly and conscientiously extend to the worthy and deserving my aid, but I can not vote for the pending bill.

Mr. STEWART. Mr. President, the letter which the Senator from Missouri [Mr. COCKRELL] read does not appear to be entirely impartial. It leaves the impression that the writer is one of those who did not get any land, and he might look with some jealousy worn these who did not get any land, and he might look with some jealousy upon those who did. At all events, he does not take a broad view of the question.

It is very probable that there are a few lucky ones who went to Oklahoma and got lands on which they can live. Those who were most fortunate in that Territory, however, were the first who went there, and who went there as homestead settlers. There are seven counties so settled in the best part of the Territory. Such persons were the fortunate ones. There may be some, a very few, who went there under the late purchase—
Mr. PETTIGREW. Will the Senator allow me for one moment?

The first settlers who went to Oklahoma were not required to pay for the lands. We opened up 2,000,000 acres of the best of it to

homestead entry.

Mr. STEWART. That is the way I understand it.

Mr. PETTIGREW. And those persons are not included within the provisions of this bill.

Mr. STEWART. They are not included in this bill. They have their lands as homestead settlers. It is making a very harsh dis-tinction between them and their neighbors who went farther west upon land the general character of which I know to be semiarid and requiring irrigation to get regular crops. There is an occasional year when they can get a crop, but as a rule the dry seasons far exceed the seasons of sufficient rain. Those people are in a very sad condition, as I witnessed when I was on the committee investigating the question of irrigation along the line between that country and Kansas. I have been in and across that country. It is precisely the same quality of land that is found on the Kansas side. People have great difficulty in living there.

But that is not the point about which I rose to speak. I wish

again to call the attention of the Senate to the provisions of the homestead law, which have worked so beneficially, and to protest against adopting a different rule now when the best lands are all gone. There is a vast region of country within the boundaries of the United States that is unoccupied. It is called the arid region. The arid and the semiarid region comprises about two-fifths of The arid and the semiarid region comprises about two-fifths of the entire area of the United States. It would support millions of people if it could be reclaimed, but it generally requires a combination of men and capital to bring in the water. It requires a different kind of cultivation—it requires a knowledge of irrigation, which our people are learning very rapidly. The process of settlement must be slow. It is quite as important that that part of the country should be occupied as that any other part of our

land should be. It is a very fertile country, and when once reclaimed it will be a great addition to the wealth of this country. It is all we have, and we ought to apply to it the most liberal rules. I have been urged by people in that region to apply to Congress for appropriations to carry out irrigation. I have declined to undertake it, because it is not the kind of appropriation that Congress has been accustomed to make. The people in that region feel that they have not had an equal chance with those who settled in the Mississippi Valley, where they could have a home. To make a discrimination now against the people who are willing to undertake the reclamation of the far West seems to me very discouraging. If anything can be done that will encourage those people, if anything can be done to lead them to open this country, which will be vastly valuable when reclaimed, Congress out to do people, if anything can be done to lead them to open this country, which will be vastly valuable when reclaimed, Congress out to do it. By this harsh discrimination against those who are trying to subsist upon the semiarid lands you will discourage others. It will prevent others from making the effort. If they believe that \$1.50 or \$1.25 per acre, or any other amount, is going to be demanded, they will not contemplate undertaking enterprises which they might otherwise establish. But with a liberal policy on the part of the Government there would be great progress farther west.

I think the principle of commencing now to make those who attempt to settle upon Western lands pay for their lands, when we did not make people pay for lands in the Mississippi Valley, is bad policy, and it will do great harm to the country. I think we will lose much more by discouraging them by this kind of parsimony than we would by continuing the policy that has done so much good. There can be no doubt that the best policy the Government of the property is to encourage people to occurry this wast area. ment can pursue is to encourage people to occupy this vast area of land, which, when reclaimed, will be equal to any on earth. of land, which, when reclaimed, will be equal to any on earth. The undertaking is great. It is very discouraging. Men go there and return because they are unable to construct the works necessary to make it possible to live. Do not throw any discouragements in their way. Suppose a few of the men who went on the Oklahoma lands should get good lands. They would only get what their neighbors got in greater quantities and immense abundance in the Middle States, where they were nearer the market. In these times it is very difficult for those who have lands to cultivate to raise enough money to pay for the land and support their families. It is almost an impossibility if the land is ever so good. They do not have the advantage of those living near the

their families. It is almost an impossibility if the land is ever so good. They do not have the advantage of those living near the great cities, where they have a market. Transportation is high, the prices of agricultural products are extremely low, and there is no legislation pending to increase the value of agricultural products. There is no daylight in the future. These men are suffering from year to year. I say do not let us attempt to extort money where money can not be paid. It seems to me cruel and unjust, and I hope the Senate will pass the bill as it came from the committee and show that there is a feeling of generosity, at least, toward those who are attempting almost an impossibility for poor men to accomplish. But in time, as population increases, if the men to accomplish. But in time, as population increases, if the policy of the Government is liberal, there will be continual reclamations of these lands, and finally we will add vastly to the power and wealth of this country. Let us continue the policy that has made great States and see if it can be applied so as to build up other great States in the far West.

Mr. ALLEN. Mr. President, I wish to say just a word in re-

ply to the Senator from Connecticut [Mr. Platt] and the Senator from Missouri [Mr. Cockrell]. I shall not undertake to discuss this measure at any length, because I have done that to my satis-

faction.

The Senator from Connecticut, when he refused to recognize my right to interrupt him, which was proper enough, was making an assertion which I desired at that time to correct. He said that we obtained these particular lands under some condition precedent which did not apply to the contract under which the previous lands were acquired and given to homestead settlers. I do not think the Senator from Connecticut meant to assert anything of the kind. There may have been some slight difference in the terms of the contract, but we have acquired the title to every acre of land in this country which we have given to homestead settlers by extinguishing the Indian title and by purchasing the land and opening it to homestead settlement.

Now, what difference, so far as concerns the legal phase of the two transactions, is there between the method by which we acquired title to the millions of acres that were given away under the general homestead law and the manner in which we acquired title to these lands? There is no difference whatever. The truth is that this Government thirty-five years ago entered upon the policy of extinguishing the Indian title to our lands, making them a part of the public domain, and opening the land to settlers, upon the theory that the development and settlement of the country, in adding to the aggregate wealth of the nation would send the aggregate. the aggregate wealth of the nation, would amply compensate for any expense the nation was put to in the acquisition of the lands. The same reasoning that applied to the enactment and the enforcement of the general homestead law of 1862 applies now to these lands, and there is not the slightest distinction in principle between the manner in which those different lands were acquired

by the Government.

I agree with the Senator from Nevada [Mr. STEWART] who has just taken his seat that the letter read by my honorable friend the Senator from Missouri [Mr. Cockrell] condemns the very witness he offers. The letter goes on to recite that twenty-five hundred Missourians undertook to rush into Oklahoma Territory and acquire homesteads, as they had a right to do. This man was one of the twenty-five hundred. His horse was not fast enough, possibly, or some misfortune may have overtaken him, and he did not succeed in getting a homestead. He was compelled to return to Missouri, or to go into one of the villages of Oklahoma, and he did not obtain the benefits of the act.

He is, therefore, slightly envious of the 500 Missourians who did succeed, and because he was unfortunate in not obtaining a homestead such as he desired he wishes that the screws shall be put upon every man who did obtain a homestead and who has been a victim of the drought which has afflicted that country for many years. I have no doubt in my own mind that if the honorable Senator's correspondent had been successful in acquiring a home-stead, and drought had overtaken him and destroyed his crops, he would have been among the most clamorous of the inhabitants of the Territory for relief from the conditions which have been im-

posed upon the settlers.

Of course, Mr. President, you can go into some of the little towns and cities in Oklahoma and find men who have a pecuniary interest in defeating the homestead bill. It is a money-making transaction with them. They are shrewd, sharp men. They know how to write letters, and they beseech Senators and Members to defeat this measure, putting it upon high moral grounds in their letters, but designing, in fact, to profit financially themselves by its defeat. There are not many of them, but there are some. I have received letters from Oklahoma and elsewhere, from hundreds of men whom I have known for years, some of whom I have known for thirty years or more, who are just as reliable as the correspondent of the Senator from Missouri or any other man, and they tell of conditions existing there that make it imperative upon the part of the Government to turn these lands over free to these settlers, or else it will be necessary for the Government to resume possession of the lands that the cattle kings may run their cattle over them and herd on them free of charge for generations

to come.

The Senator from Missouri was much concerned about his constituents being compelled to help pay for these lands. Mr. President, we appropriate money by the millions and almost, I was going to say, by the hundreds of millions every year to subsidize steamship and railroad companies, and to throw into the rivers and harbors and creeks and obscura estnaries of this country, 75 and harbors and creeks and obscure estuaries of this country, 75 per cent of which is lost to the American people, upon the supposition that we are promoting the general welfare of the nation and the interest of all the people. We have given over \$120,000,000 for the construction of railways, to bring the extreme East and West together, to hold the Union together at one time, and to develop the interior of the country, upon the supposition that the settlement of the country following the railways would bring to the national wealth infinitely more than the Government would expend in aiding in the construction of the railways. I am not prepared to say that the reasoning was altogether faulty, although I think it was faulty in some respects. We give bounties and subsidies with liberal hand upon that supposition. And yet, Mr. President, when it comes to making the American home secure, which is the starting point of all prosperity and all permanency in this country, we hesitate and dawdle and dicker over a dollar or two an acre for arid land.

What can make our institutions more secure, what can make American society more permanent and more enduring, than giving every man and every woman and child an opportunity to own and occupy a portion of the soil that they can conscientiously and truthfully say is their home? You can not make good citizens of tramps. You can not make good and permanent citizens of men who have no home. The hardships that these men and their wives and families will undergo incident to the settlement and development of this semiarid region will be a thousandfold and development of this semiarid region will be a thousandfold worse and more onerous than the loss of the money the Government would sustain by giving them the opportunity. What is to become of them? Senators say they must pay. The Senator from Connecticut, like Shylock, is demanding the pound of flesh from

these settlers

Mr. President, they have not the money to give. That is all there is to it. They went into this semiarid country with a few hundred dollars, constructed sod shanties and little cabins, broke a few acres of land, and made some other structural improvements, investing in most instances all they had and more than the land itself was worth. What is to become of the money they have invested in these lands, in homes, in stables, in fencing, and in breaking, if they are driven from them by the action of the Government? All this will be lost, and the thousands and tens of thousands of persons who are inhabiting these semiarid homes will be driven from them, and will be cast as a burden upon the balance of the nation. They must live; they must have an oppor-tunity to work. If they are willing, sir, to undergo the hardships incident to pioneer life in laying the foundation of great communities that are to be, is it not wise policy for us to encourage them to the extent of giving them the land as a foundation with which to begin?

No, Mr. President; if the policy of this nation in subsidizing railways and steamship companies and giving public money to improve rivers and harbors is a wise policy, it is infinitely more wise, as it is more just, to give to those who are struggling to establish a home an opportunity to do so without exacting any

money from them. Mr. CARTER. Mr. President, I should at this late hour refrain from offering further remarks on the pending mesure were it not for the fact that certain questions have arisen in the course of the discussion relative to a lack of information on the part of the

The eminent Senator from Wisconsin [Mr. VILAS] suggested that this body was not in possession of sufficient evidence upon which to base action concerning the lands included in the ceded portions of the reservations. The Senator from Iowa [Mr. Allison] to-day supplements that suggestion in a somewhat complaining manner by suggesting that it was the duty of the committee to furnish detailed information concerning each and every reservation included within the bill or to which its terms might apply.

This Government for many years has maintained and now has in operation at great expense a scientific department known as the Geological Survey, and as a subdivision of that Bureau certain learned men have been for years giving special attention to climatic conditions all over the territory of the United States. By and through investigation conducted by these capable men, we have as a net result before us in the Senate Chamber a map showing the limits of what is known and designated as the arid region of the United States. With the exception of a small portion of the ceded land in the State of Minnesota to which the bill will apply, every acre of land subject to its provisions, with an exception in Oklahoma, will be found within the limits of the arid region.

This arid region may be could within the limits of the arid region. This arid region may be cultivated; its soil is fertile and its climate very frequently conducive to the rapid growth of vegetation; but it always involves, in order to import the element of certainty into the transaction of farming, a necessity for artificial irrigation. This necessity places upon the settler the burden of reclaiming the land, at a cost of from \$10 to \$12 per acre upon the general average. This is a burden never before encountered by a settler on the continent prior to the approach of settlement to the borders of the arid region.

The suggestion has been further made that the reason for the

The suggestion has been further made that the reason for the passage of the homestead law has long since ceased to exist; that the original purpose of that law was to induce citizens to go out into the wilds of the far, far West, there to build up homes, subdue savages, reclaim arid plains, and level the forests. The untenable character of the position thus taken will be made quite obvious upon very slight reflection.

In 1862 the Illinois Central Railroad extended through the State

of Illinois from north to south, and no part of the State of Illinois was more than 90 miles distant from the Illinois Central road. Numerous railroads traverse that State from east to west, and the and of Illinois, which to-day is worth from \$20 to \$150 and \$200 an acre for farming purposes, was taken up by the homestead settler, and title given by the General Government as free as the summer air, save only for the burden of land-office fees attached. The same was practically true of the State of Iowa; the same was true of the State of Minnesota, and the State so ably represented by the eminent Senator from Wisconsin [Mr. VILAS].

The passage of that law in 1862 was an eminently wise act, as the sequel well shows. Never in the history of the world in any

country on the habitable globe has such symmetrical, healthy,

and vigorous settlement occurred as has occurred under the homestead law passed by a wise Congress in 1862.

Mr. President, we gave nothing away in giving this land. From a country from which the Government received comparatively no revenue at all in 1862, we have developed human necessities, contributing their share to the Government expense, until the internal revenue from that once uninhabited section amounts in the aggregate now, as collected between 1863 and the present date, to nearly one-half the total internal revenue collected in that period by the General Government, or \$1,571,000,000 collected between 1863 and 1865 from the people of these public-land States to assist in discharging the various obligations of the General Govern-

Let this be suggested as worthy of reflection that no country under the sun has ever successfully undertaken to make a profit of the pioneers or settlers. The difference between the Spanish system, the system of the Cavalier and the Pilgrim in this country, clearly demonstrates this. The Spanish pioneers or first adventurers sought merely to extort the loose money, coin or bullion,

found in the hands of the aborigines, and the whole policy proceeded thenceforward upon the theory of extortion from the settler. The policy of our forefathers, on the contrary, in this North American country was the direct opposite; it was the encouragement of settlement, the development of individual citizenship, and a home life around the settler. While the dominion of Spain, with its history of rapacity and greed, is gradually ceasing to be potential or important on this hemisphere, the theory of Anglo-Saxon government has resulted in the development of a mighty empire destined to wield a potent influence on civilization through all the years to come. all the years to come.

It is suggested, however, that the settlers in Oklahoma made contracts with the Government of the United States, and it is not within our power to waive the obligations thus assumed. The settlers did not voluntarily assume the obligations in the full The settlers did not voluntarily assume the obligations in the full knowledge of the consequences and conditions. To begin with, in all the country in Oklahoma save what is known as the Cherokee Outlet and the seven counties constituting the original Oklahoma country, by virtue of the treaty with the Indians, the members of the tribes were permitted to make selections of land prior to the opening up of the country to settlement. With what result? The Indians being permitted to go at will prior to the approach of the settler and select their allotment in 160-acre tracts, selected in each and every case the very cream of the entire country. In the one county of Blaine, in the Territory of Oklahoma, the Delegate from that Territory informs me, and I have no doubt correctly, that 1,200 Indian allotments were taken in that one county prior to the opening of the country to settlement. The 1,200 allotments embraced an area of 192,000 acres, taking up all the desirable land along the streams, taking up every available place which could be made the subject of barter and sale and profit on short notice, leaving to the settler who came and sale and profit on short notice, leaving to the settler who came in the high, rolling plains, the places without water supply or timber, and upon the high, rolling plains some of the settlers have been struggling ever since. It has been a close question, not as to their ability to pay the Government the purchase price of the land, but to live without becoming a public charge on the charity and kindly disposition of benevolent people throughout

This bill is of incidental concern only to the respective commutates surrounding these reservations. To the citizen of Wiscon-This bill is of incidental concern only to the respective communities surrounding these reservations. To the citizen of Wisconsin seeking a home it is of very great importance that the homestead law should be permitted to operate over these reservations. It is of interest and importance to the citizen of every State, of every Territory, that the homestead law should continue.

The Senator from Connecticut [Mr. Platt] suggests that we propose a new policy here. We do not propose anything in the nature of a new policy. We propose the reestablishment and continuance of an ancient policy under which the most beneficent results have been obtained for all the people of all the country.

The passage of this bill is not urged in any sectional spirit. We

think it is a matter of national concern. Frequent reference to sections and States can be of no special use or benefit to any part sections and States can be of no special use of benefit to any part or portion of our common country. A generous rivalry between States and sections may conduce to the general good; invidious references can only result in general injury.

We ask for the passage of this bill because of the fact that the

application of the homestead principle to these undesirable lands is an object of common justice to the settlers who reside upon them, and in view of the fact that in all the years prior to 1880 during which the homestead law was in existence, the great Commonwealths of the Mississippi Valley were filled up—broad acres of fertile land taken—we insist that the extension of the policy to the less desirable lands is an act of ordinary, plain, simple jus-

To insist upon these payments from the settlers will not result in placing \$17,000,000 or \$35,000,000 in the public Treasury. The people can not get the money to make the payments. To insist people can not get the money to make the payments. To insist upon the payment if collections can be made would be to place upon the pioneer homesteader on the frontier the burden of supporting the North American Indian, which is a common burden attached to the entire people represented in their Government.

From every point of view, in common justice and as wise public policy, this measure should be passed.

Mr. PETTIGREW. Mr. President, I wish to make but a few remarks at this time in connection with the bill. I want to say in the beginning that the hope of securing revenue by the defeat of the pending bill will be a disappointment. We propose by this of the pending bill will be a disappointment. We propose by this legislation to give title to 160 acres of this land to any person who will go upon it, reside for five years, make it his exclusive home

and residence, and place at least 5 acres of it under cultivation.

These reservations were purchased from four to eight years ago, none of them less than four years, and some of them—those of the largest area—eight years ago; and yet the revenue of the Government from the sale of the lands has amounted to less than \$500,000. Year by year Congress has been called upon to extend and has extended the time of payment on these homestead entries because

the settlers could not pay for the lands. Last year we extended the time for one year; the year before we made an extension, and the year before that; so that three times we have extended the time for these people to make payment, and now we find that it is impossible for them to pay at all. The simple question is whether we shall drive these people from the land and leave it to be occupied by the grazers of cattle or give the settlers a title to the lands and let them use that as a basis of credit to secure a small herd of cattle and continue their residence in that country.

I have here a letter from Mr. Small, who resides upon one of these quarter sections in my State. He located upon the Sisseton and Wahpeton Reservation the season when it was first opened. He went there with considerable money. He makes an excellent statement. He makes a statement which answers every objection which has been made against the passage of the pending bill. ask the Secretary to read the letter so that it may appear in the

The VICE-PRESIDENT. The Secretary will read as indicated. The Secretary read as follows:

RECORD.

The VICE-PRESIDENT. The Secretary will read as indicated. The Secretary read as follows:

At the time of the settling of the Sisseton Reservation the settlers apprehended no hardship in making the payment for the land, but the conditions have been such as to make it impossible. The reservation was settled on the list of April, 1892. The first summer was necessarily spent in breaking up the land and providing shelter for stock, etc., consequently no crop could be harvested that year. The majority of settlers broke up from 25 to 75 acres of land, which was put in crop in 1863. That year the hot winds in June so that fall, 1893, here, at from 45 to 46 cents per bushel, so this crop did not yield more than \$4.50 per acre, and most of the settlers having but a small acrease, they did not receive enough to support them through the year. The next year, 1894, the crop was almost a total failure, wheat going from 3 to 5 bushels per acre and selling at 45 to 45 cents per bushel, hence the settlers are further in debt. The next year, 1895, the crop was from 5 to 15 bushels per acre and brought 40 to 45 cents per bushel. The crop of this year averaged about these being confined to 160 acres, were only able to put in a comparatively small crop, so that their returns have been short of enough to more than support them, and hardly that.

Now, the people who settled on this land were mostly Scandinavians from Iowa and Minnesota, and were people who had saved up from \$100 to \$500. Inquiry among many settlers leads me to place the average at \$200. These shorts of the settlers are still due. The townships have been compelled to furnish seed several years because the people had to short the crop to live on. The crops have not been sufficient to pay up these debts for horses and any part payments on horses and stock, and depended on the crop to live on. The crops have not been sufficient to pay up these debts for horses, machinery, etc., so these debts are still due. The townships have been compelled to furnish seed severa

any more.

Hoping this may give you an idea of the condition of our people,
I am, respectfully,

JOHN D.

JOHN D. SMALL

Mr. PETTIGREW. Mr. President, I spent some time this summer among the people who have settled upon these lands, and the statement made by this gentleman is a statement of the facts. The people of the Dakotas did not occupy these reservations. The inducement held out to bring settlement were made by transportation companies and by immigration agents, and the settlers came from the other great Western States. Of course the people of the Dakotas wanted the reservations opened to settlement, because, until their areas were occupied by people, they did not help to support by taxation the burdens of government; but the

people of the Dakotas themselves have their homesteads; they have their lands. When a new reservation is opened, it is not our people who go upon it. The people of other States who are landless are the people who have been in advance and taken home-steads. So the settlers who came, as this gentleman says, from the other States of the Union, came induced by the rosy repre-sentations of transportation companies, immigration agents, claim sentations of transportation companies, immigration agents, claim agents, surveyors, etc., supposing that because it was an Indian reservation it must be exceedingly fertile, and therefore it would be easy to make payment. After struggling for from four to eight years, they find the crops are not more than sufficient to sustain life, to say nothing about gaining a profit with which to pay the Government for the land.

Further than that, these lands are open to settlement and settlers are required to pay \$400 for a quarter section, while they can go into the Cane River Valley, adjoining this reservation, and buy land from the Eastern mortgage companies for \$1.25 an acre, or \$200 for a quarter section. The counties adjoining this reservation on the east from 1885 to 1890 lost 18,000 of their population. Their lands were foreclosed upon, and the parties holding the mortgages obtained the titles. Now they are willing to dispose of those lands at one-half of what the Government charges for these

lands.

I contend, Mr. President, that where men with their families have resided upon land for five years, have gone forward into a new country, built up roads and schools, and established homes,

they have made payment—full payment—for the value of the property, and ought to have their title deeds.

It is said we have not purchased lands for settlement. In 1872, after the Northern Pacific Railroad was built across northern Dakota, we purchased nearly half of the entire area of that State, gave every odd section, a strip 40 miles wide, to that railroad company and the remainder to homesteaders. What did we buy that land for? The road was there. Why did we extinguish the that land for? The road was there. Why did we extinguish the Indian title? So that the land might be open to settlement under the homestead law. So it is across the continent. Wherever there have been Indian lands we have extinguished the Indian title for no other purpose than to open the country to settlement under the homestead law. We never changed that policy until 1889, and the policy was changed at the instigation of a member of the House of Representatives from Indiana.

I well remember when these reservations were opened to settlement—the Great Sioux Reservation, for instance. We came here urging that the Sioux Reservation should be opened to settlement because it embraced one-third of the State of South Dakota. In 1882 I was a Delegate from the Territory of Dakota in the House of 1882 I was a Delegate from the Territory of Dakota in the House of Representatives. I secured the passage of a measure to open that territory to settlement. Mr. Holman insisted that it should be opened only under the homestead law, although the preemption law, the timber-culture law, and the town-site law were still in force as to all the other public lands in the United States. He urged that this area should alone be opened to settlement under the homestead law. I accepted the condition. Why? Because we had opened the western part of Dakota—the mineral region—for the people of the Black Hills, and we had settled the eastern portion. This reservation divided the settlements. The railroads had built to the eastern border and we wanted them to cross so as portion. This reservation divided the settlements. The railroads had built to the eastern border and we wanted them to cross, so as to unite our State. Although I secured the passage of legislation through the House of Representatives, it was defeated in the Senate at the instigation of the Indian Rights Association. So the railroads were obliged to build around Dakota to reach the settlement in the western portion of my State; and to this day the eastern and western portions of Dakota are not united by railroad, and for no other reason.

We were anxious that this reservation should be opened to settlement, that roads should be allowed to build through it, and we were willing to accept almost any condition. I came here winter after winter trying to secure the opening of the Sioux Reservation, only to be defeated by the representatives of the Indian Rights Association, who imagined, I suppose, they were doing some service to the Indians. Finally we accepted the condition which opened those lands to settlement under the homestead law, and provided that settlers should live five years on the land before they could secure title, and then pay the Indians for the land. I said before the committee of this body that that condition was unfair and unjust, that we would accept it, but we should exert every effort to remove the injustice in the future.

What has been the result, Mr. President? We opened up nearly 10,000,000 acres of land, imposing this condition, and less than 1,000,000 acres have been taken. The remainder of it to-day is open to settlement. If anyone has been cheated, if some one has had an advantage, it is the man who did not go rather than the one who went and spent his money trying to make a home upon those lands. There are 9,000,000 acres yet. If the citizens of other States feel they have been unfairly dealt with, the opportunity is open to them; they can go out upon those prairies and secure lands equally good with those secured by the people who have

struggled for the last eight years to build homes in that coun-

It seems to me, Mr. President, that there has been no argument made in opposition to the passage of this bill that is not founded upon an objection to the homestead principle, that is not founded upon an objection to the homestead principle, that is not founded upon opposition to the policy of retaining the public domain for free homes to our people. These reservations are no better than and are the same in character as 600,000,000 acres of other lands now owned by the United States within the arid and the semi-arid region, and all the lands but those embraced within this reservation are subject to entry under the homestead law.

The VICE-PRESIDENT. The bill is before the Senate as in Committee of the Whole, and still open to amendment.

Mr. PETTIGREW. I suggest the absence of a quorum, Mr. President.

President

The VICE-PRESIDENT. The absence of a quorum having been suggested, the Secretary will call the roll.

The Secretary called the roll, and the following Senators responded to their names:

Allen,	Clark,	McMillan,	Sherman,
Bacon,	Cockrell.	Mantle.	Shoup,
Baker.	Cullom,	Morgan,	Smith.
Bate.	Davis.	Morrill,	Stewart,
Berry,	Faulkner,	Murphy,	Teller,
Blackburn,	Frye.	Nelson,	Thurston,
Brice,	Gear,	Peffer,	Turpie,
Brown,	Gordon,	Perkins,	Vest.
Call.	Gray,	Pettigrew.	Vilas,
Cannon,	Hawley,	Platt,	Walthall.
Carter.	Hill.	Pugh,	White,
Chandler.	Hoar.	Quay,	Wilson.
Chilton,	McBride,	Sewell,	100000000000000000000000000000000000000

The VICE-PRESIDENT. Fifty-one Senators having answered to their names, a quorum is present. The pending question is on the amendment submitted by the Senator from Iowa [Mr. Allison], which will be stated.

The Secretary. After the word "tribes," in line 5 of section 1, it is proposed to insert "prior to the passage of this act."

Mr. ALLISON. I would suggest that those words be inserted after the word "acquired," in line 4, instead of after the word "tribes," in line 5, so as to read:

That all settlers under the homestead laws of the United States upon the public lands acquired prior to the passage of this act by treaty or agreement from the various Indian tribes, etc.

I think it will read better in that way.

The VICE-PRESIDENT. The question is on the amendment of the Senator from Iowa.

The amendment was agreed to.
Mr. PLATT. Have the committee amendments been agreed to, Mr. President?

The VICE-PRESIDENT. The amendments reported by the committee have been agreed to as in Committee of the Whole.

Mr. PETTIGREW. I move to strike out in section 1, beginning with and including the word "Provided," in line 18, down to and including the word "Texas," in line 22. The language which I wish to strike out is this:

Provided, That the public-land laws of the United States are hereby suspended until further legislation by Congress in so far as they may affect the territory hitherto known as Green County, Tex.

I will say that Congress at this session has passed an act providing for disposing of the lands embraced within this area, and that it is now in the hands of the President, if it has not been already signed. Therefore the necessity for this legislation has been obviated.

The VICE-PRESIDENT. The question is on the amendment proposed by the Senator from South Dakota.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time.

The VICE-PRESIDENT. The question is, Shall the bill pass?
Mr. PLATT. Let us have the yeas and nays on that.
The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. BATE (when his name was called). I am paired on this vote with the Senator from North Carolina [Mr. BUTLER]. If he

vote with the Senator from North Carolina [Mr. BUTLER]. If he were here, he would vote for the bill and I against it.

Mr. BERRY (when his name was called). On this question I am paired with the Senator from Wyoming [Mr. WARREN]. If he were present, he would vote "yea," and I should vote "nay."

Mr. CALL (when his name was called). I am paired with the Senator from Vermont [Mr. PROCTOR]. If he were present, I should vote "yea," but I do not know how he would vote.

Mr. CHILTON (when his name was called). On this vote I am paired with the Senator from Washington [Mr. SQUIRE]. If he were present, he would vote "yea," and I should vote "nay."

Mr. FAULKNER (when his name was called). I desire to

state that I am paired on this question with the Senator from West Virginia [Mr. Elkins]. I do not know how he would vote, if present, but I should vote "nay."

While on my feet I desire also to announce the pair of the Senator While on the senator of the Senat

While on my feet I desire also to announce the pair of the Senator from Louisiana [Mr. Blanchard] with the Senator from North Carolina [Mr. Pritchard], and also the pair of the junior Senator from Florida [Mr. Pasco] with the Senator from Washington [Mr. Wilson]. If the Senator from Florida were present, he would vote "nay."

Mr. HAWLEY (when his name was called). On this question I am paired with the Senator from Arkansas [Mr. Jones]. If he were present, he would vote "yea," and I should vote "nay."

Mr. HILL (when his name was called). I have a general pair with the Senator from Massachusetts [Mr. Lodge]. I supposed the Senator from Massachusetts was present until a short time since, when I learned he was absent. At the request of the Senator from Nebraska [Mr. Allen], I agreed to pair on this special vote with the Senator from South Dakota [Mr. Kyle]. I inquire if any Senator knows how the Senator from Massachusetts would vote upon this question, if present? I am placed in an embarrassing Senator knows how the Senator from Massachusetts would vote upon this question, if present? I am placed in an embarrassing position, for I supposed he was present when I made the arrangement to which I have referred. Does the Senator from Massachusetts [Mr. Hoar] know how his colleague would vote?

Mr. HOAR. I do not, Mr. President.

Mr. HILL. I will pass it over for the present.

Mr. McBRIDE (when his name was called). I have a general pair with the Senator from Mississippi [Mr. George]. If he were present, I should vote "yea."

Mr. McBRIDE (when the name of Mr. Mitchell of Oregon was called). My colleague [Mr. Mitchell of Oregon] has a general pair with the Senator from Wisconsin [Mr. Vilas]. My colleague, if present, would vote "yea."

Mr. MORRILL (when his name was called). I am paired with the senior Senator from Tennessee [Mr. Harris]. I do not know how he would vote, if present, so I withhold my vote. If he were present, I should vote "nay."

Mr. PERKINS (when his name was called). I have a general pair with the Senator from North Dakota [Mr. Roach], who is detained from the Senate Chamber by sickness, but I am informed that if present he would vote in the affirmative, and I therefore vote "yea."

Mr. SEWELL (when his name was called). I am paired with

Mr. SEWELL (when his name was called). I am paired with the Senator from Wisconsin [Mr. MITCHELL], who is unavoidably

absent.

Mr. THURSTON (when his name was called). I have a general pair with the Senator from South Carolina [Mr. TILLMAN]. If he were present, I should vote "yea."

Mr. VILAS (when his name was called). I have a general pair,

If he were present, I should vote "yea."

Mr. VILAS (when his name was called). I have a general pair, as stated by the junior Senator from Oregon [Mr. McBride], with his colleague [Mr. Mitchell of Oregon], who, I understand, if present, would vote "yea." I transfer that pair to the Senator from Kentucky [Mr. Lindsay], who requested me to provide him with a pair, and will vote "nay."

Mr. WALTHALL (when his name was called). I have a general pair with the senior Senator from Pennsylvania [Mr. Cameron]. If he were present, I should vote "nay."

Mr. WILSON (when his name was called). I have a general pair with the Senator from Florida [Mr. Pasco]. I think the announcement has already been made by the Senator from West Virginia [Mr. Faulkner] as to how the Senator from Florida would vote on this question.

Mr. CHANDLER (when Mr. Wolcott's name was called). I announce my pair with the junior Senator from Colorado [Mr. Wolcott]. If he were present, I should vote "nay."

The roll call was concluded.

Mr. THURSTON. I have announced my pair with the Senator from South Carolina [Mr. TILLMAN], but I understand an announcement has been made upon the floor that the Senator from North Dakota [Mr. ROACH] is absent and for the bill, and that his pair has voted. On that statement, I therefore transfer my pair to the Senator from North Dakota [Mr. ROACH], and ask to vote upon the bill. I vote "yea."

Mr. CALL. I transfer my pair with the Senator from Vermont [Mr. Proctore] to the Senator from Maryland [Mr. Gibson], and vote "yea."

Mr. McMILLAN. I announce that my colleague [Mr. Bur.

and vote "yea."

Mr. McMILLAN. I announce that my colleague [Mr. Burrows] is paired with the Senator from Louisiana [Mr. Caffery].

Mr. McBRIDE. I have announced my pair with the Senator from Mississippi [Mr. George]; but I transfer that pair to the Senator from South Dakota [Mr. Kyle], and vote "yea."

Mr. WILSON. I inquire of the Senator from West Virginia [Mr. Faulkner] if he knows how the Senator from Florida [Mr. Pasco] would vote? I think he made an announcement as to how the Senator from Florida would vote.

Mr. FAULKNER. The Senator from Florida [Mr. Pasco] requested me to state that on this question he would vote "nay."

Mr. WILSON. Then I transfer my pair, if agreeable to the

Senator from West Virginia [Mr. FAULKNER] who has charge of the matter, to his colleague [Mr. ELKINS]. Mr. FAULKNER. Very well. That will enable the Senator

from Washington and me to vote.
Mr. WILSON. I vote "yea."
Mr. FAULKNER. I vote "nay."
Mr. CALL. I understand that some mistake has been made as to the position of the Senator from Maryland [Mr. Gibson] on this bill. So I transfer my pair to the Senator from Indiana [Mr.

this bill. So I transfer my pair to the Senator from Indiana [Mr. Voorhees], and will let my vote in the affirmative stand.

Mr. WALTHALL. If necessary to make a quorum, I feel at liberty to vote. I vote "nay."

Mr. BERRY. As I stated, I am paired with the Senator from Wyoming [Mr. WARREN], but I am requested by the friends of the bill and by the colleague of the Senator from Wyoming to cast my vote in order to make a quorum. I therefore vote "nay."

Mr. HILL. I do not know how the Senator from Massachusetts [Mr. Lodge] would vote if present. Of course I reserve the right to vote to make a quorum, and at the request of the friends of the

Inr. Lodge] would vote if present. Of course I reserve the right to vote to make a quorum, and at the request of the friends of the bill I now vote. I vote "nay."

Mr. BATE. I am similarly situated, and agreed not to vote on account of the absence of the Senator from North Carolina [Mr. Butler]. At the request of the friends of the bill, however, I am willing to record my vote in order to make a quorum. I vote "nay."

The result

The result was announced—yeas 35, nays 11; as follows:

	Y	EAS-35.	
Allen, Allison, Bacon, Baker, Blackburn, Brown, Call, Cannon, Carter,	Clark, Cullom, Davis, Frye, Gear, Gordon, McBride, McMillan, Mantle,	Morgan, Murphy, Nelson, Peffer, Perkins, Pettigrew, Pugh, Quay, Sherman,	Shoup, Smith, Stewart, Teller, Thurston, Wetmore, White, Wilson.
	N	AYS-11.	
Bate, Berry, Brice,	Cockrell, Faulkner, Gray,	Hill, Platt, Vest,	Vilas, Walthall.
	NOT	VOTING-43.	
Aldrich, Blanchard, Burrows, Butler, Caffery, Cameron, Chandler, Chilton, Daniel, Dubois, Elkins,	Gallinger, George, Gibson, Gorman, Hale, Hansbrough, Harris, Hawley, Hoar, Irby, Jones, Ark.	Jones, Nev. Kyle, Lindsay, Lodge, Martin, Mills, Mitchell, Oreg. Morrill, Palmer, Pasco,	Pritchard, Proctor, Roach, Sewell, Squire, Tillman, Turpie, Voorhees, Warren, Wolcott.

So the bill was passed.

Mr. PETTIGREW. I move that the title be amended so as to read: "A bill providing for free homesteads on the public lands for actual and bona fide settlers, and reserving the public lands for that purpose." that purpose.

The amendment was agreed to.

Mr. PETTIGREW. I move that the Senate request a conference with the House of Representatives upon the bill and amendments.

The motion was agreed to.

By unanimous consent, the Vice-President was authorized to appoint the conferees on the part of the Senate; and Mr. Petti-GREW, Mr. JONES of Arkansas, and Mr. Allen were appointed.

MARITIME CANAL COMPANY OF NICARAGUA.

Mr. MORGAN. I move that the Senate proceed to the consideration of the bill (S. 3247) to amend an act entitled "An act to incorporate the Maritime Canal Company of Nicaragua," approved February 20, 1889.
The VICE-PRESIDENT. The question is on agreeing to the

motion of the Senator from Alabama.

Mr. TURPIE. On that I ask for the yeas and nays.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. CALL (when his name was called). I am paired with the Senator from Vermont [Mr. PROCTOR]. If he were present, I

Mr. GORDON (when his name was called). I am paired with the Senator from Iowa [Mr. GEAR] who is not now in his seat.

Mr. THURSTON (when his name was called). I have a general pair with the Senator from South Carolina [Mr. TILLMAN].

Mr. VEST. I am paired with the Senator from Oregon [Mr. MITCHELL]. If he were present, he would vote "yea" and I should vote "nav

Mr. WALTHALL (when his name was called). I am paired with the senior Senator from Pennsylvania [Mr. CAMERON].
Mr. WILSON (when his name was called). I have a general pair with the Senator from Florida [Mr. Pasco]. Iam not advised the report.

as to how he would vote upon this question. If he were present, I

ould vote "yea." The roll call was concluded.

The roll call was concluded.

Mr. CALL. I am paired with the junior Senator from Vermont [Mr. Proctor], as I have announced. I am informed by the Senator from Rhode Island [Mr. Aldrich] that the junior Senator from Vermont would vote "yea" if he were present. I will therefore take the liberty of voting. I vote "yea."

Mr. McBRIDE. I have a general pair with the senior Senator from Mississippi [Mr. George]. I transfer my pair to the Senator from South Dakota [Mr. KYLE], and will vote. I vote "yea."

Mr. BATE. My colleague [Mr. Harris], who is necessarily absent, is paired with the senior Senator from Vermont [Mr. Morrill].

The result was announced—yeas 33, nays 6; as follows:

YEAS-33.

Aldrich, Allison, Bacon, Baker, Bate, Brice, Bro wn, Call, Cannon,	Carter, Chandler, Cullom, Davis, Faulkner, Frye, Gear, Hawley, Hoar,	McBride, McMillan, Mantle, Morgan, Murphy, Nelson, Peffer, Perkins,	Pugh, Quay, Sewell, Shoup, Stewart, White.
	N	AYS-6.	
Berry, Blackburn,	Chilton, Cockrell,	Gray,	Teller.
	NOT	VOTING-50.	
Allen, Blanchard, Burrows, Butler, Caffery, Cameron, Clark, Daniel, Dubois, Elkins, Gallinger, George, Gibson,	Gordon, Gorman, Hale, Hansbrough, Harris, Hill, Irby, Jones, Ark, Jones, Nev. Kyle, Lindsay, Lodge, Martin,	Mills, Mitchell, Oreg. Mitchell, Wis. Morrill, Palmer, Pasco, Pettigrew, Pritchard, Proctor, Roach, Sherman, Smith, Squire,	Thurston. Tillman, Turpie, Vest., Vilas, Voorhees, Walthall, Warren, Wetmore, Wilson, Wolcott.

Mr. MORGAN. I ask for a call of the Senate.

The VICE-PRESIDENT. No quorum having voted, the Secretary will call the roll.

Mr. HILL. I move that the Senate adjourn. We can not

accomplish anything at this late hour.

The motion was agreed to; and (at 4 o'clock and 30 minutes p. m.) the Senate adjourned until Monday, January 18, 1897, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

THURSDAY, January 14, 1897.

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. HENRY N. COUDEN

The Journal of the proceedings of yesterday was read and approved.

AMANDA WOODCOCK.

Mr. McCREARY of Kentucky. Mr. Speaker, I ask for the present consideration of House bill No. 9306, granting a pension to Amanda Woodcock.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place upon the pension roll, at the rate of \$12 per month, the name of Amanda Woodcock, of Richmond, Ky., widow of Robert Woodcock, deceased, late a private in the Fourth Kentucky Volunteer Infantry, in the Mexican war.

The SPEAKER. Is there objection to the present consideration

There being no objection, the bill was considered, and ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed. On motion of Mr. McCREARY of Kentucky, a motion to recon-

sider the last vote was laid on the table.

GEORGE W. GOODMAN.

Mr. HARDY. Mr. Speaker, I desire to call up the bill (H. R. 8866) for the relief of George W. Goodman, and ask unanimous consent for its present consideration.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to remove the charge of desertion from the records of the War Department as to George W. Goodman, late a member of Company I of the Ninety-seventh Regiment of Indiana Volunteers, and to grant him an honorable discharge.

The SPEAKER. Is there objection to the present consideration

Mr. McCLELLAN and Mr. STEELE asked for the reading of

The report (by Mr. TRACEY) was read, as follows:

The report (by Mr. Tracey) was read, as follows:

The Committee on Military Affairs, to whom was referred the bill (H. R. 3856) for the relief of George W. Goodman, report as follows:

The report of the War Department shows that George W. Goodman was enrolled August 22, 1862, to serve three years, and that he deserted October 7, 1862, from Camp Morton, Indianapolis, Ind.; that he reported voluntarily March 18, 1864, to the provost-marshal of the sixth district of Indiana, was forwarded to his regiment, and rejoined it in Alabama on March 24, 1864. He was wounded June 27, 1864, in action at Kenesaw Mountain, Georgia, was admitted to the regimental hospital the same day, and the muster-out roll of his company, dated June 4, 1865, reports him "deserted from wounded furlough March 25, 1865."

The soldier testifies that he enlisted August 22, 1862, at Linton, Greene County, Ind., and went to Indianapolis, Ind., and was there mustered into the service and was there taken sick, and by consent verbally given he returned home, but before he recovered his health sufficiently to return to his regiment he was reported as a deserter, and that from the information he received he was afraid to return to his regiment, but finally determined to report to his regiment, and did so report in March, 1864, and was put on duty and not punished in any manner and received the same treatment as his comrades received and continued to serve until he was wounded at the battle of Kenesaw Mountain, having received six buckshot in left thigh and hip, and was furloughed home, and after he recovered sufficiently he reported to Co. R. W. Thompson for duty and remained under his command until he was taken sick, and at the time the regiment was mustered out he was still unable to travel, and was not present to receive his discharge with the rest of his comrades.

Col. R. W. Thompson, late provost-marshal at Terre Haute, Ind., and later Secretary of the Navy, files his personally written letter, which his as follows:

Terre Haute, June 15, 1806.

TERRE HAUTE, June 15, 1896.

During my service as provost-marshal in this city while the war of the rebellion was in progress, George W. Goodman, who belonged to Company I, Ninety-seventh Regiment of Indiana Volunteers, reported to my office upon the sick list and was permitted by me to go to his home and recruit his health. He continued to report from time to time and was permitted by me to return until he became sufficiently well to go to the front and join his regiment. If on account of this he became marked as a deserter, it was unjust to him, and the mark should be erased. He was a good soldier and severely wounded.

R. W. THOMPSON, Late Provost-Marshal.

R. W. THOMPSON,

Late Provost-Marshal.

Josiah Stanley, late captain of Company I, Ninety-seventh Indiana Volunteers, files his affidavit, in which he says:

"I have known said George W. Goodman since he was 12 years old; that he enlisted in Company I, Ninety-seventh Indiana Volunteers, August 22, 1862, at Linton, Ind.; that said Goodman went from there with the company to Indianapolis. Ind."

Captain Stanley testifies he did not see him any more until he arrived at Scottsboro, Ala., in March, 1864. He was placed on duty then, having reported to his command, by Col. F. Catterson, commanding Ninety-seventh Indiana; that said Captain Stanley was with said Goodman in four or five hard-fought battles. Captain Stanley further says in his affidavit:

"I verily believe a braver or better soldier did not exist in the field.

"The monthly report shows him sick, wounded, in hospital from June 27 to February 28, 1865. The roll of February, 1865, shows him a deserter from furlough, which I am satisfied is an error. My reasons are these: Col. Dick Thompson, provost-marshal of Terre Haute, sent him home from Terre Haute on account of his health and wound. He reported from time to time at this man's office. The mark of desertion is unjust and should be erased."

David W. Corbin, of Linton, Greene County, Ind., also testifies "that during the spring of 1865, in March or April, George W. Goodman, of Company I, Ninety-seventh Indiana Volunteers, while acting as notifying officer for Jefferson Township, Sullivan County, Ind., gave me notice that I was drafted into the United States service."

In consideration of the fact that this soldier voluntarily returned to duty after the first charge of desertion was made against him and participated in several battles, in one of which he was severely wounded, and in view of the further fact that the evidence raises a doubt as to his actually having deserted after being wounded at the battle of Kenesaw Mountain, the committee are of the opinion that the bill should pass.

There being no objection, the bill was considered, and ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.
On motion of Mr. HARDY, a motion to reconsider the last vote

was laid on the table.

RICHARD BROOKINS.

Mr. CURTIS of Kansas. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (S. 1690) granting a pen-sion to Richard Brookins.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, at the rate of §12 per month, the name of Richard Brookins, who served under that name in Troops M and H of the Ninth Regiment of the United States Cavalry from February 5, 1867, to February 5, 1867, to Tebruary 5

The SPEAKER. - Is there objection to the present consideration of the bill?

Mr. ERDMAN. Let us have the report read. The report (by Mr. Kirkpatrick) was read, as follows:

The report (by Mr. KIRKPATRICK) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (S.1690) granting a pension to Richard Brookins, having considered the same, respectfully adopt the report of the Senate Committee on Pensions, and recommend the passage of the bill after being amended as follows:

In line 5, after the word "month," insert the words "subject to the provisions and limitations of the pension laws."

Strike out after the word "Cavalry," in line 7, "from February 5, 1867, to February 5, 1872, and from January 2, 1882, to January 3, 1887."

Also, strike out all the printed bill after the word "Colored," in line 18, and insert in lieu thereof the word "Infautry."

[Senate Report No. 1656, Fifty-fourth Congress, first session]

[Senate Report No. 1056, Fifty-fourth Congress, first session.]
The Committee on Pensions, to whom was referred the bill (S. 1690) granting a pension to Richard Brookins, have considered the same, and submit the following report:
Bichard Brookins was enlisted on the 5th day of February, 1867, and was

assigned to Company M, Ninth United States Cavalry. He was discharged on the 5th day of February, 1872, by expiration of term of service.

He enlisted again on the 12th day of January, 1882, and assigned to Company H, Ninth United States Cavalry. He was discharged on the 3d day of January 1887, at Fort McKinney, Wyo., on surgeon's certificate of disability, being unfit for duty because of chronic rheumatism.

E. D. Dimmick, captain of Company H, Ninth United States Cavalry Volunteers, who recommended the discharge of said soldier, stated that he was disabled by "chronic rheumatism contracted in the line of duty. Said soldier has been more or less unfit for duty for the past year. Has been unfit for duty for the last sixty days."

D. Weisel, acting assistant surgeon United States Army, at Fort McKinney, Wyo., states in the certificate of disability that said soldier was unfit for duty because of "chronic rheumatism of unknown duration, certainly two months, affecting more particularly the lower extremities, believed to have originated in the line of duty. Degree of disability, total."

On the 17th day of April, 1880, Mr. Brookins filed an application for pension, in which he alleged that while scouting about the 10th of May, 1871, his leg was injured by his horse falling with him, jamming his carbine against his leg. He was rejected because of his inability to prove his case.

On the 2d day of May, 1887, he filed another application for pension, in which he alleged that in June, 1884, by exposure he contracted rheumatism, and that the disease was aggravated by subsequent exposure until he became totally disabled. On the 21st day of August, 1888, he filed an affidavit, in which he claimed pension on account of disability from asthma and disease of breast. The claims were rejected by the honorable Commissioner on the ground that the claimant had sustained no ratable disability.

On the 28th day of July, 1890, Mr. Brookins filed an application for pension under the act of June 27, 1890. He based this application up

nently disabled by reason of rheumatism and general debility.

This claim was also rejected on the ground that there was no ratable disability.

The various examining boards who have examined the soldier have found that he was afflicted with rheumatism in a ratable degree, and there is considerable medical and lay testimony on file to show that the claimant had been severely disabled for many years past, and that he has rheumatism and sciatica so badly in his hips and legs as to wholly incapacitate him for the performance of manual labor.

The statement of the captain of his company as officially made and the report of the acting assistant surgeon as to the soldier's physical condition are conclusive that he did suffer from chronic rheumatism, and that the disability was contracted while in the service.

There can be no doubt of the fact that the soldier did contract chronic rheumatism while in the service, and it only remains to determine whether he is disabled to a pensionable degree or not. The evidence of his comrades, the evidence of physicians who have examined him, and the statements officially made by the various examining boards are conclusive that the soldier is disabled from performing manual labor by reason of the severe attacks of rheumatism.

The evidence shows without question that the disability has increased until now he is unable to earn a support by manual labor. This colored man is absolutely without means of support except what he could earn by his daily toil, but being incapacitated by reason of his disability. In consideration of the evidence submitted, both medical and lay, and because of the eleven years fathful service rendered by this man, your committee are of the opinion that he is entitled to a pension, and that the rate stipulated in the bill is proper and just. We therefore recommend the passage of the bill without amendment.

There being no objection, the bill was considered, the amend-ments recommended by the committee were agreed to, and the bill as amended was ordered to a third reading; and being read the third time, it was passed.
On motion of Mr. CURTIS of Kansas, a motion to reconsider the

last vote was laid on the table.

JOSHUA BISHOP.

Mr. BURTON of Missouri. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (S. 2338) for the relief of Joshua Bishop.

The bill was read, as follows:

Be it enacted, etc.. That jurisdiction is hereby conferred on the Court of Claims to try and determine the claim of Joshua Bishop against the United States, for pay alleged to be due and unpaid to him as lieutenant-commander of the Navy from February 9, 1868, to February 29, 1871, as shore pay, amounting to the sum of \$7.767.66; and the statute of limitations shall not apply to said claim, and the judgment of said court shall be final as to the same, subject to the right of appeal by either party.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. PAYNE. Before consent is given, I would like to hear the report read, or have some statement made in reference to this

Mr. BURTON of Missouri. Mr. Speaker, I will state that a similar bill was introduced in the House, referred to the Committee on Claims, and reported favorably by that committee, a copy of which report I hold in my hand. In the meantime this bill passed the Senate, came to the House, and was referred to the said com-

mittee, who made a favorable report upon it.

I now ask, for the information of the gentleman from New York, the reading of the report of the Committee on the House

bill. The report (by Mr. Denny) was read, as follows:

The Committee on Claims, to whom was referred the bill (H. R. 6137) to confer on the Court of Claims jurisdiction to hear and determine the law and the facts in the matter of the claim of Joshua Bishop, commander, United States Navy, against the United States, as set forth in his petition, have had the same under consideration, and find, from the examination of the facts, that there is involved in the same a legal question which should be passed upon by a court of competent jurisdiction for the following reasons, to wit:

The record in the case discloses serious doubts as to the correctness of the

proceedings, findings, and approval of the court-martial before whom Commander Bishop was tried and sentenced.

The record does not disclose the fact that the officer (Rear-Admiral Bell) who ordered the court-martial at any time ever approved of the proceedings, findings, and sentence of said court, which said action by and on the part of said rear-admiral, it is claimed by petition, was necessary to confer jurisdiction on the Executive authority.

The record and evidence in the case does not show that the President of the United States passed upon the whole record of the proceedings, findings, and sentence of said court, but upon a memorandum or brief furnished by a clerk at that time in the service of the Navy Department, and it is contended by petitioner that the approval of the President in this behalf was not judicial (twentieth article, act July 17, 1862) and was therefore inoperative.

The record discloses the fact that Commander Bishop was suspended on May 31, 1867, from 4 to 8 o'clock a. m., by Commander Carpenter, and from 4 to 8 p. m. At 640 p. m. May 31, 1867, from at 10 s o'clock a. m., by Commander Bishop was restored to duty by order of Rear-Admiral Bell, and it is contended by Commander Bishop that at the time of the convening of the court-martial that he had already been punished for the offenses charged, and had been restored to duty.

The record shows that the dismissal of Commander Bishop from the naval service of the United States was not in the customary form in use by the Secretary of the Navy at the time of said dismissal.

The record is not full and complete in many respects, and discloses many phases of fact and law which, in our judgment, should be passed upon by the Court of Claims.

Your committee therefore recommend that the bill pass.

Senate report of March 25, 1896, is hereto attached and made a part of this report.

report.

Mr. PAYNE. I understand the purpose of this bill is to refer the claim to the Court of Claims, but with authority to enter a judgment against the United States for the amount involved in the bill—some \$7,000; and from what I gather from the reading of the report the reason for sending the bill to the Court of Claims and setting aside the findings of the court-martial was because of some technical informality in the proceeding.

Now, if the gentleman will amend the bill, directing the court to report upon the facts and their opinion of the law to Congress, I shall not object. Otherwise, in its present form, I do not think

the bill ought to be passed.

Mr. BURTON of Missouri. If the gentleman will permit me, the bill has this purpose: The Senate has passed the bill twice and it has been favorably reported at a preceding session of this House. There were a great many irregularities involved in the record of the court-martial. In the first place, it was never approved by

the court-martial. In the first place, it was never approved by the presiding officer. In the second place, the proceedings were never submitted to President Johnson, the only paper submitted to him being a brief supplied by one of the clerks.

I hold in my hand in this record a letter of Mr. Robeson, Secretary of the Navy—who was Secretary at the time the court-martial proceedings were held—stating that he believes this officer had been done an injustice. Upon the presentation of the facts to Congress Mr. Bishop was restored to the Navy and has rendered gallant and meritorious services. He is now about to be retired by reason of age. It seems to me as an attorney—and I think every member of the committee has been impressed with that idea—that an injustice has been done to this man. If so, he is every member of the committee has been impressed with that idea—that an injustice has been done to this man. If so, he is entitled to his pay. If not, then he is not entitled to it. This bill merely provides that this claim may be submitted to a court competent and qualified to hear and determine these matters, and it seems to me that Congress ought to be willing to intrust the consideration and determination of a matter of this kind to a court of our own creation, which, under all circumstances and at all times, is expected to well and truly guard the interests of the Government. I hope my friend will not object.

Mr. LOUD. I should like to ask the gentleman if he thinks it is safe to re-review a case that has been determined by the highest

naval court that could have been convened at that time? I ask him if he thinks it is safe to re-review the decision of that naval court eighteen years afterwards by a court not familiar with that class of cases?

Mr. BURTON of Missouri. I think it would be perfectly safe. The record is all there. Everything that was done is in writing and on the files of the Department, and the officers of the Navy Department themselves have recommended this proceeding, in order that this man may receive justice at the hands of the Government.

The SPEAKER. Is there objection?

Mr. LOUD. I will yield the right to object. Mr. PAYNE. Mr. Speaker, I shall have to object to the bill in its present form.
The SPEAKER. Objection is made.

FREDERICK LIERMAN.

Mr. DOCKERY. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 8683) granting a pension to Frederick Lierman.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Frederick Lierman, late private Company B, Johnson County Home Guards, Enrolled Missouri Militia, at the rate of \$12 per month.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. DOCKERY. Let the report be read. I understand the gen-

tleman from Pennsylvania [Mr. ERDMAN] desires the reading of the report.

The report (by Mr. BAKER of Kansas) was read, as follows:

the report.

The report (by Mr. Baker of Kansas) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 8683) granting a pension to Frederick Lierman, late private, Company B, Johnson County Home Guards, Enrolled Missouri Militia, having carefully examined and considered the same, respectfully report:

The claimant enlisted at Warrensburg, Mo., and was mustered into service as private, Company B, Johnson County (Mo.) Home Guards, on July 4, 1861, and served with such organization until December, 1861, or January, 1862, when the regiment was disbanded at St. Louis, Mo., and mustered out. The regiment was also known as the Twenty-seventh Missouri Enrolled Militia. On account of sickness, he was not mustered out with his company when the regiment was disbanded. He returned to Sedalia, Mo., and was engaged as scout and guide by Lieutenant-Colonel Eads, of Georgetown, Mo., for some time, and then by Col. Dan Houston, at Lexington, Mo., and with Maj. Emory S. Foster, so that he was continuously in service, with the exception of a few days, up to and including the battle of Lonejack, Mo., August 18, 1862.

He served with his command during the siege of Lexington, Mo., as several of his comrades and Major Foster testify, and also at Lonejack, where he was seriously wounded in the left side and also in left hand during the battle.

He was confined to his bed for three or four months from the gunshot wound in left side received in battle at Lonejack.

The testimony shows that he has been disabled from the wounds ever since he received them; that he is now 76 years of age, and on account of the wounds and old age and general debility is totally unfitted for manual labor. His application for pension was rejected on the ground that the War Department records fail to show him to have been in the United States service, Major Foster and several others testify to his service, and the receipt of wounds is thoroughly established, and he, like Major Foster and several others of same regiment

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The bill was ordered to be engrossed and read a third time; and was accordingly read the third time, and passed.

On motion of Mr. DOCKERY, a motion to reconsider the last

vote was laid on the table.

MALINDA KELLY.

Mr. SMITH of Illinois. I ask unanimous consent, Mr. Speaker, for the present consideration of the bill (H. R. 5718) granting a pension to Malinda Kelly, of Jackson County, Ill.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the general pension laws, the name of Malinda Kelly, mother of Drura Baggott, deceased, late a soldier in Company M, Sixth Illinois Cavalry Volunteers, in the war of the rebellion.

The Committee on Invalid Pensions recommended the following amendments:

In line 7 strike out the word "soldier" and insert in lieu thereof the word "recruit."

And at the end of the bill add the words "and pay her a pension of \$12 per month."

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. ERDMAN. Mr. Speaker, pending that, let us have the report read

The SPEAKER. The gentleman desires to have the report read. The report (by Mr. WOOD) was read, as follows:

The SPEAKER. Ine gentleman desires to have the report read. The report (by Mr. Wood) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 5718) granting a pension to Malinda Kelly, of Jackson County, Ill., submit the following report:

Malinda Kelly is the dependent mother of Drura (Drury) Baggott, who was a recruit in Company M. Sixth Illinois Cavalry. He was enrolled as a private November 26, 1863, and was honorably discharged February 25, 1864, laving served, according to the records of the War Department and the evidence, ninety-one days. He died about May 1, 1864, of catarrhal pneumonia. This disease was the immediate result of measles contracted and from which he suffered while in the service. His mother was allowed and received his pay up to and including February 25, 1864. August 2, 1890, the claimant applied for pension under act of June 27, 1890. On July 6, 1892, it was submitted for rejection by an examiner in the Pension Office on the ground that soldier did not serve in the Army ninety days. In order to justify this recommendation he seems to have changed one of the "important dates" by erasing the figures 25 and inserting in lieu thereof, in red ink, "22," so as to make the date of discharge "February 22, 1864," thus making his period of service only eighty-eight days. We have carefully examined the evidence to discover the ground upon which the date shown in the records of the War Department was thus overturned. We absolutely find nothing except a manifest desire to reject the claim. It is true that Dr. Frank M. Agnew, on February 13, 1893, swears "that he was called professionally to attend Drury Baggott at his home near Western Saratoga, Union County, Ill., while at home on leave of absence on account of measles, February 22, 1894; that the measles settled on his lungs, producing catarrhal pneumonia."

The committee can not accept this changing of "important dates" either. But it did adopt quite as inconsistent a finding. On May 5, 1893, it rejected the

and was furloughed home February 19, 1864. It is simply absurd to say that this disease existed on enlistment—November 28, 1863. It is equally absurd to accept the conclusions of the surgeons who examined him for discharge—that he was "unfit for service by reason of tubercular diathesis, which existed prior to enlistment." The "diathesis" of a soldier, or his family history, was never considered in accepting him as a volunteer or drafted man.

The committee recommend the passage of the bill with an amendment striking out the word "soldier," in seventh line, and inserting in lieu thereof the word "recruit;" also add at end of bill the words "and pay her a pension of \$12 per month."

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. ERDMAN. Mr. Speaker, I object.

HELMUTH F. SCECKEL. Mr. HENRY of Connecticut. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (S. 347) to remove the charge of desertion and grant an honorable discharge to Helmuth F. Sœckel.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to remove the charge of desertion now standing against the record of Helmuth F. Seckel, late private Company C, Sixteenth Regiment Connecticut Volunteers, and grant an honorable discharge.

The SPEAKER. Is there objection to the present consideration

Mr. HENRY of Connecticut. Mr. Speaker, the fact about this case is that this man died in Andersonville Prison. He was connected with a Connecticut regiment for two years. There is no nected with a Connecticut regiment for two years. There is no record of his death, and consequently he is recorded as a deserter. His friends wish to have the cloud removed from that record because of his undoubted death in Andersonville Prison.

The SPEAKER. Is there objection to the present consideration

of the bill?

There was no objection.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

On motion of Mr. HENRY of Connecticut, a motion to recon-

sider the last vote was laid on the table.

MESSAGE FROM THE PRESIDENT.

A message in writing from the President of the United States was communicated to the House of Representatives by Mr. Pruden, one of his secretaries, who also announced that the President had approved and signed bills and joint resolutions of the following titles:

On January 13, 1897:
An act (H. R. 1891) granting a pension to Celestia R. Barry;
An act (H. R. 1890) granting a pension to Mary Martin;
An act (H. R. 1820) granting a pension to Neil McNeil;
An act (H. R. 1599) granting a pension to Phœbe M. Woolley Palmeter;

An act (H. R. 3755) to increase the pension of Mary C. Thompson; An act (H. R. 4355) to increase the pension of Theresa Peebles, of Jefferson County, Ga.;
An act (H. R. 1062) to grant a pension to Armstead M. Rawlings, of Arkansas;

lings, of Arkansas;
An act (H. R. 950) granting increase of pension to John Coombs;
An act (H. R. 4721) granting an increase of pension to Orleina
J. Clark, of Louisville, Ky.;
An act (H. R. 1874) to place the name of Robert Smalls on the
pension rolls; and
An act (H. R. 2320) for the relief of Samuel Burrell.
On January 8, 1897:
An act (H. R. 6533) for the relief of A. A. Hosmer.
On January 9, 1897:

An act (H. R. 6533) for the refler of A. A. Hosmer.
On January 9, 1897:
An act (H. R. 9472) to amend chapter 111 of the acts of the third session of the Fifty-third Congress.
On January 11, 1897:
Joint resolution (H. Res. 205) authorizing the building of a telephone line in the District of Columbia.

ENROLLED BILLS SIGNED.

Mr. HAGER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills and joint resolution of the following titles; when the Speaker signed the same:

A bill (S. 1741) to authorize the Muscogee, Oklahoma and Western Railroad Company to construct and operate a line of railway through Oklahoma and the Indian Territory, and for other

A bill (H. R. 8676) to enable the town of Flagstaff, in the Territory of Arizona, to issue bonds to construct a water system;
A bill (H. R. 4538) for the relief of John Keefe; and
Joint resolution (S. R. 189) providing for the erection of a Gov-

ernment building at the Tennessee Centennial Exposition.

THE FRIGATE CONSTITUTION.

Mr. FITZGERALD. Mr. Speaker, I ask unanimous consent for the present consideration of the resolution which I send to the Clerk's desk.

The resolution was read, as follows:

Resolved, That the Secretary of the Navy be requested to furnish the House an estimate of the amount of money that will be required to put the frigate Constitution, now lying at the Portsmouth Navy-Yard, in proper seaworthy condition to make the journey, without danger, from Portsmouth to Washington, to be here used as a naval museum.

Mr. FITZGERALD. I ask unanimous consent that that resolution may be acted upon at this time.

The SPEAKER. The gentleman asks unanimous consent for action on the resolution.

Mr. FITZGERALD. Mr. Speaker, in connection with the resolution I present a petition of the Massachusetts Historical Society that Congress may take some action with regard to the preserva-tion of the frigate *Constitution*, which now lies at the Portsmouth Navy-Yard and is in such a condition as to be in danger of sinking at any time.

As every member of this House knows, there is no vessel in the American Navy that possesses the history and the record that the

Constitution posses

It is my proud privilege to represent in Congress the district in which is located the wharf where this famous old frigate was built and launched. In grateful memory of her untarnished record it has been called "Constitution Wharf."

As a boy I have the pleasantest recollections of the happy days spent at the wharf where the Constitution was built over a century spent at the wharf where the Constitution was built over a century ago, and when I stand here pleading for the preservation of "Old Ironsides" my deepest sympathies are moved. The achievements of the heroic sons of Massachusetts with her have produced within my breast, as they must within the breast of every American citizen, feelings of the deepest reverence for the historic ship.

Why should it be necessary to call the attention of the Government to its duty with regard to the preservation of the Constitution, whose great victory in the naval engagement with the Guerrière in the dark days of the war of 1812 brought hope and encouragement to our people and placed the United States among the first-class powers of the world?

Why this shame of neglect toward an historic relic that typifies

Why this shame of neglect toward an historic relic that typifies the heroism of our fathers and is an inspiration to succeeding

generations?

Nelson's flagship Victory is carefully perpetuated by Great Brit-ain, and in such great reverence is she held that Englishmen

ain, and in such great reverence is she held that Englishmen respectfully remove their hats whenever they pass.

Who shall say that the dear old Constitution, with her unbroken line of victories, unparalleled in the history of the world, is not worthy of like respect from a grateful Republic?

In 1829, when the destruction of the Constitution was ordered, the stirring lyric poem of Oliver Wendell Holmes saved her from what would have been a disgrace to our country, and I think it proper that those inspiring words should be recalled at this time, when, through neglect, a like fate seems to be in store for her:

OLD IRONSIDES

Av, tear her tattered ensign down!
Long has it waved on high,
And many an eye has danced to see
That banner in the sky.
Beneath it rung the battle shout,
And burst the cannon's roar;
The meteor of the ocean air
Shall sweep the clouds no more!

Her deck, once red with heroes' blood,
Where knelt the vanquished foe,
When winds were hurrying o'er the flood,
And waves were white below,
No more shall feel the victor's tread,
Or know the conquered knee;
The harpies of the shore shall pluck
The eagle of the sea!

Oh, better that her shattered hulk Should sink beneath the wave; Her thunders shook the mighty deep, And there should be her grave. Nail to the mast her holy flag, Set every threadbare sail, And give her to the god of storms, The lightning and the gale!

Massachusetts asks that this grand old ship be perpetuated, and she relinquishes her claim to have her placed in the waters of the State, near where she was built and manned, that she may be placed in Washington, here to serve as a national monument of

the triumphs of the American seamen during the war of 1812. Such has ever been the true, chivalrous spirit of Massachusetts.

Through the care and labor of her own Historical Society she preserves the revered relics of the Revolutionary times and of her illustrious sons; and she feels that she has the right to insist that the National Government shall no longer be unmindful of its duty

the National Government shall no longer be diministrated in its duty to the flower of the American Navy, the Constitution.

The SPEAKER. Is there objection to the present consideration of the resolution? [After a pause.] The Chair hears none.

The question was taken; and the resolution was agreed to

W. H. L. PEPPERELL.

Mr. CALDERHEAD. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (S. 250) for the relief of W. H. L. Pepperell.

The bill was read, as follows:

Be it enacted, etc., That the Postmaster-General be, and he is hereby, authorized and directed to cause the accounts of W. H. L. Pepperell, late postmaster at Concordia, State of Kansas, to be credited with the sum of \$1,545, and that he cause said credit to be certified to the Auditor of the Treasury for the Post-Office Department, being on account of the loss of \$1,345 in postage stamps and \$200 in postal funds stolen from said post-office on August 27, 1887, it appearing that said loss was without fault or negligence on the part of said late postmaster, and the said sum of \$1,545 is hereby appropriated, out of any moneys in the Treasury not otherwise appropriated, to pay said claim.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. LOUD. Mr. Speaker, I want to suggest to the gentleman who presents the bill that if this measure has any merit the Department has already power to settle the claim. I do not think this House ought to settle cases of that character, when the Department of the company of \$10,000, and this House ought to settle cases of that character, when the Department has power to settle them to the amount of \$10,000; and therefore I shall have to object.

Mr. CALDERHEAD. The loss occurred in 1887, and was presented to the Department at that time, or some time before it had power to make the settlement.

Mr. LOUD. They have the power now, I would state, Mr. Speckers.

Speaker.

Mr. CALDERHEAD. The Department has been refusing to reverse a ruling that has been made upon the case, for the reason that the Department held that the postmaster was liable for the negligence of his clerk. Since that time a different ruling prevailed in the Department, and where it is shown that the postmaster has not been guilty of negligence, he is not chargeable with the negligence of his clerks; but still the Department is unwilling to reverse the former ruling in this case.

Mr. LOUD. I am still of the opinion, Mr. Speaker, that the House should not settle cases where the Department has power to settle them. If the Department does not hold that this case is such as should be settled, I do not think that Congress should review the action of the Post-Office Department in that direction.

Mr. CALDERHEAD. I think I have a letter from the Attorney-General of the Post-Office Department in connection with this case that I will ask to have read.

that I will ask to have read.

The Clerk read as follows:

Office of Assistant Attorney-General for the Post-Office Department, Washington, D. C., June 11, 1896.

J. L. T., A. A. G.

SIR: Referring to your verbal inquiry concerning the claim of W. H. L. Pepperill, late postmaster at Concordia, Kans., for credit on account of postage stamps and postal funds stolen from his office October 22, 1887, I have the honor to inform you that for several years it has been the practice of this office to recommend allowance of credit for losses resulting from larceny, as well as from burglary, fire, etc., when it appeared that such losses were not caused or contributed to by fault or negligence on the part of postmasters; and for some time previous to my entering upon the duties of this office it was held that postmasters were not liable for losses resulting from fault or negligence on the part of their assistants. In this ruling I have fully concurred.

Curred.

Very respectfully,

Very respectfully,

JOHN L. THOMAS,

Assistant Attorney-General for the Post-Office Department.

P. S.—If this claim was now before this Department for the first time I would recommend its allowance.

Hon. W. A. CALDERHEAD, M. C., House of Representatives.

Mr. LOUD. What is the date of that letter?
Mr. CALDERHEAD. I want to say in addition to that—
The SPEAKER. Is there objection to the present consideration

of the bill?

I hope the gentleman will hold it over until tomorrow and I will look into it. I think that the Department still

has power to settle that case.

Mr. CALDERHEAD. I want to say that \$1,300 of this was in stamps and \$200 of it was in money. The Department may possibly settle for the money, but are not willing that they should

settle for the stamps. Mr. LOUD. I have no doubt that the gentleman will be recognized by the Speaker to-morrow.

The SPEAKER. Objection is made.

W. J. TAPP & CO.

Mr. EVANS. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 464) for the relief of W. J. Tapp & Co.

The bill was read, as follows:

Be it enacted, etc. That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to W. J. Tapp & Co., the sum of \$240.10, as a refund of duties erroneously exacted on certain machinery for the manufacture of jute, at Louisville, Ky., in the year 1876.

The SPEAKER. Is there objection to the present consideration

Mr. PAYNE. I hope the report will be read, Mr. Speaker.

The report (by Mr. Colson) was read, as follows:

The report (by Mr. Colson) was read, as follows:

The Committee on Claims, to whom was referred the bill (H. R. 464) for the relief of W. J. Tapp & Co., report:

A bill identical in terms with this was passed by the House of Representatives of the Fifty-third Congress, but no action was taken upon it in the Senate. Similar bills were favorably reported to the House by the Committee on Claims in the Fiftieth, Fifty-first, and Fifty-second Congresses.

The report of the committee in the Fiftieth Congress, readopted in the succeeding Congresses, including the last, sets out the following facts:

In May, 1876, W. J. Tapp & Co., of Louisville, in the State of Kentucky, manufacturers of goods from jute fiber, imported certain machinery for their business, such machinery not being then made in the United States, to be used by them exclusively in the manufacture of that fiber, and which was adapted to and could be used for no other purpose. By the provisions of section 7 of the act of February 8, 1875, such machinery was entitled for two years thereafter to enter free from duty.

On the 12th of November, 1875, the Secretary of the Treasury decided that no machinery was exclusively adapted to such manufacture.

When the machinery of Tapp & Co. arrived at the port of entry, they claimed it was entitled to be admitted free under the law, but the claim was denied, and the duties and charges, amounting to \$240.10, gold, were paid by them under protest. Other importers of similar machinery pursued the same course.

The Secretary of the Treasury subsequently, on the 23d of March, 1877, reversed his former decision and admitted duty free similiar machinery imported in October, November, and December, 1875, by Buchanan & Lyall, of New York.

Thereafter Tapp & Co. applied to the Department for a rebate of the duties they had paid, and were refused on the ground that they did not appeal from

of New York.

Thereafter Tapp & Co. applied to the Department for a rebate of the duties they had paid and were refused on the ground that they did not appeal from the original decision of the appraiser of customs declaring their machinery dutiable. The law provided for such appeal, but having paid the duties under protest they deemed it unnecessary, and no doubt supposed it would be unavailing to appeal to a tribunal which had then recently, as to other parties, decided the same question adversely to their claim.

In view of the fact that the Supreme Court has decided that "a payment made to a public officer in discharge of a fee or tax illegally exacted is not such a voluntary payment as will preclude the party from recovering it back" (Ill U. S., 22), your committee are of the opinion that the parties are entitled to the relief asked for, and recommend the passage of the accompanying bill.

Mr. PAYNE. Mr. Speaker, I understand that these parties had full remedy by way of appeal at the time, under the law, when the duty undoubtedly would have been refunded. There were a number of other parties exactly in the same condition of affairs, and it seems to me that we ought not to commence now to open up claims for duties that have been claimed to be illegally paid a number of years ago. It would open the door to a large class of

Mr. EVANS. I want to say to the gentleman from New York

the door was opened yesterday morning to a claim at least six times as large as this, and passed without objection.

Mr. PAYNE. I did not so understand it yesterday. If I had I would have objected; but if the door is opened now, the sooner it is closed the better. I shall have to object to the bill.

The SPEAKER. Objection is made.

JAMES M. WILLBUR.

Mr. CUMMINGS. Mr. Speaker, I ask unanimous consent for the present consideration of the bill S. 758.

The Clerk read as follows:

the present consideration of the bill S. 758.

The Clerk read as follows:

A bill (8. 758) authorizing the Secretary of the Treasury to adjust and settle the account of James M. Willbur with the United States, and to pay said Willbur such sum of money as he may be justly and equitably entitled to. Be it enacted, etc., That the Secretary of the Treasury is hereby authorized to make settlement with James M. Willbur for excess in weight of material and excess in the superficial measurement of illuminated tiling, frames, and supports thereof, placed by said Willbur in, on, and around the New York City post-office and court-house building beyond what he was required to furnish by his contract with the United States, according to samples submitted and accepted, either upon the report of such excessive weight and superficial measurement furnished by the direction of the Secretary of the Treasury and Senate committee, by the experts, Solomon J. Fague and Archibald Given, of date April 21, 1886, to the Senate committee, and on file with the Senate Committee on Claims; but if not satisfied with the report of such experts, the Secretary of the Treasury shall, within thirty days from the passage of this act, appoint three competent persons, who shall be duly sworn to ascertain and report the sum, if any, which in justice and equity ought to be paid James M. Willbur for excess in weight of material and excess in the superficial measurement of illuminated tiling, frames, and supports thereof, placed by said Willbur in and around the New York City post-office and court-house building, beyond what he was required to furnish by his contract as aforesaid, such sum to be determined by the prices fixed in said contract, so far as they are applicable. The said persons so appointed shall also ascertain and report any increased or extra expense or cost incurred by said Willbur resulting from any changes and additions made in and to the weight, measurement, and character of said tiling or in the quantity thereof from that which was sp

The SPEAKER. Is there objection to the present considera-

tion of this bill?

Mr. PAYNE. I should like to hear the report read, reserving

the right to object.
Mr. CUMMINGS. Mr. CUMMINGS. Mr. Speaker, the report is quite long, and I think I can explain the bill to the satisfaction of the House. This claim has been pending ever since the erection of the New York post-office. The contract was taken under certain specifications.

When they came to carry out the contract, it was the opinion of the Government officers that the tiling and the framing provided for in the specifications were too light, that it would be dangerous to put them into the building, and that heavier tiling and heavier to put them into the building, and that heavier tiling and heavier framing should be used. It was, of course, supposed by the contractor that he would be paid extra for the extra material, but he has never received his pay. He has come to Congress repeatedly for relief, specifying a certain sum of money which he claims is due him. A bill for his relief passed the Houses of Congress separately several times, and finally passed through both Houses in one Congress, and was sent to President Cleveland, who vetoed it. In his veto message the President says:

In any view of the matter I regard the claimant as seeking equitable relief. He is not entitled, however, to dictate the rule by which his claim is to be adjusted, and he should be quite satisfied if the officers of the Government, charged with the settlement of such matters, are permitted by the Congress to afford equitable relief according to such rules and methods as are best calculated to reach fair results.

The present bill was drawn up in the presence of the President, for the purpose of removing his objection, and I am satisfied that if it passes it will receive his signature.

I yield now to the gentleman from Tennessee [Mr. Cox] such

time as he desires

Mr. COX. Mr. Speaker, I think I am familiar with this bill, as the claim has been before our committee time after time. The case presents this state of facts: In building the post-office at New York a question arose as to the tiling that should be used. New York a question arose as to the tiling that should be used. The law under which the building was constructed provided that a certain amount of money, and only that amount, should be appropriated for the erection of that post-office. The question of the kind of tiling to be used was raised with a subordinate, and they put in this extra tiling and then brought this claim against the Government. Now, I am not going to object to the consideration of the bill, but I am going to vote against it, because this man got a patent upon the tiling that was put into that building, and putting it in there was one of his modes of advertising. I concede that, probably, the tiling of this claimant was somewhat better than that which was first contemplated, but I make the point that the appropriation for the building was strictly limited by the law; that the contractor made his contract with his eyes open, and therefore is not entitled to extra compensation. therefore is not entitled to extra compensation.

Mr. CUMMINGS. Allow me right there to ask the gentleman whether it is not his opinion that the use of this tiling and this framing made the post-office far more safe than it would have been if the tiling and framing originally intended had been used?

Mr. COX. That may be true, but it was also very important to this claimant to put his tiling into that great building as a meeter of advertising.

matter of advertising.

The SPEAKER. Is there objection to the present consideration

of this bill?

Mr. LOUD. Mr. Speaker, I desire to corroborate what the gentleman from Tennessee has just said. He and I have gone over this claim several times and have come to the conclusion that even if there was benefit to the Government from the use of this tiling, the claimant was amply compensated by the advantage to him of having his special tiling put into that building—that, in fact, he was benefited more than the Government was. I therefore object.

The SPEAKER. Objection is made.

MARTHA C. CARTER.

Mr. SIMPKINS. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 6561) to increase the pension of Martha C. Carter, widow of Rear-Admiral S. P. Carter.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Martha Custis Carter, widow of the late Rear-Admiral S. P. Carter, and pay her a pension at the rate of \$100 per month from and after the passage of this act, the same to be in lieu of the pension now drawn by her.

An amendment, recommended by the committee, striking out one hundred" and substituting "fifty" before the word "dollars," was adopted.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

On motion of Mr. SIMPKINS, a motion to reconsider the vote by which the bill was passed was laid on the table.

D. FULFORD.

Mr. GAMBLE. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (S. 1075) for the relief of the heirs of D. Fulford.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and is hereby, instructed to redeem, in favor of the heirs at law of D. Fulford, two bonds of the United States, consols of 1887, of the denomination of \$500, \$100, and known as five-twenties, said bonds having been destroyed by fire the 9th day of July, 1872, and to pay to the heirs at law of said D. Fulford the amount of said bonds, together with accrued interest from July 1, 1872, to the date of the maturity of said bonds.

SEC. 2. That the said heirs of D. Fulford shall also execute and file with the Secretary of the Treasury a bond with sufficient sureties, to be approved by the Secretary of the Treasury, in the penalty of \$2,000, conditioned to save harmless the United States from loss or liability on account of said bonds or the interest accrued thereon: Provided, That as it appears from the record of the Treasury Department that there are now outstanding and unpaid a one-hundred-dollar coupon bond, numbered \$342, and two five-hundred-dollar coupon bonds, numbered 12792 and 34411, of the loan known as consols of 1867, of which the last coupon bears date of July 1, 1872, the Secretary of the Treasury is hereby authorized and directed to proceed against said bond of indemnity whenever said coupon bonds shall have been redeemed.

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. PAYNE. What proof is there that the bonds were destroyed?

Mr. GAMBLE. If there is any question in regard to that, I will call for the reading of the report. It is quite long, though.

will call for the reading of the report. It is quite long, though.

Mr. DOCKERY. Let it be printed in the Record.

Mr. GAMBLE. Then, Mr. Speaker, I will ask to have the report printed in the Record as a part of my remarks, and in addition I will say that a bill to give this relief was passed by the last Congress and vetoed by the President upon the ground that no indemnification was provided for the Government on account of the bonds. The bill in its present form remedies that objection, as appears by the recommendation of the Treasury Department.

The report (by Mr. GRAFF) is as follows:

The Committee on Claims, to whom was referred the bill (S. 1075) for the relief of the heirs of D. Fulford, having considered the same, respectfully recommend that the bill do pass; and submit the following report, adopting, in the main, the report of the Senate Committee on Claims accompanying

recimend that the bill do pass; and submit the following report, adopting, in the main, the report of the Senate Committee on Claims accompanying said bill:

Your committee further report that the bill under consideration was passed by the Senate and House of Representatives during the second session of the Fifty-third Congress, and was vetoed by the President. The objection of the President to the measure was his belief that the Government could not be indemnified against loss in case the bonds should hereafter be presented for payment. But this objection is overcome by the amendment proposed, which was submitted in the form herein given by the Secretary of the Treasury.

It has been ascertained by your committee that D. Fulford, deceased, who is represented in this claim by his heirs, was a minister of the Methodist Church and a resident of Dekalb, N. Y., and was the owner of four Government bonds, one for \$500 and one for \$100 and two for \$50 each. On the 9th of July, 1872, these bonds were destroyed in a fire which consumed his residence. He was unable to describe them or give their numbers, as he had failed to procure a record thereof. He had received payment of the coupons due July 1, 1872. His understanding was that all the bonds destroyed by fire were of the class known as consols of 1807. The accompanying letter of the Secretary of the Treasury confirms this understanding as to the \$500 and \$100 bonds, but indicates an error regarding the character of the two \$50 bonds.

Your committee has concluded, upon the evidence, that Mr. Fullford was the owner of the bonds described and that the bonds were destroyed by fire as claimed. The Secretary of the Treasury answers, in his communication herewith submitted, that the outstanding \$100 bond may be one of Mr. Fulford's burned bonds; but says he has no way of determining which, if either, of the two outstanding \$500 bonds belonged to him. No process of investigation can bring the missing bonds any closer to identification than this. It is reasonable to presume

misfortune, to present the evidence of governmental indebtedness.

The accompanying papers hereto attached are submitted as part of this report:

TREASURY DEPARTMENT, OFFICE OF THE SECRETARY, Washington, D. C., January 25, 1896.

Sir: I have the honor to acknowledge the receipt of your letter of the 18th instant, inclosing Senate bill for the relief of the heirs of D. Fulford, and requesting the opinion of the Department as to whether a bond of indemnity can be so framed as to protect the United States from loss should the bill become a law, and also desiring to know how many bonds are now outstanding and unpaid known as consols of 1867, denominations of \$100 and \$500, of which the last coupon paid is dated July 1, 1872.

In reply, I have to inform you that Mr. Fulford made application to this Department for the payment of \$700 United States 5.26 per cent coupon bonds, known as consols of 1867, alleged to have been destroyed by fire July 9, 1872, viz: Two bonds of the denomination of \$50 each, one bond of \$100, and one bond of \$500. He was unable to give the numbers of the bonds, and his only means of identifying them was by the date of the last matured coupons detached and sold, which he said were dated July 1, 1872, he having collected the interest on the bonds to that date. An examination of the records of the consols of 1867, of which the last coupon paid was dated July 1, 1872; and of the denominations of \$100 and \$500 of said loan there are found to be outstanding one bond of \$100, No. 8342, and two of \$500, Nos. 12792 and 34411, of which the last coupon paid was dated July 1, 1872: and of the denominations of \$100 and \$500 of said loan there are found to be outstanding one bond of \$100 and \$500 of said loan there are found to be outstanding one bond of \$100, No. 8342, and two of \$500, Nos. 12792 and 34411, of which the last coupon paid was dated July 1, 1872: in the series of the passage of said bill, it is respectfully suggested that Senate bill be amended so as to cover the redemption of \$500 only of t

Hon. R. F. Petrigrew, United States Senate,

The SPEAKER. Is there objection to the present consideration of this bill?

There was no objection.

Mr. LOUD. Mr. Speaker, I would like to submit a remark or two on this bill. I want to say to the House that my attention was distracted by certain gentlemen a few moments ago who were endeavoring to convince me that I knew nothing whatever about endeavoring to convince me that I knew nothing whatever about the bill to which I had objected, while the bill just preceding this was passed, giving the widow of some rear-admiral a pension of \$50 a month. Of course, \$50 a month is not a great amount, but the bill would no doubt go into conference, and we should ulti-mately have a bill to pay a pension of \$75 or \$100 a month. My position is well known on the floor of this House—that I never would allow any pension bill to pass here giving these actions of would allow any pension bill to pass here giving these extraordinary amounts to the widows of officers of the Army or Navy. I trust that hereafter gentlemen will not distract my attention from these cases when they are coming up.

The bill was ordered to a third reading, read the third time, and

passed.

On motion of Mr. GAMBLE, a motion to reconsider the vote by which the bill was passed was laid on the table.

JOHN LONG.

Mr. RANEY. I ask unanimous consent for the present con-

The bill (H. R. 9666) to correct and amend the military record of John Long, late private Company H, Thirty-first Regiment Missouri Volunteers, was read, as follows:

Be it enacted, etc., That the records of the War Department be, and the same are hereby, amended and corrected so as to show that John Long, late private in Company H, Thirty-first Regiment Missouri Volunteers, United States Army, was duly recruited, enlisted, and enrolled as a private soldier in said company and regiment on or about the 22d day of August, 1862, and that he was honorably discharged from said service in said company and regiment in November, 1862, on account of disabilities incurred while in line of duty in said company and regiment.

The amendment reported by the committee was read, as follows:

At the end of the bill strike out the words: "On account of disabilities incurred while in line of duty in said company and regiment."

There being no objection, the House proceeded to the consideration of the bill.

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third

time; and it was accordingly read the third time, and passed.

On motion of Mr. RANEY, a motion to reconsider the vote by which the bill was passed was laid on the table.

IMPROVEMENT OF GOVERNMENT RESERVATION, FORT SMITH, ARK.

I ask unanimous consent for the present consid-Mr. LITTLE. eration of the bill (S. 2923) for the better improvement of the Government reservation at the city of Fort Smith, in the State of Arkansas, and for other purposes.

The bill was read.

The SPEAKER. Is there objection to the present considera-

tion of this bill?
Mr. PAYNE. I object.

MARY S. HIGGINS.

Mr. HICKS. I ask unanimous consent for the present consideration of the bill which I send to the desk.

The Clerk read as follows:

A bill (H. R. 4099) granting a pension to Mary S. Higgins, widow of Col. Jacob Higgins, late of Johnstown, Pa.

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place upon the pension roll, subject to the provisions and limitations of the general pension laws, the name of Mary S. Higgins, the widow of Jacob Higgins, who was a Mexican veteran of Pennsylvania and colonel of the One hundred and twenty-fifth Pennsylvania Volunteer Infantry and the Twenty-second Pennsylvania Volunteer Cavalry in the war of the rebellion.

The amendments reported by the committee were read, as fol-

After the word "rebellion," in line 10, add: "and pay her a pension of \$30 per month, in lieu of that which she is now receiving."

Amend the title so as to read: "A bill to increase the pension of Mary S. Higgins."

There being no objection, the House proceeded to the considera-tion of the bill.

The amendment to the bill was agreed to.

The bill as amended was ordered to be engrossed and read a third

The bill as amended was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

On motion of Mr. HICKS, a motion to reconsider the vote by which the bill was passed was laid on the table.

The SPEAKER. Without objection, the title of this bill will be amended as proposed by the committee.

There was no objection.

CHARLES DEAL.

Mr. FOOTE. I ask unanimous consent for the present consideration of the bill (H. R. 5597) for the relief of Charles Deal,

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury is hereby authorized and directed to pay to Charles Deal, late a deputy collector of customs at Champlain, N.Y., the sum of \$240.04, for expenses incurred by him in the case of Hugh O'Hara against said Deal, out of any money in the Treasury not otherwise appropriated.

Mr. PAYNE. I should like to hear the report. The report (by Mr. SNOVER) was read, as follows:

The Committee on Claims, to whom was referred the bill (H. R. 5597) for the relief of Charles Deal, having had the same under consideration, report it back to the House with the recommendation that it do pass.

As a part of this report we print House Ex. Doc. No. 183, second session Fitty-third Congress, which fully explains this bill and contains the reasons given for our action:

[House Ex. Doc. No. 185, Fifty-third Congress, second session.]

[House Ex. Doc. No. 185, Fifty-third Congress, second session.]

TREASURY DEPARTMENT, April 7, 1894.

SIR: I have the honor to transmit herewith copy of a communication from the Commissioner of Customs of the 4th instant, submitting the account of Charles Deal, late deputy collector of customs at Champlain, N. Y., for reimbursement of expenses incurred by him in the case of Hugh O'Hara vs. said Deal, \$240.04.

This account grows out of a suit brought by Hugh O'Hara to recover the value of certain goods seized and sold by said Charles Deal, deputy collector, in which suit the jury, in January, 1892, returned a verdict of no cause of action, and the fees of witnesses and other expenses to the suit, amounting to \$240.04, as per sworn account submitted to the Department, were paid by the said Charles Deal.

The provision of law for the payment by the United States of costs in suits against officers of the revenue is that made by section 089 of the Revised Statutes. That provision is restricted to cases in which a recovery is had against such officer of the revenue upon conditions prescribed by statute. There having been no recovery against the deputy collector in the case against Mr. Deal, there is no authority of law for paying the costs therein.

The amount accruing to the United States by the sale of the goods referred to was \$350.06.

As these facts constitute equitable ground for relief, I have to recommend that the appropriation of \$240.04 asked for be granted.

Respectfully, yours,

S. WIKE,

Acting Secretary.

The SPEAKER OF THE HOUSE OF REPRESENTATIVES.

TREASURY DEPARTMENT,

TREASURY DEPARTMENT,
OFFICE OF THE COMMISSIONER OF CUSTOMS,
Washington, D. C., April 4, 1894.

Sir: Referring to the claim of Charles Deal, late deputy collector of customs at Champlain, N. Y., for reimbursement of expenses incurred by him in the case of Hugh O'Hara vs. Charles Deal, etc., which was reported to you by me on the leth of January last, I have now to further report that he has furnished vouchers in support of said claim amounting to \$240.04, being the whole amount of said claim, with the exception of the item charged by him for interest, which, in my judgment, should not be allowed. Each voucher contains a statement that the amount thereof has been paid to the person receipting therefor by Charles Deal, and is attested under oath.

This proof removes my previous objection to the recommendation of this claim to Congress for an appropriation.

The vouchers referred to are herewith transmitted.

Respectfully, yours,

WM. H. PUGH,

WM. H. PUGH, Commissioner of Customs.

The SECRETARY OF THE TREASURY.

COMMITTEE ON PUBLIC BUILDINGS AND GROUNDS,
HOUSE OF REPRESENTATIVES, UNITED STATES,
Washington, D. C., March 29, 1894.

SIR: I have the honor to inclose herewith papers in the matter of claim of Charles Deal, late a deputy collector, against the United States, to which papers I ask your kind attention.

Yours, respectfully,

JOHN M. WEVER, M. C. Hon. J. G. Carlisle, Secretary of the Treasury, Washington, D. C.

CHAMPLAIN, N. Y., March 20, 1894. SIR: Herewith find statement, with vouchers, for full amount of claim, as

requested.

In reference to the item of interest, will say, as the Government has had 350.00 net receipts from seizure since October, 1890, and it was in the execution of my duty, sustained by the court, that this money was paid, is it not but just that I should be allowed the interest thereon?

Respectfully, yours,

CHARLES DEAL.

Hon. WM. H. Pugh, Commissioner of Customs, Washington, D. C.

There being no objection, the House proceeded to the consideration of the bill, which was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed. On motion of Mr. FOOTE, a motion to reconsider the vote by which the bill was passed was laid on the table.

JOHN L. JEFFERIES.

Mr. BROMWELL. I ask unanimous consent for the present consideration of the bill which I send to the desk.

The Clerk read as follows:

A bill (H. R. 2308) for the relief of John L. Jefferies, late a captain in the One hundred and tenth Regiment Pennsylvania Volunteer Infantry.

Be it enacted, etc., That the Secretary of War be, and is hereby, authorized and directed to revoke the order dishonorably discharging John L. Jefferies, late a captain of Company K, One hundred and tenth Regiment of Pennsylvania Volunteers, and to issue to him an honorable discharge, to date from the 18th day of October, 1864, the date of said order.

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. STEELE. Let us have the report read.

Mr. BROMWELL. The report is quite long. I trust I may be allowed to make an explanation. Mr. STEELE. Well, I object.

THOMAS WILLIAMS.

Mr. SHAFROTH. I ask unanimous consent for the present consideration of the bill (S. 517) for the relief of Thomas Williams, an employee of the Senate folding room, for injuries received while in the discharge of his duties, in the year 1892.

The bill was read.

The SPEAKER. Is there objection to the present consideration of this bill?

From what committee does this bill come?

Mr. SHAFROTH. From the Committee on Claims.
Mr. COX. Then I demand the regular order.
The SPEAKER. The regular order being demanded, the Chair
will lay before the House a communication from the Clerk of the House.

CONTESTED-ELECTION CASE-BENOIT VS. BOATNER.

The SPEAKER laid before the House the following; which was

CLERK'S OFFICE, HOUSE OF REPRESENTATIVES,

Washington, D. C., January 9, 1897.

DEAR SIR: The contested-election case of Alexis Benoit vs. Charles J. Boatner, of the Flifth Congressional district of Louisiana, if permitted to take its usual course, and full time is used in the preparation of briefs (sixty days), can not reach the House for its action before its final adjournment.

I call your attention to the status of this case, in order that the House may take such action as it may deem best.

Yours, truly,

A. McDOWET.

A. McDOWELL, Clerk House of Representatives.

Hon. THOMAS B. REED, Speaker House of Representatives.

The SPEAKER. If there be no objection, the Chair will this case to the Committee on Elections No. 2, which has had this case to the Chair will the other Louisiana case. The Chair will state that this is done with the consent and agreement of the gentleman from Louisiana [Mr. BOATNER], the sitting member, Without objection, the papers in the case will be printed.

There was no objection.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Platt, one of its clerks, announced that the Senate had disagreed to the amendments of the House of Representatives to the bill (S. 1722) to approve and ratify the construction of a bridge across the Sulphur River, in the State of Arkansas, by the Texarkana and Fort Smith Railway Company, asked a conference with the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. Vest, Mr. NELSON, and Mr. BERRY as the conferees on the part of the Senate.

The message also announced that the Senate had agreed to the amendment of the House of Representatives to the bill (S. 2176) granting a pension to Thomas Pollock.

OLEOMARGARINE, ETC.

The SPEAKER. The regular order is the call of committees for reports. The pending question is on the motion to reconsider the vote by which the House refused to order the previous ques-tion upon the bill (H. R. 1221) to make eleomargarine and all other imitation dairy products subject to the laws of the State or Territory into which they are transported. At the time when this motion was made it was followed by a motion to adjourn; and some gentleman proposed to lay on the table the motion to reconsider, for which the Chair stated there would be opportunity to make that motion.

Mr. COOKE of Illinois. I make the motion.

Mr. COOPER of Florida. I will move to lay the motion to

reconsider on the table.

Mr. GROUT. Mr. Speaker, I ask unanimous consent to submit a proposition, and I think time will be saved by agreeing to it.

If this motion is laid on the table it, of course, leaves the bill open to discussion and amendment. If it should not be laid on the table and the motion is reconsidered, I should even then ask,

as I did repeatedly on yesterday, for an agreement as to time for discussion and amendment.

Mr. DOCKERY. Submit your proposition.
Mr. GROUT. Now, I ask unanimous consent that an hour—
so far as I am concerned, I think that will be sufficient—that an hour be given to the discussion of the bill, and for the offering of amendments under the rule, and that a vote be taken thereafter

upon the third reading of the bill.

Mr. CANNON. Why not put it in this way, if the gentleman from Vermont will allow a suggestion: That by unanimous consent the proceedings may be vacated which refused the previous question, and that after an hour has been consumed in general debate, the bill be open in the House as in Committee of the

Whole for amendments under the five-minute rule. In that way,

whole for amendments under the five-minute rule. In that way, of course, the gentleman will keep control of the previous question.

Mr. GROUT. That will be entirely satisfactory to me, sir.

Mr. BAILEY. I would suggest that if the motion to lay on the table were withdrawn, and the motion to reconsider the vote by which the House refused to order the previous question were withdrawn, it would still leave it open for debate. But by unanimous course is the respect to the previous of the previous question were withdrawn, it would still leave it open for debate. But by unanimous course is the respect to the previous question were withdrawn, if we have the previous question were withdrawn. mous consent, if the request is granted, and I see no objection to it, that same result would be reached.

The SPEAKER. The Chair will submit the proposition of the

gentleman from Vermont to the House.

The gentleman asks unanimous consent that the proceedings under the motion for the previous question be withdrawn.

there objection?

Mr. CANNON. I think that it should be coupled with a further request for unanimous consent that time be allowed for general debate and for the consideration of the bill and the offering of amendments in the House as in Committee of the Whole under the five-minute rule.

The SPEAKER. The Chair will submit the request of the gentleman from Vermont. The gentleman asks unanimous consent that he may be allowed to withdraw the demand for the previous

question-

Mr. WILLIAMS. Mr. Speaker, if the gentleman will permit me before that request is submitted. I know of four or five gen-tlemen on this side of the House who have expressed a desire for time, and I hardly think that thirty minutes would be sufficient. I think it would require a little more time, probably forty min-

Mr. GROUT. What time would the gentleman from Missis-

sippi suggest?

Mr. WILLIAMS. I would suggest that the gentleman ask

unanimous consent for one hour and a half.

Mr. GROUT. That is entirely satisfactory to me. imous consent to withdraw the motion for the previous question, and that the House have general debate for one hour and a half on the bill, and amendments afterwards under the five-minute rule in the House as in Committee of the Whole.

The SPEAKER. Is there objection to the request of the gen-

tleman from Vermont?

There was no objection.

Mr. WILLIAMS. I ask unanimous consent that the time granted be equally divided between the two sides, one side to be controlled by the gentleman from Vermont and the other to be controlled by any gentleman on this side of the House whom the

Speaker may name.

Mr. GROUT. I will not object to that, although I may be per-

mitted to say that on yesterday forty minutes of the hour were consumed by the opponents of the bill.

The SPEAKER. Is there objection to the division of the time equally between the two sides?

There was no objection.
The SPEAKER. If there be no objection, the Chair will recognize the gentleman from Vermont to control the time of the affirmative and the gentleman from Mississippi in opposition to the bill.

There was no objection.

OLEOMARGARINE, ETC.

The SPEAKER. The gentleman from Vermont is recognized as in control of the floor.

Mr. GROUT. Will the gentleman from Mississippi proceed

Mr. WILLIAMS. Mr. Speaker, I yield ten minutes to the gentleman from Florida [Mr. COOPER].

Mr. COOPER of Florida. Mr. Speaker, I will not detain the House possibly for the ten minutes allowed me, but I do wish to call to the attention of the House and to emphasize the importance of the legislation upon which we now propose to enter. It is a matter of elementary knowledge to every man who has studied at all the formation of the Constitution of this country that one of the chief motives that induced the formation of the Union and the adoption motives that induced the formation of the Union and the adoption of that Constitution was the vesting in Congress of the control and regulation of interstate commerce. Now, this question is no party one; it is no sectional one; it is much broader than the mere question of whether or not dairy farmers in Vermont shall be authorized to discriminate against a commercial product manufactured in the State of Illinois. We stand to-day upon ground where we have boundaries and limits. We passed an act giving to the States the power to legislate, under their police powers, in matters affecting the sale of intoxicating liquors, even in the original package. original package.

Now, we can stand on that. We can say "whisky is a thing by

itself, and has always been under the police power and is known to require police regulation;" but the moment we pass there and say that we will relegate to the several States the power to regulate the sale of the products of other States-admittedly not such

as are necessarily injurious either to health or to morals—the moment we do that we invite constant assaults on Congress by various interests from the different States. Whenever there shall come here any article that can command votes enough, or whenever there shall come any combination of articles that can command votes enough, you will have demands that the power of Congress be relegated to the States to permit them to legislate nominally under the police power, but really to permit legislation by some States to prevent competition in trade between articles which they produce and articles produced by other States.

Now, many States would like that power as to various articles

If I could get a provision as to Chicago beef attached as an amendment to this bill, along with Chicago oleomargarine, I should like ment to this bill, along with Chicago eleomargarine, I should like to have it, for we find in Florida the pressure of those great Chicago companies, not only actually driving out of the market, but prohibiting our people from fattening or selling their own beef in their own State, saying to butchers, "If you buy Florida-fed beef, we will crush you out." But yet we have not come to Congress and asked for the power to legislate on the sale of beef from other States. If you give such power under the guise of an inspec-tion law, you put it wholly in the power of a State to regulate

and to control the traffic.

Now, Mr. Speaker, here, where necessarily we exercise powers that affect material interests, we have frequent contests. We have them on the tariff, we are going to have them more and more on internal-revenue taxes, under certain precedents which we have set; but, sir, we can stop to-day in abandoning control of interstate commerce at the statute concerning intoxicating liquors. The moment we pass that threshold and declare that Congress will relegate to the States, under so-called police powers, the authority to regulate the sale of any commercial article not generally recognized and admitted to be injurious and within the interstate-commerce clause of the Constitution, that moment we have no line where we can say "thus far we will go and no farther." It is not an idle apprehension that Congress will be constantly importuned to go into this discriminating legislation. We shall have it here as certainly as we pass this bill. Why should we pass a bill of this character? The gentleman from Vermont [Mr. Grout] says that the Supreme Court of the United States has held that the States already have sufficient police power to prevent the fraudulent sale of any article in imitation of another. If this is true, and his bill proposes nothing more, then we need no further legislation. If his bill does propose something more, then we ought not to enter upon such legislation.

Mr. BOATNER. If the gentleman will allow me a suggestion

right there

Mr. COOPER of Florida. With pleasure.

Mr. BOATNER. The real object of the bill is to add to the police powers of the States by enabling them to absolutely prohibit the sale of an article within their territory which is being manufactured and sold under a license issued by the United States

Mr. COOPER of Florida. Undoubtedly. I understand that.

Now, Mr. Speaker, it has been said to me, "You are a Democrat and a State-rights man. How do you oppose such legislation?" There is no party consideration in this question; but, sir, the doctrine of the Democratic party, as I understand it, is and always has been that we stand on the Constitution of our fathers, not extending it by latitudinous construction, and not undertaking to sap or to weaken any of the legitimate powers vested in the Federal Government. And this is not only a legitimate power, it is an absolutely essential power. The moment we begin to delegate to the States the power to control interstate commerce we bring about the very evils that this Union was framed to terminate. We throw all interstate commerce into confusion. One State will desire to discriminate against one thing, and another against another, and, as I have said, whoever can get votes enough here, either because one article is produced in a majority of States, and another in a minority, or because certain interests can combine and get votes to relegate to the States the power to discriminate and to prevent the sale of those articles within the States, they will do it, and Congress will be plagued with this precedent in a thousand forms. It is a new precedent which goes beyond anything we have ever done before. We are making a new precedent in constitutional legislation here. We are beginning to pull down one of the greatest bulwarks of the Constitution and to destroy one of its most beneficial features, and, sir, I for one do protest against entering on a path which I foresee will be so disastrous to the commercial interests of this whole country in the end, and will lead to infinite confusion, to continuous strife and conflict, and which will answer no good purpose in the long run, even to those who are now favoring it.

I yield back the balance of my time.

Mr. GROUT. Mr. Speaker, I yield to the gentleman from Ohio [Mr. NORTHWAY] ten minutes.

Mr. NORTHWAY. Mr. Speaker, it is urged against the passage of this bill that Congress would be surrendering to the various States a power which it ought not to surrender. It is claimed that

we ought not to surrender to the States any power to control anything of interstate commerce. I disagree with the idea. I shall thing of interstate commerce. I disagree with the idea. I shall not have time to-day, in the short time allotted to me, to go over this subject fully. I desire to call special attention to two or three matters only. One is this: That the people of this country in the various States have entered upon a justifiable warfare against adulterated and poisonous food products. If there is one thing that the people are determined upon, it is that the food products which are sold to the people shall be pure if it is possible to make them are expecially that they shall be free from deleterious drugs. them so; especially that they shall be free from deleterious drugs, etc. So far as the States are concerned, if there be any adulterated food product produced in the State offered for sale they have full power to regulate or prohibit it. Most of the States have passed very stringent legislation in this line, and the legislation upon this subject goes further than upon most any other criminal subject known. It is provided that an act, to wit, the sale of an adulterated product, shall constitute a crime. It has been held by all the State courts passing upon the question, and is held by the Supreme Court of the United States, that "knowledge" was not a part of the ingredient of the crime, and the "fact" alone constituted the crime. They place it upon the high ground of police regulations, and the right of the people to declare that to be a crime, without knowledge, which will interfere with the health

and life of the people.

Now, I would be glad to know why it is that the people of Illinois or of Kentucky, if they ship to the State of Ohio or Iowa a food product, shall not be subject to the same regulations precisely that the manufacturers of that kind of a product shall be in the State of Iowa or the State of Ohio. I see no objection.

Mr. BOATNER. Will the gentleman yield to me?
Mr. NORTHWAY. For a question.
Mr. BOATNER. Is it a fact that there can be sold in any State
any product from any other State which falls within the purview of the health and inspection laws of the State where it is offered to be sold?

Mr. NORTHWAY. So far as the original-package decision of Leasey against somebody—the gentleman will remember—goes, it has been held that one sale made in the original package can not be interfered with. How far the subsequent opinion of the Supreme Court goes to modify that I am not prepared to say.

Mr. BOATNER. If the gentleman will allow me to call his attention to the fact, the decision to which he refers does not go

to the extent of saying that an article can be sold in an original package one time when that article will be injurious to health and is inhibited by the inspection laws of that State and it has a bad effect upon public health and public morals.

Mr. NORTHWAY. If the people of the State have full control of this matter, then this bill will confer no power upon the State

and will take none from the General Government.

and will take none from the General Government.

Mr. WILLIAMS. If the gentleman will pardon me—

Mr. NORTHWAY. I can not yield to the gentleman. I have
not time to carry on a dialogue.

If the people had full control over the matter, under the given
opinion of the Supreme Court or any law then existing in any State, then it will not harm us to grant the power asked for in this bill. I submit this, that so far as food products are concerned and I am not prepared to go into all interstate commerce—but so far as food product is concerned, it should be under the control of the people of the State, because they can control it better than

Now, take any law that we may pass upon the subject. How will we enforce it? Take a food-product law. If we should en-force it, it will take an army of officers, or it will not be worth anything at all. Take the article of French pease, as insignificant as they look to be. They are adulterated. They are nothing but common pease colored by a coloring matter that is highly poisonous. Every can of French pease is colored by a mineral coloring matter, and sold in the various States. It costs about \$5 for each analysis, and the General Government can not control the business at all, and you can not protect the people against it. We have no power unless we create a great army of officers by law. If we confer power upon the States to enforce these regulations, we intrust the people of the States to enforce them. If the State of Ohio enters upon a warfare and determines to give the people a pure food product, I say let the people of no other State have any more power

on that subject than anybody in the State of Ohio.

Take an instance that has just come to my knowledge. To-day, at the great Soldiers' Home in the city of Dayton, Ohio—and I make this assertion upon positive proof—to-day, at the great Soldiers' Home at Dayton, they are advertising for 48,000 pounds of oleomargarine, to be bought of Armour & Co., and they have bought it at 7 cents a pound, while the legislature of the State of Ohio denies to the convicts in the Ohio penitentiary the use of any such article. Why is it that the directors of that institution are to be allowed to supply our old soldiers with 7-cent truck, which is miscalled "butter," while the convicts in the Ohio penitentiary are supplied with pure butter? Why should not both institutions be under the same regulation in that respect? I have here the charge that has been made, and the admission on the part of the management of the Soldiers' Home that they are buying this oleomargarine, and they propose to buy another supply at the end of the quarter, at 7 cents a pound, to feed to the old soldiers of our country, while the convicts in the State penitentiary are supplied

with pure butter.

Mr. Speaker, I submit that the people of Ohio are capable of dealing with this subject, and if there is any power that we hold that we can confer upon them in relation to it, I insist that that power should be conferred, and that it is our duty, as it should be our pleasure, to give them the full right to obtain pure food products, so that all these articles may be dealt with alike, and that the people may guard against impure and deleterious food. We should give the power to the people of the State, because we can not enforce it ourselves. As I have already said, if the Federal Government should undertake to enforce this power it would take an army of officers to do it, and then it would not be done effectually. I insist that this bill is absolutely right as a business proposition. There is no sentiment in it. There is no reason in saying that it is surrendering a power on the part of the General Government that it ought not to surrender. I submit that it is simply surrendering to the people of each State what they ought to have, the power to control in all matters relative to food products, whether to regulate them or to prohibit whatever is impure

and deleterious.

Mr. BOATNER. If it will not inter
like to ask him a direct question.

NORTHWAY. I will hear it. If it will not interrupt the gentleman, I would

Mr. NORTHWAY. I will hear it.
Mr. BOATNER. The gentleman thinks that the legislature of Ohio should be given the absolute right to prohibit the sale of oleomargarine within the limits of that State. Now, if the legislature of Illinois were to declare that all cattle raised in the State of Ohio were unhealthy and were to pass a sweeping statute pro-hibiting the sale of any Ohio carcasses in Illinois, would the gentleman think that statute was constitutional and ought to be

Mr. NORTHWAY. The gentleman asks half a dozen questions in one. He asks if I think the people of Ohio, or the legislature of Ohio, ought to have the right to prohibit the use of oleomargarine. I reply that I think the people of Ohio ought to have full power to determine whether the article is a pure food product or not, to determine whether it is adulterated or poisoned, and to prohibit the sale of an adulterated and poisonous article of oleomargarine, just as they ought to have, and do have, the right to prohibit the sale of an adulterated or poisonous article of butter. The State of Ohio will not permit the butter maker to color his butter with anything that is deleterious. Why, then, should it permit oleomargarine to be colored with deleterious matter and sold in Ohio as a food product? And yet to-day, under the decision of the Supreme Court, eleomargarine can be sold in original packages, and it is sold to hotels and boarding houses, and it is breaking down the farming industry of our country, it is bring-ing into use a deleterious food product, and, just as the people of Ohio have the right to prohibit the manufacture or sale of adulterated butter or adulterated cheese, so, I claim, they ought to have the same right to determine whether the manufacturer of oleomargarine is selling in original packages a pure article of oleomargarine or whether he is selling an adulterated article. I say there ought not to be any discrimination between food products, and I hold that the States should have full control in all these matters.

[Here the hammer fell.]

Mr. TUCKER. Mr. Speaker, I desire to offer an amendment

The SPEAKER pro tempore (Mr. Blue). The Chair will say to the gentleman from Virginia that the amendment is not in order at this time unless he desires to have it read as a part of his

Mr. TUCKER. Then, Mr. Speaker, I will merely offer it to be pending, and will state to the House, as I stated yesterday, that this amendment provides for striking out all after the word "article," in line 3, down to and including the word "cream," in

Mr. GROUT. Mr. Speaker, I raise a point of order on that.
Mr. TUCKER. Mr. Speaker, I think this amendment is clearly right if the bill is right. This bill, as I read it, is practically drawn from the law which was passed by Congress on the 8th of August, 1890, in response to the "original-package" decision. As the House will remember, that law had reference to liquor, and to light of the constant of the constan the House will remember, that law had reference to liquor, and to liquor alone. Here is a bill proposed in the exact form of that law, but covering another article of commerce. My friend from Florida [Mr. Cooper] has intimated that if we pass this bill now we shall probably have a similar bill covering Chicago beef, and then we may look for another applying to the lard which is made in Chicago. If the principle of this bill is right, why should we be cutting off a few articles every year instead of declaring our will by one general statute covering the whole?

Why, Mr. Speaker, just look at this. My friend says that it is a dangerous thing, that the commerce clause of the Constitution is being invaded, and that the passage of this bill will create great trouble in the country. I can not sympathize with that feeling. Why? The bill is carefully drawn, it seems to me. It declares that this article, when it arrives within the limits of such State or Territory

Shall be subject to the operation and effect of the laws of such State or Territory—

Laws how enacted?-

enacted in the exercise of its police power.

The commerce clause can not interfere with or override the police power of the State. We admit the power and the necessity that commerce and trade between the States shall be free. is no confusion in the accepted construction of the commerce provision of the Constitution and that which is recognized as the police power of the States. I recognize that this bill is nothing in the world but a declaration of what the Constitution is. It does not propose to confer greater rights than now exist. It simply contemplates that the commerce clause shall have its full, free, active operation in every direction, except when it comes in conflict with that power which has been recognized by all decisions from time immemorial. As to any subject of commerce, either a food product or impure literature—in other words, whatever may be hurtful to the morals or the health of a people—as to those things the commerce clause yields to the police power of the State; and the power is left in the State to say, under the police power, "This thing is deleterious and hurtful to the people, and therefore the commerce clause must yield to the police power to protect the community."

Now, I appeal to my honorable friend from Vermont to join with me in stopping this chopping-up process which we have had for six years in this House. Whenever a man begins to feel the effect of the evils of this system he comes in with an individual bill to help his individual matter. I say let us stop this whole thing by one bill, which can be done by accepting the amendment I have offered.

Mr. GROUIT I was also for the stopping to the same of the stopping the stoppi

Mr. GROUT. I now yield five minutes to the gentleman from

Mr. GROUT. I now yield five minutes to the gentleman from Massachusetts [Mr. Morse].

Mr. Morse. Mr. Speaker, I propose to vote for this bill. I believe it is a proper and just bill. And in voting for it I represent Massachusetts. Our State has passed stringent laws against these frauds called oleomargarine, imitation butter, or imitation cheese. In the Commonwealth which I have the honor in part to represent, a boarding house that uses this vile stuff on its table must sent, a boarding house that uses this vite stuit on its table must hang up in its dining room a sign: "Imitation butter used here." The manufacturers of this product in my State are not allowed to color it in imitation of the color of butter; they are obliged to sell it white, or its natural color, so that the man who butters his bread with it can see what article he is using.

This bill proposes to protect the Commonwealth of Massachusetts from horizon brought into her borders from other States this

setts from having brought into her borders from other States this imitation product and sold contrary to the laws of the State. Ever since I have been a member of the House I have consistently and persistently voted for every measure that looked to the sup-pression of oleomargarine, imitation butter, or imitation cheese. Every one of us has a personal interest in this matter. I, for one,

Every one of us has a personal interest in this matter. I, for one, do not want to butter my bread with soap grease, even if it has been chemically treated.

The board of health of Massachusetts was called upon, while I was a member of the State legislature, to pass upon the healthfulness of this product; and that board, composed of some of the most eminent men in our Commonwealth, said, among other things, that the door for the propagation of that awful disease known as "trichinosis" was thrown open to some extent at least by the manufacture of this product. And why? They explained why. They said that the oil of the hog, in order to be made into oleomargarine or butterine or any of these other products named here, could not be brought up to such a temperature that the diseased germs not be brought up to such a temperature that the diseased germs would be destroyed, because this extreme heat would break the globules and the butter could not be churned. On the strength of that report by the board of health of Massachusetts, the legislature, of which I was at the time a member, passed this very stringent measure to which I have called attention.

I have said that in my judgment this is a just and good bill, I do not understand that it adds anything to the existing law. As explained by the gentleman from Vermont [Mr. Grout] yesterday, it simply reaffirms the decision of the Supreme Court, which was delivered by a divided court, and is liable therefore to be reversed and overthrown. The manufacture of imitation butter and cheese is a fraud upon the great farming interests of this country. I have since I have been a member of this House yested uniformly. I have, since I have been a member of this House, voted uniformly, consistently, and persistently for every measure in the interests of the great farming class of our country. There are a great many tribunes of the farmers who are demagogues, who stand up and demand in the interest of the farmers things which would be against their interest—cheap money, for instance. But I do believe it to be in the interest of the farmer—I believe it to be wise, just, and proper-to legislate in behalf of the great dairy inter-

ests of this country.

I have listened to some of the constitutional arguments of the learned gentleman from Louisiana and the learned gentleman from Virginia. And when I hear some of these learned lawyers, judges, and jurists discourse upon the Constitution, I sometimes think of a minister that I heard of, of whom it was said that his principal qualification was that he could split a theological hair, and it was

not so good after he had split it as it was before.

Now, Mr. Speaker, I am loyal to the Constitution of my country. I find in it a provision about interstate commerce. If there is anything in that provision that will enable us to suppress, control, or restrain the sale of this vile, dirty compound, unfit for human food, I will vote for such a measure every time, and I wish my friend from Vermont would bring in some more bills like this for

me to vote for

Mr. GROUT. I now yield five minutes to the gentleman from

Mr. GROUT. I now yield live influtes to the gentleman from Iowa [Mr. LACEY].

Mr. LACEY. Mr. Speaker, the opposition to the pending bill seems to be under the control mainly of the gentleman from Mississippi [Mr. WILLIAMS]. I have on my table the statutes of the State of Mississippi, which provide that a person who sells, manufactures, or exposes for sale, as an article of food consumption, oleomargarine, and so on, without being properly branded, shall be punished. I will quote the exact language of the statute:

SEC. 1242. A person who sells or manufactures, exposes or offers for sale as an article of food, any oleomargarine or other substance in imitation of any article of food, without disclosing the imitation by a suitable and plainly visible mark or brand, indicating and naming what the substance really is, shall be guilty of a misdemeanor, and, on conviction, shall be fined not less than \$10 nor more than \$100, or be imprisoned in the county jail not exceeding on month, or both.

That is the language of the statute of the State of Mississippi, and shows the views of the people of Mississippi as to the charac-

ter of this product.

Up to 1890 it was understood that any State had the power to make such law with reference to intoxicating liquors, with reference to cigarettes, or anything which in the judgment of the State would seem deleterious to human health, or which in the judg-ment of the State might be used as a cheat or a fraud, to deceive ment of the State might be used as a cheat or a fraud, to deceive consumers under the guise of the genuine article; that the power to regulate or prohibit the sale of such articles within the limits of the State was unquestioned. In 1890, however, this great constitutional right, of which my friend from Florida [Mr. COOPER] has spoken, and which he clings to so tenaciously, was for the first time discovered. He did not know it before; none of us knew of the existence of that constitutional right until the Leisy case, decided in 1890, as to intoxicating liquors. So we are not limiting the ancient powers of the General Government, as stated by the gentleman. This bill proposes to prevent the use of interstate commerce so as to allow cheats and frauds upon the people.

The sale of an imitation of butter as butter is a crime at com-

The sale of an imitation of butter as butter is a crime at com-

But, Mr. Speaker, it has been suggested that if we stop the sale of this imitiation butter or "bull butter" and these other fraudulent articles which are sold in imitation of wholesome products which have been in use among mankind for thousands of years, the next step will be to interfere with the sale of Chicago beef. Chicago puts up canned beef, and so does Kansas City. Suppose the packers should put into the cans the flesh of the horse. Horse-flesh is not universally considered unwholesome; it is esteemed a good article of food by some people, and some nations prefer it even to beef. The opponents of this bill might say, "Shall you interfere with wholesome horse beef? It is true it is sold as beef; it is true that it is branded 'beef' and so sold, and the public do not know the difference; but if a man don't know what he is eating, if he can not tell the difference, what harm does it do, and why should you interfere with the right of the packers in Kansas City and Chicago to put up and sell horse meat as beef?" That is the logic of their argument, and yet, Mr. Speaker, the mere statement of such a proposition would turn the stomachs of the constituents of the gentleman from Mississippi [Mr. WILLIAMS]. They would feel outraged if it was attempted to sell horse meat to them instead of beef under the protection of interstate-commerce laws. the next step will be to interfere with the sale of Chicago beef.

Mr. WILLIAMS. Will the gentleman permit me— Mr. LACEY. No; I have but a few moments and I can not

vield.

An honest cow is the noblest work of God, and the best of her products is a good article of butter, and nothing will destroy the dairy business of this country, one of the very largest interests in the nation, any quicker than to tolerate by law, under the guise the nation, any quicker than to tolerate by law, under the guise of the protection of commerce, the sale of counterfeit and imitation butter made of heg's lard, cotton-seed oil, or any other spurious article, under the guise of butter.

This hill simply proposes to do with the outside products that are brought into a State for sale exactly what the State does now or may do with its own food products. When the product arrives

in Mississippi or Iowa we can regulate how it shall be sold, and are enabled thereby to protect the purchaser from being imposed are enabled thereby to protect the purchaser from being imposed upon; but we have no power, except under the local laws of the State, to enable our people to know just what they are buying. If a man wants to buy 7-cent oleomargarine, he ought to be allowed to purchase it, of course. That is his right. But at the same time he ought to know what he is buying. He ought not to be imposed upon and made to buy oleomargarine under the name of butter. The national law forbids the counterfeiting of national-bank notes or coin and want it would not be held that the States and the states and the states are larger to the stat or coin, and yet it would not be held that the States could not protect themselves by local enactments on the same subject simply because the Constitution gives Congress the exclusive control of

because the Constitution gives Congress the exclusive control of the subject under its general powers.

This oleomargarine act was passed as a revenue measure. It provides for taxation upon the product; it provides not only for the collection of revenue, but it provides the mode by which people engaged in commerce throughout the country, when dealing in this subject, shall be required to protect their customers. But when this article arrives within the limits of the State the Congressional enactment is no longer regarded. Fraudulent dealers arrive off the brand or marks required under the Congressional eact strip off the brand or marks required under the Congressional act to protect the innocent purchaser, and then they begin to perpetrate frauds upon the local consumers. Why, then, should not the State have power to step in and provide a remedy under its own police regulation? Why should not Mississippi, when this product is brought there, employ such methods as will enable the constituents of my friend to tell exactly what they are buying? Why should they be subjected to this fraud?

Mr. WILLIAMS. The State of Mississippi has that power, and exercises it every day.

The SPEAKER pro tempore. Does the gentleman from Iowa yield to the gentleman from Mississippi?

Mr. LACEY. I can not; my time is about exhausted. The gentleman says that the State of Mississippi exercises that power; but if the article is sold as an original package, the power of the State may be undermined and destroyed.

[Here the hammer fell.] strip off the brand or marks required under the Congressional act

State may be undermined and destroyed.

[Here the hammer fell.]

Mr. WILLIAMS. I yield to the gentleman from Illinois [Mr. Cannon] such time as he desires.

Mr. CANNON. Mr. Speaker, I think we had better see "where we are at" in this proposed legislation. In 1886 I voted to levy a tax of 2 cents a pound on eleomargarine. The gentleman from Iowa [Mr. Lacey] says it is a revenue measure. Yes; because only under the guise of a revenue measure-could we enact it. But we enacted it because gentlemen like the gentleman from Massa. only under the guise of a revenue measure could we enact it. But we enacted it because gentlemen, like the gentleman from Massachusetts [Mr. Morse] and others, took the ground that here was a food product that was masquerading in false colors. They said it was an unwholesome product, and all that kind of thing, and that people should be compelled to sell it for what it is. Now, I hold this act in my hand. What does it do? It levies a tax of

hold this act in my hand. What does it do? It levies a tax of \$600 a year upon every manufacturer of oleomargarine. It levies a tax of \$480 a year upon every wholesale dealer and a tax of \$48 a year upon every retail dealer. This is United States law. There are heavy penalties provided for nonpayment.

It also levies a tax of 2 cents upon every pound sold. What else does it do? I call the attention of my friend from Iowa [Mr. LACEY] to this because, from his remarks, it appears clearly that he does not understand the facts. It makes the manufacturer pack this product in packages so marked, and, as a part of the revenue measure, it must remain in the package. Aye, more. When it goes to the retailer in the State where it is manufactured, or out of the State where it is manufactured, no particle of it can be sold by the retailer except he puts it in a new package that is sold by the retailer except he puts it in a new package that is tattooed all over with the information that it is oleomargarine. This Federal law provides severe penalties for any violation of the act from the time this article is manufactured down to the time it goes into the heads of the consumer. Is there are no the time it goes into the hands of the consumer. Is there any complaint that that law is not enforced? The gentleman from Iowa Mr. Lacey] says that when it goes to another State thus marked it is removed from the packages, and that it is sold as butter. Now, I say to my friend from Iowa [Mr. Lacey] that he evidently

does not speak with knowledge—
Mr. GROUT. It is done every day, and convictions are had

Mr. CANNON. It can not be done without fine and imprison-

Mr. LACEY. When they are caught they are punished, but

Mr. LACEY. When they are caught they are punished, but they are not caught.

Mr. CANNON. When they are caught they are punished, the gentleman says. When a man commits murder and is convicted he is hanged. The United States in enforcing its revenue laws has enforced them with more vigor and efficiency than any other laws have been enforced, and so with this.

Mr. LACEY. But the United States officers are after the revenue simply.

enue simply.

Mr. CANNON. Oh, certainly, the United States officers are after the revenue, and the protection comes in, as I understand it,

in that way. They are after the revenue, just as they are after the revenue on tobacco under the law which provides that a stamp

must be canceled when the cigars are sold from a box.

Now, what do we have? Here is a product which, I will say to
my friend from Iowa [Mr. LACEY], his constituents and mine are
more interested in than they are in the product of butter.

more interested in than they are in the product of butter.

Mr. LACEY. Oh, no.

Mr. CANNON. It is a product made of what? Leaf lard and tallow, churned through milk. A wholesome product. I speak from knowledge. It is a far more wholesome product than three-quarters of the butter that is made in the United States.

Mr. COOKE of Illinois. Far more cleanly.

Mr. CANNON. Far more cleanly and more wholesome, and where my friend from Iowa [Mr. LACEY] has one constituent interested in the butter trade, he has four constituents interested.

interested in the butter trade, he has four constituents interested in this trade.

Mr. MORSE. Will my friend allow me to ask him a question?

Mr. CANNON. If I can get any time.
Mr. MORSE. We will give you all the time you want.

Mr. CANNON. The gentleman says I can have all the time I

Mr. MORSE. I want to ask you whether you butter your bread with oleomargarine, if you use this—
Mr. CANNON. Oh, certainly I use it; and let me say to my friend, it is immensely better than three-quarters of the butter that is used as a food product. Now, here we have a product that, for the purposes of revenue, is singled out and marked from the time it is made until it reaches the consumer in pound or half-pound packages. That tells the story from beginning to end. Still this product has the merit that it is manufactured and consumed, and men who want to get rid of the competition in this product, in which my constituents are interested—and I represent an agricultural district—come and seek to do what? To shut it out of the markets entirely

Mr. NORTHWAY. Now, will the gentleman permit a ques-

tion?

Mr. CANNON. Well, I would sooner go on and make my

speech.
The SPEAKER pro tempore. Does the gentleman from Illinois yield?

Mr. CANNON. I will yield later on. Now, what is the law? In the case of Now, what is the law? In the case of Plumley vs. Massachusetts (155 United States) this statute was sustained:

No person, by himself or agent or servant, shall render or manufacture, sell, offer for sale, expose for sale, or have in his possession with intent to sell, any article, product, or compound made wholly or partly out of any fat, oil, or oleaginous substance or compound thereof not produced from unadulterated milk or cream from the same, which shall be in initiation of yellow butter produced from pure unadulterated milk or cream from the same: Provided, That nothing in this act shall be construed to prohibit the manufacture and sale of oleomargarine in separate and distinct form, and in such manner as advise the consumer of its real character, free from coloration or ingredients that cause it to look like butter.

That is the Massachusetts statute. That statute has been sustained by the Supreme Court of the United States. Now, with tained by the Supreme Court of the United States. Now, with that statute sustained, why does the gentleman want this legislation? Because he wants the State invested with power by Congress, if it can be, to go further than the Massachusetts statute has gone. Let me say to the gentleman I have been informed, and I state it here as true, and I ask now to be challenged if it is not, that the State of New Hampshire, by legislation, declares that oleomargarine shall not be sold unless it is colored pink. Now, the gentleman's bill would validate that law upon the sale of this product-or green or blue-and the gentleman's legislation would go further than the Massachusetts statute. It would validate the law of any State that would say that this product should not be sold at all. Now, in addition—

Mr. GROUT. Will the gentleman yield to me for a moment?

Mr. CANNON. Certainly. (To Mr. WILLIAMS:) Am I taking

Mr. WILLIAMS. Just go ahead.

Mr. GROUT. The gentleman entirely misunderstands the provisions of this bill. A State law may operate under the police power by authority of the bill, upon this article when it is in "imitation of butter," and only then. The bill confers only that authority. Now, if the gentleman will read the bill carefully, he will see that his remarks on this subject are all to one side of what the bill provides. what the bill provides.

Mr. CANNON. Oh, well, I think not.

The Massachusetts

Mr. CANNON. On, well, I think not. The Massachusetts statute has been sustained. Now, then, does it not go far enough? Mr. GROUT. That is just as far as this bill goes.
Mr. CANNON. Now, what is the necessity of this legislation if that is all that the gentleman wants. The State—
The SPEAKER pro tempore. The time of the gentleman has

expired.

Mr. NORTHWAY. I would be glad if they would give the gentleman time to answer a question that I should like to ask

Mr. WILLIAMS. How much time have I left, Mr. Speaker? Mr. LACEY. I ask unanimous consent that the gentleman have five minutes in his own right.

Mr. GROUT. Outside of the time agreed to? Mr. CANNON. Oh, well, if I talk about this, I ought to have ten minutes.

Mr. GROUT. Make it ten minutes.

The SPEAKER pro tempore. The gentleman from Vermont asks unanimous consent that the gentleman from Illinois be allowed ten minutes further time. Is there objection? [After a pause.] The Chair Mr. TAWNEY. Mr. CANNON. Mr. TAWNEY. The Chair hears none.

I want to ask you this question.

Very well.

I would like to know what specific right the manufacturers of oleomargarine will lose by the passage of this

Mr. CANNON. I will say to my friend that it places it in the power of the State of New Hampshire to enforce that law now upon the statute books, that oleomargarine shall be colored pink before it shall be sold, under the police powers of the State of New Hampshire.

Mr. TUCKER. They have that right now.
Mr. TAWNEY. Is it not a fact under the present law, as declared by the Supreme Court of the United States, that the State has the same right that it would have under this proposed law?

Mr. CANNON. No.

Mr. TAWNEY. If they have not, then what difference is there?
Mr. CANNON. Oh. well, if the gentleman is right, what is the necessity for the legislation?
Mr. GROUT. If the gentleman will allow me—
Mr. CANNON. Now, who is going to have this ten minutes?
Mr. TAWNEY. You have asked me a question, and I would

like to answer it.

Mr. GROUT. I was going to give the reason, as I have no time

of my own.

Mr. CANNON. We are under the five-minute rule, and if we can have further extension I will yield; but gentlemen just coming in from lunch, without listening to what I said in the beginning, and some of them being full of questions and objections, they proand some of them being run of questions and objections, they proceed to make them. [Laughter.] Well, now, if gentlemen will just allow me to proceed for five or six minutes—

Mr. COOKE of Illinois and Mr. GROUT. You have ten minutes.

Mr. CANNON. Well, then, I will ask for order.

Mr. NORTHWAY. I should like to ask the gentleman a

question.

Mr. CANNON. I have just half a dozen asked me now.
Mr. NORTHWAY. I wish to ask you one question.
Mr. CANNON. What is the question?
Mr. NORTHWAY. The question is this: If there is an imitation of butter, made by a fraudulent or bogus concern, where is there any law or where is there any power in the State to regulate that matter if it is sold in the original package?

Mr. WILLIAMS. In the sanitary and police power.

Mr. CANNON. If the gentleman will read this statute here,

the Massachusetts statute, that has been sustained—and it is a

Now, then, if the State of Vermont merely wants to exercise a power that it now has under the law, under its police powers, then this legislation is not needed; but if the State of Vermont wants to absolutely prohibit the sale of oleomargarine, under any and all conditions that it sees proper in the exercise of its police powers, as it does and may prohibit the sale of spirituous liquors, then this legislation is apt.

Now, in my judgment, it is not desirable to do it. Let me show gentlemen where they are going. I say here, after investigation, that oleomargarine is more healthful and more desirable for food than three-fourths of the butter that is made in the United States.

Mr. TAWNEY. If it is made out of pure fat, it may not be unhealthful

Mr. NORTHWAY (in his seat). But suppose it is bogus oleomargarine?

Mr. CANNON. I trust that gentlemen who desire to interrupt me will do me the courtesy of rising to their feet. [Laughter.] Oleomargarine is largely a product of my own State. The material of which it is made comes from the hogs and cattle that are produced throughout the country.

Now, if we enter upon the policy of saying, in the interest of the producer of good butter or of poor butter, "We will get rid of a competitor," let us see where that will take us. The gentleman [Mr. Morse] comes from the great old Commonwealth of Massachusetts, of which he is proud and I am proud. She accommodates herself to circumstances. Falling off in agriculture, she went to dairying and to the cultivation of small products; she diversified her industries in various ways, and she stands to-day as a great Commonwealth in this country and a great force in civilization. I am proud of her. We are all proud of her.

Amongst other things, she manufactures more shoes than any other State. She splits the kip and "improves" the leather to make a "calf" shoe when it is not calf [laughter], and it takes an expert to tell the difference. That product comes to my State, and

You do not have to eat the shoes, though. WILLIS. Mr.

[Laughter.

Mr. CANNON. Oh, I do not have to eat the shoes; but I commend to the gentleman an improvement of his mind, whereby it can recognize the operation of a general principle without indulging in a little bit of demagogy. [Laughter.]

Take another illustration from Massachusetts: In her great

Take another illustration from Massachusetts: In her great woolen mills she mixes shoddy with the wool, and she sells for dress goods and as "all wool" a product that is perhaps one-fourth or one-half cotton, with shoddy interwoven. In Mississippi they have less manufactures than in Massachusetts. Now, if the principle of this bill were carried to a legitimate conclusion it would authorize Mississippi or Illinois, in the exercise of the police powers, to protect her people from being imposed upon by the sale of a "calf" shoe that is not calf, and of an "all wool" textile product of the State of Massachusetts which is not all wool; and there would be God and morality for it a great deal more than there is in this case, because the shoe that is sold for a calf shoe when it is counterfeit is not a good thing, and the dress goods that are sold as all wool when they are counterfeit are not a goods that are sold as all wool when they are counterfeit are not a

good thing, whereas pure oleomargarine is a good thing.

Now, I will leave it to lawyers to wrestle about the Constitution and to split hairs. I put the case as a citizen of the great State of Illinois, representing a great agricultural district, and I say that it is better for us to recognize the spirit of the Constitution, the spirit underlying production and civilization, the spirit of commerce, and to realize that, amongst ourselves at least, with forty-five Commonwealths, making one great country, the United States of America, we can not afford, in the supposed interest of a little knot of men here or a little knot of men there, to adopt precedents which if carried to their legitimate conclusion will substantially destroy the Federal compact and make us forty-five independent governments, full of bickering, full of strife, full of jealousy, full of selfishness. [Applause.] I do not believe that this bill should be enacted into law. Furthermore, the bill itself sails under false colors and professes to accomplish that which every honest man is content to have accomplished under the law as it now is and as it has been declared by our Supreme Court. While this bill sails under false colors it seeks to go further than the law now goes, and to authorize the absolute prohibition of the importation into the several States of the products of other States.

Mr. GROUT. Mr. Speaker, I now yield five minutes to the gentleman from Nebraska [Mr. HAINER].

tleman from Nebraska [Mr. HAINER].

Mr. HAINER of Nebraska. Mr. Speaker, I am heartily in favor of this bill. I believe the principle upon which it is based is a sound one and fully justifiable. We are brought face to face with conditions which members, I believe, generally understand. The dairy interest of this country, its largest single interest, having an output of about \$900,000,000 annually, finds that its legitimate domain is invaded by the basest of counterfeits, having its home, as the gentleman from Illinois [Mr. Cannon] has just told us, princi-pally in the State of Illinois. The legitimate dairy products are being crowded out of the markets by the base semblance of low cost and still lower quality. Gentlemen who contend that oleo-margarine is a wholesome food product, that it is even better than butter, are reminded that oleomargarine always masquerades in the garb of butter, while butter never imitates oleomargarine. Oleomargarine in its nomenclature, in its packages, in everything connected with its sale, imitates butter.

Mr. Speaker, the superior never imitates the inferior. It is only the inferior and false that masquerades in the garb of the true and imitates the superior and the genuine. There are produced in this country annually about 70,000,000 pounds of oleomargarine, 99 per cent of which is sold as and for butter, at butter prices, and there is no man on the floor of this House who can by inspection disis no man on the floor of this House who can by inspection distinguish oleomargarine from butter. Oleomargarine—"bull butter," as we call it out West where we know it—costing 7 cents per pound or less, is sold for genuine butter, supplanting real butter, which averages 18 cents a pound. That means a fraud upon consumers of at least 11 cents per pound at the wholesale price. At retail the fraud aggregates at least double that sum.

This bill proposes to place under the police regulation of the States this confessed imitator and fraud. The law of the United States is not sufficient to stamp out the fraud. The decision of the Supreme Court in the Plumly case does, it is true, lay down a principle which allows the States to deal with the fraud. But, Mr. Speaker, that decision was pronounced by a divided court. It overrules the decision in the case of Leisy vs. Hardin. If we knew that the later decision would stand, we would be quite content with it. But frauds are active, their arguments are specious, and the personnel as well as the opinions of judges change. We there-fore desire to give legislative approval to that decision rendered

in the Plumly case and thus protect the people of the United States from this fraud which is bearing down the prices of butter, and has been militating against the health and best interests of this country for years. It is idle to say that oleo is a wholesome product. It is essentially an uncooked fat. Not one person in a hundred voluntarily purchases and uses it. Even if wholesome, its use depends upon imposition, and that alone. But no uncooked

ase depends upon imposition, and that alone. But no uncooked fat is a wholesome food.

Gentlemen can not—I care not how specious may be their argument—make the people of this country understand that it is right by constitutional construction to give a status to a fraud. What the people of this country want is clean and fair dealing. We need in this land of ours three hundred and sixty-five days in the year to preach the doctrine "Thou shalt not steal." And we all understand that the worst kind of a thief is the man who holds out a food prednet to be genuine which as a matter of fact, is a out a food product to be genuine which as a matter of fact is a counterfeit and a fraud.

It is wrong for the people of Massachusetts or elsewhere, as charged by the gentleman from Illinois [Mr. Cannon], to sell their split leather for calf. That fraud, if practiced, ought to be denounced. But the gentleman from Illinois will hardly justify the sale of imitation butter as genuine by showing that somebody in Massachusetts undertakes to palm off split leather for full calf

These people, if they believe at all in the notion that oleomargarine is a wholesome product, should have no objection to a measure of this kind, for its only effect is to authorize the States by proper police regulations to compel the sale of this product for what it really is, attending every transaction connected with it from the time it comes into the State until it reaches the consumer with the proper safeguards, so that everyone may know what he is purchasing and what he is consuming. Every honest product is helped by such a law; only the dishonest suffer.

[Here the hammer fell.]

WILLIAMS. I yield five minutes to the gentleman from

Louisiana [Mr. Boatner].

Mr. Boatner].

Mr. Boatner].

Mr. Speaker, gentlemen who advocate the passage of this bill all proceed on the supposition that the sale of oleomargarine is a fraudulent business, that the product itself is a cheat and a fraud, and that therefore the States under their a cheat and a fraud, and that therefore the States under their police powers ought to be allowed to suppress it. Now, sir, if the assertions of these gentlemen were well founded, they would not come to Congress for permission to the States to exercise a power which has been granted to them by the Constitution and the exercise of which has been sustained by the Supreme Court since the foundation of the Government. If oleomargarine is a fraud, if it is injurious to the public health, if it is not clean, the States do not need our authority to prohibit absolutely its manufacture and sale. But the trouble with gentlemen is that their assumption is not true and can not be proved. The trouble is in fact that oleomargarine is not a fraud; it is not unwholesome; it is not injurious; and the courts of the United States, while they is not injurious; and the courts of the United States, while they will sustain any State in the exercise of its police power, will not permit it to shelter itself behind the police power in the perpetra-tion of a fraud on the Constitution of the United States, by falsely stigmatizing a business or a product as fraudulent and injurious to the public health or public morals when, as a matter of fact, it is not

Mr. MORSE. I should like to ask the gentleman whether he practices his own preaching—whether he buys oleomargarine for

his own table.

Mr. BOATNER. I do not know whether I do or not. I do not know whether I eat oleomargarine or butter when in Washing-When at home, I eat butter.

Mr. BAKER of New Hampshire. Will the gentleman yield a

moment for a question?

Mr. BOATNER. If it is not too long.

Mr. BAKER of New Hampshire. If the statement which the gentleman has made is literally true, what objection can he have to the statute of New Hampshire requiring eleomargarine, before

to the statute of New Hampshire requiring oleomargarine, before it can be sold within the State, to be colored pink?

Mr. BOATNER. My objection is the objection which the Supreme Court has found and sustained to innumerable statutes of the different States, violating the provisions of the interstate-commerce clause of the Constitution—seeking to draw discriminations between citizens of different States and the products of different States and the products of different States. different States. What right has the State of New Hampshire to affix a brand of that kind? What right has the legislature of the State of New Hampshire to interfere with the business of one of its citizens for the benefit of another of its citizens?

Mr. BAKER of New Hampshire. It does not discriminate between citizens. It provides that the law shall equally affect all

Mr. BOATNER. The gentleman will pardon me for declining to yield further. I have only five minutes.

Mr. Speaker, this clause of the Constitution was adopted not only

for the purpose of establishing absolute free trade among all the

States of the American Union, but for the purpose of securing for the citizens of each State and the products of each State all the rights and privileges in the several States accorded to citizens and the products of any other State. That was the reason for the adoption of this interstate-commerce clause of the Constitution. And we can not abandon to the States the authority thus reserved to the General Government without abandoning one of the most important functions and prerogatives of the Federal Government. As the gentleman from Illinois has so ably and eloquently shown, but for the existence and maintenance of this clause of the

Constitution we would be split up into forty-five independent States, each one seeking to obtain an advantage for its citizens and its products over the citizens and products of every other State. The State of Mississippi, for instance, which until recently was not very much in love with the State of Massachusetts, might pass an act declaring that Massachusetts shoes were a fraud and a cheat and that none of them should be sold within the limits of that State unless they were painted green. [Laughter.] Another State might declare that whereas the shoes made in the State of Massachusetts frequently had paper soles, they could not be sold within the borders of that State.

[Here the hammer fell.]
Mr. MORSE. Massachusetts makes the best shoes in the world.
Mr. BOATNER. That is what Chicago says of oleomargarine.
Mr. GROUT. Mr. Speaker, I now yield ten minutes to the gentleman from Delaware [Mr. WILLIS], a member of the com-

Mr. WILLIS. Mr. Speaker, I have been in favor of most of the Mr. WILLIS. Mr. Speaker, I have been in layor of most of the laws passed with reference to eleomargarine, both by the National Legislature and in the legislatures of the States, because I think they move in the direction of justice and of right. I think this law moves in the direction of justice and right, and in so far as I can see it does not infract the rights of the States or the nation.

The history of eleomargarine, and of those who have made

earnest and urgent attempts to manufacture and put it upon the American market, reminds me of a passage I have read in the prophet Amos:

When will the new moon be gone, that we may sell corn? and the Sabbath, that we may set forth wheat, making the ephah small, and the shekel great, and falsifying the balances by deceit?

ancient theocracy, but it strikes at the very animus of the decomargarine interest. If you are going to have legislation that will stand, legislation that the people in subsequent generations will approve, legislation that will be for the benefit of the great masses of the people, it must proceed and can only proceed on honest principles.

Now, nobody has undertaken or is undertaking to prevent, as I understand it, the manufacture or sale of oleomargarine, but is simply setting up a claim that oleomargarine, if it speak at all in the American markets, shall call a spade a spade; that it shall not speak with a lying tongue; that it shall not come, as the gentleman from Nebraska [Mr. HAINER] so well said, "masquerading under false colors," reminding us, so aptly as he did, that the superior never masquerades in the garb of the inferior, but the inferior

in that of the superior.

Now, Mr. Speaker, a word in regard to the eloquent and glowing remarks of the gentleman from Illinois [Mr. Cannon], which have been referred to by the gentleman from Louisiana [Mr. Boatner]. I will not say that the article called oleomargarine is a deleterious compound and an unhealthy food product for some stomachs. Why, I know that a cobblestone has gone through the gizzard of an ostrich. [Laughter and appliance.]

gizzard of an ostrich. [Laughter and applause.]

Mr. TOWNE. How do you know that?

Mr. WILLIS. Because I have seen it. [Renewed laughter and applause.]

But I will undertake to say that oleomargarine is not a wholesome food product for some people. Now, ask me how I know that. [Laughter.] But I will tell you the way I know. It is because, as the colored man says, "I have proved it by 'sperience." [Laughter.] Anything that has got hog's lard in it will keep up an unpleasant memory in my stomach for half a day. [Laughter.] But anything that comes to me in the sweet and uncontaminated globules of pure cream is not only harmless, but nutritious and health inspiring.

Mr. HENDERSON. Makes you feel like dancing a hornpipe.

[Laughter.]
Mr. WILLIS. Yes—
A MEMBER. They would turn you out of church, then.
Mr. WILLIS (continuing). And the illustrations introduced in some parts of the speech of the gentleman from Illinois were somewhat amusing. In trying to illustrate, I believe, the point he was making with reference to charges against oleomargarine not being a healthful food product, he brought in the question of leather. He said that some of the leather sold in the market as calfskin was made of horse hide, but he forgot the idea that one went on the outside of the man and the other on the inside flaughter], and there is a tremendous difference. Mr. Speaker. [laughter], and there is a tremendous difference, Mr. Speaker,

between that which is on the outside and that which is on the inside of a man. [Renewed laughter and applause.]

Now, if a man has a good digestion, if he has a good strong stomach, he can probably eat and digest anything in the whole category of food products, from a tough Texas mule to a quail. If he has such a stomach as that, I will not join issue with him on the category of the pright to eat eleomargarine. [Laughter.] But I

his natural-born right to eat oleomargarine. [Laughter.] But I will say to you that I do not want it and will never have it, simply because it is unwholesome for me.

But I am only one of a great multitude. Now, what is the harm in having a law or many laws, in order to make the thing sure, that will give a man the opportunity to judge what he is eating and to make a safe selection? Life at heat is propertied by and to make a safe selection? Life at best is none too long. The comforts of this world are not overmultiplied, and the question of comforts of this world are not overmultiplied, and the question of dietetic products, dietetic arrangements, dietetic articles is one of the most important of all we have. All these laws proceed upon sanitary and health-giving and justice-establishing principles that this country ought always to give its hand to. I am in favor of this bill, because I believe it is a reassertion of the principle of the decision of the Supreme Court; and from the very fact that there seems to be a spirit of uprising sometimes in this country against the authority of the Supreme Court; from the very fact that some of our friends from the South and very many of them from the North, once under the ægis of the old-time Democratic party which North, once under the ægis of the old-time Democratic party which used to clamor for State rights, have forgotten that guiding star that led them and their forefathers, and under the influence and magnetism of some of these strange gods of modern times, have gone off and framed a great political platform that seems to denounce, or at least to discount, the authority of the decisions of the Supreme Court. Let Congress assert itself in this bill, and

the Supreme Court. Let Congress assert itself in this bill, and let us pass it.

Mr. WILLIAMS. Mr. Speaker, I yield five minutes to the gentleman from Kentucky [Mr. CLARDY].

Mr. CLARDY. Mr. Speaker, the legal aspects of this question have all been ably discussed by the able lawyers on each side of this question, and, as is usual, of course, they are about half on one side and half on the other. Upon nearly all the legal questions that we have ever discussed in this House, this, I believe, has been the state of the case. We laymen, those of us who are not lawyers, are unable to form an opinion from what they have said. So we shall have to discard that and take just a commonsense view of this question. sense view of this question.

Now, what is the real object of this bill? What is its ultimate purpose? If this bill is intended only to require the producers of a particular article to sell that article exactly for what it is, we have already a general law which provides for that. Now, if the States do not seek to go any further than simply to carry out that states do not seek to go any further than simply to carry out that law, and if the gentlemen who have this bill in charge will amend it so that it will simply apply to the stamping of this particular product and to require everybody who sells oleomargarine to sell it as oleomargarine or butterine, then I will go with them. I will agree with them on that question. But the scope of this bill far exceeds that. As I understand it, it will give the authority to the State to absolutely exclude from sale in that State any particular product that they do not raise or manufacture and do not wish sold. That is where the wrong comes in.

ticular product that they do not raise or manufacture and do not wish sold. That is where the wrong comes in.

Now, the amendment of the gentleman from Virginia [Mr. Tucker] is simply worse than the original bill, in the sense that it gives a still wider scope to this proposition. Under that bill, any particular thing, no matter what, could be excluded from any State where it was not manufactured, and where the people desired to prevent its sale. Now, for instance, take a product of the State of the gentleman from Vermont [Mr. Grout], maple sirup. Any State in this Union that does not make that product and does not desire it to be sold, could exclude it. Why? No and does not desire it to be sold, could exclude it. Why? doubt when it leaves the gentleman's State it is a pure and a very desirable and palatable food, but, my friends, when the sojourners at our hotels and boarding houses meet with it they can not tell whether it is sweetened water or watered sweetening.

Now, these are facts. Take another article largely produced in

Now, these are facts. Take another article largely produced in some States and not produced in others, which is considered a luxury, but which is denounced by many people all over the country, who say that it is a sin and almost a crime to use it. I refer to tobacco, which is produced largely in some States and not produced in others. How long will it be before some of these States, governed and ruled by fanatics on this subject, will pass a law that tobacco in any of its fabrications can not be sold in that State? This amendment of the gentleman from Virginia [Mr. Tucker] would make such a thing possible.

Now, another point. The gentleman from Ohio [Mr. Northway] stated that the law as it at present exists in his State allows oleomargarine to be sold, and that it interferes with and cripples the dairy industry of that State. This shows the purpose of this bill and what it is really intended to accomplish. It is really intended to protect this one industry, the dairy industry, and to make it more profitable, at the expense of another industry, It never has been established as a fact that oleomargarine

It never has been established as a fact that oleomargarine

is not as wholesome a food as butter. Nobody has been able to prove that. My friend from Delaware [Mr. Willis] says that his stomach would repudiate anything with lard in it. Now, my friends, he is evidently a dyspeptic, and you can not rely on his stomach, because the healthiest people in the world use lard quite largely, all over the country.

[Here the hammer fell.] Mr. WILLIAMS. Will the gentleman from Vermont now con-

sume some of his time?

Mr. GROUT. There are but ten or eleven minutes remaining on this side, and I shall yield it to one gentleman. I think we should be allowed to close.

Mr. WILLIAMS. How much time have I remaining?

The SPEAKER pro tempore. Eight minutes.

Mr. WILLIAMS. Does the gentleman from Vermont prefer that I go ahead? Mr. GROUT.

Mr. GROUT. Yes; I prefer to have you occupy your time.
Mr. WILLIAMS. Mr. Speaker, a desire is expressed by the
gentleman from Vermont that this side consume the balance of

its time, and then he will consume his.

Mr. Speaker and gentlemen of the House, when the gentleman Mr. Speaker and gentlemen of the House, when the gentleman from Ohio [Mr. Northway] was speaking, he said that the States and the people were engaged in "a warfare against an injurious and deleterious food product." With that warfare I sympathize heartily; but the trouble with the gentleman's position is that oleomargarine, butterine, cottolene, and these various substances are not unwholesome, deleterious, or injurious food substances. If they were, they would fall now under the sanitary and police powers reserved to the States in the Constitution of the United States, as was announced by the Supreme Court of the United States on the very article of oleomargarine when it delivered lately on the oleomargarine statute of Massachusetts. What were the on the oleomargarine statute of Massachusetts. What were the facts in that case? The facts are set forth by the court, and they were agreed facts. I quote:

It is admitted that the article sold was sent by the manufacturers thereof in the State of Illinois to the petitioner, their agent in Massachusetts, and was sold by him in the original package—

I call the attention of the gentleman from Iowa [Mr. LACEY] to that fact. He said when he was on his feet that when the elecmargarine was in the original package it was not within the scope of regulation under the police powers of the State. The admitted fact in this case was that it was in the original package

and that in respect to the article sold, the importers and the patitioners had complied with all the requirements of the act of Congress regulating the sale of oleomargarine, and it was marked and distinguished by all the marks, words, and stamps required of oleomargarine by the laws of this Commonwealth—

That is, the State of Massachusetts.

Now, the Supreme Court of the United States held upon that state of facts that the law of the State of Massachusetts, which does everything which my friend from Delaware [Mr. WILLIS] says he wants to do, everything that my friend from Vermont [Mr. Grout] says that the bill is intended to do, namely, forbid absolutely the sale of oleomargarine whenever sold under the guise or semblance or butter, whenever it was sold it all, unless it came within the following proviso:

That nothing in this act shall be construed to prohibit the manufacture or sale of oleomargarine in a separate and distinct form, and in such manner as will advise the consumer of its real character, free from colorations or ingredients that cause it to look like butter.

Now, the statute of Massachusetts forbade the sale of this product with that proviso. The Supreme Court of the United States under this state of facts and with this proviso held that act to be constitutional. Therefore it follows that if all the gentlemen wanted to get was what they say they want to get (and gentle-men will understand by that that I mean that if their intent in passing the law was all the effect of the proposed law), then there is no need for the law. But the trouble about the whole thing is that the law goes further than they say they want to go, and gives the State the power not only to do what Massachusetts did, and all they say they want to do, and what the Supreme Court says they can now do, but it subjects oleomargarine to any law of the States, whatever the law may be, whether on the statute books now or to be hereafter passed, and puts it within the broad scope of the police powers, which are held to be so much a part and parcel of the re-served rights of a sovereign State that the Supreme Court of the United States has held that no clause of the Constitution can invade them. Where the trouble of the gentleman from Onio comes in is this: That if he can prove what he asserts, viz, that this is an until have no need to pass wholesome and injurious product, he would have no need to pass the law; but as it is in fact, despite his assertion, a wholesome and healthful product, but as he wants to shut it out under the pretext that it is an unwholesome food product, he is in favor of the passage of this law.

Now, Mr. Speaker, the gentleman from Iowa [Mr. Lacey] said something facetious about horse beef, and said it will be absurd to compare the two things, because if people want horse beef they

ought to have horse beef, and the gentleman thinks they ought to have it if it was sold as horse beef; and then he wants this product sold also, provided it shall be sold as oleomargarine, and says they are making no opposition to any law provided that it is sold

Mr. GARDNER. Will the gentleman yield to me for a ques-

Mr. WILLIAMS. Yes, sir; I have only eight minutes, and I desire you to make it brief.

Mr. GARDNER. Have you ever seen or have you ever heard any reputable person say that he has seen oleomargarine for sale in a retail store under its own name?

Mr. WILLIAMS. I am tolerable "reputable," and I have seen it scores of times, and so has everybody upon this floor who has ever entered a retail store. I have seen it branded "cottolene," I have seen it branded "butterine," and branded "cleomargaand everybody can see it if they will go down to the stores in Washington.

Mr. CANNON. I have bought it scores of times in preference to three-fourths of the article sold as butter.

Mr. WILLIAMS. Now, there is a gentleman I know my friend will admit to be "reputable," because he is from the right latitude. Now let us go on. The gentleman from Iowa says that men ought to be allowed to buy oleomargarine if they want to, but that they should know what they are doing. I agree with him; but the trouble with this bill is that if it becomes a law a man but the trouble with this bill is that if it becomes a law a man can not buy eleomargarine, whether he knows what he is doing or not, provided the State in which he wants to buy it forbids its sale. The gentleman says that he does not want "the legitimate domain of butter invaded." What is "the legitimate domain of butter"? To be butter, is it not? So that eleomargarine can not invade the legitimate domain of butter unless it goes there pretending to be butter. But the trouble with this bill is that it goes tending to be butter. But the trouble with this bill is that it goes beyond the prevention of that fraud, and provides in effect that oleomargarine, not only in the guise of butter, but in any other guise, can not be sold or bought if the State of New Hampshire, or the State of Vermont, or the State of Mississippi, or any State forbids the sale or purchase of it within the State limits.

If this bill passes, and if the Supreme Court holds that the law is constitutional, that will be its effect. I have my doubts of its constitutionality, but I am not going to include its constitutionality.

constitutionality, but I am not going to indulge in such a remark as was made by the gentleman from Nebraska [Mr. HAINER], who said that the Supreme Court having made a certain decision, the matter would be all right if the people were not afraid that the decision might be changed. In the last campaign people who referred to possible changes of Supreme Court decisions were denounced as "anarchists" [laughter], but I will not so denounce

the gentleman from Nebraska.

Mr. GROUT. Mr. Speaker, I yield ten minutes to the gentleman from Ohio [Mr. GROSVENOR].

Mr. GROSVENOR. Mr. Speaker, if there is one feature of this proposed legislation more conspicuous and important than all others, it is that which provides for the exercise of what we call the police power in the States, and it is that power which this bill seeks to establish and strengthen within the jurisdiction of the States of the Union. That is, the power that is exercised in regulating the sale of intoxicating liquors. There is not a State in this Union that does not authorize its legislative body to prescribe this Union that does not authorize its legislative body to prescribe the terms upon which all kinds of intoxicating liquors may be sold within its borders. Indeed, I believe that in a number of States the power to absolutely prohibit such sale has been upheld, and it has been upheld upon the ground of the peculiarly dangerous nature of the commodity, involving the loss of the property and the character, and sometimes the life of the citizen. That power, I say, is universally recognized, and yet I hear a gentle-man on the other side of this Chamber, whom I have always recognized as a lawyer of ability and distinction [Mr. BOATNER], saying that the recognition of this police power implies a power in the State to prohibit the sale of cloth and of boots and shoes!

Why, Mr. Speaker, the very underlying principle of all legisla-tion of this kind is the recognition of the same power in the State which regulates the presence and the movements of the victim of which regulates the presence and the movements of the victim of a contagious disease, or the sale of decayed or decaying vegetables, or of impure milk. The State of Massachusetts went to the very verge and upheld a statute, to which my friend from Ohio [Mr. Northway] must have referred, which made the sale of adulterated milk a crime without proving the scienter, and the supreme court of Ohio has very recently made a like ruling, although the language of the statute neither involved in terms the guilty knowledge nor attempted to say that the crime could be committed without the guilty knowledge. I think that was going a little beyond what I should have believed to be an absolute consonance with the liberty of the citizen in this respect.

But now let us come to the sale of this commodity. A gentle-man who has just made an argument on the other side says that this is a question of practical common sense, and that is true. There is no occult question of law involved here. The State has

the right to regulate the sale of a deleterious or an impure com-modity and to provide against fraud. Now, I am not going to discuss, from the standpoint of some of our friends present, this question of the character of oleomargarine. It does not make any difference in this case whether what they say about it is true or not, or whether, if I were to express an opinion, I should be compelled to modify their statements in obedience to my own knowledge and to modify their statements in obedience to my own knowledge and judgment. It is enough to say that the legislation of the country, legislation which, I believe, has been thoroughly approved by the people, has regulated, or attempted to regulate, the manufacture, branding, and sale of oleomargarine.

branding, and sale of oleomargarine.

That legislation has been upheld by the courts of the country. It is a very simple proposition, and I never had any doubt myself about the constitutionality of that law. There was never, in my mind, during the long discussion of the subject here, any question, except the question whether it was good policy to use the taxing power of the Government to thus far break down an existing industry. That industry was assailed all along the line by evidence as to the impure and deleterious and fraudulent character of the commodity produced. We have passed away from that situation, and now, in any supplemental legislation that we may enact, it seems to me that we ought not to discuss here the original question of the power of Congress to interfere to regulate original question of the power of Congress to interfere to regulate the manufacture and sale of this commodity, or the propriety of its exercise of that power. Having, therefore, passed forward from that, the next question that arises is whether this legislation

from that, the next question that arises is whether this legislation is needed and whether it is proper legislation.

The gentleman from Louisiana [Mr. Boatner] says, in effect, that if it is lawful to sell a commodity in the original package in a State, made lawful by act of Congress and the law upheld by the Supreme Court, we can not undertake to interfere with the article after it gets there. Does the gentleman understand where the logic of his argument would take him? The State of Kentucky may manufacture whisky and put it into barrels and ship it to the State of Kansas. No man can prevent that traffic under the law. But can not the State of Kansas regulate what shall be done with a commodity after it comes within the borders of the State? That is this question; that is all there is of this profound question that we have here now. The law of Congress says that this commodity shall be marked and branded. The decision of the court is that the State of Kansas or the State of Kentucky, of the court is that the State of Kansas or the State of Kentucky, or any other State, may not exclude the interstate commerce that carries the package into that State. Now comes the supplemental act of Congress which says, "While that is true, we recognize the police power of the State." We have not attempted by this legislation, and the court has not undertaken by its decision, to destroy the police power of the State. Therefore, while asking legislation of Congress that remits to the State the power to regulate the

Mr. COOKE of Illinois. Would it not be wise, in view of the complex character of this question, to have this regulation made by Congress so that it shall be applicable alike to all the States?

Mr. GROSVENOR. I would not permit Congress to so far invade the independence of a State as to adopt legislation which would debar a State from exercising its police power.

Now, it is very interesting to me to hear some of the arguments which we hear made on the other side. It is a good long time to live—we have traveled a long way in the evolution of political questions in this country—when gentlemen of the old Democratic questions in this country—when gentlemen of the old Democratic school of politics, who all their lives have been proclaiming the doctrine of the rights of the States, and who in days past have carried that question to the arbitrament of war and blood, now stand up here in favor of an act of Congress that shall strike down the power of the State to regulate the sale of food products within

[Here the hammer fell at the end of five minutes.]
The SPEAKER pro tempore. The gentleman from Vermont
[Mr. GROUT] has one minute remaining.
Mr. GROUT. I shall not occupy that minute. I ask that the
bill be now read for amendment.
The SPEAKER was tempore. The bill will your be read for

The SPEAKER pro tempore. The lamendment under the five-minute rule.
The bill was read, as follows: The bill will now be read for

Be it enacted, etc., That all articles known as eleomargarine, butterine, imitation butter, or imitation cheese, or any substance in the semblance of butter or cheese not the usual product of the dairy and not made exclusively of pure and unadulterated milk or cream, transported into any State or Territory, or remaining therein for use, consumption, sale, or storage therein, shall, upon arrival in such State or Territory, be subject to the operation and effect of the laws of such State or Territory enacted in the exercise of its police powers to the same extent and in the same manner as though such articles or substances had been produced in such State or Territory, and shall not be exempt therefrom by reason of being introduced therein in original packages or otherwise.

Mr. TUCKER. I offer the amendment which I send to the

desk.
The Clerk read as follows: After the word "articles," in line 3, strike out "known as oleomargarine, butterine, imitation butter, or imitation cheese, or any substance in the semblance of butter or cheese not the usual product of the dairy and not made exclusively of pure and unadulterated milk or cream."

Mr. GROUT. The gentleman proposes to strike out. What does he propose to insert?
Mr. TUCKER. Nothing.
The SPEAKER pro tempore. The gentleman from Virginia [Mr. TUCKER] has the floor.

Mr. TUCKER. I merely offer the amendment. I have nothing to say about it.

Mr. GROUT. Why, Mr. Speaker, that amendment would absolutely disembowel the bill.

lutely disembowel the bill.

A MEMBER. Of course; that is what it is intended for.

Mr. GROUT. I say the amendment would absolutely eviscerate the bill. If that is the gentleman's object, the same end could be reached, if he has sufficient numerical strength on his side, by voting down the bill on its third reading. It does not seem to me that we need spend any time in discussing the amendment.

Mr. TUCKER. I should like to have a vote.

Mr. MORSE. Mr. Speaker, I move to amend by striking out the last word. I make this motion for the purpose of saying a word by way of answering the attack made upon my State in some of the illustrations which have been used in the argument of gentlemen on the other side. It has been said in the course of the debate on this floor, by the way of justifying this oleomargarine fraud upon the great farming interests and the consumers of the debate of this hoor, by the way of Justifying this oleomarga-rine fraud upon the great farming interests and the consumers of this country, that the manufacturers of Massachusetts are not honorable merchants and business men and are guilty of fraud in the manufacture of leather, shoes, woolens, etc. Lest by silence I should appear to give consent to that charge, I wish to say a word here in my place.

I call the attention of the House to the fact that a distinguished Representative of Massachusetts on one occasion in antebellum times, when the dark crisis was impending and the mutterings of war and secession were heard, stood on this floor and said, in war and secession were heard, stood on this floor and said, in answer to an attack on our Commonwealth, that "he threw down her glove to the whole band of her assailants." That man was Anson Burlingame. Now I stand in my place and in behalf of the manufacturers of Massachusetts, and, measuring my words, I say that for business honor, for enterprise, for integrity, I throw down the glove of her manufacturers, bankers, and business men to the world.

down the glove of her manufacturers, bankers, and business men to the world. [Applause.]

Mr. Speaker, the manufacturers of Massachusetts sell woolen goods and shoes for what they are. There is no attempt, as in the case of oleomargarine, to palm it off for something it is not. If there is any split leather in their shoes they are sold for split leather, and for half the price of whole leather. If their clothes are made in part of cotton (as charged), it is to cheapen them and bring them in the reach of the poor, and they are sold for what they are

I say now, in this presence, that the manufacturers of Massachusetts, by their genius, enterprise, and inventive skill, have done more than any other section of the country, or perhaps of the world, to produce articles of necessity and luxury, ten thousand articles which go to adorn and embellish modern civilized life, and made cheap by the inventive genius of her sons, so as to place them in the reach of the humblest of our citizens, and so that humble people to-day enjoy comforts and luxuries that were unknown to the wealthy a few decades ago. I have in my district, at Brockton, one of the great shoe markets of the world, and they make as good shoes as are made on the face of the carth. Con make as good shoes as are made on the face of the earth. Contrast the price of shoes to-day with the price a decade or two decades ago; contrast the price of cloth and clothing and a thousand

cades ago; contrast the price of cloth and clothing and a thousand things with the price a decade or two ago.

Mr. Speaker, I might go through the whole category of articles made by the manufacturers of Massachusetts and used in civilized life, and prove by statistics that our manufacturers, for honor, for enterprise, for integrity, and for success, can safely challenge the world. More than that, Mr. Speaker, when the yellow wings of a pestilence flap themselves in a Southern sky, when fire or famine or flood or pestilence overtake any section of our country or overtake humanity anywhere in the wide, wide world, in starving or flood or pestilence overtake any section of our country of overtake humanity anywhere in the wide, wide world, in starving Ireland, in famine-stricken Russia, or the far-away victims of the Sultan in Armenia—I say, who pours out its treasure like water to relieve affliction and distress? Why, these same manufacturers who have been abused and misrepresented on this floor to-day, these way who are sensed of making clothing out of "shoddy"

ers who have been abused and misrepresented on this floor to-day, these men who are accused of making clothing out of "shoddy" and shoes out of "pasteboard."

Mr. Speaker, Massachusetts needs no eulogium or defense from me in these closing hours of my service here. In the language of one of her great sons, we say, "There she stands." Mr. Speaker, if this is the last word I shall speak in this House, I stand in my place and throw back to the gentlemen who made these charges against the manufacturers of the Commonwealth I have in part the honor to represent—I say I deny that her manufacturers are guilty of fraud and deception in their products. [Applause.]

Mr. TERRY. I move to strike out the last word.

Mr. BARRETT. Mr. Speaker, being desirous of having a vote on the pending amendment, I make the point of order that no other amendment is in order that does not apply to that amendment until the amendment of the gentleman from Virginia is disposed of.

Mr. TERRY. Mr. Speaker, I believe I have the floor. Mr. TUCKER. I demand a vote on my amendment, if in

The SPEAKER pro tempore. The Chair overrules the point of order of the gentleman from Massachusetts. The Chair understood the gentleman from Arkansas, [Mr. Terry] to move a pro-forma amendment, and under the practice of the House he is recog-

Mr. BARRETT. Do I understand the Chair to rule that when an amendment is pending, another amendment which has no ref-erence to it may be offered.

The SPEAKER pro tempore. An amendment to the amend-

ment is in order.

Mr. TERRY. I hope the Chair will not count this time against

Mr. BARRETT. I submit that an amendment to the amendment, unless it pertains to the subject-matter of the pending amendment, is not in order. The amendment to strike out the last word has no reference to the amendment of the gentleman

My poin, if the Chair please, is that the gentleman from Arkansas makes a formal amendment, and that that amendment has no reference to the pending motion. The gentleman from Virginia has moved to strike out a certain portion of this section of the bill, but not a part of the section affected by the gentleman

from Arkansas. Mr. TERRY. I understood the gentleman from Massachusetts Mr. Morse] had moved a formal amendment and withdrew it. He was recognized, and made some remarks on his amendment. I made a pro forma amendment and was recognized by the Speaker, and am entitled to the floor. If the gentleman from Massachusetts did not withdraw his formal amendment of one word, I will make my amendment to strike out about three words. [Laughter.]
Mr. BARRETT. The fact that no opposition was made to the

suggestion of my colleague and to his occupation of the floor on his amendment does not prevent the point of order being made

against another amendment of a similar character.

The SPEAKER pro tempore. The Chair overrules the point of order, and holds that the gentleman from Arkansas is entitled to

Mr. TERRY. Mr. Speaker, I desire to call the attention of the members on both sides of the Chamber to the true question involved in the pending bill. It is a question of the interests of a few dairymen, as against the interests of the farmers of the country, North, East, South, and West. Every man whose product onters into the conversition of classification in the conversition of classification. country, North, East, South, and West. Every man whose product enters into the composition of oleomargarine, tallow or lard—every farmer who raises hogs, or sells cotton seed, every man that deals in lard or its products, or cotton seed or its products, has his interests directly assailed by the bill now pending in the interest of a few dairy associations throughout the country. It is a bill to strike down rival products and increase the price of butter.

Now, sir, when we recollect what was the original purpose—the moving number—for which the present Constitution of the United

moving purpose—for which the present Constitution of the United States was formed and accepted by the States, we are enabled to form a proper understanding of the real issue involved in this bill. One of the main purposes of the Constitution was to have free trade among the States as to all products whose importation or sale was not injurious to health or public morals, and for the purpose of preventing any State from regulating, tampering with, or prohibiting the introduction of, or discriminating against, the products of any other State.

In order to secure the formation of a constitution that would accomplish these objects and grant these powers to the General Government, the people of the great North made concessions to the people of the South in the matter of representation partly based on the holding of slaves. All of these things they sacrificed. and a great many other convictions as well, in order to have a constitution that would permit this unrestricted commerce among

But now, sir, we behold the representatives of States that stood out most strenuously for this power to regulate interstate com-merce among the very first that now come up here to strike down or cripple that great power in the Federal Constitution. We upon this side of the Chamber are asked, "Have you not been Staterights men in the past?" Certainly we have been. But we have also stood by the Constitution that our fathers framed, as we understood it, and we propose to stand by it now as the palladium of

our liberty and the ægis of our protection.

Now, this bill is a direct assault upon the very purpose of the interstate-commerce clause in the Constitution of the United States. I hold for one that any product the introduction or sale of which is injurious to the health or the morals of the people of any State is not within the commerce clause of the Constitution of the United States. But, unfortunately, the Supreme Court of the United States has ruled otherwise in what is known as the "original-package case," and it then became necessary for Congress, in order that

the States might prohibit the sale of intoxicating liquors if they so desired-it became necessary to pass the Wilson bill. And I say, Mr. Speaker, if it becomes necessary in any case to authorize the States to prohibit the introduction of anything injurious to the health or morals of the people, Congress ought to grant it, but should not go further.

Here is a product that is not injurious to the health or the morals of the people. Whisky was, according to the contention of a great many people of the United States, and according to the almost universal consent of the world. It became, therefore, proper to take that out from under the operation of the interstate-commerce clause. But we should not go beyond that principle. Let us keep that principle in view, and whenever we are asked to make a concession to the States let us simply make concessions to prohibit those things that are injurious to public health or morals, and stop there, and then we will be standing by the Constitution as our fathers framed it.

[Here the hammer fell.] Mr. GROUT. Mr. Speaker, just a word in regard to this amendment, which is really very objectionable. It provides that

All articles transported into any State or Territory, or remaining therein for use, consumption, sale, or storage therein, shall, upon arrival within the limits of such State or Territory, be subject to the operation and effect of the laws of such State, etc.

This would be a complete surrender by Congress of the constithis would be a complete surrender by Congress of the constitutional power with which it is now vested to regulate commerce between the States. It goes far beyond any decision yet made by the Supreme Court, and far beyond the purpose contemplated in this bill. The court, in Plumley vs. Massachusetts, simply say that where a fraud is sought to be perpetrated in the sale of an article of food taken from one State into another the police power of the State into which it is transported may lay its hands appear the article and strip it of its false garb and compel its sale upon the article and strip it of its false garb and compel its sale for exactly what it is. But this amendment of the gentleman leaves all articles, whether fraudulent or otherwise, to be controlled by State legislation, which simply abrogates the consti-

trolled by State legislation, which simply abrogates the constitutional power of Congress to regulate interstate commerce.

Mr. TUCKER. I think my friend is entirely mistaken about that, and I think he will see it on reflection. All articles are to be subject, under the proposed bill as amended, to the police power in the State. That police power in the State refers to anything which is deleterious to health or morals; so that if oleomartics is host if lead or all entirely appropriate the constitution of the constitution garine, if beef, if lard, or all articles are amenable to that objection, the police power of the State would have the authority to act

upon them.

Mr. GROUT. But still it should be remembered that the court in the Plumley case bases its decision simply upon the fraud. Where fraud is attempted to be practiced, the court says the State has the power to prevent it, and that is all this bill asks. has the power to prevent it, and that is all this bill asks. The police power of the State seizes on this article when it goes into the State in "semblance of butter or cheese," and under no other circumstances. To make the thing entirely plain, after this amendment is disposed of, and perhaps one or two others offered, I intend offering an amendment, which has been agreed upon between myself and the gentleman from Mississippi [Mr. WILLIAMS], and which will make this point clear to all. He is not willing to offer it, because, even when adopted, he says he would not be willing to vote for the bill. So I propose to offer it. I hope the amendment of the gentleman from Virginia will be voted down.

Mr. TUCKER. I hope the amendment will be voted up. [Laughter.]

The question was taken on the amendment of Mr. Tucker; and on a division (demanded by Mr. Tucker) there were-ayes 23,

Accordingly, the amendment was rejected.

The SPEAKER. The Clerk will report the next amendment. The Clerk read as follows:

In line 9, after the word "arrival," strike out the word "in" and insert he words "within the limits of."

The amendment was agreed to.

Mr. GIBSON. I offer the amendment which I send to the Clerk's desk.

The amendment was read, as follows:

Strike out "or," in line 7, page 1, after the word "Territory," and insert the word "and."

Mr. GROUT. I ask the Clerk to read the bill as it will be if that amendment is adopted.

The Clerk read as follows:

Transported into any State or Territory, and remaining therein for use, etc.

Mr. GIBSON. The object of that amendment is to avoid this possible construction, that under the bill as it is now framed it is probable that oleomargarine in transitu might be subject to the State police laws. The object of this is to confine it to eleomargarine transported into a State and remaining there for use, sale, Mr. GROSVENOR. The amendment is perfectly unnecessary, because this says in plain words that the law only applies to that which is transported into a State and retained there for use.

Mr. GIBSON. I wish to make it read—

and remaining therein-

Instead ofor remaining therein.

Mr. GROUT. There is no objection to that amendment. I do not think it changes the bill.

The amendment was agreed to.

Mr. GROUT. Now, Mr. Speaker, I offer the following as a proviso to the bill, not because I think it necessary, for the bill itself, in express terms, goes upon the ground that in order to touch this product by the police power of any State it must be in "the semblance of butter or cheese." But to make it plain, so that there shall be no question as to the power of the State to prohibit it when it comes as oleomargarine, this amendment is offered, as I have stated, after a conference with the gentleman from Mississippi [Mr. WILLIAMS].

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Provided, That nothing in this act shall be construed to permit any State to forbid the manufacture or sale of eleomargarine in a separate and distinct form and in such manner as will advise the customer of its real character and free from coloration or ingredient that causes it to look like butter.

Mr. HAINER of Nebraska. Mr. Speaker, I move to strike out the word "customer" and insert the word "consumer."
Mr. GROUT. I have quoted the exact language in the Massachusetts statute, which has already been adjudicated by the Supreme Court, unless I have made a mistake in transcribing. My intention is to follow the exact language of the Massachusetts

statute.

Mr. TAWNEY. That particular phrase was not construed by the Supreme Court of the United States.

Mr. GROUT. It was recited in the opinion, and of course may be understood as having in a sense been construed.

Mr. TAWNEY. I am speaking of the word "customer."
Mr. GROUT. I find the word "consumer" is used in the law.
I thank the gentleman from Nebraska [Mr. HAINER] for calling attention to it. The error occurred in a second transcription.
Mr. HAINER of Nebraska. That is all right.
The SPEAKER. The question is on agreeing to the amend-

ment offered by the gentleman from Nebraska to the amendment

ment offered by the gentleman from Nebraska to the amendment offered by the gentleman from Vermont.

The amendment to the amendment was agreed to.

The SPEAKER. The question recurs on the amendment offered by the gentleman from Vermont as amended.

Mr. CONNOLLY. Mr. Speaker, I desire to offer a substitute for the amendment offered by the gentleman from Vermont.

The Clerk read as follows:

Add to the bill the following:
"Provided, The sale in original packages of such articles, produced in any State or Territory, and marked as provided by the laws of the United States, shall not be prohibited by the laws of any other State or Territory."

Mr. CONNOLLY. Mr. Speaker, I understand from the advocates of this bill that the purpose of it is to prevent the sale of oleomargarine and kindred products under fraudulent names. If that be true, this amendment or proviso that I offer to attach to the bill will permit the bill to be operative to that extent; but if the purpose of the friends of this bill is to absolutely prevent the sale of oleomargarine produced in one State in any other State, then gentlemen will not support this proviso. This proviso is that where oleomargarine or kindred articles are produced in any State or Territory, and are marked as provided by the laws of the United States, then their sale shall not be prohibited by the laws of any State. The States retain in their hands the right to make just as stringent regulations as they choose to prevent laws of any State. The States retain in their hands the right to make just as stringent regulations as they choose to prevent fraud in the offering and sale of this kind of article; and when the United States shall have acted and made all the requirements they choose to make, then it provides that those States shall not by their laws override these requirements of Congress and prohibit the sale of that article. It seems to me that if the friends of this bill are in earnest in their declaration that its purpose is simply to prevent the sale of fraudulent food products, they ought to be willing to accept this proviso and retain the power in Congress to make all the limitations it may choose to make from time to time in the future and not give to the individual States the right to override this limitation made by Congress.

Mr. GROUT. Mr. Speaker, this amendment or substitute really says that the bill shall have no effect. In other words, it enacts into statute law the original-package decision and more, too, and repeals or does away with the decision of the Supreme Court in Plumley against the State of Massachusetts, on which this bill is

Plumley against the State of Massachusetts, on which this bill is

based.
Mr. CONNOLLY. Will you permit me to ask you a question? Mr. GROUT. Certainly.

Mr. CONNOLLY. You desire to do something more than merely prevent the sale of a fraudulent food product?

Mr. GROUT. Nothing more, as is expressly written in the first lines of the bill, and then as added by the proviso at its close; and this for the purpose of making it so plain that "the wayfaring man, though a fool, may not err therein."

Mr. CONNOLLY. You say when oleomargarine is marked as oleomargarine and is sold in the semblance of butter, your bill

prevents that sale.

Mr. GROUT. Precisely so; because they can take the tub off, as I stated yesterday, and set it alongside of butter and sell it anywhere they please as butter, and nobody can tell the difference,

where they please as butter, and nobody can tell the difference, and this very thing is done in this city every day.

Mr. CONNOLLY. When the thing is sold in the original package itself? That amendment relates to the original package.

Mr. GROUT. Mr. Speaker, this amendment is all that the oleomargarine factories in Illinois or anywhere else can ask for.

Let us vote it down.

Mr. CANNON. If I may be permitted, I move to strike out the last word. I want to ask my friend if he has taken into consideration the propriety of amending the law of 1886, which reads as follows

That for the purposes of this act the word "butter" shall be understood to mean the food product usually known as butter, and which is made exclusively from milk or cream or both, with or without common salt, and with or without additional coloring matter.

Does the gentleman propose anywhere in this legislation, before he gets through with it, to get rid of that which is to him a pernicious practice of coloring butter as a food product?

Mr. GROUT. The gentleman has asked me a question, and I will try to answer it. Butter has a color of its own—the color of gold—and has had it from time immemmorial, even from the time when Jael, the wife of Heber, the Kenite, "brought forth butter in a lordly dish."

Frauently during the winter months, while the cow is on dry

in a lordly dish."

Frequently during the winter months, while the cow is on dry feed, a little coloring is added, to suit the fancy of the consumer, but the article still has its own proper color. Surely there can be no offense in artificially intensifying the color of butter. Nor, in itself, is there anything intrinsically wrong in coloring oleomargarine. The wrong consists in selling the nasty fats of which it is composed, not as oleomargarine, but as butter, which could not be done if the filthy stuff had not the color of butter. Right here is the wrong, right here is the fraud, which can only be committed by this piratical product when it sails under false colors. This is my answer to the gentleman.

Mr. CANNON. Rich, creamy butter, where the animal is fed upon good clover, has a yellow color; but in the absence of such feed the butter is white.

upon good clover, has a yellow color; but in the absence of such feed the butter is white.

Mr. GROUT. No; it is never white.

Mr. CANNON. Oh, yes; substantially white. Now, does my friend propose to continue the practice of taking the white butter, or that which is substantially white, made from the milk of poor, lean cows, and coloring it with anatto or other coloring matter? Is that kind of fraud to still go on, and is that counterfeit butter to continue to demoralize the stomach of the eloquent gentleman from Delaware without rebuke by my friend from

gentleman from Delaware without rebuke by my friend from Vermont? [Laughter.]

Mr. GROUT. Mr. Speaker, I compliment the gentleman on his ingenuity in undertaking to bring into this discussion in the closing moments a subject entirely foreign to the matter in issue, If the gentleman thinks there is something wrong in the coloring of butter which he talks about, I shall be glad to sit down with him and philosophize upon that subject early and late; but that has nothing whatever to do with the question now before the House. We are now called upon to say whether it is a proper thing for one State to overhaul an article of food coming from another State "in the semblance" of that which it is not, and tear off its mask and compel it to go upon the worket for wheil it really off its mask and compel it to go upon the market for what it really is; in other words, we are simply to determine the question whether the States have the power to stop a cheat and a fraud in an important article of food, even though it come from another State. This is the whole story. I hope we shall vote down this

proposed substitute. The question being taken on the substitute proposed by Mr. Connolly, the Speaker declared that the noss seemed to have it. The House divided; and there were—ayes 78, noes 98.

So the substitute was rejected.

Mr. TRACEY. Mr. Speaker, I send to the desk a substitute for the amendment.

The proposed substitute was read, as follows:

Provided. That nothing herein shall be so construed as to authorize any State or Territory to prohibit the transportation and sale of such articles in original packages when transported or sold in their true character.

Mr. TRACEY. I only desire to say, in support of this amendment, that I am and have always been decidedly in favor of such regulation governing the sale of these imitations of butter as will

prohibit their sale except in their true character, but I am equally opposed to legislation which will put it within the power of any State or Territory to prohibit the transportation and sale of these articles which, notwithstanding what has been said here, are not unhealthy or uncleanly. They are largely manufactured in the State in which I live, and their sale is prohibited as butter, and they are sold as oleomargarine or butterine.

Mr. TAWNEY. Is it not a fact that a State now has the power to prohibit the manufacture and sale of any commodity or food product which, in the judgment of the State legislature, is deemed to be deleterious to health?

to be deleterious to health?

Mr. TRACEY. I presume that any State legislature in this country could by law prohibit the transportation and sale within the borders of the State of any article which the legislature should allege to be poisonous or in any manner deleterious to health; but I assume, also, that there is no legislature in this country that would allege for one moment that oleomargarine and butterine, as they are now made, are poisonous or in any sense deleterious to health. I know, personally, that both of those articles are used very largely in the State in which I live, and that they have not been and are not now regarded there as in any manner deleterious to health, but, on the contrary, they are generally regarded as healthful. They constitute an important food product, and are used by a large number of people throughout the country voluntarily and knowingly. I think it is safe to say that there can not be found a place within the State of Missouri in which these articles are sold otherwise than in their true character. They are sold as "oleomargarine" and as "butterine," branded as such on every package of a pound or more, and hence nobody is being defrauded by the sale of those articles, but the people are given an opportunity to buy a substitute for butter at a less price than they would be compelled to pay for butter, and these imitations are regarded as better for consumption than a great deal of the butas they are now made, are poisonous or in any sense deleterious to would be compelled to pay for butter, and these imitations are regarded as better for consumption than a great deal of the butter offered for sale. What I have said, Mr. Speaker, is in no sense a plea for oleomargarine or butterine, but is a protestagainst the enactment of a law which, in my humble judgment, violates a sacred right of every citizen of this country—the right to make and sell without unreasonable restrictions any legitimate article

of consumption.

Mr. HENDERSON. Mr. Speaker, I rise to oppose the substitute. The oleomargarine battle which was fought on the for or

Mr. HENDERSON. Mr. Speaker, I rise to oppose the substitute. The oleomargarine battle which was fought on the floor of the House some years ago was one of the hardest contests I ever saw. It lasted for many weeks—one long, continuous, ircless filibuster against the bill. The gentleman from Illinois spoke this morning of "opposition here and there." The opposition did come from "here and there;" it was located chiefly in Kansas City and in Chicago, where vast wealth is massed to make money at the expense of the agricultural interests of this country. [Applause.] The attempt has been made to have it appear that the lard and tallow interests are against the bill pending before us. I represent a district where lard, tallow, and all the dairy products form the leading articles of production: and I do not believe that there is a farmer in my district who is not against this fraud and in favor of this bill—not one. [Applause.]

I hold in my hand a telegram from the dairy commissioner of Iowa, urging the Iowa delegation to stand by and support this bill. No member of the Iowa delegation needed that telegram. A quick ear for the heart beat of the agricultural interests of Iowa was enough to instruct us as to the wishes of our constituents. We have been through this battle before; and I want to say to my distinguished friend from Illinois [Mr. CANNON], who pointed at the frauds in the manufacture of other articles, that the time is fast coming when legislative attention, State and national, must be directed to all of these frauds. And he only "points the moral and adorns the tale" when he gives those illustrations. I say wherever you find a fraud imposing upon the people—running masked batteries into the commerce and trade of this country—do not stand back and howl at the efforts that are being made to strike at the first fraud, but help us now and bring on your batteries and let us attack the others. For one I am for this bill and strike at the first fraud, but help us now and bring on your bat-teries and let us attack the others. For one I am for this bill and every bill that will unmask deception and let us have fair play

among the people of this country. [Applause.]

Mr. CANNON. Mr. Speaker, I move to strike out the last word.

I have lived long enough to learn that in matters of legislation when I act on any question in the light of the facts I can very well

when I act on any question in the light of the facts I can very well afford to rely for justification upon the facts. It is not necessary for me, nor as I believe for any other gentleman, to ignore the facts in order to justify ourselves upon this question.

What is proposed to be done here? What is the evil proposed to be remedied? There is a product manufactured called oleomargarine. From the place where it is manufactured till it reaches the consumer it is marked carefully, effectively. It is a wholesome product. The men who make it, whether they live in the district of the gentleman from Iowa, or in mine, or elsewhere, and those who furnish the material from which it is made, are American citizens and have the right to follow a lawful calling. And when these men do make that product, then in fairness under

the Constitution they have, in my judgment, a right to find a market for it. That they have found, and not under a false pretense, not with a lie in their mouths or in the mouth or the product

not with a lie in their mouths or in the mouth of the product they sell.

Now, because they do find that market and great masses of people in the United States knowingly buy that product for a food product, and because, forsooth, it interferes with the makers of other food products, gentlemen are swiftfooted to clothe them-selves with a defense of the farmer and seek to legislate in his be-half. I think that this matter when it comes to be tried upon its mostle if it ever does in the light of the approval or condemnamerits, if it ever does, in the light of the approval or condemna-

merits, if it ever does, in the light of the approval or condemna-tion of the people, will not be judged by declamation. I am thank-ful to believe that such is the case.

I can not go with the gentleman who proposes this legislation, notwithstanding its eloquent approval by the gentleman from Iowa [Mr. Henderson], because the legislation (not speaking offensively) is a fraud on its face. Professing to do one thing, with a misrepresentation in its stomach, it seeks to do another thing, and is blessed by the men who deal in declaration and thing, and is blessed by the men who deal in declamation and denunciation. For that reason I shall vote against this bill, and

without apology.

I have no fears but that when I am called on to meet my agricultural constituency (and it is peculiarly an agricultural constituency) they will have intelligence enough to understand that their products of tallow and leaf lard are combined and churned their products of tallow and leaf lard are combined and churned through milk and made a cheaper product than butter, going to the homes of multiplied thousands who earn their living in the sweat of their faces, who can not buy fine dairy butter at 30, 40, and 50 cents a pound, but who buy this in preference to bad butter—when they understand that, I will risk my justification. Anyhow, whether I am justified or not, my judgment is that this legislation is vicious, is fraudulent—pretending to do one thing when it in fact does another. And to retain my self-respect, and from my conviction of what is right, I shall vote "no." [Applause.]

plause.]

Mr. HENDERSON. I move to amend by striking out the last word of the substitute. Mr. Chairman, if there is anything I feel badly about it is to see my colleague from Illinois [Mr. Cannon] resorting to declamation. He is the only gentleman who has done so this afternoon. When I came upon the floor he had all the appearance of a man in a high ecstacy on this subject, and was assailing other frauds. I am not here for declamation. I am not here with any prepared speech. A man does not need much preparation when he is attacking a curse of the kind that is being attacked by this bill. The gentleman by his remarks would make it appear that I have attempted to question his motives. He knows me better than that. I attacked some of his references, but I had no intention of attacking his motives, or those of any other member of the House.

other member of the House

Every man here has a right to fight for his own constituents and their interests. But one thing I do know, Mr. Speaker. I know where the head and front of this defense is located. It is located in the great capitalized institutions of Chicago and Kansas City, with Mr. Armour and Mr. Swift and those men who have destroyed the cattle interest of the great West, including my own State, keeping down the price of every slaughtered animal and raising the price of every pound of beefsteak sold in the limits of the United States. It does not need declamation to tell God's simple truths to this House and to the people. I simply mean this, and I allude to my friend from Louisiana, who asked a short time ago why legislation in the interest of one class against another should be enacted, and who said that a State had not a Every man here has a right to fight for his own constituents another should be enacted, and who said that a State had not a another should be enacted, and who said that a State had not a right to do it. In response to him I say that a State has a right to put stripes on its convicts in the penitentiary, and I am in favor of everything in that line that will brand infamy and brand false-hood, so that it may be recognized by the people. Let the violators of law and those who are transgressing the great rights of the people in the commerce of the United States be designated so as to give fair protection to all classes in the country and could as to give fair protection to all classes in the country and equal punishment to all criminal impositions.

But, Mr. Speaker, because I am denouncing the manufacturers and sellers in a fraudulent way, I am not denouncing any gentleman who thinks proper to defend what he believes to be the interest of the tallow and lard raisers in his district. The tallow

and lard raisers in my district are milk producers and butter producers as well. But they find a market for their tallow and their lard as such. All we want is fair play, so that these articles can not be reduced in price or value by forgery and fraud.

I withdraw the pro forma amendment.

Mr. MONDELL. Mr. Speaker, from the remarks of gentlemen who have just addressed the House on this subject it seems that this question has resolved itself into one of the interests of the constituents of the gentlemen who have spoken. Now as a Rep. constituents of the gentlemen who have spoken. Now, as a Representative of a constituency who have no direct interest in the manufacture of oleomargarine and who do not produce any considerable amount of dairy products, I feel that my testimony may possibly have some weight in the matter.

In my State we produce no considerable amount of dairy products. When we want to milk a cow in my part of the country, we generally have to rope her and hog-tie her [laughter], and we have no oleomargarine factories; therefore I am not influenced in this matter by considerations of local interest.

But, sir, I object to this legislation for the reason that it seems

But, sir, I object to this legislation for the reason that it seems to me it tends, as the gentleman from Illinois [Mr. Cannon] has just so forcibly stated, to prohibit or restrict, to a considerable extent at least, the sale of a food product which is not considered deleterious to health—a healthful food product—under the pretense of preventing fraud.

Mr. GROSVENOR. Will the gentleman allow an interruption?

Mr. MONDELL. Certainly.

Mr. GROSVENOR. Under the oleomargarine act the manufacture has been largely increased, and the producers are enabled to furnish a very much better quality than in the past. That is the report before the Committee on Ways and Means, sustained by abundant evidence.

by abundant evidence.

Mr. MONDELL. I judge, therefore, that the oleomargarine law

was a good law.
Mr. GROSVENOR. Yes

Mr. MONDELL. And I am entirely in favor of any legislation that will prevent fraud of any character or legislation that will prevent the sale of any deleterious or adulterated food product. As I understand it, the State now has the right to provide by legislation that no article shall be sold under misrepresentation as to its true character; that food products shall be sold precisely for what they are, and that these provisions may include olsemarga-rine as well as other food products. But I deny the right of any State to say that I shall not use or purchase or manufacture or sell any healthy food product; and it has never been established either here or elsewhere that oleomargarine is not a healthy food

We are simply by this legislation opening up a vista, the limit of which no man may see, of legislation of this character in covering other articles where the seeming interest of the people on the one side may be contrary to the interest of those on the other.

Mr. NORTHWAY. Will the gentleman allow an interruption?

Mr. MONDELL. Certainly.

Mr. NORTHWAY. Had you rather trust the people of your carps State to legislate on this matter than the people of the United.

own State to legislate on this matter than the people of the United States? Do you think that we are better prepared for the enactment of such a provision than the people of the State?

Mr. MONDELL. I am in favor of allowing local legislation in

all matters that do not conflict with the general good of the people of the United States, and do not conflict with the commerce of the United States; but I am opposed to any legislation that in any way prevents the manufacture and free distribution and sale, from one end of this nation to the other, under its true name and properly branded, and sold for what it really is, of any product whatever that is wholesome and not injurious. Therefore I am

opposed to all legislation of this character. [Applause and cries of "Vote!" "Vote!"]

Mr. GROUT. Mr. Speaker, I believe the House is ready to vote upon this question. I shall submit no remarks, but desire to have read from the Clerk's desk a telegram which I have just received, which shows that this is not only a question in which the rural districts and agricultural States are interested, but that it is a matter in which business interests everywhere are concerned.

The Clerk read as follows:

BALTIMORE, MD., January 14, 1897.

Hon. WILLIAM W. GROUT,

House of Representatives, Washington, D. C.

Congratulations upon getting your bill up for discussion. Explain that it is a facsimile of the provisions of the Wilson law with respect to liquor, and no novelty in the way of national legislation. We wish you speedy success.

BALTIMORE CITY PRODUCE EXCHANGE.

Mr. GROUT. Now, Mr. Speaker, I ask for the previous question on the bill and amendments, unless some gentleman wishes

The previous question was ordered.

The SPEAKER. The previous question is ordered on the bill, the amendments, and the substitute for the amendments. The question is first on the substitute of the gentleman from Missouri [Mr. TRACEY] for the amendment. The Clerk will report the substitute.

The Clerk read as follows:

Provided, That nothing herein shall be so construed as to authorize any State or Territory to prohibit the transportation and sale of such articles in original packages when transported or sold in their true character.

The question being taken on the substitute, on a division (demanded by Mr. Tracer) there were—ayes 88, noes 100.

Accordingly, the substitute was rejected.

The SPEAKER. The question now is on the amendment of the gentleman from Vermont [Mr. Grout], which the Clerk will report.

The Clerk read as follows:

Provided. That nothing in this act shall be construed to permit any State to forbid the manufacture or sale of oleomargarine in a separate and distinct form, and in such manner as will advise the consumer of its real character, free from coloration or ingredient that causes it to look like butter.

The amendment was agreed to.

The question being taken on the engrossment and third reading of the bill as amended, on a division (demanded by Mr. WILLIAMS)

there were—ayes 122, noes 88.
Mr. WILLIAMS. Yeas and nays.
The yeas and nays were ordered.

The question was taken; and there were—yeas 126, nays 96, not voting 133; as follows:

YEAS-126. S—120.

Jones,
Kiefer,
Knox,
Lacey,
Lefever,
Leighty,
Leisenring,
Leonard,
Lewis,
Linton,
Loudenslager,
Low,
McClure,
McClure,
McCorniek,
McEwan,
McLachlan,
Meiklejohn,
Milnes,
Miss,
McMes,
Miss,
Mi Russell, Conn. Shafroth, Sherman, Simpkins, Smith, Ill. Snover, Southwick, Spalding, Stable, Steele, Steele, Stewart, Wis. Stone, C. W. Strode, Nebr. Strong, Acheson, Aitken, Foote, Gamble, Altken, Apsley, Babcock, Baker, Md. Baker, N. H. Barham, Barney, Bartholdt, Bishon Gardner, Gibson, Gillet, N. Y. Grosvenor, Grout, Grow, Hager, Hainer, Nebr. Bishop, Blue, Boutelle, Hall, Harmer, Harris, Hatch, Heatwole, Boutelle, Bowers, Broderick, Bromwell, Bull, Bult, Dickering, Codding, Cook, Wis. Crowther, Curtis, Iowa Curtis, N. Y. Danford, Daniels, Strode, Nebr.
Strong,
Tawney,
Tayler,
Thomas,
Treloar,
Updegraff,
Van Voorhis,
Wadsworth,
Wanger,
Wellington,
Willis,
Wilson, Idaho
Wilson, N. Y.
Woomer, Heatwole, Henderson, Henry, Conn. Henry, Ind. Hepburn, Hermann, Hicks, Hilborn, Hill, Howe. Milnes, Minor, Wis. Mitchell, Moody, Morse, Northway, Payne, Pearson, Perkins, Phillips, Pitney Hill, Howe, Hubbard, Huff, Hulick, Hull, Hunter, Hurley, Jenkins, Labrage, Danford,
Daniels,
De Armond,
Dolliver,
Doolittle,
Ellis,
Fairchild, Woomer, Wright. Pitney, Poole, Pugh, Royse, Fischer, Fletcher, Johnson, N. Dak.

Cooper, Fla.
Cooper, Tex.
Cooper, Tex.
Cox,
Crisp.
Crowley,
Cummings,
Dayton,
Dinsmore,
Erdman,
Goodwyn,
Halterman,
Harrison,
Hendrick,
Hopkins,
Kem
Kemdall,
Kirkpatrick,
Kleberg,
Latimer,
Layton,
Linney,
Little,
Livingston,
Lond NAYS-96. IS-96.
Maddox,
Marsh,
McClellan,
McClellan,
McCreary, Ky.
McCulloch,
McDearmond,
McMillin,
Miller, W. Va.
Mondell,
Money,
Mozley,
Murphy,
Neill,
Ogden,
Otey,
Patterson,
Pendleton,
Prince,
Quigg,
Raney,
Reeves, Aldrich, T. H. Allen, Miss. Arnold, R. I. Bailey, Baker, Kans. Bankhead, Sparkman, Spencer, Stallings, Stephenson, Stokes, Stokes, Strait, Talbert, Tate, Terry, Tracey, Tracey, Turner, Ga. Turner, Va. Tyler, Van Horn, Walker, Va. Washington Barklead, Bartlett, Ga. Belknap, Bell, Colo. Bell, Tex. Berry, Black. Black, Boatner, Buck, Burrell, Burton, Mo. Calderhead, Washington, Wheeler, White, Williams, Wilson, S. C. Wood, Caldernead, Cannon, Clardy, Clarke, Ala. Cobb, Cockrell, Connolly, Cooke, Ill. Reeves, Richardson, Rinaker, livingston, Woodard, Loud, Woodman. Sayers,

NOT VOTING-133. Reyburn, Robertson, La. Robinson, Pa. Rusk, Russell, Ga. Sauerhering, Scranton, Sattle, Dingley, Dockery, Dovener, Draper, Eddy, Ellett, Abbott. Kulp,
Kyle,
Lawson,
Lester,
Long,
Lorimer,
Maguire,
Mahany,
Mahany,
Mahany,
Martin,
McCall, Tenn.
McCall, Tenn.
McLaurin,
McRae,
Mercert,
Meredith,
Meyer,
Miller, Kans.
Milliken,
Miner, N. Y.
Moses,
Murray,
Newlands,
Noonan,
Odell,
Otjen,
Overstreet,
Owens,
Parker,
Pickler,
Powers,
Price,
Ray, Adams, Aldrich, W. F. Aldrich, Ill. Allen, Utah Allen, Utah Anderson, Andrews, Arnold, Pa. Atwood, Avery, Barriett, N. Y. Beach, Bennett, Bingham, Brewster, Brosius, Brown, Evans,
Faris,
Fenton,
Fitzgerald,
Foss,
Fowler,
Gillett, Mass.
Graff,
Griffin,
Griswold,
Hadley,
Hanly,
Hart,
Hart,
Hart,
Heiner, Pa.
Hemenway,
Hitt,
Hooker,
Howard,
Howell,
Hulling,
Hutcheson,
Hyde,
Johnson, Ind.
Johnson, Ind.
Joy,
Kerr, Settle, Shannon, Shaw, Shuford, Skinner, Smith, Mich. Smith, Mich.
Sorg,
Sperry,
Stewart, N. J.
Stone, W. A.
Strowd, N. C.
Sulloway,
Sulloway, Brown, Brumm. Sulloway,
Sulzer,
Swanson,
Taft,
Thorp,
Towne,
Tracewell,
Walker, Mass.
Watson, Onlo
Wilber,
Wilber,
Wilson, Ohlo
Yoakum. Catchings, Clark, Iowa Clark, Mo. Coffin, Colson, Cosson, Cooper, Wis. Corliss, Cousins, Cowen,

Crump, Culberson, Curtis. Kans. Dalzell, Denny, De Witt, So the bill was ordered to be engrossed and read a third time. The following pairs were announced:

Until further notice:

Mr. Cousins with Mr. Cowen.

Mr. Hitt with Mr. McRae. Mr. Watson of Indiana with Mr. Meyer. Mr. Wilber with Mr. Sorg.

Mr. WILBER with Mr. SORG.
Mr. McCall of Tennessee with Mr. McLaurin.
Mr. Tracewell with Mr. Russell of Georgia.
Mr. Hemenway with Mr. Miner of New York.
Mr. Hanly with Mr. Moses.
Mr. Taft with Mr. Robertson of Louisiana.
Mr. Crump with Mr. Culberson.
Mr. Kulp with Mr. Abbott.

For this day:

Mr. Curtis of Kansas with Mr. Owens.
Mr. Corliss with Mr. Denny.
Mr. Bingham with Mr. Dockery.
Mr. Foss with Mr. Yoakum.
Mr. Milliken with Mr. Lester.

Mr. Pickler with Mr. Swanson. Mr. Sulloway with Mr. Tyler.

Mr. Scranton with Mr. Rusk. Mr. Avery with Mr. Fitzgerald. Mr. Mercer with Mr. Hart.

Mr. Faris with Mr. Kyle.
Mr. Faris with Mr. Kyle.
Mr. William A. Stone with Mr. Ellett.
Mr. Huling with Mr. Price.
Mr. Reyburn with Mr. Maguire.
Mr. Johnson of Indiana with Mr. Meredith.

On this question:

On this question:
Mr. CLARK of Iowa with Mr. SULZER.
Mr. SMITH of Michigan with Mr. TOWNE.
Mr. Long with Mr. CATCHINGS.
Mr. BROSIUS with Mr. JOY.
Mr. WATSON of Ohio with Mr. GILLETT of Massachusetts.
Mr. CURTIS of Kansas. Mr. Speaker, I desire to withdraw my vote. I find I am paired with the gentleman from Kentucky, Mr. OWENS. Were he present, I should vote "yea."
Mr. BOATNER. Mr. Speaker, my colleague, Mr. ROBERTSON, is detained from the House by illness. I do not know how he would vote.

would vote.

Mr. DOCKERY. Mr. Speaker, I am paired with the gentleman from Pennsylvania, Mr. Bingham. If he were present, the Grout amendment having been adopted, I should vote for the bill.

Mr. SMITH of Michigan. Mr. Speaker, I am paired with the gentleman from Minnesota, Mr. Towne. If he were present, I would vote "yea" and he would vote "nay."

Mr. FOOTE. Mr. Speaker, my colleague, Mr. Bennett, was called out a few moments ago. If present, he would vote "yea."

Mr. BROMWELL. Mr. Speaker, my colleague, Mr. Taft, has been called home by important business. He would have voted for the bill if present.

for the bill if present.

The result of the vote was then announced as above recorded.

The bill was accordingly engrossed and read the third time.

The SPEAKER. The question is on the passage of the bill.

The question was taken; and the Speaker announced that the

aves seemed to have it.

Mr. WILLIAMS. Division!

The House proceeded to divide.

Mr. WILLIAMS. Mr. Speaker, I withdraw the call for a division.

The SPEAKER. The call for a division has been withdrawn.

The ayes have it, and the bill is passed.

On motion of Mr. GROUT, a motion to reconsider the vote by which the bill was passed was laid on the table.

VETO MESSAGE-EASTERN JUDICIAL DISTRICT OF TEXAS.

The SPEAKER laid before the House the following veto message of the President of the United States; which was read:

of the President of the United States; which was read:

To the House of Representatives:

I return herewith without my approval House bill No. 9489, entitled "An act to constitute a new division of the eastern judicial district of Texas, and to provide for the holding of terms of court at Beaumont, Tex., and for the appointment of a clerk for said court."

It appears that terms of court are now held at four different places within the eastern judicial district of Texas, and that parties having business in the courts are not seriously inconvenienced under present arrangements.

Both the Federal judge and district attorney in this district express themselves in opposition to the bill as unnecessary and an interruption to the transaction of the large volume of business now pending and constantly coming before the court.

I have before me certificates of the clerks of the present divisions of the courts showing that during the last five years the counties which it is proposed shall constitute the new division have contributed but forty-two cases to the calendars of the court.

Conclusive proof is also before me that the additional terms of court provided for in this bill would so interfere with the terms already appointed in the existing divisions that the proper administration of the civil as well as the criminal law would be impracticable.

The criminal docket of the terms held at Paris is so large that under present arrangements and with the utmost industry trials can not now be as promptly disposed of as the ends of justice require. This condition would be further aggravated if terms of the court should be held at Beaumont on the dates

proposed in this bill, since they are fixed at such times as to necessarily curtall the period now devoted to the Paris terms.

On the grounds stated, and because I am unable to discover how the public interests can possibly be promoted by the proposed legislation, I am constrained to withhold my approval of the bill under consideration.

GROVER CLEVELAND.

EXECUTIVE MANSION, January 14, 1897.

Mr. COOPER of Texas. Mr. Speaker, I ask that the veto message, together with the bill, be referred to the Committee or the Judiciary

The SPEAKER. The gentleman from Texas asks that the veto message, together with the bill, be referred to the Committee on the Judiciary. Without objection, it will be so ordered. There was no objection.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows: To Mr. ARNOLD of Pennsylvania, for five days, on account of sickness in his family.

To Mr. Cooper of Wisconsin, indefinitely, on account of sick-

To Mr. Moses, indefinitely, on account of sickness. Mr. GROUT. I move that the House do now adjourn.

ENROLLED BILLS SIGNED.

Mr. HAGER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills and a joint resolution of the following titles; when the Speaker signed the

A bill (S. 3050) to validate the appointments, acts, and services of certain deputy United States marshals in the Indian Territory, and for other purposes;
A bill (S. 1448) to withdraw from the Supreme Court jurisdic-

tion of criminal cases not capital and confer the same on the cir-

Cuit courts of appeals;
A bill (S. 3210) granting a pension to Anna P. Johnson; and Joint resolution (S. R. 133) authorizing Surg. P. M. Rixey, of the Navy, to accept from the King of Spain the grand cross of naval merit with the white distinction mark, in recognition of services rendered to the officer and sailors of the Santa Maria who were injured by an explosion on that ship.

INDIAN APPROPRIATION BILL.

Mr. SHERMAN, from the Committee on Indian Affairs, reported the bill (H. R. 10002) making appropriations for the current and contingent expenses of the Indian Department, and for fulfilling treaty stipulations with various Indian tribes, for the

Mr. DOCKERY. I desire to reserve all points of order.

The SPEAKER. All points of order are reserved. The bill will be ordered printed and referred to the Committee of the Whole House on the state of the Union.

Mr. PAYNE. I move that the House adjourn

Mr. PAYNE. I move that the House adjourn.
The SPEAKER. The gentleman from Vermont has already moved that the House adjourn.

The motion to adjourn was then agreed to; and accordingly (at 4 o'clock and 53 minutes p. m.) the House adjourned.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive com-munications were taken from the Speaker's table and referred as

A letter from the Acting Secretary of the Treasury, transmitting a copy of a communication from the Secretary of War submitting an estimate of appropriation for the Springfield Arsenal, Springfield, Mass.—to the Committee on Appropriations, and ordered to be printed.

A letter from the Acting Secretary of the Treasury, transmitting a copy of a communication from the Attorney-General submitting an estimate of appropriation for rent of quarters for the Court of Claims—to the Committee on Appropriations, and ordered to be printed.

A letter from the Acting Secretary of the Treasury, transmitting a copy of a communication from the Attorney-General, submitting an estimate of an appropriation for establishing a site for a penitentiary at Fort Leavenworth, Kans.-to the Committee on Appropriations, and ordered to be printed.

REPORTS OF COMMITTEES ON PRIVATE BILLS.

Under clause 2 of Rule XIII, private bills and resolutions were

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

By Mr. LOUDENSLAGER, from the Committee on Pensions: The bill (H. R. 9683) granting a pension to Rachel Waddell, of Newport, Tenn. (Report No. 2514.)

By Mr. BLACK, from the Committee on Pensions: The bill (H. R. 1388) for the relief of Mrs. Isabella V. Jett. (Report No. 2515.)

2515.)

By Mr. STALLINGS, from the Committee on Pensions: The bill (H. R. 8898) to increase the pension of Elizabeth Wellons. (Report No. 2516.)

PUBLIC BILLS, MEMORIALS, AND RESOLUTIONS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as

By Mr. WALKER of Virginia (by request): A bill (H.R. 9977) for the incorporation of an association for the mutual protection and benefit of Government employees—to the Committee on the District of Columbia.

By Mr. WATSON of Ohio: A bill (H. R. 9978) to promote the

safety of railroad employees by the blocking of frogs, etc.—to the Committee on Railways and Canals.

By Mr. SAYERS: A bill (H. R. 9979) to provide for a permanent census—to the Committee on Appropriations.

By Mr. WELLINGTON: A bill (H. R. 9980) to amend an act to regulate the practice of pharmacy in the District of Columbia—to the Committee on the District of Columbia.

to the Committee on the District of Columbia.

By Mr. GAMBLE (by request): A bill (H. R. 9981) granting lands to the State of South Dakota to aid the construction of the Dakota Pacific Railroad Company from Sioux Falls, S. Dak., to Granger, Wyo.—to the Committee on the Public Lands.

By Mr. HENDERSON: A bill (H. R. 9982) to insure a full bench in the Court of Claims for the hearing of the cases entitled "The United States against La Abra Silver Mining Company and others," and "The United States against Alice Weil and others"—to the Committee on the Judiciary.

By Mr. MONDELL: A bill (H. R. 9983) to authorize the entry and patenting of lands containing petroleum and other mineral oils under the placer-mining laws of the United States—to the Committee on the Public Lands.

By Mr. FLYNN: A bill (H. R. 10000) for the payment of arrears of interest on Chickasaw trust funds—to the Committee on Indian

of interest on Chickasaw trust funds—to the Committee on Indian Affairs.

By Mr. CURTIS of New York: A concurrent resolution (House Con. Res. No. 66) to print 8,000 copies of the chronological list of battles in which troops of the permanent establishment have participated from the organization of the Army in 1789-to the Committee on Printing.

PRIVATE BILLS, ETC.

Under clause 1 of Rule XXII, private bills of the following titles were presented and referred as follows:

By Mr. BELL of Colorado: A bill (H. R. 9984) for the relief of Thomas H. Breen—to the Committee on Indian Affairs.

By Mr. BINGHAM: A bill (H. R. 9985) for the relief of Oliver C. Bosbyshell, late superintendent of the United States mint at Philadelphia, Pa.—to the Committee on Claims.

By Mr. BURRELL: A bill (H. R. 9986) for the relief of Alfred U. Whiffen—to the Committee on Invalid Pensions.

By Mr. CLARK of Missouri: A bill (H. R. 9987) granting a pension to Edward Hownsom—to the Committee on Invalid Pensions.

By Mr. CLARK of Missouri: A bill (H. R. 9987) granting a pension to Edward Hownsom—to the Committee on Invalid Pensions.

By Mr. DINSMORE: A bill (H. R. 9988) for the relief of estate of Jesse Hollingshead, deceased, late of Benton County, Ark.—to the Committee on War Claims.

By Mr. HURLEY: A bill (H. R. 9989) for the relief of Ella S. Claussen, widow of Peter J. Claussen, deceased—to the Committee on War Claims.

By Mr. MILLER of Wort Virginia A bill (H. R. 9889).

By Mr. MILLER of West Virginia: A bill (H. R. 9990) to pension Absolom Maynard—to the Committee on Invalid Pensions.

By Mr. SPENCER: A bill (H. R. 9991) for the relief of Mrs.
Sarah Martin, of Holly Springs, Miss.—to the Committee on War

Claims. Also, a bill (H. R. 9992) for the relief of Burwell V. McGuffee, of Hinds County, Miss.—to the Committee on War Claims.

Also, a bill (H. R. 9993) for the relief of L. D. McNair, of Hinds County, Miss.—to the Committee on War Claims.

Also, a bill (H. R. 9994) for the relief of Olivia F. Montgomery, of Hinds County, Miss.—to the Committee on War Claims.

Also, a bill (H. R. 9995) for the relief of the estate of William O. Mallor decord late of Hinds County, Miss.—to the Committee on War Claims.

Also, a bill (H. R. 9995) for the relief of the estate of William O. Moseley, deceased, late of Hinds County, Miss.—to the Committee on War Claims.

By Mr. WALKER of Virginia (by request): A bill (H. R. 9996) to correct the military record of Capt. S. C. Means—to the Committee on Military Affairs.

By Mr. WHEELER: A bill (H. R. 9997) for the relief of the heirs of A. C. Barton—to the Committee on War Claims.

Also, a bill (H. R. 9998) to reimburse Dew M. Wisdom—to the Committee on Claims.

By Mr. WOOD: A bill (H. R. 9999) to grant an honorable discharge to Charles W. Hammond—to the Committee on Military Affairs.

By Mr. FLYNN: A bill (H. R. 10001) for the relief of Stewart

By Mr. FLYNN: A bill (H. R. 10001) for the relief of Stewart & Co.—to the Committee on Claims.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ACHESON: Resolutions of the manufacturers of plumb-

ers' ironware, for the passage of a law protecting free labor from the injurious effects of convict-labor competition—to the Committee on Labor.

By Mr. ADAMS: Petition of Rev. T. A. Fernley and other citizens of Philadelphia, for the passage of Senate bill No. 1675, to prohibit the interstate transportation of obscene matter by any agency—to the Committee on Interstate and Foreign Commerce.

agency—to the Committee on Interstate and Foreign Commerce, By Mr. AVERY: Memorial of I. Winslow Ayer, relating to his claim pending before Congress—to the Committee on Claims. By Mr. BABCOCK: Memorial of the Civic Center, of Washington, D. C., praying for a commission to investigate the contamination of Potomac River water—to the Committee on the District of Columbia.

By Mr. BELL of Colorado: Petition of the Society of the Sons of the Revolution in the State of Colorado, for the publication of the records of the Revolutionary war—to the Committee on

By Mr. BARRETT: Resolution of the New England Furniture Exchange, favoring a permanent nonpartisan tariff commission—to the Committee on Ways and Means.

Also, petition of Lucien Beebe & Son and 14 other leather dealers in the State of Massachusetts, protesting against an increase of duty on East India tanned skins—to the Committee on Ways and Means.

By Mr. COOK of Wisconsin: Resolutions of the Board of Trade By Mr. COOK of Wisconsin: Resolutions of the Board of Trade of Baltimore, Md., protesting against the action of the Senate Committee on Foreign Relations in agreeing to report favorably a joint resolution to recognize the independence of the Republic of Cuba—to the Committee on Foreign Affairs.

Also, resolution of the National Guard of Wisconsin, unanimously adopted at their meeting in Milwaukee, Wis., January 8, 1897, in support of Senate bill No. 2849, to promote the efficiency of the militia—to the Committee on Military Affairs.

Also, petition of the publishers of the Leader, of Waupun, Wis., protesting against the passage of House bill No. 4566, relating to second-class mail matter—to the Committee on the Post-Office and Post-Roads.

and Post-Roads.

By Mr. COUSINS: Resolutions adopted by the Iowa Academy of Science, December 29, 1896, in opposition to Senate bill No. 1552,

of Science, December 29, 1896, in opposition to Senate bill No. 1552, "for the prevention of cruelty to animals in the District of Columbia."—to the Committee on the District of Columbia.

By Mr. DINSMORE: Papers relating to the claim of William H. Engles—to the Committee on War Claims.

Also, memorial of the Arkansas River Deep Water Convention of Fort Smith, Ark., for the improvement of Sabine Pass, via Port Arthur—to the Committee on Rivers and Harbors.

By Mr. FITZGERALD: Resolution of the Boston Merchants' Association, of Boston, Mass., disapproving of the attitude of the Senate Committee on Foreign Relations in regard to the affairs of Cuba, and protesting against interference in the contest now going on upon the island—to the Committee on Foreign Affairs, Also, resolutions of the Massachusetts State Pharmaceutical Association, relating to the tax on alcohol—to the Committee on Association, relating to the tax on alcohol—to the Committee on

Ways and Means.

By Mr. HARMER: Memorial of Matua Lodge, No. 160, Brotherhood of Railroad Trainmen, of Philadelphia, Pa., protesting against the passage of House bill No. 9120—to the Committee on

against the passage of House bill No. 9120—to the Committee on Interstate and Foreign Commerce.

By Mr. HENDERSON: Paper from the warden of the Fort Madison (Iowa) Penitentiary, opposing House bill No. 6116, to protect free labor from competition with convict labor—to the Committee on Labor.

By Mr. HUNTER: Petition of various citizens of Bowling Green, Ky., asking for the passage of Senate bill No. 2962, for the relief of the book agents of the Methodist Episcopal Church South—to the Committee on Claims.

By Mr. HURLEY: Petition of the Young Men's League of the Lafayette Avenue Presbyterian Church, Brooklyn, N. Y., against the mode of warfare prosecuted by the Spanish troops in Cuba—to the Committee on Foreign Affairs.

Also, petition of the Union Pearl Works, of Brooklyn, N. Y., relating to the duties on pearl goods—to the Committee on Ways and Means.

and Means.

By Mr. LOUDENSLAGER: Petition of the Woman's Christian Temperance Union of Salem, N. J., representing 100 members, urging the passage of Senate bill No. 2485, to recognize Sunday as a day of rest in the District of Columbia—to the Committee on the District of Columbia.

By Mr. MEIKLEJOHN: Report of a committee appointed at a meeting of the citizens of Omaha, Nebr., held December 30, 1896, protesting against Spanish rule in Cuba and urging speedy action on the part of the United States in behalf of Cuban independence—to the Committee on Foreign Affairs.

By Mr. STEWART of Wisconsin: Petition of homesteaders in Ashland and Bayfield counties, Wis., Ashland land-office district, requesting immediate action on measures now pending, and such further measures as may be necessary to relieve their condition and to do them justice—to the Committee on the Public Lands.

Also, resolutions of the Wisconsin Valley Lumbermen's Association, favoring a duty of \$2 per thousand feet upon lumber—to the Committee on Ways and Means.

Also, resolution of the Wisconsin National Guard Association, favoring the reorganization of the National Guard and the militia of the United States—to the Committee on Military Affairs.

Also, resolutions of the Federated Trades Council of Wisconsin; also of the Woman's Christian Temperance Union of Ashland, Wis., in behalf of Cuban liberty and independence—to the Committee on Foreign Affairs.

mittee on Foreign Affairs.

Also, petition of the Chamber of Commerce of Milwaukee, Wis., deprecating the action of the Senate Committee on Foreign Relations in regard to Cuba—to the Committee on Foreign Affairs.

HOUSE OF REPRESENTATIVES.

FRIDAY, January 15, 1897.

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. HENRY N. COUDEN

The Journal of the proceedings of yesterday was read and approved.

UNION PACIFIC RAILWAY LANDS IN UTAH.

Mr. ALLEN of Utah. Mr. Speaker, I ask unanimous consent for the present consideration of the resolution which I send to the desk.

The resolution was read, as follows:

Whereas there are many tracts of land situate in the State of Utah which were a part of the grant made by the United States to the Union Pacific Railway Company, patents for which are withheld by the Department of the Interior; and Whereas most of these lands were sold by said railway company to bona fide purchasers who are in possession of them and who have made valuable improvements on said lands: Therefore, Resolved, That the Secretary of the Interior be, and he is hereby, directed to report to this House the cause of the omission to issue patents to the lands so granted to and sold by said railway company.

The SPEAKER. In there objection to the present consideration.

The SPEAKER. Is there objection to the present consideration

of this resolution?

Mr. HALL. I should like to hear some explanation of the reso-

Mr. ALLEN of Utah. It simply asks the Secretary of the Interior to inform the House why patents are held up in the cases of lands which were granted to the Union Pacific Railway in the State of Utah and which have been sold to bona fide purchasers.

Mr. HALL. Does the resolution come from the Committee on Public Lands?

Mr. ALLEN of Utah. It has not been referred to the committee. It simply asks for information.

Mr. HALL. Mr. Speaker, a similar resolution has already been passed by the House, and the Secretary has made his return.

Mr. ALLEN of Utah. Yes; but that resolution applied only to lands in Kansas.

Mr. HALL. I do not object to the consideration of the resolu-

Mr. PAYNE. I understand the gentleman from Utah says that

this resolution simply asks for information.
Mr. ALLEN of Utah. Yes, sir.
The resolution was adopted.

ELIHU JONES.

Mr. BLUE. Mr. Speaker, I ask unanimous consent for the present consideration of the bill which I send to the desk.

The bill (H. R. 5981) was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place the name of Elihu Jones, of Potwin, Butler County, Kans., late captain Company G. Eighth Illinois Infantry, on the pension roll, and pay him a pension of \$50 per month from and after the passage of this act.

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. ERDMAN. Mr. Speaker, reserving the right to object, I would like to hear the report.

The report (by Mr. Kirkpatrick) was read, as follows:

The report (by Mr. KIRKPATRICK) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 5981) granting a pension to Elihu Jones, late captain Company G. Eighth Illinois Infantry Volunteers, having fully examined and considered the facts presented, respectfully report:

Elihu Jones served as a member of Battery G, Fourth Regiment United States Artillery, from December, 1853, until March, 1860, when he was discharged under general orders. He spent some months in recruiting, and entered the volunteer service in April, 1861, as a member of Company G, Eighth Illinois Volunteers, becoming captain of the company in February, 1863, and serving in that capacity until October 7, 1884. He was wounded in the right arm by a shell, and is now drawing a pension of \$10 per month for that disability. His application for additional pension on account of disease of the eyes was rejected by the Pension Office because he failed to prove treatment therefor in the service, on the ground that said disease existed prior to enlist-

ment. There is no question raised as to the claimant's having lost the sight of one eye years ago, and having almost entirely lost the use of the other. There is an abundance of testimony showing that he was a brave and faithful soldier, and a sober and temperate man, who took unusual care of his health.

ful soldier, and a sober and temperate man, who took unusual care of ms health.

His title to an increase of pension turns upon the point whether disease of eyes existed prior to enlistment. The Pension Office held that it did, basing this action upon a special investigation, which the examiner says was hurriedly made. An examination of the evidence on this point satisfies your committee that this action was erroneous, and that the disease of eyes originated in the service, as claimed. This belief is corroborated by the fact that claimant was able to perform efficient service for more than three years, and was not troubled seriously with his eyes until near the close of his service, as well as by the further fact that claimant served over seven years in the Regular Army prior to enlisting in the volunteer service, and was a sound man during that period.

Your committee believe Captain Jones equitably entitled to a higher pension, on account of his disability from his wound and his blindness, and we respectfully recommend the passage of the bill, after being amended by striking out the word "of," in line 4, by striking out "Potwin, Butler County, Kans.," in line 5, and by striking out all after the word "month." in line 7, and by striking out all after the word "Jones," in the title of the bill.

Mr. ERDMAN. Mr. Speaker—

Mr. ERDMAN. Mr. Speaker—

Mr. BLUE. Mr. Speaker, if the gentleman from Pennsylvania will permit me, I desire to say, in further explanation of the bill, that this man is represented to me to be now entirely blind and in indigent circumstances. He is so disabled as to require the constant aid of an attendant. He served several years in the Regular Army, and, in view of his condition, he would be entitled to \$72 a month, but this bill grants only \$50 a month.

Mr. ERDMAN. Has this bill been considered in Committee of

the Whole?

Mr. BLUE. No, sir.
Mr. ERDMAN. Then I object. I intend to object to all pension bills that have not been considered in Committee of the

GEORGE H. PLANT.

Mr. SWANSON. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (S. 1083) which I send to the

desk.

The bill was read, as follows:

For the relief of George H. Plant, of the District of Columbia.

Be it enacted, etc., That the Secretary of the Treasury be, and is hereby, authorized and directed to pay to George H. Plant, of the District of Columbia, out of any money in the Treasury not otherwise appropriated, the sum of \$5,218.55, the same being the amount found to be due to him by the Court of Claims for losses and damages sustained by him by reason of a collision between the U. S. S. Gettysburg and the steamboat Lady of the Lade, on the Potomac River, and to be received by him in full satisfaction of all claims and demands in consequence of said collision.

The SPEAKER. Is there objection to the present consideration of this bill?

tion of this bill? Mr. PAYNE. Let the report be read, Mr. Speaker, subject to

Mr. PAYNE. Let the report be read, Mr. Speaker, subject to the right to object.

The report (by Mr. Denny) was read, as follows:

The Committee on Claims, to whom was referred the bill (8. 1083) for the relief of George H. Plant, submit the following report:

This bill is the same as H. R. 1845, now pending in the House and previously reported by this committee with a favorable recommendation.

Your committee therefore recommend that this bill be substituted for said House bill, and that said House bill lie on the table.

The report upon House bill 1845 by Mr. DENNY was also read.

as follows:

The Committee on Claims, to whom was referred the bill (H. R. 1845) for the relief of George H. Plant, have had the same under consideration, and report it back to the House with the recommendation that it do pass.

The facts in this case are fully set out in House Report No. 1808, made at the third session of the Fifty-third Congress by Mr. Loup, and said report is hereby adopted as the report of your committee, with the explanation and statement that the present bill conforms to recommendations made in said report by Mr. Loup, and should be passed as introduced. The aforesaid report is as follows:

[House Report No. 1808, Fifty-third Congress, third session.]

The Committee on Claims, to whom was referred the bill (8.429) for the relief of George H. Plant, have had the same under consideration, and report it back to the House with the recommendation that it do pass.

The facts in this case are all fully set out in Senate Report No. 210, made at the second session of the Fifty-third Congress by Mr. Pasco, which is as follows:

[Senate Report No. 210, Fifty-third Congress, second session.]

[Senate Report No. 210, Fifty-third Congress, second session.]

This claim was considered by the committee in the Fifty-second Congress, was favorably reported with amendments, and passed the Senate, but no final action was taken in the House of Representatives.

The present bill is the same introduced into the Fifty-second Congress, and the committee adopt the report made to the Senate in that Congress.

The present bill is subject to the same objections that the committee made to the former bill, and the same amendments are necessary in order to make it conform to the views heretofore expressed by the committee.

When thus amended, the committee recommend that the bill do pass.

[Senate Report No. 964, Fifth-second Congress, first session.]

The committee on Claims, to whom was referred the bill (S. 707) for the relief of George H. Plant, of the District of Columbia, have carefully considered the same, and submit the following report thereon:

The claimant in 1874 was the owner of a steamboat named the Lady of the Lake, then plying upon the waters of the Potomac River. On the 30th day of May of that year the boat was injured in a collision with the U. S. S. Getysburg. On the 9th day of June the Secretary of the Navy appointed a court of inquiry to investigate all the circumstances relating to the collision and report its causes and upon whom the blame, if any, should rest. The findings of the court will be given in full further on in this report. Though some blame was cast upon the officers of the Lady of the Lake, the court found the officers of the Gettysburg responsible for the collision. Subsequently the Treasury Department ordered an investigation to be made by

the supervising inspectors of steam vessels. They reported, on the 17th day of July, 1874, that the pilot in charge of the Lady of the Lake compiled with all the rules and regulations for the government of pilots applicable to the case, and that he was exonerated from all blame in the premises.

But no relief followed the findings of the two Departments, and the claimant found that he could only receive compensation for his damage and loss by legislative action. Accordingly a bill was introduced into the Senate in his behalf in the Forty-sixth Congress, and a similar bill in each successive Congress till the Forty-eighth, when, on the 27th day of February, 1884, the claim was referred to the Court of Claims under the act of March 3, 1883.

On June 2, 1890, the court filed its findings of fact, and they were transmitted to the Senate June 6, 1890, and appear in Miscellaneous Document, Fifty-first Congress, first session, No. 159. The report of the case is here given in full:

[Court of Claims. Congressional case No. 32. George H. Plant vs. The United States.]

At a Court of Claims held in the city of Washington on the 2d day of June, A. D. 1890, the court filed the following findings of fact, to wit:

FINDINGS OF FACT.

The claim or matter in the above-entitled case was transmitted to the court by the Senate Committee on Claims on the 27th day of February, 1884.

Messrs. Goode & Goode, esqs., appeared for claimant, and the Attorney-General, by Henry M. Foote, esq., his assistant, and under his direction, appeared for the defense and protection of the interests of the United States. The case having been brought to a hearing on the 19th of May, 1890, the court, upon the evidence and after considering the briefs and arguments of counsel on both sides, finds the facts to be as follows:

About sundown on May 30, 1874, a collision occurred on the Potomac River, nearly opposite Fort Washington, between the U. S. S. Gettysburg and the Lady of the Lake, under the following circumstances:

The Lady of the Lake had been down the river with an excursion party from Washington, consisting of about 600 persons, and was on her return trip.

The Gettysburg, commanded by Lieutenant McRitchie, was going down.

When first sighted the steamers were about three-fourths of a mile apart. At that time the Lady of the Lake was on the Virginia side of the riyer and the Gettysburg on the Maryland side.

By the law of the road each steamer was required to keep to the right in passing, but the law also permitted them, by signal agreement, to keep to the left.

The officers of the Lady of the Lake preferred to hold their course on the Virginia side, because by so doing they avoided to some extent the ravid our.

passing, but the law also permitted them, by signal agreement, to keep to the left.

The officers of the Lady of the Lake preferred to hold their course on the Virginia side, because by so doing they avoided to some extent the rapid current of the ebbing tide. They also supposed the Gettysburg would prefer the Maryland side, because the channel there was deepest and the assisting current strongest.

Therefore, when the steamers were about half a mile apart, the pilot of the Lady of the Lake gave two blasts of her steam whistle, which was the proper signal to request that the steamers might pass by, each keeping to the left. The pilot of the Gettysburg immediately responded by two blasts of the whistle, which was the proper signal of assent to the proposal. Each steamer, then held her course for about a quarter of a mile. Then the Gettysburg, by order of Lieutenant McRitchie, gave one blast of her whistle, which is the proper signal for each vessel to keep to the right, and immediately ported her helm, thus directing her course to the Virginia side of the river. The Lady of the Lake immediately responded with two blasts of the whistle, thus indicating her wish to pass on the left, as already agreed, and held her course. A collision was imminent, and both steamers reversed their engines, but collision could not then be avoided.

The bow of the Gettysburg struck the Lady of the Lake on her starboard bow, crushing in the upper and lower decks. No persons were injured.

Both Lieutenant McRitchie and the claimant agree in their testimony that the signals were given and heard by the officers of each steamer, as above detailed.

The Gettysburg, by porting her helm and directing her course to the Virginia side of the river without timely warning, caused the collision.

II.

III.

June 9, 1874, the Secretary of the Navy constituted, by the following order, a naval court of inquiry:

a naval court of inquiry:

To Commander John H. Russell,
United States Navy, Rockville, Md.:

By virtue of the authority conferred by the "act for the better government of the Navy of the United States," approved July II, 1882. I hereby appoint Commander John H. Russell president, Commander Montgomery Sicard and Lieut. Commander Frederick Rodgers members, and First Lieut. George C. Reid, of the Marine Corps, judge-advocate of a court of inquiry, which is ordered to convene at the navy-yard, Washington, D. C., on Thursday, the 11th day of June, 1874, for the purpose of investigating all the circumstances relating to the collision which took place on the Potomac River, near Fort Washington, on or about the 30th day of May, 1874, between the U. S. S. Gettysburg and the steamboat Lady of the Lake. In performing this duty the court will study closely the "Rules of the road" and act of Congress relating thereto, and state the cause or causes that brought about the collision, with its opinion as to where the blame, if any, should rest.

Given under my hand at the Navy Department of the United States this 9th day of June, in the year 1874.

GEORGE M. ROBESON.

GEORGE M. ROBESON, Secretary of the Navy.

June 19, 1874, the court found as follows:

That both the U. S. S. Gettysburg and the steamboat Lady of the Lake were subject to the act of Congress, approved April 29, 1864 (page 188, Naval Laws), for preventing collisions on the water, and in addition to the above the court find that the Lady of the Lake was subject to certain rules laid down by the Board of Supervising Inspectors in pursuance of the act of Congress of February 28, 1871.

There is no conflict between these two sets of "rules," but the rules of the Board of Supervising Inspectors.

As regards the facts connected with the collision, the weight of evidence, in the opinion of the court, establishes the point that the vessels, at the time of the exchange of their first whistle signals, must be considered as coming under article 18 of the "rules" for preventing collisions on the water (Neval Laws, page 161), and also under rule 1 of the "Rules issued by the Board of Supervising Inspectors for the government of pilots;" that is, they were meeting end on, or nearly so. In this position the law requires that the helms of both vessels be put to port, and inasmuch as this course was not pursued by the Lady of the Lake, the court deem that vessel to have acted in violation of law, and find that her pilot committed an error of judgment in putting his helm to starboard.

At the same time, as the wording of the law (article 13), "end on, or nearly end on," implies a certain margin for judgment on the part of pilots, the court are of the opinion that the pilot of the Lady of the Lake, though technically in the wrong, can not in the circumstances be considered as being very censurable.

As the vessels are considered as coming within the scope of article 13 of the law for preventing collisions on the water, the court find that the Gettysburg acted in violation of law in answering the Lady of the Lake, though technically in the wrong, can not in the circumstances be considered as being done those acts renders her responsible for the collision.

The pilots of th

the Road, page 161, Naval Laws.

JOHN H. RUSSELL,

Commander, United States Navy, President Naval Court of Inquiry.

GEORGE C. REID,

First Lieutenant, United States Marine Corps, Judge Advocate.

The Treasury Department also authorized an investigation by the supervising inspectors of steam vessels, who made the following report:

OFFICE OF U. S. LOCAL INSPECTORS OF STEAM VESSELS,

Baltimore, July 17, 1874.

Baltimore, July 17, 1874.

SIR: In compliance with your instructions we proceeded to Washington, D. C., to take the testimony of witnesses in the collision between the U. S. S. Gettysburg and steamer Lady of the Lake, which occurred on the Potomac River, off Fort Washington, on the evening of 30th of May, 1874, and, after having received said testimony, both on the part of the officers of the Lady of the Lake together with a number of disinterested passengers of said steamer, we find that the pilot in charge of the Lady of the Lake complied with all the rules and regulations for the government of pilots applicable to said case, and is therefore exonerated from all blame in the premises.

(They report also their inability to get the officers of the Gettysburg to testify.)

JAMES D. LOWRY, WILLIAM O. SAVILLE, United States Local Inspectors of Steamers, Baltimore District.

JOHN HENSHAW, Esq., Supervising Inspector of Steam Vessels, Third District.

IV.

May 30, 1874, the claimant was the owner of the Lady of the Lake, except a small interest, valued at \$2,500, which he had agreed to transfer to —— Partridge, the captain of the boat. This interest had not been paid for, and claimant arranged with Captain Partridge for it and took it back.

At the time of the collision the Lady of the Lake was engaged in the business of carrying freight and passengers between Washington and Norfolk and taking excursion parties up and down the river. It was the busy season of the year and her business was large and profitable.

The cost of repairing the boat amounted to \$2,216.85. The loss in earnings while undergoing repairs amounted to \$3,000.

After resuming her regular trips her earnings, in consequence of the interruption and loss of confidence in her safety, were much diminished. This loss can not be accurately calculated, but may be safely estimated at \$1,500.

BY THE COURT.

Filed June 2, 1890.

Test, this 5th day of June, A. D. 1890. [SEAL.]

JOHN RANDOLPH, Assistant Clerk, Court of Claims.

Assistant Clerk, Court of Claims.

No action was taken upon the findings and opinion of the court during the Fifty-first Congress, except to refer the case to this committee with a bill to carry them out. During the time that the matter has been pending in the Senate and this committee and the Court of Claims various bills have been introduced into the House of Representatives for the claimant's relief, but no final action has ever been there taken.

The Court of Claims came to the same conclusion as to the responsibility for the collision that was reached in the former investigations, and it only remains to be determined whether an appropriation shall be made in favor of the claimant; and if so, in what amount.

It is true that the Government does not hold itself generally responsible for acts of wrong or negligence on the part of its subordinate officers or agents, but this rule has not always been considered as applicable to cases of maritime collisions. It has been decided by the Supreme Court in the case of The Siren (7 Wall., 152) that a claim for damages exists against a vessel of the United States guilty of a maritime tort as much as if the offending vessel belonged to a private citizen. In ordinary cases, however, such a claim can not be enforced, because, for reasons of public policy, jurisdiction is withheld from the courts.

There has been a growing disposition of late years to give a general recognition to cases of damage from collisions and to treat them as essentially different from ordinary cases of negligence and wrongdoing on the part of Government agents, servants, and officials. This arises in part from the

great power and authority which is necessarily given to an officer commanding a vessel, and it is argued, too, that when the Government mingles on terms of equality with others on the high seas and navigable inland waters, the security of the citizen requires that the rules laid down for others should be observed by its own officers, commanding its own vessels, and that these rules should be enforced against all alike, and that private persons should receive reparation for any injury done by their violation by officers of the United States.

In England the present practice is to file a libel in rem, upon which the court directs a letter to be written to the lords of the admiralty requesting an appearance on behalf of the Crown. This is generally given, and the case proceeds to judgment. It is insisted that the final decrees are little more than awards, so far as the Government is concerned, but the suits are instituted and conducted on the hypothesis that claims are created against the offending vessels by the collision, and it is presumed that the Government will satisfy a decree rendered by its own tribunals in a case in which it has voluntarily appeared.

Many in our own country have favored a general law for the trial of such cases in our courts when the United States is alleged to be the offending party. Although no such law has ever been passed, the Government has in many cases, by special laws and in appropriation acts, made provision for paying damages to those who have suffered loss from collisions when the vessel causing the injury belonged to the United States.

It is true that in the present case the findings of the Court of Claims do not have the same force as a judgment, but the claims the presented his case there with the permission of the Senate and in accordance with law. The United States was represented by an assistant of the Attorney-General, and the case was duly defended, and a careful review of the findings shows that they are in accordance with the facts of the case so far as the party i

was duly derended, and a care in review of the intings shows that they are in accordance with the facts of the case so far as the party in fault is concerned.

After the matter has proceeded thus far with the consent of those who represented the Government, and who had authority under the law to act, the committee think that the claimant in this particular case should receive reimbursement for the damage which has resulted directly from the collision, without waiting for the enactment of a general law. The court finds that the cost of repairing the boat was \$2.216.85, and that the actual loss in earnings while she was undergoing repairs was \$3,000. These sums amount in the aggregate to \$5.216.85, and the committee recommend the appropriation of this sum in full satisfaction of the claim.

The court estimates a further loss of \$1,500 in the earnings of the boat in consequence of the loss of public confidence in her safety after she resumed her regular trips; but the committee think that this estimated resulting damage is too remote to be considered favorably. Besides, the claimant in his petition only asks "that he be paid the amount for his time and expenses incurred in placing his steamboat in good condition for navigation." He speaks of "divers gains, profits, and advantages which would have accrued to him" from his contracts and business, but expressly states that he makes no claim except for his time and expenses as stated.

To carry out the views of the committee the following amendments are necessary:

In line 6 strike out "six" before "thousand," and "seven" before "hun-

necessary:
In line 6 strike out "six" before "thousand," and "seven" before "hundred" and insert in the first place "five" and in the second place "two."
Add at the end of the bill as printed "and to be received by him in full satisfaction of all claims and demands in consequence of said colision."

I wish to

Mr. PAYNE (before the conclusion of the reading). I wish to ask the gentleman whether there is anything in the latter part of the report which changes the facts as so far shown? It appears from the report so far that while the officers of the Gettysburg were guilty of wrong, and while there is no doubt that their negligence contributed to the accident, still the officers of the Lady of the Lake were also guilty of contributory negligence. I wish the gentleman would state if there is anything further in the report which shows that the officers of the Lady of the Lake were free

from negligence.

Mr. SWANSON. The gentleman from California [Mr. Loud]
made the report, and I will ask him to answer the gentleman's

question.

question.

Mr. LOUD. Mr. Speaker, I wish to say in relation to this case that I have given it very careful consideration in the Committee on Claims during two Congresses, and if there ever was a just claim presented to Congress I believe this to be the one. If the gentleman from New York be at all nautical—and I know that he is at the head of a committee which has something to do with nautical matters—he will understand from the facts presented that the Lade of the Lake was coming up against the stream and that the Lady of the Lake was coming up against the stream and was entitled, under the rules governing navigation, by giving notice of that fact, to take advantage of the eddy along the shore. The captain of the Lady of the Lake signaled that he desired to take that course, and the Gettysburg answered the signal and accepted it Cathalana desired for the signal and accepted it. Subsequently the Gettysburg desired, for some reason which does not appear, to take a course which she was not entitled to does not appear, to take a course which she was not entitled to take, and she signaled back to the Lady of the Lake reversing her former acceptance of the signal. The Lady of the Lake was then unable, as the whole evidence goes to show, by reason of the speed of the current, to change her first signal, so the accident became inevitable. No action on the part of the officers of the Lady of the Lake, when the later signals of the Gettysburg were made, could possibly, according to the report of the inspectors, have prevented the collision. If the case were that of a private individual against another private individual, or that of one corporation against another corporation, I do not believe there is a court in this country but would hold that the Lady of the Lake could recover damages.

court in this country but would noid that the Lady of the Lake could recover damages.

Mr. PAYNE. Mr. Speaker, it is true that at the outset the Lady of the Lake and the Gettysburg were each on the wrong side of the river according to the law. It is also true that, according to the regulations, the Lady of the Lake had the privilege of offering to continue on that side by blowing two whistles, which she did. It is further true that the Gettysburg responded with two whistles, accepting the offer of the Lady of the Lake. Afterwards

the Gettysburg gave another signal, which the Lady of the Lake did not accept, but responded with two whistles, signifying that she would continue her first course.

Now, if the Lady of the Lake had obeyed the second signal or warning of the Gettysburg and instead of trying to keep on her course had changed her course, which it would have been natural course had changed her course, which it would have been natural for her to do under the rules and regulations, it does not appear from the findings either of the Court of Claims or of the court of inquiry of the Navy Department that the collision would not have been avoided. On the contrary, it does appear from the findings of the court of inquiry of the Navy Department that that court censured the officer of the Lady of the Lake, blaming him for his share of the collision. The court does not find him free from negligence, but, on the other hand, there is some language in the findings showing that he was at least guilty of contributory negligence; and, of course, if such was the fact, there could be no right of recovery. right of recovery

I think, therefore, that this bill should not come up under this order, but should take its place upon the Calendar and have ample

time for further consideration by the House. I therefore object.
Mr. LOUD. I will say that the rule which the gentleman from
New York undertakes to lay down might be applied to every case.
The SPEAKER. Objection is made.

CONTESTED-ELECTION CASE-BENOIT VS. BOATNER.

Mr. JOHNSON of Indiana submitted the following resolution;

Mr. JOHNSON of Indiana submitted the following resolution; which was read, considered, and adopted:

Resolved, That Committee on Elections No. 2, to which the contested-election case of Alexis Benoit against Charles J. Boatner, from the Fifth Congressional district of Louisiana, has been referred, be, and is hereby, instructed and authorized to proceed to the consideration of said case, and, having first afforded to said parties a fair opportunity to be heard as to the merits of the same, to report to the House their conclusions with respect to such case in time to afford to the House an opportunity to determine the same during the present session of Congress.

On motion of Mr. JOHNSON of Indiana, a motion to reconsider the vote by which the resolution was adopted was laid on the

WILLIAM MORGAN AND HARRISON MOORE.

Mr. HALL. I ask unanimous consent for the present consideration of the bill which I send to the desk.

The bill (S. 1320) to confirm the title to certain lands in Wil-

The bill (S. 1320) to confirm the title to certain lands in William Morgan and Harrison Moore, and to require the issue of patents therefor, was read, as follows:

Be it enacted, etc., That the entry on March 24, 1882, by William Morgan, of lot No. 21 of the southwest quarter of section No. 18, in township No. 16, of range No. 8 east, in the State of Kansas, under the act of March 16, 1880, for which full payment has been made and final certificates issued, be, and hereby is, confirmed, and the patent therefor shall be duly issued.

SEC. 2. That the entries by Harrison Moore on December 31, 1880, under said act of March 16, 1880, of lot No. 15 of the northwest quarter of section No. 19, and lot No. 22 of the southwest quarter of section No. 18, both in said township No. 16, of range No. 8 east, in said State, and on January 5, 1881, under the act of July 5, 1876, of lots Nos. 18 and 14 of section No. 19, in said township and range, for each of which tracts full payment has been made and final certificates issued, be, and hereby are, confirmed, and the patents therefor shall be issued.

The SPEAKER. Is there objection to the present consideration.

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. PAYNE and Mr. LACEY. Let us hear the report.

Mr. PAYNE and Mr. LACEY. Let us hear the report.

The report (by Mr. Underwood) was read, as follows:

The committee on the Public Lands, to whom was referred the bill (8.1320) to confirm the title to certain lands in William Morgan and Harrison Moore and to require the issue of patents therefor, have duly considered the same and report it back and recommend its passage.

The facts in this case, as shown by the records, are as follows:
Harrison Moore, on December 31, 1880, entered, at Topeka (Kans.) land office, lots No. 15 of the northwest quarter of section 19 and No. 22 of southwest quarter of section 18, both in township 18, range 8 east, under the act of Congress of March 16, 1889, and on January 5, 1881, entered, at the same land office, lots Nos. 13 and 14 of the northwest quarter of said section 19, in same township and range; under act of July 5, 1876, made payment in full for each tract, and on July 16, 1881, received final certificates. The said Moore and his wife, after the issuance of such final receipts, conveyed said lands to Charles A. Scott, who, with his wife, on March 13, 1882, conveyed said lands to William Morgan. The said William Morgan thereafter, on March 24, 1882, entered at said land office, under the act of March 16, 1880, lot No. 21 of said southwest quarter of said section 18, in same township and range, and received final certificate on January 14, 1884; and the said William Morgan and his wife, on 11th day of September, 1883, conveyed all of said tracts to Harrison Wilcoxsen. The total area entered by Moore was 190.54 acres, and as the parties in entering these lands are restricted to 189 acres, said last entry was held for cancellation.

It clearly appears that these tracts of land were entered in good faith, full payment made to the proper land officers without objection, the proof made as required by law, and final certificates issued on each entry. It is equally clear that no harm or injury can result to anyone by confirming these entries and requiring patent to be issued.

Th

There being no objection, the House proceeded to the considera-tion of the bill; which was ordered to a third reading, read the

third time, and passed.

On motion of Mr. HALL, a motion to reconsider the vote by which the bill was passed was laid on the table.

PATRICK DOUGHERTY.

Mr. WADSWORTH. I ask unanimous consent for the present consideration of the bill (H. R. 4943) to remove the charge of desertion standing against the name of Patrick Dougherty, Company A, Thirteenth New York Volunteer Infantry.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to remove the charge of desertion standing against the name of Patrick Dougherty, late a private in Company A, Thirteenth Regiment New York Volunteer Infantry, and to issue to him an honorable discharge as of date of 27th day of April, 1863.

Mr. LOUD. Let us hear the report. Mr. WADSWORTH. I ask that the Clerk read the portions of the report which I have marked; they are the essential parts. The Clerk read as follows:

The Clerk read as follows:

The Committee on Military Affairs, to whom was referred the bill (H. R-4943) to remove the charge of desertion standing against the name of Patrick Dougherty, Company A, Thirteenth New York Volunteer Infantry, having had the same under consideration, would report thereon as follows:

It is shown by the records of the War Department that this soldier was enrolled and mustered into service January 23, 1862, as a member of the Thirteenth New York Infantry Volunteers, to serve two years; that he deserted April 27, 1863, and never returned thereafter, although he owed service until January 23, 1864; that on December 15, 1863, he enlisted, in violation of the twenty-second (now fiftleth) article of war, in Company E, Eighth New York Heavy Artillery Volunteers, to serve three years; that he appears to have served faithfully under this enlistment until June 30, 1865, when he was mustered out of service as a member of Company I, Tenth New York Infantry Volunteers, to which he had been transferred; that the charge of desertion standing against this soldier upon the records of the Thirteenth New York Infantry Volunteers can not be removed under existing law (act of Congress approved March 2, 1889) for the reason that the period of his absence from the service exceeded four months.

It appears from affidavits presented to your committee that the Thirteenth New York Infantry Volunteers was organized in April, 1861; that the beneficiary, Patrick Dougherty, enlisted in such regiment as a recruit, and was mustered into service January 23, 1862, to serve two years; that the desertion with which he is charged occurred April 27, 1863.

september 2, 1801, addressed to A. R. Cooper, springwater, N. I., which is described in a letter from Lieutenant Hess. one of the affiants, it is stated as follows:

"In reply to your communication of the 23d instant, I am directed to say that men who are being recruited to fill up the old regiments of volunteers are received for the unexpired term of service of the regiments of volunteers. This copy purports to have been signed by George D. Ruggles, Assistant Adjutant-General, and the correspondence on the part of Lieutenant Hess indicates that it has a bearing upon the enlistment of this beneficiary.

The testimony contained in the affidavits of the two comrades who served in the same regiment with the beneficiary are deemed by your committee sufficient to justify the conclusion that Dougherty returned to his command and was with it on its way to Rochester to be mustered out. The affidavits of those engaged in the recruiting service at the time Dougherty was enrolled sustains his contention that he intended only to enlist for the unexpired term of service of the regiment, and hence he should have been mustered out with the regiment.

The regiment having been mustered out in May, 1863, and the alleged desertion being charged as occurring on April 27, 1863, and said Dougherty having reenlisted December 15, 1863, in Company E, Eighth New York Heavy Artillery Volunteers, and having been transferred to Company I, Tenth New York Infantry Volunteers, and having been transferred to Company I, Tenth New York Infantry Volunteers, and having been transferred to Company I, Tenth New York Infantry Volunteers and having a been transferred to Company I, Tenth New York Infantry Volunteers in May, 1863, and the furlough which he claims to have had, and concerning which his comrades testify was actually granted, did probably cover the time from April 27 until the muster-out of the regiment on May 18, 1863.

Your committee therefore recommend that the bill do pass.

There being no objection, the House proceeded to the consideration of the bill, which was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed. On motion of Mr. WADSWORTH, a motion to reconsider the vote by which the bill was passed was laid on the table.

BASIL MORELAND.

Mr. BOWERS. I ask unanimous consent for the present consideration of the bill (H. R. 1475) for the relief of Basil Moreland. The bill was read, as follows:

Be it enacted, etc., That there be paid, out of any money in the Treasury not otherwise appropriated, to Basil Moreland the sum of \$2,212, in full for all claim he may have against the United States for his land and improvements in Blue Earth County, Minn., taken by the United States for the Winnebago Indians.

Mr. PAYNE. I should like to hear some explanation of this bill. Mr. BOWERS. The report will give a full explanation. The report (by Mr. FISCHER) was read, as follows:

The report (by Mr. FISCHER) was read, as follows:

The Committee on Indian Affairs, to whom was referred the bill (H. R. 1475) for the relief of Basil Moreland, have had the same under consideration, and find that a bill identical with the bill under consideration was favorably reported from this committee in the last Congress on December 21, 1894, and passed the House February 13, 1895, and passed the Senate March 2, 1895. (See page 3136, CONGRESSIONAL RECORD of said date.)

This bill, with many others, passed the Senate too late to receive the Presi dent's signature.

Your committee report back the bill and recommend that it do pass.

The report of this committee, made to the House December 21, 1894, on this bill is herewith made a part of this report, and sets forth fully the merits of the case.

[House Report No. 1533, Fifty-third Congress, third session.]

[House Report No. 1533, Fifty-third Congress, third session.]

The Committee on Indian Affairs, to whom was referred the bill (H. R. 4704) for the relief of Basil Moreland, having considered the same and accompanying papers, respectfully submit the following report:

That the committee find the facts to be as stated in Senate Report 575, Forty-sixth Congress, second session, which said report is hereto annexed and made a part of this report, and is as follows:

"In March, 1854, Basil Moreland settled upon the unsurveyed public lands in the Territory of Minnesota, on Blue Earth River. He built a good house and fenced and cultivated a considerable portion of said land. At the time of this settlement no right of preemption as to the unsurveyed public lands existed, but in that same year—August 4, 1854—Congress passed an act authorizing such preemption. On the 17th of March, 1856, Moreland, having con-

tinued to reside on and cultivate said land, went to the land office with his witnesses to prove his settlement and right of preemption, and offered to pay the money, which was refused by the register of the land office upon the ground that this land was embraced in the boundary recently set apart as a home reservation for the Winnebago Indians in accordance with a treaty of February 27, 1855. He continued to reside upon and cultivate said land until the fall of 1856, when he was evicted by the agent of said Indian tribe. In the fall of 1861, the Indians having been removed to another reservation, he returned to said farm, and continued to reside on and cultivate the same until it was sold for the benefit of the Winnebagoes for \$1,212 in 1863.

"The treaty with the Winnebagoes did not locate the reservation, but provided it should be on Blue Earth River, and it was surveyed and located so as to include Moreland's land, after Moreland's settlement, and after the passage of the act of August 4, 1854, by which he acquired a clear vested right to preempt said land, and of which his expulsion could not divest him; and when he returned to it in 1861 his rights were as complete as when he was forcibly expelled from it.

"He made another effort to perfect his title by an appeal to the Secretary of the Interior, Hon. Caleb Smith, and offered to locate the land with a military land warrant. The Secretary, after a full examination of the case, in April, 1862, decided that Moreland was entitled to preempt said land, and directed the Commissioner of the Land Office to allow him to perfect his title by locating the same with a military land warrant, which was done, and the patent actually issued, dated April 10, 1863, but was arrested in its transmission by order of Secretary of the Interior. P. Usher, who had succeeded Caleb Smith in the Department of the Interior.

"The entry was canceled and the land warrant returned on the ground that the treaty with the Indians was the supreme law of the land. The reasoning of the Secre

There being no objection, the House proceeded to the considera-tion of the bill, which was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed. On motion of Mr. BOWERS, a motion to reconsider the vote by which the bill was passed was laid on the table.

MESSAGE FROM THE SENATE.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Platt, one of its clerks, announced that the Senate had passed bills of the following titles; in which the concurrence of the House was requested:

A bill (S. 3375) authorizing the construction of a bridge across the Columbia River in the State of Washington; and

A bill (S. 3494) providing for an examination of the improvements at the Pass of Aransas, Texas.

The message also announced that the Senate had passed with amendments the bill (H. R. 3656) providing for free homesteads on the public lands in Oklahoma, and reserving the public lands for the purpose, asked a conference with the House on the bill and amendments; and had appointed Mr. Pettigrew, Mr. Jones of Arkansas, and Mr. Allen as the conferees on the part of the Senate.

HUGH M'LAUGHLIN.

Mr. HUFF. I ask unanimous consent for the present consideration of the bill (H. R. 1515) for the relief of Hugh McLaughlin. The bill was read, as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to issue an honorable discharge to Hugh McLaughlin, late sergeant Company B, Fourth Regiment New Jersey Veteran Volunteer Infantry.

There being no objection, the House proceeded to the considera-tion of the bill, which was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

EMPLOYMENT OF ADDITIONAL FOLDERS.

Mr. THOMAS. Mr. Speaker, I demand the regular order. Mr. TRACEY. Mr. Speaker, I desire to submit a report from the Committee on Accounts. I am directed by the committee to report back the resolution which I send to the desk, accompanied by a report in writing, and recommend its passage.

The SPEAKER. The resolution will be read.

The Clerk read as follows:

Resolved. That the Doorkeeper of the House be, and he hereby is, authorized to appoint fifteen additional folders, to serve during the session and fifteen days thereafter, and pay them a salary at the rate of \$75 per month out of the contingent fund of the House.

The report was read, as follows:

The Committee on Accounts, to whom was referred the accompanying resolution, authorizing the Doorkeeper of the House to appoint fifteen additional folders to serve during the session and fifteen days thereafter, and pay them a salary at the rate of \$75 per month out of the contingent fund of the House, beg to report that they respectfully recommend the passage of the same.

The committee find upon investigation that the public necessity for the appointment of this additional force grew out of the demolition of the building used heretofore, in which as large number of volumes of public documents was stored, by the storm, which made it necessary to remove all public documents to another building and rewrap about 50,000 documents, the original wrappers having been partially or wholly destroyed.

Mr. DOCKERY. Does that include the Lacey amendment that

the House acted upon a short time ago?

Mr. TRACEY. Mr. Speaker, this is not new legislation; and inasmuch as this matter was thoroughly discussed on a previous occasion, I ask the previous question on the adoption of the report.
Mr. PAYNE. Before that, Mr. Speaker, I would like to ask the

Mr. PAYNE. Before that, Mr. Speaker, I would like to ask the gentleman a question. Is this substantially the same resolution that the House rejected a week or two ago?

Mr. BAKER of New Hampshire. It is substantially the same.
Mr. TRACEY. In response to the gentleman from New York, I will say that it is the same with this exception, that that amendment provided for the employment of this additional force for three or three and a half months, about, and this only allows the employment for sixty days. The committee find it to be absolutely necessary that this resolution shall be adopted.

Mr. PAYNE. How many employees are provided for?
Mr. TRACEY. Fifteen.
Mr. PAYNE. And for sixty days?
Mr. TRACEY. Yes, sir. The amount of the expenditure, I would say, is \$2,250; and the committee regard the employment of these men as absolutely necessary.
Mr. PAYNE. It seems to me that the gentleman ought not to press the matter now, and that the House ought not to reverse its

ress the matter now, and that the House ought not to reverse its former action on this proposition, unless there is something new presented or some additional reason given to justify such action. It will be remembered that the House rejected a similar proposi-

Mr. MILES. What is the amount involved?

A MEMBER. Something over \$2,000.

Mr. TRACEY. Mr. Speaker, I demand the previous question.

The question was taken; and on a division there were—ayes 9,

So the demand for the previous question was rejected.
Mr. LACEY. Mr. Speaker, I now offer the same amendment
that was adopted by the House before, with some slight modifica-

The SPEAKER. The amendment proposed by the gentleman from Iowa will be read.

The Clerk read as follows:

Add to the resolution:
"Provided, That the Doorkeeper shall select such employees from States and Territories not now represented on the Doorkeeper's roll."

Mr. LACEY. That is the same provision that was adopted before by the House, and then suddenly, for some reason, my friend lost his interest in the proceedings the moment after the amendment was adopted. Gentlemen concluded that they did not want the folders at all if this limitation was imposed on their employment. But the House adopted the amendment, and it seems to me that the House should recognize at least the justice of the appointment of these employees from those States that are of the appointment of these employees from those States that are

of the appointment of these carries on the appointment of these carries on not now represented.

Mr. WILLIAM A. STONE. Mr. Speaker, if the gentleman will allow me a moment, I will ask if he does not know it to be a fact that if that amendment is adopted it will require the selection of all of these employees—every one of them—from the south

Mr. LACEY. I am not aware of that fact; but if it is true that these States are absolutely unrepresented in the employment of the House, I think it only presents a greater reason for the adoption of the amendment.

Mr. HEPBURN. Why cut out your own State?
Mr. LACEY. This does not cut out any State; it simply proposes to do justice to all of them.
Mr. TRACEY. Mr. Speaker, I desire to say a word in this con-

I confess I am somewhat surprised at the course taken by my esteemed friend from Iowa [Mr. Lacey] with reference to this resolution. When the resolution was presented the first time by the Committee on Accounts a few days ago, it met with the same reception that it now meets with. I think I can safely say from the record that has been made by the committee during this Congress that I am warranted in claiming that the committee would not authorize or indorse any unnecessary expenditure of the public money. We have been criticised frequently for refusing to authorize such expenditures in cases where members have deemed it necessary. But we have never authorized or turned down a resolution submitted to us without first making an investigation of the facts connected with it and basing our action on that investigation.

I can say to the House truthfully that the committee has endeavored to discharge the duty imposed upon it by the House faithfully and solely with a view to serving the public interests and not with a view to serving any private interests of any kind

or character.

Now, Mr. Speaker, when this resolution was first presented, your committee took the trouble to investigate the facts upon which the additional force was asked, and in making that investigation your committee discovered that a public exigency had

been created by an occurrence over which Congress had no control, that is, by a storm which destroyed the building that had been occupied for several years as a storage house for the folding department. That building was destroyed by the storm, and it necessitated the removal of about 400,000 public documents to another room. That necessarily took time and employed the force at the disposal of the superintendent of the folding room in a business outside of the ordinary public duties devolving on that force. It imposed upon them the performance of work that took a number of days of their time away from the duties to which they ordinarily devote themselves. they ordinarily devote themselves.

they ordinarily devote themselves.

In addition to that, the wrappings on 50,000 or more of these documents were either wholly or partially destroyed, so that the documents must be rewrapped, and yet no additional force has been provided in order to meet that new demand, a demand not created by Congress, but by the elements. Now, inasmuch as the regular force that has been employed were thrown behind in their regular work by the imposition on them of this absolutely necessary demand created by the elements, and inasmuch as the documents the wrappers of which have been destroyed must be rewrapped, the superintendent of the folding room, after careful investigation, assured the committee, in a letter which was read to this House when this proposition was before it a few weeks to this House when this proposition was before it a few weeks ago, that it would require the full and constant employment of these fifteen additional men for a period of at least sixty days to enable them to get even with the condition the department was in when the storm occurred.

Mr. BAKER of New Hampshire. What is the objection to the

amendment?

Mr. TRACEY. Now, as to the amendment offered by the gentleman from Iowa [Mr. LACEY], I desire to say that the amendment is intended to destroy the virtue of the resolution, if there is any virtue in it. That is the object and purpose of it. There is not now a single State north of Mason and Dixon's line unrepresented on the Doorkeeper's roll.

Mr. BAKER of New Hampshire. May I ask the gentleman a

question?

Mr. TRACEY. Certainly.

Mr. BAKER of New Hampshire. Will the gentleman name one from the States of New Hampshire, Iowa, or Oregon?

Mr. TRACEY. Yes; there is at least one from each of those Will the gentleman name

Mr. BAKER of New Hampshire. Not a solitary one.
Mr. JOHNSON of North Dakota. Will the gentleman name one from North Dakota?

Mr. TRACEY. There is one from every State north of Mason

and Dixon's line.

Mr. BAKER of New Hampshire. If they are there, they are charged to those States without authority. It is not true in any proper sense of the word.

Mr. TRACEY. Mr. Speaker, I desire to say that a large majority of the States, whether Democratic or Republican, are represented now on this roll. There may be a few of the States unrepresented. I may have made my statement too broad when I said that every one of the States north of Mason and Dixon's line was represented on that roll; but I do know, from an investigation of my own, that there can not be more than two or three of those States unrepresented north of that line. I do know that the State Now, Mr. Speaker, I desire to yield five minutes to my friend from Pennsylvania [Mr. WILLIAM A. STONE].

Mr. DOCKERY. I should like to be heard when the proper

time arrives

Mr. TRACEY. Very well. Mr. WILLIAM A. STONE. Mr. Speaker, in reference to the Mr. WILLIAM A. STONE. Mr. Speaker, in reference to the merits of this resolution, it is simply a question as to whether these publications shall be properly cared for, whether this work, made necessary by a storm, shall be done or not. So far as I am personally concerned, it does not make any difference to me. The sonally concerned, it does not make any difference to me. The work of the Government ought to be done, but I do not like to see the members on this side of the House take this means of disposing of this resolution. When an amendment is made that all of the fifteen appointments shall be made from States now not represented on the Doorkeeper's roll, naturally our friends on the other side of the House will support that resolution and that amendment because they will get nearly all of those fifteen appointments. Therefore I can see how our friends on the other side of the House will help my friend from Iowa [Mr. LACEY] to amend this resolution. Now, if the employees are not necessary, let us vote the resolution down without any help from our friends on the other side. the other side.

Let us not amend it in such a manner as that we shall need their assistance to dispose of a matter that we are entirely competent to dispose of without their help.

Mr. BAKER of New Hampshire. May I ask the gentleman a

question?

Mr. WILLIAM A. STONE. Yes, sir. Mr. BAKER of New Hampshire. Is it not true that when this

resolution was up for consideration some time ago that you called

mr. TAWNEY. After the amendment was adopted.

Mr. WILLIAM A. STONE. I did; and will do so again if it is so amended as to give all of the appointments to States represented by our friends on the other side of the House.

Mr. BAKER of Now Househim. But the installation

Mr. BAKER of New Hampshire. But that is not a necessary

consequence.

Mr. WILLIAM A. STONE. I do not believe that our majority is so small that we ought to make these appointments from Democratic States

Mr. MILES. Will the gentleman allow me to ask him a ques-

tion?

Mr. WILLIAM A. STONE. Yes.

Mr. WILLIAM A. SIONE. 168.

Mr. MILES. Do you propose to exclude "the gentlemen on the other side" practically from an opportunity to participate in legislation the purpose of which is to benefit the public service?

Mr. WILLIAM A. STONE. Not at all. I do not think it ought

to be done in an amendment to a resolution that emanates from the Committee on Accounts.

Mr. TRACEY. I yield five minutes to the gentleman from

Mr. TRACEY. I yield five minutes to the gentleman from Missouri [Mr. Dockery].

Mr. Dockery. Mr. Speaker, I am obliged to the gentleman from Missouri for his courtesy in yielding me five minutes, but I do not think I will occupy that time. I regret very much that my friend from Pennsylvania [Mr. WILLIAM A. STONE] seems to be disposed to exclude this side of the House from any part in the settlement of the issue raised by the amendment of the gentleman from Lowe [Mr. Lacey]. I want to call attention Mr. Speaker. from Iowa [Mr. Lacey]. I want to call attention, Mr. Speaker, to one fact that seems to be conceded. If the evidence of the Doorkeeper and superintendent of the folding room is at all reliable, and I suppose it is, a public necessity exists for the employment of this f suppose it is, a public necessity exists for the employment of this force. The interest of the public service, according to the testimony of these officials, will be subserved by the passage of this or a similar resolution. So that the contest here resolves itself into an unseemly scramble—I trust my friends will pardon the criticism—an unseemly wrangle on the other side as to who shall distribute the fifteen places carried by this resolution.

Mr. MILES. And further, that we shall not be permitted to participate in this issue when it is for the heapfit of the rubble service.

Mr. MILES. And further, that we shall not be permitted to participate in this issue when it is for the benefit of the public service.

Mr. DOCKERY. That is one feature. My friend from Maryland says that the Democratic side will be excluded by the suggestion of the gentleman from Pennsylvania from any part in the settlement and disposition of this question.

Mr. WILLIAM A. STONE. I do not make any such suggestion as that. We do not need to be taken care of by an amendment such as that proposed by the gentleman from Iowa.

Mr. DOCKERY. I suggest to the gentleman that if it be true, as he suggested, that these employees will be appointed by this side of the House, then we ought to have something to say in the matter. But I assume that the gentleman was not serious in making the suggestion, and that no Democrat will be appointed.

Mr. WILLIAM A. STONE. I did not mean that; but if the amendment should prevail, then no State, with the exception of one or two States, can participate in the distribution except Democratic States, as nearly all the Republican States are now represented.

sented.

Mr. BAKER of New Hampshire. I do not know that it will be

necessary to take any from those States.

Mr. WILLIAM A. STONE. Or else take the whole fifteen from the State of New Hampshire.

Mr. BAKER of New Hampshire. There is Oregon and half a dozen other States that have not a man on these rolls unless he was put there without authority.

was put there without authority.

Mr. MEREDITH. You need not give them to New Hampshire.
I can dispose of them in the Eighth Virginia district.
Mr. McMILLIN. Mr. Speaker—
Mr. TRACEY. I yield five minutes to the gentleman from New York [Mr. PAYNE].
Mr. McMILLIN. It strikes me—
The SPEAKER. One moment. The gentleman from Missouri statistics the floor and yields to the contleman from New York.

The SPEAKER. One moment. The gentleman from Missouri retains the floor and yields to the gentleman from New York.

Mr. PAYNE. Mr. Speaker, I do not believe we ought to hamper the officers of this House in their appointments by directing that they shall select these new employees from any particular locality. I do not believe it is best to inaugurate that precedent in the House of Representatives. I think that we ought to have confidence enough in our officers to allow them to select their subordinates without regard to locality. It may happen that there is not a man from the State of California on this roll. Does the gentleman propose to have the Doorkeeper send to California and get some one or two men to help refold these documents? If the exigency exists which the committee have reported, they exigency exists which the committee have reported, they ought to go to work at once; and the Doorkeeper ought to be allowed to select men who can perform this intricate work, even if he gets some of them from the District of Columbia; and he ought to be allowed full discretion in the matter. With all due respect to the gentleman from Iowa, I think that an amendment

of this kind is ridiculous upon a motion such as has been presented by the gentleman from Missouri. I hope the amendment will be voted down. Then it will be for the House to determine whether the necessity exists for these fifteen additional employees.

If the facts are as stated by this committee, it would seem that there is a necessity for more employees to take care of these public documents, and I suppose that, although the Treasury is running behind, we can still afford to pay whatever is required to preserve the documents already printed. But let us give the officers of the House full discretion to select their own subordinates without confining them to any particular leading in the nates, without confining them to any particular locality in the United States, whether that locality be great or small.

Mr. TRACEY. Mr. Speaker, if there is no other gentleman who desires to make any remarks, I will call for the previous

Mr. McMILLIN. I ask the gentleman to yield me five minutes.
Mr. TRACEY. Very well.
Mr. McMILLIN. Mr. Speaker, it will be remembered by the
House that a resolution similar to this was introduced and brought up for consideration two weeks ago or more. The amendment that is suggested now, providing the method by which the men should be selected for this work, and limiting the appointments to those States that had no patronage on the roll, was adopted, and immediately it turned out that a number of gentlemen who had been zealous supporters of the resolution turned the other way and helped to kill it. Now, it struck me at the time that that action on their part threw some light upon the probable importance of the resolution. It struck me that if there was any necessity for an increase of the force, as was represented, an objection to the mere method of the appointment of the additional employees ought not to be sufficient to influence those gentlemen to turn their backs on the resolution after that amendment had been adopted. It is not a very important matter who shall receive these appointments. The question in which the Government is specially interested is whether they are really needed; and for one I think I am within the bounds of reason when I say that there has not been furnished, during the present session of Congress, a quantity of speeches or documents to be folded as large as is usually supplied at an ordinary session. It strikes me, therefore, that we can probable of the session of t ably get along without this increase of force, and if we can we ought to do it. The gentlemen did not think we needed them before, after the method of appointment was changed. If, however, the increase is necessary, and these additional men must be employed, I see no objection to those States that have not been recognized. nized in the distribution of loaves and fishes being permitted to approach the basket.

Mr. TRACEY. Mr. Speaker, I yield one minute to the gentle-man from New York [Mr. FAIRCHILD], who desires to offer an amendment

Mr. FAIRCHILD. Mr. Speaker, I offer an amendment to the

amendment.

The amendment to the amendment was read, as follows:

Strike out "States and Territories," at the end of the amendment, and insert "Congressional districts."

[Laughter.]
The question being taken on the amendment to the amendment, the Speaker declared that the ayes seemed to have it.
Mr. CHICKERING and Mr. TRACEY asked for a division.
The House divided; and there were—ayes 19, nose 75.

So the amendment to the amendment was rejected.

Mr. TRACEY. Now, Mr. Speaker, I ask for the previous question on the resolution and the amendment.

Mr. LACEY. Mr. Speaker, I make the point of order that the gentleman from Missouri can not demand the previous question.

gentleman from Missouri can not demand the previous question.

I have the right to close the debate.

The SPEAKER. The gentleman from Iowa was entitled to the control of the discussion after the refusal of the House to order the previous question, but the gentleman did not assume control.

Mr. LACEY. I did not care to claim it.

The SPEAKER. On the contrary, the gentleman seems to have left it in the hands of the gentleman from Missouri, who the Chair approach has the right to move the previous question, under the

supposes has the right to move the previous question, under the

circumstances Mr. TRACEY. Mr. Speaker, if the gentleman from Iowa desires to make any remarks I have no objection to his taking five

or ten minutes.

or ten minutes.

Mr. LACEY. I shall probably not occupy more than three minutes. I trust that the House will not regard this as an unseemly scramble for office. We all understand the complaint that has been made heretofore in regard to the distribution, locally, of the patronage of the present House. If it were under the civil-service law, geography would have to be taken into consideration, and the offices would be apportioned in a general way over the country. It is well known that certain States have been ignored altogether. I am not complaining of the method by which it was done, but the House has already acted on the idea of this amendment and directed that the bmitted States should be recognized. ment and directed that the bmitted States should be recognized when additional force was required. Take the great State of

Maryland. It lies south of Mason and Dixon's line, but it is a rejuvenated State, and, in a political sense, is now on the right rejuvenated State, and, in a political sense, is now on the right side of the line, or, rather, there is no longer any Mason and Dixon's line, yet that State has no representation on the Doorkeeper's roll. Now, an omission like that ought not to exist.

Mr. WILLIAM A. STONE. Does not the gentleman know the

Mr. WILLIAM A. STONE. Does not the gentleman know the fact that Maryland has two men on the roll now?

Mr. LACEY. I am informed by gentlemen from Maryland who understand the situation that she has none.

Mr. WILLIAM A. STONE. She has two.

Mr. LACEY. The House, understanding the situation in this respect, adopted this same amendment a short time ago, and I want it now to have an opportunity to do so again, because everybody will admit that a man from a State that is now unrepresented on the Doorkeeper's roll can perform these services just as well as a man from one of the previously favored States.

Mr. TRACEY. Now, Mr. Speaker, I ask for the previous ques-

The previous question was ordered.

The question being taken on the amendment of Mr. LACEY, the Speaker declared that the noes seemed to have it.

Mr. MILE's. I ask for a division.
The House divided; and there were—ayes 58, noes 84.

Mr. LINNEY. Let us have the yeas and nays, Mr. Speaker. The yeas and nays were ordered, 110 members voting in favor thereof.

The question was taken; and there were—yeas 67, nays 132, not voting 156; as follows:

	YE		
Allen, Miss. Anderson, Bailey, Baker, N. H. Bell, Colo. Boatner, Buck, Burrell, Clardy, Clark, Iowa Cockrell, Connolly, Cooke, Ill. Cooper, Tex. Crowley, Gulberson, Dockery,	Ellis, Erdman, Goodwyn, Harrison, Hendrick, Hermann, Howard, Hubbard, Hunter, Johnson, N. Dak. Kleberg, Lacey, Latimer, Lawson, Lester, Lewis, Linney,	Little, Livingston, McClellan, McCreary, Ky. McCulloch, McDearmon, McLaurin, Miles, Murray, Neill, Ogden, Owens, Pendleton, Prince, Rinaker, Sayers,	Smith, III. Stokes, Strait, Sulzer, Swanson, Talbert, Tate, Terry, Thorp, Turner, Ga, Wellington, Williams, Willis, Wilson, S. C. Wood, Yoakum.

NAYS-132. Acheson, Aitken, Apsley, Arnold, R. I. Atwood, Dayton, De Witt, Doolittle, Dovener, Ellett, Evans, Fairchild, Hurley, Jenkins, Johnson, Cal. Raney, Reeves, Richardson, Robinson, Pa. Joy, Kiefer, Kirkpatrick, Knox, Royse, Russell, Conn. Avery, Babcock, Sherman, Simpkins, Smith, Mich. knox,
Lefever,
Leighty,
Leisenring,
Leonard,
Linton,
Loudenslager,
Maddox,
Mahon,
Marsh,
McCall, Mass.
McCleary, Minn.
McLachian,
Metklejohn,
Mercer,
Milnes,
Minor, Wis.
Mitchell,
Morse,
Northway,
Overstreet,
Parker,
Parker, Barney, Bartholdt, Bartlett, Ga. Beach, Bennett, Faris, Fenton, Fischer, Fletcher, Foote, Foss, Gamble, Lefever, Smith, Mich.
Snover,
Spalding,
Spalding,
Stahle,
Stallings,
Steele,
Stewart, N. J.
Stewart, Wis.
Stone, W. A.
Strode, Nebr.
Tawney,
Tayler,
Thomas,
Tracewell, Berry, Bingham, Gardner, Gibson, Gillet, N. Y. Gillett, Mass. Bishop, Blue, Bromwell, Bull, Bull, Burton, Mo. Calderhead, Chickering, Clark, Mo. Cobb, Codding, Corliss, Crisp, Crowther, Cummings. Griffin, Griswold, Grosvenor, Hager, Hainer, Nebr. Hall, Halterman, Henry, Conn. Henry, Ind. Hepburn, Hicks. Tracewell. Tracey, Tracey, Treloar, Van Horn, Van Voorhis, Warner, Watson, Ind. Cummings,

Curtis, Kans.	Hicks,	Payne.	Watson, Ohi
Curtis, N. Y.	Hill, Perkins,		Wilson, Ohio
Dalzell,	Huff, Poole,		Woodman.
Danford,	Hulick,	Powers,	Woomer,
Daniels,	Hull,	Pugh,	Wright.
	NOT	VOTING-156.	
Abbott,	Cannon,	Hadley,	Kerr,
Adams,	Catchings,	Hanly,	Kulp,
Aldrich, T. H.	Clarke, Ala.	Hardy,	Kyle,
Aldrich, W. F.	Coffin,	Harmer,	Layton,
Aldrich, Ill.	Colson,	Harris,	Long,
Allen, Utah	Cook, Wis.	Hart,	Lorimer,
Andrews,	Cooper, Fla.	Hartman,	Loud,
Arnold, Pa.	Cooper, Wis.	Hatch,	Low,
Baker, Kans.	Cousins,	Heatwole,	Maguire,
Baker, Md.	Cowen.	Heiner, Pa.	Mahany,
Bankhead,	Cox,	Hemenway,	Martin
Barham,	Crump,	Henderson,	McCall, Tenr
Barrett,	Curtis, Iowa	Hilborn,	McClure,
Bartlett, N. Y.	De Armond,	Hitt.	McCormick,
Belknap,	Denny,	Hooker,	McEwan,
Bell, Tex.	Dingley,	Hopkins,	McRae,
Black,	Dinsmore,	Howe,	Meredith,
Boutelle.	Dolliver,	Howell,	Meyer,
Bowers,	Draper,	Huling,	Miller, Kans.
Brewster,	Eddy,	Hutcheson,	Miller, W. Va
Broderick.	Fitzgerald,	Hyde,	Milliken.
Brosius,	Fowler,	Johnson, Ind.	Miner, N. Y.
Brown,	Graff.	Jones,	Mondell.
Brumm,	Grout,	Kem.	Money,
Burton, Ohio	Grow,	Kendall,	Moody,
Date voll, Ollio	OLUM,	acomment,	moody,

loses, fozley, furphy, ewlands, ioonan, ddell, ttey, ttjen, atterson, earson, hillips, ickler, itney, rice,	Quigg, Ray, Reyburn, Robertson, La. Rusk, Russell, Ga. Sauerhering, Scranton, Settle, Shafroth, Shannon, Shaw, Shuford, Skinner,	Sorg, Southard, Southwick, Sparkman, Spencer, Sperry, Stephenson, Stone, C.W. Strong, Strowd, N.O. Sulloway, Taft, Towne, Tucker,	Turner, Va. Tyler, Updegraff, Wadsworth, Walker, Masa, Walker, Va. Wanger, Washington, Wheeler, White, Wilson, Idaho Wilson, N. Y. Woodard.
The state of the s			

So the amendment was rejected. The following pairs were announced: Until further notice:

Mr. Cousins with Mr. Cowen. Mr. HITT with Mr. MCRAE

Mr. WATSON of Indiana with Mr. Meyer.
Mr. Watson of Indiana with Mr. Meyer.
Mr. Wilber with Mr. Sorg.
Mr. Tracewell with Mr. Russell of Georgia.
Mr. Hemenway with Mr. Miner of New York.
Mr. Hanly with Mr. Moses.

Mr. TAFT with Mr. ROBERTSON of Louisiana.

Mr. KULP with Mr. ABBOTT.

For this day:

Mr. Corliss with Mr. Denny.
Mr. Scranton with Mr. Rusk.
Mr. Reyburn with Mr. Maguire.
Mr. Pickler with Mr. De Armond.

Mr. PITNEY with Mr. OTEY. Mr. Cook of Wisconsin with Mr. PATTERSON.

Mr. HENDERSON with Mr. BANKHEAD.

Mr. McCall of Tennessee with Mr. Bell of Texas.

Mr. HILL with Mr. CATCHINGS.

Mr. SOUTHWICK with Mr. CLARKE of Alabama. Mr. CHARLES W. STONE with Mr. COOPER of Florida.

Mr. CHARLES W. STONE WITH Mr. COOPER OF Florids
Mr. SULLOWAY WITH Mr. COX.
Mr. WALKER OF Virginia WITH Mr. DINSMORE.
Mr. ALDRICH OF Illinois WITH Mr. FITZGERALD.
Mr. ARNOLD OF Pennsylvania WITH Mr. HUTCHESON.
Mr. BRUMM WITH Mr. KENDALL.
Mr. HARDY WITH Mr. KYLE.

Mr. HARMER with Mr. LAYTON.

Mr. HEATWOLE with Mr. MEREDITH.

Mr. Hooker with Mr. Price. Mr. Huling with Mr. Rusk.

Mr. JOHNSON of Indiana with Mr. SPARKMAN.

Mr. Johnson of Indiana with Mr. Sparkman.
Mr. Low with Mr. Turner of Virginia.
Mr. Mulliken with Mr. Washington.
Mr. Mozley with Mr. Wheeler.
Mr. Pitney with Mr. Woodard.
Mr. Quigg with Mr. Hart.
Mr. SAYERS. Mr. Speaker, I ask that my colleagues, Judge
Abbott and Mr. Hutcheson, be excused, on account of sickness.
The SPEAKER. Without objection, the request will be granted.
There was no objection. There was no objection.

The result of the vote was announced as above stated.

The question then recurring on the adoption of the resolution, it

On motion of Mr. TRACEY, a motion to reconsider the vote by which the resolution was adopted was laid on the table.

POST-OFFICE BURGLARIES.

The SPEAKER laid before the House the following; which was

read:

Office of the Postmaster-General,

Washington, D. C., January 11, 1897.

Sir: In compliance with the act of May 9, 1889 (Supplement Revised Statutes, 91,585,586), I transmitted to the Speaker of the House of Representatives various claims for credit on postal accounts of postmasters on account of burglaries from post-offices, with recommendations for the action of Congress, Congress, by an act approved June II, 1895, amended the former act by conferring power and authority upon the Postmaster-General to adjudicate claims in such cases up to the amount of \$10,000, the limit having previously been \$2,000. I therefore have the honor to request that the papers transmitted by me to the Speaker of the House may be returned to this Department, in order that I may take up and dispose of these claims, under the authority thus given the Postmaster-General. The following comprises a list of the cases the papers of which have been transmitted:

Postmaster.	Post-office.	Date.	Cause.	Trans- mitted.
C. P. Convery Geo. H. Tice J. M. Johnson. Bridget Lane Jas. A. Sexton Jas. C. Soape Irwin Tucker F. M. Vandling	Perth Amboy, N. J. do. Hudson, N. Y. Summit, N. J. Chicago, Ill Shreveport, La. Newport News, Va. Scranton, Pa	Aug. 31, 1892 Dec. 15, 1893	do	Jan. 3, 1895 Jan. 26, 1893 Feb. 8, 1894 Jan. 10, 1896 Apr. 25, 1894 Dec. 4, 1895 Mar. 24, 1894 Jan. 17, 1895

I have the honor to be, very respectfully, yours, WM. L. WH.SON, Postmaster-General. Hon. Thomas B. Reed, Speaker of the House of Representatives, Washington, D. C.

The SPEAKER. Without objection, the House will order the return of the papers, as requested in the document just read. The Chair hears no objection, and it is so ordered.

ORDER OF BUSINESS.

Mr. THOMAS. I should like to inquire, Mr. Speaker, whether the regular order now is not the unfinished business on the Calendar?

The SPEAKER. The regular order is the unfinished business of last Friday, now on the House Calendar.

WILLIAM P. BUCKMASTER.

The first bill on the Calendar of unfinished private business was the bill (S. 90) for the relief of William P. Buckmaster.

The bill was read.

The SPEAKER. This bill was reported by the Committee of the Whole House with the recommendation that it be indefinitely

Mr. JOY. In the absence of the gentleman from Wisconsin [Mr. Otjen], who reported this bill, I ask unanimous consent that it be passed over until next private bill day, retaining its place on the Calendar.

The SPEAKER. The gentleman from Missouri [Mr. Joy] asks unanimous consent that the consideration of this bill be postponed until the next private-bill day. Is there objection? The Chair hears none. The Chair understands that under this permission the bill remains in the same situation, with the recommendation of the Committee of the Whole still standing.

LAURETTA S. PRINCE.

The next unfinished business on the Private Calendar was the bill (H. R. 2620) to place the name of Lauretta S. Prince on the

pension rolls.

The bill was read at length.
Mr. RICHARDSON. Mr. Speaker, is this a favorable report from the Committee of the Whole on the Private Calendar?
The SPEAKER. The Chair understands the question is on the passage of this bill. There was a demand made for the reading of the engrossed bill, which has just now been read.

The bill was passed.

OFFICERS AND CREW OF GUNBOATS KINEO AND CHOCURA.

The next unfinished business on the Private Calendar was the bill (H. R. 8294) for the relief of officers and crew of the United States gunboats Kineo and Chocura, reported from the Committee of the Whole with favorable recommendation.

The bill was considered, and ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

WILLIAM B. ISAACS & CO.

The next unfinished business on the Private Calendar was the bill (H. R. 1524) to execute the findings of the Court of Claims in the matter of William B. Isaacs & Co., reported from the Committee of the Whole with favorable recommendation.

The bill was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

GEORGE M'ALPIN.

The next unfinished business on the Private Calendar was the bill (H. R. 1353) for the relief of George McAlpin, to repay moneys unlawfully collected from him by the United States, reported from the Committee of the Whole with amendments.

The amendments were considered, and agreed to.

The bill as amended was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

The title of the bill was amended to conform to the recommendation of the Committee of the Whole.

MATHIAS PEDERSEN.

The next unfinished business on the Private Calendar was the bill (H. R. 4310) for the relief of Mathias Pedersen, reported from the Committee of the Whole with an amendment.

The bill was considered, the amendment recommended by the committee was agreed to, and the bill as amended ordered to be

engrossed and read a third time; and it was accordingly read the third time, and passed.

FANNY MOALE GIBBON.

The next unfinished business on the Private Calendar was the bill (S. 2008) granting a pension to Fanny Moale Gibbon, reported from the Committee of the Whole with favorable recommendation.
 Mr. CROWTHER. Mr. Speaker, I offer the amendment I send

to the desk.

The Clerk read as follows:

Strike out, in line 8, the words "one hundred" and insert in lieu thereof the word "fifty," so that the bill will read "\$50 per month."

Mr. CROWTHER. I understand that this is one of the bills that inevitably causes a great deal of friction and trouble in the Committee of the Whole, as well as in the Committee on Invalid

Pensions, and also much unnecessary discussion on the floor of the House. This is a bill proposing to fix the rating of the pension of the widow of a general officer at \$100 a month.

Many members on the floor have desired to get at some uniform and equitable rate for these pensions, so that they could be passed without unnecessary discussion and consumption of time. But it seems that this bill was passed without discussion in the Committee of the Whole, and I desire to make that amendment, so that the matter can be regulated as we have attempted to regulate the pensions of the widows of general officers.

I reserve the remainder of my time.

I reserve the remainder of my time.

Mr. CURTIS of New York. Mr. Speaker, I rise to oppose the amendment suggested by the gentleman from Missouri.

My friend is in error in saying that this bill passed the Committee of the Whole without debate. There was a motion made to reduce the sum fixed in the original bill to \$75 a month, and a discourier was the department of the committee of the whole without debate.

discussion was had upon that, and the committee voted on the motion and sustained the report of the Committee on Pensions.

I desire to call the attention of the House to pension legislation, and also bring to its attention some considerations why there should be a difference in the pensions allowed to the widows of general officers as compared to those allowed to the widows of private soldiers. We increase the pension of the widow of a general officer above the pension given to a collisted more and it has private soldiers. We increase the pension of the widow of a general officer above the pension given to an enlisted man, and it has been the practice of the Government from its very organization. It has also been the habit of Congress to increase the pensions in proportion to the value of the services rendered by the officer. We have had pensions given to the widows of general officers, for instance, at a rate of \$5,000 per annum, and we have never heard any objection because of that discrimination from the people of the country, especially when it is considered that the officers the country, especially when it is considered that the officers themselves rendered such magnificent and valuable services as to have commanded the respect not only of our own country, but of the whole world. Our friend would put this lady, the widow of Maj. Gen. John Gibbon, on the same plane on which he has offered to put other widows whose husbands were lieutenant-colonels and colonels.

This is a different case. It appeals to the judgment and the magnanimity of the people, and I am sure that there are few in this House who would withhold from the widow of John Gibbon this

sum which has been voted to her by the Senate, by the Committee on Pensions, and by the Committee of the Whole of this House.

General Gibbon was a graduate of West Point, entering a cadet from the State of North Carolina. Although with Southern personal associations, he was one of the three most distinguished men of Southern origin and Southern associations who in the days of 1881 stead by the floor. George H. Thewes, Loring men of Southern origin and Southern associations who in the dark days of 1861 stood by the flag. George H. Thomas, John Gibbon, and John Newton were the names of those three distinguished men. Since the death of the other two, Congress has given consideration to their families in equal proportion to the sum asked in this bill. General Gibbon served with the volunteers and rose to the grade of major-general. In that hot contest at Gettysburg, when a corps commander was disabled, John Gibbon was selected on the spur of the moment by those who knew his capacity to take command of the corps and to continue in command throughout that battle.

But there was a greater service rendered the country by John Gibbon. In the closing days of that great struggle there was a contest between the artillery, the cavalry, and the infantry to push forward to overtake the army under the command of Lee. On the morning of the 9th of April General Lee had not come to think that an immediate surrender was necessary, and when the Confederate forces were ordered forward they supposed the cavalry was all they had to meet; but the cavalry wheeled out and uncovered all they had to meet; but the cavalry wheeled out and uncovered the infantry of the Twenty-fourth Corps, which had arrived under command of Maj. Gen. John Gibbon. That corps had marched, on the 8th of April and the night of the 8th and the morning of the 9th, 87 miles to support the cavalry. Our associate from the First district of West Virginia [Mr. DOVENER] was in that corps. And in the State of the gentleman who makes this motion there is now living one of the most distinguished men in that State, Gen. John W. Turner, who commanded one of the divisions under John Gibbon. It was the skill of John Gibbon and the magnificent work of his men which marched that corps to the place where they were of his men which marched that corps to the place where they were of his men which marched that corps to the place where they were enabled to cooperate with the cavalry and made forever memorable the 9th day of April. If that had not been done the 9th of April would not have been one of the memorable days in American history. The presence of the Twenty-fourth Corps saved slaughter and great losses, which would have continued for several days had it not been for the skillful and masterly evolution of the men under Major-General Gibbon.

Is it in the heart, the judgment, or the conviction of any member that this widow, aged 70 years, without property, blind, with a daughter in feeble health, and two grandchildren without father or mother, the children of a deceased daughter, shall be left upon this pittance proposed by the gentleman from Missouri? Will it meet the wish of any true lover of the country that these persons, especially this widow, should be left in want, as they would substantially be with the small sum proposed? This widow is without means, and I do think the House should vote down this motion and stand by the action of the House in Committee of the Whole and the Senate.

Mr. CROWTHER Mr. Speaker I desire to great a portion of

Mr. CROWTHER. Mr. Speaker, I desire to grant a portion of my time to the gentleman from Kansas [Mr. Blue].
Mr. Blue. Mr. Speaker, it has been to some extent a mooted

question for a great many years as to who put down the rebellion. We have found out now that it was General Gibbon. Perhaps to that extent the gentleman's measure is meritorious. tled that question. But I apprehend that there were others who participated in that conflict, others, somewhat less pretentious oftentimes, who did their part equally well, although that part might have been the part of the humblest private of the command. It was the great common soldiery of this people who fought that conflict. While the men who led them deserve credit, they deserve it in no higher degree than the common soldiery of the Republic. The chief merit of that contest was the patriotism and heroism of the common men, and when the history of that stupendous and wonderful struggle comes to be written it will be replete with the acts of heroism of the men who carried the musket, as well as of the men of rank who bore the sword, and who chanced to be in such positions that they became famous by reason of the valor of the men who sustained them.

There can always be found in this body eloquent gentlemen who justain the claims of the widow of the officer; but who pleads for the lowly widow of the common soldier here? If an offer is made to increase her pension beyond \$12 a month there are always advocates ready to object to any increase beyond that humble pittance, on the ground that the general rule should be adhered to and no greater amount should be allowed. Let us have a law of equity and justice in the application of the rule to officers of this army. I regret to say, for myself, that the vote that I cast here giving \$75 a month to pension the widow of the only major-general that Kansas furnished to the service has been more criticised than any other official act of mine in this body. I here at this moment upon the floor of the House apologize to the gentlemen who have criticised that vote in the past and say that if I had an opportunity to make it \$50 I should avail myself of the privilege and vote to make it \$50. I think that the amendment of the gentheman from Missouri [Mr. CROWTHER] should prevail. I think that the rule ought to be \$50 in these cases, and it ought not to go beyond that. Seventy-five dollars would be the limit in very beyond that. Seventy-five dollars would be the limit in very extreme cases, but there is no special extremity in this claim that demands any such pension as \$100 a month.

One of the most beautiful temples upon the face of the globe is St. Paul's Cathedral. It is a temple of the living God. It was born of the intellect of a great architect, and in and about that splendid structure, among the magnificent sarcophagi that rest there, is the tomb of Sir Christopher Wrenn, the architect of the structure, and upon the marble slab that covers his tomb is a Latin inscription which contains this sentiment: "If you seek for his monument, look about you." When there shall be builded a stupendous ment, look about you." When there shall be builded a stupendous and glorious monument to the heroism of the common soldiery that saved the life of the Union and perpetuated our institutions, let there be written on that monument: "If you seek for their achievements, look about you." [Applause.] We can already see in the splendor of this the noblest and greatest of civilized nations the works that have followed the services of those heroes and realize what the patriotic common soldiery of the nation can accomplish. In deference to their heroism, in deference to the good names of their wives and children, let us apply a little of the general rule to these pensions for generals' widows and sustain this amendment. [Applause.]

Mr. CROWTHER. I yield five minutes to the gentleman from

Massachusetts

Mr. MORSE. Mr. Speaker, I want to stand up in my place and indorse the eloquent remarks of the gentleman from Kansas [Mr. Blue]. I remember that once a little boy had heard his father expatiate on his exploits in the Army at great length and very many times, who finally said, "Papa, did anybody help you to put down the rebellion?" Now, when I listen to some of the eulogies pronounced upon the officers of the Army, I am constrained to give utterance to a similar sentiment. I am not here to detract anything from the glory or patriotism of the services rendered by these men who commanded the Army whether in a minor or greater capacity; but I am here to say "Amen" to what the gentleman from Kansas has so eloquently said when he says that the real honor belongs to the men who fought in the ranks, without which the officers would have been powerless.

Now, Mr. Speaker, I am here to say further, that some votes I have cast in this House since I have been here, giving large pensions to the widows of officers, have been criticised at my home, in my district, and in my Commonwealth more than any other vote I have cast in this House. I want to ask what rhyme, wit, wisdom, or justice is there in giving a pension of \$75 a month to

the widow of an officer, while the widow of a private soldier, who lives in the next house, who lost her husband in the service, and who endured as much for his country as the officer—that that

widow should have only \$8 or \$12 a month?

Mr. Speaker, that is a conundrum that I am unable to solve. Mr. Speaker, that is a conundrum that I am unable to solve. I am unable to make any satisfactory explanation of such a difference. I think it might be proper for an officer's widow to have a difference in her favor, but no such difference as this. I think that all of this kind of legislation should be covered by some general pension bill. It is manifestly very unjust for persons who have a friend in court and among members of Congress to come in here and bring in a pension bill to give a large pension to the widow of one soldier, while the widow, as I say, of an equally meritorious soldier, living next door, only gets \$8 or \$12 a month. Only a few are reached in this way, and it serves to make the thousands of pensioners dissatisfied with the bounty of the Government. I have since I have been a member of this House introduced very few pension bills, not over two or three. I do not duced very few pension bills, not over two or three. I do not know that I have passed a single one, because I have not believed in the justice of this special legislation. It produces great dissatisfaction among the pensioners of the country. They can not see the justice of it, and there is no justice in it. And while I have to confess to my inconsistency, while I have to confess to the fact that I have done what I ought not to have done in that I have voted several times for large pensions for the widows of officers, I am here to say that in the little time remaining to me, on the principle that "While the lamp holds out to burn," etc., I do not propose to vote for any bill giving a large pension to an officer's widow; but I shall cast my vote for this amendment or for a smaller sum

Mr. CURTIS of New York. Mr. Speaker, I do not know whether I reserved the balance of my time, but I hope, at least, I shall be allowed to say a word in reply to the argument of my friend from Massachusetts [Mr. Morse], as well as my friend from Kansas [Mr. Blue], who have entered into a discussion of the policy of the Government in discriminating in pensions between enlisted men and officers, and the widows of enlisted men and the widows of officers. That is a discrimination which has always existed. That is a discrimination which has existed in respect to their pay, their responsibility, and everything pertaining to the service.

Mr. CROWTHER. Will the gentleman permit me to ask him

a question?

Mr. CURTIS of New York. Certainly.

Mr. CROWTHER. What amount of pension would the widow of a general officer, a brigadier-general, obtain under the general

Mr. CURTIS of New York. Thirty dollars a month, and a pri-

Mr. CURTIS of New York. Thirty dollars a month, and a private soldier \$12 a month.

Mr. CROWTHER. Now, we propose to give this widow, not the general, \$50 a month. Certainly that is sufficient.

Mr. CURTIS of New York. No. Mr. Speaker, this Congress and other Congresses, from the close of the war, have seen fit and many times to increase the pension over the statute provision for the widows of distinguished officers. They have also increased the pensions for widows of soldiers, but I do not think that question properly comes up for consideration at this time. There has been pensions for widows of soldiers, but I do not think that question properly comes up for consideration at this time. There has been no case since the close of the war when the merits of the man, the character of his services, or the needs of his family more strongly appeal to the sense of justice, generosity, and good feeling of the American people than the case now before the House. My friend speaks of the private soldiers and compliments them as they deserve, but what is the value of a single musket? The important this, is true to a sense of the private soldiers and compliments them as portant thing in war is organization, skill in maneuvering, which brings the greatest number of muskets, the greatest force of artil-lery, the greatest number of cavalry sabers to strike at the decisive time. We are not now passing upon the respective merits of the private soldier or the officer in his individual capacity; we are considering the value of the services rendered by General Gibbon, and among all the officers who performed gallant and dis-tinguished service in the last war there can not be found one more meritorious, one who showed greater capacity in the field when he had an opportunity to exhibit it, than Gen. John Gibbon.

His widow is poor. She is 70 years of age. The pension here proposed to be granted is a small sum, not greater than has been given in this very Fifty-fourth Congress to the widows of officers whose services were no more to be compared with the services of General Gibbon than a nickel is to be compared with a dollar.

Mr. CROWTHER. Mr. Speaker, I yield ten minutes to the gentleman from Nebraska [Mr. ANDREWS].

Mr. ANDREWS. Mr. Speaker, this question has been gone over frequently in committee before bills have been reported to the House. We have reviewed the arguments here pro and con at almost every Friday night session when we have been able to transact any business at those sessions. On Friday afternoons, and at other times, this House has been entertained with a review of the arguments relative to the ratings of pensions for the widows of private soldiers and the widows of officers. In order to

place before the House at this time the action which the Commit-tee on Invalid Pensions has taken upon this question, and to pre-sent also in full the report which that committee has recommended to the House for passage, I send to the Clerk's desk and ask to have read as part of my remarks the action of the committee, which will be found on page 410 of the RECORD of the first session of this Congress. This report was acted upon by the Committee on Invalid Pensions, and I was instructed to report it back to the House with the recommendation that the resolutions there presented be passed.

The Clerk read as follows:

Whereas marked confusion and delay have resulted from the want of some uniform rule in the consideration of private pension bills: Therefore, Be it resolved. That it is the sense of the House that all private pension bills should be drawn according to the rates of pension indicated by the general pension laws unless the evidence should clearly show that a higher rate is justly required to relieve actual distress, the question of the soldier's rank being considered wholly immaterial in determining an exceptional rating. Resolved. That all recommendations from committees should be in harmony with the sentiment of the foregoing resolution.

Mr. Andrews, from the Committee on Invalid Pensions, submitted the following report:

with the sentiment of the foregoing resolution.

Mr. Andrews, from the Committee on Invalid Pensions, submitted the following report:

Your Committee on Invalid Pensions, to whom was referred the resolution (H. Res. 341) relating to private pension bills, have considered the same, and report as follows:

Said resolutions seek to economize the time and labor of the House in the consideration of private pension bills. Such bills are usually drawn at rates much higher than those indicated by general pension laws, and consequently much time is consumed by committees and oy the House in making amendments as to rates. If such bills were drawn according to rates fixed by general pension laws, and each bill were accompanied by a brief of the necessary evidence when it reaches the proper committee, many meritorious bills could be passed in the time frequently consumed by repetitions of opinions relative to exceptional ratings. It is assumed that the members of the House will readily recognize the benefits that could thus be conferred upon many deserving soldiers whose bills ought to be passed immediately.

If the rates fixed by the general pension laws are not fair and just, a bill removing unjust discriminations should be put upon its passage immediately and enacted into law.

Thus one discussion would settle the question of rates, and Congress would be relieved of a large volume of business which would be and ought to be transacted through the Pension Bureau. The adoption of the resolutions would give a rule of action to members, committees, and the House in the transaction of business relative to private pension bills; and your committee therefore recommend that said resolutions be agreed to.

Mr. ANDREWS. Mr. Speaker, it is not my desire, neither was it the desire of the Committee on Invalid Pensions in the preparation and adoption of this report, to cast any reflection whatever upon the brilliant services of any officer in the late war of the rebellion. We simply seek to suggest here a rule of business procedure whereby this miscellaneous discussion can be disposed of once for all by the passage of a general statute that will remove the question from debate. Then each successive committee from Congress to Congress will have a definite policy marked out relative to their recommendations of pension bills to the House Lative to the conductive to the first session of this Congress the Congress.

In the early part of the first session of this Congress the Committee on Invalid Pensions was very severely criticised for the mittee on Invalid Pensions was very severely criticised for the presentation of bills that were supposed to be out of harmony with the fixed provisions of general laws. Whether those criticisms were just or not we need not now debate. It is not the intention of the committee, as I understand it, by this recommendation to question what should be done or what should not be done in a general statute, but so long as there are general laws giving higher rates of pension to the widows of officers than are allowed to the widows of privates those general provisions of law should be observed; and if present ratings are unjust, a bill removing unjust discriminations should be put upon its passage and enacted into law immediately.

Now, with a provision of that character the House would have some rule of action. But here, with cases coming up from time to time ranking up to the grade of captain, it has been practically impossible to secure a recommendation of the Committee of the Whole for anything beyond \$20 a month; but when you pass to an officer of higher rank than that of captain, or beyond the rank of major, it is a comparatively easy matter, on the ground of rank alone, to leap from \$25 to \$100 a month without stopping to ask why. I submit that a practice of this kind is wholly inconsistent, and that on this question we ought to maintain our action within proper bounds. We should come to the business side of the questions. proper bounds. We should come to the business side of the ques-tion, and say that in the ratings of pensions to the widows of officers we should hold as closely to the provisions of the general law as we do in fixing the rate of pensions for the widows of privates.

Upon these grounds I stand in supporting the amendment which is proposed for the reduction of the rate indicated in this bill.

Mr. CROWTHER. I yield five minutes to the gentleman from

Delaware [Mr. WILLIS].

Mr. WILLIS. Mr. Speaker, it has always been averse to my feelings either to offer or vote for any proposition lessening the amount of pension which is to go to an old soldier or to the widow reluctance that I have to deny the claim which the eloquence of the gentleman from New York, General Curtis, so aptly makes to my sensibilities. But in this case I am compelled to do so on attempting to make an object lesson of this bill?

this principle: You know that when a great business concern goes down, an account is taken of the assets and liabilities; and when the concern is found to be bankrupt, those who settle up the business do not make one or two or five or ten or twenty or even a hundred creditors principle of justice that divide a principle of justic they divide up what is left and pay so much on the dollar. Now, so far as concerns the debt that this country owes to the soldiery that sustained it in the hour of its peril, it can never pay that debt. It is bankrupt in money; and it is bankrupt in gratitude. The best it can do is to pay so much on the dollar; and the only way it can do that is to deny unusually large amounts to a certain class and to endeavor as much as possible to reach an equalization in the distribution of the whole amount.

Upon that principle I have to refuse to vote for \$100 a month to the widow of an officer who may not be any more needy than the widow of a private. I know that there are to-day thousands and thousands of soldiers' widows who can not get even \$12 per month; there are thousands that would be glad to get even \$8 a month who are now getting nothing. On this principle of a somewhat just distribution of the assets in hand, I can not vote for \$100 for the widow of an officer when I have to vote for \$12 for the widow of a private. I shall therefore sustain the amend-

Mr. CROWTHER. I yield five minutes to the gentleman from

Mr. GROSVENOR].
Mr. GROSVENOR].
Mr. GROSVENOR. Mr. Speaker, I am very much obliged to the gentleman from Missouri [Mr. CROWTHER] for yielding time to me; but he understands that I am not going to support his amendment.

I have heard a great deal on the floor of this House for ten or twelve years in the line of the argument now used in opposition to this bill. But I have this to say: Never yet, in my contact with the private soldiers of the country, have I ever heard any ratification of the agency assumed by these gentlemen. I have been a member of the State encampment of Ohio almost ever since the I have been six times a delegate to the National Encampment of the Grand Army of the Republic; and I am elected a delegate to the State encampment of Ohio now. And never yet in any one of those meetings, nor in any of the Grand Army reunions, nor in any reunion of the great assemblages of the Army, have I ever heard a private soldier or anybody else attempt to draw the line that is here attempted to be drawn between the private soldier and the officer.

Now, let me add this: The distinctions that have been made since the war in favor of the great officers of the war have been made by the private soldiers themselves. The very spirit that gave to the Army of the Potomac their pride in such men as John Gibbon has run through the third of a century that has followed the close of the war; and to-day the men who stand by this distinction with the greatest enthusiasm are the enlisted men of the Army. Point out to me, if you can, one place where there has been an authoritative declaration against the recognition of such men as Sherman and Grant and Sheridan, and their relatives after their death. Show me the place where there was a private soldier who did not indorse the conferring of the pension upon Mrs. Sheridan.

So, Mr. Speaker, my proposition is this: While if I had the framing of the pension laws all over again, so far as the volunteer service is concerned I would make no distinction of rank—I have

service is concerned I would make no distinction of rank—I have said so many a time—the same considerations do not apply in the case of an officer of the Regular Army; and our system of volunteer pensions we derive from the Regular Army system.

In the present case, General Gibbon, an officer of the Regular Army, having reached his sixty-fourth year, was retired upon a reduction of pay. He devoted his life to the service of the Government, and at his death he had accumulated nothing. He leaves behind him a wide way. hind him a widow. Now, although I never served in the Army of the Potomac. I venture to say that if every survivor of the Army of the Potomac—enlisted man or officer—could register his vote upon this proposition, ninety-nine out of every one hundred of those votes would be in the affirmative. [Applause.] That is the sentiment which those men testified upon the battlefield, and which they take

pride in testifying upon every possible and proper occasion.

So, Mr. Speaker, while I will not assail this proposition made by the Committee on Invalid Pensions—while I wish it could be carried out, and that we could have something which would take these questions out of Congress—I am not willing that a man who did the service for his country that John Gibbon did in the hour of peril-greater than I ever saw in any command to which I had the honor to belong—shall be made an example of in favor of an assumed demand of a sentiment which, I say, does not exist anywhere in the United States. [Applause.] here in the United States. [Applause.] Mr. CROWTHER. Will the gentleman from Ohio permit a

Mr. GROSVENOR. Not at all. I said that this debate had

Mr. GROSVENOR. Not at all. I said that this debate had been taken advantage of for that purpose.

Mr. CROWTHER. This morning the House passed a bill granting a pension to the widow of a distinguished officer who had reached the highest rank in the Navy, and then stepped out, joined the Army, and obtained the very highest position that could be obtained there. We passed that bill at only \$50 per month. And I hold in my hand the conference report, agreed to by the Senate Committee on Invalid Pensions, regarding the same question, wherein they stand by the uniformity of their action with reference to the amount I have proposed.

Mr. WATSON of Ohio. Let me ask the gentleman from Mis-

Mr. CROWTHER. A general objection. I have been fighting these bills all the way through.

Now, I desire to yield a portion of the time to the gentleman from Illinois [Mr. Wood].

Mr. WOOD. Mr. Speaker, I do not wish to make any discrimination against the widow of Gen. John Gibbon; but something nation against the widow of Gen. John Gibbon; but something has been said here in regard to the policy of making a distinction between the pensions of officers and privates who have served in our Army. I recognize no such distinction and no policy of the Government except that which comes through general law. The law in a private or individual case is not a precedent, and the policy of the Government can not be founded upon or determined in the future by the passage of any private act. That is an entirely different question.

The private law is an anomaly in legislation. It is sometimes resorted to to confer privileges upon those who ought not to have them or who do not have them under the general law. In a Republic like ours it ought to be in the nature of equitable legislation, and should be based on a general principle, each case of private legislation that comes up for consideration in this body

being determined by the circumstances surrounding it.

The policy of the law in regard to pensions is that where the soldier died from the effect of wounds or injuries received or disease contracted in its service, that the Government will confer upon the widow of such soldier \$12 per month, and upon the widow of a general officer who performs services under similar circumstances the sum of \$30 per month. The policy of this Government in reference to pensions, as shown in the public laws of the United States—and that policy has been uniform—is to give to the widow of the officer and the soldier alike a similar pension where the death did not result from wounds received in the service or from disease contracted in the line of duty. We are departing from this policy of the law, and without any good reason. The from this policy of the law, and without any good reason. The pension that comes through a private law is a gratuity pure and simple. It is not supported on any legal principle. The pensions that come through a general law, especially an act that was passed before the soldier enlisted, perhaps, or while in the service, is in the nature of a debt and an obligation on the part of the Government. We have made this distinction, although in the amount of pay and in the rank of the party the pension comes under the provisions of the general law. visions of the general law.

Now, it is proposed by this amendment to make the pension of the widow of General Gibbon \$50 per month. I recognize, as we all recognize, the distinguished services of Gen. John Gibbon. I recognize the fact that he got the infantry, in that relentless pursuit, along on the same time of the cavalry. But it was the energy, it was the endurance, it was the bravery and determination of the private soldier that enabled him to do that. I do contend that there ought not to be made this distinction between the offi-

cer and the privates, both, perhaps, serving in the same corps, and both undergoing the same hardships and the same privations.

Besides that, Mr. Speaker, this officer was there for life, a place that is sought after eagerly by all the young men of the country, so many of whom wish to enter the military service. When the proper age comes, he may be retired on three-quarters of his full pay. The pension allowed to his widow is two and one-half times pay. The pension allowed to his widow is two and one-half times that allowed to the private soldier. And if the amount should be cut down to \$50 per month, under the amendment pending, based on the facts set out in the report, it will still be doing full justice to the widow of this distinguished officer, and it will be very much more than has ever been granted to the widow of any private

soldier under our pension laws.

The SPEAKER pro tempore. The question is on the adoption of the amendment proposed by the gentleman from Missouri.

The question was taken; and upon a division (demanded by Mr.

CURTIS of New York) there were—ayes 60, noes 59.
Mr. CURTIS of New York. I call for tellers.

Tellers were ordered.
The SPEAKER pro tempore appointed Mr. Curtis of New York

and Mr. Crowther as tellers.

The House divided; and the tellers reported—ayes 54, noes 82.

Mr. CROWTHER, Mr. MILNES, and others demanded the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were-yeas 68, nays 128, not voting 159; as follows:

	YE.	AS-68.	
Aitken, Allen, Miss. Allen, Miss. Anderson, Andrews, Baker, N. H. Barham, Bell, Colo. Bishop, Blue, Burrell, Burton, Mo. Clardy, Clark, Iowa Clark, Mo. Codding, Connolly, Crowther,	Danford, Ellis, Ellis, Fenton, Gibson, Hager, Halterman, Hatch, Hemenway, Henry, Ind. Hicks, Howard, Hubbard, Hulbard, Hull, Hunter, Johnson, N. Dak. Kem,	Kirkpatrick, Lacey, Latimer, Lewis, Loudenslager, Marsh, McLaurin, Mines, Minor, Wis. Morse, Mozley, Northway, Ogden, Overstreet, Pendleton, Perkins, Raney,	Royse, Shafroth, Smith, Ill. Snover, Spalding, Strait, Strong, Talbert, Tate, Tracewell, Treloar, Updegraff, Willis. Wilson, Ohio. Wilson, S. O. Wood, Yoakum.
	NA	YS-128.	

Acheson, Arnold, R. I. Atwood, Avery, Bankhead, Kyle, Layton, Leisenring, Leonard, Livingston, Long, Dinsmore. Dockery, Dockery, Doolittle, Dovener, Ellett, Erdman, Erdman,
Evans,
Fairchild,
Fischer,
Fletcher,
Floote,
Gamble,
Gardner,
Griffin,
Griswold,
Grosvenor,
Grout,
Hardy,
Harner,
Harris, Barney, Bartlett, Ga. Maddox, Maddox, Maguire, Mahon, McCall, Mass. McClelan, Bell, Tex. Bennett, Boatner, Boutelle, Bromwell, McClellan,
McCreary, Ky.
McCulloch,
McDearmon,
McLachlan,
Mercer,
Miles,
Miller, W. Va.
Mitchell,
Money,
Neill,
Newlands,
Owens,

Bronwell,
Bull,
Burton, Ohio
Catchings,
Chickering,
Clarke, Ala.
Cooke, Ill.
Cooke, Ill.
Cooper, Fla.
Corliss,
Crisp,
Crowley,
Culberson,
Cummings,
Curtis, Kans.
Curtis, N. Y.
Dalzell,
Daniels,
De Armond,

Abbott.

Abbott,
Adams,
Addrich, T. H.
Aldrich, W. F.
Aldrich, III.
Allen, Utah
Apsley,
Arnold, Pa.
Babcock,
Bailey,
Baker, Kans.
Baker, Md.
Barrholdt,
Bartholdt,
Bartlett, N. Y.
Beach,

Beach, Belknap, Berry, Black,

Bowers, Brewster, Broderick,

Brosius, Brown.

Brumm, Buck,

Buck,
Calderhead,
Cannon,
Coffin,
Colson.
Cook, Wis.
Cooper, Tex.
Cooper, Wis.
Cousins,
Cowen,
Cox,
Crump,
Curtis, Iowa
Dayton,

Dayton, Denny,

Harmer, Harris, Henry, Conn. Hill, Huff, Hurley, Jenkins, Johnson, Cal. Johnson, Ind. Joy, Klefer, Kleberg, Knox,

NO!
De Witt,
Dingley,
Dolliver,
Draper,
Eddy,
Faris,
Fitzgerald,
Foss.
Fowler,
Gillet, N.Y.
Gillett, Mass.
Goodwyn.

Goodwyn,
Graff,
Grow,
Hadley,
Hall,
Hanly,
Harlson,
Haart,
Hartman,
Heatwole,
Heiner, Pa.
Henderson,
Hendrick,
Hepburn,
Hermann,
Hilborn,
Hilborn,
Hilborn,
Hooker,
Hookins,
Howel,
Huling,
Hutcheson,
Hyde,
Jones,
Kendall,

Lefever,
Leighty,
Lester,
Linton,
Little,
Lord,
Mahany,
Martin,
McCall, Tenn,
McCall, Tenn,
McCormick,
McBwan,
McMillin,
McRae,
McMillin,
McRae,
Millin,
Meredith,
Meyer,
Miller,
Kans,
Milliken,
Miner, N. Y.
Mondell,
Moses,
Murphy,
Noonan,
Odell,
Oty,
Otjen, Parker, Patterson, Patterson Payne, Pearson, Phillips, Pickler, Pituey, Price, Onige

Quigg, Ray,

Sherman, Smith, Mich. Sparkman, Spencer, Stallings, Stallings,
Steele,
Stephenson,
Stephenson,
Stewart, N. J.,
Stewart, Wis.
Stokes,
Stone, W. A.
Strode, Nebr.
Sulzer,
Tawney,
Terry,
Thomas,
Towne,
Turner, Ga.
Turner, Va.
Van Horn,
Van Yoorhis,
Wadsworth,
Wanger,
Wartson, Ohio
Wellington,
Wheeler, Weilington, Wheeler, Williams, Wilson, N. Y. Woodard, Woodman, Wright.

NOT VOTING-159.

Owens,

Poole, Powers, Prince, Pugh, Richardson,

Shannon,

Reeves, Reyburn, Rinaker, Robertson, La. Robinson, Pa. Rusk, Russell, Conn. Russell, Ga. Sauerhering, Sayers, Scranton, Scranton, Settle, Shaw, Shuford, Simpkins, Skinner, Skinner,
Sorg,
Southard,
Southwick,
Sperry,
Stahle,
Stone, C. W.
Strowd, N. G.
Sulloway,
Swanson,
Taft,
Tayler,
Thorp,
Tracey,
Tucker,
Tyler,
Walker, Mass.
Walker, Va.
Washington,
Watson, Ind.
White,
Wilbor,
Wilson, Idaho.
Woomer. Woomer.

So the amendment of Mr. CROWTHER was rejected. The Clerk announced the following additional pairs: For this day:

Mr. BARRETT with Mr. TUCKER.

Kulp, Lawson,

On this question:

Mr. Leighty with Mr. Wilson of Idaho. Mr. Henderson with Mr. Coofer of Texas. Mr. Gillett of Massachusetts with Mr. Denny.

Mr. SIMPKINS with Mr. MINER of New York.

Mr. Meiklejohn with Mr. Little.

On this vote:

Mr. ALLEN of Utah with Mr. HARRISON.

The result of the vote was then announced as above recorded.

Mr. BLUE. Mr. Speaker— Mr. WOOD. Mr. Speaker, I move to amend by striking out of line 8 the words "one hundred" and inserting in lieu thereof

seventy-five."

Mr. CURTIS of New York. I hope that will not be adopted. The Clerk will report the amend-The SPEAKER pro tempore.

The Clerk read as follows:

In line 8 strike out the words "one hundred" and insert in lieu thereof the ord "seventy-five."

Mr. CURTIS of New York. Mr. Speaker, is it in order to offer

this amendment now in the House?

The SPEAKER pro tempore (Mr. Hull). The Chair thinks is. The previous question has not been ordered, and the bill is open to amendment.

Mr. CURTIS of New York. I hope that amendment will be voted down.

The question being taken, the Speaker pro tempore announced that the noes seemed to have it. On a division (demanded by Mr. BLUE) there were-ayes 57,

noes 86.

Accordingly the amendment was rejected. Mr. CURTIS of New York. Mr. Speaker, I now ask for the previous question.

The previous question was ordered.

The question being taken on ordering the bill to be engrossed and read a third time, Mr. Blue demanded a division.

The House divided; and there were—ayes 102, noes 13.

Mr. BLUE and Mr. CROWTHER demanded the yeas and nays. The yeas and nays were refused, not a sufficient number rising in support of the demand for the same.

Accordingly, the bill was ordered to be engrossed and read a third time; and it was read the third time, and passed.

On motion of Mr. CURTIS of New York, a motion to reconsider the last vote was laid on the table.

GRAY'S BATTALION OF ARKANSAS VOLUNTEERS.

The next unfinished business on the Private Calendar was the bill (H. R. 1061) granting pensions to Gray's Battalion of Arkansas Volunteers.

The bill was read.

Mr. THOMAS. Mr. Speaker, I move the previous question on

Mr. BLUE. Mr. Speaker, I hope that will not be ordered now. The question was taken; and the Speaker announced that the

ayes appeared to have it.

Mr. BLUE. I demand a division. Let us see whether this is a private bill or a public bill.

The House divided; and there were-ayes 55, noes 40.

Accordingly, the previous question was ordered.

Mr. BLUE. Mr. Speaker, a parliamentary inquiry. Can a motion be made at this time to refer this bill to the Committee of the

Whole The SPEAKER. The Chair thinks that such a motion is in

Mr. NEILL. This bill has been carefully considered in Committee of the Whole and reported to the House.

Mr. BLUE. I move that this bill be referred to the Committee

of the Whole House.

The SPEAKER. The Chair thinks this is in the nature of a motion to recommit, and would be in order after the bill has been ordered to engrossment and third reading.

Mr. BLUE. Then I desire to make the motion at that time.

Mr. BLUE. The SPEAKER. The question is on the engrossment and third reading of the bill.
Mr. CROWTHER.

Has this bill been engrossed?

The SPEAKER. It has not been engrossed.
Mr. CROWTHER. I rise to a point of order, that the bill not
having been engrossed, it is not properly before the House.
The SPEAKER. It has not yet been ordered to be engrossed.
Mr. CROWTHER. Then I call for the reading of the engrossed

The SPEAKER. The gentleman can do that after it has been dered to be engrossed. The question is on the motion ordering ordered to be engrossed.

the bill to be engrossed.

The bill was ordered to be engrossed and read a third time. Mr. CROWTHER. Now, Mr. Speaker, I call for the reading

of the engrossed bill. Mr. BLUE. Mr. S

Mr. BLUE. Mr. Speaker—
The SPEAKER. The gentleman asks for the reading of the

engrossed bill, which is not present.

Mr. BLUE. Now, Mr. Speaker, I offer the motion to recommit, and before I do that, in the attitude which the bill has now assumed y reason of the action of the gentleman from Missouri [Mr.

CROWTHER], is it in order now—
The SPEAKER. The Chair thinks that when the bill comes up to be read as an engrossed bill, then it will be in order.

Mr. CROWTHER. To facilitate matters, with the consent of the House, I withdraw my motion for the reading of the engrossed bill

Mr. POOLE. I object.
The SPEAKER. Objection is made to the withdrawal, which is equivalent to a renewal of it. The Clerk will report the next

WILLIAM M. DALZELL.

The next unfinished business on the Private Calendar was the bill (H. R. 1498) to grant an honorable discharge to William M. Dalzell.

The bill was read.

Mr. STEELE. Let us have the report read. The SPEAKER. The gentleman asks for the reading of the report. If he desires to have it read as a part of his remarks, the report can be read. Mr. STEELE. Yes.

The report (by Mr. GRIFFIN) was read, as follows:

The report (by Mr. GRIFFIN) was read, as follows:

The Committee on Military Affairs, to whom was referred the bill (H. R. 1488) granting an honorable discharge to William M. Dalzell, having examined and considered the same, report the bill back to the House with a recommendation that it do pass.

From a report made by the War Department in this case it appears that William M. Dalzell was enrolled May 27, 1861, for three years, as corporal of Company B, Second Iowa Infantry, and is reported on the muster roll of the company for September and October, 1861, as having been transferred to the recruiting service for the State of Iowa October 1, 1861. With the exception of the roll for July and August, 1862, on which he is similarly reported, his name is not borne on any muster roll from October, 1861, to the date of muster-out of the company on July 12, 1865.

The application for honorable discharge previously submitted was denied on December 10, 1880, on the ground that there was no evidence of the alleged transfer to the United States Navy, and that the applicant's unsupported statement did not warrant a change in the record.

An investigation, brought about by a similar application in September, 1888, elicited the following facts:

The Navy Department reported that there was no record of claimant's service in the United States Navy.

The Second Anditor reported that there were no papers on file in his office relative to the case.

On September 20, 1888, the claimant was informed that no record and been

The Navy Department reported that there was no record of claimant's service in the United States Navy.

The Second Auditor reported that there were no papers on file in his office relative to the case.

On September 20, 1888, the claimant was informed that no record had been found of him from October, 1861, to June 15, 1862, when he accepted civil employment in the Quartermaster's Department, and that no favorable action could be taken in his case except upon satisfactory evidence of his discharge from the military service prior to his employment as a civilian.

An inquiry of the adjutant-general of Iowa elicited the following reply:

"William M. Dalzell was reported transferred October 1, 1861, and also August 1, 1861. Report of transfer does not state to what organization transferred, but in remarks says to Iowa State recruiting service. He is supposed to have been transferred to Marine Brigade. There are no records in this office going to show in what organization, other than the Second Iowa Infantry, he served."

The claimant makes the following statement under oath as to his whereabouts after the transfer above referred to:

"About October 1, 1861, Capt. R. M. Littler, of Company B, Second Iowa Infantry, transferred me to the Navy Department, under command of Captain Pennock, who was then in charge of the naval station at Cairo. Having for many years previous to enlistment been a steamboat captain, I was ordered by Captain Pennock to take charge of the steamer Eugene, which Idid. I run said boat until October 1, 1862, on which date I was ordered to go with the boat to Memphis, stopping at Randolph, Tenn., to find out about the killing of a lieutenant a few days before. While ashore at Randolph I was taken prisoner, but saved the boat by calling to the pilot to back her off. Later I was paroled and released. Returning to Cairo, I was informed by Captain Pennock to go home until he got an exchange of prisoners. I afterwards learned that there had never been an exchange of naval prisoners; that I was a parole

regiment, to pursue the captors, which was done. Captain Dalzell was not rescued, although the expedition returned with about twenty prisoners of the marauding party.

Abram H. Clark, of Peoria, Ill., swears that he was a member of Company B, Second Iowa Volunteers, in which company and regiment said Dalzell served until October 1, 1861, when he was transferred to the naval transport service, in which he served for one year; that he was taken prisoner while in command of the naval transport steamer Eugene, and afterwards paroled and sent home.

It also appears from the report made by the War Department that there were other affidavits in support of the statements made by said Dalzell, including the affidavit of Captain Littler, who was in command of Dalzell's company at the time the transfer is said to have been made.

So far as any record appears bearing upon the question of transfer to the marine or naval transport service, such record sustains the claim and statements of the beneficiary, and on this evidence the transfer, although perhaps not made strictly as it should have been, must be conceded to have taken place. That William M. Dalzell was in the naval transport service and was taken prisoner and paroled is sustained by the affidavits of Col. Quincy McNeil, who from May to October, 1862, was in command of Island No. 10, and Abram H. Clark, of Peoria, Ill., who was a member of the same company with said Dalzell. The soldier's affidavit shows that there never had been any exchange of naval prisoners, and that he was informed by Captain Pennock, under whom he served on the naval transport Eugene, that he could not go back to his company while a paroled prisoner.

Your committee have arrived at the conclusion that no intention to desert appears in this case, and that the charge of desertion has grown out of the peculiar circumstances surrounding the soldier, and for which, in the opinion of your committee, he should not be held accountable.

Mr. THOMAS. Mr. Speaker, I move the previous question on the bill to its passage.

The previous question was ordered, and under the operation thereof the bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time.

The SPEAKER pro tempore. The question is on the passage of

Mr. WILSON of Ohio. I want to ask if debate is not in order. The SPEAKER pro tempore. Debate is not in order, the previous question having been ordered.

Mr. WILSON of Ohio. I want to know whether it will be in

order to offer an amendment to the bill.

The SPEAKER pro tempore. It would not, the previous ques-

tion having been ordered.

Mr. WILSON of Ohio. I did not understand what stage the bill

had reached.

The SPEAKER pro tempore. The bill has been read a third time, and the question is now upon its passage, the previous question having been ordered by the House.

The question was taken, and the bill was passed.

GEORGE M. BROOKS.

The next unfinished business on the Private Calendar was the bill (S. 637) granting a pension to George M. Brooks.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll the name of George M. Brooks, late private in D Company of the Sixty-ninth Regiment of Indiana Infantry Volunteers, and pay to him a pension of \$15 per month.

Mr. THOMAS. Mr. Speaker, I move the previous question on

the bill to its passage.

Mr. RICHARDSON. I hope the gentleman will not do that
until the report is read or we have some explanation of the bill.

The SPEAKER pro tempore. Does the gentleman withdraw

The SPEARER pro tempore. Does the gentleman withdraw the demand for the previous question?

Mr. RICHARDSON. I would like to have the report read, so that we may know what we are acting on.

Mr. THOMAS. The report has been read and discussed in the Committee of the Whole, but if the gentleman is not familiar with it I shall not insist on the demand.

Mr. RICHARDSON. I would like to have the report read.

Mr. THOMAS. I withdraw the demand, so as to have the re-

port read. The SPEAKER pro tempore. The report will be read in the

time of the gentleman from Michigan. The report (by Mr. BAKER of Kansas) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (S. 637) granting a pension to George M. Brooks, having carefully considered the same, adopt as their own the annexed Senate report (No. 351), and recommend that the bill do pass.

[Senate Report No. 351, Fifty-fourth Congress, first session.]

[Senate Report No. 351, Fifty-fourth Congress, first session.]

The Committee on Pensions, to whom was referred the bill (S. 637) granting a pension to George M. Brooks, have examined the same, and report:
The record shows that said Brooks was enrolled on the 9th day of August, 1862, as a private in Company D, Sixty-ninth Regiment Indiana Volunteers.
Said Brooks testifies that he contracted the measles while in camp at Indianapolis, Ind., about the middle of November, 1862, which entirely destroyed his voice and induced pain in his breast, from which he is still suffering; and that during the fall of 1862 and the following winter, while he was in the service of the United States, he incurred a throat and lung trouble from which he has never been entirely clear since; that it has at times been better, and at other times worse, and sometimes very bad; that some of his physicians told him that he had bronchitis, others that it was a throat and lung trouble, and others asthma; that for years he has been troubled with dizziness and swimming in the head, glimmering in the eyes, shortness of the breath under moderate exercise or excitement, and has general disability. Surgeon Jameson testifies that said Brooks had some acute bronchitis folfowing the measles; he also had the jaundice, which was contracted while in the United States service and line of duty at Indianapolis on or about November 15, 1862.

In certificate of disability for discharge the surgeon certifies to aphonia and general debility, consequent upon measles contracted in camp.

The examining surgeon, on October 23, 1863, finds aphonia and debility, consequent upon measles; that he is still unable to labor; disability at three-fourths.

P. H. Jameson, acting surgeon United States Army, states that when sol.

The examining surgeon on October 23, 1863, finds aphonia and debility, consequent upon measles; that he is still unable to labor; disability at three-fourths.

P. H. Jameson, acting surgeon United States Army, states that when soldier was discharged "he was unfit for duty by reason of acute bronchitis following measles: he had also jaundice, which was contracted while in the service of the United States and the line of his duty at Indianapolis, Ind., on or about the 15th day of November, 1862."

Said Brooks was honorably discharged on the 29th day of April, 1863, and on his certificate of discharge it is stated that he was discharged "by reason of general disability and aphonia, consequent upon measles contracted in camp at Indianapolis."

The evidence shows that said Brooks made application for an invalid pension in 1863, which was granted to him on pension certificate No. 1863]. The pension certificate stated that said Brooks should have an annual examination in order to draw his yearly pension, but on account of his having failed to appear for his medical examination in 1884 he was dropped from the rolls as a pensioner, and has never received any pension since.

On February 27, 1891, said Brooks made application to the Pension Office for "restoration to the pension rolls on account of permanent disability from bronchial troubles, weak eyes, piles, disease of liver, and general debility." But on account of his not being able to furnish all the evidence required of him by the Pension Office he has falled to get restored to the pension rolls. Said Brooks further testifies that he is unable to furnish evidence required showing physical condition from 1834 to 1838 for the following reason, to wit: Soon after being discharged he left home on account of his health, and passed from under the care and cognizance of a family physician, going from place to place and not remaining long in any one place, and having no permanent home until the winter of 1867-68, and the time having so long since passed that

he is unable to find those by whom to furnish the required evidence; also, believing that drugs would not cure him, he sought no medical treatment. George W. Mears, examining surgeon, on May 1, 1863, rated said Brooks as three-fourths incapacitated for obtaining his subsistence by manual labor from aphonia and debility.

L. D. Personett, M. D., testifies February 21, 1863, that said Brooks had been under his treatment for bronchitis and aphonia, the result of an attack of measles while in camp at Indianapolis in November, 1862.

W. P. Morrison, M. D., under date of August 20, 1831, testifies as follows:

"I have known the above George M. Brooks for the last thirteen years; that I am his family physician, and that the said George M. Brooks has suffered from aphonia and chronic liver disease; further, that he is a strictly temperate man and of good habits; that I consider him incapacitated for heavy manual labor or farm work, and has been the entire time of my acquaintance with him, by reason of the above disability."

Following is the professional statement of a reputable physician concerning the present condition of the soldier's health:

Sallina, Kans., February 18, 1896.

SALINA, KANS., February 18. 1896.

I have this day examined George M. Brooks, about 53 years of age, late a private in Company D of the Sixty-ninth Regiment Indiana Volunteers. Having been his family physician for the last two years, I am of the opinion that his disability resulted from an attack of measles which led to a chronic bronchitis, with exacerbations and remissions and attended with considerable bronchorrhea, always worse in the winter months. He also has a weak heart

heart.

He is entirely unfit to perform manual labor, but does perform about onefourth that of an able-bodied man.

W. S. HARVEY, M. D.

Personally appeared before me, clerk of the district court in and for Saline County, Kans., W. S. Harvey, personally known to me to be a practicing physician, and made the foregoing affidavit.

Sworn to and subscribed before me this 20th day of February, A. D. 1896.

[SEAL.]

Clerk of the District Court of Saline County, Kans.

I, A. L. Brown, clerk of said county and State aforesaid, do hereby certify that W. S. Harvey is a practicing physician of twenty-five years' standing, as shown by the records on file in my office.

[SEAL]

The soldier himself makes oath and testifies as follows:

SALINA, KANS., February 19, 1896.

George M. Brooks, late a private in Company D, Sixty-ninth Regiment Indiana Volunteers, being duly sworn, says that he is the identical George M. Brooks above referred to; that he is now in the fifty-fourth year of his age. He further says that he is disabled from doing physical labor, and that this disability is the result of measles contracted in the fall of the year 1862 while he was in the military service of the United States, so he verily believes; that he has never been able to do regular physical labor since he was discharged from the service of the United States.

Sworn and subscribed to before me this 19th day of February, 1896.
[SEAL.]

A. L. BROWN, County Clerk.

A. L. BROWN, County Clerk.

All of which being considered, your committee recommend the passage of
the bill.

Mr. THOMAS. I renew the motion for the previous question. The previous question was ordered, and under the operation thereof the bill was ordered to a third reading; and it was accordingly read the third time, and passed.

JOHN J. BOATWRIGHT.

The next unfinished business on the Private Calendar was the bill (H. R. 6233) granting an increase of pension to John J. Boatwright.

The bill was read at length.

Mr. THOMAS. Mr. Speaker, I move the previous question on

the bill to its passage

The previous question was ordered, and under the operation thereof the amendment recommended by the Committee of the Wh le was agreed to, and the bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

CHARLES W. SENTMAN.

The next unfinished business on the Private Calendar was the bill (H. R. 1311) granting an increase of pension to Charles W. Sentman.

The bill was read. Mr. THOMAS. Mr. Speaker, I move the previous question on

the bill to its passage.

The previous question was ordered, and under the operation thereof the amendment recommended by the Committee of the Whole was agreed to, and the bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

CLARA L. NICHOLS.

The next unfinished business on the Private Calendar was the bill (H. R. 6528) to increase the pension of Clara L. Nichols, widow of the late Bvt. Maj. Gen. W. A. Nichols. The bill was read, as follows:

Be it enacted, etc. That the pension of Clara L. Nichols, widow of the late Bvt. Maj. Gen. W. A. Nichols, of the United States Army, be, and it is hereby, increased from \$30 per month to \$100 per month, and the Secretary of the Interior is hereby authorized and directed to place the name of the said Clara L. Nichols upon the pension roll at the rate of \$100 per month, subject to the provisions of existing pension laws.

Mr. DALZELL. Mr. Speaker, this bill as it was originally introduced called for a pension of \$100 per month. The Committee on Invalid Pensions reported the bill at \$75 a month, and the Committee of the Whole on consideration of the bill amended it here.

mittee of the Whole, on consideration of the bill, amended it by

inserting \$50 a month. Now, I trust that this amendment will not pass; and if I may judge the temper of the House by the action taken within the last hour in the case of the widow of General Gibbon it will not pass; and measuring the sense of the House by its action in that case, it ought not to pass. There is no reason in the world why this distinction should be made between the widow of General Gibbon and the widow of this gallant officer of the Regular Army, for there was no more gallant officer in the the Regular Army, for there was no more gallant officer in the Regular Army than General Nichols. He served a period reaching from 1838 to 1866. He was a soldier, a distinguished soldier, of the Mexican war. His services in the Mexican war were many times recognized in a public way and by promotion, and upon the strength of his services alone his widow ought to have the amount that was named in the original bill. But, Mr. Speaker, outside of that altogether, this bill makes the appeal to this House upon another and a different ground. This widow, 60 years of age, has the right to come here and for her own services ask recognition at the hands of the Government.

Mr. RICHARDSON. Will the gentleman allow me to ask him

Mr. RICHARDSON. Will the gentleman allow me to ask him

a question? Mr. DALZELL.

Mr. DALZELL. Certainly. Mr. RICHARDSON. What was the actual rank of General Nichols? He was a brevet major-general, I know, but what was his actual rank?

Mr. DALZELL. I will read the gentleman his record; it is very brief:

Cadet at the United States Military Academy, July 1, 1834, to July 1, 1838, when he was graduated and promoted; brevet second lieutenant Second Artillery, July 1, 1838; second lieutenant, July 7, 1838; first lieutenant, June 1, 1844; regimental adjutant, August 18, 1846, to December 8, 1847, and September 1, 1848, to September 2, 1852; brevet captain, assistant adjutant-general, July 29, 1852; brevet major, assistant adjutant-general, March 7, 1861; lieutenant-colonel, assistant adjutant-general, August 3, 1861; colonel, assistant adjutant-general, June 1, 1864.

Brevetted captain September 23, 1846, for gallant conduct in the several conflicts at Monterey, Mexico; major, September 8, 1847, for gallant and meritorious conduct in the battle of Molino del Rey, Mexico; brigadier-general, September 24, 1864, and major-general, March 13, 1865, for meritorious and faithful services during the war.

Mr. RICHARDSON. But the gentleman does not state what General Nichols's actual rank was at the end.

Mr. DALZELL. I understand that his actual rank was major-

Mr. RICHARDSON. Brevet major-general, was it not? Mr. DALZELL. I read at the end of this record the words: And major-general, March 13, 1865, for meritorious and faithful services during the war.

Mr. RICHARDSON. I understand the report to say that he was a brevet major-general.

Mr. DALZELL. Well, I am unable to further inform the gen-

Mr. DALZELL. Well, I am unable to further morn the gen-tleman what his real rank was.

Mr. STEELE. The reading of the report shows that he was a Mr. DALZELL. I am informed that he was actually a briga-

dier-general. Mr. BLUE. Mr. Speaker, has the report in this case been read?
The SPEAKER pro tempore. It has not.
Mr. BLUE. The report will disclose what was the actual rank
of this soldier, and I ask to have it read.
Mr. DALZELL. Oh, it is not worth while to take up time

reading the report.

Mr. BLUE. It is very short, I believe.

Mr. THOMAS. It is two closely printed pages.
Mr. BLUE. Well, my recollection is that the report does not say that he was a major-general or that he ever claimed to be a major-general. The highest rank he reached, according to my recollection, was major-general by brevet.

Mr. THOMAS. But he was an actual brigadier-general.

Mr. BLUE. I am not certain about that.
Mr. THOMAS. That is my recollection, and the presumption is that he would not be brevetted a major-general unless he was

Is that he would not be brevetted a major-general unless he was previously a brigadier.

Mr. BLUE. Oh, he might be.

Mr. DALZELL. He is called at the beginning of this report "Bvt. Maj. Gen. W. A. Nichols."

Mr. BLUE. And that is what he really was.

Mr. DALZELL. Well, Mr. Speaker, I do not care whether he was a major-general or only a major, there is no reason in the world why there should he any distinction made between this case. world why there should be any distinction made between this case and the one that was passed upon less than an hour ago, and I

and the one that was passed upon less than an hour ago, and I appeal to this House to say that there shall be no such distinction. When I was interrupted I was going on to say that, apart from the services of her husband, this lady herself has a right to appeal to this House upon her own merits, and in support of that statement I read from a document that was presented to the Committee on Invalid Pensions and is embodied in this report:

Unfortunately, the war of the rebellion found General Nichols serving in Texas, the adjutant-general of the arch traitor Gen. David Twiggs, and with many others he was forced to submit to the humiliation of being given over

to the enemy as a "prisoner of war" without even the opportunity to draw sword in his own defense or the service of his Government, but even here General Nichols rendered good and efficient aid by thwarting the plans of Twiggs and his confederates, as will be shown by the accompanying pamphlet; Texas and Its Late Military Occupation, by Captain Phillips, U. S. A., pages 13 and 16; Extracts from General Townsend's Anecdotes of the Civil War, and the Records of the Rebellion.

In this matter I was able to assist my husband by sewing in my clothing valnable papers from the headquarters of General Twiggs, and more effectually by writing in the smallest hand upon the silk paper taken from the books on my parior table orders dictated and signed by General, then Major, Nichols, which I concealed in the center of new spools of cotton, replacing the little round label. These spools I managed to convey successfully to Major French, of the artillery, Colonel Waite, and others, thus saving to the Government the valuable "Light Battery," and preventing Colonel Waite's entire command from being intercepted by the Texan Rangers and deprived of their arms and munitions.

Upon that ground I say if upon no other, this worthy widow.

Upon that ground, I say, if upon no other, this worthy widow is entitled to recognition. She is now 66 years of age. Not until she found it impossible to rely upon her own resources did she make any appeal to the Government for aid. Upon the death of her husband in 1866, General Sheridan procured for her the position of postmistress at Fort Leavenworth. Kans., and for twenty-three years she has been supporting herself by her own labor. She is now old, needy, and helpless, and I greatly mistake the temper of this House if it shall turn out that she makes this appeal

temper of this House if it shall turn out that she makes this appeal
to it in vain. I hope the amendment will not prevail.

Mr. DOCKERY. I wish to ask the gentleman whether it is not
true that the greater part of the services of General Nichols in
the late war were rendered in the Adjutant-General's Office?

Mr. DALZELL. I have already stated that he was taken prisoner at the beginning of the war, and was thereby crippled in the

service that he could otherwise have rendered.

Mr. THOMAS. Now, Mr. Speaker, I move the previous question on the bill and amendment to its passage.

The previous question was ordered.

The question being taken on the amendment reducing the amount to \$50 per month, the Speaker pro tempore declared that the ayes seemed to have it.

Mr. DALZELL. I ask for a division. The House divided; and there were—ayes 43, noes 60. So the amendment was rejected.

The committee amendment striking out "one hundred" before the word "dollars" and inserting "seventy-five" was then adopted.

The bill as amended was ordered to be engrossed and read a third time.

Mr. CROWTHER called for the reading of a copy of the engrossed bill, but withdrew the demand.

The bill was accordingly read the third time, and passed.
On motion of Mr. DALZELL, a motion to reconsider the vote

by which the bill was passed was laid on the table.

LEROY M. BETHEA.

The next unfinished business on the Private Calendar was the bill (H. R. 7317) to increase the pension of Leroy M. Bethea. The bill was read.

Mr. THOMAS. I move the previous question on the bill to its

The previous question was ordered, and under the operation thereof the bill was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

JOHN J. COPLEY.

The next unfinished business on the Private Calendar was the bill (H. R. 1474) granting a pension to John J. Copley.

The bill was read.

The bill was read.

The amendment reported from the Committee of the Whole House, to strike out, in line 9, the word "twelve" and insert "eight," so as to make the rate of pension \$8 per month, was read.

Mr. THOMAS. I move the previous question on the amendment and on the bill to its final passage.

The previous question was ordered.

The amendment was agreed to

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a

third time; and it was accordingly read the third time, and passed.

SA AH E. COMLY.

The next unfinished business on the Private Calendar was the bill (S. 937) granting an increase of pension to Sarah E. Comly, widow of Maj. Clifton Comly. The bill was read.

Mr. THOMAS. I move the previous question on the bill to its passage.

The previous question was ordered; and under the operation thereof the bill was ordered to a third reading, read the third

time, and passed.

The next business was the bill (H. R. 1810) directing the Secretary of the Interior to place Sarah E. Comly on the pension roll, etc.

Mr. THOMAS. As this House bill is equivalent in its provisions to the Senate bill just passed, I move that this bill lie on the

table. The motion was agreed to.

RERNHARD STUEBER.

The next unfinished business on the Private Calendar was the bill (H. R. 537) to remove the charge of desertion from the military record of Bernhard Stueber.

The bill was read.

The amendment was read, as follows:

Strike out the two paragraphs beginning with the word "Whereas."

Mr. THOMAS. I call for the previous question on the amendment and on the bill to its passage.

Mr. WILSON of Ohio. I hope the gentleman will allow me

Mr. THOMAS. I withdraw the call for the previous question

temporarily.

Mr. WILSON of Ohio. I desire to submit a parliamentary

inquiry.
The SPEAKER pro tempore (Mr. PAYNE). The gentleman will state it.

Mr. WILSON of Ohio. Mr. Speaker, I secured the passage through this House of a bill relieving a man from the charge of desertion, but the Department refused to grant him a discharge. I want to add his name to this bill, requiring the Department to grant a discharge.

The SPEAKER pro tempore. Such an amendment as that

would not be germane to this bill.

Mr. WILSON of Ohio. Well, I ask that it be done by common consent. My statement is this: In the Fifty-third Congress a bill introduced by myself was passed relieving the man to whom I have referred from the charge of desertion. I failed to put in the bill a requirement that he should have an honorable discharge. The Department has refused to grant him the discharge. By adding to this bill such a provision as I have indicated, he will get his discharge, to which he is clearly entitled, because the charge of desertion has been removed. I ask unanimous consent that the amendment I have indicated be added to this bill.

The SPEAKER pro tempore. Such an amendment would not be germane to the bill and would not be in order. The Chair does

not think he ought to entertain such a proposition.

Mr. WILSON of Ohio. Not by unanimous consent?

The SPEAKER pro tempore. I suppose the Chair has the prerogative of objecting. [Laughter.] The gentleman from Michigan [Mr. Thomas] moves the previous question.

Mr. WILSON of Ohio. Do I understand that the Speaker, by

virtue of his membership, makes the objection?

The SPEAKER pro tempore. The Chair declines to submit the proposition to the House because it is directly in conflict with the rule, which in this case the Chair thinks ought to be enforced, because if the precedent should be set of allowing a private bill relating to one individual to be amended by inserting the name of another, it might lead to endless confusion. For this reason the Chair declines to submit the proposition. The gentleman from Michigan moves the previous question.

Mr. LOUD. I should like to have the bill read.

The SPEAKER pro tempore. Does the gentleman from Michi-

gan withdraw the demand for the previous question?

Mr. THOMAS. No; because the bill has been read.

Mr. LOUD. Let me suggest to the gentleman that he has not votes enough here to order the previous question if opposition should be made. I only want the bill read as it now appears. That is the only request I make.

Mr. THOMAS. Very well.

Mr. LOUD. The request is perfectly reasonable.

The SPEAKER pro tempore. The Clerk will report the bill as it will read with the amendment.

The bill was again read as amended.

The bill was again read as amended.

Mr. LOUD. I only wanted to see the shape in which the bill was placed by the amendment. There were a number of "whereases" in the original bill. It was a perfectly reasonable request, as I understand it, to ask for the reading of the amended bill.

Mr. THOMAS. Certainly. The whereases were stricken out. I now demand the previous question, Mr. Speaker.

The previous question was ordered, under the operation of which the amendments were agreed to, and the bill as amended ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

JOSEPH H. JOHNSON.

The next unfinished business on the Private Calendar was the bill (H. R. 2364) for the relief of Joseph H. Johnson, reported from the Committee of the Whole with a favorable recommendation.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of War is hereby directed to remove the charge of desertion from the military record of Joseph H. Johnson, late a private of Company I, One hundred and fiftieth Regiment Indiana Volunteer Infantry, and to issue to him an honorable discharge as of date August 5, 1865, and that said Johnson shall be entitled to receive from the accounting officers of the Treasury all pay and allowances which may have been due him on said date of discharge, excluding therefrom the time of his absence without leave

Mr. DOCKERY. Is there not an amendment to that bill?

Mr. THOMAS. I move the previous question. Mr. DOCKERY. Mr. Speaker, I desire to ask if an amendment is recommended by the committee to that bill?

The SPEAKER pro tempore. There seems to be no amend-

ment.

Mr. DOCKERY. If I caught the reading of the bill aright, it is an entire departure from the custom heretofore prevailing in respect to bills for the removal of charges of desertion, in that it gives to this soldier back pay and allowances to which he may have been entitled.

Mr. THOMAS. I do not understand that to be the effect of the bill. It was prepared by the Committee on Military Affairs, and as I understand the bill, it excepts the payment of all allowances

to him during the time he was absent

Mr. DOCKERY. I will read the bill.

And that said Johnson shall be entitled to receive from the accounting offi-cers of the Treasury all pay and allowances which may have been due him on said date of discharge, excluding therefrom the time of his absence with-out leave.

Now, so far as I am able to recall, this is the first bill that we have undertaken to pass in this form. No such bill has passed the House heretofore. A special provision to these bills granting an honorable discharge has heretofore always excluded pay, bounty, or other allowances

Mr. LOUD. Had not we better have the report read?

Mr. DOCKERY. I ask, as I have the floor, that the report be read in my time.

The report (by Mr. TRACEY) was read, as follows:

The report (by Mr. Tracey) was read, as follows:

The committee on Military Affairs, to whom was referred the bill (H. R. 2364) for the rel ef of Joseph H. Johnson, have had the same under consideration, and report thereon as follows:

Joseph H. Johnson was enrolled and mustered into service as a private in Company I of the One hundred and fifteenth Indiana Volunteers on the 25th day of February, 1865, to serve one year. He is charged with having deserted on the 14th day of July, 1865. He left the command at that date and did not return in time to be mustered out with his regiment on the 5th of August, 1865. It will be noted that the war was over when he left the command. His reason for leaving, which is fully corroborated by the testimony, was that he had been informed that his wife was very sick. He applied for a furlough and was refused. He went home and remained eight or ten days, until his wife was out of danger, and then started to return to his command. When he arrived at Lafayette, Ind., he met a number of his comrades returning home, and they informed him that the regiment had been mustered out. He then returned home with his comrades.

When he left the command in Virginia, he told his comrades that his wife was not expected to live, and that he was going home to see her and would return soon if he could leave her. He left his gun and accounterments with the ordnance sergeant.

The testimony shows that he was a man of good character and habits, and a faithful soldier. Relief was denied by the War Department for the reason that the case does not come within the provisions of the act of Congress approved March 2, 1889.

It is apparent, however, to your committee that the soldier did not intend to desert his command. He testified himself that the captain of his company gave him leave to go. His veracity appears to be unquestioned, and the fact that he started to return to his command as soon as he could safely leave his wife is conclusive proof that his conduct was not that of a deserter.

Your committee

Mr. DOCKERY. I would suggest to the gentleman in charge of this bill that even if it were proper to grant the beneficiary of the bill back pay and allowances, the language of the bill does not accomplish that purpose. It provides that

Said Johnson shall be entitled to receive from the accounting officers of the Treasury all pay and allowances, etc.

The accounting officers of the Treasury have no money for such purposes, and the bill is therefore faulty, in that it makes no appropriation.

Mr. Speaker, I will offer an amendment, to strike out all after the words "sixty-five," in line 8, down to and including the word

"leave," in line 12. Mr. THOMAS.

Mr. THOMAS. Mr. Speaker, I ask the previous question. Mr. DOCKERY. I think there has been some inadvertence in framing the bill.

The SPEAKER pro tempore. The Clerk will read the amendment proposed by the gentleman from Missouri.

The Clerk read as follows:

In line 8, after the words "sixty-five," strike out all the remainder of the bill.

Mr. THOMAS. I desire to say that the gentleman who reported this bill is now present. It comes from the Committee on Military

Affairs. I know nothing personally of the facts. Mr. Tracey, the gentleman who made the report, will explain the bill.

Mr. TRACEY. Mr. Speaker, I wish to move to amend the amendment of the gentleman from Missouri by striking out the words "shall be entitled to receive from the accounting officers of

the Treasury.

As I understand it, it is entirely proper that the bill shall state, in granting the discharge, and the testimony warrants the statement, that the soldier shall be entitled to receive the pay and allowances which may be found due to him and which were withheld because of the charge of desertion made against him and now on

the records of the Department.

Mr. LOUD. Was he a deserter?

Mr. TRACEY. He was not. The testimony shows conclu-

Mr. TRACEY. He was not. The testimony shows conclusively that he was not a deserter.

Mr. LOUD. What is the definition of a "deserter"?

Mr. TRACEY. The gentleman will find it very carefully and accurately stated in a note appended to the Supplement to the Revised Statutes of the United States, in which it is stated that desertion must be determined by the intent of the soldier at the time he left the command.

Mr. LOUD. Can you now determine what was the intent of the soldier, what was in his mind, at this distance of time?

Mr. TRACEY. I determine the intent, as the court always determines the intent, by the actions of the party, by his conduct. That is the way a court determines what the intent of a man is. I took the actions of this man, and the committee, in its investigations, took the actions of this soldier, into consideration for the purpose of determining what his intent was; and his actions show from the beginning to the end that there was no intent whatever to desert his command, but that, on the contrary, he went home because his wife was reported to him to be sick without hope of

Mr. LOUD. How many of these wives were sick? I think this

is about the ten-thousandth one that I have heard of.

Mr. TRACEY. That may be true; but I know something about this from personal experience, and perhaps the gentleman does.

Mr. LOUD. Does the gentleman think that the soldier's long and meritorious services entitle him to this consideration?

Mr. TRACEY. No; he did not have long and meritorious

Mr. LOUD. He went in after the war was over-did not enlist

mtil the latter part of February, 1865.

Mr. TRACEY. No; he went in during the latter portion of the war, and he was not an old man, either. He was a young man at the time, and while it is true that his enlistment was during the last months of the war, yet his services while he remained with the Army were those of a faithful soldier, and the proof before the committee warranted the committee in saying that he returned to committee warranted the committee in saying that he returned to his home with the full intention of coming back to his command as soon as his wife recovered so that he could come; and as soon as his wife was out of danger he did start back to join his command, and on the way back to join the regiment was informed by comrades of his own regiment returning home that the regiment had been mustered out of the service. Now, it seems to me that with these facts before the committee there ought to be no question about the right of this soldier to an honorable discharge from the Army, and with the honorable discharge from the Army the right to receive whatever pay and allowances may have been due right to receive whatever pay and allowances may have been due him at that time.

Mr. LOUD. I think the gentleman should accept the very liberal amendment of his colleague from Missouri [Mr. DOCKERY].
Mr. DOCKERY. Mr. Speaker, I hope my friend will not insist on retaining this proviso in the bill.
Mr. TRACEY. I have no particular objection, Mr. Speaker, to letting the amendment go; but, at the same time, it is an act of injustice. I shall not make any further opposition to the amendment.

amendment.

The SPEAKER pro tempore. Does the gentleman from Missouri [Mr. Tracey] propose an amendment?

Mr. Tracey. I propose an amendment to the amendment.

Mr. LOUD. I think you had better withdraw that.

Mr. Tracey. I desire to say, Mr. Speaker, that if there seems to be any real desire on the part of the House to affix the amendment of the gentleman from Missouri [Mr. Dockery] to the bill had not make any further objection although it will be an act. I shall not make any further objection, although it will be an act of injustice.

Mr. DOCKERY. I only want to say, Mr. Speaker, that I remember that all the bills that have passed the House in recent years have carried a provision that no pay, emoluments, or bounty shall become due by reason of the passage of the act. That provision does not appear in this bill, but, on the contrary, you allow

him pay, emoluments, and bounty.

Mr. TRACEY. If I may be permitted, I will withdraw my amendment to the amendment.

amendment to the amendment.

The SPEAKER pro tempore. The gentleman withdraws his amendment. The question is on the amendment offered by the gentleman from Missouri [Mr. Dockery].

The amendment of Mr. Dockery was agreed to.

The bill was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

The next unfinished business on the Private Calendar was the bill (H. R. 5061) to pension Ira Powers, of Henderson County,

The bill was read.

Mr. THOMAS. I move the previous question on the bill and amendments to the passage of the bill.

The previous question was ordered.

The amendments recommended by the Committee of the Whole were agreed to.

The bill as amended was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

HESTER A. BOSTWICK.

The next unfinished business on the Private Calendar was the bill (H. R. 4941) to pension Hester A. Bostwick.
The bill was read.
Mr. THOMAS. I move the previous question.
The previous question was ordered.

The amendment recommended by the Committee of the Whole was agreed to.

The bill as amended was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

JOSIAH P. HILL.

The next unfinished business on the Private Calendar was the bill (H. R. 1168) to increase the pension of Josiah P. Hill, late Company F, Eighty-first Regiment of Illinois Volunteers, in the war of the rebellion.

The bill was read.

Mr. THOMAS. I move the previous question on the bill and

amendments to its passage.

The previous question was ordered, and under the operation thereof the amendments recommended by the Committee of the Whole were agreed to, and the bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

SUSAN E. CUNNINGHAM.

The next unfinished business on the Private Calendar was the bill (S. 3182) granting a pension to Susan E. Cunningham.

The bill was read.

Mr. THOMAS. I demand the previous question on the bill to

its passage.

The previous question was ordered, and under the operation thereof the bill was ordered to a third reading; and it was accordingly read the third time, and passed.

GEORGE L. BENNER.

The next unfinished business on the Private Calendar was the bill (H. R. 6841) granting a pension to George L. Benner. The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place upon the pension roll the name of George L. Benner and grant him a pension because of a fracture of right thigh, received during the civil war while said Benner was an employee of the Quartermaster's Department; said pension to be rated according to the degree of disability existing as the result of said injury.

Mr. THOMAS. Mr. Speaker, I move the previous question on

the bill to its passage.

Mr. LOUD. Mr. Speaker, I think the gentleman had better have the report read.

Mr. THOMAS. Mr. Speaker, I will withdraw the demand for

Mr. Inomas. Mr. Speaker, I will withdraw the demand for that purpose.

Mr. LOUD. Mr. Speaker, I want the report read, as this is a radical departure from the law and established custom.

The SPEAKEB. The Clerk will read the report as a part of the remarks of the gentleman from California.

The report (by Mr. Miles) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 6841) entitled "A bill granting a pension to George L. Benner," beg leave to submit the following report, and recommend that said bill do pass without

6841) entitled "A bill granting a pension to George L. Benner," beg leave to submit the following report, and recommend that said bill do pass without amendment:

This is a bill enacting that the Secretary of the Interior be authorized and directed to place upon the pension roll the name of George L. Benner and grant him a pension because of a fracture of the right thigh, received during the civil war while said Benner was an employee of the Quartermaster's Department, to be rated according to the degree of disability existing as the result of said injury.

George L. Benner was a teamster during the war of the rebellion, employed by the United States under Captain Dana, United States Army, an assistant quartermaster; also under a wagon master named Lyles, and was accidentally injured, while performing his duties, by being caught between the front wheel of an army wagon and a tree, about November 7, 1861, incurring a fracture of the right thigh.

Dr. N. S. Lincoln, surgeon of quartermaster's hospital, testified February 28, 1896, that George L. Benner was admitted to the quartermaster's hospital, under his (Dr. Lincoln's) charge, on the 7th of November, 1861, on account of a bad fracture of the thigh; that he suffered severely many weeks, and has never completely recovered from the effects of the injury.

Dr. James T. Young, medical assistant, quartermaster's hospital, testifies (February 29, 1890) that George L. Benner was admitted to the quartermaster's hospital, testifies of the injury.

The fracture was treated by Dr. N. S. Lincoln with Dr. Young's assistance.

Your committee believe the bill is meritorious, and precedents having been set by previous action of Congress in pensioning the employees in Quartermaster's Department for injuries received in line of duty, earnestly recommend the passage of the bill without amendment.

Mr. LOUD. Mr. Speaker, I can not understand why this gentleman is any more entitled, either by law or equity, to a pension than any man who was injured in the performance of any service to an individual, a corporation, or to the Government. This gentleman voluntarily sought employment in the Quartermaster's

Department—it is true while there was a war pending, but he was in a very safe position, as everybody knows, out of range of any possibility of being killed, without some accident should happen to which he might himself contribute. I have known of teamsters that used to get too much liquor and fall off their teams. I want to suggest, in perfect fairness to the gentleman from Michigan, that he ought to withdraw this bill to-night.

Mr. THOMAS. Mr. Speaker, the gentleman from Maryland [Mr. MILES], who made the report, being present, I could not do that without his consent.

Mr. MILES It is not my bill but I did make the report.

Mr. MILES. It is not my bill, but I did make the report.
Mr. THOMAS. The gentleman from Maryland [Mr. Coffin]
introduced this bill, and if he is present I would like him to defend

Mr. MILES. I did not introduce the bill, but I did make the

report.

Mr. LOUD. I hope the gentleman will assume the responsibility in this case that he has in previous cases and withdraw the

Mr. THOMAS. I am willing that it should go over, remaining

on the Calendar.

Mr. LOUD. Of course, if it is withdrawn it would occupy the same position it does now. I think we ought to have a little fuller

House to pass this bill.

The SPEAKER. Without objection, the bill will be considered as remaining on the Calendar without prejudice.

There was no objection, and it was so ordered.

ANNIE E. NOLAN.

The next unfinished business on the Private Calendar was the bill (S. 2129) granting an increase of pension to Annie E. Nolan. The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Annie E. Nolan, widow of Nicholas Nolan, late major Third United States Cavalry, at the rate of \$50 per month, in lieu of the pension she is now receiving.

Mr. THOMAS. Mr. Speaker, I ask that the report be read in

The report (by Mr. POOLE) was read, as follows:

The report (by Mr. Poole) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (S. 2129) granting an increase of pension to Annie E. Nolan, adopt the following Senate report (No. 345):

"The Committee on Pensions, to whom was referred the bill (S. 2129) granting an increase of pension to Annie E. Nolan, have examined the same, and report:

"Nicholas Nolan served his country as a soldier continuously from December 9, 1852, to October 25, 1883, at which time he died from wounds and disease contracted in the service. He entered the Army as a private and was successively promoted through the several grades to that of major of the Third United States Cavalry. He was an especially brave and faithful soldier, his service during the war of the rebellion in the Shenandoah Valley, and also in Arizona, the Indian Territory, and other far western points being of the highest military order. For a considerable time before his death he was a sick man, but he remained with his command and literally died at his post of duty, after a military career of over thirty-one years.

"The following is Major Nolan's military record, as furnished by the War Department:

"War Department, Adjutant-General's Office,
"Washington, February 20, 1896.

"Statement of the military service of Nicholas Nolan, late of the United States
Army, compiled from the records of this office.

"He served as private and corporal of Battery M, Fourth Artillery, from
December 9, 1852, to September 1, 1858; as private, corporal, sergeant, and
first sergeant of Troop K, Second Dragoons, from September 1, 1858, to September 5, 1861, and as sergeant and first sergeant of Troop B, Sixth Cavalry,
from September 5, 1861, to September 22, 1862, when he was discharged, having accepted appointment as second lieutenant, Sixth Cavalry. Second lieutenant, Sixth Cavalry, July 17, 1862; first lieutenant, July 5, 1864; captain,
Tenth Cavalry, July 28, 1866; major, Third Cavalry, December 19, 1882. He
was brevetted first lieutenant August 1, 1863, 'for gallant and meritorious
services in the battle of Brandy Station, Va.,' and captain March 31, 1865, 'for
gallant and meritorious services in the battle of Dinwiddie Court-House, Va.'

"EREVICE. "SERVICE.

"He served as an officer with his regiment in the Army of the Potomac to July 11, 1863; acting assistant inspector-general, Regular Cavalry Brigade, to September, 1863, and aid-de-camp to General Pleasonton to October 14, 1863, when he was wounded in action at Auburn, Va., and was absent sick on account of his wounds to January, 1864; with his regiment in the Army of the Potomae and in the Shenandoah Valley to March 30, 1865, when taken prisoner and paroled at the battle of Dinwiddie Court-House, Va.; on parole and on leave to May, 1865; with regiment in Maryland to October, 1865, and in Texas and the Indian Territory to November 13, 1870; before a board at Washington, D. C., to January, 1871; with his regiment in the Indian Territory and in Texas to February 8, 1883; commanding the post of Fort Huachuca, Ariz., to August 14, 1883, and the post of Fort Apache, Ariz., to October 16, 1883, when he left on leave of absence for Holbrook, Ariz., where he died October 25, 1883.

"W. P. HALL, Assistant Adjutant-General

raise this above the general run of cases, and to make it exceptional, inasmuch as the only way in which the Congress can provide for this invalid son of a brave soldier who died at the post of duty is by increasing the pension of the widow who cares for him.

Your committee therefore roommend the passage of the bill.

The amendment recommended by the committee was read, as

Strike out "fifty" and insert "twenty-five."

Mr. THOMAS. Mr. Speaker, I move the previous question.
Mr. RICHARDSON. Before the gentleman moves the previous question, I want to ask him if there is not an amendment proposed there which reduces the pension from \$50 to \$25? I understood the Clerk to read such an amendment. She is getting \$25.

Mr. THOMAS. I understand she receives only \$20 a month,

Mr. RICHARDSON. The report stated that she was getting

\$25 a month.

Mr. TRACEY. She is only getting \$20.

Mr. RICHARDSON. As I understood the Clerk, he read it \$25, and I could not understand why the amendment should propose \$25 when she was drawing \$25 a month. I think you had better look to see if I am not correct.

look to see if I am not correct.

Mr. THOMAS. The gentleman from New York [Mr. POOLE] made the report. He can make a statement.

Mr. POOLE. Mr. Speaker, in this case the widow is now drawing \$20 per month. That matter was fully looked into by the committee. I made the report, and the committee unanimously reported the bill at \$25, which is an increase of \$5 per month.

Mr. RICHARDSON. I was not opposing it, but I was under the impression that the report stated that she was now getting \$25.

Mr. THOMAS. I think that is an error if it is so stated.

The previous question was ordered, and under the operation thereof the amendment was agreed to, and the bill as amended was ordered to a third reading; and it was accordingly read the third time, and passed.

was ordered to a tind reading, and it was accordingly read the third time, and passed.

Mr. THOMAS. Mr. Speaker, I move to reconsider the votes by which the several bills have been passed under the special rule, and I also move that that motion be laid on the table.

The latter motion was agreed to.

ENROLLED BILLS SIGNED.

Mr. HAGER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

A bill (S. 2176) granting a pension to Thomas Pollock;

A bill (S. 1075) for the relief of the heirs of D. Fulford; and A bill (S. 347) to remove the charge of desertion and grant an honorable discharge to Helmuth F. Seckel.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows: To Mr. PITNEY, on account of sickness.

To Mr. Heatwole, for this day, on account of sickness. To Mr. Johnson of California, on account of important busi-

To Mr. DAYTON, for two days, on account of important busi-

To Mr. VAN VOORHIS, for five days, on account of important

To Mr. WOODARD, for six days, on account of important busi-

To Mr. Acheson, for two days, on account of important busi-

To Mr. VAN HORN, for four days, on account of important busi-

To Mr. Stahle, for two days, on account of important business. To Mr. Hill, for five days, on account of important business. To Mr. Hart, for one day, on account of important business. To Mr. WILLIAMS (on motion of Mr. BOATNER), for this evening,

on account of illness.

Mr. LACEY. Mr. Speaker, I rise to make a parliamentary inquiry as to the status of House bill No. 3656, the free-homes bill. It passed the House, went to the Senate, and now comes back with amendments enlarging the scope of the bill, and the question I wish to ask is whether it would be proper to move to nonconcur and ask for a conference, or what course the bill would take under

and ask for a conference, or what course the bill would take under the ruling of the Chair.

The SPEAKER. The bill, under the ruling of the Chair, would take the course of reference to the Committee on Public Lands.

Mr. LACEY. Let me suggest, however, that the Senate asks for a conference and names the conferees.

The SPEAKER. The Chair is aware of that, and perhaps he had better state to the House now the conclusion he has arrived the coasse of that hind having acted at least one cases of that hind having acted at least one cases. died October 25, 1853.

"W. P. HALL, Assistant Adjutant-General.

"Major Nolan left a wife and one child without property of any kind. The widow is not strong, having undergone unusual hardships and privations with her husband in his campaigns. She is now receiving a pension of 25 per month and is exerting herself to earn sufficient to support herself and child, a daughter 14 years of age. The present bill asks for an increase of pension to \$50 per month.

"Your committee, after a very careful examination of the case, and in view of the long and distinguished services of Major Nolan, recommend favorable action on the bill."

The SPEAKER. The Chair is aware of that, and perhaps he had better state to the House now the conclusion he has arrived at as to cases of that kind, having acted at least once recently upon a bill in a similar situation. The question has been passed upon once before in the history of the House, and in very much action on the bill."

In addition to the facts set forth in the Senate report, it is shown that this widow cares for an invalid stepson, the son of the soldier, for whose care and the same way. Mr. Carlisle, then Speaker, was at first inclined to think that the request of the Senate for a conference and names the conference.

The SPEAKER. The Chair is aware of that, and perhaps he had better state to the House now the conclusion he has arrived at as to cases of that kind, having acted at least once recently upon a bill in a similar situation. The question has been passed upon once before in the history of the House, and in very much the same way. Mr. Carlisle, then Speaker, was at first inclined to think that the request of the Senate for a conference and names the conference and names the

and so ruled; but after reflecting upon the results of that ruling he came to a different conclusion, which he announced in a decision which will be found in the RECORD. The present occupant of the chair in the Fifty-first Congress had originally the same idea that Mr. Carlisle had first entertained, and was disposed to give progress to such bills; but not having time to examine the question, he accompanied his decision with a statement that it was subject to further consideration. Upon further consideration it seemed very apparent that any other course than referring the bill to the House committee having charge of the matter would have the effect to give a preference to the Senate's request over the rights of members of the House, which could not be tolerated. Under our rule House bills with Senate amendments are to be considered without reference when the Senate amendments, if they had originated in the House, would not have to be considered in Committee of the Whole on the state of the Union; but when they would have been subject to such consideration, then it is the duty of the Chair to refer the bill with the amendments to the appropriate committee. That is the rule of the House.

Now, this bill comes before us with amendments made by the Senate which change its nature to such an extent as, in the opinion of the Chair, to bring the bill within the operation of the rule of the House which requires that Senate amendments making appropriations which have not been considered by the House shall be referred to the Committee of the Whole House on the state of the Union. That being the case, this bill would be referred to the committee unless there is something in the request of the Senate for a conference to dispense with the reference. But the request committee unless there is something in the request of the Senate for a conference to dispense with the reference. But the request of the Senate for a conference, or the request of either House for a conference, in order to be binding upon the other House, in courtesy, should indicate, or should come after, an absolute disagreement between the two Houses. Then is the time when either House can obtain a conference, but either can ask for it before. I suppose that the House might pass a bill and ask for a conference upon it without the bill having gone to the Senate at all, and so the Senate might pass a bill and ask a conference upon it without the House having received the bill; and if, in that event, the measure was not subject to the rule of the House, then the Senate would have a method by which they could be more preva-Senate would have a method by which they could be more preva-lent in the House than the members of the House themselves, and dispense with a rule of the House, and that conclusion is, of course, one that would not be proper or suitable and could not be tolerated. The Senate may ask for a conference, but when the bill reaches the stage of disagreement, then that request takes effect upon the House, and the House will accede to the conference in pursuance of that courtesy which exists between the two houses of a legislative body.

Before it reaches the stage of disagreement the House has its

own methods of examining questions and should not abandon them, and by its Rule No. XX has indicated its wish not to abandon them. Whatever under Rule XX goes to the Committee of the Whole must be referred to the committee having charge of the subject-matter.

The Chair has thought it worth while to state this view, although he has acted upon it at least once before without mak-

ing any statement.

Mr. LACEY. Mr. Speaker, I made this inquiry because there is no record of any such decision, although I knew that such seemed

mr. PAYNE. I now renew my motion.

The SPEAKER. The gentleman from New York [Mr. PAYNE] asks that the House now take its recess until 8 o'clock this evening. The Chair hears no objection. The House is accordingly in recess until 8 o'clock, at which time the gentleman from New York, Mr. PAYNE, will please take the chair as Speaker pro tempore.

EVENING SESSION.

The recess having expired, the House at 8 o'clock p. m. resumed its session, Mr. PAYNE in the chair as Speaker pro tempore.

ORDER OF BUSINESS.

The SPEAKER pro tempore. The Clerk will report clause 2 of Rule XXVI.

The Clerk read as follows:

The House shall, on each Friday at 5 o'clock p. m., take a recess until 8 o'clock, at which evening session private pension bills, bills for the removal of political disabilities, and bills removing charges of desertion only shall be considered, said evening session not to extend beyond 10 o'clock and 30 minutes.

Mr. THOMAS. I move that the House resolve itself into Committee of the Whole on the Private Calendar under the special rule.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole on the Private Calendar, Mr. Charles W. Stone in the chair.

LENA D. SMITH.

Mr. EVANS. Mr. Chairman, before the committee proceeds with the regular order I desire to make a request—I might say an appeal—upon the facts which, with the permission of the commit-

Gen. Green Clay Smith was a soldier of the Mexican war. He enlisted also in the war of the rebellion, and reached the rank of a brigadier-general. He was twice a member of this House. After brigadier-general. He was twice a member of this House. After the close of the war he entered the ministry of the Baptist Church, and continued in it in my city and State for a number of years. Finally he came to this city, where, a year or two ago, he died, leaving a widow without means. Her son, I believe, her only son, has died since this House reconvened in December. At the last session of this Congress both Houses passed a bill giving her a pension. It so happened that the bill reached the President during the last days of the session and failed to receive his consideration. Since we reassembled the Senate has again passed the bill: tion. Since we reassembled the Senate has again passed the bill; and under these circumstances it seems to me that in making the present request, I am only asking that the bill be restored to the place of advantage it had before the adjournment deprived the President of the opportunity to consider the bill after it had passed both Houses of Congress. Under these circumstances, I ask the unanimous consent of the committee for the consideration of the bill at this time.

Mr. MILNES. What is the amount of pension proposed?
Mr. EVANS. Fifty dollars a month. The husband of the lady whom it is proposed to pension was a brigadier-general; and I believe that is about the figure at which such widows are usually

pensioned by Congress.

The CHAIRMAN. Is the bill on the Calendar?

Mr. BLUE. Has there been a report in this case?
Mr. EVANS. Yes; the bill is on the Calendar. It has been assed by the Senate and considered by the committee of the House.

Mr. BLUE. Do I understand the gentleman from Kentucky to

say that this man was a brigadier-general?

Mr. EVANS. He was; and he was also twice a member of this House, if that adds any weight to the case.

Mr. CROWTHER. Reserving the right to object, I ask that

the bill be read.

The bill (S. 3381) granting a pension to Lena D. Smith, was read,

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place upon the pension roll the name of Lena D. Smith, widow of Green Clay Smith, late colonel Fourth Kentucky Cavalry and brigadier-general United States Volunteers, and to pay to her a pension of \$50 per month from and after the date of the passage of this act.

Mr. MILNES. Let us hear the report.

The report (by Mr. Anderson) was read, as follows:

The Committee on Invalid Pensions to whom was referred the bill (\$2321).

The report (by Mr. Anderson) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (S.3381) granting a pension to Lena D. Smith, having fully considered the facts and circumstances presented, submit the following:

Senate bill 1342, granting a pension of \$50 per month to this beneficiary, passed the Senate February 19, 1896; was favorably reported from this committee at \$50 per month March 17, 1896, and passed the House with an amendment fixing the rate of pension at \$30 per month on May 29, 1896. The House amendment was agreed to in the Senate and the bill passed June 2, 1896, granting her a pension at \$30 per month. The President failed to approve the bill, and ten days not having elapsed between the date when he received same and the adjournment of Congress, June 11, 1896, the bill failed to become a law.

In view of these facts the present bill was introduced and passed in the Senate December 14, 1896, on a verbal report of same by Senator VILAS from the Committee on Pensions.

Your committee attach hereto their former report on Senate bill 1342, and in consonance therewith recommend the passage of this bill.

[House Report No. 843, Fifty-fourth Congress, first session.]

[House Report No. 843, Fifty-fourth Congress, first session.]

House Report No. 843, Fifty-fourth Congress, first session.]

The Committee on Invalid Pensions, having carefully considered the bill (8. 1342) to pension Lena D. Smith, report as follows:

Green Clay Smith, the husband of this claimant, was mustered into service June 9, 1846, as second lieutenant Company H. First Kentucky Cavalry, Mexican War Volunteers, to serve for twelve months, and was mustered out June 8, 1847. He was mustered in as colonel Fourth Kentucky Cavalry April 4, 1862; was seriously wounded in the leg in action at Lebanon, Tenn., May 5, 1862. He was promoted to the rank of brigadier-general of volunteers June 12, 1862. In September, 1862, he was commanding the Second Division United States forces near Covington and Newport. Ky. He continued in active service, commanding a part of the time a brigade and some of the time a division, until December 1, 1863, when his resignation was accepted. He has a record of treatment for chronic diarrhea of two months' standing in 1863. He was brevetted major-general of volunteers to date March 13, 1865, for meritorious services during the war.

As is well known, General Smith died in this city a short time ago, and the evidence presented to this committee shows that he left his widow without means of support.

In view of his well-known services, he having rendered gallant and meritorious services in two wars, and of the need of the widow, your committee recommend the passage of the bill.

The CHAIRMAN. Is there objection to the present considera-

The CHAIRMAN. Is there objection to the present consideration of this bill?

There was no objection.

The CHAIRMAN. The question is now on laying the bill aside to be reported favorably to the House.

Mr. MILNES. Does this bill provide for a pension of \$50 a.

month?

Mr. EVANS. Yes, sir.
Mr. MILNES. Did it not pass before at \$30 a month?
Mr. EVANS. I will say to the gentleman that that was an accident

Mr. MILNES. Well, Mr. Chairman, I move to amend the bill

Mr. MILNES. Well, Mr. Chairman, I move to amend the bill so as to make the pension \$30 a month.

Mr. EVANS. I hope that amendment will be voted down. The uniform rule, I believe, has been to give at least \$50 a month to the widow of a brigadier-general, and I am very sure there is no reason in this case why the House should act differently. Today we gave two widows of this class more than that amount.

Mr. CLARDY. Mr. Chairman, if the gentleman from Michigan [Mr. MILNES] had known Green Clay Smith as I knew him, he would not make this objection. To-day we passed a bill giving a pension of \$100 a month to the widow of an officer of similar rank. Here is a case in which we ask for the widow of a brigadier-general a pension of only \$50 a month. It does seem to me the most reasonable thing in the world that the House should accede to this proposition.

proposition.

The CHAIRMAN. The question is on the amendment of the gentleman from Michigan.

Mr. CURTIS of New York. Mr. Chairman, I really believe that if my friend from Michigan could recall the services of Green Clay Smith, who was a Kentuckian in that part of the State that contributed so many men to the Southern cause, and who did so much to retain the State in the Union so far as the official action of the State was concerned—although many men went each way—my friend would hardly wish to reduce this pension to the widow of a man who was so gallant a soldier and who did so much for the Union. He rendered valuable services in the Congress of the United States aside from his services in the Army. Mr. Chairman, as to the widow of that officer—his services being of a character that rendered the name of Green Clay Smith illustrious—I would hardly think any man on this floor, even my friend from Michigan, would interpose an objection, although he is desirous of equalizing the pensions of officers and soldiers.

This pension is a small one, very small in comparison with the services rendered by General Smith, and it ought to be granted.

Mr. MILNES. Mr. Chairman, I deny that I am opposed to granting anything more to the widow of a general than to a private. I believe there is a distinction, but the trouble is that we undertake to make it too great in this House. There are thousands and tens of thousands of the widows of soldiers in this country who are just as dependent, and more dependent, perhaps, than the widow of this officer, widows of as gallant soldiers as ever carried a musket in any army on earth, and who are unable Clay Smith, who was a Kentuckian in that part of the State that

than the widow of this officer, widows of as gallant soldiers as ever carried a musket in any army on earth, and who are unable to get a pension of over \$8 a month. I think it wrong to grant a pension that makes such a discrimination as this, and I hope, therefore, the amendment will prevail.

The CHAIRMAN. The question is on the amendment. The question was taken; and the amendment was rejected.

The bill was laid aside to be reported to the House with a favorable recommendation.

favorable recommendation.

ELIHU JONES.

Mr. BLUE. Mr. Chairman, this morning, under a request for unanimous consent, my friend from Pennsylvania interposed an objection to the consideration of a bill for a blind soldier because it had not gone through the Committee of the Whole. This is an instance of a soldier who has become, as I understand it, entirely blind. He served through a large portion of the war, served seven years in the Regular Army, and performed gallant and proficient services. This is an exceptional case. He is in very feeble health and poor circumstances; and I ask unanimous consent for the present consideration of the bill (H. R. 5981) granting a pension to Elihu Jones, of Potwin, Butler County, Kans.

Mr. MILES. Did the gentleman say that he served in the late war?

war?
Mr. BLUE. Yes, sir.
Mr. MILES. How long a time?
Mr. BLUE. Well, I am not positive as to the exact time, but I think he probably served three years. He was seven years in the Regular Army.
Mr. RINAKER. Was he a general?
Mr. BLUE. No, sir; he was not. He was a captain.
The CHAIRMAN. The Clerk will report the bill, after which the Chair will ask if there be objection to its present consideration.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place the name of Elihu Jones, of Potwin, Butler County, Kans., late captain Company G. Eighth Illinois Infantry, on the pension roll and pay him a pension of \$50 per month from and after the passage of this act.

The CHAIRMAN. Is there objection to the present consideration of the bill?

There was no objection.

Mr. ERDMAN. Let us have the report read in this connection.

The report (by Mr. KIRKPATRICK) was read, as follows:

The report (by Mr. Kirkpatrick) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 5881) granting a pension to Elihu Jones, late captain Company G, Eighth Illinois Infantry Volunteers, having fully examined and considered the facts presented, respectfully report:

Elihu Jones served as a member of Battery G, Fourth Regiment United States Artillery, from December, 1853, until March, 1850, when he was discharged under general orders. He spent some months in recruiting, and entered the volunteer service in April, 1861, as a member of Company G, Eighth Illinois Volunteers, becoming captain of the company in February, 1863, and serving in that capacity until October 7, 1864. He was wounded in the right arm by a shell, and is now drawing a pension of \$10 per month for that disability. His application for additional pension on account of disease of the eyes was rejected by the Pension Office because he failed to prove treatment therefor in the service, on the ground that said disease existed prior to enlistment. There is no question raised as to the claimant's having lost the sight of one eye years ago, and having almost entirely lost the use of the other. There is an abundance of testimony showing that he was a brave and faithful soldier, and a sober and temperate man, who took unusual care of his health.

His title to an increase of pension turns upon the point whether disease of eyes existed prior to enlistment. The Pension Office held that it did, basing this action upon a special investigation, which the examiner says was hurriedly made. An examination of the evidence on this point satisfies your committee that this action was erroneous, and that the disease of eyes originated in the service as claimed. This belief is corroborated by the fact that claimant was able to perform efficient service for more than three years, and was not troubled seriously with his eyes until near the close of his service, as well as by the further fact that claimant served over seven years i

House with a favorable recommendation.

AMBROSE D. MANION.

AMBROSE D. MANION.

Mr. MILES. Mr. Chairman, I ask for the regular order.

The CHAIRMAN. The regular order is demanded.

Mr. LEWIS. Mr. Chairman, I ask the indulgence of the House for a moment. My term in this body is drawing to a close, and I have never yet asked the consideration of the House for a bill. I rise now to ask unanimous consent for the present consideration of a soldier's case, who is old and bedridden, helpless; lying, perhaps, upon his death bed; an old man who has two gunshot wounds, is too feeble to help himself, who is partly paralyzed, and is afflicted with a disease which requires the attention of a nurse all the time. He is perfectly helpless, in other words: and unless all the time. all the time. He is perfectly helpless, in other words; and unless he gets justice now and promptly he will never get it in this world. I hope gentlemen will allow me the privilege of asking the consideration of that bill at this time.

I ask unanimous consent for the present consideration of the bill (H. R. 6215) to increase the pension of Ambrose Manion.

Mr. MILES. Mr. Chairman, I have asked for the regular order.

Mr. LEWIS. I hope the gentleman will not insist upon that.

I am satisfied if he understood the facts of this case he would not do so.

As I stated, this old man is bedridden, paralyzed, with two gunshot wounds, and suffers from a disease which requires the attention of a nurse all the time. I hope the gentleman will allow the bill to be considered at this time.

The CHAIRMAN. The bill will be read, subject to the right

of objection.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to increase the pension of Ambrose D. Manion, of Munfordville, Ky., late of Company K, Fifth Kentucky Infantry, from \$30 per month to \$50 per month, and to issue him a certificate granting and increasing his pension to said amount, in lieu of pension certificate No. 10246 now held by said pensioner.

The Committee on Invalid Pensions recommend the adoption of the following amendment:

In line 5 strike out the words "of Munfordville, Ky.," and in line 7, after he word "month," strike out the remainder of the bill.

There being no objection, the bill was considered, and the amendments recommended by the committee were agreed to; and the bill as amended was laid aside to be reported to the House with

Mr. DOCKERY. Mr. Chairman, I have a bill—
Mr. THOMAS. Let us have the regular order.
The CHAIRMAN. The gentleman from Michigan [Mr. THOMAS]
demands the regular order. The Clerk will report the first bill on the Calendar.

RUFUS H. PAYNE.

The first business on the Private Calendar was the bill (S. 1505) granting an increase of pension to Rufus H. Paine. The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Rufus H. Paine, late of Company A, First Regiment New Hampshire Heavy Artillery, and pay him a pension at the rate of \$12 per month in lieu of that he is now receiving.

The CHAIRMAN. The question is on laying aside the bill with a favorable recommendation.

Mr. ERDMAN. Let us have the report read. The report (by Mr. Sulloway) was read, as follows:

The report (by Mr. Sulloway) was read, as follows:

The committee on Invalid Pensions, to whom was referred the bill (S. 1505) granting an increase of pension to Rufus H. Paine, having carefully considered the facts in the case, respectfully report:

The soldier enlisted July 17, 1863, as private in Company A, First New Hampshire Heavy Artillery, and was honorably discharged September II, 1865.

On July 28, 1890, he filed a declaration under the act of June 27, 1890, alleging varicose veins, loss of sight, catarrh, and injury of left hand; and on June 23, 1891, he was allowed a pension of \$8 on account of rheumatism, varicose veins, and injury to left hand.

On February 2, 1895, he filed a declaration for increase, alleging aggravated disability from pensioned causes, defective sight, and hernia. April 29, 1895, the examining board reports, among other things: "Eyes are closed; nutrition poor; physical condition bad; right oblique inguinal hernia; left oblique inguinal hernia, same description as right; vision of left eye nil; right eye sees C. C. Snellen's type at 3 feet; left eye had been removed, and claimant was wearing an artificial eye."

The claim, however, was rejected on the ground of "No increase; rate covers all disabilities formerly alleged."

Under the general law the loss of an eye is rated at seventeen-eighteenths; but in addition to this infirmity the soldier has, according to the report of the examining board, a right and a left inguinal hernia, rheumatism, varicose veins, permanently injured hand, almost total loss of sight of right eye, bad physical condition; and the evidence further shows, in express terms, that he is totally incapacitated for the performance of manual labor. The man is 60 years of age. The bill passed the Senate February 19, 1896.

Your committee are of opinion that the claimant was and is entitled to the maximum rate under the act of 1890, and therefore respectfully recommend the passage of the bill.

Mr. TALBERT. Mr. Chairman, here is an application for an increase of re

Mr. TALBERT. Mr. Chairman, here is an application for an increase of pension to Rufus H. Payne. On June 28, 1891, according to the report, he was allowed a pension of \$8 a month on account of rheumatism, varicose veins, and injury to left hand. On February 2, 1895, he filed a declaration for increase, alleging aggravated disability from pensioned causes, defective sight, and hernia. April 29, 1895, the examining board reports, among other things-

Eyes are closed; nutrition poor; physical condition bad; right oblique in guinal hernia; left oblique inguinal hernia, same description as right.

About the same thing that the other board reported. About the same thing that the other board reported. The Pension Bureau, after having examined the claim, rejected it on the ground of no increase that the rate covers all the disabilities formerly alleged. Now, the question is whether or not this House will overrule the decision of the Pension Bureau, whose duty it is to examine carefully into all of these claims and to report properly upon them. I think, sir, that we should stop and reflect before we go at a rapid pace and overturn the rulings of the Pension Bureau. I think this man is drawing a sufficient pension, according to all the showing, and I think this bill should not pass. I just want to call the attention of the House to this fact, that it seems to be evidently an attempt to overrule the decision of the Pension Bureau, without bringing forward any reasons whatever, according to the report of the committee.

I should be glad to hear from some member of the committee.

Possibly the committee have something more to state in regard to this matter. This is a very short report.

Mr. THOMAS. Mr. Chairman, I desire to call the attention of the gentleman from South Carolina [Mr. Talbert] to a portion of the report farther down:

And the evidence further shows, in express terms, that he is totally incapacitated for the performance of manual labor.

Therefore he would be entitled to more than \$12 a month, and the bill only provides for \$12. The gentleman's statement is correct, so far as the first part of the report is concerned, as to the action of the Pension Office.

Mr. TALBERT. If the gentleman will allow me, the point I make is that the Pension Bureau were in possession of all the facts stated here in the report when they filed their decision against

Mr. THOMAS. I do not understand that to be so. If they were, then they overlooked some of the facts, because the evidence is certainly sufficient to give this man \$12 per month.

Mr. TALBERT. I do not propose to make any fight against the granting of a pension. I only wanted to call the attention of the House to this disposition to overrule the decisions of the Pension Bureau, which I think is wrong and setting a dangerous precedent.

The bill was ordered to be laid aside to be reported to the House

with a favorable recommendation.

JARED S. CHAMBERLAIN.

The next business on the Private Calendar was the bill (S. 878) granting a pension to Jared S. Chamberlain.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Jared S. Chamberlain, late a private in Company E, Twenty-third Ohio Volunteers.

The CHAIRMAN. The question is on laying aside the bill with a favorable recommendation.

Mr. ERDMAN. Mr. Chairman, let us have the report read.

The report (by Mr. PICKLER) was read, as follows:

The report (by Mr. Pickler) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (S. 878) granting a pension to Jared S. Chamberlain, having carefully considered the same, adopt the accompanying Senate report (No. 96) as their own, and respectfully recommend the passage of the bill.

[Senate Report No. 96, Fifty-fourth Congress, first session.]

The claimant, Jared S. Chamberlain, was enrolled as a private soldier on the 25th day of March, 1864, and served in Company E of the Twenty-third Regiment of Ohio Volunteer Infantry until honorably discharged at Cumberland, Md., on the 25th day of July, 1865. At the time of enlistment he was 31 years of age, and is consequently now 63 years old. The record shows that at the time of enlistment he was able bodied and possessed of good eyesight. The record further shows that he received a gunshot wound in the left side of the head, causing partial bilindness, at the battle of Cedar Creek, Virginia, October 19, 1864. The treatment shown was by the regimental surgeon in the hospital at Witchester, Va., October, 1804.

It appears by the proof that he returned to the service and continued with his company and regiment until the close of the war. It also appears that from the date said gunshot wound was received the sight of his right eve began to weaken, and at present it is almost gone, and that the sight of his left eye has become every greatly impaired; that before this gunshot wound was received it was not necessary for him to wear glasses, but since that time glasses have been indispensable to enable him to observe objects in his pathway. It appears by undisputed testimony that immediately after said gunshot wound, and an an another of the service in the army after the gunshot wound, and can not, therefore, furnish his testimony. The affidavit of his bunkmate, Horace A. Little, shows that Chamberlain constantly complained of his eyes during the remainder of his service in the army after the battle of Cedar Creek, and while he remained wi

Mr. THOMAS. Mr. Chairman, for the purpose of perfecting this bill, I offer an amendment.

The amendment was read, as follows:

In line 7 strike out the letter "s" in the word "volunteers," and addinfantry, and pay him a pension of \$12 per month."

The amendment was agreed to.

The bill as amended was ordered to be laid aside to be reported to the House with a favorable recommendation.

MARGARET O'DONNELL.

The next business on the Private Calendar was the bill (H. R. 4823) for the relief of Margaret O'Donnell, nurse, United States Volunteers.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place upon the pension roll the name of Margaret O'Donnell, and pay her at the rate of pension as provided for army nurses by the act of Congress approved August 5, 1892.

The CHAIRMAN. The question is on laying aside the bill with favorable recommendation.

Mr. ERDMAN. Let us have the report. The report (by Mr. Thomas) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 4823) for the relief of Margaret O'Donnell, respectfully report:

The claim of this woman under the act of August 5, 1892, was rejected in the Pension Bureau February 4, 1893, on the ground that there is no record of claimant's service as nurse during the period alleged, but from a certificate filed by her it appears that she acted as a laundress. No title under said act.

of claimant's service as nurse during the period alleged, but from a certificate filed by her it appears that she acted as a laundress. No title under said act.

The Secretary of the Interior, on appeal, decided that the action of the Pension Office in rejecting the claim on the ground stated was wrong, and he directed that the claim be reopened, and suggested a special examination for the purpose of ascertaining definitely by what authority claimant rendered the services as nurse, which are admitted by the Secretary to be prima facie shown to have been rendered, or that claimant be called upon to furnish additional evidence upon that branch of her case. The only point on which the Secretary seems to have any doubt is as to whether the services shown to have been rendered were rendered by proper authority. The evidence shows that her husband was a member of the Twenty-second Battery, New York Volunteer Light Artillery, and that she was with the battery from 1862 to 1865, acting a part of the time as laundress, and when any of the members of the battery were sick nursing them.

Twenty-five surviving members of the company join in a petition that she be pensioned, saying that she was constantly with them from 1862 to 1865, never absented herself one day from her post of duty, but was ever ready to give aid and comfort to the members of the company; that she is an invalid from rheumatism contracted in the service of her country.

The testimony of the members of the company shows that she did actually nurse them when sick, and that her services were greatly needed in view of the fact that there was no surgeon or assistant surgeon with them.

In view of these facts, the committee are willing to waive the technical requirement of the law as to employment by authority recognized by the War Department, and they therefore recommend the passage of the bill.

Mr. MILNES. I am quite positive in my own mind, Mr. Chairman, that the beneficiary of this bill is dead. If that be true, there is no use in taking up any more time.

that I had something to do with last winter, and the husband of this lady has told me since this session began that his wife is dead. I am positive that that is the case.

Mr. THOMAS. This was introduced by my colleague from

Mr. Incomes. In was introduced by my coneague from Michigan [Mr. Bishop].
Mr. MILNES. I ask that the bill be passed without prejudice.
If it is laid over, we can get the necessary information.
Mr. BISHOP. Mr. Chairman, I introduced this bill by request,

and know nothing in regard to its merits.

Mr. DOCKERY. The question of fact is raised as to whether

the beneficiary is dead.

Mr. THOMAS. I ask that the bill be laid aside without preju-

Mr. MILNES. I make that motion.

The CHAIRMAN. The gentleman from Michigan asks unanimous consent that the bill be laid aside without prejudice, retaining its place on the Calendar. Is there objection? [After a pause.] The Chair hears none.

ISABELLA MORROW.

The next business on the Private Calendar was the bill (S. 1128) granting a pension to Isabella Morrow.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized to place upon the pension rolls the name of Isabella Morrow, widow of the late Henry A. Morrow, colonel of the Twenty-first Regiment United States Infantry, colonel and brevet major-general of the United States Army, and pay her a pension of \$75 per month.

Mr. ERDMAN. Let the report be read. Mr. THOMAS. I desire to offer an amendment. The report (by Mr. THOMAS) was read, as follows:

The report (by Mr. THOMAS) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (S.1128) granting a pension to Isabella Morrow, adopted as their own the Senate Report No. 240, and in view of the facts therein set forth, and the further fact that evidence before this committee shows that the beneficiary of this bill was married to General Morrow before the war, that she has been ever since his death largely dependent upon others for the care and support of herself and her younger children; that she is now about 60 years of age, is not in good health, and is without property, your committee recommend the passage of the bill.

[Senate Report No. 240, Fifty-fourth Congress, first session.]

The Committee on Pensions, to whom was referred the bill (8. 1128) granting a pension to Isabella Morrow, after consideration, make a favorable report thereon, when amended, at the rate of \$75 per month, which is done in com-

The Committee on Pensions, to whom was referred the bill (S. 1128) granting a pension to Isabella Morrow, after consideration, make a favorable report thereon, when amended, at the rate of \$75 per month, which is done in committee.

In Virginia July 10, 1829. At the age of 17 he volunteered for service in the Mexican war, serving in the campaign of General Taylor from Camargo to Monterey, taking part in the battle of Monterey. In 1854 he began the practice of law at Detroit, and three years later he was elected to the honorable position of judge of the recorder's court of the city of Detroit for a term of six years.

The outbreak of the war of the rebellion found Judge Morrow on the bench. By July, 1882, the State of Michigan had sent to the front 72,000 men, or 6,000 more than the State's quota. The delays and reverses of McClellan had created doubt and discouragement, and in the North recruiting had practically stopped. A public meeting held at Detroit on July 15, 1820, was dispersed by an armed mob from Canada, where Southern refugees had found asylum.

The indignation that resulted from this action found expression in a great gathering, at which the venerable Gen. Lewis Cass presided. The practical outcome was the Twenty-fourth Michigan Infantry, of 1,030 men, and to command this regiment the Judge left the bench.

Assigned to the Iron Brigade of the Army of the Potomac, the Michigan recruits were but coldly received by the veterans of Wisconsin and Indiana, who made up that famous command, but a Fredericksburg the men of the Twenty-fourth were transformed into as hard metal as their comrades, and at Gettysburg they won high praise from General Doubleday.

Colonel Morrow's military history is as follows:

Volunteered May, 1864, for Mackan war, in Marand and District of Columbia Battalion. Served Marand and military in the former battle, and recommended for promotion for gallantry and good conduct. April, 1863, commanded two regiments in expedition against Port Royal, below Fredericksburg, on Rappahannock Ri

into a division of Army of Tennessee. Assigned to command of this division, Mustered out of volunteer service July, 1865.

Appointed lieutenant-colonel, Thirty-sixth Infantry, July 23, 1866; accepted January 17, 1867. Joined regiment, September, 1867, at Fort Sanders, Dak. T., now Laramie City, Wyo. Command of Fort Bridger, Utah, from December, 1867, to April, 1869. In command of Fort Bridger, Utah, from December, 1867, to April, 1869. In command of Fort Bridger, Utah, from December, 1867, to April, 1869. In command of Fort Bridger, Utah, from December, 1867, to April, 1869. Command of Fort Bridger, Utah, from December, 1866, to June, 1870. Command of Fort Bred Steele, Wyo., June, 1870, to October, Command of Camp Douglas (now Fort Douglas), Salt Lake City, from October, 1870, to July, 1871. In command of regiment, October, 1870, to July, 1871. Command of Fort Fred Steele, Wyo., July, 1871, to October, 1871. By order of President United States, in command of Camp Douglas, United States, October, 1871, to September, 1874. Commanded expedition of cavalry and infantry against Ute Indians in southern Utah, 1872-78.

At request of Commissioner of Indian Affairs was ordered by Secretary of War to take control of the wandering Indians of Utah and Nevada. Command of Fort Sidney, Nebr., from September to October, 1874, when ordered with regiment to New Orleans, La. In command of regiment November, 1878, to November, 1874. In command of regiment in New Orleans winter 1874-75. On special inspection in Louisians, November and December, 1874. Command of Baton Rouge Barracks, La., May, 1875, to June, 1876. Command of Little Rock Barracks, Ark., June, 1876, to April, 1879. During riots of 1877, in command of Indianapolis, Ind., in July, and of Seranton, Pa., August, September, October, and November. Specially commended by Major-General Hancock to Secretary of Warfor good conductat Scranton. On War Department Board, Washington, D. C., for equipment of Army, November, 1878, to April, 1879. Pormoted colonel Twenty-first Infantry, April 27, 1879. Command of Vancouver Barracks, Wash., September, 1879, to January, 1881, to October, 2881, to October, 28

Colonel in Regular Army, for gallant and meritorious services in battle of Hatchers Run, Virginia, February 6, 1865.

Brigadier-general of volunteers, for gallant and distinguished services during campaign before Richmond, Va. Major-general of volunteers, for distinguished and conspicuous gallantry, and for good conduct before Petersburg Vs.

tinguished and conspicuous gallantry, and for good conduct before Petersburg, Va.

Was nominated by President and confirmed by Senate, in winter of 1869, as brevet brigadier-general in Regular Army, for gallantry at Gettysburg. Commission not issued because an act of Congress forbade conferring brevets except in time of actual war.

Honorably mentioned in reports of battles of Fredericksburg, Fitzhugh Crossing, or second battle of Fredericksburg, Chancellorsville, Gettysburg, Wilderness, and Hatchers Run; also, in Michigan in the War; Red Book of Michigan; History of Twenty-fourth Michigan Infantry; A City's Danger and Defense, Scranton, Pa., 1887; De Hubner's Promenade au Tour du monde, 1871, and Chancellorsville and Gettysburg, by Doubleday, 1882.

The passage of the bill as amended is recommended.

Mr. DA NIELS, Mr. Chairman, Livnet.

The passage of the bill as amended is recommended.

Mr. DANIELS. Mr. Chairman, I trust—
Mr. THOMAS. I desire to offer an amendment.

Mr. DANIELS. Mr. Chairman, I trust the amendment proposed by the gentleman from Michigan will not prevail.

The CHAIRMAN. The amendment has not yet been read.

Mr. THOMAS. I offer the following amendment. I desire to say that this bill passed the Senate at \$75 a month, and the Committee on Invalid Pensions reported it at \$50 per month. There was an error on the part of the clerk in making it \$75.

The amendment was read as follows:

The amendment was read, as follows:

In line 8, strike out the words "seventy-five" and insert the word "fifty;" so as to read, "a pension of \$50 per month."

Mr. DANIELS. Mr. Chairman, I trust the bill will pass as it passed the Senate, at \$75 a month. The career of the distinguished soldier has been a most remarkable one, perhaps as much so as any other person who was engaged in the military service of the country. He commenced as a mere boy, at the age of 17, and encountry. He commenced as a mere boy, at the age of 17, and enlisted in the United States Army for service in the Mexican war, and was in the Mexican war under General Taylor until the war closed. Then he retired from the Army and studied law. He was elected to the office of recorder of the city of Detroit, and while he had in that office and soon after its commencement the civil was holding that office and soon after its commencement the civil was holding that office and soon after its commencement the civil war broke out, and he then enlisted at once in the service of the United States in the civil war. He served through the civil war, and while in a large portion of the battles, he remained there until the close of the war, and was then mustered out of the service, advancing from the position of private to that of an officer. He then enlisted in the Regular Army, and was brevetted major-general for distinguished services in the civil war, and also brevetted brigadier-general for services in the Regular Army. His career has been a most remarkable one, perhaps more so than that of any other officer whose case has been submitted to the consideration of this House in an application for a pension. He is now dead other officer whose case has been submitted to the consideration of this House in an application for a pension. He is now dead, and his widow, 60 years of age, has a young child to care for, and has no resources for her support or that of the child beyond that obtained by her own exertions. The case is one that is entirely and thoroughly meritorious, and I trust that the amendment will not prevail and that the bill will pass as it passed the Senate.

Mr. MILNES. Mr. Chairman, the House very well knows I have been opposed to all pensions of this dimension; but if there ever was a worthy case, this is one of them. I am well acquainted with the services of Colonel Morrow, and no more gallant man ever went into the Union Army. He was three times wounded, and every time with the colors in his hand, having taken the colors from the color bearer after being shot down. Four of them

were shot down at Gettysburg. He was wounded at Gettysburg on the first day of the battle, and he was again wounded in the Wilderness and was again carrying the colors; and again at Hatchers Run, where he was carrying the United States colors in the front of his regiment. If there ever was a worthy case, this is one

Mr. MERCER. Mr. Chairman, I desire to second the remarks made by the two preceding gentlemen. Colonel Morrow was not only in the Mexican war, but he was in the civil war, and then later engaged in a great many Indian wars. His widow lives in my district, is over 60 years of age, has a son dependent on her for my district, is over 60 years of age, has a son dependent on her for support, and she is almost entirely without means. She has another son, who entered the Regular Army and is there to-day, working his way up by studious application to the duties of his position, and, I believe, is now second lieutenant by meritorious service. It shows that Colonel Morrow and his descendants are of a patriotic order. They belong to that class of citizenship which believes in protecting the American Union and the Americans of the lieuteness of the state of the s

which believes in protecting the American Union and the American flag at all times and under all circumstances.

I sincerely trust, Mr. Chairman and gentlemen of this House, that you will grant this lady \$75 at least, because this is a Senate bill, and if you amend it now and reduce the amount to \$50, the bill would be returned to the Senate and go through another legislative ordeal. The gentleman from New York [Mr. WADSWORTH] calls my attention to the fact that one widow has received \$75 and another \$100 a month at the hands of this House to-day. But aside from that, the record of General Morrow would entitle his widow to at least \$75 a month pension, and I trust this House will vote down the amendment of my friend [Mr. Thomas], who is simply doing his duty as instructed by his trust this House will vote down the amendment of my friend [Mr. Thomas], who is simply doing his duty as instructed by his committee, and give to this widow a pension of \$75 a month, to which she is justly entitled. [Applause.]

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Michigan.

The question was taken; and the Chairman announced that the

noes appeared to have it. Mr. BELL of Colorado. Division!

The committee divided; and there were—ayes 22, noes 68.

So the amendment was rejected.

The bill was then ordered to be laid aside with a favorable recom-

mendation.

JOSEPH E. VANTINE.

Mr. WILLIS. Mr. Chairman, I ask the consent of this committee to hear a report read. I will not venture to ask unanimous consent for the consideration of the bill until after the committee shall have heard the report and I shall have made one or two state-

The CHAIRMAN. Is there objection to the reading of the

report?
Mr. DOCKERY. I have no objection, Mr. Chairman, but I would like a recognition myself. [Laughter.]
The report (by Mr. MILES) was read, as follows:

The report (by Mr. Miles) was read, as follows:

The committee on Invalid Pensions, to whom was referred the bill (H. R. 7969) to increase the pension of Joseph E. Vantine, late first-class fireman on the U. S. S. Richmond, United States Navy, having carefully examined and fully considered the facts presented, respectfully report:

Joseph E. Vantine enlisted in the United States Navy May 19, 1857, as second-class fireman on the U. S. S. Minnesota; promoted to first-class fireman May 28, 1857, and served as such to June 10, 1859, when discharged.

He reenlisted as first-class fireman July 13, 1861, and served on the North Carolina to July 27, 1861; on the Richmond from July 28, 1861, to August 29, 1864; on the Princeton from August 30, 1864, to September 9, 1864, when honorably discharged.

Joseph E. Vantine was the first man to suggest the use of chain cables hung over the sides of vessels for protection from the enemy's missiles, and the efficiency of the device was demonstrated by Commodore Farragut's squadron on the Lower Mississippi in April, 1862, in the passage of Forts Jackson and St. Phillip, and the encounter with the Confederate ram, and it resulted in the capture of New Orleans, La. This chain armor was used afterwards on board the Kearsarge in her capture of the Alabama.

In the attack on Fort H. dson, La., March 14, 1863, a shot from the enemy's guns struck the boilers of the Richmond, and the fire room and other parts of the vessel were filled with steam, when he, under great difficulties, drew the fires from under the boilers and prevented them from exploding, thus saving the ship and perhaps many lives. While this was being done, he became exhausted from the heat and cooking steam and had to be relieved every few moments, until by his persistent intrepidity and assiduous efforts the grand work was accomplished. For this heroic act he received special complimentary mention in the Admiral's report, and was afterwards presented with a bronze "medal of honor" by act of Congress.

Joseph L. Vantine i

person.

In view of the testimony, from which it is reasonable to conclude that his paralysis is a result of his naval service, and in view of his gallant and meritorious service, your committee earnestly recommend the passage of the bill without amendment.

Mr. WILLIS. Mr. Chairman—
Mr. LOUDENSLAGER. I call for the regular order.
Mr. WILLIS. I hope the gentleman will not call for the regular order until I shall have made a remark or two.

Mr. LOUDENSLAGER. I call for the regular order, Mr.

The CHAIRMAN. The regular order is called for, and the Clerk will report the next bill.

MRS. SARAH B. LEET.

The next business on the Private Calendar was the bill (S. 1682) granting an increase of pension to Mrs. Sarah B. Leet.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mrs. Sarah B. Leet, widow of the late Bvt. Lieut. Col. George K. Leet, United States Army, at the rate of \$25 per month, which rate of \$25 per month shall be in lieu of the pension she is now receiving.

Mr. McCLELLAN. Let us have the report read. The report (by Mr. Erdman) was read, as follows:

Mr. McClellan. Let us have the report read.

The report (by Mr. Erdman) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (S. 1682) entitled "A bill granting an increase of pension to Mrs. Sarah B. Leet," beg leave to submit the following report, and recommend that said bill do pass:

George K. Leet enlisted as a private in the Chicago Mercantile Battery. August 29, 1862, and served therewith to July 29, 1863. Served in the office of assistant adjutant-general. Headquarters Department of Tennessee, until discharged October 29, 1863, having been appointed captain and assistant adjutant-general United States Volunteers. October 3, 1863; major and assistant adjutant-general United States Volunteers. February 2, 1865; captain and assistant quartermaster United States Army, March 23, 1866 (brevetted lieutenant-colonel United States Army, March 23, 1867, for faithful and meritorious services during the war); on staff duty at General Grant's headquarters from October 29, 1863, to March 4, 1869; on duty at the War Department March 1, 1870; honorably discharged August 1, 1870.

The evidence shows that in 1862-63, while in camp near Vicksburg, Miss., George K. Leet contracted camp diarrhea and erysipelas, and was sent to hospital, but the regimental hospital records are not on file.

The soldier's mother testifies to sending him medicine for diarrhea (which had become chronic) while he was in the Army.

It appears that he continued to suffer from chronic diarrhea, and was disabled to a greater or less degree all the time from 1865 to 1869 while serving on General Grant's staff at headquarters, during which time he held the rank of major and assistant adjutant-gener

disease.

The soldier only lived three or four weeks after coming under his charge. The soldier gave him a history of chronic diarrhea contracted in the Army and which had continued with greater or less severity ever since.

Mrs. Sarah B. Leet is the widow of George K. Leet. She was married to him February 18, 1894, and is now 59 years old. She has never remarried, and has no means of support except by her children.

She has one minor child dependent upon her.

She was granted a pension by special act of Congress approved July 4, 1884. The rate fixed by the Pension Bureau was \$8\$ per month and \$2\$ per month additional for each of three minor children who were not then 16 years of age. By general law (act of March 19, 1886) the pension was increased to \$12\$ per month, commencing from the date of the act, at which rate the claimant is now pensioned. But one child is now under 16 years of age, consequently the amount of pension actually received by claimant is \$14\$ per month.

Your committee therefore earnestly recommend the passage of the Senate bill, appending the report of the Senate Committee on Pensions, as follows:

[Senate Report No. 295, Fifty-fourth Congress, first session.]

Your committee therefore earnestly recommend the passage of the Senate bill, appending the report of the Senate Committee on Pensions, as follows:

[Senate Report No. 295, Fifty-fourth Congress, first session.]

The Committee on Pensions, to whom was referred the bill (S. 1882) granting an increase of pension to Mrs. Sarah B. Leet, have considered the same and report:

In this case the claimant was granted a pension by special act of Congress approved July 4, 1884. The rate fixed by the Pension Bureau was \$\$ permonth and \$2\$ a month additional for each of three minor children who were not then 16 years of age.

By general law (act of March 19, 1886) the pension was increased to \$12 permonth, commencing from the date of the act, at which rate the claimant is now pensioned. But one child is now under 16 years of age, consequently the amount of pension actually received by claimant is \$14 a month.

The military services of George K. Leet, husband of this claimant, as shown by the records of the Adjutant-General's Office, were continuous from August 29, 1862, to March 4, 1869, most of the time in the responsible position of assistant adjutant-general. On August 1, 1870, on his own request, he was honorably discharged. He died March 26, 1881, from chronic diarrheal troubles and diseases emanating therefrom, contracted in the line of duty.

Claimant is without means of support and is dependent wholly upon her own earnings. Under the circumstances your committee believe this to be a meritorious case for increase, and they accordingly recommend that the bill be passed with an amendment so as to provide a pension for this claimant at the rate of \$25 a month.

Amend by striking out the word "thirty" wherever it occurs in line 8 of said bill, and insert in lieu thereof the word "twenty-five."

The bill was laid aside to be reported to the House with the recommendation that it do pass.

ANNIE SCHIFIRLI.

The next business on the Private Calendar was a bill (H. R. 7821) granting a pension to Annie Schifirli.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll the name of Annie Schifirli, widow of John E. Schifirli, late private, Company M. First Regiment United States Reserve Corps Missouri Volunteer Infantry, and to pay her a pension at the rate of \$20 a month, subject to the provisions and limitations of the general pension laws.

Mr. ERDMAN. Let us hear the report, Mr. Chairman. The report (by Mr. Baker of Kansas) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H.R. 4496) granting a pension to Annie Schifirli, beg leave to submit the following

4496) granting a pension to Annie Schifirli, beg leave to submit the following report:

John E. Schifirli served in Company M, First United States Reserve Corps Missouri Volunteer Infantry, from May 22, 1861, to August 20, 1861, when he was honorably discharged.

The widow is now pensioned at \$8, under act of June 27, 1890. She was married in 1842 to the soldier, who died in the county infirmary February 22, 1885. The widow is shown to be totally blind, and so helpless as to require the regular aid and attendance of another person; that she is totally destitute, and is supported by a son-in-law. In view of her helplessness and destitution, it is recommended that the bill do pass after being amended by striking out all after the title and substituting the following:

"Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll the name of Annie Schiffril, widow of John E. Schiffril, late private Company M, First Regiment United States Reserve Corps Missouri Volunteer Infantry, and to pay her a pension at the rate of \$20 a month, subject to the provisions and limitations of the general pension laws."

Mr. ERDMAN. Mr. Chairman, the House ought to understand

mr. ERDMAN. Mr. Chairman, the House ought to understand that this is pension legislation of a kind that they may not desire to approve. It is an attempt to pension the widows of soldiers according to their disabilities. If you are going to do that, do it by general legislation. There are thousands upon thousands of widows of disabled soldiers suffering from different degrees of disability, and if you are going to do justice to them all, you will either pass 10,000, or perhaps 100,000, private bills for their benefit, or you will enact some general law fixing the rate of pension for disabled widows as you do in the case of old soldiers. The question presented in this case is whether or not you are going to pension widows according to their disability.

Mr. MILES. Mr. Chairman, I ask unanimous consent that this bill be laid aside without prejudice.

The CHAIRMAN. Is there objection to the request of the gentleman from Maryland?

Mr. ALLEN of Utah. I object.

The CHAIRMAN. Is there objection to the request of the gentleman from Maryland?

Mr. ALLEN of Utah. I object.

The CHAIRMAN. Objection is made, and the question recurs on laying the bill aside to be reported to the House with a favorable recommendation.

Mr. ERDMAN. Mr. Chairman, I desire to offer an amendment striking out "twenty" and inserting "eight" before "dollars," so as to place this widow upon an equality with other soldiers'

widows

Mr. THOMAS. Mr. Chairman, I desire to call attention to the fact that this lady is now receiving \$8 per month. I understand that she is totally blind. That is all that I think it necessary to say. As the gentleman from Pennsylvania says, this bill is based on the physical condition of this widow and her necessity, and it such to pass.

ought to pass. Mr. WOOD. ought to pass.

Mr. WOOD. Mr. Chairman, to-day we passed a pension bill that was based solely upon the infirmities, the age, and the need of a widow. That pension bill carried with it \$100 per month. It was the widow of a good soldier in that case; it is the widow of a good soldier in the present case. The difference is that in the former case it was the widow of an officer who, when he was in the service, was allowed from four to six horses, with forage for them, and a servant to take care of them, while in this case it is the widow. a servant to take care of them, while in this case it is the widow of a private soldier who trudged along on foot. We have been passing bills here based upon the condition, the circumstances, the infirmities, and the necessities of widows, so far as the widows of officers are concerned. Why should we not do it so far as private

officers are concerned. Why should we not do it so far as private soldiers are concerned?

Mr. CURTIS of New York. Do I understand that my friend from Kansas [Mr. Blue] is in favor of this bill, or has he changed his position in respect to the interest of private soldiers when their cases come before the House? On behalf of the private soldiers cases come before the House? On benair of the private soldiers of the Union Army, with whom I had the most intimate connection for more than four years, I ask that this bill may receive the generous consideration of this committee, in accord with what I trust is the wish and desire of my friend from Kansas. [Laughter.]

Mr. BLUE. Mr. Chairman, in perfect consonance with what I said this afternoon, as I understand that this widow was the wife

of a soldier during the war, having married him in 1842, and as we pensioned the case of my friend from New York this afternoon at \$100 a month, I am going to vote for this bill. [Laughter and

applause.]
Mr. CURTIS of New York. Thank God for that! [Laughter.]
Mr. BLUE. If I understand this case correctly, if it was proper,
in the case of my friend from New York, to pension the infirmities

of the widow of a general at the rate of \$100 a month, certainly it will not bankrupt the Treasury to pension this poor woman at \$20 a month. Therefore I shall cast my vote for this bill, in line with what I said this afternoon.

Mr. TALBERT. Mr. Chairman, I voted against the proposition to give the widow of General Gibbon \$100 a month, but it was carried here almost unanimously. I voted also against the pension bill for the widow of General Nichols, at I believe, the same

amount.

A MEMBER. That was \$75 a month.

Mr. TALBERT. I voted against those bills because I did not believe they were right, but they passed here all the same. [Laughter.] We gave a pension this evening to the widow of General Smith at the rate of \$50 a month. We gave the widow of Colonel Morrow, who was only a brevet major-general, \$75 a month, and I am astonished that any gentleman here, especially on the Democratic side should get up now and move to reduce

month, and I am astonished that any gentleman here, especially on the Democratic side, should get up now and move to reduce the allowance for this poor and totally blind woman from \$20 to \$3 a month. [Applause.]

I stand here ready to give this blind widow of a private soldier as much as you gave the widow of General Gibbon or General Nichols or Colonel Morrow, or any other officer. I think she is just as much entitled to a liberal pension as the widows of those officers. I can understand why Republicans in this House do some things sometimes [laughter], but I can not understand why Democrats should walk through here like greyhounds to vote one-hundred-dollar pensions to the widows of brigadier-generals, and yet should sit quietly by when an effort is made to reduce the pension of the poor blind widow of a private soldier from \$20 a month to \$8. I shall support this bill with all my heart at \$20 a month; and I would be willing to give this widow more in justice to the claims of the be willing to give this widow more in justice to the claims of the private soldier on account of her being totally blind, but I shall

always oppose any extravagant or unjust pension claim, as I have done in the past.

Mr. MILES. Mr. Chairman, I shall support this bill very cordially; and I want to be understood as withdrawing my motion to lay it aside. I thought there would be some debate over the bill and that the measure might be endangered in the absence of bill and that the measure might be endangered in the absence of my friend from Kansas [Mr. Baker]; but I find that he is now present; and I do not believe, since the eloquent speech of my friend from South Carolina [Mr. Talbert], that the bill is in any danger at all. I shall support the bill; but I want it understood that in doing so I am following the lead of the gentleman from South Carolina, who is consistent, and not the lead of the gentleman from Kansas [Mr. Blue], who is inconsistent.

The CHAIRMAN. The question is on the adoption of the amendment.

amendment

Mr. THOMAS. Was not the amendment withdrawn? The CHAIRMAN. The Chair did not so understand. The question being taken, the amendment was rejected. The bill was then laid aside to be reported to the House with a favorable recommendation.

CHARLES H. TWOMEY.

The next business on the Private Calendar was the bill (H. R. 2257) to increase the pension of Charles H. Twomey. The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place the name of Charles H. Twomey, late a private of Company H, One hundred and thirty-ninth Regiment Indiana Infantry Volunteers, upon the pension roll, subject to the provisions and limitations of the pension laws, and pay to him the sum of \$72 per month, in lieu of any pension that may now be paid him.

The amendment was read, as follows:

In line 8, strike out "seventy-two" and insert "thirty;" so as to make the rate of pension \$30 per month.

Mr. ERDMAN. Let us hear the report. The report (by Mr. Kirkpatrick) was read, as follows:

The report (by Mr. Kirkpatrick) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 2257) entitled "A bill to increase the pension of Charles H. Twomey," beg leave to submit the following report, and recommend that said bill do pass with an amendment:

Charles H. Twomey enlisted May 10, 1864, and was mustered out with his company as corporal Company H. One hundred and thirty-ninth Indiana Infantry Volunteers, September 29, 1864, and honorably discharged.

He filed claim for pension May 16, 1885, alleging that he incurred deafness of right ear at Mumfordsville, Ky., July 7, 1864, from firing a gun containing three charges, causing ulceration of the ears.

He was pensioned September 16, 1887, and to \$10 from August 27, 1888.

He filed a claim August 3, 1892, under act of June 27, 1890, alleging deafness and blindness, and was pensioned under that act from August 3, 1892, at \$12 per month for total blindness of both eyes.

The board of examining surgeons at Martinsville, Ind., who examined him June 17, 1885, certified to his total deafness of right ear and that "the tympanum of left ear was perforated, resulting in slight deafness of left ear," and each of the six boards which examined him after that date described the condition of left ear approaching more closely each year to loss of hearing in that ear. Under these examinations he should have received \$20 or more per month since August 27, 1886.

He lost his eyesight in 1890 from an accident, occurring since the war, and not due to his military service, the first mention of it being made by the board of examining surgeons at Martinsville, Ind., August 6, 1890, who rated

him at \$25 per month for "almost total deafness of right ear and severe deafness of left ear," but the Pension Bureau then refused to give him more than \$10 per month.

The applicant is now totally deaf, as your committee believe, from causes arising in his military service, and is also totally blind from an accident occurring since the war, and your committee are of opinion that he should have at least \$30, the pension for total deafness of both ears, and recommend that the bill be amended by striking out the word "seventy-two," in line 8, and in place thereof insert the word "thirty," and, as amended, earnestly urge the passage of the bill.

Mr. THOMAS: Mr. Ch.

Mr. THOMAS. Mr. Chairman, I offer an amendment to perfect the bill.

The amendment was read, as follows:

In line 8 strike out the words "the sum" and insert "a pension."

The CHAIRMAN. The first question is on the amendment reported by the committee.

The amendment was agreed to.

The question being taken on the amendment of Mr. Thomas, it was agreed to.

The bill as amended was laid aside to be reported favorably to

the House.

HENRY SLAUGHTER.

The next business on the Private Calendar was the bill (H. R. 2725) granting increase of pension to Henry Slaughter.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll the name of Henry Slaughter, late private in Company A, Fourteenth Regiment of Indiana Volunteers, and pay him a pension at the rate of \$24 per month, in lieu of the pension he now receives.

The report (by Mr. KIRKPATRICK) was read, as follows:

sion he now receives.

The report (by Mr. KIRKPATRICK) was read, as follows:

Your Committee on Invalid Pensions, to whom was referred the bill (H. R. 2725) entitled "A bill granting increase of pension to Henry Slaughter," beg leave to submit the following report, and recommend that said bill do pass without amendment:

Henry Slaughter enlisted June 7, 1861, as private, Company A, Fourtenth Indiana Infantry Volunteers, and was honorably discharged therefrom June 16, 1864. He reenlisted as private, Company A, Fourth United States Artillery, October 7, 1864, and was honorably discharged as sergeant October 6, 1867, having faithfully served six years and ten days.

His left arm was fractured below elbow by a gunshot wound received in battle at Antietam, Md., September 17, 1862, and received another gunshot wound on same day in same battle, the ball passing through left testicle, injuring prostate gland, and passing out under the gluteal folds of left thigh. At the battle of the Wilderness, Virginia, May 5, 1864, he received a gunshot wound of left hand, ball passing through base of second finger, and necessitating amputation at metacarpal phalangeal joint; and on same day received another gunshot wound of left arm, ball entering anterior surface at lower third, passing backward and upward, injuring both bones of forearm, and making exit at posterior surface, 2 inches above the entrance.

He filed claim for pension July 28, 1864, and his claim was allowed February 16, 1878, at 36 per month from June 17, 1864, deducting period of subsequent service. His pension was increased to \$10 from April 24, 1876, and to \$12 from February 24, 1888, for gunshot wounds of left arm, hand, and testicle, at whice rate he is now pensioned.

He was rated \$14 per month by the board of examining surgeons at Effingham, Ill., March 17, 1875, for these wounds, and nine boards which examined him at intervals since, all rate him not less than \$14, while the board at Vandalia, Ill, March 20, 1889, rated him at \$15. The board at Greenville ra

Mr. THOMAS. For the purpose of perfecting the bill, I offer the amendment which I send to the desk.

The Clerk read as follows:

In line 6 strike out the letter."s" at the end of "volunteers" and insert the word "infantry."

The amendment was agreed to.

The bill as amended was laid aside to be reported favorably to the House.

JANE CUNNINGHAM.

The next business on the Private Calendar was the bill (H. R. 5068) to grant a pension to Jane Cunningham, widow of James Cunningham.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he hereby is, instructed to place upon the pension roll the name of Jane Cunningham, widow of James Cunningham, late of Company B, Seventh Wisconsin Infantry, and to pay her a pension of \$12 per month from and after the passage of this act.

Mr. ERDMAN. Let us hear the report. The report (by Mr. THOMAS) was read, as follows:

The report (by Mr. Thomas) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 508) granting a pension to Jane Cunningham, report as follows:

James Cunningham, husband of the claimant, enlisted January 25, 1864, and was discharged July 3, 1865, after serving over a year and a half. He was wounded in the thigh at the battle of the Wilderness. He was pensioned for that wound, but for disease of eyes contracted in service he had difficulty in furnishing evidence to satisfy the Pension Office. He became almost totally blind, was unable to do anything for the support of his family, felt himself a burden, his claim for disease of eyes was not acted upon, he became despondent, brooded upon his poverty and helplessness, and finally, as is believed, in an attack of at least temporary insanity, caused by his poverty and distress, resulting from the disease of eyes contracted in service and in line of duty, he committed suicide.

The widow's claim under the general law was rejected by the Pension Office, and the rejection affirmed by the Secretary of the Interior, on the ground that the evidence did not satisfactorily show that the soldier's death was due to causes arising in the service. The certificate of examination m de in June, 1886, shows that at that time he was totally blind in one eye and could not distinguish any of "Mellen's test types" with the other. When the claim was finally allowed, a short time after the soldier's death, his rate was fixed at \$30 per month.

Your committee are of opinion that the soldier was so despondent on account of his condition and so discouraged because his claim was not allowed that he became mentally unbalanced, temporarily at least, and that while so mentally unbalanced, and in consequence thereof, took his own life, and the passage of the bill is therefore recommended with an amendment, striking out the word, "authorized and directed."

The amendment reported by the committee was read as followed.

The amendment reported by the committee was read, as follows: In lines 3 and 4, strike out the word "instructed" and insert the words authorized and directed."

The CHAIRMAN. The question is on agreeing to the amend-

Mr. ERDMAN. Mr. Chairman, the House ought to know what this bill is about. We have in this case an attempt to prove that suicide is of service origin. [Laughter.] We have done many strange things in pensioning soldiers and their widows, and I do not know that we ought to be astonished at this proposition; but not know that we ought to be astonished at this proposition; but here is a deliberate attempt to pension the widow of a soldier who committed suicide long after the war, at the rate she would have received if the soldier had died of some disease of service origin. So that, as I say, the bill practically undertakes to determine that suicide may be of service origin. I move to amend so as to make this pension \$8 a month, instead of \$12.

Mr. THOMAS. Mr. Chairman, I hope the amendment of the gentleman from Pennsylvania will not prevail, for several reasons. One is that this man was receiving a pension at the rate of \$30 per month for injuries received in the service and in the line of duty. Had he not committed suicide the widow would have been undoubtedly pensionable under the general law at \$12 a month: and

doubtedly pensionable under the general law at \$12 a month; and that is all the bill asks. I think it is merely an act of justice and

that it should prevail.

I might add that the fact he committed suicide saves the Government the difference between \$12 a month and \$30 a month, if you allow that sum to the widow.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amend in line 7 by striking out "twelve" and inserting "eight;" so as to read \$8 per month.

The CHAIRMAN. The question is first on agreeing to the committee amendment.

The committee amendment was agreed to.

The question was taken on the amendment proposed by Mr. ERDMAN, and it was rejected.

The bill as amended was laid aside to be reported to the House

with a favorable recommendation.

LEWELLYN D. KING.

The next business on the Private Calendar was the bill (H. R. 7349) to pension Lewellyn D. King.
The bill was read, as follows:

Be it enacted, etc.. That the Secretary of the Interior be, and he is hereby, authorized and directed to place upon the pension roll of the United States the name of Lewellyn D. King, of Oriskany Falls, N. Y., late a private in Company E., Eighty-first New York Volunteers, at the rate of \$30 per month.

Mr. ERDMAN. Let us have the report in that case. The report (by Mr. Poole) was read, as follows:

Mr. ERDMAN. Let us have the report in that case.

The report (by Mr. Poole) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 7349) to pension Lewellyn D. King, beg leave to submit the following report:
This soldier enlisted October 17, 1861, was treated in hospital while in service for liver complaint and general debility, and was honorably discharged June 8, 1863, on "surgeon's certificate of disability" for general debility, the result of incipient phthisis and typhoid fever.

Claim under the general law, filed September 1, 1886, was rejected April 8, 1887, on the ground that the evidence elicited on special examination, which appears to be the best obtainable, fails to show any disability from discharge to 1879, when the claimant was suddenly stricken with paralysis, and tends to show that his present condition is due to venereal disease.

Claim under act of June 27, 1890, filed October 10, 1890, was rejected October 29, 1892, on the ground of no disability except that due to venereal disease.

The soldier swears positively that he never had any venereal disease of any kind, and there is no evidence of any person who knows that he ever did have such disease. On the contrary, Drs. Frank D. Beebe and D. D. Chase, members of the board of surgeons at Oneida, N. Y., where claimant was ordered before them in 1892, reported that they had examined him and found him a helpless invalid, totally blind and bedridden, as they believed, from diseases contracted while in the United States military service.

The board of surgeons at Rome, N. Y., by whom he was examined on September 22, 1892, stated that they found claimant in bed, to which he had been confined for ten years. He was unable to sit or stand, and without perception of light. Could not button his clothes or feed himself. They carefully examined all the parts usually affected by venereal disease, and found them free from any evidence of having ever been affected thereby. In their opinion venereal disease is not a fact

had venereal disease, one of whom says he examined claimant's body for that purpose but failed to find any indications thereof, while the other claims to have found an intangible, indescribable something in his eyes which he thought indicated venereal origin, but both seem to have been largely influenced by the fact that they could not find anything else to attribute it to, and they had to account for it in some way, so they charged it to an assumed venereal disease which claimant never had.

As before stated, there is no evidence of any value that this soldier ever had venereal disease, and there is very strong evidence that he did not have such disease—in his sworn statement that he did not, and in the reports of the medical examining boards, and the descriptions of all the physicians, none of whom has ever found any such disease, or any evidence that soldier ever had it. In order for venereal disease to have caused the condition now found, it must have become constitutional, and it could not have produced the present condition without leaving evidences of its presence on some of the parts usually affected. In the absence of any other discernible cause, it seems fair to presume that the paralysis resulted from the general debility and nervous prostration for which he was discharged from the service.

In view of these facts your committee believe that the Pension Office was in error in rejecting the claim on the ground that the disability was due to vicious habits, and they therefore recommend the passage of the bill.

Mr. THOMAS. Mr. Chairman, I offer the amendment I send

Mr. THOMAS. Mr. Chairman, I offer the amendment I send to the desk

The Clerk read as follows:

In lines 5 and 6 strike out the words "of Oriskany Falls, N. Y.," and in line 7 strike out "at the rate" and insert the words "and pay him a pension."

The amendments were agreed to.

The bill as amended was laid aside to be reported to the House with a recommendation that it do pass

FRANCIS BROWN.

The next business on the Private Calendar was the bill (S. 646) for the relief of Francis Brown. The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, directed to place on the pension roll the name of Francis Brown, late of Company B, Fifth Massachusetts Cavalry, subject to the limitations of the general pension laws.

Mr. ERDMAN. I ask for the reading of the report. The report (by Mr. POOLE) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (S. 646) for the relief of Francis Brown, have carefully examined the same and report

for the relief of Francis Brown, have carefully examined the same and report as follows:
Francis Brown served in Company B, Fifth Massachusetts Volunteer Cavalry, from May 12, 1864, to October 31, 1865, when he was honorably discharged. He filed a claim for pension under the act of June 27, 1890, on August 23, 1890, which claim was rejected July 13, 1891. He filed another claim under said act, which was rejected March 3, 1894, both rejections being on the ground, as alleged, of no ratable disability under said act.

This bill has been passed by the Senate to place him on the pension rolls under the general pension laws. This is evidently an error, because he never claimed pension under the general law, and never alleged that his disabilities were of service origin. He does, however, meet the requirements of the act of June 27, 1890. He served nearly a year and a half and was honorably discharged.

were of service origin. The does, however, meet the requirements of the act of June 27, 1890. He served nearly a year and a half and was honorably discharged.

With regard to his disability, he was examined in this city December 19, 1893, by a board composed of physicians of high professional standing and great skill and experience, who state in their report as follows:

"Rheumatism.—Lumbar region and both knees slightly sensitive to pressure, and painful upon passive motion.

"Heart.—Apex beat normal, action rapid and strong, organ very irritable, sounds normal, pulse rate 90-98, no organic disease.

"On external aspect of left knee is a movable tumor, apparently of benign nature, 9 by 10 inches and measuring at base 17 inches in circumference. Is freely movable. Causes claimant to limp slightly. No evidence of victous habits. Claimant is disabled, by reason of rheumatism, irritable heart, and tumor above described, for manual labor except of a light character."

The maker of this report has seen this man and examined to some extent the above-described tumor, and knows by personal observation that claimant is greatly disabled, and your committee are constrained to be governed by the evidence of their own senses and the opinion of the three skillful and experienced surgeons who examined him carefully, taking measurements, etc., rather than by the opinion of the medical examiners, who never saw him.

Your committee therefore recommend that the Senate bill be amended by striking out all after the word "cavalry." in line 5. and adding "at \$12 per striking out all after the word "cavalry." in line 5. and adding "at \$12 per striking out all after the word "cavalry." in line 5. and adding "at \$12 per striking out all after the word "cavalry." in line 5. and adding "at \$12 per striking out all after the word "cavalry." in line 5. and adding "at \$12 per striking out all after the word "cavalry." in line 5. and adding "at \$12 per striking out all after the word "cavalry." in line 5. and adding "at \$12 per striking out a

Your committee therefore recommend that the Senate bill be amended by striking out all after the word "cavalry," in line 5, and adding "at \$12 per month," and that as amended it do pass.

The amendment recommended by the committee was agreed to.
Mr. TALBERT. Mr. Chairman, it does seem to me that this is
a very questionable bill. According to the report of the commit-

a very questionable bill. According to the report of the committee itself, it is a bill that ought not to pass.

It seems that this man filed a claim for pension under the act of June 27, 1890, on August 28, 1890, and the claim was rejected on the 13th of July, 1891. He filed another claim under the same act, which was rejected on the 3d of March, 1894, and, according to the language of the report:

Both rejections being on the ground, as alleged, of no ratable disability under said act.

Now, there are three distinct times that this applicant was rejected by the Pension Bureau after a thorough investigation of the facts. However, the report says here:

He does, however, meet the requirements of the act of June 27, 1890.

This statement is made, when as a matter of fact he was rejected on March 3, 1894, by the Bureau, and if he comes or came under the provisions of the general law, as a matter of course the Pension Bureau would not have rejected the claim in 1891 and again in 1894. It seems to me to be a plain case of contradictory statements. There is some mistake evidently, and this bill ought not to be passed.

I therefore move to lay it aside with an unfavorable recommen-

Mr. POOLE. Mr. Chairman, the fact is that the report was made in 1896, while this man was examined in 1891 and again in 1893, as is shown. Now, if he could be examined again at the present time, there is no doubt in my mind that he would get a pension of \$12 a month. He is in a very bad condition to-day. I have seen him quite recently, and have personally examined his injuries and know that he is disabled. If the gentleman from South Carolina could see him to-night I know he would not hesi-

south Carolina could see him to-night I know he would not hesitate to grant the pension which is asked here.

This bill has been passed by the Senate, but under some misapprehension it was provided that the pension should be paid "subject to the limitations of the general pension law." That, as I show in the report, is a mistake, because if he was entitled under the general law he would be entitled to about \$30 a month. He is disabled now and is clearly entitled to \$12 a month, and I hope

he will be pensioned.

Mr. TALBERT. It seems from the report that he was in the

service but a few months. Mr. POOLE. A year a

Mr. POOLE. A year and a half.
Mr. TALBERT. He had no organic disease. He had a little lump on his knee, and his pulse beat a little fast. From the report of the board there seems to be nothing serious the matter with

him. I do think that it is an unjust claim and ought not to pass.

Mr. THOMAS. Will the gentleman from South Carolina [Mr. TALBERT] allow me to perfect the bill, no matter what may be done with it hereafter?

Mr. ERDMAN. Mr. Chairman, I desire to say a word or two.
The CHAIRMAN. The gentleman from Michigan [Mr.
THOMAS] offers an amendment, which the Clerk will report.
The Clerk read as follows:

In line 3, after the word "hereby," insert "authorized and." In line 6 strike out "at" and insert "and pay him a pension of." Amend the title so as to read "A bill granting a pension to Francis Brown."

Mr. ERDMAN. Mr. Chairman, I am a member of the committee that reported this bill. From the report the House might infer that this committee had made an examination of this applicant, and had seen fit to differ from the pension board that examined him. If I were to sit here without making any objection, I might possibly be held also to have made an examination. The report says:

Your committee are constrained to be governed by the evidence of their

Well, now, I beg, as a member of the committee, to say that my own sense certainly has never been consulted in this case.

I know the members of the House are under the impression that

in the committee pass upon these bills carefully and considerately; that we present reports here which have received the deliberate action and consideration of this committee. Now, I say to you that that is not so. I refer, for instance, to the committee meeting on May 28, 1896, in which we passed the following bills in the space of about an hour and a quarter. I desire the Clerk to read the statement as a part of my remarks.

The Clerk read as follows:

Number.	Name.	Date.	Amount.	Rank.
H. R. 4621	Arnett, A. J. Brown, Olive. Barlow, Blanche E	May 28, 1896	\$30.00	Private.
H. R. 3903	Brown, Olive	Pension	Law.	Do.
H. R. 9157	Barlow, Blanche E	May 28, 1896	25.00	Surgeon.
H. R. 7375	Darrows, Susan I	do	Law	Private.
H. R. 7290	Benedict, C. W. Botsford, Anna E	do	17.00	Do.
H. R. 5661	Botsford, Anna E	do	25,00	Do.
H. R. 6235	Bacon, Ira. Bucklew, Mary E. Cunningham, Susan E. Crawford, J. B.	do	30,00	Do.
H. R. 6971	Bucklew, Mary E	do	12.00	Do.
8. 3182	Cunningham, Susan E	do	12.00	Do.
H. R. 7336	Crawford, J. B	do	50.00	Do.
H. R. 6755	Chapman, J. S	ob	30.00	Do.
H. R. 8463	Dixon, Milo	do	8.00	Do.
H. R. 6419	Dill, S. P	do	50.00	Major.
H. R. 3861	Dunn Rornard	do	72.00	Private.
H. R. 3482	Dunn, Bernard Donavan, Maggie	20	12.00	Do .
H. R. 4388	Kogtman E I	do	EO 00	Do
H. R. 2235	Foster I W	do	Law.	
H. R. 8509	Poller T W	do	12.00	Do
H. R. 7978	Foster, J. F. Failes, J. H. Gibbons, Ann		12.00	Do
8, 2879	Untobing C A	00	20.00	Captain.
H. R. 3805	Hutchins, C. A	do	8.00	Private.
	Harrington, C. W		50.00	Do
H. R. 9093	Hayes, A. R.	do	12.00	Do
H. R. 5884	Ingram, Sarah E	do	12.00	Nurse.
H. R. 9060	Kibele, Mary A	do	12.00	Assistant sur geon.
H. R. 6604	Kidder, C. S	do	30.00	Private.
H. R. 6215	Marrion, A. D	do	50.00	Do.
H. R. 3510				Do.
3. 8133	Olin Rotsov B	do	25.00	Do.
H. R. 8524	Rica William	do	80.00	Do.
T. R. 6962	Sanford D B	do	12.00	Do.
H. R. 5307	Sweet Anna M	do	19 00	Do.
H. R. 4431	Sample Minerre	do	95.00	
H. R. 7420	Cale Flireboth M	do	19.00	Surgeon.
	Purdy, Alex Olin, Betsey B. Bice, William Sanford, D. B. Sweet, Anna M. Sample, Minerva Sale, Elizabeth M. Stafer, Eliza	uo	12.00	Private.
I. R. 7687	Stater, Eliza	do	12.00	Do.
H. R. 8511				Do.
H. R. 5263	Willis, Henry Walker, Charlotte L	OD	12.00	Do.
H. R. 1942	Walker, Charlotte L	do	27.00	Major.

Mr. ERDMAN. Mr. Chairman, thirty-seven bills were considered and passed by the committee in the space of about an hour and a quarter. The reports were directed to be written. These bills carry an annual payment of about \$10,000, and if you were to go into the market and purchase annuities for these people it would probably cost \$150,000. The work was done by this committee in one brief hour and a quarter, and you are to vote on them without any further knowledge or consideration. If the House think that is the right thing to do, it rests with them. But they do not pass on it without having been told what the actual facts

Mr. POOLE. Mr. Chairman, in regard to the pending bill, I want to say to the gentleman from Pennsylvania [Mr. Erdman] that I will acquit him of favoring that bill, and almost every other bill that we have ever considered in the committee. In making the report, which was read a few moments ago, there was a statement read which the gentleman, in referring to the report, has omitted. I had the honor to make this report, and it contains the following vital statement. I say distinctly:

The maker of this report has seen this man, and examined, to some extent, the above-described tumor—

He has a tumor which is simply horrible-

and knows by personal observation that claimant is greatly disabled, and your committee—

using the usual wording in a committee reportand your committee are constrained, etc.

The gentleman omitted to read the first part, in which I expressly stated that I had personally examined the man. He is a colored man, who served a year and a half, instead of about five months, as stated by the gentleman from South Carolina [Mr.

months, as stated by the gentleman from South Carolina [Mr. Talbert]. He is a very poor man, and the case is one of very great distress. I hope the bill will pass.

Mr. Talbert. Mr. Chairman, I want to correct what I said in regard to the service of Francis Brown. I do not want to do anybody an injustice. I said he had only served five months. I find he served a year and five months. I therefore make that

correction.

However, I do not think he is entitled to a pension, and, as I said, this report seems to contradict itself, from the fact that he filed a claim for a pension under the act of June 27, 1890, on August 28, 1890, which claim was rejected July 13, 1891. He filed another claim under said act, which was rejected March 3, 1894, both rejections being on the ground, as alleged, of no ratable disability under said act.

Yet a little further down the report says:

This bill has been passed by the Senate to place him on the pension rolls under the general pension laws. This is evidently an error, because he never claimed pension under the general law, and never alleged that his disabilities were of service origin. He does, however, meet the requirements of the act of June 27, 1890.

Now, he in fact made two applications under that very act, but was denied a pension; so that it seems to me that there is a dis-

crepancy there which I can not explain.

Mr. MILES. I want to call your attention to a fact that you have overlooked, and in the line of your argument, that the rejection was made

Mr. TALBERT. Possibly so. I do not want to do the man an

injustice.

Mr. MILES. It is in the line of your argument, and consistent with it.

Mr. TALBERT. What is the matter with it if it is all right?

Mr. MILES. It was rejected in March, 1894.

Mr. TALBERT. Then let it alone.

Mr. MILES. I am not favoring the bill, my friend.
Mr. TALBERT. I move, Mr. Chairman, in view of these inconsistencies, in which my friend agrees, that the bill be recommitted to the Committee on Invalid Pensions, so that they can bring it in

to the Committee on Invalid Pensions, so that they can bring it in correct, and possibly the man will then get a pension.

Mr. MILES. Mr. Chairman, the gentleman from California refuses very properly to permit me to interject my speech into his remarks, but perhaps that does not matter, since he agrees with me; I hope, however, he will remember not to ask me to do the same thing for him. But I wanted to call his attention, and that of the Hoyes to the fact that the rejection was made several that of the House to the fact that the rejection was made several months after the time when this local medical board made its examination, which has been made a part of this report. The pension claim was rejected by the Pension Office in March, 1894, and the report of this local examining board was made in December, 1893. So that the man's condition as it was seen by this local medical board was surely passed upon by the Pension Office in the following year. I would like to call the attention of my friend from New York [Mr. POOLE] to the fact that, after all, this medical report does not carry with it that significance which he attaches to it. I know my friend is always fair and just, and I do not wish in this instance to unduly criticise him or his report; but I want him to notice the fact that this report from this medical board, on which he lays so much stress, states expressly that months after the time when this local medical board made its do not wish in this instance to unduly criticise him or his report; but I want him to notice the fact that this report from this medical board, on which he lays so much stress, states expressly that Pennsylvania. I have attended every Friday night session with

this "is a movable tumor, apparently of a benign nature." Now, if I understand anything of medical terms, that means that this is a tumor which could have been easily removed and when removed, would have gotten rid of the only disability this soldier

That is all I desire to say. I am not given to making captious opposition to these private pension claims. I do not recollect whether I was present in the committee on the 28th of May, when so many bills were passed in so short a time; if not, perhaps I was not doing my duty in that respect; but I have since examined this case very carefully, and have also read the report very carefully; and as a member of this committee I do desire to protest against the passage of this bill. I think it is entirely devoid of merit and ought not to pass.

Mr. TALBERT. I move to recommit this bill

Mr. TALBERT. I move to recommit this bill.

The CHAIRMAN. The House is in Committee of the Whole, and the question is first on the amendment of the committee.

The amendment of the committee was agreed to.
The CHAIRMAN. The question now recurs on the amendment offered by the gentleman from Michigan.

The amendment was agreed to.

The question was taken on ordering the bill as amended to be laid aside with a favorable recommendation; and the Chairman announced that the ayes seemed to have it.

Mr. TALBERT. Division, Mr. Chairman.

The committee divided; and there were—ayes 63, noes 5.

The committee divided; and there were—ayes 63, noes 5.

Mr. TALBERT. No quorum.

The CHAIRMAN. The gentleman from South Carolina makes the point of no quorum. The Chair will ascertain. [After counting,] One hundred and nineteen gentlemen are present; a quorum appears to be present; the ayes have it, and the bill is laid aside with a favorable recommendation.

Mr. FENTON. Mr. Speaker, I desire to call up the Senate bill 2500. [Cries of "Regular order!"] I hope there will be no objection to this, if gentlemen will hear the report. It is very short. [Cries of "Regular order!"]

IRA H. SWEATT.

The next business on the Private Calendar was the bill (H. R. 1323) for the relief of Ira H. Sweatt.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to pay to Ira H. Sweatt, late of Company I, Thirteenth New Hampshire Volunteers, a dependent pensioner, the amount for which he is borne upon the rolls, and in addition he receive the amount which has already accrued to him while his name was borne upon said rolls.

Mr. ERDMAN. Mr. Chairman, let us have the report read. The report (by Mr. Poole) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 1823) providing for the payment of a pension already granted to Ira H. Sweatt, of Company I, Thirteenth New Hampshire Volunteers, submit the following

1823) providing for the payment of a pension already granted to Ira H. Sweatt, of Company I, Thirteenth New Hampshire Volunteers, submit the following report:

Ira H. Sweatt enlisted January I, 1864, and was discharged December 19, 1865. On September 10, 1870, he applied for a pension, alleging that while in front of Petersburg, Va., in July, 1864, he contracted dumb ague and malarial fever, and that as the result he had lost the use of both legs and his right arm, and that he could not walk with crutches. The pension was allowed, and he was granted a pension at the rate of \$8 a month from the date of his discharge, in 1865, to May 10, 1871, and \$20 a month from that date to June 3, 1872, and \$24 a month thereafter.

On the 30th of June, 1882, he was dropped from the rolls on the ground that the disability for which pension was granted was not contracted in line of duty, but while absent without leave.

On July 25, 1880, Ira H. Sweatt made application for a pension under the act of June 27, 1890, alleging paralysis, which pension was allowed October 19, 1892, at \$12 per month from date of the application, with a proviso that all payments under that certificate should be withheld until the Government could be reimbursed for all payments made under the first certificate.

The evidence examined by your committee shows that Ira H. Sweatt twice appealed to the Secretary of the Interior against the order dropping him from the roll, but without success. The present disability of the claimant is beyond dispute, and is acknowledged by the Pension Bureau in granting him the largest amount of pension provided for under the act of 1890; but the trouble is that while the pension certificate says that he shall receive \$12 per month, all payments will be withheld until in all probability this man will be in his grave.

The committee are satisfied that the claimant has no resources; is absolutely helpless; that all moneys heretofore received by him as a pension (and which he claims he was honestly entitled to) have been expend

Mr. KIRKPATRICK. Mr. Chairman, I am heartily in favor of the amendment, and believe that the bill as amended should pass. I desire, however, before the vote is taken, to make a brief statement. I have been a member of the Committee on Invalid Pensions ever since the convening of this Congress, and I believe that during that time I have been absent on only one occasion. The during that time I have been absent on only one occasion.

the exception of one, and when this bill is passed I shall ask as a personal favor that I be permitted to call up a bill. I have never had a unanimous consent in this Congress, and I shall now ask the

had a unanimous consent in this Congress, and I shall now ask the favor of calling up a short bill in which I am much interested.

Mr. MILES. Mr. Chairman, I desire to say to my friend that I think he will find there will be no opposition to his very reasonable request upon this side of the House after this bill shall have been disposed of. I do not, however, agree with him that the pending bill is a meritorious one. I think it is entirely lacking in merit. I desire to call the attention of the House to a few facts which I think they will find bear me out in that statement. The report in this case states the facts in this case, and I hope gentlereport in this case states the facts in this case, and I hope gentle-men will bear the facts in mind when they come to vote, and if they vote in favor of the bill they will, in my judgment, vote in disregard of certain facts which ought to damn this claim for a This man applied for a pension away back in 1875 and was pensioned at the rate of \$8 a month from the time of his discharge in 1865 and drew that pension down to May 10, 1871. He drew a pension of \$20 a month from that date to June 3, 1872, and

Now, I never was much of a mathematician, and I have not taken the pains to calculate how much money this man drew, but These facts being borne in mind, let us see what was ascertained ultimately after he had drawn this large sum of money. On the 30th of June, 1882—which I ask gentlemen on the other side to note was long before the Democratic administration of the Pension Office began—on the 30th day of June, 1882, he was dropped from the rolls on the ground that the disability for which the pension had been granted had not been contracted in line of duty, but had been contracted while the claimant was absent from duty without been contracted while the claimant was absent from duty without leave, while he was, in other words, practically a deserter. He had drawn these different pensions, as I have stated, from 1865 to 1882, and then the Pension Office discovered that during all that time he had been drawing the money fraudulently, because the disability for which the pension had been allowed had been contracted while he was in the attitude of a deserter. These are the facts, gentlemen, as you will find them set forth in this very report. I read further from the report;

report. I read further from the report;
On July 25, 1890, Ira H. Sweatt made application for a pension under the act
of June 27, 1890, alleging paralysis, which pension was allowed October 19, 1892,
at \$12 per month from date of the application, with a proviso that all payments
under that certificate should be withheld until the Government could be reimbursed for all payments made under the first certificate.

That was obviously a just and proper disposition of the case.
The man was granted a pension at the latter date, with a proviso

that before he should draw it he should return to the Government the money which he had unjustly and unlawfully drawn from the

Now, I have never stood here and made factious opposition to meritorious pension claims, and I ask my friends on the Pension Committee—for I, too, shall pass out of history as an American Congressman after the 4th of March next—I ask my friends on that committee to bear witness to the fact that I have not done so. I have tried to be just. I have tried to treat Union soldiers fairly, although I am a Southern man and a Democrat, and although, as although I am a Southern man and a Democrat, and although, as I stated here on a former occasion, the people from whom I sprang were a class of people whose hopes, aspirations, and sympathies went out after the flag that was followed by Lee and Jackson rather than for the flag that was borne aloft by Grant and Sherman. But, notwithstanding all these considerations, I am here to say now that, like my friend from South Carolina [Mr. Talbert], I have always tried to be just and to do my duty on the Pensions Committee impartially and conscientiously. I hope, therefore, that the appeal which I now make will be heard in the spirit in which it is made. Do not, gentlemen, do not, I beg you, burden your pension roll, which should be a roll of honor, with cases such as this, which tend to stamp it as a roll where deserters are such as this, which tend to stamp it as a roll where deserters are

Mr. THOMAS. Mr. Chairman, there is no attempt in this bill or in the report to disguise the facts, and they are nearly as stated by the gentleman from Maryland [Mr. MILES]. This man made application and did receive a pension of \$24 a month—first \$10, then \$20, then \$24. There is no charge on the part of the Department by the person of t that it was fraudulent evidence which secured him this pension. But it was the opinion of the Department, after a review of this case, that his disabilities were not due to service in the line of duty.

Mr. MILES. Will the gentleman allow me a question?

Mr. THOMAS. Certainly.

Mr. MILES. I do not know whether the gentleman is a lawyer

Mr. THOMAS. I have had some experience with lawyers.
Mr. MILES. I think the gentleman must overlook what is certainly a legal implication from this action of the Pension Department. If it was not a moral fraud, it was at least a legal fraud, by which this man drew this money from the Treasury. He must have laid before the office some testimony upon the question whether or not his disability was contracted in the line of duty.

Somebody got up that testimony. He knew whether that testimony was true or false. It must have been false testimony or his pension of \$24 a month would have been continued. He allowed that false testimony to go to the Pension Office; and he drew first \$8, then \$10, then \$20, and then \$24 a month as pension. And still the gentleman stands here and would have this House believe that this man knew nothing about the fraudulent testimony on which he drew this pension. Why, sir, it is a preposterous claim. And It is man knew nothing about the fraudthent testimony on when he drew this pension. Why, sir, it is a preposterous claim. And I always grow especially vehement when I see efforts made to dishonor the pension roll. As a Southern man I protest against it. This pension roll hereafter is to be known as an American roll, not a roll of the Northern soldiery alone. As was shown in the case of a pension claim passed this afternoon, Southern men are found on that roll. It is an American roll, Mr. Chairman, and I would have it pure and clean.

Mr. THOMAS. I believe I am entitled to the floor.

Mr. KNOX rose.

Mr. THOMAS. I yield to the gentleman from Massachusetts

Mr. KNOX. Mr. Chairman, I have no disposition to contradict the professions of fairness made by the gentleman who has just addressed the committee. I have no disposition to contradict his statements of the fidelity with which he has attended the meetings of the Committee on Invalid Pensions. The only thing that I have seen to militate against an opinion of his fairness is the earnestness of the declarations he has made in his opposition to this bill.

It is unimportant to me or to this applicant whether the gentle-man is a Southern Democrat or a Northern Republican or a Pop-ulist. That has nothing to do with the question that the Commit-tee on Invalid Pensions was called upon to decide, and the question which is now before this Committee of the Whole, a question to be decided upon the law and the evidence before us and the merits of the case. All I ask in the consideration of this case is that the House recognize the facts as they appear and the law which is applicable to them. If it is unjust that this man should receive the pension asked, I do not wish him to receive it.

But what are the facts? This man, Ira H. Sweatt, is a resident of Lowell, in my district. I know him. He is totally disabled.

Both his legs are paralyzed, one arm is paralyzed, the other he can not bend at the elbow, and when he sits at the cobbler's bench trying to eke out a living he strikes the blow with his hammer from his shoulder. He is a totally disabled man.

He served in the Army of the United States for almost one

from January to December. It is the uncontradicted evidence, from the papers in the Pension Office, that while he was in the service he contracted dumb ague and malaria, which were followed by paralysis. He went home in December, 1864.

followed by paralysis. He went home in December, 1854.

Mr. MILES. Will the gentleman allow me a single suggestion?

Mr. KNOX. Certainly, if it is upon a question of fact.

Mr. MILES. The gentleman started out with a very fair statement that he proposed to discuss the law and the facts as they appeared somewhere or other; I do not know where. Now, I should like to know whence he has derived the information that the Pension Office has records to show that this man's wound was of service origin.

Mr. KNOX. He was not wounded at all. Certainly the gentleman is not familiar with the facts of the case.

Mr. MILES. I understood the gentleman to maintain that this

man's injury was of service origin.

Mr. KNOX. I say that while in camp before Petersburg, in the service of his country, he was taken with dumb ague and

Mr. MILES. Why, then, did the Pension Office discontinue his pension in 1882 on the ground that his disability was not of service

pension in 1882 on the ground that point in a moment. He origin?

Mr. KNOX. I was coming to that point in a moment. He contracted this disease in the service; and when he was convalescing he was allowed to go home on leave. He had resided at Holbrook, N. H., close to the Canadian line. He had left his wife living with his brother, and in his absence his brother had exchanged his farm for a farm across the line. When he went home, this disease which he had contracted at Petersburg was renewed, and he was again prostrated, so that he was unable to return to the service. Thus it did appear upon the records of the had that he was absent without leave, because it did not appear Army that he was absent without leave, because it did not appear then (as the gentleman can easily see) that after returning to his home he had had this relapse, so that he was unable to go back to the Army.

Now, from that fact of his being absent without leave, the gentleman from Maryland has seen fit to tell this committee that this man was a deserter. He was prostrated by a relapse of this very disease, contracted in the service: and the authorities of the United States, on an investigation of the circumstances, granted him an honorable discharge, as appears from the records and the report that is before you. And I ask the gentleman from Maryland if it is customary for the United States Government to give an honorable discharge to deserve from its America.

able discharge to deserters from its Army?

He is not, then, a deserter, but an honorably discharged man, who is totally disabled from a disease contracted, in my judgment,

who is totally disabled from a disease contracted, in my judgment, in the line of duty while in the service of the country.

But leaving that question for a moment, on account of being entirely helpless he received a pension running finally up to \$24 a month for a period extending from 1871 or 1872 up to 1882, when it was taken from him by an investigation set on foot by the Pension Office; an investigation, and I do not care who did it, or who set it on foot, that in my judgment was a contemptible, hiding, skulking investigation, behind a man's back, without giving him an experiturity to be confronted with witnesses or be permitted to an opportunity to be confronted with witnesses or be permitted to understand what character of evidence was given against him; and he was a poor man, utterly unable to make such defense as he could have made when the action of the Department was set before him. In my judgment, that pension was wrongfully taken away from a totally disabled man and he ought to have had it restored promptly.

restored promptly.

But I make no contest for that now. We give it up; he has lost it, and it has gone, perhaps never to be recovered. But under the law of 1890—the act of June 27 of that year—he applied for a pension as a disabled soldier. Is there any question on the evidence that appears of record that he is not disabled? Is there any-body who will deny, upon the evidence, that he is totally disabled? Is there anybody who will deny that he was a soldier, that he was disabled in the service, and that he had an honorable discharge? Why, then, was he not entitled to the pension accorded him?—because he was granted a pension, and had an honorable discharge to found the grant of a pension upon. What was the reason? The Pension Office said that from 1870 to 1880 he had been in receipt of a pension for total disability which was too large, and that he had received some three or four thousand dollars in all, to which they claimed he was not entitled.

which they claimed he was not entitled.

When the soldier went to Boston to get his small pension he was to receive in lieu of the larger one that had been withdrawn from him, they said, "Call around some time after you have paid the Government \$3,000 or \$4,000 that you have drawn improperly, and you can talk to us about the matter. Call around some time in 1915 or 1920 "—years after the man will have been in his grave—"take some fifteen or twenty years to pay back the money that you received;" and in the meantime the helpless soldier is without subsistence

Mr. MILES. Will the gentleman allow a question?

Mr. KNOX. Certainly.
Mr. MILES. Where is the evidence that the conversation you have just detailed to the House ever took place?
Mr. KNOX. I do not claim that it is the exact conversation that took place. I say it was the substance of what was done; and neither you nor anyone else can deny that this man's pension was withdrawn from him.

withdrawn from him.

Mr. MILES. I do not find any such conversation in the record.

Mr. KNOX. I do not pretend to say that that was what was said to this man. I was not trying to repeat a conversation; I was only relating the facts which took place and are not questioned.

Mr. MILES. I understood you were to discuss the law and the facts. Now, the gentleman has detailed a conversation as a part of the facts. I went to know what the facts are so that the House

facts. Now, the gentleman has detailed a conversation as a part of the facts. I want to know what the facts are, so that the House can take cognizance of the matter.

Mr. KNOX. The gentleman knows that I was not undertaking to detail exactly a conversation that occurred. I was only speaking generally of the circumstances attending the taking away of this man's pension, and I say it is a fair inference from the facts that did occur. I was not present, of course, but it is a fair description of what occurred.

Mr. MILES. The House can not take cognizance of such a fact as that

as that.

Mr. KNOX. I repeat, that it is a fair construction based on the

Mr. KNOX. I repeat, that it is a fair construction based on the facts as they are known.

They say to this man, "You shall receive a small payment of \$12 a month after you pay back the three or four thousand that have been overpaid you." There is no law, Mr. Chairman, there is no act of Congress, which warrants any such practice as has grown up in the office of requiring these repayments. But I give that up. I do not insist upon that position. I will concede, if necessary, that there is such a law, and that the practice can be upheld by law; but the Pension Office itself, by a late decision of Assistant Secretary Reynolds—a decision rendered within three months past—has held that a pensioner could not be called on to repay a pension has held that a pensioner could not be called on to repay a pension granted to him by the office—wrongfully, inadvertently, or erroneously granted—unless there is positive proof that it was done by

Mr. ERDMAN. If that be the case, why does he not make application to have it determined by the Bureau of Pensions?

Mr. KNOX. I will answer that. When the decision of the Assistant Secretary was brought to the attention of the office, it was after the bill was pending here; and I will say to the gentle-man, in the case of this man I thought his bill could be sooner got through Congress and give him relief much quicker than to commence anew and go through the Pension Office. Mr. MILES. Mr. KNOX. Mr. MILES. Will the gentleman allow me one other question?

Mr. KNOX. Certainly.
Mr. MILES. I suppose the gentleman understands that if the claimant is in the condition in which he represents, he could have

had his case made special in the Pension Office.

Mr. KNOX. Well, we could do a good many things, if they would let us. You and I have had some experience as to what we are permitted to do in the Pension Office. The man is on the rolls already. Now, I would say that there is not one scintilla of evidence in the Pension Office that there was any fraud upon the part of this man, or that, if this disease was not caused by his part of this man, or that, if this disease was not caused by his army service, there is no evidence to show that he did not honestly believe that it was so caused, and he had the right so to believe, as is shown by the testimony.

The amendment recommended by the committee was agreed to.
The question being taken upon laying aside the bill with a favorable recommendation, on a division (demanded by Mr. MILES) there

were—ayes 81, noes 5. Mr. MILES. No qu

Mr. MILES. No quorum, Mr. Chairman.

The CHAIRMAN (after counting the committee). One hundred and nine members are present. The ayes have it, and the bill is laid aside to be reported to the House with a favorable recommendation.

Mr. KIRKPATRICK. Mr. Chairman, I desire now to ask unanimous consent to take up the bill H. R. 9795—
Mr. LOUDENSLAGER. I call for the regular order, Mr.

Chairman.

The CHAIRMAN. The regular order is called for, which is equivalent to an objection. The Clerk will report the next bill on the Calendar.

WILLIAM R. HARLESS.

The next business on the Private Calendar was the bill (H. R. 4629) granting a pension to William R. Harless.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place upon the pension roll the name of William R. Harless, of Red Bank, Douglas County, Mo., late a soldier in Companies B and E, Sixtieth Regiment Enrolled Missouri Militia, in the war for the suppression of the rebellion, and pay him a pension at the rate of \$12 per month. The Committee on Invalid Pensions recommended the following

amendment:

Strike out all between the word "Harless," in line 5, and the word "and," in line 8, and insert in lieu thereof the words "late private in Companies B and E, Sixtleth Regiment Enrolled Missouri Militia."

The CHAIRMAN. The question is on the amendment offered

by the committee.

Mr. MILES. Let us have the report, Mr. Chairman.

The report (by Mr. Crowther) was read, as follows:

Mr. MILES. Let us have the report, Mr. Chairman.

The report (by Mr. CROWTHER) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 4829) entitled "A bill granting a pension to William R. Harless," beg leave to submit the following report, and recommend that said bill do pass with amendments:

William R. Harless served as a private in Company B, Sixtieth Regiment Missouri Enrolled Militia, from July, 1862, to January, 1863, when the company was disbanded: also, he enlisted again as corporal Company the Sixtieth Missouri Enrolled Militia, under Captain Morton, in the spring of 1863, and served with it until the company was disbanded in January, 1864; he also served a short period in Capt. B. F. Cook's company of the St. Clair County Missouri Militia.

The records of the War Department do not show that either of these organizations were ever mustered into the United States service.

Claimant applied for pension June 13, 1881, for results of typhoid pneumonia contracted at Quincy, Hickory County, Mo., which settled in back and hips.

The claim was rejected on the grounds of no ratable disability from alleged causes since date of filling claim.

He filed a claim July 22, 1890, under act of June 27, 1890, for "affection of back and hip," which was rejected on ground of his not having been in the military service of the United States.

Proofs have been presented to your committee showing clearly that the claimant served, as alleged by him, in the Enrolled Missouri Militia about one and one-half years.

On the question of disability claimant filed, September 10, 1885, the affidavit of Dr. M. H. Osborn that he examined him and found a general debilitated condition. He was then suffering from varix of thigh and leg, chronic inflammation of bladder, and diseased condition had appearance of long standing and permanency. Disability three-fourths.

Dr. W. J. Gilbreath testified that claimant was afflicted with congestion of arteries and kidney disease, and the spinal column affected

more.

Dr. J. T. Stewart testified March 28, 1891, that he has varicose veins in both legs and abdomen, hernia left side, injury to back and hips, and rheumatism and valvular disease of the heart, and from having eight ribs broken. All of his aliments are of long standing and of a permanent character and not aggravated from vicious habits. He had a severe cut with an ax, severing lower third of fibula of left leg.

He was examined by a board of examining surgeons April 4, 1883, who gave him no rating. He has not been examined since by a regular board.

Claimant filed with the committee a numerously signed petition, certifying to his service and the merits of his claim, and asking for him a pension of \$13 per month; also the testimony of comrades, setting forth that while a member of Company B, Sixtieth Missouri Enrolled Militia, he had a bad spell of

typhoid pneumonia that left him crippled in back and hips, and that in an engagement with the enemy his horse forced him astride of a small tree, which caused rupture in left side, and that from vaccination his blood was contaminated by poison, which has affected him ever since.

Your committee believe him entitled to a pension, and recommend that the bill do pass with the following amendment:

Strike out all between the word "Harless," in line 5, and the word "and," in line 8, and insert in lieu thereof the words "late private in Companies B and E, Sixtieth Regiment Enrolled Missouri Militia."

in line 8, and insert in lieu thereof the words "late private in Companies B and E, Sixtieth Regiment Enrolled Missouri Militia."

Mr. ERDMAN. Mr. Chairman, it appears that the organizations to which this applicant belonged were not in the service of the United States. The records of the War Department show that they were not in the service of the United States. I should like to know whether these organizations ever rendered any service at all, and if they did, why we should not pension them all together? Why single out this one? Why not pension them all? Mr. CROWTHER. Mr. Chairman, for the information of the gentleman, permit me to say that if he had been a constant attendant at the meetings of the Invalid Pensions Committee, he would have learned something about the Missouri Enrolled Militia.

Mr. ERDMAN. I have heard a good deal about it.

Mr. CROWTHER. There is no doubt whatever about the service of this regiment. There has been no doubt in the minds of the officials of the War Department about the service of the Missouri Enrolled Militia. The only reason why these men who performed service in these organizations have not been placed upon the pension rolls is on account of the technicality in swearing them into the service. They were not sworn in by the regular mustering officers, but by officers detailed from the general head-quarters at St. Louis. They served under the command of United States officers. They served with the United States troops, and many of these militia performed four years' service in the Army of the United States.

Mr. TALBERT. Mr. Chairman, this is a very singular thing, it seems to me. By the report here I see that this gentleman served as a private in Company B. Sixtieth Regiment Missouri Enrolled Mili-

Mr. TALBERT. Mr. Chairman, this is a very singular thing, it seems to me. By the report here I see that this gentleman served as a private in Company B, Sixtieth Regiment Missouri Enrolled Militia, from July, 1862, to January, 1863, when the company was disbanded, five or six months. It does not say what particular kind

disbanded, five or six months. It does not say what particular kind of duty they were engaged in, or exactly where they were, except that they were in Missouri. The report further says that this man enlisted again as a corporal in Company E, Sixtieth Enrolled Militia, under Captain Morton, in the spring of 1863, and served with it until the company was disbanded, in January, 1864.

Mr. THOMAS. I ask the gentleman if he will yield to allow me to move that the committee rise?

Mr. TALBERT. I will yield to the gentleman, certainly. On motion of Mr. THOMAS, the committee rose; and Mr. PAYNE having resumed the chair as Speaker pro tempore, Mr. CHARLES W. STONE, chairman of the Committee of the Whole House on the Private Calendar, reported that that committee had had under consideration sundry bills, and that they had directed him to report to the House, without amendment, and with the recommendation that they do pass, the bills S. 3381, 1505, 1128, 1682; H. R. 7821; with amendments, and with the recommendation, that as amended, they do pass, the bills H. R. 5981, 6215; S. 878; H. R. 2257, 2725, 5068, 7349; S. 646; H. R. 1823; and that they had had under consideration a bill (H. R. 1469) and had come to no resolution thereon.

under consideration a bin (H. R. 1409) and had come to no resolution thereon.

Mr. THOMAS. I ask unanimous consent that the previous question may be considered as ordered on these bills, with a limit of ten minutes' debate on each bill.

Mr. ERDMAN. Mr. Speaker, I do not think we shall have any trouble about it. There are one or two bills on which we might

want a longer debate. As the gentleman saw to-day, there was no factious opposition to any of the bills on the Calendar of unfinished busine

Mr. THOMAS. The greatest trouble about it was that gentlemen who were not in attendance at the Friday night sessions called for the reading of the reports.

Mr. ERDMAN. I suggest that you may cut that off by asking for the previous question. You will be recognized first. There are several bills that need considerable discussion. I therefore

are several bills that need considerable discussion. I therefore suggest that we do not agree upon that. There are one or two bills that I should like to see discussed at greater length.

Mr. THOMAS. I will withdraw the request, then.

The SPEAKER pro tempore. The gentleman withdraws the request. The hour of 10 o'clock and 30 minutes having arrived, the House stands adjourned until to-morrow at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the president of the Washington and Great Falls Electric Railway Company, transmitting the report of the operations of the company for the year ending December 31, 1896, together with a list of the shareholders and the number of shares held by each—to the Committee on the District of Columbia, and ordered to be printed.

A letter from the Secretary of the Interior, transmitting a reply to the House resolution of the 5th instant, relating to the homestead entries on certain Union Pacific land grants in Kansas-to the Committee on the Public Lands, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. FLETCHER, from the Committee on Interstate and Foreign

Commerce, to which was referred the bill of the House (H. R. 9168) to authorize the construction of a bridge over the Monongahela River from the city of McKeesport to the township of Mifflin, Allegheny County, Pa., reported the same without amendment, accompanied by a report (No. 2518); which said bill and report were referred to the House Calendar.

Mr. MILLIKEN, from the Committee on Public Buildings and

Grounds, to which was referred the bill of the Senate (S. 105) entitled "An act for the erection of a public building at Aberdeen, S. Dak., reported the same without amendment, accompanied by a report (No. 2519); which said bill and report were referred to the Committee of the Whole House on the state of the

Mr. PARKER, from the Committee on Military Affairs, to which was referred House bill No. 9361, reported in lieu thereof a bill (H. R. 10009) to increase the efficiency of the Regular Army of the United States and to localize the recruiting of regiments in time of war, accompanied by a report (No. 2520); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. TOWNE, from the Committee on Rivers and Harbors, to which was referred the bill of the House (H. R. 9756) to amend the river and harbor act of August 18, 1894, reported the same without amendment, accompanied by a report (No. 2522); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. SHERMAN, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R. 9935) to authorize the construction of a bridge across the Rio Grande River at El Paso, in the State of Texas, reported the same with amendment, accompanied by a report (No. 2523); which said bill and report were referred to the House Calendar.

Mr. CURTIS of Iowa, from the Committee on the District of Columbia, to which was referred the bill of the House (H. R. 9023) to prevent the surged of contaging diseases in the District.

9023) to prevent the spread of contagious diseases in the District of Columbia, reported the same with amendment, accompanied by a report (No. 2524); which said bill and report were referred to the House Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 9099) for the regulation of cemeteries and the disposal of dead bodies in the District of Columbia, reported

the disposal of dead bodies in the District of Columbia, reported the same with amendment, accompanied by a report (No. 2525); which said bill and report were referred to the House Calendar. He also, from the same committee, to which was referred the bill of the House (H. R. 9142) to regulate privies in the District of Columbia, reported the same with amendment, accompanied by a report (No. 2526); which said bill and report were referred to the House Calendar.

Mr. WELLINGTON, from the Committee of the District of the House Calendar.

Mr. WELLINGTON, from the Committee on the District of Columbia, to which was referred the bill of the House (H. R. 9704) to authorize the Washington and Glen Echo Railroad Company to obtain a right of way and construct tracks into the District of Columbia 600 feet, reported the same without amendment, accompanied by a report (No. 2527); which said bill and report were referred to the House Calendar.

Mr. HULICK, from the Committee on the District of Columbia, to which was referred the bill of the House (H. R. 8499) in relation to taxes and tax sales in the District of Columbia, reported the same with amendment, accompanied by a report (No. 2529); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. SHERMAN, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R. 9841) to amend an act authorizing the West Braddock Bridge Company to construct a bridge over the Monongahela River from the borough of Rankin to Mifflin Township, reported the same without amendment, accompanied by a report (No. 2530); which said bill and report were referred to the House Calendar.

Mr. CORLISS, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R. 9600) to provide for aids to navigation, reported the same with amendment, accompanied by a report (No. 2531); which said bill and report were referred to the Committee of the Whole House on the state of the Union. Mr. SHERMAN, from the Committee on Interstate and Foreign

state of the Union.

He also, from the same committee, to which was referred the bill of the House (H.R. 9566) to provide for light-houses and other

aids to navigation, reported the same with amendment, accompanied by a report (No. 2532); which said bill and report were referred to the Committee of the Whole House on the state of the

REPORTS OF COMMITTEES ON PRIVATE BILLS.

Under clause 2 of Rule XIII, Mr. HURLEY, from the Committee on War Claims, to which was referred the bill (H. R. 9989) for the relief of Ella S. Claussen, widow of Peter J. Claussen, deceased, reported the same (Report No. 2528); which said bill and report were referred to the Committee of the Whole House.

PUBLIC BILLS, MEMORIALS, AND RESOLUTIONS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. WELLINGTON (by request): A bill (H. R. 10003) conferring the rank and pay of warrant officers in the Navy upon the three clerks on duty in the office of the Superintendent of the Naval Academy, at Annapolis, Md.—to the Committee on Naval

Also, a bill (H. R. 10004) to authorize the Chesapeake Beach Railway Company, of Maryland, to exted its line into and within the District of Columbia—to the Committee on the District of

By Mr. GILLETT of Massachusetts: A bill (H. R. 10005) fixing the age for retirement from the classified civil service—to the Com-mittee on Reform in the Civil Service.

By Mr. LINTON: A bill (H. R. 10006) to prevent the desecration of the national flag—to the Committee on the Judiciary.

By Mr. WOODMAN: A bill (H. R. 10007) to amend an act entitled "An act to incorporate the Brightwood Railway Company"—to the Committee on the District of Columbia.

By Mr. CORLISS: A bill (H. R. 10008) to improve and remodel the old post-office building and erect a bonded warehouse upon the grounds of the United States located at the corner of Larner the grounds of the United States located at the corner of Larner and Griswold streets, in the city of Detroit, Mich.—to the Committee on Public Buildings and Grounds.

By Mr. LIVINGSTON: A bill (H. R. 10010) to provide a site and erect a public building in Covington, Ga.—to the Committee on Public Buildings and Grounds.

By Mr. SPENCER: A bill (H. R. 10011) to authorize the Secretary of State to purchase the Island of Cuba—to the Committee on Foreign Affairs.

By Mr. FAIRCHILD: A bill (H. R. 10012) relating to the improvement of Eastchester Creek, State of New York—to the Committee on Rivers and Harbors.

By Mr. HILBORN: Memorial of the senate of the State of California, relative to the tariff—to the Committee on Ways and

fornia, relative to the tariff-to the Committee on Ways and

PRIVATE BILLS, ETC.

Under clause 1 of Rule XXII, private bills of the following titles were presented and referred as follows:

By Mr. CATCHINGS: A bill (H. R. 10013) for the relief of John Noble, of Bolivar County, Miss.—to the Committee on War

By Mr. ELLETT: A bill (H. R. 10014) to compensate Gen. Dabney H. Maury for his cavalry tactics—to the Committee on Claims

By Mr. HILBORN: A bill (H. R. 10015) referring the claim of Hannah S. Crane et al. to the Court of Claims—to the Committee

on Claims.

By Mr. KIEFER: A bill (H. R. 10016) granting a pension to Jane B. Johnston—to the Committee on Invalid Pensions.

By Mr. LORIMER: A bill (H. R. 10017) for the relief of Ellis Bigfeather—to the Committee on Military Affairs.

By Mr. OGDEN: A bill (H. R. 10018) for the relief of the estate of Phillip Poete, deceased, late of Natchitoches Parish, La.—to the Committee on War Claims.

By Mr. OVERSTREET: A bill (H. R. 10010) for the relief of

By Mr. OVERSTREET: A bill (H. R. 10019) for the relief of William H. Webster—to the Committee on Invalid Pensions.
By Mr. SULLOWAY (by request): A bill (H. R. 10020) granting a pension to Louise Van Atter—to the Committee on Invalid

By Mr. WILSON of Ohio: A bill (H.R. 10021) granting a pension to John Shisler—to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers

were laid on the Clerk's desk and referred as follows:

By Mr. AVERY: Memorial of the State board of health of
Michigan, in favor of the passage of the bill to provide for a permanent census service—to the Committee on Appropriations.

Also, memorial of the Michigan State board of health, against the passage of Senate bill No. 1552, for the further prevention of mittee.

cruelty to animals in the District of Columbia-to the Committee on the District of Columbia.

By Mr. BELKNAP: Petition of L. Coatsworth, J. W. Farster, and W. C. Hawkins, all of Chicago, Ill., favoring the passage of a law requiring eight hours to constitute a legal day's work—to the Committee on Labor.

By Mr. HILBORN: Resolution of the Merchants' Association

By Mr. HILBORN: Resolution of the Merchants' Association of San Francisco, Cal., urging the completion of the Nicaragua Canal—to the Committee on Interstate and Foreign Commerce. By Mr. LORIMER: Paper to accompany House bill No. 10017, to correct the military record of Ellis Bigfeather, deceased, late of Company K, Third Regiment Indian Home Guards, Indian Territory—to the Committee on Military Affairs.

By Mr. PARKER: Resolutions of the New Jersey State Horticultural Society, against the free distribution of seeds—to the Committee on Agriculture.

By Mr. ROBINSON of Pennsylvania: Petition of 600 citizens of Chester County, Pa., in favor of a bill to further protect the first day of the week as a day of rest in the District of Columbia—to the Committee on the District of Columbia. to the Committee on the District of Columbia.

to the Committee on the District of Columbia.

By Mr. WARNER: Resolution of Homer Post, No. 263, Department of Illinois, Grand Army of the Republic, in sympathy with the Cubans—to the Committee on Foreign Affairs.

By Mr. WELLINGTON: Petition of Anna Anderson, widow of Jacob Anderson, late of Company B, First Regiment Maryland Cavalry, for her relief—to the Committee on Invalid Pensions.

Also, petition of Levi Montgomery, late of Companies E and B, First Regiment Maryland Volunteer Cavalry, for his relief—to the Committee on Invalid Pensions.

Also, petition of Wilford C. McCardell, late of Company I, First Regiment Maryland Cavalry, for his relief—to the Committee on Invalid Pensions.

Regiment Maryland Cavalry, for his relief—to the Committee on Invalid Pensions.

Also, petition of the administrator of Emanuel McCoy, a Mexican soldier, asking relief in the matter of funeral expenses, etc. to the Committee on Pensions.

By Mr. WILSON of Ohio: Petition of Julius L. Lust and 17 others, of Pickaway County, Ohio, favoring a pension to John Shisler, of Circleville, Ohio—to the Committee on Invalid Pensions.

HOUSE OF REPRESENTATIVES.

SATURDAY, January 16, 1897.

The House met at 12 o'clock m.

The following prayer was offered by the Chaplain, Rev. HENRY

The following prayer was offered by the Chaplain, Rev. Henry N. Couden:

We come to Thee, Almighty God, our heavenly Father, with renewed faith and confidence to-day, giving Thee hearty thanks for all the blessings which Thou hast bestowed upon us. Especially do we thank Thee for those warm, life-giving currents which are ever emanating from Thy great heart, and which come sweeping through the souls of men, inspiring them to larger conceptions of Thee, of life, and its profound duties. Make us more and more susceptible to these things, that our lives may be so ordered that when we pass from this existence men shall rise up and call us blessed; and when we reach those heavenly portals we shall find our names written on the Book of Life, and hear the words, "Well done, good and faithful servant, enter thou into the joy of thy Lord." This we ask in the name of Jesus Christ, our Lord. Amen.

The Journal of the proceedings of yesterday was read and approved.

BRIDGE ACROSS THE COLUMBIA RIVER, STATE OF WASHINGTON. Mr. DOOLITTLE. Mr. Speaker, I ask that the bill S. 3375 be taken from the Speaker's table and put upon its passage. It is identical with the bill H. R. 9922.

The SPEAKER. Is the House bill on the Calendar?
Mr. DOOLITTLE. The House bill is on the Calendar, and has

been reported by the Committee on Interstate and Foreign Com-

The SPEAKER. Then it would come up as a part of the regular order, if it is a Senate bill carrying no appropriation.

Mr. DOOLITTLE. It carries no appropriation.

The SPEAKER (continuing). If it is substantially the same as a House bill already reported, and if the committee wants it to

come up.
Mr. DOOLITTLE. Yes, sir. It is identically the same as the House bill.

The Senate bill was reported at length.

The SPEAKER. The question is on the third reading of this

Mr. TERRY. I should like to understand exactly how this bill comes up here under the rule.

The SPEAKER. This is a Senate bill, which does not require reference to the Committee of the Whole House on the state of the Union, a bill substantially like which, not necessarily identically the same, is on file and has been reported by a House committee.

Mr. DOOLITTLE. It is identical.
Mr. TERRY. I understand that bills in that condition can be called up without a request for unanimous consent.
The SPEAKER. They can be called up without unanimous consent by the committee. The three requisites are: First, that the bill shall not require reference to the Committee of the Whole House on the state of the Union; second, that it shall be similar, substantially the same, as one that has already received the approval of the committee having it in charge; and third, that it shall be called up at the request of the committee. There are two kinds of business which can be disposed of at once from the shall be called up at the request of the committee. There are two kinds of business which can be disposed of at once from the Speaker's table. First, House bills with Senate amendments not involving consideration by the Committee of the Whole House on the state of the Union, where the amendments do not require that; and second, this class of Senate bills.

Mr. TERRY. I would like to ask the gentleman in charge of this bill is the constant of the committee.

this bill if it does not create a corporation as well as authorize the

this bill if it does not create a corporation as well as authorize the construction of a bridge?

Mr. DOOLITTLE. Not at all. The corporation is organized. And I wish to say here that this bridge is required in order to enable the mines to ship their ores out.

Mr. TERRY. Is this a unanimous report of the committee?

Mr. DOOLITTLE. Oh, yes, sir; it is the unanimous report; and it is also recommended by the Secretary of War.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

On motion of Mr. DOOLITTLE, a motion to reconsider the vote by which the bill was passed was laid on the table.

ADJUSTMENT OF ACCOUNTS OF ARMY OFFICERS, GRADUATES OF WEST POINT.

The SPEAKER. The Committee on Claims ask that the bill (S. 2570) to authorize the readjustment of the accounts of Army officers who were graduates of West Point Military Academy be transferred to the Committee on War Claims. Without objection, the change of reference will be made.

There was no objection.

SENATE BILLS REFERRED.
Under clause 2 of Rule XXIV, the following Senate bills and House bill with Senate amendments were taken from the Speaker's table and referred as follows:

A bill (S. 3494) providing for an examination of the improvements at the Pass of Aransas, Texas—to the Committee on Rivers

A bill (S. 2393) for the relief of William E. Bond—to the Committee on Claims.

A bill (H. R. 3656) providing for free homesteads on the public lands in Oklahoma Territory for actual and bona fide settlers, and reserving the public lands for that purpose—to the Committee on the Public Lands.

NATIONAL SANITARIUM FOR PULMONARY DISEASES.

Mr. CATRON. Mr. Speaker, I ask unanimous consent for the consideration of the bill (S. 2593) granting to the American Invalid Aid Society, of Boston, Mass., the abandoned Fort Marcy Military Reservation in New Mexico for the purpose of a national sanitarium for the treatment of pulmonary diseases.

The bill was read, as follows:

The bill was read, as follows:

Be it enacted, etc., That the abandoned Fort Marcy Military Reservation, and all the improvements thereon, situated in the Territory of New Mexico, be, and the same is hereby, granted to the American Invalid Aid Society, of Boston, Mass., upon the conditions that said society shall establish and maintain perpetually thereon a national sanitarium for the treatment of pulmonary diseases: Provided, That said society shall within two years from and after the passage of this act accept this grant and shall establish on said reservation a sanitarium for the purposes herein named; and whenever the said lands and buildings shall cease to be used by said society for the purposes herein provided the same shall revert to the United States.

The SPEAKER. Is there objection to the present consideration

of the bill?

Mr. STEELE. Let us hear something about that.
Mr. RICHARDSON. This is subject to an objection, and I should like to have some explanation about the measure.
Mr. CATRON. The report will explain; or I can explain it easier than the report of the committee.
Mr. STEELE. Let us have the report. I would rather have

The report (by Mr. LACEY) was read, as follows:

The report (by Mr. LACEY) was read, as follows:

The Committee on the Public Lands have had under consideration Senate bill 2593, and report the same back with amendments, and as amended recommend its passage.

A charitable corporation has been organized in New England to assist pulmonary invalids to go to the mountain region of the West for treatment. In the city of Santa Fe, in New Mexico, is located the military reservation of Fort Marcy. It contains about 17½ acres of land. The reservation has been abandoned, and the city of Santa Fe desires that it may be used for a sanitarium for lung and threat diseases. The climate of New Mexico is unsurpassed for its beneficial influences in such diseases, and this reservation would be especially advantageous for the proposed purpose.

The reservation is divided into two tracts—one of about 4 acres and the other of about 13½ acres. There are several buildings on the reservation formerly used by troops that may be utilized for sanitarium purposes, but it will be necessary to erect some new and permanent buildings.

Your committee think that a portion of the grant should be permanent so long as the land is used for the purposes proposed, in order that the corpo-

ration or association may erect its permanent improvements thereon, but the remainder of the land we think should only be leased, at least until the experiment shall have been fully tried.

The purpose is a charitable one, and the amendments proposed by the committee require that the medical treatment shall be gratuitous.

It is not necessary for your committee to discuss at any length the admirable location of the proposed sanitarium. It is recognized by all medical men who have given the subject any study.

Your committee incorporate the following telegrams in its report to show the view of the matter taken by the people of Santa Fe:

SANTA FE. N. MEX., May 2, 1898.

SANTA FE, N. MEX., May 2, 1896.

Hon. T. B. CATRON, Fredonia Hotel, Washington, D. C.:

Woman's board of trade agrees with city council and board of trade about disposition Fort Marcy. Petition to Teller to withdraw amendment mailed to-day.

Mrs. IDA REVENBERG, President. SANTA FE, N. MEX., May 1, 1896.

Hon. T. B. CATRON, Fredonia Hotel, Washington, D. C.:

Every member city council Santa Fe strongly favors sanitarium, but is very antagonistic to Indian school proposition.

PEDRO DELGADO, Mayor of Santa Fe.

Hon. T. B. CATRON,

Delegate to Congress from New Mexico,

Fredonia Hotel, Washington, D. C.:

Board trade unanimous in favor of sanitarium, but against Indian school proposition. Mr. Staab will be in Washington Wednesday evening as representative Santa Fe Board Trade.

Attest:

E. T. WEBBER, President.

Attest: E. T. WEBBER, President.
GEO. W. KNAEBEL, Secretary.
The following report of the Commissioner of the General Land Office and Secretary of the Interior we incorporate in this report:

DEPARTMENT OF THE INTERIOR, GENERAL LAND OFFICE, Washington, D. C., May 4, 1896.

SIR: I am in receipt by your reference, for early report in duplicate and return of papers, of Senate bill No. 2593, to grant to the American Invalid Aid Society, of Boston, Mass., the abandoned Fort Marcy Military Reservation, N. Mex., for the purpose of a national sanitarium for the treatment of pulmonary diseases, together with a letter from Hon. T. B. CATRON, and Senate Report No. 771 on Senate bill No. 2593, all of which were submitted to you by Hon. John F. Lacey, chairman of the Committee on the Public Lands of the House of Representatives, with the request that you make any suggestions thereon that you may deem proper, and that you give the present value of the land referred to in the bill.

The bill provides that the reservation, and all improvements thereon, be granted to the society mentioned, upon condition that it shall establish and maintain perpetually thereafter a national sanitarium for the treatment of pulmonary diseases, provided that said society shall, within two years after the passage of said act, accept the grant and shall establish the proposed sanitarium; and whenever the said lands and buildings shall cease to be used by said society for the purposes intended, the same shall revert to the United States.

sanitarium; and whenever the said lands and buildings shall cease to be used by said society for the purposes intended, the same shall revert to the United States.

In reply, I have the honor to report that the Fort Marcy Reservation was established by Executive order of August 28, 1888, and was turned over to the Interior Department October 7, 1891, for disposal under the act of July 5, 1884 (23 Stat. L., 103), or as may be otherwise provided by law. This order was revoked November 12, 1891, and the reservation thereof for military purposes again declared.

Executive order of June 5, 1895, again placed the reservation under control of this Department for disposal.

Said reservation is situated in the city of Santa Fe, N. Mex., and contains an estimated area of 17 acres, 3,423 yards, and 2,656 square feet.

A list furnished by the War Department shows that there are twenty-three buildings thereon.

As no appraisal of the lands and buildings has been made, this office is unable to state what is the value thereof.

There is on file in this office a letter from Governor Thornton, of New Mexico. dated July 17, 1895, in which he says, among other things, that the claim of the city for the site of Santa Fe has been confirmed by the Court of Private Land Claims. No mandate of such court has been received, and this office has no knowledge as to whether or not the title to its site has been confirmed, nor does that question affect the disposition of this reservation, since the governor mentions in said letter that said land was excepted from the confirmation.

The records of this office also disclose that on April 13, 1874, James F. Proudfit, then United States surveyor-general for New Mexico, recommended for confirmation, under section 8 of the act of July 22, 1854 (10 Stat. L., 318), that the site of said city be confirmed, making certain exceptions of land within its boundaries, one of which was the land within the military reservation.

On July 9, 1895, Governor Thornton made application to the Interior Department t

S. W. LAMOREUX, Commissioner.

The SECRETARY OF THE INTERIOR.

DEPARTMENT OF THE INTERIOR, Washington, May 7, 1896.

Washington, May 7, 1896.

SIR: I have the honor to hand you herewith a report from the Commissioner of the General Land Office, dated the 4th instant on Senate bill No. 2598, "granting to the American Invalid Aid Society of Boston, Mass., the abandoned Fort Marcy Military Reservation, in New Mexico, for the purpose of a national sanitarium for the treatment of pulmonary diseases," etc.

For reasons stated in the Commissioner's report, in which he is of the opinion that there are no objections to the passage of the bill, I have the honor to say that I believe the bill should become law, and recommend its passage.

Very respectfully,

Hon. John. F. Lacey, Chairman Committee on the Public Lands, House of Representatives. WM. H. SIMS, Acting Secretary.

The amendments proposed by your committee are as follows:
Strike out on page 1, after the word "assembled," in line 2, all contained in lines 3, 4, 5, 6, 7, and 8, down to and including the word "diseases," in line 9, and insert in lieu thereof the following, to wit:
"All that part of the abandoned Fort Marcy Military Reservation, with all the improvements thereon, in the city of Sante Fe, Territory of New Mexico, lying between Washington avenue and Lincoln avenue, in said city, be, and the same is hereby, granted to the American Invalid Aid Society, of Boston, Mass.; and the remainder of said reservation, with all the improvements thereon, be, and the same is hereby, granted for the term of twenty-five years to said society, the said grants hereby made being upon the conditions that said society shall establish and maintain thereon a national sanitarium for the treatment of pulmonary diseases."

Amend by inserting in line 12, after the word "named," the following words, "and shall make no charge for medical treatment therein."

Mr. TERRY. Mr. Speaker, it occurs to me that this proposed measure is a violation of all the precedents of this House in regard to these reservations. If I have caught correctly the reading of the report of the Interior Department, the governor of New Mexico wanted this reservation turned over to the city of Santa Fe; and now, instead of that being done, here is a proposition to turn it over to a private corporation organized in the State of Massachysetts. If this senitarium is to be such a great the records chusetts. If this sanitarium is to be such a good thing, the people of Santa Fe ought to know it. If they are willing that this reservation in the city of Santa Fe should be appropriated for the erection of a sanitarium, then all well and proper; but we should give

them a chance to say so.

Mr. CATRON. That is their statement; they have recommended this very thing.

Mr. TERRY. No; you have not submitted any expression from the citizens in that report. You have a statement that some

Mr. CATRON. No; the mayor of the city states that the board of common council of the city recommends this disposition of the

reservation. That is stated in the report.

Mr. TERRY. It has been held time and again that agreements or concessions made by city officials, when they are not assembled according to law, amount to nothing. It is very easy to go to a mayor or an alderman of a city and get a letter or statement from him; but to submit a question directly to the representatives of the people and get their vote upon it after full discussion is a very different matter.

This bill does not undertake to turn this reservation over to the city of Santa Fe. If it did that, I think it would be perfectly proper, because that has always been the course pursued in regard to these abandoned military reservations. But you do not propose to do that in this case. You turn over this property, this very valuable piece of land in the city of Santa Fe, to a private corporation.

poration.

poration.

Now, I want to say to the gentleman that if he can obtain unanimous consent without my voice, I am not going to object to the consideration of the bill. But I submit to the judgment of the House whether or not we ought to pass such a bill as this. I for one will not vote to give one of these reservations to a private corporation entirely outside of the State, without the people concerned having had a chance to express themselves upon it either by their direct vote or through their immediate representatives. Where a person simply goes around and gets the statement of an alderman or a mayor that he thinks a particular proposition is a very worthy one, and everything of that sort, that, it strikes me, is not the way to do business. It is not the legal and proper way to obtain an expression from persons charged with official responsibility. I shall vote against this measure.

Mr. STEELE. Is it not a fact that when it was proposed to

sibility. I shall vote against this measure.

Mr. STEELE. Is it not a fact that when it was proposed to abandon this reservation and build a new post near Santa Fe one of the reasons urged in favor of that proposition was that the land on which the old fort was located in the city of Santa Fe

mind on which the old fort was located in the city of Santa Fe would sell for enough to nearly pay the expense of the new post?

Mr. CATRON. Is that question asked of me?

Mr. STEELE. Of you or any other gentleman.

Mr. CATCON. I know of no such statement ever having been

Mr. STEELE. I do not think there is any question that it was made.

Mr. CATRON. I know that if this ground were sold it would not sell for one hundredth part of enough to build a new fort.

Mr. STEELE. What I meant to say was that according to the statement made this property would sell for enough to buy new ground for another post, not enough to build the fort.

Mr. CATRON. The people of Santa Fe have offered to the Government a title free for the land on which to build the new fort. Hence there is no precessity for the prophese of new

acre. If you should put it up at public, forced sale, you could not get \$5,000 for the whole of it, with the improvements.

Mr. TERRY. What is the population of Santa Fe?

Mr. CATRON. Seven thousand.

Mr. BOATNER. Is it true that the proposition is to donate

Mr. BOATRER. Is it true that the proposition is to donate this property to a private corporation?

Mr. CATRON. The proposition is to donate 4 acres to a corporation organized under the laws of Massachusetts, known as the Invalid Aid Society, who propose to establish a national sanitarium, and who will be required by this bill to furnish medical treatment absolutely free; and if they fail to comply with the terms of the gift the property will revert to the Corporation. terms of the gift the property will revert to the Government.

Mr. WASHINGTON. They do not propose to furnish free board to the patients?

Mr. CATRON. No.

Mr. WASHINGTON. How many persons will the buildings

accommodate?

Mr. CATRON. The expectation is to put up new buildings. These old buildings would accommodate very few—probably 40 or 50. But the intention of the company is to erect new buildings worth several hundred thousand dollars.

Mr. STEELE. There is a statement somewhere in the papers that the judge of some court has decided that this ground has re-

verted to the State.

Mr. CATRON. There has been no decision in New Mexico to that effect

Mr. STEELE. But that statement is made somewhere in the port. The Commissioner of the Land Office or the Secretary of the Interior says it has been claimed that such a decision has been

made; but the decision is not given.

Mr. CATRON. I state most positively that there has been no decision of that kind anywhere, either in New Mexico or out of it.

Mr. STEELE. Suppose there should be a decision of that kind?

A Member. Then the land would not pass by this grant.

Mr. WASHINGTON. Mr. Speaker, this seems to be an important bill. It involves the donation of a military reservation. The facts do not seem to be fully understood. We do not know whether this reservation has been fully abandoned by the Government or not. I suggest that the bill might go over till Monday, so as to give members a chance to investigate the case. I do not hear of any report from the Secretary of War advising this transfer.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. DE ARMOND. I object.

JOHN RYAN.

Mr. DALZELL. Mr. Speaker, I ask unanimous consent for the present consideration of the resolution I send to the desk.

The Clerk read as follows:

Resolved, That the Clerk of the House of Representatives be, and he is hereby, authorized and directed to pay, out of the contingent fund of the House of Representatives, to the widow of John Ryan, deceased, late a messenger on the soldiers' roll of the House of Representatives, who died August 10, 1896, a sum equal to his salary for six months, and the expenses of his last illness and funeral, said expenses not to exceed the sum of \$250.

There being no objection, the resolution was considered and

MIRUM C. PECK.

Mr. DOCKERY. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 9619) granting a pension to Mirum C. Peck.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll the name of Mirum C. Peck, widow of Hartwell B. Peck, late private Company D, Santa Fe Battalion Missouri Volunteers, in the war with Mexico, subject to the provisions and limitations of the pension laws.

The Committee on Pensions recommend the adoption of the following amendment:

Add to the bill, "and pay him a pension rated at \$8 per month."

Mr. DOCKERY. I desire to correct the committee amendment. The word "him," in line 8, should be stricken out and "her" inserted; so as to read, "and pay her a pension rated at \$8 per month.

The SPEAKER. Is there objection to the present consideration

of the bill?

Mr. MILNES.

Mr. MILNES. Let us have the report read. The report (by Mr. MOZLEY) was read, as follows:

Mr. CATRON. The people of Santa Fe have offered to the Government a title free for the land on which to build the new fort. Hence there is no necessity for the purchase of new ground, and there is no pretense that such purchase will ever be required.

The committee on Pensions, to whom was referred the bill (H. R. 9619) the Committee on Pensions, to whom was referred the bill (H. R. 9619) the Committee on Pensions, to whom was referred the bill (H. R. 9619) the Committee on Pensions, to whom was referred the bill (H. R. 9619) the Committee on Pensions, to whom was referred the bill (H. R. 9619) the Committee on Pensions, to whom was referred the bill (H. R. 9619) the Committee on Pensions, to whom was referred the bill (H. R. 9619) the Committee on Pensions, to whom was referred the bill (H. R. 9619) the Committee on Pensions, to whom was referred the bill (H. R. 9619) the Committee on Pensions, to whom was referred the bill (H. R. 9619) the Committee on Pensions, to whom was referred the bill (H. R. 9619) the Committee on Pensions, to whom was referred the bill (H. R. 9619) the Committee on Pensions, to whom was referred the bill (H. R. 9619) the Committee on Pensions, to whom was referred the bill (H. R. 9619) the Committee on Pensions, to whom was referred the bill (H. R. 9619) the Committee on Pensions, to whom was referred the bill (H. R. 9619) the Committee on Pensions, to whom was referred the bill (H. R. 9619) the Committee on Pensions, to whom was referred the bill (H. R. 9619) the Committee on Pensions, to whom was referred the bill (H. R. 9619) the Committee on Pensions, to whom was referred the bill (H. R. 9619) the Committee on Pensions, to whom was referred the bill (H. R. 9619) the Committee on Pensions, to will the Red was a bonow that a matter of record at the War Department, and the records also show that a matter of record at the War Department, and the records also show that a detachment of which Peck was a member while acting as society of the State on Pensions, to will the Red was a referr

soldier's service during that war did not cover the sixty days' time necessary to give title under that act.

It will be observed, however, that the soldier's actual service covered a period of five months and nine days. He enlisted in good faith for the war with Mexico, and participated in an engagement with hostile Indians while protecting the property of the United States. The value of his services to the country was equally as great as a sixty-day march to Mexico would have been, and the latter would have given his widow title to pension under the general law.

The soldier died January 16, 1865, and his widow, the beneficiary, is now about 66 years old, very poor, and so much affected by lung disease as to be unable to do anything toward earning a support.

The facts are fully shown by the testimony on file at the Pension Bureau.

The passage of the bill is respectfully recommended with an amendment adding after the last word the words "and pay her a pension rated at \$8 per month."

Mr. TALBERT. I would like to ask the gentleman from Missouri if that claim has been considered at a regular Friday night session?

Mr. DOCKERY. It has been considered by the Committee on Pensions, and reported unanimously. Mr. TALBERT. It has not been before the Friday night ses-

Mr. DOCKERY. And is in every way a meritorious case. I hope my friend will not object.

Mr. TALBERT. I do not object.

There being no objection, the bill was considered.

The amendment to the amendment recommended by the committee was agreed to.

The amendment as amended was agreed to.

The bill as amended was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed. On motion of Mr. DOCKERY, a motion to reconsider the last vote was laid on the table.

JOHN H. WILLIS.

Mr. DANFORD. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 4379) for the relief of John H. Willis.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of War be, and he hereby is, directed to remove the charge of desertion now standing on the rolls against the name of John H. Willis, of Battery D, Fourth United States Artillery.

The Committee on Military Affairs recommend the adoption of the following amendment:

Add to the bill, "to date May 26, 1865: Provided, That no bounty, pay, or emoluments shall become due such soldier by virtue of this act."

Mr. DANFORD. This bill passed during the last Congress both the Senate and the House, but so late that it did not reach the President in time for his signature. This soldier served throughout the entire war—from the 26th day of April, 1861, to the 26th day of April, 1865—and then, with the feeling that the war was over, he returned home. He did not desert whilst there was an enemy in the field.

The SPEAKER. Is there objection to the present consideration

of the bill?

There was no objection.

The amendment recommended by the committee was agreed to.

Mr. TALBERT. I would like to have the report in that case read.

The report (by Mr. BISHOP) was read, as follows:

The Committee on Military Affairs, to whom was referred the bill (H. R. 4379) entitled "A bill for the relief of John H. Willis," beg leave to submit the following report, and recommend that said bill do pass, with an amendment as follows:

At the end of the bill add the words "to date May 26, 1865. No bounty, pay, or other emoluments shall become due such soldier by virtue of this act."

This soldier enlisted April 25, 1861, and served faithfully until May 25, 1865, through the entire period of the war. He claims that it was his understanding at the date of his last enlistment that the close of the war should terminate his service. At all events your committee think said soldier has earned an honorable discharge by reason of his fidelity through the entire dangers of the whole period of the war.

RECORD AND PENSION OFFICE, WAR DEPARTMENT

RECORD AND PENSION OFFICE, WAR DEPARTMENT, Washington City, January 18, 1894.

Washington City, January 18, 1894.

DEAR SIR: In compliance with your personal request of this morning, to be furnished with the military record of John H. Willis, late a private of Company E, Thirteenth Indiana Infantry, and Battery D, Fourth United States Artillery, I have the honor to advise you as follows:

It appears from the records of this office that John H. Willis, Company E, Thirteenth Indiana Volunteer Infantry, was enrolled April 25, 1861, to serve three years. He appears to have served faithfully with his command from the date of his enlistment until October 20, 1862, when he was discharged from the volunteer service by reason of his transfer to the Regular Army.

The records of the permanent military establishment are not in this office, but a report received from the Adjutant-General of the Army, who is the custodian of those records, shows that this soldier enlisted October 21, 1862, in Battery B, Fourth United States Artillery, at Suffolk, Va.; that he was discharged January 31, 1864, at Portsmouth, Va., by reason of reenlistment; that he reenlisted in the same battery February 1, 1864, and deserted May 22, 1865, at Camp Lincoln, Va., and that on November 23, 1893, he was furnished with a deserter's release under the act of Congress approved April 11, 1890.

No information with regard to this soldier has been found upon the hospital records from 1861 to 1865, inclusive.

Very respectfully,

F. C. AINSWORTH,

F. C. AINSWORTH, Colonel, United States Army, Chief Record and Pension Office.

Hon. A. J. Pearson, House of Representatives.

ARMSTRONGS MILLS, BELMONT COUNTY, OHIO,

To the Honorable Members of Congress, U. S. A.

Dear Sirs: John H. Willis, who was a private in Company D, Fourth Regiment United States Artillery, and who will at this session of Congress have a petition presented to your honorable body for the removal of charge of desertion, is a soldier that volunteered in 1831 and followed the flag through all the exciting and stirring scenes of the war till the end, in 1865; and he was always ready for duty when called on, and his health has been greatly impaired by the excessive duty and terrible hardships which he was compelled to undergo. He being a credible citizen, and having served his country solong in the hour of her need, give his case a careful examination and I feel confident that you will do him justice.

Very respectfully,

HENRY KINNEY, Jr.

ARMSTRONGS MILLS, OHIO, November 30, 1891.

Honorable Members of Congress, U. S. A.:

Honorable Members of Congress, U.S. A.:

I have known John H. Willis, who was a soldier in Company D, Fourth United States Artillery, for the past forty years. He is a respected citizen, and having served his country from 1861 to 1865, and who is at present disabled and old and has no sustenance other than what is given him and the little that he may earn with his own hands at labor as a hand on a farm, and at no time since he came back to this neighborhood from the Army in 1865 would I consider him able to provide for his wife and family. Consider his claim carefully. I take this opportunity of thanking the members of Congress for the uniform courtesy and kindness extended to the applicants. With best wishes for your welfare, I remain, very truly, yours.

JOSIAH MCGUIRE.

THE STATE OF OHIO, County of Belmont, ss:

Before me, A. H. Caldwell, a notary public in and for said county and State, personally came Margaret A. Beckett, and makes oath in due form of law, and says that she knew John H. Willis, a private in Company D. Fourth United States Artillery, when he came home from the war, some time in the month of June, 1865, and that he was in very poor health, and was suffering with chronic diarrhea, and that he did not perform any manual labor for two months or more, and that his wife was sick, under treatment of the doctor, and that his family was in very needy circumstances, and that she had good cause to know all about them, as she lived a near neighbor to them.

MARGARET BECKETT.

Sworn to and subscribed before me this the 12th day of October, A. D. 1892.

[SEAL.]

A. H. CALDWELL, Notary Public.

THE STATE OF OHIO, County of Belmont, ss:

Personally came Morgan Powell before me, A. H. Caldwell, a notary public in and for said county and State, and makes oath in due form of law, and says that he knew John H. Willis, a private in Company D, Fourth United States Artillery, when he came home from the war, some time in the month of June, 1865, and that he was in very poor health, suffering with chronic diarrhea, and that he did not perform any manual labor for two months or more.

MORGAN POWELL.

H. C. CALDWELL.

Sworn to and subscribed by said Morgan Powell before me this 15th day of October, A. D. 1892.

[SEAL.]

A. H. CALDWELL, Notary Public.

Mr. TALBERT. I would like to ask if this bill has been considered at a Friday night session?

Mr. DANFORD. It has been considered by the Fifty-third Congress, and passed both House and Senate. The gentleman from South Carolina himself and the gentleman from North Carolina [Mr. Pearson] had a colloquy on the floor in regard to the bill

Mr. TALBERT. I make no objection.

There being no objection, the bill as amended was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.
On motion of Mr. DANFORD, a motion to reconsider the last

vote was laid on the table.

HENRY F. THORNTON.

Mr. OWENS. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 1064) for the relief of Henry F. Thornton.
The bill was read, as follows:

Be it enacted, etc., That the Commissioner of Pensions be, and is hereby, directed to issue to Henry F. Thornton, late of First Virginia Volunteers in Mexican war, a certificate of pension at the rate of \$25 per month in lieu of certificate No. 9623, now held by said Thornton as a survivor of said war. SEC. 2. That this act shall take effect from December 25, 1895.

The committee recommend the adoption of the following amend-

Strike out, in line 6, the words "twenty-five" and insert "fifteen," and rike out all of section 2.

The SPEAKER. Is there objection to the present consideration. of the bill?

Mr. SPALDING. I ask for the reading of the report. The report (by Mr. Colson) was read, as follows:

The report (by Mr. Colson) was read, as follows:

The Committee on Pensions, to whom was referred the bill (H. R. 1084) entitled "A bill for the relief of Henry F. Thornton," beg leave to submit the following report, and recommend that said bill do pass with amendments.

The claimant was a member of the First Virginia Volunteers, and served from December 2, 1847, to February 29, 1848, in the war with Mexico. He was granted the pension of \$8 per month provided by the act of January 29, 1887, and this was subsequently increased to \$12 per month under the act of January 5, 1866, upon his proving dependence and total disability.

The papers on file at the Pension Bureau show that Mr. Thornton is 71 years old, a sufferer from rheumatism and paralysis agitans, and generally in such a condition physically as to be wholly incapacitated for earning a support by manual labor. It is further shown that he has absolutely no property or source of income aside from his pension.

There are several precedents for the allowance of an increased rating to

the wholly disabled and dependent pensioners of the Mexican war, and your committee believe that such precedents may be followed with propriety and

commerce believe that such precedents may be followed with propriety and justice in this case.

The following amendments are recommended: Strike out the word "twenty-five," in line 6, and substitute therefor the word "fifteen." Strike out the second section of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

Mr. OWENS. Mr. Speaker, according to that report, this veteran is now on the pension roll at the rate of \$12 per month. The

bill asks \$25 a month.

This man is some 70 years of age, bedridden, helpless, and without means of support, and his wife is nearly as old as he is and as helpless to earn a living as he. The committee having conceded the necessity of some increase in his pension, I can not believe that they would insist on the amendment of \$15 a month, an increase of but \$3, which of course amounts to nothing. I hope the committee will not insist on the amendment, but that the House will pass the bill as originally proposed, at \$25 a month.

Mr. STELLE. Mr. Speaker, I notice that it directs the "Commissioner of Pengions"

missioner of Pensions.

Mr. OWENS. Yes, I noticed that. I want to move to amend that by striking out the words "Commissioner of Pensions" and inserting the words "Secretary of the Interior."

Mr. STEELE. How long did this man serve?

Mr. OWENS. I do not remember; not very long. It was during the Mariane verse recommendation.

ing the Mexican war.

Mr. STEELE. I understood from the reading of the report that he must have served as much as sixty days.

Mr. OWENS. More than that. Mr. STEELE. Sixty-two days. Mr. STEELE. Sixty-two days. I believe the committee considered the bill very carefully, and it seems to me the gentleman should be satisfied with the recommendation of the committee.

should be satisfied with the recommendation of the committee.

Mr. OWENS. It is in just this shape, that the man and his family are helpless and without any means of support whatever. He is confined to his bed and unable to do anything, and his wife is in nearly as helpless a condition. The question presents itself to the House whether the granting of an increase of \$3 a month amounts to anything as a substantial increase. The beneficiary is an old man, not likely to live very long, and has been entirely unable to leave his bed for some time.

The SPEAKER. The question is on agreeing to the first com-

mittee amendment.

The question being taken, on a division (demanded by Mr. Owens) there were—ayes 22, noes 57.

Accordingly the amendment was rejected.

The SPEAKER. The question now is on the second committee amendment, which the Clerk will report.

Mr. STEELE. Mr. Speaker, before that amendment is acted upon, I move to strike out "twenty-five" and to insert "twenty."

The SPEAKER. The question is on the amendment to strike out "twenty-five" and insert "twenty."

The question being taken, on a division (demanded by Mr. STEELE) there were—ayes 28, noes 52.

Accordingly the amendment was rejected. Mr. STEELE. I move to make it \$16 a month.

THE LATE REPRESENTATIVE CHARLES F. CRISP.

The SPEAKER. The Clerk will report the special order. The Clerk read as follows:

Resolved, That Saturday, January 16, 1897, beginning at 1 o'clock p. m., be set apart for paying a tribute to the memory of the Hon. CHARLES F. CRISP, late a member of the House of Representatives from the State of Georgia.

Mr. TURNER of Georgia. Mr. Speaker, I offer the resolutions which I send to the Clerk's desk.

The SPEAKER. The gentleman from Georgia [Mr. TURNER]

offers the following resolutions, which will be reported by the Clerk

of the House. The Clerk read as follows:

Resolved, That the business of the House be now suspended, that opportunity may be given for tributes to the memory of Hon. CHARLES F. CRISP, late a Representative from the State of Georgia.

Resolved, That as a mark of respect to the memory of the deceased, and in recognition of his eminent abilities as a distinguished public servant, the House, at the conclusion of these memorial proceedings, shall stand adjourned.

Resolved, That the Clerk communicate these resolutions to the Senate.

Resolved, That the Clerk be instructed to communicate a copy of these resolutions to the family of the deceased.

Mr. TURNER of Georgia. Mr. Speaker, Mr. Crisp was born on the 29th of January, 1845. In the month of May, 1861, while he was still but a lad, he enlisted in the army of the Confederate States, and his service was thenceforth rendered in the State of Virginia. At the end of the war he studied law, and was admitted to the bar in 1866. Soon thereafter he became solicitor-general of his judicial circuit, was reappointed to that honorable station, and then became judge of the superior court, in which high station he served for five years, and was then nominated for

Appearing on this floor during the Forty-eighth Congress, he

was reelected consecutively six times. He became Speaker of the House of Representatives during two terms, and during the present Congress, by the nomination of his party associates, he became leader of his party.

During a prior Congress, and while he was Speaker, the governor of Congress, and while he was Speaker.

nor of Georgia tendered to him an ad interim appointment to the Senate of the United States, to fill the vacancy caused by the death of the late General Colquitt. That honorable position he declined. During the present Congress he became a candidate for a regular term in the Senate, to begin on the 4th day of March next, and in the early part of October last a general assembly was chosen in Georgia, which would in a few weeks, with practical unanimity, have elected him to the Senate. He died on the 23d day of October last, a few weeks after his last great success.

The remarkable eminence which he attained seems greater when

The remarkable eminence which he attained seems greater when contrasted with his humble beginning. His training in the schools was limited. While yet a youth he joined the Confederate Army and had not reached his majority when the war ceased. From a military prison he went forth to the struggle of life, without education and without resources, amid a people prostrated by a great defeat in war and impoverished by its desolating consequences. He was the foster child of adversity. In the camp on the march and defeat in war and impoverished by its desolating consequences. He was the foster child of adversity. In the camp, on the march, and in battle he learned lessons more difficult than those taught in the schools. There is not in all the varied round of human experience a more pathetic trial than that of a tender youth suddenly subjected to the horrors of war. But the lad who can bear strain, and endure privation, and face danger and death, may in peace climb the dizzy heights to an elevation next to the highest in the world! His great career ended in his prime. His bright day closed at its noontide. He left this last field of honor without the sting of defeat, and amid the cheers of victory. But, sir, between my late colleague and myself there was a wide difference of opinion. I leave to others the pleasant task of delineating the traits of character which endeared him to his friends, and of recounting character which endeared him to his friends, and of recounting the steps by which he rose to the highest places of power and responsibility.

Mr. HENDERSON. Mr. Speaker, a sad duty engages our attention to-day. We are here to review the life, services, and character of our distinguished colleague and ex-Speaker of this House, Hon. Charles F. Crisp, of Georgia.

To his own delegation will be assigned the sacred duty of pointing out historically the leading actions of his life. I will briefly consider Judge Crisp from the standpoint of my personal acquaintance and relationship with him as a member of this body.

This House presents in a marked degree evidence of the great law of change affecting all the relations of life. Judge Crisp commenced his service as a member of this body in the Forty-reighth

menced his service as a member of this body in the Forty-eighth Congress. When he died, October 23, 1896, there were only twelve members in the Fifty-fourth Congress who had served continuously with Judge Crisp from the time that he entered Congress, and twenty in the same Congress who served with him in the Forty-eighth.

He was one of seven elected to the Fifty-fourth Congress who were removed by death.

These facts suggest the uncertainty of all life's positions and of

life itself.

My relations with Judge CRISP have been somewhat singular. He was the first member of Congress with whom I held heated debate, and I believe I was the last with whom he had debate developing some of the feeling so often incident to our legislative life, but leaving no scar. Our relations always, saving our first experience, were of the most friendly character, and our first sharp encounter taught us, I believe, to respect each other.

Though never intimate with Judge CRISP in that sense which means comradeship, so necessary to my life, we were always good friends, enjoying thoroughly cordial relations and mutual respect.

I soon learned that his word once given to me was sacredly kept.

He was a man of high honor, and self-respect was a dominating

element in his character.

He was truly a strong, deep, and earnest character.

He was never a trifler.

He was kind and gentle in his manner, so much so in ordinary relations that one often wondered at the high and intense feeling which at times he was capable of swiftly reaching.

Some are constituted so as to move through life on a dead, cold

level; others sound all the notes of life, reveling in its sunlight, suffering in its shadows. The greatest lives know both storm and rest. The Pacific Ocean can woo to its waters, but can drive in terror to its shores.

These thoughts come from a study of Judge CRISP in my four-teen years' relationship with him on this floor. He had in his na-ture the sunlight and the shadow, the tempest and the calm.

Entering the Confederate army as a mere boy of about 16, he soon learned how very serious a matter life was. It tempered the good metal until it was capable of great work, and the boy without a boyhood was soon a powerful and aggressive man. His

strength and ability invited the confidence of the people, who soon elevated him, step after step, until, in this body, he reached a position of power second only to that of the Chief Executive.

When death took him he had not yet attained the fullest stature

The great Georgian sleeps—after a hard, active, tireless summer's work and before the autumn's harvest had come.

Mr. CATCHINGS. Mr. Speaker, it has long been a custom with the House of Representatives, upon the death of one of its members, to set apart a day upon which addresses may be delivered for the purpose of placing upon its records in suitable form evidence of the esteem in which he was held. It is exceedingly difficult to prepare remarks for such purpose which shall be in all particulars appropriate. We are prone to indulge in fulsome eulogy, or, in the effort to avoid that, to fall short of paying just tribute. On this occasion, to me the task is peculiarly trying. The relations between Hon. CHARLES F. CRISP and myself were so intimate, my affection for him was so great, and my estimate of his character affection for him was so great, and my estimate of his character and abilities so high, that I shrink from speaking of him as they would naturally prompt me to do. The strong qualities which enabled him to grasp and retain the unchallenged leadership of his enabled him to grasp and retain the unchallenged leadership of his party in the House of Representatives, and which twice gave him its Speakership, manifested themselves in his boyhood, and steadily grew in potency and brilliancy up to the very hour of his death. He entered the Confederate army when a slender lad but 16 years of age. Notwithstanding his extreme youth, he was soon elected to a lieutenancy of his company. Had he not been made a prisoner of war in May, 1864, and confined as such until hostilities had ended, there can be little doubt that he would have earned and achieved still higher and more responsible rank. Within five years from his admission to the bar he was appointed solicitorgeneral for one of the judicial circuits of his State, and in 1873 was reappointed for a term of four years.

was reappointed for a term of four years.

His advancement in his profession was so rapid that in 1877 he was appointed judge of the superior court of the same circuit, and he was afterwards twice elected to that office. In 1882 he was elected a Representative in Congress, and was six times successively reelected. Almost from the day of his entrance into the House of Representatives he was recognized as one of its foremost House of Representatives he was recognized as one of its foremost members. In the Forty-ninth Congress, as a member of the Committee on Commerce, in the absence of its distinguished chairman, he had in charge the bill to create the Interstate Commerce Commission and define its jurisdiction and powers. That measure elicited prolonged, earnest, and serious debate, and the great skill and ability displayed by him in defending it and securing its passage gave him rank among the strongest and most useful Representatives. He had already, in the Forty-eighth Congress, given evidence of that remarkable grasp and perception of parliamentary evidence of that remarkable grasp and perception of parliamentary law which was speedily to develop until he became one of its ac-knowledged masters. It will be remembered that the seat of Hon.

knowledged masters. It will be remembered that the seat of Hon. John G. Carlisle, the Speaker of the Fiftieth Congress, was contested. This made it improper that the members of the Committee on Elections, which would be charged with the duty of examining into and reporting upon this contest, should be appointed by him. It was therefore provided that the committee should be chosen directly by the House of Representatives.

Hon. Henry G. Turner, of Georgia, then, as now, an honored Representative, had been chairman of that committee in the Forty-ninth Congress, and in that capacity had rendered most useful and distinguished service. He declined to serve longer on that committee. Judge Crisp's power in debate, professional acquirements, and aptitude for parliamentary management had been so notable that, as by one impulse, his Democratic colleagues, though against his will, selected him for the chairmanship of the committee. His work in connection with it was of such high order that when the Fiftieth Congress ended he had greatly advanced himself in public estimation as well as in the regard of his colleagues. In the Fifty-first Congress, which had passed under leagues. In the Fifty-first Congress, which had passed under Republican control, he was the senior member of the Democratic minority of the Committee on Elections. Though not holding a committee assignment of such character as according to the precedents invested him with the highest rank, yet, immediately upon Mr. Carlisle's retirement from this body to occupy the seat in the Senate to which he had been elected, by sheer force of his remarkable fitness he immediately forged to the front and seized the actual, substantial leadership of his party, which was never wrested from him until he had closed his eyes in his last and eternal sleep. No good purpose can be subserved by recalling the fierce and frequent struggles which marked the stormy career of that Congres

It is sufficient to say that this gallant and courageous leader was ever in the thick of the fight, battling bravely for the right as he saw it, and that amidst all the heat and fury of the turbulent scenes then enacted his mind was ever clear, his aims definite, his purpose unfaltering, and his poise of character so magnificent and superb as to challenge the respect and admiration of the whole

country. When it became known that the Fifty-second Congress would have a Democratic majority, he was at once a candidate for the Speakership. His candidacy was not of his own making. It came about upon the insistence of a large number of his party colleagues, who, witnessing his steady growth, the wonderful versatility he had displayed in the discharge of every duty to which he had been assigned, and, above all, the masterful qualities which had distinguished his conduct amidst the trying events of the Fifty-first Congress, desired that he should be elevated to the Fifty-first Congress, desired that he should be elevated to the Speakership and charged with the grave responsibilities pertaining to that exalted office. The contest over the Speakership of the Fifty-second Congress was one of the most memorable in the annals of the House of Representatives. With no external influences to aid him, victory came to him through the sheer force of his strong and attractive personality and the profound admiration excited by the eminent services he had rendered his party under circumstances which displayed to advantage his great and forceful qualities. During this contest hitter attacks were made forceful qualities. During this contest bitter attacks were made upon him from many sources, but his character was so lofty and his qualifications so conspicuous that the shafts of misrepresentation and calumny fell harmless at his feet. He did not regard his election as in any sense a personal triumph, and I know that he entered upon the duties of the office of Speaker with as pure and patriotic emotions as ever animated the human breast.

The difficulties and responsibilities attendant upon that office are known to few outside of this Chamber, and in all their de-

tails they are not fully appreciated by many of us here. Speaker appoints all the committees of the House. This pow This power of appointment, conferred upon him by our rules, enables him in a large measure to give color to all important legislation which may be proposed by the several committees. The pressure upon him by members of the House for such assignments as their ambition or tastes may lead them to desire is persistent and tremendous. While he can not and should not turn an indifferent ear to the while he can not and should not turn an indifferent ear to the claims of his friends and supporters, yet he must not forget that the responsibility for legislation rests largely upon him, and that beyond certain limitations, if he would have the best work done, he can not afford to be influenced by personal considerations or the inclinations of friendship. And in any event, even where all considerations are equal, his appointments can not be shaped so as to exist which expressions or desires of all

as to satisfy the expectations or desires of all.

Under the rules of the House, very few of the committees have the privilege of calling up for consideration at any time bills reported by them. Committees not possessing this privilege, and members interested in bills reported by them, are constantly immembers interested in bills reported by them, are constantly importuning the Speaker to allow such measures to be acted upon. This imposes upon him the burden of examining these bills, passing judgment upon them, and determining whether or not he will intervene to secure their consideration by the House. In the very nature of things he feels the necessity in the large majority of instances of this sort to refuse his intervention. While the Speaker is not so separated from the membership of the House as that, as in the case of the speaker of the British House of Commons, he must cease to be a partisan when he assumes the duties of his office, yet as to all questions not involved in party policy it is incumbent upon him to deal fairly and impartially with all of the members of the House. A man so constituted that he can not as members of the House. A man so constituted that he can not as to such nonpartisan questions be absolutely just and equitable is to such nonpartisan questions be absolutely just and equitable is not qualified for the office of Speaker. No man can satisfactorily discharge the functions of the Speakership who is not a good judge of human nature. He must understand that there are "many men of many minds;" that peculiarities of temperament exist among the members of this House as elsewhere; that some of them are insistent and persistent, while others are diffident and shrinking; that some are extremely sensitive and easily wounded while others. that some are extremely sensitive and easily wounded, while others are phlegmatic and not of so fine a mold; that self-assertiveness and loquacity are not always, or even usually, accompanied by the best ability, and finally, that, generally stated, each member is fairly striving to serve his constituency according to the lights before him.

How well Judge Crisp met the requirements of the Speaker's office there are many here and elsewhere who can attest. His kindly and patient consideration of all requests made of him was notorious. He was always accessible, and neither by word nor manner gave offense to those whose official duties compelled them to approach him. Amidst all the pressure upon him, even after his health was broken and the burdens of the office seemed more than he could bear, as Clarendon said of the great Hampden, "He preserved his own natural cheerfulness and vivacity, and, above all, a flowing courtesy to all men." Indeed, his nature was so kindly and his desire to possess the esteem and friendship of his colleagues so intense that even when it must have cost him great effort he would assume that cordial manner and cheery emile so effort he would assume that cordial manner and cheery smile so familiar to all of us in this Chamber. In dispensing the privileges at his disposal regarding the proceedings of the House he was absolutely impartial, and neither friend nor foe ever suspected that he had not received from him fair and equitable treatment.

As a presiding officer he has had few equals. His presence in the Speaker's chair was so fine and manly, his voice so full and resonant, and his alertness and power in dealing with parliamentary problems so manifest, that it was always a pleasure to on-lookers to witness the superb manner in which he presided over our deliberations. Misunderstandings and collisions between members sometimes occur to mar the proceedings here, and of these he had his share, as was to be expected in view of his strong character and prominent position. But he never sought to provoke these troubles, and I have many times heard him express the keenest regret that he had been drawn into them. He was a very ambitious man, but his ambition was to render he was a very amountous man, but his amount was to render honorable service to his country, and not to exalt himself. He believed in the teachings, principles, and traditions of the Demo-cratic party, and therefore was an earnest partisan. But his par-tisanship was not of that cheap quality which eternally proclaims itself lest it be overlooked, nor was it ever displayed in such man-ner as to be personally offensive to others. While his opinion ner as to be personally offensive to others. While his opinion was firm upon all subjects that he had investigated, he was more than scrupulous in yielding respect to the judgment of those who differed from him. He recognized the right of all men to think for themselves, and imputed no improper motives or lack of ability to those who had reached conclusions and expressed opinions different from his own.

ability to those who had reached conclusions and expressed opinions different from his own.

This fairness upon his part was ever displayed in his official capacity as Speaker, as well as in private intercourse. During the extra session of 1893, when the House of Representatives was called upon to deal with the important financial question then presented for its consideration, although he was an earnest advocate of the free coinage of silver, his official conduct was so fair and exempt from all personal bias or prejudice that no man, whatever his views may have been, could have pointed to any word or act of his upon which to base complaint or criticism. And as in this instance, so it ever was with him in dealing with great public questions. I do not hesitate to affirm that throughout his Congressional career, from its beginning to the end, he displayed the highest qualities of leadership, and that he was ever guided by aspirations and sentiments altogether ennobling. The distinguished Speaker of this House, in a telegram of condolence sent upon his death to his bereaved widow, truly said that his loss is the country's. He had rendered his country great and valuable service, and being yet in the prime of life, he had abundant resources upon which, if his life had been spared, he would freely and proudly have drawn in its interest and behalf.

His services as Speaker of the Fifty-second Congress were so notable and satisfactory to his party that he was reelected to the Speakership of the Fifty-third Congress without opposition, and in the Fifty-fourth Congress, which had passed under Republican control, he was complimented by the unanimous vote of his party associates for that office. During the Fifty-third Congress he was tendered by the governor of Georgia the anonimment as Senator.

associates for that office. During the Fifty-third Congress he was tendered by the governor of Georgia the appointment as Senator to fill the vacancy created by the death of Senator Colquitt. It was no small part of his ambition to represent his State in that august body. Accompanying this tender came telegrams from distinguished citizens of Georgia who aspired to the vacant seat in the Senate, pledging him that if he would accept the appointment he should have no opposition for election before the legislature. He did not feel that under the existing circumstances he would be justified in vacating the Speakership, and therefore promptly put aside the tempting object of his ambition. In talking with him on the subject, I suggested that the opportunity to attain a seat in the Senate might never come to him again, and insisted that he was not called upon to perform such an act of self-abnegation. Other friends tendered him similar advice. He could not view the situation in that light, and so, placing country and party above self, he declined the great honor, and so far as outward appearances indicated, without the slightest pain or even regret. And yet I knew, as many of his friends did, that he desired almost above all things to be a Senator from the State of Georgia. No finer act was ever performed by a public man, and it is in itself ample proof of the nobility of his soul and the loftiness of his character. The people of his State, remembering his unselfish sacrifice, upon the announcement by Senator Gordon in the spring of last year that he would not seek reelection, promptly determined that Judge CRISP should be his successor, and although considerable effort was made to organize opposition, yet the admi-ration and respect of the people for him was so unbounded that it was swept away like chaff before the wind; and at general pri-maries held throughout the State in the summer and fall of 1896

he was chosen as the Democratic nominee by a substantially unanimous vote. But the legislature of Georgia was not permitted to ratify this verdict of the people by investing him with formal title to a seat in the United States Senate.

The disorder from which he had long been suffering suddenly struck him down on the 23d day of October, 1896, and, as with Moses of old, when in sight of the goal of his ambition, his noble spirit took its flight from all earthly scenes. The deep and wide-

spread regret which at once, through telegrams, letters, resolu-tions, and otherwise, manifested itself in all sections of the coun-try gave evidence of the profound impression created throughout the United States by his eminent public services and of the high and affectionate esteem in which he was almost universally held. In the State of Georgia, upon which his splendid career had reflected such honor, the grief of the people knew no bounds, and was man-In the State of Georgia, upon which his splendid career had reflected such honor, the grief of the people knew no bounds, and was manifested by many and impressive public ceremonials. For a time his body lay in state in the capitol at Atlanta, where multitudes of both sexes and of all ages and colors thronged to view it. It was then carried to his home in Americus upon a special train, escorted by the whole body of State officials and a delegation of judges in behalf of the judiciary of the State. At all the stations along the route vast crowds gathered, in many instances accompanied by military organizations, and often insisting upon having the casket opened that they might once more behold the features of their honored dead. In Americus, his home, where he was revered by his neighbors for his great achievements and loved for his affectionate and generous nature, upon every building, whether private or public, emblems of mourning were profusely displayed. Large delegations from every community in his Congressional district gathered there to participate in the funeral rites. On the 25th day of October, amidst the tears and lamentations of that vast assemblage, our honored friend and distinguished colleague was tenderly laid away in his last resting place.

I have not yet spoken of his domestic relations; indeed, I scarce know how to speak of them. They may be summed up in the statement that he was a devoted husband and a loving father. I doubt if in his family circle a harsh word or rude sentiment ever escaped his lips. When with his wife and children his sweetness of temper, gentle care, and kindly consideration were beyond all power of description.

The character of our distinguished friend easily accounts for the true and real leadership acquired and so long retained by him

The character of our distinguished friend easily accounts for the true and real leadership acquired and so long retained by him in the House of Representatives and elsewhere. I say elsewhere, for, as I have already pointed out, he was under all conditions and circumstances a true and real leader. He was wholly exempt from every species of charlatanry. He had no trick of voice or deportment to distinguish him from others. He never strutted or noted or affected an air of wisdom or resent of the particular of the second of the seco or posed, or affected an air of wisdom, or assumed a patronizing manner. In social life he never discoursed, but contented himself with conversation, and that was always frank and polite, and especially marked by kindly consideration for others. He did not need to be bolstered up by such cheap and tawdry devices. For affectations of all sorts indeed he had great contempt, often saying that they are the sure concomitants of weakness and vulgar-ity. His official conduct was ever courteous and dignified. Though possessing great faculty for retort in debate and making use of it whenever it seemed to be the most effective weapon, yet use of it whenever it seemed to be the most effective weapon, yet it was of the kind that, though smarting at the time, left no permanent sting behind it. His sagacity was such that he rarely took a false step in the management of the cause he had in hand. His success is largely attributable to the fact that he lost sight of himself entirely while discharging his official duties. I doubt if he was ever suspected of performing for the sake of self-aggrandizement. His integrity of purpose so far as I know was never questioned, and I am sure that it could never have been successfully impeached. The traits I have described, coupled with industry, unceasing vigilance, exceptional power in debate, and a fully impeached. The traits I have described, coupled with industry, unceasing vigilance, exceptional power in debate, and a mental poise which nothing could disturb, commanded the admiration, respect, and confidence of his party colleagues and caused them instinctively to turn to him for advice and counsel. They knew that he faithfully endeavored to serve his country and party; that no desire for personal preferment ever marred his purpose or directed his conduct; that he was alert and sagacious, studious and thoughtful, careful and prudent. Such a man could not fail to be a leader, no matter what might be his environments. My personal devotion to him was great, and I had abundant cause My personal devotion to him was great, and I had abundant cause to know that it was fully and cordially reciprocated. It gives me infinite pleasure to reflect that the friendship between us was never impaired, and that to the very last I was the recipient of his love and confidence. With me no other can take his place.

Mr. DALZELL. Mr. Speaker, it seems difficult of belief that, while we are engaged from day to day in the routine of Congressional life and strife, one who but lately was in the forefront of every battle on this floor is sleeping his last sleep in the soil of his Georgian home. It requires our positive knowledge of a melancholy fact to persuade us that a glance across the aisle will not disclose his presence in his accustomed seat. His cheery voice, his kindly look, the warm grasp of his hand, I can hardly realize that they may not be with me on the morrow. But they will not. He who was the leader of his party here and a potential factor when the first session of this Congress ended, ere its second session began, at the call of Providence, joined the great majority who have "passed over the river and are resting under the shade of the trees." The thoughts suggested by an occasion like this, while they are of the most solemn, interesting, and suggestive character, are, nevertheless, trite and commonplace in their expression. True, they bring us face to face with the unsolved and insoluble problem of immortality. But death is the common destiny of all. Men have been dying since the world began; and with each death the same queries have been made, and have failed of answer. There is no oracle outside of Revelation to make reply. What that country is, or whether any, to which we all are bound no man shall know save the emigrant thereto. From him no answer comes; and philosophy and speculation are vain. There is no retreat save to the faith so aptly defined by the great apostle as "the substance of things hoped for, the evidence of things not seen."

In bringing my humble but sincere tribute to the memory of Charles F. Crisp, I shall not undertake to recite at any length the history of his life. Others more familiar with its details will do that, and they will do it lovingly. The merest outline of it is sufficient to prove him to have been a man of mark. Born to an inheritance of struggle, without the advantages of wealth or influence or great name, his native virtues, and these only, were the factors in the problem of his successful fortune. His education was only that of the common schools—the common schools that so many times have been the grand universities productive of the highest type of American citizenship. The greatest of modern English poets has idealized such character in his conception of—

Some divinely gifted man,
Whose life in low estate began
And on a simple village green;
Who breaks his birth's invidious bar,
And grasps the skirts of happy chance,
And breasts the blows of circumstance,
And breasts the blows of circumstance,
And grapples with it his evil star;
Who makes by force his merit known,
And lives to clutch the golden keys,
To mold a mighty state's decrees,
And shape the whispers of the throne;
And moving up from high to higher,
Becomes on Fortune's crowning slope
The pillar of a people's hope.

The language of eulogy, Mr. Speaker, is too apt to be the language of extravagance, and the extravagant eulogist overleaps his purpose. I would avoid that danger, and putting aside so much of the poet's language as would be extravagant here, will simply say that the boy of nameless birth who by his own inherent strength became the Speaker of the House of Representatives of the American people has a right to be ranked as one who made by force his merit known, and lived to mold a mighty State's decrees.

can people has a right to be ranked as one who made by force his merit known, and lived to mold a mighty State's decrees.

Into the panorama of our friend's life there are woven many pictures. From a schoolboy he became a soldier; left home and kindred to follow the flag that stood to him for the right. That was not our flag. From our standpoint, he was mistaken; from his, he was a patriot. The time has long since gone by when dispute over that question may be had. And when he was borne, mid the lamentations of his people, to his last resting place, he could not have had (and I doubt not he himself would have said so) a more welcome shroud than the Stars and Stripes—the symbol of an indissoluble Union cemented in blood.

In civil life, with great distinction, he illustrated the versatility of American genius and the grand possibilities of American citizenship. It is characteristic of the American that he is a man of many sides. A possible ruler as well as one ruled—a factor in the creation and maintenance of enterprises which, under our system of government, depend upon individual effort instead of governmental, his education is that of experience, and is practical and varied. The life of our deceased friend proves the truth of this observation.

varied. The life of our deceased friend proves the truth of this observation.

He was a lawyer of mark—first, solicitor-general of his circuit; then clothed with the spotless ermine of a judge. It is said of him that in both of these capacities he measured up to the full stature of a perfect manhood. Retiring from his judgeship, he became the representative of his State on the floor of this House. Here there is no need to sound his praises. They are part and parcel of the plain records of the American Congress.

the plain records of the American Congress.

During his period of service many questions of national importance enlisted legislative attention. His attitude with respect thereto was the attitude of his party; and he was ever at the fore in the assertion and maintenance of that party's principles. All honor to him for that! All honor, say I always, to the man of strong and honest convictions who has the courage to stand by them!

In the assertion and maintenance of his chosen beliefs he was ever a leader. He possessed the elements of leadership. He was bold, aggressive, logical, convincing. He was inspiring; men loved to follow him. He was as brave in defeat as in victory. His leadership asserted itself; and by the choice of his party during two Congresses he presided with dignity in the great office of Speaker of this House.

I do not say that he was always right. I do not say that he had always impartial, considerate, and just.

no faults. Far from it. He was a strong man and gentle; and his faults, such as they were, were overborne immensely by his virtues; and we have now no memory save for the latter.

And so now, with this simple tribute to his memory—so far short of its deserving—I leave him to his conspicuous place upon the roll of the nation's illustrious dead—among those whom the world delights and will continue to honor.

Mr. RICHARDSON. Mr. Speaker, on the first Monday of December, 1883, as a member of the Forty-eighth Congress, Charles Frederick Crist took his seat in this House. Idid not know him until the beginning of the Forty-ninth Congress, the first to which I was elected. Very early after the organization of the Forty-ninth Congress I was assigned to membership on the Committee on Pacific Railroads, of which he was also a member. In the arrangement of seats at the table of that committee I was placed by his side, and in this way first made his acquaintance. I was a new member, and although he had had then but one term, I found he was entirely familiar with all questions before the committee and that its able and efficient chairman, the Hon. J. W. Throckmorton, of Texas, and the entire committee trusted implicitly his opinions and his judgment.

The acquaintance thus formed between us grew into perfect friendship. There was never an incident of any kind or character from the date of our first meeting, through all the long years we served together in this House, that marred that friendship. It remained unbroken to his death. The reflection that throughout all his services here I had his esteem, his respect, and his friendship is a source of supreme satisfaction to me.

As a younger member of the House in service he always gave me his encouragement; as a coworker in committee he gave me his assistance; and finally when he came to the highest position in the gift of this body, I rejoice to know I enjoyed his confidence and support. Each time when he sought the Speakership it was my pleasure to cast my vote for him; and on the occasion of his last nomination to that elevated station I had the honor (which I regarded a high one) by his request to formally present his name. On that occasion, among other things, I said:

name. On that occasion, among other things, I said:

The very pleasant task has been given me of placing in nomination for Speaker of the House in the Fifty-fourth Congress a gentleman who is my warm personal and political friend. It goes without saying that this gentleman has already been named for the position in the hearts of all of us here assembled, and it only remains for the formal words to be spoken. When the Fifty-second Congress was about to assemble, just four years ago now, there appeared in this Chamber 240 of the chosen Representatives of a hopeful and triumphant Democracy. Then it was after a sharp and brilliant contest, the gentleman I am to name was placed in the Speaker's chair. Two years later, when about 215 members of our party met here for a similar purpose, with the experience of a past Congress to guide us, with full knowledge of his honesty, capacity, and ability, he was by unanimous action and with hearty acclamation again chosen our leader. We come now a small band of patriots, so far as numbers are concerned, to say again he is our choice for this responsible office, but we recognize the fact that this time our declaration is impotent.

The roll was called, and he was unanimously chosen as our

It will not be expected of me on this occasion to enter into an account in detail of his long and useful career as a member of this House and a citizen of Georgia. This has been done to-day by others of this body by whom these things are said more appropriately than by myself. I shall content myself with speaking of him in a more general way.

The effort on my part to fully describe the loss the country, and more particularly the Democratic party, sustains by his untimely death would be a failure. There is no man in public life to-day who could not better be spared than Charles F. Crisp. His place may be taken, but it can not be filled by any other Representative.

He enjoyed to the fullest capacity the confidence of his party, not only on this floor, but throughout the Union. Those who differed with him here and elsewhere entertained for him marked respect. His powers in debate were of the very highest order, as all can testify who ever thus met him. He was always cool and clear-headed, and often quite aggressive. His courage was unsurpassed, as his supporters and opponents all will bear witness. His honesty was never questioned. His conduct was always above reproach. Called to the responsible and exacting duties of Speaker of the House, he met these responsibilities and duties in such manner as to reflect not only honor and credit upon himself and his party, but upon the entire country. In the chair he was always amiable, yet always positive. He was gentle, yet stern when duty demanded stermness in the Speaker. He loved to do deeds of kindness as a presiding officer, but never did them when it was improper to do them or when they were to be done at the expense of his office. He was gifted in the statement of all questions and was a talented parliamentarian. He was at all times composed, and while others grew excited, his self-possession was never for a moment disturbed. He was firm in his administration of the affairs of the House, and at times was quite emphatic, but he was always impartial, considerate, and just.

There are times, we all know, in this body when amidst the excitement incident to debate on exciting political questions, when party feeling is running high and bitterness of expression is freely indulged, to preserve order and fair decorum the occupant of that chair is called upon to exercise and must, in his discretion, exercise great powers. Yet during all his experience through many trying and exciting scenes he never exercised those powers rudely or too arbitrarily. He never on such occasions abused the prerogatives and powers of the Speaker or brought his high office into contempt

I would not be understood as saying or insinuating that he was not a partisan, or, more strictly speaking, a party man. He was a strong believer in the principles and tenets of his party, and this with a man of his pronounced convictions and courage necessarily made him more or less a partisan; but his partisanship was never exerted at the expense of his patriotism. Though a partisan he

was not a fanatic.

His experience as a lawyer and judge made him conservative and fair-minded. He never for one moment permitted his partisanship to provoke in him bitterness of feeling or expression or to render him uncharitable toward his political opponents or those with whom he differed. He never impugned motives when engaged in controversies nor assailed character in partisan warfare.

His public record covers a period when courage, high ability, and absolute integrity were required to meet grave and important exigencies. It is a proud satisfaction to know that his connection with the history and his appearance in all these exigencies and emergencies were wholly honorable to himself and conspicuously

serviceable to his State and country.

In unofficial life he was given best opportunity to display those splendid traits of character which in him were so pronounced and distinguished. I have said he was honorable and just as a public man and presiding officer; so he was sincere and true as a private citizen. His was a changeless sincerity. He was never in disguise. He was the soul of honor. He had a contempt for everything low, mean, or sordid. Highly endowed as he was by nature and his own training, with so many estimable traits, his influence over men was almost without limit.

He had no compromise to make with that which was wrong, and held with much tenacity to that which he believed to be right

He was warm-hearted, genial, and social in his nature. enjoyed the companionship of friends, and made it both pleasant and agreeable for them to be with him. High toned, manly, and dignified in manner and conduct, he treated everyone, both high and low, in fashion becoming a gentleman, and expected like

He was in every respect a most lovable man.

All who came in close acquaintance or contact with him became his friends and admirers. He was a genuine type of the best element of the South. He was called before his work was finished. He did not die of old age or lingering delay.

His eye was not dim, nor his natural force abated.

He was an active worker until his life closed. The full measure of his capabilities had not been reached, and his career was incomplete. He was full of ambition, but was never sordid and venal. His ambitions were all noble.

One of his highest ambitions, as I have heard him say, was to represent Georgia in the United States Senate. Yet he was so self-sacrificing to his conception of the true sense of duty that when the coveted seat was graciously tendered him by the governor of his State, he declined it, saying his first duty was not to himself, but to the House of Representatives, which had honored

He held the high office of judge before being elected to Congress, and also filled other positions of responsibility and dignity in his State. In the late war between the States he was a courageous From his early manhood until death ended his bright and enviable career his pathway had been strewn all along with honors, his hands filled with trusts confided to him by his fellowcitizens, his brain continuously occupied in anxious and arduous thought, his body often taxed to the utmost of physical endurance, but his course had been steadily and unfalteringly upward.

When the end came there was no stain upon his name and fame.

He died in the maturity of his strength and in the fullness of his The position he attained in his country's pantheon is an one. His name will survive long in the history of his elevated one.

State and the country.

A familiar writer has said, "There is no antidote against the opium of time," and that "Gravestones scarce tell the truth forty It is vain for any man to hope for immortality, or for patent from oblivion, for there is nothing really immortal but

immortality.

It is a fact that only twenty-seven names of the multitude who lived make up the world's history before the Flood. The greater part of humanity by far must be content to be as though they had not been, and be found in the register of God and not in the record

I will not disparage the names of those who have gone before him in the high office of Speaker of this House. Many of them have been men of great renown and adorned that exalted sta-tion, but none of them surpassed him in zeal and devotion to duty, none surpassed him in patriotism, honesty, and courage, and none exceeded him in energy and integrity. The best that can be said of any of them can be truthfully said of him.

His splendid and successful career was cut off when he was in his highest usefulness, and all must realize the irreparable loss his State and the Republic sustained when his incompleted life

was terminated.

The story of his life illustrates what energy, honesty, integrity, and devotion to duty will achieve. That story will illumine the and devotion to duty will achieve. That story will illumine the brightest page not only in Georgia's history, but that of our whole country; and his name, which passes as an invaluable heritage to his grief-stricken widow and children, will be preserved and perpetuated in spotless purity through a long hereafter.

[Mr. BARTLETT of Georgia addressed the House. See Appen-

Mr. McMILLIN. Mr. Speaker, it is sad to have those at any time of life go from us who are capable of serving their country. But to have the gifted and patriotic taken in the prime of life, when ability is at the zenith, when the enthusiasm of youth is happily blended with the discretion of age, is the greatest loss the State can sustain in the death of the citizen.

State can sustain in the death of the citizen.

Such was the case in the death of Judge Charles F. Crisp.
He had by hard work and superior intellectuality fought the battles of early life and won. He had attained an eminence in his State and country of which any man might be justly proud. He had the respect and confidence of his party and people in a very high degree. His State stood ready to bestow upon him still greater honors. His country was ready to applaud and ratify anything his State did in his honor. A future full of brightness and distinction lay before him when the relentless reaper came and claimed the harvest.

claimed the harvest.

Judge CRISP was one of the young men of the South who came on the stage just in time to see his country rent asunder and dison the stage just in time to see his country rent asunder and distracted by a fierce fratricidal strife. Brave and enthusiastic, he united his fortunes with those of his State and section and risked his life in behalf of what he thought was right. The close of the war found him still a youth in a land devastated by the ravages of war, with its agriculture prostrate, its educational institutions closed, many of its young men buried on the battlefield, and sorrow and waste hanging like a pall over the whole land. Such had been the ruin around him that of the 11,000,000 people in the South the combined wealth of 7,000,000 would probably not have aggregated half a million dollars. Ruin stalked abroad where prosperity had only a few years before smiled on the whole land. There was everything to discourage, there was everything to dismay. Such were the scenes which surrounded this young man

Such were the scenes which surrounded this young man on his return from the greatest war of modern times, and the greatest civil war of history. Like many other noble and strong young men of that day and land, Judge Crisp saw these discouraging surroundings without dismay. Instead of giving up because his educational advantages had been restricted by these patriotic duties, he cast about him for the best means of restoring his country to its former prosperity and its prestige. He did not give up the struggle of life because the struggle at arms had been unsuccessful. He had confidence in the strength of his people, the resources of his land, and the power and permanency of free institutions. Others who have preceded me have given so minute an account of his action at that period, the exertion he made, the success he attained, the trust reposed in him by an appreciating people, that it would be out of place for me to reiterate these, but it may be truly said that he was one of the hard-working and potent agencies in reviving the drooping spirits of the people around him, and in building up the waste places of his loved land. Notwithstanding he died so young, he lived to see the agriculture of his country rise again to its feet. He lived to see the sails of commerce whiten the ocean and Gulf around him. He lived to see his own State one of the leaders in the manufacture of the ocean and Gulf around him. of the cotton it produced. He lived to see the iron smelted in the valleys through which he had recently fought force its way by its superiority or cheapness to the markets, not only of this country, but many of the markets of the Old World. He lived to see educational institutions spring up anew where they had been paralyzed or destroyed by war. He lived to help return the ballot to his comrades in arms from whom it had been taken, and he lived to be a potent agent in resisting Federal interference with State elections, and in taking from the statute books the laws which tended to give undue influence to Federal power in the elections of the people.

Although Judge Crisp died so young, if we judge his life by its

activities, its accomplishments, its successes, we may truly say he had a long and eventful public career. I knew him well, having

served with him during his whole term in Congress, and being connected with him in committee service at the time of his death. He had a quick perception, a strong understanding, and a genial disposition. Having lived in the same hotel with him for a considerable period, I knew his domestic life as well as his public. The same gentleness in demeanor which characterized him when associating with his fellow-men he carried to the family circle intensified. At the hearthstone, in the midst of his family, he was all that could be expected of the husband and father. As a member of this House he was watchful and painstaking. As its Speaker,

when presiding over the House, he was courteous, ready, and firm.

Mr. Speaker, in the death of Judge Crisp his State has lost an able and patriotic public servant, and our institutions a zealous advocate and a strong defender. To his family every member who served with him and knew him will join in most heartfelt expres-

sions of sympathy

Mr. Speaker, the State of Kentucky, soon after the close of the Mexican war, erected in the cemetery at her capital a beautiful monument to her sons who fell in that war. The gifted Theodore O'Hara recited at its dedication a poem he composed for the purose. He was afterwards a comrade in arms of Judge Crisp, and I know not how better I can express the feelings of his associates here from whom he has been taken than by quoting the words of his comrade spoken at that monument:

Nor wreck, nor change, nor winter's blight, Nor time's remorseless doom, Shall dim one ray of holy light That gilds your glorious tomb.

Mr. CUMMINGS. Mr. Speaker, Tarquin, tyrant of Rome, once signified a desire to cut off the heads of his tallest nobles. If nobility of nature had been the standard, and CHARLES FREDERICK Crisp had lived under his dominion, he would certainly have been in danger. Nature had fashioned him with the greatest care. In the class for which she had designed him she had left a space very near the head of the list wherein he was to write his name. To fit him for it, however, his training was to be severe and varied. Man, soldier, jurist, he acted his part well; but it was as orator and statesman that he was to round up his career. tudes that intervened taught him endurance, faith, hope, and constancy; so that when he arrived at his destined service he was fitted for the tremendous encounters he was to endure.

He entered the lists with extreme modesty. His voice was low and soft, his demeanor graceful, his manner unobtrusive. He knelt at the shrine of the people, and rose knighted, the defender of their rights—a new champion in the lists. Among the throng he was hardly noticed, but he placed himself in front of his charge. When the poachers of power threatened his preserves,

he started up-

Not like a stag that spies the snare, But lion of the hunt aware.

In the grapples that ensued he first leveled the approaches, that the contest might be fair. Then he stormed the citadel his adversary had set up. With herculean power and unyielding constancy he made every crevice feel his incisive assaults, and every salient the unabated force of his well-trained battery. When demolition ensued and all was over, he made the ruin effulgent with instruct-

I might here close this sketch, satisfied that I had given an outline of the characteristics of this noble man; but he was my friend, at times my leader, always my instructor, and I feel it a duty on this occasion to fill it up with such observations on his career as

my knowledge affords.

I shall speak of him with something of the suppressed emotion with which Antony struggled over the dead body of Cæsar, though in their lives there was little analogous, and in their death nothing whatever. Neither have I any motive, as the Roman had, for playing the cunning orator. To those who were here with him I need not say that his conduct was most noble under all circumstances; to those who were not here I will say they have missed an exemplar whom they could have studied with advantage. Questions of tremendous import, of vast national importance, shook this Hall during his membership. Call to mind the great struggle over the force bill; the lesser one over the McKinley bill. The first he opposed because he believed it a blow at the attributes of citizenship, sapping the foundations of our polity; the second because he deemed it the vicious outgrowth of a false political economy. All that party zeal, great research, and eminent ability could command clashed in these combats. At times the House swayed and tossed like a forest heaving to a tempest. When the storm had swept by and decorum had returned, such is the tenacity

his well-filled quiver he drew no poisoned arrow, for he knew that passion and judgment could have little fellowship, and he was

His oratory was not overvehement. It flowed with regimental precision, close-ranked, animated, and confident. His bearing was always superb. I never knew him halt for a word, or at fault for an illustration. When the situation warranted, he would light up the House with the liveliest display of humor. In attributes, in political tenets, and in his manner of illustration, he might not inaptly be called the John Bright of the American Commons.

His bouts with our distinguished Speaker, eminent for his talents and his audacity, were of thrilling interest.

Flashes of lightning and mutterings of thunder betokened the

It was like those intense situations we have so often seen upon the stage, where the future is threatening and the outcome dubious. It was not in the nature of either to give an inch of ground. When they had thus met in full career, and the strength and mettle of each had fully proved themselves on the other, they generally unlocked, if I may so express it, with something like defiant courtesy. Each had triumphed over the other for the Speakership; each could generously and truthfully say of the other: "Great let us call him for he congagged me."

Many of us remember CRISP's contest for the Speakership. It was his ambition to preside over the House, of which he was so devoted a member. His party dominated by an immense majority and were privileged to caucus for the prize. The contest was intense enough to unsettle nerves not proof against disturbance. From first to last he was threatened with defeat. Yet no ripple Yet no ripple ment. When was observable in his even and well-sustained deportment. When proclaimed victor he received the honor with thanks, emphasizing that he was conscious of the responsibility it imposed and mod estly showing he was confident he could meet its claims. His address on taking the gavel was a model of brevity and almost touching in simplicity. Here it is:

Gentlemen of the House of Representatives: For the great honor you have conferred upon me I return you heartfelt thanks.

I shall endeavor to discharge the duties of the office of Speaker with courtesy, with firmness, and with absolute impartiality. Let us unite in the hope that our labors here may result in the advancement of the prosperity, the honor, and the glory of our beloved country.

The words "our beloved country" flowed into the speech with as sweet a cadence as ever sprang from human heart and fell from

human lips. By unanimous vote the House afterwards signified that he had fulfilled his highest promise.

It was during his Speakership that his constancy was severely tried. His highest ambition was to be a Senator of the United States; but he desired to win the honor by services faithfully rendered to his State and people. A vacancy in the Senatorship occurred. The governor of Georgia tendered it to him. He had but to accept it and walk into the other House. He put it instantly aside to serve out the term for which he had been chosen. Duty chained him to the House, and that was a chain at which he never strained. In such estimation was he held by the people of his State that on the first occasion that offered itself they over-

whelmingly designated him for the high position he had declined.

Such, Mr. Speaker, was your predecessor as I saw him and knew him in this House for many years. But there was a softer and far more tender shade to his character. It was his love for his home and family. I saw him and knew him in his typical Georgia home. I have conversed with him for hours while the mocking birds flooded the air with music and the sweet perfume of the cape jessamine was wafted to the porch. I have marked his devotion to an invalid wife, his tender affection for his children, and his generous care of old and tried servants emancipated in the war. I have sat at his table. Morning, noon, and night have I seen him bow his head and heard him ask God's blessing upon the food spread before him and his. It was a family united in love and affection—one in which the good old Southern term of endearment, "honey," was not forgotten. The children honored the father and the methor and the method of the father and the method of when the funeral procession passed the house, the words "His old home" were affixed in flowers above the gate. They had been placed there by his neighbors. It was thus he passed to a new home in the hereafter.

But his brilliant attributes will remain a resplendent memory, and when bereft of all human vanity, as I hope we may be, many of us, I am sure, as years go by, will declare with wholesome pride, "I was a member when CRISP was Speaker."

Mr. HERMANN. Mr. Speaker, it is related of a great historic character whose portrait was being painted that when the artist suggested he would eliminate from the picture a mole upon the of party ties that alignments were found to be hardly affected.

How often, amid the wildest commotion, have I seen CRISP rise calm, dignified, and graceful, confident in the justice of his cause, spurred on by duty, and by his almost faultless diction, his earnest manner, and his all-sweeping logic soothe the struggling elements. Members might not agree with him, but they would listen. There was no malignity in him, nor even asperity. From lines, I esteem it a high privilege to unite with other associates in expressing this my tribute of respect, of love, and admiration for the life and character of this distinguished statesman.

him as I always found him.

It seems but yesterday that we beheld in yonder chair the genial face and well-remembered form of him whose eulogy we now speak. Whether as the presiding officer of this House or as the unassuming and always courteous member on the floor, his presence was such as to invite the most kindly attention from his associates as well as from the on-lookers in the gallery. Though one of the most devoted to any task undertaken by him, yet in the performance of that duty there was always shown a ready willingness to suffer interruption and with patience to answer either friend or opponent, and with equanimity to continue. A remarkable trait possessed by ex-Speaker CRISP was in his complete self-government. In all the debates in which he participated— and it was his lot while a member to participate in some of the most exciting controversies known to our annals—he maintained a manly self-possession, a placid, undisturbed, and unruffled tema manly self-possession, a placid, undisturbed, and unrumed temper, and a hold on his subject which eminently fitted him to occupy the trying position of leader of his party. It must have been a pleasure and a pride among his partisans to follow such a leader. There was an absence of egotism, of arrogance, of captiousness, of hauteur in his character. To the young members, more than all, will his memory in this respect be cherished.

The leader of a party in this House can, if his self-will so ordains, discourage and permanently impair the future of many a young member, while he can also encourage, aid, and incite him to the best efforts. Nothing so delighted Judge Crisp as to rescue, by kindly suggestion or active aid, the embarrassed young member floundering in some trying debate or entangled in the parliamentary procedure of the House. Never was there a member of this body more approachable, more seemingly unconscious of high honors, and yet more dignified and more in place than he. The best test of his splendid character, however, was that which he soon developed in the Speaker's chair. In this exalted place the occupant too often abandons his previous cordial mannerism and discourage and permanently impair the future of many a young occupant too often abandons his previous cordial mannerism and occupant too often abandons his previous cordial mannerism and at once assumes an air of austerity and lofty elevation above his fellows not justified by the dignity and authority of any office in this our republican form of government. With Speaker Crisp there was still retained the genial, lovable qualities which ever distinguished him before. He had grown no greater. His associates had grown no less. And yet he was the able, dignified, respected as sociates had grown of the House of Paparses to the second of the House of Paparses.

spected Speaker of the House of Representatives.

To the innumerable demands upon him for recognition he was courteous and patient—willing to hear the merits of the measure submitted, and then either granting, considering, or regretfully declining. Whatever was the answer, the member was made to feel that consideration was accorded him. His appeal had been kindly, respectfully heard. He could not complain. So sensitive was he to the feelings of his fellows, that never did he refuse a request that he did not suffer more pain than did the one denied. He never lost his control when Speaker. We all recall hissuperb bearing when presiding over the House when often wrought up to intense excitement over some political debate. It would seem as if the angry passions, the personal taunts, the criminations and recriminations on the floor, even to the extent of harsh reflection, flery invective, and individual criticism hurled at the Speaker himself, would so unnerve and disturb him as to prompt retaliant himself, would so unnerve and disturb him as to prompt retalia-tion upon his tormentors. Speaker CRISP rose grandly above this temptation. With a cool head and a firm gavel he ruled the storm and mastered it. When order was restored and the mem-bership was again tranquil, and the hot heads were cooling, not the slightest indication could be discerned in the face of the Speaker of the siege he had just passed through. He exemplified in the most practical manner and under the most trying circum-stances the scriptural injunction: "Let every man be swift to stances the scriptural injunction: "Let every man be swift to hear, slow to speak, slow to wrath."

And when at last in the revolution of parties another succeeded him in the chair, again he returned to the membership on the floor and resumed his duties as a Representative; he was still the same generous-hearted, considerate, self-sacrificing friend, asso-

ciate, and member as he ever was.

With all the angry contentions which history will note as a part of his administration of this House, and which are still in vivid recollection, it is a refreshing boast, and confers imperishable luster upon his good name, that he exercised his powers as a Speaker in a fair and impartial manner as between the great par-

Speaker in a fair and impartial manner as between the great parties on the floor, and that no stamp or stain suggestive of disrepute rests upon any public or private act during his long service as the trusted and distinguished representative of the people of his State. Like the spire on some lofty cathedral seen at close view, when neither its true height nor its majestic proportions can be accurately measured, so is ex-Speaker Crise, in according to him his just place in history in so brief a period after his death. His splendid life work will shine forth in even greater luster as time goes on, for then the mists which more or less obscure every active,

ambitious genius, surrounded by enmities and personal antagonisms, will have faded away and exposed to view the intrinsic worth and the perfect symmetry, the strength and beauty of this well-balanced life.

well-balanced life.

The light of our friend was extinguished while it was yet day—yea, at high noon. He was still in the midst of his usefulness, and no premonition pointed out the untimely end. The summons came, and the work was done. It is difficult to realize that this is true. Do we comprehend the uncertainty of life? Is it so frail?

We have the appearing the expiring breath and see it in the open. We hear the answer in the expiring breath and see it in the open grave. It leaves an admonition to us all: "Do thy work to-day; for thee there may be no to-morrow." May we not hope that if not here there may be that to-morrow in the celestial realms, "in that temple not made with hands, eternal in the heavens?"

Mr. Speaker, with these poor words in testimony of my high esteem for our departed associate, and in grateful remembrance of his noble, generous nature, I tenderly lay my sprig of acacia

upon his honored grave.

Mr. DINGLEY. Mr. Speaker, I made the acquaintance of Judge Crist soon after he entered the Forty-eighth Congress as a Representative from Georgia. That acquaintance ripened into an intimate friendship, which continued till death removed him from the House of Representatives during the interval between the close of the first and the opening of the second session of the

present Congress.

Notwithstanding our divergent political views often brought us into antagonism in debate, yet on all occasions he bore himself with such courtesy and kindliness of spirit, as well as ability and elevation of tone, that my respect for him personally and my admiration of his ability were increased. During my long service with Judge Crisp, in which we were frequently on opposite sides of important and exciting political questions, nothing ever occurred to mar in the slightest degree our warm friendship and

mutual regard.

For some time after entering Congress Judge Crisp modestly refrained from active participation in the business and debates of the House, realizing as he did the importance of familiarizing himself first with the rules and methods of the House, so dissimilar in many respects from the practice of all of our State legislative bodies. Unlike many other parliamentary bodies, the House, partly from the necessity which exists in an assembly of so large a membership and partly because of its rapidly changing elements, pays little regard to courtesy in the conduct of its business, and grants very little to any member beyond what he is entitled to under its rules and practice.

I well remember the first time that Judge Crisp forged to the front and demonstrated not only his ability as a legislator, but

also his skill as a parliamentarian. It was on the occasion of the consideration and passage of the interstate-commerce bill, when the enforced absence of Judge Reagan, the chairman of the committee having that subject in charge, threw upon Mr. Crisp the responsibility of defending and guiding that important measure through the House, in the face of a well-organized and determined opposition. This duty he performed with an ability, skill, and success which at once placed him among the leading members of the House—a rank which he subsequently maintained without

difficulty.

When the Democratic party came into control of the House at

Congress it was natural that the opening of the Fifty-second Congress it was natural that Judge Criss's name should have been prominently mentioned for the Speakership, especially in view of the fact that while temporarily occupying the chair he had shown himself to be an expert parliamentarian and a successful presiding officer. But his nomination over older associates of larger experience and greater prestige was a recognition of his fitness for the high office of Speaker, which was shown to be well deserved. The ability and fairness with which he discharged the duties of this important and difficult position entitles Mr. Crisp to a high place among those great statesmen who have graced this high office, second only to the Presidency itself.

Judge CRISP'S mind was eminently logical and judicial. The possession of such a mind is absolutely essential to real success and usefulness in public service. In high public position men ruled by sentiment, who possess little logical power, little capacity to accurately weigh all sides of important questions, and especially to distinguish effects from causes, are always dangerous leaders, however sincere. Indeed, their power for mischief is only augmented by the earnestness which is sometimes born of inability to judicially weigh consequences. Mr. Crisp's mind was so logical and judicial that he could see all around a question, and avoid the

errors and dangers of surface thinking.

Judge CRISP's position in the House was reached as much through his industry as through his ability. Indeed, no one achieves eminence either in public or private life except by persistent and well-directed work. There is no royal road to real and permanent success here or elsewhere. One who has carefully and thoroughly prepared himself to meet responsibilities is sooner or later needed. On the other hand, one who excuses himself from the labor required to make himself a master of his chosen line of study will never be able to keep to the front. Judge Crisp's rapid rise from an humble condition to so high a

position in the nation affords another illustration of the fact that in this land of the free merit is accorded recognition regardless of station or wealth. In spite of the effort of narrow minds to create the impression that there are classes in this country who secure privileges denied to the masses, the fact is that no class distinctions exist among our people, and that there is no distinction, no honor, no privilege which is not equally open to every citizen, however

It is here in this Chamber, where Representatives from each of the forty-five States of the Union meet to consult with reference to the interests of this great Republic, that we feel as nowhere else the strength of the tie which binds together our seventy millions the strength of the tie which binds together our seventy millions of people. Differ in opinion as we may, there rises above those differences the mutual regard engendered by the friendships here formed, and the feeling that we are fellow-citizens of a common country whose interest we desire to promote, and the heirs of a common heritage whose priceless blessings we desire to defend.

When, therefore, one of our number is removed by death, especially one who has been so long with us as has Judge Crise, we feel the promotion of the control of

feel the separation not only as a national loss, but as a personal

bereavement.

What we call death—the dissolution of the mysterious union of soul and body which characterizes life as discerned by our imperfect natural vision—is always an unwelcome, although inevitable, visitor. But when it comes to one who, like Mr. CRISP, was still young and in the height of his usefulness, the shock is intensified and the grief deepened. Happy is he who, when called to close his eyes on the scenes of earth and enter upon the life beyond, can meet this summons with a serene faith in Him who is over all and above all, as we doubt not was the case with our departed associate and friend.

Mr. DE ARMOND. Mr. Speaker, this hour is appropriately devoted to services in memory of a distinguished member of this body, lately with us, now gone to

The undiscovered country, from whose bourn No traveler returns.

His life has been gracefully sketched by others far more familiar with it than I am, though I knew him quite well from service with him in the House of Representatives. I knew him somewhat also in the relations of friendship, outside of the House. Of him it has been well said, because it has been truthfully said, that on the domestic side, as husband, father, friend, citizen, his life

was not only without reproach, but admirable.

was not only without reproach, but admirable.

The career of Charles Frederick Crise as a public man has been ably and fittingly outlined to-day before this audience and before the country. He himself painted the picture, and the lines have been but pointed out by those who have just engaged the attention of the House. A poor boy, he entered the Southern army from his Georgia home, and performed well the duties of a soldier "in times that tried men's souls." Emerging from the prison where he had been cast by the fortunes of war, with but little preparation except that which had been made in the rude school of the camp, he began the study of his chosen profession. How he rose in that profession, from the stripling attorney at the bar to be solicitor-general, and soon became the chief presidthe bar to be solicitor-general, and soon became the chief presiding officer of the court; how by the suffrages of those who knew him well he was sent to this House, and how his legislative career, begun here and ended here, is honorable and illustrious—all this is known to his associates and to the country too well to need recital

It may be worth while to inquire in what lay principally the ements of the eminent Georgian's success. What was there elements of the eminent Georgian's success. about him that elevated him above his fellows in a body always distinguished for having within it many men of great and com-manding ability? How did he attain and how did he retain leadership unquestioned within and over a party difficult to lead and ever ready to throw aside leaders and to choose new ones in their stead? That he was a man of ability all know. But he led able men, who willingly followed him. That he was a man of courage goes without saying. But he had cheerful followers in men independent as well as courageous, because they felt that he would lead them aright. I believe that the one quality which contributed mightily in giving him this ascendency in the House conceding to him great intellectual endowments—lay in his amiable and lovable disposition. He won power through his kindliness and retained it through kindness, supplemented, of course, by tact, ability, and firmness.

His leadership was not self-imposed. To it he was called voluntarily his leadership was not self-imposed.

tarily by his party associates, because they believed he would lead in the course which it was right for them to take-because it was not irksome to follow him—because his leadership was so pleasant that it seemed but superior fellowship.

Some men achieve greatness and command success in ruling over other men by virtue of intellectual endowment alone or by vast will power. While Judge Crisp possessed these great gifts of nature, he also possessed that sweet and kindly disposi-tion which attracted people to him, which made people love to be associated with him, and which preserved his sway over the minority, as it is now-over the majority as it was for a time ity, as it is now—over the majority as it was for a time—as perhaps the sway of no other man of his party will be established or maintained in this House in many a day to come. He has gone; gone to return to these Halls no more. I can not add to his fame, nor could I detract from it. His life work is known; it is approved by those who knew it best. His career was indeed a remarkable one; and if he had not died in his prime, there is no guessing how many new triumphs of statesmanship might be placed to his gredit. credit.

What a proud thing it is, Mr. Speaker, for a man starting poor and working his way without extraneous aid to rise by the power of his own personality, by his intellect and lovable qualities, to the high position which CRISP reached, and which you, too, twice gained; an official position second only to one other in the world; a place which well filled—filled by intellect, courage, courtesy, kindness, impartiality—is often in a lifetime even higher than any official station not occurried by a man possessing the same estiofficial station not occupied by a man possessing the same estimable qualities of the head and of the heart. Then, true indeed it is that CRISP's was a life upon whose bright, clean, glorious story we may dwell with profit to ourselves and to those who are to come after us.

Leadership is not necessarily sought or coveted. It is generally born in the man. Sometimes it is acquired by a man's own zeal, and sometimes it is thrust upon a man. However, men of superior ability naturally aspire to leadership; not a few attain it without real merit. But those who, because of qualities inherent in themselves, retain leadership over followers possessed of the power to depose them—these few are men born to lead, as others are born to follow.

Perhaps the proudest tribute to the memory of the departed statesman whose death we mourn is that he retained his ascendency over men not so much by virtue of special effort as through the warm feeling, akin to affection, which his sunny disposition and native kindliness awakened in his associates, so that they felt themselves honored in honoring him.

The loss to Speaker Crisp's party and to his country is almost reparable. While we of the minority have many able and strong irreparable. men among us, yet attention does not turn to any one in particular as being peculiarly fitted, as he was, for the post of leader. At least, no one stands out, to the exclusion of the others, like Crisp did, as the proper leader here of the forces of the Democracy.

I esteem it a privilege, Mr. Speaker, that, as a member of this body, I have beheld two great parliamentary leaders, one upon either side of the Chamber, each superb in his own way, marshal their respective forces, now for attack, now for defense. I do not expect again in life, though my years be prolonged to great length, to find their equals in ability to lead and govern their fellow-partisans in parliamentary warfare. But could either have led so successfully the forces which followed the other?

have led so successfully the forces which followed the other:

Often we think and say that those who die in their prime are taken prematurely. Of course, to family and friends, to love and hope and pride, the shock comes most rudely when the blast of death has blown where, it would seem, the blush of life ought to continue. But after all, when you consider the fame in years to come of a man whose life is full of good deeds and grand achievements, as was Judge Crisp's—looked at in the light of history—is it an unmixed misfortune in the annals of the world that such a one goes down when the sun is at high noon, instead of lingering on goes down when the sun is at high noon, instead of lingering on the stage of action, often superfluous, until the long and everlengthening shadows from the West are falling upon him?

Yet there is no doubt that if CHARLES F. CRISP were spared he

would long be one of the greatest members of the Senate, whose doors were open for him to enter; no doubt that, living, he would go from honor to honor; no doubt that his fame and usefulness would grow and expand, no matter how rich the honors and deeds

would grow and expand, no matter how rich the honors and deeds to his credit when the dread destroyer overtook him.

His career is hardly matched in the legislative history of the country. At least there are few to lay side by side with it; and with his honors full upon him, in the full possession of his magnificent abilities, surrounded by his beloved family and cherished friends, his warm heart ceased to beat and his great intellect was transferred to another scene of action. Long will his memory live transferred to another scene of action. Long will his memory live in the hearts and in the minds of all who knew him. Long will his services to his country be remembered gratefully by those who justly appreciate them, kindly even by those who believe he was wrong politically, because, above all things, he was an amiable man in high station, who as nearly avoided the giving of offense to any, and as uniformly treated all with consideration, kindness, and generosity, as any one of whom we have a record,

or any one whom we may expect ever to meet.

Mr. Speaker, in contemplation of these sad events, which are occurring daily—for death is almost as old in the world as life;

with the centuries full of life and death, and death, like birth, marking every hour and every minute of every day—we are brought, over and over, time and time again, to the strange, always old, and ever fresh reflections which will spring up when we gaze into the open grave, when we view the cold and lifeless clay which so recently was the mortal shelter of the departed spirit. Filled with that awe which the ages have not been able to banish, which perthat awe which the ages have not been able to banish, which pervades generation after generation, we solemnly ask whither has the spirit gone that lately tenanted this clay? What is there of existence beyond this world? Or is this all? Is this the end? We can not see through the veil just a little way before us, but thick enough to cloud the sight. Faith and Hope alone light up the gulf; alone give promise for the future.

Our friend has gone. His memory is with us, enshrined in our hearts. By his example we hope to profit. But again the query presses for answer, "If a man die, shall he live again?" The abandoned clay is in the churchyard at Americus, under sweet flowers.

doned clay is in the churchyard at Americus, under sweet flowers, with the soft Southern sky bending over all, but the spirit! What of it? Is that which was so much nothing now—vanished, dissolved, annihilated, as though it never was? Did its existence terminate with the life of the body? Whatever vaing lorious philosophers may say, man rebels at the suggestion that there is nothing beyond the grave. The hope, sometimes clung to in desperation, sometimes cherished in brightest anticipation, that there is a hereafter, and that men, though they die, yet live in that hereafter—we will not give that up. No philosophy, even if ripened in ages of calm reasoning, can banish it. It springs as an inheritance of humanity, as an instinct in the soul of every human being that breathes. We -our hopes, our affections, all that we hold near and dear in life, admonish us to believe, constrain us to believe—that our friend has not perished, but that in a higher and nobler sphere this great intellect, this tender, loving spirit shall flourish and expand and achieve new triumphs and perform new deeds of glory and of grace, while countless ages roll on into eternity.

Mr. DINSMORE. Mr. Speaker, in the presence of gentlemen here who were so much nearer to him, who were so fortunate as to have a more extended acquaintance with him, a closer relation, a longer term of service, I approach with diffidence and hesitation the honorable privilege which has been extended to me to speak in commemoration of a great man who made his life a part of the illustrious history of this House. It is not for me to criticise his great character. I leave that to those more capable of the task. I only desire, Mr. Speaker, to place upon record the humble tribute of one who had an acquaintance and friendship with him through a few years, but who, during that whole time, learned to honor, admire, and love him more and more.

It is at all times a delicate and a responsible undertaking to speak here for the permanent record upon the life and character of one who has been a member of this House. Men are too prone to run into extravagant expression, to magnify the virtues of the dead as well as disparage the merits of the living. What is said uead as well as disparage the merits of the living. What is said upon these occasions should be not only just to the dead, but faithful to truthful history. I fain would, in the few sentences which I shall speak to-day, do so as if in presence of the conscious spirit of our departed friend, knowing that he would have me give utterance to no sentiment that is not justified by his own life. Nor have I sought for information upon the detailed incilife. Nor have I sought for information upon the detailed incidents of his history, preferring to put into words the impressions that association with the man have made upon me, and to stop at that.

Duty does not demand of us to enlarge upon or even to refer to foibles of character; but, on the other hand, it is required of us that in the things we say we shall deal fairly and honestly with ourselves and with the dead. Therefore I shall endeavor to restrain my expressions within the bounds of temperate speech, within the limits which I believe would be indorsed by our great leader if he could be present and hear what is said of him.

Mr. Speaker, every man's life, in a narrower or wider sense, is an ideal for other men. Whether it be lowly or exalted, whether it be humble or great, there is among every man's associates some person who will look to him as an exemplar of his own conduct.

person who will look to him as an exemplar of his own conduct, who will find in him something worthy of imitation; and it is pleasant to think there are few men who do not thus exercise an influence for good upon mankind. The greatest good of a great life is its influence upon society. In the aspirations of early youth the boy selects some great character of history and tries to fashion himself upon that model, to build himself up to that level. What a grand figure have we here to inspire the ambition, the fortitude, the patriotism, and the integrity of American youth, aye, and of American manhood!

Mr. Speaker, I have had the honor, in the short time I have served in the House, to be associated with Mr. CRISP as Speaker of the House in one Congress and as the acknowledged leader of the minority in another. In every relation, in every emergency, in every situation it has appeared to me that he arose to the full stature of great manhood and capability of dealing with the diffi-

cult tasks that confronted him. As Speaker of the House, as cult tasks that confronted him. As Speaker of the House, as leader upon the floor, as a citizen in private life, he was always thoughtful and dignified, firm and unyielding in adherence to principle, and bold and fearless in defense of it, yet withal kind, gentle, courteous, and considerate. As Speaker, he was easy of access to every member of the House, even though the humblest, newest, most obscure member that had come into it—easy of anyonach and always having words of encouragement for those

approach, and always having words of encouragement for those who sought to make themselves useful in the great House over which he had the honor to preside.

I have no doubt that each one having come into the House while he was Speaker has pleasant memories of his own experience and of the words of counsel he has given to him, and we cherish in our minds tender memories never to be effected. He was gootless. of the words of counsel he has given to him, and we cherish in our minds tender memories never to be effaced. He was gentle as a woman, simple in his demeanor, yet always calm, dignified, self-possessed, strong, and great. As leader of his party on the floor, he controlled his forces more by inspiring them with love and confidence than with fear of discipline. He was tolerant of the impulsive ardor of the inexperienced, of the "vaulting ambition" of youth that in this forum so often "doth o'erleap itself," and gave full value to the usefulness of every member.

But. Mr. Speaker, it was in the fury of polemic tempest that the

But, Mr. Speaker, it was in the fury of polemic tempest that the man rose superior to his fellows. The louder shrieked the winds of passion, the higher mounted the surging waves of partisan animosity, the greater appeared the man, the more capable of battling for his cause and of representing the issues for which he stood. This was one of the characteristics of the man—that he shone best under the greatest difficulties—and it seemed to require great and critical situations to bring out his intellectual capabilities. great and critical situations to bring out his intellectual qualities and his great power of leadership. And he has challenged the admiration not only of this side, but of that, and the whole country, for his great ability in performing the stern duties of presiding officer of this unruly House.

It perhaps accords with common observation that simplicity, gentleness, kindness, and unostentation are almost universally characteristics of the truly great man. Consciousness of acknowledged superiority of converting a president of leaderships and of the decomposition of the straight of the stra

characteristics of the truly great man. Consciousness of acknowledged superiority, of security in a position of leadership, and of general approbation and respect generates charity toward rivals and consideration for opposition, and causes a great mind to contemn pompous parade and vulgar display, the artifice and the trick of the demagogue. Our departed friend despised all things of this character. He always drove straight for the mark, and by the ponderous power of logic and reason and superly to have and the ponderous power of logic and reason and appeal to honor and patriotism he hewed his way to the accomplishment of his great purpose, always unyielding, brave, and courageous, yet generous to opposition, and never forgetting to be courteous to all and considerate of all.

The privilege was accorded me of a slight glimpse into his domestic life; and it was there, Mr. Speaker, that the beautiful attributes of his character were brought most prominently into view. A devoted husband, a kind, gentle, and confiding father, his faithful wife adored him and his children hung upon him as the tendrils of the vine entwine themselves about the body of the great oak. Coming out of the war almost a youth, with no inheritance save an honorable soldier's name won in a cause that was lost; with no possession other than a tattered uniform and the blood, brain, and brawn that God had given him, he started out to make for himself a place in society and in his country's history. At the threshold there was linked with his life a young, confiding, loving woman, who in the flush of youthful affection defied the will of parental authority and joined herself to him to march by his side through the highways and byways and the uncertain incidents of this world.

When the time came, Mr. Speaker, when the blush of beauty had faded from her cheek and the form he loved in its youthful beauty had been wrenched in the cruel tortures of rheumatism, there was no lessening of the love which he gave to her in the bethere was no lessening of the love which he gave to her in the beginning, but with stronger and greater attachment he stood by her side, and when she held out her crippled hand the love light mounted to his eyes and he was wont to say: "But I will be your hand. You shall walk upon my feet." Those hands and those feet, Mr. Speaker, never failed her, but were, ever present to perform their affectionate offices. A beautiful intimacy existed between him and his children. Often have I looked up with admiration from my table at the hotel where we all lived when father and son, that son whom a loving records have sent here to fill the and son—that son whom a loving people have sent here to fill the vacant chair caused by the relentless hand of death, honoring both father and son in the deed and themselves as well—would walk in side by side, sometimes hand in hand, often arm in arm, before the assembled guests, utterly unconscious that any were looking with admiration upon the beautiful comradeship which existed between these two. And there are not many things more beautiful than confidence and fellowship between father and son nor anything better calculated to impress the son or lead him upward and on-ward in an honorable life and to an enviable old age.

But, Mr. Speaker, in the midst of his honors, in the very zenith
of his usefulness and his splendid life, the scythe of the reaper has

mown him down. He has left his footprints upon the highways of our nationality; he has engraved his name upon the tablets of his country's history; he has left behind him a name to be emulated and honored, and he has carried with him the respect of his enemies, the admiration and affection of his friends, the devotion of his family, the confidence and esteem of all; and what more, Mr. Speaker, can any man claim for himself upon going out from

Mr. BUCK. Mr. Speaker, I had hoped to be able to add in my best voice to the tributes that are paid to-day to the honored dead. But the elements seem against me; and I do not know whether I shall be able even to make myself heard.

The propriety, Mr. Speaker, that some one young in membership in this House should say something of that great public servant whose memory and whose deeds are here commemorated must be the apology for my presuming to add my humble voice to these tributes. When Hamlet is challenged to the duel with Laertes, Osrick says to him: "You are not ignorant of what excellence Laertes is." Hamlet replies: "I dare not confess that, lest I should compare with him in excellence; but to know a man well were to know himself.

There is therefore in these things a semblance, if not a substance,

There is therefore in these things a semblance, if not a substance, of self-praise which under any circumstances would make me modest in speaking of the great dead whom we honor here to-day. I anticipated, however, the situation. I knew that members of this House who knew him better than I and were better able to speak his praises and display the beauties of his character would precede me and I would be relieved of anything more than the expression of that impression which I gladly and truthfully convey and which it was my good fortune to imbibe from him during the short period that it has been my happiness to know him. It has, perhaps, been my good luck that in this very short period I have learned to know more of him than happens in the average intercourse between members of this House. And, without repeating what has been said, I can only say that, perhaps by operation ing what has been said, I can only say that, perhaps by operation of that inexplicable intuition by which soul communicates with soul, I received the impressions of that greatness of character, that firmness of mind, that consistency of purpose, that devotion to duty which distinguished Mr. Crisp and which language can not exaggerate. I will ask the privilege, in view of the fact that the memory of the dead and his deeds are on record, to pronounce a few reflections incident to this service which, perhaps, also convey

I have heard criticised—I may say ridiculed and condemned—the practice not only of the Houses of Congress, but of courts and other public bodies, to spend hours like these in eulogies upon the dead. Well, it is in the nature of things. There is evil as there is good. The scoffer is at hand to tread upon the heels of the reverent. The jester and the clown are by in the motley mystery of human life to mix their colors in the garments of wisdom and of dignity. But these things come not from men who see "books" in the running brooks, sermons in stones, and good in everything."

I am the spirit that denies

Says the arch scoffer-

Part of the part am I; once all, in primal night— Part of the darkness which brought forth the light.

Why, sir, that is the struggle, the epic of man's redemption, to overcome the spirit of denial and survive godlike in the prevalence of truth. And truth prevails and is evidenced to-day when this House of Representatives turns aside from its usual business and from its public service to lay the flowers of tribute upon the tomb of the departed dead. As we look down the ages and let pass before the view the toils and the struggles, the failures and the successes, the lights and the shades of human character and effort; and above all, when we look into our own souls and try to square ambition with achievement, desire with consummation, hope with possibility—aye, all the contradictions and paradoxes of conduct and aspiration, we do rise from the contemplation with the conviction that through all there is a higher destiny: And even in the blankness of despair and the tragedy of hopelessness, and we exclaim with Hamlet in the ecstacy and exultation of our

What a piece of work is a man! How noble in reason! how infinite in faculties! in form, and moving, how express and admirable! in action, how like an angel! in apprehension, how like a god!

Are not these thoughts justified when we recall that majestic, that self-controlled, that courageous, that manly figure that drew by his magnetic look the attention of his followers and the admira-

tion, if not the approbation, of his opponents? Public service should, as a principle in our country, be always commended. Few men enter politics from purely selfish motives. They do not find, if they enter from selfish motives, what they seek. They soon find that it is a service and a sacrifice, not a gathering of fruits; and whatever the original motive may be

with which public men begin to develop themselves, there is always at the bottom the sentiment of patriotism, a desire and an ambition to serve our fellow-men, to be workers in the field of progress and of good toward our country. The wholly selfish man rarely troubles himself about public life. He nurses his personal comfort, and concerns himself no further about the law and the liberty of the land than is necessary to protect his own rights and the pursuit of happiness as he understands it. Happily for the human race and happily for this great country and the people of the United States, mankind stands vindicated in the high shrines of the temples of duty and devotion. It awes the scoffer into ineffectual retreat. It shoves by the selfish. The history of man and human progress is an eternal story of sacrifice, devotion, and of self-denial

We know where in this struggle the departed dead stood; and let us reflect, as has been said, that if he does not take his place among those meteoric successes which come from genius, yet he ranks among those men whose names live in history, not by the noise which they have made for themselves only, as the Cæsars and the Napoleons, but in the rhythm of those gentle streams and strains that flow from their hearts' sympathy for the welfare of markind. We admire genius but genius is the eiff of Colorather. mankind. We admire genius, but genius is the gift of God rather than the virtue of attainment. We look up to a Homer, a Dante, a Shakespeare, and a Goethe as to the inspired of God; but when, in solemn judgment, we pass on the merits of men in the light of their practical service and usefulness, the civilized acclaim goes up to the jurist and the soldier, the philosopher and the legislator, the inventor and the reformer, as the pillars on which the temple of development is erected. Behold Solon and Leonidas, Guttenberg and Luther, Franklin and Washington! And, Mr. Speaker, if not among these men as leaders, still among them as a class

if not among these men as leaders, still among them as a class we place the name of Hon. Charles F. Crisp.

Not to repeat a threadbare quotation (if Shakespeare ever can be threadbare), he was of that robust directness which is always honest and honorable; firm as a rock and candid as the light. Aggressive, perhaps, at times to the point of severity, he was ever consistent and conscientious. Self-reliant without ostentation, fixed to his purpose like the northern star; his ambition cast in the high mold of patriotism and general welfare, he will hold his place, all in all, in that rank of men of giant and heroic mold, of all the elements of manhood well compact, of which the majestic Brutus will ever be the literary and historic type.

Mr. Speaker, it is grateful to render these testimonials of affection and approval to the departed dead. It is grateful to live with them—to remember them, as it were, in the pure atmosphere of spir-

to remember them, as it were, in the pure atmosphere of spiritual conception, gathering the good they have done into tangible shape as examples for emulation and pledges for the growth and happiness of the future of mankind. So with our honored dead. happiness of the future of mankind. So with our honored dead. However inadequate our tributes may be—while what he leaves behind him in the memory of his perfect character and patriotic service is already secure for all time—they give vital movement to the good which he accomplished; and its present influence will go out at once to the American people, that they may know and feel how glorious a thing is the perfect American citizen.

In this great republic of humanity, where, in every village churchyard, the willow shades the graves of sovereign masters; where every—even the humblest—heart may swell with the passions of a destiny grander and nobler than the majesty of kings, public virtue is a public need and public recognition a duty and a consecration.

consecration.

The republics of antiquity made their great men and their heroes gods, not only to honor the dead, but to incite the living to emulate their illustrious careers. The great people of these United States, for once and ever, should turn back the slander that republics are ungrateful. Let them ever recognize greatness and reward service, honor character, and glorify achievement. With that will come regard for constituted authority and reverence for law, which means peace and order. So shall we develop the perfect citizenship and consummate the highest aims of self-government. So shall we adorn our liberties and make sacred our sense of jus-So shall we adorn our liberties and make sacred our sense of justice. And so, Mr. Speaker, and so best, will be served and honored the glorious dead, whose strong arms were their country's, and whose heart throbs were the aspirations of humanity. Amongst these, transfigured in the light of immortality, will stand CHARLES F. CRISP. He will live long in the affections of his people, and the virtues of his patriotism and the record of his services will shine out amongst the brightest in the uplifting spheres of human liberty and the property and the erty and the unmatched heavens of American citizenship. the living render their devotions, that the dead may be at rest.

Such honors Ilium to her hero paid, And peaceful sleeps the mighty Hector's shade.

by the leaders of his party in this House, full of life and hope, of vitality and courage, yet receiving all with that cordiality, that easiness of access, that charm of manner that was characteristic of the man, and was but the outward reflection of an inward kindliness of heart.

It seems but yesterday. It is but a few short years as days are counted, and yet, within that space of time, we have made much history. We have seen many hopes fade, we have witnessed many misfortunes; but nothing sadder than the event that draped that desk in mourning, and cut short in mid course the high career of

CHARLES F. CRISP.

Truly, Mr. Speaker, these things are beyond human understanding. He was surrounded by a loving family, by troops of friends. He had the esteem and good wishes of thousands of his fellowcountrymen. He stood just upon the threshold of yet further official preferment and honor from that great State that has so often honored him and that he has so honored, when, at the very noon time of his life, when his sun seemed to be at the very zenith, suddenly it declined and went out.

suddenly it declined and went out.

Sir, it is not merely an individual loss that we lament here today. It is the loss to a great party, and the loss to his country.
When the leader of one of the great parties of this country, full
of experience, yet in the prime of life, full of capability and patriotism, of vigor and of force, and yet conservative as Mr. CRISP
was, is taken away, his loss is at any time a calamity in such a
country as ours. But at such a day as this, when dissensions and
discorde distract use, when look where we will we see but these discords distract us; when, look where we will, we see but threat-ening clouds; when all circumstances call upon us to realize the need of those high attributes which the great State of Georgia—which he represented, and where I had the honor to be born—has engraved upon her coat of arms as the chief supporters of the governmental fabric, justice, wisdom, and moderation, how great is our loss in such a man! I had hoped much from the wisdom and the moderation of Mr. Crisp. He was never a theorist or an extremist. He hoped for the perpetuity of his party, which he regarded as one of the instruments of good government, and he loved his country. With his wide knowledge of public men, with a high career before him, with the open field of opportunity, I looked for years of usefulness and honor, in which he would have not only advanced his own reputation, but in which he would have been of most material assistance to his people, to the preservation of his party, and to securing the prosperity and welfare of his country. But, sir, that, too, has passed. When I rose here, it was not with the idea that anything I

could say would be of any consequence to his fame, or add aught to him. He has written his own memorial in the records of this House and on the pages of his country's history. When I was asked to assist in these services, I felt it to be a high honor. Others who have been much longer here have dwelt upon his qualities and upon his course in this House. I can add nothing qualities and upon his course in this House. I can add nothing to that; but to one characteristic it is peculiarly appropriate that I should render my testimony. I came to the Fifty-third Congress, a new member, comparatively a young man, and I know that everyone who participated in that Congress and who so came here, will join me in the tribute which I pay to Mr. Crisp when I say that his generous hand, guided by that kindly heart, held wide open always, when it was possible, the gates of opportunity to the inexperienced, and to those who could do naught for him, but for whom he could do so much. It is a pleasure to me indeed to-day to be able to testify in some small degree my gratitude for that constant kindness. He has gone beyond the reach of our words, but he is not dead. "As the tall ship, whose lofty prow shall never stem the billows more," he has merely sought a haven of rest. No man is dead while he is borne in affectionate or grateful remembrance, and, Mr. Speaker, Charles F. Crisp will live long in the hearts of many.

long in the hearts of many.

Mr. SWANSON. Mr. Speaker, a great public career has ended. One of the foremost public men of our country has been stricken down. One of the greatest parliamentary leaders of this age is no more. One of the shining lights of this House, whose splendid achievements have and will ever shed luster upon it, is no longer with us. The recognized leader of this side of the House, who counseled and directed us, has departed and left us to mourn a loss which is irreparable. A great heart, warm, generous, kind and magnetic, no longer pulsates. A mind, clear, strong, and masculine, of great depth and grasp, no longer gives us its scintillations of thought. A tongue of great eloquence and power, which so often has stirred and swayed this House, is now silent in death. A life in which can be traced much of shadow and shine, much of privation and much of triumphs, inspiring in its successes over difficulties, admirable in development and attained proportions, has terminated, and we to-day pause in our deliberations to pay merited tribute to and to do reverence to one who has left behind him such a life. I rise to deliver no elaborate eulo-gium, others have done that, but simply on behalf of my State and

myself to place a modest chaplet of love and admiration upon the grave of Charles F. Crisp. Virginia has ever felt toward Crisp an affection akin to that entertained for one of her own distinguished sons. When the storms of the late civil war burst over this country, Crisp, then a youth in Virginia, enlisted in one of her regiments and became a gallant and brave soldier in defense of her soil. These years of his, consisting of triumphs and priva-tions, of glory and disappointments, are interwoven with the his-tory of Virginia and her sons. No section rejoiced more than she at his increasing success and fame; now in mourning his loss she is second to none.

Mr. Speaker, Emerson, one of the greatest of American think-

ers and writers, has said:

A man's fortunes are the fruits of his character. A man's friends are his

How fully is this truth illustrated in the life of Judge CRISP. His life was one crowned with great fortune, blessed with friends innumerable. Thus we find in him a sterling, honest character, a strong masculine mind, blended with a warm, generous, magnetic heart. To be great and to be loved as much as admired; to netic heart. To be great and to be loved as much as admired; to wield great power and influential leadership, with each day bringing an increasing devotion, indicates the possession of the highest order of intellect, the very best qualities of heart. Judge Crisp possessed all this. No leader ever enjoyed in a greater degree the combined confidence and affection of his followers than Judge Crisp did that of his party associates in this House. We all felt he was our individual friend and our matchless party leader. We shall ever hold his personal traits in loving remembrance, his public career in proud recollection. Who can ever forget that straight, strong form, that handsome face, that unfailing courtesy, that warm grasp of the hand, that genial, pleasant smile, that carried sunshine and happiness wherever he went?

Mr. Speaker, Judge Crisp will ever be remembered for his participation in exciting scenes and debates in this House which have

Mr. Speaker, Judge CRISP will ever be remembered for his participation in exciting scenes and debates in this House which have become historical. Our memory and the imagination of our successors, aided by tradition and history, will ever recall his wonderful powers as a parliamentary debater. With a voice at times slightly tinged with hesitancy, but clear, strong, and resonant, with a presence pleasing and attractive, with thoughts pertinent and incisive, a repartee quick and pointed; cool, calm, and collected amid the greatest excitement and passion, he was well equipped for the rough-and-tumble debates of this House, and it was in these that he showed himself preeminently great. This was in these that he showed himself preeminently great. This House has had few if any Speakers superior to him. He will be classed among its greatest and most noted. As Speaker he presided with dignity and grace, transacted business promptly, decided points of order quickly, was firm and decisive. He was courteous, deferential, and fair to his political opponents. His whole public life is without spot or blemish. For four years, as Speaker, an office in responsibility and power second only to that of the Presidency, he practically controlled the legislation of this country. He exercised the vast powers thus placed in his hands country. He exercised the vast powers thus placed in his hands with prudent care, patriotically and conscientiously, for what he conceived the best interest of his country. No corrupt job, no victous, no unjust legislation ever received countenance from him.

Mr. Speaker, the life of Judge CRISP is instructive. It comes like an inspiration to the poor boy, situated as he was, possessed of high yearning, yet confronted with poverty and difficulties, and tells him not to despair, but to build high the pedestal of his ambition. It teaches the ambitious that great success and permanent fame can only come to those who have clean hands, pure hearts, and patriotic motives. It proclaims how a legislator can and should close his ears to the seductions of the rich few, but can and should listen to the heart beat of toiling and struggling

humanity.

Mr. LACEY. Mr. Speaker, it is fitting that in the hurry and bustle of public affairs we should pause for a time and remember that all men are but mortal. The painful truth is thrust upon us from time to time as one of our associates falls out of the ranks. Our friend, whose death brings us again face to face with the great problem that we all in time must solve, had risen high among

his fellow-men. There is but one official place among his country-

men higher than that to which he climbed.

The Speakership, it has been often said, is the second place in this country in rank, if its power and influence be considered. The General Commanding the Army holds a more desirable place, because his office tenure is for life. The Chief Justice and Vice-President both take a higher rank theoretically, but the actual second place in the nation is that of the Speakership of the House of Representatives.

All revenue bills must originate in the House, and that body in the most direct degree represents the people. Their term of office is so short that its members are kept in constant touch with the people. A member of Congress is elected in November and does not, except in case of an extra session, take his seat until thirteen

months after his election. He has hardly entered upon his duties until the selection of his successor begins to be agitated. In every official act he is face to face with his constituents.

The supreme position in a body of this kind is a leadership of

the people themselves.

The House contains 357 members, and so large a body would be hopelessly inefficient and unwieldy if great power were not lodged in the Speaker's hands. He selects the committees and designates the seniority of their members and even appoints their chairmen. The committee is the workshop of the House, and no member can accomplish any results in his legislative work unless the interpretation of the House, and no member can accomplish any results in his legislative work unless that the professional designation of the House and the committee is the workshop of the House, and no member can accomplish any results in his legislative work unless that the professional designation of the House and the committee is the workshop of the House, and no member can accomplish any results in his legislative work unless that the committee is the workshop of the House, and no member can accomplish any results in his legislative work unless that the committee is the workshop of the House, and no member can accomplish any results in his legislative work unless that the committee is the workshop of the House, and no member can accomplish any results in his legislative work unless that the committee is the workshop of the House, and no member can accomplish any results in his legislative work unless that the committee is the workshop of the House, and no member can accomplish the committee is the workshop of the House and the committee is the workshop of the House and the committee is the workshop of the House and the committee is the workshop of the House and the committee is the workshop of the House and the committee is the workshop of the House and the committee is the workshop of the House and the committee is the workshop of the House and the committee is the workshop of the House and the committee is the workshop of the House and the committee is the workshop of the House and the committee is the workshop of the House and the committee is the workshop of the House and the committee is the workshop of the House and the committee member can accomplish any results in his legislative work unless he is assigned to committees in which he is able to perform his chosen work. He is like an actor in a play who has been given a walking part if he is placed upon committees where he has no opportunities for action, or in a line of work for which he is unprepared or to which he is unadapted.

The Speaker may, in the very beginning of a session of Congress, place a member where he may have opportunities, or so shelve him that he can accomplish nothing. This power extends to the minority membership as well as to those of the dominant party, and its influence is felt in every Congressional district in the Union.

But the power of the Speaker does not end here. He has the

But the power of the Speaker does not end here. He has the right to recognize members upon the floor and he may refuse to do so, and there is no redress. He can shape the course of legislation by giving opportunities to present the measures which he may approve. He is the chairman of the Committee on Rules, and this committee is composed of only five members, three of whem are set of his own party. In selecting this committee he is and this committee is composed of only live members, three or whom are of his own party. In selecting this committee he is practically enabled to bring forward any measure he may wish at almost any time, and the House can only prevent action by voting against the present consideration of the proposed measure.

Usually less than 10 per cent of all the proposed legislation in Congress is ever considered at all, owing to the enormous amount

Congress is ever considered at all, owing to the enormous amount of business brought before that body.

This being the case, of necessity there must be a power and discretion resting somewhere by which the necessary business may be selected and considered out of the great mass of the measures introduced. In the last Congress presided over by Mr. Criss, 11,797 Senate and House bills were presented, and of these 563 public and 593 private bills were enacted into laws. Congress is generally entitled to more credit for the bills that it permits to die than for any other part of its work, so that the failure to consider bills is not usually an evil. The power of the Speaker to prevent legislation is therefore a most important function. The Speaker has the power to delegate his authority temporarily as presiding has the power to delegate his authority temporarily as presiding officer by selecting some other member for that purpose, and he also names the chairmen of the Committee of the Whole from time to time.

New members are apt to chafe at first because of the extraordinary powers of the presiding officer, but upon further service they realize that in so large an organization, having such a multiplicity of important business, the system of which they complained at first is essential to the transaction of the business of

A Congress which must consider the appropriation and expenditure of from eight hundred to a thousand millions of dollars in two years must be under a complete system of rules, or they could not have sufficient time for their duties. But, with all his power, the Speaker is still the servant of the House, and con-stantly recognizes that fact. Strong and able men are almost in-variably selected for this place, and they are almost always strong

The responsibility of Congress to the people, and the fact that the Speaker himself must also stand for reelection in the near the Speaker himself must also stand for reelection in the near future, places him in a position where he must not abuse his power. He not only is in a place where his own future and that of most of the members is in his hands, but the future of his party is also largely dependent upon the wisdom and skill with which he exercises his important prerogatives. He can shape the course of his party with almost as much certainty as the President himself.

The speakership of the English House of Commons, on the other hand, is not political, but is rather judicial in its character. The ministry upon the floor of that chamber are responsible to the House and to the country, and the speaker's duties are more like

House and to the country, and the speaker's duties are more like those of a mere presiding officer in a court of justice. All who have seen service in this House will readily concede to

our presiding officer a place second only to that of the President of the United States.

Mr. Crisp's first term of office followed immediately after the Fifty-first Congress, where the powers of the office had been so fully demonstrated by Speaker Reed. The attention of the country had been called in an unusual degree to the Speaker's chair, and Mr. Crisp took the place at a time when the people looked upon the office with a full appreciation of its importance. Having personally assailed the prerogatives of the position when in the

minority, he was embarrassed in his first term by his own utterances in debate. But in his second term, when his party was distracted by questions which almost threatened its existence, he was

tracted by questions which almost threatened its existence, he was compelled to exercise to the uttermost the very powers that he had so severely criticised, even adopting, in a modified form, the same rules that had given a nickname to his Republican predecessor.

Speaker CRISP was too great a man to allow the reins to slip from the hands of his party in the mere effort to be consistent. He recognized the necessity of adopting methods which would enable the dominant party to enact the measures for which that party must answer to this country. Those who served with him knew how ably he conducted himself in the most trying and difficult positions in which he had been placed.

While the Speaker's chair is the seat of influence, yet in a stirring popular assembly it is the object of constant partisan assault, and he whose memory we commemorate to-day in turn was the attacking and the assaulted party. But it is one of the pleasant features of parliamentary life that partisan foes are so often personal friends. Judge CRISP loved a good fighter, and was a hard hitter himself.

hitter himself.

His career is a striking example of the possibilities of life in our Republic.

In the Fifty-third Congress GALUSHA A. GROW was sworn in by Speaker Crisp as a member at large from the State of Pennsylvania. This was an impressive act and brought into comparison two great periods in the history of our people. In 1861 Mr. Grow was chosen as the war-time Speaker of this House. Mr. Crisp was then a young lieutenant in a company of Confederate infan-

was then a young neutenant in a company of Confederate infantry, and the civil war was raging with all its fury.

In 1864 Mr. Crisp was a prisoner of war, and was not released until after hostilities had ceased, in June, 1865. Now, after thirty years, the veteran statesman from Pennsylvania returned again to the halls of Congress, and the young lieutenant of 1861 had become the Speaker of the House of Representatives of our reunited country and administered the oath of office to his predecessor, the ex-Speaker of that Congress which had enacted the

measures to prosecute the war.

Who could say in the face of such an event as this that we have not laid aside the prejudice and bitterness of the struggle of 1861? And as a citizen of Iowa I wish to lay a tribute upon the tomb of

the gallant Georgian, remembering only that we were both in a higher sense fellow-citizens of the United States of America.

My first service in this House was in the Elections Committee with our deceased friend in the heated and stormy sessions of the Fifty-first Congress. Election contests are proverbial for the

arity-first Congress. Election contests are proverbial for the partisan feeling that they engender.

Mr. Crisp on these occasions showed himself a sturdy partisan, and it was in these controversies that he won the influence with his party associates that brought him to the Speaker's chair in the succeeding Congress. He was a good parliamentarian, subtle, quick-witted, and always ready for any occasion that might arise, and his party friends rallied around him with that instinct which teaches men to involuntarily recognize a leader. teaches men to involuntarily recognize a leader.

In his private relations he was an agreeable and pleasing gentleman, and made friends on both sides of this Chamber at a time when the political forces were nearly equally divided, and when party feeling ran high. But all his conflicts of the past, in the tented field, at the bar, on the hustings, and in the halls of Congress, are ended. Already pointed out by common consent for a certain election to a seat in the Senate, he was struck down in the very zenith of his career, mourned by those who knew him, of all

people of his old district to elect his son and namesake to fill the seat which his death had rendered vacant, and this pleasing circumstance showed howstrong a hold he had upon the constituency which he had so long represented, and how fully they appreciated the beauty and purity of his private life and domestic relations.

And the applause with which members of all parties greeted the son upon taking the oath of office showed with what kindly remembrance they held the sire. It was a graceful and gracious act on the part of the generous

Mr. BELL of Colorado. Mr. Speaker, during the latter part of October last, while crossing the plains of Nebraska, I glanced at a morning paper. My eyes immediately fastened upon a familiar picture with an inscription below, "Ex-Speaker Carsy is dead!" That sad announcement was followed by the crowding upon me of the many reasons he had for coveting a long life. I was forcibly reminded that nature had generously given him a comely and commanding presence; that his nature had been formed into such a happy blending of sunshine, good fellowship, and frank hospitality that his society was greatly sought, and life should have been to him an unbroken pleasure; that through his many commendable attributes he had become preeminently the favored son of his own great State, and was in sight of the goal of his political ambition—the United States Senate—when death overtook him

and sent him thither. But sad as these misfortunes are for him and his immediate friends, the sad calamity is infinitely more

deplorable as a great public loss.

The death of an individual rarely disturbs the general current of the orderly course of human action, but occasionally one does fall by the wayside that leaves such a void as is difficult to fill. Such a one we lament to-day. His mental alignment approximated the perfect equilibrium. No one faculty had been dwarfed to give a surplus to some other. Therefore, he never startled the to give a surplus to some other. Therefore, he never startled the world with any phenomenal outbursts of genius, nor did he ever disappoint his friends by descending to mediocrity. He was of the solid, even-tempered, well-balanced line of men to whom only can the safety and perpetuity of a great country be confidently intrusted.

It is true he was imbued with a laudable ambition to serve his countrymen in public places, not for pecuniary compensation, as mercenary aspirations were beneath his high standard. He was not ambitious that he might revel in the glare of official society, as such were too empty and sterile for his strong, common-sense view of the real pleasures and amenities of human life. He sought to serve his fellows because they evinced a desire for his services

to serve his fellows because they evinced a desire for his services and because he believed that he could serve them well, and he believed that his policies enacted into law would inure to the greatest good to the greatest and most deserving number.

The Populist party in Congress, for whom I speak as well as for myself, has every reason to pay high tribute to his memory. While Speaker, we were few in number, misunderstood, and grossly misrepresented by politicians and the partisan press, often intentionally, and more often through ignorance of our intentions and aspirations; but he was too large to be tainted with bigotry or intolerance, the worstenemies of mankind. He never wavered a hair's breadth in doing us complete justice at all times. We never visited him at his private apartments that his easy geniality hair's breadth in doing us complete justice at all times. We never visited him at his private apartments that his easy geniality and open hospitality did not convince us that he fully recognized that he was Speaker of the whole House. We never approached him in the Speaker's chair that the hand of good fellowship and some friendly verbal greeting was not extended. He never denied our petitions without giving such cogent reasons therefor and in so becoming a manner that we acquiesced in the conclusion that he could not be expected to do less. He granted our supplications in such an unostentatious manner that we were sent away feeling that a right and not a favor had been granted. He possessed none of the elements of the bigot—never fastened any doors between him and the public. He preferred to be with

any doors between him and the public. He preferred to be with and of the people. None knew better than he the danger of tyranand of the people. None knew better than he the danger of tyran-nical majorities visiting oppression and injustice on struggling minorities. He was never a representative of any special class or section of the country. He was a statesman of the highest and purest type, and a representative of the whole people of the whole country. In this matchless contest for the supremacy of the people the loss of such a representative, so pure a type of the founders of this Government, is indeed a great public calamity. When I returned to Washington and met the colored boy who used to care for his room, with moistened eyes, he said, "We have sustained a great loss since you went away in the death of Speaker CRISP." He added, "Everything that knew that man loved him."

That is a greater eulogy than I am capable of pronouncing. After all is said and done, the real character of a man is most truly photographed and known in his home life and by those who serve him.

Mr. Speaker, when the angel of death re-Mr. WHEELER. ceived the spirit of Charles Frederick Crisp, a man was taken from this world who had won the love of his State, the confidence and admiration of the entire South, and the respect of our whole

As a native Georgian, I take special pride in the great distinction achieved by him whose death we mourn.

Mr. Crise always performed every duty in a most creditable manner. When little more than a boy, he was a brave soldier and officer in the Army of Northern Virginia, following the sword of Robert Lee in the many battles fought by that illustrious commander. With the return of peace he retired to his home and became a lawyer, respected for his ability, learning, and fidelity. As solicitor-general of his district and as judge of one of the superior courts of Georgia, he earned the highest commendations

He was twice elected to preside over the popular branch of the Congress of the United States, and during a service of fourteen years in this body he certainly reached a most exalted place among the statesmen of America.

His reputation as a parliamentarian and a just presiding officer

had extended throughout the civilized world.

While in the midst of the performance of these high duties, he was appointed and urged by the governor of Georgia to accept a seat in the Senate of the United States, but his high conception of

the duty he owed to those who had elected him to preside over this body constrained him to decline the proffered honor; but the people of Georgia, appreciating his noble character and superb qualities, seized the first opportunity after the expiration of his term as Speaker to do him honor, and with almost unprecedented unanimity elected him to the office which but a short time before he had felt it his duty to decline—the highest office in their gift—one which he was qualified in an eminent degree to adorn; but just as the decree of the people was to be recorded it was met by the dread messanger. Death

the dread messenger, Death.

Well may it be said of him, right worthily he fought life's battle and won his way to fame; and the people who loved to honor him in life will revere and cherish his memory in death, and his name will be arrayed among those illustrious statesmen of Geor-

name will be arrayed among those illustrious statesmen of Georgia who did their full part in perfecting the system of government which has built up this great and prosperous Republic.

In the midst of his strength and usefulness, before age had made slow his footstep, or chilled the warmth of his heart, or dimmed the brightness of his eye, or withered the brilliancy of the intellect which had served his country and his State so long and so well, surrounded by the shadows and hills and sunshine of his own beloved Georgia, in the midst of his countrymen and the beloved family who knew his greatness best of all, he fought his last battle with sickness and pain, and answered to the roll call of the Great Captain and passed from the mystery of this life upon earth into that greater life "whose portals we call death," though there can be no death to those who leave their names enshrined in the hearts of their countrymen. of their countrymen.

In our journey of life, in the halls of Congress, in his old accustomed place, in the sunny vales of his home in the far Southland, we shall greet Charles Frederick Crisp no more. He has met his "Pilot face to face," and has crossed over the river and is at "rest under the shades of the trees."

I can but echo the words of one who knew him well: "Over his dreaming face, in the shadow of the Georgia hills, we say good night to him, but good morning to his enduring fame."

Mr. WOODARD. Mr. Speaker, it is a loving service to those

Mr. WOODARD. Mr. Speaker, it is a loving service to those who knew, loved, and honored him to speak in memory of the life and character of Judge Crise.

As a private soldier he was brave and faithful; as judge of the superior court he shed luster upon the judiciary of his State; as a member of Congress he was long the trusted leader of his party; as Speaker he was a master of parliamentary procedure, a model residue officer five and resolute but lawys court court with an presiding officer, firm and resolute, but always courteous; with an attractive personality, indomitable courage, great prudence, an earnest partisan because he believed the policies of his party, if enacted into laws, would redound to the honor and welfare of his country; a statesman in its best and broadest sense, his party and his country have sustained a great loss in his untimely death.

I do not propose, Mr. Speaker, to review in detail the early history or services of Judge Crisp. That has been done by others who have known him longer, and who have, in appropriate and eloquent words, portrayed his exalted worth as a citizen, his valuable services to his party and country.

I first met him at the beginning of the Fifty-third Congress, when I entered upon my service as a member of this House, and my admiration for his character as a member of the services as a member of the service as

my admiration for his character as a man and as a statesman in-

my admiration for his character as a man and as a statesman increased with the passing years.

When but a boy, only 16 years of age, animated by that patriotic spirit which followed him through life, we find him a volunteer soldier in the Confederate army, where he served until the end of the war. Immediately after its close he commenced the study of law, and in a few years attained a high rank in his chosen profession. He was elected solicitor-general and judge of the superior court, and while on the bench was elected to Congress. He had conved in the House but a short time when his conscious shilly served in the House but a short time when his conspicuous ability served in the House but a short time when his conspicuous ability pointed him out, as if by intuition, as the leader of his party on the floor. Having been assigned by common consent to that honorable and responsible position, it was manifest that he was a born leader, equal to every emergency, always ready, always wise, always able, and ever true to his convictions of duty. While possessed of that firmness and true courage so necessary to constitute a successful leader, Judge Crisp was withal a modest gentleman, and never forgot the amenities and courtesies due his opponents. On all occasions he exhibited those manly and gentle virtues which never fail to win our warmest admiration and tenderest regard.

In the Fifty-second and Fifty-third Congresses he was elected

In the Fifty-second and Fifty-third Congresses he was elected Speaker of this House, and in that delicate and responsible posi-Speaker of this House, and in that delicate and responsible position he more than sustained his justly earned reputation for ability, firmness, fairness, and courtesy. His record as presiding officer will compare favorably with that of the most distinguished parliamentarians who preceded him. In every position he was called upon to fill, Judge Crisp measured up to the fullest expectations of his friends, and his whole life affords a bright example for the young men of our country to emulate.

As a soldier, as a citizen, as a judge, as a member of Congress, as Speaker, as the great leader of a great party, he was ever faithful to himself, to his people, to his party, to his country, and to his Maker. Those high, noble, and sincere virtues which made Judge Crisp a conspicuous leader in American politics and constituted him a pure and unsullied statesman were a part of his nature, and they appear with equal beauty and brightness in his private character. In all the private and social relations of life the same purity of character, honesty of purpose, and noble aspirations which distinguished his public life made him a model citizen, a true and constant friend, a loving and tender husband, an affectionate father, and a Christian gentleman.

zen, a true and constant friend, a loving and tender husband, an affectionate father, and a Christian gentleman.

It was my fortune, Mr. Speaker, to be constantly associated with him during the last four years, as we boarded at the same hotel in this city. The more I saw of him the more I appreciated his high qualities and the beauties and virtues of his private life. During the latter part of the first session of this Congress the health of Judge CRISP became impaired, but his friends hoped his suffering would be only temporary. After adjournment he sought relief in the pure and invigorating climate of western North Carolina; but the disease which had attacked him was a fatal malady, and his indomitable will and brave heart struggled in vain against the inevitable result. Death came to him in the very zenith of his career. It came to him when his party and country seemed to be in special need of his wise counsel and safe leadership. It came when he was so soon to receive at the hands of a grateful people the high office which had been the ambition of his life. Why should he have been taken at this time? We would not question God's providences, so mysterious in so many ways. has it been said by another: Beautifully

There is an existence beyond the present life where all shall be made clear. We shall see as we are seen; we shall know even as we are known. Mr. Dickens made the poor, idiotic Barnaby and the coarse, strong Hugh, of the Maypole Inn, hold conversation about the visible wonders of the heavens, and they inquire of each other whence comes the light of the innumerable stars that dot the skies. When they were both under sentence of death, and just before the dawn of day were led across the prison yard toward the place of execution, Barnaby, looking upward toward the myriad lights of the night, exclaims.

exclaims:
"Hugh, we shall know what makes the stars shine now."

Our faith here to-day ought to exceed that of the poor simpleton created by the imagination of the novelist. Not only shall we know what makes the stars shine, but all the wonders of the vast universe shall be open to our search. Our homes shall be among the heavens; the problems that our burdened souls have studied so despairingly shall be happily solved, and we may even become participators in the knowledge and power of Him—

Whose power o'er moving worlds presides, Whose voice created and whose wisdom guides.

To this felicity the friend we now with tenderness remember has already fully advanced. We would not, if we could, bring him back to earth, slowly and painfully to die again. We wait, reverently and hopefully, for the summons to us to join him in some star that is shining, from eternity to eternity, with unfading luster in God's illimitable wilderness of worlds.

Mr. LAYTON. Mr. Speaker, what is an ideal man? Who is a perfect man? Who can fully describe him? Where can he be found? These questions present a fruitful and varied field for

found? These questions present a fruitful and varied field for the writer and speaker, so broad and varied, in fact, that I do not deem it wise or appropriate to enter thereon or therein save for the purpose only of making a few observations this afternoon more or less pertinent to the occasion.

Hence I would inquire, What is your ideal of an American statesman? Where say you he can be found? How would you describe him to your hearers? Have you ever seen his counterpart? Is he now living or dead? Should these inquiries be addressed to myself, I would be constrained to answer in substance: I have never yet seen in its entirety my ideal of an American states. I have never yet seen in its entirety my ideal of an American states-man. Neither do I know where he can be found, nor can I fully man. Neither do I know where he can be found, nor can I fully or satisfactorily describe him to you. Yet I well remember one who came so near to my ideal that I do not now hesitate to accept him as such. But with a sadness I can but illy express, I would say he is no longer living.

Perhaps my ideal is too exalted. Perhaps, in fact, he never existed, can not, nor ever will. If so, I much regret it, for as I now view it in the light of more or less intercourse and association with more of the same course and association.

now view it in the light of more of less intercourse and associa-tion with many of our American statesmen, during the last six years especially, I do not regard my ideal as unreasonable or im-possible of attainment. And as an American citizen who loves and admires her men and her institutions, and believes in her continuing progress and advancement, it affords me great pleas-ure to say that while none of her statesmen of my acquaintance come up to the exact mark or line, yet so many come so near it that I shall ever refer to the fact with pride and satisfaction. So near have so many come to this exacting ideal that I can have no fear for the future growth and welfare of our now great Republic under their continuing care and guidance.

In my humble judgment an ideal, a real American statesman, in these times especially, when aristocracy and plutocracy are so freely referred to and censured, should at all times be purely democratic in his ways, manner, and conduct with all his fellow-men, and yet always dignified. He should, of course, be educated, able, and intellectual. He should never be a demagogue. He should be affable and pleasant and still dignified. He should be firm and decisive yet considerate and forbearing especially with his info be affable and pleasant and still dignified. He should be firm and decisive, yet considerate and forbearing, especially with his inferiors in intellect and experience. He should not be sarcastic to individuals, no matter how caustic he may be in his references to criticisms of classes or parties, and above and beyond all, unself-ishness and patriotism should guide and control his every public utterance and action. We doubtless have had in the past and now have many American statesmen who fulfill many of these requirements if not quite all. I can pay no higher or more just tribute to the memory of Hon. CHARLES F. CRISP than to say that, taking him all in all, he came nearer doing so than any other with whom I have ever had the honor of an acquaintanceship. None whom I have ever had the honor of an acquaintanceship. None who knew him well will resent this statement or take offense thereat. He was always manly and dignified in his manner and conduct, yet ever affable and pleasant, whether on the floor of this House, in the committee room, in the Speaker's chair, on the street, in public gatherings, or in his own household. He was always positive and firm in his convictions and opinions, and yet ever kind and considerate with those who might differ with him. In all matters he was totally unselfish, and true patriotism—the general welfare of his country—seemed to guide him in all his official conduct. He was not a great orator, but was a great, concisive debater. As a husband and father he was ever loving, kind, and

eral welfare of his country—seemed to guide him in all his official conduct. He was not a great orator, but was a great, concisive debater. As a husband and father he was ever loving, kind, and gentle. Those who knew him best appreciated him the most.

Term after term the people of his Congressional district returned him to Congress with almost a unanimous voice. In the Fifty-second Congress, when his party came in power, he was elected to the high and important office of Speaker of this House—the most important position in the Union next to that of President. The Fifty-third Congress again so honored him without any opposition from his own party. He administered the office with great ability and impartiality. At the beginning of the present Congress he was honored by his party associates as their choice for the same position. While serving in this exalted position the governor of his beloved State, in willing obedience to the wishes of the people, tendered him the Senatorship by appointment to fill a vacancy in the United States Senate. And yet, while desiring the position thus so kindly offered him, he promptly declined the appointment on the sole and patriotic ground that he could serve his country and party the better by retaining the Speakership. Soon afterwards he was duly recommended as a candidate for the United States Senate by his party in Georgia with substantial unanimity. But, alas, before he could take his seat therein ruthless Death cut him down. But recently his young but worthy son, Charles R. Crisp, was elected a member of this House without opposition to succeed his illustrious father and fill out his unexpired term in this Congress. On the first day of this session his untimely death was acknowledged by an appropriate resident and the could seem the propriet of the conditions of the propriet resident and the propriet resident and the propriet resident and propre his unexpired term in this Congress. On the first day of this session his untimely death was acknowledged by an appropriate resolution, followed by immediate adjournment for the day in honor of his memory. All, regardless of section or party, conceded that his premature death in the prime of his manhood was a great loss to his State and the nation. No man, no newspaper, said an unkind word of him, but all, as we are now doing, sincerely regret and mourn his loss. Indeed may we say:

None knew him but to love him, Nor named him but to praise.

Ohio mourns with Georgia over the loss of her distinguished son. To every American citizen who desires or intends to follow public official life I most sincerely commend the life, character, and history of Charles F. Crisp. May we, our children, and our children's children ever emulate his noble example.

Mr. BANKHEAD. Mr. Speaker, to-day we stop for a brief season the onward current of our everyday duties to pay tribute to one who in life was most himself when engaged, as we are daily engaged, in the business and affairs of this House. In the death of Charles Frederick Crisp, representative life in America last one of its most brilliant expenses and our nation one of ica lost one of its most brilliant ornaments and our nation one of its purest and most exalted statesmen.

its purest and most exalted statesmen.

Standing now in this presence, about to speak my words of tribute to our dead friend and associate, I feel crowding on me emotions of peculiar sadness. All the keen pain and anguish that touched my heart at the immediate occasion of his death are renewed, and what I would say is almost stayed. In our greetings and farewells we have no set and studied phrases. When we grasp the hand of one we may not have not seen for years, or come to part with one we may never see again, then it is that speech is hollow and but sound, and the beaming eyes, the quivering lips, the whole face give expression to an emotion beyond the ing lips, the whole face give expression to an emotion beyond the reach of words.

Sir, when Mr. Crisp died he had barely passed the half-century mark. Born in the year 1845, educated in the common schools of his State, a mere lad of 16 he entered the Confederate army. his enlistment in May, 1861, to his capture in May, 1864, he was a brave soldier, winning the confidence and love of his superiors. He knew the true import of the word duty, and all his subsequent career shows the influence on his life of the rigorous discipline of active warfare. Of the part he took in this mighty conflict I know how he felt, and that feeling I find embodied in the tribute paid by the distinguished Senator from Ohio [Mr. Sherman] on the late Senator Randall Lee Gibson, of Louisiana:

We have come to regard this fierce and sanguinary struggle as an inheritance from our fathers, growing out of an honest difference of opinion as to the framework of our Government. Poor human nature could provide no arbitrator to settle this contention, but now that it has been settled by a sacrifice of life and treasure almost unexampled in human history, it can be truly said that the result is heartily acquiesced in, and that no slumbering fires can rise from the ashes of the civil war to disturb the unity, integrity, and power of this great Republic.

One year after the close of hostilities found him admitted to the bar and located at Ellaville, Ga., in the practice of the law, called by Burke "one of the first and noblest of human sciences." For six years he toiled at his profession, struggling as its younger members do, with an effort to build up a paying practice. However, in 1872 his success had won him the first of the series of offices which was to end by his being the choice of the Empire State of the South for Senator in the United States Congress. In this year the South for Senator in the United States Congress. In this year he was appointed solicitor-general of the southwestern judicial circuit, and after a twelvementh he was reappointed for four years. In 1873 he removed to Americus, where he spent the remainder of his life. From 1877 to 1882 he was one of the superior court judges. The latter year closed his professional work as an active practitioner. These sixteen years of his life represent a career full of interest. He was a successful lawyer. His ability commended his first office and enabled him to hold it. As an commanded his first office and enabled him to hold it.

commanded his first office and enabled him to hold it. As an advocate he was earnest and fearless. Transferred to the bench, his facilities easily adjusted themselves to the severe exactions of the position, and he was all that is looked for in the terms an upright and a just judge.

Taking his seat in the Forty-eighth Congress, he early assumed that prominent place and developed those splendid qualities of leadership which won for him the Speaker's chair of the Fifty-second and Fifty-third Congresses. His life and work here are known and read of all men. I know that I am in the limits of exact statement when I say that there are no acts of his while in this body that will not stand the test of the most searching criticism. In his relations with his fellow-members he was always genial and body that will not stand the test of the most searching criticism. In his relations with his fellow-members he was always genial and pleasant. He seemed always happy; and while he might be leading a galloping charge on this floor, his natural manner never became offensive, and at its conclusion his perennial humor and serene temper returned. In his work as a Representative he was always busy, and no duty did he leave unperformed if possible of attention. His constituents had unbounded confidence and trust in him and in his power to serve them.

Perhaps it was in his course as Speaker in this body that he displayed qualities of a higher order than in any other field. His ability as a parliamentarian was remarkable. In his incumbency of this exalted seat and in his administration of its duties he won the admiration of his political opponents and was the idol of his friends. He was essentially fair and just. It was his desire to do right, and this he did at all times, as he conceived it. Quick, decisive, impartial, unfailing in resource, he must be ranked with his greatest predecessors.

While he was a good soldier, a successful lawyer, a learned judge, and a leader in the greatest representative assembly in the world, it is as a Christian gentleman he must be accorded the world, it is as a Christian gentieman he must be accorded the greatest honor. In his home life, which I can not here invade, he was the devoted, tender, and loving husband, and the ever fond, indulgent parent. I was first attracted to him because of his orderly habits of life and his loyal love of his home. Day by day I saw him come and go, in the halls of Congress, in his intercourse with the world, in the bosom of his family, and I saw in his life the well-nigh perfect man.

But he is gone from us now. In a little while we should have seen him take his seat in the other end of the Capitol, but instead he has gone up higher, "to where, beyond these voices, there is peace." The journey done, he is resting now; he is sleeping the sleep that knows no waking, careless alike of the day dawn or the twilight. For him the dark night of death was the sunburst of an eternal hereafter.

I will not say, "God's ordinance Of death is blown in every wind," For that is not a common chance That takes away a noble mind.

His memory long will live alone In all our hearts, as mournful light That broods above the fallen sun And dwells in heaven half the night.

Mr. McLAURIN. Mr. Speaker, no man can foretell the mysterious issues of life and death. Few who saw Judge Crisp at the close of last session thought that death would so soon cast its pale shadow upon that apparently robust body and vigorous mind.

How uncertain is the future! To-day life is bright, the sea is calm, the tide swells high and strong. To-morrow the tide turns; business trouble, sickness, or death robs us of hope and pleasure. From the calm and beautiful harbor where we floated so confidently, we are rudely tossed out upon the wide ocean. The horizon stretches far beyond our vision, and the heave of its restless waves comes from depths that are unfathomable. Vainly struggling, we either sink to the tranquil depths, where all is peace, or, tempest-torn and faint, are cast upon the shore. Well may the poet exclaim:

What is life? A brief delight; A sun, scarce brightening ere it sink in night; A flower, at morning fresh, at noon decayed; A still, swift river, gliding into shade.

The man who would know its true secret must learn to live "in deeds, not years; in thoughts, not breaths; in feelings, not in figures on a dial"—to count time in heart throbs. He most lives mgures on a dial —to count time in near throws. He most fives
who thinks most, feels noblest, acts best.

I think Judge Crisp grasped the true meaning of life and lived
"in deeds, not years; thoughts, not breaths."

The first time that I saw him, the thing that struck me most forci-

bly was the strong, cheerful, and kindly expression of his face. He had a hearty, genial manner, with a pleasant smile and kind word for everyone. I can well believe that in the home circle he was gentle, tender, and considerate; his sunny nature must have gladdened the hearts and lives of those who were traveling the journey with him. It is, however, for those more intimate to speak of him in private life. As a colleague from a sister State, it is simply my wish to pay a brief but sincere tribute to him as a public man. Those who differed with him politically will testify that while firm in his convictions, he was generous and tolerant of the opinion of others, while those of us who accepted his leadership will say that, like Joseph of Arimathea, "He was a just man and good coun-

selor."
For the great, patient, toiling masses he had an active and sincere sympathy. He never lost sight of the fact that he was a public servant, sent here to represent the will of the majority. He was an ideal Representative, never imagining himself wiser than the collective thought of the people who sent him here. He was in close touch with his people, with a thorough knowledge of their sentiments upon all public questions; and, after all, true statesmanship in a representative government simply means the needs and wishes of the people translated into law. The people love and appreciate a faithful representative. What a graceful and touching compliment they paid Judge Crisp! When death came, they sent his son to occupy his vacant chair in this House. Indeed, there was no more beautiful sight than the almost brotherly confithere was no more beautiful sight than the almost brotherly confidence and intimacy that seemed to exist between this father and son, and the people of Georgia honored themselves in paying such a tribute to the memory of their dead. I am sure that the mantle fell upon worthy shoulders, and that the trust will be regarded sacred by his successor and namesake.

It was while engaged in a canvass of his State for the Senatorship that the premonitory symptoms were felt of that disease which ended his life. Although apparently sound and vigorous, he probably had full knowledge of this vital weakness, but he did not allow it to deter him from his work. I met him day after day in the committee room, cheerful and confident, while he was always at his post on the floor of the House, prompt and vigilant. It may literally be said that "he died in the harness." We are told that when that knight of old, without fear or reproach, Chevalier Bayard, was wounded unto death, he commanded his attendants to prop him up against a tree with his face to the enemy; then, after taking the sacrament, died with this beautiful sentiment on his lips: "The justice of Almighty God will be tempered by the blood of our Lord Jesus Christ." With a character as pure and spotless, with as chivalrous courage, and a like trust in the justice and mercy of the same God died, without fear or reproach, this gallant knight of modern day.

The State of Georgia, Mr. Speaker, has been prolific in great men. At the mention of her name the mind reverts to Alexander Stephens, the conservative and sagacious statesman; to Ben Hill, It was while engaged in a canvass of his State for the Senator-

Stephens, the conservative and sagacious statesman; to Ben Hill, the eloquent and gifted orator; to the lion-like and majestic Toombs, with his fiery and irresistible logic; but, sir, great as are these, Charles F. Crisp is well worthy a place in their ranks. The times did not afford him the same opportunity to display the most striking qualities of statesmanship that they did Stephens and history may not accord him as high rank; in the realms of oratory he was not, perhaps, the equal of Toombs or Hill, but as an all-round man, statesman, orator, and debater, he was the peer of all-round man, statesman, orator, and debater, he was the peer of

Georgia's greatest.

Of great practical common sense, modest, imperturbable, evenly poised and cool, it was impossible to throw him off his balance.

As the representative of a powerful majority, wielding the Speaker's gavel, he was impartial, courteous, and kind; as the leader of the minority, he was cautious, tactful, and full of resource, and it seemed to me that his masterly qualities were never better displayed than in the latter rôle. He had a clear, clean-cut, incisive style, with an entire absence of attempt at display. In a calm, sensible, business-like manner, he went right to the marroy of a question. the marrow of a question.

He inspired confidence, and men trusted Judge Crisp and accepted his leadership because they knew that he would never say or do a foolish thing nor be caught in an untenable position. Preeminently a safe man, it could be confidently counted upon Preemmently a safe man, it could be confidently counted upon that he would say the right thing at the right time and do the right thing in the right place. Fully developed mentally, physically, and morally, he was ready for and equal to every emergency. No one in this House ever saw him on any occasion, however difficult, when he did not meet the requirements in every respect.

He saw in an instant a weakness in the position of an adversary,

and his thorough knowledge of parliamentary usage enabled him to seize every advantage. Under the most trying circumstances

he fully met and often exceeded the expectation of his friends.

Mr. Speaker, it is in such an hour as this, when the great and
powerful are cut short in the midst of their career, that we are most forcibly reminded of our weakness and dependence upon God. Death is the great leveler; he makes no distinction between It is the same everywhere; in the humble cot or the bright palace, in the wild forest or the brilliant city, in the swamps or upon the mountain top, to the humble laborer or the great statesman, the same dread summons chills the blood and freezes the heart. Christ, and Christ alone, can dispel the pall of gloomy terror that hovers about the bed of death. genius of man and the wisdom of the ages offer no other solution.

The "Go in peace," and "Thy sins are forgiven thee" must be spoken to each, and is our safe retreat.

It is not given to many to rise to the elevated position occupied by Judge Crisp. All can not be eagles, but each of us has his

by Judge Crisp. All can not be eagles, but each of us has his work, great or small; and we are taught that the manner in which it is performed is of more account than the magnitude of the task accomplished. If the trend of our life is for good, if its course is ever upward and onward, if its thought and inspiration are in harmony with the purpose of Providence in creating us, however insignificant our work may appear to others, surely we shall find in the great final day of account that we have not

lived and toiled in vain.

As members of this House we lead here busy, active lives, and when we are at home the turmoil, strife, and jealousies of political rivalry leave little to prepare for the "great beyond." It is well, therefore, on occasions of this character to pause a moment

well, therefore, on occasions of this character to pause a moment and draw home the solemn lesson each for himself.

Let us not be unmindful of the fact that a great leader, one of the busiest in our number, yet found time to seek that peace which will sustain the faltering soul in that last dark hour and make it radiant with the never-dying hope of eternal life. Judge CRISP was a consistent and faithful member of the Methodist Church. After all the triumphs which crowned a brilliant and successful career, I doubt not that if to-day his well-known voice could be heard in this Chamber he would reecho the dying words of the founder of his church, John Wesley, "Best of all, the Lord is with us."

Mr. McCREARY of Kentucky. Mr. Speaker, there is no arena which death does not invade. There is no place too sacred for its touch. There is nothing living on earth, no matter how great or small, how pure or vile, how rich or poor, but must finally succumb to the dread Destroyer. There is always somewhere—

Some heart that is bleeding, Some eye that is weeping. Some home that is draped, Some loved person dead.

When our comrade dies, when our coworker is stricken down full of hope and high purposes and great achievements, when he who has helped to make history and participated with us in the important legislation of our country is taken away in the prime and vigor of a splendid manhood, when his ability, integrity, and devotion to the public weal are most appreciated and most needed, we realize fully that death is very near to us, and that our affliction is severe and our country's loss is great.

Others have given detailed accounts of the life and career of Hon.

CHARLES F. CRISP. I shall sneak mainly of his character and his

genial, pleasant nature, and with the promptness and readiness with which he met every emergency.

I regarded him as a noble type of American manhood, able, log-

ical, self-made, and self-reliant, and always courteous, courgeous, and true.

He was firm and sincere in his convictions, faithful to his fitiends, liberal to his opponents, fair, just, and conscientious, and unceasing in the discharge of his duties as a Representative.

He was the faithful friend and champion of the people. He loved liberty, civil, political, and religious, and he was devoted to popular government.

He was both a patriot and a philanthropist. No man gave greater and more continued evidence of his love of country, and no man was more prompt to aid a friend or give freely to the needy and

He worked for what he regarded as the rights of the people, and did all in his power to protect the interests and promote the welfare and prosperity of the Republic, and the radiance of his integrity and the brightness of his honor were never assailed or

He was devoted to his wife, his children, and his home, and no He was devoted to his wife, his children, and his home, and no husband or father was ever the recipient of more love and respect. His family circle was full of affection and sweet communion, and here he illustrated how happy a man could be who was trying to do his duty to his God, his family, and his country.

His life and achievements illustrated not only the splendid opportunities of our great Republic, but showed also the honorable

success and great renown that will crown earnest efforts, strict integrity, and steadfast devotion to duty.

The first and last conspicuous events in his life showed not only his courage, ability, and self-reliance, but also the confidence, admiration, and love lavished upon him by those who knew him best. At 16 years of age he proved his courage and self-reliance by enlist ing as a soldier in the Confederate army and bravely fighting until ing as a soldier in the Connederate army and bravely igniting until the close of the war for what he believed to be right. When he was 51 years of age, the people of Georgia, who had for more than a quarter of a century studied his public service and his fidelity to his State and nation, sought to confer upon him the highest honor in their gift by making him a United States Senator, and practically all of the State senators and representatives elected were instructed by the people to honor him with this great office; but his death prevented this great trust and well-merited distinc-

tion from being conferred upon him.

His views on finance, taxation, education, commerce, agriculture, an economical administration of the Government, the sovereignty of the people, and the independence of the coordinate departments of the Government, and on all other important questions presented, were often announced in strong and eloquent speeches, which are found in nearly every volume of the Congres-sional Record issued since his service as Representative com-

menced.

As an earnest, fearless champion of Democracy, he was always ready to defend his party and his principles, and he loved to up-hold and support the teachings and doctrines of Jefferson and

It was as Speaker of the House of Representatives he gained his highest honors and made himself most conspicuous before the country. His knowledge of parliamentary law and procedure, his country. His knowledge of parliamentary law and procedure, his equipoise, and the ease, dignity, firmness, and fairness with which he presided made him popular with the members of all political parties and enabled him to conduct the business with order and dispatch. I believe the dispassionate judgment of those over whom he presided for four years is that he is entitled to be remembered as one of the ablest and most accomplished of the Speakers of the House of Representatives.

of the House of Representatives.

The history of Georgia is luminous with the names of brilliant, earnest, and faithful statesmen. Among the ablest and strongest of that great galaxy the name of Charles F. Crisp has taken its permanent place. His fame does not belong to Georgia alone, nor to the South, but to the whole Republic, and in Kentucky we will cherish his memory, and his fame will survive along with that of the other dead statesmen, jurists, and heroes—Hill, Toombs, Colquitt, and Brown—who did so much to make Georgia conspicuous and illustrious.

It is written in one of the tender and beautiful legends which the Talmud has preserved that at the moment of the death of a good man memories of his love and charity and good deeds float

good man memories of his love and charity and good deeds float through his mind to cheer and console him as his spirit soars others have given detailed accounts of the life and career of Hon.

Charles F. Crisp. I shall speak mainly of his character and his service in the legislative forum, where I knew him best and where I respected and admired him as a leader and loved him as a friend.

I first met him when I commenced my service as a Representative in Congress in 1885. My admiration for him grew as I became better acquainted with him, and I was deeply impressed with his.

He could see fidelity and devotion to loved ones at home; he could see charity and love, fragrant as flowers in springtime, beautifying and chastening a life well spent in the service of his God and his country, and at the end of it all, I believe, he could hear the welcome plaudit, "Well done, thou good and faithful servant; enter thou into the joy of thy Lord."

Mr. WELLINGTON. Mr. Speaker, amid the lengthening shadows of this midwinter afternoon the Representatives of our nation have met to mourn the untimely ending of a great career. The strong voice of active legislation is at rest, the fierce contention of partisan debate is hushed, and in their stead solemn decorum and order reign. To-day we are concerned not with the living, in the present, or the future, but the dead and the past. We call a halt in the march of life; we turn from the busy scenes and activities of living men to the grave that nestles with many others in distant Georgia, in that place set apart for the habitations of the dead; and as we stand before it with sad and sorrowful mien, I would lay a simple flower there while others may place a wreath of amaranth upon it as a tribute to the memory of Charles Frederick Crisp.

From the quiet portals of the grave there come none but "fond regrets and tender recollections." Resentments are forgotten, faults forgiven, and remembrance portrays to us in vivid pictures the virtues and noble actions of the departed.

As we unroll the canvas of the last half century, whereon time hath painted in ineffaceable colors the life history of the distinguished man whom we mourn, there are few foibles to condone

guished man whom we mount, there and much that was noble to commend.

The annals of a nation are written in the biography of its great men. The mass of the people have no history. The record of their lives is short and simple, and remains ever the same. They are born, they live, they die, and are forgotten; generation after generation meets the same fate. We blunder through youth, struggle in manhood; and if perchance we are fortunate enough to reach old age, it is a scene of vain and unavailing regrets. But there are men who, by the force and power of talent or genius, indomitable will, or never-ceasing perseverance, lift themselves above their fellows, and in the record of their lives write history for their people. Such a man was CHARLES FREDERICK CRISP. Not a brilliant man, perhaps; not one whose name will flash with lustrous light, for he did not live in a time when splendid effulgence reigned. Yet when the records of this commonplace period of American national life are made up, his figure will stand out in bold relief as one who stood by his section, who partook of the bitterness of sectional strife, and yet was broad enough to rise above rancor, and developed into a national character, which, though tinged with sectionalism, grew gradually until he reached the loftier elements of patriotism, humanity, and a gentleness rarely observed among men.

rarely observed among men.

Born in the stormy times when the unavoidable conflict was rapidly approaching, he had reached the days of youth when sectional strife began. The bitter struggles of that eventful period have become a story of the past, and a generation of men have been born and grown into manhood since the great civil war. To me it is a memory of childhood. Yet I can well remember when the two opinions of government, which had existed antagonistic to each other since the formation of the Republic, divided our land and arrayed one part against the other.

In the North there had grown the idea of a strong Federal Government, such as had been portrayed by the Declaration of Independence. In the South there was the sentiment of a confederation of States, such as had been contemplated in the Articles of Federation which bound the colonies in the Revolutionary war. These two rival principles met upon the border; there sentiment was divided, and therefore upon the borderland can be found that judgment which perhaps will give in more impartial manner credit to each and both for the valor, heroism, and self-sacrifice with which each section maintained what it believed to be right.

When the great struggle came, Mr. CRISP, who was then a youth, cast his fortunes with his native State. Georgia had broken the bonds that bound her to the Federal Union. She had joined herself to that other government which had been named by the Southern States. CRISP had been reared in the school of State rights, of sovereignty for the Commonwealth, and therefore it was but natural to him to give allegiance to the Commonwealth which, though not the place of his birth, had given him sustenance through childhood and youth, and from which he had received all she had to give.

to give.

Amid all the changeful fortunes and vicissitudes of internecine strife the days of his youth passed into manhood, and in the fortunes of war he became a prisoner in the hands of the Federal troops. There he remained until the conflict was ended and the great question upon which the perpetuity of this Government depended was forever put at rest. The first period of his life was closed. The sentiment of State sovereignty, which had colored his youth and led him to take up arms at the behest of his State

against the General Government, was dead—aye, more; buried beneath four years of weary marching, attacks and repulses, victories and defeats, a million lives, and billions of treasure. It was a lesson in national life which every nation must learn, and which, thanks be to God, the American nation has successfully committed to memory. It made a deep impression upon Mr. CRISP's life; it fashioned all the years that were to come, and converted much of the partisan into a judicial temperament. He began life on his own account, studied law, and entered into its practice. Success attended his efforts, judicial honors were given him, and then there came into his life another ambition, which led him into the path where he was most needed. The bitter passions and intense prejudices of sectional strife do not pass away in the fading of a moon nor yet in the circling of the seasons of one short year. They die gradually, and the people who would throw them off need the calm judgment, the sober second thought of men who can lead them conservatively, who will appeal to nobler sentiments and broader views, and no man in the past two decades has rendered greater service to his common country in this direction than CHARLES FREDERICK CRISP. His whole course in the House of Representatives, while it manifested the fact that he was true to the atmosphere in which he lived and faithful to the people whom he served, demonstated that he could look beyond the narrow confines of his State, view the broad expanse of our country, and, step by step, guide the Southern States to the common cause made for the whole American people.

made for the whole American people.

When I met him first, but little over a year ago, I knew him only by the reputation he had made as the leader of the political organization to which he belonged; knew him by the record he had made as Speaker of the House of Representatives. I esteemed him, admired him, honored him, and personal contact but intensified that sentiment and feeling.

As a leader of men of his own opinion, he was neither rude nor masterful. To the opposition he was very fair, just, and frequently charitable. To tyros and beginners he was not only gentle, but generous, and he had about him the subtle quality of standing firm upon his own ground, yet winning the confidence, trust, and good graces of his adversaries.

I saw him last upon the floor of this House, when insidious disease had begun its work, but he bore it bravely and by strength of will and nerve attempted to win the terrible battle of life against death. Even then the silent angel poised the dread shaft which ere long was to speed and strike him down. The flowers of spring had bloomed and faded when he departed for his home, there to engage in the contest which was to bring him further honors from the people of his State. Summer passed, the harvests of autumn were gathered, and the winds of approaching winter were beginning to sigh and moan among the trees when the final summons came, and the wires flashed to friend and foe the news that saddened one and all, giving the tidings of his death.

The record of his life is made up. It is fair and beautiful; and the characteristic which shall make him loved most among our people is that he was just and generous toward all, and mingled with justice and generosity that love which is the best part of all men, for, in the language of the Ancient Mariner—

He prayeth well who loveth well Both man and bird and beast; He prayeth best who loveth best All things both great and small; For the dear God who loveth us, He made and loveth all.

Thus we may leave him, life's fateful mission accomplished and the enigma of the hereafter solved. His memory may be safely intrusted to the people with whom he lived and who now dwell where his ashes rest.

Mr. TATE. Mr. Speaker, we pause amidst the stormy strife of life's fierce battles and the busy bustling scenes of party contention and international disturbance to pay tribute to the memory, recall the services, tell of the exalted character, and recount the many virtues of one who has left his impress upon the age in which he lived. A great leader has fallen. When the future historian comes to record the names of the illustrious statesmen who have been the pride and glory of our common country, that of CHARLES F. CRISP will shine forth among the first and the foremost and shed luster upon the greatest and the best.

torian comes to record the names of the interious statesmen who have been the pride and glory of our common country, that of CHARLES F. CRISP will shine forth among the first and the foremost and shed luster upon the greatest and the best.

When Attorney-General Cushing, on December 9, 1853, announced to the Supreme Court the death of that great and good man, William R. King, Vice-President of the United States, he said, among other beautiful things, concerning the dead statesman, these grand words, which are so appropriate to this occasion that I take the liberty of transcribing them:

He stands to the memory in sharp outline, as it were, against the sky like some chiseled column of antique art, or some consular statue of the imperial republic, wrapped in its marble robes, grandly beautiful in the simple dignity and unity of a faultless proportion.

Mr. Speaker, death extinguished a great light when Judge Crisp died. He was not an orator like Clay, nor a logician like Webster, nor a metaphysician like Calhoun, yet he possessed in harmonious combination, in a great degree, all of these distinguishing attributes, and was, sir, the best-rounded character I ever knew. He was a pleasing, a charming speaker; graceful in manner, clear in statement, fair in his representation of his opponent's position and argument, candid in his search for the truth.

He knew how to be, at the same time, a partisan and a patriot. He was a partisan because he believed that the principles and policy of his party involved the highest interest of his country and his race. He was a patriot because he recognized in the beneficent Constitution and institutions of his country the world's last and best hope for constitutional liberty and free representative

He knew how to be, at the same time, a partisan and a patriot. He was a partisan because he believed that the principles and policy of his party involved the highest interest of his country and his race. He was a patriot because he recognized in the beneficent Constitution and institutions of his country the world's last and best hope for constitutional liberty and free representative government. He was no specialist, but he stood among the first in all things which go to make greatness. He was a wise counselor, an able statesman, an eloquent advocate, an accomplished parliamentarian, a courtly gentleman, and a true friend. His life is an inspiration to the young men who are to come after him—a beacon light to guide them to a higher sense of public duty, and give them a more exalted idea of unselfish patriotism. I do not care to dwell at length upon the public career of the illustrious dead, because it is a part of the public history of the country and familiar to all. His name is indissolubly associated with all the public events of importance which have occurred in the last decade.

is an inspiration to the young men who are to come after him—a beacon light to guide them to a higher sense of public duty, and give them a more exalted idea of unselfish patriotism. I do not care to dwell at length upon the public career of the illustrious dead, because it is a part of the public history of the country and familiar to all. His name is indissolubly associated with all the public events of importance which have occurred in the last decade. From the time when, a mere youth, he first entered public life down to the moment when death called him from us, his career was a series of brilliant successes. As solicitor-general, judge, president of conventions, member of Congress, Speaker, everywhere and at all times he met every obligation and discharged the duties of every trust committed to him with honesty, fidelity, and ability. Right here, upon the floor of this House, was the scene of his greatest triumphs—his most brilliant achievements. Cool, self-poised, and well balanced, he could always husband his resources at the right time and direct his energies with the best possible effect. Never did he develop his matchless powers or show his wonderful resources so well as when leading the forlorn hope of the minority; amidst the fire and clash of party contention he would always parry the blows of the opposition, and by well-directed aims send his own darts with fatal precision into the heart of the enemy. He never voluntarily gave offense, and frequently disarmed opposition by his kindness and urbanity. Those, however, who met him in debate found that "there were blows to take as well as blows to give."

well-directed aims send his own darts with fatal precision into the heart of the enemy. He never voluntarily gave offense, and frequently disarmed opposition by his kindness and urbanity. Those, however, who met him in debate found that "there were blows to take as well as blows to give."

Some men may have surpassed Judge Crisp in the subtle forces of thought; others may have excelled him in the divine gift of eloquence; still others may have been his equal in soundness of judgment and the judicial fairness with which he exercised power, and perhaps he had his peers in the high social qualities for which he was so eminently distinguished, but men possessing all these high attributes in combination are rarely found. Judge Crisp possessed them all. His was a clear, active, incisive intellect. He was a fluent and eloquent speaker, an upright and impartial judge, an able and faithful Representative, a ready and skillful parliamentarian, and as a Speaker of this House for ability and fairness he goes to history the peer of Blaine and Randall. He was a polished and courtly gentleman, genial in manner and spirit as an "incense-breathing morn" in May, a bold and fearless antagonist, a faithful and confiding friend, and more than this, than these, than all, he was that "noblest work of God, an honest man." His was—

One of the few, the immortal names, That were not born to die.

Judge CRISP sent the sunshine of joy and gladness into the hearts of those who came in contact with his magnetic presence. It has been said that he never lost a friend nor made an enemy. Those of us who enjoyed the pleasure of comradeship with this goldenhearted man, who luxuriated, as it were, in the bright light of his genial companionship, can attest how great is our loss, how sad our bereavement. A gentler, kindlier heart never beat within a human breast. Would that I could speak of him in fitting language as a friend. He was my friend in all that term can suggest, and my personal loss is greater than I can tell. I loved him and I loved to follow where he led. But above all I loved to sit and hold sweet converse with him.

He has departed from among us, and we will never see his like again. Silently and sorrowfully he was laid away in the bosom of the Commonwealth he loved so well and served so faithfully. The grief of thousands of stricken hearts followed his funeral train. We have embalmed him in our hearts forever, and Georgia continues to weep upon the new-made grave of her best beloved son. Friend of my life—

Farewell; my lips may wear a careless smile,
My words may breathe the very soul of lightness,
But the touched heart must deeply feel the while
That life has lost a portion of its brightness.

Judge Crisp was ambitious, "that glorious fault of angels and gods." He had ambition for official position not for its empty honors and perishing emoluments, but for the privilege and opportunity it gave him to serve his country. His ambition was neither selfish nor inordinate. He was ambitious to do the most good within the compass of a life's duration, and to that end he consecrated the best energies of his great mind and his honest heart. He wanted to go to the Senate, the sine qua non of every statesman's ambition, but his desire to attain this exalted station did not overcome his fixed purpose to serve his country where he could do his country most good. While we can not say of him what Antony said of Julius Cæsar, "I thrice presented him a kingly crown—he did thrice refuse," yet we all do know that he was once presented with a seat in the American Senate and that he did once refuse it, because his friends and his party thought he could render the country greater service by remaining Speaker of this House, and with him their wish was law. He was assured by the present able and patriotic junior Senator from Georgia [Mr. Bacon], who was at the time an aspirant for the position, that if he would accept the appointment to the office of Senator tendered him by Governor Northen, made vacant by the death of the beloved and lamented Colquitt, he would have no opposition for the succession before the legislature; therefore his acceptance at that time meant the fulfillment of the cherished ambition of his life. Yet he made the personal sacrifice for the public good. Some men are stimulated to great achievements by the love of glory, others by the thirst for power, but the sentiment that absorbed the thought and thrilled the heart of Judge Crisp was love of country.

Breathes there the man with soul so dead Who never to himself hath said, This is my own, my native land!

The greatest heroes of the world's history are those who fought the battles against self and conquered. Crisp did this. He fought this fight, he kept the faith, he gained the victory, and wears the crown.

Pure and unselfish patriotism was his distinguishing character-

istic.

Mr. Speaker, Georgia, ever proud of the achievements of her sons, looked upon this, her favorite, with peculiar pride and fondness, and her people, unforgetful of the sacrifices he had made for them, with a unanimity unsurpassed, had named him for the highest position within her gift, when his great heart ceased to beat. And thus this light was extinguished in the very blaze of his greatest political triumph; he reached forth his hand to take the Senatorial toga and grasped a shroud.

Mr. Speaker, as the stars go down to rise on some fairer shore, so our friend passes through the gloom of the grave to another and

Mr. Speaker, as the stars go down to rise on some fairer shore, so our friend passes through the gloom of the grave to another and immortal condition of life. To those annealed in the blood of the crucified Gallilean, there is no death.

There is no death! What seems so is transition;
This life of mortal breath
Is but a suburb of the life elysian,
Whose portal we call Death.

Divine revelation flashes from the sheen of the cross upon the darkness of the grave, the light of life, and anchors the broken heart of humanity, by the cable of faith, to the cherished truths of the resurrection and immortality. The religion of Christianity offers the only rational solution of the problems of life and death. We shall meet our friend and associate again, with all those who have preceded us.

We may not sunder the veil apart,
That hides from our vision the gates of day,
We only know, that their barks no more
May sail with us o'er life's stormy sea;
Yet somewhere, I know, on the unseen shore,
They watch and beckon and wait for me.

Our distinguished colleague and beloved friend was as felicitious in death as he was successful in life. He had lived long and well in a few brief years. He had served his country well and faithfully, in positions of high trust and great honor. He was in the high tide of matured intellectual manhood, and in the noonday splendors of national fame. Age had not palsied his great powers, disappointment had not paled the star of his hope, nor frozen the current of his love. His work well done, his fame assured as part of his country's history, "He wraps the drapery of his couch about him and lies down to pleasant dreams," with every flower on his tomb wet with a nation's tears.

Mr. LIVINGSTON. Mr. Speaker, when I first knew CHARLES F. CRISP he was a very, very young man. He had been appointed solicitor-general of one of the circuits in the State of Georgia, and so well and so faithfully did he perform his duties as solicitor, that when he asked an appointment to the judgeship of the same circuit, he received it at the hands of the governor. So well did

he perform the duties of judge—no stain, no criticism, no slander was cast upon him or his administration—that at the end of his first term he was elected by the Georgia legislature for a second term.

In all his life he performed his duties well. Beginning without much of this world's goods, with but few friends, and with a limited education, he learned to trust implicitly in that old adage that—

Honor and shame from no condition rise; Act well your part; there all the honor lies.

From his early manhood until the day of his death he was a practical, upright, honest official in every capacity, whether State or national.

In 1883 we had a very noted political contest, such as had not taken place for many years in Georgia. There was opposition to the nomination and election of the then acting governor, and there was a combination to beat him. There were, I believe, four or five candidates who were prominent. Two of them were very nearly equal, and controlling almost the entire vote of the convention. Judge Crisp was a delegate at that time in behalf of a man who had but 13 votes in the convention. I was a delegate, and when we met, the great question to solve was who should act as the permanent president of that convention. Neither of the dominant candidates could afford to allow his rival to name the presiding officer. There was a committee of thirteen appointed to suggest a presiding officer, and I am glad that I had the pleasure, as a member of that committee, of suggesting Charles F. Crisp and of stating in the committee room that, of all the men who were accredited as delegates to that convention on that day, Charles F. Crisp was, in my humble opinion, one of the fairest-minded and most impartial and honest men in the convention. The suggestion was accepted; he was elected, and well and satisfactory did his selection prove to all interested parties. That was the beginning of his political

life.

Mr. Speaker, so much has been said of Charles F. Crisp to-day, both as to his life and as to his character, and the day has worn so far away, and there are so many others who are anxious to say something in his behalf, that I shall only consume a moment or two more of time. I was with him much during the last year. I have been intimate with him for many years. I have seen him in sunshine and under the clouds. I have seen him in prosperity and in adversity, but never in all my life did I see Charles F. Crisp so sorely tried as during the last year. When he thought of entering the race for United States Senator before the people of Georgia, the proposition was that this question should be remanded to the people, by primaries that should select the name of the Senator, believing that the Georgia legislature would indorse their action. It is well remembered by everybody on the floor of the House that a very strong man—a young man, strong in mind and in body—met him on the hustings in Georgia, contesting his claim to the Senatorship on account of his financial views.

It was intimated, when Mr. Crisp left the field and failed to fill the engagements on hand, that it was for other reasons than his physical condition. He was criticised by the papers at home in some instances and by newspapers abroad. No one knew but Mr. Crisp his real condition. No physician who had attended him or prescribed for him knew his sufferings and the peculiar condition, physically, under which he labored. He withdrew. He submitted to those adverse criticisms and talked to me about it more than once. I was with him, Mr. Speaker, when he made his last speech on earth. Called by the people of Rome, Ga., and the surrounding country last fall to deliver a political speech, he had a magnificent audience, and never in my life did I see a speaker who nerved himself so thoroughly to do his full duty and measure up to his full capacity as did Charles F. Crisp on that occasion. It was painful to see the effort he made to meet the expectations of the vast crowd that was hanging upon his lips. Yet he partially failed; it was his last effort. He only talked for a few minutes, and had to sit down. There were but few, perhaps, including Mr. Crisp himself, who were aware of how fatal the malady was or would be, and how soon it would take him from his sphere of action.

Permit me to say in conclusion, Mr. Speaker, that his death was a national loss; but a much greater loss to Georgia, and to his home circle and to his personal friends an irreparable loss. He was an honest man, a good man, a discreet man, a wise man, a kind man, a liberal man, a manly man.

Mr. LAWSON. Mr. Speaker, on the 23d day of October last the soul of Charles F. Crisp, a great Georgian and an honored member of this body, passed through the gates of death into the presence of God. On that day his eyes rested for the last time on the autumnal splendors of his Southern skies. At such a season life is precious. For no artist, however deep his inspiration or exalted

his imagination, has ever conceived a picture that rivaled in beauty and grandeur the surpassing loveliness of forest and landscape when "every leaf is an opal, and every tree a bower of varied beauty." From such a scene the soul of Judge Crisp, conscious of its impending voyage, and with no loved one absent, fearlessly launched upon the serene and placid sea of eternity. The places that knew him once will know him no more forever. But in a potent sense he still lives—lives in the virtues which he illustrated and in the successes which he achieved. These are invulnerable to the leaden scenter.

and in the successes which he achieved. These are invulnerable to the leaden scepter.

For the emulation of youth a nobler examble than our deceased friend can scarcely be presented. Ardent, courageous, patriotic, and loyal to his adopted State, he, at the age of 16 years, grasped the sword in defense of her sovereign rights. Through four years of fatigue, hardships, and untold privations he followed the immortal Lee, the incomparable soldier and peerless citizen, amid the vicissitudes of fortune, to his final defeat. Then, at the age of 20 years, located in a small south Georgia town, he began a new life. A stranger, without either fortune or ancestral distinction, he began that long civic combat which, protracted through many years, ended only with his life. There was nothing in the physical aspect of the country, nor in its social and political condition, to an elevated plain of manhood and usefulness. Physical desolation all around and athorough social upheaval, united with a galling oppression from without, tended to make the prospect cheerless oppression from without, tended to make the prospect cheerless and hopeless. But that manly courage and hardihood acquired in his soldier life qualified him for the conquest of adverse conditions and for his final triumph over all discouragements. His education was meager, such only as he had acquired in the common schools; yet he was inducted into the learned profession of the law, a profession which in his Southern home had always held aloft the highest standards of learning, integrity, and honor. But by dint of native ability, strenuous effort, and unfailing industry, he soon won a firm foothold in the profession, and was promoted to the office of solicitor-general, and charged with the prosecutions of all infractions of the criminal laws in his circuit. His able and faithful discharge of the duties of his office is evidenced by the fact that on the first opportunity thereafter he was oppression from without, tended to make the prospect cheerless denced by the fact that on the first opportunity thereafter he was elected one of the judges of the superior courts of the State, courts which are vested with the highest original civil and criminal jurisdiction in the State. Responsibilities of the most grave and onerous nature now devolved on him—none could be more so. To hold the scales of justice evenly between the contending animosities and passions of personal strifes and to determine the issued ities and passions of personal strifes, and to determine the issues of life and death impartially according to law, is a responsibility and a duty more exacting of the intelligence, the patience, the integrity, and the humanity of the judge than can otherwise be imposed. Yet Judge Crisp bore this burden with fortitude, with a sound understanding, and with conscientious loyalty to justice a sound understanding, and with conscientious loyalty to justice and fidelity to the State, eminently displaying in all emergencies the immovable and calm equipoise of an impartial magistrate. His countrymen, to attest their approval of his able judicial administration, transferred him to a sphere of less serious responsibilities, but of higher honor and wider usefulness. They elected him to the Congress of the United States. I will not undertake to portray his labors and successes here. That will be much better done by his colaborers and cotemporaries.

I did not witness any part of his Congressional career until he was chosen Speaker of the House of Representatives. As his colleague, and representing in part the same people. I witnessed with a par-

I did not witness any part of his Congressional career until he was chosen Speaker of the House of Representatives. As his colleague, and representing in part the same people, I witnessed, with a pardonable exhilaration of feeling, the industry, aptitude, ability, and fairness with which he deported himself in that great office. Quick to perceive, prompt to act, resolute of purpose, calm, composed, and suave in manner, he was a model officer. The stormy ebullition of partisan fury did not appall him, nor did sudden parliamentary entanglements disconcert him. Deliberate, just, self-poised, courteously according equal consideration to political friend and foe, he pursued the even tenor of his way. His personal bearing, and the unique blending of his moral and intelectual qualities, fitting him well and equally for action or for the council board, plainly marked him for the leadership of his party in the House. His sagacity, if not unerring, was of the keenest description. For these reasons, when his party suffered defeat, and when he descended from the chair to the floor of the House, party leadership was accorded him spontaneously, without rivalries, and without criticisms or comparisons. And though he knew that disease was corrupting the fountains of life, and though, haggard and wasted in strength, he sometimes seemed to bend beneath the burden, he resolutely maintained his station at the head of the column. Thus, as lawyer, jurist, legislator, Speaker, and statesman, he was a conspicuous figure and filled a large space in the public eye.

His was the applause of listening senates to command, And to read his history in a nation's eyes.

And cut down in the midst of his years, in the prime and maturity of manhood, in the zenith of his fame and usefulness, his death is an irreparable loss to his State and country.

It may be remarked that his history was complete as it progressed. He advanced step by step from one degree of honor and usefulness to a higher, but every inch traversed was thoroughly conquered ground, and he did not need the brilliancy of a later cable years to reflect head and supplement or amond the deficien-

achievement to reflect back and supplement or amend the deficiencies, the errors, or the failures of an earlier period.

One event in his political career stands out as a conspicuous illustration of his self-sacrificing patriotism. It was well known to his friends, and a fact which he did not hesitate to admit, that he coveted a seat in the United States Senate. That seemed to be the coveted a seat in the United States Senate. That seemed to be the goal of his ambition, the capstone to an unbroken series of political conquests. But when, on the death of Senator Colquitt, the governor of Georgia offered to fill the vacancy in the Senate by the appointment of Judge Crisp, he patriotically put aside the coveted prize, esteeming the services he was performing as Speaker of the House of Representatives to be of far greater value to the country than his services as a Senator could be. His countrymen warmly appreciated and applauded his self-denial, and in the fullness of time, when he could accept the office without a sacrifice of duty, they, with practical unanimity in a primary election, indicated him as their choice for the Senatorship. All that remained to consummate the people's choice and his own ambition was the vote onsummate the people's choice and his own ambition was the vote of the general assembly, which would have been cast before the passing of those beautiful October days. Had death spared him a few days longer an admiring people would have crowned him with the laurels he so long coveted. But he is gone; and the glittering prize which, like ripened fruit, was just dropping into his hands, has fallen to the lot of another.

hands, has fallen to the lot of another.

I can not close this brief sketch without some reference to the private and unofficial life of the honored dead. I will not profane the sanctuary of his domestic life by any allusion to it except to say that he was a loving, dutiful, and indulgent husband and father. No man's life is faultless. No man's life is as good as he wishes it to be and strives to make it. Life is a drama of alternate defeat and victory. The private life of Judge Crise, leaving out the foibles and follies that human nature in the best of men is heir to, was untarnished and spotless. No one ever questioned his integrity, and no suspicion or slander ever cast a film upon the clear surface of his character. It was above reproach. His affable surface of his character. It was above reproach. His affable surface of his character. It was above reproach. His affable manners and singularly democratic habits drew men to him and "grappled them with hooks of steel." No aspersion of his political foes ever escaped his lips; they even shared the beneficence of his Christian charity. His bonhommie was perennial; his cheerfulness a never-failing stream. It was a delight to share in the pleasantries of his sunny disposition. As greatness grew upon him he did not forget his early and less-favored friends. The great poet tells us that—

"Tis a common proof."

'Tis a common proof,
That lowliness is young ambition's ladder,
Whereto the climber-upward turns his face;
But when he once attains the upmost round,
He then unto the ladder turns his back,
Looks in the clouds, scorning the base degrees
By which he did ascend.

Not so with Judge CRISP. A friend once gained was a friend forever. The friends of his early days were the stancher friends of his last days. The period of his suffering and decline was wreathed in their admiration and love. And if any sacrifice which they could have offered could have beaten back the stealthy

which they could have offered could have beaten back the stealthy and relentless approach of the grim monster, he to-day, strong and militant, would be an active leader amongst us.

I conclude with one other remark. Death came to him as it comes to but few. It did not with a sudden and resistless stroke mercifully cut him down. It did not, through wasting disease, always nearing the inevitable end, assure him that recovery was always nearing the inevitable end, assure him that recovery was impossible. But it tantalized him with alternate hope and dread. Now it approached; again it receded; but the dread Reaper was ever dimly present. In the noisy altercations of these halls, in the privacy of his home, in the council chamber, on the highway, in the hall of assemblies, in solitude, in society, at funerals and at marriage feasts, everywhere and always, Death, toying with his heartstrings, mocked him. Whether his end was near or far off, he knew not; but he did know that his sleepless enemy was inexorable and relentless. For months he stood near and listened to the lashing of the waves upon the eternal shore and feared not. Surely the valiant never taste of death but once.

Mr. MORSE. Mr. Speaker, at this late hour I promise that my words will be very few. The great dramatist has said:

All the world's a stage, And all the men and women merely players

Of this Washington, with its ever-changing life, seems to me to be a fit illustration. I often think, as I ascend the steps of this Capitol building, of all the men who have served here and

walked these streets, ascended these steps, and had their little day of honor, fame, and pleasure, and have joined the silent majority

Judge Crisp, in whose honor we have met here this afternoon, like all the rest, is but an illustration of Gray's immortal Elegy in

a Country Churchyard, that-

The paths of glory lead but to the grave.

These considerations should lead us to look away to that undiscovered country, should lead us to seek for honor and treasure laid up "where neither moth nor rust doth corrupt, and where thieves do not break through nor steal." How it should lead us to thieves do not break through nor steal." How it should lead us to strive for that incorruptible crown of glory that fadeth not away, for those enduring honors that will stand when the marble crumbles, when the bronze turns to dust, and when the canvas fades—will stand when the elements have melted with fervent heat and

the works thereof are burned up.

Mr. Speaker, to know CHARLES F. CRISP was to love the man.
I disagreed with this distinguished statesman upon nearly every political question, upon economic and financial questions, but I am here to bear testimony to the fact that I believe he was a thoroughly honest and sincere man. I am here to say that he was a refined and courteous gentleman; and I am here to say that he bore the duties of that great office which you enjoy, Mr. Speaker, and whose responsibilities you know so well—I am here to say that he bore those great honors with a quiet modesty and dignity. Charles F. Crisp was a gentleman in the widest, broadest sense of those words. Shakespeare says:

The evil that men do lives after them; The good is oft interred with their bones.

I have often thought when reading that that he spoke ironically. I think exactly the opposite is true. I think we love to recount the virtues of our deceased friends rather than their failings and faults. The distinguished gentleman from Pennsylvania [Mr. Dalzell] has said that Speaker Crisp had faults; but he has truly and justly said that his virtues far outshone them; his gentleman from the property of the p teness, his culture, his urbanity of manner, even to his political opponents as well as his friends, was a marked characteristic of

opponents as well as his friends, was a marked characteristic of this great man, who now sleeps in the soil of his own loved State, the great empire State of Georgia.

Mr. Speaker, Mr. Charles F. Crisp died in the zenith of his fame. He died at the post of duty, as one should wish to die. You remember, Mr. Speaker, when the surgeons gathered around Mr. Garfield in the depot when he was stricken down by the vilest essessin that ever current the earth, he asked Dr. Diego. wilest assassin that ever cursed the earth, he asked Dr. Bliss: "Doctor, is the wound mortal?" And you remember the answer that the doctor made. Said he: "Mr. Garfield, we fear the worst." And that great man said: "Doctor, I am not afraid to die," Why not? Because he was at the post of duty. One of die." Why not? Because he was at the post of duty. One of my illustrious and distinguished predecessors, who for sixteen years represented in yonder Hall the district which I have the honor to represent—John Quincy Adams, the old man eloquent—died in yonder Hall in 1848. He died as he lived—at the post of duty, like this man. He died on his shield, and his last words were: "This is the last of earth. I am content." Surely the place where a statesman would wish to die!

Some of the oldest people who live in my country will tell you that their grandparents told them about a dark day. It occurred on the 19th day of May, 1780. It began to grow dark at 10 o'clock in the morning, and at noon it was so dark in New England that in the morning, and at noon it was so dark in New England that people could not see to read outdoors. Our fathers had very few books besides the Bible, and in that book they read that God had appointed a day in which He would judge the world. Very many of the good people of New England thought the day of judgment was at hand. Indeed, Mr. Speaker, as you know, the strange phenomenon has never been explained. The only explanation ever offered was that the smoke from dense forest fires in the West met a dense fog from the East. At any rate, on the 19th day of May, 1780, at noonday in New England a man could not see to read out of doors. This dark day overtook the Connecticut house of assembly in session; and amidst profound silence and gloom, one of the members arose in his place and said: gloom, one of the members arose in his place and said:

Mr. Speaker, it is evident that some strange and wonderful providence of Almighty God is upon us, by which we can not see to read at noontime. It may be, sir, that the day of judgment is at hand. In view of this strange and wonderful providence of God, I move you, sir, that the Connecticut house of assembly do now adjourn.

There was another member of the house of assembly, whose name was Abraham Davenport, and he was a Quaker; and he stood up in his place and opposed the motion. He said:

Mr. President, I am opposed to the motion to adjourn. I am utterly unable to explain the darkness. It may be that some strange and wonderful providence of God is upon us. It may be, as my brother has said, that the day of judgment is at hand. But, sir, as I know of no better place to be overtaken by death and the judgment than at the post of duty, I move you, sir, that the candles be brought in and the act be read again.

It was done; and the business of the house went on.

Now, Mr. Speaker, I have faith to believe that if you and I, like
CHARLES F. CRISP, and John Quincy Adams, and James Abram Garfield, and Abraham Davenport, are found at the post of duty, Garfield, and Abraham Davenport, are found at the post of duty, in the largest meaning of those words, having our peace made with God, we need not fear death or the judgment. Surely this man died at the post of duty: he died bravely and he sleeps well; his name and his memory and his record will be revered by his countrymen to the remotest time. Fare you well, CHARLES F. CRISP! We shall see you no more on the shores of time. We say to you a last and sad farewell.

Mr. TURNER of Georgia. Mr. Speaker, I ask unanimous consent that gentlemen who have spoken on the pending resolutions may have leave to extend their remarks, and that others may have the privilege of furnishing remarks for publication within the next ten days.

There was no objection; and it was ordered accordingly.

The question being then taken, the resolutions were agreed to; and in accordance therewith (at 5 o'clock and 55 minutes p. m.) the House adjourned.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, the following executive com-munications were taken from the Speaker's table and referred as

A letter from the Acting Secretary of the Treasury, transmitting reports from the accounting officers of the Treasury Department, with lists of delinquent officers during the year 1896—to the Committee on Appropriations, and ordered to be printed.

A letter from the president of the Anacostia and Potomac Rail-

A letter from the president of the Anacostia and Potomac Kall-way Company, transmitting a statement of receipts and expendi-tures for the year ending December 31, 1896, together with a list of stockholders—to the Committee on the District of Columbia, and ordered to be printed.

A letter from the Acting Secretary of the Treasury, transmitting list of amounts due the Union and Kansas Pacific Railroad company.

nies; also settlements in favor of the Central Branch, Union Pacific Railroad Company-to the Committee on Appropriations, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. BABCOCK, from the Committee on the District of Colum-

Mr. BABCOCK, from the Committee on the District of Columbia, to which was referred the joint resolution of the House (H. Res. 228) providing for additional telegraphic and electric-light facilities in the city of Washington, D. C., during the inaugural ceremonies on the 4th day of March, 1897, reported the same without amendment, accompanied by a report (No. 2533); which said bill and report were referred to the House Calendar.

Mr. MORSE, from the Committee on Public Buildings and Grounds, to which was referred House bill No. 9491, reported in lieu thereof a bill (H. R. 10023) setting apart a plot of public ground in the city of Washington, in the District of Columbia, for memorial purposes, under the auspices of the National Society of the Daughters of the American Revolution, accompanied by a report (No. 2534); which said bill and report were referred to the Committee of the Whole House on the state of the Union. Union.

Mr. SHERMAN, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the Senate (S. 3071) commerce, to which was referred the bin of the senate (c. 047) entitled "An act to authorize the construction of a bridge over the Monongahela River from the borough of Braddock to the township of Mifflin, Pa., reported the same without amendment, accompanied by a report (No. 2538); which said bill and report were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

By Mr. SHANNON, from the Committee on the District of Columbia: The bill (H. B. 4279) to cure the title to certain real estate in the District of Columbia. (Report No. 2535.)

By Mr. BISHOP, from the Committee on Military Affairs: The bill (H. R. 8275) to remove the charge of desertion standing against Philip Beidle. (Report No. 2536.)

Philip Beidle. (Report No. 2536.)

By Mr. BAKER of Kansas, from the Committee on Invalid Pensions: The bill (H. R. 9878) granting a pension to Sarah C. Ward. (Report No. 2539.)

ADVERSE REPORT.

Under clause 2 of Rule XIII, Mr. BISHOP, from the Committee on Military Affairs, submitted an adverse report (No. 2537) on the bill (H. R. 6910) to remove the charge of desertion standing against James F. O'Sullivan; which said bill and report were laid on the table.

PUBLIC BILLS, MEMORIALS, AND RESOLUTIONS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as

By Mr. SHERMAN: A bill (H. R. 10022) to amend the act entitled "An act to regulate commerce"—to the Committee on Interstate and Foreign Commerce.

By Mr. VAN HORN: A joint resolution (H. Res. 232) for the relief of Robert L. Lindsay—to the Committee on Military Affairs, By Mr. SMITH of Michigan: A resolution (House Res. No. 492) requesting the Secretary of State to inform the House concerning the status of an agreement between the United States and Great Britain regarding the building of war vessels on the Great Lakesto the Committee on Foreign Affairs.

By Mr. RICHARDSON: A concurrent resolution (House Con. Res. No. 67) to print 6,000 additional copies of Bulletin No. 33, United States Department of Agriculture, entitled the Cotton Plant; its History, Botany, Chemistry, Culture, Enemies, and Uses—to the Committee on Printing.

PRIVATE BILLS, ETC.

Under clause 1 of Rule XXII, private bills of the following titles were presented and referred as follows:

By Mr. FITZGERALD: A bill (H. R. 10024) for the amendment of the military record of Herman Wenige—to the Committee on

of the filinary record of Herman (1995) Military Affairs.

By Mr. OTEY: A bill (H. R. 10025) granting a pension to James Whitten, Company K, Fifteenth Regiment New Jersey Volunteers—to the Committee on Invalid Pensions.

By Mr. PATTERSON: A bill (H. R. 10026) for the relief of John Morrison, of Shelby County, Tenn.—to the Committee on War Claims

By Mr. REED: A bill (H. R. 10027) to correct the naval record of John Richard Dimock—to the Committee on Naval Affairs.

By Mr. RICHARDSON: A bill (H. R. 10028) for the relief of William Johnson, administrator of Thomas J. Johnson, deceased, By Mr. SPENCER: A bill (H. R. 10029) for the relief of Anna.
Hunt, administratrix of the estate of George F. Hunt, deceased, late of Claiborne County, Miss.—to the Committee on War

Claims.

By Mr. WALKER of Virginia (by request): A bill (H. R. 10030) to correct the military record of Thompson Tooley, alias James Heney—to the Committee on Military Affairs.

By Mr. WHEELER: A bill (H. R. 10031) for the relief of Anthony

Burleson—to the Committee on Military Affairs.

Also, a bill (H. R. 10032) for the relief of John T. Lehman, of
Lauderdale County, Ala.—to the Committee on War Claims.

Also, a bill (H. R. 10033) for the relief of John McMurtry, of Lauderdale County, Ala.—to the Committee on War Claims.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows: By Mr. FITZGERALD: Memorial of the Massachusetts Histor-

ical Society, Charles Francis Adams, president, for the preserva-tion of the old frigate Constitution—to the Committee on Naval

By Mr. MOSES: Petition of the heirs of Josiah Chambers, deceased, late of Carroll County, Ga., praying that his war claim be referred to the Court of Claims under the Bowman Act—to the

referred to the Court of Claims under the Bowman Act—to the Committee on War Claims.

By Mr. WALKER of Virginia: Papers to accompany House bill to correct the military record of Thompson Tooley, alias James Heney—to the Committee on Military Affairs.

By Mr. SHAFROTH: Petition of the Society of the Sons of the Revolution in the State of Colorado, John F. Spalding, president, for the publication of the archives of the Government relating to the form the state of the Government relating to

for the publication of the archives of the Government relating to the formative period, extending at least from about 1720 to the close of the war of 1812—to the Committee on Printing.

Also, petition of Thomas Butler and 35 other ex-soldiers residing in Longmont, Colo., urging the passage of House bil. No. 9209, granting a service pension to honorably discharged soldiers of the late war—to the Committee on Invalid Pensions.

SENATE.

MONDAY, January 18, 1897.

Prayer by the Chaplain, Rev. W. H. MILBURN, D. D. J. L. M. Irby, a Senator from the State of South Carolina, appeared in his seat to-day.

The Journal of the proceedings of Thursday last was read and

approved.

CERTIFICATION OF ELECTORS.

The VICE-PRESIDENT laid before the Senate two communications from the Secretary of State, transmitting, in pursuance of the provisions of the act of February 3, 1887, certified copies of the final ascertainment of the electors for President and Vice-President for the States of Kentucky and Tennessee; which were ordered to lie on the table.

CHIEF OF CENSUS DIVISION.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Treasury, transmitting for the consideration of Congress a communication from the Secretary of the Interior of the 14th instant, submitting an estimate of appropriation in lieu of an estimate transmitted to the Senate on the 4th instant, for a chief of census division; which, with the accompanying papers, was referred to the Committee on Appropriations, and ordered to be printed.

ORIGINAL DISTRICT OF COLUMBIA TERRITORY.

The VICE-PRESIDENT laid before the Senate a communica-The VICE-PRESIDENT laid before the Senate a communication from the Attorney-General, transmitting, in response to a resolution of December 17, 1896, a statement of what proportion the present holdings of the United States in the State of Virginia and within the former limits of the District of Columbia bear to the whole territory originally ceded by that State to the United States, etc.; which, with the accompanying papers, was referred to the Committee on the District of Columbia, and ordered to be

THE CIVIL SERVICE COMMISSION.

The VICE-PRESIDENT laid before the Senate a communication from the Civil Service Commission in response to a resolution of the 14th instant, stating that in obedience to the requirement of the law of January 16, 1883, the Commission on April 29, 1896, made to the President, for transmission to Congress, its annual report for the fiscal year 1895; which was referred to the Committee on Civil Service and Retrenchment, and ordered to be printed.

REPORT OF ANACOSTIA AND POTOMAC RIVER RAILROAD COMPANY.

The VICE-PRESIDENT laid before the Senate the annual report of the Anacostia and Potomac River Railroad Company for the year ended December 31, 1896; which was referred to the Committee on the District of Columbia, and ordered to be printed.

REPORT OF THE CAPITAL TRACTION COMPANY.

The VICE-PRESIDENT laid before the Senate the annual report of the Capital Traction Company, of the District of Columbia, for the year ended December 31, 1896; which was referred to the Committee on the District of Columbia, and ordered to be

DISTRICT CHARITIES AND REFORMATORY INSTITUTIONS.

The VICE-PRESIDENT appointed Mr. Martin a member on the part of the Senate of the Joint Select Committee to Make Investigations of the Charities and Reformatory Institutions of the District of Columbia, in place of Mr. HARRIS, excused.

HOUSE BILLS REFERRED.

The following bills were severally read twice by their titles, and referred to the Committee on Military Affairs:

A bill (H. R. 710) to remove the charge of desertion against

James A. Crouch;
A bill (H. R. 1628) for the relief of Dewitt Eastman;
A bill (H. R. 2253) for the relief of Barzilla C. Hudson;
A bill (H. R. 3851) to reimburse Col. Phillip Kirshner for money

paid for the services of a band for the Sixteenth Regiment of Ohio

Infantry Volunteers; and
A bill (H. R. 3926) to correct the war record of David Sample.
The following bills were severally read twice by their titles, and referred to the Committee on the Judiciary:

A bill (H. R. 3623) to amend section 4 of an act entitled "An act to define the jurisdiction of the police court of the District of

A bill (H. R. 6834) to prevent the purchasing of or speculating in claims against the Federal Government by United States officers;

A bill (H. R. 9671) to detach the county of Marion from the northern division of the northern district of Alabama and attach the same to the southern division of said district; and

A bill (H. R. 9901) to detach the county of Audrain from the western district of Missouri and to attach the same to the eastern district of said State of Missouri.

The bill (H. R. 939) for the relief of Cogswell & Co. was read twice by its title, and referred to the Committee on Claims.

The bill (H. R. 2859) granting a pension to Harriet F. Herrick was read twice by its title, and referred to the Committee on Pen-

The bill (H. R. 9752) to amend an act entitled "An act to authorize the construction of a steel bridge over the St. Louis River between the States of Wisconsin and Minnesota," approved April 24, 1894, as amended by an act approved August 4, 1894, entitled "An act to amend an act to authorize the construction of a steel bridge over the St. Louis River between the States of Minnesota and Wisconsin," was read twice by its title, and referred to the Committee on Commerce.

The bill (H. R. 6883) to incorporate the Convention of American Instructors of the Deaf was read twice by its title.

Mr. McMILLAN. I ask that the bill may lie on the table. It is the same as a Senate bill now on the Calendar.

The VICE-PRESIDENT. It will be so ordered.

ENROLLED BILLS SIGNED.

The VICE-PRESIDENT announced his signature to the following enrolled bills and joint resolution, which had previously been signed by the Speaker of the House of Representatives:

A bill (S. 206) to provide an American register for the steamer

A bill (S. 1424) to amend an act entitled "An act to amend section 4178, Revised Statutes, in relation to the marking of vessels' names at bow and stern, and also to provide for marking the draft," approved February 21, 1891;

A bill (S. 1725) authorizing the Kansas City, Watkins and Gulf

Railway to construct and maintain a bridge across Red River, at

the city of Alexandria, La.;
A bill (S. 1741) to authorize the Muskogee, Oklahoma and Western Railroad Company to construct and operate a line of railway through Oklahoma and the Indian Territory, and for other pur-

A bill (S. 2334) construing the acts of Congress in relation to

the award of life-saving medals;
A bill (H. R. 4538) for the relief of John Keefe;
A bill (H. R. 8676) to enable the town of Flagstaff, in the Territory of Arizona, to issue bonds to construct a water system; and A joint resolution (S. R. 189) providing for the erection of a Government building at the Tennessee Centennial Exposition.

PETITIONS AND MEMORIALS.

Mr. CULLOM presented a petition of the Illinois State Grange

praying for the establishment of a free rural mail delivery; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of Local Branch No. 5, Junior Steam Fitters' Association, of Chicago, Ill., praying for the enactment of legislation providing for the protection of seamen on the Great Lakes; which was referred to the Committee on Commerce.

He also presented a petition of the Board of Trade of Alton, Ill., praying Congress to recognize the independence of Cuba, which

praying Congress to recognize the independence of Cuba; which was ordered to lie on the table.

He also presented a petition of the general assembly of the State of Indiana, praying for the passage of House bill No. 3273, relating to the classification of clerks in first and second class post-offices; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented the memorial of M. J. O'Shea, of Chicago, Ill., remonstrating against the ratification of the arbitration treaty with England; which was referred to the Committee on Foreign

Relations.

He also presented the memorial of Delaney & Murphy, whole-sale liquor dealers, of Chicago, III., remonstrating against the pas-sage of House bill No. 8582, allowing the bottling of distilled spirits in bond; which was referred to the Committee on Finance.

He also presented a petition of the Christian Ministers' Associa-

He also presented a petition of the Christian Ministers Association, of Cincinnati, Ohio, praying for the enactment of legislation
to prevent the nullification of interstate antigambling laws; which
was referred to the Committee on Interstate Commerce.

He also presented resolutions adopted by the Illinois State
Grange, favoring the establishment of the equality of the sexes at
the ballot box; which were referred to the Select Committee on
Woman Suffrage.

He also presented a petition of the Illinois State Grange present

He also presented a petition of the Illinois State Grange, praying for the establishment of postal savings banks; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the Cincinnati Baptist Ministers'

He also presented a petition of the Cincinnati Baptist Ministers' Conference, of Cincinnati, Ohio, praying for the enactment of legislation relating to gambling by telegraph and express; which was referred to the Committee on Interstate Commerce.

He also presented the memorials of Rev. J. B. McCrary, publisher of the Baptist Truth, of Metropolis; of Bailey & Son, publishers of the Bureau County Republican, of Princeton; of P. R. Nelson, publisher of the Winchester Times, of Winchester; of E. J. Doering, president of the Medical Recorder Publishing Com-

pany, and of W. H. Mansfield, publisher of the Roseland Review, all in the State of Illinois, remonstrating against the passage of the so-called Loud bill, relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

He also presented the memorial of J. R. Hammond, editor of the Arkansas Commonwealth, of Little Rock, Ark., remonstrat-ing against the passage of the so-called Loud bill, relating to second-class mail matter; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented the petitions of John R. Marshall, publisher of the Record, of Yorkville; of H. W. Austin, president of the Oak Park State Bank, of Oak Park, and of Cad Allards, all in the State of Illinois, praying for the passage of the so-called Loud bill, relating to second-class mail matter; which were referred to the Committee or Poet Officer and Poet Poetle.

the Committee on Post-Offices and Post-Roads.

Mr. CULLOM. I have just received a dispatch in the nature of a petition from the Bankers' Club of Chicago, which I will read:

Resolved, That the Bankers' Club of Chicago hereby indorses the accredited representatives of the United States and Great Britain, and calls upon the Senate, in the interest of peace, the welfare of the business of the country, and the advancement of civilization, to ratify it without unnecessary delay.

JOHN J. MITCHELL, President.
W. D. C. STREET, Secretary.

I move that the petition be referred to the Committee on Foreign Relations.

The motion was agreed to.

Mr. COCKRELL. I present resolutions of the Kansas City Live Stock Exchange, in regard to the necessity of amending the law touching chattel mortgages in the Indian Territory. I believe a House bill for this purpose has been introduced, and I think there is a similar measure pending before the Judiciary Commit-tee of the Senate. I ask that the petition be referred to that committee with the accompanying letter from the president of the Kansas City Live Stock Exchange, J. R. Stoller, and also a similar letter from Tootle, Wheeler & Motter, of St. Joseph, and one from Murray Carleton, of the Wear & Boogher Dry Goods Company, of St. Louis. I think the Committee on the Judiciary is the committee which has that bill, and I hope it will act very promptly upon the matter. I move that the petition and accompanying papers be referred to that committee.

panying papers be referred to that committee.

The motion was agreed to.

Mr. COCKRELL presented the memorials of William Davis
Foster, editor of Medical Arena, of Kansas City, Mo.; of W. R.
Adams, publisher of Taney County Sentinel, of Taneyville, Mo.,
and of Anton E. Neumeister, M. D., publisher of the Medical
Arena, of Kansas City, Mo., remonstrating against the passage of
the so-called Loud bill, relating to second-class mail matter;
which were referred to the Committee on Post-Offices and PostReads.

Roads.

Mr. PEFFER. I present the petition of Rev. J. C. Post, of Mulvate, Kans., in which he asks Congress "to submit to the legislatures of the several States an amendment to the Constitution of the United States requiring the Supreme Court of the United States, when ruling any act of Congress as in violation of the Constitution, to immediately submit their decision to Congress in the same way that a Presidential veto is submitted, with their reasons for such adverse action. Whereupon Congress shall consider the reasons upon which such adverse decision is made, and, if, after such consideration, Congress shall by a majority vote reaffirm their action, notwithstanding said action of the Supreme Court, then said law shall become a part of said Constitution." I move that the petition be referred to the Committee on Privileges and Elections.

The motion was agreed to.

Mr. PEFFER presented the memorials of L. S. Roby, publisher of the Kansas Endeavorer, of Topeka, Kans.; of the publishers of the Farmers' Vindicator, of Valley Falls, Kans., and of P. F. Yearont, publisher of Emporia Times, Emporia, Kans., remonstrating against the passage of the so-called Loud bill, relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

Mr. McMULLAN presented the memorial of Foster Bros. pub-

Mr. McMILLAN presented the memorial of Foster Bros., publishers of the Gladwin County Record, of Gladwin, Mich., and the namers of the Gladwin County Record, of Gladwin, Mich., and the memorial of Eugene Glass, publisher of the Dog Fancier, of Battlecreek, Mich., remonstrating against the passage of the so-called Loud bill, relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the West Chester State Normal School and sundry citizens of West Chester, Pa., praying Congress to restore the former law of the District of Columbia against

Sunday traffic; which was referred to the Committee on the District of Columbia.

of the Courier, of Greenville, Ohio, and the memorial of C. W. Charles, publisher of the Ohio Chronicle, of Columbus, Ohio, remonstrating against the passage of the so-called Loud bill, relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

Mr. PLATT presented the petition of Charles W. Bogart, president of the Twenty-third Ward Bank and 100 other citizens of New York City, praying Congress to authorize the Secretary of War to contract with Charles Stoughton and his associates for the entire work of the Harlem Kills Canal; which was referred to the

Committee on Commerce.

Mr. GALLINGER presented a memorial of the Boston Paper Trade Association, of Boston, Mass., remonstrating against the passage of the so-called Loud bill in its present form, and praying that the matter of second-class mail be referred to a commission to investigate and report a bill to remedy whatever abuses may now exist; which was referred to the Committee on Post-Offices and Post-Roads.

and Post-Roads.

He also presented memorials of Josiah B. Dyer, for Sargent, Dyer & Co., publishers of the Stone Trade News, of Concord; of Lewis W. Brewster & Son, publishers of the Portsmouth Journal, of Portsmouth; of A. F. Rowell, publisher of the Lancaster Gazette, of Lancaster; of F. W. Bittinger, publisher of the Weekly News, of Woodsville; of E. W. Townsend, publisher of the Independent, of Salmon Falls; of W. A. Whiting, manager of the Emerson Paper Company, of Sunapee, all in the State of New Hampshire, remonstrating against the passage of the so-called Loud bill, relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads. ferred to the Committee on Post-Offices and Post-Roads.

Mr. CALL. I present the petition adopted at a mass meeting of citizens of Pensacola, Fla., of which J. J. Sullivan was president, and other named officers, including Mr. S. R. Mallory, former member of Congress. The paper states that the Spanish Government in the conduct of the war against the people of Cuba have disregarded the laws of humanity and of civilized warfare in massacring the wounded and dying, and butchering noncombatants, and have devastated and laid waste the island. It further states that the principles of liberty humanity and increases massacring the wounded and dying, and butchering noncombat-ants, and have devastated and laid waste the island. It further states that the principles of liberty, humanity, and justice are sacred to the American people, and they view with displeasure the conduct of the Government of Spain in denying to the Cubans the rights which are the inherent birthright of all free men. The petition prays the Congress of the United States to recognize the rights of the people of Cuba, who desire now to form a govern-ment, and extend the hand of fellowship to them. I move that the petition lie on the table the petition lie on the table.

The motion was agreed to.

Mr. LODGE presented a memorial of the Boston Paper Trade Association, of Boston, Mass., remonstrating against the passage of the so-called Loud bill in its present form, and praying that the matter of second-class mail be referred to a commission to investigate and report a bill to remedy whatever abuses may now exist; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the Atlantic Coast Seamen's Union, praying that so much of Senate bill No. 2623 and House bill No. 6399 as relates to corporal punishment be stricken out; which

was referred to the Committee on Commerce.

He also presented a petition of 143 depositors of the failed Freedman's Savings Bank, praying Congress to appropriate sufficient money to reimburse them for their losses resulting from the failure of that bank; which was referred to the Committee on Fi-

He also presented petitions of the Batchelder & Lincoln Company, of Boston, Mass.; of W. Frederick Kimball, of Boston, Mass., and of Charles H. Ingalls & Co., of Lynn, Mass., praying for the passage of the so-called Torrey bankruptcy bill; which were ordered to lie on the table.

Mr. TURPIE presented a memorial of the Municipal Engineering Company of Indiana, remonstrating against the passage of the so-called Loud bill, relating to second-class mail matter; which was referred to the Committee on Post-Offices and Post-Roads.

was referred to the Committee on Post-Offices and Post-Roads. He also presented the memorial of H. T. Benninghof & Sons, H. Gumberts & Son, and Otto Durre & Co., of Evansville, Ind.; the memorial of sundry wholesale liquor dealers of Indianapolis, Ind., and the memorial of W. E. Broderick, second vice-president National Wholesale Liquor Dealers' Association of America, of Baltimore, Md., remonstrating against the passage of House bill No. 8582, allowing the bottling of distilled spirits in bond; which were referred to the Committee on Finance.

He also presented a petition of the Pastoral Association of

were referred to the Committee on Finance.

He also presented a petition of the Pastoral Association of Evansville, Ind., praying for the enactment of legislation to prevent the nullification of State antigambling laws by extending to interstate gambling by mail and express; to enact a law raising the age of consent to 18 years in the District of Columbia and the Territories; to enact a Sabbath law for the national capital, and to substitute voluntary industrial arbitration for railroad strikes, etc.; which was referred to the Committee on the Judiciary. Mr. SHERMAN presented a petition of the Fifth Conference of the Foreign Missions Boards and Societies in the United States and Canada, praying for a speedy ratification of the arbitration treaty; which was referred to the Committee on Foreign Relations.

He also presented the memorial of John Calderwood, publisher

He also presented a petition of the Board of Trade of Indianapolis, Ind., praying for the enactment of a reciprocity law extending the trade not only in flour and products of grain, but also in other

commodities; which was referred to the Committee on Finance.

Mr. DAVIS presented a petition of sundry clerks and other employees in different branches of the public service in the State of Minnesota, praying for the passage of House bill No. 8320, providing for the creation of a civil service retirement fund, etc.; which was referred to the Committee on Civil Service and Re-

Mr. MITCHELL of Wisconsin presented a petition of the Board of Trade of La Crosse, Wis., praying for the appointment of a banking and currency commission; which was referred to the Com-

mittee on Finance.

He also presented a petition of the Board of Trade of La Crosse, Wis., praying for the establishment of a department of commerce and manufactures; which was referred to the Committee on Commerce.

He also presented a petition of the Wisconsin National Guard Officers' Association, praying for the enactment of legislation relating to the reorganization of the National Guard and militia of the United States; which was referred to the Committee on Military Affairs

He also presented the memorials of Oliver Bros., publishers of the Waupin Leader, of Waupin; of Charles A. Brood, publisher of the Momior Sentinel, of Momior; of Chautors & Hanford, publishers of the Brodhead Independent and Wisconsin Citizen, of Brodhead; of A. F. Churchill, publisher of the Times, of River Falls; and of Sommers & Reynolds, publishers of the Weekly Madisonian, of Madison, all in the State of Wisconsin, remonstrating against the passage of the so-called Loud bill, relating to second-class mail matter: which were referred to the Committee on ond-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

Mr. GORDON presented resolutions adopted at a meeting of the General Assembly Home Missions of the Presbyterian Church of the United States (Southern), held at Atlanta, Ga., relative to property holdings in the Choctaw and Chickasaw Nations; which

were referred to the Committee on Public Lands.

Mr. BATE presented the memorials of Rosenblett & Dolby, pub lishers of the Musicial Idea, of Greenville, Tenn.; of Henry H. Dukes, publisher of the Newport Times, of Newport, Tenn.; and of S. A. Cunningham, of Tennessee, remonstrating against the passage of the so-called Loud bill, relating to second-class mail matter; which were referred to the Committee on Post-Offices and

Mr. GORMAN presented a memorial of the Merchants and Manufacturers' Association of Baltimore, Md., remonstrating against the adoption of the resolutions relative to the independence of the Republic of Cuba; which was ordered to lie on the table.

He also presented a resolution adopted at a representative meet-

ing of the Religious Society of Friends (Orthodox), held at Baltimore, Md., urging members of Congress to use their influence and

more, Md., urging members of Congress to use their influence and votes in the interest of the maintenance of peaceable relations between the United States and other nations; which was referred to the Committee on Foreign Relations.

He also presented memorials of W. M. Abbott & Son, publishers of the Evening Capital, of Annapolis, Md.; of Plummer & Plummer, publishers of the Free Press, of Greensboro, Md.: of Charles W. Ely, publisher of the Maryland Bulletin, of Frederick, Md.; of J. M. Litzinger, publisher of the Mountain Democrat, of Oakland, Md.; of J. M. Street & Son, publishers of the Harford Democrat, of Maryland; of C. Scott Duvall, publisher of the Temperance Sentiment, of Gaithersburg, Md.; of S. E. Whitman, publisher of the State Democrat, of Easton, Md.; of Edward Reisler, publisher of the Carroll News, of Union Bridge, Md.; of the Health Magazine Company, of Maryland; of Enoch B. Abell, publisher of the St. Marys Enterprise, of Leonardtown, Md.; of H. W. Lewis, publisher of the Banner of Liberty, of Libertytown, Md.; of J. B. Morrow, editor of the Ellicott City (Md.) Times; of the National Underwriter Company, of Baltimore, Md., and of of the National Underwriter Company, of Baltimore, Md., and of Albert Weil, general manager of the Baltimore (Md.) Life Publishing Company, remonstrating against the passage of the so-called Loud bill, relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

REPORTS OF COMMITTEES.

Mr. PLATT. From the Committee on the Judiciary I ask that that committee be discharged from the further consideration of the bill (H. R. 7907) for the protection of the people of the Indian Territory, extending the jurisdiction of the United States courts, providing for the laying out of towns, the leasing of coal and other mineral, timber, farming, and grazing lands, and for other purposes, and that the bill be referred, with the accompanying papers, to the Committee on Indian Affairs.

Mr. COCKRELL. Was a similar bill pending before the Com-

mittee on Indian Affairs?

Mr. PLATT. It is the Curtis bill that was referred, after pass ing the other House, to the Judiciary Committee. The same bill was pending before the Committee on Indian Affairs, having been introduced in the Senate: and when we reach the order of bills I am going to introduce another bill this morning covering the same ground.

Mr. COCKRELL. The Committee on the Judiciary is to be discharged and the bill referred to the Committee on Indian

Mr. PLATT. Yes.
The VICE-PRESIDENT. In the absence of objection, it will be

so ordered.

Mr. CULLOM. I am instructed by the Committee on Appropriations, to whom was referred the bill (H. R. 9643) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1898, and for other purposes, to report it with sundry amendments and submit a brief statement of facts as a report. I give notice that to-morrow morning, or as soon thereafter as I can get the opportunity to call it up, I shall ask for the consideration of the bill.

The VICE-PRESIDENT. The bill will be placed on the Cal-

endar.

Mr. McMILLAN, from the Committee on the District of Columbia, to whom was referred the joint resolution (S. R. 187) relating to the laying of electric subways in the District of Columbia,

mr. CHANDLER. I should like to ask the Senator from Michigan, the chairman of the Committee on the District of Columbia, whether he proposes to bring up the joint resolution for action either to-day or some near day.

Mr. McMILLAN: I will answer the Senator from New Hamp-shire that the measure will go on the Calendar and can be called up by any Senator. I am not particularly anxious that the joint

resolution shall come up this morning.

Mr. CHANDLER. I ask whether the joint resolution will arrest the present work on the streets of Washington.

Mr. McMILLAN. It would, if passed.

Mr. CHANDLER. It seems to me that either to-day or to-morrow some time ought to be fixed for the consideration of the joint resolution, if it is to have any effect whatever. it is reported by the committee indicates that they think the construction of the present ditches and the tearing up of pavements ought to be stopped by act of Congress. If the work is to be stopped, the joint resolution ought to be acted upon immediately. The VICE-PRESIDENT. The joint resolution will be placed

on the Calendar.

Mr. PETTIGREW, from the Committee on Appropriations, to whom was referred the bill (H. R. 9707) making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1898, reported it with amendments.

Mr. QUAY, from the Committee on Public Buildings and Grounds, to whom was referred the bill (S. 3520) to provide for the erection of a custom-house in the city of New York, reported it with an amendment and submitted a record theseson.

it with an amendment, and submitted a report thereon.

He also, from the same committee, to whom the subject was referred, reported a bill (S. 3543) for a public building at the city of Altoona, Pa., and appropriating money therefor; which was read twice by its title.

Mr. WETMORE, from the Committee on the Library, to whom was referred the amendment submitted by Mr. Gibson on the 11th instant, intended to be proposed to the sundry civil appropriation bill, reported favorably thereon, and moved that it be referred to the Committee on Appropriations; which was agreed to.

He also, from the same committee, reported an amendment intended to be proposed to the sundry civil appropriation bill, and moved that it be referred to the Committee on Appropriations;

and printed; which was agreed to.

Mr. HILL, from the Committee on the Judiciary, to whom was referred the bill (S. 3514) to regulate the term of office of postmas-

ters, reported it with amendments.

Mr. NELSON, from the Committee on Commerce, to whom was referred the bill (H. R. 9752) to amend an act entitled "An act to authorize the construction of a steel bridge over the St. Louis River between the States of Wisconsin and Minnesota," approved April 24, 1894, as amended by an act approved August 4, 1894, entitled "An act to amend an act to authorize the construction of a steel bridge over the St. Louis River between the States of Minnesota and Wisconsin," reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the amendment submitted by himself on the 11th instant intended to be proposed to the sundry civil appropriation bill, reported favorably thereon and moved that it be printed and that it be referred to the Committee on Appropriations with the accompanying report;

which was agreed to.

Mr. PEFFER, from the Committee on Pensions, to whom was

referred the bill (S. 3339) granting a pension to Louise E. Perkins, reported it with an amendment, and submitted a report thereon.

Mr. GALLINGER, from the Committee on Pensions, to whom was referred the bill (S. 947) granting a pension to Margaret Stone, widow of Benoni Stone, a soldier of Florida Seminole Indian war, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 3491) granting an increase of pension to Capt. John W. Dodd, reported it without amendment, and submitted a report thereon.

Mr. MITCHELL of Wisconsin, from the Committee on Pensions, to whom was referred the bill (S. 2375) granting an increase of pension to John G. Powers, reported it without amendment, and submitted a report thereon.

submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 3177) granting a pension to Oscar A. Palmer, Tabor, Iowa, reported it without amendment, and submitted a report thereon.

Mr. VILAS, from the Committee on Post-Offices and Post-Roads, to whom was referred the bill (S. 1811) to extend the uses of the mail service, reported it with amendments, and submitted a report thereon.

He also (for Mr. Brice), from the Committee on Pensions, to whom was referred the bill (S. 2993) granting a pension to Rebecca Gilbert, reported it without amendment, and submitted a report

He also (for Mr. BRICE), from the same committee, to whom was referred the bill (S. 3541) granting a pension to Jane B. Johnston, reported it with an amendment, and submitted a report thereon.

He also (for Mr. Brice) from the same committee, to whom was referred the bill (S. 2994) granting a pension to William G. Alspach, reported it without amendment, and submitted a report thereon.

Mr. VEST, from the Committee on Public Buildings and Grounds, to whom was referred the bill (S. 3481) to provide for the purchase of a site and the erection of a public building thereon at Joplin, in the State of Missouri, reported it without amend-

He also, from the Committee on Commerce, to whom was referred the bill (H. R. 8551) to establish railroad bridges across the Cumberland and Tennessee rivers, in Kentucky, reported it with an amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (H. R. 8814) to authorize the construction by the Duluth and North Dakota Railroad Company of two bridges across the Red River of the North between the States of Minnesota and North Dakota, reported it without amendment.

MONONGAHELA RIVER BRIDGE.

Mr. VEST, from the Committee on Commerce, to whom was referred the bill (S. 3426) to authorize the Union Railroad Company to construct and maintain a bridge across the Monongahela River, reported it without amendment.

Mr. QUAY. A similar bill passed the other House last week and upon resching the Sanata at my suggestion was laid.

and upon reaching the Senate at my suggestion was laid upon the table to await this report. I should be glad if the Senate will indulge me to put the House bill upon its passage, as I am to leave the city within a few days to be absent until the 1st of March. I ask unanimous consent that the Senate proceed to the consideration of the House bill.

The VICE-PRESIDENT. The Senator from Pennsylvania asks unanimous consent for the present consideration of a bill, which will be read for information.

Mr. QUAY. The House bill was laid on the table several days

The bill (H. R. 9733) to authorize the Union Railroad Company to construct and maintain a bridge across the Monongahela River was read, and, by unanimous consent, the Senate, as in Committee

of the Whole, proceeded to its consideration.

The bill was reported to the Senate without amendment, ordered

to a third reading, read the third time, and passed.

Mr. QUAY. I move that the bill (S. 3426) to authorize the Union Railroad Company to construct and maintain a bridge across the Monongahela River be indefinitely postponed.

The motion was agreed to.

BILLS INTRODUCED.

Mr. PLATT introduced a bill (S. 3544) to secure to the citizen Indians in the Indian Territory the equal use of their tribal lands, and to extend the jurisdiction of the United States courts therein, and for other purposes; which was read twice by its title, and referred to the Committee on Indian Affairs.

Mr. CULLOM introduced a bill (S. 3545) amendatory to an act entitled "An act to regulate commerce," approved February 4, 1887, and the several acts amendatory thereof; which was read

twice by its title, and referred to the Committee on Interstate

Commerce.
Mr. VILAS introduced a bill (S. 3546) granting a pension to
Ellie Kee, widow of Thomas Kee, late private Company F of the
Seventh Regiment Wisconsin Volunteer Infantry; which was read
twice by its title, and referred to the Committee on Pensions.
Mr. CHANDLER introduced a bill (S. 3548) to provide for a

ermanent census; which was read twice by its title, and referred

to the Committee on the Census.

Mr. GORMAN introduced a bill (S. 3549) to authorize the Chesapeake Beach Railway Company, of Maryland, to extend its line into and within the District of Columbia; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. CLARK introduced a bill (S. 3550) granting an increase of pension to J. F. Crawford; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pen-

sions. He also introduced a bill (S. 3551) to authorize the entry and patenting of lands containing petroleum and other mineral oils under the placer-mining laws of the United States; which was read twice by its title, and referred to the Committee on Public

Lands.

INTERNATIONAL MONETARY CONFERENCE.

Mr. CHANDLER. I introduce a bill in behalf of the junior Senator from Colorado [Mr. Wolcott], which I ask may be read at length

The bill (S. 3547) to provide for the representation of the United States by commissioners at any international monetary conference hereafter to be called was read the first time by its title, and the second time at length, as follows:

Be it enacted, etc., That whenever, after March 4, 1897, the President of the United States shall determine that the United States should be represented at any international conference called by the United States or any other country, with a view to securing by international agreement a fixity of relative value between gold and silver as money, by means of a common ratio between those metals, with free mintage at such ratio, he is hereby authorized to appoint five or more commissioners to such international conference; and for compensation of said commissioners and for all reasonable expenses connected therewith, to be approved by the Secretary of State, including the proportion to be paid by the United States of the joint expenses of any such conference, the sum of \$100,000, or so much thereof as may be necessary, is hereby appropriated.

The VICE-PRESIDENT. To what committee does the Senator

suggest that the bill be referred?

Mr. CHANDLER. The bill is in the exact language of the three revious acts of Congress providing for the representation of the United States at international conferences. It is also in accordance with the act of March 2, 1895, in using the words "with free mintage at such ratio." Those words were first added in the act of 1895. The bill presents but a single point, and is well understood by Senators, so that I ask unanimous consent that, without

being referred to any committee, it may go over until to-morrow, when I shall endeavor to bring it up for consideration.

The VICE-PRESIDENT. Is there objection? The Chair hears none, and the bill will be placed on the Calendar.

Mr. HILL. The bill will be printed and laid on our desks?

Mr. CHANDLER. It will be printed, of course; and I ask to have rejected as past of the printed of the print have printed as a part of my remarks this morning copies of the four previous acts of Congress.

The VICE-PRESIDENT. Without objection, it will be so

ordered.

The acts referred to are as follows:

[Bland-Allison Act, February 28, 1878, Statutes at Large, volume 20, page 25.] [Bland-Allison Act, February 28, 1878, Statutes at Large, volume 20, page 25.]

Sec. 2. That immediately after the passage of this act the President shall invite the governments of the countries composing the Latin Union, so called, and of such other European nations as he may deem advisable, to join the United States in a conference to adopt a common ratio between gold and silver, for the purpose of establishing internationally the use of bimetallic money, and securing fixity of relative value between those metals; such conference to be held at such place in Europe or in the United States at such time within six months as may be mutually agreed upon by the executives of the governments joining in the same, whenever the governments so invited, or any three of them, shall have signified their willingness to unite in the same.

vited, or any three of them, shall have signified their willingness to unite in the same.

The President shall, by and with the advice and consent of the Senate, appoint three commissioners, who shall attend such conference on behalf of the United States, and shall report the doings thereof to the President, who shall transmit the same to Congress.

Said commissioners shall each receive the sum of \$2,500 and their reasonable expenses, to be approved by the Secretary of State; and the amount necessary to pay such compensation and expenses is hereby appropriated out of any money in the Treasury not otherwise appropriated.

[Sundry civil act, March 3, 1881, Statutes at Large, volume 21, page 455.]

For commissioners, not exceeding three in number, to be appointed by the President, by and with the advice and consent of the Senate of the United States, to represent the United States at a conference to be called to adopt a common ratio between gold and silver, for the purpose of establishing internationally the use of bimetallic money and securing fixity of relative value between those metals, the sum of \$5,000 each, and for a secretary to said commissioners the sum of \$5,000, and their reasonable expenses, to be approved by the Secretary of State; the amount necessary to pay such compensation and expenses to be immediately available out of any money in the Treasury not otherwise appropriated.

[Sundry civil act, August 7, 1882, Statutes at Large, volume 22, page 303.]

For commission to represent the United States at the reassembling of a conference to adopt a common ratio between gold and silver, for the purpose of establishing internationally the use of bimetallic money and securing fixity of relative value between those metals, and in negotiations with reference thereto, \$25,000 and their reasonable expenses, to be approved by the Secretary of State.

[Sundry civil act March 2, 1895, Statutes at Large, volume 28, page 962.]

That whenever the President of the United States shall determine that the United States should be represented at any international conference called with a view to secure internationally a fixity of relative value between gold and silver, as money, by means of a common ratio between those metals, with free mintage at such ratio, the United States shall be represented at such conference by nine delegates, to be selected as follows: The President of the United States shall select three of said delegates, the Senate shall select three members of the Senate as delegates, and the Speaker of the present House of Representatives shall select three members of the Fifty-fourth Congress as delegates. If at any time there shall be any vacancy, such vacancy shall be filled by the President of the United States. And for the compensation of said delegates, together with all reasonable expenses connected therewith, to be approved by the Secretary of State, including the proportion to be paid by the United States of the joint expenses of such conference, the sum of \$100,000, or so much thereof as may be necessary, is hereby appropriated.

AMENDMENTS TO APPROPRIATION BILLS.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. LODGE submitted two amendments intended to be proposed by him to the sundry civil appropriation bill; which were referred to the Committee on Appropriations, and ordered to be

He also submitted an amendment intended to be proposed by him to the agricultural appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. PERKINS submitted an amendment intended to be pro-

posed by him to the sundry civil appropriation bill; which was referred to the Committee on Fisheries, and ordered to be printed.

Mr. BAKER submitted an amendment intended to be proposed

by him to the Indian appropriation bill; which was referred to the Committee on Indian Affairs, and ordered to be printed.

Mr. PETTIGREW submitted an amendment intended to be proposed by him to the Indian appropriation bill; which was referred to the Committee on Indian Affairs, and ordered to be printed.

Mr. NELSON submitted an amendment intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Commerce, and ordered to be printed.

Mr. BURROWS submitted an amendment intended to be proposed by him to the Indian appropriation bill; which was referred to the Committee on Indian Affairs, and ordered to be printed.

THE COTTON PLANT BULLETIN.

Mr. TILLMAN submitted the following concurrent resolution; which was referred to the Committee on Printing:

Resolved by the Senate (the House of Representatives concurring), That there be printed 20,000 extra copies of Bulletin No. 33 of the United States Department of Agriculture, entitled The Cotton Plant: Its History, Botany, Chemistry, Culture, Enemies, and Uses, of which number 6,000 copies shall be for the use of the Senate, 12,000 copies for the use of the House of Representatives, and 2,000 copies for distribution by the Secretary of Agriculture.

GRAIN RATES AT MISSOURI RIVER POINTS.

Mr. PETTIGREW submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Interstate Commerce Commission is hereby directed to send to the Senate a copy of the evidence taken by them in the investigation of grain rates at Missouri River points.

DIVISIONAL LINE BETWEEN VENEZUELA AND BRITISH GUIANA,

Mr. PETTIGREW. I offer a resolution and ask unanimous consent that it may be considered at this time.

The resolution was read, as follows:

Resolved, That the Secretary of State be, and is hereby, directed to send to the Senate a statement of the proceedings of the Commission appointed to investigate and report upon the true divisional line between the Republic of Venezuela and British Guiana, together with a copy of the treaty or agreement between the United States and Great Britain upon the subject of the boundary, which agreement has been submitted to the Government of Venezuela for consideration.

The VICE-PRESIDENT. Is there objection to the present consideration of the resolution?

Mr. GRAY. I move that that resolution be referred to the Committee on Foreign Relations.

Mr. PETTIGREW. I ask to have the resolution printed and lie upon the table until to-morrow.

The VICE-PRESIDENT. It will be so ordered, in the absence of objection?

MISSOURI AGRICULTURAL COLLEGE GRANT.

Mr. COCKRELL. I ask that the Committee on Public Lands be discharged from the further consideration of the bill (S. 68) for the final adjustment of the agricultural college grant to the State of Missouri, and the bill (S. 3332) for the adjustment and correction of a selection of land by the State of Missouri under the act of Congress of July 2, 1862, donating to the States lands for the benefit of colleges of agriculture and mechanic arts, and

that they be indefinitely postponed, as the grant has already been satisfactorily adjusted by the Secretary of the Interior.

The VICE-PRESIDENT. The bills referred to by the Senator from Missouri will be indefinitely postponed, in the absence of objection.

BRIDGES ACROSS THE CUMBERLAND AND TENNESSEE RIVERS.

Mr. BLACKBURN. I ask unanimous consent that the Senate consider at this time the bill (H. R. 8551) to establish railroad bridges across the Cumberland and Tennessee rivers in Kentucky. It is a bill which has just been reported favorably by the Senate Committee on Commerce.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Commerce with an amendment, in section 1, line 14, after the word "Kentucky," to insert "the location of said bridges;" so as to read "the location of said bridges to be selected by said railroad, or its successors or assigns, between said described points on said rivers.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be ead a third time.

The bill was read the third time, and passed.

THE TWELFTH CENSUS

There has been an informal hearing on the Mr. CHANDLER. subject of the Twelfth Census before the Senate Committee on the Census and various members of the Senate and House Committees on Appropriations. I submit the minutes of that hearing, and ask that the usual number of copies may be printed as a document for the use of Congress

The VICE-PRESIDENT. In the absence of objection, it is so

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. Chapell, one of its clerks, announced that the House had passed the following bills:

A bill (S. 637) granting a pension to George M. Brooks; A bill (S. 937) granting an increase of pension to Sarah W. Comly, widow of Maj. Clifton Comly; A bill (S. 1320) to confirm the title to certain lands in William

Morgan and Harrison Moore, and to require the issue of patents therefor;

A bill (S. 2008) granting a pension to Fanny Moale Gibbon; A bill (S. 3182) granting a pension to Susan E. Cunningham; and

A bill (S. 3375) authorizing the construction of a bridge across the Columbia River, in the State of Washington.

The message also announced that the House had passed with

amendments the following bills in which it requested the concurrence of the Senate:

A bill (S. 1690) granting a pension to Richard Brookins; and A bill (S. 2129) granting an increase of pension to Annie E. Nolan.

The message further announced that the House had passed the following bills; in which it requested the concurrence of the

A bill (H. R. 537) to remove the charge of desertion from the military record of Bernhard Steuber;
A bill (H. R. 1168) to increase the pension of Josiah P. Hill, late of Company F, Eighty-first Regiment of Illinois Volunteers in the war of the rebellion;

A bill (H. R. 1221) to make oleomargarine and all other imitation dairy products subject to the laws of the State or Territory into which they are transported;

A bill (H. R. 1311) granting an increase of pension to Charles W. Sentman;

A bill (H. R. 1353) for the relief of the administrator of George

McAlpin, deceased;
A bill (H. R. 1474) granting a pension to John J. Copley;
A bill (H. R. 1475) for the relief of Basil Moreland;
A bill (H. R. 1498) directing the Secretary of War to grant an

A bill (H. R. 1498) directing the Secretary of War to grant an honorable discharge to William M. Dalzell;
A bill (H. R. 1515) for the relief of Hugh McLaughlin;
A bill (H. R. 1524) to execute the findings of the Court of Claims in the matter of William B. Isaacs & Co.;
A bill (H. R. 2364) for the relief of Joseph H. Johnson;
A bill (H. R. 2620) granting a pension to Lauretta L. Prince;
A bill (H. R. 3294) for the relief of officers and crews of the

United States gunboats Kineo and Chocura;

A bill (H. R. 3866) for the relief of George W. Goodman; A bill (H. R. 4099) to increase the pension of Mary S. Higgins; A bill (H. R. 4310) for the relief of Mathias Pedersen; A bill (H. R. 4941) to pension Hester A. Bostwick; A bill (H. R. 4943) to remove the charge of desertion standing

against the name of Patrick Dougherty, Company A, Thirteenth

against the name of Patrick Dougherty, Company A, Thirteenth New York Volunteer Infantry;
A bill (H. R. 5061) to pension Ira Powers, of Henderson County, Tenn.;
A bill (H. R. 5597) for the relief of Charles Deal;
A bill (H. R. 6233) granting increase of pension to John J. Boatwright;
A bill (H. R. 6528) to increase the pension of Clara L. Nichols, widow of Bvt. Maj. Gen. W. A. Nichols;
A bill (H. R. 6561) to increase the pension of Martha C. Carter, widow of Rear-Admiral S. P. Carter;
A bill (H. R. 7317) to increase the pension of Leroy M. Bethea;
A bill (H. R. 8683) granting a pension to Frederick Lierman;
A bill (H. R. 9306) granting a pension to Amanda Woodcock; and and

A bill (H. R. 9666) to correct and amend the military record of John Long, late private Company H, Thirty-first Regiment Missouri Volunteers.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills and joint resolution; and they were thereupon signed by the Vice-President:

A bill (S. 347) to remove the charge of desertion and grant an honorable discharge to Helmuth F. Seeckel;

A bill (S. 1075) for the relief of the heirs of D. J. Fulford;

A bill (S. 1448) to withdraw from the Supreme Court jurisdiction of criminal cases not capital and confer the same on the circuit courts of appeals:

cuit courts of appeals;
A bill (S. 2176) granting a pension to Thomas Pollock;
A bill (S. 3050) to validate the appointments, acts, and services of certain deputy United States marshals in the Indian Territory,

and for other purposes;
A bill (S. 3210) granting a pension to Anna P. Johnson; and
A joint resolution (S. R. 133) authorizing Surg. P. M. Rixey, of
the Navy, to accept from the King of Spain the grand cross of
naval merit with the white distinction mark, in recognition of services rendered to the officer and sailors of the Santa Maria who were
injured by an explosion on that ship. injured by an explosion on that ship.

USE OF THE LIBRARY BUILDING.

Mr. MORRILL. I ask that the resolution reported by me from the Committee on Additional Accommodations for the Library on

the 13th instant may be now taken up for consideration.

Mr. QUAY. On Thursday last I gave notice that at the conclusion of the routine morning business to-day I should call up the Army appropriation bill; but if the proposition for which the Senator from Vermont asks consideration is not going to occupy time,

I will give way.

The VICE-PRESIDENT. The question is on the motion of the Senator from Vermont to take up the resolution referred to by

The motion was agreed to; and the Senate resumed the consideration of the concurrent resolution reported from the Committee on Additional Accommodations for the Library of Congress January 13, 1897, as follows:

Resolved by the Senate (the House of Representatives concurring), That the building providing additional accommodations for the Library of Congress shall not be used or occupied, nor any part thereof, for any purpose other than that legitimately connected with the aforesaid Library of Congress.

Mr. MORRILL. Mr. President, I have a statement from the Library building will be required for present use. I have submitted the statement to my friend from Maine [Mr. Hale], who has examined it, and I believe he has no further objection to the

passage of the resolution.

Mr. HALE. I objected the other day to the consideration of the resolution reported by the Senator from Vermont, believing then that there was available space in the new Library building then that there was available space in the new Library building which might properly be utilized by other branches of the public service. I have since then read a carefully prepared memorandum made by the Librarian, in which the whole subject of the uses of the different rooms in the building is gone into, and I can see from that memorandum (having a great deal of confidence in the Librarian about such matters) that the mere uses of the Library itself will pretty much or quite engross all the space in the building. For this reason I withdraw my objection and shall not

ing. For this reason I withdraw my objection, and shall not further oppose the passage of the resolution.

Mr. MORRILL. I ask that the statement of the Librarian, which I have presented, may be printed as a special document.

The VICE-PRESIDENT. In the absence of objection, it will be so ordered. The amendment reported by the Committee on Additional Accommodations for the Library to the resolution will be stated.

The Secretary. At the end o add "as authorized by law."

The amendment was agreed to. At the end of the resolution it is proposed to

Mr. HILL. What is the form of the resolution?

The VICE-PRESIDENT. It is a concurrent resolution. Does the Senator desire the resolution to be again read?

Mr. COCKRELL. Has the resolution ever been read?
The VICE-PRESIDENT. The resolution has been read.
Mr. HILL. Is it expected that the resolution shall go to the

President?

The VICE-PRESIDENT. The Chair thinks not, as it is a concurrent resolution

Mr. HILL (to Mr. COCKRELL). Is this a matter under the exclusive jurisdiction of Congress?

Mr. COCKRELL. Yes, as it relates to the Congressional Li-

Mr. HILL. Then I have no objection to the resolution.

The VICE-PRESIDENT. The question is on agreeing to the esolution as amended.

The resolution as amended was agreed to.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. O. L. PRUDEN, one of his secretaries, announced that the President had on the 13th instant approved and signed the following acts:

An act (S. 264) providing for the location and purchase of public lands for reservoir sites;

An act (S. 1276) greating

An act (S. 1276) granting an increase of pension to John L. Britton:

Britton;
An act (S. 1723) to approve and ratify the construction of a bridge over and across Caddo Lake, at Mooringsport, La., by the Kansas City, Shreveport and Gulf Railway Company;
An act (S. 1724) authorizing the Kansas City, Watkins and Gulf Railway Company to construct and maintain a bridge across the Black River in Louisiana; and
An act (S. 1883) to grant a pension to Charlotte O. Van Cleve, widow of Gen. Horatio P. Van Cleve.

The message also announced that the President of the United States had on the 14th instant approved and signed the act (S.

States had on the 14th instant approved and signed the act (S. 3245) granting a pension to Elvira Bachelder.

The message further announced that the President of the United States had on the 16th instant approved and signed the following

acts:

An act (S. 2711) granting a pension to Ira Harris; An act (S. 1631) granting a pension to Emeline Filgate; and An act (S. 1881) granting a pension to Lydia Chapman.

BILL BECOME A LAW

The message also announced that the bill (S. 724) granting an increase of pension to Helen M. Mallery having been presented to the President on the 5th instant and not having been returned by him to the House of Congress in which it originated within the ten days prescribed by the Constitution, it has become a law without his approval.

INAUGURAL CEREMONIES.

Mr. BACON. I ask unanimous consent for the present consid-Mr. BACON. I ask unanimous consent for the present consideration of House joint resolution 214, which was reported by me from the Committee on the District of Columbia, authorizing the Secretary of War to grant permits to the executive committee on inaugural ceremonies for use of reservations or public spaces in the city of Washington on the occasion of the inauguration of the President-elect on March 4, 1897. This is a matter which has been twice brought before the Senate by me by direction of the Committee on the District of Columbia. I was instructed to ask for its immediate consideration, and each time it has been laid over at the request of some Senator, so that he might have further time to look into it. It was first laid over in order that it might be printed, and the second time the Senator from Maine [Mr. time to look into it. It was first laid over in order that it might be printed, and the second time the Senator from Maine [Mr. Hale] said he was not then ready for consideration and asked for a postponement. It is perfectly apparent that it is a matter which ought to be disposed of at a very early date, in order that the committee may, after due permission from the Secretary of War, know to what extent they may be allowed to proceed in making the necessary preparation for the inaugural ceremonies.

Mr. HALE. The joint resolution will give rise to some discussion when it comes up, and I know the Senator from Pennsylvania [Mr. QUAY] is desirous of getting the Army appropriation bill through the Senate to-day. Therefore I hope the Senator from Georgia will let the matter lie over for a day or two, and after the appropriation bills are out of the way I shall not further object to its consideration.

to its consideration. Mr. BACON. I am perfectly content, Mr. President, that the joint resolution shall go over for a limited time, but I think it important, in view of the public interests, that some definite time should be fixed for the consideration and determination of this

Mr. HALE. I think the Senator is right about that. It ought to be settled within a few days whether the joint resolution is or is not to pass. After a while, after a few appropriation bills have been passed, there will be an opportunity of bringing up the joint resolution. I shall not then further oppose the consideration of the joint resolution. I do not say that I am for the measure, but I shall not object to its coming up.

Mr. BACON. I understand.

PACIFIC RAILROADS.

The VICE-PRESIDENT. If there be no further concurrent or other resolutions

Mr. QUAY. I move, in accordance with the notice heretofore given, that the Senate proceed to the consideration of the Army

appropriation bill.

The VICE-PRESIDENT. The Chair will recognize the Senator from Pennsylvania after the morning business shall have been

concluded.

The Chair lays before the Senate a resolution submitted by the Senator from Alabama [Mr. Morgan], coming over from a previ-

ous day, which will be read.

The Secretary read the resolution submitted by Mr. Morgan on

the 14th instant, as follows:

the 14th instant, as follows:

Whereas it is alleged that certain bonds issued by the United States in aid of the Central Pacific Railroad Company and also of the Union Pacific Railroad Company have fallen due and remain unpaid, and that by reason of the default in the payment thereof the property held and owned by each of said companies at that time became the property of the United States, and that said property of every description so held and owned by said companies at the time of such default now rightfully belongs to the United States:

*Resolved**, That the Committee on the Judiciary is directed to examine into and report whether such allegation is true in fact and in law, and that they report the nature and character of the right and title of the United States in and to said property, and the descriptions of or classes of property that have so inured to the United States under the law, and whether either of said railroad companies has any lawful right or equity of redemption of said property.

Mat. III. In Class Content for the Alcheme who effected the reso.

Mr. HILL. The Senator from Alabama who offered the resolution is out of the Chamber at present, and I suggest that it remain over for a few moments until he returns. I inquire whether the resolution should not properly go to the Committee

on Pacific Railroads?

Mr. STEWART. I suggest that the resolution lie over until to-morrow morning and keep its place.

The VICE-PRESIDENT. In the absence of objection, that course will be pursued.

ARMY APPROPRIATION BILL.

Mr. QUAY. I move that the Senate proceed to the considera-

tion of the army appropriation bill.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 9638) making appropriations for the support of the Army for the fiscal year end-ing June 30, 1898, which had been reported from the Committee on Appropriations with amendments.

on Appropriations with amendments.

Mr. QUAY. I move that the first formal reading of the bill be dispensed with, and that the amendments reported by the Committee on Appropriations be acted upon as they are reached in the reading of the bill.

The VICE-PRESIDENT. In the absence of objection, that course will be pursued. The bill will be read.

The Secretary proceeded to read the bill, and read to the end of the clause on page 6, ending in line 9, as follows:

the clause on page 6, ending in line 9, as follows:

For additional pay to such officers for length of service, to be paid with their current monthly pay, \$6,960.

Mr. HAWLEY. I desire to offer an amendment to that clause, recommended to me by the War Department, to correct an injustice resulting from the general terms of the act of October 1,1890.

The PRESIDING OFFICER (Mr. Bacon in the chair). The Chair will suggest to the Senator that his amendment will come

in after the committee amendments have been acted upon.

Mr. QUAY. That order may be dispensed with so far as the committee is concerned and the amendment received.

The PRESIDING OFFICER. The Chair will entertain the amendment of the Senator from Connecticut.

Mr. HAWLEY. I send the amendment to the desk, to come in

after line 9, on page 6.

The PRESIDING OFFICER. The amendment will be stated.
The SECRETARY. In line 9, on page 6, after the word "dollars," it is proposed to insert:

And the promotions authorized by law when a vacancy occurs in the office of the Chief Signal Officer may be made in grades below that of colonel, upon the approval of this act.

Mr. QUAY. I will accept that amendment, Mr. President.

Mr. QUAY. I will accept that amendment, Mr. President.
The amendment was agreed to.
The Secretary resumed the reading of the bill. The first amendment of the Committee on Appropriations was, on page 18, line 7, after the word "same," to insert "and including also all expenditures for construction and repairs required at the Army and Navy Hospital at Hot Springs, Ark.;" so as to make the clause read:

Construction and repair of hospitals: For construction and repairs of hospitals at military posts already established and occupied, including the extraduty pay of enlisted men employed on the same, and including also all expenditures for construction and repairs required at the Army and Navy Hospital at Hot Springs, Ark., except quarters for the officers, \$75,000.

The amendment was agreed to.

The next amendment was, on page 19, line 16, after the word "diseases," to strike out "except at" and insert "and the supply of:" so as to read:

MEDICAL DEPARTMENT.

MEDICAL DEPARTMENT.

Medical and hospital department: For the purchase of medical and hospital supplies, including disinfectants for general post sanitation, expenses of medical supply depots, pay of employees, medical care and treatment of officers and enlisted men of the Army on duty at posts and stations for which no other provision is made; for the proper care and treatment of cases in the Army suffering from contagious or epidemic diseases, and the supply of the Army and Navy Hospital at Hot Springs, Ark.; advertising and other miscellaneous expenses of the Medical Department, the amount to be expended for pay of civilian employees not to exceed \$40,000, \$135,000.

The amendment was agreed to.

The next amendment was, on page 23, line 15, to increase the appropriation for the expenses of the Signal Service of the Army from \$15,000 to \$18,000.

The amendment was agreed to.

The reading of the bill was continued to the end of line 19, on

Mr. COCKRELL. I ask the Senator from Pennsylvania to permit me to offer an amendment at this point. In line 16, page 23, after the word "may," I move to insert "in the discretion of the Secretary of War," so that the Secretary will have control of the matter.

The PRESIDING OFFICER. The amendment will be stated. The SECRETARY. After the word "may," in line 16, page 23, it is proposed to insert "in the discretion of the Secretary of War;"

so as to make the proviso read:

Provided, That department commanders may, in the discretion of the Secretary of War, detail two enlisted men from each army post in their respective departments, under such arrangements as they may deem best, to report to the chief signal officer of the Department for instruction and duty.

Mr. QUAY. The amendment is unobjectionable. Let it be adopted.

The amendment was agreed to.

The amendment was agreed to.

The reading of the bill was resumed and concluded.

Mr. QUAY. If the Secretary will return to page 8, there should be an amendment in lines 21 and 22, by striking out the words "when traveling on duty without troops," which occurs in a quotation from lines 9 and 10 of the same page, where that language is omitted. I move to strike out the words I have indicated.

The Secretary. In line 21, page 8, it is proposed to strike out the words "when traveling on duty without troops;" so as to make the clause read:

the clause read:

All the money hereinbefore appropriated, except the appropriation "for mileage to officers when authorized by law." shall be disbursed and accounted for by the Pay Department as pay of the Army, and for that purpose shall constitute one fund.

Mr. QUAY. That leaves the language as it is in line 9.
The PRESIDING OFFICER. The question is on agreeing to
the amendment submitted by the Senator from Pennsylvania.

The amendment was agreed to.
The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

HOUSE BILLS REFERRED.

The following bills were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (H. R. 1168) to increase the pension of Josiah P. Hill, late of Company F, Eighty-first Regiment of Illinois Volunteers, in the war of the rebellion;

A bill (H. R. 1311) granting an increase of pension to Charles . Sentman;

A bill (H. R. 1474) granting a pension to John J. Copley; A bill (H. R. 2620) granting a pension to Lauretta L. Prince; A bill (H. R. 4099) to increase the pension of Mary S. Higgins; A bill (H. R. 4941) to pension Hester A. Bostwick; A bill (H. R. 5061) to pension Ira Powers, of Henderson County,

A bill (H. R. 6233) granting increase of pension to John J. Boat-

wright

A bill (H. R. 6528) to increase the pension of Clara L. Nichols, widow of Bvt. Maj. Gen. W. A. Nichols;
A bill (H. R. 6561) to increase the pension of Martha C. Carter,

widow of Rear-Admiral S. P. Carter;

A bill (H. R. 7317) to increase the pension of Leroy M. Bethea; A bill (H. R. 8683) granting a pension to Frederick Lierman; and

A bill (H. R. 9306) granting a pension to Amanda Woodcock. The following bills were severally read twice by their titles, and referred to the Committee on Military Affairs:

A bill (H. R. 537) to remove the charge of desertion from the military record of Bernhard Stueber;
A bill (H. R. 1498) directing the Secretary of War to grant an honorable discharge to William M. Dalzell;
A bill (H. R. 1515) for the relief of Hugh McLaughlin;

A bill (H. R. 2364) for the relief of Joseph H. Johnson; A bill (H. R. 3866) for the relief of George W. Goodman; A bill (H. R. 4943) to remove the charge of desertion standing against the name of Patrick Dougherty, Company A, Thirteenth New York Volunteer Infantry; and

A bill (H. R. 9666) to correct and amend the military record of John Long, late private Company H, Thirty-first Regiment Missouri Volunteers.

The following bills were severally read twice by their titles, and referred to the Committee on Claims: A bill (H. R. 1353) for the relief of the administrator of George

McAlpin, deceased;
A bill (H. R. 1475) for the relief of Basil Moreland;
A bill (H. R. 1524) to execute the findings of the Court of Claims in the matter of William B. Isaacs & Co.;

A bill (H. R. 3294) for the relief of the officers and crews of the United States gunboats Kineo and Chocura;

A bill (H. R. 4310) for the relief of Mathias Pedersen; and A bill (H. R. 5597) for the relief of Charles Deal.

REGULATIONS CONCERNING OLEOMARGARINE, ETC.

The bill (H. R. 1221) to make eleomargarine and all other imitation dairy products subject to the laws of the State or Territory into which they are transported was read twice by its title.

Mr. GEAR. I move that the bill be referred to the Committee

Mr. GEAR. I move that the bill be referred to the Committee on Interstate Commerce.

Mr. COCKRELL. My impression is that similar bills have always gone to the Committee on Agriculture and Forestry.

Mr. GEAR. I do not know whether or not they have gone to

that committee, but certainly the Committee on Interstate Commerce is the proper committee to consider a bill of the magnitude and character of the one now before the Senate.

Mr. COCKRELL. Which committee considered the bill in the

other House?

The PRESIDING OFFICER. The Committee on Agriculture.
Mr. GEAR. It was considered in the other House by the Committee on Agriculture.

Mr. HILL. Let it go to the Committee on Agriculture and

Forestry here.

Mr. BATE. Similar bills have heretofore gone to the Committee on Agriculture of this body, I will say to the Senator from Iowa. They generally go to that committee.

Iowa. They generally go to that committee.

Mr. HILL. Is it not proper to refer the bill to the Committee on Agriculture? I think it is. I am inclined to believe that its reference to that committee will facilitate the passage of the bill, and if the Senator from Iowa is a friend of the bill, and I assume

Mr. GEAR. I will state, in reply to the Senator from New York, that I am on both committees. It makes no great difference to which committee the bill goes. I favor the bill, but I think the Committee on Interstate Commerce is the proper committee to which to refer it.

which to refer it. Mr. HILL. I suggest a modification, that the bill be referred to the Committee on Agriculture and Forestry. Does the Senator

from Iowa accept the suggestion?

Mr. GEAR. No. I think it should be referred to the Committee on Interstate Commerce, where, personally, I would prefer that

it should go. Mr. BATE. Mr. BATE. Such bills, permit me to say, have heretofore gone to the Committee on Agriculture, and we had a similar measure

before us last session by the action of the Senate.

Mr. GEAR. Let the Senate decide the matter. I am not particular about the reference of the bill.

Mr. BATE. The Senator and I are both members of the Committee on Agriculture and Forestry.

Mr. HILL. I move to amend the motion of the Senator from

Iowa by inserting "the Committee on Agriculture and Forestry."
The PRESIDING OFFICER. The Chair will state to the Senator from New York that it is not an amendable motion, except

by way of instruction.

Mr. HILL. Then I withdraw the amendment. I trust the motion of the Senator from Iowa will be voted down, and that the bill will be referred to the Committee on Agriculture and Forestry.

Mr. COCKRELL. I hope that the bill may be laid over until the matter comes up regularly in the morning, when the Senate will be full

Mr. GEAR. I agree to that suggestion.
The PRESIDING OFFICER. The bill will go over.

SOLDIERS' HOME AT HOT SPRINGS, S. DAK.

Mr. PETTIGREW. I ask unanimous consent for the present consideration of the bill (S. 2791) for the establishment, control, operation, and maintenance of the Northern Branch of the National Home for Disabled Volunteer Soldiers at Hot Springs, in the State

The PRESIDING OFFICER. The Senator from South Dakota

asks the unanimous consent of the Senate for the present consideration of the bill which he has indicated. Is there objection?

Mr. BATE. Has the bill been before a committee; and if so,

what committee:

Mr. PETTIGREW. It was reported from the Committee on Military Affairs. There is a written report accompanying the bill.
Mr. BATE. In favor of the bill?
Mr. PETTIGREW. Yes, sir; a unanimous report, I under-

stand.

Mr. BATE. I know that we had the bill up in that committee, but I did not know what the final action was

The PRESIDING OFFICER. The bill will be read.

The Secretary read the bill.

Mr. BROWN. I object to the consideration of the bill. I do not think a bill of its importance ought to be passed without the most careful consideration.

Mr. PETTIGREW. I call for the reading of the report, and I should be glad to have the Senator from Utah listen to its reading. The PRESIDING OFFICER. The report will be read, if there

be no objection. The Secretary read the report, submitted by Mr. SEWELL May

29, 1896, as follows:

The Secretary read the report, submitted by Mr. Sewell May 29, 1896, as follows:

The Committee on Military Affairs, to whom was referred the bill (S.2791) for the establishment, control, and maintenance of the Northern Branch of the National Home for Disabled Volunteer Soldiers at Hot Springs, in the State of South Dakota, having had the same under consideration, report it back with a recommendation that it do pass.

As is expressed in its title, this measure provides for the erection of a branch of the National Home for Disabled Volunteer Soldiers at the city of Hot Springs, State of South Dakota. It is a location possessing advantages that can not elsewhere be acquired—advantages provided by nature and so rare in their combination that they are duplicated in only a few instances the world over. From the surrounding hills come forth unfailing streams of water, medicated and tempered in the great laboratory of subterrances earth, endowed with health-giving properties in relative proportions so exact that man, with all the skill that scientific knowledge imparts, may strive in vain to improve upon, and at last can only imitate. It is the product of centuries of processes—a part of the grand scheme of nature, which, in preparing the earth for man's habitation, made provision also to combat the ills to which man has fallen heir.

As a site for the proposed Home the citizens of Hot Springs agree to donate ground sufficient for all the needs of the Home, and to give a deed of perpet ual lease of one or more of the medicinal hot springs which there abound. Under the provisions of the bill both the Home site and the spring or springs are to be selected by the Board of Managers of the National Home for Disabled Volunteer Soldiers, the donors of the property agreeing to abide by the choice of that organization. It is also provided that the Board of Managers are to have exclusive jurisdiction over the property.

In presenting a favorable report upon the measure your committee bases its conclusions upon these proposition

SIR: 1 return herewith Senate bill No. 2791, for the erection and maintenance of the Northern Branch of the Home for Disabled Volunteer Soldiers, at Hot Springs, S. Dak.

There is no question in my mind that another branch of the National Home for Disabled Volunteer Soldiers should be established in the territory between the Mississippi and the summit of the Rocky Mountains, that one now in existence being constantly overcrowded and unable to meet the requirements.

now in existence tening constants.

The location at Hot Springs is an eligible one, and with the appropriation a hospital could be erected which would relieve the hospitals of the other Branches at once, and form the nucleus of a larger branch, should one be required.

Senate bill No. 279I is herewith respectfully returned.

Respectfully, yours,

W. B. FRANKLIN,

W. B. FRANKLIN,
President Board of Managers National Home
for Disabled Volunteer Soldiers.

Hon. DANIEL S. LAMONT, Secretary of War, Washington, D. C.

On the 4th of April last, the chairman of the Senate Committee on Indian Affairs (Mr. Pettighew) addressed a letter to General Franklin on the subject of the bill under consideration, and to that letter General Franklin replied in the following terms:

HARTFORD, CONN., April 7, 1896.

My Dear Sir: I have received your letter of the 4th instant, on the branch of the National Home contemplated at Hot Springs, S. Dak.

A similar bill, H. R. 724, Fifty-fourth Congress, had been referred to me some time ago by the Secretary of War, from one of the Congressional military committees. The following is a copy of my indorsement on the bill, and I ought to say that my opinion was given as a member of the Board of Managers merely, and is not necessarily the opinion of the Board:

"Harfford, Conn., February 11, 1896.

"SIR: I respectfully acknowledge receipt of H. R. bill 784, Fifty-fourth Congress, first session, for the establishment, etc., of a hospital as a sanitarium branch of the National Home for Disabled Volunteer Soldiers, at Hot Springs, in the State of South Dakota, referred to me for remark.
"I am of opinion that it is desirable that another branch of the National Home be established in one of the States west of the Mississippi River to supplement that at Leavenworth, established in 1884, but now overcrowded,

and I know of no objection to the size property the hot springs would be an advantage, but I am unable to speak the hot springs would be an advantage, but I am unable to speak of that advantage.

"I think the bill would be improved by not specifying the name 'hospital,' but by making it simply a branch of the National Home for Disabled Volunteer Soldiers at Hot Springs, as the name of the institution.

"The appropriation is not large enough. One hundred and fifty thousand dollars is the smallest that has been appropriated, in my experience, for the construction of a branch home.

"The condition as to donation of land and springs to the institution seems correct. The second section of the bill does not, I think, need change. The bill is herewith returned.

"W. B. FRANKLIN,

"Respectfully, yours,

"President Board of Managers National Home "for Disabled Volunteer Soldiers." and I know of no objection to the site proposed. It may be that the use of the hot springs would be an advantage, but I am unable to speak technically of that advantage.

"Hon. DANIEL S. LAMONT, "Secretary of War, Washington, D. C."

I think it will be well to have the name left blank, or to simply call it the Northern Branch, National Home for Disabled Volunteer Soldiers, and I also think the amount to be appropriated should be \$150,000 for the construction of the branch in the first instance.

Respectfully, yours,

President Board of Managers National Home for Disabled Volunteer Soldiers.

Hon. R. F. Pettignew, Chairman Committee on Indian Affairs, United States Senate, Washington, D. C.

United States Senate, Washington, D. C.

We have in these two communications a full indorsement of the bill for the erection of a branch home at Hot Springs by the president of the Board of Managers of the National Home. He approves of the location of the proposed branch home, and testifies to the necessity for another institution of that character for the relief of overcrowded Homes. General Franklin refers particularly to the opportunity here presented for the erection of a branch home with a view to future enlargement, should the exigencies of the service demand increased facilities. It appears, from the information obtained by your committee, that existing Homes are not susceptible of enlargement upon the basis of plans adopted and put in force.

Gen. W. W. Averell, assistant inspector-general of the National Home for Disabled Volunteer Soldiers, in a letter to Senator PETTIGREW, of South Dakota, under date of February 13 last, says:

"It may be well to mention that all the Branches of the Home this side of the Rocky Mountains are crowded, and they can not be enlarged for a greater population without a troublesome and expensive extension of their plants for cooking, heating, laundry, etc., which are now strained to their full capacity."

General Franklin doubtless had these conditions in view when he will be supported to the conditions in view when he will be supported to the conditions in view when he will be supported to the conditions in view when he will be supported to the conditions in view when he will be supported to the conditions in view when he will be supported to the conditions in view when he will be supported to the conditions in view when he will be supported to the conditions in view when he will be supported to the conditions in view when he will be supported to the conditions in view when he will be supported to the conditions in view when he will be supported to the conditions in view when he will be supported to the conditions in view when he will be supported to the conditions in view

population without a troublesome and expensive extension of their plants for cooking, heating, laundry, etc., which are now strained to their full capacity."

General Franklin doubtless had these conditions in view when he said, in his report to the Secretary of War, April 27, 1896:

"The location at Hot Springs is an eligible one, and with the appropriation a hospital could be erected which would relieve the hospitals of the other Branches at once, and form the nucleus of a larger branch, should one be required."

The demand upon the facilities of these homes of refuge is a growing one, and will increase rapidly for a number of years. The defenders of the nation have reached an age when many of them must succumb to physical disability and disease, and those whose declining years are attended by too frequent poverty must place themselves under the bourty of the nation. The importance, therefore, of a branch home that can be readily expanded to adapt itself to augmented numbers is apparent.

Regarding the curative properties of the medicinal waters of the Hot Springs your committee desires to speak at length. These springs were the resort of the Indians long before the white man found his way into the jealously guarded realm of the Black Hills country, and were considered by the aborigine as a panacea for all diseases. Their fame had penetrated the confines of civilization long before the advancing wave of white settlement had swept back the line of opposition and driven the Indians from their last rallying point. As soon as the Anglo-Saxon had possessed himself of this long-contested ground, business methods began to be applied to the medicinal springs. They were made available to the public, their properties ascertained, and their curative qualities proclaimed. An extensive hotel was erected, baths constructed, and conveniences for the sick provided. In 1879 the State of South Dakota located and erected a Soldiers' Home at Hot Springs, and it is now a large institution, filled with veterans of the late war who

BATH, N. Y., February 7, 1894.

Averell, who says:

BATH, N. Y., February 7, 1894.

Dear Str.: I have been requested to present to you my views regarding the advisability of and necessity for the establishment of a sanitarium at Hot Springs, S. Dak. Your committee, I presume, has my reports of three visits to the State Home for Disabled Volunteer Soldiers at that place made in 1891, 1892, and 1893, which contain my knowledge of the climate and of the healing qualities of the waters of the Minnekatah or Hot Springs.

The unusual number of members discharged from the State Home during the year by reason of their recovery from the disabilities which had entitled them to its care and benefits first attracted my attention, and subsequently the results of the remarkable test made last year, 1893, upon thirty disabled men selected and sent from the Western Branch of the National Home, have induced my belief in the efficacy of the waters of the Hot Springs for rheumatism, sciatica, spinal irritation, and nervous prostration.

The test, which is fully described in my report, was severe, but too brief. It was upon about 30 men, 18 of whom were treated for rheumatism. In the sixty days' test, 8 of them, or 44 per cent of those who were treated for rheumatism, were practically cured, the remainder all benefited, excepting I, and those suffering from sciatica, spinal irritation, and nervous prostration were improved. I believe the percentage cured would have been doubled with four to six months' treatment. During the year ending June 30, 1893, there were in the Central, Marion, Northwestern, and Western Branches of the National Home an average number sick of 1.590 of which \$53, or 53 per cent, were treated for rheumatism in its various forms, acute, subacute, and chronic (articular and muscular). These branches are the nearest and most accessible to the South Dakota Hot Springs and if provision were made for the treatment of those \$53 members afflicted with rheumatism at the Hosprings, and 44 per cent of them were cured, there would ensue a saving to the

there would be 176 restored to health, and there would follow a saving of \$100 per capita to the Government per annum, or \$17,000. Thus there might be a total saving effected per annum of \$70,000.

If a sanitarium were established at Hot Springs at a cost of \$100,000, and one-half the cases of rheumatism should be cured that might be sent to it for treatment from the most convenient Soldiers' Homes, I have no doubt it would pay for itself within five years after it was ready for occupation, in saving from cost of maintenance in Soldiers' Homes without cure. Without a cent of savings in money, the rescue from pain and misery and the restoration to health of those men for whose welfare the Government is responsible would, I believe, fully justify the establishment of the sanitarium.

In this view it would be an economical undertaking for the public good, which the public would appreciate and approve.

I am, General, very truly, yours,

WM. W. AVERELL, U. S. A.,

WM. W. AVERELL, U. S. A.,
Asst. Inspector-General, National Home for Disabled Volunteer Soldiers. Gen. John C. Black, Chairman Subcommittee on Soldiers' Homes, etc.

Chairman Subcommittee on Soldiers' Homes, etc.

The report in detail upon the test cases at Hot Springs, S. Dak., referred to by General Averell runs as follows:

Case I.—Andrew J. Arnett, B. Sixth Kansas Infantry. Forwarded to South Dakota July 6, 1893. Locomotor ataxia. Returned to Western Branch July 23. No improvement under treatment.

Case II.—Nathan J. Axtel, H. Fourteenth Illinois Infantry. Forwarded to South Dakota July 6, 1893. Muscular rheumatism, lumbago, nervous prostration, cystitis. Returned to Western Branch November 9. Rheumatism improved after treatment. Lumbago cured. Cystitis not benefited. Commenced Keeley treatment April 9, 1894. for tobacco; no influence on general health. No treatment in Western Branch Hospital.

Case III.—Adam P. Baum, E., One hundred and sixteenth Indiana Infantry. Forwarded to South Dakota July 6, 1893. Chronic articular rheumatism; spinal irritation. Returned to Western Branch November 9. Rheumatism cured. Spinal irritation not materially benefited. Commenced Keeley treatment February 24, 1894. Health now completely restored. Is one of the most competent nurses in hospital at this time.

Case IV.—Ira D. Chamberlain, D, Seventh Indiana Infantry. Forwarded to South Dakota July 6, 1893. Sciatica. Returned to Western Branch November 9. Since return from South Dakota (under treatment of Home surgeon) showed marked improvement. Used two crutches and suffered continual pain when he commenced treatment; now very much improved; uses only one cane. Now absent with leave at Washington, D. C.

Case V.—Thomas Concannon, G, Sixty-ninth Illinois Infantry. Forwarded to South Dakota July 6, 1893. Chronic articular rheumatism and lumbago. Returned to Western Branch November 9. Greatly improved on return. Swellings all gone from hands and feet. Gained in weight and strength. Commenced Keeley treatment February 22, 1894. Physical condition greatly improved.

Returned to Western Branch November 9. Greatly improved on return. Swellings all gone from hands and feet. Gained in weight and strength. Commenced Keeley treatment February 22, 1894. Physical condition greatly improved.

Case VI.—Martin W. Cozine, D. Twelfth Missouri Cavalry. Forwarded to South Dakota July 6, 1893. Chronic articular rheumatism. Returned to Western Branch November 9. Very much improved by treatment. Is now absent with leave from hospital.

Case VII.—Clark Eldridge, A. Third Rhode Island Cavalry. Forwarded to South Dakota July 6, 1893. Nervous prostration. Returned to Western Branch November 9. Claims to be not improved by treatment. Examination shows less tenderness of spine. Is hypochrondriacal. Now in barracks.

Case VIII.—Charles A. Gifford. H., Fourth Illinois Cavalry. Forwarded to South Dakota July 6, 1893. Diabetes mellitus. Returned to Western Branch November 9. Improved under treatment. Now in convalescent Company K. Case IXI.—Patrick W. Gilligan, D. Thirteenth Indiana Infantry. Forwarded to South Dakota July 6, 1893. Lumbago; spinal irritation. Returned to Western Branch November 9. Improved under treatment; gained 4½ pounds. Now in barracks.

Case XI.—Gillman D. Grove, United States Navy. Forwarded to South Dakota July 6, 1893. Nervous prostration and lumbago. Returned to Western Branch November 9. Improved under treatment. Now in barracks.

Case XI.—James Hanson, alias John Kerwin, H. Eleventh United States Infantry. Forwarded to South Dakota July 6, 1893. Chronic articular rheumatism. Returned to Western Branch November 9. General improvement in condition. Now in barracks.

Case XII.—Philander Hudson, D, One hundred and seventh New York Infantry. Forwarded to South Dakota July 6, 1893. Chronic articular rheumatism. Returned to Western Branch November 9. General improvement in condition. Seturned to Western Branch November 9. Rheumatism practically cured. South Dakota July 6, 1893. Chronic articular rheumatism. Returned to Western Branch November 9. Rheumatism practically cured. Spin

South Dakota July 6, 1893. Chronic articular rheumatism. Returned to Western Branch November 9. Was considerably improved under treatment. Now in barracks.

CASE XV.—Edward F. Kingsland, H. Second Colorado Cavalry. Forwarded to South Dakota July 6, 1893. Chronic articular rheumatism. Returned to Western Branch November 9. Greatly improved by treatment. Gained in strength, weight, and appearance. Now in barracks.

CASE XVI.—Alphonozo Longacre, 6, One hundred and eighteenth Pennsylvania Infantry. Forwarded to South Dakota July 6, 1893. Locomotor ataxia. Died at Hot Springs, S. Dak., September 1, 1893.

CASE XVII.—John Mahony, C, Forty-third Onio Infantry. Forwarded to South Dakota July 6, 1893. Muscular rheumatism and lumbago. Returned to Western Branch November 9 Greatly benefited. Pain entirely disappeared from back and shoulders. Gained in weight. Commenced Keeley treatment October 21, 1893. Is now orderly for Home treasurer, and in good health.

CASE XVIII.—Albert Mueller, E, Second Illinois Light Artillery. Forwarded to South Dakota July 6, 1893. Chronic articular rheumatism. Returned to Western Branch November 9. Great improvement, but still swelling and pain in left ankle and left wrist. Gained in weight.

CASE XXIX.—Edward McGloin, E, Third New Jersey Cavalry. Forwarded to South Dakota July 6, 1893. Chronic articular rheumatism. Returned to Western Branch November 9. Worse than before treatment. Is now in hospital (Western Branch November 9. Worse than before treatment. Is now in hospital (Western Branch November 9. Practically a well man; gain of 11 pounds in weight. Now in barracks.

CASE XXI.—Evi T. Nichols, E, First Ohio Light Artillery. Forwarded to South Dakota July 6, 1893. Chronic articular rheumatism and lumbago. Returned to Western Branch November 9. Practically a well man; gain of 11 pounds in weight. Now in barracks.

CASE XXII.—Michael Shea, H. Twenty-seventh New Jersey Infantry. Forwarded to South Dakota July 6, 1893. Chronic articular rheumatism. Returned to Western Branch November 9. Impro

which was principal reason for sending him to the springs. Is now in hospital (Western Branch) under treatment.

CASE XXIII.—Patrick A. Somers, F. Two hundred and thirteenth Pennsylvania Infantry. Forwarded to South Dakota July 6, 1893. Chronic articular rheumatism. Returned to Western Branch November 9. No better for the treatment. Now in barracks.

CASE XXIV.—Abram Steadman, A, Thirty-first Ohio Infantry. Forwarded to South Dakota July 6, 1893. Chronic rheumatism. Returned to Western Branch November 9. Rheumatism entirely gone. Cystitis no better. Now in hospital (Western Branch) for latter.

CASE XXV.—John Walsh, United States Marine Corps. Forwarded to South Dakota July 6, 1893. Chronic muscular rheumatism. Returned to Western Branch November 9. Some improvement. Legs still painful. Commenced Keeley treatment February 2, 1894. Now in barracks as well as a man of his age could expect to be.

CASE XXVI.—Richard Youmans, hospital steward, United States Army. Forwarded to South Dakota July 6, 1893. Nephritis, lumbago, and rheumatism. Returned to Western Branch November 9. Rheumatism and lumbago both disappeared. Nephritis worse. Now in barracks.

CASE XXVII.—Frederick Zeigler, B. First Missouri Light Artillery. Forwarded to South Dakota July 6, 1893. Chronic articular rheumatism. Returned to Western Branch November 9. Rheumatism all gone.

I herewith respectfully submit my final report of the experimental test upon the details sent here (the Hot Springs of South Dakota) July 7, 1893, from the Western Branch National Military Home, Kansas, of the curative properties of the waters and climate of Hot Springs, S. Dak., for certain chronic diseases, the nature and history of which are fully given in detailed report above.

The number of men sent was 30, and time given for the test sixty days; age of youngest patient, 46 years; oldest, 71 years; average age, 52 years.

As will be observed, the cases of locomotor ataxia, arthritis deformans, and aberration of the mind, conceded to be incurables, and sent only with the

credit given for cures and the treatment by the waters and the climate of this place.

As will be seen, almost every man was afflicted with rheumatic or nervous troubles, the same being cured in almost every instance. I am satisfied that a careful inspection by the medical board on the return of the men will bear me out in saying that all things considered, age of patients, shattered constitutions of some of them, variety and complication of diseases, and the chronic nature of all, that the result of this test, as shown by detailed report, is in every substantial sense highly satisfactory. A realization of all the claims put forth by the promoters of this experiment as to the virtues of the waters and climate of Hot Springs, S. Dak., and the desirability of this place for the location of a United States sanitarium for the treatment of such chronic diseases as most usually affect the old soldier is fulfilled.

I can not speak too highly of the courtesy and assistance given me by Gen. Joseph Knipe, and the excellent conduct of all men while under my care. Col. E. E. Clough, and the board of managers of the South Dakota Soldiers' Home, Commandant McGrew and wife, and all the officers of the Home have done all in their power to aid in securing the comfort of the men, and many thanks are due them for their untiring efforts to do so much good.

Very respectfully,

R. D. JENNINGS,

R. D. JENNINGS, Surgeon in Charge.

WESTERN BRANCH NATIONAL HOME FOR DISABLED VOLUNTEER SOLDIERS, September 9, 1893.

SIR: I have the honor to transmit herewith my report on the condition before and after treatment of the patients sent to Hot Springs, S. Dak., to test the efficiency of the waters for various diseases.

Very respectfully, etc.,

O. C. McNARY,
Assistant and Acting Surgeon.

Gen. W. W. Averell, U. S. A.,
Assistant Inspector-General
National Home for Disabled Volunteer Soldiers.

National Home for Disabled Volunteer Soldiers.

To sum up:
Of the patients suffering from rheumatism and lumbago, eight are practically cured of that disease; the balance, except one, McGloin, are improved. McGloin is worse. Cases of sciatica improved, cases of cystitis were not benefited, cases of spinal irritation improved, cases of nervous prostration improved, cases of diabetes mellitus improved, case of nervous prostration improved, cases of locomotor ataxia, one, Arnett, was sent home after two weeks on account of an aggravated renewal of the pains, no improvement; and one, Longacre, died at the Springs September 1, 1893.

The treatment by baths and drinking of the waters was supplemented by internal and external medication (in all or most cases, I believe), and in some cases by electricity.

The experiment would have been a better and truer test of the efficacy of the waters had this medication and electricity not been employed. As it is, we can not judge of the true virtues of the water. We can only judge of the results of the treatment employed as they present themselves.

The patients themselves, with two or three exceptions, believe their improvement would have been more perfect and lasting had they remained longer under the treatment. This I believe myself.

However, the benefits received by the patients sent are, in most cases, quite satisfactory.

Very respectfully submitted.

O. C. McNARY,

Assistant and Acting Surgeon.

O. C. McNARY, Assistant and Acting Surgeon.

Your committee have been furnished with a copy of the analysis obtained by the superintendent of the South Dakota Soldiers' Home of the water of three of the springs in the Hot Springs group, and deem it of sufficient importance to incorporate within this report.

An analysis by Prof. G. A. Maringer, chemist, Chicago, resulted as follows:

MINNEKAHTA SPRINGS.	
[Constituents, in grains.]	
Silica	2.464
Peroxide of iron	Trace.
Calcium sulphate	16.352
Magnesium sulphate	4.320
Sodium sulphate	25, 620
Potassium sulphate	
Sodium chloride and potassa	13,790

Analysis of two of the prominent springs by Prof. Charles B. Gibson of Chicago, Ill.

MAMMOTH MINERAL WATERS. [Constituents, in grains, per gallon of 58 329 1

Total residue	83, 1000
Inorganic and nonvolatile	71.0000
Organic and volatile.	12, 1100
Sulphate of sodium	23. 2628
Sulphate of potassium	E 8970
Culphote of potassium	
Sulphate of calcium	36.1125
Chloride of calcium	5.5887
Chloride of ammonium	.0291
Chloride of magnesium.	4.1144
Nitrate of magnesium	.3024
Dhosphata of magmanian	
Phosphate of magnesium.	.0996
Carbonate of magnesium	3.5057
Iron sesqui-oxide	.1490
	0210
Alumina	
Silica	1.548

LAKOTAH OR INDIAN SPRING MINERAL WATER. [Constituents, in grains, per gallon of 58.329.]

Total residue	57, 2100
Inorganic and nonvolatile	49, 1600
Organic and volatile	8,0500
Sulphate of sodium	8.8241
Sulphate of potassium	3.3312
	16. 2909
	8, 4990
Chlouida of amountains	. 0491
CILT AND A	
Th	3.1403
Phosphate of calcium	.3110
Nitrate of magnesium	.1507
Carbonate of magnesium.	3.0445
Iron sesqui-oxide	.2600
Alumina	.0210
Silica	1.8300
Commandant Turns of the Court Debate Collines II Inches	a A TT-A

Commandant Lucas, of the South Dakota Soldiers' Home, located at Hot Springs, in a report to Assistant Inspector-General Averell, says:

"After a careful observation of the results in the treatment of our sixty-odd veterans for severe and desperate cases of rheumatism, I am constrained to say that I have no longer doubts about the curative properties of the waters. Every case that has been treated in the Home (not an exception) has resulted in a perfect cure, or the patient is approaching it. These results I regard as little less than miraculous, when the enfeebled and broken-down condition of these men is taken into account. The waters are equally good and effective in treating cases of indigestion, scrofula, and all skin or cutaneous diseases."

condition of these men is taken into account. The waters are equally good and effective in treating cases of indigestion, scrofula, and all skin or cutaneous diseases."

The Hot Springs of South Dakota are located in the mountainous western end of the State—a region abounding in delightful scenery and all the healthgiving influences of nature in the rough. No more charming surroundings can be found at any of the health resorts of the world. These springs lie within the boundaries of Fall River County, and about them has accumulated a community of a couple of thousand people, incorporated as a city of the second class. Its buildings are constructed with a generous display of architectural skill and taste. The city can be reached over two lines of railway. Its altitude is 3,400 feet above sea level. The atmosphere of that region is dry and bracing. Lying in a sheltered valley, it is protected from winter's rigors, and it is altogether a most satisfactory abiding place for invalids or for those in search of recreation.

In closing this report your committee append a preamble and resolution adopted by the managers of the Soldiers' Homes of Colorado, Minnesota, and Kansas, in which the Congressional Representatives of those States are asked to give their support to the bill which is the subject of the favorable action of your committee.

Whereas it is the policy of the National Board of Managers for Disabled Volunteer Soldiers' Homes to provide a sanitarium for the treatment of exsoldiers who are afflicted with rheumatism and kindred diseases; and Whereas from the published reports by General Averell and other indisputable evidence it has been demonstrated by thorough and fair tests that the hot water at Hot Springs, S. Dak., cures more than 60 per cent of such cases; and Whereas an effort is being made to secure the location of such a sanitarium at Hot Springs, S. Dak.; and Whereas we are satisfied from information furnished us that no better place has been yet discovered: Therefore

Be it resolved, That we favor the location of a sanitarium at Hot Springs, S. Dak., and urge our Representatives in Congress to support and aid in the passage of such bills as may be presented for that purpose.

OFFICE BOARD OF COMMISSIONERS

SOLDIERS AND SAILORS' HOME OF COLORADO, Room 1, Capitol Building, Denver, December 5, 1895.

The above preamble and resolution were brought before the board and, after due consideration, the secretary was authorized to state on behalf of the board that both were unanimously indorsed and that this action shall form part of the permanent records of the commission.

Attest:

W. P. HARBATTLE, Secretary.

W. P. HARBATTLE, Secretary.

The above preamble and resolutions were adopted at a meeting of the board of trustees, Minnesota Soldiers' Home, February 11, 1896.

HENRY A. CARTH, President.
J. R. B. BERBERG, Secretary.

This is to certify that the board of managers of the Kansas State Soldiers ome indorsed the foregoing resolution on this 5th day of December, 1895. By order of the board.

J. H. STEWART, Secretary. Col. C. M. CUNNINGHAM, Commandant.

MARITIME CANAL COMPANY OF NICARAGUA

The VICE-PRESIDENT. The hour of 2 o'clock having arrived, and there being no unfinished business, the Chair lays before the Senate the first bill upon the Calendar.

The SECRETARY. A bill (S. 1012) to prevent the desecration of

the national flag.

25.620
13.790
62.546

The Secretary. A Bin (S. 1913) to prevent the desecration of the national flag.

Mr. MORGAN. I move that the Senate proceed to the consideration of the bill (S. 3247) to amend the act entitled "An act to incorporate the Maritime Canal Company of Nicaragua," approved February 20, 1889.

Mr. MILLS. I ask my friend to yield to me a moment that I may have a bill passed.

Mr. MORGAN. As soon as the canal bill is taken up, I will

yield for that purpose.

The VICE-PRESIDENT. The question is on the motion of the Senator from Alabama, to proceed to the consideration of the bill indicated by him.

Mr. CAFFERY. On that I ask for the yeas and nays.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. WALTHALL (when Mr. George's name was called). My colleague [Mr. George] is paired with the junior Senator from Oregon [Mr. McBride]. If my colleague were present, he would

Mr. GORDON (when his name was called). I am paired with the Senator from Iowa [Mr. Gear] who is not in his seat, and I

withhold my vote.

Mr. MARTIN (when his name was called). I have a general pair with the senior Senator from Montana [Mr. Mantle], who is not in his seat, and I withhold my vote. If he were present, I should vote "yea."

Mr. MITCHELL of Wisconsin (when his name was called). I am paired with the Senator from New Jersey [Mr. Sewell]. If

am paired with the Senator from New Jersey [Mr. Sewell]. In he were present, I should vote "nay."

Mr. ROACH (when his name was called). I have a general pair with the Senator from California [Mr. Perkins], but by an arrangement the pair has been transferred from the Senator from California to the Senator from Idaho [Mr. Shoup]. If the Senator from Idaho were present, he would vote "yea" and I should note it is a simple from the senator from Idaho were present, he would vote "yea" and I should

Mr. TILLMAN (when his name was called). I am paired with the Senator from Nebraska [Mr. Thurston]. As he is absent, I

the Senator from Nebraska [Mr. Thurston]. As he is absent, I withhold my vote.

Mr. VILAS (when his name was called). I am paired generally with the Senator from Oregon [Mr. MITCHELL]. If he were present, I suppose he would vote "yea;" I should vote "nay."

Mr. WILSON (when his name was called). I have a general pair with the Senator from Florida [Mr. Pasco]. If he were present, I should vote "yea."

The roll call was concluded.

Mr. ALLISON. I desire to state that my colleague [Mr. Gerron]. If spaired with the senior Senator from Georgia [Mr. Gerron]. If

Mr. Allison. I desire to state that my coneague [Mr. Gerk] is paired with the senior Senator from Georgia [Mr. Gordon]. If my colleague were present, he would vote "yea."

Mr. GORDON. Then I will vote. I vote "yea."

Mr. McBRIDE. I have a general pair with the senior Senator from Mississippi [Mr. George] and my colleague [Mr. MITCHELL of Oregon] has a general pair with the Senator from Wisconsin [Mr. VILAS]. With the consent of the Senator from Wisconsin, I will transfer my pair to my colleague, so that the Senator from Wisconsin and myself may vote. I vote "yea." Mr. VILAS. I vote "nay."

Mr. MORRILL (after having voted in the affirmative). I am paired with the Senator from Tennessee [Mr. Harris], who ap-I am pears to be absent, and therefore I withdraw my vote. The result was announced—yeas 36, nays 14; as follows:

	Y	EAS-36.	+
Aldrich, Allison, Bacon, Brown, Burrows, Call, Cameron, Cannon, Chandler,	Clark, Cullom, Davis, Faulkner, Frye, Gallinger, Gibson, Gordon, Gorman,	Gray, Hale, Hawley, Hoar, Lodge, McBride, McMillan, Morgan, Peffer,	Perkins, Platt, Proctor, Pugh, Quay, Sherman, Stewart, Wetmore, White.
	N	AYS-14.	
Bate, Berry, Blackburn, Caffery,	Chilton, Cockrell, Hill, Mills,	Nelson, Pettigrew, Turpie, Vest,	Vilas, Walthall,
	NOT	VOTING-39.	
Allen, Baker, Blanchard, Brice, Butler, Carter, Daniel, Dubois, Elkins, Gear,	George, Hansbrough, Harris, Irby, Jones, Ark. Jones, Nev. Kyle, Lindsay, Mantle, Martin,	Mitchell, Oreg. Mitchell, Wis. Morrill, Murphy, Palmer, Pasco, Pritchard, Roach, Sewell, Shoup,	Smith, Squire, Teller, Thurston, Tillman, Voorhees, Warren, Wilson, Wolcott.

So the motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (S. 3247) to amend the act entitled "An act to incorporate the Maritime Canal Company of Nicaragua," approved February 20, 1889, which had been reported from the Select Committee on the Construction of the

Nicaragua Canal with amendments.

Mr. MILLS. By consent of the Senator from Alabama, I wish to call up Senate bill 3525, a bill reported unanimously from the Committee on Commerce, in reference to the improvement of a waterway on the coast of Texas.

Mr. MORGAN. Several gentleman have applied to me to give way temporarily for the purpose of having bills passed which they regard as somewhat pressing. After the pending bill has been read, I will yield as far as I can do so without displacing it or losing my right of way.
The VICE-PRESIDENT.

The VICE-PRESIDENT. The bill will be read.

The Secretary read the bill.

Mr. MORGAN. The Senator from Texas [Mr. Mills] desires that the pending bill may be temporarily laid aside until he can call the attention of the Senate to a measure pending here. I have no objection on my part to that course, and I ask that the bill before the Senate may be temporarily laid aside.

The PRESIDING OFFICER (Mr. PLATT in the chair). It will be so ordered, in the absence of objection.

WATER ROUTE BETWEEN GALVESTON AND HOUSTON, TEX.

Mr. MILLS. I ask unanimous consent for the consideration at this time of Senate bill 3525.

The PRESIDING OFFICER. The Senator from Texas asks unanimous consent for the present consideration of a bill the

title of which will be stated.

The Secretary. A bill (S. 3525) to provide for an examination and survey of a water route from the mouth of the jetties at the city of Galveston, Tex., through the ship channel and up Buffalo Bayou to the city of Houston, Tex., and appropriating money

Mr. MILLS. I will state that the bill has been unanimously reported by the Committee on Commerce.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill.

Mr. HOAR. I desire to inquire of the Senator from Alabama,

he having consented to temporarily laying aside the Nicaraguan bill, if he expects to go on with it this afternoon?

Mr. MORGAN. There are two Senators who have applied to me for leave to ask for the consideration of bills, and one of them,

as I know, is a matter of great merit.

Mr. HOAR. I did not wish to interfere. I merely wanted to know for my own information if the Nicaraguan bill was to go

on to-day.

Mr. MORGAN. I propose to go right on with it after the bills to which I have referred have been disposed of.

Mr. HOAR. The reason of my inquiry is this: I propose, at some time when the Senate is not desirous of proceeding with any other important business, to ask to have the bankruptcy bill any other important business, to ask to have the bankruptcy bill taken up and read. I do not propose to have any action taken upon it until the return of one or two Senators, who are especially interested in it, especially the Senator from Colorado. If the Senate were transacting routine business, I would simply ask for the reading of that long bill. But as I understand the Senator from Alabama desires to go on to-day with the Nicaraguan bill. I do not now make the request

bill, I do not now make the request.

The PRESIDING OFFICER. The bill taken up on the request of the Senator from Texas [Mr. Mills] is before the Senate as in

Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed. WILLIAM H. LINTON.

Mr. HAWLEY. The Senator from Alabama [Mr. MORGAN] has kindly consented to let me ask unanimous consent for the consideration of the bill (S. 3477) to remove the charge of desertion from the military record of William H. Linton. I now make that

request.

There being no objection, the Senate, as in Committee of the

Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed. DEATH OF REPRESENTATIVE CRISP.

A message from the House of Representatives, by Mr. Chapell, one of its clerks, communicated to the Senate the intelligence of the death of Charles F. Crisp, late a member of the House from the State of Georgia, and transmitted the resolutions of the House

Mr. GORDON. Mr. President, I desire to give notice that on Thursday next, at 3 o'clock p. m., I shall ask the Senate to suspend business to receive resolutions upon the subject to which the mes-sage from the House of Representatives relates, and to hear some remarks in connection therewith.

CANALS BETWEEN THE GREAT LAKES AND ATLANTIC OCEAN.

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States; which was

To the Senate and House of Representatives:

I transmit herewith the report of Messrs. James B. Angell, of Michigan, John E. Russell, of Massachusetts, and Lyman E. Cooley, of Illinois, who were appointed commissioners under the authority of a law passed March 2, 1885, to make inquiry and report, after conference with such similar commissioners as might be appointed on behalf of Great Britain or the Dominion of

Canada, concerning the feasibility of the construction of such canals as will enable vessels engaged in ocean commerce to pass between the Great Lakes and the Atlantic Ocean, and the most convenient location and probable cost of such canals, together with other facts and information in said act specified relating to their construction and use.

The commissioners have prosecuted the work assigned them with great zeal and intelligence, resulting in the collection of a mass of information, embodied in their report and its accompanying exhibits, which is of great importance and interest as related to the project subjected to their examination.

The advantages of direct and unbroken water transportation of the production of the

mportance and interest as related to the project subjected to their examination.

The advantages of direct and unbroken water transportation of the products of our Western States and Territories from convenient points of shipment to our seaboard ports are plainly palpable. The report of the commissioners contains, in my opinion, demonstration of the feasibility of securing such transportation, and gives ground for the anticipation that better and more uninterrupted commerce through the plan suggested, between the great West and foreign ports, with the increase of national prosperity which must follow in its train, will not long escape American enterprise and activity.

It will be observed that the report of the commissioners, though as comprehensive as the time and facilities at their disposal permitted, does not definitely deal with the cost of the work they were called upon to consider, and omits some of the other details related to it. Thus far they have labored without compensation, and a part of the small sum appropriated for the payment of their expenses still remains unexpended.

I suggest to the Congress the propriety of making economical provision for such further prosecution of their work as will more fully develop the information necessary to an exact and complete understanding of this interesting and important subject.

CROVER CLEVELAND.

GROVER CLEVELAND.

EXECUTIVE MANSION, January 18, 1897.

[Note-Report and accompanying documents transmitted to House of Representatives.]

The PRESIDING OFFICER. The message will be printed and referred to the Committee on Commerce, in the absence of objection.

MARITIME CANAL COMPANY OF NICARAGUA.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 3247) to amend an act entitled "An act to incorporate the Maritime Canal Company of Nicaragua," approved February 20, 1889.

Mr. MORGAN. Mr. President, the subject of the Nicaraguan Canal has been so long under consideration by the Senate, by the people of the United States, and by the people of the world, and involves such a wide field for examination, that it is impossible for anyone to undertake to enter upon a full description of the merits. anyone to undertake to enter upon a full description of the merits anyone to undertake to enter upon a full description of the merits of this great enterprise within the limits of a single address. On this occasion I shall make no effort of the kind. I find it difficult always to trust myself with an undertaking of this sort in connection with this enterprise, because it has got such a hold upon my convictions that perhaps I may see it in a magnified light, though I could not, if I were possessed of all the powers of oratory and eloquence that any human being ever possessed, describe with sufficient fullness and force the merits of this question as it concerns the people of the United States alone, to say nothing of the people of the whole world. of the whole world.

In presenting this bill to the Senate I have the honor to state that the Committee on the Construction of the Nicaraguan Canal

that the Committee on the Construction of the Nicaraguan Canal is unanimous in the approval of every feature of it. The bill which we have reported here in fact originated in the House of Representatives, was reported to that body, and, after the most scrutinizing care we could bestow upon it, we have not found it necessary to change it in any of its features.

This measure, however, changes considerably previously proposed legislation on this subject, particularly the bill which passed through the Senate in the last Congress, and changes it in favor of amendments which were then suggested, propositions which were then advanced with sufficient reason to justify the committee of this body and of the other House in believing that it was better to incorporate those features or those amendments into the better to incorporate those features or those amendments into the bill rather than to jeopardize the measure in any sense at all or to invite opposition by excluding them on matters of detail that are not essential to this measure.

On a full survey of this bill and a full examination of it in con-

nection with the great subject to which it relates, I am satisfied it is the best bill we have presented—the most conservative bill. It leaves all power in the hands of the Executive to arrest the progress of this enterprise in the event that he finds it is going wrong, and to inform the Government of the actual conditions in Nicaragua, as to all suggestions and questions which have been raised heretofore or can be raised in regard to it, in full time to

prevent any possible disaster.

Mr. President, there is but one parallel case in history by which we can come to any judgment in reference to the advantages and profits which may be derived from this as a financial enterprise, and also as to the advantages which come to the nations who may and also as to the advantages which come to the nations who may control this gateway between the Atlantic and Pacific oceans politically and commercially and in every other respect. That standard of comparison is the Suez Canal. We have in the United States, however, two other standards of comparison with this canal in reference to the cost of its construction and the facility with which it may be built, and also with reference to its effect upon the increase of the interior commerce of the country. Those are the great locks at Sault Ste. Marie and the drainage canal at

This last enterprise is one which originated among the citizens of that great city, and has for its primary purpose the drainage of the town and the adjoining country. The progress that has been made in the construction of that canal, I undertake to say and I think I can do it without incurring any contradiction—has proven to be a new development in the art of canal construction, and it really is the most astonishing piece of work in the economy and rapidity of construction which has ever yet been accomplished by the genius of the American people, or of any other people on the earth. So I accept those two canals, the Sault Ste. Marie and the drainage canal at Chicago, as furnishing standards to which we can refer in estimating the cost of the construction of the Nicaraguan Canal, the difficulties to be overcome, and the facility or the rapidity with which it may be done.

In the case of the Suez Canal, we have the advantage of a full comparison in all essential features: First, in the manner of its comparison in an essential reactures: First, in the manner of its being dredged, opened, the water let into it, sea locks for the pur-pose of preventing the intrusion of high seas into the canal to wash it away, the difficulties of approach on the Mediterranean side and on the side of the Red Sea, and the necessity of building ports or harbors for the accommodation of the shipping about to

enter the canal.

Then, proceeding from that point, we have the analogy of the difficulties of maintenance, which, in the case of the Suez Canal, are really much greater than they will be in the case of the Nicaraguan Canal. In the case of the Suez Canal the difficulty arises from the drift of the sand into the channel, caused by the winds which prevail there at certain times, and sometimes unexpectedly, and drift vast amounts of sand into the channel, so that the process of dredging is required to be continually kept up. A corresponding difficulty, but of quite a different nature, is to be met and overcome at Nicaragua. In Nicaragua the trouble arises from the excessive rainfalls on the eastern coast of that State, and that difficulty can be met, and is met, in the line projected here, by placing the canal level, from its start on the Atlantic side to its terminal on the Pacific side, above the reach of any flood or high water. I consider that the difficulty in meeting the rainfall in Nicaragua is met and finally disposed of in the plan of construction, or rather in the axial location of the canal, whereas in the case of the Svez canal the trouble is over receiving and will the case of the Suez canal the trouble is ever recurring, and will remain there so long as the winds blow and the sands can be shifted by them. So I find in the history of the Suez Canal, both in the cost of its construction and maintenance, and more particularly in the receipts—the income from its tolls—what I conceive to be a very excellent, perhaps a conclusive, standard of comparison with the Nicaraguan Canal.

Before I enter upon a description of the project which we have brought forward in this bill for the purposes that it is expected to accomplish and the reasons for bringing it forward, I desire to call accomplish and the reasons for oringing it forward, I desire to can the attention of the Senate to some statistics in regard to the Suez Canal. That canal is $97\frac{1}{2}$ miles long, pretty nearly a straight line, though there are some curves in it. There are about 68 or 70 miles of canalization, actual lift of the earth and throwing it out upon embankments. That canal was constructed at a time when the art of canal building with dredges and pumps was very imperfect as compared with the present time. We might say the advantages now are as 100 to 50. We have more than double the advantage in building a canal, going through any material which you please to select, whether it is stone, or mud, or clay, or sand, or gravel. We have now more than 50 per cent advantage in the method of construction, in cheapness and rapidity of construction, over what existed at the time the Suez Canal was built, and this great advantage has come from the invention of American mechanics, American constructors, who have been forced by exigencies which they could not escape to tax their genius so as to get machinery of different kinds for the construction of the great drainage canal at Chicago,

which actually overcomes

Mr. DAVIS. I should like to ask the Senator from Alabama whether any estimate has been made as to how far the estimates of cost which were before the committee in respect to the Nicaragua Canal, can be diminished in view of the actual result at Chicago?

Mr. MORGAN. We have that estimate here, and we have also the statement of the gentleman who constructed the canal. Mr. DAVIS. Will the Senator state the percentage or anything

of that kind?

of that kind?

Mr. MORGAN. I can not give the percentage, except to say that at Chicago in rock channeling, rock lifting, the removal of clay and gravel out of the line of the canal and transferring it an average distance of probably two or three hundred yards the saving is at least 50 per cent. It is, I believe, the most marvelous progress ever made by mechanics in the history of such works.

Mr. DAVIS. I know there are great claims made about it, and I should be glad to see a specific statement.

Mr. MORGAN. Before I get through I will call the attention

Mr. MORGAN. Before I get through I will call the attention of the Senate to the statements on that subject.

Now, Mr. President, when Disraeli was about to go out of office,

at least within a year or two before he went out of office, he had at least within a year or two before he went out of office, he had the courage to overcome a British prejudice against the Suez Canal, which was very intense and very foolish. The British Government had large and very valuable settlements at the Cape of Good Hope, and all the ships that passed around from the Atlantic to China and India and into the Pacific Ocean went by the Cape of Good Hope, touched there naturally, necessarily indeed, and were a source of enormous revenue and great profit to those people. Besides that, the British Government did not want to have a canal pendes that, the British Government did not want to have a canal opened between the Red Sea and the Mediterranean, for the reason that adjacent to that canal lay the territory of some of her most powerful rivals. Along the line of the Mediterranean there were France, Italy, Turkey, and on the north African coasts there were several of the smaller states, including Egypt, under the suzerainty of the Sultan of Turkey. We find after we pass around the the Red Sea that her recessions were flexibled on a side by to the Red Sea that her possessions were flanked on one side by Arabia and on the other by Africa, with very enterprising colonies established by the French, the Italians, and the Germans in those sections of the world. So she did not wish her passage from London or Liverpool to Bombay or any other port in India to be through states or in the vicinity of states that might hold a flank position or a short line upon her, and could come out and attack her ships or her commerce or anything she might have to send through there and impede her way to her colonies. So Great Britain was opposed to it.

When the Suez Canal was originated it was a private enterprise. When the Suez Canal was originated it was a private enterprise. An endeavor was made to get the French Government into it, but the French Government declined to make the guaranties; it declined to take it up, and De Lesseps went through the south of Europe and got together a sufficient subscription for the purpose of building the great canal, or at least to start it. He then went to the Khedive of Egypt. The Khedive, with remarkable foresight and with great courage, committed his Government to the assistance of the canal, and together the people of the south of Europe, most largely in France, and the Khedive of Egypt constructed the canal. The British Government interposed a protest to the Sultan of Turkey against this thing being done. The Sultan interposed a protest to the Khedive against it, but not earnestly enough to prevent the construction of that great waterearnestly enough to prevent the construction of that great waterway. After the canal was built, and after, as we remember, the celebration of it, which was a fête that occupied the attention and excited the admiration of the world, the French Empress being there for the purpose of inaugurating the work, Disraeli, with that sagacity which perhaps distinguished him as much as any other British statesman, concluded that it was to the best interest of the British statesman, concluded that it was to the best interest of the British Government to buy a controlling interest in that stock; and he set about to do it. He could not buy a controlling interest. The other Governments objected. He could not buy an interest that cost him more than \$20,000,000, at a little above par. The whole capitalization of the canal at that time was \$100.000,000. So he could get only about one fifth of it, instead of a majority of the stock; but he bought the stock, and he bought it at a slight premium in the market.

He believed, and the world since that time has realized the fact, that that investment by Great Britain was of all others that that great Government has ever made the most profitable financially and the most important politically, and the occupation of Egypt to-day is due to the fact of the building of the Suez Canal and the necessity that Great Britain is under of having both the terminal

to-day is due to the fact of the building of the Suez Canal and the necessity that Great Britain is under of having both the terminal points of that canal under her military control. She occupies Egypt, and she will occupy Egypt so long as the Pyramids do, unless the Government in London breaks down. That was the moving cause; that was the consideration which forced her to take this ground, and she holds it with British tenacity.

Now, without going any further into the general history of this matter, which I have given very imperfectly, I desire to call attention to what the British investment was. The canal was opened in 1870. It was completely built in 1869. Great Britain invested about \$20,000,000 in the stock of the canal, just a few dollars under that sum, and put the stock in her treasury as an asset of the treasury, which made it equal to the consol or any other obligation of the Government of Great Britain. At the close of 1895, as was stated by the treasury bench in the House of Commons—I have the authority to show it, a London paper—the cost of the investment had been returned by the dividends on the stock. The full cost had been returned in 1895. At the present rate of dividends, the present value of the shares is \$120,000,000.

Mr. President, that looks improbable; it looks as if it were mere romance, mere fiction, mere fancy; and yet it is the solid fact. On the investment of \$20,000,000, by Disraeli, the precise date of which I can give you if it is required, the stock to-day is worth \$120,000,000. I have a table which shows the rate of earnings of the Suez Canal since 1869. At the rate of tolls now charged, about \$187 per ton on vascals prescing through the general tabing possible to the stock.

the Suez Canal since 1869. At the rate of tolls now charged, about \$1.87 per ton on vessels passing through the canal, taking no account, however, of the passenger trade, the Suez Canal, after nearly doubling its size, for it has been enlarged out of the reserve fund, and after a heavy fund is set apart for betterments, is earn-

ing 18 per cent dividends on a cost of \$100,000,000. Of the cost of \$100,000,000,\$58,000,000 only was expended in actual canalization—actual work. Forty-two million dollars of the \$100,000,000 was for interest, discount, fees for promotion, and losses in administration. Only a part of it was a necessary charge on the resources of the company. The Suez Canal was built in a very extravagant way, so far as fees and cost of promotion are concerned. Immense amounts of money were spent that ought not to have been spent. Nevertheless, the whole canal was capitalized at \$100,000,000 after

all these expenses were covered.

The canal is now a permanent property, earning 6 per cent on \$300,000,000, and it has grown to these proportions in twenty-seven years. The latest quotations of the shares on the Paris Bourse

years. The latest quotations of the shares on the Paris Bourse were on last Saturday, January 16, 1897, and the 500-franc shares (\$100) were quoted at 3,250 francs—common stock of the canal company—or in dollars a share of the par value of \$100 is worth \$650.

The Suez Canal, as I have stated, was opened to traffic in 1869. Its first year's realization was really in 1870. The growth and present magnitude of its business are shown in a table I have here and will insert in my remarks.

Year.	Number of vessels.	Net Suez tonnage.	Receipts.	Dividends.
1870	20.00	436,609 2,009,984 3,057,421 6,355,752 6,890,094 8,698,777 7,712,029 7,659,060 8,039,175	\$869, 150 5, 281, 150 7, 298, 524 12, 011, 451 13, 485, 055 16, 789, 103 14, 977, 712 14, 222, 486 14, 825, 411 16, 000, 000 15, 800, 000	Per cent, 17, 20, 18, 18, 18, 18,

It has gone on with a steady, gradual increase. I could not get the number of vessels for 1895 and 1896, but perhaps I will get it before I close my remarks to-day. But I will take 1894. The number of vessels which passed through the canal in 1894 was 3,352, against 486 in 1870; the tonnage was 8,039,175, against 486,609 in 1870, and the receipts were \$14,825,411, against \$869,150 in 1870. The percentage of receipts upon the capital invested was 18.50 per cent in 1895. In 1895 the receipts went up to \$16,000,000. In 1896 they were \$15,800,000.

In 1896 they were \$15,800,000.

Now, if not another ship in the world passed through the Nicaragua Canal except such as we would get by a division of tonnage with the Suez Canal, and if we got 4,000,000 tons a year whilst she got 4,000,000 tons a year, and if we charged \$1.50 a ton while the Suez Canal charges \$1.87, we at once see that the profit on the investment proposed by this bill in the construction of the Nicaragua Canal would be quite satisfactory. That is the view which the American people ought to take of this matter if they have only a money-making interest in the canal. It is a very encouraging and profitable view to take of it, and it suits the temper of the present age that in making investments of money or of the of the present age, that in making investments of money or of the credit of the United States it should be clearly demonstrated that there is to be a profitable outcome, in dollars, from the investment.

I do not indulge in the romantic sentiment which many have even boasted, that it would be better for us to build the canal and

throw away the money than not to have the canal. At the same time that is a proposition which would be very hard to answer when you come to consider it in a national sense, for if we can spend \$260,000,000 in two or three years for the purpose of maintaining the equilibrium of our credit commercially with Great Britain, a matter about which I am not complaining, we certainly can afford to spend one-half of that sum or something equivalent can all ord to spend one-hair or that sum or something equivalent to one-half in building a canal which, if it did not yield to us a dollar of profit, would at the same time furnish to the agriculturists and all the industrial people of the United States in every quarter such enormous advantages as would arise from this method of cheap water transportation between our Pacific and our Atlantic coasts. Or if we were to build the canal alone for the use of the Navy as a strategic movement, so that we might double the power of our Navy without building two great fleets—one for the Pacific and one for the Atlantic—it might be said, in the American sense, properly, that we could throw away the whole amount of money we put into the canal and still make a very large amount of money we put into the canal and still make a very large earning in the advantage, of a maritime and strategic nature, which we would get out of the enterprise. Or if we built the canal alone for the convenience, advantage, and profit of our coast trade, we would still find that the people themselves would be stimulated by the opportunity furnished by the canal in all of their industries and all of their trades to that degree that we might very well afford to accept any opportunity that might be presented to put the money in that course of expenditure, without ever expecting to receive a dollar in return.

Or if we look at the great national duty of connecting together

our coasts—the Atlantic and Pacific—and to form of this nationality that sort of union of interest, as well as of feeling and sympathy, which would bind us together as a nation and a people beyond all possibility of severing or of dissatisfaction in the future, then, if we were to throw away all the money that we propose to put into the canal—in an enterprise so advantageous and so inviting—we should not consider that we had lost anything. Or if by building the canal we could open to the merchants and the sailors of the Atlantic Coast, to say nothing of the Pacific Coast, the advantage of free and cheap water introduction to the traffic of the Pacific Ocean, with all of its vast undeveloped and absolutely incomprehensible wealth, we would say that if we were to throw the money away it would be still well invested if it resulted in the production of this great waterway.

Pacific Ocean, with all of its vast undeveloped and absolutely incomprehensible wealth, we would say that if we were to throw the money away it would be still well invested if it resulted in the production of this great waterway.

We might find light also in the example of Russia, which builds a railway, called the Siberian road, from her eastern shores to Vladivostok, just above Korea. She can not expect to realize a very large profit upon the freight to be carried by that railroad. With the same feeling of enterprise that Russia must have in respect of enlarging her eastern possessions and opening the advantages of the Pacific Ocean to her people, we might well say that we could as well afford to throw this money away, if it is to be thrown away, as Russia can to throw away the money she has put into the Siberian railroad without ever reclaiming a cent of it. But when we come to look into the actual facts and take the standard of comparison furnished to us by the Suez Canal, to which it is impossible to close our eyes, we are admonished that not only have we these great powers, privileges, and duties resting upon us, but we have actually in sight an enormous earning on a very small expenditure.

With these general observations, Mr. President, in an outline view of this great question, merely touching upon the surface of things, and not undertaking to penetrate into the actual argument about it, I desire now to present to the Senate the terms and provisions of the pending bill, to show that it is a thoroughly practicable and, as I believe, a thoroughly wise measure. I would not feel authorized to indulge in that expression about it if I were the author of the bill, but perhaps 150 of the most intelligent men in the United States have had a part in the authorship of the bill, and many of those men have been in the Houses of Congress. The honorable Senator from Ohio [Mr. Sherman] presented two bills here, the terms of which were somewhat modified and changed as argument proceeded and experience was obtained, indicating that changes ought to be made. After long and laborious consideration on the part of the Committee on Foreign Relations, I presented a third bill, which changed the features of the former bills considerably.

Considerably.

Then the subject went into the House of Representatives, and I must do the committee of the other House the justice to say that they have very much improved the whole plan. They have accepted propositions which originally I thought were antagonistic to the measure in rather a vital sense. I am now persuaded that they are wise amendments, and I believe that no more carefully considered measure than this one has ever been brought to the attention of the Congress of the United States. It is obliged to be so because the different committees which have acted upon it and the great number of gentlemen who have considered it have thought the matter over in the most careful and considerate way. No person who has ever been connected with the proposed canal improvement of whom I am aware has attempted to inject into it any personal wish or desire or thought or feeling or advantage either for himself or the section of country which he happened to represent.

It is a fair, a just, a genuine bill through and through, and from the very outset the measure has had the support of all the different parts of the American Union. The honorable Senator from Vermont, Mr. Edmunds, who was here, a wise and able man, was a great friend of the measure. He bestowed the closest attention upon it. The fact is, Mr. Edmunds is the man who originated the thought of our legislation and brought the matter into the Senate of the United States. Then there was Mr. Dolph, over on the other coast, Mr. MITCHELL of Oregon, over there, and other gentlemen who are present with us to-day. Then there was the honorable Senator from Ohio [Mr. Sherman], in the center of the United States, and his former colleague, Mr. Payne. There was Mr. Eustis of Louisiana, who united in the first report, and it was a unanimous report from the Committee on Foreign Relations, and after he went out of the Senate he became one of the directors in the scheme. Mr. Saulsbury was its active supporter. There was the Hon. Joseph Brown, who now sleeps in an honored grave, whom we all know was a man of extreme carefulness in respect of all public expenditures and public enterprises. He had, perhaps, as little of the idea of speculation upon Government credit as any other man who has ever held a seat in this body. He was an enthusiastic friend of this measure, and he wrote or telegraphed me from his sick bed in Atlanta, Ga., to pair him in favor of the bill; that it had his whole, hearty support. So from all over the

United States, the East and the West, the North and the South, and the center have been represented by different gentlemen in the Senate of the United States and also in the House of Representatives who have concurred most heartily in bringing this subject forward as a matter of indispensable national necessity and of captivating national glory and honor.

captivating national glory and honor.

How did it happen that the Senate of the United States thought it was prudent and necessary to take up this subject? It was in this way: The Government of the United States, under the Frelinghuysen-Zavala treaty with Nicaragua, had an opportunity to secure a certain control over the canal projected in that treaty, for which we proposed to pay \$4,000,000 to the Government of Nicaragua, and we had an opportunity to acquire almost absolute sovereignty in Nicaragua, at least over an area of country 12 miles wide. The provisions for the construction, maintenance, and protection of the canal under the Frelinghuysen-Zavala treaty were very full and complete. I was one of its earnest supporters, and but for the fact that the succeeding Administration differed in opinion with the one that preceded it on that question and withdrew the treaty I think there is no doubt that it would have received the necessary two-thirds vote in this body. It received a majority vote upon every occasion when it was presented. But the defeat of that treaty was upon two grounds, one of which was that of an entangling alliance with foreign powers. There was supposed to be involved in it an entangling alliance with the Government of Nicaragua. Another reason was that there was some apprehension on the part of distinguished gentlemen that a controversy with Great Britain would arise out of this treaty in respect of the Clayton-Bulwer treaty of 1850.

There was a controversy also that was thought possible to arise out of the application of the Monroe doctrine, which at that time was not quite so clearly defined in the policy of the United States Government as it is to-day. At that time there seemed to be no objection to the project as to its cost or feasibility. No point was raised about its feasibility, no apprehensions were expressed about its being a valuable investment, and no dangers were anticipated in respect of an intervention in a hostile way by foreign governments to claim an interest in the canal. The Senate of the United States and the executive department went forward with perfect freedom in the negotiation of that treaty. It was met at the time only by the argument to which I have adverted and by another which was a matter that has been prominent and very important in its effect upon the subsequent movements for the building of the canal. We had secured the right by treaty with Nicaragua, and Great Britain in the very same terms had secured the right, she securing her right ten years before we secured ours, to our citizens to accept concessions from the Nicaraguan Government for the building of the canal, and some of our citizens at the time our treaty was formed with Nicaragua had a valuable concession which they were unable to carry through. The policy seemed to be then that it was better to have the canal in the ownership of private men than to have it in the ownership and control of the Government of the United States and in that way to avoid entangling alliances.

ownership and control of the Government of the United States and in that way to avoid entangling alliances.

So, after the Zavala treaty was completed, a positive and active encouragement was given by the Government of the United States to private citizens to go into Nicaragua and to obtain concessions. That encouragement was in the direction of detailing men to make surveys, from the Navy Department and other Departments of the Government, engineering departments, and in relieving officers from duty in the Departments here to send them out for the purpose of negotiating such concessions.

The man who was chosen to go there to make these negotiations had been twice before detailed for duty in the exploration of canal lines through Nicaragua and Costa Rica, and had made a great deal of very valuable and laborious research in the location of the canals and in the determination of those preliminary questions, which, of course, involved the other question, of the feasibility of building the canal. That man was A. G. Menocal, a Cuban by birth, educated in Cuba and in the United States, admitted as a civil engineer into the Navy Department of the Government of the United States, and who has been the projector and builder of some of the greatest works that have been accomplished by the Navy Department from that time to this. At all events, Mr. Menocal was selected, and it was a very wise selection, because he showed that he had as much diplomatic ability perhaps as he kad of engineering ability.

The people of Nicaragua and Costa Rica, because of the rejection of the Zavala treaty, had turned their eyes anxiously toward Europe for friends to build this canal, and they received Mr. Menocal with indifference, you may say, if not with antagonism. He was, however, a man of Spanish birth; he spoke the language perfectly; and he was before that time in Nicaragua as an officer detailed by the Government of the United States to go down and survey the San Juan River and the harbor of Greytown at the request of Nicaragua. The Nicaraguan Government was very friendly to Mr. Menocal, because they had asked the Government

of the United States to detail him, as a favor to the Nicaraguan Government, to go to Nicaragua and survey the San Juan River and also the harbor of Greytown—work that he went there and performed for the Nicaraguan Government at their request while he was still an officer of the United States Government.

It would not do to say that he did not find any difficulties in the way; but he overcame them. He made a most admirable negotiation, and the result of it was the concession from Nicaragua which is before us to-day, and is the basis of our action. He obtained a concession, not to the Government of the United States, for the Government of the United States did not want it; they had just rejected a concession which was still more valuable in the Frelinghuysen and Zavala treaty; therefore it had to be a matter of private enterprise. A few gentlemen in New York and else-where in the United States, perhaps as many as twenty-five or thirty (I have all their names in the record here), concluded that thirty (I have all their names in the record here), concluded that they would organize a provisional association—a private company—for the purpose of getting this concession. They furnished Mr. Menocal with money. The terms of the concession required the payment of \$100,000 in gold to fix the bargain, and required a payment also of \$50,000 for the purpose of enabling the Government of Nicaragua to obtain the right of way from her citizens,

ment of Nicaragua to obtain the right of way from her citizens, who had claimed private rights of property on the western side of Nicaragua Lake. That money was subscribed and paid. Nicaragua received the \$150,000, and has it still in her treasury.

They came to the United States and they took a charter in Colorado for this company—I believe the name of it was the Nicaragua Canal Company—for the purpose of receiving the concession from the gentleman to whom it was made in terms, for the concession reads that it was made to Mr. Menocal for the benefit of these other persons or this corporation. So the concession passed into the hands of that incorporation, consisting of the gentlemen who owned the property and who had paid their money for it.

Thereupon they concluded, and wisely concluded, that they would obtain a charter for this company to work the concession, which was the company of execution, from the Congress of the United States. They did that in order to have the power of this Government engaged in the regulation of the affairs of the corporation in connection with foreign Governments, and also for the name and the prestige of it, which was all entirely rightful

the name and the prestige of it, which was all entirely rightful

That matter underwent considerable debate in the Senate and in the House, and after quite a while a charter was voted. That charter has a very important political effect upon the whole plan, I will not now go into it, inasmuch as I am the whole scheme. I will not now go into it, inasmuch as I am not undertaking to give all the history of the progress of this work, but it regulated the amount of stock, the amount of bonds which the company might issue; it required the officers of the corporation under oath to report directly to the Secretary of the Interior in respect of all matters connected with the operations of the canal, and to answer to any other demands that he might make from time to time, in order that the Government of the United States might be informed as to the condition of this property, its progress, and all that related to it, and might take further legislative or other action that might be requisite. the whole scheme.

action that might be requisite.

In that particular, and in many others which will be found in the charter, the Government of the United States united itself with this incorporation and with this concession to the extent of giving to it its protection, the power of organization as a corpora-tion, and all the other things that abound in the case of an incor-poration, connecting the Government very closely with it. It is not possible to deny that we have united the political powers of the United States in a responsible way with this enterprise and

the United States in a responsible way with this enterprise and with the concession upon which it is based.

Now, this private enterprise, as we call it, was encouraged by the Government of the United States, and particularly by the then Secretary of the Navy, Mr. Whitney, who made the detail of Mr. Menocal to go out there and perfect the arrangement and to conduct the survey. He had a detail there for nearly three years afterwards in conducting the surveys about which so much has been said. The Government of the United States in all of this matter has stood behind these gentlemen, has encouraged them. matter has stood behind these gentlemen, has encouraged them, and given them to believe that at least their rights, whatever they might be under the concession, would always be preserved and protected by the power of the Government of the United States. In all this the Government acted wisely and within its rights, but not without incurring obligations of duty and honor that Congress should respect

There is nothing plainer than that. No set of men ever entered into an enterprise with a better guaranty from a government than was given by the Government of the United States to these men when they went out there and spent their money, and came back and got their organization completed, and went to work to build this canal, on which they have spent four and a half million dollars of their own private money, and were then incorporated by Congress as the Company of Execution to work out the grants in this concession.

Now, in that view of the situation, Mr. President, the question, of course, arose in the minds of these men where they could finance the bonds. It was their business to raise the money to do what the bonds. It was their business to raise the money to do what the Government had invited and urged them to do. There are very few men in the United States who by combination could build that canal. Perhaps there are one or two who might build it out of their own private fortune, but when you come to men of average ability in a financial way it would take perhaps a great many thousand of them to unite the strength of their credit sucmany thousand of them to unite the strength of their credit successfully for the purpose of building a canal of the magnitude of this work. They necessarily were thrown upon the financial markets of the world for the money with which to build their canal. That is not an unusual thing. There is not a railroad in the United States of any great extent that has not been built in the same way. The projectors of the railroads have been compelled to go to the financial centers of the world and to get the

pelled to go to the financial centers of the world and to get the money by borrowing it, and they have to put up very heavy security, usually a dollar of stock for a dollar of bonds, and sometimes a great deal more than that, besides blanket mortgages.

These gentlemen went to work to finance this scheme, and they raised in the United States almost exclusively—I believe exclusively—the four and a half million dollars which they have expended, by the selling of the stock and by placing bonds upon the market and in the hands of our own people. The list of bondholders and stockholders, not in the Maritime Company, but in the Construction Company, amounted to some three or four hundred. holders and stockholders, not in the Maritime Company, but in the Construction Company, amounted to some three or four hundred, and all those names appear in the records of Congress here. I have heretofore put them upon the record. They were making progress. The Construction Company had an arrangement, I think I might call it a contract, with Baring Bros. to finance the bonds. It will come out more fully in the statements made by Senator Miller and others here. The Baring Bros. were overtaken with misfortune and failed, and that cut them off. But before that happened, as I remember the dates, Mr. Miller, who had been a member of this body and was well known, was met by Mr. Edmunds in the office of our Secretary of the Senate. Mr. Edmunds asked him what was being done about the building of this canal, in which he felt a very great interest.

this canal, in which he felt a very great interest.

Mr. Miller told him they were at work at it; that the requirements of the concession were pretty severe; that at least \$2,000,000 had to be spent within about eighteen months from the date of the completion of the survey; that they had got the money together and they had complied with their contract; that they had secured the concession absolutely; the terms were rather severe, but they had complied with them, and besides that, they were then in the course of the expenditure of the balance of the four and a half million dollars which they had already raised upon their bonds. Mr. Edmunds suggested, "Well, where are you getting the money?" "Why, of course we are getting it from England. Everybody gets money from England." Mr. Edmunds did not like the thought. "What are you giving for it?" "Well, a very large amount of our securities. We are building a canal that will cost, according to the certificate of the engineer should be set that the control of the control. securities. We are building a canal that will cost, according to the estimates of the engineers, about \$85,000,000 at the outside. We have promised that we will issue \$150,000,000 of our bonds, and we will back it up with \$100,000,000 of our stock, and with a mortgage upon the franchise and upon all the corporate rights of every kind. That is what we have had to do." Mr. Edmunds remarked to Mr. Miller, "Why, this is going to be an enormous tax upon the commerce of the United States. That canal ought to be built for the estimated price and then your rates of tell can be lowered. for the estimated price, and then your rates of toll can be lowered so that you will not tax the commerce of the United States to the extent that you would otherwise have to do." Mr. Miller said that extent that you would otherwise have to do." Mr. Miller said that was very true, and he would be very happy if any arrangement could be made to bring about that result, but that the company did not have the power to do it; that their financial credit was not strong enough to enable them to get the money to build the canal upon any better terms. They had done the very best they could. they could.

It was their property, and they had the right to do with it the sest they could, and no one at that time seemed to have any objection to the idea that the stock of the canal was to be owned entirely abroad, any more than we have any seeming objection at this moment of time that the stock of the Union Pacific Railroad and the Central Pacific Railroad are owned abroad. Quite a majority of the stock of both of these great corporations is owned

But at that time the question was not one that had been pub-But at that time the question was not one that had been publicly agitated, and these gentlemen doubtless did not feel the embarrassment that they feel now about a suggestion of that kind. Mr. Edmunds came into this body when it was in executive session, in order that no bad impression might get out over the world in respect of what we were going to do or thought we had a right to do. He had a resolution passed requiring the Committee on Foreign Relations to make inquiry into this subject, and to ascertain upon what terms the United States could be permitted to take hold of this charter and build the road. That was the purport of the resolution; I do not know the terms of it, but that was the purpose of it. And of course the committee, following the lead of the Senate, had executive sessions in regard to it. The president of the Construction Company and the president of the Maritime Canal Company were summoned before the Committee on Foreign Relations, and several of the directors and their clerks, and we examined carefully into the whole matter. question arose, on the suggestion of the Senate committee, upon what terms will this corporation place its contract in the power of the United States? Negotiations, you may call them, were held between the committee and the owners of the franchise, and the result was that certain terms were considered to be acceptable on both sides. It was probable that the terms agreed upon would be acceptable on both sides, and the Senate committee embodied those terms in a bill and reported it to this body. It never had a hearing here for the want of time, but an able report was made, which was signed by every member of the committee, favoring the plan and favoring the acquisition of the contract, as far as was per-

missible, for the benefit of the United States.

Now, I have brought this matter up, Mr. President, to the point where it rests at the present moment, and the question is, Will the United States buy this property from these men at the price and on the terms presented in the pending bill? That is the question. It is their property; it is not ours. They did not really question. It is their property; it is not ours. They did not really come here to sell it, although they may now be anxious to do so. I am not prepared to say that they are or that they are not. But it is their property. They have paid for it. They acquired it under guaranties from the Government of the United States of the most solemn character; at least, that the Government had not any right to put terms upon them that would so embarrass them as that they would be compelled to surrender their property to this Gov-

The first bill that was presented here was not upon the idea that the Government should become a stockholder, but that the stocks should remain in the Treasury of the United States, to be disposed of along with the bonds for the purpose of raising money. The company said, "We are unable to negotiate that scheme if you company said. We are thindle to negotiate that scheme if you put it forward. There will be a very large additional cost and a loss to the Government and a loss to us if the proposition goes into that shape," and they objected to it. Nevertheless, the committee were in favor of it. They never intimated that they would agree to it, but we thought we had compulsory power enough over them to compel them to do it. That is the way we thought about it. We thought it was just, at least that it was nearly so,

and that it was wise, and we would compel them to do it.

The proposition that the Government of the United States should become a stockholder in this company came from the Maritime Canal Company through their authorized agents. They said, "Take the stock; take seventy million of the stock; let it be paid-up stock; and take it as a consideration for the guaranty of these bonds. Then that will leave us a sum of money to be distributed in bonds or stocks to Nicaragua and Costa Rica and the present owners of the concession, out of which we can get pay for what we have put in there, and that is all we are claiming."

The proposition for the Government to become a stockholder originated in the mind of some of the gentlemen who owned this concession, and in the mind of the Senators who were there rep-

resenting the Government in that committee.

Now, I should like to know whether, if we defeat the pending bill, any man in the world can justly say to the owners of this concession, "You have not got the right now to dispose of it for your own benefit in any market where you can find a purchaser." your own benefit in any market where you can find a purchaser." How can we ever place ourselves in an attitude so disagreeable and so unjust toward our own people? After we have rejected overtures, if you please, though they are not overtures, for the sale of this property, after we have refused to buy it, after we have refused to have anything to do with it, how can we then turn to these men and say, "You shall not dispose of this property to some foreign power or some foreign people?"

And yet, Mr. President, we ought to say one thing or the other. They complain, and they have complained bitterly all the time, that the overture made by the Committee on Foreign Relations by the order of the Senate to the owners of these concessions so far crippled them in the markets of this country and abroad as that they

crippled them in the markets of this country and abroad as that they could do nothing whatever with their bonds or their stocks after that date. They would go to a banker and say, "Here, we want to place these bonds; here is ample security," and all that. The banker would respond to them, as has been done on many occasions, "Your security is good; your property is valuable; the guaranties are all right; but we know that when we start this project and get this canal on foot the United States will be compelled to come and take it away from you, and then we shall have to give up our property and the prospect of the profit that we expect to realize in entering into the negotiation with you, and we do not choose to do it; it is too risky. If you were free, as a railroad company, to make your negotiations without the intervention of the Government that record here!

ernment, that would be all well; but we understand perfectly well that no canal can be built through Nicaragua unless it is under

the patronage and under the protection of some particular gov-

ernment that has to be strong enough to take care of it, and that Government is the United States, and therefore we are unwilling

to put up any money."

Now, Mr. President, I contemplate the idea of these men seeking another market with their concessions with a great deal of dissatisfaction and very serious apprehension. A doctrine has gone forth. I do not know who was the author of it, but he was a great man, whoever he was, and he lived somewhere between the days man, whoever he was, and he lived somewhere between the days of Monroe and the days of Mr. Hayes. The doctrine is generally attributed to General Grant. Probably he might have been the author of it. It was couched in very terse words. I remember to have seen it used in the dispatches of Mr. Evarts. "The canal through the Isthmus of Darien must be an American canal under American control."

I believe that Mr. Evarts, whom we all honor, was the author of this true, patriotic, and noble sentence. It will never be changed while America is worthy of its glorious name. That American under the flag of the country. There is not one man who is a true American who is willing to yield or abandon it. I number myself amongst the class who adhere to it with absolute pertinacity; and without undertaking to make any rash expression or anything that appears to be pertinent to an existing or prospective state of affairs, I do not hesitate to announce that I would not consent that any European power should go into Nicaragua and drive this company out of their concession and take the place of the United States, as we now have it, and build this canal. I should never consent to that; and I would resort to any kind of force which might be necessary to prevent a result so damaging and so disgraceful as that would be to this country.

Now, I will suppose that we have defeated this bill and, after

Now, I will suppose that we have defeated this bill and, after we have defeated it, that no man can turn to the Maritime Canal Company or to any other company and say, "We have got some lien, moral, legal, or equitable, upon your franchise;" no man can turn around and say they are under any obligation whatever in the disposition of this great property for which they paid and which we encouraged them to buy; we must in honor then say to them, "Go where you will and sell it to whom you will, you have them, "Go where you will and sell it to whom you will, you have as much right to do it as an Alabama planter has a right to sell his bale of cotton in London or in Paris, and to choose his market." I will suppose, then, that this bill is defeated, and I will suppose that these men go to England and tender to the British Government precisely the situation we are in here to-day, and they should say to the British Parliament, "Give us a charter in the very words of the American charter, mutatis mutandis, give us this identical charter, pass the bill which was reported by the Committee on the Nicaraguan Canal to the Senate of the United States, claim for yourselves the \$70,000,000 of stock there, advance the \$100,000,000 of guaranty which was necessary to build the canal, pay us the little pittance we have expended here of four and a half millions in this canal, pay it back to us, and give us seven millions of paid-up stock in the concern; pass your bill through Parliament in the very words of this bill, and give us the charter in the very language of the American charter, and you shall have the rights we have acquired under these concessions."

Mr. President, who can estimate the excitement which would occur in the United States upon the passage of a bill like that through the Parliament of Great Britain? How are we to prevent it? We may say that this is to be an American canal under vent it? We may say that this is to be an American canal under American control, but before we can say that to Great Britain under the circumstances which I have just been announcing to-day, which are absolutely the fact, you have got to break down a treaty between Great Britain and Nicaragua, and also you have got to discard and ignore a treaty between the United States and Nicaragua, both of which are in the same terms. By a treaty made between Great Britain and Nicaragua ten years before our made between Great Britain and Nicaragua ten years before our treaty was in existence, in 1858, eight years after the date of the Clayton-Bulwer treaty, Great Britain has precisely the powers and rights in Nicaragua which we have under our treaty made ten years later. There is a little story connected with that—not a story, but a piece of history which has not been very much commented upon, although it is in our diplomatic correspondence—which will illustrate rather foreight rephase; the statement and which will illustrate rather forcibly, perhaps, the statecraft and statesmanship and diplomatic skill of the British Government as

compared with ours.

When Mr. Cass was Secretary of State, he negotiated a treaty with Ayun—I think he was the man who negotiated it, though perhaps it may have been some other. That treaty was drawn up with great care. It is the same treaty which ten years or twelve years later we negotiated and concluded a second time with Nicaragua. That treaty was made and already drawn up and agreed upon when the British Government sent out a special commissioner to Nicaragua to arrange certain matters between that Government and Great Britain, including the rights Great Britain claimed to exercise and were also conceded to the United States under the Clayton-Bulwer treaty. When this British commissioner got there, he found that the Nicaraguan secretary of state

had already agreed to a treaty with the United States, and he succeeded in persuading him that the United States were the bitter enemies of Nicaragua; that it would not do to confer upon them any such power and authority, and that they had better make that treaty with Great Britain, because Great Britain was a very much stronger power than the United States, especially as a naval power. He succeeded in taking that treaty out of the hands of the Nicara guan Government and copying it—for he copied it literally—and got it signed as a treaty between Great Britain and Nicaragua; and it took this Government ten years to get a treaty in identical terms with Nicaragua granting us the right to build a canal or a railroad through her territory. Now this concession this law railroad through her territory. Now, this concession, this law, the act of incorporation, and all that we have done in regard to it, is predicated upon that treaty between the United States and Nicaragua; and yet when we come to look over the field we find that Nicaragua had granted to Great Britain the same powers and

privileges precisely, word for word, ten years sooner.

How did we happen to manage to get ahead of Great Britain on that? Merely by the fact that our enterprising citizens, the very men whom we are now pulling up by the ears and questioning so severely about everything, went there and got this concession. That was all. We were first in time, and being first in time, were first in right. Now, discard it, throw it away, have nothing to do with it, spurn it, put your foot upon it, drive those men out of this Senate Chamber, and I should like to know whether your destring that this is an American can all under American conyour doctrine that this is an American canal under American control is going to prevail against the British right to have exactly the sam concession from the very same people whom we are now casting away? Whether they would do it, or whether they would not, I do not know, but I do not care, after we have taxed these men to the extent we have, about making them lose the \$4,500,000 that they have expended, besides \$7,000,000 of stock which they claim in the enterprise, I do not care about compelling them to throw that all away, or to burn it up as a sacrifice on the altar of their patriotism. I do not feel well to do a mean thing like that. No American can fail to blush clear behind his ears question comes up whether we shall contemptuously kick these men out of doors simply because they come here and offer to us as a bargain this canal, which would make us worth \$100,000,000 more than the canal will cost in fifteen years from the date of its construction.

How, then, are we to prevent these men from going to Great Britain, or, after we have destroyed their hope and power of realizing this matter in money and of building this canal, how are we to prevent Nicaragua from saying, "The Congress of the United States has abandoned the project and the Government of Great Britain has got a right to come in?"

Mr. President, I insist upon this bill being passed, or I insist upon its being defeated right now. We have matters lying just in front of us. They relate to the arbitration of "matters of difference between the Government of the United States and the Government of Great Britain." I want to know what those matters of difference are. I want to know what we are signing our names to when we put them to that paper, and whether it includes differences about our rights to go to Nicaragua and Costa Rica and establish an American canal under American control. I want to pass this bill so that Great Britain shall have her fair opportunity to say to us: "This matter will be in difference between Well, if a matter gets in difference between us relating to the Monroe doctrine, relating to the Clayton-Bulwer treaty, relating to the treaty between Nicaragua and the United States, or a treaty between Nicaragua and Great Britain, I want to know it; treaty between Nicaragua and Great Britain, I want to know it; and if it is to be a difference of the sort which involves the disclaimer of that great utterance, "This is to be an American canal under American control," I want to know that. I want to know whether I am willing or prepared, or anybody else here is, to settle a difference of that kind or a difference in respect to the Monroe doctrine by a court to be established through the umpirage of King Oscar, or whether it is to be settled by the strength of the power of the right arm of the United States, duly exerted in defense and protection of our rights. That is why I want this bill acted upon now. I want to know what the Congress of the United States intends to do about it.

Then I want to know after that what the Government of Great Britain intends to do about it. Then I shall be prepared to understand what are the matters of difference between the United States and Great Britain. I conceive that there are no such matters of difference; that there will be none, because if it is possible to work an estoppel at all upon the conscience of a government that estoppel has become absolute by the fact that Great Britain obtained from Nicaragua a treaty, in the identical terms, ten years sooner than our treaty was signed—the very treaty upon which we are predicating this action, the very treaty which justifies us in every step we have taken or propose to take. Great Britain obtained the same concessions, or the same treaty rights from Nicaragua, but we, having been first in point of fact in obtaining the concessions under that treaty and in acting upon

them by legislation in Congress, she is estopped from saying that we have not as much right as she has, because we have got the same rights under the Clayton-Bulwer treaty that she has, and we have the same rights under the Nicaragua treaty that she has. So I regard the question as being absolutely settled, and the report of the committee fully sets forth the ground upon which we have

rested that branch of this case

rested that branch of this case.

This bill, Mr. President, deals with two Republics, two sovereign Republics. How did we ever get a right to legislate in respect to the governmental powers of Nicaragua and Costa Rica? We got it under the treaty of which I am speaking; we got it under the concession on which this legislation is based; we got it under a provision in that concession that New York should be the office of the company, and that this body of gentlemen who received this concession might apply to any Government they chose for the purpose of getting corporate authority under the protection of sovereign power to build this canal, naming New York as the sovereign power to build this canal, naming New York as the place where the central office was to be. All of those men were Americans. The transaction was entirely with the people of the United States, and had in prospect the granting of authority by Congress for the execution of that concession by the company of execution named in the bill, called the Maritime Canal Company of Nicaragua, the name which we adopted. That company of execution was to be created by some other Government than that of Nicaragua. Why? Because Nicaragua felt that she did not have the power to maintain and enforce its rights and powers if they were assailed by some great power. Where did she go? To this great Republic, her sister, in whom she has had the most perfect confidence, almost blind confidence, from the time she first adopted our form of government.

We are dealing with two Republics. Those Republics are stock-holders in the Maritime Canal Company, and this bill proposes that the Republic of the United States shall be also a stockholder. They are represented by directors. They have reserved to them-selves in the concessions a certain part of the stock that we are providing for. We have reserved the right here to alter, amend, or repeal that charter. Can we deal with Republics like Nicaragua and Costa Rica in this ordinary legislative way as we deal with private citizens, otherwise than through the stipulations of treaties and through their consent to our legislation?

The original charter which we granted to this company, of which Nicaragua and Costa Rica were members, provided for stock that might amount to \$200,000,000. In this bill we have changed it and provided that-

The capital stock of the Maritime Canal Company of Nicaragua shall consist of 1,000,000 shares, of \$100 each.

Making \$100,000,000. Then we come to some definitions of what the terms mean.

That the words "the Nicaragua Canal," whenever used in this act, or the act to which this is an amendment, shall be held to include all real and personal property and franchises, railroads, piers, channels, dams, locks, embankments, and other works necessary for or incidental to the construction, equipment, maintenance, and operation of the said interoceanic canal made or that may be made by the Maritime Canal Company of Nicaragua, or under its authority, by virtue of the said acts and the concessions granted or to be granted by Nicaragua and Costa Rica.

There we were and are legislating for these two Republics and putting our laws and the power of our laws into the very bosom of their sovereignty, but with their consent. We are not sover-eigns over them, but we exercise, with their consent, certain sovereign powers within their limits and with their cooperation.

Then this company in the process of its organization and operation created some debts and sold some of their stock and some of their bonds. The bill provides with the extremest care that all f these engagements must be absolutely taken up, liquidated, and canceled before the act shall go into effect; and that must be done to the satisfaction of the Secretary of the Treasury of the United

The United States are then authorized in section 3 to subscribe for \$70,000,000 of this \$100,000,000 of stock, the stock to be issued and placed in the Treasury of the United States precisely as Great Britain placed the stock of the Suez Canal in her treasury as an asset of the treasury, and that is to be done now, and the consideration for doing that is as follows:

Which stock shall be issued in consideration of the guaranty by the United States of the bonds of said company hereinafter provided for, and shall be regarded as fully paid and nonassessable. In addition thereto 70,000 shares of nonassessable capital stock of said Maritime Canal Company of Nicaragua shall be issued and delivered to such person or persons as may be designated by those stockholders of the said company whose stock has been surrendered and canceled, as hereinbefore required.

It will take more than that amount of stock to liquidate the outstanding obligations of this company. They will have to go down into their pockets to get the money to do it.

The next provision in the bill vacates the office of the present

directors and appoints 11 directors, 8 of whom shall be appointed by the President of the United States, by and with the advice and consent of the Senate. One shall be appointed as a director by

the Republic of Nicaragua, and 1 shall be appointed as a director by the Republic of Costa Rica, and 1—making 3—shall be a director for the other stockholders of the company. Beyond the amount of \$7,000,000 of shares it is impossible that private individuals can get into this corporation at all. It is exclusively governmental—seventy millions of it belonging to the Government of the United States, six and a half millions belonging to the Government of Nicaragua, reserved in the charter—that is a reservation of the charter—and a million to the Government of Costa Rica, also reserved in the charter. So it is a governmental establishment, with served in the charter. So it is a governmental establishment, with the mere provision that less than one-seventh of the stock of the company may be in the hands of private holders.

Now observe what a total reversal that is of the doctrine with which we originally set out in this matter and which the Governwhen it reversed the Zavala treaty. ment set out with treaty was rejected because it was a governmental affair and led to entangling alliances. The Government then preferred that the canal should all be in the ownership of private people with governmental protection. Now we have reversed the thing until the clamor in the United States is that "we are in favor of this canal if the Government can only own it, but we do not want to have any private man to have anything to do with it." That is now the complaint. It seems to me that that objection is raised merely for the sake of defeating any action at all. But, however that may be, I impute no motives to anybody. We have now got it just as close to absolute governmental ownership as it is possible to get it without usurping the sovereignty of Nicaragua and Costa to get it without usurping the sovereignty of Nicaragua and Costa Rica. They make a concession, in which they say expressly, "This concession shall not be sold to any foreign government, but they may get the stock; they may organize the company." An interest in it may not only be sold, but the concession itself provides for the open bidding on the part of the governments, so that all may come in and take stock. That has been observed; that has been gone through with. The opportunity was offered to foreign governments to take stock, but they did not take it. Now the opportunity is offered to the United States Government to take it, and the question is whether they will. take it, and the question is whether they will.

These eight directors are to be men who have no interest in this

canal company. I had better read that provision. It as follows:

canal company. I had better read that provision. It as follows:

The board of directors of the Maritime Canal Company of Nicaragua shall consist of eleven directors, one to be appointed by Costa Rica, one by Nicaragua, and one by the stockholders of the Maritime Canal Company other than the said Governments, and eight to be appointed by the President of the United States, by and with the advice and consent of the Senate, and removable by the President of the United States for cause. In case of a vacancy in the membership of directors appointed by the President the same shall be filled by appointment by the President, in the same manner, for the unexpired term. That no directors appointed by the President of the United States shall own, directly or indirectly, any stock or pecuniary interest in said company, nor shall any stockholder, director, officer, or employee be connected in any manner with or interested, directly or indirectly, in any contract made by the said company for implements, equipment, material, or anything connected with the construction, equipment, or operation of said canal, and not more than four of said directors shall be appointed from one political party.

I regard that as enough. It meets all the objections which here

I regard that as enough. It meets all the objections which have Then the bill provides for the succession in been made here. office of the directors:

The treasurer of said Maritime Canal Company shall give bond to said company in such sum as may be fixed by the board of directors.

The directors are to receive a compensation of \$5,000 a year, and in addition to that, their actual traveling expenses, and each di-rector appointed by the President "shall visit the canal and make a personal examination of the works at least once each year." they are required to send their report to the President of the United States, who is required to lay it before Congress with his next annual message.

In order to arrive at the sum of money which has been expended in the construction of the canal by the Maritime Canal Company, or the Construction Company, an account is to be stated:

SEC. 7. That as soon as practicable after the passage of this act an account shall be stated with the Maritime Canal Company of Nicaragua, which shall include all necessary and proper expenditures which have been made or incurred by said company or for its account by its agents since the 3d day of June, 1889—

That is the time they commenced work-

In and about the construction of said canal, or in any way incident thereto, or connected therewith, including all railroad and telegraph lines built by the said company, and all administration and promotion expenses. The amount of said expenditures shall be ascertained and determined by a commission consisting of two members, one of whom shall be appointed by the President of the United States and the other by the stockholders of the Maritime Canal Company of Nicaragua, whose stock is to be surrendered, as hereinbefore provided; and in case the said commissioners should fail to agree upon the amount of said expenditures they shall select some third person as arbitrator, whose decision in the matter shall be final. For the reimbursement of said expenditures so ascertained and in liquidation of the amount thereof, including interest thereon, there shall be issued and delivered to the person or persons selected by the stockholders of said Maritime Canal Company of Nicaragua whose stock has been surrendered and canceled as provided for in section 3 of this act, bonds of said company in an amount equal at their par value to the sum of such expenditures so ascertained, which sum shall not in any event exceed \$4,500,000 and the interest thereon.

They are fastened down within that limit.

They are fastened down within that limit.

Said bonds so to be issued shall have the guaranty of the United States indorsed thereon, as provided in section 10 of this act, and the acceptance of the same shall be in full satisfaction of all claims against the United States or the Maritime Canal Company of Nicaragua.

Then the United States has reserved the right to purchase any of this \$7,000,000 of stock, or the stock of Nicaragua, or the stock of Costa Rica, paying for it not exceeding the rate of interest at 3 per cent per annum; but that is to be done by an act of Congress, if ever done at all.

Section 9 provides for an issue of bonds not to exceed \$100,000,-000 at 3 per cent—3 per cent bonds payable quarterly "in denominations of not less than \$50, nor more than \$1,000." They are to be coupon or registered bonds, according to the election of the per-

sons who take them-

to be dated on the 1st day of July, 1898, to be payable on the 1st day of July, 1928, but redeemable at the pleasure of the United States at any time after the 1st day of July, 1906, at par with interest at the rate of 3 per cent per annum, payable quarterly.

And said bonds shall be secured by a first mortgage on its property and rights of property now existing or hereafter acquired, of all kinds and descriptions, real, personal, and mixed, of all franchises and rights of the said company, including its rights and franchise to be a corporation. Such mortgage shall contain a provision for a sinking fund sufficient for the payment of said bonds at maturity in accordance with the provisions of section 12 of this act. Such mortgage shall be so framed as to be valid as a first lieu under the laws of Nicaragua and Costa Rica. The form and sufficiency of such mortgage as the first lieu upon the Nicaragua Canal and of the provision for the sinking fund shall, before execution, be approved by the Attorney-General of the United States, and the trustees named in such mortgage shall be duly executed in triplicate by the officers of said company, and shall be recorded in the office of the Secretary of the Treasury in Washington and in the proper offices in Nicaragua and Costa Rica, to be designated by the said States; and as additional security for the payment of said bonds, and to save the United States harmless by reason of its guaranty of the same, there is hereby created a first lieu in favor of the United States upon the Nicaragua Canal.

They have 1 000 000 acres of land conceded to them in absolute

They have 1,000,000 acres of land conceded to them in absolute They have 1,000,000 acres of land conceded to them in absolute fee simple title by the Government of Nicaragua, and by the time the canal is built that 1,000,000 acres of land can not be worth less than \$5 an acre. It is worth more than \$2.50 an acre to-day. It is in one of the finest regions of Nicaragua. True, it is a wilderness region, but the hard wood upon it will pay for the land three times over. There is coffee land, sugar land, fruit land of every description and corn land. I can not describe the different verge. description, and corn land. I can not describe the different vegetables that grow there, because I am not acquainted with all of them; but it is a country of most rich abundance of production. A million acres they have absolutely in fee simple. They bring that to us as a dowry, worth more than the stock we give them, they having yielded \$6,500,000 of stock granted to them in the concessions. They transfer that into the hands of the company, which means seventy parts of a hundred to the United States. which means seventy parts of a hundred to the United States. Then besides that, they have the unlimited right to take timber, stone, and material of every kind from any of the public lands in Nicaragua and east of Lake Nicaragua; and from that point down to Grey Town it is the rarest thing to find any settlements. There are a few settlers along the San Juan River, but the population of eastern Nicaragua is light—they commenced their set-tlements on the western coast. They have cleaned that up beautifully, and there is not a more agreeable and attractive country in the world than the western part of Nicaragua. It is

well watered, with fine climate. It is healthful, and abounds in all manner of rich production. It has a very fine population.

The Indians inhabited that country originally, but they are now citizens of Nicaragua. There are no longer any tribal Indians there. They, of course, have built their wigwams about through the forests for the purpose of living upon the fruit where summer always prevails and where they have very little to do to obtain a living. That land when it is brought into convenient access by the canal will be one of the most beautiful and fertile regions on this earth. There is 1,000,000 acres. In addition, on the public land, they have a right to overflow as far as the canal can pos-

sibly reach or there is any necessity for an overflow. Now, these bonds are to be signed and deposited in the Treasury of the United States. They are to be issued to the company, the whole \$100,000,000 are to be signed and deposited in the Treasury of the United States. They-

of the United States. They—
shall be issued by the Secretary of the Treasury from time to time to the
said Maritime Canal Company of Nicaragua only as the work on the Nicaragua Canal progresses, as hereinafter provided. Before the issue of said
bonds by the Secretary of the Treasury he shall cause to be engraved and
printed and duly executed on each of said bonds the guaranty of the United
States, in the words and figures following, to wit: "The United States of
America guarantees to the lawful holder of this bond the payment by the
Maritime Canal Company of Nicaragua of the principal of said bond and
the interest thereon as it accrues." And the Secretary of the Treasury is
hereby authorized and directed, if the interest on said bonds as it becomes
due is not paid into the Treasury of the United States by the Maritime Canal
Company of Nicaragua, to pay the same, and the sum required for that purpose is hereby appropriated out of any money in the Treasury not otherwise
appropriated. And all payments of principal of said bonds or the interest
thereon shall be made through the Treasury of the United States.

In the event of a failure on the part of the company to pay in-

In the event of a failure on the part of the company to pay interest on the bonds, instead of paying interest at 3 per cent on these sums, interest is to be paid at 4 per cent, and the account is

to be stated whenever the interest is due and payable, so that the amount of accumulated interest bears interest at the rate of 4

Out of its net earnings each year the said corporation shall pay, first, the interest upon the bonded debt guaranteed by the United States; second, they may declare, out of the balance of the net earnings, a dividend upon the stock, in no year to exceed 5 per cent, and the balance of the net earnings, if any there be, shall be paid into the Treasury of the United States and constitute a sinking fund for the payment of the principal and interest of the mortgage. All dividends paid upon stock owned by the United States shall also be paid into said sinking fund, and the Secretary of the Treasury shall, as rapidly as possible, apply the same to the extinguishment of said mortgage debt.

There we set apart 70 processes 2.

There we set apart 70 per cent of the net earnings of this canal for a sinking fund in the hands of the Government.

I now come to a point about which there has been heretofore great difficulty, as to which concession has been made by the House committee—and I make it, too, and the committee over which I have the honor to preside makes it cheerfully:

That the said canal shall be constructed under the supervision and according to the plans and specifications prepared by the Engineer Department of the United States Army.

What more can any reasonable man demand as to the location,

What more can any reasonable man demand as to the location, plans, or specifications than is here conceded?

Nothing is actually located by this bill, except that it is to pass, of course, under the concession, through Nicaragua. They may put it entirely in the bed of the San Juan River if they want to; they may take the old Child survey, or the old Lull survey, and adopt it if they wish; they may take the Menocal survey and adopt it if they prefer; but whatever they adopt, the plans and specifications shall be prepared by the Engineer Department of the United States Army. Now, that is putting it sufficiently, I suppose, into the hands of the Government of the United States to gratify the reasonable demands of any person in regard to it.

to gratify the reasonable demands of any person in regard to it. Here is another important power in the hands of the President

under this bill:

The President of the United States, upon the recommendation of the Chief of the Engineer Corps of the United States Army, shall detail three competent engineers from the War Department to enter regularly the service of the Maritime Canal Company, and said engineers shall select one of their number as chief engineer, and thereafter shall detail such additional number as may be required from time to time by the board of directors for the construction of said canal, provided the same can be done without detriment to the public service.

struction of said canal, provided the same can be done without detriment to the public service.

That it shall be the duty of the chief engineer in making his surveys and estimates, and of the directors in letting contracts, to divide the work into such sections and parts as will secure the completion of said canal with the utmost expedition.

That said canal company shall pay annually into the Treasury of the United States the official salaries of said engineer officers while in the employ of said company, and, in addition thereto, shall pay to said officers for their use 25 per cent of such salaries.

That the President of the United States may, and is hereby authorized, in his discretion, at any time after the passage of this act, to appoint a board of three civil engineers, the members of which shall be selected from civil life—

That cuts out Menocal. They are any ious to put him out, and

That cuts out Menocal. They are anxious to put him out, and

out he goes—
to visit and carefully inspect the route of the said canal and to make and conduct such examinations and investigations in reference to the same as may be deemed necessary, and to report thereupon to the President of the United States. And the sum of \$20,000 is hereby appropriated for the purposes of said examinations and investigations by said board of civil engineers.

Sec. 14. That the board of directors shall quarterly file with the Secretary of the Treasury a detailed statement of the work done and the expenses incurred therefor during the preceding quarter, and the amount due and payable thereon, together with all other expenses incurred by said board, and on his examination and approval of said statement he shall issue and deliver to said board of directors bonds sufficient at their par value to cover the amount approved by him.

So that not one bond can be issued except upon work done and

So that not one bond can be issued except upon work done and actually approved and a statement thereof laid before the Secretary of the Treasury.

Here are other careful restrictions on the powers of the cor-

poration:

poration:

Sec. 15. That the said Maritime Canal Company shall not issue any bonds or mortgages except as herein provided, and shall not indorse or guarantee the paper, contract, or obligation of any person, persons, or corporation whatsoever, except as herein provided, and no contract shall be entered into or purchase made by said company beyond the amount of bonds authorized to be issued by this act.

Sec. 16. That the bonds so issued to said directors shall be disposed of by them at not less than their par value, and the proceeds arising from such sales shall be paid into the treasury of the canal company, and, except as hereinbefore provided, shall be used for the extinguishment of the company's indebtedness contracted after the appointment, by the President of the United States, of the eight directors herein provided for.

Sec. 17. That Congress shall at all times have the power to alter, amend, or repeal this act, and this act shall be null, void, and of no effect if the Maritime Canal Company of Nicaragua shall fail to comply with the requirements of section 3 of this act and to communicate to the Secretary of the Treasury its acceptance of the terms and conditions of this act within nine months from the passage thereof.

If there can be anything more conservative or safer than is

If there can be anything more conservative or safer than is found in this bill, I do not see how human ingenuity is going to devise it, provided the company has power to do any work in complying with the terms of the concessions. Some gentlemen may be loath to enter into an engagement of this kind on behalf of the Government because it contemplates the issue of bonds and the guaranty of the United States for their payment. You must

remember that this bill so provides that the President of the United States can stop the issue of bonds at any moment. If he finds that we are going in a wrong direction, that a false step has been taken, that the canal is not feasible, or that it is going to cost too much, or that there is some question between ourselves and some other Government that interferes, the President of the United States can stop it at once. He has the power to withhold the issue of bonds, and of course that stops everything. We could not defer the building of this canal until every contingent question that might possibly arise out of it could be brought up and settled. We can not afford to wait for it. I have stated one reason why we can not afford to wait for it, but there are a great reason why we can not afford to wait for it, but there are a great many others which I can not undertake now to enumerate. It is perfectly obvious, however, it seems to me, that the least reflective man can see that there must be a point where this legislation takes effect. Otherwise Nicaragua and Costa Rice can say to us, "You have done nothing. We have waited upon you a long time. We want to be excused from it. We intend to be excused. We intend to have this canal constructed. We do not intend that you shall play dog in the manger any longer about it. We want you to act and to act decisively, or else say that you will not."

I am informed—I do not know, but I believe it is true, because I have been informed by a very eminent diplomatist—that the principal point in the movement recently taken in Central Amer-

principal point in the movement recently taken in Central America, which caused the union of Honduras, San Salvador, and Nicaragua under what they called a diet, a form of government having reference to outside administration and outside affairs, which they call the Greater Republic of Central America, was to facility tate the building of this canal, to bring the powers of all three of those Republics in such a manner to the attention of the people of the United States and of the executive government that they would see the importance of going to work, having some definite

line of action.

Mr. President, if the voice of the Senate is against the building of the canal as an impracticable scheme, or one that is likely to involve us in expenses we can not afford to bear, or to involve in conflicts with foreign governments of which we are afraid, express it and let these men go—let them have their rights and profits—and let us no longer hang as a shadow over them or an obstruction between them and other parties who will be only too

glad to take up the construction of the canal.

Let me ask every Senator on this floor if he does not believe that the Nicaraguan Canal has as good a chance for traffic as the Suez Canal? The possibilities, the probabilities, the inducements, the field of operation for the passage of ships from the Atlantic to the Pacific Ocean seeking marts of trade through this opening are so great that the wisest navigators and the greatest merchants in the world do not hesitate to put the annual income, at \$1.50 a ton, up to \$16,000,000 per annum. They do not hesitate to do it. Of course there is a variety of opinions on this subject; but take the most intelligent men, beginning with Commodore Maury and coming down to date, and you will find that the consensus of opinion is down to date, and you will find that the consensus of opinion is overwhelming in favor of the proposition that we will at least get 8,000,000 tons, at \$1 a ton, and at \$1 a ton that would be \$8,000,000. Set apart \$1,000,000 for maintenance of way, which is a very large allowance, and \$3,000,000 for the payment of interest on \$100,000,000, if you please, and you have \$4,000,000. What else have you got? At \$1 a ton you have \$4,000,000 for dividends, in which the Government has seven-tenths interest, per annum. That is clear profit.

There is not a government in the world which has the corporting

There is not a government in the world which has the opportu-There is not a government in the world which has the opportunity to put its money into this enterprise that will not do it the very moment we let go, and when we let go of this proposition we must expect it to go into the hands of Great Britain, unless we are prepared to load our guns and stand by them in defense of the doctrine, the inspiring thought, that this must be an American canal, under American control. We have come to a point in this matter where we have to act. If you throw away this contract, after that we can say nothing more about it. Let us not play fast and loose. Let us not play like children with a question of this kind. Let us either accept it or discard it and take our ground where we feel that duty and honor call us.

where we feel that duty and honor call us.

where we feel that duty and honor call us.

I shall not complain at all of any man who takes ground opposite my views upon this question. I should not think of such a thing; but I say to him, "My friend, act now. Come along. I am for it, and you are against it. If you have more votes on your side than I have, vote it down and let it go. Let us quit it." When you wipe out this concession, you wipe out all chance that the United States is ever to get control of the canal unless you do it by overpowering Nicaragua and Costa Rica. That is the reason why I have been so very anxions that we should bring this matter. why I have been so very anxious that we should bring this matter to a conclusion. We are standing in the way of gentlemen who have done us no harm, to say the least of it. Neither are they mendicants. They are not beggars for favor from us; but if I would speak of them as I feel, I would class them as we know them, from their character, to be amongst the noblest and most patriotic of our American people. There is not a man connected with the Nicaragua Canal, either with the Construction Company or with

the Maritime Canal Company, who is not a gentleman of great excellence, and many of them have reputations that are appreciated and loved by the whole people of the United States.

Let me read from the report of the committee, because it is more succinct than I could otherwise state it, what we claim. There is great doubt about what the canal will cost. If I would state that my own judgment is that the canal will not cost exceeding \$70,000,000 when it is finished, you might say I was mad; that I had been misled; that my judgment had become unbalanced. Yet I believe it. But there are others who believe that it will cost \$150,000,000. Some of them are men of ability and character whose opinions are worthy of much consideration. The Commiswhose opinions are worthy of much consideration. The Commission we sent out there, after adding very largely to the estimates which had been made before and for causes that I will not now stop to inquire about, reported that it would cost \$135,000,000. It is entirely feasible, they report. There is no doubt about any part of it. The harbor, the water, the control of the flood, the drought every contingency and every circumstance are taken into consideration. One hundred and thirty-five million dollars is what they say it will cost, and the estimates are from that down until we come to \$70,000,000. Some men who have built great works and who have the money to build others are willing to take the canal to-day, as their letters show, and to build it upon Menocal's estimate. They are now ready to do it. Now the committee have come to the following conclusion about it:

Estimating that the canal can be completed in five years, and placing the cost at \$150,000,000-

As an argument-

the highest estimate—and the operating expenses at \$1,000,000 per annum, we have an accumulation of interest, at 3 per cent, at the end of five years of \$11.250,000 to be added to the cost of the canal, two and a half years being the average period of expenditure in its construction.

Of course, we do not put the bonds out until the work is done.

The cost of the canal on this estimate would be \$161,250,000, and the interest thus compounded on this sum for the next ten years after the canal is completed would amount to \$48,375,000. Add to this \$1,000,000 each of the ten years for maintenance and operating expenses and the sum is \$88,375,000. The earnings of the canal for the same period, computed on the lowest basis of ton-nage that has been suggested by anyone—5,000,000 tons, including passenger fares—at \$1.50 per ton (which is less than the toll rates of the Suzz Canal) will amount to \$75,000,000, thus giving a net profit of \$16,625,000, or \$1,662,500 per annum.

will amount to \$75,000,000, thus giving a net profit of \$16,625,000, or \$1,682,500 per annum.

One million six hundred and sixty-two thousand five hundred dollars per annum net profit. There is the lowest computation of tonnage, 5,000,000 tons; the highest cost, \$150,000,000; interest, expense of maintenance, all that put in, and that is the result.

If every calculation of the owners of these concessions is disappointed, and the most unfavorable conjectures of those who deny that it can be a paying property are true, as they have stated them in their calculations, a lower rate of tonnage on this canal than is collected on the Suez Canal makes the Nicaraguan Canal a paying property, and its stock a dividend-paying stock.

The owners of this property estimate the cost of the canal at \$20,000,000, in round numbers, and its income at 9,000,000 tons, on the average, during the first ten years it is in operation. The interest account on that basis would stand thus at the date of the opening of the canal: Interest accoundated while the work is in progress, \$5,000,000, making the cost of the canal \$85,000,000.

The interest on this sum for ten years, at 3 per cent, is \$25,500,000. Add for operating expenses \$10,000,000, and the entire expenditure is \$35,500,000 for that period.

The income at \$1.50 per ton, including passenger fares, would be \$14,500,000 per annum, or \$145,000,000 for the first ten years that the canal is in operation.

This is not an extravagant estimate when it is compared with the cost of the Suez Canal, which is 99 miles long and cost \$58,000,000 for construction and \$100,000,000 in all, and is now being enlarged to accommodate its trade, and with its net earnings in 1892 of \$7,000,000 at the rate of \$2 per ton on 7,710,000 tons that passed through that canal.

But the committee feel entirely warranted in the estimate that the cost of the canal and its income will be very near the average between these opposing calculations. On that basis the cost of the canal will be \$115,000,000,000,000,000,000,

The Suez Canal now pays 18½ per cent, as I have shown by the tables which I laid before the Senate to-day. We take the medium between that, 7½ per cent. Certainly we are on safe ground.

The Suez Canal pays in dividends 81 per cent on a sum that makes the value of the stock in the market at least four times its par value.

When I wrote this report it was only a little over four times. Now it is nearly six, so rapid is the growth of the value of the

Congress intervened in the effort to control the construction and future direction of this canal for the purpose of regulating the cost of it in order to prevent it from being too great a burden upon our commerce, especially in our coastwise trade.

The other advantages of such control, while they are very great, are not so directly within the reach of Congressional action. The neutrality of the canal and its innocent use, guaranteed by our treaties, apply equally to all nations and are properly subject in some respects to the laws of nations.

In this opening address—perhaps I may not speak any more about it; I do not know—I will not go into particulars to delay and weary Senators, who have trouble enough in listening to me at all; but the subject is one of extreme interest and extreme importance.

Mr. President and gentlemen of the Senate, the committee have placed themselves on the solid rock of mathematics as to this bill. If there is truth in reach of human endeavor to discover it, either

by calculation based on facts which are known and events which are conjectural, or upon the evidence furnished to us by the Suez Canal and by the Sault Ste. Marie Canal, these reports cover and present that truth, and what we have to do and all we have to do in respect of the financial question concerned here is to ascertain what the investment must be, how long it will take to build the canal, what the custom of it will be in the way of tolls, and what the receipts from that custom ought to be, say, at \$1 or \$1.50 a ton. If Europe and the world can afford to pay the Suez Canal \$1.87 a ton for sending its commerce through that canal, they certainly

can afford to pay us \$1.50 or \$1 a ton, and we do not propose to do anything else than to lower our rates so as to bring a large part of the traffic of the world through this canal, although it is not necessary for its maintenance or its profit that we should divert

a single ship from the Suez Canal.

Mr. President, if I should undertake to discuss this question as far as I should like, or as far as the suggestions that arise in my mind seem to require me to do, I should detain the Senate very much too long, both for its own patience and for my personal welfare. I will therefore leave the subject now in the hands of the Senate, and will undertake, if any objections are raised to it, to do my best to answer those objections without passion or prejudicing. dice or anything of the kind, in a deliberate way, and to present

the facts, for they are all before us, in answer to any objections that may be made to the bill as it is presented.

I dislike to see the bill amended, because the House has agreed upon it after such a patient and full examination, and after the House has conceded everything that has been demanded against the bill heretofore. I dislike to see it amended, but at the same the bill heretofore. I dislike to see it amended, but at the same time I would not say that I am adverse to such amendments if any Senator here can show good reason why the bill ought to be amended, for I want the best bill that can be had.

Now, there is not one unclean speck upon this whole business. There is nothing connected with it in the nature of a job, or of pressure, or even imputation in what is being done here. While

we all know that it would gratify the gentlemen who belong to these companies, what is being done here is done on the motion of the Senate of the United States. We originated it. We did it in executive session. We have interfered with these people. We tried to get this contract out of their possession on terms that were agreeable to us. They never asked us to do it, and they never would have asked us. They had no occasion to ask us. But they would have felt mortified, as we all would, to have found that the power of money in Great Britain was so great and abundant and power of money in Great Britain was so great and abundant and so supreme that those people over there could take anything we were concerned in and finance it and work it because of our sup-

posed poverty.

Mr. President and gentlemen of the Senate, our poverty here is all supposition. Seventy millions of people, or eighty millions of people, in a country like we have here, are able to do what any other people in this world would have ever ventured to do, or will ever venture to do. I can show this to the Senate by the experience of gentlemen here, old and young, all of whom have looked in the face the facts to which I am about to refer. I can show to them that within the last thirty or forty years of our national experience the people of the United States under this form of government, under this flag, and upon this continent, are able to survive and outlive and grow rich upon any misfortunes that can possibly befall them.

About thirty years ago I saw the fairest part of this land almost covered in ashes. The smoking ruins sent their columns of grief to the skies. It is the most beautiful land there is upon this continent. There were left there, as an inheritance of those people, conflicts with other races that seemed to challenge not merely the conflicts with other races that seemed to challenge not merely the powers of manhood but the powers of divinity itself to overcome, and I have seen opposed to those same people the power of a great government that they had to overcome. Yet I have seen the wealth, the enterprise, the honesty, the firmness, the courage of men rise above these low conditions, and they have rebuilt a country in thirty years than which there is not to-day a more beautiful or a more lovely country in this world. No more need to be a superposed to the second of the beautiful or a more lovely country in this world. No man need ever attempt to convince me that the American people have not got it in their power to accomplish anything that they think they ought to do that is right in the eyes of God and man and honorable in the history of nations.

Here is a duty lying before us that we ought to thank God for the opportunity of performing. From the time of the visit of Co-lumbus to these shores down through every age of that long period almost every enlightened government in the world has been excited on the subject of finding a communication right through the waist of this hemisphere so that the union might be completed between the Pacific and the Atlantic in zones where there were peace and harmony and sunlight and breezes to create and increase the happiness of nations and of men. Many of the greatest men have been thinking of it and projecting it for years and years, and all intelligent men have longed for its consummation. Millions of dollars of money, thousands of lives, have been expended in these

explorations, and the world has no more idea of giving up the completion of this canal than the Christian world has of giving up the millennium. It is fixed in their minds that it is to be completed.

When was there a grander opportunity? When was man ever called upon in performing the high functions that he holds in virtue of his dominion over this world to do a nobler and a more worthy thing than that of assisting in building this canal through the waist of this hemisphere? Who can shrink from it and go to his grave feeling that he has honored the opportunities that God has given him to make for his country wealth, glory, power, and splendor? Give us that canal; plant us there in a position of powerful influence, for it can not be less than that, in the midst of these great influence, for it can not be less than that, in the midst of these great continents, with our form of government, our traditions, our purposes, our prospects, and the influence that we have already gathered and will gather around the majestic character of the American nation, which has already ascended above the nations like the monument to Washington stands above the plains of the Potomac; give us that attitude in the midst of this hemisphere, and then we can expect, then we can know that our grand development of the right and power of man in self-government will spread its influence not over this hemisphere alone, but will hold its position there against the united world. Then we shall not be out of harmony with the age in which we live; then we can live in the happiness of great duties well performed; then we shall not in the happiness of great duties well performed; then we shall not be in an apologetic position with respect to foreign countries. Neither shall we be domineering in this country; but, standing in the light of God's own truth as He has given it to us, and, as I believe, it has been materialized, concentrated, and crystallized in the Constitution of the United States, we will be the most powerful people on this earth. I thank God that He has given me as an individual man, as I am, in the Senate of the United States, the opportunity of raising my voice in favor of this bill.

EXECUTIVE SESSION.

Mr. HILL. 1 move that the Senate proceed to the considera-

tion of executive business

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After twenty-seven minutes spentin executive session the doors were reopened, and (at 5 o'clock and 15 minutes p. m.) the Senate adjourned until to-morrow, Tuesday, January 19, 1897, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate January 18, 1897. COLLECTOR OF CUSTOMS.

Thomas D. Byrum, of North Carolina, to be collector of customs for the district of Albemarle, in the State of North Carolina, to succeed Kenneth R. Pendleton, whose term of office has expired by limitation.

POSTMASTERS.

John R. Lucas, to be postmaster at Rockwell City, in the county of Calhoun and State of Iowa, in the place of Joseph C. Thorne,

Alpha R. Young, to be postmaster at Caldwell, in the county of Sumner and State of Kansas, in the place of William A. Sturm,

Francis M. Mumford, to be postmaster at St. Francisville, in the parish of West Feliciana and State of Louisiana, the name of the parish of west Fenciana and State of Louisiana, the name of the office having been changed from Bayou Sara to St. Francisville. Mr. Mumford was originally appointed July 15, 1886, and has been continued since the office became Presidential. His present commission will expire March 29, 1897.

PROMOTIONS IN THE ARMY. Subsistence Department.

Col. Thomas C. Sullivan, assistant commissary-general of subsistence, to be Commissary-General of Subsistence with the rank of brigadier-general, from January 18, 1897, vice Morgan, retired from active service.

Cavalry arm.

Capt. Louis Henry Rucker, Ninth Cavalry, to be major, January 13, 1897, vice Kennedy, Fourth Cavalry, retired from active service. Capt. Eli Lundy Huggins, Second Cavalry, to be major, January 13, 1897, vice Kramer, Sixth Cavalry, retired from active service. First Lieut. Philip Pendleton Powell, adjutant Ninth Cavalry, to be captain, January 13, 1897, vice Rucker, Ninth Cavalry, promoted.

First Lieut. Lloyd Milton Brett, adjutant Second Cavalry, to be captain, January 13, 1897, vice Huggins, Second Cavalry, promoted. Second Lieut. George Tayloe Langhorne, Third Cavalry, to be first lieutenant, December 11, 1896, vice Brown, First Cavalry,

promoted.

Second Lieut. Ulysses Grant Kemp, Eighth Cavalry, to be first lieutenant. December 15, 1896, vice Bullock, Seventh Cavalry,

Second Lieut. Charles Young, Ninth Cavalry, to be first lieutenant, December 22, 1896, vice Baldwin, Seventh Cavalry, appointed commissary of subsistence, who resigns his line commis-

Second Lieut. Alfred Charles Merillat, Eighth Cavalry, to be first lieutenant, December 22, 1896, vice Knight, Third Cavalry, appointed assistant quartermaster, who resigns his line commission.

Second Lieut. Robert Bruce Wallace, Second Cavalry, to be first lieutenant, January 4, 1897, vice Brainard, Second Cavalry, appointed commissary of subsistence, who resigns his line commis-

Second Lieut. Francis Cutler Marshall, Eighth Cavalry, to be first lieutenant, January 5, 1897, vice Cruse, Sixth Cavalry, appointed assistant quartermaster, who resigns his line commission.

Infantry arm.

First Lieut. James Berryman Jackson, Seventh Infantry, to be captain, December 22, 1896, vice A. H. Jackson, Seventh Infantry, appointed paymaster, who resigns his line commission.

Second Lieut. Joseph Dugald Leitch, Twenty-fourth Infantry, to be first lieutenant, December 22, 1896, vice Jackson, Seventh

Infantry, promoted.

CONFIRMATIONS.

Executive nominations confirmed by the Senate January 18, 1897. SECRETARY OF THE INTERIOR.

David R. Francis, of Missouri, to be Secretary of the Interior. PROMOTIONS IN THE ARMY.

Pay Department.

Lieut. Col. George William Candee, deputy paymaster-general, to be assistant paymaster-general with the rank of colonel.

Maj. Alfred Elliott Bates, paymaster, to be deputy paymaster-general with the rank of lieutenant-colonel.

INDIAN AGENT.

Frederick Treon, of Crowcreek, S. Dak., to be agent for the Indians of the Crow Creek Agency, in South Dakota, in lieu of his position as agent for the Indians of the Crow Creek and Lower Brulé Agency, the latter agency having been divided and its name changed to Crow Creek by the act approved June 10, 1896.

APPOINTMENT IN THE NAVY.

Joseph Fyffe, a citizen of Massachusetts, to be an assistant paymaster in the Navy.

PROMOTIONS IN THE MARINE CORPS.

First Lieut. Littleton W. T. Waller, United States Marine Corps, to be a captain. Second Lieut. Albert S. McLemore, United States Marine Corps,

to be a first lieutenant.

Melville J. Shaw, a graduate of the Naval Academy and a citizen of Minnesota, to be a second lieutenant in the United States Marine Corps, from the 1st day of July, 1895, to fill a vacancy existing in that grade.

PROMOTIONS IN THE NAVY.

Asst. Naval Constructors Lloyd Bankson and John G. Tawresey,

to be naval constructors in the Navy.

Holden A. Evans, a citizen of Florida, William P. Robert, a citizen of Mississippi, Daniel H. Cox, a citizen of New York, Thomas G. Roberts, a citizen of Alabama, and Lawrence S. Adams,

a citizen of Pennsylvania, to be assistant naval constructors in the Navy, from the 1st day of July, 1896.

Lieut. Commander John P. Merrell, to be a commander.

Lieut. Commander Joseph G. Eaton, to be a commander.

Lieut. Charles P. Perkins, to be a lieutenant-commander.

Lieut. (Junior Grade) Daniel P. Menefee, to be a lieutenant. Lieut. (Junior Grade) Daniel F. Mehelee, to be a heutenant. Ensign Volney O. Chase, to be a lieutenant (junior grade). Lieut. Benjamin H. Buckingham, to be a lieutenant-commander. Lieut. (Junior Grade) John H. Gibbons, to be a lieutenant. Ensign George R. Slocum, to be a lieutenant (junior grade). Ensign George R. Slocum, to be a lieutenant (junior grade). Lieut. (Junior Grade) Thomas Snowden, to be a lieutenaut. Ensign William G. Miller, to be a lieutenant (junior grade). Lieut. (Junior Grade) Edwin H. Tillman, to be a lieutenant. Ensign George W. Kline, to be a lieutenant (junior grade). Lieut. (Junior Grade) Robert F. Lopez, to be a lieutenant. Ensign John P. McGuinness, to be a lieutenant (junior grade). Lieut. (Junior Grade) Frank W. Kellogg, to be a lieutenant. Ensign Joseph Strauss, to be a lieutenant (junior grade). Lieut. (Junior Grade) John L. Purcell, to be a lieutenant. Ensign Charles S. Stanworth, to be a lieutenant (junior grade). Ensign Charles S. Stanworth, to be a lieutenant (junior grade). Lieut. (Junior Grade) Reuben O. Bitler, to be a lieutenant. Ensign Robert L. Russell, to be a lieutenant (junior grade). Lieut. Commander Seth M. Ackley. to be a commander. Lieut. Charles G. Bowman, to be a lieutenant-commander. Lieut. (Junior Grade) Herman G. Dresel, to be a lieutenant Ensign Harrison A. Bispham, to be a lieutenant (junior grade).

neer.

Lieut. (Junior Grade) Harry Phelps, to be a lieutenant. Ensign Armistead Rust, to be a lieutenant (junior grade) Ensign Armistead Rust, to be a lieutenant (junior grade). Ensign George R. Evans, to be a lieutenant (junior grade). Commander Colby M. Chester, to be a captain. Lieut. Commander William W. Gillpatrick, to be a commander. Lieut. (William P. Potter, to be a lieutenant-commander. Lieut. (Junior Grade) Patrick W. Hourigan, to be a lieutenant. Ensign Edward W. Eberle, to be a lieutenant (junior grade). Commander Charles E. Clark, to be a captain. Lieut. Commander Benjamin S. Richards, to be a commander. Lieut. William H. Beehler, to be a lieutenant-commander. Lieut. (Junior Grade) John B. Bernadou. to be a lieutenant. Lieut. (Junior Grade) John B. Bernadou, to be a lieutenant.
Ensign Charles M. McCormick, to be a lieutenant (junior grade).
Lieut. (Junior Grade) Homer C. Poundstone, to be a lieutenant.
Ensign Glennie Tarbox, to be a lieutenant (junior grade).
Lieut. Commander Benjamin F. Tilley, to be a commander. Lieut. Commander Benjamin F. Tilley, to be a commander.
Lieut. Giles B. Harber, to be a lieutenant-commander.
Lieut. (Junior Grade) Albert A. Ackerman, to be a lieutenant.
Ensign William W. Gilmer, to be a lieutenant (junior grade).
Lieut. (Junior Grade) Albert P. Niblack, to be a lieutenant.
Ensign Robert E. Coontz, to be a lieutenant (junior grade).
Lieut. (Junior Grade) William Truxtun, to be a lieutenant.
Ensign William H. G. Bullard, to be a lieutenant (junior grade). Ensign William H. G. Bullard, to be a lieutenant (juntor grade). Commander Charles J. Barclay, to be a captain.
Lieut. Commander Harry Knox, to be a commander.
Lieut. Sumner C. Paine, to be a lieutenant-commander.
Lieut. (Junior Grade) Stokely Morgan, to be a lieutenant.
Ensign Webster A. Edgar, to be a lieutenant (junior grade).
Lieut. Commander Clifford H. West, to be a commander.
P. A. Engineer James P. S. Lawrance, to be a chief engineer.
Asst. Engineer Walter S. Burke, to be a passed assistant engineer.

P. A. Engineer Isaac S. K. Reeves, to be a chief engineer. Asst. Engineer Oscar W. Koester, to be a passed assistant engi-

P. A. Engineer Wythe M. Parks, to be a chief engineer. Asst. Engineer Edward L. Beach, to be a passed assistant engi-

P. A. Engineer Frank H. Bailey, to be a chief engineer. Asst. Engineer Herman O. Stickney, to be a passed assistant

engineer.
P. A. Engineer George S. Willits, to be a chief engineer.
Asst. Engineer Louis M. Nulton, to be a passed assistant engineer.
P. A. Engineer Walter F. Worthington, to be a chief engineer.
Asst. Engineer John B. Patton, to be a passed assistant engineer. Asst. Engineer George W. Danforth, to be a passed assistant engineer.

P. A. Paymaster John S. Carpenter, to be a paymaster.

Asst. Paymaster Philip V. Mohun, to be a passed assistant pay-

Paymaster Daniel A. Smith, to be a pay inspector. P. A. Paymaster Livingston Hunt, to be a paymaster.

Asst. Paymaster Martin McMahon Ramsay, to be a passed assistant paymaster.
P. A. Paymaster John A. Mudd, to be a paymaster.

Asst. Paymaster Guy G. Rodgers, to be a passed assistant pay-

George G. Seibels, a citizen of Alabama, to be an assistant pay-

master. Edmund W. Bonnaffon, a citizen of Pennsylvania, to be an

assistant paymaster.

Medical Inspector Daniel McMurtrie, to be a medical director.

Surg. John L. Neilson, to be a medical inspector.

P. A. Surg. John M. Edgar, to be a surgeon.

P. A. Surg. Thomas C. Craig, to be a surgeon.

P. A. Surg. Philip Leach, to be a surgeon.

George D. Costigan, a citizen of California, to be an assistant

Middleton S. Elliott, a citizen of South Carolina, to be an assist-

ant surgeon.

Frank L. Pleadwell, a citizen of Massachusetts, to be an assistant

surgeon. Dudley N. Carpenter, a citizen of New Hampshire, to be an

assistant surgeon.

Daniel H. Morgan, a citizen of West Virginia, to be an assistant

surgeon. POSTMASTERS.

Winfield S. Mercer, to be postmaster at Albany, in the county of Delaware and State of Indiana.

Lang C. Allen, to be postmaster at Clarksdale, in the county of Coahoma and State of Mississippi.

Edwin L. Drake, to be postmaster at Winchester, in the county of Franklin and State of Tennessee.

David A. Minnich, to be postmaster at York, in the county of York and State of Pennsylvania.

David B. Howerton, to be postmaster at Hallettsville, in the county of Lavaca and State of Texas.

Mira Johnson, to be postmaster at Mount Pleasant, in the county of Titus and State of Texas.

Emma L. Lombard, to be postmaster at South Ashburnham, in the county of Worcester and State of Massachusetts.

Lyman D. Thurston, to be postmaster at Leicester, in the county of Worcester and State of Massachusetts.

Miss Georgie L. B. Tobin, to be postmaster at Barnwell, in the county of Barnwell and State of South Carolina.

William V. Leech, to be postmaster at Cape Girardeau, in the county of Cape Girardeau and State of Missouri.

Alva H. O'Dowd, to be postmaster at Weston, in the county of Cape Girardeau and State of Missouri.

Platte and State of Missouri.

John W. Duncan, to be postmaster at Adrian, in the county of Bates and State of Missouri.

Kate E. Sullivan, to be postmaster at Excelsior Springs, in the county of Clay and State of Missouri.

Rella C. Harber, to be postmaster at Trenton, in the county of Grundy and State of Missouri.

Charles Ray, to be postmaster at Cassville, in the county of Barry and State of Missouri.

Charles Q. Hardman, to be postmaster at Edina, in the county of Knox and State of Missouri.

Gideon B. Hart, to be postmaster at Breckenridge, in the county of Caldwell and State of Missouri.

Edward C. Meehan, to be postmaster at Norborne, in the county of Carroll and State of Missouri.

HOUSE OF REPRESENTATIVES.

Monday, January 18, 1897.

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. HENRY N. COUDEN.

The Journal of Saturday's proceedings was read and approved.

HENRY F. THORNTON.

The SPEAKER. The first question before the House is the unfinished business coming over from Saturday. The Clerk will report the pending bill.

The bill (H. R. 1064) for the relief of Henry F. Thornton was

The SPEAKER. The pending question is on an amendment offered by the gentleman from Indiana [Mr. Steele] to insert \$16 instead of \$25 as the amount of the pension.

Mr. BLUE. Has consent been given for the consideration of

the bill?
The SPEAKER. Consent has been given.

Mr. BLUE. I suggest that the arrearage clause, the second section of the bill, which provides that this pension shall take effect from December 25, 1895, is not customary. If I was correct in understanding that as the provision of the bill, it should be amended by striking out that clause.

Mr. PAYNE. Mr. Speaker, I do not think that the House gave consent for the consideration of this bill except upon the

understanding that the amendments reported by the committee

should be agreed to.

The SPEAKER. Unanimous consent was given for the consideration of the bill, and there was no attempt to qualify that consent

Mr. PAYNE. The first amendment of the committee, I believe, was voted down. But the previous question was not ordered.

The SPEAKER. It was not.

Mr. MILES. When was unanimous consent given?

The SPEAKER. On Saturday. The question is on agreeing to the amendment of the gentleman from Indiana [Mr. STEELE]

the amendment of the gentleman from Indiana [Mr. STEELE] striking out \$25 and inserting \$16.

The amendment was agreed to; there being—ayes 48, noes 28.

Mr. BLUE. If this bill provides, as I understand it does, that this pension shall begin December 25, 1895, I desire to move an amendment so that the act shall take effect on its passage. I do not care anything about the amendment as to the amount, but I do not think we should assent to this principle of paying arrear-

ages.

The SPEAKER. The matter is covered by the second amendment of the committee, which has not yet been put to the House. The Clerk will read the amendment next in order.

The Cierk read as follows:

In line 3, strike out the words "Commissioner of Pensions" and insert "Secretary of the Interior."

The amendment was agreed to.
The SPEAKER. The Clerk will now read the second amendment of the committee

The Clerk read as follows:

Strike out the following: "SEC. 2. That this act shall take effect from December 25, 1895."

Mr. OWENS. I suggest that the House ought to be very careful in acting on this amendment, because we have already agreed

to an amendment giving to this poor pensioner the princely increase of \$4 a month. Hence, I repeat, the House can not be too careful as to the time when this increase shall take effect.

Mr. PAYNE. It would not be a very good time now, upon this bill, to commence granting arrearages of pensions.

Mr. OWENS. Yes; I say the House ought to be very careful.
Mr. PAYNE. It has been the practice of the House to strike out these provisions for arrearages.

Mr. OWENS. That is why I wanted to invite the attention of the gentleman from New York and others to this question, so that they might realed a provisions for arrearages.

that they might make no mistake in this case.

Mr. PAYNE. I call attention to another fact—that unanimous consent for the consideration of this bill was obtained after the committee's amendment had been reported at \$15 a month. House had not thought that that amendment was to be adopted it would not have consented to the arrangement. I know of at least one member who would not have consented to the consideration of the bill.

Mr. OWENS. That is the trouble with the gentleman from New York, he too often mistakes himself for the House.

Mr. PAYNE. "The gentleman from New York" was very careful to make his objection to the House and not to the gentle-

man from Kentucky.

Mr. OWENS. I was conscious of that.

The SPEAKER. As the debate seems to have been closed on the bill [laughter], the question is on agreeing to the amendment.

The amendment was adopted.

The bill as amended was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

ORDER OF BUSINESS.

The SPEAKER. The Clerk will proceed with the call of committees, there being no unfinished business on the table.

The Committee on the Public Lands was called.

Mr. LACEY. Mr. Speaker, there is one bill. No. 43 on the House Calendar, the bill H. R. 4804, which is the only bill the committee has on the Calendar, and I desire to call it up for consideration

The SPEAKER. The bill does not seem to be in the hands of

the Clerk.

Mr. LACEY. With the understanding that this can be returned to, I do not wish to detain the House. It is only one bill and will take, I think, but a very few minutes. I ask consent that the next committee be called.

The SPEAKER. The Clerk will proceed with the call of com-

mittees

The Committee on Indian Affairs was called.

SALE OF INTOXICATING DRINKS TO INDIANS,

Mr. SHERMAN. Mr. Speaker, there is a bill that the gentleman from Nebraska [Mr. Meiklejohn] will present to the House from the Committee on Indian Affairs.

Mr. Meiklejohn. Mr. Speaker, on behalf of the Committee on Indian Affairs, I call up the bill (H. R. 280) to prohibit the sale of intoxicating drinks to Indians, and for other purposes.

The bill was read, as follows:

The bill was read, as follows:

Be it enacted, etc., That any person who shall sell, give away, dispose of, exchange, or barter any malt, spirituous, or vinous liquor, including beer, ale, and wine, or any ardent or other intoxicating liquor of any kind whatsoever, or any essence, extract, bitters, preparation, compound, composition, or any article whatsoever, under any name, label, or brand, which produces intoxication, to any Indian to whom allotment of land has been made while the title to the same shall be held in trust by the Government, or to any Indian a ward of the Government under charge of any Indian superintendent or agent, or any Indian, including mixed bloods, over whom the Government, through its departments, exercises guardianship, and any person who shall introduce or attempt to introduce any malt, spirituous, or vinous liquor, including beer, ale, and wine, or any ardent or intoxicating liquor of any kind whatsoever into the Indian country, which term shall include any Indian allotment while the title to the same shall be held in trust by the Government, or while the same shall remain inalienable by the allottee without the consent of the United States, shall be punished by imprisonment for not less than sixty days, and by a fine of not less than \$100 for the first offense and not less than \$200 for each offense thereafter: Provided, however. That the person convicted shall be committed until fine and costs are paid. But it shall be a sufficient defense to any charge of introducing or attempting to introduce ardent spirits, ale, beer, wine, or intoxicating liquors into the Indian country that the acts charged were done under authority, in writing, from the War Department or any officer duly authorized thereunto by the War Department.

Sec. 2. That so much of the act of the 23d day of July, 1892, as is inconsistent with the provisions of this act is hereby repealed.

The SPEAKER. The question is on the engrossment and third

reading of the bill.

Mr. MADDOX. Mr. Speaker, I would like to ask the gentleman from Nebraska to explain this bill.

Mr. MEIKLEJOHN. Mr. Speaker, I would say in reply to the gentleman from Georgia that this bill passed the House at the last session of the Fifty-third Congress, but reached the Senate too late for consideration.

too late for consideration.

The present law prohibits the sale of intoxicating liquors to Indians under a penalty of a fine of not more than \$300 for each offense or imprisonment not exceeding two years. The only

change the pending bill contemplates in the present law is that the punishment for the sale of intoxicating liquors to Indians shall be for the first offense not less than \$100, and for each offense thereafter not less than \$200 and imprisonment for a period of time not less than sixty days.

The United States courts in Oregon, Washington, Montana, and certain other States have held that under the Dawes law the allottee of Indian lands, while the title is held in trust by the Government, is not a ward of the Government, and that the sale of liquors to an Indian to whom an allotment of land has been made is not a crime under our present statutes.

This proposed legislation amends the existing statutes in three

particulars:

particulars:
First, it makes it unlawful to sell, give away, dispose of, exchange, or barter "any essence, extract, bitters, preparation, compound, composition, or any article whatsoever under any name, label, or brand which produces intoxication."

Second, the punishment "by imprisonment for not more than two years or by a fine of not more than \$300 for each offense" is changed to "imprisonment for not less than sixty days and by a fine of not less than \$100 for the first offense, and not less than \$200 for each offense thereafter."

Third, the term Indian is defined to embrace an Indian "to

Third, the term Indian is defined to embrace an Indian "to whom allotment of land has been made, while the title to the same shall be held in trust by the Government;" an Indian "a ward of the Government under charge of any Indian superintendent or agent;" or an Indian, "including mixed bloods, over whom the Government, through its departments, exercises guardianship."

The bill is recommended by the Commissioner of Indian Affairs, the Secretary of the Interior, the board of Indian commissioners, the Indian Rights Association, and judges and marshals of the

United States courts.

It is petitioned for by the Indians themselves and the civilized tribes

tribes.

In the interest of the Indian, in the interest of society, and in the interest of good government it should become a law.

Mr. MADDOX. The question is whether the House is authorized to pass such a law as you are asking for. That is the point on which I wish to hear the gentleman from Nebraska.

Mr. MEIKLEJOHN. In the case of United States against Holliday, reported in 3 Wallace, page 407, that question is very fully considered; and the courts have always held until the recent decisions in Washington, Oregon, and Montana that the decision of a political department of the Government as to whether the tribal relations of the Indians had ceased would be followed by the courts. That opinion has been the law until the recent de-

trioal relations of the Indians had ceased would be followed by the courts. That opinion has been the law until the recent decisions of the United States courts in the States mentioned.

I therefore believe that we have full authority to pass such a bill, and if there is any question as to the constitutionality of the measure, in my judgment it ought to be left to the courts.

Mr. LITTLE. I would like to ask the gentleman—not being familiar with the decision to which he has referred—if it was not based on the fact that the allottees became citizens of the United

based on the fact that the allottees became citizens of the United

Mr. MEIKLEJOHN. You refer to the decisions in the courts of

Oregon, Washington, and Montana? Mr. LITTLE. Yes. Mr. MEIKLEJOHN. It was upon It was upon that ground.

Mr. MEIKLEJOHN. It was upon that ground.
Mr. LITTLE. On the ground of citizenship?
Mr. MEIKLEJOHN. Yes.
Mr. LITTLE. When the Indian takes his allotment, he becomes a citizen of the United States, and ceases to be a ward of the Government. I am inclined to think that to give the Federal courts jurisdiction of offenses committed by citizens against citizens trenches upon the authority of the States, an authority that ought to be retained in the State governments. If they are citizens of your State, I see no reason why the legislature can not pass ample and sufficient laws to protect its own citizens, and I am inclined and sufficient laws to protect its own citizens, and I am inclined

to think it ought to do so.

Mr. MEIKLEJOHN. I will say to the gentleman from Arkansas that it is my judgment that under the Dawes bill, so long as the title is held in trust by the Government, for twenty-five years the little is held in trust by the Hodien ellected does not gain all from the date of the allotment, the Indian allottee does not gain all the rights of full citizenship to an extent that precludes the Government from exercising control and guardianship over him

through its political departments.

Justice McKenna, of the United States circuit court of appeals, ninth circuit, in the case of Eels et al. vs. Ross, delivered the opinion of the court October 10, 1894, as follows:

We do not consider it necessary to consider or decide all the propositions argued. If the land was an Indian reservation, the agents had a right to remove all persons found therein contrary to the law. (Revised Statutes, section 2147. See also Revised Statutes, sections 2118, 2149.) It is not disputed that the lands are a part of those set apart as the Puyallup Reservation, and that the reservation has not been directly revoked; but it is contended that the allotment of the lands in severalty, and afterwards making the Indians citizens, necessarily had the effect to revoke the reservation. There is plausibility in the argument, and it needs to be carefully considered. It is clear

that the allotment alone could not have this effect (The Kanasa Indiana, 5 Wall., 737) and citizenship can only have it if citizenship is inconsistent with the existence over vation may be inconsistent with the rights of citizens. The advantages of a reservation are not; and if, to secure the latter to the Indians, others not Indians are excluded, it is not clear what right they have to complain. The act of 1837, which confers citizenship, clearly does not emancipate the Indians from all control or abolish the reservations.

Section 3 provides for leasing lands under certain contingencies, under the regulations of the Secretary of the Interior, and the provise of the section continuation of the Secretary of the Interior, and the provise of the section continuation of the Secretary of the Interior, and the provise of the section continuation of the Secretary of the Interior, and the provise of the section continuation of the Secretary of the Interior, and the provise of the section continuation of the Secretary of the Interior, and the provise of the section continuation of the Secretary of the Interior, and the provise of the section continuation of the Secretary of the Interior, and the provisions of the section of the Secretary of the Interior and the provision of the Secretary of the Interior and the provisions of the Secretary of the Interior and the Interior and Interi

Mr. LITTLE. As I understand, you base your opinion on the fact that the Government still retains the supervision over his allotment, his lands; but does he not become a citizen to all intents

and purposes, with the right to vote, and so forth?

Mr. MEIKLEJOHN. It is my judgment that he does not gain his full rights as a citizen so far as the control of the Government is concerned, and whether Indians are to be considered as a tribe or have ceased tribal relations is primarily a question for the political states.

ical department of the Government.

Mr. LITTLE. I fully concur with my friend as to the importance of legislation of this sort, if it can be properly enacted. I think the highest restrictions should be placed for the protection

of these Indians.

Mr. MEIKLEJOHN. In reply to the gentleman's question, if he will pardon me, I will read what Commissioner Browning says:

he will pardon me, I will read what Commissioner Browning says:

It will be observed that the tendency of the courts below is to declare Indians who become citizens by taking allotments in severalty not to be under the Indian agent within the meaning of the law prohibiting the sale of liquors to Indians, and to be free to purchase intoxicating liquors, notwithstanding the fact that agents are maintained over them by the Government, and as the cases in which these decisions are made are of a criminal character and can not be appealed by the Government, it will be absolutely necessary for the full protection of the Indian allottees that some such legislation as is proposed in this bill shall be enacted. The making of allotments to Indians changes their status as to citizenship, but it does not change the Indian allottee by the free use of intoxicating liquors as he could receive by such use as a member of a tribe, and the presence in the midst of any community of Indian allottees who would be free to purchase intoxicating liquors would be a menace to the lives and property of the law-abiding members of such community.

William H. Brinker, United States attorney for the district of Washington, in a communication to the Commissioner of Indian Affairs, says:

Unless this traffic is prohibited by legislation, the policy of the Government to civilize the Indian will be defeated, and he will be converted from a wandering nomad into a drunken loafer.

Mr. LITTLE. Now, I fully agree with what is said there; but while the character of the Indian has not been changed, or his while the character of the Indian has not been changed, or his tastes or habits changed, has not the power to which he must look for protection been changed, by the action of this Government, as well as by his consent? In other words, ought he not to look to the State government for his protection when he becomes a citizen and exercises the rights of a citizen?

Mr. MEIKLEJOHN. May I inquire of the gentleman from Arkansas, if the United States courts in different jurisdictions are not agreed as to the construction of the Dawes bill on citizenship of the Indian, would it not be wise to pass the measure and leave

of the Indian, would it not be wise to pass the measure and leave the constitutionality of the act to the Supreme Court?

Mr. LITTLE. We can afford to look into it somewhat ourselves. I confess I have not examined the authorities, but it does occur to me, without any careful examination, that it is going a step too far, and that the Federal courts ought not to be empowered to interfere with the jurisdiction which, in my judgment,

ered to interfere with the jurisdiction which, in my judgment, properly belongs to the State.

I will ask the gentleman this further question: Why is it that your State government can not protect these Indians as amply as the Federal Government can? Your legislature can pass laws making the penalties as high as it wants to. The State has the arm of all its officers and all the local courts, which, it seems to me, would be more efficient in this regard than the Federal machinery. machinery

Mr. MEIKLEJOHN. Does the gentleman understand that the change in the present law provided by the bill, so far as the Indians who are subjected to it are concerned, is its application to allottees of Indian lands during the time that the title is held in

trust by the Government?

Mr. LITTLE. Well, yes; I understood that there was some limitation in that line, and I am glad to hear the gentleman state that; but I do not think the character of the land holdings is the turning point in the case. I think it is a question of the status of

the individual, his citizenship.

Mr. MADDOX. In other words, the question is this: If this House has not the jurisdiction or authority to pass this law that

House has not the jurisdiction or authority to pass this law that you ask for, the law will have no legal effect, and you will fail in the purpose for which you propose it.

Mr. MEIKLEJOHN. May I inquire of the gentleman, so long as the Supreme Court has held that Indians under the control of an agent are wards of the Government, as it held in United States vs. Holliday, would it not be well, notwithstanding decisions to the contrary by United States district courts, to pass the bill and leave the expection of legality of the art to the courts?

leave the question of legality of the act to the courts?

Mr. MADDOX. But when the land is allotted, as in this case, and the Indians become citizens of the State, this Congress has no longer the power to legislate on the subject, so far as they are concerned, and your legislation will be void. I agree with the gentleman as to the necessity for this legislation, but I think it ought to be State legislation instead of Federal. Now, the difficulty that I have if the gentleman are in that I have a federal to the I have the I culty that I have, if the gentleman will pardon me, is that I do not want to stand here as a member of the Committee on Indian Affairs and allow this sort of a law to be passed without entering our protest against it, because I do not believe we have any right

to pass any such law, or any authority.

Mr. MEIKLEJOHN. Is it not your opinion that we best take chances on the constitutionality of this act than to continue this nefarious business of debauching our Indians and bringing them to degradation instead of civilization?

Mr. MADDOX Loan not can about the continue this necessary and the continue that the continue the continue that the contin

Mr. MADDOX. I can not say about that; but you and I have both taken an oath here to support the Constitution.

Mr. MEIKLEJOHN. I am of the opinion that the bill is constitutional and should be passed, and I believe the courts will hold that citizenship under the Dawes law does not remove the Indian from governmental control.

Mr. MADDOX. The trouble is that we differ as to the constitutional in the constitution of the cons

Mr. MEIKLEJOHN. In Beck vs. Flournoy, etc., Company, decided by the circuit court of appeals, eighth circuit, December 10, 1894, Judge Thayer, in delivering the opinion of the court, said:

It is suggested, as we understand, that because Congress conferred the right of citizenship upon all Indians to whom allotments of land might be made and upon every Indian who should take up a residence separate and apart from his tribe and adopt the habits of civilized life, the power to sell, lease, and otherwise dispose of allotted lands was also conferred as a necessary incident of citizenship. It is urged, as we understand, that Congress should not make these Indians citizens of the United States without at the same time giving to them the unrestricted power to sell, use, and control all property whatsoever in which they chance to have an interest. This argument appears to us to be untenable. We know of no reason, nor has any been suggested, why it was not compet nt for Congress to declare that these Indians should be deemed citizens of the United States and entitled to the rights, privileges, and immunities of citizens while it retained for the time being the title to certain lands in trust for their benefit and withheld from them for a certain period the power to sell, lease, or otherwise dispose of their interests in such lands. * * * And we can conceive of no sufficient reason why the United States in the exercise of its sovereign power should be denied the right to impose similar limitations, especially when it is dealing with the defendant race like the Indians, who have always been regarded as the wards of the nation. * * It does not follow, therefore, that the power of these Indians to deal with land which was held by the Government

in trust for their benefit was sensibly enlarged, or that the restriction against alienation found in the fifth section of the act of February 8, 1887, was removed because in the sixth section of the same act Congress saw fit to declare that when land had been allotted to an Indian or he had separated from his tribe and adopted the habits of civilized life he should be entitled to all the rights, privileges, and immunities of a citizen. The two sections of the act are by no means inconsistent with each other. The clause imposing a limitation upon the power of alienation is not in conflict with the subsequent clause conferring the boson of citizenship. Both provisions may well stand together. They were inserted for a well-defined purpose, which it is easy to comprehend; and the act should be so construed as to give effect to both provisions, and thereby accomplish the purpose of the lawmaker. (65 Fed. Rep., 30.)

I desire to submit as a part of my remarks the committee report on this bill. It is as follows:

I desire to submit as a part of my remarks the committee report on this bill. It is as follows:

The Committee on Indian Affairs, to whom was referred the bill (H. R. 280) entitled "A bill to prohibit the sale of intoxicating liquors to Indians, and for other purposes," beg leave to submit the following report, and recommend that said bill do pass with an amendment:

Amend the title so as to read: "A bill to prohibit the sale of intoxicating liquors to Indians, providing penalties therefor, and for other purposes."

This bill enacts that it shall be unlawful for any person to sell, give away, dispose of, exchange, or barter any intoxicating liquors of any kind what soever to any Indian to whom allotment of land has been made while the title is held in trust by the Government, or to any Indian a ward of the Government, including mixed bloods, over whom the Government exercises superint on the contract of the contr

"The bill was passed by the House of Representatives in the last hours of the last session, but too late to receive the consideration of the Senate, and consequently did not become a law. It is my purpose, however, on the assembling of the next Congress, to submit the matter to the Department in a special report, with a view to having the bill again introduced and, if possible, passed into law."

The bill has the approval and indorsement of the Secretary of the Interior, the Commissioner of Indian Affairs, United States district attorneys, and the Indian Rights Association.

The necessity for this legislation is clearly set out in the accompanying letters, which are made a part of this report.

OFFICE UNITED STATES ATTORNEY, DISTRICT OF OREGON, Portland, October 12, 1895.

Portland, October 12, 1895.

DEAR SIR: Permit me to acknowledge receipt of your communication under date of 5th instant. Replying thereto, I have to say that Judge Bellinger's decision was never reported, but was in substance as follows: "That under section 6 of the act of Congress approved February 8, 1887 (24 Stat. L., page 390), all Indians who have lands allotted to them in severalty, as per the provisions of said act of Congress, are deemed to be citizens of the United States and subject to the laws, both civil and criminal, of the State wherein they reside, and that it was the intention of Congress by adopting section 6 to repeal the provisions of section 2139, Revised Statues, so far as said allotted Indians are concerned,"

Bespectfully, yours,

DANIEL R. MURPHY,

United States Attorney.

DANIEL R. MURPHY, United States Attorney.

G. D. MEIKLEJOHN, The Millard, Omaha, Nebr.

DEPARTMENT OF THE INTERIOR, OFFICE OF INDIAN AFFAIRS, Washington, January 18, 1895.

Department of the Interior, Office of Indian Affairs,

Sir. Referring to office report of October 12, 1894, in response to a letter from Hon. Thomas Lynch, inclosing copy of House bill No. 6557, "to prohibit the sale of intoxicants to Indians," and asking for the opinion of this Department thereon, I have the honor to transmit herewith, in duplicate, copy of a letter of January 4, 1895, from the United States district attorney for the district of Washington, inviting attention to the fact that the courts of Washington and Oregon have decided that as section 6 of the act of February 8, 1887 (24 Stat. L., 389), provided for the admission to citizenship in the United States of Indians who have taken allotments under said act, such Indians are emancipated from the control of the Indian agents, and that it is not a violation of the law (section 2139 of the Revised Statutes, as amended by the act of July 23, 1882 (27 Stat. L., 280), to furnish such citizen Indians with liquor.

Said bill No. 6557 provides a penalty for the sale of intoxicating liquors to Indians who had taken allotments under the said act of 1887, and in that report it was suggested that as the tendency of the courts was to declare an Indian who had become a citizen by taking an allotment in severalty to be free to purchase intoxicating liquors, notwithstanding the fact that agents have been, under the direction of Congress, maintained over such Indians by the Government, it would be absolutely necessary, if the Indian allottees are to be fully protected, that some such legislation as proposed in this bill should be enacted. Mr. Brinker, the district attorney for Washington, whose communication is referred to above, states that it has been frequently demonstrated (and it is not seen how demonstration is necessary) that the allotment of lands will not alone destroy the appetite for liquor nor render the Indian any less dangerous to himself and neighbors than he was before. As was stated in the report from this office, above referred to, the making of

The SECRETARY OF THE INTERIOR.

Office United States Attorney, District of Washington, Seattle, Wash., January 4, 1895.

Seattle, Wash., January 1, 1895.

Sir: I desire to call your attention to a matter which seems to me should be brought to the attention of Congress and some remedial legislation passed covering it.

I refer to the sale of liquor to Indians. By section 2139, Revised Statutes of the United States, it is made a crime for anyone to sell, give, etc., liquor to any Indian under the charge of an Indian agent or superintendent.

On February 8, 1887 (24 Stat. L., 388), Congress passed what is known as the "Dawes bill," providing for the allotment in severalty of the lands of certain reservations to the Indians. The sixth section of this act declares that every Indian to whom allotments have been made is a "citizen of the United States and is entitled to all the rights, privileges, and immunities of such citizens."

The United States courts in this district and in Oregon have decided that the effect of section 6 is to emancipate the Indians from the control of the Indian agents and to make them "citizens" in the fullest sense, and that it is not a violation of section 2139, Revised Statutes, to furnish such citizens with liquor.

not a violation of section 2109, Revised Statutes, but this is denied by the is protected by section 2139, Revised Statutes, but this is denied by the

he is protected by section 2139, Revised Statutes, but this is denied by the court.

It seems to me that the policy of Congress has been to civilize these Indians, and that the allotment of land is but one step in that direction, giving them land so that by the reflection of proprietorship they may cease their wandering and become attached to one place, which they can call their "home," and that they are just as susceptible to evil influences while occupying their home as they were before, and in as great danger from the liquor traffic as they were before the allotments were made, and that the same reasons exist now for prohibiting this traffic, under severe penalties, as ever existed. It has been frequently demonstrated that the allotment of land will not alone destroy the appetite for liquor, nor render the Indian any the less dangerous to himself and neighbor than he was before.

Unless this traffic is prohibited by legislation, the policy of the Government to civilize the Indian will be defeated, and he will be converted from a wandering nomad into a drunken loafer.

I tried a case to-day in the United States district court here in which a man was indicted for selling liquor to two Indians on November 29, 1894. The evidence was conclusive that the defendant sold the Indians a quart of whisky, which they drank and became so intoxicated that one of them laid down across a railroad track, where he was found by an officer, and upon being arrested his drunken companion attempted forcibly to rescue him from the officer.

These Indians testified that they lived upon lands which had been allotted.

rested his drunken companion attempted forcing to rescal and cofficer.

These Indians testified that they lived upon lands which had been allotted to them in severalty, and the court instructed the jury to return a verdict acquitting the defendant.

Total these matters to your attention in the hope that some legislation may

I call these matters to your attention in the hope that some legislation may be had which will make the offenders liable to punishment.

Very respectfully,

WM. H. BRINKER, United States Attorney. The COMMISSIONER OF INDIAN AFFAIRS, Washington, D. C.

DEPARTMENT OF THE INTERIOR, OFFICE OF INDIAN AFFAIRS,
Washington, January 25, 1895.

SIR: I am in receipt of your letters of January 2, 1895, transmitting a copy of House bill 6657, "to prohibit the sale of intoxicants to Indians," as follows, on which you request the opinion of this Department:
"Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That any person who shall sell, give away, dispose of, exchange, or barter any malt, spirituous, or vinous liquor, including beer, ale, and wine, or any ardent or intoxicating liquor of

any kind whatsoever, or any essence, extract, bitters, preparation, compound, composition, or any article whatsoever, under any name, label, or brand, which produces intoxication, to any Indian to whom allotment of land has been made while the title to the same shall be held in trust by the Government, or to any Indian a ward of the Government under charge of any Indian superintendent or agent; and any person who shall introduce, or attempt to introduce, any malt, spirituous, or vinous liquor, including beer, aie, and wine, or any ardent or intoxicating liquor of any kind whatsoever into the Indian country, shall be punished by imprisonment for not more than two years, or by a line of not less than \$100 for the first offense, and not less than \$200 for each offense thereafter, or by both fine and imprisonment, in the discretion of the court: Provided, however, That when the punishment shall be by fine the person convicted shall be committed until fine and costs are paid, the informers to have and receive one-half of all fines paid and collected. But it shall be a sufficient defense to any charge of introducing, or attempting to introduce, ardent spirits, ale, beer, wine, or intoxicating liquors into the Indian country that the acts charged were done under authority, in writing, from the War Department, or any officer duly authorized thereunto by the War Department.

"Sec. 2. That so much of the act of the 23d day of July, 1892, as is inconsistent with the provisions of this act is hereby repealed."

In line II, section I, you suggest an amendment to the bill by inserting after theiword "Government," and before the word "under," the words "or any Jud an over whom the Government exercises wardship." The object of this amendment is, as you say, in order to avoid any misunderstanding as to the meaning and intent of the word "ward" as used in the bill.

In reply, I have to say that the Office has experienced some considerable the various provisions of law touching the same on account of the duty of the Government wi

ceased to hold tribal relations is primarily a question for the political departments of the Government, and if they have decided it, this court will follow their lead."

The district courts of the United States, it seems, have not, however, held this view of the case, the office having received numerous reports from its agents citing cases where the district courts have held that the making of allotments to Indians of a reservation makes them citizens of the United States and takes them out from under the charge of the agents of the United States, notwithstanding the fact that the Government maintains agencies over them. The court of the United States for the district of Washington held, in a case which was tried in the spring of 1890, that as the Puyallup Indians were citizens of the United States, the sale of liquors to them was not punishable under the statutes, basing this opinion on the ground that the Congress and the Executive were not authorized to maintain an agency over the Indians after they had become citizens. This appears to this office to be in direct violation of the ruling of the Supreme Court in the case of Holliday above cited.

The district court of the United States for Oregon, Judge Bellinger, held in the case of The United States v. Thomas Kawkes and Edwin Kline (none of these cases have been published, so far as I know) to the same effect, viz, that Indians who have received allotments in severalty have become citizens of the United States and are not in charge of the United States agent, and therefore the sale of liquors to them is not prohibited by the law, which is applicable only to the Indian wards of the Government.

It will be observed that the tendency of the courts below is to declare Indians who become citizens by taking allotments in severalty not to be under the Indian agent within the meaning of the law prohibiting the sale of liquors to Indians, and to be free to purchase intoxicating liquors, notwithstanding the fact that agents are maintained over them by the Government;

menace to the lives and property of the law-abiding members of such community.

In a report of August 14, 1894, Capt. P. H. Ray, U. S. A., until recently the acting Indian agent of the Shoshone Agency, Wyo., says, with respect to the attitude of the courts toward this question, that if this is to be the interpretation of the law by the courts he does not think any advantage to be derived from allotments will compensate for the evil that will follow the opening of the reservation to whisky sellers, and that in their present condition it will practically destroy these people to remove them from the protection of agents and turn them over to the most lawless element on the frontier. Mr. John F. T. B. Brentano, the Indian agent for the Grande Ronde Agency, in Oregon, reported on the subject also, and expressed somewhat similar fears as to the results to the Indian allottees the decisions of the courts respecting this matter would have.

I have just recently received a letter dated Seattle, Wash., January 4, 1895, from William H. Brinker, United States district attorney for the district of Washington, inviting my attention to the decisions of the courts respecting the sale of liquors to Indian allottees, and expressing the belief that the attention of Congress should be called to the same, and some remedial legislation passed covering it. He says that "unless this traffic is prohibited by legislation the policy of the Government to civilize the Indian will be defeated and he will be converted from a wandering nomad into a drunken loafer."

Under date of October 12, 1894, the office submitted a report to the Secretary of the Interior on this bill, at the request of Hon. Thomas Lynch, of Wisconsin, and on January 18, 1895, two copies of Mr. Brinker's letter, above referred to, were transmitted to the Secretary, with the request that Mr. Lynch's attention be invited to the desirability of the passage of this law, and that a copy be furnished the Committee on Indian Affairs of the Senate, with the statement that the pas

that it would seem to be desirable that the bill should be amended in some similar manner, but I would suggest that the words offered by you be proposed after the word "agent," and before the word "and," in line 12, section I. The reason for this is that if the amendment were inserted at the place where you suggest, the law would not be applicable to allottees who have received allotments under the fourth section of the act of 1887, their allotments being on the public domain and outside of the jurisdiction of any United States Indian agent; but these Indians are also quasi wards of the Government and need none the less the protecting arm of the United States.

I would also suggest an amendment to your amendment by the insertion of the words "including mixed bloods" after the word "Indian" and before the word "over." This amendment seems to be desirable, in view of the fact that there appears to be a great difference of opinion as to what an Indian is within the meaning of the laws; and also by the insertion of the words "through its political departments" after the word "Government," and the substitution of the word "guardianship" for "wardship."

I inclose a copy of the bill showing how I would recommend that it be amended, and have to say, as I have once or twice before said in this letter, that I think it very desirable that Congress should, at this session, enact the same into law or pass some legislation similar to this bill.

Very respectfully,

D. M. BROWNING, Commissioner.

D. M. BROWNING, Commissioner.

Hon. George D. Meiklejohn, House of Representatives. (Through the Secretary of the Interior.)

DEPARTMENT OF THE INTERIOR,
Washington, December 10, 1895.

SIR: I have the honor to transmit herewith draft of a bill prepared by the Commissioner of Indian Affairs "to prohibit the sale of intoxicating drinks to Indians, and for other purposes."

The accompanying report of the Commissioner, dated 23d ultimo, sets out the reasons for the desired legislation, and the matter is presented for the favorable action of Congress.

Very respectfully,

The Speaker of the House of Representatives.

DEPARTMENT OF THE INTERIOR, OFFICE OF INDIAN AFFAIRS, Washington, D. C., November 23, 1895.

Department of the Interior.

OPTICE OF INDIAN APPAIRS,
Washington, D. C., Nowember 23, 1825.

Sir: In my annual report for 1895, on pages 56 and 57, I referred to the embarrassments experienced by this office on account of a decision by Judge Bellinger, of the United States district court for Oregon, which in effect permits the sale of liquor to Indian allottees without limitation (to which reference was made in my annual report for 1894, page 62 et seq.), and quoted the provisions of a bill which was introduced in the last Congress by Hon.
George D. Meirley and the state of this subject I stated that it was my purformed in a special report with a view to remedying the evil.

In concluding my discussion of this subject I stated that it was my purformed and if possible passed into law. In pursuance of this purpose I have the honor to submit herewith in duplicate the draft of a bill "to prohibit the sale of intoxicating drinks to Indians, and for other purposes."

This proposed bill is similar in its provisions to the one passed by the House of Representatives in the last hours of the last Congress, the modifications suggested being:

"which term shall include any Indian allotment while the fifth to the same shall be held in trust by the Government or while the same shall remain inalienable by the allottee without the consent of the United States."

(2) The change of the penalty provided by fixing the minimum time of imprisonment instead of leaving that to the discretion of the Curit Comprisonment and fine instead of leaving that to the discretion of the curit.

(3) The striking out of that part of the former bill which provided for the payment to the Informer of one-half the fines imposed.

(3) The striking not of that part of the former bill which provided for the payment of the Indian tille and the destriction of its character as Indian country. It is true the decision of the circuit court of appeals in Eells vs. Ross (64 Fed. Rep., 417) lays down a rule which, if followed to its logical conclusion, would prev

honor to recommend that one copy of each be forwarded to the Vice-President, with request that it be laid before the Senate at the assembling of Congress on December 2, 1895, and that one copy of each be forwarded to the Speaker of the House of Representatives, to be laid before that body on its organization.

Very respectfully, your obedient servant,

D. M. BROWNING, Commissioner.

The SECRETARY OF THE INTERIOR.

A bill to prohibit the sale of intoxicating drinks to Indians, and for other pur-

A bill to prohibit the sale of intoxicating drinks to Indians, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That any person who shall sell, give away, dispose of, exchange, or barter any malt, spirituous, or vinous liquor, including beer, ale, and wine, or any ardent or other intoxicating liquor of any kind whatsoever, or any essence, extract, bitters, preparation, compound, composition, or any article whatsoever under any name, label, or brand, which produces intoxication, to any Indian to whom allotment of land has been made while the title to the same shall be held in trust by the Government, or to any Indian a ward of the Government under charge of any Indian superintendent or agent, or any Indian, including mixed-bloods, over whom the Government, through its Departments, exercises guardianship, and any person who shall introduce or attempt to introduce any malt, spirituous, or vinous liquor, including beer, ale, and wine, or any ardent or intoxicating liquor of any kind whatsoever into the Indian country, which term shall include any Indian allotment while the title to the same shall be held in trust by the Government, or while the same shall remain inalienable by the allottee without the consent of the United States, shall be punished by imprisonment for not less than sixty days and by a fine of not less than \$100 rot the first offense and not less than \$200 for each offense thereafter: Provided, however, That when the punishment shall be by fine the person convicted shall be committed until fine and costs are paid; but it shall be a sufficient defense to any charge of introducing or attempting to introduce ardent spirits, ale, beer, wine, or intoxicating liquors into the Indian country that the acts charged were done under authority in writing from the War Department or any officer duly authorized thereunto by the War Department.

Sec. 2. That so much of the act of 23d day of July, 1892, as is inconsistent with th

UNITED STATES INDIAN SERVICE,
Grande Ronde Agency, Oreg., June 10, 1895.

SIR: Inclosed you will find a copy of the Sheridan Sun of last Thursday
June 6, 1895.

You will observe that I have marked an article entitled "A Donnybrook
picnic." It will show you what the sale of liquor to Indians is doing for some
of them. I have some Indians that are just as moderate as any white man;
but it is ruining a great man;

of them. I have some Indians that are just as moderate as any white man; but it is ruining a great many.

Since the last day of April (when the Indian court was disbanded) there has been an immense increase of crime resulting from intoxication. May 18, Thom. Lawney and Oleman Issac tried to kill Bobert Metcalf on this reservation, and were only prevented by the timely arrival of the Government farmer.

On May 28, Dan Wacheno beat his wife. They were both drunk. Next day she left him, and they are now separated.

On May 30, Bill Warren tried to murder James Silque and John Pratt. The latter had a very close call.

Twice I have myself been personally assaulted by an Indian, without, however, suffering anything.

There is no law making drunkenness a crime in this State, and if there was it would not be enforced.

Do you think that Congress could be induced to enact a new law making it a crime to sell liquor to an Indian, and would not Judge Bellinger hold such a law unconstitutional?

Very truly, yours,

JOHN F. T. B. BRENTANO,

United States Indian Agent.

JOHN F. T. B. BRENTANO, United States Indian Agent.

The COMMISSIONER OF INDIAN AFFAIRS.

[The Sheridan Weekly Sun, Sheridan, Thursday, June 6, 1895.]

A "DONNYBBOOK" PIONIC—THE INDIANS FROM THE AGENCY GET BOILING
DRUNK AND FIGHT—THE WILLAMINA POSTMASTER ASSAULTED—HE IS DEFENDED BY CITIZENS ARMED WITH AX HANDLES—OBSCERE AND PROFANE
LANGUAGE USED—SWAGGERING BUCKS CAUSE LADIES AND CHILDREN TO
GIVE THE SIDEWALKS—OUR NEW CITIZENS ENJOY THEIR FREEDOM.

ENDED BY CITIZENS ARMED WITH AX HANDLES—OBSCENE AND PROFAME LANGUAGE USED—SWAGGERING BUCKS CAUSE LADIES AND CHILDREN TO GIVE THE SIDEWALKS—OUR NEW CITIZENS ENJOY THEIR FREEDOM.

The school picnic at Willamina last Friday was well attended. The exercises, literary, musical, and otherwise, including an address from Superintendent Stilwell, were interesting. The ball game between the Sheridan boys and Grande Ronde boys was uninteresting. Only three innings were played. The Indians were too drunk to distinguish a baseball from a barn door, and failed to make a run. Later in the day when king alcohol got the Indians thoroughly under his malign influence they began a Donnybrook fair exhibit which surpassed anything ever seen in this section of the country. It was knock down and drag out for several hours, the Indians fighting among themselves like veritable demons. Lame Jim had his left arm broken in two places, and lay bruised, drunken, and bleeding by the roadside between Willamina and Grande Ronde from Friday evening until nearly noon Saturday.

Another fellow named Tipton attacked Postmaster Dundas, who was going out to the ball ground with two of his little children. Dundas knocked the Indian down several times with his fist, but the bloodthirsty bruite followed him uptown to his store, being joined by four or five other intoxicated Indians. Mr. Dundas secured an ax handle, and being reenforced by Mr. Shaller, Jo. Stewart, and others, the onslaught of the savages was checked. Stewart then persuaded the Indians to take Tipton away. This they agreed to do, so they bound him hand and foot and threw him in a wagon like a fat porker destined for market. One of the squaws present went through her drunken lord's pockets and took his money, and procuring some alcohol, a number of the dark sex got gloriously hilarious. One of these bibulous dames started to drive the wagon containing her stupefied husband and a lot of children home, but running off the grade, overturned the wagon, spilling out the whole family. Fortunate

last Friday, was arrested and put under \$800 bonds on Wednesday last by Justice Connor at Ballston to appear before the next Polk County grand jury.

United States Indian Service,
Grande Ronde (Oreg.) Agency, September 10, 1895.

Sir: I regret to have to report of a murder on this reservation. On August 81, 1895, Peter Lafferty, an Indian, crushed the skull of Jonas Short, Indian, both of this reservation.

This crime, like so many others, can be laid directly to bad whisky. I trust that something may be done in the near future to punish those that sell whisky to Indians under the charge of an agent.

Very truly, yours,

JOHN F. T. B. BRENTANO,
United States Indian Agent.

The Commissioner of Indian Affairs.

P. S.—The above Jonas Short died on September 7, 1895.

J. F. T. B. B.

United States Indian Service,

Grande Ronde (Oreg.) Agency, September 17, 1895.

Sir: Inclosed you will find the Daily Oregonian of this morning. In the first column, on the third page, you will find a dispatch which will explain itself. I have marked it.

I wrote to you about the whisky troubles on the 10th of June, when an Indian (William Warren) tried to kill two old Indians belonging to this reservation.

Indian (William Warren) tried to kill two old Indians belonging to this reservation.

I have also reported this bad state of affairs here in my annual report on this agency (August 23, 1895).

On September 10 I reported to you the death of Jonas Short (an Indian belonging here) at the hands of Peter Lafferty, another Grande Ronde Indian. Now comes this case mentioned in to-day's Oregonian.

Can not something be done to stop this whisky business with these Indians? If not, most of them will be lost.

Very truly, yours,

JOHN F. T. B. BRENTANO,

United States Indian. Agent

JOHN F. T. B. BRENTANO, United States Indian Agent.

The COMMISSIONER OF INDIAN AFFAIRS.

P. S.—I have not heard anything about this matter contained in to-day's Oregonian, and know nothing more than what was contained in this dispatch.

J. F. T. B. B.

[Extracts from Morning Oregonian, Portland, Oreg., Tuesday, September 17, 1895.]

AN INDIAN STABBED.

INDEPENDENCE, OREG., September 16.

Yesterday was not the usual quiet Sunday in Independence. The town was crowded with people, and the stores all did a good business. The saloons also had plenty of customers. Sunday night eleven drunks were run in. Since the marshal gets fees, he keeps the drunk and disorderly off the streets, A fight took place over the river opposite here Sunday night among the Indian hop pickers. Two of them were badly using a third. Frank Isaacs, a Grande Ronde Indian, stepped in to separate them, when Billy Tom, a Stletz Indian, turned and stabbed him with a knife, one wound being very near the heart. Billy Tom has been arrested and taken to Salem. The Indians were more or less drunk.

UNITED STATES INDIAN SERVICE, Grande Ronde (Oreg.) Agency, September 24, 1895.

SIR: Inclosed find Yamhill County Reporter of September 20, 1895. You will find two marked items on the first page. Both cases have been reported to you by me, by my letters of September 10 and September 17, 1895. My dear sir, can not something be done to stop this whisky business? Since May 1, 1895, when the court of Indian offenses was abolished here, they have grown wild. With the old court we checked them to a good extent, but since there is no court, we have no way of controlling them.

Very truly, yours,

JOHN F. T. B. RRENTANO, United States Indian Agent.

The COMMISSIONER OF INDIAN AFFAIRS. P. S.—See also my letter of June 10, 1895.

[Extracts from the Yamhill County Reporter, McMinnville, Oreg., Friday, September 20, 1895.]

FROM THE COUNTY PRESS.

[Sheridan Sun.]

Another row took place on the reservation one day last week. An Indian by the name of Peter Lafferty crushed the skull of another by the name of Jonas Short, using a piece of 2 by 4 scantling by way of emphasis. Short, it is feared, will not live long. Should he live short, Lafferty may not live long. Both are Indian citizens, which leads us to remark that the Government made a mistake when it invested the Indians with citizenship and gave them a full swing at fighting fire water.

[Oregon News and Notes.]

Independence must be getting tough. A dispatch sent out from there Monday said: "Yesterday was not the usual quiet Sunday in Independence. The town was crowded with people, and the stores all did a good business; the saloons also had plenty of customers. Sunday night 11 drunks were run in; since the marshal gets fees he keeps the drunk and disorderly off the streets. A fight took place over the river opposite here Sunday night among the Indian hop pickers. Two of them were badly using a third. Frank Isaacs, a Grande Ronde Indian, stepped in to separate them, when Billy Tom, a Siletz Indian, turned and stabbed him with a knife, one wound being very near the heart. Billy Tom has been arrested and taken to Salem. The Indians were more or less drunk."

United States Indian Service, Siletz Indian Agency, Oreg., October 24, 1895.

SIR: I have the honor to submit my report on the condition of affairs at this agency for the month of September, 1895:

Indians.—The larger portion of the indians have been in the hop fields during this month and have earned quite an amount of money, though a great many have saved but little of it, being able to buy whisky without any restraint. They have spent this money in this way, and there are several in

the hands of the law. One of the Siletz Indians will likely go to the penitentiary for stabbing one of the Grande Ronde Indians. It is very unfortunate that the courts have ruled that it is not a violation of law to sell them whisky. I have consulted the United States district attorney in the matter; he advises me we are powerless—can do nothing to prevent the cause. This is the worst feature connected with their citizenship, and has already resulted, and will, I fear, continue to result, in much injury to these Indians. As stated above, the larger portion have been engaged picking hops for white people during the past month; for the present month a portion of them will be engaged plowing and sowing fall grain, while others will be engaged fishing.

BEAL GAITHER, United States Indian Agent.

The Commissioner of Indian Affairs, Washington, D. C.

DEPARTMENT OF THE INTERIOR, Washington, December 31, 1895.

SIR: Referring to Department letter of 10th instant, addressed to the Senate and House of Representatives and transmitting draft of a bill prepared by the Commissioner of Indian Affairs, "to prohibit the sale of intoxicating drinks to Indians, and for other purposes," I have the honor to transmit herewith copy of a communication of the 30th instant from the Commissioner of Indian Affairs and accompanying copy of a petition signed by the Indians of the Santee Agency, Nebr., in favor of the passage of the bill.

Very respectfully,

HOKE SMITH, Secretary.

The Chairman Committee on Indian Affairs,

House of Representatives.

December 30, 1895.

Sir: Referring to my report of November 23, 1895, transmitting a draft of a bill to prohibit the sale of liquors to Indian allottees, in duplicate, with the recommendation that one copy thereof be transmitted to the Vice-President, to be laid before the Senate, and the other be transmitted to the Speaker, to be laid before the House of Representatives, I have the honor to inclose herewith, in duplicate, a copy of the report of December 20, 1895, from Joseph Clements, United States Indian agent of the Santee Agency in Nebraska, with which he forwards a petition, numerously signed by the Indians of his agency, in favor of the passage of said bill.

The legislation proposed in the draft submitted by him as above stated is contained in two bills introduced into the Senate, one by Mr. Jones of Arkansas (S. 855) and the other by Mr. Gallinger, of New Hampshire (S. 855); and it is also contained in a bill introduced in the House by Mr. Meiklejohn (H. R. 280), and many features thereof are contained in the bill H. R. 68, which was introduced by Mr. Meiklejohn in the House. All of the bills herein referred to have been referred by the House and Senate to the Committee on Indian Affairs of each House, respectively, and I have the honor to recommend in order that the committees may be advised with respect to the sentiments of these Indians as regards this matter, that one copy of the inclosed papers be forwarded to the House Committee on Indian Affairs and the other copy be forwarded to the Senate Committee on Indian Affairs for their information.

Very respectfully, your obedient servant.

D. M. BROWNING, Commissioner.

The SECRETARY OF THE INTERIOR.

United States Indian Service, Santee Agency, December 20, 1895.

DEAR SIR: I have the honor to herewith forward you a petition signed by the men and women of Sactee, to show you the desire of these Indians to suppress the liquor traffic among them.

These people are fully aware of their weakness and the injurious and degrading effect liquor has among them.

They would nearly all sign if we had the opportunity to present the petition to them; but many of them have not been at the agency for some time.

I respectfully suggest that there be added to the bill the following amendment, namely, to make it punishable for one Indian to sell or give liquor to another.

another. Very respectfully,

JOS. CLEMENTS, United States Indian Agent.

The COMMISSIONER OF INDIAN AFFAIRS, Washington, D. C.

We, the undersigned women of the Santee Sioux tribe, feeling that the liquor traffic is demoralizing and degrading our people, destructive to habits of industry and ruinous to our homes, respectfully express our approval of the bill introduced by Representative Meiklejohn to stop the sale of all intoxicants to Indians, and we urgently and earnestly pray the United States Senators and Representatives in Congress to earnestly work to secure its nassange.

Anna Brown, Jane Walker, Louisa Redwing, Amanda Brown, Elizabeth M. Frazier, Nancy Barker, Clara Cash, Victoria Robinson, Susan Wambdisin, Martha Redwing (x), witness A. L. Riggs; Wacanga (x), witness A. L. Riggs; Anna Garvie, Maggie Brass, Mrs. Hakewaxte (x), Nancy Jones, Mary Jones, Mrs. Ellen Iron Elk, Mary Kitto. Anna Redwing, Fannie Moose, Rebecca Holmes, Emma Whipple, Mary Henry, Fannie Hony, Sarah Young, 'ulia Wakeman, Ellen Hopkins, Lucinda Robbison, Maggie Chapman, Lucy Kitto, Mrs. Jane Hawk, Wospin, Alice Stone, Mary H. Campbell, Josephine Holsey, June Frazier, Ynhe Wina, Nina Good Teacher, Anna Wakana, Anglic Johnston, Emma Redowl, Mary Goodthunder, Julia Goodthunder, Lizzie Barker, Mary Lightning, Ahewin, Jane Hopkins, Mary Jones, Elizabeth Wicinyan, Ellen Harlan, Lucy Peather, Maggie Wicanapidutawin, Sarah Redowl, Rasele Jeinck, Rebecca Smith, Nancy Anpahdewin, Anna Thomas, Julia Hawk, Rejuta Ellen Pappay, Anna Fluit, Angela Wilson, Ellen Kitto, Jane Stone, Elizabeth Blacksmith, Lucy Redowl, Emily Trudell, Henry Trudell, Elizabeth Wabashaw, Elizabeth Chapman, Lizzie Redwing, Emma Smith, Harriet Robinette, Hattie Robinette, Nancy Pay Pay, Coray Stone.

We, the undersigned Indians of the Santee Sioux tribe, respectfully express our approval of the bill presented by Representative Meiklejohn, of Nebraska, "to stop the sale of all intoxicants to Indians," and urgently and anxiously pray the United States Senators and Representatives in Congress to earnestly work to secure its passage.

James Garvie, Joseph Goodteacher, George D. Redowl, Alfred H. Barker, Baptist Whipple, Daniel Frazier, Joe Robertson, John Ross, Levi Trudell, Chas. Rockwood, William Holmes, Essia Frazier, Joe Godfary, jr., John Jones, Albert Frazier (councilman), Henry Westman. Lame Rawillard, Louis Robineet, Joe

Godfary, sr., Stephen B. Smith, T. J. Gemack, Joseph Wabashaw, Artemus Ehnawnani, William Wabashaw, James Heart, Oliver Laewix, William Abraham, John T. Chapman, Pat Henry, Red Cloud, Joseph Cash, James Brown, Richard Kitto, John B. Chapman (councilman), Joseph A. Kitto (councilman), James Chapman, R. W. Brown, Chas. Frazier, Simon Kitto, Edward Hedges, Samuel Wolfe, Solomon Jones, Charles Jones, Eli Jones, Solomon W. Barker, James C. Lightning, Joshua Crow, Robert (his x mark) Hakewaste, Daniel Wakama, Henry Robinson, Samuel Jones, Eugene Hoffman, Solomon Ross, James Redwing, Stephen John, Thomas Robinson, A. L. Campbell (councilman), Antoine Trudell, Charles Moose, Samuel Campbell, William C. Campbell, Edward Eastman, George Thomas, Joseph A. Walker, Peter Trudell, J. M. Campbell, Capt. B. J. Young, George Laurence, William Henry, Daniel Stone, Charles St. Clair, Thomas C. Whipple, Sam Red Cloud, Joseph Samuel, Daniel C. Westman, John Kitto, Joseph Redwing, Charles Wolfe, Herbert Whipple, George Henry, Isaac Redowl, Willie Bruss, James Sharp, Adam Bulestone, Henry M. Jones, Johnson Redowl, John C. Rammilard, John K. Home, Joshua Harlan, Henry Waumdisin, Andrew Huntka, Oliver Rammilard, Alex Redwing, John Largester, Jo C. Day, Charles Standing Soldier, Wakauhditauha, John Henry, John M. Green, Joseph Robinett, Daniel Coon, Jacob Barker, Joh Goodteacher, John C. Tuttle, John B. Walker, George Good Teacher, Thomas Whipple.

DEPARTMENT OF THE INTERIOR, Washington, February 13, 1896.

Sin: Referring to previous correspondence relative to a draft of a bill prepared by the Commissioner of Indian Affairs, "To prohibit the sale of intoxicating drinks to Indians, and for other purposes," I have the honor to transmit herewith a copy of a communication of Ilth instant and accompanying petition from the Omaha Indians of Nebraska, asking for the passage of the bill introduced by Mr. Meikleyohn, having in view the prohibition of sales of liquors to Indian allottees.

Very respectfully,

HOKE SMITH, Secretary.

The Chairman Committee on Indian Affairs, House of Representatives.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington, D. C., February 11, 1836.

SIR: Referring to my reports of November 23 and December 30, 1895, relative to certain proposed legislation to prohibit the sale of liquors to Indian allottees, I have the honor to inclose herewith (in duplicate) copy of a letter of January 31, 1896, from Capt. W. H. Beck, U. S. A., acting Indian agent of the Omaha and Winnebago Agency, transmitting a petition by the Omaha Indians asking for the passage of the bill introduced by Mr. Meiklejohn, having in view the prohibition of sales of liquors to Indian allottees.
I recommend that one copy of this petition be forwarded to the chairman of the Senate Committee on Indian Affairs and the other copy be forwarded to the chairman of the House Committee on Indian Affairs, for the information of these committees.

Very respectfully, your obedient servant,
D. M. BROWNING, Commissioner.

The SECRETARY OF THE INTERIOR.

DEPARTMENT OF THE INTERIOR,
UNITED STATES INDIAN SERVICE,
Omaha and Winnebago Agency, Nebr., February 5, 1896.
SIR: I have the honor to transmit a petition signed by the Omahas, relative to the liquor bill introduced by the Hon. George D. Meiklejohn, member of Congress.

Very respectfully, your obedient servant,

WM. H. BECK.

Captain, Tenth Cavalry, Acting Indian Agent.

WM. H. BECK,

Captain, Tenth Cavalry, Acting Indian Agent.

Washington, D. C.

DEPARTMENT OF THE INTERIOR, UNITED STATES INDIAN SERVICE, Omaha and Winnebago Agency, Nebr., January 31, 1896.

The Commissioner of Indian Affairs, Washington, D. C.

Washington, D. C.

SIR: We, the undersigned Omaha Indians, are painfully aware of the evil effects of the use of intoxicating liquors among our people, and of the impossibility of restraining many of the Indians from its use, and also that white men can not be prevented from selling it to Indians or giving it to them whenever a bargain is being made between Indians and white men; therefore in view of our past experience and of the failure of the efforts of the officials and Indians to prevent this traffic, we heartily indorse the bill introduced by the Hon. George D. Meiklejonn, prohibiting the sale of all intoxicating liquors to Indians, and beg the friends of the Indians to use all their power to secure its passage through Congress.

[Signed by 255 Indians, of whom 183 are males and 52 are females.]

Indian Rights Association, 1305 Arch Street, Philadelphia, December 9, 1895.

MY DEAR SIR: I acknowledge with thanks the receipt of your favor of the 5th instant, with inclosures. Absence from the city has prevented an earlier

5th instant, with inclosures. Absence from the city has provided in response.

Our association highly approves the efforts you are making in the direction to protect the Indians from the curse of intoxicants, both on the reservations and to those who have received their allotments. We will be glad to cooperate with you to the extent of our power in securing the passage of your bill.

I will also be glad to embody the substance of your letter in our annual report, which is almost completed.

Very truly, yours,

Secretary Indian Rights Association,

Hon. G. D. Meiklejohn.

House of Representatives, Washington, D. C.

Mr. GAMBLE. Mr. Speaker, I only care to say a word in regard to this. Although under the Dawes Act of 1887, which gives the Indians citizenship-

Mr. MORSE. Mr. Speaker, I should like to hear this dialogue.

There is so much confusion that we can not hear what gentlemen

The SPEAKER. Will the House please be in order, and will gentlemen have the kindness to take their seats?

Mr. GAMBLE. Mr. Speaker, I do not know that I could enlarge

Mr. GAMBLE. Mr. Speaker, I do not know that I could emarge on the suggestion made by the gentleman from Nebraska [Mr. Meiklejohn]; but under the law of 1887, which confers citizenship upon Indians who are allottees, yet at the same time under the general supervision by the Indian Department of the Indians their relations to the Government do not change, and it is essentially necessary for the good government of the Indians and for their better met that the sale of intervienting lignory under any pretense betterment that the sale of intoxicating liquors under any pretense

Mr. MADDOX. Mr. GAMBLE. Mr. MADDOX. We do not disagree upon that point at all.
Mr. GAMBLE. Now, then, if these Indians are still under the
charge of an Indian agent, which they are, although they may
have taken allotments, and although they receive annuities and maintain the same relation to the Federal Government practically that they did before, I believe that this law is in harmony with the Constitution in the general supervision over the Indians of the country; and I apprehend that the courts of the country have taken different views on this question. I understand that one of the courts in California has held that even under the existing stations in the courts of the court the coarts in Camorna has need that even under the existing star-nte they have the right to exclude the sale of liquors to Indians, and that arrangement was carried out there. I believe that this is in line with the best judgment of the Commissioner of Indian Affairs and the Interior Department; and I think that the Govern-ment can better protect the Indians from the sale of intoxicating liquors than by referring it to the States in which they may be located. I earnestly hope that the bill may pass, because I believe it is thoroughly essential for the government and control of the Indians

Mr. LITTLE. May I ask my friend a question?
Mr. GAMBLE. Certainly.
Mr. LITTLE. I suppose there is no doubt but what the State governments have jurisdiction of those Indian citizens. If the State courts have jurisdiction over the Indians who have become citizens of the United States, what is the necessity of Congress taking this advanced and doubtful ground for their protection?
Are not the States amply able to do that?
Mr. GAMBLE. There appears to be a conflict of opinion as to

Mr. GAMBLE. There appears to be a conflict of opinion as to the right of the State or the jurisdiction of the Federal Government in these matters. These matters heretofore have been controlled by the Federal Government entirely, and such has been the expectation of those having the control of the Indians that it should remain in the Government and not in the State authorities. They think it can be better and more efficiently controlled by the Federal Government than by the State.

Mr. LITTLE. But suppose anyone under the law of the State should be indicted by the State court, and likewise be indicted by the Federal court. It seems to me that that would get up endless confusion. What have your States held heretofore on the subject?

Mr. GAMBLE. I do not think the question has ever come before the courts that my attention has been definitely called to. The State courts have never taken jurisdiction. It occurs to me, as suggested by my friend from Nebraska [Mr. Meiklejohn], that the Indians are still wards of the Government. They simply hold a title under the jurisdiction of the Government, which may

be extended even during twenty-five years.

Mr. BAILEY. Will the gentleman permit an inquiry?

Mr. GAMBLE. Certainly.

Mr. BAILEY. Does not the act provide that when they take this land in allotment they become citizens?

Mr. GAMBLE. They become citizens.

Mr. BAILEY. Then it is utterly impossible for them to be citizens and provide the third states of the Livited States of the come time. It is constituted to the come time.

zens and pupils of the United States at the same time. It is very clear that the Government has the right to continue them in the state of tutelage and dependence, but when it terminates that condition and makes them citizens of the United States, then it has no more power to legislate specifically for them than for any other

Mr. GAMBLE. This is entirely a question of jurisdiction. is a matter that ought to be passed upon and determined by the courts. The Interior Department, I know, does exercise jurisdic-tion and control of the Indians who have taken allotments, that is, those who still retain tribal relations, and I believe we can bet-

ter maintain this tutelage than by referring it to State jurisdiction. [Cries of "Vote!" "Vote!"]

Mr. MEIKLEJOHN. Mr. Speaker, if there be no others who desire to speak on the measure, I would ask for the previous

Mr. MADDOX. Just a word, Mr. Speaker, and then I am

Mr. MEIKLEJOHN. I yield to the gentleman.
Mr. MADDOX. This is a question which involves the constitutionality of the law which the gentleman proposes to pass. I am fully aware of the necessity of this legislation, and the wis-

dom of this legislation. It is only a question as to whether Congress has the right to pass this law on the subject. The gentleman from Arkansas [Mr. LITTLE] and myself are of the opinion that Congress has no authority to pass this law. We believe that when these Indians have their lands allotted to them and they become citizens of a State, the State only can legislate on this subject. Our friends take a different view from this. We want to put ourselves right upon the record. We have no objection to the legislation, except we believe it to be unconstitutional and will reto "."

Mr. MEIKLEJOHN. Mr. Speaker, I desire to say in reply to the gentleman from Texas, in relation to the act of 1887, known as the Dawes Act, that it is a contested question what qualifica-tions relating to citizenship that act carried with it. I ask for the

previous question.

The previous question was ordered.

The bill was ordered to be engrossed and read a third time. The question being taken on the passage, the Speaker declared that the noes seemed to have it.

Mr. MEIKLEJOHN. I ask for a division.

The house divided; and there were—ayes 82, noes 22.

So the bill was passed.

On motion of Mr. MEIKLEJOHN, a motion to reconsider the rote by which the bill was passed was laid on the table.

The title was amended as proposed by the committee.

KANSAS, OKLAHOMA CENTRAL AND SOUTHWESTERN RAILWAY COMPANY.

Mr. SHERMAN. Mr. Speaker, on behalf of the Committee on Indian Affairs I call up the bill (H. R. 9863) to extend and amend an act entitled "An act to grant the right of way to the Kansas, Oklahoma Central and Southwestern Railway Company through the Indian Territory and Oklahoma Territory, and for other purposes," approved December 21, 1893.

The bill was read, as follows:

poses," approved December 21, 1893.

The bill was read, as follows:

Be it enacted, etc., That the provisions of an act entitled "An act to grant the right of way to the Kansas. Oklahoma Central and Southwestern Railway Company through the Indian Territory and Oklahoma Territory, and for other purposes," approved December 21, 1898, be, and the same are hereby, extended for a period of two years from and after December 21, 1898, so that said Kansas, Oklahoma Central and Southwestern Railway Company shall have until December 21, 1898, to build the first 100 miles of its said railway line in said Territories, and two years thereafter to complete the same.

SEC. 2. That section I of said act approved December 21, 1898, be amended to read as follows: "That the Kansas, Oklahoma Central and Southwestern Railway Company, a corporation organized, created, and existing under and by virtue of the laws of the Territory of Oklahoma, and of the laws of the State of Kansas, be, and the same is hereby, invested and empowered with the right of locating, constructing, equipping, operating, using, and maintaining a railway, telegraph, and telephone line through the Indian Territory and Oklahoma Territory, including lands that have been allotted to Indians in severalty or reserved for Indian purposes, beginning at any point to be selected by said railway company on the south line of the State of Kansas, in the county of Montgomery, on the south line of the State of Kansas, in the county of Montgomery, on the south line of the State of Kansas, in the county of Montgomery, on the south line of the State of Kansas, in the county of Montgomery, on the south line of section No. 14, township No. 35, range No. 18 cast of the sixth principal meridian, or on the south line of section No. 13 or section No. 14, township No. 35, range No. 18 cast of the sixth principal meridian, or on the south line of section No. 18 or section No. 19, township No. 35, range No. 18 cast of the sixth principal meridian, or on the south line of section No. 18 o

Mr. SHERMAN. Mr. Speaker, the purpose of this bill is simply to extend for two years the time for the construction of this railroad; but, while extending the time, we insert certain limitations that are now put in all bills of this character, though they were not usually inserted in them at the time when the original bill was

The bill was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

On motion of Mr. SHERMAN, a motion to reconsider the vote by which the bill was passed was laid on the table.

Mr. SHERMAN. The Committee on Indian Affairs have no

further business at this time, Mr. Speaker.

Mr. DBAPER (when the Committee on Patents was called). Mr. Speaker, I am directed by the Committee on Patents to call up for consideration the bill (H. R. 3014) revising and amending the statutes relating to patents.

The bill was read, as follows:

The bill was read, as follows:

Be it enacted, etc., That section 4888 of the Revised Statutes be, and the same hereby is, amended by inserting on line 4, after the word "country," the words "before his invention or discovery thereof," and on line 5, after the word "thereof," the words "or more than two years prior to his application," so that the clause so amended will read as follows:

"SEC. 4886. Any person who has invented or discovered any new and useful art, machine, manufacture, or composition of matter, or any new and useful improvements thereof, not known or used by others in this country before his invention or discovery thereof, and not patented or described in any printed publication in this or any foreign country before his invention or discovery thereof, or more than two years prior to his application, and not in public use or on sale in this country for more than two years prior to his application, unless the same is proved to have been abandoned, may, upon payment of the fees required by law and other due proceeding had, obtain a patent therefor."

SEC. 2. That section 4220 of the Revised Statutes be, and the same hereby is, amended by adding to the third clause of said section after "thereof" and before "or" the following words: "or more than two years prior to his application for a patent therefor;" so that the section so amended will read as follows:

Sec. 2. That section 3930 of the Revised Statutes be, and the same hereby is, amended by adding to the third clause of said section after "thereof" and cation for a patent therefor," so that the section so amended will read as follows:

"Sec. 430. In any action for infringement the defendant may plead the general issue, and, having given notice in writing to the plaintiff or his attorage and the section of the plaintiff or his attorage and the section of the plaintiff or his attorage precial matters:

"First. That for the purpose of deceiving the public the description and specification filed by the patentse in the Patent Office was made to contain isses than the whole truth relative to his invention or discovery, or more than isses than the whole truth relative to his invention or discovery, or more than isses than the whole truth relative to his invention or discovery, or more than isses than the whole truth relative to his invention or discovery, or more than isses than the whole truth relative to his invention or discovery, or more than its properties of the patent for the which was in fact invented by another, who was using reasonable dill-gene in adapting and perfecting the same; or,

"Second. That he had surreptitiously or unjustly obtained the patent for that which was in fact invented by another, who was using reasonable dill-gene in adapting and perfecting the same; or,

"Fourth. That he was not the original and first inventor or discoverer of any material and substantial part of the thing patented; or any material and substantial part of the thing patented; or may material and substantial part of the thing patented; or may material and substantial part of the thing patented; or more of the public.

"The patents and when granted in vention, the publication for a patent herefor;" and includes the defendant, and the sames and residences of the public.

"The patents and when granted and the names and residences of the brains and proofs of the same may be given upon like notice in the advantage of the pat

Statutes, the certificate of such acknowledgment, under the hand and official seal of such notary or other officer, shall be prima facie evidence of the execution of such assignment, grant, or conveyance;" so that the section so amended will read as follows:

"Sec. 4898. Every patent or any interest therein shall be assignable in law by an instrument in writing, and the patentee or his assigns or legal representatives may in like manner grant and conveyan exclusive right under his patent to the whole or any specified part of the United States. An assignment, grant, or conveyance shall be void as against any subsequent purchaser or mortgagee for a valuable consideration, without notice, unless it is recorded in the Patent Office within three months from the date thereof.

"If any such assignment, grant, or conveyance of any patent shall be acknowledged before any notary public of the several States or Territories or the District of Columbia, or any commissioner of the United States circuit court, or before any secretary of legation or consular officer authorized to administer oaths or perform notarial acts under section 1750 of the Revised Statutes, the certificate of such acknowledgment, under the hand and official seal of such notary or other officer, shall be prima facie evidence of the execution of such assignment, grant, or conveyance."

Sec. 6. That section 4221 of the Revised Statutes be, and the same hereby is, amended by adding thereto the following sentence:

"But in any suit or action brought for the infringement of any patent there shall be no recovery of profits or damages for any infringement committed more than six years before the filing of the bill of complaint or the issuing of the writ in such suit or action, and this provision shall apply to existing causes of action;" so that the section so amended will read as follows:

"Sec. 4921. The several courts vested with jurisdiction of cases arising under the patent laws shall have power to grant injunctions according to the course and principles o

Mr. DRAPER. Mr. Speaker, I ask for the reading of the report as a part of my remarks.

The report (by Mr. DRAPER) was read, as follows:

Mr. DRAPER. Mr. Speaker, I ask for the reading of the report as a part of my remarks.

The report (by Mr. DraPER) was read, as follows:

The committee on Patents, to whom was referred House bill 3014, have had the same under consideration and report as follows:

This is a bill prepared by a special committee of the American Bar Association on amendment of the patent law, whose report was accepted and indorsed by the entire association.

Coming before the committee and the House as the result of the study of the ablest lawyers of the country who have had to deal with all the questions under the patent law that come before the courts, your committee have felt that their recommendation was entitled to great weight, and have been naturally inclined to report the bill without amendment. They have, however, further sought the advice of the Commissioner of Patents and of some of the most eminent judges on the bench, who concur in the opinion that the changes proposed by the eminent gentlemen responsible for the bill. There is a strong feeling in the community that undue delays in the Patent Office, which have endeavored to make the amendment proposed by the bar association to meet this state of things even more stringent.

To this end they recommend an amendment to this bill, as follows: That section 4, line 5, on page 5, be amended by the insertion after the word "months" of the following:

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To this end they recommend an amendment to this bill, as follows: That section 4, line 5, on page 5, be amended by the ins

not affect the term of the United States patent unless the application for said foreign patent was filed more than seven months prior to the filing of the application in this country, in which case no patent shall be granted here. A similar provision exists in the laws or treaties of most European countries, and this provision, it is believed, will accomplish the object which the legislators had in view in framing the present law, and will obviate all of its present inconveniences. This section as amended will not apply to any patent in this country granted prior to the passage of this act, nor to any applications for a patent in this country then pending, or to any patent granted on such a pending application.

The amendment provided in section 4 to section 4894 is for the purpose of preventing delays in the Patent Office. The bill provides that the term of two years within which the applicant must complete and prepare for examination the filing of his application, and also the same term within which he must prosecute the same for action thereon, shall be reduced to six months. The committee believe that this shortening of time for delay is proper, and have gone further in the same direction in the amendment to the bill which they have recommended.

Section 5 of the bill is a matter of detail, and provides that a certificate of acknowledgment of assignment of patents before a proper officer shall be prima facie evidence of execution.

Section 6 provides a statute of limitation in patent cases. Under the decisions of the Supreme Court the State statutes of limitation apply to actions for infringement of patents broughtupon the law side of the court. It seems to your committee desirable that there should be a uniform statute of limitations, and they therefore adopt the recommendation of the committee of the bar association.

It is believed, as before stated, that these amendments will simplify and improve the patent law, and they are unanimous in recommending the passage of the bill, with the exception of the la

Mr. DRAPER. Mr. Speaker, this bill proposes half a dozen minor amendments to the patent law which have been recommended unanimously by the American Bar Association. A year ago or more a committee of that association was appointed to consider such amendments as might be found desirable in the patent law, and that committee, while unable to agree on matters which they considered of great moment, did agree to recommend the half dozen amendments which are embodied in this bill. I will not discuss the matter generally at length, but will take up these modifications one at a time and explain them to the House. I may say in the outset that the bill, in the reading, sounded somewhat forwidth because the output forwidth has a somewhat forwidth because the output forwidth and the sound of the sound what formidable, because the entire statutes that are proposed to

be amended were read.

The first amendment is to section 4886. It provides that the patenting or publication of an invention in any foreign country more than two years prior to the application in this country shall be a bar to obtaining a patent. That is to say, if a patent is granted in a foreign country, then after two years from the grant of that patent the applicant can not obtain a patent in the United of that patent the applicant can not obtain a patent in the United States, as he now can. As the law now stands, a man may publish or patent an invention in a foreign country and years afterwards it may be patented in this country. In the United States if an inventor has his invention in public use more than two years before he applies for a patent he can not obtain a patent upon it. It seems to me, and it seems to your committee, that this amendment would be a very proper addition to the law, and an addition in the interest of the public.

Section 5 of the bill is a matter of detail. It provides that a certificate of acknowledgment of assignment of a patent, before

Section 5 of the bill is a matter of detail. It provides that a certificate of acknowledgment of assignment of a patent, before a proper officer, shall be prima facie evidence of execution.

Section 6 provides a statute of limitation in patent causes. This is the only section upon which there was any difference of opinion in your committee. Some members of the committee thought that the statutes of limitation of the several States should control, whereas this bill proposes to make a universal statute of six years, covering the entire country. No minority report, however, has been filed, so that the bill stands as the recommendation of the

committee.

It is also sought in the bill to remedy an evil which some have considered almost an abuse in the Patent Office, namely, that an applicant for a patent can make his application, receive a rejecapplicant for a patent can make his application, receive a rejection, wait two years before making an answer to the rejection, and continue in that way, so that the application may remain in the Patent Office a long time, a term of five or ten or possibly fifteen years, and then may come out of the office and cover the invention for seventeen years from the date of issue. This bill proposes an amendment to that part of the law by substituting the words "six months" for the words "two years," so that after receiving a reply from the office to his application the applicant shall be required to make his answer within six months, thus reducing the length of time that an application can remain in the office. This, however, did not seem a sufficient limitation to your committee, and the amendments which they have proposed go committee, and the amendments which they have proposed go still further in the direction of limiting not only the time that the applicant can delay answering the reply of the Patent Office to his application, but also limiting the time that his application can remain without final action in the office, except in cases of interference.

The amendments which are proposed by the committee apply to different sections of the bill, but mean exactly the same thing. The amendment to section 4 proposes to insert the following:

And upon failure to complete the case for final action within eighteen months after the filing of the application the Commissioner of Patents may

require the applicant to show cause why final action should not be taken thereon; and if upon such hearing the Commissioner determines that the application has not been prosecuted with reasonable diligence, he shall make an order requiring the applicant to complete his case for final action within six months thereafter, and upon the expiration of said six months final action shall be taken thereon. In cases where interference has been declared, three years' additional time may be allowed for the prosecution of the interference, which time may be extended by the Commissioner of Patents upon its being shown to his satisfaction that due diligence has been shown in prosecution of such action.

Another amendment of the committee proposes a change in the provision of section 4887 of the Revised Statutes. This amendment is made desirable by a recent decision of the Supreme Court, to the effect that under the present law, properly interpreted, the term of a United States patent is to be limited by that of a foreign patent if the foreign patent was for the same invention and was issued before the patent granted by the United States. The fact is, that when this bill was prepared it was intended to cover cases of foreigners taking patents in the United States. But there have arisen cases in which Americans, having made inventions, have applied simultaneously for an American patent and a foreign patent; and in such cases, owing to the fact that in most foreign countries there is no system of examination, while in our country there is such a system, which delays the issue of the patent for there is such a system, which delays the issue of the patent for months, at least, and possibly for years, the foreign patent has frequently come out first. In such cases, according to the decision to which I refer, the American patent expires at the date of the expiration of the foreign patent. The amendment to section 4887 was intended to cover these cases. It is proposed as an amendment to the existing law that the granting of a foreign patent to the same inventor or his assigns shall not affect the term of the United States patent upless the application for said foreign patent. United States patent unless the application for said foreign patent was filed more than seven months prior to the filing of the application in this country, in which case no patent shall be granted here. A similar provision exists in the laws or treaties of most European countries, and this provision, it is believed, will accomplish the object which the legislators had in view in framing the

plish the object which the legislators had in view in framing the present law, and will obviate all of its present inconveniences.

This section as amended would not apply to any American patent that has been granted prior to the passage of this act or to any applications now pending in this country for a patent, or to any patent granted on any pending applications. It will apply only to applications which may be made after the passage of this bill.

Now, Mr. Speaker, I believe I have explained the cases that this bill is intended to cover. It embraces, as will be seen, merely minor modifications of the patent laws. Its passage is recommended by the bar association, whose committee bestowed a great deal of time in the investigation of the subject. It is recommended by the Commissioner of Patents, and recommended also by your Committee on Patents. Committee on Patents.

Reserving the balance of my time, I shall be glad to answer any questions in regard to the bill that any gentleman may desire to ask. If no one desires to make any inquiry, I will ask for a vote.

Mr. HULICK. I wish to ask the gentleman, in the first place, whether there are any copies of this bill which can be had? I have

been trying to secure a copy of the bill and report, but have thus far failed to do so.

Mr. DRAPER. Copies of the bill and report are, so far as I know, in the document room; but I shall be very glad to furnish

to the gentleman my copies.

Mr. HULICK. There is one further question I should like to I wish to know whether these amendments have reference to cases where patents have expired and where parties have desired to obtain renewals. There are cases where, upon the expiration of a patent, parties may desire, by reason of the death of the inventor, or for some other good reason which might be satisfactory to the Department, to obtain a renewal. Has the committee in any of these amendments provided any means outside of the existing laws by which patents may be renewed; and if so, for what length of time?
Mr. DRAPER.

One of the amendments provides that the Commissioner of Patents may require the applicant to show cause why final action should not be taken, and if he shows reasonable cause,

of the amendments of the committee, I presume.

Mr. HULICK. Yes, sir; and with reference to the particular matter I have just indicated.

Mr. DRAPER. If the gentleman desires, I will read the amendments.

ments again. Mr. HULICK. I think the gentleman did not comprehend the

Mr. HULICK. I think the gentleman did not comprehend the scope of my question.

Mr. DRAPER. I desire to do so.

Mr. HULICK. So I understand. Now, I wish to know whether the existing laws or the regulations of the Department in reference to the renewal of a patent which has expired by limitation of time are affected by any of these amendments submitted by the committee? There are, of course, cases where it may be desired for some good reason that an extension of the patent be granted. for some good reason that an extension of the patent be granted, in order that the patentee or his representatives may realize something from the invention.

Mr. DRAPER. There is nothing in the bill which affects that question one way or the other.

question one way or the other.

Mr. HULICK. Well, I have not had time or opportunity to examine the bill; hence I asked the question.

Mr. MITCHELL. Mr. Speaker, this bill (H. R. 3014) has been so carefully considered by the committee and so ably presented and explained by the chairman of the committee [Mr. Draper], both in his report and in his remarks, that those who have read the one and heard the other will be convinced of the importance. the one and heard the other will be convinced of the importance of passing this bill.

The great ingenuity of the American people, their fertility of ideas, and their untiring energy in carrying them out have been among the great causes of development in this country and the reasons for its great advancement in industry and wealth. The protection of the inventions of our people by granting them the right (by patent) to sue others using their improvements without permission from the inventor has given the inventor the opportunity of getting the necessary assistance to perfect and

fully develop his ideas and put their resultant on the market.

The effect has been that our machinery and mechanical devices have so cheapened in many matters the cost of production that we find our goods selling cheaper in foreign markets than they can be made for there, and yet the American laborer is paid in the manufacture of these articles double and treble the amount paid

manufacture of these articles double and treble the amount paid for similar labor in foreign countries.

Our statutes affecting patent rights have long needed the amend-ments made by this bill in order, among other things, to expedite the granting of patents and to give our patentees relief from the effect now given to foreign patents, and their lapsing affecting our patents under certain conditions. This bill properly regulates these matters and gives only such rights as should have been pro-vided for long ago. In this respect it relieves patentees and those who are assisting them from a cumbersome system, which worked who are assisting them from a cumbersome system, which worked no good to any one and great harm to the American inventor in

The universal statute of limitation provided for by this bill will also meet, I am satisfied, with general approval by the courts, for it again simplifies the issues and gives six years—an abundant time to the industrious prosecutor of his rights—to push his claims, and prevents an inventor sleeping on his rights too long and allowing others to develop his invention, and when they have amassed a profit by their industry, to compel them to pay triple damages after a long lapse of years. The statutes giving patent rights being national, the limitation of recovery should also be limited by national laws and be uniform throughout the country.

Mr. DRAPER. I ask for a vote on the amendments of the

committee.

The question being taken, the amendments were agreed to. The bill as amended was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

On motion of Mr. DRAPER, a motion to reconsider the last

vote was laid on the table.

PATENTS GRANTED TO NAVAL OFFICERS.

Mr. FAIRCHILD. Mr. Speaker, I desire to call up another bill from the Committee on Patents, the bill (H. R. 4178) providing for the use by the United States of devices covered by letters patent. The bill was read, as follows:

The bill was read, as follows:

Be it enacted, etc., That whenever, in the judgment of the Secretary of the Navy, the public interests will be promoted by the use in the naval service of devices covered by letters patent issued to any officer of the Navy, whether retained in his ownership or assigned to others, the United States may acquire the right to use said device upon such terms or at such rate of compensation as may to the Secretary of the Navy seem just and equitable, and in determining the compensation to be paid by the United States for the assignment or for the use of such devices regard will be had by the Secretary of the Navy to any facilities in originating the work or perfecting the invention which the inventor may have enjoyed by reason of his connection with the public service.

Mr. FAIRCHILD. I ask for the reading of the report in my time. The report (by Mr. FAIRCHILD) was read, as follows:

The report (by Mr. FAIRCHILD) was read, as follows:

The Committee on Patents, to whom was referred the bill (H. R. 4178) providing for the use by the United States of devices covered by letters patent which may be hereafter issued to any officer of the Navy, have examined the same, and report as follows:

The evils sought to be remedied by this bill, and the arguments in support thereof, are referred to by the Secretary of the Navy in his annual report to Congress as follows:

"Inventions useful to the naval service are frequently patented by officers of the Navy. Officers have peculiar opportunities in the line of their duty for discovering the defects of naval appliances and devising remedies for the same. When they have been especially assigned to the duty of making experiments for the purpose of suggesting improvements in some particular direction, if the facilities for conducting the experiments have been furnished by the Department, and the expenses, including the procuring of patents, have been borne by the Department, the improvements or devices are the property of the United States.

"When, however, an officer is not acting under authority of the Department, and the invention does not concern a matter the officer was especially assigned the duty of investigating, and when the expenses of making experiments and procuring the letters patent are borne by the officer, it has been held that the patent is the property of the officer, and is valid as against the Government itself. In order to use these devices the United States must obtain the consent of the patentee and pay him such price for the use of the same as he may demand, and it has frequently been found difficult to adjust the rights of officers as against the Government in these cases.

"The inventive genius of officers should not be suppressed, nor should they be unjustly deprived of the fruits of their labor, but, on the other hand, there ought to be no extraordinary pecuniary stimulus to turn to their own advantage knowledge acquired at the expense of the Government and tending to promote the interests of the service in which they are employed. Such a stimulus exists where the Government must do without improvements essential to its naval power or pay to persons whom it has educated and furnished the opportunities for developing such improvements such prices as they may insist upon for the same.

"The British Government has recently found it expedient to prescribe the terms under which its navy shall acquire the use of inventions patented by persons in its naval service, and the following provisions appear to me to be particularly equitable and just: "The invention may be used by or for Her Majesty's service, and that the terms of payment, if any, shall be decided by the admiralty,' and 'in settling terms, either for assignment or use, regard will be had by the admiralty to any facilities in originating, working out, and perfecting the invention which the inventor may have enjoyed by reason of his official position."

"As naval officers receive their education at the expense of the Government, and their opportunities to make improvements in naval appliances result largely from such education and the facilities afforded them by the duties they perform under the Government, I have the honor to recommend that Congress be asked to enact legislation providing that the United States may at any time acquire the right to use devices covered by letters patent issued to officers of the Navy, whether retained in their ownership or assigned to others, upon such terms and at such rate of compensation as may, by the Secretary of the Navy, whether retained in their ownership or assigned to the Secretary of the Navy, 1895, pages 48 and 49.)

Similar references were made in the report of the Judge-Advocate-

The amendments were agreed to. The question recurred on the engrossment and third reading of the bill.

Mr. BLUE. Mr. Speaker, I would like some explanation other than the report gives about this bill. Is it the purpose of its enactment to give to an officer in the employ of the Government the benefit of a patent gained while in the discharge of his duty, while in the pay of the Government, and when his services and time belonged to the Government? Does it give him an opportunity to receive the full benefit of a patent which he may acquire under such circumstances?

Mr. FAIRCHILD. I will answer the gentleman by stating that a naval officer now in the employ of the Government has the privilege to which he refers, and he has it to an extent that he can deprive the Government even of the right to use the patent in any way whatever except upon his own terms. It is to correct that very evil that the bill is drafted, in accordance with the recommendation of the Secretary of the Navy, who has had experience resulting from the present situation; and the bill is designed, while not taking away from the officer the privilege of receiving proper compensation for any invention that he may make, to provide a means of determining what that proper compensation shall be when the patent is used by the United States Government.

Mr. BLUE. Then the bill seems to be in the direction of correcting the evil I thought it was attempting to establish. I have

no further questions to ask.

The bill was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

Mr. MITCHELL. Mr. Speaker, this bill (H. R. 4178) is also of great importance and should be passed. There is not a company engaged in manufacture in the United States and properly managed which does not seek to protect its interests by securing itself in the right to the exclusive use of the inventions of its employees in the line of the business which they are carrying on; and it is customary for companies developing new ideas to have an agreement with every employee providing for the purchase by the employer of the inventions of the employee on some fair basis.

The rights secured by patent emanate entirely from the Government, and it is a special privilege granted by statute to inventors, and from which the inventor derives exclusive advantages.

As the average business corporation, as I have before said, protects itself even from an employee who may be only a short time in its employ, certainly the Government should be placed in as good a position as the average company, and should not be excluded from using, under some fair arrangement, the inventions of men from using, under some fair arrangement, the inventions of men who are not only in the employ of the Government but whom the Government has specially educated for many years, at its own expense, in the line in which the inventions are made. It would seem that no argument would be necessary to convince even the naval inventor who would be affected by this particular bill that it was most eminently fitting for him to give to the Government, for a fair return, the exclusive right to the use of any improvements born of his inventive genius. Were the Government deprived of this right it might prove disastrons to the country. prived of this right it might prove disastrous to the country.

Those inventions might be the very ones which would be required to perfect some mechanical device which would place the Government in a much safer position than it otherwise would be in. It would, therefore, be a mistake to put any curb on the inventive genius of the naval inventor. This bill does not put a curb upon it, but gives the Government the opportunity of acquiring the inventions on paying the employee of the Government such compensation as his inventive genius may be entitled to, and thus obtaining the exclusive right to the use of his inventions.

CONSIDERATION OF PRIVATE PENSION BILLS.

Mr. HENDERSON. Mr. Speaker, I desire to submit a privileged report from the Committee on Rules, and ask its present consideration.

I am directed by the committee, to whom was referred House resolution No. 482, to report back the same and recommend its passage.

The SPEAKER. The resolution will be read.

The resolution was read, as follows:

The resolution was read, as follows:

Resolved, That on Tuesday, the 19th day of January, immediately after the reading of the Journal, the House shall resolve itself into Committee of the Whole House for the consideration of such bills as are in order on the sessions of Friday evenings, and that in the consideration of such bills under this resolution ten minutes' debate shall be allowed on each bill, with the amendments thereto, such time to be divided equally between those favoring and those opposing the bill: Provided, however, That nothing in this resolution shall be construed as interfering with conference reports on general appropriation bills.

Mr. HENDERGON.

Mr. HENDERSON. I ask the previous question. Mr. GROSVENOR. Mr. Speaker—

Mr. GROSVENOR. Mr. Speaker—
The previous question was ordered.
Mr. GROSVENOR. Mr. Speaker, I was trying to get the attention of the Chair for the purpose of stating that as I understand it an assignment of an election case was made for to-morrow.
Mr. HENDERSON. That goes over by consent, or request of the Elections Committee, until Wednesday. Judge McCall desires me to state to the House in this connection that the Virginia contested-election case of Yost vs. Tucker will come up on Wednesday next.

The resolution reported from the Committee on Rules was

The resolution reported from the Committee on Rules was

agreed to.

The Clerk proceeded with the call of committees.

CHARGES OF DESERTION IN CERTAIN CASES.

Mr. CUMMINGS. Mr. Speaker, on behalf of the Committee on Naval Affairs, I present the bill which I send to the Clerk's

The Clerk read the title of the bill, as follows:

A bill (H. R. 9102) to amend section 5 of an act to relieve certain appointed or enlisted men of the Navy and Marine Corps from the charge of desertion, approved August 14, 1888.

The SPEAKER. This call is for bills upon the House Calendar. Mr. CUMMINGS. This bill does not come up under the rules now?

The SPEAKER. It would not be in order now.

LEASE OF CERTAIN ISLANDS IN ALASKA.

Mr. SCRANTON. Mr. Speaker, on behalf of the Committee on Territories, I present the bill (S. 2555) to authorize the Secretary of the Treasury to issue leases of certain islands in Alaska for the breeding of foxes.

The bill was read.

Mr. DOCKERY. I hope we may have the report read, Mr. Speaker, so as to understand the bill.

The SPEAKER. This bill is not on the House Calendar. 1t

has never been reported.

Mr. SCRANTON. The committee has authorized a favorable

report.

The SPEAKER. It is not on the Calendar. It must be on the

Calendar to be in order under this call.

Mr. SCRANTON. A Senate bill?

The SPEAKER. A Senate bill. The idea of this committee hour, so called, is to bring up bills which are on the Calendar of the House and which do not involve an appropriation. required to be on the Calendar, so that the House may have some notice of its existence as a bill.

Mr. SCRANTON. Then I will ask to withdraw the bill.

ORDER OF BUSINESS.

Mr. BARTHOLDT. Mr. Speaker-

Mr. BARTHOLDT. Shr. Speaker
The SPEAKER. For what purpose does the gentleman rise?
Mr. BARTHOLDT. I ask unanimous consent to have the Committee on Immigration called again. I have a resolution from that

The SPEAKER. Is the resolution on the House Calendar?
Mr. BARTHOLDT. No, sir.
The SPEAKER. It is of no use to call the committee then.
Mr. BARTHOLDT. It is merely a formal matter.
The SPEAKER. This would not be the proper time.
The Clerk resumed and completed the call of committees.

Mr. BAILEY. Mr. Speaker, I desire to make a parliamentary inquiry.
The SPEAKER. The gentleman will state it.

Mr. BAILEY. I desire to know if to-day was designated as Dis-

trict of Columbia day?
The SPEAKER. It was; but the chairman of the Committee on the District of Columbia thought he would not call up matters

from that committee until later. Mr. BAILEY. Then I desire to know if, under that regular order, he has the right to desist so long as he pleases, and then take advantage of the order at any time he pleases. It seems to me, if this day has been set apart for that purpose, he owes it to the House to enter upon the business of that committee.

Mr. DOCKERY. He should either claim the day or disavow

his intention to do so.

The SPEAKER. If anybody is to blame for that, the Chair thinks he is. The Chair thought that, as he was informed that the business of the District of Columbia would take but about two hours, perhaps we could finish up some business on the House Calendar in a more expeditious way in the early part of the day, rather than in the later part.

Mr. BAILEY. I frankly say to the Chair that I have been induced to make the inquiry by reason of the fact that a number of gentlemen have inquired of me what the District Committee intended to call up, and I was unable to answer.

The SPEAKER. Well, the Chair is unable to answer that. He

was not aware of any special matter that was to be brought up, but understood that there were some matters that would be likely to take an hour and a half or two hours, and in endeavoring to dispose of the business of the House it seemed that this would perhaps be the better way to do it.

Mr. BAILEY. I should not have interrupted the call except for the fact that there seems to be no further committee business.

Mr. TERRY. Mr. Speaker, there seems to be a sort of inter-lude here, and I should like unanimous consent to get a bill in. [Laughter.

Mr. SHERMAN. I ask unanimous consent that we return to

the Committee on Interstate and Foreign Commerce.

The SPEAKER. The gentleman from New York [Mr. Sherman] asks unanimous consent to return to the Committee on Interstate and Foreign Commerce, for the consideration of a bill that will be appropriate under this call. Is there objection?

There was no objection.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Platt, one of its clerks, announced that the Senate had passed the following resolution; in which the concurrence of the House was requested:

Resolved by the Senate (the House of Representatives concurring), That the building providing additional accommodations for the Library of Congress shall not be used or occupied, nor any part thereof, for any purpose other than that legitimately connected with the aforesaid Library of Congress as authorized by law.

The message also announced that the Senate had passed without amendment the bill (H. R. 9733) to authorize the Union Railroad Company to construct and maintain a bridge across the Monongahela River.

SENATE RESOLUTION REFERRED.

Under clause 2 of Rule XXIV, the following resolution was taken from the Speaker's table and referred to the Committee on the Library:

Resolved by the Senate (the House of Representatives concurring), That the building providing additional accommodations for the Library of Congress shall not be used or occupied, nor any part thereof, for any purpose other than that legitimately connected with the aforesaid Library of Congress as authorized by law.

MESSAGE FROM THE PRESIDENT.

A message in writing from the President of the United States was communicated to the House by Mr. PRUDEN, one of his secretaries, who also announced that the President had approved and signed bills and joint resolutions of the following titles: On January 14, 1897: An act (H. R. 4604) granting a pension to Jane Fisher.

On January 15, 1897: An act (H. R. 878) to reduce the cases in which the penalty of death may be inflicted.

On January 16, 1897:
An act (H. R. 5407) to remove the charge of desertion now standing against Oscar A. Bulette, known in his military title as standing against Oscar A. Bulette, known in his military title as Austin Bulette, late private in Company E, Fifty-second Illinois Infantry Volunteers, during late war;
An act (H. R. 2358) for the relief of Arminda White, widow of Israel White;
An act (H. R. 5393) for the relief of Lucinda Rickards, widow, and the minor children of John D. Rickards, deceased;
An act (H. R. 979) granting a pension to Frances E. Helfenstein:

An act (H. R. 2405) granting a pension to Maria Gibbons; An act (H. R. 4405) granting a pension to Augustus G. Cary; An act (H. R. 5050) granting a pension to Ransom C. Hazelip; An act (H. R. 5311) granting a pension to Sarah Ann Wible;

An act (H. R. 9139) granting a pension to Margaret J. Young.

On January 16, 1897:
Joint resolution (H. Res. 213) to permit railroads in the District to occupy additional parts of the streets to accommodate the traveling public attending the inaugural ceremonies.

The following bills were presented to the President on the 5th instant, and not having been returned by him to the House of Congress in which they originated within the time prescribed by the Constitution of the United States, have become laws without his approval:

An act (H. R. 2969) to grant a pension to Mrs. Lucy A. Allen; An act (H. R. 4361) to pension William H. Nesbitt; An act (H. R. 986) for the relief of Hiram P. Pauley; An act (H. R. 5787) for the relief of Henry A. F. Worth; An act (H. R. 1022) to increase the pension of Bryan Cotton; An act (H. R. 6468) to increase the pension of Andrew R. Ladd; An act (H. R. 6466) to increase the pension of George V. Barnard:

An act (H. R. 5400) to increase the pension of Mary L. Bacon, widow of the late George B. Bacon, late lieutenant-commander of

the United States Navy;
An act (H. R. 1178) granting a pension to Sarah Weedon Jones; An act (H. R. 1825) granting a pension to Mary Prince, widow of Ellis Prince:

An act (H. R. 1827) granting a pension to Nancy B. Prince,

widow of Elbert Prince;

An act (H. R. 1892) granting a pension to Catharine Darragh; An act (H. R. 2859) granting a pension to Katherine Zeigenheim, of Louisville, Ky.;

An act (H. R. 3152) granting a pension to Charlotte A. Welton;
An act (H. R. 4720) granting an increase of pension to Isaac H.
Whetsel, of Louisville, Ky.;
An act (H. R. 4052) approving certain acts of the legislative assembly of the Territory of New Mexico, authorizing the issue of certain bonds of said Territory, and for other purposes;
An act (H. R. 3139) for the relief of M. R. William Grebe; and An act (H. R. 3771) for the relief of Stratton H. Benscoter.

BRIDGE ACROSS THE RIO GRANDE AT EL PASO, TEX.

Mr. SHERMAN. Mr. Speaker, on behalf of the Committee on Interstate and Foreign Commerce, I call up the bill (H. R. 9935) to authorize the construction or acquisition of a bridge across the Rio Grande River at El Paso, in the State of Texas.

The bill was read.

Mr. SHERMAN. Mr. Speaker, this is a bill containing the usual limitations, qualifications, and restrictions, and it differs from ordinary bills of this kind only in that it gives the company a right to acquire the title to any bridge that now exists at El Paso, and to enlarge and strengthen it for the use of the company, provided that can be done. The War Department reports that it will not observed negration, and approves of the measure. will not obstruct navigation, and approves of the measure.

The amendments recommended by the committee were agreed to The bill as amended was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed. On motion of Mr. SHERMAN, a motion to reconsider the last

vote was laid on the table.

BRIDGE ACROSS MONONGAHELA RIVER IN ALLEGHENY COUNTY, PA.

Mr. SHERMAN. Mr. Speaker, I also call up for consideration the bill (S. 3071) to authorize the construction of a bridge over the Monongahela River from the borough of Braddock to the township of Mifflin, Pa.

The bill was read at length.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

On motion of Mr. SHERMAN, a motion to reconsider the vote by which the bill was passed was laid on the table.

WEST BRADDOCK BRIDGE COMPANY.

Mr. SHERMAN. Mr. Speaker, I also call up for consideration the bill (H. R. 9841) to amend an act authorizing the West Bradthe bill (H. R. 9841) to amend an act authorizing the West Braddock Bridge Company to construct a bridge over the Monongahela River from the borough of Rankin to Mifflin Township.

The bill was read at length.

Mr. SHERMAN. Mr. Speaker, this is simply an extension of the time for the construction of this bridge, which is now under way, for three months, or until the middle of July next.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

DISTRICT BUSINESS.

The SPEAKER. The gentleman from Wisconsin, chairman of the Committee on the District of Columbia, calls up the business of that committee.

Mr. BABCOCK. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the consideration of bills on the Calendar reported from the Committee on the District of Columbia. The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole House on the state of the Union, Mr. DALZELL in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the purpose of considering bills reported by the Committee on the District of Columbia. The Clerk will report the first bill.

BRIDGE ACROSS EASTERN BRANCH OF POTOMAC RIVER.

The Clerk read as follows:

A bill (H. R. 8010) to authorize a survey for construction of a bridge across the Eastern Branch of the Potomac River in line with Massachusetts avenue extended eastward.

extended eastward.

Be it enacted, etc. That the Secretary of War be, and he is hereby, authorized and directed to cause to be made, as soon as practicable, a survey, plan, and estimate of the cost of constructing a substantial wooden, iron, steel, or masonry bridge across the Eastern Branch of the Potomac River, in the District of Columbia, and the necessary approaches thereto, such bridge to begin for its westward end at a suitable point on the Government reservation in line with Massachusetts avenue extended eastward, and extending thence across the said river to a suitable point in the line of Massachusetts avenue extended, for its eastern end, such bridge when constructed to be maintained as a free bridge for travel, and to be of such strength and dimensions as to accommodate the ordinary traffic which passes over an ordinary highway, and also the tracks and traffic of any street railway or railways employing horses or electric or mechanical motors (not steam-operated motors) for the propulsion of its cars which may hereafter be granted the right to cross such bridge by the authorities vested with such power, and to report thereon to the Congress of the United States on the first Monday of December, 1896; and that the sum of \$3.000 be, and the same is hereby, appropriated, out of any money in the Treasury not otherwise appropriated, for such survey, plan, and estimate, and such contingencies as are necessarily incident thereto, such sum of money to be immediately available upon the passage of this act.

Mr. BABCOCK. Mr. Chairman, this bill is formulated and

this act.

Mr. BABCOCK. Mr. Chairman, this bill is formulated upon a report made by the Secretary of War, and is a substitute for the bill offered before the committee for the purpose of constructing a bridge across the Eastern Branch at the end of Massachusetts avenue extended. The Secretary of War made this report—that it would be desirable first to make an appropriation for a survey, after which the bill can be properly considered and brought before this House. This matter has been on the Calendar for some time, and it would seem to me that the bridge would be a public necessity in the near future. I move, Mr. Chairman, that the bill be laid aside with a favorable recommendation. sity in the near future. I move, Mr. Chairn laid aside with a favorable recommendation.

Mr. DOCKERY. Mr. Chairman, I suggest that the gentleman should amend the bill. Here is a report provided for, to be made on the first Monday of December, 1896. That time has already passed. I suppose the gentleman would desire to have it amended for the report to be made on the first Monday of December, 1897.

Mr. BABCOCK. I move that amendment, Mr. Chairman—that in line 23 it be changed to the first Monday of December, 1897.
The CHAIRMAN. Without objection, the amendment will be considered as agreed to. [After a pause.] The Chair hears no objection.

The bill as amended was ordered to be laid aside with a favorable recommendation.

TAXES AND TAX SALES IN THE DISTRICT OF COLUMBIA.

Mr. BABCOCK. Mr. Chairman, I call up for present consideration the bill H. R. 4149, which is on the Calendar. A substitute has been offered by the committee, but for some reason it is not on the Calendar. It is the bill H. R. 8499.

The title of the bill H. R. 4149 was read.

Mr. BABCOCK. I ask that the reading of the bill H. R. 4149 be dispensed with, and that the bill H. R. 8499 be substituted in

The CHAIRMAN. The gentleman from Wisconsin asks unanimous consent to dispense with the reading of the bill H. R. 4149 and that House bill 8499 be substituted in its place. Without objection, it will be so ordered. [After a pause.] The Chair hears no objection.

The bill was read, as follows:

The bill (H. R. 8499) in relation to taxes and tax sales in the District of Columbia. Be it enacted, etc., That the assessor of the District of Columbia shall prepare a list of all taxes on real property in said District subject to taxation on which said taxes are levied and in arrears on the 1st day of July of each year hereafter; and the Commissioners of said District are hereby authorized and directed to appoint two clerks, at an annual salary of \$1,200 each per annum, to prepare said list and perform such other duties as may be assigned to them by the assessor. And the Commissioners of said District shall publish the said list, with notice of sale, in a pamphlet, of which not less than 2,000 copies shall be printed for distribution to taxpayers applying therefor. Said Commissioners shall, on the third Tuesday in March of each year hereafter, give notice, which shall contain the name of each and every person in which each piece of property is assessed, together with the amount of tax against each, by advertising twice a week for three successive weeks in the regular issue of two or more daily newspapers published in said District that said pamphlet has been printed, and that a copy thereof will be delivered to any taxpayer applying therefor at the office of the collector of taxes of said District; and if the taxes due, together with the penalties and costs that may have accrued thereon, shall not be paid prior to the day fixed for sale, the property will be sold under the direction of the Commissioners of the District of Columbia at public auction at the office of the said collector of the District of Columbia at public auction at the office of the said collector of the District of Columbia at public auction at the office of the said collector of the District of Columbia at public auction at the office of the said collector of the District of Columbia at public auction at the office of the said collector of the District of Columbia at public auction at the office of the said collector of the property shall b A bill (H. R. 8499) in relation to taxes and tax sales in the District of Columbia.

case no other person bids the amount due on any lot, the said collector of taxes shall bid the amount due on the same, and purchase it for the District. Sec. 3. That every purchaser other than the District, and yeals of taxes within five days after the last day of sale. If any such purchaser shall not have paid his bid, or the same shall not have been collected from him within the time above mentioned, the Commissioners may set aside the sale within five days after the last day of sale. If any such purchaser shall not have paid his bid, or the same shall not have been collected from him within the time above mentioned, the Commissioners may set aside the sale, upon payment of the purchases money, the said collector of taxes shall issue to the purchaser accretionate of sale, and if the property shall not be redeemed by payment of the purchase are certificate of sale, and if the property shall not be redeemed by payment to the collector of taxes of said District, for the use of the legal holder of the certificate, the amount for which it was sold at such sale and 15 per cent per anum thereon, a deed shall be given by the Commissioners with heirs or devisees, or to the assignee of such certificates, which deed shall be admitted and held to be prima facie evidence of a good and perfect title, in fee simple, to any property bought at said sale herain authorized; and all the contrary is proved. Provided, That no deed shall be issued until all taxes and assessment appearing upon the tax books against the property are paid, with possible, the property are paid, with possible provided, the possible property is not redeemed by the owner of said property shall thereupon be bid off by the said collector of taxe, in the match of the possible property is not redeemed by the owner of surfficient to meet the amount of tax, penalty, and costs; but in case the highest bid upon any property; and if within two

Mr. HULICK. Mr. Chairman, the bill that is to be considered at this time by the committee is a substitute for the bill H. R. 4149, which has been placed upon the Calendar and a favorable report has been filed thereon; but it was, upon further considera-tion, thought, in view of the amendments that were suggested by the committee to the original bill, that it would be better to be substituted by another bill, which is the one now under consid-

The report was made upon the original bill, with some amendments suggested. I ask that that report, which applies to the principle of this bill, be now read, with the exception of the amendments suggested. The amendments suggested are incorporated in the substitute.

Mr. COX. Before that report is read, I would be glad to hear a statement concerning this bill. It is a long bill, and I could not

distinctly hear all the clauses read. Will some member of the

distinctly hear all the clauses read. Will some member of the committee give us an explanation of it?

Mr. HULICK. I think if the gentleman will have the report read it will give him an idea. It is not very long.

Mr. COX. All right. I do not know what I am voting on. The report (by Mr. HULICK) was read, as follows:

The Committee on the District of Columbia, to whom was referred the bill (H. R. 4149) in relation to taxes and tax sales in the District of Columbia, have carefully considered the same, and, with certain amendments herein suggested, recommend the passage of the bill.

The laws in the District of Columbia relating to the listing of property and the assessment and collection of taxes are very unsatisfactory; in many instances great injustice is done to the taxpayer, and in other cases the District falls to collect the taxes. Millions of property in the District now escapes taxation that should be placed upon the tax duplicate. After assessments have been made upon real estate and the owners fall to pay the taxes, it is difficult for the District to collect the delinquent taxes.

One essential fault is the peremptory requirement that at the expiration of two years from the date of the sale of a piece of real estate for overdue taxes the Commissioners must, on demand of the owners of the tax-sale certificate, issue a deed for the property, without providing as a condition precedent to such deed that all overdue taxes and assessments other than those involved in such tax-sale certificate shall also have been paid.

Under a decision of the supreme court of the District of Columbia at al, equity, No. 9513, decided November 1, 1896 (5 Mackey's Reports, page 274, et seq.), a deed of property made in pursuance of a sale for arrears of taxes for any certain year passes the property involved to the purchaser at such sale, discharged of the liens of all taxes and assessments remaining due and unpaid at the time of the sale, so far as the District is concerned. As a tax deed thus carries with it a clear title ag

now levied by the existing statute.

Mr. HULICK. This amount was thought proper by the committee, but if there is any reason why it should be increased, that can be done.

Mr. DOCKERY. It was placed at \$1.20 on the testimony of the Commissioners of the District of Columbia, and has been carried at that sum for a number of years.

t that sum for a number of years.

Mr. HULICK. Mr. Chairman, if there are no other questions, will make a brief statement of the provisions of this bill.

Mr. DOCKERY. Very well.

Mr. HULICK (continuing). And would be very glad to answer

Mr. HULICK (continuing). And would be very glad to answer any questions relative thereto.

Mr. Chairman, this bill is one of very great importance to the taxpayers of this District, and evidently of considerable importance to the taxpayers of the whole country. There is perhaps more dissatisfaction aroused and more injustice done by the assessment of personal and real property in the District of Columbia than in any other community in the United States. It is a fact, the committee have learned from coming in as the members of the committee have learned from coming in contact with the people of this city, that the chattel property of the District is not taxed, and that the real estate that is charged with taxation has been subject to the claims of parties who have neglected to pay their taxes, who have let their real estate become delinquent, and in that way have failed to bear their share of the public burdens. The law as it stands, as it was interpreted by a decision of the Supreme Court in the case of Brewer vs. The Distinct of the Supreme Court in the case of Brewer vs. decision of the Supreme Court in the case of Brewer vs. The District of Columbia, decided in 1863, is to the effect that where property has been sold for taxes the deed to the purchaser gives him a title exempt from any other taxes for which the property was not sold. That is, if taxes had been delinquent for two or three or four years (which has been the fact in many cases), the purchaser of the property at a tax sale took it free from all those previous taxes, or liens for taxes, or assessments. The law as interpreted by the Supreme Court held that a deed made in pursuance of a sale for arrears of taxes passed the property involved to the purchaser discharged from all liens for taxes and assessments remaining due and unpaid at the time of the sale. and unpaid at the time of the sale.

Now, the amendment that is provided in this bill will be found on page 5, as follows:

And that before the deed is issued, as hereinbefore mentioned, notice shall be published three times in two daily newspapers published in the District that a deed has been applied for, and that unless the owner comes forward within thirty days from date of said notice and pays all arrears of taxes, general and special, then due, the deed will be issued in accordance with the provisions of this act.

Mr. COX. Mr. Chairman, I think I catch the idea clearly. I understand the gentleman to say that under the existing law, as

construed by the Supreme Court, the deed issued to the purchaser at a tax sale was held to give a good title as against all preexisting taxes, and this amendment provides that when the owner comes to redeem (as we would call it in Tennessee) he shall be required

Mr. ON Leather words when the correct?

Mr. HULICK. Yes, sir. We propose to amend the law by providing that no tax deed shall be issued until all outstanding taxes shall have been paid in full.

Mr. COX. In other words, when the owner comes to redeem, he must clean up the property free from all taxes and liens for

taxes or assessments. Does not your proposed law limit the redemption to thirty days?

Mr. HULICK. No. It gives two years after the sale. It provides that no deed shall be issued until two years after the sale. The owner of the property can come in within two years and pay the taxes, penalties, costs, and other assessments or liens that may have accrued against the property, and then the sale is canceled and the property is thereby cleared from all liens or taxes, etc.

Mr. COX. But the two-year provision applies to preexisting taxes as well as to the taxes under which the sale was made.

Mr. HULICK. It applies to all taxes and assessments accruing prior to the day of sale, and also to those which may accrue

between the time of sale and the time of redemption.

Detween the time of sale and the time of redemption.

This bill has been thoroughly considered by the officers having charge of the execution of liens upon real estate in this District, and has been approved by them. The first section provides that a list shall be prepared, and to that end it proposes the appointment of two extra clerks, who shall be charged with the duty of making out such list. Then the District Commissioners are required to publish the list for at least three weeks after the first publication of it, the time of the sale being fixed by them. I will publication of it, the time of the sale being fixed by them. I will add, Mr. Chairman, that I think there should be an amendment stating more specifically that fact that the Commissioners are to fix the time of sale. That suggestion has been made by the gentleman from New Hampshire [Mr. Baker], and I will offer an amendment to that effect, if there be no objection. I propose to amendment to that effect, if there be no objection. I propose to amend in line 11 on the first page, in the first section of the bill, where it says, "And the Commissioners of said District shall publish the said list, with notice of sale, in a pamphlet," etc. I think it should be expressly provided that the Commissioners shall fix the time of sale, and that the time shall be published, so that property owners may know when their property is to be offered for sale.

Mr. COX. Would it not be well to provide that, where the owners of the property are known, one of the pamphlets or lists provided for in the bill shall be sent to them, so as to bring home notice of the transaction to the owners?

Mr. HULICK. I think there is some force in the gentleman's

Mr. HULICK. I think there is some force in the gentleman's suggestion, Mr. Chairman, that if the owner of the property is known he should be personally notified by sending him one of

known he should be personally notified by sending him one of these pamphlets.

Mr. COX. The idea is this: You may publish the notice in two newspapers, or in these pamphlets, and the chances are that many owners will never hear of it, but if you adopt this plan of sending the owner, where he is known, a copy of the pamphlet containing the property advertised, you will bring home notice to him, and, as a matter of fact, in most cases the owner is known.

Mr. HULICK. The text of the bill provides for printing 2,000 copies of these pamphlets for distribution among taxpayers applying therefor. Now, the suggestion of the gentleman (which I think a good one) is that the Commissioners cause to be sent to the owner of the property, if he is known, one of these pamphlets.

the owner of the property, if he is known, one of these pamphlets.

Mr. COX. Yes, sir; that is substantially the amendment I sug-

gest.
Mr. HULICK. I ho
he wishes, I will do so.
Mr. COX. If the get I hope the gentleman will put it in shape; or, if

Mr. COX. If the gentleman will do so, all right.

The CHAIRMAN. The gentleman will send the amendment to

Mr. HULICK. I wish to suggest an amendment which is very brief and which I desire to have adopted now. I move to amend by inserting, after the word "shall." in the eleventh line of the first page, before the word "publish," the words "fix the date of sale and;" so as to read, "and the Commissioners of said district shall fix the date of sale and publish the said list," etc.

The amendment was agreed to.

Mr. DOCKERY. I have an amendment which I wish to suggest to the gentleman in charge of the bill. The first section authorizes and directs the appointment of two clerks at an annual salary of \$1,200 each. This is an organic act, and the clerical force of the office may vary from year to year. I suggest, therefore, that this specific provision for two clerks at \$1,200 be stricken out, and that the clause be amended so as to read as follows:

And the Commissioners of said District are hereby authorized and directed to employ a sufficient clerical force to prepare said lists and perform such other duties as may be assigned to them by the assessor.

If this amendment be adopted, it would leave to the annual appropriation bill for the District provision for the clerical force

as it may be needed from year to year. At times two clerks may

be required; and at another, one; and another, four.

Mr. HULICK. Does the gentleman assure us that there is already authority for the Commissioners to employ additional

Mr. DOCKERY. No. I assume, however, that this bill will pass in sufficient time to enable the Committee on Appropriations to provide for the clerical force in the regular District appropriation bill, inasmuch as that bill has not yet been considered by the subcommittee of the House Committee on Appropriations. This bill if passed will go to the Senate, and by the time the regular appropriation bill is reached we shall have such knowledge of the fate of this bill as will enable us to make provision for the neces-

I wish to call attention further to a provision in section 7 appropriating "a sum sufficient to pay the salaries of the clerks herein provided for up to and including the year ending June 30, 1897." I think that this provision might very well be allowed to remain in the bill, so that an amount sufficient to cover the time intervening between the approval of this bill and the 1st of July would

be appropriated. Mr. HULICK. If the Commissioners are allowed authority to make these appointments, even though no appropriation be now made, could they not under that authority employ additional

Mr. DOCKERY. They could; but after the 1st of July they would not have any money with which to pay the clerks so appointed. My suggestion is that provision for the number and paypointed. in the regular District appropriation bill, which has not yet been reported, and which will not be reported probably until the fate of this bill at the other end of the Capitol is known.

Mr. HULICK. The committee have relied as to the necessary amount of clerical force upon the judgment of the Commissioners, who have recommended this bill.

Mr. DOCKERY. This bill does not, at any rate, make any appropriation; it simply provides for the appropriation for their compensation must be made in the regular appropriation bill unless this bill be amended.

Mr. HULICK. Provided authority is given to the Commissioners having in charge the execution of this law to appoint addi-

tional clerical force, we have no objection to such modification as the gentleman from Missouri suggests.

Mr. DOCKERY. I agree with the gentleman that such authority ought to be given. If the bill be amended in pursuance of my suggestion, the clause will read:

And the Commissioners of said District are hereby authorized and directed to appoint a clerical force to prepare said list and perform such other duties as may be assigned to them by the assessor.

Mr. HULICK. Would the gentleman leave out the provision

as to their payment? Mr. DOCKERY. Yes; I would leave that for the regular ap-

propriation bill. Mr. HULICK. But appropriation bills are made in pursuance Mr. HULICK. But appropriation bills are made in pursuance of law. As a rule, the law fixes the amount of the salary of any United States officer, and the appropriation bill provides for the payment of the amount fixed by law.

Mr. DOCKERY. My suggestion is that we omit now any provision for a fixed salary or for a fixed number of clerks. In an

organic act like this such matters ought to be left to be deter-

organic act like this such matters ought to be left to be determined by the needs of the office as they arise from year to year.

Mr. HULICK. Well, I think the suggestion good as to the number of additional clerks, but as to the amount, it occurs to me that the salaries ought to be fixed by law and not by an appropriation bill. It is not the object of an appropriation bill to fix salaries, and it would be subject to exception on the floor of the Hoves when presented before this body.

House when presented before this body.

Mr. DOCKERY. Not if the authority is given for the appointment of the clerical force. Still you have no appropriation in

your bill as it now stands.

Mr. HULICK. That we expect the Committee on Appropria-

tions to deal with at the proper time.

Mr. BABCOCK. If I understand the position of the gentleman from Missouri, this bill makes no appropriation, and it would be necessary for the Committee on Appropriations to take action to carry it into effect.

Mr. BABCOCK. And your proposition is to give authority to the Commissioners of the District of Columbia to employ the necessary force, and when they can show the necessity for one, two, or three clerks—

Mr. DOCKERSY.

Mr. DOCKERY (interrupting). Or four.
Mr. BABCOCK (continuing). They can employ that number.
Mr. DOCKERY. That is correct; and when the appropriation
is made in the proper bill, it would not be subject to the point of
order under our rule.

Mr. HULICK. Your suggestion is that the Appropriations Committee should make the appropriation of the amount of the salaries. Now, at one time they would make it \$1,000, another committee might say \$1,200, and another \$1,400, and another a different sum. Unless you fix it by law, there is no way that you can have the salaries regulated. I think it ought to be fixed by law as all of the others are

the others are.

Mr. DOCKERY. I beg the gentleman's pardon. The salaries of all the clerks are not fixed by law.

But, Mr. Chairman, with the consent of the gentleman in charge of the bill, I will offer an amendment, which I send to the desk. I move, in lines 6, 7, 8, 9, 10, to strike out the words "clerks at an annual salary of \$1,200 each per annum," and insert after the word "appoint," in line 8, the words "a clerical force to prepare said list and perform such other duties as may be assigned to them by the assessor."

Mr. HULICK. I think there could be no serious objection to

the form of the amendment. I have no objection to it myself.
The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

In line 8, after the word "appoint," insert the words "a clerical force to prepare said list and perform such other duties as may be assigned to them by the assessor."

Mr. DOCKERY. That is not quite complete, Mr. Chairman. It should provide to strike out, in line 8, after the word "appoint," the words "two clerks, at an annual salary of \$1,200 each per

annum."

Mr. HULICK. I would suggest to the gentleman from Missouri that he include the word "sufficient" before the words "clerical force," so as to read "sufficient clerical force."

Mr. DOCKERY. I have no objection to that.

The amendment as modified was agreed to.
Mr. BAKER of New Hampshire. I would like to ask the gentleman in charge of the bill a question.

Mr. HULICK. Certainly.
Mr. BAKER of New Hampshire. I notice, in lines 5 and 6, on Mr. BAKER of New Hampshire. I notice, in lines 3 and 6, on the first page of the bill, that the assessor is to prepare a list of taxes in arrears on the 1st day of July of each year hereafter, and at the bottom of the page it provides that said Commissioners shall, on the third Tuesday in March of each year hereafter, give notice, and so on. Does the gentleman intend that there shall be no tax sale this year, or is it his design to proceed under existing

Mr. HULICK. The tax sale will proceed under existing law, as amended by this statute.

Mr. BAKER of New Hampshire. But suppose that this bill becomes a law between this session and the next regular session. In other words, it may not be applicable at present, but in April,

Mr. HULICK (interrupting). Oh, if the bill does not become a law at this Congress, then we have no further jurisdiction. It goes "where the woodbine twineth." "Sufficient unto the day is

the evil thereof.'

Mr. BAKER of New Hampshire. The suggestion was only for the purpose of illustrating the possibility that there may be no legislation and no tax sale at all this year.

Mr. HULICK. It is hard to tell what this Congress will fail

to do.

Mr. RICHARDSON. I desire to offer an amendment to the sec-

ond section of the bill.

I move, Mr. Chairman, after the word "Columbia," in line 2, on page 5, to insert the words "sell such property at public or private sale and;" so that it will read:

The Commissioners of the District or their successors shall, in the name of and on behalf of the District of Columbia, sell said property at public or private sale and issue to any purchaser of said property a deed, etc.

This clearly emphasizes that there shall be a sale; but the words do not appear which empower the Commissioners to sell. It says that the deed shall issue, but it does not contemplate a sale; and these words simply provide that they may sell and that the deed shall follow.

[Here the hammer fell.]
Mr. HULICK. Mr. Chairman, I am not quite certain that that amendment ought to be adopted. I am not quite certain that it would be right to let the Commissioners of the District make a private sale of this property, after failure to have a purchaser at the public sale. It was not my understanding that the bill should

have that import.

Mr. RICHARDSON. I get the idea of the gentleman, and if he will listen to me for a moment, I think he will see the propriety of these words. Now, what is the bill? Going back to page 4, com-

mencing in line 15:

And if within two years thereafter such property is not redeemed by the owner or owners thereof, or their legal representatives, by the payment of the taxes, penalties, and costs due at the time of the sale, and that may have accrued after that date, and 10 per cent per annum thereon, or if any property, two years after having been so bid off at any sale in the name of

said District, under this or any other law, whether heretofore or hereafter made, is not or has not been so redeemed as aforesaid, unless it shall be shown that the sale for taxes was irregular and void, then the Commissioners of the

Having the property now in their hands, and nobody having re-

or their successors, shall, in the name of and on behalf of the District of Columbia—

Do what?-

issue to any purchaser-

Well, who is he? There is no purchaser. Mr. HULICK. Then that ought to be stricken out. Mr. HULICK.

Mr. RICHARDSON. I am amending the text of the bill so as to show that there may be a sale. To whom are they going to issue the deed? There must be a sale. The text of the bill contemplates that there shall be a purchaser, and there can not be a purchaser without a sale. I simply provide that there shall be a sale, and then that they shall-

Issue to any purchaser of such property a deed, which shall have the effect to convey and vest in such purchaser all the right, title, and estate of all persons whomsoever claiming an interest in said property, except as hereinafter provided.

Then follows the proviso. Now, if you are going to issue to the purchaser a deed—and that is the language—how are you going to issue it unless there is a sale by the Commissioners to such purchaser?

chaser?

Mr. HULICK. I see the suggestion of the gentleman—
Mr. RICHARDSON. The gentleman says he does not wish the sale to be private. Why should it not be private? They have complied with all the terms. They have advertised the property two years before. They have bid it in on behalf of the District of Columbia. Nobody has come to redeem it. Nobody has claimed it. No heirs, no legatees, no distributees, nobody claiming the property. What is the District going to do with it? If they advertise it and sell it, why, then, they have to bid it in again, and they would be exactly in the same attitude. After paying costs, and paying for the advertisement, and paying all the expenses they would be exactly in the same attitude. After paying costs, and paying for the advertisement, and paying all the expenses incident to the sale, they would be sitting there with the property on their hands and have to wait two years more for redemption. Now, they ought to be authorized, it seems to me, to sell it, and not to sell it publicly, because there might not appear any purchaser; but if they can find anybody, publicly or privately, who will take it off their hands, pay all the back taxes, take their title to it, in accordance with the proviso which is there, it seems to me they ought to be allowed to sell it.

Mr. HULICK. I think I apprehend the gentleman's suggestion, but I do not think that the Committee on the District of Columbia, and I do not believe that the Committee of the Whole.

Columbia, and I do not believe that the Committee of the Whole,

Columbia, and I do not believe that the Committee of the Whole, would be willing to place the power in the hands of the Commissioners of the District after they had failed to make a public sale to sell it at private sale to anybody for the taxes, when the property might be worth \$10,000 or \$50,000.

Mr. RICHARDSON. I get the point. Now, I ask the gentleman, what would be the harm in their putting it up at private sale? If they put it up at public sale and somebody bids it in for that very amount—that is, the accumulated taxes and costs and expenses of the sale—he would be in favor of selling it to that bidder publicly. Now, if you would do that publicly, what is the harm in the Commissioners of the District selling it privately, without incurring any additional cost?

without incurring any additional cost?

Mr. HULICK. There might be no harm. But I do not want to put it within the power of the Commissioners of this District to have the appearance of evil or the appearance of harm, and I would not be in favor of letting the Commissioners sell property worth perhaps \$50,000 or \$100,000 for the taxes, at private sale, and I do not think the committee would have reported in favor of

that

Mr. RICHARDSON. Well, now-

Mr. HULICK. One moment. Let me answer the questions already suggested by the gentleman. I think this bill did not intend anything of that kind, although I admit that the language is not as clear—
Mr. RICHARDSON. I was going to ask you what you propose

to do with it?

Mr. HULICK. I think the gentleman is mistaken when he says that there will be no purchaser. Of course, if there is no purchaser at the public sale, the Commissioners would have no one to give the deed to. The property would then be returned, would still be delinquent on the tax duplicate, subject to the operation of this statute at the next public sale which would be held under the provisions of the statute.

Mr. RICHARDSON. Now, what I want to ask—
Mr. HULICK. Now, one moment, please. I think the gentleman from Tennessee [Mr. RICHARDSON] and the gentleman from New Hampshire [Mr. Baker] called my attention to the same point. I think gentlemen do not properly comprehend this lan-guage. As I said before, it is not as clear, possibly, as it should be.

Now, let me see whether we have not got a purchaser in this: And if within two years thereafter-

That is, after the property has been bid off. I will read-But the property so bid off-

Mr. RICHARDSON. By the District Commissioners. Mr. HULICK (continuing)-

shall not be exempted from assessment and taxation.

Mr. RICHARDSON. That is, bid off by the Commissioners?

Mr. HULICK. Yes. Mr. RICHARDSON. Go al Mr. HULICK (continuing): Go ahead.

But shall be assessed or taxed as other property; and if within two years thereafter such property is not redeemed by the owner or owners thereof, or their legal representatives, by the payment of the taxes, penalties, and costs due at the time of the sale, and that may have accrued on and after that date, and 10 per cent per annum thereon, or if any property two years after having been so bid off at any sale in the name of the said District, under this or any other law, whether heretofore or hereafter made, is not or has not been so redeemed as aforesaid, unless it be shown that the sale for taxes was irregular and void, then the Commissioners of the District or their successors shall, in the name of and on behalf of the District of Columbia, issue to any purchaser—

Mr. RICHARDSON. Who is the purchaser under that? How

Mr. RICHARDSON. Who is the purchaser under that? How are you going to get a purchaser?

Mr. WILLIAM A. STONE. Let me suggest that under the language they can sell it at private sale.

Mr. RICHARDSON. A little louder.

Mr. WILLIAM A. STONE. I say that under the law as it now stands the property bid off in the name of the District of Columbia can be sold at private sale.

Mr. RICHARDSON. Undoubtedly.

Mr. HULICK. The gentleman has not read quite far enough.

Mr. RICHARDSON. I think I have. Read on, and let us see.

Mr. HULICK (reading):

Mr. HULICK (reading):

Then the Commissioners of the District of Columbia, or their successors, shall, in the name of and on behalf of the District of Columbia, issue to any purchaser of such property a deed which shall have the effect to convey and vest in such purchaser all the right, title, and estate of all persons whomsoever claiming an interest in said property, except as hereinafter provided.

Mr. RICHARDSON. That is right. Then the proviso.

Mr. HULICK. Then there is the proviso. Now, it occurs to me that if that is the thought on the part of the gentleman—and it possibly may have that construction placed upon the language here—it was not the intention of the Commissioners to have it so

provided. Mr. RICHARDSON. Now, your language there—the original text—you will not question, contemplates a sale, because it says the District Commissioners, having bid off this property and having

District Commissioners, having bid off this property and having paid the cost and expense upon it, must issue to the purchaser of it from them a deed. Now, then, I say that contemplates a sale. We agree on that. Now, the only controversy between us is whether you want that sale to be a public or a private sale. My amendment simply makes it plain by saying it may be either public or private in the discretion of the Commissioners. You object to its being a private sale, and I say that if you offer it publicly and it is bid off by them again, it is likely in this way to be offered every two years and nobody may come to redeem it, or nobody is an applicant for it, and you advertise it again and again. You simply go over and over the same operation every two years, except that you have incurred the additional cost of the publication of the second sale, and when that is made, the District Commissioners simply bid it off again and accrue additional increased cost upon the same property, and they get exactly the same title that they had before. Now, I want them to have the right to sell it—and you contemplate that in the text of the bill—and the only question is whether that sale should be public or private, and if they sell it privately there will be no more cost. They should be allowed to sell it in private if they can get a bidder. They can sell it privately without any cost and sell it with the same condition as contained here before the deed is issued—

And before the deed is issued as herein mentioned, notice shall be published three times in two daily newspapers published in the District that a deed has been applied for.

before the deed is issued-

That gives everybody notice to come forward and redeem it and pay off these extra costs and expenses and take the property, or we will give a deed to this private purchaser. It is not a private sale after all, because there has been this advertisement before they can give the deed. If there is a private sale, they must go

ahead and readvertise the property before they can give the deed.

Mr. DOCKERY and Mr. BLUE rose.

The CHAIRMAN. The gentleman from Ohio has the floor.

Mr. BLUE. If the gentleman from Ohio will permit me, I would like to make a suggestion to the gentleman from Tennessee.

The practice of a good many States of this Union does what this bill purports to do in regard to lands that are not bid off at the public sale. In other words, it provides that such lands shall be knocked off to the District. A further practice is, and the law is,

for the State to hold that until some one comes forward and offers to take the certificate for it. Then the certificate is issued, and

to take the certificate for it. Then the certificate is issued, and upon that, after the expiration of a certain time, a deed will issue.

Mr. RICHARDSON. Certainly.

Mr. BLUE. I think the gentleman from Tennessee is simply seeking by this amendment, not purposely I apprehend, but in fact, to add additional cost when he provides that no sale shall be required unless it he a private sale.

fact, to add additional cost when he provides that no sale shall be required unless it be a private sale.

Mr. RICHARDSON. If the gentleman will notice the first section of this item, it provides for the very contingency suggested by the gentleman from Kansas; that is, that the purchaser takes the certificate of sale and waits his time, and then a deed is issued to him in two years, and he becomes the purchaser. But here is a case where the District bids it off, there being nobody who comes forward to take the certificate, and the two years having expired. forward to take the certificate, and the two years having expired. to take the certificate, and the two years having expired, it is sold two, three, or four times and nobody comes forward to take the certificate. Under the condition that the gentleman speaks of, this will have to be gone over each two years. There will be the same farce of bidding off this property at the expiration of two years, giving no possession of it to anybody, as nobody has come forward to take the certificate, but if anybody does come forward this provides that he shall take the deed. Now, then, this is simply recruiting him to do so

his is simply permitting him to do so.

Mr. BLUE. If the gentleman from Tennessee will permit me, this as it is now authorizes the sale. It uses the word "property" instead of sale certificate, but I think it authorizes the sale to anyone who may come forward to take the property without additional express of an advantage of the sale to the property without additional express of the advantage of the sale to the property without additional express of the advantage of the sale to the property without additional express of the sale to the property without additional express of the sale to the property without additional express of the sale to the property without additional express of the sale to the property without additional express of the sale to the property without additional express of the sale to the property without additional express of the sale to the property without additional express of the sale to the property without additional express of the sale to the property without additional express of the sale to the property without additional express of the sale to the property without additional express of the sale to the sale to the property without additional express of the sale to the sale

one who may come forward to take the property without additional expense of an advertisement.

Mr. RICHARDSON. That is what I am providing against—the additional expense of an advertisement. We do not want any additional expense for advertising. Lower down there is a proviso which says that as a further saving to everybody, after you have found the purchaser, before his property shall be taken from him for these unpaid taxes, a publication shall be made to the owner that we are given to give title and finally take his property.

that you are going to give title and finally take his property from him for arrears of taxes.

Mr. BABCOCK. I believe, Mr. Chairman, that I can make this matter clear; at least I can try. I think the gentleman from Kansas [Mr. BLUE], the gentleman from Tennessee [Mr. RICHARDSON], and the gentleman from Ohio [Mr. HULICK] do not clearly understand each other. and the gentleman from Ohio [Mr. HULICK] do not clearly understand each other. All that the gentleman from Tennessee [Mr. RICHARDSON] seeks to do by his amendment is to authorize the Commissioners to sell at private sale the certificates of property bid in by them. That is the common practice everywhere throughout the country in almost every State of the Union. The gentleman from Tennessee proposes that any tax certificate that has been bid off by the District can be sold to anybody who goes in and offers to take the certificate, paying what it cost at the time of sale with accrued interest from that date. As I understand the gentleman from Tennessee, his position is that the bill is not clear as to the authority of the Commissioners to sell such certificates after they have bid them in. Certainly it is perfectly proper that they should sell those certificates at private sale, because that is they should sell those certificates at private sale, because that is mr. HULICK.

Mr. HULICK. Not in Ohio. Mr. BABCOCK. After the Mr. BABCOCK. After the property has been bid in by the county, they do not have to offer the certificates at public sale.

Mr. BLUE. It becomes a mere assignment of a certificate, then?

Mr. BABCOCK. That is all.

Mr. COX. Let us see how this will work practically. The property is advertised for sale and it is offered for sale and the Commissioners buy it in. They do not buy it in for themselves. They buy it in for the District. Therefore, the District is the purchaser. Now, why should we make any discrimination between the rights of the District of Columbia as the purchaser and the rights of any individual who might have bid off the property?

Mr. BABCOCK. That is a good idea.

Mr. RICHARDSON. But we make this exception, that before the title shall pass the Commissioners, lest they should do injustice to some heirs or other persons, must advertise to this effect: We

to some heirs or other persons, must advertise to this effect: have sold this property, we have found a purchaser, and unless you come forward within thirty days and pay up these taxes and costs we are going to foreclose you finally.

Mr. COX. That provision is for the advantage of the owner of

the property.
Mr. RICHARDSON. Certainly.

Mr. DOCKERY. Mr. Chairman, let us have the amendment eported at this point.
The amendment was read, as follows:

Page 5, line 2, after the word "Columbia" insert "advertise the sale of said property at public or private sale and."

Mr. WILLIAM A. STONE. Mr. Chairman, I move to strike

out the last word.

Mr. HULICK. I believe I have the floor, Mr. Chairman, and I do not propose to yield it until I get through answering questions. I yielded to the gentleman from Tennessee to offer an amend-

Mr. WILLIAM A. STONE. I think I have the floor, Mr. Chairman, as we are under the five minute rule. I move to strike out

The CHAIRMAN. The gentleman from Ohio [Mr. HULICK] is

The CHAIRMAN. The gentleman from Ohio [Mr. HULICK] is entitled to the floor.

Mr. HULICK. I call the attention of the gentleman from Tennessee to the amendment just read. I think the Clerk read it otherwise than as the gentleman intended it. The Clerk read it "at public or private sale," but I understood the gentleman from Tennessee to say "at private sale."

Mr. RICHARDSON. No; I would leave it to the discretion of the Commissioners whether they shall sell at public or at private sale. If they choose to sell at public sale, they have a right to do that, but they should also have the right to sell at private sale. Suppose they offer a piece of property for sale for upuald taxes that, but they should also have the right to sell at private sale. Suppose they offer a piece of property for sale for unpaid taxes and nobody bids. These tax sales occur every one or two years, as I understand. Suppose that nobody bids on this piece of property and the Commissioners bid it in; unless we give them the right to sell it at private sale, they will be required to sit down and wait for one or for two years, until the time comes for another public sale, although they might perhaps have found a purchaser for the property who would have taken it off their hands the very next day after they had bid it in.

Mr. HULICK. I thought the gentleman proposed that the sale should be private only. But, Mr. Chairman, if that amendment is to be adopted, I wish to suggest that there are other sections in this bill that will have to be considered in connection with it.

Mr. WILLIAM A. STONE. A great many of them.

Mr. RICHARDSON. Will the gentleman suggest one?

Mr. WILLIAM A. STONE. I will, if I get a chance.

Mr. RICHARDSON. I was addressing the gentleman from Ohio.

Ohio

Mr. HULICK. I want to call attention to section 4. In that section it is provided—

That the owner or authorized agent of the owner of any property sold as aforesaid, or any other person having an interest therein at the time of sale, may redeem the same from such sale at any time within two years after the last day of sale by paying to the collector of taxes, for the use of the purchaser, his heirs and assigns, the sum mentioned in the certificate of sale therefor, with interest thereon at the rate of 15 per cent per annum after the date of such certificate of sale, together with any tax or assessment which the holder of said certificate shall have paid between the days of sale and redemption, with interest on the same at the rate of 10 per cent per annum.

Now, let a see the date of the control of the same at the rate of 10 per cent per annum.

Now, let us see what will be the practical operation of this. The statute up to this time has provided that there shall be a sale made after delinquency is asserted. When the Commissioners bid in the property, two years have to pass before they can make this private or public sale provided by the amendment. Then, under section 4, there will be two additional years, so that the parties in interest would still have the right to redeem for four years. Is it the intention to give them four years? I understand that the inthe intention to give them four years? I understand that the interpretation of the statute would give them two years for redemption after the public or private sale provided for by the amendment of the gentleman from Tennessee.

Mr. RICHARDSON. My amendment does not affect that

question at all

question at all.

Mr. WILLIAM A. STONE. Mr. Chairman, the discussion upon this amendment establishes quite clearly the fact that this bill has not been properly considered. It is a bill which proposes to change the whole system of taxation in this District. It modifies bill has not been properly considered. It is a bill which proposes to change the whole system of taxation in this District. It modifies or practically repeals the present system and establishes a new one. Now, there is no matter that directly affects so many people as the question of taxing property. And I find here two members of the committee unable to agree as to the construction of the bill which they have reported. It seems to me that this in itself is evidence that this measure, affecting so many people and as much property, ought to be more carefully considered before so much property, ought to be more carefully considered before we are asked to make it a law.

The amendment which the gentleman from Tennessee proposes to insert, in the second line on the fifth page, seems to be necessary to give the Commissioners power to sell property previously bid in by them in the name of the District. There appears to be at present no power on the part of the Commissioners to dispose of property thus bid in by them; hence the amendment of the gentleman from Tennessee becomes important and essential, if this bill is to become a law. I find that the bill gives the Commissioners

on such power.

Mr. RICHARDSON. Oh, yes; it does.

Mr. WILLIAM A. STONE. In what part?

Mr. RICHARDSON. If the gentleman will turn to page 5, he will find a provision that "the Commissioners of the District, or their successors, shall, in the name of and on behalf of the District of Columbia, issue to any purchaser of such property a deed."

They could not issue that deed unless somebody purchased the property.

property.

Mr. WILLIAM A. STONE. That is an implied power.

Mr. RICHARDSON. Certainly.

Mr. WILLIAM A. STONE. But when you undertake to give power to officials to sell real estate, the power should be specific, Mr. RICHARDSON. That is the reason I have offered the

amendment.

Mr. WILLIAM A. STONE. I so understand; and I say that the gentleman's amendment is important and ought to be adopted if the bill is to pass. But the purpose of the gentleman's amendment is to give to the Commissioners a power which they have not now under the law as it stands except by implication.

Mr. RICHARDSON. Well, that may be.

Mr. WILLIAM A. STONE. But I find other objections to the bill. For instance, on page 5, beginning at line 16, I find this lan-

And provided also, That minors or other persons under legal disability be allowed one year after attaining full age, or after the removal of such legal disability, to redeem the property so sold.

It seems to me, on a hasty examination of this clause, that the Commissioners might have to wait until an insane person had re-

Commissioners might have to wait until an insane person had recovered his reason before they could dispose of the property.

Mr. HULICK. Would not that be right?

Mr. WILLIAM A. STONE. There are various other difficulties in this bill. When we undertake to pass a tax law the question should be approached with the greatest deliberation and caution. All possible difficulties should be foreseen and provided for.

Now, I do not know of any crying necessity for a change in the system of taxation in this District. I have very little personal interest in this matter—only to the extent of a very small lot which I own. But I should hesitate, without very careful consideration, to vote for a bill like this, which proposes to change in most essential particulars the existing system of taxation, and to authorize the Commissioners to sell real estate.

Mr. HULICK. Will the gentleman allow me a question?

Mr. WILLIAM A. STONE. Later on I will. It may be that there is an absolute necessity for a modification of the tax laws of this District.

this District.

Mr. BABCOCK. There is.
Mr. WILLIAM A. STONE. I have not heard of any such necessity. I have no doubt that gentlemen of the committee will be able to give the reasons for such a necessity if it exists. But I should like to see this committee agree upon some one paragraph of its bill.

Mr. HULICK. We are agreed upon all of them. Mr. WILLIAM A. STONE. Then why come in here and dis-

Mr. RICHARDSON. The gentleman from Ohio [Mr. HULICK] said that he did not understand my amendment.
Mr. WILLIAM A. STONE. Ifully understand the gentleman's

amendment

Mr. RICHARDSON. But the gentleman from Ohio did not

understand it.

Mr. WILLIAM A. STONE. The gentleman in charge of the bill stated that he did not understand that your amendment was

Mr. RICHARDSON. He does now understand its necessity.
Mr. HULICK. I did not understand that the word "public"
was included in the amendment.
Mr. WILLIAM A. STONE. The amendment was read something like half a dozen times.

Now, sir, I fail to see the necessity of any change in the tax laws of this District. This bill proposes a radical, a sweeping change. It proposes to repeal the existing system of law on this subject. It seems that the attorney of the District recommends the bill, but I think in a matter of so much importance we ought to have more time to consider it.

Mr. FAIRCHILD. And also the Commissioners of the District.
Mr. WILLIAM A. STONE. Yes, sir; the Commissioners of the District. And I think that this committee ought to be able to come in here and present a bill without practically and radically disagreeing among themselves on its provisions.

Mr. HULICK. There is no disagreement whatever.

Mr. WILLIAM A. STONE. Well, what is the great necessity

Mr. WILLIAM A. STONE. Well, what is the great necessity of passing the bill?

Mr. HULICK. Allow me to answer the gentleman. He has asserted that this bill has not received full consideration. The first bill, House bill 4149, was considered by the committee and reported at the last session. But an amendment having been suggested, as stated in this report, the Commissioners reviewed the matter, took it under further consideration, and sent us the bill which is now offered as a substitute. It has been fully consideration. the matter, took it under further consideration, and sent us the bill which is now offered as a substitute. It has been fully considered by the assessor, by the attorney for the District, and by the Commissioners of the District, and it has been carefully considered by the District Committee and comes unanimously reported by the committee after a full and fair investigation. And I want to say further, if the gentleman will permit me, that the District of Columbia at the close of the last fiscal year, 1896, lost over \$20,000 in taxes because the tax law as it is now is inefficient to return into the Treasury the money that was due for taxes. It

could not be collected.

Mr. WILLIAM A. STONE. Is the gentleman's question concluded? [Laughter.] Now, let me answer the gentleman's question by asking another: What is the necessity for the legislation? Is it possible that the Commissioners of the District of Columbia are unable to collect taxes from anybody?

Mr. BABCOCK. Yes, it is.

Mr. BAKER of New Hampshire. Very nearly that.

Mr. HULICK. I will state, Mr. Chairman, in response to the gentleman from Pennsylvania, that that is very nearly the condition of affairs. Under the old law the deed given to the purchaser at a tax sale carried with it only the taxes for that year. They were resisted in many cases, in the case of McKay against some parties, and other cases that could be cited, and the courts decided that it passed title, clear of all incumbrance for taxes, and so the District lost the tax for that sale which had accumulated, and, as I have already said, the loss in the fiscal year 1896 was over \$20,000 from the same causes.

The CHAIRMAN. The time of the gentleman has expired.
Mr. HEPBURN. Mr. Chairman, I wish to make an inquiry.
Are we operating under the five-minute rule?
The CHAIRMAN. The Chair so understands.
Mr. WILLIAM A. STONE. Should the four-minute question

of the gentleman from Ohio be taken out of my time? [Laugh-

ter.]
Mr. HEPBURN. I move to strike out the last word for the purpose of making a suggestion to the gentleman in charge of the

I wish to call his attention to the peculiar condition that may arise under the provisions of the bill. The purpose of the proposed legislation is to compel the payment of delinquent taxes. Under the present law, as I understand it, these delinquent taxes bear 1 per cent interest a month as a penalty for nonpayment. Under the provisions of this bill the party in default is entitled to a reconveyance of the land on payment of the taxes and 10 per cent interest thereon per annum. So that it will be to the advantage of a person who refuses the payment of his taxes to allow the land to go to sale, and then within the two years, or in the case of a disability such as that spoken of a little while ago, after even the period of ten or fifteen years, to come in and pay the 10 per cent penalty, for he will save 2 per cent on the taxes by allowing the

property to go to sale.

Has the gentleman from Ohio considered that feature?

Mr. HULICK. I suggest to the gentleman that instead of 10 per cent penalty it is 15 per cent penalty in the first instance. and 10 per cent afterwards annually on the amount paid in for taxes, and the additional taxes that may be paid by the purchaser after

and the additional taxes that may be paid by the purchaser after the deed is given.

Mr. COX. Mr. Chairman, I desire to call the attention of the gentleman in charge of the bill to another section that has not been discussed up to this time. I refer to section 6, which provides—

That the said Commissioners shall not convey any property sold for taxes if they shall discover, before the conveyance, that the sale was for any cause invalid and ineffectual to give title to the property sold; but they shall cancel the sale and cause the purchase money to be refunded to the purchaser, his representatives or assigns.

New year head even conveit total the Commissioners of the District.

Now, you have constituted the Commissioners of the District, under that section, a judicial tribunal to try any question of title that may arise. Suppose you put up the property for sale, I become a purchaser in good faith, and offer to pay the taxes on the property, and the Commissioners decline to give me the title. They say, "There is a defect in the proceedings." Have you not, in other words, provided a way that the Commissioners themselves can destroy the effect of the legislation resources them-But suppose I insist that the proceeding is valid, and I have complied with the law; you make it conclusive upon me that the Commissioners can settle the question, and I have no say whatever.

Am I mistaken in that?

M. HULLICK The Commissioners are given authority that if

Mr. HULICK. The Commissioners are given authority that, if they say the sale is ineffectual to pass title, by inadvertence or otherwise, it would not stand-

Mr. COX. But that is a judicial proceeding on their part.

Mr. HULICK (continuing). And under those circumstances they have a right to regulate or to cancel the sale. But suppose the purchaser did not agree in the conclusion of the Commissioners and says, "No; I will take the title as it is." The Commissioners say, "No; it is irregular and ineffectual to pass title." The remedy of the gentleman would be to go into court and have a writ of mandamus issued to compel the Commissioners to pass the title by issuing the deed, and under the operation of the law the court must so determine. must so determine.

Mr. COX. Will the gentleman allow me to say right there that he has created a tribunal, in the persons of the Commissioners, to settle the very question. I know the gentleman is aware, from his knowledge of the law, that when you put the right to decide what is the law in a certain body of men no other body has the right to revise their decision.

Mr. HULICK. It must be for a cause invalid or ineffectual, If the Commissioners are mistaken in their judgment, the court can review and correct the mistake.

Mr. COX. I wish I could agree with you, but I do not agree

with you.

Mr. RICHARDSON. Mr. Chairman, we are drifting away from the amendment which I have offered. Everybody agrees that that amendment ought to be adopted. I ask that the vote be taken on the pending amendment, and then we can take up the other objections that the gentleman makes.

Mr. WILLIAM A. STONE. Let me ask the gentleman from

Tennessee one question. I noticed similar language on page 4,

lines 24 and 25

Mr. RICHARDSON. You are raising another question.
Mr. COX. Yes; we had better get them all up.
Mr. WILLIAM A. STONE. Speaking of the right to sell—

Unless it shall be shown that the sale for taxes was irregular and void.

Mr. WILLIAM A. STONE. It does not say who is to decide whether the sale is irregular and void. Evidently the Commissioners may reconsider the whole thing.

Mr. COX. To whom are you going to show it?

Mr. WILLIAM A. STONE. That is the point.

It is almost as difficult of comprehension as some of the provisions of the civil-

aimcult of comprehension as some of the provisions of the civilservice law. [Laughter.]

Mr. COX. And then in the sixth section you create a special
tribunal; and the difficulty in the gentleman's mind, with all due
respect to him, I think is this: You fix a tribunal to decide whether
the sale is valid or invalid. When you do that there is no court
which can mandamus that tribunal and make them do differently from their own conclusion.

Mr. WILLIAM A. STONE. There is no tribunal to fix that.

It rests in the Commissioners.
Mr. COX. That is it.
Mr. RICHARDSON. Now Now I ask for a vote on the amendment

which nobody objected to.
Mr. WILLIAM A. STONE. Nobody outside of the committee.

Mr. HULICK. Nobody inside the committee.

The amendment of Mr. RICHARDSON was agreed to.

The CHAIRMAN. The Chair will submit the committee amendment. The question now is on agreeing to the amendment submitted by the committee.

The amendment was agreed to.

Mr. BABCOCK. I move that the committee rise and report the

bill favorably.
Mr. DOCKERY.
Mr. BABCOCK. Oh, no; I have another amendment or two. I withdraw the motion.

Mr. DOCKERY. I desire to offer an amendment to section 7.

on page 7.

Mr. HEPBURN. I want to get in an amendment before that,

Mr. DOCKERY. All right. You go ahead.
Mr. HEPBURN. Mr. Chairman, I move to amend lines 2 and 3, on page 4, by striking out the words "until the contrary is proved."

As the section now reads, it says:

And all proceedings prior to said deed shall be presumed to have been regular until the contrary is proved.

I want to strike out the latter words.

Mr. RICHARDSON. I do not object to that.

The question being taken on the amendment offered by Mr.

HEPBURN to strike out the words "until the contrary is proved,"

Mr. HULICK demanded a division.

The committee divided; and there were—ayes 13, noes 1.

Accordingly the amendment was agreed to.

Mr. HEPBURN. Now, Mr. Speaker, I move to strike out the word "presumed," in line 2 on page 4, and insert in lieu thereof the word "held."

The Clerk read as follows:

In line 2, page 4, strike out the word "presumed" and insert the word "held."

The amendment was agreed to.
Mr. WILLIAM A. STONE. Now, Mr. Chairman, I ought to offer an amendment, but I can not imagine one that would fit the case. Perhaps the gentleman in charge of the bill will help me out of the difficulty. On page 5, line 16, is the following:

And provided also. That minors or other persons under legal disability be allowed one year after attaining full age, or after the removal of such legal disability, to redeem the property so sold, or of which the title has, as aforesaid, become vested in the District of Columbia, from the purchaser or purchasers, his, her, or their assigns, or from the District of Columbia, on payment of the amount of purchase money so paid therefor, with 10 per cent per annum interest thereon, as aforesaid, together with all taxes and assessments that have been paid thereon by the purchaser or his assigns, between the day of sale and the period of redemption, with 10 per cent per annum interest on the amount of such taxes and assessments.

Now, suppose the owner of property is insane, are you going to wait until he gets well?

Mr. HULICK. Would you take his property before he was

Mr. WILLIAM A. STONE. Then you propose to give him a year after he becomes sane?

Mr. HULICK. Well, if he should die—
Mr. WILLIAM A. STONE. Isimply want an explanation of it.
Mr. HULICK. The explanation is this: The committee did not wish, as we found in the statutes in almost all the States, that the disabilities, while they exist, should be a bar to the title becoming perfected in the purchaser under a tax sale. There is no charity for purchasers who have paid a hundredth or a thou-sandth part of the value of the property; and they take it subject to this condition. If they are buying the property that belongs to an insane person, they get the high penalties, the per annum penalties upon the investment.

penalties upon the investment.

Mr. WILLIAM A. STONE. What does the District get?

Mr. HULICK. The District gets the taxes, and the purchaser has to pay as long as he owns the property, until the insane per-

son becomes sound or dies. If that be twenty years, the District gets the taxes in the meantime.

Mr. WILLIAM A. STONE. Suppose a man is insane and his property is sold, and he lives ten or fifteen years after that. The property is nonproducing. The property has not produced any property is nonproducing. The property has not produced any revenue for the support of the District government, and when it is

sold the party has to wait until he dies or gets well.

Mr. HULICK. That is an extreme case the gentleman is supposing. Of course it is not expected it would probably arise in

one case out of a thousand instances.

Mr. WILLIAM A. STONE. There are a great many insane persons in the District, and a good many members of Congress buy property here.

Mr. HULICK. That might infer that there are a great many

members of Congress who are insane.

Mr. WILLIAM A. STONE. I would not say that; but I ask,

Mr. WILLIAM A. STONE. I would not say that; but I ask, where are you going to get the revenue out of the property?

Mr. HULICK. What remedy have you in an extreme case like that? What would you suggest?

Mr. WILLIAM A. STONE. I believed that the committee, who have very thoroughly considered the matter, especially the lawyers on the committee, would be able to present the proper legislation.

Mr. BABCOCK. If the gentleman will permit me, I will state it makes no difference where the party is, whether he is insane or not, the District gets its taxes.

Mr. WILLIAM A. STONE. But when this is a public sale it

goes into the hands of the District.

Mr. BABCOCK. If they do not pay the taxes, it will be sold for the taxes regardless of whether the party is in the asylum or

Mr. WILLIAM A. STONE. But the property sold is in the

hands of the Commissioners.

Mr. BABCOCK. So far as the execution of the law is concerned, the insane party has no power over it, and the taxes for

the next year are assessed, and it can be sold every year for taxes.

Mr. WILLIAM A. STONE. Your policy is to let the property
remain in the Commissioners' hands, and the tax remain in the hands of the minor.

Are BABCOCK. This is simply for redemption will a

Mr. BABCOCK. This is simply for redemption.

Mr. RICHARDSON. If the gentleman will allow me for a moment, I think I can make it clear. Let us assume that the party owning this property has been dealt with as we contemplate down to this provision. Now, it turns out that that party is a minor This bill provides in favor of the minor; that is to say, that his property will still remain subject to redemption, notwithstanding all the preliminary steps have been taken, for one year after the disability is removed, and he has become of age. Now, there can be no objection to that, because that is definitely fixed. There is no court, I venture to say, that will give a deed to take the property of a minor for tax without allowing that minor an opportunity to redeem that property after the disability has been removed. Now, then, that does not seem to be the difficulty in the way of the gentleman. The difficulty is that somebody is insane. If there be such a person whose property has been sold under the conditions that we contemplate down to this stage of the bill, what is the effect? The District Commissioners sell the property at public or private sale, as we have provided, and execute a deed after giving thirty days' notice that they will do so.

Let us assume that Mr. Smith is the purchaser of that insane person's property under this condition.

Mr. WILLIAM A. STONE. That is, where the Commissioners

have sold the title which they have?

Mr. RICHARDSON (continuing). And he takes the title.
Mr. WILLIAM A. STONE. That is, where the Commissioners have sold the title which they have bought?
Mr. RICHARDSON. And after they have sold it, if it belonged to an insane person, the provision is that until that disability is removed the insane person can have the right to redeem the

property; and, as suggested by the gentleman from Ohio [Mr. HULICK] on the committee, that is right and proper, because if Mr. Smith goes forward and purchases property for taxes worth fifty or a hundred times as much as he pays for it, he does so with full knowledge that he is buying the property of an insane person, and that that insane person when the disability is removed has the right to come forward and do what? Redeem his property by paying him what he has paid on this insane person's property and all the penalties and costs additional. That is the law as it is now in several of the States.

The CHAIRMAN. The time of the gentleman from Pennsyl-

wania has expired.

Mr. RICHARDSON. I thought I had the floor. Then I will take the floor in my own right, and having taken the time of the gentleman, after a statement I will yield to the gentleman from

Pennsylvania.

Mr. WILLIAM A. STONE. I simply want to ask the gentleman a question. In the meantime, in the case which you have supposed, there is no tax or revenue from this property. Who will purchase

property in that condition?

Mr. RICHARDSON. Now, then, I assume that Mr. Smith becomes the purchaser at this sale, and nobody having come forward, after the conditions have been complied with he takes the title to this property. That property is assessed, in either event, for next year's taxes, and he pays for the first year, the second year, the third, and the fourth, and he pays the taxes until after the insane man, having recovered, comes forward and redeems the property. Before he can redeem he must pay the back taxes and pay also the

taxes that Mr. Smith, the purchaser, has paid each year.

Mr. WILLIAM A. STONE. The gentleman is imagining two insane persons, the one who owns the property and the man who is insane enough to buy it under such conditions. [Laughter.]

Mr. RICHARDSON. If nobody is insane enough to buy it, then the property will remain in the hands of the Commissioners.

Mr. WILLIAM A. STONE. And there will be no taxes collected macrif.

lected upon it.

Mr. RICHARDSON. Well, what is the gentleman's remedy for collecting the taxes of an insane person?

Mr. WILLIAM A. STONE. I would not presume to suggest a remedy in the face of the statement that this bill has received more careful consideration than any other measure reported by

this committee. [Laughter.]
Mr. RICHARDSON. Well, Mr. Chairman, to be serious about it, there is a necessity for this bill. The Commissioners say that it will relieve them greatly; the assessors say the same thing; the District attorney favors it; the District Committee thinks it is a good bill, and while it is good bill; and, while it may not be perfect, we venture the state-ment here that it is a very great improvement on the existing law. Therefore, having done the best we can, we ask that the bill be put upon its passage unless some other gentleman has an amendment that he desires to offer.

Mr. HEPBURN. Mr. Chairman, I desire to offer an amendment

which I send to the desk.

The amendment was read, as follows:

After the word "regular," in line 2, page 4, insert the words "and no deed shall be set aside except on proof of fraud or that no tax was due at the date of the sale."

Mr. COX. If the gentleman will refer to section 6, he will find the principle settled there that the very foundation of the deed lies in the decision of the Commissioners. Now, when they pass upon the question and decide that it is a valid deed, how is the other party going to get into any court to have that action revised or reversed?

Mr. HEPBURN. Mr. Chairman, I think the gentleman has not

read section 6 carefully. It provides-

That the said Commissioners shall not convey any property sold for taxes if they shall discover, before the conveyance, that the sale was, for any cause, invalid and ineffectual to give title to the property sold.

That is all.

Mr. COX. That is, if they discover that there is a defect in the sale, they shall so decide and refuse to convey the property? Now,

will not that be a judicial decision?

Mr. HEPBURN. No; but there may be defects in it that they do not discover. They are prohibited by this section only when they do discover defects in the sale.

Mr. RICHARDSON. I think that provision is only directory, and that the action of the Commissioners would be subject to

Mr. COX. It is not directory.
Mr. HULICK. Mr. Chairman, I do not object to the amend-

ment of the gentleman from Iowa.

The amendment of Mr. Hepburn was agreed to.
Mr. DOCKERY. Mr. Chairman, I move to amend section 7, page 7, line 17, by adding after the word "dollar" the words "and twenty cents"

twenty cents."
Mr. HULICK. Mr. Chairman, I do not know that I have any objection to that amendment, but I can not see any reason for it.

Mr. DOCKERY. That is the price that is now fixed by law, and it is necessary in order to reimburse the District treasury.

The amendment was agreed to.
Mr. DOCKERY. Mr. Chairman, I offer a further amendment. The amendment was read, as follow:

Strike out all after the word "of," in line 19, section 7, to the word "up," in the same line, and insert "two clerks at the rate of \$1,200 per annum each;" so that it will read "a sum sufficient to pay the salaries of two clerks at the rate of \$1,200 per annum each."

Mr. HULICK. The gentleman will remember that in the first section of the bill, at his suggestion, a provision for two clerks at an annual salary of \$1,200 each was stricken out, and the Commis-

an annual salary of \$1,200 each was stricken out, and the Commissioners were authorized to appoint sufficient clerical force.

Mr. DOCKERY. Yes.

Mr. HULICK. Then why do you now propose this amendment?

Mr. DOCKERY. For the reason that it is necessary to provide for carrying forward this work until the regular appropriation bill shall become available, on the 1st of July.

Mr. HULICK. Then why not use here the language you suggested before and say "sufficient clerical force"?

Mr. DOCKERY. In that case you would have to insert the amount \$700 or \$800.

Mr. DOCKERY. In that case you would have to insert the amount, \$700 or \$800.

Mr. HULICK. You might put it in that way.

Mr. DOCKERY. We might make an appropriation of \$700 to pay the salaries of clerks up to the beginning of the next fiscal year, but I think the amendment I have proposed will accomplish the object quite as well.

Mr. BABCOCK. Mr. Chairman, I move that the committee

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. Dalzell, from the Committee of the Whole, reported that they had had under consideration bills of the following titles and had directed him to report them severally to the House with recommendations, as follows:

A bill (H. R. 8010) to authorize a survey for the construction of a bridge across the Eastern Branch of the Potomac River, etc.—with the recommendation that it do pass.

A bill (H. R. 8499)—with the recommendation that as amended

A bill (H. R. 4149)—with the recommendation that it lie on the

DISTRICT BILLS PASSED.

Bills of the following titles, reported from the Committee of the Whole with amendments, were taken up, the amendments agreed to, and the bills as amended ordered to be engrossed and read a third time; and they were accordingly read the third time,

A bill (H. R. 8010) to authorize a survey for construction of a bridge across the Eastern Branch of the Potomac River in line with Massachusetts avenue extended eastward; and

A bill (H. R. 8499) in relation to taxes and tax sales in the District of Columbia.

On motion of Mr. BABCOCK, a motion to reconsider the vote by which the two bills last named were passed was laid on the table.

By unanimous consent, the bill (H. R. 4149) relating to tax sales was laid on the table.

GEORGE W. WATSON.

Mr. BABCOCK. I call up for consideration the bill (H. R. 4279) to cure the title to certain real estate in the District of Columbia. The bill was read, as follows:

to cure the title to certain real estate in the District of Columbia. The bill was read, as follows:

Whereas George W. Watson, of Washington, in the District of Columbia, on or about October 2, 1871, purchased of one Samuel Cross lots 7 and 8, in square 996, in Washington, in the District of Columbia, paying for the same in full and receiving a deed in fee simple therefor from said Samuel Cross and wife; and said George W. Watson, ever since the purchase of said premises in 1871, has been in possession thereof and occupying the same with his family as his home; and

Whereas the said George W. Watson, and those under whom he claims title to said property, have had peaceable and uninterrupted possession of the same from time immemorial, and since before the laying out of the city of Washington, and have a continuous record chain of title to the same by deeds in fee simple from December 4, 1822; but prior to the year 1822 the title thereto is in the United States, and by some inadvertence the conveyance thereof to one William Prout, who conveyed the same in 1822 to one William Jones, through whom said Watson and his grantors claim title, was never placed on record and has become lost, and therefore, notwithstanding said long occupancy by said Watson and his grantors for a period of more than seventy-three years, a cloud rests upon said title; and

Whereas said Watson has become advanced in years and is infirm, having been confined for six months as a prisoner of war, wounded three times, and lost a leg near the hip in battles as a Union soldier during a service in the Federal armies from the spring of 1861 to November 14, 1864, when he was discharged on account of loss of leg near the hip; said property is his home and all that he has, and by reason of said ancient cloud upon said title he can not sell or borrow money on the same. He purchased the same in good faith, and did not learn of said cloud until long after he had bought and paid therefore.

Be it enacted by the Senate and House of Representatives of the

The amendments reported by the committee were read, as follows:

Strike out all of the preamble that follows the title, down to line 1. In line 3, substitute for the words "quitclaims and releases" the words quitclaim and release."

Mr. SHANNON. Mr. Speaker, I ask the reading of the report accompanying this bill, which will, I think, give the House all the information necessary.

The report (by Mr. Shannon) was read, as follows:

The report (by Mr. Shannon) was read, as follows:

The Committee on the District of Columbia, to whom was referred the bill (H. R. 4279) to cure the title to certain real estate in the District of Columbia, submit the following report:

In accordance with the provisions of the act of Congress of July 10, 1790, three commissioners were appointed by the President to lay out the city of Washington, and in 1791, in consideration of the great benefit they expected to derive from having the Federal city upon their lands, the original proprietors donated to the United States certain lots in each square.

The first mention found in the records of the square referred to in H. R. 4279 is under the date of December 3, 1793. It is there designated as bounded by certain streets and squares. The lots in this square were not then numbered, but by a verbal agreement made afterwards certain portions of the square were to be donated to the United States by the proprietors. In 1899 this agreement was carried into effect, and the square numbered 996 was then for the first time subdivided into lots, and among those donated and assigned to the United States were the two lots mentioned in this bill, numbered 7 and 8.

to the United States were the two lots mentioned in this bill, numbered 7 and 8.

This is the first clear record we have of these lots, and here we find them assigned to the United States.

In October, 1871, George W. Watson purchased these lots, after having had the records carefully searched, and after being furnished with an abstract of title certifying that the same was good and sufficient. Three years later, in 1874, he learned for the first time that there was a possibility that his title to the lots was not good, since an entry had been found in some of the earlier records showing that the lots had been assigned to the United States in 1809.

Another more careful investigation of the records was then made, and the title was easily traced back to 1822, showing that the owner of the lots at that time was William Prout, one of the original proprietors. Continuing the search, nothing further was found till, under the date of August 4, 1809, it was discovered that the same William Prout had assigned these lots to the United States.

Thus it appears that William Prout first assigned these lots to the United

search, nothing further was found till, under the date of August 4, 1809, it was discovered that the same William Prout had assigned these lots to the United States.

Thus it appears that William Prout first assigned these lots to the United States in 1809, and again assigned them to other parties in 1822; that the lots have remained ever since in the hands of private parties, having been sold and transferred again and again, the parties in possession continuing to pay taxes on them to the Government down to the present time, a period of seventy-five years, and that the United States have never asserted any title whatever to the property and do not to-day. The published reports of the Government officials in charge of the public grounds do not include square 996 among the properties enumerated as belonging to the United States.

The only reasonable explanation of the discrepancy in the earlier records regarding the title of these lots is that they were reassigned by the United States to William Prout some time after 1809, and before 1822 when, as stated, he assigned them a second time; and as it is a well-authenticated fact that many of the records of titles in the District of Columbia were destroyed by fire about the year 1814, it need not be surprising that positive proof of such reassignment is wanting. Such records as do exist, however, of that early period in the history of the city, show clearly that there were many reassignments of lots between the original proprietors and the Government before the final division of the squares and lots was arranged to the mutual satisfaction of both parties.

In view of the peculiar facts surrounding this case, the committee are unanimously of the opinion that the relief asked for in this bill should be granted. In their judgment the facts that the purchase of these lots was undoubtedly made in perfect good faith; that improvements have been made upon them; that taxes have been paid upon them to the United States for a continuous period of seventy-five years, and that t

words "quitclaim and release."

Mr. SHANNON. Mr. Speaker, as stated in the report which has just been read, George W. Watson and those under whom he claims title to these lots have had peaceable and uninterrupted possession of the same for the period of seventy-five years; that is, the records show a continuous, unbroken chain of title since the year 1822, when William Prout, one of the original proprietors of the lands on which the city of Washington was founded, conveyed this property to one William Jones. And if the earlier record of 1808, referred to in the report, only showed an assignment to a private individual instead of to the United States there would of course he no necessity for the relief which Mr. Watson ment to a private individual instead of to the United States there would of course be no necessity for the relief which Mr. Watson seeks under this bill. As it is, however, the cloud resting upon his title makes it impossible for him either to sell or negotiate a loan upon the property—a very great hardship, indeed, considering that all he has in the world has been invested in these lots and the improvements made upon them.

There are numerous precedents which may be cited showing There are numerous precedents which may be cited showing that Congress has frequently granted relief in cases exactly similar; but I will only refer to one, since the report which accompanied the bill in that case speaks of the destruction by fire in 1814 of the records of titles in the District. As it is very short, I ask for the reading in my time of Report No. 4016, accompanying H. R. 10991, which passed the Forty-ninth Congress.

The Clerk read as follows:

The Committee on the District of Columbia, to whom was referred House bill 10991, submit the following report:

There is a defect in the record title of the lot mentioned in the bill because of the fact that the records of titles in the District were destroyed by fire about the year 1814.

The persons whose relief is contemplated by this bill have paid the taxes

on the property for more than thirty years, and are clearly entitled to the same; and as the United States has no just claim, your committee report the bill back to the House, with the recommendation that it do pass.

Mr. SHANNON. I desire to say further, Mr. Speaker, that the bill now before the House was referred to the Commissioners of the District and by them referred to the District attorney for examination and report. That report finds the facts to be substantially the same as set forth in the report of the committee, and recommends the bill to the favorable consideration of Congress. I ask that the report be read in my time for the information of the House.

The Clerk read as follows:

The Clerk read as follows:

OFFICE OF THE ATTORNEY DISTRICT OF COLUMBIA, Washington, February 8, 1896.

GENTLEMEN: I have examined House bill 4279 (Fifty-fourth Congress, first session) to cure the title to certain real estate in the District of Columbia, which you referred to me for examination and report.

From an abstract of title to lots 7 and 8 in square 996 in Washington City, prepared by Mr. J. T. Cull, a member of the bar, and one of our leading examiners, it appears that in the division between the United States and the original proprietors, these lots were assigned to the United States; that in 1822 William Prout, one of the original proprietors, made a ninety-nine-year lease of part of lot 8, which was afterwards assented to by the other original proprietors. This would seem to indicate that the lots were reassigned by the United States to the original proprietors. From 1822 down to the present these lots appear to have been dealt with as private property. They have been assessed for taxes in the name of private individuals, and the United States does not appear to have ever asserted any claim to them.

As no statute of limitations bars the United States, it is necessary, in order to perfect Mr. Watson's title, to have the United States either release its claim, or disclaim any interest in the property.

The history of the title as shown by the above abstract bears out the statement in the preamble to the bill.

I see no objection to the passage of the bill, and for that reason, I think it is entitled to your favorable consideration. The bill is herewith returned.

Very respectfully,

S. T. THOMAS, Attorney District of Columbia.

Hon. COMMISSIONERS, ETC.,

The amendments reported by the committee were agreed to.
The bill as amended was ordered to be engrossed and read a
third time; and it was accordingly read the third time, and passed.
On motion of Mr. SHANNON, a motion to reconsider the last vote was laid on the table.

WASHINGTON AND GLEN ECHO RAILROAD.

Mr. BABCOCK. I call up the bill (H. R. 9704) to authorize the Washington and Glen Echo Railroad Company to obtain a right of way and construct tracks into the District of Columbia 600 feet. The bill was read, as follows:

Beit enacted, etc., That the Washington and Glen Echo Railroad Company, a corporation organized under the laws of the State of Maryland and operating a street railway in said State, the eastern terminus being at or near the northern boundary of the District of Columbia in Chevy Chase, be, and said corporation is hereby, authorized and empowered to obtain a right of way and construct its road and lay double tracks thereon into the District of Columbia a distance of 600 feet, and no farther, from the point in the boundary line of the District where said railway extended crosses the boundary line of the District and from said point on a line across the Columbia boulevard, thence on private property to a point in Connecticut avenue extended, on a route to be approved by the Commissioners of the District of Columbia, said corporation to have full power and authority to operate cars upon said road for the purpose of its traffic; said corporation to use electric motive power in propelling its cars.

The bill was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

TELEGRAPHIC AND ELECTRIC-LIGHT FACILITIES.

Mr. BABCOCK. Mr. Speaker, I call up for present consideration the joint resolution (H. Res. 228) providing for additional telegraphic and electric-light facilities in the city of Washington, District of Columbia, during the inaugural ceremonies on the 4th day of March, 1897.

The joint resolution was read, as follows:

Resolved, etc., That the Commissioners of the District of Columbia be, and they are hereby, authorized to permit the extension of overhead wires into the Pension building and to such other points as shall be deemed suitable and convenient for use in connection with the parade and other inaugural purposes, the said wires to be taken down within ten days after the conclusion of the ceremonies on the 4th day of March, A. D. 1897.

Mr. BABCOCK. I ask a vote on the resolution. The joint resolution was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

BUILDING FOR DAUGHTERS OF THE AMERICAN REVOLUTION.

Mr. BABCOCK. Mr. Speaker, I desire to say that I have in my hand House bill No. 10023, being a bill setting apart a plot of public ground in the city of Washington, in the District of Columbia, for memorial purposes, under the auspices of the National Society of the Daughters of the American Revolution, which was reported by the Committee on Public Buildings and Grounds, but by an error was placed upon the Calendar as having been reported by the Committee on the District of Columbia. It is a

bill that might properly have been considered by either committee, and I am requested by the gentleman in charge of that bill to call it up, as it is on the Calendar reported from this committee. I ask for the consideration of the bill, and move that the House resolve itself into Committee of the Whole to consider it.

Mr. DOCKERY. I reserve the point of order.

The SPEAKER. The Chair will examine the rule and see whether under the circumstances it is broad enough to cover the motion of the gentleman from Wisconsin. What was the gentleman's statement?

tleman's statement?

Mr. BABCOCK. It is, Mr. Speaker, that the bill is on the Calendar as having been reported from the Committee on the District of Columbia, but, as a matter of fact, it was reported by the Committee on Public Buildings and Grounds.

Mr. DOCKERY. Mr. Speaker, I make the point of order that this bill was not reported by the Committee on the District of Columbia, and is not in order under the rule.

The SPEAKER. The Chair thinks it is not in order, but will

examine the rule.

Mr. STEELE. Why, Mr. Speaker, if they can call up a bill reported from the Committee on Public Buildings and Grounds, they might call up one reported from the Military Committee or any other committee.

The SPEAKER. The Chair wants to see how broad the lan-

guage of the rule is.

Mr. BABCOCK. This is a matter, as I have already said, that might come before either committee.

Mr. STEELE. But it did not.

The SPEAKER. The Chair thinks the rule applies exclusively to business reported by the Committee on the District of Columbia.

Mr. MORSE. Mr. Speaker, I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. MORSE. Is it in order to ask unanimous consent to consider this bull.

sider this bill?

sider this bill?

Mr. STEELE. What is the purpose of the building?

Mr. MORSE. Mr. Speaker, I ask the House to indulge me a word of explanation of this bill. This measure is asked for by the National Society of the Daughters of the American Revolution. As I understand it, they propose to erect in this city a memorial building, to cost, if I remember rightly, something like \$200,000. Part of this money has already been raised. All they ask of the Government is to donate to them a site for the building. The bill, as you see, is carefully drawn, and the land reverts to the Government in the event it should ever cease to be used for the patriotic purposes indicated in the bill. The building is to be a museum of antiquities connected with the American Revolution, and to contain a hall for the meeting of this patriotic society. The land asked for is unimproved land, near the Bureau society. The land asked for is unimproved land, near the Bureau

society. The land asked for is unimproved land, near the Bureau of Engraving and Printing.

The building, Mr. Speaker, will be an architectural ornament to the city, as well as a memorial to the men and women of that far-off time who laid here broad and deep the foundations of civil and religious liberty; a building to tell to coming generations that the Daughters of the American Revolution are not ungrateful or unmindful of the valor and patriotism of the men and women who founded this Government. Mr. Speaker, I can not conceive that any gentleman could object to the use of public land in this capital city for such a patriotic purpose.

I hope the gentleman will withdraw his objection and give to the House an opportunity to consider this bill.

Those the gentieman will withdraw his objection and give to the House an opportunity to consider this bill.

Mr. BLUE. Mr. Speaker, I am opposed to the use of our public parks for any other purpose than that for which they were originally set aside, and I therefore object.

Mr. MORSE. But this is not a park. It is only a piece of unoccupied and unimproved ground down near the Bureau of Engraving and Printing.

graving and Printing.

Mr. BLUE. It is a part of a public space intended for a very

different purpose.

The SPEAKER. The Chair will submit the proposition formally to the House. Is there objection to the request of the gentleman from Massachusetts?

Mr. BLUE. I object.
Mr. MORSE. These Daughters of the American Revolution will get after you for objecting to their bill.
Mr. BABCOCK. The Committee on the District of Columbia has no further business to present to-day.

CANALS BETWEEN THE GREAT LAKES AND THE OCEAN.

The SPEAKER laid before the House the following message from the President of the United States; which was read by the

To the Senate and House of Representatives:

I transmit herewith the report of Messrs. James B. Angell, of Michigan; John E. Russell, of Massachusetts, and Lyman E. Cooley, of Illinois, who were appointed commissioners, under the authority of a law passed March 2, 1895, to make inquiry and report, after conference with such similar commissioners as might be appointed on behalf of Great Britain or the Dominion of Canada, concerning the feasibility of the construction of such canals as will enable

vessels engaged in ocean commerce to pass between the Great Lakes and the Atlantic Ocean, and the most convenient location and probable cost of such canals, together with other facts and information in said act specified relating to their construction and use.

The Commissioners have prosecuted the work assigned them with great zeal and intelligence, resulting in the collection of a mass of information embodied in their report and its accompanying exhibits which is of great importance and interest as related to the project subjected to their examination.

embodied in their report and its accompanying exhibits which is of great importance and interest as related to the project subjected to their examination.

The advantages of direct and unbroken water transportation of the products of our Western States and Territories from convenient points of shipment to our seaboard ports are plainly palpable. The report of the Commissioners contains, in my opinion, demonstration of the feasibility of securing such transportation, and gives ground for the anticipation that better and more uninterrupted commerce, through the plan suggested, between the great West and foreign ports, with the increase of national prosperity which must follow in its train, will not long escape American enterprise and activity.

It will be observed that the report of the Commissioners, though as comprehensive as the time and facilities at their disposal permitted, does not definitely deal with the cost of the work they were called upon to consider, and omits some of the other details related to it. Thus far they have labored without compensation, and a part of the small sum appropriated for the payment of their expenses still remains unexpended.

I suggest to the Congress the propriety of making economical provision for such further prosecution of their work as will more fully develop the information necessary to an exact and complete understanding of this interesting and important subject.

GROVER CLEVELAND.

GROVER CLEVELAND.

EXECUTIVE MANSION, January 18, 1897.

The message, with the accompanying documents, was referred to the Committee on Interstate and Foreign Commerce, and ordered to be printed.

CONTESTED-ELECTION CASE-YOST VS. TUCKER, TENTH DISTRICT OF VIRGINIA.

Mr. McCALL of Massachusetts. Mr. Speaker, I desire to give notice that on Wednesday, after the reading of the Journal, I shall call up the contested-election case of Yost vs. Tucker, from the Tenth district of Virginia.

Mr. WILLIAM A. STONE. May I ask the gentleman when that case was reported?

Mr. McCALL of Massachusetts.

Mr. McCALL of Massachusetts. The case was reported near the end of the session last summer.

Mr. WILLIAM A. STONE. What was the report in that case?

Mr. WILLIAM A. STONE. What was the report in that case?
Mr. McCALL of Massachusetts. The report of the majority
was in favor of the sitting member, Mr. TUCKER.
Mr. WILLIAM A. STONE. How many of these cases does the
committee intend to call up that have not been disposed of?
Mr. McCALL of Massachusetts. That is the only case from the
committee of which I am a member that has not been disposed of.
Those is however one other near from Viscoiis which will be There is, however, one other case from Virginia, which will be a short case.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows: To Mr. Howell, for ten days, on account of sickness. To Mr. Truman H. Aldrich, for six days, on account of im-

portant business.

To Mr. GOODWYN, indefinitely, on account of important busi-

To Mr. McMillin, for one week.

*

To Mr. Spencer, for ten days, on account of important business. To Mr. Linney, for seven days, on account of important business. And then, on motion of Mr. Payne (at 4 o'clock and 7 minutes p. m.), the House adjourned.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as

A letter from the secretary of the Deep Water Ways Commission, transmitting a report of Deep Water Ways Commission at Detroit, Mich., December 18-22, 1896—to the Committee on Interstate and Foreign Commerce, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the cases of Abner T. Fuller and Samuel W. Carson, administrators, against The United States—to the Committee on War Claims, and ordered to be printed.

A letter from the president of the Capital Traction Company, transmitting its report for the year ending December 31, 1896—to the Committee on the District of Columbia, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. MEIKLEJOHN, from the Committee on the Public Lands,

to which was referred the bill of the Senate (S. 3328) entitled "Au act to amend an act entitled 'An act to repeal the timber-culture laws, and for other purposes,'" reported the same with amendment, accompanied by a report (No. 2540); which said bill and report were referred to the Committee of the Whole House on the state of the Union

were referred to the Committee of the Whole House on the state of the Union.

Mr. FISCHER, from the Committee on Indian Affairs, to which was referred the bill of the House (H. R. 9571) authorizing the Galveston and Great Northern Railway Company to construct and operate a railway through the Indian Territory, and for other purposes, reported the same with amendment, accompanied by a report (No. 2541); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. SCRANTON, from the Committee on the Territories, to which was referred the bill of the Senate (S. 2555) entitled "An act to authorize the Secretary of the Treasury to issue leases of certain islands in Alaska for the breeding of foxes, reported the same without amendment, accompanied by a report (No. 2544); which said bill and report were referred to the House Calendar.

Mr. GILLET of New York, from the Committee on Public Buildings and Grounds, to which was referred the bill of the House (H. R. 9861) for the erection of a public building at Lockport, N. Y., reported the same with amendment, accompanied by a report (No. 2545); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. FLETCHER, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R. 9799) to amend an act entitled "An act to authorize the Chattanooga Western Railway Company to construct a bridge across the Tennessee River near Chattanooga," giving the said company more time in which to begin and complete said bridge, reported the same without amendment, accompanied by a report (No. 2546); which said bill and report were referred to the House Calendar.

Mr. CUMMINGS, from the Committee on the Library, to which Calendar.

Mr. CUMMINGS, from the Committee on the Library, to which was referred the bill of the House (H. R. 5383) for the purchase of the oil portrait of Mrs. Dolly Madison, by E. F. Andrews, reported the same without amendment, accompanied by a report (No. 2547); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS.

Under clause 2 of Rule XIII, Mr. PARKER, from the Committee on Military Affairs, to which was referred the bill (H. R. 2070) for the relief of George W. Spencer, reported the same (Report No. 2542); which said bill and report were referred to the Committee of the Whole House.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills; which were referred as follows:

The bill (H. R. 9874) granting an honorable discharge to William Miller—Committee on Military Affairs discharged, and referred to the Committee on Naval Affairs.

Petition of the Wisconsin National Guard Association, favoring the reorganization of the National Guard and Militia of the United States—Committee on Military Affairs discharged, and referred to the Committee on the Militia the Committee on the Militia.

Petition of the National Guard of Wisconsin unanimously adopted in Milwaukee January 8, 1897, in support of Senate bill 2849, to promote the efficiency of the militia—Committee on Military Affairs discharged, and referred to the Committee on the Militia.

PUBLIC BILLS, MEMORIALS, AND RESOLUTIONS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows

By Mr. LOW: A bill (H. R. 10034) to supplement and amend an act entitled "An act for the erection of a new custom-house in the city of New York, and for other purposes," approved March 3, 1891—to the Committee on Public Buildings and Grounds.

By Mr. LACEY: A bill (H. R. 10035) to amend the pension laws—to the Committee on Invalid Pensions.

By Mr. KIEFER: A bill (H. R. 10036) to incorporate the National Grand Lodge of the Order of the Sons of Hermann—to the Committee on the District of Columbia.

By Mr. BELL of Colorado: A bill (H. R. 10037) ceding the Sugar Loaf Reservoir site, in Lake County, Colo., to the State of Colorado—to the Committee on the Public Lands.

By Mr. McCormick: A bill (H. R. 10038) to regulate the sale

of poisons in the District of Columbia-to the Committee on the District of Columbia.

By Mr. WHEELER: A bill (H. R. 10039) granting the right to erect dams to Thurston H. Allen and others—to the Committee on

Interstate and Foreign Commerce.

By Mr. HUTCHESON: A bill (H. R. 10057) to provide for an examination and survey of a water route from the mouth of the jetties at the city of Galveston, Tex., and through the ship channel up Buffalo Bayou to the city of Houston, Tex., and appropriating money therefor—to the Committee on Rivers and Har-

By Mr. FISCHER: A joint resolution (H. Res. 233) directing the Secretary of War to submit estimates for work upon the chan-nels in Jamaica and Canarsie bays—to the Committee on Rivers

By Mr. PERKINS: A joint resolution (H. Res. 234) providing for the distribution of the maps and atlases of the United States Geological Survey—to the Committee on Printing.

By Mr. WASHINGTON: A joint resolution (H. Res. 235) to provide for the expenses of the Tennessee centennial commissioners from the District of Columbia-to the Committee on Appro-

By Mr. McCORMICK: A resolution (House Res. No. 495) relative to the widening and deepening the channel of the East River on the eastern side, at Ravenswood, Long Island, N. Y., at or near Rainey's cofferdam—to the Committee on Rivers and Harbors.

PRIVATE BILLS, ETC.

Under clause 1 of Rule XXII, private bills of the following titles were presented and referred as follows:

By Mr. ANDREWS: A bill (H. R. 10040) granting an increase of pension to George W. Ferree—to the Committee on Invalid

By Mr. BLUE: A bill (H. R. 10041) granting a pension to Malinda Draper—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10042) granting a pension to Florence E.

Wilber—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10043) removing charge of desertion from the record of Reuben Randall—to the Committee on Military Affairs.

Also, a bill (H. R. 10044) granting a pension to Josiah C. Ury—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10045) granting a pension to John A. Reeds-to the Committee on Invalid Pensions.

Also, a bill (H. R. 10046) removing charge of desertion from record of Abraham W. Crawford—to the Committee on Military

Affairs.

By Mr. BURTON of Ohio: A bill (H. R. 10047) for the relief of the Globe Iron Works, of Cleveland, Ohio-to the Committee on

Claims.

By Mr. COX: A bill (H. R. 10048) for the relief of the estate of J. E. Brennan, deceased, late of Nashville, Tenn.—to the Committee on War Claims.

By Mr. DOVENER: A bill (H. R. 10049) granting a pension to Nicholas C. Wilson, of Braxton County, W. Va.—to the Committee on Pensions

By Mr. FAIRCHILD: A bill (H. R. 10050) for the relief of Louis Hublitz—to the Committee on Military Affairs.

Also, a bill (H. R. 10051) for the relief of John Conway—to the Committee on Military Affairs.

By Mr. McCALL of Massachusetts: A bill (H. R. 10052) for the

relief of Alexander Sutherland-to the Committee on Military Affairs

By Mr. MILES: A bill (H. R. 10053) granting a pension to Leah Jones, widow of John Jones—to the Committee on Invalid Pen-

sions.

By Mr. QUIGG: A bill (H. R. 10054) granting an increase of ension to Laura Sprigg Foster-to the Committee on Invalid Pensions.

By Mr. RUSSELL of Connecticut: A bill (H. R. 10055) to correct the military record of Edwin T. Leach—to the Committee on Military Affairs.

By Mr. WOOD: A bill (H. R. 10056) granting a pension to Martha A. Crooker—to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. BELL of Colorado: Petition of soldiers of Dolores County, Colo., in support of House bill No. 9209, granting a serv-ice pension to honorably discharged soldiers of the late war—to the Committee on Invalid Pensions.

By Mr. BLUE: Papers accompanying House bill granting a pension to Florence E. Wilber—to the Committee on Invalid

Also, papers to accompany House bill granting a pension to Malinda Draper—to the Committee on Invalid Pensions.

Also, papers to accompany House bill granting a pension to Josiah C. Ury—to the Committee on Invalid Pensions.

Also, papers to accompany House bill granting a pension to John A. Reeds—to the Committee on Invalid Pensions.

Also, papers to accompany House bill to remove the charge of desertion against Reuben Randall-to the Committee on Military

Also, papers to accompany House bill to correct the military record of Abraham W. Crawford—to the Committee on Military Affairs

By Mr. BURTON of Ohio: Resolution of the Lake Carriers' Association, in regard to gas buoys on the Great Lakes-to the

Committee on Appropriations.

By Mr. DALZELL: Petition of J. P. Henderson and others, of Pittsburg, Pa., praying for favorable action on House bill No. 4566, relating to mail matter, and Senate bill No. 1675, prohibiting the transportation of obscene matter—to the Committee on Inter-

state and Foreign Commerce. By. Mr. DOVENER: Petition of N. W. Lloyd and 19 other citizens of Braxton County, W. Va., asking the passage of a special act to pension Nicholas C. Wilson—to the Committee on Invalid

Pensions.

By Mr. HARMER: Petition of Rachel P. Leys, Joseph Foulke, M. D., and others, of Philadelphia, Pa., praying for favorable action on House bill No. 4566, relating to second-class mail matter, and Senate bill No. 1675, prohibiting the transportation of obscene matter by any agency-to the Committee on Interstate and Foreign Commerce

By Mr. HEMENWAY: Resolution of the Pastoral Association of Evansville, Ind., praying for the passage of legislation of various kinds—to the Committee on Interstate and Foreign Com-

By Mr. HULL: Petition of H. Catley, captain, United States Army, retired, of Syracuse, N. Y., in relation to Senate bill for the readjustment of the accounts of certain army officers, and as relating to his military record—to the Committee on Military

By Mr. LACEY: Petition of Rev. Fred Arnfort and others, of Keokuk, Iowa; also petition of Mary L. Allen and others, of Richland, Iowa, praying for protection from intoxicating liquors in the Territory of Alaska—to the Committee on Alcoholic Liquor

Traffic.

By Mr. LITTLE: Petition of John B. Bruno, Elizabeth Vraux, and Mary Moose, of the Citizens band of Pottowatomie Indians, of Pottowatomie County, Okla., relating to land patents under act of May 23, 1872—to the Committee on Indian Affairs.

By Mr. OTJEN: Resolution of officers of the Wisconsin National Guard, favoring the passage of Senate bill No. 1169, entitled "An act authorizing the Secretary of War to issue Springfield rifles to each State and Territory, for the National Guard thereof, in exchange for other rifles now held"—to the Committee on the Militia. Militia.

By Mr. REYBURN: Petition of Falls Methodist Episcopal Church, of Philadelphia, Pa., praying for favorable action on House bill No. 4566, also Senate bill No. 1675, to prohibit the transportation of obscene matter—to the Committee on Interstate and Foreign Commerce.

By Mr. RINAKER: Petition of B. P. McDaniel, of the Sixty-

By Mr. RINAKER: Petition of B. P. McDaniel, of the Sixty-third United States Colored Infantry, residing in Madison County, Ill., for relief—to the Committee on War Claims.

By Mr. RUSSELL of Connecticut: Papers to accompany House bill to correct the military record of Edwin T. Leach—to the Committee on Military Affairs.

Also, petition of the Woman's Christian Temperance Union of Norwich, Conn., favoring the passage of House bill No. 3203 and sundry other bills—to the Committee on the Judiciary.

By Mr. WOOD: Petition of Benjamin V. Carey, of Robinson, Ill., in behalf of Martha A. Crooker, for a pension—to the Committee on Invalid Pensions.

By Mr. UPDEGRAFF: Papers of N. N. Jones, warden of Iowa

By Mr. UPDEGRAFF: Papers of N. N. Jones, warden of Iowa State penitentiary, relating to House bill No. 6116 and its appli-

cation to the transportation of goods manufactured by convict labor—to the Committee on Labor.

Also, petition of the Iowa Academy of Sciences, protesting against the passage of Senate bill No. 1552, for the further prevention of cruelty to animals in the District of Columbia—to the Committee on the District of Columbia.

Also, petition of the Regulist church of West Union Javas for

Committee on the District of Columbia.

Also, petition of the Baptist church of West Union, Iowa, for the prohibition of the sale of intoxicating liquors in Government buildings—to the Committee on Alcoholic Liquor Traffic.

Also, petitions of the Wesleyan Methodist Church and of the Baptist Church of West Union, Iowa, to raise the age of protection for girls to 18 years in the District of Columbia and Territories—to the Committee on the Judiciary.

SENATE.

TUESDAY, January 19, 1897.

Prayer by the Chaplain, Rev. W. H. MILBURN, D. D. JOHN P. JONES, a Senator from the State of Nevada, appeared

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on motion of Mr. GALLINGER, and by unanimous consent, the further reading was dispensed with.

CERTIFICATION OF ELECTORS.

The VICE-PRESIDENT laid before the Senate a communica-tion from the Secretary of State, transmitting, in pursuance of the provisions of the act of February 3, 1887, a certified copy of the final ascertainment of the electors for President and Vice-President for the State of South Dakota; which was ordered to lie on the table.

ANNIE E. NOLAN.

The VICE-PRESIDENT laid before the Senate the amendment of the House of Representatives to the bill (S. 2129) granting an increase of pension to Annie E. Nolan; which was, in line 7, before the word "dollars," to strike out "fifty" and insert "twenty-

Mr. GALLINGER. I move that the Senate nonconcur in the amendment of the House of Representatives, and request a conference on the disagreeing votes of the two Houses.

The motion was agreed to.

By unanimous consent, the Vice-President was authorized to appoint the conferees on the part of the Senate, and Mr. Gallinger, Mr. Cannon, and Mr. MITCHELL of Wisconsin were appointed.

EULOGIES UPON THE LATE REPRESENTATIVE CRISP.

Mr. GORDON. I wish to announce that in consequence of the absence of some Senators who are expected to participate, the eulogies upon the late Mr. Crisp, formerly Speaker of the House, will be postponed from Thursday until Monday next at 3 o'clock, by the permission of the Senate.

PETITIONS AND MEMORIALS.

Mr. ALLISON presented a memorial of the Iowa Academy of

Science, remonstrating against the passage of Senate bill No. 1552, for the further prevention of cruelty to animals in the District of Columbia; which was ordered to lie on the table.

Mr. HALE presented the petitions of Henry B. Cleaves and sundry other citizens of Maine; of the Boston Marine Insurance Company, of Boston, Mass.; of V. C. Brown and sundry other citizens of New York, and of sundry citizens of Baltimore, Md. previous of New York, and of sundry citizens of Baltimore, Md., praying for the establishment of a light-house near the broken part of Pol-lock Rip Shoals, at the northeastern entrance of Nantucket Shoals; which were referred to the Committee on Commerce.

which were referred to the Committee on Commerce.

Mr. CALL presented the memorial of H. F. Smith, publisher of
the Pensacola Daily Times, of Pensacola, Fla., remonstrating
against the passage of the so-called Loud bill, relating to secondclass mail matter; which was referred to the Committee on PostOffices and Post-Roads.

Mr. TUDDIE processed to the Committee on Post-

Mr. TURPIE presented a memorial of 61 citizens of Indianapolis, Ind., praying for the passage of the so-called Loud bill, relating to second-class mail matter; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. McMILLAN presented the memorial of Herbert M. Locke and 500 other citizens of the District of Columbia, remonstrating against the passage of Senate joint resolution 187, relating to the laying of electric subways in the District of Columbia; which was referred to the Committee on the District of Columbia

was referred to the Committee on the District of Columbia.

He also presented the petitions of the Gorsuch Methodist Episcopal Church; of the St. Luke's Baptist Church, of Brightwood; of the Baptist Ministers' Colored Union, and of the Shiloh Colored Baptist Church, all in the city of Washington, D. C., praying for the enactment of legislation raising the age of protection for girls in the District of Columbia to 18 years; which were referred to the Committee on the District of Columbia.

Mr. LODGE presented a petition of Branch No. 1, American Workmen's Protective League, and 161 citizens of Brooklyn, N. Y., praying for the enactment of legislation restricting immigration; which was referred to the Committee on Immigration.

praying for the enactment of legislation restricting immigration; which was referred to the Committee on Immigration.

He also presented a petition of the West Lynn Shoe Company, of Massachusetts, and the petition of Thomas E. Emerson's Sons, of Massachusetts, praying for the passage of the so-called Torrey bankruptcy bill; which were ordered to lie on the table.

Mr. SEWELL presented a memorial of the New Jersey Horticultural Society, represented in the New Jersey Horticultural Society represented in the New Jersey Horticultural Represented in the New Jersey Horticultural Represented in the New Jersey Horticultural Represented in

cultural Society, remonstrating against any appropriation being made providing for the free distribution of seed; which was re-

He also presented resolutions adopted by General Sedgwick Council, No. 22, Order United American Mechanics, of Newark, N. J., expressing sympathy with the Cubans in their struggle for independence; which were ordered to lie on the table.

He also presented a petition of the Woman's Christian Temperance Union of Salem, N. J., through N. A. Carpenter, president, and Mary E. Hire, corresponding secretary, and a petition of the Union Methodist Episcopal Church of Camden, N. J., through John S. Heisler, pastor, and John J. Rice, clerk, praying for the passage of Senate bill No. 2485, to further protect the first day of the week as a day of rest in the District of Columbia; which were referred to the Committee on the District of Columbia.

He also presented a petition of sundry citizens of Elizabeth N. J.

He also presented a petition of sundry citizens of Elizabeth, N. J., praying that immediate steps be taken by the Government to obtain reparation for injuries inflicted on Armenians in Turkey;

which was referred to the Committee on Foreign Relations.

He also presented a memorial of the Medical Society of New
Jersey, remonstrating against the passage of Senate bill No. 1552,
for the further prevention of cruelty to animals in the District of
Columbia; which was ordered to lie on the table.

He also presented the petition of A. M. Taylor, of Vineland, N. J., praying for the enactment of legislation to amend the postal laws relating to second-class mail matter, and also prohibiting interstate transportation of obscene matter through the mails; which was referred to the Committee on Post-Offices and Post-

Mr. CAMERON presented memorials of the publishers of the Quakertown Free Press; the Souderton Independent; the Saxton Herald; the Conference Journal; the Palmyra Herald; Montgomery Transcript; the Young Folks' Catholic Weekly, of Philadelphia; the Hazleton Journal; the Daily Record, of Mahanoy City; the Daily Standard, of Hazleton; the Tocsin, of Black Lick Stations Feed Home and Condence of Philadelphia Back. delphia; the Hazleton Journal; the Daily Record, of Mahanoy City; the Daily Standard, of Hazleton; the Tocsin, of Black Lick Station: Food, Home, and Garden, of Philadelphia; Der Neutraliot, of Shippock; the Wayne Independent, of Honesdale; the Home Queen and New Ideas, of Philadelphia; the Lykens Register; the News Item, of Middleburg; the Whip and Spur, of Philadelphia; the Bradford Daily Record; the Republican Advocate, of Wellsboro; the Medical World, of Philadelphia; the Philipsburg Ledger, the Christian Standard, of Philadelphia; the Hazleton Sentinel; the Millers' Review, of Philadelphia; the Middletown Press; the Methodist Herald, of Newport; the American Journal of Photography, of Philadelphia; the Advocate, of Dallastown; the Church Advocate, of Harrisburg; the Medical Bulletin; the Universal Medical Journal; the York Daily; the York Weekly; the Commonwealth, of Philadelphia; the Forest Republican, of Tionesta: the Proco Latinus, of Philadelphia; the Sledge Hammer, of Meadville; the Church News; the Reynoldsville Volunteer; the Conoquenessing Valley News; the Sun, of West Newton; the Denver Press; the Chester County Post, of Westchester; the Public Democrat, of Westchester; the Democrat, of Newcastle; the County Journal, of Loganton; the Vienybe Lietuvniky, of Plymouth; the Sun, of Liverpool; of sundry citizens of Philadelphia; the American Slavonic Gazette, of Pittsburg; the News, of Newcastle; the Daily Local, of Ashland; the Watchman, of Newton; the Post, of Middleburg; the Weekly Record, of Brockwayville; the Daily Democrat. of Johnstown: the Times, of Hawley, the Franklip Daily Local, of Ashiand; the Watchman, of Newton; the Post, of Middleburg; the Weekly Record, of Brockwayville; the Daily Democrat, of Johnstown; the Times, of Hawley; the Franklin Repository, of Chambersburg; the Independent Messenger, of Indiana; the American Law Register and Review, of Philadelphia; the Record, of Waynesboro; the Echo, of Erie; the Daily Courier, of Blairsville; the North Philadelphia Tribune, of Bridesburg; the Bulletin, of Hyndman; the Tribune Republican of Mondrille. of Blarsville; the North Philadelphia Tribune, of Bridesburg; the Bulletin, of Hyndman; the Tribune-Republican, of Meadville; the Review, of Marietta; the Pulpit and the Preacher's Helper; the Journal, of Huntingdon; the Times, of West Newton; the News, of Harrisburg; the Il Vesuvio, of Philadelphia; the Entomological News, of Philadelphia; of J. W. McMaster, of Thurlow; of Howard M. Jenkins, of Philadelphia, all in the State of Pennsylvania, and of the Journal of Kildare, Oklahoma, remonstrating against the passage of the so-called Lond bill relating to second against the passage of the so-called Loud bill, relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

He also presented petitions of the American Railway Literary Union of Philadelphia; of David J. Pearsall, of Mauch Chunk; of Rev. Robert A. McIlwain and sundry other citizens of Philadelphia; of John H. Cramer and sundry other citizens of Philadelphia; of William G. Liebig and sundry other citizens of Philadelphia; of Simon Friedman and sundry other citizens of Philadelphia; of E. J. Brown and sundry other citizens of Philadelphia; of Thomas E. J. Brown and sundry other citizens of Philadelphia; of Thomas Moore, jr., and sundry other citizens of Philadelphia; of Rev. George C. Ewart and sundry other members of the Doylestown Baptist Church; of Dr. Henry Berkowitz and sundry other citizens of Philadelphia; of Byron A. Woods, president of the Philadelphia Conference of the Baptist Ministers; of I. B. Jones, of Philadelphia; of Walter H. Bassett and sundry other citizens, of John M. Calver, of Dr. Joseph Foulke, and of Edward Smith Kelly, of Philadelphia, all in the State of Pennsylvania, praying for the passage of the so-called Loud bill, relating to second-class mail matter; which were referred to the Commit ee on Post-Offices and Post-Roads. and Post-Roads.

He also presented the memorial of Dr. H. C. Wood, of the faculty

of the University of Pennsylvania, and the memorial of H. P. Armsby, a director of the Pennsylvania State College, remonstrating against the passage of Senate bill No. 1552, for the further prevention of cruelty to animals in the District of Columbia; which were ordered to lie on the table.

He also presented a petition of the Christian Endeavor Society

of Manheim, Pa., praying for the enactment of legislation to pro-hibit the sale of intoxicating liquors in the United States Capitol building; which was referred to the Committee on Public Buildings and Grounds.

He also presented the memorial of W. E. Broderick, second vice-president of the National Wholesale Liquor Dealers' Association, of Baltimore, Md., and of the Hannis Distilling Company and sundry other distillers and wholesale liquor dealers of Philadelphia, Pa., remonstrating against the passage of House bill No. 8582, to allow the bottling of distilled spirits in bond; which was referred to the Committee on Finance.

He also presented petitions, in the form of resolutions adopted by the Young Irelanders' Association (Clan na Gael) of Pawtucket, R. I.; of Fairmont Lodge, No. 333, Brotherhood of Locomotive Engineers, of Philadelphia, Pa., and of the Bronze Club, of Cleveland, Ohio, praying Congress to recognize the independence of

Cuba; which were ordered to lie on the table.

Mr. ALDRICH presented a memorial of sundry publishers, news dealers, and booksellers of Rhode Island, remonstrating against the passage of the so-called Loud bill, relating to second-class mail matter; which was referred to the Committee on Post-Offices and Post-Roads.

and Post-Roads.

Mr. BURROWS presented the memorial of H. C. Kudner, publisher of the Lapeer County Democrat, of Lapeer, Mich., and the memorial of Foster Bros., publishers of the Gladwin County Record, of Gladwin, Mich., remonstrating against the passage of the so-called Loud bill, relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

Mr. PROCTOR presented a memorial of the Master Car Builders' Association, of St. Albans, Vt., remonstrating against the adoption of the metric system of weights and measures; which was referred to the Committee on Finance.

was referred to the Committee on Finance.

He also presented two petitions of members of the societies of the Colonial Dames of America, praying that a charter be granted them under the name of the National Society of the Colonial Dames of America; which were referred to the Committee on the

Mr. BRICE presented the memorial of the Weideman Company, Ullman Einstein & Co., Weideman, Holmes & Co., and William Edwards & Co., of Cleveland, Ohio, remonstrating against the passage of House bill No. 8582, to allow the bottling of distilled spirits in bond; which was referred to the Committee on Finance.

He also presented the petition of Rev I. L. Kephart, editor of the Religious Telescope, of Dayton, Ohio, and the petition of Eugene E. Diehl, of Cleveland, Ohio, praying for the enactment of legislation prohibiting the sale of intoxicating liquors in the Capitol building; which were referred to the Committee on Public Buildings and Grounds.

He also presented the memorial of C. W. Charles, publisher of the Ohio Chronicle, of Columbus, Ohio, remonstrating against the passage of the so-called Loud bill, relating to second-class mail matter; which was referred to the Committee on Post-Offices

and Post-Roads.

He also presented a petition of the Merchants' National Bank, of Toledo, Ohio, and a petition of the Ketcham National Bank, of Toledo, Ohio, praying for the passage of the so-called Loud bill, relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post Roads.

REPORTS OF COMMITTEES.

Mr. GALLINGER, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (S. 1538) granting a pension to Joseph M. Waddell; A bill (H. R. 4490) to restore the name of Ethan A. Sellman to

the pension roll; A bill (H. R. 5712) granting increase of pension to John W.

A bill (H. R. 1646) for the relief of Dolly S. Brown; and A bill (H. R. 9592) to amend an act entitled "An act granting a pension to Jesse McMillan," received by the President May 27,

Mr. GALLINGER, from the Committee on Pensions, to whom was referred the bill (S. 1647) to increase the pension of Clark W. Harrington, late sergeant of Company I, Ninety-third New York Infantry, reported it with amendments, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (H. R. 4363) to increase the pension of Joseph J. Hudson, reported it with an amendment, and submitted a report thereon. He also, from the same committee, to whom was referred the

bill (H. R. 6247) to grant a pension to Miss Jennie E. Moore, reported it with amendments, and submitted a report thereon.

Mr. PEFFER, from the Committee on Pensions, to whom was referred the bill (H. R. 1018) to increase the pension of Bennett S. Shaug, reported it without amendment, and submitted a report

He also (for Mr. BRICE) from the same committee, to whom was referred the bill (S. 2992) granting a pension to Ellen O'Hara, reported it with an amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 2975) granting a pension to John Amrein, reported it with an amendment, and submitted a report thereon.

Mr. BRICE, from the Committee on Pensions, to whom was

referred the bill (8.2908) granting a pension to Franklin Andrews, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 2909) granting a pension to Henry Shafer, reported it with an amendment, and submitted a report thereon.

Mr. MORRILL, from the Committee on Finance, to whom was referred the bill (H. R. 596) for the relief of Ellis H. Roberts, re-

ported it without amendment.

Mr. BAKER, from the Committee on Pensions, to whom was referred the bill (S. 3329) to increase the pension of George W. Smith, late a captain, Seventh Regiment New Jersey Volunteers, reported it with amendments, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 2959) granting a pension to Sarah Townsend, reported it with amendments, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (H. R. 4481) granting an increase of pension to Patsey E. Broaddus, of Marion, Kans., reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (H. R. 3380) granting an increase of pension to John R. Row of Toronto, Kans., reported it without amendment, and submitted a report thereon.

Mr. ROACH, from the Committee on Pensions, to whom was referred the bill (S. 2713) granting a pension to Miss Mary Hayne, reported it without amendment, and submitted a report thereon.

Mr. SHOUP, from the Committee on Pensions, to whom was referred the bill (S. 2177) granting an increase of pension to Henry B. Conway, reported it with an amendment, and submitted a report thereon. port thereon.

He also, from the same committee, to whom was referred the bill (H. R. 5855) granting a pension to Emily Elliott, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (H. R. 1500) granting a pension to George W. Bagley, reported it without amendment, and submitted a report thereon.

Mr. McBRIDE, from the Committee on Public Lands, to whom was referred the amendment submitted by himself on the 13th instant, intended to be proposed to the legislative, executive, and judicial appropriation bill, reported it with amendments, and moved that it be referred to the Committee on Appropriations, and printed which was accorded. and printed; which was agreed to.

Mr. MITCHELL of Wisconsin, from the Committee on Pensions, to whom was referred the bill (H. R. 4267) granting an increase of pension to Gabriel Widmer, reported it without

amendment, and submitted a report thereon

He also, from the same committee, to whom was referred the bill (H. R. 4298) granting an increase of pension to Annie Thomp-son, reported it without amendment, and submitted a report

Mr. ALDRICH, from the Committee on Finance, to whom was

referred the bill (H. R. 1256) for the relief of Henry A. Webb, reported it with an amendment.

Mr. HALE, from the Committee on Naval Affairs, to whom was referred the bill (S. 3492) for the relief of Paymaster James E. Tolfree, United States Navy, reported it without amendment.

He also, from the same committee, to whom was referred the bill (S. 3493) for the relief of Pay Clerk Charles Blake, United States Navy, reported it without amendment.

DISTRICT NAVAL MILITIA.

Mr. HALE. I am directed by the Committee on Naval Affairs, to whom was referred the bill (S. 3355) to provide for organizing a naval reserve battalion in the District of Columbia, to report it with amendments and submit a report thereon. I should like to

The VICE-PRESIDENT. The bill will be read for information.
The Secretary read the bill, and, by unanimous consent, the Senate, as in Committee of the Whole, proceeded to its considera-

The amendments of the Committee on Naval Affairs were, in section 1, line 6, after the word "naval," to strike out "reserve;" in section 2, line 1, after the word "naval," to strike out "reserve;" to strike out sections 4, 5, and 6 of the bill; in section 7 [4], line 4,

before the word "battalion," to strike out "reserve;" and in section 8 [5], line 2, before the word "battalion," to strike out "reserve." The amendments were agreed to.

Mr. SHERMAN. I listened to the reading of the bill as well as I could with the noise around me. I should like to know who will pay for the service of these volunteers. Is it a voluntary organization?

Mr. HALE. It is entirely voluntary. It is something like the Naval Reserve Militia in the different States. The Government has nothing to do with the payment. In fact, they will receive no

pay.

Mr. SHERMAN. There are quite a number of officers named in the bill. Will they receive any pay from the Government?

Mr. HALE. None at all.

Mr. SHERMAN. If it is a mere voluntary naval organization have no objection to the bill, but if it were an addition to the

Navy I should object to it.

Mr. HALE. I should certainly object if it were to be any addition to the Navy. It is like the organizations of the different States, which are run entirely by the members themselves, without any salary or pay from the Government.

Mr. SHERMAN. I have no objection to the bill.

Mr. CHANDLER. I should like to ask the Senator from Maine

whether the organization is to be anything more than a part of the militia of the District of Columbia?

Mr. HALE. It is to be a part of the militia.

Mr. CHANDLER. It is to be a naval company in addition to the infantry and artillery companies of the District?

Mr. HALE. That is exactly what it is to be. The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read

the third time, and passed.

The title was amended so as to read: "A bill to provide for organizing a naval battalion in the District of Columbia."

ELLIS H. ROBERTS.

Mr. MORRILL. I ask that the bill (H. R. 596) for the relief of Ellis H. Roberts, reported this morning from the Committee on Finance, be taken up for action at the present time. It proposes to pay Ellis H. Roberts \$800.

The VICE-PRESIDENT. The bill will be read for information.
The Secretary read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, directed to pay to Ellis H. Roberts, late assistant treasurer of the United States at New York City, N. Y., out of any moneys in the Treasury not otherwise appropriated, the sum of \$800, the said sum of money representing a loss incurred in the said office of said assistant treasurer, without default or negligence on his part, and made good to the Government by him.

Mr. MORRHLL. We have a long report made in this case, but the bill is so obviously correct that the committee were unani-mously in favor of reporting it, and I will not ask to have the report read.
The VICE-PRESIDENT. Is there objection to the present con-

sideration of the bill?

There being no objection, the bill was considered as in Commit-

tee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BILLS INTRODUCED.

Mr. BURROWS introduced a bill (S. 3552) for the relief of the

legal representatives of John Roach, deceased; which was read twice by its title, and referred to the Committee on Claims.

Mr. BERRY introduced a bill (S. 3553) for the relief of the trustees of the Presbyterian church of Dardanelle, Yell County, Ark.; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 3554) for the relief of the estate of Parkes & Ward, of Yell County, Ark.; which was read twice by its title, and referred to the Committee on Post-Offices and Post-

Roads.

Mr. ALLEN introduced a bill (S. 3555) to amend an act entitled "An act granting to the Eastern Nebraska and Gulf Railway Company right of way through the Omaha and Winnebago Indian reservations, in the State of Nebraska," by extending the time for the construction of said railway; which was read twice by its title, and referred to the Committee on Indian Affairs.

Mr. GALLINGER introduced a bill (S. 3556) granting a pendicular way to be a second to the construction of the committee on Indian Affairs.

sion to Carlton W. Muzzy; which was read twice by its title, and, with the accompanying papers, referred to the Committee on

Mr. TURPIE (for Mr. VOORHEES) introduced a bill (S. 3557) granting a pension to Emma M. Elliott; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

Mr. DANIEL (by request) introduced a bill (S. 3558) giving to any State having a claim for expenses incurred in defense of the

United States the right to have the same adjudicated by the Supreme Court of the United States; which was read twice by its title, and referred to the Committee on the Judiciary.

He also (by request) introduced a bill (S. 3559) for the relief of the heirs of Jonas P. Levy, deceased; which was read twice by its title, and referred to the Committee on Foreign Relations.

Mr. GALLINGER introduced a bill (S. 3560) for the purchase of the oil portrait of Mrs. Dolly Madison, by E. F. Andrews; which was read twice by its title, and referred to the Committee on the

Mr. MORGAN introduced a joint resolution (S. R. 191) relative to the improvement of the waterway between Birmingham, Ala., and the Black Warrior River; which was read twice by its title, and referred to the Committee on Commerce.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. PEFFER submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Public Buildings and Grounds, and ordered

to be printed.

Mr. PETTIGREW submitted an amendment intended to be proreferred to the Committee on Appropriations, and ordered to be

printed.

Mr. BACON submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Military Affairs, and ordered to be printed. Mr. SHOUP submitted an amendment intended to be proposed

by him to the Indian appropriation bill; which was referred to the Committee on Indian Affairs, and ordered to be printed.

Mr. HOAR submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

INTERNATIONAL MONETARY CONFERENCE.

Mr. CANNON submitted an amendment intended to be proposed by him to the bill (S. 3547) to provide for the representation of the United States by commissioners at any international monetary conference hereafter to be called; which was ordered to lie on the table and to be printed.

PUBLIC BUILDING AT ALTOONA, PA.

Mr. QUAY. I ask the unanimous consent of the Senate to proceed to the consideration of the bill (S. 3543) for a public building at the city of Altoona, Pa., and appropriating money therefor.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It directs the Secretary of

whose, proceeded to consider the bill. It directs the Secretary of the Treasury to purchase by private sale or secure by condemnation a site for, and cause to be erected thereon, a suitable building, with fireproof vaults therein, for the accommodation of the United States district and circuit courts, post-office, and other Government offices, at the city of Altoona, county of Blair, Pa. The plans, specifications, and full estimate for the building shall be a process of the court of the country of the plans, specifications, and full estimate for the building shall be a process of the court of the country of the co be previously made and approved according to law, and shall not exceed, for the site and building complete, \$125,000.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MONONGAHELA RIVER BRIDGE.

Mr. QUAY. I move to recommit to the Committee on Commerce for further consideration the bill (S. 2898) to authorize the construction of a bridge over the Monongahela River from the city of McKeesport to the township of Mifflin, Allegheny County, Pa. The motion was agreed to.

CONVENTION OF INSTRUCTORS OF THE DEAF.

Mr. McMILLAN. I ask unanimous consent to call up the bill (H. R. 6883) to incorporate the Convention of American Instructors of the Deaf. The bill came over from the House yesterday, ors of the Deaf. The and lies on the table.

and lies on the table.

Mr. COCKRELL. What is the order of business?

Mr. McMILLAN. It is a House bill, and is exactly the same as a Senate bill on the Calendar.

The VICE-PRESIDENT. The bill will be read for information.

The Secretary read the bill; and, by unanimous consent, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported to the Senate without amendment, ordered

to a third reading, read the third time, and passed.

Mr. McMILLAN. I move that the bill (S. 2572) to incorporate
the Convention of American Instructors of the Deaf in the District of Columbia, which is on the Calendar, be indefinitely postponed.

The motion was agreed to.

CONFIRMATION OF LAND ENTRIES.

Mr. BERRY and others addressed the Chair. Mr. CULLOM. What is the regular order?

Mr. BERRY. I ask unanimous consent to call up House bill

Mr. CULLOM. I have been waiting for the morning business to be concluded, so that I might call up an appropriation bill; but we seem to be on the Calendar. Mr, BERRY. I hope the Senator from Illinois will not inter-

I ask leave to call up a bill which it will not take two minpose.

ttes to pass.
The VICE-PRESIDENT. The Chair will state that the Senator from Illinois is entitled to recognition after the morning business is concluded, if he desires it.

Mr. CULLOM. I will not interpose an objection to the bill the

Senator from Arkansas wishes to call up; but I wish to state while I am on the floor that the legislative, executive, and judicial appropriation bill has been reported and is now ready for consideration. However, I understand that the Senator from Indiana [Mr. Turpie] desires to take the floor immediately after the routine business, and I am disposed to give him the right of way for the purpose of making his address. I would not like to have the routine business continue all the morning by calling up bills from the Calendar.

Mr. BERRY. I ask the unanimous consent of the Senate at this time to proceed to the consideration of the bill (H. R. 8413) to confirm certain cash entries of public lands.

The VICE-PRESIDENT. The bill will be read for information.

The Secretary read the bill, as follows:

Be it enacted, etc., That all entries of the public lands made under the provisions of the act entitled "An act to graduate and reduce the price of the public lands to actual settlers and cultivators," approved August 4, 1854, which are illegal and invalid because of the fact that the lands covered thereby had never been offered for sale, be, and the same are hereby, confirmed, if, upon examination by the Commissioner of the General Land Office, the same are found to be otherwise regular and in compliance with said act and the acts supplemental thereto.

SEC. 2. That all acts or parts of acts in conflict herewith are hereby repealed.

The VICE-PRESIDENT. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the

Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

EDWARD H. MUNSON.

I ask unanimous consent to call up for con-Mr. HAWLEY. sideration the bill (H. R. 4199) to correct the military record of Edward H. Munson, late a private in Company H, Thirty-second New York Regiment of Infantry. It will not take two minutes to pass the bill.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ELECTRIC SUBWAYS IN THE DISTRICT OF COLUMBIA.

Mr. COCKRELL. The joint resolution (S. R. 187) relating to the laying of electric subways in the District of Columbia, introduced by me and reported favorably from the Committee on the District of Columbia by its chairman yesterday, should receive immediate action. It is an important measure, and it is important that it should be acted upon at once. I ask that it may be now

taken up and disposed of.

The VICE-PRESIDENT. The Senator from Missouri asks unanimous consent for the present consideration of the joint

resolution indicated by him.

Mr. HILL. That measure will lead to considerable debate. I

hope it will not be taken up now.

The VICE-PRESIDENT. Objection is interposed to the request of the Senator from Missouri.

Mr. COCKRELL. I move that the Senate proceed to the consideration of Senate joint resolution No. 187.

The VICE-PRESIDENT. The Chair will recognize the Senator from Missouri at the conclusion of morning business.

Mr. COCKRELL. Very well.

PACIFIC RAILROADS.

The VICE-PRESIDENT. The Chair lays before the Senate, as a part of the morning business, the resolution of the Senator from Alabama [Mr. Morgan], coming over from a previous day. The resolution will be stated.

The Secretary. A resolution directing the Committee on the Judiciary to inquire and report as to the default of the Central Pacific Railroad Company and the Union Pacific Railroad Com-pany in the payment of bonds issued by the United States in aid of said roads

The VICE-PRESIDENT. The question is on agreeing to the

Mr. MORGAN. I ask unanimous consent that the resolution may go over without prejudice.

The VICE-PRESIDENT. Without objection, it will be so ordered.

DIVISIONAL LINE BETWEEN VENEZUELA AND BRITISH GUIANA.

The VICE-PRESIDENT. The Chair lays before the Senate the resolution of the Senator from South Dakota [Mr. Pettigrew], coming over from a previous day. The resolution will be stated. The Secretary. A resolution directing the Secretary of State

to send to the Senate a statement of the proceedings of the comto send to the Senate a statement of the proceedings of the commission appointed to investigate and report upon the true divisional line between the Republic of Venezuela and British Guiana, etc.

Mr. PETTIGREW. As I do not find the resolution printed and on my desk, I ask to have it lie on the table until to-morrow morning, when I shall call it up for disposition.

The VICE-PRESIDENT. In the absence of objection, it will

be so ordered. The morning business is now concluded.

ELECTRIC SUBWAYS IN THE DISTRICT OF COLUMBIA.

Mr. COCKRELL. I move that the Senate proceed to the con-Mr. COCKRELL. I move that the Senate proceed to the consideration of the joint resolution (S. R. 187) relating to the laying of electric subways in the District of Columbia.

The VICE-PRESIDENT. The question is on the motion of the Senator from Missouri that the Senate proceed to the consideration of the joint resolution indicated by him.

Mr. HILL. Let us have the joint resolution read first, before

The VICE-PRESIDENT. The joint resolution will be read.
The SECRETARY. A joint resolution (S. R. 187) relating to the laying of electric subways in the District of Columbia.
Mr. GRAY. I should like to have the joint resolution read at

The VICE-PRESIDENT. The joint resolution will be read. The Secretary read the joint resolution, as follows:

Whereas it is provided by the act of June 11, 1896 (29 Stats., page 401), that no underground electric-lighting wires or conduits therefor shall be laid in the District of Columbia east of Rock Creek, excepting in the extension of the existing electric-lighting service within certain specified territorial limits: and

the existing electric-lighting service within certain specified territorial limits; and

Whereas the Senate and House are both investigating, through their respective Committees of the District of Columbia, the subject of the laying of electric subways in the streets, roads, avenues, and alleys of the District of Columbia. as recommended by the Commissioners of the said District in their letter of February 8, 1836, and as provided by Senate bill 2031 and House bill 5920 accompanying said letter: Therefore,

Resolved, etc., That until definite action is taken by Congress regarding the construction of said general subway system it shall be unlawful to open any streets, roads, avenues, or alleys in the District of Columbia for the purpose of laying electrical wires, cables, or conduits therein, excepting in the extension of the existing electric-lighting service, within the territorial limits specified in said act: Provided, however, That in cases where the public interests shall, in the opinion of the Commissioners of the District of Columbia, require an immediate extension of existing service permits may be issued therefor, and also for all necessary house connections, to the United States Electric Lighting Company in the territory lying east of Rock Creek, and to the Potomac Light and Power Company in the territory lying west of Rock Creek.

Mr. HILL. Mr. President, I rise to a parliamentary inquiry. The joint resolution was reported yesterday from the Committee on the District of Columbia, I understand. Is there any report accompanying it?
The VICE-PRESIDENT. There is no report, the Chair is ad-

vised.

Mr. FAULKNER. There is no report.

Mr. HILL. Is there any amendment reported by the committee?
The VICE-PRESIDENT. There is no amendment reported to the joint resolution. The question is on agreeing to the motion of the Senator from Missouri to proceed to its consideration.

The motion was agreed to; and the Senate, as in Committee of

the Whole, proceeded to consider the joint resolution.

The VICE-PRESIDENT. If no amendment be proposed as in Committee of the Whole, the joint resolution will be reported to the Senate. Mr. HILL.

Mr. President, I desire to hear some reason why

this extraordinary joint resolu ion should pass this body.

Mr. COCKRELL. Well, Mr. President, there is nothing extraordinary about it. It gives upon its face a plain A B C statement of the reasons why the streets and alleys in the city of Washington shall not be torn up at the will and pleasure of this or that person until Congress has passed upon the question and has determined upon one subway in which all wires are to be placed. Congress is legislating upon that question. The two committees of the Senate and House on the District of Columbia have the matter before them, and at the last session we prohibited anything of this kind being done until those committees could act upon it. That

is the object of the joint resolution.

Mr. HILL. Will the distinguished Senator from Missouri oblige me by pointing out the particular statute passed last year which prevented the very action which he is now seeking to prevent by this proposed legislation? If the act complained of is already prohibited, what is the necessity for this legislation? I pause for a reply, for a reply is appropriate at this particular time.

Why, the very point involved is that there is no legislation which prevents this new company from doing precisely what it is doing.

prevents this new company from doing precisely what it is doing

to-day, much to the gratification of the honest people of the District of Columbia. Therefore it is no answer to my inquiry to say

that the action now proposed to be stopped has already been legally stopped by previous legislation.

Mr. President, I had hoped that we might have been presented something beyond the mere reading of the joint resolution to convince us that we ought to pass this measure. I had hoped, as there was no report from the Committee on the District of Columbia estimates the indexil the reason for this action for the committee. bia setting forth in detail the reasons for this extraordinary legislation, that some one might rise in his place and vouchsafe to honor us with a brief statement of the reasons for the passage of the joint resolution.

The mere fact that when conduits are laid in the streets the streets are necessarily torn up is no argument why there should be no more electric lighting in the city of Washington. According to the brief statement made here, we must stop this tearing up of our streets until somebody prepares a general system by which such improvement is to be done, and until Congress does so, there must be no more tearing up of the sacred soil of the District of Columbia.

Mr. STEWART. Except by a particular company.
Mr. HILL. Except by a particular monopoly—that is it—except
by the monopoly which seems to have the ear of some of the committees of this Senate. I speak plainly. I thank the Senator from
Nevada for that suggestion. Are we to proceed to pass this joint
resolution upon a theory which will not stand, upon a false theory, upon the mere bare suggestion that we are tearing up these streets,

and therefore such tearing up must not be done?

I assert as a proposition of law that this new company has a perfect legal right to do what it is now doing, the company which is called the Potomac Company, which dares to enter into competition with the United States Electric Lighting Company. If there is no authority for what the Potomac Company is doing, the courts of this District are open to enjoine the total states of a courts of this District are open to enjoinment at the instance of a committee of the Senate or at the instance of any taxpayer in this city. Why has not some application been made to the courts to stop this improvement? I have in my humble residence in this city, opposite Lafayette Square, had to endure the miserable light which we have had in the park for the last two years, and this new company, which has now laid its conduits in front of that covers has inspired me with the hope that within a brief period square, has inspired me with the hope that within a brief period we may be enjoying good light. But we are told that it shall not be done, and we are told that the mere fact that they are tearing up the streets is enough to make us hasten to stop it. We are told up the streets is enough to make us hasten to stop it. We are told we have already prohibited it. Where is the law which declares we have already prohibited it. that prohibition?

. President, what are the facts? The facts are that this whole Mr. President, what are the facts? The facts are that this whole question has been litigated in the courts of the District of Columbia, and those who are pressing this measure know it. No one knows it better than the United States Electric Lighting Company, because they were parties to the litigation. Some time ago that company, having, of course, the interests of the people of this city at heart, and not their own, sought to prevent this young and vigorous company from coming into competition with them in this city, and rushed into the courts to procure a permanent injunction to stop the doing of this very work. I am not here to cast any improper reflections upon this old monopoly. Of course they are acting for their own selfish interests and for their own good. They assume to be acting in the interests of the public, but they are looking for their own revenues. I never knew a monopoly are looking for their own revenues. I never knew a monopoly yet which proceeded in the courts which did not assume to act in the public interests. But whether this company was acting in the public interests or not makes no difference to the question Whether they resorted to the courts for a proper or an improper purpose, the courts have decided the question in controversy. The courts decided that the new company had the right improper purpose, the courts have decided the question in controversy. The courts decided that the new company had the right to proceed under existing law and lay down conduits. That litigation has been disposed of so far as the application for a temporary injunction is concerned. Appeal has been made to the only tribunal competent to decide it, and it decided the question adversely to the old monopoly. Then the new company proceeded to lay down the conduits, and immediately we are told that the District of Columbia is going to "rack and ruin," because somebody other than this old monopoly is going to make some public improvement in this District.

I have had some talk with citizens of this city, and I yenture the

I have had some talk with citizens of this city, and I venture the statement that they want competition; I venture the statement that they hail with delight any opportunity which will give them additional lighting facilities; I venture the assertion that public opinion in this District is upon the side of this new company, which wants an opportunity to share in the electric-lighting business of this great city of 250,000 or 300,000 people.

Therefore, Mr. President, continuing my argument, it is an idle plea, it is a silly plea, it is a babyish plea to say that we must pass this joint resolution, in the first place, because the new company are tearing up the streets of the city, and in the second place, it is an illogical argument, and a false and untrue argument, to say I have had some talk with citizens of this city, and I venture the

that this new company is violating any existing law. That question has been determined adversely to the old monopoly and in

favor of the new company.

What is there about this? There is nothing to conceal about it. What is there about this? There is nothing to conceal about it. Why not tell the Senate frankly just what there is of it? That this new company have met with great difficulties in obtaining a foothold in this city is true. It is composed of active, vigorous, energetic young men. They hail from the city of New York, from my own State. They put their money into this business, and are anxious to do something to aid themselves and to help the propole of this District. people of this District. If they are right, they should be sustained. They have met, of course, the persistent, the continuous opposition of the old company, and last session, having some controversy in regard to this matter, certain legislation was put upon an appropriation bill. The theory of this proposed legislation is that in some way outside assurances were given, some verbal assurances, to some members of the various committees, conference committo some members of the various committees, conference committees or otherwise, whereby it was agreed by the new company that nothing should hereafter be done until the Congress of the United States should provide a general system of subways in this city. When is that to be done? Echo answers, When? Who has recently introduced a bill for that purpose in this Senate, and where is there a bill for that purpose introduced in the other House? What bill upon this subject is any committee considering? I pause for a reply.

Mr. FAULKNER. As the Senator pauses for a reply, I will state to him that there is a bill before a subcommittee of the Committee on the District of Columbia, who expect to have a meeting on it to-day, I think.

on it to-day, I think.

Mr. HILL. When was it introduced?

Mr. FAULKNER. I think at the last session of Congress. It was a bill drawn by one of the Commissioners of the District of Columbia, Mr. Truesdell.

Mr. HILL. I am glad of that information, for it throws some light upon the question. When is the committee likely to report?
Mr. FAULKNER. I think it would be absolutely impossible for me to answer that question. I hope they will report during the present session, and I hope the bill will be passed into a law during this session.

during this session.

Mr. HILL. Mr. President, so far so good. The bill had attracted so little attention in the various discussions preliminary to this matter that I was not informed there had been such a bill intromatter that I was not informed there had been such a bill infroduced. Nothing could be of more importance than that bill if one is to be passed—I put it, if one is to be passed. If the committee had given as much attention to that general subway bill as they have given to the effort to stop the Potomac Company from going on with those conduits, we could have had a bill here and been discussing it at this vary hour

discussing it at this very hour.

Mr. BACON. I will state that I am a member of the subcommittee to which that bill has been referred, and the criticism of the Senator from New York is not just. In order that what I say may have its full force, I desire to say to the Senator that I agree with him as to the propriety of permitting the present action by the Potomac Company, although I do not propose to antagonize the committee further than by my vote, as I am in the minority.

Mr. HILL. To what committee does the Senator refer?

Mr. BACON. The Committee on the District of Columbia.

The regulation of all the details and the determining of what subway company are exceedingly difficult. The subcommittee has had repeated meetings, and will have others. I desire that the imputation shall at least not rest upon the subcommittee that there is any indisposition to make a prompt report in this matter. For myself, I heartily favor it. I am in favor of a general sub-way system. In the meantime, I repeat, I am in favor of per-mitting the present Potomac Light Company to go on with its work. I only state that fact in order that my disclaimer of undue work. I only state that fact in order that my disclaimer of undue delay on the part of the subcommittee may not be misconstrued

or lack anything of its full weight.

Mr. TILLMAN. If the Senator will allow me, I should like to ask some member of that committee to tell us whether the present company, the one that has the monopoly, will continue laying its wires whether you report or not?

Mr. BACON. I do not understand the assettion.

Mr. BACON. I do not understand the question. Mr. TILLMAN. Is there not already in existence on this side of Rock Creek an electric-light company which has permission to lay subways without waiting for your committee to report or act? Mr. BACON. That would lead me into a general discussion of

this matter.

Mr. TILLMAN. Answer the question, yes or no.

Mr. BACON. I decline to answer yes or no.

Mr. TILLMAN. Of course you are at liberty to answer in your

wn way. Mr. BACON. Mr. BACON. I will say that this matter is largely, if not altogether, proceeding under the control of the District Commissioners. I merely rose for the purpose of setting the subcommittee right as to the statement made by the Senator from New York.

Now, to put me upon the stand to be catechised as to what is the law of the District in regard to all these matters of subways is hardly proper, when the Senator from New York is on the floor discussing the matter, and the question of the Senator from South Carolina can not be answered yes or no. I decline to answer now.

Mr. TILLMAN. I only hope that somebody will answer yes or no the proposition contained in this joint resolution to the effect that somebody has the privilege of doing this very thing while you gentlemen are considering whether you will report on the general

gentlemen are considering subway question or not.

Mr. HILL. I will inform the Senator from South Carolina that the object is to let this old company go on and prevent the new accompany from doing anything. That is apparently the scheme. company from doing anything. Tha Mr. GALLINGER. Mr. President

Mr. HILL. I can not enter into a joint debate now.
Mr. GALLINGER. Will the Senator yield to me a moment?
Mr. HILL. Not at present.

Mr. GALLINGER.

I simply wanted to say there is neither trick nor device nor scheme in it.

Mr. HILL. Then somebody ought to be able to explain these things as they arise

Mr. GALLINGER. The Senator has not permitted us. We will do it in our time.

Mr. HILL. Twice I stopped for an answer to pertinent inquiries, and I received no answer to respectful and proper questions, which were put to elicit information.

Mr. GALLINGER. If the Senator will permit me to say so, he will get all the answers he desires on this question before he gets through.

Mr. HILL. Very likely.

Mr. GALLINGER. The Senator will get all he desires.

Mr. HILL. But when Senators say this new company is proceeding illegally, I ask them to point out wherein it has been so proceeding, and Senators remain silent. I will stop right here and let the Senator from New Hampshire explain wherein this company is violating any existing law, if he can explain.

Mr. GALLINGER. Mr. President, I do not propose to explain

just now. The Senator can proceed to make his speech in his own time and in his own way, but if he will be kind enough not to impute dishonorable motives to the members of the Committee on the District of Columbia and to other Senators, he will be keeping within the rules of the Senate.

Mr. HILL. I shall try to keep within the rules of the Senate, but it would not violate the rules of the Senate to have some one explain wherein this new company is violating the law. If it would, the rules of the Senate should be amended.

Mr. President, I do not know of any good reason why this new company should wait until a general system of subways for this entire District shall be perfected, if, under existing law, this company have the right to put in the new conduits that they are now putting in. They are limited in number, and it would not bank-runt the city and would not bankrupt the other company. Thererupt the city and would not bankrupt the other company. Therefore I can not see any reason for the undue haste and zeal with

which this matter is pushed.

There seems to be an idea that nobody has a right to enter the There seems to be an idea that nobody has a right to enter the District of Columbia and compete with any old established institution. I hold in my hand an argument, an "oral argument" printed—how that can be I do not know, but it is probably an oral argument delivered before a committee and subsequently printed. It is headed, "Oral argument"—and it is printed in good style—"of Col. A. T. Britton," whom I know very well, a very able lawyer and a good citizen of this city—as counsel for the United States Electric Lighting Company. It is oral, although it is a printed argument, by "Colonel" A. T. Britton. Of course, the old saying is "once a colonel, always a colonel," and it seems to be necessary even for a lawyer to be a colonel. The "Colonel" to be necessary even for a lawyer to be a colonel. The "Colonel" seems to realize that there has been a litigation, but others here in this Senate do not seem to be aware of the fact that there has been a litigation, in which the old company has been worsted, and Colonel Britton takes thirty-two pages to explain how the old company came to be beaten—an explanation which does not explain. At the close of his argument there is this statement:

At the close of his argument there is this statement:

We do not have many opportunities for managing affairs connected with ourselves in this District, and it really seems to our citizens that a company of our own ownership, built up through all the hard and trying times of experimental electric lighting, and being the first to pioneer the way under the direction of Congress in the matter of underground conduits, and which is in full position, with plant and equipment far in excess of the present demands upon it; able to do with its present plant at least double its present work—it really seems to us that it should be preferred in the matter of electric lighting of this District to a lot of outside people.

Here it is openly avowed that "outside people" must be kept out, and insiders be given the preference.

That is the milk in the coccanut; that is the motive; that is the scheme; that is the device to which I allude. You must be one of the "oldest inhabitants" in order to be able to compete for electric lighting in this city. You must have lived here, and your fathers and your grandfathers must have lived here, before you

can be put upon the same plane with the old and existing monopolies which have built themselves up in this city, with or without

the favoritism of Congress

I do not take much stock, Mr. President, in ancient things just because they are ancient. This city belongs to the whole United States. There is no citizenship per se here, if I may use that expression. Every citizen of the United States has a right to come here with equal privileges, to compete honestly and fairly in all the enterprises that pertain to this great capital city, and we are not to be met with the argument that "outside people" should not to be met with the argument that "outside people" should not be allowed to come in, and that a preference shall be given to the "old hangers-on" who have grown rich out of the franchises obtained from this District and selfishly want to keep out the people whom they call "outsiders," the citizens of New York and elsewhere, who come here and who have the same right to help build up this great city as the sons and daughters of the old residents in this part of the country—"colonels" and otherwise

I have not time to review all of the able argument of Colonel Britton, but the Colonel understands this question pretty well after all. This joint resolution looks as though it had been introduced in the interest of the public welfare. What is the headnote of this argument on the face of this elegantly bound book?

It is as follows:

Oral argument of Col. A. T. Britton upon behalf of the United States Electric Lighting Company, and stating its position in advocacy of the Cockrell Senate resolution.

Colonel Britton understands that this is a contest between the two companies, and he is counsel for one of them. He submits an argument, not in the public interest, but in the interest of his client, this particular corporation. I do not know who was heard before the Committee on the District of Columbia. I do not care to repeat some things which have been said to me about it. debate as it has proceeded has thrown light upon the subject, but there was no mention yesterday that anybody dissented from this report; the fact was very carefully concealed or inadvertently omitted. The distinguished Senator from Georgia [Mr. Bacon] just a moment ago said that he favored the Potomac Company being permitted to go on, but when that report was presented here yesterday there was not a word of dissent from any member of the committee.

Mr. President, I was here the other day and heard the few remarks upon this subject from his seat of that member of the District Committee, the Senator from Tennessee [Mr. Harris], now absent. He is as familiar with the affairs of the District of Columbia, I think, as any other Senator around this circle. Is there a single member of this committee authorized to state that the Senator from Tennessee favors this joint resolution? Not one. I do not desire this resolution finally disposed of in his absence. I prefer

hear his views upon this subject; and he has decided views. He has been called away on account of the sickness of his wife. He has been called away on account of the sickness of his whee. He is a leading member of this committee who could throw some light upon this subject. Sir, I think I hazard nothing in stating that he is most earnestly opposed to this joint resolution. Yesterday it was made to appear—I say "made to appear." but perhaps that is not the proper expression; it did appear, apparently, from the recent that it was manimous. No one so stated, but where the report that it was unanimous. No one so stated, but where nothing is said when such a report is made it might be assumed that the report was unanimous. The distinguished Senator from Georgia virtually dissents, and I think at least one other member

does not approve of the report.

I think that this resolution ought not to pass for another reason. I regret that by reason of the situation here in the District of Columbia Congress necessarily has to be a sort of common council for this District. I would have as little to do with the details of this matter as possible if I could have my way. I would leave as much discretion as is proper and feasible to the District Commissioners. I would be a sort of common council for this District commissioners. missioners. I would not have grave Senators discussing every little detail of a dirty conduit, as to whether or not it shall go along a particular street. I do not think we should bother ourselves with the little details of municipal government. We have Commissioners appointed by the President and confirmed by the Senate, I think. A Senator on my right, who is pretty good authority, says they are confirmed by the Senate. They are presumed to be men of capacity, ability, honesty. They are old residents here of the District, probably having been brought up here. They know all about the city its ins and outs. They should have They know all about the city, its ins and outs. They should have as much discretion as possible in regard to the management of the local affairs of the District. Every time a little ditch is to be dug in this great city, are we to have a joint resolution introduced? Are we to debate it and discuss it, and to overrule the District Commissioners because we think it ought not to be done? We have the power to do it. I think it is an unwise procedure for us to attempt to review all the minor acts of the officials of the District of Columbia.

Now, are they, too, violating any law? No. Point it out if you

can. I have already said that the Potomac Company is not violating any law, and I have challenged contradiction of that statement. I have already said that if the Potomac Company is violatment. I have already said that if the Potomac Company is violating any law, go to the courts. But you have been in the courts and you have been beaten. Now, if the Commissioners are violating any law, go to the courts and restrain them. But they are not violating any law. They approve of the action of the Potomac Company. They see no objection to it. They see no wrong in what is being done. They believe it is a proper and legitimate exercise of existing authority, an improvement proper to be made, with which Congress ought not at this time to interfere.

Mr. VEST. May I ask the Senator from New York a question?
Mr. HILL. Certainly.

Mr. VEST. I understood the Senator to make the statement—possibly I am wrong—that the Potomac Company, as he calls it.

possibly I am wrong—that the Potomac Company, as he calls it, has now, under existing law, the right to tear up the streets whenever it thinks it proper to do so. Does that authority exist under its charter right?

The Senator will excuse me. I did not say that. Mr. HILL. Mr. VEST.

Mr. HILL.

I beg pardon.
No, sir; I did not say it.
What is the existing law, then, in regard to the Mr. VEST. rights of that company?

Mr. HILL. It has a right under the authority of the District Commissioners to lay down these particular conduits. Mr. VEST. But the Commissioners can prevent it from doing

Mr. VEST. But the Commissioners can prevent it from doing so if they see proper?

Mr. HILL. They can. But the Commissioners, in the exercise of their judgment, having carefully considered the matter, have seen fit to decide that it is in the public interest that the work shall go on; and we are asked to review the action of those Commissioners. We are asked to take up the time that should be devoted, as my friend the Senator from Florida [Mr. Call.] would probably say, to the discussion of the Cuban question, to the discussion of the question of tariff or of revenue, to the discussion of the arbitration question, or some of the important and vital subjects which ought to occupy the attention of this body. But we are here now to discuss the great question whether a few conduits shall be laid under a few streets in the District of Columbia.

Abolish your Commissioners, if you have no confidence in them. The newspapers stated the other day—they are not always reliable, but still we can get a good deal of information from them that the Commissioners were going to be impeached. That was the first thing to do. When a public official does not do some-thing that certain men think he ought to do, immediately they vent their indignation by saying: "Well, we will impeach him." It was said immediately that the Commissioners of the District were to be impeached for this high-handed outrage which the courts have sustained. A few days have elapsed, and we do not hear so much about the impeachment proceedings as we did. That has apparently blown over.

We come right back to the question, What is the precise ground

upon which we are to act?

Whereas the Senate and the House are both investigating-

I ask my friend the Senator from West Virginia [Mr. FAULK-NER] what bill is before the House on the question of subways?

Mr. FAULKNER. I do not feel it necessary for me to pass upon that question. The records of the House are open to the Senator from New York, and if he desires, he can investigate the matter for himself. All we have to do is to attend to our business in the

Mr. HILL. If we attend to our strict, legitimate business, it will keep us busy. My friend the Senator from West Virginia is hardly fair to the Senate. Of course he has a right to decline to answer any question, but being familiar with this matter as a member of the committee that with eagerness or with reluctance, I do not know or are which reported the injury resolution which I do not know or care which, reported the joint resolution which declares upon its face that the other House is investigating the question, I think he might have informed us whether there is a

bill on this subject pending before the other House.

Mr. FAULKNER. If the Senator from New York will permit
me, I will state that when a joint resolution drawn up by so distinguished and careful a Senator as the Senator from Missouri [Mr. Cockrell] asserts something as a fact in its preamble, he ought to give credit to it unless he can overthrow the statement by showing that the author of the joint resolution is mistaken.

Mr. HILL. It may be true that the other House is investigat-

ing the matter without any bill being before it. All that the joint resolution recites is-

Whereas the Senate and House are both investigating * * * the subject, etc.

That does not show that there has been a bill introduced which is pending before the other House. Oh, no; the answer is begging the question; it is quibbling, with all due respect to the Senator from West Virginia. I do not know whether there is a bill pending in the other House, although I have been informed that there

is no such bill. I can ascertain, of course, by inquiry. I can do that, and I think I will be informed as to the fact, because there is no monopoly yet as to the bills of the two Houses. Any member of either House has the right, at least yet, to apply for and get a copy of a bill.

When this report is to be made does not appear, but the joint

resolution says:

That until definite action is taken by Congress regarding the construction of said general subway system, it shall be unlawful to open any streets, roads, avenues, or alleys in the District of Columbia for the purpose of laying electrical wires, cables, or conduits therein, excepting in the extension of the existing electric-lighting service.

In whose interest is that provision? It is in the interest of the old company, in the main. It may extend its conduits indefinitely if the Commissioners see fit, but those of the new company can not be laid.

A little more electric lighting in this city would do no injury. I do not go out very much at night, but still I find that I do get a little confused in trying to cross some of the squares which are poorly lighted. I do not know who is to blame for it, but I always land on the wrong side of the square or the street, and I insist upon it, nearsighted as I am, that we ought to have more electric

Mr. GALLINGER. Will the honorable Senator yield to me

for a moment? Mr. HILL.

Mr. HILL. Certainly.
Mr. GALLINGER. I desire to ask the Senator from New York if he is aware of the fact that the number of lights is absolutely

mregulated by law passed by the Congress of the United States?

Mr. HILL. No; I am not aware of it. I would leave a little something to the District Commissioners. I would not monopolize everything for the Senate and the House.

Mr. GALLINGER. The Commissioners can not, of course. go

beyond the amounts of money appropriated by Congress for this

That is all right, but I would not specify in an act of Congress just precisely every electric light. I would not regulate the place where such light should be put. You have the right to do it, of course. Congress can regulate the materials which shall be used; Congress may designate the precise corner where the light shall be placed. I should like to have one in front of where I live. Perhaps there are lights in front of the residences of other Senators. I, however, would leave something to the discretion of the District Commissioners, so far as we can. I think we should have better government. I object to so much special legislation for the District of Columbia. If we have in our system of government three Commissioners appointed by the President and confirmed by the Senate, the best men in the District of Columbia should be selected, and probably such men have been appointed. I would vest in them all the discretion that is reasonable and proper, and I think I would trust them to put in two or three extra lights without having the matter limited and specified by act of Congress framed by the most dignified legislative body upon earth.

Mr. GALLINGER. If the Senator will permit me again, I will state that I did not mean to say, and I do not think the Senator could have understood me as saying, that Congress determines precisely where an electric light shall be placed. What I meant to say was that Congress makes an appropriation of money for to say was that Congress makes an appropriation of money for this purpose, and acting under the direction of Congress the Commissioners place the lights up to the limit of the appropriation. If the Senator can persuade them to put a light in front of his residence, that is all right.

Mr. HILL. Oh, Mr. President—
Mr. GALLINGER. But this new company will not place

lights except under the appropriations of Congress paying them

for that service.

for that service.

Mr. HILL. Of course all the moneys for the control and management of the affairs of this city must come through Congress. They must come from appropriations, and of course the Commissioners can not exceed the appropriations. That is all right. Nobody disputes that proposition. But the point is that I would limit the Commissioners and restrict them as little as possible. I think it might be desirable to have electric lights from another company. I would give the privilege to the District Commissioners to allow the new company to enter this District. I would break up the existing monopoly, if I could, in the interest of free competition.

Mr. TILLMAN. Mr. President—
The PRESIDING OFFICER (Mr. VILAS in the chair). Does
the Senator from New York yield to the Senator from South

Carolina?

Mr. HILL. Certainly.
Mr. TILLMAN. I should like to have information from some-body who can give it as to whether these companies are going to supply electric light only for the city or are to go into private houses and let some of us who are now fooling with ill-smelling gas get electric lights where we live.

Mr. HILL. I understand that the new lights for which conduits are now being put down, and about which all this fuss is made, are for public lighting; that it is not proposed to interfere at present with the existing monopoly of the old company in regard to private lights, as I have been informed.

Mr. TILLMAN. In other words, they will not allow you to buy electricity from any other company than the one on this side of

the creek

Mr. HILL. My friend the Senator from South Carolina reaches his conclusions pretty accurately and pretty quickly.
The joint resolution provides—

That until definite action is taken by Congress regarding the construction of said general subway system, it shall be unlawful to open any streets, roads, avenues, or alleys in the District of Columbia for the purpose of laying electrical wires, cables, or conduits therein, excepting in the extension of the existing electric-lighting service within the territorial limits specified in said

Then comes the proviso. That is a pretty broad prohibition. You have not confidence enough in your Commissioners to allow them to permit the new company to extend its conduits a single foot. That they may be permitted to extend the others is fairly discernible from the terms of the joint resolution.

Is there not an existing appropriation under which the new company have a right to receive some of this electric lighting? I wish to read the first clause of the preamble of the joint resolution:

Whereas it is provided by the act of June 11, 1896 (29 Stats., page 401), that no underground electric lighting wires or conduits therefor shall be laid in the District of Columbia east of Rock Creek, excepting in the extension of the existing electric-lighting service within certain specified territorial limits.

What is the effect of that? Are we to vote for the joint resolu-tion just upon reading it, with no explanation vouchsafed? I have as much confidence in the committees of this body as has any other Senator, but committees sometimes make mistakes. Committees are not always accurate, and when no Senator vouchsafes to give us a single word of explanation as to the joint resolusafes to give us a single word of explanation as to the joint resolution, seemingly expecting us to vote for it just because it has been reported, I have a right, sir, to comment upon some of the peculiar features of the joint resolution, and in so doing I cast no reflections upon the distinguished Senator who is its author. A more painstaking, capable, or honorable man does not sit in this body, but he is human; he is subject to the same prejudices that exist with other Senators. We therefore have a right to consider his joint resolution, and when he himself vouchsafes no explanation of it, I think we have a right to debate the question until somebody comes forward here and explains the reasons, legal or otherwise, why this thing should be done.

My friend the Senator from Missouri, with the earnestness and impetuosity which characterizes a young man like himself, rather

impetuosity which characterizes a young man like himself, rather resented the idea that I should call this an "extraordinary" joint resolution. There was no reflection upon anybody intended in that statement. Is it not extraordinary? I think when the debate shall have proceeded we shall be told that an extraordinary situation is presented which calls for extraordinary action.

not an ordinary joint resolution. It is not ordinary action. It is not an ordinary joint resolution. It is not ordinary legislation. It is unusual; it is extraordinary.

Mr. President, I have been reminded by my friend the Senator from West Virginia [Mr. FAULKNER] that we ought not to talk about House bills and House action. There are two sides to this question. No one knows it better than my friend the Senator from West Virginia. I have talked with the members of the House who were its conferees upon this subject; but I suppose I must not repeat what they said. This joint resolution is going to have hard sledding before it becomes a law. No one knows it better than these gentlemen. Without going into the details of what we have heard about conference committees, I will state that there is a misunderstanding-I think I state it accuratelybetween the House and the Senate in regard to this question.

am not to take my conception of duty from some understandings had between conference committees, not reduced to writing.

I hold in my hand a letter from the president of the new company, the Potomac Company, in which he goes on to give his version of certain things that took place when, last spring, we were preparing the appropriation bills here. I do not think it necessary to read the letter here now, because nobody has alleged any misunderstanding. The proposed legislation is put right upon the broad ground that, whereas some time or other there is going to be a general system of subways, therefore, until that millen to be a general system of subways, therefore, until that millennium day shall come, we shall not have a single extension of a foot of electric lighting in this city by the new company. That is the proposition. How long is the old company to have a monopoly? Nobody knows. You propose to stop every work of this kind until the two Houses have agreed upon more general legislation upon this subject. Would it not be better to invest the Commissioners of the District with the power to give each of these companies the right to extend its conduits within reasonable limits? What is the objection to it? I do not know of any. I can not imagine any.

Senators say they expect the bill will be reported and passed at

the present session. Has the Senator from West Virginia forgotten that we have already agreed to consider the Nicaraguan Canal bill? And he knows as well as I do what is implied by that fact. Extensive debate, elaborate argument; day after day consumed in the discussion of that question. How is the subway bill to be passed if there is formidable opposition to it? Yet the joint resolution proposes a perpetual stay of proceedings. for all time against the laying of a single foot of electric-light wires by this new and enterprising company hailing from New York or hailing from Nebraska or hailing from Indiana or where-ever it comes from. Yet I am reminded that I must not call the joint resolution an extraordinary one. It is a simple, ordinary resolution, introduced to stop all electric lighting in this city except by one company, and that company may go on and extend its lines. That is all.

Mr. President, I do not like the joint resolution. That is evident from what I have said. Before the joint resolution shall pass, I should like to have some statement from the District of Columbia Commissioners as to what they think about it. I have not the honor of an acquaintance with a single member of that commission. I will go a little further and say that not a single man in the employ of the District Commissioners was ever appointed upon my solicitation, strange as that may seem. I care little about the Commissioners; I am under no obligations to them; but if they are charged with the management of the affairs of the District of Columbia they ought to be treated respectfully; and I think before we enter upon this extraordinary legislation we should have some communication from the Commissioners giving the reasons for

their action in allowing a few additional conduits to be laid. Such a report should be presented for the consideration of the Senate. I know it has been said that the new company is proceeding with undue haste. I have not been very long in the District, but I have noticed some of the public works that have been carried on, and I venture to say that if this work is to be done at all nobody should object because it is done immediately. Almost like magic have these conduits been put down, with the least possible discomfort to the people. The trench is dug for a certain distance and the conduits laid in a day. They have done what few men in tearing up the streets of the city ever have done. They clear up everything behind them and leave the street in perfect shape. Never has any work been performed, if you say with greater rapidity, I say with better public satisfaction. Yesterday I rode up on one of the street cars here, and I heard citizens discussing the question among themselves and complimenting the Potomac officials for the rapid and thorough manner in which they had utilized the streets: that is, with the least public inconvenience possible, the streets: that is, with the least public inconvenience possible, filling up the trenches which had been dug and leaving the streets absolutely in as good condition as before. Public work always should be performed promptly. The streets should not be encumbered by great piles of material. This company, above all others that I have noticed for five years, has performed its work faithfully and well, so that scarcely a day elapses after the digging of a trench before the whole street is capable of being occupied by which is the street in the street is capable of being occupied by

So, Mr. President, upon any ground upon which you can consider this joint resolution it ought not to be passed. Let me summarize what I had the honor of saying: First, the statement that this company is violating law is not true; second, the statement that this company is violating law is not true; second, the statement that the Commissioners are violating law is not true; third, the ques-tion has been litigated in the courts and decided against the old company; and fourth, we should leave this question to the Com-missioners, largely to be determined by their discretion. The passage of the pending joint resolution is a virtual reflection upon the discretion of the Commissioners vested with the control of this

I am not willing, sir, to vote for a measure that condemns public officials unless some Senator can point out the precise line of the statute that they have violated. I think I have been one of those, since I have been in the Senate, who have not hastily endo not believe in holding up the Commissioners of this District, or any other body of men or public officials, to scorn, to criticism, or in reversing their action, unless I can have pointed out to me what statute they are violating, what particular discretion they are abusing, what power they are manipulating for some wrongful purpose. It is not sufficient for me that it may be said a committhe or two committees of this body want this measure passed, and therefore we should pass it. I am not willing to surrender my judgment as a Senator to the keeping of any committee and lend my support to the pending measure unless it can be shown by argument other than the mere presentation of the bill itself that we ought to vote for it. Otherwise, Mr. President, we all would surrender to committees the discretion properly vested in us here as Senators

I have already referred to the fact that this was largely a fight between two electric-light companies; that one company has got the ear of the committees of this body and the other has not. That of itself may be unfortunate for the company that is left out in the cold. I hold in my hand a statement of the Potomac Company which has just been sent to me. It is a statement, respectful in form, dated January 19, 1897. It is addressed to the Senate and House of Representatives.

We respectfully submit the following statement, and beg that unfavorable action may be taken by you upon Senate resolution No. 187.

It is signed by Mr. O. P. Crosby, president of the Potomac Electric Power Company; and here is an elaborate statement giving all the reasons why the joint resolution ought not to pass. I do not propose at this time to detain the Senate by reading it, but no Senator ought to vote for the joint resolution until he has heard both sides. No Senator should be in haste to pass the joint reso-lution simply because some committee wants it passed. If men have come here from abroad and have had the effrontery to place their money in public improvements in this city, they have a right their money in public improvements in this city, they have a right to be heard before it shall be confiscated. What is the joint resolution? It virtually is a confiscation of the property and money of this new company. The two companies are not placed upon an equality. One is given more privileges than the other. I stand here asking for fair play, for equal rights, no matter whether the men were born in the District of Columbia, or, unfortunately, born in the city of New York. If you once establish the principle that men of capital are not invited here, are not wanted here, they of course will refuse to come.

wanted here, they of course will refuse to come.

Mr. President, that would be a bad principle and a vicious policy and a narrow-minded course. I trust the time will never come when the Senate, by the passage of resolutions of this character, will indorse the statements contained in the brief of Colonel Britton, that those here in power who have the monopoly should be preferred against outsiders.

Why, sir, during the recent campaign the distinguished candidate for the Presidency on the Democratic side was criticised by some people because in a jocular or semihumorous way he had spoken of the "enemy's country." The criticism was farfetched in the light in which he spoke; in the connection with which he used those words there was nothing especially objectionable in

Mr. President, it is indeed true that no part of our common country is the "enemy's country." That is true. But no part of this country, especially no part of this little municipality (10 miles square) belongs exclusively to a few people, so that outsiders have no business here.

Mr. President, not only should there be competition, legitimate and proper, in electric lights, but there should be competition in everything in this capital city. There should be competition in all the things that concern the happiness of the people of this District. This Government can afford to pay for the best of everything. The people of this District who assemble here, especially those who live here during each winter season, who are residents here in the winter time, and are also Senators and Representatives, have a right to have the best lights, the best water, the best gas, the best streets, the best government that is to be found anywhere. I do not intend to discuss the question as to whether the people here should have the elective franchise, because I want to confine

myself strictly to the pending joint resolution.

Mr. President, the system of our government for the District of Columbia will permit the best government, if it is properly adminstreet is torn up you are to have a bill introduced in Congress to stop it. I as a Senator do not want to be a sewer commissioner of this city. I do not want to be a road inspector. I do not want to have thrust upon me duties which are inconsistent with those that pertain to the dignified office of Senator of the United States; and therefore I would leave to the District Commissioners the fullest possible discretion.

Mr. President, I have said that I did not intend to put in evidence at this time the statement of the president of the Potomac Light Company, nor do I care about reading the letter of the president in regard to the understanding or the minute of the president in regard to the understanding or the misunderstanding that was had last spring about proposed legislation, because until that was had last spring about proposed legislation, because until that branch of the subject has been touched it would not be germane. I am here to say, in conclusion, that the joint resolution is extraordinary; I am here to say that it violates the rights of the new company; I am here to say that it is in the interest, whether intended or not, of the old company. I mean to say that it is in the interest of a monopoly against which the people of this city have long contended. I say it is based upon a wrong spirit, a narrow spirit, such as has been exhibited in the brief that I have read here. It will do more to retard the progress of your District, it will do more to retard public improvements, it will do more to constitute a pernicious precedent, than any other piece of legislation that can be enacted. legislation that can be enacted.

Mr. President, having said this much, I will yield to anyone else who desires to discuss this question, simply saying that I think the joint resolution is a mistake. I cast no reflections upon the committee that reported it. I presume they gave both sides a

hearing. I have not been advised in regard to that matter. I ask my friend from West Virginia whether that is true?

Mr. FAULKNER. It is true.

Mr. HILL. The Senator answers that it was done. wish, of course, to interrogate him against his will, but I would simply ask whether it was not understood that there was to be a

further hearing?

Mr. FAULKNER. If the Senator from New York has finished talking against time, I will then take the floor and answer, I think, all the questions he wants answered as to the facts. Of course I can not follow him in the line he has taken as to language, nor make any insinuations similar to those which he has indulged in; but in other respects I will try to present the facts to the Senate

on which the committee acted.

Mr. HILL. What is there about this question, Mr. President, at is so ticklish? What is there about it that Senators are so that is so ticklish? sensitive upon, when I ask a respectful question as to whether there was not possibly an understanding that there was to be a further was not possibly an understanding that there was to be a further hearing upon the bill (a matter which occurs every few days in regard to a bill) that we should not have a frank answer? I do not understand it, Mr. President. It is beyond my comprehension that there should be so much sensitiveness displayed in regard to this matter. I assume that the committee intended to be fair; I am willing to assume that they have been fair from their standpoint; but I did understand that those connected with it were to have some further hearing in regard to this matter, if adverse action against the Potomac Company was to be taken. I may be informed properly or I may not be. I may be mistaken in regard to it. It is certain, Mr. President, that if there was not a full and complete hearing, if there was to be a further hearing which has not been had, we at least can have that hearing here, because before we are through with this question it ought to be discussed in all its bearings. Whilemy friend from West Virginia unkindly suggests that I have been talking against time, I confess that I have been talking, Mr. President, against a joint resolution that is ill timed. Perhaps that is what he means. Sir, I would talk any length of time that I might deem necessary to defeat it, or at least to prevent its passage until every Senator around this circle should understand precisely what the joint resolution means.

The PRESIDING OFFICER. The Senator from New York

will please suspend.

Mr. HILL. I will suspend, Mr. President, for to-day.
The PRESIDING OFFICER. The hour of 2 o'clock having arrived, it is the duty of the Chair to lay before the Senate the unfinished business, which is Senate bill 3247.

MARITIME CANAL COMPANY OF NICARAGUA.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 3247) to amend an act entitled "An act to incorporate the Maritime Canal Company of Nicaragua," approved February 20, 1889.

Mr. TURPIE. Mr. President, the opposition we make to the pending bill is not founded on any hostility to the project of the isthmian canal by the Nicaragua route. We are earnestly in favor of an American canal under American control, meaning thereby a canal built and owned by the people and Government of the United States and under the control of the Congress and President of the great Republic. of the great Republic.

The isthmian canal, sir, is a great design, worthy of this age and of this Government—the crown of this age. It purposes to remove the Straits of Magellan thousands of miles to the north, to erase from the ocean sailing charts the tedious and prolonged voyage around the Horn, to sever and divide those grand divisions of the earth's surface, North and South America, and yet, sir, to make them more adjacent, to weld them in closer union and with a more binding tie than they have ever been before.

the consummation of this enterprise, so long desired, so long expected, meets the favor of every statesman, of every citizen of the world within the bounds of civilization. It is because we favor, because we earnestly favor, the construction and completion of the isthmian canal by the Nicaragua route that we are opposed to letting it go into the hands of a private corporation, the beneficiary of this bill, an insolvent corporation without means, without money, without credit, an association, sir, already clothed with the left-handed prestige of failure, whose further connection with this great enterprise must assuredly lead to its connection with this great enterprise must assuredly lead to its disastrous defeat.

The completion and successful navigation of an isthmian canal has been an ideal conception for two hundred and fifty years—ever since this hemisphere has been the site of settled and permanent European colonization. The project has been common to the countries and the people of both North and South America. It has been a conception heretofore like that which prevailed in the period of Columbus with respect to reaching India by sailing continually to the west. It has been an ideal conception like that which prevailed in a later period with respect to a northwest passage to Asia. It has been an ideal conception like that which

prevails even now with respect to the exploration, the discovery, and the actual occupancy by human footfall of the North Pole of

It has, however, passed out of the sphere of mere ideal conception. It has made the attempt and passed beyond that line into the line of a project tentative and experimental and actual upon certain conditions and limitations. There is nothing new in the designitself. There is nothing new in the Nicaragua route. There is nothing new in the constructive purpose of this bill, of the

original act, or of the amendment now pending to it.

This is in its historic order the twenty-first concession, inspection, survey, and attempt at the construction of the isthmian canal by the route of Nicaragua. Indeed the governments which have successively controlled the dominion and the eminent domain of this route have been in all their existence extremely liberal in the grant of concessions; they have been extremely liberal in their the grant of concessions; they have been extremely liberal in their gift of concessions; they have been extremely liberal in their policy to all parties and persons who wished to avail themselves of preparatory or concessionary rights upon the land which the canal if successful must traverse. This is not only the twenty-first concession in historic order to parties, persons, and corporations for this purpose, but it is the fourth American concession for that purpose, using the word American in the sense of belonging to the United States.

The first concession and charter was made in favor of De Witt Clinton whose distinguished successor I see now occupying a seat

Clinton, whose distinguished successor I see now occupying a seat in this Chamber. It was made to a governor of New York and his associates. The second was made to a well-known citizen occupying no official position but controlling unlimited credit and unlimited funds, Cornelius Vanderbilt, and his associates, also of New York. The third was made to gentlemen of the same city and of the same abundant financial resources, Frederick Kelley and his associates; and the fourth one, the one now existing, was made to the Maritime Canal Company of Nicaragua. There was the same concession, upon the same terms, upon the same condi-tions, for the same price, a merely nominal one, paid in all these instances

It is valuable to consider the history of former concessions, not only to our own countrymen but to countrymen of other nationalities, when it is claimed here that this concession has an extraordinary validity or contains some extraordinary rights which have not been heretofore granted or considered by the concessionary

This is the fourth concession to citizens of the United States for the construction of this work. All of these concessions and projects have been expensive, prolonged, and heretofore abortive. This has not been for the reason that the project or design in itself is devoid of merit, but because capitalists in Europe and America have alike not been convinced of its commercial possibility or its pecuniary returns as an investment.

I listened with great pleasure, as I always listen, to the honorable chairman of the select committee upon this subject, who able chairman of the select committee upon this subject, who reported the pending amendment to the original act, with reference to the immense profit to be gathered in the prosecution and completion of this work. He refers to the enormous recent improvements which have been made in the instrumentalities of excavations and embankments, giving new facilities and promising new methods of success in its prosecution. All these and many more reasons have been urged for years upon the capitalists of both hemispheres; and yet not one has been convinced that this work ought to be undertaken as furnishing the means of a this work ought to be undertaken as furnishing the means of a profitable investment. Indeed, sir, this project, tentative yet, experimental yet, passed by numerous failed efforts into the sphere of projects properly named—this project is yet tabooed. It would not be heard, it would not be considered, in any office of any capitalist either in the United States or Europe. For the last fifty years it has been blacklisted; it has been placed beyond consideration as a money investment. We have very recent proof of this, and the most authentic proof which could be offered for the existence of any contention or fact in human testimony. That proof ence of any contention or fact in human testimony. That proof is in the history of this Maritime Nicaraguan Canal Company. That company was required when it opened its books and sought subscriptions for stock and bonds to realize means for the construction and completion of their work to make publication for thirty successive days in the principal newspapers of London, Paris, and New York.

Paris, and New York.

This publication, which was required by the terms of the original concession, as it had been required by the terms of former concessions, was made. This project, with all its advantages, with all its enormous profits, and with all its roseate predictions, was thrust into the face and under the eyes of every member of the Bourse in Paris, of every member of the stock exchanges of London, of every operator in Wall street, and was rejected—totally rejected. No one in any of these capitals took one penny of stock, one dollar of bonds, of the Maritime Nicaraguan Canal Company. So that this condition of taboo of which I have spoken, this condition of absolute isolation, is founded upon the most

recent evidence, and justifies any careful man in saying that investment in this project, and the project itself, is an outcast, a fugitive from the financial world; it is a beggar, a pariah in any

rational financial system.

Some money was raised—how much I do not know; some money was expended—how much I do not know; but none of it was raised by the Maritime Canal Company of Nicaragua. All the money that was subscribed was subscribed and paid by citizens of the United States, and most of that subscription was confined to the citizens of New York. Our fellow-citizens of the United States, conversant with this enterprise, expressly notified that financial aid was needed, learned very early to make a distinction between the solvency and responsibility of the Maritime Canal Company and the solvency and responsibility of the Nicaraguan Construction Company. It is true these companies were very closely connected; they were the Siamese twins of this scheme; but it was very early understood, most distinctly apprehended, although the Maritime Canal Company had undertaken a project financially unjustifiable and financially unprofitable, yet that the Nicaraguan Construction Company might make money out of the expendirational financial system. Construction Company might make money out of the expenditure. The construction company only related to the expenditure of money. It had no relation at all to the completion of the canal or the profits which were to accrue. All the holders of stocks and bonds in the construction company looked to was an expenditure of money as the work proceeded and the profits which might be made, the profits which would accrue by jobs and subjobs, from contracts and subcontracts, details—very rich financial details in the prosecution of such a scheme, very fruitful financial details in the prosecution even of a similar scheme afterwards to be noticed.

noticed.

Our people, therefore, very early came to the conclusion that the canal might never be completed. That did not interfere with the details of the construction or with the policy of the Construction Company. They came very early to the conclusion that the canal might never be completed, or, if completed, that its returns upon investment would be worthless. Therefore, their investment was made in the capital stock of the Nicaraguan Construction Company, a corporation of the State of Colorado, a corporation yet in existence, a corporation which has enjoyed new life and accession of fresh vitality from its recharter in the State of Vermont, awaiting this appropriation of \$100,000,000 to be expended in construction, awaiting the movement of the larger fish as the pilot fish accompanies the whale, awaiting the movement like the kingfisher who pounces on the bird which has caught the prey and compels its redelivery to itself. That is the comparative situation of these companies. So even our own people, residing in New York and elsewhere, with full notice of the apprehended or expected profits from this magnificent financial investment, no less than the people of London and of Paris, have turned their backs upon it and given no credit to those arguments which proceeded upon the supposition that it would be a profitable financial investment. which proceeded upon the supposition that it would be a profitable financial investment.

The project, then, as such, stands discredited, totally, wholly discredited, in our own country and in all others. The stocks or bonds of the Construction Company, in case an appropriation is made, will have a market value; but the stocks and bonds of the Mariwill have a market value; but the stocks and bonds of the Maritime Canal Company, depending on the completion and the consequent rentals from the canal, are considered as a dead loss—caput mortuum—on the minus side. That this should be the condition of the principal beneficiary of this bill, and that it should be financially discredited, totally discredited, is not strange.

The Nicaragua route is geographically only a few days'sail from a city and country which is called Panama, and this route—the Panama route—had been advertised in the same way, craving for investors, yet no capitalist took any stock in the Panama scheme, no government took any stock in the Panama scheme of the isthmian canal, no European government even gave it incorpora-

investors, yet no capitalist took any stock in the Panama scheme, no government took any stock in the Panama scheme of the isthmian canal, no European government even gave it incorporation. It was undertaken by a private corporation, incorporated under the Government of Colombia, in South America, its charter providing its principal office should be in Paris, just as the charter of the Maritime Nicaraguan Canal Company provides that its principal office shall be in New York.

Millions were expended in the prosecution of the work of construction of the Panama Canal. It is only 41 miles long. This proposed Nicaraguan Canal is more than 100 miles long. Two hundred and forty million dollars were expended in the attempt to construct the Panama Canal; but, sir, it was not at the expense of any capitalist, of any Government, either directly or indirectly. It was made by a grand levy upon the small tradesmen, the peasants, and villagers of France. The first investment of the company was to subsidize the French press. There was not a newspaper throughout the country from which any information could be got except that the canal by the route of Panama was going to be a success and be as profitable as the canal of Suez. It was due to the credulity of the multitude; it was due to their willingness to believe and accept the promise of the Panama Canal Company, deluded

with the glamor of the scheme and beguiled with the splendor of its projector, De Lesseps, fresh from his magnificent achievement at Suez, that they subscribed and paid this enormous sum, only to sink it beyond the reach of redemption or of resurrection.

Not only was the first subscription of \$100,000,000, the sum asked in this bill, so sunk; but after that had been swept away by asked in this bill, so sunk; but after that had been swept away by the storms and floods of the isthmus—as prevalent at Nicaragua as they are at Panama—after the last vestige of improvement had been wiped out, credulity, which seems like the wool on a sheep—you may shear it, and yet it will come out on the same animal a second time—after \$100,000,000 had been sunk and was known to be sunk in the Panama scheme, \$100,000,000 more—the second crop of extortion—was contributed by the peasantry, artisans, and

villagers of France.

Although this is the fourth American concession and the fourth organized effort for the construction and completion of this design, it is the first in one feature. De Witt Clinton, the late governor of New York—not a very late one—in the early twenties saw in imagination all the greatness of this design being effected and completed. He had as associates the most wealthy and responsible citizens in his own State, and made at that time an inspection and survey of this route. Cornelius Vanderbilt, whose name is synonymous with enterprise, with public spirit, with successful investment, and with great accumulation of cash, a man of abundant resources, made also the same attempt under the same auspices, with a similar organization. Frederick Kelley, of New York, and his associates and friends, the successors of the first before-mentioned American projectors and promoters, undertook the same enterprise upon the same route. All these failed. But neither De Witt Clinton nor Kelley nor Vanderbilt ever came to either House of Congress and asked them for \$100,000,000, or any other sum, to assist in the prosecution of the work. They never even dreamed or conceived of asking what is called Government aid and assistance in that which they had undertaken. Neither of these gentlemen would have advised or asked this Government to undertake an enterprise in which they had themselves

Mr. Vanderbilt spent a quarter of a million dollars in the work of preliminary survey—a very handsome investment. He received the profiles, maps, drafts, and all the details of a most elaborate report, and then abandoned the enterprise. What the estimate of cost was I do not know. I have frequently inquired for that report and for the papers, not only here but of gentlemen in New York, but I have never seen them. Kelley and De Witt Clinton none of these promoters of the enterprise, who were once concessionaires, just as these gentlemen are, under treaties with the Republics of Costa Rica and Nicaragua, ever came even to the threshold of the Senate to ask an appropriation of a dollar in aid of their enterprise. This is the first project of that kind. But the Maritime Canal Company, a corporation without money or credit, utterly bankrupt and insolvent, ask that we pay out of our own Treasury into their treasury \$100,000,000, to be used in a work which, according to their own designs, is shown to be not capa-

which, according to their own designs, is shown to be not capable of financial completion, profitable completion, and wholly incapable of accomplishment at all, as the sequel will show. They have abandoned their design, and they have chosen no other, but on general principles they want \$100,000,000.

Some of the engineering projects of this corporation are spoken of as bold and daring, but I think its financiering project far surpasses them. It is bold, bald, and brazen in effrontery, and yet so delicate in its tracery and form that it may be hard to determine whether it depends most for its success upon corruption or creations. whether it depends most for its success upon corruption or credulity. Their bill, which was discussed very fully here three years ago, asked for \$70,000,000. Why do they now want \$30,000,000

I voted very reluctantly for the act of February 20, 1889, the original act of incorporation of this company. It was a matter here of a good deal of discussion sub silentio, from seat to seat, from desk to desk. The promoters were gentlemen—one of them was from my own State-very distinguished gentlemen, from different parts of the Union, named in the act as incorporators, but the concession, which controls the charter, and the act which had not yet become a charter both provided that the principal office of the company, all its securities, and all its archives should be kept and preserved in the city of New York. Therefore we suggested to them that it ought to be a New York corporation and that the United States ought not to meddle with the grant of corporate power; that even the grant of an ordinary incorporating act might entangle financially the Government with the enterprise itself, and that at home they would have a forum with which they were perfectly familiar, State courts with whom the enterprise, if not received with favor, would be at least treated with great impartiality and fairness. For weeks, day after day, we remitted, and sent them again and again to the New York forum for an act of incorporation.

Finally it was said to them in very express terms, "We are apprehensive that in granting this act of incorporation the Gov-

ernment may be in some way pecuniarily liable directly or indirectly for the expenditures of your undertaking." They said no, they did not want a dollar of this Government or of any government. They said the initial strength—that is the term; it takes the very highest class of operators to invent these terms-they said the initial strength and inceptive favor of the enterprise itself would attract and draw to them all the capital and more than would be needed for the prosecution of the design. They repre-sented to us that an English syndicate was ready to take the con-tract for the completion of the route from the Atlantic to Lake Nicaragua, and that a French syndicate was waiting to take the contract for the completion of the canal from Deseado to Brito, the Pacific terminal. They represented to us that London and Paris were hungering and thirsting to take the stock, bonds, and contracts, and that they did not desire any pecuniary aid.

We gave them our most ample consideration and very diligent

attention. The result was a conference between those hesitating about the support of the bill—I was one of them—and the friends of the bill, and they came to a very definite conclusion; they came to a well-ordered and acute point in this controversy. "You say you do not want any money. Are you willing to put that into the act? You say you do not want the United States to assume the slightest liability on account of this most. the slightest liability on account of this work. Are you willing to make that a part of the charter?" They said they were; and it was upon that condition that the original act of incorporation of was upon that condition that the original act of the practice the Maritime Canal Company was passed, and it was upon that condition that I, among others, voted for the bill. I believe that condition, which is a proviso, was drafted by the honorable and learned Senator from Mississippi [Mr. George], who, I regret, is detained by severe indisposition from his seat at this time. to call attention to it. It is part of the fundamental law in this case. It is part of the fundamental policy of the incorporation. It is a condition precedent to the granting of the charter, accompanying the granting of the charter, running yet with the charter.

The principal office of said corporation shall be in the city of New York-

I read from page 2 of the original act of incorporation

I read from page 2 of the original act of incorporation—
and all legal process may be served upon the person who may at the time
be in charge of said office or upon the attorney of said company, whose
name and address shall be certified by the president of the company; and
such certificates shall be filed in the office of the Secretary of State of the
United States: Provided, however, That nothing in this act contained shall
be so construed as to commit the United States to any pecuniary liability
whatever for or on account of said company, nor shall the United States be
held in any wise liable or responsible in any form or by any implication for
any debt or liability in any form which said company may incur, nor be
held as guaranteeing any engagement or contract of said company, or as
having assumed by virtue of this act any responsibility for the acts or proceedings of said company in any foreign country or contracts or engagements entered into in the United States.

In the operative language of the act is "guaranteeing"—the very word used in this bill.

If that is not a conclusive estoppel at law and in equity against this demand for an appropriation of \$100,000,000, the English language can not frame one.

We were determined that the company should never be incorporated at all without this proviso. The proviso being in the charter is not only prima facie but conclusive against their rights, against even their equity to come here and make this enormous

demand for subvention and subsidy.

The Government of the United States was not the only one interested in saying "Hands off!" with respect to this incorporation. Equal precaution, sir, was taken by both the Republics of South America who were parties to its original concession. I wish to call the attention of the Senate to the provisions of the original cession upon that subject.

Article 15 of the treaty, the concession between the Maritime Canal Company and Nicaragua, is identical with the same article in the treaty between this corporation and the Republic of Costa

Rica, and reads in the following terms:

All expenditures for surveys, construction, maintenance, and operation of the Interoceanic Maritime Canal shall be borne by the concessionary com-pany, without any subvention in money nor guaranty—

They took the pains to report upon that very thing, and not only to report, but to agree upon that very thing which is asked for in the pending bill—

without any subvention in money nor guaranty of interest on the part of the Republic, nor other concessions than those specified in the present agreement.

The Government of the United States was not the only one that distrusted the Maritime Canal Company. The Government of the United States was not the only one that discredited this corporation. Even in its beginning, even in its inception, all three of the Republics that were signatory parties to the treaty of cession declared that they would not be bound either directly or by guaranty for any pecuniary liability of the company in this enter-prise. It is not to be taken as any disfavor to the prosecution of this enterprise. The corporation has always pretended and pro-fessed that it wanted none; that it had itself the money, or could command it, to construct and complete the canal. or not, it voluntarily made the agreement with all three of the

Republics that it would ask no money and no guaranty of either of them; and the company has now deliberately violated such agree-ment with respect to the United States, and the pending bill proceeds upon the violation of that agreement. It proceeds upon the fact that we shall be bound not only for the expenses of construcfact that we shall be bound not only for the expenses of construction and completion, but that we shall repay to this company not the value of its work, half a mile of canal, which it has been engaged for four years in making, but the money expended to make the work, expended for work done by the Nicaragua Canal Construction Company—not by the Maritime Company—under a contract by which the Maritime Company agreed to pay the Construction Company four times the estimated cost of the completion of the work. We are compelled—the United States are compelled—under the conditions of this bill, under that contract, to pay four times the estimated cost of the work actually done by the Construction Company as found under their own estimates. struction Company as found under their own estimates

If I were in favor of this bill at all, I should have no objection to paying the reasonable cash value at this time for what they have there, if they have anything, but I think it is a very inequitable, thoroughly unjust provision that we should be bound to pay what they expended when they expended, as the archives of the company show, four times more than the work was estimated at. This belongs, sir, to that field of operations, that close field similar to mare clausum in international law, which is foreclosed between the construction company and the principal company engaged in

the work. This is the third attempt which the corporation has made to procure money from the Government. Heretofore they have got procure money from the Government. Helecology of their own nothing, and, according to the terms and conditions of their own nothing, and according to the terms and conditions of their own nothing. This charter, they ought neither to ask nor to receive one penny. This magnificent enterprise in their hands has been totally discredited. Why should we encumber ourselves with the wreck and fragment of a defunct body corporate when we can by tripartite treaty with the Republics interested build, own, and operate this canal, regarding its construction as a necessity, when, upon grave consideration and accurate estimate, we find it to be practical to do so. Whatever is possible, the Government of the United States may accomplish and will accomplish. What we do here pecuniarily ought to be done on the account of the Government, not on the account of a private corporation.

The gist of the bill is in sections 9 and 16, and I propose to examine those sections.

SEC 9. That to secure the means to construct and complete said canal, and to meet the expenditures made on account thereof, the said Maritime Canal Company of Nicaragua is hereby authorized to issue coupon or registered bonds, or both, of the said company, in denominations of not less than \$50 nor more than \$1,000, to an amount not exceeding \$100,000,000, to be dated on the 1st day of July, 1896—

That undoubtedly is a numerical error, because the day has already passed-

to be payable on the 1st day of July, 1926-

They are thirty-year bonds or designed to be such—but redeemable at the pleasure of the United States at any time after the 1st day of July, 1906, at par with interest at the rate of 3 per cent per annum, payable quarterly on the 1st days of October, January, April, and July of each year, from the delivery of the bonds to said company by the Secretary of the Treasury from time to time as by this act required: Provided, That the President of the United States may at any time suspend the issue of said bonds until Congress, being informed by him of the reasons for such suspension, shall otherwise direct. And said bonds shall be secured by a first mortgage on its property and rights of property now existing or hereafter acquired of all kinds and descriptions, real, personal, and mixed, of all franchises and rights of the said company, including its rights and franchises and rights of the said company, including its rights and franchise to be a corporation. Such mortgage shall contain a provision for a sinking fund sufficient for the payment of said bonds at maturity in accordance with the provisions of section 12 of this act. Such mortgage shall be soframed as to be valid as a first lien under the laws of Nicaragua and Costa Rica. The form and sufficiency of such mortgage as the first lien upon the Nicaragua Canal and of the provision for the sinking fund shall, before execution, be approved by the Attorney General of the United States, and the trustees named in such mortgage shall be approved by the Secretary of the Treasury. Said mortgage shall be recorded in the office of the Secretary of the Treasury in Washington and in the proper offices in Nicaragua and Costa Rica, to be designated by the said States; and as additional security for the payment of said bonds, and to save the United States harmless by reason of its guaranty of the same, there is hereby created a first lien in favor of the United States upon the Nicaragua Canal.

I come now to section 16: They are thirty-year bonds or designed to be such-

I come now to section 16:

That the bonds so issued to said directors shall be disposed of by them at not less than their par value, and the proceeds arising from such sales shall be paid into the treasury of the canal company, and, except as hereinbefore provided, shall be used for the extinguishment of the company's indebtedness contracted after the appointment by the President of the United States of the eight directors herein provided for.

Now, the first question in this case, which has always seemed to Now, the first question in this case, which has always seemed to me, sir, a very serious question, is, Has Congress the lawful authority to guarantee the note of a citizen of the United States—of any citizen? The Maritime Canal Company, the beneficiary of this bill, is a corporation. That is very true. It is chartered by the Government of the United States. A corporation is decided to be a person, and not only a person but a resident, a resident of the State in which its principal office is situate; and if its principal office be situate in any State, it must therefore be a citizen and resident of the United States.

Where in the Constitution is the authority given Congress—in what section, in what clause, either by indirection, by any sort of implication, for there is no provision on the subjectof implication, for there is no provision on the subject—to guarantee the bond or note of a citizen, for the person sought to be guaranteed here is a citizen. I should think it would be a thing to be avoided in the foundation of any government. I do not think a constitution could have been framed or adopted which, even by implication, gave the power to the National Government either to indorse or guarantee the note or bond of a citizen. I can conceive that they might guarantee the bond of a State or of several States; that is, I conceive that authority might have been given them to do that. Possibly such a proposition might have prevailed, but no one looking at the solvency of the Government, no one having the presence of the taxpayers before him, no con-stituent body depending upon votes for election would ever even have considered the proposition to allow the National Government

Yet that is the bone of this bill. Whatever its flesh may be, very loose and flabby, the bone of the bill proceeds upon the lawful authority of the Government to go security—I will put it in the most colloquial term—upon the note or bond of a citizen. The framers of this measure say there is nothing in the Constitution forbidding it. I do not think there is Such a monstrous proposition needed. it. I do not think there is. Such a monstrous proposition needed no prohibition. What amount of taxation would be needed to supply the Treasury with funds if we should undertake to guarantee the payment of the notes or bonds of citizens?

The promoters of this measure were the only persons who could conceive of any such prohibition. I do not think it is an answer to a constitutional objection to say that the power questioned is not forbidden in the provisions of that instrument. The Constitution is an instrument of granted powers, and where powers are not granted they are not; they exist not. Here is a power not granted; not purposed to be granted; not implied as granted; not by any possible intendment granted. And it is not. There is no such power.

It is very fortunate for us that we have limitations in the Constitution. It is the only lawful prohibition upon zeal without knowledge; upon that energy without bounds—I am putting it upon high grounds—upon that enthusiasm which has no measure and no mood in its operation; that generous enthusiasm which has so often found utterance here on this theme. The only bound we can put to it with respect to the pecuniary subsidies of this kind asked of the Government is that we might be pleased to do it, but we have not the power; we have not the authority to tax the people in such manner.

The denial of this power has nothing to do with the denial of the construction of this work or its completion. The Government may borrow money. That is a necessary power implied by many of those granted. The Government may appropriate money from of those granted. The Government may appropriate money from the Treasury; that is, set apart and designate and mark it as ap-plicable to a certain purpose. I am rather of the opinion indorsed by Mr. Edmunds, formerly a Senator, that the power of appro-priation is perhaps the most absolute power in the body. But then that operates upon funds, it operates upon money, it operates upon specie, it operates upon the cash in hand or thereafter to be such from tax collections.

This bill is not an appropriation of money. I would not trouble much about the power of the Government to construct the canal, to build and complete it, under ordinary political and legislative conditions. I would raise no question in regard to it making apconditions. I would raise no question in regard to it making appropriations directly for that purpose or issuing and selling its bonds upon its own account for that purpose. That is not what the bill requires. It requires that we shall guarantee the bonds issued by a citizen of the United States, and gives as the overwhelming reason for it that the citizen is bankrupt and has no credit of his own.

There is no precedent for the exercise of such authority. know we have very often purchased territory and issued bonds to raise the money for that purpose. We have often acquired intraterritorial property for the erection of public buildings in the same manner. But we have never guaranteed bonds as asked for in the pending bill, nor even taken any action resembling this except in one instance, and that was in 1864 in the case of the

except in one instance, and that was in 1864 in the case of the Pacific Railroad Company. It is a very disastrous precedent. But the question raised here was not raised at all in that enactment. Sixty-four million dollars of bonds were issued by the United States in subsidy and aid o the Pacific Railroad Company twenty-two years ago. The provisions in that act were just as they are in the bill now pending, for the appointment of directors by the President, for the payment by the company of the interest upon and principal of the bonds, that in case of their nonpayment they should be a first hen upon the road, and for the execution of the mortgage, which was executed, making another first lien, if such mortgage, which was executed, making another first lien, if such is possible. Whether it is possible or not it is the exact language of this bill, and it was the language of the act for the Pacific Railroad Company. It seems to me a very difficult, if not an impossible proposition to make the expenditure a first lien on the road,

and then to make the mortgage given a first lien on the road. But that Congress in its dealings with the Pacific Railroad Company evidently did not believe they had authority to guarantee the payment of the railroad bonds, and consequently issued the bonds directly to the company, relying upon the first lien and mortgage to secure the repayment of the money. I do not see how there can be two first liens. That was the language of the Pacific act. It is the language of the pending bill

to secure the repayment of the money. I do not see how there can be two first liens. That was the language of the Pacific act. It is the language of the pending bill.

There was another provision, that the road should be finished in sections, and that a car should actually pass over the section and it should be approved before the bonds were delivered over to the company. Such a provision is not in this bill in reference to the canal. I will notice it further in the sequel. I was very glad, sir, to notice the action of the other House in the National Legislature a few days ago in respect to our securities upon the Pacific railroad. That company owe us yet upon this subsidy more than \$100,000,000. They owe us, if we had the money, enough to pay for the subsidy which this company is asking. Would it not be well enough, I submit in all courtesy and kindness to the promoters of this work, to wait until we have collected the \$100,000,000 due to us from the Pacific railroad company before we make another investment of the same character?

another investment of the same character?

All the provisions for repayment in that instance have failed. We have nothing left but the land over which the right of way runs, a strip, I believe, of 200 feet of actual embankment, the incorporeal hereditament, the right of way, the ties, and the rails; we have only a chance to get them. If it had been possible to get the bonds without laying a single rail, they would have been taken by the company; but as they could not take them without completion of section by section, we have this remnant of security and this fragment of indemnity left. Whether we shall realize upon it I do not know, but, as I said before, I am very glad that the honorable House has seen fit not to surrender our chances for indemnity against this great loss. When so much has been said and is likely to be said concerning the personal ability and respectability, solvency, and high character of persons who are to be appointed by the President as directors of the Maritime Nicaragua Canal Company, that was all repeated twenty-two years ago with the same veracity and gravity as it is now repeated with respect to the directors of the canal. There is no amount of personal respectability or solvency or character which will give us this guaranty, the guaranty of honest, commonplace integrity, by incorporate action. Every Senator whom I address knows that to be true.

There is a provision in that act concerning the railroad, a subsidy, that the directors should visit the road once a year, just as this bill provides that they shall visit the canal once a year, and there was the ordinary provision that their expenses should be paid, just as this bill provides that they shall be paid, and the salary was \$5,000, just the same salary mentioned in this bill for the directors of the canal. There is a remarkable similarity between both these acts, and I very much fear there will be the same similarity with respect to the fate and fortune which will befall the taxpayers of the United States in relation to results.

It is true it may be said that the Government directors were in the minority on the Pacific Railroad. They were. There was a majority there of interest not controlled by the United States, but we had a minority on the board. When the land grants were exhausted, were used, were sold, were disposed of, and had realized money enough to build and equip the road, we got no payments either of principal or interest. There never has been a single year in which we have had any net profits reported on the road, because net profits would have made a payment to the Government upon its debt peremptory. "Net profits" is the term used in the bill which is now before us. It may be said that these Government directors could not prevent that, but they could have at least advised the country of this enormous confiscation. They went and attended every year; they attended every board meeting. Was there ever any complaint made by any one of them? Did they advise the Government or the people or the Congress of the misuse of funds, the extravagant abuse of funds, the enormous profits, amounting to 400 per cent, in the building of this road? What do Government directors or any other kind of directors know about those intimate and delicate relations between the principal company and the construction company, for the Pacific Railroad had a construction company which absorbed the land, earnings, everything except the steel rails, which sucked the orange dry and left the principal company an empty shell? What could they do to prevent that? What do these canal directors know, and what will they know about the relations between the construction company mentioned in the bill and the Maritime Canal Company? What do they know about the contractors and subcontractors, material men, the overcharging, the salaries of subordinates rendering no service? What do they know about larceny and laches which infest the expenditure of vast sums of public money, which cost those who expend it nothing, and who constantly rely upon new supplies of funds

from the same facile source which yielded to their demands in the first place?

There is no directorate that can give us any additional security, any indemnity for the expenditure of the money realized upon the bonds, or the slightest guaranty of the completion and construction of this canal. There is nothing in the machinery of government directorate in such a work for the honest and intelligent expenditure of the sums of money granted, least of all none for its repayment or return

expenditure of the sums of money granted, least of all none for its repayment or return.

When this great enterprise is undertaken it ought to be under the direct action of Congress authorizing the Secretary of War to build this canal as he builds a fort or improves a harbor, without the aid of construction companies, cliques, or combinations, and beyond the risk or the reach of such conspiracies. We should then have the assurance that every dollar would be honestly employed, not only in construction, but in every hour of labor with reference to its final completion; whereas if we rashly and imprudently give to this corporation the handling of \$100,000,000 the profits of construction in the way of labor to its numerous officers and agents will prolong that process, and completion will be the left thing which they either degines of all none for its reservations.

officers and agents will prolong that process, and completion will be the last thing which they either desire or design.

This work, if it should ever be completed, Mr. President, if you will allow me the expression, will be and must be armored. There will have to be a fleet or squadron at the Atlantic terminal and at the Pacific terminal; there will have to be batteries in defense on land at both of these terminals, and there are several places in the interior where the officers of the Government detailed to make inspection say that it will be necessary to keep a military force, not a large one, but a constant military force for the purpose of guarding it either from public enemies or from private malice.

In every way it will not only be a national but a military and strategic point for the United States. How will this jurisdiction and control of ours be reconcilable with the policy of the private corporation, and what part will they be willing to give or have they set apart for such military reconnoissance and naval observation as will undoubtedly be necessary the moment the work is constructed and completed? If the work is to be so essentially a Government establishment, and must necessarily be a charge in a military and naval sense upon the Government, why ought not, in its inception, the construction to be undertaken wholly as a Government enterprise?

Government enterprise?

Section 4 of the bill, which I will ask to have inserted in my remarks, provides for the creation of the directory of the new company on a new capitalization of the company, which is provided for in the bill:

vided for in the bill:

SEC. 4. That upon the issuance and delivery of the stock and bonds provided for in sections 3 and 7 of this act the places of the directors of the Maritime Canal Company of Nicaragua, except such as represent the States of Nicaragua and Costa Rica, shall become vacant. The board of directors of the Maritime Canal Company of Nicaragua shall consist of eleven directors, one to be appointed by Costa Rica, one by Nicaragua, and one by the stock-holders of the Maritime Canal Company other than the said governments, and eight to be appointed by the President of the United States, by and with the advice and consent of the Senate, and removable by the President of the United States for cause. In case of a vacancy in the membership of directors appointed by the President the same shall be filled by appointment by the President, in the same manner, for the unexpired term. That no directors appointed by the President of the United States shall own, directly or indirectly, any stock or pecuniary interest in said company, nor shall any stockholder, director, officer, or employee be connected in any manner with or interested, directly or indirectly, in any contract made by the said company for implements, equipment, material, or anything connected with the construction, equipment, or operation of said canal, and not more than four of said directors shall be appointed from one political party.

One of the directors must be a resident of the Republic of Costa

One of the directors must be a resident of the Republic of Costa Rica. That is one of the provisions of the first treaty. One of the directors must be a resident and in behalf of the Republic of Nicaragua under the same terms of the previous concession. One of the directors, in the bill it is provided, shall represent the Nicaragua Canal Company. The whole number is eleven. Eight of the directors would be, then, under the provisions of the bill, appointable by the President of the United States. This is a new feature in the bill. The original bill provided for fifteen directors; this reduces the number to eleven. Three are already provided in the bill; the eight are said to be dependent upon Executive appointment.

appointment.

This section of the bill in regard to the directorate of the Maritime Canal Company deals with that function as if they had absolute power respecting it, as if there had been no primary and mandatory provisions in regard to it, as if it was nova res, a thing entirely new, created only in this enactment, and which might be entirely controlled by it. It proceeds upon the supposition that all they have to do is to consult Congress in regard to the making or unmaking of directors and in regard to the way the appointing power of the directorate shall be exercised. This would be true if Congress were as regardless of public treaties as the promoters

of this measure.

This charter of the Maritime Canal Company was made subject to the treaty of concession executed between the representatives of the Nicaragua Canal Association and the Republics of Costa Rica and Nicaragua. It follows, then, that all our legislation,

both the charter and any conceivable amendments to the charter, must be made subject to the conditions of the original treaty of concession. In other words, the treaty of concession is dominant upon the future policy of the company, upon the directorate, and upon every other incident of the incorporation government with which it deals. I wish, therefore, to call the attention of honorable Senators to Articles I, VIII, IX, and X of the treaty of concession. Article I, page 110:

The Republic of Nicaragua-

And it is proper to say that the treaties between Nicaragua and Costa Rica and this company are identical except as to where names are changed-

ARTICLE I.

The Republic of Nicaragua grants the aforesaid Nicaragua Canal Association, and Mr. A. G. Menocal, representative of the said association, accepts on its behalf, for the purposes set forth in Article VII, the exclusive privilege to excavate and operate a maritime canal across its territory between the Atlantic and Pacific oceans.

ARTICLE VIII.

The present concession is transferable only to such company of execution as shall be organized by the Nicaragua Canal Association, and in no case to governments or to foreign public powers.

ARTICLE IX.

The people of all nations shall be invited to contribute the necessary capital to the enterprise, and it shall be sufficient for the fulfillment of this requirement to publish an advertisement for thirty (30) consecutive days in one of the principal daily papers of each of the cities New York, London, and Paris.

ARTICLE X.

The company shall be organized in the manner and under the conditions generally adopted for such companies. Its principal office shall be in New York, or where it may be deemed most convenient, and it may have branch offices in the different countries of Europe and America, where it may consider it expedient.

Its name shall be the "Maritime Canal Company of Nicaragua," and its board of directors shall be composed of persons, one-half at least of them shall be chosen from the promoters who may yet preserve their quality as such.

The promoters are named in the original charter as well as the provision for the election of directors, and it is provided, as is usually done in such incorporations, that no person shall be a director who is not a stockholder, and that when he ceases to be a stockholder he shall cease to be a member of the directorate. Here is a plain provision that one-half of the directorate shall be chosen from among the promoters. The President of the United States may appoint, under the provisions of this charter, but he could only appoint one-half of these persons from the list of the promoters of the Maritine Canal Company. He could not do otherwise without violating the terms of the concession.

Now, there are eight directors after the three who have already Now, there are eight directors after the three who have already been nominated in terms in the bill. One-half of that number would be four. There would be four directors from the promoters of the Nicaragua Canal. There would be one director chosen by that company, one director each for the two Republics, making in all seven directors in the interest of the canal, leaving four who might be disinterested appointees of the United States.

Mr. President, it will be seen, then, that under the terms of the concession which control all our enactments and must control all the action of the company, under the terms of that treaty, there will be seven persons chosen in the interest of the Maritime Canal

will be seven persons chosen in the interest of the Maritime Canal Company and four who may not be in that interest. These four may be in the interest of the United States or they may be permay be in the interest of the United States of they may be perfectly impartial and disinterested, as directors should be in such a work. But it is claimed that this provision in the bill giving the power to appoint these directors by the President of the United States gives some security to the United States for the expenditure of the moneys which are to be procured upon the guaranty of the Government, and gives some control to the United States of the policy and operation of the canal. That is not possible, sir, unless four men can control seven. It is not possible except that in this case in a board of directors composed of eleven members the majority shall be four. It is very plain that there is no sort of security for us in that provision. The language of the treaty is extremely peremptory; it is what is called mandatory; it is in such terms as may be enforced; it is in such terms as to admit of a writ of prohibition against a person not properly appointed, a peremptory writ of mandate to a person who is appointed properly. I will call attention to it:

Its name shall be the "Maritime Canal Company of Nicaragua," and its board of directors shall be composed of persons one-half at least of whom shall be chosen from the promoters who may yet preserve their quality as

They lose no right by being chosen as directors; they still retain their rights as promoters. The operative words are "shall be chosen," and none I conceive could be made more peremptory; no

legal right could rest upon a stronger foundation.

If we were disposed to treat with a friendly republic upon strictly legal grounds, which I do not suppose we ought, I suppose an assumption, even if there had not been this strong landary of cashing that the strategy of cashing that the treaty and its covenanted terms.

Mr. BATE. Mr. President, if the Senator from Indiana does not desire to continue his remarks this evening, I move that the senator from Indiana does not desire to continue his remarks this evening, I move that the senator from Indiana does not desire to continue his remarks this evening, I move that the senator from Indiana does not desire to continue his remarks this evening.

guage, a recital, a recommendation, that half the directors should be chosen from among the promoters made by the signatory powers thereto, would be regarded as binding on the Government of ers thereto, would be regarded as binding on the Government of the United States, or on every government disposed to honor treaty obligations, and I do not think that any Executive of the United States, any President of the United States, would be for a moment guilty of the discourtesy of questioning the peremptory power of this provision in the treaty. It was reserved for the friends of the pending bill to violate their own treaty, to infract their own agreement, and publicly to disparage the character of these two Republics in South America by coming here to Congress and asking us by law to make an enactment in contradiction to their own treaty. their own treaty.

On this subject, sir, I shall ask to read an extract from the speech of the honorable Senator from Florida [Mr. PASCo]—and it can not be read too often by persons who are desirous of being acquainted with the fundamental elements of knowledge in respect to the career and history of the Maritime Canal Company of Nicaragua. It will be found that this treaty concession was not drawn without caution; it will be found that the provision in relation to the name is as peremptory as the provision in relation to the directors; that one-half of the directors shall be promoters, and the name shall be the Maritime Canal Company. Could they submit an act here changing the name? Could they pass it? Would a majority disregard the terms of the treaty of cession? I read from the remarks of the honorable Senator from Florida in treating of this provision of the original cession: of the honorable Senator from Florida [Mr. Pasco]—and it can this provision of the original cession:

One of the provisions of the bill for the protection of the interests of the United States, upon which great stress is laid by the Committee on Foreign Relations in their reports and by some of the friends of the proposed scheme in the debate upon the pending bill, is that ten of the fifteen directors are to be appointed by the United States, and that with this majority control the interests of our people will be fully protected.

That is the claim made here now.

Those who urge this in favor of the bill must have overlooked the tenth article of the concessions. The last clause of that article reads as follows:

"Its name shall be the 'Maritime Canal Company of Nicaragua,' and its board of directors shall be composed of persons one-half at least of whom shall be chosen from the promoters who may yet preserve their quality as such."

The Senator from Florida remarks upon this provision:

The Senator from Fiorida remarks upon this provision:

This means that eight at least of the fifteen directors are to be chosen from the promoters, and as Nicaragua and Costa Rica have one each, this leaves the United States with the privilege of choosing but five of the fifteen directors to represent her interests, and of course the control of the corporation passes to the private stockholders, who are to own, under the plan of reorganization of the company, not more than \$7,000,000 of the capital stock.

If the United States can choose ten of the directors while this article is in force, five of them must be from these promoters who own the stock and control the company as now organized. This sweeps away the foundation for the provisions of the bill to give the United States control of the Maritime Company through the board of directors.

Every word of that very able and elaborate analysis of the terms of the original concession is as applicable to the pending bill as to the number of directors. The pendthe original bill, except as to the number of directors. The pending bill reduces the number to eleven, and of that eleven seven must be chosen, under the provisions of the bill, from those who are promoters of the company, who represent the interests of the corporation and the two Republics. Four alone are to be appointed by the President of the United States as representatives of any

by the President of the United States as representatives of any interest the United States may have in such company.

It is very clear that under the terms of the treaty of cession it was not intended, and it will not be permitted to the Maritime Canal Company, to transfer the control of its own operations to the Government of the United States, or any other government, without a violation of the treaty of cession. They can not transfer the control of the treaty of cession.

without a violation of the treaty of cession.

fer this control, not even for money.

Here is the grinding perverseness of these original conditions in the treaty of cession, that they can not transfer the control of the company from their own corporation—not even for \$100,000,000.

They are very willing to make a transfer; they are anxious to commit enjoide—suicide of the corporation. They are anxious to make mit suicide—suicide of the corporation. They are anxious to make a gift of the directory, willing to violate treaties, compacts, obligations. What possible ties can bind such action? What possible a gift of the directory, whing to take gations. What possible sense of duty can exist in men who are not only willing but anxious to infringe and to break down the provisions to which they agreed in the original treaty of cession? If there is anything in this treaty, that part of it which provides that one-half of the directors shall be promotors in the company, the part of the directory which belongs to the two Republics, that the concession shall never that the concession government or state—if there is anything in this go to a foreign government or state—if there is anything in this treaty declared, written with every sort of emphasis and accent, it is the fact that this corporation must control itself under the terms of the cession, must retain control of the canal, can not transfer it to the United States or to any other government. That is the very thing which is not permitted, which is forbidden, which is prohibited by the treaty of cession, and it is the very thing that

Mr. TURPIE. I will retain the floor, and resume my remarks to-morrow

Mr. CULLOM. Did I understand the Senator from Tennessee to move an executive session?

Mr. BATE. I did, but I will withdraw that motion if Senators

desire. Mr. CULLOM. I should be very glad if the Senator would allow me to call up the legislative, executive, and judicial appropriation bill, and proceed with it for an hour or so.

Mr. FRYE. I hope that will be done.
Mr. BATE. It is now 4 o'clock.
Mr. ALDRICH. That will not interfere at all with the bill which has been pending.

Mr. BATE. I have no objection.

Mr. CULLOM. Of course I do not care to interfere with the Senator from Indiana [Mr. Turple] in finishing his speech at whatever time he desires.

Mr. BATE. It was for the reason that the Senator from Indiana desired to suspend his remarks this evening that I made the motion for an executive session.

Mr. CULLOM. So I understood.

The PRESIDING OFFICER. Debate is out of order. The motion of the Senator from Tennessee for an executive session is

not debatable. Mr. BATE. It has been suggested by those who have charge of the appropriation bills that they would like to have them considered, and therefore I will withdraw my motion.

The PRESIDING OFFICER. The Senator from Tennessee

withdraws his motion.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. Browning, its Chief Clerk, announced that the House had passed the bill (S. 3071) to authorize the construction of a bridge over the Monongahela River from the borough of Braddock to the township of Mifflin, Pa.

The message also announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 9638) making appropriations for the support of the Army for the fiscal year ending June 30, 1898; asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. Hull, Mr. Parker, and Mr. McClellan managers at the conference on the part of the House.

The message further announced that the House had passed the

The message further amounted that the House had passed the following bills and joint resolution; in which it requested the concurrence of the Senate:

A bill (H. R. 280) to prohibit the sale of intoxicating drinks to Indians, providing penalties therefor, and for other purposes;

A bill (H. R. 1064) for the relief of Henry F. Thornton;

A bill (H. R. 3014) revising and amending the statutes relating

A bill (H. R. 4178) providing for the use by the United States of devices covered by letters patent;
A bill (H. R. 4279) to cure the title to certain real estate in the District of Columbia;

A bill (H. R. 4379) for the relief of John H. Willis;

A bill (H. R. 8010) to authorize a survey for construction of a bridge across the Eastern Branch of the Potomac River in line with Massachusetts avenue extended eastward;

A bill (H. R. 8499) in relation to taxes and tax sales in the District of Columbia;

A bill (H. R. 9619) granting a pension to Mirum C. Peck;
A bill (H. R. 9704) to authorize the Washington and Glen Echo
Railroad Company to obtain a right of way and construct tracks
into the District of Columbia 600 feet;

A bill (H. R. 9841) to amend an act authorizing the West Braddock Bridge Company to construct a bridge over the Monongahela River from the borough of Rankin to Mifflin Township;

A bill (H. R. 9863) to extend and amend an act entitled "An act to grant the right of way to the Kansas, Oklahoma Central and Southwestern Railway Company through the Indian Territory and Oklahoma Territory, and for other purposes," approved December

21, 1893; A bill (H. R. 9935) to authorize the construction or acquisition of a bridge across the Rio Grande River at El Paso, in the State

of Texas; and

A joint resolution (H. Res. 228) providing for additional telegraphic and electric-light facilities in the city of Washington, D. C., during the inaugural ceremonies on the 4th day of March, 1897.

LEGISLATIVE, EXECUTIVE, AND JUDICIAL APPROPRIATION BILL.

Mr. CULLOM. I ask unanimous consent for the present consideration of the legislative, executive, and judicial appropriation bill.

Mr. MORGAN. And that the regular order be temporarily laid aside for that purpose?

Mr. CULLOM. Certainly.
Mr. HILL. For what length of time does the Senator from Illinois desire to proceed with the bill of which he is in charge?
Mr. CULLOM. I think we ought to run along for an hour of

Mr. HILL. I thought the Senator said he desired to take up the

bill and consider it for an hour.

Mr. CULLOM. We must get in the habit of working a little longer each day; but we can determine later as to our course of

The PRESIDING OFFICER. The Senator from Illinois asks unanimous consent for the present consideration of the bill named

by him. Is there objection?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 9643) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1898, and for

other purposes.

Mr. CULLOM. I now ask that the first formal reading of the bill may be dispensed with, and that the amendments reported by the Committee on Appropriations may be acted upon as they are

the Committee on Appropriations may be acted upon as they are reached in the reading.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and that course will be pursued.

The Secretary proceeded to read the bill, which had been reported from the Committee on Appropriations with amendments.

The first amendment of the Committee on Appropriations was, under the head of "Senate, Office of the Secretary," on page 2, line 12, after the word "Senate," to strike out "\$5,000" and, in line 14, after the word "Senate," to insert "\$5,000;" so as to read:

Office of Secretary: For Secretary of the Senate, including compensation as disbursing officer of the contingent fund of the Senate, \$5,000, etc.

The amendment was agreed to.

The next amendment was, under the head of "Office of Sergeant-The next amendment was, under the head of "Office of Sergeantat-Arms and Doorkeeper," on page 6, line 7, before the word "carpenters," to strike out "two" and insert "three;" in line 12, after the word "each," to strike out "telephone operator, \$720" and insert "two telephone operators, at \$720 each;" in line 15, after the word "dollars," to insert "press-gallery page, \$600;" in line 17, before the word "laborers," to strike out "twenty-two" and insert "twenty-five;" and, in line 22, before the word "dollars," to strike out "twenty-four thousand two hundred and twenty-four" and insert "twenty-eight thousand six hundred and sixtyfour" and insert "twenty-eight thousand six hundred and sixty-four;" so as to make the clause read:

Office of Sergeant-at-Arms and Doorkeeper; For Sergeant-at-Arms and Doorkeeper, \$4,500; horse and wagon for his use, \$420, or so much thereof as may be necessary; for clerk to Sergeant-at-Arms, \$2,000; assistant doorkeeper, \$2,502; a messengers, acting as assistant doorkeeper, \$2,502; a messengers, acting as assistant doorkeepers, at \$1,800 each; 46 messengers, at \$1,440 each; assistant messenger on the floor of the Senate, \$1,440; messenger to Official Reporters' room, \$1,400; messenger in charge of storeroom, \$1,200; upholsterer and locksmith, \$1,440; a carpenters to assist him, at \$960 each; skilled laborer, \$1,000; 2 janitors, at \$900 each; laborer in charge of private passage, \$840; 2 female attendants in charge of ladies' retiring room, at \$720 each; 2 telephone operators, at \$720 each; telephone page, \$600; press gallery page, \$600; 3 laborers, at \$840 each; 25 laborers, at \$720 each; 16 pages for the Senate Chamber, at the rate of \$2.50 per day each during the session, \$8,250; in all, \$128,664.

The amendment was agreed to.

The reading of the bill was continued to the beginning of the clause on page 7, line 5, making appropriations for the salaries of the employees of the Senate document room.

Mr. MORGAN. Will it be agreeable to the committee to receive amendments from members of the Senate now, or do they prefer to have the committee amendments first acted upon?

Mr. CULLOM. I have no objection to receiving small amend-

ments as we proceed with the reading of the bill.

Mr. MORGAN. There being no objection, there is one part of the bill to which I should like to offer an amendment as we go along, which I think will not be objected to. I send the amendment to the desk

The PRESIDING OFFICER. The amendment proposed by the

Senator from Alabama will be stated.

The Secretary. On page 7, line 6, after the word "dollars," it is proposed to strike out "three assistants" and insert "first assistant, \$1,600; two;" so as to read:

For superintendent of the document room (Amzi Smith) \$3,000; first ssistant, \$1,600; two assistants in document room, at \$1,440 each, etc.

Mr. MORGAN. That makes a change only in the compensa-tion of the real first assistant there, Mr. George H. Boyd. Mr. Boyd has been in that office now almost since his childhood, and has got to be almost as proficient in it as Mr. Smith, and that is saying a great deal for anybody. I think it is time we moved his salary up to the point suggested in my amendment, which is \$1,600. The corresponding officer in the House of Representatives

receives a salary of \$2,000.

Mr. CULLOM. The Senator's proposed amendment is to make
Mr. Boyd first assistant, and then to have two assistants in

Mr. MORGAN.

That is right.
Is that in the document room? Mr. ALLISON. Mr. MORGAN.

Yes.

Mr. MORGAN.

Mr. CULLOM. I am inclined to think the amendment is right.

Mr. MORGAN. I think it is.

Mr. CULLOM. I have no objection to the amendment.

The amendment was agreed to.

Mr. CULLOM. The amendment just adopted will necessitate a change in the total sum appropriated at the end of the paragraph. I suggest that the clerks may be authorized to change the totals where such change is made necessary by the adoption of amendments in any particular clause of the bill. That will obviate the necessity of calling attention to each particular change that may be made necessary.

that may be made necessary.

The PRESIDING OFFICER. In the absence of objection, that

will be understood as agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, on page 7, line 16, before the word "thirteen," to strike out "and;" in line 17, after the word "each," to insert "and page, six hundred dollars;" and in line 18, before the word "hundred," to strike out "twenty-five thousand six" and insert "twenty-six thousand two;" so as to make the clause read:

Folding room: For superintendent of folding room, \$2,160; assistant in folding room, \$1,200; clerk in folding room, \$1,200; foreman in folding room, \$1,200; nine folders, at \$1,000 each; thirteen folders, at \$40 each; and page, \$600; in all, \$23,280.

The amendment was agreed to.

The amendment was agreed to.

The next amendment was, under the head of "Under Architect of the Capitol," on page 7, line 22, before the words "assistant engineers," to strike out "three" and insert "four;" in line 25, before the word "firemen," to strike out "two" and insert "three;" on page 8, line 1, before the word "laborers," to strike out "four" and insert "six;" and in line 4, before the word "dollars," to strike out "sixteen thousand one hundred and fifty" and insert "twenty thousand one hundred and twenty-five;" so as to make the clause read:

Under Architect of the Capitol: For chief engineer, \$2,160; 4 assistant engineers, at \$1,400 each; 3 conductors of elevators, at \$1,200 each; machinist and assistant conductor of elevators, \$1,000; 3 firemen, at \$1,095 each; 6 laborers, at \$720 each; in all, \$20,125.

The amendment was agreed to.

The next amendment was, on page 9, line 2, before the word "thousand," to strike out "one" and insert "two;" so as to make the clause read:

For materials for furniture and repairs of same, exclusive of labor, \$2,000.

The amendment was agreed to.

The next amendment was, on page 9, line 4, before the word "thousand," to strike out "one" and insert "two;" so as to make the clause read:

For services in cleaning, repairing, and varnishing furniture, \$2,000.

The amendment was agreed to.

The next amendment was, in the provisions for the House of Representatives, on page 17, line 8, after the word "days," to strike

And the appropriations made in the foregoing paragraphs under the Senate and House of Representatives for session employees shall be available on and after the first day of the meeting of the Fifty-fifth Congress, and continue available until the final adjournment of the first session of said Congress.

So as to make the clause read:

That wherever the words "during the session" occur in the foregoing paragraphs they shall be construed to mean not exceeding seven months, or two hundred and seven days.

The amendment was agreed to.

The next amendment was, on page 17, after line 12, to insert:

For clerk hire, Members and Delegates: To pay Members and Delegates the amount they certify they have paid or agreed to pay for clerk hire necessarily employed by them in the discharge of their official and representative duties, as provided in the joint resolution approved March 3, 1893, during the session of Congress, and when Congress is not in session as provided in House resolution passed May 8, 1896, \$400,000, or so much thereof as may be necessary; and Representatives and Delegates elect to Congress whose credentials in due form of law have been duly filed with the Clerk of the House of Representatives, in accordance with the provisions of section 31 of the Revised Statutes of the United States, shall be entitled to payment under this appropriation.

The amendment was agreed to.

The next amendment was, on page 18, after line 13, to strike out:

To pay Members and Delegates the amount which they certify they have paid or agreed to pay for clerk hire necessarily employed by them in the discharge of their official and representative duties, as provided in the joint resolution approved March 3, 1893, and House resolution, passed May 8, 1896, \$400,000, or so much thereof as may be necessary.

The amendment was agreed to. The reading of the bill was continued to the end of line 20 on

Mr. CULLOM. As there are a good many Senators who are

especially interested in the Library of Congress, and as the Senate is not very well attended this evening, I suggest that we pass over all of the provisions relating to the Library, which will be from the words "Library of Congress," in line 21, page 19, down to and including line 12 on page 26.

The PRESIDING OFFICER. Without reading so much of the

Mr. CULLOM. Yes.

Mr. CULLOM. Yes.
The PRESIDING OFFICER. If there be no objection, that course will be pursued. The Chair hears none.

The reading of the bill was resumed, beginning with line 13 on page 26. The next amendment of the Committee on Appropriations was, under the head of "Executive," on page 27, line 2, after the words "President of the United States," to strike out "Private Secretary" and insert "Secretary;" so as to read:

For compensation to the following in the office of the President of the United States: Secretary, \$5,000.

The amendment was agreed to.

The next amendment was agreed to.

The next amendment was, under the head of "Department of State," on page 28, line 15, before the word "dollars," to insert "four hundred;" and in line 23, before the word "dollars," to strike out "nineteen thousand six hundred" and insert "twenty thousand:" so as to make the clause read:

For compensation of the Secretary of State, \$8,000; Assistant Secretary, \$4,500; Second and Third Assistant Secretaries, at \$3,500 each; chief clerk, \$2,500; six chiefs of bureaus and one translator, at \$2,100 each; private secretary to the Secretary, \$2,400; eleven clerks of class \$2, four clerks of class \$2, seven clerks of class \$2, one clerk of class \$2, for indexing records, \$1,400; sixteen clerks of class \$1,000 each; ten clerks, at \$1,000 each; ten clerks, at \$500 each; ten clerks, at \$1,000 ea

The amendment was agreed to.

The next amendment was agreed to.

The next amendment was, under the head of "Office of Comptroller of the Treasury," on page 36, line 8, before the word "hundred," to strike out "five" and insert "seven," and in the same line, after the word "dollars," to strike out:

Five law clerks revising accounts and briefing opinions, at \$2,100 each; ree clerks of class four;

And insert:

Chief law clerk, \$2,700; four law clerks revising accounts and briefing opinions, one at \$2,100, and three at \$2,000 each; two confidential clerks of class 4, including one for the Assistant Comptroller.

In line 15, before the word "clerks," to strike out "four" and insert "five," and in line 17, before the word "hundred," to strike out "six" and insert "nine;" so as to make the clause read:

Office of Comptroller of the Treasury; For Comptroller of the Treasury, \$5,500; Assistant Comptroller of the Treasury, \$4,500; chief clerk, \$2,700; chief law clerk, \$2,700; four law clerks revising accounts and briefing opinions, one at \$2,100 and three at \$2,000 each; two confidential clerks of class 4, including one for the Assistant Comptroller; five clerks of class 3; two clerks of class 1; two messengers; and one assistant messenger; in all, \$39,900.

The amendment was agreed to.

The next amendment was, under the head of "Office of the Treasurer," on page 41, line 23, before the word "clerks," to strike out "eighteen" and insert "twenty;" on page 42, line 1, before the word "clerks," to strike out "eight" and insert "ten," and in line 3, before the word "hundred," to strike out "sixty-six thousand six" and insert "seventy thousand eight;" so as to make the clause read:

For the force employed in redeeming the national currency (to be reimbursed by the national banks), namely: For superintendent, \$3,500; teller, \$2,500; bookkeeper, \$2,400; assistant teller, \$2,000; two clerks of class 4; three clerks of class 3; four clerks of class 2; twenty clerks of class 1; one skilled laborer, \$1,000; ten clerks, at \$1,000 each; ten clerks, at \$900 each; three assistant messengers; and one charwoman; in all, \$70,800.

The amendment was agreed to.

The next amendment was agreed to.

The next amendment was, under the head of "Office of the Director of the Mint," on page 47, line 6, after the word "dollars," to insert "examiner, \$2,500," and in line 15, before the word "hundred," to strike out "twenty-six thousand eight" and insert "twenty-nine thousand three;" so as to make the clause read:

Office of the Director of the Mint: For Director, \$4,500; examiner, \$2,500; computer, \$2,500; assayer, \$2,200; adjuster of accounts, \$2,000; two clerks of class 4; one clerk of class 2; four clerks of class 1; translator, \$1,400; one clerk, \$1,000; one copyist; one messenger; assistant in laboratory, \$1,000; and one assistant messenger; in all, \$29,300.

The amendment was agreed to.
The next amendment was, under the head of "Office of Supervising Surgeon-General Marine-Hospital Service," on page 48, line 19, to insert the following proviso:

Provided. That the Secretary of the Treasury is hereby authorized, in his discretion, to grant to the medical officers of the Marine-Hospital Service commissioned by the President, without deduction of pay, leaves of absence for the same periods of time and in the same manner as is now authorized to be granted to officers of the Army by the Secretary of War.

The amendment was agreed to.

The next amendment was, under the head "Office of assistant treasurer at Chicago," on page 54, line 11, before the word "dollars," to strike out "four thousand five hundred" and insert "five thousand;" in line 16, before the word "clerks," to strike out "ten" and insert "eleven," and in line 21, before the word "hundred," to strike out "thirty-four thousand two" and insert "thirty-five thousand nine;" so as to make the clause read:

Office of assistant treasurer at Chicago: For assistant treasurer, \$5,000; cashier, \$2,500; paying teller, \$1,800; assorting teller and receiving teller, at \$1,500 each; clerk, \$1,600; bookkeeper, and two coin, coupon, and currency clerks, at \$1,500 each; eleven clerks, at \$1,200 each; messenger, \$840; stenographer, \$720; janitor, \$600; and three watchmen, at \$720 each; in all, \$35,920.

The amendment was agreed to.

The next amendment was, under the head of "Office of assistant treasurer at New York," on page 57, line 3, after the word "dollars," to strike out "engineer, \$1,050," and insert "two engineers, at \$1,050 each;" and in line 9, before the word "dollars," to increase the total appropriation from \$194,590 to \$195,640.

The amendment was agreed to.

The next amendment was, under the head of "United States mints and assay offices," on page 59, line 15, after the subheading "Mint at Carson, Nev.," to strike out—

For assayer in charge, \$2,500; melter, \$2,000; assistant assayer, \$1,500; and one clerk, \$1,500; in all, \$7,500—

And insert:

For superintendent, \$3,000; assayer, and melter and refiner, at \$2,500 each; chief clerk, \$1,800; bookkeeper, cashier, assistant assayer, assistant melter and refiner, and weigh clerk, at \$1,500 each; in all, \$17,300.

So as to make the clause read:

Mint at Carson, Nev.: For superintendent, \$3,000, etc.

The amendment was agreed to.

The next amendment was, on page 59, line 25, to increase the appropriation for wages of workmen at the mint at Carson, Nev., from \$10,000 to \$15,000.

The amendment was agreed to.

The next amendment was, on page 60, line 1, under the head of "Mint at Carson, Nev.," to strike out—

For incidental and contingent expenses, \$3,000-

And insert:

For incidental and contingent expenses, including wastage of operative officers and loss on sale of sweeps, \$7,500.

So as to make the clause read:

For incidental and contingent expenses, including wastage of operative officers and loss on sale of sweeps, \$7,500.

The amendment was agreed to.

The next amendment was, on page 64, after line 24, to insert:

Assay office at Deadwood, S. Dak.: The Secretary of the Treasury is hereby authorized and directed to provide sufficient room for an assay office in the city of Deadwood, as provided by the act approved June 11, 1886, entitled "An act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1897, and for other purposes," and provide the same with the necessary fixtures and apparatus. For the payment of salaries and wages of workmen and contingent expenses and rent the sum of \$10,000 is hereby appropriated in addition to the sum already appropriated, the said office to be conducted under the provisions of an act entitled "An act revising and amending the laws relative to the mints, assay offices, and coinage of the United States," approved February 12, 1873.

The amendment was agreed to.

The amendment was agreed to.

The next amendment was, under the head of "Nautical Almanac Office," on page 80, line 8, to increase the appropriation "for services of a competent mathematician to supervise the completion of the tables of the planets" from \$2,000 to \$3,000.

The amendment was agreed to.

The next amendment was, under the head of "Department of the Interior," on page 84, line 13, after the word "each," to insert "census clerk, \$2,000;" and on page 85, line 12, before the word "thousand," to strike out "twenty-four" and insert "twenty-six;" so as to make the clause read: so as to make the clause read:

office of the Secretary: For compensation of the Secretary of the Interior, \$3.00; First Assistant Secretary, \$4.500; Assistant Secretary, \$4.000; chief clerk, \$2.500, and \$250 additional as superintendent of the Patent Office building; nine members of a board of pension appeals, to be appointed by the Secretary of the Interior, at \$2.000 each; special land inspector connected with the administration of the public-land service, to be appointed by the Secretary of the Interior and to be subject to his direction, \$2.500; clerk in charge of documents, \$2.000; custodian, who shall give bond in such sum as the Secretary of the Interior may determine, \$2.000; six clerks, chiefs of division, at \$2.000 each, one of whom shall be disbursing clerk; four clerks, at \$2.000 each; census clerk, \$2.000; private secretary to the Secretary of the Interior, \$2.000; eleven clerks of class 4; nine clerks of class 3; thirteen clerks of class 2; twenty-five clerks of class 1, two of whom shall be stenographers or type-writers; returns office clerk, \$1.200; two clerks, at \$4.000 each; one clerk, \$000; seven copylsts; telephone operator, \$000; three messengers; six assistant messengers; fourteen laborers; two skilled mechanics, one at \$000 and one at \$720; two carpenters, at \$900 each; one laborer, \$000; one packer, \$900; conductor of elevator, \$720; four charwomen; captain of the watch, \$1,000; forty watchmen; additional to two watchmen acting as lieutenants of watchmen,

at \$120 each; engineer, \$1,200; assistant engineer, \$1,000; and seven firemen; to enable the Secretary of the Interior to employ laborers in the work of distributing the reports of the Eleventh Census, \$3,960; in all, \$228,030.

Mr. CULLOM. I ask the Senate to disagree to the amendments reported from the Committee on Appropriations which have just been stated.

The amendments were rejected.
Mr. CULLOM. Now, I offer an amendment to come in as a new paragraph after the word "dollars," in line 12, on page 85.
The PRESIDING OFFICER. The amendment will be stated, The SECRETARY. On page 85, after line 12, it is proposed to

For a clerk of class 4, to act as census clerk, and for rent, salary, heat, and light incident to the proper care and preservation of the records of the Eleventh and previous censuses, \$6,800, to be immediately available.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, under the subhead "Patent Office," on page 92, line 21, to increase the appropriation "for purchase of professional and scientific books and expenses of transporting publications of patents issued by the Patent Office to foreign governments," from \$2,000 to \$3,000.

The amendment was agreed to.

The next amendment was agreed to.

The next amendment was, under the subhead "Bureau of Education," on page 93, line 23, before the word "dollars," to insert "six hundred;" and on page 94, line 13, before the word "hundred," to strike out "two" and insert "eight;" so as to make the clause read:

Bureau of Education: For Commissioner of Education, \$3,600; chief clerk, \$1,800; statistician, \$1,800; translator, \$1,600; collector and compiler of statistics, \$2,400; specialist in foreign educational systems, \$1,800; specialist in education as a preventive of pauperism and crime, \$1,800; two clerks of class 1; two clerks of class 2; two clerks of class 2; seven clerks of class 1; two clerks, at \$1,000 each; seven copyists; two copyists, at \$500 each; copyist, \$720; skilled laborer, \$340; one assistant messenger; two laborers; two laborers, at \$480 each; laborer, \$400; and one laborer, \$360; in all, \$50,820.

The amendment was agreed to

Mr. BATE. In the clause which has just been amended, on page 93, line 24, after the word "statistician," I move to strike out "\$1,800" and insert "\$2,000;" so as to read:

Statistician, \$2,000.

That is merely giving an increase of salary to the statistician of the Bureau of Education of \$200 a year, which should be agreed

of the base seems to be some merit in it. there seems to be some merit in it.

Mr. BATE. That is right. A similar amendment was agreed to at the last session.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, under the head of "Surveyors-general and their clerks," on page 100, line 12, before the word "dollars," to strike out "eight thousand five hundred" and insert "ten thousand;" and in line 13, before the word "dollars," to strike out "ten thousand five hundred" and insert "twelve thousand;" so as to make the clause read:

For surveyor-general of the Territory of New Mexico, \$2,000; and for clerks in his office, \$10,000; in all, \$12,000.

The amendment was agreed to.

The next amendment was, under the head of "Department of Labor," on page 111, line 17, before the word "laborers," to strike out "two" and insert "four;" and in line 22, before the word "dollars," to strike out "one thousand two hundred and twenty" and insert "two thousand five hundred and forty;" so as to make the clause read:

For compensation of the Commissioner of Labor, \$5,000; chief clerk, \$2,500; disbursing clerk, \$2,000; four statistical experts, at \$2,000 each; four clerks of class 3; five clerks of class 2; twelve clerks of class 1; ten clerks, at \$1,000 each; two copyists; one messenger; one assistant messenger; three watchmen; four laborers; two charwomen; six special agents, at \$1,600 each; ten special agents, at \$1,400 each; four special agents, at \$1,200 each; in all, \$102,540.

The amendment was agreed to.

The next amendment was, in the provision for Court of Private Land Claims, on page 114, line 9, after the words "on the," to strike out "31st day of December "and insert "4th day of March;" and in line 11, after the word "and," where it occurs the first time, to strike out "ninety-eight" and insert "ninety-nine;" so as to make the clause read:

SEC. 19. That the powers and functions of the court established by this act shall cease and determine on the 4th day of March, 1899, and all papers, files, and records in the possession of said court belonging to any other public

office of the United States shall be returned to such office, and all other papers, files, and records in the possession of or appertaining to said court shall be returned to and filed in the Department of the Interior.

The amendment was agreed to.

The reading of the bill was continued to the end of line 5 on

page 115.

Mr. COCKRELL. I am not certain as to the effect of the provision on page 114, beginning with the proviso in line 23 and going down to the beginning of the additional proviso in line 5 on page 115. I am fearful that it may have some effect on the salaries of United States marshals and deputy marshals, and therefore I will ask that it may be stricken out so that we may

consider it in conference.

Mr. CULLOM. Would it not be just as well to have the proviso referred to passed over for to-night?

Mr. ALLISON. We can not dispose of the bill this evening.

Mr. COCKRELL. That would be very much better.

Mr. CULLOM. It think it would be better, perhaps. We will look into the matter meanwhile.

Mr. ALLISON. Let it be passed over. Mr. CULLOM. I ask that the proviso may be passed over for the evening.

The PRESIDING OFFICER. That course will be pursued, if

there be no objection.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, under the subhead "United States courts, Indian Territory," on page 115, line 12, after the words "per annum," to insert "and give bonds as other marshals;" so as to make the additional proviso read:

Provided further, That each of the district attorneys in the Indian Territory shall receive a salary of \$4,000 per annum, and each of the marshals shall receive a salary of \$4,000 per annum and give bonds as other marshals.

The amendment was agreed to.
The reading of the bill was continued to the end of line 23 on

page 116.

Mr. CULLOM. I desire to offer an amendment to come in after the word "dollars," in line 23, page 116, which seems to be neces-sary in order to enable the Government to keep a commissioner in

the Yellowstone Park.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. After the word "dollars," in line 23, page 116, it is proposed to add:

And the provisions of section 21 of an act making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1897, and for other purposes, approved May 28, 1896, shall not be construed as impairing the right of said commissioner to receive said salary as herein provided.

The amendment was agreed to.

The reading of the bill was resumed and concluded.

Mr. CULLOM. On page 3 I overlooked a little amendment which the committee desire to have made. In the provision for the office of the Secretary of the Senate, line 11, after the word "each" where it occurs the first time, I move to insert:

One assistant messenger, \$1,200.

The amendment was agreed to.

Mr. CULLOM. In line 12, page 3, I move to strike out the words:

Page, nine hundred and twelve dollars and fifty cents.

The amendment was agreed to.

Mr. CULLOM. Then the total should be changed so as to read

The PRESIDING OFFICER. That change will be made. Mr. CULLOM. I hope that to morrow the Senate will take up the pending bill as early as possible and conclude its consideration during the day. The reading of the bill having been completed, and all the amendments of the committee having been agreed to except with respect to the provisions relating to the Library and to public buildings and grounds, I move that the Senate adjourn.

Mr. LODGE. I hope the Senator from Illinois will withhold that motion for amoment. I should like to ask unanimous consent for the present consideration of a bill.

Mr. CULLOM. Very well.

The PRESIDING OFFICER. The Chair will lay before the

Senate bills from the House of Representatives for reference.

HOUSE BILLS REFERRED.

The following bills were severally read twice by their titles, and referred to the Committee on the District of Columbia:

A bill (H. R. 4279) to cure the title to certain real estate in the

District of Columbia;

A bill (H. R. 8010) to authorize a survey for construction of a bridge across the Eastern Branch of the Potomac River in line

with Massachusetts avenue extended eastward;
A bill (H. R. 8499) in relation to taxes and tax sales in the Dis-

trict of Columbia;

A bill (H. R. 9704) to authorize the Washington and Glen Echo

Railroad Company to obtain a right of way and construct tracks into the District of Columbia 600 feet; and

A joint resolution (H. Res. 228) providing for additional telegraphic and electric-light facilities in the city of Washington, D. C., during the inaugural ceremonies on the 4th day of March, 1897.

The following bills were severally read twice by their titles, and referred to the Committee on Commerce:

A bill (H. R. 9841) to amend an act authorizing the West Braddock Bridge Company to construct a bridge over the Monongahela River from the borough of Rankin to Mifflin Township; and A bill (H. R. 9935) to authorize the construction or acquisition of a bridge across the Rio Grande River at El Paso, in the State

of Texas.

The following bills were severally read twice by their titles, and referred to the Committee on Indian Affairs:

A bill (H. R. 280) to prohibit the sale of intoxicating drinks to Indians, providing penalties therefor, and for other purposes; and A bill (H. R. 9863) to extend and amend an act entitled "An act to grant the right of way to the Kansas, Oklahoma Central and Southwestern Railway Company through the Indian Territory and Oklahoma Territory, and for other purposes," approved December 21, 1893. December 21, 1893.

The following bills were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (H. R. 1064) for the relief of Henry F. Thornton; and A bill (H. R. 9619) granting a pension to Mirum C. Peck. The bill (H. R. 4379) for the relief of John H. Willis was read

twice by its title, and referred to the Committee on Military Affairs.

The bill (H. R. 3014) revising and amending the statutes relating to patents was read twice by its title, and referred to the Committee on Patents.

The bill (H. R. 4178) providing for the use by the United States of devices covered by letters patent, was read twice by its title, and referred to the Committee on Naval Affairs.

ARMY APPROPRIATION BILL.

The PRESIDING OFFICER laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 9638) making appropriations for the support of the Army for the fiscal year ending June 30, 1898, and requesting a conference with the Senate on the disagreeing votes

of the two Houses thereon.

Mr. ALLISON. In the absence of the Senator from Pennsylvania [Mr. QUAY], who has charge of the bill, I move that the Senate insist upon its amendments and accede to the request of the House of Representatives for a conference.

The motion was agreed to.

By unanimous consent, the Presiding Officer was authorized to appoint the conferees on the part of the Senate; and Mr. QUAY, Mr. HALE, and Mr. BLACKBURN were appointed.

RICHARD BROOKINS.

The PRESIDING OFFICER laid before the Senate the amend-

ments of the House of Representatives to the bill (S. 1690) granting a pension to Richard Brookins.

The amendments were, in line 5, after the word "month," to in-The amendments were, in line 5, after the word "month," to insert "subject to the provisions and limitations of the pension laws;" in line 7, after the word "Cavalry," to strike out down to and including the word "seven," in line 11; and, in line 13, after the word "Colored," to strike out down to and including the word "five," in line 15, and insert the word "Infantry;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, at the rate of \$12 per month, subject to the provisions and limitations of the pension laws, the name of Richard Brookins, who served under that name in Troops M and H of the Ninth Regiment of United States Cavalry, and under the name of Dick Spencer in Company K, One hundred and twenty-third United States Colored Infantry.

Mr. BAKER. I move that the Senate concur in the amendments made to the bill by the House of Representatives.

The motion was agreed to.

ALFRED P. BUSS.

Mr. LODGE. I ask unanimous consent for the present consideration of the bill (H. R. 2941) granting increase of pension to Alfred P. Buss. It is a small bill which has been reported by our committee without amendment.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to place on the pension roll the name of Alfred P. Buss, late private Company D, Fourth Regiment Massachusetts Heavy Artillery, at \$30 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SETTLEMENT OF CERTAIN CLAIMS AGAINST THE DISTRICT.

Mr. GORMAN. I ask the Senate to consider at this time the bill (H. R. 8726) to provide for the payment of certain claims against the District of Columbia by drawback certificates. It has been reported unanimously by the Committee on the District of Columbia.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered

Mr. CULLOM. I renew the motion that the Senate adjourn.
The motion was agreed to; and (at 5 o'clock and 45 minutes p. m.) the Senate adjourned until to-morrow, Wednesday, Januuary 20, 1897, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

TUESDAY, January 19, 1897.

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. HENRY N. COUDEN.

The Journal of the proceedings of yesterday was read and approved.

ORDER OF BUSINESS.

Mr. THOMAS. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House for the consideration of pension bills, under the special order.

The SPEAKER. That would be the regular order, if the gentleman demands the regular order.

Mr. THOMAS. I demand the regular order.
The SPEAKER. The House will resolve itself into Committee of the Whole House to consider pension bills, under the special order of the House. The Clerk will report the special order. The Clerk read as follows:

Resolved, That on Tuesday, the 19th day of January, immediately after the reading of the Journal, the House shall resolve itself into Committee of the Whole House for the consideration of such bills as are in order on the sessions of Friday evenings, and that in the consideration of such bills under this resolution ten minutes' debate shall be allowed on each bill, with the amendments thereto, such time to be divided equally between those favoring and those opposing the bill: Provided, kovever, That nothing in this resolution shall be construed as interfering with conference reports on general appropriation bills.

Mr. TALBERT. Mr. Speaker, a parliamentary inquiry.
The SPEAKER. The gentleman will state it.
Mr. TALBERT. I would like to ask if the ten minutes allowed

is to comprise the reading of the report?

The SPEAKER. The Chair thinks that the report of the com-

The SPEAKER. The Chair thinks that the report of the committee is only read as a part of the debate.

Mr. TALBERT. As part of the debate?
The SPEAKER. It is only read as a part of the debate.
The House accordingly resolved itself into Committee of the Whole House, Mr. Henderson in the chair.
The CHAIRMAN. The House is in Committee of the Whole, under the special order adopted yesterday morning, to consider bills proper to be considered at the Friday night sessions.

Mr. ERDMAN. Mr. Chairman, a parliamentary inquiry.
The CHAIRMAN. For what purpose does the gentleman rise?
Mr. ERDMAN. Does not the special order require that the House shall resolve itself into Committee of the Whole?
The CHAIRMAN. It has resolved itself into Committee of the

The CHAIRMAN. It has resolved itself into Committee of the

Whole now.

Mr. ERDMAN. By what action?

The CHAIRMAN. It was done in pursuance of the special order, and by order of the Speaker.

Mr. ERDMAN. Can the Speaker resolve the House into Committee of the Whole or must it resolve itself?

The CHAIRMAN. It is resolved in the usual way, and we are now in Committee of the Whole. The Clerk will report the first bill. bill.

Mr. THOMAS. Mr. Chairman, I understand the first bill is Calendar No. 630, which was being considered when the commit-

Calendar No. 630, which was being considered when the commit-tee rose at the last sitting. The gentleman from South Carolina [Mr. Talbert] had the floor.

The CHAIRMAN. Calendar No. 608 was passed over without prejudice, the Chair is informed.

Mr. THOMAS. We had one bill under consideration, the gen-tleman from South Carolina [Mr. Talbert] had the floor, and I

asked him to yield for a motion that the committee rise.

The CHAIRMAN. The committee will first dispose of the bill that was under consideration.

Mr. THOMAS. I ask that that bill be disposed of.

The Clerk read as follows:

WILLIAM R. HARLESS.

A bill (H. R. 4629) granting a pension to William R. Harless.

The bill was read, as follows:

Be the enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place upon the pension roll the name of William R. Harless, of Red Bank, Douglas County, Mo., late a soldier in Companies Band E, Sixtieth Regiment Enrolled Missouri Militia, in the war for the suppression of the rebellion, and pay him a pension at the rate of \$12 per month.

Mr. TALBERT. Mr. Chairman, I would like to have the

report read.

The CHAIRMAN. The report will be read in the gentleman's

The Clerk proceeded to read the report, which is as follows:

The Cierk proceeded to read the report, which is as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 4629) entitled "A bill granting a pension to William R. Harless," beg leave to submit the following report, and recommend that said bill do pass with amendments:

William R. Harless served as a private in Company B, Sixtieth Regiment Missouri Enrolled Militia, from July, 1862, to January, 1863, when the company was disbanded: also, he enlisted again as corporal, Company E, Sixtieth Missouri Enrolled Militia, under Captain Morton, in the spring of 1863 and served with it until the company was disbanded in January, 1864; he also served a short period in Capt. B. F. Cook's company of the St. Clair County Missouri Militia.

The records of the Wey December 1.

short period in Capt. B. F. Cook's company of the St. Clair County Missouri Militia.

The records of the War Department do not show that either of these organizations were ever mustered into the United States service.

Claimant applied for pension June 13, 1881, for results of typhoid-pneumonia contracted at Quincy, Hickory County, Mo., which settled in back and hips. The claim was rejected on the grounds of no ratable disability from alleged causes since date of filing claim.

He filed a claim July 22, 1890, under act of June 27, 1890, for "affection of back and hip," which was rejected on ground of his not having been in the military service of the United States.

Proofs have been presented to your committee showing clearly that the claimant served, as alleged by him, in the Enrolled Missouri Militia about one and one-half years.

On the question of disability claimant filed, September 10, 1885, the affidavit of Dr. M. H. Osborn that he examined him and found a general debilitated condition. He was then suffering from varix of thigh and leg, chronic inflammation of bladder, and diseased condition had appearance of long standing and permanency. Disability three-fourths.

Dr. W. J. Gilbreath testified that claimant was afflicted with congestion of arteries and kidney disease, and the spinal column affected, lower end being curved inward; found a great amount of albumen in urine, and urine bloody; troubled with cramps, and arteries ruptured, and also hydrocele—a case of general disability to extent of three-fourths at least.

Dr. J. H. Hill testified to finding considerable tenderness over kidneys, excessive flow of urine, and applicant complains of continuous pain in region of kidneys and bladder, and varicosed veins of both legs and feet.

Dr. J. H. Burdett filed March 28, 1891, that claimant suffered with varicose veins of both legs, rupture in left inguinal region, injury to hips and back, and rheumatism. Has had eight ribs broken, three on right and five on left side, and has heart disease—his disabilities

and rheumatism. Has had eight ribs broken, three on right and five on left side, and has heart disease—his disabilities amounting to three-fourths or more.

Dr. J. T. Stewart testified March 28, 1891, that he has varicose veins in both legs and abdomen, hernia left side, in jury to back and hips, and rheumatism and valvular disease of the heart, and from having eight ribs broken. All of his ailments are of long standing and of a permanent character and not aggravated from vicious habits. He had a severe cut with an ax, serving lower third of fibula of left leg.

He was examined by a board of examining surgeons April 4, 1883, who gave him no rating. He has not been examined since by a regular board.

Claimant filed with the committee a numerously signed petition, certifying to his service and the merits of his claim, and asking for him a pension of \$12 per month; also the testimony of comrades, setting forth that while a member of Company B, Sixtieth Missouri Enrolled Militia, he had a bad spell of typhoid pneumonia that left him crippled in back and hips, and that in an engagement with the enemy his horse forced him astride of a small tree which caused rupture in left side, and that from vaccination his blood was contaminated by poison, which has affected him ever since.

Your committee believe him entitled to a pension, and recommend that the bill do pass with the following amendment:

Strike out all between the word "Harless," in line 5, and the word "and," in line 8, and insert in lieu thereof the words "late private in Companies B and E, Sixtieth Regiment Enrolled Missouri Militia."

Mr. Chair-

Mr. TALBERT (during the reading of the report). Mr. Chairman, I ask that the further reading of the report be dispensed with. This is a claim for pension to a man where the reports from the War Department do not show that either organization was ever mustered in as United States troops. They give him no ratable disability. It seems to me that it is a very unjust claim, and it ought not to pass.

The amendment recomended by the committee was agreed to. The question was taken on ordering the bill as amended to be

laid aside with a favorable recommendation; and the Chairman

announced that the ayes seemed to have it.

Mr. ERDMAN. Division, Mr. Chairman.

The committee divided; and there were—ayes 79; noes 21.

So the bill was ordered to be laid aside with a favorable recom-

MARGARET O'DONNELL.

The next business on the Private Calendar was the bill (H. R. 4823) for the relief of Margaret O'Donnell, nurse of United States

Volunteers.

The bill was read.

Mr. MILNES. Mr. Chairman, that is a bill that was passed over the other day. The beneficiary of that bill is dead. I therefore move that the bill be reported to the House with the recommendation that it lie on the table.

The motion was agreed to.

J. R. PACK.

The next business on the Private Calendar was the bill (H. R. 6234) to restore the name of J. R. Pack to the pension roll.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he hereby is, authorized and directed to restore to the pension roll of the United States the name of J. R. Pack, who was a private in Company D of the Webster County (Mo.) Home Guards, and acting assistant surgeon of the United States Army, and pay him a pension at the rate of \$12 per month.

Mr. TALBERT. I ask that the report be read. The report (by Mr. Crowther) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 6234) entitled "A bill to restore the name of James R. Pack to the pension roll," beg leave to submit the following report, and recommend that said bill do pass with amendments:

James R. Pack served as a private in Company D, Webster County (Mo.) Home Guards, from June 12, 1861, to November 1, 1861, when honorably discharged; and also served as an acting assistant surgeon. United States Army, from September 9 to November 9, 1862. The following certificate of discharge proves his service in the Webster County, Mo., Home Guards:

To whom it may concern:

Know ye that, under the provisions of the act of Congress approved May 15, 1886, J. R. Pack, who was enrolled as a private in Company D, Webster County (Mo.) Home Guards, on the 12th of June. 1861, is hereby discharged the service of the United States, to date November 1, 1861.

Given at Washington City this 20th day of June, 1891.

By authority of the Secretary of War:

F. C. AINSWORTH,
Major and Surgeon, United States Army.

This applicant applied for pension July 18, 1891, under the act of June 27, 1890, and was pensioned from date of application at \$12 per month for "disease of lungs."

His name was dropped from the rolls November 3, 1894, on the ground of

of lungs."
His name was dropped from the rolls November 3, 1894, on the ground of insufficient service (two months), subsequent service as acting assistant surgeon not recognized.
The medical examination under which he was pensioned shows him rated at twelve-eighteenths for disease of lungs and six-eighteenths for general debility.

at twelve-eighteenens for disease of rungs and six eighteenens for disease of rungs and six eighteenens. Your committee are of opinion that the soldier's discharge, copied above from the original issued by the War Department, is conclusive evidence of service of more than ninety days and an honorable discharge, and that therefore the applicant fulfilled all the requirements intended in the act of June 27, 1890, and therefore recommend the passage of the bill, with the following

27, 1890, and therefore recommend the passage of the bin, with the following amendments:

Amend bill by substituting the word "James" instead of the initial "J" in the Christian name of the beneficiary, in line 5; also by adding after the last word in the printed bill the following proviso:

"Provided, That the pension herein granted shall be paid to James R. Pack, and that no part of it shall be retained by any authority to reimburse the Government for any pension heretofore paid."

Also amend title by inserting the Christian name "James" instead of the initial "J" in the name of the beneficiary.

Mr. TALBERT. Mr. Chairman, I just want to call the attention of the House to the fact that this is a claim for a pension for a man where there is no evidence that he ever served as long as ninety days. He was in the Home Guards, and it was never stated

that he did any duty or anything of the sort. It seems to me that it is a very unjust claim, and has no merit at all in it. I move that the bill be reported to the House with the recommendation that it be laid on the table.

Mr. CROWTHER. Mr. Chairman, I am surprised that my distinguished friend from South Carolina, who professes to be so fair and friendly to all old soldiers, should raise any objection to fair and friendly to all old soldiers, should raise any objection to this case, when if he had read the report or paid attention to the reading of the report, he would have discovered that this soldier was in the service from the 12th day of June, 1861, until November 1, 1861, when he was discharged by order of the War Department. Hence, there is no question about the service of this soldier.

Mr. TALBERT. The point I make is this—
The CHAIRMAN. Does the gentleman yield?
Mr. CROWTHER. For a question, yes.
Mr. TALBERT. There is no evidence that the man ever served

ninety days

Mr. CROWTHER. There is evidence from the War Department, and it is set forth in the report.

Mr. TALBERT. Did he ever serve at all?

Mr. TALBERT. Did he ever serve at all?
Mr. CROWTHER. Certainly he served.
Mr. TALBERT. The fact of his being discharged is no evidence of service. The report states that he served in the Home Guards, but there is no evidence as to what those Home Guards did in the way of service. There were thousands of mon who ways in (17). There were thousands of men who were in "Home way of service.

way of service. There were thousands of men who were in "Home Guards" for only a few days and never did any real service.

Mr. CROWTHER. If my distinguished friend will read Report No. 1000, he will discover that there was an agreement between the President of the United States and the State of Missouri whereby the Home Guards of that State and the Missouri Militia

called the gentleman's attention. Now, Mr. Chairman, no claim that has been presented during this Congress is more just or equitable than this one. The claimant was placed upon the roll by order of the Pension Bureau, but when the present administration came into power the roll was revised and he was stricken from it. There is no question about his service. There is no question about the justice of his claim, and I hope the committee will be sustained in its recommendation in this case.

Mr. TALBERT. Mr. Chairman, I call attention to this language in the report:

His name was dropped from the rolls November 3, 1894, on the ground of insufficient service (two months), subsequent service as acting assistant surgeon not recognized.

The medical examination under which he was pensioned shows him rated at twelve-eighteenths for disease of lungs and six-eighteenths for general ability.

It appears, therefore, from the report itself that it is all a matter

of guesswork as to the length of this man's service. It so appears from the report of the committee.

Mr. TRACEY. Mr. Chairman, I know this claimant for pension personally, and have known him for some years. I personally know about the service in and of which he was a part. There is no question about that service having been rendered, nor is there any question but that since the time when he was stricken from the roll he has become completely disabled. He was not completely disabled at the time the examination was made by the board, but since that time and since his name was stricken from the roll he has become a physical wreck.

Mr. TALBERT. Do you maintain that his disabilities can be traced to service origin?

Mr. TRACEY. No. He was pensioned under the law of 1890; but it remains true that disabilities which can not be traced by competent testimony to service origin have a strong presumption in favor of their origin in the service.

Mr. TALBERT. You say that you know him personally. Do you state here that you know personally that his disabilities can be

traced to service origin?

Mr. TRACEY. I do not know that personally, but I do personally know about the service.

Mr. TALBERT. Do you know that he ever did any service at all?

Mr. TRACEY. I do.

The question being taken on the motion of Mr. TALBERT that the bill be laid on the table, the Chairman declared that the noes seemed to have it.

Mr. TALBERT. I ask for a division. The committee divided; and there were—ayes 14, noes 75.

So the motion was rejected.

The amendment recommended by the committee was then adopted; and the bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

JAMES WARBROOK.

The next business on the Private Calendar was the bill (H. R. 7115) granting a pension to James Warbrook.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the limitations and provisions of the pension laws, the name of James Warbrook, late private in Company K, One hundred and twenty-seventh Regiment Pennsylvania Volunteer Infantry, in the late war of the rebellion, at \$12 per month.

Mr. TALBERT. Mr. Chairman, I ask that the report be read. The report (by Mr. Wood) was read, as follows:

The committee on Invalid Pensions, to whom was referred the bill (H. R. 7115) granting a pension to Joseph Warbrook, submit the following report:
The claimant was a corporal in Company K, One hundred and twenty-seventh Pennsylvania Volunteers. He was enlisted August 5, 1862, and discharged, as shown by his certificate, on February 24, 1863, for valvular disease of the heart. The evidence discloses that he was sound on enlistment and was a good soldier and has an honorable discharge. His disease seems to have been incurred from exposure while in the service.

A claim under the general law was rejected June 13, 1893, on ground of "no pensionable disability from alleged disease of heart since date of filing claim."

A claim under act of June 27, 1890, was rejected June 28, 1893, on ground of "no ratable disability."

The claimant made application for reopening. The legal reviewer approved the same "for disease of heart, kidneys, stomach, and bowels, rheumatism, and general ill health."

The medical referee rejected same on the former ground of no "ratable disability."

Claimant has five times been examined by medical boards, beginning on

whereby the Home Guards of that State and the Missouri Militia were recognized as a part of the United States Army, and were mustered into the service in pursuance of that agreement.

Mr. TALBERT. In the case which preceded this it was stated that there was no record in the War Department of this Missouri Militia ever having been mustered into the service.

Mr. CROWTHER. There is no record pertaining to some of these organizations in the War Department, but the record does exist in the adjutant-general's office of the State of Missouri, together with the original agreement entered into between the President of the United States and the governor of Missouri, all of which is fully detailed in Report No. 1000, to which I have

him suffering from rheumatism, kidney, stomach, and bowel troubles, and totally disabled from manual labor.

There is no doubt that claimant is now disabled, whatever may be the cause. His habits and character are shown to be unexceptionally good, and the committee recommend the passage of the bill.

Mr. THOMAS. Mr. Chairman, I desire to offer an amendment to perfect the bill.
The amendment was read, as follows:

In line 8, after the word "Infantry," strike out the balance of the bill and sert "and pay him a pension of \$12 per month."

The amendment was agreed to.

The bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

RICHARD C. ENRIGHT.

The next business on the Private Calendar was the bill (H. R. 6539) granting a pension to Richard C. Enright.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place upon the pension roll the name of Richard C. Enright, late colonel of the Sixty-third New York Volunteer Infantry, and pay him a pension of \$30 per month, in lieu of the pension now being paid to him.

Mr. TALBERT. I ask that the report be read. The report (by Mr. Wood) was read, as follows:

The report (by Mr. Wood) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 6539) granting a pension to Richard C. Enright, submit the following report:

Richard C. Enright was colonel Sixty-third New York Volunteer Infantry from his enlistment, October 39, 1861, to the date of his honorable discharge, February 5, 1862. The evidence of himself, which is corroborated to some extent by a captain of said regiment, satisfies the committee that on rabout January 8, 1862, at night, while on picket duty at camp at Edsalls Hill, near Alexandria, Va., and in returning from the line, his horse stumbled by stepping into a hole, throwing him, by which there was evidently severe straining and spraining of the muscles, tendons, and tissues of the left shoulder, and from which there has resulted anchylosis of shoulder joint. From the date of this accident claimant has been disabled, and upon his examination by the medical board at Chicago, Ill., January 6, 1893, he was shown to be entitled to a third-grade rating on account of that injury, as also eight-eighteenths for rheumatism. His disability is increasing and is permanent. There is much testimony, medical and otherwise, in the Pension Office which has been examined by the committee, and there is very little doubt but that his disabilities entitle him to a pension of \$30 per month.

Claimant is now drawing \$12 per month under act of June 27, 1890, for injury to left arm and shoulder, rheumatism, and disease of heart.

The only difficulty is in the proof that the disability is of service origin.

At the time of the accident claimant was alone. He is shown to have been disabled immediateley thereafter and has so remained since. He does not appear to have been in any manner disabled prior to the alleged accident. He has furnished all the evidence that in the nature of the case is possible under the general laws; the Pension Bureau so recognize. There is this indersement attached to the papers in the case by the First Deputy Commissi

sioner:
"The general case I do not believe he will be able to prove."
Believing him to have been disabled in the line of duty, and to an extent that entitles him to \$30 per month, and that he is unable to produce the necessary amount of evidence required at the Pension Office for the reasons above stated, your committee regard this as a proper case for relief by Congressional action, and recommend that the bill do pass, with an amendment to the title by inserting the words "to increase" in lieu of the word "granting."

Mr. TALBERT. Mr. Chairman, I simply want to call attention to the statement of the committee in their report. They say "the only difficulty is in the proof that the disability is of service orionly difficulty is in the proof that the disability is of service origin," thus admitting that they have no proof whatever that the disability can be traced to service origin. Again they say: "Believing him to have been disabled in the line of duty;" so they recommend this case without a scintilla of real proof. I submit, sir, that that is a very flimsy basis upon which to bring in a bill granting a pension of \$30 a month. I merely wish to bring this point to the attention of the committee.

Mr. WOOD. Mr. Chairman, there is plenty of evidence in this case entitling the claimant to a pension of \$30 a month. There is his own testimony, which is corroborated by one of the captains of the company. To be sure, it is not so much proof as the Pension Office requires in these cases, but, from the nature of the accident, there could hardly be any other direct evidence but his own. He had established the picket line, and in returning his horse stumbled from stepping into a hole, and the claimant here thrown

and injured.

Mr. MILES. Will the gentleman permit an interruption right

there?

Mr. WOOD. Certainly.
Mr. MILES. I sympathize with the gentleman's claim that this case is exceptional, and that it would be difficult, under the circumstances, to furnish such proof as would be required by the Pension Office, and I would like to ask the gentleman, now that he has the floor, to tell the committee to what extent the individual testimony of the claimant himself is corroborated, as the record states it is the some companion who was along with him at

port states it is, by some companion who was along with him at the time when the accident occurred.

Mr. WOOD. It is a fact that he went out on the picket line that night, mounted. It is also a fact that when he went out he was well—without any disability. On the return of the pickets he was found to be disabled, and disabled in the manner that he

claims. So far as the accident itself is concerned, there is no evi-

dence except his own testimony.

Mr. MILES. The fact that he was disabled on his return is shown, I understand, by the testimony of his captain, is it not?

Mr. WOOD. Yes, sir.

Mr. MILES. I think, Mr. Chairman, that ought to be satisface.

tory.

The bill was laid aside to be reported favorably to the House.

GEORGE E. REID.

The next business on the Private Calendar was the bill (H. R. 5620) to pension George E. Reid.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll of the United States the name of George E. Reid, late a private in Company E of the One hundred and eightieth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of \$12 per month.

The amendment reported by the committee, to strike out "twelve" and insert "six," so as to make the pension \$6 per month, was read.

month, was read.

Mr. STRONG. Mr. Chairman, I trust that the amendment proposed by the Committee on Invalid Pensions will not prevail. George E. Reid was the youngest of three brothers who enlisted in the United States service at the same time, the oldest of whom was under 20 years of age. The two older brothers died from wounds received in the Army. George E. Reid survived, but is a wreck. I happen to know the witnesses whose affidavits have been in evidence before the committee. Dr. J. A. Sansell and Dr. W. A. Swimley are two as reputable and efficient physicians and surgeons as we have in our part of the country, and when either of them makes a statement it means something. Both of them know this man, George E. Reid; both of them have examined him; both of them testify to a state of facts showing that he is permanently disabled. He is crippled in the right shoulder so that his arm it useless. He is crippled in the right shoulder so that his arm can not be freely or fully raised. He has rheumatism of the spine. He has other ailments that absolutely incapacitate him to perform

Now, George E. Reid did not put down the rebellion. He was too young to engage in the early part of the war. He must have been under 16 years of age when he enlisted. But he served for a period of ten months. He served until after the war, and as long as his services were required. I believe that this House, after the liberal action it has taken upon other cases, and especially the liberal course it has pursued in pensioning officers and officers' widows at even as high a rate as \$100 a month, ought not no ston and higgle about giving this near man \$12 a month the amount stop and higgle about giving this poor man \$12 a month, the amount called for by the bill, and which the committee propose to cut down to the pitiful sum of \$6 per month. I hope the amendment proposed by the Committee on Invalid Pensions will be voted down.

Mr. ERDMAN. I ask that the report be read.

The report (by Mr. LAYTON) was read, as follows:

Mr. ERDMAN. I ask that the report be read.

The report (by Mr. Layton) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 5820) entitled "A bill to pension George E. Reid." beg leave to submit the following report, and recommend that said bill do pass, with an amendment:

George E. Reid served as a private in Company E, One hundred and eightieth Regiment Ohio Volunteer Infantry. from September 24, 1884, to July 12, 1865, when mustered out with company and honorably discharged.

He filed claim for pension under the act of June 27, 1890, on October 10, 1894, alleging disability from injury to right shoulder, right hand, left wrist, and back, disease of eyes and throat, catarrh, and piles. This claim was rejected June 24, 1894, on the ground of "no ratable disability shown under the act of June 27, 1890."

He filed another claim August 17, 1892, and again October 10, 1894, each of which was rejected on the same ground.

He was examined by a board of examining surgeons at Kenton, Ohio, June 14, 1893, who rated him at one-fourth (or \$2) for injury to right shoulder, one-fourth (or \$2) for lumbago, and one-fourth (or \$2) for catarrh affecting larynx and pharynx and nasal passages.

He was again examined by the board at Kenton, Ohio, November 23, 1894, who found that the acromion process of scapula on right side had been fractured and prevents his raising the arm above level of the shoulder; that the fifth metacarpal bone of right hand has been broken and is lower than the balance of the hand, and leaves the action of flexors of the little finger weak. Find stomach drumming and tender, spleen and liver enlarged, tongue coated gray, skin dry and harsh, and body poorly nourished; nutrition fair. He has follicular inflammation of the pharynx. Lungs and heart normal; no evidence of piles. Can see to "20" of Smellen's chart at 15 feet with either eye. Opthalmascope shows nothing abnormal with eyes. No catarrh in head.

Dr. J. A. Stansell filed affidavit April II, 1894, that he ex

Your committee, having carefully considered all the facts presented in this claim, recommend that the bill be amended by striking out the word "twelve," in line 8, and in place thereof insert the word "six;" and, as amended, recommend the passage of the bill.

The question being taken on the amendment reported by the committee, it was rejected; there being, on a division (called for by Mr. Miles)—ayes 9, noes 54.

The bill was then laid aside to be reported favorably to the

GEORGE C. ABBEY.

The next business on the Private Calendar was the bill (S. 350) granting an increase of pension to George C. Abbey. The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to increase the pension of George C. Abbey, late a private of Company M of the First Connecticut Volunteer Heavy Artillery, and to pay him \$20 per month from and after the passage of this act.

Mr. TALBERT. Let us have the report read. The report (by Mr. Kerr) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (S. 350) granting an increase of pension to George C. Abbey, submit the following

granting an increases of pension to deerige C. Asbey, stoling the following report:

After careful examination we adopt the report of the Senate Committee on Pensions, and recommend the passage of the bill.

The Senate report is as follows:

"The Committee on Pensions. to whom was referred the bill (S. 350) granting a pension to George C. Abbey, have examined the same, and report:

"A similar bill was introduced in the Fifty-third Congress, first session, referred to the Committee on Pensions, examined, reported favorably, and passed the Senate.

"The facts are as follows:

Passed the Senate.

"The facts are as follows:

"The claimant in this case enlisted in Company M, First Connecticut Heavy Artillery, January 30, 1862, and was honorably discharged September 25, 1865. While in the service he contracted malarial poisoning, chills and fever, and nervous prostration, which resulted in chronic epilepsy and general debility to such an extent that he has for years been unable to support himself and family.

to such an extent that he has for years been unable to support himself and family.

"He has frequent attacks of epileptic spasms, falling and lying for hours in convulsions, and is entirely unfitted to attend to business of any kind. He is a man of good habits and is upright and honest. A former report set forth the fact that a reputable board of examining surgeons, who examined soldier for pension originally, recommended him for a rating of \$30 per month, but the Commissioner of Pensions cut this down to \$0 per month, and issued him a certificate at that rate dating from August 24, 1889, which he is now drawing. An application for increase has been rejected.

"Under these circumstances your committee believe that the applicant ought to have special relief at the hands of Congress, and accordingly recommend that the bill do pass with an amendment.

"Amend line 6 by striking out the word 'thirty' and insert in lieu thereof the word 'twenty."

"The kill were laid aside to be reported favorably to the House.

The bill was laid aside to be reported favorably to the House.

WILLIAM T. WALKER.

The next business on the Private Calendar was the bill (S. 1888) granting an increase of pension to William T. Walker.
The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William T. Walker, late of Company H, Thirteenth Regiment Indiana Cavalry, at the rate of \$25 per month, in lieu of the pension he is now receiving.

Mr. OWENS. What is the pension that this man is now receiv-

ing?
Mr. THOMAS. Eight dollars a month.
Mr. OWENS. The House decided yesterday that an increase from \$12 to \$16 a month was the proper amount of increase where the man was perfectly helpless and had nothing to live upon. Would it not be well to confine ourselves to that precedent and wake this pension \$12 instead of \$25 as the bill proposes?

make this pension \$12 instead of \$25 as the bill proposes?

Mr. THOMAS. I do not understand that the House set any such precedent as the gentleman from Kentucky suggests.

Mr. ERDMAN. I suggest that we have the report read.

The report (by Mr. Kerr) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (S. 1888) granting an increase of pension to William T. Walker, submit the following report:

The committee, after carefully examining the bill, adopt the Senate report as the report of the committee, and recommend the passage of the bill.

The Senate report is as follows:

"The Committee on Pensions, to whom was referred the bill (S. 1888) granting an increase of pension to William T. Walker, have examined the same and report."

The Committee of Pension to William T. Walker, have examined the same and report:

"A similar bill was introduced in the Senate at the second session of the Fifty-third Congress and referred to the Committee on Pensions.

"It was examined, favorably reported, and passed the Senate. The facts are as follows:

"The claimant in this case enlisted February 12, 1864, and was honorably discharged November 18, 1865. Was pensioned from November 19, 1865, at \$4 per month, for varicocele of left side. Pension was increased to \$12 a month from July 10, 1890, under the act of June 27, 1890, for left varicocele, rheumatism, disease of heart, and injury of left hand. December 6, 1893, claimant was notified by Commissioner of Pensions that his pension would be reduced to \$8 per month unless he should furnish evidence that he was suffering from the diseases and aliments for which his pension was granted under the act of June 27, 1890. January 13, 1894, claimant filed in Pension Office the affidavits of five reputable physicians of Urbana, Ohio, where he resides, all of whom state, substantially, that from their own personal knowledge they know that claimant is actually suffering from the aliments for which he was pensioned, and that he is incapable of performing manual labor to any extent, and that

he is very nervous and sickly and at times weak mentally. It appears from the records that claimant has no means of support outside of his pension. "Under the circumstances, and in view of the statements of the physicians mentioned, your committee recommend that the bill do pass."

Mr. OWENS. Mr. Speaker, the report in this case presents a case almost parallel with the one presented yesterday. Hence, in order to give the House an opportunity to be consistent, I move that the increase in this case be \$4; in other words, that the rate of pension fixed by the bill be \$12 instead of \$25.

The question being taken, the amendment was rejected; there being—ayes 24, noes 54.

The bill was laid aside to be reported favorably to the House.

ORDER OF BUSINESS.

Mr. TALBERT. Mr. Chairman, I ask to be allowed to take up, out of its order, the bill (H. R. 6765)—
Mr. THOMAS. Mr. Chairman, I am compelled to ask for the

regular order.
Mr. TALBERT. If the gentleman will allow the bill and the

report to be read, I am sure he will not object.

Mr. THOMAS. I would like very much to accommodate the mr. THOMAS. I would like very fluct to account gentleman from South Carolina, but on conversation with gentlemen around me, I find many whose bills will be reached to-day, men around me, I find many whose bills will be reached to-day. and I have promised, for the present at least, that we will proceed in the usual way with the Calendar. Later on in the day I shall be very glad, if possible, to accommodate the gentleman from South Carolina.

The CHAIRMAN. It is the prerogative of the committee to determine the order in which it will proceed with the business. We will pursue the Calendar unless the House decides otherwise, or by unanimous consent permission is given. For the present the gentleman from Michigan objects, and the Clerk will report the next bill on the Calendar.

JAMES L. M'KINNEY.

The next business on the Private Calendar was the bill (H. R. 3688) to pension James L. McKinney for services in Oregon Indian

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, directed to place on the pension roll of the Government the name of James L. McKinney, of Capt. W. W. Chapman's Company I, Second Regiment Oregon Mounted Volunteers, for meritorious service, and for injuries received in the Indian wars in Oregon, then a Territory, and allow him a pension at the rate of \$12 per month.

The committee recommend the adoption of the following amend-

Strike out "twelve" and insert "eight;" so it will read "\$8 per month."

The amendment was agreed to.

The bill as amended was laid aside to be reported to the House with favorable recommendation.

DANIEL GILES.

The next business on the Private Calendar was the bill (H. R. 3939) to pension Daniel Giles for services in Oregon Indian wars. The bill was read, as follows:

The one was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, directed to place on the pension roll of the Government the name of Daniel Giles, of Capt. Samuel Gordon's Company, H, Oregon Volunteers, and thereafter also in Capt. Edward Sheffield's Company, A, of said volunteers, for meritorious service, and for injuries received while in said service against hostile Indians in Oregon, then a Territory, and allow him a pension at the rate of \$12 per month.

Mr. ERDMAN. Mr. Chairman, it seems that the House is willing to let anything and everything go through without knowing what it is doing. I do not know but what the country might perhaps be a little better satisfied with our action if they had some reasons set forth for the pension which is proposed to be granted in these bills, and I therefore ask for the reading of the report.

The report (by Mr. STRODE of Nebraska) was read, as follows:

The report (by Mr. Strode of Nebraska) was read, as follows:
The Committee on Pensions, to whom was referred the bill (H. R. 3939) to pension Daniel Giles for services in Oregon Indian wars, beg leave to report:
The records of the Auditor for the War Department show that Daniel Giles served in Capt. Samuel Gordon's Company, H, and also in Capt. Edward Sheffield's Company, A, Oregon Volunteers, in the Rogue River Indian wars of 1855-8i, in the then Territory of Oregon, and that his service continued from January 12, 1856, to May 10, 1856. The testimony shows that during said service he was exposed to such hardships as permanently to disable him for active duties in his later years. The colonel of his regiment, Col. William J. Martin, testifies that he required his services in a scouting party during the war, and selected him among fourteen others to perform a very hazardous undertaking; that the party were caught in a heavy storm in the winter in the mountains, and as they were not permitted to have fires, so a not to disclose their camp to the enemy, that during this exposure Daniel Giles contracted a heavy cold, which settled on his lungs and in his spine, and that after nursing him for some weeks in camp, the colonel testifies he sent him to the hospital. He, however, recovered sufficiently to continue in the service until the close of the war.

The colonel says he was a brave and efficient and honorable soldier; that he has known him ever since, and that his health is broken, and he has reason to believe it is so from his hardships in the Indian wars.

Two comrades of the same companies also testify substantially to the same facts, and as to his being an invalid ever since, although a strong, robust man when he enlisted. He is now over 60 years of age, and is in dependent circumstances.

The physician, a United States pension examining surgeon, who recently

cumstances.

The physician, a United States pension examining surgeon, who recently

examined him, testifies that he is totally disabled for manual labor, chiefly from disease of lungs and spine, the result of exposure; that his disease is chronic, progressive, and incurable, and that he requires frequent medical aid and medicines.

Representative Hermann, who has known the claimant for thirty-four years, states to the committee that he knows him to be an invalid and disabled for manual labor.

Wherefore your committee reports the bill back with a recommendation that it do pass with an amendment fixing the rate of pension at \$8 per month.

The amendment recommended by the committee was agreed to. The bill as amended was laid aside to be reported to the House with a favorable recommendation.

GEORGE B. MERCHANT.

The next business on the Private Calendar was the bill (H. R. 3166) granting a pension and arrearage of pension to George B. Merchant.

The bill was read, as follows:

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place upon the pension roll, at the rate of \$72 per month, George B. Merchant, late sergeant Company K, Fourth Regiment Ohio Volunteer Infantry, the same to be in lieu of the pension of \$50 a month now drawn by soldier, and to be subject to all the conditions and limitations of the pension laws.

SEC. 2. That the Secretary of the Interior be, and he is hereby, authorized and directed to pay said George B. Merchant, out of the moneys appropriated for the payment of pensions, the sum of \$2,428, the same being the difference between the pension of \$30 a month drawn by soldier from December 4, 1891, and April 17, 1895, and the amount drawn from April 17, 1895, and December 31, 1895, at the rate of \$30 per month, and the full rate of \$72 per month, for total disability, requiring the constant attention and help of another person, to which soldier was entitled during said time.

SEC. 3. That this act shall be in force after its passage.

Mr. MILES. Let us have the report in that case.

Mr. MILES. Let us have the report in that case.

The report (by Mr. KERR) was read, as follows:

Mr. MILES. Let us have the report in that case.

The report (by Mr. KERR) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 8166) granting a pension to George B. Merchant, submit the following report:

The soldier enlisted April 22, 1861, in Company K. Fourth Ohio Volunteer Infantry, and was honorably discharged June 21, 1864, on account of wound received at Spottsylvania Court-House on the 10th of May, 1864. He was shot through the mouth and neck, resulting in injury to spine and nervous system.

This soldier had a remarkably good war record.

He was in battle at Middle Fork Bridge July 7, 1861; at Rich Mountain, July 11; at Beverly, July 12; at Petersburg, September 11 to 13; at Rommey or Mill Creek Mills, October 26; at Blue Gap, January 7, 1862; at Winchester, March 22 and 23; at Cedar Creek, March 25; at Port Republic, at Antietam, at Fredericksburg, at Chancellorsville, at Auburn and Briston, at the Wilderness, and Spottsylvania Court-House, besides almost innumerable skirmishes during his service.

In November, 1864, he was granted a pension of \$8 per month for service disabilities. In 1885 the rate was increased to \$10 per month. On January 17, 1887, his pension was increased to \$20 per month. On January 17, 1889, he was allowed \$50 per month.

In March, 1890, the Pension Office, on its own motion and by virtue of an act of Congress passed March 4, 1890, increased his pension to \$72 per month.

The evidence shows that for the last six or seven years the soldier has required the regular personal aid and attendance of another person. In 1894, probably from his wound (and so accepted by the Pension Office), he had a stroke of paralysis. This condition has been constantly increasing since, and now he is wholly helpless. His food must be carried to his mouth and his drink held to his lips by an attendant. He is and must be dressed and undressed; his clothes buttoned and unbuttoned when occasion requires it. When down he can not rise without assistance.

Four of fi

The amendment recommended by the committee was agreed to. Mr. THOMAS. Mr. Chairman, to further perfect the bill, I offer the amendment I send to the desk.

The Clerk read as follows:

Strike out in line 4 all after the word "roll," and add "the name of George B. Merchant, late sergeant Company K, Fourth Ohio Volunteer Infantry, and pay him a pension of \$72 per month in lieu of the pension he is now receiving."

Mr. ERDMAN. I merely suggest to the gentleman that the report in this case is defective and incomplete. It appears that this soldier was dropped under a Republican administration, and that under a Democratic administration of the office he was reinstated. The report ought to have—pursuing the ordinary course—a tirade against the administration that did that work. When a trade against the administration that did that work. When that is added it would perfect the report so as to accord with the usual reports from the committee. The House is now doing what the Republican administration failed to do for this soldier.

The amendment of Mr. Thomas was then agreed to.

The bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

MARY L. TWEDDLE.

The next business on the Private Calendar was the bill (H. R. 5793) granting a pension to Mary L. Tweddle.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll of the United States the

name of Mrs. Mary L. Tweddle, widow of William Tweddle, late captain of Company K, Tenth Kentucky Volunteers, and to pay her a pension, subject to the provisions and limitations of the general pension laws.

Mr. TALBERT. Mr. Chairman, I ask for the reading of the report.

report.
The report (by Mr. Anderson) was read, as follows:
The Committee on Invalid Pensions, to whom was referred the bill (H. R. 5793) granting a pension to Mary L. Tweddle, submit the following report:
William Tweddle, the husband of this petitioner, served as captain of Company K. Tenth Kentucky Volunteer Infantry, from November 2, 1861, until August 7, 1862, when his resignation, tendered by reason of having contracted rheumatism affecting the back and lower extremities, was accepted.

He was pensioned by the Pension Office at the rate of \$5 per month from discharge; \$15 from May 13, 1882, and \$20 from March 24, 1886, on account of lumbago and chronic diarrhea, and, as will be seen by the foregoing rates, his disability gradually increased until he was allowed the total of his rank as a captain.

discharge; \$15 from May 15, 1823, and \$20 from March 24, 1886, on account of lumbago and chronic diarrhea, and, as will be seen by the foregoing rates, his disability gradually increased until he was allowed the total of his rank as a captain.

He died August 22, 1892, of congestion of the brain.

The petitioner applied to the Pension Bureau for a pension under the general laws, furnishing medical testimony that Captain Tweddle's death was due to the lumbago or rheumatism for which he was pensioned, and also the certificate of the board of health, made upon the return of the attending physician, showing that the primary cause of death was congestion of the brain and the remote cause rheumatism and diarrhea, but the claim was rejected in the Pension Bureau upon the ground that it was not shown from a medical standpoint that the cause of death was due to the disabilities for which this officer was pensioned.

Both the officer and the petitioner had been previously married, and the fact of death of the former consorts was duly shown in evidence on file in the Pension Office.

The petitioner married the officer on January 5, 1891, and consequently can have no status for pension under the act of June 27, 1890, which act requires that a widow of a soldier shall have been married to such soldier prior to the passage of such act.

The medical testimony furnished by Drs. Mannakee and Muncaster, of this city, physicians of high standing, shows that the congestion of brain was no doubt a result of the heart trouble from which the officer had suffered as a result of the rheumatism, which for a period had only affected the lumbar muscles, but became general thereafter.

Medical authorities admit that congestion of the brain, the result of impeded return of the blood from the head, may be caused by impediments within the circulation, such as disease of heart.

While the connection of the death cause with the pensioned disabilities may not have been sufficiently shown by the testimony of the attending physicians, your committ

such a one as to present equations be passed.

The petitioner is old and dependent upon the assistance of friends and a daughter who is hardly able to assist her by reason of having a large family of her own to support.

The Chairman I desire briefly to call atten-

Mr. TALBERT. Mr. Chairman, I desire briefly to call attention to this report.

tion to this report.

This is a claim for pension to the widow of Captain Tweddle, who was a gallant soldier, who had been receiving a pension up to the time of his death, his disabilities being traced to service origin. He was a gallant captain. He had been married before, however, and his former wife was the woman who shared with him the troubles, the trials, and turmoils of the period of war. The widow, who is proposed to be the beneficiary of this bill, was married to him in 1891. The act of June 27, 1890, expressly says that the widow of a soldier who shall receive the benefits of that act shall have been married to the soldier prior to the passage of the act. the act.

act shall have been married to the soldier prior to the passage of the act.

Now, will this House, in direct violation of the law which it has enacted, grant a pension to this widow who shared none of the troubles, privations, and trials of this gallant soldier during the period of the war? There is no doubt of the testimony; it is all right, as far as that is concerned; the board of examiners say that it is all right. Now, will you violate the law, will you repudiate your own action, will you stultify yourselves and turn round and abrogate the law which you have adopted? The only reason assigned for the action of the Committee on Pensions is that this petitioner "is old, and dependent upon the assistance of friends and a daughter who is hardly able to assist her by reason of having a large family of her own to support." That may be true, but there are other widows in the land just as needy and just as old as this one is. No doubt she is a good woman, and all that sort of thing; but I submit, sir, that this House should not violate the direct spirit of the law in granting a pension to this widow who married the soldier after the act of June 27, 1890, was passed.

Mr. THOMAS. Mr. Chairman, in the absence of the gentleman from Kentucky [Mr. Evans] who introduced this bill, I will ask that it go over without prejudice.

The CHAIRMAN. The gentleman from Michigan [Mr. THOMAS] asks that the bill be laid aside without prejudice. If there be no objection, it will be so ordered.

There was no objection, the Private Calendar was the bill (H. R.

JOSEPHINE GLOVER.

The next business on the Private Calendar was the bill (H. R. 5532) to increase the pension of Josephine Glover.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and is hereby, directed to increase the pension of Josephine Glover, widow of Capt. E. Y. Glover, Company A, Thirty-fourth New Jersey Volunteers, and that she be paid a pension of \$30 per month.

The CHAIRMAN. The question is on ordering the bill to be laid aside to be reported to the House with a favorable recommendation.

Mr. ERDMAN. Mr. Chairman, let us have the report. The report (by Mr. WOOD) was read, as follows:

The report (by Mr. Wood) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 5532) to increase the pension of Josephine Glover, submit the following report:
The claimant was the widow of Bvt. Lieut. Col. Elisha V. Glover, jr., late of Thirty-fourth New Jersey Volunteers. She is now in indigent circumstances, supporting herself by keeping boarders, doing the work most circumstances, supporting herself by keeping boarders, doing the work most result. She appears to have no property. She is drawing a pension of \$16 per month, being, according to the evidence, \$12 per month for herself and \$2 for each of two children. She resides at Warrington, Fla. Her husband died in 1855 of heart disease, evidently of service origin.

Elisha V. Glover, jr., was commissioned as first lieutenant Company A, Thirty-fourth New Jersey Volunteers, September 3, 1863; as captain same company April 15, 1864; major, by brevet, for gallant and meritorious services, November 11, 1865, and lieutenant-colonel, by brevet, for gallant and meritorious services, by the President of the United States, on July 28, 1866, to rank from November 11, 1865.

Claimant was married to soldier since the war.

In view of the destitution of claimant and the honorable record of this soldier, the committee recommend the passage of the bill.

The bill was ordered to be laid aside to be reported to the House with a favorable recommendation.

EMILY M. TYLER.

The next business on the Private Calendar was the bill (H. R. 6560) to increase the pension of Emily M. Tyler.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll the name of Emily M. Tyler, widow of Erastus B. Tyler, late a brevet major-general of United States Volunteers, at the rate of \$100 per month, in lieu of the pension she is now receiving.

The Committee on Invalid Pensions recommended the following amendment:

In lines 6 and 7 strike out the words "one hundred" and insert in lieu thereof the word "seventy-five."

The amendment was agreed to.

The CHAIRMAN. The question is on ordering the bill to be laid aside to be reported to the House with a favorable recommendation

Mr. ERDMAN. Let us have the report read. The report (by Mr. MILES) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 8560) to increase the pension of Emily M. Tyler, having carefully considered the same, respectfully report:

The bill proposes to increase the pension of Mrs. Emily M. Tyler, the widow of the late Brig. and Bvt. Maj. Gen. Erastus B. Tyler, who died January 9,

of the late Brig. and Byt. Maj. Gen. Erastus B. Tyler, who died January 9, 1891.

Erastus B. Tyler entered the service as colonel of the Seventh Regiment Ohio Volunteers, three-month organization, April 25, 1861, and mustered in as colonel of the same regiment for three years in June, 1861. He continued in command of his regiment until May 20, 1862, when he was promoted to brigadier-general for gallantry on the field.

The regiment of which he was colonel and the brigade which he commanded were in action at Cross Lanes, W. Va., August 28, 1861; Winchester, Va., March 23, 1862; Port Republic, June 9, 1862; Cedar Mountain, August 9, 1862; Antietam, September 17, 1862; Chancellorsville, May 1, 2, 3, and 4, 1863; Gettrysburg, Jnly 8 and 3, 1863; Lookout Mountain, November 24, 1863; Missionary Ridge, November 25, 1865, and finally mustered out on August 24, 1865.

General Tyler was conspicuous for hard fighting and successful results, He received severe injuries of left side of body and side of head by fragments of a shell, and suffered from intestinal troubles for some time, as shown by the record. Although clearly entitled to and often importuned by his friends to apply for a pension, he never applied. His widow is now in dependent circumstances. On March 3, 1891, a special act granting the claimant 30 per month was approved, and this sum she is now drawing.

The long and meritorious services of her late husband alone would entitle her to recognition at the hands of Congress even if the cause of his death were of doubtful origin. Mrs. Tyler should be pensioned at the rate now so generally conceded to the widows of general officers.

Your committee therefore respectfully recommend the passage of the bill with the following amendment:

In line 6 and 7 strike out the words "one hundred" and insert in lieu thereof the word "seventy-five."

Mr. WOOD. Mr. Chairman, I move to further amend by striking out "seventy-five" and inserting "fifty." I desire to call the attention of the committee to the fact that the reason which is set forth for granting this pension of \$75 a month is that on March 3, 1891, she received a pension, by special act, of \$30 a month, and that she should be pensioned at the rate now so generally conceded to the widows of general officers. My recollection of the evidence that was submitted to the committee is that this widow is in pretty good circumstances, outside of the pension, and I think that if this bill should pass at \$50 a month, especially in view of the fact that in 1891 \$30 a month was supposed to be sufficient, we should be going as far as we ought to, under the circumstances.

Mr. MILES. Mr. Chairman, I made this report, but I did not introduce the bill. It will be seen from the report that General Tyler was an Ohio soldier. The bill to pension his widow was introduced in the Senate, and passed that body with an allowance of \$100 a month. There is no member on this floor at present, so far as I know, who feels called upon to defend this bill. I desire simply to make a statement. General Tyler's widow is now a Maryland woman, who lives not in my district, but in the city of Baltimore. She is not "in pretty good circumstances," as my friend seems to suppose, but is in rather indigent circumstances.

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She is an old woman, and I think it is unfair for the gentleman from Illinois [Mr. Wood] to take out of this report only one fact, to wit, the fact that she was granted a pension of \$30 a month in 1891, and call the attention of the committee to that fact alone. There are other facts in the report to which he would do well to call the attention of the committee, among them the fact that General Tyler fought gallantly in nearly every one of the great battles of the late war; that although before he died he was a poor man, and although he was frequently appealed to because of his circumstances to apply for a pension, he persistently refused to do so, and died without ever having drawn a cent from the Treasman of the United States of her than his selection.

do so, and died without ever having drawn a cent from the Treasury of the United States other than his salary.

Now, Mr. Chairman, I was not inclined myself as a subcommittee of the Committee on Invalid Pensions to go beyond \$50 a month, and I believe I recollect to have so reported to the committee, but when the record of this soldier's gallant services was read to the committee, when the condition of his widow was brought to the attention of the committee, and when another little incident—which I will not violate good taste and propriety by reciting to this committee—was called to the attention of the Committee on Invalid Pensions that committee with much feeling. mittee on Invalid Pensions, that committee with much feeling, overruled me, and reported that this widow should have \$75 a

month.

I trust, Mr. Chairman, that those members of the committee who may have a recollection of the circumstances attending the re-port which I made to the committee and the facts which were then disclosed will understand and appreciate a tendency on my part

disclosed will understand and appreciate a tendency on my part to indulge a statement with respect to this bill which, to say the least, would be natural to us all, if similarly situated, and that further opposition to the bill will not be made.

The CHAIRMAN. The question is on the amendment of the gentleman from Illinois [Mr. Wood].

Mr. THOMAS. Mr. Chairman, I desire to say that the statement made by the gentleman from Maryland [Mr. Miles] is my opinion of this case, and I hope that the bill will be passed as it came from the committee. The gentleman from Illinois [Mr. Wood] said that the evidence was that the lady was in fair circumstances. I do not understand that to be so. It is a fact that she has some property, but her income or her available means of support are very slim, and I remember distinctly the discussion in the committee. I hope that the bill will pass as recommended by the committee.

in the committee. I hope that the bill will pass as recommended by the committee,

Mr. TALBERT. Mr. Chairman, I hope this amendment will prevail reducing the pension from \$75 to \$50 a month. It seems to me that if this House will at once adopt that common medium it will save a great deal of discussion which has to be gone over and over again in this House. Several widows of general officers have been pensioned at the rate of \$50 per month, and it seems that it would be just and proper to this House, and just and proper to the widows of soldiers themselves, and just and proper to the country, if this House would settle once forever that question of pensioning officers' widows, and that can be done by adopting the common medium of \$50.

pensioning officers' widows, and that can be done by adopting the common medium of \$50.

Mr. CURTIS of New York. Mr. Chairman, the chairman of the committee that brings these bills before the House has advised the adoption of the report of the committee. The gentleman from Maryland [Mr. MILES], who has learned much of this case, and who is a member of that committee, reports also and speaks very earnestly in favor of it, and the facts as disclosed fully justify the House in being consistent in these measures and giving to the widow of a distinguished officer like General Tyler the sum recommended. I trust that the amendment will not prevail, and that the bill will go through the House at \$75 per month.

The question was taken on the adoption of the amendment; and the Chairman announced that the noes appeared to have it.

the Chairman announced that the noes appeared to have it.

Mr. TALBERT. Division, Mr. Chairman.
The committee divided; and there were—ayes 29, noes 35.
Mr. TALBERT. I demand tellers, Mr. Chairman.
Tellers were ordered.
The CHAIRMAN. The gentleman from Illinois, Mr. Wood, and the gentleman from Michigan, Mr. THOMAS, will please act as tellers.

The committee again divided; and the tellers reported—ayes 33,

Mr. TALBERT. No quorum, Mr. Chairman.
The Chairman proceeded to count the House.
Mr. TALBERT. I withdraw the point of no quorum.
The CHAIRMAN. The point of no quorum is withdrawn; the noes have it, and the amendment is lost.
The bill was ordered to be laid aside with a favorable recommendation.

ISAAC HOLBROOK.

The next business on the Private Calendar was the bill (H. R. 2396) granting a pension to Isaac Holbrook, late private in Company G, One hundred and twenty-first Regiment Ohio Volunteer

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Isaac Holbrook, late private in Company G, One hundred and twenty-first Regiment Ohio Volunteer Infantry.

Mr. ERDMAN. Let us have the report read. The report (by Mr. LAYTON) was read, as follows:

Mr. ERDMAN. Let us have the report read.

The report (by Mr. Layton) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 2996) granting a pension to Isaac Holbrook, having carefully considered the same, report as follows:

Said soldier, Isaac Holbrook, enlisted and was duly enrolled as a private in Company G, One hundred and twenty-first Ohio Volunteer Infantry, on the 20th day of August, 1862. On the 11th day of September, 1862, all the members of the company, save and except said Holbrook, were regularly mustered into the United States service at Camp Delaware, Ohio. Said Holbrook was not mustered at the same time, because he was then lying sick in the hospital. Soon thereafter the regiment was ordered to the front, and, in compliance with the orders of his captain, said Holbrook fell in line and went with his regiment to Cincinnati, Ohio, where it was duly armed and equipped, and then proceeded to a point south of Louisville, Ky. While in camp at this place he again took sick, and was sent across the Ohio River to a Government hospital at New Albany. After remaining in this hospital for a short time, and after partial treatment for and recovery from his sickness, he was told by the officer in charge to go home, as he had never been mustered, and on account of his then physical disabilities, which were probably permanent, he never would be. That thereupon he went from thence to Columbus, Ohio, where, on or about the 20th day of January, 1863, he was paid for the five months he had actually served, and then went home. He never again entered the service.

He was a strong, healthy man when he first enlisted. He has been more or less disabled ever since he left the service. He was never actually mustered. He never received a certificate of discharge. He is now about 75 years of age, in feeble health, and totally incapacitated from performing manual labor. He has no property or income, but is dependent upon charity and friends for support.

He made application for pension

Mr. ERDMAN. Mr. Chairman, the House ought to understand this soldier was never in the service. He never was a soldier. He formed the intent to become a soldier and started to become a soldier; but he never was in the service. He never rendered any service. I do not know but what this is as good an example of paternalism as we could point the country to—to pension everybody who intended to go into the service, and give him as high a pension as one who had rendered the very best service to

as high a pension as one who had rendered the very best service to the country. It is a very good example for the country to look at.

Mr. HULICK. Mr. Chairman, I introduced this bill and am familiar with the facts and circumstances of this case, and it is certainly a very meritorious one. Mr. Holbrook is now about 76 years of age. He enlisted in this regiment, as the report shows, September, 1862. He went to Camp Delaware, Ohio, and while there, and before the regiment was mustered, he was sent to the hospital and confined with intermittent fever. While at the hospital the regiment was ordered to the front. He left the hospital and went to his company, shouldered his musket and went to Cincinnati, and thence to Louisville, Ky. He was there ordered from his company by his captain and told to go into hospital, because he was not able to go farther. He passed over the river into he was not able to go farther. He passed over the river into Indiana to another hospital of the Government, and remained there until his captain ordered him not to report to the company, stating that the condition of his health was such that he could not stating that the condition of his health was such that he could not be mustered and he could not go with the regiment. He remained there in that hospital until he was able to report under the orders of his captain at Columbus, Ohio. He was there in the hospital, and when he became sufficiently able to leave the hospital the captain told him that as he was not mustered he could go home. He was then paid off in full for five months' service.

It is true, as the gentleman says, he never rendered any service. He enlisted, and he remained in the service five months, and then was sent home, having been paid for five months' service as a soldier. He applied for a pension. He is pensionable under the law, under the rules and regulations of the Pension Bureau, and would receive a pension but for the fact that he was not mustered. This special bill is to muster that old soldier, who is to-day without a dollar of money, who has to rely upon his relatives, and the fact is most of the time he remains in the poorhouse. He was a man of good health when he entered the service. He is now a total wreck in health as well as in property. He has not one dollar, and he deserves the gratitude not only of this Congress, but of the country for the fact that he attempted to render service, but

was prevented from doing so.

Mr. TALBERT. Will the gentleman yield to me for a question?
Mr. HULICE. Certainly.
Mr. TALBERT. Why is it that this soldier did not have himself mustered in during that whole period of five months?
Mr. HULICK. The report shows that fact, but I will answer the question. He was at Camp Delaware, in Ohio, and before the

mustering officers appeared there to muster in the regiment it was ordered to the front without having been mustered in, and he took up his musket and went with the regiment. It went first to Cincinnati, and from there to Louisville, and he remained with it until the captain ordered him to the hospital. While he was in the hospital, lying on his back, unable to appear, the regiment was mustered, and when the company left for the front with the regiment the captain ordered him to remain until he should be able to join the regiment and then to report at Columbus.

Mr. TALBERT. But it seems to me that he might have had himself mustered in during those five months if he had been very anxious. So far from giving this man a pension, it seems to me that he might very reasonably be classed as a deserter. How many thousands of men are there in the country that might come here, if we should establish this precedent, and claim that they were in the service and never mustered in, and that some officer told them to go home and they went home?

to go home and they went home?

Mr. HULICK. I can not answer the gentleman's question as to the number of men that might be so situated, but whether there

are a thousand or one, the principle is the same. This soldier did everything in his power to serve his country—
[Here the hammer fell.]

The question being taken on the adoption of the report of the committee, the Charman declared that the ayes seemed to have it.

Mr. ERDMAN. I ask for a division.

The committee divided; and there were—ayes 32, noes 4.

Mr. TALBERT. No quorum.

Upon a count, 105 members were found to be present.

The report of the committee was adopted.

The bill was laid aside to be reported to the House with the recommendation that it does not be a second to the s ommendation that it do pass.

MARGARET KIRKPATRICK.

The next business on the Private Calendar was the bill (H. R. 6099) granting a pension to Margaret Kirkpatrick.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior is hereby authorized and required to place upon the pension roll of the United States the name of Margaret Kirkpatrick, army nurse, at the rate of \$12 per month, subject to the limitations of the general pension laws.

Mr. TALBERT. I ask for the reading of the report. The report (by Mr. Baker of Kansas) was read, as follows:

The report (by Mr. Baker of Kansas) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 6099) granting a pension to Margaret Kirkpatrick, beg leave to submit the following report:

The Pension Office records show that Margaret Vincent served and was paid as matron of the post hospital at Macon, Mo., from November 1, 1864, to April 6, 1865, five months and six days; and that service was of a character and under authority recognized by the War Department and recognized by the Pension Office as pensionable under the act of August 5, 1892, provided it were six months in duration. The service of which there is record commenced November 1, 1864, and lacks twenty-four days of the six months prescribed, but the evidence shows that her service as nurse really commenced in the summer of 1864 and was of sufficient length to bring her within the law if her earlier service had been rendered under authority recognized by the War Department.

An affidavit of Surg. A. B. Castle, of the post hospital at Macon, Mo., on file in the Pension Office, shows that Margaret Vincent was employed as nurse and matron in that hospital from some time in the summer of 1864 until the spring of 1865, but he can not give the precise dates. While this perhaps does not meet the technical requirements of the law, it does show that the claimant actually rendered more than six months' service as nurse and matron in a United States post hospital.

The evidence shows that the claimant is over 62 years of age, is unable to earn a support, by reason of age and physical infirmity, and has no means of income from any source.

The passage of the bill is recommended.

Mr. TALBERT. Mr. Speaker, this is a bill similar in its nature

Mr. TALBERT. Mr. Speaker, this is a bill similar in its nature to one for the benefit of the widow Tweddle that was up a while Mr. IALBERT. Mr. Speaker, this is a bill similar in its nature to one for the benefit of the widow Tweddle that was up a while ago. The act of August 5, 1892, provides that nurses of this class must have served over six months in order to be entitled to a pension, and, as I understand it, there is no evidence to show that this lady served even six months. Consequently, to give her a pension will be to go directly against the law of August, 1892. One reason assigned for the passage of this bill is that the pensioner is 62 years of age. Well, Mr. Chairman, there are a great many ladies in this country 62 years of age. Another reason is that she is unable to earn her support; but unfortunately there are a great many ladies in this country who are unable to earn a support. It is a pity and we may sympathize with them, but we have no right, as representatives of the people, to pension them when they are not entitled to pension under the laws of the country. This bill, I say, is very similar to the one for the benefit of Mary L. Tweddle, which was up a while ago, and I think it ought to be treated in the same way and passed over without prejudice. Mr. LACEY. Mr. Chairman, this bill was introduced by me, and I call the attention of the gentleman from South Carolina to the fact that this applicant not only served in this hospital, but that she served in another hospital for over a year, as shown by the

she served in another hospital for over a year, as shown by the

Mr. MILES. The difficulty, as I understand it, is that that hospital was not authorized by the War Department.

Mr. LACEY. It was not authorized by the Department, but

she served within twenty or thirty days of the time required by the general law in a regularly organized hospital, and in the other one, which was a post hospital, she served over a year.

Mr. MILES. The service in both cases was of the same general

character, I suppose?

Mr. LACEY. Yes, sir; of the same general character, and the committee thought that her case came clearly within the spirit of

the law and that she ought to receive a pension.

Mr. MILES. I think so myself.

Mr. WOOD. Mr. Chairman, I desire to offer one or two amendments to perfect the bill.

The amendments were read, as follows:

In line 3, after the word "Interior," insert the words "be and he;" and in line 4 strike out the word "required" and insert "directed."

The amendments were agreed to.

The bill as amended was ordered to be laid aside to be reported to the House with the recommendation that it do pass.

The next business on the Private Calendar was the bill (H. R. 1095) granting a pension to Annie M. Ermer.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll the name of Annie M. Ermer, widow of Henry Ermer, late of Company G. Tenth Regiment Maryland Infantry, subject to the conditions and regulations of the pension laws.

The report (by Mr. Miles) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 1095) entitled "A bill granting a pension to Annie M. Ermer," beg leave to submit the following report, and recommend that said bill do pass without

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 1005) entitled "A bill granting a pension to Annie M. Ermer," beg leave to submit the following report, and recommend that said bill do pass without amendment.

This is a bill enacting that Annie M. Ermer, widow of Henry Ermer, late of Company G, Tenth Maryland Infantry Volunteers, be pensioned, subject to the conditions and regulations of the pension laws.

Henry Ermer enlisted June 23, 1863, as a private in Company G, Tenth Maryland Infantry Volunteers, and was honorably discharged January 29, 1864, being mustered out as corporal with his company. He died March 9, 1894, of pneumonia.

Annie M. Ermer filed claim for pension March 29, 1894. She furnished proof of legal marriage to soldier February 27, 1879, and complied with every requirement of the Pension Bureau exceptsatisfying the office as to her dependence, and her claim was rejected November 30, 1894, on the ground of nondependence—"claimant has other means of support than her daily labor."

She appealed from the decision of rejection, but the Secretary of the Interior affirmed the decision, figuring out her income at \$13,922 per month. The evidence filed in the Pension Bureau shows that the husband left property valued at \$6,106, but in the settlement of the estate and payment of his debts it was all absorbed except one piece of real estate valued at \$3,965, upon which there was a mortgage for \$3,000, bearing 6 per cent interest, and about \$100 worth of household effects. This property, when rented, brought in \$40 per month, and the claimant has a life estate therein, but claimant swears that this \$40 is her entire income, out of which she must pay interest, taxes, insurance, water rent, light, etc., leaving very little, if anything.

She filed testimony in support of her statement, showing that the building, which brought the only income, was vacant for several months, and that as she had been an invalid for many years she was then (June, 1894) dependent on friends and those not le

support.

In view of the facts presented, your committee believe the applicant is dependent within the meaning and intent of the law, and recommend the passage of the bill without amendment.

Mr. WOOD. Mr. Chairman, in order to perfect the bill, I desire to offer the amendment which I send to the desk.

The amendment was read, as follows:

In line 7 strike out the words "conditions and regulations" and insert "provisions and limitations."

The amendment was agreed to.

Mr. TALBERT. Mr. Chairman, a few moments ago we passed a bill allowing a pension to a lady on the ground that she was unable to earn her support. Here is the case of a woman who is fully capable of supporting herself, who has an income large enough to support her without any labor. Now, if you are going to pension one on the ground that she is unable to earn a support, and are going to pension another when she has a support, I do not see what is to prevent you from pensioning the whole crowd.

[Laughter.] I merely want to draw attention to the inconsistency.

The bill was laid aside to be reported to the House with the rec-

ommendation that it do pass.

ELLA HATFIELD.

The next business on the Private Calendar was the bill (H. R. 1066) granting a pension to Ella Hatfield, invalid daughter of Maj. David Hatfield, First Regiment New Jersey Infantry Volun-

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, uthorized and directed to place on the pension roll the name of Ella Hateleld, daughter of the late Maj. David Hatfield, First Regiment New Jersey colunteer Infantry, at the rate of \$25 per month.

Mr. TALBERT. I ask that the report be read.

The report (by Mr. McClellan) was read, as follows:

Mr. TALBERT. I ask that the report be read.

The report (by Mr. McCleellan) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 1968) entitled "A bill granting a pension to Ella Hatfield, invalid daughter of Maj. David Hatfield is pass without amendment:

David Hatfield served in the Moxican war as a private in Company G. Tenth United States Infantry, and was commissioned as captain Company A. First New Jersey Infantry Volunteers, May 21, 1801; was promoted to major of said regiment May 28, 1801. In the batfie at Gaines Farm, Va., June 27, 1802, Major Hatfield was shot through the head and died from the wound July 30, 1802.

Mary B. Hatfield, his widow, filed claim for pension February 27, 1863, which was granted at \$25 per month, with \$2 additional for each of five children, the youngest of which, Ella Hatfield, became 16 years old September 22, 1877.

The widow remarried September 28, 1807.

One of the children, Thompson D. Hatfield, who was helpless from infancy, was pensiomed at \$25 per month by special act of Congress approved February 23, 1889. He died September 1, 1862, at the asylum at Morris Plains, N. J., of epileptic dementia.

Ella Hatfield, youngest daughter of soldier, has been frail and delicate from infancy and never able to care for herself. She is now 34 years old, and is in a sanitarium for treatment for consumption.

Dr. W. H. Martland testifies that he attended and treated her at various times between 1873 and 1889; that she was frail and delicate, and subject to attacks of malaria, disorders of digestion, nervous derangements, debility, and had neurasthenia, with all its complications. I considered her at that time to be physically unfit to perform any kind of labor continuously. She is now (November 2), 1895) at a sanitarium in the Adirondacks for treatment for disease of lungs.

Dr. J. C. Young testifies to treating her since 1889, and says:

"She is a typical case of neurasthenia, and very susceptible to disorder of digestion, nervous derangeme

Mr. WOOD. For the purpose of perfecting the bill, I offer the amendments which I send to the desk.

The Clerk read as follows:

After the word "Infantry," in line 6, insert "and pay her a pension."
Also amend the title of the bill so as to read: "A bill granting a pension to Ella Hatfield."

The amendments were agreed to.

The bill as amended was laid aside to be reported favorably to the House.

EDWARD C. SPOFFORD.

The next business on the Private Calendar was the bill (H. R. 6730) granting a pension to Edward C. Spofford.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll the name of Edward C. Spofford, late a sergeant of Company F, Thirty-fifth Massachusetts Volunteers, and pay him a pension of \$50 per month from and after the passage of this act, in lieu of the pension now received by him.

Mr. ERDMAN. Let the report be read.

The report (by Mr. Sulloway) was read, as follows:

The report (by Mr. Sulloway) was read, as follows:

The committee on Invalid Pensions, to whom was referred the bill (H. R. 6730) granting a pension to Edward C. Spofford, having carefully considered the same, respectfully report:

The claimant enlisted July 26, 1862, in Company F, Thirty-fifth Massachusetts Infantry, and was discharged May 19, 1863, to accept a commission as second lieutenant in Battery A, First Missouri Light Artillery, but there is no record of his being mustered in on the same.

At the battle of South Mountain, September 14, 1862, he was wounded in the head, and on April 23, 1891, he was granted a pension under the general law on this account.

Since the date last mentioned the claimant has become paralyzed in right arm, side, and leg, and on August 27, 1894, he filed a claim for increase, alleging the paralysis to be the result of the wound in head, the pensioned disability.

October 10, 1894, the examining board reports that the claimant can not dress himself, undress himself, or attend to the calls of nature without assistance; and on September 9, 1895, another board reports him "so disabled from above disabilities as to be unable totally to do any manual labor and requires at times the aid and attention of another person."

The latter board gives him the following rating:

"Affection of spine, four-eighteenths; disease of the heart, four-eighteenths; dyspepsia, six-eighteenths; paralysis of right arm, total disability, 806; right leg, ten-eighteenths."

This claim was rejected, however, because the paralysis was not accepted as a result of the wound in the head, although the medical referee says "is has resulted, in all probability, from cerebral embolism."

The injury to the head is thus described by the examining board:

"Three inches above left eye begins a linear scar, which runs backward and to the left ear, 4 inches; scar is elevated and adherent; there is a distinct groove in the external table the entire length of the scar; the groove is one-eighth of an inch deep; pain on pressure the entire length."

The evidence in the Bureau of Pensions shows that at South Mountain the soldier was wounded in the head by a musket ball, and that at about the same time a shell exploded just back of his head, he receiving the full effect of the concussion. He was taken from the battlefield to a temporary structure used as a hospital, and on this point the assistant surgeon of the regiment testifies:

"He was under my personal care after the wound, at the field hospital, said wound being on the top of the head and partially fracturing the skull. I left him at the hospital, said hospital being a deserted log house and yard surrounding it. He, with many others, was lying there, while I went on with my regiment to Antietam. He was subsequently sent to general hospital at Middleton, Md."

It is further shown by the same evidence that from hospital he was sent to his home in Massachusetts, where he was confined to his bed for almost three months, during four weeks of which he was delirious. At this time his spine appeared to be affected, and his right shoulder and arm were paralyzed. When he reported to his regiment about January 1, 1863, he could with difficulty handle a gun, and on this account he was procured a commission for staff duty. The paralysis gradually grew better, and did not trouble him very much for about thirty years, when he had the stroke from which he is now suffering, in precisely the same right arm and shoulder, the only difference being that it now exists in a greatly aggravated degree. He is now drawing \$12 per month under the act of June 27, 1890.

To the mind of the medical referee the most potent reason for not finding the sequence was, in his own langua

Mr. WOOD. For the purpose of perfecting the bill, I offer a formal amendment.

The Clerk read as follows:

In line 6 strike out the letter "s," at the end of the word "Volunteers," and insert "Infantry."

The amendment was agreed to.

Mr. TALBERT. Mr. Chairman, as I understand this report, this soldier rendered distinguished service. The statement of the report is that he enlisted July 26, 1862, and was discharged May 19, 1863, in order to accept a commission as second lieutenant, but it seems there is no record of his having been mustered in upon that commission. It is shown, however, that at the battle of South Mountain he was wounded, and was carried from the field. In that and other engagements he appears to have rendered distinthat and other engagements he appears to have rendered distinguished services as a soldier; he showed himself to be a brave man. I think, therefore, he deserves the pension proposed in the bill, and I shall vote for it heartily. I hope the bill will pass.

The question being taken, the bill was laid aside to be reported

favorably to the House.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. Steele having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. Platt, one of its clerks, announced that the Senate had disagreed to the amendment of the House of Representatives to the bill (S. 2129) granting an increase of pension to Annie E. Nolan, asked a further conference with the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. Gallinger, Mr. Cannon, and Mr. Mitchell of Wisconsin as the conferees on the part of the Senate.

The message also announced that the Senate had passed bills of the following titles; in which the concurrence of the House was

requested:

A bill (S. 3525) to provide for an examination and survey of a water route from the mouth of the jetties at the city of Galveston, Tex., through the channel and up Buffalo Bayou to the city of Houston, Tex., and appropriating money therefor; and A bill (S. 3477) to remove the charge of desertion from the military record of William H. Linton.

The message also announced that the Senate had passed bills of the following titles, with amendments in which the concurrence

of the following titles, with amendments in which the concurrence of the House was requested:

A bill (H. R. 8551) to establish railroad bridges across the Cumberland and Tennessee rivers in Kentucky; and

A bill (H. R. 9638) making appropriations for the support of the Army for the fiscal year ending June 30, 1898.

The message also announced that the Senate had passed without the stable of the following titles.

amendment bills of the following titles: A bill (H. R. 8413) to confirm certain cash entries of public

A bill (H. R. 6883) to incorporate the Convention of American

Instructors of the Deaf;

A bill (H. R. 4199) to correct the military record of Edward H. Munson, late a private of Company H, Twenty-second New York

Regiment Infantry; and
A bill (H. R. 596) for the relief of Ellis H. Roberts.
Mr. HULL. Mr. Speaker, I ask that the Army appropriation
bill, which has just been returned from the Senate with amend-

ments, may be taken up now, so that we may disagree to the amendments and have a committee of conference appointed.

The SPEAKER pro tempore. Without objection, it will be so

ordered

Mr. HULL. I move that the House disagree—
Mr. RICHARDSON. I submit that the Committee of the Whole having risen informally, the Journal will not show this action. There was no motion that the committee rise, and it has always been held irregular for the House to transact any business when the Committee of the Whole had simply risen informally. I object to the action requested unless the committee rises regularly by motion.

Mr. HULL. Such action as I now ask has been taken repeat-

edly by unanimous consent.

Mr. RICHARDSON. The gentleman is mistaken.

The SPEAKER pro tempore. The special order under which the House is acting to-day provided, as the Chair understands, for

conference reports.

Mr. RICHARDSON. Where the Committee of the Whole has risen without a motion, it has not been usual for the House to take action in the way now proposed. Such action could not be journalized

nalized.

Mr. HULL. I submit it has always been held that action could be taken in this way by unanimous consent.

The SPEAKER pro tempore. In the opinion of the Chair, it can be done by unanimous consent. Is there objection?

Mr. RICHARDSON. I object, unless the Committee of the Whole rises regularly.

The Committee of the Whole resumed its session.

HANNAH E. RODGERS.

The next business on the Private Calendar was the bill (H. R. 1832) granting a pension to Hannah E. Rodgers.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and is hereby, directed to place on the pension roll of the United States of America the name of Hannah E. Rodgers, the surviving daughter of Josiah Hunt, deceased, formerly of Chautauqua County, State of New York, a soldier of the Revolutionary war, at the rate of \$30 per month, according to the rules and regulations governing pensions.

The amendment reported by the committee was read, as follows; In line 8 strike out the word "thirty" and insert in lieu thereof the word twelve."

Mr. ERDMAN. Let us hear the report.
Mr. LOUDENSLAGER. Will not the gentleman from Pennsylvania [Mr. ERDMAN] and other members of the House be satisfied with a statement of this case? This bill proposes to pension the daughter of a Revolutionary soldier—

Mr. ERDMAN. I am afraid the gentleman will not make his

statement as full as that of the report. I should like to hear the

report.
The report (by Mr. Loudenslager) was read, as follows:

The report (by Mr. LOUDENSLAGER) was read, as follows:

The Committee on Pensions, to whom was referred the bill (H. R. 1832) entitled "A bill granting a pension to Hannah E. Rogers," beg leave to submit the following report, and recommend that said bill do pass with an amendment:

This is a bill enacting that Hannah E. Rogers be placed upon the pension roll as the aged and dependent daughter of Josiah Hunt, who is shown by the records of the Pension Bureau to have served three terms of enlistment, covering the entire period from January, 1777, to June, 1783, in the New Jersey Line, war of the Revolution. During his service he participated in the battles of Short Hills, Brandywine, Germantown, Monmonth, Green Springs, and Yorktown.

The claimant declares under oath that she is 80 years old and dependent upon a son, a wounded veteran of the late war, for support. She resides at Dunkirk, N. Y.

The testimony accompanying the bill fully establishes her relationship to the soldier, and shows that the soldier and his wife have been dead for many years.

years.

All the facts are fully substantiated by the testimony on file, and it is stated that the soldier also rendered service in the war of 1812; but of this no record has been secured.

The passage of the bill is respectfully recommended with an amendment striking out the word "thirty," in line 8, and substituting therefor the word "twelve," so as to fix the rating at \$12 per month.

The question being taken, the amendment reported by the committee was agreed to.

The bill as amended was laid aside to be reported favorably to the House.

JAMES CHARLES CRAMER.

The next business on the Private Calendar was the bill (H. R. 3714) removing the charge of desertion from the military record of James Charles Cramer.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to remove the charge of desertion standing against James Charles Cramer, late a private in Company E, One hundred and forty-eighth Regiment Pennsylvania Volunteers, and to issue to him an honorable discharge.

Charles Cramer, having had the same under consideration, would respectfully report thereon as follows:

"whose name also appears on some records as James C. Cramer, was drafted from the Twenty-fourth subdistrict of Pennsylvania August 22, 1933, to serve three years; that he was received at Carlisle, Pa., rendezvous November 3, 1889; that he joined Company E, One hundred and forty-eighth Pennsylvania Volunteers, to which he was assigned, and was present therewith until May 10, 1894, when he received a slight gunshot wound of left side at the battle of Po Rivery U. Dr. 1884, 181, 183; that he was rensered May 17, 1894, and entered Satterlee General Hospital, West Philadelphia, Pa., May 18, 1894, and entered Satterlee General Hospital, West Philadelphia, Pa., May 18, 1894, and entered Satterlee General Hospital, West Philadelphia, Pa., May 18, 1894, and entered Satterlee General Hospital, West Philadelphia, Pa., May 18, 1894, and entered Satterlee General Hospital, West Philadelphia, Pa., May 18, 1894, and entered Satterlee General Hospital, West Philadelphia, for treatment for a wound; that he went home from said hospital and there remained till May, 1895, when he again went home on the spital and there remained till May, 1895, when he again went home "all broke up in health, hearing gone, and at times clear out of his mind from pain in his head and ears;" that he was then (at the date of his affidavit) able to do but little manual labor because of "wound in left side and dearness of both ears."

Edwin A Scott, of Imlay City, Mich., late of Company E, Sixty-fourth New York Volunteers, under date of March 15, 1885, testified that he met applicant told him in the intrenchments in front of Petersburg Va, in the latter produces of the work of the service of the work of the service of the service

having rejoined his company.

The charges of desertion in this case are predicated upon the following circumstances:

First. The soldier left the hospital at West Philadelphia, Pa., June 6, 1884, and went home, but returned to his regiment in September of that year and remained until May, 1865. The soldier, in his affidavit, gives as the reason for his leaving the hospital at the time stated, that he received word that his wife and children were lying at the point of death; that he tried to get a furlough, but could not, and then went home. These facts, standing alone, might justify the charge of a technical desertion, but if we are to credit the statement in the affidavit of the beneficiary, it is apparent that in leaving the hospital desertion was not his purpose, but rather to visit his family, who were ill. The return of the soldier to his command in September of the same year, and his service until the close of the war, according to his captain's testimony, negatives the presence of any intention on the part of the soldier to desert, and his conduct as to this first charge of desertion does not vary much from that of many soldiers who, under like circumstances, visited their families on account of the illness of some member thereof, but returned to their commands, and against whom the charge of desertion was never entered; and, in the opinion of your committee, the soldier in this case should be excused under the circumstances from the first charge of desertion.

As to the second charge of desertion, occurring in May, 1865, after the close of the war, although the date of the month is not definitely fixed, and notwithstanding the fact that the affidavit of the beneficiary is the only evidence found showing that he served until May, 1865, if such were a fact, he would be excused from the second charge of desertion under the act of March 2, 1889.

In the absence of any proof to the contrary, your committee is inclined to give the soldier the benefit of the doubt, if any exists, and recommend that the bill do

During the reading of the above the hammer fell.

The CHAIRMAN. The time under the rule allowed for debate

The CHAIRMAN. The time under the rule allowed for debate on this bill has expired.

Mr. McCLELLAN. I ask consent that the rest of the report be printed as a part of my remarks.

There was no objection.

The entire report is printed above.

Mr. STEELE. Mr. Chairman, I move that this bill be reported to the House with the recommendation that it lie upon the table. According to the man's own admission he was a deserter.

The motion of Mr. Steele was agreed to.

The bill was accordingly laid aside to be reported to the House with the recommendation that it do lie on the table.

ARMY APPROPRIATION BILL.

Mr. HULL. Mr. Chairman, I ask unanimous consent that the committee rise informally for the purpose of nonconcurring in the Senate amendments to the Army appropriation bill, and ask a conference on the disagreeing votes of the two Houses on said bill. conference on the disagreeing votes of the two Houses on said bill. The gentleman from Tennessee [Mr. Richardson], who objected to my request a few moments ago, tells me that he would not object to this proceeding, and it is necessary, in order to get the conference ordered by the Senate this afternoon, that the action of the House be messaged back to the Senate promptly.

The CHAIRMAN. Is there objection to the request of the gen-

tleman from Iowa?

There was no objection.
The committee informally rose; and Mr. Steele took the chair

as Speaker pro tempore.

Mr. HULL. Mr. Speaker, I move that the House nonconcur in the amendments of the Senate to the Army appropriation bill and ask a committee of conference thereon.

The motion was agreed to.

The SPEAKER pro tempore announced the appointment of Mr.
HULL, Mr. PARKER, and Mr. McClellan as conferees on the part of the House.

CHANGE OF REFERENCE.

The SPEAKER pro tempore. The Chair, if there be no objection, will correct the reference of a Senate bill. The bill S. 702 which was referred to the Committee on Invalid Pensions should be referred to the Committee on Pensions. Without objection, that order will be made.

There was no objection, and it was so ordered. The Committee of the Whole resumed its session.

ORDER OF BUSINESS.

The next business on the Private Calendar was the bill (H. R. 3659) for the relief of John E. Wilbur.

The bill was read at length.

Mr. McCLELLAN. Mr. Chairman, I ask for the reading of the

Mr. STEELE. Mr. Chairman, I do not believe this bill comes within the purview of the order of the House. It is not a desertion case or a bill for the removal of such a charge. The order involves only the consideration of pension bills and bills removing charges of descrition charges of desertion.

Mr. MITCHELL. Does the gentleman make objection? This gentleman was dismissed from the Army, but his dismissal was

practically vacated by President Lincoln.

The CHAIRMAN. The Chair is clearly of the opinion that the bill does not come within the rule; and the Clerk will report the next bill.

The next business on the Private Calendar was the bill (H. R. 989) to amend the military record of Capt. Thomas M. Elliott.

The CHAIRMAN. This is a bill of the same character as the last one, and will be laid aside as not coming within the rule of

to-day. The next business on the Private Calendar was the bill (H. R.

6686) to correct the military record of Joseph A. Blanchard, late first lieutenant of Troop E, First New York Mounted Rifles. The bill was read at length.

Mr. McCLELLAN. I ask for the reading of the report in my

Mr. WOOD. Mr. Chairman, I raise the point of order that this bill is not in order under the rule. Mr. McCLELLAN. The report will disclose that fact. I am

not familiar with the report.

Mr. HULL. This is a court-martial case, and of course it would not be in order.

Mr. WOOD. It is not a bill for the removal of the charge of desertion, but to correct a military record.

Mr. McCLELLAN. But that correction might be for the removal of the charge of desertion.

Mr. HULL. It is not.

Mr. DOCKERY. Then the bill is not properly in order here.

The CHAIRMAN. The suggestion of the gentleman from New York might be true, but on the face of the bill it is not properly within the purview of the rule and, in the opinion of the Chair, is not proper. not in order.

The Clerk will report the next bill.

JULIA D. BEEBE.

The next business on the Private Calendar was the bill (H. R. 6915) granting a pension to Julia D. Beebe, widow of Frank D. Beebe, late assistant surgeon, One hundred and fifty-seventh Regiment New York Volunteers.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place upon the pension roll of the United States

the name of Julia D. Beebe, widow of Frank D. Beebe, late assistant surgeon of the One hundred and fifty-seventh Regiment New York Volunteer Infantry, at the rate of \$20 per month, to commence from the date of the passage of this act.

Mr. ERDMAN. I ask for the reading of the report. The report (by Mr. Poole) was read, as follows:

Mr. ERDMAN. I ask for the reading of the report.

The report (by Mr. Poole) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 6815) granting a pension to Julia D. Beebe, widow of Frank D. Beebe, late assistant surgeon. One hundred and fitty-seventh Regiment New York Volunteers, submit the following report:

Frank D. Beebe enlisted as assistant surgeon One hundred and fitty-seventh New York Volunteers on the 19th of September, 1882, and was discharged November 9, 1883, he having been obliged to resign on account of diarrhea, which had become chronic, the records of the hospital showing that he had been sick and unft for duty for over three months. On the 26th of January, 1886, Beebe made application for pension, alleging bloody dysentery, result of diarrhea contracted in the Army. This claim was allowed, and a pension was granted him April 4, 1883, at the rate of 8.50 per month from the date of his discharge from the Army, November 10, 1863. On the 15th of July, 1891, Dr. Beebe made a claim for increase; also making another claim June 3, 1882, alleging great a claim for increase; also making another claim June 3, 1882, alleging great increase was paid after his death to the widow.

Julia D. Beebe made application for a pension as the widow of Frank D. Beebe August 2, 1886, which claim was rejected August 7, 1885, on the ground "that death resulted from disease of lungs not due to cause which has been legally accepted."

The register of vital statistics makes affidavit that the cause of death was chronic diarrhea and pneumonia.

Dr. O. S. Langworthy, of Hamilton, N. Y., filed an affidavit with the Pension Bureau May 6, 1885, in which he says that he studied medicine with Dr. Beebe for three years, and for two years prior to his death was in partnership with him. During all of that time he testified that Dr. Beebe was a great sufferer with diarrhea, his bowels moving from three to ten times daily, causing him intense pain, followed by weakness; that he also suffered wit

Mr. THOMAS. Mr. Chairman, I offer the amendments I send to the desk to perfect this bill.

The Clerk read as follows:

In line 7, after the word "Infantry," insert "and pay her a pension;" in line 8 strike out all after the word "month;" and amend the title of the bill so as to read: "A bill granting a pension to Julia D. Beebe."

The amendments were agreed to.

The question being taken on the amendment recommended by the committee, it was agreed to.

The bill as amended was laid aside to be reported to the House

with the recommendation that it do pass.

SHUBAEL GOULD.

The next business on the Private Calendar was the bill (S. 1310) granting an increase of pension to Shubael Gould. Tre bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Shubael Gould, late a private in Company G. Righth Regiment Vermont Volunteer Infantry, and pay him a pension at the rate of \$50 per month, in lieu of that he is now receiving.

The CHAIRMAN. Shall the bill be laid aside with a favorable recommendation?

Mr. ERDMAN. Mr. Chairman, let us have the report read. The CHAIRMAN. The report will be read in the gentleman's

The report (by Mr. SULLOWAY) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (S.1310) granting an increase of pension to Shubael Gould, having carefully considered the same, adopt the accompanying Senate report (No. 127) as their own, and respectfully recommend the passage of the bill.

[Senate report No. 127, Fifty-fourth Congress, first session.]

[Senate report No. 12], Fifty-fourth Congress, first session.]

The claimant under this bil lenlisted December 24, 1863, and was discharged June 23, 1865. He was pensioned at \$16 per month for disease of right leg, which was subsequently increased to \$24 and \$30, the pensionable causes being stated on these occasions as disease of right leg and resulting deblity. He applied for further increase, which was rejected on the ground that the then existing condition was due in part to other causes.

Soldier is at present in a totally helpless condition, requiring the constant attendance of another person, one side being entirely paralyzed, and the heart's action disturbed. In his behalf it is contended that this condition is

due to the progress of the disease for which he is pensioned, but the Pension Bureau took the ground that the paralysis was of cerebral origin, and hence not directly traceable to pensionable causes.

Claimant has had many medical examinations, all physicians agreeing that he is in a deplorable and hopeless condition. The last two examinations gave the pulse rate at 100 and 120, respectively, and respiration at 36. He suffere greatly, being constantly restless, and the probabilities are that he will not survive many months. The examining boards give him a first-grade rating.

Dr. O. B. Way, of Claremont, N. H., his attending physician, describes his condition as one of extreme and hopeless suffering. Dr. Sanborn, of Newport, N. H., who was sent by the Pension Bureau with special instructions to examine into the causes of soldier's present condition, reported as follows:

"Mr. Gould is very feeble and confined to his bed, with marked emaiation and tremor of whole body; almost complete loss of motion in left leg, and but slight sensation; can not stand alone or feed himself; action of heart very weak and rapid; integuments on legs discolored as per diagram, with ulceration of left leg; he requires regular aid and attendance of another person by reason of pensioned disabilities. I consider the apoplectic stroke which Mr. Gould is suffering from, causing hemiplegia of left side, the result of his general debility, caused by phlebitis and ulceration of leg."

A subsequent examination by the same physician disclosed a similar condition, and he recommended that he be pensioned accordingly. Had the testimony of these medical men, who personally saw and examined the soldier, been accepted, he would have been granted \$72 per month, but the medical officers of the Pension Bureau, in their discretion and wisdom, refused to accept the view that the existing condition was wholly due to pensionable causes, and rejected the claim.

The bill under consideration increases the pension from \$30 to \$50, and your committee are of op

The bill was ordered to be laid aside to be reported to the House with a favorable recommendation.

JOHN NICHOLS.

The next business on the Private Calendar was the bill (S. 638) granting an increase of pension to John Nichols.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John Nichols, of Durham, Butte County, Cal., late sergeant Company I, One hundred and eleventh Illinois Infantry Volunteers, at the rate of \$36 per month, in lieu of the pension he is now receiving under certificate 75345.

Mr. ERDMAN. Mr. Chairman, let us have the report. The CHAIRMAN. The report will be read. The report (by Mr. Andrews) was read, as follows:

The report (by Mr. Andrews) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (S. 638) granting an increase of pension to John Nichols, adopt as their own the accompanying Senate Report No. 159 and recommend the passage of the bill.

[Senate Report No. 159, Fifty-fourth Congress, first session.]

The Committee on Pensions, to whom was referred the bill (S. 638) granting an increase of pension to John Nichols, have examined the same and report:

The claimant served as sergeant of Company I. One hundred and eleventh Illinois Volunteer Infantry, from August 11, 1862, to May 22, 1865. While in the line of duty at Resaca, Ga., he received, on May 14, 1864, a gunshot wound through the left shoulder, the ball passing through his body, coming out near the shoulder blade, for which disability he is now receiving a pension of \$24 per month. He has made several applications for increase, claiming that his disabilities are as serious as if his arm was amputated, as he is totally unable to perform manual labor of any kind, but his claim for increase was rejected, as, in the opinion of the medical referee, his disabilities were not considered sufficient to entitle him to this rating.

The claimant, as shown by affidavits of his physician and neighbors, is now wholly unable to perform any manual labor by reason of said gunshot wound of left shoulder, and is practically helpless, being unable, at times, to dress and undress himself by reason of his wound, which renders the left arm useless and equivalent to the loss of arm at the shoulder joint; that said wound also affects the left lung, and causes entire loss of voice at times.

In the opinion of your committee the disabilities enumerated from which the claimant is now suffering entitle him to the rating of the total disability of loss of use of arm, which is \$36 per month, and the passage of the bill is therefore recommended.

The bill was ordered to be laid aside to be reported to the House with a favorable recommendation.

GEORGE B. CUSTER.

The next business on the Private Calendar was the bill (S. 1806) granting a pension to George B. Custer, late sergeant of Company H, Seventy-third Regiment Indiana Volunteer Infantry.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place upon the pension roll the name of George B. Custer, late sergeant Company H, Seventy-third Regiment Indiana Volunteer Infantry, and pay him a pension of \$20 per month, said pension to be for injuries to right hand, right foot, and right ankle, received in service and line of duty.

Mr. ERDMAN. Mr. Chairman, let us have the report. The CHAIRMAN. Let the report be read. The report (by Mr. Pickler) was read, as follows:

The report (by Mr. Pickler) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (8.1806) granting a pension to George B. Custer, having carefully considered the facts in the case, respectfully report:

An application for pension in this case was filed by the claimant, George B. Custer, November 3, 1879, under the act of July 14, 1862, for injuries to the right hand, right foot, and right ankle. The claim was rejected by the Pension Bureau on the ground that the claimant had failed to establish origin of injuries in the service and line of duty.

The facts of the case, from the evidence filed by claimant and the reports of the various special examiners, are as follows:

The claimant, George B. Custer, is a Mexican war veteran and is now drawing a pension of \$8 per month for services in that war.

He enlisted in the Seventy-third Indiana Volunteer Infantry for the war of the rebellion July 21, 1862, and served until mustered out, July 1, 1865.

The claimant alleged in his application for pension that he incurred serious injuries to his right hand, right foot, and ankle while in service and line of duty. That the said injuries were incurred in February, 1863, while he

was on detail service in a pioneer corps; that he was the only person detailed from his company on such duty, and that all the other members of the pioneer corps were strangers to him. That in February, 1863, as above stated, he, with others of the pioneer corps, was engaged in building a railroad bridge across a creek called Squirrel Creek, near Stone River, Tennessee, and while helping to raise a "bent" in said bridge and helping to lift the timbers by means of a pry, the other men let go and the weight of the heavy timbers came on claimant and, his foot slipping, he was pressed to the ground under the handspike and his right hand and foot caught underneath and badly injured.

means of a pry, the other men let go and the weight of the heavy timbers came on claimant and, his foot slipping, he was pressed to the ground under the handspike and his right hand and foot caught underneath and badly injured.

The records of the War Department show that in March and April, 1863, he was in hospital, but the nature of his disability is not stated.

The rectimony shows that claimant was an able-bodied, healthy man at enlistment, and was without injury up to the time he was detached from his company for detail in the ploneer corps.

The lieutenant of claimant's company states that claimant was an excelent soldier, faithful in the discharge of his duties, and one of the most reliable men he ever knew. That he remembers that claimant was detached for duty in the pioneer corps, and that when he returned to the company he complained of some injury; that his hand was bandaged or in a sling. Does not remember just what the injuries were, but remembers distinctly that claimant was suffering from varicose veins in his leg, which claimant had shown him. That shortly after claimant's return to his company the regiment was ordered off on a raid and claimant was left behind for treatment for his injuries. He also remembers and detained for nineteen months and did not again see claimant.

The captain of Company H. Seventy-third Indiana Volunteer Infantry, testifies that he knew the claimant three years before the war, and that he was an able-bodied, healthy man. Does not remember of any disability during service, and does not remember condition at discharge. Has seen claimant once since discharge, when he complained of some injury, but does not remember the name or nature of the disability. Beventy-third Indiana Volunteer Infantry, who had served in Company H as orderly sergeant, testifies that he commanded Company H for some eight months during absence of officers; that he knew claimant well and that he was a good solder, always ready for duty until he met with an accident while detailed with pioneer corps a

Mr. THOMAS. Mr. Chairman, I offer the following amendments, to perfect the bill.

The Clerk read as follows:

In line 7 strike out all after the word "months" and add "in lieu of the pension he is now receiving."

Amend the title so as to read: "An act granting an increase of pension to George B. Custer."

The amendments were agreed to.

The bill as amended was ordered to be laid aside to be reported to the House with the recommendation that it do pass.

HENRY MACKRILL.

The next business on the Private Calendar was the bill (H. R. 3690) restoring a pension to Henry Mackvill, alias Henry Mackey. The bill was read, as follows:.

Be it enacted, etc., That the Secretary of the Interior be, and is hereby, authorized and directed to place or reinstate on the pension roll the name of Henry Mackvill, alias Henry Mackey, a late landsman in the United States naval service during the war of the rebellion, and cause him to be paid a pension of \$15 per month on account of catarrh, disease of rectum, disease of kidneys, and disease of eyes, and necessary results thereof, subject to the provisions and limitations of the pension laws.

The Committee on Invalid Pensions recommended the following amendments:

Strike out the words "or reinstate" in line 4; substitute the name "Mackrill" for "Mackvill" in line 5; strike out the word "fifteen" in line 7 and insert "twelve" in lieu thereof, and strike out all after the word "month" in line 8.

Also, amend the title of bill so as to read: "Granting a pension to Henry Mackrill, alias Henry Mackey."

Mr. ERDMAN. Let us have the report.
The CHAIRMAN. The gentleman from Pennsylvania [Mr. ERDMAN] demands the reading of the report.

The report by (Mr. KIRKPATRICK) was read, as follows:

The report by (Mr. Kirkpatrick) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 3660) granting a pension to Henry Mackvill, alias Henry Mackey, late landsman in the United States Navy, having carefully considered all the facts and circumstances presented, respectfully report as follows:

The Auditor for the Navy Department says:

"Henry Mackrill, landsman, enlisted at the naval station at Chicago, and was entered on the rolls of the Princeton, January 23, 1864, and served to March 3, 1864; on the Ticonderopa to May 4, 1865, as landsman; on the Princeton as ordinary seaman to May 11, 1865, and was discharged from the Sabina as ordinary seaman, August 3, 1865. The rolls do not show anything in reference to his being a Confederate prisoner or having served in the Confederate army."

The War Department records show:

"Henry Mackrill, private, Company D, Ninth Mississippi Infantry, C. S. A, enlisted April II, 1862, at Vicksburg, Miss., for three years, and is reported on rolls to August 31, 1863, 'present.' October 31, 1863, 'absent, sick since October 20, 1863, by order Surgeon Williams.' December 31, 1863, 'absent, missing in action since day after Missionary Bidge, November 25, 1863, 'absent, missing in action since day after Missionary Bidge, November 25, 1863, 'absent, missing in action since day after Missionary Bidge, November 25, 1863, Reported as deserter.' Name not found on rolls of later date. Nature of disability not stated. Prisoner of war records show Henry Mackeral, Company D, Ninth Mississippi Infantry, captured at Chickamauga, Tenn., November 25, 1863. Confined at Rock Island, II., December 13, 1863, where he enlisted in the United States Navy, and sent to naval rendezvous, Camp Douglas, III., January 25, 1864."

Claimant alleges that at breaking out of the war he was a British subject, and engaged in cutting wood on the Lower Mississippi; that the floods washed his wood away, and it was impracticable to get any work or even anything to eat unless he enlisted, and under the pressure of his surroundings he enlisted in the Confederate States army, intending to get away at first opportunity, which came at battle of Mission Ridge, when he and eight others surrendered to one Union soldier.

When he enlisted in the United States Navy, he asked to have his name put on rolls as "Henry Mackey," for fear that he might be taken prisoner; but this was not done. After the war he was known as Henry Mackey; had the legislature of Indiana change his name to Henry Mackey; became a naturalized citizen under that name, and has been known as Henry Mackey ever since.

He applied for pension under act of June 27, 1890 (filed July 4, 1890), and

ized citizen under that name, and nas been known as Heally accessione.

He applied for pension under act of June 27, 1890 (filed July 4, 1890), and again May 9, 1891, and with the latter an affidavit stating his prior Confederate service. His pension was allowed October 2, 1891, at \$12 per month from July 25, 1890, for "catarrh, disease of rectum, kidneys, and eyes."

He was dropped from the rolls for "disloyalty" September 23, 1895, under authority of section 4716, Revised Statutes, having voluntarily aided or abetted the rebellion against the authority of the United States.

There is no question in this case but that the applicant is disabled for performing manual labor. The board of examining surgeons at Delhi, Ind., July 15, 1891, rated him four-eighteenths for nervous debility, six-eighteenths for post-nasal catarrh, two-eighteenths for sicases of eyes, four-eighteenths for kidneys, and four-eighteenths for piles, and his disabilities have progressed since then.

for fidneys, and four-eighteenths for piles, and his disabilities have progressed since then.

The construction of the act of June 27, 1890, which prevailed several months without objection, while the Congress which enacted it was still in session, that uinsty days' service and an honorable discharge, without regard to previous loyalty, were the prerequisites to a pensionable status under that act, gave this sailor a pension, to which your committee believe he was justly entitled, he having fathfully served more than one and one-half years and being honorably discharged.

Your committee therefore recommend the passage of the bill with the following amendments:

Strike out the words "or reinstate" in line 4; substitute the name "Mack, rill" for "Mackyill" in line 5; strike out the word "fifteen" in line 7 and insert "twelve" in lieu thereof, and strike out all after the word "month," in line 5.

rill "for "mackynt in lieu thereof, and strike out all after the word "month," in line 8.

Also, amend the title of bill so as to read: "Granting a pension to Henry Mackylll, alias Henry Macky."

The CHAIRMAN. The question is on the committee amend-

Mr. THOMAS. For the purpose of identifying the man more accurately as to his service, I offer the amendment which I send to the Clerk's desk.

The Clerk read as follows:

In line 6, after the word "service," insert "on U. S. S. Ticonderoga."

The amendment was agreed to.
Mr. TALBERT. Mr. Chairman, it seems to me this is a very singular kind of an individual. He is a British subject, then an American; first a Confederate and then a Federal, and finally he changed his name two or three times. It seems to me the matter ought to be further investigated. This is a matter for the Pension Bureau to look after.

Mr. HATCH. Mr. Chairman, I wish to say that he changed his name because he feared that if he was again captured by the

Mr. TALBERT. I submit, Mr. Chairman, that this matter ought to be laid over for further investigation.

Mr. HATCH. This man came from England to this country knowing nothing in regard to the great questions that were at issue before the people. He was cutting wood on the Lower Mississippi. The floods came and carried away his wood, and as there was the correction of the country that the country that the country is the country that the country t was no opportunity for obtaining employment he joined the Con-

federate army.

Mr. TALBERT. How do you know whether it was this fellow or the other fellow?

Mr. HATCH. It gives his name here.
Mr. TALBERT. Yes; but he changed his name so often that you can not catch up with him. I think the matter ought to be investigated further.
Mr. THOMAS. This man is thoroughly identified by having been once admitted as a pensioner at \$12 a month. Under a different construction of the law his name was drawned from the

ferent construction of the law his name was dropped from the rolls. His identification is certainly complete, and we need not lay the bill aside for the purpose of identifying the beneficiary.

Mr. DOCKERY. I think he is sufficiently identified.

Mr. THOMAS. His case is certainly before us on its merits.

The CHAIRMAN. The gentleman from Indiana [Mr. HATCH] has the floor.

Mr. HATCH. Mr. Chairman, this is merely a reinstatement, This man drew a pension for five years under the act of 1890. Last year, or the year before last, he was dropped from the pension rolls because he had been in the Confederate service. At the time he made application for the pension he made an affidavit that he had been in the Confederate service. I think he is sufficiently

identified in the Pension Office.

Mr. DOCKERY. Mr. Chairman, I do not think that is the trouble in this case at all. I think this case is fully identified. I am satisfied he served in the Confederate army, because I remember when we had this case before the House some days since it was shown that he had been in the Confederate army for more than twelve months; also that he was a subject of Great Britain, and later on he changed his views and entered the Army of the Union.

Mr. LOUD. How do you know that he changed his views?

Mr. DOCKERY. I accept the suggestion of the gentleman from California. He changed his service. I suggest to my friends on California. He changed his service. I suggest to my friends on the other side, if you are to inaugurate the policy of pensioning ex-Confederates, it seems that you should begin with worthy cases. The report shows this applicant to be unworthy.

The CHAIRMAN. Time for debate against the bill is exhausted. Mr. LOUD. We were talking for it. [Cries of "Vote!"]

Mr. DOCKERY. I hope the House will not pass this bill. The CHAIRMAN. The question is on the adoption of the amendments recommended by the committee.

The amendments recommended by the committee were agreed to. The CHAIRMAN. The question is on laying the bill aside with a favorable recommendation.

a favorable recommendation.

The question was taken; and the Chairman announced that the

ayes seemed to have it.

Mr. TALBERT. Division, Mr. Chairman.
The committee divided; and there were—ayes 65; noes 26.
So the bill was ordered to be laid aside with a favorable recommendation

Mr. DOCKERY. Mr. Chairman, I desire to give notice that I shall ask for a yea-and-nay vote in the House on the passage of this

PETER J. CLAASSEN.

The next business on the Private Calendar was the bill (H. R.

2221) granting an increase of pension to Peter J. Claassen.

Mr. McCLELLAN. Mr. Chairman, this bill was introduced by
my colleague [Mr. Hurley] and was reported by myself. Since
it has been reported the beneficiary has died. I therefore move
that the bill be reported to the House with the recommendation that it lie on the table.

The motion was agreed to.

MARY FORWARD.

The next business on the Private Calendar was the bill (H. R. 4930) granting a pension to Mary Forward.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mary Forward, of Allegan, Mich., widow of Charles Branch, late of Company C, Third Michigan Cavalry Volunteers, and pay her a pension of \$12 per month.

Mr. TALBERT. I ask for the reading of the report, Mr. Chairman

The CHAIRMAN. The report will be read in the gentleman's

The report (by Mr. THOMAS) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 4930) granting a pension to Mary Forward, respectfully report:

This claimant was married December 24, 1855, to Charles Branch, who served in Company I, Tenth Veteran Reserve Corps, and who died March 24, 1865. She was pensioned as his widow until October 7, 1866, when she was again married, this time to Joseph Forward, who died December 22, 1891. The claimant is now old, disabled, and needy. She was the wife of the soldier during the war, and cared for their three children during his absence in the service.

In view of these facts, your committee are of opinion that this woman should not be left to suffer in her age and decrepitude. In consequence of her remarriage the Government was relieved from the payment of about \$2,300, the amount she would have received as pension from date of her remarriage to the present time had she not remarried.

Your committee are of opinion that she should be again pensioned, and recommend the passage of the bill with an amendment, striking out the words "of Allegan, Mich.," and inserting in lieu thereof the words "formerly the."

Mr. TALBERT. Mr. Chairman, I submit that if this claim is Mr. TALBERT. Mr. Charman, I submit that it this claim is passed it will be a direct violation of the law, which says that when a widow remarries she thereby forfeits all her claim to a pension. Here is a bill asking that a lady who has remarried shall receive a pension. In consequence of her remarriage she is not entitled to a pension. The reasons given for granting her this pension are that she is poor and needy. There are a great many others in our country who are in the same fix. I submit many others in our country who are in the same fix. I submit,

sir, that this bill ought not to pass.

The question was taken on agreeing to the amendment recommended by the committee; and the Chairman announced that the ayes seemed to have it.

Mr. TALBERT. Division. The committee divided; and there were—ayes 41, noes 4.

laid aside with a favorable report; and the Chairman announced

hald aside with a favorable report, and the Chairman amounced that the ayes seemed to have it.

Mr. TALBERT. Division, Mr. Chairman.

The committee divided; and there were—ayes 52, noes 16.

So the bill was ordered to be laid aside with a favorable recom-

ELIZABETH A. MARTHON.

The next business on the Private Calendar was the bill (H. R. 5764) granting a pension to Elizabeth A. Marthon.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior is hereby authorized and directed to pay to Elizabeth A. Marthon, widow of Joseph Marthon, late a lieutenant-commander in the United States Navy, a pension of \$75 per month, in lieu of the pension she is now receiving.

Mr. ERDMAN. Let us have the report read. The CHAIRMAN. The report will be read in the time of the gentleman.

The report (by Mr. Halterman) was read, as follows:

The Committee on Pensions, to whom was referred the bill (H. R. 5784) entitled "A bill granting a pension to Elizabeth D. Marthon," beg leave to submit the following report, and recommend that said bill do pass, with amendments:

The claimant is the widow of Joseph Marthon, late a lieutenant-commander, United States Navy, whose service began as a seaman September 30, 1861. He was subsequently promoted through the several grades to the rank of acting master, which he held when honorably discharged December 31, 1865. He was reappointed acting master April 19, 1866, and was subsequently promoted for valuable and meritorious service, until he finally attained the rank of lieutenant-commander July 1, 1882. His death occurred while still on the active list and from causes originating in the service at Shanghai, China, November 19, 1891, and his widow is now receiving the pension of 30 per month allowed by the general laws to the widows of lieutenant-commanders who die from causes of service origin.

The following statement of Hon. S. L. Milliken, member of Congress, shows the facts upon which your committee bases its favorable recommendation:

WASHINGTON, D. C., March 9, 1896.

Mrs. Marthon is a native of Belfast, Me., the city in which I reside. I have known her since she was a girl, and knew her family, which was one of the prominent old families of Belfast. I knew her husband. Lieut. Commander Joseph Marthon, when he was alive. Since his death the little property which he left has suffered such losses that she is dependent almost entirely upon her pension for the support of herself, and her husband's mother and maiden sister also.

S. L. MILLIKEN, Member of Congress.

The following amendments to the bill are recommended:
Change the title so as to read, "A bill granting an increase of pension to
Elizabeth D. Marthon," and strike out the initial "A." where it appears in
claimant's name in the body of the bill and substitute therefor the initial
"D.;" also strike out the word "seventy-five," in line 6, and substitute therefor the word "fifty," so as to fix the rating at \$50 per month.

The amendments recommended by the committee were agreed to.
Mr. MILNES. Mr. Chairman, this officer whose widow it is
proposed to pension would rank as lieutenant-colonel in the Army. It is proposed to pay her a pension at the rate of \$50 a month. Before voting for this bill, I should like to learn some good reason why we should pay \$50 a month to the widow of a lieutenant-colonel?

Mr. BRODERICK. Mr. Chairman, the gentleman from Maine [Mr. MILLIKEN] and the gentleman from Pennsylvania [Mr. Brosius] understand this question, and had expected to be here to explain the bill. The gentleman from Pennsylvania is ill, and the other gentleman is not in his seat. I have some information about the matter, but not much aside from what appears in the report. The report says that this officer was in the service during the entire war, and from the promotions that were made he evidently was a good officer. He was in the service when he died. He resigned soon after the war closed, and within a year was reappointed and given the position he held when he resigned. I say I think it is clearly shown by the report that he was a good officer. His widow is a meritorious lady and is entitled to the pension. I was asked, if these gentlemen were not present, to say something of this claim; but I know little beyond what is given in

something of this claim; but I know little beyond what is given in the report.

Mr. MILNES. Now, Mr. Chairman, there is no question about the meritorious service of the husband of this lady; but it does seem to be a question of paying \$50 a month to the widow of an officer of that rank. We have given \$50 and \$75 and in some cases \$100 a month pension to widows of generals, those who have attained the rank of brigadier-general and major-general in the Regular Army. If this man had been in the Army, he would have had the rank of lieutenant-colonel. This lady is now receiving \$30 a month, and that is all she ought to ask in all fairness, it seems to me. I move to amend by striking out "fifty" and inserting "thirty."

ing "thirty."

The CHAIRMAN. The motion comes too late, the amendments

of the committee having been adopted.

Mr. HALTERMAN. Mr. Chairman, I wish to say in regard to this case that it is a most meritorious one. This lieutenantcommander enlisted in the Navy in 1861 as a common seaman, and advanced step by step until at the time of the taking of Mobile he The committee divided; and there were—ayes 41, noes 4.
So the amendment was agreed to.

The question was taken on ordering the bill as amended to be Admiral Farragut was in the shrouds. He was promoted for bravery on that occasion. He remained in the service until his death. In the Chinese waters he contracted the malarious disease from which he died. His widow now supports his aged mother, who is an invalid and a paralytic, and I think that this lady is entitled to an increase of her pension to \$50 a month.

Mr. LOUDENSLAGER. Mr. Chairman, I hope the House will give this case fair consideration. The committee have endeavers

give this case fair consideration. The committee have endeavored to be conservative in their action on this bill granting to this widow a pension of \$50 a month, which is from \$25 to \$50 less than would be justified by several precedents. Even in this Congress we have passed bills at the rate of \$75 and \$100 per month—\$75 in a we have passed bills at the rate of \$75 and \$100 per month—\$75 in a case where the rank of the officer was only equal to that of this lieutenant-commander. The service which he rendered to his Government entitles his widow to receive at least fair and equitable treatment, and I trust that the Committee of the Whole will report this bill to the House with a favorable recommendation.

Mr. CURTIS of New York. Mr. Chairman, I rise for the purpose of correcting a remark of my friend Mr. MILNES, which I think was made without due deliberation, that the rank of this naval officer would correspond to that of a lieutenant-colonel.

Mr. MILNES. Lieutenant-commander.

Mr. CURTIS of New York. As I understand the matter, his rank would be that of captain. The fact that this man rose from the forecastle to the position that he occupied at the time of his

the forecastle to the position that he occupied at the time of his death is a consideration which must appeal strongly to this House when called on to recognize his merits as an officer, and, as the chairman of the Committee on Invalid Pensions has said, I believe the pension in this case should be retained at the figure named in the bill, especially as it will be, even at that figure, below many other pensions that have been granted in similar cases.

The bill was laid aside to be reported to the House with the rec-

ommendation that it do pass.

HANS JOHNSON.

The next business on the Private Calendar was the bill (S. 1495) granting a pension to Hans Johnson.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Hans Johnson, late corporal of Company I, Twenty-seventh Regiment Iowa Volunteer Infantry, and to pay said Johnson at the rate of \$50 per month from and after the date of the passage of this act.

Mr. THOMAS. Mr. Chairman, let the report be r The report (by Mr. THOMAS) was read, as follows: Mr. Chairman, let the report be read.

The Committee on Pensions, to whom was referred the bill (S. 1495) granting a pension to Hans Johnson, have had the same under consideration and

The report (by Mr. THOMAS) was read, as follows:

The Committee on Pensions, to whom was referred the bill (8. 1495) granting a pension to Hans Johnson, have had the same under consideration and report:

Hans Johnson, late corporal of Company I, Twenty-seventh Regiment Iowa Infantry, enlisted August 15, 1862, and was honorably discharged by reason of surgeon's certificate of disability June 14, 1865, at Montgomery, Ala. The claimant has drawn a pension, in sums varying from \$5.33\ a month to \$8\$, from the date of his discharge to July 28, 1890, when his application under the dependent pension law of June 27, 1890, was approved by the Pension Bureau at \$12 a month, for disease of the eyes and gunshot wound of the right thigh.

The testimony in the claim, too voluminous for detailed presentation, is clear and ample as to the following facts: That Johnson was a sound man when he entered the service, and continued so until attacked by dysentery, and the incurrence of the gunshot wound in his thigh, and the disease of the eyes which developed while in the service.

These facts are substantiated by the affidavits of the captain of his company who enlisted him, and of the comrades who served with him, as well as by the surgeon's certificate of disability on which he was discharged. Since the war the continuance and increase of his disabilities are testified to by twelve physicians of the best repute, residing in the claimant's city and covering all the years between 1888 to 1898, such physicians having either attended him professionally or certified to his condition as members of pension examination boards. His disabilities since the war and their progressive character are also testified to by the claimant's neighbors and associates, among whom is the name of ex-Gvo. Lucius F. Hubbard. The Hon. C. K. Davis, Senator, has also stated to the committee his personal tribute to the high character of the claimant, and of the progress of his disabilities within his observation. The sum of all this testimony is that the diseas

The amendment was agreed to.
The bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

ROBERT KIRACOFE.

The next business on the Private Calendar was the bill (S. 1017) granting a pension to Robert Kiracofe.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll the name of Robert Kiracofe, late a private in Company G. Eighty-first Ohio Volunteer Infantry, and pay him a pension at the rate of \$12 per month, in lieu of the amount he is now receiving.

The report (by Mr. LAYTON) was read, as follows:

The report (by Mr. LAYTON) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (S. 1017) granting a pension to Robert Kiracofe, having carefully considered the facts in the case, respectfully report:

August 27, 1823, the claimant enlisted in Company G, Eighty-first Ohio Infantry, and was honorably discharged July 13, 1865.

November 24, 1833, he made application under the general law, alleging disease of eyes and disease of lungs, and was granted a pension of \$2 per month for the first named disability.

May 27, 1891, he applied for increase, alleging catarrh, deafness, rheumatism, and resulting disease of heart, contracted in line of duty, in addition to the disability for which he was then pensioned. The testimony of four comrades sustains the allegation asto origin. Continuance is substantially proved. The examining board gives him the following rating: Disease of eyes, four-eighteenths; catarrh, two-eighteenths; rheumatism, two-eighteenths; disease of heart, two-eighteenths. April 11, 1894, the claim was rejected on the ground of "no record in the War Department; no medical testimony showing treatment in the service or at discharge, and testimony furnished not sufficient to establish origin in the service and continuance since discharge."

Thereafter, on June 6, 1894, he filed under the act of June 27, 1890, alleging rheumatism, disease of heart, catarrh, partial deafness, and disease of eyes. August 15, 1894, the report of the examining board shows that the claimant is disabled "equivalent to the loss of a leg at the knee for manual labor." March 2, 1896, he was granted a pension of \$6 under said act, for rheumatism and disease of heart, the other disabilities alleged not being considered, on the ground of "no ratable disability."

The medical and lay evidence in the case shows that the soldier is disabled for the performance of manual labor, and your committee are of opinion that he is entitled to the maximum rate under the act of June 27, 1890, as fixed by the bill wh

Mr. TALBERT. Mr. Chairman, the question in this case is whether we ought to be guided by the report of the regular examining board or by medical and lay evidence coming from outside. The report of the regular board says that—

The claimant is disabled "equivalent to the loss of a leg at the knee for manual labor." March 2, 1896, he was granted a pension of \$6 under said act, for rheumatism and disease of heart, the other disabilities alleged not being considered, on the ground of "no ratable disability."

The medical and lay evidence in this case is to the effect that the soldier is disabled for the performance of manual labor, and the committee on that ground recommend this pension. Now

the committee on that ground recommend this pension. Now the question is, Which ought we to be guided by, the report of the official board, or outside testimony given gratuitously?

Mr. LAYTON. Mr. Chairman, in answer to the gentleman from South Carolina, I will state to him that if this committee were to be governed by the report of the examining surgeons this applicant would be entitled to considerable more pension than the amount provided in the bill. Further, I call his attention to the fact that the Committee on Invalid Pensions of the House would have recommended giving this applicant the full amount, that he fact that the Committee on Invalid Pensions of the House would have recommended giving this applicant the full amount that he would be entitled to under the law, according to the report of the last board of examining surgeons, had it not been for the fact that the Senate bill had passed fixing the pension \$12 a month, and the committee did not desire to imperil the bill by submitting another amendment which might result in defeating its passage. According to the report of the last examining board this man's disability is equivalent to the loss of a leg below the knee, which, under existing law, would give him a pension considerably more than \$12 a month. \$12 a month.

A MEMBER. It would entitle him to \$36 a month.

Mr. LAYTON. Yes; he would be entitled according to the official report of the board of examiners to \$36 a month, but as the Senate had passed this bill pensioning him at the rate of \$12, the House committee thought it unwise to hazard the passage of the bill at this session by proposing to increase the amount, and therefore decided to adopt the Senate bill.

The bill was laid aside to be reported to the House with the

recommendation that it do pass

ELLEN DAY.

The next business on the Private Calendar was the bill (H. R. 6803) granting a pension to Ellen Day.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll the name of Ellen Day, stepmother of Albert L. Day, late private in Company K, Fifth Regiment Ohio Infantry, at the rate of \$12 per month.

Mr. ERDMAN. Let us have the report read. The report (by Mr. LAYTON) was read, as follows:

The report (by Mr. LAYTON) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 6803) granting a pension to Ellen Day, stepmother of Albert L. Day, having carefully considered the same, reports as follows:

The soldier, Albert L. Day, enlisted and was duly enrolled as a private of Company I, First Regiment Ohio Volunteer Infantry, April 20, 1861, and was killed in battle at Cedar Mountain Angust 2, 1882. He was never married.

The claimant, Ellen Day, was duly married to Berry Day, the father of said soldier, on the 17th day of August, 1847, at which time the said soldier was but 18 months old. From this time until the day of his enlistment she always treated him with the utmost kindness, the same as if he was her own son, and he always exhibited the greatest fondness and affection for her.

Said Berry Day, the father of said soldier, filed an application for pension as the dependent father June 17, 1885, but his claim was rejected March 1,

1886, on the ground of nondependence. Subsequently, by special act of Congress approved June 4, 1888, he was granted a pension of \$8 per month, which he continued to draw until his death, which occurred April 19, 1889.

The claimant never remarried. She is now aged and without any property whatever. She is in feeble health and has no income except what she is able to make by sewing for others. The foregoing facts are fully shown by the official records and the sworn testimony of persons having personal knowledge of the facts.

Your committee is therefore of the opinion that this stempether should

Your committee is therefore of the opinion that this stepmother should, in the spirit of the pension laws granting pensions to mothers of soldiers, be regarded and treated as the mother of said soldier, Albert L. Day, and does therefore recommend the passage of the bill, with the following amendment: Insert after the name "Ellen Day," in the fifth line thereof, the word "dependent."

The amendment recommended in the last paragraph of the

report was adopted.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

MAJ. GEN. JULIUS H. STAHEL.

The next business on the Private Calendar was the bill (H. R.

4534) to increase the pension of Maj. Gen. Julius H. Stahel.
Mr. THOMAS. Mr. Chairman, I move to substitute Senate bill
No. 1694, which is the same as the House bill.

The motion was agreed to.

The Senate bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to increase the pension of Julius H. Stahel, late major-general of volunteers in the Union Army, and pay same at the rate of \$100 per month, in lieu of what he now receives, from and after the passage of this act.

The report on the House bill (by Mr. MILES) is as follows:

The report on the House bill (by Mr. Miles) is as follows:

The report on the House bill (by Mr. Miles) is as follows:

The committee on Invalid Pensions, to whom was referred the bill (H. R. 6534) to increase the pension of Maj. Gen. Julius H. Stahel, having carefully considered the same, respectfully report:

Julius H. Stahel is a native of Hungary, who fought in the patriotic uprising of 1848 and 1849, and after the suppression of that movement he came to the United States, where he was engaged in the publication of a newspaper until the breaking out of the late war.

At the first call of President Lincoln for volunteers he gave up his business and enlisted, April 23, 1861, and continued in active service in the field, being promoted meanwhile for meritorious conduct, through various grades of rank to that of major-general, until after the battle of Piedmont, June 5, 1864, when, in consequence of a wound received while gallanty leading his division in that battle, he was ordered to Martinsburg and Harpers Ferry, for the purpose of collecting and organizing troops.

He was subsequently ordered to Baltimore on court-martial duty, and continued on such until February 8, 1865, when, owing to ill health, he resigned. General Stahel was unquestionably one of the most gallant soldiers who fought under the Union flag, and the Official Records of the Rebellion, a few extracts from which are hereunto appended, bear ample testimony to the valuable services rendered to the Union cause by him.

At the very beginning of the war he greatly distinguished himself. It was in the first battle of Bull Run that, under his command, the Eighth New York Volunteer Regiment repulsed the last two attacks of the enemy, and thereby completely checked their advance and pursuit of the Army.

At the second battle of Bull Run he again distinguished himself, and was complimented by General Schenek for his coolness and bravery.

On August 30, 1862, General Burnside, then in command of the Army.

At the second battle of Bull Run he again disti

DEPARTMENT OF STATE, Washington, October 24, 1885.

Department of State Washington, October 22, 1885.

My Dear Sir: I have this moment received your letter of this date resigning the position of consul-general at Shanghai, and make unfeigned expression of my sincere regret that the Government is to lose the services of so efficient and faithful an officer. And permit me to say how much my regret is increased by the cause of your resignation.

The record of your public service is unimpeachable, and I sincerely trust that in your new pursuit you may fully recover the health you have lost, and with it enjoy an ample and prolonged prosperity.

Very respectfully, your obedient servant,

T. F. BAYARD.

T. F. BAYARD.

After partially recovering his health he secured a business position in the city of New York in which he continued until recurring disease, infirmities, and the burden of old age compelled his final retirement from active life. General Stahel was entitled to a pension at the time of his resignation in 1865, but he was too conscientious to ask for Government aid so long as he was able to earn his living. After his retirement from active life he applied, in 1892, for the first time, for a pension, and since February, 1893, he has been in receipt of \$30 per month, and from March, 1895, of \$50 per month.

General Stahel received many letters of commendation and thanks from his superior officers, including Generals McClellan, Burnside, Schenck, Hunter, and others, set out in extenso in House Report No. 1689, Fifty-third Congress, second session, to which reference is hereby made.

He is now 70 years old, and in need of the increase asked for. In consideration of the fact that the Government saved many thousands of dollars by reason of his refusal to accept a pension more than eighteen years ago, when he could have obtained the same, it seems but just that this galiant soldier should receive liberal treatment in his old age.

Your committee therefore respectfully recommend the passage of the bill.

The Senate bill was laid aside to be reported to the House with the recommendation that it do pass.

The House bill was, by unanimous consent, laid on the table.

BETSEY J. WEBBER.

The next business on the Private Calendar was the bill (S. 178) granting a pension to Betsey J. Webber.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the general pension laws and regulations, the name of Betsey J. Webber, mother of Otis Webber, deceased, late private of Company K, Twenty-ninth Maine Regiment Infantry Volunteers.

The amendment reported by the committee was read, as follows: In line 6, before the word "mother," insert the word "dependent."

Mr. ERDMAN. Let us hear the report. The report (by Mr. SULLOWAY) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (S. 178) granting a pension to Betsey Y. Webber, having carefully considered the same, adopt the accompanying Senate report (No. 133) as their own, and respectfully recommend the passage of the bill with the following amendment:

In line 6, before the word "mother," insert the word "dependent."

[Senate Report No. 133, Fifty-fourth Congress, first session.]

Senate Report No. 133, Fifty-fourth Congress, first session.]

The Committee on Pensions, to whom was referred the bill (S. 178) granting a pension to Betsey Y. Webber, have examined the same and report:

Claimant is the dependent mother of Otis Webber, late private of Company K, Twenty-ninth Maine Volunteer Infantry. Soldier served from September 12, 1863, to August 22, 1865. There is much evidence on file to show that he received a sunstroke while in the line of duty, and it is conclusively shown that he exhibited aberrations of mind continually from the date of his return home to the time of his death, which occurred May 9, 1894, from drowning (suicide). It is also made to appear, by numerous affidavits, that soldier, during his service and whenever able to work after his discharge, contributed his earnings toward the support of his father and mother, who were in destitute circumstances.

A numerously signed petition, addressed to Hon. WILLIAM P. FRYE, sets forth that the parents are aged, sick, and infirm, and that they are subjects of public charity.

The mother filed a claim for pension under the act of June 27, 1890, which was rejected on the ground that soldier's death by drowning was not due to his military service, and hence that claimant had no pensionable status. It is true that the act of June 27, 1890, does require that dependent parents shall show that death came to the soldier as a result of army service, and hence the decision of the Pension Bureau was correct, under a strict interpretation of the law. But it should be borne in mind that the soldier's mental condition, which induced him to commit suicide, was probably the result of sunstroke in the service, although that can not be absolutely proved.

In considering the equities of the case your committee accept that as a probable fact, and, in connection with the further fact that the mother is sick and destitute, recommend favorable action on the bill.

The amendment reported by the committee was agreed to. The bill as amended was laid aside to be reported favorably to the House.

RICHARD WILCOXTON.

The next business on the Private Calendar was the bill (H. R. 4901) to pension Richard Wilcoxton for services in the late war.
The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he hereby is, authorized and directed to place on the pension roll of the Government the name of Richard Wilcoxton, late of Company G. First Ohio Heavy Artillery, for meritorious services, for severe disabilities received, and disease contracted by him while in the United States service during the late war, and to allow him a pension at the rate of \$12 per month, commencing on the 12th day of August, 1890.

The amendments reported by the committee were read, as fol-

Strike out of title "for services in the late war."
Strike out of lines 6, 7, and 8 the following: "for meritorious services, for severe disabilities received, and disease contracted by him while in the United States service during the late war."
Strike out of lines 10 and 11 the following: "commencing on the 12th day of August, 1890."

The amendments were agreed to.

Mr. THOMAS. I ask the adoption of the amendment which I end to the desk.

The Clerk read as follows:

In line 9, strike out the word "allow" and insert "pay;" so as to read "pay him a pension."

The amendment was agreed to.

Mr. ERDMAN. Let us hear the report. The report (by Mr. Kerr) was read, as follows:

The report (by Mr. Kerk) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 4901) to pension Richard Wilcoxton, submit the following report:

The committee, after careful examination of the bill, find the facts to be substantially as follows:

The soldier was a private in Company G. First Ohio Heavy Artillery, and was honorably discharged from the service.

He filed his claim for pension, under the act of 1890, on August 12, 1890, alleging partial disability to do manual labor from rheumatism, disease of the heart, spine, and kidneys. The claim was rejected on the ground "that no disability was found sufficient to give title to pension under said act."

From this decision an appeal was taken, with the contention that the medical board had not reported all his disabilities. This board reported "no rating." The rejection was affirmed.

He then applied for pension under the old law, which claim is still pending, and on the 20th of April, 1892, he was examined by a medical board, and it reported that he had the following disabilities and was entitled to the following rating, viz: For neuralgia, six-eighteenths; for rheumatism, four-eighteenths, and for disease of heart, six-eighteenths. Under former rulings of the Pension Bureau this would entitle soldier to \$12 per month under the law of 1890.

The committee are of the opinion that the soldier should have \$12 per month in analogy to rating under said law of 1890, and therefore recommend the passage of the bill with the following amendments, viz:

Strike out of title "for services in the late war."

Strike out of lines 6, 7, and 8 the following: "For meritorious services, for severe disabilities received, and disease contracted by him while in the United States service during the late war."

Strike out of lines 10 and 11 the following: "Commencing on the 12th day of August, 1890."

The bill was laid aside to be reported favorably to the House.

The bill was laid aside to be reported favorably to the House. JAMES EGANSON.

The next business on the Private Calendar was the bill (H. R. 7451) for the relief of James Eganson, of Henderson, Ky.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James Eganson, late seaman, United States Navy, serving on ships Pennsylvania and United States, and pay him a pension of \$12 per month.

Mr. ERDMAN. Let us hear the report. The report (by Mr. Baker of Kansas) was read, as follows:

Mr. ERDMAN. Let us hear the report.

The report (by Mr. Baker of Kansas) was read, as follows:

The Committee on Pensions, to whom was referred the bill (H. R. 7451) entitled "A bill for the relief of James Eganson," beg leave to submit the following report, and recommend that said bill do pass without amendment:

The claimant enlisted May 17, 1841, in the United States Navy and served as an ordinary seaman aboard the Pennsylvania and the United States until October 14, 1844, when honorably discharged. On July 31, 1893, he filed an application for pension, declaring that in February, 1842, he contracted rheumatism, but as the record failed to show treatment for the disease while in the service and the claimant could not meet all the requirements of the Pension Bureau as to proof, the claim was rejected. The examiner in charge of the claim seems to have been convinced of its merits, for the brief shows that he recommended its allowance, but the board of review declined to accept the evidence as sufficient.

Joseph J. Holland, a reputable and trustworthy citizen of Yates County, N. C., swears that he served aboard the United States with the claimant, and knows that after a cruise around Cape Horn as a part of the South Pacific squadron he (claimant) was afflicted with what his messmates called "gout." This was after a particularly stormy and difficult passage around the Horn, and the hardship and exposure had been great. The claimant limped around on deck and complained of rheumatism. Holland's name is borne on the rolls of the ship United States, along with that of the claimant for more than thirty years, testify that off and on during that entire period he has been a sufferer from rheumatism.

The Henderson, Ky., board of pension examining surgeons reported, under date of October 25, 1898, that claimant was 74 years old, and a sufferer from tender joints, with limitation of motion and atrophy of muscles.

Your committee believe that the evidence fairly proves the claim, and that the relief prayed for can very p

The bill was laid aside to be reported favorably to the House. ELIZABETH T. ANDERSON.

The next business on the Private Calendar was the bill (H. R. 7121) to restore Mrs. Elizabeth T. Anderson to the pension roll.

The bill was read, as follows: Be it enacted, etc., That the Secretary of the Interior be, and is hereby, authorized and directed to restore to the pension roll the name of Mrs. Elizabeth T. Anderson, of Cartersville, Ga., and pay her a pension at the rate of \$\$8\$ dollars per month as the widow of John Anderson, of Loyal's company, Second Georgia Volunteers, Creek war, beginning with the date from which she was last paid.

The amendments reported by the committee were read, as fol-

In line 8 strike out "with" and insert "on."
At the end of the bill strike out the words "from which she was last paid" and insert the words "of the approval of this act."

Mr. ERDMAN. Let us have the report. The report (by Mr. BLACK) was read, as follows:

The report (by Mr. Black) was read, as ionows:

The Committee on Pensions, to whom was referred the bill (H. R. 7121) entitled "A bill to restore Mrs. Elizabeth T. Anderson to the pension roll," beg leave to submit the following report, and recommend that said bill do pass with an amendment:

The claimant is the widow of John Anderson, who served as a musician in Captain Loyal's Company Georgia Volunteers, Creek war, 1836.

The following letter from the Commissioner of Pensions contains a full history of the claim at the Pension Bureau, and in the judgment of your committee the facts are such as to justify the proposed restoration of the claimant's name to the rolls, with an amendment fixing the date of the commencement of pension on the date of the passage of the act.

Department of the Interior, Bureau of Pensions,

DEPARTMENT OF THE INTERIOR, BUREAU OF PENSIONS, Washington, February 27, 1896.

Sir: In response to your personal inquiry in respect to the claim for pension No. 2167, of Mrs. Elizabeth T. Anderson, widow of John Anderson, musical face down on his pillow. By reason of these complicated diseases he is incapacitated from manual labor, and the degree of his disability is, in my opinion, equal to the loss of an arm or leg.

This lady was pensioned from April 5, 1893, at \$8 per month, on account of the service of her husband in an Indian war, under the provisions of the act of July 27, 1892, and drew this pension until September 13, 1895, when her name was dropped from the rolls, as it was found that the allowance had been erroneous in that the soldier had not performed the requisite thirty days' service to give her title under the aforesaid law. Upon reference to

the report of the Auditor for the War Department, I find that soldier was enrolled June 9, 1836, at Columbus, Ga., and discharged July 7, 1836, at the same place, and that he was paid from June 9, 1836, to July 19, 1836, one month and eleven days, including twelve days' travel.

In determining the period of service in cases of this kind the Bureau is governed by departmental decision No. 79, dated March 30, 1894, a copy of which is herewith inclosed, in which it is held that the actual service of a soldier can not be reckoned from the time during which he was paid, but by the period of actual service after reaching the place of rendezvous until his return to said rendezvous. It does not appear that any better explanation of the action in this case can be made than by reference to the decision itself, the terms of which exclude all other period for which paid than that covered by the period between arrival at rendezvous and return to rendezvous. Under these circumstances there was no other action for the Bureau than to drop pensioner's name from the rolls.

WM. LOCHREN, Commissioner.

WM. LOCHREN, Commissioner.

Hon. John W. Maddox, House of Representatives.

The bill as amended was laid aside to be reported favorably to the House.

FRANCIS M. ROSS.

The next business on the Private Calendar was the bill (H. R. 5986) granting pension relief to Francis M. Ross.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, directed to reinstate upon the pension roll the name of Francis M. Ross, of Montrose, Iowa, late a soldier of Company B. Forty-second Indiana Infantry, and shall pay him the pension he was receiving under invalid's certificate No. 204687, and that said payment shall date and continue from May 31, 1895, at which time the name of said Ross was dropped from the pension roll; and the said Ross shall be entitled to receive any increase of pension he may be lawfully entitled to upon establishing his case before the Pension Bureau under the laws of the United States, anything in this act notwithstanding.

The amendments reported by the committee were read, as fol-

Amend the bill by striking out all after the enacting clause and substituting the following:

"That the Secretary of the Interior be, and he is hereby, authorized and directed to place upon the pension roll the name of Francis M. Ross, late a private in Company B, Forty-second Indiana Infantry, and pay him a pension of \$12 a month."

Amend the title by striking out the word "relief."

Mr. ERDMAN. Let the report be read.

The report (by Mr. Baker of Kansas) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 5986) restoring the pension of Francis M. Ross, respectfully report:

The facts in this case are these: Francis M. Ross, of Montrose, Lee County, Iowa, formerly a private in Company B. Forty-second Indiana Infantry, drew a pension of \$12 a month under certificate No. 204667. His application for increase was before the Bureau of Pensions from 1892 until May 27, 1895, when he received this notice:

DEPARTMENT OF THE INTERIOR, BUREAU OF PENSIONS, Washington, D. C., May 27, 1895.

Washington, D. C., May 27, 1835.

Sir: I have to advise you that your name has this day been dropped from the pension roll, certificate No. 204667, for the reasons set forth in my letter to you under date of December 11, 1894, viz, that the disability for which the pension was allowed has ceased to exist in a pensionable degree.

WM. LOCHREN, Commissioner.

In establishing his claim for an increase he filed with the Commissioner of Pensions the following affidavits of physicians of his county of established practice, distinguished personal character, and high repute in their profession:

KEOKUK, June 10, 1892.

STATE OF IOWA. Lee County:

STATE OF IOWA, Lee County:

This certifies that I am a resident of Keokuk, Iowa, Lee County; was formerly of Montrose, Iowa; was a practicing physician of Montrose for ten years; have known Francis M. Ross for several years; became his family physician in 1883, and have continued to be such ever since; was called to see him for heart trouble on the 18th day of September, 1885, and have examined him and treated him for said trouble on a number of occasions since. He has a chronic organic lesion of the heart, hypertrophy with valvular insufficiency, also regurgitation (mitral), such disability bringing about a very serious train of symptoms, such as difficulty in breathing, smothering spells when lying down, pain in the region of the heart, and upon the least exertion there occurs a severe attack of palpitation. He is unfit for manual labor, and especially labor that would require much walking or lifting. His degree of disability is more than it would be from the loss of leg or arm. I have no interest in the prosecution of this claim.

JOHN J. RIGG, M. D. JOHN J. RIGG. M. D.

MONTROSE, LEE COUNTY, IOWA, September 16, 1890.

Montrose, Lee County, Iowa, September 16, 1890.

In the matter of the claim of F. M. Ross, late private in Company B. Fortysecond Regiment of Indiana Volunteer Infantry, for increase of pension.

Personally appeared before me, a notary public in and for said county and State, J. M. Anderson, M. D., whose post-office address is Montrose, Lee County, Iowa, whom I certify to be reputable and entitled to credit, and declares in reference to the above case as follows:

I have been intimately acquainted with said soldier for twenty-five years, and a portion of that time was his family physician. I treated soldier about eighteen years ago for pleuro-pneumonia, and discovered at that time that he had chronic pleurisy with lesion. The exact date of my first treatment I can not give. I have prescribed for him at different times since, and have made a careful physicial examination of his condition quite recently, and find cardiac enlargement and mitral insufficiency; also enlargement and induration of liver and spleen, and inability to lie down except upon his abdomen, his face down on his pillow. By reason of these complicated diseases he is incapacitated from manual labor, and the degree of his disability is, in my opinion, equal to the loss of an arm or leg.

I am 70 years old; have practiced medicine forty-eight years, and I have no interest in the prosecution of this claim.

J. M. ANDERSON, M. D.

and who, being duly sworn, declares in relation to aforesaid case as follows: I am a practicing physician, and have been acquainted with said soldier for a short time. I never attended claimant professionally, but have made an examination of his physical condition at this date at his own request, and have found the following disabilities:

He has chronic pleurisy, affecting both lungs. Some emplysemia of left lung, sight over base of right lung. Pleuritic adhesions of left lung, causing dry, hacking cough, particularly at night. Can't lay on his back or on either side for any length of time, causing dyspnœa; bowels tympanitic, spleen enlarged, hypertrophy of heart, and anæmia. Disabilities increase in cold and damp weather, and are in such a degree as to disable him from doing any manual labor. The disability did exist, as claimant states, while in the service.

The above affidavit is in my own handwriting, and in making the same I did not use and was not aided or prompted by any written or printed statement verified, prepared, or dictated by any other person and not attached as on credit of my testimony.

A. WEISMAN, M. D., Keokuk, Lova.

A. WEISMAN, M. D., Keokuk, Iowa.

KEOKUK, IOWA, January 15, 1894.

Keokuk, Iowa, January 15, 1894.

In the pension claim, No. 204667, of Francis M. Ross, of Montrose, Iowa, I respectfully submit the following in regard to the case: I have known said soldier intimately over ten years and have been his family physician the greater part of this time. He has suffered from chronic pleuritis, with adhesion over the lower lobe of left lung; also hypertrophy of heart, with valvular insufficiency; also fermentative dyspepsia, resulting in a chronic gastritis; has dropsical effusions around the heart and in the abdominal cavity, also of the left leg and foot, and hyperthesia of entire left side. Is now totally disabled so far as earning a support by manual labor is concerned. His disabilities are permanent and progressive, and were not caused by vicious habits; and in view of the above facts, and knowing the condition of soldier, both physically and financially, I would regard his case deserving of more than his present rating, and respectfully recommend the increase asked for.

Respectfully submitted.

JOHN J. RIGG, M. D.

JOHN J. RIGG, M. D., Member Board United States Pension Examiners, Keokuk, Iowa.

MONTROSE, IOWA, December 18, 1894.

In regard to the case of F. M. Ross, would state that I have this day examined him and found the following conditions in regard to pleurisy, viz:

Adhesions of all the lower lobe of left lung; also emplysemia of lower lobe of left lung; would further state that I have been intimately acquainted with claimant for past six years, have prescribed for him frequently during that time for pleurisy, and, in fact, whenever he contracts a cold he is troubled more or less; it is chronic form, is progressive and permanent. His disability is real, without the least shadow of doubt. Would state that I have no interest whatever in the prosecution of this claim.

H. CARNES, M. D.

These medical opinions establish the right of Mr. Ross to the pension and amply justify the passage of this bill. We recommend that the bill do pass, with the following amendments:

Amend the title by striking out the word "relief."

Amend the bill by striking out all after the enacting clause and substituting the following:

"That the Secretary of the Interior be, and he is hereby, authorized and directed to place upon the pension roll the name of Francis M. Ross, late a private in Company B. Forty-second Indiana Infantry, and pay him a pension of \$12 a month."

The amendments reported by the committee were agreed to. The bill as amended was laid aside to be reported favorably to

JOHN BEAIRD.

The next business on the Private Calendar was the bill (H. R. 7457) granting an increase of pension to John Beaird.

The bill was read, as follows;

Be it enacted, etc., That the Secretary of the Interior is authorized and directed to place upon the pension roll, at the rate of \$50 per month, John Beaird, late sergeant, Company E. Eleventh Regiment Missouri Volunteer Infantry, the same to be in lieu of the pension now received.

In line 4 strike out "fifty" and insert "thirty;" so as to make the rate of pension \$30 per month. The amendment reported by the committee was read, as follows:

Mr. ERDMAN. I ask that the report be read. The report (by Mr. Kerr) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 7457) granting an increase of pension to John Beaird, submit the following report:

7457) granting an increase of pension to report:
This soldier was a sergeant in Company E, Eleventh Missouri Volunteers, enlisted on the 20th day of July, 1861, and was discharged on the 28th day of September, 1863 by reason of gunshot wound. He was wounded in the battle of Vicksburg, Miss., on the 23d day of September, 1863. A ball entered his hip, penetrated to the bone, and ranged downward to the knee. The whole course of the ball is 20 inches. A portion of the muscles of the thigh were destroyed, and along the whole course they are adherent to the bone. He is a very heavy man, and by reason of this wound he is wholly incapable of doing any manual labor. It is only with great difficulty that he can walk about.

about. He is at present drawing a pension of \$17, and an application for an increase

He is at present drawing a pension of \$17, and an application for an increase has been rejected.

An examining surgeon for the Pension Office, as far back as 1874, reported as follows:

"It (the wound) must necessarily render locomotion both irksome and painful during life."

In 1867 an examining surgeon reported him three-fourths disabled. A medical board in 1888 reported him as entitled to second grade, and one in 1892 reported him as entitled to third grade. This latter board reported as follows:

"For purposes of manual labor, it is our judgment, after a careful weighing of all the facts in the case, that the disability is equivalent to the loss of a hand or foot. We therefore recommend a rating of third grade. The present rating seems utterly inadequate to so severe a wound."

Dr. E. H. Poccock testifies that he has known Mr. Beaird for ten years, and that during that time, by reason of said wound, he has been wholly incapacitated from doing manual labor.

Dr. E. V. Kendig, a member of the medical board of Ashland, Ohio, testifies that he has knowh the soldier for ten years last past, and has been his family physician, and that he is not able to do any manual labor.

The whole case leaves no doubt in the minds of the committee but that the soldier is entitled and has most satisfactorily proven his right to a pension of \$30 per month.

We therefore recommend the passage of the bill with an amendment striking out of line 4 the word "fifty" and inserting "thirty."

The amendment reported by the committee was agreed to.
The bill as amended was laid aside to be reported favorably to the House.

ALPHONZO O. DRAKE.

The next business on the Private Calendar was the bill (H. R. 7205) granting a pension to Alphonzo O. Drake, late a private in Company E, Second Regiment Rhode Island Volunteers.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Alphonzo O. Drake, late a private in Company E, Second Regiment Rhode Island Volunteers.

Mr. ERDMAN. Let us have the report read. The report (by Mr. POOLE) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 7205) granting a pension to Alphonzo O. Drake, late a private in Company E. Second Rhode Island Regiment Volunteer Infantry, submit the following

Second Rhode Island Regiment Volunteer Infantry, submit the following report:

Alphonzo O. Drake enlisted in the Second Rhode Island Regiment August 15, 1894, and was discharged June 26, 1895. April 1, 1897, he again enlisted in Company I, Thirteenth United States Infantry, and was discharged May 16, 1898. On the 7th of December, 1899, he entered for the third time in Company A, Fifth United States Artillery, and was discharged April 1, 1870. While in the volunteer service he was treated in hospital for scurvy, erysipelas, chronic ulcers of right leg, and epilepsy, and the records show that he was discharged from the Regular Army twice on account of epilepsy. His claim for pension under the general law was rejected April 21, 1885, on the ground that the cause alleged—epilepsy—existed prior to his enlistment. In a decision by the Secretary of the Interior affirming the action of the Pension Bureau in this claim, the honorable Secretary says that the testimony strongly tends to show that claimant had epileptic fits before the first enlistment, and further says whether that be so or not the evidence is manifestly insufficient to prove that the disease originated in the service and line of duty.

strongly tends to show that claimant had epileptic fits before the first enlistment, and further says whether that be so or not the evidence is manifestly insufficient to prove that the disease originated in the service and line of duty.

The records of the Pension Bureau admit the fact that Drake served in the Second Rhode Island nine months before any evidence of epilepsy appeared, and these records show that there was no direct evidence that he ever had epilepsy before the war.

We have examined the affidavit made by William E. Randall, of Warwick, R. I., who swears that he has known Drake intimately since he was 5 years old, and that he never knew of his having any epileptic or other fits; that he was a trong boy and man; that he worked with him during the year 1862, seeing him every day.

Albert H. Randall, of Pawtucket, R. I., makes an affidavit that he has known Drake since he was 10 years old, and that in 1862 said Drake worked for him, and that during all the time he had known him before the war Drake never had a fit of any kind, but was a strong, able-bodied man.

Sara Lewis, of Providence, R. I., makes affidavit that she has known Alphonzo O. Drake since he was 8 years old, and that he lived in her house from 1856 until the war, and that during that entire time he never had a fit of any kind, but was a strong and able-bodied.

Olive T. Drake, the claimant's mother, makes an affidavit in which she says that some years ago, when she was in a mental condition which unfitted her for testifying, she was approached by a special examiner of the Pension Bureau, who caused her to say that her son had epileptic fits before the war and from his boyhood. She now swears that such statements were utterly untrue; that her son never had a fit of any kind before he first enlisted, and that he was strong and well from his birth up.

We have also the affidavit of Dr. Lorenzo Travis, of Providence, R. I., as to Drake's condition for the past ten years. He says:

"He is totally disabled for manual labor by reason of the

Mr. THOMAS. I offer an amendment for the purpose of perfecting the bill.

The Clerk read as follows:

In line 7 strike out "s" in the word "Volunteers" and insert the word "Infantry;" also amend the title so as to read: "A bill granting a pension to Alphonso O. Drake."

The amendments were agreed to.

The amendment recommended by the committee was agreed to.
The bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

NANCY T. DUNCKLEE.

The next business on the Private Calendar was the bill (S. 1787) granting a pension to Nancy T. Duncklee.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Nancy T. Duncklee, dependent stepmother of Lucian A. Duncklee, late of Company C, Sixteenth Regiment New Hampshire Volunteer Infantry, at the rate of \$12 per month.

Mr. ERDMAN. Let the report be read. The report (by Mr. Sulloway) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (S.1787) granting a pension to Nancy T. Duncklee, having carefully considered the same, adopt the accompanying Senate report (No. 165) as their own, and respectfully recommend the passage of the bill.

[Senate Report No. 165, Fifty-fourth Congress, first session.]

The Committee on Pensions, to whom was referred the bill (S. 1787) granting a pension to Nancy T. Duncklee, have examined the same and report:

Lucien A. Duncklee enlisted October 10, 1862, and served until August 9, 1863.

being discharged for disability from chronic diarrhea. He died at Mattoon, Ill., August 23, 1863, on his way home from the Army, at the age of 19 years. Joel W. Duncklee, soldier's father, applied for and received pension as dependent father, which he continued to draw until the date of his death, on the 4th day of April, 1889.

Claimant under this bill is the dependent stepmother of said soldier. She married Joel W. Duncklee when the soldier and a twinsister were only a few months old, and testimony shows that she was a devoted and kind mother to them. She is now 76 years of age, and in very straitened circumstances. The following affidavit from Dr. D. S. Dearborn, of Milford, N. H., will speak for itself:

MILFORD, N. H., January 20, 1896.

This certifies that I, Darius S. Dearborn, have been family physician for the late J. W. Duncklee during the past fifteen years.

His widow, Nancy T. Duncklee, is a wreck, both physically and mentally; is unable to perform labor, and is wholly unfit to take care of herself; in all probability will never be able to do any more work. Her mental condition is growing constantly worse.

D. S. DEARBORN, M. D. MILFORD, January 20, 1896.

STATE OF NEW HAMPSHIRE, Hillsboro, ss:

Personally appeared this day D. S. Dearborn, M. D., and made oath to the truth of the statement by him signed.

Before me,

[SEAL.]

J. M. LAWS, Notary Public.

The fact that claimant is not the mother of the soldier bars her from pension under the general laws, but the further fact that she tenderly cared for soldier from early infancy gives her title to pension by special act, there being many precedents for such legislation.

Your committee report the bill back favorably, with a recommendation that it do pass.

The bill was laid aside with the recommendation that it do pass.

DUDLEY F. BROWN.

The next business on the Private Calendar was the bill (S. 1311) granting an increase of pension to Dudley F. Brown. The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Dudley F. Brown, late private of Company A., Sixth New Hampshire Volunteer Infantry, and pay him a pension at the rate of \$20 per month, in lieu of that he is now receiving, payable to his legally-constituted guardian.

Mr. ERDMAN. Let us have the report. The report (by Mr. Sulloway) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (S. 1311) granting an increase of pension to Dudley F. Brown, late private Company A, Sixth New Hampshire Volunteer Infantry, having examined and carefully considered the facts and circumstances presented in this case, respectfully adopt the report of the Senate Committee on Pensions, and recommend that the bill do pass.

[Senate Report No. 58, Fifty-fourth Congress, first session.]

The Committee on Pensions, to whom was referred the bill (S. 1311) granting an increase of pension to Dudley F. Brown, have examined the same and

ing an increase of pension to Dudley 7. Details and increase of pension to Dudley 7. Details and was wounded while in the line of duty. He applied for pension under the general law, but pending the consideration of his claim became so necessitous that he sought relief under the act of June 27. 1890, and was pensioned at the rate of \$12 per month, which amount he now draws. Shortly after being pensioned he showed signs of insanity, and is now confined in the New Hampshire Asylum for the Insane, at Concord, N. H., a hopeless lunatic. The affidavit of Dr. Charles P. Bancroft, superintendent of said asylum, is as follows:

NEW HAMPSHIRE ASYLUM, Concord, N. H., January 7, 1896.

NEW HAMPSHIER ASTLUM,
Concord, N. H., January 7, 1896.

Dear Sir: At the request of Weare N. Shaw, the guardian of Dudley F.
Brown, I hereby depose and say that Dudley F. Brown is in a state of chronic
delusional insanity. He has been here twice. The first time he was committed here on the lith of August, 1892. He had a history then of having been
insane about three years. His case apparently was one of organic disease of
the brain.

He had hallucinations of hearing and the persistent delusions that are
characteristic of long-continued insanity.

After his commitment at the asylum he continued very nicely for a while,
and so far improved that his wife thought it was reasonably safe to try him
out again. He was discharged from the asylum after his first commitment
on the 5th of May, 1893.

Two months after he left the asylum he appeared quite rational, and then
he began to make unusual remarks. He complained of the heat of the sun,
and was unable to work out of doors except in the cool of the day. He endeavored to make shoes, his trade being that of a shoemaker, but he conld not
apply his mind continuously. He complained of his head quite constantly,
and it was not long before he began to manifest delusions, that batteries were
at work on his head, and that somebody was discharging electricity through
his body.

He could not sleep nights because of these morbid ideas and sensations.
He finally grew more confused and dazed, remaining out in the woods all night
without any covering, and was recommitted at the asylum on the 9th of February, 1894.

His condition is evidently one of structural brain disease, and there is no

without any covering, and was reconstructural brain disease, and there is no probability that he will ever regain his natural state of mind, and it is also quite certain that he can never be self-supporting and must always depend upon the charity of others for his maintenance.

CHARLES P. BANCROFT, M. D.,

Superintendent New Hampshire Asylum for Insane.

Hon. JACOB H. GALLINGER.

Personally appeared before me the above-named Charles P. Bancroft and took oath that the above statements made by him concerning the mental condition of Dudley F. Brown are true. J. H. CASE, Justice of Peace.

This case is one that strongly and properly appeals to Congress for relief.

Your committee recommend that the bill do pass.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

ORDER OF BUSINESS.

Mr. THOMAS. Mr. Chairman, several members have come to Mr. THOMAS. Mr. Chairman, several members have come to me and informed me that they had bills of special interest and importance which ought to be passed at this session, and I am inclined to waive the right of calling the regular order and allow the balance of the session of to-day to be devoted to unanimous consents, with the understanding that if on Friday evening we make some arrangement by which the roll shall be called or any other method is reached for allowing members to present bills, those persons who have been recognized to present bills to-day other method is reached for allowing members to present bills, those persons who have been recognized to present bills to-day shall be skipped when the names are called until all of the other members have an opportunity, and with that understanding I will waive all objection to present unanimous consents for the balance of the session this afternoon.

Mr. ATWOOD. I object, and demand the regular order.

The CHAIRMAN. It is in the power of the committee, the Chair would suggest, to move to pursue such course as it pleases in reference to taking up bills under the rule.

Mr. THOMAS. I move that that course be taken during the present session for the remainder of the afternoon.

Mr. ERDMAN. I raise the point of order that that is not in

Mr. ERDMAN. I raise the point of order that that is not in order.

The CHAIRMAN. If the committee will give its attention, the Chair will read the clause of the rule:

In Committee of the Whole House, business on their calendars may be taken up in regular order, or in such order as the committee may determine, unless the bill to be considered was determined by the House at the time of going into committee; but bills for raising revenue, general appropriation bills, and bills for the improvement of rivers and harbors shall have precedence.

The Chair thinks the motion is in order.

Mr. HULICK. I desire to submit a parliamentary inquiry. We are acting under a special rule of the House, under which this class of pension bills is to be taken up. Now, can we, in Committee of the Whole, and in derogation of that rule, change the order?

The CHAIRMAN. The Chair has just read the rule authorizing the committee to determine the order in which bills will be taken up. The rule of the House under which we are acting, the special order, authorizes the consideration of bills that would come up under the ordinary rule at the Friday evening session. But the order of their consideration is a matter for the committee to determine.

Mr. McCREARY of Kentucky. The rule did not establish any order by which the bills should be taken up, and I think the motion of the gentleman from Michigan is clearly in order.

The CHAIRMAN. The Chair has so held.

The question being taken on the motion of Mr. Thomas, on a division (demanded by Mr. Erdman) there were—ayes 58, noes 29.

So the motion was agreed to.

JOSEPH E. VANTINE.

Mr. WILLIS. Mr. Chairman, I call up for present considera-tion the bill (H. R. 7969) to increase the pension of Joseph E.

Vantine. The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place the name of Joseph E. Vantine, late first-class fireman on the U.S. S. Richmond, United States Navy, on the pension roll at the rate of \$72 per month, in lieu of his present pension.

Mr. ERDMAN. Let us have the report read.

The report (by Mr. MILES) was read, as follows:

Mr. ERDMAN. Let us have the report read.

The report (by Mr. Miles) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 7969) to increase the pension of Joseph E. Vantine, late first-class fireman on the U. S. S. Richmond, United States Navy, having carefully examined and fully considered the facts presented, respectfully report:

Joseph E. Vantine enlisted in the United States Navy May 19, 1857, as second-class fireman on the U. S. S. Minnesote; promoted to first-class fireman May 28, 1857, and served as such to June 10, 1859, when discharged.

He reenlisted as first-class fireman July 13, 1861, and served on the North Carolina to July 27, 1861; on the Richmond from July 28, 1861, to August 29, 1864; on the Princeton from August 30, 1864, to September 9, 1894, when honorably discharged.

Joseph E. Vantine was the first man to suggest the use of chain cables hung over the sides of vessels for protection from the enemy's missiles, and the efficiency of the device was demonstrated by Commodore Farragut's squadron on the Lower Mississippi in April, 1862, in the passage of Forts Jackson and St. Phillip and the encounter with the Confederate ram, and it resulted in the capture of New Orleans, La. This chain armor was used afterwards on board the Kearsarge in her capture of the Alabama.

In the attack on Fort Hudson, La., March 14, 1863, a shot from the enemy's guns struck the boilers of the Richmond, and the fire room and other parts of the vessel were filled with steam, when he, under great difficulties drew the fires from under the boilers and prevented them from exploding, thus saving the ship and perhaps many lives. While this was being done he became exhausted from the heat and cooking steam and had to be relieved every few moments, until by his persistent intrepdity and assiduous efforts the grand work was accomplished. For this heroic act he received special complimentary mention in the admiral's report, and was afterwards presented with a bronze "medal of honor" by

injury to his back about July, 1861, while removing a part of an iron ventilator from the port coal bunker of his vessel, and that this injury was enhanced and the disability aggravated by the arduous work at Port Hudson, La., in March, 1863, and the disability has increased with his advancing years; and that he had a stroke of apoplexy August 6, 1895, and is now suffering with complete paralysis of the right side and entire loss of the power of speech; and that he is now totally and permanently helpless, and, his physician says, "will probably never be any better." He has three minor children and he is now in such condition as to require the care and attention of another person.

person.

In view of the testimony, from which it is reasonable to conclude that his paralysis is a result of his naval service, and in view of his gallant and meritorious service, your committee earnestly recommend the passage of the bill without amendment.

Mr. BRUMM. Mr. Chairman, a parliamentary inquiry. I would like to ascertain if the Chairman has a list of members for recognition, prepared before this resolution was passed?

The CHAIRMAN. The Chair is preparing a list of applications

as they come. Mr. BRUMM.

Mr. BRUMM. That is no answer to the question.
Mr. McCREARY of Kentucky. That is not a parliamentary

inquiry.

Mr. JOHNSON of Indiana. That is not a fair question any way.

The CHAIRMAN. The question is on laying aside the bill.

The bill was laid aside with the recommendation that it do pass.

DAVID N. THOMPSON.

Mr. TALBERT. Mr. Chairman, I desire to call up the bill (H. R. 6765) to increase the pension of David N. Thompson. The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to increase the pension now paid to David N. Thompson, late a private of Company C, Thirty-fourth Regiment Illinois Infantry Volunteers, and pay him the sum of \$72 per month, in lieu of the pension that he is now receiving.

The Committee on Invalid Pensions recommended an amendment as follows:

In line 7 strike out the word "seventy-two" and insert the word "thirty."

Mr. ERDMAN. Let us have the report read. The CHAIRMAN. Let the report be read in the gentleman's time.

The report (by Mr. BAKER of Kansas) was read, as follows:

The report (by Mr. Baker of Karsas) was read, as follows:

The Committee on Invalid Pensions, having had under consideration the
bill (H. R. 6765) to increase the pension of David N. Thompson, respectfully
report:

This soldier served from February 2, 1864, to July 27, 1865. He was treated
in service for chronic diarrhea and remittent fever, as shown by the record.
He is pensioned at \$12 per month under act of June 27, 1890. The report of
his last medical examination by a board of surgeons, made February 13, 1895,
describes some disability due to chronic diarrhea and great disability, apparently from disease of nervous system, but no rate fixed for any disability,
as, at the time the examination was made, the surgeons were not allowed to
rate.

as, at the time the examination was made, the day.

The testimony of Dr. L. C. Kern shows that by paralysis claimant is totally disabled and requires aid in dressing. Other evidence filed with this committee shows that claimant became overheated and suffered with brain fever as well as chronic diarrhea in service, that he was weak and emaciated when he came home and never fully recovered, and his present helpless condition is believed to be due to exposure in the service.

Claimant alleges poverty and that he has three persons to support. Your committee consider the bill one of merit, and recommends its passage with an amendment striking out "seventy-two," in line 7, and inserting in lieu thereof "thirty," so as to give him a pension of \$30 per month.

The amendment recommended by the committee was agreed to.
The bill as amended was ordered to be laid aside to be reported to the House with a favorable recommendation.

CAROLINE WILKINSON.

Mr. ELLETT. Mr. Speaker, I desire to call up the bill (H. R. 1513) granting a pension to Caroline Wilkinson.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Caroline Wilkinson, of Chesterfield County, Va., the daughter of John Spears, a soldier in the Revolutionary war, who enlisted from Virginia, and pay her a pension of \$12 per month.

Mr. ERDMAN. Let us have the report read. The CHAIRMAN. Let the report be read in the gentleman's

The report (by Mr. Loudenslager) was read, as follows:

The Committee on Pensions, to whom was referred the bill (H. R. 1518) entitled "A bill granting a pension to Caroline Wilkinson," beg leave to submit the following report, and recommend that said bill do pass without

mit the following report, and recommend that said bill do pass without amendment:

The claimant is the daughter of John Spears, who served as a private for fifteen months in the regiment commanded by Colonel Goode, Virginia Line, war of the Revolution. The service is a matter of record, and he was a pensioner on account of same until his death in 1842. His widow, Susanna Spears, was also a pensioner until her death.

Mrs. Wilkinson, the claimant, is a widow, 75 years old, in indigent circumstances, and dependent upon others for supports.

The relationship of the claimant to the soldier is shown by the sworn statements of John S. Sims, William Phaup, and other aged citizens of Chesterfield County, Va.

There are several precedents for the proposed legislation, and in view of the claimant's great age and dependent circumstances, your committee believe that such precedents may very properly be followed in this case.

The bill was ordered to be laid aside to be reported to the House with a favorable recommendation.

BRADBURY W. HIGHT.

Mr. HAGER. Mr. Chairman, I call up the bill (S. 1949) granting an additional pension to Capt. Bradbury W. Hight.
The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll the name of Bradbury W. Hight, late of Company C, Second Regiment Vermont Volunteer Infantry, at the rate of \$72 per month, in lieu of his present pension of \$17 per month.

Mr. ERDMAN. Mr. Chairman, I should be very glad to have the report in this case read, but it is so manifestly contrary to the actual facts that I will submit a memorandum presented to me by the gentleman who offers this bill [Mr. HAGER], and let that be read as the report.

The Clerk read as follows:

The Clerk read as follows:

Disease causing total blindness different disease from that for which pension granted. Pensioner has high degree of hyperopia (a congenital defect in shape of the eyeball). This causes very little trouble in childhood and youth, but when maturity is attained, the defect becomes manifest and declares itself by headaches and superficial inflammatory attacks. In this case the defect was unequal, the right eye having double the defect of the left. The result of this unequal refraction of the two eyes is that the more perfect is used to the exclusion of its fellow. Glaucoma is an acute inflammatory affection occurring, as a rule, in people of 40 years of age and upward, and also occurring most frequently in cases of extreme hyperopia. It is impossible that glaucoma could have been induced by the service or that it could have subsequently arisen as a remote result of army service.

Mr. LOUD. I should like to ask if that is the report presented.

Mr. LOUD. I should like to ask if that is the report presented

by the gentleman who offers this bill?

Mr. ERDMAN. This was given to me.

Mr. HAGER. No; this is not the report of the committee.

Mr. LOUD. I should like to have that matter settled.

The CHAIRMAN. What is the question of the gentleman from

Mr. LOUD. Is this the report of the gentleman who presents the bill to the House?

The CHAIRMAN. It was read as a part of the remarks of the gentleman from Pennsylvania [Mr. ERDMAN].

Mr. ERDMAN. The gentleman submitted that to me as a part

of the case

Mr. LOUD. That is, that this man's disability is not the result of service, and could not have been the result of service, and this

is simply a proposition to present a gratuity to the man because be may have been in the service.

Mr. HAGER. No, and if the Clerk will read the report of the committee, that will explain the case. This is one of the most meritorious cases ever presented here. The memorandum which has been read is a paper from the minutes of a finding in the Pension Office.

The CHAIRMAN. Does the gentleman demand the reading of

the report?
Mr. HAGER. No. The bill has passed the Senate, and I ask

that the committee act upon it favorably.

The CHAIRMAN. The question is, Shall the bill be laid aside to be reported to the House with the recommendation that it do

pass?

The question being taken, Mr. Steele demanded a division.
The committee divided; and there were—ayes 56, noes 14.
Mr. STEELE. No quorum.
The CHAIRMAN (after counting the committee). One hundred and twenty members present. dred and twenty members present.

Mr. STEELE. 1 withdraw the point.

The bill was ordered to be laid aside to be reported to the House

with a favorable recommendation.

ELIZABETH WELLONS.

Mr. CRISP. Mr. Chairman, I call up the bill (H. R. 8898) to increase the pension of Elizabeth Wellons.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to increase the pension of Elizabeth Wellons, widow of a soldier of the war of 1812, from \$12 per month to \$20 per month.

Mr. CRISP. Mr. Chairman, the beneficiary of that bill is an old lady, 81 years of age. She is very feeble and can not possibly live long. She is the widow of a soldier of the war of 1812, and I hope there will be no objection to the bill.

The CHAIRMAN. The question is, Shall the bill be laid aside

with the recommendation that it do pass?

Mr. ERDMAN. Mr. Chairman, let the report be read.

The CHAIRMAN. Let the report be read in the gentleman's

The report (by Mr. STALLINGS) was read, as follows:

The Committee on Pensions, to whom was referred the bill (H. R. 8898) increasing the pension of Elizabeth Wellons, have considered the same, and

The claimant is the widow of William S. Wellons, who served as a private in the North Carolina Volunteers from September 24, 1814, to February 5, 1815, in the war of 1812.

Mrs. Wellons is now receiving the pension of \$12 per month provided by the general laws for the widows of soldiers of the war of 1812. She is 30 years

old and in exceedingly feeble health. Aside from her pension she has no property save a little farm, which does not produce an income to exceed \$25 per annum.

The facts are shown by the papers on file at the Pension Bureau and by the affidavit of John H. Hodges and Z. Sims, citizens of Houston County, Ga.

There are several precedents for the proposed legislation, and in view of the claimant's great age and necessities the passage of the bill is respectfully recommended.

The question being taken on ordering the bill to be laid aside to be reported to the House with a favorable recommendation, Mr. STEELE demanded a division.

The committee divided; and there were-ayes 82, noes 4.

Mr. STEELE. No quorum.

The Chairman proceeded to count the committee.

Mr. STEELE (during the count). I withdraw the point of no

The CHAIRMAN. One hundred and thirty members, a quorum, present.

Accordingly, the bill was laid aside to be reported to the House with a favorable recommendation.

MARY E. ELY.

Mr. AVERY. Mr. Chairman, I call up the bill (S. 2133) granting a pension to Mary E. Ely.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, sutherized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mary E. Ely, widow of Ralph Ely, late lieutenant colonel Eighth Michigan Volunteers, and pay her a pension at the rate of \$30 per month.

The CHAIRMAN. Shall the bill be laid aside with a favorable recommendation?

Mr. ERDMAN. Let us have the report, Mr. Chairman.

The report (by Mr. Thomas) was read, as follows:

The report (by Mr. Thomas) was read, as follows:

The Committee on Invalid Pensions, having considered the evidence relating to the bill (S. 2133) granting a pension to Mary E. Ely, adopt the following from the Senate report, and recommend the passage of the bill as it passed the Senate:

The beneficiary named is 72 years old, and is the widow of Ralph Ely, who was mustered into the service of the United States September 23, 1861, as captain of Company C, Eighth Regiment Michigan Volunteers. He was promoted to be major September 10, 1862, and lieutenant-colonel February 1, 1863. He was honorably discharged May 19, 1866, as lieutenant-colonel, his services being no longer required. The soldier prosecuted a claim for pension on account of service disabilities, which was allowed by the Pension Bureau after his death and paid to the widow. It was shown that the soldier, while on the march from Fredericksburg to Warrenton Junction, August 14, 1862, was kicked by a horse, suffering a fracture of three of his ribs. A number of affidavits tend to show that this injury caused the soldier trouble and pain from the time of receiving it to the time of his death and prevented him from performing manual labor.

The question being taken on ordering the bill to be laid evident.

The question being taken on ordering the bill to be laid aside to be reported to the House with a favorable recommendation, on a division (demanded by Mr. Steele) there were—ayes 52, noes 22.

Accordingly the bill was ordered to be laid aside to be reported

to the House with a favorable recommendation.

NETTIE A. CHEEKS.

Mr. McCREARY of Kentucky. I call up for consideration the bill (S. 2913) granting a pension to Nettie A. Cheeks.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place upon the pension roll the name of Nettie A. Cheeks, widow of Peter O. Cheeks, late a private Company D, Thirteenth Regiment United States Infantry, and a private United States Marine Corps, and pay her a pension of \$30 per month.

The amendment recommended by the committee was read, as

In line 5 strike out the initial "O" and insert the initial "C;" so that the ame will read "Peter C. Cheeks."

The amendment recommended by the committee was agreed to.

Mr. ERDMAN. Let us have the report read. The CHAIRMAN. The report will be read in the gentleman's

The report (by Mr. Anderson) was read, as follows:

The report (by Mr. Anderson) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (S. 2913) granting an increase of pension to Nettie A. Cheeks, widow of Peter C. Cheeks, late private Company D. Thirteenth United States Infantry, and private United States Marine Corps, having considered the same, hereby adopt the Senate committee's report as their own and recommend the passage of the bill with an amendment striking out the letter "O." between the words "Peter" and "Cheeks," in line 5, and inserting the letter "C" in lieu thereof; so that the name will read "Peter C. Cheeks."

The Senate committee's report is as follows:

"The records in the War and Navy Departments show that Peter C. Cheeks enlisted June 5, 1962, and served as private, Company D, First Battalion, Thirteenth United States Infantry, until honorably discharged, June 5, 1865, that he remlisted in the United States Marine Corps for four years October 3, 1865, and was honorably discharged by reason of expiration of service October 3, 1869. He died from phthisis pulmonalis January 13, 1894.

"He applied for pension, which was allowed at \$8 per month from October 4, 1869, for phthisis pulmonalis. His pension was increased to \$14 from March 28, 1873; to \$16 from August 12, 1878; to \$24 from April 10, 1890; to \$30 from March 28, 1873; to \$16 from May 17, 1886, and then by act of Congress increased to \$72 per month from July 7, 1888.

"The claimant was married to soldier February 6, 1879, and, as the pension record clearly shows, had an invalid husband to care for from the time of marriage. The care and assiduous attention necessary, as they were without means of support, gradually undermined her health, until now she finds herself in poor health and destitute circumstances.

"She applied for pension in March, 1894, and was pensioned at \$12 per month, the soldier's death cause having been consumption, contracted in service in line of duty.

"The testimony presented to the committee clearly shows that the claimant is in frail and delicate health, and that she is suffering from rheumatism and weak lungs or incipient consumption, and is unable to perform any kind of manual labor, being greatly troubled with a harassing cough, and that she is totally destitute of any means whatever, has no income except her small pension, and that she is now and has been dependent upon those not legally bound to contribute to her support for her maintenance.

"In view of the facts presented, the committee earnestly recommend the passage of the bill."

Mr. McCREARY of Kentucky. Mr. Chairman, I move that the bill be laid aside with a favorable recommendation.

The motion was agreed to.

The CHAIRMAN. The gentleman from Illinois [Mr. Wood]

is recognized.

Mr. STEELE. I call for a division on that vote.

The CHAIRMAN. The demand comes too late.

Mr. STEELE. I called at the proper time. I beg pardon of the Chair.

The CHAIRMAN. The Chair did not hear the gentleman.
Mr. McCREARY of Kentucky. Other business had intervened.
Mr. STEELE. The Chair did not hear me, but I called for a

The Clerk read as follows:

A bill (H. R. 8108)

Mr. STEELE. The Chair may not have heard me, but I called for a vote.

The CHAIRMAN. The Chair has had no difficulty in hearing the gentleman state his request before. It comes too late.

JESSE DURNELL.

Mr. WOOD. I call up the bill H. R. 3108.

The Clerk read as follows:

A bill (H. R. 3108) to grant a pension to Jesse Durnell, late second-class pilot on gunboat *Lexington* and transferred to gunboat *Marmora*.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Jesse Durnell, late second-class pilot on the gunboat Lexington and transferred to the gunboat Marmora, during the civil war, and pay him a pension of \$24 per month from April 4, 1895.

Mr. ERDMAN. Let us have the report.

The CHAIRMAN. The report will be read in the gentleman's

The report (by Mr. Wood) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 3108) granting a pension to Jesse Durnell, late second-class pilot on gunboat Lexington and transferred to gunboat Marmora, submit the following report:

Jesse Durnell, the claimant, was a loyal Virginian during the war, and is now \$7 years of age. His wife is past \$0 years of age. He has no means or income whatever, and he and his aged wife are dependent upon charity for

Jesse Durnell, the claimant, was a loyal Virginian during the war, and is now 87 years of age. His wife is past 80 years of age. He has no means or income whatever, and he and his aged wife are dependent upon charity for a support.

He was commissioned as a second-class pilot by Rear-Admiral David D. Porter, February 4, 1864, in the Mississippi squadron, and honorably discharged June 17, 1865. He served on the U. S. steamers Meteor, Elk. Lexington, Abrona, and Marmora, also on prize steamer Mattic Cook, being under orders of Admirals Porter, Lee, Lieutenant-Commander Bache, and Fleet Capt. A. M. Pennock.

During the time of his service he acted as first-class pilot, and in various orders signed by Admirals Porter and Lee he is recognized as first-class pilot. An autograph letter has been submitted to the committee signed by Admiral Porter, in which, speaking of Durnell and his class, he says:

"The Mississippi pilots carried their lives in their hands, and were liable at any moment while steering their vessels to be picked off by sharpshooters, and should not be deprived of any portion of their pay. They were worth double the amount the Government paid for their services."

The claimant had a claim for pension pending for many years prior to June 27, 1890. He was unable to supply the proof required by the Department, because he was obliged, under the orders of the officers above named, to serve on so many different vessels, and the surgeons could not remember his precise condition of disability. He then obtained a pension under act of June 27, 1890, of \$22 per month from June 23, 1891. He was dropped, as communicated to him June 15, 1895. by the Commissioner of Pensions, is, "that you were not regularly enlisted or mustered into the United States service."

There has been considered by the committee the claimant's commission, his certificate of honorable discharge, and one leave of absence. His suspension is sought to be justified under the decision in the case of Addrew J. Shannon (seventh volume, page 64), wh

The amendment recommended by the committee was agreed to. The bill as amended was ordered to be laid aside with a favorable recommendation.

ELIZABETH L. LARRABEE.

Mr. BARHAM. Mr. Chairman, I call up for consideration the bill (S. 1356) to increase the pension of Elizabeth L. Larrabee, widow of Col. C. H. Larrabee, late of the Twenty-fourth Regiment of Wisconsin Volunteers.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, directed to place upon the pension roll the name of Elizabeth L. Larrabee, widow of Col. C. H. Larrabee, deceased, late colonel of the Twenty-fourth Regiment of Wisconsin Volunteers, subject to the limitations of the pension laws, and to pay her the sum of \$30 per month in lieu of the pension of \$5 per month which she now receives.

Mr. ERDMAN. Let us have the report read, Mr. Chairman. The CHAIRMAN. The report will be read in the gentleman's time

The report (by Mr. WOOD) was read, as follows:

The report (by Mr. Wood) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (S. 1355) to increase the pension of Elizabeth L. Larrabee, widow of Col. C. H. Larrabee, late of the Twenty-fourth Regiment Wisconsin Volunteers, submit the following report:

The claimant is the widow of Col. C. H. Larrabee, late of Twenty-fourth Wisconsin Volunteers, is 41 years of age, and is drawing a pension of \$8 per month under certificate 365150. She was married to the deceased soldier December 5, 1878. The medical evidence submitted to the committee shows conclusively that she is now disabled by diseases and injuries to such extent that she is unable to earn a living. Other evidence shows that she has at present no means or income except her pension.

Colonel Larrabee was killed in a railroad accident at Tehachapi, Cal., in 1883. He left a moderate competence to his widow; how much the evidence does not disclose; but whatever it was it has since been dissipated by her disabilities resulting from disease and injuries sustained in the accident in which her husband was killed, and by her lack of business training and ability, whereby unscrupulous persons have gotten from her what was left.

Colonel Larrabee, as shown by Senate report, had a brilliant civil and military record. He was city attorney of Chicago in 1844, also a member of the first constitutional convention of Wisconsin. He was circuit judge in Wisconsin from 1845 to 1853, and member of Congress from 1859 to 1861. He was second lieutenant and major of the Flith Wisconsin Volunteers in 1861 and M. S. Hancock. On July 25, 1862, he was commissioned colonel of the Twenty-fourth Regiment Wisconsin Volunteers. On August 30, 1863, he was compelled to resign his commission on account of disabilities incurred by diseases contracted in the service.

In 1884 Colonel Larrabee removed to the Pacific Coast, and was a member of the convention which formed the constitution of the State of Washington. Colonel Larrabee came from royal fighting stock

The bill was ordered to be laid aside with a favorable recommendation.

MESSAGE FROM THE SENATE.

The committee informally rose; and the Speaker having taken the chair, a message from the Senate, by Mr. Platt, one of its clerks, announced that the Senate had insisted upon its amendments to the bill (H. R. 9638) making appropriations for the support of the Army for the fiscal year ending June 30, 1898, disagreed to by the House of Representatives, had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. Quay, Mr. Hale, and Mr. Blackburn as the conferees on the part of the Senate.

The committee again resumed its session.

The committee again resumed its session.

WILLIAM G. BUCK.

Mr. DE ARMOND. Mr. Chairman, I call up for consideration the bill (H. R. 8388) for the relief of William G. Buck. The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to increase the pension of William G. Buck, late of Company E, Fifteenth Regiment Iowa Volunteers, to \$30 per month.

Mr. ERDMAN. Mr. Chairman, let us have the report. The CHAIRMAN. The report will be read in the gentleman's

The report (by Mr. CROWTHER) was read, as follows:

The report (by Mr. Crowther) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 8388) to increase the pension of William G. Buck, late of Company E, Fifteenth Iowa Volunteer Infantry, to \$30 per month, having considered the facts presented, respectfully report:

William G. Buck enlisted February 3, 1862, and was honorably discharged July 24, 1865, as a private.

He filed claim for pension December 6, 1884, alleging malarial poisoning and asthma, resulting in general debility. He was pensioned at \$6 from December 6, 1884, for malarial poisoning; increased to \$8 from February 3, 1886; to \$12 from December 22, 1886, for malarial poisoning and results and for chronic diarrhea and ulceration of rectum.

The medical board rated him twelve-eighteenths for chronic diarrhea and results, on April 2, 1890; and at twelve-eighteenths for chronic diarrhea and results, on April 2, 1890; and at twelve-eighteenths for diarrhea and results, and four-eighteenths for lung disease, February 11, 1891.

The Pension Bureau rejected his claim May 21, 1890, claiming heart disease not a result of malarial poisoning, and again September 29, 1891, claiming he was not entitled to increase.

Testimony filed with the committee, in connection with that filed in the Pension Bureau, convinces us that claimant is totally disabled for the per-

formance of any kind of manual labor by reason of malarial poisoning, disease of heart and lungs, and chronic diarrhea and results, and we therefore recommend the passage of the bill without amendment.

The bill was ordered to be laid aside with a favorable recom-

The CHAIRMAN. The gentleman from Michigan [Mr. MILNES] The CHAIRMAN. The gentleman from michigan [Mr. Milkes] is recognized.

Mr. BAILEY. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. BAILEY. I desire to know how it is that the Committee of the Whole can proceed in this irregular way?

The CHAIRMAN. In pursuance of an order adopted by the

ommittee some time ago.

Mr. BAILEY. I desire to submit that the committee has no power to proceed in this irregular way.

The CHAIRMAN. That matter has been passed upon by the Chair when the point was raised, and we have been proceeding by unanimous consent for some time.

unanimous consent for some time.

Mr. BAILEY. The fact that the committee resolved to do what it had no power to do does not prevent any member of the House from raising the question.

The CHAIRMAN. But we can not have the question raised every five minutes after it has been settled.

Mr. BAILEY. I know another way to raise it.

The CHAIRMAN. The question was raised by a gentleman, and it was disposed of; and we have been proceeding since 4 o'clock. Of course the gentleman can avail himself of his rights.

Mr. DAYTON. A parliamentary inquiry. Is it proper to move that we proceed in the consideration of these bills according to the Calendar in the regular manner? the Calendar in the regular manner?

The CHAIRMAN. Undoubtedly it is in the power of the com-

mittee at any time.

Mr. DAYTON. I make that motion.

The CHAIRMAN. But this bill must first be considered.

Mr. DAYTON. I make that motion right now.

The CHAIRMAN. After the bill has been disposed of that can be done.

DANIEL E. DE CLUTE.

Mr. MILNES. I call up for consi for the relief of Daniel E. De Clute. I call up for consideration the bill (H. R. 9689)

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll the name of Daniel E. De Clute, late a private of Company B, Forty-fourth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of \$50 per month, in lieu of the pension now received by him. The pension hereby granted to date from the passage of this act.

Mr. ERDMAN. Let us have the report, Mr. Chairman. The CHAIRMAN. Let the report be read in the gentleman's Mr. ERDMAN.

The report (by Mr. THOMAS) was read, as follows:

The Charleman. Let the report be read in the gentieman's time.

The report (by Mr. Thomas) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 9889) for the relief of Daniel E. De Clute, having considered the facts presented, respectfully report:

Daniel E. De Clute enlisted as a private in Company B, Forty-fourth Illinois Volunteer Infantry, August 15, 1861, and was honorably discharged September 25, 1863.

He applied for pension January 21, 1888, for gunshot wound of neck and resulting spinal affection or discase of spine, the wound being received in tattle at Stone River, Tennessee, January, 1863, and again applied January 18, 1890, for chronic diarrhea, plies, and paralysis. He was pensioned at 25 from January 21, 1888, for gunshot wound of neck, and at \$\$ from January 18, 1890, for gunshot wound of neck and chronic diarrhea and resulting disease of rectum, which was increased to \$17 for same disabilities from September 12, 1894; but his claim for resulting disease of heart, hemiparesis, and spinal irritation was rejected, as not being the result of pensioned disabilities.

The board of examining surgeons, November 18, 1891, rated him fourteeneighteenths for gunshot wound and results, four-eighteenths for chronic diarrhea and results, and six-eighteenths for disease of heart. On February 14, 1894, the board found him wholly incapacitated for manual labor.

On September 12, 1894, the board said, "He needs the constant aid and attention of another person," and also say, "He had a stroke of paralysis seven years ago; also one on 6th of June, 1894."

On September 11, 1895, the board rated him fourteen seventy-seconds for gunshot wound, and fifty seventy-seconds for spinal irritation and paralysis, making \$72 per month, and say, "He needs the constant aid and attention of another person on account of paralysis and dementia."

Soldier has been pronounced insane and his pension is drawn by Seraphina De Clute, his guardian. She appealed to the Secretary of the Interior on

sequela of the diarrhea. The spinal disease was well established ten years ago, and, seemingly characteristic, it has gradually progressed until at the present time he is a perfectly helpless mass of flesh—one side entirely helpless and paralyzed—with the other hand, left, he can at times automatically feed himself. The mental condition is now that of an imbecile; the urine is ammoniacal and the bladder paralyzed, necessitating the constant use of a catheter. Is constantly fed by his wife, because he has too little use of his left hand to be relied upon, if he knew enough to feed himself, which he does not. He can not stand alone, and requires the constant aid and attention of another to exist."

Dr. William Wilson testified that he examined soldier October 25, 1895, and found him a physical and mental wreck, requiring as constant attention and care as an infant, and said:

"The cause of his helpless condition is paralysis. The entire motor system is affected, the limbs, tongue, throat, muscles of face, bladder, and rectum all involved. Mentally he is an imbecile. There are two scars in the lower cervical region of the spine, where it is claimed he received a gunshot wound in the Army. I have not the least doubt but that his paralysis is the result of that injury."

Dr. Bradley Crippen testified that he and his preceptor (Dr. Littlefield) treated claimant for spinal trouble, the result of the gunshot wound, soon after his return home from the Army, and at various times up to 1888, and in his opinion the paralysis is due to the gunshot wound.

Whether the present helpless condition of soldier be due to chronic diarrhea or to the gunshot wound, about which the medical men who have treated and examined him differ, there is no other cause shown or even suggested than that one or the other, both of which are recognized and admitted to be due to his military service, is directly responsible for the present deplorable helplessness of the soldier.

The committee therefore believe the claim meritorious and recommend the

ask the gentleman if there is any statement in that report except

ask the gentleman if there is any statement in that report except the statement of the soldier himself?

Mr. MILNES. What was the question?

The CHAIRMAN. This is a pension bill, and not a bill to remove the charge of desertion.

Mr. STEELE. Mr. Chairman, on this bill I desire to say that I have not been opposed to any bills that have been passed this afternoon any more than I am against this bill, which I shall support. I recognize, in the first place, that there are brought into this House from the Committee on Invalid Pensions bills favoring the allowance of pensions to a great many soldiers who really need the allowance of pensions to a great many soldiers who really need special legislation; but, in my opinion, too many of the bills that are brought in here are for the relief of soldiers who are not as deserving, certainly not more deserving, than are thousands and thousands of others for whom no special legislation is asked. This procedure is very irregular and very unfair. For myself, I went to the Chairman among the very first to have my name put on the list. I went to him twice subsequently, and did not find my name on the list. This is why I have objected to this method

my name on the list. This is why I have objected to this method of procedure. I do not believe it is equitable or fair.

Mr. WOOD. Mr. Chairman—

The CHAIRMAN. For what purpose does the gentleman rise?

Mr. WOOD. To make a remark or two in reply to the gentleman from Indiana. I wish to say that so far as the Committee on Invalid Pensions are concerned, they have repeatedly brought in bills here for amounts which have been raised by the Committee of the Whole, and the bills have been passed here carrying very much larger rates of pension than those recommended by our committee, so that the reflections which the gentleman from Indiana makes upon the Committee on Invalid Pensions are quite uncalled for. That committee has enough to answer for without being made the subject of unjust reflections.

uncalled for. That committee has enough to answer for without being made the subject of unjust reflections.

Mr. STEELE. Mr. Chairman, I do not wish to be understood as saying that the present Committee on Invalid Pensions is any more lax or liberal than other committees have been. Ever since I have had the privilege of a seat in Congress it has always been so with the pension committees, and it always will be so, but I object to this manner of legislating. There is no better friend to the soldier than I have tried to be, and very few who have a larger soldier constituency than I have, and for that reason I am opposed

The CHAIRMAN. I will remind the gentleman from Indiana, who reflects upon the Chair, that we are proceeding under an order of this Committee of the Whole. The Chair has been endeavoring to follow out the suggestions of the Committee on Invalid Pensions, whose acting chairman stated that there were some grave cases which could not be reached to-day by following the regular order, and that the committee would therefore prefer to proceed to take up bills for unanimous consent. The Chair has been trying to carry out that suggestion of the committee, and at the same time to follow his own judgment as to giving due recognized.

nition to members on the Democratic side of the House.

Mr. STEELE. The bill that I wanted to call up is for the relief of the widow of a deceased soldier, who is utterly helpless physic-

ally, and is destitute. The CHAIRMAN.

submitted to the Chair under the suggestion of the Committee on

Invalid Pensions.

Mr. STEELE. Until now I was not aware that members of the committee had prepared and submitted a list to the Chairman before the present rule was adopted.

The CHAIRMAN. The amendment recommended by the com-

mittee to the pending bill was agreed to.

The bill as amended was laid aside to be reported to the House

with the recommendation that it do pass.

Mr. STEELE. Mr. Chairman, I move that the committee rise.

The question being taken on the motion of Mr. STEELE, the
Chairman declared the noes seemed to have it.

Mr. LOUD. Mr. Chairman, I ask for a division. The committee divided; and there were—ayes 49, noes 54. Mr. LOUD. I ask for tellers.

Tellers were ordered; and the Chair appointed Mr. Loup and Mr. Wood.

The committee divided; and the tellers reported—ayes 50, noes 39.

Mr. LOUD. No quorum, Mr. Chairman.
Mr. PAYNE. Mr. Chairman, I move that the committee proceed to take up bills in the order in which they appear on the Cal-

The question being taken on the motion of Mr. PAYNE, the Chairman declared that the ayes seemed to have it.

Mr. HEMENWAY. Mr. Chairman, I ask for a division.

The committee divided; and there were—ayes 87, noes 31.

The CHAIRMAN. The motion is agreed to, and the Clerk will

report the next bill.

MARIA SOMERLAT.

The next business on the Private Calendar was the bill (S. 1823) granting a pension to Maria Somerlat, widow of Valentine Som-

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Maria Somerlat, widow of Valentine Somerlat, late a private in Company A, Twenty-ninth Regiment Indiana Volunteers, and to pay her a pension at the rate of §8 per month.

Mr. ERDMAN. Mr. Chairman, let us have the report read. The report (by Mr. Thomas) was read, as follows:

The Committee on Invalid Pensions, to whom was referred Senate bill 1323, having carefully examined the same, adopt the accompanying Senate report (No. 237) as their own, and respectfully recommend the passage of the bill, with the following amendment:

In line 8 strike out the word "eight" and insert in lieu thereof the word "twelve"

The soldier died in the prison pen of Andersonville May 5, 1864, and the bill as amended gives her the pension she would have been dawing from March 19, 1896, when the rate was increased from \$8 to \$12.

[Senate Report No. 237, Fifty-fourth Congress, first session.]

[Senate Report No. 237, Fifty-fourth Congress, first session.]

The beneficiary named in the bill was pensioned at \$8 per month August 5, 1864, by certificate No. 75871. She subsequently remarried, and on the fact being reported to the Commissioner of Pensions, the pensioner was dropped from the rolls.

The evidence before the committee includes a certified copy of the findings in an action for divorce begun by Hiram J. Smith against Maria Smith (formerly Maria Somerlat), in which the judge of the circuit court for Steuben County, Ind., sustained the cross bill and rendered judgment for the defendant on the ground of cruel treatment, refusal and failure to support, and for driving her out of his house. It was shown that the plaintiff had never contributed for the defendant's support, and that she was obliged to work at service to obtain bread.

In view of these facts and following precedents heretofore established, the committee are of the opinion that the beneficiary should be restored to a pensionable status, the remarriage having brought her no support whatever, and that she has been entirely without a husband's support since the death of the soldier.

The amendment recommended in the second paragraph of the

The amendment recommended in the second paragraph of the report was agreed to.

Mr. TALBERT. Mr. Chairman, as I understand it, this is a bill to pension a remarried widow who, by marrying again, relinquished all claim for a pension.

Mr. LOUD. Mr. Chairman, I submit that by passing bills of this kind we assume the position of paying a bounty to widows who are not entitled to pensions under the law.

The CHAIRMAN. The question is, Shall this bill be laid aside to be reported to the House with a favorable recommendation?

Mr. TALBERT. I move that the committee rise.

The motion was rejected—aves 25 noes 59

The motion was rejected-ayes 25, noes 59.

The question being taken on laying the bill aside with a favorable recommendation, the Chairman declared that the ayes seemed to have it.

Mr. TALBERT. I ask for a division. The committee divided; and there were—ayes 50, noes 19. So the bill was laid aside to be reported to the House with the recommendation that it do pass.

FRANCES P. TRUMBULL.

The next business on the Private Calendar was the bill (H. R. The CHAIRMAN. The gentleman from Indiana put in his request at a time when there was a long list of names that had been M. Trumbull, widow of Matthew The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he hereby is, authorized and directed to cause to be placed upon the pension roll of the United States the name of Frances P. Trumbull, wife of Matthew M. Trumbull, late lieutenant-colonel of the Third Iowa Infantry, in the war of the rebellion, at \$100 per month in lieu of pension now being drawn by her.

Mr. ERDMAN. Let us have the report read. The report (by Mr. Wood) was read, as follows:

The report (by Mr. Wood) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 5435) for relief of Frances P. Trumbull, widow of Matthew M. Trumbull, submitted the following report:

Petitioner is the widow of Matthew M. Trumbull, who died May 9, 1894. She was married to him June 24, 1866. She is now 56 years of age, and has no property, means, or income whatever, except a pension of \$\$ per month under act of June 27, 1890. Her deceased husband left no estate whatever.

Matthew M. Trumbull enlisted June 8, 1891, as captain Third Iowa Infantry. He was promoted to lieutenant-colonel of same regiment August 10, 1862, and honorably discharged November 20, 1862. He again reenlisted November 30, 1863, as colonel Ninth Iowa Cavalry, and was honorably discharged February 28, 1866. He was brevetted brigadier-general March 13, 1865, for faithful and meritorious services.

While captain Third Iowa Infantry he was wounded at the battle of Shiloh, which caused his discharge from the service November 20, 1862. The medical records of the Army show on April 16, 1862, he was "laboring under orchitis" (kidney trouble) "arising from injuries received at the battle of Pittsburg" (Shiloh).

The medical evidence examined by the committee, and which is on \$\$ 150.

records of the Army show on April 16, 1862, he was "laboring under crehitis" (kidney trouble) "arising from injuries received at the battle of Pittsburg" (Shiloh).

The medical evidence examined by the committee, and which is on file at the Pension Office as well as before the committee, shows that for many years prior to his death General Trumbull suffered from disease of the bladder and kidneys. On the day following his death a post-mortem examination was made by Drs. Lemuel C. and Wallace F. Grosvenor, of Chicago, Ill. That examination disclosed "an indurated, nonelastic, thickened, and ulcerated condition of the bladder, with great enlargement of the prostate gland; that there was a malignant and destructive disease of the kidneys, with a stone of considerable size in the pelvis of one of them."

Dr. L. C. Grosvenor makes affidavit that these "pathological conditions were the cause of his death." He had been General Trumbull's family physician for eight years, and had had frequent consultations with him concerning his condition, and learned of the wound, from the fragment of a shell, in the region of the bladder. He gives his opinion, under oath, that he "feels sure that said condition and death of said Trumbull resulted from, and was caused by, said wound so received."

Dr. John B. Murphy had attended General Trumbull in latter part of 1889 and 1890, and treated him "for ulcuscystis, which was due to retention of urine in the bladder." Dr. Murphy, having read the affidavit of Dr. L. O. Grosvenor, says, on oath, that "the stone in the kidneys was caused by and due to the retention of urine in the bladder; that the wound to the bladder caused traumatic obstruction to the urethra, thereby causing the retention, and results that flowed therefrom."

Your committee have no doubt but the wound received by General Trumbull at the battle of Shiloh was the cause of his death.

There is no reason why petitioner should not have been allowed a pension as widow of a captain in July, 1895. The evidence was then complete.

plicable.
A pension at \$20 per month is all petitioner could get through he Pension Office, if, indeed, she can get any.
The committee, considering General Trumbull's services, and the age and destitution of petitioner, recommend the passage of the bill with the following amendments:
Strike out the words "one hundred," in lines 7 and 8, and insert in lieu thereof the word "fifty."
Strike out of title the words "the relief" and insert in lieu thereof the words "to increase the pension."
Line 7, after the word "infantry," insert "colonel of the Ninth Iowa Cavairy and brevet brigadier-general."

Mr. RICHARDSON. Mr. Chairman, I rise for a parliamentary

inquiry.
The CHAIRMAN.

The CHAIRMAN. The gentleman will state it.
Mr. RICHARDSON. How much time is allowed for debate on this bill?

The CHAIRMAN. Ten minutes; five minutes for and five min-

utes against the bill. Mr. RICHARDSON. It is now ten minutes after 5 o'clock. I think it is time that the committee should rise. I make that

Mr. THOMAS. I should like to offer a few amendments to perfect this bill and then have it acted on, after which I will myself make the motion which the gentleman from Tennessee suggests.

Mr. RICHARDSON. If the gentleman will make the motion when this bill is disposed of, all right. I do not object to this bill.

I withdraw my motion.

Mr. THOMAS. I offer the amendment which I send to the desk. The Clerk read as follows:

In line 4 strike out the words "cause to be placed" and insert "place." In line 8 strike out "at" and insert "and pay her a pension of."

The amendments were agreed to

The bill as amended was ordered to be laid aside to be reported

favorably to the House.

Mr. THOMAS. I move that the committee now rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. HENDERSON reported that the Committee of the Whole House had directed him to report without amendment House bills numbered respectively 5620, 5532, 7451, 7969, 1513, 1888, and 8888, and Senate bills numbered respectively 350, 1888, 1810, 638, 1017, 1694, 1787, 1811, 1949, 2183, and 1856; also that the Union.

committee had directed him to report with amendments House bills numbered respectively 4629, 6234, 7115, 6539, 3688, 3999, 3166, 6560, 2396, 6099, 1095, 1066, 6730, 1832, 6915, 3690, 4390, 5764, 6803, 4901, 7121, 5986, 7457, 7205, 6765, 3108, 9689, and 5435, and Senate bills numbered respectively 1806, 1495, 178, 2913, and 1323; also that the committee had directed him to report House bills numbered respectively 4823, 3714, 2221, and 4534, with the recommendation that they be laid on the table.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows: To Mr. Bromwell, for four days, on account of important business

To Mr. Eddy, for ten days, on account of sickness in his family. To Mr. DINSMORE, for one week, beginning yesterday. To Mr. Stewart of New Jersey, indefinitely, on account of

illness

To Mr. ALLEN of Utah, for three days, on account of illness in his family.

To Mr. Wellington, for one week, on account of illness.

CONTESTED ELECTION-YOST VS. TUCKER,

Mr. WALKER of Virginia, by unanimous consent, submitted the views of a minority of the Committee on Elections No. 3, upon the contested-election case of Yost vs. Tucker, from the Tenth district of Virginia; which were ordered to be printed.

ENROLLED BILLS SIGNED.

Mr. HAGER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

A bill (H. R. 9733) to authorize the Union Railroad Company to construct and maintain a bridge across the Monongahela River;

A bill (S. 3375) authorizing the construction of a bridge across the Columbia River, in the State of Washington;

A bill (S. 3182) granting a pension to Susan E. Cunningham; A bill (S. 2008) granting a pension to Fanny Moale Gibbon; A bill (S. 637) granting a pension to George M. Brooks; A bill (S. 1320) to confirm the title to certain lands in William

Morgan and Harrison Moore and to require the issue of patents

therefor; and
A bill (S. 937) granting an increase of pension to Sarah E.
Comly, widow of Maj. Clifton Comly.

SENATE BILLS REFERRED Under clause 2 of Rule XXIV, the following Senate bills were taken from the Speaker's table and referred as follows:

A bill (S. 3525) to provide for an examination and survey of a water route from the mouth of the jetties at the city of Galveston, Tex., through the ship channel and up Buffalo Bayou to the city of Houston, Tex., and appropriating money therefor—to the Committee on Rivers and Harbors.

A bill (S. 3477) to remove the charge of desertion from the military record of William H. Linton—to the Committee on Military

And then, on motion of Mr. PAYNE (at 5 o'clock and 15 minutes p. m.), the House adjourned.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive com-munications were taken from the Speaker's table and referred as follows:

A letter from the Secretary of the Treasury, transmitting a recommendation for an increase of the limit of cost of the public

building at Newark, N. J.—to the Committee on Public Buildings and Grounds, and ordered to be printed.

A letter from the Secretary of the Interior, transmitting a reply to the resolution of the House of January 15, 1897, relating to certain lands in Utah—to the Committee on the Public Lands, and ordered to be printed.

A letter from the Acting Secretary of the Treasury, transmitting a copy of a communication from the Secretary of War recommending an appropriation for the construction of a sea wall at Sandy Hook, N. J.—to the Committee on Appropriations, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. HULL, from the Committee on Military Affairs, to which was referred the bill of the House (H. R. 5835) to reorganize the line

He also, from the same committee, to which was referred the bill of the House (H. R. 3719) entitled "An act to provide for appointment by brevet of active or retired officers of the United States Army, with certain Senate amendments thereto, reported the same accompanied by a report (No. 2564); which said bill and report were referred to the House Calendar.

Mr. HILBORN, from the Committee on Naval Affairs, to which was referred House bill No. 9567, reported in lieu thereof a bill (H. R. 10066) to provide for organizing a naval reserve battalion in the District of Columbia, accompanied by a report (No. 2565); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. LESTER, from the Committee on War Claims, to which was referred the bill of the House (H. R. 7618) authorizing the Court of Claims to adjudicate certain claims arising under the provisions of the act of March 12, 1863, entitled "An act to provide for the collection of abandoned property, and for the prevention of frands in insurrectionary districts within the United States," reported the same with amendment, accompanied by a report (No. 2568); which said bill and report were referred to the Committee on Coinage, Weights, and Measures, to which was referred the joint resolution of the House (H. Res. 183) authorizing preliminary proceedings looking to the adoption of an international coin or coins, reported the same with amendment, accompanied by a report (No. 2569); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. JOHNSON of Indiana, from the Committee on Elections No. 2, to which was referred the bill of the House (H. R. 9274) to amend an act making appropriations for sundry civil expenses of the Government for the year ending June 30, 1880, and for other purposes, and to repeal a certain provision therein, reported the same without amendment, accompanied by a report (No. 2576); which said bill and report were referred to the Committee of t

Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

By Mr. PARKER, from the Committee on Military Affairs: The bill (H. R. 9970) to remove charge of desertion against James J. Fluke. (Report No. 2549.)

By Mr. GRIFFIN; from the Committee on Military Affairs: The bill (H. R. 5265) for the relief of Anson W. Gillett. (Report No. 2550)

No. 2550.)

No. 2550.)

By Mr. TRACEY, from the Committee on Military Affairs: The bill (H. R. 8716) to remove charge of "absent without leave" from military record of Abraham M. Runyon. (Report No. 2551.)

By Mr. BUCK, from the Committee on War Claims: The bill (H. R. 558) for the relief of Amelia A. H. Richards, of Fairfax

County, Va. (Report No. 2552.)

By Mr. COOPER of Texas, from the Committee on War Claims: The bill (H. R. 9789) for the relief of the Roman Catholic Church of St. Peter's, at Jackson, Miss. (Report No. 2553.)

By Mr. LESTER, from the Committee on War Claims: The bill (S. 296) entitled "An act for the relief of William H.

Atkins, formerly commissary sergeant, United States Army.

(Report No. 2554.)

The bill (H. R. 525) for the relief of Christian Ubele, administrator of Christian Ubele, deceased. (Report No. 2555.)

The bill (H. R. 532) for the relief of Margaret Geibelhouse, administratrix of Philip Geibelhouse, deceased. (Report No.

The bill (H. R. 3773) for the relief of Henry Fields, of Savannah, Ga. (Report No. 2557.)

The bill (H. R. 526) for the relief of William G. Ebbs. (Report No. 2558.)

A resolution (No. 496) to refer the bill (H. R. 9086) for the relief of the estate of Maria Gibson, deceased, late of Culpeper County, Va., with all accompanying papers, to the Court of Claims, reported in lieu of House bill No. 9086. (Report No. 2559.)

By Mr. NEILL, from the Committee on War Claims:
The bill (H. R. 1136) for the relief of Anna Hunt, administratrix of George F. Hunt, late of Jefferson County, Miss., as found due by the Court of Claims under the act of March 3, 1883. (Report No. 2560.)

ort No. 2560.)

The bill (H. R. 2455) for the relief of William Johnson, administrator of Thomas I. Johnson, deceased, of Fayette County, Tenn., as found due by the Court of Claims under the act of March 3, 1883. (Report No. 2561.)

By Mr. PUGH, from the Committee on War Claims:

The bill (H. R. 1814) for the relief of Dr. John R. Hall, of Louisville, Ky. (Report No. 2562.)

A resolution (No. 497) to refer, together with all accompanying papers, to the Court of Claims the bills (H. R. 5058) for the relief of B. J. Young; (H. R. 2093) for the relief of E. C. Oakley, administrator of W. H. Neal, deceased, late of Shelby County, Tenn.; (H. R. 2115) for the relief of estate of B. B. Neville, deceased, of Shelby County, Tenn.; (H. R. 2090) for the relief of Jacob Glenn, of Memphis, Shelby County, Tenn.; (H. R. 1574) for relief of Mary F. Pollan, administratrix of William H. Pollan, deceased, late of Crittenden County, Ark.; (H. R. 2516) for the relief of Mary N. Westmoreland, of Obion County, Tenn., formerly of Lauderdale County, Ala.; (H. R. 1765) for the relief of the estate of W. S. Hyland, deceased, of Warren County, Miss.; (H. R. 1087) for the relief of S. L. Carpenter, of Fayette County, Tenn.; (H. R. 2496) for the relief of the estate of James L. Holland, deceased, of Lauderdale County, Ala.; (H. R. 2597) for the relief of the estate of Vincent Armistead, deceased, and (H. R. 8799) for the relief of Mrs. Sarah E. Norton, of Memphis, Tenn., reported in lieu of House bills Nos. 5058, 2093, 2115, 2090, 1574, 2516, 1765, 1087, 2496, 2537, and 8799. (Report No. 2563.)

By Mr. BELL of Colorado, from the Committee on the Public Lands: The bill (H. R. 9499) authorizing and directing the Secretary of the Interior to sell certain lands to A. L. Williams, and for other purposes. (Report No. 2566.)

By Mr. Will SON of Idaho, from the Committee on the Public

for other purposes. (Report No. 2566.)

By Mr. WILSON of Idaho, from the Committee on the Public Lands: The bill (H. R. 9162) for the relief of the heirs of John W. Johnson. (Report No. 2567.)

By Mr. KIRKPATRICK, from the Committee on Invalid Pen-

sions:

The bill (H. R. 5898) granting a pension to Amanda M. Way, as army nurse. (Report No. 2570.)

The bill (H. R. 9717) granting an increase of pension to William Blades. (Report No. 2571.)

By Mr. McCLELLAN, from the Committee on Invalid Pensions: The bill (S. 2184) entitled "An act granting a pension to William F. Johnson." (Report No. 2572.)

By Mr. SULLOWAY, from the Committee on Invalid Pensions: The bill (H. R. 10020) granting a pension to Louise Van Atter. (Report No. 2573.)

By Mr. WOOD, from the Committee on Invalid Pensions: The bill (H. R. 8568) granting a pension to Florence Tate. (Report No. 2574.)

By Mr. AVERY, from the Committee on War Claims: The bill

By Mr. AVERY, from the Committee on War Claims: The bill (S. 2570) entitled "An act to authorize the readjustment of the accounts of army officers who were graduates of West Point Military Academy." (Report No. 2575.)

PUBLIC BILLS, MEMORIALS, AND RESOLUTIONS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. FISCHER: A bill (H. R. 10058) in relation to the collection of revenue—to the Committee on Ways and Means.

By Mr. MAHON: A bill (H. R. 10059) to authorize the readjustment of the accounts of certain army officers—to the Committee on War Claims.

By Mr. JENKINS: A bill (H. R. 10060) making an appropria-tion for the purchase of the scale known as Fairbanks's infallible American gold and silver coin scale and counterfeit-coin detector,

American gold and silver coin scale and counterfeit-coin detector, for use in the post-offices throughout the United States—to the Committee on the Post-Office and Post-Roads.

By Mr. MEIKLEJOHN: A bill (H. R. 10061) to amend an act entitled "An act granting to the Eastern Nebraska and Gulf Railway Company right of way through the Omaha and Winnebago Indian reservations, in the State of Nebraska," by extending the time for the comptruction of said railway, to the Committee the time for the construction of said railway-to the Committee

on Indian Affairs.

By Mr. HYDE: A bill (H. R. 10062) to grant a right of way through the Fort Spokane Military Reservation, in the State of Washington, to the St. Paul, Minneapolis and Manitoba Railway

Company—to the Committee on Military Affairs.

By Mr. SCRANTON: A bill (H. R. 19983) to provide for the

naturalization of certain Indians residing upon the Annete Islands, Alaska—to the Committee on the Territories.

By Mr. SAYERS: A bill (H. R. 10064) to provide for the twelfth and subsequent censuses—to the Committee on Appropriations.

By Mr. RICHARDSON: A bill (H. R. 10065) to incorporate the

District of Columbia Suburban Railway Company-to the Com-

District of Columbia Suburban Railway Company—to the Committee on the District of Columbia.

By Mr. PAYNE: A bill (H. R. 10067) to amend "An act to amend "An act to amend section 4400 of Title LII of the Revised Statutes of the United States, concerning the regulation of steam vessels," approved August 7, 1882," and also to amend section 4414, Title LII, of the Revised Statutes, "Regulation of steam vessels"—to the Committee on the Merchant Marine and Fisheries.

By Mr. BEACH: A resolution (House Res. No. 498) relative to

securing a uniform standard of value in trade and commerce with China, Japan, the several republics and colonies of the American Hemisphere, the Hawaiian Islands, and the Dominion of Canada—to the Committee on Foreign Affairs.

Also, a resolution (House Res. No. 499) directing the Committee

on Interstate and Foreign Commerce to ascertain and inform the House of Representatives whether any good reason exists for the further continuance of the bonded privilege between the Great Lakes and the Pacific Ocean—to the Committee on Interstate and Foreign Commerce.

PRIVATE BILLS, ETC.

PRIVATE BILLS, ETC.

Under clause 1 of Rule XXII, private bills of the following titles were presented and referred as follows:

By Mr. BOATNER: A bill (H. R. 10068) for the relief of Mrs. Ellen Yznaga—to the Committee on War Claims.

Also, a bill (H. R. 10069) for the relief of Mrs. E. R. Allen, of West Carroll Parish, La.—to the Committee on War Claims.

By Mr. BURRELL: A bill (H. R. 10070) for relief of Phillip M. Smith—to the Committee on War Claims.

Also, a bill (H. R. 10071) for the relief of Edward Chasteen—to the Committee on Military Affairs.

By Mr. CLARDY: A bill (H. R. 10072) for the relief of William A. Short—to the Committee on Military Affairs.

By Mr. KIRKPATRICK: A bill (H. R. 10073) for the relief of Barr & Sanner—to the Committee on the District of Columbia.

Also, a bill (H. R. 10074) granting a pension to John Clopine—to the Committee on Invalid Pensions.

By Mr. PICKLER: A bill (H. R. 10075) granting a pension to Martin G. Sands—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10076) granting a pension to John W. Elliott—to the Committee on Invalid Pensions.

By Mr. RUSSELL of Connecticut: A bill (H. R. 10077) granting a pension to Nancy D. Perkins—to the Committee on Pensions.

By Mr. RUSSELL of Connecticut: A bill (H. R. 10077) granting a pension to Nancy D. Perkins—to the Committee on Pensions.

By Mr. BUCK: A bill (H. R. 10078) to correct naval record of Charles F. Brown—to the Committee on Naval Affairs.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ADAMS: Resolutions of the Commercial Exchange of Philadelphia, favoring a mail boat in New York Harbor for expediting foreign mails—to the Committee on the Post-Office and Post-Roads.

Also, petition of Charles G. Frowert and 18 others, of Philadelphia, Pa., praying for favorable action on House bill No. 4566, relating to second-class mail matter, and Senate bill No. 1675, pro thibiting the transportation of obscene matter by any agency—to the Committee on Interstate and Foreign Commerce.

By Mr. BOWERS: Petition of 200 citizens of Ontario, Cal., favoring the passage of the Cameron resolution relating to Cuba—

favoring the passage of the Cameron resolution relating to Cuba—to the Committee on Foreign Affairs.

By Mr. ELLIS: Petition of Maj. Theodore John Eckerson, United States Army, retired, in favor of the readjustment of accounts of retired officers under act of July 5, 1838—to the Committee on Military Affairs.

By Mr. GROUT: Petition of the Woman's Christian Temperance Union of Addison County, Vt., Mrs. L. D. Dyer, president, for the passage of Senate bill No. 2485, to further protect the first day of the week as a day of rest in the District of Columbia—to the Committee on the District of Columbia.

Also, memorial of Jovite Pinard, late of Company C. Eighth

the Committee on the District of Columbia.

Also, memorial of Jovite Pinard, late of Company C, Eighth Regiment Vermont Volunteers, in support of the petition granting a medal to those who participated in the siege of Port Hudson, June 15, 1863—to the Committee on Military Affairs.

By Mr. HURLEY: Petition of macaroni manufacturers of the State of New York, for a duty of 2 cents per pound on macaroni—to the Committee on Ways and Means.

By Mr. OVERSTREET: Paper to accompany House bill No. 3273, for the classification of clerks in the first and second class post-offices, and fixing the salaries of the same—to the Committee on the Post-Office and Post-Roads.

By Mr. QUIGG: Petition of members of the Tea Trade of the

By Mr. QUIGG: Petition of members of the Tea Trade of the United States, residing in New York City, relating to the importa-tion of impure and unwholesome teas—to the Committee on Ways

and Means

By Mr. TRACEWELL (by request): Petition of Samuel Reid Post, No. 87, Grand Army of the Republic, of Salem, Ind.; also petition of 92 citizens of Harrison County, Ind., requesting the recognition of Cuba as a free and independent government—to

the Committee on Foreign Affairs.

By Mr. WOOD: Evidence in support of House bill No. 9999, to correct the military record of Charles W. Hammond—to the Com-

mittee on Military Affairs.

SENATE.

Wednesday, January 20, 1897.

Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.
The Secretary proceeded to read the Journal of yesterday's proceedings, when, on motion of Mr. MITCHELL of Wisconsin, and by unanimous consent, the further reading was dispensed with.

HARBOR AT ASTORIA, OREG.

The VICE-PRESIDENT laid before the Senate a communica-tion from the Secretary of War, transmitting, in response to a resolution of December 21, 1896, a report of the Chief of Engineers relative to the harbor at Astoria, Oreg.; which, with the accom-panying papers, was referred to the Committee on Commerce, and ordered to be printed.

ST. LOUIS RIVER BRIDGE.

Mr. VILAS. I should like to have referred back to the Committee on Commerce the bill (H. R. 9752) to amend an act entitled "An act to authorize the construction of a steel bridge over the St. Louis River between the States of Wisconsin and Minnesota," approved April 24, 1894, as amended by an act approved August 4, 1894, entitled "An act to amend an act to authorize the construction of a steel bridge over the St. Louis River between the States of Minnesota and Wisconsin." The bill was reported by the Senator from Minnesota [Mr. Nelson], who is upon the floor, and with whom I have conversed in respect to it. The object of the recommittal is for a further hearing in respect to the provisions of the bill.

The VICE-PRESIDENT. In the absence of objection, it will be

so ordered.

PETITIONS AND MEMORIALS.

Mr. GALLINGER. I present a petition authorized by the American Humane Association in annual convention at Cleveland, Ohio, September 26, 1896, praying for the passage of the bill for the prevention of cruelty to animals in the District of Columbia.

Iumbia.

In connection with the petition I desire to present letters from the president and vice-president and four members of the board of trust of Western Reserve University, of Cleveland, Ohio; Charles F. Meserve, president of Shaw University, Raleigh, N. C.; James R. Day, chancellor of Syracuse University, of Syracuse, N. Y.; Jesse Johnson, president of Muskingum College, New Concord, Ohio; L. L. Hobbs, president of Guilford College, Guilford, N. C.; D. H. Cochran, president of the Polytechnic Institute, of Brooklyn, N. Y.; Albert Bushnell Hart, of Harvard University, Cambridge, Mass.; John Bascom, of the faculty of Williams College, Williamstown, Mass.; Harriet Prescott Spofford, of Washington, D. C.; Hiram Corson, of Cornell University, Ithaca, N. Y.; Herbert E. Ward and his distinguished wife, Elizabeth Stuart Phelps Ward, of Newton Highlands, Newton Center, Mass., and William Rounseville Alger, of Boston, Mass., all praying for the William Rounseville Alger, of Boston, Mass., all praying for the passage of the bill.

I ask that the petition of the Humane Society and the letters I have presented be printed as a document for the use of the Senate, and that the petition and accompanying papers lie on the table.

The VICE-PRESIDENT. Is there objection? The Chair hears

none, and it is so ordered.

Mr. SHERMAN presented the memorial of Leo Wise, publisher of the American Israelite, of Cincinnati, Ohio, remonstrating against the passage of the so-called Loud bill, relating to second-class mail matter; which was referred to the Committee on Post-Offices and Post-Roads.

Offices and Post-Roads.

Mr. ALLEN presented the memorial of Homer E. Moore, publisher of the Primitive Christian, of Panama, Nebr., remonstrating against the passage of the so-called Loud bill, relating to second-class mail matter; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. CHILTON presented the petition of John B. Bass and sundry other citizens of Smith County, Tex., praying for the establishment in the rural precincts of mail boxes for the reception of mail; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. MORRILL. I present a position of citizens of this side.

Post-Roads.

Mr. MORRILL. I present a petition of citizens of this city who are owners of several parcels of land that occupy a position in front of the Senate wing, near that occupied now by the Library building, praying that Congress will take some action in relation to the purchase of those squares and of three triangular lots corresponding to those that were purchased by the Government for the Library building, so that they may know whether the Senate will act favorably or unfavorably upon the bill authorizing the purchase of a site for the accommodation of the Supreme Court of the United States. I move that the petition be printed as a document and referred to the Committee on Public Buildings and Grounds. Grounds.

The motion was agreed to.

Mr. THURSTON presented a petition of James A. Garfield Post, Grand Army of the Republic, of Red Cloud, Nebr., praying for the adoption of the so-called Cameron resolutions recognizing the independence of Cuba; which was ordered to lie on the

He also presented the memorial of John C. Thompson, publisher of the American, of Omaha, Nebr., and the memorial of R. B. Enslow, publisher of the Argus, of Alexandria, Nebr., remonstrating against the passage of the so-called Loud bill, relating to second-class mail matter; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. SEWELL presented a petition of the Woman's Christian Temperance Union of Camden, N. J.; praying for the enactment of legislation to protect State antigambling laws from nullification through interstate gambling by telegraph, telephone, or otherwise, etc.; which was referred to the Committee on the Judiciary. He also presented a petition of the Woman's Christian Temperated Union of Camdon, N. J. praying for the passage of the second

ance Union of Camden, N. J., praying for the passage of the so-called Phillips bill, authorizing the appointment of a nonpartisan commission to collate information and to consider and recommend legislation to meet the problems presented by labor, agriculture, and capital; which was referred to the Committee on Education and Labor.

Mr. BATE presented the memorial of Bishop & Smith, publishers of the Crossville Chronicle, of Crossville, Tenn., and the memorial of W. H. Weakley, assistant editor of the Messenger, of Nashville, Tenn., remonstrating against the passage of the so-called

Loud bill, relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

Mr. PROCTOR presented a memorial of the Master Car Builders' Association of Rutland, Vt., remonstrating against the adoption of a metric system of weights and measures; which was referred to the Committee on Finance.

CHANGE OF REFERENCE.

Mr. COCKRELL. I supposed that the bill (H. R. 8298) relating to mortgages in the Indian Territory had been referred to the Committee on the Judiciary, and, so supposing, I had referred to the Committee on the Judiciary sundry petitions, memorials, etc., to be considered in connection with that bill. I ask that the Committee on the Judiciary be discharged from the consideration of the papers, and that they be referred to the Committee on Indian Affairs for consideration with House bill 8298.

The VICE-PRESIDENT It will be so ordered.

The VICE-PRESIDENT. It will be so ordered.

REPORTS OF COMMITTEES.

Mr. ALLEN, from the Committee on Claims, to whom was referred the bill (S. 567) for the relief of the Continental Fire Insurance Company and others, reported it without amendment, and

ance Company and others, reported it without amendment, and submitted a report thereon.

Mr. GALLINGER, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 8683) granting a pension to Frederick Lierman;

A bill (H. R. 3231) for the relief of Bluford Reeder;

A bill (H. R. 3333) granting a pension to Thomas S. Daugherty;

A bill (H. R. 717) granting a pension to Mary Ann Lafferty; and A bill (S. 3540) granting a pension to Mirum C. Peck.

Mr. BACON, from the Committee on Claims, to whom was referred the bill (H. R. 939) for the relief of Cogswell & Co., reported it without amendment, and submitted a report thereon.

Mr. WALTHALL, from the Committee on Military Affairs, to whom was referred the bill (H. R. 514) to remove the charge of desertion from the military record of Wear Crawford, reported it with an amendment, and submitted a report thereon.

Mr. STEWART, from the Committee on Claims, to whom was referred the amendment submitted by Mr. Gorman on the 21st ultimo, intended to be proposed to the general deficiency appro-

ultimo, intended to be proposed to the general deficiency appropriation bill, reported favorably thereon, and moved that it be referred to the Committee on Appropriations, with the accompany-

ing report, and printed; which was agreed to.

He also, from the same committee, reported an amendment intended to be proposed to the general deficiency appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

He also, from the same committee, to whom were referred the following bills, reported them severally without amendment, and

following bills, reported them severally without amendment, and submitted reports thereon:

A bill (S. 3424) for the relief of Capt. George W. Goethals;

A bill (S. 514) for the relief of Warren Hall; and

A bill (S. 881) for the relief of the administrators of Isaac P.

Tice, deceased, and others.

Mr. BURROWS, from the Committee on Claims, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (S. 3539) providing for the adjudication of certain claims

A bill (S. 3539) providing for the adjudication of certain claims by the Court of Claims;

A bill (H. R. 897) for the relief of James Stewart: and A bill (S. 3443) for the relief of the Globe Works, of Boston,

Mr. PEFFER, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 6282) to increase the pension of Alexander Mc-Bride; and

A bill (H. R. 4264) granting a pension to Mary Pelham. Mr. QUAY, from the Committee on Public Buildings and Grounds, to whom was referred the amendment submitted by Mr. Hoar on the 19th instant, intended to be proposed to the sundry civil appropriation bill, reported favorably thereon, and moved that it be referred to the Committee on Appropriations

and printed; which was agreed to.

Mr. PROCTOR, from the Committee on Military Affairs, to whom was referred the bill (H. R. 5610) for the relief of George T. Stevens, assistant surgeon Seventy-seventh New York Volunteers, reported it without amendment, and submitted a report

Mr. VEST, from the Committee on Commerce, to whom were referred the following bills, reported them severally without amendment:

A bill (H. R. 9841) to amend an act authorizing the West Braddock Bridge Company to construct a bridge over the Monongahela River from the borough of Rankin to Mifflin Township; and

A bill (H. R. 9935) to authorize the construction or acquisition of a bridge across the Rio Grande River at El Paso, in the State of Texas.

of Texas.

Mr. VEST, from the Committee on Commerce, to whom was referred the bill (S. 3519) to authorize the construction or acquisition of a bridge across the Rio Grande River at El Paso, in the State of Texas, reported adversely thereon, and the bill was postponed indefinitely.

Mr. MITCHELL of Wisconsin, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 6549) granting a pension to Gideon L. McGinnis; A bill (H. R. 4994) for the relief of Mrs. Sarah Martin; and A bill (H. R. 6590) granting a pension to William Greer.

Mr. CANNON, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 8053) granting a pension to Alice Gard;
A bill (H. R. 6900) increasing the pension of Mary T. Young; and

and
A bill (H. R. 4547) granting a pension to Silas S. White.
Mr. BRICE, from the Committee on Pensions, to whom was referred the bill (H. R. 1171) to pension Hannah Yazell, reported it without amendment, and submitted a report thereon.
He also, from the same committee, to whom was referred the bill (H. R. 3945) granting a pension to Thomas J. Thorp, reported it without amendment, and submitted a report thereon.
He also, from the same committee, to whom was referred the bill (S. 3397) granting a pension to Etta S. Stillson, widow of Philo B. Stillson, lieutenant-colonel One hundred and ninth Regiment New York Volunteers, reported it with an amendment, and submitted a report thereon. submitted a report thereon.

CHICAGO RAILWAY STRIKE OF 1894.

Mr. HALE, from the Committee on Printing, to whom was referred the following concurrent resolution of the House of Representatives, reported it without amendment; and it was considered by unanimous consent, and agreed to:

Resolved by the House of Representatives (the Senate concurring), That the Attorney-General be, and is hereby, authorized and instructed to print as an appendix to his last annual report full copies of all telegraphic and other correspondence between the Department of Justice and public officers, private persons, railroad companies, and their officers and agents, in the year 1894, relative to the disorders in the city of Chicago, Ill., during said year, and to the action taken by the Government of the United States in suppressing the same.

RECOGNITION OF THE INDEPENDENCE OF A FOREIGN STATE.

Mr. HALE, from the Committee on Printing, reported the following resolution; and it was considered by unanimous consent, and agreed to:

Resolved, That there be printed 2,500 additional copies of Senate Document No. 56, Fifty-fourth Congress, second session, being "Memorandum upon the power to recognize the independence of a new foreign state," 2,000 of which shall be for the use of the Senate, and sent to the Senate document room, and 500 for the use of the State Department.

COST AND PRICE OF ARMOR.

Mr. HALE, from the Committee on Printing, reported the following resolution; and it was considered by unanimous consent, and agreed to:

Resolved, That there be printed 2,500 additional copies of House Document No. 151, Fifty-fourth Congress, second session, being a report of the Secretary of the Navy on cost and price of armor, 2,000 of which shall be for the use of the Senate, and sent to the Senate document room, and 500 for the use of the Navy Department.

THE COTTON PLANT BULLETIN.

Mr. GORMAN, from the Committee on Printing, to whom was referred the concurrent resolution submitted by Mr. TILLMAN on the 18th instant, reported it without amendment; and it was considered by unanimous consent, and agreed to, as follows:

Resolved by the Senate (the House of Representatives concurring), That there be printed 20,000 extra copies of Bulletin No. 33 of the United States Department of Agriculture, entitled The Cotton Plant: Its History, Botany, Chemistry, Culture, Enemies, and Uses, of which number 6,000 copies shall be for the use of the Senate, 12,000 copies for the use of the House of Representatives, and 2,000 copies for distribution by the Secretary of Agriculture.

BILLS INTRODUCED.

Mr. WILSON introduced a bill (S. 3561) to grant a right of way through the Fort Spokane Military Reservation, in the State of Washington, to the St. Paul, Minneapolis and Manitoba Railway Company; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Military Affairs.

He also introduced a bill (S. 3562) for the relief of Thomas H. Burns; which was read twice by its title, and referred to the Committee on Military Affairs.

mittee on Military Affairs.

He also introduced a bill (S. 3563) granting to the Western Washington Development Company a right of way through the Quinaielt Indian Reservation, in the State of Washington; which was read twice by its title, and referred to the Committee on

Indian Affairs.

Mr. ALLEN introduced a bill (S. 3564) granting a pension to Joseph W. Skelton, of Nebraska; which was read twice by its title, and, with the accompanying papers, referred to the Committee on

Pensions.

Mr. McMILLAN introduced a bill (S. 3565) to compel street railway companies in the District of Columbia to remove abandoned tracks, and for other purposes; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. THURSTON introduced a bill (S. 3566) for the relief of William H. Webster; which was read twice by its title, and referred to the Committee on Pensions.

Mr. TURPIE (for Mr. VOORHEES) introduced a bill (S. 3567) granting an increase of pension to Hugh L. English; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

Mr. BURROWS introduced a bill (S. 3568) granting thirty days of sick leaveannually, with pay, to the employees of the Government Printing Office and the Bureau of Engraving and Printing; which was read twice by its title, and referred to the Committee

which was read twice by its title, and referred to the Committee on Printing.

Mr. BURROWS. I present, to accompany the bill, a petition of sundry employees of the Government, praying for its passage. I ask that the petition be printed as a document, and referred to the Committee on Printin

the Committee on Printing.

The VICE-PRESIDENT. In the absence of objection, it will

be so ordered.

Mr. ALDRICH introduced a bill (S. 3569) to provide a life-saving station at or near Green Hill, on the coast of South Kings-ton, in the State of Rhode Island; which was read twice by its title, and, with the accompanying paper, referred to the Commit-

tee on Commerce.

Mr. PERKINS. I introduce a joint resolution, which I ask to be read and referred to the Committee on Mines and Mining.

The joint resolution (S. R. 192) to provide means for securing information relating to mines and related industries was read the first time by its title and the second time at length, and referred to the Committee on Mines and Mining, as follows:

to the Committee on Mines and Mining, as follows:

Whereas the mining interests of the United States have not a clearly defined representation in the organization of the Government; and Whereas it is desirable that there shall be gathered and published statistics and other information that will be of value to mining and related industries; and

Whereas the statistics now obtained are secured by the Geological Survey and the Director of the Mint; and

Whereas it is desirable that all statistics relating to mines and mining be collected by one organization:

Resolved, etc., That a commission be, and is hereby, formed, consisting of the Commissioner of the General Land Office, the Commissioner of Labor, and the Director of the Geological Survey, whose duty shall be to determine the best method of ascertaining all the facts of general importance relating to mines and mining within the United States, whether by a mining bureau, a secretary of mines and mining, a commissioner of mines, or a commission and to report to the Secretary of the Interior for his examination and approval a bill providing means for securing all necessary information concerning mining and related industries within the United States.

AMENDMENTS TO SUNDRY CIVIL APPROPRIATION BILL.

AMENDMENTS TO SUNDRY CIVIL APPROPRIATION BILL.

Mr. FRYE submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

Mr. ALLEN submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Claims, and ordered to be printed. by him to the sundry civil appropriation bill; which was referred to the Committee on Claims, and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. Browning, its Chief Clerk, announced that the House had passed to the third time, and passed.

**The amendment was agreed to. The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

the bill (S. 319) for the relief of telegraph operators who served in

the war of the rebellion.

The message also announced that the House had agreed to the amendment of the Senate to the bill (H. R. 8551) to establish railroad bridges across the Cumberland and Tennessee rivers, in Ken-

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the Vice-President:

A bill (S. 637) granting a pension to George M. Brooks;
A bill (S. 937) granting an increase of pension to Sarah E.
Comly, widow of Maj. Clifton Comly;
A bill (S. 1320) to confirm the title to certain lands in William Morgan and Harrison Moore, and to require the issue of patents therefor;

A bill (S. 2008) granting a pension to Fanny Moale Gibbon;
A bill (S. 3182) granting a pension to Sarah E. Cunningham;
A bill (S. 3375) authorizing the construction of a bridge across the Columbia River, in the State of Washington; and
A bill (H. R. 9733) to authorize the Union Railroad Company to construct and maintain a bridge across the Monongahela River.

NEW YORK CITY CUSTOM-HOUSE BUILDING.

Mr. HILL. In behalf of my colleague [Mr. MURPHY], who was called away and has not returned, I ask for the present consideration of the bill (S. 3520) to provide for the erection of a custom-house in the city of New York.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Public Buildings and Grounds with an amendment, in section 1, line 3, after the name "Post" to strike out "and," and in line 4, after the name "Kilbreth," to insert "Edward F. Brown and Hugh J. Grant," so as to make the section read: tion read:

That Charles N. Taintor, George B. Post, James T. Kilbreth, Edward F. Brown, and Hugh J. Grant, citizens of New York, are hereby appointed and constituted a board of commissioners, to be known as the United States custom-house building commissioners, and they are charged with the erection and construction of a suitable, commodious, and sufficiently fireproof building for the purposes of a custom-house, upon the present custom-house site, in the city of New York, which site is bounded by Wall, William, and Hanover streets and Exchange place.

Mr. PETTIGREW. I should like to know if the bill has been reported from a committee, and if the report is unanimous?

Mr. HILL. The report is unanimous from two committees of

this body

Mr. PETTIGREW. I should like to have the Senator from New York inform me further whether it is customary to appoint a

commission and name them, for the purpose of constructing these buildings, or is this a new departure?

Mr. HILL. It is customary. It has been done in a large number of instances, I will inform the Senator, and the Secretary of the Treasury approves of this form. There is no objection to it.

tion to it.

tion to it.

Mr. QUAY. I understand that the bill follows the precedent in relation to the New York public buildings, and it is a bill approved by the Treasury Department.

Mr. PETTIGREW. Do I understand the chairman of the Committee on Public Buildings and Grounds to say that it is customary to appoint these commissioners in the bill itself?

Mr. QUAY. Yes; that is my understanding.

Mr. PETTIGREW. And that this designation is approved by the Secretary of the Treasury?

Mr. QUAY. Yes; these bills come from the Treasury Department. The bill makes no appropriation. It merely diverts a sum of money previously appropriated to the purchase of a site for the erection of a new building upon the old site.

Mr. PETTIGREW. It seems to me it would be a better custom to have these officers appointed by the Treasury Department rather than have us undertake to pass upon the qualifications of these people and designate them ourselves. It appears to me it these people and designate them ourselves. It appears to me it is a bad custom and that it ought not to be adopted. No such precedent ought to be established by the Senate. If it has been established-

Mr. QUAY. It has been established.
Mr. PETTIGREW. If that has been the custom, I do not know that I am prepared to undertake to change a custom already established, but it is certainly a very bad one and never ought to have been established.

The VICE-PRESIDENT. The question is on agreeing to the

amendment reported by the committee.

PACIFIC RAILROADS.

The VICE-PRESIDENT. The Chair lays before the Senate the resolution of the Senator from Alabama [Mr. Morgan], coming over from a previous day. The resolution will be stated.

The Secretary. A resolution directing the Committee on the Judiciary to inquire into and report as to the default of the Pacific

railroads in the payment of certain bonds issued by the United States in aid of said roads.

Mr. MORGAN. I ask unanimous consent that the resolution may go over. Because of other engagements I have not been able to examine certain papers.

The VICE-PRESIDENT. In the absence of objection, the reso-

lution will go over as indicated.

DIVISIONAL LINE BETWEEN VENEZUELA AND BRITISH GUIANA.

The VICE-PRESIDENT. The Chair lays before the Senate the resolution of the Senator from South Dakota [Mr. Pettigrew], coming over from a previous day. The resolution will be read.

The Secretary read the resolution submitted by Mr. Pettigrew

on the 18th instant, as follows:

Resolved. That the Secretary of State be, and is hereby, directed to send to the Senate a statement of the proceedings of the commission appointed to investigate and report upon the true divisional line between the Republic of Venezuela and British Guiana, together with a copy of the treaty or agreement between the United States and Great Britain upon the subject of the boundary, which agreement has been submitted to the Government of Venezuela for consideration.

The VICE-PRESIDENT. The question is on agreeing to the resolution.

Mr. PETTIGREW. Mr. President, this is a simple resolution

of inquiry, and upon a subject, I think, that should be brought to the knowledge of the people of the United States.

The controversy over the boundary between Venezuela and British Guiana has continued for seventy-five years. England has constantly encroached upon the territory of Venezuela, occupying a country more than twice as great as the original region ceded to her.

This controversy continued until 1841, when England marked the Schomburgk line, building mounds and setting posts and designating the country that she claimed. To this Venezuela protested, and her protest continued until 1887, when she withdrew her minister and refused to have further diplomatic relations with Great Britain. The good offices of this country were solicited, correspondence ensued, and the present Executive, through the Secretary of State, asked Great Britain to submit the question of boundary to arbitration. This was refused. The British prime minister, in his letter to the British ambassador, makes the follow-

It will be seen from the preceding statement that the Government of Great Britain have from the first held the same view as to the extent of territory which they are entitled to claim as a matter of right. It comprised the coast line up to the River Amacura, and the whole basin of the Essequibo River and its tributaries. A portion of that claim, however, they have always been willing to waive altogether; in regard to another portion, they have been and continue to be perfectly ready to submit the question of their title to arbitration. As regards the rest, that which lies within the so-called Schomburgk line, they do not consider that the rights of Great Britain are open to question.

In response to this letter on the part of the British prime minister, the President of the United States transmitted to the Senate a message, a message which startled the world and aroused an enthusiastic response from the patriotic citizens of this country.

enthusiastic response from the patriotic citizens of this country. It aroused also in response a cry of rage from the foreign element that has dominated this Administratior, who have their head-quarters in New York and are the gamblers of Wall street.

In response to this message, the Senate passed a bill providing for a commission to investigate and determine the true line between Venezuela and British Guiana. From this commission we have had no report, although at the time the question was dispussed as to whether we should not limit the time in which they cussed as to whether we should not limit the time in which they should report, as prompt action was deemed necessary. But no report has come. However, in the meantime the Administration itself has taken up the matter, has negotiated with Great Britain, and finally, as I understand, has agreed upon a treaty and submitted it to Venezuela for their ratification. The public prints mitted it to Venezuela for their ratification. The public prints inform us that this treaty provides that no territory shall be subject to arbitration which has been in the possession of Great Britain or British citizens for fifty years. In other words, this treaty provides that there shall be no arbitration of the territory inside the Schomburgk line. The treaty provides, then, that we shall surrender the whole contention, for the Schomburgk line was run in 1841, fifty-five years ago. The treaty provides that possession for fifty years shall be construed as conveying a title, and that territory occupied for fifty years shall not be arbitrated.

Under these circumstances, Mr. President, it seems to me the people of the United States, for they are supposed to govern this country rather than the present Executive, should be taken into the confidence of the Executive and the Government, and these facts laid before them.

I presume that Venezuela will submit, although she broke rela-

tions with Great Britain because she refused to accept arbitration which did not embrace the country within the Schomburgk line. She will accept it because, having asked our good offices, she has nothing else to do. Any other nation, any powerful nation, would have gone to war, would have attacked and driven out the encroaching settlers from British Guiana and occupied their own territory. Venezuela is weak. She hoped to find a friend and a defender in the United States. Instead of that, our Administration joined Great Britain and is now compelling them to accept that which they refused to accept and for which they dissolved relations with Great Britain.

Enrither than that Mr. President, it is a matter of hymiliation. which did not embrace the country within the Schomburgk line.

Further than that, Mr. President, it is a matter of humiliation to the people of the United States, after having responded so ardently and so earnestly to the only thing Grover Cleveland ever did that entitled him to their respect, that they should now be betrayed into the hands of this modern pirate without a full knowledge of all the facts. I say that it is due to the Administration edge of all the facts. I say that it is due to the Administration that the treaty should be laid before the country and before the Senate and that all the facts be known.

This remarkable message, in the light of the treaty which has now been made and submitted to Venezuela, reads as follows:

The course to be pursued by this Government, in view of the present condition, does not appear to admit of serious doubt.

Mr. SHERMAN. Mr. President-

The VICE-PRESIDENT. Does the Senator from South Dakota yield?

Mr. PETTIGREW. Certainly.
Mr. SHERMAN. I have already suggested to the Senator that I think it is not in order to comment upon a treaty pending in the Senate except in executive session. I therefore make the point, and ask that the doors be closed if the Senator wishes to go on and discuss the matter. I consider it my duty to do it, in view of the position I occupy. I think that the better way, unless the Senator will defer his remarks until an executive session.

ator will defer his remarks until an executive session.

Mr. PETTIGREW. I will say to the Senator from Ohio that I am not commenting on a treaty which has been submitted to the Senate. I introduced a resolution asking the Secretary of State to transmit to the Senate a copy of the treaty which has been submitted to Venezuela for their ratification. Under the circumstances, I think it is entirely proper that all the facts should be known to the country. However, I wish simply to read a portion of the President's message. of the President's message.

The VICE-PRESIDENT. The Senator from South Dakota will

rine VICE-PRESIDENT. The Senator from South Dakota will suspend. The Chair did not understand whether the Senator from Ohio entered a motion.

Mr. SHERMAN. I have no objection at all to the Senator reading from a public document, but reference to treaties, etc., pending can only be made, according to our rules, in executive session. I do not wish in the least to disturb the Senator in his discussion

of any matter already published, and it is in order, of course, to discuss what has appeared in a public document.

Mr. PETTIGREW. This is a public document sent to the Senate on the 7th of December, 1895. This message, which the President transmitted to the Senate, which was construed as a declaration of war, so far as he is able to declare war, contains the following paragraph:

The course to be pursued by this Government in view of the present condition does not appear to admit of serious doubt. Having labored faithfully for many years to induce Great Britain to submit this dispute to impartial arbitration, and having been now finally apprised of her refusal to do so, nothing remains but to accept the situation, to recognize its plain requirements, and deal with it accordingly. Great Britain's present proposition has never, thus far, been regarded as admissible by Venezuela, though any adjustment of the boundary which that country may deem for her advantage and may enter into of her own free will can not, of course, be objected to by the United States.

Mr. President, it appears from all the knowledge we have of the treaty submitted to Venezuela that we have surrendered this very contention, and have insisted that only that territory outside of the Schomburgk line shall be submitted to arbitration, exactly what Great Britain insisted upon doing previous to the sending of this message to the Senate. I say, therefore, that the people of the United States have a right to know what this agreement or treaty is that we have submitted to Venezuela, in order that they may pass judgment upon it before the people of Venezuela act. I contention, and have insisted that only that territory outside of

ask unanimous consent for the adoption of the resolution.

The VICE-PRESIDENT. The question is on agreeing to the resolution submitted by the Senator from South Dakota.

Mr. HILL and Mr. SHERMAN. Let it be read.

Mr. HILL and Mr. SHERMAN. Let it be read.

The Secretary again read the resolution.

Mr. SHERMAN. I think the resolution had better lie on the table. I object to its consideration to-day.

The VICE-PRESIDENT. The Chair will state to the Senator from Ohio that the resolution comes over from yearday, and that it has been reached in the regular order of business.

Mr. SHERMAN. I then suggest an executive session. I

Mr. PETTIGREW. Let it be referred.

Mr. SHERMAN. If the Senator from South Dakota will allow the resolution to be referred to the Committee on Foreign Rela-tions, I think that would be the best disposition of it. I move that the resolution be referred to the Committee on Foreign Relations.

Mr. PETTIGREW. I shall not object to its reference to the Committee on Foreign Relations if that is the desire of the chairman of the committee.

man of the committee.

The VICE-PRESIDENT. The resolution will be referred to the Committee on Foreign Relations.

PRIVILEGES OF THE FLOOR TO ELECTORAL MESSENGERS.

Mr. HOAR. I desire to ask unanimous consent that the gentlemen who come to the capital as messengers from the electoral colleges of their several States, bringing the electoral vote, may be admitted upon the floor of the Senate for twenty-four hours after their arrival in Washington, on being introduced by the Senators from their State.

The VICE-PRESIDENT. Is there objection to the request of the Senator from Massachusetts? The Chair hears none, and it

will be so ordered.

ELECTRIC SUBWAYS IN THE DISTRICT OF COLUMBIA.

Mr. COCKRELL. I move that the Senate proceed to the consideration of the joint resolution (S. R. 187) relating to the laying

of electric subways in the District of Columbia.

The VICE-PRESIDENT. The question is on agreeing to the motion of the Senator from Missouri.

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the joint resolution.

Mr. FAULKNER. Mr. President, I regret that, by reason of the consideration of the senator of the consideration.

the position which I have held as a member of the subcommittee which investigated this entire question and as a member of the Committee on the District of Columbia, it becomes my duty to lay before the Senate the facts upon which that committee acted and the reasons that influenced it in presenting a favorable recommendation to the Senate of the joint resolution. I regret also that the Senator from New York [Mr. Hill] in the discussion of this question has deemed it proper to use language which I am satisfied he did not intend—at least I hope he did not—and which, if I believed he did. I should feel justified in characterizing in a manner which would at least vindicate my sense of indignation at the application of such terms to either the subcommittee, the Committee on the District of Columbia, or the distinguished Senator from Missouri [Mr. Cockreil] who introduced this joint resolution. When a Senator uses such language as that this is "a trick" and "a scheme," it is not only unparliamentary, but, sir, it implies that there are motives other than public motives which influence and control Senators who are responsible for the favorable report on such a resolution. It was such remarks which made me somewhat sensitive yesterday; it was that remark which should make any self-respecting Senator sensitive; but I feel that I am bound to give the Senator from New York the benefit of the disclaimer he made before he took his seat, when he said that he did not mean to imply improper action on the part of any member of the Senate or of the Committee on the District of Columbia in the reporting of the joint resolution.

There is another matter which I regret, which occurred in the discussion by the Senator from New York. He has assumed to place this question before the Senate upon the narrow basis that it involves only the interest of two electric-lighting companies operating within the District of Columbia. I can assure the Senate and the Senator from New York that if that were the question in the land by this iceit resolution. involved by this joint resolution, I should not occupy two minutes of the time of the Senate to vindicate the duty of the Senate in passing the joint resolution which has been reported favorably by the Committee on the District of Columbia. It is not a question between two electric-lighting companies. The question involved in this joint resolution is a question of public policy, inaugurated six years ago by the Congress of the United States, through its committees, and one approved at every session of Congress since by both Houses of Congress. It is a public policy applicable to this District, which has been expressed in stronger, more emphatic, and clearer language, by the distinguished Board of Commissioners now in office, than I feel competent to equal by any language which I could employ. No, sir; this is not a contest between two rival companies; this is not a controversy involving the digging a "little ditch" in the streets of Washington. The principles involved in this joint resolution embrace the control of every corporation in this city, and its purpose is to hold Congressional control over such corporations, which has been firmly held for a period of five years in carrying out this public policy. of the time of the Senate to vindicate the duty of the Senate in

for a period of five years in carrying out this public policy.

I feel that I should give to the Senate a brief account of the conditions which have produced the state of affairs necessitating the passage of this joint resolution by Congress. The Potomac Lighting Company bought two plants in the District of Columbia, one at Eckington and one at Georgetown. In 1895 and 1896 they received permits from the District Commissioners to extend their

lines, both overhead and underground. It proceeded to extend its lines for some considerable distance, when an injunction was filed against a further extension—whether by the United States Electric Lighting Company or by citizens of the District, I am now unable to say, and it is immaterial to this controversy by whom filed. When that injunction came on to be finally heard, Justice Bingham, of the District court, decided that under the law as it exists there was no law empowering the Commissioners of the District of Columbia to allow one feet of consioners of the District of Columbia to allow one foot of conduit or overhead wires for electric purposes to be laid, or that could authorize them to grant permits for connection with the wires already laid for house lighting. That decision of Justice Bingham applied solely to the Potomac Company, and rendered absolutely worthless the plants which they had in Eckington and Georgetown.

Mr. HILL. Will the Senator allow me to ask him a question?
The PRESIDING OFFICER (Mr. ALLEN in the chair). Does
the Senator from West Virginia yield to the Senator from New

Mr. FAULKNER. Yes, sir.
Mr. HILL. What was the date of that decision?
Mr. FAULKNER. I can not state to the Senator the exact date, but it was in the spring of 1896. As soon as that decision was rendered, the Potomac Company came to the Committee on the District of Columbia and laid their grievances before it. The committee held that this was unjust not only to the company, but it defeated the rights of a large number of citizens who had constructed buildings based upon the existence of this plant as constituted to connect their wires. They were not within the reach of any other electric-lighting company or gas company, and therefore were driven back to the use of oil or candle lights for illuminating purposes.

Mr. HILL. I do not mean to annoy the Senator

Mr. HILL. I do not mean to annoy the Senator—Mr. FAULKNER. Not at all.
Mr. HILL. The Senator is entirely familiar with this matter, and I desire to get what information I can in regard to it. At the time of which the Senator speaks, of Justice Bingham's decision, were the wires of the other company in use into Washington?
Mr. FAULKNER. Of course.
Mr. HILL. It does not follow as of course.

Mr. FAULKNER. It does, because those wires had been put down under special laws passed year by year by Congress, and had authorized such constructions and extensions. There is nothhad authorized such constructions and extensions. There is nothing in the decision of Judge Bingham and nothing involved in the pleadings in that case which affected the company known as the United States Electric Lighting Company, but the decision did seriously affect the Potomac Company. When this company came to Congress and presented this condition of affairs, showing not only the injustice to it, but demonstrating the great injustice to the public in Geografiant and as the relief case and at the selection. to the public in Georgetown, and as the relief sought did not conflict with any general policy that Congress had established, the committee at once reported a bill, which we understood at that committee at once reported a bill, which we understood at that time was satisfactory to the company, and which would meet their full approval and give the relief asked. That bill was reported by the distinguished Senator from Tennessee [Mr. Harris] in May, 1895. When, therefore, the Senator from New York said on yesterday that he could state to the Senate what the position of the Senator from Tennessee upon this joint resolution was, I would question that assertion, unless he bases his information of the position of that Senator upon information subsequent to the reporting of the bill to which I have referred.

What did that hill provide? It demonstrated the correctness of

What did that bill provide? It demonstrated the correctness of the position which I am now maintaining, shows that it was entirely satisfactory to the company, and that it was in the interests of the public. The bill provides:

Ninth. The authority herein given for construction in public spaces shall extend territorially as follows:

(a) To all streets and roads and connecting alleys, or parts of same, situated west of Rock Creek, north of Florida avenue, and east of the Anacostia or Eastern Branch of the Potomac River, along which no existing lines of any other electric-light company may now be established.

(b) A line connecting by the shortest practicable route the power station of the Potomac Electric Power Company with the District pumping station on U street and the power house of the Rock Creek branch of the Capital Traction Company, to be used for power purposes only within the city of Washington.

(c) The Potomac Electric Power Company is further authorized to make necessary house connections with its lines.

This bill was favorably reported by the Senator from Tennessee on the 8th day of May, 1896, with, I believe, a unanimous report from the District Committee. We found that it was then too late in the session to secure the relief demanded by the Potomac Company, and feeling, therefore, that a great injustice was being done to the company as well as to the public interests in that section of the city of Washington, we appealed to the Appropriations Committee—I think I was selected by the Committee on the District of Columbia and instructed to bring the subject to the attention of the Committee on Appropriations. That committee had in conference the District appropriation bill. I appeared before that committee and called their attention to the subject and to its importance and to our inability to pass the bill and secure the relief at so late a day in the session. The result was that the subcommittee of the Senate took up this question with a view of granting the relief asked by the Potomac Company in accordance with the provisions of the bill introduced and reported favorably by the Senator from Tennessee on behalf of the District Committee; and after hearing both sides, it being understood that it was satisfactory to all interests, and yet at the same time preserving the policy which has governed that committee and the Committee on the District of Columbia for five years, they then embodied what they considered to be the language used in this bill or its equivalent in the appro-priation bill for the District of Columbia. They thought the question was satisfactorily settled, but it seems that it was not. After the adjournment of Congress the Commissioners advertised

for bids for the electric lighting in all parts of the District.

Mr. GRAY. May I ask the Senator a question for information?

The PRESIDING OFFICER. Does the Senator from West

Virginia yield to the Senator from Delaware? Mr. FAULKNER. Certainly.

Mr. GRAY. By what authority of law did the Commissioners ask for those bids?

Mr. FAULKNER. The authority upon which the right of extending the conduits is based is the authority contained by impli-cation in the appropriation act for the District of Columbia and in the sundry civil appropriation act passed on the 11th day of June, 1896, which made an appropriation for lighting and extension of service, and, as the court held, impliedly authorized the Commissioners to extend the conduits of either of these companies

in carrying out this authority.

Mr. GRAY. I am very much interested in what the Senator is saying, and I ask again for information. Was there another de-

saying, and I ask again for information. Was there another decision after the one to which the Senator first referred?

Mr. FAULKNER. I shall presently refer to two more.

Mr. GRAY. Then I understand there were decisions in which the Potomac Company was the plaintiff?

Mr. FAULKNER. It was the defendant.

Mr. GRAY. A case in which the Potomac Company was defendant, in which the court held that there was no power in the

District Commissioners to grant licenses to anyone to lay conduits?

Mr. FAULKNER. To grant permits to the Potomac Company.

The court did not go outside of the issues made in the case in rendering its decision.

dering its decision.

Mr. GRAY. To the Potomac Company?

Mr. FAULKNER. Yes; and not only not to lay conduits or to extend overhead wires, but even that there was no authority to make connections with the conduits and wires already laid.

Mr. GRAY. And it was the hardship imposed upon them by that decision that was relieved by your committee in 1896?

Mr. FAULKNER. In 1896.

Mr. GRAY. Afterwards, the Senator says, there was a provision inserted in a general appropriation act, which, the court construed, gave the Commissioners by inference the right to do that?
Mr. FAULKNER. I will explain that.

Mr. GRAY. I only want to get at the facts.
Mr. FAULKNER. The District appropriation bill having been passed and the sundry civil bill providing for electric lighting in the streets and parksenacted, as the committee supposed, limiting these corporations geographically in the extension of their wires, the Commissioners advertised for bids, assuming that they had the right to let contracts to any company, whether existing at the time of the passage of the act or that might come into the District at any time before the bids were awarded. Before the Commissioners awarded any contract they referred the question of law to the district attorney, as to whether they had the power, under the law, to give the contract for lights east of Rock Creek to any other company than the United States Electric Lighting Company. district attorney, in his written opinion, held that they had not such a right, but the Commissioners, believing that their construction of the law was the correct one, proceeded to award the contract for certain lighting east of Rock Creek to the Potomac Com-

On the 5th of August, the Potomac Company having bid for all the electric lighting authorized by law, although it had no con-duit west of Rock Creek, 1 cent less per light per night than the other company would have received under the appropriation made by Congress, which, as usual, designated the maximum price to be paid, and as to park lighting having designated absolutely the price that should be paid per night, two of the Commissioners de-termined that, in their judgment, they had the right to grant the contract for certain lighting east of Rock Creek to the Potomac Company but decided that in all streets where the United States Company, but decided that in all streets where the United States Company were then lighting they would contract with the United States Company. I am trying to make an absolutely fair and impartial statement of the facts of this case.

When that was determined upon, the United States Electric Light Company obtained an injunction from Judge Cole, involving the question as to the legal exercise of the power claimed by the Commissioners to grant to the Potomac Company the right to extend the system east of Rock Creek. After full argument and a full review of the case, Judge Cole decided that under the terms of the two appropriation acts, by implication the Commissioners had the power, in the exercise of their discretion, to award the contract to the Potomac Company, and as a necessary result that if the Commissioners gave the contract to a company result that if the Commissioners gave the contract to a company that had no conduit in streets or parks to be lighted they would have the right to grant a permit to such company to construct proper conduits. That, in substance, was the decision of Judge Cole. The United States Electric Company attempted to appeal from this decision to the court of appeals. That court held that the right of appeal did not exist as a matter of right, as in this case it was an attempt to appeal from an interlocutory order and not from a final decree; and that as it did not affect any possessory right, or the rights of these parties, even if they had an exclusive right of easement in the streets, it did not present such a case as would take it out of the general rule and would authorize the court to grant the appeal. The court remanded the cause back to the circuit court of the District of Columbia, to be further proceeded with to a final decree. The case is now before the court, proceeding in the ordinary and usual course of chancery causes, for the purpose, I suppose, as any lawyer would infer, of enabling the complainant to get a final decree from the circuit court, and, if he deems it proper, back to the court of appeals for its final determination as to its legal rights under existing law. This is the condition of the law to-day under the decision of Judge

Cole.

What is the real question involved, admitting that, under the decision of Judge Cole, the Commissioners had a legal discretion to give to either of these companies the right to construct conduits to carry out the provisions of the act of June 11, 1896? question presented for the decision of Congress, in the exercise of that discretion with which the Commissioners were clothed, is, Was that discretion with which the Commissioners were clothed, is, was it wisely, judiciously, and properly exercised in the interest of the public? If it was, then, of course, I admit that the Senate should defeat this joint resolution. If the discretion was wisely exercised in this case by the Commissioners, then the policy heretofore adopted by Congress during the last five years has been a mistaken policy, and we should at once change and reverse it. That is the question you must pass upon, and that is the only question involved in this joint assolution. in this joint resolution.

Let it be remembered by the Senators who so kindly give me their attention that the permits granted to the Potomac Company to tear up the streets of the city involve the tearing up of 7 miles of asphalt pavement. Remember, when you come to consider the facts in passing upon the exercise of a wise and judicious discretion by the Board of Commissioners, that at most of the points where these lights were required to be put there were wires or

electrical conduits established by another company.

Mr. HILL. Does the Senator say that on the same streets where the Potomac Company is now putting down its conduits another company was already doing the lighting?

Mr. FAULKNER. Not in all cases. I said that where the lights were required under the decision of the Commissioners of the District to be put, in almost every instance the electric wires were already upon those streets, New York avenue, I believe. being the only exception.

Mr. HILL. Lafayet Mr. FAULKNER. Lafayette Square has none.

Yes. To furnish lights for Lafavette Square the Potomac Company has been compelled to tear up the streets for two miles and a half in order to bring their wires to that point to furnish but seven lights to that square, when there

were underground conduits already on three sides of that square.

Mr. HILL. Will the Senator give us the figures as to precisely what is the extent of this proposed 7 miles on which the United States Electric Lighting Company have already their conduits?

Mr. FAULKNER. The United States Electric Lighting Company have their conduits in the streets that come from Rock Crack, but to what extent the conduits are on the same street.

Creek, but to what extent the conduits are on the same street I

am unable to answer accurately.

Mr. HILL. The Senator will allow me one moment. In case it is proposed to extend the lights to streets not occupied by the United States Electric Lighting Company, in case that company had been given the contract where there were no conduits, of course the United States Company would also have had to dig up the streets, would they not?

Mr. FAULKNER. That involves the question I am arguing as to the exercise of a wise discretion by the Commissioners.

There are but very short spaces

Mr. HILL. The point I am making is whether it makes any difference, if the streets have to be dug up, what particular com-

pany digs them up?

Mr. FAULKNER. No; and that is the very reason I am trying to get the Senator to understand the fact that it would not have been necessary to dig up the streets if the lighting contract

had been given to the United States Electric Lighting Company, and for this reason the Commissioners have not exercised a wise

Mr. HILL. I ask what proportion of these 7 miles have been already occupied by the United States Electric Lighting Company? That is the point.

pany? That is the point.

Mr. FAULKNER. I do not suppose there has been a mile.

Mr. HILL. Not a mile.

Mr. FAULKNER. Perhaps not half a mile; I do not know; it might have been half a mile. I am not thoroughly familiar with

the facts, but it certainly is not over a mile.

Underground electric conduits sufficient to furnish every light required would have been constructed, if the contract had been given to the old company, within a limit of a half mile, and there-fore it is a question for Congress to decide as to whether the Commissioners have exercised a wise discretion in tearing up six and a half more miles of asphalt pavement than was necessary to carry

out the provisions of this act of June 11, 1896.

Let us take for illustration Mount Vernon Square. From Mount Vernon Square to Lincoln Park is about 3 miles, as these conduits are laid out. The contract provides for seven lights in Lincoln are laid out. The contract provides for seven lights in Lincoln Square. To light these seven lights 3 miles of the asphalt pavements of the District must be torn up, which never can be re-paired and put into the condition in which they were prior to the time the streets were broken—and 3 miles of underground con-duits are to be put down for the purpose of furnishing these seven

Mr. President, the committee felt that this was not an exercise of sound discretion upon the part of the Commissioners. Ido not propose to criticise the personal character or the integrity of any of the gentlemen composing this Board. I have known some of them for years, and, so far as my observation has gone, I want to say that they are gentlemen of the highest character and of sterling integrity; but when they exercise a discretion which is unwise and which is against the public interests, as I understand it, it is my duty, as one of the common council of this city, to call a halt upon their action.

Mr. MILLS. May I ask the Senator a question?
The PRESIDING OFFICER (Mr. BACON in the chair).

the PRESIDING OFFICER (Mr. BACON in the chair). Does the Senator from West Virginia yield to the Senator from Texas? Mr. FAULKNER. Yes, sir. Mr. MILLS. Would the public interest suffer any injury by both of these companies putting up their lights on the same streets if they subsequently repair the streets and make them as good as they were before they tore them up? Would there then be any they were before they tore them up?

they were before they tore them up? Would there then be any injury to the public?

Mr. FAULKNER. I will try to answer the question in a general way when I get to the general policy that Congress has adopted. I am glad that the Senator from Texas asked me the question, and I hope Senators will ask any question as to which they desire information, because it is my duty to know the facts and equally my duty to impart them. The chairman appointed me a member of the subcommittee, and with others I investigated this subject, which enables me to answer questions bearing upon

this subject, which enables me to answer questions bearing upon it, which I am anxious and willing to do.

What has been the public policy which has governed Congress for five years? Congress realized that this city was to be made the most beautiful city in the United States; that it was to be supplied with all the appliances which the demand of an advanced civilization required—water; light, both gas and electric; telegraph, telephone service, etc.; that it should have the best system that could be devised by the skill of the scientists of this country; that all might be utilized without destroying or marring its beauty. In 1891 a commission was appointed to act upon the question of subways in the District of Columbia, that we might get rid of all of the unsightly overhead wires, and looking to the adoption of a municipal system by which every wire in the city of Washington should be put under ground. When once such a system has been adopted and put into preparition it would then be within them.

should be put under ground. When once such a system has been adopted and put into operation, it would then be within the power of Congress to say to any company, "You may come here, but you must put your wires through the ducts provided for them."

The Senator from New York says this is a monopoly. I answer that it has been the policy of Congress in the District to establish a monopoly until this subway system is established. Not a monopoly, however, in the sense spoken of by the Senator from New York. What I mean by using the word "monopoly" is that it has been the policy of Congress to control absolutely the cost to the citizen of all these different agencies—telephone service, electric and gas light, railway rates, etc., by law and not by competitions. the citizen of all these different agencies—telephone service, electric and gas light, railway rates, etc., by law and not by competition. The result has proven the wisdom of that policy. As an illustration, do we not refuse to permit competing or multiplication of railways? We have said, "No; if you want to come in from the outside of the city you shall have the right to come, but over the tracks of the company that reaches the point to which you desire to come." This city is not to be gridironed by rails under franchises granted to railroad corporations. If the public demand requires that citizens shall have facilities in reference to

street railways which they have not, we say, "We will make the street railways which they have not, we say, "We will make the existing corporation which is nearest to the point of connection with the line that you want to establish extend its road so as to give the public the facilities which are necessary, whether it pays the company to do so or not, but we will not allow new companies to be chartered." Why? Experience has proven that when you allow so many small corporations to be chartered the business is so divided that they soon become bankrupt, and when we seek to enforce wise regulations in the public interest, when we demand lower fares, when we demand rapid transit, when we demand improved cars that are decent to ride in, they reply. "Oh.

we demand lower lares, when we demand rapid transit, when we demand improved cars that are decent to ride in, they reply, "Oh, no, we can not do that; we are too poor; we pay no dividends."

We have therefore said we will limit the number of charters; compel these corporations to furnish the very best service, upon the principle that the traffic justifies the expenditures. That we may have full information of their condition, and be in a position to control them we require that the traffic justifies the sequence of the condition of their condition. to control them, we require that on the 1st day of January of every year each company shall report to Congress every dollar of

receipts and every dollar of expenditures during the year.

This is a monopoly, but it is a monopoly which is absolutely guarded and controlled by the immediate domination and dictation of Congress in the exercise of all of its public functions under

its franchise.

Will the Senator from West Virginia allow me for Mr. HILL. a moment?

Mr. FAULKNER. Certainly.
Mr. HILL. While I do not think the attitude of the committee or of Congress toward street railroads is exactly in point here, the Senator having alluded to it, I will ask him what bills have been passed, which occur to him now, compelling some of the rail-road companies to lay rails upon streets where they did not want

to go?
Mr. FAULKNER. There are numerous cases. The Metropolitan Company is one. I remember that as one without pausing

to reflect

Mr. HILL. I think I am somewhat familiar with the form of legislation adopted by some companies when they really want to occupy a street. The form of legislation adopted is to have a bill passed compelling them to use a certain street.

Mr. FAULKNER. There has never been any such practice to

my knowledge in the nine years I have been in the Senate of the United States. Whether it is the practice in New York, I do not

Mr. HILL. What other bills are there beside the one for the

Metropolitan Railroad Company?
Mr. FAULKNER. I can not remember each one. That is our

policy, and let me give you a striking illustration now which oc-curred in carrying it out. We said to the Washington and Georgetown Railway Company, operating the Pennsylvania avenue line, and to the Metropolitan Company, "You must give the people of this city rapid transit." They said, "We will not do it; we can not do it. The expense is too

rhey said, "We will not doit; we can not doit. The expense is too great. It will cost us millions of dollars. We can not afford it."

We said it must be done, and having been wise enough in granting these corporate rights in the District of Columbia to provide in every charter that Congress shall have the power to alter, repeal, or modify the charter, we compelled rapid transit.

Mr. HILL. There is nothing new about that. It is the usual leaves invested elements in compartion leaders.

Mr. HILL. There is nothing new about that. It is the usual clause inserted always in corporation legislation.

Mr. FAULKNER. I beg the Senator's pardon. If he will look back and study the history of this question in the District as I have, he will find many charters granted prior to that time which were passed without such a provision being in them.

Mr. HILL. Does the Senator mean to say that without that provision Congress would not have the right to repeal or modify

the charter?

Mr. FAULKNER. I do. Mr. HILL. Of course not. It has that right without such a

Mr. FAULKNER. The question would then be whether a charter is not a contract to such an extent that Congress has not that right without a reservation to that effect by the insertion of a clause of that character.

Mr. HILL. It has, absolutely.
Mr. FAULKNER. I am not going to discuss that question.
We were taking no chances, and inserted that provision. When we compelled the change as to the two main street railway lines coming to the Capitol, we provided that unless that change was made

ing to the Capitol, we provided that unless that change was made within a certain period, the charters would stand repealed. The companies resisted. Yet the District Committee and Congress maintained the proposition and made them obey the law.

We have within the last six years taken from the streets of this city every horse railroad except two, which are now petitioning Congress for an extension, because of the fact that they are trying a new power. They assert that because of the limited volume of their business, yielding such a small revenue, they can not afford to adopt either of the expensive systems, and that they are trying

the air motor, are conducting experiments in order to carry out the views of Congress, but they have been unable yet to do it, and

desire a further extension.

We have done the same in reference to the gas company. The gas company has pipes all over the city, and if I recollect aright, my friend the Senator from New York stood by us in that fight. We declared it unwise to charter another gas company, to tear up We declared it unwise to charter another gas company, to tear up every street in the city of Washington for the purpose of laying pipes, when we have the absolute power to control the price of gas, the quality of gas, and every other detail in reference to the supply of gas. We therefore refused at the last session, carrying out the same policy, to charter a new company, but we fixed a higher candle-power, imposed more stringent regulations upon the old company, and provided for a gradual reduction of the price of gas down to \$1 a thousand feet. That was done in accordance with the uniform policy adopted by the District Committee and the Committee on Appropriations, with the sanction of both Houses.

It applies also to all telephone companies. I regret to say it, but this city is in a most unfortunate condition in reference to its telephone system. Is it known to Senators that not one foot of

telephone system. Is it known to Senators that not one foot of conduit for telephone purposes can be laid, under the law as it exists to-day, and it was so decided by the Commissioners not two weeks ago? They are of the opinion that they have not the authority to permit a wire to be extended from an alley pole to any house not in the same square, and have not authority to grant permits to lay underground conduits. No extension of the system

can be made.

Mr. HILL. Who framed the laws that create this injustice?
Mr. FAULKNER. With a view to carrying out the general
policy, we have taken from the Commissioners the right to issue
permits to dig up the streets to lay subways until we secure a law providing for a uniform system authorizing subways to be laid

when we propose to make every company use those subways and pay a royalty to the District of Columbia for their use.

These temporary inconveniences must be obviated to some extent by the committee this year. The people must have the advantages of the telephone system, if it can be done without any great detriment or injury to the general plan which we have in view for laying the ducts under municipal control. You can extend the right, to a limited extent, by allowing a wire to be carried from the top of the pole in an alley, over houses to the next square, or something of that kind. But the policy of Congress is to have no more digging up of the streets in the laying of these subways then is absolutely precessary to meet the immediate de-

to have no more digging up of the streets in the laying of these subways than is absolutely necessary to meet the immediate demands of the public, until a system can be devised and put in operation, and then we will bring the wires of every one of these corporations—the electric-light company, the telephone company, and all others—into those general conduits.

Is the committee acting wisely in restricting these private subways? Are they censurable for carrying out this policy, and is the Committee on Appropriations to be condemned for being so strict in enforcing it? Do you not know that when these conduits are laid they will be the property of the parties laying them? Many of these conduits will not be serviceable as municipal subways. They are simply laid, as this one is being laid now, for public lighting, not for industrial purposes, house lighting, or to lic lighting, not for industrial purposes, house lighting, or to accommodate other interests. There are but twelve ducts in the

mr. TILLMAN, Will the Senator from West Virginia allow me to ask him a question?

Mr. FAULKNER. Certainly.

Mr. TILLMAN. Did not the Senator say a moment ago that he proposed to have a general system of conduits, with one large subway, in which all the corporations were to be forced to lay their wires, and for which they were to pay a royalty? Then he turns right around and says the conduits are private property. That would imply that you can not make the companies come into your general conduit.

Mr. FAULKNER. That is what I am afraid of, and that is why we are trying to keep down the number. If the conduits are, as I believe, private property, and we condemn them as a part of the municipal subways, we will have to pay the company the cost of construction or the value of the conduits.

Mr. TILLMAN. If that is the Senator's opinion of the importance of this question, in the name of common sense and decency why does not his committee report a scheme and act, and let us get through with the matter?

Mr. FAULKNER. That implies that the committee has done unwisely and is negligent of the public interest. If the Senator will examine the history of this matter, he will find that after a good deal of study, work, and reflection, the District Commissioners, on the 11th day of February, 1896, submitted the draft of a bill which in their judgment would carry out the plan of which I am speaking, for municipal conduits for all purposes, and sent it to the other House. It was introduced into that body on the it to the other House. It was introduced into that body on the 11th and in the Senate on the 12th of February, 1896. The Senator from Georgia now occupying the chair [Mr. BACON] is a mem-

ber of the subcommittee of the District of Columbia Committee of the Senate, of which the Senator from Vermont [Mr. Proctors] is chairman (who the third Senator is I do not know), which is considering this question, and I am satisfied that upon a statement of the Senators who are members of that subcommittee, anyone will recognize that they will do this work as rapidly as in their judgment the importance of the matter will permit.

Mr. TILLMAN. Would the Senator claim that any subcommittee, however honorable and intelligent and zealous, can devote or have devoted, or ever will devote, the necessary time to give us a better scheme than that formulated by these three gentlemen, who were appointed by the President and who have nothing else

Mr. FAULKNER. All that the subcommittee is doing is to see whether those three gentlemen have wisely done their work. The Commissioners have prepared the bill; they have prepared a letter explanatory of every provision of the measure, and that is the bill and that is the letter which are now before the subcommittee. It is the Commissioners' bill.

Sir, need I do anything further, in order to show where the Commissioners ought to stand in this matter, than to read the report to Congress from the Board of Commissioners dated last February, in which they use the language I will quote as to the policy that Congress should maintain? Whether they have changed their opinion since that time I know not, but I do not believe they have. I think they unfortunately and unwisely granted this permit; but I believe that when the question is presented to them they will tell you that the statement I am going to read from them presents their true views of the policy which should control Congress in these matters.

Mr. McMILLAN. Before the Senator from West Virginia reads the letter, I should like to call his attention to one important fact. The expenditure of millions of dollars depends upon what kind of subway is laid. The cost of laying the subways would be between three and five million dollars, depending, of course, upon the manner in which they are constructed. Thereis important that the subcommittee should get all the in-

formation possible before they make any report.

Mr. HILL. If the system of subways is going to cost that amount of money, we had better let the corporations, or a couple of them, put it in at their own expense.

Mr. FAULKNER. "A couple." Why not a dozen?

Mr. STEWART. I should like to inquire of the Senator from

West Virginia to what extent the Potomac Company are authorized under the present permit to lay their wires and their sub-

Mr. FAULKNER. To the extent of 7 miles. Mr. STEWART. What proportion of the work has already

Mr. FAULKNER. That is hard to tell. They are seeing if they can not beat Congress, and in my humble judgment, to be perfectly frank with the honorable Senator and with the Senate, I believe they will beat Congress.

Mr. HILL. I hope they will.

Mr. FAULKNER. But that should not affect the question. The resolution should be passed as expressive of the opinion of Congress on any future permits.

Congress on any future permits.

If the Potomac Company do finish their conduits before the joint resolution is passed, it will not apply to them. It directs the Commissioners to stop any work that is in process of construction at the time of the passage of the joint resolution, and not to give any other permit except when necessary for the public convenience. It declares a policy. If the Potomac Company completes their conduits before the joint resolution. It declares a policy. If the Potomac Company completes their conduits before the joint resolution is passed, it will not affect them. If they do not, and any part of their work is unfinished, they will be affected. But it affects the question of the enunciation of a public policy and the control of the Commissioners as to any future permit; and that is the reason why the committee is urging it.

This is the unanimous report of the Commissioners submitted

last February:

The Commissioners, however, in reporting upon all similar bills proposing to grant the privilege of tearing up the streets—

This is as to a new gas company-

for the purpose of laying gas pipes or conduits therein, whether for the use of a telephone company or an electric-light company—

Or an electric-light company-

Or an electric-light company—
have taken the ground that it was against the public interest to grant privileges of this kind to new companies; that the business carried on by such
companies was under such conditions as to make a monopoly desirable, if not
necessary; that, aside from the great damage to the pavements and the
inconvenience to the public occasioned by digging up miles of public streets,
it is not necessary or wise to duplicate any gas pipes or conduits in the public
streets, for Congress has full power to regulate the rates to be charged by
such companies, as well as to correct any other evils. The same majority in
Congress which determines that a new telephone company, a new gas company, or a new electric-light company must be chartered to give the public
its rights can bring about the same result by controlling existing companies
and with much less inconvenience to the public.

Mr. TILLMAN. Will the Senator allow me for a moment? That letter emanated from the Commissioners?

Mr. FAULKNER. Yes; in reply to a bill sent to the Commissioners, as the committee always send every bill to them.

Mr. TILLMAN. Yet the Senator quotes those gentlemen as sustaining his proposition, and they are the men who have given the permit to the new electric-light company. Is not the Senator quoting his witness against himself?

Mr. FAULKNER. I am quoting the Senator's witness against

himself. That is it.
Mr. TILLMAN. The Senator is quoting the Commissioners as sustaining his proposition of a monopoly, when they themselves, in the fulfillment of their duty to the citizens and to the city, have granted this special privilege pending the magnificent subway plan which the subcommittee has under consideration.

Mr. FAULKNER. In February, 1896, they said the special privilege referred to should not be granted, and ought not to be granted, in the public interest.

Mr. TILLMAN. Then why did they grant it?

Mr. FAULKNER. Ah! Now, that is a matter for which I am

not responsible. The Senator himself must ascertain why. haps it was done in the hurry and confusion of the moment, for the court decided the question on the 17th day of December, and on the 17th day of December the Commissioners executed the conon the 17th day of December the Commissioners executed the contract. Congress was then in session.

Mr. HILL. The Senator from West Virginia wants to be fair in his statement. They started last August.

Mr. FAULKNER. Oh, yes.

Mr. HILL. But the other company procured an injunction which kept them in court until December, and they could not

start any earlier.

Mr. FAULKNER. But Congress was here as the absolute controlling power, and the policy which had been established in accordance with the views of the Commissioners of February, 1896, was known to them to be the policy of Congress; yet, on the 17th day of December they entered into a contract which permitted this company to tear up 7 miles of the asphalt pavement of this city against the protest which they had made to Congress in February, 1896.
Mr. HILL. The Potomac Company did not need to apply to

Mr. HILL. The Potomac Company did not need to apply to Congress when the courts had already decided in their favor.

Mr. FAULKNER. No one said they did. I said that on the 17th day of December the Commissioners executed this contract for the lighting of certain streets and parks in the city of Washington from the 1st day of July, 1896, to the 30th day of June, 1897, in violation, I will say to the Senator, of a well-established rule and regulation adopted by the Commissioners themselves, which they have enforced for years, that no company should be allowed to tear up the asphalt pavements of this city between the 1st day of December and the 28th day of February.

Mr. HILL. Was not the contract proposed to be executed and fulfilled last summer?

fulfilled last summer?

gence in the matter.

Mr. FAULKNER. Of course it was, on the 5th day of August.
Mr. HILL. Was not the delay the fault of the other company, which obtained an injunction that would not stand? That

was the reason of the delay.

Mr. FAULKNER. Why speak about companies? I am not here arguing for a company. If the Senator represents a company here in the expression "this company or the other company," I do not. I am not arguing this question for one company or the other. I am arguing from the standpoint of an established public

Mr. HILL.

Mr. HILL. Oh, yes; we understand that.
Mr. FAULKNER. I hope the Senator will understand it.
Mr. HILL. But the Senator having alluded to the subject of whom he represents, which I regret, may I ask him a question which is a pertinent one? Where does the United States Electric Light Company hail from?

Mr. FAULKNER. I do not know, and neither do I care.

Mr. GALLINGER. If the Senator will permit me—

The PRESIDING OFFICER. Does the Senator from West Virginia yield to the Senator from New Hampshire?

Mr. FAULKNER. I have never conversed in private with any members of that company, and I know but one person connected with the United States Electric Company, and that is its president. I have never spoken to him on this subject except in the committee room. I have spoken with the president and his attorney, representing the Potomac Company, and have listened to all they had to say in favor of the position they have taken in this matter.

Mr. HILL. I did not know but that in view of the Senator's familiarity with the whole subject he might at least have heard

something about where the company hails from

Mr. FAULKNER. I have not heard, I frankly say to the Sentor. I do not know where the company was incorporated.
Mr. HILL. I do not wish to charge the Senator with any negli-

Mr. FAULKNER. It is not a matter of negligence. I repudiate any such assumption on the part of the Senator from New York. It is not a question whether I am sustaining one company or the other, as the Senator seems to think. This fight stands upon a broader basis. The question is whether we will vindicate a policy adopted by Congress and enforced at every session for six years.

Mr. HILL. Will not the Senator allow the courts to determine

the question as to what our statutes mean?

Mr. FAULKNER. Yes, sir; and there is not a word in the joint resolution criticising the court in any way for its decision or

taking issue with the court as to its construction.

Mr. HILL. No; but the court having decided that the new company has a right to lay its conduits, the Senator is now seeking, by special act of Congress, to prevent its being done. Is not

Mr. FAULKNER. Yes, sir.
Mr. HILL. Of course. The Senator admits it.
Mr. FAULKNER. The court has never decided what the
Senator asserts that it has.

Mr. HILL. It came pretty close to it.
Mr. FAULKNER. It decided that the Commissioners of the
District of Columbia had a right to grant the permit, and that they could exercise that discretion by giving the contract to the Potomac Company; and, as I have said, the question involved in this resolution is whether they have exercised a wise and sound

Mr. TILLMAN. Mr. President—
The PRESIDING OFFICER. Does the Senator from West

Mr. FAULKNER. Certainly.

Mr. TILLMAN. The terms under which the contract was awarded were that it should be given to the lowest bidder. That was the authority given to the Commissioners by the Appropriations Committee in the act passed last winter. The Potomac Company made their contract last summer; they had their permits to go to work, because they were the lowest bidders, and they were stopped by injunction until December. Now they are endeavoring to carry out their contract, and a special joint resolution is

brought in here to stop them. Those are the facts.

Mr. HILL. That is the situation.

Mr. FAULKNER. The Senator from South Carolina is entirely mistaken. I dislike to differ with the Senator upon facts, but when the Senator is so absolutely certain of his facts would it not be well for him to read the law before he makes a necitive. be well for him to read the law before he makes so positive a statement? You will learn, sir, if you read the law—
Mr. TILLMAN. Will you read it now? I have got it here.
Mr. FAULKNER. I am not in the habit of reading the briefs

of my friends on the other side. But I will be frank with the Senator, and tell him that the provision in reference to advertising was stricken out in the House of Representatives on the report of the conference committee and was not enacted into law for the reason that it might create a doubt as to the true meaning of the

Mr. HILL. Then will the Senator explain, if I do not annoy

Mr. FAULKNER. Not at all.

Mr. FAULKNER. Not at all.

Mr. HILL. That clause of the act making appropriations for the electric lighting? There was an increase of moneys appropriated, was there not, for the purpose of placing some new electric lights in the District of Columbia—arc lights?

Mr. FAULKNER. I really can not state whether that is a fact or not. I do not remember the amount that was previously appro-

priated and what we appropriated last year.

Mr. HILL. I have ascertained that you gave them an increase of about five or six thousand dollars upon the application of the Commissioners. It was said that in certain portions of the city there ought to be these arc lights in carrying out the rapid-transit system, and for that purpose the appropriation was placed in the act. What company was expected under that appropriation, if

not the lowest bidder, to put in those extra lights?

Mr. FAULKNER. The cost was fixed by law as a maximum, which is the uniform rule. It was not more than 30 cents in one case and 28 cents for parks. It was the understanding of Congress, or at least the committee, that it would be done by this old com-

pany east of Rock Creek.

Mr. HILL. Then does the Senator mean to contend that it was intended by the provision to which I have referred to give to the

United States Company the entire monopoly?

Mr. FAULKNER. No; not all, because some of those lights were to be west of Rock Creek and some east.

Mr. HILL. That has nothing to do with it.

Mr. FAULKNER. I say it was certainly the understanding of the Appropriations Committee that in carrying out this policy they should give it to that company which would tear up less of the streets in making their conduits to the point of lighting; and in reference to the parks, it would have consed the tearing up of in reference to the parks, it would have caused the tearing up of

only 150 feet, for the reason that the old company had the authority to run in the Metropolitan subways there from a point on East Capitol street, where their wires were, to Lincoln Park. Mr. HILL. What price does the Senator understand was to be

paid?

Mr. FAULKNER. Not to exceed 30 cents a light.
Mr. HILL. It says 24 and 30.
Mr. FAULKNER. Not to exceed 30 cents in one case, and for the lighting of public parks the price is fixed absolutely at 28 cents.
Mr. HILL. Then let us understand one another. The clause Mr. HHLL. Then let us understand one another. The clause that I have mentioned is construed by the Senator and the committee to mean that this extension, if desired to be given, should be given exclusively to the United States Electric Light Company?

Mr. FAULKNER. On the east side of Rock Creek, and on the

Mr. HILL. We are talking about this side, for here all the

question arise

Mr. FAULKNER. No; it does not all arise here on the point upon which the Senator asks me, as to the number of lights. Some of them being on the west side, the Potomac Company was to have the contract for lighting, and those on the east side of Rock Creek the other company was to have for in the one case the Potomac Company had their power there, their conduits laid, and their wires up; and on this side the other company was in a similiar situation; and we proposed to hold them in statu quo until the general system to which I have referred had been adopted.

Mr. HILL. With all that elaborate explanation, still it comes right back to the question. What question was submitted to the

right back to the question, What question was submitted to the court? I have the briefs here.

Mr. FAULKNER. I have told the Senator what question was

Mr. FAULKNER. Why does the Senator from New York ask

me that question?

Mr. HILL. Because I understand that is the question. Mr. FAULKNER. Now, be frank and state why you ask that question.

Mr. HILL. Because I want the information.
Mr. FAULKNER. The Senator has listened to me attentively.

I am very much obliged to him for the compliment.

Mr. HILL. The compliment is mutual.

Mr. FAULKNER. The Senator heard me discuss that question fully, and I have given the decision of the court that the Commissioners were empowered to give it to either one of these companies in the exercise of their discretion.

Mr. HILL. Why do you need additional legislation, then?
Mr. FAULKNER. I have also answered that question.
Mr. HILL. The Senator need not repeat it, but I certainly

failed to comprehend his point.

Mr. FAULKNER. I said that the joint resolution criticises no

one-neither courts nor Commissioners

Mr. HILL. That is not an answer.

Mr. FAULKNER. But that it was to announce as the opinion of Congress a policy adopted six years ago and never departed from during that period.

Mr. HILL. How many times do you want to readopt that

Mr. FAULKNER. We find that the policy agreed to by Congress during these six years and indorsed by the Commissioners in the most solemn form in their advice to Congress last year, has now been repudiated by the Commissioners when they were invested, as the court said, with a discretion either to exercise the policy that they had indorsed or to inaugurate a policy in conflict

with the judgment of Congress and their own advice.

Mr. HILL. Still, I do not think the Senator has answered my

question.

Mr. FAULKNER. Ah! He who will not understand, Mr. President, can not be enlightened.

Mr. HILL. And he who will not explain does not want to

enlighten anybody else.

Mr. FAULKNER. Have I not explained? Tell me a single question you have asked that I have not explained as far as my limited abilities enabled me to do so.

Mr. HILL. It does not take that amount of language to answer

my simple question.

Mr. FAULKNER. Mr. President, when the Senator asks me a question, having the floor, I will be my own judge of the character of its answer, but it shall be full and complete so far as I have

the information to give.

Mr. HILL. Yes; that is all very well.

Mr. STEWART. Will the Senator from West Virginia allow

ginia yield? Mr. FAULKNER. To whom?

Mr. HILL. I will yield with great pleasure to the Senator from

Nevada.
The PRESIDING OFFICER. The Senator from Nevada.
Mr. STEWART. There is one point on which I should like to hear the Senator from West Virginia. He has stated that the decision of the court was to the effect that the Commissioners had the discretion and the power to make this contract. If that be true, and the contract has been made and entered upon, would not that give some rights which Congress should not interfere with without due consideration?

Mr. FAULKNER. None whatever.
Mr. STEWART. None whatever?
Mr. FAULKNER. None whatever; and I will give the Senator the reasons. The Commissioners, doubtful, I suppose, of the attitude in which they stood with reference to this question, takattitude in which they stood with reference to this question, taking legal advice, as they should in a matter of this character, were wise enough when they granted this permit to put upon its face "subject to revocation at any time by the Congress of the United States." It is simply the permit that is affected by the pending joint resolution; and on the very face of the permit accepted by this company is a clause which protects the Government and this District from any liability whatever in withdrawing the power District from any liability whatever in withdrawing the power

Mr. STEWART. Is not that same power reserved in all the Mr. STEWART. Is not that same power reserved in all the acts we pass in regard to corporations, Congress reserving the right to repeal or modify, and does not Congress, in considering a matter of repeal or modification, take into consideration also what has been done under the law? Is not Congress bound to take into consideration what has been done under a valid contract? That brings me to the point, What has been done? I should like to ask—

Mr. FAULKNER. I suppose they have gotten two-thirds of the work through, and by to-morrow night or the night after, or some time soon, they will have the balance through, and it makes no difference. Do not let us parrow this question down to the

no difference. Do not let us narrow this question down to the question of mere dollars and cents between two corporations. The members of the District Committee or the Appropriations Committee are not contending for a policy that will decide whether we shall give one company or another a few dollars. We are maintaining a policy in the interest of this magnificent and beautiful city, to guard all its rights in such a way that when we come to put a general subway system in operation we can do it without going to these corporations and paying them enormous sums for subways that they laid and which can not be used for general municipal purposes.

Mr. STEWART. But my point is, Have they acquired any

equities under the contract?

Mr. FAULKNER. They have acquired no equities whatever, in my judgment, but I do not want to go into the question of equity. They did it with their eyes open. They knew the policy of Congress in reference to this matter. The revocation clause expressly gave them notice of the fact that Congress might, now being in session, repeal it the next day or the day after.

Mr. President, I see the time is coming when I shall have to close. I have not discussed, by a good deal, all the questions which

are involved in this case.

Mr. HILL. Before the Senator closes, he has omitted, of course inadvertently, to inform the Senate whether there was any saving between the amount that would have to be paid for the lights to the United States Company and to this new company. Perhaps

the Senator can inform me upon that point.

Mr. FAULKNER. There was a saving of \$3.05 on thirty-two lights, which amounted to about \$100, and a cost to the Government resulting from the tearing up of 5 miles of asphalt pavement

to save \$100.

Mr. GALLINGER. Will the Senator permit me a moment?
Mr. HILL. Does the Senator mean to say that only thirty lights were to be put in?

Mr. FAULKNER. No, sir; and if the Senator would only pay attention to my remarks he would not have to interrupt me so

often. I spoke of the lights for the parks.

Mr. HILL. I did not ask the Senator to limit it to the parks.

Mr. FAULKNER. I chose to limit it so.

Mr. HILL. Inotice the Senator has done so. As Hamlet says: "Words, words, words!"

Mr. FAULKNER. There was a saving of \$99 to the Govern-

ment in park lighting, and a loss to the Government in keeping the streets which had been opened in proper repair.

Why, Mr. President, we do not even know now when this asphalt will be put down. If a cold spell comes at this time, the asphalt that has been torn up from one end of the city to the other can not be put down under the regulation and the inspection of the District until warm weather sets in. You can not lay asphalt

The PRESIDING OFFICER. Does the Senator from West Virlinia yield?

Mr. FAULKNER. To whom?

The PRESIDING OFFICER. That is for the Senator to decide.

March. In violation of that order, on the 17th day of December

they authorized 7 miles to be torn up.

Mr. GALLINGER. Will the Senator from West Virginia permit me an observation on the point raised by the Senator from

New York?
Mr. FAULKNER. Certainly.
Mr. GALLINGER. If this new company is not given lodgment in the District, has not Congress authority and power to regulate the price paid the old company and make it as low as, or lower than, the new company proposes to furnish lights? Has

not that been our policy?

Mr. FAULKNER. I have stated that to the Senate. I desire to say, further, that one reason I am in favor of this general municipal system of subways is that when once constructed we can let any company or any number of companies operate in the District, renting the use of the same to the person or corporation paying the highest price for them; then we should under this system produce a fair annual income for the District of Columbia, sufficient to pay the interest on the investment.

sufficient to pay the interest on the investment.

Mr. COCKRELL. Every year the price is regulated.

Mr. FAULKNER. Every year the price of the light is regulated by the Committees on Appropriations of the two Houses of Congress, and if they have allowed too high a price during any year, they are alone responsible for it.

The PRESIDING OFFICER. The Senator from West Virginia will suspend. The hour of 2 o'clock having arrived, the Chair

lays before the Senate the unfinished business, which is Senate bill 3247, upon which the Senator from Indiana [Mr. Turpie] is entitled to the floor.

ARMY APPROPRIATION BILL

Mr. QUAY. With the permission of the Senator from Indiana, I rise to a question of privilege and present the report of the committee of conference on the Army appropriation bill.

The report was read, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 938) making appropriations for the support of the Army for the fiscal year ending June 30, 1898, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, and 5, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 6, and agree to the same with an amendment as follows: Strike out the matter inserted by said Senate amendment, and strike out, after the word "dollars," in line 15, page 23 of the bill, all down to and including the word "duty," in line 19, same page; and the Senate agree to the same.

On amendments numbered 3 and 4 the committee of conference have been unable to agree.

M. S. QUAY,
EUGENE HALE,
JO. C. S. BLACKBURN,
Managers on the part of the Senate.
J. A. T. HULL,
R. WAYNE PARKER,
GEO. B. McCLELLAN,
Managers on the part of the House.

Mr. COCKRELL. I should like to ask the Senator in charge of the bill what are the items of disagreement? What has been

done in regard to the Hot Springs Hospital?

Mr. QUAY. The only disagreement is in relation to the hospital on the Hot Springs Reservation. The Senate and House conferees reached an agreement as to all other amendments in the bill.

The PRESIDING OFFICER. The question is on concurring in

the report of the committee of conference.

The report was concurred in.

Mr. COCKRELL. I move that the Senate insist upon its amendments still in disagreement.

Mr. QUAY. I suggest that the report should go to the House.

Mr. COCKRELL. We ought to insist on our amendments before we send the bill back.

Mr. QUAY. Very well. I move that the Senate still further insist upon its amendments numbered 3 and 4.

insist upon its amendments numbered 3 and 4.

The motion was agreed to.

MARITIME CANAL COMPANY OF NICARAGUA.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 3247) to amend an act entitled "An act to incorporate the Maritime Canal Company of Nicaragua," ap-

proved February 20, 1889.

Mr. TURPIE. Mr. President, I concluded my remarks yesterday by calling the attention of the Senate to those provisions in the original treaty of cession which had for their object retaining the control of the canal and the directorate to the promoters of

the corporation and their colleagues chosen by the two Republics. I think it is a serious subject for consideration when we find the Maritime Nicaragua Canal Company so willing to violate the terms of their engagement and so reckless in regard to their obligations, whether a corporation governed by such a spirit is a proper depos-

itory for the very important trust and the very large amount of funds which are sought to be placed in its treasury and custody by the passage of the pending bill.

The provisions in the original treaty of cession are not designed to exhibit any unfriendliness on the part of the two Central American Republics either to the interoceanic canal or to its com-pletion or construction. Neither does it manifest any hostility to the Government of the United States that its control of the directorate should be excluded by the terms of the cession; but it does give notice, not only to this corporation but to the Government of the United States, that when these two Republics conclude to treat with the Government about the construction of the canal they will do so directly and not through the medium of this cor-poration or any other. That is the manifest intendment and purpose of the policies so expressly declared in the articles of the treaty of cession.

Although it may be a matter of no consequence, and they have shown by their action that it is a matter of no consequence, to this corporation whether they observe these treaty provisions or not, it is a matter of great consideration to the two Republics who are parties to that treaty and to any corporation, person, or power engaged in the construction of that canal to preserve the amity of the two Republics and the friendship of the people who inhabit the land which the canal course will necessarily traverse.

I do not think it is possible, sir, to operate this canal upon any profitable terms or upon any terms whatever through the country of an unfriendly population. It must be recollected that the people of Costa Rica and Nicaragua are a very high spirited people, accurate in their definitions of right, precise in their sense of right and of justice, and very particular in regard to treaty limitations; and it would be wrong for us either directly or indirectly to offer injury, not to say insult, to the people of that country and their Governments by trespassing upon their rights, so clearly reserved in the cession to which I have alluded. So essential is the friendship of the neighborhood, of the vicinage, to the successful construction and completion of this canal that it has been noticed by every engineer and every commission which has reported upon this subject. The canal must be built with the assent and with the amity of the Governments and people of the country through which it runs, for it must be recollected that this canal, even under the most favorable conditions, will yet be a very tender subject of maintenance. It will be a work very sensitive to injury. It has been compared to the canals of Suez and Manchester, but the canal of Suez is a true maritime canal. It is filled with sea water. It has an almost imperceptible current from the Mediterranean to the Red Sea. It has no interior locks; it has no embankments, except those that have been made necessary by excavation. In order to destroy the Suez Canal an enemy would have to dig another of the same size and dimensions and divert the water from it.

The same thing may be said with respect to the Manchester The same thing may be said with respect to the Manchester Canal. The Suez and Manchester canals run through a comparatively level country. They have no semipipe lines. I do not know that there is any scientific technical term and appellation, but a great majority of the work on this projected canal by the Nicaragua route is where water is carried around and through the hills and valleys by embankments. The excavation represents the side and bottom of the pipe, and the embankment taken from the hill represents the other side of it. It is open at the top, but the work is pipe work and depends for miles simply upon the earth inclosure. According to the report made by the engineer of the Covernment, half an hour's work with a pick and shovel would be able to wreck the whole system of canal simply

engineer of the Government, half an hour's work with a pick and shovel would be able to wreck the whole system of canal simply by destroying part of the embankment and allow the flood to rush through it. A very small beginning would accomplish the entire destruction of the whole scheme of improvement.

These are circumstances, sir, which I think ought to put us especially upon our guard against provoking the prejudice, possibly the hatred, of the people and the Governments whose territory is to be tranversed by this project of the Nicaragua Canal. It is a people facile in revolution, a people who easily resort to arms, who are accustomed to the conflict of war, and a people whose malice and whose ill will ought not to be provoked, especially if it be aggravated in the first instance by a violation of treaty obligations under the auspices or under the enactment of the United States, such as this company is now demanding.

But, Mr. President, it is said by the promoters of this project—I mean the project named in the pending bill, and especially the subsidy named in the bill—that although we may not, under the terms of the cession, control the directorate, or transfer the directorate.

terms of the cession, control the directorate, or transfer the directorate to any government or state, we may secure the right or interests of the United States otherwise. So as this is a pecuniary or financial transaction, they propose to secure us against loss or damage by what they term a mortgage of property, a transfer of assets, collaterals which they deem ample to guarantee us against loss by reason of this guaranty of their bonds.

Having already discussed the question and shown the impracticability of the control of the directorate and of the transfer which the bill makes possible, I now purpose, sir, to discuss the feasi-bility of the transfer of property as a financial security for this guaranty. They speak of a statutory lien and of a statutory pledge and also of a mortgage in hec verba of the whole property, real and personal, corporeal and incorporeal, of the corporation there. Now, sir, what property rights has this corporation in that country?

I ask the question, What property rights has this company there? I will ask the additional question, What property rights is it possible that this company could acquire there by the provisions of their original charter law? In order to determine that, I will ask the attention of the Senate to the original provisions of the treaty of cession with respect to their acquisition of proprietary rights. I refer to article 8.

Article 8 provides:

The present concession is transferable only to such company of execution as shall be organized by the Nicaragua Canal Association, and in no case to governments or to foreign public powers. Nor shall the company cede to any foreign government any part of the lands granted to it by this contract; but it may make transfers to private parties under the same restriction.

The Republic of Nicaragua can not transfer its rights or shares by selling them to any government.

There is the same provision in relation to the Republic of Costa Rica. Both Republics have bound themselves in this treaty of cession with the corporation not to transfer their rights or shares to any government or any power. This association is bound also in no case to transfer to governments or to foreign public powers any of the rights created by this cession. It will be seen also that the lands spoken of, the subsidy on the part of the two Republics to this corporation, can not be transferred to any government. They may be transferred to private parties, but these private parties can not transfer the lands to any government.

With respect to these lands, I wish to call the attention of the Senato to the article providing that the lands granted by the Re-

publics to aid in the construction of the canal shall not be conveyed until the canal has made such progress as shall satisfy these signatory powers. At the present time no conveyance of any of these lands has been made by either of the two Republics. The title is wholly inchoate; it rests in equity, and the equity can not be enforced because the fact upon which it depends, the construction and progress of the canal, is not made thus far to appear satisfactorily to those Governments who have at present the title to these

lands. What title, then, has this corporation in this work? Sir, it does not own the land over which the canalis to run. That is provided for in another section. It only has an easement—that is, the right to the building of the canal over such lands. It does not own the land it may get as a subsidy from the two Republics to aid in the construction of the work. They have never parted with their title. It does not have a title to the easement over the lands, a completed title, because that depends upon construction and com-

pletion.

completed title, because that depends upon construction and completion.

What real property, then, has this company? None whatever. What personal property? They have no personal property. The personal license to enter upon the lands traversed by their route and build the canal—of what value is that? When will it ripen even into an easement? Is it now the subject of mortgage? Is it now the subject of pledge or of lien? Certainly it is not. It is only a license, carefully guarded and restricted, to the person named—the Nicaragua Canal Company—and also carefully guarded and restricted against the United States and other governments—a personal, a peculiar, a restricted license to do this work—and, while doing it, not to be subject to private action, not to be treated as a public enemy. This is the only right which the canal company owns, and it is a right neither in law nor in equity transferable. It is not mortgagable to the United States nor to any other government. Their mortgage reads that all the right and title of this canal company and all the personal and real property, as well as the right to be a corporation, may be mortgaged to secure the guaranty of these bonds. I pass by the question with respect to whether they can mortgage their right to be a corporation. Take that for granted. What else have they got to mortgage? What else have they got to pledge? A mortgage is a transfer, a conveyance of real estate; a mortgage is a transfer and conveyance of real estate; a mortgage is a transfer this fer and conveyance of an interest in real property. It is an in-choate conveyance. This treaty denies the right to transfer this choate conveyance. This treaty denies the right to transfer this concession, any of the lands, any of the incidents; and as a pledge or mortgage is a transfer, a transfer sought to be made by this act of Congress is in direct violation of the treaty, and the transfer of proprietary rights provided for in the pending bill is as direct a violation of the provisions of the treaty of cession as those in the bill with respect to the directorate.

I call also the attention of the Senate to Article LIV of the same treaty, to show what the ultimate title to the canal will be.

On the expiration of the nihety-nine years stipulated in this concession, or in the event of the forfeiture contained in the preceding article, the Republic shall enter upon possession in perpetuity of the canal, of works of art,

light-houses, storehouses, stations, deposits, stores, and all the establishments used in the administration of the canal, without being obliged to pay any indemnity to the company.

But the company shall have the right, at the expiration of the aforesaid term of ninety-nine years, to the full enjoyment of the free use and control of the canal in the capacity of lessee, with all the privileges and advantages granted by the said concession, and for another term of ninety-nine years, on the condition of paying 25 per cent of the annual net profits of the enterprise to the Government of the Republic, besides the dividends due to it for its shares in the capital stock.

At the expiration of this second term of ninety-nine years the Government shall enter into perpetual possession of the canal and other properties referred to in the first part of this article, including also in this possession all that which is excluded in the said first part, with the exception of the reserve and amortization funds. The failure to comply with any of the terms of the lease shall terminate it, and the State shall enter into possession of the canal and other works belonging to it, in accordance with the provisions of the preceding paragraph.

This canal corporation, if the canal were constructed and comoleted, has only an easement in it for ninety-nine years. After that they may become a lessee. Their easement terminates as such. They then obtain a lease upon the canal, but that lease is loaded with the provision that 25 per cent of the profits shall go to the Republic of Nicaragua and to the Republic of Costa Rica, respec-

This treaty of concession is one in perpetuity, at least for the term of one hundred and ninety-eight years. It lasts a very long time. They wish us to step into their shoes. I ask any Senator whether he wishes to undertake to do this for our interest, to undertake the guaranty of this enormous subsidy under the condition that during the period for which it may be occupied—the latter period for which it may be occupied—we shall pay 25 per cent of the profits to these two Republics of Central America?

The promoters of this scheme have said a great deal about its

profitableness, about the rich returns which are to come from it. Sir, nobody has estimated, or can estimate with any certainty, what its profits will be; but if there be any net profits, 25 per cent of them, one-quarter of the whole amount, is already foreclosed and mortgaged during the entire second term to these two Republics. That was the provision which this corporation easily acceded to. They seem to have been anxious to procure this concession. They took very little thought about to-morrow, and especially about the remote to-morrow. But when we of the Government of the United States are to be subrogated, as it is said, to their rights, we must also consider that we shall be sub-rogated to their burthens. And I do not believe that it is for the interest of any government in the world—I am certain it is not for the interests of this Government—to be subrogated to any rights which shall entail upon us the obligation to pay one-quarter of the profits of the canal to these two Republics of Central America

As showing the very sensitive feeling with which these two Republics regard the eminent domain now held by them and never abandoned, and that they do not cede the land over which the canal is to be built, I wish to call the attention of the Senate to Article XXXVII in the treaty of cession, showing the continua-tion of sovereignty, showing the perpetuity of the dominion of the Republics upon this canal route. Article XXXVII reads:

The Government shall establish all along the line of the canal included between the two terminal ports such police stations and revenue officers as in its judgment are necessary to preserve order in the region of the canal and for the observance of the fiscal laws of the Republic. All expenses incident to this service, including those of buildings, endowments, salaries, and allowances of employees, and transportation of the forces, shall be paid to the Government by the company on such terms and conditions as may be established, taking into consideration the requirements and necessities of such service. The company, however, shall have the power to establish guards and watchmen for the service of the canal and the enforcement of its regulations.

Here is a right reserved, and a continuous right reserved, on the part of the two Republics to police this canal, to police it by military force, to police it by the erection of stations and buildings, quasi fortifications, and to charge the expenditures occasioned by this exercise of their police power to the company, and make it a charge upon the receipts. It is not only in itself a very important and expensive charge, but it shows the design, the emphatic purpose of the two Republics not to abandon their sovereignty, not to abandon their dominion, not to abandon their eminent right as owners of this land, but to keep it, to preserve it, to reserve it, to save it, to secure it, at the expense and charge of the Maritime Canal Company of Nicaragua.

What, then, is this proposition for a mortgage? Mr. President, it is a proposition to mortgage a thing which the company do not own, and never can own; it is a proposition to mortgage real estate or personal property which the company, if they did own, could not mortgage to us or to any other government. Such a

mortgage would not be worth the paper it is written on.

There is another item thought to be of very great importance in this discussion—in the former discussions at least of this question—and I had almost forgotten it. It is the railroad. The company had the right to build a railroad for the purposes of construction upon the same easement which the canal is to traverse. I wish to call the attention of the Senate to the character and nature of that property, and especially to its present condition and value. I will also read in this connection a description of some other personal property down there, which the engineers seem to have regarded as the property of the company. I read from page 40 of the report made by Colonel Ludlow and his associates October 31, 1895:

A large amount of property of various kinds lay out of doors and in an advanced condition of decay—numerous steel boats and launches, hulls and machinery rusted through; a pile of 8-inch spiral riveted pipe, intended to bring water from a reservoir to the barracks and quarters; spare shears for the dredges; two or three tugs and small steamboats, past all service; several scows and lighters rotten and sunk. The five dredges bought by the company from the Panama Canal dredging contractor lay in the harbor on the bottom uncared for, with rusted marchinery and woodwork dropping. Three locomotives under cover are probably unserviceable. The machine shop, having been used to a certain extent by the river navigation company for occasional repairs to their vessels, was capable of service, but, with the exception of the large buildings, little else could be considered as representing any value.

This is a part, I suppose, of the personal property of the corporation. So the engineers regard it. Then the engineers go on to

While giving a brief account of the plant and constructions at Grey Town Harbor, where all the work connected with the actual canal building was done, it will be convenient to include the railroad which extends inland for a distance of 114 miles along the line of the canal to between the sites of Locks

Harbor, where all the work connected with the actual canal building was done, it will be convenient to include the railroad which extends inland for a distance of 11st miles along the line of the canal to between the sites of Locks 1 and 2.

The Board made a trip over the road on a hand car propelled with poles and the results were of interest and value.

The single track is standard gange, laid with 60-pound steel rails, from Pittsburg, and 2,64 ties to the mile, and was built between May, 1890, and February, 1892.

The ground covered is flat and swampy for the greater part of the distance, and across the wetter portion the roadbed was formed by first cribbing roughly, then laying a temporary track and filling with sand, most of which was brought from the canal cut at Grey Town. Most of this work was done by men working up to their waists in water.

Notwithstanding the exposure to the immense rainfall, the roadbed when examined was found in fairly good condition, and the rails gave little evidence of corrosion, but the ties were gone. Those first laid near Grey Town were of North Carolina pine, creosoted with 12 pounds of wood oil to the cubic foot, and were apparently about in the same condition as would be that of uncreosoted ties laid for three or four years in the States. Farther out, pine ties from Bluefields, not creosoted, were much decayed. The remainder, of native timber, were entirely rotten. With a few exceptions all the ties must be replaced before the road can be used.

Four and one-half miles out is a clay fill, standing well, with little indications of wash, and leading to the bridge crossing the connection between the Benard Lagoon and the San Juanillo River.

The bridge is a pile structure of ordinary type, about 125 feet long, 4 piles to the bent, braced and capped. The noticeable peculiarity of the bridge was that it had been stayed both up and down stream with wire ropes secured to trees. Upon inquiry it was learned that the piles had been driven through 70 feet of soft mud. As the locality

of the lagoon through which the canal mine passes, the subsurface conditions, if continued in the lagoon, are very unfavorable features for canal building. Beyond the bridge crossing is the first clay cut, and farther on both cuts and fills are numerous.

The cuts have heights up to 20 feet, with slopes from vertical to 45 degrees, and in most cases stood with an extraordinary stability under the tropic downpour. At several the original tool marks were still visible, both pick and steam shovel. In several others there had been slides, but none of great extent. The ditches were generally clean, and in but few points had the wash reached the rail. The surface of the cuts was in some cases protected by vines, but in most was quite bare unless for a minute lichen.

As these clay cuts had been exposed for over three years to the severest rainfall of record on this continent, and were found in better condition on the whole than an exposure in the United States for a single winter would have left them, it is evident that the absence of frost more than balances the tropic downpour, and for the materials in question constructions can quite as safely be designed as in the United States.

A train of flat cars standing at siding was nearly covered with vines and creepers and the woodwork far advanced in decay. On the other hand, the natural growth in the roadbed was unexpectedly slight, although in two or three cases the camebrakes had invaded the track.

On the whole, taking into account the condition of the sand dumps at Grey Town and of the clay cuts and fills on the line of the railroad, it is evident that the heavy rainfall is not necessarily as formidable an obstacle to outdoor constructions as might be supposed, although the slight works in question must not be too confidently accepted as safe precedents for much heavier constructions, and, with work in clay, an accumulation of water must always be guarded against.

It was part of the theory often announced here of the Maritime

It was part of the theory often announced here of the Maritime Nicaraguan Canal Company that the construction of this railroad would make a very valuable feeder to business, both to the commerce of Grey Town and to the interior, without reference to the construction of the canal at all; that a town would be built up at this terminus at the foothills, and that the way travel and the way freight would be very considerable; that the rich lands adjoining the right of way of the canal would in this way be settled and colonized, for it will be recollected, sir, that a million acres in this very neighborhood of public lands belonging to the Republics of Costa Rica and Nicaragua are to be conveyed upon the progress and completion of the canal to this company as a subsidy. It is said that these acres are very fertile lands; that they will be of the value of \$5 an acre, or probably more, when the canal is completed. Mr. President, this railroad has been completed since 1892. It runs right through these lands which make the subsidy. These lands are fertile; they sustain vast virgin forests of mahog-any, redwood, and other valuable timber indigenous to the forest; but there is no crop ever grown upon them; no part of them has ever been tilled; no part of them has ever been colonized or set-

tled. They are under water; they remain under water, like the canal itself; they are submarine, and it is impossible that farms could be made there. Public lands, of course, they are. They have been public lands for one hundred and fifty years. They are open to entry at 50 cents an acre, and have been for a century and half

No corporation, no individual has ventured at any time to enter upon the problem of reducing to cultivation these public lands of the Republics situated between the Caribbean Sea and the foothills, the place of the terminal of this railroad. What is the condition of this railroad, which was to be accompanied with traffic, with commerce, with the incidents of progress and of business? Totally useless at present, the track being grown over in some parts by cane and in the other parts by vines, by undergrowth, the result of tropical vegetation. Sir, I have not seen any railroad in this country or in any other civilized country within the track of commerce on which a canebrake grew, or on which traffic has been impeded by vines or underbrush. The truth is, there is no settlement and can be none along the line of this road. No corporation, no individual has ventured at any time to enter there is no settlement and can be none along the line of this road. There is no value in the land, there never can be any, and there is There is no value in the land, there never can be any, and there is no value in the railroad which it is proposed to mortgage—less value, if possible, than in the part of this canal, a very small one, which the company claims has been completed. This railroad is situate, as I said before, upon the right of way, but the railroad is simply a parallel line of steel rails. It is not and never has been a road in actual use or profitable operation. That is one of the principal items named here and insisted upon as a guaranty the subsidy of \$100,000,000.

Is it possible that this company is not aware of the condition of that road? Is it possible that this company has not heard of this extraordinary trip, without parallel, a trip on a railroad on which the car was propelled with poles? Certainly the Maritime Canal Company must be well acquainted with this species of travel (it is here in the written report, made by the Government engineers), this method of transportation, and this method of communication. by poling a railroad car upon a sunken road over rotten ties. That is the franchise which is to constitute part of the security of the United States for making this stupendous subvention.

Mr. President, it has become a part of the regular profession of operators upon public and private confidence to deal in what are called bogus mortgages, spurious mortgages. One of these operators comes to a town, sometimes even to a large city. He is a man extremely prepossessing in appearance, with great plausibility of address. He has what he claims are notes, mortgage notes, given for purchase money of land which he was obliged to sell at a great sacrifice, and consequently his paper for purchase money is gilt-edged, and it does not exceed one-half the value of the lands mentioned in his mortgage. He exhibits this mortgage and these notes to a person very credulous. That person is not in the habit of using the cantion which an attorney or other expert would in regard to such transactions, and although one can hardly conceive of a large sum of money being transferred upon such pretenses, yet every week the newspapers give an account of just such a transaction—the successful looting of some local curb broker by

transaction—the successful looting of some local curb broker by means of a spurious mortgage and mortgage notes.

But that transaction differs very essentially from the one which is set out with great care in this bill. In the transaction to which I have alluded the purchaser of the spurious notes and mortgages does not become aware that the holder of them and the person who is supposed to have executed them never, either of them, had any title or interest in the mortgaged real estate, that the whole thing is a frank and en immosition. He learns that all about it. thing is a fraud and an imposition. He learns that, all about it, all the particulars, but he does not learn them until he has parted

with his money.

Now, this operation proposed in the pending bill differs from the one of which I have spoken in the fact that the company advises, not on the face of the bill, but on the face of their treaty charter, upon the face of the report submitted here, that they have no title to the land—no interest in it—that they have no sort of interest, and have none which they could transfer to us or to anyone else. They ask us, with our eyes open, knowing the security is straw, knowing that the security is worthless, knowing that the security they offer us is dross, utterly valueless, to give them \$100,000,000 and say, "We will guarantee the payment by a mortgage, by a lien upon securities utterly without value." That is the difference between the operations.

Now, sir, the first operation, it seems to me, has always been extremely harsh. It might depend somewhat upon the want of caution in the person who parted with his money without investigation. But the operation proposed to us here has no such excuse or justification for its acceptance, for we are advised in the same breath that the security is Peter Funk, and that the parties are nearly related to that distinguished citizen. I hardly see how anyone can read the bill seriously. It provides in all particulars, just as if it were an honest transaction, that the mortgage shall be acknowledged; that the mortgage shall be recorded; that it shall be recorded in the Office of the Secretary of State of the United

States; that it shall be recorded in the capitals of the two countries, Costa Rica and Nicaragua, when the whole investment would not even pay for the original draft of it. The whole investment would not sell to-day in any market for the expenses of preparing and acknowledging the papers. At such a proposition as this, it seems to me, impudence itself would stand aghast.

Since the last discussion of this question in the Senate we have had a report by three officers especially appointed to inspect the line of the Maritime Nicaragua Canal Company with reference to its practical execution and feasibility and the cost of construction and completion. It is the first disinterested inspection and report that we have had of this line. We had in 1874, under the Administration of General Grant, quite a full and disinterested inspection of the Nicaragua route, but not of this line, and I wish to call attention for a few minutes to sections of the report made in There is a perpetual claim, utterly groundless, a claim repeated by iteration and reiteration, that the Maritime Canal Company of Nicaragua were the first to demonstrate the practicability of this work, and that as a premium for such discovery, a reward for such exploration, they must have a large sum of money, for which they have now three times asked the Congress of the United

I wish to show, sir, that this claim is wholly unfounded; that twenty-two years ago what they claim as their discovery was well known and was reported as a fact ascertained under a commission appointed by the Government. This commission was known as the Admiral Ammen commission. He was a member and president of the commission. The commission was seven in number; three of them were from naval and military life, four of them from civil life, and they were accompanied by two engineers, Colonel McFarland, of the Army, and Captain Heuer, also of the United States Engineer Corps, who had charged upon them the particular details of the inspection and survey. They went by virtue of an act of Congress under the suggestion of the President—General Grant. They made their report in December, 1875. I wish to read a portion of their report, its conclusion, because it bears upon the question of exploration and discovery to which I have alluded.

First. The general scheme is good, and the route is certainly practicable.

That is their conclusion. That is the fact which the Nicaragua Canal Company say they discovered first. That is what they claim as their patent. That is what they claim as preeminent merit, that they determined the practicability of this route. In December, 1875, twenty-one years ago, the Government commission reported as follows:

First. The general scheme is good, and the route is certainly practicable. Second. Further examinations need to be made of the country in rear of the proposed dams in the San Juan River, this question affecting not the proposed dams in the Proposed work, but the probable cost of it.

Third. Additional and extensive borings need to be made in order to determine the nature of the material to be excavated.

Fourth. The proposed harbor at Brito should be enlarged.

Fifth. The harbor at San Juan del Norte or Grey Town can not be restored, and the proposed remedy is inadequate. A harbor nust be constructed here in deep water, and the canal be led out to it.

The Maritime Canal Company of Nicaragua was born in 1889. The Maritime Canal Company of Micaragua was born in 1889. Nearly twenty years before they were born, twenty years before their eyes, or the eyes of any of their agents or engineers or subordinates, had looked upon this route, the United States Government, by a commission, reported that it was certainly practicable. But they reported also that it would cost, subject to contingencies, \$140,000,000. The report was made to General Grant, and by him transmitted to the Congress of the United States

When the final estimate was submitted to the President, the cost of the work being estimated at \$140,000,000, President Grant received, heard, and considered their report, and took no further steps in the matter. Was General Grant unpatriotic? Would any person claim that he was indifferent to the interests of the United States in this great improvement, this vast amendment to interoceanic communication? No, sir; he was a man thoroughly patriotic, of intense devotion to the interests of the country, not only as a citizen and a soldier, but as Chief Magistrate; a man of great patience, great persistence, gifted with silence beyond the

ordinary manner of men, of great caution.

I agree with what the honorable chairman of the select committee said the other day-General Grant was the author of that phrase, now so common, that we must have at this point "an American canal under American control." He had conceived and justly conceived that if this project was in any way practical, commercially feasible, he would enter into negotiations with the two Republics and directly undertake the construction and completion of the Nicaraguan Canal. But when he had received this report, examined it, especially the cost estimate, subject to contingencies, although he was the author of the phrase spoken of, yet that policy— an American canal under American control—was dominated by that other splendid policy of silence. He never made any allusion to the project afterwards. He never made any mention of it in any message; he never took a further step toward its prosecution. The recent report to which I have alluded was made by Colonel

Ludlow, of the Army, Captain Endicott, of the Navy, and Alfred Noble, a citizen of the United States and an engineer of long and large experience in work of this character. I wish to call attention to this report and some of its principal features, comparing it with the report made by the company, as the report is confined to an inspection and estimated cost of the execution of the work upon the line which they have adopted. For it must be recollected that under the treaty of cession the Maritime Canal Company were bound after the fashion of our statutory regulations in When a railroad wishes to condemn property or run a line, either through public lands or private lands, it has as a condition precedent to file profiles and maps of the route. It is necessary in order to extinguish the right of eminent domain and subject to easement public lands, and it is still more necessary where the right of way traverses private property. For this reason the maps and profiles of the Nicaraguan Canal Company were made the basis of this examination and the estimated cost by the

commission composed of the gentlemen of whom I have spoken. I wish now, in the first place, to say that there are three very important and very expensive branches of the work which are not noticed in the report of the Government commission at all, simply for the reason that they are not found upon the profile or map of the Maritime Canal Company, not because the Maritime Canal Company were not obliged to finish and execute these portions, just as they are to make the main trunk of the canal, but because they have not submitted to the Government maps and

profiles of the same.

They knew that the execution of this work, the omitted work, would largely increase the expense and the estimates, and they seem to have suppressed those three works of which I have spoken. That is the reason for the litigation which is pending and may be pending for a long time and may be pending now in the courts between the corporation and the Republic of Costa Rica and the Republic of Nicaragua. The first one of the omitted or lapsed works to which I call attention is the Managua Canal. Managua is the capital of the Republic of Costa Rica, situate upon the lake of Managua, and while the two Republics were bargaining about the construction of this Nicaragua Canal they inserted in the cessionary treaty for their own exclusive benefit—and we will be bound by that provision-an obligation to build a canal between Lake Managua and Lake Nicaragua, in order to place the capital of the Republic within reach of the ocean terminus of this canal; in other words, to make substantially a seaport of the town and city of Managua, which is now only a lake port. I wish to call attention to that provision of the cession:

Within three years, to be counted from the commencement of the work upon the interoceanic canal, the company—

That is, the Maritime Canal Company-

shall, at its own expense, construct a navigable canal between Lake Managua and the navigable part of the Tipitapa River, near Pasquier, of sufficient dimensions to admit of the free passage of vessels drawing 6 feet and of 150 feet in length. When completed, this canal shall be taken possession of by the Government of Nicaragua, and will be, after that date, the property of the Republic, which, by virtue of its ownership, shall be bound to bear all expenses required in the future for the service, maintenance, repair, and operation of the canal. But the company shall have the right to make use of it for all purposes useful for the maritime-canal enterprise.

There is a canal which is to be built and handed over ready for traffic, ready for commerce, by the Maritime Canal Company as a part of the consideration for the grant of this concession. There is a provision which will be binding upon the United States. There is a provision as to which the pending bill is silent and the

original act of incorporation is silent.

Mr. CAFFERY. Will the Senator from Indiana permit me to ask him whether or not any estimate has been made of the expense of digging the Managua Canal alone, to connect the city of Ma-

nagua with Lake Nicaragua?

Mr. TURPIE. No, sir; there has never been any estimate.
Mr. CAFFERY. It is an obligation, however, upon the part of
the Nicaragua Canal Company to construct this particular canal?
Mr. TURPIE. Yes, sir. It binds the assignees of the Maritime
Canal Company also. It binds anyone who takes this contract.
It will bind the United States if we could take it, if it were possible to accept it. If it were lawful for the experiment is a second to the contract. ble to accept it. If it were lawful for the corporation to assign it or transfer it, they could not transfer it without its being sub-

ject to this obligation to construct the Managuan Canal, 21 miles long, connecting the two lakes of Managua and Nicaragua.

There has not only been no estimate, but there never has been a scientific survey of the expense of the work. The evidence in these reports will show that the Managua River—that is the name of the river connecting the two lakes, Managua and Nicaragua—is sometimes a dry bed and sometimes a wide stream containing a considerable volume of water: that a great part of it is rock bottom, and that consequently this work is going to be quite expensive, and it is just as certain that it will be as obligatory as expensive. The Republics are not going to surrender the right to have this work finished, completed, handed over to Nicaragua ready for use and occupation.

The Senate will take notice that there is a limitation of time in respect to its construction: "Within three years, to be counted from the commencement of the work." Those three years have elapsed. The Senate will take notice that in the conditions of elapsed. The Senate will take notice that in the conditions of forfeiture one condition is a failure on the part of the company to perform the work mentioned in Article XIV, to complete and construct the Managua Canal as a part of the canal system. The consequence is that by law they have already forfeited everything. In equity they have already surrendered everything. In reason they have already, either voluntarily or negligently—not by main force—given up and abandoned their contract and its principal provisions. They have not pretended to construct the Managua Canal.

Another one of these yest works, that is works which was all a surrendered to construct the surrendered t

Another one of these vast works, that is, works which we would Another one of these vast works, that is, works which we would be bound to perform under this treaty of cession, is the harbor at San Carlos and the harbor at Lajas. There are four harbors necessary for the successful operation of the canal. Two of these are external, one at Grey Town, on the Atlantic coast, and the other at Brito, on the Pacific coast. Two of them are internal, one at San Carlos, on the eastern side of Lake Nicaragua, where the canal enters the lake on its way from the Atlantic, and the other at Lajas, on the western side of Nicaragua, where it leaves the lake to enter the Pacific. I wish to read the section of the treaty of cession upon that subject:

ARTICLE XVI.

ARTICLE XVI.

The company shall construct, at its expense, and maintain in good condition two large ports, one in the Atlantic and one in the Pacific, to serve as termini of the canal, each of them to have a light-house of the first order. It shall also construct at the two points on the borders of the lake where the canal disembogues two ports of lesser size, with the respective light-houses. The company is also obliged to maintain and improve said ports by means of dredges, dikes, piers, embankments, or any other works it may deem advisable, having always in view the good service of the traffic through the

The report of the Government engineers shows no sort of estimate of the cost of the Managua Canal, the cost of the harbor at San Carlos, nor of the harbor at Lajas. I think that any estimate is purely a matter of conjecture. It is very certain, however, from the evidence given that the harbor at San Carlos will be very expensive. That is the place where the course of the proposed canal enters and leaves the River San Juan upon its way to the

Pacific.

The evidence shows that from where the canal disembogues on the western side of the lake for 14 miles out into the offing the water shoals to 7 feet, and that a mud deposit, pure mud, is for that 14 miles of the varying depth of from 30 to 50 feet. So in the construction of a harbor at San Carlos, a lesser harbor than the one at the ocean ports, but certainly large enough to afford shelter and anchorage for the very largest-sized vessels, a vessel of war drawing 30 feet, with 45 or 50 feet beam, nearly 600 feet in length, the excavation of a harbor suited for the anchorage of such vestels that the programme of the programme. sels at that port will be an extremely expensive work. It will cost the excavation of the acreage whatever it may be, 40 or 50 acres of the mud deposit of which I have spoken, and then some way of securing the mud taken out from returning into the excavation and harbor. There is not a more difficult problem of engineering on the entire route. Yet it is omitted entirely in the estimate of the Nicaraguan Canal Company, and although it is mentioned, it has not been estimated by the Government report made last

December.

The same thing may be said with reference to the harbor at Lajas. The difficulty there is of quite a different character, but still it exists. At Lajas the water shoals with a rock bottom, the still it exists. same as that of the Managua River, and under water 3 or 4 feet deep excavation will have to be made of the lake bottom large enough to make a harbor which, under the terms of this concession, will accommodate the traffic and commerce and the shipping

of an interoceanic canal.

I will not attempt to estimate either of these items—the cost of the Managua canal and the cost of the Lajas harbor, or the cost of the harbor at San Carlos; but I do say that they are specially and expressly provided for in the treaty of cession, and that there is no act of Congress which can relieve us from the obligation to complete and construct them.

I say it is an irrational request, an unreasonable demand, a thoroughly wild proposition, that we should undertake to guarantee the performance of this work and enter upon its completion and construction without even an estimate of the cost of three of

the principal items necessary in its prosecution. I say further that a corporation that will come here with such a proposition, so thoroughly devoid of its essential elements, so thoroughly bare of the things necessary to determine its prudence, its expediency, ought not to be heard or considered with reference to the granting of a subvention of this amount.

I wish now to enter into some comparison of the two reports— the report made by the Maritime Canal Company and the report made by the Government engineers, the first report made to us of the practicability and estimated cost of the work by disinterested

Grey Town Harbor is provided for in the cession not any more than the lake harbors to which I have alluded. For Grey Town Harbor the company found it impossible not to make an estimate. They seem to have been aware of the fact that before the canal would be of any use there must be a way of reaching it from the ocean. I wish to read something with reference to the description of Grey Town Harbor, from report of the Government engineers, on page 85:

1. Grey Town Harbor.—The entrance to the harbor as proposed by the company is too near the angle of the coast line, and, as is indicated on the accompanying map (Plate XVIII), should be moved eastward about a mile and a half, the present lagoon to be used as the inner harbor and connected with the entrance by a canal with a bottom width of 200 feet. The harbor throughout should be dredged to 30 feet below low water, and its depth increased to 6 fathoms at the entrance.

That is the general conclusion with respect to the dimensions and character of the harbor at Grey Town, a very important point, because it stands at the very entrance of the canal. The estimate of the board for the completion of that work, shown on page 96 of the report, is \$4,480,000. The estimate of the Maritime Canal Company for the completion of the same work, the harbor at Grey Town, is \$2,151,000. The item for dredging necessary in the Grey Town Harbor, under the Government estimate, is \$3,000,000. The item for dredging alone, under the report by the Government engineers, exceeds the whole expense of the estimate by the Nicaragua Canal Company. The item for stone pitching is \$300,000.

ragua Canal Company. The item for stone pitching is \$300,000.
I should like to inquire the meaning of the term "stone pitching" or to call the attention of the Senate to it, because in the estimate of the Canal Company it was said that the dump taken out of the harbor would make embankments, docks, and sides itself sufficient to withstand the tides, the waves, the storms, and the necessary friction which follows in the wake of vessels moving in a harbor. This commission advises a large expenditure for stone pitching, and they advise us what that stone pitching is. It is a revetment of stone reaching from the top of the designed embankment down below the water, so that the embankment of earth is to be lined with stone, and they report that it is absolutely necessary not only on account of natural conditions, but to resist the action of the water disturbed by the wheels and propellers especially used in steam navigation.

I call attention to the enimus—the very manifest enimus—

I call attention to the animus—the very manifest animus—which lies concealed in the difference between these two estimates. The Nicaragua Maritime Canal Company, in estimating the amount of money necessary to make the harbor there, estimate it at \$2,151,000; to be simply expended without the hope, without the chance of a harbor being constructed; to be wasted in an abortive attempt to construct a harbor.

I come now to the harbor at Brito.

Mr. VILAS. Before the Senator passes to that point, I should like to ask him if I am correct in understanding that there are five items which the Maritime Canal Company's engineer entirely omitted from consideration and which the Government engineers

found absolutely necessary to include in respect to that harbor?

Mr. TURPIE. There are three. I come now to the harbor of
Brito, page 102 of the Government report. That is a harbor at the
Pacific terminal of the canal. It is called a harbor now by way of courtesy. There is not even a place for a harbor. It is a straight beach slightly indented in the general line of the coast. The harbor is to be made by building solid walls out into the water partly, and by excavating the land on the landward side That is the plan both of the Government engineers and of the That is the plan both of the Government engineers and of the canal company engineers. The company's estimate for this work was \$1,920,000. The board's estimate is \$4,398,000. The dredging provided for by the estimate of the Government engineers amounts to \$1,687,000, lacking only about \$300,000 of the whole sum estimated by the company. The stone estimated for in the breakwaters of this harbor, the means by which the harbor is to be made, by which the water is to be fenced, if you will allow me the expression, is estimated by the Government engineers at \$2,535,000—about half a million more than the company engineers estimated for the whole work. Here is the same purpose of endless mated for the whole work. Here is the same purpose of endless expenditure without the slightest prospect of completion or return.

I come now to another large division of the work, called Lake Nicaragua, page 99. The company's estimate of that work is \$1,969,000. The board's estimate is \$3,907,000. The estimate of the Government engineers is very nearly twice that of the board of the Nicaragua Canal Company. These are very important works. They relate to the extension of the canal into the lake at San Carlos and Lajas. The canal proper is estimated for. The barbors are not even mentioned.

harbors are not even mentioned.

I come now to the San Juan River, on page 99 of the Government report. There are about 69 miles of this canal which are proposed to be constructed by the use of the San Juan River as a channel of navigation. There are four principal rapids in the river, and the estimate to be made and the work to be done is to remove the rapids, the stone in them, so as to admit vessels drawing 30 feet, to make the channel wide enough and deep enough for ocean vessels of the largest size. That estimate, according to

the company, is \$1,975,000. According to the Government board's estimate it is \$14,866,000, a difference of \$13,000,000. I think that is a showing which exhibits the enormity of suppression that was designed in the report and estimate of the Maritime Nicaragua Canal Company. They could not have had the slightest idea of giving to the Senate or the country any conception of the real amount of money necessary for the construction of this canal and the completion of the enterprise.

I will admit with great willingness that men may make a mistake in estimates, that men may make a serious mistake in the statement of accounts, that men, even the most skillful, may possibly make mistakes in the estimate of costs; but a mistake in such a particular of \$100,000 would be a large one. It would be one, I think, that would attract everybody's attention. It would one, I think, that would attract everybody's attention. It would be one that would cause comment upon the carelessness of the engineer, and cast even suspicion on the character of his work. But this is not a mistake of \$100,000. Here is no error even of one million, or two million, or three million dollars, but an error of \$13,000,000 in such a plain job as taking stone from the bottom of a river, every inch and foot of which was capable of being measured with the foot, with the rule, with the level, and known. They knew what the depth of the canal would be; they knew how much water floated over the stone, and how much stone under the water must be excavated before the water could take the place where the stone was situated. There does not seem to the place where the stone was situated. There does not seem to be any demand here for engineering skill; there is no overwhelming necessity for engineering ability; but there is a demand for common honesty and conscience in making this estimate, and that demand is not supplied by anything in the history of the Nicaragua Maritime Canal Company. They have not the material to supply it. They talk about their abundant resources. It takes some conscience to make an estimate to do good work. That material is wholly lacking in this work.

I come to another principal division of the work—the Ochoa Dam, pages 98 and 99 of the Government report. The Ochoa Dam

is a structure—perhaps I ought to use more guarded language—it is a proposed structure, an anticipated dream in stone of a dam across the San Juan River at Ochoa. It is wholly fanciful so far. The estimate by the company of the cost of this structure, this dam across the San Juan River at Ochoa, is \$977,278. It embraces seven different items in the estimate; but that is the total. It is less than \$1,000,000. The San Juan is a great river, delivers many thousand cubic feet of water every moment, has a tropical current, swift, treacherous, subject to enormous floods, having tributaries nearly as large as itself, every way difficult of control. It is one of the wildest streams—not tame, not docile. The proposition to dam it is a very bold one; the conception of retarding and delaying the delivery of its waters is a very bold one, but not impossible. Time and money will build the Ochoa Dam, but not for less than

\$1,000,000.

The estimate of the Government board of engineers upon the cost of the Ochoa Dam is \$4,000,000—four times as much as the estimate of the Nicaraguan Canal Company. There is not an item which I have noticed so far, and there will be none in the company. tem which I have noticed so far, and there will be none in the future, in the sequel, which does not display the same animus of concealing the cost of the work and of hiding the responsibility of the United States in undertaking this guaranty for furnishing the subsidy for its construction. Every single estimate was made, as these two reports show, with that plain proposition, purpose, and intention, for no corporation could have made repeatedly these

and intention, for no corporation could have made repeatedly these enormous errors without a motive, and that motive is expressed in the provision, the words, the syllables, and especially the figures, \$100,000,000 of the pending bill.

I come next to what is called the La Flor Dam, and I wish to read some description of it. I read from page 74 of the report of the Government engineers. I will, in order to attract attention to this express of the report of the covernment engineers. to this perusal—I do not know whether I shall be successful in doing that—state that there is no history of engineering, no history of estimates, no report made to any government upon the surface of the planet which has such an extraordinary character in it as the report submitted upon the subject of the La Flor Dam.

the report submitted upon the subject of the La Flor Dam.

At a place called La Flor, 3.8 miles from the Pacific terminus and 13.9 miles from the lake, the valley of the Rio Grande is narrowed by two steep hills to a width, on the valley floor, of 1.600 feet, at an elevation of 40 feet above mean tide, and a width of 2,000 feet between the summit-level contours of elevation 110. The company proposes to build a dam at this point of sufficient height to raise the water to elevation 110, thus extending the summit level, as already stated, to within 3.8 miles of the Pacific, forming a capacious basin of some 4,000 acres in the valleys of the Rio Grande and Tola. This arrangement would facilitate navigation by substituting a basin for 4.6 miles of canal, and would solve the question of the disposal of the flood waters of the Tola by permitting their free discharge into the basin.

As originally designed, the La Flor or Tola Dam, as it is indifferently known, was, like the Ochoa Dam, to be a "rock fill," and to be constructed in the same way, with a weir on the crest for the discharge of the Rio Grande drainage.

drainage.

This plan has been modified more recently by providing a solid concrete core for the dam, backed with a stone and earth embankment on both sides, and locating a weir in the saddle of an adjacent hill.

This weir is to discharge the drainage of the valley, and, as the board is lately informed, about 60 per cent of the surplus discharge of the lake watershed also.

The question as to what disposition to make of the drainage during the instruction of the dam or its masonry core has not yet been fully considered

construction that by the company.

The La Flor Dam, per se, is a much more formidable construction than that proposed at Ochoa, in regard both to its volume and the head of water it has to sustain.

Upon these facts the board of Government engineers deems the project of a 90-foot dam impracticable, and omits altogether the consideration of its construction. They do not submit any estimate for the construction of the La Flor Dam. They say that the design is not worthy of consideration. They do, however, submit an estimate for the cost of the work upon what they call the lower level, omitting the La Flor Dam entirely from the scheme of the improvement. I read again from page 87 upon the same

Thorough search should be made in the vicinity of the site now proposed for the Ochoa Dam for the most advantageous location of the structure, and the full nature of the foundations and the shore connections be exhaustively ascertained.

10. The Lajas-Rio Grande route, adopted by the company, to connect the lake with the Pacific, is preferable to any other that has been examined. The information with reference to the site of the proposed La Flor Damindicates that its construction is impracticable, and an alternative low-level route, which offers no special difficulties in construction, avoids any necessity for it. This alternative line may follow either the right or left bank in the Rio Grande Valley from a point 9.2 miles distant from the lake, which would constitute the western limit of the summit level. The northern or right-bank route has been located by the company. The southern or left-bank route should be fully located and bored to determine its relative merit. It has the advantage of avoiding complication with the discharge from the Tola watershed and the cost of diverting the Upper Rio Grande, and the disadvantage of requiring more diversions of the Rio Grande in the main valley.

I have read extensively from these reports for the purpose of showing that in the opinion of the board of Government engineers the project of the La Flor Dam is thoroughly impracticable and

not to be considered.

I now call attention to the estimate of the Nicaraguan Canal Company for the La Flor Dam upon their scheme, which is \$1,306,-Company for the La Flor Dam upon their scheme, which is \$1,306,670. They propose to throw that much money away; and the report goes on to show that after it had been demonstrated that the route by the La Flor Dam is thoroughly impracticable, the company yet prefers it, and declines to abandon it. It is the map and profile of the company which will control the line upon which the work is to be executed. It will not be the directors who will have any possible control of that matter. They will have nothing to say; they will not have anything to do about it. It will not be the United States engineers who will prepare the estimates. The main line will be that which has been heretofore reported on the map and profile of the canals to the Governments of the two Republics, and approved by them, as was required by the treaty of map and profile of the canals to the Governments of the two Republics, and approved by them, as was required by the treaty of cession, to which I have alluded. The Nicaraguan Canal Company filed this map and profiles six years ago in the capitals of the two Republics, making the La Flor Dam project a part of that map and profile. It is an unchangeable thing under this bill by any act of Congress. The project of the La Flor Dam was declared by our engineers to be thoroughly impracticable, and the

company is aware of that, and yet it persists in not abandoning the original line.

Four thousand acres of reservoir are to be made, by which the level limit is to be raised to 110 feet—a reservoir exceeding the largest made in the United States, protected by earthen embankments, except the stone core, which is a little wall like a stone fence covered up with earth—a reservoir exceeding in size, and immensely exceeding in the volume of water to be contained in it, Croton or any of the reservoirs in the United States, is to be protected only by this work in clay, and that is insisted upon by the company after it has been declared to be an impossibility by officers of the Government. This is another instance of the penetrating, permeating dishonesty of these estimates, the dishonesty of this enterprise as undertaken by the correction

One reason they do not go on the low-level line is, as they claim, that it will be more expensive than the La Flor Dam. Of course it will, if they build the La Flor Dam under their estimate. The Government engineers have submitted a very careful estimate of all the expense upon the low-level line, which will avoid the La Flor folly. The La Flor Dam is a perfect key to the company's map and profile of the work. The whole eastern portion of the work rests on the La Flor Dam, yet to hide the \$1,306,670, to conceal, to keep out of notice, to deprive the taxpayers of the knowledge of it, they will estimate and undertake an impossible work, thrusting into ambush

more than one-half of the money it would require to finish one which would be safe and feasible.

The total estimate of the board, subject to contingencies to which I shall subsequently call the attention of the Senate, I find repeated in their report—the indefiniteness of the basis upon which the estimate is made, and the uncertainty and defects in the borings and other local examinations—subject to these contingencies, the estimate of the board of Government engineers is \$133,000,000 for the completion of the canal. The estimate by the Maritime Canal Company was \$66,000,000.

This appears from the conclusion of a report of the Government engineers, which is as follows:

20. The official estimate by the company of \$66,466,880 is insufficient for the work. In several important cases the quantities must be greatly increased, and in numerous cases the unit prices do not make proper allowance for the difference in cost of work between the United States and Nicaragna.

21. The provisional estimate by the Board is \$183,472,393. It should be understood that the existing data are inadequate as a basis for estimating the cost of many of the structures; some portions of the work may cost more, others less, but in the judgment of the board the entire project can be executed for about the total amount of its estimate.

22. For obtaining the necessary data for the formation of a final project, eighteen months' time, covering two dry seasons and an expenditure of \$350,000, will be required.

WILLIAM LUDLOW,

WILLIAM LUDLOW,
Lieutenant-Colonel, Corps of Engineers, U. S. A.
MORDECAI T. ENDICOTT,
Civil Engineer, U. S. N.
ALFRED NOBLE,
Civil Engineer.

Mr. VILAS. I move that the Senate proceed to the consideration of executive basiness.

Mr. COCKRELL. One moment before that is done.

Mr. VILAS. I withdraw the motion.
Mr. COCKRELL. There are quite a number of unobjected pension cases on the Calendar, the consideration of which Senators are calling for now and then, and I suggest that the Senate proceed to consider those cas

The PRESIDING OFFICER (Mr. DANIEL in the chair). Is

there objection?
Mr. MORGAN. Mr. MORGAN. I do not want the Nicaraguan bill displaced. Mr. COCKRELL. Oh, no; it will be laid aside without prejudice

I do not know when the Senator from Indiana Mr. MORGAN. [Mr. Turpie] will close his remarks. I should like to ask him when he will conclude. Will the Senator likely occupy a longer mr. TURPIE. I do not know that I shall conclude to-morrow;

but at this time I remind the honorable Senator that I can not

definitely say

Mr. MORGAN. My inquiry was only in reference to the fact that when the Senator gets through his speech I propose to ask the Senate to fix a time to vote on the bill. I shall not do that while the Senator from Indiana has the floor.

Mr. CULLOM. If the Senator from Indiana has concluded his speech, I ask leave to call up the legislative, executive, and judicial

appropriation bill.

Mr. TURPIE. I have not concluded my speech, and said so.
I retain the floor with the liberty of resuming, by the courtesy of
the Senate, to-morrow. I have concluded for the present.

Mr. CULLOM. I understood the Senator had closed his remarks

for the day.

Mr. TURPIE. Yes, sir; for to-day.

Mr. CULLOM. I therefore move, as I understand there is no Senator on the floor, that we proceed to the consideration of the legislative, executive, and judicial appropriation bill.

Mr. MILLS. I move that the Senate proceed to the consideration of executive business. We have some business of that kind

to attend to, and we had better do it this evening.

Mr. VILAS. I withdrew the motion that the Senate proceed to the consideration of executive business only upon the understand-ing that the arrangement such as was asked by the Senator from Missouri [Mr. COCKRELL] would be made.

Mr. COCKRELL. That was, to consider unobjected pension

cases on the Calendar.

cases on the Calendar.

Mr. VILAS. If those bills can not be proceeded with, I think I am entitled to the floor to renew my motion.

Mr. CULLOM. I hope the Senator will not insist upon that. The legislative, executive, and judicial appropriation bill was very nearly concluded yesterday evening, and I should like to get it through the Senate as early as possible. I think it will take but very little time. I should myself like to have an executive session before we adjourn, but I believe the appropriation bill will not occupy so much time as to prevent that.

Mr. VILAS. I presume the Senator from Illinois will recall the fact that yesterday when this bill was taken up and considered with great rapidity, until some 118 pages were disposed of, the

with great rapidity, until some 118 pages were disposed of, the Library matter was then laid over for the reason that Senators who were likely to be interested in its disposition were not present on account of the lateness of the hour. The same objection

seems to obtain at this time.

Mr. CULLOM. I agree to what the Senator says, but we passed over certain amendments for the purpose of having a greater number of Senators present than were here at that time, and for the purpose also of allowing Senators to examine the amendments. Mr. STEWART. Let the bill be taken up in the morning hour

to-morrow

Mr. CULLOM. If it may be understood that I may call up the bill in the morning hour to-morrow, I am willing to yield now.
Mr. COCKRELL. Oh, no.

Mr. CULLOM. I want to get the bill through the Senate. Mr. COCKRELL. I can not agree to it coming up in the morn-

ing hour to-morrow.

The PRESIDING OFFICER (Mr. HILL in the chair). is no agreement reached by Senators, the Chair will entertain any

motion that is proper.

Mr. CULLOM. The Senator from Wisconsin [Mr. VILAS] states that he made the motion for an executive session, but yielded to the suggestion of the Senator from Missouri. Mr. COCKRELL. The Senator from Wisconsin yielded to me

in order that we should take up the unobjected pension cases on the Calendar, so as to save the time of the Senate in being asked by different Senators to take up this and that particular pension bill.

Mr. CULLOM. We can take up the pension cases at almost any hour when an appropriation bill is not in the way. The appropriation bills have the right of way, and I should like to conclude the legislative appropriation bill as early as possible. I

do not want to be too persistent about it, however.

Mr. VILAS. I do not wish for a moment to stand in the way of the consideration of the appropriation bill, but I think the Sen ator from Illinois will recognize that the very same reason which had caused him to request that the bill should be passed over last evening is just as operative at this time.

Mr. CULLOM. I think not. I think Senators are nearly all

Mr. VILAS. There are some Senators absent who are always particularly interested in the Library. Mr. CULLOM. They ought to be here.

INTERNATIONAL MONETARY CONFERENCE.

Mr. CHANDLER. I desire to make a suggestion, and that is, that at an early day I shall ask the Senate to act upon the bill (S. 3547) to provide for the representation of the United States by commissioners at any international monetary conference hereafter to be called. I have delayed calling up that bill because of the pendency of the question in reference to the tearing up of the pavements in the District of Columbia, which has been argued at such great length by Senators, and because there are one or two other measures that I did not wish to interfere with. I would venture to ask the indulgence of the Senate, therefore, that that bill be taken up after the routine morning business on Monday next and the consideration of it proceeded with. I hope there will be no objection to unanimous consent to that request.

The PRESIDING OFFICER. Does the Chair understand the

Senator from New Hampshire to make a suggestion?

Mr. CHANDLER. I ask unanimous consent that the bill (S. 3547) to provide for the representation of the United States by commissioners at any international monetary conference hereafter to be called may be taken up for consideration on Monday next at the conclusion of the routine morning business.

Mr. ALDRICH. Why not take it up now?

Mr. CHANDLER. Because there are Senators who may desire

to propose amendments to it, and I do not wish to take it up in the absence of those Senators.

Mr. STEWART. Does the Senator want to antagonize the unfinished business with that bill?

Mr. CHANDLER. Unless the Senator from Nevada speaks at great length, I shall expect to pass it on Monday next before the unfinished business shall be reached.

unfinished business shall be reached.

Mr. STEWART. That was not the question. I asked the Senator if he expected to antagonize the unfinished business?

Mr. CHANDLER. I should not until I had consulted the Senator from Nevada.

Mr. STEWART. Then you will not do it. [Laughter.]
Mr. CHANDLER. I would not do it without consulting him.

Mr. QUAY. What is the question before the Senate, Mr. Presi-

The PRESIDING OFFICER. The Senator from New Hamp-

The PRESIDING OFFICER. The Senator from New Hampshire has made a request of the Senate.

Mr. CULLOM. If there is no motion pending, I move that the Senate proceed to the consideration of the legislative, executive, and judicial appropriation bill.

Mr. CHANDLER. I hope that my request will be granted.

Mr. VILAS. I should like to ask the Senator from New Hampshire if we ought not to have present when that request is made some of the Senators who desire to be present and offer amendments? ments?

Mr. CHANDLER. That is the very reason why I suggest next

Mr. CHANDLER. That is the very reason why I suggest next Monday at the close of the routine morning business.

Mr. VILAS. I do not interpose any objection to taking up the bill at any time, but I thought the request to fix a time for taking it up should be made when Senators interested in it are present.

Mr. CHANDLER. The Senator will bear in mind that I make no request that it shall be taken up and considered until it is finished, but I think it is of sufficient importance to be taken up at that the time if we can then finish it well and conduct that

that time. If we can then finish it, well and good; if not, there

will be delay, and there certainly will be delay in order that any Senator who desires may be here. The PRESIDING OFFICER. Is there objection to the request

of the Senator from New Hampshire that the bill to which he refers shall be taken up on Monday next for consideration immediately after the close of the routine morning business?

Mr. MORGAN. I wish to suggest to the Senator from New Hampshire that he ask that the bill be taken up on Tuesday,

because Monday afternoon has been assigned for eulogies on the

late Speaker Crisp. Mr. CHANDLER.

Mr. CHANDLER. Tuesday will suit me just as well.
The PRESIDING OFFICER. The request of the Senator from
New Hampshire is modified to Tuesday, after the routine morn-

New Hampshire is modified to Tuesday, after the routine modifing business.

Mr. CHILTON. I wish to make a parliamentary inquiry. If unanimous consent is granted to the Senator from New Hampshire, will it not interfere with the bill set for 2 o'clock on Monday next, the bankruptcy bill?

Mr. COCKRELL. Oh, no; it can not interfere with that.

The PRESIDING OFFICER. The request is that the bill be taken up in the morning hour before 2 o'clock. Is there objection to the request of the Senator from New Hampshire? The Chair bears none, and it is so ordered.

hears none, and it is so ordered.

LEGISLATIVE, EXECUTIVE, AND JUDICIAL APPROPRIATION BILL

Mr. CULLOM. I ask unanimous consent that the unfinished business may be temporarily laid aside, and that the Senate pro-ceed to the consideration of the legislative, executive, and judicial

appropriation bill.

The PRESIDING OFFICER. The Senator from Illinois asks unanimous consent that the Senate proceed to the consideration of the bill named by him, the Nicaraguan Canal bill, which is Is there pending, to be temporarily laid aside for that purpose.

objection?

Mr. QUAY. I shall object, unless there be an understanding that we shall have an executive session before adjourning this afternoon.

The PRESIDING OFFICER. With the understanding that there shall be an executive session this afternoon. The Chair hears no objection, and it is so ordered.

The Senate, as in Committee of the Whole, resumed the consid-

ration of the bill (H. R. 9643) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1898, and for other purposes.

Mr. CULLOM. On page 19, and on three or four succeeding pages, there are some proposed amendments to the bill which, I believe, have not been read. I ask that the Secretary now read them.

The PRESIDING OFFICER. The amendments referred to

will be stated in their order.

The Secretary. On page 19, line 22, the Committee on Appropriations reported an amendment to strike out:

For Librarian, \$5,000-

And to insert:

For Librarian of Congress, to be appointed by the President, by and with the advice and consent of the Senate, \$5,000; and the Librarian shall make rules and regulations for the government of the Library of Congress, to be approved by the Joint Committee on the Library.

Mr. CALL. The amendment which has just been stated will come up in the Senate, I take it. Am I right?
Mr. ALDRICH and Mr. MILLS. Yes.

Mr. ALDRICH and Mr. MILLS. Yes.

Mr. CULLOM. It will.

The PRESIDING OFFICER. Any question in respect to the amendment can be raised when the bill reaches the Senate.

Mr. MILLS. We are now as in Committee of the Whole.

Mr. CALL. I give notice to that effect.

The PRESIDING OFFICER. The question is on agreeing to the amendment reported by the Committee on Appropriations.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, on page 20, line 5, after the word "work," to strike out "and the custody and care of the new Library building, and only under such rules as the Librarian of Congress may prescribe;" so as to read:

For the following, to be selected by the Librarian of Congress, by reason of special aptitude for the work of the Library, including the copyright work, namely, etc.

The amendment was agreed to.

The next amendment was, on page 21, line 23, after the word "namely," to strike out "one assistant, \$2,000" and insert.

Register of copyrights, \$3,000, who shall perform all the duties relating to copyrights, except the appointment of clerks, and shall make weekly deposits with the Secretary of the Treasury, and make monthly reports to the Secretary of the Treasury and to the Librarian of Congress, and shall on and after July 1, 1897, give bond, payable to the United States in the sum of \$20,000, with sureties approved by the Secretary of the Treasury, for the faithful discharge of his duties.

And on page 22, line 13, before the word "thousand," to strike out "thirty-five" and insert "thirty-six;" so as to make the clause

Copyright department: For the following, under the direction of the Librarian of Congress, necessary for the execution of the copyright law, namely: Register of copyrights, \$3,000, who shall perform all the duties relating to copyrights, except the appointment of clerks, and shall make weekly deposits with the Secretary of the Treasury, and make monthly reports to the Secretary of the Treasury, and make monthly reports to the Secretary of the Treasury, and make monthly reports to the Secretary of the Treasury and to the United States, in the sum of \$20,000, with sureties approved by the Secretary of the Treasury, for the faithful discharge of his duties; two clerks at \$1,800 each; two clerks, at \$1,800 each; three clerks, at \$720 each; ten clerks, at \$1,200 each; ten clerks, at \$900 each; two clerks, at \$720 each; in all, \$30,440.

The amendment was agreed to.

The next amendment was, on page 22, after line 13, to strike out:

Custedy, care, and maintenance of new Library building: For custedin, \$3.000: clerk, \$1.600; messenger; captain of the watch, \$1.200; twelve watchmen; chief engineer, \$1.500; five assistant engineers, at \$1.000 each; ten firemen; electrician, \$1.200; three elevator conductors, at \$720 each; three mechanics, at \$900 each; ten laborers (skilled), at \$720 each; thirty charwomen; in all, \$49.400: Provided, That all persons employed in said Library of Congress shall be appointed solely with reference to their fitness for their peculiar duties, and without reference to their political or party affiliations, and shall be removed for cause only.

The amendment was agreed to.

The next amendment was, on page 23, after line 18, to strike out: For fuel, lights, repairs, and miscellaneous supplies, \$33,000, to be immediately available.

The amendment was agreed to. The next amendment was, on page 23, after line 20, to insert:

Custody, care, and maintenance of Library building and grounds: For superintendent of the Library building and grounds, to be appointed by the President, by and with the advice and consent of the Senate, \$5,000; and said superintendent shall disburse all appropriations made for and on account of the Library and Library building and greunds, and shall on and after July 1, 1897, give bond, payable to the United States in the sum of \$30,000, with sureties approved by the Secretary of the Treasury, for the faithful discharge of his duties; and for the employment by said superintendent of all necessary clerks, messengers, watchmen, engineers, fremen, electrician, elevator conductors, mechanics, laborers, charwomen, and others for the proper custody, care, and maintenance of said building and grounds, \$6.440; in all, \$51,440: Provided, That all persons employed in and about said Library building and grounds shall be appointed solely with reference to their fitness for their particular duties.

The amendment was agreed to.

The next amendment was, on page 24, after line 15, to insert:

For fuel, lights, repairs, and miscellaneous supplies, \$35,000, to be immediately available.

The amendment was agreed to.

The next amendment was, on page 24, after line 17, to insert:

The next amendment was, on page 24, after line 17, to insert:

The officer now in charge of the construction of the building for the
Library of Congress is hereby authorized and directed to terminate his
present duty and assume the custody, care, and maintenance of the said
building and grounds on and after March 4, 1897, appoint the employees under his charge, procure necessary furniture for the said building, and remove
into it the Library, including the copyright collections, furniture, etc., but
excluding the Law Library, and superintend the completion of such contracts
pertaining to the construction of said building as may remain unfinished on
March 4, 1897, the total cost of such completion not to exceed the sums stated
in said contracts. The said officer shall disburse the funds pertaining to the
duties and operations hereby assigned to him, and shall receive compensation
therefor in full at the rate per annum provided by the joint resolution approved April 2, 1896, to be paid out of the appropriations for said Library
building.

The amendment was agreed to.

The next amendment was, on page 25, line 14, after the word "expended," to insert "by said officer;" and in line 21, after the word "building," to insert "and grounds;" so as to make the clause read:

For furniture for Library reading rooms, halls, copyright offices, etc., a sum not exceeding \$50,000, and for expenses of removal of Library and copyright collections to the Library building, a sum not exceeding \$6,000, are hereby respectively authorized to be expended by said officer, on and after the passage of this act, out of any unexpended balance of the appropriations heretofore made for the completion of the building for the Library of Congress, and a sufficient amount of all further unexpended balance of said appropriations shall be available for the expenses, including personal services, of the custody and care of said Library building and grounds until July 1, 1897.

The amendment was agreed to.

The next amendment was, on page 26, after line 8, to insert:

The rooms and all space now occupied by the Library of Congress in the Capitol building shall not, after the removal of said Library, be occupied, either permanently or temporarily, for any purpose whatever until so ordered by Congress.

The amendment was agreed to.

Mr. CULLOM. That concludes all the amendments which the committee have recommended.

Mr. HAWLEY. I wish to offer an amendment.

Mr. COCKRELL. We did not finish an amendment of which

I gave notice last evening, on page 114. I move to strike out all after the word "dollars," in line 23, down to and including the word "marshals." in line 12, on page 115. Then we will have the matter in conference.

Mr. CULLOM. I am willing that the lines referred to shall be

stricken out, with the understanding that we will look into the matter more carefully between now and the time when the bill goes into conference.

Mr. BATE. I ask that the matter proposed to be stricken out

may be read.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. It is proposed to strike out all after the word

"dollars," in line 23, page 114, down to and including the word

"marshals," in line 12, page 115, as follows:

"marshals," in line 12, page 115, as 10110WS:

Provided, That section 24 of the act of May 23, 1896, making appropriations for the legislative, executive, and judicial expenses of the Government, for the fiscal year ending June 30, 1897, and for other purposes, be and is hereby amended by striking out the words "Indian Territory or." so that said act shall apply to the Indian Territory except as herein otherwise provided: Provided further. That the provisions of sections 19, 21, and 22 of said act shall not apply to the Indian Territory: Provided further. That each of the district attorneys in the Indian Territory shall receive a salary of \$4,000 per annum, and each of the marshals shall receive a salary of \$4,000 per annum and give bonds as other marshals.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Missouri.

The amendment was agreed to.

Mr. HAWLEY. I desire to move an amendment on page 23, line 3, where it reads:

Purchase of books for the Library, \$4,000.

I have been amazed, as a good many other people have been, at the way we have gone on for a good many years appropriating \$5,000 for the Library to purchase books of all kinds—the expensive books relating to the sciences, philosophy, history, and all that. Five thousand dollars a year never would purchase what we ought to buy of the products of the press in America and in

Europe.

Europe.

Now, in the pending bill it is only \$4,000. For the purchase of law books for the Library \$1,500 is to be appropriated; a similar sum is proposed to be appropriated for books of reference for the Supreme Court, and \$1,500 is given for the exchange of public documents with foreign governments. You give to those comparatively limited fields more than you give to the whole of the great field of the Library. Here is the Library, I have forgotten the exact number, but with perhaps 775,000 volumes, and only \$4,000 is appropriated annually to continue buying the books that absolutely ought to be bought. Of course we add a great many books to the Library every year through the process of the copyright, but a multitude of them are such as we would never buy if they did not come to us in that way, a great mass being very light trash.

I move to strike out "four" and insert "eight;" so as to read "\$8,000."

Mr. CULLOM. I appreciate the fact that this is a very small sum to be provided for the purchase of books in a great library;

Mr. CULLOM. I appreciate the fact that this is a very small sum to be provided for the purchase of books in a great library; yet it seems to me, and I think the committee takes that view of it, that we had better wait until we get the Library into a building where we can see what there is, get it classified, and then we will know wherein it is lacking. We can then begin to make liberal appropriations for the purchase of books. I think the Senator, perhaps, had better wait until the Library is moved. We have an immense number of books and pamphlets piled about; we hardly know what they are, and if we did we could not get at them. But after their removal and classification we shall begin to see wherein we are lacking, and then we can make appropria-tions with intelligence and supply whatever deficiencies may exist in the Library. I appreciate the importance of the matter, and merely suggest this consideration to the Senator from Con-

Mr. HAWLEY. The brains of the Librarian are easily moved to the new building. He knows what the old Library is and what its wants will be when it gets into the new building. He will be able from time to time to attend to this without any serious inter-

ruption to his other business.

Mr. CULLOM (to Mr. HAWLEY). Suppose you make it \$6,000.

Mr. HAWLEY. If \$8,000 is too much, I will say \$6,000. I will modify the amendment by moving to strike out "four" and inserting "six." serting "six."
Mr. CULLOM. Personally I have no objection to the amend-

The PRESIDING OFFICER. The question is on agreeing to the amendment submitted by the Senator from Connecticut as modified.

The amendment was agreed to.

Mr. CULLOM. Let the Secretary make the change in the total, The Secretary. In line 13, page 23, it is proposed to strike out "eleven" and insert "thirteen;" so as to read:

In all, \$13,000.

The PRESIDING OFFICER. Without objection, that change will be made.

Mr. GALLINGER. I offer an amendment to which I call the

attention of the Senator in charge of the bill.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. On page 34, line 11, it is proposed to strike

out the word "four," before "dollars," and insert "five;" and in line 11 to strike out the words "three dollars and twenty cents" and insert "four dollars;" so as to read:

Foreman of bindery, \$5 per day; four binders, at \$4 per day each

Foreman of bindery, \$5 per day; four binders, at \$4 per day each.

Mr. GALLINGER. I will say—I feel sure that the Senator in charge of the bill will permit the amendment to be made—that a similar amendment was inserted in the last appropriation bill. It went into conference and, unfortunately, was lost there. I hope that this amendment will be allowed to go into the bill and that it will not be lost in the shuffle in conference this year.

I will state that the amendment concerns only three or four men whose salaries were reduced a few years ago, and their present pay is below that which is being paid to men occupying similar positions in other Departments of the Government who do similar work. I trust the Senator from Illinois will let the amendment go in, and he can investigate the matter in conference.

Mr. CULLOM. Such an amendment was made in the Senate last year, and it went out as the result of the work of the conference committee.

mr. GALLINGER. That is what I said.
Mr. CULLOM. And the committee thought it hardly worth while to make it again. Personally I am willing to let the amend-

The PRESIDING OFFICER. The question is on agreeing to the amendment submitted by the Senator from New Hampshire.

The amendment was agreed to.

Mr. GALLINGER. If the Senate will permit me, I should like to have printed in the RECORD, in connection with the simple statement I made, a letter from the men affected by the amend-

The PRESIDING OFFICER. The letter will be printed in the RECORD, if there is no objection. The Chair hears none. The letter is as follows:

WASHINGTON, D. C., January 20, 1897.

Washington, D. C., January 20, 1897.

Sir: We, the undersigned bookbinders of the stationery division, Treasury Department, petition your honorable body, the Senate, to restore to us the compensation we received prior to the Dockery Act of January 12, 1895, and invoke your favorable consideration and influence in our behalf.

The duties imposed upon us as bookbinders are such in character as to require a thorough knowledge of all branches of the trade, much of the work being difficult of execution and requiring exceptional skill in the performance thereof. Employees at the Government Printing Office are compensated at the rate of \$4 per day for this class of work, and we believe that we have been unjustly discriminated against in reducing our pay. The services we perform necessitate the handling of valuable documents, often of a confidential character, such as Secret Service reports, written records of the Department, and bonds.

The former salary of the foreman of this division should also be restored. The foregoing facts are respectfully submitted and we pray that our petition will be favorably considered.

W. M. RICKETTS.

W. M. RICKETTS.
JOHN MOCONNELL.
T. D. CORNWELL.
ED. T. ECKLOFF.
JOHN V. SHEA.

Hon. J. H. GALLINGER, United States Senate.

Mr. GALLINGER. I move to amend the total as indicated on the paper I sent to the desk.

the paper I sent to the desk.

The Secretary. In line 14, page 34, it is proposed to strike out "\$31,243.40" and insert "\$32,558."

The amendment was agreed to.

Mr. McBRIDE. I am directed by the Committee on Public Lands to offer an amendment. In line 23, page 100, I move to strike out the words "six thousand five hundred" and insert "eight thousand;" so as to read:

For surveyor-general of Oregon, \$2,000; and for the clerks in his office, \$8,000.

Mr. CULLOM. That is exactly according to the estimate, and I am willing to let the amendment go into the bill.

The PRESIDING OFFICER. The question is on agreeing to the amendment submitted by the Senator from Oragon.

The amendment was agreed to.

Mr. McBRIDE. To complete the amendment, in line 24 I move

to strike out "eight thousand five hundred" and insert "ten thou-

Mr. CULLOM. That change will be made as a matter of course.

The PRESIDING OFFICER. The amendment will be stated.
The SECRETARY. In line 24, page 100, it is proposed to strike out
"eight thousand five hundred" and insert "ten thousand;" so as

In all, \$10,000.

The amendment was agreed to.

The amendment was agreed to.

The bill was reported to the Senate as amended.

The PRESIDING OFFICER. The question is on concurring in the amendments made as in Committee of the Whole.

Mr. HOAR. I wish to say for myself that I have not been disposed to interfere with what the Senate as in Committee of the Whole has concluded to be best in regard to dealing with the national Library, which is to be removed from the Capitol and to

assume very much larger proportions as a public institution. But I am satisfied that very soon the national Library must be governed in some such way as the Smithsonian Institution is now governed, and that the present method of government will be found inadequate and unsatisfactory to the people and to Congress.

The great experience and ability of the people and to Congress.

The great experience and ability of the present Librarian make it pretty sure that any method of dealing with that institution will be reasonably satisfactory so long as his services are spared; but I expect that very soon it will be found necessary for the two Houses of Congress to provide for a permanent rearrangement for the future which will involve the imitation and expansion of the scheme now in operation in regard to the Smithsonian Insti-

Mr. CULLOM. I only wish to say that the Committee on Appropriations had the question of providing for a board of regency under consideration, and after much discussion and argument pro and con the committee concluded, I think unanimously, that we had better adopt the policy or scheme set forth in the pending bill as a somewhat tentative arrangement, hoping that we might get the way clear for a better arrangement later on if it shall seem necessary to undertake to provide for one. That is all I desire to say in reference to the matter.

Mr. CALL. Mr. President, I do not desire to interpose any objection to the passage of the bill, seeing that there seems to be somewhat general indifference to the subject of the Library. I think after the expenditure of \$6,000,000 by the Government of the United States for the construction of a library building and

the conduct of a great public library, there ought to be some considerable dignity attached to its operation and management.

The pending bill provides nothing. There is no objection to the Librarian—if Mr. Spofford shall be appointed—having the authority conferred in the bill. I approve of that. There is no objection to the conferred in the bill. tion to the superintendent of the building having the management and control of it, but the Congress of the United States ought not to part with the authority to create these offices and to control the management of the building and the Library. The present architect who has built the great building ought, by concurrent resolution, to be named as the superintendent of the building, and the Librarian, Mr. Spofford, ought to be named by a concurrent resolution of Congress. Who can tell whom the President may select, whether these two most appropriate mer or not and the Control whether these two most appropriate men or not; and the Senate will have only the right to object to that selection. Here are two men most prominently connected—one with the construction of this magnificent edifice, and the other with the operation of the Library, the control and care of the books—both of them left without any provision; left to the discretion of the President, without

any power on the part of Congress to provide for their continuance in office.

The architect under General Casey, and now the architect and superintendent of the building, Mr. Green, has constructed the building from the foundation upward, and he has done it with an economy, with a degree of taste, with an architectural ability that is signal and will distinguish him through all time. The Librarian who has so long been in charge of the Library is another instance of eminent fitness for the position. They are both of them by this bill left to the contingency of the President's selec-

Now, more than that, Congress can not alter that condition except by the repeal of this bill, or by overcoming the action of the President by a two-thirds vote if they should attempt to repeal the act

By this bill, when enacted into law, Congress forever puts it out of their power to control the Library. It now loses its name and function of a Congressional Library, and becomes a national or Presidential Library, beyond the control of Congress, except by the President's consent. It completely separates the Library from the control of Congress

Then, again, how many distinguished men in every State of this Union would be glad to be associated in some shape with this great institution, the Library? Why not, according to the example of England in her great library associations, have the distinguished scholars, the great literary men of this country be named as regents in connection with this institution, and why have the trip to compete the property of the true House. should not the Joint Committee on the Library of the two Houses of Congress have control and be the active managers of the Library? You would then surround it with great dignity. You would attract to it the respect and the regard of the people of the

Now, we have no power over it. The mere fact that the rules and regulations shall be made with the approval of the Library Committee of the two Houses amounts to nothing, and the whole scheme mittee of the two Houses amounts to nothing, and the whole scheme is simply a divesting of all power on the part of Congress. It is done upon the idea that there is something in the Constitution of the United States which forbids the creation of an officer, even if he be an employee of Congress, except by the nomination of the President. Yet this plan is open to the objection that neither does the Constitution authorize the Librarian by statute to appoint

officers or employees any more than you could do so by resolution

of Congress.

The Constitution says Congress may vest the power in the head of a department. You do not make this a department, and yet you provide that these two officers shall create the offices and appoint all the officers who are necessary for the management of this building and the conduct of the Library. So, in every point of view, whether it be upon constitutional objection or in respect of the dignity which should attach to this great institution, or as a matter of policy by which we would attract to it the affections of the great masses of the people—the literary men, the scholars of the country—from every point of view it is objectionable to put this great institution under the entire control and management of two men whom I would select for those offices by joint resolu-tion of Congress, but whom I would surround with the support of the scientific and literary men of the United States.

I think the scheme is an objectionable one. There should be a regent appointed from every State. Every man who attains national eminence should participate in the honor and distinction of being connected with this great national institution, which could easily be done after the manner in which associations—library associations—are conducted in England, and the committee of the two Houses should be the operating and managing trustees, to whom all matters should be referred.

I desire to express my dissent from the provisions of the bill in

I desire to express my dissent from the provisions of the bill in regard to that matter.

Mr. CULLOM. I hope we will now proceed with the bill.

The PRESIDING OFFICER. The question is on concurring in the amendments made as in Committee of the Whole.

The amendments were concurred in. The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

EXPOSITION OF GAS APPARATUS AND APPLIANCES.

Mr. BRICE. I had Senate joint resolution No. 184 referred to the Committee on the Library, but, owing to the absence from the city of members of that committee, I ask unanimous consent that the committee be discharged from its further consideration, and

that it be put upon its passage.

The PRESIDING OFFICER. The Senator from Ohio asks unanimous consent to discharge the Committee on the Library from the consideration of a joint resolution the title of which will

The SECRETARY. A joint resolution (S. R. 184) authorizing the Smithsonian Institution to participate in the Exposition of Gas Apparatus and Appliances, to be held in Madison Square Garden, New York City, January 27 to February 6, 1897.

The PRESIDING OFFICER. Is there objection to the request

of the Senator from Ohio that the committee be discharged? Chair hears none.

Mr. BRICE. I ask for the present consideration of the joint resolution.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution.

Mr. BRICE. I move to amend the joint resolution, in line 4, by striking out the words "and directed" after the word "authorized;" so as to read:

That the Secretary of the Smithsonian Institution is hereby authorized to participate in the Exposition of Gas Apparatus and Appliances, to be held.

The amendment was agreed to.

Mr. BRICE. I move further to amend the joint resolution by striking out, in line 9, after the word "authorized," the words and directed."

The amendment was agreed to.

The joint resolution was reported to the Senate as amended, and

the amendments were concurred in.

The joint resolution was ordered to be engrossed for a third reading, read the third time, and passed.

YACHTS OF FOREIGN YACHT CLUBS, ETC.

Mr. QUAY. I move that the Senate proceed to the consideration of executive business

Mr. FRYE. I ask the Senator from Pennsylvania to yield to me, that I may ask unanimous consent for the present consideration of a bill which will probably not take five minutes. It is House bill 8038, for the protection of yacht owners and shipbuilders of the United States—a very short bill.

Mr. QUAY. I will yield for that purpose, and for that only. The PRESIDING OFFICER. The Senator from Maine ask

the unanimous consent of the Senate to proceed to the considera-tion of a bill which will be read for information.

The Secretary read the bill (H. R. 8038) for the protection of yacht owners and shipbuilders of the United States, and by unanimous consent the Senate, as in Committee of the Whole, proceeded to its consideration.

Mr. FRYE. It is the unanimous report of the Committee on

Commerce. The Senator from Missouri [Mr. VEST] filed an amendment which he said he proposed to offer, but I saw him a few moments ago and he told me that he did not desire a vote on it and had no objection to the passage of the bill. It has been delayed now nearly a year because three contracts had been made before now nearly a year because three contracts had been made before
the bill was presented for the building of yachts abroad which
cost \$1,500,000. The contracts having been made under existing
law, I delayed the bill until those three yachts entered. So there
is nobody I know of in the world who objects to the measure.

Mr. GRAY. I should like to ask the Senator from Maine
whether the exemption which I heard stated in the reading of the
bill smaller to give the United States who was fewering built.

bill applies to citizens of the United States who own foreign-built

Mr. FRYE. Citizens of the United States under the original law became members of foreign yacht clubs and then contracted law became members of foreign yacht clubs and then contracted for the building of very costly yachts abroad, and thus obtained the privileges of the old law. The old law was enacted simply that we might get the models of sailing yachts. We got, under the law, models of sailing yachts until we were ready to furnish them with models. But, under the law, they got into the habit of building expensive steam yachts and thus getting all the advantage of low tonnage tax and low entry and low clearance.

Mr. GRAY. Under the present state of the law, can a man go to England and have a yacht built and come to this country and escape the tariff taxes?

Mr. FRYE. All tariff taxes, all entrance fees, all clearance fees, all tonnage tax; and these big steam yachts have been escaping.

Mr. GRAY. And have an American registry? Mr. FRYE. No, s.r; the owner does not take an American registry at all.

Mr. GRAY. Why not?

Because a foreign-built vessel can not get an Mr. FRYE. American registry

Mr. GRAY. He sails under the American flag?

Mr. FRYE. He puts up any flag he wants to put up.
Mr. GRAY. I ask for information, if the Senator will excuse
me, because I think it is a matter of some interest. Was there not a question about one of these foreign-built yachts being liable

in some way to tariff duties? Mr. FRYE. Yes, and it was decided against the United States

under this law.

Mr. GRAY. Does not the Senator think they ought to be

Mr. FRYE. They can not come in any more if the bill passes.

Mr. GRAY. They can not come in at all?

Mr. FRYE. No. Mr. GRAY. That is all right. The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ORDER OF BUSINESS.

Mr. QUAY. I have agreed to yield to the Senator from Texas

Mr. CHILTON. I will not insist. I will give my place to the Senator from Indiana [Mr. Turpie]. I am much obliged to the Senator from Pennsylvania.

CAPT. JOHN W. DODD.

Mr. TURPIE. I ask unanimous consent for the present consideration of the bill (S. 3491) granting an increase of pension to Capt.

John W. Dodd.

John W. Dodd.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to place on the pension roll the name of John W. Dodd, of Indianapolis, Ind., late a member of Company A, Fourth Regiment Indiana Volunteer Infantry, and to pay him a pension of \$50 per month, in lieu of the amount he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and reseat

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

Mr. CULLOM. I am almost inclined to ask the Senator from Pennsylvania to yield to me to have a little pension bill passed, regarding which a Representative from my State has urged me a good many times, and I have neglected to call it up.

Mr. COCKRELL. There are a great many pension bills on the Calendar. There is a way to proceed with justice and equality, and that is to take up all the pension bills and consider them.

Mr. CULLOM. I yield to the Senator from Pennsylvania to make his motion to go into executive session.

make his motion to go into executive session.

Mr. QUAY. I move that the Senate proceed to the considera-tion of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After seven minutes spent in executive session the doors were reopened, and (at 5 o'clock p. m.) the Senate adjourned until to-morrow, Thursday, January 21, 1897, at 12 o'clock meridian.

CONFIRMATIONS.

Executive nominations confirmed by the Senate January 20, 1897. PROMOTIONS IN THE ARMY.

Subsistence department.

Col. Thomas C. Sullivan, assistant commissary-general of subsistence, to be Commissary-General of Subsistence, with the rank of brigadier-general.

Cavalry arm.

Capt. Louis Henry Rucker, Ninth Cavalry, to be major. Capt. Eli Lundy Huggins, Second Cavalry, to be major. First Lieut. Philip Pendleton Powell, adjutant, Ninth Cavalry,

to be captain.
First Lieut. Lloyd Milton Brett, adjutant, Second Cavalry, to

be captain.

Second Lieut. George Tayloe Langhorne, Third Cavalry, to be first lieutenant

Second Lieut. Ulysses Grant Kemp, Eighth Cavalry, to be first lieutenant.

Second Lieut. Charles Young, Ninth Cavalry, to be first lieu-

Second Lieut. Alfred Charles Merillat, Eighth Cavalry, to be

first lieutenant.
Second Lieut. Robert Bruce Wallace, Second Cavalry, to be first lientenant.

Second Lieut. Francis Cutler Marshall, Eighth Cavalry, to be first lieutenant.

Infantry arm.

First Lieut. James Berryman Jackson, Seventh Infantry, to be

Second Lieut. Joseph Dugald Leitch, Twenty-fourth Infantry, to be first lieutenant.

POSTMASTERS.

William H. Healy, to be postmaster at Fonda, in the county of Pocahontas and State of Iowa.

Jacob S. Groff, to be postmaster at Newtown, in the county of Bucks and State of Pennsylvania.

John C. Jones, to be postmaster at Titusville, in the county of Brevard and State of Florida.

Joel D. Cruttenden, to be postmaster at Bayfield, in the county of Bayfield and State of Wisconsin.

John Hornstein, to be postmaster at Boone, in the county of Boone and State of Iowa.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, January 20, 1897.

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. HENRY N. COUDEN.

The Journal of the proceedings of yesterday was read and approved.

REPRINT OF A REPORT.

Mr. McCALL of Massachusetts. Mr. Speaker, I am informed that the report of the majority of the committee in the contested-election case of Yost vs. Tucker, from Virginia, has been exhausted, and I ask unanimous consent that a reprint be ordered for the use of the members.

There was no objection, and it was so ordered.

RAILROAD BRIDGES ACROSS THE CUMBERLAND AND TENNESSEE RIVERS.

The SPEAKER laid before the House the amendment of the Senate to the bill (H. R. 8551) to establish railroad bridges across the Cumberland and Tennessee rivers in Kentucky.

The Senate amendment was read and concurred in.

ORDER OF BUSINESS.

Mr. WALKER of Massachusetts. Mr. Speaker, I ask unanimous consent for the present consideration of the resolution I send to

Mr. BAILEY. Mr. Speaker, I am forced to object, for the reason that it is the desire of gentlemen on both sides of the Chamber to proceed at once with the regular order, so that we may reach the contested-election case.

Mr. WALKER of Massachusetts. This will only take a moment,

Mr. WALKER of Massachusetts. This will only take a moment, I will say to the gentleman from Texas.

Mr. BAILEY. We have had a dozen requests from this side of the Chamber to allow matters to be taken up this morning, but have been compelled to make objection to all of them.

The SPEAKER. The Clerk will call the committees for reports. The Clerk proceeded with the call of committees.

AMERICAN REGISTER-BARK E. C. MOWATT

The Committee on the Merchant Marine and Fisheries was

Mr. PAYNE. Mr. Speaker, I desire to call up on behalf of the committee the bill (H. R. 9734) to provide an American register for the bark E. C. Mowatt, of Philadelphia, Pa.

The bill was read, as follows:

Be it enacted, etc., That the Commissioner of Navigation is hereby authorized and directed to cause the foreign-built bark E. C. Mowatt, owned by citizens of the United States, to be registered as a vessel of the United States.

Mr. PAYNE. I ask for the reading of the report, which fully explains the bill.

The report (by Mr. PAYNE) was read, as follows:

The report (by Mr. Payne) was read, as follows:

The Committee on the Merchant Marine and Fisheries, having had under consideration the bill (H. R. 9734) to provide an American register for the bark E. C. Moveatt, report the same as follows:

This bark was dismasted and wrecked during a hurricane, abandoned at sea, and picked up by the British steamer Anerly March 9, 1896, in 32° north latitude, 91° west longitude, and towed by the Anerly into St. Thomas, West Indies. The bark left St. Thomas July 14, 1896, in tow of the tug C. W. Morse, and was towed into New York Harbor with her cargo still in, arriving July 24, 1896. The hull was sold by the underwriters to Gustavus A. Müller and John W. Mowatt, of Philadelphia, both citizens of the United States, for \$3.750. The bark has been thoroughly repaired and put in a stanch and seaworthy condition in United States shippards at a cost of \$12.73.09, which amount is in excess of the requirements of the general law relative to the registry of wrecked foreign-built vessels (section 4136, Rev. Stat.).

As this case conforms to the general law referred to in all respects, except that the vessel was wrecked on the high seas instead of within the waters of the United States, your committee believe she should be registered as a vessel of the United States, and accordingly report the bill favorably, with a recommendation that it pass.

The bill was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

On motion of Mr. PAYNE, a motion to reconsider the last vote

was laid on the table.

AMERICAN REGISTER-STEAMER MENEMSHA.

Mr. PAYNE. Mr. Speaker, I desire also to call up the bill (H. R. 8557) to provide an American register for the steamer Menemsha.

I will state that this bill is precisely similar to one that was passed last session which originated in the Senate. I move, therefore, that this be permitted to lie upon the table.

The motion was agreed to.

ORDER OF BUSINESS.

The Committee on Foreign Affairs was called.
Mr. DRAPER. Mr. Speaker, on behalf of the committee, I
desire to call up Senate joint resolution No. 76, authorizing Lieut. William McCarty Little to accept a decoration from the King of Spain.

The SPEAKER. The Chair will state to the gentleman that

this bill does not seem to be on the House Calendar.

Mr. DRAPER. No; it is on the Private Calendar, No. 834.

The SPEAKER. Under this call only bills on the House Calendar are in order. This, the Chair will state, is practically a private bill, and does not come within the rule.

MUSTER AND PAY OF CERTAIN OFFICERS AND ENLISTED MEN

Mr. HULL (when the Committee on Military Affairs was called). Mr. Speaker, I ask to take up the bill (S. 2101) to extend the provisions of an act to provide for the muster and pay of certain officers and enlisted men of the volunteer forces.

The bill was read at length.

The SPEAKER. The Chair is informed that this bill is also on

the Union Calendar, and would not be in order under the call.

Mr. HULL. Then, Mr. Speaker, I ask to take up the House bill that is on the Calendar, which is precisely the same as the Senate bill.

The SPEAKER. It ought to be on the same Calendar.

Mr. HULL. It carries no appropriation, let me say.
Mr. DOCKERY. But it ought to be on the same Calendar as the

Senate bill, of course, and would not be in order under the call.

Mr. HULL. It makes no appropriation, although it may result in one finally. Mr. LOUD.

Mr. LOUD. It is subject to the point of order. The SPEAKER. The Chair has to interpose objection, because the bill does not come within the purview of the rule.

Mr. HULL. Very well; I will withdraw the bill.

RELIEF OF CERTAIN TELEGRAPH OPERATORS.

Mr. HULL. Mr. Speaker, I call up, on behalf of the committee, the bill (S. 319) for the relief of telegraph operators who served in the war of the rebellion.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of War is hereby authorized and directed to prepare a roll of all persons who served not less than ninety days in the operation of military telegraph lines during the late civil war, and to issue to each, upon application, unless it appears that his service was not creditably performed, or to the representatives of those who are dead, suitable certificates of honorable service in the military telegraph cops of the Army of the United States, stating the service rendered, the length of such service, and the dates, as near as may be, between which such service was performed: Provided. That this law shall not be construed to entitle the persons herein mentioned to any pay, pension, bounty, or rights not herein specifically provided for.

The bill was ordered to a third reading; and it was accordingly read the third time.

Mr. TERRY. Mr. Speaker, I would like the gentleman to make

some explanation of this bill.

Mr. HULL. Mr. Speaker, the only explanation for the bill is that the telegraph corps, during the war, performed very efficient and faithful services. They were civilian employees; and from General Sherman down to the present time they have been recommended for some Congressional recognition of their services. It has been the unanimous testimony of all officers that they performed services of great value to the Government; and although they were civil employees, they could not leave the field and the service, as other employees could do. They do not ask for compensation or pay of any kind, nor do they ask for pension, but ask the benefit of this legislation for their families, simply that they may have a certificate of the services rendered. It is purely an honorary matter that carries no expense. It has been recommended for fifteen years by the offic rs and by the Department.

Mr. TERRY. There is no considerable expense involved in the

bill?

Mr. HULL. There is no expense whatever, or only a triffing expense for the printing of certificates to give to each man who served in the telegraph corps during the war.

Mr. TERRY. I understand that these members of the tele-

Mr. TERRY. I understand that these members of the telegraphic corps were simply employees of the Government.

Mr. HULL. Virtually that.

Mr. TERRY. But they often went into dangerous places.

Mr. HULL. They had dangerous places, went upon the field, and set up their instruments and established their lines, a service that the Generals of the Army and the War Department have continuously recommended should be recognized in this way. The bill is guarded so that it can not be made the basis for any pay or

emoluments, or even for any pensions whatever.

Mr. TERRY. I have no special objection to the bill; but I suggest to the gentleman another class of employees who were frequently in very great danger, and that was the teamsters who drove the supply wagons, especially when the fellows on the other side were quite hungry. [Laughter.]

Mr. HULL. I ask for a vote, Mr. Speaker.

The bill was passed.
On motion of Mr. HULL, a motion to reconsider the last vote
was laid on the table.
Mr. HULL. Mr. Speaker, I have nothing more that I am certain is on the proper Calendar for consideration in this hour.

The Committee on the Public Lands was called. FEES OF REGISTERS AND RECEIVERS.

Mr. LACEY. Mr. Speaker, I am directed by the Committee on the Public Lands to call up the bill (H. R. 9948) to amend subdi-vision 10 of section 2238 and to repeal subdivision 12 of section 2238 of the Revised Statutes of the United States.

The bill was read, as follows:

Be it enacted, etc., That subdivision 10 of section 2238 of the Revised Statutes of the United States is hereby amended so as to read as follows:

"Tenth. Registers and receivers are allowed, jointly, at a rate not exceeding 10 cents per hundred words for testimony reduced by them to writing for claimants in all cases."

SEC. 2. That subdivision 13 of section 2238 of the Revised Statutes of the United States is hereby repealed.

Mr. LACEY. Mr. Speaker, I think it is due to the House that there should be a brief explanation of this bill. It is intended to take the place of a bill that was vetoed by the President some time ago. The new bill has been so drawn as to omit that part time ago. that was held in the Presidential message to be objectionable. that was held in the Presidential message to be objectionable. The bill provides for the taking of depositions and evidence in land cases at 10 cents a hundred words, and also provides for striking out that part of the law which gives 50 per cent excess in land offices west of the Rocky Mountains and in the Rocky Mountain region. The bill passed the House and the Senate, but there was a proviso in it that required registers and receivers to make contracts for the taking of testimony at less rates even than 10 cents per hundred words if persons could be found to take it at the reduced rates. This provision was objected to in the message of the President. of the President.

Mr. TERRY. Mr. LACEY.

What is the real object of the bill? The sole object of the bill is to put these fees in Mr. LACEY. The sole object of the bill is to put these fees in the land offices in the Rocky Mountain region and west thereof at the same rate as in Kansas, Nebraska, Oklahoma, and Territories and States farther east. Originally the expense of living in the far West was much greater, and the fees were made 50 per cent higher. That reason no longer exists, in the judgment of Members and Delegates living in that region, and they have asked to have the rates changed to the same figure paid in other parts of the Union. Mr. TERRY. The President did not object to that at all, did he? Mr. LACEY. Not at all. Only one point was objected to, and that is omitted from the present bill.

Mr. BRODERICK. Does it change the fees elsewhere?

Mr. LACEY. It does not, except as to the taking of testimony. It is now 15 cents a hundred words, and this bill makes it 10.

Mr. SHAFROTH. It reduces the fees from 15 cents a hundred words to 10.

Mr. TERRY. Is this a unanimous report?

Mr. LACEY. A unanimous report.
Mr. SHAFROTH. It is unanimously reported from the Committee on the Public Lands.

The bill was ordered to be engrossed and read a third time; and

it was accordingly read the third time, and passed.
On motion of Mr. LACEY, a motion to reconsider the last vote

was laid on the table.

Mr. LACEY. We have nothing further on the House Calendar.

The Committee on Invalid Pensions was called.

ORDER OF BUSINESS.

Mr. KIRKPATRICK. Mr. Speaker, I am authorized by the Committee on Invalid Pensions to call up the bill H. R. 9785, No. 1491 on the Private Calendar.

Mr. DOCKERY. That is not in order.

The SPEAKER. The Chair desires to say to the gentleman

that that is not admissible. In order to be admissible under this call a bill must be on the House Calendar, not the Private Calendar.
Mr. KIRKPATRICK. This is on the Private Calendar.

The SPEAKER. It is not admissible.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Platt, one of its clerks, announced that the Senate had passed without amendment bills of the following titles:

A bill (H. R. 2941) granting increase of pension to Alfred P.

Buss; and

A bill (H. R. 8726) to provide for the payment of certain claims against the District of Columbia by drawback certificates.

The message also announced that the Senate had passed bills of the following titles; in which the concurrence of the House was requested:

A bill (S. 3355) to provide for organizing a naval battalion in the District of Columbia; and

A bill (S. 3543) for a public building at the city of Altoona, Pa., and appropriating money therefor.

The message also announced that the Senate had passed with-

out amendment the following resolution:

Resolved by the House of Representatives (the Senate concurring), That the Attorney-General be, and is hereby, authorized and instructed to print as an appendix to his last annual report full copies of all telegraphic and officers, private persons, railroad companies, and their officers and agents in the year 1894, relative to the disorders in the city of Chicago, Ill., during said year, and to the action taken by the Government of the United States in suppressing the same

The message also announced that the Senate had agreed to the amendments of the House of Representatives to the bill (S. 1690) granting a pension to Richard Brookins.

The message also announced that the Senate had passed the following resolution; in which the concurrence of the House was

Resolved by the Senate (the House of Representatives concurring), That there be printed 20,000 extra copies of Bulletin No. 33 of the United States Department of Agriculture, entitled The Cotton Plant: Its History, Botany, Chemistry, Culture, Enemies, and Uses, of which number 6,000 copies shall be for the use of the Senate, 12,000 copies for the use of the House of Representatives, and 2,000 copies for distribution by the Secretary of Agriculture.

SENATE BILL AND RESOLUTION REFERRED.

Under clause 2 of Rule XXIV, the following Senate bill and resolution were taken from the Speaker's table and referred as

A bill (S. 3543) for a public building at the city of Altoona, Pa., and appropriating money therefor—to the Committee on Public Buildings and Grounds.

Senate concurrent resolution-

Resolved by the Senate (the House of Representatives concurring), That there be printed 20,000 extra copies of Bulletin No. 33 of the United States Department of Agriculture, entitled The Cotton Plant: Its History, Botany, Chemistry, Culture, Enemies, and Uses, of which number 6,000 copies shall be for the use of the Senate, 12,000 copies for the use of the House of Representatives, and 2,000 copies for distribution by the Secretary of Agriculture—

To the Committee on Printing.

CONTESTED-ELECTION CASE, YOST VS. TUCKER, TENTH DISTRICT, VIRGINIA.

Mr. McCALL of Massachusetts. Mr. Speaker, if the call of committees is complete, I call up the contested-election case of Yost vs. Tucker, from the Tenth district of Virginia.

The SPEAKER. The gentleman from Massachusetts [Mr. Mc-Call] calls up the contested-election case of Yost vs. Tucker. The resolution in connection with this case will be read by the Clerk. The Clerk read as follows:

Resolved, That Jacob Yost was not elected a Representative in the Fifty-fourth Congress from the Tenth Congressional district of the State of Virginia, and is not entitled to a seat therein.

Resolved, That H. St. George Tucker was duly elected a Representative in the Fifty-fourth Congress from the Tenth Congressional district of the State of Virginia, and is entitled to a seat therein.

The SPEAKER. The gentleman from Massachusetts.

Mr. WALKER of Virginia. Mr. Speaker, I desire to rise to a

arl: WALKER of Virginia. Mr. Speaker, I desire to rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. WALKER of Virginia. And that is, whether there should not now be offered the substitute prepared by the minority?

The SPEAKER. It is proper to offer the substitute now.

Mr. WALKER of Virginia. I offer the substitute.

The SPEAKER. The Clerk will report the substitute.

The Clerk read as follows:

Resolved, That H. St. George Tucker was not elected a Representative to the Fifty-fourth Congress from the Tenth district of Virginia, and is not entitled to the seat.

Resolved, That J. Yost was duly elected as a Representative from the Tenth Congressional district of Virginia to the Fifty-fourth Congress, and is entitled to the seat.

Mr. McCALL of Massachusetts. Mr. Speaker, I have consulted with the minority members of the committee in regard to the division of time, and I am inclined to think that we will get along better by making no agreement at the outset as to the time when better by making no agreement at the outset as to the time when the vote shall be taken. It is desired that the gentleman from Virginia [Mr. WALKER] who makes the minority report should have control of the time for the minority and that I, who make the majority report, shall have control of the time for the majority, and I would ask that that agreement be consented to.

The SPEAKER. The gentleman from Massachusetts asks that he have control of the time of the majority in the debate and that the gentleman from Virginia [Mr. WALKER] have control in opposition. Is there objection? [After a pause.] The Chair hears none.

Mr. McCALL of Massachusetts. I yield to my colleague on the committee, the gentleman from Pennsylvania [Mr. Codding].

Mr. WALKER of Virginia. Mr. Speaker, I just want to ask one more parliamentary question. The contestant in this case desires to be heard in his own behalf. I understand it requires unanimous consent; and I now make that request, that I may be permitted to yield him time out of my time of course, and that permitted to yield him time, out of my time, of course, and that he be allowed to address the House in his own behalf. I understand that this has been very frequently done in this House. The gentleman is an ex-member of the House. He is more familiar with the facts and the law in the case than anyone else in this House, and I hope it will be the pleasure of the House to allow him in my time to address the House.

The SPEAKER. The gentleman from Virginia asks that the contestant may be allowed to address the House in the time allotted

to his side of the question. Is there objection?

Mr. BAILEY. Mr. Speaker, I have no disposition to object, but I think it would be well enough to be understood how much time is to be yielded to him.

The SPEAKER. Under that agreement, he can not exceed one

Mr. WALKER of Virginia. One hour.

The SPEAKER. With that understanding, is there objection?

[After a pause.] The Chair hears none. The gentleman from Massachusetts yields to the gentleman from Pennsylvania.

Mr. CODDING. Mr. Speaker, it is, I think, well understood that this case comes from Elections Committee No. 3, and that it is a context as the election of November 1894 held in the Tenth die.

a contest on the election of November, 1894, held in the Tenth district of Virginia, the contestant being the Hon. Jacob Yost, and the contestee the sitting member, Hon. Henry St. George Tucker. His notice of contest embraces thirty-eight specifications, cover-

ing matters in all the twelve counties and two cities comprising the district. The evidence, exhibits, and papers cover almost 600 printed pages, and have had the careful attention and scrutiny of this committee.

Two members of the committee dissent from the conclusion reached, to wit, that the contestee is entitled to retain his seat, and their views will be presented to you with vigor and ability

At the outset, I consider it my privilege to refer to the character of the parties. Mr. Yost has been, on previous occasions, a Representative from Virginia, and by virtue of the election of 1896 will soon again take his seat here. He is known to the committee as a gentleman of distinguished ability, personally worthy of the position in controversy, and far from the taint which clings to numerous cases which are brought here solely under the influence of laws far too greatly favoring such contests. That he believes in the justice of his claim will not be in question.

The contestee, Mr. Tucker, has served in three Congresses pre-ceding the present, enjoying the esteem, regard, and confidence of his associates, and I say with assurance there are few, if any, within sound of my voice who will believe him a party to any fraud or to the promotion of any irregularities. I say further that I confidently believe he would not for one instant retain that seat if he considered it acquired by any wrongful act done or

encouraged by him.

The official return of the election gave the contestee a plurality of 892. Five candidates were named upon the official ballots, three of whom received altogether less than 1,000 votes out of nearly 29,000 cast. All the rest were for the parties to this contest, or in doubt.

The election of 1894 was the first trial in Virginia of the so-called Walton law, which gave to electoral boards the preparation of ballots and concealing from all others except the printer the size, style, and contents of the ballots which alone should be used at public elections. These ballots were intended to comprehend some features of what we commonly call the Australian system,

giving, especially to the educated voter, a secret vote.

The electoral boards in each county and city were selected by
the legislature, and these boards appointed a registrar for each
voting precinct, who attended to the registration and transfer of voters. The electoral board also appointed the judges of election, three in each precinct, who are to be competent, able to read and write, and, if possible, from persons known to belong to different

political parties.

Each voter appearing at election must apply to one of the judges for an official ballot, which the voter must carry into a voting booth, where "he shall then draw a line with pen or pencil through the names of candidates he does not wish to vote for, leaving the name or names of the candidate or candidates he does wish to vote for unscratched.

Further important provisions I now read from the statute:

Further important provisions I now read from the statute:

No name shall be considered scratched unless the pen or pencil mark extend through three-fourths of the length of said name; and no ballot save an official ballot above provided for shall be counted for any person. When, as to any office, more than one name remains unscratched, the ballot for that particular office shall be void, but the ballot as to any other office for which only one name remains unscratched shall be valid. He shall fold said ballot with the names of the candidates on the inside and hand the same to the judge of election, who shall place the same in the ballot box without any inspection further than to assure himself that the ballot box without any inspection further than to assure himself that the ballot is a genuine ballot, for which purpose he may, without looking at the printed inside of said ballot, inspect the official seal upon the back thereof: Provided, It shall be lawful for any voter to erase any or all names printed upon said official ballot and substitute therein in writing the name of any person or persons for any office for which he may desire to vote.

The Congressional office was the only one mentioned upon the

The Congressional office was the only one mentioned upon the ballot of 1894, and some inferences are drawn from this fact which will hereafter appear. The census population of the district was

will hereafter appear. The census population of the district was 155,138. The aggregate official vote was 24,674.

After the beginning of the present contest, pursuant to orders of courts, furthered by agreements between the parties, a general examination and recount was had of all the ballots returned to the clerks' offices. This recount disclosed 28,438 votes. It leaves 1,021 votes undescribed, because they were destroyed by various election boards and were not returned. The result of this recount, or rather scrutiny, is to bring into view about 2,000 ballots not counted or computable because the voter had left two or more names unscratched upon the ballot. It further enabled this committee to pass upon a number of ballots of a character which had caused them to be rejected by some boards and counted by others. They present three general features for classification.

First. Ballots from which the voter had scratched the title to

First. Ballots from which the voter had scratched the title to First. Ballots from which the voter had scratched the title to the office voted for, which the law requires to be upon the ticket, erasing likewise everything else except the name of one candidate, which thereby stood alone upon the ballot voted. Such ballots are termed "caption marked." Section 3 of the Walton act prescribes that the ballot shall contain "the title of the office printed or written," and speaking for myself and in the belief that the rights of voters are the gift of law, and are not inherent, I regard the question as a close one. But our committee, considering the fact that but one office was voted for, and hence no error could arise that but one office was voted for, and hence no error could arise as to the intention of the voter as to the office, have computed the ballots according to the names found upon them. This adds to Yost's vote, but does not elect him.

Second. "Blotted or blurred ballots." These are such ballots

as were marked or scratched with ink, and folded before the ink was dry, left a blot or blur upon the name which the voter probably intended to leave untouched. Such ballots are not numerous, and as the parties themselves agree upon these ballots, they are

and as the parties themselves agree upon these ballots, they are counted according to the finding of the parties. This makes an addition to Yost's vote, but not sufficient to elect him.

Third. Ballots styled "imperfect" are brought into this case. The Walton act prescribes that "no name shall be considered scratched unless the pen or pencil mark extends through three-fourths of the length of said name."

Considerable space in the report of the minority is devoted to this question, pages 12, 13, 14, and 15 being notably presented for

The real question, however, Mr. Speaker, is not upon the wisdom of the law, but whether it is the law governing the count of such ballots, and in this the report of our chairman is concurred in as the opinion of a large majority of the committee. There must be somewhere the right to prescribe or decide what shall be a lawfully marked ballot, and any educational information or instruction for illiterate voters along this line could as well include the complete marking out of a name as the careless work presented here.

In consulting these alleged specimens, to which I have called your attention on the pages of the report mentioned, I wish no erroneous impression to arise from a careless examination. Mr. Speaker, these representations purport to be facsimile ballots cast

at the election in question. They may be so, but if so, it is fortuitons and accidental.

Read, for instance, at the top of page 12 of the report:

From that description (referring to the description at the bottom of page 1) we reproduce facsimiles of the ballots and leave it to the common fairess of any man to say whether or not they should be credited to Yost.

It appears, therefore, that facsimiles are presented which are made up from description only, and not from the ballots them-selves. It is very certain that no ballots and no photographs of ballots or even facsimiles of the ballots were presented to the committee, except these which were constructed by verbal description only, as shown in the evidence. Therefore I call attention to that fact for the sake of exhibiting them in their proper relation to the case. For instance, at the bottom of page 11 is a description of one of the ballots:

Two had caption and all names except Yost's marked. But the two bottom names on these ballots were not marked clear through (insufficiently

one, Tucker, Cocke, and Cowden's names well marked, and a line drawn under Grove's name, just touching the first initial and the last letter of the

surname.
One, Tucker marked nearly through, given name in Grove and Cocke marked, and a line drawn diagonally through Cowden's name, just touching

From that brief description given by a witness, who possibly inspected the ballots in the evening of the day of the election or the next morning, and whose testimony was not given until perhaps months afterwards, we have constructed the facsimile which is presented on the top of page 13. It does to a certain extent cor-

respond with the description.

I think, therefore, Mr. Speaker, that caution should be exercised in accepting that as the representation of the veritable ballots which is only manufactured to correspond with a description. As to the representation of the facsimile or the description only of the ballots, I am not aware of any judicial proceedings, certainly none in my narrow experience, where such could be presented as reliable evidence. From a credible description it is proper for anyone to draw his own conclusions, but in this regard the report of the minority far surpasses any claim brought before this committee.

Mr. HULICK. Right there, if the gentleman will pardon me, I should like to ask him a question in reference to these facsimiles—whether at the time of this investigation the original tickets as marked were accessible to the parties, either contestant or contestee, so that facsimiles of the tickets themselves as marked could have been made?

Mr. CODDING. The tickets are accessible, as I understand. Mr. HULICK. Then are we to understand that these facsim-Mr. HULICK. Then are we to understand that these facsimiles were prepared only from oral evidence before the committee—not from the tickets themselves?

Mr. CODDING. You are to understand just that. That is precisely my motive in calling attention to the matter.

The next phase of the controversy, proceeding in the order of the contestant's brief, presents the alleged failure to comply with the law in the appointment of election officers and in the neglect

Mr. HENDERSON. Before the gentleman passes from this point, I should like to ask whether these tickets represented on pages 12 and 13 were counted for Mr. Yost or for Mr. Tucker, or

not counted at all?

Mr. CODDING.

Mr. CODDING. As I understand, those tickets were not counted at all, but were considered imperfect.

Mr. McCALL of Massachusetts. The tickets that were testified to by the witnesses and of which these purport to be reproductions.

Mr. CODDING. I thank the gentleman; that is correct.
Mr. WOOD. Will the gentleman allow me a question?
Mr. CODDING. With very great pleasure.
Mr. WOOD. The tickets represented on pages 12 and 13, where the title of the office is erased by a cross, were not counted?
Mr. CODDING. They were not counted in the original return,

Mr. CODDING. They were not counted?

Mr. CODDING. They were not counted in the original return, but our committee has counted all caption-marked ballots where there was no other objection against them.

Mr. WOOD. But the tickets represented on pages 14 and 15, where the name is erased by marks, which are not drawn through the name, those tickets are not counted?

Mr. CODDING. Those are not counted.
Mr. WOOD. Why should not the tickets be rejected in the one case as well as in the other?
Mr. CODDING. I will answer the gentleman somewhat at random, without being sure that I catch his point. I do not know that the cross mark was considered an obliteration of the caption. That question did not arise before us. I gave but small attention to that matter, because in the decision of the committee the caption-marked votes were counted.

Mr. OVERSTREET. Will the gentleman pardon me a moment?
According to my recollection of the law, there is a different rule
governing the caption marks from the rule governing the marks
on the ballots proper. For that reason the caption-marked tickets were counted by the committee.
Mr. CODDING. I thank the gentleman. That is correct.

Mr. WOOD. Then there was one rule for the caption and

another for the obliteration of the name?

Mr. CODDING. That was substantially so. But allow me to add that there is nothing in the letter of the law making illegal a ballot which has the caption erased. The Walton law provides that the ballot shall have the title of the office placed upon it, but it does not say anywhere that the ballot shall be considered illegal if that title is erased.

Mr. McCALL of Massachusetts. Will the gentleman allow me to call his attention to one specific ballot on page 14 of the minority report, under the precinct of Stotswood. At this precinct 11 ballots were burned; and then there is this extract from the

evidence:

Three of them were scratched with vertical lines, all names being scratched, except Yost's name, on these 3 tickets.

Now, if you will look at that facsimile, you will see there is no vertical line in it; and furthermore, the testimony does not state how many vertical lines there were. There might have been simply one. So that it seems to have been a matter purely for the judgment of the person making that alleged reproduction, to put in whatever number of lines he desired.

Mr. WOOD. The evidence does state that they were marked with vertical lines. That would imply more than one, would it

Mr. McCALL of Massachusetts. But there is no evidence as to how many vertical lines there were, and there is no vertical line in the reproduction.

Mr. DALZELL. I should like to ask my colleague [Mr. Con-

DING] a question. Mr. CODDING.

Certainly.

Mr. DALZELL. Do I understand rightly when I understand that the conclusion arrived at by the committee was arrived at by

throwing out certain marked or imperfectly marked ballots?

Mr. CODDING. No, sir; you are not to understand that. You are rather to understand that the committee has counted ballots in favor of the contestant which were thrown out by the election board or destroyed. But we have in no case, so far as I remember, diminished Mr. Yost's votes by throwing out any ballots.

Mr. DALZELL. I find in a brief, which has been laid upon our desks this morning, this statement:

It is either agreed or proven that each of these imperfect ballots clearly indicates the intention of the voter. The committee concedes this, but rejects them because they do not comply with a strict technical construction of the Virginia statute, which requires that all names of candidates on the ballot, except the name of the candidate voted for, shall be erased by marking through three-fourths the length of such names.

Is that statement correct?

Mr. CODDING. It is not, as I understand. The statement to which the gentleman refers, which has been placed on the desks of members this morning, is a recent emanation. I knownothing of that statement, and I do not understand it to be correct.

I was speaking, Mr. Speaker, of the question raised by the exclusion of other parties than the Democratic party from the election machinery of that district.

There is nothing startling to the average mind in the fact that it is usual for a majority party to assume control, and it is always proper for a minority party to have representation. But even the absence of such representation does not vitiate a ballot without evidence showing resulting fraud.

On pages 24 and 25 of the minority report the report says:

In Amherst County the electoral board, in utter disregard of the plain mandatory provisions of the statute, failed and refused to appoint judges who belonged to the different political parties at the following precincts: Temperance, Magruders, Pedlar Mills, Oronoco, Chestnut, Furnace, and Millners.

How such a statement could have been made in the face of the record it is difficult to understand. The record shows that at Temperance, Campbell, Populist judge, was appointed and served; at Magruders, Wingfield, Populist judge, appointed and served; at Chestnut, White, Republican judge, did not serve, though appointed; at Millners, Burks, Republican judge, was appointed but did not serve.

There were 16 precincts in Amherst, at 3 of which there was no judge appointed in opposition to the Democratic party; at one of these, Oronoco, the vote stood, Tucker 35, Yost 48. There is no evidence in the record impeaching the returns from either place. McGinnis, page 421, puts the number of white Republicans in the county at 80, and only 25 per cent of them as capable of being election officers. Harrison, the Democratic chairman, page being election officers.
153 of the record, says:

We (meaning Mr. Allen, the Republican chairman, and himself) went over the list of judges together, and I told him that wherever he desired a change to be made and a Republican judge to be appointed that the electoral board would appoint him or them. He suggested several, and they were all ap-pointed. I asked him, as the list stood with the changes made, was he satis-fied, and he told me that he was.

This evidence of Harrison is admitted by Allen on page 127, in answer to questions 10, 11, 12, and 13. Harrison is contestant's

The evidence is insufficient to warrant a finding that judges were

systematically chosen in defiance of law, or that any marked or unusual result is apparent from such choice as was made. The special constables chosen to assist illiterate voters had before

them peculiar duties. In some locations they professed, indeed, to be unwilling to go beyond the strict letter of the statutes. In others the assistance was freely given. But nearly everywhere they were met by the fact that the illiterate voter had been taught to distrust them, and the impression was widespread that anyone consulting such constable was a traitor to the contestant's cause, or at least

opposed to him. Under such conditions, the law was imperfectly executed, and officers so placed were easily misunderstood.

These matters are of substantial importance, which has been recognized in the committee's report, and all that can be justly claimed to the contestant's advantage has been credited in com-

claimed to the contestant's advantage has been credited in computing his vote. And this question has been fully discussed relative to the vote in Staunton, found on pages 11 and 12 of the report. Still further it is claimed that the votes of Amherst and Appomattox counties should be entirely rejected as fraudulent and vicious, because the ballots were not printed in plain roman type. In the former county it is stated that the ballot was in "German taxt" and in the letter in societ. text," and in the latter in script. The counsel for contestant in text," and in the latter in script. The counsel for contestant in his brief, on page 45, presents a photographic copy of the Amherst ballot, which may be considered authentic. If any of my hearers have the brief of the contestant, they will please refer to page 45, or, for the benefit of any who wish to examine it now, here is a copy. That, being a photograph, can not be well objected to. An attempt is made in the minority report, page 27, to reproduce this. This attempt is injected into an extract from the testimony and the inference conveyed that it is correct. A comparison of the the inference conveyed that it is correct. A comparison of the two discloses the fact that the ballot printed in the minority report differs in thirteen particulars from the original, and always, I think, for the worse.

I entirely absolve the gentleman signing that report from any intention or even knowledge of this matter. It probably arises from the mixed fonts of an ignorant printer. But the type of the photograph is well known to me; was used by me as headline type, from choice, for years. It is not German, but Old English, an unimportant fact except for accuracy, and its effect is not materially different from that type at the head of our letters by which we inform our friends that we are members of this House. we inform our friends that we are members of this House.

Mr. CONNOLLY. Mr. Speaker, will the gentleman allow a question?

Mr. CODDING. Certainly, with great pleasure.
Mr. CONNOLLY. I find it stated in a paper on my desk that a member of the election board for Amherst County, who was chairman of the Democratic party, admits that he had ballots printed in seventy-five different styles. Is that correct?

Mr. CODDING. I think the gentleman will find that there is such testimony in the record. I was coming to that question of

alternating very soon.

Mr. CONNOLLY. I supposed the gentleman was referring to that subject now. I can not hear him very distinctly.

Mr. CODDING. I am sorry that my voice is not stronger.

Mr. CONNOLLY. There was talking going on here.

Mr. BRUMM. Will it disturb the gentleman to ask him if he knows why these tickets were printed in German type? Is there any reason assigned for it?

Mr. CODDING. Yes, a reason is given in the testimony.

Of the script from Appomattox we have no copy; and with these charges is coupled another that the names of the candidates were "alternated," printed in varying order upon the ballots, with the intent to confuse and deceive the illiterate voter.

These are serious matters, reprehensible and meriting condemnation. The intent was unlawful, and had the result corresponded, we should undoubtedly concur with the minority opinion. In Amherst, however, in a vote of 2,705, there were 349 defective ballots, a result differing little from the rest of the district. In Appomattox there were 153 defective in a total of 1,432. And I have here a statement of the vote of these counties for several years indicating for 1894 no revolutionary or remarkable changes. years, indicating for 1894 no revolutionary or remarkable change.

The following is the vote of Amherst County, Va., for the past

Year.	Office.	Total vote.	Demo- cratic ma- jority.
1884	Congress and President	3,319 2,974 2,539 3,188 2,986 1,106 2,831 1,778 2,705	505 603 181 - 858 718 509 88 499

The average Democratic majority in Amherst County for eight years is 433.

The average vote polled in the county for eight years past is

Appomattox County, Va.

Year.	Office.	Total vote.	Republican majority.	Democratic majority.
1884	Congress and President Governor Congress Congress and President Governor	* 1,729 1,796 1,290 1,476 906 508	46 144 93	26
1890 1892 1893 1894	Congress and President Governor Congress	1,461 1,494 1,432	123 105	49

You will see from the vote in 1896, as was stated, that it showed a large Democratic gain over Mr. Tucker's majority in 1894, the ballots being this last year printed in roman type.

Mr. Speaker, there are numerous side questions growing out of the contest, issues which will hereafter be discussed by those following. To me was assigned the duty of presenting the leading features of the case, which I have endeavored to do, and I have endeavored to state to the House the main propositions upon which the report of the majority of the committee is based. I concurred with some hesitancy, after considerable examination, in the report with some hesitancy, after considerable examination, in the report of the majority, because my sympathy was very warmly for the contestant in the presentation of his claim. But I believe, sir, that the committee have presented their report to this House adhering to the rules which are safe for the majority in its time of victory, and proper for a minority to protect them in the time of their defeat.

Mr. HENDERSON. Mr. Speaker, before the gentleman sits down, I would like to know who got the benefit, and is it in evidence who got the benefit, of these tickets being printed in a for-

eign type, so to speak?

Mr. CODDING. There is no evidence which seems conclusive to the committee of any material variation, while some say they were appalled at finding these tickets so printed. The evidence as I now recollect it, after nearly a year's lapse, and dimmer than I

wish it to be, is that there was no material variation.

Mr. HENDERSON. They were cast for both candidates, were

Mr. CODDING.

Mr. CODDING. Yes, sir; that was the official ballot. Mr. HENDERSON. The law, I see, does not say in what type

it shall be printed. Mr. CODDING. Mr. CODDING. I believe an amendment has been passed through the legislature of Virginia requiring the printing to be done in regulation type.

Mr. HENDERSON. Referring to these ballots, on pages 12 and 13, do I understand the tickets, the actual ballots that were

cast, were before the committee, or are still accessible?

Mr. CODDING. They are still accessible.

Mr. HENDERSON. But they were never brought by either the contestant or the contestee before the committee?

Mr. WALKER of Virginia. We do not agree to that,

Mr. CODDING. I would be glad to hear the statement of the

Mr. WALKER of Virginia. We do not agree to that.

Mr. CODDING. I would be glad to hear the statement of the gentleman from Virginia.

Mr. WALKER of Virginia. I will make it later.

Mr. HENDERSON. Let me ask this question—how these ballots were cast. I refer to those on pages 12 and 13.

Mr. CODDING. I would have to examine each one particularly.

Mr. HENDERSON. I refer to those on pages 12 and 13 of the minority report. Were they counted?

Mr. CODDING. Each one of those excluded from the count

was in conflict with the law requiring the name to be erased over three-fourths of the entire length.

Mr. HENDERSON. But the law does not state which way the line is to be drawn, whether horizontally or vertically. It does not: I have read it.

Mr. CODDING. It is to extend three-fourths of the length of said name.

Mr. HENDERSON. But it may be extended vertically as well as horizontally?
Mr. CODDING.

Mr. CODDING. I should so construe it. Mr. WILSON of Ohio. Mr. Speaker, I desire to ask the gentle-

man a question.

The SPEAKER. Does the gentleman yield?

Mr. CODDING. Certainly.

Mr. WILSON of Ohio. On page 38 of the minority report, there is a summary of the count by the minority. It appears that after counting the votes to a certain point there are 12,490 for the contestant and 12,528 for the contestee. And then there are added votes proven—Cumberland 36, Jacksons River 15, Augusta and Staunton 11. By adding those votes, it gives the contestee a

majority. I desire to know what is meant by "votes proven."
What kind of votes were they?
Mr. CODDING. If the gentleman will refer to the previous

pages of the minority report, he will ascertain what is meant by the term of "votes proven." It is a term frequently used by the contestant in his brief, and all through the argument, assuming his evidence in his own presentation of the case, and assuming that just as soon as he had finished his testimony or argument that part was proven.

Mr. WILSON of Ohio. Were all these votes actually cast, and do they appear on the tally sheets or whatever evidence you had, or are they votes supposed to have been cast, but which do not

appear in the records, and were not presented and counted by the committee or considered in arriving at their conclusions?

Mr. CODDING. So far as I know, every vote considered in this case was a vote actually deposited in the ballot box. The questions arising in this case are whether the votes were in com-

questions arising in this case are whether the votes were in compliance with the law and sufficient to be computed for any purpose.

Mr. WILLIAM A. STONE. Do I understand that these sample ballots on pages 12 and 13 were excluded?

Mr. CODDING. Yes, sir.

Mr. WILLIAM A. STONE. For what reason?

Mr. CODDING. The ballot upon the bottom of page 12 has the name of Mr. Yost unmarked, and the name of C. H. Grove immediately before it is not erased in accordance with the law. The diately before it is not erased in accordance with the law. The same is true of the one at the top of page 13.

Mr. WILLIAM A. STONE. Take the one on the top of page 13. You say that the objection to that ballot is that the name of

Mr. Grove is not properly erased?

Mr. CODDING. Yes, sir.

Mr. WILLIAM A. STONE. Why not?

Mr. CODDING. The erasing mark does not pass through threefourths of the length of the name. The H and the Gro are Only three letters of the name are touched by the

erasing mark.

Mr. WILLIAM A. STONE. It hits both ends, though.

Mr. CODDING. That is true.

Mr. WILLIAM A. STONE. The law under which these ballots were cast requires, does it, that three-fourths of the name of the candidate for whom the voter does not wish to vote shall be

Mr. CODDING. The law says that "no name shall be considered scratched unless the pen or pencil mark extends three-fourths

of the length of said name

Mr. WILLIAM A. STONE, Now, in reference to the ballot at the top of page 12, there are five candidates for Congress on that ballot. There is no objection to that erasure, is there?

Mr. CODDING. None whatever.

Mr. WILLIAM A. STONE. In other words, in erasing three-fourths of a name the voter may erase more than three-fourths

and there will be no objection to it; is that correct?

Mr. CODDING. Yes Mr. WILLIAM A. STONE. Now, the two names at the bottom, Grove and Cocke, they are held not to be erased in accordance with the law, I understand?

Mr. CODDING. The gentleman will bear in mind that these alleged sample ballots are created from the description given by a

witness and found at the bottom of page 11.

Mr. WILLIAM A. STONE. Another question. The difficulty in this case arises, as I understand, out of these ballots that were

not counted because the names were not properly erased.

Mr. CODDING. I think the turning point of the case is there.

Mr. WILLIAM A. STONE. There is where the pinch of the case comes, and there is a good deal of testimony on that point.

This volume is the report of the majority, is it not?

Mr. CODDING. No, sir; that is the record in the case.

Mr. WILLIAM A. STONE. Other ballots on which the name

of Mr. Tucker was marked similarly to Mr. Yost's were found in the case

Mr. CODDING. That is correct.

Mr. WILLIAM A. STONE. Take the ballots on page 13—there are two of them. Whatever the committee may say or think about the intention of the voters, let me suppose that the intention of the voters who polled or attempted to poll those ballots was to erase all the names except that of Mr. Yost. Now, do you find any ballots thrown out upon which the apparent intention of the voter was to erase all the names except Mr. Tucker's?

Mr. CODDING. Yes, sir.

Mr. WILLIAM A. STONE. And the committee have waded

through all this testimony in reference to these 3,797 ballots, or through such testimony as was offered in the case, and have reached the conclusion which the majority of them have reported.

Mr. CODDING. That is correct.
Mr. TAYLER. I wish to ask the gentleman a question. Referring to the 4 ballots described at the bottom of page 11 of the minority report, were those ballots counted for Mr. Yost?
Mr. CODDING. They were not.

Mr. TAYLER. Then, disregarding for the moment any statutory requirement as to the form of marking, does the majority refuse to count for Mr. Yost certain ballots which on their face show that the voter apparently intended to cast them for Mr. Yost?

Mr. JENKINS. If the gentleman will permit me, I will answer that the committee refused to count those ballots for two reasons—first, because they could not count them under the law; and second, because they did not have a particle of evidence before the committee as to the intention of the voter (if they could have been committee as to the intention of the voter (it they could have been controlled by that consideration), because the committee were simply furnished a statement of witnesses with reference to what was done with one particular ballot, which was reproduced, and then the committee were asked to infer from the description of that ballot that all that the committee call "imperfect" ballots

were marked exactly like that one.

Mr. TAYLER. My question assumes that for the moment we disregard the legal effect as to intention of any statutory requirement. Disregarding that, my question is, Did the majority of the committee refuse to count for the contestant ballots that appeared

to be intended to be voted for him?

Mr. JENKINS. If the gentleman will permit me, I will repeat
that the committee did not have a particle of evidence before them with reference to those ballots other than the description from which the sample is made.

Mr. WILLIAM A. STONE. Did you not have the ballots?

Mr. JENKINS. No. sir.

Mr. JENKINS. No. sir.

Mr. WILLIAM A. STONE. Then how did you get these facsimiles in the report?

Mr. TAYLER. The report states that they are reproduced from
the description of them given by witnesses.

Mr. WALKER of Virginia. As this seems to be a general colloquy, I will explain that those reproductions of ballots are made
from a description in the testimony of witnesses of certain ballots
which could not be produced because they were burned. They were which could not be produced because they were burned. destroyed and could not be produced, and therefore evidence was

Mr. TAYLER. As to one or two ballots?

Mr. WALKER of Virginia. Yes, sir; as to the ballots reproduced.

And, as I understand it, that testimony referred

only to one or two ballots

Mr. WILLIAM A. STONE. Now, let us get at the facts as to these 3,797 ballots. I understand that the committee had none of those ballots before them at all.

Mr. CODDING. That is correct.

Mr. WILLIAM A. STONE. And, so far as the committee

reported touching those ballots, the report is based upon information obtained from the testimony of witnesses.

Mr. CODDING. Upon the testimony of witnesses relating to only one or two ballots.

only one or two ballots.

Mr. WILLIAM A. STONE. And the evidence relates to ballots polled apparently on both sides?

Mr. JENKINS. That is correct.

Mr. WALKER of Virginia. The number is proved; it is shown how many there were for each.

Mr. DANIELS. I should like to ask this question: Whether it is contended that if the erasure goes so far as to indicate the intention of the voter, although it does not literally comply with the Virginia statutes relative to the effect of erasures, the House is

tion of the voter, although it does not literally comply with the Virginia statutes relative to the effect of erasures, the House is concluded by the Virginia statute?

Mr. CODDING. The committee has based its opinion upon the Virginia statute as obligatory upon the voter.

Mr. DANIELS. In other words, my question is this: Suppose the erasure goes so far as to indicate the intention of the voter to erase a particular name, although the erasure does not go three-fourths of the way through the name: suppose the voter voted fourths of the way through the name; suppose the voter voted such a ticket, with the name of Yost entirely undisturbed; is not such a ticket, with the name of Yost entirely undisturbed; is not the House justified in such a case in assuming, such being the intention of the voter, that the vote was a legal vote for Yost, not-withstanding the erasure was defective? The Constitution of the United States, as gentlemen will recollect, provides that the action of the State shall be authoritative only as to the qualifications of the voter—not as to the effect of the ballot itself or the mode of voting the ballot or the making of erasures on the ballot. Under those circumstances is it not competent for the House

mode of voting the ballot or the making of erasures on the ballot. Under those circumstances is it not competent for the House to determine what was the real intention of the voter and to give effect to his vote according to that intention?

Mr. CODDING. No doubt it is competent for the House to give any construction to it that the majority may please. At the same time, however, I am strongly of the opinion that due effect ought to be given to the ballot laws of the State.

Mr. DANIELS. We want to know whether we are concluded by the law of the State of Virginia as to the form or manner in which the erasure is to be made, where the intention of the voter is sufficiently disclosed by his act?

Mr. CODDING. That is my opinion; yes, sir.

Mr. HALL. As I understood the statement of the gentleman from Virginia [Mr. WALKER] a few moments ago, these alleged facsimile ballots were made from a description of the burned

Mr. WALKER of Virginia. Yes, sir.
Mr. HALL. Now, referring to page 38 of the minority report,
count the number of burned ballots as 291.

Mr. WALKER of Virginia. One thousand and twenty-one.
Mr. HALL. I am referring to the figures as given in the
minority report; and I suppose the minority has stated the number as fully and strongly as the facts would justify.
Mr. WALKER of Virginia. One thousand and twenty-one is

Mr. HALL. Adding those burned ballots together, according to my arithmetic, there were 291.

Mr. WALKER of Virginia. To what page does the gentleman

Mr. HALL. To page 38 of the minority report. Now, referring to this statement which has been placed on our desks. there ring to this statement which has been placed on our desks, there were 3,797 ballots cast at the election which were not counted at all. So that, instead of this facsimile being a facsimile of 3,797 ballots, it is, even according to the minority report, a facsimile of only 291 ballots which were alleged to have been burned.

Mr. WALKER of Virginia. I do not understand that there is any dispute that 1,021 is the number of ballots burned in the whole district. I do not know where it is proved; but I have never heard any dispute on that point.

Mr. HALL. I am referring to page 38 of the minority report, and I make the number 291.

Mr. HERMANN. Allow me to ask this question: If these

Mr. HERMANN. Allow me to ask this question: If these votes, cast for Mr. Yost and which were rejected, had been counted for him, would they have given him a majority?

Mr. CODDING. I think not, sir.

Mr. WILLIAM A. STONE. Does my colleague [Mr. CODDING] know how many of these 3,797 ballots which were not counted

were cast for Yost and how many for Tucker?

Mr. CODDING. There ought to be some chance to emerge from this confusion which we are getting into as to figures. It is contended here—and the statement is put forth on every occasion—that there were 3,797 ballots which have not been counted. It should be borne in mind by the House at the very outset that a great majority of these ballots rejected by the election boards on the day of election were afterwards taken into account and computed for one party or the other by agreement between the contestant and the contestee, and the ballots in controversy which contestant and the contestee, and the ballots in controversy which were not covered by that quasi amicable arrangement are comparatively few. They are enough to affect the result of the election, I grant; but nothing like 4,000 or any such number of votes are in controversy here. The number is far less than 1,000.

Mr. HAINER of Nebraska. Allow me a single question. I understand from the report of the majority that they find Mr. Tucker has a plurality of 221 votes, and in order to hold that he has this plurality, all these imperfectly marked ballots must be thrown out.

thrown out.

Mr. CODDING. Oh, no.

Mr. HAINER of Nebraska. As I understand, in order to concur with the majority of the committee in their conclusion, we must be conclusion. throw out these imperfectly marked ballots. In other words, enough imperfectly marked ballots were cast for Mr. Yost, or intended to be cast for him, to have changed the result if they were counted. Am I correct in that?

Mr. CODDING. I suggest that the tables in the respective reports ought to settle that question.

Mr. HAINER of Nebraska. In other words, I understand the

committee hold that that provision of the Virginia law is mandatory, and relying on that construction they hold that the contestee is elected?

Mr. CODDING. We have held it mandatory as to the marking

Mr. CODDING. We have held it mandatory as to the marking out of the names on the ballots; but there is no mandate respecting the so-called "caption-marked ballots," and almost thirteen hundred of them are dealt with, as it were, by a stroke of the pen.

Mr. HAINER of Nebraska. But, as I understand it, the improperly marked ballots are rejected by the committee, although the intention of the voter, as shown by them, is sufficient to have elected Yost if not estopped by the statute of Virginia.

Mr. WILLIAM A. STONE. I do not understand that.

Mr. McCALL of Massachusetts. It is not admitted, if the gentleman from Pennsylvania will permit me, that the intention of the voter is evident in the case of the imperfectly marked ballots. In most of the cases, as shown by the testimony, at least lots. In most of the cases, as shown by the testimony, at least two of the names on the ballots were apparently untouched, and the most that can be said of the position the gentleman favors is that the stipulation between the parties was that the marking had not been done on certain ballots as required by the statute. The committee therefore passed on the agreement of the parties to the contest, and decided that all of the ballots not marked as required.

by the statutes of Virginia should not be counted. But it does

not appear how many ballots expressing the intention of the voter were presented, and in fact there is no way of getting at that

Mr. HAINER of Nebraska. How many ballots of the entire

Mr. HAINER of Nebraska. How many ballots of the entire number set out on pages 12 and 13 of the minority report were excluded by the committee in their count?

Mr. McCALL of Massachusetts. I will say, in my judgment, very few were. If the gentleman will read the testimony—and that is the difficulty of substituting here a picture for the evidence—but if the gentleman will read the evidence that the committee had before it, he will find that several witnesses testified that there was no ballot in the precinct concerning which they testified, and that there was no pretense of marking.

Mr. HAINER of Nebraska. What I wish to find out is, whether there were 221 of these ballots excluded.

Mr. McCALL of Massachusetts. The evidence does not show

Mr. McCALL of Massachusetts. The evidence does not show that there were 221 of these ballots excluded. There was testimony as to 4 ballots, I think, and these 4 ballots we find marked

Mr. WILLIAM A. STONE. They were the sample ballots. The SPEAKER. The time of the gentleman from Pennsylvania has expired.

Mr. WALKER of Virginia. I want it distinctly stated and understood, Mr. Speaker, that I do not concur in the statement of the gentleman or in the position he assumes in arguing his side of the case. I do not want my silence during the discussion to be taken for consent.

Mr. McCALL of Massachusetts. I suppose now, Mr. Speaker, that the minority will consume some portion of their time, the gentleman from Pennsylvania having exhausted his time.

Mr. WALKER of Virginia. I yield one hour to the contestant [Mr. Yost].

Mr. YOST. Mr. Speaker, I thank the House for its courtesy, which I shall endeavor not to abuse.

The questions presented in this contest are few and clearly de-

fined. I shall undertake to go at once to the very core of the case.

After throwing out 3,797 ballots cast by honest, duly qualified electors, the judges of election returned contestee by a plurality of 892. The committee concede that 731 of this plurality, including the 60 votes which they particularly count, were either erroneous or fraudulent. They give contestee a plurality of 161, and in order to do so throw out 183 net ballots cast for contestant, designated in the record as "imperfect," upon each of which the plain intention of the voter is clearly shown. Many of these identical ballots were counted and returned for contestant by Democratic judges of election. Nay, more; contestes leading counsel, in conducting the recount, treated them as absolutely valid, and without a moment's hesitation or a word of explanation assigned them in the tabulation to the candidate entitled to them.

If these 183 net ballots are allowed, this case must be decided in favor of the contestant upon the report of the committee, without

further investigation.

This net result of 183 ballots for contestant is shown by the committee's report. On page 4 the committee say: "It appears that there were 454 'imperfectly marked' ballots for Yost and 271 for Tucker." The difference between these two sums. 183, is the net result in favor of Yost. But, in addition to this, there are 89 net

a net total of 272 "imperfect" ballots for Yost.

Now, from what evidence are those "imperfect" ballots tabulated? The record shows that, acting under orders of the several lated? The record shows that, acting under orders of the several courts, a recount of the ballots was had in each county. This recount was conducted by representatives of each party to the contest. The different classes of ballots were tabulated under separate headings. The "imperfect" ballots for Tucker were tabulated under this heading: "All marked except Tucker—marking imperfect;" and the "imperfect" ballots for Yost were tabulated under this heading: "All marked except Yost—marking imperfect." Each class was placed under its distinct heading by agreement of the parties who conducted the recount. This agreement is certified in each instance, or else the fact of the agreement is proven by witnesses who witnessed the count and whose testimony is not disputed. Here is a sample certificate (page 336 of record): disputed. Here is a sample certificate (page 336 of record):

We have examined the vote in the city of Buena Vista at the Congressional election of November 6, 1894.

The above tabulation, to which this is attached, shows an accurate report of the ballots cast as above stated as carefully inspected by us.

Of course, it is understood that either party to the contest may reexamine the said ballots, if either so desire. By "all marked including caption, except," etc., is meant that "for Congress" as the caption of the ballots is erased. By "imperfectly marked is meant that all the names except that of the candidate to be voted for, while marked some in one way and some in another, were not marked in strict accordance with the statute—that is to say, "scratched by pen or pencil mark extending through three-fourths of the length of said name."

This the 5th day of February, 1895.

WINBORNE & BATCHELOR,

WINBORNE & BATCHELOR, Attorneys for H. St. G. Tucker. J. YOST.

Now, remember that upon each one of these ballots the plain, undisputed, confessed intention of the voter is shown. Upon this point there is no dispute, when you come down to the record, and there can be no disagreement.

there can be no disagreement.

The question, then, is narrowed down to this: Should a ballot which, upon investigation, clearly determines the intention of a voter to vote for a particular candidate be counted for that candidate? The courts say it shall be; and in this there is such unanimity of opinion that it is crystallized into a fixed principle of law. Numerous authorities on this question are cited in the views of the minority. I ask the attention of the House only to a few of them, and I further ask members to examine these references as diven in the trapert. Indee Cooley in his work or Corporations. given in that report. Judge Cooley, in his work on Constitutional Limitations, lays down the following as the law relating to the subject (page 609):

Every ballot should be complete in itself and ought not to require extrinsic evidence to enable the election officer to determine the voter's intention. Perfect certainty is not, however, required in these cases. It is sufficient if an examination leaves no reasonable doubt upon the intention, and technical accuracy is never required in any case. The cardinal rule is to give effect to the intention of the voter whenever it is not left in uncertainty. * * *

Chief Justice Cooley, from the bench, said:

All rules of law which are applied to the expression, in constitutional form, of the popular will should aim to give effect to the intention of the electors; and any arbitrary rule which is to have any other effect, without corresponding benefit, is a wrong, both to the parties who chance to be affected by it and to the public at large. The first are deprived of their offices and the second of their choice of public servants.

McCrary, Law of Elections, section 408, says:

It may often happen that a printed ticket is changed by the voter, by erasing some part of it, * * * to make it conform to his wishes. A ballot is to be construed in the same way as any other written or printed document, and the construction must be such as to give effect to the voter's intent if that can be ascertained from the face of the ballot, or in some cases, as we have seen, from the ballot as explained by evidence aliunde.

It is not necessary to introduce evidence aliunde in this case. These "imperfect" ballots come here under the agreed statement of both parties that the intention of the voter is shown.

In passing upon this direct question within the past year, the supreme court of Illinois, in the case of Parker vs. Orr (41 N. E. Reporter), said:

It has always been held in this State that if the intention of the voter can be fairly ascertained by the ballot, though not in strict conformity with the law, effect will be given to that intention. In other words, that the voter shall not be disfranchised or deprived of his right to vote through mere inadvertence, mistake, or ignorance, if an honest intention can be ascertained from his ballot * * Ballots appear in the record on which it is clear that the voters attempted to make a cross in the proper place to indicate the choice of candidate, but succeeded more or less imperfectly. It being clear in such cases that the intention was to conform to the statute and not to distinguish the ballot, they were properly counted.

American Encyclopedia of Law, page 343:

While every ballot should be perfect and complete, it is found that there are many deviations from technical accuracy, and questions of importance arise as to how far such deviations may go without rendering the ballot void. The principle governing such cases is that the intention of the voter shall prevail, and when the ballot itself, upon examination, leaves no reasonable doubt of the intention, this intention should be carried out by counting it.

In Brown vs. McCullum (14 American State Reports, pages 232 and 233) the court says:

If the ballot expresses the intention of the voter beyond a reasonable doubt, it is sufficient without regard to technical accuracy in the form of the ballot.

So far, then, as the courts can decide this question, this contestant must be seated.

The committee reaches its conclusion, giving the contestee a plurality of 161, by construing as absolutely mandatory that provision of the Virginia statute which requires a voter in marking his ballot to erase with pen or pencil marks extending three-fourths through their length the names of all candidates he does not wish to vote for, leaving only the name of the candidate he does wish to vote for. It holds that the slightest deviation from the strictest technical accuracy in the marking shall be fatal. As if conscious of the weakness of this position, the report hastens to

It is not for the committee to decide whether the provision as to the marking of the ballot is a wise or reasonable one or not.

It gives the very strictest technical construction to a provision of the statute which it is unwilling to admit is either wise or reasonable, and fails to recognize the binding force of other provisions of the same law, mandatory in their character, the reason and wisdom of which are apparent to the plainest understanding. There are some mandatory provisions in that Virginia law, and I want to ask the attention of the House to them for a moment. The law provides that judges of election shall be chosen, whenever possible, from members of different political parties. This

The law provides that judges of election shall be chosen, whenever possible, from members of different political parties. This is a wise and reasonable provision of the law. This is a mandatory provision of the law. The committee disregard it. If you enforce that one single provision and grant all else claimed by the majority, this contestant must be seated. At the following precincts, casting the following vote, there was no Republican

judge, although the testimony shows that competent Republicans could have been appointed at each precinct:

	Yost.	Tucker.
Amherst County: McGruder Pedlar Mills Chestnut Furnace Millners	18 53 15 22 30	84 176 30 28 140
Total	138	408
Appomattox County: Chap. Stonewall	33 55	39 89
Total	87	128
Finvanna County: Scottsville Center Hill Goodson	20 17 15	69 36 40
Total	52	145
Nelson County: Arlington Buffalo Ridge Grasslawn Fabers Mills Lowesville	60 20 17 53 53	179 26 28 79 65
Total	203	377
Buckingham County: Wellwater	65	110
Total	65	110
Grand total	545	1,168

If this mandatory provision of the law is enforced and all else the committee claims is granted, this contestant must be seated by 400 plurality.

Again, the Virginia election law provides an officer whose duty it is to assist illiterate voters. This officer is called a special constable. The law was mandatory upon him to mark the ballots for the illiterate when the illiterate so requested. There can be no mistake about this, for that provision of the law relating to his duties have been constanted by the supreme court of appeals of Virginia. has been construed by the supreme court of appeals of Virginia. In the case of Pearson vs. Supervisors of Brunswick County the court said:

Nothing is better established than that where a power or duty is conferred upon an official by the use of the word "may," and the public are concerned in the due performance of that duty, the word "may" will be deemed to be mandatory and the officer can be compelled to perform it. * * * Such being the case, it is the duty of the special constable to render him who is blind, or unable by defective education to read, every assistance asked for and required by the elector to aid him in preparing his ballot.

It will be observed that the law makes no distinction between the man who is blind and the man who is unable by defective education to read. If either asks the constable to mark his ballot, the constable must mark it. This mandatory provision of the law was willfully and deliberately violated at a number of precincts. At Ward No. 1, Staunton, which returns contestee a plurality of 131, the constable, West, confesses that he would not mark, as will be seen by the following evidence (page 380, question 49): tion 49):

Mr. Yost did come to me, as I heretofore stated, and urged upon me to mark out the names on these ballots, and I positively declined to do it, as I considered that that was to be done by the elector.

At Arrington precinct the constable not only refused to mark for Republicans, and aided Democrats, but openly proclaimed at the polls that he did not propose to assist men who were voting against him. See testimony of A. J. Doswell, page 315, and that

against him. See testimony of A. J. Doswell, page 315, and that of eleven others of the same precinct.

The same violation of law is proven at a number of other precincts. If this mandatory provision of the law is enforced, and all else the committee claims is granted, the contestant must be

Again, the Virginia law provides for an official ballot, and the greatest secrecy is thrown around the printing of the ballot. None but members of the Democratic party have any idea what that ballot contains or how it looks until they see it when they vote.

The electoral board, who have entire control of the election The electoral board, who have entire control of the election machinery for each county or city, is composed of three partisan Democrats, and generally includes the Democratic chairman. One member of this electoral board is designated to have the official ballot printed. The printer who executes the work takes an oath not to disclose "any information as to the size, style, or contents of the ballot." The member of the electoral board who supervises the printing takes a similar oath. By the use of the words "size" and "style," each in the singular number, the law clearly commands, not only by implication but by letter, that there shall be

one size and one style, and that the ballots shall be printed uniformly. Harrison, member of the electoral board of Amherst and chairman of the Democratic party, confesses on the witness stand that he printed the ballot in seventy-five different styles; that they were printed in German text type, and that he instructed the constables not to mark for illiterates.

In four other counties this alternation of names on the ballot was recorded to

was resorted to.

If this mandatory provision of the law is enforced, contestant must be seated by over 200 plurality, on the report of the committee, even granting every other claim made by the committee.

Mr. DANIELS. Will you allow me to ask you one question?

Mr. YOST. Certainly.

Mr. DANIELS. Suppose that the ballots that are partially erased—the lines running through the name sufficiently so as to indicate the intention of the voter—are all allowed, then how will

midicate the intention of the voter—are all allowed, then how will the majority or plurality stand?

Mr. YOST. If you allow the imperfect ballots, the ballots which you describe there, then the contestant must be seated by 22 majority. Now, let me explain this. The committee practically counts 60 votes, and then they return the contestee—

Mr. PRINCE. One question there. I understand you to say that if the inversed the labels are all the inversed the seater of the contest of the seater of the contest of the con

that if the imperfectly marked ballots are allowed to the contestant and like imperfect ballots are allowed to the contestee that the

contestant is clearly elected by 22 plurality?

Mr. YOST. I do not want there to be any doubt about that.

There seems to have been some confusion in the minds of the com-

Mr. PRINCE. I Mr. YOST. Yes Please answer that question, yes or no.

Mr. YOST. Yes.

Now, let me explain again. Take the report of the committee itself. The committee says there are 454 of these imperfect ballots for Yost and 271 for Tucker. The difference between that is 183 in favor of Yost. Then, in addition to that, there were 89 net "imperfect" ballots proved out of the burned ballots. But disregarding the burned ballots, if you give the contestant the "imperfect" ballots and the same and the same and the same are same as a same and the same an fect" ballots assigned to him on the recount, and give to contestee the "imperfect" ballots assigned to him on the recount, the contestent is elected by 22 plurality upon the report of the committee.

Mr. TRACEY. I would like to ask the gentleman one question right there, if he will yield.

Mr. YOST. Certainly, sir.
Mr. TRACEY. I find here what purports to be copies of seven
different kinds of alleged imperfectly marked ballots.

Mr. YOST. Yes, sir.

Mr. TRACEY. Do I understand the gentleman to say that ballots of each of these kinds were rejected as imperfect, correspond-

ing to each of them?

Mr. YOST. Yes, sir. The gentleman can get at that just as well as anybody on earth. Remember that these were burned ballots, burned without any authority of law. We got proof as to some, and these were among them. Here are some blank ballots [holding them up]. I would like my friend over there [Mr. CODDING], and especially would I like the chairman of the committee who referred to this matter just now, to take these black bellots and take that description and see what hind so black ballots and take that description and see what kind of a ballot he will make.

Mr. HERMANN. What authority existed for the burning of

those ballots?

Mr. YOST. None on earth.

Mr. YOSI. None on earth.

Mr. HERMANN. What was the purpose of the burning?

Mr. YOSI. Well, sir, I believe as honestly as I believe I am standing here that it was done, in most instances, for the purpose of defrauding me of those votes which they knew were mine. Now, I hope there will not be any cloud on the mind of any member as to what the result will be if these imperfect ballots are counted. They will elect me.

To recapitulate to this point:

First. The committee undertakes to make mandatory a provision of the statute which is clearly directory. If the law as determined by the courts is permitted to prevail, the contestant must be seated, even granting every other claim made by the committee.

Second. If the mandatory provision of the law in respect to the appointment of judges who have entire charge of the conduct of elections is enforced, the contestant must be given a plurality of over 400, even granting everything else claimed by the committee. Third. If the imperative mandate upon the constable of the supreme court of Virginia, construing that section of the statute relative to his duties is aboved the contestant must be given as all

relating to his duties, is obeyed, the contestant must be given a plurality of over 400, even admitting everything else the committee

Fourth. If the mandatory provision of the law in respect to the printing of ballots is enforced, the contestant must be given a plurality of over 200, even conceding every other claim made by the committee

If any single one of these mandatory provisions of the law is

enforced, the contestant, upon the report of the majority, must be

But the committee, it seems to me, ignores mandatory sections of the statute, and in disregard, it appears, of precedent, law, courts, and justice, construes as mandatory a section under which there could not possibly be a corrupt violation by the voter. It holds that the technical error of an honest voter, although complying substantially with the requirements of the law, shall be fatal, and that the deliberate fraud of sworn election officers, which induced that error, shall be given full effect. It holds that a ballot such as this [exhibiting imperfect ballot] is illegal, and that a ballot such as this [exhibiting imperrect ballot] is linegal, and that a ballot such as this [exhibiting photograph], which is a photograph of the Amherst ballot, is legal. Now, I ask every member of this House to refer to page 13 of the minority report and examine this "imperfect" ballot.

My friend on the other side [Mr. Codding] did not read all the testimony in this case, or rather he overlooked a portion of it. He

said that the man who testified as to these three or four ballots had seen them, probably, the next day after they were cast. No, sir. The testimony shows that he was right there on the day of election, and that he saw the ballots at that time and made a memorandum of them before they were burned. The next day they were ashes. On the night of election, at the time they were counted, after the close of the polls, he saw those ballots, made his description of them, and took a written memorandum of it, and although several witnesses from that precinct were examined, in no single solitary instance did the other side attempt to controvert any witness produced by us to show the character of the ballots that were burned. I ask every member to examine these ballots in the minority report and say whether or not, under the law, and under the decision of the high courts, and before the still higher court of conscience, those are legal, valid ballots.

Here is one of them:

For The Office Member of Congress

The Tenth Congressional District of Virginia

> N. St. Geo. Tycker. Bembod A Cooke.

> > J. Yost,

C.H. Grove.

. Tropes Selden Cowdon

Ballots such as these are the ballots which, if counted, give con-

Ballots such as these are the ballots which, if counted, give contestant the seat under the report of the committee.

And ballots of this class, although sufficient in number for the purpose, represent only a fraction of the Republican vote cast in the Tenth district and not counted. The poll books show that 3.797 ballots cast by duly qualified electors were not returned by the judges of election. This wholesale disfranchisement was the accomplished result of a conspiracy entered into by Democratic officials to defrand Republican voters. It was known that the accomplished result of a conspiracy entered into by Democratic officials to defraud Republican voters. It was known that the Republicans were seeking to prepare the voters of that party for a proper exercise of their rights under the new law. To this end circulars of instruction were issued and openly distributed, in which changes in the law were pointed out and the new method of voting explained. Tens of thousands of slips with contestant's name printed in plain roman type were scattered broadcast. Schools were organized in which those who could not read were taught to recognize the name "J. Yost." They were instructed to study the formation of the letters; to count the letters in the name, and to see that it contained only five; to compare the length of the name with other names of candidates, it being the shortest. of the name with other names of candidates, it being the shortest, and to so familiarize themselves with its appearance that they would be able to recognize it.

It was understood at the opening of the polls that an intelligent Republican would vote first, and then come out and tell those who

had not voted the location of contestant's name on the ballot, Knowing this, the Democratic officials, who had absolute control of the election machinery, instituted measures not only to circumvent the educational work of the Republican party, but to make talmost impossible for an illiterate to vote the Republican ticket at all. In addition, they instructed the constables not to mark the ballots for illiterates, but when the Republican voter asked for assistance to run over the names on the ballots and then let him do his own marking. They further announced that if any man do his own marking. They further announced that if any man other than the constable undertook to aid the voter before he went into the booth he would be liable to fine and imprisonment.

And so when the illiterate Republican approached the polls, instead of finding there the aid and assistance which the law provided, he found the officers of the law leagued against him. He asked the constable to mark the ballot. The constable, in utter disregard of law, refused. He asked where Yost's name was. The constable ran over the names and told him to mark himself. The constable ran over the names and told him to mark himself. He looked for the name on the ballot with which he was familiar. He drew from his pocket the little slip with the name of J. Yost printed on it. If he depended upon his recently acquired knowledge of letters, he was lost. In one county he was confronted with names printed in German text, which was Greek to him. In another county they were printed in script type. In another county, if he depended on counting the letters in the name, he could find no name with only five letters, the name having been changed from "J. Yost" to "Jacob Yost." If he compared the length of the name to find the shortest he found the names spaced enanged from "3. Yest to "Jacob Yost. If he compared the length of the name to find the shortest, he found the names spaced out so that all were the same length. And so, like a blind man groping—he was mentally blind—he marked his ballot as best he could, and four times out of five so mutilated it that it failed to

express his intention.

His path to the polls was beset with enemies upon every side.

The very guardians of the law, to whom he should have looked for protection, became the instruments of his disfranchisement. protection, became the instruments of his distranchisement. Is it a wonder that thousands of legal voters lost their votes? Could warfare against the unprotected have been more cruel and merciless? Ah, it was a brave battle in which these Democratic officials were engaged. The highwayman who assaults helpless women and children and robs them of their purse is scarcely less dauntless than these chivalrous Virginians who assaulted the mentally weak and unarmed and robbed them of their rights. [Applause.] But even the few who escaped, who ran the gauntlet and did record their will, are to be sacrificed now. The work which fraud could not thoroughly accomplish is in effect completed by the action of

the committee.

the committee.

After the Light Brigade had charged into the "valley of death," and the remnant—all that was left of them, had emerged, begrimed, and battle scarred, from the "gates of hell,"—suppose at that time an inspector of Her Majesty's troops had marshaled them in review, and, forgetting all of their splendid services, ordered them under arrest for failure to appear uniformed and accountered as the tactics required. What would history have written of that inspector? And yet in a lesser degree this committee has been as exacting. They say to the remnant of those voters who triumphed over the forces of fraud with which they were surrounded—who stand out the survivors of over 2,000 of their kind: "It is true you accomplished your purpose; it is true you

surrounded—who stand out the survivors of over 2,000 of their kind: "It is true you accomplished your purpose; it is true you registered your will so that no man can misunderstand it; but then you failed to mark your ballot with the neatness and precision the law expects, and therefore we disfranchise you. You might as well have perished with the others."

Ah, gentlemen, if this House sets such a precedent as that, it will be useless for Republicans in Virginia to go to the polls. It will not be necessary to transpose names on the ballot and print them in a foreign tongue. A Democratic legislature, driven by the force of public opinion, has already declared such methods infamous and provided for their punishment by fiercely declaratory definements of thelaw. But now the committee has decreed, in effect, that all our efforts in behalf of honest elections shall be nullified. You have pointed out to the tricksters a far easier way You have pointed out to the tricksters a far easier way nullified. You have pointed out to the tricksters a far easier way to accomplish their purpose, and made detection almost impossible. The officer whose duty it is to assist illiterates, if he be dishonest, or, as the committee puts it, imbued "with an excess of partisan zeal," will simply mark the ballot so that one name will not be three-fourths erased, and then throw it out in the count. If, then, we appeal for justice, we shall be confronted with the decision of a Republicant House condensate for an advantage of the state of the Republican House, condoning the fraud and making it thoroughly effective.

I want this "imperfect ballot" examined by members of this House, and I want them to answer whether or not it is right to count it; and then I want them to consider for one moment the circumstances surrounding the election, and say whether or not justice demands that it shall be counted.

Now, then, I want to take up this Amherst ballot, referred to on page 27 of minority report. Here is a photograph of it [exhibiting]. My friend over there objected to the print as made for the record. He can not object to this, for this is a photograph. Take

it and see whether it looks any better than the representation you have in the record. And remember that if you throw out these ballots and grant everything else that the committee claims you must seat this contestant.

FOR MEMBER OF THE HOUSE OF REPRESENTATIVES OF* THE UNITED STATES from the Tenth Congressional District of Virginia.

Edmund R. Coche, 3. St. Geo. Incher, James Seldon Cowdon. I. Host, C. H. Grove,

Remember also, in looking at this ballot, that the Democratic chairman of the county committee of Amherst County, who was the secretary of the electoral board, and the member who had these official ballots printed, boldly confessed on the witness stand that it was printed not in one style, but in seventy-five different styles: that the names were printed in German text, so that they would not be intelligible to the man who could only read plain roman,

and that he instructed the constables not to mark for illiterates.

Does any man doubt that the law was thus violated for a fraudulent purpose, and that the fraud intended was consummated? Can anyone examine a facsimile of the ballot and consider for one instant the circumstances surrounding its issuance without

will anyone dare say that the issuance of such a ballot was not a corrupt and outrageous abuse of power on the part of the electoral board and a willful and deliberate violation of the express provisions of the law? If there is a man in this House who conscientionally beliaves that such a ballot was prepared and issued. scientiously believes that such a ballot was prepared and issued with an honest intent and for an honest purpose, I should like him to stand up and say so. I should like to see how he looks and where he comes from. If there is a man in this House who before his conscience and his God can say that in issuing such a ballot the plain mandate of the law was not violated with a fraudulent intent, I should like him to stand up and say so. Yet the committee, whilst mildly suggesting that the use of such a ballot was a trick which can not be defended, give full effect to the fraud and reward with the only approval they covet those whom they de-

reward with the only approval they covet those whom they denounce as guilty tricksters.

They execrate the criminal and admit the crime. [Applause.] Does that in any way redress the wrong done? Those against whom these moral homilies are directed will doubtless chuckle with inward glee at the method adopted for their punishment. They were but pawns upon the board, responsive to the master hand that moved them. They were neither the originators nor the beneficiaries of the methods they employed. Their sole object was to return a member to this House who they must have believed to return a member to this House who, they must have believed, could not have been elected through the processes prescribed by law. The mild rebuke administered by the committee will be refreshing after the blistering denunciation of honest men of their own party. It will be grateful music to their ears to hear that what honest Virginians have condemned as fraud so outrageous what nonest Virginians have condemned as fraud so outrageous as to bring disgrace upon a whole people was, after all, merely "an excess of partisan zeal," and that as an evidence that it was justified and justifiable a Republican committee crowns with success the work of their hands. [Applause.]

Let me give you an idea of how honest Democrats of Virginia regard this "excess of partisan zeal." The Richmond Times, the leading Democratic paper of Virginia, whose owner and editor was at that time a member of the Democratic State committee, characterized its as "masterniece of trickery that reflects undying

characterized it as a "masterpiece of trickery that reflects undying infamy upon its manipulators."

The Petersburg Index-Appeal denounced it in bitter terms, and

in demanding the repeal of the law under which such foul fraud was perpetrated declares:

Oh! but an honest law can not pass the legislature, it is alleged. If this be so, then the reason is all the stronger why honest men should vote for such a law and put on record the scoundrels who are opposed to honest elections. On an issue of honesty and dishonesty there can be no middle ground. Men must either be honest or dishonest. Expediency is the argument of cowards, and to compromise with fraud is to condone it.

In writing on the same line the Lynchburg News says:

The Democratic party has honest men, and the honest and conscientious members of that party ought to assert themselves and take the management of things out of the hands of the little two-by-four schemers who haven't mind or soul enough to serve the State honestly and capably. The time has come when honest people should quit voting for charlatans.

In the same vein the Danville Register says:

Unless the legislature amends the election law so as to do all in the power of men to insure honesty in the matter of elections, the Democratic party will be driven from power by an indignant people, and we do not hesitate to say that this paper will be found cheek by jowl with the people.

And so I might quote from a score of the most influential Democratic papers in Virginia.

And if any one agency more than another contributed to this quickening of the public conscience, it was this identical Amherst ballot. When this object lesson, this physical evidence of the fraud, was brought face to face with the people, supplemented by the confession of the man who issued it, they no longer hesitated as to what their duty was, and with denunciation deep and bitter they demanded the repeal of the law under which such crimes were committed.

In the legislative canvass of 1895 this ballot played a wholesome part. I myself in public meetings have held it up before hundreds of honest Democrats and asked if there was one who doubted that it was a fraud or dared defend it. And never yet have I known a man so lost to shame that he would step from out the crowd and openly champion such a cause. So intense was public feeling that in those sections where elections are not farces no man stood that in those sections where elections are not farces no man stood the ghost of a chance of election who was not pledged to amend the law. In the white section of the State, from Harpers Ferry to the Tennessee line—300 miles—not one man was elected who did not pledge himself to fight against such methods as this ballot evidences. The author of the law, Walton, whose name is linked with it, repudiated his own child, notwithstanding which the honest Democrats crucified him politically.

honest Democrats crucified him politically.

In my own county—the county in which I was born and where I live and where this contestee lives—a county which used to give from 1,200 to 1,500 Democratic majority, the former member of the legislature, who had voted for the bill, was the Democratic nominee, and, although he begged for the opportunity to undo his work, the people would not trust him, and to-day, for the first time in its history, Augusta County is represented in the legislature by a Republican. Wherever the whites largely predominated and the elections were fair, the honesty of the people asserted itself. But in the black section, where cheating has become chronic, enough men were returned to the legislature to prevent the enactment of an honest law. But even they were forced to recognize ment of an honest law. But even they were forced to recognize the damning evidence of this Amherst ballot, and amended the law so that it in terms prescribed a special penalty for such

And now, when the moral stomach of honest Democracy has revolted against this foul concoction, the poisoned chalice is pre-

revolted against this foul concoction, the poisoned chalice is presented to the lips of a Republican House of Representatives and they are bidden to drink oblivion to every rule of right.

Mr. Speaker, this contest rises above the interest of individuals; far above the narrow confines of partisanism. It involves far more than the disposal of a seat in this House. The decision you render here must stand as a precedent, and it means much, oh, so much, to the people of the South, and especially of Virginia. We are engaged in a great struggle there. Party ties have been forgotten, party lines have been obliterated, and the honest men of every political faith are standing shoulder to shoulder in a of every political faith are standing shoulder to shoulder in a common cause

For years the stigma of foul election methods has rested upon the South. It has disgraced and degraded our section. It has debauched our people. It has retarded material prosperity. It has stood as a barrier to enterprise and capital. It has sapped the manhood of our men and choked the pathway of our youth with the noxious growth of dishonesty. Its deadening influence had stupe-fied the public conscience until it had become well-nigh dormant. But now, thank God, in Virginia, at least, the reaction from the long debauch has come. The shock which this ballot produced long debauch has come. The shock which this ballot produced broke the stupor, and quickened conscience, aroused to a sense of the deadly peril which environed, took up the cry of "Honest elections!" and, starting in the mountains, where the men are white and free, pressed forward to the combat and drove before it the fell forces of fraud. In every section and in every county recruits are rallying to the standard. The mask of that miserable sophists where the section is the salfab at home terms are the salfab at home terms. istry, negro rule, has been torn from the face of the selfish schemers and their naked iniquity laid bare. Lashed by the scourge of

public opinion, repudiated by honest Democrats among whom they operated, these guilty tricksters bring their ill-gotten gains to the portals of this Capitol, and here seek to find that refuge, solace, and encouragement to which they have become strangers If you adopt the report of this committee, you in effect crown them with success; you imbue them with fresh "excess of partisan zeal;" you approve their methods; you condone their frauds; you point out to them new fields for the exercise of their peculiar talent: you bid them godspeed in their work of public debauchery

And as you exalt them so do you turn your faces from the brave, true men of every party who are striving to lift the South up to a higher plane. You are making the work before them harder and harder; for if, in this high court, the simplest, plainest justice is denied, the effect will be disheartening, and the cause of right and public honesty will be dealt a blow its open enemies could not inflict.

These are the contending forces marshaled in this contest. Between them you must decide. [Prolonged applause.]

Mr. JENKINS. Mr. Speaker, I appreciate the embarrassment in speaking in an election case in the House of Representatives at any time, but it is especially embarrassing to attempt to discuss the legal aspects of this case after the splendid political argument to which we have just listened. I want to say to my colleagues in this House that I am in sympathy with all that the gentleman from Virginia, Mr. Yost, has said with reference to the condition of things down there generally; and I have listened to this same argument from many gentlemen from Virginia ever since I have been a member of this House.

If I could have been influenced by sentiment, undoubtedly I might have been on the other side of this case. But I sat down with this committee determined to discharge my full duty as a member of this House, and not merely as a member of the Republican party. I forgot, as long as I sat in that important place, that I was a Republican. I kept strictly and solely in view that a high duty had been thrust upon me, and I made up my mind that I would discharge my duty, even if I later had to be called a Massachusetts mugwump.

Now, Mr. Speaker, it was a very difficult matter for this committee to take up this case, and I was so much prejudiced, so far as I was concerned, that I asked to be excused from sitting upon the subcommittee. I took this record to myself, and alone I went through it from one end to the other in the light of what had been previously told me in reference to this case, and I came to the same conclusion that six other gentlemen of the committee had arrived at, and neither one of us knew what was in the mind of the other.

Now, Mr. Speaker, I agreed with the subcommittee, and I agreed with six of my colleagues in this committee, that the contestee in this case is entitled to retain his seat; and, as was well said by the gentleman from Pennsylvania [Mr. Codding] this morning, that we did it reluctantly, after the consumption of much time, is true. We did not hurry the decision in this case, because we realized on every hand how much party feeling there was here, and we made up our minds that we would be right so far as we were concerned. And I want to say to my colleagues now, so far as I am con-cerned, I feel just exactly as a judge did in Wisconsin who sent a cerned, I feel just exactly as a judge did in Wisconsin who sent a man to the penitentiary for life. As the prisoner was going out of the court room he said: "I would like to talk a little further with the judge in reference to this case." The judge said: "Sir, I have done my duty; you go on and perform yours." I feel so in reference to this case. I have no personal feeling in the matter. I entered upon the discharge of my duty without any feeling of

I have not solicited a vote upon this case, and I apprehend gen-tlemen of this House will determine it as they think it ought to temen of this house will determine it as they think it ought to be determined. I want to say to gentlemen that this establishes a precedent, and I am going to call your attention to a precedent established in this very Chamber by a Democratic House—a precedent of seating a Republican here upon just exactly the same law and the same evidence as in this case. If there had been any doubt about it, the committee would have given it willingly in favor of the Republican contestant, but we could not do it. I suppose that every gentleman of this House expected every member of your Elections Committee would look over this case fairly and fully himself, and then determine each case according to the law and evidence, and not according to the sentiments that seem to impress the gentleman from Virginia who is seeking to obtain a seat in this House. I do not blame that gentleman for appealing to all the party feeling and party prejudice that may be here to-day, and we know how he stirs up the Republican heart when he refers to the conditions South. But that made no difference with any gentleman upon the Elections Committee, and I will say now. Mr. Speaker, that is all the Southern ease that have acceptant now, Mr. Speaker, that in all the Southern cases that have come before the Committee on Elections No. 3 there is nothing so disgraceful or unlawful as you read in the papers this morning as having recently occurred in the State of Pennsylvania, where I understand they are all reformers.

Now, Mr. Speaker, I know that there are a multitude of preju-

dices in each one of these cases. We are told that everything is fraudulent down there; that every single officer is in the employ and under the control of the Democratic party; that there is nothand under the control of the Democratic party; that there is nothing but conspiracy down there, and that no man can obtain his rights. I want to say, as a Northern Republican, that if there is no more fraud ever found in a case that shall come from the North than is found in this case it will speak volumes for that section. There is no fraud in this case, practically, compared with the cry of "fraud," Mr. Speaker.

of "fraud," Mr. Speaker.

Now, then, I want to address myself to a matter that controlled the committee. There are some facts in this case that this House ought to understand; and I want my colleagues who have to determine this case, and who I trust will determine it rightly, even if I am wrong, to look into the case as presented, divesting themselves of the sentiment that has grown up here, and let us see in a moment whether the election boards in this Congressional district have discharged their duties or not.

Now, Mr. Speaker, the minority in this case attempt to seat the contestant, as I understand it, by counting votes that could not or should not be counted under any circumstances. One gentleman from New York to-day called attention to the constitutional

man from New York to-day called attention to the constitutional provision, which I understood him to say controls very largely in this case. I will read it. It is section 5, Article I, of the Constitution of the United States; that is:

Each House shall be the judge of the elections, returns, and qualifications of its own members.

It is true that is a part of the Constitution of the United States; but it does not control in this case, Mr. Speaker. There is another provision that has great power in connection with this one. But even if we shut our eyes to that very provision of the Constitution, I want to say in reference to this that when the framers gave place to it in the Constitution, and said that the House "shall be the judge of the elections, returns, and qualifications of its own members," it was to be governed by law. They meant to say that there should be no other tribunal created that could determine finally who should and who should not be entitled to a seat in the finally who should and who should not be entitled to a seat in this House. They certainly intended, when they gave this grant of power to each House of Congress that the House determining the question would be governed by the law and the evidence in each case, and that is just as strongly implied as though it had been expressed and made a part of that great instrument. But the other provision of the Constitution to which I desire to call attention is section 4 of Article I, which provides that-

The times, places and manner of holding elections for Senators and Representatives, shall be prescribed in each State by the legislature thereof; but the Congress may at any time by law make or alter such regulations, except as to the places of choosing Senators.

Under that provision of the Constitution of the United States this House is bound by the law of the State of Virginia. It takes both Houses, it takes the Congress of the United States to nullify the law of the State of Virginia which seeks to regulate the election of members of this House. Such is the construction which has been placed upon that provision of the Constitution by the Supreme Court of the United States on more than one occasion. That court has held that in the absence of Congressional legislation the law of each State prevails. See case of Siebold, 100 U.S., 371; Clark, 100 U.S., 391, and the case of Yarborough, 110 U.S., 651

Now, Mr. Speaker, it will be noticed that in this case the minority of the committee do not make any attack upon this law. On the contrary, they seek to uphold it. They approve of it in each the contrary, they seek to uphold it. They approve of it in each and every particular. I speak of this point now because this case is to be followed by another in which they entirely ignore this law; but in this case they seek to uphold it in order to give the contestant the seat. They cite this law approvingly and they speak of it as mandatory. Now, the majority of the committee has felt the force of the view which I am about to state. The State of Virginia has passed an election law regulating the election of members of this House from that State, and inasmuch as no attack has been made upon that law, we were of the cripion that the law. has been made upon that law, we were of the opinion that the law was constitutional, and we felt bound to conform to it and to regard its provisions. Further than that, Mr. Speaker, we looked into the case for the purpose of determining whether there were any questions beyond that, and I think I am safe in saying that the only other question that arises in this case is whether or not the election officers acted fairly under the provisions of the Virginia law, and the majority think they did.

I want to say, further, that my contention is that when the supreme court of a State has construed one of its laws and held it to be good, that construction is binding upon us as a part of Gentlemen on the other side have referred at various times to a decision made by the court of appeals of the State of Virginia, and they do not attack that decision at all, but seem to subscribe to it. Now, that case holds that that law of the State of Virginia is valid, and that its provisions are mandatory. The State of Virginia having seen fit to say by law what should be done in conducting elections, we looked into the record to see whether or not that law had been complied with. I say that the decision of the court of appeals of the State of Virginia has got to be respected by this House under the Constitution of the United States, because the construction given by a State court to its State constitution is binding, except when the Supreme Court of the United States is called upon to decide whether a legislative act or provision in a State constitution creates a contract. (Jefferson Branch Bank vs. Skeliey, 1 Black U. S., 436.) We looked into the case and we found that there was a charge that something over 3,000 ballots were destroyed or that the election officers had refused to count them. That was the first question that met us, and we of the majority have classified those ballots. found that in one case there was a large number of ballots burned. The number has been stated to be 1.021. We found also that there was another class of ballots that we have described as "imperfect" ballots. Those are the ballots referred to where a line was not drawn through the names of the candidates for whom the voters did not desire to vote. Then there were "blurred" the voters did not desire to vote. Then there were "hitred ballots, 68 in number, and there were 1,283 that we call "caption-marked" ballots, where the caption was entirely marked out. The election officers were furnished with these various points when they came to count the ballots.

Now, Mr. Speaker, I noticed the emphasis and force with which

Now, Mr. Speaker, I noticed the emphasis and force with which the contestant in this case, Mr. Yost, referred to the act of these election officers in burning those ballots, and some gentleman upon the floor arose and asked him by what authority they had been burned, and he said emphatically, "By no authority." Let us go back a little and examine this matter, because we ought to treat these Virginians just as fairly as we would wish them to treat us. I do not think that all the gentlemen running elections in the State of Virginia, or in the South, are scoundrels. I do not want to subscribe to any such sentiment or to have any such idea go to subscribe to any such sentiment, or to have any such idea go forth. I do want to believe that there are some honest men to be forth. I do want to believe that there are some honest men to be found, and that you can find some of them in the State of Virginia. The people of that State are a part of this great nation, and I think it is wrong to denounce by wholesale the men who are charged with official duties in Virginia, or in any other State of the South, when there is not a particle of evidence of fraudulent action on their part, when, to use a common phrase, there is not evidence enough against them to hang a dog. Yet we are told loudly about the great fraud that was perpetrated down there and the great conspiracy entered into to deprive the contestant of a seat in this House. Sir, the committee sat for weeks, and they did not have before them a particle of evidence of what has been stated in the discussion here to-day. What the Democratic papers down in that part of Virginia have said 1 do not care anything about. I have very little respect for a Democrat anyway. When two Democrats get to fighting, they are liable to say as mean things of each other as of anybody else. In this case, when they could not fight with Republicans they got to fighting among themselves. I have read the article which has been read here to-day, and I say there is nothing in the Virginia law which would justify any such statements. The law could not be repealed nor in any way amended except so as to prohibit the printing of those ballots in any particular type. the South, when there is not a particle of evidence of fraudulent ballots in any particular type.

Now, if you will look this case through you will not find enough evidence of fraud to talk about. The question is whether these men down there did their duty when they came to the disposition

of these ballots. Now, let us call the number of burned ballots, for the sake of Now, let us call the number of burned ballots, for the sake of the argument, 1,021. Let us look into the evidence in this case and see what went to make up those ballots. All the election officers of this Congressional district in Virginia—I do not remember a single exception—unanimously agreed that those were such imperfect ballots that they could not be counted for anybody. That was the decision in regard to every one of those ballots.

Mr. HALL. The gentleman means the burned ballots?
Mr. JENKINS. Yes; the burned ballots. I am talking about them and nothing else for the present. I say it was agreed with practical unanimity by all the election officers that those were ballots which could not be counted under any circumstances for any body.

anybody.

Mr. POWERS. Did it appear before the committee for whom those ballots had been cast

Mr. JENKINS. No. That is one of the things that we have complained of. Now, I will call attention a little later to the evidence upon this particular point.

Mr. MILES. The gentleman intimated a while ago that he would state whether there was any authority for destroying those

ballots. Mr. JENKINS. I am coming to that; I can not make my whole

speech in one minute. Mr. Speaker, if you will look into the election laws of the different States and Territories of the Union you will find that they have various provisions with respect to the preservation or the destruction of all ballots that can not be counted for anybody.

remember that in my own State serious questions arose on this remember that in my own State serious questions arose on this subject, and it became necessary to provide by legislation for the preservation of imperfect ballots that could not be counted for anybody, because in some cases they were destroyed by the election boards and in other cases they were sent up. There was confusion with reference to those ballots. Now, in the State of Virginia, up to the time of the passage of what is called the Walton act, which is in controversy here, the law had provided that whenever the election board got through counting the ballots and were sending up their official returns to the superior officer, all the ballots which were called "defective" ballots—that is, ballots that could not be counted for anybody—should be burned. That was could not be counted for anybody-should be burned.

Now, it should be understood that the law under which this election was held was a new law. It was new all the way through. There had been no opportunity for the election officers to act under it and to familiarize themselves with it. A majority of the committee—seven out of nine—agreed, with reference to these ballots, that the election officers in seven had been had been ballots. that the election officers in each case had but discharged a legal duty in what they did; that is to say, there was no evidence of a conspiracy. We have been told here by the gentleman seeking the seat that these ballots were burned by reason of a great conspiracy. Mr. Speaker, there was before the committee no evidence of a conspiracy, and there is no such evidence before the House. I do not suppose those election officers had any question in their minds as to their authority in the matter, for they acted variously. In some districts they preserved the ballots which could not be counted, and in others they burned them; so that they burned, we will say, at least 1,021, and I think that in every case they honestly believed that they had a right to do so.

Mr. HALL. The gentleman says, as I understand, that there was a unanimous agreement among the election officers that those 1,021 ballots which were burned were so imperfect that they could

1,021 ballots which were burned were so imperfect that they could not be counted for anyone.

Mr. JENKINS. Yes, sir.

Mr. HALI. Were the election officers who agreed in that statement members of different political parties?

Mr. JENKINS. In many cases there was a large number of Republicans concurring in that view. And I want to state here that according to my remembrance of this entire record, where ever there was a Republican qualified to sit, he was permitted to sit; and every Republican judge who sat agreed that those ballots should not be counted for anybody, while I think one or two held that they should not have been destroyed but should have been sent up. They all agreed, however, that those ballots have been sent up. They all agreed, however, that those ballots should not be counted for anybody.

Mr. THOMAS. Who passed on the qualifications of the offi-

Who decided the question whether a Republican was qualified to sit on the election board or not?

Mr. JENKINS. In many cases it was shown that those who had been chosen as election officers could not read and write. In a great many cases where men had been appointed they refused to sit. There is nothing in the law, I will say, providing who shall determine their qualifications. But when a man presented himself who could not read or write, there was no difficulty in satisfying him that he was disqualified to sit on the election board.

Mr. THOMAS. Was not the decision made by the county electoral board?

oral board?
Mr. WALKER of Virginia. May I interrupt the gentleman?

Mr. JENKINS. Certainly.

Mr. WALKER of Virginia. I would like the gentleman to
point out a case in which the judges decline to act.

Mr. THOMAS. Mr. Speaker, the gentleman has not answered

my question.

Mr. MONDELL. May I ask the gentleman a question?

Mr. JENKINS. Mr. Speaker, I shall be compelled to decline to yield to three gentlemen talking at the same time. I will hear the question of the gentleman from Wyoming.

Mr. MONDELL. I believe the gentleman has stated that under the Walton law it was provided that imperfect ballots should be

burned.

Mr. JENKINS. No; excuse me; not that. I say that there is no provision of the Walton act with reference to ballots that could no provision of the watton act with reference to ballots that could not be counted for anybody or that such disposition was authorized to be made of them. But prior to the adoption of that act the law provided that when they could not be counted for anybody they must be then and there destroyed.

Mr. MONDELL. But was there any provision at the time this election was held or any statute of the State of Virginia allowing

their destruction?

Mr. JENKINS. I have already stated, Mr. Speaker, at least

three times that there was no such provision.

Mr. MILES. If the gentleman will permit me, as I understand it, the point is this, that these gentlemen in Virginia, after the repeal of the law, were not acting from a conspiracy, but were probably acting in ignorance of the law. Mr. JENKINS. Undoubtedly. They destroyed them in each case where they were destroyed under the impression, as the testimony shows, that they had the right to do so.

Mr. MONDELL. Does the gentleman admit that the burning of the ballots was illegal?

Mr. JENKINS. Why, certainly not—
Mr. MONDELL. But you say there was no law for it.
Mr. JENKINS. Each State in the Union has seen the necessity of providing by law that the ballots should not be destroyed. there was no law in this case; and if there was no law providing against their destruction in this case, there is no penalty, especially when the parties believed that they were acting in conformity with

Mr. MONDELL. Do the committee hold that, as there was no provision against the destruction of the ballots, they had every

right to destroy them?

Mr. JENKINS. It was not necessary for the committee to consider that question, and they did not have any evidence as to whom the ballots were cast for.

Mr. BRUMM. Will the gentleman yield to me for a question?

Mr. JENKINS. Certainly.

Mr. JENKINS. Certainly.
Mr. BRUMM. You say that there were 1,000 or more ballots

that were destroyed—burned?
Mr. JENKINS. Yes, sir.
Mr. BRUMM. Can you give any reason why the ballots were not all burned?

I yielded to the gentleman from Pennsylvania supposed that he was going to ask me a question in good

Mr. BRUMM. I did ask a question in good faith, if the gentle-

man will answer it.

Mr. GROSVENOR. It is a very pertinent question.

Mr. BRUMM. If the gentleman declines to answer, of course

that settles the matter.

Mr. JENKINS. I do not decline to answer. But the gentleman knows that inasmuch as we did not see any one of these gen-tlemen who acted upon the board, we could not tell their motives. It is, therefore, practically a senseless question.

Mr. BRUMM. Can the gentleman inform the House why certain ballots were selected to be burned?

Mr. JENKINS. From the fact that it was the unanimous agreement of every election officer that they could not be counted for anybody.

Mr. WALKER of Virginia. That is not an accurate statement,

as I will show

Mr. BRUMM. The gentleman from Virginia says that that is

Mr. JENKINS. Very well; I must decline to be interrupted, as I want to proceed with my argument.

Mr. THOMAS. Will the gentleman yield to me for a question

Mr. JENKINS. No, sir; I decline to yield, inasmuch as the gentleman is a member of the committee and I could not convince him. I must decline to yield. I could not convert him, as I have tried for months to do it without success.

Now, some question might arise with reference to the question of fraud, and I notice that the gentleman who is seeking to obtain his seat here did not disclose to the House a very important fact, which I think, when the House becomes informed of it, will account for much that has been charged up to the question of fraud. This was a new enactment. There was not any gentleman in the State familiar with it; and I think, according to my experience, a learned gentleman, a man learned in the law, a business man, is just as liable to be fooled under the Australian system as the man who can not read at all. This, I repeat, was an enactment with which no one was familiar. It was new. The evidence discloses and the statements disclose the fact that there was a large number of ignorant people in the district, and in fact all through the State, who could not read or write and would require the help of some one to prepare the ballots; and the law provided for the appointment of a special constable who was there to aid the illiterate or ignorant voter, and whose duties are clearly defined, and a penalty attached to a failure on his part to properly discharge the duties of the office.

Now, Mr. Speaker, without waiting to know what the action of those people would be down there, the gentleman seeking a seat in this House prepared a circular, which the evidence in this case discloses was distributed all over the district, a circular which is in evidence, which came to us in a legitimate way, and has his name upon it, which is called "Instructions to precinct committeemen." I ask here to print it as a part of my remarks:

INSTRUCTIONS TO PRECINCY COMMITTEEMEN.

To precinct committeemen:

The enactment of the Walton election law by the last legislature has not, as many suppose, repealed the Anderson-McCormick election law, under which elections have been held for the past ten years. Except the printing of the tickets by the electoral boards of the respective counties, and the appointment of constables and their duties and the method of voting, the

old law remains the same. The principal changes are as follows, and these apply to the voter directly on election day:

First. The voter must apply to the judges of election for his ticket. Second. After procuring the ticket, the voter goes into the voting booth and scratches the names of the persons he does not want to vote for. Third. Having completed his ticket, the voter at once takes it to the judge of election, who receives the same and deposits it in the ballot box.

It is absolutely necessary that precinct committeemen thoroughly familiarize themselves with the provisions of the new law, so that they may instruct the voters and make known to them all of their rights and duties in the premises.

To this end the voters who can not read should be organized into classes and taught to read the printed name of "J. Yost" (see inclosed slips) so that they will recognize it when they see it on the official ballot, and scratch out the names of all other candidates.

You understand that there will be no ticket holders, as heretofore, about the polls. The only ballots that can be used on the day of election are those furnished to the voter by the judge of election. On this official ballot the names of all the candidates will be printed, and the voter will scratch out the names of the parties he does not want to vote for.

When the polls are opened, the quickest, brightest, and most intelligent Republicans at the precinct should vote first. He will have two minutes and a half in the booth, and can then make the closest observation of the ticket, and afterwards describe it to the voter who can not read, explaining to him where the name of "J. Yost" is located on the ticket, and what names to scratch out.

If the committeemen have any reason at all to suspect the absolute honesting and fairness of the constable, then the illiterate voter should not ask him to assist in the preparation of his ticket. The constable is not permitted to enter the booth makes the voter requests him to do so. If unfairness is suspected, the

JOHN A. NOON, Secretary Congressional Committee.

STAUNTON, VA.

Without taking up time to read this circular, I will call the attention of the House to the material parts of it which will account for the confusion down there in this district, which did not occur

in any other of the districts where they had election contests in Virginia.

This circular says that if the committeemen in each county have any reason at all to suspect the absolute honesty and fairness of the constable, then the illiterate voter should not ask him to assist in the preparation of the ticket. The constable is not permitted to enter the booth unless the voter requests him to do so.

If unfairness is suspected, therefore, let the illiterate voter be thoroughly instructed by the Republican who has already voted as to how to scratch his ballot, and after the committeeman is satisfied that he can do this, let the voter go into the booth and prepare his own ballot.

In other words, Mr. Speaker, the instructions were that they were to totally ignore the special constables.

Mr. GROSVENOR. Does the gentleman intend to argue that

under a new system of balloting it is illegal or corrupt or in any wise immoral or wrong to instruct the voter how to cast the

Mr. JENKINS. Oh, I want to say to my very good friend from Ohio that he must place his own construction on my argument.

I am stating my view.

Mr. GROSVENOR. Is it not a fact that in every State in the

Union these schools of instruction have been instituted?

Mr. JENKINS. That does not alter the point I am making

mr. JENKING.

In the continuing of interest and the policy of the land of the continuing of the contin

that this circular of instructions which was sent throughout the district advised voters to keep away from this special constable who was appointed there to aid them, and rather than trust to the special constable they undertook to mark their ballots for them-selves, and there is where this confusion arose. Now, I want to say, and I challenge gentlemen on the other side to refute it, if they can, that you can not find in this record, from first to last, a particle of evidence from any single voter or elector in that disparticle of evidence from any single voter of elector in that that trict that will justify you in thinking for a moment that he applied, as far as he was concerned, to that special constable and that that special constable refused to aid him in any particular way. There is not a single voter in that district that is up here

complaining of his own treatment; not one.

Mr. THOMAS. Will the gentleman yield for a question?

Mr. JENKINS. I will hear the question.

Mr. THOMAS. I should like to ask the gentleman if it is not a fact that under the Walton law the booth is placed 40 feet away from every person, and no one is allowed to go into the booth with the constable and the man? Under those circumstances how can you get evidence against the constable?

Mr. JENKINS. I will leave the gentleman to answer that when

Mr. THOMAS. I ask you to answer it. I ask you how it is possible, under that law, to get any evidence against the constable?
Mr. JENKINS. I say again, with reference to this matter, that they ignored the constables, who are presumed to be men who will Mr. THOMAS.

Mr. GROSVENOR. Are they?

There is not a particle of evidence in this case Mr. JENKINS. tending to show that the constable refused to do his duty, except in one case where a constable told an elector that he construed that law to mean that he could not scratch his ballot; that he would point out the names that he wanted to vote; and I understand from the evidence that the constable refused to mark the man's ballot, while it is clear under the law that if a man asked a constable to mark it, it should be marked by the constable.

Mr. WALKER of Virginia. Mr. Speaker, may I ask the gen-

tleman a question?
The SPEAKER pro tempore. Will the gentleman from Wis-

consin yield to the gentleman from Virginia?

Mr. JENKINS. Well, I think not now, Mr. Speaker, inasmuch as the gentleman is a member of the committee and has time of his own

Mr. WALKER of Virginia. If the gentleman will allow me to state the object, I think he will yield. I want to call his attention to the fact that he is mistaken as to the record in a dozen instances. Mr. JENKINS. Never mind; we have disagreed all the way

through.

Mr. WALKER of Virginia. Well, this is a matter of record which shows for itself.

Mr. JENKINS. I am saying that there was no elector who claims that he was deprived of his vote by any one of the constables. Now, Mr. Speaker, I want to invite attention to the law of the State of Virginia which has been so much talked about.

I print the different sections as a part of my remarks:

Now, Mr. Speaker, I want to invite attention to the law of the State of Virginia which has been so much talked about.

I print the different sections as a part of my remarks:

SEC. 2. Each person offering to vote shall deliver a single ballot to one of the judges of election in the presence of at least one of the other two judges.

SEC. 3. The ballot shall be a white paper ticket containing the names of the persons who have compiled with the provisions of this act, as hereinafter provided, and the title of the office printed or written as hereinafter provided, one other shall be a legal ballot.

SEC. 5. It shall be the duty of the electoral boards of the several counties and cities within the State, within thirty days preceding each election, to cause to be printed a number of ballots equal to twice the entire registered vote of the said county or city. These ballots shall contain the names of all candidates complying with the provisions as above required, printed in black ink, immediately below the office for which they have so announced their cases.

SEC. 11. Every elector qualified to vote at a precinct shall, when he so demands, be furnished with an official ballot by one of the judges of election selected for that duty by a majority of the judges present. The said elector shall then take the said official ballot and retire to said voting booth. He shall then draw a line with a pen or pencil through the names of the candidates he does not wish to vote for, leaving the name or names of the candidates or candidates he does wish to vote for unscratched. No name shall be considered scratched unless the pen or pencil mark extend through three-fourths of the length of said name; and no ballot save an official ballot above provided for shall be counted for any person. When, as to any office, more than one name remains unscratched, the ballot for that particular office shall be void, but the ballot as to any other office of which only one name remains unscratched, the ballot sis agentine ballot, for which purpose h

guilty of a misdemeanor and be fined not less than \$500 and be imprisoned not less than one nor more than twelve months in jail.

16. It shall not be lawful upon the day of election for persons to congregate and crowd upon the public highways within 100 feet of any of the voting places, and any person violating the provisions of this section shall, upon conviction thereof, pay a fine of \$25 or be confined in jail not exceeding ten days. Any member of the electoral board, the printer who shall print the official ballots provided for by this act, any judge of election, or any other person who shall give or sell to any person whomsoever, except where it is distinctly provided by this act, any official ballot or any copy, or any facsimile of the same, or any information about the same, or shall counterfeit or attempt to counterfeit the same, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined \$500 and imprisoned in jail six months. It shall be the duty of the judges of election to see that the provisions of this act are strictly carried out.

17. The said special constable may be removed by said electoral board or by said judges of election at their pleasure, and a successor for him may be appointed immediately. And when any such constable fails to attend punctually at the opening of the polls at any precinct the judges of election at such precinct, or a majority of them, may select some qualified voter from those present, who, after taking an oath, to be administered by one of the said judges, to faithfully perform the duties of said office, shall have same powers to act and be under like penalties as said special constable appointed by said electoral board.

The secretary of said electoral board shall keep in his sole custody the seal or stamp of said board, and in a sealed package, to be opened only in the presence of the electoral board and the judge of the county or corporation court when in the discharge of their duty, as prescribed in section 7 aforesaid.

18. The cost of cond

Now, then, when the canvassing board, or the boards that sat there at the election precincts, came to count the votes on the night of this election, they found, all the way through, a very large number of ballots that were not marked in accordance with the law; and it appears from the evidence that the question arose before every board as to just exactly what their duty was. Now, then, Mr. Speaker, I think I state this accurately, and I certainly mean to. I do not remember that there is a single elector in the mean to. I do not remember that there is a single elector in the State of Virginia up here, so far as the evidence is concerned, complaining that he disagreed with the conclusions arrived at by those election officers of the State of Virginia—that there seemed to be a practical unanimity there with reference to their legal duties; only they held that where the ballot could not be counted for any person then they should be laid aside. That where the line was not drawn through three-fourths of the name that they could not count that ballot for anybody, because there was more than one name upon the ballot, and they therefore could not be counted for anyone. They, in each case, thought they were dis-

counted for anyone. They, in each case, thought they were discharging their duty.

Now, then, when you come to discover the very large number of Republicans that were sitting on that board, and find that every single Republican official agreed in the main with the boards that they were members of, the only dissent being that the ballots should not be destroyed, I say that it disposes of all talk about conspiracies and attempts to defraud. There is no person before this committee or before the House can state as to who these 1,021 ballots were intended for. There is not a particle of evidence. But gentlemen would like us to infer from their statements here that a very large portion were intended for the contestant, be-cause of the fact that they were ballots cast by ignorant colored

Now, then, Mr. Speaker, I want to see whether they disregarded the law in this particular. I have said that the minority of this committee hold, and have called the attention of this House to the fact, that the provision of this law is mandatory; and I am satisfied, from the authorities I am going to cite to this House, that the provision of this law is not only mandatory, but that each and every election officer in the district down there did their duty when they refused to count a ballot if the line was not drawn duty when they refused to count a ballot if the line was not drawn three-fourths of the way through. I say, Mr. Speaker, that if the provisions of the statute are mandatory, no question can arise as to the intention of the voter. I want to invite the attention of my colleagues on this floor to this point, because so many have been saying to me for days past, "Why, it looks to me, when we look at that ballot, it is very plain what that man intended to do—that he intended to vote for Yost. Therefore, should not the intention of the voter prevail?" I say, Mr. Speaker, in answer to that, that when the provisions of the statute are mandatory the statute controls, and that you can not look to the intention of the voter. We are precluded from doing that by every single authority in this are precluded from doing that by every single authority in this country. Now, with those authorities which were called to the attention of this House by the contestant in this case I do not disagree. I agree with him. But the writers in each case were speaking where there was no mandatory provision in the statute. They were not speaking in reference to a case where the statute

Now, then, I have picked out one of the very best authorities on that very point here, and I want to present it to this House. The language of that authority is this:

When the statute simply provides that certain things and acts shall be done within a certain time or in a certain manner, it is a directory statute.

Now, then, if the statute is directory there is no question but what the intention of the voter prevails. But it is within the power of every legislature to make the provisions of the election law mandatory and not directory, and when mandatory they are bound, no matter what the voter intended, by the language of the statute. This authority says:

But when the performance is essential to the validity, then the statute is mandatory.

Mr. Speaker, suppose the law simply provided each ballot should be numbered, and the elector should omit to number his ballot. be numbered, and the elector should omit to number his ballot. Why, that being a directory statute, the intention of the voter would prevail and the ballot would be counted; but if, as stated in this case, it were provided that it should not be an official or legal ballot unless numbered, then, the provision of the statute being mandatory, the intention of the voter could not be inquired into, and the ballot could not be counted. Let us see if I am very far off in my statement of the law in this case. There has been much surprise expressed here in reference to this law of the State of Virginia. Gentlemen would have the House understand that its provisions are very strict and severe, and that the like of them can not be found in any other State in the Union. There are some excellent lawyers from the State of Illinois on this floor, and I ask their attention to what I am going to say, because I and I ask their attention to what I am going to say, because I would like to know from them whether I misstate the fact or not. They have in the State of Illinois, or did have in 1891, a law practically very similar to this law of Virginia, and yet we have not heard a single gentleman here denounce that law of the State of Illinois.

Now, I want to say—and I will submit it to any fair-minded gentleman on this floor—that the law of Virginia is really much gentleman on this floor—that the law of Virginia is really much less severe and much more reasonable, in my judgment, than the law of Illinois. In my opinion, the action of the election officials in Virginia in relation to counting these votes, and the action of the majority of the committee, is sustained by an unbroken line of authorities in almost every State in the Union, yet the contestant in this case told you that not an authority could be found to sustain the action of the election officers in excluding those votes, that is, practically, in upholding the law of the State. As to the Illinois law, I want further to call the attention of gentlemen to the fact that a Democratic House in the last Democratic Congress the fact that a Democratic House in the last Democratic Congress seated a Republican upon the very identical question that is involved here, although that Republican had a majority of only 17. That Illinois election law provided that at the head of the ticket there should be a circle, and it provided that if any voter wished to vote the entire ticket he could do so by putting a cross within that circle—that that would entitle him to have his vote cast for the whole of the ticket. That law also provided that (we will say) on the left of each name on the ticket, including all the names on the tickets of the various parties, there should be a square or an oblong inclosure, and that if an elector wanted to vote for any candidate on one of the other tickets, he could put a cross in that little inclosure, and that would entitle him to have his vote counted for that candidate. for that candidate. It appears from the report in the case that a great many electors did not comply with the law, and did not put a cross in the square or oblong space, but did put some other mark. The report is silent as to just what marks the evidence showed they did make; it contents itself with saying that they did not put the cross as the law directed. A recount of the ballots was had by the committee, and they refused to count for the Democrat every ballot that did not contain the cross, and they report that

Find it to be the law of the State of Illinois that ballots on which the voter undertook to express his choice by marks other than the cross placed in a circle or square, as provided by the statute, are not legal and can not be counted.

And the committee sustain their position by a very large number of cases in the States of Iowa, Michigan, Texas, Maine, Rhode Island, Pennsylvania, and Indiana, adding that at that time the State of Illinois had not passed upon the question. That committee further held under the law that inasmuch as it provided that every single officer passing out the ballot to the voter should place his initials upon the back of it, and inasmuch as some of them had placed only one letter of their names, or something short of the full initials that they should have placed upon them, those ballots could not be counted. For instance, if the man's name was John A. Thomas and he put upon the ballot "J. T." or "J. A.," the committee held that that would be fatal and that the ballot could not be counted. could not be counted.

Now, Mr. Speaker, this action was taken by a Democratic House in favor of a Republican, and it was taken under a law which I consider to be much more extreme than the one in question here. In justification of the Virginia law I may remark that I do not think there is anything very wrong about it. We all know that in practice more questions arise on marked ballots in election cases than upon almost any other point. Men are often very care-

less, and in some cases it becomes a serious question whether the voter meant to strike out a name or not. For that reason the legislature of Virginia has seen fit to determine that, as matter of law, if a man wishes to erase the name of a candidate, he must run a line through three-quarters of the name, and if he does not do that, the name shall not be considered erased. I can not see anything very wrong or unjust in that. Even if the law was enacted in the interest of one party as against another, I insist that this House has nothing to do with that. I insist that the law of the State of Virginia is the law of a sovereign State, and as such is conclusive and binding upon this House, and that it is the high duty of this House to respect that law and give it force and effect. As has been said here to-day, the power to decide these questions must reside somewhere. These election questions must be regulated by one tribunal or another, and the Constitution of the United States reserves to Congress the right to act upon them if law, if a man wishes to erase the name of a candidate, he must the United States reserves to Congress the right to act upon them if the United States reserves to Congress the right to act upon them it it wants to; but Congress not having acted, having left the matter to the State, and the State having passed its law, I hold that that law is binding upon us; and the committee, after long and careful consideration, reached that conclusion. They found that the provisions of this statute were mandatory, and if the provisions were mandatory, then those ballots could not be counted and the election of the provisions of the state of the counted and the election of the state of the

mandatory, then those ballots could not be counted and the election officers were justified in refusing to count them.

Mr. CONNOLLY. The gentleman has referred to the law of Illinois as being somewhat similar to the Virginia law that is in question here. Is the gentleman aware of the fact that about a year ago the supreme court of Illinois put a construction upon that law and defined the duty of the voter in the case of Parker vs. Orr, from which I will read?

Mr. GROSVENOR (interposing). Will the gentleman state that that was because

Mr. JENKINS. I decline to yield. That has nothing to do with my point.

Mr. GROSVENOR. You cited the case.

Mr. JENKINS. I did not cite the case. I am simply calling attention to a construction that this House placed upon a law of Illinois. I am not talking about what was subsequently done

Mr. CONNOLLY. Will the gentleman allow me to state the construction which the supreme court of Illinois has put upon that law and to set it against the construction adopted by a Demo-

that law and to set it against the construction adopted by a Democratic House of Representatives?

Mr. JENKINS. If the gentleman wants the floor by and by for that purpose, I have no objection. I do not want to be educated on that point so far as I am concerned.

Mr. CONNOLLY. Then the gentleman should not argue it.

Mr. JENKINS. Now, I want to say further, so far as the law in this case is concerned, that while there were over 3,000 ballots not counted by those election officers, that percentage was not very large when you come to consider the large vote in that district and the illiteracy of so many of the voters. While it is, of course, outside the record, I may say that I find, in conversing with various gentlemen here, that in one district in the State of Massachusetts the percentage is much larger than it was in this particular case. particular case.

Now, the minority of the committee attempt to count some of these votes; and I want to invite the attention of the House to the reasons why the majority have refused to count some of them. We did it because the evidence was, to our minds, insufficient to justify the counting of those votes. The committee in this case counted every solitary vote that they felt could be counted for the contestants; and where they had any very serious doubt they re-solved that doubt in favor of the contestant to the extent of counting caption-marked ballots, and to the extent of counting a large number of votes as to which they doubted whether the evidence was sufficient to warrant their being counted. Feeling that they ought to help the contestant so far as they conscientiously could, they counted them.

But if the gentleman will turn to page 10 of the minority re-port, I will call attention to the evidence as there stated and show port, I will call attention to the evidence as there stated and show how absolutely misleading is the report of the minority in this respect. Taking that one case of Mount Sidney, there are 12 of these burned ballots. I am addressing my remarks at this time to the evidence in support of the counting of the burned ballots. Starting at page 10 of their report, the minority say that the contestant is entitled to 12 votes there, and they call attention to the evidence of a man named Watson. After giving what he says in support of their claim, they go a little further, and on page 11 refer to another witness—Landes. They say that Mr. Landes testified that 12 of the 21 ballots which were destroyed were intended for Mr. Yost.

Now, I am not going to argue that that statement was leading; that it merely stated the conclusion of the witness, but he says:

I thought these should be counted for Yost, because Tucker's name was

I thought these should be counted for Yost, because Tucker's name was scratched and Yost's name left clear, and some of them had some of the other names scratched.

Now, if gentlemen will read the report of this case, they can determine at a glance whether the majority of the committee were in error when they refused to count those 12 votes. We did not content ourselves with the direct examination in this case. The testimony came in all ways, and, as every lawyer knows, was very leading in its character. The witnesses, two-thirds of the time, stated simply their conclusions and not the

Now, I understand the minority refer to two witnesses as supporting their statement that 12 of those burned ballots should be counted for Yost. We invited their attention in the majority report to the cross-examination of this man Landes, but they do not refer to that except to say that Landes, in his direct testimony, is supported by this man Watson.

Mr. Speaker, on page 68 of the record in this case, which was in evidence before the committee, this same witness is asked on cross-

examination:

Of the 17 destroyed ballots, will you please state, were there any which had on them only the single name of any one of the five candidates for Congress?

And he replies:

In other words, he says that every one of those 17 ballots which were burned by that election board had on it more than one name as a candidate for Congress.

Now, it is very clear, Mr. Speaker, that if each of those 17 ballots bore more than one name they could not be counted for Mr. Yost. Yet two witnesses testify in a general way that those 17 ballots were counted for Yost; and the witness to whom I have just referred says that 12 of them should have been counted for Yost. Yet on cross-examination, as I have just shown, he says that each and every one of those 17 ballots had more than one mame upon it.

Mr. GROSVENOR. Oh, no.

Mr. JENKINS. Yes, sir. The question put to him was:

Of the 17 destroyed ballots, will you please state, were there any which had on them only the single name of any one of the five candidates for Congress?

And he says:

There were not.

Mr. BRUMM. To whom are those ballots credited in the

Mr. Bromm. To whom are those bands credited in the report?

Mr. JENKINS. In the report of the majority they are not credited for anybody; but the minority count them.

Mr. BRUMM. Would they change the result?

Mr. JENKINS. They would not.

Mr. BRUMM. Then they are not material.

Mr. JENKINS. Now, then, Mr. Speaker, on page 11 of the minority report, with reference to the same question, you will find that there is an extension of the illustration I am giving to the House and if you have time to follow it up all the way through I House, and if you have time to follow it up all the way through I think you will admit that we are justified in making this claim—that while the evidence of the contestant, in general terms, includes a very large number of ballots from this county, that the same testimony on cross-examination or other evidence shows that there was more than one name for Congressman left on the ballot, and was more than one name for Congressman left on the ballot, and hence that the ballots must be rejected and could not be counted. At Verona—and I wish to say this for the benefit of the gentleman from Virginia [Mr. WALKER]—and call his attention to the fact, I am informed that at two of these precincts where the greatest amount of fraud is claimed to have been committed—that is, at Verona and Mount Sidney—two of the election officers whose testimony is in the case, which largely influenced the majority of the committee in its findings, are cousins of the learned gentleman from Virginia; and I wanted to ask him when he was on the floor if he desired to include those men in the "great conspiracy" there to rob the Republican party of its rights?

Mr. WALKER of Virginia. Does the gentleman wish an

answer?

Mr. JENKINS. I will yield to the gentleman for an answer. Mr. WALKER of Virginia. I do not know whether any of those gentlemen are related to me or not. I will say, however, that I have seen some relations whom I would not be entirely willing to trust [laughter]; who were not perhaps any more honest than some of the gentleman's own relations.

Another thing: So many of my Democratic friends have relations.

tions in that country that many of them stand rather badly when

it comes to elections in Virginia.

Mr. JENKINS. I want to say to my brother that no reflec-

The SPEAKER pro tempore (Mr. DALZELL). The time of the gentleman has expired.

Mr. CANNON. I wanted to ask the gentleman a question for information.

The SPEAKER pro tempore. The Chair is advised that the

gentleman from Ohio [Mr. GROSVENOR] is to be recognized

Mr. CANNON. I wanted to ask a question, with the consent of the gentleman from Ohio. Owing to my duties in committee, it is not possible for me to be in the House to hear the argument, and I wish to make an inquiry of the gentleman for the purpose of getting information on which I may be able to make up my mind in reference to the case.

The SPEAKER pro tempore. Does the gentleman from Ohio yield?

Mr. GROSVENOR. I will yield to the gentleman for two minutes. Of course, I do not propose to allow the debate to be opened

up in my time.

Mr. CANNON. I will be compelled to read a sentence in order to submit my question. I have in my hand the majority report, in which I find this language:

After a careful examination of the exhibits relating to the recount throughout the whole district, it appears that there were 454 "imperfectly marked" ballots for Yost and 271 for Tucker; and 54 "blotted or blurred" ballots for Yost and 14 for Tucker. The "imperfectly marked" ballots are admitted to be ballots which were not marked, as provided in section 11 of the Walton act.

Now, I wish to ask whether these ballots for both of these parties were rejected because they were not marked through three-

fourths of the name? Mr. GROSVENOR. That is just the point; that is the ground. Mr. JENKINS. I do not know whether I am to answer, or the gentleman from Ohio.

Mr. McCALL of Massachusetts. If the gentleman will permit

Mr. JENKINS. I yield to the gentleman from Massachusetts. Mr. WALKER of Virginia. I object to that. Let the gentleman answer in his own time.

Mr. McCALL of Massachusetts. I will come to that in my own time.

Mr. CANNON. I hope the gentleman will answer it when he

is on the floor. For on the answer to that point, so far as I am at present advised, will depend my vote.

Mr. GROSVENOR. Mr. Speaker, I think I owe an apology, perhaps to the constituency if not to the House of Representatives, for appearing to argue at any considerable length any contested-election case, and I want to point out, on the threshold of my remarks, what I assume to be a justification for the going behind the report of the committee and looking into the facts and the law of the case itself.

It has not been very often-indeed, it has never been-that I have attempted to argue against the report of the majority of the Committee on Elections, except in the single question of law that was involved in the case from the State of Illinois—a question of law that was decided, ultimately, by the supreme court of the State of Illinois as I claimed the law to be then, and against the report of the majority of the Committee on Elections. But I have, what seems to me now, proper justification. I want to know whether it is true or false that the people of the South, the people of the Republican party, are in mass and in detail claiming here at the hands of Congress rights and wrongs that do not exist; whether there are any honest Republicans in the South who are right when they say that they can have no justice, and that no fair elections are held in a great many of the districts of the

I hold in my hand a list of fifteen contested-election cases that have come from the committee which has reported this case, all decided in the present Congress by a majority of that committee, and I find that in those fifteen cases the majority of that committee have reported in favor of seating 2 Republicans and 12 Democrats, and have turned out both sides in one case.

Now, this has had the effect upon my mind of calling on me to ascertain, if I possibly can, something of the merits of these cases; and when I hear members of the Republican party on this same and when I hear members of the Republican party on this same committee, by the logic of their arguments, if not in plain terms, charging each other with misrepresentation of the facts, and applying principles of law on the one hand that are denied utterly on the other hand, I begin to think there must be something besides a duty devolving upon me to "go it blind" any longer upon these contested election cases, and I have concluded to look into them may also listed. into them myself a little.

Now, I do not believe that 13 out of 15 Republicans have come here with a fraud and attempted to practice it upon the people of the United States. [Applause.] I have high regard for this committee in gross and in detail, every one of them, but there is such a thing as a little too much fair play. There is such a thing as standing up so perpendicular in this world that you lean a little back sematimes. a little back sometimes. And when there are social surroundings, matters of thoroughbred training, and a little of that intermixture of relationship from one side of the country to the other that sometimes permeates into cases, I am just a little afraid that some members of this committee may have made a mistake.

Statement of cases before Elections Committee No. 3, Fifty-fourth Congress of the United States.

	Contestant.		Contestee.			
State.	Name.	Politics,	Name.	Politics.	Action taken by committee.	
South Carolina	Joshua E. Wilson Geo. W. Murray Thos. B. Johnston A. J. Rosenthal J. C. Davis J. C. Kearby R. T. Thorp Geo. W. Cornett	do	A. C. Latimer Jno. L. McLaurin Wm. Elliott J. Wm. Stokes Miles Crowley D. B. Culberson Jo Abbott W. R. McKenney C. A. Swanson P. J. Otey H. St. G. Tucker J. M. Allen J. S. Williams J. G. Spencer J. O. Bell	do	Do. Decided in favor of contestant. Decided in favor of contestee. Do.	

Now, let us look into this case; and it does not need a very great scope of examination. I do not expect, and I do not promise you,

Now, let us look into this case; and it does not need a very great scope of examination. I do not expect, and I do not promise you, that I shall go as thoroughly over the case as the members of the committee will, but I will point out the salient features of this case, those which are controlling upon my mind.

It is claimed here upon the part of the contestant that there were more men in that Congressional district at the election in 1894 who tried to vote for him than there were men who tried to vote for his antagonist, and nobody disputes it. Is it not a little strange, now, that when that fact stands here so strongly impressed upon the records of this case that a man running can not fail to read it, that we are yet to deny the seat to the Republican, and uphold the seat of the Democrat, upon the purest technicality ever argued in a court of justice or in a legislative hall? I sat and listened here for one solid hour to the gentleman from Wisconsin [Mr. Jenkins], and he never offered or suggested an equitable consideration in favor of the contestee. His argument was that of the skilled lawyer addressed to a technical court upon a technical construction of a technical statute, while stamped upon the whole record of this case stands the undeniable proposition that, amid all the surroundings and all the features tending to lower the ballot of the contestant, nevertheless a large majority tried to vote for him, and a large majority believed they had voted for him; and the whole question is, Will the House of Representatives deny to Mr. Yost his seat upon this floor because skillful lawyers, arguing from the basis of pure technicality, are able to lawyers, arguing from the basis of pure technicality, are able to show that a statute was not complied with, and that an organized system of electoral outrage has put it beyond the power of this contestant to secure a return of a majority of the votes? The gentleman from Wisconsin [Mr. JENKINS] has argued-and I hope gentleman from Wisconsin [Mr. JENKINS] has argued—and I hope members of the House of Representatives on both sides will hear my further delineation and illustration of this argument—that while the Constitution of the United States confers upon the House of Representatives the power to decide the election, qualifications, and returns of its own members, yet, inasmuch as we have no Federal election law, we have waived our constitutional right and the Constitution is repealed by the waiver of Congress. I am sure the lawyers on this floor will do me the justice to say that that is the logic force effect, alpha, and omega of the gen-

that that is the logic, force, effect, alpha, and omega of the gentleman's argument on that point. Let me repeat it now, for it strikes at the bottom of the entire defense upon this question. Grant that the Constitution gives to Congress the power to judgeor not to enact laws, but to judge—of the election, qualifications, and returns of its members, yet that, inasmuch as we have not legislated upon this subject, we have waived our right and are bound by the statutes of the States. Such a claim as that was never made by the strongest adherent of States' rights in all the history of the great line of arguments pro and con on this mighty question, that once produced a great armed collision in this country.

It is left to Congress to say who was elected, gentlemen of the House of Representatives, just as much as it was when we had the force law in process of execution in the South. Suppose the legislature of a sovereign State—I will not mention a Southern State, but let us take the State of Iowa—suppose the State of Iowa should enact that, no matter who should receive the greatest number of votes, wheever secured the certificate of election should be ber of votes, whoever secured the certificate of election should be the Congressman.

Now, there is the ad absurdum of this claim; but this is a fair and just illustration of the argument. Would the House of Representatives in that case have the right to look in and say who it was that had the greatest number of votes, notwithstanding the legislation of that State said that the minority man should be seated? But the gentleman has made a most unfortunate reference to the statute of the State of Illinois. The statute is in principle, if not in verbiage, on all fours with the statute of Virginia, which he says supervenes here to prevent us from deciding who was elected in that Congressional district. It is on all fours, gentlemen of the House of Representatives. I defy—I do not do this

offensively, for I shall make no offensive argument against any-body—but I defy you to show me that the legislation of the State of Virginia is different in principle, in effect, in legal operations, from the legislation of the State of Illinois.

Now let us see what the supreme court of the State of Illinois has said upon that statute. Bear in mind that the construction of the statute of Virginia in its operation and effect upon these returns settles this question for the contestant or against him. It all turns upon the question, in one instance if not in all, but in one, upon the construction that is to be given to the power and duty of this House in ascertaining what the will of the voter of Virginia was when he cast his ballot. There is the whole of this case, gentlemen. You may quibble about it. You may come with your fine facts, your fine analyses of principles of law; but the whole question turns upon the limitation or the nonlimitation of the House of Representatives in determining how far they will of the House of Representatives in detection and see what was the purpose, the expressed intention, of the voters of Virginia in that behalf. Anything short of that is to wrong a man out of a right by a quibble. I use the word "quibble" with the highest degree of respect for the able gentlemen. They are standing upon nothing else. I do not want to make light of their underpinning. [Laughter.] I remember the discussion in this House about the question of the ballot in Illinois; and you all remember how a great many of you ballot in Illinois; and you all remember how a great many of you gentlemen were carried away to do what turned out to be, if not corrected, a most rank injustice. You followed this same idea of technical construction of a statute, and you did a wrong. You perpetrated a wrong; but you set it right again later on; and you learned a lesson. Here is what the Illinois statute says. This is a mandatory law; and the principles applicable to the statutes of Illinois as mandatory and directory of the principles for the construction of the statutes of Illinois are just exactly what they are as to the construction of the statute of Virginia; no more, and no less. Here there was a peremptory statute that a certain ballot less. Here there was a peremptory statute that a certain ballot should be counted and that certain other ballots should not be counted. The supreme court of Illinois, in the case of Parker against Orr, said:

It has always been held in this State that if the intention of the voter can be fairly ascertained by the ballot, though not in strict conformity with the law, effect will be given to that intention.

That is what we claim here to-day. That is what has been held; that is the law of every civilized State of the Union; and anything short of that would foster in a technical construction of an election board the power to disfranchise a majority of a Congressional

A MEMBER. Read further. Mr. GROSVENOR (reading):

In other words, that the voter shall not be disfranchised or deprived of his right to vote through mere inadvertence, mistake, or ignorance, if an honest intention can be ascertained from his ballot. * * * Ballots appear in the record on which it is clear that the voters attempted to make a cross in the proper place to indicate the choice of candidate, but succeeded more or less imperfectly. It being clear in such cases that the intention was to conform to the statute, and not to distinguish a ballot, they were properly counted.

Gentlemen, before you decide this case against the contestant, I appeal to you, on behalf of common justice and of plain common sense, take these ballots [exhibiting sample ballot], 471 of them, and tell me and tell your conscience if you do not know what the purpose of these voters was when they put these ballots into the

Mr. JENKINS. Will the gentleman allow me to ask him a

Mr. GROSVENOR. Yes. I will not set the example that the gentleman did by refusing me.

Mr. JENKINS. I want to ask the gentleman if he does not know that these ballots that he has spoken of were never used, and that there was no evidence that they were ever used?

Mr. GROSVENOR. I understand it perfectly.

Mr. WALKER of Virginia. You will decide that if you just

take the minority report.

Mr. GROSVENOR. Now, let us see what the rule of law is. Ten hundred and seventy-one ballots were burned. What says the law of the universe? The man who destroys evidence shall not be heard when he wants benefit because of its destruction. What is the proposition of the law? The will that [Applause.] conveys the real estate of a dead man, if it has been burned, may be proven by oral testimony, and it conveys as good title as though it was in existence and on record. The promissory note of my friend is just as good if it is burned up as it is in evidence if I can friend is just as good if it is burned up as it is in evidence if I can prove its contents. So the law recognizes the propriety and the validity of secondary evidence, as we call it. And it is just as binding. I said the gentleman stood upon a quibble. I said it respectfully. I may be induced to steer away from that proposition after a while. He now says to me, "I know that these ballots have been simply proven to be secondary evidence." I know it perfectly well. There is the sworn testimony that this is a reproduction of the ballots. He says, "Do not take that as evidence." We do not know whether there are reproductions or not.

Mr. JENKINS. I made no such claim, and the committee makes no such claim. You certainly do not understand this case.

Mr. GROSVENOR. I do understand it a great deal better than
you do; but I am not admitting that that is a very large claim.

Mr. JENKINS. With all due respect to the gentleman's power of ridicule, the committee nor myself made any such claim as of ridicule, the committee nor myself made any such claim as that—that we could not use secondary evidence. What I said was that that ballot was never in evidence; that the ballots you are talking about were never in evidence and never used.

Mr. GROSVENOR. Let us see if this is not more technical than ever. I bring my witness into court, who is able to describe a thing. In order to illustrate his testimony I put a model, or a

diagram, or a drawing of the locus in quo in proof in the case, and

then the gentleman comes and says that that never was used as evidence! We have proved the existence of these ballots—

Mr. McCALL of Massachusetts. If the gentleman will permit an interruption, the point is that the exhibit which you print does not correspond with the testimony which your own witnesses introduced as to the character of the ballot—that is, there is a discrep-

ancy between your own illustration and your own testimony.

Mr. GROSVENOR. That is an entirely different question.

There is the difference between the gentleman from Massachusetts and his comembers of the committee, and inasmuch as I find a good deal of positive evidence that the gentleman is mistaken about other things, I assume the fact to be against him upon this

Mr. HALL. Will the gentleman permit a question?
Mr. GROSVENOR. Yes, sir.
Mr. HALL. It is with regard to those 1,021 ballots that were burned. I understood the gentleman from Wisconsin [Mr. Jen-KINS] to say, and I have talked with other gentlemen who have said, in response to questions, that those ballots that were burned

were burned under these circumstances—and if you have evidence to any other effect, I would like to have you call attention to it.

Mr. GROSVENOR (interrupting). I withdraw my consent.

I do not want an argument instead of a question, and I am not going to have it, either. The gentleman knows that I am capable of taking care of my own time without having an argument interpolated into my argument.

polated into my speech.

Mr. HALL. Well, then, will the gentleman let me ask him a plain, straight question?

Mr. GROSVENOR. I wish you would, if you can ask a plain, straight one, and I know you can.

Mr. HALL. Thank you. My question is this: Has not the statement before this House been that those 1,021 ballots were burned with the unanimous agreement, consent, and concurrence of every one of the judges—Republican, Democratic, and Popu-list—and in pursuance of a uniform custom which had prevailed

nst—and in pursuance of a uniform custom which had prevaled for years under an old law, and that the Walton law contained no provision to the contrary?

Mr. GROSVENOR. The gentleman has seen fit to answer my argument before I get through, which is a most unfair way to treat a man upon the floor. I had not got to that question, and

the gentleman knew it.

Mr. HALL. I thought you were discussing the burnt ballots.
Mr. GROSVENOR. I was discussing the burnt ballots for an entirely different purpose. I will come to the point which the gentleman refers to and then he may ask any questions about it that he desires. Mr. Speaker, this is what I was trying to show when I was interrupted. We have come as near to putting in evidence this scratched ballot as it is possible to do. Take page 14 of the minority report, where there is an extract from the testimony of Mr. Hess which has never been attempted to be contradicted by anybody. There was no attack made upon his testimony either by cross-examination or by calling witnesses to contradict him. At the precinct where he voted there were eleven

ballots burned. Three of them were scratched with vertical lines. Here we have them illustrated in the record, all the names being

ballots burned. Three of them were scratched with vertical lines, Here we have them illustrated in the record, all the names being scratched except Mr. Yost's. From the description given by the witness this illustration is made. Now, gentlemen, if you want to quibble over that question—and if you do not—take one of these ballots and take the testimony of this witness—to-night, before you go to bed, before you deny this man his right—take that ballot and scratch it as the testimony of the witnesses directs you to do, and see if you do not get a complete illustration of the ballot in this minority report. I stand upon that.

Now, let us see what is the fair inference that is to be drawn from the destruction of these ballots. In every State in the Union that I know anything about where the Australian ballot or any of these improved systems of balloting have gone into operation the doubtful ballot is the one that is saved. The questionable ballot is treasured up by the election officers; the unquestioned ballots are burned. That is the law of the State of New York; that is the law of the State of Ohio; that is the law in every State that I know anything about that attempts to have anything like a fair system of elections. I will give you an illustration. In the State of Ohio there are 2 Democratic judges and 2 Republican, 1 Democratic clerk and 1 Republican—3 election officers of each party. They count the votes. Every ballot that has about it any mark or any lack of mark which makes it uncertain they save, and when they have concluded the count those ballots about which there is no question are burned. Now, in how many places in this case were the ballots burned? In that Congressional district, in that great line of precincts, fifteen in number, I think, as shown by the evidence there were these doubtful ballots everywhere, and yet, by some sort of organized judgment, by as shown by the evidence there were these doubtful ballots everywhere, and yet, by some sort of organized judgment, by some sort of concurrence, by some sort of mental operation that ran through the minds of the election officers in all those precincts, the doubtful ballots were all burned up and the good ballots were saved.

Mr. McCALL of Massachusetts. If I may interrupt the gentleman again, I do not think he intends to misstate the testimony, but the evidence clearly shows that fully two-thirds of the so-called "imperfect" ballots were burned; that there was no general understanding throughout the district, and that in various precincts, with two or three exceptions, the district election officers

unanimously burned the ballots.

Mr. GROSVENOR. Now, the gentleman is putting his innocence up against the record. [Laughter.] He is an honest man. [Renewed laughter.] Did you ever know of a set of rascals—I am only stating this by way of illustration—to get together and say: "We will agree to burn up all these ballots." That is not the way that rascals operate. They operate by a sort of consensus of judgment at the time. And it is a little strange that down in those districts, where the light of education has not been generally disseminated, as appears by this record, there should have been such a consensus of opinion that they would burn all the bad ballots

and none of the good ballots.

The gentleman from Wisconsin has said that we are making a The gentleman from Wisconsin has said that we are making a wrong statement when we say that the judges of the election were packed, in the ordinary use of that term. He says it does not appear that they were all Democratic judges. I understood him to say that wherever there were intelligent and able Republicans they were always put on. Let us see what the record shows. In Amherst County there was no Republican representation at the precincts of Magruder, Pedlar Mills, Oronoco, Chestnut, Furnace, and Millners, all of which, except one, returned majorities for the contestee. In answer to the question, "Do you know whether there are qualified voters who can read and write at those precincts who are Republican in politics?" Mr. Samuel C. Allen, chairman of the Republican party in that county, answers, "Yes, cincts who are Republican in politics?" Mr. Samuel C. Allen, chairman of the Republican party in that county, answers, "Yes, sir; I know that in every precinct in Amherst County there are qualified Republicans to act as election officers." I refer to page 127 of the evidence. And this same law that has been invoked as a mandatory enactment makes it a duty to elect and put upon those election boards Republicans whenever possible. That is the manufacture of the law. Yet we find this hormonics. Republicans the requirement of the law. Yet we find this happening: Republicans left off the election boards; controverted ballots discovered; a unanimous consent to burn them up, and the evidence thereby destroyed. What is the inference? Every lawyer here knows what is the inference from the destruction or withholding of evidence. What is the law that has been written where no legislation can repeal it—in the common knowledge and judgment of mankind? Whoever destroys a matter of evidence, suppresses it, keeps it from his opponent—in any wise disables his opponent from getting possession of it—the law takes that fact and construes the unobtainable evidence against the man who is found in de-

which he has been talking about Republicans were elected and refused to serve, and that in every one of those precincts a Populist was appointed and did serve?

Mr. GROSVENOR. I did not know there was any such evi-

Mr. JENKINS. That is the reason I called the gentleman's attention to it, because I believed he wanted to state the matter fairly.

Mr. GROSVENOR. But my friend here [the contestant] says

there is no such evidence.

Mr. JENKINS. As a member of the committee, I say that such is the evidence, and I hold it in my hand.

Mr. GROSVENOR. Do not understand me as disputing the statement. It simply shows a condition of things which indicated to the Republicans that there was trouble ahead; and therefore, if such was the fact, they would not go upon those election boards. There was a condition created, and an advantage taken of it, in plain violation of law; and the fair inference of the law is against the men who created the condition.

The testimony is that in Appomattox County, at Spoutspring, New Court-House, Chap, Fores Store, and Stonewall there was no Republican representation on the board, although the evidence shows that competent Republicans could have been appointed at each of those points. This is not denied even by the clerk of the electoral board. I give you the page where you will find that evidence—page 445—for I am going to argue this case fairly, even if

I lose it.

In Fluvanna County, at Scottsville, Center Hill, and Goodson, all of which gave pluralities for the contestee, there was no Republican representative. The uncontradicted testimony of L. O. Haden, on page 299, shows that at each of those precincts good

Republicans could have been selected. In Nelson County, at Arrington, Buffalo Ridge, Grapelawn, Fabers Mills, May's store, Lowesville, Montebello, and Slaughter, there were no Republican representatives; and in each of those places they "slaughtered" the Republican vote. [Laughter.]

In answer to question 3, on page 312, P. D. Young, a member

of the electoral board, testifies:

I think there might have been found qualified voters who can read and write in the Republican party who might have been appointed judges of election at Slaughter, Grapelawn, Mays Store, Montebello, and Arrington.

What have we, then, on this branch of the case? And this branch alone, decided in favor of the contestant, gives him the seat by the concurrent statement of all who have argued this case. We have the law of Virginia violated in the organization of the electoral boards. We have a ticket attempted to be voted by a sufficient number of the qualified voters of the Congressional district to seat the contestant. The tickets are brought here with the best evidence that the contestant can produce. Let me take the evidence, and I ask if any gentleman who advocates this propthe evidence, and I ask if any gentleman who advocates this proposition, presented here for our adoption by the majority of the committee, is able to answer this proposition: Suppose that there might have been Republican officers of election in certain districts and they refused to sit, and suppose that where they did sit, by concurrent agreement they burned all the ballots; how can that fact or either fact prejudice this contestant, if the votes were cast for him and if he ought to have had those votes counted? Has he been guilty of anything in that behalf? Has he stood by and waived anything or any right to which he was entitled because somebody else has done something or failed to do something and thus defrauded him of his right to a seat here, which a majority of his constituents declared that he should have? Certainly not.

Now, Mr. Speaker, I come to another proposition. I have witnessed a good many curious things in contested election cases, and in their development on the floor of this House, but I have never yet witnessed anything quite up to the standard of unique and unqualified rascality that is involved in that ballot which I now hold in my hand. [Applause.] Let an American statesman up-hold such a fraud as that, and then answer to his constituents and to his conscience if he can! For once in our lives, we have got the

thing in our own hands.

It appears that there is a large number of uneducated voters in that Congressional district; it appears that nine out of ten of one class of them were thoroughly imbued with the spirit of Republicanism and wanted to vote the Republican ticket. A new law had been enacted and for the first time enforced in Virginia; a law that the State of Virginia, and I compliment her integrity and honor as a State, has repudiated and put the brand of her condemnation upon, and yet we have gentlemen here apologizing for that which the Democratic State of Virginia has condemned and spewed out of her mouth! [Applause.] It was too bad for Virginia. She could not stand it, even on the eve of a Presidential election. But it is as balm of Gilead to him who wants to be generous to his enemy instead of being just to his country. [Applause.] Look at this ticket and carry it home with you; get a facsimile of it published in the newspapers of your district; and tell the people, the intelligent, decent people, that you are willing

to uphold fraud like that. [Applause.] They printed it, so that he who runs might read that it was an occasion to vote for a Representative in Congress, and they put that fact in roman letters, so that there would not be any mistake about it; and yet some of the constables appointed to help the illiterate voters, as the records show, could not even read these roman letters. I can point you to the pages in the record. Then they made seventy-five rascality. There they are, and you have got to whitewash the whole seventy-five or turn this man out. [Applause.]

What is said for that ticket? Who justifies it? Why, it will be

what is said for that ticket? Who justines it? Why, it will be said for it, as has been already said in my hearing, that the evidence does not show how many votes Mr. Yost lost by reason of that ticket. But who put the ticket in motion? Who started that scheme of villiany? I will show you. The electoral board of Amherst County is composed of three persons, all of whom, in 1894, were Democrats, and one of them at least, B. R. Harrison, is shown to be a partisan. He was not only a member, but was secretary of the electoral board while at the same time he was the is shown to be a partisan. He was not only a member, but was secretary of the electoral board, while at the same time he was the acting and active chairman of the Democratic county committee in Amherst County. The impropriety of a sworn election officer, holding such an important official position and being at the same time a partisan chairman of one of the political parties contending for mastery in the county is manifest, and needs no comment at our hands. This avowed partisan, after appointing the special constable in each of the precincts of his county—and I pause here for a moment, to let the House understand that fact.

No conspiracy! Why, Mr. Speaker, there is the Democratic chairman of the Democratic county committee doing just what we have seen has been done in this case. What did he do? In the first place, a constable is provided for the alleged purpose of

we have seen has been done in this case. What did he do? In the first place, a constable is provided for the alleged purpose of "helping the ignorant voters" at each precinct, and my friend here from Wisconsin [Mr. Jenkins] has really got himself worked up about it. It shows the truth of the old maxim: Facilis descensus Averni. He has not only justified the appointment of the constables, but has worked himself up to believe that it was done to prevent fraud at the election! Here we have the whole statement in a nutshell. The chairman of the county committee, a member of the election heard himself appointed every man who member of the election board, himself appointed every man who was to help the ignorant voter, or mislead the voter, one or the other. Now I will show you exactly what they did. The "machine" is constructed by the partisan, and we have a machine constructed for the express purpose. It has two elements that are to be operative: First, the constables, who alone can aid the igno-rant or disabled voters, and second, that ticket; and thus the scheme was developed and devised to compass the outrage that was committed further on.

This avowed partisan, after appointing the special constable in each of the precincts of his county on the 1st day of November, 1894, only five days before the election, published the names of all the special constables in the Amherst New Era, a newspaper published at the county seat of Amherst County, which was signed "Beverly R. Harrison, secretary of the electoral board." At the same time, and immediately under this notice, Mr. Harrison inserts

a request in these words:

The constables above named are requested to meet me at my office at Amherst Court-House on the 3d day of November next, if possible, in order that I may give them information they may desire as to their duties under the new election laws.

BEVERLY B. HARRISON,
Chairman of the Democratic Executive Committee for Amherst County.

That is signed by Mr. Harrison as chairman of the Democratic executive committee. In one breath he announces officially the appointment of the constables who are, as I will show you directly, to control this election; and in the next breath, as chairman of the county committee, he orders every mother's son of them to come and get his instructions. [Applause and laughter.] And directly I will show you what their instructions were. Now, what are these tickets, first? There are 75 varieties of them. The sheet that was let down out of heaven full of creeping things, fowls of the air and beasts of the field, did not contain as many outrageous things as that, although it contained all manner of four-footed beasts and unclean things. Old Peter, hungry though he was, when invited to slay and eat, said, "No, Lord; nothing common or unclean ever entered my mouth." But my friends from Wisconsin [Mr. Jenkins] and Massachusetts [Mr. McCall] look upon these unclean things as lovely demonstrations of the purity and becoming innocence of elections in the old Commonwealth of Virginia.

wealth of Virginia.

Now, let us see what he made those 75 tickets for. The first time I saw one of these tickets one of my friends said, "Oh, well, now, there was evidently no purpose in that." No, it was one of those innocent little things, you know; Roman letters at the top, German text at the bottom, and seventy-five varieties of them, all by accident, all to be marked, or not marked, by those constables, who had their instructions twenty-four hours before the polls opened. I read from the testimony of Mr. Harrison before the

committee of the House, or, in other words, his deposition, I suppose, page 155, question No. 10:

The secretary of the Commonwealth sent to me as secretary of the electoral board a list of all the candidates for Congress in the Tenth Congressional district. They were in one order; that is, for example, Jas. Seldon Cowden, J. Yost, H. St. Geo. Tucker, C. H. Grove, and Edmund R. Cocke.

Mr. Yost's name was the second one from the top in the official

As I construed the Walton election law, and upon the advice of able law-yers, we, the electoral board, transposed these names in order, as we con-sidered it, to require the strict enforcement of this new election law.

We had been informed that circulars had been sent around, and that schools of instruction had been organized to instruct the illiterate voters to vote one name only on the ticket. We were also informed that the illiterate voters had been taught to consult some smart, shrewd politician of his party who had first voted, as to the position of the name J. Yost on the ticket, thus doing away with the educational qualification of the act.

This fellow appointed constables who could not read roman letters and then printed a ticket in German text, for the purpose of defeating the possibility of the voter reading it. And that is the purity of the ballot! [Laughter.]

Q. 11. Were any instructions given the constables of election as to whether they should mark the tickets for illiterate voters?—A. I read to some of the constables the section of the law referring to their duties, and also showed them and read to them parts of Judge Simmons's opinion in the Botetourt election case. I also, as well as I can remember, showed them an editorial from the Richmond Despatch as to their duties.

rom the Richmond Despatch as to their duties.

That paper is the organ of the State Democratic committee of Virginia, the Richmond Despatch. I have nothing to say against the paper, but you will see now the indicia of fraud. First, the voter is impeded in his effort to know whom he is going to vote for. The election board discovered that the illiterate voter of that Congressional district is struggling with his ignorance and trying to overcome it; and, following the instructions of the State committee, the chairman of the local county committee proceeds, as he admits, to put every possible obstruction in the way of the voter to make it impossible that he shall vote intelligently.

Now, when you come to analyze this testimony—for I shall not proceed further along this line—you will discover that the constables, one after the other, refused to aid these illiterate voters. If a man was disabled so he could not hold a pencil they assisted him; if he was blind they assisted him; but if he could not read they followed their instructions, and refused to aid him. Will have pushed and indorse such a scheme as that? If so, never again

they followed their instructions, and refused to aid him. Will you uphold and indorse such a scheme as that? If so, never again prate of honest elections. Shut up your hypocrisy. Do not thunder from the East against the South and the West, but admit that you are incapable of discovering fraud when all of its elements

you are incapable of discovering fraud when all of its elements are brought before you. [Applause on the Republican side.]

Here, then, are facts enough admitted to show, without any attempt to make any allowance for that which ought to result and flow from that ticket, that the contestant is entitled to his seat; and if he can be cheated out of it by the schemes that were operated in that Congressional district, then you are only paving the way to something new in the future. Here is a new development.

Now, then, if you will put the stamp of your disapproval on this sort of election and stamp this sort of crime you will have done a good day's work toward rendering honest and just the elections of this country. Do not let anybody get the advantage of a majority of the voters. Two things you must find affirmatively. The first is that this marked ballot ought to have been counted. The evidence of it is in the form and construction of the ballot itself, a construction which the highest court of the country has given to construction which the highest court of the country has given to that sort of legislation, and the evident purpose to make away with the best evidence of the purpose of the voter by the destruction of the ballot. In the second place, you must find that this ballot and all that appertains to it was a gross fraud upon the party in the election. I do not say that the fact that the Democratic county committee managed the appointment of these constables is alone sufficient, though it is a very bad element. I do not say that the actions of these constables alone is sufficient, though it is a very bad element; but I do say that when this ballot is produced as the result of the concurrent plan of that chairman and this constable, and these ballots were circulated as the only ballots. duced as the result of the concurrent plan of that chairman and this constable, and these ballots were circulated as the only ballots that could be voted in Amherst County, no man living ought to defend that county of Amherst for one moment. It ought to be excluded from the count; it ought to be lifted up as an impurity, as a vile thing, and taken out of its operation upon a pure and earnest constituency. What right has a man to sit in the American Congress when he has come here by the strangulation of the very principle of an honest ballot? With that ballot in every voting place in the county, it had its inspiration at the county seat, had its inspiration with the party who sought to gain by it, carried out this infamous conspiracy, so far as the evidence of actions can prove it, by the manipulation of every form of fraud and the ultimate overthrow of an honest election in that district. I am not afraid that my vote will be criticised by the mem who are afraid that there was some partisanship in a contested who are afraid that there was some partisanship in a contested election. I am not afraid that my vote will ever be questioned

upon a contested-election case, the majority of which turns upon upholding that ballot and the scheme of its manipulation. [Loud

applause on the Republican side.]

Mr. WALKER of Virginia. I yield to the gentleman from New York [Mr. DANIELS] as much time as he wants.

Mr. DANIELS. Mr. Speaker, I do not intend to detain the House in going through the circumstances that have been discussed with in going through the circumstances that have been discussed with so much ability. I desire to say, in the outset, that no person upon this floor can have a greater degree of respect for the gentleman who is the contestee in this controversy than I myself.

Mr. GROSVENOR. Mr. Speaker, the gentleman from New York is a very modest man, and I ask that he be heard. He ought to be heard. I do not know what side he is on.

The SPEAKER pro tempore (Mr. DALZELL). The House will be in order. Gentlemen will please be seated and cease convergetion.

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Mr. DANIELS. But in the discussion and consideration of the controversy now before the House a vital principle is involved that should not be overlooked, but on the other hand should be carefully considered and sustained by the action of the House of Representatives. The Constitution of the United States has provided that so far as the qualifications of the electors for members of Congress are concerned, they shall be dependent upon the laws of the State in which the election is held. The language will be found in section 2 of Article I of the Constitution, and it is this:

The electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislature.

That is as far as the Constitution has made concessions to the authority of the States over this important subject. It has in addition to that provided by another declaration contained in the addition to that provided by another declaration contained in the Constitution "that each House shall be the judge of the qualifications and the election of its members." These are the only provisions, according to my recollection, which are embodied in and made a part of the Constitution relating to this general subject. They, accordingly, do not adopt such arbitrary regulations as the State may see fit to adopt concerning the evidence of the intention of the voter. The intention, on the other hand, is to be one of universal and common adjudication. In the case of the State of Illinois, where the ballots were brought up, gentlemen will remember that there was no mark upon the ballots from which the intention of the voter could be surely discovered and

will remember that there was no mark upon the ballots from which the intention of the voter could be surely discovered and carried into effect. It was an arbitrary mark, which under the authority of the law of the State of Illinois could be accepted or regarded as an indication of the intention of the voter.

In this case, so far as these largely controverted ballots are concerned, there is no difficulty whatever in ascertaining and determining what was the intention of the voter who put the ballot into the ballot box. It is true that the legislature of the State of Virginia has declared that no candidate's name shall be considered as "scratched" unless the pen or pencil mark extends through three-fourths of the length of said name, and the inquiry arises here whether this House is bound to give the same effect to that provision of the law of Virginia as was given to it by the election officers in the exercise of their authority. In opposition to the adoption of such a construction stand the implications of the Constitution of the United States, by which the House of Representatives is bound by the enactments of the States only so far as they declare the qualifications of the voter for the most popular branch of the bound by the enactments of the States only so far as they declare
the qualifications of the voter for the most popular branch of the
State legislature, who, having those qualifications, is declared to
be competent to vote for the election of a member of this House.
That is as far as the Constitution has gone in recognizing the
authority of the State legislatures over this subject, and by the general provision in another part of the Constitution—that the House
is to be the judge of the election and qualifications of its own
members—the idea is practically availed that the State of Vizis to be the judge of the election and qualifications of its own members—the idea is practically excluded that the State of Virginia, or any State, can so far legislate as to the evidence of the existence of the voter's intention as to tie us down to the observance of any special arbitrary principle or declaration. It has, on the contrary, as to this subject, left the House at liberty to look into it and to consider whether the evidence appearing before it is such as to show what the intention of the voter was, and then whether that intention has been carried out in the conclusion that has been reached by the election officers of the State. In looking at these circumstances we must of course remember

that the law of the State of Virginia was made simply for that State. It was made for the direction of the State officers in the exercise of their authority and the performance of their duties, and has and can have no power or binding force beyond the limits of the State whose legislature enacted it. It certainly can not be held to be in any way peculiar that this principle should be applied in this case, because it is of general application, and no matter where the State legislature may intervene in making laws by which arbitrary evidence is to be required concerning the inten-tion of the voter in casting his ballot, no matter where such legis-lation may appear, it has no effect, no control, and can not and should not have effect or control, over the action of the House of

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It is simply a State regulation, by which the Representatives. State says to its officers, and can say to no other officers—certainly can not say to the members of this House—that, unless the voter shall draw his line through three-fourths of the name of any candidate on the ballot that he desires to reject, the name shall not be rejected. On the contrary, when evidence comes here which, upon natural and reasonable consideration, satisfies the minds of upon natural and reasonable consideration, satisfies the minds of the members that the voter intended to vote, according to the evidence borne upon the face of his ballot, for one person and not for another, then this House must adopt the view that is consonant with the intention of the voter, even though it may not be in com-plete harmony with the laws of the State where the vote was cast. It is true that the States may prescribe, as they generally have prescribed, the form of the vote that is to be given, and may say that none but a certain form of ballot shall be used. That is a mode of regulating elections that necessarily is exclusive on the part of the State: but when the ballot is framed in conformity with the laws of the State and has passed through the hands of the voter, and he has indicated on the face of that ballot what his intention is as to the persons who were candidates for this office, that intention should be recognized and carried out by the House of Representa-tives more strictly, more thoroughly, more earnestly, than by any other body in existence.

Now, what is the stuation here? We have certain ballots that were burned, over 1,100 of them, I believe, and that were marked in a peculiar manner by the voters who failed to obey and carry out literally the provision of the law of the State of Virginia with reference to the marking of ballots. It is to be remembered that one great purpose and object of the laws on this subject should be to protect the illiterate voter, to enable him to express his conto protect the liliterate voter, to enable him to express his convictions by the form and manner in which he prepares his ballot and deposits it in the ballot box. He is not the man to read the laws of the State. He is not the man to read these restrictions upon the exercise of his right of franchise. Ordinarily he can know nothing about them, but he knows and believes that, as a part of the free Government of the country, when he shows by his action upon the face of his ballot what his intention is, that intention will be controlled and in preparation of his wish containing his action upon the face of his ballot what his intention is, that intention will be carried out in pursuance of his wish—certainly so when the question comes before the House of Representatives of the United States. And, Mr. Speaker, what can more clearly and unequivocally indicate the intention of the voter upon this occasion than the ballots, a facsimile of which is spread upon the minority report presented here, according to the evidence of the witnesses who describe the manner in which the ballots in

question were marked?

question were marked?

The ballots themselves were not preserved. They were destroyed; and why were they destroyed, unless it was for the purpose of preventing the presentation of complete, accurate, and perfect evidence before this House, or any other body having cognizance of this subject, as to what the voter actually intended to do? Upon the face of these ballots, instead of drawing his pen through the name, in some instances the voter had made a line, or several lines, across the name of the person for whom he did not desire to vote. In other instances he has drawn a line, as nearly as a man with a tremulous hand would be able to do through the as a man with a tremulous hand would be able to do, through the name of the individual that he did not design to vote for. In other instances, under the influence of a similar disability—a tremulous hand—his line has gone above a part of a name, and in others below a part of a name. Such appears to be the evidence on which the election officers of the State of Virginia concluded that they must reject these ballots and not count them for either of the contesting candidates. They were at liberty to conform, and probably it was their duty to conform, as officers of that State, to the provisions of its law, even though it required the application of a mathematical calculation for the purpose of determining whether in point of fact the line had gone through three-fourths of the name upon the ticket. But there is no such restriction here.

Here the question is, and must be, relative to all election contests that are brought before the House, not what the State has said to its own officers shall be the peculiar form and evidence of the elec-tor's intention, but whether there is enough on the face of the ballot to show what that intention was as a reasonable construction of the act of the party who has put his vote into the ballot box. And when a ballot of this kind appears before the House, and, by the line drawn in this unequivocal manner, the voter has shown that the did not intend to vote for the person whose name is partly obliterated by the line, though he may not have drawn the line strictly through three-fourths of the name, can we have any doubt what our construction of such a vote should be? Why should the voter place this line upon the name of the candidate at all? Why should he endeavor to erase that name from the ticket? And why should he carry his intention and his efforts so far as to make the line apply to every other person except one candidate upon the ticket unless he intended his act to be unequivocal evidence to the body at liberty to consider the effect of it that he did not intend to vote for any one of these persons whose names were in this manner partially obliterated?

That is the natural supposition presenting itself to the mind of any person exercising his reason or experience upon a subject of this kind. If you place such a ticket so marked before even an illiterate person and ask what is meant when that line is drawn through all the other names except one on the face of the ticket, his answer would be unequivocal, without a moment's reflection or hesitation, that the person who made those marks upon the ticket did not intend to vote for either of those persons but intended to have it known and understood that no one of those persons whose name was affected by this act of obliteration was the candidate of his choice; but, on the other hand, when, taking the entire ticket into consideration, it is seen that he leaves one name upon the face of the ticket entirely unaffected by his act, every-one will say the voter has clearly indicated his intention to vote for that man and not for the others on the ticket. There is no man in this House who can take this ticket in hand and looking at it declare his conviction to be that any other purpose was indicated by the voter when he finished marking the ticket and had it put into the ballot box. Under these circumstances it is certainly therefore the imperative duty of this House to carry into effect what clearly appears to have been the determination of the voter himself.

You are asked here to determine who was elected; and what better evidence of an election can possibly be presented than the unequivocal circumstance that the voter has drawn his line or unequivocal circumstance that the voter has drawn his line or attempted to draw his line through every other name on the ticket except one, which he leaves entirely unaffected and undisturbed? Who can say there is any possibility of doubt of the intention of the voter when these acts were performed by him, and with their evidence the ballot was placed in the ballot box? Why, sir, the matter would seem to be beyond possible controversy. And when, as appears here, these ballots were destroyed, were burned, with these evidences upon them, the party who now objects to the insufficiency of this evidence can have no good ground to stand upon, because we are to take the best evidence of the intention of the voter that can be or has been supplied, which, in this case, is upon, because we are to take the best evidence of the intention of the voter that can be or has been supplied, which, in this case, is the description given of these burned ballots from the memory of witnesses who were familiar with them. Such evidence is spread upon the record. There is no doubt or dispute that so far as concerns the recollection of witnesses who saw these ballots and were cognizant of the disposition made of them by the officers of the election—there can be no doubt that these witnesses fully undertend whether the invent of these ballots are the invent of these ballots are such as the second of the second stood what was the import of those ballots and were able to testify when brought before the commissioner or notary as to the peculiar marks on those ballots. These witnesses have given the very best evidence that the nature of the case admits of. They have given a description of these ballots with such a degree of have given a description of these ballots with such a degree of accuracy and uniformity as to leave no substantial conflict or discrepancy in their statements. Those witnesses stand before the House giving their evidence intelligently—describing fully the appearance of these ballots—describing them so accurately that a fair representation of them has been produced from the record for the consideration of the House.

Mr. DOLLIVER. How many votes were affected by those imperfectly marked ballots?

Mr. DANIELS. Fifther 1071 or 1021. There is no dispute as

Mr. DANIELS. Either 1,071 or 1,021. There is no dispute as to the number, although those tickets have disappeared.

It is objected here that the ticket should not have that degree of effect as will change the declared result of the election, because of the inability to prove for whom the ballots were deposited in the ballot boxes. But as has been correctly stated, and I may be at liberty to repeat it here, because the principle is a correct one, where the evidence of a fact is destroyed, the parties who were engaged in it, or in whose interest the destruction takes place, are not at liberty to say that the evidence should have no effect against them or against him if it had not been destroyed in the manner it appears to have been destroyed in this case. On the contrary, where testimony has been destroyed, or where it has been obliterated, in whole or in part by the act or in the interest of a party, the presumption is that it would weigh against that party in case it was produced, in the opinion of the body who is called upon to take cognizance of it, and whose action may be controlled by the facts that such evidence should present. is a substantial and well-settled principle followed in all of the courts of the country, and one that commends itself to the common sense and reason of every individual who reflects upon it. So that we have in the fact of the destruction of 1,021 or 1,071 ballots a degree of evidence that is certainly persuasive, in this, that probably a large number of votes, and a sufficient number to have more than changed the result as the returns have been made in this election in favor of the contestant against the contestee, were destroyed and not counted. We can not close our eyes to the evidence existing in reference to this matter. We can not reject the conviction, or say that the evidence is not entirely conclusive as to the intention of the voter, but we are called upon to act with the greatest degree of consistency, and I might say of inconsistency also, to give effect to the law of the State rather than the evidence showing the intention of the voter after he had placed his ballot in the hands of those persons who deposited it in that

form in the box. Is a State law more imperious or more controlling, to affect the opinion or the action of this body, than the intent of the man who marks his ballot in this manner?

Why, they say, and it seems to have been a device to entrap the ignorant voters, that unless you draw a line through three-fourths of the name, your vote shall be lost; it shall count for nothing. of the name, your vote shall be lost; it shall count for nothing. Where there is such a provision, it can only address itself to the intelligent portion of the community, and even some of the most intelligent persons could not fail to lose their ballots by a uniform application of that principle, because they, under all of the circumstances, would not probably be familiar with the exact text of the enactment. They would not all be able to understand the necessity of drawing this line through three-fourths of the name. They would ordinarly say, "I marked the ballot to indicate my intention, and that fact ought to be sufficient to give effect to it. Under all ordinary circumstances I may exercise my own authority and option as an elector with that view in mind."

Mr. HULICK. Will the gentleman allow me to ask him a question?

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question?
Mr. DANIELS. Certainly.
Mr. HULICK. I understood from what you stated that as this is a contest as to who shall be entitled to a seat here, the contestant or the contestee, we should look to discover, if possible, the ant of the contestee, we should look to discover, if possible, the intention of the voter, and disregard the statute requiring that this line shall be drawn through three-fourths of the name rejected on the ballots. Now, if this were a contest in the State legislature of Virginia, and you were engaged in giving your judgment and opinion on that, would you disregard the statute of the State of Virginia and, without regard to the letter of the law, determine what was the intent of the voter, and let that have effect rather than the technical language or requirement of the statute?

Mr. DANIELS. I will say in answer to the gentleman from Mr. DANIELS. I will say in answer to the gentleman from Ohio that, severe as the language of the statute is, restrictive and unjust as it is, certainly to the ignorant voter, if I were acting in Virginia, where the law is entitled to full force and effect, notwithstanding the imposition of the restriction, at variance necessarily with the exercise of the franchise by illiterate people, I should conform to the law, because it would be the law of the State and in force there. But it is not in force here. A different system is here presented. We are possessed of power in our own right. This law has no extraterritorial effect, and when a question comes here to the House it is for it to say who was elected, because under the Constitution it has the power to judge of the election, qualifications, and returns of its own members. election, qualifications, and returns of its own members.

Mr. HULICK. Let me ask the gentleman another question. In the State of Ohio we require the voter to put a cross mark before the name of the candidate for whom he casts his vote. Now, suppose he were only to put a straight mark there, would not that indicate that he intended to vote for that candidate? And would the gentleman apply the strict rule in the State and reject the

the gentleman apply the strict rule in the State and reject the vote, and in Congress here determine the true intent of the voter?

Mr. DANIELS. No; I am not prepared to say that I would apply the rule there, for the reason that the language of the statute of the State of Ohio, as is the case with the language of the statutes of many of the States upon this subject, is of an arbitrary character. There is nothing in and of itself in a mark, whether it is a cross mark or a straight line, which indicates what the intention of the voter is in placing that mark upon his ballot; and it is only because the laws of the State have given it a special significance that it becomes an important circumstance; while here in this instance the voter has placed upon his ballot a mark which has a natural and reasonable significance, and shows what his in has a natural and reasonable significance, and shows what his in-

mas a natural and reasonable significance, and shows what his intention was in putting that mark there.

Mr. GROSVENOR. Will the gentleman from New York allow me? Under the legislation of Ohio the most liberal decisions have been made, the courts even going beyond the court of Illinois, basing their decisions upon the ground that it is a simple question of what the actual intent of the voter was.

Mr. DANIELS. That is what we have done in this Heree.

what the actual intent of the voter was.

Mr. DANIELS. That is what we have done in this House.

Mr. BRUMM. The decisions in Pennsylvania are the same, that

of ma hieroglyphic will answer the purpose.

Mr. DANIELS. Even under the arbitrary provisions of the laws
of those States; and I say if the manner in which the mark was
made showed the intention of the voter, although it may not have

and that he would not order a vote counted which failed to com-

and that he would not order a vote counted which are ply with its requirement?

Mr. DANIELS. Probably.

Mr. McCALL of Massachusetts. I understood you to say that.

Mr. DANIELS. I say I might do that if I were acting under the laws of the State of Virginia.

Mr. ECOTE. Will my colleague allow me to ask him one ques-

Mr. FOOTE. Will my colleague allow me to ask him one ques-

Mr. DANIELS. Certainly.
Mr. FOOTE. What would have been the difference in the result of this election if these votes in which you claim the intention was clearly shown had been counted as you claim they should have een counted?

Mr. DANIELS. It is practically conceded here, as I understand the discussion before the House, and as questions which I put to gentlemen and have been answered indicate the fact to be, that then the majority would be in favor of the contestant.

Mr. TUCKER. Not at all. The gentleman is entirely mistaken

Mr. DANIELS. The contestant himself says he would have a plurality of 22; that is, depending only upon this bare circumstance as to the 1,021 or the 1,071 ballots that were destroyed, bearing these evidences of the intention of the voter; and I may say here, in reference to what the gentleman from Massachusetts [Mr. McCall] has asked me, that the case of the marking of the ballots by an arbitrary mark whose significance is provided only by the statute of the State, is entirely different from this case. Suppose a man, in a State where that mark is required to be placed upon the ballot, should fail to do it, but should draw a line through the name of the person that he did not intend to vote for, and them should write out, what would make the thing still more significant, the words: cant, the words:

I put this line through this name because I do not intend or desire to vote for that candidate.

The State authorities would say, "We are bound by the State law, and we must reject this ballot, as not being properly marked, not having that significant mark upon it which the State law has said shall be the only evidence of the voter's intention;" but when it comes up here, this House is not restricted or controlled by that provision of the law of the State. It is entitled to look at the evidences of the intention of the voter, and to judge and determine the election by reason and in view of that intention. If that is not to be done, then the States are furnished with a weapon by which they may require a conformation by the voter to any unreason. which they may require a conformation by the voter to any unreasonable provision contained in the State law, or else that he shall

lose the benefit of his vote.

They may in this manner exclude from the ballot box, exclude from the benefit of the election, every illiterate man who may be found in a State; and certainly this House would never be willing to go so far as to sanction any provision, or the exercise of any legislative authority, of this description. On the other hand, we have always—and I hope always will continue to do so—looked at the evidence of the intention of the voter, and, where that can be disclosed, to hold that no artifice and no device of State law shall have the effect here which would have the purpose, the design, and the result and the consequence of striking from the ballot list the vote of a man who has so unequivocally indicated what his intention was. Here we are to go upon more enlarged principles, and we are not to sanction what might be the policy of the legislatures of the States. We are not to sanction the exercise of authority in such manner as to create artifices by and through which a man's intention as a voter shall be entirely destroyed and the effect of his ballot shall be wholly obliterated.

Mr. BAILEY. Will the gentleman from New York permit me lose the benefit of his vote.

Mr. BAILEY. Will the gentleman from New York permit me to interrupt him? If it be true that in this House we are not to be governed by the law of a State where an election was held, then will the gentleman from New York be good enough to tell us what law does govern?

Mr. DANIELS. I am discussing this case; and as to this case I say that the general principle of law that is tolerated by the Continuous and the general principle of law that is tolerated by the Continuous and the same an

stitution, and is designed to carry into effect the intention of the

voter, is the one by which we are to be governed in our conduct upon a contest of this character.

Mr. BAILEY. My understanding is that in the absence of a Federal statute regulating the election of members of this House the only law is the State law, and that unless a man be elected

made showed the intention of the voter, although it may not have been a literal compliance with the requirement, yet when we could see what the intention was we have given effect to that intention in the cases that have been brought before this House.

Mr. McCALL of Massachusetts. Will the gentleman allow me to ask him one question?

Mr. DANIELS. Yes.

Mr. McCALL of Massachusetts. Do I understand the gentleman to say that if he were a judge sitting in Virginia he would hold that this particular provision of the statute was mandatory,

unequivocally what that intent was upon the ballot, then I say that this House, judging of the qualification and election of its members, is in duty bound to give effect to that evidence of inten-tion rather than to a restriction which leaves it to the arbitrary requirements of a State that may be inconsistent with the exerrequirements of a State that may be inconsistent with the exercise of that benign authority. That is as far as we propose to go here. It is as far as this case requires that any member of this House shall go. And we say here, in the exercise of this overruling power given by the Constitution to the House of Representatives, that when we have unequivocal evidence of the fact of what the intention of the voter is, we shall carry that intention into effect.

What will be the consequences if we do not do so? What will be the result if any other principle be adopted? Why, it will be that any State in the Union, no matter what its disposition may be, will be entitled to throw around the exercise of this franchise such restrictions as can not possibly be complied with by any illiterate or ignorant person, and consequently the entire vote of the community, so far as these people are concerned, shall be rejected and count for nothing. This House will hesitate long before it will concede to the legislature of any State in this Union that power over the exercise of the elective franchise by the voters of a State. On the contrary, when we come to see who is to receive the majority of that exercise of the intention of the voter, when we come to see where the result is, it is our duty to give effect to that result and carry into effect the intention of the voter, and not permit the legislatures of the States to fritter this away and destroy the existence of this right of suffrage on the part of the citizen by any restriction of so unreasonable a character as is prochizen by any restriction of so unreasonable a character as is proposed by its legislature. It strikes me we have no difficulty in the way of a member that shall be sitting here to-day. But the House shall place now its condemnation upon the exercise of any such authority as shall apparently be intended to exclude the possibility of illiterate voters expressing their intentions as to their candidate at the polls in the exercise of the privilege of the elective franchise.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Platt, one of its clerks, announced that the Senate had agreed to the report of the committee of conference, and had further insisted upon its amendments numbered 3 and 4 to the bill (H. R. 9638) making appropriations for the support of the Army for the fiscal year ending June 30, 1898.

ARMY APPROPRIATION BILL.

Mr. HULL. Mr. Speaker, I desire to submit a conference report on the Army appropriation bill.

The conference report was read, as follows:

The comference report was read, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 9638) making appropriations for the support of the Army for the fiscal year ending June 30, 1898, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, and 5, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 6, and agree to the same with amendments as follows: Strike out the matter inserted by said Senate amendment and strike out after the word "dollars," in line 15, page 23, of the bill, all down to and including the word "duty," in line 18, same page; and agree to the same.

On amendments numbered 3 and 4 the committee of conference has been unable to agree.

On amendmen unable to agree.

J. A. T. HULL, R. WAYNE PARKER, GEO. B. McCLELLAN, Managers on the part of the House.

M. S. QUAY,
EUGENE HALE,
JO. C. S. BLACKBURN,
Managers on the part of the Senate.

The statement of the conferees on the part of the House is as follows:

STATEMENT.

The conferees agree to the following:
No. 1. Authorizing promotions in the Signal Corps below the rank of colonel.
1. No. 2. Is a verbal correction, and leaves the bill the same.
No. 5. Increases the amount appropriated for the Signal Corps from \$15,000 to \$18,000.
No. 6. As amended, strikes out the entire proviso, which provides for detailing enlisted men for the Signal Corps.
We disagree as to amendments 3 and 4. These amendments relate to the Army and Navy hospitals at Hot Springs, Ark., and reverse the action of the House in this matter as decided by a vote of the House when the bill was under consideration, the Senate conferees refusing consent to any change in the Senate amendment.

J. A. T. HULL.

J. A. T. HULL. R. WAYNE PARKER.

Mr. HULL. Mr. Speaker, I move that the House adopt that part of the conference report on which there has been an agree-

The motion was agreed to.

Mr. HULL. I now move that the House insist upon its disagreement as to the other items and ask for a further conference. The motion was agreed to; and the Speaker pro tempore (Mr. | of the Union.

DALZELL) appointed as conferees on the part of the House Mr Hull, Mr. Parker, and Mr. McClellan.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows: To Mr. DAYTON, for five days, on account of important business To Mr. Brosius, for the remainder of this week, on account of

YOST VS. TUCKER.

Mr. McCALL of Massachusetts. Mr. Speaker, in accordance with the request of many members, I would like to try to come to an agreement as to the time when the vote shall be taken upon to an agreement as to the time when the vote shall be taken upon the pending contested-election case. I understand that the other side are willing that some hour shall be fixed for taking the vote, and I will ask my friend from Virginia [Mr. WALKER] what he is willing to agree to?

Mr. WALKER of Virginia. Mr. Speaker, I can hardly say what time would suit. I have requests from four or five gentlemen who have asymptotic as wish to speak upon the case to more

what time would suit. I have requests from four or live gentlemen who have expressed a wish to speak upon the case to-morrow, and I desire to submit some remarks upon it myself. I think it is hardly probable that we shall reach a vote before 4 o'clock or possibly 5 o'clock to-morrow.

Mr. McCALL of Massachusetts. I understood from the gentlement is a first the afternoon that he would be satisfied to have the

man earlier in the afternoon that he would be satisfied to have the vote taken at 3 o'clock or half past 3 to-morrow, and now, in order that members may have some definite knowledge on the subject, I will ask unanimous consent that the vote be taken at half past 4 to-morrow

Mr. WALKER of Virginia. I have no objection to that.
There was no objection, and it was so ordered.
The House then, on motion of Mr. PAYNE (at 5 o'clock and 6 minutes p. m.), adjourned.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive commu-nications were taken from the Speaker's table and referred as

A letter from the Acting Secretary of the Navy, replying to the House resolution of January 14, 1897, as to the cost of repairs to the frigate Constitution—to the Committee on Naval Affairs, and ordered to be printed.

A letter from the Acting Secretary of the Treasury, transmitting a communication from the Secretary of the Interior, submitting estimate of appropriation for services of a commissioner to negotiate with the Crow, Flathead, and other Indians—to the Committee on Indian Affairs, and ordered to be printed.

A letter from the Acting Secretary of the Treasury, transmitting, with a communication from G. W. Parks, a recommendation for an appropriation for compensation of officers of election in Utah and of the Utah Commission—to the Committee on Appropriations, and ordered to be printed.

A letter from the Acting Secretary of the Treasury, asking for an estimate of the probable amount of space required for the present and prospective needs of the House of Representatives for the storage of documents, papers, etc.—to the Committee on Accounts.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. SHERMAN, from the Committee on Indian Affairs, sub-Mr. SHERMAN, from the Committee on Indian Affairs, submitted a supplementary report (No. 2517, part 2) on the bill of the House (H. R. 10002) making appropriations for the current and contingent expenses of the Indian Department and for fulfilling treaty stipulations with various Indian tribes for the fiscal year ending June 30, 1898, and for other purposes; which said report was referred to the Committee of the Whole House on the state of the Union.

Mr. HALL, from the Committee on Naval Affairs, to which was referred the bill of the Senate (S. 1296) entitled "An act to commission passed assistant surgeons in the United States Navy, and to provide for their examination preliminary to their promotion to the grade of surgeon," reported the same without amendment, accompanied by a report (No. 2581); which said bill and report were referred to the House Calendar.

Mr. ELLIS, from the Committee on the Public Lands, to which was referred the bill of the House (H. R. 9493) to amend an act entitled "An act to forfeit certain lands heretofore granted for entitled "An act to foriest certain lands heretorore granted for the purpose of aiding in the construction of railroads, and for other purposes," approved September 29, 1890, and the several acts amendatory thereof, reported the same without amendment, accompanied by a report (No. 2584); which said bill and report were referred to the Committee of the Whole House on the state

Mr. McCLELLAN, from the Committee on Military Affairs, to which was referred the bill of the House (H. R. 9822) for the recognition of the officers of the Army to whom the Congressional medal of honor has been awarded, reported the same without amendment, accompanied by a report (No. 2585); which said bill and report were referred to the House Calendar.

Mr. SHERMAN, from the Committee on Interestate and Foreign

Mr. SHERMAN, from the Committee on Interstate and Foreign Commerce, to which was referred House bill No. 10022, reported in lieu thereof a bill (H. R. 10090) to amend the act entitled "An act to regulate commerce," accompanied by a report (No. 2586); which said bill and report were referred to the House Calendar.

Mr. BRODERICK, from the Committee on the Judiciary, to which was referred the veto message of the President upon the bill of the House (H. R. 9469) entitled "An act to constitute a new division of the eastern judicial district of Texas, and to provide for the holding of terms of court at Beaumont, Tex., and for the appointment of a clerk for said court," reported the same with the recommendation that said bill do pass, the objections of the President to the contrary notwithstanding, accompanied by a President to the contrary notwithstanding, accompanied by a report (No. 2587); which said veto message, bill, and report were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS.

Under clause 2 of Rule XIII, private bills and resolutions were

referred to the Committee of the Whole House, as follows:

By Mr. GRIFFIN, from the Committee on Military Affairs:
The bill (H. R. 4846) for the relief of John W. Stevens. (Report

No. 2577.)

By Mr. BAKER of Kansas, from the Committee on Invalid Pensions: The bill (H. R. 6329) granting a pension to Charles H. Car-

Books: The bill (H. R. 6523) granting a pension to Charles H. Carlow. (Report No. 2578.)

By Mr. PICKLER, from the Committee on Invalid Pensions: The bill (H. R. 8990) increasing pension of William H. Nevitt from \$12 to \$30 per month. (Report No. 2579.)

By Mr. WOOD, from the Committee on Invalid Pensions: The bill (H. R. 7904) to increase the pension of John M. Robinson. (Report No. 2580.)

(Report No. 2580.)
By Mr. ANDERSON, from the Committee on Invalid Pensions:
The bill (H. R. 8117) for increase of pension of Charles B. Eades,
Hopkinsville, Ky. (Report No. 2582.)
By Mr. THOMAS, from the Committee on Invalid Pensions:
The bill (H. R. 5936) granting an increase of pension to Christopher C. Bradley. (Report No. 2583.)

PUBLIC BILLS, MEMORIALS, AND RESOLUTIONS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. MORSE: A bill (H. R. 10079) for the erection of a monument to Peter Charles L'Enfant in the city of Washington, D. C.—to the Committee on the Library.

By Mr. FISCHER: A bill (H. R. 10080) for appointment of commission to report on Romer Shoals, harbor of New York, as a suit-

able site for erection of fortification and seacoast defense-to the

Committee on Appropriations.

By Mr. LIVINGSTON: A bill (H. R. 10081) for the protection of railway mail clerks while in the discharge of their official duties—to the Committee on the Post-Office and Post-Roads.

By Mr. NORTHWAY: A bill (H. R. 10082) for the development and encouragement of silk, flax, and ramie culture and their preparation and manufacture in the United States under the supervicion of the Scartery of Agriculture, to the Committee on Agriculture. sion of the Secretary of Agriculture—to the Committee on Agri-

By Mr. CORLISS: A bill (H. R. 10091) to repeal sections 2 and 3 of an act entitled "An act to provide for the purchase of a site and the erection of a public building thereon at Detroit, Mich.," approved March 2, 1885—to the Committee on Public Buildings

By Mr. LIVINGSTON: A resolution (House Res. No. 500) authorizing the printing of 5,000 copies of The Cotton Plant—to the Committee on Printing.

PRIVATE BILLS, ETC.

Under clause 1 of Rule XXII, private bills of the following titles were presented and referred as follows:
By Mr. BINGHAM: A bill (H. R. 10083) granting a pension to Henry H. K. Elliott—to the Committee on Invalid Pensions.
By Mr. BURRELL: A bill (H. R. 10084) to increase the pension of Martin Schubert—to the Committee on Invalid Pensions.
By Mr. CURTIS of New York: A bill (H. R. 10085) for the relief of Elnora Shuman, widow of John Shuman, deceased, and foster mother of W. E. Shuman and James F. Shuman, both deceased—to the Committee on Invalid Pensions.
By Mr. HULING: A bill (H. R. 10086) for the relief of St.

John's Catholic Church, at Summersville, Nicholas County, W.

John's Catholic Church, at Summersville, Nicholas County, W. Va.—to the Committee on War Claims.

By Mr. HULL: A bill (H. R. 10087) for the relief of James McKenzie—to the Committee on Military Affairs.

By Mr. LACEY: A bill (H. R. 10088) to increase the pension of Louise A. Rice—to the Committee on Invalid Pensions.

By Mr. MILNES: A bill (H. R. 10089) for the relief of Israel Boyer—to the Committee on Military Affairs.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. BARHAM: Memorial of the Woman's Christian Temperance Union of Eagleville, Cal., urging the passage of sundry bills—to the Committee on the Judiciary.

By Mr. BINGHAM: Petition of citizens and business firms of Philadalphia December 21 of the desired billing of the passage of the desired bills.

Philadelphia, Pa., representing the advisability of putting a duty on hides—to the Committee on Ways and Means.

By Mr. BROWN (by request): Petition of Albert G. Davis Post, No. 76, Grand Army of the Republic, Department of Tennessee, urging the passage of a service-pension bill—to the Committee on Invalid Pensions.

By Mr. COUSINS: Petition of 12 citizens of Springdale, Iowa. praying for the allowance of a bounty of 15 cents per bushel on corn and 3 cents per pound on pork—to the Committee on Ways and Means.

By Mr. HOWE: Resolutions of the State council of Junior Order United American Mechanics of the State of New York, requesting the recognition of Cuba as a free and independent gov-

questing the recognition of Cuba as a free and independent government—to the Committee on Foreign Affairs.

By Mr. HURLEY: Petition of the Lehigh Valley Creosoting Company, asking that creosote coal tar or "dead oil of coal tar" be placed on the free list—to the Committee on Ways and Means.

By Mr. KYLE: Petition of Harriet A. Cheairs, executrix of the estate of Thomas D. Cheairs, deceased, late of Marshall County, Miss., praying that her claim may be referred to the Court of Claims in her capacity of executrix, to correct the former reference to the Court of Claims—to the Committee on War Claims.

By Mr. MADDOX: Petition of Sarah J. Key's estate, of Bartow County, Ga., praying that her war claim be referred to the Court of Claims under the Bowman Act—to the Committee on War Claims.

By Mr. McCALL of Massachusetts: Resolutions of the Middlesex County (Mass.) Fourth-Class Postmasters' Association, in favor of the passage of House bills Nos. 3343 and 3351, relating to the pay of fourth-class postmasters—to the Committee on the Post-Office and Post-Roads.

By Mr. REYBURN: Petition of Mantua Lodge, No. 160, Brother-hood of Railroad Firemen, protesting against the passage of House

nood of Railfoad Firemen, protesting against the passage of House bill No. 9120, amending an act relating to the use of automatic couplers and continuous brakes on railway trains—to the Commit-tee on Interstate and Foreign Commerce. By Mr. STEWART of Wisconsin: Resolution of the Wisconsin National Guard, requesting the passage of Senate bill No. 1169, authorizing the Secretary of War to issue Springfield rifles to the National Guard of each State and Territory in exchange for other rifles now held—to the Committee on the Militia.

SENATE.

THURSDAY, January 21, 1897.

Prayer by the Chaplain, Rev. W. H. MILBURN, D. D. The Journal of yesterday's proceedings was read and approved. ALLEGED VIOLATION OF THE EIGHT-HOUR LAW.

The VICE-PRESIDENT laid before the Senate a communica-The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Navy, transmitting, in response to a resolution of the 12th instant, information as to whether Isaac Walker & Sons, of Philadelphia, Pa., who are engaged in constructing additions and making repairs on the naval hospital at Brooklyn, N. Y., have violated, or are violating, or suffering violations of the act of Congress of August 1, 1892, commonly known as the "eight-hour labor law," and also whether like violations are being committed by P. J. Carlin, a contractor, of Brooklyn, N. Y., etc.; which was referred to the Committee on Education and Labor, and ordered to be printed. and Labor, and ordered to be printed.

PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented the petition of T. C. Daniel and sundry other citizens of the city of Washington, praying for the passage of Senate bill No. 1515, to incorporate the Columbia Telephone Company, of the District of Columbia; which was referred to the Committee on the District of Columbia.

Mr. SEWELL presented a petition of Washington Camp, No. 29, Patriotic Order Sons of America, of Merchantville, N. J.,

praying Congress to recognize the independence of Cuba; which was ordered to lie on the table.

was ordered to lie on the table.

He also presented petitions of the Tabernacle Baptist Church, of the Trinity Methodist Episcopal Church, of the Emanuel Baptist Church, and of the Christian Citizenship Union, all of Camden, N. J., praying for the passage of Senate bill No. 2485, to further protect the first day of the week as a day of rest in the District of Columbia; which were referred to the Committee on the District of Columbia.

Mr. PEFFER presented a memorial of the People's Party Club of Leavenworth, Kans., remonstrating against the enactment of legislation proposing to increase the salaries of Senators and Congressmen, and to lengthen the term of the Presidential office; which was referred to the Committee on Privileges and Elections.

He also presented a petition of a committee on moral, civil, and religious reform of Kansas, praying that peaceable relations be maintained between the United States and other nations; which was referred to the Committee on Foreign Relations.

Mr. McBRIDE presented a petition of the Woman's Christian

Temperance Union of Oregon, praying for the enactment of legislation raising the age of consent to 18 years in the District of Columbia and the Territories; which was referred to the Commit-

tee on the District of Columbia.

He also presented a petition of the Woman's Christian Temperance Union of Oregon, praying for the passage of Senate bill No. 2846, to protect State antigambling laws from nullification through

2846, to protect State antigambling laws from nullification through interstate gambling by telegraph, telephone, and otherwise, etc.; which was referred to the Committee on Interstate Commerce. He also presented a petition of the Woman's Christian Temperance Union of Oregon, praying for the passage of Senate bill No. 2485, to further protect the first day of the week as a day of rest in the District of Columbia; which was referred to the Committee on the District of Columbia.

Mr. McMILLAN presented a memorial of the Michigan State

Mr. McMillan presented a memorial of the michigan state board of health, remonstrating against the passage of Senate bill No. 1552, for the further prevention of cruelty to animals in the District of Columbia; which was ordered to lie on the table.

He also presented a petition of the Michigan State board of health, praying for the enactment of legislation to provide a permanent census service; which was referred to the Committee on the Census.

Mr. ELKINS presented a petition of 100 citizens of Bethany, W. Va., and a petition of sundry citizens of Mercer County, W. Va., praying Congress to recognize the independence of Cuba; which were ordered to lie on the table.

Mr. GALLINGER. Yesterday I presented a petition of the National Humane Society, and, accompanying it, several letters from presidents and other officers of colleges and universities, and

it was ordered to be printed as a document

it was ordered to be printed as a document.

I now desire to present letters from F. Wagner, president of Morgan College, Baltimore, Md.; Galusha Anderson, of the faculty of the University of Chicago; J. Braden, president of the Central Tennessee College, of Nashville, Tenn.; William C. Wilkinson, connected with the University of Chicago; J. W. Bissell, president of Upper Iowa University; Agnes Repplier, of Philadelphia, and Roland Hale, of Sewanee, Tenn., in behalf of the Bishop of Tennessee, praying for the passage of the bill to restrict vivisection in the District of Columbia.

I ask unanimous consent that these letters may be printed in

I ask unanimous consent that these letters may be printed in connection with the petition and letters that were yesterday ordered printed as a document.

The VICE-PRESIDENT. Is there objection? The Chair hears

none, and the letters will be printed as requested, and lie on the table.

Mr. GALLINGER presented a petition of the Woman's Christian Temperance Union of Peterboro, N. H., praying for the passage of the so-called Phillips bill, providing for the appointment of a nonpartisan commission to collate information and to consider and recommend legislation to meet the problems presented by labor, agriculture, and capital; which was referred to the Com-

He also presented a petition of the District of Columbia and the Territories; which was referred to the Committee on Education and Labor.

He also presented a petition of the Woman's Christian Temperance Union of Peterboro, N. H., praying for the passage of Senate bill No. 1498, to punish the carnal and unlawful knowing of any female under the age of 18 years in the District of Columbia and the Territories; which was referred to the Committee on the Judiciary.

He also presented a petition of the Woman's Christian Territories.

He also presented a petition of the Woman's Christian Temperance Union of Peterboro, N. H., praying for the passage of Senate bill No. 2485, to further protect the first day of the week as a day of rest in the District of Columbia; which was referred to the Committee on the District of Columbia.

He also presented a petition of the Woman's Christian Temperance Union of Peterboro, N. H., praying for the passage of Senate bill No. 2846, to protect State antigambling laws from nullifica-tion through interstate gambling by telegraph, telephone, and

otherwise, etc.; which was referred to the Committee on Interstate

He also presented a petition of the Woman's Christian Temperance Union, signed by Frances E. Willard, president, and Katharine L. Stevenson, corresponding secretary, praying for the enactment of legislation regulating the sale of intoxicating liquor in the District of Columbia; which was referred to the Committee on the District of Columbia.

Mr. CAMERON presented the petition of Mrs. Matilda S. Ellis, of Philadelphia, Pa., and six petitions of citizens of Philadelphia, Pa., praying for the passage of the so-called Loud bill, relating to second-class mail matter; which were referred to the Committee

on Post-Offices and Post-Roads.

He also presented the memorial of T. J. Ham, editor of the Wayne County (Pa.) Herald, remonstrating against the passage of the so-called Loud bill, relating to second-class mail matter; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the Woman's National Indian Association, praying for the enactment of legislation in the inter-est of the Indians of the country; which was referred to the Com-

mittee on Indian Affairs.

Mr. WHITE presented sundry petitions of citizens of California, praying for the enactment of legislation prohibiting the sale of intoxicating liquors in any building owned and controlled by the Government; which were referred to the Committee on Public Buildings and Grounds.

Mr. CULLOM presented the memorial of A. N. Marquis & Co., publishers, of Chicago, Ill., remonstrating against the passage of the so-called Loud bill, relating to second-class mail matter; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the Illinois State Teachers' Association, praying for an increase of the appropriations for the maintenance of the Bureau of Education; which was referred to the

Committee on Appropriations.

He also presented a petition of the Chicago Jewelers' Associa-tion, of Chicago, Ill., praying for a restoration of the former duty of 10 per cent on polished diamonds; which was referred to the

Committee on Finance.

Mr. MITCHELL of Wisconsin presented the petition of John C. Spencer, president, and H. B. Wilkins, secretary, of the Merchants and Manufacturers' Association of Milwaukee, Wis., praying for the passage of the so-called Torrey bankruptcy bill; which was ordered to lie on the table.

Mr. LODGE presented a petition of the Young Men's Baptist Social Union of Boston, Mass., praying for the ratification of the arbitration treaty; which was referred to the Committee on

Foreign Relations.

He also presented the petition of Charles B. Blake & Co., of Lynn., Mass., praying for the passage of the so-called Torrey bankruptcy bill; which was ordered to lie on the table.

He also presented a petition of 37 members of the Young People's Society of Christian Endeavor, of Woburn, Mass., praying for the enactment of legislation prohibiting the sale of intoxicating liquors in the Capitol building; which was referred to the Committee on Public Buildings and Grounds.

He also presented the petition of Benjamin F. Trueblood, editor He also presented the petition of Benjamin F. Trueblood, editor of the Advocate of Peace, of Boston, Mass., praying for the passage of the so-called Loud bill, relating to second-class mail matter, after certain amendments have been made in regard to sample copies of legitimate monthly, weekly, and quarterly papers to be carried at the pound rate, and also praying Congress to prohibit the interstate transportation of obscene matter through the mails; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. ALLEN presented the memorial of R. B. Enslow, publisher of the Argus, of Alexandria, Nebr., remonstrating against the passage of the so-called Loud bill, relating to second-class mail matter; which was referred to the Committee on Post-Offices and

Mr. HOAR presented a petition of the Congregational ministers of Boston, Mass., praying for the enactment of legislation to prohibit the sale of intoxicating liquors in the Capitol building; which was referred to the Committee on Public Buildings and Grounds.

He also presented the petition of W. H. Brock & Co., publishers of the Healthy Home, of Athol, Mass., remonstrating against the passage of the so-called Loud bill, relating to second-class mail matter; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the Tremont Temple Church, of Boston, Mass., praying that all churches and religious societies join in an appeal to the Senate of the United States to ratify the arbitration treaty with England; which was referred to the Committee on Foreign Relations.

Mr. GEAR presented the memorial of J. R. Caffyn, publisher

of the Collegian, of Fayette, Iowa, remonstrating against the passage of the so-called Loud bill, relating to second-class mail matter; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. SHERMAN presented the memorial of David D. Taylor, publisher of the Guernsey Times, of Cambridge, Ohio, remonstrating against the passage of the so-called Loud bill, relating to second-class mail matter; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. BAKER presented sundry papers to accompany the bill (S. 3323) granting an increase of pension to John S. Barnhart; which were referred to the Committee on Pensions.

SENATOR FROM DELAWARE

Mr. CHANDLER. I rise to a privileged question. I present a paper connected with the vacant seat from the State of Delaware in the Senate, which I ask to have read.

The VICE-PRESIDENT. The Secretary will read as requested.

The Secretary read as follows:

DELAWARE, 88:

Beit known that the legislature of the State of Delaware did, on the 20th day of January, in the year of our Lord 1897, at an election in due manner held according to the form of the act of the general assembly of said State in such case made and provided, choose John Edward Addicks to be a Senator from the said State in the Senate of the United States for the constitutional term from the 3d day of March, in the year of our Lord 1895.

Given under our hands in obedience to the said act of the general assembly the day and year aforesaid.

ROBERT J. HANBY,
Speaker of the Senate.
THOS. C. MOORE.
Speaker of the House of Representatives.
GEO. W. ROBERTS,
Clerk of the Senate.
CHAS. R. HASTINGS,
Clerk of the House of Representatives.

Mr. CHANDLER. Mr. President

Mr. GRAY. I should like to ask the Senator from New Hampshire from what source he procured that remarkable paper?

Mr. CHANDLER. I am perfectly willing to answer that it was handed to me by Mr. Addicks, who believes himself to have been lawfully elected a Senator from the State of Delaware and entitled to be sworn in to-day as the Senator's colleague; but in view of the fact that I presented last week the memorial of Mr. Du Pont, setting out that he still claims to be entitled to the vacant seat from Delaware, which memorial has been referred to the Com-mittee on Privileges and Elections, I will defer asking that Mr. Addicks may be sworn in until the Committee on Privileges and Elections have considered both sets of credentials. Itherefore ask that this paper may be referred to the Committee on Privileges and Election

The VICE-PRESIDENT. That order will be made, in the ab-

sence of objection.

REPORTS OF COMMITTEES.

Mr. BATE, from the Committee on Military Affairs, to whom was referred the bill (H. R. 8888) to grant an honorable discharge

to Christopher C. Cummins, submitted an adverse report thereon, which was agreed to; and the bill was postponed indefinitely.

Mr. MITCHELL of Wisconsin, from the Committee on Pensions, to whom was referred the bill (H. R. 7212) to increase the pension of Melita E. White, reported it without amendment, and submitted a report thereon.

submitted a report thereon.

He also, from the Committee on Military Affairs, to whom was referred the bill (H. R. 8671) to remove the charge of desertion from the military record of Anthony O'Grady, alias John Davis, reported it without amendment, and submitted a report thereon.

Mr. ALLEN, from the Committee on Indian Affairs, to whom was referred the bill (H. R. 280) to prohibit the sale of intoxicating drinks to Indians, providing penalties therefor, and for other processes, reported it without amendment, and submitted a report purposes, reported it without amendment, and submitted a report

Mr. ELKINS, from the Committee on Commerce, to whom was referred the bill (H. R. 9865) extending the time for the completion of the bridge across the East River, between the city of New York and Long Island, now in course of construction, as authorized by the construction, as authorized by the construction, as authorized by the construction. ized by the act of Congress approved March 3, 1887, reported it

without amendment.

Mr. BAKER, from the Committee on Pensions, to whom was referred the bill (H. R. 6552) granting increase of pension to Alexander C. Morrison, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the

Whole, proceeded to consider the joint resolution.

Whole, proceeded to consider the joint resolution.

The joint resolution was reported to the Senate without amendment, and submitted a report thereon.

He also, from the Committee on the District of Columbia, to whom was referred the bill (S. 3349) to enable the Commissioners of the District of Columbia to refuse a permit to erect stables on lot 43, square 358, in the city of Washington, in the District of Affairs to call the attention of the Senate to the bill (S. 539) for

Columbia, reported it without amendment, and submitted a

report thereon.

Mr. PETTIGREW, from the Committee on Indian Affairs, to whom was referred the amendment submitted by Mr. Nelson December 21, 1896, intended to be proposed to the Indian appropriation bill, reported favorably thereon, and moved that it be referred to the Committee on Appropriations and printed; which was agreed to.

He also, from the same committee, to whom was referred the bill (S. 3395) to amend an act entitled "An act for the relief and

civilization of the Chippewa Indians in the State of Minnesota," approved January 14, 1889, reported it without amendment.

Mr. McMILLAN, from the Committee on Commerce, to whom was referred the bill (S. 8507) to provide for light-houses and other aids to navigation, reported it without amendment, and

submitted a report thereon.

Mr. HAWLEY. From the Committee on Military Affairs I report back the bill (S. 1184) for the relief of telegraph operators who served during the war of the rebellion, and ask that the committee be excused from its further consideration, and that it be indefinitely, postponed because a similar bill has passed both

The VICE-PRESIDENT. The bill will be postponed indefinitely, in the absence of objection.

Mr. HAWLEY. From the same committee I report back the
bill (S. 47) to secure the efficiency of the National Guard of the
different States, and ask that the committee be discharged from its
further consideration. A bill on the subject has passed the Senate.

The VICE-PRESIDENT. The bill will be indefinitely post-

poned.

Mr. GALLINGER, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 9306) granting a pension to Amanda Woodcock;

A bill (H. R. 1505) granting a pension to Mrs. Sarah A. Aspold;

and

A bill (H. R. 4744) to increase the pension of Adam Dennis. Mr. GALLINGER, from the Committee on Pensions, to whom

Mr. GALLINGER, from the Committee on Pensions, to whom was referred the bill (S. 3472) granting a pension to Laura Barnes, reported it with an amendment, and submitted a report thereon. Mr. NELSON, from the Committee on Commerce, to whom was referred the bill (S. 3320) to provide a life-saving station at or near Point Arena, Mendocino County, in the State of California, reported it without amendment, and submitted a report thereon. Mr. McBRIDE, from the Committee on Commerce, to whom was referred the bill (H. R. 7781) to provide an American register for the harge Black Diamond, reported it without amendment.

for the barge Black Diamond, reported it without amendment.

He also, from the same committee, to whom was referred the bill (S. 2487) providing for the establishment of a quarantine station at or near Astoria, Oreg., reported it with amendments, and submitted a report thereon.

Mr. FRYE, from the Committee on Commerce, to whom was referred the bill (H. R. 8190) to provide an American register for the bark Ceres, reported it without amendment.

COURTS IN MISSOURI.

Mr. HOAR. From the Committee on the Judiciary I report back favorably the bill (H. R. 9901) to detach the county of Audrain from the western district of Missouri and to attach the same to the eastern district of said State of Missouri. The bill consists of only a few lines, and both Senators from Missouri have investigated the matter and desire its passage. I ask that it be put on its passage. I call the attention of the Senator from Missouri [Mr. Cockrell] to the bill.

The VICE-PRESIDENT. The bill will be read for informa-

The Secretary read the bill; and, by unanimous consent, the Senate, as in Committee of the Whole, proceeded to its considera-

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

INDIAN TRAINING SCHOOL AT FORT BIDWELL,

Mr. PETTIGREW. I am directed by the Committee on Indian Affairs, to whom was referred the joint resolution (H. Res. 152) to authorize the Secretary of the Interior to use Fort Bidwell for an Indian training school, to report it without amendment.

Mr. PERKINS. I ask that the joint resolution just reported from the Committee on Indian Affairs be now considered. It will

take but a moment.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

the relief of John A. Lynch, which is a Senate bill that was referred to us and reported favorably. In the meantime a House bill comes over and is in our hands upon the same subject. There is a difference in the sums of money given in each case, but the claimants desire that we shall drop the Senate bill and concur with the House in the passage of the House bill. I report back the bill (H. R. 3075) for the relief of John A. Lynch, and ask that it be taken up for consideration.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to pay John A. Lynch \$1,666.49, in full and complete satisfaction for services rendered and expenses incurred and defrayed by him to and for the United States at Cincinnati, Ohio, in 1861 and 1862.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

EASTERN NEBRASKA AND GULF RAILWAY.

Mr. ALLEN. I am directed by the Committee on Indian Affairs, to whom was referred the bill (S. 3555) to amend an act entitled "An act granting to the Eastern Nebraska and Gulf Railway Company right of way through the Omaha and Winnebago Indian reservations, in the State of Nebraska," by extending the time for the construction of said railway, to report it favorably without amendment, and as the bill is a mere formal matter I should like

unanimous consent to put it on its passage now.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to extend the time for a period of four years from the 27th day of June, 1897.

The bill was reported to the Senate without amendment, ordered

to be engrossed for a third reading, read the third time, and passed.

BILLS INTRODUCED.

Mr. McMILLAN introduced a bill (S. 8570) for the incorporation of an association for the mutual protection and benefit of Government employees; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. BAKER introduced a bill (S. 3571) for the relief of Peter Heck, alias Louis Heck; which was read twice by its title, and

referred to the Committee on Military Affairs.

Mr. LODGE introduced a bill (S. 3572) for the improvement of the United States Naval Hospital at Chelsea, Mass.; which was read twice by its title, and referred to the Committee on Naval Affairs.

Mr. CULLOM introduced a bill (S. 3573) for the relief of John

W. Arnold; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Claims.

Mr. ALLISON introduced a bill (S. 3574) to increase the pension of Louise A. Rice; which was read twice by its title, and referred to the Committee on Pensions.

Mr. GALLINGER introduced a bill (S. 3575) to regulate the sale of poisons in the District of Columbia; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. GALLINGER. The bill just introduced is one of vast importance, as I regard it, to the people of this District. I have here a memorial or statement prepared by a committee of physicians, which is approved by the Medical Society of the District of Columbia, calling attention to the importance of this proposed legislation. I move that the paper be referred to the Committee on the District of Columbia, and that it be printed as a document for the use of the Senate.

The motion was agreed to.

Mr. CHANDLER introduced a bill (S. 3576) granting a pension to Cara H. Wilson; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 3577) providing for the use by the United States of devices invented by its naval officers while engaged in its service and covered by letters patent; which was read twice by its title, and referred to the Committee on Naval Affairs.

Mr. HAWLEY introduced a bill (S. 3578) for the relief of William H. Quinn; which was read twice by its title, and referred

to the Committee on Claims.

Mr. LODGE introduced a joint resolution (S. R. 193) authorizing and directing the Commissioner of Labor to institute an invession tigation for the purpose of ascertaining the effect of foreign immigration upon the social, moral, economic, and industrial conditions of the country; which was read twice by its title, and referred to the Committee on Immigration.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. LODGE submitted an amendment intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Appropriations, and ordered to be

Mr. CHANDLER. I submit an amendment intended to be proposed by me to the naval appropriation bill, which I ask may be read. I invite the attention of the Senator from Maine [Mr. HALE] to the proposed amendment.

The amendment was read, as follows:

BY MR. CHANDLER.

Amendment intended to be proposed to the naval appropriation bill:

"The Secretary of the Navy is hereby directed to consider the subject of the erection in the city of Washington of a suitable statue of David D. Porter, lately the Admiral of the United States, and to report at the next session of Congress concerning the general design, reasonable cost, and appropriate location of such a statue."

Mr. CHANDLER. I move that the proposed amendment be referred to the Committee on Naval Affairs.

The motion was agreed to.

UNIFORM SYSTEM OF BANKRUPTCY.

Mr. HOAR. I desire to submit an amendment to the bill (S. 742) to establish a uniform system of bankruptcy. The amendment is the bankruptcy bill which passed the other House, with certain proposed amendments printed in an appendix, and with an index and some explanatory notes, which will be found highly convenient for the Senate when the matter comes up. I ask that tibe printed and placed upon the Calendar with no recommenda-tion one way or the other.

The VICE-PRESIDENT. In the absence of objection, the amendment will be placed on the Calendar.

PRINTING OF BULLETIN ON APICULTURE.

Mr. PERKINS. I submit a concurrent resolution and ask unanimous consent for its consideration at this time.

The concurrent resolution was read, as follows:

Resolved by the Senate (the House of Representatives concurring), That there be printed 20,000 extra copies of Bulletin No. 1, New Series, Division of Entomology, Department of Agriculture, entitled The Honey Bee: A Manual of Instruction in Apiculture, by Frank Benton, M. D., of which number 6,000 copies shall be for the use of the Senate, 12,000 copies for the use of the House of Representatives, and 2,000 copies for distribution by the Secretary of Agriculture.

Mr. GORMAN. I suggest to the Senator from California that under the rule and the law the resolution must go to the Committee on Printing.

The VICE-PRESIDENT. Under the rule the concurrent resolution will be referred to the Committee on Printing.

Mr. PERKINS. I will state to the Senator from Maryland that

a similar resolution was passed yesterday without reference to any

committee. However, I am perfectly willing to let it be referred.

The VICE-PRESIDENT. The Chair will state to the Senator
from California that he is advised the resolution he indicates was
reported from the Committee on Printing.

Mr. PERKINS. Very well.

CHICAGO RAILWAY STRIKE OF 1894.

Mr. DAVIS. I submit a resolution and ask for its present consideration.

The resolution was read, as follows:

The resolution was read, as follows:

Resolved, That the Attorney-General be, and he is hereby, directed to transmit to the Senate full copies of all telegraphic and other correspondence which may have passed between him or his office and any of the officers, agents, or attorneys of the Chicago, Rock Island and Pacific Railway Company, the Illinois Central Railway Company, the Chicago, Milwaukee and St. Paul Railway Company, the Chicago, Milwaukee and St. Paul Railway Company, and any and all other railways entering into Chicago that were in any manner engaged in or affected by the industrial troubles in the city of Chicago, Ill., in the year 1894, as well as all telegraphic and other correspondence with the United States district attorney at the city of Chicago, and any and all special attorneys retained or taking any part in the litigation arising out of said troubles, between the 1st day of June, 1894, and the present date.

Mr. HALE. I should like to have that go over a day for the

Mr. HALE. I should like to have that go over a day, for the reason that the Senate yesterday on my motion passed a House concurrent resolution that I think covers the same subject-matter. Has the Senator from Minnesota examined the House resolution

which was adopted yesterday?

Mr. DAVIS. I have not. Let the resolution go over.

Mr. HALE. Let it go over, and the Senator and I will examine that resolution. I think it covers all the ground.

Mr. DAVIS. Very well.

The VICE-PRESIDENT. The resolution will go over, under

the rule.

Mr. DAVIS subsequently said: I ask leave to withdraw the resolution just introduced by me. I think the resolution passed yesterday covers the entire question.

The VICE-PRESIDENT. In the absence of objection, leave

will be granted to withdraw the resolution.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. O. L. PRUDEN, one of his secretaries, announced that the President had on the 18th instant approved and signed the act (S. 1646) providing for certain requirements for vessels propelled by gas,

fluid, naphtha, or electric motors.

The message also announced that the President of the United States had on the 20th instant approved and signed the following

An act (S. 1448) to withdraw from the Supreme Court jurisdiction of criminal cases not capital, and confer the same on the circuit courts of appeals;

An act (S. 3050) to validate the appointments, acts, and services

of certain deputy United States marshals in the Indian Territory,

and for other purposes;
An act (S. 206) to provide an American register for the steamer

Kahului:

An act (S. 1424) to amend an act entitled "An act to amend section 4178, Revised Statutes, in relation to the marking of vessels' names at bow and stern, and also to provide for marking the draft," approved February 21, 1891;

An act (S. 1726) to approve and ratify the construction of a bridge across the Red River, between the States of Arkansas and Texas, at a point above the town of Fulton, in Arkansas, on said river, built by the Texarkana Northern Railway Company, but now owned and operated by the Texarkana and Fort Smith Railway Company, and to authorize the latter company to maintain said bridge over said waterway, subject to certain stipulations

An act (S. 347) to remove the charge of desertion and grant an honorable discharge to Helmuth F. Sæckel; and An act (S. 1075) for the relief of the heirs of D. Fulford.

BILL BECOME A LAW.

The message further announced that the bill (S. 2989) to increase the pension of Caroline S. Baker, having been presented to the President on the 7th instant, and not having been returned by him to the House of Congress in which it originated within the ten days prescribed by the Constitution, it has become a law without his approval.

ADELAIDE MORRIS.

The VICE-PRESIDENT laid before the Senate the amendments of the House of Representatives to the bill (S. 757) granting an increase of pension to Adelaide Morris.

The amendments were, in line 8, before the word "dollars," to strike out "fifty" and insert "twenty-five," and, in line 9, before the word "dollars," to strike out "fifty" and insert "twenty-five."

Mr. GALLINGER. In connection with this bill I desire to

Mr. GALLINGER. In connection with this bill I desire to make a statement occupying a single moment. I think it is proper that I should call attention to the extraordinary legislation which the other branch of Congress is enacting. This bill is one of perhaps ten others that have been sent to the other House increasing the pensions of widows of soldiers, and the House amends them by reducing the amount to precisely the amount that the beneficiaries are now drawing under the general law. It would be better legislation, it strikes me, if the bills were rejected outright, and not to put us to the trouble of appointing conference committees on bills of this nature.

I move that the Senate nonconcur in the amendments made by the House of Representatives and request a conference on the disagreeing votes of the two Houses.

agreeing votes of the two Houses.

The motion was agreed to.

By unanimous consent, the Vice-President was authorized to appoint the conferees on the part of the Senate; and Mr. Gallinger, Mr. Roach, and Mr. Baker were appointed.

MARY W. KEEFE.

The VICE-PRESIDENT laid before the Senate the amendment of the House of Representatives to the bill (S. 905) granting a pension to Mary W. Keefe.

The amendment was, in line 8, before the word "dollars," to strike out "thirty" and insert "twenty."

Mr. GALLINGER. This is a bill of precisely the same nature, the amount being reduced to the amount the beneficiary is now drawing. I move that the Senate nonconcur in the amendment and request a conference on the disagreeing votes of the two Houses.

The motion was agreed to.

By unanimous consent, the Vice-President was authorized to appoint the conferees on the part of the Senate; and Mr. Cannon, Mr. Peffer, and Mr. Pritchard were appointed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. Browning, its Chief Clerk, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. of the two Houses on the amendments of the Senate to the oili (H. R. 9638) making appropriations for the support of the Army for the fiscal year ending June 30, 1898; further insists upon its disagreement to the amendments of the Senate numbered 3 and 4 to the bill; asks a further conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. HULL, Mr. PARKER, and Mr. McCLELLAN managers at the conference on the pert of the House. the part of the House.

The message also announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 9734) to provide an American register for the bark E. C. Mowatt, of Philadelphia, Pa.; and

A bill (H. R. 9948) to amend subdivision 10 of section 2238, and to repeal subdivision 12 of section 2238 of the Revised Statutes of the United States.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the Vice-President:

A bill (S. 319) for the relief of telegraph operators who served

in the war of the rebellion;

A bill (S. 1690) granting a pension to Richard Brookins;
A bill (S. 3071) to authorize the construction of a bridge over
the Monongahela River from the borough of Braddock to the
township of Mifflin, Pa.;
A bill (H. R. 596) for the relief of Ellis H. Roberts;
A bill (H. R. 4199) to correct the military record of Edward H.
Munson, late a private in Company H, Thirty-second New York Regiment Infantry;
A bill (H. R. 6883) to incorporate the Convention of American

Instructors of the Deaf; and
A bill (H. R. 8413) to confirm certain cash entries of public

TERM OF POSTMASTERS.

Mr. HILL. Mr. President—
Mr. COCKRELL. Is the morning business through?
The VICE-PRESIDENT. If there are no further concurrent or other resolutions, the morning business is concluded. The Senator from New York has addressed the Chair.
Mr. HILL. I was going to ask the Senate to take up a bill. If it leads to any debate at all, I will not press it. It is a bill which, if it is to pass at all and be of any value, of course should pass the Senate immediately, in order that it may go to the other House.
I ask the unanimous consent of the Senate to proceed to the consideration of the bill (S. 3514) to regulate the term of office of postmasters, reported from the Committee on Post-Offices and Post-Roads unanimously.

Post-Roads unanimously. The VICE-PRESIDENT. The bill will be read for information. The Secretary read the bill, which had been reported from the Committee on Post-Offices and Post-Roads with amendments.

The VICE-PRESIDENT. Is there objection to the present consideration of the bill? The Chair hears none, and the bill is before the Senate as in Committee of the Whole. The first amendment reported by the Committee on Post-Offices and Post-Roads will be stated.

The Secretary. After the word "his," in line 10, section 1, strike out "assumption of the discharge of the duties of his office, a record of which shall be kept in the office of the Postmaster-General" and insert "commission. If he shall be appointed during the recess of the Senate and be subsequently confirmed, his term shall commence from the date of his recess commission;" so as to read:

That the term of office of all postmasters hereafter appointed shall be four years, subject to the power of removal or suspension according to law. That in case of a vacancy occurring in the office of a postmaster, occasioned by death, removal, resignation, or otherwise, the same shall be filled by appointment for the remaining unexpired term.

That the term of office of a postmaster shall be deemed to commence from the date of his commission. If he shall be appointed during the recess of the Senate and be subsequently confirmed, his term shall commence from the date of his recess commission.

Mr. HOAR. Does that come from a committee?
The VICE-PRESIDENT. The Senator from New York asked unanimous consent for the present consideration of the bill. It was reported by the Committee on Post-Offices and Post-Roads. The question is on agreeing to the amendment of the committee which has been read.

which has been read.

Mr. SHERMAN. I think we ought to have at least an opportunity to read the bill. When was it reported?

Mr. HILL. The bill was reported on Monday last. It has been on the files. It was unanimously reported from the Committee on Post-Offices and Post-Roads, and seems to meet with general satisfaction. I suggest to the Senator that if it is not considered as a law it ought to be present on the control of the senator of become a law, it ought to be passed now, in order that it may go

become a law, it ought to be passed now, in order that it may go to the other House.

Mr. SHERMAN. I understand that it makes peremptory the removal of every postmaster at the end of four years. If so, I am entirely opposed to it.

Mr. HILL. No, sir; it does not.

Mr. SHERMAN. I think we ought to have an opportunity to look at it. I know only from a casual reading what it proposes.

Mr. HILL. The bill simply fixes the term of the office at four years, and there is a general statute which provides that postmasters and certain other officials shall hold their offices until their successors are appointed, as the acting chairman of the com-

their successors are appointed, as the acting chairman of the committee well knows.

Mr. SHERMAN. If this bill should become a law, it would make a fixed term, and I think unquestionably would repeal the existing law.

Mr. HILL. That part of the bill is precisely the language used in regard to officers who are appointed on the confirmation of the enate. It simply uses the same language.

Mr. SHERMAN. I think the bill should be allowed to go over until to-morrow. I may have no objection to it, but I should like

My object was simply to facilitate and aid the Post-Mr. HILL. Office Committee in a large number of very troublesome cases.

Mr. MILLS. Was the bill reported unanimously by the com-

Mr. HILL. Yes, sir; it was reported unanimously.
Mr. CHANDLER. I hope the Senate will examine this bill before the Senator from New York moves to take it up to-morrow. before the Senator from New York moves to take it up to-morrow. It was reported unanimously by the Committee on Post-Offices and Post-Roads, was carefully scrutinized by Senators of both politics and all politics, and really no objection seemed to be suggested to it. It simply provides that the terms of all postmasters shall be understood to be for four years, subject, of course, to the power of removal, which necessarily inheres in the Executive.

There is another provision drawn with care by the Senator

from New York—

Mr. HALE. May I ask the Senator whether that provision making a four-year term is intended to apply to all the small postmasters throughout the country?

New York—

It is intended to apply to the whole of them.

Mr. CHANDLER. It is intended to apply to the whole of them, the fourth-class post-offices, all the post-offices of the other classes,

and to the existing postmasters now holding their terms.

Mr. HALE. That clearly would open this field, which covers sixty or seventy thousand small post-offices, to a scramble for new appointments whenever the four-year term expires. Now, many hundreds and thousands of these post-offices are filled by men who have occupied the places for years and years to the universal satisfaction of the people. I certainly should not be in favor of any change in law that opens a scramble every four years in these

Mr. CHANDLER. I call the Senator's attention to the fact that

there is a universal scramble now. [Laughter.]
Mr. GALLINGER. Very universal.
Mr. CHANDLER. That is one of the troubles. Whenever politics change there is a scramble for the fourth-class post-offices, as the President of the Senate knows very well [laughter], and it is to prevent this very custom of a partisan inroad upon a new Administration, where there has been a change of politics, for the purpose of turning out of their offices all of the postmasters of the country, that it is proposed to make the term four years. The occupants of the offices may remain in after that term; there is no provision that they shall go out at the end of the term. It seems to me, if the Senator from Maine will study this subject and give to it his usual acumen and care, he will see that the evil he depicts will be less under this proposed law than it will be in March next if this bill does not pass.

Mr. HALE. I am afraid it will be more; but as the Senator from Ohio has objected to the consideration of the bill, I suppose it will

The VICE-PRESIDENT. The bill will go over.

ELECTRIC SUBWAYS IN THE DISTRICT OF COLUMBIA.

Mr. COCKRELL. I move that the Senate proceed to the consideration of the joint resolution (S. R. 187) relating to the laying of electric subways in the District of Columbia.

The VICE-PRESIDENT. The question is on agreeing to the motion of the Senator from Missouri.

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the joint resolution.

Mr. HILL. I understood that the Senator from New Hamp-

Mr. HILL. I understood that the Senator from New Hampshire [Mr. GALLINGER] desired to speak to-day, and I will ask him whether he does so intend?

Mr. GALLINGER. I will say, in answer to the interrogatory of the Senator from New York, that I should much rather vote on the joint resolution than to speak on it. If the Senate is ready for a vote, I will not take the valuable time of the Senate to make a single observation.

Mr. HILL. I am not ready for a vote at this particular time.
Mr. GALLINGER. If the Senator is not ready for a vote, I
would suggest to him that I am not quite ready to speak, and will

be glad to have him occupy the time this morning.

Mr. HILL. Mr. President, I asked the other day for some explanation of the extraordinary features of this joint resolution. I yielded the floor the day before yesterday in order that we might hear an explanation from the acting chairman of the subcommittee [Mr. Faulkner], who yesterday occupied the time of the Senate in the discussion of this joint resolution. I understood the Senator from New Hampshire [Mr. Gallinger] to inform the Senate as well as myself that I would receive the benefit of his suggestions, and I anticipated that he would follow the distinguished Senator from West Virginia. He now manifests an anxiety to follow me, and it is utterly immaterial at what stage of the pro-

ceedings I shall further present my views.

Considerable light has been thrown upon this matter in the discussion which has been had, and it has not all been electric light. When the committee's report was presented, so far as the Senate

knew, it was the unanimous report of the committee. so stated, but there was no dissent entered at the time. Since then I learned, and the Senate has learned, that the Senator from Georgia [Mr. Bacon] dissents from the report in fact, although not in form; the Senator from Vermont [Mr. Proctor] also dissents from this report in fact, and the Senator from Virginia [Mr. Martin], also a member of this committee, dissents from this report. Therefore we have the fact staring us in the face that three able and competent members of the Committee on the District of Columbia dissent entirely from the conclusions reached in the joint resolution. It therefore deserves most careful consideration before the Senate shall pass it. If the report was unanimous it might well be acted upon immediately, but being a divided report substantially, and three of the ablest members of the comso stated, but there was no dissent entered at the time. report substantially, and three of the ablest members of the committee—and I say that with all respect to the others—having refused their assent to the report, adds additional weight to the suggestions which have been made against the joint resolution.

Mr. President, I always like to listen to my friend the Senator from West Virginia, who speaks entertainingly and well. I regret that in some of these District of Columbia matters he is not so clear and precise as I should like to have him; but he chooses his own style and his own way, and has a right to do so. I regret that the questions I put to him yesterday were answered with a great deal of fullness of speech, but not with that directness that I think, in justice to himself, he ought to have given them. In the first place, it is difficult to understand from his argument precisely what question is here involved. He delineated the beauties of a great system that is to be perfected, not this month, not next month, but at some time in the future, "in the sweet by and by;" but he does not tell us when, and what is the precise necessity for this legislation, what is the existing law, and what is the

remedy proposed to be applied.

The Senator said, I thought with some degree of regret and of complaint in his tone, that several years ago, when the question of electric lighting came up in the courts, the courts decided the of electric lighting came up in the courts, the courts decided the Potomac Company had no rights in the District of Columbia to lay down their pipes. He seemed to speak of Judge Bingham's decision as though it was possibly unfortunate. Mr. President, it was unfortunate in one view of the case, not but what the decision was right, but it was unfortunate because those who were responsible for legislation pertaining to this District had so hemmed in and hedged about the one electric light company that it was impossible for any other company legally to get an entrance into this District. I asked the simple question who was responsible for this unfortunate state of affairs—because from my standpoint it is unfortunate state of afrairs—because from my standpoint it is unfortunate, though from the Senator's standpoint it
was possibly fortunate—and he simply said, in the way he brushes
aside in his argument all difficulties whatever, "Why, it was an
existing law." Who made the existing law? Congress. Who
suggested it to Congress? The Committee on the District of
Columbia or the Committee on Appropriations.

I start out with the proposition that we did find a few years ago that the legislation had been so manipulated—if I may use that expression, and if it is a harsh one I withdraw it—so arranged that no other company could possibly get into the District of Columbia without some affirmative legislation in its behalf. Of course, if without some affirmative legislation in its behalf. Of course, if the true theory is that a monopoly is beneficial, if the true theory is that the less competition in electric lighting in this city the better for the District, if it be the true theory that one company should have the exclusive right, then the situation was indeed pleasant to contemplate. That argument, however, carried to its legitimate conclusion, would vindicate every trust in the United States. That argument, carried to its legitimate conclusion, would vindicate every syndicate that ever was born. That argument, carried to its legitimate conclusion, would vindicate any monopoly, no matter how great, which applies to the internal affairs

oppoly, no matter now great, which applies to the internal ariars of a great city.

Mr. President, somehow or other, by the course of public opinion or otherwise, some rights have been given the new electric-lighting company. I do not want to say that somebody has been holding back all the while; but take this legislation, fragmentary as it is, here and there a little privilege squeezed into a statute for the benefit of the new electric-lighting company, it is apparent that it has been like pulling teeth to get a particle of favorable legislation in behalf of the new company and against the existing monopoly. The legislation is fragmentary, uncertain in some of monopoly. The legislation is fragmentary, uncertain in some of its language, not a full and completed scheme, but legislation

which requires the courts to spell out what is intended.

That was the situation a few years ago. Starting out upon the theory that a monopoly is beneficial to the people—when a man has worked himself up to that condition of thought—it does not require much to go further and to put into the statutes provisions which forbid competition. If legislators start out with that false and dangerous idea, of course we know what will be the result.

Until public opinion shall force them to permit competition, they will resist it, and naturally from the very best of motives on their part, if they are sincere in their views.

Some of the most respectable men in this nation are engaged in Some of the most respectable men in this nation are engaged in trusts—members in good standing in society, members of the church, high-toned men, men of large means, what is called the "better element," business men—all those you find ready advocates of trusts. Trusts, generally speaking, are nothing more nor less than monopolies. Trusts to a large extent are organized for the very purpose of preventing free competition, and, Mr. President, they always do it in the alleged interest of the people! What is the usual argument submitted year after year in behalf of trusts? The argument is that in the end they will benefit the people; in the end they will reduce prices; in the end they will save unnecessary expense in the management of business; that it is easier to run one great large monopoly of an electric-light company than it is to run two or three, and, therefore, in the end as easier to run one great targe monopoly of an electric-light company than it is to run two or three, and, therefore, in the end they will give the people cheaper light! That is the argument in behalf of all trusts; it is the stock argument of all the monopolies in the country, that in the end they are going to benefit the people, if the dear people will only have patience and wait. Somehow or other the people are an obstinate set, and refuse to wait. The people suspect the motives of men who form these combinations in their interest when they have not scaled for them. tions in their interest when they have not asked for them. people naturally look with some alarm upon these aggregations of capital which are seizing all sorts of business in the country, and so they think trusts ought not to exist; they think that these syndicates and trusts should be dealt with by vigorous legislation.

When you attempt to do that, there rises up some gentleman who says, "You are disturbing the business community; you are disturbing our streets if you want more than one lighting company."

How did my good friend from West Virginia answer the question, when I asked yesterday, substantially, whether it would be any great harm if there should be two electric-light companies in this city? Did he give me that careful and frank answer which I had a right to expect from his ability and generous nature? Oh, no. He said, "If two, why not a dozen?" That was the argument; and Senators are expected to sustain this joint resolution on that kind of argument, which, I may say, with all due respect, is evading the question, begging the question. Oh, no, Mr. President, that will not do. There is reason in all things, or there should be. A man has two ears; why should he not have a dozen? should be. A man has two ears; why should he not have a dozen? A man has two eyes; why should he not have a dozen? A man has one wife; why should he not have a dozen? To what does this argument lead? An ordinary man of limited means may afford perhaps to employ two hired girls; why should he not have a dozen hired girls? Oh, no; the argument is ridiculous, with all due respect to my friend from West Virginia. It is so absurd that it defeats itself.

it defeats itself.

Where is there a city in the United States which has 250,000 or 300,000 inhabitants which is afflicted with simply one electric-lighting company, or benefited by only one? My task would have been more difficult in this discussion if it had not been lightened by my friend from West Virginia, because he started out, and the committee started out, with the proposition that we ought to have a monopoly. "Monopoly is justifiable; therefore we should have but one company; we do not need any more." The Senator from West Virginia, wandering from the real subject, even went so far as to say that the committee had done their very best to keep out railroad companies; that they had gone as far as they could.

I should not enter upon that question, because it is not involved in this case. I spoke yesterday of some of my experience. I recollect when I was a young member of the legislature of New York I was then, as now, somewhat disposed to antagonize monopolies. A bill was introduced in the legislature to compel some large

A bill was introduced in the legislature to compel some large street railroad company in New York to extend its tracks along a certain street. I listened to the arguments of the mover of the bill, who spoke something like this: He said this old monopoly rebill, who spoke something like this: He said this old monopoly refused to build the railroad in that street, and the bill was to compel them to do it; the workingmen along this street want to use this railroad; the people would be greatly benefited by its construction, and therefore they should have it, but this company had announced that it would not do it. Mr. President, I made haste to cast my vote for that bill, of course, in order to compel the company to build their road on that street. It turned out, however, that the bill was really in the interest of the company; the bill was a blind; the bill was introduced by the member in behalf of the company, and was presented in that fashion simply to deceive green young legislators such as I then was. I have to deceive green young legislators such as I then was. I have since learned how these things are done.

The Senator said yesterday that he recollected one case where the committee had compelled the Metropolitan Railroad Company

the committee had compelled the Metropolitan Railroad Company to extend their tracks on one street, in pursuance of the great, the magnificent policy they had adopted here, but when I asked if there was any other case he did not recall it, and my friend, who has a good memory, would have recalled it with avidity if there had been any other. He could not recollect any.

Therefore I start out with a different proposition from my friend. He starts out with the theory that a monopoly is beneficial; he starts out with the theory that we ought to exert all our power to

keep this monopoly in power; he starts out with the proposition that no new electric-light company ought to be admitted into this city because they would tear up the streets. We are as far apart as the two poles upon this subject.

because they would tear up the streets. We are as far apart as the two poles upon this subject.

What is the next proposition involved here? My friend the Senator from West Virginia has been wrestling with this great subject of the subway and has given it great consideration, knowing all the while that the other company, the United States Electric Lighting Company, was in the city and gradually extending its wires under favored provisions put in appropriation bills and otherwise by Congress. While he has been engaged in assisting that company, and pursuing a course which, from his standpoint, was the proper course to take, he was absolutely in ignorance of the fact as to where the United States Electric Lighting Company was incorporated. He said so yesterday. Mr. President, I would have supposed that, having given this subject so much attention, having been all these years keeping the United States Electric Lighting Company in possession of this monopoly, the Senator would have known something about where it had been incorporated. I have been looking it up, and I find that it is a corporation of the State of West Virginia, and that while my friend from West Virginia has been all this time keeping this corporation of West Virginia in control of this monopoly, he did not even know that it hailed from the grand State of West Virginia. It is simply a coincidence—that is all. [Laughter.] It was appropriate that my friend should be put forward as a sort of champion, if I may use that expression, of the committee, and indirectly the champion of the other company.

Now that corporation is neither better nor worse because it was of the other company.

of the other company.

Now, that corporation is neither better nor worse because it was incorporated in West Virginia. Possibly there was a motive for it. I can conceive that the only motive, or perhaps one motive, for its incorporation in West Virginia was for the purpose of escaping taxation in the District of Columbia. But Colonel Britton said we ought to keep out outsiders. That was his argument which I read the other day—keep out the Potomac Company in order to keep in the United States Electric Lighting Company of Washington, D. C.—that is the corporate title—incorporated under the laws of the State of West Virginia.

There is another fact which I will state right here, which Colonel Britton does not even seem to know—that the Potomac Com-

nel Britton does not even seem to know—that the Potomac Company is not an outsider. The Potomac Company is a corporation of the District, incorporated under the laws of the District, subject to taxation in the District, liable to be regulated by the laws of the to taxation in the District, hable to be regulated by the laws of the District in every single particular. How far Congress can regulate the lighting company of West Virginia is a different question. What will be claimed? The position has already been taken that Congress can not regulate the price which the United States Electric Lighting Company of Washington, D. C. (but in fact of West Virginia) shall charge to private consumers. Congress can regulate the price which the price of the Patomac Company, because it is a corporation. late the price of the Potomac Company, because it is a corporation of this city. It is a corporation of the District. It is subject to

late the price of the Potomac Company, because it is a corporation of this city. It is a corporation of the District. It is subject to the laws of the District—subject to change and subject to amendment. But when it is sought to regulate the price as between private consumers and the United States Electric Lighting Company you are met with the proposition: "Ah, this is a foreign corporation; you can not regulate it; you can not touch it."

In the recent litigation which has been had the United States Electric Lighting Company alleged that it had, besides \$150,000 worth of real estate, about \$1,150,000 invested in its plant in the District. I read from the complaint, or the affidavits on which the injunction was granted originally. It appears by the answers of the Commissioners in the injunction suit that the United States Company returned its personal property under the oath of its secretary as \$15,000, and instead of \$1,150,000 on its personal property it pays taxes only on the \$15,000, and pays not a dollar of taxation upon its stock. upon its stock.

This is the company to protect which we must resort to extraor-

dinary legislation to give it a monopoly, to intrench it in the monopoly it has already, and to keep out of the District the little Potomac Company, which has honored the District by incorporat-

Potomac Company, which has honored the District by incorporating under its laws.

Need I tell the Senate that the general incorporation law of the District is sufficient to enable any electric-lighting company to organize under it? I stand here to protect the rights of the District and to protect the rights of the company which is in fact a home company—the Potomac Company, the company which was organized under the laws of the District, and not the outside company, which has taken "the livery of heaven to serve the devil in" by taking the title of the United States Electric Lighting Company of Washington, D. C., when in fact it should be the United States Electric Lighting Company of West Virginia. So much for the status of the parties. So much for the general situation which we are called upon to contemplate when we proceed to determine what should be done.

Yesterday my friend the Senator from Texas [Mr. Mills]

Yesterday my friend the Senator from Texas [Mr. MILLS] asked of the Senator from West Virginia [Mr. FAULKNER] what harm it could do to allow one or two companies to come in here